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of America

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, June 12, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 12, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

LIVABLE COMMUNITIES ON CAPITOL HILL

Mr. BLUMENAUER. Mr. Speaker, I came to Congress to promote more livable communities, the Federal Government being a better partner to make our families safe, healthy and economically secure. An important part of making those communities livable is making sure that people have the choices about where they want to live, work, and how they travel.

A recent study highlighted Washington, D.C. as the third most congested city in America for traffic congestion. Rush hour now is up to 6 hours or more out of the day.

To bring it down closer to home in our little community on Capitol Hill, we have problems with congestion, pollution and parking shortages. There are over 6,000 parking spaces reserved for House employees alone, which cost the taxpayer more than $1,500 a year per employee. With the temporary closing of the Cannon Building parking garage, now more than ever parking is at a premium on Capitol Hill.

Three years ago, with the help of the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. HOYER) and Speaker Gingrich, we were able to change the policy so that we did not just give unlimited free parking to House employees and no alternative, but finally help give them a choice by providing a modest $21 Metro transit benefit for those offices that wish to provide it for their employees.

Still, the House lags far behind employers in the private sector and other Federal agencies in providing and promoting for transit benefits. As a result of work that we were able to do with the last administration, all Federal employees except our own here in the Washington, D.C. metropolitan area get at least $65 a month to promote transit. Soon, the amount of the transit benefit allowed by law will be increased to $100 a month. But the House should not always be playing catch-up. Even our Senate colleagues across the way provide $44 a month for their employees.

Recently, we have submitted over three dozen of our colleagues' signatures to the Committee on House Administration asking them to allow those offices that want to provide this transit benefit the full $65 allowed under law.

What better way for the House to be a part of the solution of saving energy, protecting the air, fighting against congestion than by expanding the transit benefit the way that we are asking the rest of America to do it.

It is also appropriate, I think, on this very muggy day to consider the role of our employees that actually walk or bike or run to work. There are only two facilities on all of Capitol Hill for over 6,000 employees to be able to shower at work when we close the facilities in the O'Neill Building.

Now, several years ago, we were able to work with the Subcommittee on Legislative Branch and the House Superintendent to be able to add some showers and lockers to the Rayburn Building. Now it is time for the committee to consider again adding more facilities, at least to avoid reducing the amount for our employees that are trying to do the right thing.

Not only does it help protect the environment, but we know that daily physical activity for adults is now at an all-time low. Forty percent of the adult population does not engage in leisure time physical activity. We know that moderate amounts of exercise can significantly promote the health and wellness as well as enhancing the productivity of our employees.

I would strongly suggest that my colleagues join me in urging the Committee on House Administration for us to at least not be left behind in promoting transit use of our employees and be able to provide adequate shower and locker facilities for our employees that are trying to do the right thing and promote physical activity and protect the environment.

It is important that we work on developing livable communities, not just in our districts, but for the men and women who work here on Capitol Hill. The environment and our employees deserve our best efforts.

RESTORING THE LAFAYETTE-ESCADRILLE MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, a little over a month ago I brought to the attention of my colleagues the deteriorating state of the Lafayette-Escadrille Memorial, which honors all United States aviators who flew for France in World War I.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

On June 17, a wreath laying ceremony will take place at the memorial to commemorate the 85th anniversary of its dedication. Tomorrow I will be introducing a resolution in honor of the 68 Americans who were memorialized or buried on the site and to honor all our fallen aviators of World War I. In addition, the resolution will express support for the funding needed to restore this hallowed site.

In a poster right here, this storyboard depicts the history of the Lafayette-Escadrille and their "Heritage of Valor and Sacrifice." Seven Americans formed the original American squadron. When the Escadrille, which means squadron, transferred to United States command in 1918, 265 American volunteers had served in the French Air Service with 180 of those having flown combat missions. In all, the Escadrille flew 3,000 combat sorties, amassing nearly 200 victories. In fact, the Escadrille became the birth of the United States Air Force.

A joint French-American committee was organized at the end of World War I to locate a final resting place for these American aviators. With the land donated by the French Government, the Lafayette-Escadrille Memorial was dedicated on July 4, 1928. The picture in the middle is the front of the memorial. It encompasses an arch of triumph with a series of columns placed on either side. Indeed, it is a sight to behold.

The memorial also contains a sanctuary and a burial crypt. Sunlight fills the tomb by way of 13 stained glass windows. Each of these works of art depicts the Escadrille flying its many missions over the battlefields of Europe. One of the most striking stained glass works depicts the U.S. aviators, escorted by an eagle, on a symbolic flight across the Atlantic to come to the aid of France.

Sadly, the memorial is in desperate need of repair. The structure sits in a meadow with a high water table. Heavy rains flood the tomb, exacerbated by the poor functioning drains and water leaking through the terrace behind the memorial. Structural repairs are needed for the crypt and the overall foundation, and double glass is needed to protect the remarkable, remarkable stained glass windows.

If we look again at the center, we will see that the front of the memorial is cracked and stained with pollution.

Let me show my colleagues the next poster. This graphic here shows the deterioration inside the crypt. The crumbling masonry and stucco and overall structural damage is evident.

Here we can see additional damage on the ceiling. Furthermore, the stained glass windows, like the one we see here, are not protected. These beautiful works of art could be lost forever if the structural deterioration is allowed to continue.

In 1930, U.S. Attorney Nelson Cromwell founded the Lafayette-Escadrille Memorial Foundation. He endowed the foundation with a $1.5 million trust fund for maintenance, which has all been exhausted. Today, the foundation has a mirror organization in France and a pledge of monetary support to restore this memorial.

Although studies to estimate the cost of restoring the memorial are ongoing, it is obvious that the resources required will exceed the meager means of this foundation. The French Government has already indicated its willingness to assist, and it is time for the United States Government to do the same.

Combining the efforts of private industry and the United States Congress, it is my hope to join the French in restoring the memorial to its original beauty. It is the right thing to do to honor our fallen aviators of World War I and to demonstrate our respect for the sacrifices of all Americans in service to our Nation and our allies.

Mr. Speaker, I hope my colleagues will join with me in supporting funding for the restoration of this great memorial.

MORE COMPARABLE EDUCATION SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. FATTAH) is recognized during morning hour debates for 5 minutes.

Mr. FATTAH. Mr. Speaker, I take the floor today to, on one hand, compliment the other body which for over 2 days now has debated the legislation that I offered here in the House to create a more comparable education system within our various States.

I want to thank in particular the Senator from the great State of Connecticut, Senator DODD, and Senator BIDEN from Delaware, Senator REED from Rhode Island. I would like to also thank Senator BOXER and a host of other members, Senator CORZINE, and then the colleague who I served on the Web-based Education Commission with, Senator ENZI, who is a Republican Member of the Senate from the State of Wyoming.

I would expect that when the matter is brought for a vote after some more debate this week, there will be a lot of the other Members from the other body that I would want to thank.

But I also have some concern that this legislation, unfortunately, did not get a full hearing here in this House. The Committee on Rules decided that, when we debated the education bill, that for some reason we were in a rush and that we could not offer amendments to title I as part of the reauthorization of the Elementary and Secondary Education Act.

So even though the House Committee on Education and the Workforce under the leadership of the gentleman from Ohio (Mr. BOEHNER), my great friend, the majority chairman, gave me the opportunity to testify before the committee and to raise this concern, it was not afforded the opportunity rightfully to be debated and voted on here on the floor of the House.

But let me move to the substance of this matter because I think that we perpetrate a fraud on the Nation to talk about education reform and some discussion about the inequities that exist within our States between poor, rural and urban school districts and their wealthier suburban counterparts, for in almost every State in the Union, there has been and continues to be litigation brought by small, rural and impoverished school districts and large urban districts seeking from their State a fuller share of educational funding, an adequate share.

When we talk about education reform, we talk about testing every child every year in every school as if every child every year and in every school is afforded the same education opportunity. Well, we know that is not the case.

☐ 1245

We know that, for instance, in poorer school districts most of the children are being taught by teachers who are not certified in the subject that they are teaching; that, in fact, in math, in science, in the critical disciplines, that the teachers who are teaching the majority of the students in urban and rural school districts did not major nor minor in the subjects that they are teaching. So we have physical education teachers teaching science, and then we want to come along and test kids and compare them to others.

Now, I see my colleague, the newest of Members from the great State of California, where there has been plenty of litigation on this issue. Look at the example of Beverly Hills High, in which young people have the opportunity to have 23 advanced placement courses offered to them, but at Compton High not one advanced placement course is available to them. How can we create a situation where we are going to look at young people and say they are not performing as well as their counterparts when they are not given the same opportunity?

In Maryland, right next door, we have wide disparities on what is being spent in one district versus another. We have in the city of Baltimore 123 young people who had the opportunity to take AP courses; but in Montgomery County, the wealthiest suburb, 5,000 students had the opportunity to take AP courses.

In Philadelphia, my home, in the great Commonwealth of Pennsylvania, the 45 contiguous school districts to the city of Philadelphia spent, on average, $70,000 more per year per classroom than the city district. Now, how can we have a circumstance in which these young people are going to be able to compete when in the suburban districts class sizes are at 18 and 19 and in the city it is above 30? How can we have a situation where in the Council Rock School District, right near my home outside of Philadelphia, they can spend $90,000 a year on a teacher and inside the city they can only afford to pay $30,000 a year for a teacher. How are they going to attract and retain quality teachers?

Then let us talk about curriculum, because the Federal Government has no role in curriculum; States have that responsibility. Our Department of Education says in a study on this matter that only 15 percent of low-income students ever get the opportunity to take algebra, geometry, and the higher-order math. And so, Mr. Speaker, I come today to compliment the other body, to issue a concern about our work here on education reform, and hope we too will have an opportunity in conference to add our voice on this matter.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair is constrained by the traditions and rules of the House to remind all Members that remarks in debate in the House may not include characterizations of the work of the Senate.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, yesterday the President's Social Security commission met for the first time. Last night I stayed up quite late listening to, 10 or 12 of those commission members talk and speak about what they saw as their challenge to try to fix the Social Security problem. I was disappointed, number one, that some of the commissioners apparently were not in attendance; number two, I was disappointed that some of the commissioners appeared not to understand the complexity of the problem facing Social Security and, therefore, facing America.

Social Security is probably one of our most successful programs to help retirees. We are faced with the challenge of keeping Social Security solvent. What I would like to stress is what I displayed on this first chart, and that is the biggest risk is doing nothing at all. Some of the commissioners I heard suggested the dangers of investing and do not risk Social Security. The problem is that if we do not do something, then we are going to end up increasing payroll taxes and probably also reducing benefits.

The challenge is ahead of us. Social Security has a total unfunded liability of over $9 trillion. That means we would have to put $9 trillion today in an investment account, earning at least 2.7 percent interest to accommodate future payments in Social Security. The Social Security Trust Fund contains nothing but IOUs. This is an issue often overlooked when people suggest, look, the problem is not really going to confront us until 2035 or 2036 or 2037 because the trust fund owes Social Security some of that money. The problem is where are we going to come up with those funds 15 years from now, maybe as soon as 12 years from now when there is less Federal payroll tax revenues coming in for Social Security than is needed to pay the promised benefits? That is the challenge.

And that is the point; if we continue to put off this decision, on what I consider the largest financial challenge of this country, we are going to end up with doing a disservice not only to workers by increasing the payroll tax that they pay but also for retirees as future Congresses look to reduce those particular benefits. This will be a huge burden on our kids and our grandkids that this Congress should not abide.

I compliment the President for moving ahead to develop a solution. One of the challenges of the Social Security commission is going to be to inform the American people of the seriousness of this current problem and the fact that the longer we put off a solution the more drastic that solution must be. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

This chart depicts a little temporary surplus, because we have increased social security taxes so much, by waiting too long for the last Social Security commission in 1983 we have a temporary blip of more money coming in from the Social Security tax than is required to pay benefits. That surplus is going to be depleted someplace between 2011 and 2016, and then we go into deficit spending.

I mentioned $9 trillion that we need today to put in an investment account to keep Social Security solvent, if you use tomorrow's dollars, what we will need in future dollars over the next 75 years is $120 trillion to pay benefits, $120 trillion more than is going to be raised by the current Social Security tax. A serious problem.

I urge these commissioners to attend the meetings. I urge these commissioners not to send staff, but to understand what the Social Security problem is and to give it their all to come up with a reasonable solution.

Personal retirement accounts; a quick comment as I conclude. They do not come out of Social Security. They become part of the Social Security retirement benefits. A worker will own his or her own retirement account, and it is limited to safe investments that will earn more than the 1.7, percent that is going to be paid by Social Security as a return in the form of benefits on the taxes that the employer and the employee paid in.

And just a final comment. Seventy-five percent of American workers today pay more into Social Security tax than they do into income tax. Again raising taxes should not be an option.

H.R. 1699, COAST GUARD REAUTHORIZATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. WATSON) is recognized during morning hour debates for 5 minutes.

Ms. WATSON of California. Mr. Speaker, I would like to speak to a bill that has already passed this House, H.R. 1699, by the gentleman from New Jersey (Mr. LoBIONDO) and the gentlewoman from Florida (Ms. BROWN). It had to do with the reauthorization of the Coast Guard budget.

I just returned as a U.S. ambassador from the Federated States of Micronesia; 607 islands stretching across a million miles of ocean. Without the United States Coast Guard, we would have lost many citizens and many visitors.

We found a package of white substance being handled by a group of children on the beach of Yap. We found it to be cocaine. It was the Coast Guard that moved in. Right after that, we found a headless, armless, legless body. A torso. It was the Coast Guard that my embassy called to contact the FBI and DEA to investigate.

We had many, many occasions to call on the Coast Guard for search and rescue. Many of the native boats would go out, and in these shabby craft would end up missing. The motor broke down, the boat came apart, there were high waves. Without the Coast Guard being called in for search and rescue, we would have lost many of our countrymen there in the Federated States of Micronesia.

Boat safety training was something that was done often on the request of the embassy, and we went to the Islands of Chuuk, where we trained 19 young people to go back to their respective islands and to train others to do boat safety.

There were so many occasions on which I had to request the services of the United States Coast Guard. Their services were done courageously, bravely, and effectively, saving the lives and crafts of many, many people, many islanders, but most of all serving our country well and with distinction.

I am very pleased and proud to have my first vote recorded on this particular bill, H.R. 1699. I commend the authors, and I also commend the House for their support of the reauthorization and for supplementing the budget of the United States Coast Guard.

AMERICAN FOREIGN POLICY ON NORTH KOREA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. BEREUTER) is recognized during morning hour debates for 5 minutes.

Mr. BEREUTER. Mr. Speaker, there was a range of interesting reactions to the Bush administration's statements last week that they were willing to resume talks with the government of North Korea, the DPRK, some suggesting this was a reversal of policy, perhaps a return to the North Korean foreign policy of the Clinton administration. Rather, the last 4- to 5-month period should be recognized as an appropriate pause in our intensive contacts with North Korea to reexamine the goals, tactics, achievements, and failures of American policy toward North Korea.

During the last few years, there have been substantial and growing congressional concerns, especially among Republicans, over the Clinton administration's North Korea policy. North Korea is arguably the most dangerous and erratic nation in Asia, perhaps the world, with a ruling clique that is intent on surviving even at any cost to its people. Indeed, their policies have killed huge numbers of their people through starvation. I believe it remains the place where there is the greatest chance of U.S. troops becoming militarily engaged in a terrible conflict. The DPRK continues to forward-deploy a 1.2 million-man army.

While finally agreeing to an indefinitely defined moratorium on missile flight tests, North Korea continues to develop and produce ballistic missiles, some of which are now capable of reaching the United States. In addition, there are certain indications that the DPRK may be maintaining a covert nuclear program.

Economically and socially, the "Hermit Kingdom" has come to the crossroads and must decide whether it continues on its path towards oblivion or whether it wants to dramatically reform its conduct and join the community of responsible nations. Logically, the United States should be in a position to significantly influence the DPRK's behavior. Instead, however, we find ourselves in a position where over the last few years North Korea has consistently been rewarded for outrageous behavior or for threatening such conduct.

□ 1300

North Korean behavior resembles that of the 18th century Barbary pirates, demanding ever-increasing levels of tribute from America, and some of its neighbors, in return for marginally tolerable behavior.

Overall, the preceding administration seemed too willing to tolerate North Korean misbehavior and demands for tribute. The United States has provided heavy fuel oil and humanitarian food aid in increasing quantities. Quietly, escaping the notice of the American people, North Korea became the largest recipient of foreign aid in Asia, although humanitarian aid was given through indirect means. Despite that level of assistance, we are prevented now from adequately monitoring the distribution of that assistance, even though there is a very high probability of aid diversions to the North Korean military.

Mr. Speaker, as the Bush administration stands poised and ready to reengage North Korea in discussions, if there is any sign such talks would be productive, it needs to be mindful of the need to let the North Koreans know in no uncertain terms that the cycle of extortion for their good behavior is over. Pay tribute or extortion is an outrageous violation of the American heritage, and we will not continue it. We will not pay, directly or indirectly, for what the North Koreans should do to improve their own plight: live on the Korean Peninsula peacefully with their neighbors to the south; end its tactics of terrorism, weapons proliferation, and blackmail; sign a peace treaty to finally end the Korean War; and give evidence that it wants to build a positive relationship with the United States and the international community.

Finally, Bush administration contacts with North Korea should be much more careful than the Clinton administration to closely involve the South Koreans, the Republic of Korea, in those talks directly or as closely as possible. We must not succumb to the old North Korean strategy to drive a wedge between the United States and South Korea or to denigrate the legitimacy of the government of South Korea.

Mr. Speaker, that is my advice, gratuitous though it is, to the Bush administration. We need to change our policy.

HOUSE NEEDS A TRUTH METER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, over the last several weeks this Chamber, and, in fact, the President of the United States, has been under withering criticism from the Democratic Party over a few issues that are important to me and to our Nation.

They have launched attacks first on oil drilling off the coast of Florida, a proposal that they say is the hallmark of the President's oil strategy. They have also taken great pains to describe the Kyoto Treaty as a very important tool in helping the issue of global warming, and they have criticized the President of the United States for his reluctance to agree to this treaty. Let me take up the first issue.

Recently in Florida, the President came to the Florida Everglades, a very important national park, a very important part of Florida, one we in the Florida delegation are proud of and have been aggressively working to support. Two of our Senators arrived with the President on this very ambitious occasion of announcing his commitment to the Everglades.

Their immediate attack after the press conference on the positive nature of the Everglades was to single the President out with withering criticism of his decision, they say, to drill for oil in the Gulf of Mexico, potentially destroying thousands of miles of pristine shoreline. Now interestingly enough, when I woke up this morning to The Palm Beach Post, my hometown newspaper, the headlines read, "Democratic Control of Senate May Not Help Stop Florida Drilling. Democratic control of the U.S. Senate has turned out to be no windfall for Florida politicians trying to block oil and natural gas drilling off the State's shores.

"The change from Republican control made a drilling advocate, Senator JEFF BINGAMAN, chairman of the Senate Energy and Natural Resources Committee. Senator BINGAMAN is sponsoring a broad energy bill that would permit leasing 5.9 million acres for drilling in the Gulf of Mexico about 100 miles south of the Florida Panhandle."

Well, let me suggest to the Democrats, since they seem to be preoccupied with blaming us, that they ought to look to the new chairman of their own committee for advocating this very same policy. We in Florida, in the congressional delegation, the Governor of our State, Jeb Bush, strongly oppose oil drilling off our coast; and we remain steadfast in opposition.

But for the Democrats to attack the President as the only one advocating this position is wrong; it is false; and it should cease. Certainly they want to take advantage of a political opportunity to cast this President as an anti-environmentalist. And I say shame on you for that attack when one of your own members is the prime sponsor moving to, in fact, drill off the coast of Florida.

Before you launch these attacks and these negative air attacks on TV buys and radio buys, look first in the mirror before aspersions are cast. The new Senate chairman, evidenced by his own bill, is interested in this proposal and wants to foist it on the people of Florida.

The second issue I will present was in USA Today. It appeared in this morning's paper. "Ex-Clinton Aides Admit Kyoto Treaty is Flawed."

"Economists from the Clinton White House now concede that complying with Kyoto's mandatory reductions in greenhouse gases would be difficult and more expensive to American consumers than they thought when they were in charge."

President Bush said, "America's unwillingness to embrace a flawed treaty should not be read by our friends and allies as any abdication of responsibility."

First and foremost, when you look at the Kyoto Treaty, several of the largest polluters on the planet are not willing or able or interested in complying: China being the lead among them.

Somehow we are attacking the President as he embarks on a European trip by suggesting he is allowing the world to become more polluted. To the contrary. Our President suggested that we look at a treaty that is not only verifiable, but is capable of causing some of these problems to subside and start creating a cleaner environment.

These two issues indicated that we need a truth meter around this place because those who would charge our party with abandoning environmental concerns are doing so for political gain and expediency. They are so desperate to control both sides of the aisle, they are willing to lie their way through these processes and procedures in order to point the blame at one party and one President alone.

I think this clearly indicates that, yes, politically popular as the Kyoto Treaty may be in some quarters, the most important job of the President of the United States is to make certain that we can do it and do it affordably.

One of the things in the Kyoto Treaty it suggests is if another country cannot clean up their own act, that they will help pay for another nation to help clean up theirs, which means it transfers the responsibility of payments from one country to another to clean up global pollution.

Mr. Speaker, I want to see cleaner air and cleaner water, and I want our Nation to participate. But I support the President as he endeavors to make it a reasonable, meaningful, comprehensive agreement that includes all parties. Let us not leave the table waiting and wanting with political sound bite and rhetoric. Let us make certain that we send a signal strongly and clearly to the administration that we want to support a treaty, but we do not want it to be one-sided and we do not want the consumers of the United States to foot the egregious bill that will be left because of these types of treaties.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair reminds Members that remarks in debate may not be directed to the other body, and may not include characterizations of the Senate or its actions or its Members.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 9 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 2 p.m.

PRAYER

The Reverend Charles C. Hobbs, First Baptist Church, Rogersville, Tennessee, offered the following prayer:

Almighty God, we praise You that You chose to redeem us through Your act of love.

You have blessed us with the opportunity to help others even as we enjoy the blessings of this land.

You have given us intelligence to use the products of Your universe for the benefit of all mankind.

You have given us a spiritual dimension, challenging us to combine opportunity and intelligence to achieve the goals for which You created us.

Deliver us, O God, from the foolishness of spiritual arrogance, which overlooks opportunity, minimizes intelligence, and refuses the benefit of spiritual guidance.

Help us nationally to know that our best days are before us, that our past days can instruct us, and that we must use today to help us become laborers together with God.

In our Lord's name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO REVEREND CHARLES C. HOBBS, FIRST BAPTIST CHURCH, ROGERSVILLE, TENNESSEE

(Mr. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JENKINS. Mr. Speaker, I would like to welcome our chaplain for the day and thank him for coming.

Mr. Speaker, the Reverend Charles Hobbs, who is our chaplain for the day, over a long period of time as a teacher at Carson-Newman College, a Baptist college in Jefferson City, Tennessee, and as a minister in numerous Baptist churches throughout east Tennessee, has influenced literally tens of thousands of lives in a very positive way.

I want to take this opportunity to thank Dr. Hobbs for coming here today, for imparting to us his wisdom through this opening prayer, this prayer for this House of Representatives and for this Nation. I certainly want to thank Chaplain Coughlin and the gentleman from Illinois (Speaker HASTERT) for extending this invitation to him.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 11, 2001 at 9:37 a.m.

That the Senate passed without amendment H.R. 1914.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APPOINTMENT OF MEMBER TO CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT

The SPEAKER pro tempore. Without objection, pursuant to section 313(2)(a) of Public Law 106–554, and upon the recommendation of the majority leader, the Chair announces the Speaker's appointment of the following Member on the part of the House to the Board of Trustees of the Center for Russian Leadership Development:

Mr. AMO HOUGHTON, New York.

There was no objection.

APPOINTMENT AS MEMBERS TO NATIONAL COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN AIRLINE INDUSTRY

The SPEAKER pro tempore. Without objection, and pursuant to Section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181), the Chair announces the Speaker's appointment of the following Members on the part of the House to the National Commission to Ensure Consumer Information and Choice in the Airline Industry:

Mr. Gerald J. Roper, Illinois;

Mr. Paul M. Ruden, Virginia.

There was no objection.

COMMUNICATION FROM THE HONORABLE JAMES V. HANSEN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House a communication from the Honorable JAMES V. HANSEN, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Second Judicial District Court, Weber County, Utah.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JAMES V. HANSEN,
Member of Congress.

CHINA SELLING ARMS TO CUBA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, many of us were shocked when we opened the newspaper this morning to read that China is selling arms to Cuba. The Cold War has been over for more than a decade. Very few Communist nations still survive, countries like Cuba, North Korea and Vietnam. Each of these countries continues to oppress its people. For many in these countries there is not enough food to eat, and the freedoms the rest of the world enjoys do not exist.

Since the fall of the Soviet Union, Cuba has lost billions of dollars in annual subsidies. Its people are hungry, poor and oppressed. Yet somehow it can afford to buy dangerous weapons from the last big Communist power, China.

What does Cuba need these arms for? Is Fidel Castro planning to return to his old ways of exporting Communist revolution and terrorism? Or does he need these weapons to keep on suppressing the freedoms his people are yearning for?

China should stop selling weapons to Cuba. Cuba should stop buying them from China. Communist leaders should worry about feeding their people before buying weapons to make war. What is next? A Chinese Bay of Pigs missile crisis in Cuba?

THE GOLDEN JACKPOT AWARD

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, it is time to award another Golden Jackpot. Today we have two outstanding nominees. The first nominee is the Pacific Gas and Electric Company, which is insisting on giving its senior executives over $65 million in bonuses at the same time the utility is filing for bankruptcy. That is a pretty good reward for a management team that both helped create the California energy crisis and drove the company into bankruptcy.

Our second nominee is President Bush. President Bush has been faced with a choice on gasoline for California. By granting a waiver which was requested on a bipartisan basis by the delegation, the State requested a waiver on oxygenate requirements in gasoline and the President could have lowered gasoline prices, increased gasoline supplies and ensured that gasoline would cause less air pollution.

Instead, urged on by Archer Daniels Midland and other special interests, the President rejected the waiver. So now California families may face a second energy crisis. We may have gasoline shortages, gasoline prices will go up, and we will not cut air pollution. This was a difficult decision, but this Golden Jackpot award is going to be presented to President Bush.

SUPREME COURT DECISION ON GOOD NEWS CLUB

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the recent Supreme Court ruling allowing the religious youth group, the Good News Club in Upstate New York, to conduct after-school meetings with children to pray and read the Bible.

The Supreme Court ruled that the Good News Club has every right to enjoy the same privileges as other groups such as the Boy and Girl Scouts that take part in the school district's policy of allowing community use of its buildings after class for social, civic and recreational meetings.

Mr. Speaker, as a Member of Congress, a person of faith and a parent, the fact that it takes the highest court in the land to realize that the concept of separation of church and State does not warrant the blatant disregard of the First Amendment disturbs me. The First Amendment requires the freedom of religion, not the freedom from religion.

In a time of moral deprivation, we should embrace our young people's desires to study religion, not discourage them through actions deemed anti-religious.

UNISEX RESTROOMS, WHAT IS NEXT?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last week a girl was crowned prom king in Washington. This week we learn a whole new classification term for men and women: Transgenders. That is right, transgenders. Ohio University has designated 30 restrooms as transgender-type restrooms, able to be used by both men and women at the same time.

They are officially called unisex restrooms. Unbelievable. What is next? Unisex locker rooms with thong/jock support dispensers? How about Maxipad vending machines in locker rooms? Beam me up.

I yield back this higher education business as yet simply getting high.

HONORING COLONEL GARY B. WOOD

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I rise today to honor the career of Colonel Gary B. Wood. Colonel Wood currently serves as Vice Commander of the 53d Wing at Eglin Air Force Base, Florida, but his journey began in Washington State, my home State.

Colonel Wood was born in Tacoma, Washington. Even as a young boy, he knew that he wanted to be a fighter pilot. He earned a Bachelor of Arts Degree from Washington State University and a Master's Degree from Golden Gate University. While in college, he was active in the ROTC and Sigma Nu Fraternity.

His service in the military has taken him all over the United States and the world. From Alabama to Korea and North Carolina and Saudi Arabia, people everywhere have benefited from the kindness and commitment of this 6'4" colonel, who is known primarily as "Tiny."

As a youth football coach or a crisis line volunteer, Colonel Woods' compassion has always shone brightly.

For 30 years, he has dedicated himself to his family, his work and his country. I knew Gary best as a college fraternity brother. He was always well liked by all who knew him, and he set a high standard and a strong example for all underclassmen.

Mr. Speaker, it is an honor today to salute Colonel Gary Wood on his distinguished career. I am proud to call him a friend, and I wish him the very best in his life ahead.

THE SUGAR PROGRAM HELPS PRODUCERS BY HURTING OTHER PEOPLE

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, the sugar program, as we know it, is hurting workers. We have farm programs for wheat, corn, cotton and many other crops. These programs give direct assistance to farmers and allow market prices to be set by supply and demand. Farmers receive help but not at the expense of workers and consumers.

The sugar program is different. The sugar program helps producers by hurting other people. That is not right and we ought to be able to find another way to help sugar farmers.

The sugar program keeps our market prices higher than world prices. Domestic sugar prices are about 21 cents a pound compared to world prices of about 9 cents a pound. That is now beginning to cost us jobs.

In my community, Brach's Candy Company has announced that it is closing its plant and moving to Argentina so that it can get sugar more cheaply. It is time for us to retain and keep businesses in our country, and one way to do it is to make sure that sugar prices are fair and equal.

☐ 1415

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WHITFIELD) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 8, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on June 8, 2001 at 12:32 p.m. and said to contain a message from the President whereby he submits pursuant to provisions of the Trade Act of 1974 a Proclamation and a Trade Agreement with Vietnam.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

AGREEMENT BETWEEN UNITED STATES AND VIETNAM ON TRADE RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–85)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 407 of the Trade Act of 1974, as amended (19 U.S.C. 2434) (the "Trade Act"), I am transmitting a copy of a proclamation that extends nondiscriminatory tariff treatment to the products of Vietnam. As an annex to the proclamation, I also enclose the text of the "Agreement Between the United States of America and the Socialist Republic of Vietnam on Trade Relations," which was signed on July 13, 2000, including related annexes and exchanges of letters.

Implementation of this Agreement will strengthen political relations between the United States and Vietnam and produce economic benefits for both countries. It will also help to reinforce political and economic reform in Vietnam.

I believe that the Agreement is consistent with both the letter and spirit of the Trade Act. The Agreement provides for mutual extension of nondiscriminatory tariff treatment, while seeking to ensure overall reciprocity of economic benefits. The Agreement includes safeguard arrangements designed to ensure that imports from Vietnam will not disrupt the U.S. market.

The Agreement also facilitates and expands the rights that U.S. businesses will have in conducting commercial transactions both within Vietnam and with Vietnamese nationals and business entities, and includes provisions dealing with settlement of commercial disputes, investment, financial transactions, and the establishment of government commercial offices. Vietnam also agrees to adopt standards for intellectual property protection that match the standards set forth in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

On June 1, 2001, I waived application of subsections 402 (a) and (b) of the Trade Act with respect to Vietnam. I urge that Congress act as soon as possible to approve, by a joint resolution referred to in section 151 (b) (3) of the Trade Act, the extension of nondiscriminatory treatment to the products of Vietnam as provided for in the Agreement.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 8, 2001.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 643) to reauthorize the African Elephant Conservation Act, as amended.

The Clerk read as follows:

H.R. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Elephant Conservation Reauthorization Act of 2001".

SEC. 2. REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is amended by striking "1997" and all that follows through "2002" and inserting "2001, 2002, 2003, 2004, 2005, 2006, and 2007".

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is further amended—

(1) by striking "There are authorized" and inserting "(a) IN GENERAL.—There is authorized"; and

(2) by adding at the end the following:

"(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.".

SEC. 4. COOPERATION.

Part I of the African Elephant Conservation Act (16 U.S.C. 4211 et seq.) is further amended by adding at the end the following:

"SEC. 2104. ADVISORY GROUP.

"(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of African elephants.

"(b) PUBLIC PARTICIPATION.—

"(1) MEETINGS.—The Advisory Group shall—

"(A) ensure that each meeting of the advisory group is open to the public; and

"(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

"(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

"(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.".

SEC. 5. PROJECT SUSTAINABILITY.

Section 2101 of the African Elephant Conservation Act (16 U.S.C. 4211) is amended by redesignating subsection (e) as subsection (f), and by inserting after subsection (d) the following:

"(e) PROJECT SUSTAINABILITY.—To the maximum extent practical; in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects that will enhance sustainable conservation programs to ensure effective long-term conservation of African elephants.".

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AND CLERICAL AMENDMENTS.—The African Elephant Conservation Act is amended as follows:

(1) Section 2101(a) (16 U.S.C. 4211(a)) is amended by striking "African Elephant Conservation".

(2) Section 2102 (16 U.S.C. 4212) is amended by striking the section heading and all that follows through "(d) ACCEPTANCE AND USE OF DONATIONS.—" and inserting the following:

"SEC. 2102. ACCEPTANCE AND USE OF DONATIONS.".

(3) Section 2304 (16 U.S.C. 4243) is repealed.

(4) Section 2305(4) (16 U.S.C. 4244(4)) is amended by striking "the African Elephant Conservation Fund established by section 2102" and inserting "the account established by division A, section 101(e), title I of Public Law 105–277 under the heading 'MULTINATIONAL SPECIES CONSERVATION FUND'".

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105–277 (112 Stat. 2681–237) is amended under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" by striking "Rhinoceros and Tiger Conservation Act, subchapter I" and inserting "Rhinoceros and Tiger Conservation Act of 1994, part I".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) .each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill H.R. 643, as amended in committee, is a bipartisan, non-controversial bill that will reauthorize one of the most successful wildlife conservation laws ever enacted by the Congress.

Since 1988, the African Elephant Conservation Act has stopped the slaughter of this flagship species, and it has kindled hope that African elephants can be saved from extinction in the wild.

With only a limited appropriation of $11 million, the U.S. Fish and Wildlife Service has generated an additional $51.7 million in private funds. These resources have funded 115 conservation projects in 22 range states throughout Africa. These projects are making a real difference in the world, according to U.S. Fish and Wildlife Service. The service says this is not a hand-out policy, it is a helping-hands policy, which does significant progress toward encouraging the local people to develop an economy that will be based on tourism to see these magnificent creatures.

At the subcommittee hearings on this legislation, every witness testified in strong support of extending this essential conservation program. I was particularly impressed by the comments of Jim Rapp of Salisbury, Maryland, who is the manager of the Salisbury Zoo. In his statement on behalf of the American Zoo and Aquarium Association, Jim noted that without ongoing funding, we are likely to face something that he called an "empty forest syndrome." I found that phrase to be a deep, hollow loneliness, wrapped in despair. But this legislation goes a long way in preventing that type of lonely-forest syndrome.

In summary, H.R. 643 will extend the act at existing authorization levels for 5 years, will allow the Secretary of the Interior to establish an advisory panel to assist in this program, will cap administrative expenses at 3 percent, or $80,000 per year, and will emphasize the issuance of grants for long-term sustainable elephant conservation.

Finally, Mr. Speaker, I would like to strongly condemn what is occurring within the Democratic Republic of the Congo. In their quest to obtain a highly priced mineral, colombo tantalite, which is used in cell phones and computers, rebel miners are killing thousands of highly endangered eastern lowland gorillas and elephants. In one park alone, 7,000 elephants out of a population of 12,000 have been slaughtered for the illegal bushmeat trade. This tragic killing of these keystone species must be stopped.

Mr. Speaker, I would like to end with this quote from an author, Thomas Berry: "Extinction is a difficult concept to grasp. It is an eternal concept. It is an absolute and final act, for which there is no remedy."

Because of that statement and the efforts of many thousands of people across this country and the world, on behalf of the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the staff, I would urge an aye vote on this legislation, to prevent the silent forest syndrome from happening.

Mr. Speaker, I include for the RECORD an article entitled, "Coltan Boom, Gorilla Bust."

COLTAN BOOM, GORILLA BUST

The Impact of Coltan Mining on Gorillas and other Wildlife in Eastern DR Congo—A Report for the Dian Fossey Gorilla Fund Europe and the Born Free Foundation

EXECUTIVE SUMMARY

The lucrative trade in coltan, a formerly obscure mineral, has recently become headline news. Organizations ranging from the Dian Fossey Gorilla Fund Europe to the United Nations Security Council are talking about the need for a boycott of something most people have never heard of. This report explores the link between rising sales of mobile 'phones and PlayStations and falling numbers of gorillas in an African war zone.

It must be made clear from the outset, however, that there are two controversies relating to coltan from Central Africa. First, there is the broad question of whether or not it is legal to trade with rebel-held territories. This is the subject of a report by a 'panel of experts', commissioned by UN Security Council to examine the exploitation of natural resources in war-torn DRC (extracts in Annex A). It is not within the remit of this study to discuss this wider issue. Instead, this report focuses on the second controversy—the exploitation of natural resources, especially coltan, in legally protected areas such as Kahuzi-Biega National Park (KBNP). This park is a UNESCO World Heritage Site and was, before this crisis, home to 8,000 or so Grauer's gorillas (also known as Eastern Lowland Gorillas, Gorilla beringei graueri) along with thousands of other species (Steinhauer-Burkart et al, 1995). The KBNP population of Grauer's gorilla was contiguous with those in the adjacent Kasese forests, and together they represented 86 per cent of the world total for this sub-species (found only in DRC, Hall et al, 1998, see map below).

This report is based on a nine-day visit to Rwanda, Democratic Republic of Congo (DRC) and Kenya, during which discussions were held with conservationists, coltan traders, NGOs and government ministers and officials.

It is clear from the information gathered that only immediate action at the highest level will halt the destruction of this beautiful area, and offer a chance of the recovery of its unique biodiversity. It remains to be seen how many—or how few—of Kahuzi-Biega's 3,600 elephants and 8,000 gorillas have survived the massacre in the lowland area, but it is hoped that relict populations could have retreated to, or survived in, the most inaccessible parts, furthest from the mining areas. The only accurate data is from the highland area, which has lost all of its 350 elephants and half of its 258 gorillas (ICCN census funded last year by WCS and DFGFI).

From the new indirect evidence, it appears that the KBNP and Kasese population of Grauer's Gorilla may have been reduced to under 1,000. The other nine populations listed by Hall et al (1998) numbered in the tens or hundreds a decade ago and are also likely to have declined or been exterminated. The population Maiko National Park is thought to have escaped the heavy poaching, but if our worst fears prove founded, the sub-species may have been reduced from about 17,000 to only 2,000–3,000, an 80–90 per cent crash in only three years.

Moreover, the indications are that the biodiversity of the Kahuzi-Biega region has been seriously, if not irreparably, damaged. If action is taken immediately, however, recovery in the long term may be possible even now. But if further procrastination and bureaucratic delays prevent effective and coordinated action, the word from the conservationists on the ground is that it will be too late.

If this happens despite their well-publicised warnings, the world will have stood by and watched the systematic destruction of one more natural wonder. And the magnificent Grauer's gorilla will become the first great ape to be driven to extinction—a victim of war, human greed and high technology.

On reading the first draft of this report, Chief Warden Kasereka Bishikwabo made this comment, "I hope you shall plead for an improved organization of the exploitation of natural resources in the DRC. As long as the exploitation of natural resources is disorganized, protected areas will bear the burden. Any excuse to pursue non-organized mineral exploitation in any of the countries of the African Great Lakes countries will lead to destruction of protected areas in the whole region."

RECOMMENDATIONS

The simple message from all the conservationists on the ground is that immediate action is required to save KBNP. If the political will to stop the mining, and if resources for ICCN are not forthcoming now, then the chances of Grauer's gorillas surviving and the park recovering are virtually nil. The medium- and long-term plans are, therefore, dependent on the successful implementation of the short-term acts.

Note.—These recommendations are complementary to those by A. Kanyunyi Basabose and Juichi Yamagiwa, included in a new report by BRD, available at *www.bergorilla.de/kahuzie.pdf.*

URGENT—Short-term priorities

(i) Immediate, high-level international political pressure on the presidents of RCD-Goma, Rwanda and Uganda to order action to halt the destruction in DRC's national parks and reserves, especially KBNP.

(ii) Immediate release of the funds promised by UNESCO more than two years ago.

(iii) Increase NGO support to ICCN.

(iv) Co-ordinate with humanitarian agencies if people leaving KBNP are in need of assistance.

(v) Identify the chemical signature of coltan from KBNP and ensure trade in it ceases.

Medium-term actions

(i) Establishment of a Commission with representation by all stakeholders (UNESCO, ICCN, local Government, NGOs and community leaders) to settle once and for all the disputed boundaries of KBNP.

(ii) Locate funds to enable ICCN to increase manpower and extend the excellent monitoring and protection currently afforded to the mountainous sector to the lowland sector of KBNP. A census of large mammals is a high priority to assess the potential for recovery of the park's ecosystems.

(iii) Implement DFGFE proposal to establish an endowment to finance a micro-credit scheme similar to the successful one pioneered by DFGFE in Goma, providing the means for local people to set up small businesses and thereby reducing their dependence on illegally acquired resources in KBNP.

(iv) Identify the best location for a sanctuary to care for orphaned primates, thereby enabling ICCN to confiscate them (modelled on the Uganda Wildlife Authority's Ngamba Island Chimpanzee Sanctuary).

(v) Assist local NGOs such as the PolePole Foundation, to source funds for conservation education, reforestation and improved farming practices around the park boundary.

Long-term objectives

When peace returns to the region, the successful gorilla tourism of the 1970s and 1980s should resume, financing the conservation work and bringing benefits to the surrounding communities. Revenue sharing schemes such as those already operating in South-west Uganda should be introduced and Kahuzi-Biega National Park will have been saved.

BACKGROUND

Coltan and its uses

Coltan is an abbreviation of columbo-tantalite, an ore containing a mixture of two very similar heavy metals, namely Niobium (Atomic No. 41, Atomic Weight 92.91, melting point 2,500 degrees C) and Tantalum (Atomic No. 73, Atomic Weight 180.95, melting point 2,850 degrees C).

Columbite is the name for ore containing more of the element Niobium (formerly known as Columbium) than of Tantalum.

Tantalite is the name for ore containing more of the element Tantalum, a metal with many useful properties, used in things from electronic components to surgical implants. In nature it is found only as Tantalum Oxide Ta 205. Columbo-tantalite (and hence the term coltan) is peculiar to Central Africa.

According to the Tantalum-Niobium International study Centre in Brussels, only 15 per cent of the world's tantalum supply comes from Africa, but demand is high due largely to its use in electronic components, mainly tantalum capacitors (devices which store electrical charge and release it quickly to buffer fluctuations in power). Of the 525 tons of tantalum used in the USA in 1998, 60 per cent was used for this purpose, with a predicted growth rate of 14 per cent per annum (from Uganda Gold Mining Ltd web site).

Other uses include various alloys, which benefit from tantalum's high melting point and corrosion resistance, and are used in aerospace components, jet engines and gas turbine parts.

Price of coltan

Fluctuations in the world market have a significant effect on the level of activity in Africa. Poor deposits may become economical to work if the price is high enough, but will then be abandoned if the price falls again. At its highest last year, the price reached $800 per kilo, but it is now around $100 per kilo (still significantly higher than the 1998 price of around $40 per kilo). This price reflects what the final dealers receive, not what is paid to the peasant miners, which is currently around $12 per kilo.

Prices paid for the ore by dealers are also related to the percentage of tantalum present, which is determined by spectrographic analysis in one of the trading centres (e.g. Bukavu, Goma or Kigali).

COLTAN MINING AND TRADE IN RWANDA

Minerals found in Rwanda include cassiterite (a tin ore), gold and wolfram (tungsten) as well as coltan. Before the civil war, minerals—primarily cassiterite—were Rwanda's only significant export other than coffee and tea. As with agriculture, most mining is undertaken by peasant farmers, who dig relatively small quantities by hand. They take bags of ore to local centres to be weighed and bought. Dealers then drive around the centres buying the accumulated larger volumes. Preliminary purification of the ore takes place at a factory at Gatumba, on the border between the Prefectures of Gisenyi and Gitarama. There it is ground up and passed over magnets to remove any iron before export to factories elsewhere for separating the different metals.

Rwandan law regards ownership of land to stop at the level of the topsoil. In other words, any mineral wealth belongs to the state, not the individual (although he or she can profit from mining it). There is now a legally constituted formula for calculating compensation should crops, buildings or trees be damaged by mining. Deposits are found in 34 Communes of nine Prefectures across the country, from Cyangugu in the south-west to Umutara and Kibungo in the east (see map and list in Annex G), with most mines being in the Prefectures of Gitarama and Kigali-rural (see map on page 7a, below).

Pits and mines are very dangerous, especially after heavy rain, and accidents are common. So many people have been killed recently by rock-falls and landslides that the Ministry of Mines has ordered a halt to mining until the safety issue has been addressed. On the ground, however, mining continues because there is no enforcement of the temporary ban, and people with few other resources are unlikely to stop doing something that brings in an income.

There is little, if any, coltan mining in forested parts of Rwanda. In Nyungwe Forest, soon to be declared Rwanda's third National Park, there is a history of illegal gold mining, which also destroys habitat and pollutes streams, but no coltan. Fortunately for the mountain gorillas, there are no valuable mineral deposits in the Volcanoes National Park (or the contiguous gorilla habitat in DR Congo and Uganda).

Much of my information on the Rwandan mining industry came through meetings with Viateur Nsengimana, Administrator for EXCOM (Exploitation and Commercialisation of Minerals) and President of TWISUNGANE, a co-operative of peasant miners working three coltan mines around Kamonyi, in the Province of Gitarama. This kind co-operation culminated in him driving me to a number of mining sites on Sunday 6th May (see map below). As we drove past Mt Kigali, he pointed out that it has cassiterite deposits but they are not currently being mined. At Mugina he spoke of heavy coltan deposits at the top of a hill, leading the mining co-operative to install a pump to get water up to the mine. Near Taba there are many coltan deposits around the big Protestant church and hospital at Remera. At Shyorongi the mines produce cassiterite, coltan and wolfram. Rutongo has the only cassiterite refining factory in the country. At Kayenzi, the coltan ore has up to 61 percent tantalum (usually 40–60%).

Historically, the Belgian mining companies Minetin and Somuki were replaced after independence by SOMIRWA—the sole mineral trading company until the war. It has now been replaced by Redemi (part state owned, part private) and COPIMAR (made up of many small miners' co-operatives). After the war, mining became a free-for-all because crops had been left to rot and hungry people mined wherever they could find minerals they could sell for food. Things are improving now, but it is still not properly regulated or controlled, which is why accidents are so common. I asked about the ecological damage which mining leaves behind, and was told that the new mining law requires licensed miners to restore topsoil after the valuable minerals have been extracted, but this has not yet happened because it has just been introduced.

Unfortunately, torrential rain prevented close inspection of all but one mine near Mwaka, but the deluge certainly illustrated the danger from rock-falls and land-slips whilst digging in such soft rock. The mine consisted simply of the partially exposed flanks of several small hills. I learned that people have been mining here for more than 40 years, and it took only a few moments conversation for people to run off and fetch a couple of specimens of coltan which I purchased. These were pebble-sized lumps—different from the Kahuzi-Biega grit I saw—one weighed about 40gms and the other about 240gms. Around Mwaka, mines are worked by a small co-operative called CEMAC, a member of COPIMAR.

After the visit, I discussed the call for a boycott of coltan from Central Africa with Mr. Nsengimana and Francois Nkinziwiki, President of a local NGO called The Dian Fossey Challenge. Whilst understanding the need to halt the destruction of the two World Heritage Sites in DR Congo, they were concerned that any regional boycott would hit thousands of poor Rwandan families very hard. After a decade of civil war, genocide and social disruption, it would be singularly cruel to impose further hardship on people who were simply carrying out a legal occupation that has been going on for decades. Mr. Nkinziwiki put it succinctly, saying, "To ban the coltan trade in Gitarama would be like banning potatoes in Ruhengeri!"

COLTAN MINING AND TRADE IN KIVU PROVINCE, DRC

The terrain to the west of Lake Kivu might be summarised as rolling hills, many of them deforested long ago for cultivation and cattle ranches with only a few patches of forest here and there. There are very few cattle today though, because tens of thousands were appropriated and butchered to feed the refugee camps, allegedly with the help of the relief agencies, during the Rwandan refugee crisis in the mid-90s. One formerly wealthy landowner, Kasuku wa Ngeyo is pursuing his as yet unresolved grievance over this matter. Gorillas and chimpanzees lived in some of the forest patches on his land near Masisi and Walikale in the 1980s, but he doubts very much if any survive now.

Deposits of coltan here are concentrated in South Kivu Province, but not all are in PNKB. Many are in undesignated forest or on agricultural land, and mining is simply an optional change in land-use for the landowner. Indeed, finding that you have coltan beneath your soil might be seen as the Kivu equivalent of striking oil—with the advantage that little equipment beyond a shovel is required to start mining. The law in Congo requires, however, that even on our own land, you need to pay for a license from the relevant government authority to extract minerals. During the two recent civil wars, however, such laws have been widely ignored and mining rights have been claimed by whichever militia holds sway over a particular area at the time.

As in Rwanda, the history of mining in this area goes back to the colonial period when a Belgian company MGL established permanent settlements to mine mainly gold and tin. After independence the mining was carried out by the SOMINKI, and included one centre at Kabunga which was a base for prospecting in the area now included in the Kahuzi-Biega National Park.

A long-standing controversy

The extension to the park was designated in 1977, but without a detailed study of the consequences. The boundary as drawn included mines and permanent stone-built houses belonging to SOMINKI. The park authorities at the time asked for a Commission to study the boundary issue and resolve disputes with local community leaders, but this never happened. M. Anicent Mburanumwe Chiri, the Regional Head of ICCN in Eastern DRC, proposes that, as soon as the crisis is over, this long overdue commission should be established. The commission should be composed of representatives from UNESCO, ICCN, NGOs (local and international), local government and community leaders. Its task would be to define once and for all the limits of this World Heritage Site and—if agreement is reached by all parties—to establish zones within the boundary where controlled exploitation is permitted. "Modern conservation opinion would never condone the creation of a vast national park that no-one knows the exact boundaries of, and which does not take into account the needs or opinions of local communities?"

Pygmy communities in the PNKB

During the Belgian colonial period, the authorities' attitude to forest-dwelling pygmies living a traditional way of life was to regard them as a part of the forest eco-system that the parks were created to protect. This was at once an enlightened and racist attitude—enlightened because seeing humans as a part of nature than separate from it is a recent trend, but deeply racist because it carried with it the condescending implication that pygmy people were little more than animals. The future of their culture looks bleak in this region, but the fortunate few who find an education can do well; I was told that some had joined the army and that one had reached the rank of captain.

Pygmy people have not had much involvement with mining of any minerals because their traditional way of life centered around hunting animals. These soon disappear from around permanent settlements such as mines, through hunting or disturbance by miners, and so there is little incentive for hunter gatherer communities to stay.

Mining techniques

The coltan is found in fairly soft rock, streambeds and afluvial deposits. Miners (in French "creuseurs" or "boulonneurs" from boulot-job, or "njengeneur") dig with shovels, sometimes with picks and crowbars to loosen the substrate. The loose mix is sieved through mesh of approx. 5mm squares. The grit is then washed in a bowl, box or piece of curved bark until only the heavy coltan particles remain. The need for water to separate out the coltan means, of course, that mining tends to be concentrated along streams and rivers. This exacerbates the erosion of soils and the risk of landslips during heavy rain, and tends to silt up pools downstream.

The coltan grit is bagged in small nylon bags sewn from larger food sacks. There are two rough measures—a desert spoon and a "le gosse" (a small tin, originally a condensed milk brand, which has come to mean the tin itself; it contains 78gms of sweetened milk concentrate when sold, but holds about 200gms of coltan grit). When the bags are full they may weigh from 15kg to 50kg according to the strength of the carrier, and a spring balance is usually present at the site to weight them. The bags are sewn shut and transported on the back in a "makako"—a sort of basket-rucksack made from forest lianas (another significant impact on the eco-system when one considers the thousands of people involved).

The northern park boundary is along the River Luka; and pirogues (dug-out canoes) are used to cross to Isangi, which sits on a hill between the confluence of the Luka and the River Ilawimbi. The journey to Itebero is by foot and canoe, and from there it is transported by road to Walikale airstrip.

Summary of environmental damage from coltan mining in DRC forests

Forest clearance and use of timber and poles to build camps to accommodate workers;

Forest clearance to expose substrate for mining;

Pollution of streams by silt from washing process;

Erosion of unprotected earth during rains leading to land-slips;

Cutting of firewood for warmth and cooking in camps;

Hunting of animals for bushmeat to feed miners and camp followers;

Animals maimed or dying after escaping from snares;

De-barking trees to make panning trays for washing coltan;

Cutting of lianas to make carrying baskets for coltan;

Disturbance of animals due to large number of people resident in and moving through forest;

Silting up of streams likely to kill invertebrates and reduce photosynthesis in aquatic plants;

Reduced productivity of fish stocks in lakes and rivers affected by silt pollution;

Ecological changes due to loss of keystone species such as elephants and apes;

Long-term changes in watershed due to rapid run-off in deforested areas.

SECURITY SITUATION IN KAHUZI-BIEGA NATIONAL PARK

For the past two years, only part of the highland area of the park has been accessible to wardens and rangers. The area monitored has varied from five to 10 per cent of the total 6,000 square kilometres. The other 90–95 per cent has been under the control of various armed factions, including branches of the Mai-Mai and the Interahamwe (as detailed in the ICCN/GTZ newsletter 'Le Gorille', last year's Digit News by DFGFE, Wildlife Times by BFF and Gorilla Journal by BRD).

In the three weeks prior to my visit, there were two incidents in which ICCN gorilla monitoring teams encountered Interahamwe within a few kilometres of the park HQ at Tshivanga. They reported well equipped, uniformed patrols of ten men, each with an AK47 and two magazines. They had radios, and even mobile phones—not the image of ragged gangs living in the bush. But if they control some of the coltan trade, they would certainly have the money to purchase such things. The reports beg the question of where the radios are being charged. On each occasion, a tracker was kidnapped by the patrol, was held for three days and escaped. This led the warden to reduce the area of regular patrolling to the bare minimum to monitor the habituated gorillas, and prevents any visitors from seeing the gorillas (in the monthly meeting I learned that least month, five brave tourists went gorilla tracking!).

Little has been known of what was going on in the vast lowland sector, except that bushmeat, ivory, timber and other products were reported to be being exploited at an alarming rate. It was not until March this year, however, that an accurate picture emerged, and the extent of the shocking damage was revealed.

THE "INDEPENDENT CONSULTANT'S" REPORT AND INTERVIEW

By far the most impressive source of information was the report by an independent Congolese consultant. In the words of M. Bedy Makhuba Mbele, Chef du Department de l'Agriculture et du Development Rural in the RCD-Goma government on hearing of his work, "He is a hero!" He deserves some kind of official recognition." Unfortunately, such recognition would likely lead to his untimely demise, so he is referred to only as 'IC' in this report, and his name and signature have been masked in the copy of his report attached as Annex B.

Most digging sites are around old SOMINKI camps (in Belgian times, called

MGL Mines des Grands Lacs) where cassiterite was mined. At that time, MGL was also mining gold in Kamituga, south of the park, which meant that miners were active in the whole region.When MGL closed down after independence, local people continued to dig for gold, and noticed other minerals but the low price of coltan did not justify mining it. When the price of tantalum rose, it became a desirable commodity and led to the current boom, but it is important to see this in the context of the history of mineral exploitation in this area.

The link between Mai-Mai presence, coltan and military deployment: My notes on this subject are as follows: RPA/RCD presence between Tshivanga and Hombo. 4km North of Hombo, the Mai-Mai have their own roadblock at Tchambusha. Presence of roadblocks does not deter vendors taking goods to mines, but taxes have to be paid to Mai-Mai (organised, not just personal bribes).

In far west of PNKB is a sub-division of Mai-Mai called Manyowa-Manyowa. The term Mai-Mai, I was told, is from Maji-Maji (water) which was a password used by them. There are about 12 sub-groups within the general term Mai-Mai, which have been likened by US military analysts to 'warlords'.

Porters are paid a tin of coltan (then worth $30) to carry 20 kilos for two days (plus food) to Itebero.

The weekly fee to work in the forest is 2 spoons of coltan (then about $7.50)—one to the military and one to the 'chef de colline' (chef of hill). This is paid in coltan so its value changes. Multiply this by the 10,000—15,000 or more workers estimated to be in PNKB and the monthly income to those controlling the mining area was of the order of $600,000 to more than $1 million for the month of March.

Transportation between Kavumu and mining sites: More than 13 flights per day from Kavumu to the four airstrips in Shabunda region: Salambila, Kampene, Namoyo and Lulingu, plus Walikale. Laden planes then flew east, presumably to Kigali.

Sample for analysis: I asked IC if he could buy a sample of coltan from KBNP. The following morning he met me with about 850gms of heavy, dark-grey grit and small stones (particle size from sand to 8mm) which he had been told was from Kakelo, a site near Camp Vuma (see map in IC's report). The sample cost $25, and on return to Kigali I had it analysed with the following results:

% Ta205=6.359
% Nb205=7.457
% Sn02=51.347
% Ti02=17.969
% W= −0.0096
Ta=Tantalite
Nb=Niobium
Sn=Tin
Ti=Titan
W=Wolfram

Therefore your sample had 6% tantalite and 51% tin.

THE "NEGOTIATOR"

One of the most useful sources of information was a dealer in Bukavu who described himself as a "negotiateur". Whilst under the impression that I was interested in buying a considerable quantity of coltan while the price is low, he provided much information, from current price lists and locations and bad quality coltan mines to anecdotes about the trade. For example

He explained that there are two systems of trading. One can either buy a license for $40,000 per year and pay an export tax of $4 per kilo of coltan as an official "comptoire". Or one can export without these expensive details as, for example, he had just done with six tonnes of coltan he has just taken to Kigali. He mentioned buying from miners at $12 per kilo and showed me a recent price list from a buyer in Kigali, with prices paid in US dollars per pound weight, varying according to the percentage of Tantalum thus:

10% Tantalum=$20 per lb ($44 per kilo)
16% "=$50 per lb ($110 per kilo)
18% "=$60 per lb ($132 per kilo)
20% "=$75 per lb ($165 per kilo)

Best quality coltan, with 40 or 45% tantalum is found around Numbi (30km from the main road, halfway between Goma and Bukavu on the west shore of Lake Kivu), but this, he said, is "private". It is alleged to be under the control of RPA officers, and is the site at which Rwandan prisoners were reported to have been used as forced labour (see UN Report). He warned against buying coltan from Nkumwa, which was very low quality. The cost of analysis by spectrometer was $5—$10, and there are machines in Bukavu as well as Kigali. To explain the process of analysis, he produced two small samples, which had been ground to a fine powder, and showed me the resulting printouts showing about 16 per cent tantalum.

After taking so much of his time, I thanked him for his advice and left without buying any coltan.

THE POSITION OF ICCN

The Institut Congolaise pour le Conservation de la Nature (ICCN) has proved extraordinarily capable of adapting to the problems imposed by two civil wars. Despite being responsible for national parks in areas controlled by three political authorities—two rebel groups and the government in Kinshasa—an agreement has been reached which allows it to function (see Annex D). This is despite it having been starved of resources for many years.

When the pillage of Kahuzi-Biega was first brought to the attention of the international community during the 1994 Rwandan refugee exodus, little was done because the humanitarian crisis made conservation seem a low priority in comparison. When things got worse during the first Congo civil war in 1996, little was done to help the hard pressed warden and rangers. If it were not for the continued, if scaled down, GTZ project, and the courage of the GTZ and ICCN staff in keeping a sense of normality through the most difficult and dangerous times, it is unlikely that that the park would have remained functioning. Great strides were made in the optimistic, but brief, period between the wars. When the second civil war destroyed much of the new infrastructure, it destroyed much of the morale of the park staff too. But there were much cheered by the announcement that UNESCO had come up with an ambitious scheme, largely funded by the UN Foundation, to save the five World Heritage Sites in DRC. Roughly speaking, it provided just over $4 million over four years to the five sites—i.e., about $200,000 per site per year. Much of this was to be spent on salaries, giving the rangers something like $20 per month. Not a fortune, but to those who have not been paid for years, it was significant news. Headline news, in fact, as articles in local and international press attest. Hopes were raised. Things were looking up. Unfortunately, up to this point, only one advance payment of $20,000 per site has been made (and spent) and as the months pass, frustrations mount.

In late 1999, prompted by Dr Jo Thompson, the Ape Alliance also began working to raise funds to help ICCN, setting up and an ad hoc DRC Parks Emergency Relief Mission with the Belgian NGO Nouvelles Approaches. The idea took off quickly, and starting with a $25,000 grant from IFAW, within days various groups had pledged amounts to a total of $70,000. More has since been raised, but as soon as it comes in, it is spent on equipment ranging from boots to bicycles. More is still being raised, and because Kahuzi-Biega is relatively easy to reach, it has had most of its emergency needs met. For example, with money raised by the Rachel Hunter Gorilla Appeal, the Born Free Foundation last year provided a Landover 101, a one-tonne 4x4 (see above) and made a commitment to fund its fuel and parts, as well as new uniforms and guard housing for the next three years. The German NGO Bergorilla & Regenwald Direkthilfe sent medical supplies and with IPPL, covered the cost of publishing 'Le Gorille'—an influential local newsletter. This raised morale, but apart from small payments from the GTZ budget, the question of salaries has yet to be resolved. Some ICCN staff have not been paid for 70 months! At the moment, any mention of UNESCO is currently met with a negative response. Chief Warden Kasereka explained that although the $4 million scheme was designed to solve ICCN's problems, it has actually created a greater problem: disillusionment. Explaining to staff every month for more than two years that the UNESCO money will be there soon has not been easy when, month after month, it fails to materialise. GTZ Project manager Carlos Schuler-Deschryver summed it up, "It is as if UNESCO heard there was a crisis in Congo, and set off immediately to help, but they decided to walk instead of taking the plane, and they only set off when they had finished their cup of coffee! By the time they get here, there will be nothing left to save!"

Despite the lack of resources, however, and the danger the men face when on patrol in a war zone, the conservation work being done in the limited areas is first rate. On 2nd May 2001, I happened to arrive at Tshivanga (the park HQ) in time to sit through what seemed like a cross between a scientific seminar and a management workshop. After each warden had presented a summary of his or her work for the month of April, using hand-drawn maps and charts on rolls of brown paper, I asked if this was a typical month. Yes, came the answer. It would have been impressive in any park in any country of the world. But in a war zone? With few resources, and little or no pay? I told them that the quality and quantity of work was almost incredible. And it gave me hope that if the world does wake up and provide some substantive assistance, this well managed, well motivated and courageous team would be the one to do the job.

One of the innovative acts that the warden implemented last year was to take on about 20 new members of staff—all of them known poachers. They were trained, and provided with uniforms, but as yet they have not been paid what they were promised because the UNESCO money for salaries has not arrived. Kasereka told me, "They are losing faith. If we don't pay them soon, we will lose them and they'll return to poaching."

THE POSITION OF RCD-GOMA

The RCD-Goma is not just a group of armed rebels, it is a political body described in UN parlance as a "non-state entity with aspirations of statehood". The President, M. Adolphe Onusumba, is a known to Vital Katembo, DFGFE's Mount Tshiaberimu Project Manager, but was in Lusaka for peace talks and so could not be seen during my stay. Instead, I had a very positive meeting with M. Francis Bedy Makhubu Mabele, Chief du Department de l'Agriculture et du Development Rural (equivalent to the Minister for Agriculture and Rural Development) and his aide, M. Gaby Djanga Lombe. The RCD-Goma is supportive of ICCN, and signed the agreement (Annex D) to permit conservation to continue despite the political and military divisions in the country. M. Bedy Makhubu pointed out that the attack last September, in which ten of his countrymen died whilst working on the boundary of the corridor linking the eastern and western sectors of Kahuzi-Biega, indicates what risks conservationists take (see Redmond, 2000). He preferred the term 'bandits' rather than terms such as Interanhamwe or Mai-Mai for what the UN Security Council report terms 'negative forces'. He described how armed gangs of these 'bandits' rob and murder people, and how the RCD is unable to prevent it through lack of resources.

If the international community would provide the means, he felt sure that the situation could be turned around given the obvious dedication of ICCN staff.

THE RWANDAN GOVERNMENT'S POSITION

Rwanda has long been extremely supportive of great ape conservation. Since the death of Digit on the last day of 1977, and the rallying of support of mountain gorillas through the work of Dian Fossey, Rwanda has largely been held up as a shining example to other developing countries. Since 1979, the government has been an active partner in first the mountain Gorilla Project and then the International Gorilla conservation Programme (both consortia with FFI, AWF and WWF). Throughout the civil war and genocide, except in the most extreme circumstances the Rwanda parks authority, ORTPN, has continued to protect the Parc des Volcans with its own rangers, and co-operate with the anti-poaching patrols of the Karisoke Research Centre, funded by the Dian Fossey Gorilla Fund International.

It is strange, then, to read of Rwanda being accused of involvement with the demise of Grauer's gorillas in eastern DRC. I put this to the Minister of the Interior, M. Jean de Dieu Ntiruhungwa, and he was firm in his reply, "The Rwandan Government considers gorilla conservation to be very important, and this applies both in Rwanda and in neighbouring Congo." The same point was made by H.E. Mrs Rosemary Museminali, the Rwandan Ambassador in London. How, then, do the allegations stand up to scrutiny?

The area of KBNP in which coltan mining is destroying wildlife and habitat is not in the hands of Rwanda's army or their allies the RCD-Goma. It is occupied by Mai-Mai and Interahamwe—Rwanda's enemies. It is also difficult terrain in which to fight a guerrila war, and would require a major military campaign if it were to be taken by force—with the consequent further destruction (human and wildlife) that this would entail. Is Rwanda exonerated then?

As detailed in the controversial UN Security Council report (see *www.un.org/News* and extracts in Annex A) there is a debate over whether Rwanda and Uganda should trade at all with eastern DRC while it is in the hands of rebels hostile to the Kinshasa government. Rwanda points out that eastern DRC is closer to the ports of Mombasa, Kenya and Dar es Salaam, Tanzania, than to Kinshasa, and that trade has always flowed eastwards from the region (which is why Swahili is the first language of many in eastern Congo). The latest reports of the UN Security Council debate on this issue can be found at *www.un.org/News/Press/docs/2001/sc7057.doc.htm.*

Whatever the outcome of this wider trade debate, however, the fact remains that there are calls for a specific boycott of coltan from the region in an attempt to protect Congo's bio-diversity. But as we have seen, this would cause intense hardship to Rwanda's legal miners. What is required is for the scientific community to pinpoint the chemical signatures of coltan samples known to originate in KBNP (and other protected areas such as the Okapi Wildlife Reserve and Maiko National Park), and for international buyers to agree to avoid shipments that match them. This is not as far-fetched as it may seem to the distant observer.

Geological collections and published data are likely to hold some of the results, and as ICCN has shown—the area can be infiltrated by an undercover agent. The international community should respond by making the expertise and resources available to the relevant authorities—whatever their politics—for the sake of saving these areas of outstanding bio-diversity now. Conservation cannot wait for the outcome of political wrangling. And as the tripartite agreement between the three regions of ICCN has shown (Annex D), it can be done.

BUSHMEAT, ORPHANED APES AND IVORY

The trade in bushmeat is widely acknowledged to pose the most serious threat to Africa's great apes and many other endangered species. Even though apes form only a small percentage of species traded, the impact on species with slow reproduction rates is enormous. In some areas, apes may be killed for food, in others, they may be killed or maimed by snares set for other species. Either way, populations of gorillas, chimpanzees and bonobos are reported or thought to be declining in most areas, leading to predictions of extinction over most of the range within 10 to 20 years (Ape Alliance campaign details available at *www.4apes.com*).

The rise of the commercial bushmeat trade in West and Central Africa prompted the Ape Alliance in 1996 to commission a review by Cambridge zoologist Evan Bowen-Jones (Ape Alliance, 1998). At that time, a survey of Grauer's gorilla populations gave an estimate of 8,660—25,499 gorillas (mean 16,902) in 11 populations (Hall et al, 1998). Of these, 86 percent were found in the Kahuzi-Biega lowland forests, and those which extend beyond the park boundary westwards to Kasese (see map, page 4). An oft repeated estimate for the number of gorillas in KBNP itself is +/− 8,000. This was a higher estimate than earlier surveys indicated, and there was some optimism that this sub-species might be relatively safe. Sadly, the optimism was short lived.

When the first reports of the exploitation of Kahuzi-Biega mentioned bushmeat, it was thought that the meat was probably destined for local markets. The independent consultant (IC) confirmed that this was the case when hunting first increased in 1998. Reports of ivory, timber and gold coming out of the park left the impression that anything of value was being looted by these armed 'bandits'. It is only now that the picture since 1999 has emerged. Most of the miners in the park were eating large mammal meat for a year or more, including elephants, gorillas, chimpanzees, buffaloes and antelopes. By the time the IC did his undercover work this March, people were eating tortoises, birds, small antelope and monkeys. He reported that hunters used to go out daily from the mining camps and return with large mammals. Now they go out for up to a week, and even then sometimes return empty handed. No elephant meat was seen during his four weeks of fieldwork, nor were tracks observed. Putting that in the context of the map above, with its scattering of dots representing mining camps and settlements, it seems likely that elephants may be all but extinct and other large mammals have declined dramatically and are heading for local extinction. If these reports are verified, the world population of Grauer's gorilla may have declined by 80-90 per cent, with perhaps as few as 2,000–3,000 survivors in scattered pockets of a few hundred each. The IC report (Annex B) mentions an estimated 200 men setting snares to feed the mining camps. In a park of 6,000 km2, this gives an average hunting ground of only 5km x 6km per hunter (although in reality the distribution would not be even). Clearly, sustained trapping at this intensity will exterminate every terrestrial animal capable of triggering the snares. In addition, the IC mentions poachers and ex-military using fire-arms—these will ensure the arboreal species, such as monkeys and larger birds, do not escape the carnage.

In the mining camps in KBNP, money is seldom used because coltan has become the currency. Most of the bushmeat is not, therefore, being exported to towns for sale, but is being exchanged directly for coltan to feed the miners. But I did hear a story of a large piece of elephant meat being flown out in a military aircraft for consumption by officers.

Ivory

There were also rumors of nearly two tonnes of ivory in a store in Bukavu. In the latest issue of the ICCN PKNB-GTZ Newsletter 'Le Gorille, 4' Chantal Shalukoma writes that 'about 1,340 kg of ivory exist in the commune Ibanda and about 500 kg at the home of a businessman in Bukavu, who acts as an intermediary between the poachers and foreign buyers. These caches are thought to have come from the massacre of 46 elephants in the mountainous region of KBNP.' Hard evidence, however, is harder to come by, although the quantity of ivory on sale in Rwanda is an indication of the increase in illegal trade in that commodity (see Annex E).

Orphaned apes

The IC mentioned that he had seen a live baby gorilla being carried out of the forest on someone's back in a baby wrap. It was not a very small one (maybe 1–2 years) and seemed in good health. This was shortly before an expatriate soldier was offered a baby gorilla for sale in Gisenyi, Rwanda on 10th April 2001, and could well have been the same one. Unfortunately, the well-meaning soldier lectured the vendors on the error of their ways, and so was not taken to see the orphan and its whereabouts now is not known. Sadly, the whereabouts is known of many orphan chimpanzees, who seem better able to survive the traumas of capture and ill-treatment.

At the quarterly meeting of ICCN Conservators on 22nd and 23rd November 2000, the subject of illegally held protected species was on the agenda. It was estimated that there may be as many as 50 orphan chimpanzees in the region—Vince Smith spoke of at least 20 in Bukavu and up to 10 in Goma alone. One of the action points for that meeting was to organize a census of such captives, most of which are not receiving adequate care. The problem is then what to do about them. Without a sanctuary to keep them in, the authorities are unable to confiscate them, and so there is an urgent need for an animal welfare NGO to step in to help here.

The lesson of Uganda's Ngamba Island sanctuary should be considered, however.

Built to cope with just one or two confiscations per year, the war in DRC has led to a sharp increase in chimp orphans being smuggled or brought home by soldiers as pets, and the sanctuary is now full. Resources are now being sought for a second island sanctuary to cope with the anticipated rush of new confiscations by the Uganda Wildlife Authority.

If a similar ICCN approved sanctuary is built near Lake Kivu, it must also become an education centre designed to deter people from killing chimpanzees, and so help to cure the problem of which these sad orphans are a symptom.

SOCIO-ECONOMIC CONSEQUENCES OF THE COLTAN BOOM

The destructive nature of the coltan-rush is not just to be measured in its environmental impact. Instead of being a rate opportunity for bringing benefits to hard-pressed communities, Coltan has brought out the world attributes of human nature—decadence, immorality, drug abuse and crime.

Thousands of families have been deserted by their main wage-earner in the desire to "get-rich-quick".

Agricultural production is therefore down as many fields remain un-tilled.

Prostitution has increased; the IC reported that in the camps, sex was available for a spoonful of coltan.

As a consequence, an increase in sexually transmitted diseases has been reported, especially AIDS.

Drug abuse and crime has reportedly risen as more "fast money" has been circulating.

Education has been badly affected; in Le Gorille 4, Bakongo Mudahama reports that school attendance has dropped by 30 per cent as students have deserted their studies for "la chasse du Coltan".

Many lives have been lost in mining accidents; Bakongo (ibid) reports 90 miners killed in collapsed coltan mines in Mumba and Luwowo.

Almost all of the major profits of this valuable resource accrue to foreigners, not to local people.

It is a double tragedy that the sudden increase in coltan prices has led to social and ecological destruction, rather than providing an opportunity to bring lasting benefits to the people of this region by careful exploitation of legally mined deposits. It is the responsibility of those in the developed world, whose demand has created this chaos, to step in with the skills and resources to turn the situation around.

Coltan mining, with safe mines and environmentally responsible practice, could yet turn out to be a boom to the region. But only a responsible attitude on the part of the buyers will achieve this in a region where guns rule and might is perceived as right. The concept of 'Certified Coltan' needs to be introduced immediately to the world market, and mineral dealers must act quickly if they are not to be tainted with the decadence of the DRC Coltan Boom.

CONCLUSION

The future of Kahuzi-Biega National Park hangs in the balance. It is up to the international community to decide which way that balance will tip.

Although no census has been possible in the occupied lowland section, the warden is now estimating that gorilla numbers in KBNP may have dropped below 1,000, of which 130 live in the better protected mountain sector.

The habituated groups are in this sector, and may end up as the only survivors in the short term. But 130 is considered by geneticists as too small for a founder population of a genetically heterogenous species, and the danger of in-breeding may threaten their long term survival even with protection from bushmeat hunters. There is a slim possibility that a few of the other scattered, isolated populations of Grauer's gorilla have survived, but if so, numbers are likely to be small and declining and they may face the same fate as those in KBNP.

Given that the forests in and adjacent to KBNP were estimated to contain 86 per cent of the world's Grauer's gorillas, and that the other 14 per cent is also likely to have been hit by poaching, the evidence indicates a possible 80–90 per cent reduction in only three years.

If this park and its magnificent gorillas are to be given one last chance, it must be with both parts of the park, and the corridor of land that links them, intact. Now is the time of action!

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In Goma: Vital Katembo, Tuver-Wundi, Dieudonne Ntambabazi, Claude Sikubwabo, Henry Girhuza, Kasuku wa Neyo; Stanislas Bakinahe, Anicet Mburanumwe-Chiri and the staff of ICCN;

In Bukavu: Remy Mitima, Kasereka Bishikwabo, Carlos and Christine Schuler-Deschryver, John Kahekwa, Mbilizi Wenga and the staff of GTZ and ICCN.

For security reasons, some cannot be named here, but named and anonymous, they should know that the world is indebted to them for their continued commitment to conservation in the face of threats to their personal safety.

In England, I am grateful to Greg Cummings, Jillian Miller, Judith Egerton and Celia Davis of DFGFE, to Ben Dykes and David Pledger of BFF for help in the rapid production of this report, and to Stanley Johnson and Cindy Milburn of the International Fund for Animal Welfare (IFAW) for their support and advice.

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Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to rise in support of H.R. 643, legislation which would reauthorize the African Elephant Conservation Act. I would certainly like to compliment and commend the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, the gentleman from Maryland (Mr. GILCHREST), who also happens to be the author of this piece of legislation, a dear friend and a colleague, and certainly also would like to commend the chairman of our Committee on Resources, the gentleman from Utah (Mr. HANSEN), and our ranking Democrat, the gentleman from West Virginia (Mr. RAHALL), for their support in bringing this legislation to the floor.

Mr. Speaker, it was not too long ago when the annihilation of the African elephant population was predicted, if not expected, to occur by the close of the 20th century. Such was the devastation, that by the end of the 1980s the population of African elephants, which once had ranged over virtually the entire Sub-Saharan region of the African continent, was reduced to small remnant populations suffering from widespread poaching and other conflicts with the needs of the growing human population.

In response to this conservation crisis, the Congress of the United States passed the African Elephant Conservation Act in 1988, and the fate of this flagship species has been improving ever since.

Grants initiated under the African Elephant Act have been responsive, effective, and successful in supporting conservation activities throughout Africa. As a result, many range states today have taken great strides in reducing poaching, which was at one time approaching epidemic proportions. Grants have also supported activities to confront and fight the illegal trade in wildlife and to build conservation capabilities to the village level, where there is still much more that needs to be done.

Mr. Speaker, H.R. 643 is a straightforward reauthorization of this act. The administration fully supports this legislation, and I commend the staff of the Fish and Wildlife Service for their cooperation in working with us to improve this legislation. As a result, the few refinements that were adopted during consideration by the Subcommittee on Fisheries Conservation, Wildlife and Oceans should stimulate greater public involvement, help create new partnerships and ensure fair and equitable support for local conservation activities.

In closing, Mr. Speaker, great progress has been made in recovering African elephants from the precipice of disaster. That is an achievement for which we can all be proud. Yet future progress is contingent on the United States maintaining its strong leadership and support for this very successful and effective international wildlife conservation effort.

Again, I commend my good friend from Maryland for sponsorship of this legislation, and I urge my colleagues to support this legislation.

Ms. PELOSI. Mr. Speaker, I rise in support of H.R. 643, legislation which would re-authorize the African Elephant Conservation Act. I am pleased that today we are also considering H.R. 700 to reauthorize the Asia Elephant Conservation Act. These bills are vital to insuring the survival of one of the earth's "flagship" species.

Less than two decades ago, the African Elephant population teetered on the brink of extinction. Rampant poaching fueled by the black market trade of ivory and the encroachment of human development had reduced the once abundant population to a small trace of its former prosperity.

The African Elephant Conservation Act was enacted in 1988 in response to this crisis. The grants initiated under the act have dramatically reduced poaching by working with local communities to eliminate the illegal trade in endangered wildlife and to foster sustainable conservation practices.

At a time when we are confronting the loss of many species, every effort must be made in Congress to preserve species of plants, animals and their habitats throughout the world. We must continue to strengthen endangered species laws and to support the strongest possible measures to ensure the survival of the world's elephants and other wildlife populations.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 643, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GILCHREST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 700) to reauthorize the Asian Elephant Conservation Act of 1997, as amended.

The Clerk read as follows:

H.R. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asian Elephant Conservation Reauthorization Act of 2001".

SEC. 2. REAUTHORIZATION OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.

Section 7 of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266) is amended by striking "1998" and all that follows through "2002" and inserting "2001, 2002, 2003, 2004, 2005, 2006, and 2007".

SEC. 3. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 7 of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266) is further amended—

(1) by striking "There are authorized" and inserting "(a) IN GENERAL.—There is authorized"; and

(2) by adding at the end the following:

"(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.".

SEC. 4. COOPERATION.

The Asian Elephant Conservation Act of 1997 is further amended by redesignating section 7 (16 U.S.C. 4266) as section 8, and by inserting after section 6 the following:

"SEC. 7. ADVISORY GROUP.

"(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of Asian elephants.

"(b) PUBLIC PARTICIPATION.—

"(1) MEETINGS.—The Advisory Group shall—

"(A) ensure that each meeting of the advisory group is open to the public; and

"(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

"(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

"(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.".

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—The Asian Elephant Conservation Act of 1997 is amended as follows:

(1) Section 4(3) (16 U.S.C. 4263(3)) is amended by striking "the Asian Elephant Conservation Fund established under section 6(a)" and inserting "the account established by division A, section 101(e), title I of Public Law 105-277 under the heading 'MULTINATIONAL SPECIES CONSERVATION FUND'".

(2) Section 6 (16 U.S.C. 4265) is amended by striking the section heading and all that follows through "(d) ACCEPTANCE AND USE OF DONATIONS.—" and inserting the following:

"SEC. 6. ACCEPTANCE AND USE OF DONATIONS.".

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105-277 (112 Stat. 2681-237) is amended under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" by striking "Rhinoceros and Tiger Conservation Act, subchapter I" and inserting "Rhinoceros and Tiger Conservation Act of 1994, part I".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support this legislation, H.R. 700, to extend the Asian Elephant Conservation Act. This act was first proposed in 1997 by the gentleman from New Jersey (Mr. SAXTON) in response to the dramatic decline in the population of Asian elephants.

There are many reasons why the population of this keystone species has fallen to less than 40,000 animals in the wild. However, the overriding reason has been the loss of essential habitat. In the short time the Asian Elephant Conservation Fund has been in place, the Fish and Wildlife Service has spent $3 million on 27 conservation projects in nine different range countries. These projects have assisted in the construction of anti-poaching camps, equipped field staff, and educating local indigenous people about the critical importance of conserving this species.

During our subcommittee hearing, Ms. Ginette Hemley of the World Wildlife Fund testified that "when tigers and elephants thrive, the whole ecosystem thrives. When they suffer, the entire ecosystem suffers, including the people that live in or around it."

Mr. Speaker, I urge an aye vote on H.R. 700. I am confident by reauthorizing this small investment of money we will provide huge conservation benefits.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 700, a bill to reauthorize the Asian Elephant Conservation Act.

I certainly would like to commend my good friend, the former chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, the gentleman from New Jersey (Mr. SAXTON), for being the author and the sponsor of this legislation, and certainly for his continued leadership in protecting the world's imperiled wildlife heritage. I also thank the gentleman from Maryland (Mr. GILCHREST), our current chairman of the subcommittee, for his leadership in bringing this legislation forward.

Mr. Speaker, unlike African elephants, the plight of Asian elephants was not widely known until 1997, only 4 years ago. Sadly, we have learned that the population of Asian elephants, at one time flourishing throughout Southern and Southeast Asia, is now fragmented into populations scattered across 13 countries, most of which are shrinking.

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In addition, Mr. Speaker, domesticated use of Asian elephants for transport and other industrial activities has removed animals from traditional areas and further stressed wild populations. With so many changes to the natural habitat, domesticated uses are now one of the several factors which are a threat to the future viability of Asian elephants in the wild. This issue needs to be addressed in a manner which addresses traditional cultural values and the continued survival of the species.

Fortunately, Mr. Speaker, the Asian Elephant Conservation Act has helped address these threats. Grants initiated under the act have provided valuable financial assistance to impoverished areas to support a wide range of conservation activities. Most notably, the development of conservation strategies and education tools to address the growing frequency of elephant-human conflicts, a scenario which often proves deadly for the elephants, the local villagers, or both, has been especially effective.

The grants have also supported important ecological studies, construction of anti-poaching camps, and provided conservation training in several range States. Progress, albeit slow, has been made.

Mr. Speaker, H.R. 700 is a bill which was ordered reported by the Committee on Resources by unanimous vote. In addition, the administration fully supports this legislation, as do many international conservation organizations, including the World Wildlife Fund and the Wildlife Conservation Society.

Everyone agrees that the technical amendments to the existing act contained in H.R. 700 will only improve the effectiveness of the grant program throughout southern and southeast Asia.

Mr. Speaker, unfortunately there are still many remaining challenges to overcome if we hope to sufficiently recover stable and ecologically viable populations of Asian elephants throughout the animal's historic range. Yet, that is a global conservation challenge that the United States should not shy away from.

Conservation assistance made available under the Asian Elephant Conservation Act is desperately needed, and again, I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the chairman and the ranking member of the subcommittee for the great work they have done in expeditiously bringing this bill to the floor.

I am pleased to rise today to speak in favor of H.R. 700, the Asian Elephant Conservation Reauthorization Act of 2001, which I introduced on February 14 of this year. I was pleased it was reported favorably out of Subcommittee on Fisheries Conservation, Wildlife and Oceans on March 29, 2001, and was pleased that it was finally reported out of the full committee on May 16.

Four years ago, I introduced this bill because I was startled to learn that there were less than 40,000 Asian elephants living in the wild. Furthermore, nearly 50 percent of those elephants were living in various national parks in India, while the remaining animals were scattered in fragmented populations throughout 12 other countries in south and southeastern Asia.

The primary reason for this serious decline in population is the loss of essential habitat. It is no secret that elephants and man are in direct competition for the same resources. In most cases, it is the elephants who lost. In addition, Asian elephants are poached for their bones, hide, teeth, meat, and they are still captured for domestication, and conflicts between elephants and people are escalating at an alarming rate, even today.

Furthermore, it was clear millions of people were not aware of the plight of the Asian elephants. In addition, range countries lacked the financial resources to help conserve this flagship species. Without an international effort, the future of the Asian elephant was in serious jeopardy.

In response to this problem, along with a number of other Members, I proposed the establishment of the Asian Elephant Conservation Fund. This concept was modeled after the highly successfully African Elephant Conservation Act. The primary goal of my legislation was to obtain a small amount of Federal assistance for on-the-ground conservation projects.

Fortunately, this legislation was overwhelmingly approved by both bodies and was signed into law on November 19, 1997. Under the terms of this new law, the Congress could appropriate up to $25 million to the Asian elephant conservation fund until September 30, 2002. In fact, some $1.9 million in Federal funds has been allocated, and those monies have been matched by an additional $1.1 million in private donations.

Those funds have been used to underwrite 27 conservation grants in nine different range countries. The type of prospects funded have included development of an elephant strategy in Sri Lanka, identification of a suitable managed elephant range in Malaysia, equipment for the local population assessment of Asian elephants, school education to support Asian elephant conservation in India and trace the mobility patterns of Sri Lanka's elephants.

These projects were carefully analyzed and competitively selected from a list of nearly 100 proposals that were submitted to the U.S. Fish and Wildlife Service.

While the early indication is that the worldwide population of Asian elephants has stopped its precipitous decline, it is unrealistic to believe that $3 million can save this species from extinction. Nevertheless, this law has sent a powerful message. I am pleased to have introduced this reauthorization, and am hopeful that it will pass the House today.

Mr. GILCHREST. Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 7 minutes to my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, before I begin my formal remarks, I would like to pay tribute to my good friend, the gentleman from New Jersey (Mr. SAXTON). I think he is being a bit modest by simply citing the fact that he introduced this Asian elephant conservation bill and gave me the privilege of being able to sign it with him as the ranking member on his committee at that time.

I am very grateful to the gentleman from Maryland (Mr. GILCHREST) and his staff, both for the majority and the minority, not only for the reauthorization on the present H.R. 700, but for the incredible, great work that the staff did with the introduction of the original bill.

My respect for the gentleman from New Jersey (Mr. SAXTON), I can say without reservation, was considerable before this took place, and has only risen since that time. If there is anyone in this body that carries through on the implications of any legislation with which he or she is associated, it is the gentleman from New Jersey.

In this particular instance, as he cited in his remarks, the Asian elephant simply did not have the kind of profile, either in world opinion or in the consciousness of those interested in the environment and conservation throughout the world, that the African elephant did.

The reauthorization in the previous bill is, of course, needed, and the work that has been done with regard to the African elephant and the role played by the United States of America in that has been considerable and most positive, as has been cited. But in this particular instance, because of the insight and the carry-through of the gentleman from New Jersey, the Asian elephant was able to achieve at least some place in the sun that it would not otherwise have occupied.

The implications for southeast Asia in particular are considerable because, as I will state in my more formal remarks, the Asian elephant is in fact a flagship species with respect to all kinds of considerations in the environment and conservation of other species, and I firmly believe that in time to come, the gentleman from New Jersey (Mr. SAXTON) will be recognized not only as a pioneer with regard to Asian elephant conservation, but as one of the primary figures in the world environmental and conservation movement.

I wish to add one other thing, Mr. Speaker. I also want to pay tribute to, and I wish he was on the floor so I actually could look him in the eye when I was saying it, because of the pleasure it would give me, I want to mention in particular the gentleman from California (Mr. POMBO); who has been instrumental in educating me for one, I can tell the Members, on the questions of conservation of wild animals and the environment.

I think he has played a particularly positive role in support of the kinds of things that the gentleman from New Jersey has taken the lead on, and especially in the realm of wild animal conservation, the gentleman from California (Mr. POMBO) is a leader. It is a pleasure to be associated with him in this regard, as well.

That said, Mr. Speaker, with recent awareness of the increasing threat to the welfare of the Asian elephant, an already endangered species, a bill entitled the Asian Elephant Conservation Act of 1997 was introduced into the House of Representatives in June of 1997. It passed the House in October, on October 21, and the Senate on November 8, and was signed into law by the President on November 19, 1997.

The act is designed to assist the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of the Asian elephant, and projects of persons with demonstrated expertise in the conservation of Asian elephants. A grants program was established for awarding proposals that fulfilled the purpose described by the act.

This act has been very successful, Mr. Speaker, and is not a foreign give-away program. The funds appropriated under this act are matched by the recipient countries. It gives them the necessary support so they can leverage this money with their own resources to establish conservation and research programs, communication networks and administration, to save these endangered animals.

Unless immediate steps are taken to conserve this magnificent animal, it will surely continue to disappear from much, if not most, of its traditional habitat. This program helps establish a win-win situation where recipient countries can explore management strategies that minimize poaching and negative elephant and human interaction in farming communities. In short, recipient countries are able to find solutions that are in their economic best interests.

Also assisting these countries on a wide range of projects are numerous non-governmental organizations and the United States Fish and Wildlife Service.

In closing, Mr. Speaker, I want to thank our good friends, the chairman and the ranking member, for giving us the opportunity to appear here. I want to say that while, for many, bills which come on the consent calendar may seem to be pro forma in presentation, over and over and over again when we examine the content and context of the bills before us, we find that they are addressing issues of prime importance, not only to people of the United States, but in many instances we can say to people of the world. This bill is in fact one of them. I am very, very pleased and proud to have been associated with it, and count it as among the genuine privileges of holding public office, particularly in the House of representatives, to be associated with the individuals who have made this day possible.

Mr. Speaker, the Asian Elephant Conservation Act of 1997 was authored by U.S. Representative JIM SAXTON (R–NJ) and myself.

With recent awareness of the increasing threat to the welfare of the Asian elephant, already an endangered species, a bill entitled Asian Elephant Conservation Act of 1997 was introduced into the House of Representatives June 4, 1997. Passed by the House on October 21 and by the Senate on November 8, it was signed into law by the President on November 19, 1997. The act is designed to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants. A grants program was established for awarding proposals that fulfill the purpose described by the Act.

This act has been very successful and is not a foreign "give-away" program. The funds appropriated under this Act are matched by the recipient countries. It gives them the necessary support so that they can leverage this money with their own resources to establish conservation and research programs, communication networks and administration to save these endangered animals.

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This program helps establish a win-win situation where recipient countries can explore management strategies that minimize poaching and negative elephant and human interaction in farming communities.

In short, recipient countries are able to find solutions that are in their economic best interests. Also assisting these countries on a wide range of projects are numerous non-governmental organizations and the U.S. Fish and Wildlife Service.

The United States must continue their leadership in this very important conservation program. I cannot overemphasize that this is where a relatively small appropriation has helped leverage a very successful program that has stopped the decline of the Asian elephant saving it from possible extinction.

We cannot allow the Asian elephant, which has such a direct impact on so many other species, to become extinct. The goal of this legislation is to stop the decline and hopefully rebuild the population of this irreplaceable species by financing with a small amount of federal money a number of conservation projects.

According to international experts, there are fewer than 45,000 Asian elephants living in the wild. On a daily basis, these animals face the loss of their forest habitat, poachers who kill them for their bones, hide, ivory and meat, capture for use in Burma's timber industry, and conflicts between elephants and man.

Unless immediate steps are taken to help conserve this species, it will continue to disappear from its historic habitat. We should not allow this magnificent animal to disappear from this planet. This investment by the United States will significantly improve the likelihood that wild Asian elephants will exist into the 21st century.

The act was modeled after the highly successful African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994.

It established an Asian Elephant Conservation Fund to be administered by the U.S. Department of Interior. The measure would be authorized for 5 years and $5 million per year.

The funding could be used for: Anti-poaching efforts, conservation management plans, translocation of threatened populations, monitoring of census figures and known populations, and public education for elephant conservation.

This legislation is endorsed by organizations like the World Wildlife Fund, Safari Club International and other conservation groups.

Mr. Speaker, I include for the RECORD the following information on the Asian elephant:

FACTS ON THE ASIAN ELEPHANT

There are an estimated 35,000 to 45,000 Asian Elephants living in the wild in 13 Asian nations.

The Asian Elephant is listed as "endangered" under the United States' Endangered Species Act.

The major causes for elephants' "endangered" status are: Loss of habitat caused by population growth (all Asian Elephants required a shady or forest environment and the forest habitat in Asia is rapidly disappearing); fragmented populations of elephants (there are only 14 populations that have more than 1,000 elephants each); and poaching for meat, hide bones, ivory and teeth (bones and teeth are used in traditional Chinese medicine).

The largest population of Asian Elephants in the wild are found in: India (20,000 to 24,000), Burma (5,000 to 6,0900), and Indonesia (2,500 to 4,500).

Wild elephants are still captured and trained for use in logging operations in Burma.

The Asian Elephant is a flagship species and its conservation has a positive impact on other animals like tigers, rhinoceros, clouded leopards, Malayan Sunbears, Hoolock gibbons, lion-tailed macaques and peacock pheasants.

The Asian elephant can weigh up to 5400 kg (11,900 lb). It currently occupies forested habitats in hilly or mountainous terrain, up to about 3600 m (11,800'). An adult eats approximately 150 kg (330 lb) per day—mainly grasses but also leaves, twigs and bark. It feeds during the morning, evening and night and rests during the middle of the day, requiring shade during the hot season to keep from overheating. Elephants cannot go for long without water (they require 70–90 liters (19–24 gal) of fluid/day) and sometimes must travel long distances each day between their water supplies and feeding areas.

One calf is born every 3–4 years after a pregnancy lasting about 22 months. Although mature male elephants may live alone, females live in family groups consisting of mothers, daughters and sisters, together with immature males. Wild elephants can live to be sixty years old.

The Asian elephant once ranged from the Tigris and Euphrates Rivers in ancient Mesopotamia in the west, east through Asia south of the Himalaya to Indochina and the Malay Peninsula, including Sri Lanka and Sumatra and possibly Java, and north into China at least as far as the Yangtze River. In the 19th century it was still common over much of the Indian subcontinent, Sri Lanka and the eastern parts of its range. By 1978, Asian elephant were found in the same countries as they are at present.

Female Asian elephants are not affected by ivory poaching (due to their lack of tusks), so poaching has not affected the overall population numbers of Asian elephants as drastically as it has in the case of the African elephant. The single most important cause of the decline of the Asian elephant has been the loss of habitat. They have also been affected by persecution due to the crop damage they are perceived to cause.

Countries where it is currently found: 1996: Occurs in Bangladesh, Bhutan, Brunei, Cambodia, China, India, Indonesia, Laos, Malaysia, Myanmar, Nepal, Sri Lanka, Thailand and Vietnam.

Maximum age: Sixty years in the wild (more than 80 years in captivity).

Social organization: The Asian elephant is gregarious, and, although males sometimes live alone, females are always found in family groups consisting of mothers, daughters, sisters and immature males. In the 19th century, these family groups usually consisted of 30–50 animals, but much larger groups, as large as 100 individuals, were not uncommon. Sometimes an adult male can be associated with a herd. When not, adult males usually remain solitary and disperse over relatively small, widely overlapping home ranges; sometimes they gather together in small but temporary bull herds. They do not seem to be territorial, and there is a great amount of toleration between them, except possibly when the cows are in estrus.

Asian elephants are very sociable and live in basic family units of one adult cow and her offspring. Daughters remain with their mothers, but sons leave at puberty, often joining bull groups or remaining solitary. Bull elephants associate with a family when a cow is in oestrus. This species does not appear to be territorial. Males have home ranges of about 15 square km, and herds of females of about 30 square km, which increases in the dry season. Seasonal migration has been made virtually impossible, due to human development.

Females usually have one calf after a gestation period of 18–22 months and give birth every three to four years. The calves weigh about 100 kg at birth and suckle for about 18 months. They can eat some vegetation after several months.

Asian elephants are now listed as endangered, and have long since vanished from Southwest Asia and most of China. Sri Lanka was once recognized for its large elephant populations, but today the numbers are being reduced. As the number of humans increases, the area of natural habitat that the elephants rely on is being depleted. Elephants are being forced onto farming areas, where they cause damage.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly would like to compliment my good friend, the gentleman from Hawaii (Mr. ABERCROMBIE), for his eloquence and for his substantive remarks concerning this important issue of the Asian elephant.

I realize that perhaps some of the members of the public are wondering, in the midst of the $1.3 trillion tax cut, Social Security, the health care problems, the hundreds of billions going to defense and all this, why are we talking about elephants.

I would like to compliment again both the gentleman from New Jersey (Mr. SAXTON) for his sponsorship of the Asian Elephant Conservation Act, and my good friend, the gentleman from Maryland (Mr. GILCHREST), for his leadership in not only the subcommittee, but for bringing the reauthorization of the African Elephant Conservation Act.

I recall that, and maybe this is something unique in our Nation and something that we ought to be grateful for, I recall years ago when there were problems with the dolphins. It was amazing, Mr. Speaker, that it was not government that brought this to the attention of the Congress, it was not business, it was the children of America.

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They were concerned about the slaughtering needlessly of some 200,000 dolphins a year by fishermen, and if they wanted to get after the tuna, they had to slaughter these mammals that are so beautiful. Beautiful creatures that the Lord has made as part of our environment.

Mr. Speaker, I think the same could be said about elephants, and I think we need to compliment and, again, thank the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Jersey (Mr. SAXTON) for their leadership in bringing these two pieces of legislation for consideration.

Again, I want to urge my colleagues to support this legislation, and I urge my colleagues to vote in favor of this bill. I want to thank also the members of our staff, from this side of the aisle, Mr. Dave Jansen and Mr. Jeff Petrich, for their staff expertise and the understanding of this piece of legislation for where we are now, in bringing this bill for consideration by the Members. Again, Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his assistance, certainly the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from New Jersey (Mr. SAXTON).

We did not get the Asian Elephant back again this time, as the gentleman from New Jersey (Mr. SAXTON) did, but certainly our thoughts are in the right place. It used to be that people thought that the habitat of the Asian and the African Elephant was an endless frontier.

Now we know it was not endless, and the frontier is gone. So it is highly appropriate for us, along with the international community, to set aside a small sliver of habitat that can in some small way reflect the bounty that used to be so that generations unseen in the future will be able to enjoy the magnificence of the creation that we now see.

Mr. DAVIS of Illinois. Mr. Speaker, and colleagues, four years ago we unanimously approved the Asian Elephant Conservation Act of 1997, in order to protect the endangered Asian Elephant that proves so vital for ecosystems in Southeast Asia. Our efforts were not in vain.

Four years ago the Asian Elephant was caught in a downward spiral towards extinction. Poachers indiscriminately hunted them for their hides, meat, tusks, and teeth. Farmers and urban expansion destroyed their habitats. The effects of these actions were evident in 1997 when there were only an estimated 35,000 elephants left in existence. Today there are an estimated 35,000–50,000 elephants, demonstrating that while our efforts have succeeded to some extent, much more needs to be done.

Extinction of the Asian Elephant is still entirely possible, and we must not simply stand idle while this happens. Like most ecosystems of the world, the Asian Elephant is a vital part of its natural habitat, and its existence and interaction with other species proves crucial in maintaining an ecological balance within the Southeast Asian region. For example, the elephants feed on bark from trees that they uproot; smaller species of mammals, insects, and birds rely on "leftover" debris from these trees as a dietary staple. Extinction of the Asian Elephant would have multiple and severely negative effects on the populations of countless other species.

We must continue to protect this species from poachers and the deforestation that threatens to permanently displace it. By appropriating funds we will also actively discourage poachers, and encourage education that will bolster conservation efforts.

Mr. Speaker, distinguished colleagues, please join me in support in passing H.R. 700, so that we may ensure the survival of this beautiful and vital species.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 700, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R 643 and H.R. 700.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISHOLM

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 97) recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm.

The Clerk read as follows:

H. RES. 97

Whereas Shirley Anita Chisholm has devoted her life to public service;

Whereas Shirley Anita Chisholm served in the New York Assembly from 1964 to 1968;

Whereas Shirley Anita Chisholm became the first African American woman to be elected to Congress in 1968;

Whereas. Congresswoman Chisholm was a fierce critic of the seniority system in Congress, protested her assignment in 1969 to the Committee on Agriculture of the House of Representatives, and won reassignment to a committee of the House of Representatives on which she could better serve her inner-city district in Brooklyn, New York;

Whereas Congresswoman Chisholm served as a Member of Congress from 1968 until 1983;

Whereas Congresswoman Chisholm proposed legislation to increase funding for child care facilities in order to allow such facilities to extend their hours of operation and provide services to both middle-class and low-income families;

Whereas in 1972 Congresswoman Chisholm became the first African American, the first woman, and the first African American woman to be a candidate for the nomination of the Democratic Party for the office of President of the United States;

Whereas Congresswoman Chisholm campaigned in the primaries of 12 States, won 28 delegates, and received 152 first ballot votes at the national convention for the nomination of the Democratic Party for the office of President of the United States;

Whereas Congresswoman Chisholm has fought throughout her life for fundamental rights for women, children, seniors, African Americans, Hispanics, and other minority groups;

Whereas Congresswoman Chisholm has been a committed advocate for many progressive causes, including improving education, ending discrimination in hiring practices, increasing the availability of child care, and expanding the coverage of the Federal minimum wage laws to include domestic employment;

Whereas in addition to the service of Congresswoman Chisholm as a legislator, Congresswoman Chisholm has worked to improve society as a nursery school teacher, director of a child care facility, consultant for the New York Department of Social Services, and educator; and

Whereas it is appropriate that the dedicated work and outstanding accomplishments of Congresswoman Chisholm be recognized during the month of March, which is National Women's History Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the enduring contributions and heroic achievements of Shirley Anita Chisholm; and

(2) appreciates the dedicated work of Shirley Anita Chisholm to improve the lives and status of women in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 97.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to have the House consider House Resolution 97, which recognizes the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm.

I want to thank my distinguished colleague, the gentlewoman from California (Ms. LEE), for introducing this legislation which gives us an opportunity to honor Ms. Chisholm's achievements.

Shirley Chisholm has brought honesty, integrity, and compassion to her lifetime of public service. In 1959, Ms. Chisholm joined the New York Department of Social Services and the Department of Day Care. There, the living conditions of poor and minority women and children were a constant concern that became a priority for the rest of her life.

She was elected to the New York Assembly, where she served from 1964 to 1968. In 1969, she still spoke for the less fortunate in our society when a 3–1 margin of victory made Ms. Chisholm the first African American woman to serve in the U.S. House of Representatives.

House Resolution 97 reflects the extensive accomplishments and inspired activism of Ms. Chisholm as a Representative of the Bedford-Stuyvesant District. Ms. Chisholm was determined to make the system work for those who needed it most.

In addition to all her accomplishments, Ms. Chisholm was a pioneer and an idealist. Not only was she the first African American woman to serve in Congress but she was also the first woman and the first African American woman to seek her party's nomination for President of the United States.

As one of the first candidates to address the issues of young adults, Shirley Chisholm has always and continued to reach out to students and youth as a professor at Mount Holyoke College after choosing not to run for reelection in 1982.

In fact, Shirley Chisholm never ceased to find new ways to serve her district, her State, and her Nation before, during, and after her time as a Member of the House.

The same issues that propelled Shirley Chisholm into office are the same issues she addressed each year while in office. Ms. Chisholm helped pass the Adequate Income Act of 1971, which guaranteed a minimum income for impoverished families. She helped convince Congress to override President Ford's veto of the bill which finally provided support for State day care agencies.

She tirelessly worked to protect programs that supported minority children; and even after holding office, Ms. Chisholm continued her fight for minority rights by establishing the National Political Congress of Black Women. All of these efforts in and out of office are manifestations of Shirley Chisholm's dedication to improving poor living conditions and the rights of women and minorities.

Great gains have been made since Ms. Chisholm's first term in the House. There are now 62 female Members of the House. Of these 62 women, 15 are African American. And we just added one the other day, the gentlewoman from California (Ms. WATSON) to replace our very distinguished Mr. Dixon, who I am sure is looking down with great favor.

While this statistic is encouraging, we can do more to honor Ms. Chisholm's legacy. She broke down the barriers of race and gender relative to congressional representation, and we have to continue in her footsteps. As a pioneer, an idealist, she reminds us of what true public service and political leadership could be and should be.

Mr. Speaker, I urge my colleagues to support House Resolution 97.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in support of this resolution. In 1968, a court-ordered reapportionment of New York's Congressional District created a new 12th district centered in the Bedford-Stuyvesant section of Brooklyn. Shirley Chisholm, the daughter of immigrants, won the election in that district.

As the first black woman to serve in Congress, Shirley Chisholm is quoted as saying at that time "tremendous amounts of talent are being lost to our society just because that talent wears a skirt." Shirley Chisholm's advocacy on behalf of her constituents and the examples she has set for the women that have followed her have not been lost on this body, as is evident from this resolution.

When Shirley Chisholm arrived in the House of Representatives from her inner-city district, the Democratic members of the Committee on Ways and Means assigned her to the Committee on Agriculture. Shirley Chisholm, already a critic of the committee system and its emphasis on seniority, appealed to her party caucus for reassignment to a committee of greater relevance to her district.

She then received a seat on the committee on Veterans Affairs, followed by several terms on the Committee on Education and Labor and the Committee on Rules. Throughout her service in Congress, Shirley Chisholm fought to extend or protect the same kind of social programs that were at the center of her State and local activism.

Among her efforts to aid families were her proposed funding increases to extend the hours of day care facilities and open such facilities to the children of working mothers of low-income and middle-income groups.

She sponsored the Adequate Income Act of 1971, which guaranteed an annual income for families; and her defense of the Office of Economic Opportunity against the Nixon administration's efforts to eliminate that agency will always be remembered.

On January 25, 1972, Shirley Chisholm declared her candidacy for the Democratic Presidential nomination. She campaigned extensively and entered primaries in 12 States, winning 28 delegates and receiving 152 first ballot votes at the convention.

Shirley Chisholm was indeed a role model as an elected official and an activist. I am pleased to join in support of this resolution.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from California (Ms. LEE) for the purposes of controlling time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. DAVIS), for yielding the time to me and for allowing us this time today and for his assistance and in pushing this resolution forward to honor a great human being.

Mr. Speaker, I rise in strong support of H. Res. 97, a bill that recognizes the enduring contributions, the heroic achievements, and the dedicated work of my friend and mentor Shirley Anita Chisholm.

I am honored to sponsor this bipartisan resolution, and I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for being here with us today in celebrating the numerous accomplishments of a dynamic woman who has devoted her life to public service and who broke many glass ceilings.

Ms. Chisholm is now retired but continues to touch the lives of many individuals. I would like to recognize Ms. Chisholm for her courageous leadership as an African American pioneer, a heroic woman, and an outstanding American.

Ms. Chisholm became the first African American woman elected to Congress in 1968. And today, as the gentlewoman from Maryland (Mrs. MORELLA) just indicated, we have 15 phenomenal African American congresswomen who serve the Nation in an amazing way.

Shirley Chisholm was elected during a time when there were few women elected officials, as well as few ethnic minority women in public office.

The gentleman from Illinois (Mr. DAVIS) outlined the many committees that Congresswoman Chisholm served on. He mentioned the powerful Committee on Rules. She knew how to exercise power for the good of the country and she exhibited remarkable political skills, clarity on the issues, and tough love as she masterfully engaged in the legislative process.

Ms. Chisholm worked hard to get elected to Congress as a woman and as an African American and as an American. While in office, she stood up for the principles she was guided by, despite the numerous battles she faced in office.

She fought the fight for what she believed in, despite the struggles she faced as a woman and as an African American. She represented the voice of minorities, women, and children while in public office and worked hard to make sure that their issues were addressed and incorporated in all aspects of public policy.

Ms. Chisholm was really a woman far ahead of her time. She was truly a visionary. I was so proud and amazed each time I heard her speak fluent Spanish. She is proudly bilingual.

One of Ms. Chisholm's slogans used in her campaign was a catalyst for change. That indeed she was. Her extraordinary work has inspired and empowered many, many women to become active citizens by engaging in the political process.

□ 1500

Mrs. Chisholm inspired me through her wisdom and vision to strive for success and stand up for fundamental rights. She was my role model and convinced me that I could achieve anything if I work hard for it even in a white male dominated society.

I have so many personal, wonderful and inspiring memories of Shirley Chisholm, but just for a minute let me just mention one. Imagine a young woman on public assistance raising two small boys as a single mother, trying to get through college. One day, this young woman meets an inspirational and brilliant African-American Congresswoman from New York who was running for President. She was really in awe.

Yes, that young woman way back there in 1972 was me. That powerful woman was Mrs. Shirley Chisholm, Congresswoman Shirley Chisholm, Candidate Shirley Chisholm, who visited my college at Mills College in Oakland, California to convince students to become organized by getting involved in her campaign.

I reflect upon this today because I see so many young girls and women who need role models and mentors to encourage them to develop their potential.

Shirley Chisholm's courage and wisdom enabled many women to enter careers that were really nontraditional. Her mission to incorporate women, children, African Americans and all minorities into public policy opened the door to a whole new debate that was lacking in Congress during her time.

Mrs. Chisholm was truly unbought and unbossed.

Through her example, she encouraged me, like many, to believe in myself and work hard in our mission to expand women's rights and minority rights as an African American.

In 1972, Mrs. Chisholm wanted to incorporate her ideals and beliefs into a larger scale. So, as we know, in 1972, she became the first African American, the first woman, the first African-American woman to be a candidate for the Democratic presidential nomination.

I was proud to have been part of her campaign. In fact, that was the very first political endeavor of my entire life.

Like so many young people, I was not sure that politics could make a difference in my life or the lives of my communities. But she convinced me to take a chance. She told me first that I better register to vote, and then she encouraged me to become more involved.

So I want to congratulate Mrs. Chisholm for her great accomplishments and take this time to celebrate her courage, her wisdom and her strength.

I thank Shirley Chisholm for giving me a glimpse of the grand possibilities that public service really does provide individuals, and I thank her for her challenging life's work as well as for her kind and gentle spirit.

Each time that I speak with Shirley Chisholm, I am inspired to go back to the drawing board, to regroup, to bounce back with a new-found sense of passion, fire and enthusiasm until of course that there is liberty and justice for all.

For these reasons and for many more today, I want to just thank Shirley Chisholm. Like so many others, I deeply love, respect and honor her.

I urge my colleagues to join me in celebrating the accomplishments of Mrs. Chisholm by supporting this resolution. I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) very much for allowing me to take these 4 minutes to speak about my friend Shirley Chisholm. I thank the gentlewoman from California (Ms. LEE) for organizing us around this special recognition.

I am delighted to join with my colleagues here today as we recognize the accomplishments of someone who has been truly a leader, a role model, and my friend. Shirley Anita Chisholm is one of the most inspirational women that I have ever met, and this is a woman with an impressive legacy.

Early on, she spoke out on behalf of the people who most needed a voice. She spoke out for children, minorities and women. To this day, her commitment to the underrepresented has never failed.

In 1964, Shirley Chisholm won by a landslide a seat on the New York State Assembly. There one of her initiatives was to author legislation that instituted a program known as SEEK, a program providing college funding to disadvantaged youth.

Four years later, Shirley Chisholm made history. She became the first woman, the first African American and the first African-American woman to be elected to Congress. Mrs. Chisholm served seven terms as a Member of the House of Representatives.

During that time, Shirley Chisholm advocated not only for the rights of blacks, but also for the rights of other people of color, including Native Americans and Spanish-speaking migrants. She would not stand for discrimination of any kind.

In her congressional office, Ms. Chisholm went against tradition of the time that paid men higher wages than women. In addition, she broke down barriers that prevented women from being promoted to certain positions.

While in Congress, Shirley Chisholm continued the struggle for equality, leading the drive to expand the coverage of minimum wage legislation to include domestic workers. She also was a leader in the effort to end forced sterilization of mental health patients.

The woman we honor today took other bold steps as well. In 1972, she broke boundaries by campaigning for the Democratic presidential nomination. Her efforts opened the door to later campaigns.

Shirley Chisholm has been involved in numerous endeavors. She has written two books, including the one that we will hear discussed most when people talk about Shirley Chisholm, "Unbought and Unbossed," her autobiography to 1970. From 1983 to 1987, she held the Purington Chair at Mount Holyoke College.

In 1984, Shirley Chisholm and I joined with a group of 34 African-American women leaders to form the National Political Congress of Black Women. Ms. Chisholm later served as the first chair of that organization. That organization is still going strong today with C. Dolores Tucker as its leader.

Shirley Chisholm's efforts must not be forgotten. The fact that they are so extraordinary provides us with a clear sign that we have not yet done enough. It is my hope that by honoring her today, we are taking one more step to the justice and equality we need in this country.

Mr. Speaker, I heard the gentlewoman from California (Ms. LEE) talk about how she was inspired by Shirley Chisholm. I think that all of us as women Members of Congress could not help but be inspired by Shirley Chisholm no matter on which side of the aisle we serve. Certainly we all knew about her, and certainly we all aspire to be like her.

There is one thing that I would like to have said about me, is that I am as feisty as Shirley Chisholm and that I too am unbought and unbossed. If I could get that said about me, that would be worth everything.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to the gentlewoman from California (Ms. WATERS) I vividly remember the day I met her, and it was at an event for Congresswoman Shirley Chisholm in Los Angeles. That is a testimony to, I think, the type of people that Congresswoman Shirley Chisholm brought together all over our country, men, women, minorities, people of conscience throughout our country.

Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a woman who serves with distinction the Washington, D.C. area, our Washington, D.C., the home of all of us, and a woman who serves in the tradition of Congresswoman Shirley Chisholm.

Mrs. MORELLA. Mr. Speaker, I yield 30 seconds to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California for her generosity, and I thank her for her prescience for bringing this resolution to the floor.

I also thank the gentlewoman from Maryland (Mrs. MORELLA), my good friend, who characteristically has come forward for a woman pioneer. I use the word "pioneer" here in its literal meaning. I know the term is used loosely. But I mean to avoid cliches here. This woman gives real meaning to the word "pioneer": first woman, first African-American woman in the House of Representatives, first African-American woman to run for President, first African-American woman to found a national political women's organization, the National Political Congress of Black Women, now with C. Dolores Tucker as chair.

I was one of the co-founders with the gentlewoman from California (Ms. WATERS) and a number of others, but the leader of that group was the woman who was chief in charge of us all; and that was Shirley Chisholm.

Just think of it. A little over 30 years ago, there was not a single black woman who had ever served in this body. Now there are 13 of us. That means that we are coming up on being almost half of the Congressional Black Caucus and over a quarter of the women in the Congress.

I am telling my colleagues, it took guts and intelligence and all the other characteristics that one can think of to be the first one to step up here and say I am coming. Nobody has come before, but here I come.

For me, it is almost like for the gentlewoman from California (Ms. LEE), Shirley Chisholm is not simply a distinguished African-American woman who I admire as a role model. This is a woman who has been a friend since the days when she and I both served in New York, she in the State Assembly, me as New York City Commissioner on Human Rights. I saw this woman rise in the State Assembly, and I saw her rise to the Congress, and I saw the characteristics that made that happen.

Every woman in this body is personally indebted to Shirley Chisholm because of how she made women count in America. When she stepped forward, one did not have to be her color to be proud.

Shirley Chisholm was a leader in giving feminism a black face. For that, I am personally indebted. This was a prominent black woman who was unafraid to step up and say, hey, listen here, I am black and I am a woman and I am proud of both, and I do not want to hear about how you are not supposed to be a woman if you are black.

She made it safe to be a black feminist. She cleared the way for all of us who regard ourselves as feminists. She was not turned back by the notion of matriarchy or words of that ilk.

She of course came to Congress out of her work with women and children in the social services department in New York, seeing the hardships of women and children. She became the special advocate of women and children for her entire life. It was her lifelong mission: minimum wage for women in the New York State Assembly, minimum wage for women right here in this country, minimum wage for domestic workers in the New York State Assembly, minimum wage for domestic workers in the House of Representatives, affordable child care.

Child care for poor women, sure. But Shirley Chisholm stood up and said, you know what, the average woman needs child care, too, the average middle-class woman; and she needs it for all day because those are the workdays.

Shirley Chisholm of course never stayed in her place. She did not know how to stay in her place. So she did not just stop with her women and children, her lifelong mission. She was there up in front for the all-volunteer army, for the prohibition on arms sales to South Africa before that became an issue in this body, for consumer protection.

She was one of the few Members to become a national figure as a result of her service in this place. She became a national Congresswoman. She represented Bedford Stuveysant and Bushwick. If my colleagues know anything about Brooklyn, they know that is a tall order.

But millions of Americans of every color thought of Shirley Chisholm as their Congresswoman. Some of us are especially indebted to Shirley Chisholm for countless contributions to the African-American community and to black women in particular. But the United States of America itself is indebted to Shirley Anita Chisholm for 15 years of pioneer service to her country.

I want my last words to be understood because I spoke of her service to African Americans and to black women in particular. But I want it to be understood that I believe the United States of America itself is indebted to Shirley Chisholm for 15 years of pioneering service to her country in the House of Representatives.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), whose life has been touched in many ways by Shirley Anita Chisholm.

Ms. MCCOLLUM. Mr. Speaker, I thank the gentlewoman for arranging this and yielding me time today.

Mr. Speaker, in 1972, Congresswoman Shirley Chisholm announced her candidacy for President. She said, "I stand before you today as a candidate for the Democratic nomination of the Presidency of the United States. I am not the candidate of black America, although I am black and proud. I am not the candidate of the women's movement, although I am equally proud of being a woman. I am not the candidate of any political bosses or special interests. I am the candidate of the people."

I was 18 years old when Shirley Chisholm announced her candidacy and became one of my political role models. Her passion, her commitment for Democratic ideals, justice and equality continue to offer me guidance and inspiration as I serve the people of Minnesota.

This past November, I became only the second woman elected to Congress since Minnesota became a State in 1858. Just as my election has been important to the young women in Minnesota, Shirley Chisholm's service in Congress and outspoken leadership for racial and gender equality inspired millions of Americans, including me.

While introducing the Equal Rights Amendment in 1969, Congresswoman Chisholm said, "a woman who aspires to be the chairman of the board, or a member of the House, does so for exactly the same reasons as any man. She thinks she can do the job and she wants to try."

□ 1515

And in this year, 2001, 32 years after its original introduction, I am proud to work with others to continue Shirley Chisholm's struggle for equality as an original cosponsor of this most recent equal rights amendment.

Congresswoman Chisholm, you did the job well, and today I honor you and I thank you; and I once again thank both the gentlewomen for making it possible for me to speak today.

Ms. LEE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATSON), our newest Member of Congress, our newest woman here in the United States Congress, our newest member of the Congressional Black Caucus, a person who I served with for many years in the California legislature; and I believe that today is probably her actual first speech on the floor since her swearing-in speech last Thursday.

Ms. WATSON of California. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE). It is a pleasure and a delight to be here joining her in her commendation to Representative Shirley Chisholm, a woman that I met too many years ago to really account for.

In meeting Shirley Chisholm, it was an experience. And when I say an experience, she was a teacher and a mentor, and there is never a time when you meet with Shirley Chisholm that you do not feel her inspiration, that you do not hear her wisdom, that you do not notice how profound she really is. Shirley Chisholm serves as a major role model for all women and all Americans. As has been said here before, she did not only focus on African Americans and women, but all Americans. She showed those of us who were young and aspiring how to get the job done. She was knowledgeable almost in every area that one could raise with her.

She tells the story of how she was called on in New York to train a young man who was a labor leader to prepare himself to run for elected office. And she told him that she did not have much time because she was teaching, but she would take on a new project. This new project was so enamored with her, so touched by her warmth, her knowledge, and her concern for him, that at the end of their session he asked to marry her. She eventually married him.

He prepared her for life alone, and the story really brings tears to your eyes. He discovered that he was a cancer victim. And rather than let her know, he said he was going to work on a private job every Wednesday. He was preparing for his departure and trying to get affairs ready so Shirley could take over after he had passed on and be able to run things on her own. He did pass on, and Shirley took on a new life. And I tend to think of that new life as enjoying life as he would have enjoyed it with her as he had lived.

These are the kinds of stories that one heard often from Shirley. Not only did she advise you on how to work through the political arena, but she advised you on how to live life. And I think we all owe a great debt of gratitude to Shirley Chisholm, because whoever met her learned a little more about life and how to live life more successfully and beneficially.

The SPEAKER pro tempore (Mr. WHITFIELD). The gentlewoman from California (Ms. LEE) has 1 minute remaining, and the gentlewoman from Maryland (Mrs. MORELLA) has 11 minutes remaining.

Mrs. MORELLA. Mr. Speaker, does the gentlewoman from California seek any time from this side?

Ms. LEE. Yes, I would like to yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank my colleague, the gentlewoman from Maryland, for yielding me this time; and I thank my colleague, the gentlewoman from California (Ms. LEE) for setting up this opportunity for us to remember someone who was truly an illustrious individual who served in the Congress of the United States.

I believe, Mr. Speaker, that I am the only one who served with her, and so I have great occasion to celebrate this moment and to tell my colleagues what a wonderful person Shirley Chisholm was. There was something about her, her gate, her mannerism, the smile that went across her face. It just sort of electrified the House when she took the well to express some disgruntled feeling about this Chamber that was not doing its job. And everyone took it with good cheer and responded by doing what we were supposed to do.

I recall very vividly when Shirley first came to the House and she was assigned to the Committee on Agriculture. It was with great dismay that she felt she was being more or less relegated a position on a committee which was of no interest to her. She took the well, castigated the leadership on her side for having made this appointment, and then proceeded to take charge of that committee, and soon found out that food stamps was in the House Committee on Agriculture and just sort of revolutionized the whole approach of helping poor people with the food stamp program.

That is an example of where Shirley Chisholm took every occasion to fight for the things that were important not only to her and her district but to all people throughout the United States. I consider her truly one of the really outstanding persons, women, that I had the privilege of serving with in the House.

Her most outstanding contribution to America was the fact that she was the one who decided that it was time for America to have a new face on the political ballot for the Presidency, and so she declared that she was going to run, and she campaigned really vigorously all over the country. Shirley Chisholm made headlines all over the newspapers, making a real impression on young people that here was a woman willing to stand up against all odds to make her point that America was for all people and that women should consider the opportunity to run for President.

So I am so proud to have had a chance to serve with Shirley, to understand what a remarkable person she was. She took on every occasion to present the issues as we would want them presented by this wonderful champion.

Mr. Speaker, I rise to express my strong support for H. Res. 97, recognizing the enduring contributions, heroic achievements, and dedicated work of Shirley Anita Chisholm.

I am fortunate enough to have served with Shirley Chisholm when she began her fourteen year tenure in the House. From day one, Shirley spoke out for her constituents. After being assigned to the Committee on Agriculture, Shirley protested, rightfully claiming that this committee assignment would not allow here to fully serve the members of her inner-city Brooklyn district.

Shirley, first and foremost, is an educator. She began her career as a nursery school teacher and eventually became educational consultant for New York's Division of Day Care. She realized early on the benefits of quality early childhood education and proposed funding increases to extend the hours of child care facilities. She later led the fight to override President Ford's veto of a bill that would assist states in meeting minimum day care requirements.

In 1972 Shirley declared her candidacy for the Democratic presidential nomination. As the first African-American woman elected to Congress, Shirley knew her presidential candidacy was going to be an uphill battle. But she entered primaries in 12 states, won 28 delegates, and received 152 first ballot votes at the Democratic convention.

She has inspired many women to enter the political arena, and once said, "At present, our country needs women's idealism and determination, perhaps more in politics than anywhere else."

I urge unanimous support for this resolution, which recognizes a true pioneer and a true friend to women, children and minorities.

Mr. Speaker, I thank again my colleagues on both sides for yielding me this time.

Ms. LEE. Mr. Speaker, I yield myself the balance of my time to once again thank all my colleagues for sharing this time this afternoon with us. I think it is so important that America, our young women, our girls, all of America understand who this great woman was. Fortunately, we will have the CONGRESSIONAL RECORD now. Fortunately, her legacy will be recorded. We just heard a glimpse of that today in terms of her life's work.

One thing I want to mention in closing is that I remember very vividly Congresswoman Shirley Chisholm working in a bipartisan fashion. I know the gentlewoman from Hawaii (Mrs. MINK) served with her, as she indicated; and I know she knows how effective Congresswoman Chisholm was in working across the aisle. I think she also has taught us all a lesson that we probably need to look at and study at this point in our work here in the United States Congress.

So I will close now by thanking once again all of our cosponsors on this resolution. I want to once again honor and thank Congresswoman Shirley Chisholm for everything that she has done and say that not only should Congresswoman Shirley Chisholm be celebrated and honored during black history or women's history, but she should go down in American history as one of the greatest human beings who ever walked the face of this Earth.

Mrs. MORELLA. Mr. Speaker, I yield myself the balance of my time to reiterate my thanks to the gentlewoman from California (Ms. LEE) for introducing this resolution, and note the number of people who have spoken and those who will be putting statements into the record. It reflects how all of us feel about this extraordinary woman, Shirley Anita Chisholm, an extraordinary public servant, a woman who dared and a very caring human being.

I urge all of our colleagues to support this resolution.

Mr. TOWNS. Mr. Speaker, I rise today to join my colleagues in praising the achievements of a former member of this body, the Honorable Shirley Anita Chrisholm. I am particularly pleased to lend my support to this resolution because Congresswoman Chisholm represented sections of my Brooklyn district for 16 years before her retirement in 1982. She served as a role model for aspiring politicians like myself in New York; and she became an inspiration for thousands of young people throughout this nation and around the world.

Not only did Shirley Chisholm make history with her election in 1966 as the first Black woman to serve in Congress, she set a standard of legislative achievement in the area of education and advocacy for the disadvantaged. Minimum wage for domestic workers, bio-medical education programs for junior high students, an endowment fund for historically Black colleges, and freedom and justice for Haitian refugees were just a few of their stellar legislative accomplishments.

Before Shirley's run in the '72 Presidential election, neither women or Blacks were considered viable candidates for the nation's highest office. In her usual trailblazing fashion, here Presidential run changed those political dynamics forever and our nation is the better for it. Today, no one hesitates to consider the possibility of a woman or a Black candidate on a national Presidential ticket.

I want to thank my colleague, the gentlelady from California for introducing this resolution to honor one of New York's and Brooklyn's finest, the Honorable Shirley Chisholm.

Mr. CROWLEY. Mr. Speaker, I am proud to rise in support of House Resolution 97 honoring the great achievements and exemplary record of public service of Shirley Anita Chisholm. A consummate and ardent supporter of women and minorities in our society, Representative Chisholm is truly deserving of this honor.

Shirley Chisholm was a pioneer in many ways. She was the first African American woman ever to serve in Congress and not only the first African American woman to run for President, but also the first woman to run for the Nation's highest office.

Shirley Chisholm was born to immigrant parents in Brooklyn, New York in 1924. She attended public schools and graduated from Brooklyn College with a degree in Sociology in 1946. She also went on to receive a masters degree in child education from Columbia University in 1952.

Her service to our Nation did not start with public service however. With a belief that a better future can be achieved through the proper education of our children, Shirley Chisholm dedicated herself to the education and development of young children in New York. She first worked as a nursery school teacher until she received her master's degree; in which she then served as the director of various child care centers in New York City. Her tremendous abilities and desire to serve continued to open up greater opportunities for her to serve as she entered her last job in the educational sector as an educational consultant for the New York Department of Social Services.

In 1964 she decided that she could serve a broader segment of the population by entering politics and was elected to the New York State Assembly while campaigning for domestic workers to be included in the minimum wage laws. In 1968 she ran against a strong candidate and won a seat in the House of Representatives where she served with distinction until 1983. While in the House, Representative Chisholm developed into a strong opponent and critic of the seniority system and the Vietnam War. As an active member of the Black Caucus she became a champion of the downtrodden in our society. She sponsored or worked on types of legislation that sought to further combat discrimination in hiring practices, increase the availability of child day care to low and middle income families, and set up a national commission on consumer protection and safety. She also authored two books entitled Unbought and Unbossed and The Good Fight.

Typical of Shirley Chisholm though, she decided that she could be of even greater service to the American people by running for President of the United States. She announced her candidacy in January of 1972 and thus became the first African American and first woman ever to run for the nation's highest office. Though she did not win the nomination, she did win twenty-eight delegates and received 152 first ballot votes at the Democratic Convention of that year.

When she retired from serving in the House, she went back to her original field of work and accepted a teaching position at Mount Holyoke College in Massachusetts where she taught until 1987. She continues to remain active in politics however, as she helped to found the National Political Congress of Black Women and serves on the advisory board for the National Organization of Women.

Mr. Speaker, clearly Shirley Anita Chisholm was a dedicated servant to our nation and to the people who needed a voice the most. She once said this about herself, "When I die, I don't want to be known as the first black woman who was elected to the Congress, although I am. I don't want to be known as the first woman, who happened to be black, to make a serious bid for the presidency, although I am. I want to be known as a woman who lived in the 20th century, who happened to be black, and was a major catalyst for change for women. That's how I want to be remembered." She certainly will be remembered for all those things and more. Let us do the right thing to honor and give our thanks to Shirley Chisholm and pass this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to an innovator, trailblazer, and contributor to the advancement of African Americans, Shirley Chisholm, who in 1968 became the first Black woman elected to Congress. During her seven-term career, Chisholm worked diligently on several committees including Agriculture, Veterans' Affairs Committee, Rules, Education, and Labor. The Brooklyn native has truly touched the lives of her fellow Americans.

Chisholm is truly an exceptional person for many reasons. Her positive impact on issues involving healthcare, education, and daycare has implemented changes throughout various areas of the community. In 1976 she urged the House to over-ride President Ford's veto of a $125 million bill to assist states in meeting federal health, safety and personnel standards for day care centers. Her fight to tougher fair housing legislation is a continuum in America today. Because of her victory in this fight, today millions of children spend their days in safe and decent daycare facilities.

Her conscientious efforts have truly left indelible imprints upon society. Mr. Speaker, Chisholm's contributions to society and this institution were truly spectacular. As an African American woman in this Congress, I stand on her shoulders and hope to honor and continue her legacy.

Mrs. CHRISTENSEN. Mr. Speaker, it gives me great pride and honor to rise today in support of H. Res. 97, a resolution to recognize the invaluable contributions and the monumental achievements of Ms. Shirley Anita Chisholm. I would like to commend my colleague, Representative BARBARA LEE, for taking the leadership in this effort.

As the first African American woman to be elected to Congress in 1968, Ms. Chisholm blazed the trail that opened many doors for women of color, particularly in the political arena. It is because of Ms. Chisholm that I, along with the other fourteen African-American Congresswomen, have sought elected office and dedicate our lives to public service. Ms. Chisholm gave women the courage, fortitude and inspiration to say, "Women can do it too." She fought throughout her life for fundamental rights for women, children, seniors, African Americans, Hispanics, and other minority groups.

First and foremost, Ms. Chisholm was an educator. She worked to improve our society as a nursery school teacher, director of a childcare facility, consultant for the New York Department of Social Services, and educator. Ms. Chisholm then used this experience and knowledge as a platform for her advocacy to improve education and increase the availability of childcare. In addition, Ms. Chisholm also served on many progressive causes. She was indeed a visionary.

Ms. Chisholm is, perhaps, most remembered for becoming the first African American, the first woman, and the first African American woman to be a candidate for the nomination of the Democratic Party for the office of the President of the United States. She has truly created a legacy.

Mr. Speaker, achievements and contributions such as those made by Congresswoman Shirley Anita Chisholm should never be forgotten or go unrecognized. I thank Ms. Chisholm for being a role model to me and the many little girls and women across the nation who aspire to make a difference in our society. I would also like to thank Ms. Chisholm for choosing the district that I represent, the U.S. Virgin Islands, as one of her homes. We hope that the beauty and warmth of our territory will bring you the peace, serenity and comfort of home away from home.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor Shirley Anita Chisholm, the first African-American woman elected to Congress. Ms. Chisholm was elected in 1969, and continued to serve in the House of Representatives for fourteen years.

Shirley Chisholm paved the way for African-American women in Congress. The daughter of a domestic worker, she grew up believing that women needed their voices to be heard and that women should have more flexibility to enter the workforce. While serving in Congress, Ms. Chisholm founded the National Women's Political Caucus, to ensure that the role of women in Congress was clear.

Ms. Chisholm never compromised her beliefs. She sponsored legislation to establish a national commission on consumer protection and product safety. She fought for the rights of minorities by calling for the end of British arms sales to South Africa. She believed that day care programs should be improved and the hours extended so mothers could go to work. She also supported expanding the minimum wage to include domestic workers.

Shirley Chisholm set an example for everyone to follow. Throughout her terms in Congress, she remained an outspoken advocate of women's rights, labor, and minority rights, and held steadfast to her dreams. In 1972, she became the first woman to run for president.

Congresswoman Chisholm, thank you for following your goals, and fighting for minorities and working women's rights. It is with great pride today that I commend Ms. Shirley Anita Chisholm, for all of her achievements and accomplishments.

Ms. PELOSI. Mr. Speaker, I rise to speak in honor of a true pioneer and a pathbreaker for women in politics: Shirley Chisholm. I commend Congresswoman LEE for bringing this resolution forward.

In 1968, Shirley Chisholm became the first African-American woman to win a seat in the United States Congress, joining 8 other African-American House members. Three decades later, 39 African-American members belong to this body, including 15 women. This is a clear sign of progress, but we have a long way to go to achieve full representation for women and people of color.

In 1972, Shirley Chisholm became the first black woman to run for President, saying later, "I knew I wouldn't be president, but somebody had to break the ice, somebody with the nerve and bravado to do it."

At each bold step in her career, she was regularly told, "You've just committed political suicide," But she carried on. She said, "Service is the rent that you pay for room on this earth." Thank you for the opportunity to honor Shirley Chisholm for her achievements and her indomitable spirit, and for paving the way for other people of color—and for women of all ethnic backgrounds—to serve in public office.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, House Resolution 97.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PRESIDENT'S PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO RISK OF NUCLEAR PROLIFERATION CREATED BY ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN TERRITORY OF RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-87)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

NOTICE OF CONTINUATION OF EMERGENCY WITH RESPECT TO PROPERTY OF RUSSIAN FEDERATION RELATING TO DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-86)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2001.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond June 21, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

In accordance with the provisions of section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I transmit herewith the Annual Report of the National Endowment for Democracy for fiscal year 2000.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

□ 1530

RECESS

The SPEAKER pro tempore (Mr. WHITFIELD). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6 p.m, today.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1088, INVESTOR AND CAPITAL MARKETS FEE RELIEF ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-97) on the resolution (H. Res. 161) providing for consideration of the bill (H.R. 1088) to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2052, SUDAN PEACE ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-98) on the resolution (H. Res. 162) providing for consideration of the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1157, PACIFIC SALMON RECOVERY ACT

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107-99) on the resolution (H. Res. 163) providing for consideration of the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 643, de novo;

H.R. 700, by the yeas and nays;

H. Res. 97, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 643, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 700, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 700, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 15, not voting 16, as follows:

[Roll No. 156]

YEAS—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—15

Akin
Coble
Collins
Culberson
Flake
Hall (TX)
Herger
Hostettler
Kerns
Paul
Schaffer
Shadegg
Stump
Tiahrt
Toomey

NOT VOTING—16

Burton
Cunningham
Diaz-Balart
Ferguson
Jackson-Lee (TX)
Johnson, E. B.
Kingston
Largent
Mollohan
Pence
Royce
Rush
Tanner
Udall (CO)
Velázquez
Walsh

□ 1829

Messrs. COBLE, KERNS, and AKIN changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISOLM

The SPEAKER pro tempore (Mr. STEARNS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 97.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 97, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 157]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
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McNulty
Meehan
Meek (FL)
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Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
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Owens
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Pallone
Pascrell
Pastor
Paul
Payne
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Ros-Lehtinen
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Ryan (WI)
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Watkins (OK)
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Whitfield
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Wynn
Young (AK)

NOT VOTING—17

Burton
Cunningham
Diaz-Balart
Ferguson
Jackson-Lee (TX)
Johnson, E. B.
Kingston
Largent
Linder
Mollohan
Pence
Royce
Rush
Tanner
Udall (CO)
Velázquez
Young (FL)

☐ 1840

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PENCE. Mr. Speaker, I was unavoidably detained at the funeral of a good friend and former Indiana State Representative, Mr. Fred Wenger. Had I have been present for rollcall Nos. 156 and 157, I would have voted as follows: On rollcall No. 156—"yea"; on rollcall No. 157—"yea."

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1716

Mr. KIRK. Mr. Speaker, I ask unanimous consent to withdraw the name of the gentleman from Texas (Mr. EDWARDS) as a cosponsor of H.R. 1716.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 145, CONDEMNING RECENT ORDER BY TALIBAN REGIME OF AFGHANISTAN TO REQUIRE HINDUS TO WEAR SYMBOLS IDENTIFYING THEM AS HINDU

Mr. KIRK. Mr. Speaker, I ask unanimous consent that it be in order at any time, without intervention of any point of order, to consider in the House Concurrent Resolution 145, condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu; that the concurrent resolution be considered as read for amendment; that the concurrent resolution be debatable for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and that the previous question be considered as ordered on the concurrent resolution to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RANKING OF MEMBER ON COMMITTEE ON SCIENCE

Mr. KIRK. Mr. Speaker, I offer a resolution (H. Res. 164) and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 164

Resolved, That on the Committee on Science Mr. Gilchrest shall rank after Mrs. Biggert.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCING LEGISLATION TO STRENGTHEN NUCLEAR SCIENCE AND ENGINEERING PROGRAMS AT AMERICAN UNIVERSITIES, COLLEGES, AND NATIONAL LABORATORIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce legislation to strengthen nuclear science and engineering programs at American universities, colleges, and National Laboratories.

Nuclear science and engineering in the United States is a 50-year-old success story that has been written by some of the brightest minds the world has ever known. America has truly been blessed as the world leader in this area. But even as there is renewed interest in nuclear energy as one of the solutions to our Nation's energy problems, there are fewer Americans entering the nuclear science and engineering field, and even fewer institutions left with the capacity to train them.

In fact, the supply of 4-year-trained nuclear scientists has hit a 35-year low, and there are only 28 universities that operate research reactors, less than half the number there were in 1980.

☐ 1845

These statistics tell but the beginning of the story, however. Current projections are that 25 percent to 30 percent of the nuclear industry's workforce and 76 percent of the nuclear workforce at our national laboratories are eligible to retire in the next 5 years. And a majority of the 28 operating university reactors will have to be relicensed in the next 5 years, a lengthy process that most universities cannot afford.

When I consider these facts, I wonder how long we can continue the success story that is nuclear science in the United States. Not long is my guess, and that is why action must be taken to reverse this troubling trend.

That is why I am introducing the Department of Energy University Nuclear Science and Engineering Act. This legislation is the House companion bill to legislation introduced in the Senate by my friend and colleague, Senator JEFF BINGAMAN.

This bill provides financial support for the operation, maintenance, and improvement of expensive, yet essential, university nuclear research reactors; resources for the professional development of faculty in the field of nuclear science and engineering; incentives for students to enter the field and opportunities for education and training through fellowships and interaction with national laboratory staff; and general research funds for students, faculty and national laboratory staff.

Now, more than ever, nuclear scientists and engineers are needed for much more than simply operating nuclear power plants. Trained in American universities and national laboratories, these specialists are needed to help design, safely dispose of, and monitor nuclear waste, both civilian and military; to develop radio isotopes for the thousands of medical procedures performed every day; to operate and maintain the Nation's existing fission reactors and nuclear power plants; to help stem the proliferation of nuclear weapons and respond to any future nuclear crisis worldwide; and to design, operate, and monitor current and future naval reactors.

These are not small tasks, but if we continue on the path we are on, there will not be enough people to do the job down the line.

The legislation I am introducing today incorporates a number of approaches recommended by reports from the National Research Council, the Department of Energy and its Nuclear Energy Research Advisory Committee, all leaders in the nuclear field. The bill advances four components essential to strong nuclear science and engineering programs: students, faculty, facilities, and finally research.

Mr. Speaker, my written statement goes into greater detail about these components, so I want to conclude by saying that this legislation is important, not only to a handful of American universities, but to our national labs, our industry, our Navy, our national security and those engaged in life-saving medical research involving radiation.

This legislation ensures that America continues to realize the benefits of a competent, well-trained, highly skilled nuclear workforce. More important, this bill is critical if we are to maintain America's standing as number one in the world in the area of nuclear science and engineering.

Mr. Speaker, I want to thank my colleagues on both sides of the aisle who are cosponsors of this important legislation, including the gentlewoman from Wisconsin (Ms. BALDWIN), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Michigan (Mr. KNOLLENBERG), the gentleman from Michigan (Mr. EHLERS), the gentleman from Idaho (Mr. SIMPSON), the gentlewoman from Oregon (Ms. HOOLEY), the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Idaho (Mr. OTTER), and the gentleman from California (Mr. CALVERT).

Mr. Speaker, I urge the rest of my colleagues to join us in this endeavor by cosponsoring the bill.

TROPICAL STORM ALLISON

The SPEAKER pro tempore (Mr. STERNS). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise this evening to talk about the recent flooding in my hometown of Houston and the devastation it has caused. I know the national news has covered some of it, but watching my colleagues around the country with their devastation in previous years, I had no idea until this last week and this last weekend what major flood waters can do.

Starting last Tuesday, June 5, Tropical Storm Allison made landfall on the Southeast Texas coastline, bringing with it 5 days of rain and damages estimated to be $1 billion or more and the countless loss of property and disruption of people's lives and as many as 20 people have lost their lives.

While many areas of Houston and Harris County have significant flooding, our 29th district, that I am honored to represent, was hit particularly hard, because of the residential nature of our district. Many of the city's bayous run through our district, and two of these bayous, Hunting and Greens bayous, overflowed their banks causing widespread flooding.

Over 10,000 residents were forced to leave their homes by Greens Bayou alone, as flooding in the area reached a 1,000 year level. Even those who were not flooded out of their homes suffered thousands of dollars worth of damage to their homes in personal belongings.

The damage from this storm, however, is not limited just to our residential areas. The whole community has been hit, area hospitals, not only our regional hospitals on Interstate 10, but the Texas Medical Center suffered interruptions in power that make treating existing patients along with flood-related casualties extremely difficult. Several were forced to close because of the flooding problems in the Texas Medical Center.

There are backups working now. But over the weekend, when you can imagine with the devastation that we had, the communications across the city were disrupted as well, with Houston's emergency communications network knocked out; and fire and rescue workers were forced to often rely on handheld radios.

Over 100,000 residents were without phone service and the 911 system was overwhelmed, and only quick action by our Harris County employees prevented loss of more long-distance and cellular communications.

Even today, 15,000 Houston and Harris County residents, including our district office, are without phone service, as the central office in Houston was under 5 feet of water for most of the weekend.

Even though classes are out for the summer and schools have not yet begun for the summer school, our public schools have not been spared. Over 300 Houston Independent School Districts have suffered flood damage.

Other districts were not spared. North Forest ISD is now using two of their schools that were not hit for shelters, manned by the Red Cross and school employees, suffered a great deal of damage, including office equipment and computers.

Sheldon Independent School District suffered serious flooding in their whole district, and only two schools were not flooded. Right now, the waters have receded; and the Federal Emergency Management Agency is on the ground, helping those who have lost their homes and their property and their businesses to rebuild.

Disaster recovery centers, where residents can go and begin accessing Federal aid, are being established in time through this week and will be up and running, and people have begun the long process of putting their lives back together.

While we cannot prevent a catastrophe of this magnitude, there are actions we can take both locally and in Washington to lessen the impact of future flooding.

At the local level, I encourage every resident possible to purchase flood insurance. It is affordable. The average cost about $350 a year.

And for more information, they can call 1–888–CALL–FLOOD or go online which is http://www.fema.gov/nfip.

On the Federal level, we can do more. For the last several years, funding for our Harris County Flood Control has been steady, but we know we need to do better.

I have walked the streets yesterday and today visiting with our FEMA representatives in areas in Aldine, Mesa Road and Sheldon, to CE King areas and seeing the devastation, Mr. Speaker, and I encourage my constituents and all people to call the 1–800 number for FEMA, 1–800–462–9029 to make sure they get their information there so FEMA can do the job that we expect them to do.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I just wanted to take a minute to thank the gentleman from Texas (Mr. GREEN) for the special order, because as the gentleman knows residents of Louisiana suffered along with residents of Texas. All over my district, we had similar flooding.

This morning, the President declared a disaster area in the parishes that I represent in South Louisiana. In my hometown, we had a rain gauge that measured 38 inches of rainfall at one location, in my hometown, an amazing amount of rain. No one could have prepared for it.

I want to thank the gentleman for reading those numbers. I hope people have listened carefully. FEMA is on the job, and we hope relief is coming soon.

Mr. GREEN of Texas. Mr. Speaker, whatever time I have left, I know that Storm Allison moved from Texas to Louisiana, and we are seeing that devastation along the Gulf Coast, and I know we will be here to provide that funding.

DISCUSSING SPEECH OF COMPTROLLER GENERAL OF THE UNITED STATES, DAVID WALKER

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I am going to discuss and I am putting in the RECORD this evening a very fine address of the Comptroller General of the United States, David Walker. He has a 15-year term, as you know. He is part of the legislative branch, and he has had a great career before joining us. He is a certified public accountant.

He was an Assistant Secretary of Labor under President Reagan for Pension and Welfare Benefit Programs, and I just want to talk about some excerpts from his address recently.

Speaking for his agency, the United States General Accounting Office, he noted, "We do not keep the books and records of the Federal Government. That is the primary responsibility of the chief financial officers of the various departments and agencies in the government. And the Congress is our primary client.

"American people are our beneficial clients. Our mission is to help maximize the performance and assure the accountability of the Federal Government for the benefit of the American people.

"We are in the accountability business. Many people like accountability until they are the ones being held accountable."

He continued on that, "While we should have zero tolerance for fraud, waste, abuse and mismanagement, it will never be zero.

"We perform audits, investigations evaluations, policy analyses, and provide legal services to the Congress."

He notes that over 90 percent of his work in the GAO with his excellent colleagues is done at either the mandate of Congress or a request of Congress.

"As a result, we are very client focused. We are also very results oriented, and we strive to lead by example.

"Being the leading accountability organization in the United States, and arguably one of the leading in the world, we believe that we have a responsibility to be as good or better than anybody else that we evaluate, or else we would be a hypocrite, and none of us wants to be called a hypocrite."

Mr. Speaker, I will now mention some of the points he made in both dealing with management and dealing with our major thrust, which must be the infrastructure, the human infrastructure of the executive branch. We are losing first-rate people, thousands a year.

And he goes on to note, this is a major thing for Congress and the General Accounting Office to do these and concern these and get an incentive system where the senior civil servants can help manage the world's largest complex information, which is the executive branch of the United States.

He believes that where certain key trends and are undeniable and which have significant implications for the United States as well as many other industrialized nations around the world; these include the following: First, globalization. Globalization of markets, information and enterprises. There are no islands in a wired interconnected and, yes, interdependent world.

Changing dynamics, aging societies, longer life spans, decreasing worker-to-retiree ratios.

Third, changing security threats. The Cold War is over, and we won.

The next is rapidly evolving technology. These new technologies provide opportunities to increase productivity and decrease costs.

Quality-of-life considerations are also of increasing importance. From education to the environment to work-family issues to urban sprawl, quality of life is becoming increasingly important for many people.

Rising healthcare costs, we all know that is a major problem.

Last but not least, evolution, devolving more activities closer to the people and from the government to the private and not-for-profit sectors leads to shared responsibility and more difficulties associated with accountability.

□ 1900

Although there are differences sometimes between the Congressional Budget Office, the Comptroller General notes that the first one he is going to touch on is the long-range budget challenges.

While the CBO's, the Congressional Budget Office's, most recent 10-year projections showed higher projected services over the next 10 years, the fact is that the long-term situation has gotten worse. It is worse primarily due to known demographic trends and rising health care costs.

Our budget picture has changed dramatically since 1962, he notes. In that year, over two-thirds of the Federal budget was represented by discretionary spending.

Mr. Speaker, I include the following for the RECORD:

NATIONAL PRESS CLUB LUNCHEON REMARKS BY DAVID WALKER, COMPTROLLER GENERAL OF THE UNITED STATES

Mr. WALKER. Thank you very much. It's a pleasure to be here to address all of you at the Club, as well as those of you viewing the C-SPAN and those listening via National Public Radio.

I would like to acknowledge at the outset that I am pleased that so many of you are here. I wish to also acknowledge Congressman Steve Horn, who is able to join us from California, and Sarah McClendan, the grand dame of the Washington press corp, who is able to join us as well.

I've been asked to address you today on a number of the challenges facing the United States and many other industrialized nations in the 21st century. My remarks today will be based primarily upon GAO's work, and our work can be found on our Web site, *www.gao.gov*.

Before I begin, I think it's important to add a few words as to what we do and what we don't do at GAO, because quite frankly our name is somewhat confusing. Despite our full name, which is the U.S. General Accounting Office, we do not keep the books and records of the federal government. That is the primary responsibility of the chief financial officers of the various departments and agencies in government. We do, however, have the responsibility for auditing the financial statements of the consolidated U.S. government; and inspectors general or private sector firms will audit the various departments and agencies.

We are in the legislative branch of government. The Congress is our primary client; the American people are our beneficial clients. Our mission is to help maximize the performance and assure the accountability of the federal government for the benefit of the American people. I can assure you that's a full-time job. I can also assure you it is a job that will be never-ending; and therefore neither I nor any of my colleagues at GAO will ever have to worry about whether or not there will be a need for our services.

We are in the accountability business. Many people like accountability until they're the ones being held accountable. I find that this view exists not only in Washington, D.C., but also around the world. But that's our business. Yes, we do have the responsibility to fight fraud, waste, abuse and mismanagement wherever it may exist in government. However, the inspectors general in each of the major departments and agencies are on the front line of fighting fraud, waste, and abuse within their respective departments and agencies. Our job tends to focus more on strategic issues, longer-range issues, and cross-governmental issues because we are better positioned to be able to address these than they are.

The U.S. government is the largest, the most complex, the most diverse, and arguably the most important entity on the face of the earth. The U.S. is the only superpower on earth. While we should have zero tolerance for fraud, waste, abuse and mismanagement, it will never be zero. Fortunately, we have very little as compared to most other countries around the world, and we should be proud of that. While we will continue to fight these matters, we should also look for ways that we can improve the economy, the efficiency and the effectiveness of government. In fact, the return on investment by focusing on these areas can be multiple times greater than the traditional focus.

We perform audits, investigations, evaluations, policy analyses, and provide legal services to the Congress. We cover everything the government does, anywhere in the world. It's a big job, and it's a full-time job, and over 90 percent of our work is done at either the mandate of Congress or request of Congress. As a result, we are very client focused. We are also very results oriented, and we strive to lead by example. Being the leading accountability organization in the U.S., and arguably one of leading in the world, we believe that we have a responsibility to be as good or better than anybody else that we evaluate, or else we would be a hypocrite, and none of us wants to be called a hypocrite.

With regards to results orientation, let me give you some examples. Just last year, in fiscal 2000, we had 23 billion—that's "b"—billion dollars in financial benefits for the roughly $378 million that the Congress and the American taxpayers invested in us. That's a return on investment of 61 dollars for every dollar invested—probably number one in the world. But, in addition to returning dollars, we helped to achieve a number of important nonfinancial accomplishments like: strengthening weapons system acquisition practices; improving the quality of nursing home care; modernizing federal human capital practices; and enhancing computer security within the federal government.

In doing our work, we must be dedicated to professional standards and core values and rise above partisan politics or ideological battles.

Finally, as was mentioned with the 15-year term, the comptroller general of the United States is uniquely positioned to not just focus on today but to think about tomorrow and to take on the tough issues that need to be done. There just aren't enough people willing to do it in today's environment.

And what is today's environment? Quite frankly it's a new ballgame at the dawn of the 21st century. We have several important transitions underway. From a political perspective, we have a new Congress. The Republicans are in the majority, but there are narrower margins, and shared power in the Senate. In addition, there are many new committee chairs and ranking members. From the standpoint of the executive branch, we have a new administration. The Bush administration has come to town. However, only a fraction of their key players are in place at this point in time.

From a fiscal perspective, we are transitioning from a period of actual past deficits year after year into a period of continued and projected surpluses for a number of years into the future.

From an economic perspective, we are transitioning from the industrial age to the knowledge age. In the knowledge age, people will be the key factor in attaining and maintaining the competitive advantage, whether they are in the private sector, the public sector, or not-for-profit sector. People will be the key.

From a timing and psychological perspective, we have entered a new millennium. The beginning of the 21st century creates a natural tendency to reflect on the past and to contemplate the future. There are certain key trends that are undeniable and which have significant implications for the United States as well as many other industrialized nations around the world. These include the following.

First, globalization—globalization of markets, of information, and enterprises. There are no islands in a wired, interconnected and, yes, interdependent world.

Changing demographics, aging societies, longer life spans, decreasing worker-to-retiree ratios, slower work force growth, greater diversity and growing skills gaps.

Third, changing security threats. The Cold War is over and we won. We now face more diverse and more diffuse security threats that range from weapons of mass destruction of various types to illegal drugs, to infectious diseases, to cyberterrorism attacks. These threats are from rogue nations and groups, and in a more open border environment.

The next is rapidly evolving technologies. These new technologies provide opportunities to increase productivity and decrease costs; but they also pose an increased threat to national security and personal privacy. They can also lessen the emphasis on the critical human element.

Quality-of-life considerations are also of increasing importance. From education to the environment to work family issues to urban sprawl, quality of life is becoming an increasing interest for many people.

Rising health care costs. The resurgence of health care costs due to a variety of factors will put increasing pressures on government, employers and individuals in the years ahead. We have a huge imbalance between what people want, which is unlimited; what they need, which should be defined and hopefully be met; and what we can collectively afford in the health care area. Stated differently, there is a huge imbalance between what has been promised and what resources are likely to be available in this area, especially in connection with Medicare.

Last but not least, devolution—devolving more activities closer to the people, and from the government to the private and not-for-profit sectors leads to shared responsibility and more difficulties associated with accountability.

These trends have significant implications for what government does and how government should do business in the 21st century. They impact a number of emerging challenges, and they also have direct effects on a number of long-standing issues. In that regard, let me touch on a few as illustrative examples just to bring this point to life.

With regard to emerging issues, the first one I'll touch on is long-range budget challenges. While although Congressional Budget Office most recent 10-year projections showed higher projected surpluses over the next 10 years, the fact is the long-term situation has gotten worse; and it's gotten worse primarily due to known demographic trends and rising health care costs. While budget projections are necessary, they are inherently uncertain, especially the farther out that you go. At the same point in time, demographic projections are much more certain. Why do I say that? Because the vast majority of the people that they relate to are alive and with us today.

Our budget picture has changed dramatically since 1962, over two thirds of the federal budget was represented by discretionary spending. Now it's down to about a third. So it's flipped since 1962. In fiscal 2000, about a third was discretionary, and about 16 percent of the budget was dedicated to defense. In 1962, 50 percent of the federal budget was dedicated to defense. The reductions in defense spending over the last 38 years went to health care, Social Security, and interest on the federal debt. This was not a conscious trade-off; it's just a fact—it's what happened.

The fact of the matter is that Social Security costs, Medicare, and other health care costs are only going to go in one direction under our current system, and that is up. As a result, the pressures on discretionary spending are likely to become more acute in the years ahead. We don't know what interest on the federal debt will be in the future. While we know it's coming down, due to recent efforts to pay down the debt, it's debatable as to how much debt will be paid down in the years ahead. Even if public debt was all paid off, the fact of the matter is our long-range budget simulations show that we are going to have significant fiscal challenges in the years ahead. For example, if Congress saves every penny of the Social Security surplus, but if the on-budget surplus is spent either through tax cuts and/or spending increases, then by the year 2030, discretionary spending will have to be cut in half, and it will have to be eliminated by 2040. There are alternatives: significantly increasing tax burdens over current levels in the longer term; or further mortgaging the future in the outyears. But these aren't very attractive options.

Guess what's in discretionary spending? National defense, the judicial system, education programs, some of which are specifically provided for in the Constitution of the United States. Given these long-range fiscal challenges we must be prudent today about what is done with the current surplus, and we must get on with entitlement reform, if we want to avoid a train wreck down the road.

The human capital crisis. The key competitive element in the 21st century will be people. People are the source of all knowledge. In this knowledge age, having the right people with the right skills will make the difference between success and failure. Yes, business processes and information technology are important; but people are essential. Unfortunately, government and all too many private sector employers have treated people as a cost to be cut rather than an asset to be valued. This must change. Due to largely driven numbers and inadequately planned downsizing campaigns that have occurred in the last 10 to 15 years, the federal work force is much smaller. However, it's also out of shape, has a range of skills imbalances, and is facing a huge succession planning challenge. As a result, we at the Government Accounting Office GAO placed strategic human capital management, or I should say the lack thereof, on our high risk list within the last two months.

The problem is not federal employees. It is the outdated policies, practices and legislative framework that governs human capital practices in the federal government. We must take a range of steps within the context of current law to address these challenges and to attract and to retain a quality work force for the federal government. We must also move over time to build a consensus for comprehensive civil service reform, whose time will come, but it has not yet arrived.

We can't afford to have anything other than top-quality people running the U.S. government. I already mentioned it's the largest, most complex, most diverse entity on the face of the earth. We can't afford to have second-class players running that type of enterprise, the only superpower on earth. The stakes are simply too high to do otherwise.

Finally, given the key transitions and trends that the Comptroller General discussed, I think it's also important to note that both federal and private sector employment policies and practices will have to change in order to make better use among other things, and that is our senior citizens—probably the largest untapped resource that we have.

Third, emerging challenges. The Postal Service. The U.S. Postal Service is the second largest employer in the United States as a separate free-standing entity, second only to General Motors, with $65 billion a year in annual revenues. It serves an important public purpose, but it is facing increasing competition and other pressures, both from a domestic and foreign perspective. The U.S. Postal Service lost $200 million last year and recently projected it will lose two to three billion this year, despite a recent rate increase. They've also projected that it's likely to get worse unless they get additional rate increases.

The basic statutory framework which governs the Postal Service has not been changed since 1970, despite the fact that the world has changed significantly since then, and will change even more in the years ahead. These and other factors have caused the Postal Service's transformation efforts to be put on our high risk list just within the last two weeks. The time has come to take a comprehensive look at the governance structure, management practices, labor policies and statutory framework relating to the Postal Service. Simply raising postal rates is not the answer. We must deal with a range of structural and fundamental challenges that have built up over the years. This will be tough, but it is essential.

The Postal Service challenge is too big to ignore. It also illustrates the need to relook at a range of federal policies, programs and practices in light of the key trends that I discussed earlier.

Now let me transition to how these trends affect several continuing challenges. First, federal financial management. The federal government has been a lag indicator when it comes to federal financial management and accountability factors. It's only been in the last 10 years that the federal government has even had to come up with consolidated financial statements. It's only been four years that the federal government has had to have audited consolidated financial statements. While progress is being made, much remains to be done. The simple fact of the matter is that no private sector enterprise could survive with the type of financial management system the federal government has. While 18 of 24 major departments and agencies received so-called clean opinions on their financial statements this past year, only six received a clean opinion, had no material control weaknesses, and didn't have compliance problems. So six of 24 rather than 18 of 24. In fact, of the 18 of 24 that did get a so-called clean opinion, a majority of those only got the clean opinion through engaging in so-called heroic efforts where they dedicated vast amounts of financial and human resources to basically recreate the books as of one day six months prior; that is, as of the end of the fiscal year. This is no way to run an enterprise, whether it be in the public sector or the private sector. It must change.

Government leaders have a responsibility, and the taxpayers have a right to assure, that the federal government has appropriate systems and controls in place to safeguard taxpayer dollars and to assure government accountability. Other countries much smaller than the United States have done this already. It's time that we do. In addition, federal reporting standards must place additional emphasis on performance information, long-range commitments and contingencies, and the government's most valuable asset, namely its employees.

Federal acquisition and sourcing strategies. While the federal work force is smaller, the so-called shadow work force has grown dramatically in the last 10 years. The shadow work force is primarily comprised of contract personnel performing services for the federal government. In addition, more and more functions are being devolved to lower levels of government and to non-governmental sources. This raises a number of policy, equity and accountability issues. We need to fundamentally review and reassess a range of federal policies, procedures and practices in this area. In doing so we must balance a number of competing interests among a variety of stakeholders, such as taxpayers, the government, federal workers, and contractors. I am hopeful that the recently announced Commercial Activities Panel, that I will chair, will be able to make some meaningful progress in this area. Some of the panel members may be able to help lay the groundwork for more comprehensive action in the human capital area in the years ahead.

Last but not least on the example of continuing challenges: Defense Department business process transformation. We have the best military forces on earth. We have proved that we are number one on the battlefield several times over the past ten years. Yes, the Department of Defense and the military forces that it represents rate an A on effectiveness in fighting and winning armed conflicts. However, the Department of Defense is a D-plus at best on economy, efficiency and accountability. Defense has six of 21 high-risk areas on our list, and they also have the two government-wide high-risk challenges as well. DOD's poor financial management reporting practices represent the primary road block in the federal government obtaining a clean opinion on its financial statements. DOD's economy, efficiency and related accountability problems result in billions of wasted dollars, dollars that can be better spent on readiness, a better quality of life for our uniformed personnel and closing the gap between wants and available funding in connection with a variety of major weapons systems. DOD must change the way that it does business, and this will be tough given the culture at DOD and the many organizations within it. But basically what we are talking about is that government has to change how it does business if it is to be effective and maximize the return on taxpayer dollars, while achieving its missions.

In closing, the 21st century is a new ballgame. Much has changed in the last 20 years, and the world is likely to change even more in the next 20. Now is the time for us to ask two key questions as we look forward, especially in light of our long-range fiscal challenges. First, what is the proper role of government in the 21st century? Secondly, how should the government do business in the 21st century? The first question raises a range of public policy issues that must be answered by elected officials. It involves relooking at a range of government programs, policies and tools in light of past and expected changes and future challenges. In addressing this question, GAO will be there to help by getting facts, analyzing the situation, laying out options, and discussing the pros and cons so that elected officials and other policymakers can make timely and informed judgments.

The second question—How should government do business?—is much more operationally oriented. GAO will continue to aggressively pursue this area not only to identify problems, but also to recognize progress. We will continue to provide tools and methodologies to help others help themselves see their way forward, maximize their performance, and ensure their accountability in a range of areas. In doing so, we'll continue to be committed to our professional standards and our core values of accountability, integrity and reliability.

The press can play an important role as well, helping to engender the public debate, to identify not only the problems, but also be able to acknowledge progress while recognizing that government does do some things right.

Let's work together to make government work better for all Americans.

I appreciate your time and attention, and would be more than happy to answer any questions you may have. Thank you.

NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to acknowledge the kickoff of National Men's Health Week as we lead up to the celebration of Father's Day on June 17, 2001.

The importance of this special week is to raise national awareness among men relative to issues affecting our well-being. As men, Mr. Speaker, we play many roles in society, such as husbands, fathers, brothers, bread winners, Congressmen, Presidents, and more importantly co-partners in families and in some instances heads of families. None of the roles mentioned above are mutually exclusive. Rather, they are all part of an integrated whole.

Some of us are very comfortable in each role. Others may find it difficult handling the presence and pressures associated with so many roles. Therefore, as we deal with National Men's Health Week, which is designed to promote health among men and to address a broad range of issues regardless of roles or status, let us be mindful that this is not an egotistical approach to elicit gender competition, but it is simply a reminder that we should all pay attention to problems that are gender specific.

If we are not healthy, we cannot be the best husbands, fathers, or productive citizens that are vital to help keep our society going. Today, men suffer from some alarming health statistics. It is common knowledge that heart disease is the leading cause of death among men in the United States.

The life expectancy of men is much lower than that of women by at least 7 years. Currently men represent 84 percent of all AIDS cases in the United States. In the African-American community, HIV/AIDS is spreading like wildfire. A recent survey revealed an increased infection rate of 4.4 percent for young gay men. The rates ranged from 2.5 percent all the way up to 14.7 percent among gay black men. In Chicago alone, gay men account for 53 percent of HIV/AIDS cases. Public health officials say that they are seeing disturbing trends of reckless behavior.

Another sad statistic is the mortality rate for African Americans from all types of cancer. It is 68 percent higher than for any other group. There are many other types of ailments that afflict us, such as high blood pressure, stroke, diabetes, excessive accidents on the road.

Well, as one can see very well, the problems are there. The odds seem to be against men. But I assure my colleagues that an ounce of prevention is worth much more than 1,000 remedies.

So I would urge all men not to wait until it is too late to bring into our lives the proper balance of health care. We can all have a better life. If that is not possible, we can all certainly make life more bearable.

I urge all men to take time to reflect on the value of your life, on the well-being of yourself, and the ripple effect that it can have on all of the roles that you play and the lives of all the people with whom you come into contact. Should your health, your state of mind, your stress level or anything else be of concern that requires attention, please consult your physician, seek assistance at your earliest convenience.

Let us celebrate Father's Day in good health as we celebrate this week dedicated to improving the health, not only of all of our citizens, but especially the health of men who oftentimes do not look or pay as much attention to themselves.

I also take this opportunity, Mr. Speaker, to indicate support for the efforts and activities of individuals, organizations, institutions and other entities that are designed to honor fatherhood on Father's Day, especially when we look at statistics which suggest that children who are raised without their fathers account for 63 percent of youth suicides, 71 percent of pregnant teenagers, 90 percent of homeless and runaway children, 85 percent of behavior disorders.

As my colleagues can see, Mr. Speaker, all of these problems are seriously affecting not only the lives of individuals, but the lives of people in our country.

HEALTH CARE AND PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the minority leader.

Mrs. JONES of Ohio. Mr. Speaker, on behalf of my colleagues, we wish to discuss the whole issue of health care this evening. Particularly we are going to be discussing the issue of prescription drugs.

We anticipate that, over the next few years, prescription drug use will increase with age along with the prevalence of chronic and acute health problems. Over 13 million Medicare beneficiaries have no drug coverage whatsoever, and over three in five beneficiaries have undependable drug coverage.

The Federal Health Insurance Program that covers 40 million elderly and disabled Americans does not cover outpatient prescription drugs. Ten million Medicare beneficiaries have no drug coverage at all.

According to HCFA, the national spending on drugs has tripled in the last decade, and it is expected to more than double between 2000 and 2010 from an estimated $172 billion to $366 billion.

Medicare beneficiaries account for 14 percent of the United States population, but 43 percent of the Nation's total drug expenditures. Medicaid provides drug coverage for 12 percent of the Medicaid population, generally those with very low income. Only half of all the Medicare beneficiaries with incomes below the Federal poverty line are covered by Medicaid.

In 1998, Medicaid spent on average $893 per elderly beneficiary for pharmaceuticals. Medicare HMOs assisted 15 percent of all beneficiaries with their drug costs in 1998, although the share dropped to about 10 percent in 2001. Virtually all Medicare beneficiaries use pharmaceuticals on a regular basis and fill an average of 22 prescriptions per year.

In 2001, the average annual out-of-pocket spending for drugs among Medicare beneficiaries is estimated to be about $858, with 27 percent of beneficiaries expected to spend more than $1,000. Medigap provides prescription drug benefits to approximately only 10 percent of all the Medicare beneficiaries.

I listed all of these prescription drugs statistics particularly to focus in on the fact that, across this country, there are senior citizens and others who are in a dilemma without having any type of prescription drug benefit.

Mr. Speaker, I would like to kind of engage in a colloquy with the gentlewoman from Florida (Mrs. THURMAN), who has been very active in the forefront on the issue of prescription drug benefits.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN) to discuss what she has been seeing that has occurred in the State of Florida on this issue.

Mrs. THURMAN. Mr. Speaker, if one can imagine, in Florida a high percentage of our seniors are in the Medicare program because we have a very high senior population. You know what I have found is interesting over the last couple of years, we have had this issue on the table. This issue is being talked about. It has been massaged. It has been looked at. We have tried to bring it to the forefront of any debate that has happened in this Congress because of exactly what the gentlewoman has put in her remarks, what is happening out there.

I think that any of us that has had any kind of work done, that one of the first issues that we have to look at is how do we make sure that the people in this country are getting the same medicines at the same cost as other countries. I do not want to hear, well, it is about research, because we hear it is about marketing research, and we have all seen the ads.

So we did, a couple of years ago, just a kind of analysis of what was happening in our State and in my district in particular, in the Fifth District, and we found out that, for the most part, life-sustaining drugs, not just fun drugs or something that was not life-sustaining, but drugs that seniors had to take actually were costing overall about 125 percent more than they were in actual programs like Medicare+Choice or prescription drug benefit under some Medigap programs or whatever.

Now, also, then, we went a little bit further; and we said, well, let us look at other countries and what is happening. We looked at our border countries like Mexico and Canada. Then of course when we started looking at that, and the information started coming up to the seniors in this country, guess what happened? They decided that they needed to go over the border to buy their medicines because they could get them at half of what we were paying for them in the United States.

Then we went a little bit closer in, and we found the same kind of thing happening in the European nations where they, too, were getting medicines for a lower cost.

Mrs. JONES of Ohio. Mr. Speaker, the gentleman from Ohio (Mr. BROWN) in Lorain took two or three busloads of seniors up to Canada because they were able to purchase their prescriptions at a significantly lower cost than they were able to have purchased them in the United States.

Mrs. THURMAN. Mr. Speaker, saying that, we had the same thing happening up in Vermont, in Maine, where they also went up on bus trips.

What is interesting is the States have recognized the potential problem or the problem they are having, and State legislatures were getting a lot of pressure put on them to change their laws and, in fact, did in some of these legislatures say that the pharmaceutical companies could not charge more than what they were paying for or what they were getting in Canada or their border state, which was, quite frankly, something that I think that a lot of Americans need to know about because we could do that here.

In fact, there is a piece of legislation this year, the Allen bill, and there are several of us that are on that, that actually would say that.

We need to look at the cost and what it is costing Americans as to what it is costing not only our border states, but other countries around us. We think we could save about 40 percent of the cost without doing any benefit, without costing one dime from the Federal Government. I mean, you would not even have to put out a charge there. All you would have to do is say we think that if you can sell it for this amount over here, then why should not we be given the same benefit in this country. Well, and that is just one thing.

Now we have another issue going on that actually we have had some U.S. Senators that have introduced it, along with the gentleman from Ohio (Mr. BROWN), who the gentlewoman from Ohio (Mrs. JONES) mentioned, who took the lead in this; and it was based on what I call stacking, which was actually a part of a program, one of the news programs at night was talking about. I just thought this is crazy. I mean, here we are again watching the same thing over and over and over again.

We have this thing called patents, and patent laws protect the name brand medicine for about 20 years. Then the patents are let go; and, as we know, then we get what is called a generic drug, which by the way costs a lot less. The gentlewoman from Ohio mentioned the difference, I believe.

Mrs. JONES of Ohio. I did, Mr. Speaker.

Mrs. THURMAN. Mr. Speaker, maybe the gentlewoman can tell me those numbers again, but how many people have dropped off Medicare+Choice programs that no longer had prescription drugs where they did before. Is it twelve?

Mrs. JONES of Ohio. Mr. Speaker, over 13 million Medicare beneficiaries have no drug coverage. Over three out of five beneficiaries have undependable drug coverage. Right.

Mrs. THURMAN. Mr. Speaker, so now what is happening, and what I found in some of this work that I have been doing, is that in some of these Medicare+Choice programs, not only are they dropping a lot of their prescription drug coverage, but in some cases they will only cover generic drugs.

□ 1915

Mrs. JONES of Ohio. And if the drug they need is not at the status of being a generic drug, then these people are really in a dilemma.

Mrs. THURMAN. They have no coverage now.

Mrs. JONES of Ohio. At all.

Mrs. THURMAN. So what happened is, all of a sudden now there is this information coming out to us that drug companies, or pharmaceutical companies, are able to extend their patents, I cannot even believe why, would extend the patents probably somewhere around 2 to 3 years, creating the idea that then the generic drug never becomes available for that long. And that also causes a problem because we could cut or look at the cost.

Mrs. JONES of Ohio. The interesting thing is, and I think that everyone on our side of the aisle wants to be clear that we are not trying to bankrupt any of the drug companies. We thank them for the research that they have done in this particular area.

Mrs. THURMAN. Absolutely.

Mrs. JONES of Ohio. And the advancement in medicine that has been made. But the reality of it is that there are people across our country that cannot afford to purchase the drugs at the costs that are currently set; and we really need an opportunity to spread the wealth, to allow those who are unable to afford that high cost to participate as well.

The gentlewoman was talking about the studies that were done in the State of Florida. We did a study in my congressional district; and there was one drug, that I wish I could remember the name as I stand here right now, that seniors were paying 1,000 over the cost if they were in a favored status plan.

Mrs. THURMAN. It actually is a hormone, and it actually was something that sometimes we need to keep ourselves in balance.

Mrs. JONES of Ohio. Correct.

Mrs. THURMAN. A lot of people understand that. Even our husbands would understand that on occasion.

Mrs. JONES of Ohio. Absolutely.

Mrs. THURMAN. And that was one of those issues that in fact raised the level of it, and it causes a lot of problems for some people.

But on this generic thing, I think there is something else that needs to be remembered. This is not just about seniors at this point. This is families. This is children. This is young, this is middle-aged, and this is the older generation. Everybody benefits when we have a generic drug. And the numbers that we looked at were that it actually could save about $71 billion for this whole group of folks, whether it was families or whatever. Think about $71 billion.

Mrs. JONES of Ohio. And the thing that is so important is that we have as a Nation now developed our health care in a delivery system where we can engage in preventive health care. And if we could engage in preventive health care with certain prescription drugs, then we could really save ourselves dollars on the other end of the lifeline. We need to be able to provide the necessary prescription drug benefit to people at an early age, to keep them from getting themselves in harm's way.

One of the prevalent conditions that exists across the country is the whole issue of diabetes and trying to reach diabetes at an early age so individuals do not develop to the level where they have to take insulin, which is much more costly than watching your diet and taking some type of prescription. That would be significant in all families.

Let us even take a look at the gentleman from Illinois (Mr. DAVIS), our colleague, who was talking earlier about the whole issue of prostate cancer and having the ability to do the diagnosis, the preventive care, the type of prescription drugs to be able to arrest that situation early on and to give advice and counsel. That would be significant.

Mrs. THURMAN. The gentlewoman brings up an excellent point, and it is a point that needs to be talked about even more. As we just did the tax bill, and we are watching all these dollars kind of go out there right now, which legitimately we all agree there should have been a tax bill, we just think it should have been a little more reasonable.

Mrs. JONES of Ohio. And to allow for prescription drug benefits.

Mrs. THURMAN. Right, and the fact of the matter is that within that there is also the situation we are in now with Medicare and dollars that we have available and what is going to happen in 10 years from now when the baby boomers come in and we have this huge exploding price. Well, one of the ways, and the gentlewoman is exactly right, that we can look at the expenses is by prevention.

Well, this is what happens under Medicare. If a person is ill, an elderly person, and we have heard the stories.

Mrs. JONES of Ohio. Over and over.

Mrs. THURMAN. People would cry if they heard some of the letters I have gotten as we have started talking about this: wives saying I cannot take my medicine any more because my husband needs it more; or I can only take it half the time. Guess what happens? These folks end up in the hospital. They end up in the hospital; and now we have Medicare, which, in fact, as the gentlewoman pointed out, pays for inpatient medicines. So they pay for the inpatient medicine. So we get the person healthy, or as healthy as we can.

Mrs. JONES of Ohio. Under the circumstances.

Mrs. THURMAN. Under the circumstances. And we kind of get them out there; and then we say, okay, now, go home. They go home and they have their prescription drug from their doctor, and they go to the pharmacy and all of a sudden we have got them in balance now. They are feeling a little better. They go to the pharmacy and what happens? The first thing that happens is they are standing there, and they may be looking at a $300 bill, a $200 bill, an $800 bill, going, I cannot afford this. They buy what they can, they work with the pharmacist, they cut them in half, and 3 or 4 months later, guess what happens? They end up back in the hospital. And Medicare is paying for that.

Mrs. JONES of Ohio. I cannot forget that, in the course of my decision to come to Congress, I was engaged in a town hall meeting; and one of the people in the audience says, Well, why don't you buy every constituent in your district a pill cutter? I said, do what? Buy them a pill cutter, and then they could cut up the pills that they have and it would extend over a longer period of time. I said, Sir, the real reason I won't buy one is I am not a pharmacist or a doctor. And how can I tell a constituent of mine how much medicine to take and when they should take it? That is why we license doctors to prescribe and why we license pharmacists to dispense on the prescriptions.

I could not believe it. But the reality is that we do have people across this country who have gotten pill cutters and started thinking that they can self-prescribe by saying, well, instead of taking one pill today, I will cut it in three and take it three times in a day and really not understanding how different prescriptions interplay with one another and the impact they can have on their health long term.

We have been joined by our colleague, the gentleman from New Jersey (Mr. PALLONE), who is actually our leader on this particular issue.

Mr. Speaker, can I get a ruling from the Chair as to how I would now turn this time over to the gentleman from New Jersey (Mr. PALLONE) so I will not cause us to lose this time, please.

The SPEAKER pro tempore (Mr. GRUCCI). On the designation of the minority leader, the balance of the pending hour is reallocated to the gentleman from New Jersey (Mr. PALLONE).

Mrs. JONES of Ohio. As I leave, Mr. Speaker, I would like to say that it has been wonderful to have an opportunity to engage in a colloquy with my colleague, the gentlewoman from Florida (Mrs. THURMAN). She has been a leader in this area.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Ohio, and I apologize that I came here late; but I am so glad the gentlewoman took the time so we did not lose it.

The dialogue that the two gentlewomen were having was really excellent. I know she has to leave; but I want to continue on, if I could, with my colleague from Florida on this generic issue, because I think it is so crucial, but I do thank the gentlewoman.

Mrs. JONES of Ohio. I thank the gentleman very much.

Mrs. THURMAN. I appreciate the dialogue too; it was great.

Mr. PALLONE. I noticed that my colleagues were talking about what I call the GAAP bill, Greater Access to Affordable Pharmaceuticals Act, or GAAP. I think it is important, and I want to kind of give my New Jersey perspective on this, because I agree with the gentlewoman completely when she said that the greater use of generics is certainly a way to address the affordability issue.

We have been talking in our health care task force and amongst Democrats about trying to put together a Medicare prescription drug benefit, and we have certain principles that we want to be universal: everybody should have it, should be voluntary, and it should be affordable. Because if it is not affordable, it is not much use to anybody. I agree with my colleague that in many ways, and I am not saying the two of us, but I think a lot of our colleagues have not paid enough attention to the whole issue of how generics and more widespread use of generics could really address that affordability issue in a major way.

Now, I say the New Jersey perspective because I have been kind of outraged by the fact that in my State, as the gentlewoman knows, there are a number of the brand-name drug companies, and I am very happy they are in my State, and we have a lot of people employed by them, but many of them over the years have approached me and other colleagues to try to put in these patent extensions. I have refused to sponsor patent extensions because I think it is wrong. I think what it effectively does is it postpones the day when the generics come to market, and it keeps the price artificially high using these brand names that have actually expired even under the law.

These things usually do not pass as stand-alone bills, as my colleague knows. They usually get stuck into some omnibus appropriations bill at the end of the session or some reconciliation or something else, and nobody even knows what they are voting on because it is a little paragraph somewhere in a bill that is 2 feet high on the desk. So that is something that has to stop, and the GAAP bill tries to address that.

The other thing we get is this whole issue of trying to change the patent. In other words, I will give an example. This is one of their favorite tactics that we get from some of the brand-name companies, and the gentlewoman may have already mentioned this, and I apologize.

Mrs. THURMAN. I did not.

Mr. PALLONE. They make essentially insignificant changes to the product, and they get a new patent just as the original patent is set to expire; and then they go on for years with essentially the same patent.

Mrs. THURMAN. And if the gentleman will yield, one of the things they do is they might change the label or how the medicine is configured; they might change the color. Now, they might have a problem with some of their medicines, because they do an awful lot of advertising on some called the purple pill. And there are a lot of folks out there that know the purple pill, so if they changed it to pink, I am not sure how many more they could sell. But that is the idea of what is going on out there.

It is not about the chemical makeup of this medicine; it is about just changing the label or color or whatever, but something that has nothing to do with the makeup of the medication at all.

Mr. PALLONE. And the way the current law reads, and I do not think it was really intended that way, but it has been basically utilized in the wrong way, that once that presentation is made with this new patent, for 30 months the generic cannot come to market. That is 30 months. We are talking about 2½ years, which is incredible; and we correct that in the bill that we talked about. In the GAAP bill we correct that.

Mrs. THURMAN. Yes. And we also correct a somewhat curious operation where they have actually kind of been involved or engaged with some generic companies where they actually have bought out or have actually delayed the generic drug coming to the market as well, and that is another area that we are trying to address in this piece of legislation.

Let me ask the gentleman a question, because I do not have this information, and I wish the gentlewoman from Ohio (Mrs. JONES) was back here, because one of the things we did not talk about that I think is also very important, and certainly the gentleman and I have looked at this and the research, but this whole issue of the profits. Because one of the things that the American people are being told at this time and have been told, and by the way through rather large marketing of political statements to the tune of about $30 million in this last campaign to try to persuade people to believe, that there were things that ought not to happen in a benefit plan. And I quite frankly was offended in some of the tactics that were taken in scaring people as to what might have happened.

But when we look at the profits and we start to do the breakdown, and I think Forbes came out with this, and I do not have it with me; but they were like four or five top parts, like profits or whatever. But, anyway, they had like three or four columns; and the pharmaceutical companies were top in every one of them in terms of profits, and then in the fourth column it was oil and gas.

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So it was kind of ironic to me that here we are looking at issues, and I know in my home State and I think in all of our home States, is a life-or-death situation for many people. I do not know if the gentleman has those numbers.

Mr. PALLONE. Mr. Speaker, I do not have them with me, but in the last 6 months we have seen a lot of stocks tumble, generally in Internet and other areas. The drug stocks have stayed pretty good, primarily because they are making record profits. We are capitalists in America. And we do not have a problem with people making money, but they are making money at the expense of these seniors who cannot afford to pay for these prescription drugs. And as the gentlewoman says, it is a life-or-death situation.

During the course of the last Presidential campaign, as well as congressional races, we saw the current President, as well as many of our Republican colleagues, run on a platform that they were going to address prescription drugs and have some kind of benefit. We are not seeing it.

At one point, the President said that he wanted to do a low-income benefit. We are not sure if that is what he ultimately will say that he wants the Congress to do. At this point, I wish he would do anything. The idea of doing a low-income benefit is not what I am hearing from my constituents. The people that are coming to me are not the people that are eligible for Medicaid, but the people in the middle-income bracket that do not have a benefit because the HMO does not provide it, or they want to buy some Medigap which does not cover it. They are going without. They are doing as the gentlewoman from Ohio and the gentlewoman from Florida said, they are cutting back or taking half a pill or just not getting any pill.

I agree with the gentlewoman that generics is one way to address this, but we need a benefit package. We have to say that everyone that is covered by Medicare, regardless of income, gets a prescription drug benefit. We figure out how to do it and whether there is going to be a co-pay and what the catastrophic is. I do not see that happening with the Republican leadership. I do not see any movement in that direction.

Mrs. THURMAN. Mr. Speaker, the only movement that we have seen or has been talked about is the $157 billion that would be used, as suggested, for low-income seniors. In Florida, we already have a Medicaid medical-needy program for those in that position. The gentleman is correct, it is in the middle and at the high. The issue there as well, and quite frankly an issue I have with the entire Medicare situation, some people have it because they have Medicare Choice, but we are seeing Medicare Choice programs are pulling out, and then these folks have no prescription drug benefit.

But at the same time, if an individual is a fee-for-service Medicare beneficiary, they have paid in exactly the same thing on a tax on earnings to provide for Medicare, and the money that goes into HMO Medicare Choices are nothing more than the tax dollars which have been put in there and then given to the Medicare Choice programs to provide this.

So you have a very unbalanced Medicare beneficiary program going on where some get it and some do not. Some are getting pulled out, and they have nothing to replace it with. When you look at the Medigap programs, and we have all heard and seen, and certainly from the stories we hear from our constituents, Mr. Speaker, they might pay $1,800 a year, but they might only get $1,000 in benefits. That is part of what is going on out there.

When we started looking at this last year, we said it has to be a Medicare benefit. It cannot be through some private benefit because we had all of the insurance companies, or at least many of them come and say, guess what, we are not going to provide this. On top of that, you dilute the buying power of the Federal Government for a benefit package. And that is where a lot of discussion is going on right now in the health care caucus that we have been talking about in trying to come up with some alternatives. Those are some issues that we are all trying to wrap-around and figure out what to do with them here; but the gentleman's State has a better start.

When I talked about the medical needy or the Helping Hand Up, quite frankly, part of that plan was to give back to the governors.

Mr. PALLONE. Mr. Speaker, that is a block grant.

As the gentlewoman says, every one of these proposals that the Bush administration comes up with, the people that they are supposed to help say they are not going to work.

My own State, Mr. Speaker, if an individual is eligible for Medicaid and is very low income, they usually get their drugs. There are problems, I am not saying it is easy, but generally they have access. Because we have casinos, there is revenue that is generated by the casinos that goes to the State, and we use that to finance a lower income prescription drug benefit that is above the people eligible for Medicaid.

Right now I think that is maybe as high as, for a family of 2, maybe up to $19,000 or $20,000 annually; and that is very good because you only have to pay $5, I think, for each prescription.

Mrs. THURMAN. Mr. Speaker, if the gentleman would yield, who does this?

Mr. PALLONE. Mr. Speaker, the State does with the casino revenue funds. That has been going on for awhile, but that does not cover the majority of seniors or the majority of middle-income seniors. Those are the people I hear from. New Jersey has a high cost of living. When one talks about $16,000, $17,000, $18,000, $19,000, one cannot live on it in most cases.

As the gentlewoman said, we have heard two things from the Republicans. One is the Bush proposal which is the Helping Hand. I have in front of me, he says that the measure establishes block grants for States to provide prescription coverage for some low-income seniors. His plan limits full prescription coverage to Medicare beneficiaries with incomes up to 35 percent above the poverty level, up to $11,600 for individuals and $15,700 for couples. That is below what New Jersey is already offering with the casino revenue. We would not benefit at all, and that is obviously why in our State nobody is in favor of this.

Mr. Speaker, the other thing that we are getting was this idea about the Republican proposal last session which is the drugs-only policy. In other words, rather than have prescription drugs as a benefit under Medicare for everyone, which the gentlewoman and I propose, and the Democrats propose, they would just give a certain amount of money and you go out with a voucher and buy a drugs-only policy. But as the gentlewoman said, no insurance company says they are going to write it.

Mr. Speaker, I know in Nevada they actually did that about a year ago. For 6 months they could not get anybody to write it. Then somebody wrote it, but I do not think that they covered even 100 people. It was a total failure.

So these approaches, it is almost like let us do whatever we can not to guarantee this under Medicare because Medicare is somehow evil or government. I do not have any patience for people who get into the ideology of whether it has to be government run or not. The only thing I care about is whether it works practically. I do not care about the ideology myself.

Mrs. THURMAN. Mr. Speaker, I think that the governors got together. I believe this is what happened.

Mr. PALLONE. Mr. Speaker, the gentlewoman is correct.

Mrs. THURMAN. And they talked about it. One of the things that they do not want to do is they do not want to be in the position of taking over the Medicare program. They already are involved in the Medicaid program, plus whatever programs they have within their own States, and they do not want this responsibility.

Then they have to pick and choose. They have to make that determination. Quite frankly, that is a very bipartisan group of folks out there. That is Democrats, Republicans, Independents, making that decision not to have the Federal Government abrogate to the States our responsibility which is Medicare.

Mr. PALLONE. Mr. Speaker, that is an important point. The problem with the block grant, if you use my State, you can write into this language that would not allow this, but there is the danger that you send the block grant to the State and they use the money to fund the program already there. You can try to avoid that through legislation, but it is always going to be a problem. If there is not enough money, they use it for the existing program and do not expand it to include anybody else.

Mrs. THURMAN. Mr. Speaker, at the Federal Government we are already participating with the Medicaid program.

Mr. Speaker, somebody gave me a note to tell me what those three subtitles were on the profits. I will go back to that. Number one, return on revenue. Number one, return on assets. Number two, return to the shareholder equity. That is what they were actually in the last look in the last time. I thought that was pretty interesting.

And I agree with the gentleman from New Jersey (Mr. PALLONE). I give the gentleman a lot of credit because I know he has a lot of pharmaceuticals, and the gentleman is bucking those people at home who do provide jobs. So I give the gentleman a lot of credit for standing up on principle and on an issue that he believes in. The gentleman has done a tremendous amount of work. It is not easy, especially when one looks at the dollars spent on things like Flo, and some of the ads attacking us because we have this belief that people ought to have a Medicare prescription drug benefit. But it is important.

Mr. PALLONE. Mr. Speaker, the gentlewoman is correct that so much money has been spent, and of course New Jersey does have a lot of the brand name drug companies. But if you talk to people on the street in my State, their attitude is not any different. They do not have any better access or ability to purchase the drugs than anybody else; so the problems are the same wherever you are.

Mrs. THURMAN. Mr. Speaker, here is another issue, and this hits everybody. This is not just a Medicare patient, this is now starting to hit families, working men and women across this country. I actually got the first taste of it about a year ago when a major corporation came in to talk to me about this. They were talking about health care costs going up. I said, Tell me what that means. They said, Well, our prescription drug benefit is going up so high and the cost of the drugs are getting so high that we have a couple of choices now. We can either reduce the benefits of a prescription drug, or we can no longer or we will not be able to actually do coverage of other areas of health care.

Mr. Speaker, if a business had a plan where they were given some dental or they might have been given some mental health or they might have had for their child an ear examination or a woman might have had a pap smear, mammography every year, now they are changing those plans to meet the needs in the prescription drug part of it, and they are now cutting back on the other benefits of these plans. It is all because of one area within health care that is really pushing this up.

That worries me because here we are talking about all of the uninsured, the 44 million people that are uninsured. We are trying to find ways in this Congress to actually make it easier and beneficial to employers to provide health care. Then once they get into it, and what people are looking for in a plan is not going to be available to them because of one cost over here. So it could just eventually escalate.

The same thing is happening in the hospital system. They do have some reimbursement for Medicare within the hospital setting, but in some of these other insurance companies as they cut and are not available, there is nothing we can do about it. Their costs are starting to go up. So then it is a domino effect. If you have to do this, what are you going to do about nurses, what do you do about the shortages we are having? There are all of these domino effects to the health care system.

Mr. Speaker, I do not think that any of us want to see the pharmaceutical companies go out of business. My husband had a kidney transplant in 1995–1996. If the medicines like immunosuppressant drugs were not available, transplants might not be as easily done because this medicine works as an anti-rejection.

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I can tell you how thankful I am that I have my husband, and I am thankful for the research they have done. But we cannot just hang that out, because there are so many things going on out there that just have not been proven to us, at least have not been proven to me that in fact they could not give a little to our constituents who do not have the opportunity to have a prescription drug benefit at this point.

Mr. PALLONE. I want to pick up on the gentlewoman's point there about how as the prescription drug part of health insurance, as the cost continues to rise, and you have, as you say, either cutbacks in other areas or just costs that make it prohibitive for employers to cover their employees, that is the crux of the problem. We had as a percentage of the population fewer people that were uninsured a few years ago than we do now, mainly because the primary way that people were insured historically in this country was through their employer, on the job. And when you create a situation where those employers can no longer cover their employees, that is where the crisis comes with the uninsured. Again, I do not want to look at it ideologically. In my view I would love to have everybody covered by their employer and not have to have any Federal program. But we know that the problem now again is not people who are on Medicaid or people who are low income, who are not working because they are disabled or they cannot find a job, the problem is for people who are working. The uninsured, that 45 million people, they are almost all people that are working.

Again I say, I have been as strong an advocate as the gentlewoman of expanding some of these Federal programs to the uninsured, as most of the Democrats have. We initiated the CHIP program for kids, which basically gives money to the States so that they can insure children, and we have advocated as Democrats that we would like to see CHIP expanded to the parents so that the parents who are working do not just enroll their kids but can enroll themselves. Again, we have had the Republican leadership and the President, I would not say oppose it completely, but certainly not been supportive. They have granted waivers to certain States in a minimal way to do it, but most States do not have waivers. What we really need is a program that covers everybody who is eligible for the CHIP program, be they a parent or even a single person. I do not think they should have to be a parent either. I think even a single person who is in that situation.

Again, I do not advocate that because I think that the government should run health care or because I want a government program to provide insurance, but simply because the employers cannot do it anymore. That is why we have had this shift to so many people who do not have health insurance.

I agree with the gentlewoman that the drug companies, to the extent that they are making these big profits, they are contributing to the inability of employers to pay for health insurance or to make a significant enough contribution to make it so that employees can take advantage of it.

Mrs. THURMAN. That is what we are hearing at home. It really is kind of sad.

I think maybe we should jump over just to one other issue quickly because I think we might even have an opportunity either this week or next week to look at something also that has been on a lot of people's minds and that is the Patients' Bill of Rights, another issue that has been around since about 1999, 1998, that quite frankly passed this House in a present form that we could take up today, pass it and move it over to the Senate with a very similar piece of legislation and we could be putting the Patients' Bill of Rights on the President's desk. However, once again, and I heard some stuff today that I need to check out, but some of the things that are going to be stuck in this, like maybe some MSA stuff and some other areas that are going to make it kind of bog down again. This is such a critical issue in so many ways.

One of the stories that I always tell and actually came from one of the editors of my newspapers who said, tell me about the Patients' Bill of Rights. We said, well, this would give the opportunity for children to go to their pediatricians and women to go to their obstetricians and all of these abilities for us to have a little bit of choice in our programs and who the doctor might be. But I think the underlying issue is somebody taking the responsibility of a mistake being made, because quite frankly when you have to take responsibility, less mistakes are made. I honestly believe that that is what this issue is really all about.

One of my editors was telling me about a young woman that his daughter was going to school with. What happened was she went in for a breast exam, had a lump, and the doctor asked to have a mammogram done. They said, no, that she is too young, that she is not going to have breast cancer and on and on. The doctor said, no, you need to do this.

They did not get it. Six months later she went back, the same thing, did not get it. Finally she came home for Thanksgiving or something, her parents said, we really need to get you to this doctor. They went, they did a check on it and in fact it was cancerous. It was my understanding that she may not live because of this. That was someone's responsibility. The doctor made the decision and somebody denied that care.

Now, what really strikes me, though, is if the doctors do that under liability as we know today, they would have to be held accountable and in many cases they become the ones who are held accountable for a decision that they made to have it done but somebody else told them no.

Mr. PALLONE. Because they were told that if they have so many tests or if they have too many costs, then they are going to not be part of the plan and they will not be able to practice medicine essentially. It is very sad.

Mrs. THURMAN. Hopefully we will have a good, clean bill and a good, clean debate on this floor.

Mr. PALLONE. I wanted to point out, and the gentlewoman said it earlier on, but I want to reiterate it, and again I am being very partisan, but I have been very frustrated because if there was one health care issue that during the course of the presidential campaign the current President, then candidate George W. Bush, said was that he wanted to pass a Patients' Bill of Rights and even mentioned how in the State of Texas that they had a Patients' Bill of Rights. He forgot to mention that he did not sign it and he let it become law, but we will forget about that for the time being. The bottom line is that the first thing that many of us did who supported a Patients' Bill of Rights, the first day we were here in session in January, on a bipartisan basis, there were just as many Republicans as Democrats, put in the bipartisan Patients' Bill of Rights, exactly the same as the Texas law, and said, "Okay, here is the bill. Let's get it going. Let's get it signed."

The gentleman from Michigan (Mr. DINGELL) took the lead on the Democratic side, the gentleman from Iowa (Mr. GANSKE) on the Republican side. I guess I am not supposed to mention the other body, but I will say it was bipartisan in the other body as well. Six months have passed almost and what has happened? Nothing. I understand that the other body is going to take this up because of the change in the party, Democrats are now in control in the other body and they supposedly are going to take this up, but we should not have to wait for a party change for that to happen.

And what is wrong with doing it here in the House of Representatives? As you said, this bill, the Ganske-Dingell bill, is almost exactly the same as what passed overwhelmingly here in the last session with almost every Democrat and I think about a third of the Republicans, and the President now says, "Well, I don't like it too much. I may want to change which court you sue in." He has got a couple of things. In my opinion, they are relatively minor. I honestly believe that if you took the proponents of the two parties on this issue and you sat them down in the well here tonight, they would be able to iron out their differences in an hour and we could bring the bill up tomorrow. The President is really dragging his feet on this and the Republican leadership is dragging their feet because they do not want it to be brought up because they know if it does as last year, it will be passed overwhelmingly.

I hear, though, that there is a movement on, and I will not get into too many details but some of the Republicans on the Committee on Ways and Means, the gentlewoman's committee, to try to come up with an alternative bill that is a lot weaker, that actually does not cover everybody, covers a smaller group, not everybody or does not even provide some of the basic protections. I would hate to see any watering down in that respect, because we clearly have a majority here that wants a strong, real Patients' Bill of Rights. We need to keep everybody's feet to the fire and say, "That's a bill that's going to get out of here."

Mrs. THURMAN. We talked about this a couple of weeks ago. I actually went back and looked at the vote. The vote was overwhelming. Not only on top of the vote being overwhelmingly bipartisan, also instructions to the conferees, because remembering that the House passed it, the Senate passed it, it was in conference, but it was never allowed to get out. The President at that time, Mr. Clinton, was ready to sign the bill. They could never come to agreement. It was all over this issue of responsibility, which I find extremely interesting because any other mention of any other issue, they keep telling that we need to take personal responsibility. Why would you not expect an HMO to take personal responsibility for decisions they make any different than you would ask an individual to take personal responsibility?

So here it is, 2001, potentially we will have this opportunity. I would hope that our colleagues who supported the Dingell-Ganske-Norwood bill would be in favor of also getting this done in a prompt time and let us get it to the President and then he can make the decision as to what he wants to do. I am not trying to do that, I am just trying to make sure that in fact the people that we represent are given the options that they have been asking for since 1998. Because, quite frankly, we have done a lot of other things for the hospitals, we have done it for managed care in this last go-around, we have worked on some of the issues, the money issues, we have tried to be fair and balanced in all of the kind of revenue bills we have done, the appropriations, the revenue bills we have done over the last couple of years when money was cut out of Medicare, to kind of pump that back up. They all got some of it. Now we are just saying, "Okay, let's be responsible and let's do the right thing for the people."

Mr. PALLONE. I will be honest with the gentlewoman, I am totally convinced that anything that comes to the floor somehow procedurally, the majority's will will prevail and we will be able to get a good bill. Even if the Republican leadership comes with a bad bill to the floor, we will do amendments, we will do substitutes, we will do whatever and we will be able to overcome it and come up with a good bill. I am just afraid we never see it. That I think is again the special interest, the health insurance industry, which unfortunately does not want to see the changes that this bill does. Basically what the bill does, if you want to sum it up in maybe one or two sentences, is it says that decisions about what kind of medical care you are going to get, what is medically necessary, are made not by the insurance company but by the physician and the patient. They do not want that. The second thing is that if you are denied, as you mentioned, that you have a legitimate way to express your grievance, either through an independent, outside board or to go to court, and they do not want that, either. Naturally the insurance companies are going to oppose this and they are going to try to do whatever they can to prevent it from coming up here in a fashion that we really can vote as a majority for what we think is good for the country. But we will just keep speaking out as we have until we see something come forward that we know is good for the American people.

Mrs. THURMAN. I have enjoyed this. I hope some people have been listening. We certainly would love to hear their comments or their stories or issues that make a difference in people's lives, because I think it is important that we hear from the real people out there that have to deal under the laws that we either pass or do not pass in some cases.

Mr. PALLONE. I agree. I want to thank the gentlewoman for being here tonight as she has so many times. I think all we are really trying to do is what is right for the average American. These health care issues are really crying out for a solution. It is not pie in the sky, it is real, day-to-day lives that people are living and it impacts on their lives.

ADMINISTRATION'S ENERGY POLICY TO BENEFIT THE ENVIRONMENT AND AGRICULTURE

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GUTKNECHT. Mr. Speaker, I am joined tonight by some of my colleagues, and we are going to talk about what I think is a very happy thing that happened today. It is a happy coincidence where good policy comes together, when we are talking about energy policy, we are talking about environmental policy, and ultimately also talking about what is good for American agriculture. All three of those things came together today when the White House announced that they are not going to give California a waiver of the clean air standards in terms of oxygenated fuel.

We have got a number of experts who are going to talk tonight. I know some of my colleagues have other things that they need to be at and so I want to first of all recognize the gentleman from Illinois (Mr. SHIMKUS), who has been really one of the stalwart fighters in the battle for oxygenated fuels, for biofuels, for making certain that wherever possible we grow the energy that we need here in the United States. I want to welcome him to the special order tonight. I know he has got somewhere else that he needs to be tonight. I thank the gentleman for joining us.

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Mr. SHIMKUS. Mr. Speaker, I thank the gentleman from Minnesota (Mr. GUTKNECHT). We have folks from Minnesota, Nebraska, Iowa, and I am from Illinois. It is a great day.

I will take kind of a different twist because many of the Members who will come up to speak will be from their position on the Committee on Agriculture or the Committee on Appropriations, and other committees that have an important role. I serve on the Committee on Commerce, and from that vantage point I have had an exciting time dealing with biofuels issues across this Nation, not only ethanol but also biodiesel.

The decision rendered by the EPA today on the California waiver request was a major victory for a couple of reasons. One, it is just a simple great victory for clean air. The Clean Air Act that was enacted into law in 1992 has had a significant impact on cleaning our air throughout this country. The greatest benefit is that 2 percent oxygen requirement that in essence just helps the fuel burn with more intensity and by burning with more intensity it then burns out the impurities. So we have some benefits.

We have a reduction in carbon monoxide at the tailpipe. We also have, in essence, a reduction in carbon dioxide because ethanol and the 2 percent quality is replacing petroleum-based fossil fuels, which is decreasing the carbon dioxide. So we are having tremendous benefits.

Let us talk about it from just the overall energy issue. We have and still have an increased reliance on foreign imported oil. It is very critical to our national strategic energy policy to make sure that we have the ability internally to produce the fuels that we need to create the energy sources to help development in all aspects, and also to have the fuel resources we need to go to war. If we continue to rely solely on one fuel type, petroleum-based fuels, and not explore renewable fuels, then we put ourselves at a disadvantage.

What this California waiver decision does is it establishes for the capital markets and for all the co-ops and all the producers who have been anxiously awaiting some certainty that ethanol is going to have a role in our national energy policy, that there will be some certainty in their investments.

California is a tremendous market, a market that has been primarily filled, the oxygen portion, by MTBE. MTBE has been known to pollute groundwaters and is now becoming the additive persona non grata. No one wants to use it. Ethanol creates a win/win for us because it helps us keep the clean air standards that were passed that have been so successful while ensuring that we have clean water since ethanol does not pollute the groundwater.

This will also translate into an increased demand for our producers, certainty to the markets for the capital investments and as I have talked to a lot of my producers and the folks in the agricultural industry, the most important thing that this administration could have done was to deny the California waiver, keep the clean air and push for the continued use of the oxygenation standard and that oxygenation standard being the use of ethanol. It is a tremendous victory. I applaud the administration on keeping a proper balance with clean air and clean water and also putting a hand out to our family farmers who have for many, many years invested in a product that they know can meet the demands of the future and have cleaner air.

This sends a strong signal to the agricultural sector that ethanol is here to stay and now we can use this victory to leverage an increasing biofuel usage across the board, maybe a renewable standard, also working in the biodiesel aspect with the soy, soy diesel aspects that I have worked through in other legislation.

I wanted to make sure that I had an opportunity to come on the floor to reemphasize the importance of what the administration has done today, and I thank the gentleman from Minnesota (Mr. GUTKNECHT) for arranging this special order and yielding me the time.

Mr. GUTKNECHT. Well, I thank the gentleman from Illinois (Mr. SHIMKUS) for his remarks. He has been afire on this issue in terms of biofuels, and we worked with the gentleman on not only this but ultimately moving forward with biodiesel, a product that can be made with a blend of diesel fuel and soybean oil or other oils. Soybeans seem to work the best. These are ways that we can help solve our energy problems by growing more of that energy supply.

I want to just come back to one point that the gentleman made about MTBEs. Now, we know that MTBEs cause cancer. We also know that it leaches into the groundwater. The reason that ethanol is such a great product in terms of replacing it really is twofold. First of all, we know that ethanol is harmless to people. As a matter of fact, if one puts it in an oak barrel for 7 years, many people enjoy it in the form of bourbon, a modified version of whiskey. So it is something that actually can be consumed by human beings, and it is consumed by human beings.

More importantly, it is actually cheaper than the MTBE. Let me just share some numbers that because ethanol contains twice as much oxygen as MTBE, one only needs to blend half as much; in other words, 5.7 percent ethanol by volume compared to 11 percent MTBE. If one weighs out the economics of it, this decision will allow California to replace 18 cents worth of MTBE with only 7 cents worth of ethanol. In other words, consumers in California will actually save 11 cents a gallon because of this decision.

It is good for the environment. It is good for our energy independence. It is good for the farmer, but ultimately it is going to be good for the consumer as well.

So I want to thank the gentleman from Illinois (Mr. SHIMKUS) for his remarks. I appreciate him stopping by. I know he has a busy schedule.

I also have another good friend and colleague from the State of Nebraska who has been working on this issue for a very long time as well, the gentleman from Nebraska (Mr. BEREUTER). I want to welcome him to this special order and yield to him.

Mr. BEREUTER. Mr. Speaker, I thank my distinguished colleague from Minnesota (Mr. GUTKNECHT) and commend him for taking the important initiative on this important subject tonight and am pleased to be here with my colleagues from Illinois, Nebraska and Iowa.

We have had some discussion about the problems brought on by MTBEs and I am glad the gentleman brought that to the forefront with his colleague, the gentleman from Illinois (Mr. SHIMKUS).

I would begin by strongly commending President Bush for his decision to deny California's request for a waiver of the reformulated gasoline, the RFG oxygenation requirement. I think this is a huge victory for the American farmers and it is a huge victory for our environment. One of the problems, of course, with the additives used in California and in other States, the MTBE, is that we know now it causes cancer. It is highly soluble in water. It does not biodegrade. Indeed, the problem of MTBE, of course, is not limited to California. It is estimated that about 21 percent of the drinking water wells in RFG areas are contaminated nationwide, and the proper solution to California's problem is to switch to using ethanol to meet the Federal oxygen standards.

Now, the impact, of course, on agriculture is particularly important. We will be the first to admit that because we have low commodity prices. Using my State as an example, Nebraska produces about 20 percent of our country's ethanol. The State estimates that its seven ethanol plants would have generated $1 billion in investment and 1,300 jobs. So the decision by President Bush on the California request creates outstanding expansion opportunities for our State just as it does for other ethanol-producing areas of the country.

Our governor is Mike Johanns. He is currently the Chairman of the National Governors Association Ethanol Coalition. We are proud of the leadership that he and other governors are bringing to this issue.

Their estimate, the coalition's estimate, is that the ethanol industry has the capacity of doubling in size by 2004 and tripling by 2010 without disruption in supply or increasing consumer prices.

I want to quote also an analysis released earlier this year by the renowned economist John M. Urbanchuk. He is Executive Vice President of AUS Consultants. He found that greater ethanol use has positive implications for our Nation's economy. The study found that quadrupling the use of ethanol over the next 15 years would save American consumers $57.5 million in 1996 dollars, so it would be more today. This is the equivalent of nearly $540 per household in the U.S.

In the process, more than 156,000 new jobs would be created throughout the economy by 2015.

The Department of Energy's Energy Information Agency now projects a figure of imported oil, 60 percent now, would grow to 70 percent unless we take some changes. Ethanol deserves to be a part of a national energy policy and we have just seen a step forward with the President's decision, and we are ready to meet the challenges.

So I thank my colleague for yielding me this time and I look forward to hearing what the rest of my colleagues have to say and perhaps engaging further with my colleagues, but I thank the gentleman for the initiative.

Mr. GUTKNECHT. We are more than delighted to share the time. I would like to just come back to a chart here that my staff has put together that I think tells a very important story, and a lot of consumers just in the last several months have begun to wake up to the reality that we have not had a very coordinated energy policy in this country for the last 10 years. It really is time that we have one.

As the gentleman indicated, the gentleman from Nebraska (Mr. BEREUTER), according to the numbers we have from the United States Department of Energy, the U.S. imported more than 8.9 million barrels of crude oil per day in the year 2000. That represents over 60 percent of our domestic crude oil demand. Now that is a scary number, but it gets worse. We are currently importing in excess of 613,000 barrels a day from Iraq.

Now in case it has been forgotten, Iraq is the place where Saddam Hussein calls home. We are importing over 600,000 barrels a day every day from Saddam Hussein. At $25 a barrel, that is a lot of money. Supposedly that money is now being used for food and medical supplies, humanitarian concerns, but the truth of the matter, of course, is we cannot know exactly how Saddam Hussein spends that money.

The California waiver decision decreases our dependence on foreign oil and increases demand for clean-burning, domestically-produced ethanol. It is a great decision and, again, in the words of the old spiritual, oh, happy day.

Now I am delighted to have with us as well tonight a good friend that came to the Congress the same year that I did. In fact, his district adjoins mine for a few miles on the southern border, the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for having this special order this evening on a very, very important issue, I think, for the whole country. This announcement today really shows the concern and the commitment that this administration has and we all have for our environment. The fact of the matter is, this shows that one does not have to sacrifice clean air to have clean water.

The gentleman brought up earlier a discussion on MTBE. We all know that this is a pollutant that has affected our groundwater. Even in Iowa where it has not been used there are traces of MTBE in our water, because it is coming from other States and in the aquifer. This is a very, very important issue for everyone who believes, like we all do, that one has to have clean water.

The environment is very, very important. The question today that was answered was, does one have to sacrifice clean air in order to get clean water? Well, the fact of the matter is, one does not. The proof is here today that one can both get rid of MTBE, clean up our water supply, make it safe for our children, for our families, and also have clean air. With ethanol, we are able to provide the oxygenate that is needed for the fuels. In California, MTBEs will be banned, I believe, by 2003.

□ 2015

They are going to have to have a replacement. I can tell you, in Iowa we are going to do our part. In particular, just in my congressional district, we currently have five ethanol plants under construction in the planning stage, and are going to be online very, very quickly.

The great part of this is, and the gentleman from Minnesota knows this very well, but these are farmer-owned cooperatives, farmer-owned investment groups. This is not some big corporation out here that is going to profit from this. When we talk about value-added products, this is what it is all about.

We believe in investment; we believe in adding value to our products that we produce in such abundance, especially in corn, in our part of the country. We will utilize this great crop that we have in a very, very positive and productive way.

In addition to the five plants that are coming online in my congressional district, we also have at least another five coming online statewide in Iowa to go along with these seven plants that currently are in operation. I know that the gentleman from Minnesota knows very well what this is going to do for the economy as far as adding value to our corn crop. This, I think, combined with biomass, soy diesel, wind energy, and the President's energy proposal, I think, is right-on as far as what he is talking about with alternative energy sources. When we talk about ethanol, soy diesel, and wind energy, we have the largest wind energy farm in the entire country in my congressional district also.

But it is so important that we utilize our resources here, renewable resources, to solve this energy crisis that we are in, and to cut down our dependence, like the gentleman talked about, on foreign oil. I remember very well back in 1973 waiting in line to buy gasoline, if you could buy any at all. Many times the stations were closed. They were simply out of gasoline. At that time, if I remember correctly, we were about 35 percent dependent on foreign oil. Today we are over 60 percent dependent on foreign oil. The problem has gotten only worse, and it has gone on for decades now; but we have not had really an energy policy in place to address this problem.

So I think today is a very, very significant step in the right direction: good for the environment, good for reducing our dependency on foreign oil, good for value-added agriculture and for people really pulling together in rural America for a cause and to help themselves. This is extremely positive.

Mr. Speaker, one last thing. I think it is so important, and last year we went through a real difficult, very, very close campaign. One of the major issues in that campaign was restoring honesty, integrity, in the Oval Office, having people there who will honestly keep their word.

When our President today was a candidate in Iowa, he came to Iowa, and he said, yes, I support ethanol; I support Iowa farmers. I believe they can help themselves and increase their way of life and improve their families' lives, and we will work for you.

I had the honor to be with the President last Friday in Waukee and heard the President then reiterate his support for ethanol and support for family farmers; and, as the gentleman well knows, with the tax bill that he signed last Thursday, it is going to be a giant step forward for people to be able to keep the family farm, to reduce the tax burden on people who work and pay taxes, and families, helping them all the way through.

But the thing of it is, many people were cynical. Some of the people who supported the President in the campaign would come up to me and say, Well, he says he is for ethanol, but he is from Texas. You know, the big oil companies down there, they have a lot of influence. You know how many votes there are in California. Well, is he really with us?

All I ever said was just watch; that I believe that there is a person with great integrity, with real honor, who is running for the Presidency.

I think this shows to all Americans that you do not just have to go out and make campaign promises and not keep your word. It is very important I think in this day of very cynical politics in our system, with people being filled with doubt in our leaders, that we finally have someone who actually has done what he said he was going to do, and a phrase that is very familiar around here, the idea of promises made and promises kept.

I am just extraordinarily proud of our President, proud of this administration; and I am so happy for rural America, for Iowa, for all farmers who really want to derive a livelihood from the marketplace with value-added products. This is a great day for all of us.

I thank the gentleman from Minnesota for yielding.

Mr. GUTKNECHT. I thank the gentleman very much. I think the gentleman said it exactly right. This is a person who says what he means, means what he says, and is doing exactly what he said he was going to do, on virtually every front, whether it was education policy, tax policy, the budget, right down the line, from the day that this President took the oath of office, when he put his hand on that Bible and he swore to uphold the Constitution.

He went on to say that he wanted to restore dignity to that office, and part of it is doing what you said you were going to do. This decision today, I think while it surprises some people here in Washington, the cynics, the critics here in Washington, it really does not surprise me, because it was the right thing to do. It is right for the environment, it is right for energy policy, it ultimately is the right thing in terms of agriculture.

I wanted to come back to a couple of quick points before I yield time to another new member of the Committee on Agriculture from the great State of Nebraska. I want to come back to this chart and just point out a couple things to my colleagues.

This is how the increased demand for ethanol is really going to benefit our farmers. I want to talk a little bit about why corn is so important in this equation.

First of all, ethanol demand as we begin to phase out MTBE and replace it with the oxygenate we call ethanol, ethanol demand in California is expected to top 580 million gallons annually. Now, that will utilize, if you produce all of that ethanol with corn, and, incidentally, you can produce ethanol with other agriculture products, I want to make that clear. But I am going to come back to why corn is so important. That would utilize 230 million bushels of corn each year, which ultimately would boost corn prices by anywhere from 10 to 15 cents per bushel. Let me tell you, representing a farm district, 10 to 15 cents per bushel is really the difference for many of our producers between profit and loss. That is a very, very significant number.

But even more significant is that it could add as much as $1 billion annually to the value of American farmers' corn crops or other crops, because if we are using this corn crop to produce ethanol, it means that other row crops can be used for other purposes. So on a net-net basis, this ultimately will benefit all kinds of farmers.

Let me come back to why corn. When we talk about the plants that are the very high-tech plants today producing ethanol, they do not just produce ethanol. One of the great what used to be a by-product but is now a very important product that comes out of the ethanol process is you end up with a very high-quality protein feed.

So there are a lot of things about these processing plants. It is not just about producing ethanol. As my colleague from Iowa pointed out, it is about value added. We are adding value in several ways to this corn crop, and more and more of the production facilities are farmer-owned. This is a way that they can recover more of that downstream profit.

I want to now recognize one of our new members of the Committee on Agriculture, who certainly needs no introduction to anybody in the State of Nebraska or anyone who has followed college football over the years. The gentleman from Nebraska (Mr. OSBORNE) has quickly become a leader in the Committee on Agriculture, not only on the issue of ethanol, but on the whole issue of value-added agriculture and the importance of us at the Federal level doing all that we can to improve markets and find additional markets for those things which we can grow and produce here in abundance in the United States.

Mr. Speaker, I would yield to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from Minnesota, and I certainly appreciate the comments of my colleagues from Iowa, Nebraska, and others who are going to speak after me.

I guess I would like to add my comments of appreciation for what the administration has done. We have heard for a number of weeks that the answer had not been official, but we were going to like what we heard, so I would reiterate what the gentleman from Iowa (Mr. LATHAM) said, that we believed all along that the President was a man of his word, and so we are glad this has happened.

The problem has been that we currently have roughly 62 production plants for ethanol in the United States, and we probably have somewhere near that number in various stages of production. Of course, the thing that has held these people up has been concern, what is going to happen about the waiver in California. If the waiver had been granted, then the demand for ethanol would not have been increased, it would have been reduced.

So those people who are sitting on the sidelines and were worried about investment now are free to go forward, and I think we will see an immediate benefit. We will see a great jump in the production of ethanol in the next year or 2 years. This is important. It has been important for the Nation and important for the Midwest.

I would just like to mention three areas where I think this will have far-reaching consequences.

First of all, as has been mentioned earlier, it reduces our dependence on foreign oil. This is a big issue, because today roughly 56 percent of our petroleum is imported from OPEC; and as has been pointed out previously, OPEC is not necessarily terribly friendly to the United States. If at any time they decide to double the price or simply turn off the spigot, our Nation would grind to a halt within a matter of months. So dependence on foreign oil is a big issue.

As the gentleman from Iowa (Mr. LATHAM) mentioned, the earlier crises in the petroleum industry in the late 70s and 80s, where we had long lines of automobiles lined up for gasoline, at that time we imported 30 percent of our oil from OPEC, and today that number is double. So we are more at crisis today than we were even at that time.

Of course, there was a great deal of concern about OPEC in those years. Two-thirds of the world's known oil reserves are located in the Persian Gulf at the present time; and by the year 2010, many analysts believe that more than 75 percent of the world's petroleum will be met by Middle Eastern countries. So we are going to become more dependent, instead of less, if we stay on the current track we are on.

In 1998, a poll showed that 83 percent of American voters feared that the United States is extremely vulnerable to OPEC. Of course, if you took that poll today, I am sure that number would be much higher than 83 percent.

Currently, I think there is one thing that many people may not realize, but every vehicle marketed in the United States today can run on ethanol blends. Many people feel, well, you have to have a special automobile. That is not true. Every automobile can run on a 10 percent blend. We have many automobiles that run on 85 percent blends. So if you think about the possibilities, we can certainly lessen our dependence on OPEC greatly as we increase the percentages. So this is a very important development.

The second area that I think is very important as far as this ruling is concerned, as has been mentioned earlier, ethanol and biodiesel are of great benefit to the environment. It reduces greenhouse gases, global warming, acid rain, ozone depletion; and of course, many of us have been somewhat skeptical about global warming, but a recent study that the administration has ordered indicates that apparently there is something to this. It is something that needs to be addressed seriously, and of course, ethanol and biodiesel are important elements of this equation.

Currently, ethanol contains 35 percent oxygen by weight; and of course, that enhances the combustion of gasoline, resulting in a more efficient burn and greatly reduced exhaust emissions. Some people have said it reduces exhaust emissions by as much as 30 to 35 percent. This is a huge factor, and this is why ethanol and MTBE both are required in many of our major cities. Of course, we know that MTBE has been a problem.

□ 2030

Ethanol has nearly twice the oxygen content of MTBE, and can provide greater emission reduction on a per gallon basis than MTBE.

As has been mentioned earlier, MTBE has been proven to have some health consequences and cancer risks. It does pollute the ground water. It is being phased out in a great many of our States, and we think others will follow. Ethanol is not only better for the environment, it is more cost-effective, and is certainly a superior fuel.

Then lastly we might mention, in regard to environmental issues, that ethanol can replace the most toxic parts of gasoline with a fuel that quickly biodegrades in water, reducing the threat that gasoline poses to waterways and ground water. Anyone who has been involved with a brownfield or Superfund problem realizes the threat that petroleum poses to ground water. It has been proven that at the present time ethanol is not a threat, and it is soluble in water, so it is one product that can be used in petroleum that is not a hazard. So environmentally, we see that there are a great many benefits.

Lastly, I would mention that there is a serious economic benefit to the Nation, and particularly to the farm economy. All of us who are on the Committee on Agriculture are very aware of the fact that most of our people will tell us, we do not want any more government payments, we just want a fair price. We want profitability in agriculture.

So most of us, I think, as we have studied the problem, have come to believe and to understand that the key to profit in agriculture is value-added agriculture. It lies in cooperatives, where the farmer participates in the whole process from the beginning to the end. So this is an opportunity for the Nation and certainly for our farmers to reap some of the economic benefits of this product.

Currently, ethanol represents a market for over 600 million bushels of corn each year. This adds $4.5 billion in farm revenue annually. The USDA, as mentioned earlier, estimates that this adds about 15 cents to the price of a bushel of corn. When corn is selling at $1.60, that 15 cents is a huge issue for a great many of our farmers.

Currently, more than 1.5 billion gallons of ethanol are added to gasoline in the U.S. each year, and it is estimated on our current track with this ruling that by 2004, that will go to 3.2 billion. It will more than double. Of course, this will pretty much eat up any surplus that we have in corn and milo, and that could probably be in soybeans, as well. This has been one of the factors, of course, that has led to a lower price, so we think this has some great opportunities in this regard.

Then we might also mention some statistics put out by the Midwestern Governors Conference. They say that ethanol will boost total employment by 195,000 jobs. That is a huge increase in employment, particularly in the agriculture economy. It adds over $450 million to State tax receipts, and improves the U.S. trade balance by $2 billion.

Of course, all of us have been suffering and realize our Nation is suffering from a negative trade balance. This is something that reverses that trend by $2 billion, and it results in a net savings in the Federal budget to $3.6 billion. Of course, that involves all taxpayers, not just people in the farmland, but all taxpayers everywhere.

Lastly, let me just mention a couple of other things. As most people know, we have been talking about ethanol, we have been talking about biodiesel, but it is not just that. In the production of ethanol we have by-products, so we have feed, which is very high protein, very nutritious, and of course that adds value to our cattle, and has been a huge benefit to the livestock industry.

Also we have wet milling plants that, from the by-products of making ethanol, are able to produce clothing, in some cases; plastics, biodegradable plastics, and other products. So we see great potential in terms of side effects, side products. We think this is going to be very important.

So we greatly appreciate the decision by the administration, and that is why all of us are over here tonight voicing our pleasure, our approval. We think it is a win-win situation for the American people, the farmers, the environmentalists, and everyone involved.

So I appreciate the gentleman organizing this special order.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Nebraska for his contributions, not only to this discussion, but the whole debate about value-added agriculture and how ethanol and biodiesel can certainly be part of the solution. They are not part of the problem.

We are also joined tonight by the gentleman from Illinois (Mr. JOHNSON). He, like I, spent considerable time in the State legislature. He is a freshman Member of the Congress and a freshman member of the Committee on Agriculture.

He represents the Champaign-Urbana area of the State of Illinois, which of course is the home of the University of Illinois, one of the great research institutions, particularly from a land grant institution perspective. If there is a bigger fan of the Illini, I have yet to meet them. So we welcome him, and I yield to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Speaker, I thank my distinguished colleague and senior, mentor, from the State of Minnesota, for this colloquy, and for the opportunity for us to address a critical and serious issue in a very positive vein.

Mr. Speaker, I rise tonight in strong support of the Bush administration's decision today to deny California's request for a waiver from the reformulated gasoline oxygen requirement. Americans should not have to choose between clean air and clean water. Today's announcement ensures that the citizens of California do not have to make that decision.

This is also a victory for our Nation's corn producers. My home State of Illinois is the number one producer of corn-based ethanol. At a time when farmers are facing, at the very least, difficult economic conditions, today's actions will be a much needed shot in the arm.

This decision will add more than $1 billion to the depressed farm economy. Ethanol is renewable, it is nontoxic, and it is domestically produced. This means jobs for American workers.

California has wisely chosen to eliminate MTBE from its gasoline supplies, and as my State has done recently through an initiative by State Representative Bill Mitchell and State Senator Dwayne Nolan, we have acted likewise at a State level to ban that substance.

I have joined with my distinguished colleagues here and other Members of the House and Senate to introduce similar legislation. We hope for its passage at the Federal level.

The California elimination represents 11 percent of California's fuel supply. Without the addition of ethanol, gas prices would rise dramatically. By denying the waiver and maintaining the oxygenate standard, the lost volume will be replaced with ethanol, which is less expensive than MTBE. Ethanol contains twice the oxygen as MTBE, so blenders will need only half as much ethanol by volume. In fact, the decision will allow ethanol to replace MTBE at half the cost to consumers.

Ethanol currently has 20 percent of the oxygenate requirement market in California. Most if not all petroleum companies in California have experienced using ethanol in Phoenix, Las Vegas, Tucson, and Seattle-Portland. The ethanol market is poised to expand to meet the needs of the California market.

In conclusion, again, I thank the gentleman for this opportunity, and I applaud in the strongest possible terms the Bush administration for its wise, forthright decision to provide both clean air and clean water to the citizens of California, and for opening up a new market for Illinois and Midwest-grown ethanol around the country.

Mr. GUTKNECHT. I thank the gentleman from Illinois, and again, I thank him for his work on the Committee on Agriculture, not only in terms of ethanol and biodiesel, but in terms of value-added agriculture, because, as we said earlier in the discussion tonight, what most of our farmers want is not a bigger check from the Federal government. What they want is an opportunity and more markets so they can earn a decent living from the market itself.

By opening up new markets like the ethanol market and making certain that it is available to American farm producers in the State of California, we really have opened a whole new chapter in terms of value-added agriculture, and again, it is a win-win situation.

Mr. Speaker, I am pleased to introduce tonight a new colleague of mine, the gentleman from Minnesota (Mr. KENNEDY). The gentleman came to us from the private sector and had never served in public office before. He joined me on the Committee on Agriculture.

I think the first meeting that I ever had with the gentleman from Minnesota (Mr. KENNEDY) when he was a candidate, he said, what we have to do is find more markets. He came from a marketing background in business and understands that ultimately, if we are going to increase prices for farm commodities, we have to find additional markets.

He quickly came to understand how important biofuels, including ethanol and biodiesel, were. I am delighted to yield to the gentleman from the Second District of Minnesota (Mr. KENNEDY), a new Member of the Congress and a very important and valuable member of the Committee on Agriculture.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me. I am happy to be here and working on the Committee on Agriculture.

I want to applaud the decision that the EPA and the administration has made to stand up for rural America and for our environment and for rural communities.

This is a decision that is very important to me. I have spoken quite a bit on this. The gentleman from Minnesota (Mr. GUTKNECHT) and I wrote the President a letter earlier in the year encouraging him to make this decision, as we had written President Clinton before him.

When I was at the White House for lunch for the 100-day celebration, I had an opportunity to say just one good thing to President Bush, and that was to encourage him to make the decision we are making here today.

I have taken every opportunity I can, whether it be talking to President Bush's staff or to the Secretary or to other people in the administration, to encourage this decision. That is why I am so pleased.

I have gone around my district in southwest Minnesota for the last several weeks. I have had six agriculture forums. I have collected over 250 letters at those forums from our constituents that have been addressed to President Bush encouraging this decision, so there has been a groundswell of support for this decision. No one is more pleased than I.

As the gentleman said, the reason is because I do come from a business background. In my business background, whenever I have been faced with prices that are too low, my response has always been, how do we grow demand? As I look around our country, we all seem to be well-fed. We are probably not going to eat a whole lot more, so one of the best ways for us to grow demand for our country, for our country's products in agriculture, is to tap into the energy market. This clearly does that.

If we look at that, one of the best things this does is it grows our domestic energy supply. Ethanol is both renewable and it is domestic. As we grapple with how do we deal with the tight energy supplies in this country, this is something that is very important to us.

It was interesting to me to read an article in the Wall Street Journal several weeks ago that talked about one of the reasons why gasoline prices were going up so high was because the alternative to ethanol, MTBE, which has been found harmful to drinking water, was made out of natural gas, and given the shortage of natural gas, that was driving up the price of our gasoline.

So this is ultimately going to help to keep our gasoline prices lower and take demand away from important resources like natural gas that are important for heating our homes in the upper Midwest, as well as providing our fertilizer for corn that we get the ethanol from. So for many, many reasons, this is a great thing. It is a win-win-win-win situation.

It is a win for the supply of energy, for one.

The second thing is in the environment. This is a great thing for the environment. Not only does it take MTBE out of production, which has been found to be harmful to the drinking water, but it helps gas burn cleaner.

We did not have to be paying attention that much in high school science class to know that we cannot start a fire without having oxygen, and if we put a match inside a closed jar, sooner or later it is going to run out. By injecting oxygen into gasoline, which ethanol does, it helps that gas burn cleaner. It helps us deal with the air pollution and global warming and all those other things. So that is the second major reason why this is a very, very positive development for the environment.

A third reason why it is positive is because this creates jobs in our local communities. We in Minnesota have 15 ethanol plants. Twelve of those are farmer-owned and have about 9,000 farmer investors. Six of those are in my district. I visited all of them several times.

As the gentleman mentioned, they have expanded recently, and I think several of the other ones are considering expansion, plants in Winthrop and in Bingham Lake, towns we have never heard of, but towns where these jobs that are brought into those communities are very important. They are growing quality jobs and they are growing this production of ethanol to meet the increased demand that we see from a decision such as this. So this is very important to get jobs in the rural communities and help those communities thrive.

Finally, it is important for how it increases our demand for our products, for our corn products and all of our other agricultural products. The more demand for corn there is, the better off it is for all products.

I had a forum. At one of the forums, they put up the price of corn, whether it was $1.60 or whatever in a local area. The farmer circled the 0 and said, "It does not make any difference if this is $1.60 or $1.61. If you change the 6 to the 7, it is something we talk about in the coffee shops. But what we really need to do is to change the number to the left of the decimal point. That is what we really need to do for agriculture to make it thrive and succeed."

□ 2045

And for those that are one of these 87-50 ethanol farmer investors, the amount of dividends that they have gotten back with the high price of gasoline and the low price of corn has really added a digit to the left side of the decimal point for the corn that they have produced. These are the types of opportunities.

The gentleman mentioned value-added production. These are absolutely critical and are putting capital dollars back into our communities for them to continue to invest in more value-added production.

So whether you are talking adding to our energy supply, improving the environment, helping our local rural communities have the quality jobs, or growing the demand for our productions so that they can get better prices, this is absolutely a very positive decision that will be one of the short list of decisions that we say the Bush administration has done great things for rural America.

And I am just proud to be serving under this President and very pleased that we have this decision today, and I thank the gentleman for the time and thank the gentleman for his leadership on this issue.

Mr. GUTKNECHT. Well, I thank my colleague, the gentleman from Minnesota (Mr. KENNEDY), because, as I say, very quickly the gentleman has picked up and made this one of his top issues. It is important to the gentleman's district. It is important to rural development.

We talk about how can we create more jobs and economic possibilities in rural America? This clearly is one of them. Ethanol is not the only answer. We can do biodiesel. We can make plastics, as was mentioned. One of the great things about making ethanol from corn is that you can have so many other by-products from it.

We are learning how to make plastics now. We are learning how to make other products out of this, as well as perhaps the best high-protein feed possible for our cattle and hogs. I am not an expert, but we are finding out that if you take this feed product just at the right time while there is still a little bit of alcohol left in the product, that it makes a terrific product to feed to dairy cows. We are finding that you can actually increase dairy production with just exactly the right blend of feed from these corn-processing plants.

Mr. Speaker, I want to mention something else. And I hope the gentleman will stick around so we can have a little colloquy here that I think is important, and I talked about this chart. I want to come back to it again.

According to the United States Department of Energy, in 2000, the United States imported more than 8.9 million barrels of crude oil every single day. And the problem is that is getting worse every single day. That represents over 60 percent of our domestic crude oil demand; what is worse, we are currently importing over 600,000 barrels of oil from Saddam Hussein every day.

Now, if you multiply 600,000 times $25 a barrel, that gives him an enormous amount of cash that he can use for whatever purposes he really intends it for. Now, we believe, and we have said that that is, you know, for food and humanitarian concerns, but some of us wonder just how much of that actually goes to benefit the citizens of Iraq and how much is going to help him develop even more sinister methods of declaring war on his neighbors.

Finally, the California waiver decision decreases our dependency on foreign oil and increases demand for clean-burning, domestically produced ethanol. Ethanol is not part of the problem. It is part of the solution.

I want to talk, too, about corn itself and what a tremendous reprocessor corn is of CO_2, carbon dioxide. We have heard a lot recently about global warming and global climate change. A couple of years ago, I had the head of NOAA, I serve also on the Committee on Science, and NOAA is the National Oceanic and Atmospheric Administration. They are our top weather people. I had the head of NOAA in my office a couple of years ago. He was sitting right there in the chair, and I had the chance to ask the question a lot of Americans would like to ask, I asked him this question: I said, is there any hard evidence that global warming really exists to the extent that some of the people are saying? After a very long pregnant pause, finally he said, no.

Now, he said there is evidence that the level of carbon dioxide in the atmosphere is going up. We believe that in the long-term if the level of CO_2 goes up in the atmosphere that will begin to drive the overall temperature of the Earth up slightly. We do not know how much. We do not exactly what the cause effect. We need to study it more, and I think everyone agrees that we certainly need more study.

Let me just share with you and anyone who happens to be watching tonight how corn plays an important role in this. An acre of growing corn consumes 5 times more CO_2 than an acre of old growth forest. One of the great things about corn is it draws an enormous amount of carbon dioxide from the atmosphere, converts some of it into oxygen, which we can reprocess and make high oxygenated fuels, like ethanol. And so in many respects, cornfields are a great way to reprocess some of that CO_2 in the atmosphere.

They are better than an old growth forest. In fact, they are five times better. An acre of growing corn consumes five times more CO_2 than an acre of old-growth forest. That is good news.

The great thing that happened today is, as I think the President made it clear, that we are going to have a coordinated energy policy in this country. We are going to try and move away from this incredible dependency we currently have in OPEC.

Part of the reason we have seen our energy prices spiking and going up so much in the last year or so is because now we are so dependent on OPEC, they literally can set the price for us. So this is another step that the President is taking today to say that we are not going to be dependent on OPEC. We are going to grow some of our own energy. We are going to solve some of the problems that we have in terms of energy. We are going to do it right here in the United States.

Mr. Speaker, I would yield to the gentleman from Minnesota (Mr. KENNEDY), my colleague.

Mr. KENNEDY of Minnesota. Mr. Speaker, I say to the gentleman from Minnesota (Mr. GUTKNECHT), you are absolutely right on all of the benefits that this has from reducing our dependence on foreign oil, as well as the environment.

We are very, very pleased with the result here today, but the gentleman and I both being from Minnesota, we never settle for what we have achieved today. We are always looking for where we can take it to the next step. Our great State of Minnesota has been a leader on biofuels.

We have just about all the gasoline sold in Minnesota with a 10 percent blend. And as the gentleman from Nebraska (Mr. OSBORNE) said, any car can consume gasoline with a 10 percent blend. But we are also a leader when it comes to E–85, 85 percent ethanol blend, and vehicles like my Dodge Grand Caravan that I drive and several Ford vehicles and several vehicles from other makes can use this product where you have 85 percent blend of ethanol, and the benefits that we have been talking about for the last hour, about the benefits of the environment, the benefits to increasing our energy supply are equally as important there.

What we found is that over time as we have invested in these technologies, we get better and better at making ethanol. We find more and more uses for the by-products that drives down the overall costs that makes it increasingly more competitive. I am confident that that will be the case in the future.

We have also been a leader on another very significant biofuel in the form of biodiesel; what people do not really realize about our President is that he has taken some bold moves for the environment. This being one.

Another very bold move that he did was to significantly reduce the amount of sulfur in diesel, about a 95 percent reduction in the sulfur in diesel and by taking sulfur out of diesel, you significantly reduce its lubricity. One of the ways to increase lubricity and put that back in is through biodiesel.

We have had a very active discussion in Minnesota on trying to be a forward State on biodiesel as well, and I am hopeful that discussion continues on. I think we can do the same things with biodiesel that we have done with ethanol.

Finally, I just want to go back to one very simple example about how good this is for your environment. As I go around into our ethanol plants, I have oftentimes challenged those that make MTBE, that I will drink some ethanol if you will drink some MTBE. MTBE would be very harmful for, other than given that it is basically 100 percent alcohol, you can drink our good ethanol.

Mr. Speaker, I have been trying to come up with something, because our former Senator Rudy Boshwitz had his milk stand at the Minnesota State Fair where he had flavored milk, strawberry milk and blueberry milk, and trying to come up with something else.

So we toyed for a very short period of time having a taste test like the Pepsi-Coke test, where you would come out to the farm feast, you come out to the State Fair, and you could taste your ethanol versus your biodiesel.

Given that we probably would be killing some and making the rest intoxicated, we gave up on that idea very quickly, but it just really highlights the fact that this is something that is going to be good for the environment.

It is not going to have any side effects. It is the type of thing that we ought to be promoting, and it is the type of thing that we ought to be applauding the administration as we are here today for making the decision that we did.

Mr. GUTKNECHT. I agree. I think every American. This is not just about rural America. I think if every American would think through the arguments about this, I would think every American would thank the President today. He did the right thing. He did the right thing for the environment.

As was said earlier, this is not a choice between clean air and clean water. He made the right choice for the environment. He made the right choice in terms of energy independence and he made the right choice in terms of rural America and helping us find new markets for things that we can grow and produce in abundance here in the United States.

I would like to paraphrase President John Kennedy, he said, you know, we all inhabit this same small planet. We all breathe the same air. We all cherish our children's future.

And if I might parenthetically add, we are all environmentalists. We all want to leave this country and this world a better place. Ethanol is a big part of the solution. I know sometimes the critics, they say, well, yeah, they get the subsidy. We are sending these checks out to farmers for ethanol.

We need to explain this. What happens is we give the blenders of ethanol. It actually goes to the refiners we give them a tax credit. If they will use this product, which we know is better for the environment, both the air and the water, we said a number of years ago, we will give you a small credit.

And the interesting thing is that our farmers and the people who produce ethanol have found ways to produce it so much more efficiently today, that when corn is less than $2 a bushel and oil is over $25 a barrel, it is actually cheaper to put the ethanol in the gasoline.

As a matter of fact, last year when we had this big debate in the United States, because the price of gasoline, particularly in the Chicago market, went up to over $2.20 for a gallon of gasoline, a lot of people were saying it is ethanol. Ethanol is the problem.

But at that time, the rack price of ethanol delivered from Minnesota to Chicago was about $1.10 a gallon. The rack price of the gasoline that was being blended with was over $1.20 a gallon. In fact, it was something like $1.40 to $1.50. That is what the cost was at the refinery.

I find it hard to believe that people would argue that somehow blending a 10 percent blend of a product that costs $1.10 a gallon with a 90 percent blend that costs $1.30 or $1.40 or $1.50 a gallon, how in the world the price of ethanol is driving the price of gasoline?

The fact of the matter is that the price of ethanol was keeping the price of gasoline lower. It is better for the environment. It is better for the consumer. It is better for the energy dependence.

The President did exactly the right thing today, and I think he understood what President Kennedy meant when he said that we all inhabit the same small planet. We all breathe the same air. We all cherish our children's future, and ethanol and biofuels are going to be an important part of our energy future.

Our time is almost expired, and I want to thank all of my colleagues, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Nebraska (Mr. OSBORNE), as well the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Iowa (Mr. LATHAM).

Mr. Speaker, I want to thank our new freshman colleague, the gentleman from the State of Minnesota (Mr. KENNEDY). I think this has been an important special order.

This is a very important day. And again as I started this special order, and the words of the old spiritual, oh, happy day. This is a happy day for America. It is a happy day for America's farmers. It is a happy day for American consumers, and whether they realize it today or not, this is a happy day for all of the people in the State of California.

Because they are going to begin to phase out that cancer-causing product which is leaching into their groundwater even as we speak called MTBE, and we are going to begin to replace that with a wholesome product that can be grown right here in the United States called ethanol.

As my colleague from Minnesota pointed out, ethanol is the kind of a product, it is so pure and so clean, and I would not say good for you necessarily, but it will do no more than inebriate you. It will not kill you. We are going to replace that cancer-causing MTBE with ethanol.

So the President has done us all an enormous favor today. This is an important decision. I applaud the administration for making it. I think it is going to open new avenues for all of us. And, again, I thank my colleagues for joining us tonight.

ADMINISTRATION'S POLICY ON NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Massachusetts (Mr. TIERNEY) is recognized for 60 minutes.

Mr. TIERNEY. Mr. Speaker, I join a number of my colleagues here this evening to discuss the administration's policy on national missile defense.

I put up on the board here one of the comics that was recently in a newspaper showing Secretary Powell with members of NATO and essentially asking Secretary Powell if they really expect him to buy that, and that is, of course, a used car which stands symbolically, in this instance, for the national missile defense program being discussed and being put forth by this administration at this time.

Mr. Speaker, I join my colleagues to discuss that policy and specifically the administration's apparent attempt to move swiftly to deploy that system even before tests show that it is feasible.

□ 2100

There are apparent plans to proceed beyond research and development, though no proper consideration has been given to many critical factors. We have yet to really assess all threats against the United States, whether they be from another state or a nonstate.

The alleged purpose of this limited national missile defense or the early stages of the Bush administration plan is supposedly to protect us against rogue nations or against accidental or unintended launches. Rogue nation threats are primarily the national missile defense concern, or so we are told. If that is the case, we should assess them and assess them on whether or not that threat of missiles from rogue nations compares to other threats that exist to our Nation.

Currently, the threat of weapons of mass destruction from missiles ranks low on the list of CIA possible threats. While some rogue nations have crude missile systems nearing the capability of reaching the continental United States, they are, according to the CIA and others, less credible threats than other forms of aggression and terrorism. In keeping with that train of thought, we should establish most likely threats and key our defenses towards those that are most likely.

With limited funding resources, the United States must be sure that our spending is proportionate to our established priorities. Spending on any national missile defense must not adversely affect readiness or military personnel quality of life or modernization of conventional land, air and naval forces, nor should it adversely affect research and development efforts aimed at necessary leap-ahead technologies. It cannot ignore the benefits of timely and reliable intelligence or diplomacy.

In view of all our national priorities, whether they be domestic in nature or international and defense prospects that affect our national security, the cost that is going to be incurred must be warranted by the security benefits we should expect to gain.

Americans deserve to know before we deploy the realistic cost estimates and who will pay. Is it only the United States that is going to fit the bill, or will all nations that stand to benefit from any deployed national missile defense system participate in sharing the cost? So far, the projections show the following costs.

Mr. Speaker, I have another chart. Mr. Speaker, as the chart indicates, the initial estimates for 20 interceptors were originally estimated to be at a cost of nine to $11 billion. The fact of the matter was that that was in January of 1999 at $10.6 billion. By November of that year, it was at $28.7 billion. By February of 2000, it had moved up to 100 interceptors being planned, and the estimate then was $26.6 billion. By April, it rose to $29.5 billion; by May to $36.2 billion; by August of 2000, $40.3 billion by the own estimate of the Ballistic Missile Defense Organization. Now in August of 2000, the CAIG report estimates it up to about $43.2 billion. That is with a number of items not included.

As my colleagues can see on the chart, other estimates in testing adjustments, alternative booster programs add another $4.5 billion, bringing it up to some $47.7 billion. Not included also is the restructuring of the program to remedy testing delays. That adds another $2.8 billion. Essentially, we are up to $50.5 billion on this program and going up, up and forever upward.

We should not forget the fact that this administration is not only talking about a land-based limited system. It is talking about adding a second phase and a third phase to the land-based design, adding a sea-based provision, adding an air-based aspect, and then going on to space-based laser.

So let us add those up. Adding phases 2 and 3 of a ground-based system would add another $50 billion. The sea-based system would be another $53.5 billion. An air-based system would add another $11 billion. The space-based laser, besides inviting in the number of people to secure items in space which we alone have almost monopoly on, would add a cost to seventy to $80 billion. So total estimates on this program are at a minimum of $80 billion to $100 billion or as high as a trillion dollars, depending on how far out we go.

That should all bring us to the issue of feasibility. The administration now intends to use this system whether or not it works. In other words, it is going to buy it before it flies it.

We have had a number of experiences in our military programs with that, most recently with the F–22 and with the Osprey. The Osprey not only costs us a lot of money to go back and cure remedies that were not caught because we did not test it properly, it has cost us the lives of 25 Marines.

In keeping with this administration's ready, shoot and then aim prospect, Secretary Rumsfeld has taken an in-your-face attitude to our allies as well as to our friends as well as to Russia and China. He is determined to put all other considerations aside and deploy this system even if the technology is not available and is not proven feasible.

Astoundingly, the Washington Post reported these comments from an administration official, and I quote: "It is a simple question. Is something better than nothing?" It went on to say, "The President and the Secretary of Defense have made it pretty clear that they believe some missile defense in the near term is, in fact, better than nothing."

Now my colleagues may join me in being astounded in that, but that statement should at least rest on two underlying assumptions. One would be that that something in fact works, and this does not; and, two, that deployment will not subject the country to even greater security dangers. This program will.

What the Pentagon and the Department of Defense and the Secretary and the President know but do not apparently want the Americans to discover or consider or debate is that the National Missile Defense System's effectiveness has not yet been proven even in the most elementary sense.

Also, there should be grave concerns regarding the disturbing side effects of the National Missile Defense System, such as uncontrollable launches and their attendant risk to world security.

A study has been completed, not by groups opposed to missile defense, but by the department's own internal experts. That study makes it clear that potentially profound problems exist with the National Missile Defense System. The Office of Operational Test and Evaluation, known by its initials OT&E, is an independent assessment office within the Department of Defense. It was created to oversee testing programs and in particular to ensure that weapons development programs are adequately tested in realistic operating conditions.

Its former director, Mr. Philip Coyle testified on September 8 of last year before the Subcommitte on National Security, Veterans' Affairs and International Relations of the Committee on Government Reform. He testified about a report that he had compiled during the deployment readiness review that was conducted in the summer of 2000.

As a result of that testimony, it became apparent that the Pentagon was overstating the technological progress and potential of this National Missile Defense System.

Because I thought it was imperative that the public have full access to Mr. Coyle's study, I asked Mr. Coyle to provide the full report for the record of that committee, and he agreed to my request. My motion that the subcommittee include that study on the public record for the September 8, 2000 hearing was accepted without objection. At no time did Mr. Coyle or Lieutenant General Ronald Kadish, the Director of the Missile Program, express any reservations.

Well, after 8 months and at least six separate requests and a subpoena threat, the subcommittee finally obtained the study. But the Department of Defense asked that that study be kept confidential. I think this is precisely the wrong response.

The Bush administration is proposing to our allies and strategic partners that deployment be speeded up even beyond optimistic evaluations. In this context, the need for public debate about the system's capabilities and its potential dangers if deployed prematurely is urgently needed.

I have, therefore, written to Secretary Rumsfeld for a full explanation of the Department of Defense request to hush up this report. I have asked the gentleman from Connecticut (Mr. SHAYS), the subcommittee chairman, to schedule hearings on this study and its implications as expeditiously as possible. In conversations earlier this evening with the gentleman from Connecticut (Mr. SHAYS), I have been informed that those hearings will be pursued.

Now, Mr. Coyle raises fundamental problems with the national missile defense testing programs. He tells us it is far behind schedule, and it is slipping further. The test program is severely deficient, failing to test basic elements of the system. In fact, after numerous failures, Mr. Coyle tells us that the Pentagon actually altered the test program to make it easier, and still it continued to fail.

Mr. Coyle described the immature status of the program. There are limitations in flight testing and inadequacy of available simulations. Therefore, a rigorous assessment of potential system performance cannot be made. That is, no one can reliably predict that the National Missile Defense System, as planned by this administration, will perform at the required levels.

Testimony of the Director found several ways the system may not work: its inability to defend against decoys. As discussed extensively in open literature, the enemy could employ various types of countermeasures and overwhelm this function.

I hope that our speakers this evening will talk at length at that. I know the gentleman from New Jersey (Mr. HOLT) is here. He has particular expertise in this area, and we should discuss it at length.

But rather than address the fatal errors, the omission of tests with countermeasures could make the system unable to fulfill its core function of defending against accidental or intended launches; and rather than discuss that, the Pentagon is hitting them by dumbing down the testing requirements.

The Department of Defense also provides interceptors with key discrimination information ahead of time. In other words, it rigs the game. It tells them trajectory. It tells them timing. It tells them height. It tells them all sorts of information. Yet, the system will not have that benefit if and when it is deployed.

So there is a need for rehearsed engagements without advanced knowledge, yet none have been done so far and none are planned to be done.

The director criticizes the software user simulations as it suffers from an unfounded reliance on unrealistic and overly optimistic parameters. There is no plan to consider conducting flight tests with multiple targets or interceptors even though multiple engagements could be expected to be the norm. These are potential security risks of premature deployment.

Phantom tracks. The system automatically allocates interceptors against phantom objects. In other words, these are created when the radar coverage transfers from one radar system to a second radar system, and the system mistakenly interprets the new radar rhythms as originating from a second reentry vehicle.

The operators, the manual operators were unable to deal with that. There is one very serious immediate danger if the United States launches multiple interceptors against missiles that do not exist. Adversaries may interpret these launches as a hostile first strike and respond accordingly.

So it brings us back to this idea that we are going to deploy this system before we have adequately tested it, before we have talked about the cost of this program, before we have talked about our priorities in defense and whether or not this is, in fact, the most serious issue we ought to be confronting at such an enormous cost while it is still very far from being feasible.

Deployment has been defined to mean the fielding of an operational system with some military utility which is effective under realistic combat conditions against realistic threats and countermeasures, possibly without adequate prior knowledge of the target cluster composition, timing, trajectory or direction and when operated by military personnel at all times of the day and night in all weather.

In almost every one of those categories, there have been tests that have been failed or tests that are not even planned to determine whether or not this system can work.

Yet, we have a Secretary and apparently an entire administration that is willing to walk that plank and commit billions and billions of dollars on a system that has not been proven to work, casting aside all of our other defense needs, casting aside the questions that it brings to our national security, and casting aside the issues of others priorities within this country.

We have a report that seriously calls into question the readiness of this national missile defense. I think that report leads to serious questions of this administration's ill-advised plan to deploy before it has proven technologically feasible and apparently with total disregard for costs, stability in this country and the world, and effect on other priorities.

This is no time for the Department of Defense to bury a study. It is time for full disclosure, for deliberation and for debate.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT) and cede the floor to him.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Massachusetts, and I commend him for setting aside some time this evening to talk about it because every one of us in this room has an obligation to talk about this important issue. Polling data shows that the public does not feel well informed about what could be the most expensive defense ever deployed and one that has serious flaws.

The President is trying to sell his magical mystery shield to the allies today. As the gentleman's cartoon shows, it is a used car with no guarantee. The problem with the missile defense, quite simply, is it would be costly to deploy, easily circumvented, and it would be strategically destabilizing. In other words, it would actually detract from our national and international security.

One does not need to read a lot of history to be reminded of the—Maginot line, the so-called impenetrable wall that has become the symbol of misguided defense policy. The proposed missile defense shield probably would not work as designed and wishing will not overcome the physics. It could be confused with decoys as the gentleman from Massachusetts mentioned a moment ago.

I am a physicist by background, but one does not need advanced physics to understand that a Nation that would be capable of building an intercontinental ballistic missile, that could deliver a weapon of mass destruction could also deploy decoys by the hundreds, by the thousands.

In the vacuum of space, a balloon travels just as well as a rocket. Without the resistance of air, it is easy to inflate a balloon.

□ 2115

You could inflate dozens or hundreds of balloons. One of them might contain a warhead, others would look identical. They could all travel at thousands of miles per hour, many thousands of miles per hour, miles per second.

I have spent some time looking at the physics of the detection systems, and I am convinced that it would be very difficult to determine the decoys from the actual warheads. But putting that aside, a Maginot-type missile defense system, designed to defend an entire continent, or as the President has suggested defend all nations from weapons coming from any nation, well, it could be bypassed with suitcase bombs or pickup trucks or fishing trawlers or sea-launched missiles, and so it would be billions of dollars down the drain.

But the real tragedy is it would not be just a diversion of precious resources that we would not have available for health care, for smaller class sizes, for modern school facilities, for securing open space, for taking care of America's veterans, for all of those things that make America worth defending. No, it would be worse than a waste of money, because simple strategic analysis will tell us that provocative, yet permeable, systems are destabilizing and they lead to reduced security.

Think of it this way: we say we are building a defensive system. Some potential enemy says, well, you are going to prepare an offensive strike, and then you will use your defensive system to prevent us from retaliating. And we say, no, no, no, it is only a defensive system. And they say, sure, we believe you. Well, if they believed us, they would not be our enemy. In fact, this is a weapon system in search of a cooperative enemy, an enemy that would not try to spoof us with decoys, an enemy that would not wonder what is going on behind that shield.

We have all read stories of the knights of yore. When knights carried shields, they did not carry the shields around the house; they used those shields in battle, to thrust and parry from behind the shield. That is why, as counterintuitive as it may seem, a defensive system becomes a destabilizing offensive threat. So this would undo decades of arms control.

And, in fact, the President has said he would use such a missile defense to go beyond the anti-ballistic missile treaty; in other words, to abrogate the treaty, to break the treaty, to throw it away. This system, or any imaginable system, is not going to be a substitute for cooperative arms control. This is not something where technology will overcome cooperation. You do not need to be a rocket scientist to understand that technology will not solve this fundamental problem.

In fact, the President has said that whereas some years ago President Reagan presented his program, the Strategic Defense Initiative, as something to render nuclear weapons impotent and obsolete, President Bush says he understands that will not happen. So that even with an international missile defense such as he is proposing, it would still be necessary to maintain the option of massive retaliation; in other words, mutual assured destruction. Well, this is not a technological solution to our strategic predicament. This is not an answer to weapons of mass destruction.

The United States has not been able to develop a workable missile defense system after 40 years of trying. We have had the Nike Zeus, the Sentinel, the Safeguard, the Strategic Defense Initiative, and actually there was SDI-I, which was a space-based laser, or directed energy system, known as Star Wars colloquially, and then there was Strategic Defense Initiative II, which was kinetic kill vehicles, or Brilliant Pebbles, and there was G-PALS and National Missile Defense; and now President Bush has extended this to international missile defense. Well, after all of these years of trying and tens of billions of dollars spent, we are still nowhere close.

My colleague, the gentleman from Massachusetts (Mr. TIERNEY), referred to the study that the Pentagon had undertaken of the system. And essentially they said that not only have there been no successful intercepts, but that simulations that would give confidence that this would work do not exist, and that the current state of test facilities is immature. We are not close to deployment.

And maybe we can take some solace in the fact that we are not close to deployment, because once this is deployed, it will set off a series of dominoes of the arms race around the world where countries that might feel threatened by it, say China, would increase their arsenals and in turn threaten other countries, say India, who in turn might build up their arsenals and threaten other countries, say Pakistan. Now, that is certainly not our intention. This is purely defensive. But that is the way it would work, and it will not get us out of our nuclear predicament.

Again, I thank my colleague from Massachusetts for setting aside this time. We have an important and difficult job to do over the coming weeks to make sure everyone in the country understands the choice that is before us here.

Mr. TIERNEY. Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. TIERNEY) for holding this event tonight to talk about national missile defense and the Bush administration's enthusiasm for an untested and uncertain project.

The reason I think it is so important to have this conversation tonight is that it is very clear to me that this is one of the most critical issues facing this Congress and one in which the public obviously needs more information. And whatever the right answer is, we have to have this kind of discussion and debate. We are not going to get it during the regular legislative day, so we need to get it after hours.

In many respects, all of us believe that if we had a national missile defense system that actually worked and did not threaten our security, that would be a good thing to have. The difficulties are several: first of all, we have now spent tens of billions of dollars on the system to date, and we are a long way from having a system that is actually tested and that works. There are scientists across this country who are convinced that this system can never work. It is also clear that to build a system on the scale that the Bush administration envisions is a hundred billion dollars and up. A huge amount of money.

Third, there is a problem. We need defenses that are proportional to the threat. And it is not at all clear that a threat of a ballistic missile attack by North Korea, by Iran, or some other rogue state is really at the top of the list of the threats that we face. Many of us in this room today joined with other concerned citizens who came to Washington with a simple message for President Bush, and for all of us as policymakers. First, the President's fast-track missile defense will make the world less stable, not more stable. Second, rushing deployment of missile defense will provoke other nations to increase their offensive arms and undermine U.S. national security.

In particular, it is very likely to encourage the Chinese to develop more ICBMs, which in turn will make India uncertain and insecure, which will add to a race in missile development in India and in Pakistan.

Third, abandoning arms control agreements and gambling on unproven missile defense technologies is unsafe and unwise. When we look back through the centuries, military history has really been a battle between the sword and the shield. Building a better shield has always compelled the forging of a better sword. The Bush administration needs to explain why it thinks this missile shield is exempt from the laws of history.

As I said before, missile defense might be justified if it could be proven to work reliably and consistently and if we were confident that it would improve our overall national security. But President Bush has not provided any particulars about his proposal. It is only a multilayered proposal which will protect us against all kinds of threats.

Congress and the American people really have to force this administration to answer the hard questions that they have so far avoided. For example: one, can missile defense technology be proven to work reliably and consistently? To date, the answer is no.

Second, what is the cost? To date, the answer is, who knows, but perhaps tens if not hundreds of billions of dollars.

Third, will national missile defense improve other overall national security? Well, not if we abandon the ABM Treaty and abandon an arms control regime that has kept the peace for 50-odd years.

Fourth, is national missile defense a proportional response to a credible threat?

I serve on the House Committee on Armed Services, which evaluates threats to our security. The U.S. intelligence community recently issued a report on global threats and challenges we may face by 2015. This is shown on the chart beside me here, "Threats and Challenges in 2015, a National Intelligence Council Report." There are many diverse threats here. Some of them relate to population trends, aging patterns, migration, health and AIDS. Others relate to natural resources and the environment, access to food or to clean water, the availability of energy, or environmental degradation. Some are related to science and technology, the global economy, or to national and international governance.

There are some threats that do relate to future conflicts, and a national missile defense system protects against one of those threats, that is, a weapon of mass destruction delivered by means of a long-range missile. It does not protect against a Ryder truck or a boat or a suitcase that can be carried into a building or near a building and blown up.

If we look at what happened tragically in Oklahoma City, or if we look at what happened to the U.S.S. Cole, I submit that is the future. Those are the risks that we in this country really have to worry about far more than having some country decide they are going to fire a missile at our country, which would be tracked from the moment it left the ground in North Korea or Iran or somewhere else.

Over the last 55 years, deterrence has worked and it continues to work. Just take one example. During the Gulf War, Saddam Hussein did not use his chemical and biological weapons. Why? Because the first Bush administration made it clear that if he did that there would be massive retaliation. Even Saddam Hussein, in the middle of a conflict, respected the power of retaliation of this country.

My concern is if we put all our money into missile defense, there is no way that we are not going to underfund these other threats to us with the delivery of weapons of mass destruction by other means.

□ 2130

Mr. DOGGETT. Mr. Speaker, if the gentleman would yield. The gentleman served on the Committee on National Security, and I know he must have heard many demands to see that our men and women in arms are justly paid, to see that they have the facilities that they need, that all of the branches of the armed services have the equipment and the support that they need.

I listened recently to the former chair of the Senate Committee on Armed Services, Sam Nunn, who noted that we risk the possibility of having vital resources that we need for other aspects of the military all sucked up into this one plan that does not work.

I have been surprised as I have traveled around my district in Texas at how many people who are coming up and expressing opposition to this plan who are veterans who have served and who recognize how foolhardy it is to divert all our resources into one area, and that area being one that is not proven to work.

I am wondering if the gentleman is hearing from other people who are in our military services informally or have served in the military who recognize the danger that has been spotlighted tonight and that former Senator Nunn has voiced publicly?

Mr. ALLEN. Mr. Speaker, if the gentleman would yield. The gentleman from Texas is exactly right. In my home State of Maine, we have Bath Ironworks where half of the destroyers for the Navy are built. There is no question in my mind or the minds of many people in Maine, those who served in the military and those who did not, if you spend tens of billions of dollars more on a national missile defense system, it will simply sit there. And we will not have the kind of Navy we need to protect our interests around the globe. The same argument can be made with respect to procurement for tactical aircraft. Clearly it can be made with respect to the pay and benefits for the men and women in our armed services.

Mr. Speaker, what we have to remember about a national missile defense system is that it protects against one single threat and is useful for no other purpose. It would not be effective against Russia or China. It would only be effective against a state like North Korea or Iran. When you look at those states, North Korea is willing to sit down and negotiate away their missile defense program. Iran just elected a reformist president with 75 percent of the vote. We can deal with these countries and negotiate with these countries. Believe me, it is a lot less expensive to do that, negotiate away the threat than it is to build this kind of system.

But the gentleman is absolutely right, you stay within the defense budget and before we get to education and health care and the environment, this kind of system will drain money away from other urgent national priorities.

If I may add one more thing, it is important to note that Secretary Rumsfeld recently said that he thought there should be deployed the rudiments of a missile defense system by 2004, even before the testing is complete. As one of our colleagues mentioned today, that date is significant. The point is, try to get something in the ground before the next election, before the President comes up for reelection. That is no way to run this kind of defense procurement effort and weapons system.

Mr. Speaker, if we know anything about weapons systems for the Department of Defense, we should fly before we buy, we need to test before we purchase. It is particularly true of the most complex system on the drawing board at the Pentagon. This system is being rushed in a way that is destructive not only to our military, but to our national security. And we need the public to understand this is not a simple issue, but a great deal is at stake.

Mr. Speaker, I want to say personally to the gentleman from Massachusetts (Mr. TIERNEY), I appreciate very much his holding this event tonight and yield back.

Mr. TIERNEY. Mr. Speaker, I thank the gentleman. Even if we were to assume on our wildest dreams, because that is essentially what it would be, North Korea, one of the poorest nations in the world, that cannot even feed its own people, would wake up some morning and would have the vision that it wanted to commit mass suicide, and assuming it is several years in the future and they had somehow developed a nuclear missile with the capacity to even reach our coast with any sort of precision at all, it would be much more likely they would put a biological or chemical weapon on it, in which case they would use multiple warheads. In that case, it would overwhelm any limited national missile defense system we would have.

We are having to project forward and do a system that is much larger, and get into hundreds of billions of dollars and a prospect that is unrealistic.

The second issue is the issue of confidence. Ostensibly we are doing this to have some sort of strategic advantage over some rogue nation holding us hostage with the prospect that they might send off a weapon of mass destruction by missile. The fact of the matter is that there is speculation that we may not be able to come close to 100 percent effectiveness.

Twenty or so years ago when they were talking about President Reagan's Star Wars, one of the groups that was advocating against it used to come out with an umbrella with holes in it and say that is the kind of protection you are getting. It is essentially the same situation here. The probability that you would be able to get 100 percent of any weapon sent over in most estimations of any reasonable scientist is nonexisting. So you would have no confidence that it was 100 percent reliable, and I would suggest that leaves you with no ability to effect a strategic decision. It is not a useful prospect to have if it worked on its best abilities on any given day because even its best abilities are not projected at 100 percent.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the hardworking and able gentleman from Massachusetts (Mr. TIERNEY) for sponsoring this special order this evening, and it is a pleasure to join the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New Jersey (Mr. HOLT) and the gentleman from Wisconsin (Mr. KIND) and the gentleman from Texas (Mr. DOGGETT) in this important discussion.

Today in Madrid, a reporter asked President Bush how he could reconcile his opposition to the Kyoto Treaty, an opposition that he says is based upon a lack of scientific evidence, with his support for Star Wars which is also not supported by scientific evidence.

"How do we know it is going to work?" President Bush stated. "Well, we have to spend the dollars on research and development." But I am sure President Bush is aware, he is not proposing only research and development. The Bush Star Wars proposal involves deployment of the system, not just research and development. Indeed, this shocking lack of scientific evidence is the Achilles' heel of the administration's single-minded pursuit of this system.

As others have mentioned, a Star Wars program will cost our people over $50 billion or more and still counting, and that is only the first phase.

Mr. DOGGETT. Mr. Speaker, would the gentleman yield?

Mr. TIERNEY. Mr. Speaker, I yield to the gentleman.

Mr. DOGGETT. I know one of the areas that the gentlewoman has considerable expertise in is in reference to agriculture and her work for farmers across the country. It has been suggested by some administration officials that we apply an agricultural approach to this. We take this $100 billion, and it does not make any difference if it works because it can be a giant scarecrow and it will scare off the people from around the world. I am wondering from your expertise in agriculture if you think that using Star Wars as a scarecrow might be sufficient to protect our families?

Ms. KAPTUR. Mr. Speaker, I think the gentleman raises a very good point. I do not think scarecrows work.

Our experience over a decade ago with the MX missile proposal, and to have been a party to those debates to a system that first was proposed to be stationary, and then when they realized that is a sitting duck, maybe it was a scarecrow, I do not know, they said maybe we should put it on a train on a track and move it around. We eventually were able to defeat that and say that the real strength lay in our triad, and the fact that we had a mobile Navy, we had a mobile Air Force and the best trained Army in the entire world.

We have to do better, but it does not make any sense to be throwing billions of dollars away on an unknown system; and, quite frankly, enraging our European allies and other allies around the world and ratcheting up the arms race without consultation by this ill-advised proposal. We know that the scientific evidence is not there, and we always have been pushing for what kind of system are we talking about. What is this thing going to do?

Here in Congress we are often given the argument we cannot solve a problem simply by throwing money at it, whether it is agriculture, child poverty, prescription drugs, we cannot just throw money at these problems. But with Star Wars, it seems to be different. Just throw enough money at it, and we will be lucky if something works in the end. Do not test the system against the full range of countermeasures and do not develop a fully integrated prototype before protection, and do not require an adequate testing program. Just spend $50 billion.

Mr. Speaker, we do not have that luxury because we have a $5 trillion debt overhang in this economy, and we are dealing with precious taxpayer dollars. Others have talked about health care and education and the environment and prescription drugs for our senior citizens, money to update our food safety systems, all of the money to strengthen Medicaid and Medicare.

Mr. Speaker, if we go around and look at the real strength of this country in our Armed Forces, it is those who choose to serve America, dedicated young men and women living in some of the worst housing conditions anywhere in the world, including right here in the Nation's Capital. If we are going to have the best armed men and women systems in the world, my goodness, should we not be paying attention to those already serving.

Mr. Speaker, why are our adjutants general from around the country complaining about too many missions with not enough money? We have to take care of what we are asked to do today, not throw away money on deployment of a system that nobody ever fully understood.

I had military retirees come up to me and say, "Why did we have to take cuts in benefits? Why are people who served our country put in a different position in terms of retirement than those who have served on the civilian side?

The budget that the administration has produced will not meet all of the health care needs that our veterans have across this country. We have them classified, A, B, C, D. Everybody is on a different platform in terms of veterans' health services. We have 25.6 million veterans in this country. We have to pass a good budget to serve them, and we have to do what is right and put America's priorities in order.

Truly, this Star Wars proposal is a misplaced priority.

Mr. Speaker, I thank the gentleman for allowing me to share in this special order.

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman for joining us tonight. I have a quote here on the board. It is a quote that the Secretary of Defense, Donald Rumsfeld, made on May 29. He was referring to a comment made by President Bush. He stated, "We ought to engage our brains before we engage our pocketbooks." What sharp contrast that statement is to the administration's apparent focus now on starting a system that they admit has not been shown to have been tested thoroughly and that has not been shown to work. We are making an exception for national missile defense, and hundreds of billions of dollars. We are not going to engage our brains, we are going to engage our pocketbooks and start down a path that creates all sorts of mishaps and mischievous.

Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding, and I commend him for the leadership he has shown in raising the education level in this body and hopefully throughout the country in regards to the importance of this debate, and a thorough study and analysis of the various proposals that we are hearing coming out of the Bush administration.

I am glad we have with us as a colleague in this Chamber our own solar physicist, a former employee at the Nuclear Fusion Laboratory at Princeton, the gentleman from New Jersey (Mr. HOLT), because what we are talking about is rocket science, and it is nice to have his perspective in regard to the technological capability that we currently possess on such an important but expensive program.

Mr. Speaker, it is hard to engage in a thorough analysis or conversation or review of what the Bush administration is talking about in regards to a missile defense system because I am not sure they know what this system is going to look like ultimately. How do you get into the details of a policy proposal when the details are lacking?

□ 2145

Mr. TIERNEY. I would just point out this next quote up here, the gentleman has exactly hit on the point. On June 7, Donald Rumsfeld, the Secretary of Defense, at a press conference, people were asking him, "Does it even work?"

His answer was, "This is an interesting question in the sense of what do you mean when you say that works?"

You look at that on its face value as what is he talking about? We know when it works. That is why we do studies. That is why Mr. Coyle did his study, that in case it does not work. Not only does it not work, it needs considerably more testing until it gets to a point we are comfortable that it works reasonably well or sufficiently, and they do not even plan to do the tests so far on that.

But again they want to engage our pocketbooks before we engage our national brain on this and start building and committing us down that path. I would just make that point.

Mr. KIND. I thank the gentleman for making that point. It is an important point. It is a little bit frustrating as we are trying to get more information from the administration to find out exactly what their vision is in regards to missile defense: Is it going to just be land-based or sea-based, air-based? Is it going to involve a space-based type of missile defense system? Is it going to be a limited defense system? Is it going to be a national missile defense system or a universal application which we will share with our allies or any country in the globe who wants it? Because what kind of moral position would we be taking if we do in fact develop the technical means to deploy a system such as this but not offer it to other nations around the globe when an intentional or an accidental launch of a nuclear weapon could result in tens of thousands or millions of casualties in a particular country?

This is what we need to keep asking the administration about. I for one am not sure if it is the right moral position to just come out and oppose any type of system at all. There is a lot of discussion about a rogue madman launching a nuclear missile at the United States, but there is also the possibility of these missiles falling into the wrong hands, a possible terrorist gaining control of some launch capability in Russia, for instance, I think is a real possibility, or even an accidental launch and what kind of position would we be in then if we were not at least going forward on the research and development and exploring the feasibility of this type of system at some point in the future.

But for me at least fundamentally there are three overriding questions that I am waiting to get answers for. Firstly, will it work? Do we have the technological capability of pulling it off? Secondly, how much is it going to cost the American taxpayers to deploy such a system? And, thirdly, even if we do find something that works and we can deploy it, is it going to make the United States more or less secure in the final analysis?

Mr. DOGGETT. I know the gentleman from Wisconsin is well known in this body as a hawk of sorts, a deficit hawk. He is always up there on the top in the ratings of the Concord Coalition on fiscal responsibility. We have got a budget. This plan that they are not sure what they are going to do and when they are going to do it, has there been any provision made for that in this budget or in future budgets to tell the American people what this questionable project will cost and how we are going to pay for it?

Mr. KIND. It is a great question. No. One of the more frustrating aspects of the budget resolution debate that we had earlier this year, the context of the tax cut debate that we had earlier this year was that there was in fact no provision, no asked-for appropriation for the ongoing deployment of a missile defense system within the administration. All this has got to add up. It should add up within the context of a balanced budget, one that does not jeopardize the fiscal solvency of the current generation or future generations. That again is more information which is lacking from the administration. Cost estimates that I am hearing from some of the engineers, some of the experts who would be in charge of deploying such a system, range anywhere from **$100** billion to **$200** billion over a 10-year period.

I just had a conversation with former Senator Sam Nunn this afternoon. He said that whatever figure you get, you might as well double or triple that amount because it is going to be inherently difficult to do this in a fiscally responsible manner without the defense contractors opening up and the subcontractors wanting their piece of the deployment pie. But even more fundamentally, we have had test after test after test in trying to hit a bullet with a bullet, that is, the missile defense test. Each time it has failed. Obviously we do not today have the current technological capability to pull it off. I think that is one of the misunderstandings that the general American public might have. They see that we have gone to the Moon, they see all this great technological development around us and how it is transforming our lives and many of them may just assume that we have the technological smarts to do this, to knock the bullet out of the air with another bullet when in fact when all the preconditions and the inputted variables are in the test to begin with, the tests are still failing. That is a fundamental issue that we need to keep asking ourselves, is should we first have the technological means to do it before we deploy or just move forward with deployment regardless of the cost and regardless of the effeotiveness of the system?

Mr. TIERNEY. I think there is an obvious answer to that. For this country to move forward and commit billions of dollars on a system that is not known to work, has not been tested, and when Mr. Coyle, the reporter of which I spoke earlier, specifically says the tests are inadequate and unrealistic and they do not even plan to do tests that would be adequate and realistic as this moves forward is a frightening prospect. I think if we were to be able to have that report instead of the Department of Defense trying to hide it and trying to keep it hushed up, if we were to have the Secretary come in and explain to us why an unclassified report is being kept from the American public or at least attempted to be kept from the American public, we would be able to debate the context of that report which specifically says not only are there tests that are unreasonable, that they had very few countermeasures in those tests, and then when they decided that they at one point were not being very successful, they dummied the tests down and they had even fewer.

At one point there were plans for nine or 10 or more countermeasures to come in and then they dummied it down to just two items up there and then one of them was easily distinguishable from the other and they gave all of the coordinates and other information ahead of time and still missed. We are not going to have that luxury of any system that is expected to work, we are not going to get advance notice of where it is going, what the trajectory is and all the other information.

So I think that that question answers itself, that we would be foolish as a Nation to spend the kind of money that we are talking about just for the limited land-based system. And this is testimony I referred to earlier in front of our Committee on Government Reform, the Subcommittee on National

Security, where they were already up over $50 billion for a program that started at 9 to $11 billion, and that is only at that stage. Add on phases 2 and 3, you are over $100 billion. Add on the sea-based, add on the air-based, add on the space-based that they are talking about, you could be anywhere between $300 billion and $1 trillion. I think if we start down that path with no expectation that it is going to add to our national security, the answer is pretty clear, I think, that we are being pretty irresponsible as a government.

Mr. KIND. I think as far as the two initial questions that I have, there are some huge question marks in regards to how expensive this is going to be, whether or not we can in fact deploy a system that is going to work but, finally, is this going to make us more or less secure in the final analysis? My friend from Massachusetts recognized that a lot of the experts working on this system are hoping for maybe an 80 percent effectiveness rate. Well, 80 percent quite frankly does not cut it. If you have got multiple missiles being launched at us, what city are we going to sacrifice? Is that going to be acceptable? I do not think it gives us much more flexibility in foreign policy negotiations with rogue nations if we just have an 80 percent effective system. But perhaps more importantly is what is going to be the response of Russia and China to even a limited missile defense shield? Is this going to encourage increased nuclear proliferation within their country? Because generally the response from countries that feel threatened from such a system is to ramp up their production of more nuclear weapons so they can overwhelm our system. It is not just China we are talking about. This has profound ramifications with India and Pakistani nuclear policy, perhaps one of the most dangerous areas of nuclear proliferation on the globe right now. We need to ask ourselves what will be the response of these other nations. Even though the Bush administration is claiming that such a shield is not meant to better Russia or China but rather the rogue nuclear threat that may exist out there at some point in the future, but I am still not convinced that our handling of foreign policy as it relates to China is the best course of action right now. We are very close to engaging them in a new Cold War atmosphere as we start the 21st century when I feel it can be ultimately avoided.

Mr. TIERNEY. Reclaiming my time just for a second, conjure up now information in the report that the administration and the Department of Defense should let us debate and talk about, about phantom trajectories, about the prospect of as the radar passes from one to a second radar, there are phantom tracks and that they are unable to control missiles shot against those phantom tracks, what is the message they send to a Russia or a China? How much time do they have to decide whether or not these are in fact something going after a phantom track or are they the launch of an offensive capacity against them? And now you understand somewhat why they feel that if you put this national missile defense on the drawing table, they already threatened that they will increase their supply of national defense missiles in the case of China or in Russia that they will not go into a program or agreement with us to de-alert those that they already have.

We should all know that is one thing the President has talked about doing that we should support is de-alerting as many on each side as we can and moving towards incapacitating them or at least having them situated where it takes a subsequent and a sufficient amount of time to have to get them activated so we can step back from the precipice and have a more reasonable policy on that.

Mr. DOGGETT. I just wanted to point out to the gentleman from Wisconsin that former Defense Secretary William Perry made much the same point that you are making within the last few months in saying that even, quote, a relatively small deployment of defensive systems could have the effect of triggering a regional nuclear arms race of considerable proportion.

As we look around the world, as you were just doing, you really cannot find any enthusiasm out there among our weak allies or among our strongest allies, some of whom we will have to count on to put these forward radar stations in their countries. None of them are coming forward and saying, please give us this defense. It seems to be more of a political defense in this country.

Certainly there are some weapons manufacturers who see hundreds of billions of dollars of future contracts out of this. But as you search around the world, have you seen any indication of support in other parts of the world for this kind of system? I know the current Lone Star approach as carried here and somewhat misguidedly to Washington is that it no longer makes any difference what the rest of the world thinks, but what does the rest of the world think about this?

Mr. KIND. It is interesting. The President is abroad right now in Europe trying to sell at least partly on this trip the merits of his missile defense program. It was interesting to read some comments from some of the military experts within France who kind of chuckled at the thought. They are not obviously enthusiastic supporters of the program. They said, well, we kind of tried that, too, after the First World War. It was called the Maginot Line, trying to deal with a perceived threat. Obviously we saw how well that worked during the Second World War. Once the enemy saw what type of defense system was deployed, they figured out a way to get around it. That is the concern really for a lot of our allies, our European allies whom we are going to have to rely on and work with in order to bring greater stability across the globe. That I think is a very, very important issue.

I think all of us here in the House have seen the defense reviews from CIA, from the Defense Department, ranking the real threats that we face today, from the greatest threats to the least threat. Missile defense, a launch of a nuclear missile basically airmailed to us because we will know exactly where it was launched from and who sent it, is one of the least likely threats we face right now in our national security basket. More likely it would come from biological terrorism or shipping a nuclear device in a boat up the Hudson or up the Potomac River, for instance, than someone would just airmail a nuclear weapon towards us. Yet what is most troubling with the Bush administration's approach to this is they are defunding a lot of the important nonproliferation programs we have in place at the Department of Energy right now and the nuclear collaboration programs that we need to be pursuing and funding in order to reduce the threat of nuclear proliferation or terrorism across the globe. Yet in the budget that they submitted, there were serious funding cutbacks in an area that we should be encouraging and investing wisely in. That I think is another serious issue.

Again, I thank my friend from Massachusetts for claiming some time this evening to talk about this very important issue. I have a feeling we have not had the last word on this subject.

Mr. TIERNEY. I thank the gentleman from Wisconsin. We certainly have not, I hope.

For the last word I would like to recognize the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I want to congratulate my colleague from Massachusetts for putting together such an assembly of experts on the subject, including yourself, who have presented so many important facts. We have scientific expertise and budgetary expertise.

I have two reasons primarily that I oppose the national missile defense. I wish I had a poster. It would be one of Isabel Hart, age 3, and Eve Schakowsky, age 1, my granddaughters. More than anything in the whole world, I want them to be safe. If I thought that I could be part of this United States Congress to create a safety shield for these children, believe me, I would. But the more I have learned from my colleague from Massachusetts and others and reading about it and talking to the experts, I am convinced that far from creating a safety shield, that this plan actually endangers my granddaughters.

Today, a number of us participated in a press conference where Peace Action, Women's Action for New Directions, Physicians for Social Responsibility announced their plan to deliver thousands of petitions to Members of Congress from people across the country expressing opposition to Star Wars. I had visitors from the North Suburban Peace Initiative from my district who delivered that same message to my office.

I am proud and grateful that my constituents understand the risks and realities involved with President Bush's national missile defense plans. I hope that all of my colleagues had an opportunity to review the important materials that they and other committed citizens distributed on the Hill this week.

National missile defense is a program that is destined for failure on so many levels.

□ 2200

NO NATIONAL MISSILE DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, since the Reagan administration, we have been urged by wishful thinkers to deploy a system for which workable technologies does not exist, and now many years and billions and billions of dollars later the Bush administration is still pursuing what I view is an irresponsible, unnecessary and unrealistic policy.

Mr. Speaker, the fact that it does not work and we have heard experts talk about how much it does not work is actually not the most important thing to me. The most important thing is that it really should not work, because I fear that moving forward with national missile defense will actually undermine our security by igniting Cold War II and will reverse the diplomatic progress we have made over the last decade. It will make us less safe and less secure.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for yielding to me.

Let me just end this hour-plus, with the courtesy of our colleague, by saying that this administration, as I started off by saying, has a ready, shoot, in-their-name approach to this whole policy. This is much like what has been going on with a number of the policies of this administration. They have unilaterally claimed that the Kyoto Protocol was dead. They have started to retract on that and are now talking about limitations on carbon dioxide and talking about cooperating with our international friends.

They have asserted that a pull-out of forces from the Balkans was imminent and now they are talking about cooperating and being sure that they do not pull out unilaterally.

They have talked about an express intent not to engage in the Middle East but reality has struck there and they have not only one envoy by two over there. They have talked about halting diplomatic initiatives in North Korea and now, in fact, they are starting to engage, or at least in all of these respects they are using semantics in talking about that. I hope they are being truthful in their attempt to move forward in that regard, although I fear that they may be just sort of smoothing and massaging what is going on while the President is abroad.

Today, their administration policies have always been leap before you think, leap before you look, whether it is domestic policy on the tax cut that cuts enormous amounts of money without deciding what we have for needs first or for obligations, and now we are talking about a national missile defense system which decidedly has not been proven to work, decidedly has not been tested and decidedly does not have tests planed to move us forward in that regard.

Now I understand that the Department of Defense is going to tell us that they are pulling back and in fact they are going to start a testing regime, with a white team and a blue team and a red team that are going to throw up countermeasures and test against them and have somebody evaluate that.

The fact of the matter is, Secretary of Defense Mr. Rumsfeld is still talking about deploying and moving forward at tremendous cost, not only financially but in terms of relationships and diplomatic relationships with other nations, even before we determine whether or not the system can work, even before we determine whether or not it fits within our priorities, given all the other needs that we have in national security and otherwise, and even before we determine whether or not it is going to fit into the plans of stability for this Nation and the world.

So I hope that this tonight was a start in a conversation on this. I hope that we can impress upon the Secretary of Defense to allow us to release to the public Mr. Coyle's report from the OT&E office so that we can discuss that and debate it openly. It talks about some serious reservations and some serious concerns about moving forward and deploying before, in fact, we should be.

I thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for joining us on that and all the other Members who participated tonight and I look forward to an open debate so the American people can really understand what is involved here and what is at stake and the dangers and responsibilities attendant to it.

GLOBAL WARMING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I will be discussing global warming tonight but I would like to just say one or two words and I would hope that my colleagues in the next presentation about the strategic defense initiative will have a debate. I would be very happy, along with others here, to participate on the other side of that issue.

Let me just say I could not disagree with my colleagues more on the issue of missile defense. I am the chairman of the Subcommittee on Space and Aeronautics and we do have the capacity and the capability of knocking down an enemy missile that might have a nuclear warhead that would murder millions of Americans.

Should we have a defense to prevent millions of Americans from being incinerated if the Communist Chinese would launch a rocket at us? I think that it is prudent that we try to develop the system.

The answer to many of the questions that were brought up tonight is that if the system does not work and cannot be made to work, we will not buy the system. It is incumbent upon us, incumbent upon us, to spend the money that is necessary to see if that system can be developed. I believe it not only can be developed but we have already knocked out of the sky several missiles that were launched from other locations without a previous flight plan, I might add.

What we have today, we knew they were coming but not exactly what the flight plan was. Let me just say this, in the future I would hope, especially the young lady with two grandchildren, that she does not face a situation where an American President is told the Chinese have just launched a missile; there is nothing we can do, nothing we can do but let it incinerate a part of the United States. I hope her children are not there or her grandchildren are not there. We have to look at this as a real possibility.

The Communist Chinese have dramatically expanded the capabilities of their missile offense, and mutually assured destruction means nothing to that enemy. Those Americans who are listening to this might think it would be prudent that America in the future would have a system to defend itself in case the Communist Chinese would threaten the United States with an attack that would murder millions of its people unless we give in. I think it is a very prudent course of action.

I will be very happy to debate with my colleagues in the weeks and days ahead if they want to have a debate rather than a presentation here on the floor.

Now I do have my presentation tonight, which I have on global warming, especially considering that President Bush has come under severe attack for his refusal to bow before the pressure of a very well-organized effort that they are trying to pressure him to accept the idea that the world is in peril because it is becoming more and more warm because of industrialization. It is vital that the public understand that what is going on in this attack against President Bush is about a political agenda; that global warming is not a scientific imperative. It is a politically-driven theory.

Those espousing global warming are building on public fear and apprehension. Young people in particular are being lied to about the environment and about global warming. Global warming, of course, is one of the worst falsehoods that they talk about. When I meet with student groups, it is clear they are being told false things about a lot of areas of the environment.

In fact, I meet every student group from my district that comes to Washington, D.C. I always ask them the same question: How many of them believe that the air today in Southern California is cleaner or worse than it was when I went to high school in Southern California 35 years ago? Consistently, 95 percent of these students who live in Southern California who are coming to my office say they believe that the air quality today is so much worse than it was when I went to high school and how lucky I was to live in an era, in the early 1960s, when we had such clean air in Southern California.

This, of course, is 180 degrees wrong. These young people have been systematically lied to about their environment. They are being told they are being poisoned by the air. But, in fact, the air quality in Southern California is better than it has ever been in my lifetime. They cannot believe it when they hear it.

They also cannot believe that the quality of the Potomac River, the water quality around us, is better, even the quality of the soil. Even the number of trees and forests that we have have increased. They have been lied to time and again about the environment, and again the global warming theory is the worst of all.

These lies are being used to justify to Americans of all ages, to justify a centralization of power in Washington, D.C. and a centralization of power in global government through the United Nations and other institutions that are run by unelected and unaccountable authorities.

Let us get into what global warming is all about. Global warming is a theory that carbon fuel, coal, oil, gas, et cetera, that this carbon-based fuel is putting CO_2 into the atmosphere, and CO_2 is causing the temperature to rise, which will cause a drastic change in the weather, the ice flows, animal life, plant life on our planet.

First and foremost, let us recognize this: All of the recent scientific reports agree that there may, or may not, be a minor change in the planet's average temperature over this last 100 years. There is no conclusive proof that man is the cause of that perhaps minor change.

That is not what we are being told. The American public is being told all of these scientific reports are claiming that global warming is absolutely a fact and there is no arguing with it. One reads those reports and they will find that there are weasel words and there are all sorts of caveats in these reports that suggest the scientific community cannot say this.

Climate science seems to be a very recent entry into the pantheon of scientific study. Prior to 1980, there was only a handful of climatologists. Now they seem to be everywhere. Try to find a researcher on global warming who is not in some way tied to some sort of research contract by the Federal Government. Now, could it be that the reason for the increase in the numbers of global warming advocates has something to do with the access to government funding for research?

Eight years ago, when President Clinton took over the executive branch, he saw to it that there would be no one getting scientific research grants from our government unless they furthered the global warming theory.

We were tipped off to this when the lead scientist, and I would say the Director of Energy Research for the Department of Energy, Mr. Will Happer, was precipitously fired from his position because he did not agree with the global warming theory and did not believe that it had been proven. He wrote a little article about it, and Vice President Gore came down on him like an iron fist and he was out of that job.

Dr. Happer, I might add, is now a professor of physics at Princeton University. But his removal as the director of research at the Department of Energy sent a message, clearly heard throughout the scientific community, you do not agree with global warming; you are not going to get the contract. This has gone on for 8 years.

There does not appear to be much information on global climate change prior to the mid-1980s. What we have been able to find out, prior to that time period, is that generally people in those times, the scientists, were arguing that we were on the edge of a new ice age. It was not global warming. Then it was global cooling.

□ 2215

In fact, in the span of 20 years, climate models have gone from predicting our eminent demise by freezing to death in a new ice age, to being baked in an oven to death in a global furnace. Interestingly enough, some of the leading proponents of global warming used to be the same advocates for global cooling.

Now, historically speaking we know that the globe and its climate have different ebbs and flows, and there have been ice ages in the past and there have been tropical ages in the past, without interference from man. That is even before man came on the scene.

In the last 1,000 years, for example, we have witnessed, even since man has been on the scene, in this last 1,000 years, we have witnessed a huge temperature swing over much of the world. Early in the last millennium, Lief Erickson established a colony on Greenland, and that colony on Greenland was free of snow for over half a year every year. In less than 100 years, 100 years later, that colony had to be abandoned because the climate had grown so much colder and the snow so much thicker that a new ice age appeared and apparently was on the way, a mini-ice age, not making Greenland hospitable to human habitation anymore.

I wonder in the current climate of scientific investigation what would have been predicted had scientists been available then to chart the course of what direction the world was going. We probably would have been told then that the Earth was on its way to an environment in which only the Eskimos would survive, and all of this was due to, who can tell? Certainly humankind had very little influence on the weather and temperatures then. No one could argue that.

Of course, that trend and lower temperatures reversed itself. Yes, it was getting cooler; but it then reversed itself, because at some point the Earth naturally has a way to adapt to cooler or warmer temperatures.

This historical recollection gives us a reason for concern about some of the trend lines. You take a trend line going in one direction and launch it way out into the future to see that that may not be accurate. It may not be accurate because the world can adapt.

If, in fact we have a minuscule trend towards warming, it could be that we are in fact emerging. Right now, instead of having the trend line being ominous, all it could mean is a trend line of minuscule warming, 1 degree in 100 years. It could mean that we are just emerging from a cooling period, from a period that is a little bit cooler.

Now, none of us should forget our lessons that we learned in sixth grade about those huge glaciers. Remember that? The huge glaciers once covered all of North America. In fact, it happened three or four times. The glaciers would come down, go back, and most of North America and Europe were covered. In fact, the Great Lakes were, if I remember what I was taught, were gouged out by these glaciers; and when the glaciers receded, these lakes were filled with water.

Well, when the glaciers moved forward, it represented a major change in the global climate towards global cooling. When the glaciers retreated, and we are now in a time period when the glaciers are retreating, that must mean that the Earth is getting a little bit warmer. Well, to use that as some sort of scientific basis to say that humankind is creating a warming trend on our planet that threatens and puts our planet in peril is nonsense. The one thing that those glaciers going back and forth did not indicate was that human beings had anything to do with the global weather change that was taking place. Nor did human beings have anything to do with the fact that all the dinosaurs were killed off by this global change in weather.

It seems to me that to understand climate change, we need hundreds of thousands of years' worth of observation and far more types of data than are currently available. Instead of serious scientific investigation and debate, most of those currently clamoring about climate change are looking at unbelievably shallow evidence and rushing to the conclusion that human beings are the cause of this change. But human beings were not around when these other traumatic changes happened in weather and temperature, which occurred in our distant past.

Recently, we have been treated to yet another spectacle of media climate-change hype. As I say, our President is under attack. Our new President, George W. Bush, made it clear that the United States will not be bound by the so-called Kyoto Protocol.

The liberal media and academic establishment went berserk. Just think of it, the President of the United States is calling into question the validity of man's impact on the global climate. Again, elitists have arrogantly labeled an American President as some kind of a moron. Well, they did the same thing to Ronald Reagan when he tried to end the Cold War, and they were dramatically wrong then too.

George W. Bush is intelligent, and he has common sense. A few days ago the American people were presented something to make them believe that George W. Bush was not so intelligent. They were presented with a National Academy of Science report on climate change.

Now, if you read your newspaper about a week ago or saw the network news coverage, you would think that the President had been dressed down by the scientific community and that, once again, the experts had solidly, solidly, rallied behind the contention that global warming is here and it is a result of human action and that that determination is irrefutable. Well, that is what you would believe by the news reports.

Dan Rather, let us take a look at Dan Rather's report in particular. Dan Rather on CBS news was perhaps the worst in terms of his bias and inaccuracy of the presentation of that report. His lead to the story stated uncategorically that the report had proved global warming was here and that humans were the cause. How many listeners noted that after 3 minutes of Dan Rather's report, that at the end of that report, Dan Rather's own correspondent stated that the National Academy had not stated that humans were the cause of the temperature increase, and that temperature increase was 1 degree over 100 years?

Now, how many people noticed that? You had Dan Rather leading into his report that the report stated unequivocally that there had been the global warming and that humans were the cause. Yet at the end of the report, his own reporter put a little tag on that that they could not absolutely say that it was caused by human actions and human activity.

The National Academy of Science report is filled with weasel words and caveats. That was true of many of the other scientific investigations. Almost every one of the scientific investigations, the findings about global warming were not conclusive enough to make any solid statement other than words to the effect that further research is necessary.

Just like Dan Rather, it totally misportrayed what that report was all about. Over and over and over again, the American people have heard about reports that global warming is absolutely here, and it has been misportrayed to them. That is not what those reports have said. Sometimes reports have said that, and you go back to who did the reports, just a very small group of radicals who are not respected by the scientific community in those reports. Yet we hear about the reports all the time, and we see these same misquoted reports as being used to justify dramatic headlines and very frightening reports over the broadcast news media.

For the record, I will submitting two documents highlighting some of the caveats and some of the weasel words, you might say, in the NRC report that indicates that the NRC is not making that conclusive and unequivocal decision that global warming is here and that humans caused that, which is what we heard on CBS news and read in the newspapers throughout this country and were used to beat our President up. Falsehoods. That is what was used to beat our President up. I will submit this for the record.

By the way, the report states that the temperature on Earth, again, let me state this, may or may not be, may or may not be, 1 degree warmer than it was 100 years ago. One degree change over 100 years. Think about that. A 1-degree change? These experts cannot predict the weather one day in advance. How can they predict and calculate and analyze the weather back 100 years ago, when they did not have any of the scientific equipment that was available to them, that is available to them today? How can anyone give credibility and be given credibility claiming a minuscule temperature change that supposedly has taken place across the face of this enormous planet?

Remember, 100 years ago they did not have any satellites; they did not even have telephone communications in most of the world. But across the face of this planet, that it was cooler then by a whole 1 degree? Can anyone listen to that with a straight face? Give me a break. Give the American people a break.

Well, one remembers just a few years ago President Clinton was so committed to proving this theory that he invited hundreds of climatologists who agreed with global warming to the White House. These were people who he thought were sympathetic to the global warming theories. During that time in the White House, I understand a major storm broke out in Washington and was just drenching the entire area; and well, what happened is that of all those hundreds of climatologists that came to the White House to reconfirm global warming, only three of them thought ahead enough to bring umbrellas.

So, what does that tell you? These are the people who are going to decide who can guide us down the path of accepting global warming, which then would lead us to dramatic changes in our lives because we would be giving power and centralization of authority away from what we have it today.

What is essential to the global warming theory, of course, is not just that the temperature is on the rise, but that human beings, especially western civilization, and particularly those of us who live in America, we are at fault; the Americans, the people who live in western civilization and human beings in general, we are the ones at fault for global warming.

Okay, so let us concede before we get into that that the Earth may or may not be 1 degree hotter than it was 100 years ago. That, however, is not necessarily a catastrophe. If the Earth is 1 degree warmer now than it was 100 years ago, that may be a good thing. It may be baloney; it may be a good thing. I do not know. It may be a good thing, especially if that 1 degree warmer is a nighttime temperature in the northern hemisphere in the fall or winter. That would be a very wonderful thing, to have it a little bit warmer during that time.

In fact, some of the people claiming to believe in the global warming theory are in fact saying that is how our temperature increases, it is 1 degree in the northern hemisphere, and I do not think that that is such a big calamity.

Furthermore, let us say that the worst calamity comes true, which is we are being told perhaps over the next 100 years we could face a 5-degree rise in temperature. That is their wildest scenario. Well, that may or may not be a bad thing.

I certainly do not believe that this is happening, but let us just suggest it is not bad enough for us to give away our freedom and lower the standard of living of our people and do many of the other dramatic things that global warming theorists are trying to push off on us.

People in the northern hemisphere, like us Americans, well, you know, we might not be so bad off. Maybe there will be a longer growing period in Canada and places like that. However, do not get your shorts on yet or sell your winter boots. There probably is no global warming.

Having said what I just said, the Earth tends to adjust itself naturally, and even if there is global warming, the Earth may just well adjust for it. It may be some water vapor that is warmed off the ocean, and that tends to cool off the Earth. The scaremongers do not want to tell us that the Earth has an ability to adjust if things get a little warmer; that it is affected by different things and then it gets a little cooler.

☐ 2230

What instead the scaremongers want to do is make sure that we believe their global baloney. That is what I consider it, global baloney.

There are a number of reasonable scientific explanations for a situation that would have us a few degrees hotter or a few degrees cooler. It is not that humankind is living too well.

The Earth's orbit is elliptical, and there are times when we are closer and sometimes when we are further from the sun. That small difference of several thousand miles equates to a tremendous difference in the amount of energy that reaches the Earth. So where is the data in terms of the analysis of this in relationship to global warming? Where is that analysis?

The ancient Mayans and Aztecs observed a 208-year solar cycle where solar activities increase for 104 years, followed by 104 years of declining activity. We have all seen these solar storms. Modern science has confirmed their observations. We are now at a halfway point between the cycles of solar activity. Can we expect, and we maybe can expect, 50 more years of solar activity being on the increase, which would mean a moderate warming trend. That is before the temperatures begin to fall. A one-degree increase in the global temperature, even if that is there, might be explained by these solar storms.

We know the ancient Mayans and Aztec observations about this solar phenomenon have been confirmed. But have the global warming alarmists brought this into their calculations?

How about water? Water comprises three-quarters of the world. Given the sheer volume of water on this planet, it surely has a tremendous impact on the temperature of the air. However, there are no accurate global ocean temperature readings that go back more than 10 years, and those that do are primarily based on satellite observations of surface temperatures. Those readings do not include deep water. In fact, we have absolutely zero understanding of deep water temperatures, and almost no understanding of deep water ocean currents. How can we possibly ignore that data when trying to calculate something as overwhelming as global warming?

Global warming studies did not take into consideration the ocean temperature, and sometimes when they did it did not give them the right facts, so they just went on to something else.

It also did not take into consideration the clouds, Much less the oceans, it does not take into consideration the clouds, which are even more important to determining the Earth's temperature. Clouds, of course, have everything to do with cooling things off.

Dr. Richard Lindzen of MIT has proven that as temperatures rise, more clouds are formed. This is part of the natural way the Earth reacts. If there is a little more warming, there would be more clouds, and it would cool the Earth off. More clouds in turn reflect more heat back into space, and thus it cools the Earth.

It is cooler when there are clouds out. If Members do not believe it, I ask them to stand outside on a hot summer day and see what happens when a cloud passes overhead.

Let me tell Members an interesting thing that happened to me. I have been in Congress now 13 years, but a few years ago, a Federal administrator of an agency came into my office. He made me promise not to disclose what my source was. He then went on to tell me that all the global warming studies were flawed because they never took into account how cloud cover affected the temperature readings that they were recording.

How do we determine whether or not it was a cloudy day when the temperature readings were taken in various parts of the world 100 years ago? Give us a break. They cannot even tell us how those temperatures were taken, who was taking the temperatures. Were they people who were trained? Were the instruments calibrated? Much less they cannot tell us was it a cloudy day that time they took the temperature.

Global temperature records either do not exist or are absolutely flawed, and they are flawed to such a degree for 100 years ago that they might as well be useless in trying to calculate something like global warming. Actually, most of the records do not go back any further than 50 years in our urban areas, which of course the urban areas tend to be much warmer than rural areas because they have all that concrete and cement.

There are few records that extend beyond 100 years, and there is no way of determining those records. Even the 50-year records are in question, because most of them are in the cities and not spread throughout the planet. And these people who are telling us about global warming, we are going to say they have a scientific basis for what they are talking about?

Although we talk about global temperatures rising, that in itself may mean little because the temperature is not the only measure of heat. Humidity is an important measure in terms that are just as important as heat. Southern California is a lot easier to live in at 100 degrees than if we are down in New Orleans in that humid weather.

So even when our local weatherman gives the heat index based on temperature, he also gives us one that is based on temperature and humidity. These things are not being calculated by people talking about global warming.

Finally, let us talk about climate models touted by global warming advocates. They do not take into account the Earth's orbital change, as we have said. They do not take into account solar activity cycles. They do not take into account the temperature of the oceans. They do not take into account the cloud covers. They do not take into account the accuracy of long-term temperature readings, as I just said, for 100 years and 50 years back. They do not take into account humidity.

What they do take into account is a theoretical calculation of manmade CO2 content, and lots of hypothetical data about other manmade pollutants. But most of the sources of CO2, and that is what they are claiming is causing this global warming, that humans are putting CO2 into the atmosphere, well, most of the sources for CO2 and the other so-called greenhouse gases are naturally-occurring and not manmade.

Let us make sure everybody understands that. Global warming is a problem, but mankind is actually one of the smaller contributors of CO2. It is overwhelmingly true that the CO2 being put into our atmosphere comes from natural sources. The contributions made by human beings to these gases that are turned loose in our atmosphere are less than 10 percent of the total.

Volcanic activity, for example, can add more to the atmosphere in a few weeks than all the internal combustion engines on this planet over the last decade. Termites and other insects, for example, are such a large source of CO2, and it is a larger source of CO2 than all of the industrial plants in the civilized world. Rotting wood is another offender that dwarfs any human contribution to this so-called threat.

I do not hear many calls coming from the people talking about global warming to bulldoze the rain forests. If they really believe in global warming, the rain forests, the rotting wood and the insects in those rain forests are the worst contributors. They are the most evil forces in this planet in putting global warming out, so we would want to bulldoze the rain forests. We would also want to clearcut old growth trees and plant new young trees, because the new young trees take the CO2 out of the atmosphere and replace it with oxygen.

Mr. Speaker, we do not hear many people who are global warming activists calling for the bulldozing of our rain forests. We do not hear many of them calling for the cutting down, the clearcutting, of old growth trees, or advocating nuclear energy, which is a tremendous source of energy which puts no CO2 into the atmosphere.

What is most frightening about the public acceptance of the global warming theory is that the solutions are not to clearcut old growth, they are not to tear down these rain forests. Instead, the solutions we are being offered to global warming are policies that would dramatically reduce the standard of living of hundreds of millions of people, especially the people of the United States.

President Bush was 100 percent right in rejecting the Kyoto Protocol and demanding further scientific research for any drastic government policies to be put into place.

The most frightening element of the global warming debate is that intelligent people, backed up by so-called experts, are advocating that we Americans give up our way of life, our standard of living, and yes, our freedom. Global warming advocates would have us give authority to unelected international officials. No one who has ever been elected will ever be the one who will be calling the shots if we give up all of our authority and the power to run our lives and our economies to people in the United Nations or other worldwide authorities that are run by unelected environmental bureaucrats.

These bureaucrats, government officials, will have power over our lives if these global warming fanatics get their way. That is the purpose of the global warming steamroller that is coming down the political road. They are trying to force us to give up our freedoms in the name of some threat that does not exist.

Americans, of course, are the bad guys. We are being portrayed as the bad guys to the whole world. Thank goodness we have a President that is standing up for us, because here in the United States even poor people have a decent standard of living. If the Kyoto Protocol was implemented and is implemented, within a generation we would be living as Chinese peasants, knee deep in sewage and fighting for grains of rice in order to fend off imminent starvation.

What is not mentioned by these global warming advocates is mentioned here, that Americans have maintained a higher standard of living in the world for the last century than any other country in the world. That is what they are trying to bring down. That is the enemy, our high standard of living.

They have based their analysis on global warming based on units of wealth, and when they do, if they base it on units of wealth, the United States is one of the smallest polluters, because in terms of the amount of wealth we are producing for our people to enjoy a good life, we actually produce so much wealth and little pollution per amount of wealth. But the Kyoto Protocol is based on CO2 emissions per capita, not on given units of wealth.

This approach by its very nature is aimed at dooming America's high standard of living by mandating that we give up this high standard of living in order to eliminate the CO2s that are going into the air, when in fact we live in a country that has done more to improve the environment and to bring in cleaner sources of energy than any country of the world, especially third-world countries like China.

By the way, the Kyoto Protocol exempts China and other so-called developing countries from the severe regulatory restraints that will be necessary to sustain and to fulfill the Kyoto Protocol. What we will have is manufacturing companies closing up in droves in the United States to move to the Third World. What it means is our children and our grandchildren will suffer tremendously. They will have a lower standard of living. We will have a world market dominated, of course, by WTO, World Trade Organization regulators who come from third-world countries who do not have free elections, who probably are going to be bribed by countries like China.

So we are going to give up our sovereignty, we are going to give up our authority, to run our lives as is envisioned by the Kyoto Protocol and the WTO and the rest of these folks? We are going to do that?

What will that mean? That will mean the American middle class will be crushed. The working poor in America will see their standard of living go down dramatically. As Ross Perot said, that giant sucking sound is our money, our jobs, and our future going right down the drain.

But that is what global warming is all about. They have not proven it. It has not been proven to us that global warming even exists, much less that mankind has caused it. But they have got to keep us believing that that is what these scientific reports claim so we will go along with this plan to give up our rights and our freedom and to lower the standard of living of the American people.

The Kyoto treaty never went to the Senate because President Clinton knew he could not even get one vote for this monstrously misguided proposal, but thank goodness, President Bush is standing up for us and against that steamroller.

□ 2245

Al Gore, of course, was one of the world's strongest advocates for the Kyoto Protocol and of global warming restrictions being placed on the American people.

Now, this is not the first time the American people, that people have tried to frighten us into accepting some kind of cockamamie idea. I remember when I was a kid, I went to Thanksgiving one day, and what do you know, my mom did not have any cranberries on the table.

She did not have any cranberries on the table. I said, mom, you know, this is Thanksgiving, where is the cranberries? Cranberries cause cancer. And so for 2 years at Thanksgiving, my family, and I might add hundreds of millions of other families, did not have cranberries for Thanksgiving.

Then you know what? We found out that it was all just like global warming, it was all baloney. Those cranberries did not cause cancer at all. But what do those scaremongers manage to do? It lowered this festival. It lowered the festivities and the joyous occasion of having Thanksgiving by taking away cranberries. And, yeah, guess what? It put hundreds of cranberry farmers out of business, drove them out of business. People lost their family farms and their lives were destroyed for many, many years ahead. Oh, sorry, we were wrong.

I also remember Dr. Meryl Streep, remember when she came here to Congress to testify that alar in apples was the threat to people's health. And for one year, the apple industry in our country and other countries was destroyed.

Hundreds of families who owned those apple orchards were put out of work. Their families gone forever. Their family fortune gone forever. They could not make their payments because for a full year the American people were frightened about that and, of course, what did we find out, no, alar does not cause cancer, sorry.

I even remember as a young man when I was told that cyclamates cause cancer. The American soda pop industry had invested hundreds of millions of dollars to develop a new sweetener cyclamates in order to make sure that, number one, we would be able to use it and it would be used in drinks, and we did not have to depend on sugar, it was healthier for you, et cetera, et cetera. But all of a sudden some people began claiming that it was causing cancer. Cyclamates cause cancer.

Well, guess what? Canada never took cyclamates out of their soda pop, and then after about 10 years or 12 years of having the cyclamates forced out at a cost of again hundreds of millions of dollars that just evaporated from our economy, what happened is the Food and Drug Administration quietly moved forward and said, oh, by the way we were mistaken, cyclamates do not cause cancer after all.

This is the type of nonsense our young people are being fed in their schools every day. They are being told that their environment is getting worse and worse and worse, and they might as well give up because they can give up their freedoms, trust in the government, trust in international organizations, trust in people who have all this hoopla on about global warming, and about how the environment is getting worse. They are being lied to in the very same way.

Our young people today, and let me tell my colleagues one other incident that happened to me as a young person. Most people know that I am one of the few surfers in Congress. And, in fact, I am a scuba diver. I am a surfer, and I am an ocean person.

I was scuba diving just a few months ago, and I will tell you that 3 days ago I was in the ocean surfing off of my district off of Huntington Beach. It was in the Bolsa Chica area and I was surfing there for 2 hours. It was a great day of surfing.

When I was a young reporter and that is how I got into this world of politics, I was assigned to cover Jacques Cousteau who happened to be one of my heroes. I mean I was a scuba diver and I loved the ocean and I went to UCLA, and there he was speaking at UCLA.

Jacques Cousteau was speaking to these college students, and he was very pessimistic and I said, gee, I just do not feel right about being so pessimistic about things in the ocean.

So when I came up to him afterwards to do a short radio interview, some other students stood around and listened and I said, Mr. Cousteau, is not there some possibility that perhaps the oceans will be used as a source of food for us in the future beyond just catching fish, like aquaculture and growing oysters and clams and things and lobsters, and is that not a possibility? And he just came right up to my face and he said, Did you not hear me? Within 10 years, the oceans will be black goo, totally dead, destroyed. The oceans will be lifeless. Did not you hear me?

Of course, I never will forget that, because this guy got right in my face and he was screaming in my face and he put on a pretty good show for those kids. And it has been about 30 years since that happened, maybe 25, maybe 25 years since that happened. And guess what? Jacques Cousteau is dead, but the oceans are alive.

I was out surfing a few days ago and I could not help but notice the porpoises swimming by, and when they swim up to you, you can rub the bottom of your surf board and they will come up to you. And it is a wonderful, wonderful experience. The birds were flying and diving into the ocean nearby catching little fish.

I was in the water for 2 hours, and I was not covered with black goo. Now, that person, Jacques Cousteau, was a fine man. He obviously is a hero to many people like he was to me.

Why did he feel he had to lie to such a degree? Was it that he did not know that he was lying, that he did not know that the oceans were not going to be black goo within 20 years or 10 years is what he said. No. Jacques Cousteau was part of a movement, part of a movement that feels they have a right to lie and they have a right to frighten people, because they have a higher calling; their higher calling is to save the environment.

They do not have a right to lie, and they should be honest about it. And there are environmental challenges and the environmental challenges we face can be corrected and could be met with better technology, better machines, better equipment, better energy sources, but, instead, what we have had is people lying to us in order for us to give away our freedom, to agree to things like the Kyoto Protocol, which would have extracted from people of the United States their right to make their own economic decisions.

It would have left us vulnerable to a major assault on the economic well-being of our middle class and our poorer people. Yeah, $5 a gallon of gasoline would not much hurt millionaires or people with limousines. It would hurt some of the people who do not have limousines, but it would be a catastrophe to the lower, middle-class and to the working people of our country.

The Kyoto Protocol, the environmental restrictions that we have heard from many, many corners quite often are not based on truth, and tonight that is what this speech is all about. This speech is nothing more than saying that we, as a Congress, and as a people and the American people should demand, whether we are talking about the environment, whether we are talking about other potential threats to our national security or our economics, that all we demand is let us talk about it frankly and honestly, and that the environmental movement has not done that.

I am out surfing, like I say, a few days ago. There are offshore wells off of my district, and for 25 years, we have had offshore oil drilling in my district. Not once has there been a major spill from those wells. But there has been a tanker, an oil tanker, that split apart and we had a major oil spill in our area. But yet for years, I have been fighting with environmentalists trying to get them to admit that if we do not have offshore oil wells, which are relatively safe, that means we are going to have to get our oil from tankers which are a hundred times more likely to have a spill.

Yet, these environmental activists continue to try to negate every attempt to exploit our offshore natural resources.

In California today, we have an electric shortage, a horrible electric shortage. It is going to cause a major decline in the standard of living of many of our citizens. It is going to put a lot of our citizens in jeopardy. Our economy in jeopardy. It has already eaten billions of dollars that should have been going into education, our health care, or other places. Instead, what we have is a shortage of energy in our State, even though we have lots of energy, we have not been permitted to utilize it.

Offshore in Santa Barbara there is enough natural gas to provide the energy we need to produce all the electricity we would need to make up for our shortage of electric in California. We could make up for that shortage for 2 decades, but, yet, those people in Santa Barbara who own the offshore oil wells that are already there have not been permitted even to slant drill from existing platforms to tap in to the natural gas that is a huge natural gas deposit right off of Santa Barbara.

This is the kind of nonsense. This is the type of antitruth that brings down economies, but it exemplifies many of the arguments that have been presented to us about global warming and other so-called environmental challenges.

Again, I do not want to end this tonight suggesting that there are no environmental challenges, because there are, and there are ways that we can do it and we can solve these problems and we can make America cleaner.

Today's young people have cleaner water, because today when you look down at the Potomac River, when I was a kid, you could not put your finger in that water. It is clean today, people are fishing out there.

We have soil. We have ways to clean the soil in my own district. I helped a company develop a system and got them permission and I think it ended up about a $300,000 contract to take soil that had been made toxic because it used to be an old oil sludge pit, 10 acres of this land that was unusable to the citizens of our community, and I got this business going.

We went down there, and this new technology, within a 60-day time period, was able to make that soil totally clean and those 10 acres of California real estate perfectly clean and available if they wanted to for houses, instead they are going to use it as a park.

They did not have that technology available 10 years and 20 years ago. This is the best time for young people to be alive. They have more chance of cleaning up the environment as long as we let people do it at a profit. That man who built that machine did not want to do it just because he had a social conscience.

He did it because he wanted his company to make a profit, and the people that will finance it will be financing him, cleaning the soil because they want that land to be used by families for homes, for their children and they will make a profit in building those homes for those families.

This is a wonderful time to be alive. This is not a time for the American people to be frightened by scaremongers and people who are not telling the truth about global warming and other environmental challenges into giving up our freedom and to doing things that will result in a lower standard of living for our people.

Again, every time we do, every time we give into this type of nonsense, it is the people at the bottom rung who are hurt the most. It is the people at the bottom rung. So as we are finding out in California, we need to base our decisions on honesty.

If offshore oil drilling and gas drilling is going to help our State have the energy it needs, we need to move forward with that.

Let me say, I have a new bill that I am proposing and I will be dropping within 2 weeks, a new piece of legislation that will see to it that all new oil and gas reserves, offshore oil and gas reserves that are brought online by offshore oil and gas development, that one half of all the tax revenue from all of this new oil and gas reserves and deposits that are being brought online, half of the tax revenue will be put into a trust fund that will be used just for coastal purposes, for water quality and other coastal projects.

□ 2300

Ten percent of that new revenue will go directly to the counties inland from that development. That way we can develop energy and that way we can have cleaner water.

All up and down California and all throughout our country, people do not know how they are going to take care of urban runoff. Perhaps my legislation will help provide the resources for that.

But let us be realistic. Let us not fight offshore oil drilling because they say, out of some hysterical nonsense, that it is a threat to the ocean, because it is not. I have gone SCUBA diving off the offshore oil wells in my district, and that is where all the fish congregate. Believe me, if there was some problem, those fish would go elsewhere. Their natural instincts would tell them to go.

So we have a chance. But what has been happening is we have been prevented from that because, in the back of the mind of these environmental activists, they want the earth to be free from dependence on carbon-based energy, on CO_2. That is all based on what? That there is a global warming taking place that is in some way going to jeopardize and put in peril the earth.

It is time to quit talking nonsense. Let us talk the truth. I am open-minded. The people here are open-minded. Let us try to find a way to meet the environmental challenges with better technology and in a way that will preserve the freedom of the people of the United States, which is the most important component to developing a better world.

CLIMATE CHANGE SCIENCE: AN ANALYSIS OF SOME KEY QUESTIONS

The following are the key uncertainties highlighted by the report released by the National Research Council on June 6, 2001. All items are taken directly from the report.

SUMMARY

The changes observed over the last several decades are likely mostly due to human activities, but we cannot rule out that some significant part of these changes are also a reflection of natural variability.

Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments (either upward or downward).

Reducing the wide range of uncertainty inherent in current model predictions of global climate change will require advances in understanding and modeling of both (1) the factors that determine atmospheric concentrations of greenhouse gases and aerosols, and (2) the so-called "feedbacks" that determine the sensitivity of the climate system to a prescribed increase in greenhouse gases. There also is a pressing need for a global observing system designed for monitoring climate.

Black carbon aerosols are end-products of the incomplete combustion of fossil fuels and biomass burning (forest fires and land clearing). They impact radiation budgets both directly and indirectly; they are believed to contribute to global warming, although their relative importance is difficult to quantify at this point.

The stated degree of confidence in the IPCC assessment is higher today than it was ten, or even five years ago, but uncertainty remains because of (1) the level of natural variability inherent in the climate system on time scales of decades to centuries, (2) the questionable ability to models to accurately simulate natural variability on those long time scales, and (3) the degree of confidence that can be placed on reconstructions of global mean temperature over the past millennium based on proxy evidence.

Climate change simulations for the period of 1990 to 2100 based on the IPCC emissions scenarios yield a globally-averaged surface temperature increase by the end of the century of 1.4 to 5.8°C (2.5 to 10.4°F) relative to 1990. The wide range of uncertainly in these estimates reflects both the different assumptions about future concentrations of greenhouse gases and aerosols in the various scenarios considered by the IPCC and the differing climate sensitivities of the various climate and models used in the simulations.

The increase of global fossil fuel carbon dioxide emissions in the past decade has averaged 0.6% per year, which is somewhat below the range of IPCC scenarios, and the same is true for atmospheric methane concentrations. It is not known whether these slowdowns in growth rate will persist.

In addition, changes in cloud cover, in the relative amounts of high versus low clouds, and in the mean and vertical distribution of relative humidity could either enhance or reduce the amplitude of the warming. Much of the difference in predictions of global warming by various climate models is attributable to the fact that each model represents these processes in its own particular way. These uncertainties will remain until a more fundamental understanding of the processes that control atmospheric relative humidity and clouds is achieved.

The full WG I report and its Technical Summary are not specifically directed at policy. The Summary for Policymakers reflects less emphasis on communicating the basis for uncertainty and a stronger emphasis on areas of major concern associated with human-induced climate change.

Making progress in reducing the large uncertainties in projections of future climate will require addressing a number of fundamental scientific questions relating to the buildup of greenhouses gases in the atmosphere and the behavior of the climate system. Issues that need to be addressed include, (a) the future usage of fossil fuels, (b) the future emissions of methane, (c) the fraction of the future fossil-fuel carbon that will remain in the atmosphere and provide radiative forcing versus exchange with the oceans or net exchange with the land biosphere, (d) the feedbacks in the climate system that determine both the magnitude of the change and the rate of energy uptake by the oceans, which together determine the magnitude and time history of the temperature increases for a given radiative forcing, (e) details of the regional and local climate change consequent to an overall level of global climate change, (f) the nature and causes of the natural variability of climate and its interactions with forced changes, and (g) the direct and indirect effects of the changing distributions of aerosols.

1. Climate, climate forcings, climate sensitivity, and transient climate change

The responses of atmospheric water vapor amount and clouds probably generate the most important global climate feedbacks. The nature and magnitude of these hydrological feedbacks give rise to the largest source of uncertainty about climate sensitivity, and they are in areas of continuing research.

However, the true climate sensitivity remains uncertain, in part because it is difficult to model the effect of cloud feedback. In particular, the magnitude and even the sign of the feedback can differ according to the composition, thickness and altitude of the clouds, and some studies have suggested a lesser climate sensitivity.

2. Natural climatic variations

It is more difficult to estimate the natural variability of global mean temperature because large areas of the world are not sampled and because of the large uncertainties inherent in temperatures inferred from proxy evidence.

3. Human caused forcings

How land contributes, by location and processes, to exchanges of carbon with the atmosphere is still highly uncertain, and is the possibility that the substantial net removal will continue to occur very far into the future.

About two-thirds of the current emissions of methane are released by human activities. There is no definitive scientific basis for choosing among several possible explanations for these variations in the rates of change of global methane concentrations, making it very difficult to predict its future atmospheric concentrations.

The study of the role of black carbon in the atmosphere is relatively new. As a result it is characterized poorly as to its composition, emission source strengths, and influence on radiation.

Because of the scientific uncertainties associated with the sources and composition of carbonaceous aerosols, projections of future impacts on climate are difficult.

Figure 1 summarizes climate forcings that have been introduced during the period of industrial development, between 1750 and 2000, as estimated by the IPCC. Some of these forcings, mainly greenhouse gases, are known quite accurately, while others are poorly measured. A range of uncertainty has been estimated for each forcing, represented by an uncertainty bar or "whisker". However, these estimates are partly subjective and it is possible that the true forcing falls outside the indicated range in some cases.

These estimates account for the non-linearity caused by partial saturation in some greenhouse gas infrared absorption bands, yet they are only approximate because of uncertainty about how efficiently the ocean and terrestrial biosphere will sequester atmospheric CO_2.

The growth rate of atmospheric methane has slowed by more than half in the past 2 decades for reasons that are not well understood.

Climate forcing by anthropogenic aerosols is a large source of uncertainty about future climate change. On the basis of estimates of past climate forcings, it seems likely that aerosols, on a global average, have caused a negative climate forcing (cooling) that has tended to offset much of the positive forcing by greenhouse gases. Even though aerosol distributions tend to be regional in scale, the forced climate response is expected to occur on larger, even hemispheric and global, scales. The monitoring of aerosol properties has not been adequate to yield accurate knowledge of the aerosol climate influence.

The conclusion is that the black carbon aerosol forcing is uncertain but may be substantial.

The greatest uncertainty about the aerosol climate forcing—indeed, the largest of all the uncertainties about global climate forcings—is probably the indirect effect of aerosols on clouds. . . . The great uncertainty about this indirect aerosol climate forcing presents a severe handicap both for the interpretation of past climate change and for future assessments of climate changes.

It is not implausible that solar irradiance has been a significant driver of climate during part of the industrial era, as suggested by several modeling studies.

4. Climate system models

However, climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit almost as much complexity as in nature.

They also exhibit plausible analogues for the dominant modes of intrinsic variability, such as the El Niño/Southern Oscillation (ENSO), although some important discrepancies still remain.

5. Observed climate change during the industrial era

Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established. The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale.

This result is based on several analyses using a variety of proxy indicators, some with annual resolution and others with less resolved time resolution. The data become relatively sparse prior to 1600, and are subject to uncertainties related to spatial completeness and interpretation making the results somewhat equivocal, e.g., less than 90% confidence. Achieving greater certainty as to the magnitude of climate variations before that time will require more extensive data and analysis. Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time histories of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established. The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale.

6. Future climate change

Projecting future climate change first requires projecting the fossil-fuel and land-use sources of CO_2 and other gases and aerosols. How much of the carbon from future use of fossil fuels will be seen as increases in carbon dioxide in the atmosphere will depend on what fractions are taken up by land and the oceans. The exchanges with land occur on various time scales, out to centuries for soil decomposition in high latitudes, and they are sensitive to climate change. Their projection into the future is highly problematic.

IPCC scenarios cover a broad range of assumptions about future economic and technological development, including some that allow greenhouse gas emission reductions. However, there are large uncertainties in underlying assumptions about population growth, economic development, life style choices, technological change, and energy alternatives, so that it is useful to examine scenarios developed from multiple perspectives in considering strategies for dealing with climate change.

Scenarios for future greenhouse gas amounts, especially for CO_2 and CH_4, are a major source of uncertainty for projections of future climate. Successive IPCC assessments over the past decade each have developed a new set of scenarios with little discussion of how well observed trends match with previous scenarios. The period of record is now long enough to make it useful to compare recent trends with the scenarios, and such studies will become all the more fruitful as years pass. The increase of global fossil fuel CO_2 emissions in the past decade, averaging 0.6% per year, has fallen below the IPCC scenarios. The growth of atmospheric CH_4 has fallen well below the IPCC scenarios. These slowdowns in growth rates could be short-term fluctuations that may be reversed. However, they emphasize the need to understand better the factors that influence current and future growth rates.

On the regional scale and in the longer term, there is much more uncertainty.

Changes in storm frequency and intensity are one of the more uncertain elements of future climate change prediction.

Whereas all models project global warming and global increases in precipitation, the sign of the precipitation projections vary between models for some regions.

7. Assessing progress in climate science

After analysis, the committee finds that the conclusions presented in the SPM and the Technical Summary (TS) are consistent with the main body of the report. There are, however, differences. The primary differences reflect the manner in which uncertainties are communicated in the SPM. The SPM frequently uses terms (e.g. likely, very likely, unlikely) that convey levels of uncertainty; however, the text less frequently includes either their basis or caveats. This difference is perhaps understandable in terms of a process in which the SPM attempts to underline the major areas of concern associated with a human-induced climate change. However, a thorough understanding of the uncertainties is essential to the development of good policy decisions.

Climate projections will always be far from perfect. Confidence limits and probabilistic information, with their basis, should always be considered as an integral part of the information that climate scientists provide to policy- and decision-makers. Without them, the IPCC SPM could give an impression that the science of global warming is "settled," even though many uncertainties still remain. The emission scenarios used by IPCC provide a good example. Human decisions will almost certainly alter emissions over the next century. Because we cannot predict either the course of human populations, technology, or societal transitions with any clarity, the actual greenhouse gas emissions could be either greater or less than the IPCC scenarios. Without an understanding of the sources and degree of uncertainty, decision-makers could fail to define the best ways to deal with the serious issue of global warming.

The most valuable contribution U.S. scientists can make is to continually question basic assumptions and conclusions, promote clear and careful appraisal and presentation of the uncertainties about climate change as well as those areas in which science is leading to robust conclusions, and work toward a significant improvement in the ability to project the future. In the process, we will better define the nature of the problems and ensure that the best possible information is available for policymakers.

Predictions of global climate change will require major advances in understanding and modeling of (1) the factors that determine atmospheric concentrations of greenhouse gases and aerosols and (2) the so called 'feedbacks' that determine the sensitivity of the climate system to a prescribed increase in greenhouse gases. Specifically, this will involve reducing uncertainty regarding: (a) future usage of fossil fuels, (b) future emissions of methane, (c) the fraction of the future fossil fuel carbon that will remain in the atmosphere and provide radiative forcing versus exchange with the oceans or net exchange with the land biosphere, (d) the feedbacks in the climate system that determine both the magnitude of the change and the rate of energy uptake by the oceans, which together determine the magnitude and time history of the temperature increases for a given radiative forcing, (e) the details of the regional and local climate change consequent to an overall level of global climate change, (f) the nature and causes of the natural variability of climate and its interactions with forced changes, and (g) the direct and indirect effects of the changing distributions of aerosol. Because the total change in radiative forcing from other greenhouse gases over the last century has been nearly as large as that of carbon dioxide, their future evolution also must be addressed. A major limitation of these model forecasts for use around the world is the paucity of data available to evaluate the ability of coupled models to simulate important aspects of past climate. In addition, the observing system available today is a composite of observations that neither provide the information nor the continuity in the data needed to support measurements of climate variables.

KEY STATEMENTS ON UNDERSTANDING OF THE CLIMATE SYSTEM AND FORECASTING ABILITY

"Because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warning should be regarded as tentative and subject to future adjustments upward or downward." (Page 1 of the NRC Report)

"If a central estimate of climate sensitivity is used, about 40% of the predicted warming is due to the direct effects of greenhouse gases and aerosols. The other 60% is caused by feedbacks. . . . Much of the difference in predictions of global warming by various climate models is attributable to the fact that each model represents these processes in its own particular way." (Page 4 of the NRC Report)

"The study of the role of black carbon in the atmosphere is relatively new. As a result, it is characterized poorly as to its composition, emission source strengths, and influence on radiation." (Page 13 of the NRC Report)

"Climate forcing by anthropogenic aerosols is a large source of uncertainty about future climate change." (Page 13 of the NRC Report)

"There is the possibility that decreasing black carbon emissions in the future could have a cooling effect that would at least partially compensate for the warming that might be caused by a decrease in sulfates." (Page 13 of the NRC Report)

"The greatest uncertainty about the aerosol climate forcing—indeed, the largest of all the uncertainties about global climate forcings—is probably the indirect effect of aerosols on clouds." (Page 14 of the NRC Report)

"The great uncertainty about this indirect aerosol climate forcing presents a severe handicap both for the interpretation of past climate change and for future assessments of climate change." (Page 15 of the NRC Report)

"While climate models have many uses, the NRC observes that 'However, climate models are imperfect. Their simulation skill is limited by uncertainties in their formulation, the limited size of their calculations, and the difficulty of interpreting their answers that exhibit almost as much complexity as in nature.'" (Page 15 of the NRC Report)

"Projecting future climate change first requires projecting the fossil-fuel and land-use sources of CO_2 and other gases and aerosols. . . . However, there are large uncertainties in underlying assumption about population growth, economic development, life style choices, technological change and energy alternatives, so that it is useful to examine scenarios developed from multiple perspectives in considering strategies for dealing with climate change." (Page 18 of the NRC Report)

"Scenarios for future greenhouse gas amounts, especially for CO_2 and CH_4 are a major source of uncertainty for projections of future climate. Successive IPCC assessments over the past decade each have developed a new set of scenarios with little discussion of how well observed trends match with previous scenarios." (Page 18–19 of the NRC Report)

"The range of model sensitivities and the challenge of projecting the sign of the precipitation changes for some regions represent a substantial limitation in assessing climate impacts." (Page 21 of the NRC Report)

KEY STATEMENTS OF HUMAN CAUSATION OF OBSERVED 20TH CENTURY CLIMATE CHANGES

"Despite the uncertainties, there is general agreement that the observed warming is real and particularly strong within the past twenty years. Whether it is consistent with the change that would be expected in response to human activities is dependent upon what assumptions one makes about the time history of atmospheric concentrations of the various forcing agents, particularly aerosols." (Page 3 of the NRC Report)

"Because of the large and still uncertain level of natural variability inherent in the climate record and the uncertainties in the time history of the various forcing agents (and particularly aerosols), a causal linkage between the buildup of greenhouse gases in the atmosphere and the observed climate changes during the 20th century cannot be unequivocally established." (Page 17 of the NRC Report)

"The fact that the magnitude of the observed warming is large in comparison to natural variability as simulated in climate models is suggestive of such a linkage, but it does not constitute proof of one because the model simulations could be deficient in natural variability on the decadal to century time scale." (Page 17 of the NRC Report)

KEY STATEMENTS ON RESEARCH NEEDS

"Reducing the wide range of uncertainty inherent in current model predictions of global climate change will require major advances in understanding and modeling of both (1) the factors that determine atmospheric concentrations of greenhouse gases and aerosols, and (2) the so-called 'feedbacks' that determine the sensitivity of the climate system to a prescribed increase in greenhouse gases. Specifically, this will involve reducing uncertainty regarding: (a) future usage of fossil fuels, (b) future emissions of methane, (c) the fraction of fossil fuel carbon that will remain in the atmosphere and provide radiative forcing versus exchange with the oceans or net exchange with the land biosphere, (d) the feedbacks in the climate system that determine both the magnitude of the change and the rate of energy uptake by the oceans, which together determine the magnitude and time history of the temperature increases for a given radiative forcing, (e) the details of the regional and local climate change consequent to an overall level of global climate change, (f) the nature and causes of the natural variability of climate and its interactions with forced changes, and (g) the direct and indirect effects of the changing distributions of aerosol." (Page 23 of the NRC Report)

KEY STATEMENTS ON THE IPCC PROCESS, SCIENTIFIC REPRESENTATION, AND POLITICAL INFLUENCE ON THE SUMMARY FOR POLICYMAKERS

"The committee finds that the full IPCC Working Group I (WGI) report is an admirable summary of research activities in climate science, and the full report is adequately summarized in the Technical Summary. . . . The Summary for Policymakers reflects less emphasis on communicating the basis for uncertainty, and a stronger emphasis on areas of major concern associated with human-induced climate change. This change in emphasis appears to be the result of a summary process in which scientists work with policy makers on the document." (Page 5 of the NRC Report)

Changes to the Summary for Policymakers are only approved by "a fraction of the lead and contributing authors," not the full body of authors of the WGI report. (Page 5 of the NRC Report)

"The committee's concerns focus primarily on whether the process is likely to become less representative in the future because of the growing voluntary time commitment required to participate as a lead or coordinating author and the potential that the scientific process will be viewed as being too heavily influenced by governments which have specific postures with regard to treaties, emission controls and other policy instruments." (Page 5 of the NRC Report)

"The body of the WGI report is scientifically credible and is not unlike what would be produced by a comparable group of only U.S. scientists working with a similar set of emission scenarios, with perhaps some normal differences in scientific tone and emphasis." (Page 22 of the NRC Report)

"After analysis, the committee finds that the conclusions presented in the Summary for Policymakers and the Technical Summary are consistent with the main body of the report. There are, however, differences. The primary differences reflect the manner in which uncertainties are communicated in the Summary for Policymakers. The Summary for Policymakers frequently uses terms (e.g., likely, very likely, unlikely) that convey levels of uncertainty; however, the text less frequently includes either their basis or caveats." (Page 22 of the NRC Report)

"However, a thorough understanding of the uncertainties is essential to the development of good policy decisions." (Page 22 of the NRC Report)

"Confidence limits and probabilistic information, with their basis, should always be considered as an integral part of the information that climate scientists provide to policy- and decision-makers. Without them, the IPCC SPM could give an impression that the science of global warming is 'settled,' even though many uncertainties still remain." (Page 22 of the NRC Report)

"Without an understanding of the sources and degree of uncertainty, decision-makers could fail to define the best ways to deal with the serious issue of global warming." (Page 23 of the NRC Report)

The NRC exposes the reality that the technical elements of the WG1 report are modified after the fact to make it match up with the Summary for Policymakers. While "most" of these changes were acceptable to the chapter authors, the NRC suggests that "Some scientists may find fault with some of the technical details, especially if they appear to underestimate uncertainty." (Page 23 of the NRC Report)

"The IPCC process demands a significant time commitment by members of the scientific community. As a result, many climate scientists in the United States and elsewhere choose not to participate at the level of a lead author even after being invited." They go on to point out that "As the commitment to the assessment process continues to grow, this could create a form of self-selection for the participants. In such a case, the community of world climate scientists may develop cadres with particularly strong feelings about the outcome: some as favorable to the IPCC and its procedures, and others negative about the use of the IPCC as a policy instrument." (Page 23 of the NRC Report)

"In addition, the preparation of the SPM involves both scientists and governmental representatives. Governmental representatives are more likely to be tied to specific government postures with regard to treaties, emission controls, and other policy instruments." (Page 23 of the NRC Report)

TRAGEDY IN SUDAN

The SPEAKER pro tempore (Mr. GRUCCI). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PAYNE) is recognized for the time remaining before midnight.

Mr. PAYNE. Mr. Speaker, I rise tonight to bring attention to the worst tragedy ongoing and occurring in the world today; and that is the tragedy in the Sudan. As my colleagues well recall and are aware, Sudan is the largest country in Africa, becoming the first independent country in sub-Saharan Africa in 1956.

For almost four decades, the African giant with the population of 32.6 million people have been the scene of intermittent conflict. But how many people have really paid careful attention to these numbers? An estimated 2 million people have died in war-related causes and famine in southern Sudan, and 4 million people have been displaced.

Why did these many people have to die? Could we have done something to prevent the massive loss of life in Sudan? Indeed the answer is a resounding yes. But we chose to ignore or to engage only marginally.

We are the largest provider of humanitarian assistance to the Sudan, yet many continue to die. In 1998 alone, an estimated 100,000 people died due to the government's refusal to allow the United Nations relief aid from going into that country.

Indeed, Mr. Speaker, some have written and others have talked about the tragedy as a religious conflict or a tribal conflict. The Sudanese conflict, Africa's longest running civil war, is deeper and more complicated than the claims of political leaders and some observers. Religion, indeed, is a major factor because of the Islamic fundamentalist agenda of the current government dominated by the northern-based National Islamic Front, the NIF government. Southerners who are Christians and animists reject the Islamization of the country in favor of secular agreement.

Social and economic disparities are major contributing factors to the Sudanese conflict. But the regime is not merely opposed by Christians or southerners. The NIF regime is a minority government led by extremist clique in Khartoum headed by Al Bashir. Muslim leaders have also been victims of the NIF government over the years.

The NIF government is clearly opposed by a majority of notherners inside and outside of the country. The National Democratic Alliance, a coalition of northern or southern opposition groups, have been actively challenging the NIF government's hold on power since it ousted the democratically elected civilian government in June 1989. In fact, the NIF government came to power precisely to abort a peace agreement between Sudanese People's Liberation Movement, the SPLM, and the majority northern parties in 1989.

But the NIF government is just one of the many obstacles of lasting peace in Sudan, and the second phase of the civil war erupted under the military dictatorship of Nimeiri. In fact, the abrogation of the 1972 Addis Ababa agreement in 1983, which ended the first phase of the civil war in the south by former President Nimeiri, is considered a major triggering factor for the current civil war.

Although, the NIF government has persuaded and pursued the war in southern Sudan with vigor, previous governments, both civilian and military, have rejected southern demands for autonomy and equality. This has gone on for the over 40 years that there has been a push for equality, now approaching 50 years.

Mr. Speaker, northern political leaders for decades treated southerners as second-class citizens and did not see the south as an integral part of the country. Southern political leaders argued that, under successive civilian and military governments, political elites in the north have made only superficial attempts to address the grievances of the south without compensating the north's dominant economic political and social issues and status.

In recent years, most political leaders in the north, now in opposition to the current government, say that mistakes were made and that they are prepared to correct them. But the political mood among southerners has sharply shifted in favor of separation from the north.

Mr. Speaker, slavery has reemerged with a vengeance in Sudan. The inhumane practice is directly tied to the civil war in southern Sudan that has raged intermittently for over 40 years. The slaving of innocent southern Sudanese citizens have intensified since the National Islamic Front usurped power in 1989. It is now being condoned, if not orchestrated, by the NIF government and perpetrated by Arab militia allies.

Slavery in this time is wrong, but enough is not being done to stop it. The international community as a matter of fact has done very little, if anything, to prevent this terrible practice. Some organizations have resorted to freeing slaves or buying them back. But buying back freedom of slaves by these groups have raised some other questions, and some have said it has increased the trafficking in slaves.

But no one can question the yearning of families to free their loved ones from bondage almost at any price. If in fact one had a child in slavery, would not one want that child to be bought back? Nor can anyone question the moral impetus to provide assistance to these families by means of buying back their relatives from slavery.

The generous response, for example, by school children in Colorado have raised large sums of money for the purpose; and in many parts of the United States, it dramatizes the compelling case for buying back the freedom.

Sudan's human hunters are members of Arab militias and the popular defense forces which the government of Sudan has mobilized, trained, armed and unleashed on the civilian population in their racial and religious war against the southern Sudanese. Unlike the Arabized Muslim north, southern Sudanese are black Africans who mostly adhere to traditional beliefs but whose leadership is overwhelmingly Christian.

Mr. Speaker, the war in Sudan is certainly a major factor contributing to the slavery in Sudan. The war is essentially one of the southerners resistance in fighting against the domination of the north. But it is the government, the NIF government, which is perpetrating this terrible sin.

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And until we change the NIF government in the north, this problem will exist. And so what we see in the Sudan in general is that innocent civilians are victims of this war.

In many wars that have been fought, armies fight each other. It is the military against the military. But in Sudan, it is the military against the people, the children, the women. This is wrong. Just the other day the NIF government announced that it had resumed its aerial bombing of the south, after claims of suspension of these bombings. Who are those being bombed? Of course, children, women, the helpless, the poor, the hungry.

According to a report by the United States Committee on Refugees, the government bombed civilian targets last year 167 times. The NIF government uses the old Russian Antonovs and drops bombs on communities trying to hit schools and hospitals, disrupting the community. All day the community waits and listens to hear whether the planes will come over. And this is a continuous disruption of the community.

Mr. Speaker, we are aware of the number of people killed and maimed and displaced and enslaved; yet we as the international community have really failed to do anything significant to end the suffering. Over the years, I have visited southern Sudan on numerous occasions. I have been to Yei,to Labone, to Kukuma, to Loki, and on each trip I see the suffering. I must say with all sincerity that I can no longer see these innocent civilians and promise to end their suffering because I must admit that despite all of the efforts that I have done over the years, we have failed the people of Sudan.

But we have also failed other people. We have failed the people of Rwanda in 1994, when the world turned their back as close to a million people were victims of genocide. We cannot say we did not know this was happening. We did know, as we do know what is happening in Sudan. As I speak here before you this evening, more and more people will die. Dozens will be forced out of their homes. Many will be enslaved. Imagine waking up one morning and losing everything you have, your property, your dignity, your family, and, most importantly, your freedom.

Mr. Speaker, we cannot afford to wait any longer. The people of Nuba have become an endangered species. A few years from now, there will be no one left except the barren land. In the past several weeks, government forces burned, looted, and destroyed a number of villages, displacing tens of thousands of civilians. In fact, they attempted to destroy and capture the burial place of the recently deceased leader of Nuba, Commander Yusuf Kowa.

The people of southern Sudan are also being exterminated systematically. The handful of educated southern Sudanese are aging and many have died. This generation of southern Sudanese is growing up in an environment of war and suffering. And unless this situation is quickly reversed, there can be no peace in Sudan. Those who beat the drums of reconciliation must remember the sacrifices paid by millions of Sudanese. There can be no peace if there is not a just and lasting peace. Indeed, ending the war must be a priority, but we must address the root causes of the war if we are going to achieve a lasting peace. The NIF government is the obstacle to peace, as was the case with Hitler during World War II. They must be eliminated from Khartoum.

Since the development of Sudan's oil sector, hundreds of thousands of people have been displaced and thousands have been killed. Revenues from oil, blood oil, are being used to buy deadly weapons to kill innocent civilians. Foreign oil companies, like Talisman and PetroChina, are collaborating with the genocidal regime in Khartoum. We must put an end to the killing fields in the oil fields of Sudan.

The United States Government cannot ignore or look with indifference on the destructive role of oil development. The extraordinary nature of human destruction and suffering in Sudan and the deep complexity of the publicly traded oil companies in Sudan's ongoing catastrophe mark this as a singular moment, one in which America's moral outrage is appropriately reflected in actions which deny market listings to NIF's willing corporate accomplice. We must finally put an end to allowing these companies to have access to capital markets.

Yesterday, The Washington Post printed a front page story about the devastation being caused by the oil development and the exploration in southern Sudan. It is called, "Oil Money Is Fueling Sudan's War. New Arms Used to Drive Southerners From Land," by Karl Vick, Washington Post Foreign Service. And in the article it says, "Today, four oil companies are producing more than 200,000 barrels of oil a day and more firms are exploring other reserves. Export revenues have doubled the government's defense budget over the last 2 years, and a multitude of eyewitness reporters say that new guns are being used to drive tens of thousands of Sudanese like Veronica and her family off their land to secure the oil underneath it."

"The fighting follows the oil," says John Ryle, an independent investigator, who recently released a report that documented a broad government effort to clear the petroleum concession, sometimes using helicopter gun boats stationed at oil field airports. They all say the same thing, an aide worker said. People came and destroyed their homes and they had to flee. Time after time we hear that from the people, because it is the grab for the oil by this brutal government and these companies that are looking the other way to make a profit from the blood of the people as they drill the oil for wealth.

The fighting follows the oil, as we said. They all say the same thing. They have to flee. The situation has further stoked Western outrage over the Sudanese government's human rights record. While no American companies are involved, fortunately U.S. law prohibits them from doing business in Sudan, the involvement of Canadian and European firms in extracting Sudanese oil has prompted disinvestment campaigns. And that is what we must do. The same way that we did with firms in South Africa, we must urge our people to disinvest from the Talismans and other companies that are drilling oil in the Sudan.

"These are war crimes," said Eric Reeves, a Smith College professor who works against companies doing business in Sudan. The criticism has fallen hardest on Talisman Oil, as I mentioned a Calgary-based firm that was little known outside of Canada until it bought a 25 percent stake in Sudan's most promising oil field. The Muglad Basin is classical geography for oil, a sedimentary plain exposed by two plates being pulled apart. Unfortunately, the same area roughly defines the boundaries between Sudan's north and the south.

Mr. Speaker, a recent report by the British based NGO Christian Aid stated the following: "In the oil fields of Sudan, civilians are being killed, being raped. The villages are being burned to the ground. They are caught in a war for oil. Part of the wider civil war between the north and the south has been waged for decades, but now oil is a key factor.

□ 2320

This makes it different. Since large-scale productions began 2 years ago, oil has moved the war into a new league. Across the oil-rich regions of Sudan, the government is pursuing a scorched-Earth policy to clear the land of civilians and to make way for exploration of oil by foreign oil companies. The Christian Aid report, "The Scorched Earth," shows how the presence of international oil companies is fueling the war.

Companies from Asia, from the west, including the U.K., have helped to build Sudan's oil industry offering finance, technology, expertise, and supplies to create a strong and growing oil industry in the center of the country. In the name of oil, government forces and government-supported militias are entering the land of civilians, killing and displacing hundreds and thousands of southern Sudanese.

The fact that this is continuing is an outrage. We must focus our attention to that, and in that regard the involvement of Talisman Energy Company has prompted me to introduce legislation, H. Con. Res. 113, which calls for divestment in Sudan's oil companies. It also calls on the President to deny oil companies the ability to raise capital or trade equities in the United States capital markets, and calls on oil companies to freeze oil production. Talisman

Energy's role in scorched-Earth warfare against civilians in southern Sudan has been documented clearly.

A Canadian-British team just back from Sudan has established clearly and authoritativly that Talisman's concession at its air strips, that they are allowing offensive military missions, including attack helicopters to be used from their air strips, gun boats, helicopter gun ships, and it was confirmed by information held by the Canadian Foreign Ministry for over 2 months and leaves only one question: When will the foreign minister, John Manley, halt clearly and start to really pressure this Canadian corporation in its behavior in the Sudan. We cannot allow this to continue. For the most part in the 1990s, the United States and its European allies worked together to contain and isolate the National Islamic Front government in the Sudan, considered by Washington to be a threat to regional stability.

Mr. Speaker, U.S. policy objectives have long been forged in three main areas: the massive destruction to end the civil war; to attempt to stop terrorism which was being conducted in Sudan; and to improve the human rights issues in that country.

In early 1990, the United States attempted unsuccessfully to achieve its policy objectives through diplomatic means. By the mid-1990s, in response to the NIF's defiant attitude and intransigence, the U.S. diplomatic efforts were replaced by a policy of containment and pressures.

This evolution in approach culminated in November 1997 when the Clinton administration imposed comprehensive sanctions on the NIF government after really reviewing its policy.

The sanctions restrict imports and exports from Sudan, financial transactions, and prohibit U.S. investment. This was done by the Clinton administration, and it was a bold move in the right direction.

On August 20, 1998, U.S. Naval forces struck a suspected chemical weapons facility in Khartoum in a terrorist training camp in Afghanistan in retaliation for the U.S. embassy bombings in Nairobi, Kenya and Dar es Salaam, Tanzania. More than 250 people were killed in the embassy attacks, including 12 Americans. The bombing of Khartoum was seen by observers as a message to the NIF regime to stop supporting terrorist groups.

In December 1999, hardliners within the ruling NIF government ousted the founder of the party, Hassan el-Turabi, and his allies from the party and the government in Khartoum. This well-planned move by the NIF leadership was designed to pave the way for rapprochement with the international community and to escape the consequences of U.S. sanctions. Government, eager to reestablish relations with Khartoum, allowed themselves to see the current NIF leadership as having become more moderate, a very cleverly orchestrated plan on the part of the NIF government to give way to allow European governments to say there is a change in Khartoum; but there was no real change in Khartoum.

In contrast, many observers saw the rift within the NIF as a struggle between the old generation and the younger, highly ambitious Islamists. It appeared that there is little ideological difference between el-Turabi and the current crowd that are running Khartoum.

In fact, those now in power have taken a tougher, more strident ideological stance than the reckless fundamentalists of the el-Turabi faction. Indeed, a closer look at the leadership reveals that this group was the author of the NIF's extremist policies in the 1990s, so there is no change. Only a change to the worse.

Mr. Speaker, the desire of some governments in Europe and the Middle East to embrace the National Islamic Front government under the guise of the changing of the guard in Khartoum is driven in large part by commercial interests, and it is clear European oil companies have large stakes in Southern Sudan and are now operational and on the verge of becoming even more prosperous as they go and explore oil.

Unsurprisingly, officials in the NIF government have given a red carpet treatment to European governments. Despite U.N. sanctions, the U.N. Security Council sanctions which intended to restrict the travel of senior Sudanese officials, members of the European Union began this critical dialogue, as they call it, with the National Islamic Front government regime several years ago, rejecting the U.S. policy of containment of the NIF regime. They saw an opportunity to move ahead commercially, and we have to appeal to our allies that they must also have a standard of dignity and not to allow themselves to be corrupted by these pariah regimes.

This new approach, according to EU officials, seek to achieve reform through dialogue and quiet persuasions without pressure, they say. Supporters of this policy argue that the policy of containment and isolation has failed to achieve its desired objectives. But many observers see the European approach as a synonym for a policy of appeasement, one that too obviously serves the commercial interests in Sudan, once again simply because of the potential lucrative oil sector.

Indeed, Mr. Speaker, this so-called critical dialogue is empty rhetoric designed to cover those wishing simply to do business with the NIF government. It is ironic and frustrating to many of us in Washington that America's allies in Europe continue to turn a blind eye to the abuses of the NIF government. Certainly if the objectives of the so-called critical dialogue were to moderate the behavior of the NIF government to improve human rights conditions, to stop the bombing, to end the government controlling the food supply, then we would say fine, let us move in that direction; but it has not done that, and the policy followed by the Europeans has failed miserably.

□ 2330

The government continues to bomb civilian targets in the south. The NIF militia continues to enslave women and children at alarming rates. And the government has become increasingly intransigent in the peace process. They really do not want peace, and they feel the new strength provided to them by the oil revenues.

There were high level contacts between Washington and Khartoum in late 2000, just last year, intended to test and verify Khartoum's seriousness about reform. The United States delivered a road map for the regime to follow if it sought improvements with relations to the United States. Special envoy, former Congressman and former chairman of the Africa Subcommittee from Florida Harry Johnston became that special envoy and visited Khartoum twice to engage the government in discussions on human rights, humanitarian issues, the IGAD process led by Mr. Moi from Kenya, and other areas to try to see whether the government had new ideas, whether they were really interested in having a relationship with the U.S. by ending some of these horrible situations that they have engaged in through the years. The NIF regime balked at any kind of change. And the United States said that enough was enough. There was an attempt to have a lifting of the U.N. sanctions and to get Sudan into the U.N. Security Council as an alternative member, but an aggressive push by the U.S. prevented it in late 2000. That was a victory for us.

What has become clear, though, is that the U.S. and its European allies differ fundamentally on the proper approach to Sudan and basic principles for engagement. We must try to be in sync with our European allies because together we can make a difference in this world, but we have to attempt to get on the same page. Advocates of a tough policy believe that without pressure and support for the democratic forces in Sudan, change is unlikely to come in the near future. Some of our allies in Europe and the Middle East believe that the NIF has changed and further reforms will come through critical dialogue and expanded economic interactions.

The Bush administration undoubtedly will have to weigh both approaches in formulating its new policy toward the NIF regime. Indeed, there are those who are advocating the European line here in Washington, that we should abandon the tough policy toward the NIF government. They say it has not worked in the past, so we ought to just start to have engagement like the Europeans. President Bush courageously spoke out about the issue in the Sudan on several occasions since he took office. Secretary of State Colin Powell has spoken on this issue more than any other issue in Africa to date. He said in his confirmation hearings that this was an area that they were going to concentrate on. And as I have indicated, he has spoken out against what has happened there.

There are encouraging signs, but the administration must now move forth and needs to articulate its policy clearly. It must do so soon.

I recently read an article about the possible appointment of Chester Crocker, former assistant Secretary of State for African Affairs under the Reagan administration as the special envoy to Sudan. I know Dr. Crocker. He is well known in the African circles. He is extremely familiar with Africa, its issues, its problems. He has studied and taught about the continent for many, many years. And he has a good grasp of the continent.

However, I think it is not the person, it is the policy; and I believe that the policy that we saw as it related to the apartheid government in South Africa, the policy of constructive engagement during those horrible years, lead me to have some questions about whether constructive engagement is the policy at hand today. I fiercely disagreed with the policy, as did the majority of the American people during the South Africa regime.

The constructive engagement policy that Dr. Crocker authored in my view was a policy that did not serve the American people well, and it was really a policy that finally, with the leadership of Ron Dellums, the CAAA legislation was passed, the Comprehensive Anti-Apartheid Act, in 1986, where many people in the House pushed this bill through. It went through both Houses, but was vetoed by the President. Dr. Crocker, of course, opposed the legislation. And it was the courageous vote of Senator LUGAR of Indiana that cast the 67th vote to override the first overridden law of President Reagan, and the good Republican Senator from Indiana said that it was the only right thing to do to end this apartheid government in South Africa.

We also have people in the White House who felt that Nelson Mandela should remain in prison. Vice President CHENEY was one of only five Members of the House who voted that Mr. Mandela after 23 years in prison at that time should not be allowed to be released from prison. It said nothing about the sanctions; it said nothing about the government of South Africa, just that Mr. Mandela should be freed. Mr. CHENEY voted no. Twenty-three years was not long enough for a person to be imprisoned only because he wanted the right to vote.

And so the sensitivity of the envoy to Sudan is going to be very important, and it is going to be the way that people view the envoy. When a person was selected to do the negotiations in Northern Ireland, it was a very carefully done process. Senate leader Mitchell was selected to do the negotiations. Senator Mitchell was respected by both the Protestant majority and the Catholic minority. He was embraced by the Ulster regime and the Sinn Fein, the Gerry Adamses and the Trimbles and the Blair government and the Taoisech government in Ireland. He was a person that did not have any dislike from any group.

I would hope that when we select an envoy for Sudan, it would be the same type of person that Senator Mitchell is. As a matter of fact, it does not have to be anyone who favors the south over the north. I have had the privilege of traveling with a Republican colleague of mine who served in the House, Republican Representative Tom Campbell from California. Mr. Campbell was a person who visited southern Sudan and visited other parts of Arab Northern Africa. He is a person who in my opinion would be the type of person that you would want to possibly be the envoy. He is a person who speaks foreign languages. He is a person who understands both views. He is a person that is not prejudiced to one side or the other.

□ 2340

He is a capable, caring, friend of Africa, who I think would make a difference.

Finally, I would say that tomorrow the House will consider H.R. 20, the Sudanese Peace Act, which I strongly support, one of the original cosponsors. The Sudan Peace Act will reassert the findings from the 106th Congress that the government of Sudan is committing genocide against its people of southern Sudan; that they are employing divide and conquer techniques to further fracture southern opposition to northern governance; that it is helping to allow paramilitary groups to conduct raids and enslave its population.

In the bill, we talk about the way that the government of Sudan is inflicting an ongoing campaign of aerial bombing its citizens, a scorched earth policy designed to drive out people from the land so they can then take the oil revenues.

In this legislation, it expresses a sense of Congress that the Secretary of State should use the State Department personnel to pursue multilateral and bilateral peace processes in Sudan and seek multilateral pressure on all combatants in the civil war and urges the President to use $10 million appropriated in fiscal year 2001 to assist the Sudanese opposition, the National Democratic Alliance, the NDA, for funding for office space and equipment and radio and vehicles and computers and staff and political effectiveness training.

It asks for continued support for humanitarian food distribution through OLS, the Operation Lifeline Sudan. But it also urges the President to develop contingency plans should the government of Sudan obstruct food delivery as it has done in the past; that we should have other ways to get food to people who are in need. It requires all businesses trading securities in the U.S. capital markets and operating in the Sudan to fully disclose the extent and nature of their operations, particularly oil operations, and requires the Secretary of State to collect information about the war to keep updated information, including slavery and rape and aerial bombings of the citizens.

So we are hoping that tomorrow this bill will come to the floor and be passed. We hope that this tragedy in Sudan will finally come to an end.

I am encouraged by the number of people now who have gotten on board. I am encouraged by the number of people who have said enough is enough. I am encouraged by the Congressional Black Caucus who have come back to support this whole question of a change in the Sudan.

I commend Kweisi Mfume and the NAACP who has said this practice must end. I commend Joe Madison, a radio talk host, who has done an extraordinary job in bringing to his listening audience the tragedy of Sudan. I applaud Reverend Sharpton who has gone to Sudan with Mr. Madison, and Reverend Faunteroy and Reverend Jesse Jackson who intends to visit Sudan in the near future, and to the gentleman from Virginia (Mr. WOLF) who for many, many years has been in Sudan, probably the leading person dealing with this tragedy. He has done an outstanding job, and I have a great deal of respect for what he has done; and my colleague, the gentleman from Colorado (Mr. TANCREDO) in the House and the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. HOUGHTON), and Senator BROWNBACK in the U.S. Senate, Senator FRIST, so many who have said enough is enough.

The newspapers are finally putting in its newspapers the truth about what is going on there. It has taken a long time. It has taken 50 years to get the attention it should get but it is getting that attention now.

Ebony Magazine will have an article in its August edition. We have schools. I went to a school in Bergen County, New Jersey, where they have a curriculum on the Sudan and it is attempting to get the board of education in that town to adopt a policy of teaching about the tragedy of the Sudan.

So they say if you start me with 10 who are stout-hearted men, I will soon give you 10,000 more. If I start you with 10 who are stout-hearted men or women, we should say today I will give you 10,000 more, and a trip of a thousand miles must begin with the first step.

There have been many steps but they have been quiet steps. The steps that we are hearing now are louder steps. They are more steps. They are bigger steps. They are steps that are making noise. They are people in high places who are now saying this place in the Sudan we have overlooked for so long now it is time for us to focus on it.

We have people who are saying that we cannot allow in this new millennium to have people still enslaved and children starving to death. We can no longer allow in this time and place that we should look the other way as we did when the tragedy was going on in Somalia and when the terrible situation was going on in Sierra Leone and when we saw civil war in Liberia, and when we watched dictators in Nigeria we looked the other way in many of these instances, but finally we are coming together on this question of Sudan.

I will continue to fight for the right of the people of that nation. I will continue to fight for those voices, people who have no voice, those who suffer daily. We all should be concerned. We all have a responsibility. We all must get involved. We all must call our Congress people and senators, talk to our church people and school friends to have our civic organizations and League of Women Voters put this on their agendas. The women's clubs and the sororities and the fraternities all must take this battle on. We must win. We will win. We are on the right side. No longer can the world run and hide. The world must now decide that enough is enough; that this country needs to be brought into the 21st Century.

I hope that tomorrow will be another step in that direction.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. TANNER (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. ROYCE (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, June 13.

Mr. BURTON of Indiana, for 5 minutes, today and June 13 and 14.

Mr. FOLEY, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. SCHAKOWSKY, for 5 minutes, today.

ADJOURNMENT

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 13, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2413. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Suspension of Grade, Inspection, and Related Reporting Requirements [Docket No. FV01–928–1 IFR] received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2414. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revision of User Fees for 2001 Crop Cotton Classification Services to Growers [CN–00–010] (RIN: 0581–AB57) received June 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2415. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2001–2002 Marketing Year [Docket No. FV–01–985–1 FR] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2416. A letter from the Acting Administrator, Agricultural Marketing Service Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Increased Assessment Rate [Docket No. FV01–932–1 FIR] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2417. A letter from the Acting Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2001 Tariff-Rate Quota Year—received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2418. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Methyl Anthranilate; Exemption from the Requirement of a Tolerance [OPP–301127; FRL–6780–9] (RIN: 2070–AB78) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2419. A communication from the President of the United States, transmitting requests for Fiscal Year 2002 budget amendments for the Department of Health and Human Services and International Assistance Programs; (H. Doc. No. 107–83); to the Committee on Appropriations and ordered to be printed.

2420. A communication from the President of the United States, transmitting FY 2001 supplemental appropriations proposal for the Department of Defense as well as two supplemental proposals, transmitted on June 1, 2001, for additional funding for the Department of Defense's Overseas Contingency Operations Transfer Fund and reduces funding for the Department of Transportation's Miscellaneous Highway Trust Fund Account, are now recommended to be withdrawn; (H. Doc. No. 107–84); to the Committee on Appropriations and ordered to be printed.

2421. A letter from the Deputy Secretary, Department of Defense, transmitting a report that responds to the Supplemental Appropriations Act regarding the Department of Defense Healthcare Quality Initiatives Review Panel; to the Committee on Armed Services.

2422. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the eleventh annual report on the assessment of the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 nt.; to the Committee on Financial Services.

2423. A letter from the General Counsel for Regulations, Departmant of Housing and Urban Development, transmitting the Department's final rule—Exception Payment Standard to Offset Increase in Utility Costs in the Housing Choice Voucher Program [Docket No. FR 4672–I–01] (RIN: 2577–AC29) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2424. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 1998, pursuant to 22 U.S.C. 284b, 285b(b), 286b(b)(5), 286b–1, 286b–2(a), and 290i–3; to the Committee on Financial Services.

2425. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's authorization request for FY 2002–2003, pursuant to Section 607 of the Congressional Budget and Impoundment

Control Act of 1974; to the Committee on Financial Services.

2426. A letter from the Acting Commissioner for Education Statistics, Department of Education, transmitting the annual statistical report of the National Center for Educational Statistics (NCES), "The Condition of Education," pursuant to 20 U.S.C. 1221e-1(d)(1); to the Committee on Education and the Workforce.

2427. A letter from the Prinicpal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana; Emergency Episode Avoidance Plan and Cascade County Open Burning Rule [SIP NO. MT-001-0034a, MT-001-0035a; FRL-6991-1] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2428. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District [CA 242-0280a; FRL-6990-9] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2429. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978; Standards of Performance for Industrial—Commercial—Institutional Steam Generating Units [FRL-6995-2] (RIN: 2060-AE56) received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2430. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH140-1a; FRL-6991-9] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2431. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN68-01a; FRL-6991-7] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2432. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN133-1a; FRL-6990-1] received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2433. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Government of Poland (Transmittal No. 05-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2434. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 08-01 regarding project certification for Amendment Two to the US-Sweden Project Agreement Concerning Trajectory Correctable Munitions, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

2435. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report for 2000 on International Atomic Energy Agency Activities in Countries Described in Section 307 (a) of the Foreign Assistance Act; to the Committee on International Relations.

2436. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2437. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2438. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period October 1, 2000, through March 31, 2001, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2439. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2440. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Career Transition Assistance for Surplus and Displaced Federal Employees (RIN: 3206-AJ32) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2441. A letter from the Chairman, Federal Election Commission, transmitting the annual report on the Commission's activities for 2000, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

2442. A letter from the Secretary, Department of the Interior, transmitting a Report on the Impact of the Compacts of Free Association in Fiscal Year 2000; to the Committee on Resources.

2443. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program [SPATS No. MT-020-FOR] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2444. A letter from the Acting General Counsel, National Oceanic and Atmospheric Administration, transmitting the Annual Report regarding the 2000 activities of the Northwest Atlantic Fisheries Organization (NAFO); to the Committee on Resources.

2445. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Endangered Status for White Abalone [Docket No. 990910253-1120-03; I.D. No. 041300B] (RIN: 0648-AM90) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2446. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period [Docket No. 001121328-1041-02; I.D. 052501E] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2447. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid [Docket No. 001127331-1044-02; I.D. 052301B] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2448. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 052501B] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2449. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Zone Off Alaska; Shallow-water Species Fishery by Vessels using Trawl Gear in the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 052501F] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2450. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 052501D] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2451. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Foreign Fishing and Fisheries of the Northeastern United States; Final 2001 Specifications for the Atlantic Herring Fishery and Foreign Fishing Restrictions [Docket No. 010220043-1132-02; I.D. 120400D] (RIN: 0648-AN65) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2452. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Foreign Fishing and Fisheries of the Northeastern United States; Final 2001 Specifications for the Atlantic Herring Fishery and Foreign Fishing Restrictions [Docket No. 010220043-1132-02; I.D. 120400D] (RIN: 0648-AN65) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2453. A letter from the Attorney General, Department of Justice, transmitting the annual report on the status of the United States Parole Commission (USPC); to the Committee on the Judiciary.

2454. A letter from the Deputy Assistant Secretary of the Army, Corps of Engineers, Department of Defense, transmitting the Department's final rule—Public Use of Water Resources Development Projects Administered by the Chief of Engineers—received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2455. A letter from the Deputy Assistant Secretary of the Army, Corps of Engineers, Department of Defense, transmitting the Department's final rule—Navigation Regulations—received June 6, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2456. A letter from the Acting Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—National Voluntary Laboratory Accreditation Program; Operating Procedures [Docket No. 000831249–1129–02] (RIN: 0693–ZA39) received June 5, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2457. A letter from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting a copy of the Commission's report entitled, "Federal Sector Report on EEO Complaints and Appeals for FY 1999," pursuant to 42 U.S.C. 2000e–4(e); jointly to the Committees on Education and the Workforce and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 643. A bill to reauthorize the African Elephant Conservation Act; with an amendment (Rept. 107–93). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 700. A bill to reauthorize the Asian Elephant Conservation Act of 1997; with an amendment (Rept. 107–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1157. A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes (Rept. 107–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1020. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; with an amendment (Rept. 107–96). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 161. Resolution providing for consideration of the bill (H.R. 1088) to amend the Securities and Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes (Rept. 107–97). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 162. Resolution providing for consideration of the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan (Rept. 107–98). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 163. Resolution providing for consideration of the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes (Rept. 107–99). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANNON (for himself, Mr. Conyers, Mr. Issa, and Mr. Nadler):

H.R. 2120. A bill to ensure the application of the antitrust laws to local telephone monopolies, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS:

H.R. 2121. A bill to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media; to the Committee on International Relations.

By Mr. CALVERT (for himself, Mr. Shaw, Mr. Gallegly, Mr. Bartlett of Maryland, Mr. Petri, Mr. Gutknecht, Mr. Hoekstra, Mr. Shadegg, Mr. Radanovich, Mr. Graham, Mr. English, Mr. Souder, Mr. Weldon of Florida, and Mr. Hansen):

H.R. 2122. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election to the House of Representatives or Senate to raise not less than 50 percent of the contributions made with respect to the election from individuals who reside in the State the candidate seeks to represent; to the Committee on House Administration.

By Mr. TERRY (for himself, Mr. English, Mr. Pastor, Mr. Sessions, Mr. Barr of Georgia, Mr. Rangel, Ms. McKinney, Mr. Condit, Mr. Jones of North Carolina, Mr. Owens, Mr. Wolf, Mr. Baldacci, Mr. King, Mr. Frank, Mr. Gordon, and Mr. Stupak):

H.R. 2123. A bill to amend title 38, United States Code, to increase the rate of payment for funeral and burial expenses and plot allowance for certain veterans; to the Committee on Veterans' Affairs.

By Mrs. KELLY:

H.R. 2124. A bill to authorize the Secretary of the Army to convey a small parcel of land at the United States Military Academy to the Village of Highland Falls, New York; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia:

H.R. 2125. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Ms. Baldwin, Mr. Bartlett of Maryland, Mr. Knollenberg, Mr. Ehlers, Mr. Simpson, Ms. Hooley of Oregon, Mrs. Wilson, Mr. Strickland, Mr. Otter, and Mr. Calvert):

H.R. 2126. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Science.

By Mr. BROWN of Ohio (for himself, Mr. Stark, Mr. LaTourette, Mr. Gonzalez, Mr. Kildee, and Mr. Brady of Pennsylvania):

H.R. 2127. A bill to amend part C of title XVIII to require Medicare+Choice organizations to offer Medicare+Choice plans for a minimum period of three years, and to permit Medicare beneficiaries to enroll and disenroll from such plans at any time; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. Hastings of Washington, Mr. Walsh, Mr. Reynolds, and Mr. Sweeney):

H.R. 2128. A bill to provide market loss assistance to apple producers; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. Hoeffel, Mrs. Clayton, Mr. Dingell, Mr. McGovern, Mr. Clement, Mr. Baldacci, Ms. Schakowsky, Mr. Waxman, Mr. Pascrell, Mr. Kildee, Ms. Norton, Ms. DeLauro, Mr. Bonior, Mr. Lantos, Ms. Lee, Mr. Meeks of New York, Mr. Udall of New Mexico, and Ms. Carson of Indiana):

H.R. 2129. A bill to amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself and Mr. Matsui):

H.R. 2130. A bill to amend the Internal Revenue Code of 1986 to provide that any water and sewerage disposal property conveyed under the Department of Defense privatization program shall be treated as a nontaxable contribution to the capital of the recipient; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. Lantos, Mr. Gilman, Mr. Crowley, Mr. Bereuter, Mr. Sununu, Ms. McKinney, Mr. Leach, Mr. Faleomavaega, Mr. Chabot, Mr. Sherman, Mr. Brown of Ohio, Mr. Baird, Mr. Boucher, Mr. Camp, Mr. Cardin, Mr. English, Mr. Frank, Mr. Green of Wisconsin, Mr. Hobson, Mr. Kirk, Mr. LaTourette, Mr. Manzullo, Mr. Oxley, Ms. Pryce of Ohio, Mr. Smith of New Jersey, Mr. Tiberi, Mr. Wexler, and Ms. Woolsey):

H.R. 2131. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on International Relations.

By Mr. REYNOLDS (for himself, Mr. Armey, Mr. Doolittle, Mr. Flake, Mr. Sessions, Mr. Sununu, and Mr. Toomey):

H.R. 2132. A bill to prohibit the Secretary of the Treasury from using surplus funds to make any investment in securities, other than government and municipal securities; to the Committee on Financial Services.

By Mr. RYUN of Kansas (for himself, Mr. Moran of Kansas, Mr. Tiahrt, and Mr. Moore):

H.R. 2133. A bill to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. KUCINICH, Mr. HINCHEY, Mr. DEFAZIO, Ms. MCKINNEY, Ms. BROWN of Florida, Ms. LEE, Mr. DAVIS of Illinois, Ms. KAPTUR, Mr. MCGOVERN, Ms. NORTON, Mr. HILLIARD, Mr. COSTELLO, Ms. CARSON of Indiana, Mr. GOODE, Mr. STUPAK, Mr. BROWN of Ohio, and Ms. HART):

H.R. 2134. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to increase the phase-in limitation applicable to the guarantee under such title of benefit improvements made prior to plan termination; to the Committee on Education and the Workforce.

By Mr. SAWYER:

H.R. 2135. A bill to protect consumer privacy; to the Committee on Energy and Commerce.

By Mr. SAWYER (for himself and Mr. WAXMAN:

H.R. 2136. A bill to protect the confidentiality of information acquired from the public for statistical purposes; to the Committee on Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, Mr. CONYERS, and Mr. SCOTT):

H.R. 2137. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

By Mr. SERRANO (for himself, Mr. LEACH, Mr. ABERCROMBIE, Mr. ALLEN, Mr. BAIRD, Ms. BALDWIN, Mr. BARCIA, Mr. BISHOP, Mr. BLUMENAUER, Mr. BONIOR, Mr. BOUCHER, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FILNER, Mr. FRANK, Mr. GANSKE, Mr. GONZALEZ, Mr. HALL of Ohio, Mr. HILLIARD, Mr. HINCHEY, Mr. HOEFFEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KLECZKA, Mr. KUCINICH, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LARGENT, Ms. LEE, Mrs. LOWEY, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. RANGEL, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Ms. SCHAKOWSKY, Mr. SHAYS, Mr. STARK, Mr. THOMPSON of California, Mr. THUNE, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WALSH, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2138. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Agriculture, Financial Services, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 2139. A bill to authorize the Secretary of Agriculture to make loans for the development of broadband services in rural areas; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER:

H.R. 2140. A bill to amend section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for a user fee to cover the cost of customs inspections at express courier facilities; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Ms. HARMAN, Ms. SOLIS, Mrs. CAPPS, Ms. PELOSI, Mrs. DAVIS of California, Ms. WOOLSEY, and Mr. FILNER):

H.R. 2141. A bill to require electric generation facilities owned and operated by the Department of Defense in the Western United States to generate electricity and to conserve energy in electric emergencies, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mrs. CLAYTON, Mr. DIAZ-BALART, Mr. HALL of Texas, Mrs. JOHNSON of Connecticut, Ms. KAPTUR, Mr. LEACH, Ms. LEE, Mrs. KELLY, Mr. LEVIN, Mrs. MORELLA, Mr. TOWNS, Mr. QUINN, Mr. HINCHEY, Mr. FOLEY, Mr. COYNE, and Ms. DELAURO):

H.R. 2142. A bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida (for himself, Mr. ARMEY, Mr. DOOLITTLE, Mrs. JO ANN DAVIS of Virginia, Mr. ROHRABACHER, Mr. TOOMEY, Mr. DEMINT, Mr. WAMP, Mr. BLUNT, Mr. GRAVES, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. NEY, Mr. GOODE, Mr. PAUL, Mr. LARGENT, Mr. FLAKE, Mr. POMBO, Mr. ADERHOLT, Mr. SHIMKUS, Mrs. CUBIN, Mr. TERRY, Mr. TIBERI, Mr. MANZULLO, Mr. PUTNAM, Mr. CULBERSON, Mr. CRENSHAW, Mr. BARR of Georgia, Mr. ISAKSON, Mr. SHADEGG, Mr. HOSTETTLER, Mr. PITTS, and Mr. EVERETT):

H.R. 2143. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Mrs. TAUSCHER, Ms. PELOSI, Mr. LANTOS, Mr. HONDA, Mrs. CAPPS, Ms. LEE, Mr. THOMPSON of California, Mr. STARK, Mr. GEORGE MILLER of California, Mr. FARR of California, Ms. LOFGREN, and Ms. ESHOO):

H.R. 2144. A bill to direct the Secretary of Agriculture to conduct research, monitoring, management, treatement, and outreach activities relating to sudden oak death syndrome and to establish a Sudden Oak Death Syndrome Advisory Committee; to the Committee on Agriculture.

By Mr. ARMEY (for himself, Mr. GEPHARDT, and Mr. CRANE) (all by request):

H.J. Res. 51. A joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Vietnam; to the Committee on Ways and Means.

By Mr. FERGUSON:

H. Con. Res. 156. Concurrent resolution congratulating John R. Kopicki, the Fannie E. Rippel Foundation, and the Schering-Plough Corporation, for receipt of certain awards; to the Committee on Energy and Commerce.

By Mr. MCNULTY:

H. Con. Res. 157. Concurrent resolution recognizing and honoring Joseph Henry for his significant and distinguished role in the development and advancement of science and electricity; to the Committee on Science.

By Ms. RIVERS:

H. Con. Res. 158. Concurrent resolution recognizing the city of Ann Arbor, Michigan, and its residents for their dedication to building a community that respects ecological integrity, promotes social well-being, and creates economic vitality; to the Committee on Government Reform.

By Mr. KIRK:

H. Res. 164. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

105. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 2 memorializing the United States Congress to speedily adhere to the goal set forth in the Individuals with Disabilities Education Act and appropriate to the states significant, genuine assistance to meet the needs of students with disabilities and to relieve schools from the necessity of cross-subsidizing special education revenue with general education revenue; to the Committee on Education and the Workforce.

106. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 5 memorializing the United States Congress to promptly amend the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and sickness benefits if they otherwise meet the qualifications of these benefit programs; to the Committee on Transportation and Infrastructure.

107. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 4 memorializing the United States Congress to authorize the funding for improvement and rehabilitation of waterways; to the Committee on Transportation and Infrastructure.

108. Also, a memorial of the House of Representatives of the State of Alabama, relative to Resolution HR 611 memorializing the United States Congress to enact the Railroad Retirement and Survivors' Improvement Act of 2001; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. BLUNT, Mr. TANCREDO, and Mrs. ROUKEMA.

H.R. 17: Ms. SANCHEZ and Mr. GUTIERREZ.

H.R. 28: Mr. GONZALEZ and Mr. PLATTS.

H.R. 64: Mr. BOEHLERT, Mr. SHAYS, and Mr. GUTKNECHT.

H.R. 65: Mr. KUCINICH and Mr. MCGOVERN.

H.R. 68: Mr. GREEN of Texas, Mr. LEACH, Mr. BROWN of Ohio, and Mr. FOLEY.

H.R. 80: Mr. JENKINS.

H.R. 82: Mr. JENKINS.

H.R. 91: Mr. SHOWS and Mrs. THURMAN.

H.R. 98: Mr. OTTER, Mr. WELDON of Florida, Mr. JOHNSON of Illinois, Mr. PASTOR, Mr. TERRY, Mr. DOOLEY of California, Mr. CROWLEY, Mr. FROST, and Mr. PUTNAM.

H.R. 100: Ms. SANCHEZ.

H.R. 102: Ms. SANCHEZ.

H.R. 169: Mr. SKEEN.

H.R. 179: Mr. KENNEDY of Minnesota and Mr. ISRAEL.

H.R. 192: Mr. SESSIONS.

H.R. 218: Mr. SPENCE, Mr. BROWN of South Carolina, Mr. SKELTON, and Mr. SMITH of New Jersey.

H.R. 220: Mr. UPTON.

H.R. 260: Mr. WOLF and Mr. LARSON of Connecticut.

H.R. 267: Mrs. CAPPS and Mr. NETHERCUTT.

H.R. 281: Mr. NADLER.

H.R. 285: Mr. OLVER.

H.R. 296: Mr. COSTELLO and Mr. LANTOS.

H.R. 356: Mrs. DAVIS of California and Mr. MCHUGH.

H.R. 458: Mr. SWEENEY and Mr. BARTON of Texas.

H.R. 510: Mr. LANTOS, Mr. STRICKLAND, Mr. TOOMEY, and Mr. LIPINSKI.

H.R. 537: Ms. CARSON of Indiana, Mr. OSE, and Ms. JACKSON-LEE of Texas.

H.R. 571: Mr. BISHOP.

H.R. 572: Mr. SOUDER and Mr. HOLDEN.

H.R. 598: Mr. WELDON of Florida, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART.

H.R. 602: Mr. LUCAS of Kentucky and Mr. PLATTS.

H.R. 611: Ms. BALDWIN and Mrs. WILSON.

H.R. 612: Mr. GRAHAM, Mr. JOHNSON of Illinois, Mr. FOSSELLA, Mr. THOMPSON of Mississippi, Mr. POMEROY, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. BROWN of Ohio, and Mr. FORD.

H.R. 630: Ms. BALDWIN and Mr. SCHIFF.

H.R. 635: Mr. LAHOOD.

H.R. 638: Mr. WEINER.

H.R. 665: Mr. ANDREWS.

H.R. 668: Mr. KENNEDY of Rhode Island, Mrs. DAVIS of California, and Mr. FALEOMAVAEGA.

H.R. 680: Mr. WATT of North Carolina.

H.R. 699: Mr. JONES of North Carolina.

H.R. 716: Mr. PALLONE, Mr. GANSKE, and Mr. SHOWS.

H.R. 717: Mr. WEINER and Mr. DOOLEY of California.

H.R. 730: Ms. MCKINNEY.

H.R. 746: Mr. DEAL of Georgia and Mr. SHOWS.

H.R. 747: Mr. GARY G. MILLER of California.

H.R. 751: Ms. MCKINNEY, Mr. SMITH of New Jersey, and Mr. ACKERMAN.

H.R. 757: Mr. ISRAEL.

H.R. 760: Mr. GILLMOR.

H.R. 774: Mr. BALLENGER, Mr. COYNE, Mr. SESSIONS, and Mr. UDALL of Colorado.

H.R. 778: Ms. LOFGREN, Ms. BALDWIN, Mr. CAPUANO, and Mr. SANDERS.

H.R. 781: Mr. SCHIFF.

H.R. 786: Ms. JACKSON-LEE of Texas, Mr. BROWN of Ohio and Mr. CUMMINGS.

H.R. 827: Mrs. JONES of Ohio.

H.R. 840: Mr. ABERCROMBIE, Mr. BAIRD, Mr. FARR of California, Mr. MORAN of Virginia, and Mr. SIMMONS.

H.R. 844: Mr. MCGOVERN and Ms. HART.

H.R. 876: Mr. HASTINGS of Washington, Mrs. MINK of Hawaii, Mr. TERRY, Mr. NADLER, Mr. KIND, Mrs. DAVIS of California, Mr. KENNEDY of Rhode Island, Mr. HAYWORTH, Mr. SANDLIN, Mr. PETRI, Mr. DOOLITTLE, Mr. CROWLEY, Mr. TOM DAVIS of Virginia, Mr. BLAGOJEVICH, Mr. SMITH of New Jersey, Mr. SMITH of Washington, and Mr. JOHNSON of Illinois.

H.R. 902: Mr. KINGSTON and Mr. BOUCHER.

H.R. 910: Mr. BONIOR.

H.R. 950: Mr. NORWOOD and Mr. STUMP.

H.R. 981: Mr. BOUCHER, Mr. BISHOP, and Mr. MCKEON.

H.R. 1008: Mr. REHBERG and Mr. RADANOVICH.

H.R. 1014: Mr. GUTIERREZ, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, Mr. PASCRELL, Mr. CROWLEY, Mr. GEORGE MILLER of California, and Ms. MCCOLLUM.

H.R. 1073: Mr. WOLF, Mr. CLAY, Mr. CUMMINGS, Mr. BORSKI, and Mr. ACKERMAN.

H.R. 1076: Mr. CARSON of Oklahoma, Ms. DEGETTE, Mr. BARCIA, Ms. KAPTUR, Mrs. DAVIS of California, Mr. ANDREWS, Mr. ISRAEL, Mr. GUTIERREZ, Mr. PRICE of North Carolina, Mr. HOLDEN, and Mr. SMITH of Washington.

H.R. 1077: Mr. SCOTT.

H.R. 1079: Mr. WHITFIELD.

H.R. 1090: Mr. HYDE, Mr. CROWLEY, Mrs. MINK of Hawaii, Mr. BRYANT, Mr. WU, and Mr. EHLERS.

H.R. 1121: Mr. SMITH of New Jersey and Mr. HERGER.

H.R. 1136: Mr. FILNER.

H.R. 1140: Mr. EVERETT, Mr. TAYLOR of North Carolina, Mrs. BIGGERT, Mr. BUYER, and Mr. HALL of Texas.

H.R. 1143: Mr. HILLIARD, Ms. CARSON of Indiana, Mr. BONIOR, Ms. SOLIS, Mr. MCGOVERN, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, and Mr. SMITH of New Jersey.

H.R. 1157: Mr. SMITH of Washington.

H.R. 1170: Mr. WU, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, and Mr. MATSUI.

H.R. 1177: Mr. HOLDEN.

H.R. 1185: Mr. CUMMINGS.

H.R. 1192: Mr. ETHERIDGE and Mr. HOEFFEL.

H.R. 1198: Mr. LANTOS, Ms. Norton, Mr. BISHOP, Mr. GREEN of Texas, Mr. REYES, Mr. RODRIGUEZ, Ms. KILPATRICK, Mr. TIERNEY, Mr. SMITH of Texas, Mr. OWENS, and Mr. BLUNT.

H.R. 1200: Ms. CARSON of Indiana.

H.R. 1201: Mr. GEORGE MILLER of California.

H.R. 1230: Mr. UDALL of New Mexico, Mr. PALLONE, and Mr. FALEOMAVAEGA.

H.R. 1254: Mr. PASCRELL, Mr. LANTOS, Mr. GRUCCI, Mrs. MCCARTHY of New York, Mrs. JONES of Ohio, Mr. PAYNE, and Mr. LANGEVIN.

H.R. 1266: Mr. SCHIFF, Mr. BECERRA, Ms. CARSON of Indiana, Mr. ALLEN, and Mr. LUTHER.

H.R. 1287: Mr. PITTS.

H.R. 1297: Mr. DIAZ-BALART.

H.R. 1304: Mr. TERRY, Mr. FOLEY, and Mr. HOEFFEL.

H.R. 1305: Mr. RYAN of Wisconsin, Mr. BACA, Mr. BENTSEN, Mr. BUYER, Mr. LATHAM, and Mr. DOOLITTLE.

H.R. 1318: Mr. YOUNG of Alaska and Mr. TOWNS.

H.R. 1329: Mr. DOYLE.

H.R. 1335: Ms. CARSON of Indiana.

H.R. 1338: Mr. GONZALEZ, Ms. HART, and Mr. GREEN of Texas.

H.R. 1340: Mr. CLYBURN, Mr. GONZALEZ, and Mr. MCGOVERN.

H.R. 1344: Mr. BONIOR.

H.R. 1352: Mr. GOODE.

H.R. 1353: Mr. TAYLOR of Mississippi, Mr. FROST, Mr. STUPAK, Mr. PLATTS, Mr. MCHUGH, Mr. MURTHA, Ms. HOOLEY of Oregon, Mr. GORDON, and Mr. ROSS.

H.R. 1354: Ms. SANCHEZ, Mr. HINCHEY, Mr. SOUDER, and Mr. WELDON of Florida.

H.R. 1360: Mr. KUCINICH, Mr. LANTOS, and Mr. DINGELL.

H.R. 1363: Mr. SWEENEY.

H.R. 1389: Ms. MILLENDER-MCDONALD.

H.R. 1405: Mrs. MCCARTHY of New York and Mr. CAPUANO.

H.R. 1406: Mr. MCGOVERN and Mr. OBERSTAR.

H.R. 1407: Mr. MEEKS of New York.

H.R. 1427: Mr. GREEN of Texas.

H.R. 1433: Mr. SOUDER.

H.R. 1434: Ms. KAPTUR and Mr. STARK.

H.R. 1436: Mr. TURNER, Mr. DOYLE, Mr. FARR of California, Mr. SANDLIN, Ms. SCHAKOWSKY, Mr. RANGEL, Mr. ACKERMAN, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. OLVER, Mr. CONYERS, Ms. CARSON of Indiana, Mr. DEUTSCH, Mr. RADANOVICH, Mr. COYNE, Mr. HOLDEN, Mr. SOUDER, Ms. DEGETTE, Mr. LUCAS of Kentucky, Mr. CLAY, and Ms. SANCHEZ.

H.R. 1438: Mr. SHAW and Mr. SCHROCK.

H.R. 1452: Mr. SHAYS.

H.R. 1463: Mr. COOKSEY.

H.R. 1484: Mr. CROWLEY.

H.R. 1492: Mr. CLEMENT.

H.R. 1511: Ms. WATERS, Mrs. JO ANN DAVIS of Virginia, Mr. FROST, Mr. KIRK, and Mr. SOUDER.

H.R. 1525: Mr. GUTIERREZ.

H.R. 1541: Mrs. TAUSCHER.

H.R. 1542: Mr. ACEVEDO-VILA, Mr. MOLLOHAN, and Mr. HASTINGS of Florida.

H.R. 1556: Mr. UDALL of New Mexico, Mr. MEEHAN, Mr. MCGOVERN, and Mr. BLUNT.

H.R. 1591: Mr. KUCINICH.

H.R. 1595: Mr. PITTS.

H.R. 1609: Mr. LATHAM, Mr. GORDON, Mr. CHAMBLISS, and Mr. MOLLOHAN.

H.R. 1616: Mr. OWENS.

H.R. 1637: Mr. HASTINGS of Florida.

H.R. 1644: Mr. KENNEDY of Minnesota and Mr. NORWOOD.

H.R. 1648: Mr. MURTHA and Mr. BLUMENAUER.

H.R. 1650: Mr. JEFFERSON, Mr. PALLONE, and Mr. ABERCROMBIE.

H.R. 1669: Ms. SOLIS and Mr. BAIRD.

H.R. 1671: Mr. DOYLE, Mr. PALLONE, and Mr. LATHAM.

H.R. 1683: Ms. SCHAKOWSKY.

H.R. 1700: Mr. MORAN of Virginia, Ms. DELAURO, Mr. BROWN of Ohio, Mr. FILNER, Mr. FRANK, Mr. CAPUANO, and Mr. CUMMINGS.

H.R. 1701: Mr. RYUN of Kansas and Mr. COSTELLO.

H.R. 1707: Ms. SANCHEZ and Mr. SHERMAN.

H.R. 1716: Mrs. KELLY and Mr. CROWLEY.

H.R. 1718: Mr. GREENWOOD, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. SOUDER, Mr. FOSSELLA, and Mr. BOYD.

H.R. 1733: Ms. WOOLSEY, Ms. CARSON of Indiana, Mr. BLAGOJEVICH, Mr. PAYNE, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, and Mr. ROSS.

H.R. 1750: Mrs. DAVIS of California.

H.R. 1751: Mrs. DAVIS of California.

H.R. 1759: Mr. MEEHAN.

H.R. 1786: Mr. DOYLE, Ms. HART, and Mr. SMITH of Michigan.

H.R. 1797: Mr. SMITH of Washington and Mr. NETHERCUTT.

H.R. 1798: Mr. OBERSTAR and Mr. MCGOVERN.

H.R. 1805: Mr. Buyer.

H.R. 1808: Ms. Jackson-Lee of Texas, Ms. Brown of Florida, Ms. Schakowsky, Ms. Waters, Mr. Engel, and Mrs. Tauscher.

H.R. 1809: Mr. Doyle and Ms. Sanchez.

H.R. 1810: Mr. Kucinich, Mr. Allen, Mr. Waxman, Mr. Stupak, Mr. Brown of Ohio, Mr. Lipinski, Ms. Sanchez, Mr. Cummings, Mr. Levin, Mr. Paul, and Mr. LaHood.

H.R. 1828: Ms. Norton and Mr. Brady of Texas.

H.R. 1832: Mr. Spence.

H.R. 1839: Mr. Platts.

H.R. 1846: Mr. Smith of New Jersey.

H.R. 1847: Mr. Smith of New Jersey.

H.R. 1861: Ms. Carson of Indiana.

H.R. 1862: Mr. Brady of Pennsylvania, Mr. Barcia, Mr. Filner, Mr. Frost, and Mr. Kucinich.

H.R. 1863: Mr. Hutchinson.

H.R. 1864: Mr. McGovern.

H.R. 1889: Mr. Udall of Colorado.

H.R. 1896: Mr. Udall of New Mexico and Ms. McKinney.

H.R. 1907: Ms. Sanchez and Mr. Rodriguez.

H.R. 1908: Mr. Blunt.

H.R. 1910: Mr. Doolittle, Mr. Tancredo, and Mr. Shimkus.

H.R. 1911: Mr. Boucher.

H.R. 1922: Ms. Solis.

H.R. 1927: Mr. Stupak.

H.R. 1931: Mr. Souder.

H.R. 1938: Mr. Sessions, Mrs. Jones of North Carolina, and Mr. Greenwood.

H.R. 1939: Mr. Frank.

H.R. 1944: Mr. Gutknecht.

H.R. 1945: Ms. Lee and Mrs. Thurman.

H.R. 1950: Mr. Barr of Georgia, Mr. Paul, and Mr. Weldon of Florida.

H.R. 1954: Mr. Green of Texas, Mr. Larsen of Washington, Mr. Matheson, Mr. Clement, Mr. Nussle, Mr. Latham, Mr. Hefley, Ms. DeLauro, Mr. Wolf, and Mr. Linder.

H.R. 1957: Mr. Strickland.

H.R. 1968: Mr. Stupak, Ms. Sanchez, and Mr. Kucinich.

H.R. 1969: Mr. Crowley and Mrs. Thurman.

H.R. 1979: Mr. Frost, Mr. English, Mr. Goode, Ms. Hart, and Mr. Bishop.

H.R. 1982: Mr. Peterson of Pennsylvania, Mrs. Wilson, Mr. Weldon of Florida, and Mr. Paul.

H.R. 1985: Mr. Cunningham.

H.R. 1986: Mr. Barr of Georgia.

H.R. 1992: Mr. Pascrell.

H.R. 1997: Mrs. Jones of Ohio and Mr. Petri.

H.R. 2001: Mr. Pomeroy, Mr. Hansen, and Mr. Sessions.

H.R. 2020: Mr. Saxton, Mr. Hansen, Mr. Bartlett of Maryland, Mr. Chambliss, and Mr. McGovern.

H.R. 2023: Mr. Gordon, Mr. Towns, Mr. Jenkins, Mr. Reynolds, Mr. Doolittle, and Mr. Latham.

H.R. 2040: Mr. Dooley of California, Mr. Berman, and Ms. Carson of Indiana.

H.R. 2047: Mr. Isakson.

H.R. 2048: Mr. Conyers.

H.R. 2055: Mr. Tancredo, Mr. Cantor, Ms. Granger, Mr. Hilleary, Mr. Doolittle, Mr. Barton of Texas, Mr. Weldon of Florida, Mr. Wicker, and Mr. Terry.

H.R. 2059: Mrs. Thurman, Mr. George Miller of California, Mr. Tierney, Mr. Evans, Mr. Filner, Mr. Hinchey, Mr. Honda, Mr. Pallone, Mrs. Napolitano, and Mr. DeFazio.

H.R. 2064: Mr. Stark, Mr. Maloney of Connecticut, Mr. Acevedo-Vila, Mr. Frost, and Mr. Smith of New Jersey.

H.R. 2074: Mr. Filner, Mr. Matheson and Ms. McKinney.

H.R. 2079: Mr. Sanders.

H.R. 2080: Mr. Sanders.

H.R. 2088: Mr. Graves, Mr. Clay, and Mr. Lipinski.

H.R. 2095: Mr. Filner, Mr. McGovern, and Mr. Sanders.

H.R. 2096: Mr. Weldon of Florida, Mr. Buyer, Mr. Tiberi, Mr. Taylor of Mississippi, Mrs. Jo Ann Davis of Virginia, Mr. Hastings of Washington, Mr. Barton of Texas, Mr. Hefley, Mr. Sununu, Mr. Sensenbrenner, and Mr. Isakson.

H.R. 2102: Mr. Payne, Ms. Norton, Ms. Hooley of Oregon, Ms. McKinney, Mrs. Mink of Hawaii, Mr. Boehlert, and Mr. Taylor of Mississippi.

H.R. 2108: Mr. Moran of Virginia and Mr. Rangel.

H.R. 2117: Mr. George Miller of California and Mr. Moore.

H.J. Res. 6: Mr. Horn.

H.J. Res. 36: Mr. Weldon of Florida, Mr. Hobson, Mr. Frost, Mr. Boehner, Ms. Harman, Mrs. Bono, and Mr. Houghton.

H.J. Res. 45: Mr. Hostettler.

H. Con. Res. 68: Mr. Hefley.

H. Con. Res. 121: Mr. King, Mr. Schaffer, and Mr. Hayworth.

H. Con. Res. 145: Mr. Visclosky, Mr. Frank, Mr. Baca, and Mr. Moore.

H. Res. 97: Mr. Davis of Illinois.

H. Res. 117: Mr. Lantos and Mr. Ferguson.

H. Res. 124: Mr. Foley, Mr. Hyde, Ms. Kaptur, Mrs. Roukema, Mrs. Morella, and Mr. Miller of Florida.

H. Res. 152: Ms. Hart, Mr. Shows, Mr. Matsui, Mr. Green of Texas, Ms. Harman, Ms. Sanchez, Mr. Tanner, and Mr. Frost.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1716: Mr. Edwards.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1088

Offered By: Mr. Oxley

(Amendment in the Nature of a Substitute)

Amendment No. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investor and Capital Markets Fee Relief Act".

SEC. 2. IMMEDIATE TRANSACTION FEE REDUCTIONS.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by striking "1/300 of one percent" each place it appears in subsections (b) and (d) and inserting "$15 per $1,000,000";

(2) by striking "and security futures products" each place it appears in such subsections and inserting "security futures products, and options on securities indexes (excluding a narrow-based security index)";

(3) in the first sentence of subsection (b), by striking ", except that" and all that follows through the end of such sentence and inserting a period;

(4) in paragraph (1) of subsection (d), by striking ", except that" and all that follows through the end of such paragraph and inserting a period;

(5) in subsection (e), by striking "$0.02" and inserting "$0.009"; and

(6) by adding at the end the following new subsection:

"(i) Pro Rata Application.—The rates per $1,000,000 required by this section shall be applied pro rata to amounts and balances of less than $1,000,000.".

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) Pooling and Allocation of Collections.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking "Every" and inserting "Subject to subsection (j), each"; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

"(d) Off-Exchange Trades of Last-Sale-Reported Securities.—

"(1) Covered transactions.—Each national securities"

and inserting the following:

"(c) Off-Exchange Trades of Exchange Registered and Last-Sale-Reported Securities.—Subject to subsection (j), each national securities";

(C) by inserting "registered on a national securities exchange or" after "narrow-based security index))" (as added by section 2(2)); and

(D) by striking ", excluding any sales for which a fee is paid under subsection (c)";

(4) in subsection (e), by striking "except that for fiscal year 2007" and all that follows through the end of such subsection and inserting the following: "except that for fiscal year 2007 and each succeeding fiscal year such assessment shall be equal to $0.0042 for each such transaction.";

(5) in subsection (f), by striking "Dates for Payment of Fees.—The fees required" and inserting "Dates for Payments.—The fees and assessments required";

(6) by redesignating subsections (e) through (i) (as added by section 2(5)) as subsections (d) through (h), respectively;

(7) by adding at the end the following new subsection:

"(i) Deposit of Fees.—

"(1) Offsetting collections.—Fees collected pursuant to subsections (b), (c), and (d) for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in subsection (k), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(2) General revenues prohibited.—No fees collected pursuant to subsections (b), (c), and (d) for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.".

(b) Additional Reductions of Fees.—

(1) Amendment.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (i) (as added by subsection (a)(7)) the following new subsections:

"(j) Recapture of Projection Windfalls for Further Rate Reductions.—

"(1) Annual adjustment.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year.

"(2) MID-YEAR ADJUSTMENT.—For each of the fiscal years 2002 through 2011, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 5 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year (or $48,800,000,000,000 in the case of fiscal year 2002) is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by order, no later than such March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees collected during such 5-month period and assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by subsection (l)(2).

"(3) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 (including assessments collected under subsection (d)) equal to the target offsetting collection amount for fiscal year 2011.

"(4) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (1), (2), or (3) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (i)(1)(B) and (k)—

"(A) an adjusted rate prescribed under paragraph (1) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted;

"(B) an adjusted rate prescribed under paragraph (2) shall take effect on April 1 of the fiscal year to which such rate applies; and

"(C) an adjusted rate prescribed under paragraph (3) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(k) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect (as offsetting collections) the fees and assessments under subsections (b), (c), and (d) at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

"(l) DEFINITIONS.—For purposes of this section:

"(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

"Fiscal year:	**Target offsetting collection amount**
2002	$732,000,000
2003	$849,000,000
2004	$1,028,000,000
2005	$1.220,000,000
2006	$1,435,000,000
2007	$881,000,000
2008	$892,000,000
2009	$1,023,000,000
2010	$1,161,000,000
2011	$1,321,000,000

"(2) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, security futures products, and options on securities indexes (excluding a narrow-based security index)) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act (as redesignated by subsection (a)(6) of this section) is amended by inserting before the period at the end the following: "not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such fees are based".

SEC. 4. REDUCTION OF REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking paragraphs (2) through (5) and inserting the following:

"(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee at a rate that shall be equal to $92 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2003 and any succeeding fiscal year such fee shall be adjusted pursuant to paragraph (5) or (6).

"(3) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(4) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (2) for such fiscal year to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for such fiscal year, is reasonably likely to produce aggregate fee collections under this subsection that are equal to the target offsetting collection amount for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (2) for all of such fiscal years to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this subsection in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

"(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

"(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (3)(B) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

"(10) PUBLICATION.—The Commission shall publish in the Federal Register notices of the rate applicable under this subsection and under sections 13(e) and 14(g) for each fiscal year not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such rate is based.

"(11) DEFINITIONS.—For purposes of this subsection:

"(A) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

"Fiscal year:	**Target offsetting collection amount**
2002	$337,000,000
2003	$435,000,000
2004	$467,000,000
2005	$570,000,000
2006	$689,000,000
2007	$214,000,000
2008	$234,000,000
2009	$284,000,000
2010	$334,000,000
2011	$394,000,000

"(B) BASELINE ESTIMATE OF THE AGGREGATE MAXIMUM OFFERING PRICES.—The baseline estimate of the aggregate maximum offering prices for any fiscal year is the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

SEC. 5. FEES FOR STOCK REPURCHASE STATEMENTS.

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended

(1) in paragraph (3), by striking ''a fee of $\frac{1}{50}$ of 1 per centum of the value of securities proposed to be purchased'' and inserting ''a fee at a rate that, subject to paragraphs (5) and (6), is equal to $92 per $1,000,000 of the value of securities proposed to be purchased'';

(2) by inserting after paragraph (3) the following new paragraphs:

''(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

''(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

''(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

''(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

''(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

''(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

''(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

''(i) the first day of fiscal year 2012; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

''(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

''(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.''.

SEC. 6. FEES FOR PROXY SOLICITATIONS AND STATEMENTS IN CORPORATE CONTROL TRANSACTIONS.

Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended—

(1) in paragraphs (1) and (3), by striking ''a fee of $\frac{1}{50}$ of 1 per centum of'' each place it appears and inserting ''a fee at a rate that, subject to paragraphs (5) and (6), is equal to $92 per $1,000,000 of'';

(2) by redesignating paragraph (4) as paragraph (11); and

(3) by inserting after paragraph (3) the following new paragraphs:

''(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

''(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

''(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

''(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

''(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

''(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

''(i) the first day of the fiscal year to which such rate applies; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

''(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

''(i) the first day of fiscal year 2012; or

''(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

''(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

''(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.''.

SEC. 7. TRUST INDENTURE ACT FEE.

Section 307(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77ggg(b)) is amended by striking ''Commission, but, in the case'' and all that follows and inserting ''Commission.''.

SEC. 8. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

''Sec.
''4801. Nonapplicability of chapter 47.
''4802. Securities and Exchange Commission.

"§ 4801. Nonapplicability of chapter 47

''Chapter 47 shall not apply to this chapter.

"§ 4802. Securities and Exchange Commission

''(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

''(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

''(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

''(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

''(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

''(f) This section shall be administered consistent with merit system principles.''.

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) IMPLEMENTATION PLAN AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

"48. Agency Personnel Demonstration Project .... 4801.".

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking "or" after the semicolon;

(ii) in subparagraph (D), by inserting "or" after the semicolon; and

(iii) by adding at the end the following:

"(E) the Securities and Exchange Commission;".

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking "or" after the semicolon;

(ii) in paragraph (3), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(4) section 4802.".

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

"(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.".

(3) AMENDMENT TO FIRREA OF 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking "the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation".

SEC. 9. STUDY OF THE EFFECT OF FEE REDUCTIONS.

(a) STUDY.—The Office of Economic Analysis of the Securities and Exchange Commission (hereinafter referred to as the "Office") shall conduct a study of the extent to which the benefits of reductions in fees effected as a result of this Act are passed on to investors.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Office shall—

(1) consider the various elements of the securities industry directly and indirectly benefitting from the fee reductions, including purchasers and sellers of securities, members of national securities exchanges, issuers, broker-dealers, underwriters, participants in investment companies, retirement programs, and others;

(2) consider the impact on different types of investors, such as individual equity holders, individual investment company shareholders, businesses, and other types of investors;

(3) include in the interpretation of the term "investor" shareholders of entities subject to the fee reductions; and

(4) consider the economic benefits to investors flowing from the fee reductions to include such factors as market efficiency, expansion of investment opportunities, and enhanced liquidity and capital formation.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Congress the report prepared by the Office on the findings of the study conducted under subsection (a).

SEC. 10. STUDY OF CONVERSION TO SELF-FUNDING.

(a) GAO STUDY REQUIRED.—The Comptroller General shall conduct a study of the impact, implications, and consequences of converting the Securities and Exchange Commission to a self-funded basis. Such study shall include analysis of the following issues:

(1) SEC OPERATIONS.—The impact of such conversion on the Commission's operations, including staff quality, recruitment, and retention.

(2) CONGRESSIONAL OVERSIGHT.—The implications for congressional oversight of the Commission, including whether imposing annual expenditure limitations would be beneficial to such oversight.

(3) FEES.—The likely consequences of the conversion on the rates, collection procedures, and predictability of fees collected by the Commission.

(4) APPROPRIATIONS.—The methods by which the conversion may be accomplished without reducing the availability of offsetting collections for appropriations.

(5) OTHER MATTERS.—Such other impacts, implications, and consequences as the Comptroller General may consider relevant to congressional consideration of the question of such conversion.

(b) SUBMISSION OF REPORT.—The Comptroller General shall submit to the Committees on Financial Services and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate a report on the study required by subsection (a) no later than 180 days after the date of enactment of this Act.

(c) DEFINITION.—For the purposes of this section, the term "self-funded basis" means that—

(1) an agency is authorized to deposit the receipts of its collections in the Treasury of the United States, or in a depository institution, but such deposits are not treated as Government funds or appropriated monies, and are available for the salaries and other expenses of the Commission and its employees without annual appropriation or apportionment; and

(2) the agency is authorized to employ and fix the salaries and other compensation of its officers and employees, and such salaries and other compensation are paid without regard to the provisions of other laws applicable to officers and employees of the United States.

SEC. 11. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this Act shall take effect on October 1, 2001.

(b) IMMEDIATE TRANSACTION FEE REDUCTIONS.—The amendments made by section 2 shall take effect on the later of—

(1) the first day of fiscal year 2002; or

(2) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted.

(c) ADDITIONAL EXCEPTIONS.—The authorities provided by section 6(b)(9) of the Securities Act of 1933 and sections 13(e)(9), 14(g)(9) and 31(k) of the Securities Exchange Act of 1934, as so designated by this Act, shall not apply until October 1, 2002.

H.R. 1088

OFFERED BY: MR. LAFALCE

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Securities Transactions Act".

(b) FINDINGS.—The Congress finds the following:

(1) The United States capital markets are recognized as the most liquid, efficient, and fair in the world.

(2) The Securities and Exchange Commission has been charged since 1934 with maintaining the integrity of the United States capital markets and with the protection of investors in those markets.

(3) The majority of American households have their savings invested in those securities markets.

(4) A lack of pay parity for the employees of the Securities and Exchange Commission with other United States financial regulators poses a serious threat to the ability of the Commission to recruit and retain the professional staff required to carry out its essential mission.

SEC. 2. IMMEDIATE FEE REDUCTION.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended by striking "1/300 of one percent" each place it appears and inserting "1/500 of one percent".

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) POOLING AND ALLOCATION OF COLLECTIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking "Every" and inserting "Subject to subsection (i), each"; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

"(d) OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.—

"(1) COVERED TRANSACTIONS.—Each national securities" and inserting the following:

"(c) Off-Exchange Trades of Exchange Registered and Last-Sale-Reported Securities.—Subject to subsection (i), each national securities";

(C) by inserting "registered on a national securities exchange or" after "security futures products)";

(D) by striking ", excluding any sales for which a fee is paid under subsection (c)";

(4) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively;

(5) in subsection (e) (as redesignated by paragraph (4)), by striking "(b), (c), and (d)" and inserting "(b) and (c)"; and

(6) by adding at the end the following new subsection:

"(h) Deposit of Fees.—

"(1) Offsetting collections.—Fees collected pursuant to subsections (b) and (c) for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, except that the amount so deposited and credited for fiscal years 2007 through 2011 shall not exceed the target offsetting collection amount for such fiscal year; and

"(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(2) General revenues.—Fees collected pursuant to subsections (b) and (c) for fiscal years 2007 through 2011 in excess of the amount deposited and credited as offsetting collections pursuant to paragraph (1) for such fiscal year shall be deposited and credited as general revenue of the Treasury. No fees collected pursuant to such subsections for fiscal years 2002 through 2006, fiscal year 2012, or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.".

(b) Additional Reductions of Fees.—

(1) Amendment.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (h) (as added by subsection (a)(6)) the following new subsections:

"(i) Recapture of Projection Windfalls for Further Rate Reductions.—

"(1) Annual adjustment.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section that are equal to the sum of—

"(A) the target offsetting collection amount for such fiscal year; and

"(B) the target general revenue amount for such fiscal year.

"(2) Final rate adjustment.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

"(3) Limitation on rate adjustment.—Notwithstanding paragraphs (1) and (2), no adjusted rate established under this subsection for any fiscal year shall exceed the rate that would otherwise be applicable under subsections (b) and (c) for such fiscal year.

"(4) Review and effective date.—An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (h)(1)(B) and (j), an adjusted rate prescribed under paragraph (1) shall take effect on the first day of the fiscal year to which such rate applies and an adjusted rate prescribed under paragraph (2) shall take effect on the first day of fiscal year 2012.

"(j) Lapse of Appropriation.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under subsections (b) and (c) at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(k) Definitions.—For purposes of this section:

"(1) Target offsetting collection amount.—The target offsetting collection amount is an amount equal to—

"(A) $976,000,000 for fiscal year 2002;

"(B) $1,132,000,000 for fiscal year 2003;

"(C) $1,370,000,000 for fiscal year 2004;

"(D) $1,627,000,000 for fiscal year 2005;

"(E) $1,913,000,000 for fiscal year 2006;

"(F) $1,110,000,000 for fiscal year 2007;

"(G) $1,144,000,000 for fiscal year 2008;

"(H) $1,327,000,000 for fiscal year 2009;

"(I) $1,523,000,000 for fiscal year 2010; and

"(J) $1,745,000,000 for fiscal year 2011.

"(2) Target general revenue amount.—The target general revenue amount is an amount equal to—

"(A) zero for each of the fiscal years 2002 through 2006;

"(B) $463,000,000 for fiscal year 2007;

"(C) $449,000,000 for fiscal year 2008;

"(D) $500,000,000 for fiscal year 2009;

"(E) $551,000,000 for fiscal year 2010; and

"(F) $614,000,000 for fiscal year 2011.

"(3) Baseline estimate of the aggregate dollar amount of sales.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, and security futures products) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Congressional Budget Office in making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as contained in the projection required to be made in March of the preceding fiscal year.".

(2) Conforming amendment.—Section 31(g) of such Act is amended by inserting before the period at the end the following: "not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies".

SEC. 4. COMPARABILITY PROVISIONS.

(a) Commission Demonstration Project.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

"Sec.

"4801. Nonapplicability of chapter 47.

"4802. Securities and Exchange Commission.

"§ 4801. Nonapplicability of chapter 47.

"Chapter 47 shall not apply to this chapter.

"§ 4802. Securities and Exchange Commission

"(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

"(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

"(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

"(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

"(f) This section shall be administered consistent with merit system principles.".

(b) Employees Represented by Labor Organizations.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) Implementation Plan and Report.—

(1) Implementation plan.—

(A) In general.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) Inclusion in annual performance plan and report.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) Implementation report.—

(A) In general.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) Content.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) Technical and Conforming Amendments.—

(1) Amendments to title 5, United States Code.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

"48. Agency Personnel Demonstration Project .... 4801.".

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking "or" after the semicolon;

(ii) in subparagraph (D), by inserting "or" after the semicolon; and

(iii) by adding at the end the following:

"(E) the Securities and Exchange Commission;".

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking "or" after the semicolon;

(ii) in paragraph (3), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(4) section 4802.".

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

"(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.".

(3) AMENDMENT TO FIRREA OF 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking "the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2001.

H.R. 1157

OFFERED BY: MR. GILCHREST

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Salmon Recovery Act".

SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this Act to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 3(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 3(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this Act; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 3(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) REALLOCATION.—

(1) AMOUNTS ALLOCATED TO QUALIFIED STATES.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 3(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) AMOUNTS ALLOCATED TO QUALIFIED TRIBAL GOVERNMENTS.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 3(b) as of the end of the fiscal year.

SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) QUALIFIED STATE SALMON CONSERVATION AND RESTORATION PLAN.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) CONTENTS.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;.

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this Act are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) SOLICITATION OF COMMENTS.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) TRIBAL MOU WITH SECRETARY.—

(1) IN GENERAL.—To receive assistance under this Act, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) CONTENTS.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this Act may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this Act shall be used for local and regional projects.

(d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this Act, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this Act.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this Act is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this Act shall consult with the Secretary to ensure there is no duplication in projects funded under this Act.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this Act each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this Act to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this Act.

SEC. 4. PUBLIC PARTICIPATION.

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this Act shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

SEC. 5. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this Act.

SEC. 6. REPORTS.

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING QUALIFIED TRIBAL GOVERNMENTS.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(b)(2).

(2) BIANNUAL REPORT.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this Act, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biannual report on the use of funds allocated to qualified States under this Act. The report shall review programs funded by the States and evaluate the success of this Act in meeting the criteria listed in section 3(a)(2).

SEC. 7. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term "qualified State" means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term "qualified tribal government" means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; and

(B) a village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) SALMON.—The term "salmon" means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of application of this Act in Oregon—

(i) Lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) Bull trout (salvelinus confluentus).

(I) For purposes of application of this Act in Washington and Idaho, Bull trout (salvelinus confluentus).

(5) SECRETARY.—The term Secretary means the Secretary of Commerce.

SEC. 8. REPORT REGARDING TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

The President shall—

(1) determine the number of United States citizens who—

(A) served as employees of the International Pacific Salmon Fisheries Commission or the International North Pacific Fisheries Commission; and

(B) worked in Canada in the course of employment with that commission;

(2) calculate for each such employee the difference between—

(A) the value, in United States currency, of the annuity payments made and to be made (determined by an actuarial valuation) by or on behalf of each such commission to the employee; and

(B) the value, in Canadian currency, of such annuity payments; and

(3) by not later than September 1, 2001, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the determinations and calculations made under paragraphs (1) and (2).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000,000 for each of the fiscal years 2002, 2003, and 2004 to carry out this Act. Funds appropriated under this section may remain until expended.

H.R. 1157

OFFERED BY: MS. HOOLEY OF OREGON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: At the end of the bill add the following:

SEC. . REPORT ON EFFECTS ON PACIFIC SALMON STOCKS OF CERTAIN TIMBER HARVESTING IN CANADA.

The Secretary, in conjunction with other Federal agencies, shall by not later than December 31 of each year report to the Congress to the best of the ability of the Secretary regarding the effects on Pacific Salmon stocks of timber harvesting on publicly owned lands in British Columbia.

H.R. 1157

OFFERED BY: MR. OTTER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Add at the end the following:

SEC. . SENSE OF THE CONGRESS REGARDING BIPARTISAN JULY 2000 GOALS.

It is the sense of the Congress that the Congress supports the bipartisan July 2000 goals, objectives, and recommendations of the Governors of Idaho, Montana, Oregon and Washington to protect and restore salmon and other aquatic species to sustainable and harvestable levels while meeting the requirements of the Endangered Species Act of 1973, the Clean Water Act, the Pacific Northwest Electric Power Planning and Conservation Act, tribal treaty rights, and executive orders and while taking into account the need to preserve a sound economy in Alaska, California, Idaho, Montana, Oregon, and Washington.

H.R. 2052

OFFERED BY: MR. BACHUS

AMENDMENT NO. 1: Insert the following after section 8 and redesignate the succeeding sections, and references thereto, accordingly:

SEC. 9. PROHIBITION ON TRADING IN U.S. CAPITAL MARKETS.

(a) PROHIBITION.—The President shall exercise the authorities he has under the International Emergency Economic Powers Act to prohibit any entity engaged in the development of oil or gas in Sudan—

(1) from raising capital in the United States; or

(2) from trading its securities (or depository receipts with respect to its securities) in any capital market in the United States.

(b) DEFINITION.—For purposes of this section, an entity is "engaged in the development of oil or gas in Sudan" if that entity is directly engaged in the exploration, production, transportation (by pipeline or otherwise), or refining of petroleum, natural gas, or petroleum products in Sudan.

SENATE—*Tuesday, June 12, 2001*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God our Father, all Your attributes are summed up in Your goodness. It is the password for Your presence, the metonym for Your majesty, and the synonym for Your strength. Your goodness is generosity that You define. It is Your outrushing, unqualified love poured out in graciousness and compassion. You are good when circumstances seem bad. When we ask for Your help, Your goodness can bring what is best out of the most complicated problems.

Thank You for Your goodness given so lavishly to our Nation throughout our history. Today, again we turn to You for Your guidance for what is good for our country. Keep us grounded in Your sovereignty, rooted in Your commandments, and nurtured by the absolutes of Your truth and righteousness. May Your goodness always be the source of our Nation's greatness. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

SCHEDULE

Mr. REID. Mr. President, we will resume consideration of the education bill. Senators KENNEDY and GREGG will be the managers of the bill. First thing this morning we will consider Senator GREGG's amendment regarding vouchers. There is an agreed-upon 4 hours. The Senate will recess from 12:30 to 2:15 for the weekly party conferences. We expect to vote in relation to the Gregg amendment at approximately 3:15. On the disposition of the Gregg amendment, the Senate will consider the Carper amendment regarding public school choice under a 2-hour time agreement. We expect additional rollcall votes tonight and during the week.

I spoke to the majority leader a minute ago and he wants us to work tonight late. Everyone should understand this bill will be finished this week. It doesn't matter what the people do to try to slow things down. We hope that is not the case. We will work until this bill is completed, whether it is Thursday, Friday, Saturday, Sunday. If necessary, we will go through the weekend. This bill will be completed. This is the eighth week we have been on this bill.

I ask that the time on the Gregg amendment start right now.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Dodd/Biden further modified amendment No. 459 (to amendment No. 358), to provide for the comparability of educational services available to elementary and secondary students within States.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand the proponent of the amendment, Senator GREGG, will be here momentarily. I back up what our leaders have stated. We are interested in the completion of this legislation. We have been making progress in the disposition of amendments, but we have a number of our colleagues who have said they are not ready to call up their amendments. That might have been a reasonable comment a week ago or 4 weeks ago or 5 weeks ago, but it certainly is not now. We are going to move ahead. Regrettably, there are ways we can ultimately dispose of these amendments if we are put in that position.

What is completely unacceptable and completely unfair to our colleagues is the failure to bring these amendments up and to indicate to the floor managers a willingness to work through these amendments.

We are glad to have the votes when the votes are due. We are glad to debate amendments, discuss them, and accept them when we can. We are glad to cooperate in every way. We have received the strong direction from our leader saying we want disposition. This bill has been before the Senate for 8 weeks. Members have had an opportunity to study it, to read about it, to think about it, and work with their staffs. There is no further reason for delay. We will make every effort to dispose of the amendments in a timely way. We are prepared to work long and hard on these measures. We intend to accept the leader's challenge and complete the work this week.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the time that has been running against the amendment be charged equally against both sides. I am going to suggest the absence of a quorum and request the time be charged equally.

The PRESIDENT pro tempore. Is there objection?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There being no objection, that will be the order.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. I thank the Chair.

AMENDMENT NO. 536

The PRESIDENT pro tempore. Under the previous order, the Senator from New Hampshire, Mr. GREGG, is recognized to offer amendment No. 536, on which there will be 4 hours for debate.

Mr. GREGG. I ask that the clerk report my amendment.

The PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG], for himself and Mr. HUTCHINSON, proposes an amendment numbered 536.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment printed in the RECORD of May 9, 2001, under "Amendments Submitted".)

The PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment has popularly been referred to as the choice amendment or the portability amendment. It is an amendment which is crucial to the issue of how we are going to approach education as we proceed as a nation. It is crucial for a lot of different reasons, but primarily it deals with a group of people in our country who have been left behind in our educational system. It doesn't deal with the wealthy. It doesn't deal with those of moderate income. It really deals with low-income people, most of them in urban schools, who find the school systems their children are put into are failing and that their children are being left behind.

The American dream, which is the essence of what makes our country such a vibrant nation, is tied to the ability to be an educated individual. You cannot participate in the American dream unless you are well educated, unless you can compete and participate in our society, and that requires a quality education.

So when you go through a school which does not teach, which is filled with violence or filled with drugs, when you know every day a child who goes to that school is falling further and further behind his or her peers in other schools because that school is not able to teach that child, then that child cannot participate in the American dream—you are denying that child the opportunity to participate in the American dream.

There are many attempts in this bill to correct the problem. There are many initiatives in this bill to try to make failing schools work better. Regrettably, they are not going to all work. There will continue to be schools that fail.

Today, in our system of education, literally thousands of schools across this country are defined as failing schools, and that means that thousands, tens of thousands, potentially millions of children, unfortunately, are in schools that are not educating them adequately.

So, one option that should be given to the parents of those children is to allow them, after their children have been in a failing school for a period of time and the school has not improved even though attempts have been made to improve it—to allow those children, and the parents of those children, to have other options, to go to schools where they will be able to learn, where they will be able to succeed, and where they will, therefore, be able to take advantage of the American dream.

This bill, hopefully, will include an expansion of what is known as public school choice. But there are a lot of communities in this country, regrettably, that have no public schools that are not failing to which kids can move. Therefore, the option of going to some other type of school, a private school, should be available to them.

In our society, if you have a fairly decent income, you can leave the public school system and go to a private school. A lot of people who have the income to accomplish it choose that option. The former President of the United States, for example, chose that option. But if you are a single mother, especially a single mother in an urban area, trying to raise your children on a low income, you do not have that option; you are stuck in that failing school. Your children are sentenced to that school even though the school is unable to accomplish what it is supposed to do, which is to teach your children.

This amendment is not going to fully address the issue. I wish it would, but it is not. This amendment is going to set up a demonstration program, and a very limited demonstration program, the purpose of which is to see if private school choice using Federal dollars can alleviate the problem to some degree, can allow some children today, who are not in schools that are teaching them, to go to schools that will teach them; to allow some children to have a chance at the American dream who do not have it today. Private school choice is used in a lot of public systems.

Remember, when you are talking private school choice, it sounds as if you are saying the public schools are left out of the process. In the public system, they use private school choices. Today, in the public system, the elected officials are responsible. They make the decision that children in the school system should have a choice between a public and private system. It is used in a lot of different communities. It is used in Milwaukee. It is used in Cleveland. It is used in Florida. It is used to some degree in Arizona.

The difficulty, of course, behind this is that these States and these communities have come to the conclusion that they will improve their public school system by allowing some of the children in their public school systems to have the option of going to a private school if the public school isn't working well.

This demonstration program is an attempt to follow the leadership that has been shown already by a lot of other public school districts across this country who have chosen to put in place a private school option as part of their public school education system, as I said, in a very limited proposal. In fact, I intend to modify it to make it even more limited as we go down the road. But, essentially, under the present structure, it will only be voluntary, and it will only apply to families who make less than $32,000 a year. This is not going to be a high-income option. It will only apply to families who make less than $32,000 a year and whose children are in school systems where the school has failed for 3 years. That means by definition, that child, if he or she is in the third grade, is already probably 3 years behind their peers in the school system that is working correctly.

It will also be limited as to the number of groups that can participate to 3 States in 10 school districts.

It is a very small demonstration program. It will be limited to $50 million, funds which come from outside the title I program.

It cannot be argued that the dollars to fund this demonstration program are in any way undermining the dollars available to the public school system. This will be a new pool of money available to fund the child who moves on to a private system because the school system isn't working correctly.

It will also have as a component that special consideration must be given for applications of students coming from the highest number of low-income families. It will really focus on those families who need it the most, who, in my opinion, happen to be in primary instances single moms trying to raise their kids mostly in inner-city schools.

Since the purpose of this amendment is a demonstration grant and a small one at that, it will have an extremely aggressive evaluation procedure so that we can find out whether or not private school choice under a public school system works.

Parents in our urban schools have been waiting for this type of reform for a long time. There has been a lot of rhetoric about it. About every 2 years, the superintendent of the District of Columbia school system changes. While the system of the superintendent changes, the school systems regrettably don't. We continue to see failure.

Today we have 9,000 schools across this country which are identified as failures—9,000 schools. Some have been identified as failures for 4 years, for 6 years, and for 8 years.

It is not unheard of, for example, for an entire public school district to be identified as failing. That is the case, for example, in Kansas City. Clearly the parents there, have no option. They cannot go from one public school to another public school, because all of the public schools in the districts have failed.

As a result of this failure, we have seen especially a debilitating impact on minority kids. We know, for example, that today two out of every three African-American students and Hispanic students in fourth grade can barely read. Seventy percent of the children in high-poverty schools score below even the most basic levels of reading, and half the students from urban school districts fail to graduate on time, if they graduate at all.

We need to give the parents of these children an additional option.

There is, I believe, great interest in this. You don't have to believe me. You don't have to take this as just a vague statement because there have been exercises in this area that have shown this, especially from low-income families.

The Children's Scholarship Fund, which was founded by Ted Forstmann and John Walton, created a private foundation to provide scholarships to low-income children who wanted the opportunity to go out of the public school system into a private school system. They received 1.25 million applications from poor families across the country. Unfortunately, they could only give out 40,000 scholarships. But in New York City, 29 percent of the poor families of school-age children applied. In the District of Columbia, 33 percent of families of poor children applied. In Baltimore, 44 percent of poor families with school-aged children applied.

Joseph Califano, in commenting on this, said:

> These parents sent a powerful message. They want out of schools that cannot protect their children's safety, let alone teach them. This tidal wave of applications from parents desperate to give their children an opportunity to receive a quality education must serve as a wake-up call . . . By quarantining poor—

That is probably the best way to describe it because that is what we do in our society—

> mostly minority children in schools affluent families would never tolerate, we do not preserve the institution of public education. We dishonor its guiding ideals.

Alveda King, the niece of Martin Luther King, in commenting on this, said:

> . . . some children receive a better education than others due to their parents' abilities to pay for benefits that are often missing in public schools. This inequity is a violation of the civil right of the parents and children who are so afflicted by lack of income and by the mismanagement endemic to so many of the country's public school systems.

Some would say if you take this option, you are going to undermine the public system because you are going to take kids out of the public system and put them into a private system. Of course, we really do not know what will happen because we have never tried it at the Federal level. But we do have examples of what has happened in public school systems in other communities that have tried to put in their State and local dollars.

We know, for example, that in places such as Charlotte and Milwaukee the public school systems have been perceived, at least by the local community, as improving significantly as a result of a private school choice.

A study, in fact, which was done by Harvard economist Caroline Hoxby, found the Milwaukee private school choice program pushed the city's public elementary schools to improve.

Quoting from the leadership in the Milwaukee public school system, Kenneth Johnson, vice president of the Milwaukee public school board of directors and an AFL–CIO member, said:

> Private school choice is one of the best things that ever happened to my city's public schools. . . . When choice came about, the Milwaukee Public School System had to rethink education. It's now a matter of seeing parents as customers.

Milwaukee public school superintendent Spence Korte said:

> Between choice and the general decline of live births, we're all feeling the pinch to make sure that people understand what our programs offer and, certainly that we're competitive.

In other words, the school systems are improving as a result of choice.

John Gardiner, an at-large member of the Milwaukee public school board of directors and a member of the NAACP and the ACLU, stated the following about the effects of choice on public schools in Milwaukee:

> My involvement in the MPS—as a member of the school board, as a parent and as an active and concerned citizen—has persuaded me that MPS's internal reforms require the sustained challenge and competition of the Milwaukee Parental Choice Program. The program puts effective pressure on MPS to expand, accelerate and improve reforms long deliberated and too-long postponed.

The simple fact is, we have seen in Milwaukee, which has tried public school/private school choice options aggressively, a significant improvement in the school system and a significant improvement in the quality of the education of the students, which is the basic goal.

In Florida the same situation can be cited. Florida has a statewide choice program where they rate the schools; and if you are in a school that is rated D or F, you have the opportunity to choose a private school option.

The Urban League of Miami found that the Florida voucher plan instilled in public schools a sense of urgency and zeal for reform not seen in the past, when a school's failure was rewarded only with more money that reinforced failure.

It is fairly obvious, I believe, first through just looking at the situation and in reviewing it, and from intuition, that if you create competition you usually improve a product.

The reason somebody chooses McDonald's over Burger King is because they think the product is better at one or the other. Regrettably, our public school systems have not ever had the competition necessary to improve the product.

The purpose of choice, of course, is not to undermine the public school system; it is just the opposite. It is to create an incentive for reform in the public school system which improves those systems. That is exactly what has been seen to happen in those areas of our country where choice has been given a reasonable opportunity to be tested, specifically in Milwaukee and Florida.

What about student achievement, which, of course, is the bottom line? The goal is to take these kids who have been locked in a failing school, who are reading at two or three grade levels behind their peers, who are not graduating, who, therefore, cannot participate in the American dream, and give them an opportunity.

Every major evaluation of school choice effectiveness has found significant academic gains for the students participating in those programs. Test scores in Milwaukee, Dayton, and Charlotte have all been reviewed by scholars from Harvard, Princeton, Stanford, Georgetown, and the University of Texas. In all those communities it has been determined that the kids who have been able to participate in the private school option have had their test scores go up. These, in all instances, have been kids from low-income families, urban poor in most instances, who before they had this option were left out of the American dream.

We have spent $120 billion in the last 35 years on title I, directed at trying to help low-income kids. The result of those expenditures has been that low-income kids are reading two grade levels below their peers and are graduating from high school at half the rate of their peers. There has been absolutely no academic improvement in those kids over this 35-year period. In the last 10 years, when we spent the most amount of money, the academic improvement also has not increased at all.

There has been $120 billion spent to try to help kids who have come from low-income families, and we have left them behind. It is a disgrace. We have locked these children in schools where they cannot learn because there is violence, because there are drugs, and because the school system simply will not respond to the needs of those children.

What I am suggesting in this amendment is a small step—a two-tenths of 1 percent step compared to what we spend in the rest of title I in this bill—to be applied to a demonstration—$50 million—to see if we can determine whether or not the option of giving children a private school choice is going to improve their academic achievement. It is hardly a big expense in the context of what we have done, but if you look at it in the context of what the results have been in communities such as Milwaukee and Dayton and Charlotte and the State of Florida, the returns may be overwhelming.

This could be the best investment we make in this entire bill in terms of giving kids an opportunity to learn and participate in the American dream.

Are parents satisfied with this option? If you look at the States and the communities that have used this approach, parents are extraordinarily satisfied.

In Charlotte, nearly twice as many choice parents gave their children's school an A rating as did those parents whose kids went to public schools.

In Milwaukee, 72 percent of the parents with kids going to private schools gave their kids' school an A rating as compared to 16 percent for the public schools.

So the impact is significant. The parents see it and, most importantly, the children see it in their better chance to participate in America.

One of those images that stands out from when I was a kid watching TV—and I do not even remember the Governor's full name; I guess it was Faubus, from Arkansas—I remember the National Guard going up to the school. I must have been in the first grade or so or maybe I was in the third grade. The National Guard went up to the school door, and this elected official, who was the Governor of the State, was standing in the school door saying he was not going to let this child, who seemed to be a little bit older than me, about the age of my brother—I think it was a girl—in the school. I could not understand it. Of course, we learned this was wrong. And we changed our Nation because of it.

Today what we have are people standing in that school door not letting kids out, locking them in those schools which are not teaching them. And why? Why are they doing that? Because the bureaucracy and the labor unions fear the option of giving parents a choice. It is that simple.

This is not about education. This is about the power of political groups to influence the process. When you have lost generation after generation of kids to schools that are failing, when you have 9,000 schools in this country that are designated as failing, and those schools have failed for 4 and 5 and 6 and 8 years, and you know that every child who goes through that school is not going to have a chance to participate in the American dream, Miss King is right, a civil right is being denied—absolutely being denied to those children—simply because they do not have the wherewithal to get out of that school and get a decent education.

In this bill we attempt to improve those schools that have failed. We make a huge commitment in that area. But we know we are not going to be successful everywhere. We know that. We know that in some urban areas the schools simply are not going to cut it, and the kids who go to those schools are going to be left behind.

We have an obligation, I believe, to at least find out whether or not there isn't a better way, to first give that child an option to get a decent education and, second, to put real pressure on that public school system to improve.

We have seen it work in Milwaukee. We have seen it work in Charlotte. We have seen it work in Florida. And for a small amount of $50 million, we can see whether it can work here with the Federal Government, targeted solely on the child who comes from a low-income family and who is stuck in a school that has failed for 3 consistent years.

I can't see how this amendment can be opposed, other than on the grounds that it affronts the power politics of Washington, DC, which are structured around bureaucracies and labor unions that will at all costs defend their turf, even if that cost involves a child's education.

Mr. President, I yield to the Senator from Arkansas such time as he may consume.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I thank the Senator from New Hampshire, Mr. GREGG, for his leadership on this issue. He has outlined not only what this amendment is but what it would do and why it is so important.

It would enable 10 interested cities, 3 interested States, to provide low-income parents with the option to send their children to the public or private school of their choice. The Secretary of Education would award grant money to these interested cities and States based on their application.

Under the amendment, special consideration would be given to applications which sought to serve the highest number of children from low-income families and that provided parents with a diverse range of schools from which to choose. No money would be taken away from public schools for this program. Whether it is title I or IDEA, there would be a hold harmless. Nobody would be reduced. A pool of money of $50 million would be established in fiscal year 2002 to be used for this new program.

Only children who are eligible for free and reduced-price lunch, children from families at 185 percent of poverty or below, and who attend a school that has been identified as failing for 3 successive years would be eligible to receive educational certificates for tuition under this amendment.

There is also a strong evaluation component to this program. It requires the Secretary of Education to contract with an independent evaluating entity to conduct an ongoing evaluation of the program. For all the doubters out there, we would at least be able to provide the data, to provide the evidence one way or another on whether choice really benefits students and parents and, in fact, improves public schools.

The Center on Education Policy, an independent advocate for public schools, states in their report entitled "School Vouchers: What We Know and Don't Know and How We Could Learn More," evaluation requirements are important to any public policy on school choice.

This little pittance of $50 million for the entire Nation could provide us the kind of database we need, the kind of evidence, the kind of analysis to allow public policymakers of the future to know. Senator GREGG and I may have the confidence—we may believe the evidence is there—but this demonstration program will provide the kind of evidence needed to convince policymakers, both at the State and Federal level, of the value of a choice program.

The idea of school choice is not at all new. It has been around for years. We currently have three high-profile school choice programs in Milwaukee, Cleveland, and Florida. There are a number of others around the country. They offer a money-back guarantee to parents of children in failing schools.

Taxpayers deserve to get results from funding that goes to public schools. After 35 years and $120 billion in Federal funding, it is time we hold schools accountable for enabling our children to reach high standards.

In my own thinking, as I have cosponsored this amendment and thought about the issue of what is the legitimate role of the Federal Government, do we have a role, I believe it must be very limited. I do believe, however, that a demonstration program that targets only low-income students—and that has been the basis upon which the Federal Government has involved itself in a domain that has been historically left to State and local entities; we have said the Federal Government has a responsibility for disadvantaged students in trying to narrow the learning gap between advantaged and disadvantaged students—fits the proper Federal role. This amendment targets directly those who are disadvantaged. Only low-income students from low-income families would be able to access these education certificates.

In my own mind, I have outlined five reasons I believe this amendment should be passed. No. 1, it is totally voluntary and permissive. We are talking about 10 cities in 3 States. No one would be forced. There would be no compulsion. I know some of my colleagues from Western States do not support the idea of choice. They don't see that as advantageous in their particular situation. I understand that. I ask them—not for what it might do for their rural States in which there are few choices and in which schools are widely diverse and separated by many miles—to think, as they vote on the amendment, not about their States, because it will not affect them, but about those children trapped in failing schools in the inner cities of our country, to think about inner-city Philadelphia or inner-city Washington, DC, or Atlanta or Houston where the Secretary of Education understands the value of this kind of a program and has endorsed this very concept.

No one would be forced to be involved. There is no compulsion. There would be an independent entity to evaluate and determine whether or not this was a worthwhile approach.

A report prepared by the National Research Council and commissioned by the Clinton administration recommends that Government conduct "a large and ambitious research experiment to determine whether school choice programs improve student performance." That was the recommendation of a study commissioned by the Clinton administration, issued in 1999, that said this is exactly the kind of large-scale experiment—if you can call $50 million nationwide large scale—to give us the answers to the questions posed concerning the value of a choice program.

I believe choice opponents, those who oppose the idea of allowing parents this kind of choice, should support this amendment. If in fact they are right, this will give them the data to put the stake, finally, in the idea of choice programs.

It is totally voluntary. It is entirely permissive. I hope my colleagues who have reservations about choice will support this amendment, realizing that no school district and no State would be required to participate. It is entirely permissive. Only those who are interested, only those who, on their own volition, decide they want to experiment, they want to try, they want to be a part of this demonstration program, will even be affected.

No. 2, I ask my colleagues to support this amendment because in fact it does target and benefit those for whom we have our greatest concern—low-income families. It would only be failing schools, those who have failed year after year after year. The certificates would only be for children who are eligible for free and reduced lunch.

We have a form of choice in this country right now. The choice, though, is limited to your ability to move to a new neighborhood. I am told that in Dallas, TX, there are about 158 local schools. Affluent families are limited in their choice of what elementary school to go to only by their ability to buy a home in that particular neighborhood.

Those who have the means to relocate—and it happens here in the Washington, DC, area. When people think about buying a home or a townhouse, they will investigate the neighborhood, the schools, the crime rate, and they will check out where the best schools are, which schools have the best teachers, which schools produce the best academic product. They will make their determination of where they want to locate, buy their townhouse, or build their home based upon the quality of the schools. They have their choice.

But those who have no choice are those who are trapped by a limited income and limited resources and cannot make the decision that their more affluent neighbors can make to move to a better neighborhood. Those low-income families are trapped. They have no choice.

My friends, we have a choice program in this country. The choice is whether we want to extend those choices to those today who are left out, who don't have the resources. This amendment targets only those who are in the title I category, those who are low income.

In August of 2000, Dr. Jay Greene issued a report entitled "The Effective School Choice and Evaluation of the Charlotte Children Scholarship Fund." He released the results of that study on the Charlotte scholarship program. Among the study's findings, he found that school choice improved scores, pleased parents, provided a safer environment, reduced racial conflict, operated with less money, and offered smaller class sizes and helped low-income parents.

In early 2000, John Witt, a professor of the University of Wisconsin, Milwaukee, the official evaluator of the Milwaukee school choice program, released the results of that latest study. His prior reports, which often had been critical of the Milwaukee choice program and basically concluded they didn't work, most recently changed his conclusions and said the market approach to education and analysis of America's voucher program said that "choice is a useful tool to aid low-income families."

That is the reason I ask my colleagues to join in supporting this amendment because it is targeting only the most disadvantaged. The argument so often raised against vouchers is this is only going to benefit higher income people making the choice to go to private schools and this is going to make it easier for them to flee the public schools for the private schools. You cannot make that case under this amendment. It targets and it is limited only to failing schools and low-income families.

Low-income academic improvement has been undisputed in the choice programs in this country. In August of 2000, Harvard University professor Paul Peterson and his colleagues released the results of a study of a privately funded voucher program in New York, in Dayton, OH, and in the District of Columbia. They found that African-American children who used vouchers to attend private schools made significant academic improvements. Black students in their second year at a private school had improved their test scores by 6.3 percentile points—a striking advance at a time when schools around the country were showing an inability to close the achievement gap between white and African-American students.

If we are really concerned, as we insist we are, in increasing title I funding because of our concern about disadvantaged students, everyone who says that should support this amendment because it can only benefit those who are least advantaged today.

Another piece of evidence is that test scores of low-income children are consistently improving when they are placed in schools with middle-income children. For example, a congressionally mandated 4-year study of about 27,000 title I students found that poor students who attended middle-class schools performed significantly better than those who attended schools where at least half the children were eligible for subsidized lunch. The contrast was even greater with schools in which more than 75 percent of students lived in low-income households. I think that is very compelling; that this kind of a demonstration program, this kind of a choice opportunity is going to be particularly beneficial academically for low-income, disadvantaged students who now would be able to be shoulder to shoulder in a school that had higher income students—what we call middle and upper middle class students. The evidence is that when put in that classroom context, academic scores go up. I ask my colleagues to support this amendment because, in fact, it targets and benefits the most needy—low-income students.

Thirdly, it takes absolutely nothing from the public schools. No State will lose money. Not a State in this country would see their portion of Federal funding reduced because of this amendment. There would be no title I reductions; there would be no IDEA impact. All of the kinds of traditional arguments we hear against choice programs are taken off the table by this amendment. No school would lose money; no public school would be hurt. It would merely provide an opportunity—a small opportunity indeed—for $50 million statewide, 3 States, 10 cities—but it would begin to give us the evidence we need, and it would give hope to a few who would be able to participate in this demonstration program.

It answers the main concern that opponents have raised, and that is that it is taking money away from public schools. It will not do that. I think that is evidenced by the fact the Washington Post endorsed the Gregg amendment. Everybody—all my colleagues—has on their desk a copy of that endorsement. Their concern has been that these kinds of choice programs are going to take money away from the public schools or they are going to only benefit higher income people. This amendment addresses both of those concerns. That is why the Washington Post has endorsed this amendment, because it targets the low income and will have no negative impact on public schools.

Fourthly, I ask Senators to support this amendment because this whole concept is, in fact, immensely popular. It is supported by the vast majority of the American people—this kind of idea to give parents more choices and more opportunities.

For example, a congressionally mandated 4-year study of about 27,000 title I students—I made reference to that, but they showed great academic improvement. The popularity of this program is becoming increasingly beyond dispute.

In March 2001, the National Education Association released their findings from a recent survey in which a clear majority of the American people supported the President's proposal to allow parents of children in chronically failing schools to use public dollars to send their children to a public, private, or charter school of choice. In fact, 63 percent favored giving them tuition vouchers worth $1,500 a year, as the President originally proposed.

Frankly, I wish we had done what the President campaigned on and what he proposed doing, in taking part of that title I money, the Federal dollars, for low-income children, and in chronically failing schools that failed in 3 successive years, giving them the opportunity to take that money and use it in private schools, with tutors. That has been watered down, diluted, and basically removed. All that remains is supplemental services, not a voucher at all. I wish we had done that. The American people supported that. But we didn't and we are where we are. This is our opportunity to at least give it a try. It is supported and is very popular.

Senator GREGG cited the statistics during his opening comments that last year the Children's Scholarship Foundation, a private scholarship fund, offered 40,000 scholarships nationwide and had one and a quarter million applicants. Maybe that is the best evidence. Maybe that is the best evidence of the popularity of this approach. Those one and a quarter million applications were in spite of the fact that applicants had to match the scholarship with $1,000 of their own money. Low-income, poor families were willing to put up $1,000 in order to be able to participate, to have the choice that wealthier, higher income people have every day.

This is a popular concept. It is something we as a Senate, we as a Congress, should give a trial opportunity—or fail. We should not buckle under to the teachers unions and those who are wedded to the status quo. If we are concerned about leaving no child behind, this is an amendment that ought to get overwhelming support in the Senate.

I ask my colleagues to support this amendment because it fosters competition and innovation. I believe competition between private schools and public schools benefits all children in this country.

I have often used the analogy of our higher education in this country. We have, indisputably, the best higher educational system in the world. Travel the world; we find leaders in most of the countries of this world who have received part of their higher education in the United States. Foreign students flock to this country to receive the best in higher education. How did we achieve that? We created a system of Pell grants. One can take that Pell grant and go anywhere, any accredited institution: public, private, parochial or otherwise. That competition has enhanced the quality and the academic standing of all of our institutions of higher learning. It has fostered innovation and made our colleges and universities world class by all standards.

Then we look at elementary, look at high school, and see between 4th grade and 12th grade this steep decline in our competitiveness with other nations. The difference is, in higher education, there is choice; in elementary and secondary, there is no choice unless you are wealthy enough to take advantage, unless you have the resources. Then you have choice.

Why should we not give low-income parents the same opportunity, the same choices, the same chance to give their children the opportunity to live the American dream that their more affluent neighbors have? That is the heart, that is the crux of the Gregg amendment.

I believe, as we have seen in Milwaukee, public schools will improve and academic achievement for all students will improve. It is one of the interesting things about the Jay Greene study on the Florida A+ program. It was not just the students who were beneficiaries but the public school institutions that are the winners. He found when a public school failed for the second time and they began to have the threat that some of their students might depart and receive opportunity scholarships to go elsewhere hanging over them, suddenly those test scores began to increase. In fact, they increased twice as much as those test score achievements in other schools. So the schools of all stripes are the winners under a program such as this. That competition is healthy.

America today has, whether we admit it or not, a nationwide school choice system. It is a school choice system that is rationed, rationed educational opportunity, through the housing market—where you can afford to live. If you can afford to move out into the suburbs, if you can afford to go and pick your neighborhood where the good schools are, you have your choice.

We have a very class conscious choice system in this country. The Gregg amendment says shouldn't those who stand to gain the most, those who are the most disadvantaged, those who are in the lowest income homes, have some choices, too? They have been locked out of those choices. They have been trapped in failing schools. They don't have the opportunity to move away from their neighborhood. When given the chance, through private scholarships, limited as any are, the private scholarship students have taken those opportunities because they know what is at stake is the children's future.

That is why I ask my colleagues to consider this amendment—not just to write it off as a choice program that may or may not benefit your particular State, or to write it off and say, I have always said I oppose choice so I will vote against this without even examining what it does or who it targets, or to say, I don't want to take the heat I might receive from the National Education Association or other groups that are wedded to this system we have had for 35 years. If we believe our commitment and our responsibility as Federal public policymakers is to help low-income, help disadvantaged kids, then look at this amendment.

I remind my colleagues again, it takes nothing away from the public schools. It does not diminish by one dime the resources they have. It targets only the low income.

Let's give it a chance. Look at the data: $50 million, 3 States, 10 cities.

Let's give the most needy in our society the same choice the most affluent already have.

Mr. GREGG. I thank the Senator for his excellent statement and yield to the Senator from Tennessee 5 minutes.

Mr. FRIST. Mr. President, I will be brief. I rise in support of the Gregg amendment. The amendment is locally initiated, limited in scope, and voluntary. It is a pilot program. It takes nothing away from other educational funds. It involves a rigorous evaluation to monitor whether the pilot program is successful.

The power of this amendment is in how it addresses the underlying premise of leaving no child behind, the premise that no child should be locked in a failing school, a school that fails year after year after year. It gives parents the right to do what is best for their own children, giving them opportunities, giving them alternatives if their children are locked in a failing school.

Imagine a married couple making $30,000 a year. Their fourth grade daughter attends a school which fails to meet national standards. This school is failing to adequately education their daughter. The parents know their daughter's future depends on the education she receives from the school she attends.

The daughter graduates to the fifth grade, and again, things do not seem quite right. At the end of the year, by national standards, they find, once again, this school their daughter is attending has failed and has not improved. Again, they know their daughter's future depends on the quality of the education she receives in reading, math, and science. She goes on to the sixth grade.

At the end of the sixth grade, she is not progressing. In fact, she may be one of the 30 or 40 percent of the students who are proficient at only a very basic educational level. These parents have sent their daughter to a school which has failed to adequately education her for 3 years. As things now stand, these parents have no choice to improve their daughter's education. She is trapped in a school that is failing.

They only make $30,000. They watch, as some of their neighbors who earn a middle class or higher income leave the school district. Their neighbors have a choice because of their personal income. By moving, they say: we will not allow our children to continue in this failing school year after year after year because it destroys the opportunity for our children to experience the American dream we talked about this morning. But the parents of this daughter don't have that option. They can't afford to move. They only make $25,000 or $30,000. They have no choice. They are trapped. They are trapped.

This is the focus of the amendment at hand. For the first time, low income families—those who earn less than $32,000 a year—will have the opportunity to choose. They will be able to remove their children from a school which has failed for one, two, three years and place them in another educational facility so their children have the opportunity to realize that American dream.

This is why I believe so strongly in this pilot program proposed in the amendment put forth by the Senator from New Hampshire. This amendment gives parents a right to do what is best for their child. We have too many failing schools today. Nine thousand schools in our country have been identified as failing, and many of those schools have failed for 4 years and 6 years and 8 years. These are the sorts of school districts we hope to give this voluntary opportunity, this choice, this option for parents to do what is best for their child.

There is broad support on this issue, as the Senator from Arkansas has pointed out. Parents, especially low-income parents, broadly support school choice. The Children's Scholarship Fund is a nonprofit private foundation which provides K–12 scholarships for low-income families. When they put out their call for applications, over 1.25 million applications from around the country came from poor families. Right here in the District of Columbia, 33 percent of the families eligible for those scholarships applied.

A recent poll conducted for the National Education Association found that 63 percent of Americans support choice for children who attend failing schools. Support for choice is highest within the African-American community.

This amendment is good for public schools. Again, as pointed out, competition is a factor that we know produces quality products and services in America today. In order to improve our public schools, competition must enter the educational equation. This is one step in the right direction.

Second, this amendment is locally initiated. The application must be made at the local level. Washington must not force choice on a local community. This amendment simply opens the door for those who wish to participate in this pilot project. It empowers State and local education authorities to initiate this program.

Lastly, it is limited in scope. To qualify, families must meet two criteria: Families must earn less than $32,000 a year and must attend a school which has been failing for 3 years.

For these reasons, I urge support for and ultimately passage of this very important amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I thank the Senator from Tennessee.

I yield to the Senator from Alabama 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire for his leadership and dedication on this issue. He cares about children deeply. He cares about public education. He wants to see it more successful. This is not some sort of plan to weaken public education.

As I have listened to him discuss his vision for making sure children are not trapped in schools that are utterly failing and having their futures damaged, I have become convinced, as much as I believe in public education, that this is a project we ought to try. We ought to allow this opportunity for alternative ways, particularly in programs for low-income children in failing schools, and let's see how it works.

I think it is appropriate for the Federal Government to utilize money under these circumstances to help analyze, through very effective examination of these programs, whether or not they are working. If it is clearly a benefit, maybe we ought to do more. If it is not a benefit, maybe that will be the end of it.

I certainly think allowing 3 States that voluntarily choose to participate in this program, 10 cities that voluntarily choose to participate—not who are made to participate; it is their option if they would like to participate in this program—let's try it, but let's monitor it, let's watch it, let's see how it goes. I think we may find progress will be made.

We do know one thing for sure. There are nearly 9,000 schools in America that have been identified as failing, many of those for a number of years, some 4, 6, 8 years failing consistently. I think it is inconceivable—really immoral—not to take some steps to deal with that circumstance.

These children are falling behind in those schools. Those children have to be falling behind. They are not receiving the quality of education other children are receiving in succeeding schools. It is difficult for them. They come, many of them, from not an ideal home life, and then they are sent to a school system that is failing. No wonder they tend to have great difficulty.

What can we do for them? I was a U.S. attorney for a long time. A lot of people haven't thought about this very clearly, but the law requires them to go to that school. They do not have any choice whatsoever. If they live a few blocks over this way, they may be in a school that is quite successful, but because they are in this school district, they must, by law—all over America, that is the pattern—they must go to that school. They are ordered to go to that school. Many times they are being ordered year after year, week after week, day after day, to go to a school that is not functioning and is not succeeding.

There is something wrong about that. I know people, as the Senator from Arkansas said, who check out the school district, and they have the money to decide where they want to live, and they move to a district where they are comfortable. People know the schools that are working and the ones that are not. I think we can do better.

This is a voluntary program for only 3 States if 3 States apply, 10 cities if 10 cities apply, to let them try these programs under a strict evaluation process. I believe it can be helpful for America.

The moneys that will support this will not in any way come from existing programs. It will provide new money but not a whole lot of money to make this occur. It requires families be poorer families, not people who have the money themselves to perhaps take advantage of choice. No title I money will be spent. Rather, an additional $50 million will be made available to the handful of cities and States that choose to participate in this program. It provides additional resources to carry out this demonstration project that I believe will work.

The evaluation that will occur is going to be healthy. It is going to examine and measure student achievement in the alternative situation. It is going to measure parental involvement in education with parental involvement increased. It is going to evaluate the satisfaction of parents and all involved in the program. And it will evaluate the overall impact on the performance of the public school system. In other words, if it is damaging the public school system, we will find that out.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SESSIONS. I will just wrap up and say the Secretary of Education, Dr. Paige, tried it in Houston, a huge school system—I ask for 1 minute to wrap up—favors this idea.

Mr. KENNEDY. We have no objection.

Mr. GREGG. I yield the Senator 1 minute.

Mr. SESSIONS. He said in Houston it made them better. In the first year or two, they lost some students and people complained. He said: I supported it. If people could get a better education somewhere else, it was all right with me. I cared about those children. But—he said—do you know what happened? We improved our school system so much in Houston that as years went by they were coming from private schools to the public schools; the public schools grew at the expense of private schools because we got better. He said there is no way a private school can succeed and beat a public school in the long term, if it is run right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will yield myself 30 minutes. I would like to be reminded when I use 25.

H.L. Mencken said at one time that for every complex problem, there is a simple easy answer, and it is wrong. That is what we have here, a simple, easy answer to all the problems we are facing in our troubled schools across this country, and it is basically and fundamentally wrong; it does not work.

I will take the time to illustrate the flawed nature of this amendment, and those Members with further interest are welcome to contact our office, and we will provide a more detailed account of the state of education in each of the cities that host voucher programs. These programs have not worked. Vouchers do not work. Furthermore, this is not really a debate about true "choice" because, under this amendment, parents would not exercise a choice. Schools would exercise a choice.

It is not a parent, it is not a 30-year-old mother with a single child who makes a decision to go to a private school. That is malarkey. That does not exist. Under this amendment, the decision is made by the school.

I have listened to speeches time and time again state that approximately $130 billion has been expended on title I, but we haven't seen increased academic achievement among the nation's students in need. Meanwhile, America spends nearly $400 billion annually on elementary and secondary education. Those skeptical of increasing funding for education cite $130 billion over 20 years or 30 years. The real reason we have poor schools and low student achievement is that we have not yet stepped up to the plate. Federal dollars provide only 7 cents of every dollar spent on education in this country. The remainder of the responsibility rests with States and local communities. It is the responsibility of States and local communities to provide local schools with the help that they need to succeed. We are trying to address this issue at the federal level, but cannot do it alone. I think we have a good bill that can make a difference if it is adequately funded.

With all respect to my colleagues, they have spoken about about leaving no children behind, yet they leave two-thirds of the children behind with the funding currently provided for Title I. In the past, we have shed crocodile tears all over the Senate floor about leaving children behind. They are already being left behind, and that is wrong. As the allocations of current funds demonstrate, and under the current budget proposed by the President, 3.7 million children will be provided funding. Under the Dodd-Collins amendment, we have proposed funding for 5.7 million children, building up to full funding. That amendment has now been accepted to this bill.

Along with an oratory on leaving no child behind, let's also ensure that we truly do not leave children behind. Let's commit to securing the funds so that no children are left behind. And with that, we really need to dismiss this voucher argument. If we really are interested in no child being left behind, then let's make sure that we aren't going to leave them behind.

My friends and colleagues again provide the same talking points on failing schools. They are good talking points. But they are only good. They are not terribly good. We currently have approximately 10,000 schools. It would cost $1.8 billion to turn these schools into high-performing schools. But are those funds in the budget? Are those funds requested by the President? No. If we are serious about turning those schools around, we know how to do it. It takes reforms and it takes investment. We are on the road to success with the reforms, but we have not yet seen the investment.

Supporters of this amendment also claim that the $50 million to fund this program will not come from Title I. If not from Title I, then from where? This investment in vouchers has been portrayed as an investment that would not siphon funds in the federal budget away from education. Where in the world is this magic $50 million coming from? I don't know where it is. It is out here. They keep referring to it. I think we ought to take that magical pot with a never-ending fountain, invest it, and try to do something that is going to make a difference; that is, address the problems of failing schools. That is what we ought to be doing. But that is not the proposal here. This $50 million is, of course, money that could otherwise be spent in terms of helping and assisting schools. Under this amendment, schools in need of assistance would lose.

First of all, all of us understand the importance of the public school system and what a difference it has made in the hopes and dreams of families all over this country. I went to private school. I have a grandchild going to a public school, and nieces and nephews who go to public schools. Most of them are going to private schools. But I was able to go to a public school with good teachers. I was able to go to a school that had a curriculum that was a good curriculum. I was able to benefit from those.

We are trying to say let's try to do what we know works, and do that for children all over this country. We know what works in education. But vouchers don't. I will come to that. We know what works.

We have invested in what works—not completely the way I would like. But it isn't completely the way that I know my friend, Senator GREGG, would like, or that President Bush would like. It is a compromise. But it is one that we can defend, if it is funded and invested in, because we are going to make sure that we are going to get better trained teachers and have opportunities to have smaller class sizes. And there are going to be evaluations on that.

I don't know how many times I have listened to my friends and colleagues over here talk about why this is different. You know why this is different. It is because in the old days, we just provided the resources but we didn't have the accountability. In the old days, we provided funds to States to use to build swimming pools and purchase football uniforms. States did not target funds to the neediest children with block grants.

We will continue to provide funding for our neediest children, but we are going to have accountability. That is the President's proposal, and that is our proposal. He wants annual assessments in the third grade and the eighth grade. Those assessments will help States measure progress. If schools don't measure up with annual yearly progress, States will take action. They will provide the resources to reform schools, and reconstitute them if necessary.

Hello. Not with the schools to which Mr. GREGG wants to permit these children to go. No, no. There is no guarantee in this amendment with that plea about that matter. I want to talk to that matter. If that matter happens to be limited English speaking, forget about going to these schools. Do you understand that? Forget about it. They do not have to take your child. And they don't, more often than not. If your child has a disability, forget about going because they do not have to take your child. IDEA doesn't apply to this. There is reference in here that IDEA applies. But it doesn't apply to private schools. If they are disabled, forget about going. If they have a disability, forget about bringing your child in. If you are a homeless or migrant student, you will not be guaranteed services. You have no guarantee. Forget about going to that school.

Do you get the picture?

It is very interesting. According to a 1998 survey conducted in conjunction with a Department of Education study on public school students and private schools, private schools indicated that, if they were required to accept public school students—look at this: Randomly assigned. What about saying there are a lot of children in that school, and all of them want to go to a particular school. Let's take randomly assigned students who go to a public school and later to a private school. Entrants decline by one-half. And 68 percent of private schools indicated that they would be unwilling to accept students with learning disabilities. 68 percent would be unwilling to accept students with limited English proficiency.

Under this condition, the percentage of schools that would definitely be willing to participate declines from 77 to 36 percent.

Hello. This great experiment in democracy of making sure that every child is going to have this choice and not have the needy schools that are failing on that, basically it is going to be a decision for private schools to make a judgment with regard to who they want, and make a conscious selection.

The idea that this is going to open doors for parents whose children are in failing schools as a way out raises a false hope, and it is one that should be rejected.

We are strongly committed to trying to do something about it. I know the Senator from New Hampshire is strongly committed. We know what has to be done. We are going to ensure that, with real accountability, schools will take steps to make sure they make annual, yearly progress, even based upon the existing tests in the old 1994 act which States already have in place. Schools will constantly have to make progress.

There is going to be a range of supplementary services available to children. They are going to have additional options to go to public schools if they need to. There will be afterschool programs available to them. There will be summer programs available to them.

As we accepted last night, there will be funding for creative summer programs which we have seen work in Boston last year. In those programs, they tied employment to reading. And children in that program, after 6 weeks of employment, increased their reading scores by 1.7 years. That is real progress taking place. We are strongly committed to that. But we want to provide that for all the children.

That is our commitment—high achievement for all children. Of course all of these parents who are faced with the prospect that their children will not make progress in the schools, if someone offers them a phony lifeline and says this is going to answer your problem, everybody is going to vote for that particular kind of opportunity. But that isn't being true to the complete picture.

We are trying to say we know what works. We are going to invest in these programs. We are going to move all of these children along together because we are one nation with one history and one destiny. We are all going to move along together.

That is what this commitment ought to be—not just to try to find some way that perhaps that one child or two children can move on. Good for them. But we want everyone to move along together. That is what our commitment is.

Private schools are not required to have assessments in their programs in the manner that the President has talked about. They are able to be selective about who will attend their schools. We are considering a proposal to divert scarce resources away from the nation's public school systems, where 90 percent of America's children receive an education.

If we find that the children going to the private schools today would like to go to the public schools, do you know what percent could go? Four percent. Of all of them, 4 percent could go to private schools. So what are we saying out there? Are we going to have an experiment that is going to be out there, and only 4 percent can go? This makes no sense.

Now let's get back to the facts about whether there are any meaningful, positive results from these experiments, in the first place, where they have been tried.

The first 5 years of the Milwaukee voucher program showed no achievement differences between voucher students and comparable students. That is from the University of Wisconsin at Madison report, their 5-year report. It is the Witte study.

Followup studies found that voucher students made no gains in reading and only small gains in math. In fact, low-income students in Milwaukee public schools that reduced class size outperformed voucher students in reading and did as well as voucher students in math. That is the Princeton study.

Cecilia Rouse, 1998, a State-sponsored independent evaluation of the first year of Cleveland's voucher program, conducted by researchers in Indiana—not up at Harvard, not at Yale, not at Princeton; in Indiana—found no significant achievement difference in all subjects between voucher students and comparable public school students. In the second year there were no achievement differences, except a slight advantage for voucher students in languages.

The recent Jay Greene study on the effects of vouchers in Florida is also in serious question. Many researchers found that the Florida vouchers did not enhance reform in public schools, other factors did. Some researchers did suggest that the threat of vouchers for students failing public schools caused math and writing gains among Florida's lowest performing public schools to increase. But Greene's research overestimates the effect of being designated a failing school and offers no evidence that the higher estimate test score gains by failing schools should be attributed to the threat of vouchers.

What else? We could go down the list. I have the studies for virtually all of the voucher programs here. We can take some time and go through this. Later perhaps, in the afternoon, we will have an opportunity to go through them. I will include in the RECORD the analysis of the cities that have been mentioned in this debate, and others, in a very limited way, and ask they be printed in the RECORD so as to demonstrate that.

On the contrary, where have we seen the most progress made? Have we seen the most progress made in any State which has had vouchers? No. The most progress that has been made is in the State of North Carolina. In the State of North Carolina, public school reforms have been similar to those in Florida and have been initiated without vouchers, and student achievements have risen. The results are further reason to doubt the effectiveness of vouchers in public school reform.

The achievements in North Carolina have been notable. Every review, every evaluation, every examination, and every study finds unequivocally that North Carolina has made this significant and dramatic progress.

Here are the Rand studies. The Rand studies show that the gains in Texas and/or North Carolina, in both reading and math, were much higher than the average State gains and close to that of the State with the highest gains. If we were to average the gains across the States, North Carolina and Texas show the highest average gain among all the States. Do they have vouchers? No.

Here are the two States that are doing, what? In the bill we are investing in well-trained teachers, professional development, smaller class sizes, safer schools, afterschool programs, working with schools that are in trouble, as North Carolina does, in terms of closing down effectively the schools and putting them under new leadership, and bringing around new curriculum with new evaluations to benefit the children, having summer school programs—all of those that are out there—and having early reading programs, which is one of the areas Governor Hunt was so concerned with and is shown to be so important and successful, and a program included in this legislation providing for early reading programs.

I wish we could expand that. It is $75 million. That ought to be expanded for a nation when we know what is happening. Why are we talking, on the one hand, vouchers, for which there is virtually no evidence—we can stand around here all day and talk about the different tests, but the fact is, when you take the review of States that have made meaningful progress in terms of advancing academic achievement, they are not relying on vouchers, they are relying on the kinds of things we have in this legislation.

I find this proposal enormously troublesome for other reasons as well. If you look at the "eligible entity":

> The term "eligible entity" means a public agency, institution, or organization, such as a State—

This does not say it is going to go through the local superintendent of schools—

> a State or local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary. . . .

I do not quite understand this, in any event, because I wonder if in Boston the superintendent and the mayor say, "We don't want it," and then they are able to go out and the Secretary gets some other public agency. It appears to me they would be eligible to develop a voucher system in a community. I would have thought at least they would want the superintendent of schools to say that, to give them the authority and the responsibility.

I think we ought to get back to the fundamentals. We know what works. And we know what works is investing and taking advantage of the kinds of things that have happened in this country over the period of these recent years, and building on those. We know what a difference that can make in terms of the children of this country and having well-trained teachers in the classroom, having the smaller class sizes, having a well-thought-out curriculum, having evaluations of the progress children are making with well-thought-out examinations and tests—not tests that are just a mechanical rote of knowledge, but also a thinking process for these children—helping and assisting with supplementary services, summer programs, afterschool programs, doing all of that.

There are schools that are not going to measure up. We are taking the kinds of items that are included in this bill, in terms of over a period of years, and putting the emphasis and stress on math and reading. They have the high priorities in the bill. This is what works. If we adopted this amendment, we would be drawing down scarce resources that would otherwise be used—make no mistake about it—to benefit all of the children. If we took those resources out and used them on a program that is largely discriminatory—because it does not give the guarantee of choice to the child or to the parent. It still makes the choice in the school's interest, not the child's interest. It does not provide for how that child is going to be evaluated. It completely is exempt from all the kinds of evaluation this President has talked about. How can you have that?

He talks about having evaluations and making sure children are going to learn and insists they have the annual test. And on the other hand he says, if you go to a private school, you don't have to do any of that.

What is happening here? What possible sense does that make? And he leaves it up to the school to make the judgment and decision, and without giving the protection to many of the children whether they are disabled children, limited-English children, other children with any kind of special needs. I think that is a failure.

Let us take the resources we have available and invest them in our children, invest in their future, invest in what we know can work, invest in this new partnership we will have with the Federal Government, the States, and local communities; the new partnership we are going to have involving parents, teachers, and the local communities. I think that is what we ought to be about.

Finally, I think on the whole issue on the vouchers, obviously, there are constitutional issues. I know in the remaining time that I have—I will not take the time to go through it, but there are serious constitutional issues as well.

But I strongly oppose this amendment just on the basis of the policy questions. These programs have not demonstrated effectiveness. The public, by and large, has rejected these issues time and again, across this country, and more than 80 percent in the District of Columbia. I know there is a potential voucher amendment for the District of Columbia.

This has been rejected across the country. When people know we are going to be serious about making a difference in investing in children and in the kinds of educational programs that are positive and will result in academic achievement and accomplishment, when we do that, the American people understand the importance of that type of investment. That is what this bill is about to do.

Its great failure to date is the fact that we have not received the kinds of assurances from the administration that they are going to make sure the benefits of this legislation are going to reach all of the children.

Mr. President, I see my colleague and friend from Michigan is here. I yield 5 minutes to the Senator.

The PRESIDING OFFICER (Mr. Edwards). The Senator from Michigan.

Ms. STABENOW. Mr. President, I thank my friend and colleague from Massachusetts who has been such a stalwart in advocating for our children throughout the process as it relates to this education bill. There has been give and take and working together in a bipartisan basis to formulate a bill that will focus on increasing accountability, goals for our children, but also resources. Many of us have been saying over and over again how the resources have to be coupled with the accountability so that every child has the opportunity to learn and we truly leave no child behind.

I rise in opposition to this amendment related to private school vouchers and speak on behalf of the people of Michigan who voted in the election last November resoundingly against a similar proposal that was on the ballot in Michigan. There was a lot of thoughtful discussion on both sides. The public resoundingly said no and focused on what I believe to be a very wise course, which is to focus on making sure that every child in every school has the opportunity to learn and that we strengthen our public schools.

I have great respect for friends and colleagues who choose to send their children to private schools. We also know that even if 10 percent of the children in our public schools went to private schools through vouchers, we would still be faced with needing 5,000 new schools in the next number of years and doubling the number of schools in the 10 largest school systems in America, at a cost of $40 billion. Those costs don't go away. The needs don't go away. If a few children leave, you still have the majority there who need to have technology in the classroom, who need to have smaller class sizes so they can learn.

What we have found is that the voucher system pulls resources away but, in fact, does not improve education for all children.

I remember when we were debating a few years ago—maybe 3 years ago—the D.C. schools. We had, literally, roofs falling in. One fall, as school was getting ready to start, there was a proposal that, as the roof was falling in, we ought to have vouchers for 2,000 children out of 78,000 children in the Washington, DC, schools—that 2,000 ought to be able to have vouchers. There was a big debate about the 2,000 children and not a debate about the 78,000 children who still would be in schools that had broken roofs, schools that would have wastepaper baskets in the corner catching the water. The resources that were being debated to be pulled out for vouchers would not allow fixing of the roofs. It didn't make any sense.

In the end, we were fortunate that proposal did not pass at that time.

What we know is that over 90 percent of our children attend schools potentially facing budget cuts, potentially facing challenges relating to resources. We also know that we want every school to increase accountability. We want to make sure that if a public school is not working, the school system has the capacity to shut it down, to change personnel, to do the things necessary to increase accountability.

I believe strongly that needs to be done within the context of our public schools so that every child has the opportunity for people to be fighting for the best quality possible for them and not just diverting a few children away from that system while the rest are in schools that are not up to standards.

This is an incredibly important issue that we need to send a strong message, through a "no" vote on the amendment, that we support strengthening our public school system for every child. We have schools now doing wonderful work. We have schools now that are in trouble. We need to make sure that through what we are doing federally, we are recognizing and applauding and saluting our quality public schools and that we are providing the resources and the accountability which our children deserve and our families deserve, to make sure that no matter what door you walk through in what public school, in which neighborhood in the United States of America, you know that your child is going to receive the very best quality education.

That is what this fight is all about. I believe this amendment takes us in the wrong direction. I hope colleagues on both sides of the aisle will vote no and we will get back to the business of strengthening our public schools through this important legislation.

Mr. KENNEDY. Mr. President, for 1 minute, on North Carolina, a recent Rand Corporation report found that between 1990 and 1996, students showed the highest average annual gain in the National Assessment of Education Progress, the NAEP, reading and math tests. Those are national tests. SAT scores have risen 10 years in a row. The scores have improved more than any other State—a 40-point gain between 1990 and 2000, 10 points higher than the three other States with big gains.

Most recently, the States average SAT moved up as well between 1999 and the year 2000. This is a State that is doing it right. We tried to benefit from their experience.

The Senator from North Carolina, who is now presiding, was a particular help to our committee in sharing the experiences of North Carolina and ensuring that many of those very important aspects that have been successful in North Carolina would be available to benefit local communities in this legislation. That is the kind of thing we ought to be investing in so that all children will benefit.

I yield 10 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am here today because I strongly believe that Senator GREGG's voucher amendment moves this country and our public schools in the wrong direction.

All of us stand for equal opportunity for all children. This amendment might open doors to a few children, but it would shut them for many others. In the Senate, we are fighting to improve our public schools with resources. This amendment uses public funds to send a few students to private schools rather than investing in schools that serve all of our children.

We need to think about the consequences of this voucher amendment. In the bill before us, we are insisting on accountability for the use of Federal funds. This voucher program would funnel taxpayer dollars into schools that are not accountable to the public at all.

Beyond lack of accountability, let's remember that private schools don't even have to meet the same academic standards required for all public schools. Not all private schools are created equal. There are a lot of good ones, but there are some with lower quality and lower standards, and our tax dollars would go to them as well with no accountability.

Private schools are important. I am not here to speak against private schools. I am here to speak against an amendment that would damage public schools.

Mr. President, I want to talk about the four simple reasons I oppose this amendment. Vouchers undermine our public schools; vouchers leave children behind; vouchers mean less accountability; and vouchers are a distraction from the hard but essential work of ensuring that all public schools are good schools.

Our public schools are the cornerstone of our democracy, our communities, and our economy. They are entrusted with giving more than 90 percent of our children the education they need to be productive citizens. Vouchers would weaken public schools by diverting already scarce funds needed for smaller classes, afterschool programs, better facilities, and teacher training, to pay for private school tuition for a few select children—which really leads to the second reason I cannot support any voucher scheme.

Private schools may reject students for almost any reason, including disability, limited English proficiency, behavioral challenges, or academic deficiencies. Despite the rhetoric of this amendment, vouchers do not offer true choice for students. While parents may remove children from public schools, no voucher system guarantees admission to the school of their choice. Private schools will still choose which students they will admit.

While vouchers drain money from public schools to help a few students, other students are left at a public school with fewer resources. That will not help our kids succeed. In fact, it will probably lower the quality of education for the most challenged students, effectively leaving them behind.

Proponents of the underlying bill, including the author of this amendment, have said that accountability provisions are the key to not leaving students behind.

Well, Mr. President, my third objection is that this amendment would make these accountability provisions meaningless for thousands of students. This bill requires that the results of new reading and math testing in grades 3–8 be used to judge the quality of all public schools, and it sanctions schools that fail to make adequate yearly progress. But those accountability provisions and testing do not apply to private schools that benefit from vouchers.

If this accountability is truly essential to ensuring a good education, should it not apply to all schools that receive Federal funds?

Under this voucher plan, participating private schools do not have to give the same tests. They do not have to make adequate yearly progress. And they cannot be sanctioned. Public schools must comply with all Federal, State, and local civil rights, and health and safety requirements.

This voucher proposal doesn't even require participating private schools to protect the civil rights of school employees, or to maintain the separation of church and state.

Mr. President, I cannot support spending taxpayer dollars on schools with no public accountability.

Finally, vouchers drain away the resources and attention that should be focused on turning around low-performing schools. Vouchers offer an excuse to those who are unwilling to make the necessary investment or to roll up their sleeves and get involved in the hard work of leading a struggling public school into success.

Turning around low-performing schools is not magic. Hard-working people all across the country are doing it every single day.

Mr. KENNEDY. Will the Senator yield for a question?

Mrs. MURRAY. I am happy to yield.

Mr. KENNEDY. The Senator just made a comment that I think is particularly pertinent to this discussion on the question of accountability. Here in the legislation that we have before us—as we have debated over the past 7 or 8 weeks, much of that debate has been on accountability. But could the Senator indicate what her position is with regard to accountability for the schools where the children might be able to gain entry if they take these vouchers—what kind of accountability will be in place there? Are those schools included in this same kind of rigorous accountability, or will we be investing money in schools and not really know their impact on our children's future?

Mrs. MURRAY. Mr. President, it is very clear that as we have listened to this debate in the Senate, Senators on both sides of the aisle believe that the key to the success of the Elementary and Secondary Education Act is accountability, and a part of that is testing. The voucher system would mean that students could take public taxpayer dollars to a private school that has no testing requirements similar to the public schools, has no accountability, requires no accountability, and thus we are just sending taxpayer dollars to private schools that don't live by the same rules.

Mr. KENNEDY. If the Senator will yield further, part of the very, I think, strong presentation that the President has made is that he wants to ensure that tests are not used in a punitive way, but as instruments to gauge student progress and inform instruction. I think the Senator was there when we listened to Secretary Paige—he emphasized the importance of finding out what children don't know so there can be assistance provided to children to help them succeed. I have some enormously interesting examples. In our own State, where the teachers find out the class doesn't know much about fractions, they deal with that by teaching other aspects of mathematics over the course of the year. They are making up for lost progress in the past, and ensuring that children move along and keep up with the current material. There is a reason for accountability. If students are not able to make progress, they receive supplementary services—the afterschool programs, the summer programs, or the tutorials—to provide them with the extra help they need.

Now what is going to happen in voucher schools? Will those programs be available? How are we going to know whether these children are making progress?

Mrs. MURRAY. The Senator raises a key point. We won't know how they are progressing. As the Senator from Massachusetts knows, I was a school board member before I was a Senator. I can tell you of numerous school board meetings where we had citizens from our community sitting in big audiences before us saying: You are spending my taxpayer dollars and I want you to—fill in the blank. If we send our Federal taxpayer dollars to private schools, our citizens in our communities will not have the opportunity to go before a board that governs a private school to demand that their taxpayer dollars are spent wisely.

Mr. KENNEDY. One of the most important aspects of accountability provided for in this bill is giving information to parents so that they will be able to follow the development of their children. We have a school in Massachusetts where part of the portfolio for school success is a measure of parental involvement. Very interesting. That sounds like something that is way out, but, by George, that school was able to get their parents involved.

An essential element in this bill is the proposal to make sure that parents understand what is happening in their schools, and to be able to provide a comparison of their schools performance to other schools in the neighborhood. In this respect, and with school report cards, parents will be able to be effective, articulate spokespersons for their children's education. Will that be available under a voucher program?

Mrs. MURRAY. The Senator from Massachusetts knows that it would not. If our taxpayer dollars went to a private school in the form of a voucher, there would be no parental involvement, no community involvement, no taxpayer involvement on how their dollars were being spent.

Mr. KENNEDY. I thank the Senator for that. Is the Senator also aware that opportunities for children who are limited English proficient, or for children who may have a learning disability, or for migrant children or homeless children—those opportunities will not be driven by parents. The choice of how to serve those children, if they are served, will be made by the school under a voucher program. So does the Senator agree with me that the idea of somehow providing millions of American parents the opportunity for their children to be moved into a different situation with this proposal is really a distortion? Critical decisions will be made by schools that may not be inclined to reach out to children who have some special situation, special needs.

Mrs. MURRAY. The Senator from Massachusetts raises a very good point. I know many parents today with young children who are 2 and 3 years old are now trying to get their kids into private school. They are starting the application process already. It is very difficult to get into some of our best private schools. Imagine parents out there who are listening to rhetoric about a voucher program as some kind of magic bullet that their child will use to get into a private school, and that is not correct. In fact, private schools can say they will not take children with disabilities or with limited English proficiency or with the difficulties that they have experienced in the past.

So it is an empty promise to many parents who are thinking it is some kind of panacea—a voucher system that all of a sudden they will receive as taxpayers. The good private schools are hard to get into. We all know not all private schools are created equal. There are good ones and there are some not so good. This money would apply to all of them. I think we would lose for a lot of taxpayers in this country and our public school systems will lose even more.

Mr. KENNEDY. Finally, we have listened during the presentation of those who supported this amendment, that this was not really going to take money away from public school children.

We would like to find out where this magical pot of money is. They are saying we want to give assurance to all those who are voting with us and against us that this money will not be taken away. If we don't use this money, it still won't be available to children. I am somewhat mystified—I don't believe it. I don't think anybody in this body believes it.

Does the Senator agree these are scarce resources? We have reviewed the fact we are still only reaching a third of the children under the President's program. Under the President's program, there is no increase other than the cost-of-living increase for children over the period of the next 8 years.

Resources are scarce. I wonder if the Senator from Washington buys the argument that this is not going to be money that would otherwise be used for professional development, or training teachers, or mentoring programs, or afterschool programs, or moving teachers into smaller class sizes. The Senator has been our national leader on that issue. Doesn't the Senator agree we could use that $50 million more effectively in terms of benefitting children rather than for a voucher program?

Mrs. MURRAY. Mr. President, as the Senator from Massachusetts knows well, we only fund one-third of the students who are eligible for title I today. It seems to me we should be investing the money in making sure title I students have access to additional help. If we reduce class size, if we provide teacher training, if we invest in public schools in a way we have promised for many years to do, vouchers would not be an argument on the floor. Our children everywhere would be getting the good education they should and we would not select just a few kids to go on to a few schools to succeed. We would go back to the principle we all espouse in the Senate, to leave no child behind.

As a country that cares about all of our children, we are making sure we invest in all of our children.

Mr. KENNEDY. I thank my friend and colleague.

As a school board member and a teacher of elementary school, Senator MURRAY brings a special insight into the education policy issues. I think we do well to heed her warnings and concerns.

Whatever time the Senator needs to conclude her remarks, I yield.

Mrs. MURRAY. I thank my colleague from Massachusetts. I urge all colleagues to think about the principles of this bill and the underlying concept: We want to make sure every child in this country succeeds. That is not what this amendment will do. It is what we need to do in terms of investing in our communities, our schools, in the right way, so all children can succeed.

There is no magic bullet. The vouchers amendment is certainly not one. I hope we are not tempted by the false promise of vouchers as that magic bullet.

I urge all of my colleagues to vote no.

Mr. KENNEDY. Mr. President, I take a moment or two to refer those interested in this debate to this report called "Uncommon Wisdom, Effective Reform Strategies," from Mass Insight Education, an education-reform organization based in Boston, Massachusetts. Massachusetts is well on its way in terms of educational reform. We have been making progress in recent years.

This report illustrates a number of schools making very important and significant progress academically with their students. They include elementary, middle, and high schools. They illustrate the different techniques used in each of the schools. All the reforms vary somewhat, but all have been implemented within the framework that this bill supports: high standards; good professional development; data generated by meaningful, high-quality assessments; and extra support for the students in need of academic assistance.

This independent organization is highly regarded. They have reviewed various schools in our State, and have shared their findings so that other schools can make progress. Again, they identify four critical priorities: the development of the curriculum, the teaching, the assessment, and the intervention. Together, these reforms directly shape every student's educational experience in school. These four common elements have produced important and significant progress in each of the 22 Massachusetts schools included in this report.

In the Thompson School in Arlington, 30 percent of students receive free or reduced lunches, 15 percent have special needs, and 25 percent are students of color. It is a mixed blue-collar, working-class, middle/low-income high school that has been able to make extraordinary progress with their programs. There are countless other examples of schools, such as the Thompson school, that have reformed to produce results.

The bottom line is that the elements included in this report are elements we have included in this legislation. If we provide funding for these reforms, we will see these results in not only every school in Massachusetts but every school in the country. That is what we want to do.

The Senator from Rhode Island is here and I yield 10 minutes.

Mr. REED. Mr. President, I rise in opposition to the Gregg-Hutchinson amendment which authorizes a voucher program for private schools for 7 years, encompassing 10 cities and 3 States. I don't believe this is an appropriate educational policy we should be pursuing. Our first and foremost commitment should be to strengthen and improve reform of public education.

Frankly, as we go forward with the constrained resources, that primary challenge will be difficult to achieve. Dissipating funds for vouchers for private schools to me is not the appropriate response to a crisis in public education in the United States. For over 30 years, the Federal Government has made a commitment to help the students of America throughout the public education system. Particularly, we have committed to ensuring that low-income students are given a chance to succeed. We have created reforms over the last several years to help improve the learning environment and ensure a vigorous public education. Back in 1994 we streamlined reform of the title I program and other Federal programs. The thrust, the purpose, the constant theme is how we can help, working with the States and localities, to improve public education to ensure that every family in America has an opportunity to send their children to excellent, free, public schools.

This amendment takes us off that track, off that purpose. It would not improve public education in the United States. It would not respond to the need for safe schools, quality teachers, smaller classes, buildings that are well repaired and well maintained, or greater parental involvement. It would not ensure that all students reach high academic standards. It diverts scarce Federal resources from the public schools, our first and foremost priority. And it does so at a time when the massive tax cut that has just been passed weakens our ability to respond to the overwhelming needs of public education throughout this country.

As a result, I do not believe we should engage in this policy endeavor. In a world of finite resources, we have to be careful and conscious of our obligations to public education and our foremost responsibility, to ensure that public education is well served.

There are proponents of this legislation who say this amendment is really about giving families a choice. I do not believe this really is an issue of choice. Realistically, this amendment will never reach all the children in all the failing schools. So we know, even if this amendment is adopted and accepted, there will be children left behind in failing schools. That is not a choice for parents.

It seems to me, then, that we have to go back to our initial purpose, which is to try to improve every school in this country so no parent has to keep their children in a public school that is not performing. We need to give parents real choice, and we do not deal with the issue of choice by dissipating resources, by inviting some children to go to private schools and leaving others behind. We do it by confronting our responsibilities to reform each and every public school in this country.

There are other issues that complicate this approach to choice. First, giving a voucher to a family for their child does not ensure that child can go to the school the family chooses. Frankly, the nature of private education is they exclude students. They exclude students because they are not smart enough. They exclude students because they just do not fit in with their approach to education. They exclude students because, frankly, they are difficult or have discipline problems. Public education cannot do that.

Public education has to be inclusive. Public education has to reach out and embrace every child—those who are difficult and those who are honor students.

So this approach to reform fails on one other principal ground. We are not giving every family the full range of choice because private schools will exclude again and again and again. That is the nature of being a private enterprise. That, in some respects, some might argue, is one of their strengths. They can ensure all the children are part of their patent, that they fit in. That is not a luxury, frankly, that public education has. We have to recognize that. So this argument of choice is not something I think really carries the day.

Also, there are other issues. If we do embark on a voucher program such as this, it will invariably raise issues of the rights of parents to demand entry to these private schools. It will raise issues of whether or not it is conscionable to exclude these children, who now have public funds, from these schools. So there may be many in the private education community who would like to see this development, but they might, when it becomes, or if it becomes, a reality, think otherwise.

There are many things we have to do to ensure the education of the young people in America is excellent. We have to raise standards. We have to improve the professional development of teachers in public education. We have to enhance the ability of our schools to embrace and bring parents into the school system. We have to ensure that the buildings, the very buildings that children occupy, are places where they feel comfortable in terms of security and safety, in terms of just the feeling of being in a place that is esteemed enough to have the floors clean, the ceilings fixed, all the facilities working. There are too many schools in America that fail that test.

There are too many schools that do not have the appropriate programs to involve parents. There are too many schools that are not conscious of doing their best—too many public schools in this country. That is where our attention must lie. That is where our focus must lie. That is the purpose for which we come here—to ensure every public school in this country offers the families of America excellent, free, public education.

To embark on this approach of vouchers for private education is a mistake. It dissipates our resources. It also does not truly give the families of America choice.

There are today, within the public system, more and more opportunities for parents to choose among different schools within that public school system. There is the recognition that public school systems simply cannot stand pat any longer, they have to improve the quality of education, they have to reach out to teachers and parents and the community at large to restore trust, to rebuild not just the physical structure of the school, but also the educational scope and commitment to excellence of all schools. That is their job.

We can help, not by providing vouchers for private education, but by funding and authorizing programs that will require, and insist, that every public school in this country meets the standards of excellence. I hope we will do this.

I hope we will reject this amendment and get on with the business of the education bill before us and make a real commitment to public education.

Mr. President, I will yield the floor, but on behalf of Senator KENNEDY, at this time I will yield 10 minutes to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from California is recognized.

Mrs. BOXER. Madam President, I say to the Senator from Rhode Island and Senator KENNEDY, thank you for your magnificent leadership on this issue of education.

We all know life is complex and we all face problems every day in our lives. Our society has problems, not the least of which is that sometimes our kids go astray; they make the wrong turn and struggle and sometimes wind up in difficult situations. Whether it is turning to juvenile delinquency—and we all know that happens to some of our kids—whether it is not being able to handle the stresses of broken families, we know we have problems in our society.

We also certainly know that there is no silver bullet. We wish there were one thing we could do that would be kind of a magic wand to fix all the problems we face, the problems our families face, the problems we face as individuals.

Let's say someone came up to me and said: You only have one answer. What would be the most important thing we could do to stop problems in our society, be it crime, be it drugs, be it alcohol use, be it sexual abuse? Talk about the issues; we all know they are here. What would be the one thing, if you had to choose only one and that was it—you couldn't pick five, or four, or three, or two—I would say it would be a quality education for every single child starting from the earliest times.

Why do I say that? It is because we know now that 90 percent of our brain capacity is set by age 3. So we know if we think all this starts later in life, we are wrong. If we can reach those children, particularly those children who may not have the support of a family structure, we can make a difference.

Will it solve the problem? No. But I can say to you that it will solve most of the problems.

I speak as someone who is an expert on public schools. Why? Because that is where I went. From kindergarten through college, I went to public schools. I am a first-generation American on my mother's side. My mother never graduated from high school. Here I am in the Senate.

For those people who may not like my politics, they say: God, look at what the public schools did to us. But for the people who think I fight hard and do things, that I can go toe to toe with most people in this institution who went to the fanciest schools, they say: Hey, look. Look at what our public schools can do.

That is why I strongly oppose the Gregg amendment. I think any effort in this Chamber to pull money away from our public schools before we know whether they are qualified, before we know that we are giving every child what he or she deserves to have, anything that pulls that money away from the public school system is absolutely wrong on its face. Well intentioned and the rest, it doesn't work.

We know we can provide what our kids need if we put the resources behind the rhetoric. Senator SCHUMER and I will have an amendment later today which will say to our colleagues, if you believe in this, vote for the Schumer-Boxer amendment, which is going to say let's make sure there are appropriations to fund education to match the authorization in this bill. We are going to have a chance to vote on that. But I have to say this. The amendment of Senator GREGG provides for voucher demonstration programs in 10 cities and 3 States. Our teachers are telling us not to pull resources out. Our voters have told us in California: Don't pull resources out of the public schools and put them in the private schools. In California, people have voted. They had a couple of voucher initiatives. The last one, Proposition 38, they defeated by 70.7 percent of the vote. Let me repeat that. Californians voted 70 percent against a voucher experiment. I have to tell you that we don't vote 70 percent for anything.

People always ask: How do you manage to represent a State such as California with 34 million people? I basically am honest in my answer. I say: I do my best. But on any given day, 30 percent of the people love me and 30 percent of the people hate me, and a third of the people have no idea who I am because there are 34 million people in that State. But 70 percent of them voted against vouchers.

It pulled everyone together—Republicans, Democrats, and Independents—because it is a very simple point. If you believe in the rhetoric of "leave no child behind"—and our President uses it; I believe it—and, if it is real, then you don't leave them behind by pulling money out of the public schools and putting in these voucher initiatives which have a lot of problems.

We have a lot of laws on the books that I think are important. We know in the public schools you can't discriminate against any child for any reason. Every child who walks through that door is precious and important and equal to every other child, regardless if they have a disability, regardless of their gender, and regardless of their national origin.

The fact is, in this amendment we are going to have exceptions. Private schools can say they don't want any more girls; they just want to have boys; they can just say no, or vice versa. They can say they don't want any more boys and just take girls. There can be discrimination because that is the essence, frankly, of a private school. If they want to do that, fine. But just do not take the money. You do what you want but don't take taxpayer money. Don't pull it away from the public schools.

I admire a lot of private schools. I have a lot of them in my State. They give scholarships to needy children. They get a tax break, if they are a profit-making school, for doing that. I support that tax break. Scholarships for needy kids are the way to go, if private schools want to make sure their student body is diverse and interesting and helps kids. But to pull hard-earned taxpayer dollars away and put them into the private schools isn't the way to go. We know that just a few kids will benefit. Even the question of how much they will benefit has been looked at.

Let's say you are lucky enough to have enough money so a $2,000 voucher can help you pay for the rest of the tuition. Sometimes the tuition is $8,000, $10,000, or $12,000. There is no reliable research that shows voucher programs actually improve the education of our children or that voucher students outperform their public school peers. In fact, the policy analysis of a California education group reported that Proposition 38, the voucher initiative in our State, would cost more and affect fewer students in proven education reform.

What do I mean by that? It has been proven that smaller class size really helps student performance. Again, it is kind of a no-brainer thing. If a teacher can pay attention to fewer kids, she or he is going to do a better job. It costs much less to put that reform in place than to have a voucher initiative in our State.

Now we are reducing class size. We are seeing results. We are seeing great results. That is the track on which we should stay. Someday when we have quality education for every public school child—where 95 percent of our kids go, by the way—I am willing to look at other ways to help other kids in private schools. I may always be biased against it because I believe in public schools. I think it makes our country different from every other country. It gives every kid a chance at the American dream. But I will look at it once I know every child has a quality education. We know they don't have quality education in every school district in this country. The purpose of this underlying bill is to make sure we give every child a quality education.

Let's talk about Michigan. Michigan had a vote on vouchers. They voted it down 68–31. What are we doing here? We are reinventing a voucher plan that has already been voted down in California by more than 70 percent of the vote and by 69 percent of the vote in Michigan. Once again, voters are expressing their concern that we are pulling money away from public schools.

Let me say that one independent Princeton researcher found that when students in Milwaukee's public schools program were given extra resources to reduce class size, they actually outperformed those kids who were on the voucher.

Let me reiterate. There is an independent study that showed that kids in Wisconsin, who had the advantage of smaller class size, outperformed other students who had vouchers in reading, and they did as well as those students in math.

The drain on the public school system in Milwaukee is evident. According to the Wisconsin Education Association Council, the voucher initiative took $22 million away from the public schools.

Why would we do that? We know vouchers don't guarantee equal access. In Milwaukee, 40 percent of the kids who sought to participate in the voucher program could not find schools that would take them. They could be particularly harmful to a student who is not the "cream of the crop." Suppose the student is disabled, has limited English, or suppose they are homeless. A private school is going to look twice, scratch its head, and say: Maybe not.

That goes against the American dream, which is, again, an equal chance for every child, regardless of their circumstance.

I think this amendment is an important amendment. I hope it will be defeated because the underlying bill is really about reform—reform of our public schools. By pulling funds away, we hurt that reform effort.

I had a successful amendment that I offered to this bill, cosponsored by my Republican colleague, JOHN ENSIGN. It was about after school. We want to make sure kids after school do not get into trouble. We know, if we look at the charts, what happens. The FBI charts show, for sure, that is when kids get in trouble.

This was a bipartisan amendment. It passed with a very healthy majority. But I do not want to see us now turn around and take money away from that effort for after school and away from the effort of smaller class size and all the other things we are trying to do in this bill. I do not want to see that happen.

I see my colleague from New York is in the Chamber. She has worked so hard on this bill and has dedicated her life to kids. I am very excited she is going to be partaking of this debate this morning.

To sum up my argument, it is this: Our public schools are what make our country different from most other countries because they give us all a shot at the American dream. Are the public schools perfect? No, they are not. Do we have to hold them accountable? Yes, we do. Do we need to make improvements? Yes, we do. Do we need to invest in the children in those schools? Yes, we do. Do we need to demand results? Yes, we do.

But if we pull those dollars away from the public schools and we put them into the private schools, where 5 percent of the children go, we are making a huge mistake. My voters in California have shown that on several occasions. Voters in Michigan have shown that. They want to see us fix up our public schools first, make them work first. Then maybe we will have the luxury to look outside the system.

We should demand the most from our kids, the most from our teachers, the most from our principals, the most from our school districts, the most from our Governors. But when we expect that, we should provide the resources, we should not pull them away from the public schools.

Thank you very much, Madam President.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. CLINTON. I yield myself 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mrs. CLINTON. Madam President, I commend and thank my good friend, the Senator from California, for her usual eloquence and energy in putting forth a very commonsense proposal, which is that we ought to do everything in our power to make sure our public schools work before turning our backs on them. I especially note her telling all of us that voters in California and Michigan, who have been given the chance to vote on vouchers in their own States, have not only rejected that proposal but have done so overwhelmingly.

I join my friend from California, and so many others, in opposing the Gregg amendment which would provide $50 million for a voucher demonstration program. I think it is fair to ask: Why would I and others oppose a mere experiment?

What I would like to do is just reflect back for a minute on an experience I had which really crystallized my opposition for me.

A few years ago I was in Northern Ireland, in Belfast, where I was privileged to meet with a number of people who were crossing sectarian lines to try to come together to find a way to peacefully coexist after decades and decades of troubles between Protestant and Catholic citizens. I was so struck, after a daylong conference—where we spoke about how to set up a governing assembly, how to provide economic opportunity, how we could get more people involved in the participation required for a democracy to work—when several people said: But the real problem we face is in our schools.

I said: What do you mean?

A number of them went on to tell me that from the very earliest of ages children from the two religious traditions grew up in very separate environments. There are literally barriers between Catholic and Protestant neighborhoods, and then they go to schools that are run by the respective churches into which they are born.

Person after person said to me: We will never live and work in peace if we don't go to school together. We won't have a chance to get to know one another. Can't you help us have a public school system like you have in America?

That made such an impression on me because I have been fortunate to travel all over the world. I have been in many countries on every continent except Antarctica. In every country I go to, I meet very smart people. I meet athletic stars, Olympic gold medal winners. I meet scientists, very successful business leaders, and great artists. Yet there is something very different about every other society than ours because no other society has committed itself to the proposition that all people have the opportunity to live up to their God-given potential and that we will provide universal public education, to offer that to each young boy and girl.

We are not perfect. We know that. We know we have schools that fail at this responsibility. Yet the goal we have set and the results we have seen, from a commitment to public education for so many years now, have been realized in the success of this country, in the uniqueness of our mobility, and in the opportunities we make available.

There are some children who, frankly, start out pretty far behind the starting line. They do not have the family background. They do not have the environmental enrichment. They do not have families who will help them succeed in school. They are often trapped in generational poverty. When you have poor people, you often have poor services.

It is a challenge to those of us who believe in public education to come up with reasons to oppose something that sounds so good. You can read the supporters' comments. They say: In some of our large cities, children are trapped in failing schools. They should be set free. And we should, therefore, give them money to go to a private or parochial school. And it sounds so good. But it has a number of serious flaws that I hope will lead a majority in this Chamber to vote against it.

Let's take, first, the fact that the experiments that have been run—because we have already run experiments on vouchers—have demonstrated absolutely no evidence that vouchers help to improve student achievement.

Secondly, we know vouchers do not help the students who need the help the most.

Thirdly, vouchers do nothing to help improve public schools. In fact, research shows clearly that vouchers only further segregate and stratify our public schools.

That does not stop the proponents. I often have remarked since I have been in Washington that Washington operates in an evidence-free zone. You can put out the evidence, and if it runs counter to the ideology, then the evidence does not count.

But clearly there is no evidence. In fact, a 1998 study of the Milwaukee public school choice program, done by Cecilia Rouse of Princeton University, found that students in public schools with smaller class size and additional State funding experienced significantly faster reading scoring gains than students who attended private schools through the program.

In Cleveland, a study of the voucher program found no significant difference between the achievement of voucher students and their public school counterparts in reading, mathematics, social studies—the full battery of tests—after controlling for background characteristics, including prior achievement.

So I do not think we need another experiment to tell us vouchers do not work. We already have clear evidence of that fact.

But there are those who argue that increasing competition among public schools, through vouchers, will help improve student achievement in failing schools. But we know that, too, is a false promise.

We know what does work—strong accountability, coupled with the extra attention that students who need it require, and the kinds of intervention we have heard about—everything from preschool to parental involvement to afterschool and summer school.

Scholars from the Economic Policy Institute, Duke University, and the Charles A. Dana Center at the University of Texas, as well as Stanford University, have found that States with strong accountability systems which do not include vouchers were successful in improving student achievement in the lowest performing public schools. Researchers call it the scarlet-letter effect, which shows that if a school is termed "failing," the school is often motivated to improve. That is what we should be focusing on now, and that is what we are focusing on in this education debate.

I also worry that trying to provide sufficient funds to afford a student a choice that is meaningful will siphon much needed funds out of our public school system. A $1,500 voucher, for example, is just not sufficient in most large cities I am aware of, and we, therefore, know that families have to add a substantial contribution themselves. In Milwaukee, for example, as many as 46 percent of students dropped out of the voucher program in the first year, and 28 percent dropped out in the fifth year because the $3,600 voucher was not sufficient to cover costs such as registration fees, books, uniforms, and transportation.

We also have to worry that if you implement vouchers, then very often the motivated students and their parents will take advantage of them and we will see the kind of exodus from the public schools that will only make it more difficult to change their futures.

How can we justify taking $50 million away from proven practices of improving student achievement? We need to do more to lower class sizes. Yet we were unsuccessful in continuing a proven program to do just that by helping to fund teachers in the classroom. Our friends on the other side said: That is not something the Federal Government should be doing; so even though we know it works, we won't vote for it.

We were unsuccessful in having construction and modernization and repair funding available where we know that so many schools, particularly the very schools we are talking about, are literally falling down around the heads of students and teachers. We were told: Well, modernizing our schools is not a Federal responsibility.

We need to recruit and retain teachers, and we know we are not going to do that if we don't provide competitive salaries and bonuses and other financial rewards. And we have a long way to go before we have the teaching core, the quality teaching core we need in our country. Instead of investing in proven measures to raise student achievement, we are being asked to divert and siphon off these dollars.

I started by saying that my concern is not only based on the fact there isn't any evidence this works, that it siphons money out of the public schools, that, in effect, it opens the door to giving up on what we know makes a difference in our children's lives, but that also public schools, for me, are the distinguishing characteristic that sets us apart from many other societies. They are the bedrock of our democracy. I don't think we would be giving up on any of our fundamental freedoms so easily. I don't think we would be turning our back on our Constitution or our Bill of Rights. Yet without a strong public school system, we could, in effect, be doing just that.

At a time when we are trying to hold students and teachers to higher standards, diverting scarce resources to fund an experiment that we already know has weak results and could very well undermine the future of public education, which takes care of 95 percent of our students and works well in most parts of our country, is a very tragic step in the wrong direction.

I heard the end of the remarks of my colleague from California. I know she is a very strong supporter of public education, as I am. And like her, I went to public schools from kindergarten through high school. I believe in public schools. I was struck by what she said. If we were already doing what we know works, if we had lowered class sizes, if we had imposed the discipline, if we had recruited and paid teachers in the hard-to-teach schools what they should be paid, if we had modernized our schools so we didn't have chunks of plaster falling on teachers' heads, as recently happened in a school in my State, then if we still didn't have results, maybe even we very strong public school advocates would be willing to say: Well, we need to try something. But we are nowhere near there.

We have turned our backs on the children who need us the most. We have basically left them in the most poorly funded schools with the least qualified teachers, often not even encountering a certified teacher without adequate resources, without being held accountable, and we say: Well, what do you know; it is failure.

This is similar to so many of the other proposals that would undermine public education. It is aimed not at solving the problem but at coming up with a short-term, ideologically driven answer to a complicated set of issues. It is tragic that when we know what works, we are unwilling to step up and fund the resources that will give every child in America, no matter who that child's parents might be, the same chance I was given.

I urge my colleagues to oppose this amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. GREGG. Madam President, I believe the understanding I had with Senator KENNEDY was that Senator KENNEDY and the proponents of his position would have until 12:15, and then from 12:15—it was a casual understanding—we would go back to our side. I understand there are Members on his side who wish to speak, and we have a Member on our side.

It is my intention at this time to yield the 15 minutes we had reserved on our side to Senator ENSIGN from Nevada.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. May I ask a question of the minority side?

The PRESIDING OFFICER. Will the Senator yield for a question?

Mr. GREGG. Yes, I yield for a question.

Mr. KERRY. Madam President, it is my understanding, then, that there is a prior agreement that a full 15 minutes will be used by the minority side, and then it will come back over here?

Mr. GREGG. There was no formal agreement, but there was an understanding that people presenting Senator KENNEDY's position on this amendment would go from 12 to 12:15, and we would go from 12:15 to 12:30, and then we will be in the break for the meetings of the caucuses. Then we would be coming back. I understand the Senator from Massachusetts wanted to go into morning business; is that correct?

Mr. KERRY. Madam President, that is correct. I ask the following, if it is possible. I ask unanimous consent that the Senator from Nevada be permitted to proceed. Does he intend to use the full 15 minutes? Might the Senator from Nevada use less?

Mr. ENSIGN. Madam President, 10, 15 minutes, somewhere in there.

Mr. KERRY. Madam President, I ask unanimous consent that the Senator from Nevada be permitted to proceed, the Senator from Minnesota then be permitted to speak for 5 minutes, and then I be permitted to speak as in morning business, at which point the Senate would recess for the caucuses.

Mr. GREGG. I have no problem with that. The time of the Senator from Minnesota will come off of the time of the Senator from Massachusetts. Both the Senator from Massachusetts and the Senator from Minnesota will come off of the time of the Senator from Massachusetts.

Mr. KERRY. Madam President, I ask that we change that. I am not going to speak on the bill.

I ask unanimous consent that the 5 minutes of the Senator from Minnesota come off Senator KENNEDY's time, and that the time that I use be time as in morning business until we recess for the caucuses.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. I have no objection. I will amend it to include that the time used up in this discussion be applied equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I yield to the Senator from Nevada 15 minutes, or such time as he may consume.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, many colleagues will come to the floor today and state that federally funded vouchers will ruin our public schools. I say flatly that this is wrong.

This program does not take money away from any school. This amendment creates a demonstration program and authorizes new funding to pay for it. But, even if the Gregg amendment did not provide new funding, vouchers would not take money away from public schools. It a student uses a voucher to go to a private school, a public school no longer has to pay the cost of educating that student. And, in most cases, a voucher is given for less money than the average per pupil expenditure in the school district, thus saving the school money.

Under the Gregg amendment, the voucher program is voluntary. It permits 10 cities and 3 states to apply for grants to operate a low-income public/private choice program for students attending failing schools.

This amendment ensures that children in our Nation's poorest neighborhoods, who attend our Nation's most struggling schools, have the opportunity to get out and attend a better, higher-performing school. These vouchers allow parents to choose the best academic setting for their child.

In my opinion, the reason all of my colleagues should support this amendment is because it is going to help children succeed in school. None of us wants a child to be stuck in a school that has been identified as failing for 3 years. Rather, we want our children to be in an environment where they can not only learn but excel in what they are learning. Vouchers have made this achievement possible for many students who otherwise would not have succeeded.

School choice, be it private or public, has been proven to drive reform in our Nation's schools. Why? Because competition breeds reform. How can a school be expected to rise above mediocrity if it is not challenged? In my opinion a lack of competition breeds mediocrity.

If you look around us today, I will bet you that everyone here has sought out the best schools for our children. Many of us are fortunate, and can afford a move to a better school district, or can send our children to private schools. I bet that most lobbyists, including those for the National Education Association, in Washington, DC, send their children to private schools. However, many in our country are not as fortunate. How can we idly sit by and abandon children in failing schools?

This amendment will help those who cannot afford to send their children to private schools and cannot afford to move to a better school district.

A study by Harvard researchers found that students who stayed in a voucher program for 3 or 4 years registered reading scores 3 to 5 percentile points higher and math scores 5 to 11 percentile points higher than a public school control group.

A study on the Milwaukee choice program found that scholarship recipients experience a 1.5 to 2.3 percentile point gain over their peers in math for each year spent in a private school.

Studies of private school choice programs in both Washington, DC, and Dayton, OH, found that black students who switched from public to private schools experienced an overall test score gain of 3.3 percentile points the first year, and 6.3 percentile points the second year over the control group.

If this trend continues, the researchers contend that the achievement gap in reading and math between white and minority students would be eliminated.

Isn't this what everyone here wants: to have all students excel? Do we not want our nation's students to prove that they can do as well or better than their counterparts worldwide?

Test results released last year on the National Assessment for Educational Progress, and the International Math and Science Survey, showed that children who attend private and parochial schools scored higher than their counterparts in public school.

Students in private and parochial schools did better. It is as simple as that. Why then would we not allow low-income students who attend chronically failing schools a chance to attend schools that have proven time and again that they can and do increase student achievement?

Parents strongly support public school choice; and yes, even vouchers. A recent poll done by the National Education Association (NEA) found that 63 percent of parents polled favored legislation that would provide parents with tuition vouchers of $1,500 a year to send their children to any public, private, or charter school. I ask my colleagues, what parent would not want to be given a chance to send their child to a better, higher performing school?

I have had conversations with public school superintendents, principals, and teachers who support vouchers. Yes, they support them. But, they are afraid of stating their support publicly because of the teacher unions.

In fact, public school teachers send their own children to private schools at a higher rate than the general population. In Cleveland 39.7 percent of the public-school teachers living in the city sent at least one child to a private school. The average rate for non-teacher families was 25.2 percent. Here in Washington, DC, 28.2 percent of public school teachers send their children to private schools versus 19.7 percent of the general population. And finally, in Boston, 44.6 percent of public teachers send their children to private schools, versus 28.9 percent of all parents.

It is not surprising that private organizations have initiated private school voucher programs and have had an unbelievable response. For example, the Children's Scholarship Fund offered 40,000 vouchers to similar students in cities across the United States. They received 1.25 million applicants. In Baltimore alone 67 percent of the eligible student pool applied for one of these vouchers.

One of the reasons for this response is simple: parents are seeing the results that private schools have on test results and want their child to receive that same education.

However, the results from introducing vouchers in areas where public schools are failing our students are not only academic. Yes, test results have increased, but so have high school completion rates, college attendance rates, and parental satisfaction. In addition, students in private schools are better disciplined and feel safer in their school.

The Federal Government already provides a type of voucher to low- to middle-income students with the Pell grant program. Pell grants are given to students to attend any college or university that they want; be it public, private, or parochial. The Federal Government has supported this, and as a result the American higher education system is the envy of the world.

How is a Pell grant any different than a voucher for elementary or secondary school?

I am not here today to attack our public schools. In most places, including my own state, our public schools are doing an outstanding job. But, in some places they are not. Some schools are simply failing to educate the children who attend them.

Vouchers not only help students leave these failing schools, but also help to foster change in the schools they are leaving. Principals, teachers and superintendents do not want to have failing schools. They want their school to produce smart and productive children.

In fact, with the introduction of the A+ program in Florida, failing schools did improve. Schools given a D or F improved by implementing longer school days, providing additional teacher training and professional development opportunities, and creating special programs to improve math and reading skills for at-risk students.

This is what I want to see happening nationwide. I want to see our public schools improve; to prove to us that they can teach our students just as well, if not better, than private schools.

I believe that this legislation provides the assistance that many public schools need to foster these changes and improvements. But I also believe that this amendment is a necessary part of this legislation. This amendment ensures that students in school districts that are struggling to improve student achievement will be given a chance to attend a school that does improve achievement.

I hope that my colleagues will support this amendment, and support children in failing schools receive a better education.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, because there are other Senators desiring to speak on this, I can do this in less than 5 minutes. An awful lot has been said.

I was listening to my colleague from Nevada, and I thought I might say at the beginning, in terms of my background, all of our children went to public schools. My wife Sheila worked at the library of the high school. I think this reminds me of a debate I was involved in with Senator HATCH from Utah when I first came to the Senate, a sharp debate, but done with some friendliness and a twinkle in our eye.

I said to Senator HATCH, if Democrats and Republicans in the Senate could say to me as a Senator from Minnesota, we have lived up to our commitment to leaving no child behind—I have heard so much about leaving no child behind: We have fully funded prekindergarten education so every child in America comes to kindergarten ready to learn—that is where the Federal Government could be a real player; we have fully funded the title I program for children from disadvantaged backgrounds. We have lived up to our commitment to fund the IDEA program for children with special needs; We have voted for smaller class size and voted to get more teachers, good teachers into teaching, to join many good teachers who are teaching; we have voted for there to be an investment of money to rebuild crumbling schools because crumbling schools tell the children we don't give a damn; we have voted for resources for support services so there are counselors and teacher assistance and to help kids in reading; We have done it all, and none of it has worked; We have made our commitment to public education, and it has not worked; at that point in time, I might be the first person to embrace vouchers. But we have not done any of that. It is for that reason alone that I vigorously oppose this amendment introduced by the Senator from New Hampshire.

Second, in my understanding in this proposal—by the way, the exclusive private schools cost a lot—I don't know how it is that low-income children are going to be able to afford this, even with the help they get here. This is fantasy land to believe that is the case.

There is not a requirement to accept children, for example, who have special needs. If that is the case, and I believe it is, I oppose this amendment for that reason alone. I do not support public money that is not linked to making sure that every child will be able to benefit, including children with special needs. I have made my case.

One other point. This bill is called BEST. This piece of legislation in its present form so far, beyond testing every child at every grade from grade 3, 4, 5, 6, 7, 8, and telling every school district in every State they have to do it, I see no guarantee anywhere in this legislation that provides any resources to make sure every child will have the same opportunity to learn. I don't see it in this legislation. I don't see it. It didn't happen last week with the trigger amendment on Title I. I am not aware of any agreement with the administration. This is putting the cart ahead of the horse, talking about vouchers, without making the commitment to public education.

The tragedy is we have plenty of issues in our States, huge disparities of resources between children in more affluent districts and districts less affluent, States that could do better with surpluses, and Minnesota is an example. I cannot believe we are not making more of an investment in education in our own State. But at the Federal level, Senators, we have not even come close to matching the words we speak with the action we are taking. We have not lived up to our commitment to leaving no child behind, which I have said a million times, cannot be accomplished on a tin-cup education budget. That is all we have.

Until we make the commitment to invest in the skills and intellect and character of all children in our country—and it starts with education, which is the foundation of opportunity—I could never support this voucher proposal. I hope it is defeated.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

GLOBAL WARMING

Mr. KERRY. Madam President, yesterday President Bush, in the Rose Garden, conducted a ceremony in which he addressed the question of global warming and our environment. There are many issues on the table, obviously, as the President meets in Europe. I don't want to discuss those issues now because the President is abroad, and I think that would not be appropriate.

However, it is appropriate, because the President spoke yesterday about the subject of global warming, and I think it is important to respond to his comments.

Regrettably—I say this with an enormous sense of lost opportunity—the President did not offer our Nation any specific policy as to how he now plans to address some of the basic fundamental, easily acceptable concepts with respect to global warming. The President did accept science at the beginning of his comments, but at the end of his comments again he raised questions about the science, which seems to be the good cop/bad cop aspect of the comments the administration is making with respect to this issue.

The President essentially called for more study and said his administration is currently engaged in a review. Most who have been involved in this issue for 10 years or more and who have accepted the science understand there are a clear set of priorities that do not require a study that effective leadership could immediately move to put into place without an economic downside but with an enormous positive upside for our country and for the globe. More study is good. I am not suggesting there are not elements of this issue where we don't have an enormous amount of science to still develop. I will talk about that in a moment.

In any system as complex as global climate change, there are uncertainties. Obviously, we have to continue research. However, we will find, I am confident, as the National Academy of Sciences warned last week, that the longer we go without taking the simple, clearly definable steps that there is consensus on among most people who have seriously studied this issue, the more we procrastinate, then the danger is even greater in the long term than we currently understand it to be.

I think it is important to note, there is no way to study yourself out of this problem. Second, even as the President claims what they are doing is simply reviewing the bidding and making sort of a further analysis of what the options are, even as they claim that, the fact is the President is taking precipitous and potentially dangerous and clearly counterproductive steps that will have enormous long-term implications for America's ability to resolve the challenge of climate change.

To underscore this point, the National Academy of Sciences, at the request of the White House, issued a report last week assessing our understanding of climate change. In addition to reaffirming the scientific consensus that climate change is underway and getting worse, the National Academy of Sciences made an extraordinarily relevant observation:

> National policy decisions made now and in the long-term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in this century.

Indeed, since the earliest days of the administration, the President has made a series of policy decisions that will profoundly impact our ability to protect the global environment, all the while purporting to be simply studying the issue.

So it is really clear that while the President says they are going to study it, that he has asked for his Cabinet review, and while the President says there are certain unknowns that impact the choices we will make, the President is not neutral in the choices he is making which will have a long-term impact on the choices with which we are left with respect to this issue.

Specifically, while the administration claims to be studying the issue, the President has repeatedly questioned the underlying science of climate change and attempted to reignite the debate over whether the threat is real. This was done despite the fact of the Intergovernmental Panel on Climate Change, a scientific panel founded at the behest of his own father; despite earlier assessments by the National Academy of Sciences; and despite some top government and university researchers in this Nation; and despite personal statements of concern from researchers around the country.

Let me just refer to today's New York Times where there is an article that says, "Warming Threat Requires Action Now, Scientists Say." I will just read very quickly:

> Indeed, to many experts embroiled in the climate debate, the question of how much warming is too much—which has been at the center of international climate negotiations for a decade—now constitutes a red herring. They say it is more important to start from the point of widest agreement—that rising concentrations of heat-trapping gases are warming the atmosphere, and that adding a lot more is probably a bad idea. The next step, they say, is to adopt policies that will soon flatten the rising arc on graphs of global emissions while also pursuing more research to clarify the risks.
>
> Many note that recent studies suggest a fairly high risk of significant ecological harm from a global temperature rise of less than 1 degree Fahrenheit and of substantial coastal flooding and agricultural disruption if temperatures rise more than 4 or 5 degrees in the new century.
>
> Global temperatures have risen 1 degree Fahrenheit in the last 50 years; since the last Ice Age, they have risen about 9 degrees.
>
> The risks are clear enough to justify some investments now in emissions controls, they say.
>
> They say that the general quandary is no different from the kind faced by town officials who must judge how much road salt to buy based on uncertain long-term winter weather forecasts, or by countries deciding whether to invest in a missile defense system that might not ever have to shoot down a missile.
>
> "It's silly to expect that we can resolve what the future is going to be," said Dr. Roger A. Pielke Jr., a mathematician and political scientist at the National Center for Atmospheric Research in Boulder, Colo. "That's like trying to do economic policy by asking competing economists what level the stock market is going to be at 20 years from now."

Yesterday, I was in Boston with a number of extraordinary scientists, among them the Nobel laureate who helped discover the ozone hole, Dr. Jim McCarthy, a professor of biology at Harvard University, and a member of the IPCC working group. He said, imagine yourself as a parent and somebody says to you as a parent: Look, there is a 50-percent chance that your child is going to get cancer from the water he or she has been drinking. But if your child takes this medicine, we know we can reduce the risk. If you don't take the medicine, perhaps your child is going to get the cancer.

Most parents in this country will make the judgment immediately: I want the medicine for my child.

That is exactly the kind of analogy we face today with respect to global warming. We are being told what the probabilities are, about what the consequences will be. We are being told if we take certain actions, we can mitigate it. And we know to a certainty if we do not take those actions, we run the risk that we could wind up with a completely irreversible equation.

We are not talking about something you can suddenly jump in on at some stage later and necessarily remediate—unless, of course, there may be some extraordinary discovery about how you take out of the atmosphere what we are putting into it. But as of this moment, that remains the most perplexing and complex of solutions at which scientists are looking.

It is far easier and far more attainable to take measures now to try to reduce the level of emissions that we put into the atmosphere and to premitigate, to take the opportunity to reduce and not even do the damage we will do in the first place.

The reason this is particularly compelling is very simple. We know the progressive possibilities, and we recognize there is sort of a law of safety, if you will; sort of a prudent person principle that you would put in place in order to try to avoid a disaster that you may not have any capacity to undo at some point in the future.

We may never know the exact rate of change or the specific impacts and precise human contribution until it is too late to do anything about it. The changes we are causing in the atmosphere, raising atmospheric greenhouse gas concentrations to levels unseen in over 400,000 years, is simply unprecedented. Those who demand that we wait for absolute certainty, starting with the President, should explain how they will reverse the damage that we have caused, how our environment can be made whole again once we have polluted the atmosphere in such a substantial and fundamental way.

Rather than asking us the question, how do you know what the damage will be, when you know that you will create damage, we should be asking them the question, how can you guarantee us that it will not cause the worst scenario that is being predicted. It seems to me the precautionary principle demands we take some kind of actions.

Furthermore, while the administration claims to be only studying the issue, the President has actually reversed the campaign pledge and announced a newfound opposition to capping carbon pollution from power plants, which is the source of one-third of our greenhouse gas emissions.

The idea of a four-pollutant power plant bill has been a bipartisan effort in the Congress. It has industry support. It remains one of our most promising proposals to move ahead in climate change. But it was rejected out of hand by the President only weeks after entering office.

That is not a neutral position. That is not merely studying. That is taking a proactive negative position that has an impact on global climate change.

Further, while the administration claims to be only studying the issue, the President declared the Kyoto Protocol on climate change to be dead, and still calls the agreement fatally flawed. That is not only studying the issue; that is not a neutral action.

That has a profoundly negative impact on global efforts to try to deal with climate change. Whatever one thinks of the substance of the Kyoto Protocol, it is self-evident that the President's outright rejection of the protocol so quickly with little explanation and with little international consultation, and apparently little considered analysis, was a mistake.

Is the protocol flawed? Yes. Is it fatally flawed? That depends entirely on the willingness of an administration to lead and to fix it.

The President in his Rose Garden statement yesterday referred to the 95–0 vote of the Senate on the Byrd-Hagel amendment as a rationale to say the Senate, as a whole, doesn't believe in this treaty. I was the floor manager on our side for that amendment. I know precisely what the intent was, at least on our side of the aisle, in adopting that amendment. It wasn't that the treaty was so flawed that it couldn't ultimately be made whole and become the instrument which we could ratify with amendment, with further nurturing and with future leadership. We were suggesting that, indeed, it would be wrong to do it without the less developed nations also participating.

The Clinton administration set out over the course of the last 2 years to work with these less developed nations to bring them into the process. That is the unfinished task of the Kyoto Protocol. But it should not allow somebody to define the protocol as automatically dead as a consequence of that kind of deficiency.

In the 17 years I have been in the Congress, and the many years many others have been here longer, there have been countless numbers of treaties that have come to us that we have remedied, that we have put amendments to, and that we have gone back and renegotiated on in order to guarantee they meet our concerns.

This protocol is the product of the work of 160 nations. It is a decade of work. It deserves better than to simply be cast aside by a unilateral action of the United States, particularly in view of the fact that it represents, ultimately, the format on which we are going to have to agree, which is an international agreement to have a mandatory goal which we are going to try to reach together in order to deal with this issue.

While the administration claims to be only studying the issue, the President has proposed a budget to us that slashes Federal support for clean energy technologies, which are a vital component of any plan to mitigate climate change.

The President's budget cuts funding in almost every efficiency program at the Department of Energy, including cuts to appliances, buildings, instruments, and transportation. It cuts support for renewable energy from wind, solar, geothermal, and biomass by about 50 percent—a 50-percent cut. That is not a mere study.

That is a negative action that will have a profound negative impact on the ability of our country to be a willing global leader in developing the technologies and in showing the world our seriousness of purpose in this endeavor.

While the administration claims to be only studying the issue, the President issued an energy plan that by his own acknowledgment does not consider the threat of global climate change. It resurrects an energy policy better suited for the 1970s than the year 2000 and the new millennium. It does more to set limits on America's ability to innovate than it does to inspire the technological advances that can help our economy and our environment.

By one estimate, the President's budget and efforts will increase our greenhouse gas pollution by as much as 35 percent. That is not a neutral, mere study. That is a negative action that will have profound long-term consequences.

Let me read again the crucial observation by the National Academy of Sciences. They said:

> National policy decisions made now and in the longer term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in the century.

With all due respect, I think the President has acted and is acting on the issue of climate change in a counterproductive way. I urge him to take the time to reevaluate that budget and to assist us in setting this country on a course of leadership that will help us to prove our bona fides with respect to this issue.

None of us who argue for action are going to suggest that we have all the answers to what is going to happen in the long run. We recognize there are complex environmental, economic, scientific, and diplomatic challenges. But I do know that we need American leadership in order to convince the people we have been working with for the last 10 years that we are, indeed, serious about this issue.

One of the principal reasons we have been unable to bring the less developed countries into this process is because they do not trust us. They do not believe we are serious about this. In the meetings in Buenos Aires, and in the meetings in The Hague most recently, one could not just hear but you could feel the growing anger at the United States for the level of our emissions; and, then, of course, the lack of action that we have taken to try to deal with this challenge.

I simply remind my colleagues that all of the prophecies of a damaging impact on our economy need to be measured against what a lot of big businesses in our country are already doing. British Petroleum will reduce voluntarily its emissions to 10 percent below the 1990 levels by the year 2010. Polaroid will cut its emissions to 20 percent below the 1994 levels by 2005. Johnson & Johnson will reduce its emissions to 7 percent below the 1990 levels by 2010. IBM will cut emissions by 4 percent each year until 2004 based on 1994 emissions. Shell International, DuPont, and others, have made similar commitments. But the predictions of economic calamity from entrenched polluters are simply not credible when you measure them against the accomplishment of these particular companies.

The problem is that only a small universe of these companies have been willing to adopt any kind of voluntary effort. We applaud their leadership. That is the kind of good corporate citizenship that makes an enormous difference.

The lesson of the last 10 years is you have to have a mandatory structure and a mandatory goal. You can have all kinds of flexible mechanisms. You can use the marketplace in countless numbers of ways to encourage different kinds of behavior. Indeed, we should ask the corporate community to come to the table in ways that they haven't been invited previously and ask them to be part of helping us define the least cost, least intrusive, most efficient ways of dealing with this issue. But unless we set that kind of goal, we are not going to have the credibility to create the framework within which you bring the less developed nations into our fold.

Our country has proven its remarkable capacity when challenged to be able to apply the entrepreneurial skill and the remarkable entrepreneurial spirit of our Nation to accomplishing almost any task. We did that in the measure of World War II when we needed to pursue the Manhattan project and developed the atom bomb itself. We have done it in countless other ways. It is when we unleash our technological capacity that we are at our best. But many times we have to excite the private capital movement to some of those areas by creating the incentives or by encouraging that capital to move those ways. When you slash your budget significantly in ways that reduces that technological organization, you send a counterproductive message to the capital markets which diminish the ability of that spirit to take hold.

I believe we should summon our energy to the effort of challenging our country to, in a sense, view this as sort of a new mission to the Moon, that this should be our effort, that we are going to do the following in the following period of time. We can achieve that by cutting emissions at home. We can commit to drafting an international agreement that is based on these mandatory caps. We can find all kinds of ways to excite achievement to create hybrid cars, alternative fuels, renewable energy, and I think in the end that would be beneficial for all of us.

While the protocol that was created in Kyoto is incomplete, it also represents a remarkable process because it created this mandatory structure. I think most of us would be willing to acknowledge that there is still room for compromise; that we could find the ways through the emissions trading and through the definition of the carbon sinks and other things to be able to come to a final solution with respect to it.

But we have wasted the past decade in a political impasse, and we have failed to do what I think we know how to do best. If we do pursue what I just talked about—providing the economic incentives for the development and proliferation of solar, wind, biomass, hydrogen, and other clean technologies—then we can carry a new message to the rest of the world that takes away the regressive record of the last years and reasserts a kind of credibility that is important to the negotiating process.

I might add, everyone should understand this is not just about global warming. People are always talking about the confrontation between the environment and the economy. But the fact is, we can create tens of thousands of jobs pursuing these alternatives. In addition to that, we would have wide-ranging domestic benefits, including reduced local air and water pollution, preventing respiratory and other illnesses. All you have to do is look at the incidence of child respiratory disease in our country, the increase in the incidence of asthma, including in adults, the remarkable increase in our hospital costs as a consequence of air pollution- and water pollution-carried diseases and illnesses.

We would lessen our dependence on imported oil. We would lessen the pressure to exploit our own natural lands. We would create markets for farmers. We would grow jobs and exports in the energy sector. We would enhance our overall economic strength by strengthening our technological sector. And we would ultimately strengthen our national security as a consequence of these measures.

Those are not small accomplishments, let alone what we would accomplish with respect to global warming. So we have a challenge in front of us. We need to recognize we have been going backwards. We are at 1980 levels in automobiles because of the loophole on SUVs. There are countless numbers of things we could do on building efficiencies in America, countless numbers of things we could do for various engines and air-conditioners, and other emitters of greenhouse gases, if we were to try to apply the technological capacity of our country to that endeavor.

So my hope is this administration will recognize the energy study done 2 years ago which said that if we were to try to implement what we know we can do today—what IBM, Polaroid, and these other companies are doing today—we could, in fact, do so in a way that is completely neutral to our economy. We could have the upside of gains on addressing global warming while having the upside on our economy.

We should begin with steps that benefit the environment and the economy and are technologically achievable today. We can and should increase the efficiency of automobiles, homes, buildings, appliances and manufacturing.

The efficiency of the average American passenger vehicle has been declining since 1987 and is now at its lowest since 1980. That is unacceptable. Our cars and trucks could and should be increasingly more efficient not less efficient. Despite doubling auto efficiency since 1975, we are actually now backsliding. It is time to update national standards for vehicle efficiency. It is time to get more efficient gasoline, diesel, natural gas, hybrid and fuel cell vehicles off the drawing board and onto America's highways. We can do it. We are doing it. Hybrids, once considered exotic, are on the market today getting 50 miles to a gallon.

We can improve the efficiency of resident and commercial buildings. I am a cosponsor of the Energy Efficient Buildings Incentives Act. It is a bipartisan proposal to provide tax incentives for efficiency improvements in new and existing buildings. Once implemented it would cut carbon emissions by over 50 million metric tons per year by 2010 and provide a direct economic savings that will exceed $40 billion.

We can strengthen efficiency standards for clothes washers, refrigerators, heat pumps, air conditioners and other appliances. Standards issued in 1997 and earlier this year by the Department of Energy must be fully and effectively implemented. The net energy savings to the nation will be $27 billion by 2030. The environmental benefits include a reduction of greenhouse gas emissions equal to taking more than 14 million cars off the road.

We must push the deployment of domestic, reliable and renewable energy from wind, solar, biomass and geothermal by creating markets and providing financial incentives. Today, California gets 12 percent of its energy from renewable energy while the rest of the country gets less than 2 percent of its electricity from renewable energy. We need to do a better job. Our nation has great potential for wind power—not only in states like North Dakota, South Dakota or Iowa but also in coastal states like Massachusetts. Planning is underway for an offshore wind farm off the coast of Massachusetts that will be generating as much as 400 megawatts of power—enough to power 400,000 homes.

We have only begun to tap the potential of geothermal in Western states and biomass, which can produce energy from farm crops, forest products and waste. But to seize this potential we must create the markets and financial incentives that will draw investment, invention and entrepreneurship. Unfortunately, America is falling behind. One of the challenges in wind development is long delays in purchasing equipment from European suppliers who have the best technologies but also long delays because of rapidly growing demand. I believe American companies should be the technological leaders supplying American projects—instead it's European firms. We must create the market and the incentives for these technologies and let America's entrepreneurs meet the demand.

Finally, we must look to the long term. If we are ever to convince the developing world that there is a better way, we must create that better way. To do so, we must invest in solving this problem with the same urgency that we have invested in space exploration, military technology and other national priorities. For too long our investments have been scatter shot and poorly coordinated—and lacked the intensity we need. We need a single effort, with strong leadership, that investigates how we meet this challenge and sets a path for a sustainable future.

If we do this, if we act early and invest in the future, I am confident our investment will be rewarded. It will bolster our economy, make us more energy independent, protect the public health and strengthen our national security. Unlike today, America will be the leader in clean energy technologies and we will export them to the world. As America has throughout our history, we will lead in finding a global solution—and we will protect the global environment for generations to come.

That is the challenge. I hope the Senate and House will show leadership in engaging in that effort.

I thank the Chair and I thank everybody else in delaying a little bit. I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 1:04 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT—Continued

AMENDMENT NO. 536

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire.

I rise this afternoon to express my support for the amendment offered by my colleague from New Hampshire which would create a Federal private school choice demonstration project. This amendment closely tracks choice proposals that I have cosponsored myself, both with Senator GREGG and, before him, with Senator Coats of Indiana.

This is an experimental program. It is designed to test an idea that can help some of our children get a better education. It is focused exclusively on low-income families. It does not take any money that otherwise would go to our public schools, and it includes a strong evaluation component to determine what impact this program has both on academic achievement of participating students and on the public schools they leave behind.

It constructively answers a question that in too many places has gone unanswered for too long; namely, the question that parents have asked me—and I am sure others in this Chamber—parents whose children are trapped in failing public schools and yet who cannot afford to send them to a nonpublic school that the parents are confident would be better for their children.

How do we answer that question? How do we justify telling them to wait for their public schools to improve when their children may well be grown up or certainly have moved along in the school system by then, and particularly when other parents who can afford to do so are taking their children out of similar public schools?

Those are questions policymakers and politicians and educators around the country have been struggling with for some time. The struggle is a real one. It is based on conflicting values, each of them strong and good, and conflicting loyalties, if you will. We share a common devotion to our public schools and the ideal of equal opportunity that they have made real for so many tens of millions of American citizens. But we also realize, as the underlying bill we are debating now acknowledges, that too many of our public schools, particularly in low-income areas, have not been realizing the promise of equal opportunity, that that promise has become effectively hollow.

On the one hand, we obviously cannot and will not abandon those public schools and certainly not abandon public education in general because it is the great democratizing force in American history. It is the great ladder up in American life. The public schools will always be the primary source of learning for most of our children.

We also don't want to abandon those disadvantaged children trapped in schools that their parents conclude are not adequately educating them and thereby sacrifice their hopes for a better life for their children to our vision of an idealized world.

The answer ultimately is, of course, to make our public schools better. That, as I will state in a moment, is the purpose of the underlying bill. I have struggled with the question and the dilemma, the question that parents have asked, for a long period of time. I have talked to many parents, visited many public schools in Connecticut where a lot of extraordinary good work and reform is going on. I have also talked with parents of children in schools where the kids are not receiving the education the parents believe they deserve and need. And those parents want to take their children and put them in a nonpublic school. I visited many of the nonpublic schools, particularly in Connecticut—those run by the Roman Catholic diocese in our State; they are run in some of Connecticut's poorest neighborhoods—accepting children. In many cases, most of the kids are not Catholic. The parents are very satisfied with the quality of education those children are receiving.

After all that inquiry, I decided—this goes back years ago—that school choice is a reform idea worth testing on a larger stage but not the one answer to all of our educational challenges and shortcomings. There is no one answer. This is an idea worth testing. That is when I began working with Senator Coats to develop a national demonstration project very similar—almost exactly similar—to that proposed in the amendment Senator GREGG has introduced today.

It was my belief then, and still is my belief, that we have an obligation to try everything we can to improve educational opportunities for all of our children, to never refuse to open a single door behind which there may be a constructive answer that will help us better educate all of America's children.

The growing national demand for choice has, I believe, helped to awaken us to the educational crisis that has been plaguing our poorest urban and rural neighborhoods. We have watched the standards movement take off in States around the country and listened to Governors and reformers of both parties demand accountability for results, saying we can no longer tolerate failure in our attempts to educate our children.

We have been heartened by the academic achievement gains made in communities all across America. I think of Chicago and Hartford and districts throughout America that were once declared educational disaster areas and today are beacons of hope for the future of our children.

Now we in this body are considering the most sweeping Federal education reform plan in a generation. This has taken on the challenge of ending what the President has called "the soft bigotry of low expectations" and closing the achievement gap into which too many poor minority children are falling. Part of what makes the reform plan in the underlying bill so encouraging is that it provides a series of strong answers to that same tough question I am sure many of my colleagues have heard from parents of children in public schools that they believe are not adequately answering it.

This bill provides answers to that question because it will force districts to take bold steps to turn around failing schools, including radically reconstituting them, converting them into charter schools or, in the worst cases, actually closing them down and opening them as new schools. It will significantly expand the options for poor parents within the public school framework, guaranteeing that their children can transfer to higher performing public schools and providing them with transportation assistance to make that choice meaningful.

For those children who do not or cannot leave a failing school, this bill gives their parents the right to demand outside tutorial or supplemental services to ensure that their children are not being left behind.

The amendment Senator GREGG has offered would offer yet another option in the communities across America chosen to carry out this demonstration project for parents of children in schools that are failing. The fact is that all of the reforms I have described that are in the underlying bill before us are going to take some time to yield results. I am very optimistic about them. But even at the best, we have to be restless and unsatisfied in our continuing pursuit of a better education for our children. The truth is, the journey to a better education for all of America's children has no final destination point; it will go on and on and on.

That is why I support the idea embodied in Senator GREGG's amendment which will test the school choice concept in a way that can benefit all of us who care about our children's education and at the same time provide a short-term educational lifeline for children involved in this demonstration program who are trapped in a school that is found to be failing, according to the accountability provisions of this underlying ESEA reform.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to have an additional moment to finish my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I understand there is no guarantee that if this amendment were adopted, the projects authorized under it would succeed. But that is the very point of the amendment. It is a test. It is saying that we are restless and unafraid in pursuit of the best education for each of America's children.

In fact, the research about the limited voucher programs that exist in cities across America today, such as in Milwaukee and Cleveland, is as controversial, in some ways, as the programs themselves. Some of the evidence is promising, suggesting that private school choice could improve achievement and drive change in the local public schools. And the fact that so much research is in dispute itself is an argument for a larger experiment, a national experiment, fully evaluated and reported on to provide us with better facts, better information, to make more informed judgments as we continue tirelessly, fearlessly, to explore every avenue to a better education for each and every one of America's children.

Mr. President, I will support the Gregg amendment.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 7 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President. I appreciate the remarks of the Senator from Connecticut. I agree with him that it is time for this amendment to have a test. In fact, I think the vote on this amendment will tell the American people whether we are really serious about reforming education, which is what this legislation really ought to be all about.

I also think it is about which special interests are most exercised. Until now, with only a few exceptions, the amendments to this bill approved by the Senate have increased spending and authorized new spending programs. These are the same measures that have produced generations of less-educated Americans. "After spending $125 billion . . . over 25 years, we have virtually nothing to show for it." That is a quotation from Secretary Paige. It is what he said when he saw new data showing that 60 percent of our poor fourth graders are still essentially unable to read.

During this debate, the Senate voted to shovel billions of dollars more of taxpayers' money into this failed effort. At last count, measuring spending just on this bill, from last year, $17 billion spent to approximately $38 billion, it is well over a 100-percent increase. I think this is the context in which we should consider the amendment of the Senator from New Hampshire.

As pointed out by the Senator from Connecticut, this amendment simply establishes a demonstration program which would allow only 10 localities in 3 States the opportunity to extend school choice to low-income students in failing schools. The cost is $50 million a year.

Given the colossal spending increases added to this bill over the last few weeks, it is ironic that some still argue that this amendment is denying needed resources to public schools.

No, the opposition to this amendment can only illustrate the truth of George Will's observation that "opposition to school choice is the most purely reactionary cause in contemporary politics."

This is not even a liberal versus conservative issue. Many distinguished voices of American liberalism have broken with the reactionary special interests and embraced school choice.

The list includes—but is not limited to—former Labor Secretary Robert Reich, Pulitzer Prize-winning columnist William Raspberry former Baltimore Mayor Kurt Schmoke, former Congressman Floyd Flake, and the editors of the Washington Post.

Most of these thoughtful observers deviated from liberal orthodoxy because they realize that their doctrine was hurting poor children.

President Bush has described literacy as "the new civil right." And he is right. When we allow the most disadvantaged to be cheated out of a decent education, we render the promise of equal opportunity hollow.

School choice keeps that promise, not just for the students who are able to exercise choice, but for all the students who attend schools in a community where choice is widely exercised.

My home State of Arizona has been a leader in the effort to provide parents with additional choices in education. Under the leadership of recently departed Superintendent of Public Instruction Lisa Graham Keegan, we have instituted open enrollment, enacted the most liberal charter school law in the country, and restructured state education financing so that education funds follow the student to the institution of his or her choice.

One of the most interesting results is that because families are now empowered to exercise all these new options, the traditional schools are working harder to improve their performance. In response to some new charter schools, one district changed the curricula and other programs and took out ads in the paper to tell parents about efforts to improve upon its already strong academic offerings.

But the competition that the new charter schools created spurred, them to do even better. Who benefited? The kids. And after all, isn't that what this is about?

It shouldn't be surprising that improvements resulted when Arizona began encouraging innovation by educators and providing more choice for parents and students.

Our Nation has thrived because our leading industries and institutions have been challenged by constant pressure to improve and innovate. The source of that pressure is vigorous competition among producers of a service or good for the allegiance of their potential consumers.

The alternative is monopoly, and a system that maintains a captive clientele by blocking all the exits, a system within which attempts to provide such an exit—even one so modest as that contained in this amendment—are considered a deadly threat.

We all know that any politician who crosses these reform foes can expect to pay a price.

We all recall how our former colleague Bill Bradley was pilloried in the Democrat primaries for the heresy of supporting proposals just like this one.

Senator Bradley tried to reason with his critics:

> Advocates of school choice say that . . . it will create competition that will make the public schools better,

he noted, before concluding:

> You don't know that unless you have a test.

The die-hard choice opponents don't want to know. Or perhaps they already do know.

Recently, along with a number of my colleagues, I had the opportunity to hear from Howard Fuller, who served as superintendent of schools in Milwaukee and helped implement that city's path-breaking choice program.

Dr. Fuller is a passionate and eloquent advocate for school choice. He gets to the heart of the opposition when he said:

> Parents must be empowered to have their aspirations for their children's education taken seriously by educators. A critical step in that direction is when we give them the capacity to exercise choice. I believe that [currently] our educational systems are . . . organized to protect the interests of those of us who work in these systems, not the needs and interests of the families we are supposed to serve. . . .

When we vote on this amendment, the Senate will decide: Is our purpose to protect the special interests or is it to protect the interests of American students and their families?

The choice is clear.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I hope we will consider seriously this pending amendment and the implications.

To clarify some of the record in terms of statistics that have been thrown about during this debate, there was mention on the floor early today that 63 percent of the American people support vouchers. The exact number is 63 percent support public school vouchers. The implication that this is 63 percent supporting vouchers to private schools is not an accurate figure at all.

The national exit polls in November showed by nearly an 80-percent margin Americans prefer investments in public schools to vouchers.

The State of California rejected its voucher referendum 71–29. Latinos rejected it by a higher margin, 77–23. Michigan rejected its voucher referendum 69–31. African Americans rejected it by a higher margin, 75–25. The notion that this is a concept that is supported by the American public or that has gone on trial is not the case.

Normally, one might ask, what is wrong with a demonstration program, with a budget of multibillions of dollars; why not take $50 million and put it into a demonstration program to determine whether or not something like this works?

First of all, I suppose, only in Washington would a person consider $50 million an insignificant amount of money. Particularly when we are trying to get funding for title I and special education and a variety of other needs out there, $50 million may make a significant difference.

Putting aside the size of the amount being asked for, this is not a new idea. It is not an untested idea. Every place it has been tested it has not worked. Those are the facts.

States, counties, cities, have tried vouchers. There is no research that voucher students outperform public school students or that voucher programs improve public schools at all. Instead, vouchers take scarce resources from public schools that desperately need them. Remember, as we debate this issue, 55 million children went to school in America today; 50 million went to a public school; 5 million went to a private or parochial school.

The idea that we will take every desiring public school student and put them into the structures that accommodate private school students is ridiculous on its face.

Although this is a pilot program, there are those who would make this a full-scale program if they could. This is, of course, to get $50 million in the door to demonstrate in a sense that we ought to try this as a national scheme and underwrite people's desires to send their children to private or parochial schools. So the 50 million kids who are going to schools need to know whether or not we will be doing what we can to improve the quality of public education. That is where our primary responsibility is when it comes to elementary and secondary education needs.

What will help public schools, in my view, is not vouchers but better qualified teachers, smaller class size, safe and modern facilities, programs to increase parental involvement, and more afterschool programs. Even if every available space in private schools were filled by a transfer student from a public school in America, only 4 percent of the public school students would receive a voucher under the maximum set of circumstances. Which 4 percent will it be? Who makes that choice? It will not be a kid who can be a bit of a problem. Unlike a public school, a private school can cherry-pick who they want to have, who they don't want to have, who they want to reject, who they like or don't like. That is their right. I never fault or suggest that a private or parochial school ought to accept everyone who applies. So when you are setting up a private school program, many of which, by the way, cost hundreds and hundreds of dollars—the idea that somehow we are going to have a meaningful voucher program for some desperately poor black child growing up in a ghetto somewhere to go to the Taft School in Connecticut or some private institution is foolish, in my view. We are talking about a fraction, even if you had a national program here, a fraction of the students who would qualify.

Vouchers do not even provide a choice for many of the students who are eligible for them. Unlike public schools, private schools are not required to accept all students, nor is there any evidence that the few students who are able to use vouchers to attend private schools outperform public school peers. The most comprehensive study of the first 5 years of the Milwaukee voucher program showed no achievement differences between voucher students and public school students, not any after 5 years.

I ask for 2 additional minutes, if I could.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. In fact, this is why I made the statement I did at the outset. This is not uncharted waters at all. Mr.

President, 30 years of research suggests that when background conditions and other factors are taken into account there are no significant differences in achievement between public and private school students. Supporters of vouchers also suggest that competition from vouchers will improve public schools; that competition will shake out the bad schools.

I am all for business models in a lot of areas, but education is not widgets. The business model starts with a premise that there are winners and losers. An educational model that starts with that premise is not consistent with leaving no child behind. We cannot afford for any school or any child to be a loser. We cannot guarantee there will be winners, but we ought to be able to guarantee an equal opportunity to win. The idea that some are just going to fail and that's the way life is is not the way we ought to be dealing with elementary and secondary educational needs.

I do not think we can afford for any school or child to be a loser in America. Just as there is no reliable research suggesting that voucher students outperform their peers, there is no reliable research that suggests that voucher programs improve public schools either. We know what does improve them: additional resources, better teachers, smaller class size, curriculum, model schools. Those are the things that make a difference. We do not need a Federal demonstration program to learn about voucher programs or about what is necessary to improve public schools. We already know that we do not improve public schools by draining away desperately needed resources and undermining public support for those schools.

Mr. President, I urge our colleagues to look at what the record has been on this issue. It has been developed. It is not new.

I have great respect for what private and parochial schools do. They make a significant contribution. But the idea somehow we are going to fund two school systems in America is unrealistic. We do not do a very good job at the one we have. The idea somehow we are going to underwrite two is terribly naive and detracts from the resource allocation we need in order to try to make those schools that are in trouble receive the kind of support they ought to be getting.

For those reasons, I urge our colleagues to reject the Gregg amendment.

I yield the floor.

Mr. KERRY. Mr. President, I am concerned by some of the major distortions of fact that have occurred during today's debate. Some Senators have erroneously cited polling data to buoy their claims that a majority of Americans support school vouchers. A closer look at some recent trends show otherwise.

I have heard some of my colleagues cite a National Education Association poll suggesting that 63 percent of Americans favor voucher programs. That is just plain wrong. In fact, that poll demonstrated that 63 percent of Americans favor public school choice—not voucher programs. There is a huge distinction there, and I am surprised that my colleagues are not a little more cautious in discussing these two very separate ideas. As we all know, public school choice allows students and parents the opportunity to participate in charter schools, magnet schools or even just another public school in the same district. Public school choice does not involve private schools at all. I should also point out that public school choice has been strongly endorsed in this bill, and I congratulate the many hands who helped shape this legislation to include a provision that support public school choice programs.

In the 2000 election, two States overwhelmingly rejected referendums on funding voucher programs. Californians rejected vouchers by 71–29 percent, while Michigan voters rejected vouchers by 69-31. Since some of my colleagues raised race as an issue in this debate, I would also add that minorities in both States rejected vouchers in numbers that far exceed the aggregate State totals. Wolverine State African Americans, for example, voted against the voucher referendum by a margin of 3–1.

The much-heralded Milwaukee voucher program has also recently come under scrutiny. Students participating in the public school's SAGE program—which includes smaller class sizes, rigorous curriculum and assessment, access to after school programs and increased professional development—have tested better than kids in voucher programs.

So with those points made, I would like to address a couple of other arguments that have been made this morning. Even as proponents tell us that vouchers improve public schools, reality tells us otherwise. The Milwaukee and Cleveland voucher programs—which cost $29 million and $9 million, respectively—do not cover the complete cost of private school tuition for the relatively few students served by the programs. Private schools can also reduce their budgets by not offering health services, breakfast and lunch programs, counselors, or services to special needs students. For less than the cost of either voucher program, other programs, such as the Success for All program, could be implemented in city public schools, thereby benefiting all children in the school district.

Voucher programs create the potential for discrimination. Awarding a voucher to a family does not guarantee that the student will be accepted into a private school. While Milwaukee schools may not discriminate against disabled students, there is no requirement that they provide special education services. Likewise, private schools are not required to provide needed services to low-English proficient students or chronically disruptive students.

Finally, I take issue with colleagues who cry for accountability in our public schools, then blithely support voucher programs. I believe that our schools absolutely must be accountable for their students. But the enduring legacies of the Cleveland voucher experiment may well be bad budgeting and misspent funds rather than better results for students. A 1997 independent financial audit found that $1.9 million had been misspent, including $1.4 million paid to taxi companies transporting students to voucher schools. Since 1997, program officials have uncovered more than $400,000 in taxi fares were billed on days when the students in question were absent.

Worse even than the taxi fiasco, in 1998, the program ran 41 percent over budget, forcing the State of Ohio to take $2.9 million from public school funds to cover the overruns. That is $3 million coming out of the State public school coffers to fund a program that, like today's amendment, was not supposed to "take money out of the public schools."

No one wants to improve schools in the poorest parts of America more than I do. But voucher programs are not the way to accomplish this very worthwhile goal. We simply do not have the resources to spend millions of dollars on a few students at the expense of the 90 percent of American children who attend public schools. So I urge my colleagues to reject this amendment and instead to support greater investment in our public schools.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, I warmly endorse the comments of the senior Senator from Connecticut. As always, he is spot on with his analysis, and his point with regard to the Gregg amendment, which I strongly oppose, is exactly where I think we should come out.

Although I commend the author and supporters of the amendment for their concern about low-performing schools, I believe this amendment is misguided because it would undermine the public education system that is the very tie that binds our society.

I encourage the authors to show their passion to improve our poor-performing public schools by fully resourcing those proven initiatives that will change failed schools.

Mr. President, 90 percent of our children attend public schools. As our Nation becomes increasingly diverse—my

State, in particular, is blessed with incredible diversity—our public schools continue their fundamental purpose of uniting Americans while providing every child with the opportunity to succeed. That must be our mission—our passion. The availability of quality public education for all is defining to America's democracy.

If we adopt this vouchers measure, we would drain limited resources from our public schools and send a signal that we are prepared to erode the historical purpose and position of public education in America.

Much of the debate around vouchers is about choice. But the choice inherent in any vouchers proposal is false, meaningless choice.

Contrary to the rhetoric, vouchers would not ensure parental choice, because private schools can and do reject applicants for private reasons—including disability or language skills.

In fact, the only real choice vouchers will create is in the hands of the private schools.

That means that a child with limited English proficiency—let's keep in mind that there are over 4.1 million of such children in our schools—would not have a meaningful choice. That means that a child with learning disabilities wouldn't really have a meaningful choice. These children with unique educational needs—who most need the promise of a quality education—would often be left behind in schools we deem to be failing.

Vouchers are also a false choice because the amount being offered is too little to be meaningful. How many families, making $32,000 or less, actually have the additional funds to allow them to take advantage of vouchers. What is the practical reality here?

In addition to vouchers setting up a false choice, vouchers provide no accountability. Now, I have been listening to much of the debate on this education bill, and one of the main themes has been about accountability. I support accountability. As a former businessman, I appreciate the importance of monitoring the success or failure of our investments.

But this voucher proposal provides no accountability. Under the proposal, we would divert critical public resources without any public oversight. This proposal would thus undermine the progress we are making towards increased accountability.

The incredible fact in this debate is that the evidence does not show that vouchers work. Experiments have shown that vouchers do not help improve student achievement. A University of Wisconsin-Madison professor found that there were no achievement differences between voucher student and comparable Milwaukee public school students.

Princeton University Professor Cecilia Rouse found that students in a special Milwaukee program that used extra resources to reduce class sizes outperformed both regular public school students as well as voucher students in both reading and math.

The evidence also shows that vouchers do not reach the students most in need. Finally, they do nothing to help the public schools that are left behind to educate the vast majority of our children.

We are unfortunately operating in a time of limited resources. More limited now that we have made the choices we've taken on the recent tax cut.

We are underfunding title I, the critical engine of reform for our low-income school districts. Two-thirds of the eligible kids are left out. Similarly, we have been shirking the Federal Government's responsibility in fully funding IDEA, education for the disabled.

Just when we should be putting increased resources in our public schools—so that our reform efforts can be meaningful, and so that we can ensure that the children who need our help the most, get our help—we should not be siphoning critical funds to fund vouchers. If we want to reform schools, we need to provide those schools with real resources, not deprive them.

We have heard a lot of rhetoric lately about the need to ensure that no child is left behind, and about the need for school reform. But we must put our money where our mouth is, because reform without resources is a charade.

Even though supporters will argue that this proposal would not take away funding from the title I program, any money spent on vouchers is money that could and should be used to bolster our public schools.

We know what works. A good teacher in every class is the most important single factor in the quality of a child's education. We can do everything else right, but if we don't have good teachers, the educational system just won't work. That's why it is critically important that we provide real resources to attract and retain quality teachers, and to help teachers develop their skills.

We also know that smaller class sizes work. It's abundantly clear that smaller classes are better for children, and we've started to make progress in recent years. But we have not gone far enough. In my view, that's a serious mistake.

We also know that our children must go to school in safe modern school buildings, and that's why I have been fighting to modernize our schools.

In sum, there is no evidence that vouchers work. They do not provide a meaningful choice to families who struggle to ensure that their children receive a quality education.

And by diverting funds we undermine our other reform efforts and put at risk those who remain in our public system.

We should not give up on our public schools. I urge my colleagues to oppose this amendment.

Mr. GREGG. Mr. President, I yield to the Senator from Pennsylvania 8 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President. I thank my colleague from New Hampshire.

I have listened to the remarks and to the complaints of those who are going to vote against this amendment. First, they say it is not going to work; that the only program out there that is in fact in place right now is Milwaukee. Yet the superintendent of the Milwaukee school districts has come to Washington, DC, over the past few months and pleaded for us to pass this proposal because he and the poor people of Milwaukee whose children don't have an opportunity to get a good quality education in the existing school system want this program. It is the ultimate accountability.

We don't have accountability. When you have the dollars and you can take them to this school or to that school, that is accountability. There is no accountability in the public system because there is no choice in the public system. Your child is trapped in the school if you have low income. The child is trapped in the school to which they are designated to go. Therefore, accountability is just simply a check sheet that you have to fill out for some government bureaucracy. But there is no accountability to the consumer of the product. Isn't that what we are talking about? The consumer is the child.

We worry so much and talk so much. By the way, I know people are concerned about the money. This bill under consideration, to my understanding, increases the amount of money we are going to spend on education by over 100 percent. To suggest somehow or another that we have been parsimonious with the money we are throwing around here for education is somewhat disingenuous. Hundreds of billions of dollars are being authorized for this legislation. We are looking at $50 million for a pilot program.

What are people afraid of? Are you afraid this program will actually work? And if it does, it makes these hundreds of billions of dollars we are spending look as if we didn't know what we were doing. Are you afraid that it won't work and that there are some children right now who are getting a poor education who will continue to get a poor education?

There is no down side for these people. They are saying, if it doesn't work, we are no worse off than we are today. If you as the mother or father of a child in a poor school district want to give your child a chance, at least you are giving them hope of improving their situation. Hope is a powerful motivator. What are we afraid of? What are we afraid of?

Hundreds of billions of dollars are being pumped into our educational institutions through this bill, and we are running for the hills because there is $50 million for pilot programs that only go into effect if the Governor and the people in the local community want it.

Let me underline that again. There is not a Federal mandate on any State. There is not a Federal mandate on any school. This says, if you are a Governor and you want to work with your cities—principally there are going to be cities that are underperforming and leaving children behind—we are going to give you a chance, with some Federal dollars, for you and the school district to innovate and to do something very different that might change a child's life.

We talk about leaving children behind. The Senator from Connecticut said we cannot afford to have any child be a loser. You make the assumption that there are no losers in the current system. Let me assure you that we have lots of losers when it comes to having the opportunity to get a good education in this country. Lots of children are losing out on the opportunity to get a good education in this country.

For us to say we are not going to give caring Governors, caring superintendents, school boards, and parents the choice of doing something different for children who are right now losing out because of fear that it might work—let me get to the bottom line—isn't that what it is all about? Aren't we really afraid this might work? Because if we are afraid it is going to fail, that child who is losing under the current system right now is going to be no worse off.

Aren't we really afraid of success here? What we have been talking about—these glorious proclamations we have made about how we are going to improve the quality of schools and change the system and how we are going to be the savior of education—can all come down to the fact that we just haven't been giving the right incentives to parents and kids to get the kind of education they want, that we haven't upgraded a system that has ultimate accountability.

The ultimate accountability is that you can walk with your money. Isn't that what we are afraid of? I think it is. I think it is a great fear of giving up control.

The big problem is my life; I don't want to give up control. I want control over every aspect of my life. One of the things I have found is that sometimes, by giving up control, wonderful things can happen. Whether it is the State, whether it is the local school board, or whether it is the Federal Government, we want control of every little aspect, all the way down to making sure we have our hands in everything, and to make sure everything is run right. We control all of it. We feel good because we are doing something about it.

But I think all of us know in our own lives that when we try to micromanage control, everything gets screwed up, particularly when you are doing it from Washington, DC, in every little city and school district.

We are talking about a child here. We are not talking about children. It is wonderful to talk about children. I am talking about a child, because you know that if you are a mother sending a child to a poor school, you are worried about that child.

What does this have to do with my child and my child's education? I don't care whether you are controlling all of this. All I want is to give my child a chance. That is what this bill does. This amendment gives my child—mine—a chance—not children, my child.

We are afraid of that. We are afraid to give parents the chance to care for my child. We want to care for children because we know best—because, of course, we are smarter than all the people who worry about their child. We know best. So we are going to dictate to you every step of the way as to where the billions of dollars go; $50 million for a little pilot project that says we are going to give you the ability to take care of your child; we are going to give up control of your child; they say: Oh, no, we cannot do that. It is too risky. There might be a loser out there somewhere.

The PRESIDING OFFICER. The Senator has used the 8 minutes yielded to him.

Mr. SANTORUM. Thank you, Mr. President. I ask the question finally: What are we afraid of?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from Pennsylvania for his strong and very effective statement in support of this amendment. I appreciate it.

I understand Senator KENNEDY is going to close on his side, and I am going to close on my side, and we will be ready to vote. My closing will be a little shorter than his closing because I have no more time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, I have 6 remaining minutes. Is that correct?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. KENNEDY. I ask the Chair to remind me when I have 30 seconds remaining.

Mr. President, I think we have had a good debate and discussion, and perhaps the best presentations of differing views on this matter during the last several hours.

I want to summarize the reasons I am strongly opposed to this amendment. We are talking about scarce resources. The case is made that this really isn't money that is going to be used for education. That doesn't really stand. I think most of us who are opposed to this amendment believe that if we have public money, we ought to invest it in the areas where public school children can benefit.

The theme of this legislation is to try to take tried and tested ideas and to make them available to the local communities and give those ideas that have been tried and tested some additional incentives with financial support in order to enable the most challenged children and the neediest children in our society to make progress.

We are committed to it. This legislation is to use tried and tested techniques in order to enhance that possibility. I think over the period of this debate we have demonstrated that these voucher programs that have been tried, whether it was in Milwaukee, Cleveland, or other communities, have not really provided effective enhancement of the children's ability to learn.

Now, just finally, I have listened to the Senator from Pennsylvania. This isn't about a child's choice. We have to understand this. The voucher issue isn't about the choice of a child. It is the choice for the school. That is a major difference.

To try to represent to families all over this country that if this amendment is adopted, and their child is caught in a particular school, that parent will be able to take that child out and go to another school is wrong. That child's school will make a determination based upon their own considerations whether to admit that child.

The Senator from New Hampshire is going to modify his amendment to make sure children who have some disability or special needs will be able to be included, and that children can be selected on the basis of lottery. Still, it will be up to the school, but that is certainly an improvement.

Let me read from the Department of Education's study about the private schools and accepting students with special needs:

> A policy of random assignment could mean that participating schools would accept any student who was assigned, including students with learning disabilities, limited English proficiency, or low achievement. However, when the private schools were asked specifically about a transfer program that would require participating private schools to accept such students, their interest in participating declined further. Under this circumstance, only 15 percent of the schools said they would be definitely or probably willing to participate. . . .

There is the answer. Fifteen percent are willing to take children who have some kind of special needs.

Secondly, in this report, in relation to participation in State assessments, 42 percent of the schools said they would be unwilling to participate.

Listen to this:

> Permit exemptions from religious instruction or activities. Very few religious schools

would be willing to participate in a transfer program if they were required to permit exemptions from religious instruction or activities. Eighty-six percent of the religious schools are unwilling to participate under this condition.

There is no provision for that in the Gregg amendment, absolutely none. If a child is admitted, finally, on a lottery provision and goes to a particular school, they are going to have to attend the religious ceremonies in that school. At least 86 percent of the schools will require it.

Milwaukee did not do it. They had a provision that excused it. Not in the Gregg amendment. This is not well thought through. The Senator says that hard-pressed parent out there, that single mom, is going to have a choice. That is baloney. That is not true.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KENNEDY. The school is going to make the decision. It is going to be as true as I am standing here, that if that child has special needs, there is no sense in applying; if that child has limited English, there is no sense in applying; if that child is a homeless child, there is no sense in applying. That is the record. That is why we should reject this amendment.

Let's take scarce resources and invest them where they should be invested; and that is in tried and tested programs that will enhance the children's academic achievement in the public schools of this country.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator's time has expired.

Mr. GREGG. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 14½ minutes.

Mr. GREGG. Tried and tested programs, that is a fairly unique way to describe a program that has left literally hundreds of thousands of children behind. The average low-income child in this country today, in a fourth grade class, reads at two grade levels less than their peers. Only half of those kids even graduate from their high school. They have been left behind. That is the whole point. That is why parents in inner-city schools want to have the opportunity to have some options.

That is why when the Children's Scholarship Fund put up some money and asked if there was anybody out there who wanted to go to a different school, you had literally thousands, actually 1.3 million children applying for those 40,000 slots which were limited to low-income kids.

That is why the Milwaukee school system has found it to be so successful. That is why Florida has found it to be so successful. Because it is the low-income children—specifically, the children of parents who in many instances are single moms—who have been locked into schools that have failed year after year after year, who have no options because the schools will not improve. No matter how much money we put into the schools, they simply will not improve. That is why those parents want another opportunity.

Let me read from a couple of statements made by some of these parents. We have Carol Butts, from the Milwaukee schools:

> When my daughter Evan finished fifth grade in the Milwaukee public school system, she could not multiply; she couldn't even write. Our family has limited income, so we didn't have too many choices. When I learned about the Milwaukee Parental Choice Program, I was ecstatic. In two years there, her school work has really improved.

These are specific cases.

Tracy Richardson:

> I first looked at three public school options. Classes were unruly. A magnet public school was better, but there was a waiting list. . . . I ended up using the A+ program to choose Montessori Elementary School. It has improved my child's learning immensely.

Tony Higgins:

> The Milwaukee program let me choose schools that I think are best for my girls. I believe both of them will have a choice to go on to college because of the voucher program.

These are real people who were locked into inner-city schools who did not have the option for education that those folks who have more money have, who were seeing their kids left behind. All they wanted for their children was a decent education. So through choice programs, in Milwaukee, Ohio, and Florida, a few parents have had that opportunity.

This idea that choice does not work is just a lot of hokum. It is a straw dog. A study by Kim Metcalf at Indiana University, the official evaluation of the Cleveland program in Ohio, found statistically significant gains in the test scores of students who were on vouchers. A study by Jay Greene and Paul Peterson found statistically significant math and reading score gains in the Milwaukee school voucher system. A study by a Princeton group found quite large statistically significant math gains for the Milwaukee Choice Program. Study after study has proven these programs work.

The idea that the other side has promoted, which is totally elitist, which is the problem, of course—opposition to the concept of choice is elitist by definition—is that we know best for parents—these parents whose children are locked in these schools and want to get out, we know best for them.

How outrageous that we stand in this Senate Chamber and do not give parents an option to allow their children to compete for the American dream.

The niece of Dr. Martin Luther King had it right. This is a civil right that we are talking about. The right to have a decent education is a civil right. When we year after year after year put children in schools that fail, we deny them that civil right.

This amendment is very simple. It is very small. It is very focused. Ten school districts across the country get the opportunity to participate, if they wish. Then the only parents who can participate are parents of families with $32,000 of income or less who are actually having their kids attend schools where for 3 years those schools have been defined as "failing." And then, in order to protect the system more and assure fairness, we say the students who go to the private schools will be chosen by lottery. So there isn't any creaming or any attempt to skew the system.

In addition, we have language in this amendment that specifically says there can be no discrimination. That has been a straw dog that has been put up on the other side that if anybody bothered to read the amendment they would have seen did not apply.

Then we put in very tough evaluation standards to see whether or not the system works, to see whether or not private school choice works.

So what is there to fear from the other side? What is it that they fear? I think the Senator from Pennsylvania had it right. They fear that parents may actually choose to send their kids to a private school and that that may actually produce children who are actually competitive academically and who have a shot at the American dream, and it may—and this is what is really feared—put pressure on the public school system to change. It may threaten those unions which for years have told us that mediocrity works; that if we dumb down, it is acceptable; that we can have failed schools as long as we pay a union wage.

They fear this may actually disrupt the public school system. Should we not disrupt the public school system where year after year the schools have failed? Of course, we should. We should improve it. The way you improve it is to bring competition into the system, which is what this amendment does.

I go back to my experience as a child when I saw that elected official, the Governor of a State in our country, standing in the doorway of a school in Arkansas, I believe, unfortunately. I know my colleague from Arkansas opposed that aggressively and is glad that it is no longer the situation there. When that Governor stood in the door of that school and the Army had to come to allow a child to go into the school, that was an imprint on my youth. That is one of those visual things one remembers. I just couldn't understand how that could happen in our country, how somebody could block a child from going to school.

What is happening today is there are people standing in the school door of failed schools, of schools filled with drugs and violence, schools where they do not teach, schools where children from year to year shuffle from classroom to classroom and cannot learn and are not allowed to learn and who, therefore, cannot participate in the American dream. We have people in this Congress standing in the doorway, blocking that doorway from allowing those children to leave that school and go across the street and participate in a school where they will learn and have the opportunity to participate in the American dream. It is an irony which has to disappoint us all.

Choice, portability, vouchers, to use the pejorative term, what is it all about? It is all about one thing: It is about children, giving America's children an opportunity to learn. It is especially about low-income children, locked in the inner city, whose only way out of their situation is education. When we deny them this choice, we deny them the opportunity to participate in the American dream.

That is not right and it is not fair. This minor exercise, in the sense of funding and in the sense of scope, should not be viewed with such antipathy from the other side. Rather, it should be viewed as an opportunity to see whether or not the arguments they make so aggressively are valid. If they have the courage of their position, they should allow this demonstration program to go forward because they will prove that it fails. In any event, they will have spent $50 million on at least improving a few children's opportunities to learn.

I can't understand why it is opposed, but I can understand this: If we do not get on the path of correcting these failing schools, and we do not get on the path of giving children in those schools options to learn in an environment which is conducive to learning, then we will lose another generation. As a nation, we can't afford that.

It is my hope that this amendment will be accepted, and I look forward to the vote.

AMENDMENT NO. 536, AS MODIFIED

Mr. **GREGG**. Madam President, I send a modification to the desk.

The **PRESIDING OFFICER**. Is there objection to modification of the amendment?

Without objection, it is so ordered.

The amendment (No. 536), as modified, is as follows:

On page 628, between lines 9 and 10, insert the following:

"Subpart 4—Low-Income School Choice Demonstration

"SEC. 5161. LOW-INCOME SCHOOL CHOICE DEMONSTRATION.

"(a) Short Title.—This section may be cited as the 'Low-Income School Choice Demonstration Act of 2001'.

"(b) Purpose.—The purpose of this section is to determine the effectiveness of school choice in improving the academic achievement of disadvantaged students and the overall quality of public schools and local educational agencies.

"(c) Definitions.—In this section:

"(1) Choice school.—The term 'choice school' means any public school, including a public charter school, that is not identified under section 1116, or any private school, including a private sectarian school, that is involved in a demonstration project assisted under this section.

"(2) Eligible child.—The term 'eligible child' means a child in grades kindergarten through 12—

"(A) who is eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964;

"(B) who attended a public elementary or secondary school, or who was not yet of school age, in the year preceding the year in which the child intends to participate in the project under this section; and

"(C) who attends, or is to attend, a public school that has been identified as failing for 3 consecutive years under section 1116 or by the State's accountability system.

"(3) Eligible entity.—The term 'eligible entity' means a public agency, institution, or organization, such as a State, a State or local educational agency, a county or municipal agency, a consortium of public agencies, or a consortium of public agencies and private nonprofit organizations, that can demonstrate, to the satisfaction of the Secretary, its ability to—

"(A) receive, disburse, and account for Federal funds; and

"(B) carry out the activities described in its application under this section.

"(4) Evaluating entity.—The term 'evaluating entity' means an independent third party entity, including any academic institution, or private or nonprofit organization, with demonstrated expertise in conducting evaluations, that is not an agency or instrumentality of the Federal Government.

"(5) Parent.—The term 'parent' includes a legal guardian or other individual acting in loco parentis.

"(6) School.—The term 'school' means a school that provides elementary education or secondary education (through grade 12), as determined under State law.

"(d) Authorization of Appropriations.—There are authorized to be appropriated $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out this section.

"(e) Program Authorized.—

"(1) Reservation.—From the amount appropriated pursuant to the authority of subsection (d) in any fiscal year, the Secretary shall reserve and make available to the evaluating agency 5 percent for the evaluation of programs assisted under this section in accordance with subsection (k).

"(2) Grants.—

"(A) In general.—From the amount appropriated pursuant to the authority of subsection (d) and not reserved under paragraph (1) for any fiscal year, the Secretary shall award grants to eligible entities to enable such entities to carry out not more than 10 demonstration projects (which may include 1 state) under which low-income parents receive education certificates for the costs of enrolling their eligible children in a choice school.

"(B) Continuing eligibility.—The Secretary shall continue a demonstration project under this section by awarding a grant under subparagraph (A) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this section for such preceding fiscal year.

"(3) Use of grants.—Grants awarded under paragraph (2) shall be used to pay the costs of—

"(A) providing education certificates to low-income parents to enable such parents to pay the tuition, the fees, the allowable costs of transportation, if any, and the costs of complying with subsection (i)(1)(A), if any, for their eligible children to attend a choice school; and

"(B) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides education certificates under this section or 10 percent in any subsequent year, including—

"(i) seeking the involvement of choice schools in the demonstration project;

"(ii) providing information about the demonstration project, and the schools involved in the demonstration project, to parents of eligible children;

"(iii) making determinations of eligibility for participation in the demonstration project for eligible children;

"(iv) selecting students to participate in the demonstration project;

"(v) determining the amount of, and issuing, education certificates;

"(vi) compiling and maintaining such financial and programmatic records as the Secretary may prescribe; and

"(vii) collecting such information about the effects of the demonstration project as the evaluating agency may need to conduct the evaluation described in subsection (k).

"(4) Civil rights.—

"(A) In general.—A choice school participating in the project under this section shall comply with title VI of the Civil Rights Act of 1964 and shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this section.

"(B) Applicability and construction with respect to discrimination on the basis of sex.—

"(i) Applicability.—With respect to discrimination on the basis of sex, subparagraph (A) shall not apply to a choice school that is controlled by a religious organization if the application of such subparagraph is inconsistent with the religious tenets of the choice school.

"(ii) Construction.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to require any person, or public or private entity to provide or pay, or to prohibit any such person or entity from providing or paying, for any benefit or service, including the use of facilities, related to an abortion. Nothing in the preceding sentence shall be construed to permit a penalty to be imposed on any person or individual because such person or individual is seeking or has received any benefit or service related to a legal abortion.

"(iii) Single-sex schools, classes, or activities.—With respect to discrimination on the basis of sex, nothing in subparagraph (A) shall be construed to prevent a parent from choosing, or a choice school from offering, a single-sex school, class, or activity.

"(C) Revocation.—If the eligible entity determines that a choice school participating in the project under this section is in violation of subparagraph (A), then the eligible entity shall terminate the involvement of such schools in the project.

"(f) Authorized Projects; Priority.—

"(1) Authorized projects.—The Secretary may award a grant under this section only for a demonstration project that—

“(A) involves at least one local educational agency that receives funds under section 1124A; and

“(B) includes the involvement of a sufficient number of choice schools, in the judgment of the Secretary, to allow for a valid demonstration project.

“(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to demonstration projects—

“(A) involve at least one local educational agency that is among the 20 percent of local educational agencies receiving funds under section 1124A in the State and having the highest number of children described in section 1124(c);

“(B) that involve diverse types of choice schools; and

“(C) that will contribute to the geographic diversity of demonstration projects assisted under this section.

“(g) APPLICATIONS.—

“(1) IN GENERAL.—Any eligible entity that wishes to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

“(2) CONTENTS.—Each application described in paragraph (1) shall contain—

“(A) information demonstrating the eligibility for participation in the demonstration program of the eligible entity;

“(B) with respect to choice schools—

“(i) a description of the standards used by the eligible entity to determine which schools are within a reasonable commuting distance of eligible children and present a reasonable commuting cost for such eligible children consistent with state law;

“(ii) a description of the types of potential choice schools that will be involved in the demonstration project;

“(iii)(I) a description of the procedures used to encourage public and private schools to be involved in the demonstration project; and

“(II) a description of how the eligible entity will annually determine the number of spaces available for eligible children in each choice school;

“(iv) an assurance that each choice school will not impose higher standards for admission or participation in its programs and activities for eligible children provided education certificates under this section than the choice school does for other children:

(v) an assurance that each choice school will admit children on the basis of a lottery;

“(vi) an assurance that each choice school operated, for at least 1 year prior to accepting education certificates under this section, an educational program similar to the educational program for which such choice school will accept such education certificates;

“(viii) an assurance that the eligible entity will terminate the involvement of any choice school that fails to comply with the conditions of its involvement in the demonstration project; and

“(viii) an assurance that choice schools will accept the amount of the scholarship as full payment of tuition and fees;

“(C) with respect to the participation in the demonstration project of eligible children—

“(i) a description of the procedures to be used to make a determination of eligibility for participation in the demonstration project for an eligible child, which shall include—

“(I) the procedures for obtaining, using and safeguarding information from applications for free or reduced price meals under the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1964; or

“(II) any other procedure, subject to the Secretary's approval, that accurately establishes the eligibility for such participation for an eligible child;

“(ii) a description of the procedures to be used to ensure that, in selecting eligible children to participate in the demonstration project, the eligible entity will give priority to eligible children from the lowest income families;

“(iii) a description of the procedures to be used to ensure maximum choice of schools for participating eligible children, including procedures to be used when—

“(I) the number of parents provided education certificates under this section who desire to enroll their eligible children in a particular choice school exceeds the number of eligible children that the choice school will accept; and

“(II) grant funds and funds from local sources are insufficient to support the total cost of choices made by parents with education certificates under this section; and

“(iv) a description of the procedures to be used to ensure compliance with subsection (i)(1)(A), which may include—

“(I) the direct provision of services by a local educational agency; and

“(II) arrangements made by a local educational agency with other service providers;

“(D) with respect to the operation of the demonstration project—

“(i) a description of the geographic area to be served;

“(ii) a timetable for carrying out the demonstration project;

“(iii) a description of the procedures to be used for the issuance and redemption of education certificates under this section;

“(iv) a description of the procedures by which a choice school will make a pro rata refund of the education certificate under this section for any participating eligible child who withdraws from the school for any reason, before completing 75 percent of the school attendance period for which the education certificate was issued;

“(v) a description of the procedures to be used to provide the parental notification described in subsection (j);

“(vi) an assurance that the eligible entity will place all funds received under this section into a separate account, and that no other funds will be placed in such account;

“(vii) an assurance that the eligible entity will provide the Secretary periodic reports on the status of such funds;

“(viii) an assurance that the eligible entity will cooperate with the evaluating entity in carrying out the evaluations described in subsection (k);

“(ix) an assurance that the eligible entity will—

“(I) maintain such records as the Secretary may require; and

“(II) comply with reasonable requests from the Secretary for information:

“(x) a description of the method by which the eligible entity will use to assess the progress of participants in math and reading and how such assessment is comparable to assessments used by the local educational agency involved;

“(xi) an assurance that if the number of students applying to participate in the project is greater than the number of students that the project can serve, participating students will be selected by a lottery; and

“(x) an assurance that no private school will be required to participate in the project without the private school's consent; and

“(E) such other assurances and information as the Secretary may require.

“(h) EDUCATION CERTIFICATES.—

“(1) IN GENERAL.—

“(A) AMOUNT.—The amount of an eligible child's education certificate under this section shall be determined by the eligible entity, but shall be an amount that provides to the recipient of the education certificate the maximum degree of choice in selecting the choice school the eligible child will attend.

“(B) CONSIDERATIONS.—

“(i) IN GENERAL.—Subject to such regulations as the Secretary shall prescribe, in determining the amount of an education certificate under this section an eligible entity shall consider—

“(I) the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project; and

“(II) the cost of complying with subsection (i)(1)(A).

“(ii) SCHOOLS CHARGING TUITION.—If an eligible child participating in a demonstration project under this section was attending a public school that charged tuition for the year preceding the first year of such participation, then in determining the amount of an education certificate for such eligible child under this section the eligible entity shall consider the tuition charged by such school for such eligible child in such preceding year.

“(C) SPECIAL RULE.—An eligible entity may provide an education certificate under this section to the parent of an eligible child who chooses to attend a school that does not charge tuition or fees, to pay the additional reasonable costs of transportation directly attributable to the eligible child's participation in the demonstration project or the cost of complying with subsection (i)(1)(A).

“(2) ADJUSTMENT.—The amount of the education certificate for a fiscal year may be adjusted in the second and third years of an eligible child's participation in a demonstration project under this section to reflect any increase or decrease in the tuition, fees, or transportation costs directly attributable to that eligible child's continued attendance at a choice school, but shall not be increased for this purpose by more than 10 percent of the amount of the education certificate for the fiscal year preceding the fiscal year for which the determination is made. The amount of the education certificate may also be adjusted in any fiscal year to comply with subsection (i)(1)(A).

“(3) MAXIMUM AMOUNT.—Notwithstanding any other provision of this subsection, the amount of an eligible child's education certificate shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency in which the public school to which the eligible child would normally be assigned is located for the fiscal year preceding the fiscal year for which the determination is made.

“(4) INCOME.—An education certificate under this section, and funds provided under the education certificate, shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

“(i) EFFECT ON OTHER PROGRAMS; USE OF SCHOOL LUNCH DATA.—

“(1) EFFECT ON OTHER PROGRAMS.—

“(A) IN GENERAL.—An eligible child participating in a demonstration project under this section, who, in the absence of such a demonstration project, would have received services under part A of title I shall be provided such services.

"(B) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act.

"(2) COUNTING OF ELIGIBLE CHILDREN.—Notwithstanding any other provision of law, any local educational agency participating in a demonstration project under this section may count eligible children who, in the absence of such a demonstration project, would attend the schools of such agency, for purposes of receiving funds under any program administered by the Secretary.

"(3) SPECIAL RULE.—

"(A) IN GENERAL.—Notwithstanding the provisions of section 9(b)(2)(C)(iii) and (iv) of the Richard B. Russell National School Lunch Act, information obtained from an application for free or reduced price meals under such Act or the Child Nutrition Act of 1964 shall, upon request, be disclosed to an eligible entity receiving a grant under this section and may be used by the eligible entity to determine the eligibility of a child to participate in a demonstration project under this section and, if needed, to rank families by income in accordance with subsection (g)(2)(C)(ii).

"(B) LIMITATIONS.—

"(i) IN GENERAL.—Information provided under this paragraph shall be limited to the information needed to determine eligibility or to rank families in a demonstration project under this section and may be used only by persons who need the information to determine eligibility or rank families in a demonstration project under this section.

"(ii) LIMITATIONS.—A person having access to information provided under this paragraph shall be subject to the limitations and penalties imposed under section 9(b)(2)(C)(v) of the Richard B. Russell National School Lunch Act.

"(4) CONSTRUCTION.—

"(A) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions, except that no provision of a State constitution or State law shall be construed to prohibit the expenditure in or by sectarian institutions of any Federal funds provided under this section.

"(B) DESEGREGATION PLANS.—Nothing in this section shall be construed to interfere with any desegregation plans that involve school attendance areas affected by this section.

"(j) PARENTAL NOTIFICATION.—Each eligible entity receiving a grant under this section shall provide timely notice of the demonstration project to parents of eligible children residing in the area to be served by the demonstration project. At a minimum, such notice shall—

"(1) describe the demonstration project;

"(2) describe the eligibility requirements for participation in the demonstration project;

"(3) describe the information needed to make a determination of eligibility for participation in the demonstration project for an eligible child;

"(4) describe the selection procedures to be used if the number of eligible children seeking to participate in the demonstration project exceeds the number that can be accommodated in the demonstration project;

"(5) provide information about each choice school, including information about any admission requirements or criteria for each choice school participating in the demonstration project; and

"(6) include the schedule for parents to apply for their eligible children to participate in the demonstration project.

"(k) EVALUATION.—

"(1) ANNUAL EVALUATION.—

"(A) CONTRACT.—The Secretary shall enter into a contract with an evaluating agency for the conduct of an ongoing rigorous evaluation of the demonstration program under this section.

"(B) ANNUAL EVALUATION REQUIREMENT.—The contract described in subparagraph (A) shall require the evaluating agency to annually evaluate each demonstration project under this section in accordance with the criteria described in paragraph (2).

"(2) EVALUATION CRITERIA.—The Secretary shall establish such criteria for evaluating the demonstration program under this section. Such criteria shall include—

"(A) a description of the implementation of each demonstration project under this section;

"(B) a comparison of the educational achievement between students receiving education certificates under this section and students otherwise eligible for, but not receiving education certificates under this section;

"(C) a comparison of the level of parental satisfaction and involvement between parents whose children receive education certificates and parents from comparable backgrounds whose children did not receive an education certificate; and

"(D) a description of changes in the overall performance and quality of public elementary and secondary schools in the demonstration project area that can be directly or reasonably attributable to the program under this section.

"(3) REPORTS.—

"(A) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under this section shall submit, to the Secretary and the evaluating agency, an annual report regarding the demonstration project under this section. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

"(B) REPORTS BY EVALUATING AGENCY.—

"(i) IN GENERAL.—The evaluating agency shall transmit to the Secretary and the Congress 2 interim reports on the findings of the annual evaluation under this subsection.

"(ii) FIRST INTERIM REPORT.—The first interim report under clause (i) shall be submitted not later than September 20, 2003, and shall, at a minimum, describe the implementation of the demonstration projects under this section and shall include such demographic information as is reasonably available about—

"(I) the participating schools (both the choice schools and the schools that have been identified as failing;

"(II) the participating and requesting students and background of their families; and

"(III) the number of certificates requested versus the number of certificates received.

"(iii) SECOND INTERIM AND FINAL REPORT.—The second interim and final report under this subparagraph shall be submitted to the Secretary and the appropriate committees in Congress not later than September 30, 2006, and June 1, 2008, respectfully, and shall, at a minimum, include the information described in clause (ii), as well as any additional information deemed necessary by the Secretary.

Mr. GREGG. Madam President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 536, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—41

Allard
Allen
Bennett
Brownback
Bunning
Byrd
Campbell
Carper
Cochran
Craig
DeWine
Domenici
Ensign
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Stevens
Thompson
Thurmond
Voinovich
Warner

NAYS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Burns
Cantwell
Carnahan
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Graham
Hagel
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Torricelli
Wellstone
Wyden

NOT VOTING—1

Inouye

The amendment (No. 536), as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, we thank all our Members. Now we have agreed to consider the Carper amendment. We have a time limit, I believe a 2-hour time limit, evenly divided, so we expect our next vote sometime around quarter of 6. Perhaps we will be able to yield back some time, but we are trying to move this along.

Mr. GREGG. If the Senator will yield, it is my understanding after the Carper amendment we are going to have 10 or 20 minutes equally divided on the Dodd amendments?

Mr. REID. If the Senator from New Hampshire will yield, we cleared with Senator KENNEDY and with you, we are going to have a half hour evenly divided and then vote on the Dodd amendment dealing with comparability, amendment No. 459.

Senator DASCHLE wishes to have a number of other amendments resolved tonight. We will do that. We will work with the two managers to move on.

Mr. GREGG. We are now moving onto the Carper-Gregg amendment?

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware, Mr. CARPER, is recognized to call up amendment No. 518, on which there shall be 2 hours of debate.

AMENDMENT NO. 518, AS MODIFIED

Mr. CARPER. Madam President, I ask unanimous consent amendment No. 518 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER] for himself, Mr. GREGG, Mr. FRIST, Mr. LIEBERMAN, Mr. BINGAMAN, Mr. KERRY, Ms. LANDRIEU, Mr. BIDEN, Mr. CRAPO, Mr. DEWINE, Mr. ENSIGN, and Mr. BREAUX, proposes an amendment numbered 518, as modified.

Mr. CARPER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote parental involvement and parental empowerment in public education through greater competition and choice)

On page 45, between lines 20 and 21, insert the following:

"(H) Each State plan shall provide an assurance that the State's accountability requirements for charter schools (as defined in section 5120), such as requirements established under the State's charter school law and overseen by the State's authorized chartering agencies for such schools, are at least as rigorous as the accountability requirements established under this Act, such as the requirements regarding standards, assessments, adequate yearly progress, school identification, receipt of technical assistance, and corrective action, that are applicable to other schools in the State under this Act.

On page 763, between lines 10 and 11, insert the following:

SEC. 502. EMPOWERING PARENTS.

(a) SHORT TITLE.—This section may be cited as the "Empowering Parents Act of 2001".

(b) PUBLIC SCHOOL CHOICE.—

(1) SHORT TITLE OF SUBSECTION.—This subsection may be referred to as the "Enhancing Public Education Through Choice Act".

(2) PURPOSES.—The purposes of this subsection are—

(A) to prevent children from being consigned to, or left trapped in, failing schools;

(B) to ensure that parents of children in failing public schools have the choice to send their children to higher performing public schools, including public charter schools;

(C) to support and stimulate improved public school performance through increased public school competition and increased Federal financial assistance;

(D) to provide parents with more choices among public school options; and

(E) to assist local educational agencies with low-performing schools to implement districtwide public school choice programs or enter into partnerships with other local educational agencies to offer students interdistrict or statewide public school choice programs.

(3) PUBLIC SCHOOL CHOICE PROGRAMS.—Part A of title V, as amended in section 501, is further amended by adding at the end the following:

"Subpart 4—Voluntary Public School Choice Programs

"SEC. 5161. DEFINITIONS.

"In this subpart:

"(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given such term in section 5120.

"(2) LOWEST PERFORMING SCHOOL.—The term 'lowest performing school' means a public school that has failed to make adequate yearly progress, as described in section 1111, for 2 or more years.

"(3) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, for the most recent fiscal year for which satisfactory data are available.

"(4) PUBLIC SCHOOL.—The term 'public school' means a charter school, a public elementary school, and a public secondary school.

"(5) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

"SEC. 5162. GRANTS.

"The Secretary shall make grants, on a competitive basis, to State educational agencies and local educational agencies, to enable the agencies, including the agencies serving the lowest performing schools, to implement programs of universal public school choice.

"SEC. 5163. USE OF FUNDS.

"(a) IN GENERAL.—An agency that receives a grant under this subpart shall use the funds made available through the grant to pay for the expenses of implementing a public school choice program, including—

"(1) the expenses of providing transportation services or the cost of transportation to eligible children;

"(2) the cost of making tuition transfer payments to public schools to which students transfer under the program;

"(3) the cost of capacity-enhancing activities that enable high-demand public schools to accommodate transfer requests under the program;

"(4) the cost of carrying out public education campaigns to inform students and parents about the program;

"(5) administrative costs; and

"(6) other costs reasonably necessary to implement the program.

"(b) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall supplement, and not supplant, State and local public funds expended to provide public school choice programs for eligible individuals.

"SEC. 5164. REQUIREMENTS.

"(a) INCLUSION IN PROGRAM.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall—

"(1) allow all students attending public schools within the State or school district involved to attend the public school of their choice within the State or school district, respectively;

"(2) provide all eligible students in all grade levels equal access to the program;

"(3) include in the program charter schools and any other public school in the State or school district, respectively; and

"(4) develop the program with the involvement of parents and others in the community to be served, and individuals who will carry out the program, including administrators, teachers, principals, and other staff.

"(b) NOTICE.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall give parents of eligible students prompt notice of the existence of the program and the program's availability to such parents, and a clear explanation of how the program will operate.

"(c) TRANSPORTATION.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall provide eligible students with transportation services or the cost of transportation to and from the public schools, including charter schools, that the students choose to attend under this program.

"(d) NONDISCRIMINATION.—Notwithstanding subsection (a)(3), no public school may discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, or disability in providing programs and activities under this subpart.

"(e) PARALLEL ACCOUNTABILITY.—Each State educational agency or local educational agency receiving a grant under this subpart for a program through which a charter school receives assistance shall hold the school accountable for adequate yearly progress in improving student performance as described in title I and as established in the school's charter, including the use of the standards and assessments established under title I.

"SEC. 5165. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENTS.—Each application for a grant under this subpart shall include—

"(1) a description of the program for which the agency seeks funds and the goals for such program;

"(2) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

"(3) if the program is carried out by a partnership, the name of each partner and a description of the partner's responsibilities;

"(4) a description of the policies and procedures the agency will use to ensure—

"(A) accountability for results, including goals and performance indicators; and

"(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

"(5) such other information as the Secretary may require.

"SEC. 5166. PRIORITIES.

"In making grants under this subpart, the Secretary shall give priority to—

"(1) first, those State educational agencies and local educational agencies serving the lowest performing schools;

"(2) second, those State educational agencies and local educational agencies serving the highest percentage of students in poverty; and

"(3) third, those State educational agencies or local educational agencies forming a partnership that seeks to implement an interdistrict approach to carrying out a public school choice program.

"SEC. 5167. EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.

"(a) In General.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

"(b) Evaluations.—In carrying out evaluations under subsection (a), the Secretary may use the amount reserved under subsection (a) to carry out 1 or more evaluations of State and local programs assisted under this subpart, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs promote educational equity and excellence; and

"(2) the extent to which public schools carrying out the programs are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

"SEC. 5168. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $125,000,000 for fiscal year 2002 and each subsequent fiscal year.".

(c) Public Charter School Facilities Financing.—

(1) Short title of subsection.—This subsection may be cited as the "Charter Schools Equity Act".

(2) Purposes.—The purposes of this subsection are—

(A) to help eliminate the barriers that prevent charter school developers from accessing the credit markets, by encouraging lending institutions to lend funds to charter schools on terms more similar to the terms typically extended to traditional public schools; and

(B) to encourage the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

(3) Charter schools.—

(A) Conforming amendment.—Section 5112(e)(1), as amended in section 501, is further amended by inserting "(other than funds reserved to carry out section 5115(b))" after "section 5121".

(B) Matching grants to states.—Section 5115, as amended in section 501, is further amended—

(i) in subsection (a), by inserting "(other than funds reserved to carry out subsection (b))" after "this subpart";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following:

"(b) Per-Pupil Facilities Aid Programs.—

"(1) Grants.—

"(A) In general.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, programs in which the States make payments, on a per-pupil basis, to charter schools to assist the schools in financing school facilities (referred to in this subsection as 'per-pupil facilities aid programs').

"(B) Period.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

"(C) Federal share.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

"(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 60 percent in the third such year;

"(iv) 40 percent in the fourth such year; and

"(v) 20 percent in the fifth such year.

"(2) Use of funds.—

"(A) In general.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

"(B) Evaluations; technical assistance; dissemination.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent of the amount to carry out evaluations, to provide technical assistance, and to disseminate information.

"(C) Supplement, not supplant.—Funds made available under this subsection shall supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

"(3) Requirements.—

"(A) Voluntary participation.—No State may be required to participate in a program carried out under this subsection.

"(B) State law.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

"(i) is specified in State law;

"(ii) provides annual financing, on a per-pupil basis, for charter school facilities; and

"(iii) provides financing that is dedicated solely for funding the facilities.

"(4) Applications.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(5) Priorities.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5112(e).

"(6) Evaluations, Technical Assistance, and Dissemination.—

"(A) In general.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary may carry out evaluations, provide technical assistance, and disseminate information.

"(B) Evaluations.—In carrying out evaluations under subparagraph (A), the Secretary may carry out 1 or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

"(i) how, and the extent to which, the programs promote educational equity and excellence; and

"(ii) the extent to which charter schools supported through the programs are—

"(I) held accountable to the public;

"(II) effective in improving public education; and

"(III) open and accessible to all students.".

(C) Authorization of appropriations.—Section 5121, as amended in section 501, is further amended to read as follows:

"SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this subpart $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) Reservation.—For fiscal year 2002, the Secretary shall reserve, from the amount appropriated under subsection (a)—

"(1) $200,000,000 to carry out this subpart, other than section 5115(b); and

"(2) the remainder to carry out section 5115(b).".

(4) Credit enhancement initiatives.—Subpart 1 of part A of title V, as amended in section 501, is further amended—

(A) by inserting after the subpart heading the following:

"CHAPTER I—CHARTER SCHOOL PROGRAMS";

(B) by striking "this subpart" each place it appears and inserting "this chapter"; and

(C) by adding at the end the following:

"CHAPTER II—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

"SEC. 5126. PURPOSE.

"The purpose of this chapter is to provide grants to eligible entities to permit the entities to establish or improve innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

"SEC. 5126A. GRANTS TO ELIGIBLE ENTITIES.

"(a) Grants for Initiatives.—

"(1) In general.—The Secretary shall use 100 percent of the amount available to carry out this chapter to eligible entities having applications approved under this chapter to carry out innovative initiatives for assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

"(2) Number of grants.—The Secretary shall award not fewer than 3 of the grants.

"(b) Grantee Selection.—

"(1) Determination.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

"(2) Minimum grants.—The Secretary shall award at least—

"(A) 1 grant to an eligible entity described in section 5126I(2)(A);

"(B) 1 grant to an eligible entity described in section 5126I(2)(B); and

"(C) 1 grant to an eligible entity described in section 5126I(2)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

"(c) Grant Characteristics.—Grants under this chapter shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of charter school acquisition, construction, or renovation.

"(d) Special Rule.—In the event the Secretary determines that the funds available to carry out this chapter are insufficient to permit the Secretary to award not fewer than 3 grants in accordance with subsections (a) through (c)—

"(1) subsections (a)(2) and (b)(2) shall not apply; and

"(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

"SEC. 5126B. APPLICATIONS.

"(a) IN GENERAL.—To receive a grant under this chapter, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

"(b) CONTENTS.—An application submitted under subsection (a) shall contain—

"(1) a statement identifying the activities proposed to be undertaken with funds received under this chapter, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance the charter schools will receive;

"(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

"(3) a description of the applicant's expertise in capital market financing;

"(4) a description of how the proposed activities will—

"(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist charter schools; and

"(B) otherwise enhance credit available to charter schools;

"(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

"(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the schools need to have adequate facilities; and

"(7) such other information as the Secretary may reasonably require.

"SEC. 5126C. CHARTER SCHOOL OBJECTIVES.

"An eligible entity receiving a grant under this chapter shall use the funds received through the grant, and deposited in the reserve account established under section 5126D(a), to assist 1 or more charter schools to access private sector capital to accomplish 1 or more of the following objectives:

"(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

"(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

"(3) The payment of start-up costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a charter school.

"SEC. 5126D. RESERVE ACCOUNT.

"(a) IN GENERAL.—For the purpose of assisting charter schools to accomplish the objectives described in section 5126C, an eligible entity receiving a grant under this chapter shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5126E) in a reserve account established and maintained by the entity for that purpose. The entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

"(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the entity for 1 or more of the following purposes:

"(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5126C.

"(2) Guaranteeing and insuring leases of personal and real property for such an objective.

"(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, charter schools.

"(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

"(c) INVESTMENT.—Funds received under this chapter and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this chapter shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

"SEC. 5126E. LIMITATION ON ADMINISTRATIVE COSTS.

"An eligible entity that receives a grant under this chapter may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the entity's responsibilities under this chapter.

"SEC. 5126F. AUDITS AND REPORTS.

"(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this chapter shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(b) REPORTS.—

"(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this chapter annually shall submit to the Secretary a report of the entity's operations and activities under this chapter.

"(2) CONTENTS.—Each such annual report shall include—

"(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

"(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

"(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this chapter in leveraging private funds;

"(D) a listing and description of the charter schools served by the entity with such Federal funds during the reporting period;

"(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5126C; and

"(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this chapter during the reporting period.

"(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this chapter.

"SEC. 5126G. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

"No financial obligation of an eligible entity entered into pursuant to this chapter (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this chapter.

"SEC. 5126H. RECOVERY OF FUNDS.

"(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(1) all of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this chapter, that the entity has failed to make substantial progress in carrying out the purposes described in section 5126D(b); or

"(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5126D(b).

"(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5126D(b).

"(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

"(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

"SEC. 5126I. DEFINITIONS.

"In this chapter:

"(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given such term in section 5120.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $200,000,000 for fiscal year 2002 and each subsequent fiscal year.".

(5) INCOME EXCLUSION FOR INTEREST PAID ON LOANS BY CHARTER SCHOOLS.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 and section 140 and by inserting after section 138 the following new section:

Mr. CARPER. Madam President, I yield myself such time as I may consume.

Let me begin by extending my appreciation to Senator GREGG and a number of our colleagues, both Democrats and Republicans, for joining me in offering this amendment today.

Over the course of the last several weeks, we have found considerable common ground as we seek to redefine the role of the Federal Government in education. We believe we need to invest, at the Federal level, more resources, but in programs that work. We agree on the need to give that money to schools and school districts from the Federal Government more flexibly. We agree if we are going to provide more resources, and if we are going to provide those dollars more flexibly, we should demand results there should be accountability. Finally, we all agree on the need to impart to parents the ability to make choices about the schools their children attend.

In the 50 States, all but one have adopted rigorous standards about what they expect their students to know and do. In more than half the States of our country this past school year, tests were given to measure student progress toward their State standards in subjects such as math and science and English and social studies. States throughout America have wrestled with consequences, with accountability systems. How do we hold schools accountable, school districts accountable, parents accountable, and politicians as well? We have wrestled with those questions in Delaware. I know we are wrestling with them in all 50 States.

The bill we are working on, as it has been modified to date, has some important elements I want us to address with this amendment. I hope in offering this amendment we will make this bill better. I think there is a need for the changes we are offering in this amendment.

Under the legislation that has been modified to date and that stands before us today, we call on States to set their academic standards. For the most part they have done that. We call on States to prepare tests—some have prepared tests to measure student progress, but in this case we are calling on States to prepare tests to measure student progress on an annual basis from the third to eighth grade. We are calling on States to decide at what level they expect all of their students to perform roughly 10 years out.

In each of the next 10 years, we are asking them to spell out the benchmarks, the performance levels at which they expect their students to be able to perform, in year 1, 2, 3, 4, and so on, out to the 10th year.

There are consequences for schools where students do not meet the benchmarks, the improvement that the States themselves agreed on for their own schools. For failing schools—schools that fail to meet their annual progress improvement goals—the consequence is not great in the first year. They will receive technical assistance—more help. I think that is appropriate.

The second year a school fails to meet the annual improvement goals for their students, more technical assistance is provided, but there are some additional consequences as well.

By the time we get to year 4, for a school that has continued failing 4 years in a row, meaning their students have not met the benchmarks set by their school, set by their State, the consequences become more severe. Let me mention a few of them.

First of all, the school district in which that school has failed 4 years in a row must offer public school choice, must provide the transportation for students to go from a failing school to a school that is not failing. In addition, the school district is faced with one of a limited number of options for addressing what to do with that failing school. One of those options is to turn the school over to the State to run. Another option is to disband the school with respect to existing faculty and administration and start all over. A third option will be to turn the school over to a private sector enterprise, a private entity, to run the school. And a fourth option is to mandate that the school be transformed and turned into a charter school.

Personally, I hope by the end of year 4 there are not any schools that are failing in this country. But I think that may be the triumph of man's hope over experience. We have tens of thousands of schools. We have thousands of school districts across America. There are going to be schools that do not meet the standards, the benchmarks set by their own States—in some cases, 4 years in a row. What do we do within the Federal Government to help nurture, to foster, to ease that transition to public school choice in those schools that have failed 4 years in a row?

I think Delaware was the first State to implement public school choice statewide. We did so to inject market forces into our public schools by saying to parents that if your child's school is failing to meet your expectations for your child, you have the option to go to a variety of other schools, and the State will pay for the transportation. It makes for wonderful change, for good change, and for a positive change as we introduce elements of competition into public education.

Unfortunately, if you look at what we are offering within the Federal Government to assist, to nurture, to encourage, and to help ease that transition from traditional public schools to maybe statewide public school choice, we do precious little.

The amendment I offer today with Senator GREGG and others says that we ought to do a good deal more. In this amendment, we do.

The second question I want to ask rhetorically is, If we say in this legislation before us today that after 4 years of failure we have to do something with that failing school— one of the options is to turn it into a charter school—what do we do to help make sure that folks who want a charter school might have some ability to succeed in starting a charter school? How do we help them?

Under current law, we do a couple of things. Under current law, there is a basic charter school planning and development grant. It does not address brick and mortar, but it helps people who have an idea they would like to start a charter school and are not sure how to do it. It supports technical resource centers and clearinghouses that help point to what is working in other places to start charter schools; but with respect to brick and mortar, to help with the biggest challenge involved in starting up a charter school: Where are we going to have the school? How are we going to pay for building the school? How are going to take over an existing building and refurbish it for our school? It is a huge challenge in my State and every other State. There are 36 States that now have charter schools. But current law doesn't help much in that regard. We help very little in terms of the money that we appropriate. In the current fiscal year 2001 Labor-HHS appropriations bill, there is a $25 million grant to public entities and private entities that are engaged in providing credit enhancement to help provide space for charter schools. That help might come in the form of loan guarantees. It might come in the form of subsidized loans. It is $25 million.

The amendment before us today says that we ought to grow both of these approaches. In the first case, instead of providing $25 million—the program is currently authorized at $100 million—why don't we increase the authorization to $200 million to provide the assistance that charter schools really need to get started?

In the second case, we propose with our amendment to provide short-term matching grants to States that will help these charter schools on the brick and mortar side on the capital side.

Currently, in my State folks running a charter school and kids going to that charter school may receive operating money per student at that school equal to the operating funds that go to students in other public schools. However, in those other public schools, if they want to rebuild the school, build a new school, or refurbish a school, the State of Delaware will sell tax-exempt bonds for those public schools. The State of Delaware will pay anywhere from 60 to

80 percent of the cost of the principal and interest on those bonds. If a charter school is trying to get started in my State on the brick and mortar side, we don't do anything for them. We don't issue tax-exempt bonds, or even pay for 1 percent of their capital costs, much less 60 to 80 percent. If you look at the other 36 States, for the most part, those States provide just about the same help to charter schools on the capital side as Delaware—does.

I don't think it is the role of the Federal Government to come in and make up all of that difference. We can, as a Federal government, through loan guarantees and subsidized loans, encourage other public and nonpublic entities to assist in starting up charter schools and paying for the brick and mortar costs.

We can also provide incentives from my State and other States to provide some capital costs and capital assistance for charter schools. We will provide matching grants at the Federal level. We will not pay for all of it, but we will provide matching grants to help States get those charter schools started.

At the beginning of the debate I asked to modify the amendment. I did so because there are some tax consequences that are not appropriate to be debated in the context of this bill because they are within the purview of the Senate Finance Committee and the House Ways and Means Committee. I will mention them anyway. I will use my State as an example because that is what I know best.

If the State of Delaware wants to help build public schools, we issue tax-exempt bonds. If a charter school wants to build a school for themselves, they borrow money. The interest is not tax-free. A charter school may be right alongside a traditional public school. The public school gets tax-exempt bonds. Whoever loans the money to the charter school has to pay taxes on the interest.

I don't think that is right or fair. I would like to change that. Unfortunately, we cannot do that today. We will try to come back and address it in another venue with another vehicle.

For people who voted against the Gregg amendment on a demonstration for vouchers, I understand it was a tough vote. But for people who weren't willing to experiment in that way with choice, I urge you to consider this approach.

If you think public school choice can really help introduce market forces and competition into our public schools—other States are trying it—I urge you to vote for this amendment. If you think that we may be able to replicate the success of schools across America as we have done in Delaware—I urge you to vote for this amendment. The Presiding Officer, in another role as First Lady, actually came to the very first charter school we started in Delaware about 5 years ago. We were pleased to welcome her there. We were trying to start a charter high school. I say to the Presiding Officer that last year when the results were counted for tests in reading, math, science, and so forth, the high school that did the best of all the public high schools in Delaware was the Wilmington charter school that she visited.

In my State, the only school out of almost 200 schools where every student who took the Delaware math test last year actually met or exceeded the State's math standards, believe it or not, is the school that has the highest incidence of poverty in the State. Eighty-three percent of the kids at the East Side charter school receive free or reduced-price lunches. No other school in our State has an incidence of poverty such as that.

Those are only two examples of charter schools: one is a high school and another is K through 3. Charter schools are working well.

I hope we will say that the Federal Government should have an obligation. Under the accountability provisions of this legislation, I think there is a real obligation to assist in pushing forward public school choice and in making the transition from traditional public schools to charter schools. Maybe it is not easy, but it is something that is doable.

I retain the balance of my time. I turn it over to my colleague, and again say to Senator GREGG, thanks for joining in support of this legislation and, in fact, for amending this legislation to help to make it better.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 45 minutes, 42 seconds. The opposition still has 1 hour.

Mr. CARPER. Madam President, it is not clear to me who controls the time in opposition.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to opposition time.

Mr. GREGG. I am not claiming opposition time. I am in support of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to time on the opposition side.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, would the Chair restate the request?

The PRESIDING OFFICER. There has been no request of the Chair.

The Senator from Nevada.

Mr. REID. Senator CARPER asked who was in opposition to this amendment. Senator KENNEDY was predisposed, working with his staff. Senator KENNEDY is opposed to the amendment and would control the time.

I ask Senator KENNEDY, is that right?

Mr. KENNEDY. Just for the purposes of this moment now.

Mr. CARPER. Madam President, I yield to the Senator from New Hampshire whatever time he needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Delaware.

Madam President, I support the Senator from Delaware in his amendment. I thank him for bringing it forward. The Senator, of course, served as Governor of Delaware prior to coming to the Senate. He understands intimately the issues that are involved in education, as all Governors do, because it is the No. 1 issue with which most Governors deal. Therefore, I think his amendment, which I am supporting, is a reflection of a comprehensive understanding of the question of how we try to address the improvement of our school systems.

I believe that those who have been exposed to the charter school movement see in it the embryo of a way to move our school systems into a phase of significant improvement.

Charter schools are being tried in a lot of States. In fact, they have expanded dramatically across the country. I think we are now up to some multiple thousand charter schools. They have caught on because they make sense.

Essentially, what a charter school does is give a community which is unhappy with the way the public school system is working an opportunity, within the public school structure, to set up an independent school, which is a public school but which is not subject to the restrictions that the public school system may put on the traditional school in the community, thus creativity can and does occur within that charter school.

In fact, there are many instances of charter schools being cited as schools that have radically improved the educational services delivered to the communities, and to students in those communities.

I know, for example, that President Bush is fond of citing his experience with a charter school in Houston. I have forgotten the name of the school, but I do recall vividly his discussion of it on the campaign trail, especially when he was in New Hampshire, and his enthusiasm about the way this charter school had taken a low-income urban school district population, which basically did not have a very good experience in the educational system, and turned it around so that it was now the leading school in the State in that age group.

That happens because charter schools are vibrant and exciting places. To begin with, the people who start them are enthusiastic about education. They want to make sure that children have an opportunity to learn in a different climate. Therefore, they start these schools with the energy that comes from a new expedience and desire to change and improve the community, and especially the educational system.

They have a great track record. But they have run into some problems. What the Carper amendment does is essentially try to address, to the extent the Federal Government can participate in addressing this issue, some of the concerns of these school systems. One of the biggest I think—and one of the reasons I am excited about the amendment—is it addresses the capital needs of actually starting these schools. Even though he has had to modify the amendment in order to avoid a technical problem with the Ways and Means Committee on the House side—those who are familiar with the Ways and Means committee understand it is extremely territorial. I served on it and, I assure you, that is part of the character of the Ways and Means Committee—even with that adjustment, the amendment has in it initiatives which will allow charter school construction costs to be alleviated, or participated in to some degree, through these new funds which will be available.

That is very important because one of the biggest problems you run into with a charter school is not getting the talent, the people who want to run it out getting the building into shape where it actually can handle kids coming into the school system. So that, in my opinion, will be a very positive impact of this amendment.

Also, I think it should be pointed out that this amendment assists in the transportation activity, which is a critical part of the charter school problem. A lot of parents want to send their kids to a charter school, but they are low-income parents, and they do not have the capacity to physically move their kids from their home to the school. The school their child may be attending might be around the block, but it might be a school that simply isn't working and they may want their child to go to a charter school. But that charter school may require a significant amount of transportation costs on a daily basis, which may simply exceed the ability of a low-income parent to maintain. So this amendment assists in that area.

It is also important for us to understand—at least I believe it is important for us to understand—the way you improve education is not by a top-down approach. We in Washington do not have the answers. It is that simple. The way you improve education is by allowing the creative minds of the educational community, and the parents, to step on to the playing field of education and do what they think is best, do it with aggressiveness and do it with imagination.

Charter schools are an example of that opportunity. We should not say a charter school must be set up this way or must have this amount of procedure. It is just the opposite. We should simply say: You have the option to take that charter school route, if you want. And if you decide to go that way, we are going to help you by assisting you with the dollar support which will work for your benefit, and allow the school to be creative.

Some might argue: This is a new program or a significant increase in a program. And with all the other new programs that have been put into this bill, is it appropriate to create another program or add another significant amount of money into this bill. Obviously, I have reservations about that. I am concerned about the fact that this bill has exploded in costs. The 10-year cost of this bill presently exceeds the original cost of this bill by almost $200 billion.

But I think what we have to remember is that what this bill should be doing is creating incentives for creative ideas and approaches. And charter schools, as much as anything else that can occur in the educational community, will accomplish that goal.

In this bill money is being spent to promote programmatic activity that is already in place and that maybe isn't working all that well or, if it is working all that well, maybe is tangential to dramatically increasing the learning capacity of children.

Charter schools, on the other hand, are working and we know they will significantly impact the capacity of children to improve their education, not only because the child who is in the charter school gets a better education but because charter schools, by definition, put pressure on the rest of the public school community within that city or town or State to improve. So it is bringing competition into the public school system using the public school system itself.

We just had an amendment to try to bring competition into the public school system using the private school system. That was rejected. This amendment stays within the context of the public school system and brings competition into the system. As a result, in my opinion, it puts significant positive pressure on the other public schools to improve their product. And as a result, I think that is very positive.

Mr. REID. I ask the Senator from New Hampshire if he will yield?

Mr. GREGG. I certainly will yield.

Mr. REID. I have spoken to Senator KENNEDY, and Senator KENNEDY is not in opposition to this amendment. I want to make sure the Senator knows that prior to completing his remarks. So I do not know who is in opposition to the amendment. I guess the Senator from Delaware will find out later. At this time we know of no one who is in opposition.

Mr. GREGG. I am sure the Senator from Delaware will be relieved to hear no one is in opposition to the amendment. I certainly am. That is good news.

Mr. REID. The Senator wishes to speak on the amendment after you finish.

Mr. GREGG. With that good news, I will curtail my statement and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield myself such time as I might use on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the pending amendment addresses two important growing policy areas: Public school choice and public charter schools. First, the amendment provides grant support to States seeking intra- and inter-district public school choice plans. That is very important, given where we are in other provisions of the bill. Second, the pending amendment provides specific assistance to charter schools struggling with capital school construction needs. That is going to be very important, given the provisions of the bill that will require schools to restructure and reorganize if they fail to meet certain goals.

I support public school choice. Our legislation already provides parents of children in low-performing schools the option to transfer to other public schools or charter schools. But public school choice programs bring added costs that come with, most significantly, added transportation needs. If we are truly to support public school choice, we should provide the districts aid for their increased transportation costs.

I also support charter schools. Like public school choice which can encourage districtwide improvement, charter schools can provide more options to parents within the public school system. I think we should do more to support the charter schools in the area in which they have the greatest need—school construction.

Charter schools do not have the same capital resources that regular public schools do. Charter schools cannot float tax-exempt bonds as public school districts can. Charter schools primarily have new building construction needs. Noncharter, public schools and public school districts, on the other hand, primarily have building repair needs. Just as there are charter schools with unique and urgent school repair and construction needs, there are also regular public schools with unique and urgent school repair and construction needs. We should also provide school construction assistance to both charter schools and regular public schools.

That is the difficulty I find in the logic of my friends who opposed the Harkin proposal in terms of providing help to meet the construction needs in our public school system, a best estimate of over $130 billion in needs. We recognize the importance of having a facility that is going to be safe for children and that is also going to be responsive to the children's needs in terms of a modern classroom. I know Senator HARKIN has made the case, and Senator FEINSTEIN and others, of the importance of giving assistance to local communities. They are not required to take that help, but when you realize the age of many of our school facilities, particularly in many of the older cities of the country, as well as in many of the rural areas, you know there is an extraordinary need.

What is so apparent is that children attending schools which are in dilapidated condition sends a very powerful message to the students. On the one hand, they go to modern supermarkets and modern malls and they see what investments in these kinds of facilities would mean. They are valued by their parents or their grownups. Then on the other hand, parents are sending children off to schools which are dilapidated, which are in need of repair, where in many instances the electrical systems aren't working or their air-conditioning is not working, the windows are not repaired.

I am supporting this proposal, but it is important to wonder why we in the Senate, if we are going to provide this kind of help for the construction of charter schools, are not providing assistance to the public schools. I find it difficult to understand the response in this area by many of our colleagues on this side of the aisle, their traditional argument that this is a local responsibility. The fact is, we are trying to find ways of creating a climate where children can learn. If we are not going to provide the classroom situation for that learning process, we are not really meeting our responsibilities.

I am supporting this program, but I do think the need for school renovation and modernization across the board is extraordinary. The National Center on Education Statistics reports that nationwide more than $127 billion is needed for public school construction, repair, and modernization. The American Society of Engineers reports that average school repair costs per child are $3,800.

All of the reforms included in the BEST Act will be dramatically undermined if we continue to send children to dilapidated, overcrowded, out-of-date schools. When we send children to inadequate, crumbling schools, we send them the message that they don't matter. What does it say to a child when their classroom is a school bathroom, when windows are broken and roofs are leaking?

We should support public school and public charter school construction needs. We need to keep in mind that 97 percent of all public school children go to noncharter schools. I continue to hold out hope that we will provide badly needed school construction assistance to regular public schools and public charter schools. Construction and modernization needs are great across the board.

I urge my colleagues to support the pending amendment and hope we can continue to work in the future to support construction and modernization needs nationwide.

There may be those who say we are not going to support it because we are not meeting our responsibility to public schools. There may be some of our colleagues who fall in that category. I would rather see us do what is right for children in meeting our responsibility on the public school choice provisions which are included and also with regard to charter schools.

My great regret about this amendment is that it is leaving out 97 percent of the public schools that ought to get help. This amendment is a very modest amendment. It is a useful amendment. But for me it sort of fails to hit the mark in providing the assistance which is needed in the area of construction.

I know we have to do the best we can. There was a broader kind of amendment that was not accepted in the Senate. The Senator from Delaware has come up with a proposal to at least provide some construction funding in areas where there is need. Hopefully, as this whole process moves ahead, we will find some opportunity to find a way of helping the other public schools in this country with their construction needs as well.

This amendment is useful. I hope it reminds us of the fact that we are not meeting our responsibilities in construction and assistance to other public schools and that we will continue to work in that area to help the children of this country.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware.

Mr. CARPER. Madam President, let me express my thanks to the chairman, the Senator from Massachusetts, for his support and for his words.

I have said on the floor before and I say it again today: We all acknowledge, the role of the Federal Government is not to run our schools, the role of the Federal Government is to try to level the playing field at least a little bit for kids who come, in some cases, from hopelessly disadvantaged backgrounds. The appropriate role of the Federal Government is to help identify what is working to raise student achievement across the country.

An appropriate role for the Federal Government is, when we do identify those things that are working, to encourage them. We nurture those ideas. We try to share those ideas with others around the country.

I remember when I was Governor of Delaware, about 5 years ago we were debating public school choice. I had just signed, as Governor, public school choice into law. I remember overhearing a conversation between a couple of school administrators. They didn't know I was listening, but I was.

I heard one administrator say to the other: If we don't offer parents what they want for their children in our public schools, their children will go to another school where they are offering what they want for their children. I said to myself at the time: He's got it. Because in Delaware and other places where we have public school choice, particularly when you provide help on the transportation side so that it is really meaningful, if a student in school A isn't getting what they want or their parents want for them, they can go to school B. The transportation is provided for, and the money follows the students.

That is a really important concept. The money follows the student. In our State, the State provides anywhere from $6,000 to $7,000 per student for their education. When one child goes from school A to school B, the $6,000 or $7,000 follows that student. If one student moves from school A to school B, not many people are going to take notice of that. If 10 students move from school A to school B, that is 10 times $6,000 or $7,000, which is $60,000 or $70,000. Maybe somebody will notice that. If 100 students move from school A to school B because they are offering something school A is not offering, somebody is going to notice that certainly; they are certainly going to notice it in school A. The question they began to ask in my State was: What are they offering there that we are not offering? Maybe we ought to offer it as well.

It is the very best thing to come out of competition and out of the market forces we have introduced. Let me also add that I have always believed that the role of government, and particularly the Federal Government, in education is not to row the boat. The role of the Federal Government is maybe to help steer the boat. The Federal Government provides less than 10 percent of the resources for the education of our children. States provide much more. In Delaware, it is 70 percent. Nationally, I think it is about 50 percent. The rest comes from local property taxes.

But if we in this body, in this Capitol, in our role as the Federal Government—certainly the legislative side of it—if we can help identify those things that work and if we can nurture them and help steer and not row the boat, our kids, in a lot of places, with relatively modest investments, are going to end up with a better education and be better prepared to go on and face the world with the skills they will need to be successful in college and in work and in life.

Senator KENNEDY said this is a modest but useful amendment. I think it is going to prove even more useful than we dare to hope today. If it is adopted and ends up in the final bill that goes to the President, we will have a chance to test that premise. I sincerely hope we do.

Again, to Senator GREGG, and to others who joined us in cosponsoring the original bill which underlies the amendment, and this amendment itself, I express my thanks.

Madam President, I yield back whatever time remains and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. We have to determine if there is a sufficient second.

Is there a sufficient second?

There is not a sufficient second.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that the Senator from Delaware has yielded back his time.

The PRESIDING OFFICER. The Senator is correct. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 518), as modified, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I thank the Senator from Delaware. This amendment is related to other very important provisions in the legislation to ensure there is going to be sufficient funds available. Also in the legislation, there was going to be, with the reconstruction of these schools, the possibility of the development of these charter schools, and this will give additional flexibility to local communities to move in that direction.

So I thank him for offering the amendment. I believe it reaches sort of the central core of what we are attempting to do. I think it is valuable and helpful. I wish it had been a little broader, but I thank the Senator very much for offering it and for working closely with us to move the process along. I am grateful to him.

I am also grateful to my friend from New Hampshire, as always.

Mr. GREGG. I thank my friend.

AMENDMENTS NOS. 505, 545 AS MODIFIED, 520 AS MODIFIED, 583, 561 AS MODIFIED, AND 461 AS MODIFIED, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Madam President, today we are again in a position to clear amendments by consent. I ask, therefore, unanimous consent that it be in order for these amendments to be considered en bloc and that any modifications, where applicable, be agreed to, the amendments be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

(The text of amendment No. 505 is printed in the RECORD of May 9, 2001, under "Amendments Submitted.")

AMENDMENT NO. 545 AS MODIFIED

(Purpose: To create a set-aside for Bureau of Indian Affairs schools)

On page 365, strike lines 7 through 11, and insert the following:

"(a) LIMITATION.—

"(1) IN GENERAL.—From funds appropriated under this part, the Secretary shall reserve such sums as may be necessary for grants awarded under section 3136 prior to the date of enactment of the Better Education for Students and Teacher Act.

"(2) BUREAU OF INDIAN AFFAIRS FUNDED SCHOOLS.—From funds appropriated under this part, the Secretary shall reserve 0.75 percent of such funds for Bureau of Indian Affairs funded schools. Not later than 6 months after the date of enactment of the Better Education for Students and Teacher Act, the Secretary of the Interior shall establish rules for distributing such funds in accordance with a formula developed by the Secretary of the Interior in consultation with school baords of BIA-funded schools, taking into consideration whether a minimum amount is needed to ensure small schools can utilize funding effectively.

AMENDMENT NO. 520 AS MODIFIED

(Purpose: To modify the formula for calculating impact aid payments relating to federal acquisition of real property)

At the end of title IX, add the following:

SEC. 902. IMPACT AID PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702), as amended by section 1803 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398), is amended—

(1) in subsection (h)(4), by striking subparagraph (B) and inserting the following:

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (as determined by dividing the maximum amount that such agency is eligible to receive under subsection (b) by the total maximum amounts that all such local educational agencies are eligible to receive under such subsection) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for purposes of calculating a local educational agency's maximum payment under subsection (b), data from the most current fiscal year shall be used."; and

(2) by adding at the end the following:

"(n) LOSS OF ELIGIBILITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 8013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section in the preceding year.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is an agency that—

"(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

"(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.".

AMENDMENT NO. 583

(Purpose: To make certain technical amendments with respect to impact aid)

At the appropriate place, insert the following:

SEC. . IMPACT AID TECHNICAL AMENDMENTS.

(a) FEDERAL PROPERTY PAYMENTS.—Section 8002(h) (20 U.S.C. 7702(h)) (as amended by section 1803(c) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and was eligible to receive a payment under section 2 of the Act of September 30, 1950" and inserting "and that filed, or has been determined pursuant to law to have filed, a timely application and met, or has been determined pursuant to law to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950"; and

(B) in subparagraph (B), by striking "(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994," and inserting "(or if the local educational agency did not meet, or has not been determined pursuant to law to meet, the eligibility requirements under section 2(a)(1)(C) of the Act Of September 20, 1950, for fiscal year 1994,".

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting before the period the following: ", or whose application for fiscal year 1995 was deemed by law to be timely filed for the purpose of payments for later years"; and

(B) in subparagraph (B)(ii), by striking "for each local educational agency that received a payment under this section for fiscal year 1995" and inserting "for each local educational agency described in subparagraph (A)"; and

(3) in paragraph (4)(B)—

(A) by striking "(in the same manner as percentage shares are determined for local educational agencies under paragraph

(2)(B)(ii)" and inserting "(by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies"; and

(B) by striking ", except that for the purpose of calculating a local educational agency's assessed value of the Federal property," and inserting ", except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b),".

(b) CALCULATION OF PAYMENT UNDER SECTION 8003 FOR SMALL LOCAL EDUCATIONAL AGENCIES.—Section 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after "of the State in which the agency is located" the following: "or less than the average per pupil expenditure of all the States".

(c) STATE CONSIDERATION OF PAYMENTS IN PROVIDING STATE AID.—Section 8009(b)(1) (20 U.S.C. 7709 (b)(1)) (as amended by section 1812(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after "section 8003(a)(2)(B))" the following: "and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under paragraph (1) of section 8003(b)".

(d) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 8014 (20 U.S.C. 7714) (as amended by section 1817(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in subsection (a), by striking "three succeeding" and inserting "six succeeding"";

(2) in subsection (b), by striking "three succeeding" and inserting ""six succeeding";

(3) in subsection (c), by striking "three succeeding" and inserting "six succeeding";

(4) in subsection (e), by striking "three succeeding" and inserting "six succeeding";

(5) in subsection (f), by striking "three succeeding" and inserting "six succeeding"; and

(6) in subsection (g), by striking "three succeeding" and inserting "six succeeding".

AMENDMENT NO. 561 AS MODIFIED

(Purpose: To encourage projects carried out with community-based organizations such as the Police Athletic and Activity Leagues)

On page 256, line 21, strike "; and" and insert a semicolon.

On page 256, line 24, strike the period and insert "; and".

On page 256, after line 24, add the following:

"(I) an assurance that the eligible organization will, to the maximum extent practicable, carry out the proposed program with community-based organizations that have experience in providing before and after school programs, such as the YMCA, the Police Athletic and Activities Leagues, Boys and Girls Clubs and Big Brothers/Big Sisters of America."

AMENDMENT NO. 461 AS MODIFIED

(Purpose: To provide for the expansion of education technology for rural areas)

On page 367, line 5, insert after the period the following: "The Secretary shall give priority when awarding grants under this paragraph to State educational agencies whose applications submitted under section 2305 outline a strategy to carry out part E.".

On page 383, after line 12, insert the following:

SEC. 203. RURAL TECHNOLOGY EDUCATION ACADEMIES.

Title II (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

"PART E—RURAL TECHNOLOGY EDUCATION ACADEMIES

"SEC. 2501. SHORT TITLE.

This part may be cited as the 'Rural Technology Education Academies Act'.

"SEC. 2502. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Rural areas offer technology programs in existing public schools, such as those in career and technical education programs, but they are limited in numbers and are not adequately funded. Further, rural areas often cannot support specialized schools, such as magnet or charter schools.

"(2) Technology can offer rural students educational and employment opportunities that they otherwise would not have.

"(3) Schools in rural and small towns receive disproportionately less funding than their urban counterparts, necessitating that such schools receive additional assistance to implement technology curriculum.

"(4) In the future, workers without technology skills run the risk of being excluded from the new global, technological economy.

"(5) Teaching technology in rural schools is vitally important because it creates an employee pool for employers sorely in need of information technology specialists.

"(6) A qualified workforce can attract information technology employers to rural areas and help bridge the digital divide between rural and urban American that is evidenced by the out-migration and economic decline typical of many rural areas.

"(b) PURPOSE.—It is the purpose of this part to give rural schools comprehensive assistance to train the technology literate workforce needed to bridge the rural-urban digital divide.

"SEC. 2503. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall use amounts made available under section 2310(a) to carry out this part to make grants to eligible States for the development and implementation of technology curriculum.

"(b) STATE ELIGIBILITY.—

"(1) IN GENERAL.—To be eligible for a grant under subsection (a), a State shall—

"(A) have in place a statewide educational technology plan developed in consultation with the State agency responsible for administering programs under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

"(B) include eligible local educational agencies (as defined in paragraph (2)) under the plan.

"(2) DEFINITION.—In this part, the term 'eligible local educational agency' means a local educational agency—

"(A) with less than 600 total students in average daily attendance at the schools served by such agency; and

"(B) with respect to which all of the schools served by the agency have a School Locale Code of 7 or 8, as determined by the Secretary.

"(c) AMOUNT OF GRANT.—Of the amount made available under section 2310(a) to carry out this part for a fiscal year and reduced by amounts used under section 2504, the Secretary shall provide to each State under a grant under subsection (a) an amount the bears that same ratio to such appropriated amount as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State bears to the number of all such students at the schools served by eligible local educational agencies in all States in such fiscal year.

"(d) USE OF AMOUNTS.—

"(1) IN GENERAL.—A State that receives a grant under subsection (a) shall use—

"(A) not less than 85 percent of the amounts received under the grant to provide funds to eligible local educational agencies in the State for use as provided for in paragraph (2); and

"(B) not to exceed 15 percent of the amounts received under the grant to carry out activities to develop or enhance and further the implementation of technology curriculum, including—

"(i) the development or enhancement of technology courses in areas including computer network technology, computer engineering technology, computer design and repair, software engineering, and programming;

"(ii) the development or enhancement of high quality technology standards;

"(iii) the examination of the utility of web-based technology courses, including college-level courses and instruction for both students and teachers;

"(iv) the development or enhancement of State advisory councils on technology teacher training;

"(v) the addition of high-quality technology courses to teacher certification programs;

"(vi) the provision of financial resources and incentives to eligible local educational agencies to enable such agencies to implement a technology curriculum;

"(vii) the implementation of a centralized web-site for educators to exchange computer-related curriculum and lesson plans; and

"(viii) the provision of technical assistance to local educational agencies.

"(2) LOCAL USE OF FUNDS.—Amounts received by an eligible local educational agency under paragraph (1)(A) shall be used for—

"(A) the implementation of a technology curriculum that is based on standards developed by the State, if applicable;

"(B) professional development in the area of technology, including for the certification of teachers in information technology;

"(C) teacher-to-teacher technology mentoring programs;

"(D) the provision of incentives to teachers teaching in technology-related fields to persuade such teachers to remain in rural areas;

"(E) the purchase of equipment needed to implement a technology curriculum;

"(F) the provision of technology courses through distance learning;

"(G) the development of, or entering into a, consortium with other local educational agencies, institutions of higher education, or for-profit businesses, nonprofit organizations, community-based organizations or other entities with the capacity to contribute to technology training for the purposes of subparagraphs (A) through (F); or

"(H) other activities consistent with the purposes of this part.

"(3) AMOUNT OF ASSISTANCE.—In providing assistance to eligible local educational agencies under this section, a State shall ensure that the amount provided to any eligible agency reflects the size and financial need of the agency as evidenced by the number or percentage of children served by the agency who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"SEC. 2504. TECHNICAL ASSISTANCE.

"From amounts made available for a fiscal year under section 2310(a) to carry out this part, the Secretary may use not to exceed 5 percent of such amounts to—

"(1) establish a position within the Office of Educational Technology of the Department of Education for a specialist in rural schools;

"(2) identify and disseminate throughout the United States information on best practices concerning technology curricula; and

"(3) conduct seminars in rural areas on technology education.".

Mr. KENNEDY. We expect that momentarily Senator CANTWELL will be here. We have worked out a rough program and schedule for the latter part of the afternoon and through the evening. We will be able to move along on that program, and we want to thank all of our colleagues for their cooperation.

We have some of the important remaining amendments with which we have to deal, but we have been able to work out a process and a procedure to get time agreements on most of these. So Members will know when these amendments are going to come up. The leader had indicated that we would be voting through the afternoon and into the evening, and there is every expectation that we will continue to do so.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 459 AS FURTHER MODIFIED

Mr. DODD. Madam President, I ask unanimous consent amendment No. 459, the Dodd amendment, be before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is laid aside.

Mr. DODD. I understand we have half an hour of time to debate this amendment. Is there a time agreement?

The PRESIDING OFFICER. There is no time agreement.

Mr. REID. If the Senator from Connecticut will yield, we ask that the Senator from Connecticut, the Republican leader, and Senator KENNEDY agree to a half hour evenly divided.

Mr. DODD. I may use less than that. We have talked a lot about it already. The Senator from New Hampshire has spoken eloquently and at length in opposition. I presume we could get done prior to that. We say "half an hour." Then we think we have to use it. If not, we could get done before. With the admonition of the Senator from Nevada, we will try to move this along.

Mr. REID. Will the Senator yield?

Mr. DODD. I yield.

Mr. REID. As part of the proposed unanimous consent agreement, I ask unanimous consent there be no second-degree amendments prior to the vote, which should be shortly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I raised this amendment a week or so ago. We spoke on it on several different occasions. It was interrupted at various times, other amendments were offered, and this amendment was laid aside.

I say to my colleagues, I offer this amendment on behalf of myself, Senator BIDEN, and Senator REED of Rhode Island. This is an amendment that was first offered in the other body by the distinguished Member of the House, Congressman CHAKA FATTAH of Philadelphia.

This amendment is strongly endorsed by the Council of Great City Schools, Leadership Conference on Civil Rights, National Education Association, the National PTA, a coalition of 180 national organizations including AARP, AFL-CIO, American Veterans Committee, Catholic Charities, Children's Defense Fund, the Congress of National Black Churches, the League of Women Voters, the National Council of Jewish Women, the National Council of La Rasa, the YWCA and YMCA, just to name some.

CHAKA FATTAH made an eloquent argument in the other body about the value of this amendment. Basically what it does is the following:

Since 1965, for 36 years, we have written into the Elementary and Secondary Education Act language that says that in each school district in America there must be a comparable educational opportunity for every child. For 36 years that has worked rather well. We improved education—but there are still gaps in it. Nonetheless, 36 years ago we said for those school districts we believe that all children, regardless of their circumstances of birth, ought to have a comparable education.

Some school districts have student populations vastly in excess of what some States have. The school districts of Los Angeles and New York individually have school populations in excess of the student populations in 27 States. Those school districts are highly diverse, in terms of the number of children from various economic backgrounds within those school districts.

My amendment says we ought to apply that same standard to the States. Why do I say that? This bill asks that children do a better job, be more accountable, be more responsive. To do that, we are going to require a test in this bill. The underlying bill says that every third, fourth, fifth, sixth, seventh, and eighth grader is now going to have to take a test.

Prior to the adoption of this bill, we had mandates from the Federal Government that said there would be three tests in that age group. So we have mandated that there be accountability already. We are not breaking new ground. We are extending it.

Also in this bill we say the teachers need to be more accountable and more responsive. We say school districts need to be accountable and more responsive. We say parents do, school boards do. We say we, at the Federal level, need to be more responsible and demand greater accountability. The one missing element in this entire chain, from the infant child in school to the Federal Government, where I have named virtually everybody from the child to Uncle Sam—one element is missing in that litany. The one element is the States. There is nothing in this bill that requires that the States be accountable or that the States be responsible.

Remember, title I was written 36 years ago because we thought, at the national level, not enough was being done to serve the most needy children in America. That was the rationale behind the Elementary and Secondary Education Act—to provide Federal moneys to the States, to help them serve the most needy children.

Over the years we provided a lot of money, about 6 cents on every dollar. Madam President, 94 cents for educating children comes from States and localities.

If we are going to demand greater accountability, and that students do better in school, that there be higher standards that are to be met, how do we exclude one of the elements here responsible for at least a part of that 94 cents? It is certainly more than the 6 cents the Federal Government supplies. Is it really that radical to say: Mr. Governor or State education board, will you see to it, or work towards achieving comparability of educational opportunity within your State?

I am not mandating success. I don't think you ought to do that. We cannot do that. But to say to a child in Connecticut or a child in the State of Washington or New Hampshire or wherever else they may be, that because of the accident of where you are born, being born in that State should not mean you can end up with an entirely different educational opportunity.

My bill says over the next 6 years—not right away—within 6 years, you will write to the Secretary of Education, under this amendment, if it is adopted, providing assurance that you have such a plan and that you have begun to implement it. And by the way, if 6 years is not long enough, I will give you 2 more under this amendment. That is 8 years.

If you do not do it, what happens? It is left to the discretion of the Secretary to withhold some of the administrative funds under title I—not title I funds. The idea is to urge the States to join with us. Many States, Madam President, as you know and I know, are working hard at this already, just as most school districts are working hard, just as most parents are working hard, and most school boards are working hard. We are not demanding greater accountability in this bill of every school district, parent, child, and teacher because we think they are all failing. We do not believe that. We believe some are.

I believe some States are not doing enough. If I can demand accountability and responsibility of a child, a parent, a teacher, a school board, a school district, and the Federal Government, is it too much to ask that we seek at least an effort on the part of our States to improve the quality of educational opportunity?

I do not think I need to go back and lay out all the arguments. We all know the days of saying this ought to be exclusively, totally a local effort are gone. That may have had great value in the 19th or most of the 20th century when our economic future and success depended upon a child from Connecticut competing with a child from New Hampshire or Massachusetts, or one from Illinois competing with someone in the State of Washington.

But we have entered a global economy. We better have a national vision when it comes to education and national standards. Leaving no child behind means just that. That is why the President has raised this subject matter with the priority he has.

The American public wants to see our public schools do better. The President said leave no child behind and he is enforcing this bill because he believes that by testing children, testing teachers, putting real stringent requirements on school districts, on parents and on ourselves, we are going to raise those standards. I did not hear the word "States" there. That 94 cents that goes to the education of a child, a substantial part of it comes from the States.

I know my State is working hard at this. We have had court cases pending. I know the Governor and the State legislature work at this. I have no problems whatsoever with States that are trying to get this job done. But unfortunately, as I said a moment ago, there are jurisdictions in this country which have not been as responsive or have not been as accountable to the desire to see to it that all children will be given an equal opportunity to succeed.

It has been 47 years since the Supreme Court of the United States, just across the street here, passed Brown v. Board of Education, almost a half century ago. When they said separate and unequal schools can no longer be permissible, it was almost a half century ago. There is not one of us in this Chamber who does not know as a matter of fact, even in the States that are trying harder, that Brown v. Board of Education, that 9-0 decision, has yet to provide the kind of relief of the problems that too many of our children are facing. They are separate and they are in unequal educational opportunities. I do not care what State you go to, that is the case. Some States are working at it and some are not.

Madam President, almost 50 years later I do not think it is too much to ask that State education authorities or our Governors should also be asked to join in this effort. We cannot do it without them. This is not some peripheral organization here. This is about as critical as it gets. If we are going to be looking for better results and excluding the States from stepping up to the plate and becoming a part of this assessment, then we are missing a major part of the equation necessary to achieve that success.

I do not point an accusing finger at any Governor, State agency, or board.

We don't tell them how to do it. We don't lay out in some excruciating detail of micromanaging how each State ought to try to achieve it. We don't say identical at all. We say comparable.

I know I will hear from my friend from New Hampshire suggesting that I am using a cookie cutter—that every jurisdiction within a given State is going to have to develop an identical plan. Nothing could be further from the truth. We are talking about comparability. The word was chosen because it is in existing law. It has been there for almost four decades—comparable educational opportunity at a district level. I am expanding the concept to include the States. We are expanding and doing a lot of things new. The Federal Government is not new to having mandates. We shut off all Federal funds if States don't do a better job on school violence. We mandate that there be testing done at the elementary level in America. We have done that for years. We are mandating that districts offer comparable education. These are all mandates. We are not breaking new ground by insisting that States join in this effort.

My colleague from New Hampshire said this is a deal breaker. What deal breaker? We deal with this bill once every 6 years. How do you exclude the States? How do you go home and say to people we have done a great job here? We are going to see much better results.

By the way, a substantial portion of that 94 cents that goes to the education of a child is going to be excluded from any accountability or any assessment, in effect.

It seems to me that if you are asking some impoverished school district to do better, or some kid growing up in a ghetto or in a rural part of America to do better, you ought to try to provide the resources to achieve those goals. And you ought to have some measurement by which you can judge whether or not everybody is pulling their fair share to see to it that we get the best results possible.

That is all this amendment is designed to do—to just add one other word to district student, district teacher, school board, Federal Government: add the word "State." However, you want to make it accountable, whether it is the educational authority, or the Governor, or whoever it is, whatever means you choose to try to achieve comparability, that is up to each State. I don't believe the Federal Government ought to be telling States how to do that. It is not identical. It is comparable.

As I have said, there are many school districts that embrace a great diversity within their boundaries. They have lived with this law for 36 years. Certainly, for school districts that have student populations in excess of the populations in 27 States—more than half of the States in this country—asking the States to step up and provide some assurance and at least making themselves open to the assessments that we ought to be requiring, I don't think is too much.

I thank CHAKA FATTAH, the Congressional Black Caucus. La Rasa, the Latino/Hispanic group, places this at a very high priority. CHAKA FATTAH said the other day that this is the No. 1 priority for the Congressional Black Caucus in their consideration of this bill. Again, groups like the YMCA, YWCA, the Children's Defense Fund, American Veterans Committee, AARP—I give great credit to retirees for supporting this effort—the Leadership Conference on Civil Rights, the National PTA, and the National Education Association are supporting this amendment. I thank them for their support.

Again, it is 6 years down the road. This doesn't go into effect next month, or next year, or the year after, if this bill is passed. We are providing more than half a decade for States to try it and at least get themselves in a position to offer these assurances, and then a 2-year waiver beyond that and penalties to be imposed by the Secretary only to administrative funds and not to the title I funds that go to the needy children in this country.

Again, I hope our colleagues will see fit to support this amendment. I will be happy to yield the floor at this point.

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire.

Mr. GREGG. Madam President, I inquire of the Senator from Connecticut, after I speak, does the Senator want to go to a vote at that time on his amendment?

Mr. DODD. I am prepared to at that point.

Mr. GREGG. Madam President, I will not try to say anything that is identical to what I said yesterday or the day before or last week on this issue.

Let me simply point out that this amendment, in my humble opinion, is one of the most significant ones we are going to take up in that it reflects and makes one of the most significant attempts to have the Federal Government become intrusive in the school systems of our country.

The practical implications of this amendment are that the Federal Government will now require that every State and all its communities have comparable educational systems. We went through in some length debate on this amendment over a couple of days last week. But, essentially, that is a role that is inappropriate for the Federal Government. The Federal Government should not be telling the State, whatever State it happens to be—Montana, Indiana, West Virginia, New Hampshire, or Ohio—you must have a school system structured so that all your school systems are comparable; so that every school system in the entire State must do essentially the same thing from school district to school district in order to meet that comparability standard.

There are States in this country that, either through court actions dealing with funding, such as New Hampshire, or through court actions maybe dealing with something beyond funding. I am not familiar with any that have gone beyond the funding issue that have determined there should be comparability within the State. There are States which may have—I don't know this—State legislators that have decided it is part of their State organizational structure for education that they want comparability.

But I also know that there are a lot of States in this country that have decided they do not necessarily want comparability because there are significant differences within that State between what one school district needs to do in order to be a good school educational system and what another school needs to do in order to be a good educational system.

Those differences are reflected in the collective bargaining agreements between where you might have one part of the State with collective bargaining agreements where teachers have introduced agreements where the teacher has a different workweek than another part of the State; or where the number of students for a classroom is different in another part of the State; or the responsibility of teachers in extracurricular activities is different in another part of the State; or you might have a school district where States have decided that in one part of the State kids will be educated in a certain technical skill area that is unique to that part of the State—say forestry or farming—and in another part of the State that technical skill is not relevant because it is an urban part of the State; or you might have a school district in one part of the State that believes it wants to focus on foreign languages; whereas, another part of the State wants to focus on technology skills versus foreign languages, so they restructured their structure, or you might even have different schooldays. One may have a longer schoolday or a shorter schoolday.

Obviously, in the end, they probably have a State law requiring so many schooldays or the way buildings are configured may be significantly different.

States have legitimate reasons because of the weather requirements in a State. They may not want to have a comparable school system across the State and still believe that they can deliver quality education. But other States may decide they want comparability.

But it is truly the responsibility of the State to make that decision and not the Federal Government.

With the Federal Government to come in with 6 to 7 percent of the dollars spent on local elementary and secondary school education and say we have the right to demand statewide comparability is incredibly intrusive. It opens the door to all sorts of issues that I think significantly expand the role of the Federal Government in an inappropriate way.

The logic of this amendment would be that the next step is entire school systems across the country have to be comparable. Why stop at the State border?

If you are going to say that every State has to have comparable districts why would you stop there? Wouldn't the next logical step be the true nationalization of the school systems, saying that every State has to have comparable educational systems? That would be an excessive reach of the Federal Government.

I believe this amendment, as has been characterized, clearly undermines fundamentally the agreement that was reached in negotiations as to the core elements of this bill. It is a dramatic departure from the traditional role of the Federal Government, with an excessive amount of intrusion by the Federal Government. For that reason, I strongly oppose this amendment and hope it will be defeated.

I understand my colleague is going to ask for the yeas and nays and we can go to a vote.

Mr. DODD. If I could take 1 minute, I have some remarks.

Mr. GREGG. Certainly.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, I will just respond a little bit. Then we will go to the vote. I have a statement from CHAKA FATTAH. I will not read all of this, but I think the Congressman from Philadelphia makes a very strong point. He says:

> If students do not have comparable opportunities, they will not have comparable results.
>
> . . . There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results.
>
> . . . The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of [our] colleagues will understand the importance of educational comparability as well.

Mr. President, I ask unanimous consent that the entire statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CONGRESSMAN CHAKA FATTAH ON THE DODD AMENDMENT

"For two days this week, the most powerful lawmaking body in the world has debated whether poor children have the right to learn in situations comparable to our wealthier students. The Dodd Amendment, No. 459, stresses the need for schools to have comparable resources. However, some are attempting to block this important vote.

Right now, the Republicans are pushing to test every child in math and reading. But if poor kids do not have certified teachers, if they don't have updated textbooks, if their class sizes are twice as large and their school districts are underfunded, then why ask for test results that are clearly skewed? If students do not have comparable opportunities, they will not have comparable results.

I wonder why some Republicans are unwilling to urge states to provide comparable educational opportunities for poor children as the Dodd Amendment asserts. There is no one anywhere who would say that rural and urban school districts receive comparable resources with our wealthier suburban districts; yet, we want to have the same standards. This is not logical. I am perfectly prepared to support testing where we measure the aptitude of young people who have the same opportunities to see if they have the same results. However, if we want these children to take national tests, we should also strive to provide them with comparable resources. With so many state courts ruling for more equitable funding, why would some Republicans threaten to filibuster an amendment that would provide this very goal?

I have had many conversations with Senators Dodd, Biden and others on why we need all our public schools to perform at comparable levels. They understand this and should be commended for offering this amendment. The goal should be excellence for not just some, but all, of our nation's children. My hope is that some of their Republican colleagues will understannd the importance of educational comparability as well."

Mr. DODD. To add to my colleague's point, this is not telling the States how the State system should be structured. It is not saying that if one district offers Japanese as a language, because there is an interest, they have to offer it to everybody in the State. That is not common sense.

Comparability of educational services is about comparability of educational opportunity. I cannot see why this is a controversial issue. I hope, again, our colleagues can support the amendment.

I thank my colleague from New Hampshire for his patience and yield the floor.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 459, as further modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—42

Akaka
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—58

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The amendment (No. 459), as further modified, was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 370 offered by the Senator from California be next in order; that there be a 30-minute time agreement, with no second-degree amendments, and that we have, as we have been doing on this bill, a side-by-side amendment offered by Senator HAGEL. His amendment would be debated for 30 minutes evenly divided, with no second-degree amendments to the Hagel amendment. We would vote after both amendments were offered and argued.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it looks as if we will vote at 6:30.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 370 TO AMENDMENT NO. 358

Mrs. FEINSTEIN. Mr. President, I would like to proceed under the unanimous consent agreement.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 370.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To award grants for school construction)

On page 302, between lines 7 and 8, insert the following:

Part —School Construction

SEC. 01. SHORT TITLE.

This part may be cited as the "Excellence in Education Act of 2001".

SEC. 02. DEFINITIONS.

In this part:

(1) ELEMENTARY SCHOOL; LOCAL EDUCATIONAL AGENCY; SECONDARY SCHOOL; SECRETARY.—The terms "elementary school", "local educational agency", "secondary school", and "Secretary" have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(2) CONSTRUCTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "construction" means—

(i) preparation of drawings and specifications for school facilities;

(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

(iii) inspection and supervision of the construction of new school facilities.

(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

(3) SCHOOL FACILITY.—The term "school facility" means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

SEC. 03. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part $1,000,000,000 for each of the fiscal years 2002 through 2006.

SEC. 04. PROGRAM AUTHORIZED.

The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

SEC. 05. CONDITIONS FOR RECEIVING FUNDS.

In order to receive funds under this part a local educational agency shall meet the following requirements:

(1) Reduce class and school sizes for public schools served by the local educational agency as follows:

(A) Limit class size to an average student-to-teacher ratio of 20 to 1, in classes serving kindergarten through grade 6 students, in the schools served by the agency.

(B) Limit class size to an average student-to-teacher ratio of 28 to 1, in classes serving grade 7 through grade 12 students, in the schools served by the agency.

(C) Limit the size of public elementary schools and secondary schools served by the agency to—

(i) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

(ii) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

(iii) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

SEC. 06. APPLICATIONS.

(a) IN GENERAL.—Each local educational agency desiring to receive a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) CONTENTS.—Each application shall contain—

(1) an assurance that the grant funds will be used in accordance with this part;

(2) a brief description of the construction to be conducted;

(3) a cost estimate of the activities to be conducted; and

(4) a description of available non-Federal matching funds.

AMENDMENT NO. 370 AS MODIFIED

Mrs. FEINSTEIN. I ask unanimous consent the amendment be modified with the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we have not seen the modification.

I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment as modified, is as follows:

On page 696, between lines 18 and 19, insert the following:

"CHAPTER 5—SCHOOL CONSTRUCTION

"SEC. 5351. DEFINITIONS.

"In this chapter:

"(1) CONSTRUCTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term 'construction' means—

"(i) preparation of drawings and specifications for school facilities;

"(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

"(iii) inspection and supervision of the construction of new school facilities.

"(B) Rule.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

"(2) School facility.—The term 'school facility' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

"SEC. 5352. PROGRAM AUTHORIZED.

"(a) In General.—Funds made available to local educational agencies under section 5312 may, notwithstanding section 5331(a), be used to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

"(b) Nonapplication of Provisions.—The provisions of chapter 4 shall not apply to this chapter.

"SEC. 5353. CONDITIONS FOR USE OF FUNDS.

"In order to use funds for construction under this chapter a local educational agency shall meet the following requirements:

"(1) Reduce school sizes for public elementary schools and secondary schools served by the local educational agency to—

"(A) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

"(B) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

"(C) not more than 1,500 students in the case of a school serving grade 9 through grade 12 students.

"(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

"SEC. 5354. APPLICATIONS.

"(a) In General.—Each local educational agency desiring to use funds under this chapter shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require.

"(b) Contents.—Each application shall contain—

"(1) an assurance that the grant funds will be used in accordance with this chapter;

"(2) a brief description of the construction to be conducted;

"(3) a cost estimate of the activities to be conducted; and

"(4) a description of available non-Federal matching funds."

Mrs. FEINSTEIN. Mr. President, I think virtually every Member of this body has been to an overcrowded school. I personally have been in schools where I have seen children learning in closets because the population of the school was so large, for example, elementary schools with over 1,000 students, many schools with many different languages. Yet it is very difficult for local jurisdictions to build smaller schools because of the pressures of growing population.

The amendment I have sent to the desk allows funds under title V, part B, subpart 4, the Innovative Education Program Strategies, to be used to reduce the size of schools. The amendment authorizes the U.S. Department of Education to award grants as a permissible use of these funds to reduce the size of schools, in other words, to build small schools. The grants would be equally matched by the State, the local jurisdiction, or the school district. This amendment does not add additional dollars but permits use of funds under Title V that may be available.

I am introducing the amendment because I strongly believe children learn better and teachers teach better in smaller schools. Many of our schools are just too big. In fact, half of all American high school students go to schools with 1,500 or more students. Half of all American high school students are in huge high schools. Studies have shown again and again and again that student achievement improves when school and class size are reduced.

The U.S. Department of Education indicates these are some of the benefits of small schools: Students have a greater sense of belonging; fewer discipline problems occur; crime, violence, and gang activity go down; alcohol and tobacco use declines; dropout rates fall; graduation rates rise; and student attendance increases.

The ideal high school, according to education experts, is between 600 and 900 students. The National Association of Elementary School Principals recommends an elementary school size of no more than 400 for grades kindergarten to grade 5. That is the way it was when I went to public school, and that is one of the reasons I was able to learn.

Studies show that students in small schools have higher academic achievement, fewer discipline problems, lower dropout rates, higher levels of student participation, and higher graduation rates. A Tennessee study called project STAR placed 6,500 kindergartners in 330 classes of different sizes. The test scores and the behavior of students in smaller classes were better than those in larger classes.

We know that small class size benefits. We also know that in a society as diverse as ours, when some schools have as many as 40 different languages, smaller schools benefit students and teachers as well.

Under this amendment, schools receiving grants that would be equally matched would have to meet the following size requirements: For kindergarten through fifth grade, not more than 500 students; for grades 6 through 8, not more than 750 students; for grades 9 through 12, not more than 1,500 students.

This amendment will provide a new funding source for school districts or States to build new schools with the explicit goal of reducing school size. We need to build 6,000 new schools in this Nation just to meet enrollment growth projections. That is not going to happen if there isn't some Federal help. By amending title V and making this a permitted use—grants for small schools—I hope school districts will have an incentive to build small.

Let me give examples of large schools. In Mapleton, UT, 832 students in an elementary school; Narragansett Elementary School, in Rhode Island, 710 students; Coral Gables Elementary School, FL, 748 students; Munford, AL, Ophelia Hill Elementary, 730 students; Gosnell Elementary, in Arkansas, 788 students. It isn't only the big States, it is the small States, too.

Right nearby in Herndon, Virginia, we have a middle school of 1,285 students and Rocky Run Middle School, also in Virginia, 1,350 students. A combination middle school and high school in Florida, in River Ridge Middle and High School, 3,260 students in one school.

Here are some examples of large high schools. Olympic Heights Community High School, Palm Beach, FL, 2,405 students; Camelback High School, Phoenix, AZ, 2,557 students; Georgia, in South Gwinnett High School, 2,550 students; in Lyons, IL, 3,087 students; and Waipahu High School, in Hawaii, 2,434 students.

California, as the Senator from Connecticut pointed out, has some of the largest schools in the country. Los Angeles has some of the largest classes and schools in the world. Let me give an example. In Los Angeles, Hawaiian Elementary—elementary—1,365 students; South Gate Middle School—middle school—4,442 students; Belmont High School, 4,874 students.

I have been in some of these schools.

If we can provide an incentive for local jurisdictions to build smaller schools, educational experts now say that beginning schools, elementary schools, do not have to be in a special campus. We can have a campus within a campus or have a small school as part of a commercial setting, for example.

The important thing is "small." Small is better when it comes to education, particularly in the lower grades, and particularly when one has a varied socioeconomic structure, one has many different languages. Schools I have been in—and I will tell you this—have been a cacophony of sound, so many students, so much noise, everything in shifts; a shift for the lunch, everything in track; track 1, track 2; and, again, 40 different languages spoken.

I hope the Senate sees fit to pass this amendment. As I said, the amendment does not add new funds. It would simply amend title V to make as a permissible use of title V funds, grants that would be equally matched, Federal dollars with state or local dollars, to build small schools in the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 797 TO AMENDMENT NO. 358

Mr. HAGEL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for himself, Mr. CAMPBELL, and Mr. KYL, proposes an amendment numbered 797.

Mr. HAGEL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that certain schools be given priority in the allocation of school construction assistance)

At the appropriate place, insert the following:

“5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

“SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.

“(a) FINDINGS.—Congress makes the following findings:

“(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

“(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over $2,000,000,000.

“(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

“(1) school construction bond programs or school renovation bond programs; or

“(2) amounts provided for school construction or renovation under—”.

Mr. HAGEL. Mr. President, I join my colleagues, Senators CAMPBELL and KYL, in offering this amendment which reconfirms the Federal obligation to the Bureau of Indian Affairs schools, Department of Defense schools, and Impact Aid schools. While we all agree that steps need to be taken to modernize and improve the conditions of our schools nationwide, one question continually permeates this debate and makes consensus difficult. This question revolves around what should be the appropriate role of the Federal Government with respect to school construction.

Senator FEINSTEIN would like to reduce class size by constructing more classrooms. That is an admirable goal, one to which I think we all are committed. However, before the Senate authorizes funding for general school construction, we have an existing obligation that we should meet first. The Federal Government has a responsibility to educate Native American children and the children of men and women who serve the Federal Government. This obligation includes building and repairing the schools these children attend.

The need for school repair is great. There is no dispute about this need. The General Accounting Office estimated in March 2000 that it will cost $112 billion to repair and modernize U.S. schools. The National Education Association estimates that it will cost more than $300 billion to repair and modernize U.S. schools.

However, before we can allow Federal funds to flow to locally supported schools for these purposes, as noble and worthy as these purposes are, we, the Federal Government, have our first obligation to ensure the facility needs of BIA, DOD, and Impact Aid-supported schools are met.

The Bureau of Indian Affairs operates 185 schools across the country. Impact Aid reaches more than 1,600 schools serving 1.2 million federally connected children. The Department of Defense operates 70 schools nationwide. The repair needs of these schools reach well over $2 billion.

Due to military base realignments, the Fort Hood public school district in Texas is now using over 200 trailers to serve students.

The Waynesville School District in Missouri needs to replace a high school that was built in the late 19th century.

In my home State of Nebraska, your home State, Mr. President, the Bellevue public school district needs a new middle school, and the Winnebago School District has over $3 million in needed immediate repairs and construction.

The amendment I offer today along with my colleagues from Arizona and Colorado will assure we meet our commitment to the children attending Bureau of Indian Affairs, Impact Aid, and Department of Defense schools, schools we clearly have a Federal obligation to support.

We must meet these clear Federal obligations first.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HAGEL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 370 AS MODIFIED

Mr. KENNEDY. Mr. President, I first thank Senator FEINSTEIN for her amendment and urge the Senate adopt it. We have in the legislation what is called title V. That provides flexibility in the States and local communities—20 percent is retained to the State; 80 percent goes to the local communities. Half is distributed under a somewhat different formula from title I, but half goes into the title I formula, the other based on population. So there are funds that will be available.

What this amendment is saying, as described by the Senator, is the resources can be used for the development of new schools.

One of the things most of us think about when we think about new schools is a brand new school appearing on a bluff or on a hill or in a field. But what we are finding out now is that many new schools are being built inside of old schools. We have had good hearings on the results of this kind of experimentation, where they are taking schools that have large student populations and breaking them down and literally having two or three or four new schools in a very large school context.

They are finding out the changing of the organization and changing of the structure and the administration and running of these institutions have had a very positive impact on the students themselves.

So this amendment will provide some flexibility in this area of new schools. It will not only try to meet some of the needs for additional construction, which we have talked about earlier in the debate on the Carper amendment and earlier than that on the Harkin amendment, but it will also permit the use of these funds which otherwise would not have been permitted for the development of new schools in older school buildings.

I think it is a useful addition. I know the initial amendment was a good deal more ambitious. I was prepared to support that enthusiastically. But I think this is an important addition, and I thank the Senator for bringing this matter to our attention.

From my own judgment, this will be a very worthwhile utilization of the title I funding that I think should be supported.

I notice the Senator from Nebraska asked for the yeas and nays. I believe, with my colleague, we are prepared to accept the Feinstein amendment, if we could voice vote that amendment.

Mr. GREGG. I think we will have to reserve our rights. We cannot do that right now.

Mr. KENNEDY. All right. Then I think the Senator reserves the remainder of her time.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Massachusetts for his comments. I reserve the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 797

Mr. GREGG. Mr. President, I would like to claim the time in opposition to the amendment of the Senator from California, but right now I rise in support of the Hagel amendment and yield myself such time as I consume.

I rise in support of the amendment of the Senator from Nebraska. Senator HAGEL has proposed an amendment which is very appropriate. He essentially said in his amendment, before we start doing construction activities—renovation, repair—on public schools in jurisdictions where States have responsibilities or communities have responsibilities, we ought to first do our job in our own areas where we have responsibilities, specifically in the Indian reservation areas and especially at our military facilities. Many of our military personnel have young children and those children are, first, under the pressure of being children of military personnel, which is a difficult position and it puts a lot of pressure on the family. And, second, a lot of them are in school buildings which are dilapidated and simply not up to snuff as far as being a physical facility in which education should be performed.

We, the Federal Government, have a first line of responsibility to take care of those school buildings and those school construction needs and renovation needs on our military installations. The same can be said for our Indian reservations where we have the primary responsibility through treaty agreements. There are numerous instances where the Federal Government has the responsibility of maintaining the physical facilities of the schools on those reservations. We have an obligation to do that.

I think the Senator from Nebraska has really pointed out a very appropriate obligation of the Federal Government and has prioritized this process of using funds, to the extent they are going to be used, in the renovation area out of title VI, and the use of those funds in a manner which is consistent with our obligations as the Federal Government. The Federal Government's first responsibility should be the Federal facilities, and especially to children on our military bases.

I strongly support the amendment of the Senator from Nebraska and hope it will be accepted. I look forward to voting on it.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I did not comment earlier on the Hagel amendment. I join in recommending support for the amendment. As one who was the chairman of the Committee on Indian Education just about 30 years ago and was mindful of the particular needs of Native Americans, as well as those in the densely populated military districts, I think the Senator has given us a good amendment to be able to express our priority by giving focus and attention to the heavily impacted Native Americans and military districts.

I welcome the chance to support the amendment. I thank him for bringing it to our attention.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I understand the Senator from California has 4 minutes remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. KENNEDY. Madam President, this amendment, offered as a perfecting amendment, was never part of the printed list of amendments. As a matter of good faith, I was under the impression that it was the perfection of another amendment.

This amendment is effectively the Enzi amendment. The effect of this amendment, if it goes into effect, is not the $10 million of impact aid for Native Americans; it effectively, under the language of the amendment on page 3 says, "notwithstanding any other provision of law, the secretary shall ensure that assistance under such program is provided to meet the construction and renovation needs of schools receiving impacted aid."

That takes all of the previously appropriated money and effectively ends that kind of support for the schools that are expecting for this to be distributed in this month. So this is a revote on the Enzi amendment. The Enzi amendment was defeated and this amendment should be defeated.

Quite frankly, I really question—I hate to say this—the good will of our colleagues. We have been attempting to working in good-faith efforts here. I didn't object to the modification of the amendment. This is a restatement of the Enzi amendment which effectively takes all of the construction funds previously appropriated and earmarked for States—already now the States would have that—and says that money will go to a handful of impact aid areas. I hope this amendment will be defeated. It is the Enzi amendment. I ask our colleagues to review their votes at that particular time.

This effectively vitiates the action that was taken in the last Congress to help school construction across this country. With this amendment, it effectively eliminates that kind of proposal. I think it is grossly both an unfair and unwise policy.

I have the list of the allocations now from the Department of Education for each of the 50 States. I say to every one of our Members, you can be assured you will not get this money that is going to go out to your States within the next 4 weeks. It will not go out if this amendment is accepted and becomes law. That is the effect of it.

I regret that we didn't have more time to debate it. I regret that the proponent of the amendment is not here. I have been asking whether the floor manager of the bill understood this to be a repeat of the Enzi amendment. I ask him now if he knows that.

Mr. GREGG. If the Senator will yield?

Mr. KENNEDY. I can't yield on my time, since I have very little time left. I will say it is the exact language of the Enzi amendment. They are identical. That is really a misrepresentation of what this amendment is all about.

I repeat, since I haven't any further time—and we were charged on our side during the quorum call, with all of my time being charged initially—even though earlier today when the Senator wasn't here, we asked for a fair distribution of the time. We can play it whatever way our friends on the other side want, but this is not the way for good legislation or good faith.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, possibly, could you tell us what the time situation is?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes remaining.

Mr. GREGG. The Senator from California has how much?

The PRESIDING OFFICER. No time remains.

Mr. GREGG. The Senator from Nebraska?

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes.

Mr. GREGG. The Senator from Nebraska has 4 minutes, I have 4 minutes, and there is no time on that side.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I don't know how the time is charged, but it seems to me that time is obviously being charged fairly and equitably because we are down to 4 minutes on our side, and I think the Senator from Massachusetts probably spoke for at least 4 minutes on his time.

As to the equity of time charge, I think it was reasonable.

As to the issue which the Senator from Massachusetts has asked—did I know this was the Enzi amendment—unfortunately, I didn't. But I still like the Enzi amendment. So I guess I am certainly for it. However, at this point I will yield to the Senator from Arizona, if the Senator wishes to claim time from Senator HAGEL.

Mr. KYL. Madam President, as a cosponsor of the amendment, perhaps I could have the remainder of the time.

Mr. KENNEDY. Could we ask for another 20 minutes?

Mr. GREGG. That is fine with me if you want 20 minutes equally divided.

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Madam President, first let me respond to the Senator from Massachusetts. I think he will find that this is not the Enzi amendment. That was several pages long. This is the first 21 lines of the first page of the Enzi amendment.

What this amendment says is that the impact aid which has traditionally gone to the federally impacted areas is going to be given a priority. The primary areas we are talking about are Indian reservations and military installations.

In my State of Arizona, we have more reservation Indians than any other State in the United States, and a lot of military installations.

My own view is that States and local school districts have always had the responsibility for school construction. They are the ones primarily responsible for that.

With respect to Federal involvement in primary and secondary education, our first obligation ought to be to the our first responsibilities—the Federal installations and the Indian reservations over which we have trust land responsibility. Both of them are sorely in need of these funds. Therefore, it makes sense to me that we should consider, as a distinct proposition, the first 21 lines of the Enzi amendment, which provide that the priority goes to these federally impacted areas—so that they get the money first, and what is left over can go to other school districts.

To me, that seems very logical. It seems to be the appropriate role for the Federal Government. Why would we not take care of the Federal responsibilities first as a priority and then, to the extent there is money left over, add that to what the States and local school districts spend for their schools?

Since 1967, impact aid construction has not been fully funded. The result is a huge backlog of projects. In Education Week, a school board member in the military impact district said that some districts conducted so much of their business in portable classrooms and aging buildings that they "more closely resemble prison camps than schools."

He went on to say, "Our troops are in Bosnia and those are the kinds of schools their kids are in."

I might note that the Military Impact Schools Association, which is obviously interested in this, estimated it would take $310 million to meet facility needs in their members' districts.

I can tell you from my experience with the many Indian reservations in Arizona that you have a very similar situation with federally impacted schools in Indian Country. In fact, it is even more dire.

According to a 1996 study by the National Indian Impacted Schools Association, a typical district of this type had more than $7 million in facilities needs.

And facilities needs are even more pressing for America's 185 Indian schools, which educate 50,000 Indian students.

According to testimony from the director of the Office of Indian Education, perhaps half of the schools within the jurisdiction of the Bureau of Indian Affairs exceeded their useful lives of more than 50 years, and more than 20 percent are over 50 years old.

No fewer than 96 schools need to be entirely replaced.

I think it is important that we put the money first where the Federal Government has the first responsibility, which is in our military installations and Indian reservations. That is all this amendment does. There is nothing secret about it. That is all it does.

That doesn't begin to use up the entire $1.5 billion that is available here. That is approximately the amount, as I understand it.

Again, we are simply providing the priority to the military installations and the reservations.

I commend the Senator from Nebraska as well as the Senator from Colorado, Mr. CAMPBELL, for his emphasis on getting these needs met, and I certainly hope we can adopt this amendment which establishes the priority for Federal facilities.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 5 minutes.

Madam President, this is an entirely unacceptable way to do business in the Senate. The initial Hagel amendment that was printed for all of us to see applied to impact aid and Native American construction. The amount of money that was appropriated previously was $10 million. It was represented to us that this was a technical correction about how that $10 million was going to be expended between impact aid and Native American housing.

At the last moment, the Senator from Nebraska asked for a perfecting amendment. We, to our fault, believed that it was a perfecting amendment, but the perfecting amendment is an amendment that does not deal with the $10 million but deals with $1.2 billion and tracks the Enzi amendment which says the allocations of funding that had been reached under the Department of Education under the Harkin amendment of last year will be emasculated and instead there will be an entirely different distribution according to impact aid, so that every one of those States that was going to receive the aid now from the Department of Education are going to receive nothing. Somehow it will be distributed to States that have impact aid and Native Americans.

That is a perfecting amendment. That just defies understanding, logic, reason, and truthfulness. Truthfulness.

Madam President, I hope that amendment will be defeated. I will print the exact language of the Enzi amendment and the 22 lines the Senator from Arizona says—well, it is true they had 22 lines of the Enzi amendment. That is the operative language. What difference does it make if you have five other pages of it? You have 22 lines of it that say exactly what the Enzi amendment said. That is basically wrong. It is a bad way to deal with this institution.

I am surprised, quite frankly. I regret having to make these remarks when the Senator is not here. We are under a time limit on this, and this amendment ought to be withdrawn, and we ought to deal with the existing Hagel amendment. When all time expires, I am going to make that request, that we withdraw the perfecting amendment and go back to the original Enzi amendment that was distributed and that was understood to be the amendment on which we were going to act.

I yield the remaining 5 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. DURBIN. Madam President, in my home State of Illinois, we have an impact aid district. It is near the Great Lakes Naval Training Station. It needs additional Federal assistance. I supported it and asked for it over the years, and I will continue to support it.

The Hagel amendment we are considering is fundamentally inexplicable. Here we have $1.2 billion to be given, as I understand it, to 200 impact aid school districts; $6 million per school district if you happen to be in the lucky category of Senator HAGEL's amendment. And who will lose? Sixteen thousand school districts across America that have already made application and been approved for money for renovation of schools.

In my home State of Illinois, we are talking about $42 million they expect to receive in the next few weeks, money that will be spent to make schools better and safer before the new school year starts. They will not receive the money under the Hagel amendment. Only one school district in my State will receive the money, some $6 million. Quite a windfall.

I am sure they can figure out someplace to use it, but is that fair? Is it fair at this point in time, after every State in the Union and the school districts therein have made applications for $1.2 billion in school construction money, to tell them it is over, they are not going to receive this assistance? The money that is being applied for in this construction grant is money to make schools safer so kids can go to school and have a good learning experience.

I thank the Senator from Arizona, Mr. KYL. He really explained the motive behind this amendment. It is not a matter of helping impact aid districts; it is a matter of many Senators on that side of the aisle objecting to the notion that the Federal Government would give money to local school districts.

The Senator from Arizona was very forthcoming. He said when it comes to school construction, it should come from State and local funds. That is his philosophy. This amendment reflects it. They do not want Federal assistance going to school districts across the State.

I respect the Senator for being forthcoming in his statement, but let's be very clear that this amendment will take away $1.2 billion in school construction funds that school districts across America have applied for to make their schools better and safer for the new school year. That is clearly the intent of it. It is not a question of helping kids in school. It is a question of ending a program which many people on the other side of the aisle just do not agree with philosophically.

I happen to believe education is the highest priority in our country. I believe that an investment from the Federal Government in making our schools safer so kids do not have the ceilings falling down on top of them, they are not stuck out in a trailer in the parking lot, they have a good classroom where they can learn, is a national priority that deserves a national investment.

Those who opposed that program in years gone by had a chance to argue against it. They lost the debate. Now they are trying with the Hagel amendment to win again.

I say to the Senator from Massachusetts, this amendment is, as he says, a last minute attempt to undermine a good program for school construction across America. Those school districts in every State are going to learn, if this amendment is adopted today, they have lost the Federal assistance they need to improve their schools. I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. How much time is on this side?

Mr. GREGG. I yield to the Senator from Arizona 3 minutes.

Mr. REID. How much time remains on this side?

The PRESIDING OFFICER. Three minutes 29 seconds.

Mr. KYL. That was the time remaining on the Democratic side; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KYL. And the time remaining on the Republican side?

The PRESIDING OFFICER. Ten minutes.

Mr. KYL. Madam President, I want to respond to my colleague from Illinois.

I would like to characterize my position rather than having my friend from Illinois characterize my position. He complimented me on being candid to say that I thought the first responsibility for the Federal Government in school construction is for the military installations and Indian reservations. That is correct.

That is why, in this amendment, we first apply school construction funds to the needs of the military installations and the Indian reservations because those are the schools that get no help from the States. States do not build schools on military installations of the Federal Government or on the Federal Indian reservations. Only the Federal Government has that responsibility. Only we spend the money for those facilities.

Those facilities are in horrible condition, far worse as a general rule than the average school described by my friend from Illinois.

What we are saying is since only the Federal Government takes care of these two areas, or should, that the money we have allocated for school construction should first be applied to them as a matter of priority.

Do I have a bit of a parochial interest here? Yes, I do because we have a lot of military installations and Indian reservations in Arizona, and the conditions are deplorable on our Federal Indian reservations. Anybody in this Chamber would be embarrassed to go to these facilities, and I add to that the court facilities, the jail facilities, and a lot of other facilities. And who has the responsibility for them? The Federal Government. Again: these are the schools that do not get any help from the States.

What are we saying as the Federal Government when we say that we are going to help the States and local governments build their schools before attending to our first obligation, our Indian reservations and military installations? I say that is backwards. We already have somebody who is supposed to have the responsibility to take care of our primary and secondary education within the States. It is only the Federal Government that can take care of the military and Indian reservations. That is why I say this amendment makes all the sense in the world.

Let's prioritize the Federal dollars so we take care of our own responsibilities first and then the remainder of the funds can be distributed to the State school needs.

That is the way I characterize this, rather than the way my colleague from Illinois did. It is a matter of priorities.

I hope my colleagues will support the amendment.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The majority has 3 minutes 29 seconds, and the minority has 6 minutes.

Mr. KENNEDY. The Senator from Iowa is here. He was the proponent of the initial amendment that provided $1.2 billion which has been appropriated and now allocated to 50 States. The initial amendment of the Senator from Nebraska had a program that was previously funded at $10 million, and his amendment allocated that $10 million to Native Americans. That was the initial amendment.

The Senator sent up a new amendment that was not even printed that effectively wipes out all of the money appropriated under the Harkin amendment a year ago and will deny the 50 States the funding to which they were entitled.

The remaining 3 minutes goes to the Senator from Iowa.

Mr. HARKIN. I don't know how this amendment all of a sudden came out of the clear blue sky. We heard it was noncontroversial. This amendment robs States of millions of dollars they get on July 1 of this year. This is money we put in the appropriations bill last year. It was agreed to by the Republicans, by the Democrats, by the House, by the White House. This is all signed off on. This is $1.2 billion that goes to States for emergencies—safety, repairs to schools, to meet fire code violations.

This is the same amendment—this amendment that is before the Senate—that was defeated May 16 by a bipartisan vote of 62–37. This is basically the same amendment. We have already defeated it 62–37. If Members vote for this amendment, they are voting to cut already appropriated funds that are going to States. Members are shifting it to important but a small number of schools in a few States.

Before Members vote, see how much money is going into your State beginning on July 1 of this year. If this amendment passes, your State will not get one cent of this money for emergency repairs to meet fire and safety codes in their schools.

This amendment was defeated on May 16—check the record—by a bipartisan vote of 62-37. This money is already appropriated. I already have the amount of money that has been allocated going to each State. The money is going out on July 1. Your school districts are counting on getting this money to meet fire and safety codes, to repair and renovate their schools. This is not building new schools. This is simply to make your schools safe.

I hope people will reject this amendment as we rejected it before by a vote of 62-37 on May 16.

Mr. CAMPBELL. Mr. President, first I thank Senator HAGEL for offering an amendment to S. 1 concerning the existing obligations the Federal Government has to Bureau of Indian Affairs, DOD and impact aid school systems. through numerous treaties, statutes, and court decisions, the Federal Government has assumed a trust responsibility to provide a quality education to Indian children.

This duty includes providing school facilities that have such basic amenities as 4 walls, heat, and healthy air to breathe. Adequate facilities and such essential necessities are not being provided to many Indian children attending Bureau of Indian Affairs, (BIA), funded schools.

Unlike communities that have a tax base to fund school construction, military reservations and Indian reservations are dependent on Federal resources. Nearly 4,500 facilities serve the Bureau's education program, consisting of over 20 million square feet of space, including dormitories, employee housing, and other buildings providing education opportunities to more than 50,000 students. These facilities serve more than 330 federally recognized Indian tribes located in 23 States through self-determination contracts, compacts and education grants.

We are not dealing here with "the unknown." The GAO and other entities have produced countless studies and surveys showing us that half of the school facilities in the inventory have exceeded their useful lives of 30 years, and more than 20 percent are over 50 years old. Numerous deficiencies in the areas of health, safety, access for disabled students, classroom size, ability to integrate computer and telecommunications technology, and administrative space have been reported by the Bureau.

As a former teacher myself, I am appalled when I visit reservations and see first hand the many schools with leaking roofs, peeling paint, overcrowded classrooms, and inadequate heating and cooling systems. The studies have shown that such deficiencies have adverse effects on student learning. By not providing secure educational facilities, we are paralyzing these children and putting them at a disadvantage that they may never overcome.

The Federal Government has responded to the problem in piecemeal fashion, often using temporary solutions instead of working on a permanent plan of action. For instance, in fiscal year 2001 President Clinton's budget requested $2 million for "portables" or trailer classrooms that have been used since 1993. To date, the BIA has purchased 472 portables and 20 percent of the BIA's total education buildings are now portable classrooms. The request states these trailers are needed due to overcrowding and unhealthy and unsafe buildings. It states that portables are used to replace buildings or parts of buildings that have "poor air quality" that result in what the BIA calls "sick building syndrome."

New funds for Indian school construction is one of the major focuses of President Bush's fiscal year 2002 budget request with $292.5 million slated for such purposes. Of the overall education construction budget, $127.8 million has been requested for the construction of six schools: Wingate Elementary, NM; Polacca Day School, AZ; Holbrook Dormitory, AZ; Santa Fe Indian School, NM; Ojibwa Indian School, ND; and Paschal Sherman School, WA.

As of January 2001, the repair and rehabilitation, and renovation backlog for Indian education facilities and quarters stood at $1.1 billion and is even greater today.

I understand the underlying notion of the Feinstein amendment, but I think this body should affirm our existing obligations to this Nation's DOD, Indian, and impact aid schools before we undertake even greater obligations.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 8 seconds and the Senator from New Hampshire has 6 minutes 59 seconds.

Mr. GREGG. Madam President, I make a point: For all the concern which the other side has, I believe the other side has a right to know of the amendments that come forward. The confusion about this is unfortunate. The fact is, this amendment is a legitimate second degree to the underlying amendment, and therefore would have been in order if we had been functioning under the traditional parliamentary system. We are functioning under a system where we don't second degree; we have side-by-sides. As a second degree, it would have wiped out the Feinstein amendment. That is just a statement of where we are parliamentarily.

I yield the floor.

Mr. HARKIN. I ask to be recognized for 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I make it clear again: On May 16 an amendment was offered by Senator ENZI of Wyoming that would have redistributed $240 million of the $1.2 billion that is going out for school repair. That amendment was defeated by a vote of 62-37. That would have only redistributed $240 million. This amendment before the Senate takes the whole $1.2 billion and puts it into Impact Aid.

If a Member was opposed to taking $240 million out of the school renovation repair for fire and safety code on the Enzi amendment, that Member surely ought to be opposed to taking $1.2 billion and putting it into Impact Aid and taking it away from our schools for meeting safety and fire codes in our local school districts.

Mr. KENNEDY. I ask to proceed for 2 minutes and give 1 minute to the Senator.

The initial Hagel amendment was 549; what was called up was No. 797 and was not printed. This was $10 million which we understood was going to be perfected in some way, as we have been perfecting amendments all day long on the floor and granting that permission—although it takes consent to do it. We expected that perfection would be along the lines of the Hagel amendment, a drafting error. Instead, what was called up is a completely different amendment, 797, that was not even printed and otherwise would be out of order since it was not filed in time. Instead of $10 million, it is $1.2 billion.

I think that is a gross misappropriation. I ask, therefore, that the perfecting amendment be withdrawn and that we vote on the initial Hagel amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HARKIN. I suggest the absence of a quorum.

Mr. GREGG. I believe I have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand the Senator from Massachusetts is expressing his frustration about the situation. But the situation is not, as I mentioned before, so far from what a typical parliamentary situation would be. All the first degrees had to be cleared, that is correct, but no second degrees had to be cleared. So there have been second degrees which are not being set up as second degrees because of this side-by-side process, which has been very constructive, so that everybody gets a vote on what their position is. They have been relevant to the first degree but have not been filed. So this is a second-degree amendment which is being held as a side-by-side amendment.

That being said, simply, once again, to clear the parliamentary errors from where we are from our perspective.

I yield the floor.

How much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. GREGG. I ask unanimous consent we stand in a quorum call for 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator can suggest the absence of a quorum. It will require further consent to terminate the call. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I wanted to ask if it would be appropriate——

The PRESIDING OFFICER. A quorum call is in progress.

Mrs. HUTCHISON. I ask unanimous consent the quorum call be lifted for——

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued the call of the roll.

AMENDMENT NO. 797, WITHDRAWN

Mr. HAGEL. Mr. President, I ask unanimous consent that the yeas and nays on my amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. HAGEL. Thank you, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: Was the amendment withdrawn, or did the author of the amendment intend to withdraw it?

Mr. HAGEL. Mr. President, my intent is to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object— of course I will not object—I cosponsored it because I felt very strongly that it was something we should do. I hope that sometime we will prioritize Federal funds for our responsibility to Federal military and Federal Indian reservation installations. I hope at some point we can get along with it. But, obviously, I don't object to withdrawing the amendment.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: I ask the distinguished manager of the bill if there will be another opportunity with appropriate notice to have a vote on the Federal priorities for Federal schools because I, too, am very interested in our military schools and our Indian schools being a first priority. That is my inquiry.

Mr. KENNEDY. Mr. President, there are amendments which are filed to that effect and that are in order. I don't have the list as to that particular measure in front of me.

Mr. GREGG. Mr. President, I think there is an amendment coming up that would be relevant to a second degree. If the Senator wishes to bring it back, it would be available at that time.

Mrs. HUTCHISON. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Nebraska that his actions tonight, because of a misunderstanding that could have been on our part, only magnify my feelings about the Senator from Nebraska. This was very classic action on his behalf, and I personally appreciate it.

Mr. KENNEDY. Mr. President, I join in that. The Senator has given me a good explanation of what his plans were and what his intentions were, and they were completely honorable—not that they are not always honorable.

His explanations made a great deal of sense to me when he explained what he had intended to do. So we were caught up in a difficult situation. I am enormously grateful to him for this action. We are more than glad to accommodate Senators as we move on. We will have another opportunity.

On the basis of the substance, if he wants to, I will certainly ask consent that we be able to consider the Senator's amendment at a time, if he chooses to do so, later in this debate. We will all have an opportunity to vote on it at some time. I will take the opportunity to discuss this with the Senator and other interested Senators at a later time.

I thank him very much.

Mr. HAGEL. Mr. President, may I respond. I appreciate very much the work of my friends and colleagues from Nevada and Massachusetts. I would very much like to accept the invitation of the distinguished senior Senator from Massachusetts to at a later date have an opportunity to revisit this subject.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 370, AS MODIFIED

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 370, as modified, offered by the Senator from California. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Torricelli
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Inouye
Murkowski

The amendment (No. 370), as modified, was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we have the Senator from Washington, Ms. CANTWELL, who has an amendment. As I understand it, there will probably be a side-by-side amendment that will be offered on that from the other side. It is the desire that both of those would be considered together probably on the morrow.

We have the Senator from South Carolina and Senator WELLSTONE to speak. We are prepared to take the Nelson amendment now and include that. It has been cleared. Later on in the evening, we will have a voice vote on the amendment of my colleague, Senator KERRY. There is going to be, as I understand it, from the other side, a side-by-side amendment to that of the Senator from South Carolina. That is going to be available tonight, and it is going to be printed tonight. I don't know whether the Senator from Pennsylvania intends to speak about it tonight or not. We are just trying to get the general lay of the land so that the Members will know the way we are going to proceed. That is sort of what we have on track.

Then we have a full morning tomorrow with the Senator from Connecticut and his amendment. We will then dispose of these other measures.

I see the majority leader here. I know he wants to address the Senate.

Mr. DASCHLE. Mr. President, I compliment both managers. I thank especially my colleague, Senator KENNEDY. We have made a lot of good progress today. Obviously, we have a full night's work tonight. With that understanding, I have talked with Senator LOTT, and I think we are prepared to say tonight there will be no more votes. We will have those two votes side by side tomorrow at 9 o'clock.

So we will begin again following our work tonight with the votes tomorrow, and we will go on to the Dodd amendment and the order that Senator KENNEDY has suggested.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Was the Senator propounding a unanimous consent agreement?

Mr. KENNEDY. No, I was not propounding a consent request. I was stating the way the managers would like to proceed. We are trying to proceed in good faith. We have talked to the different Members, and that seemed to be acceptable. We wanted to let the Members know.

Mr. WELLSTONE. Senator HOLLINGS and I were under the impression we would vote tonight. Sometimes when colleagues are gone, it is like spitting in the wind. If we are going to do it tomorrow, could we have—and this would hold true for Senator SANTORUM—5 minutes each to summarize tomorrow?

Mr. KENNEDY. Yes.

Mr. DASCHLE. Mr. President, we will put forth a unanimous consent request, which we will be prepared to propound later tonight. We will take that request into consideration.

Mr. KENNEDY. Mr. President, so we will continue through this evening. If there are other Senators with other amendments, we will try to continue the process. We have made good progress during the day, and we have some remaining important amendments tonight, and particularly in the morning. We thank our colleagues for their cooperation. We can move ahead.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I ask unanimous consent to modify amendment No. 630.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object—and I will not—it is my understanding that the Senator from Washington is going to take about 5 minutes; is that right?

Ms. CANTWELL. About 7 minutes.

Mr. REID. Seven minutes.

Mr. GREGG. Reserving the right to object——

Mr. KENNEDY. Mr. President, will the Senator proceed now, and we will have a chance to look at the modification and make the request for the modification perhaps later at the conclusion of her remarks? If I could suggest that to the Senator.

Ms. CANTWELL. I will call up——

Mr. KENNEDY. If the Senator wants to proceed with her presentation, and then we will have an opportunity for the other side to review the modification. I am sure it is in order, and we can modify the amendment and dispose of this tomorrow.

AMENDMENT NO. 630 AS MODIFIED

Ms. CANTWELL. I will call up amendment No. 630, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Ms. CANTWELL] proposes an amendment numbered 630, as modified.

Mr. KENNEDY. Mr. President, there is no objection to the modification.

I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To provide additional requirements)

On page 363, line 12, after "disability." insert the following: "It shall be a further goal of this part to encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based methods that can be widely implemented into best practices by State and local educational agencies.".

On page 369, between lines 6 and 7, insert the following:

"(2) outlines how the plan incorporates—

"(A) teacher education and professional development;

"(B) curricular development; and

"(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by State and local educational agencies;".

On page 375, between lines 18 and 19, insert the following:

"SEC. 2309. NATIONAL EVALUATION OF TECHNOLOGY PLANS.

"Not later than 36 months after the date of enactment of this title, the Secretary, in consultation with other Federal departments or agencies, State and local educational practitioners, and policy makers, including teachers, principals and superintendents, and experts in technology and the application of technology to education, shall report to Congress on best practices in implementing technology effectively consistent with the provisions of section 2305(2). The report shall include recommendations for revisions to the National Education Technology Plan for the purpose of establishing best practices that can be widely implemented by State and local educational agencies."

Mr. KENNEDY. Mr. President, the Senator from Washington will proceed for 7 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise today to urge my colleagues to support this bipartisan amendment to the Elementary and Secondary Education Act that embraces the powerful role technology can play as a tool in educating our Nation's children.

Before I proceed further, I thank Senator KENNEDY for his exceptional work and leadership on this bill, and I thank Senator ENZI for his work in helping me develop this amendment. His leadership in technology issues during his tenure in the Senate has been outstanding, and I look forward to the continued work on these and other important technology issues.

Technology has brought innovation and efficiency to our lives through businesses, and now it is time to make sure we make those same achievements in our educational system.

Across the country, we have seen the proper uses of technology can transform a curriculum into a multimedia interactive experience that not only helps children learn more effectively but also fosters a student's passion for learning.

Numerous recent studies, including some done by the Department of Education, the White House Office of Science and Technology, and the Rand Corporation, have shown that technology serves the goal of education in several important ways: Supporting student performance, increasing motivation and self-esteem, and preparing students for the future.

Last fall, a San Francisco-based independent research organization released a study showing that the integrated use of computer technology in schools significantly increases learning. The study focused on the first 3 years of Microsoft's Anytime, Anywhere Learning Program which provides laptops for students and their teachers to integrate technology into the classroom and into their daily classwork. The study showed it improved the students' writing and encouraged collaboration and more involvement with their school classwork.

So we understand that the potential of education and technology is no secret. But what we are finding today, as this chart shows, is that much of the investment has been made, in fact, in equipment. The chart shows that unless technology is properly integrated into curriculum, students will not realize the benefits of having access. Without teachers who know how to use computers to teach children, they will not benefit. When teachers are well trained and technology is used effectively to unleash children's imagination and creativity, magical things happen in our educational system.

Take, for example, Tonasket, WA, where a teacher, Larry Alexander, combined computer technology and a 500-tree apple orchard to teach his fifth grade class about science, math, and technology. The kids studied a range of topics, including cell growth, life cycles, geometry, economics, and hands-on learning experiences, literally becoming the most favorite program in the school.

What the Cantwell-Enzi amendment says is that in addition to computers and access, we need to assure teacher training and curriculum development. The Cantwell-Enzi amendment takes the first step in bridging the technology and teaching divide. The amendment says the technology block grant program for State and local agencies should be amended so that instead of just putting dollars into technology under the title II program, States applying should integrate their system resources with teacher training and professional development and curriculum development, thereby assuring a focus on teacher training and curriculum development and not just on equipment.

There are many examples of success to which this kind of legislation can lead, but I want to give one example from the State of New Jersey where a neighborhood of Cuban citizens and a school in Union City have made great success. I ask unanimous consent to print in the RECORD an article that appeared in Business Week in the last year on this subject.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIRED SCHOOLS—A TECHNOLOGY REVOLUTION IS ABOUT TO SWEEP AMERICA'S CLASSROOMS

In 1989, the schools in Union City, N.J., an impoverished Cuban enclave along the Hudson River across from Manhattan, were among the nation's worst. They received failing marks in 44 of the 52 categories New Jersey used to assess schools, and state officials warned they would seize control if Union City didn't shape up. The threat prompted many changes in Union City, including a technological transformation of its entire educational system. Aided by Bell Atlantic Corp. (*BEL<http://host,businessweek.com/businessweek/corporate snapshot.html?Symbol-BEL&Timespan=260>*, officials equipped the schools and students' homes with a network of computers, creating "one of the most, if not the most wired urban school district in the U.S.," says Margaret Honey, director of the Center for Children & Technology in New York City. But Union City did far more than simply buy computers. The school day was restructured into longer classes; teachers were given 40 hours of training a year, up from 8; the district's school budget more than doubled; and the traditional curriculum, emphasizing rote learning, was scrapped so students would work on joint projects such as researching a report on inventions. "The dynamics have changed tremendously," says Mary Ann Sakoutis, a 37-year veteran social studies teacher at Union City's Emerson High School, whose U.S. history students now spend much of their time on the Net researching such events as the Spanish-American War. "The kids are more involved, and I am no longer force-feeding them." It shows. Last year, Union City topped all New Jersey cities on state tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from 8 in 1997, the last class taught the old-fashioned way, to 63 in 1999.

* * * * *

Ms. CANTWELL. The article says:

> But Union City did far more than simply buy computers. The school day was reconstructed into longer classes; teachers were given 40 hours of training a year—

And the school district doubled its budget—

> and the traditional curriculum of emphasizing rote learning was scrapped so students could work on joint projects such as research reports and inventions.

The article further says that the kids are more involved and they are no longer being force fed in the educational system. The result is, the article says, that Union City topped all New Jersey cities on State tests. The number of graduates accepted at top institutions such as Yale University and Massachusetts Institute of Technology has jumped from just 8 of their graduates from Union City in 1997, the last time a class was taught the old-fashioned way, to 63 accepted graduates in 1999.

I think it shows the success of our focus on technology ought to be on curriculum development, teacher training, and on integration of the system.

This amendment asks that the Department of Education analyze after 3 years the best practices so we can scale the use of these best practices into our educational system in this country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic cosponsor of the Cantwell-Enzi amendment. For some time, we have been working together to make sure there is not a digital divide in the United States of America. Both in the budget and in other amendments in this bill, we have passed legislation to provide access to technology, but we also have to be sure our children have access to people who know how to teach technology.

Bill Gates said that if you have access to technology and know how to use technology, whether you are a person, a county, or a country, your future is bright, but if you do not have that access, your future is dismal.

As we are working on our legislation, we want to make sure we have access to technology, but it is not only about gadgets, it is not about gear, it is about opportunity and empowerment.

We need to make sure the children do have technology, but the single most important thing is teacher training—that the teachers themselves know how to use technology and then also, through creativity and new ingenious software, get our children ready for the future.

We do not have a worker shortage in this country, but we do have a skill shortage. K–12 is the farm team for the future. Just as we have little leagues for baseball, we have to make sure our teachers are big league and ready to teach technology.

I am pleased to continue to support the legislation that ensures there is no digital divide. The amendment offered by the Senator from the State of Washington is just what we need to make highest and best use of the technology we are going to provide. I congratulate her on her research, creativity, and the practicality of her amendment. I look forward to voting for it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I was under the impression this amendment was going to take a couple minutes, that the other side accepted it. Now I understand they are going to offer a second-degree amendment.

Mr. SANTORUM. To Wellstone.

Mr. REID. To Wellstone, not to this. Does the Senator from New Jersey wish to speak for 5 minutes on this amendment? I ask unanimous consent that be the case. If I may, while I am proceeding, I ask the Republican manager, is there going to be a second-degree amendment offered to this amendment?

Mr. GREGG. Yes.

Mr. REID. May we vote on them in the morning?

Mr. GREGG. If the Senator will yield.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is my understanding we will be voting on these in the morning. If they are acceptable, there will be less time needed to debate them in the morning.

Mr. REID. They both may be accepted; is that right?

Mr. GREGG. If they are going to be accepted. I do not know if your side has reviewed the second-degree amendment.

Mr. REID. My only question is, we have Senators HOLLINGS and WELLSTONE waiting, and we know they are going to be second-degreed. Senator SANTORUM already spoke to Senator HOLLINGS. I wonder how much more time the Senator from Virginia wants on this amendment.

Again, we have Senators HOLLINGS and WELLSTONE waiting. They thought they would be next.

Mr. ALLEN. We thought we were going to be introducing this amendment tomorrow morning. Copies are being made now. I believe I can give my remarks in 15 minutes this evening and it would be perfectly fine to vote. I understand people want to move forward.

Mr. REID. If the Senator from New Hampshire has the floor, maybe the Senator from Virginia could offer his amendment tonight, we could look at it, and he could speak on it sometime tomorrow and we could dispose of these two amendments.

Mr. GREGG. That is an excellent suggestion. Perhaps those folks who wish to speak on the amendment of the Senator from Washington could also speak tomorrow prior to the vote on both.

Mr. REID. Senator CORZINE only wishes to speak for 5 minutes. We have Senator HOLLINGS waiting.

Mr. GREGG. We will plan to do it that way.

Mr. REID. We vote on Senator HOLLINGS in the morning and Senator SANTORUM in the morning.

Mr. GREGG. That is correct. Senator SANTORUM may need some time, unless it is accepted.

Mr. REID. He has whatever time he needs tonight. Senator HOLLINGS and WELLSTONE wanted 5 minutes. Does he need more than that?

Mr. GREGG. The Senator from Pennsylvania is in the Chamber and can advise how much time he believes he needs in the morning.

Mr. SANTORUM. Maybe 10 or 15 minutes.

Mr. REID. We will prepare something in writing.

Mr. GREGG. Thank you.

Mr. ENZI. I wanted to speak on the Helms amendment, as well.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I rise in strong support of the amendment that develops best practices for teaching technology education, the integration. This amendment ensures that our kids benefit from new technologies that are rapidly changing the face of our country.

Before I discuss the amendment, I extend my compliments to the Senator from Washington, Ms. CANTWELL, for her outstanding leadership on this issue. Given her State and her own personal background, it is fitting she has taken the lead in this area. I think her expertise and her commitment to the application of technology in our society is a terrific addition to the Senate.

I am particularly pleased the Senator from Washington cited Union City, NJ, as one of those places that has effectively integrated computer technology into the educational system, making a real difference in the lives of children in their learning experience. We heard the statistics.

It is clear the Internet and the proliferation of computers have created a revolutionary change in our society. Yet when it comes to using the Internet to improve our schools, we have only scratched the surface. As the Senator suggested, we have done a lot regarding investing in hardware, but not a lot on the software, particularly among the teachers that have to bring the technology to our students.

We need to move beyond word processing and e-mails and get to the real heart and soul of learning in a fundamental way and make it more interesting, more effective. The same kind of productivity gains we have had in our economy we can have in education. To do that we need to do a better job of training teachers and showing them how computers can change, not just what we teach but how we teach, integrating the technology and educational experience together.

A few years ago, it would have been difficult for a fifth grader in a New Jersey school to share their experiences with a similar class in Australia or anywhere else in the world. Now they can. A few years ago it would have been difficult for students to chat real time with real experts around the country about questions discussed in class. Now they can. A few years ago it would have been unrealistic for a teacher to involve students with interactive software that uses exciting games to teach math and science. Now they can.

However, they cannot do any of these things if teachers do not have the ability or the background to deliver those experiences. Today, many classrooms are equipped with computers, but their teachers are not equipped to integrate the computers into a learning experience. That is why this amendment is vital. Truly, it will make a difference. It will require States and local education officials to develop strategies for improving teacher training and curriculum development in order to assure that schools take full advantage of the Internet and other new technologies. There is tremendous potential and this amendment will make that possible.

Again, I thank Senator CANTWELL for her leadership on this issue. I urge my colleagues to support this important amendment, bringing the advances we have had in the rest of our society to our classrooms.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New Hampshire.

Mr. GREGG. What is the present business before the Senate?

The PRESIDING OFFICER. The Cantwell amendment, as modified, is pending.

Mr. GREGG. I ask unanimous consent to set aside the amendment, and I send an amendment to the desk and ask it be reported on behalf of Senator SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. As I understand, the Senator sent the amendment which will be offered as a side-by-side, the Santorum amendment, for tomorrow. I hope the amendment is printed and that interested Members and their staffs have a chance to take a look. We have copies available for the staff.

There is no objection.

Mr. GREGG. I withdraw my unanimous consent to set aside the Cantwell amendment so this can be a second degree. Is that correct procedure?

Mr. KENNEDY. As I understand, we are going to follow the precedent from earlier of voting side by side. We had the opportunity to vote first on the Cantwell amendment and then the other amendment, with back-to-back votes. I think that is what is intended. I think the Senator from New Hampshire agrees with me.

Mr. GREGG. Mr. President, the cleanest way to do this is, if I may inquire of the Chair, to offer this as a first degree and have the Cantwell amendment also be a first degree. Would that be the most appropriate way to proceed?

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, at this moment I ask to withhold further action on the amendment I sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I want to conform to the unanimous consent agreement. Accordingly, I ask my amendment at the desk be called and reported. I take it it is an amendment in the first degree?

The PRESIDING OFFICER. The amendment as drafted is a second-degree amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent it be considered as a first degree.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 798 AND 799 TO AMENDMENT NO. 358

Mr. GREGG. Mr. President, I ask unanimous consent at this time the Santorum amendment, which I had sent to the desk, be reported and that it be considered as a first degree in a side-by-side status with the Hollings amendment which is now a first degree.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 798.

The Senator from New Hampshire [Mr. GREGG], for Mr. Santorum, proposes an amendment numbered 799.

The amendments are as follows:

AMENDMENT NO. 798

(Purpose: To permit States to waive certain testing requirements)

On page 47, after line 12, insert the following:

"(i)(I) a State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

"(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

"(bb) the State can demonstrate the presence of a comparable assessment system;

"(II) a waiver under subclause (I) shall be for a period of 1 year;

"(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined in the plan of the State under section 1111(b)(2)(B), to—

"(aa) increase teacher pay;

"(bb) implement teacher recruitment and retention programs;

"(cc) reduce class size;

"(dd) hire additional teachers to reduce class sizes;

"(ee) improve school facilities;

"(ff) provide afterschool programs;

"(gg) tutor students;

"(hh) increase the access of students to technology;

"(ii) improve school safety; or

"(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

"(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school;".

AMENDMENT NO. 799

(Purpose: To express the sense of the Senate regarding science education)

At the appropriate place, insert the following:

"SEC. ___. SENSE OF THE SENATE.

"It is the sense of the Senate that—

"(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

"(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, following the debate here for the last 7 weeks, one would think the public school system of this Nation is in terrible, terrible disrepair. In fact, you'd think it should be closed down, a good bit of it. That is the thrust of the so-called testing approach given here, whereby for $7 billion over a 7-year period, all who have not done so will do so immediately. In other words, third to eighth grade pupils will be tested and then found inadequate and the trustees found unresponsive. Thereby, what we have is a closing down of the public school system.

So we are going to show them from Washington. It is all out of whole cloth. The fact is, at the Federal level, we only provide some 7 cents of every education dollar. So we are not closing down the schools. And we ought to understand, at the outset, the public school system is one of the geniuses of the Founding Fathers.

It was James Madison:

> A popular government without popular information or the means of acquiring it is about a prologue to a farce or a tragedy.

In the earliest days, there was Madison.

John Adams:

> The whole people must take upon themselves the education of the whole people and be willing to bear the expense of it.

The reason I start in this vein, to make these quotes, is because I have observed the 20-year effort to close down public schools: put in tuition tax credits, put in vouchers, put in charter schools—anything but give to the public schools and the pupils of America what they need.

Thank heavens for the wonderful Senator from Minnesota, Senator PAUL WELLSTONE. I had not been in on the early parts of this 7-week debate. But watching his zeal, his brilliance, and the way he has approached this particular problem, he has really been an education to all of us in the Senate.

Let's look, for example, at the Land Ordinance of 1785, whereby 4 years before the ratification of the Constitution of the United States they divided up in the western lands of Minnesota, 6 miles by 6 miles square, 36 squares, with the provision that square 36, in the middle, be reserved for public education. And Horace Mann, the father of public schools in America, said that this law laid the foundation of the present system of free schools:

> The idea of an educational system that was at once both universal, free, and available to all the people, rich and poor alike, was revolutionary. This is the great thing about America. No other nation ever had such an institution. Three centuries later it is a stranger to the bulk of the people of the world. The free public school system which the Puritans conceived, has been, in large measure, the secret of America's success. In these classrooms, children of all ages, nationalities, and tongues, learned a common language and became imbued with one central idea: The American conception that all men are created equal, that opportunities are open to all, that every minority, whether respected or despised, has the same guaranteed rights as the majority. Parents who landed here often brought with them the antagonisms, the rivalries, the suspicions of other continents, but their children became one and united in the pursuit of a democratic ideal.

Mr. President, what Mann said and persists today is what he calls the large measure of the secret of America's success—not failure, success.

I emphasize that because in the hinterlands 70 years ago, I was tested. We have been having tests, tests. The fact of the matter is I looked it up. This past school year, they spent $422 million on testing.

Let's go to the little State of South Carolina where we have been having tests for the third through eighth grades, complete, at the cost of some $7.8 million.

The superintendent of education in South Carolina, Ms. Inez Tenenbaum, said students under her testing system made significant and, in some cases, dramatic improvements in the latest round of tests. South Carolina increased greatly, met or exceeded the international average in the Third International Math and Science Study.

The national report card, Quality Counts 2001, published by the respected national magazine, Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards. South Carolina was ranked among the top six States in the Nation in both categories.

My little State is not affluent with a low per capita income, and with a large minority population who, for 200 years, did not have public schools.

The first thing I did the week I was elected back in 1948 was to attend the Freedom School across the Cooper River in my county in November. It was one big square building with a potbelly stove in the middle, with classes in each of the four corners, and one teacher. That is what the minorities had in 1948. We didn't start providing adequate educational opportunities for minorities until 1954 with Brown vs. Board of Education, and we are still playing catchup. It is not because we haven't made the effort or we do not know what is going on.

I really get annoyed when I hear the Senator, not to be identified, say what we want to do is find out what works. Come on, Washington, ha-ha. We are going to find out what works.

Mr. President, I have a school that has been taken over by this distinguished superintendent. It has almost a totally black population. They have the zeal. They have the interest. They don't have the wherewithal. Now, we are helping at the State level. But to find out what works, they only have to go up to the junior high school in Columbia, SC, which was extolled in last week's issue of Time magazine, or to the Spartanburg High School in Spartanburg, SC, which was the first 4-time Blue Ribbon School.

We know what works. We are working on what works. What really gets this Senator is potentially spending $3 to $7 billion on testing, according to the National Association of State Boards of Education. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED COST OF FEDERAL TESTING MANDATE FOR READING AND MATH (DOES NOT INCLUDE SCIENCE ASSESSMENT REQUIREMENT)

(Calculations on the attached chart were made using the accepted cost scale of developing and administering (scoring, reporting results, etc.) assessments. Developing state tests aligned to standards range from $25–$125 per student. Administering tests is an annual expense that usually runs from $25–$50 per student. The number of students was derived from the 1999–2000 school year enrollment statistics in grades 3–8 in each state. Since administration is an ongoing expense, it was calculated based on being implemented in the 2004–05 school year as called for in the President's proposal and detailed in H.R. 1 and running through the remainder of the seven year reauthorization term of the Elementary and Secondary Education Act (ESEA). The estimates do not include the cost of the science assessments required in 2007–08.)

States	Students, grades 3–8	Development		Administration		Total cost—development plus administration	
		$25	$125	$25	$50	Minimum	Maximum
Alabama	351,299	$8,782,475	$43,912,375	$8,782,475	$17,564,950	$43,912,375	$114,172,175
Alaska	64,019	1,600,475	8,002,375	1,600,475	3,200,950	8,002,375	20,806,175
Arizona	407,991	10,199,775	50,998,875	10,119,975	20,399,550	50,998,875	132,597,075
Arkansas	211,380	5,284,500	26,422,500	5,284,500	10,569,000	26,422,500	68,698,500
California	2,765,332	69,133,300	345,666,500	69,133,300	138,266,600	345,666,500	898,732,900
Colorado	331,605	8,290,125	41,450,625	8,290,125	16,580,250	41,450,625	107,771,625
Connecticut	262,403	6,560,075	32,800,375	6,560,075	13,120,150	32,800,375	85,280,975
Delaware	53,216	1,330,400	6,652,000	1,330,400	2,660,800	6,652,000	17,295,200
DC	31,634	790,850	3,954,250	790,850	1,581,700	3,954,250	10,281,050
Florida	1,126,261	28,156,525	140,782,625	28,156,525	56,313,050	140,782,625	366,034,825
Georgia	672,760	16,819,000	84,095,000	16,819,000	33,638,000	84,095,000	218,647,000
Hawaii	87,515	2,187,875	10,939,375	2,187,875	4,375,750	10,939,375	28,442,375
Idaho	112,786	2,819,650	14,098,250	2,819,650	5,639,300	14,098,250	36,655,450
Illinois	930,160	23,254,000	116,270,000	23,254,000	46,508,000	116,270,000	302,302,000
Indiana	462,285	11,557,125	57,785,625	11,557,125	23,114,250	57,785,625	150,242,625
Iowa	219,167	5,479,175	27,395,875	5,479,175	10,958,350	27,395,875	71,229,275
Kansas	214,838	5,370,950	26,854,750	5,370,950	10,741,900	26,854,750	69,822,350
Kentucky	292,915	7,322,875	36,614,375	7,322,875	14,645,750	36,614,375	95,197,375
Louisiana	345,366	8,634,150	43,170,750	8,634,150	17,268,300	43,170,750	112,243,950
Maine	100,617	2,515,425	12,577,125	2,515,425	5,030,850	12,577,125	32,700,525
Maryland	396,137	9,903,425	49,517,125	9,903,425	19,806,850	49,517,125	128,744,525
Massachusetts	458,740	11,468,500	57,342,500	11,468,500	22,937,000	57,342,500	149,090,500
Michigan	763,727	19,093,175	95,465,875	19,093,175	38,186,350	95,465,875	248,211,275
Minnesota	389,236	9,730,900	48,654,500	9,730,900	19,461,800	48,654,500	126,501,700
Mississippi	232,811	5,820,275	29,101,375	5,820,275	11,640,550	29,101,375	75,663,575
Missouri	418,709	10,467,725	52,338,625	10,467,725	20,935,450	52,338,625	136,080,425
Montana	73,408	1,835,200	9,176,000	1,835,200	3,670,400	9,176,000	23,857,600
Nebraska	130,074	3,251,850	16,259,250	3,251,850	6,503,700	16,259,250	42,274,050
Nevada	156,584	3,914,600	19,573,000	3,914,600	7,829,200	19,573,000	50,889,800
New Hampshire	102,346	2,558,650	12,793,250	2,558,650	5,117,300	12,793,250	33,262,450
New Jersey	577,632	14,440,800	72,204,000	14,440,800	28,881,600	72,204,000	187,730,400
New Mexico	152,283	3,807,075	19,035,375	3,807,075	7,614,150	19,035,375	49,491,975
New York	1,275,051	31,876,275	159,381,375	31,876,275	63,752,550	159,381,375	414,391,575
North Carolina	611,381	15,284,525	76,422,625	15,284,525	30,569,050	76,422,625	198,698,825
North Dakota	50,867	1,271,675	6,358,375	1,271,675	2,543,350	6,358,375	16,351,775
Ohio	848,082	21,202,050	106,010,250	21,202,050	42,404,100	106,010,250	275,626,650
Oklahoma	281,037	7,025,925	35,129,625	7,025,925	14,051,850	35,129,625	91,337,025
Oregon	256,063	6,401,575	32,007,875	6,401,575	12,083,150	32,007,875	83,220,475
Pennsylvania	845,909	21,147,725	105,738,625	21,147,725	42,295,450	105,738,625	274,920,425
Rhode Island	73,218	1,830,450	9,152,250	1,830,450	3,660,900	9,152,250	23,795,850
South Carolina	314,851	7,871,275	39,356,375	7,871,275	15,742,550	39,356,375	102,326,575
South Dakota	60,191	1,504,775	7,523,875	1,504,775	3,009,550	7,523,875	19,562,075
Tennessee	416,306	10,407,650	52,038,250	10,407,650	20,815,300	52,038,250	135,299,450
Texas	1,833,022	45,825,550	229,127,750	45,825,550	91,651,100	229,127,750	595,732,150
Utah	212,143	5,303,575	26,517,875	5,303,575	10,607,150	26,517,875	68,946,475
Vermont	48,157	1,203,925	6,019,625	1,203,925	2,407,850	6,019,625	15,651,025
Virginia	526,475	13,161,875	65,809,375	13,161,875	26,323,750	65,809,375	171,104,375
Washington	466,546	11,663,650	58,318,250	11,663,650	23,327,300	58,318,250	151,627,450
West Virginia	132,200	3,305,000	16,525,000	3,305,000	6,610,000	16,525,000	42,965,000
Wisconsin	393,473	9,836,825	49,184,125	9,836,825	19,673,650	49,184,125	127,878,725
Wyoming	42,606	1,065,150	5,325,750	1,065,150	2,130,300	5,325,750	13,846,950
Totals	21,582,814	539,570,350	2,697,851,750	539.570,350	1,079,140,700	2,697,851,750	7,014,414,550

	2000–2001	2001–2002	2002–2003	2003–2004	2004–2005	2005–2006	2006–2007
Current Law	School Fails to make AYP—Year 1.	School Fails to make AYP—Year 2.	School Improvement—Year 3. New plan; 10% $ on prof dev.	School Improvement—Year 4. (Cont'd activities)	Corrective Action—Year 5 W/hold $ or change governance or reconstitute or other	Cont'd—Year 6	Cont'd—Year 7
Best Act	School Fails to Make AYP—Year 1.	School Improvement—Year 2. At the beginning of year 2, school must implement, w/in 3 months, a new plan that includes: 10% funds for prof dev; research-based strategies to turn around.	School Improvement—Year 3. If school is still failing to make AYP, it must, starting the next school year: continue activities from previous year; and must provide public school choice options. A district may institute corrective actions.	Corrective Action—Year 4 If school failed for 3 consecutive years to make AYP, at the beginning of the 4th year it must: institute alternative governance, or replace staff, or use a new curriculum; and with no more than 15% of Title I funds, it must provide the option for transportation for public school choice and supplemental services for the lowest achieving students.	Reconstitution—Year 5 Schools that failed for four years to make AYP must go into reconstitution which requires them to: provide supplementary services; provide public school choice with transportation; and reopen the school under new governance.	Move out of reconstitution if make progress over next 2 years or repeat reconstitution	

Mr. HOLLINGS. Mr. President, it shows the cost of this particular approach.

Then we hear Senator after Senator saying curriculum, and the other one is class size. The other one is better teacher pay. The other one is more reading after school, and on down the list of particular needs. But this Washington, one-size-fits-all, unfunded mandate says do as we say do, and go through our $7 billion exercise in futility. And come up with what? Let's assume it works. Let's assume that 30 or 40 schools in my State are closed. You can't go from one county to the other. You can't just waltz from Allendale over to Hampton. You would have to change the laws in South Carolina. We act like we know what is going on. We are the ones who do not know what is going on. We are the ones who ought to be tested. Come on.

Then, of all things, as the distinguished Senator from Minnesota has been going over and over again, we have given them the test without giving them the course.

Sure, I believe in testing. We all believe in testing. But give them the course, and test them on the course.

But if you give them the women, infants, and children nutritional program, they would come into this world with strong minds. If you do not give them Head Start, which is only 30 percent covered right now, they aren't prepared to learn when they enter school. If you do not give them Title I for the disadvantaged—which we only fund at 33 percent of its authorized level—they haven't had the course. If you do not give them a prepared teacher, they don't receive quality instruction. I have had tutors go into some of the schools, and say they were rather embarrassed because the teacher spoke English poorly.

So the student hasn't had the course. But in Washington, we know what to do. We are going to mandate as much as $7 billion in standardized tests before they have had the course. Can't we spend $7 billion giving them the course, giving them good teachers, giving them the small classrooms, curriculum, remedial reading and math, afterschool programs, and give them a good building?

Let's take the money and assume we have had the test in effect over the past 4 years. Let's assume it proves schools are failing. So we have schools that are closed down. Let's take the closed-down or about-to-be-closed-down schools, because they are not going to do it. Let's assume they are the poor schools. We need revenue sharing. I put that first bill in on February 1, 1967. It worked well until the Senators found out that the Governors were using it to distribute money around the States to run against Senators. Senator Howard Baker and some others repealed it. But it worked.

My distinguished colleague from California, Senator BOXER, says there is no silver bullet. But there is silver money.

What they need is revenue sharing and financial assistance for all these particular endeavors that everybody has. The side-by-side amendment is curriculum. I tend to support Senator SANTORUM on that curriculum, and all the other Senators around. But let's not try to dignify this flawed approach to public education. It is just downright pollster politics. They haven't been able to do away with the Department. They haven't been able to get tuition tax credits, vouchers, or charter schools, or in any way to divert money to the private sector.

Incidentally, I have had children that have gone to both private and public schools. I have a daughter who graduated from Woodrow Wilson High, and another one who went to Cathedral right here in the District. I know the value of both of them.

But the duty of the Congress, the United States Senators and the United States Government is to provide, as John Adams and James Madison and Horace Mann said, public education, not private. That isn't how to do it.

We cannot oversee the private schools. We cannot dictate to the private schools. We should not dictate to the private schools. But we have a duty. Do not give me this "private approach" like somehow we don't know what works or what works better. We know.

Right to the point, if we use this money, we can get something done rather than go through an exercise in futility. We are already testing in all 50 States. You can't show me a State in the United States that does not have testing. You can't do it.

What we really need to do—and I will yield to my distinguished colleague from Minnesota in a moment—is fund what works. But now that has to really be upgraded with respect to globalization, the technology that is needed in these classrooms, the good teachers and everything else of that kind. That is what we need to do.

Let's not waste money. In the last campaign in 1998, my challenger took me on before all the principals and talked about the bureaucracy in Washington—the Washington nanny, the Washington approach. That is exactly what this is. This is not helping the local schools at all. This is saying, we are putting you on trial, and you are going to have to pay for a good part of it. That is an unfunded mandate. Can you imagine such a thing really being signed by the President or suggested by a mature body such as the Senate?

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do we have?

The PRESIDING OFFICER. There is no time limit on this debate.

Mr. WELLSTONE. Mr. President, I believe I interrupted the Senator from South Carolina. I will take a couple minutes because the Senator from South Carolina has said it better than I can.

Listening to the Senator from South Carolina, I want to say a couple things. First of all, I want to say one thing personally, which is unusual to say, but I hope people were able to listen carefully to the history behind the remarks.

There are some people in our country—I am sorry, but the Senator was so kind and gracious, I just sound like a politician engaged in flattery—there are few people I have met who I so admire. I cannot believe the people that were at the heart of the struggle in the South who took on a system of apartheid. And this Senator from South Carolina is one of them. There are very few of us who have this history—very few of us. It doesn't mean Senators have to agree with his position on this amendment. But I just wanted to say that. There are some people who showed unbelievable courage and were prophetic. And I feel that way about Senator HOLLINGS from South Carolina.

When I was listening to the Senator from South Carolina, I was thinking to myself that actually there are a couple different issues here. On one of them, I spent so many hours I felt as if I was giving enough speeches to deafen the gods. And maybe that is what happened because I did not get a lot of votes on the amendment that meant the most to me.

There were some amendments we did on testing, I say to my colleague, that make this bill better, much, much better if, in fact, it ensures that assessments do not just become standardized, multiple choice tests, and rather include multiple, high quality measures.

Then there was the question of whether or not, if we are going to mandate—my colleague talks about unfunded mandates—that every child will be tested in every State, in every school district, in every grade, then I was praying for a Federal mandate or mission that would say that we would also have equality of opportunity for every child in our country to be able to do well in these tests, to be able to achieve.

I think part of what the Senator from South Carolina is saying is that in some ways this is utterly ridiculous. We already know the schools where kids have two and three and four teachers during a year. We already know the schools where I would argue housing is becoming a major educational issue. In some of our towns kids, little kids are moving—little children that are my grandchildren's age—two or three or four times during the year.

We already know the difference between a beautiful building, that is inviting, that tells children that we care about them versus a dilapidated, crumbling building that tells children that we don't care about them.

We also know of the schools where there are toilets that work and computer technology and buildings that were warm this winter and are not stifling hot in the summer. We know that that works. As a matter of fact, most Senators can look at where their children have gone to school, and they know what works.

We already know that the smaller class sizes are good. We already know that support services for teachers are really important, whether it be more counselors, whether it be additional teaching assistants to help children read or to do better in reading or to do better in math. We already know it all. I think that is part of what the Senator is saying.

So this amendment says, if a State chooses, in its wisdom, to say, we don't really need to do this, but we would certainly make use of this money to help the children, to help our kids, to help our schools, to help our teachers, we leave it up to the States to do so.

Is my understanding correct?

Mr. HOLLINGS. Right.

Mr. WELLSTONE. Mr. President, I only have two more points to make, one point I have not made in this Senate Chamber but I have been thinking about this and thinking about this to the point where I just don't even know how to decide how to vote. A large part of me wants to vote against this bill. On the other hand there are strong improvements in the bill—most particularly mandatory funding for the IDEA program. That is really important. That will help a lot of our schools, I say to Senator HOLLINGS. It really will.

But the other side of the coin is clear. I have asked a question of some of my friends who are more conservative than I. There are a number of Senators who may be more conservative than I. But I have asked them: How do we get to this point where the Federal Government is now going to mandate—first of all, the NAEP test every year. Despite NAEP's high quality these are still new tests that every State is going to have to do.

Seven years ago we started some testing under Title I, but we have not even gotten the results on that testing authorized in 1994. We have not begun to evaluate whether or not that testing has had a positive impact on student learning. But now we are going to move ahead and test every child every year.

We have the Federal Government now telling school districts—which I always thought was the heart of the grassroots political culture in America—that it doesn't matter what you have decided you need to do. It doesn't matter how you think you can be most accountable. We, the Federal Government, are telling every school district in every State, you will test every child in the third grade, the fourth grade, the fifth grade, the sixth grade, the seventh grade, and the eighth grade. I do not know whether the Federal Government has any business doing that.

I am amazed, frankly, that there is not more opposition. It would seem to me a good conservative principle would be that this is an overreach.

Now people could turn around and say to me: Well, you, of all people, Senator WELLSTONE but, for me, when it comes to civil rights or when it comes to human rights or when it comes to the first amendment or when it comes to a floor beneath which no poor child should fall or when it comes to basic educational needs of children or that children should not go hungry, I do not think that is up to a State to decide. To me, we, as a national community, should say, no, we all live by these rules, these values.

But the other part of me is a decentrist. I do not know whether I really believe the Federal Government has any business telling every school district in every State they have to do this. I think we can very well rue the day that we voted for this.

On that philosophical point, as well as on the question of how we are setting a lot of kids and teachers in schools up for failure because we have not committed the resources to make sure they will all have the opportunity to learn, it seems to me this amendment speaks of that. That is why I rise to support it.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am obviously very grateful for the more than laudatory, exaggerated remarks. We are good friends. We are working the same side of the street.

Let me emphasize, with respect to our minority schools, endeavors have been made there. In 1950–51 in South Carolina, we passed a 3-percent sales tax that I authored. We were trying to play catchup ball. When we increased the sales tax, under Governor Riley, to 5 percent, we were supported by the Black Caucus. I want to emphasize that we were opposed at the time by the Chamber of Commerce, the South Carolina Association of Textile Manufacturers, and the other business groups.

Minorities know there is one way to really try to catch up and get a piece of this American dream. That is public schools, public education. Wherever you can give them the support and the means to really implement it, they support public education. I did not want to infer, when I talked about my Allendale school, that they were not for it. In fact, I have other reports in here, with which I will not belabor the Senate, on the tremendous improvements already made in the takeover of that particular school. We have worked year in and year out, and we still are trying our best.

One of the things that goes into the calculation is the quality of the teacher. If you go to the institutions of higher learning in this country, public and private, the education degree, in large measure, is to take care of the football team. If you have a big, old, hefty 280-pounder who is not too quick upstairs but very quick with his legs and everything else downstairs, then you put him in education. Let him get into an education major. I have discussed this with college presidents. We have been into every facet of this thing.

The one big waste is this bill. It is a tremendous waste of time and money. It should not be. Yes, I agree on the disabilities provisions in there. All of us are frustrated because we all know about the needs. We have been pointing out different needs. So we should address these needs directly instead of creating costly tests that tell us what we already know.

Mr. President, I ask unanimous consent that the documents I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
Alabama	$4,000	B	B	B	B	B	B	12	0	$6,918,844
Alaska	3,500	B	B	....	B	B	B	10	2	3,714,151
Arizona	4,800	B	B	B	B	B	B	12	0	7,551,260
Arkansas	3,200	....	B	B	B	B	B	10	2	5,358,006
California	44,000	B	B	B	B	B	B	12	0	33,848,095
Colorado	10,700	R	R	B	B	B	B	10	2	6,699,152
Connecticut	2,000	....	B	....	B	....	B	6	6	5,927,183
Delaware	3,800	B	....	B	....	....	B	6	6	3,593,640
Florida	22,400	B	B	B	B	B	B	12	0	15,563,774
Georgia	14,000	B	B	B	B	....	B	10	2	10,504,837
Hawaii	1,400	B	....	B	....	....	B	6	6	3,976,256
Idaho	700	B	B	B	B	B	B	12	0	4,258,161
Illinois	16,500	B	....	B	....	....	B	6	6	13,376,210
Indiana	19,000	B	....	....	B	....	B	6	6	8,156,926
Iowa	0	....	B	....	....	....	B	4	8	5,444,873
Kansas	1,100	....	M	R	....	M	R	4	8	5,396,581
Kentucky	8,100	B	R	M	B	R	M	8	4	6,267,553
Louisiana	9,000	B	B	B	B	B	B	12	0	6,852,660
Maine	3,300	....	B	....	....	....	B	4	8	4,122,412
Maryland	17,100	B	B	B	B	B	B	12	0	7,419,025
Massachusetts	20,000	R	B	....	M	B	R	7	5	8,117,380
Michigan	16,000	....	B	R	....	R	R	5	7	11,519,600
Minnesota	5,200	B	....	B	....	....	B	6	6	7,342,043
Mississippi	7,600	B	B	B	B	B	B	12	0	5,597,075
Missouri	13,400	R	M	....	....	R	M	4	8	7,670,823
Montana	282	B	....	....	....	....	B	4	8	3,818,888
Nebraska	1,650	....	R	....	....	....	R	2	10	4,451,014
Nevada	3,300	B	B	B	....	....	B	8	4	4,746,741

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
New Hampshire	2,500	B	....	....	B	....	....	4	8	4,141,700
New Jersey	17,000	....	B	....	....	....	B	4	8	9,443,656
New Mexico	650	B	B	B	B	B	B	12	0	4,698,762
New York	13,000	....	B	....	....	....	B	4	8	17,223,571
North Carolina	11,300	B	B	B	B	B	B	12	0	9,820,136
North Dakota	208	....	B	....	B	....	B	6	6	3,567,436
Ohio	12,300	....	B	....	B	....	....	4	8	12,460,605
Oklahoma	2,500	B	....	B	....	....	B	6	6	6,135,051
Oregon	7,000	B	....	B	....	....	B	6	6	5,856,458
Pennsylvania	15,000	....	....	B	R	....	B	5	7	12,436,365
Rhode Island	2,300	R	B	....	....	R	B	6	6	3,816,768
South Carolina	7,800	B	B	B	B	B	B	12	0	6,512,256
South Dakota	720	....	B	R	....	....	B	5	7	3,671,448
Tennessee	15,600	B	B	B	B	B	B	12	0	7,644,016
Texas	26,600	B	B	B	B	B	B	12	0	23,447,902
Utah	1,400	B	B	B	B	B	B	12	0	5,366,518
Vermont	460	....	B	....	....	....	B	4	8	3,537,206
Virginia	17,900	B	B	B	B	....	B	10	2	8,872,984
Washington	7,700	B	B	....	B	B	....	8	4	8,204,458
West Virginia	400	B	B	B	B	B	B	12	0	4,474,730
Wisconsin	2,000	R	B	....	....	....	B	5	7	7,389,308
Wyoming	1,700	....	B	....	....	....	B	4	8	3,475,283
Total	422,070	....	....	....	....	....	....	387	213	390,409,780

Note.—B=Tests in Reading and Math; M=Tests in Math; R=Tests in Reading.

STATEWIDE FOCUS ON SCHOOL IMPROVEMENT PRODUCES A YEAR OF IMPROVING TEST SCORES

(By Inez M. Tenenbaum)

The end of a school year is always an exciting time. We take time to review the year behind us and immediately begin to plan for the one ahead. The school year just ending has been marked by the most significant student test score improvements in the history of South Carolina's public school system. Indeed, we are well on our way to forever putting to rest the misguided perception that our students and schools cannot succeed. Clearly, they can.

South Carolinians should take pride in the progress we are making. Consider these successes from the past year:

Students made significant and in some cases dramatic improvements in the latest round of PACT testing, with gains reported across all grade levels, subjects and demographic groups.

Scores of South Carolina High School Exit Exam rose nearly three points , the largest gain in a decade.

South Carolina high school seniors raised their average SAT score by 12 points, the largest gain in the country and four times the national increase. In addition, South Carolina high school juniors improved their performance on the Preliminary SAT by 5.2 points, nearly four times the national increase of 1.4 points.

Scores of South Carolina high school seniors taking the ACT college entrance exam rose from the previous year while sophomores who took PLAN—the preliminary ACT—scored one-tenth of a point higher than the national average.

Our fifth-, eighth- and 11th-graders scored above the national average in reading, language and math on TerraNova, a nationally standardized test of reading, language and math skills.

South Carolina eighth-graders met or exceeded the international average in the Third International Math and Science Study, which compared test scores from students in 38 nations.

An analysis by the nonprofit RAND organization of improvements in student reading and math test scores ranked south Carolina 17th among the states.

For the fifth consecutive year, the number of South Carolina first-graders scoring "ready" for school set a new record. More than 43,000 first-graders—a record 85.2 percent—met the state's readiness standard. That was a 13 percentage-point improvement from 1995, the year before the state began a three-year phase-in of full day kindergarten. The biggest improvements were by minority students and students from low-income families.

In the midst of these test score improvements, the national report card "Quality Counts 2001," published by the respected national magazine Education Week, recognized South Carolina's efforts to improve teacher quality and raise academic standards, South Carolina was ranked among the top six states in the nation in both categories.

This report was especially significant, because I believe that a major reason for South Carolina's success has been our dramatic raising of academic standards. By setting the bar so high, and by creating the extremely rigorous PACT tests to measure our progress, we have challenged our students and schools—and they have responded.

I do not mean to suggest that the struggle to build a world-class school system in South Carolina has been won. Although it's true that we have schools in our state that are as excellent as any in the nation, we also have schools that struggle to provide their students with even the most basic education.

This November, South Carolina's first school report cards will be published under the mandate of the Education Accountability Act of 1998. Many schools will have their excellence confirmed, and others will be identified as needing extensive assistance. As State Superintendent of Education, I can assure you that these schools will get that assistance.

But as we await November's report cards, let's remember the amazing accomplishments of the school year that's now ending. Our progress is real, and it is undeniable. South Carolina educators, students, parents, businesses, and communities are proving every day that focus and hard work pay off.

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that an article in today's Washington Post, "From Teachers to Drill Sergeants," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 12, 2001]

FROM TEACHERS TO DRILL SERGEANTS

(By Jay Mathews)

I have watched hundreds of teachers over the last two decades and am sure of one thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear I had an incurable, terminal illness.

So it is unbelievably presumptuous of me to write columns and give speeches on how to make schools better. I regularly remind myself, and anyone who might be listening, that when it comes to talking about education, I am just a balding, 5-foot-6-inch playback machine. The thoughts are not mine, but those of the many educators, as well as students and parents, who have patiently explained to me over the years what is going on, and why.

I am always amazed that such smart and busy people have time for me. That is especially true these last few weeks. Scores of readers have responded to the request in my May 22 column for a precise accounting of how the new state achievement tests affect teaching. I now have a much deeper appreciation of what the tests—and administrators' ill-considered reaction to them—have done to many schools.

Only about half of the teachers who wrote me said they had been forced to change their teaching, but that is because in many cases they refused to alter what was working for their students. "My philosophy has long been, continues to be, and . . . will continue to be largely the test," said Al Dieste, who teaches at-risk middle schoolers at Springfield Community Day School, a public school in Columbia, Calif. "I teach; the test be damned."

Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said "a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method."

But in many cases, teachers said, administrators made it very difficult to do the right thing.

At one Fairfax County high school, non-honors students were dropped from in-class National History Day essay writing activities so they would have more time to study for the Virginia Standards of Learning (SOL) tests, even though some non-honors students had won previous district competitions.

Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with

> the step-by-step schedule for preparing for the Texas Assessment of Academic Skills (TAAS) tests.
>
> A third-grade teacher in Fort Worth, said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.
>
> Raymond Larrabee was told his son's eighth-grade honors English class would not have time to read all of Charles Dickens' "David Copperfield" because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MACAS) test.
>
> A Florida principal told a novice teacher that her wide-ranging discussions of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.
>
> Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the SOLs. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it had all started.
>
> The e-mails illuminated two problems that I think all sides in the testing debate would acknowledge. First, some states may be demanding that teachers cover too much, ensuring once-over-lightly instruction. Second, many principals, moved by blind panic or cross-town rivalry, are demanding more test prep—taking practice tests, learning testing strategies, memorizing key essay words—than is necessary or useful.
>
> Problem one is something for state school boards and superintendents to ponder. Problem two is, at least in part, something that teachers can do something about.
>
> Okay. I know. I am the coward who lacks the fortitude to even try teaching. But I think many educators are right when they say that too many of their colleagues are obeying their principals rather than their principles.
>
> Even pointy-headed, fire-breathing managers will back off if key employees tell them results will only come if they butt out. That takes gumption, but it is worth a try.
>
> Gerald Gontarz, a sixth-grade science and social studies teacher in Plymouth, NH., drops raw chicken eggs from airplanes and sends up hot air balloons to involve kids in his lessons. "Much of the time I spend on this stuff will not help my students take the test," he said. But "it really turns them on, and honestly, there is no state test that measures students' motivation."
>
> Kenneth Bernstein, a ninth-grade social studies teacher in Prince George's County, stated what should be the teacher's creed: "I will not object to testing if you will allow me to get my kids ready the best way I can, and not also mandate the specific steps of instruction, for then I cannot teach the individual child."
>
> I sensed some teachers are having second thoughts about groveling before the testing gods. Graney, for instance, told me in a follow-up e-mail that he plans to return to his reverse approach to U.S. history.
>
> The results are still important. A teacher should be able to raise his class's overall achievement level a significant amount from September to April or May. Some students will falter because of unhappy home lives or test anxiety or other factors beyond a teacher's control, but on average there should be progress. If there isn't, I don't think the teacher can blame the test.
>
> Many educators will object to this. They say the tests are too narrow and their own assessments of each child should be enough. In many cases, they are right, but parents cannot stay in the classroom all year making certain of this. I don't think I will ever be comfortable without an independent measure of how my child and her school are doing, and I think the vast majority of parents feel the same way.
>
> I think we can agree on one thing: Principals and superintendents should not force good teachers to turn themselves into drill sergeants if there are better ways to teach the material. Administrators should set the goals and let their teachers decide how to meet them, then find ways to help those teachers who do not measure up.
>
> Most principals already do that, but since so many of them are portrayed as clumsy villains by my e-mail correspondents, they deserve a chance to defend themselves. My e-mail address is mathewsj@washpost.com. How many of you administrators are telling your teachers to fill their class time with practice tests? Are you sure that is the best way to go?

Mr. WELLSTONE. This is a piece Jay Mathews wrote. I want to give some examples from this article. There is one thing he mentions that is really important:

> I have watched hundreds of teachers over the last two decades and am sure of one thing: I couldn't last two days in their jobs. After the first day, my throat would be sore, my legs wobbly and my energy level needle pointing below empty. That night I would fall asleep trying to make a new lesson plan. The next morning I would call in sick, making it clear that I had an incurable, terminal disease.

Then the article gets much more serious. Part of the insulting assumption of this legislation is that the teachers in this country don't want to be held accountable, that we now have to do the tests to show that they really are not doing their job.

There are, of course, teachers you will find who subtract from children, but many of them are saints. And I doubt that there is one Senator who condemns these teachers who could last an hour in the classrooms they condemn. If you go and visit schools, teachers are talking about other issues: What happens to children before they get to school; the whole question of kids who come to kindergarten way behind. They are talking about the lack of affordable housing, children who are coming to school hungry today in America, class size and all of the rest of it. That is what they are talking about. But our response is to go to these tests and to assume that somehow, once children are tested, everything will become better.

I want to give some examples Jay Mathews gives today, about the effect that an over-reliance on testing can have on the classroom. He writes:

> Lisa Donmoyer, a kindergarten to eighth grade science specialist in Easton, Md., said "a rich, interesting classroom is more likely to produce students who do well on the test than a classroom where the teacher employs the 'drill and kill' method."
>
> But in many cases, teachers said, administrators make it difficult to do the right thing.
>
> Hewitt, Tex., high school teacher Donna Garner resigned in protest when her popular program for teaching the lost art of grammar was banned because it conflicted with the step-by-step schedule for preparing for the Texas Assessment of Academic Skill (TAAS) tests.
>
> A third grade teacher in Fort Worth said her principal asked her if she had designated as many students as possible for special education classes so they would be exempt from the tests and make the school average higher.
>
> Raymond Larrabee was told his son's eighth grade honors English class would not have the time to read all of Charles Dickens' "David Copperfield" because there were too many topics to cover for the Massachusetts Comprehensive Assessment System (MCAS) test.
>
> A Florida principal told a novice teacher that her wide-ranging discussion of the possible answers to sample test questions was a waste of time. Just tell them which answers are correct, she was told.
>
> Doug Graney, a history teacher at Herndon High School in Fairfax, and a recently retired Arlington teacher who asked not to be identified, dropped their engaging approach to U.S. history because of the [Virginia standard of learning test]. They had been starting with post World War II history, stimulating family discussions about events their students' parents and grandparents had witnessed. Then they went back to colonial days to show how it all started.

So I just want to issue this warning, about where I am afraid we are heading: I think in the absence of the resources and with the overreliance on tests that is emerging, what we are going to have is, as one teacher put it so well to Jonathan Kozol, you are going to have great teachers living in "examination hell." A lot of the really good teachers are going to get out. In fact, they are now. Some of the really great teachers are just refusing to be drill instructors, teaching to tests, tests, tests. They are leaving. This is the opposite direction from where we should be going.

It is very much the case that the best teachers are the ones who are not going to want to be teaching to these tests. And frankly, some of the worst teachers can do it.

When I am in schools, and I have been in a school about every 2 weeks for the last 10 and a half years I ask the students, when we get into a discussion of education: What do you think makes for a good education? You are the experts. Before class size, before technology, before anything else, they say: Good teachers.

Then I say: What makes for a good teacher? I never hear students say: Well, the really good teachers are the teachers who teach to worksheets. The really good teachers are the teachers who basically have us memorizing all the time and then regurgitating that back on tests. They talk about teachers who spend time with them, teachers who fire their imagination, teachers who don't just transmit knowledge but basically empower them to figure out how to live their lives. They talk about teachers who get the students to connect personally to the books that are being discussed, to the ideas that are being discussed, to how those ideas affect their lives. That is what they talk about.

That is not the direction we are going, not with what we are bringing down from the Federal Government, top-down to school districts all across our land. Again, that is why this amendment is so important.

I thank my colleague for the amendment. I am proud to support him.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1 on Wednesday, June 13, at 9 a.m. with 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings amendment No. 798 concurrently, with 20 minutes each prior to votes in relation to the amendments, with no second-degree amendments in order prior to the votes, and that the Santorum amendment be voted on first. Further, I ask that following disposition of the Santorum and Hollings amendments, Senator LANDRIEU be recognized to call up her amendment No. 474, with 30 minutes for debate in the usual form prior to a vote in relation to her amendment, with no second-degree amendments in order; further, following disposition of the Landrieu amendment, Senator DODD be recognized to call up his amendment No. 382 regarding 21st century afterschool programs, with 2 hours for debate prior to a vote on a motion to table the amendment, with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are moving along very well. This has been a difficult day. We have a number of other amendments to which we think we can go quite rapidly. I think with luck we can finish this bill on Thursday.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 519, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the previously agreed to Bingaman amendment No. 519 be modified to reflect a correction in a numerical error in the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 577, line 2, strike the double quote and period.

On page 577, between lines 2 and 3, insert the following:

"SEC. 4304. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.

"(a) CENTER.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the 'School Security Technology and Resource Center'.

"(b) ADMINISTRATION.—The center established under subsection (a) shall be administered by the Attorney General.

"(c) FUNCTIONS.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $4,750,000 for each of the fiscal years 2002, 2003, and 2004, of which $2,000,000 shall be for Sandia National Laboratories in each fiscal year, $2,000,000 shall be for the National Center for Rural Law Enforcement in each fiscal year, and $750,000 shall be for the National Law Enforcement and Corrections Technology Center Southeast in each fiscal year.

"SEC. 4305. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—

"(1) GRANTS AUTHORIZED.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology and Resource Center.

"(2) APPLICATION.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of".

NATIONAL AIRBORNE DAY

Mr. DOMENICI. Mr. President, I rise in support of Senate Resolution 16 designating August 16, 2001, as National Airborne Day. It is only too appropriate that Senator THURMOND lead the charge for designating one day annually on which we recognize the contributions of our airborne divisions in the military.

The greatest amphibious invasion in military history was at Normandy. On June 6, 1944, under the leadership of General Eisenhower, an invasion force of over 2.8 million military members, including 1,627,000 Americans gathered in Southern England. These forty-five divisions included Americans, Brits, Canadians, French and Poles fighting alongside one another.

Among those forty-five divisions were 13,000 paratroopers from the 82nd and 101st Airborne Divisions. These paratroopers and glider troops began their assault at 1:00 a.m. on June 6. They were spread out over 50 miles between the Cotentin Peninsula and the Orne River. Met with ferocious and lethal German resistance, by the end of the day the 101st had suffered 1,240 casualties, and the 82nd lost 1,259 men. Then 41-year-old STROM THURMOND survived and went on to win five battle stars.

We suffered heavy casualties in those first hours of fighting on the coasts of Northern France. U.S. casualties alone totaled 6,603 men. However, D Day marked the first step in our push toward victory in Europe. Not only does D Day mark the beginning of the end of the tyrannical forces unleashed on the Western European continent in the 1930s, it represents the beginning of many decades of struggle to reconstruct democratic and free Nations from the rubble of World War II.

This week we celebrate the 57th Anniversary of D-Day. I stand to recognize the valor of that greatest generation who persevered to protect our freedom. Undeniably, the airborne forces played a vital role in achieving victory. The Airborne divisions that fought on D-Day are still represented in today's Army, with the 82nd in Fort Bragg, NC, and the 101st in Fort Campbell, KY.

In the last sixty years, our airborne forces have performed in important military and peace-keeping operations in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia. On August 16, 2001, the 61st anniversary of the first official parachute jump by the Parachute Test Platoon, we will recognize the role of part and current patriots in our airborne forces.

I thank Senator THURMOND for his unyielding courage as a paratrooper and his vision as a leader. I strongly support this resolution.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a horrific crime that occurred February 19, 1999 in Sylacauga, AL. Billy Jack Gaither, 39, was abducted and brutally murdered in a remote area. Two men, who later claimed to be angry over an alleged sexual advance by Gaither, went to a secluded boat ramp to find him. They beat Gaither and threw him in the trunk of his own car. Gaither was then taken to the banks of Peckerwood Creek, where many area churches used to hold baptisms. The two men then beat the 39-year-old man to death with an ax handle, and later burned his body on a pyre of old tires.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 11, 2001, the Federal debt stood at $5,680,526,114,067.39, five trillion, six hundred eighty billion, five hundred twenty-six million, one hundred fourteen thousand, sixty-seven dollars and thirty-nine cents.

Five years ago, June 11, 1996, the Federal debt stood at $5,136,928,000,000, five trillion, one hundred thirty-six billion, nine hundred twenty-eight million.

Ten years ago, June 11, 1991, the Federal debt stood at $3,489,108,000,000, three trillion, four hundred eighty-nine billion, one hundred eight million.

Fifteen years ago, June 11, 1986, the Federal debt stood at $2,045,760,000,000, two trillion, forty-five billion, seven hundred sixty million.

Twenty-five years ago, June 11, 1976, the Federal debt stood at $611,628,000,000, six hundred eleven billion, six hundred twenty-eight million, which reflects a debt increase of more than $5 trillion, $5,068,898,114,067.39, five trillion, sixty-eight billion, eight hundred ninety-eight million, one hundred fourteen thousand, sixty-seven dollars and thirty-nine cents during the past 25 years.

ADDITIONAL STATEMENTS

A TRIBUTE TO WELLMONT BRISTOL REGIONAL MEDICAL CENTER

● Mr. WARNER. Mr. President, it is with great pleasure that I rise today to pay tribute to Wellmont Bristol Regional Medical Center, in Bristol, VA, for being named one of the Top 100 Intensive Care Units (ICUs) in the United States. This award is based on a study conducted by Solucient Leadership Institute, the Nation's largest healthcare clearinghouse.

In deciding which hospitals received this outstanding award, Solucient compared intensive care units throughout the country on four measures: death rates; complications; how long patients stayed in units; and cost of care. By being named one of the Nation's Top 100 ICUs, Bristol Regional Medical Center has proven that it can be considered among the best in its field in providing top quality care in its ICU, with shorter stays, lower costs, and fewer deaths and complications. We can truly realize how fortunate we are in this region to have such a wonderful hospital providing top-notch care for Virginians in the Commonwealth.

To the doctors, nurses, administrators, and all the other employees at the Medical Center, I want to extend the highest commendation and congratulations for receiving this award, and I salute you on the floor of the U.S. Senate. I commend you all for your efforts and for providing the highest quality of care.●

TRIBUTE TO DR. KENNETH MORTIMER, UNIVERSITY OF HAWAII PRESIDENT

● Mr. INOUYE. Mr. President, I rise to pay tribute to Kenneth P. Mortimer, the 11th President of the University of Hawaii. He served Hawaii's premier institution of higher learning for 8 years with integrity and distinction.

Dr. Mortimer has led the University of Hawaii forward during one of the longest and most severe economic downturns in our State's history. With massive cutbacks to the University's budget, President Mortimer instituted difficult, oftentimes painful cost-saving measures, to allow the University to provide a quality education for all students with a renewed focus on its core mission.

In addition, during this difficult economic period, President Mortimer launched an ambitious 4-year $100 million capital campaign to raise private funds for endowments, improvements, and scholarships. The campaign concluded ahead of schedule on May 31, 2001, having exceeded their goal by $16 million. The campaign raised needed funds during a critical period in the school's history. It also established a strong foundation for continued large giving.

But, most importantly I believe the capital campaign demonstrated to one and all—students, alumni, community—that the University of Hawaii is good enough, worthy enough, to request and secure such large giving. I was proud to serve as an honorary co-chair of the campaign. It took leadership and guts to launch such a campaign. It took perseverance and commitment to ensure its success. President Mortimer can be proud of this legacy he leaves behind.

There is another very important mark Dr. Mortimer will leave behind for the university. It is carved into Hawaii's most sacred legal document—our State Constitution. No president had ever tried to do what President Mortimer set out to do, namely to secure constitutional autonomy for the University of Hawaii, giving the institution a greater say in its own affairs, fiscal, legal and otherwise. First, landmark legislation was passed by the Hawaii State Legislature to allow the issue of constitutional autonomy to be placed on the Hawaii ballot in November of 2000. Second, Dr. Mortimer mounted an aggressive "vote yes" campaign which received a resounding approval of the people. Another milestone achieved, another foundation laid to help assure the University's future success.

There are many more accomplishments, too many to name, that can be attributed to Dr. Mortimer. He led my alma mater forward during a most difficult time in our State's history. He did so with a quiet dignity and a steadfast resolve. He listened and then acted.

The University of Hawaii is stronger as a direct result of his leadership. He never lost sight of what I have known all along—the University of Hawaii is a great institution of higher learning, not just a good institution, but a great one. Dr. Mortimer believed it in his heart and represented us as such to all he came in contact with. He gave of himself—with his time, skill and aloha—and the University is richer and wiser for it.

On behalf of the people of Hawaii, I would like to express my personal appreciation to Ken and Lorie for their years of service and commitment to academic excellence. My heartfelt wishes are with them as they embark on a new journey together.●

TRIBUTE TO JAMES P. LEDDY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to James P. Leddy, an outstanding Vermonter and humanitarian. In recognition of his retirement as Executive Director of The Howard Center for Human Services in Burlington, VT, it is important to reflect on how much one person can accomplish in serving others.

From the beginning of his career, Jim was drawn to serving the most needy, most isolated, and often the most misunderstood and underserved people in our society. His work took him to individuals who were incarcerated, living with illness or disability, and to those recovering from addiction.

Jim began his 30-year history of compassionate service to Vermonters as a direct-service provider and quickly rose to leadership positions. His vision for improving the lives of individuals with disabilities put him at the helm of The Howard Center for Human Services. Under his direction "community inclusion" and "self-determination" became the guiding principles for serving individuals and their families. Those who had historically been sheltered from society began to live, work and recreate in their communities.

Not only has The Howard Center for Human Services been recognized for developing new and innovative programs, but Vermont also gained recognition for showing the way to other States in the country. Jim is to be commended for the part he played in national movement to provide community-based services to people with disabilities.

Under Jim's leadership, The Howard Center grew from a budget of $1.6 million with a staff of 55 to a budget of $30 million and a staff of over 550 individuals. While Jim was growing a mental health service, he also advocated for relationships and wrap-around services with other providers. In this, as in every other capacity, his mark has been felt far beyond the boundaries of Chittenden County, VT.

Vermont has much to be grateful for, in view of Jim's steadfast commitment to improving the quality of life in our State. He was a founding member of programs such as the Champlain Valley Crime Stoppers and Dismas House, a residential program for ex-offenders. He has served on boards, such as the Mayor's Council on Human Services for the City of Burlington, the Governor's Council on Alcohol and Drug Abuse Problems, and the National Association of State Alcohol and Drug Abuse Directors, to name a few. Jim is a true public servant, and in 1999, he became a member of the Vermont State Legislature and brought his knowledge, experience and deep commitment to Vermont to all its citizens. It is reassuring to know that his legacy will lead The Howard Center for Human Services and the greater community of Vermont itself for years to come.

Jim's unwavering commitment toward improving the status of Vermont and its citizens serves as a testament to us all. Vermont is truly indebted to him. His deep commitment to the citizens of the Green Mountain State has endeared him to us. He has our sincerest good wishes for the future.•

HONORING ANNE M. GLATT

• Mr. TORRICELLI. Mr. President, I rise today to recognize Anne M. Glatt's years of devotion and commitment to the Highland Park Conservative Temple and Center in Highland Park, NJ. Mrs. Glatt will soon receive the prestigious "Chaver Award," the Temple's highest award for exemplary service to the Jewish community.

Devoted to her three daughters and to the Jewish faith, Mrs. Glatt decided on the Highland Park Conservative Temple and Center to further her children's knowledge of their faith and culture. However, her involvement with the Temple did not end there. Mrs. Glatt offered her services as a bookkeeper for the Temple, and for the past thirty-seven years it has been an experience of great benefit to the Temple. She has shared her wisdom, generosity and love with the 900 members of the congregation, considering them all as a part of her extended family. I have no doubt that as the community grows, Mrs. Glatt will be there to tend to the needs of future generations.

Therefore, I join with the Highland Park Conservative Temple and Center today in recognizing Anne M. Glatt, saluting her service to the community, her countless acts of compassion, and her constant attention to the needs of those around her. May her spirit of service be a model for all of us to admire and emulate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF EMERGENCY WITH RESPECT TO PROPERTY OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS—MESSAGE FROM THE PRESIDENT—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the emergency declared with respect to the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2001.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond June 12, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 11, 2001.*

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT—PM 28

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 11, 2001.*

REPORT ON THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 29

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the provisions of section 504(h) of Public Law 98–164, as amended (11 U.S.C. 4413(i)), I transmit herewith the Annual Report of the National Endowment for Democracy for fiscal year 2000.

GEORGE W. BUSH.
THE WHITE HOUSE, *June 11, 2001.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2292. A communication from the Acting Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "PRIME Act Grants" (RIN3245–AE52) received on June 8, 2001; to the Committee on Small Business.

EC–2293. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling—Determination of Interest Rates, Quarter Beginning July 1, 2001" (Rev. Rul. 2001–32) received on June 11, 2001; to the Committee on Finance.

EC–2294. A communication from the Acting Administrator of the Foreign Agriculture Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2001 Tariff-Rate Quota Year" (7 CFR Part 6) received on June 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2295. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Noxious Weeds: Permits and Interstate Movement" (Doc. No. 98–091–2) received on June 8, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2296. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the status of the United States Parole Commission; to the Committee on the Judiciary.

EC–2297. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Tax Division, received on June 8, 2001; to the Committee on the Judiciary.

EC–2298. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Director of the National Institute of Justice, received on June 8, 2001; to the Committee on the Judiciary.

EC–2299. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Orthopedic Devices: Classification and Reclassification of Pedicle Screw Spinal Systems; Technical Amendment" (Doc. No. 95N–0176) received on June 8, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2300. A communication from the Assistant Director for Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Federal Sector Report on EEO Complaints and Appeals for Fiscal Year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2301. A communication from the Acting Commissioner for Education Statistics, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, a report entitled "The Condition of Education" for 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2302. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, transmitting, pursuant to law, a report concerning the single-function cost comparison of the Communications activity at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

EC–2303. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of Defense, Personnel and Readiness, received on June 8, 2001; to the Committee on Armed Services.

EC–2304. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Director, Operational Test and Evaluation, received on June 8, 2001; to the Committee on Armed Services.

EC–2305. A communication from the Assistant Director for Executive and Political Personnel, Department of the Air Force, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Air Force, received on June 8, 2001; to the Committee on Armed Services.

EC–2306. A communication from the Director for Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of the Army, received on June 8, 2001; to the Committee on Armed Services.

EC–2307. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of the proposed obligation of funds provided for the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–2308. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Military Health System; to the Committee on Armed Services.

EC–2309. A communication from the General Counsel for Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Exception Payment Standards to Offset Increase in Utility Costs in the Housing Choice Voucher Program" (RIN2577–AC29) received on June 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2310. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Federal Transit Administration, received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2311. A communication from the Attorney-Advisor of the Office of General Counsel, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Resolution Funding Corporation Operations" (RIN1505–AA79) received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2312. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Call for Large Position Reports" received on June 8, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2313. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a report concerning the Authorization of Appropriations for Fiscal Years 2002 and 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–2314. A communication from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled "Community Bank-Focused Regulation Review: Lending Limits Pilot Program" (12 CFR Part 32) received on June 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2315. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To authorize appropriations for the United States contribution to the Heavily Indebted Poor Countries Trust Fund administered by the International Bank for Reconstruction and Development"; to the Committee on Foreign Relations.

EC–2316. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To authorize the United States participation in and appropriations for the United States contribution to the fifth replenishment of the resources of the International Fund for Agricultural Development"; to the Committee on Foreign Relations.

EC–2317. A communication from the General Counsel, Department of the Treasury, transmitting, a draft of proposed legislation entitled "To authorize the United States participation in and appropriations for the

United States contribution to the seventh replenishment of the resources of the Asian Development Fund"; to the Committee on Foreign Relations.

EC–2318. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended: Aliens Ineligible to Transit Without Visas (TWOV)—Russia" (22 CFR Part 41) received on June 8, 2001; to the Committee on Foreign Relations.

EC–2319. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the text and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2320. A communication from the Trial Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "List of Nonconforming Vehicles Decided to be Eligible for Importation" ((RIN2127–AI17)(2000–0001)) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2321. A communication from the Trail Attorney of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees Authorized by 49 USC 30141" ((RIN2127–AI11)(2000–0001)) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2322. A communication from the Attorney for the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Adoption of Industry Standards for Liquefied Natural Gas Facilities" (RIN2137–AD11) received on June 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2323. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (opens shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska)" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2324. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustment to the 2000 Summer Flounder, Scup and Black Sea Bass Commercial Quotas" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2325. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Summer Period" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2326. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of directed fishing for Pacific Cod by vessels catching Pacific Cod for processing by the offshore component in the Central Regulatory Area of the Gulf of Alaska (GOA)" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2327. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2328. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of directed fishing for species that comprise the deep-water species by vessels using trawl gear in the Gulf of Alaska" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2329. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Prohibition of directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska" received on June 8, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2330. A communication from the Acting General Counsel of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Northwest Atlantic Fisheries Organization for 2000; to the Committee on Commerce, Science, and Transportation.

EC–2331. A communication from the Senior Management Analyst, Division of Policy and Directives Management, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C" (RIN1018–AD68) received on June 7, 2001; to the Committee on Energy and Natural Resources.

EC–2332. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Montana Regulatory Program" (MT–020–FOR) received on June 7, 2001; to the Committee on Energy and Natural Resources.

EC–2333. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of a Program Update 2000 for the Clean Coal Technology Demonstration Program; to the Committee on Energy and Natural Resources.

EC–2334. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the financial and social impacts of the Compacts of Free Association on United States insular areas and the State of Hawaii; to the Committee on Energy and Natural Resources.

EC–2335. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Conversion of the Conditional Approval of the NO_X RACT Regulation to a Full Approval and Approval of NO_X RACT Determinations for Three Sources" (FRL6996–5) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2336. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina; Final Approval of State Underground Storage Tank Program" (FRL6976–4) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2337. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for North Carolina" (FRL6976-5) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2338. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Application of 40 CFR 93.104(e) to Houston Attainment SIP"; to the Committee on Environment and Public Works.

EC–2339. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Implementation of Section 303(d) Until the New TMDL Rule Becomes Effective"; to the Committee on Environment and Public Works.

EC–2340. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Application of 40 CFR 93.104(e) to Houston Attainment SIP"; to the Committee on Environment and Public Works.

EC–2341. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Streamlined Water-Effect Ratio Procedure for Discharges of Copper"; to the Committee on Environment and Public Works.

EC–2342. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Clarifications Regarding Toxicity Reduction and Identification Evaluations in the National Pollutant Discharge Elimination System Program"; to the Committee on Environment and Public Works.

EC–2343. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traffic Control Devices; The Manual on Uniform Traffic Control Devices for Streets and Highways; Standards for Center Line and Edge Markings" (RIN2125–AD68) received on June 7, 2001; to the Committee on Environment and Public Works.

EC–2344. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population for 16 Freshwater Mussels and One Freshwater Snail, Alabama" (RIN1018–AE00) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2345. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Public Use of Water Resources Development Projects Administered by the Chief of Engineers" (36 CFR Part 327) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2346. A communication from the Deputy Assistant Secretary of the Army, Management and Budget, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report of a rule entitled "Navigation Locks and Approach Channels, Columbia and Snake Rivers, Oregon and Washington" (33 CFR Part 207.718) received on June 8, 2001; to the Committee on Environment and Public Works.

EC–2347. A communication from the Acting Director of the Office of Personnel Management, Employment Service; Workforce Restructuring Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Career Transition Assistance for Surplus and Displaced Employees" (RIN3206–AJ32) received on June 8, 2001; to the Committee on Governmental Affairs.

EC–2348. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2349. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2350. A communication from the Chairman of the National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2351. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on June 8, 2001; to the Committee on Governmental Affairs.

EC–2352. A communication from the Acting Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2353. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2354. A communication from the Acting Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1 , 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2355. A communication from the Attorney General of the United States, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2356. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report relative to the Federal Equal Opportunity Recruitment Program for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2357. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2358. A communication from the Chief Operating Officer/President of the Resolution Funding Corporation, transmitting, pursuant to law, a report relative to the System of Internal Controls and the Audited Financial Statements for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2359. A communication from the Chairwoman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2360. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2361. A communication from the Acting Administrator of the General Service Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2362. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2363. A communication from the Chairman of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2364. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Office of the Inspector General and the Treasury Inspector General for Tax Administration for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2365. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2366. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–94. A resolution adopted by the City Commission of Fort Lauderdale, Florida relative to beach erosion control projects; to the Committee on Environment and Public Works

POM–95. A resolution adopted by the Board of County Commissioners of Broward County, Florida relative to beach erosion control projects; to the Committee on Environment and Public Works.

POM–96. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Unifies Voting Rights Act"; to the Committee on Rules and Administration.

POM–97. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Rapid Response"; to the Committee on the Judiciary.

POM–98. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Education 3000"; to the Committee on Health, Education, Labor and Pensions.

POM–99. A petition of proposed legislation presented by the Council on Administrative Rights entitled "Health America"; to the Committee on Health, Education, Labor, and Pensions.

POM–100. A petition of proposed legislation presented by the Council on Administrative Rights entitled "American Equality"; to the Committee on the Judiciary.

POM–101. A resolution adopted by the legislature of the State of Minnesota relative to special education costs; to the Committee on Appropriations.

RESOLUTION NO. 2

Whereas, in 1975 the Congress passed Public Law Number 94–142, the Individuals with Disabilities Education Act, and provided a national framework for providing free, appropriate public education to all students regardless of the level or severity of disability; and

Whereas, Congress in its initial passage of the Individuals with Disabilities Education Act declared its intent to fund 40 percent of special education costs; and

Whereas, the federal government's share of funding for special education costs in Minnesota has never exceeded 15 percent of total special education costs; and

Whereas, since the passage of the Individuals with Disabilities Education Act, the states have been primarily responsible for providing funding for special education services; and

Whereas, special education services are being provided to all eligible children in the state of Minnesota; and

Whereas, many states, including Minnesota, must provide substantial state funding to fill the gaps left by Congress's unfunded promise; and

Whereas, the recent increases in federal funds for schools, including the increases in special education funding, have come with substantial mandates and limitations on the use of funds; and

Whereas, Congress is now currently debating the most effective ways to improve education among the states; and

Whereas, the federal government is now estimating a surplus of $5,600,000,000,000 over the next ten years; Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That Congress should speedily adhere to the goal set forth in the Individuals with Disabilities Education Act and appropriate to the states significant, genuine assistance to meet the needs of students with disabilities and to relieve schools from the necessity of cross-subsidizing special education revenue with general education revenue. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and Secretary of the Senate, the

Speaker and Clerk of the House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM–102. A resolution adopted by the Legislature of the State of Minnesota relative to funding for the improvement and rehabilitation of waterways; to the Committee on Environment and Public Works.

RESOLUTION NO. 4

Whereas, waterway transportation is the most efficient means of transporting bulk commodities, transports more tons per gallon of fuel than either rail or truck while causing fewer accidents, less noise pollution, and fewer fatalities and traffic delays, provides a positive quality of life to the citizens of Minnesota, and is the most environmentally sound mode of transportation available; and

Whereas, because of its geographic location, Minnesota is disadvantaged by the distance commodities must travel when transported between Minnesota and domestic and international markets; and

Whereas, farm products, petroleum, coal, aggregates, fertilizer, salt, iron ore, metal products, and other bulk commodities needed by agriculture, industry, and the public sector are essential components of commerce and vital to the continued health of our national, local, and state economies; and

Whereas, the inland waterway lock and dam system provides recreational and ecotourism opportunities to Minnesota, a reliable water source of 25 billion gallons per year for residential and industrial use in the Twin Cities area, and a cooling source for power plants which provide over 4,800 Minnesota jobs; and

Whereas, our transportation infrastructure enables agricultural products and other exported commodities to compete successfully in international markets and leads toward a favorable balance of trade for our national economy; and

Whereas, our waterway transportation infrastructure shares the public waters with the natural environment; and

Whereas, the natural environment provides public benefits such as recreation, tourism, domestic and industrial water supply, and scientific and educational opportunities which are also important elements to Minnesota's economy; and

Whereas, the Upper Mississippi River is a natural resource of statewide, regional, national, and international importance due to its status as one of the largest floodplain areas in the world, its importance as a migratory corridor for 40 percent of all North American Waterfowl and the sanctuary it provides to more than 200 species of threatened, endangered, or rare plants and animals; and

Whereas, the Great Lakes Seaway serves Minnesota by moving its bulk products to domestic and foreign destinations, amounting to over 65 million tons annually, including 43 million tons of Minnesota iron ore to steel mills in Michigan, Indiana, Ohio, and Pennsylvania; and

Whereas, although dredging and maintenance of the seaway system is financed by the users, financing of the new Sault Ste. Marie Lock (owned and operated by United States Army Corps of Engineers) will be shared by the federal government and the eight seaway states on a prorated tonnage basis, requiring an estimated $18 million from the state to be paid over a 50-year period; and

Whereas, the inland waterway system moves 17 million tons of bulk commodities annually between Minnesota and the eastern seaboard and Gulf states, including approximately 10 million tons of agricultural products exported through gulf ports; and

Whereas, dredging and maintenance costs of the inland waterway are paid out of federal funds, and financing of capital improvements to the inland waterway system is 50 percent from federal funds and 50 percent from the Inland Waterways Trust Fund, funded by a 20 cent per gallon fuel tax paid by waterway shippers; and

Whereas, the river industry has been taxed on fuel since 1980, and since the Inland Waterways Trust Fund was instituted in 1986, the Upper Mississippi River basin has contributed 40 percent of the funds and received only 15 percent return for capital improvements, making the Upper Midwest a tax donor region to the Ohio River valley and others; and

Whereas, the Port Development Assistance Program is the vehicle to rehabilitate Minnesota's public ports on the Mississippi River and Lake Superior; and

Whereas, this program updates and improves the operation and efficiency of the ports to keep them viable and competitive; and

Whereas, the 1996, 1998, and 2000 Minnesota legislatures appropriated funds for this program, and the 2001 legislature will be requested to appropriate an additional $3 million to this program; Now, therefore, be it

Resolved that the Minnesota Legislature, Supports Minnesota's pro rata participation in financing new construction at the Sault Ste. Marie Lock, Be it further

Resolved, That the Legislature formally recognizes the Upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits. Be it further

Resolved, That the Legislature recognizes the critical habitat restoration and rehabilitation needs on the Upper Mississippi River. Be it further

Resolved, That the Legislature recognizes the importance of inland waterway transportation to Minnesota agriculture and to the economy of the state, the region, and the nation and urges Congress to authorize funding to improve transportation efficiency and restore the ecological values of the Upper Mississippi River System. Be it further

Resolved, That the Legislature supports the continued funding of the Port Development Assistance Program in recognition of the essential and fundamental contribution the Great Lakes and inland waterway transportation systems make to Minnesota's economy and to sustainable environmental programs. Be it further

Resolved, That the Secretary of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the chair of the Senate Committee on Commerce, Science, and Transportation, the chair of the House Committee on Transportation and Infrastructure, and Minnesota's Senators and Representatives in Congress.

POM–103. A resolution adopted by the Legislature of the State of Minnesota relative to the Railroad Unemployment Insurance Act; to the Committee on Health, Education, Labor, and Pensions.

RESOLUTION NO. 5

Whereas, numerous railroad employees have served their country honorably and well in various branches of the armed forces for periods in excess of 20 years; and

Whereas, these military veterans receive military retirement pay as partial compensation for their long military service; and

Whereas, if these veterans work for non-military employers they can become eligible for state unemployment benefits in case of layoff and for workers' compensation in case of injury; and

Whereas, the Railroad Unemployment Insurance Act (United States Code, title 45, section 354(a–1)(ii)) prohibits payment of railroad unemployment benefits or railroad sickness benefits to otherwise eligible railroad employees who are receiving military retirement pay for 20 years or more of military service; Now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it petitions the United States Congress to promptly amend the Railroad Unemployment Insurance Act to allow railroad employees collecting military retirement pay to also be eligible for railroad unemployment and sickness benefits if they otherwise meet the qualifications of these benefit programs. Be it further

Resolved, That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and Minnesota's Senators and Representatives in Congress.

POM–104. An assembly resolution adopted by the Legislature of the State of New Jersey relative to enacting the "Great Falls Historic District Study Act of 2001"; to the Committee on Energy and Natural Resources.

RESOLUTION

Whereas, Legislation entitled the "Great Falls Historic District Study Act of 2001" has been introduced, respectfully, in the United States Senate as S. 386 and in the United States House of Representatives as H.R. 146; and

Whereas, The "Great Falls Historic District Study Act of 2001," if enacted into law, would authorize the Secretary of the United States Department of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the City of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes; and

Whereas, Congressional findings proposed in the Senate legislation (S. 386) note that the Great Falls Historic District is an area of historical significance as an early site of planned industrial development, and it has remained largely intact through architecturally significant structures; that the district is listed on the National Register of Historic Places and has been designated a National Historic Landmark; that the district is situated within a one-half hour's drive from New York City and a two hour's drive from Philadelphia, Hartford, New Haven, and Wilmington; that the district was developed by the Society of Useful Manufacturers, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton; and that the district has been the subject of a number of studies that have shown that it possesses a combination of historic significance and natural beauty worthy of an uniquely situated for preservation and redevelopment; and

Whereas, The Great Falls Historic District was established as a historic district under federal law pursuant to section 510 of the

"Omnibus Parks and Public Lands Management Act of 1996" (Pub. L. 104–333; 16 U.S.C. s. 461 note); and

Whereas, The citizens of New Jersey have long demonstrated a keen interest in and strong commitment to supporting the efforts of federal, State, local, and private entities to preserve and interpret the history and culture of the people that form this great Nation, especially as manifested in this great State; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact into law as soon as possible the "Great Falls Historic District Study Act of 2001" (S. 386/H.R. 146).

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate, the majority and minority leaders of the United States House of Representatives, every member of Congress elected from this State, the Secretary of the United States Department of the Interior, the Commissioner of the New Jersey Department of Environmental Protection, the Secretary of the New Jersey Department of State, and the Chairman and the Executive Director of the New Jersey Historic Trust.

STATEMENT

This resolution would respectfully memorialize the Congress of the United States to enact into law as soon as possible the "Great Falls Historic District Study Act of 2001" (S. 386/H.R. 146).

The federal legislation, if enacted into law, would authorize the Secretary of the United States Department of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in the City of Paterson, in Passaic County, New Jersey, as a unit of the National Park System, and for other purposes.

As noted in the federal legislation (S. 386), the Great Falls Historic District is an area of historical significance as an early site of planned industrial development, and it has remained largely intact through architecturally significant structures. The district is listed on the National Register of Historic Places and has been designated a National Historic Landmark, and is situated within a one-half hour's drive from New York City and a two hour's drive from Philadelphia, Hartford, New Haven, and Wilmington. The district was developed by the Society of Useful Manufactures, an organization whose leaders included a number of historically renowned individuals, including Alexander Hamilton. The Great Falls Historic District has been the subject of a number of studies that have shown that it possesses a combination of historic significance and natural beauty worthy of and uniquely situated for preservation and redevelopment.

The Great Falls Historic District was established as a historic district under federal law pursuant to the "Omnibus Parks and Public Lands Management Act of 1996."

POM–105. An assembly resolution adopted by the Legislature of the State of New Jersey relative to the repeal of the federal death tax; to the Committee on Finance.

RESOLUTION

An Assembly Resolution memorializing the Congress of the United States to enact the repeal of the federal death tax.

Whereas, Women and minorities are very often owners of small and medium-sized businesses, and the federal estate tax, or the death tax, prevents their children from reaping the rewards of a lifetime of trying to make a better life; and

Whereas, Farmers often face losing their farms because the federal government heavily taxes the estates of people who invested most of their earnings back into their farms and had only a small amount of liquid savings; and

Whereas, Employees suffer when they lose their jobs because many small and medium-sized businesses are liquidated to pay death taxes and because many high capital costs depress the number of new businesses that could offer them a job; and

Whereas, If the estate tax had been repealed in 1996, over the next nine years the United States economy would have averaged as much as $11 billion per year in extra output, and an average of 145,000 additional new jobs would have been created; and

Whereas, Having during 2000 passed the United States House of Representatives by a vote of 279–36, and having passed the United States Senate by a vote of 59–39, elimination of the death tax has wide bipartisan support; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey

1. The General Assembly of the State of New Jersey memorializes the Congress of the United States to enact legislation, currently pending in Congress, which eliminates the federal estate tax into law.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from the State of New Jersey.

STATEMENT

This resolution memorializes Congress to enact the repeal of the federal estate tax or "death tax."

POM–106. A resolution adopted by the Legislature of the State of Missouri relative to the St. Joseph community; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION

Whereas, Agramarke Quality Grains, Inc., a Missouri cooperative association, will provide economic development for the St. Joseph area; and

Whereas, the United States Department of Agriculture emphasizes the importance of guiding agriculture toward value-added opportunities; and

Whereas, agricultural producers will own 100% of the facility, provide over 110 jobs in the area, and realize between three and five millions dollars per year in profits and premiums; and

Whereas, the facility purchase price is far below the price of new construction and will provide a new purpose for the Quaker Oats facility which has been in existence since 1926; and

Whereas, the United States Department of Agriculture provides many beneficial programs which will be crucial to the success of the projects; and

Whereas, without the assistance of the United States Department of Agriculture programs, this young company may never develop; and

Whereas, the United States Department of Agriculture maintains a community population requirement of 50,000 for use of rural development economic inventive programs; and

Whereas, the city of St. Joseph remains not far above the threshold with a population of approximately 75,000; Now therefore, be it

Resolved, that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Department of Agriculture to grant a waiver for Agramarke Quality Grains, Inc., for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; and be it further

Resolved, that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Ann M. Veneman of the United States Department of Agriculture and each member of the Missouri congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BIDEN:

S. 1013. A bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

By Mr. BUNNING (for himself and Mr. Harkin):

S. 1014. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Ms. Stabenow, and Mr. Durbin):

S. 1015. A bill to require the Secretary of Transportation to issue regulations to address safety concerns and to minimize delays for motorists at railroad grade crossings; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. Lugar, Mr. McCain, Mr. Corzine, and Mrs. Lincoln):

S. 1016. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. Chafee, Mr. Leahy, Mr. Lugar, Mr. Roberts, Mr. Baucus, Mr. Levin, Mrs. Boxer, Mr. Jeffords, Mr. Kennedy, Mr. Akaka, Mr. Wellstone, Mr. Dorgan, Mr. Bingaman, Mr. Durbin, and Mr. Hagel):

S. 1017. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself, Ms. Snowe, Mrs. Murray, Mr. Schumer, Ms. Stabenow, and Ms. Cantwell):

S. 1018. A bill to provide market loss assistance for apple producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 1019. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. BINGAMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. KOHL, and Mr. LEAHY):

S. 1020. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. CRAIG, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. REED, and Mr. ROBERTS):

S. 1021. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on Foreign Relations.

By Mr. WARNER:

S. 1022. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1023. A bill to modify the land conveyance authority with respect to the Naval Computer and Telecommunications Station, Cutler, Maine; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. EDWARDS, Mrs. MURRAY, and Mr. CLELAND):

S. Res. 109. A resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 37, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 128

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 128, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 281

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 291

At the request of Mr. THOMPSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 291, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 375

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 375, a bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

S. 434

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 434, a bill to provide equitable compensation to the Yankton Sioux Tribe of South Dakota and the Santee Sioux Tribe of Nebraska for the loss of value of certain lands.

S. 500

At the request of Mr. BURNS, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 613

At the request of Mr. FITZGERALD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 613, a bill to amend the Internal Revenue Code of 1986 to enhance the use of the small ethanol producer credit.

S. 638

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 697

At the request of Mr. HATCH, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 718

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 742

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 742, a bill to provide for pension reform, and for other purposes.

S. 783

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 783, a bill to enhance the rights of victims in the criminal justice system, and for other purposes.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 847

At the request of Mr. DAYTON, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 862

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 862, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2002 through 2006 to carry out the State Criminal Alien Assistance Program.

S. 880

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 880, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 887

At the request of Mr. WELLSTONE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 952

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 984

At the request of Mr. ENZI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 984, a bill to improve the Veterans Beneficiary Travel Program of the Department of Veterans Affairs.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 991

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 991, a bill to authorize the President to award a gold medal on behalf of the Congress to Andrew Jackson Higgins (posthumously), and to the D-day Museum in recognition of the contributions of Higgins Industries and the more than 30,000 employees of Higgins Industries to the Nation and to world peace during World War II.

S. 992

At the request of Mr. CONRAD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. RES. 16

At the request of Mr. THURMOND, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Illinois (Mr. DURBIN), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 16, a resolution designating August 16, 2001, as "National Airborne Day."

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

AMENDMENT NO. 461

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 461.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 461, supra.

AMENDMENT NO. 518

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 518.

At the request of Mr. ENSIGN, his name was added as a cosponsor of amendment No. 518, supra.

At the request of Mr. BREAUX, his name was added as a cosponsor of amendment No. 518, supra.

AMENDMENT NO. 630

At the request of Mr. ENZI, his name was added as a cosponsor of amendment No. 630.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING (for himself and Mr. HARKIN):

S. 1014. A bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to re-introduce legislation that is designed to protect the privacy of all Americans from identity theft caused by theft or abuse of an individual's Social Security number, SSN.

Identity theft is the fastest growing financial crime in the Nation, affecting an estimated 500,000 to 700,000 people annually. Allegations of fraudulent Social Security number use for identity theft increased from 62,000 in 1999 to over 90,000 in 2000—this is a 50 percent increase in just one year.

It's no wonder why, in Wall Street Journal poll last year, respondents ranked privacy as their number one concern in the 21st century, ahead of wars, terrorism, and environmental disasters.

All to often, the first clue someone has that their identity has been stolen comes when retail stores, banks, or credit card companies send letters wanting payment on bad checks or overdue bills that the individual hadn't written or knew nothing about.

More than 75 percent of the time identity theft cases that take place are "true name" fraud. That is when someone uses your social security number to open new accounts in your name. The common criminal can apply for credit cards, buy a car, obtain personal, business, auto, or real estate loans, do just about anything in your name and you may not even know about it for months or even years. Across the country there are people who can tell you about losing their life savings or having their credit history damaged, simply because someone had obtained their Social Security number and fraudulently assumed their identity.

This bill prohibits the sale of Social Security numbers by the private sector, Federal, State and local government agencies. This bill strengthens existing criminal penalties for enforcement of Social Security number violations to include those by government employees. It amends the Fair Credit Reporting Act to include Social Security number as part of the information protected under the law, enhances law enforcement authority of the Office of Inspector General, and allows Federal courts to order defendants to make restitution to the Social Security trust funds.

This bill would also prohibit the display of Social Security numbers on drivers licenses, motor vehicles registration, and other related identification records, like the official Senate ID Card.

This new legislation reflects a small number of fair and appropriate modifications, including the following: Since the Federal Trade Commission does not have jurisdiction over financial institutions, our bill would now authorize the U.S. Attorney General to issue regulations restricting the sale and purchase of Social Security numbers in the private sector; similar to our provisions affecting the public sector, we make explicit our intent that the prohibition of sale, purchase, or display of Social Security numbers in the private sector would not apply if Social Security numbers are needed to enforce child support obligations; to help prevent other individuals from suffering the same tragic fate as Amy Boyer, we include a new provision that prohibits a person from obtaining or using another person's Social Security number in order to locate that individual with the intent to physically injure or harm the individual or use their identity for an illegal purpose; and we have clarified the provision that would prohibit businesses from denying services to individuals an exception for those businesses that are required by Federal law to submit the individual's Social Security number to the Federal Government.

I think that it is high time that we get back to the original purpose of the social security number. Social Security numbers were designed to be used to track workers and their earnings so that their benefits could be accurately calculated when a worker retires—nothing else.

I urge my colleagues to cosponsor this very important piece of legislation.

By Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN):

S. 1015. A bill to require the Secretary of Transportation to issue regulations to address safety concerns and to minimize delays for motorists at railroad grade crossings; to the Committee on Commerce, Science, and Transportation.

Mr. LEVIN. Mr. President, today I am pleased to introduce the Railroad Crossing Delay Reduction Act with Senator STABENOW and Senator DURBIN. This legislation requires the Secretary of Transportation to issue regulations within one year to address the safety concerns that arise when trains block traffic at railroad crossings.

Sixteen States and many more municipalities have passed statutes and ordinances limiting the amount of time a train is allowed to stop at and thus block a railroad grade crossing. There are specific safety reasons for limiting the time roadways can be blocked by trains. However, the U.S. District Court for the Eastern District of Michigan struck down a Michigan statute regulating the length of time that a train may block a roadway, opening up the safety issues that my bill will address. The ordinance in question prohibited trains from obstructing free passage of any street for longer than five minutes in order to minimize safety problems within communities.

The court concluded that the ordinance was preempted by the Federal Railway Safety Act, FRSA. Unfortunately, there is no Federal regulation addressing the length of time a train may block a grade crossing. That means the State of Michigan and all of its political subdivisions are now without the authority to provide this regulation and have no other remedy. They are urging the passage of Federal legislation to regulate the length of time a train may block a roadway in the interest of public health and safety. They are calling for Federal action to give them relief from the 45 minutes or more that trains are currently sitting in railway crossings and blocking their roadways.

Believe it or not, trains actually stop in the middle of intersections for 45 minutes or longer at a time. I have been given examples of trains in Michigan that have sat for hours at crossings. You can imagine the ramifications of major intersections being completely blocked for so long.

This nationwide problem is amplified in Southeast Michigan because of the number of rail lines in the region. For example, this lack of regulation is causing a lot of problems for some of the older municipalities in Michigan as train tracks literally cris-cross their cities. For instance, in Trenton, MI, there is an entire neighborhood that is bordered on one side by water on two sides by train tracks, forming a triangle. If two trains block the tracks at the same time, which has happened, the residents are literally trapped. Worse than the residents being trapped is the fact that ambulances, police and fire trucks are trapped out of town, or delayed in getting to their emergency destinations.

Unless we take action and require the FRA to act, communities with rail crossings are vulnerable. The problems range from the problem of traffic congestion and delays to the literal inability of emergency vehicles to get in or out of a community. Many Michigan cities have railroad crossings at a number of important intersections that, when closed by trains, severely limits their ability to provide emergency service to its residents. Medical emergency crews in Michigan have specifically complained to me that they face the daily problem of trains blocking road traffic. They tell me this has the potential to put in jeopardy their patients best chance of recovery. As we all understand, time is of the essence in emergency situations.

Trains blocking railroad crossings also pose a threat for pedestrians and children who may be tempted to crawl under or between rail cars during long waits in order get to or from school. Vehicles may also be tempted to speed around a train before it gets to the crossing in order to avoid long delays. Both situations unnecessarily put lives in danger.

Michigan businesses have also complained to me that trains have blocked important roads for extensive periods of time during plant shift changes. This has resulted in unnecessary lost wages and lost production when employees cannot get to work.

Dozens of Michigan's towns and cities have pleaded for Federal action to resolve this intolerable situation and have even passed resolutions in support of this legislation. They include: Charter Township of Huron, City of Lincoln Park, City of Plymouth, City of Riverview, City of Rockwood, City of Southgate, City of Trenton, City of Westland, to name only a few. Our community leaders believe it is essential to the public health, safety and welfare of the residents of their cities that blocked crossings be kept to a reasonable minimum, so that emergency vehicles may have ready access to their citizens.

The legislation I am introducing today will give the Federal Railroad Administration the push it needs to enact much needed regulations to address this safety problem.

My bill would simply require the Secretary of Transportation to issue regulations addressing these safety concerns. It is a reasonable approach with nothing controversial or complicated about it. Congressman DINGELL has sponsored an identical bill in the House.

We need to stop the delays and remove potentially dangerous situations by minimizing how long trains can stop at grade crossings. Its time to address this lingering safety concern and reduce the risk to motorists, pedestrians, and citizens at large. This is a very simple bill that aims to stop the abuse of trains unnecessarily blocking railroad crossings. It simply directs the FRA, the agency tasked with overseeing railroad safety, to take action in this area. I hope this legislation will be enacted quickly.

The Railroad Crossing Delay Reduction Act has the support of local mayors, fire and police departments and emergency organizations. There is currently no Federal limit to how long trains can sit and block railroad crossings. This bill would require that one be instituted, in the name of the public's safety.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Railroad Crossing Delay Reduction Act".

SEC. 2. REGULATIONS.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations regarding trains that block traffic at railroad grade crossings to address safety concerns and to minimize delays encountered by motorists that are caused by such trains.

Ms. STABENOW. Mr. President, I am proud to join my colleague from Michigan, Senator LEVIN, in introducing the "Railroad Crossing Delay Reduction Act of 2001."

Trains needlessly blocking traffic at railroad grade crossings is a long-standing nationwide problem, that puts lives and property at grave risk. When trains unnecessarily block vital intersections, it can cost police, firefighters and emergency medical workers, critical minutes when responding to an emergency situation. They also increase train-automobile accidents, because many motorists dangerously speed through railroad crossing intersections, in an attempt to avoid being delayed for an extended period by an oncoming train. Train blockage also prevents pedestrians, often young children on the way to and from neighborhood schools, from crossing a railroad intersection resulting in pedestrians climbing through trains to reach the other side.

Across the country, there are reports that fire trucks, ambulances, and police vehicles have been unnecessarily delayed at train crossings. The loss of a few minutes in an emergency situation can mean the difference between life and death. A fire in a home or business can double in size every 20 seconds, and a person suffering from a heart attack can die after only six minutes without oxygen. In my home State of Michigan, fire and EMS units in Delta Township were blocked by a train for a few extra minutes as a boy burned to death on the other side of the railroad crossing.

Last year, a Federal judge in Michigan struck down a State law limiting the amount of time a train can block a crossing on the grounds that it was a Federal issue and involved interstate commerce under the Commerce Clause of the U.S. Constitution. Over 30 communities in Michigan alone have passed resolutions asking for Congress to act on this important safety issue.

The "Railroad Crossing Delay Reduction Act of 2001" addresses this important national problem by requiring the Department of Transportation to issue regulations to address these serious safety concerns with respect to trains blocking traffic at railroad grade crossings, and to minimize delays to automobile traffic resulting from these blockages. I urge my Senate colleagues to support this legislation and help address this critical railroad safety issue.

By Mr. BINGAMAN (for himself, Mr. LUGAR, Mr. MCCAIN, Mr. CORZINE, and Mrs. LINCOLN):

S. 1016. A bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce bipartisan legislation with Senators LUGAR, MCCAIN, CORZINE, and LINCOLN. This legislation is entitled the "Start Healthy, Stay Healthy Act of 2001." The purpose of the legislation is to significantly reduce the number of uninsured children and pregnant women by improving outreach to and enrollment of children and by expanding coverage to pregnant women through Medicaid and CHIP.

An estimated 11 million children under age 19 were without health insurance in 1999, including 129,000 in New Mexico, representing 15 percent of all children in the United States and 22 percent of children in New Mexico. Unfortunately, due to variety of factors, including the lack of knowledge by families about CHIP and bureaucratic barriers to coverage such as lengthy and complex applications, an estimated 6.7 million of our Nation's uninsured children are eligible for but unenrolled in either Medicaid or CHIP.

In addition, an estimated 4.3 million, or 32 percent, of mothers below 200 percent of poverty are uninsured. According to the March of Dimes, "Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age."

It is a travesty that our Nation ranks 25th in infant mortality and 21st in maternal mortality in the world, which is the worst among developed nations. Our legislation would address the problems related to these issues.

Giving children a healthy start: The legislation provides States with an enhanced Medicaid matching rate to ensure that children eligible for Medicaid or CHIP leave the hospital insured and remain so through the first year of life. The legislation provides States with the option to further extend coverage to pregnant women through Medicaid and CHIP to reduce infant and maternal mortality and low birthweight babies.

Helping children stay healthy: The legislation provides States with an enhanced Medicaid matching rate to reduce the barriers to care for children to keep them healthy throughout their childhood. And, the legislation provides States with the option to increase CHIP eligibility from 200 percent of federal poverty level to 250 percent and to extend coverage to children through age 20.

As an example of an imposed barrier to health coverage, as of March of this year, eight States continued to impose an asset test on children and their families prior to receiving Medicaid coverage. This results in a rather burdensome and complicated application in each of these States. For example, in Colorado, the Denver Department of Human Services received 15,330 application for Medicaid and 3,700 were denied for having an asset, such as a car, in 1999. As the Denver Post pointed out, "Acquire an asset more than $1,500, such as a car, and you've traded in health insurance for your children."

In addition to creating a high percentage of denials, the imposition of an assets test significantly complicates the Medicaid or CHIP enrollment applications. For example, some States require reporting on everything from whether anyone in the household has any resource such as a checking account, life insurance, burial insurance, a saving account, or any personal items above a certain amount to documenting things such as work income, alimony, child support, interest from savings, CD's, etc. over a period of time, including several months in the past.

This can be a nightmare for some families. In Colorado, of the families that do attempt to fill out the Medicaid or CHIP application, it is estimated that 37 percent of all families are denied coverage because the application is incomplete. In Texas, Medicaid applicants can face a 17-page application, up to 14 forms and up to 20 verifications of those forms.

As a story in last Friday's Washington Post entitled "Health Coverage for Kids Low-Cost but Little Used," it was noted that about 100 students from Yale Medical School, likely some of our Nation's best and brightest, filled out applications forms as part of their training to enroll families and that not one was able to complete the form adequately. If Yale Medical School students cannot fill out the forms properly, is it any wonder that families across the country are having a difficult time with the bureaucratic paperwork?

Fortunately, New Mexico eliminated its assets test a few years ago in an effort to simplify its Medicaid application and make it easier for families to apply. According to a recent report by the Kaiser Family Foundation, States that have eliminated the asset test from Medicaid have been able to streamline the eligibility determination process, adopt automated eligibility determination systems, improve the productivity of eligibility workers, establish Medicaid's identity as a health insurance program distinct from welfare, make the enrollment process for families friendlier and more accessible, and achieve Medicaid administrative cost savings.

In addition, the State of Texas has enacted legislation in recent days that seeks to simplify its enrollment process.

And yet, there are also reports from other States such as Kentucky and Idaho that are moving to impose additional bureaucratic barriers to coverage.

As the Denver Rocky Mountain News writes, "The logic of erecting such paperwork obstacles escapes us. Government doesn't have to offer insurance to the children of the working poor, but having made the decision to do so, it's hardly fair then to smother the program beneath layers of red tape."

There are also problems related to the poor coordination between government agencies that are supposed to serve low-income families.

My good friend, Senator LUGAR, recognized this very point and successfully passed language in the "Agricultural Risk Protection Act of 2000" to improve the coordination between the school lunch program and both Medicaid and CHIP. His language makes it easier to disclose information from the school lunch program application to Medicaid and CHIP agencies. Since children that qualify for the school lunch program are almost certainly eligible for either Medicaid or CHIP, this simple but important language is already having an important impact on the enrollment of children into Medicaid or CHIP.

According to a report by Covering Kids, the Albuquerque Public Schools have successfully worked to improve coordination between Medicaid and the school lunch program. As the report reads, "The team's record of success shows that a well-designed process and dedicated staff can make [Medicaid enrollment] work. In August and September of 2000, Albuquerque Public Schools determined 386 children to be presumptively eligible for health coverage. Of these, 371 were enrolled and only 15 were denied. That's a 96 percent acceptance rate. And the numbers are growing."

This coordination between Medicaid and the school lunch program is being replicated across the country as a result of Senator LUGAR's language. However, we still have a number of problems with regard to coordination between Medicaid and CHIP across the states that this bill seeks to address.

Why is this important? Why should we make additional efforts to reduce the number of uninsured children? According to the American College of Physicians—American Society of Internal Medicine, uninsured children, compared to the insured, are: up to 6 times more likely to have gone without needed medical, dental or other health care; 2 times more likely to have gone without a physician visit during the previous year; up to 4 times more likely to have delayed seeking medical care; up to 10 times less likely to have a regular source of medical care; 1.7 times less likely to receive medical treatment for asthma; and, up to 30 percent less likely to receive medical attention for any injury.

This is equally true of expanded coverage to children and pregnant women in government health programs. In fact, one study has "estimated that the 15 percent rise in the number of children eligible for Medicaid between 1984 and 1992 decreased child mortality by 5 percent." This expansion of coverage for children occurred, I would add, during the Reagan and Bush Administrations, so this is clearly a bipartisan issue that deserves further bipartisan action.

We, as a Nation, should be doing much better by our children. It should be unacceptable to all of us that the United States ranks 25th in infant mortality and 21st in maternal mortality in the world.

Therefore, in addition to seeking to improve health insurance coverage among children, the bill builds off legislation sponsored in the last Congress by Senator LINCOLN entitled the "Improved Maternal and Children's Health Coverage Act" and makes an important change to CHIP to allow pregnant women to be covered. Thus, the first two words of our bill, "Start Healthy."

Throughout our Nation's history, there has been long-standing Federal policy linking programs for pregnant women and infants, including Medicaid, WIC, and the Maternal Child Health Block Grant. CHIP, unfortunately, failed to provide coverage to pregnant women beyond the age of 18. As a result, it is more likely that children eligible for CHIP are not covered from the moment of birth, and therefore, miss those first critical months of life until their CHIP application is processed. They are also more likely not to have had prenatal care.

By expanding coverage to pregnant women in the Children's Health Insurance Program, this legislation recognizes the importance of prenatal care to the health and development of a child. As Dr. Alan Waxman of the University of New Mexico School of Medicine notes, "Prenatal care is an important factor in the prevention of birth defects and the prevention of prematurity, the most common causes of infant death and disability. Babies born to women with no prenatal care or late prenatal care are nearly twice as likely to [be] low birthweight or very low birthweight as infants born to women who received early prenatal care."

Unfortunately, according to a recent report by the Centers for Disease Control and Prevention, New Mexico ranked worst in the nation in the percentage of mothers receiving late or no prenatal care last year. The result is often quite costly, both in terms of the health of the mother and child but also in terms of long-term expenses since the result can be chronic, lifelong health problems.

In fact, according to the Agency for Healthcare Research and Quality, "four of the top 10 most expensive conditions in the hospital are related to care of infants with complications (respiratory distress, prematurity, heart defects, and lack of oxygen)." As a result, in addition to reduced infant mortality and morbidity, the provision to expand coverage of pregnant women and prenatal care can be cost effective.

The Start Healthy, Stay Healthy Act also eliminates the unintended Federal incentives through CHIP that covers pregnant women only through the age of 18 and cut off that coverage once the women turn 19 years of age. Should the government tell women that they are more likely to receive prenatal care coverage only if they become pregnant as a teenager?

I certainly think not, and certainly it is unlikely there is a single Senator that would think it wise to send such a message. This legislation corrects this unfortunate and unintentional policy by allowing pregnant women to be covered through CHIP regardless of age.

And finally, this legislation imposes no Federal mandates on States to achieve these goals. Rather, through financial incentives, States that adopt "best practices" and less cumbersome enrollment processes for children would be rewarded.

The budget resolution contains $28 billion over 10 years to reduce the number of uninsured in this country. Although the Congress passed CHIP in 1997, 11 million children remain uninsured. It is time we finish the job of ensuring that we, as the President says, "leave no child behind."

This bipartisan legislation has already received the endorsement of the following organizations: the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Catholic Health Association, Premier, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child By Two, and the United Cerebral Palsy Associations. I urge its passage as soon as possible.

I ask unanimous consent that the text of the bill and a fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Start Healthy, Stay Healthy Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—START HEALTHY

Sec. 101. Enhanced Federal medicaid match for States that opt to continuously enroll infants during the first year of life without regard to the mother's eligibility status.

Sec. 102. Optional coverage of low-income, uninsured pregnant women under a State child health plan.

Sec. 103. Increase in SCHIP income eligibility.

TITLE II—STAY HEALTHY

Sec. 201. Enhanced Federal medicaid match for increased expenditures for medical assistance for children.

Sec. 202. Increase in SCHIP appropriations.

Sec. 203. Optional coverage of children through age 20 under the medicaid program and SCHIP.

TITLE I—START HEALTHY

SEC. 101. ENHANCED FEDERAL MEDICAID MATCH FOR STATES THAT OPT TO CONTINUOUSLY ENROLL INFANTS DURING THE FIRST YEAR OF LIFE WITHOUT REGARD TO THE MOTHER'S ELIGIBILITY STATUS.

(a) STATE OPTION.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "A State may elect (through a State plan amendment) to apply the first sentence of this paragraph without regard to the requirements that the child remain a member of the woman's household and the woman remains (or would remain if pregnant) eligible for medical assistance.".

(b) ENHANCED FMAP.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by inserting "(A)" after "only"; and

(2) by inserting ", or (B) on the basis of a State election made under the third sentence of section 1902(e)(4)" before the period.

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on or after October 1, 2001.

SEC. 102. OPTIONAL COVERAGE OF LOW-INCOME, UNINSURED PREGNANT WOMEN UNDER A STATE CHILD HEALTH PLAN.

(a) IN GENERAL.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF LOW-INCOME, UNINSURED PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State child health plan (whether implemented under this title or title XIX) may provide for coverage of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if the State has established an income eligibility level under section 1902(l)(2)(A) for women described in section 1902(l)(1)(A) that is 185 percent of the income official poverty line.

"(b) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services) and to other conditions that may complicate pregnancy.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' has the meaning given the term targeted low-income child in section 2110(b) as if any reference to a child were deemed a reference to a woman during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than subsection (b)) to a targeted low income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2).

"(4) The medicaid applicable income level is deemed a reference to the income level established under section 1902(l)(2)(A).

"(5) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

"(6) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any pre-existing condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(d) NO IMPACT ON ALLOTMENTS.—Nothing in this section shall be construed as affecting the amount of any initial allotment provided to a State under section 2104(b).

"(e) APPLICATION OF FUNDING RESTRICTIONS.—The coverage under this section (and the funding of such coverage) is subject to the restrictions of section 2105(c).

"(f) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—Notwithstanding any other provision of this title or title XIX, if a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the children's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan (or, in the case of a State that provides such assistance through the provision of medical assistance under a plan under title XIX, to have applied for medical assistance under such title and to have been found eligible for such assistance under such title) on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(b) STATE OPTION TO USE ENHANCED FMAP AND SCHIP ALLOTMENT FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN UNDER THE MEDICAID PROGRAM.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in the fourth sentence of subsection (b), by inserting "and in the case of a State plan that meets the condition described in subsections (u)(1) and (u)(4)(A), with respect to expenditures described in subsection (u)(4)(B) for the State for a fiscal year" after "for a fiscal year,"; and

(B) in subsection (u)—

(i) by redesignating paragraph (4) as paragraph (5); and

(ii) by inserting after paragraph (3) the following new paragraph:

"(4)(A) The condition described in this subparagraph for a State plan is that the plan has established an income level under section 1902(l)(2)(A) with respect to individuals described in section 1902(l)(1)(A) that is 185 percent of the income official poverty line.

"(B) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for women described in section 1902(l)(1)(A) whose income exceeds the income level established for such women under section 1902(l)(2)(A)(i) as of the date of the enactment of this paragraph but does not exceed 185 percent of the income official poverty line.".

(c) NO WAITING PERIODS OR COST-SHARING.—

(1) NO WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking ", and" at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman, if the State provides for coverage of pregnancy-related assistance for such women in accordance with section 2111.''.

(2) No cost-sharing for pregnancy-related benefits.—Section 2103(e)(2) of such Act (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting ''and pregnancy-related services'' after ''preventive services''; and

(B) by inserting before the period at the end the following: ''or for pregnancy-related services, if the State provides for coverage of pregnancy-related assistance for targeted low-income pregnant women in accordance section 2111''.

(d) Presumptive Eligibility.—

(1) In general.—Section 1920A(b)(3)(A)(i)(III) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)(III)) is amended by inserting ''a child care resource and referral agency,'' after ''a State or tribal child support enforcement agency,''.

(2) Application to presumptive eligibility for pregnant women under medicaid.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

''The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).''.

(3) Application under title XXI.—

(A) In general.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

''(D) Sections 1920 and 1920A (relating to presumptive eligibility).''.

(B) Exception from limitation on administrative expenses.—Section 2105(c)(2) of the Social Security Act (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Exception for presumptive eligibility expenditures.—The limitation under subparagraph (A) on expenditures shall not apply to expenditures attributable to the application of section 1920 or 1920A (pursuant to section 2107(e)(1)(D)), regardless of whether the child or pregnant woman is determined to be ineligible for the program under this title or title XIX.''.

(e) Program Coordination With the Maternal and Child Health Program (Title V).—

(1) In general.—Section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) is amended—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(F) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.''.

(2) Conforming medicaid amendment.—Section 1902(a)(11) of such Act (42 U.S.C. 1396a(a)(11)) is amended—

(A) by striking ''and'' before ''(C)''; and

(B) by inserting before the semicolon at the end the following: '', and (D) provide that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V in areas including outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting''.

(3) Effective date.—The amendments made by this subsection take effect on January 1, 2002.

(f) Application of Annual Aggregate Cost-Sharing Limit.—Section 2103(e)(3)(B) of the Social Security Act (42 U.S.C. 1397cc(e)(3)(B)) is amended by adding at the end the following new sentence: ''In the case of a targeted low-income pregnant woman provided coverage under section 2111, or the parents of a targeted low-income child provided coverage under this title under an 1115 waiver or otherwise, the limitation on total annual aggregate cost-sharing described in the preceding sentence shall be applied to the entire family of such woman or parents.''.

(g) Effective Date.—Except as provided in subsection (e), the amendments made by this section take effect on the date of the enactment of this Act and apply to expenditures incurred on or after that date.

SEC. 103. INCREASE IN SCHIP INCOME ELIGIBILITY.

(a) Definition of Low-Income Child.—Section 2110(c)(4) of the Social Security Act (42 U.S.C. 42 U.S.C. 1397jj(c)(4)) is amended by striking ''200'' and inserting ''250''.

(b) Effective Date.—The amendment made by subsection (a) applies to child health assistance provided, and allotments determined under section 2104 of the Social Security Act (42 U.S.C. 1397dd), for fiscal years beginning with fiscal year 2002.

TITLE II—STAY HEALTHY

SEC. 201. ENHANCED FEDERAL MEDICAID MATCH FOR INCREASED EXPENDITURES FOR MEDICAL ASSISTANCE FOR CHILDREN.

(a) Enhanced FMAP.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence of this subsection, in the case of a State plan that meets at least 7 of the conditions described in subsection (x)(1) (as determined by the Secretary in consultation with States (including the State agencies responsible for the administration of this title and title V), beneficiaries under this title, providers of services under this title, and advocates for children), with respect to expenditures described in subsection (x)(2) for the State for a fiscal year, the Federal medical assistance percentage is equal to the percentage determined for the State under subsection (x)(3).''.

(b) Conditions and Expenditures Described.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(x)(1) For purposes of subsection (b), the conditions described in this subsection are the following:

''(A) Highest SCHIP income eligibility.—The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has the highest income eligibility standard permitted under title XXI as of January 1, 2001, does not limit the acceptance of applications, and provides benefits to all children in the State who apply for and meet eligibility standards.

''(B) Uniform, simplified application form.—With respect to children under age 19 (or such higher age as the State has elected under section 1902(l)(1)(D)) who are eligible for medical assistance under section 1902(a)(10)(A), the State uses the same uniform, simplified application form (including, if applicable, permitting application other than in person) for purposes of establishing eligibility for benefits under this title and also under title XXI.

''(C) Coordinated enrollment process.—The State has an enrollment process that is coordinated with that under title XXI so that a family need only interact with a single agency in order to determine whether a child is eligible for benefits under this title or title XXI, and that allows for the transfer of enrollment, without a gap in coverage, for a child whose income eligibility status changes but who remains eligible for benefits under either title.

''(D) Same verification and redetermination policies; automatic reassessment of eligibility.—With respect to children under age 19 (or such higher age as the State has elected under section 1902(l)(1)(D)) who are eligible for medical assistance under section 1902(a)(10)(A), the State provides for initial eligibility determinations and redeterminations of eligibility using the same verification policies (including with respect to face-to-face interviews), forms, and frequency as the State uses for such purposes under title XXI, and, as part of such redeterminations, provides for the automatic reassessment of the eligibility of such children for assistance under this title and title XXI.

''(E) No asset test.—The State does not impose an asset test for eligibility under section 1902(l) or title XXI with respect to children.

''(F) 12-month continuous enrollment.—The State has elected the option of continuing enrollment under section 1902(e)(12) and has elected a 12-month period under subparagraph (A) of such section.

''(G) Compliance with outstationing requirement.—The State is providing for the receipt and initial processing of applications of children for medical assistance under this title at facilities defined as disproportionate share hospitals under section 1923(a)(1)(A) and Federally-qualified health centers described in subsection (l)(2)(B) of this section consistent with the requirements of section 1902(a)(55).

''(H) No waiting period longer than 6 months.—The State does not impose a waiting period for children who meet eligibility standards to qualify for assistance under such plan that exceeds 6 months (and may impose a shorter period or no period) for purposes of complying with regulations promulgated under title XXI to ensure that the insurance provided under the State child health plan under such title does not substitute for coverage under group health plans.

''(I) Sufficient provider payment rates.—The State demonstrates that it is meeting the requirements of section 1902(a)(30)(A) through payment rates sufficient to enlist enough providers so that care and pediatric, obstetrical, gynecologic, and dental services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area.

''(2)(A) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance for children described in subparagraph (B) for a fiscal year, but only to the extent that such expenditures exceed the base expenditure amount, as defined in subparagraph (C).

''(B) For purposes of subparagraph (A), the children described in this subparagraph are—

''(i) individuals who are under 19 years of age (or such higher age as the State may have elected under section 1902(l)(1)(D)) who are eligible and enrolled for medical assistance under this title; and

"(ii) individuals who—

"(I) would be described in clause (i) but for having family income that exceeds the highest income eligibility level applicable to such individuals under the State plan; and

"(II) would be considered disabled under section 1614(a)(3)(C) (determined without regard to the reference to age in that section but for having earnings or deemed income or resources (as determined under title XVI for children) that exceed the requirements for receipt of supplemental security income benefits.

"(C) For purposes of subparagraph (A), the term 'base expenditure amount' means the total expenditures for medical assistance for children described in subparagraph (B) for fiscal year 1996.

"(3) For purposes of subsection (b), the Federal medical assistance percentage with respect to expenditures described in paragraph (2) for a fiscal year is equal to the following:

"(A) In the case of a State that meets 7 of the conditions described in paragraph (1), the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased by a number of percentage points equal to 50 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State is less than (2) the enhanced FMAP for the State described in section 2105(b).

"(B) In the case of a State that meets 8 of the conditions described in paragraph (1), the Federal medical assistance percentage (as so defined) for the State increased by a number of percentage points equal to 75 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State is less than (2) the enhanced FMAP for the State (as so described).

"(C) In the case of a State that meets all of the conditions described in paragraph (1), the enhanced FMAP (as so described).".

(c) Collection of Data.—The Secretary of Health and Human Services shall modify such data collection and reporting requirements under title XIX of the Social Security Act as are necessary to determine the expenditures and base expenditure amount described in section 1905(x)(2) of that Act (as added by subsection (b)), particularly with respect to expenditures and the base expenditure amount related to children described in section 1905(x)(2)(B)(ii) of that Act.

(d) Effective Date.—The amendments made by subsections (a) and (b) apply to medical assistance provided on or after October 1, 2001.

SEC. 202. INCREASE IN SCHIP APPROPRIATIONS.

Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended by striking paragraphs (5) through (9) and inserting the following:

"(5) for fiscal year 2002, $3,500,000,000;

"(6) for fiscal year 2003, $4,000,000,000;

"(7) for fiscal year 2004, $4,300,000,000;

"(8) for fiscal year 2005, $4,500,000,000;

"(9) for fiscal year 2006, $4,500,000,000; and".

SEC. 203. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) Medicaid.—

(1) In general.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting "(or, at the election of a State, 20 or 21 years of age)" after "19 years of age".

(2) Conforming amendments.—

(A) Section 1902(e)(3)(A) of such Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting "(or 1 year less than the age the State has elected under subsection (l)(1)(D))" after "18 years of age".

(B) Section 1902(e)(12) of such Act (42 U.S.C. 1396a(e)(12)) is amended by inserting "or such higher age as the State has elected under subsection (l)(1)(D)" after "19 years of age".

(C) Section 1920A(b)(1) of such Act (42 U.S.C. 1396r–1a(b)(1)) is amended by inserting "or such higher age as the State has elected under section 1902(l)(1)(D)" after "19 years of age".

(D) Section 1928(h)(1) of such Act (42 U.S.C. 1396s(h)(1)) is amended by inserting "or 1 year less than the age the State has elected under section 1902(l)(1)(D)" before the period at the end.

(E) Section 1932(a)(2)(A) of such Act (42 U.S.C. 1396u–2(a)(2)(A)) is amended by inserting "(or such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(b) Title XXI.—Section 2110(c)(1) of such Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or such higher age as the State has elected under section 1902(l)(1)(D))".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance provided on or after such date.

FACT SHEET—START HEALTHY, STAY HEALTHY ACT OF 2001

Sens. Jeff Bingaman (D-NM), Richard Lugar (R–IN), John McCain (R–AZ), Jon Corzine (D–NJ), and Blanche Lincoln (D–AR) introduced the "Start Healthy, Stay Healthy Act of 2001" on June 12, 2001. The legislation would significantly reduce the number of uninsured children and pregnant women by improving outreach to and enrollment of children and by expanding coverage to pregnant women through Medicaid and the State Children's Health Insurance Program (CHIP).

An estimated 11 million children under age 19 were without health insurance in 1999, representing 15% of all children in the United States. Due to a variety of factors, including governmental barriers to coverage, such as bureaucratic "red tape," and the lack of knowledge of families about CHIP, an estimated 6.7 million of our nation's uninsured children are eligible for but are unenrolled in either Medicaid or CHIP.

In addition, an estimated 4.3 million, or 32%, of mothers below 200% of poverty are uninsured. According to the March of Dimes, "Over 95 percent of all uninsured pregnant women could be covered through a combination of aggressive Medicaid outreach, maximizing coverage for young women through [CHIP], and expanding CHIP to cover income-eligible pregnant women regardless of age."

The legislation would reduce the number of uninsured children and pregnant women by:

Start healthy

Providing states with an enhanced Medicaid matching rate to ensure that children eligible for Medicaid or CHIP leave the hospital insured and remain so through the first year of life.

Providing states with the option to further extend coverage to pregnant women through Medicaid and CHIP to reduce infant and maternal mortality and low birthweight babies.

Stay healthy

Providing states with an enhanced Medicaid matching rate to reduce the barriers to care for children to keep them healthy throughout their childhood.

Providing states with the option to increase CHIP eligibility from 200% of federal poverty level to 250% and to extend coverage to children through age 20.

As a result of these provisions, the legislation would achieve the following additional objectives:

Reduces Infant and Maternal Mortality: The United States ranks 25th in infant mortality and 21st in maternal mortality, the worst among developed nations. Studies with respect to the previous expansions of Medicaid coverage to pregnant women and children during the Reagan and Bush Administrations indicate those expansions reduced infant mortality and improved child health (GAO, "Insurance and Health Care Access," November 1997). By reducing the number of uninsured children and pregnant women in this country, the legislation would also reduce infant and maternal mortality as well.

Eliminates Bureaucratic Barriers to Coverage and Promotes Best Practices by States: Building on the successful enactment of Senator LUGAR's amendment to the "Agricultural Risk Protection Act of 2000" to make it easier to disclose information from the school lunch program application to Medicaid and CHIP agencies, this legislation seeks to further improve coordination between Medicaid, CHIP, and the Maternal and Child Health (MCH) Block Grant in order to expand health insurance coverage to eligible but unenrolled children. The bill also provides states financial incentives to remove bureaucratic barriers to health insurance coverage in Medicaid and CHIP for children. These provisions reward states for "best practices" and also eliminates the negative incentive for states to enroll children improperly in CHIP (with the higher matching rate, higher cost sharing, and reduced benefits) rather than Medicaid (with a lower matching rate, reduced cost sharing, and increased benefits).

Addresses the "CHIP Dip": There is a "dip" in federal funding, known as the "CHIP dip" in fiscal years 2002 through 2006 that states have complained will cause them to limit their CHIP programs out of fear of not having enough funding in those years. The bill addresses that problem by raising CHIP funding levels in fiscal years FY 2002 through 2006.

Eliminates Unintended Federal Incentives Regarding Teenage Pregnant Women: Current federal law allows pregnant women to receive coverage through CHIP through age 18—creating a perverse federal incentive of covering only teenage pregnant women and cutting off that coverage once they turn 19 years of age. This legislation would eliminate this problem by allowing states to cover pregnant women through CHIP, regardless of age. This also eliminates the unfortunate separation between pregnant women and infants that has been created through CHIP, which has been contrary to long-standing federal policy through programs such as Medicaid, WIC, MCH, etc.

Imposes No Mandates on States: This legislation imposes no mandates on states. However, states would, just as we have done in the Temporary Assistance for Needy Families (TANF), be provided financial incentives and accountability for the additional money this legislation provides in return for reducing governmental barriers to coverage for children and pregnant women.

Remains Within the Budget Framework: The budget provides for $28 billion over 10 yeas for the purpose of reducing the number of uninsured. This proposal will meet those budgetary limits.

This bipartisan legislation has received the endorsement of the following organizations: the March of Dimes, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Academy of the Family Physicians, the American Academy of Pediatric Dentistry, the American Academy of Child and Adolescent Psychiatry, the National Association of Community Health Centers, the American Hospital Association, the National Association of Children's Hospitals, the Federation of American Health Systems, the National Association of Public Hospitals and Health Systems, Catholic Health Association, Premier, Family Voices, the Association of Maternal and Child Health Programs, the National Health Law Program, the National Association of Social Workers, Every Child by Two, and the United Cerebral Palsy Associations.

LEGISLATIVE SUMMARY

This legislation is split into two titles:

Title I: Start healthy

Provides states through Medicaid with the CHIP enhanced matching rate if they choose the option to continuously enroll infants from birth through the first year of life, as allowed under current law, regardless of the woman's status during that year.

Provides states with an option to further cover pregnant women through Medicaid and CHIP (above 185% of poverty up to the full CHIP eligibility levels) in order to reduce infant mortality and the delivery of low birthweight babies.

Title II: Stay healthy

Provides states through Medicaid with the CHIP enhanced matching rate for children above a certain base expenditure level such as a state's spending on children in 1996) if they choose to meet the following conditions: States must expand coverage to children up to the full extent that is allowed under CHIP (to 200% of poverty or 50 percentage points above where the coverage levels were prior to passage of Title XXI); adoption of a simplified, joint mail-in application; adoption of application procedures (e.g., verification and face-to-face interview requirements) that are no more extensive, onerous, or burdensome in Medicaid than in CHIP, elimination of assets test; adoption of 12-month continuous enrollment; adoption of procedures that simplify the redetermination/coverage renewal process by allowing families to establish their child's continuing eligibility by mail and, in states with separate CHIP programs, by establishing effective procedures that allow children to be transferred between Medicaid and the separate program without a new application a gap in coverage when a child's eligibility status changes; compliance with the OBRA-89 outstationed workers requirement, which provide for outstationed eligibility workers in Medicaid DSH hospitals and community health centers, impose waiting periods no longer than 6 months for children seeking to enroll in CHIP (ensure flexibility for states to impose shorter periods, if at all); and demonstrate that the State has adopted payments rates sufficient to enlist enough providers so that care and pediatric, obstetrical/gynecologic and dental services are available at least to the extent such care and services are available to the general population in the geographic area.

States meeting these conditions would receive the full enhanced CHIP matching rate. If a state meets 8 of these conditions, it would receive 75% of the difference between the regular Medicaid matching rate and the CHIP enhanced matching rate. If a state meets 7 of the conditions, it would receive 50% of the difference.

Expand CHIP eligibility to 250% of poverty for children and pregnant women.

Expand CHIP eligibility up to age 21 (adding 19 and 20 year-olds).

The legislation also increases the CHIP allotments in FY 2002 to $3.5 billion, in FY 2003 to $4 billion, in FY 2004 to $4.3 billion in FY 2005 to $4.5 billion, and in FY 2006 to $4.5 billion.

By Mr. DODD (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. LUGAR, Mr. ROBERTS, Mr. BAUCUS, Mr. LEVIN, Mrs. BOXER, Mr. JEFFORDS, Mr. KENNEDY, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. BINGAMAN, Mr. DURBIN and Mr. HAGEL):

S. 1017. A bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, last year 26 Senators cosponsored legislation to help the Cuban people and American farmers and businesses by allowing sales of food and medicine to Cuba. Later, with passage of the FY2001 Agriculture Appropriations Bill, the 106th Congress approved the issuance one year licenses for the sale of food and medicine to Cuba, but placed restrictions on the financing of these sales. This was a beginning, and now we need to expand on this small success by continuing to move forward in constructing bridges to the Cuban people.

Toward that end, I am today joined by a bipartisan group of my colleagues in introducing the Bridges to the Cuban People Act, an expanded version of the legislation that was passed last year. Among those joining as original cosponsors are Senators CHAFEE, LEAHY, LUGAR, ROBERTS, BAUCUS, LEVIN, BOXER, JEFFORDS, KENNEDY, AKAKA, WELLSTONE, DORGAN, BINGAMAN, and DURBIN. This bill comprehensively updates U.S. policy toward Cuba by increasing humanitarian trade between Cuba and the United States, increasing our people-to-people contacts, and enhancing the flexibility of the President with respect to our foreign policy towards Cuba. I would like to take a few moments to outline the various sections of this bill, and to explain to my colleagues the reasons why enactment of this legislation is so vital.

First, let me be clear. This new legislation will not end the embargo on Cuba. Rather, this bill creates specific exceptions to the embargo that will allow American farmers and businesses to sell food, medicine, and agricultural equipment to Cuba without the burden of securing annual licenses and will allow our farmers and businesses to use American banks and American financing to conduct these sales. Both of these changes, along with the lifting of shipping restrictions, are designed to allow sales to move forward in a way that is less burdensome to American farmers and businesses. Additionally, this bill would mandate that the President submit a report to Congress each year describing the number and types of sales to Cuba so that we will have some official record of these sales.

The Building Bridges to the Cuban People Act would also lift the embargo on the exports of goods or services intended for the exclusive use of children. No embargo should include children as its victims, and this provision would allow us to give special attention to children in Cuba.

This bill also modernizes our approach to Cuba's medical exports. Cuba is currently involved in the development of some medicines that are not available in the United States, such as the Meningitis B vaccine, but that could save American lives. This legislation would allow Cuba, with the approval of the Secretary of Health and Human Services, to export to the United States medicines for which there is a medical need in the United States, provided the medicine is not currently being manufactured in our country. In this way we can build on the strong tradition of medical research in Cuba and encourage the free exchange of ideas and experiments between scholars.

In addition, this bill will lift restrictions on travel to Cuba. Cuba does not now pose a threat to individual Americans, and it is time to permit our citizens to exercise their constitutional right to travel to Cuba. Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit the island Nation. Today Americans are free to travel to Iran, the Sudan, Burma, Yugoslavia, and North Korea, but not to Cuba. This is a mistake. American influence, through person-to-person and cultural exchanges, was one of the prime factors in the evolution of our hemisphere from a hemisphere ruled predominantly by authoritarian and military regimes to one where democracy is the rule. Our current policy toward Cuba limits the United States from using our most potent weapon in our effort to combat totalitarianism, and that is our own people. They are some of the best ambassadors we have ever sent anywhere, and the free exchange of ideas between Americans and the Cuban people is one of the best ways to encourage democracy and build bridges between the American and Cuban people.

Another provision in this new legislation would allow us to reach out to Cuban students. Under this legislation, scholarships would be provided for Cubans who would like to pursue graduate study in the United States in the areas of public health, public policy, economics, law, or other fields of social science. Throughout our history, educational and cultural exchanges have proven to be valuable tools that lead to understanding and friendship. This scholarship program is a concrete example of the true people-to-people dialogue we should be trying to foster with Cuba.

Nor does this legislation ignore the struggle of the Cuban-American population in the United States. Cuban-Americans here have always had the ability to send money to their families in Cuba, but the government imposes restrictions on the total amount of money that can be sent. This legislation would lift these limitations so that Americans would be free to provide whatever assistance they wished to their loved ones.

And, finally, this bill would modernize the way our policies toward Cuba are codified. At the present time, the President has the authority to waive Title III of the Helms/Burton Act. This legislation would extend the President's authority so that he could also waive Title I, Title II, and Title IV of the Helms/Burton Act, at his discretion. When Helms/Burton was enacted it contained a provision that codified all existing Cuban embargo Executive Orders and regulations, but did not provide for presidential waivers. This lack of waivers severely ties the hands of the Administration if a decision is made to make changes in our policy towards Cuba. The President should have the tools he needs to conduct and modify our foreign policy, and this legislation would give the President the flexibility to shape our relationship with Cuba in a more positive way.

In conclusion, I believe that this bill will streamline our Cuban policy so that it deals with the realities of the modern age, addresses the needs of our American farmers, patients, and children, while imposing the fewest restrictions on American citizens who wish to have contact with the people of Cuba. The people of Cuba are not our enemy. Our government's quarrel is with Fidel Castro, and our policies should reflect that reality. Without doubt, the Castro regime has denied rights to its citizens, but in our efforts to isolate him, we have built walls that are hampering our goal of bringing democracy to the Cuban people. As a measure that tears down those walls and replaces them with bridges, this legislation is a good starting point for a serious debate about how we can change U.S. policy in order to foster a peaceful transition to democracy on the island of Cuba while alleviating the hardship that our current policy has caused for the 11 million people who reside there. I hope to hold hearings in the near future and will be discussing with the committee leadership dates for the markup of this important legislation. Congressmen SERRANO, LEACH and more than eighty of their House colleagues have introduced a companion bill in the House today as well. I urge the rest of my colleagues to join us in this endeavor.

Mr. BINGAMAN. Mr. President, I rise today in support of the Bridges to Cuban People Act of 2001. As many of my colleagues know, I have been vocal in my support of legislation that removes sanctions against the Cuban people. I have supported such legislation for several reasons. First, sanctions ultimately hurt the very people we proclaim we are trying to help. It is obvious by now that barriers that either hinder or prohibit the flow of food and medicine to Cuba do not impact the Castro regime, but rather harms innocent men, women, and children. Second, sanctions are counterproductive to our goal of bringing about change in Cuba. There is no empirical evidence whatsoever that our continued efforts to isolate Cuba has brought about any transformation in the way the Castro regime sees or reacts to the world. Finally, sanctions prevent U.S. firms from exporting to Cuba, allow their counterparts in other countries to make sales our firms cannot, and thus harm the U.S. economic interest.

I am convinced engagement on all fronts—social, economic, and political—will make a substantial difference in Cuba, and it is way past time that we begin that process. The bill today represents another dramatic step forward in our policy in this regard. After considerable debate over the years, we are now seeing consensus emerge among my colleagues on this issue, as indicated by the bi-partisan support for this bill. The components of this legislation—the unrestricted sales of food, farm equipment, agricultural commodities and medicine, the removal of restrictions on travel, the authorization of scholarships for Cuban students to study in the United States, among others—are in fact the humanitarian, responsible, and appropriate way to approach Cuba at this time.

Let me emphasize today, as I have in the past, that the elimination of sanctions on Cuba and the creation of new opportunities for the Cuban people does not imply that I, or the Senate as a whole, agree with the policies and politics of the Castro regime. Quite the contrary. I believe the Castro regime to be distinctly out of touch with current trends in the international system and their own people. I personally deplore the Castro regime's oppressive tactics. The lack of freedom and opportunity in that country stands in direct contrast to most of the countries in the Western Hemisphere and throughout the world. Cuba now stands alone in its inability to allow the growth of democracy, to establish the protection of individual rights, and create a semblance of economic security. It is a political system that should be condemned at every opportunity.

But as a practical matter this legislation suggests that we cannot effectively punish authoritarian regimes through their own people. Cuba is ripe for change, and the best way to achieve positive change is to allow Americans to communicate and associate with the Cuban people on an intensive and ongoing basis, to re-establish cultural activities, and to rebuild economic relations. To allow the Cuban system to remain closed does little to assert United States influence over policy in that country and it does absolutely nothing in terms of creating the foundation for much-needed political economic transformation. The spread of democracy comes from interaction, not isolation.

So, I strongly support this bill, and I urge my colleagues to do so as well.

By Mr. LEVIN (for himself, Ms. SNOWE, Mrs. MURRAY, Mr. SCHUMER, Ms. STABENOW, and Ms. CANTWELL):

S. 1018. A bill to provide market loss assistance for apple producers; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. LEVIN. Mr. President, I am today introducing a bill that seeks to provide much needed assistance to our Nation's apple farmers. In the past four years, due to weather related disasters, disease and the dumping of Chinese apple juice concentrate, our Nation's apple producers have lost over $1.4 billion in revenue. This has left many growers on the brink of financial disaster.

In the past three years, Congress has assisted America's farmers by providing substantial assistance to agricultural producers. The U.S. apple industry boasts a long history of self-sufficiency and has long operated without relying upon federally funded farm programs. Last year, Congress, recognized the problems facing apple growers and for the first time ever, provided direct market loss assistance to apple growers.

Even with this aid, a significant percentage of apply growers are expected to go out of the business this year. Without some type of financial relief, the numbers could indeed be staggering. Studies by economists at Michigan State University estimated U.S. apple growers will lose nearly $500 million this year alone. Such losses threaten to devastate the entire U.S. apple industry. The Michigan Farm Bureau states that the number of those leaving the business in some States is running as high as 30 percent. Assistance is desperately needed to help stabilize not only the production sector but entire communities and subsidiary businesses that are dependent on the apple industry, not only in Michigan, but nationwide.

The $250 million in assistance we are proposing will help those who depend on the apple industry for their livelihood, and ensure that American apple growers will be able to provide the United States and the world with a quality product that is second to none.

Mrs. MURRAY. Mr. President, I rise today to express my strong support for legislation to provide $250 million in emergency payments to apple growers. I would like to thank Senators LEVIN and SNOWE for their leadership on this issue.

Rural communities and agricultural producers have not enjoyed America's recent economic prosperity. Around the Nation, nearly all commodity producers are enduring low prices and trade challenges. In Washington State, these problems are compounded by a severe drought, an energy crisis, and fish listings under the Endangered Species Act.

The combined impact is devastating. Apple growers in my State, from Okanogan County to Walla Walla County, are going bankrupt. Many family farmers have given up hope. On land that has produced high quality fruit for generations, farmers are tearing out orchards. Farmer cooperatives and other businesses that have been a part of rural communities for decades have closed up shop. Local governments have seen tax revenue decline. And non-farm businesses have struggled as consumers no longer have the cash to buy their goods and services.

In the 106th Congress, we responded. Last year, I worked with my colleagues to pass a $100 million emergency package for apple growers. In 1999, I worked with the Clinton Administration to end the dumping by Chinese companies of non-frozen apple juice concentrate. And on a host of smaller issues, from fighting pests in abandoned orchards, to securing research funding, to breaking down trade barriers, I worked with the industry and other stakeholders to build a stronger foundation for the future.

We can be proud of what we accomplished. But we still have more to do in the 107th Congress.

If signed into law, this new legislation will provide $250 million in emergency payments to apple growers nation-wide. This emergency legislation will not save every producer. It will give the industry the financial support it needs to get through another year of disastrous prices. It will also give us the time we need to develop long-term solutions as part of the next farm bill for apple and other specialty crop growers.

I urge my colleagues to support this legislation. And I urge the Senate Agriculture Committee and the Senate Appropriations Committee to work with the sponsors of this bill to provide meaningful assistance to all apple growers.

By Mrs. FEINSTEIN:

S. 1019. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, today I am proud to introduce the Aircraft Clean Air Act of 2001. The bill is designed to encourage airlines to keep records of airplane cabin air quality complaints, as well as complaints of illnesses that may be a result of poor air quality.

Airlines are not required to maintain records of passenger and crewmember complaints regarding cabin air quality, even if the passenger or crewmember reports an illness as a result of poor air quality.

As a result, potentially valuable information is lost to researchers studying cabin air quality.

The Aircraft Clean Air Act allows passengers and crewmembers to submit their complaints directly to the Federal Aviation Administration and requires that the Administration record the complaint and pass it on to the appropriate airline.

The bill requires airlines to maintain records of complaints for ten years.

If a passenger or crewmember requests mechanical or maintenance records with regard to their complaint, and the passenger or crewmember has had a health care professional verify their symptoms, this legislation requires that the airline provide the requested information within 15 days. If the airline does not comply with the request, it is subject to a civil penalty of $1,000 for each day it does not produce the records.

Airlines must be ready to provide maintenance records of all chemicals used in or on the plan, from cleaning solvents to hydraulic fluids.

The traveling public should have access to any chemicals to which they may be exposed.

The Aircraft Clean Air Act addresses another issue, as well: aircraft pressurization.

Planes are currently pressurized to 8,000 feet while in the air. That means that even though the plane is flying at 30,000 feet, the cabin has the same air pressure as it would at 8,000 feet.

Airplane manufacturers arrived at the 8,000 figure in the 1960s when commercial air travel was booming. They agreed on the figure after testing the effects of different pressurizations on young, healthy pilots.

Because oxygen is absorbed into the blood at a much lower rate in high altitudes, there is speculation that some illnesses experienced during flight are a result of the 8,000 feet pressurization. Commonly reported symptoms such as shortness of breath and numbness in the limbs may be a direct result of the high altitude.

The Aircraft Clean Air Act directs the Federal Aviation Administration to sponsor an aeromedical research project to determine what cabin altitude limit should provide enough oxygen to passengers and crew.

The bill allows universities to compete to conduct the study, and the National Academy of Sciences' Committee on Air Quality in Passenger Cabins of Commercial Aircraft to select the winner.

Researchers will examine the oxygen saturation in people of different ages, weights, and body types at 5,000 feet through 8,000 feet. The bill directs researchers to determine which altitude provides enough oxygen to ensure that individuals' health is not adversely affected either in the short-term or long-term.

It is unacceptable that airlines do not maintain records of air quality complaints on their commercial flights. I hope my colleagues will join me in this effort to protect the traveling public and the hardworking men and women who make air travel possible.

By Mr. HARKIN (for himself, Mr. CRAIG, Mr. BINGAMAN, Mrs. MURRAY, Mr. FEINGOLD, Mr. KOHL, and Mr. LEAHY):

S. 1020. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Finance.

Mr. HARKIN. Mr. President, I am pleased to be joined today by my colleagues, Senator CRAIG, Senator BINGAMAN, Senator MURRAY, Senator FEINGOLD, and Senator KOHL to introduce the Medicare Fairness in Reimbursement Act of 2001. This legislation addresses the terrible unfairness that exists today in Medicare payment policy.

According to the latest Medicare figures, Medicare payments per beneficiary by State of residence ranged from slightly less than $3,000 to well in excess of $7,000. For example, in Iowa, the average Medicare payment was $2,985, nearly 45 percent less than the national average of $5,364. In Idaho, the average payment is $3,592, only 66 percent of the national average.

This payment inequity is unfair to seniors in Iowa and Idaho, and it is unfair to rural beneficiaries everywhere. The citizens of my home State pay the same Medicare payroll taxes required of every American taxpayer. Yet they get dramatically less in return.

Ironically, rural citizens are not penalized by the Medicare program because they practice inefficient, high cost medicine. The opposite is true. The low payment rates received in rural areas are in large part a result of their historic conservative practice of health care. In the early 1980's rural States' lower-than-average cost were used to justify lower payment rate, and Medicare's payment policies since that time have only widened the gap between low- and high-cost States.

Two years ago I wrote to the Health Care Financing Administration (HCFA) and I asked them a simple question. I asked their actuaries to estimate for me the impact on Medicare's Trust Funds, which at that time were scheduled to go bankrupt in 2015, if average Medicare payments to all states were the same as Iowa's.

I've always thought Iowa's reimbursement level was low. But HCFA's answer surprised even me. The actuaries found that if all States were reimbursed at the same rate as Iowa, Medicare would be solvent for at least 75 years, 60 years beyond their projections.

I'm not suggesting that all States should be brought down to Iowa's level. But there is no question that the long-term solvency of the Medicare program is of serious national concern. And as Congress considers ways to strengthen and modernize the Medicare program, the issue of unfair payment rates needs to be on the table.

The bill we are introducing today, the Medicare Fairness in Reimbursement Act of 2001 sends a clear signal. These historic wrongs must be righted. Before any Medicare reform bill passes Congress, I intend to make sure that rural beneficiaries are guaranteed access to the same quality health care services of their urban counterparts.

Our legislation does the following: requires HCFA to improve the fairness of payments under the original Medicare fee-for-services system by adjusting payments for items and services so that no State is greater than 105 percent above the national average, and no State is below 95 percent of the national average. An estimated 31 States would benefit under these adjustments, based on the Health Care Financing Administration's projections of the 1999 payment data.

Requires HCFA to improve the fairness of payments to rural practitioners who bill under Medicare Part B by narrowing the range of the Geographic Payment Classification Indices, GPCIs. Currently, there are dramatic geographic differences in payments for physician services with little scientific data to support the disparity. Providers in rural areas are under-compensated. This act would restrict the range for each GPCI so that no GPCI is greater than 1.05 or less than .95 of the standard index of 1.00. Practitioners who work in rural areas will benefit from this change in geographic adjusters.

It ensures that beneficiaries are held harmless in both payments and services, ensures budget neutrality, and automatically results in adjustment of Medicare managed care payments to reflect increased equity between rural and urban areas.

This legislation simply ensures basic fairness in our Medicare payment policy. I urge my Senate colleagues, no matter what State you're from, to consider our bill and join us in supporting this commonsense Medicare reform.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. CRAIG, Mr. KERRY, Mr. LEAHY, Mr. LIEBERMAN, Mr. MURKOWSKI, Mr. REED, and Mr. ROBERTS):

S. 1021. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, Senator BIDEN and I are today introducing a bill to reauthorize appropriations for the Tropical Forest Conservation Act of 1998 for the Fiscal Years 2002, 2003 and 2004. We are joined in this effort by Senators CHAFEE, CRAIG, KERRY, LEAHY, LIEBERMAN, MURKOWSKI, REED and ROBERTS.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests regulate the hydrological cycle on which world agriculture depends. The genetic diversity contained in tropical forests is important for plant breeding. Twenty-five percent of prescription drugs come from tropical forests. Tropical forests also serve as carbon sinks, storing carbon to mitigate the potential effects of the increase in greenhouse gases on the world's climate. Avoiding tropical deforestation is essential to mitigating the threat of climate change.

Worldwide, there is a net loss of thirty million acres of forests every year. The heavy debt burden of many developing countries encourages them to engage in unsustainable exploitation of natural resources in order to generate revenue to service external debt. At the same time, these poor governments tend to have few resources available to set aside and protect key areas.

The Tropical Forest Conservation Act addresses the economic pressures on developing countries through "debt for nature" mechanisms that reduce foreign debt while leveraging scarce funds available for international conservation. Specifically, the Act authorizes the President to reduce certain bilateral government debt owed to the United States through three distinct mechanisms: debt buybacks; debt restructuring and reduction; or debt swaps. In return, eligible developing countries with significant tropical forests must establish and place local currencies in tropical forest funds. These funds are managed primarily by local, non-governmental organizations and make grants for projects that are designed to protect or restore tropical forests or to promote their sustainable economic use.

The debt for nature mechanisms in the Act effectively leverage the limited funds available for international conservation. Under the Tropical Forest Conservation Act, the host country places currencies in its tropical forest fund, the value of which typically exceeds the cost to the U.S. Treasury of the debt reduction agreement. Furthermore, because these tropical forest funds have integrity and are broadly supported within the host country, conservation organizations are interested in contributing their own money to them, producing an additional leverage of federal conservation dollars.

Our bill would reauthorize appropriations for the Act for three years, with funding levels of $50 million in Fiscal Year 2002, $75 million in Fiscal year 2003 and $100 million in Fiscal Year 2002.

President Bush has indicated his strong support for the Tropical Forest Conservation Act, which is modeled upon President George Herbert Walker Bush's Enterprise for the Americas program as well as upon the Biden-Lugar Global Environmental Protection Assistance Act of 1989. These programs have helped to foster the development of responsible, community-based conservation organizations that are capable of addressing environmental problems at the local level and ensuring successful program implementation.

The Tropical Forest Conservation Act encourages the repayment of debt owed to the United States government, addresses the cash flow problems of poorer nations, promotes cooperation between governmental and local conservation organizations and helps to save the world's outstanding tropical forests, which are disappearing at an alarming rate.

It is my understanding that Congressmen ROB PORTMAN and TOM LANTOS are introducing identical legislation in the House of Representatives. Senator BIDEN and I plan to work with our colleagues in the House and Senate toward speedy passage of this three year reauthorization bill.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS TO SUPPORT REDUCTION OF DEBT UNDER THE FOREIGN ASSISTANCE ACT OF 1961 AND TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

(a) REAUTHORIZATION.—Section 806 of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431d) is amended by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section or section 807, there are authorized to be appropriated to the President the following:

"(1) $50,000,000 for fiscal year 2002.

"(2) $75,000,000 for fiscal year 2003.

"(3) $100,000,000 for fiscal year 2004.".

(b) CONFORMING AMENDMENT.—Section 808(a)(1)(D) of the Tropical Forest Conservation Act of 1998 (22 U.S.C. 2431f(a)(1)(D)) is amended by striking "to appropriated under sections 806(a)(2) and 807(a)(2)" and inserting "to be appropriated under sections 806(a)(2), 807(a)(2), and 806(d)".

SUMMARY OF THE TROPICAL FOREST CONSERVATION ACT

The Tropical Forest Conservation Act of 1998 (Public Law 105–214) helps to protect the world's dwindling tropical forests through "debt for nature swaps."

The TFCA focuses on tropical forest conservation, using the same principles as the 1989 Global Environmental Protection Act, Biden-Lugar, and former President Bush's Enterprise for the Americas Initiative (EAI). The bill extends eligibility for "Debt for Nature" swaps under the EAI to lower and middle income countries in Africa and Asia with globally or regionally outstanding tropical forests. It authorizes appropriations to compensate the Treasury Department for revenues foregone when debts with poorer developing nations are restructured at less than their asset value.

The Tropical Forest Conservation Act of 1998 authorizes the President to reduce certain bilateral government debt owed to the United States under the Foreign Assistance Act of 1981 or Title 1 of the Agricultural Trade Development and Assistance Act of 1954. In exchange, the eligible developing country would place local currencies in a tropical forest fund, which would be used for projects to preserve, restore or maintain its tropical forests. In some instances, debt swaps would occur at no cost to the Federal Treasury since sovereign debt would simply be reduced to its asset value under the Federal Credit Reform Act of 1990. In other instances, poorer nations will be allowed to restructure their debt at an amount somewhat lower than its asset value and Federal appropriations would have to be used to compensate the Treasury for reductions in its anticipated revenue stream. The law also allows private organizations to contribute their funds to help facilitate a debt swap under the terms of the bill.

To qualify for assistance, eligible countries must meet the criteria established by Congress under EAI: the government must be democratically elected, must not support acts of international terrorism, must cooperate on international narcotics control matters, must not violate internationally recognized human rights, and must institute any needed investment reforms.

To ensure accountability, an administrative body is established in the beneficiary country. This body will consist of one or more U.S. Government officials, one or more individuals appointed by the recipient country's government, and representatives of environmental, community development, scientific, academic and forestry organizations of the beneficiary country. It is authorized to make grants for projects which would conserve its outstanding tropical forests. Additionally, the existing Enterprise for Americas Initiative Board is expanded by four new members and oversees both the EAI and the Tropical Forest Conservation Act.

The authorization of appropriations for the 1998 Tropical Forest Conservation Act expires at the end of fiscal year 2002. Legislation will be introduced to extend the authorization of appropriations through fiscal years 2002 at a level of $50,000,000 in FY 2002, $75,000,000 in FY 2003 and $100,000,000 in FY 2004.

Mr. BIDEN. Mr. President, I am pleased to once again join my distinguished colleague from Indiana, Senator LUGAR, in introducing legislation to protect the world's significant tropical forests through "debt-for-nature" mechanisms. We have shared a long and fruitful bipartisan relationship on this important issue. I am gratified that we have the bipartisan support of our original cosponsors noted by Senator LUGAR.

Tropical forests are a cornerstone of the global environment. Figuratively speaking, they are the "lungs" of our planet, and they can help to regulate and mitigate the process of climate change. They guide global patterns of rainfall on which agriculture and fisheries depend. They harbor pharmaceutical treasures that we are just beginning to explore. They are home our planet's widest diversity of plants and animals.

We have a responsibility, a duty, to be good stewards of these essential resources, and it is in our direct economic interest to see that they flourish.

In 1989, Senator LUGAR and I coauthored the Global Environmental Protection Assistance Act, which was enacted into law as title VII A of the International Finance and Development Act of 1989 (Public Law 101–240, December 19, 1989). That Act authorized US AID to use its funds for Debt for Nature swaps. Under the authority of this Act, US AID has used $95 million of its funds to establish environmental endowments totaling $146 million in Costa Rica, Honduras, Indonesia, Jamaica, Madagascar, Mexico, Panama and the Philippines.

President Bush's Enterprise for the Americas Initiative (EAI), carried forward this linkage between debt reduction and the generation of local funds to protect the environment. The EAI provided $876 million in debt relief and $154 million in local endowments at a federal cost of $90 million in seven countries in Latin America and the Caribbean: Argentina, Bolivia, Chile, Columbia, El Salvador, Jamaica and Uruguay.

The Tropical Forest Conservation Act of 1998 extended the debt for nature mechanism of the EAI to the protection of significant tropical forests in lower and middle income developing countries throughout the world, not just those in Latin America and the Caribbean. Furthermore, the Tropical Forest Conservation Act (TFCA), authorizes the use of two new, no cost "debt-for-nature" models, the Buy Back option and Debt Swap option.

The basic premise behind this series of programs has not changed over the years. Many of the world's important tropical forests are found in countries that do not have the resources to protect them. Their own patterns of economic development and their participation in the international economy place irresistible pressures on them to turn these irreplaceable global resources into quick local cash. One of the important contributors to those pressures is too often the debt those countries owe to us. That is one thing we can do something about.

The mechanisms in this bill will allow us to multiply the small dollar cost of writing the debt of those countries off of our books, leveraging substantially more resources to the cause of preserving tropical forests around the world.

I look forward to taking this bill up in the Foreign Relations Committee as soon as possible, and I fully expect it will continue to enjoy the strong support it has had in the past. I also look forward to working with the Administration to provide the funding that the President has called for to implement this program.

By Mr. WARNER:

S. 1022. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WARNER. Mr. President, today I am pleased to join my colleague in the House of Representatives, Congressman TOM DAVIS, in introducing legislation that will enable Federal and military retirees to take advantage of premium conversion. Premium conversion allows individuals to pay their health insurance premiums with pre-tax dollars.

This tax benefit was extended last year under a Presidential directive to current Federal employees who participate in the Federal Employees Health Benefits Program, saving an average of over $400 per year on their Federal income taxes. It is a benefit already available to many private sector employees, and State and local government employees.

Although extending this benefit to Federal annuitants has broad support, it requires a legislative change in the tax laws. The legislation I am introducing today will do just that.

The Federal Employees Health Insurance Premium Conversion Act will provide that the same health insurance premium conversion arrangement afforded to employees in the Executive and Judicial branches of the Federal government, be made available to Federal annuitants.

This year, retirees under the Civil Service Retirement System received a 3.5 percent cost of living adjustment, and those who receive an annuity under the Federal Employees Retirement System received a 2.5 percent adjustment.

This increase in benefits is nearly offset by severe increases in FEHB premiums. In 2000, health premiums increased by an average of 9.3 percent. The Office of Personnel Management reports that a similar increase is expected again this year.

I am deeply concerned about increases in Federal Employee Health Benefit premiums in recent years. Health care coverage is provided to over 9 million Federal employees, retirees and their families under FEHBP. Ensuring affordable health care coverage for all Federal employees and their dependents must remain a priority for Congress.

In addition, I am pleased that this bill will also allow uniformed services retiree beneficiaries, their family members and survivors to pay their TRICARE Prime enrollment fees and TRICARE Standard supplemental insurance premiums with pre-tax dollars. TRICARE Standard supplemental insurance premiums paid by active duty personnel are also covered by the legislation which allows for an above the line deduction to benefit active duty personnel and their families.

This is a critical issue to many retirees, especially those living on a fixed income. Extending premium conversion will provide much needed relief from the increasing cost of health care insurance. It will help to ensure that more Federal retirees are able to afford continued coverage under the Federal Employees Health Benefits program.

I encourage my colleagues to support this critical legislation and show their support of these Federal civilian and military retirees for their dedicated service. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

"(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

"(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

"(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits program established by chapter 55 of title 10, United States Code."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 2. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

"SEC. 223. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

"(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of such Code is amended by inserting after paragraph (18) the following new paragraph:

"(19) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 223."

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 223. TRICARE supplemental premiums or enrollment fees.

"Sec. 224. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 109—DESIGNATING THE SECOND SUNDAY IN THE MONTH OF DECEMBER AS "NATIONAL CHILDREN'S MEMORIAL DAY" AND THE LAST FRIDAY IN THE MONTH OF APRIL AS "CHILDREN'S MEMORIAL FLAG DAY"

Mr. REID (for himself, Mr. EDWARDS, Mrs. MURRAY, and Mr. CLELAND) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 109

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from myriad causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be 1 of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one; and

Whereas April is National Child Abuse Prevention month: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY AND CHILDREN'S MEMORIAL FLAG DAY.

The Senate—

(1) designates the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to—

(A) observe "National Children's Memorial Day" with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died; and

(B) fly the Children's Memorial Flag on "Children's Memorial Flag Day".

Mr. REID. Mr. President, I rise today to submit a resolution which would designate the second Sunday in December as "National Children's Memorial Day." The resolution would set aside this day to remember all the children who die in the United States each year. While I realize the families of these children deal with the grief of their loss every day, I would like to commemorate the lives of these children with a special day as well.

The Senate has passed a resolution for each of the past three years to designate the second Sunday in December as "National Children's Memorial Day." This year, the resolution I am introducing would establish this day as an annual observance. The parents and family members of the children who have died deserve the comfort of knowing that they will always have a special day set aside to honor the memory of their loved ones.

The death of a child at any age is a shattering experience for a family. I have had many constituents share their heart-wrenching stories with me about the death of their son or daughter. I have heard heroic stories of kids battling cancer or diabetes, and tragic stories of car accidents and drownings. Each of these families has had their own experience, but they must all continue with their lives and deal with the incredible pain of losing a child. By establishing a day to remember children that have passed away, bereaved families from all over the country will be encouraged and supported in working through their grief. It is important to families who have suffered such loss to know that they are not alone.

In addition, this year, I have added a provision to designate the fourth Friday in April as "National Children's Memorial Flag Day" in recognition of children who have died as a result of violence. April has been designated as National Child Abuse Prevention Month, an annual tradition started by President Jimmy Carter in 1979. Many State and local governmental agencies and private organizations already fly the Children's Memorial Flag on the fourth Friday in April to remember children lost to violence. Recognizing this day is another way we can commemorate the lives of children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 797. Mr. HAGEL (for himself, Mr. CAMPBELL, and Mr. KYL) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 798. Mr. HOLLINGS proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

SA 799. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

TEXT OF AMENDMENTS

SA 797. Mr. HAGEL (for himself, Mr. CAMPBELL, and Mr. KYL) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

"5—FEDERAL PRIORITIES FOR SCHOOL REPAIR AND RENOVATION.

"SEC. 5351. REQUIREMENT RELATING TO SCHOOL CONSTRUCTION ASSISTANCE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The Federal Government's unique and continuing trust relationship with and responsibility to the Indian people includes the education of Indian Children.

"(2) Since 1950, the Federal Government has also recognized an obligation to support the education of children whose parents serve our Nation in the military and with other Federal agencies.

"(3) The Federal Government has responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that the Federal Government has established on or near reservations and Indian trust lands throughout the Nation for Indian children.

"(4) The Federal Government has responsibility for providing financial support for Federally Impacted schools throughout the Nation.

"(5) The Federal Government is the sole funding source of 185 elementary and secondary schools operated by the Bureau of Indian Affairs for the education of American Indian children on reservations throughout the United States.

"(6) The Federal Government is a significant source of funding for the elementary and secondary schools that receive Impact Aid.

"(7) Over several decades, Bureau of Indian Affairs and Impact Aid schools have suffered from neglect and disrepair, which has had a direct impact on student learning and safety.

"(8) As of January 2001, the repair, rehabilitation, and renovation backlog for Bureau of Indian Affairs and heavily impacted Impact Aid education facilities and quarters was over $2,000,000,000.

"(b) REQUIREMENT.—Notwithstanding any other provision of law (including the provisions of this Act), in administering any Federal program to provide assistance for school construction or renovation, the Secretary of Education shall ensure that assistance under such program is provided to meet the construction or renovation needs of schools receiving Impact Aid, schools under the jurisdiction of the Department of Defense, and Indian and Bureau of Indian Affairs funded schools prior to making any such assistance available under such program to other schools.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to apply to—

"(1) school construction bond programs or school renovation bond programs; or

"(2) amounts provided for school construction or renovation under—

"(A) title VIII of the Elementary and Secondary Education Act of 1965;

"(B) any program administered by the Bureau of Indian Affairs, or the Secretary of the Interior for the benefit of Indians; or

"(C) any program administered by the Secretary of Defense with respect to schools within the jurisdiction of the Department of Defense.".

SA 798. Mr. HOLLINGS proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 47, after line 12, insert the following: "(i)(I) a State may elect, in accordance with this clause, to waive the application of the requirements of this subparagraph if—

"(aa) the State determines that alternative public elementary and secondary educational investments will produce a greater increase in student achievement; or

"(bb) the State can demonstrate the presence of a comparable assessment system;

"(II) a waiver under subclause (I) shall be for a period of 1 year;

"(III) a State with a waiver in effect under this clause may utilize Federal funds appropriated to carry out activities in schools that fail to make yearly progress, as defined in the plan of the State under section 1111(b)(2)(B), to—

"(aa) increase teacher pay;

"(bb) implement teacher recruitment and retention programs;

"(cc) reduce class size;

"(dd) hire additional teachers to reduce class sizes;

"(ee) improve school facilities;

"(ff) provide afterschool programs;

"(gg) tutor students;

"(hh) increase the access of students to technology;

"(ii) improve school safety; or

"(jj) carry out any other activity that the State educational agency determines necessary to improve the education of public elementary and secondary school students; and

"(IV) a State shall ensure that funds to which this clause applies will not be used to pay the cost of tuition, room, or board at a private school or a charter school;".

SA 799. Mr. GREGG (for Mr. SANTORUM) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following: "SEC.

SEC. 72 SENSE OF THE SENATE.

"It is the sense of the Senate that—

"(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

"(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing previously scheduled for Thursday, June 14, at 9:30 a.m., in SD–106, has been postponed. The purpose of the hearing was to receive testimony on potential problems in the gasoline markets this summer. The hearing has not been rescheduled at this time.

For further information, please call Shirley Neff at 202/224–4103.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 12, 2001, to hear testimony on Preserving and Protecting our Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that Jonathan McIllwain and Brittni Aldridge, summer interns in my office, be granted the privilege of the floor for the remainder of today's debate on S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 13, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m., Wednesday, June 13. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1, the education authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Wednesday the Senate will convene at 9 a.m. and resume consideration of the education authorization bill. There will be 40 minutes of debate on the Santorum and Hollings amendments concurrently. Therefore, there will be two rollcall votes beginning at approximately 9:40 a.m. Additional rollcall votes are expected as the Senate works to complete action on the education bill this week.

I further state, as I did a short time ago, that we are working to complete this bill on Thursday. If we do, there will be no votes, I am told by Leader DASCHLE, on Friday. If we are not able to complete this bill on Thursday, we will complete work on it when we do; that is, it may be Friday or Saturday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate tonight, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:54 p.m., adjourned until Wednesday, June 13, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 12, 2001:

DEPARTMENT OF DEFENSE

MICHAEL MONTELONGO, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE ROBERT F. HALE.

REGINALD JUDE BROWN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE PATRICK T. HENRY.

JOHN J. YOUNG, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE HERBERT LEE BUCHANAN III.

ALBERTO JOSE MORA, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE STEPHEN W. PRESTON.

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE JAMES M. BODNER.

MICHAEL W. WYNNE, OF FLORIDA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE DAVID R. OLIVER.

DIONEL M. AVILES, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DEBORAH P. CHRISTIE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

KIRK VAN TINE, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE NANCY E. MCFADDEN.

DEPARTMENT OF STATE

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

DONALD J. MCCONNELL, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

DOUGLAS ALAN HARTWICK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH: FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

STEPHEN K. MORRISON, OF CALIFORNIA

AGENCY OF INTERNATIONAL DEVELOPMENT

WILLIAM MICHAEL CARTER, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

NASIR ABBASI, OF MARYLAND
JOHN T. LANCIA, OF PENNSYLVANIA
ELLEN D. LENNY-PESSAGNO, OF TEXAS
JOHN M. MCCASLIN, OF OHIO
DAVID R. MCNEILL, OF TENNESSEE
DAVID B. PONSAR, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

CHRISTOPHER B. ADAMS, OF CALIFORNIA
REBECCA K.P. ARMAND, OF FLORIDA
SCOTT A. SHAW, OF ILLINOIS.

DEPARTMENT OF STATE

JILL AHEARN SYKES, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

KELLY ADAMS-SMITH, OF NEW JERSEY
STEVEN P. ADAMS-SMITH, OF NEW JERSEY
STEPHEN J. AKARD, OF INDIANA
SALVATORE ANTONIO AMODEO, OF VIRGINIA
ROXANNE CABRAL, OF VIRGINIA
MARK MINGE CAMERON, OF ALABAMA
ANGELA COLYVAS, OF PENNSYLVANIA
R. SEAN COOPER, OF CALIFORNIA
SUSANNAH E. COOPER, OF MAINE
COLIN THOMAS ROBERT CROSBY, OF OHIO
CYNTHIA C. ECHEVERRIA, OF ILLINOIS
ALAN EYRE, OF VIRGINIA
ANTHONY C. FERNANDES, OF MASSACHUSETTS
ERIC A. FICHTE, OF VIRGINIA
KATHRYN LAURA FLACHSBART, OF CALIFORNIA
KIM M. GENDIN, OF FLORIDA
ALI JALILI, OF VIRGINIA
DANIEL P. JASSEM, OF COLORADO
THOMAS TAN JUNG, OF WASHINGTON
DAVID JOSEPH JURAS, OF KENTUCKY
KIMBERLY A. KARSIAN, OF COLORADO
ALEXANDER I. KASANOF, OF NEW YORK
RIMA KOYLER, OF PENNSYLVANIA
MICHAEL J. MA, OF VIRGINIA
LAURA A. MALENAS, OF MARYLAND
PETER G. MARTIN, OF MASSACHUSETTS
DANA CHRISTIAN MURRAY, OF FLORIDA
KIRBY D. NELSON, OF IDAHO
MAI-THAO T. NGUYEN, OF TEXAS
QUI NGUYEN, OF CALIFORNIA
GEORGE ARTHUR NOLL, OF RHODE ISLAND
BRIAN JAY O'ROURKE, OF NEW MEXICO
BARTON J. PUTNEY, OF WISCONSIN
LYNGRID SMITH RAWLINGS, OF THE DISTRICT OF COLUMBIA
MITCHELL R. SCOGGINS, OF NORTH CAROLINA
KIRK G. SMITH, OF WASHINGTON
WILLIAM A. TARVER, OF LOUISIANA
MARC HERVERT WILLIAMS, OF NEVADA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NANCY ELIZABETH ABELLA, OF VIRGINIA
LANE DARNELL BAHL, OF WASHINGTON
KAY GILBRECH BARTON, OF TEXAS
KRISTIN BONGIOVANNI, OF WASHINGTON
DENA D. BROWNLOW, OF CALIFORNIA
ERIN M. BUTLER, OF WASHINGTON
CAROL-ANNE CHANG, OF VIRGINIA
DARYL L. CHERNOFF, OF MARYLAND
DWAYNE L. CLINE, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER M. CUMMINGS, OF VIRGINIA
PETER N. D'AMICO, OF MAINE
JAMES G. DAVIDSON, OF MARYLAND
JACK DOUTRICH, OF WASHINGTON
LAWRENCE E. DUCKETT, OF MARYLAND
DIANA J. ELLIOTT, OF NEVADA
AARON P. FORSBERG, OF OREGON
STEPHEN J. GEE, OF OHIO
KAREN ELIZABETH GRISSETTE, OF CALIFORNIA
KEVIN A. HAINES, OF VIRGINIA
BRYCE A. ISHAM, OF WASHINGTON
MANAV JAIN, OF CALIFORNIA
OMID KHONSARI, OF VIRGINIA
MICHELLE KRAMER, OF VIRGINIA
PAUL WILLIAM KREUTZER, OF MARYLAND
CYNTHIA Z. LAO, OF THE DISTRICT OF COLUMBIA
GONG LI, OF VIRGINIA
MATTHEW WILLIAM LONG, OF MASSACHUSETTS
STELLA C. LUTTER, OF FLORIDA
KATHERINE M. MCGOWEN, OF ALASKA
MARLENE MARIE MENARD, OF TEXAS
MATTHEW CHRISTIAN MILLER, OF VIRGINIA
HECTOR NAVA, OF TEXAS
TODD NICHOLSON, OF VIRGINIA
HEATHER L. NOSS, OF CALIFORNIA
MATTHEW O'CONNOR, OF VIRGINIA
CRAIG OLSON, OF VIRGINIA
SAPNA J. PATEL, OF CALIFORNIA
DEBORAH A. PLUNKETT, OF MASSACHUSETTS
FRANCES J. PULEO, OF VIRGINIA
ANNELIESE LOUISE REINEMEYER, OF TEXAS
HUGO F. RODRIGUEZ JR., OF TEXAS
CLAUDIA RODRIGUEZ-HALL, OF VIRGINIA
KAMANA MATHUR ROMERO, OF TEXAS
LORIE A. ROULE, OF THE DISTRICT OF COLUMBIA
AMY B. SCANLON, OF VERMONT
LORELEI G. SCHWEICKERT, OF CALIFORNIA
NOMI E. SELTZER, OF NEW YORK
JANINE SHORS, OF CALIFORNIA
BRIAN LEROY SIMMONS, OF NEVADA
SCOTT ANDREW STEPIEN, OF NEW YORK
JULIE A. STINEHART, OF WYOMING
DOUGLAS LEE SUN, OF MASSACHUSETTS
MICHAEL D. SWEENEY, OF CALIFORNIA
CATHERINE ELIZABETH SWEET, OF CALIFORNIA
LAWRENCE A. THOMAS, OF VIRGINIA
MICHAEL DAVID TOYRYLA, OF CALIFORNIA
LUCIA CLELIA VERRIER, OF NEW HAMPSHIRE
ELIZABETH ELLEN WILSON, OF NEW JERSEY
DONNA LURLINE WOOLF, OF THE DISTRICT OF COLUMBIA
JOSEPH LAURENCE WRIGHT II, OF FLORIDA

GENERAL SERVICES ADMINISTRATION

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION, VICE WILLIAM R. BARTON, RESIGNED.

DEPARTMENT OF LABOR

JOHN LESTER HENSHAW, OF MISSOURI, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE CHARLES N. JEFFRESS.

DEPARTMENT OF EDUCATION

LAURIE RICH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION, VICE G. MARIO MORENO, RESIGNED.

DEPARTMENT OF JUSTICE

JAMES W. ZIGLAR, OF MISSISSIPPI, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION, VICE DORIS MEISSNER, RESIGNED.

ASA HUTCHINSON, OF ARKANSAS, TO BE ADMINISTRATIOR OF DRUG ENFORCEMENT, VICE DONNIE R. MARSHALL, RESIGNED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. EDWARD L. CORREA JR., 2290

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. PATRICIA A. TRACEY, 3579

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DAVID ARCHITZEL, 0741
REAR ADM. (LH) JOSE L. BETANCOURT, 0044
REAR ADM. (LH) ANNETTE E. BROWN, 7474
REAR ADM. (LH) JOSEPH D. BURNS, 3870
REAR ADM. (LH) BRIAN M. CALHOUN, 7720
REAR ADM. (LH) KEVIN J. COSGRIFF, 3968
REAR ADM. (LH) LEWIS W. CRENSHAW JR., 4960
REAR ADM. (LH) TERRANCE T. ETNYRE, 8044
REAR ADM. (LH) MARK P. FITZGERALD, 2694
REAR ADM. (LH) JONATHAN W. GREENERT, 8869
REAR ADM. (LH) CURTIS A. KEMP, 5881
REAR ADM. (LH) ANTHONY W. LENGERICH, 9020
REAR ADM. (LH) WALTER B. MASSENBURG, 4394
REAR ADM. (LH) JAMES K. MORAN, 5752

REAR ADM. (LH) CHARLES L. MUNNS, 9043
REAR ADM. (LH) RICHARD B. PORTERFIELD, 3989
REAR ADM. (LH) JAMES A. ROBB, 4692
REAR ADM. (LH) JOSEPH A. SESTAK JR., 0962
REAR ADM. (LH) STEVEN J. TOMASZESKI, 3394
REAR ADM. (LH) JOHN W. TOWNES III, 0177
REAR ADM. (LH) CHRISTOPHER E. WEAVER, 5940
REAR ADM. (LH) CHARLES B. YOUNG, 0248
REAR ADM. (LH) THOMAS E. ZELIBOR, 6272

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES E. GELETA, 9803
SCOTT H. MCCRAE, 9695
GARY S. OWENS, 1753

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

FLOYD E. BELL JR., 4755
JAMES R. CALLAHAN, 2770
MICHAEL E. CHILSON, 5105
LINDA P. HIGGINS, 4089
THOMAS E. SCHUURMANS, 8966
STEVEN N. WICKSTROM, 0393

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DONALD E. GRAY JR., 1841

THE FOLLOWING NAMED OFFICERS IN THE UNITED STATES MARINE CORPS FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTION 531:

To be first lieutenant

JESSICA L ACOSTA, 5361
MICHAEL J ACOSTA, 7779
CHANCE J ADAM, 3443
OLUFUNMIKE F ADEYEMI, 1491
CHRISTOPHER W ADKINS, 5631
ALISON L AKE, 5857
BARIMA K AKOASARE, 8469
PAUL C ALANIZ, 8261
ARCELIO ALBIZO, 4289
IAN F ALLEN, 8351
ROBERT J ALLEN, 4989
BRETT A ALLISON, 1546
JOSE E ALMAZAN, 0745
BRIAN J AMEND, 4452
BRETT D AMERSON, 0245
BRADLEY W ANDERSON, 6904
JOSHUA D ANDERSON, 5832
KAREN A ANDERSON, 1432
SETH E ANDERSON, 6450
STEVEN S ANDREWS, 4685
ROBERT G ANTOLINO, 1206
AARON P ANTRIM, 2256
ANTHONY D APISA, 3512
ANTHONY J ARAGON, 6302
STEPHANIE R ARNDT, 0162
JAMIE S ARNOLD, 7075
MICHAEL F ARNONE, 0334
JUAN I ARRATIA, 5698
ERIC M ASCHENBRENNER, 0048
JENNIFER L ASH, 8379
RICHARD B ASHFORD, 3697
IOANIS S ATHANASIADIS, 6867
CHARLES T ATWOOD, 2412
DAVID L ATWOOD, 3790
PAUL D AVELLINO, 0339
TYSON M AVERY, 6430
TERESA L AYERS, 1207
REBECCA M BAAS, 5925
VICTOR G BACA, 4912
BRIAN A BAGWAN, 3843
JAMES R BAILEY, 4233
CHARLES T BAISLEY, 5688
ANGIE L BAKER, 6878
MICHAEL T BAKER, 6872
SAMUEL BAKION, 9514
MATTHEW A BALDASSIN, 2055
MATTHEW A BALDWIN, 6250
THOMAS N BALL, 4450
DUSTIN K BALLARD, 8963
GEORGE A BANCROFT, 3324
BROOK W BARBOUR, 9236
MARTIN T BARCO, 7028
JAMES T BARDO, 9813
CARLOS M BARELA, 4445
REBECCA D BARGER, 6764
TYRRELL L BARGER, 3096
ERIN M BARKER, 2175
FRANCIS G BARKER JR., 4218
JEFFERY D BARKER, 3432
JEFFREY V BARNETT, 3519
STEFAN R BARR, 6596
RAYMOND J BARRIOS JR., 4662
MICHAEL J BARTHLOW, 2283
GENE D BARTON, 1489
ROBLEY D BATES IV, 5853
DAX C BATTAGLIA, 5964
JEFFREY D BAUER, 5432
MICHAEL T BAUMGARDNER, 1566
JOHN S BAXTER, 5428
MATTHEW H BAZARIAN, 5348
JAMES C BEARDSLEY, 8882
CHARLES Q BEATTY, 5874
JAMES J BEAUREGARD, 4918
JEREMY W BEAVEN, 4402
JAMES M BECHTEL, 4979
HASSEN C BECKFORD, 7187
JAY P BENSON, 8015
JASON T BERG, 5327
JOHN T BERGER, 9156
DAVID M BERNARD, 5044
PIERRE R BERTRAND, 3973
AMY S BEVAN, 3404
JOSEPH T BEVAN, 0624
ELIZABETH A BIBLE, 4554
JOSHUA P BIDDLE, 8620
JAMES S BIRGL, 1492
MATTHEW R BLACK, 3882
CINDIEMARI BLAIR, 8683
EDWARD Y BLAKISTON, 2131
JAMES A BLANFORD, 6284
TOM R BLANKENHORN, 4544
JERRY W BLOOMQUIST, 5323
CHARLES J BLUME, 5520
SPENCER O BODISON, 8193
CHRISTOPHER J BOESE, 5913
DAVID A BOGLE, 7034
JAMES A BOHLMAN, 7990
GABRIELL A BOLTON, 8659
ANDREW C BONE, 1144
JENNIFER M BONE, 8926
VINCENT K BONG, 6496
DEBORAH L BORNHORST, 2185
JASON A BOROVIES, 4741
MARK D BORTNEM, 7206
JON P BOURDON, 3392
JOSEPH D BOUSHELLE, 3445
JOHN C BOWES, 9286
SCOTT M BOWMAN, 7397
RYAN F BOYLE, 1046
SEAN C BOYNTON, 3147
NAOMI A BOYUM, 7142
JAMES H BRADY, 2429
TIMOTHY S BRADY JR., 5416
MICHAEL A BRAGG, 2377
THOMAS M BRAIN, 9309
CLARK J BRAMANTE, 0132
CHRISTOPHER W BRANCH, 5299
RONALD BRAND, 1714
STEVEN R BRAND, 2061
CHRISTOPHER M BRANNEN, 3685
ANDREW J BRASOSKY, 4791
KEVIN H BRIGHT, 6680
LEONEL O BRITO JR., 0873
TRAVIS K BRITTAIN, 9364
MARK J BROEKHUIZEN, 8667
IAN P BROOKS, 3713
JEFFREY T BROOKS, 2800
MICHAEL L BROOKS, 7116
JOSEPH D BROOME, 5782
CHRISTOPHER L BROWN, 8239
JEFFREY D BROWN, 7424
JERRY BROWN JR., 2708
JONATHAN F BROWN, 5579
MARK C BROWN, 7016
MATTHEW A BROWN, 1839
MAURICE A BROWN, 7738
DESMOND F BROWNE JR., 8714
THOMAS A BROWNE JR., 7651
GILDA M BUCHAN, 9172
MATHEW J BUCHER, 3556
MARK D BUCZEK, 2687
ARMANDO C BUDOMO JR., 9779
ROBERT M BUENO, 6465
BENEDICT G BUERKE, 4251
JEFFREY H BUFFA, 4706
ALEXANDER D BURCH, 7023
ASHLEY K BURCH, 3094
MARCO A BURGOS, 0091
DOUGLAS R BURKE JR., 3734
JOSEPH P BURKE, 8324
JOSEPH P BURKE, 7811
EDWARD L BURNS V, 6016
WILLIAM J BURRACK, 6089
DAMON K BURROWS, 3963
ROBERT L BURTON, 9070
MICHAEL D BUTLER, 3535
DUSTIN J BYRUM, 4875
MICHAEL T CABLE, 0828
ANDRES H CACERESSOLARI, 3857
DAVID F CALDWELL II, 1833
JOHN O CALDWELL, 8836
STEPHEN R CALDWELL, 0454
SEAN M CALLAHAN, 4697
ERNEST F CALVILLO, 6923
STEPHEN T CAMPBELL, 7661
ROBERT L CANNEY, 9526
CHRISTOPHER K CANNON, 2372
CHRISTIAN M CAPECE, 2686
MATTHEW P CAPODANNO, 9790
GREGORY S CARL, 5977
ROBERT E CARLSON JR., 5369
SCOTT V CARPENTER, 4735
BRADFORD R CARR, 3552
JOHN S CARRICO, 3424
BERT W CARRIER JR., 6510
JEFFREY F CARROLL, 4430
MICHAEL G CARTER, 5662
NICOLA J CARUSO, 5236
RICHARD A CARY, 3499
ANDREW A CASTIGLIONE, 5185
JOHN C CATANZARITO, 4383
ROBERT E CATO II, 9379
PETER J CAZAMIAS, 6030
ANTONIO O CENTENO, 0559
MICHAEL E CERES, 3540
KAREN M CERINO, 8126
ANTONIO CERVANTES JR., 9910
JOSHUA P CHADWICK, 9369
PAUL K CHAMBERLAIN, 6221
CONAN H CHANG, 5279
JOSHUA B CHARTIER, 1717
JOE D CHATMAN, 2128
JOHN CHAU, 8740
SIU K CHENG, 6498
DARREL L CHOAT, 3407
LISA M CHRISTENSON, 6459
DANNY S CHUNG, 5462
THOMAS CHUNG, 0477
CHARLES S CISNEROS, 2314
JON W CLANTON JR., 8027
LEE K CLARE, 5117
EARL R CLARK, 7574
SAM A CLARK, 1041
STACY W CLARK, 5249
BRETT B CLARKE, 9894
THOMAS J CLEAVER, 1378
ROBERT T CLEMENS, 5650
BRYAN S CLIFTON, 5627
ADAM B CLOSE, 2472
DENNIS F COBB JR., 4475
EMMETT S COLLAZO, 9974
ADAM L COLLIER, 0072
MATTHEW E COLLINS, 8461
ARNALDO L COLON, 6905
LOUIS COLTER, 7695
LEAH L CONLEY, 0362
MICHAEL J CONLEY, 0090
CRAIG C CONNELL II, 1020
STEPHEN L CONTEAGUERO, 6811
AARON J CONTRERAS, 6515
MATTHEW W COOK, 4512
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MICHAEL P DARLING, 0285
GLENN R DAVIS III, 0699
KEVIN O DAVIS, 4385
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ROBERT N DAVY, 2393
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JAMES R GIBSON, 9604
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JOHN E GINN, 4394
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RENNIE R GIVENS, 2352
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ANDREW W GREGG, 4976
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SHAWN P GRZYBOWSKI, 3726
KITTRIC A GUEST, 0281
VINCENT M GUIDA, 0872
JOHN M GURIS, 7431
THOMAS G GUTHRIE, 0100
JOHNNY GUTIERREZ, 8293
RUBEN D GUTIERREZ, 2567
CHRISTOPHER A HADSALL, 7102
SETH T HAGERTY, 2307
JOHN W HAHN IV, 4712
MICHAEL A HALEY, 7880
GEOFFREY M HALL, 0333
MATTHEW C HALL, 3423
SCOTT C HALL, 6189
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PATRICIA L HAMRICK, 5524
CHAE J HAN, 0794
MARGARET E HANCOCK, 4713
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AMEDE I HANSON, 5084
DANE HANSON, 1776
SHANE J HANSON, 2010
GREGORY A HANWECK, 6911
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KEVIN E HARBOUR, 0420
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RYAN J HART, 0276
SARAH L HART, 4039
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MICHAEL F HELT, 4285
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BRETT R HENDERSON, 0858
DAVID L HENDERSON, 6895
CHRISTINA M HENNESSEY, 9038
DELANEY M HENRETTY, 7507
TERRANCE P HENRY, 3108
CHRISTOPHER U HEPPLER, 6541
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RUDOLFO G HERNANDEZ, 8200
DONALD J HEROD, 8021
JOHN S HERWICK III, 6197
BRENT E HEYL, 8806
JAMES F HICKEY JR., 0304
JIMMY S HICKS, 1047
BRENDAN T HIGGINS, 9135
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CHARLES W HILL, 7365
GARY E HILL, 9838
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TOREY S HINKSON, 6592
BRADLEY D HITCHCOCK, 8001
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SEAN P HOEWING, 3746
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JOHN J HOLLOWAY, 6624
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TRACEY L HOLTSHIRLEY, 9787
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MARK D HOWARD, 5347
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STUART H HOWELL, 7829
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DAVID M HUDOCK, 8767
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SCOTT A HUESING, 1593
CHRISTOPH W HUFF, 5163
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MARK T HULSEY, 6088
BRIAN E HUTCHERSON, 8339
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ALLAN G JASTER, 6145
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CHARLES D JENNINGS, 9768
KIMIKO I JENNINGS, 3130
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CHARLES B JOHNSON, 6293
GREG R JOHNSON, 2351
JASON JOHNSON, 3582
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STEAVEN R JOHNSON, 8384
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GREGORY L JONES, 5679
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RANDALL K JONES, 7632
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SEAN P JOYCE, 9426
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JONATHAN R KEHR, 0822
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BEN E KING, 9980
ROBERT P KINNEY III, 0163
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JAMES V KYKER, 9920
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RYAN C LEAMAN, 3524
BRIAN E LEARY, 9251
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JEFFREY S MCCORMACK, 6531
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JAMES D MULLIN, 0224
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MICHAEL P MURPHY, 3343
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JASON R MURTHA, 8301
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PATRICK J NASH, 4002
JUAN M NAVARRO, 0351
KATHRYN M NAVIN, 4845
ADAM C NAZARIO, 8749
ANDREW R NEEDLES, 4730
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REBECCA L NEWTON, 8905
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QUAN M NGUYEN, 8292
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JAMES M NIXON, 6816
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DAVID K NORTON, 0998
JAMES R NOTT, 3160
JOSEPH C NOVARIO, 6422
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OWEN J NUCCI, 6160
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TIMOTHY N NUTTER, 1218
KHOA M NUYEN, 9800
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STEPHEN M OBRIEN, 3357
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RYAN P OCONNER, 2706
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JASON P OFSANKO, 9154
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JAMES L OGLETREE, 5185
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KRISTOPHER J OGRADY, 9802
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SUSAN C OLEARY, 0809
RAMIN M OLSON, 0757
ROGELIO S OREGON, 2002
JASON B ORMSBY, 2552
MIGUEL A ORTIZ JR., 4677
DEREK S OST, 7757
ANDREW M OTERO, 8376
KETYA OUK, 5538
JULIAN M OWEN, 1703
DUSTIN M OWENS, 0802
WILLIAM C PACATTE, 3203
GREGORY B PACE, 1285
JASON F PACE, 9540
PETER PACE, 7182
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MICHAEL B PAGE, 7692
DAVID C PALM, 8976
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MICHAEL C PALMER, 3085
MATTHEW P PALMISCIANO, 8656
GEORGE N PAPPAS JR., 0805
WILLIAM J PARKER, 2329
BURRELL D PARMER, 8244
BENJAMIN B PASSYN, 8890
ADAM M PASTOR, 1926
BRYANT J PATER, 0852
MATTHEW W PATMON, 9398
EARL H PATTERSON V, 2940
ROBERT A PATTERSON, 3176
VICTORIAN F PAULSON, 1360
GREGORY J PAWSON, 0605
DAVID N PAYNE, 2487
CHRISTOPHER W PEHRSON, 7118
JANAKA P PERERA, 4615
BRIAN M PEREZ, 0695
JOSE A PEREZ, 4157
CHRISTOPHER J PERSON, 8104
CHRISTINA PETERS, 5140
JON C PETERSEN, 9684
JUSTIN D PETERSON, 0852
JAMES M PETTORINI, 0473
ROBERT PHELAN, 7318
KENNETH W PHELPS III, 6074
LINDA D PHILIPP, 4279
JOHN B PHILLIPS III, 8226
TYLER L PHIPPS, 4178
CHARLES A PICKETT III, 9846
JOSHUA M PIECZONKA, 7872
TODD A PILLO, 7361
CHRISTOPHER A PIMENTEL, 3734
NELSON M PINGUELO, 7253
ADAM W PITNEY, 2381
JHONNY A POLANCO, 1475
STEPHANIE M POLESNAK, 6336
CASEY J POLKINGHORNE, 3643
DONALD H PORTER III, 7670
LIONEL PORTER, 4348
NEIL C POTTS, 5070
DONATO S POWELL, 4425
MONTE S POWELL, 1761
EDWARD W POWERS, 7400
MICHAEL J POWERS, 8888
IAN M PRATER, 7726
RICHARD M PRICE, 1905
RYAN T PRINCE, 7960
CHRISTOPHER D PRITCHETT, 3893
ANDREW C PRITZ, 9327
DONN E PUCA, 4431
MARK J PUHALY, 2714
JEFFREY A PULSKAMP, 1375
ERIC D PURCELL, 2113
ANDREW J PUSHART, 9355
AARON M PUTTROFF, 7435
JASON T QUICK, 5218
MICHAEL C RAINWATER, 1450
BERT RAKDHAM, 5817
BRADLEY A RAKOV, 9090
BERNARD C RAMEY, 2683
DAVID RAMIREZ, 4651
GARRETT S RAMPULLA, 9164
GARRETT V RANDEL III, 2869
CLIFTON RANDOLPH JR., 2842
BILLIE RANKIN, 9158
PATRICK M RAPICAULT, 2255
MICHAEL P RATHS, 5299
GREGORY A RATZLAFF, 9703
CHRISTOPHER P RAY, 3586
KEVIN J RAY, 1395
CHARLES C READINGER, 5502
SCOTT M REED, 3866
RONALD J REGA JR., 2344

EILEEN M REGAN, 1455
HOPE M REHMAN, 8159
CHRISTOPHER J REHWALDT, 6426
JOHN M REID, 0832
CHRISTY L REIDSMA, 4483
MICHAEL K REITAN, 7154
JAMISON M RENAUX, 3343
ROEL C RESPECIA, 4584
JAVIER A REYES, 5663
ROGELIO REYES, 9639
ROSANNA B REYES, 9419
JASON E REYNOLDS, 2393
STEPHEN M RHODEN, 7284
ROBERT M RICH, 1324
JAMES J RICHARDS, 8912
EARL O RICHARDSON, 6807
GREGORY P RICHMOND, 0056
JOHN C RICKETTS JR., 0209
MICHAEL D RIDLEY, 3088
JONATHAN L RIGGS, 3158
JOSEPH P RILEY, 2821
KAREN V RILEY, 6170
JOHN H RINALDI II, 0082
BRIAN C RIORDAN, 8610
GREGORY J RIVALDI, 6660
DUANE T RIVERA, 8303
JUAN A RIVERA, 7106
AMY C RIVINIUS, 6959
DONALD L ROBBINS III, 9227
CHRISTOPHER D ROBERSON, 1067
KENNETH S ROBERTSON, 8409
TIMOTHY E ROBERTSON, 6906
REBECCA B ROBISONCHANDLER, 2812
FRANCISCO RODRIGUEZ, 2632
JUAN C RODRIGUEZ, 0294
PARKER O ROE, 5751
CHARLES E ROELL JR., 5320
CHRISTOPHER W ROGERS, 0124
JACQUES A ROGERS, 6565
ZACHARY ROGERS, 8039
BRIAN A ROLF, 0855
TODD A ROMANO, 6704
ALEXIS L ROMINGER, 7674
GREGORY S ROOKER, 1704
BRIAN J ROONEY, 0611
CLYMOUTH S ROOS, 2388
JOSHUA J ROOTS, 8644
PATRICIA A RUF, 7970
JOSEPH A RUFF, 0009
JASON S RUFFIN, 3530
RICHARD M RUSNOK, 4966
SAMUEL P RUSSELL, 1208
SHEREL L RYAN, 4127
JONATHAN Y SABADO, 7286
ALLAN R SABOL, 8118
MARK J SACCO, 7743
MARK D SADOWSKY, 2865
MARK SAENZ, 3027
DEAN O SAMANIEGO, 1733
AARON C SAMSEL, 4194
BRIAN K SANCHEZ, 5391
DANIEL J SANCHEZ JR., 7520
LUIS A SANCHEZ, 8306
JOHN N SAND, 3259
BRADLEY G SANDERS, 3031
CRAIG E SCHAFFNER, 4953
JOEL I SCHARLAT, 1216
CHRISTOPHER D SCHEIDLER, 7241
ERIC S SCHEIN, 3926
TROY J SCHILLINGER, 2379
KURT A SCHMIDHAMER, 4069
THOMAS J SCHMIDT III, 2859
JOSEPH D SCHNELLER, 9754
DANIEL W SCHNICK, 5019
FORREST G SCHOENING, 0129
JARROD W SCHOFFLER, 0106
RAYMOND J SCHOLL, 9466
WILLIAM J SCHRANTZ, 9320
DAVID A SCHREINER, 4403
JOHN M SCHRODER, 3878
STEPHEN K SCHULTZ, 9675
FRANKLIN J SCHWARZERII, 8474
JOHN S SCHWEIGER, 9219
JOHN H SCHWEITZER, 6861
ERIC W SCHWETHELM, 2592
LOUIS SCIRRI JR., 9577
ANTONIO SCOFFIELD, 3638
KEVIN W SCOTT, 4727
RYAN E SCOTT, 0188
CHAD W SEAGREN, 7741
GEORGE J SEEGEL, 1682
DOUGLAS A SEICH, 1336
MICHAEL B SEIFER, 0116
JAMES R SEMMENS, 2966
MARISA P SERANO, 8772
CORY M SHACKELTON, 8843
RYAN E SHADLE, 8622
SHANNON M SHEA, 8024
JUDE C SHELL, 2493
TAMIKO A SHIBATA, 4258
KASEY C SHIDEL, 6818
DAVID A SHOOK, 5513
BRIAN A SHOTTENKIRK, 3558
GRANT R SHOTTENKIRK, 3770
ANDREW J SHRIVER, 7643
SCOTT M SHUSTER, 5240
JED L SIACOR, 9878
JEREMY W SIEGEL, 9003
JACK A SILE, 6339
EDWARD J SILVA, 4521
FRANCISCO R SILVERIO, 2843
GUY J SILVESTRI, 1415
SCOTT P SILVIA, 5370
KEVIN D SIMMONS, 4957
JONATHAN N SIMS, 2329
ALAN R SINGLETON II, 9360
JOHN P SKUTCH, 3001
NOAH S SLEMP, 0288
STEPHEN K SLOAN, 4281
BRIAN B SMALLEY, 1074
CRAIG L SMITH, 8045
DANIEL T SMITH, 5936
ERIK J SMITH, 9229
JASON A SMITH, 7531
JASON C SMITH, 8153
JASON P SMITH, 6587
JONATHAN R SMITH, 6985
MICHAEL K SMITH, 8547
MICHAEL S SMITH, 2113
THOMAS D SMOLENSKI, 0835
JAMES C SMYTHE, 4896
DEREK M SNELL, 4479
ADAM T SNOW, 4605
ALEXANDER H SNOWDEN, 2185
MELISSA E SOLEY, 3371
KURT SOMMERHOFF, 7851
LISA M SOUDERS, 7540
TROYL L SPELLS, 1924
SAMAR K SPINELLI, 4683
TONALD E SPINKS, 2657
JONATHAN W SPITZER, 5027
JENNIFER R SPOONER, 6720
BRYAN C SPRANKLE, 7268
NICHOLAS R SPURGEON, 6780
WILLIAM T STANN, 0949
SUSAN A STARK, 9675
CHRISTA A STARR, 2891
MATTHEW I STARSIAK, 5203
CHRISTOPHER M STEGGE, 8056
KIM A STEINPORT, 3669
MATTHEW R STENCEL, 0592
DAVID R STENGRIM, 3928
JOHN J STEPHENS, 4215
WILLIAM G STEUBER, 1316
DAMON A STEVENS, 6777
DIETER C STEVENS, 2624
IAN D STEVENS, 2928
JADE STEWARDCAMPBELL, 8303
MARK N STEWART, 5063
MATTHEW J STEWART, 8417
JAMES D STINEBAUGH, 8031
DAVID J STJOHN JR., 4702
BRUCE J STOFFOLANO, 5834
JONATHAN M STOFKA, 7791
JAMES R STOVER, 1712
LARS E STRANDBERG, 5655
DANIEL A STRELKAUSKAS, 0214
JARRET P STRICKER, 1222
JEFFREY R STROHMAIER, 4014
ERIC A STRONG, 7701
MICHAEL J STUDENKA, 7157
NATHANIEL B STUSSE, 6575
MARY K SULLIVAN, 7854
GREGORY J SUMMA, 7949
ANTHONY K SUTTON, 7590
DWAYNE S SUWA, 5941
AARON T SWANN, 9287
BRIAN J SWANSON, 2145
BRAD E SWEARINGIN, 9600
BENJAMIN A SWENSON, 5732
JANET D SWIFT, 3148
TYLER B SWISHER, 1523
DANIEL J TAMBURELLO, 4675
JOSEPH C TAMMINEN, 7382
JAMES S TANIS, 6529
AIMEE C TANNER, 9163
JAMES R TAYLOR, 1777
KEITH W TAYLOR, 5209
ROBERT E TAYLOR, 7791
THOMAS N TAYLOR, 1087
WILLIAM A TAYLOR, 4242
PAUL C TEACHEY, 4273
JOSE J TEE, 6182
JEFFREY B TENNEN, 5519
MARCUS B TESSIER, 5950
TIMOTHY M THEERMAN, 3932
ANDREW C THOMAS, 7131
DOUGLAS T THOMAS, 4836
HARRY F THOMAS JR., 6320
JESSE C THOMAS JR., 1419
ROGER N THOMAS, 9566
GARY D THOMPSON, 9302
LESTER W THOMPSON, 5198
SUZAN F THOMPSON, 4379
DOUGLAS M THUMM, 9964
LARRY L THWEATT JR., 9767
JAYSON M TIGER, 6713
DAMIAN J TODD, 3696
ELIZABETH F TOMKO, 9951
SCOTT M TOMLINSON, 0442
BYRON J TORKE, 9822
HERNAN TORRES, 5184
RENE TORRES, 8604
JONATHAN E TOWLE, 5184
MICHAEL R TRAA, 5849
DAI Q TRAN, 2084
DANIEL M TRAYWICK, 8790
MICHAEL T TRENERY, 3687
RENE TREVINO, 0979
MINH T TRINH, 9281
JOY M TRIPLETT, 8446
ROBERT S TRZCINSKI, 6376
MATTHEW A TUMINELLA, 7990
JAMES D TURNER III, 5794
RANDALL G TURNER, 8132
JOSHUA B TUTTLE, 0748
MICHAEL W TYRA, 9102
JORGE L VALDEZ II, 1693
THEODORE F VANBRUNT, 8116
ANTHONY G VANCE, 0324
AARON B VANDERBURG, 2317
RONALD B VANDERVELDE, 2019
JASON K VANMETER, 2086
FRANCISCO J VELASCO, 7900
RANDY J VELEZ, 8547
RICHARD A VICZOREK, 9736
BRIAN M VOGEL, 3604
RYAN J VOJIR, 6619
DAVID R VOYLES, 7112
BENJAMIN M WAGNER, 4303
GILES D WALGER, 9920
CURTIS L WALKER JR., 8584
DAVID W WALKER, 2167
LEN E WALKER, 1659
MATTHEW L WALKER, 5543
BRADLEY E WALTERS, 6546
MELVILLE J WALTERS IV, 0707
NANCY R WALTERS, 8389
CHAD D WALTON, 7024
LARRY R WARFIELD II, 8960
ELIZABETH A WARLOCK, 5830
JAYSEN N WARNER, 7482
RYAN B WARREN, 4167
TIMOTHY J WATKINS, 7914
CHRISTOPHER B WATSON, 4390
DEREK E WATSON, 4118
LARRY J WAYE, 3506
STEVEN A WEATHERHEAD, 6101
MICHAEL E WEBB, 7810
MARK E WEBBER, 7809
JASON M WEBER, 9323
LEE M WEINER, 9915
PATRICK WEINERT, 7787
OLGIERD J WEISS III, 1025
MICHAEL K WENDLER, 2320
LAWRENCE H WENTZELL, 0646
GREGORY C WERNLI, 2934
JASON M WEST, 4956
MICHAEL E WESTON, 4816
ROBERT F WHALEN, 9761
SHUNSEE J WHEELER, 7459
LLOYD H WHITE JR., 6418
DANA P WHITMER, 0228
BRENDAN R WHITWORTH, 5510
JOHNNY J WIDENER, 6963
GARY W WILDS, 4028
ALISA C WILES, 0891
SCOTT E WILLETTE, 1719
ANDRE L WILLIAMS, 7501
HILARY H WILLIAMS, 4182
JAMES L WILLIAMS JR., 6420
JOHN H WILLIAMS III, 0386
MARLIN D WILLIAMS, 2628
RIVERA L WILLIAMS, 6536
SHAWN E WILLIAMS, 4292
STEPHEN J WILLIAMS, 7205
CARROLL S WILLIAMSON, 9631
DEANGELO M WILLIS, 0733
KRISTY A WILLS, 9835
ANDREW B WILSON, 0630
ANDREW S WILSON, 9457
BENJAMIN F WILSON IV, 6722
JIMMY J WILSON, 3626
JON T WILSON, 4205
PRESCOTT N WILSON, 2696
SEAN A WILSON, 5326
JASON M WINTERMUTE, 0912
JEREMY S WINTERS, 2475
RONALD P WISDOM, 7662
ANGELA B WISSMAN, 0583
BRYAN K WITTMER, 4771
HOWARD H WOLFE III, 9081
BARIAN A WOODWARD, 2833
GARNETT H WOODY, 0383
LARRY C WOOTEN JR., 7373
BENJAMIN H WORKING, 1093
DAVID F WORKMAN, 0040
AARON T WRIGHT, 0930
DAVID K WRIGHT, 6526
KEVIN E WYKERT, 9265
MICHAEL J WYNN, 2514
MARK A YACKLEY, 5174
PRASSERTH YANG, 7004
MICHAEL R YEARGAN, 0533
TAMMIE S YEATS, 8796
TODD E YEATS, 6897
JOHN E YORIO, 2208
KEVIN M YORK, 1847
LEE A YORK, 8757
JEROME W YOUNG, 7282
MATTHEW B YOUNGER, 4294
FRANCIS G ZAMORA, 6575
MARK W ZANOLLI, 8558
ROYCE D ZANT III, 4169
SCOTT A ZELESNIKAR, 9611
SEAN P ZICKERT, 5999
CARL M ZIEGLER, 9608
KEVIN J ZIMMERMAN, 4106
SCOTT W ZIMMERMAN, 2362
ALEXANDER E ZUCHMAN, 3334
JOSEPH J ZWILLER, 2123

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant

CHRISTOPHER M. RODRIGUES, 8565

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ROGER T BANKS, 5340
TODD A BRAYNARD, 5855
LINDA E CRAUGH, 7081
RICHARD R DANIELS, 2410
DEARCY P DAVIS IV, 2547
CHRISTOPHER P DEGREGORY, 5613
MATTHEW S ELLIA, 6270
ROBERT D FIGGS, 0856
RICHARD W KOENIG, 9481
GREGORY P LIED, 0113
BRUCE A MARTIN, 2972
MATTHEW M MCGONIGLE, 2962
DUNCAN L PRESTON, 2707
RICHARD G RHINEHART, 0831
MARK W SCHMALL, 6388
RONALD W TOLAND JR., 6153
MARK E WARNER, 1948
CHARLES W WEBB, 1770
CARL ZEIGLER, 6422

EXTENSION OF REMARKS

PAYING TRIBUTE TO FATHER CHARLES E. IRVIN

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate and pay tribute to Father Charles E. Irvin of Lansing, Michigan for his dedication to and retirement from the position of Editor in Chief of FAITH Magazine.

FAITH was created by Father Irvin in 1999. In the two years since, the publication has thrived under his leadership. Today, he and a staff of three distribute 830,000 copies of FAITH each year to families all across Lansing.

Father Irvin has served as Pastor of St. Mary Parish in Manchester, Michigan, St. Francis Parish in Ann Arbor, Michigan, and Holy Spirit Parish in Hamburg, Michigan. In addition, Father Irvin has worked as a corporate attorney, and once served as president of the Catholic Lawyer's Guild. After a sucessful launch year, Father Irvin resigned his post as editor in Chief of FAITH so he may continue his full-time work in parish ministry.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Father Charles E. Irvin, a man who has dedicated his entire life to pursuing a greater good.

IN RECOGNITION OF THE ACHIEVEMENTS OF ADOLPH A. SOLIS, CITY CLERK OF AZUSA, CA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Ms. SOLIS. Mr. Speaker, I rise to recognize the achievements of Adolph A. Solis, who recently retired from his position as City Clerk of Azusa, California. He had served as City Clerk since July 1974, and was a positive role model in the Azusa community, located in California's 31st Congressional District.

Mr. Solis was born on January 17, 1931, in the San Gabriel Valley. He graduated from Citrus Union High School in 1948. He later joined the United States Navy and served as a deck hand on the USS *Missouri* during his first tour to Japan and Korea. After returning from his first tour in 1951, he went on to service school training in Norfolk, VA. Later, he rejoined the USS *Missouri* and went on a second tour to Cuba, Haiti, and several other islands in the Caribbean. Upon returning to the United States, Mr. Solis was Honorably Discharged in June 1954 at the Brooklyn Naval Station. Mr. Solis returned to Azusa in 1954.

Upon returning to Azusa, Mr. Solis married Ofelia Rico in 1955. He had proposed to her in 1951 on a two-week leave from the USS *Missouri* during his Far East tour. Mr. Solis says, "I only saw her personally for five days between my proposal and our wedding." It was true love, which produced two wonderful children, William and Aida.

After his active duty, Solis worked as a file clerk for the Navy's Aerojet facility between 1954 and 1956. He then worked as an accountant until 1974.

Mr. Solis recognized the importance of education. He began his studies at Mount San Antonio College in the fall of 1955, then transferred to Citrus College in the spring of 1956, and then I went on to Pasadena City College. Mr. Solis transferred to California State University Los Angeles and graduated with a Bachelor's Degree in English in 1961.

Mr. Solis taught English as a Second Language from 1966 to 1969 for the Azusa Unified School District Adult Education Evening School. In 1969 he won a seat on the School Board, and in 1973 he was reelected.

I recognize Mr. Solis for his tireless efforts to improve the City of Azusa and for his commitment to public service. On behalf of California's 31st Congressional District, I wish him a wonderful retirement and thank him for his decades-long service to our community.

TRIBUTE TO LAKE CITY, FLORIDA'S USO SHOW PERFORMED BY MEMBERS OF THE AMERICAN LEGION AUXILIARY UNIT 57 AND AMERICAN LEGION POST 57, DEPARTMENT OF FLORIDA

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to a wonderful group of men and women in Lake City, Florida who started their own local USO troupe and are delighting audiences near and far. The 14 members that make up the two performing groups—called the Eloquence and the Sweethearts—are all members of the American Legion Auxiliary Unit 57 or the American Legion Post 57, Department of Florida. As part of their USO show, they wear spirited costumes from the 1950s and '60s and lip synch oldies but goodies once performed by entertainers with the United Service Organization (the USO) for our troops overseas.

In celebration of the USO's 60th birthday, the Lake City group performed a special Valentine's Day dance featuring memorable tunes like Boogie Woogie Bugle Boy. They raised $300 that night, which the group generously donated to the USO. Since then, the group has continued to entertain audiences throughout the community and state at Lake City Community College, the VA Hospital, the Shriners and a nursing home in Orlando. They've even performed during Elder Day at the state Capitol in Tallahassee.

I'm so proud of them, and their tremendous spirit, enthusiasm and patriotism. Mr. Speaker, please join me in recognizing the following individuals who are part of this unique mission to rekindle the memory of the USO and to keep its work alive: Ginger Fitzgerald; Pat Barriteau; Annette Burnham; Larry Burnham; Gaynell Burnham; Betty Jo Henderson; Wanda Procopio; Sandy Reeves; Paula Schuck; Pat Priest; Barbara Reppert; Carol Underhill; Alberto Marriott; Mark Thomas; and Marian Wyman.

I would also like to submit for the RECORD a history of the group called "A Small Flower" written by troupe member, Patricia Barriteau, who is also the Unit National Security Chairman of the American Legion Auxiliary Unit 57.

A SMALL FLOWER

Like a seed that blossoms into a beautiful flower, a small project within our Auxiliary blossomed beyond belief. The spirit of the holidays and the challenge to fill the dance hall for our Holly Ball was the beginning. Someone said, "Let's sing some songs when the band takes a break." Eyes rolled and heads wagged. I thought to myself, 'How ridiculous; I've got the voice of a frog.' But six members took the challenge, and little did they know what was in store.

The first undertaking was to decide exactly what we were going to do. This was the point when we discovered that no one could really sing. So we decided instead to choose a few select songs from the past that brought back memories and lip synch. Among the original songs were Boogie Woogie Bugle Boy, Soldier Boy and God Bless The USA. We wore red, white and blue dresses, shiny fabric with long gloves and high heels. Finally, opening night arrived and we were a hit.

We started planning for the Annual Sweetheart Dance soon after the first of the year. Enthusiasm was high so we decided to entertain at the dance. By now, there was a name for the group: The Eloquence. It was time to make the program a little longer so we added two new acts: The Sweethearts, performing Sincerely and Dedicated To The One I Love and Kate Smith with God Bless America.

Four women make up The Sweethearts. They wear dark pants, white shirts, sequined red vests, cummerbunds and red bow ties. As for Kate Smith, she wears her signature black dress with a sweetheart neck and a long lovely silk handkerchief. She is truly a vision of her early days. Also, a member of the Sons of the American Legion joined the ranks in his army fatigues. He'd join in Boogie Woogie Bugle Boy and Hang On Sloopy.

The birth of the USO show came about in somewhat of a similar manner. Out of somewhere a voice said, "We look like a USO troupe!" and another said, "Let's build that up." We'll take up a collection for the USO. And before you know it, WWII, Korean War and Vietnam-era songs were being practiced and remembered. We gathered information about the USO from the Internet, the library and the encyclopedia, wrote a history of the USO that would serve as the opening to the show.

The night of the Sweetheart Dance arrived, and we had the jitters. So the District Chaplain had us take hands, bow our heads and ask God to help us through this without making fools of ourselves. We walked onto the stage and to our surprise there were more than 350 people in the hall. Thankfully, the show went off without a hitch, and after all expenses, we made $300, which we sent to the USO in the name of American Legion Auxiliary Unit 57, Lake City, Florida.

Soon, we received numerous invitations to perform. We were asked to entertain for the residents of the Veterans Home in Lake City. We performed at a luncheon for senior citizens from five surrounding counties at the request of the local chapter of the Florida Association of Community Colleges. By now, the telephone calls were streaming in. Could we perform for the Shriners in May to raise more money for the USO? How about coming to the VA Hospital in April? Can you make it to some of the local festivals? Can you entertain at the Veterans of Foreign Wars Post Home? That would be another place where we can take up a collection for the USO. It seemed as if everyone knew about the American Legion Auxiliary USO presentation. We recognized veterans in the community at every program. The most outstanding request of all came when we were asked to appear in Tallahassee in the Rotunda at the Capitol on April 19.

Our local USO dance troupe of the American Legion Auxiliary Unit 57, Florida, is doing more than preserving an old pastime. We are rekindling a love of our country and recognizing our veterans for a job well done. We are also collecting donations for the USO so that they will be able to continue to make life a little better for our young men and women in the military who serve our country so dutifully here and around the world.

This project has truly turned into a very big red poppy.

TROPICAL FOREST CONSERVATION ACT REAUTHORIZATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. PORTMAN. Mr. Speaker, I rise today to announce that I am joined by TOM LANTOS and 27 of our colleagues in introducing a bill to reauthorize the Tropical Forest Conservation Act (TFCA). This bipartisan, conservation incentive program helps to protect the world's most valuable tropical forests through "debt for nature" mechanisms.

In the 105th Congress I introduced the TFCA with our former colleagues Lee Hamilton and John Kasich. It was overwhelmingly approved by the House by a vote of 356–61, passed the Senate under unanimous consent and became Public Law 105–214. The TFCA was developed with the support and input of respected environmental organizations such as The Nature Conservancy, the World Wildlife Fund and Conservation International. Their support and ongoing commitment to this program are appreciated and commendable.

The United States has a significant national interest in protecting tropical forests in developing countries. Tropical forests provide a wide range of benefits. They harbor 50–90% of the Earth's terrestrial biodiversity. They act as "carbon sinks," absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing greenhouse gases. They regulate rainfall on which agriculture and coastal resources depend, and they are of great importance to regional and global climate. Furthermore, tropical forests are breeding grounds for new medicines. Twenty five percent of prescription drugs come from tropical forests. The United States National Cancer Institute has identified over 3000 plants that are active against cancer. Seventy percent of them can be found in rain forests.

Regrettably, tropical forests are rapidly disappearing. The latest figures indicate that 30 million acres (an area larger than the State of Pennsylvania) were lost each year. The heavy debt burden of many countries is a contributing factor because often they must resort to exploitation of their natural resources (particularly the extraction of timber, oil, and precious metals) to generate revenue to service their external debt. At the same time, poor governments tend to have few resources available to set aside and protect tropical forests.

The TFCA addresses these economic pressures by authorizing the President to allow eligible countries to engage in debt swaps, buybacks or reduction/restructuring in exchange for protecting threatened tropical forests on a sustained basis.

The TFCA is based on the previous Bush Administration's Enterprise for the America's Initiative (EAI) that allows the President to restructure debt in exchange for conservation efforts in Latin America. TFCA expands on the EAI and allows protection of threatened tropical forests worldwide.

The debt for nature mechanisms in the TFCA is an effective means to leverage scarce funds available for international conservation. The host country places an amount in its tropical forest fund that typically exceeds the cost to the Treasury of the debt reduction agreement. Furthermore, because these tropical forest funds have integrity and are broadly supported within the host country, conservation organizations are interested in placing their own money in these tropical forest funds producing additional leverage of federal conservation dollars.

Last year, the United States concluded the first TFCA debt reduction agreement with Bangladesh. This outstanding agreement will help protect four million acres of mangrove forests in that country and the world's only genetically secure population of Bengal Tigers. At present, there are eleven nations on three continents interested in negotiating TFCA debt reduction agreements. Furthermore, President Bush has expressed his commitment to the program.

The International Relations Committee plans to take up the bill very soon, so I would like to invite all of our colleagues to cosponsor this important conservation measure.

PAYING TRIBUTE TO MATTHEW McNENLY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Matthew McNenly of Lansing, Michigan on being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

The Computational Science Graduate fellowship is a rigorous, highly competitive program that provides numerous benefits to the fellows in return for a complete casework in a scientific or engineering discipline, computer science, and applied mathematics.

McNenly graduated from Howell High School in 1994 and is currently attending the University of Michigan pursuing his Ph.D. in Aerospace engineering.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Mathew McNenly for being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

HONORING ROSEMARIE FISHER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BARRETT of Wisconsin. Mr. Speaker, on Tuesday, June 12th, 2001 family, friends, community leaders and well-wishers will gather to congratulate Ms. Rosemarie Fisher on her retirement as Executive Director of Rosalie Manor Community and Family Services in Milwaukee, Wisconsin.

I have known Rosemarie for many years, and have always admired her vision for and hard work at Rosalie Manor, and the Milwaukee community at large. Rosalie Manor is a non-profit social service agency founded in Milwaukee in 1908 by two Misericordia Sisters to minister to pregnant, single women. While the location and programs have changed in the past 93 years, Rosalie Manor's mission and role as a leader in the field of pregnancy and parenting services in the greater Milwaukee area continues on, thanks to the commitment of Rosemarie, her staff and board members.

Rosemarie began her work at Rosalie Manor in 1975 as a part-time social worker. She remained at the Manor until 1978, when she went to New York to work at another Misericordia Sisters agency called Rosalie Hall. In 1982, Rosemarie returned to Milwaukee and Rosalie Manor as its Executive Director. During the last 19 years, through Rosemarie's insight, planning and financial expertise, Rosalie Manor has become a successful social service agency, expanding programming and the number of families served in the greater Milwaukee area. Since 1984, Rosalie Manor grew from serving 2 residents to more than 3,000 families annually, with a budget of $450,000 to more than $3 million.

From 1983 to 1990, Rosemarie's vision of what Rosalie Manor can and should be meant adding four new programs to meet the changing needs of the Milwaukee community, including Mother Care, Families United to Prevent Teen Pregnancy, Supporting Today's Parents, and the Family Intervention Program. Rosemarie believes that her greatest accomplishments while executive director are continuing Rosalie Manor's mission to serve single, pregnant women and maintaining its strong financial position. Rosemarie can indeed take pride in these and so many more goals achieved while serving her community.

I rise to commend Rosemarie Fisher for her commitment to Milwaukee's families and for her years of service to our community at large. Her tireless efforts on our behalf will be missed but always remembered with deep appreciation.

TRIBUTE TO NORM LOVELACE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate a good friend and advocate of Guam and the Pacific Islands, Norm Lovelace, on his distinguished career and his well-earned retirement.

Currently the manager of the U.S. Environmental Protection Agency Pacific Insular Area Programs, Norm initially joined the EPA in 1972. At the time, he was tasked to develop, validate and utilize mathematical models for water quality, phytoplankton and hydraulics of the Chesapeake Bay and the Potomac River for the EPA's Region 3 Annapolis Field Office.

Prior to his stint at the EPA, Norm was employed by the California Department of Water Resources. From 1966 until 1969, he worked on developing water quality and hydraulic models of the Sacramento-San Joaquin delta. Having obtained a degree in Civil Engineering from the University of California at Davis in 1969, he went on to perform terrestrial and oceanic geophysical surveys as a senior watch officer aboard the *NOAA Ship Surveyor* until 1972, when he joined the EPA.

Norm first got acquainted with Region 9 in 1979, upon obtaining a transfer to serve in several capacities mainly focused on the EPA's program in the Pacific Basin. He was the project officer for water programs on Guam and the Trust Territory of the Pacific Islands from 1975 until 1979. He went on to be selected as Chief of Municipal Management Section in the Water Division in 1979 where he managed programs and projects for key municipal areas such as San Francisco, Los Angeles, Orange County, and San Diego. In 1981, he became the Chief of the Office of Territorial Programs. Renamed Pacific Insular Area Programs (PIAP) soon after he took over, the office administered to all agency domestic involvements in American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. This is in addition to agency interests in the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau as well as in U.S. possessions such as Wake and Palmyra.

An advocate of the needs of the Pacific Islands, Norm served as a spokesman and representative—ensuring that national agencies involved with the Pacific Islands were keenly aware of the special circumstances and needs of the region. He was instrumental in the development and enactment of public laws which adapted complex and cumbersome EPA programs to special circumstances and public health needs of the Pacific Islands community. Through his guidance, policies were refined, funds were allocated, and changes were implemented—all to the benefit of the region. For Guam, Norm played a key role in obtaining full delegation for the island's Hazardous Waste Management Program and Solid Waste Management Program. He was largely responsible for the federal funds secured for the construction of a highly needed hazardous waste transfer station currently in operation on Guam.

For all his work and dedication, we, who have been the beneficiaries of his hard work and dedication, are most thankful. Upon his retirement, I offer my congratulations for his distinguished career and my personal commendation for a job well-done. We wish him the best on his well earned retirement and all the luck in his future endeavors. Si Yu'os Ma'ase, Norm.

"CAN DO" SPIRIT CONTINUES AS 45-YEAR ANNIVERSARY CELEBRATED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. KANJORSKI. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to the Community Area New Development Organization Inc. of Greater Hazleton, Pennsylvania, better known as CAN DO, on its 45th anniversary.

CAN DO is truly a remarkable organization. It was formed in 1956, in a moment of dire economic crisis for the Greater Hazleton area. The area's main industry, anthracite coal mining, was already in rapid decline when Hurricane Diane struck in 1955 and dumped several feet of water on the area. This killed most of the area's coal industry by flooding the deep mines and causing more than half of the remaining coal workers to be laid off. Unemployment reached almost 23 percent and stayed there.

A group of local civic and business leaders decided to take action. Working with the Greater Hazleton Chamber of Commerce, and led by respected physician Dr. Edgar L. Dessen, they formed CAN DO to attract new and diverse industries.

To purchase land they could market to new businesses, they tapped the generosity of the community, beginning with the Dime-A-Week campaign under which workers contributed $5.20 a year, and the Mile of Dimes campaign, in which residents showed their support by taping dimes along Broad Street—Hazleton's main thoroughfare.

After purchasing land, the next step was to construct shell buildings, pre-built to be ready for new industry. CAN DO's organizers defied doubters who said the group would never be able to raise a half-million dollars in financially strapped Greater Hazleton. They raised more than $700,000.

Over the years, CAN DO has built on that initial success, guided by a series of dedicated community-minded citizens such as Dr. Dessen and others too numerous to list here from the founding era to the current leadership, including Chairman Joseph M. DeBias and President W. Kevin O'Donnell. CAN DO has grown from a grass-roots effort to a nationally recognized, award-winning leader in the economic development field.

Its achievements include amassing more than 270 industrial and office projects, more than 21 million square feet of buildings worth more than $534 million, almost $1.5 billion in private investment, more than $5 million in taxes generated for local municipalities and school districts, more than $275 million in annual payroll, and more than 11,000 current jobs.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the many accomplishments that have flowed from the "CAN DO" spirit of the founders of the Community Area New Development Organization, which is still reflected in its volunteers and staff today. As the U.S. Representative for the Greater Hazleton community, I am privileged to work with such a dedicated organization, and I wish them and the community continued success in the future.

PAYING TRIBUTE TO THOMAS CONRAD

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Thomas Conrad for his dedicated service to the town of Middletown, Michigan.

Thomas Conrad was born in Hoboken, New Jersey and served his nation in the United States Army during both war and peace time. While in the Army during World War II, he served in the 5th Army, 10th Division, and was awarded the Purple Heart medal.

Soon after, he moved to Middletown, Michigan and quickly adopted it as his hometown. In Middletown, Thomas worked for the township Department of Public Works, the Housing Authority, served as a lecturer for the Knights of Columbus, and was a member of the Kiwanis Club and the Veterans of Foreign Wars Post No. 2179.

Thomas was an active member of his community but was probably most remembered for helping those in need. He was a strong advocate for senior citizens and worked hard to see that each senior had access to quality healthcare. He was active in the Irish Society and ran the 50/50 booth at the St. Mary's fair each year.

In 1984, the Kiwanis Club of Middletown named Thomas Man of the Year, and last year he was awarded the Distinguished Service Medal for his service during the war.

Thomas Conrad passed away on February 23 of this year at the age of 75. He will always be remembered as a good hearted man who was always willing to lend a hand to those in need.

Therefore, Mr. Speaker, I ask my colleagues to join me in paying tribute to Thomas Conrad for his exemplary service to his community and his country.

VIRGINIA KEY BEACH RESOURCE STUDY BILL

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. MEEK of Florida. Mr. Speaker, Virginia Key Beach in Miami, Florida is a historically important and environmentally significant place that should be restored and preserved. This is why I have introduced a bill to study the possible inclusion of Virginia Key as part of the National Park Service, and I ask my colleagues to support it.

H.R. 2109 would authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for inclusion in the National Park System.

Virginia Key is a 1,000-acre barrier island, characterized by a unique and sensitive natural environment, situated just off the mainland of the City of Miami, between Key Biscayne to the south and Fisher Island to the north.

Although there has been some limited development, the island is non-residential and includes ponds and waterways, a tropical hardwood hammock, and a large wildlife conservation area.

Beyond its natural attributes, Virginia Key is also worthy of inclusion in the National Park System because it illustrates our nation's progress toward achieving racial justice. When integrated, as they should be, beaches can be democratizing spaces, which naturally perform a communal function of bringing people together. But this was not the case in South Florida where, for decades, beaches were strictly segregated by race.

As the only beach in Miami that permitted blacks from the 1940s to the 1960s, Virginia Key provided the only escape and source of recreation for countless African American families in South Florida. Virginia Key was the site for baptism and religious services, courtships and honeymoons, organizational gatherings, visiting celebrities and family recreation.

Today, Virginia Key is being restored by the U.S. Army Corps of Engineers, but its value to the nation and to Florida is based not just on its natural beauty, but also as a symbol of the ongoing struggle of African Americans for equal rights and social justice.

Mr. Speaker, I ask my colleagues to support this important legislation.

DIGHTON HONORS VETERANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. FRANK. Mr. Speaker, the town of Dighton, Massachusetts has been steadfast in its commitment to honoring those who have served our country in time of war. Originally the Veterans Memorial in Dighton covered the Civil War and World War I. The people of Dighton, led by the veterans, have admirably decided to expand, to recognize fully the veterans of all of our wars for their gallantry, patriotism, and sacrifice.

Thus, on Saturday, June 16, at 10:00 a.m., the Town of Dighton will dedicate the Dighton Veterans Memorial Common, which will feature seven flag poles in a semi-circle commemorating each branch of the U.S. military, as well as the flag of the United States and the POW flag. There will also be four granite benches listing the names of all of the residents of Dighton who died in the wars of our country in defense of freedom. World War II veteran John Pimenta spear headed this effort, which was coordinated by Alice Pimenta, a tireless worker for this cause. And we are all grateful to the Dighton Power Charitable Fund for financial assistance in this very worthy project.

Mr. Speaker, I was pleased to facilitate the flying of a flag over the Capitol that will now take its permanent place in this important memorial.

The dedication will take place under the leadership of Commander Ronald Louis Naro, of Rapoza/Knott VFW Post 2094 of North Dighton. Mr. Speaker, this is an important event of which the citizens of Dighton are justifiably proud, and I am proud to have played a small part in it, and to be able to call the attention of the nation to this important act of memorial.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BURTON of Indiana. Mr. Speaker, last week due to an urgent family matter, I was unable to be in Washington for Roll Call votes #150–155. Had I been here, I would have voted Yea on Roll Call votes #150–155.

PAYING TRIBUTE TO RICHARD HUSBY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Richard Husby of Lansing, Michigan for being selected as the recipient of the national American Water Works Association 2001 Exemplary Wellhead Protection Award.

Mr. Husby has been the manager of West Side Water in Lansing, Michigan since July 1, 1979. West Side Water purchases treated water from Lansing's Board of Water and Light, and sells it to its customers, having to continuously comply with Environmental Protection Agency rules and regulations on drinking water standards.

Mr. Husby is on the Board of Trustees of Mid-Michigan Water Supply which carries out the proper management and protection of ground water. He is also a member of the Capital Area Ground Water Alliance and is a board member of the Youth Education Committee that educates children about the importance of a clean environment and clean ground water.

The American Water Works Association has awarded him with the 2001 Exemplary Wellhead Protection Award for his commitment to plugging abandoned wells and for educating the citizens of Mid-Michigan on how to detect abandoned wells and the dangers they present.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Richard Husby for being awarded the American Water Works Association's 2001 Exemplary Wellhead Protection Award.

PAYING TRIBUTE TO THE MICHIGAN STATE UNIVERSITY CLASS OF 2001

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the 2001 graduating class of Michigan State University. Due to their hard work and dedication, they are now prepared to make significant contributions to the State of Michigan and the United States of America.

As graduates from the first land grant University in the United States, whatever endeavors the Michigan State class of 2001 may pursue, success is certain to follow.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in congratulating the Michigan State University Class of 2001. May this only be the beginning of the great accomplishments they will achieve in their lifetime.

TO HONOR ELVIRA ELEMENTARY SCHOOL IN TUCSON, ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to an elementary school in my district that has an outstanding record of commitment to its children and the community. The accomplishments of this school recently received national recognition from the Department of Education, which named it a Blue Ribbon School. I'd like my colleagues to take a moment and join me in paying tribute to Elvira Elementary School in Tucson, Arizona.

Elvira Elementary School is a kindergarten through fifth-grade school in the Sunnyside Unified School District in the southwest portion of Tucson, Arizona. It is a school that has welcomed many challenges and been described as the "best of the best in public education," by one of our local newspapers in Tucson. In addition, it is one of only three elementary schools statewide to be awarded the coveted "A+" ranking by the Arizona Educational Foundation's Model Schools Program in 1999. Selection for this honor was based on Elvira's exemplary student focus and support, active teaching and learning environments, powerful community and parent partnerships and strong educational leadership.

Let me tell you a little about the student body at Elvira. Currently, 88.6 percent of the school's 690 children participate in the federal freereduced breakfastlunch program, which qualifies Elvira as a Title I school. Almost 48 percent of the students are Limited English Proficient, 10.4 percent receive Special Education services and the student mobility rate is nearing 30 percent.

But as I said, Elvira welcomes challenges. The culture of Elvira values all stakeholders and has high expectations for each of its members. A strong sense of devotion is exhibited by staff, parents and community members who join together to advocate for children.

While most of the families in Elvira are in a lower socio-economic strata, and while the school community has dealt with numerous adverse circumstances and incidents in the past several years, Elvira's resiliency holds, and the community has reacted with caring and commitment to children and their promise for the future. Elvira continually seeks avenues for close analysis of programming in order to improve and expand upon learning environments which nurture the development of the full potential of each child. High expectations for student behavior and learning have been manifested in mandatory daily homework, advocacy of parents for school uniforms, and family support enabling Elvira to became a pioneer school for the well-known violence prevention program known as PeaceBuilders.

The examples of commitment and dedication at Elvira Elementary School are numerous. That is why I am so proud of this school and its principal, my friend Mary Jane Santos. Thanks to her commitment and the dedication and work of parents, community and staff, Elvira Elementary School is continually elevating student achievement and moving toward its vision of creating learning environments that empower all students to reach their full potential. For these reasons, I respectfully ask my colleagues to join me in paying tribute to Elvira Elementary School.

A TRIBUTE TO GABRIEL EREM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to Gabriel Erem, the publisher of Lifestyles magazine, upon his being selected as the inaugural recipient of the prestigious "Jerusalem Award" by the UJA-Federation of New York. This is in recognition of his thirty years of community involvement and for donating his time and resources to numerous charitable causes. The award will be presented on June 18th, 2001 in New York City.

Mr. Speaker, Mr. Erem has lived the quintessential American dream. He was born in Hungary among the ruins of WWII to Holocaust survivors Rabbi Akiva Eichler and Borbala Frank. After winning a national writing context in 1964, Gabriel caught the attention of the Communist party and was eventually persecuted by them for his writings. Fearing for his safety he escaped to Israel, where he attended Tel Aviv University and later worked as a freelance journalist for several major newspapers. After Mr. Erem arrived in North America he founded a publishing company and has risen to the top of the publishing profession.

Mr. Speaker, in addition to managing a successful magazine, Gabriel Erem serves on a number of humanitarian and charitable boards both in the United States and abroad. He is the Co-Chairman of the Children of Chernobyl organization and has worked on the establishment of the Endowment for Democracy School in Budapest, Hungary. He is a member of the Executive Committee of the Israel Bonds organization, and serves on the Supervisory Boards of Bar Ilan University, Rambam Medical Center, Boys Town of Jerusalem and The Center of the Cantorial Arts. Mr. Erem is also a Member Emeritus on the council that bestows the Raoul Wallenberg Humanitarian Awards on behalf of the Shaarei Zedek Medical Center of Jerusalem and is an advisor to the College of Tosh where the new Torah Study Center was named after his late father, Rabbi Akiva Eichler.

Mr. Erem is an advisor to New York University Law School, Mount Sinai Hospital in New York, and the Mount Sinai Hospital Foundation in Toronto. Mr. Erem's commitment to educating people about the Holocaust led him to join Steven Spielberg's Survivors of the Shoah Visual History Foundation. He is also an associate member of the Conference of Presidents of Major Jewish Organizations and is a member of the National Committee on American Foreign Policy. Gabriel Erem has been married for 29 years to his wife, Susan, and they are the parents of two lovely children.

Mr. Speaker, Gabriel Erem's Lifestyles magazine was established to salute Jewish contributions in all areas of life. Over the past thirty years, the magazine has published profiles of extraordinary human beings ranging from Nobel Laureates, to giants of the art world, and individuals who have excelled in their various fields. Under Mr. Erem's leadership Lifestyles has established itself as a respected voice of integrity and continues to spotlight numerous and various humanitarian causes in each issue.

Mr. Speaker, Gabriel Erem, a child of Holocaust survivors, is being honored for his passionate commitment to teaching Jewish history and culture and preserving the Jewish legacy to the world. He has made numerous contributions to Holocaust education in our country, including the dedication of several issues of his magazine to teaching future generations about the lessons of the Holocaust. He is a man of outstanding commitment and accomplishment in the noblest of pursuits, who continues to contribute to culture, education, ethnic understanding, and the spreading of democratic and free market principles. Through his vast commitment to preserving and nurturing Jewish communal life, both in the United States and Canada, Gabriel Erem has made a tremendous and enduring gift to the education of future generations about Jewish history and culture.

Mr. Speaker, I invite my colleagues to join me paying tribute Gabriel Erem for his contributions to our society and applaud him on receiving the UJA-Federation of New York's first annual Jerusalem Award.

OUTSTANDING HIGH SCHOOL SENIORS FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. WILSON. Mr. Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. Their parents, their teachers, their classmates, the people of New Mexico and I are proud of them.

CERTIFICATE OF MERIT AWARD WINNERS 2001

Jayme Chino, Career Enrichment Center
Julio Dominguez, Rio Grande High School
Tomas Jason Garcia, Menaul High School
Lynda Griego, Evening High School
Margery Martha Gullick, Valley High School
Emiliano Herrera III, St. Pius High School
Sara K. Keller, Temple Baptist Academy
Adriana Kennedy, Freedom High School
Kristin Mitchell, Manzano High School
Christina Cook, Estancia High School
Renee Nicole Eden, Hope Christian School
Sarah Burrows Gonzales, Albuquerque High School
Eric Grossman, Albuquerque Academy
Joel L. Gurule, Evangel Christian Academy
Matthew Jones, Cibola High School
Kristin N. Kelly, Sandia Preparatory School
Matt Long, Eldorado High School
Anthony Montoya, Los Lunas High School
Jessie Montoya, School on Wheels
Bianca Pullen, Del Norte High School
Francisco Romero, Mountainair High School
Basil Jerome Steele Jr., Sandia High School
Megha Narayan, La Cueva High School
Amanda Rogers, Moriarty High School
Diva Sanchez, New Futures High School

IN HONOR OF DAVID L. CHERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of David L. Cherry, a member of the New York Police Department. Mr. Cherry graduated from St. Joseph's College in Brooklyn in May 2001. He earned distinguished honors at graduation, including his selection as a member of the Delta Gamma Sigma Honor Society.

David L. Cherry is a distinguished police officer. He began his career in law enforcement in 1984 when he joined the New York City Transit Police Department. David was promoted to Detective 3rd grade in 1990. He has received numerous medals for distinguished police duty.

David has always and continues to display his impressive athletic talent. In his senior year of high school, he was voted outstanding male athlete. He received a track scholarship to Essex County Community College in Newark, New Jersey, where he was named a National Junior College All-American Track Team. His track successes extended beyond his days in college. He was also a member of three National Relay Championships representing the B.O.H.A.A. Track Club of Brooklyn. He also won two more championships while representing the Westchester Puma Track Club.

David uses his athletic gift to the benefit of others. He represents the New York City Police Department at the annual New York State Police Olympic Games. He has been undefeated in the 100 and 200-meter races for the past 17 years.

David's passion for the past 15 years has been working as a volunteer track coach for the Boys and Girls High School Track Team. He shares with the youth his day-to-day activities and experiences with the New York Police Department. He has taken time out of his busy schedule of work, school, and coaching to set aside time to personally counsel many athletes. The personal attention that David brings to his team shows his devotion to his community. He has helped many athletes earn full athletic scholarships to many outstanding universities. Upon retirement from the New York City Police Department, David hopes to volunteer full time for the community.

Mr. Speaker, David L. Cherry devotes his life to serving his community through being a distinguished office, athlete, and mentor. While doing all this, he has managed to go back to school and earn a degree. For this outstanding service to his community, he is indeed worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Connecticut Federation of Educational and Professional Employees, AFT, AFL–CIO in paying tribute to their president of twenty-two years, and my dear friend, George C. Springer as he celebrates the occasion of his retirement. His outstanding leadership and unparalleled dedication has made a difference in the lives of thousands of families across Connecticut.

I have always held a firm belief in the importance of education and a deep respect for the individuals who dedicate their lives to ensuring that our children—our most precious resource—are given a strong foundation on which to build their futures. As a twenty year veteran of the New Britain, Connecticut school system, George made it his personal mission to help our students learn and grow—touching the lives of thousands of students.

During his tenure in the New Britain school system, George also served as an officer and negotiator for the New Britain Federation of Teachers, Local 871. Twenty-two years ago, he was elected to the position of state federation president. As the state president, George has been a tireless advocate for his membership and their families. I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. George has been a true leader for teachers across the state, providing a strong voice on their behalf.

George set a unique tone for this organization, extending their mission beyond the fight for better wages, better work environments, and more comprehensive health benefits. He has led the effort of the Connecticut chapter to become more involved with the larger issues of how to improve our schools—for teachers and for students. Though we will miss him in the long battle ahead, George's leadership and outspoken advocacy on behalf of our public school system will continue to be an inspiration to us all.

In addition to his many professional contributions, George has also been involved with a variety of social service organizations in the community. The John E. Rodgers African-American Cultural Center, New Britain Boys Club, Amistad America, Inc., Coalition to End Child Poverty, and the New Britain Foundation for Public Giving are just a portion of those organizations who have benefitted from his hard work and contagious enthusiasm.

It is my great honor to rise today to join his wife, Gerri, their four children, ten grandchildren and four great-grandchildren, as well as the many family, friends, and colleagues who have gathered this evening to extend my deepest thanks and appreciation to George C. Springer for his outstanding contributions to the State of Connecticut and all of our communities. He will certainly be missed but never forgotten.

INTRODUCTION OF THE RUSSIAN DEMOCRACY ACT—H.R. 2121

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. LANTOS. Mr. Speaker, I rise today to introduce HR 2121, the Russia Democracy Act—legislation designed to enhance our democracy, good governance and anti-corruption efforts in order to strengthen civil society and independent media in Russia. Without a viable civil society, Russia cannot achieve true economic prosperity—nor will it cease to be a potential security threat to the United States.

The Freedom Support Act, signed into law in 1992 by the former President Bush, focused on eliminating the threat to U.S. national security from political instability and "loose nukes" in Russia, and was therefore primarily a government-to-government program. This effort succeeded in significantly reducing this security threat, and consistently won bipartisan support and funding in Congress.

The Russia Democracy Act expands upon U.S. initiatives that have proven successful in Russia. Among other things, it provides further support for local democratic governments through the Regional Investment Initiative; expands training for Russian journalists in investigative techniques designed to ferret out corruption; and it broadens successful U.S.-Russia cultural exchanges, such as those sponsored by the Library of Congress.

The Russia Democracy Act also launches a number of new initiatives to take advantage of new developments in Russian society over the past decade. It harnesses new information technologies to provide Internet access to Russian citizens, independent media and NGOs. It builds upon successful business education programs to establish new "American Centers" at Russian universities to share public policy, rule of law and civics experience and expertise. And it taps the growing network of local, independent media outlets to spread democratic principles through Radio Liberty and Voice of America.

By targeting assistance to Russian civil society at the grassroots level, and by staying ahead of the development curve, the Russia Democracy Act represents a bold new effort to support agents of democratic change in Russia.

Having laid the groundwork of democracy over the past decade, the Russian people must now develop the civil society and a genuine democratic culture to sustain it. Russia is no longer starting from ground zero. For the first time in their democratic institutions are in place, and civil society is taking shape thousand year history, the Russian people felt empowered to make their own decisions about matters that concern them. Millions of Russians have been able to travel freely outside their country. A myriad of citizens groups and NGOs exist, including parent-teacher associations, legal defense organizations, environmental interest groups, small business associations, societies for the protection of soldier conscripts, and many others.

On the other hand, Russia's government no longer embraces Western assistance as a matter of national pride—even if this cuts across Russia's national interests. For instance, just last month, President Putin rejected a World Bank loan that would have helped address Russia's growing tuberculosis crisis. Under these circumstances, we must look for more creative and targeted engagement with Russia's civil society and local authorities, rather than limiting our contacts to Russia's central government.

Russia is in the mid-stream of this transformation with much unfinished business—economic and structural reforms, eradication of corruption, arresting capital flight, reforming the military, rationalizing relations between the federal center and the regions, and countless others. Rather than preserving newly acquired democratic freedom, the current leadership in Moscow appears bent on its reversal. In an effort to implement economic reforms and reassert Russian national interests on the world stage, Putin is consolidating state power at the expense of Russian civil society. He condones the abuse of government power to quash internal dissent and silence criticism of his regime. The raid and hostile government takeover of Russia's most important independent newspaper, magazine and television outlets, and last week's prevention of a human rights leader Sergei Grigoryants from boarding a flight bound for Washington where he was to attend a conference on Russia are sad examples of this trend.

The Congress has a responsibility to aid the President in cultivating Russian civil society. Historically, America's lawmakers have played a central role in this effort. The Jackson-Vanik amendment of the 1970's, for instance, linked economics and human rights, and effectively undermined Soviet Communism and hastened the arrival of Russian democracy. The Congress must again rise to the occasion.

In the final analysis, a democratic Russia, respecting human rights and observing international norms of peaceful behavior, is squarely in U.S. national security interests. Millions of Russians want to be part of the West culturally, politically, and in many other senses. These forces need to be strengthened. In my judgement the Russian Democracy Act is an incredibly prudent investment on the part of the United States to bolster whatever democratic forces there are in Russia. This is a critically important piece of legislation, and I urge my colleagues in Congress to support it.

GRADUATION ADDRESS AT US ARMY WAR COLLEGE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SKELTON. Mr. Speaker, I had the privilege to give the commencement address at the US Army War College on June 9, 2001. It was a terrific honor. My speech to that group is set forth as follows:

MILITARY HISTORY AND THE BATTLEFIELD OF THE FUTURE

A couple of years ago, I prepared an article with the assistance of the Congressional Research Service entitled, "Learning on the Job: Applying the Lessons of Recent Conflicts to Current Issues in Defense Policy". It was the premise of my article that a careful look at significant U.S. military operations over about the past twenty years—roughly the period of time that I have served in Congress—can help shape answers to a surprisingly large number of contemporary issues in defense policy.

LESSONS LEARNED

My research revealed at least twelve military operations during my tenure in Congress, ranging from the small-scale 1985 interception of an aircraft carrying the Achille Lauro hijackers to the Persian Gulf War in 1991. We discovered that there were lessons learned in each of these military operations. I won't go into all of these lessons or all of these military operations, but let me summarize just a few of them:

In Lebanon, 1982–1984, we learned that we need force protection measures wherever we deploy our forces.

In Grenada, 1983, we discovered shortcomings in the ability of our forces to plan and execute joint operations.

Panama, 1989–1990, taught us that night operations could be conducted successfully and that stealth technology could work in an operational setting.

The Persian Gulf War, 1990–1991, showed that tactical, operational and strategic thought, derived from the study of yesteryear's conflicts, pays off on the battlefield. It also demonstrated the devastating efficacy of high technology munitions like smart bombs, the success of stealth technology, the importance of establishing air supremacy, and the advantages of disabling the enemy's infrastructure and command, control, and communications ability. The war also made clear that the threat of the use of chemical and biological weapons is real.

It is also interesting to note how General Schwartzkopf used the lessons of history in at least three instances in his successful Desert Storm campaign: First, the thorough 40-day air campaign which preceded the ground war recalls the failure to conduct adequate bombardment at the island of Tarawa in November of 1943. The price paid for that failure at Tarawa was heavy Marine Corps casualties. In the Gulf War, the ability of Iraqi forces to offer opposition to our forces was severely reduced. Second, consider the successful feint carried out by the 1st Cavalry Division prior to the actual start of the ground war. This recalls Montgomery's strategy in 1942 at the Battle of the Marinth Line in North Africa against the German Afrika Corps. This action was a prelude to the decisive battle at El Alamein. Third, by utilizing a leftward flanking movement when he launched the ground war, General Schwartzkopf was taking a page from the book of Robert E. Lee and Stonewall Jackson at the Battle of Chancellorsville. As you will recall, Jackson's forces conducted a brilliant flanking maneuver and completely surprised Union forces under General Joseph Hooker, in the May 1863 battle.

Somalia, 1992–1993, taught us that we should strive to avoid mission creep, and that requests from on-scene commanders for additional equipment, personnel, or other resources must be given appropriate attention by the national command authority.

In summary, my research revealed that even apparently limited military operations have required a very broad range of well-trained and well-equipped forces. We don't have the luxury of picking and choosing what missions to prepare for. And all of this is expensive—we cannot expect to have global reach, or to be engaged in Europe, Asia, and other places around the world, on the cheap. We learned that while we still have much to work on—making the Army more deployable for one thing, how to move from peacekeeping by military forces to nation-building by largely civilian institutions for another—we have actually done a lot right. The U.S. military has shown the ability to absorb the lessons of each new operation. Improvements have been made in command arrangements, in operational planning, in tactics and doctrine, in training, and in key technologies. Precision strike capabilities have matured. Congress, yes Congress, has sometimes helped. Congress's establishment of an independent Special Operations Command in 1987 has been vindicated by the continued critical importance of special operations forces in a host of military actions since then, and by the marvelous performance of those forces when called upon. Congressional passage of the Goldwater-Nichols Defense Reorganization Act of 1986 clearly helped to clarify and strengthen command arrangements.

KOREA, 1950

What caused me to think back on a now two-year-old article was the information that a group of Korean War Veterans would be in the audience today. No veterans from any war suffered more from the failure to heed the lessons of history than the veterans of the Korean War. Let me quote a passage from a book by former journalist Robert Donovan which describes the experience of elements of the 24th, Division upon their arrival in Korea in July, 1950:

"Out-gunned, lacking in heavy antitank weapons, unfamiliar with the terrain, ill prepared for combat after the soft life of occupation duty in Japan, the 24th Division soldiers were disorganized and confused, hampered by early-morning fog, exhausted by midday heat, and frustrated by faulty communications. Mis-directed mortar fire from one unit caused injuries and death in another. Chronically, supplies of ammunition ran low. Men were ambushed or were completely cut off in strange villages and never seen again. Mortars and machine guns were abandoned in the bedlam of battle . . ."

This was the experience of Task Force Smith and the other units which were among the first to deploy to Korea. Historians can argue over why we were so unprepared for conflict in Korea. Perhaps it was overconfidence after our great victory in World War II. Perhaps it was the tendency of the U.S. to "bring the boys home" immediately after a war—a tendency then-Major George C. Marshall noted in a 1923 speech—which led to cuts in the military that were too deep in a still-dangerous world.

Whatever the reason for our unpreparedness, there can be no disagreement on this: No group of Americans ever fought more bravely than those we called upon to serve in the Korean War. In the past decade, a lot of people have stepped forward to take credit for winning the Cold War. Let me tell who should get the credit. It is these Korean War veterans who are with us today. Their courage, their sacrifices, drew a line in sand against Communist expansion. There would be other battles—in Vietnam and in other places around the globe. But in Korea, a country most Americans had never heard of before 1950, the message was sent. America would fight to preserve freedom. We owe you a debt of gratitude we can never repay. Indeed, the whole world owes you a debt of gratitude. It is not enough, but I just want to say, "Thank you."

THE BATTLEFIELD OF THE FUTURE

Recently, I visited TRADOC headquarters at Ft. Monroe, and received an excellent briefing from General John Abrams and his staff, especially Colonel Maxie MacFarland, on the "Battlefield of the Future". Allow me to summarize that briefing from my perspective—a country lawyer who serves on the House Armed Services Committee, and who is an avid student of military history:

It should be obvious that we are not the only military that has learned lessons from these U.S. military operations which I discussed earlier, and from others around the world, such as Chechnya. The U.S. military is the most studied military in the world. All major U.S. field manuals and joint doctrinal publications are freely available on the internet, and indeed, U.S. military internet sites are frequently accessed by foreign organizations. Foreign military students from 125 countries around the world attend U.S. military education institutions, such as this one, or specialized U.S. military schools under the International Military Education and Training (IMET) programs. Our openness and reliance on information systems means that our adversaries in the future will have a greater depth of knowledge about the capabilities and operational designs of U.S. military forces.

We have advantages now in air, intelligence, surveillance, reconnaissance, and other technology, and we will likely continue to have these advantages in the future. Our potential adversaries know we have these advantages and they will seek to offset them in some of the following ways:

They will seek to fight during periods of reduced visibility, in complex terrain, and in urban environments where they can gain sanctuary.

They may use terrorist organizations to take the fight to the U.S. homeland, and they could possibly use weapons of mass destruction, or attacks on infrastructure and information systems.

They will attempt to confuse U.S. forces so that the size, location, disposition, and intention of their forces will be impossible to discern. They will try to make U.S. forces vulnerable to unconventional actions and organizations.

To offset the U.S. technological overmatch, they will use selective or niche technology, perhaps even commercially-obtained technology, to degrade U.S. capabilities. As an example, during the first Chechen War, the Chechens bought commercial scanners and radios, and used them to intercept Russian communications.

They will endeavor to exploit the perception that the American will is vulnerable to the psychological shock of unexpected and unexplained losses. Their goal will be a battlefield which contains greater psychological and emotional impacts.

In this environment, U.S. forces may no longer be able to count on low casualties, a secure homeland, precision attacks, and a relatively short duration conflict. Conflict may occur in regions where the enemy has a greater knowledge and understanding of the physical environment, and has forces which know how to take advantage of it. They will seek to avoid environments where U.S. abilities are dominant. They will have more situational awareness than possible for U.S. forces.

My briefers at TRADOC referred to this kind of conflict as "asymmetric warfare". And as I listened to the briefing, I thought back on my military history and I realized the truth of the old cliche that there is "nothing new under the sun." Asymmetric warfare is not something new. In fact, it has been a part of American military history. Let me give you a couple of examples:

The first is from that series of conflicts that we collectively refer to as the Indian Wars, and it has a direct relation to the place we are standing right now. On July 18, 1763, during Pontiac's War, Colonel Henry Bouquet left Carlisle in command of a British army force of 400 men to relieve Fort Pitt, 200 miles to the west. On August 5 near a small stream known as Bushy Run, Bouquet's forces were attacked by Indians who were part of Pontiac's forces.

If you go to the Bushy Run Battlefield State Park today, as I have done, you will see open fields—perfect terrain for the mass formation warfare that Europeans knew how to fight. But on August 5 and 6, 1763, the area around Bushy Run was old growth forest offering limited fields of fire. This was a physical environment that the Indians knew and understood, and they took advantage of it. They forced Colonel Bouquet's forces back into a defensive position on a hilltop. The Indians attacked this position repeatedly, but never waited for a counter attack. They simply faded into the forest, as was their style, suffering few casualties. By the end of the first day of battle, however, sixty of Bouquet's troops had been killed or wounded. As fighting continued on the second day, British losses were mounting and the situation was becoming desperate. At this point, Bouquet saved his forces with a brilliant maneuver, borrowed from Hannibal at the Battle of Cannae. First, he feigned a retreat. As the Indians, sensing victory, left their cover and charged in, they came under devastating fire on their flanks and rear from Bouquet's redeployed forces. Bouquet's strategy had caused the Indians to abandon their asymmetric tactics, and leave the cover of the forest. They were quickly routed and fled the battlefield.

One other interesting point regarding Bushy Run: The official history says that Bouquet's forces were engaged and surrounded by Indian forces at least equal in size to his own. However, when I toured the battlefield, Indian re-enactors, who have studied the battle extensively from the Indian point of view, maintained that the Indians numbered no more than ninety, and that the tactics they used in the forest made their numbers seem larger. Recall that my TRADOC briefing mentioned as an element of asymmetric warfare that adversaries would attempt to confuse U.S. forces so that the size of their forces would be impossible to discern.

Example number two. Just south of here is the site of the largest battle of the War Between the States. At Gettysburg, two large armies faced off in what was, by the standards of the time, conventional, or symmetrical, warfare.

But in Western Missouri, where I grew up and still live, the War Between the States was far different. In that border state, where loyalties were divided, large battles fought by conventional forces were the exception, not the rule. Most engagements were fought between small units, usually mounted. The fighting was brutal, vicious, and the civilian population was not spared from attack.

In this theater, Union forces suffered from some distinct disadvantages:

Many of the Union units were infantry, which were useless in a conflict where most engagements were lightning cavalry raids.

Union cavalry units were equipped with the standard issue single shot carbines and sabers. As I will later explain, this armament was ineffective against their adversaries.

Because Union leaders considered Missouri a backwater, Union troops got the leftovers—the Army's worst horses, officers deficient in leadership skills, and poor training.

Not surprisingly, these Union Army units suffered from poor morale and lacked unit cohesion.

In contrast, guerrilla units fighting on behalf of the Confederacy did not have leaders trained at West Point or field manuals to teach them tactics. But they did have strengths that they were able to take advantage of:

Their troops did not need training. They were tough, young farm boys, already skilled in riding and shooting.

Their basic weapon was the best revolver in the world—the six-shot Colt .44 Navy. Most guerrillas carried four Colts, some as many as eight. Through trial and error, they discovered that they could shoot more accurately with a smaller charge, without sacrificing lethality. Moreover, this saved powder, a precious resource to the guerrillas. Thus armed, no guerrilla was ever killed by a Union cavalry saber.

Western Missouri was then noted for its fine horses, and the guerrillas got the pick of the lot in terms of speed and endurance.

They did not adhere to traditional ways of fighting. They preferred ambush and deception, often dressing in Union uniforms in order to get within point-blank range.

They had been raised in the area and knew the terrain, and how to travel on paths through the woods to conceal their movements. The Union troops traveled mostly on the main roads.

They received assistance from the local population—horses, clothing, food, intelligence, shelter, medical care. When the Union army tried to punish the locals for giving this assistance, these repressive measures only made the locals more supportive of the guerrillas.

Well, by now this should sound familiar. One does not usually find the term "asymmetric warfare" used in connection with Missouri in the 1860's, but you can see many elements in common with those mentioned in my TRADOC briefing on the Battlefield of the Future.

THE STUDY OF MILITARY HISTORY

No doubt during your time here at the Army War College you have had the opportunity to read and study a great deal of military history. Let me urge you to make that a lifetime commitment.

In 1935, the newly-elected U.S. Senator from Missouri visited a school then known as Northeast Missouri State Teachers College. While there he was introduced to a young man who was an outstanding student and the president of the student body. The Senator told the student, "Young man, if you want to be a good American, you should know your history." That young student, the late Fred Schwengel, went on to become a Member of Congress from Iowa, and later, President of the U.S. Capitol Historical Society. And, as you may have guessed by now, that newly-elected Senator went on to become President of the United States. The school is now named for him—Truman State University.

I can't say it any better than Harry S. Truman. The main praise for building an increasingly flexible and effective force must go mainly to the generation of military officers that rebuilt U.S. military capabilities after the Vietnam War. This generation has now almost entirely reached retirement age. The task of the next generation of military leaders is to learn as well as its predecessors. You are bridge between those generations. You have served under the Vietnam generation. You will lead, train, and mentor, the generation to follow. If you do your job well, some future leader in some future conflict will be able, like Colonel Bouquet at Bushy Run, like General Schwarzkopf in Desert Storm, to call on a lesson from military history to shape the answer to a contemporary problem.

GRATITUDE

The Roman orator Cicero once said that gratitude is the greatest of virtues. Those of you who serve in uniform, your families, and our veterans who have served in uniform and their families, deserve the gratitude of our nation. I know sometimes you feel unappreciated. Yes, there are days set aside to officially honor our service members and our veterans:

Veterans Day is set aside to honor those who have served in our nation's wars. But is only one day.

On Memorial Day we pay our respects to those who have given that "last full measure of devotion". Again, one day.

Armed Forces Day is dedicated to those currently serving in uniform. One day. And, because it is not a national holiday, most people don't know the date of Armed Forces Day.

I want you to know that many Americans do appreciate you every day. They don't need a holiday to do it. So, let me express gratitude to you personally, and on behalf of the American people, for all that you do, and all that you have done. And, let me ask you as senior leaders to do your part to show gratitude. Let me tell you why: The difference between keeping someone in uniform and losing them might just be an encouraging word at the right time. So, when you go out to your next assignments, and that junior officer or that young NCO puts in those extra hours, or does something that makes you look good, take the time to express your gratitude. Let them know how much they are appreciated.

Thank you and God bless you.

A TRIBUTE TO TOP STUDENT HISTORIANS FROM BISHOP, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding accomplishments three student historians who are protégées of retired teacher Irene Sorensen of Bishop, California. Working with Mrs. Sorensen on independent study assignments, eighth graders Lauren Pollini and Kristen Kamei, and 10th grader Patrick Koske-McBride won a place on the California team at the National History Day competition at the University of Maryland this week. The competition involved students from across the United States who submitted projects on this year's theme: "Frontiers in History: People, Places, Ideas."

Lauren and Kristen qualified for the national competition by first winning California State History Day competitions at the county and state levels. Their exhibit, entitled "An Education Frontier: Assimilation Through Education: An Owens Valley Paiute Experience," won the state junior group exhibit category. This is Lauren's second trip to the National History Day competition—she was a finalist last year in the Junior Historical Paper competition.

This is also Patrick's second trip to National History Day. The Bishop Union High School student qualified for the national competition this year with a historical paper titled "Genetics Genesis: How the Double Helix Transformed the World." He also wrote his project independently of his regular classroom work.

The outstanding accomplishments of Lauren, Kristen and Patrick were undoubtedly guided by the leadership of her teacher, Mrs. Irene Sorensen. Irene is a past winner of the Richard Farrell Award from the National History Day as the 1996 Teacher of Merit.

Irene retired last year month after 19 years of teaching at Home Street School and leading students to statewide and national recognition, but agreed this year to work with her former students on their projects. The town of Bishop, and Home Street School are 200 miles from the closest university library or other academic research facility. Yet under Irene's direction, Bishop students have won at the state level and qualified for National History Day nine times during the 13 years of History Day competition. Clearly, the dedication of teachers like Irene Sorensen make our public school system the finest in the world.

Mr. Speaker, I ask that you join me and our colleagues in recognizing Lauren Pollini, Kristen Kamei and Patrick Koske-McBride for their fine accomplishment. I'd also like to commend Irene Sorensen for her fine leadership and her devotion to such remarkable educational standards. Students like Lauren, Kristen and Patrick and instructors like Irene set a fine example for us all and it is only appropriate that the House pay tribute to them all today.

SIKHS REMEMBER ATTACK ON THE GOLDEN TEMPLE, THEIR MOST SACRED SHRINE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, in June 1984, the Indian government attacked the Golden Temple in Amritsar, the holiest shrine of the Sikh religion. Attacking the Golden Temple is the equivalent of attacking Mecca or the Vatican. It is a great affront to the Sikh Nation. As the Sikh martyr Jarnail Singh Bhindranwale, who was killed in the Golden Temple, said, "If the Indian government attacks the Golden Temple, it will lay the foundation of Khalistan," the name of the independent Sikh homeland which declared its independence on October 7, 1987.

This attack included the desecration of the Sikh holy scriptures, the Guru Granth Sahib, which they shot with bullets. Young Sikh boys were murdered. How can a democratic country commit this atrocity?

On June 2, Sikhs from around the East Coast demonstrated in protest of the Golden Temple massacre. Sikhs came from Philadelphia, Baltimore, Miami, and other places on the East Coast. They let it be known that the Sikhs still remember their martyrs and that the flame of freedom still burns in their hearts.

This launched a wave of violence which has killed over 250,000 Sikhs since 1984. In a new report, India is quoted as admitting that it held over 52,000 Sikh political prisoners without charge or trial. India has also killed more than 200,000 Christians in Nagaland and engaged in a wave of terror against them since Christmas 1998. Over 75,000 Kashmiri Muslims have died at the hands of the Indian government, as well as thousands of people from Assam, Manipur, and Tamil people, and Dalits (the dark-skinned "untouchables.")

America should not accept this kind of activity from a country that calls itself democratic. We should cut off aid to India until it allows full human rights for every citizen within its borders and we should support self-determination for all the peoples and nations of South Asia, such as the people of Khalistan, Kashmir, Nagalim, and others.

Mr. Speaker, I submit the Council of Khalistan's very informative press release on the June 2 demonstration into the RECORD.

SIKHS OBSERVE KHALISTAN MARTYRS DAY

INDIAN ATTACK ON GOLDEN TEMPLE LAID FOUNDATION OF KHALISTAN

Washington, D.C., June 2, 2001.—Sikhs of the East Coast gathered in Washington, D.C. today to observe Khalistan Martyrs Day. This is the anniversary of the Indian government's brutal military attack on the Golden Temple, the Sikh Nation's holiest shrine, and 38 other Sikh temples throughout Punjab. More than 20,000 Sikhs were killed in those attacks, known as Operation Bluestar. These martyrs laid down their lives to lay the foundation for Khalistan. On October 7, 1987, the Sikh Nation declared its homeland, Khalistan, independent.

"We thank all the demonstrators who came to this important protest," said Dr. Gurmit Singh Aulakh, President of the Council Khalistan. "We must remind the Indian government that Sikhs will never forget or forgive the Golden Temple desecration and the sacrifice the Sikh martyrs made for our freedom. These martyrs gave their lives so that the Sikh Nation could live in freedom," Dr. Aulakh said. "We salute them on Khalistan Martyrs' Day," he said. "As Sant Bhindranwale said, the Golden Temple attack laid the foundation of Khalistan."

The Golden Temple attack launched a campaign of genocide against the Sikhs that continues to this day. This genocide belies India's claims that it is a democracy. The Golden Temple attack made it clear that there is no place for Sikhs in India.

"Without political power nations perish. We must always remember these martyrs for their sacrifice," Dr. Aulakh said. "The best tribute to these martyrs would be the liberation of the Sikh homeland Punjab, Khalistan, from the occupying Indian forces," he said.

Over 50,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. Since 1984, India has engaged in a campaign of ethnic cleansing in which thousands of Sikhs are murdered by Indian police and security forces and secretly cremated. The Indian Supreme Court described this campaign as "worse than a genocide." General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher has said that for Sikhs, Kashmiri Muslims, and other minorities "India might as well be Nazi Germany."

A report issued last month by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive "Terrorist and Disruptive Activities Act" (TADA). These prisoners continue to be held under TADA even though it expired in 1995. Persons arrested under TADA are routinely re-arrested upon their release. Cases were routinely registered against Sikh activists under TADA in states other than Punjab to give the police an excuse to continue holding them. The MASR report quotes the Punjab Civil Magistracy as writing "if we add up the figures of the last few years the number of innocent persons killed would run into lakhs [hundreds of thousands.]" There has been no list published of those who were acquitted under TADA.

In March 2000, while former President Clinton was visiting India, the Indian government murdered 35 Sikhs in the village of Chatti Singhpora in Kashmir and tried to blame the massacre on alleged militants. Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in The Politics of Genocide by Inderjit Singh Jaijee. India has also killed over 200,000 Christians in Nagaland since 1947, over 75,000 Kashmiris since 1988, and tens of thousands of Untouchables as well as indigenous tribal peoples in Manipur, Assam and elsewhere.

The Indian government has also targeted Christians. They have been victims of a campaign of terror that has been going on since Christmas 1998. Churches have been burned, Christian schools and prayer halls have been attacked, nuns have raped, and priests have been killed. Missionary Graham Staines and his two sons were burned alive while they slept in their jeep by militant Hindu members of the RSS, the parent organization of the ruling BJP. Now his widow is being expelled from India.

"The Golden Temple massacre reminded us that if Sikhs are going to live with honor and dignity, we must have a free, sovereign, and independent Khalistan," Dr. Aulakh said.

TRIBUTE TO MAJOR GENERAL WILLIAM J. LENNOX, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Major General William J. Lennox, Jr., who was recently promoted from Director of the Office of Congressional Legislative Liaison to Superintendent of the United States Military Academy.

General Lennox began his service in the military in 1971, following graduation from the United States Military Academy. Throughout his career General Lennox has continued his formal education. He holds a Masters Degree and a Doctorate in Literature from Princeton University. His military education includes the Field Artillery Officer Basic Course, the Infantry Officer Advance Course, the distinguished graduate from the United States Army Command and General Staff College and the Senior Service College Fellowship at Harvard University.

General Lennox has held many command assignments and honorably served the American people throughout the world. He served as a Forward Observe, Executive Officer, and Fire Support Officer in the 1st Battalion, 29th Field Artillery, and as Commander, Battery B, 2nd Battalion, 20th Field Artillery, 4th Infantry Division. He was the Operations Officer and Executive Officer for the 2nd Battalion, 41th Field Artillery, 3rd Infantry Division. He commanded the 5th Battalion, 29th Field Artillery in the 4th Infantry Division and the Division Artillery in the 24th Infantry Division.

General Lennox has also served in a number of staff positions including White House Fellow, Special Assistant to the Secretary of the Army, and Executive officer for the Deputy Chief of Staff for Operations and Plans. He served as Deputy Commanding General and Assistant Commandant of the U. S Army Field Artillery Center, Chief of Staff for III Corps and Fort Hood, and most recently, Assistant Chief of Staff CJ–3, Combined Forces Command/United States Forces Korea and Deputy Commanding General, Eighth United States Army.

General Lennox's awards include the Defense Distinguished Service Medal; the Legion of Merit with 4 Oak Leaf Clusters; the Meritorious Service Medal with 1 Oak Leaf Cluster; the Army Commendation Medal with 2 Oak Leaf Clusters; the Army Achievement Medal; the Korean Order of Military Merit, Inheon Medal; the Ranger Tab; the Parachutist Badge and the Army Staff Identification Badge.

Mr. Speaker, General Lennox has had an impressive career in the military. As he takes post as Superintendent of the United States Military Academy, I know that the Members of the House will join me in wishing him the best in the days ahead.

INTRODUCTION OF H.R. 2100, THE TWENTY-FIRST CENTURY DISTANCE LEARNING ENHANCEMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BOUCHER. Mr. Speaker, I am pleased to have joined with my colleague from California, Mr. ISSA, in introducing the aptly named and numbered bill, H.R. 2100, the Twenty-First Century Distance Learning Enhancement Act. As my colleagues may know, the Senate has approved its own version of a distance education bill. We look forward to working with our colleagues in the House to move our bill quickly and to reconcile the two versions for the benefit of educators and students of all ages throughout the country.

In 1976, when closed-circuit television was the "state of the art" distance learning technology, Congress amended the Copyright Act to help promote this new way of distributing knowledge by exempting qualifying television transmissions received in traditional classroom like settings. Over the next two decades, as technology evolved, it became evident that teachers could offer their students a richer educational experience, but only if the law kept pace with technology. It had become increasingly evident to me that expanded distance learning opportunities would be particularly important to our constituents in rural areas. With the advent of computers and the Internet, we finally have a way to connect them with the best learning the world had to offer—but we need to clear away some hurdles so that this new technology may be used in ways not imagined in 1976.

In 1997, I joined with several members of the House in putting forward a proposal to update the law. It became clear that further study was necessary to ensure that Congress struck the appropriate balance between the interests of copyright owners and information consumers. As part of the Digital Millennium Copyright Act of 1998, Congress directed the Register of Copyrights to conduct a study and to make recommendations to enhance distance learning opportunities through the use of the most modern technologies. In releasing her study two years later, the Register of Copyrights supported changes to current law that would enhance distance learning opportunities. As she said in testimony before the Courts and Intellectual Property Subcommittee in releasing her findings, "Updating [current law] to allow the same activities to take place using digital delivery mechanisms, while controlling the risks involved, would continue the basic policy balance struck in 1976. In our view, such action is advisable."

In general terms, our bill would amend sections 110(2) and 112(b) of the Copyright Act to ensure that educators can use personal computers and new technology in the same way that they now use televisions to foster distance learning. It would broaden the range of works that may be performed, displayed, or distributed to include the various kinds of works that might be included in a multimedia lesson. And it would broaden the educational settings subject to the exemption to include non-classroom settings (including the home) in which pupils could receive distance-learning lessons.

Our bill differs from the Senate bill in three respects. First, we have explicitly included nonprofit libraries within the scope of the entities that may engage in distance learning activities without fear of being found to have violated the law.

Second, our bill does not contain the Senate-passed provision requiring the Patent and Trademark Office to provide a report on certain technical measures that might be used to protect works delivered over the Internet. We trust that sufficient work is being done by the private sector to develop new technology, and don't see how a report about what is available or might be available really advances the goal of developing new technology.

Finally, we did not adopt a last-minute addition to the Senate bill, made after the measure had been reported by the Senate Judiciary Committee, that relates to the requirement imposed on qualifying organizations to adopt technological measures to prevent unauthorized use or further dissemination of works used for distance learning purposes. As reported by the Senate Judiciary Committee, the bill would have required qualifying institutions to apply technological measures that, "in the ordinary course of their operations," prevent the proscribed activities. As amended on the Senate floor, however, the bill deleted this qualifying phrase and instead was rewritten to require these institutions to apply measures that "reasonably" prevent such activities. Before deciding which may be the better formulation, we believe it will be important for the House to understand the distinctions intended and the implications that one choice or the other may have for interpreting other laws, in particular Section 1201 of the Digital Millennium Copyright Act.

We look forward to working with our colleagues to enhance distance learning opportunities by moving expeditiously with consideration of the bill.

A PROCLAMATION RECOGNIZING DR. FREDERICK SEITZ

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. PETERSON of Pennsylvania. Mr. Speaker, on behalf of a number of my colleagues in the House and myself, I rise today in tribute to the person and life of an eminent American scientist, Dr. Frederick Seitz, and in celebration of his ninetieth birthday. We also honor Dr. Seitz for his many contributions to science and society.

Born July 4, 1911, physicist Frederick Seitz is still a leader in defending America's scientific integrity. He graduated from Stanford University and in 1934 earned his PhD at Princeton. Besides teaching and conducting research at several universities and General Electric Corporation, he served as President of the National Academy of Sciences and as President of Rockefeller University. He authored seven, including two premier textbooks.

During World War II, he served as advisor for the War Department and as member of the National Defense Research Committee. He has advised NATO as well as several Federal agencies, including the departments of State and Defense, NASA, the Navy and Air Force, the Office of Technology Assessment, the Selective Service System and the Smithsonian. Additionally, Dr. Seitz has served on the Boards, often as chairman or director, of numerous corporations and universities. He holds 31 honorary doctorate degrees and 16 major international awards.

Perhaps Dr. Seitz is most recognized by many today as a pioneer in solid state physics and the physics of metals—a cornerstone in the basic science leading to the modern silcon chip revolution that has touched and changed the lives of millions for the better.

Mr. Speaker, the British philosopher and mathematician, Bertrant Russell, wrote: "In science men have discovered an activity of the very highest value in which they are no longer, as in art, dependent for progress upon the appearance of continually greater genius, for in science the successors stand upon the shoulders of their predecessors; where one man of supreme genius has invented a method, a thousand lesser men can apply it." It is our considered opinion that Mr. Russell had in mind men like Dr. Frederick Seitz. However, Dr. Seitz is not only a man of supreme genius, but also one of superior honor and goodness.

Congratulations, Dr. Seitz, on your 90th birthday, and a greatful nation and its people say, "Thank you."

IN HONOR OF EARL WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Earl Williams. Earl is a deeply devoted man, both to his community of East New York as well as to his church. Mr. Williams has been a leading Brooklyn community activist and civic leader for the last 30 years.

Earl Williams has been married to his wife, Ruth, for 39 years. He and Ruth are the parents of two children, Jacqueline Denise and Mark, and have one grandchild, Marissa. Mr. Williams and his wife are both communicants of St. Laurence Roman Catholic Church where Earl serves in the ministry of hospitality.

A native of the Republic of Panama, Earl journeyed to the United States as a young man and served in the United States Air Force. He holds a degree from the College of San Mateo, California in Business Administration with a specialization in Public Affairs. Developing an interest in housing needs, Mr. Williams attended New York University's Real Estate Institute as well as the National Housing Center Institute in Washington, D.C. He is a Certified Manager of Housing, an Accredited Residential Manager, and a Licensed Real Estate agent in the State of New York.

Earl is currently serving as the Chairman of Community Planning Board 5. He was recently elected Democratic State Committeeman for the 40th Assembly District. As a Lions Club member, he has served as the District Governor for Brooklyn and Queens and has fundraised for multiple charities. He is also a former member of the 75th Precinct Community Council as well as the Panamanian Council of New York.

He has been recognized extensively for his devotion to East New York. As Director of Starrett Information Technology and Education Center, he has provided computer training for his community. For his devotion, Mr. Williams is the recipient of a Presidential Medal, three Presidential Leadership Awards and is also the recipient of a Melvin Jones Fellowship. The City of New York and the New York State Senate have also recognized his contributions.

Mr. Speaker, Earl Williams has devoted his life to serving his community and his church. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

ALL WARS VETERANS' MEMORIAL

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. OSE. Mr. Speaker, I rise today to honor the West Sacramento Veterans of Foreign Wars Post No. 8762 for establishing an All Wars Veterans' Memorial in West Sacramento, California. After several years of hard work and planning, the Veterans of Foreign Wars Post No. 8762 established a Veteran's Plaza on the City of West Sacramento's scenic riverfront as a tribute to the hundreds of thousands of America's military veterans who have served their country during all its wars. I am pleased to report that June 16, 2001 will mark the completion of the first-ever all wars veterans' memorial in the city of West Sacramento. I commend VFW Post No. 8762 for their dedication to serving our veterans, in addition to their constant vigilance in remembering America's Prisoners of War/Missing in Action veterans.

INTRODUCTION OF A BILL TO HELP OUR MILITARY INSTALLATIONS BECOME MORE EFFICIENT BY FACILITATING THE PRIVATIZATION OF DEPARTMENT OF DEFENSE WATER AND WASTEWATER UTILITIES

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I am joined by Representative MATSUI in the introduction of an important piece of legislation to help our military installations become more efficient by opening up their water and wastewater installations to competition. This legislation will allow the Department of Defense to use these savings to accomplish their main mission, protecting our nation.

In 1998, Congress realized that an innovative and more efficient system was needed to rid the Department of huge backlogs in their capital infrastructure and to free up funding for meeting readiness and procurement needs. Specifically, the Strom Thurmond Defense Authorization Act directed the military to outsource the operation of its water and wastewater utilities.

The intention of the program is to have a private contractor take control of the facility and be solely responsible for its operations. The Government would then repay these costs over the term of the contract in the form of utility rates.

Unfortunately our tax code has kept these important savings from happening. Existing law requires the Internal Revenue Service to subject this transfer to the so-called "Contribution In Aid of Construction"—or CIAC—tax on the full replacement value of the system. This federal transfer tax is paid by the DoD and it amounts to a circular transfer of money with no net benefit to the U.S. Government.

Not only does the CIAC penalize competition and efficiency, it also discriminates against new entrants into the water and wastewater market. Through guidelines crafted for an out-of-date system, the tax code currently only exempts traditional water and wastewater providers from this CIAC tax. This uneven application creates a huge distortion and will likely discourage many potential private sector bidders to operate the DoD's systems. Without robust competition to offer these services, DoD will never realize the needed savings intended by the 1998 defense authorization bill.

My legislation corrects this tax-code discrepancy among all potential providers. DoD will be able to maximize competition and evaluate all potential bidders under its utility privatization programs based upon the true cost of their services. It will ensure the successful implementation of this cost-saving effort and provide desperately needed financial flexibility to meet other pressing national defense priorities. I urge my colleagues to join me on this proposal.

TRIBUTE TO CORPORAL VALENTINO FALCON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor to the accomplishments of Corporal Valentino Falcon, City of Chino, Officer of the Year 2001.

Corporal Falcon joined the Chino Police Department on April 24, 1989. He was promoted to Corporal on September 15, 1996.

As Weaponless Defense Instructor, and Assistant Team Leader on the SWAT team, Corporal Falcon has instructed the Citizen Academy participants in gang crimes. He has also addressed the attendees of the California State Parent and Teachers Association on gang crimes and violence in schools. He has generously volunteered to share his expertise by going on Patrol to mentor marginal trainees going through the Field Training Office Program. Corporal Falcon continues to provide support to officers wherever they are assigned.

Corporal Falcon currently serves as the President of the Political Action Committee, the Chino Police Department liaison for the Inland Empire Coalition Against Hate Crimes, and is a member of the Inland Valley Robbery/Homicide Investigators Association, the San Bernardino County Gang Violence Suppression Project, and the Inland Empire Gang/Drug Task Force.

Assigned as the case agent in the investigation of the death of Officer Russell Miller, his involvement in developing the effective use of PowerPoint in the closing arguments will become the norm in the near future. His diligence and outstanding professional approach to each case he handles, have gained the respect of other police agencies, and members of the legal community.

The exemplary commitment to the Chino Police Department, leadership skills and exceptional civic responsibility demonstrated by Corporal Falcon have truly earned him the recognition as Chino Police Officer of the Year. I sincerely extend my congratulations and thank him for his service to his community.

IN HONOR OF GILBERT RIVERA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Gilbert Rivera, a man who takes tremendous pride in his heritage and humble beginnings, for his tireless work on behalf of his community.

Gilbert Rivera left Puerto Rico for the Bedford-Stuyvesant community of Brooklyn when he was nine years old. After graduating from Automotive High School, Rivera entered the United States Army.

After finishing his service in the United States Army, Gilbert began working for a small construction company and saved his money to start his own company. His dream was realized when he and his twelve siblings started AM & G Waterproofing after purchasing an abandoned building. As a self-starter, Gilbert knew what it would take to make his businesses succeed and today he employs over two hundred workers at AM & G. Mr. Rivera has also been tremendously successful with his other enterprise, the Park Avenue Home Center, which boasts over 15,000 square feet of retail space and offers top name, quality products for both contractors and consumers.

In addition, Gilbert has a deep commitment to his community and recognizes that with his success comes his responsibility for leadership and mentoring. That is why he is a benefactor to numerous charitable and community programs. Rivera's belief in "giving back" to the community is visible by looking at the programs which he supports that influence inner city minority youth.

Mr. Speaker, Gilbert Rivera has devoted his life to better serving his community. He spends time and tireless energy lending himself to his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

DENCIL HAYCOX, RIO RANCHO'S FIRST PUBLIC SAFETY CHIEF RETIRES

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to salute Dencil Haycox, the city of Rio Rancho's first and only public safety officer, on the occasion of his retirement after an impressive two decades of dedicated service.

Chief Haycox was first hired in 1981 as a police planner to set up the Rio Rancho Police Department shortly after the city of 10,000 incorporated. He quickly established a force consisting of one sergeant and seven officers. In 1985, he became the director of public safety when the City Council created the current Department of Public Safety. Since then he built the current force of 104 police officers and 37 fire and rescue personnel.

Chief Haycox's commitment and leadership truly have been instrumental in enhancing the special quality of life in the City of Vision. In Chief Haycox, people have been served by someone who has made their safety and well-being his life's work and has been very attentive to their needs. He has served under eight different mayors, and during that time he has shown his willingness to respond to problems, large and small, for the people he served.

He literally took a department that did not exist and made it into what it is today. His colleagues have described him as someone who set high standards for his department and always wanted to help his employees grow professionally. For example, when an employee made a mistake, he tried to use the mistake as a learning opportunity.

Rio Rancho is extremely fortunate to have had the leadership of an individual as dedicated, experienced, and successful as Dencil Haycox. I ask that my colleagues join me in saluting him on the occasion of his retirement, and I wish him continued success.

TRIBUTE TO DOGS THAT HAVE PARTICIPATED IN THE LINE OF DUTY WITH AMERICAN TROOPS

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BOYD. Mr. Speaker, throughout history, the bravery and dedication demonstrated by soldiers has long been remembered. As a veteran of the Vietnam War, I wanted to take the time to recognize important, yet often forgotten, heroes of the United States of America.

As you may know, dogs have gone through combat at the side of their masters or have been used in direct support of combat operations throughout the history of warfare. The Army Quartermasters Corps began the U.S. Armed Forces first war dog training during WW II and continued to employ trained dogs in Korea. In Vietnam, the U.S. Army was the largest employer of War Dogs of all the services and used Sentry, Scout, Tracker, Mine and Tunnel dogs.

During my service in Vietnam as a rifle platoon leader in the 101st Airborne Division, I had many opportunities to work with these dogs and their handlers. More specifically, my unit was in service with the 48th Infantry Scout Dog Platoon during the Lam Son campaign in March of 1971. These dogs were an integral part of our forces. They were trained to work in silence, provided early warnings of snipers, ambushes, mines, booby traps, and other dangers in the surrounding area. Scout Dog Teams were normally first in line when on patrol; our eyes and ears, our first line of protection.

Although thousands of dogs have participated in the line of duty with American troops, they also provided a unique sense of comfort and protection for soldiers who were wounded or in need of assistance. Fiercely loyal to handlers and fellow troops, the military recognized the contributions and impact dogs had on war efforts. While there are ample examples of heroism displayed by these selfless canine combatants, I can recall one specific instance that demonstrates the relationship between the dogs and soldiers.

On patrol one afternoon, the scout dog and his handler assigned to my group met with some trouble. The handler was seriously injured and needed to be medevaced out for immediate medical assistance. Attesting to the strength of the bond between dog and human, the handler expressed concern that the dog, who had been trained not to leave his side, would become uncontrollable without him. When the helicopter arrived it could not land and it had to lower a basket through the trees. When the soldier was being placed into the basket however, the dog incredibly followed. We watched with a strange mixture of sadness and relief as the pair was lifted to safety together.

While these four legged heroes are unable to share their war stories with the American people, as a veteran that has personally experienced the positive impact of canine combatants, I want to share with you their glory, hardships, danger, and successes that are a touching yet significant aspect of American history.

TRIBUTE TO DR. GLENN BURDICK, SUPERINTENDENT, WINCHESTER PUBLIC SCHOOLS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. WOLF. Mr. Speaker, I want to bring to the attention of our colleagues one of the most outstanding educators in the 10th District of Virginia. Dr. Glenn Burdick is retiring this month as superintendent of Winchester Public Schools.

In looking at Dr. Burdick's distinguished resume, it is easy to see that education has been a lifelong passion.

Dr. Burdick received his BA degree in mathematics from Old Dominion University in 1970, and later earned his master of science in educational administration and his certificate of advanced study in educational administration both from ODU, in 1977 and 1979 respectively. In 1996 he received his doctor of education degree from the University of Virginia.

Dr. Burdick's entire educational career has been in service to the young people of Virginia. He began in 1970 as a mathematics teacher at I.C. Norcom High School in Portsmouth, Virginia, and later served as Evening High School principal at the school. Dr. Burdick began taking on administrative responsibilities in 1977, as the coordinator of planning and budgeting for Portsmouth Public Schools, where he served until 1983.

In 1983 he became principal of Buffalo Gap High School in Augusta County, Virginia, serving in that capacity for three years. In a glimpse of things to come, Dr. Burdick became assistant superintendent of Staunton City Schools in 1986. Finally, in 1991 he accepted the position of superintendent of Winchester Public Schools, a post he has held for the past ten years.

Dr. Burdick could easily have been kept busy by the growing demands of his profession. But he did not miss an opportunity to play an active role in his local community and the world at large.

His activities have spanned the spectrum, serving on the boards of the Kids Voting-Northern Shenandoah Valley Chapter, Kids Are Our Concern, United Way of Northern Shenandoah Valley, Winchester Rotary Club and the Winchester-Frederick Chamber of Commerce.

Dr. Burdick looked beyond Virginia's boundaries as a participant in the Fulbright Memorial Fund, a program which included a three-week visit to educational and cultural institutions in Tokyo and Kagoshima, Japan. In 1999 he participated in the Oxford International Round Table on the Superintendency and Principalship in Oxford, England.

He has been published on several occasions, most recently in the November 2000 issue of the Virginia School Board Association Newsletter—an article appropriately titled, "Helping Superintendents Succeed."

Later this week Dr. Burdick will officially retire from his position as superintendent of Winchester Public Schools. But he is not retiring from the field of education, and for that we are fortunate. He plans to begin teaching full time as a professor at Shenandoah University.

A Thomas Jefferson quotation in one of the corridors of the U.S. Capitol reads, "Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day." Dr. Burdick has dedicated his life in countless different capacities to enlightening the minds of children throughout the state of Virginia, and in doing so he has answered a noble call and filled a compelling need. We are thankful for his past service and look forward to reaping the benefits of his knowledge and passion for education in the years to come.

IN HONOR OF RICKY PEREZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Ricky Perez for his tireless devotion to improving his community.

Ricky continues to distinguish himself in his efforts to improve community life through leadership development. He believes that leadership development is the key to community empowerment. Ricky's experience in grassroots-style leadership helped him to develop the East New York Community Anti-crime Project. This project advocates gathering all the leaders from the community's small organizations for training in the program. This led to revitalization among the organizations, which brought about dramatic and lasting improvements to their areas.

Ricky Perez is known as a leader who puts education and youth first. Growing up in an underserved and underprivileged area, Ricky understands where many members of the community are coming from. He takes pride in his ability to lead by example. Ricky's best work with youth is seen through his Police and Community Together Center. This volunteer operated center runs programs such as youth-police dialogue, community patrols, and instruction in youth entrepreneurship.

In addition, Ricky is a successful advocate on behalf of the members of the East New York community and the youth in particular. He is continuously pushing for greater computer literacy among the youth and adults in the neighborhood. In addition, he is a proponent of better education by advocating literacy academies. Ricky's team approach style has allowed him to become more involved in the area's health issues.

Mr. Speaker, Ricky Perez has devoted his life to serving his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

"HIV/AIDS: THE STATE OF THE EPIDEMIC WITHIN COMMUNITIES OF COLOR"

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. RUSH. Mr. Speaker, I would like to take this opportunity to thank the Congressional Black Caucus, Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus for holding their joint hearing on the critical issue of HIV/AIDS and its impact on communities of color today.

I need to look no further than my own home state of Illinois to see the horrific impact of HIV/AIDS. Since 1981, 23,000 Illinoisans of an estimated 28,000 to 38,000 HIV positive persons in Illinois have been diagnosed with AIDS. Of those 23,000 AIDS cases, an estimated 14,000 or 62 percent, have died. The number of AIDS cases in Illinois is the sixth highest total in the U.S.

The impact on minority communities is especially devastating. African Americans represent 59 percent of all HIV/AIDS cases in Illinois in 2000 and 68 percent of all cases in Chicago in 1999. Minority women are particularly impacted by HIV/AIDS. Among HIV positive women in Illinois, more than 80 percent are non white.

Only through efforts like the Minority HIV/AIDS Initiative can we begin to turn the tide on the war against HIV/AIDS. The Minority HIV/AIDS Initiative allows communities of color to create and improve HIV/AIDS service capacity in their communities. In my own Congressional District in Chicago, Lakeside Community Committee, which operates an HIV/AIDS Awareness program, recently applied for a grant under the Minority HIV/AIDS Initiative which would enable it to reach an additional 5,000 clients this year. Lakeside's overall goal is to secure funding to reach a minimum of 25,000 individuals on Chicago's South Side. The primary benefit to Lakeside of the Minority HIV/AIDS Initiative would be the dissemination of educational information about at risk behaviors and safe sex.

In recent years, HIV/AIDS has spread rapidly amongst minority populations. Because Illinois has one of the highest HIV/AIDS infection rates in America, it is imperative that we, as a community, work to effectively address this problem. Through grass roots initiatives, including the HIV/AIDS Minority Initiative, we can begin to make the HIV/AIDS epidemic within minority populations history.

TRIBUTE TO THE LATE CALVIN DIGGS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. RADANOVICH. Mr. Speaker, a great man has just passed to a more beautiful and gracious place. Calvin Diggs was the only surviving son of Edgar and Geneva Diggs. As a boy he was known to have tortured his younger sister Anita and bring life to the neighborhood. Although known as "Lighting" as a young man because of his laid back, slow attitude—he had his fun. Calvin married at a young age and produced a large family. While providing for this family he always found a little extra to help others.

Calvin also had a streak of ornery that he did not lose even during his illnesses. He had a loud boisterous voice which could be heard throughout Hope Hill when he called for his family. He usually woke the family with his early morning calls. His sister living next door never had an alarm clock until Calvin moved his family to another home in later years.

He worked several jobs before starting with the federal government at Fort Detrick, Maryland—later at Walter Reed. He retired after thirty-two years of service and spent his early retirement with daily visits to various family members until he was no longer able to drive.

Calvin still maintained his humor after the medical problems. He loved to hear about the antics of his kids, friends and family. He would tease those around him or tell funny stories of the past. He will be sorely missed.

IN HONOR OF DOCTOR JOSEPH L. RADDIX

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Doctor Joseph L. Raddix in recognition of his contribution to his community and medicine.

Joseph started his education at Virginia State University where he obtained his Bachelors of Science Degree in Chemistry. Raddix's interests led him to pursuing a Doctorate of Dental Surgery from Howard University. In 1984, Dr. Raddix successfully completed his examinations from the Northeast Regional Board of Dental Examination and earned his licenses to practice private dentistry in both the States of New York and Maryland.

Joseph set out to practice his slogan of the "Art of Painless Dentistry" in 1985, upon opening a private dental practice in Brooklyn. Interested in better serving the Brooklyn community, he became Dental Director of the Lyndon B. Johnson Health Complex. This facility, located in the heart of the Bedford Stuyvesant community, provides medical and dental care to low-income families. Joseph continues to focus on his mission of providing the best dental care to all of his patients.

In addition to Raddix's demanding schedule, he is a member of the American Dental Association as well as The New York State Dental Society and the Local Dental Society. Joseph is a founding member and chairman of the K2 Associates Investment Club.

Joseph L. Raddix is married to Sylvia Hinds-Raddix. Together they have three daughters, Jovia, Jenneate, and Josyl. The Raddix family belongs to the St. Aquinas Church. Doctor Raddix attributes much of his success to his loving parents.

Mr. Speaker, Doctor Joseph L. Raddix devotes his life to serving his community through medicine. As such, he is indeed worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

TRIBUTE TO AL AND MARGE FISHMAN, CHAMPIONS OF PEACE AND JUSTICE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. BONIOR. Mr. Speaker, the Peace Action organization of Michigan is a group dedicated to abolishing nuclear weapons and maintaining peace in the world through citizen action. On Sunday June 10, 2001, as Peace Action of Michigan hosts their tribute to Al and Marge Fishman, the citizens of Michigan who share and embrace the values of the Fishmans, will gather to honor these two lifelong champions of peace and justice.

Al, born in Los Angeles, California, and Marge, born in Fairpoint, Ohio were brought together by common values and interests. They met in 1950 and were married the next year. Both have strong feelings about civil rights, nuclear war, and global banning of nuclear weapons. For over 50 years, they have worked in their community for peace and justice. Together, they have been active in Michigan politics as part of many UAW posts, women's organizations, and most recently Peace Action of Michigan. Al now serves on the National Board of Directors for Peace Action, and Marge is active with the Women's Conference of Concerns and the Detroit Branch of Women's International League of Peace and Freedom.

I applaud Peace Action of Michigan and the Fishmans for their leadership, commitment, and service. I urge my colleagues to join me in saluting Al and Marge Fishman and pay tribute to them, together with Peace Action of Michigan in continuing the fight for peace and justice.

DEPARTMENT OF ENERGY UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mrs. BIGGERT. Mr. Speaker, today I introduced the Department of Energy University Nuclear Science and Engineering Act, the text of which follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Department of Energy University Nuclear Science and Engineering Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) U.S. university nuclear science and engineering programs are in a state of serious decline. The supply of bachelor degree nuclear science and engineering personnel in the United States is at a 35-year low. The number of four year degree nuclear engineering programs has declined 50 percent to approximately 25 programs nationwide. Over two-thirds of the faculty in these programs are 45 years old or older.

(2) Universities cannot afford to support their research and training reactors. Since 1980, the number of small training reactors in the United States have declined by over 50 percent to 28 reactors. Most of these reactors were built in the late 1950's and 1960's with 30- to 40-year operating licenses, and will require re-licensing in the next several years.

(3) The neglect in human investment and training infrastructure is affecting 50 years of national R&D investment. The decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future waste storage issues, operate existing and design future fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(4) Future neglect in the nation's investment in human resources for the nuclear sciences will lead to a downward spiral. As the number of nuclear science departments shrink, faculties age, and training reactors close, the appeal of nuclear science will be lost to future generations of students.

(5) Current projections are that 50 percent of industry's nuclear workforce can retire 10 to 15 years, and 76 percent of the nuclear workforce at our national labs can retire in the next 5 years. A new supply of trained scientists and engineers to replace this retiring workforce is urgently needed.

(6) The Department of Energy's Office of Nuclear Energy, Science and Technology is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Nuclear Energy, Science and Technology is the principal federal agent for civilian research in the nuclear sciences for the United States. The Office maintains the Nuclear Engineering and Education Research Program which funds basic nuclear science and engineering. The Office funds the Nuclear Energy and Research Initiative which funds applied collaborative research among universities, industry and national laboratories in the areas of proliferation resistant fuel cycles and future fission power systems. The Office funds Universities to refuel training reactors from highly enriched to low enriched proliferation tolerant fuels, performs instrumentation upgrades and maintains a program of student fellowships for nuclear science and engineering.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Nuclear Energy, Science and Technology, shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research and development.

(b) Duties of the Office of Nuclear Energy, Science and Technology—In carrying out the program under this Act, the Director of the Office of Nuclear Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students,

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program,

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(e) Maintaining University Research and Training Reactors and Associated Infrastructure.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for the following research and training reactor infrastructure maintenance and research:

(1) Refueling of research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the U.S. nuclear industry, assistance, where necessary, in relicensing and upgrading training reactors as part of a student training program.

(3) A reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) University-DOE Laboratory Interactions.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at Department of Energy, laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which laboratory, staff can spend time in academic nuclear science and engineering departments. The Secretary may under section 3(b)(1) provide for fellowships for students to spend time at Department of Energy laboratories in the area of nuclear science under the mentorship of laboratory staff.

(e) Operations and Maintenance.—For the research programs described, portions thereof may be used to supplement operation of the research reactor during investigator's proposed effort provided the host institution provides cost sharing in the reactor's operation.

(f) Merit Review Required.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) Total Authorization.—The following sums are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $30,200,000 for fiscal year 2002.
(2) $42,000,000 for fiscal year 2003.
(3) $47,850,000 for fiscal year 2004.
(4) $55,600,000 for fiscal year 2005.
(5) $64,100,000 for fiscal year 2006.

(b) Graduate and Undergraduate Fellowships.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(1):

(1) $3,000,000 for fiscal year 2002.
(2) $3,100,000 for fiscal year 2003.
(3) $3,200,000 for fiscal year 2004.
(4) $3,200,000 for fiscal year 2005.
(5) $3,200,000 for fiscal year 2006.

(c) Junior Faculty Research Initiation Grant Program.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(2):

(1) $5,000,000 for fiscal year 2002.
(2) $7,000,000 for fiscal year 2003.
(3) $8,000,000 for fiscal year 2004.
(4) $9,000,000 for fiscal year 2005.
(5) $10,000,000 for fiscal year 2006.

(d) Nuclear Engineering and Education Research Program.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(3):

(1) $8,000,000 for fiscal, year 2002.
(2) $12,000,000 for fiscal year 2003.
(3) $13,000,000 for fiscal year 2004.
(4) $15,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(e) Communication and Outreach Related to Nuclear Science and Engineering.—Of the funds under subsection (a), the following; sums are authorized to be appropriated to carry out section 3(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $200,000 for, fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) Refueling of Research Reactors and Instrumentation Upgrades.—-Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,500,000 for fiscal year 2005.
(5) $8,000,000 for fiscal year 2006.

(g) Re-Licensing Assistance.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(2):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

(h) Reactor Research and Training Award Program.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(3):

(1) $6,000,000 for fiscal year 2002.
(2) $10,000,000 for fiscal year 2003.
(3) $14,000,000 for fiscal year 2004.
(4) $18,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) University—DOE Laboratory Interactions.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(d):

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,200,000 for fiscal year 2004.
(4) $1,300,000 for fiscal year 2005.
(5) $1,300,000 for fiscal year 2006.

Additional Sponsors

Pursuant to Clause 4 of rule XXII of the Rules of the House of Representatives, the following sponsors are hereby added to the bill:

Tammy Baldwin, Roscoe Bartlett, Joe Knollenberg, Vernon Ehlers, Michael Simpson, Darlene Hooley, Heather Wilson, Ted Strickland, C.L. "Butch" Otter, and Ken Calvert.

THE COAST GUARD AUTHORIZATION ACT OF 2002

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1699) to authorize appropriations for the Coast Guard for fiscal year 2002:

Mr. UNDERWOOD. Mr. Chairman, I rise today in strong support of H.R. 1699, the Coast Guard Authorization Act for FY 2002. I would like to commend Chairman Don Young, Ranking Member Jim Oberstar and all my colleagues for their hard work on this important legislation.

As a proud member of the Congressional Coast Guard Caucus, I would like to point out the hard work and dedication that each guardsman and woman gives each day to our nation. The United States Coast Guard is the nation's oldest and premier maritime agency.

H.R. 1699 authorizes $5.3 billion for Coast Guard programs and activities for FY 2002, which include a complex but necessary array of missions that affect the core of this nation in the areas of national defense, commerce, law enforcement, the environment, and lifesaving. This authorization outlines an additional $300 million more than the President's request which will provide for a robust and fully operational Coast Guard. Anything less would seriously undercut the Coast Guard's longstanding and distinguished service protecting the nation's critical maritime interests.

I am especially happy that the measure provides at least $338 million for the Deepwater modernization program, which is vital toward the continuing efforts to restore the Coast Guard's readiness to a level appropriate to sustain its missions and reconstitute an aging fleet of ships and airplanes.

My home island of Guam has a special relationship with the Coast Guard. The Coast Guard plays a critical role in enforcing the island's 200-mile zone created by the Fishery Conservation and Management Act of 1976, which quadruples the offshore fishing area controlled by the United States, by conducting and coordinating search and rescue operations and licensing and regulating safety and commercial boating rules.

Over the past several years, Guam has experienced a large influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of poor Chinese citizens to illegally enter the United States for exorbitant fees per person. According to the Immigration and Naturalization Service, in 2000 about 500 illegal Chinese immigrants were apprehended by the Coast Guard, INS and Guam officials.

The Marianas section of the Coast Guard, stationed out in Guam, has been tasked to interdict, when possible, these dilapidated Chinese vessels that are transporting these illegal immigrants. The local command, which is currently undermanned and overextended, is doing the impossible under such circumstances. I commend the Coast Guard for their tireless efforts to mitigate the influx of illegal immigrants to Guam.

We are all proud of the incredible work that the men and women of the Coast Guard do for our nation every day. With that, I strongly urge passage of this authorization.

IN HONOR OF FERNANDO NUESI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. TOWNS. Mr. Speaker, I rise today to honor Fernando Nuesi, a native of the Dominican Republic. Mr. Nuesi is currently residing in the Cypress Hills section of East New York, Brooklyn. He is devoted to making his community a better place in which to live and work.

Fernando Nuesi was born and raised in Puerto Plata. He obtained his pilot's license from Pan American Aviation Academy in 1982. He is also a graduate of Bronx Community College. Fernando decided to take on a new venture by opening the Atlantic Car Service Base. This was a much needed transportation service for the East New York Community. His company provided around-the-clock service for all the boroughs, airports and connecting states.

In 1989, Fernando furthered his entrepreneurship with his Used Car Dealership. He sells automobiles, both wholesale and retail, to the community and people all over the world. He has lived in the East New York area for over 24 years; he often expresses the pleasure he has in working and living in the same community. Fernando and his family are loyal members of Blessed Sacrament RC Church.

Mr. Speaker, Fernando Nuesi has been an extremely positive force in his community for several years. As such, he is more than deserving of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly outstanding man.

OFFICIAL LIST OF HOUSE 2000–2001 PAGE CLASS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. SHIMKUS. Mr. Speaker, with appreciation and recognition of their service to this Institution, I am once again submitting a complete list of all the individuals who served as part of the 2000–2001 House Page class. The list that appeared in the CONGRESSIONAL RECORD dated June 7 was not complete and I wanted to make certain the entire class was appropriately and officially recognized.

Jessica Adams, Narvell Arnold, Camille Baldwin, Erika Ball, Ashleigh Barker, Erin Baumann, Jane Bee, Kristin Blanchet, Christopher Bohannon, and Seth Brostoff.

Michael Byers, Ilona Carroll, Alesia Cheatham, Aaron Clayson, Eric Colleary, Joshua Cornelssen, Jason Davis, Kelly DiBisceglie, Adam Estes, and Jennifer Evans.

Lauren Favret, Corey Fitze, Brian Footer, Dane Genther, Ann Grants, Erin Grundy, Ryan Gualdoni, Allison Hamil, Leon Harris, and Ashley Harrison.

Brian Henry, Christin Huisman, Sarah Hulse, Audra Jones, Benjamin Kaiser, Sarah Kozel, Jeff Leider, Christina Lemke, Bradley Loomis, and Claire Markgraf.

Benjamin Melitz, Nicholas Mentone, Brett Moore, Gregory Muck, Richard Nguyen, Charzetta Nixon, Amber Polk, William Pouch, Barry Pump, and Sean Ready.

Jana Reed, Bethany Ruscello, Julia Sargeaunt, Kristin Saybe, Sarah Schleck, Sarah Seipelt, Brittany Sisk, Ben Snyder, Christopher Sprowls, and Martha Stebbins.

Paul Stone, Ryan Tanner, Carin Taormino, Robert Terrell, Chapman Thompson, Stephanie Vermeesch, Robert Wehagen, Sarah Williford, Jason Williquette, and Bradley Wilson.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. McGOVERN. Mr. Speaker, I submit to the RECORD remarks by the Rev. Robert E. Casey, Pastor of St. Brigid's Church in South Boston and the remarks of Cardinal Bernard Law at the funeral mass for the late Honorable JOHN JOSEPH MOAKLEY.

SERMON—VIGIL SERVICE FOR CONGRESSMAN JOHN "JOSEPH" MOAKLEY

(By Rev. Robert E. Casey)

Today, tomorrow, and Friday, have been set aside to remember Congressman "Joe" Moakley. We come to this Church tonight to pray for Joe, and to be comforted by the words of our Lord. I think it is fitting that we come here to Saint Brigid's, because it was here that Joe came to pray. It was here that Joe came to be comforted by his Lord. It was here that Joe came to be strengthened by his Lord.

I do not stand here tonight, pretending that I knew Joe well. I knew of him for many years through his work in congress, especially from his many efforts to bring justice for the six murdered Jesuits in El Salvador. I first met him a year ago, when I arrived here as the new pastor, and I remember him patting me on the back after mass and with a big smile—welcoming me to Saint Brigid's. I suppose I am like most people, who are not a longtime friend, or a close relative that knew him intimately. But like the many who knew Joe from a distance, from the work he did, for the values he stood for. Someone said to me yesterday: "You know, you didn't have to know Joe intimately for a long time—to know the type of person he was." And I guess that is true—there are so many like me out there who didn't know the man very well, but knew what type of man he was.

We have heard and seen in the news and in the newspaper articles, story after story, relating to us a man of goodness. Things like: he was a rare breed, a gentle soul, the people's legislator, one who always had time to assist. People talked about his hidden greatness, his humility, his wit, and his basic goodness. And I think that is why, we, who didn't know him well—felt like we knew him. Why? Because we want so desperately to know a man of such goodness. We want to look up to a man that had values, had faith in God, and had an innate drive to help others in need. Why was Joe Moakley this person? Many reasons I'm sure—but tonight I'd like to attribute it to his faith in God. He was a child of God. In fact in one of his recent interviews, he quoted scripture when speaking of his life accomplishments: "Do unto others, as you would have them do to you!"

Joe Moakley lived a life of service to others—not for his own accomplishments to be noticed, but to have others take notice of those who

That is why we come tonight to Saint Brigid's. Because it was here that Joe nourished his faith as a child of God. It is here that we come to listen to our Lord's consoling words to Joe, as he said to Martha in tonight's gospel: "Don't worry—he will live again!" If you believe, if you have faith in God—you will live again.

Many were amazed at Joe's peacefulness and grace these last months since his announcement of his illness. That grace and peace that he possessed came from his belief that he would have a share in eternal life. That life does not end, that life merely changes. And that is what gives us hope tonight as we pray for someone loved by those who knew him well, and not so well—that for Joe Moakley, the child of God, the believer in Jesus Christ—for him—life has not ended, it is merely changed. His new life with God has just begun. And his life with you has not ended either—it has merely changed—for the good memories that you keep of Joe, all the good that this "good man" has done—will live on, as Joe's spirit continues to live in our hearts.

Joe does not sit tonight in the 10th pew from the back, where he usually sat, unnoticed—kneeling, praying, or singing the songs. He is here in front of us all—telling us as we look back on his life—how we might follow our Lord's command "to do unto other's as you would have them do unto you"

REMARKS AT CONGRESSMAN MOAKLEY'S FUNERAL MASS

(By Cardinal Bernard Law)

After I had the privilege of anointing Joe, after the public announcement of the course of his illness, we spoke about the funeral, and I asked him to do me a favor. I said, Joe I've got a problem as an Archbishop. Funerals have gotten out of hand, and the focus has not always been where it should be. Will you help me get it back? And I'm so grateful to him for that. I know of no public servant's passing that has been more beautifully and appropriately marked than has his death.

If I may presume, Tom and Bob, to speak a word of gratitude on your behalf, that of your entire family, and that of Joe's staff, which was much more than staff, it was extended family, and that gratitude goes for all who have in these days and during these past several months shown their respect for and their love of your dear brother, your uncle and your friend. The extraordinary outpouring of affection from this Commonwealth, this nation and indeed beyond is a most fitting tribute to the public service which he rendered. The presence of President Bush, former President Clinton, former Vice President Gore, the Congressional delegation, Governor Swift, Mayor Menino and so many other public servants attests to the esteem in which all of us hold Joe.

The two vigil services, first here in Saint Brigid's and then at the State House, and this Mass I know have brought you strength and consolation. With you I wish to acknowledge Father J. Donald Monan, S.J., Senator Edward Kennedy, and Congressman James McGovern, who is so much more than a Congressional colleague, for their parts in those vigil services. Your remarks were moving indeed and I thank you for that.

To Father Robert Casey, Joe's pastor here at Saint Brigid's, for all he has done, along with the musicians, the Vigil Services, the two magnificent musical groups here today, the youngsters who sang just before mass, the servers, including two of Joe's grandnieces, and all the participants who have enhanced our worship, Joe's family and all of us are most grateful to you. We are in Monsignor Thomas McDonnell's debt for his moving homily—and to President William Bulger for the magnificent way in which he evoked Joe's memory, paid tribute to him, and allowed us a very well needed laugh.

I thank in your name, Tom and Bob, Metropolitan Methodios of the Greek Orthodox Church, the ecumenical as well as the interreligious representatives, my brother Catholic bishops and priests, the Religious women and men who are with us and all who are joined with us in prayer both here in the church, in the surrounding buildings, and by means of television.

What a gift it is to die as Joe did—believing that Jesus conquered both sin and death in his death upon the cross—and that in His resurrection and His ascension we have a sure hope of everlasting life if our lives are rooted in His.

The great temptation which each one of us faces is to separate faith from life. The great temptation is to lock our faith in a narrow ghetto in a part of our lives. Joe's record of public service shows that he allowed faith to inspire and to penetrate his public service. As Congressman McGovern said in his remarks here in the Church and as Billy Bulger commented, this pulpit was a source of inspiration and vision for Joe. His faith was nourished in this Church and the surrounding parishes and in his family, where he first learned to reach out a helping hand, in that beautiful phrase, to those upstairs, downstairs and across the back fence.

He enjoyed an uncommon freedom as a politician, because he placed no limits on faith's demands. Jesus said, you shall know the truth and the truth shall make you free.

Please stand and join me now in the prayers of final commendation.

HOUSE OF REPRESENTATIVES—*Wednesday, June 13, 2001*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, who desires us to receive Your word, be with us today, here in Congress and across this great Nation. Fill us with Your Holy Spirit, that with diversity and creative willingness we may find ways to express deep human concerns and yet uncover true wisdom. Thereby, You will guide us in important decisions and impact our future.

May our native differences and historical experiences provide us with insight and an inner freedom so that we discover new avenues to reach consensus and realize Your power at work in each of us.

Grant freedom of speech to peoples everywhere that the cacophony of voices may give You glory and bring all to a deeper understanding that in You we are already one, You the one who was, who is, and who will be the same now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. TANCREDO) come forward and lead the House in the Pledge of Allegiance.

Mr. TANCREDO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A MAJOR VICTORY FOR THE AMERICAN PEOPLE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am pleased here this morning to announce that the Republicans in Congress have passed legislation which President Bush has signed into law to provide all taxpayers some money, an immediate tax rebate check.

Because Republicans believe that surplus tax dollars are better spent by the American people than the Washington bureaucrats up here, you will all be receiving a rebate check in the next few weeks: $600 for married couples, $500 for head of households, and $300 for single taxpayers.

Now, this is real money. It is money taken out of Washington put into the hands of families who need it and deserve it. After all, it is their money.

The Treasury Department will start sending letters out to every taxpayer in America explaining when you will receive your tax rebate check and how much you will receive. You can go on the Internet and find out. If you want to, you can call my office and we will give you the Internet site.

Rebate checks will be mailed over a 10-week period at a rate of 10 million checks per week starting in July. Taxpayers will receive their check according to their Social Security number.

Mr. Speaker, it is their money. The taxpayers should be the ones spending it on car payments, mortgage, saving for college, school supplies and clothing for their children, a new washer, a dryer, on energy bills and gasoline.

CHINA SHIPPING WEAPONS TO CUBA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the State Department now admits that China and Cuba have signed a military agreement, and China is shipping weapons into Cuba. But the State Department said, and I quote, "we are not sure if those weapons are lethal". Unbelievable. Every American knows those are not 4th of July fireworks that China is shipping to Cuba, Mr. Speaker.

Think about it. China is now selling weapons to Cuba. Castro hates America. Cuba is 90 miles away from America. Beam me up. What is next? A Chinese missile 90 miles away from the United States of America. I yield back the next bay of dragons in America's history.

RECOGNIZING POQUOSON HIGH SCHOOL

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in recognition of a group of students from Virginia's First District who recently set international standards in demonstration of their creative problem-solving skills.

Earlier this month, representatives from Poquoson High School joined with fellow students from around the globe to compete for international prestige in a contest of ingenuity.

In exercising their talents, these Virginia students not only captured a first place world ranking, but also set a world record through their success at the Odyssey of the Mind's World Competition.

In their rise to confront challenge, Mr. Speaker, these students demonstrated their ability to think critically, to work cooperatively, and to overcome obstacles. Their vigor and success distinguishes our education system in its ability to cultivate the talents of our youth.

In this, it is my desire that these accomplishments of these students be recognized and thus be a testament to the positive role of education in preparing students as emerging leaders.

INDIVIDUAL DEVELOPMENT ACCOUNTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today, along with 34 cosponsors, I am reintroducing the bill to establish Individual Development Accounts on a national level. They already exist in several States, including Pennsylvania.

IDAs allow working poor families to save and invest and receive matching contributions from their financial institutions. They can be withdrawn and used only to buy a home, start a small business, or get higher education. Finally, after decades of government-funded poverty, we are encouraging poor and working poor Americans to provide for themselves and plan for their futures.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Just like welfare reform, this program will help those who need help, but IDAs will help people help themselves. Imagine the pride of a new investor who has saved enough to go into business for himself or the joy of putting a down payment on a house one thought one would never be able to afford or opportunities made possible by a college diploma.

IDAs are a good idea for this country. They are part of the President's community renewal plan. I encourage my colleagues to join me in making them a reality.

ENCOURAGING LTV STEEL AND THE UNION TO GO BACK TO THE TABLE

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, on Monday in the City of Youngstown, LTV Steel filed in the bankruptcy court a request to be relieved from its union contract in order to continue its process of reorganization.

Over the past 6 months in conjunction with Federal officials, including yourself, local officials, counties, State, we have been trying to work with LTV to help them through this bankruptcy. I would encourage LTV corporate officials and the unions to go back to the table.

We know that we are in a difficult time right now, but it is very important that we do not lose 5,000 jobs in the City of Cleveland that would impact 40,000 jobs throughout our area.

LTV, back to the table. The union is ready to work. Let us resolve this issue for the people of the City of Cleveland.

LA LIGA CONTRA EL CANCER PROUDLY SERVES FLORIDA COMMUNITIES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the League Against Cancer or La Liga Contra el Cancer, as it is more commonly known in my congressional district, recently raised over $3 million for cancer patients during its 25th annual telethon.

Florida ranks second in the incidence of cancer, as one in every two men and one of every two women are diagnosed over a life-span.

La Liga never turns away cancer patients, and I wish to commend its president, Dr. George Suarez and its VP, Brenda Moreira, and the hundreds of volunteers and sponsors who give hope to thousands of Florida's victims of cancer.

Low-income and uninsured cancer patients come to the League for life-saving treatment. Over 300 Miami-Dade board-certified doctors and hundreds of community members volunteer their time and skills and work tirelessly to help cancer victims.

Last year, with the budget deficit, La Liga provided life-saving services to almost 4,000 patients, all of whom were legal residents of Florida. We thank La Liga Contra el Cancer for its proud record of service to our community.

STOP GOUGING PEOPLE IN CALIFORNIA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, it is not bad enough that the energy wholesalers selling energy into California have been able to continue to gouge the California consumer, California families and small businesses, but now we see that the energy companies have joined with the White House, joined with the Republicans in Congress to launch a campaign that, according to CNN, may spend upwards to $50 million by the energy companies to convince Californians that price caps on wholesale energy costs would be bad for them.

The suggestion is that somehow the price gouging that is going on now in California and in the western United States is good for consumers. Yet, we see that, in California, more and more households are unable to pay their energy bills. More and more small businesses are at risk or have already gone out of business because of energy costs. We are starting to see individuals make decisions about locating businesses in California.

The White House and its buddies in the energy business ought to stay out of this. What they ought to do is stop gouging the people in California.

THE CHECK IS IN THE MAIL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, there is a couple of old sayings around. One is that the check is in the mail and, two, I am from the Federal Government and help is on the way.

Well, Mr. Speaker, I am happy to announce to my fellow hard-working Nevadans that their check, their rebate check is truly in the mail. Nevadans can expect to see over $292 million in tax relief arriving in their mailboxes this summer. Now, that is real help. This equates to an average tax rebate check of over $420 for every hard-working taxpayer in the silver State.

It is about time. The people of Nevada and our great country have been paying far too much in taxes for far too long. Thanks to this bipartisan tax relief bill passed by this Congress and signed into law by President Bush, single taxpayers can expect tax rebates of up to $300 and married tax filers can expect up to $600 in tax relief.

This money can go toward paying the mortgage, a car loan, or a new washing machine or even gasoline for one's car. These tax rebate checks are just the beginning. Americans can expect additional tax relief over the next 10 years. Mr. Speaker, this time Nevadans can be assured that their check their overpayment in taxes is in the mail.

□ 1015

THANKS TO PRESIDENT BUSH FOR TAX REBATES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am glad he talked about tax relief, because that is what I want to emphasize, too.

Thanks to President George W. Bush, for those who paid taxes for the year 2000, the check is in the mail. Taxpayers are likely to receive a $300 check in the mail if they are single, a $500 check if they are a single parent, and a $600 check if they are married. No one has to even fill out forms, or file anything. They just have to check their mailbox this summer.

Depending on the last two digits of an individual's Social Security number, they could have that money in their pocket as early as July 23. Anyone wishing to find out should check www.samjohnson.house.gov, to learn when they will receive their rebate.

Mr. Speaker, Americans are overtaxed. They are overtaxed, and they deserve a rebate.

CALIFORNIA DREAMING

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, California's Governor has decided to hire high-priced Democrat spin-meisters instead of addressing the emergency crisis in his State. Taxpayers will subsidize Mark Fabiani and Chris Lehane at $30,000 per month to boost Governor Gray Davis in the media as California's energy crisis further drops his poll numbers.

Instead of repairing California's energy crisis, the Governor is using taxpayer dollars to repair his image. This $30,000 in consultant fees that will be charged to the taxpayers is more than the Governor earns monthly himself. The Governor has had plenty of time to implement a solution. He knew over a year ago he had a problem; yet Gray

Davis has refused to address that problem. He kept putting it off and putting it off and putting it off. It becomes blatantly obvious that the Governor is more concerned about repairing his image than helping the people of his State. Rather than working with the President and the White House to help California, the Governor is trying to find ways that high-priced PR men can exploit the energy crunch to his advantage.

ENERGY AND IMMIGRATION

Mr. TANCREDO. Mr. Speaker, many pundits, and many of my colleagues, will undoubtedly continue to discuss the energy crisis that the Nation faces, and specifically in California they will be proposing solutions that will range from increased supply to reduced demand and price caps. Mr. Speaker, when will we get the courage to attack the root of this problem or even discuss the root of this problem? The problem in California and many places around this Nation is a massive population increase caused by massive immigration, both legal and illegal.

It is the numbers, Mr. Speaker. That is what drives everything. That is what drives the demand for all the resources we are now running out of, and it is something we must come to grips with as a Nation. The numbers, Mr. Speaker, more than anything else, that is the reason we are going to be facing these kinds of dilemmas over and over and over again, starting in California; but believe me, that is just the beginning.

It is the numbers. We have to do something about reducing massive immigration into this country.

THE ENERGY CRISIS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, let us talk about the energy crisis. Let us talk about electricity costs in California. Let us talk about what the White House is going to do.

Take a look at what CNN said the other day in an article by Major Garrett: "Power of advertising fights electricity rate gaps. Worried GOP White House give blessing to utilities California campaign. The major United States utility companies, at the behest of senior congressional Republicans and with White House approval, are going to launch a multimillion dollar advertising campaign to fight the Federal caps on electricity prices in California."

That is how they are going to handle the energy crisis in California, is by getting their friends in the special interests to launch a media campaign against doing something about energy prices in this country, and particularly in the State of California where it has been an overwhelming burden on families with what their electricity costs have been.

This is the way this administration handles the crisis, not by giving any help to Californians. They have walked away and said, "California, drop dead."

SCHOOL CONSTRUCTION, RENOVATION AND MODERNIZATION

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, we had a major education bill on the floor for consideration, and we did not permit a single amendment to deal with school construction, renovation, or school modernization. We were afraid to have the issue presented on the floor.

I think we were afraid that we might get a majority vote on it. For some reason, the leadership is afraid of school construction, school modernization, and school repairs. We are pushed into the vehicle of a motion to discharge today; and I urge all of the Members, regardless of their party, to sign the motion to discharge on the Rangel-Johnson bill.

This is a bipartisan bill. It is a bill which impacts on all America, rural as well as urban. It is a bill which almost every school district in America can benefit from. Even charter schools can benefit from a bill which calls for more funding for construction, for modernization, and for repairs.

It is impossible to go forward and really claim we want to reform education unless we are willing to provide the physical facilities that are necessary to educate our children. I urge my colleagues to sign the motion to discharge.

CALIFORNIA'S ENERGY CRISIS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, we all just heard a very interesting discussion, and I am being very generous with that word, on the energy crisis. It seems that there are those who are just content in trying to make political hay out of a problem in California during a period of time when demand for energy went up 25 percent; yet the supply that was allowed through government permit was only allowed to increase 6 percent.

Now, who was at the wheel during that period of time? It was generally liberal Democratic Governors and legislators who did not want nuclear power, even though France has nuclear power and has used it safely and efficiently, and about 25 percent of the power in California is nuclear. They do not want to use coal, because, well, you know, we just cannot use coal, so we do not want that. We do not want to use waterpower, because that would keep salmon from swimming upstream and spawning, even though there are ladders that would allow them to do that.

Sometimes we have to say yes to something. Energy means hospital beds, energy means schools and senior citizens homes. Helping people stay warm and stay protected, that is what energy is all about. I wish that it would be time for the folks from California to start working with the rest of the Nation for a common-sense middle road.

CALIFORNIANS LOOKING TO FERC AND WHITE HOUSE FOR LEADERSHIP IN ENERGY CRISIS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I am representing a district in Los Angeles County, California; and a week and a half ago I had my first experience going through a blackout. One would think that in a community like mine, in the city of El Monte, that our readiness would be there; that we would have substantial support to be able to help our community out. What I found going through 30 minutes of this blackout was that I was unable to use my cell phone because there was no capacity to make calls. All the electricity went out. All our lights went out on our streets. And no one was notified in advance.

This is a serious problem that we are going through, and it was not even 80 degrees in California. So we are talking about a very severe problem that is affecting many residents throughout California.

I happen to represent an area where we have a large number of people who are on fixed incomes, low-income people and senior citizens. They are not going to get a tax break, they are not going to get $300 or $600, but they are going to get in return a big utility bill. In addition, they also have to pay more for gasoline, $2.12. That is what it is.

They are looking for leadership from FERC and from this administration.

SCHOOL MODERNIZATION

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, I rise to ask all Members, both Republican and Democrats, to sign up on the discharge petition to make sure that our kids throughout this country have an opportunity to have a modernized classroom.

Most of our schools throughout this country are 50 to 60 years old. If any of my colleagues live in a home like I live in, a home that is also 50 to 60 years old, where I had to go back and redo the wiring, we need to make sure the wiring for the technology is there in our schools. We need to make sure that those youngsters have access to good quality care and a good education.

One of the realities is that as baby boomers, and we were the largest generation and these facilities were there for us to make sure that we had access to good education, now it is up to us to look and consider now the next largest generation, the baby echo, and make sure that those youngsters have access to good quality care and good quality education.

In terms of the needs, as we look, we want to make sure that this is one of the main priorities throughout the country. I know we recognize that that is important, but we have not put the resources where they should be. So I ask that my colleagues sign up on the discharge petition and force the Congress to come up on this major piece of legislation.

SCHOOL MODERNIZATION LEGISLATION

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I join my colleague, the gentleman from Texas (Mr. RODRIGUEZ), in urging our colleagues to sign the discharge petition for America's children. This is a school modernization bipartisan legislation that is so very, very important.

We were all very disappointed that the House did not have the opportunity to debate this issue in various tax bills that had come before us. Let us just think about the children for a moment. They are very, very smart. If we tell children that education is important to them, to their own self-fulfillment, to their competitiveness economically, to our international competitiveness, that we have a well-educated workforce, yet we send them to schools that are below par, where they are overcrowded, that are dilapidated, that are leaking, that are not wired for the future, children get a mixed message.

Children see the inconsistency, indeed even the hypocrisy of a message that says education is important, that they should value it; but we do not value it enough to put forth funds in the way that, very wisely, the gentleman from New York (Mr. RANGEL) and the gentlewoman from Connecticut (Mrs. JOHNSON) have put in their bill. This bipartisan legislation very wisely commits small resources for a big payoff: for many more classrooms; smaller classrooms for more children.

All the science tells us that children do better in smaller classrooms. School modernization will make that happen. Let us be consistent with the children. Please sign the discharge petition.

EDUCATION IS A FEDERAL PROBLEM

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, this is one issue that lends itself to true bipartisanship. I think President Bush, when he was campaigning, emphasized why we should not leave any child behind. That is not merely a campaign slogan. If America is just to keep up, we are going to have to invest in our young people to make certain that we can keep up with foreign technology.

We hope that we will continue to grow and have economic growth in this country, and yet we find that our high-tech people are forced to import labor into this country. We hear pleas every day from the medical industry, from the State Department, how important it is for us to train people for these important jobs, and yet we find that if they are not ready to get a decent public school education, how in God's name are they going to be ready for higher education and high tech?

There are a lot of people that do not believe education is a Federal problem; but the President knows, as do most Americans.

THE JOURNAL

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. KILPATRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 374, nays 42, answered "present" 1, not voting 15, as follows:

[Roll No. 158]

YEAS—374

Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen

Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—42

Aderholt
Borski
Brady (PA)
Capuano
Costello
Crane
Crowley
DeFazio
English
Filner
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Menendez
Moore
Oberstar
Osborne
Pallone
Ramstad
Sabo
Schaffer
Stark
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—15

Abercrombie
DeGette
Dingell
Ferguson
Fossella
Hutchinson
Jefferson
Johnson, E.B.
Largent
Miller, George
Rush
Skelton
Tanner
Watson (CA)
Young (AK)

□ 1054

Mr. WELLER changed his vote from "yea" to "nay."

Mr. SHAYS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PACIFIC SALMON RECOVERY ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 163 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 163

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. House Resolution 156 is laid on the table.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 163 is an open rule waiving clause 4(a) of rule XIII that requires the 3-day availability of the committee report against consideration of the bill. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule makes in order as base text for the purpose of amendment the amendment printed in the CONGRESSIONAL RECORD and numbered 1 which shall be open for amendment by section. The rule also authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions, and lays House Resolution 156 on the table.

Mr. Speaker, H.R. 1157, the Pacific Salmon Recovery Act, would authorize the Secretary of Commerce to provide financial assistance to five States in the Pacific Northwest for salmon habitat restoration projects in both coastal waters and upland areas which support a number of important species of salmon. The bill was introduced by the gentleman from California (Mr. THOMPSON) in response to a request from the Governors of Washington, Oregon, Alaska, and California for a coastwide approach to protecting salmon habitat from a variety of natural and man-made threats. The bill authorizes $200 million for that purpose through fiscal year 2003 to be made available to the States of Washington, Oregon, Alaska, California, and Idaho as well as certain Native American tribes in the region. In order to receive funds, the States must submit a recovery plan to the Secretary of Interior with specific goals and time lines.

The bill also authorizes U.S. representation on the Transboundary Panel of the Pacific Salmon Commission under the Pacific Salmon Treaty Act of 1985.

□ 1100

Finally, the bill authorizes payments to the Northern Fund and the Southern Fund for fiscal years 2001 to 2003, as well as lump sum payments to retirees of certain international commissions.

The Congressional Budget Office estimates that enacting H.R. 1157 would cost the Federal Government $510 million over the next 5 years. Pay-as-you-go procedures would apply because the bill would increase direct spending, although less than $500,000.

Finally, the bill contains no intergovernmental or private sector unfunded mandates.

The Committee on Resources reported H.R. 1157 by a voice vote on May 16 of this year and has requested an open rule so that Members seeking to amend the bill may have an opportunity to do so.

Mr. Speaker, those of us who represent districts in the Pacific Northwest are deeply committed to the cause of salmon restoration, and while we are determined to fully protect the rights of States and localities to chart their own destiny, we also believe that the Federal Government has an important role to play in this process.

The gentleman from California (Mr. THOMPSON) and Members of the Committee on Resources have worked hard to approach the job of salmon restoration in a balanced and responsible fashion.

While H.R. 1157 may not be perfect in every respect, the bill is an important step in the right direction and I do intend to support it.

Accordingly, I encourage my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary 30 minutes.

Mr. Speaker, I rise in strong support of this open rule. I would note that the underlying bill is noncontroversial and has passed the Chamber twice. The measure authorizes the Secretary of Commerce to provide financial assistance to Alaska, California, Idaho, Oregon and Washington for salmon habitat restoration projects.

Pacific salmon and steelhead trout are fish whose life cycle begins in freshwater, moves into the ocean and then returns to the freshwater when it is time to spawn. Along the way, dams, predators and commercial harvests all contribute to salmon mortality. Many salmon species are currently listed as endangered or threatened under the Endangered Species Act.

The underlying bill would authorize appropriations of $200 million to restore and conserve these endangered fish. The measure moved through the committee by unanimous consent and was favorably reported to the House by voice vote.

A bill such as this would be a perfect candidate for the suspension calendar and why it is being considered today under regular order is anybody's guess, but nevertheless I do support this rule and the underlying bill and urge its favorable consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time.

Mr. Speaker, I rise today in support of the rule and strongly in support of the underlying legislation. It recognizes the fact that the Federal Government should be a full partner in the issue of salmon recovery. Part of the challenge is that this is a requirement of Federal legislation under the Endangered Species Act, which to be charitable, and this comes from somebody who is a strong supporter of the act and its purposes, it is not always the easiest to administer.

There are also a myriad of built-in challenges coordinating the various responses of the Federal agencies, NMFS, Bonneville Power, Fish and Wildlife, the Corps of Engineers, EPA, the long list of Federal players, and here again it is not always easy to coordinate this effort.

It is hard and expensive to work with the Federal Government, and this legislation acknowledges the fact and would provide help.

Additionally, much of the difficulty we face now is not just an operation of the Endangered Species Act and the complex set of Federal partners. It is a direct result of the application of a wide range of Federal policies and practices we have, many of which that at the time of their enactment made sense to Congress, made sense to the public, but sadly today many of these practices are outmoded. They would have serious side effects, even if we have not moved forward to modify them.

The construction of Federal dams on the Columbia River, for instance, the application of policies for water reclamation, forestry practices on Federal land, mining, transportation. There is an international implication which will be acknowledged later, as my colleague, the gentlewoman from Oregon (Ms. HOOLEY), will offer an amendment that seeks to have the Federal Government monitor the impact of harvests in Canada on the impact on salmon, and I think a very good idea.

Unless and until we come forward to deal comprehensively with these range of Federal policies, we need to have the Federal Government help us. There are many encouraging signs of activities taking place today at the local level, with private landowners, with private policies on forest lands. We have State and local activities, as well as the Federal Government itself, but it is going to take us time, money and energy to put these pieces together.

I think this bill is a step in the right direction, and I look forward to the passage of the rule and the act.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 163 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1157.

□ 1107

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Washington (Mr. INSLEE) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, this morning we are considering H.R. 1157, the Pacific Salmon Recovery Act. This bill was introduced by the gentleman from California (Mr. THOMPSON) with 65 cosponsors. The gentleman from California (Mr. THOMPSON) introduced a similar bill last Congress, H.R. 2798. That bill passed the House twice, once as a stand-alone bill and once as part of H.R. 5086, a bill including a number of fishery provisions.

Unfortunately, the other body never took up the measure.

Except for some technical changes, H.R. 1157 has the same text as H.R. 2798. This bill would authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, California, Idaho, Oregon and Washington for salmon restoration and habitat restoration projects in coastal waters and upland drainages.

Habitat restoration is one of the most important factors in rebuilding endangered species populations, and especially endangered salmon populations. While the Federal Government has been working with local and regional groups to develop a recovery plan for the listed salmon, steelhead and trout species, there is still a great deal to do. The support of State projects is critical to the survival of listed species of salmon, steelhead and cutthroat trout. In some cases, the State and local governments often do a better job than the Federal Government. Local input is very important in order to direct funding to local restoration projects.

This bill will allow the States to focus the money they receive on areas and projects that need the most attention.

Small projects like replacing culverts and restoring stream flows may actually open up large areas of spawning habitat for little cost. Those are the projects that can be identified and undertaken by local governments and may provide the most benefit to the listed salmon, steelhead and trout. The States will be making their own decisions and can complement Federal restoration programs already in place.

I would encourage the local people and the Federal people to take off their Federal hats, take off their local hats, and put their hearts and minds together and get the job done.

I will note that there is currently an authorization in place through Public

Law 106-553, the District of Columbia fiscal year 2001 appropriations bill. However, there are differences in the two authorizations. First, the States are only required to match 25 percent in Public Law 106-553 versus a 100 percent match in H.R. 1157 for funds received by the State.

Finally, the current authorization does not include the State of Idaho, while H.R. 1157 does.

This is a good piece of legislation that addresses the conservation needs of salmon, steelhead and trout species residing along the Pacific Coast and Alaska. It is a noncontroversial bill which has a tremendous amount of bipartisan support, with cosponsors, including many Members interested in salmon restoration and those Members range from the gentleman from Alaska (Mr. YOUNG), to the gentleman from California (Mr. GEORGE MILLER).

I urge Members to vote aye on H.R. 1157.

Mr. Chairman, I reserve the balance of my time.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am happy to rise in support of H.R. 1157, a great bill that has been introduced by our colleague, the gentleman from California (Mr. THOMPSON). Basically, it authorizes the Secretary of Commerce to provide financial assistance to the States of Alaska, California, Idaho, Oregon and Washington for salmon habitat restoration projects in coastal waters and upland drainages. As many of our colleagues are aware, there is more than 25 species of salmon on the West Coast right now that have been listed as endangered or threatened under the Endangered Species Act. Several more are currently under consideration for listing.

In 1999, the States of Alaska, California, Oregon and Washington proposed to tackle this crisis with a coastwide salmon restoration effort, conservation effort, that would allocate $50 million of Federal funds to each State for 6 years to support salmon conservation. A habitat restoration project was very important at a regional and local level. In response to this request, Congress established the Pacific Salmon Recovery Fund and appropriated $58 million for these purposes in the fiscal year 2000 and $90 million in fiscal year 2001.

In Washington State, our funds are allocated by the Salmon Recovery Funding Board, also known as the SURF Board, one of the great acronyms of all times, which is operated by William Ruckelshaus, a name I think is familiar to many.

The local regional project supported by the Pacific Salmon Recovery Fund will restore habitats and help stem the continued decline of the salmon populations on the West Coast. H.R. 1157 authorizes the activities that will be carried out using the appropriations in this fund; requires States and tribes to develop a conservation and restoration plan. To receive grants, it specifies the activities that are eligible to receive funding. It requires a one-to-one match of any Federal dollars that are provided and it thereby doubles their conservation efforts, a really good feature of the bill.

Finally, it adds Idaho, a great State, to the list of States that would participate in the program.

Mr. Chairman, in my own State of Washington, this program will enable us to work in conjunction with funding from the Puget Sound Initiative, a bipartisan bill I helped pass last year which authorizes the Army Corps of Engineers to use their expertise in designing community-based habitat restoration projects.

In King County, money appropriated to the funds has already been used to acquire 93 acres of land along Bear Creek, which includes a large wetland, a beautiful little area in my district, salmonid spawning areas and large beds of freshwater mussels, the noninvasive type, I may add.

King County also acquired 172 acres at several high priority habitats along the Snoqualmie River watershed.

□ 1115

The acquisitions focused primarily on the spawning areas in the Snoqualmie Basin, which are very important.

With future funds, we will be looking to provide more protection for salmon habitat along the Cedar River, which is the watershed feeding Seattle. This area has long been known for its critical habitat values, and has everything that salmon need to thrive. In addition to Chinook, sockeye and coho salmon, steelhead will also benefit from this newly protected area in the years to come.

H.R. 57 is a great bill. It will ensure these projects will continue. It is supported by the Governors of all five States, the tribes, fishermen and the environmental community. While the administration has not provided an official position on this bill, it has requested $100 million for Pacific Salmon Recovery Fund in fiscal year 2002 budget submission. That is good news, and I urge Members to support it today.

Mr. Chairman, I reserve the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is an important issue to all of us in the Pacific Northwest that care about salmon recovery. Today I rise in support of H.R. 1157, the Pacific Salmon Recovery Act. I compliment my good friend from the State of California for his efforts in directing funds to the areas where they may actually make an impact to the States and local governments of the Pacific Northwest.

The Federal Government is spending huge amounts of money on salmon restoration in the Pacific Northwest. Unfortunately, the Federal efforts do not always involve the small projects, and the Federal efforts do not always put much emphasis on the projects put forward by local units of government.

Mr. Chairman, I think these smaller local projects, when put together with larger Federal efforts, may actually begin to make a difference in restoring salmon populations and restoring salmon habitat.

At the end of the 106th Congress, the appropriators both authorized and appropriated funds for this type of State effort. Unfortunately, the original authorization left the State of Idaho out, and therefore Idaho received no funds for habitat recovery for these magnificent fish.

While Idaho is not one of the coastal States, it does in fact include much of the habitat for these spawning fish. It is a sad fact that some of these salmon are endangered. It is also a sad fact that Idaho could probably use some financial assistance to augment our salmon habitat restoration efforts.

Mr. Chairman, this bill not only authorizes the funding for the State and local restoration projects, but it also takes a few steps that the current appropriation language does not take. This bill requires the State to match dollar for dollar the funding they get through this authorization. The current authorization only requires a 25 percent match by the States.

This bill also requires that States develop a salmon conservation and restoration plan. This is an important provision that will ensure that funds are spent according to a publicly developed plan, rather than haphazardly funding projects with little or no coordination. This bill also requires the State plans to have measurable criteria by which the activities funded by this bill can be measured.

Finally, this bill requires that the States maintain their current level of funding for salmon recovery activities and not just substitute this Federal money for currently funded State salmon programs and use their funds for other priorities.

Mr. Chairman, this is a good piece of legislation, one that I believe will help the State and local governments partner in the recovery of salmon and salmon habitat in the Pacific Northwest, including the State of Idaho.

As has been mentioned, this legislation in a somewhat different form passed the House twice during the 106th Congress, both times by voice vote. I urge Members to support this legislation.

Once again, I compliment my good friend, the gentleman from California (Mr. THOMPSON), for his effort in making sure that we do whatever we can to recover the salmon and other fish of the Pacific Northwest.

Mr. INSLEE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. THOMPSON), who has done a tremendous job fashioning this bipartisan success story.

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding me time. I would like to also thank the gentleman from Idaho (Mr. SIMPSON) for his help on this bill; the chairman of the committee, the gentleman from Utah (Mr. HANSEN); the ranking member, the gentleman from West Virginia (Mr. RAHALL); and the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Guam (Mr. UNDERWOOD) from the subcommittee that helped make this bill possible to be heard on the floor today. I would also like to thank all the staff that worked diligently to make sure this good bill was here.

Mr. Chairman, in California virtually every salmon spawning habitat has been altered by human activities, such as water diversions, dam building, overfishing and urban development. In many streams and rivers, the alterations have been so severe that fish can no longer return to their historical spawning areas. As a result, almost 80 percent of the salmon caught commercially in the Pacific Northwest and in northern California today come from hatcheries.

My bill will authorize $40 million per year for 5 years for California, Washington, Oregon, Alaska, and Idaho. The money will be distributed to the State agencies after an MOU has been approved by the Secretary of Commerce. It is designed to prioritize salmon recovery, provide a criteria for measuring success, and promote projects that are scientifically based and cost effective.

The States and the local governments will receive funds on a 50–50 cost-share basis for these restoration projects. This will double the amount of money spent and the amount of work that can be done to enhance this important purpose.

Salmon species are very much a part of the culture of the Pacific Northwest. Many of the port towns in my district on the north coast, such as Point Arena, Fort Bragg, Eureka, and Crescent City, were founded around the commercial fishing industry. Many of these towns have been devastated by the collapse of salmon populations.

Over the last 30 years, the salmon fishery closures in these areas have contributed to the loss of nearly 75,000 jobs. Private landowners, conservation groups, and industry have already committed a significant amount of resources to aid in the reversal of this decline. But the efforts are not sufficient. In fact, species are still declining. Recovery efforts must be stepped up, and they must be stepped up now.

By restoring our salmon populations, we can lessen the burden on industry and private landowners. By bringing back the salmon, the fishing industry economy will rise; and eventually the ESA regulations can be lifted. More importantly, if we restore salmon populations, future generations, like their ancestors, can enjoy and prosper from a great national treasure.

The Pacific Coast Salmon Recovery Act of 2001 not only enjoys bipartisan support in Congress, but also the support of a diverse organizational structure, such as the American Homebuilders, the California Farm Bureau, American Rivers, Trout Unlimited, and the Pacific Coast Federation of Fishermen.

I urge my colleagues to support this important measure and pass the Pacific Coast Salmon Recovery Act today.

Mr. INSLEE. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, let me first applaud the gentleman from California (Mr. THOMPSON), the gentleman from Washington (Mr. INSLEE), and the gentleman from Maryland (Chairman GILCHREST) for their efforts on this important bill and for protecting this valuable resource.

I am a strong supporter of H.R. 1157, the Pacific Salmon Recovery Act. This measure would provide significant assistance to the Northwestern States and tribal and local governments involved in salmon management recovery and conservation activities.

The salmon populations are economic and wildlife resources whose preservation is our national responsibility. As such, the recovery of salmon populations in the Pacific Northwest is of great importance to the ecological, recreational, and economic future of the region.

The recovery of our salmon populations are important to the once-thriving commercial salmon fishery business, which is dwindling as a result of a decline in salmon population. This has left the industry crippled. Thus, by protecting healthy salmon runs and those of other species, we can possibly revive what was once a sustainable fishing industry in the region. Once there were 12,000 jobs in this industry. Would it not be great if we could move towards restoring many of those jobs?

These activities, coupled with a revival of the recreation industry, provide for a potential increase in commercial and recreational fishing, which can provide the region with new opportunities for economic growth.

Our efforts are also an important part of our commitment to honoring our treaty obligations with Native American tribes and with Canada. It is important to emphasize that, in passing this bill, we will take a significant step in honoring our treaty obligations. The history of the United States is replete with unfulfilled promises. As a Nation, we must remedy this by setting new precedents and taking steps to honor our commitments.

The potential cost of litigation, should Canada or the tribes contest the treaties in court, could be enormous. Some observers estimate that attorney fees, potential damage awards and/or a settlement based upon a failure to maintain a viable salmon population could exceed $10 billion.

Mr. Chairman, we must act now to preserve this magnificent national resource. By passing this measure, we take a necessary step in moving the salmon further from extinction. It is an action that makes sense for the ecosystem, the economy, the nations and tribes with whom we have treaty obligations; and most importantly, it allows us to pursue a balanced approach to preserving this national resource.

Mr. INSLEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a great Congresswoman from California; but she grew up on the shores of Puget Sound.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of H.R. 1157, not only because I was born and raised in the Pacific Northwest, but because I have lived all of my adult life in California along the coast and know how important the Pacific Salmon Recovery Act will be and how much support we must give it.

I want to commend the gentleman from California (Mr. THOMPSON) for his hard work to bring this bill to the floor and to my colleagues, the gentleman from Washington (Mr. INSLEE) and the gentleman from Maryland (Mr. GILCHREST), for their work and support.

Mr. Chairman, I am proud to be an original cosponsor of this bill, because, like the three gentleman that I just mentioned, I and our Pacific Coast colleagues in a very bipartisan manner know that salmon are in trouble.

Over the past decade, we have witnessed a huge decline in salmon population, and the listing of salmon on the endangered species list is a clear warning that we must take this seriously. That is why communities and local officials in my district of Marin and Sonoma Counties, just north of San Francisco across the Golden Gate Bridge in California, are actively supporting Federal efforts to help with salmon restoration.

We are fortunate that Marin and Sonoma Counties combined have received almost $850,000 from the current salmon recovery initiative, which was formed under President Clinton; and even better, these Federal dollars are available and are being leveraged at State, local, and nonprofit levels for resources that will bolster the recovery efforts even further than that $850,000.

Next month, these Federal funds will begin to bear fruit. I do not think I should say that. They will begin to bear fish, not fruit. Projects that are under way will eventually return our salmon runs to their former abundance.

For example, the Kelly Road Stabilization Project in my district will help stop erosion from going into the nearby waterways that harm salmon habitat. Also in Sonoma County, through the county ecology center, a program will focus on bringing private landowners, government agencies, and environmental groups together to work on restoration efforts.

Other exciting habitat restoration efforts in my district that are getting under way include the Lagunitas Sediment Management Project, the Willow Creek Restoration Project, and work on Pine Gulch Creek.

Mr. Chairman, expanding habitat restoration efforts is a key component of any recovery effort, but we all know that money is another key ingredient to making these programs happen. I urge my colleagues to support this bill.

□ 1130

Mr. INSLEE. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise to express my support for the Pacific Salmon Recovery Act. I am very proud to be a cosponsor of this important legislation.

I want to thank the people who worked so hard to bring this to the floor, the gentleman from Washington (Mr. INSLEE) and the gentleman from California (Mr. THOMPSON), and also the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Idaho (Mr. SIMPSON), for their hard work on this issue.

This is a very important issue for the fishermen in my district, particularly those in Morro Bay and San Luis Obispo. They depend on salmon for their livelihood, and when these species are endangered, it is a serious threat to provide for their families.

Steelhead salmon has been listed in my district as a threatened species north of the Santa Maria River, and as an endangered species to the south. It is vitally important that we restore their numbers.

As Members know, this legislation would authorize $200 million in Federal assistance to State programs so that they can restore salmon and steelhead populations. This funding would not only add to the resources that the California Fish and Game already has, but also leverage more funds from the State and from other local sources. This kind of assistance would support ongoing projects in California.

In my district, projects designed by groups like the South-Central Steelhead Coalition, the Arroyo Grande Watershed Forum, led by Central Coast Salmon Enhancement, these groups would benefit from this funding. These collaborative projects would be able to put such funds to good use in a way which will restore our natural resources.

This is a good bill, and I urge all of my colleagues to support it.

Mr. INSLEE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I rise in support of H.R. 1157.

I want to first off thank my colleagues, the gentleman from California (Mr. THOMPSON) and the gentleman from Washington (Mr. INSLEE), on this side of the aisle, for the work they have done on the issue, and my colleagues, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Idaho (Mr. SIMPSON), for the hard work they have done as well on this issue. I am pleased to join them in cosponsoring this important piece of legislation.

Having served in local government before being in Congress and having worked with those who are in the trenches on this issue of salmon recovery, I can tell the Members that solutions need to come from the bottom up and not the top down. The funds provided by this bill will empower local communities to deal with salmon recovery efforts at the local level. That is the proper approach, and that is why I support this bill.

As an example, the Haskell Slough project along the Skykomish River in my district is considered many a model of what successful salmon recovery can look like throughout the Pacific Northwest. A coalition of private landowners, local governments, businesses, and tribes use Federal dollars to restore a critical piece of freshwater habitat, and the fish have come back by the thousands.

Passing this legislation will help fund hundreds of individual projects like the Haskell Slough project, and continue to move us in the right direction on salmon recovery.

So again, I want to thank my colleagues on both sides of the aisle for this work, for their work on this issue, and urge my colleagues to vote yes on H.R. 1157.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

I just want to tell a personal story that relates a bit to this bill.

Last week I was sitting in my living room. I live on Puget Sound in the State of Washington. I was talking to one of my staffers about an environmental issue. We were sort of bemoaning some of the problems we have, both environmentally and legislatively, as it pertains to the environment here.

We were particularly concerned about the salmon, who really are on the ropes up and down the West Coast. These salmon are very much on the edge of extinction in a lot of these runs.

We were sort of down-mouthed at the moment, and just at that moment a bald eagle came soaring by, literally with the wings straight out, not flapping, just soaring on the wind as it came up over the shoreline, sort of eye level right past our house.

It was sort of a message, I think, maybe from some other power that we ought to keep our heads up when it comes to these endangered species; that if the bald eagle can have a spectacular recovery, perhaps the salmon can, too.

I think this is a good step forward towards that end. I want to compliment our friends on the other side for their work in getting this bipartisan product out.

Mr. Chairman, I yield back the balance of my time.

Mr. GILCHREST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the comment about the bald eagle was well received, I say to the gentleman from Washington. If we can restore that magnificent creature to a healthy population, I am sure that we can do that to many other forms of nature's bounty.

The great Northwest is a magnificent and splendid place. If this one small effort can do what we want it to do, the fish will prosper, the land will prosper, and then people will prosper.

I urge my colleagues to give an aye vote on this legislation.

Mr. SMITH of Washington. Mr. Chairman, I would like to take this opportunity to thank my colleague from California for his leadership in introducing H.R. 1157, the Pacific Salmon Recovery Act. This bill will be an important tool for the Pacific Northwest's efforts to preserve and protect our unique salmon runs. Our region understands the importance of providing salmon with the habitat they need to flourish, and our state and local governments have developed valuable programs to recover salmon runs. This legislation will allow those established programs to qualify for federal matching grants, and provide the incentives needed to enable new organizations to participate in salmon recovery.

For Washington state, that means that our Salmon Recovery Funding Board will have an additional revenue source. This board does a good job of getting the funds to programs that are instrumental in recovery efforts, but they need more funding and that is exactly what this bill will do. This bill could mean additional funds for restoration projects like those on the Hylebos Watershed, and the Green and Duwamish Rivers. The states and Indian tribes know what needs to be done to help salmon recover, but they need help from the federal government. This bill will allow existing programs to expand on their successes with the opportunity to qualify for further funding. This bill authorizes $200 million a year for three years for states and Indian tribes for salmon conservation and restoration projects in the coastal and upriver of Alaska, California, Idaho, Oregon, and Washington.

Last year the House considered a similar bill, but it was never taken up in the Senate. I am hopeful that the House's early action on this bill will give the Senate ample time to consider this legislation so that the President can sign it.

Ms. PELOSI. Mr. Chairman, I rise today in support of H.R. 1157, which authorizes financial assistance to West Coast states to support restoration and conservation of Pacific salmon. This bill would also support the restoration of a historic industry, comprised of proud fishing men and women and their communities, that provides both food and recreation to the citizens of this nation. I commend my colleague MIKE THOMPSON for his leadership on this issue.

Mr. Chairman, salmon have been an important source of sustenance for the native peoples of the Pacific coast for thousands of years. The modern fishing industry on the West Coast began in my district with the salmon fishery on San Francisco Bay. Salmon from the Bay were harvested to feed the forty-niners headed for the gold fields of the Sierra Nevada mountains. San Francisco Bay is still the migratory route for one of the largest runs of salmon on the Pacific Coast.

Our salmon have suffered mightily over the past century, as spawning and rearing habitat within their natal streams and rivers has been lost. We have lost about 80 percent of the productive capacity of salmon streams in the West Coast as a direct result of various causes of watershed destruction.

According to a 1991 comprehensive scientific study by the American Fisheries Society (AFS), at least 106 major populations of West Coast salmon and steelhead are already extinct. Other studies place the number at over 200 separate stock extinctions in the Columbia River Basin alone. The AFS report also identified 214 additional native naturally-spawning salmonid runs at risk of extinction in the Northwest and Northern California: 101 at high risk of extinction, 58 at moderate risk of extinction, and another 54 of special concern.

The productive capacity of the salmon resource has been enormous. Even as recently as 1988, and in spite of already serious existing depletions in the Columbia River and elsewhere, the Northwest salmon fishing industry (including both commercial and recreational components) still supported an estimated 62,750 family wage jobs in the Northwest and Northern California, including my district, and generated $1.25 billion in economic personal income impacts to the region.

H.R. 1157 continues the program of Federal matching assistance to the West Coast states to rebuild this important fishery. The bill would authorize funding for states and tribal governments to restore damaged and degraded salmon habitat in a scientifically based and cost-effective manner. Emphasis would be placed on the recovery of salmon runs listed under the Endangered Species Act to prevent their extinction and eventually permit the lifting of the restrictions that are set in place when a species is listed. Funds will be spent only for projects approved as part of state and tribal restoration plans.

H.R. 1157 is an investment in a healthful food source, an industry of hard working men and women, and a precious element of our ecosystem and natural heritage. I am proud to be a cosponsor of H.R. 1157, and I urge my colleagues to support the preservation and restoration of West Coast salmon.

Mr. LANTOS. Mr. Chairman, I rise in strong support of H.R. 1157, the Pacific Salmon Recovery Act. Passage of this important bill that is vital to preserving our rapidly disappearing natural resources on the West Coast. This important bill would authorize funding to protect and restore salmon and steelhead populations in the Pacific Coast states of California, Oregon, Washington, and Alaska.

Mr. Chairman, on our nation's Pacific Coast, many species of salmon and trout are listed as threatened or endangered, and that number will continue to grow if we do not take steps to reverse this trend now. I urge passage of H.R. 1157, which provides financial assistance to states and tribal governments for salmon and trout restoration.

The salmon population has been declining on the West Coast for many years. This is due to habitat destruction, urban development, water diversions, land use and industry practices. Approximately 25 species are listed as threatened or endangered under the Endangered Species Act of 1973, with additional species being considered for addition to the list. This bill will ensure that activities funded under the Endangered Species Act are conducted in a manner that will have long-term positive benefits for salmon conservation and habitat restoration.

Mr. Chairman, this is an important issue to my Congressional district, which includes California coastal lands in San Mateo and San Francisco Counties. The decline in Salmon populations has been widely felt throughout the region, from the coastal streams of San Mateo and throughout the State. Local governments and private citizens would like to continue efforts to restore salmon habitat but need assistance from the Federal government to do this.

H.R. 1157 will allow states and tribal governments to carry-out watershed evaluations and assessments and to develop plans to implement improvements. It will also fund research to ensure that the restoration is based on good sound data. Most importantly, it will offer assistance to educate private landowners on methods to restore the salmon and trout habitat on their land. The funding will also teach them land use and water management practices so they can continue to use their property without negatively affect these species.

This bill authorizes $200 million a year for three years, with oversight to ensure that the funds will be used where they are most needed. The funding will be in the form of matching grants to states and tribal governments. It also requires that states provide matching grants and report annually to Congress on the use of these funds and their efforts to restore salmon and trout populations.

Mr. Chairman, H.R. 1157 has widespread support, conservationists, fish producing states and local governments and local landowners alike, all share a common goal—the restoration of the salmon and trout populations along the Pacific Coast. I urge passage of the Pacific Salmon Recovery Act. The legislation will ensure that communities in San Mateo and all across California, Washington, Oregon and Alaska receive financial assistance to begin the important work of restoring salmon and trout populations in rivers and tributaries along the Pacific Coast.

Mr. GILCHREST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 shall be considered by sections as an original bill for the purpose of amendment, and each section is considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Salmon Recovery Act".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) REQUIREMENT TO PROVIDE ASSISTANCE.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this Act to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) ALLOCATION.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 3(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) TRANSFER.—

(1) IN GENERAL.—The Secretary shall promptly transfer—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 3(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this Act; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 3(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) TRANSFERS TO QUALIFIED STATES.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) Reallocation.—

(1) Amounts allocated to qualified States.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 3(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) Amounts allocated to qualified tribal governments.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 3(b) as of the end of the fiscal year.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

Hearing none, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) Qualified State Salmon Conservation and Restoration Plan.—

(1) In general.—To receive assistance under this Act, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) Contents.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act; and

(I) ensure that activities funded under this Act are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) Solicitation of comments.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) Tribal MOU With Secretary.—

(1) In general.—To receive assistance under this Act, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) Contents.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within 1 year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act.

(c) Eligible Activities.—

(1) In general.—Assistance under this Act may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) Use for local and regional projects.—Funds allocated to qualified States under this Act shall be used for local and regional projects.

(d) Use of Assistance for Activities Outside of Jurisdiction of Recipient.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) Cost Sharing by Qualified States.—

(1) In general.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this Act, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) Limitation on requiring matching for each project.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this Act.

(3) Treatment of monetary contributions.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) Coordination of Activities.—

(1) In general.—Each qualified State and each qualified tribal government receiving assistance under this Act is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) Consultation.—Each qualified State and qualified tribal government receiving assistance under this Act shall consult with the Secretary to ensure there is no duplication in projects funded under this Act.

(g) Limitation on Administrative Expenses.—

(1) Federal administrative expenses.—Of the amount made available under this Act each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(2) State and tribal administrative expenses.—Of the amount allocated under this Act to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this Act.

The CHAIRMAN pro tempore. Are there any amendments to section 3?

Hearing none, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. PUBLIC PARTICIPATION.

(a) Qualified State Governments.—Each qualified State seeking assistance under this Act shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) Qualified Tribal Governments.—Each qualified tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 5. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this Act.

SEC. 6. REPORTS.

(a) Qualified States.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(b) Secretary.—

(1) Annual report regarding qualified tribal governments.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(b)(2).

(2) Biannual report.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this Act, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biannual report on the use of funds allocated to qualified States under this Act. The report shall review programs funded by the States and evaluate the success of this Act in meeting the criteria listed in section 3(a)(2).

SEC. 7. DEFINITIONS.

In this Act:

(1) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) Qualified state.—The term "qualified State" means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) Qualified tribal government.—The term "qualified tribal government" means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; and

(B) a village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) Salmon.—The term "salmon" means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of application of this Act in Oregon—

(i) Lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) Bull trout (salvelinus confluentus).

(I) For purposes of application of this Act in Washington and Idaho, Bull trout (salvelinus confluentus).

(5) Secretary.—The term Secretary means the Secretary of Commerce.

SEC. 8. REPORT REGARDING TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

The President shall—

(1) determine the number of United States citizens who—

(A) served as employees of the International Pacific Salmon Fisheries Commission or the International North Pacific Fisheries Commission; and

(B) worked in Canada in the course of employment with that commission;

(2) calculate for each such employee the difference between—

(A) the value, in United States currency, of the annuity payments made and to be made (determined by an actuarial valuation) by or on behalf of each such commission to the employee; and

(B) the value, in Canadian currency, of such annuity payments; and

(3) by not later than September 1, 2001, submit to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science and Transportation of the Senate a report on the determinations and calculations made under paragraphs (1) and (2).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000,000 for each of the fiscal years 2002, 2003, and 2004 to carry out this Act. Funds appropriated under this section may remain until expended.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant:

Add at the end the following:

SEC.   . SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) Purchase of American-Made Equipment and Products.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only equipment and products made in the United States.

(b) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(c) Report.—Any entity that receives funds under this Act shall report any expenditures of such funds on items made outside of the United States to the Congress within 180 days of the expenditure.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, contrary to popular belief, this amendment does not mandate that all salmon eggs must be made in America, but this amendment has been added to other authorization spending bills that urges that those recipients of Federal monies, whenever possible, utilize those funds when spending those funds on American-made goods, products, and services that are made by American hands.

In addition, it requires there be a notice of same to recipients of assistance under this bill.

Finally, after having dispensed with and expended such funds so authorized, it says there shall be a report made to Congress to see if people receiving American money are in fact, wherever possible, utilizing those funds to buy American-made goods and products made by American hands.

I urge that the committee accept it and keep it in conference.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Ohio for yielding.

We have no opposition to his amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I have no comment.

Mr. TRAFICANT. Mr. Chairman, hearing no comment, I take that as no objection, as well.

With that, I ask for an aye vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Amendment No. 3 Offered by Mr. Otter

Mr. OTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. OTTER:

Add at the end the following:

SEC. . SENSE OF THE CONGRESS REGARDING BIPARTISAN JULY 2000 GOALS.

It is the sense of the Congress that the Congress supports the bipartisan July 2000 goals, objectives, and recommendations of the Governors of Idaho, Montana, Oregon and Washington to protect and restore salmon and other aquatic species to sustainable and harvestable levels while meeting the requirements of the Endangered Species Act of 1973, the Clean Water Act, the Pacific Northwest Electric Power Planning and Conservation Act, tribal treaty rights, and executive orders and while taking into account the need to preserve a sound economy in Alaska, California, Idaho, Montana, Oregon, and Washington.

Mr. OTTER. Mr. Chairman, I want to congratulate my colleague and good friend, the gentleman from Maryland (Mr. GILCHREST). I also want to congratulate the gentleman from California (Mr. THOMPSON), the sponsor of House Resolution 1157, for working to craft this important bipartisan piece of legislation authorizing $200 million in assistance to the States, tribes, and local entities for on-the-ground salmon recovery projects.

House Resolution 1157 will ensure that important salmon research, data collection, monitoring supplementation, and other activities will be given priority. It also finally calls for the States to establish specific goals and timelines for salmon recovery projects, and to measure whether or not these activities are actually achieving success.

I am cosponsoring House Resolution 1157 because it focuses money where it is proven to be the most effective, and that is at the local and the State level.

Mr. Chairman, it has been reported that close to $1 billion in public funds are now being spent directly to recover salmon runs in the Pacific Northwest each year. A small portion of that comes from the States, but the largest chunks are being funded through the electrical power bills of Pacific Northwest residents, and from Federal agencies.

Through the budgets of the Army Corps of Engineers, the Department of Agriculture, the Department of the Interior, the Department of Commerce, the Environmental Protection Agency, and through the Pacific Salmon Treaty with Canada, many, including me, are skeptical that a sufficient return on this huge Federal investment is being realized. Too much money now goes to Federal bureaucracies for permitting, regulating, and enforcing activities against people who are actually improving the life of the salmon.

Mr. Chairman, I suggest that we need better coordination. We need to seek more realistic, unified goals and better peer-reviewed science before salmon do go extinct.

Better coordination and more effective work is already happening on the State and local level, and it deserves the support of this Congress. That is why today I am introducing an amendment that simply recognizes a document produced last July by the Governors of the great State of Idaho, the States of Montana, Oregon, and Washington, two Democrats and two Republicans, setting out a list of goals, objectives, and recommendations on how the region can come together to recover the Pacific salmon.

These bipartisan recommendations are philosophically in sync with the goals of this legislation, House Resolution 1157. It also encourages the development of local salmon recovery plans that avoid duplication and top-down planning, with peer-reviewed science and measurable standards.

The Governors' plan acknowledges that while human activities may influence fish and wildlife survival, humans are not the only cause for salmon decline. It encourages more study to address the role of the Pacific Ocean on salmon, and calls for the management of flesh-eating predators; that is, the predators that eat the fish as they migrate to the ocean. It responsibly encourages hatchery supplementation, and many important habitat improvements, and it does so without advocating the removal of the four lower Snake dams.

My amendment, Mr. Chairman, restates the first goal of the Governors' plan, which is to recover salmon according to the applicable laws, while also adhering to the laws which ensure the continued reliable and affordable power sources that millions of families and businesses in the Pacific Northwest rely on.

It also understands the need to balance salmon recovery with the economic vitality of Alaska, California, Idaho, Montana, and Washington.

Mr. Chairman, I urge the adoption of this amendment and the passage of House Resolution 1157.

Mr. INSLEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we do not intend to express any objection to the gentleman's amendment, but I do think it appropriate to comment that the recommendations, the goals, the suggestions of the Governors encapsulated in the report to which the gentleman's amendment is addressed are not the sole things that we need to consider to be done in regard to salmon recovery. I just think it is important for us to note that.

The way I read the amendment, it does not purport to say that these are the only things that need to be done for all time in our efforts. There are certainly other things that I think need to be done, and I know there are others who also think there is more to be done. So it is important for others to be aware that passage of this amendment will not be the end of our efforts in this Chamber to restore these runs.

□ 1145

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Idaho (Mr. OTTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

In section 7, after paragraph (1) (page 16, after line 12) insert the following (and redesignate the subsequent paragraphs of section 7 accordingly):

(2) NATURALLY PRODUCED SALMON AND TROUT.—(A) Each of the terms "naturally produced salmon" and "naturally produced trout" does not include any genetically engineered fish.

(B) In subparagraph (A)—

(i) except as provided in clause (ii), the term "genetically engineered fish" means—

(I) a fish that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

(II) a fish made through sexual or asexual reproduction (or both) involving a fish described in clause (i), if it has any of the altered molecular or cellular characteristics of the fish so described; and

(ii) such term does not include a fish produced by traditional breeding technologies in fish hatchery operations.

Mr. KUCINICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Chairman, I fully support this legislation, but I am concerned that there is some problems with it on a technical nature that ought to be called to the attention of this House.

In the eligible activities section of the bill, salmon-related research and salmon supplementation and enhancement are two areas that I want to alert the Members of this House.

These are two areas that could be applied to genetic engineering and to genetic engineering research. My amendment perfects this bill to ensure that salmon for purposes of this legislation does not include genetically engineered varieties. However, the amendment explicitly addresses that this does not impact traditional breeding at fish hatcheries. We make sure that is excluded.

Allowing the diversion of Federal money for research into this technology may only exacerbate the environmental challenge of protecting Pacific salmon. There are already over 35 species of genetically engineered fish currently being developed around the world.

Genetically engineered fish contain genes from fish, from humans, and from insects. According to several fish ecologists from the University of Minnesota and Purdue University, there may be negative environmental impact on wild populations of fish. Studies show that genetically engineered fish are more aggressive, consume more food, and attract more mates than wild fish.

These studies also show that GE fish will attract more mates, their offspring will be less fit, and less likely to survive. As a result, some scientists predict that genetically engineered fish will cause some species to become extinct within only a few generations.

No Federal environmental laws specifically govern the regulation of genetically engineered fish. Concerned about the lack of existing law specifically covered genetically engineered fish, the State of Maryland recently passed a law imposing a moratorium on the growing of genetically engineered fish in State waterways that flow into other bodies of water.

Mr. GILCHREST. Mr. Chairman, if the gentleman will yield, I rise in opposition to the amendment, not because it is not well thought out and it is the direction that we need to move in, but we were unaware of this amendment until late last night.

Mr. Chairman, I thank the gentleman from Ohio (Mr. KUCINICH) for his efforts and for this amendment. This bill fundamentally is a restoration project to bring back three species of fish in the Pacific Northwest.

The funding is critical. If some of this funding is drawn away to try to detect or determine whether or not fish are genetically altered or they are hybrid fish grown in aquiculture ponds or they are wild species moving into the new restoration areas, I think that will take away from the legislation.

What I would like to offer the gentleman from Ohio (Mr. KUCINICH) is that I and our staff on the Subcommittee on Fisheries Conservation, Wildlife and Oceans will work with the gentleman. We will schedule a series of hearings.

We recognize that introducing genetically altered species of any kind is a very dangerous road to go down, and so I compliment the gentleman on his efforts. We will work to develop legislation separate from this bill today to deal with the problem, not only with genetically altered species of fish, but with the full range of flora and fauna.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Maryland (Mr. GILCHREST) and I will consider your kind offer to hold hearings. I need your help in working on a bill on this. I would certainly withdraw the amendment, and I would also ask the gentleman from Washington (Mr. INSLEE) and the gentleman from California (Mr. THOMPSON) to work with me on this issue.

Mr. Chairman, I certainly respect the work that the gentlemen have put into this, and I know that if we all work together in a bipartisan way, we can protect our fish, our wildlife flora and fauna.

Mr. Chairman, I appreciate very much the opportunity to work with the gentleman from Maryland (Mr. GILCHREST) on this.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 2 OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. HOOLEY of Oregon:

At the end of the bill add the following:

SEC. . REPORT ON EFFECTS ON PACIFIC SALMON STOCKS OF CERTAIN TIMBER HARVESTING IN CANADA.

The Secretary, in conjunction with other Federal agencies, shall by not later than December 31 of each year report to the Congress to the best of the ability of the Secretary regarding the effects on Pacific Salmon stocks of timber harvesting on publicly owned lands in British Columbia.

Ms. HOOLEY of Oregon. Mr. Chairman, as an original cosponsor of the underlying bill, I am extremely pleased that the House is moving so expeditiously to give Oregon and other Western States greater resources to protect our Pacific salmon stocks.

I would also like to thank the gentleman from California (Mr. THOMPSON) and the gentleman from Idaho (Mr. SIMPSON) for all of their hard work on this great piece of legislation. I thank the gentleman from California (Mr. THOMPSON) and the gentleman from Idaho (Mr. SIMPSON.)

The bipartisan manner in which they have brought this legislation before us is an example of how Members from both sides of the aisle can come up with a commonsense approach to a common issue.

It shows that we can actually move forward and achieve a consensus that benefits our communities, our industries, and our surrounding environment.

With that said, the amendment I have is a measure which I believe strengthens the underlying intent of this legislation.

What it does is simply requires the Secretary of Commerce to report to Congress on an annual basis the effect that timber harvesting on public lands in British Columbia has on Pacific salmon stocks.

Mr. Chairman, the fact is that ecosystems are not constrained by geographical borders. It is not just the rivers and tributaries of the Western United States that are an essential habitat for salmon; the Canadian province of British Columbia is home to hundreds of stocks of salmon as well.

It is a vital component of the broader ecosytem that we are seeking to protect. I think it is completely reasonable for this body to, at the very least, consider the impact that logging practices on public lands in British Columbia have on Pacific salmon stocks.

After all, we are authorizing up to $600 million over the next 3 years to protect these fish and their habitats, many of which are closely linked with our neighbor to the North.

The truth is that watersheds in British Columbia vital to the survival of all stocks of Pacific salmon are regularly affected by logging practices that are expressly prohibited under Canadian law and International Treaty.

Even though the Canadian Fisheries Act requires provincial governments in Canada to maintain buffers against fish-bearing streams on public lands, in British Columbia logging companies are not only allowed to cut right to their banks but to drag logs across them.

This practice may destroy salmon redds, make habitat inhospitable for fish by destroying the food web. It also increases the sedimentation which clogs the gills of fish and smothers salmon eggs and raises water temperature which kills immature salmon.

As a result, 142 stocks of salmon are now extinct in British Columbia, while another 624 are at high risk.

Because these practices are harmful to all salmon, not just those in American waters, I believe it is well within the realm of authority for Congress to ask the Secretary of Commerce, in conjunction with other Federal agencies, to annually report to Congress the effects of this logging practice on specific salmon stocks.

Mr. Chairman, this is a simple amendment asking Canada to enforce its own laws. I am confident that if confronted with the damages its policies are incurring to salmon stocks, the Canadian government will begin to enforce their own act with the Pacific Treaty.

Mr. Chairman, with that, I urge the adoption of my amendment

Mr. SIMPSON. Mr. Chairman, I move to strike the last word, and will ask the gentlewoman from Oregon (Ms. HOOLEY) to enter into a colloquy.

Is it the gentlewoman's intent, I want to make this clear, that this report done by the Secretary of Commerce, that the funding for that come out of the Department of Commerce and not come out of funds appropriated in this bill for salmon habitat restoration?

Ms. HOOLEY of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentlewoman from Oregon.

Ms. HOOLEY of Oregon. Absolutely.

Mr. SIMPSON. I appreciate the gentlewoman's amendment. We do not intend to oppose the amendment. There are many things that do affect salmon, one of those being logging practices, not only in the United States and in Canada, but also the predators, the ocean conditions, dams, many other things, and all of those things should be looked at along with those issues relative to logging practices in Oregon.

Let me tell the gentlewoman, there is one issue that we have not dealt with, and that is the differences between the agencies of the Federal Government and how they deal with this. In the Stanley Basin of Idaho, let me give you this example. In the Stanley Basin of Idaho, several years ago an illegal stream was dug around the Salmon River. It was dug illegally admittedly.

Today, there is conflict going on between the EPA, which is telling the new landowner to fill in that illegally dug channel, and Fish and Wildlife who is saying do not fill in that channel, because there are spawning salmon in that channel.

The landowner is stuck in the middle, the new landowner is stuck in the middle, and he refuses to fill it in. So we have not only all these other things, but we have some conflicts in the Federal agency that need to be addressed also.

Mr. Chairman, I thank the gentlewoman for her amendment, and we do not intend to oppose it.

Mr. WU. Mr. Chairman, as a cosponsor of H.R. 1157, I rise in support of the gentlelady from Oregon's amendment.

We have a problem. As everybody knows, ecosystems do not adhere to political lines. The border that lies between the United States and Canada, a political line, may also be contributing to the demise of dozens of species of salmon.

Canada does not share the same type of environmental laws that protect salmon as we have. The Northwest, and every other region in the United States, must comply with the Endangered Species Act and the Clean Water Act. While the United States still has its fair share of endangered species, we have the mechanisms in place to give many of these species a fighting chance.

Canada on the other hand, does not have these sort of guidelines. Harmful logging practices may be killing endangered salmon by the thousands. Ms. HOOLEY'S amendment simply asks the Department of Commerce to conduct a study that would be reported to Congress what effect Canada's logging practices have on these endangered salmon.

Until we know how great an impact these practices have on international fish stocks, will we be able to address the problem?

Mr. Chairman, I urge my colleagues to support this responsible amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments? If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOEHNER) having assumed the chair, Mr. RYAN of Wisconsin, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes, pursuant to House Resolution 163, he reported the bill back to the House with an amendment in the nature of a substitute adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. INSLEE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 418, nays 6, not voting 8, as follows:

[Roll No. 159]

YEAS—418

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
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DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
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Duncan
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Ehlers
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Emerson
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English
Eshoo
Etheridge
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Everett
Farr
Fattah
Filner
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Frelinghuysen
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Gonzalez
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Goodlatte
Gordon
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Green (TX)
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
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Knollenberg
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Larsen (WA)
Larson (CT)
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Maloney (CT)
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Mascara
Matheson
Matsui
McCarthy (MO)
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McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
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Pascrell
Pastor
Payne
Pelosi
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Peterson (MN)
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Petri
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Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
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Roemer
Rogers (KY)
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Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
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Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
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Sherman
Sherwood
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Simpson
Skeen
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Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
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Snyder
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Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
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Taylor (MS)
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Thompson (CA)
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Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Brady (TX)
Flake
Hostettler
Paul
Royce
Schaffer

NOT VOTING—8

Abercrombie
Becerra
Ferguson
Fossella
John
Johnson, E. B.
Tanner
Weldon (PA)

□ 1222

Mr. BRADY of Texas changed his vote from "yea" to "nay."

Mr. NADLER and Mr. RUSH changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1157, PACIFIC SALMON RECOVERY ACT

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1157, including corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material in the RECORD on H.R. 1157, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2052, SUDAN PEACE ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 162 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 162

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 162 is an open rule providing for the consideration of H.R. 2052, the Sudan Peace Act. The rule provides for 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on International Relations. This is a completely fair rule. In fact, as I stated before, it is an open rule allowing all Members the opportunity to present amendments and, obviously, to debate this very important issue.

The current situation in Sudan, Mr. Speaker, is extremely grave. More than 2 million men, women, and children have perished due to war-related causes; and more than 3 million men, women, and children have been forced from their homes. Thousands of children have been abducted and forcibly converted to practices that they reject, and slavery has become an institution of the so-called National Islamic Front. Many of these same men, women, and children have suffered harsh beatings and torture.

In the face of this horrific tragedy, the Government of Sudan has continually blocked the efforts to provide aid to the people who need it most. Famine has been a constant, and the World Food Program has record that 3 million Sudanese will require emergency food aid this year alone. The situation is clearly intolerable, and we should do what we can to provide relief to the millions of displaced people in Sudan.

In addition to the human rights abuses in their own region, the Government of Sudan has also, rightfully so, been considered a rogue state by much of the international community because of its support for international terrorism. The Government of Sudan has supported acts of international terrorism and allows the use of its territory for terrorist groups. The government there has been a safe haven for major terrorist figures. To preserve the safety of our Nation and to help with the safety and the security of the world, the international community, we must continue to send the message that support for terrorist activities is simply unacceptable.

The underlying legislation, the Sudan Peace Act, condemns the prosecution of the war by the National Islamic Front government and the associated human rights abuses. The legislation also acknowledges the role that oil has played in the war, expresses this Congress' support for an internationally sanctioned peace process, and urges the President to make previously appropriated funds available to the National Democratic Alliance. Additionally, the legislation requires businesses engaged in commercial activity in Sudan to publicly disclose the extent of their activities before raising money in American capital markets.

The underlying legislation has broad bipartisan support. The Bush administration has made Sudan a priority by announcing its intent to dispatch a special envoy; and I believe that now it is our turn, Congress' turn, to make Sudan a priority by passing this important piece of legislation.

I would like to thank the gentleman from Colorado (Mr. TANCREDO) and all those who have worked so hard to bring this important piece of legislation to the floor. I urge my colleagues in the strongest possible terms to support both this open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the customary time.

This is an open rule. It will allow for consideration of the Sudan Peace Act. As my colleague has described, this rule will provide 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule permits amendments under the 5-minute rule. This is the normal amending process in the House.

Mr. Speaker, at a recent hearing of the Committee on International Relations, Secretary of State Colin Powell described Sudan as one of the world's greatest tragedies. Sudan is a nation of about 35 million people. It is on the northeast coast of Africa, south of Egypt and north of Kenya. It is blessed with rich natural resources. However, an 18-year-old civil war and a very oppressive government have conspired to create widespread hunger, famine, and suffering.

□ 1230

Mr. Speaker, I have been to Sudan three times. There are Members of this Congress who have been there more, such as my colleague and friend, the gentleman from Virginia (Mr. WOLF).

My last trip was in May of 1998. During that trip, I witnessed a level of human misery as great as any I have ever seen. I saw vultures cleaning the bones of cattle and people killed by slave raiders. I saw a man who had just buried his entire murdered family. I saw people who had nothing to eat but the roots of water lilies in malaria-infested swamps. I saw children in aid stations who were too weak to cry.

Mr. Speaker, in some ways conditions have worsened since that trip; although it is hard to imagine that could be possible. Famine still threatens a large part of the population. Human rights conditions are shocking, and the practice of slavery continues. What has happened is that the development of oil fields in the southern part of Sudan has contributed to more suffering as people and whole villages are removed to make way for oil drilling and the oil revenues to fuel the war machine.

Mr. Speaker, the Sudan Peace Act takes a series of steps to promote peace in this land of tragedy. It requires companies that trade their securities on U.S. stock exchanges to disclose information about their business dealings in Sudan. It also urges the administration to take steps to relieve suffering and to end the civil war in Sudan.

Although I support the purpose of the bill, I am concerned about some of the language, especially the language that criticizes the efforts of Operation Lifeline Sudan. This is a food relief effort that is carried out by UNICEF, the World Food Program, and other organizations.

The bill proposes cutting U.S. assistance to Operation Lifeline Sudan and redirects funds to other relief efforts. Operation Lifeline Sudan serves about 90 aid stations every month. The government of Sudan bans flights to air strips in about one-fifth of the areas that need help. However, Operation Lifeline Sudan is able to gain access to most of these areas by road or by using permitted air strips. The ban actually blocks delivery to only four out of 90 destinations on an average of every month. The real access problem is the result of ongoing fighting and poor road infrastructure.

I am afraid that directing U.S. support away from Operation Lifeline Sudan to other agencies without the experience and the ability of the United Nations food relief organizations would not improve food delivery to Sudan and could make matters worse. These organizations are doing an outstanding job under very, very difficult conditions.

Finally, I wish to offer my support for an amendment which will be offered by the gentleman from Alabama (Mr. BACHUS) and the gentleman from New Jersey (Mr. SMITH) and myself. This amendment would block businesses that develop oil or gas in Sudan from raising capital or trading securities in the United States. Threatening Sudan's oil development should provide an immediate incentive to bring all warring parties to the negotiating table. This concept was recommended by the U.S. Commission on International Religious Freedom.

Mr. Speaker, I support this open rule. Despite my concerns, I support the bill and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my colleague from Florida for yielding me this time. The widespread, systematic, heinous, and brutal crimes committed against the Sudanese people, the rape, the slavery, the mutilation, the systematic killing of millions throughout the years in what many assert is a deliberate campaign of genocide by the regime in Khartoum demands action by the U.S. Congress.

Mr. Speaker, I urge my colleagues to render their full support to the Sudan Peace Act before us today. When the question is posed: What can the people of the free world and, in particular, the U.S. Government do about one of the world's most tragic situations? What can be done about slavery and genocide in Sudan? We should start by calling things as they are for what they are.

This is why the Sudan Peace Act condemns the gross violations of human rights, the ongoing slave trade in Sudan, and the pivotal role played by the Sudanese regime in aiding and abetting these practices. There are those who may be willing to initiate and expand oil operations in southern Sudan that will generate billions of dollars in annual revenue for the terrorist regime in Khartoum. However, the U.S. must stand firm in the face of egregious violations of international legal and moral standards.

The Sudan Peace Act seeks to deter the financing of the regime from access to U.S. capital markets by establishing disclosure requirements on business activities in Sudan, and prohibiting securities trading in the U.S. until such requirements are met. The information to be provided to the Securities and Exchange Commission regarding the nature and the extent of the commercial activity with this pariah state, the identity of Sudanese government agencies involved in such businesses, and the linkage to religious persecution and other human rights violations shall be made available to the public. All of this, in conjunction with reporting requirements detailing the sources and the status of Sudan's financing and the construction of the infrastructure and the pipelines for oil exploitation, will put the spotlight on those who help to prolong the oppression and the suffering. We will finally place the spotlight on those oppressors.

These are the people who help to propagate slavery, those who persecute the religious movement, and other religious human rights abuses. We are going to stop providing a financial lifeline to the Sudanese regime.

The U.S. must also help ensure that the humanitarian assistance sent to Sudan is not being manipulated and is in fact reaching the intended recipients so we can help alleviate some of the suffering in this war-torn nation.

The Sudan Peace Act has various provisions to address this critical issue, including reporting requirements and the development of contingency plans for the distribution of aid to the affected areas should the Sudanese regime impose any type of ban on air transport relief flights.

This bill seeks to provide a comprehensive approach to the war in Sudan and to facilitate a process which will help bring justice to the victims of the genocide and achieve this much-desired goal of peace. I, therefore, ask my colleagues to vote in favor of H.R. 2052.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I rise in strong support of the Sudan Peace Act. The National Islamic Front, which rules the Sudan, is one of the most degenerate and depraved regimes this world has ever known. It kidnaps, rapes, tortures, bombards; and yes, in this 21st century, enslaves its own civilians. It manipulates, blocks, and even bombs relief flights to advance its war aims. It attempts to destabilize the governments of its neighbors, including by assassination. And it sponsors terrorism abroad, including against the United States.

The situation in the Sudan is not only a humanitarian crisis, it is a crisis of humanity. Its extreme severity and sheer depravity call for international action. And it calls especially for United States leadership, which this bill provides.

While I support the appointment of a diplomatic envoy to advance the peace process, let me underscore that only international pressure has moved the thugs of Khartoum to make even the slightest gesture towards peace. They have been mostly empty gestures and lies at that.

This bill has it right. Only international sanctions and pressures can affect this regime's unconscionable behavior. This bill will also have the Secretary of State report on war crimes from all sides. In my view, it is evident that the Sudanese regime are genocidal war criminals.

The disclosure requirement on business activities make it clear that the line has to be drawn somewhere, and I fully support it. National interests cannot be determined simply by the color of money. But let us be realistic about any prospects for progress.

On May 25, the regime said they will cease bombing, and within a week they were bombing in the south and the western Nuba mountains. In the last couple of days, the government came close to hitting two World Food Program food planes, and bombed the civilian areas that were intended recipients of that aid in Bahr al-Gazal.

Mr. Speaker, we are morally obliged to do what we can to help the hungry, the abused, the besieged, and enslaved people of the Sudan. Let us have no illusions as to their intent, but let us do what we can. Let us pass the Sudan Peace Act.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I rise in support of this rule and in support of the underlying bill. I just want to say a few numbers loud and clear for everyone to hear. Over 2 million people are dead. Over 4 million people have been displaced.

Mr. Speaker, these are not just numbers. These are individuals. These are people: women, children, mothers, fathers, brothers, and sisters. We hear these numbers from far away, from Africa here in Washington; and for too long the plight of these oppressed people in the Sudan has just been ignored. It is imperative that we recognize the total devastation that has been going on and that we take serious action against these oppressors.

This is a civil war in the Sudan that has been going on for 14 years and wreaking devastation on the Sudanese people. The National Islamic Front government of the Sudan has been on a rampant campaign against its own people. The Sudan Islamic fundamentalist regime has brought killings, evictions, and slavery to its own people. The regime is on a deliberate campaign of genocide against the black Christians and other non-Islamic people in southern Sudan. Eyewitnesses have testified over and over again before Congress about the Sudanese government's active efforts to promote slavery, torture, rape, mutilation, and killing.

Mr. Speaker, myself and other House Members have been taking action to bring this genocide into the limelight and focusing our efforts on stopping this brutality. H.R. 2052 is a good bipartisan measure that will facilitate famine relief efforts and a comprehensive solution to the war in the Sudan.

Mr. Speaker, although the Islamic government has claimed that they will end the bombing of civilian targets, as was previously stated by the gentleman from New Jersey (Mr. MENENDEZ), the evidence is directly in conflict with that claim.

The impending famine in the south and the improved military technology of the government threaten millions more of these poor, defenseless civilians in southern Sudan.

Mr. Speaker, we need this bill, and I encourage all my colleagues to vote for the rule and to vote in support of the underlying bill. Most importantly, I encourage my colleagues to continue their engagement on this issue. To simply vote for this bill and forget about the problem is not doing enough. We must remain engaged.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support not only of the rule but the underlying bill. I rise to support as well the leadership of the ranking member of the Committee on Rules who I know has had a long-standing history on this issue; as has the gentleman from Florida (Mr. DIAZ-BALART) on the majority side.

Mr. Speaker, I rise in support of this particular legislation sponsored by the gentleman from (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE).

□ 1245

I thank them both for their leadership, because this is a vital legislative initiative. I am gratified that the House will consider an important piece of legislation that condemns slavery and human rights abuses in Sudan, human rights that have been violated time and time again.

Mr. Speaker, it is unfortunate that Sudan and the Sudanese people have chosen not to listen, and when I say the Sudanese people, those who are governing, because there are those who have been put upon and who have been brutalized because of the failure to understand that all people are created equal. I am thankful that the legislation sets conditions of genocide as it relates to the Convention on Genocide. Genocide and war crimes must be addressed by the international judicial entities to ensure that justice is achieved. I am delighted that this legislation calls for the United Nations to be used as a tool for peace and condemns slavery by all combatants. It permits a revision of Operation Lifeline Sudan; encourages support for an internationally sanctioned peace process authorized by the Secretary of

State to support the peace process; provides transparency for foreign companies operating in Sudan that have capital markets in the United States; and it condemns the bombing of innocent civilians.

As the ranking member of the full committee and the chairman of the full committee, both the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have been on the forefront of human rights. They realize that we have tried to work continuously to be able to address the issue of what is going on in Sudan, the violence in Sudan. Numbers of Congresspersons have visited Sudan, including the gentleman from New Jersey (Mr. PAYNE), who have gone in on foot, by plane, bus and train, attempting to work with those and attempting to create peace. Yet no one is listening.

Tens of thousands of people have died a slow and painful death by starvation as a result of the actions by the government in Khartoum preventing food from getting to the people in need. Will anyone listen? Do they realize that families are being destroyed? That children are dying? That Christians who want nothing else but to be able to practice their faith and live in peace are being destroyed and killed? Not only is the government of Sudan a terrorist regime but also a genocidal one, responsible for slavery, bombing raids against humanitarian targets, massacres and deliberate starvation in the southern part of the country where Sudan's religious and racial minorities reside. Two million people have died, Mr. Speaker.

I would simply say as I was able to pass legislation dealing with children soldiers, prohibiting them and requiring a study by the State Department authorization bill, H.R. 1646, this bill sends a loud and resounding sign, no more, no more. No more brutalization, no more loss of life. Peace in the valley. The Sudanese people must be free and the Sudanese government must be taught a lesson.

Mr. Speaker, I rise today in strong support of H.R. 2052, The Sudan Peace Act. I am gratified that the House will consider an important piece of legislation that condemns slavery and human rights abuses in Sudan. I am a cosponsor of this critical legislative initiative because I believe we must confront the atrocities being committed in the Sudan.

Let me be clear on what the Act does do. First we must be thankful that the legislation sets the conditions of genocide as it relates to the Convention on Genocide. Genocide and war crimes must be addressed by the international judicial entities to ensure that justice is achieved. But the bill does a great deal more to ensure peace. It calls for the United Nations to be used as a tool for peace; condemns slavery by all combatants; it permits a revision of Operation Lifeline Sudan; encourages support for internationally sanctioned peace process authorized by the Secretary of State to support the peace process; provides transparency for foreign companies operating in Sudan that have capital markets in the United States; and it condemns the bombing of innocent civilians.

The bill does not amend our Federal securities laws or call for capital market sanctions, or importing sanctions. It does not address those issues because we are focused on stopping the atrocities from continuing in the Sudan.

The staggering scale of atrocities in Sudan has caused me and several other Members of Congress to support this measure. Tens of thousands of people have died a slow and painful death by starvation as a result of the actions by the Khartoum preventing food from getting to the people in need. Not only is the Government of Sudan a terrorist regime but also a genocidal one responsible for slavery, bombing raids against humanitarian targets, massacres, and deliberate starvation in the southern part of the country where Sudan's religious and racial minorities reside. An estimated 1.9 million people have died of causes linked to Sudan's 17-year-old civil war. Over 4.3 million have been uprooted. These are simply egregious human rights abuses that must be addressed by the United States together with the international community.

While the current stage of this conflict, being waged primarily between the National Islamic Front (NIF) and other warring factions. The Government of Sudan has waged a brutal campaign against civilians. Although the National Islamic Front government recently pledged to end bombing of civilian targets, there is little evidence that the conflict is nearing resolution. Indeed, the improved military technology of the government, combined with an impending famine in the south, threaten to virtually destroy the population of southern Sudan by the year's end.

H.R. 2052 addresses this situation in a comprehensive manner. The legislation actually requires the Secretary of State to reinvigorate international diplomatic peace efforts that are desperately needed to bring closure to the fighting and an end to the atrocities. We need the foreign policy team of America to help play a constructive role in the Sudan.

The legislation also creatively requires all businesses trading securities in the United States capital markets and operating in Sudan to disclose fully the extent of their involvement in Sudan. This will provide transparency to the nature of business being done in the Sudan. This is an important step, Mr. Speaker.

Let me just add that we must rid the use of child soldiers in conflict. Children used as soldiers are unacceptable. As a result of an amendment that I offered and was adopted during consideration of the H.R. 1646, the State Department authorization bill, the United States will now begin to collect specific information on those nations that use children as children soldiers. If children continue to be used in this conflict as soldiers, the world community will not only know but the United States will formally have the opportunity to raise this matter with the Sudanese government.

Mr. Speaker, H.R. 2052, the Sudan Peace Act, reflects bipartisan support to end the atrocities being committed in the Sudan. I strongly urge my colleagues to vote in favor of the bill.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank the gentleman for yielding me this time.

Mr. Speaker, Edmund Burke, who was a distinguished politician in England, said it best when he said that the only thing necessary for the triumph of evil is for good men to do nothing. So, Mr. Speaker, let us not be idle this afternoon.

The size of Sudan's population is about 35 million people. This event has been going on, off and on, since 1955. This is something that we should take quite seriously and try to come to grips with in this House to do something constructively. The humanitarian crisis in southern Sudan is considered one of the worst in decades. Efforts at national, regional and international levels to bring peace and stability to the region have so far been unsuccessful, and outbreaks of fighting and mass population displacements continue to occur. This vicious operation against citizens has resulted, as mentioned before, in the loss of 2 million souls and left 4 million homeless.

These statistics fall in this House, but they are so meaningful. The 14-year recent civil war has also brought drought and raids that have been backed by the government. They back these militias. They have disrupted the distribution of food aid and obstructed assessments of need in severely affected areas. In short, we are not able to discern the exact need. We only know as we stand on the House floor today that it is great.

The Sudan Peace Act does several things that attempt to address the many complicated issues that are facing the people of Sudan. First of all, the reporting requirement included in this bill would serve as a deterrent to foreign companies raising money in United States markets for oil development activities in Sudan, activities which undoubtedly have an effect on human rights and religious freedom. The thriving oil industry in Sudan, according to the International Monetary Fund, has allowed the Sudanese government to double its military budget. Some believe that because of the prosperity of the oil export, the National Islamic Front, NIF, which is the controlling governmental authority, is not interested in negotiating seriously to end this war.

More importantly, it condemns the war being waged by the NIF government in Khartoum. The NIF views itself as the protector of Islam in Sudan. Any political dissent is seen as being anti-Islam and any action against religious opposition is understood as justified in what the NIF believes is a holy war.

According to a March 2001 report by the congressionally established U.S. Commission on International Religious

Freedom, quote, the government of Sudan continues to commit egregious human rights abuses, including widespread bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, manipulation of humanitarian assistance as a weapon of war and severe restrictions on religious freedom.

Mr. Speaker, this legislation is not the total solution to the humanitarian crisis in Sudan, but, rather, in a small way, it is a contribution to a larger effort which we should embark on here in Congress, an effort that will bring a long-term commitment to a suffering people whom we do not know but whose human freedom we take seriously today.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I thank my friend from Ohio for yielding me the time. I rise in support of the rule and the Sudan Peace Act. But I submit, Mr. Speaker, that this is not enough.

I traveled to Sudan in the year 1989 with our late colleague Mickey Leland, with our late colleague Bill Emerson, and with GARY ACKERMAN. I saw firsthand the human devastation in that country. And here we are in the year 2001 witnessing the same civil war, the same devastation and basically the same participants. Sadiq al-Mahdi was in charge in Khartoum when we were there, but he was replaced later that year by Lieutenant Colonel Bashir, who is still in power. John Garang was then and is now the leader of the SPLA.

We traveled, after we left Khartoum, to the south to Muglad and Waw, a couple of the refuge camps. I cannot describe to you the feeling of looking out at a crowd of thousands and thousands of people who are not sure where their next meal is going to come from. One of the NGO officials at the time said, "Congressman, would you like to see our hospital?" I became encouraged for a moment. I was going to see a medical facility. They took me to their medical facility, which was a great big tent. It was large, and it was air-conditioned, just to keep people alive, but the medical facility was primitive at best. It became clear to me why it was so difficult to get medical personnel from the continent and elsewhere in the world to donate their time and to go there. The NGO officials explained to me that initially they had an outpouring of support from volunteer medical personnel from around the world but once they got there, the situation was so primitive as far as what they had to work with that they would get discouraged and leave.

Now, I am suggesting, Mr. Speaker, that we do something more than just pass the Sudan Peace Act. I think that the United States role has to be much more, and I am not talking about military intervention. We have become involved in negotiations for peace in many other areas of the world where there is much less human devastation. We became heavily involved in the situation in Ireland, and especially because of my heritage I am very happy that we did that. We have made significant progress with the Good Friday Accords. We are not where we want to be but we are making progress. That is because the President of the United States got directly involved and got people together and we made significant progress.

We have been doing that for years in the Middle East. We are not where we want to be in the Middle East, but we have made significant progress—most notably starting with the Camp David Accords back during the Carter administration. We have moved step by step. We are much better off today than we were a generation ago, but we still have a lot of work to do.

Bosnia, etc. We keep going down the list. We got directly involved.

Why is Africa the forgotten continent when there is so much more human devastation there? Compare it, for example, to the situation in Ireland, which I feel very deeply about. From the time that the current troubles started in 1969, 3,000 innocent people have died. That bothers me a lot. But in this one nation on the forgotten continent of Africa, in a shorter period of time, less than two decades, 2 million people have died. Two million innocent men, women and children have died. The year before Mickey led that delegation in 1989, 280,000 people starved to death in that one country in that one year.

Why is this the forgotten continent? Why can we not become more directly involved? Members might ask me, what am I suggesting? I am suggesting that the President of the United States make this a priority. When I say that, I am not directing anything at the current President. He just started his term, so this is a new suggestion to him. Other Presidents, Democratic and Republican before, have not done that. I am suggesting that he do that and focus on this international issue, get Bashir and Garang to the negotiating table, and get a cease-fire. I think if we have the leadership of the President of the United States, the leader of this country and the leader of the free world, we can get the international attention that we need to stop the human devastation in Sudan.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman from Florida for yielding me this time and for his leadership on this issue.

Mr. Speaker, the United States Department of State released a statement on Friday to report that the National Islamic Front government of Sudan launched a series of aerial bombings in southern Sudan 1 week ago. These attacks clearly targeted civilian areas, an act Khartoum pledged not to do only 2 weeks prior to the bombings.

Mr. Speaker, while the Sudan Peace Act condemns human rights violations by all sides of this four-decade-old conflict, it is important to note that it recognizes that the NIF government bears the greatest responsibility for the violations. The NIF has continually blocked humanitarian relief efforts and apparently now bombs civilian areas.

Mr. Speaker, it is important that the American people know that the heart of this conflict has deep religious origins. As the gentlewoman from Texas said only moments ago, last year the State Department designated Sudan as a country of particular concern because the NIF commits what is commonly believed to be the world's worst acts of religious persecution.

As a Christian, Mr. Speaker, it particularly grieves me to report that the worst of these acts of persecutions are against Christian believers in Sudan. Christian southern Sudanese are sexually abused, beaten and forced into religious conversion. Matthias Akabd was arrested in January of 1995 along with his wife and his infant son. They have not been heard from since. The Akabd family is merely one example of tens of thousands of persecuted Christians in southern Sudan who are discriminated against, stripped of their freedom, enslaved, imprisoned, tortured and even killed.

As the Good Book says, Mr. Speaker, "Remember those who are in prison as if we were their fellow prisoners and those who are mistreated as if we ourselves were suffering."

Mr. Speaker, by supporting the Sudan Peace Act, the Congress will do much today to fulfill this noble commission.

□ 1300

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank the gentlemen who have worked on this very, very important piece of legislation.

Mr. Speaker, I rise to support the rule and the passage of the bill, and I am thankful for this opportunity to give my support. The situation in Sudan came to my personal attention as a result of constituent case work, diligently completed by Karen Kinkel of my Iowa district office staff.

In April of 1999, we received a letter from a constituent, Paula Friederich of Ames, regarding her passionate concern for a group of children now commonly referred to as the "Lost Boys of the Sudan." Paula and her husband, Dr. Jim Friederich, expressed their desire and their commitment to assist financially the plight of two of these lost boys in particular.

The Friederichs had recently learned of the war in the Sudan from a young man named Madul Aguan, who is currently a senior at Iowa State University. I submit for the RECORD today a copy of the experience of how he escaped as a young lad of 8 years old. His father had been killed, who was a Dinka chief, when the war that raged separated him from his mother. Then they came back and were going to take the children, and he escaped over into Ethiopia into a refugee camp.

The experience of what he went through is just heartrending. By force he was returned to the Sudan and then he was shot, broken ribs and wounded severely, and he survived that. Then he went to another refugee camp. To make a long story short, he finally landed in the United States with help from the State Department and many other entities. So he landed there and as a youngster was going to school in Kansas City, sleeping on a mattress in a leaky basement but kept pushing on. He said, I have freedom. It is okay. I have freedom.

Then he landed up in Ames. Now he is in the State University where he met the Friederichs and told them of his brother and his nephew that were having a similar situation. So the Friederichs set out to help. They worked with us and we worked with them, and the work went on and on and on.

Last winter, on a cold night in Des Moines, Iowa, off the airplane came the brother and the nephew. The brother and the nephew, which I will show here, Aguan in the middle, had not seen each other for 15 years, little children at the time, and here they were. They came and they were reunited in the United States. They are in a warm home with loving care, getting an education and moving forward in their lives.

That experience to me and for all of us should be a reminder that being in Congress is a lot more than just casting a vote here and there. Sometimes the most rewarding experiences that we can have are for our constituents and the positive role that plays, and such an important factor in their life. I am hopeful today we will not only pass this rule and this bill that will help bring this to an end, I would encourage everybody that is listening and thinking about it, give it their wholehearted support. It is the right thing to do.

In 1986, when Aguan was 8 years old, Northern Sudanese troops attacked his village of Lou Mawein in Southern Sudan. Aguan's father, a Dinka chief, had been assassinated in 1983. In the confusion of this battle, Aguan was separated from his mother. After two days of attacks from the northern troops, the Sudanese Peoples Liberation Army (SPLA), in Aguan's words, "came into the village to bury the dead, tend to the wounded and gather up the children who parents were killed or lost". At this time, Aguan began walking, barefoot, to an Ethiopian refuge camp. It is my understanding that many other children did not survive the journey to Ethiopia, dying when attacked by crocodiles as they passed through the Gilo river. During the last three days of his journey, Aguan had no food or water. Aguán stayed in an Ethiopian refuge camp for five years, until Ethiopia had it's own civil war. As a result of this war, Aguan was forced to return to southern Sudan, which was once again attacked by northern troops. With the assistance of the United Nations, Aguan went to Kapoeta to be protected by the SPLA. However Kapoeta was attacked, and Aguan was short. The bullet broke his ribs, collapsed his lung and caused internal bleeding. He was taken by the Red Cross to Lokichoggio, Kenya for surgery. At this time, Aguan was placed in the Kakuma refuge camp, in northern Kenya.

According to Aguan the conditions in the camp were inhumane. The water was polluted and there was little food. The tents were overcrowded. After two years, Aguan went to Nairobi for medical exams. Following results of the exam, he began the process of obtaining a referral as a refugee for resettlement. When he was approved for resettlement as a refugee by the Immigration and Naturalization Service, Aguan immigrated to the United States. This was made possible through the primary assistance of the Joint Voluntary Agency and the Red Cross. Aguan worked to put himself through high school in Kansas City, Missouri, sleeping on a mattress in a leaky basement for three years. Aguan told the Friederich's he was just "happy to be free".

Following high school graduation, Aguan attended the Des Moines Area Community College for one year before transferring to Iowa State University, where he now majors in International Law. Aguan plans to attend law school following graduation.

This story of Aguan's escape from the Sudan was shared with Jim and Paula Friederich. Aguan then asked the Friederich's if there was any way they could help him bring two surviving family members, a brother and a nephew, to the United States for the purpose of family reunification.

I brought this inquiry to the attention of the appropriate African Population, Refugee and Migration Bureau (PRM) representative of the State Department which coordinates overall United States Government policy on assistance, protection and resettlement of refugees. Refugee resettlement involves the White House, National Security Council, U.S. Immigration and Naturalization Service, Department of State, Department of Health and Human Service, the International Organization for Migration, the Joint Voluntary Agency (Lutheran Immigration and Refugee Service), the United Nations High Commissioner for Refugees, and the United States Congress.

After working for over two years to facilitate communication with the Immigration and Naturalization Service, and the State Department on behalf of Aguan and the Friederich's, Aguan's brother and nephew were located, and were granted approval for refugee resettlement in September 2000. They arrived at the Des Moines International Airport in January of 2001. Aguan had not seen his brother in over fifteen years. He last saw his nephew eight years ago. Aguan's brother and nephew have similar stories of how they survived and escaped and the war in southern Sudan.

I believe that this reunion would not have been possible without the assistance of the aforementioned federal agencies, coupled with the concern and involvement of the Friederich's, and the persistent work of my casework staff.

Members on both sides of the aisle, there is a civil war in the Sudan that has been raging for the past 18 years. As a result of this war, children are lost from their families, and many are sold into slavery. The fortunate ones escape to surrounding countries, but often with little hope for a future. I have been touched by this story. It is my desire to bring an end to this war, and now is the time to take action on behalf of the helpless who remain in Sudan. Please join me in support of H.R. 2052.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE), a man who has spent a lot of time on this issue. He has traveled to Sudan. He is an expert on so many countries in Africa.

Mr. PAYNE. Mr. Speaker, I stand in strong support of the rule and would like to commend the gentleman from Ohio (Mr. HALL), who chairs a hunger committee, for his tireless work not only in Africa but around the world where he travels at his own danger in some instances to investigate and bring back the report of what is going on.

I would also certainly like to commend the gentleman from California (Mr. LANTOS), who has given all of the support that we need for issues in the continent of Africa. I would also like to mention the work of the gentleman from Colorado (Mr. TANCREDO), who is the sponsor of the Sudan Peace Act.

The first congressional delegation that the gentleman from Colorado (Mr. TANCREDO) went on was a trip with me and Senator BROWNBACK to southern Sudan. It was quite a way to initiate congressional travel. I told him that it was not always like this when Congresspeople travel.

His interest, his curiosity, his want to learn inspired him to move this bill.

Also a long-time warrior, the gentleman from Virginia (Mr. WOLF), has spent many, many, many hours and days and months traveling, working for the benefit of people throughout the world and in Sierra Leone and in Sudan.

The gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa, has done an outstanding job. So I think this is a great opportunity for a bipartisan move to talk about probably the worst scourge on the Earth today, a pariah government, a government which bombs its own people, starves its own people, tortures its own people.

There are other people, too, like Charles Jacobs from the anti-slavery movement and Nina Shay from a commission to deal with religious discrimination.

What I think is finally happening is that America, the world, is starting to see about this tragedy of Sudan: 1.9 million people dead, 4.4 million people displaced. Finally, it has been too long but I hope that the new administration will have vigor to see us change the pariah government in Khartoum so people can have the ability to live a normal life.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I want to thank several people that have worked so hard concerning the Sudan Peace Act. I do support the rule.

I want to congratulate the gentleman from Ohio (Mr. HALL), the gentleman from Virginia (Mr. WOLF), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Colorado (Mr. TANCREDO), and the gentleman from California (Mr. LANTOS) for their leadership and strong support. I was one of the authors of the International Religious Freedom Act of 1998, which set in place the framework for U.S. action against violations of religious freedom around the world.

The Sudan Peace Act is a worthy successor to that act, and I am proud to be an original cosponsor. The tragedies of Sudan are truly unspeakable, though we must attempt to make them clear to the world. Some 2 million people dead in the war, millions more displaced; women and children abducted and raped by government-backed militia; torture of dissidents; bombing of hospitals and schools. It is an endless litany of suffering.

This act clearly condemns these atrocities perpetrated by an extremist and heartless regime. This act strengthens our ability to provide assistance to the suffering civilians of Sudan, particularly in areas barred from relief by the government. It reinforces our commitment to negotiating peace; and of tremendous importance, it requires that businesses that want to raise capital from American investors disclose any dealings in oil development in Sudan. That oil is blood oil. It has enriched the war machine of the government and emboldened Khartoum to believe that it will enjoy limitless funds to crush its own people into submission.

I urge all my colleagues to denounce these atrocities and vote for the Sudan Peace Act.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply say that the rule is a good rule. It is in good shape. It is open. The bill is not a perfect bill. It is very hard to pass a perfect bill on an issue like Sudan, where millions of people have died. They have fought for years. I am particularly impressed and glad that in the bill when it talks about the broad bipartisan support of this bill from the House of Representatives, it condemns violations of human rights by all sides to the conflict.

I know that for the most part today, what we have heard is the very, very serious and very troubling human rights violations coming from the north and coming from the government, but there is blood in the south as well. Tribes fight tribes. Leaders use innocent people, and there is blood on both sides. I hope that this bill will not only address some of those issues but will go a long way in helping bring this terrible war to an end.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend all of my colleagues who have spoken so eloquently on this very, very important subject and join them in urging the House to obviously support this open rule, but also the underlying legislation.

We, I hope, speak on this moral issue in a very united fashion this afternoon.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2052.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Pursuant to House Resolution 162 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2052.

□ 1313

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, with Mr. SIMPSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. ROYCE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, firstly I would like to thank the gentleman from Colorado (Mr. TANCREDO), a member of the Subcommittee on Africa that I chair, for introducing the Sudan Peace Act.

The ranking member of the Subcommittee on Africa, the gentleman from New Jersey (Mr. PAYNE), has been a strong supporter of this legislation, as has the gentleman from California (Mr. LANTOS). I want to thank them for their assistance.

I would also like to thank the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for his efforts on behalf of this bipartisan bill.

As we have heard during the debate on the rule, Sudan is suffering through what is probably today the longest civil war in the world. The fighting between the radical government in the north and forces in the south has led to suffering on such a massive scale that it is estimated today that close to 2 million Sudanese have died of war-related causes since 1983.

There are 4 million Sudanese internally displaced in that country, 2 million living in squatter areas in Khartoum. Over 3 million Sudanese will require emergency food aid this year if they are to survive.

□ 1315

Famine is a constant in Sudan. At a March hearing of the Committee on International Relations, Secretary of State Colin Powell said that Sudan is one of the greatest tragedies on the face of the Earth. There is no greater tragedy, he said.

Well, I think Secretary Powell is right. He recently traveled to Africa, where Secretary Powell consulted with African leaders about the crisis in Sudan. Early signs indicate a strong administration commitment to addressing this crisis, and this legislation is designed to bolster the administration's effort.

The Sudan Peace Act condemns violations of human rights on all sides of the conflict. However, it recognizes that it is the Sudanese government and groups under its control that bears by far the greatest responsibility for human rights violations.

The Sudanese regime regularly blocks humanitarian relief efforts and bombs humanitarian and civilian centers. Southern Sudanese are victimized by slave raids, which this legislation recognizes as government-backed, as well as by religious persecution, which is commonly believed to be the worst religious persecution in the world.

Last year, the State Department again designated Sudan as a country of particular concern due to its systematic and egregious violations of religious freedom. Sudanese forced into slavery are subject to all forms of physical abuse, including beatings and sexual abuse, and forced religious conversions.

Congress has gone on record before expressing concern over the strife and human suffering that is occurring there in this country. In 1999, the House of Representatives passed a resolution condemning the Sudanese government for "its genocidal war" in southern Sudan. The Sudan Peace Act condemns the government of Sudan in the strongest possible terms, finding again that its acts constitute what we term genocide.

Here are some of the particulars in the bill. The bill requires companies with operations in Sudan to disclose the nature of their Sudanese operations before they are permitted to trade their securities in U.S. capital markets. This disclosure includes the nature of those operations and their relationship to violations of religious freedom and other human rights in Sudan. This should prove to be a useful tool in alerting American investors to the troubling nature of their potential investment, particularly in the energy sector.

Over the last several years, non-U.S. companies have raised money in the U.S. to develop Sudanese oil fields, located primarily in the south. Oil reserves have allowed Khartoum to double its military expenditures, giving it the means to prosecute its war more aggressively.

The second thing the bill does is it urges the administration to make available to the National Democratic Alliance $10 million in previously appropriated funds. This funding should be used to help build the civil society that has been devastated in the south and which is essential to the region's long-term future.

The third aspect of the legislation is that it requires the administration to develop a contingency plan to operate its humanitarian relief efforts outside Operation Lifeline Sudan, and that is the United Nations sponsored humanitarian aid operation that has been shamelessly manipulated by the government of Sudan to advance its war aims, leading to widespread death by starvation and other causes. So what has in fact happened with Operation Lifeline Sudan, the government in Sudan has directed do not bring this relief into the south; we will direct you as to where you are allowed to take the food aid. So, again, this will develop a contingency plan to operate outside and around that Operation Lifeline Sudan.

The Subcommittee on Africa has held several hearings on Sudan over the last few years. This crisis has increasingly caught the attention of the American people. The Sudan Peace Act is an effort to bring further attention to the suffering in Sudan and help along a resolution to this long-running conflict.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the Sudan Peace Act. I first would like to thank my colleague, the gentleman from Colorado (Mr. TANCREDO), for introducing the measure. I want to express my special appreciation to my colleague and friend, the gentleman from New Jersey (Mr. PAYNE), the ranking Democratic member of the Subcommittee on Africa, for his many years of tireless efforts to bring to the attention of the Congress and the American people the Sudanese crisis. I also want to commend my friends, the gentleman from California (Mr. ROYCE) and the gentleman from Illinois (Chairman HYDE), for moving this legislation forward and for their deep commitment to the issues.

Mr. Chairman, it appears unreal that at the beginning of the 21st century we again are talking about genocide and slavery, but it is genocide and slavery which characterizes the situation in the Sudan. This is a long-standing crisis. It originated in the early 1950s, and it became particularly severe since the mid-1980s.

The Islamic government of Sudan is perpetrating genocide on its own people. This crisis represents the most comprehensive attack against Christians any place on the face of this planet today; mass rapes, large scale forced starvation, kidnapping, and, as has been stated time and time again in this debate, we have over 2 million innocent men, women, and children who have been killed in this process, over 4 million internally displaced.

This legislation, which I hope will get the unanimous support of this body, calls for our Secretary of State to collect evidence on war crimes and crimes against humanity. It is inconceivable that the perpetrators of these gigantic scale atrocities should escape appropriate punishment.

A special word needs to be said, Mr. Chairman, about the oil companies that play a significant role in this nightmare. I am pleased to say that there are no American oil companies involved, but it pains me to no end to indicate that an oil company from Sweden, an oil company from Canada, and, much less surprisingly, oil companies owned by Malaysia and Communist China, are providing the funds to this outrageous government to pursue and perpetrate its atrocities.

We will bring the light of day on the activities of these companies, and we will make it very clear for any potential American investors what the nature of their investments would be buying in atrocities in the Sudan.

I truly believe that Congress acts never more nobly than when it rises to deal with human rights abuses anywhere on this planet. The Sudan Peace Act is one such example, and I strongly urge all of my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend, the gentleman from California (Mr. ROYCE), the chairman of the African subcommittee, for yielding and commend him for his outstanding leadership on behalf of the suffering individuals, not just in Sudan, but in other countries, particularly in sub-Saharan Africa, who have been victimized by human rights abuse.

I want to especially thank on this bill, my good friend, the gentleman from Colorado (Mr. TANCREDO), and all of the bipartisan sponsors of this Sudanese Peace Act. It is clearly a step in the right direction. It is an outstanding bill. It tries to advance the ball so that there will be peace.

We have lost 2 million Sudanese people, many of them women and children who have been slaughtered. Food has been used as a weapon in Sudan by the Khartoum government. We know that with Operation Lifeline, very often efforts to feed those in the south have been vetoed by Khartoum because they wanted to deny access to food and medicines.

Back in 1996, Mr. Chairman, we had a series of hearings on what really was happening in Sudan, the first hearing of its kind on slavery. At that point, people objected and said what are you talking about? Shadow slavery, the buying and selling of people, not unlike what we had in the United States and in other western countries before the civil war. A horrific practice. Yet it was going on in modern day Sudan. Thankfully, there is an effort. At least there is exposure now. People understand that this has occurred.

The gentleman from California (Mr. ROYCE) mentioned this forced religious conversion. I have met people who have lost their children through forced Islamization, where their young men, their young boys, have been literally abducted out of their homes and brought to these camps where they are brainwashed, for want of a better word, day in and day out, to accept Islam. That is not what conversion is all about.

But this civil war is being financed, and it is not a civil war, it is a slaughter, increasingly by oil monies. I just bring to the attention of members that the gentleman from Alabama (Mr. BACHUS) will be offering an amendment at the appropriate time that will deny the access of those companies to the capital markets of the United States, like Talisman.

Talisman is an oil company that, unfortunately, like some of the others coming out of China and elsewhere, that are building up the capability of the Sudanese government to get real dollars, hard currency, which is now funding this slaughter of women and children and men. They have doubled their military spending. For example, since 1998 much of the oil revenues have amounted to about $500 million, and that is going to grow as a direct result of their ability to get cash at the New York Stock Exchange and elsewhere to fund this slaughter of innocent people.

This war might have been over; it certainly would have been much reduced, had it not been for oil money. If we really want to be peacemakers, it seems to me we need to deny the access, turning off that spigot to the best of our ability to deny the killers, the murderers, the rapists, the ability to do business as usual.

Again I want to thank the gentleman from California (Mr. ROYCE), the gentleman from Colorado (Mr. TANCREDO), the gentleman from California (Mr. LANTOS), who has done great work on this, and the gentleman from Illinois (Mr. HYDE). Of course, the Bachus amendment, which will be coming up shortly, is deserving of my colleagues' support.

Mr. Chairman, I thank my good friend, the gentleman from California (Mr. ROYCE), the chairman of the African subcommittee, for yielding and commend him for his outstanding leadership on behalf of the suffering individuals, not just in Sudan, but in other countries, particularly in sub-Saharan Africa, who have been victimized by human rights abuse. I want to thank Chairman HYDE for his leadership in pushing this legislation.

And I want to especially thank my good friend, the gentleman from Colorado (Mr. TANCREDO) the prime sponsor of the bill and all of the bipartisan sponsors of the pending Sudanese Peace Act. It is clearly a step in the right direction. It is an outstanding bill. It tries to advance the ball so that there will be peace.

We have lost 2 million Sudanese people, many of them women and children who have been slaughtered. Food has been used as a weapon in Sudan by the Khartoum government. We know that Operation Lifeline has often been stymied in efforts to feed those in the south. Amazingly the dictatorship has veto power over both where and whom humanitarian relief and food disbursements can be made. Khartoum is guilty of denying access to food and medicines by untold numbers of starving and emaciated people.

Back in 1996, Mr. Chairman, I chaired a series of hearings on Sudan. We convened the first hearing of its kind on slavery in Sudan. At that point, some people objected, were in disbelief and denial and said what are you talking about? Chattel slavery—the buying and selling and ownership of people, not unlike what we had in the United States and in other western countries before the civil war was—is—thriving in Sudan.

The gentleman from California (Mr. ROYCE) mentioned forced religious conversion and at hearings I chaired we heard from victims of the egregious practice. I have met mothers who have lost their children through forced Islamization, where their young children were literally abducted out of their homes and brought to camps where they were brainwashed. That is not what conversion is all about. Now we know that the Sudanese genocide is being financed by oil—petrol dollars. I just bring to the attention of members that the gentleman from Alabama (Mr. BACHUS) will be offering an amendment at the appropriate time that will deny the access of oil companies to our capital markets of the United States, if they are doing business in Sudan.

Talisman of Canada is an oil company that, unfortunately, like some of the others based in China are building up the capability of the Sudanese government to get boatloads of money, hard currency, which is now funding the slaughter of women and children and men. As a direct result of oil revenue, Sudan has doubled its military spending. Since 1998 the oil revenues per year have amounted to about $500 million, and that is going to grow as a direct result of Sudan's oil revenue and its ability to procure funds from U.S. equity sources.

Had it not been for oil revenues, the Sudanese genocide might have been over. It almost certainly would have been less lethal had it not been for oil money. If we really want to be peacemakers, it seems to me we need to deny Sudanese access to cash. We must turn off that spigot. We must deny the killers, the murderers, the rapists, the ability to conduct the business of genocide.

Again I want to thank the gentleman from California (Mr. ROYCE), the gentleman from Colorado (Mr. TANCREDO). The Chairman of the Full Committee, Mr. HYDE, always a champion of human rights and the gentleman from California (Mr. LANTOS), who has also done great work on this vital cause.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE), one of our colleagues who has devoted years of his life to this issue and who has been a nationally recognized leader on the subject of Sudan.

Mr. PAYNE. Mr. Chairman, I thank the gentleman for that very kind introduction. I appreciate the support that the gentleman has given this issue.

Mr. Chairman, I rise today in support of the Sudan Peace Act, H.R. 2052. I certainly would like to thank my colleague, the gentleman from Colorado (Mr. TANCREDO), for introducing this legislation. He has traveled, as I mentioned, to Sudan with me a year or so ago, with Senator BROWNBACK, and saw firsthand the conditions and has been a strong advocate for change there.

As you know, it is a very sad situation in Sudan, and we have many people, the gentleman from Virginia (Mr. WOLF) and the gentleman from California (Mr. ROYCE) and the chairman, the gentleman from Illinois (Mr. HYDE). We have on our side, the gentlewoman from the District of Columbia (Ms. NORTON) and others who have fought.

But we also have people outside the anti-slavery organization, Charles Jacobs and Mrs. Nina Shay and others. But I also would like to commend the NAACP that at its last several conventions talked about this problem of slavery and has opposed the government of Sudan, and for the talk show host, Joe Madison, who has really given his listening audience an opportunity to hear about the Sudan and has gotten a great new constituency, and Reverend Fauntroy here in Washington, Reverend Jessie Jackson, who intends to go to Sudan soon, and Reverend Al Sharpton, who has been there.

□ 1330

We have seen more people become involved.

But this issue is not a simple issue of north versus the south. There are many very good Northerners who want to see the end of this war, also. We have many people in the Muslim faith who do not support the National Islamic Front government. The fact is that it is a bad government. They are really perpetrating misery on their people, and it is a strong, small group of people who have just been holding power against people of good will.

So the bombings continue, and aerial bombings were reintroduced just last week. The government made an official statement that they were going to end aerial bombings 2 weeks ago, and last week said they have rescinded that and they are starting bombing again.

They take these Antonovs, these Soviet-built planes, and it disrupts the community because the community hear the planes and they keep wondering, when are the planes coming, therefore making it difficult to have a normal life. The planes on occasions hit churches and schools and hospitals.

Another thing that is happening is many of the educated south Sudanese, many are lacking education now. The schools are not adequate. Therefore, the people of the south are losing out on education.

This is a horrible, horrible situation, beginning back in 1956 when it was the first African country to receive its independence; a proud country, a country that fought victoriously against Egypt and the British to retain its independence.

The people there are good people, but they are being treated horribly by a terrible government. Slavery still goes on. People are still being starved as a weapon. We need to have a strong reassertion that this government must be changed.

We must ask the Bush administration and Secretary Powell, who has spoken out against this, and he has spoken out about Sudan more than any other area in Africa, we want him to continue to push. We want to see capital market access cut off from foreign countries trying to get funds from our capital markets to continue to use this blood money.

We would like to see the end to slavery, and youngsters like Ms. Vogel's class out in Colorado who raise funds and send them over with church groups to repatriate slaves with their families.

So we have a lot of work to do. We have heard the statistics: close to 2 million dead, and as a result, there have been over 4.3 million people displaced. We need to have a strong envoy to go there and to tell the Khartoum government that time has run out. We no longer will allow this to go on. It has gone on too long.

There is no reason in this new millennium, when we have supersonic transports and people going to outer space and living in outer space, that we would have on Earth a country that uses weapons of war against its own people, primarily women and children.

We must have a movement in this country to focus on Sudan. We must make this a number one priority. I would urge my colleagues to vote in favor of this peace act.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL), a member of the Committee on International Relations.

Mr. PAUL. Mr. Chairman, I rise in opposition to this bill, although I do not contest for 1 minute the sincerity and the good intentions of the many, many cosponsors. I do not question the problems that exist in Sudan. There is no doubt that it is probably one of the most horrible tales in human history.

But I do question a few things. First, I question whether this is a proper function for our government. I raised this question in the committee, suggesting that it could not be for national security reasons, and it more or less was conceded this has nothing to do with national security but it had to do with America's soul. I was fascinated that we are in the business of saving souls these days.

But I do have serious concerns about its effectiveness, because we have a history of having done these kinds of programs many times in the past, and even in Africa. It was not too many years ago that we were in Somalia and we lost men. Our soldiers were dragged in the streets. It was called nation-building. This is, in a way, very much nation-building, because we support one faction over the thugs that are in charge.

I certainly have all the sympathy and empathy for those individuals who are being abused, but the real question is whether or not this will work. It did not work in Somalia. We sent troops into Haiti. Haiti is not better off. How many men did we lose in Vietnam in an effort to make sure the people we want in power were in power?

So often these well-intended programs just do not work and frequently do the opposite by our aid ending up in the hands of the supposed enemy. I seriously question whether this one will, either. Maybe in a year or 2 from now we will realize that this is an effort that did not produce the results that we wanted. It is a $10 million appropriation, small for what we do around here, but we also know that this is only the beginning, and there will be many more tens of millions of dollars that will be sent in hopes that we will satisfy this problem.

Members can look for more problems to solve, because right now there are 800,000 children serving in the military in 41 countries of the world. That is another big job we would have to take upon ourselves to solve considering our justification to be involved in Sudan.

Mr. Chairman, with HR 2052, the Sudan Peace Act, we embark upon another episode of interventionism, in continuing our illegitimate and ill-advised mission to "police" the world. It seemingly matters little to this body that it proceeds neither with any constitutional authority nor with the blessings of such historical figures such as Jefferson who, in his first inaugural address, argued for "Peace, commerce and honest friendship with all nations—entangling alliances with none." Unfortunately, this is not the only bit of history which seemingly is lost on this Congress.

Apparently, it is also lost on this Congress that the Constitution was a grant of limited power to the federal government from the citizens or, in other words, the Constitution was not designed to allow the government to restrain the people, but to allow the people to restrain the government. Of course, the customary lip service is given to the Constitution insofar as the committee report for this bill follows the rule of citing Constitutional authority and cites Art. I, Section 8, which is where one might look to find a specific enumerated power. However, the report cites only Clause 18 which begs some further citation. While Clause 18 contains the "necessary and proper" clause, it limits Congress to enacting laws "necessary and proper" to some more specifically (i.e., foregoing) enumerated power. Naturally, no such "foregoing" authority is cited by the advocates of this bill.

Without Constitutional authority, this bill goes on to encourage the spending of $10 million of U.S. taxpayers hard-earned money in Sudan but for what purpose? From the text of the bill, we learn that "The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including (A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process; [note that it says "compel . . . good faith peace"] and (B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control." I believe we used to call that nation-building before that term became impolitic. How self-righteous a government is ours which legally prohibits foreign campaign contributions yet assumes it knows best and, hence, supports dissident and insurgent groups in places like Cuba, Sudan and around the world. The practical problem here is that we have funded dissidents in such places as Somalia who ultimately turned out to be worse than the incumbent governments. Small wonder the U.S. is the prime target of citizen-terrorists from countries with no real ability to retaliate militarily for our illegitimate and immoral interventions.

The legislative "tools" to be used to "facilitate" this aforementioned "comprehensive solution" are as frightening as the nation-building tactics. For example, "It is the sense of the Congress that . . . the United Nations should be used as a tool to facilitate peace and recovery in Sudan."

One can only assume this is the same United Nations which booted the United States off its Human Rights Commission in favor of, as Canadian Sen. Jerahmiel S. Grafstein, called them recently, "those exemplars of human rights nations . . . Algeria, China, Saudi Arabia, Uganda, Armenia, Pakistan, Syria and Vietnam."

The bill does not stop there, however, in intervening in the civil war in Sudan. It appears that this Congress has found a new mission for the Securities and Exchange Commission who are now tasked with investigating "the nature and extent of . . . commercial activity in Sudan" as it relates to "any violations of religious freedom and human rights in Sudan." It seems we have finally found a way to spend those excessive fees the SEC has been collecting from mutual fund investors despite the fact we cannot seem to bring to the floor a bill to actually reduce those fees which have been collected in multiples above what is necessary to fund this agencies' previous (and again unconstitutional) mission.

There is more, however. Buried deep within the bill in Section 9 we find what may be the real motivation for the intervention—Oil. It seems the bill also tasks the Secretary of State with generating a report detailing "a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located." Talk about corporate welfare and the ability to socialize the costs of foreign competitive market research on the U.S. taxpayer!

Yes, Mr. Chairman, this bill truly has it all—an unconstitutional purpose, the morally bankrupt intervention in dealings between the affairs of foreign governments and their respective citizens in our attempt to police the world, more involvement by a United Nations proven inept at resolving civil conflicts abroad, the expansion of the SEC into State Department functions and a little corporate welfare for big oil, to boot. How can one not support these legislative efforts?

Mr. Chairman, I oppose this bill for each of the above-mentioned reasons and leave to the ingenuity, generosity, and conscience of each individual in this country to make their own private decision as to how best render help to citizens of Sudan and all countries where human rights violations run rampant.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 5 minutes to my good friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I very much appreciate the gentleman yielding time to me, and I am grateful to him and to the sponsor of the bill, the gentleman from Colorado (Mr. TANCREDO).

I thank the ranking member, and I must knowledge the gentleman from California (Mr. LANTOS) as a one-man watchdog for human rights in the world, for which this body and our country are both grateful.

Mr. Chairman, here we have in this bill the first forward movement to do more than condemn. The unspeakable litany of violations in Sudan leave out none. I do not, therefore, want to go down them.

I do want to take issue with the last speaker. I am not sure about our national security, but I do believe that doing something about Khartoum is vital to the strategic U.S. interests in the world. Oil is the engine that is driving the war in the north against the southern Sudanese. They are winning the war. This war is almost over, if we do not do something about it. The southern Sudanese have been so weakened that time is running out.

In Khartoum, we see a regime that will soon be a mid-sized oil exporter at a time when the U.S. and the world have escalated oil needs. It is very important to build on the Clinton sanctions that have been in place since 1997.

I support the amendment, but minimally it seems to me we have to begin to focus, to scrutinize access to our markets. One way to do that is if we say that if they want access to our markets, tell us about their business operations in Sudan. If they want to get access, at least tell us. If we can deny them access constitutionally and legally, I would be for that.

Investors need to be forewarned that indeed we are trying to have significant impact on investments, and since we have reached our own folks, we ought to reach the multinationals, if for no other reason than to level the playing field.

Let me speak to another strategic interest. When is terrorism in the world not a strategic interest of the United States of America? Here we have a major supporter and exporter of international terrorism in Sudan, and we have felt Sudan in our own country. The region has felt Sudan in multiple ways. Ask the President of Egypt, Mr. Mubarak, whose life was attempted on from the exporting of terrorism from this regime. We have very important strategic interests.

In fact, the last time the world gathered in this way, the last time we confronted a nation and tried to get worldwide support, was of course the sanctions against South Africa, which significantly weakened apartheid. Mr. Chairman, what is happening in Sudan is far more complicated, and if I may say so, far worse than the despotism we saw in South Africa.

When the gentleman from New Jersey (Mr. PAYNE) and I came to the floor just over a year ago, we were the only two on a special order trying to kind of wake up the consciousness not so much of this body, which had already passed a resolution of condemnation, but hoping that the world out there was looking at us somehow.

I want to simply praise the gentleman from New Jersey (Mr. PAYNE) for pioneering leadership when absolutely nobody was listening. Since then, since that special order, there have been hearings, press conferences involving the leadership on both sides of the aisle. There have been Sudanese, southern Sudanese ex-slaves who had come to the House of Representatives. We are getting somewhere if we take the leadership for which our Nation is known in the world.

Therefore, we must minimally pass this bill and go on to pass the amendment, if we possibly can. Let us make this start now. Let us signify by this bill that we have only begun to fight for southern Sudanese freedom.

Mr. ROYCE. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado (Mr. TANCREDO), who authored this legislation and who, along with the gentleman from New Jersey (Mr. PAYNE), wrote the Sudan Peace Act.

Mr. TANCREDO. Mr. Chairman, I want to thank the gentleman for yielding time to me. I thank the committee chairman for bringing this bill forward. I thank the leadership for allowing this bill to come forward. I also want to thank the thousands and thousands of people that have communicated with Members of this body from all across this land in support of this piece of legislation.

It is amazing to me, as the gentlewoman just said a minute ago, how things have changed in such a short period of time; how hard it was a few years ago, and I know how hard it must have been for the gentleman from New Jersey (Mr. PAYNE) years before that, because of course he was involved with this before any of us were. But I know how hard it was just a short 2½ years ago to get anybody to pay the slightest bit of attention to the issues in Sudan.

It is undeniably true what many of my colleagues have said, that the problems there are incredibly difficult problems to deal with; very intricate, very interwoven, and many-many-facetted. It is not a simple solution by any stretch of the imagination, nor do I believe in all honesty, Mr. Chairman, that if we were to pass this bill today, which I certainly hope we do, that peace will break out tomorrow in Sudan.

What this bill is is simply another arrow in the quiver; our accumulation of power, if you will, resources, leverages, whatever we want to call it, to bring to bear in this country to force peace to occur. That is really what we have to do.

Many colleagues have come to me, not just colleagues here on the floor but certainly people in my own district, and asked the question, why now? What is the deal? What is the issue with Sudan? Why are we concerned about Sudan? Frankly, I do not have an awful lot of constituents who have Sudan on the top of their plate, so I do get questions about this.

I first of all try to explain the effect of going over there and the effect that trip had on me. When the gentleman from New Jersey (Mr. PAYNE) and Senator BROWNBACK and I landed in a little town called Yei and walked through this village, we had literally hundreds of people surrounding us and trying to get closer and closer to us because they thought, they hoped, they prayed, that if they stayed close enough to us, close to these American Congressmen who were there, that somehow perhaps the bombs would not fall on them, that the Antonovs would not come and bomb them at the time.

Of course, the look in their eyes, this look of desperation, of course that affected me, absolutely. I am a human being. My heart went out to them. I said then at that time to myself and to them, "I will do everything I can. I will do what I can."

This bill is I guess the end result. It will not be the end result, but it is a result of that promise I made. But beyond that, Mr. Chairman, when people ask, why Sudan, why now, I only refer them to the comment made to General Colin Powell. Secretary Powell, when I did ask him in the Committee on International Relations what the administration was prepared to do to bring peace to this troubled land, he responded that he did not have a plan at his disposal, since he had only been in his position a relatively short time.

□ 1345

He said, and I quote, I believe there to be no greater human tragedy being played out on the face of the Earth.

What more do we need to answer the question, why Sudan? Why now? The greatest human tragedy being played out on the face of the Earth.

There are many issues with which we can become involved in Sudan in a more technical way than even this bill lays out. I hope and I pray that, in fact, we can encourage the leadership in both the north and the south to earnestly begin discussions leading to peace, because I fear in my heart of hearts that the people, I know the people of Sudan both north and south want peace.

Mr. Chairman, I am not sure that the leadership in the north or the south want peace, because, in fact, you know, a war that has gone on this long establishes the status quo and in it people begin to achieve positions of power.

It is difficult to conceive a world in which war is not going on and, therefore, the power they wield is not able to be wielded. So we must be fearful of this reticence on the part of both the north and the south to move toward peace.

We must force that. We must force that movement, and we can do so with this bill and with the appointment of a special envoy, which I believe is in the offering.

I sincerely hope that my colleagues will support this piece of legislation as just one more step in the road to peace, so we can all answer our constituents and others when they say to us, why Sudan, why now. Just tell me if not now, when? How many more dead before you act?

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no additional speakers, but I would like to say a few words before we close debate on this issue. I was profoundly disturbed by my colleague's remark who asked why do we deal with this issue? Well, we deal with this issue because, as so many other issues in this century, it is a fundamental issue of human rights.

I predict that the issue of human rights will be the dominant issue of the 21st century. Not long ago, we were dealing with hundreds of thousands of innocent civilians being pushed out of their ancestral homes in Kosovo, and there were people on the floor of this body who questioned the relevance of our involvement in trying to see to it that these people, little children, old women, young families, were just pushed out of their home, because of their ethnicity and because of their religion.

In that case, it was Muslims who were persecuted by Milosevic and his thugs. In this instance, it is principally Christians who are being persecuted, harassed, raped, killed on a large scale by fundamental lifts Muslims.

I cannot think of a more noble cause for the Congress of the United States than to debate these issues and perhaps to try to help in whatever way we can. Now, there are some who are particularly preoccupied with the minutiae and the complexities of our tax legislation. And that is an appropriate subject for us to discuss. But to question on the floor of the House of Representatives the appropriateness of dealing with a genocide, a genocide means the killing of whole peoples.

We are talking about the killing of 2 million black citizens of the Sudan, men, women and children, whose sole crime is that they are not Muslims. We are dealing with the displacement of 4 million black citizens of Sudan who are pushed out of their villages and are in many instances on the verge of starvation.

To ask whether it is appropriate for the Congress of the United States to deal with these issues boggles the mind. I suggest, Mr. Chairman, that this is an issue of very high priority for this body.

It would be high priority only if it would be a human rights issue, but as the gentlewoman from the District of Columbia (Ms. NORTON) so correctly pointed out, the Sudanese government is one of the prime sponsors of international terrorism.

Is there anybody in this body who does not feel, in the wake of the bombing of American embassies, that international terrorism is not a concern of this body? I want to again commend the people who have played a key role in this measure. I want to encourage all my colleagues to vote for this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Subcommittee on Middle East and South Asia.

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from California (Mr. ROYCE) for yielding the time to me.

Mr. Chairman, I want to commend the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on Africa; the gentleman from Colorado (Mr. TANCREDO); and the gentleman from New Jersey (Mr. PAYNE) for their leadership; and the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for his poignant expressions in regard to this bill and for their persistent attention and energy, for bringing the deplorable situation in Sudan to our attention.

This bill makes funds available for humanitarian assistance to the Sudanese people, to facilitate our State Department and U.N. efforts to help the Sudanese government and opposition forces in reaching a settlement and in sanctioning belligerents who continue to engage in crimes against humanity.

The civil war in the Sudan continues to be a slow-motion genocide. Southern Sudanese are dying each and every day, while hundreds of thousands are at risk from famine and malnutrition.

There are no winners in the Sudan, north or south. If a young man from Sudan wishes to be admitted to a university, he must first join the army. And in the army, he has a good chance of being killed in an immoral, pointless war. And even if the young man survives, he may have to live with memories of atrocities that he has seen or in some cases even been involved in. Either way, this war in the Sudan is a cancer that is destroying the once vibrant culture of Arab Sudan at the same time that it wreaks havoc in the African south.

Accordingly, I urge our colleagues to support this measure. I want to commend Secretary Powell for his recent trip to Africa and for his intention to devote considerable more attention to the Sudan.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), a member of the Committee on International Relations.

Mr. CANTOR. Mr. Chairman, I would like to again to salute the chairman of the Committee on International Relations (Mr. ROYCE) and the subcommittees, as well as the gentleman from Colorado (Mr. TANCREDO) and the gentleman from New Jersey (Mr. PAYNE) and, of course, the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, for the fine work they have done in bringing this measure to the floor.

Mr. Chairman, I rise today also in support of the Sudan Peace Act. Sudan has been ravaged by civil war for over 30 years. And an estimated 2 million people have died; and as has been said before, millions more displaced due to war-related causes.

As my colleague, the gentleman from Colorado (Mr. TANCREDO), has said, there is no greater human tragedy being played out on the Earth today, and thus we turn our attention to Sudan. As if this is not bad enough, as if the famine, the slavery, and the death is not bad enough, there is a particularly troubling situation in the evidence of religious persecution that prevails in Sudan today.

Unfortunately, we know all too well the results of religious persecution just looking back to last century with Nazi Germany. The Sudanese government policies promote Islam as the state religion and make non-Muslims unwelcome.

According to a State Department report on International Religious Freedom for 2000, the status of respect for religious freedom has not changed fundamentally in recent years, and particularly in the South, the government continues to enforce numerous restrictions.

Authorities continue to restrict the activities of Christians, followers of traditional indigenous beliefs and other non-Muslims. Though the government says it respects all religions, the 1994 Societies Registration Act gives churches more freedom, Islam influences all laws and policies.

According to the State Department, the Government of Sudan denies permission to build churches, and there have been claims of harassment and arrest of citizens because of their religious beliefs and practices.

The law prevents the building of new churches or proselytizing by non-Muslims. Missionaries claim to be harassed continually and prevented from doing the work. The atrocities in Sudan cannot and should not be tolerated.

The individual freedoms familiar to us in America embodied in the Jeffersonian principles of religious freedom and individual dignity must be restored to the Sudanese people.

Mr. Chairman, I urge my colleagues to join me in voting for the Sudan Peace Act.

Mr. ROYCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Chairman, let me begin by thanking the committee for bringing this bill to the floor; thanking my colleagues that have risen to speak on this bill today.

Mr. Chairman, we are a great Nation. We are a Nation of people that have led the world in compassion and concern. We are a Nation of people that have always raised our voice for freedom, fair and decent treatment, safety and security for all the nations and all the people's of the world.

It comes as no surprise to anybody in this Chamber to be reminded of the times when we raised our voice on behalf of the people that were victimized in Bosnia, Kosovo, Rwanda, and Somalia, but the over 2 million people in Sudan who have been slaughtered represents more victims than all of those nations combined.

The horror, the torture, the terror, and the slavery is unspeakable. We are counseled too many times to not speak about them.

How do we draw a picture of this violence and its scope and its breadth? How do we tell a world that it must not tolerate the horrible petrifying insanity of it all?

I have selected one story of one victim. Mr. Chairman, this story is going to break your heart; but the story is true. It is true in the lives of millions of people in Sudan. It will illustrate to you why we must demand, intercede, and prevent this from continuing.

The young woman saw her baby's throat slit by an intruder. She then saw the baby's head severed completely from its body. After she was raped, she was forced to carry the baby's head on a march north and was eventually ordered to throw her child's head into a fire before she was forced into slavery.

□ 1400

She eventually escaped that bondage and found a way to freedom and safety. But can one know, can one imagine the horror of the memories, the fear in her heart for others that she left behind that she loved so much who she must know are going through these same experiences.

This cannot be tolerated. No nation on this Earth can fail to raise its voice. We must raise our voice today, and we do. Mr. Chairman, I am going to predict that every person in this Chamber today is going to cast a vote that is going to be a vote on behalf of these families, these babies, these mothers, and these people.

I pray, Mr. Chairman, with all my heart that we need never again be required to revisit this issue on behalf of these poor souls.

Mr. WATTS of Oklahoma. Mr. Chairman, I would first like to thank Chairmen HENRY HYDE and ED ROYCE, Congressmen TOM TANCREDO, TONY HALL and all of my colleagues on both sides of the aisle who have fought so hard to bring national and international attention to the heinous, on-going crisis in the Sudan.

Mr. Chairman, I rise today in strong support of H.R. 2052, the Sudan Peace Act. In America, our problems pale in significance to the war, slavery and famine in the largest country in Africa. Two million men, women and children have died in a war that has no end in sight. Millions more are displaced from their homes, often hungry and poor—searching for new homes and not knowing where their next meal will come from. They are refugees within their own country and surrounding nations. They cry for help. They beg for mercy. They look for any aid anyone can offer.

Secretary of State Colin Powell testified to Congress this past March, saying the Sudan is "the greatest tragedy on the face of the earth."

Can any one of us here in this chamber picture himself captured and forced into slavery, traded for pennies or food? We are so blessed in this great land of ours—it is impossible to envision ourselves as captive slaves. But slavery is a way of life for people in southern Sudan who must live every day in fear of government-sanctioned raiding parties.

Abraham Lincoln once said: "Whenever I hear anyone arguing for slavery, I feel a strong impulse to see it tried on him personally." President Lincoln knew the evils of slavery in America, and the hypocrisy connected with those who would argue in its favor. But the end of slavery within our borders has not transcended to the Sudan—where slavery plagues society.

The National Islamic Front government's unrelenting efforts to oppress and even eliminate the predominantly black, Christian and southern Sudanese people must be stopped. They have consistently interfered with the delivery of food and medicine into southern Sudan. Government troops have repeatedly bombed international relief sites, schools and other civilian areas in an attempt to disrupt distribution of desperately-needed humanitarian supplies. This is unconscionable. The Sudan Peace Act before us today encourages the development of alternative means to get food and medicine to the people of these regions. It also requires business disclosures so investors will be informed of exactly who and what they are supporting.

My colleagues, we must work to ensure that every effort is made to get humanitarian aid to an oppressed and starving populace. The peace process must be encouraged. Slavery must be condemned in no uncertain terms. The Sudan Peace Act does all of this—and more. I urge passage of this bill to help the men, women and children in the Sudan who cry unceasingly, day by day, for help.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today in tremendous support of H.R. 2052, The Sudan Peace Act. This bill will decrease the suffering in which the terrible atrocities are inflicting on the people of The Sudan.

The Sudan Peace Act declares that Congress denounces any human right violations by all sides of the conflict in Sudan (including the Government of Sudan). It directs the U.S. representative to the United Nations to seek to end the veto power of the Sudanese government over the relief programs to Sudanese civilians. Further, it revises Operation Lifeline Sudan (OLS); provide additional support for internationally sanctioned peace process written by the secretary of state to support the peace process, and condemns the bombing of innocent civilian targets.

Mr. Chairman, this legislation requires all businesses that operate in Sudan and trade securities in the U.S. to file disclosure forms with the Securities and Exchange Commission. Thus if these businesses fail to file disclosure forms, the Securities and Exchange Commission will prohibit them from trading securities in U.S. markets. In addition, the State Department, is required within six months of enactment, to report to Congress on income generated by the development of Sudan's oil-producing sector. Finally, the act urges the use of $10 million provided in the FY 2001 Foreign Operations Appropriations Act.

The civil war in Sudan has raged for nearly twenty years, mainly between the National Islamic Front government in the north and Christians and animist rebels in the south, killing more than two million Sudanese directly or through malnutrition and starvation.

In particular, by regularly outlawing relief flights of the United Nations' Operation Lifeline Sudan, the Sudanese government has manipulated the receipt of food and use starvation as a weapon of war. The government also has been accused of supporting raiding and enslaving parties to disrupt areas of the country outside its direct control. As a result, millions have been rendered homeless thereby creating one of the world's largest refugee problems.

Mr. Chairman, I therefore strongly encourage my colleagues to support H.R. 2052, the Sudan Peace Act. With thousands of Sudanese people suffering due to starvation, lack of malnutrition, enslavement, and wide scale bombing of civilian targets, it is my sincere hope that through legislation we will establish peace in The Sudan.

Mr. RANGEL. Mr. Chairman, I rise today to speak out against the horrible atrocities taking place daily in the Sudan as a result of the eighteen-year civil war and in support of H.R. 2052, the Sudan Peace Act. I would like to commend my colleague, Mr. TANCREDO, and others for introducing this very important legislation.

Under the Sudan Peace Act, Congress condemns violations of human rights abuses on all sides of the conflict in Sudan, and calls on the President to make funds available for humanitarian assistance. This legislation expresses the sense of Congress that the United Nations should be used as a tool to facilitate peace and recovery in Sudan. It calls for an investigation into the practice of slavery, condemns the aerial bombardment of civilians, and prohibits business entities engaged in commercial activities in Sudan from trading their securities in U.S. capital markets unless they make public disclosure of their activities in Sudan.

It is time for the United States to take a strong stand against this egregious situation in the Sudan and work together with the international community to bring peace to the region. Slavery, aerial bombardment of civilians, and other human rights abuses victimize the people of Sudan. I believe that the United States must use diplomatic means to bring an end to the civil war and these serious human rights abuses.

Since the current conflict erupted in 1983, Sudan has been at war intermittently from the time its independence was obtained in 1956. An estimated 2.2 million people have died as a result of war-related causes, such as, oil production and religious persecution. More than 4 million people, mostly southern Sudanese, have been displaced from their homes.

I commend President Bush on his appointment of Andrew Natsios, as special humanitarian coordinator for Sudan to facilitate U.S. assistance. But I again urge the President to appoint a Special Envoy to Sudan, who will be afforded the independence necessary to do the required job of facilitating the peace process. Mr. Natsios' appointment demonstrates that the United States is taking a leadership role in resolving the situation in the Sudan, however we as a nation must continue our efforts to bring an end to the atrocities in the Sudan.

Also, I applaud Secretary of State Powell for recognizing the tragedy that is underway in Sudan and for ordering a review of Administration policy. To begin with, the U.S. should use every means at its disposal to bring the military hostilities to an immediate end.

At the same time, we should apply every bit of moral persuasion and condemn in the loudest possible voice the unspeakable violations of human rights being perpetrated against the weakest members of that society.

No one has done more to express the outrage of Americans or worked harder to end the suffering in the Sudan than my dear friend Joe Madison who has worked endlessly to end the pain and suffering of slavery in Sudan. Joe along with others has diligently worked to inform the American public about the human rights abuses taking place in Sudan. He has traveled to the Sudan region many times on slave redemption missions freeing slaves and working to end slavery. Mr. Madison is truly a freedom fighter and I commend him on his efforts.

In the Sudan the world is faced with a human rights nightmare of the first order. We have the opportunity, indeed the responsibility, to use our international leadership to bring peace to the region by ending both the civil war and the heartbreaking enslavement of women and children which has intensified as a result of the hostilities.

As a nation with first-hand knowledge of the savagery of slavery, of the misery to its victims, and the suffering of future generations, we must recoil in horror at the practice of slavery in Sudan. Our ultimate goal must be to work with the international community to end the brutal civil war, which is the root cause of these atrocities and bring peace to the country of Sudan.

Mr. KNOLLENBERG. Mr. Chairman, I rise to offer support for H.R. 2052, the Sudan Peace Act, which will help facilitate solutions to the problems of famine and war in Sudan. First, let me say a special thanks to all the sponsors, especially TOM TANCREDO, and the Committee on International Relations as well as the Subcommittee on Africa, for their hard work and leadership in developing this bill. I would like to also commend House leadership for bringing this bill to the House floor.

The crisis in Sudan has resulted in two million casualties due to famine and the continuing war. The 18-year civil war in Sudan has fueled an on-going religious conflict between Muslins and Christians and has challenged our relations with Sudan due to its human rights violations and support of international terrorism. Despite this, I am hopeful this bill can help to address the problems and bring forth a peaceful resolution to the current situation. With that said, H.R. 2052 should be supported by the House and Senate chambers.

In fiscal year 2000, the United States provided a total of $93.7 million in assistance to Sudan. These funds go to help create a civil administration, assist in conflict resolution and provide support for non-governmental organizations. Our financial assistance has eased the hardship for those in need of food assistance.

Congress should adopt this legislation so we can help Sudan and improve our relationship with them as well.

Again, I want to express my thanks to TOM TANCREDO, and the Committee on International Relations, and the Subcommittee on Africa for their dedication and effort on this bill, and I encourage my colleagues to vote in support of H.R. 2052.

Mr. TIAHRT. Mr. Chairman, I rise today in strong support for H.R. 2052, the Sudan Peace Act. The atrocities in the Sudan deserve immediate attention and aid from the United States. It is our duty as the "world's only superpower" to stand up for those who cannot stand up for themselves.

Many articles have been written in recent months regarding the growing support for U.S. intervention in the Sudan. What struck me most about these articles was their emphasis on how this cause has attracted broad support across political lines. As Newsweek noted:

> The Muslim government's alleged persecution of southern Christians is the key issue for many of the rebels' fiercest U.S. supporters. For prominent African-Americans like Coretta Scott King, the hot button is Khartoum's toleration of slavery and the use of slave-raiding privateers as paramilitary forces in the war against the south. For other activists the overriding concern is the government's ethnic-cleansing campaign against southern peoples such as the Dinka. Late last year the United States Holocaust Memorial Museum joined the fight, declaring through its "committee on conscience" that Khartoum's atrocities against the southerners warranted an unprecedented "genocide warning."

It is not surprising that the fighting in Sudan has attracted attention from such divergent populations. All humans should be outraged by the 18 year war that has taken over 2 million lives and destroyed countless homes, crops, medical facilities, and churches. Equally appalling is the Khartoum's refusal to allow humanitarian aid. They have even gone so far as to directly target international humanitarian relief agencies such as the Red Cross and Doctors Without Borders by aerial bombings.

Christians have been persecuted, thousands of non-Muslims have been forced into slavery, the destruction of crops has caused thousands more to starve. Additionally, the areas north and south of the oil development center have been the site of the most heinous crimes. In order to clear the region to facilitate oil production and thus bring in money for their government, the military annihilates whole villages. According to one report the Sudanese military first attacks a village with bombs to scatter villagers. Then troops and helicopter gunships enter—torching homes and foodstuffs and killing all they come across. It is not uncommon for the elderly and young to burn alive in their homes.

I am ashamed that our wonderful, caring nation has not taken a large role in stopping this barbarism. Apparently former Secretary of State Madeline Albright's reasoning was that the cause was "not marketable to the American people." Marketable or not, this does not excuse our relative indifference as a nation to our fellow men and women being tortured and slain in the Sudan. I am proud that today we are taking a stand—facilitating humanitarian aid, holding businesses accountable for their activities in the Sudan oil trade that funds the government's heinous behavior, and most importantly, directing the State Department to take an active role in implementing peace in Sudan.

I am happy that so many of my colleagues and fellow Americans are in such strong support of this legislation, but even if they weren't it would still be the right thing to do. "Marketable" or not, the United States must work towards ending the atrocities in the Sudan.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong support of the legislation before us, H.R. 2052, which, among other things, condemns the National Islamic Front Government of Sudan; calls for increased diplomatic peace efforts including the appointment of a Special Envoy; supports the famine relief efforts of Operation Lifeline Sudan; and requires foreign companies doing business in Sudan to publicly disclose their activities if they seek access to U.S. capital markets.

Mr. Chairman, I congratulate the distinguished gentleman from Colorado, Mr. TANCREDO, for introducing this important measure. I also wish to recognize the distinguished gentleman from New Jersey, Mr. PAYNE, the Ranking Democrat of the House International Relations Africa Subcommittee, for his longtime leadership and extensive work to bring peace to Sudan, as well as other nations in the region. I further commend the Chairman and the Ranking Democratic Member of the House International Relations Committee, Mr. HYDE and Mr. LANTOS, for bringing this matter to the floor. I am honored to join my colleagues in support of this bi-partisan legislation.

Mr. Chairman, we must do all that we can to stop the senseless tragedy in Sudan. Although the civil war has gone on for four decades, since 1983 the conflict has heightened and resulted in a humanitarian disaster. The

Government of Sudan is responsible and must be condemned in the strongest terms of committing genocide against its own people.

By aerial bombardment of civilians, mass slavery, rape, unspeakable war crimes and obstruction of humanitarian relief efforts—over two million Sudanese have died at the hands of the government in Khartoum. These atrocities have been compounded by the displacement of four million other Sudanese, who have been driven from their homes.

Mr. Chairman, last month Secretary of State Colin Powell visited Sudan, committing the United States to make peace in that nation a priority.

The legislation before us will significantly assist those efforts by holding the Government of Sudan accountable for its humanitarian violations and calling for their immediate end; urging U.S. leadership of multilateral and bilateral peace processes in Sudan; and encouraging disinvestment in foreign firms doing business in Sudan, particularly those oil companies whose activities are directly contributing to the escalation of war in Sudan.

Mr. Chairman, I strongly urge our colleagues to adopt this important legislation.

Mr. HYDE. Mr. Chairman, three weeks ago, I received two conflicting messages regarding the situation in Sudan. One was a May 24 press release from the Sudanese embassy announcing, with great fanfare, that the Government of Sudan had taken "a unilateral step toward peace" by declaring an immediate halt to aerial bombing attacks in the south and the Nuba Mountains.

The other message, from Catholic clergy members, reported that the priests living in southern parts of the El Obeid Diocese had been driven into the bush by "ferocious assaults by Sudanese government forces."

As additional reports filtered out of this remote area of the Nuba Mountains from a variety of sources, it became clear that the Government of Sudan had launched a massive ground and air attack while it was simultaneously issuing press releases about its commitment to peace.

Government forces burned more than 2,000 homes during this attack. They apparently hope to starve the local population, still at large, into concentration camps called, in the best Orwellian tradition, "Peace Villages."

This contrast between word and deed underlines the importance of today's consideration of the Sudan Peace Act. I am grateful to Mr. TANCREDO for introducing it, and also to Mr. ROYCE and Mr. PAYNE for their excellent leadership of the Africa Subcommittee. The Committee on International Relations ordered the bill favorably reported on June 6, 2001.

I would also like to call attention to the tireless work of the Catholic Bishops Conference, the Commission on International Religious Freedom, the NAACP, and countless individuals and organizations across the country that have given this matter the profile and attention it deserves.

The measure before us is more than symbolic. It will give the President the discretion he needs to reprogram and reallocate quickly any portion of humanitarian resources the United States currently gives to Operation Lifeline Sudan. Despite efforts to carry out its humanitarian mission without interference, Operation Lifeline Sudan has frequently been manipulated by the government of Sudan. We should make no mistake: the denial of food is used as a weapon of war in Sudan. This provision suspends our government's standard but often time-consuming notification procedures if the President deems it necessary to deliver life-saving assistance by other means.

In addition, this measure will shed light on those international companies doing business in Sudan as well as how that business may support the government's war-fighting ability. This is not a sanction, but a beam of light directed at some of the hidden aspects of the global economy.

Given the nationwide, grassroots effort by Americans of all political parties and races to raise awareness about the suffering of the people of Sudan, it is only proper that investors should know whether a particular company is doing business in Sudan.

The Sudan Peace Act is important in what it does, but also in what it does not do. It does not in any way hinder the executive branch in its responsibility to conduct the foreign affairs of this nation.

In his first appearance before this Committee as Secretary of State, Secretary Powell stated that Sudan was a tragedy that would command his full attention. In characteristic fashion, the Secretary appears to be backing up what he said.

Against expectations from some in the media, Secretary Powell has taken an early trip to Africa and has focused to a considerable extent on the conflict in Sudan. He has indicated that the Administration will soon appoint an experienced and capable special envoy. He has been unequivocal in his remarks regarding the ongoing abuses in Sudan. He has committed $3 million to improve the capabilities of the rebel alliance to hold its own at the bargaining table.

In short, we are beginning to see the attention we have urged. This measure supports and encourages those efforts without being unduly prescriptive to Administration officials, some of whom already know a thing or two about dealing with rogue nations.

I urge my colleagues to support this measure.

Mr. Chairman, I submit for the RECORD an exchange of letters between Chairman OXLEY and myself concerning the bill under consideration, H.R. 2052, the Sudan Peace Act.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 6, 2001.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Washington, DC.

DEAR HENRY: I understand that the Committee on International Relations today ordered H.R. 2052, the Sudan Peace Act, reported to the House. As you know, the Committee on Financial Services was granted an additional referral upon the resolution's introduction pursuant to the Committee's jurisdiction over securities and exchanges under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner and will waive consideration of the resolution by the Financial Services Committee. By agreeing to waive its consideration of the resolution, the Financial Services Committee does not waive its jurisdiction over H.R. 2052. In addition, the Committee on Financial Services reserves its authority to seek conferees on any provisions of the resolution that are within the Financial Services Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conferees on H.R. 2052 or related legislation.

I request that you include this letter and your response as part of the Congressional Record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, June 6, 2001.

Hon. MICHAEL OXLEY,
Chairman, Committee on Financial Services, Washington, DC.

DEAR MIKE: I have received your letter concerning H.R. 2052, the Sudan Peace Act. It is our intention to take this bill to the floor in an expeditious manner. We understand that language in the bill, as ordered reported, falls within the Rule X jurisdiction of the Committee on Financial Services.

We recognize your jurisdiction over this subject matter, and appreciate your willingness to waive your right to consider this bill without waiving your jurisdiction over the general subject matter. I will support the Speaker's naming members of your committee as conferees on the matter should it proceed to conference.

As you have requested, I will include this exchange of letters in the Record during consideration of the bill.

I appreciate your assistance in getting this important bill to the floor.

Sincerely,

HENRY J. HYDE,
Chairman.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Sudan Peace Act (H.R. 2052). I would like to thank Congressman TANCREDO for introducing this important legislation and Representatives DONALD PAYNE, TOM LANTOS, and FRANK WOLF for their active roles in pushing Sudan to the top of the foreign policy agenda. It is important for Members of Congress, on both sides of the aisle, to speak out in a collective voice against the suffering of the people of Sudan.

Sudan's civil war and the Sudanese Government's genocidal policies have taken a terrible toll on the civilians of that country. The horror that afflicts Sudan is staggering: over 2 million people have been killed and another 5 million driven from their homes. The situation in Sudan is rapidly getting worse and must be seriously addressed before the scale of death and destruction increases. Clearly, there must be international pressure to promote a just and lasting peace to this tragic conflict.

Sudan has one of the worst human rights records in the world. According to the U.S. State Department, the Government of Sudan continues to abuse human rights including the bombing of civilian and humanitarian targets, abduction and enslavement by government-sponsored militias, and manipulation of humanitarian assistance as a weapon of war.

The Sudan Peace Act offers the beginning of a framework for a solution to ending the crisis. The bill requires all businesses trading securities in the United States capital markets and operations in Sudan to disclose fully the extent and nature of their operations, particularly oil operations, which are fueling the constant attacks against the southern Sudanese. The legislation also strongly condemns the human rights abuses committed by the Government of Sudan, continues support for humanitarian assistance distribution through Operation Lifeline Sudan, and urges the President to use $10 million appropriated last year to assist the Sudanese opposition, the National Democratic Alliance (NDA).

I am encouraged by the Bush administration's recent statements that it will soon appoint a high-profile Special Envoy to Sudan to serve as a catalyst in the stalled peace talks. The appointment of an envoy could be the difference in bringing peace to Sudan.

I urge my colleagues to vote in favor of this bipartisan legislation to help end the campaign of violence against the people of Sudan.

Mr. ROYCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The bill shall be considered by section as an original bill for the purpose of amendment; and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

The CHAIRMAN. Are there any amendments to section 1?

Mr. ROYCE. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through the manipulation of traditional rivalries among peoples in areas outside of its full control, the Government of Sudan has used divide-and-conquer techniques effectively to subjugate its population. However, internationally sponsored reconciliation efforts have played a critical role in reducing human suffering and the effectiveness of this tactic.

(7) The Government of Sudan utilizes and organizes militias, Popular Defense Forces, and other irregular units for raiding and enslaving parties in areas outside of the control of the Government of Sudan in an effort to disrupt severely the ability of the populations in those areas to sustain themselves. The tactic helps minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside of its control.

(9) By regularly banning air transport relief flights by the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to starve targeted groups and subdue areas of Sudan outside of the Government's control.

(10) The acts of the Government of Sudan, including the acts described in this section, constitute genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide (78 U.N.T.S. 277).

(11) The efforts of the United States and other donors in delivering relief and assistance through means outside of OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(12) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(13) The Nuba Mountains and many areas in Bahr al Ghazal and the Upper Nile and the Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(14) At a cost which has sometimes exceeded $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(15) The ability of populations to defend themselves against attack in areas outside of the control of the Government of Sudan has been severely compromised by the disengagement of the front-line states of Ethiopia, Eritrea, and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.

(16) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(3) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

The Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;

(D) the Government of Sudan's use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, and the Upper Nile and the Blue Nile regions; and

(E) aerial bombardment of civilian targets that is sponsored by the Government of Sudan; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. USE OF APPROPRIATED FUNDS.

The Congress urges the President to promptly make available to the National Democratic Alliance the $10,000,000 in funds appropriated for assistance to such group under the heading "OTHER BILATERAL ECONOMIC ASSISTANCE, ECONOMIC SUPPORT FUND" in title I of H.R. 5526 of the 106th Congress, as enacted into law by section 101(a) of Public Law 106–429.

SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) FINDINGS.—The Congress hereby recognizes that—

(1) a single viable, internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(2) resolution of the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994.

(b) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the ongoing negotiations between the Government of Sudan and opposition forces;

(2) any necessary peace settlement planning or implementation; and

(3) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of the Congress that—

(1) the United Nations should be used as a tool to facilitate peace and recovery in Sudan; and

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to—

(A) revise the terms of OLS to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights and, by doing so, to end the manipulation of the delivery of relief supplies to the advantage of the Government of Sudan on the battlefield;

(B) investigate the practice of slavery in Sudan and provide mechanisms for its elimination; and

(C) sponsor a condemnation of the Government of Sudan each time it subjects civilians to aerial bombardment.

SEC. 8. DISCLOSURE OF BUSINESS ACTIVITIES IN SUDAN.

(a) DISCLOSURE REQUIREMENTS.—No entity that is engaged in any commercial activity in Sudan may trade any of its securities (or depository receipts with respect to its securities) in any capital market in the United States unless that entity has disclosed, in such form as the Securities and Exchange Commission shall prescribe—

(1) the nature and extent of that commercial activity in Sudan, including any plans for expansion or diversification;

(2) the identity of all agencies of the Sudanese Government with which the entity is doing business;

(3) the relationship of the commercial activity to any violations of religious freedom and other human rights in Sudan; and

(4) the contribution that the proceeds raised in the capital markets in the United States will make to the entity's commercial activity in Sudan.

(b) DISCLOSURE TO THE PUBLIC.—The Securities and Exchange Commission shall take the necessary steps to ensure that disclosures under subsection (a) are published or otherwise made available to the public.

(c) ENFORCEMENT AUTHORITY.—The President may exercise the authorities he has under the International Emergency Economic Powers Act to assist the Securities and Exchange Commission in carrying out this section.

SEC. 9. REPORTING REQUIREMENT.

Not later than six months after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan. Such report shall include—

(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located, and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) the best estimates of the extent of aerial bombardment by the Government of Sudan, including targets, frequency, and best estimates of damage; and

(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces.

SEC. 10. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a detailed report describing the progress made toward carrying out subsection (a).

SEC. 11. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a contingency plan to provide, outside the auspices of the United Nations if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains and the Upper Nile and the Blue Nile regions, in the event that the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 12. INVESTIGATION OF WAR CRIMES.

(a) IN GENERAL.—The Secretary of State shall collect information about incidents which may constitute crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict in Sudan, including slavery, rape, and aerial bombardment of civilian targets.

(b) REPORT.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the Secretary on the basis of that information. The report under this subsection may be submitted as part of the report required under section 9.

(c) CONSULTATIONS WITH OTHER DEPARTMENTS.—In preparing the report required by this section, the Secretary of State shall consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests.

The CHAIRMAN. Are there amendments to other sections of the bill?

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BACHUS:

Insert the following after section 8 and redesignate the succeeding sections, and references thereto, accordingly:

SEC. 9. PROHIBITION ON TRADING IN U.S. CAPITAL MARKETS.

(a) PROHIBITION.—The President shall exercise the authorities he has under the International Emergency Economic Powers Act to prohibit any entity engaged in the development of oil or gas in Sudan—

(1) from raising capital in the United States; or

(2) from trading its securities (or depository receipts with respect to its securities) in any capital market in the United States.

(b) DEFINITION.—For purposes of this section, an entity is "engaged in the development of oil or gas in Sudan" if that entity is directly engaged in the exploration, production, transportation (by pipeline or otherwise), or refining of petroleum, natural gas, or petroleum products in Sudan.

Mr. BACHUS. Mr. Chairman, there was an article on the front page of the Washington Post on Monday, and it says, "Oil money is fueling Sudan's war". It goes on to say that Arab is killing non-Arab or African and Muslims are killing Christians. But one thing is in common, and that is that, and it says, Nile Blend crude is fueling this entire war.

It talks about the four oil companies that are in Sudan drilling for oil, turning the proceeds of that development over to the government. The government is hiring guns and arms and airplanes and helicopter gunships, and they are bombing the people of Sudan.

The quote in that article is the fighting follows the oil. If you can stop the oil revenue, you have a chance at stopping the fighting. That is exactly what this amendment does.

In fact, I offered this amendment to the Foreign Relations Authorization Act, this amendment and a disclosure amendment, which the gentleman from New Jersey (Mr. PAYNE) offered; and he got the disclosure amendment included in this bill.

I will introduce at this time a report of the United States Commission on International Religious Freedom, a bipartisan commission. They recommended that this Congress do two things. One is require disclosure, and that is in the bill; and, number two, that we stop these five oil companies from raising funds in the United States to develop these oil fields. They said that both would be necessary. So with this amendment, we will add the other half of what is a necessary action.

Mr. Chairman, I include for the RECORD pages 131 and 132 of that report, as follows:

REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

> The U.S. government should strengthen economic sanctions against Sudan and should urge other countries to adopt similar policies. The United States should prohibit any foreign company from raising capital or listing its securities in U.S. markets as long as it is engaged in the development of oil and gas fields in Sudan. The U.S. government should not issue licenses permitting the import of gum arabic from Sudan to the United States.
>
> U.S. economic sanctions against Sudan should be strengthened and not reduced. They should be strengthened by (a) prohibiting access to U.S. capital markets for those non-U.S. companies engaged in the development of the Sudanese oil and gas fields, and (b) not issuing further licenses for the import of gum arabic to the United States.
>
> The Commission is aware of the current debate both internationally and in the United States on the effectiveness of economic sanctions generally. Unilateral economic sanctions by the United States have not prevented foreign investment in Sudan's oil business, which has, in turn, provided the Sudanese government with significant financial support for its egregious human rights and humanitarian abuses. However, it has not been established that U.S. sanctions have been completely ineffective. They can continue, for example, to slow the rate of increase of foreign investment in Sudan and oil revenues to the Sudanese government. One way to increase the potential effectiveness of the sanctions is to convince other economic powers to adopt similar policies. In this regard, the Commission urges the U.S. government to encourage economic pressure on the Sudanese government in its bilateral relations at all levels with countries that engage in substantial trade with or provide significant foreign investment in Sudan.
>
> Current sanctions prohibit investment by U.S. companies in Sudan. They also prohibit transactions between U.S. companies and the Greater Nile Petroleum Operating Company (Sudan's oil consortium) or Sudapet (Sudan's petroleum company).
>
> In the absence of multilateral economic sanctions, however, preventing access to U.S. capital markets by foreign companies engaged in the oil-development business in Sudan targets a specific weakness in the current U.S. sanctions regime. The Commission recommends that foreign corporations doing business with Sudan's petroleum industry be prohibited from issuing or listing its securities on U.S. capital markets.
>
> The Commission does not lightly recommend these significant restrictions on U.S. capital markets access, but believes that the specific conditions in Sudan warrant them. The government of Sudan is committing genocidal humanitarian and human rights abuses. There is a direct connection between oil production and those abuses. Foreign investment is critical to the development of Sudan's oil fields and maintaining oil revenues. Expanding U.S. sanctions in the area of capital markets access specifically targets what is likely the most significant resource that the Sudanese government has to prosecute the war.
>
> Moreover, the issue of continuing economic sanctions against Sudan is one of principle as well as effectiveness. Reducing sanctions against Sudan at this time—after the Sudanese government has made no concessions but rather has increased its civilian bombings and other atrocities—would be to reward it for worsening behavior. This will send the wrong message to the government of Sudan and the international community.
>
> With respect to licenses granted in 1999 and 2000 to permit U.S. imports of gum Arabic, the purpose of granting those licenses was to allow U.S. importers time to identify alternative sources of supply. Because a reasonable amount of time has elapsed, no further licenses should be granted, and efforts should be continued to identify alternate suppliers of this product.
>
> If the government of Sudan demonstrates substantial, sustained, and comprehensive improvement in the human rights conditions for people throughout the country, the U.S. government should seriously re-evaluate its sanctions regime.
>
> Companies that are doing business in Sudan should be required to disclose the nature and extent of that business in connection with their access to U.S. capital markets.
>
> There is a significant, undesirable gap in U.S. law regarding Sudan and other CPC countries: In many cases, foreign companies that are doing business in Sudan can sell securities on U.S. markets without having to disclose fully (1) the details of the particular business activities in Sudan, including plans for expansion or diversification; (2) the identity of all agencies of the Sudanese government with which the companies are doing business; (3) the relationship of the business activities to violations of religious freedom and other human rights in Sudan; or (4) the contribution that the proceeds raised in the U.S. debt and equity markets will make to these business activities and hence, potentially to those violations. Across-the-board full disclosure of these details would prompt corporate managers to work to prevent their companies from supporting or facilitating these violations. It also would aid (1) U.S. investors in deciding whether to purchase the securities; (2) shareholders in exercising their ownership rights (including proposing shareholder resolutions for annual meetings and proxy statements); (3) the Treasury Department's Office of Foreign Assets Control in enforcing existing sanctions; and (4) U.S. policymakers in formulating sound policy with resect to Sudan and U.S. capital markets. The Commission recommends that the United States require such disclosure.

Mr. Chairman, let me say this, the question was asked, should we get involved? I would like to remind my colleagues of a story in the book of Esther where Esther is asked by Mordecai, "Do you think if you hold your peace at a time like this that you shall escape judgment?" Let me tell, my colleagues, it is a time such as this. It is a time when millions of people are being slain, where genocide is going on.

Mordecai also reminded Esther that she had been placed in a position of leadership and just to make such decisions as this. I believe that. I believe that those who serve here have been placed in a position of trust and leadership, and I think that, if we do not act, and we do not act decisively, I do not think that we can expect to escape. We have been placed here for a reason. We ought to undertake that obligation. That trust has been placed in us.

People have said to me, well, what will this interfere with? What will this do? We deny U.S. oil companies the right, and we should, to go over to Sudan and drill. We say, if you go over there, we will put you in jail. If you go over there, we will fine you. You should not be engaged in that activity.

But the paradox is that a foreign oil company can go over there. They can develop these oil fields. What they do with helicopter gunships and jet planes, they clear the land of people. They burn down the houses on the oil concessions and kill the people that live there and develop the oil. We need to say to those five oil companies, if they are going to do that, they are not going to raise money in the United States capital markets.

This will be a meaningful, positive step. I commend the gentleman from Colorado (Mr. TANCREDO). I commend the gentleman from California (Mr. ROYCE). I commend the gentleman from California (Mr. LANTOS). Let me say that by putting this amendment in the bill, it will be another decisive case in drying up the flow of oil revenue, which is blood money, which is resulting in the death of millions of people.

Mr. LANTOS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I want to thank the gentleman from Alabama (Mr. BACHUS) for this very important amendment, which I strongly support and urge all of our colleagues to support.

This amendment deals with the operation of foreign oil companies in the Sudan. The complicity of the foreign oil industry in this human destruction is one of the most shameful factors in this 17-year-old slaughter.

Canadian-owned Talisman Oil Company has publicly admitted that, in the year 2000, its Greater Nile Petroleum Operating Company's airstrips were used for offensive military purposes by military aircraft of the government of Sudan against innocent men, women and children who live in the south of the country.

We should not allow oil companies that are helping to prolong this bloody slaughter to raise capital or trade securities in the United States.

The call for sanctions in this amendment, Mr. Chairman, is consistent with efforts by the American people to send a strong message to oil companies doing business in Sudan. Major public institutional investors, such as the City of New York or the Texas Teachers Pension Fund, have divested themselves from Talisman Oil in protest of its explicit dealings with the Sudanese government.

Recently, a European coalition on oil in Sudan was launched, indicating that the campaign has now reached Europe to end the role of oil companies in the ongoing destruction of the Sudanese people.

Mr. Chairman, I strongly urge all Members to support this amendment, because it would be shameful to allow foreign oil companies to raise funds which are ultimately used for the genocide of the Sudanese people.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are in a full committee markup, and I ran out because I wanted to be here when this bill came up. One, I rise in strong support of the bill. I want to thank the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and also Senators BROWNBACK and FRIST and the others over in the Senate for their good work.

I also rise in strong support of the amendment because oil is basically fueling this, bringing about death. There have been 2.2 million people that died in Sudan in the last 15 to 16 years. Every major terrorist group operating in the Middle East has an operation, a training camp outside of Khartoum. Disease, the sleeping sickness and so many of the diseases are running rampant in Sudan, particularly in the southern Sudan.

So the passage of this bill will send a message that the American people and the Congress care deeply about stopping the fighting, stopping the death, stopping the oil and stopping slavery. This is one of two or three countries in the world today where there is actually organized slavery.

So I just want to thank the committee and both sides of the aisle for bringing this up and for the good work. When the people in Sudan find out tomorrow, through whatever sources that they find out, that this bill passed, hopefully by an overwhelming vote, hopefully with almost no "no" votes, it will send a message that the American Congress and the American Government cares, and we are committed to doing everything we can.

The Tancredo bill and this bill will do it, and the amendment, to bring about a just, and I stress the word "just", and a lasting peace.

Mr. Chairman, I want to thank my colleague from Colorado, Mr. TANCREDO, for his hard work on this legislation. We are considering this legislation today because of his leadership and persistence. He has been solid on Sudan issues and it is a pleasure to work with him to help bring a just peace to Sudan.

I also want to thank my colleague from New Jersey, Mr. PAYNE, the ranking member of the Africa subcommittee. I know he and Mr. TANCREDO worked together on this legislation and his commitment on Sudan throughout the years' has been outstanding.

I also want to thank Mr. ROYCE, the chairman of the Africa subcommittee, and Mr. HYDE, chairman of the International Relations Committee, for bringing the Sudan Peace Act to the floor for a vote today.

The Sudan Peace Act is good legislation and I believe that passing this legislation today will be a step forward in helping to end the suffering, death and destruction in Sudan.

I have been to Sudan four times since 1989, most recently visiting southern Sudan in January of this year. I have seen the conditions on the ground first-hand.

Since 1983, the government of Sudan has been waging a brutal war against factions in the south who are fighting for self-determination and religious freedom. More people have died in Sudan than in Kosovo, Bosnia, Somalia and Rwanda combined with the war resulting in over 2 million deaths and 4 million displaced people. Most of the dead are civilians—women and children—who die from starvation and disease caused by the war.

The U.S. Holocaust Memorial Museum has issued a genocide warning for Sudan. The Holocaust Museum's warning is a hallowed reminder of our very moral standing as human beings and compels us to never again be silent witnesses to the mass enslavement, mass starvation, mass murder of a people.

The Sudanese Government routinely attacks civilian targets, such as hospitals, churches, feeding centers, and uses aerial bombings to intimidate and kill the southern population. In the past several months, numerous hospitals, schools and feeding areas in the south have been bombed by the government, killing numerous innocent men, women and children.

By conservative estimates, the U.S. Committee on Refugees (USCR) confirms that the Government of Sudan bombed innocent civilians in southern Sudan over 167 times last year.

This year alone, the USCR confirms 20 bombings of civilians in southern Sudan, although this number now is certainly much higher. Recently, a Sudanese Government Antonov bomber dropped at least 16 bombs on the town of Narus, killing a 9-year-old child.

This year during the Easter holiday, the Government of Sudan bombed innocent civilians in the Nuba Mountains. The Roman Catholic Bishop of the area, Bishop Maccram Gassis, was on the ground and witnessed the attack. Bishop Gassis writes on the attack:

> It was Easter Monday, and I had just completed my Easter pastoral visit to my parishes in the Nuba Mountains—among the most important of my periodic visits during the year. At the airstrip, my personnel were loading our plane for departure when the Antonov bomber was spotted above the field. Everyone scattered and fell to the ground as four to six shells (by our calculations) fell some 500 feet from the end of the runway. . . .

And the bombing continues. According to the Associated Press, just a few days ago, the Khartoum regime reportedly killed 4 people in a bombing attack during a delivery of aid by the World Food Program. The bombing and killing of innocent civilians must stop and this legislation rightly condemns the Government of Sudan for its wanton bombardment of civilians.

Fueling Khartoum's ability to conduct its genocide against southern Sudan is oil. Today, major international oil companies are generating billions of dollars of annual revenue for the Khartoum regime. Khartoum has openly pledged to use this revenue for modern bombers, helicopter gun ships and other weapons in its war against the people of southern Sudan. Indeed, the June 11, 2001, Washington Post reports that because of its new oil revenue, the Government of Sudan has doubled its military spending since 1998 totaling $327 million in 2000.

In a recent speech I made at the U.S. Holocaust Museum, I said:

> The U.S. Commission on Religious Liberty has bravely called on the President to limit oil companies that finance the regime from access to U.S. capital markets. Here in this museum, in the literal shadow of exhibits of the slave labor practices of many German companies, in the face of what we know about the victimization of Jews at the hands of European banks, insurance companies, art galleries and other institutions, a clear message must be sent to the following oil companies: Talisman of Canada, the China National Petroleum Company, Petronas of Malaysia, Lundin of Sweden, Total/Fina/Elf of France, OMV of Austria—Enter into oil contracts with the genocidal regime in Sudan, and produce revenue for it, only at grave risk of losing—financially and otherwise—far more than you can possibly gain from those contracts.

This legislation takes a significant step in addressing the connection between oil and the Sudan Government's atrocities by stating that no company can list securities on U.S. exchanges unless a company fulfills comprehensive disclosure requirements about its business activities in Sudan.

While the acting chairman of the Securities and Exchange Commission (SEC), Laura Unger, has initiated several new disclosure requirements applying to companies invested in Sudan, the SEC requirements in this legislation go a long way toward ensuring the world knows what companies are aiding and abetting the regime in Khartoum.

Slavery exists today in the 21st century and this legislation rightly condemns the Government of Sudan's role in the ongoing slave trade. The Sudanese government has done nothing to stop the slavery. Slave traders from the north sweep down into southern villages and kidnap women and children who are then sold for use as domestic servants, concubines or other purposes. This is real life chattel slavery.

The Department of State 2000 Human Rights report describes slavery in Sudan, stating:

> . . . slavery persists, particularly affecting women and children. The taking of slaves, particularly in war zones, and their transport to parts of central and northern Sudan, continued. Credible reports persist of practices such as the sale and purchase of children, some in alleged slave markets . . . 10,000 to 12,000 slaves remain in captivity at year's end.

The Sudanese regime is also involved in the support of global terrorism. The National Commission on Terrorism reported in June 2000 that Sudan continues to support global terrorism by providing funding, refuge, training bases, and weapons to terrorists. The Sudan government was implicated in the 1995 assassination attempt on Egyptian President Hosni Mubarak. Nearly every major terrorist organization in the world is welcomed in Sudan.

Over the past decade, the U.S. has contributed over a billion dollars for relief and humanitarian aid for Sudan. I am glad that this legislation urges President Bush to promptly make available to the National Democratic Alliance $10 million in non-lethal, non-military aid previously authorized by Congress.

The Bush Administration is making the right moves on Sudan, appointing USAID Administrator Andrew Natsios as special coordinator for humanitarian assistance, approving more aid for the suffering in Sudan, and indicating a willingness to make bringing a just peace to Sudan a priority. As the appointment of a special envoy for Sudan by the Bush Administration is imminent, I am hopeful that the U.S. will play a more aggressive and assertive role in achieving a real and just peace. But we also need to bear down on the Khartoum government to stop its aggression against the south and reach a lasting peace.

The actions of the Sudanese government regarding human rights abuses and religious persecution toward its own people cannot be tolerated. Far too long and in too many circumstances the repressive and intolerable governments of the world have been allowed to engage—unopposed—in widespread human rights and religious freedom violations that strike at the core of being evil. We in Congress have an obligation not to let these governments or regimes go unopposed.

The Sudan Peace Act addresses one of the greatest humanitarian issues of our day—over 2 million have died—and yet it is tough on the regime in Khartoum. I strongly support this legislation and urge a unanimous vote.

Mr. SHERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, not only as a member of the Committee on International Relations, but as a member of the Committee on Financial Services.

Just a few weeks ago, I had a chance to tour both NASDAQ and the New York Stock Exchange. These exchanges are not only the center of American capitalism and the American securities market, they will soon be the unchallenged center for a world capital market. They are critical to the large international oil companies, not just those based in the United States, but those based in Europe and Japan as well. In fact, I think we will soon have a seamless market in which one invests through the two great exchanges of the United States in companies based anywhere in the world.

As others have said, it would simply be immoral if this great resource of the United States, our great securities markets, were to be used to raise capital, not just to do business from Sudan, but actually to support the Sudanese government. Because as others have pointed out, this is the source of money for this repressive regime. In fact, this is not just a repressive regime. This is the worst government in the world that benefits from substantial international investment. It is a country that practices a form of genocide and slavery, and that should not taint the American financial markets.

I will be back on this floor tomorrow to try to do everything I can to strengthen the American financial markets by reducing the fees that are imposed on each securities transaction. But as we strengthen these markets financially, we must also make them stronger morally and ethically. We can do that today by making sure that those companies that invest in the Sudanese oil sector do not take advantage of these increasingly important financial markets.

So I would hope that all of those who are concerned with the brutal mass murders and genocide in Sudan and all of those who are concerned with building the strongest possible financial markets in the United States would be here on this floor if a recorded vote is called to vote in favor of this amendment.

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Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment, mainly because I do not think it is a good move to have the SEC internationalized to begin with, and to further internationalize it does not seem to make a whole lot of sense.

For one thing, cracking down more on foreign oil companies that are doing business in Sudan will not necessarily prohibit the benefits that may flow to the American oil companies if there is a change in government. We should not ignore that. We go to war over oil. We went to war over oil in the Persian Gulf, and certainly we had oil as an influence to send in many dollars and much equipment down into Colombia.

But just let me read from the bill. It says the Secretary of State will report back on a description of the sources and the current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation; the effects of such financing and construction of the inhabitants of the region. It goes on, which in a way does a lot of research and benefit for our oil companies that may benefit. So I think oil is involved, but in quite a different way than I think we should be involved in dealing with the foreign oil companies today. So I am not going to support this amendment.

I would like to take another moment to mention something which is considered an esoteric point, but I consider very important, and that has to do with the authority to do these kinds of things that we are doing today, no matter how well intended. The committee report explains the authority, and the supporters of the bill says the authority comes from article one, section 8, clause 18. And they look to the right place. Article one, section 8 gives us our 18 enumerated powers that we are permitted to do. The clause 18 is the necessary and proper clause: to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

The foregoing powers were those 18 issued. To use this in a generalized sense means there is no constitution left. That means any power we want, we can do whatever we want. That was specifically designed to pass laws to enforce those 18 enumerated powers. So this bill, in spite of all the good intentions that we hope it will do, really undermines the whole concept of the Doctrine of Enumerated Powers.

And we should not take that lightly, although this generally is not of much interest to so many people because we do so much and we have such great hopes that it will always do so much good. From just observing history, recent history, the last 20, 30, 40 years since World War II, so often when we get involved and we send money to help the good guys, it is not infrequent the good things that we send in, goods and services and weapons, end up in the hands of the opposition and the enemy. So that is always a possibility once again. These commodities and services and the things that we send and the money may well end up literally being used against the people we are trying to help.

The other thing that we tend to ignore here is we concentrate on the good things that we are going to accomplish. Miraculously, we are going to solve this problem by putting $10 million in today and $100 million in the next 5 years, and everything is going to be solved. We do not think about it failing, because that would be a negative, and we do not want to think about that. We do not think about the Constitution, and we do not think about who pays. Somebody always has to pay. This is token. Who cares about $10 million? When we take $10 million out of the economy, there is somebody who suffered; somebody did not get a house or somebody lost a job. But they are not identifiable. They do not have a lobbyist. They are lost. But they are penalized. There is always a cost.

And even if we assume we have a surplus and the money is already in the budget, we still should be concerned because we are making a choice. We are saying that we are going to take this money and take the risk of sending it over there. Maybe it will help. Maybe I am right, maybe it will not do quite as much good as we think, but we make a trade-off. We say today that we will send this money with the hope that it will do good at the expense of a domestic program. Do my colleagues think every poor person in this country has been taken care of, their medical care needs or housing? So we do make choices continuously, but we forget about that.

We never really think about the choices that we make, and there is always a trade-off. And we generally always forget about finding the point in the Constitution that gives us authority. In this case, this is the wrong authority, and it is not a proper interpretation of the Constitution as described in the committee report.

Mr. PAYNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand in strong support of the Bachus amendment, the amendment to prohibit any foreign company from raising capital or listing its securities in the U.S. markets as long as the company is engaged in oil and gas development in Sudan. Currently, the China National Petroleum Company, through its PetroChina subsidy; Talisman Oil of Canada; Royal Dutch Shell, Netherlands; Lundin Oil, Sudan; and TOTAL NEL from France all list their stocks on the New York Stock Exchange or NASDAQ.

We have been talking about what more can we do. As we know, it is not the policy any longer to send U.S. troops abroad. If this were 50 years ago, 40 years ago, with the atrocities of this nature, we may have sent in an intervention group. We did it in Haiti, we did it in the Dominican Republic, we have done it around the world. But today is a different time, a different day, and we do not do that. So our resources are limited as to how we can force a dictatorial regime to change its ways.

I think we should cut off access to capital markets in this country. This country is the world's power economically, and the next war is going to be an economic war. We have moved ahead of the Euro, where it is 20 percent, 15 percent stronger than the Euro. This is where everyone is coming to get the money.

I wonder why some people serve in Congress. To hear a person talk about $10 million as too much to spend, when if it was not for the Marshall Plan the world would still be trying to come out of the degradation of World War II. We spent billions and billions and billions of dollars to do the right thing because it was the right thing to do. When someone questions $10 million that might go in to try to help a country build a social society or that a vehicle may be taken by the enemy, that is absolutely ludicrous, makes no sense; and I do not know why some people even spend time in this House, because they have absolutely nothing to offer.

So I just think that it is imperative upon us to try to use the weapons that we have. We do not have military weapons any longer to go into countries. People wonder, well, why should we do this. Well, because this is supposed to be the land of the free, the home of the brave. We have the Statute of Liberty still standing there. We have to stand for something. When I hear people say why should we be concerned about the new independent states in Central Europe, it is because there has to be someone who is the moral leader of the world. We are in the responsible position.

It is like a basketball player. When I speak to young men like Iverson, who plays for the 76ers or a Carter, who plays with the Toronto Raptors, I say whether you like it or not, you are a role model. Young people look up to you; therefore you have a responsibility to act right, to do the right thing. Whether you like it or not, you are looked upon as something that other people want to follow. And this country is the one country in the world that other countries want to follow. We have a moral responsibility whether we like it or not.

We cannot move back from the world. We are the world, and we have a responsibility to remain the world's leader. If we cannot do any more than to cut a couple of oil companies off from Wall Street, then what can we do? This is a small thing we are acting on. It will not even have an impact on that trillion dollar industry that trades hundreds of billions of dollars daily, but it will have a massive impact on those companies who come here with blood dripping off their hands to get more money so that more blood will come dripping as they continue to push people from their lands so that they can fill their pockets with dollars.

At some point we have a moral obligation and a responsibility. The time is now. I urge support of the Bachus amendment.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do want to stress that this legislation is not directed against Islam. This legislation is directed against religious persecution, and this includes the issue of forced conversion. Again, I think we need to be clear. Congress is saying nothing here against the religion of Islam, which is an increasingly important part of our national fabric.

I think we need to be clear that what we are saying here with this bill and with this amendment that we are adding to the bill is that we are bringing attention to Sudan, we are addressing shortcomings in the delivery of humanitarian relief, and we are providing tools to the administration and the American public to attempt to end the massive suffering of the Sudanese people.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, when someone stands in the well and questions the constitutionality of an amendment, then I think the Members ought to listen. I think they ought to take note, because that is a serious charge.

It would be a convincing argument if one was not familiar with the history of legislation in this body. If one was, they would know one of our first Congresses, which contained many men who signed the original constitution, that drafted it, imposed sanctions of a financial and capital nature against foreign fur trading companies. So the folks that drafted that and enumerated those powers then stood in this Congress and imposed such sanctions, and these sanctions have been imposed during several war periods.

It is particularly ironic that we would defend four foreign oil companies when we have in this body passed legislation, including fines and terms of imprisonment, if our oil companies go over there and drill. So it is quite ironic that we would impose these restrictions on our own oil companies for going overseas, and do that with a clear conscience, which I have, and yet allow their competition to go over there, kill innocent men, women and children, strafe hospitals, engage in all sorts of atrocities, and then not only look the other way when that happens, but we will allow them to raise the money to finance their operations in our capital markets, those same markets which restrict Americans from participating in and would not restrict the very bad actors who avoid the sanctions that we have now imposed. Truly an argument that I will never accept.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, let me again say that the underlying bill is a good bill. This is a strengthening amendment, and I rise in very strong support of it. This amendment is about stopping genocide, Mr. Chairman, the deliberate and systematic attempt to eliminate an entire people in southern Sudan, by cutting off the flow of U.S. dollars to entities that are making genocide possible.

The whole world knows, Mr. Chairman, that the Khartoum regime routinely bombs schools and hospitals, and uses enslavement, mass rape, and starvation as weapons of war against black Christians and animists in the south. The good news, until 1997, was that the south was likely to win its independence and an end to the bloodshed. However, then Khartoum got foreign companies from China, Malaysia, and even Canada to develop oil fields and build a pipeline.

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The equation is simple: By selling oil to the west, Khartoum can buy an army that can destroy the south and is destroying the south. We all know that the devastation is absolutely numbing and frightful. Two million people have been killed. Millions more have been wounded, and over 4 million people have been displaced.

Oil revenues have enabled the government to double spending on its war machine since 1998. The government has used roads and air strips built for oil projects to launch military attacks. As one Sudanese victim put it, "Oil has done nothing but bring us death."

Mr. Chairman, the gentleman from New Jersey (Mr. PAYNE) and I have worked very hard to get New Jersey out of the mix with Talisman, which is a Canadian company. We held over 60,000 equities in that Talisman company as part of our New Jersey commitment to our State employees. Thankfully they got out of it, at some point kicking and screaming; but they are only one of many. There are many individual shareholders who will never read the disclosure information sent to them and maybe will not even care.

Mr. Chairman, we need to act in a collective manner that will have a high utility to say we want out. We want no part of this killing machine going on in Sudan. It is worth pointing out that the speaker of the Sudanese parliament does not make any bones about it. He said that the oil revenues will be used to buy war weapons. They are taking this oil revenue and buying guns and planes, and all kinds of other implements of destruction that are used against innocent men, women, and children.

The Talisman chief executive said that 70 percent of the oil revenue from the partnership will be going to the government. We are talking about a massive amount of money, $500 million per year, being put into the coffers of this war machine.

Finally, let me say the Bachus-Hall-Smith amendment prohibits any foreign company from raising capital or listing its securities in U.S. markets as long as the company is engaged in oil development in Sudan. We have trade sanctions in place against Sudan, but foreign companies continue to invest in Sudan, and then they freely and openly raise money in the U.S. stock market and bond market to finance these activities.

Shame on us, Mr. Chairman, if we do not realize that we are facilitating the deaths of so many innocent children. The gentleman from Alabama (Mr. BACHUS) should be commended as should the gentleman from New Jersey (Mr. PAYNE) and all of us who are trying to make some difference here to stop this facilitation.

Mr. Chairman, we can make a difference; and hopefully our European and other allies will follow suit. We must lead by example. That is what this amendment does.

Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, let me again say that the underlying bill is a excellent piece of legislation. The Bachus-Hall-Smith strengthening amendment improves the Sudan Peace Act. This amendment is about stopping genocide, Mr. Chairman, the deliberate and systematic attempt to eliminate an entire people in southern Sudan, by cutting off the flow of U.S. dollars to entities that are making genocide possible.

The whole world knows, Mr. Chairman, that the Khartoum regime routinely bombs schools and hospitals, and uses enslavement, mass rape, and starvation as weapons of war against black Christians and animists in the south.

The good news, until 1997, was that the south was likely to win its independence and an end to the bloodshed. However, then Khartoum got foreign companies from China, Malaysia, and even Canada to develop oil fields and build a pipeline.

The equation is simple: By selling oil to the west, Khartoum can buy an army that can destroy the south and is indeed destroying the south. We all know that the devastation is absolutely numbing and frightful. Two million people have been killed. Millions more have been wounded, and over 4 million people have been displaced.

Oil revenues have enabled the government to double spending on its war machine since 1998. The government has used roads and air strips built for oil projects to launch military attacks. As one Sudanese victim put it, "Oil has done nothing but bring us death."

Mr. Chairman, the gentleman from New Jersey (Mr. PAYNE) and I worked very hard a couple of years ago to get New Jersey out of complicity with genocide. We worked—and succeeded—in convincing state officials to divest its stock holdings of Talisman, which is a Canadian oil company. Before divestiture, New Jersey owned over 600,000 shares of Talisman. Thankfully, New Jersey got out, but New Jersey is only one of many institutional holders of this stock. There are many individual shareholders who own Talisman oblivious to its facilitation of genocide. Some argue mere disclosure is adequate. I respectfully disagree. Disclosure information sent to shareholders or potential buyers of the stock may or may not make any difference.

Mr. Chairman, we need to act in a collective manner in unison, if we are to help end this horrific slaughter. We want no part of this killing machine. It is worth pointing out that the speaker of the Sudanese parliament does not make any bones how oil money equals a more lethal military force. He has said that the oil revenues will be used to buy war weapons. The Sudanese dictatorship is taking oil revenues and buying weapons of every stripe to be used against innocent men, women, and children. We are talking about a massive amount of money, $500 million per year, being put into the coffers of this war machine.

The bottom line is this I say to my distinguished colleagues. The Bachus-Hall-Smith amendment prohibits any foreign company from raising capital or listing its securities in U.S. markets as long as the company is engaged in oil development in Sudan. We have trade sanctions in place against Sudan, but foreign companies continue to invest in Sudan, and then they freely and openly raise money in the U.S. stock market and bond market to finance these activities.

Shame on us, Mr. Chairman, if we do not realize that we are facilitating the deaths of so many innocent children. The gentleman from Alabama (Mr. Bachus) should be commended for crafting this humanitarian amendment.

Mr. Chairman, we can make a difference; and hopefully our European and other allies will follow suit. We must lead by example. We must be serious about ending the nightmare endured by the Sudanese people.

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Bachus amendment and the underlying Sudan Peace Act. I come from Omaha, Nebraska, Mr. Chairman, and we have been blessed with new folks who have immigrated from Sudan. They have come to my office, and we have spent several hours together talking about the tragedies that these folks have lived through, escaped from and come to America, come to my hometown, and are now integral parts of our community of Omaha, Nebraska.

These stories, they are true. These people have suffered. Over the past 18 years, Sudan's Khartoum government has killed more than 2 million of its own citizens through this civilian war. This is more than the entire population of Nebraska. This is almost four times the population of this city that we stand in right now. Men, women, children, some of these folks that have come to my office that I have sat down with are young men, and to hear their stories of what they had to escape: starved, beaten, friends taken for slavery, executed because of their beliefs, whether they are Christian or a different sect of Islam. And the people they are escaping are those with the government-sponsored guns. The National Islamic Front has bombed civilian centers, camps, relief hospitals. They have blocked humanitarian aid such as food and medical supplies, tortured and killed those who refuse to convert to their brand of religion. These appalling attacks on human rights have created one of the greatest tragedies in the history of mankind.

Now this government is using profits from new oil development to accelerate this genocidal war. That is why I came here today to support the Bachus amendment. I stand up here in full support of it. This act, the Sudan Peace Act, will send a clear signal to the leaders of Sudan and those who wonder whether we care more about oil than people. It will tell the other civilized nations of the world that we also care about religious freedom, and to follow our example and stop financing this extremism.

It will open up those doing business with the Khartoum government to the crucible of public pressure and help ensure that humanitarian aid ends up in the hands of the people, not the government officials waging this war. I hope this legislation will help end the bloodshed and provide relief to those suffering Sudanese people.

Mr. Chairman, I urge my colleagues to vote in support of this amendment and support the Sudan Peace Act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHAW) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, pursuant to House Resolution 162, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TANCREDO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 422, nays 2, not voting 8, as follows:

[Roll No. 160]

YEAS—422

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—8

Allen
Dingell
Ferguson
Filner
Fossella
Johnson, E. B.
Morella
Rush

☐ 1502

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 160, I was unavoidably detained. Had I been present, I would have voted "yea."

CONDEMNING TALIBAN REGIME OF AFGHANISTAN REQUIRING HINDUS TO WEAR SYMBOLS IDENTIFYING THEM AS HINDU

Mr. GILMAN. Mr. Speaker, pursuant to the order of the House of Tuesday, June 12, 2001, I call up the concurrent resolution (H. Con. Res. 145) condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 145 is as follows:

H. CON. RES. 145

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights guarantee the freedom of religion;

Whereas on May 22, 2001, the Taliban regime of Afghanistan directed Hindus and other non-Muslims to wear a yellow identity symbol and for Hindu women to fully cover themselves in a veil;

Whereas this proposal is reminiscent of the yellow Star of David that Jews were forced to wear in Nazi Germany and Nazi-occupied areas;

Whereas Department of State spokesperson Richard Boucher condemned the Taliban action, stating that "forcing social groups to wear distinctive clothing or identifying marks stigmatizes and isolates those groups and can never, never be justified";

Whereas the Taliban regime recently offended the world by ordering the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old, 100-foot-tall statues of Buddha that were carved out of a mountainside;

Whereas the reprehensible policies of the Taliban are exacerbating the suffering of the people of Afghanistan who are already besieged by a devastating drought and the continued fighting in the region; and

Whereas the American people feel a great deal of sympathy for the people of Afghanistan and continue to provide humanitarian assistance to alleviate the suffering of the Afghan people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the Taliban's use of Nazi tactics to force Hindus in Afghanistan to wear symbols identifying them as Hindu;

(2) joins with people of all faiths around the world in standing against the religious persecution by the Taliban regime;

(3) demands the Taliban regime immediately revoke its order stigmatizing Hindus and other non-Muslims in Afghanistan and conform its laws to all basic international civil and human rights standards; and

(4) calls on the Government of Pakistan to use its influence with the Taliban regime to demand that the Taliban revoke the reprehensible policy of forcing Afghan Hindus and other non-Muslims to wear a yellow identity symbol.

The SPEAKER pro tempore (Mr. SHAW). Pursuant to the order of the House of Tuesday, June 12, 2001, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 145, introduced by the gentleman from New York (Mr. ENGEL). First, I would like to say that I appreciate the support of the chairman of our Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and the ranking member of the committee, the gentleman from California (Mr. LANTOS), and the House leadership for making timely consideration of this resolution possible.

It was considered and ordered reported to the House by the full Committee on International Relations earlier this month.

This resolution we are considering condemns a recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindus, yellow symbols similar to the one I have on my lapel at this time.

Many of us are appalled and deeply concerned by this order. Our Nation and the rest of the world need to register the strongest possible condemnation of this outrageous regulation. As our resolution points out, the world has not been witness to anything like this since the Nazis required the Jews to wear a yellow Star of David.

The Taliban's repression of women and its intolerance of other minorities goes hand in hand with other reprehensible behavior. It is not surprising, therefore, that the Taliban provides Osama bin Laden, the terrorist kingpin, a safe haven, allowing him to reside in Afghanistan as its special guest. Bin Laden is responsible for much of the terrorist-related murder and mayhem that has shattered peace throughout the subcontinent. It is his thugs that killed our State Department employees and hundreds of other innocent people.

The Taliban and bin Laden appear to be made for one another. Moreover, the Taliban's involvement in taxing, stocking and the trafficking in opium make it responsible for much of the global misery related to drug addiction.

Finally, it is an open secret that Pakistan in many ways supports the Taliban. It is appropriate, therefore, that this resolution calls upon Pakistan to use its influence to demand that the Taliban revoke its edict that identifies Hindus and other non-Muslims.

Accordingly, Mr. Speaker, I fully support H. Con. Res. 145 and I ask our colleagues to join us in support.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 145, which was introduced by my friend and colleague from New York (Mr. ENGEL). This resolution condemns the Taliban regime of Afghanistan for their offensive and inhumane policies towards Hindus and other non-Muslims in Afghanistan, and it demands that the Taliban regime immediately revoke its edict issued on May 23 requiring Afghan Hindus to wear yellow identification badges and for Hindu women to cover themselves in a yellow veil.

This latest despicable action of this despicable regime is only the most recent of a long list of horrific human rights and religious freedom abuses committed by the Taliban against their own people. They have shut down schools, restricted education and have systematically discriminated against all women in Afghanistan.

Earlier this year, Mr. Speaker, the Taliban sparked international outrage by destroying the ancient Buddhist statues of Bamian. It is no accident that the international terrorist kingpin Osama bin Laden has found welcome haven in the land of the Taliban.

If these barbaric actions were not enough, the Taliban has now decided to emulate the most heinous and reviled regime of the 20th century, Hitler's Germany, by forcing Hindus and other non-Muslims to wear yellow identity badges.

The edict issued by the Taliban, Mr. Speaker, is reprehensible, and it clearly echoes Nazi German policies stigmatizing Jews and others. We cannot allow the Taliban to systematically oppress Afghan Hindus in such an eerily similar manner.

Afghanistan, Mr. Speaker, sits at the crossroads of Europe and Asia. For centuries, it has been one of the marketplaces of the world where traders of all countries and races and religions came together. This rich history and tradition of tolerance is being dismantled by this dark and brutal regime. The Taliban's actions, Mr. Speaker, are beyond comprehension. At a time when millions of Afghan people are on the edge of starvation and thousands of Afghan children are dying every day of malnutrition, the Taliban are intent on driving away any international support through their offensive and inhumane policies.

Just last week, the Taliban expanded their restrictions on foreign aid workers, further limiting their movement and freedom and making it nearly impossible for its humanitarian workers to continue their efforts to bring relief to the people of Afghanistan. One must wonder if the Taliban are trying to commit genocide against their own people.

We cannot stand idly by and watch while the Taliban continued their reign of darkness and despair. We cannot countenance their deliberate attempt to undo centuries of civilization. We must find a way to stop this insane regime.

If there is one country left on Earth, Mr. Speaker, that seems to have any influence with the Taliban, it is the country of Pakistan. The government of Pakistan has been all too reluctant to use its influence with the Taliban and we are calling on the government of Pakistan to stand with the international community and call a halt to the reprehensible policies of the Taliban regime.

I want to commend the gentleman from New York (Mr. ENGEL) for introducing this resolution, and I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding the time.

Mr. Speaker, as an original cosponsor of this resolution and as chair of the Subcommittee on International Operations and Human Rights, I urge strong support for H. Con. Res. 145, and I want my colleagues to vote in favor of its passage.

□ 1515

This resolution was prompted by the Taliban's decree of May 22, forcing Hindus to wear identity labels such as this one on their clothing to brand and degrade this religious group even further.

Unfortunately, Mr. Speaker, this reprehensible policy is but a microcosm of the terrible actions taken by the Taliban against all minorities in Afghanistan. As the U.N. Special Rapporteur on the Elimination of all

Forms of Intolerance and Discrimination has stated, Afghanistan epitomizes the religious extremism, and it underscores that "the Taliban uses religion as a political tool in the interests of power and has taken an entire society hostage."

In January of this year, for example, the Taliban issued a decree to apply capital punishment to Afghans who converted from Islam to either Judaism or Christianity. Just a few months ago, in the aftermath of the Taliban's destruction of sacred statues, Amnesty International reported that the Taliban massacred hundreds of civilians with impunity. On May 14 of this year, it was revealed that the Taliban has an ethnic cleansing manual to eliminate entirely the presence of religious minority groups in areas which are not yet under Taliban control.

Women have also felt the brunt of the Taliban's intolerance and extremism. According to Afghan women interviewed by a non-governmental organization in France, "women live like animals." Women are excluded from treatment by male doctors, who are the only ones allowed to practice medicine. Even when exceptions are made, because the woman is accompanied by her husband, doctors are still prohibited from actually touching the women, and this obviously limits the possibility of any meaningful medical treatment.

The Taliban's policy of treating women as subhuman is also reflected in decrees mandating that women must be accompanied by a male relative when leaving their homes and that they must be covered in the Taliban-approved dressing shown here. It says in Taliban-held areas of Afghanistan, women can rarely work outside the home, girls can attend only same-sex schools, and women can be beaten for not wearing this veil. It says, get up, stand up. Refusal to adhere to these rules will result in beatings.

The Taliban's intolerance and extremism has even spilled over to international humanitarian workers. Just a few weeks ago, the Taliban arrested U.N. aid workers in Afghanistan. Militants who fight for the Taliban and are loyal to terrorist Osama bin Laden have threatened to kidnap and even kill international aid humanitarian workers.

Mr. Speaker, if we do not render our unequivocal support for House Concurrent Resolution 145, we will be sending a message to the Taliban that it can continue to escalate the persecution and the repression that they are undergoing with impunity.

I ask Members to think of the Afghan women, such as this one pictured here, and vote with your conscience today. I ask you to think of the Hindus who are being required to wear yellow identification labels, such as this one. I ask Members to think about the plight of all minorities in Afghanistan and vote yes on this powerful resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5½ minutes to the distinguished gentleman from New York (Mr. ENGEL), the author of this resolution.

Mr. ENGEL. Mr. Speaker, I thank my good friend, the gentleman from California (Mr. LANTOS), for yielding me time. I want to thank the gentleman, and the gentleman from Illinois (Chairman HYDE), and the gentleman from New York (Mr. GILMAN) as well, for working with me so quickly for bringing this resolution to the floor.

As was mentioned by my colleagues, I too am wearing a yellow ribbon. In fact, I have many yellow ribbons here, and I would like every Member of Congress to wear a yellow ribbon for today, since this resolution is on the floor today. I think if we all wore the yellow ribbons, it would be a very powerful symbolism of the fact that we stand with the oppressed people of Afghanistan, with the Hindus of Afghanistan, just the way during the terrible Nazi era, when the Jews were told that they had to wear the yellow star to identify them, to single them out from everyone else, all the Danes wore yellow stars of David and said that we are all Jews. I believe here in Congress, all of us should wear these yellow ribbons, and today we all should be Hindus and stand in solidarity with those oppressed people.

Mr. Speaker, just over 2 weeks ago, I heard the disturbing news that Afghanistan's Islamic Taliban regime had issued an edict requiring Afghan Hindus to wear yellow identification badges and Hindu women to fully cover themselves in a veil and for Hindu families to have curtains that are yellow or some such identification, clearly showing that they are different from everyone else.

This is absolutely an outrage. My colleagues have mentioned all the outrages of this Taliban regime, from Osama bin Laden getting cover there and planning his terrorist attacks all over the world from the safe confines of Afghanistan, being protected, by the Taliban's destruction of the Buddhist statutes that were thousands of years old, to making it impossible for aid workers to help the starving people of Afghanistan. Indeed our country, the United States, is the leading country in terms of providing humanitarian aid for those starving people.

So what we are attempting to do here today is saying that the United States can make a difference. We can make a difference in providing humanitarian aid, so that the people of Afghanistan are not suffering because of their regime. And they are suffering, but we can make the suffering a little bit better. Also what happens in this Congress is listened to around the world. I think it is so important for us to take a moral stand.

Now, what the Taliban are doing is just an outrage that cannot be ignored. The Taliban's edict accompanies the 1999 law forbidding non-Muslims from living in the same houses as Muslims, from criticizing Muslims, and from building places of worship. This resolution calls upon, demands, that the Taliban regime immediately revokes its order stigmatizing Hindus in Afghanistan and to conform its laws to all basic international civil and human rights standards, and, of course, condemns the recent order by the Taliban regime to require Hindus to wear these different identification symbols.

Now, combined, these edicts have the effect of stigmatizing, separating, and disadvantaging the Hindus because of their religious beliefs. It should be pointed out that when the Nazi edicts in Europe came against the Jews, initially it was just small edicts, and there were people that said, well, this is only a very minor thing, and it will pass.

I think we have learned from history that if we ignore these so-called minor things, they turn into catastrophes; and we do not want to ignore this because this is not minor, and it will get worse if the world just turns its back.

Now, to add insult to injury, according to the Taliban regime this action was taken, they say, to protect Hindus from the religious police, who often arrest Hindus for not following Muslim law or who beat Hindus for not conforming to Muslim law. This, of course, adds insult to injury, to claim they are putting in this oppressive law in order to protect the Hindu citizens. Obviously this is a bunch of nonsense.

This type of religious discrimination has no place in the world today. Forcing Hindus to wear distinctive clothing does nothing to protect Hindus from the religious police; rather it makes them more vulnerable to police and mob violence.

So, again, we cannot allow the Taliban to systematically oppress Afghan Hindus in such an eerily similar manner to the way the Nazis oppressed Jews, homosexuals, Romas, and others.

This is not the first time the Taliban has singled out Afghan Hindus. Prior to 1992, Afghanistan had a population of over 50,000 Hindus. Most fled due to anti-Hindu violence. There are now only 500 Hindus, approximately, left in Afghanistan, subject to the Taliban's edict.

The international community, including our friends and allies around the world have joined us in condemning the Taliban's edict; and Pakistan, one of only three countries recognizing the Taliban as a legitimate government, said that they deplore these discriminatory practices. That is why this resolution calls upon Pakistan to try to use its influence with Afghanistan.

Mr. Speaker, I am proud to stand with my colleagues in solidarity with the Afghan Hindus; and again I would urge all of my colleagues to support this resolution, to come over, and we will give them ribbons so everyone can wear ribbons. Again, I thank the gentleman from California (Mr. LANTOS), who has been so gracious.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from California (Mr. ROHRABACHER), a member of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of this legislation. I would like to thank personally my colleague, the gentleman from New York (Mr. ENGEL), for the leadership that he has demonstrated, even though he does have a beard now, like I used to have. The gentleman from New York (Mr. ENGEL) and I have worked on many causes together, and I would like to just begin my remarks today by reminding people that the gentleman from New York (Mr. ENGEL) was a hero of the Muslim people in the Balkans who were finding themselves under torturous attack, and sometimes being murdered in great numbers, especially the people in Kosovo and other places in the Balkans. So today it is very fitting that the gentleman from New York (Mr. ENGEL) stands up and points out where another group of people are committing repression.

This time this is a Muslim group; but in the past, when Muslims have been attacked and their rights have been destroyed, he has been the first one to stand up and speak up for their rights. So this is not a religious determination. What we have today is a determination of principle, that we in this body stand together for human rights and are against the type of fanaticism that is demonstrated by the Taliban regime.

The same, of course, is true with the gentleman from California (Mr. LANTOS). We have worked on many human rights issues. The gentleman from New York (Mr. GILMAN) and I have, of course, worked on the China policy as well; and the gentleman is one of the most renowned and most respected leaders on human rights in this body. As chairman of the Committee on International Relations, he made his mark.

But today this resolution condemns the Taliban regime, not just for what it is doing against Hindus, which is today what we were using as our hook to draw attention, and I will be wearing one of those yellow badges, but this is symbolic of the repression that the Taliban and the fanaticism that the Taliban have brought to Afghanistan.

As someone who spent considerable time in Afghanistan, I would say that I am probably the only Member of this body who actually at one point fought alongside with Afghans against the Russian troops during their long war against Russian occupation, and I found the Afghans not to be fanatics.

The Afghans were very devout in their religion, but they were not the fanatics that the Taliban portray today. In fact, I would like to let my colleagues know that, by and large, the Taliban were not and are not the Mujahadeen, which is a mistake that many people make.

Most of the Taliban leadership, as well as most of the Taliban, sat out the war against Russia in Pakistan. The Taliban means students, and they were in what supposedly were schools, although many of them were illiterate, being financed by the Saudis and the Pakistanis. That is where they were during the war, while many of the people who opposed them today were out fighting the Russians.

Many of the people who I was with are now being repressed by Afghans who were not out there fighting the Russians, who now call themselves the Taliban, as if they have some corner on the understanding of God. What the Taliban are doing is using Islam as a weapon for their own power.

We have seen this in other faiths as well. We have seen the fanatics and the charlatans use their religion, whether they are Christians or Muslims or whoever, in order to gain their own power.

□ 1530

Well, that is what has happened in Afghanistan. It is getting worse and worse, because the Taliban, ever since they have been in power, have allied themselves with the worst elements in the world, people who the Afghan people would have nothing to do with if they had some choice in their government.

Of course, as we know, 60 percent of the world's heroin has been growing in Afghanistan all of these years that the Taliban have been in power. The Taliban now tell us this year they are no longer growing any poppies, and the heroin production is down in their country. Of course, how convenient. At a time when they have a massive drought that has been going on in Afghanistan that has killed all of the crops, now they voluntarily are not growing any more poppies. How convenient. We will wait and see what happens when the water comes back whether or not they enforce this supposed edict.

Unfortunately, when we are talking about American relations with Afghanistan, what we have found over the last 8 years with the last administration, every time we had a chance to overthrow the Taliban, and I was involved with several organizations whose efforts were in that direction, the last administration, the Clinton administration, rode to the rescue at the last minute every time. That is unfortunate.

During the last 8 years while we gave refugee relief supplies to Afghanistan, those supplies, our foreign aid, the foreign aid we have been giving to Afghanistan and those poor suffering people of Afghanistan, they needed some help; but yet, the last administration saw to it that those supplies were only distributed in Taliban-controlled areas.

I can tell the Members that I fought tooth and nail, I went time and time again to the State Department, to try to see that those supplies were distributed in non-Taliban areas. But instead, the Clinton administration insisted that those supplies go to Taliban-controlled areas.

Why is that? I believe, and I have said this before, the last administration and unfortunately the United States, thus, had a covert policy of supporting the Taliban for a while, perhaps as part of some situation with Pakistan and the Saudis. I do not know.

But I would hope that the United States policy has changed, and that indeed our goal be the elimination of the Taliban regime and support for those Afghanis who are struggling for their country and struggling to have a moderate and a decent government.

The Taliban had, by the way, rejected all elections as being inconsistent with Afghan tradition. There are a group of people today fighting against the Taliban whose goal and idea is to have an Afghanistan directed by the democratic process.

Commander Massoud and many others who fought against the Russians, Abdul Haq and his family who are fighting there, fought against the Russians, Pashtum as well as minority members, were fighting against the Taliban.

Our goal should be to be on the side of those people who want to replace that regime and to help those people. If we send supplies to Afghanistan, they should go to the people in need, whether they are with Taliban or not.

There is a group called the Knightsbridge organization headed by Ed Artis and Dr. James Law that have $2 million worth of humanitarian supplies ready to go now to the people of Afghanistan, but they do not have the money for the transport, and they have not been given help because it might go to some non-Taliban areas.

So I would hope that we do what is right in this country, that we condemn this repression as exemplified by repression against the Hindus, but we put ourselves on the line against the Taliban and their fanaticism and support for terrorism and drug dealing.

It is time the people of Afghanistan deserve a break after these last 20 years of struggling.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Maryland (Mr. HOYER), an indefatigable fighter across the globe.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS), a strong voice for freedom and human rights, and my colleague, the gentleman from New York (Mr. ENGEL), who, as the previous speaker, the gentleman from California (Mr. ROHRABACHER), pointed out, has been such a strong, strong courageous voice for human rights wherever they are undermined in the world.

Mr. Speaker, this week our Nation closed a chapter on the deadliest act of terrorism ever perpetrated on American soil. We were reminded again of the dangers of fanaticism, its assault on civil society, its attack on our values, its rejection of the rule of law. We were confronted again by the evil that works within the zealot's heart, where basic human decency is drowned in a sea of arrogance, ideology, and hatred.

As we attempt to heal the wounds caused by this madman at home, let us recognize that as the leader for democracy, freedom, and human rights throughout the world, we must fight fanaticism, bigotry, and hatred wherever it rears its head. That is why I urge my colleagues to support this critically important resolution introduced by the gentleman from New York (Mr. ENGEL).

Today the people of Afghanistan toil under the boot of the brutal Taliban regime, whose crimes, as have been catalogued earlier in this debate, are legion. Since seizing power in 1996, the Taliban has systematically denied Afghani women and girls their basic human rights. They are prohibited from attending school. They are prohibited from working outside the home. With few exceptions, they are prohibited from appearing in public with nonrelative males.

The Taliban's chokehold on the Afghani people has only tightened recently. It destroyed two ancient statues of Buddha, in spite of all the world's protests. It shut down a hospital opened by an Italian charity. It prohibited Afghani women from working with the international relief agencies, even as an estimated 4 million people are at risk of starvation this year in Afghanistan.

In an order reminiscent of Nazi Germany, the Taliban rulers decreed in May that all non-Muslims would have to wear an identifying label on their clothing to distinguish themselves.

Earlier in this debate, the experience of the Danes and the Jews was referenced. My father was born in Copenhagen. King Christian, when the edict came down from the Nazis, said "I will wear the Jewish star," and all Danes wore the Jewish star to indicate their solidarity with their Danish brethren, not distinguished by other forms of discrimination.

Mr. Speaker, through this resolution today we join the world community in condemning the Taliban regime for their flagrant human rights violations. As the leading voice for freedom and human rights throughout the world, it is our responsibility, it is our duty, it is our opportunity and our cause. We must state unequivocally the savaging of human rights by misanthropic fanaticism has no place in a civilized world, and it must not stand.

This resolution, Mr. Speaker, is an important statement, and we must join with others to confront this evil perpetrated by the Taliban.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. PAUL), a member of our Committee on International Relations.

Mr. PAUL. Mr. Speaker, I rise in support of this resolution. It gives us an opportunity to at least condemn the Taliban in forcing the wearing of these symbols.

Sometimes I think, though, that this type of legislation is more feel-good legislation, makes us feel better, but does not do a whole lot to solve our problems. I think it would be more important to take this opportunity to think about our policy of foreign interventionism.

We have been involved in Afghanistan now for more than two decades, and have spent over $1 billion. Last year we spent $114 million in humanitarian aid. This year it is already $124 million.

It is said that it is not sent to the Taliban, but the gentleman from California (Mr. ROHRABACHER), who is a bit of an expert on Afghanistan, just revealed to us earlier that indeed some of this money and some of this aid was designated to go to the Taliban-controlled areas.

I think more important is that regardless of the intention of where we send the aid, the aid is beneficial to the government in charge. The Taliban is in charge. They can get control of aid, of food and other commodities, and use it as weapons, and they do.

The point that I would like to make is after these many, many millions of dollars and over $1 billion have been spent, we have come to this. They are in worse shape than ever. Yes, we can condemn what they are doing, but we should question whether or not our policy in Afghanistan has really served us well, or served the people well. It may well be that when we send aid, that it literally helps the Taliban, because they do not have to then buy food. They can take their money and use it to enforce these rules and to be a more authoritarian society, to buy weapons.

We do know that when we sent weapons in the eighties, those weapons actually ended up in the hands of the violent Taliban, and they are still in their hands to some degree. Yes, our policy is well-intended. We would like to do good and save all the suffering that is happening in this country. But quite frankly, it has not worked very well.

We should question this. I believe we should assume some responsibility in the sense that our aid does not always do what it was supposed to do and actually ends up helping the very people that we detest. I think that is exactly what has happened here. It has been specifically pointed out that some of this aid has gone into the area where the Taliban has been helped and strengthened.

All I am suggesting is, why not question this a little bit? Why should we go on decade after decade after decade expanding aid and getting these kinds of results that we all detest?

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just respond to the gentleman from Texas (Mr. PAUL). While I am pleased he is supporting the resolution, he needs to gain some historical perspective. It was billions and billions of dollars of Marshall aid which resulted in the rebuilding of Western Europe and in creating our allies in NATO, and providing us with a prosperous Europe as our single most important trading partner.

So this melancholy call for isolationism is not supported by the historic evidence. The historic evidence shows clearly that in Republican and Democratic administrations, overwhelmingly United States participation in Europe and elsewhere contributed in a major way toward building democratic and prosperous societies.

I was present at the end of the Second World War, as my friend knows, when Europe was in ruins, and it was the farsightedness of a group of Republican and Democratic leaders in this country, from Harry Truman to Senator Vandenberg, who created a framework which allowed the countries of Europe to rebuild themselves to become our powerful NATO allies, our democratic friends, and our most significant trading partners.

There is no evidence for the statement that the previous administration directed aid to go to the Taliban. This is an unsubstantiated statement. What we voted for and what I think we will vote again is to provide humanitarian assistance to the destitute people of Afghanistan. It is most unfortunate that the bulk of Afghanistan today is in the hands of this despicable regime.

But I think it is important to realize and to be true to historic facts that the bulk of our economic aid since the end of the Second World War has succeeded in creating prosperous and democratic societies ranging from Taiwan to Denmark. These were destroyed societies, poor societies, destitute societies, and American aid was critical in building them up as democratic and prosperous allies.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Texas.

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, we do not have time to get into the Marshall Plan, but there is a pretty strong case to indicate that the major part of the rebuilding of Europe came from private capital and not specifically from the immigration plan.

But the point that I would like to answer to is the term "isolationism." I am not a protectionist. I am not an isolationist. I am for openness, travel, trade. I vote consistently that way, so the term "isolationist" does not apply to the policies that I am talking about, because I am probably for more openness in trade and travel than most anybody in this body.

☐ 1545

So the term is not isolationism.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), a distinguished member of the Committee on International Relations, my friend.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me the time.

Firstly, let me thank the gentleman from the Bronx, New York (Mr. ENGEL), my friend and colleague, for authoring this resolution.

Let me thank the leadership and the Committee on International Relations and the leadership of the House for bringing this timely resolution to the floor so quickly.

Mr. Speaker, I believe we must speak out quickly when tyranny raises its ugly head; and, once again, it has raised in Afghanistan. To require any minority to wear any symbol harkens back to another age of the subjection of religious minorities, the coddling of terrorism, the destruction of world treasures.

We simply cannot let this go on without stating our opposition to that. It is shear, shear fascism. This fanaticism though has the potential to spread, unfortunately.

Having talked to some friends in the Bangladeshi community, their concerns that this could possibly spread to other moderate Muslim countries in the region is also a concern of mine.

This is a very, very difficult part of the world to begin with and to have this taking place there now is only going to exacerbate that.

Mr. Speaker, I want to thank my colleagues for bringing this resolution to the floor, and I will also wear this ribbon in remembrance of the Hindus of Afghanistan.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY) for his strong support for this and other issues of human rights. We have worked together on many issues in Ireland, Bangladesh, and elsewhere; and we thank him for his poignant remarks today.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H. Con. Res. 145 to condemn the treatment of Hindus in Afghanistan by the Taliban Government, and I wear my yellow badge.

It is a government that continues to commit blatant violations of human rights. I want to thank the gentleman from New York (Mr. ENGEL) for introducing this important resolution.

Mr. Speaker, I am proud to be one of the many original cosponsors. Since taking power over 90 percent of Afghanistan in the fall of 1996, the Taliban regime has restricted the freedoms of women by limiting their social participation, their work, and education. Not only do Hindu women have to wear the badge, they wear a veil. They are required to.

State Department and international human rights groups report that violence against women continues to be one of the regime's largest human rights violations. The Taliban regime has established a Ministry for the Promotion of Virtue and the Suppression of Vice to monitor how its moral laws are followed and to punish those who do not comply.

Individuals in violation have found their homes burned, livestock killed, irrigation systems destroyed. Over the past 2 years, more than a dozen politically active citizens have been arrested and killed by the Taliban regime.

Since its implementation, the protection and freedoms of women have been stripped, making women the property of their husbands, their fathers, or the state.

Reports site acts of violence that include rape, kidnapping, and forced marriages that were in many cases perpetrated by the Taliban.

Most recently, the Taliban leaders have imposed laws mandating the public identification of all Muslims and that is this required yellow identification symbol. It echoes the feelings associated with the yellow star of David that Jews were forced to wear in Nazi Germany.

As we take a firm stand against human rights violations, we encourage other nations to recognize the Taliban leadership continues to violate United Nations Security Council resolutions and international standards as identified by Amnesty International.

As we recognize and respect the sovereignty of independent nations, we cannot remain silent when women and children are brutally murdered for not following the moral stands of a barbaric regime. We have acted to economically and politically isolate Afghanistan in efforts to eliminate human rights violations, but the world must also follow suit.

Earlier this year, the gentleman from California (Mr. LANTOS) and I introduced H.R. 1152, the Human Rights Information Act, in an effort to expose human rights abusers outside the United States. As a world leader, the United States must condemn religious persecution and gender-based discrimination. I urge my colleagues to support H. Con. Res. 145. I want to thank the gentleman from Illinois (Mr. HYDE). I want to thank the gentleman from California (Mr. LANTOS). I want to thank the gentleman from New York (Mr. GILMAN) for floor managing the bill.

Mr. Speaker, I want to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for bringing this issue to the floor and indeed the gentleman from New York (Mr. ENGEL) for introducing this very important issue.

Let us all support H. Con. Res. 145.

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her strong supportive remarks and for always being there on human rights situations.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), my friend and colleague.

Mr. MCDERMOTT. Mr. Speaker, I rise as the cochair of the India Caucus to support this initiative. Today we all wear the yellow in emulation of the Danish king who said we are all Danes. There are not Jews and Catholics and Protestants, we are all Danes. But what this means is not that we are Hindus, but that we are all human beings.

When we fail to keep that clearly in mind, when we mix religion and government and get it all mixed up, we wind up with some very terrible situations. We cannot just look out at the Taliban. We have to look at ourselves, because Martin Niemoller, who was a Lutheran minister who died in the camps in the 1940s said, When they came for the Communist, I was not a Communist, so I did not stand up. When they came for the homosexuals, I was not a homosexual, so I did not stand up.

When they came for the socialists, I was not a socialist, so I did not stand up. When they came for the trade unionists and the Catholics, I did not stand up and when they came for the Jews, I did not stand up.

Then they came for me, and there was no one to stand up.

What this is about is all of us standing up for the right of people to have their own religion and to live in peace in a country where they can raise their children as they want to and not force anybody to do anything.

We must look at that separation of church and state in our own country. We will consider out here soon the issue of faith-based initiatives and what that does to the separation of church and state.

All we have to do is look at Afghanistan to see what happens when we melt the two together. That is a frightening possibility, and it starts one at a time.

As it did in Germany. They did not go out and get the Jews first and grab them all. They started with a lot of other people that they did not like, and that is why this is so important that everyone wear this, not just today, but in their mind every day.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), my neighbor, friend and colleague, an indefatigable fighter for human rights.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding the time to me, and I want to commend him and the majority side of the Committee on International Relations for bringing this important piece of legislation to the floor.

This committee has challenged the conscience of this Congress and of our country on many occasions. Today I am sorry I missed the debate on Sudan but will be submitting a statement on the record for that.

But I also want to commend the gentleman from New York (Mr. ENGEL) for his leadership in introducing this resolution. I am proud to be an original sponsor of it.

In his dear colleague, the gentleman from New York (Mr. ENGEL) calls what is happening in Afghanistan a horror, a horror. That is a perfect word for it.

The Taliban in their activities that I will talk about a bit and that our Members have addressed over and over again today, their activities there have placed them outside the circle of civilized human behavior.

It is very important that people in the rest of the world speak out; the gentleman from New York (Mr. ENGEL) gives us that opportunity here today. I thank the gentleman from New York (Mr. ENGEL).

We have written, under the leadership of the gentlewoman from Illinois (Ms. SCHAKOWSKY), to the President of the United States because we were concerned about this yellow badge that the Hindus were obliged to wear in Afghanistan. We are appreciating his considering our request that our Nation lead in its opposition to this dangerous, dangerous plan.

Mr. Speaker, much has been stated on the floor of this House about our commitment to religion and the free expression of religion, and that is why it is so important that we all join the gentleman from New York (Mr. ENGEL) and the committee and join with people of all faiths around the world in standing against the religious persecution by the Taliban regime.

The gentleman's resolution strongly condemns the Taliban's use of Nazi tactics to force Hindus in Afghanistan to wear symbols identifying them as Hindus. These are strong words. But these are terrible actions, and this is how we can meet this challenge.

So I am pleased to be, as I said, an original cosponsor. I commend the maker of the motion, the gentleman from New York (Mr. Engel). I once again applaud the Committee on International Relations for challenging the conscience of this Congress. Hopefully our whole country will rise to that challenge.

Mr. GILMAN. Mr. Speaker, I would like to have the opportunity to have the last comments.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. GILMAN) has the right to close.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to commend the gentleman from New York (Mr. ENGEL) for bringing this important resolution to our attention. I trust that we will have a unanimous consent vote which would reflect the views not only of the Congress but of the American people that we do not stand for religious discrimination or persecution in any form. I urge all of my colleagues to support the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Taliban regime is a threat to the stability not only of the Asian regime but the entire world. Our Nation needs to join with other nations that are seeking to reinstate that regime.

The former king of Afghanistan has suggested that all of the parties come together in Afghanistan for a grand assembly known as a Loya Jirga. This could be an appropriate way to bring peace to that Nation.

Another method could be to work with the Northern Alliance that has been opposing the Taliban. No matter what route our Nation takes, we must help to restore stability through the formation of a representative form of government in Afghanistan.

Mr. Speaker, I look forward to working with our colleagues on this issue, and I urge my colleagues to approve H. Con. Res. 145.

Mr. HOLT. Mr. Speaker, as a cosponsor of this legislation, I rise today to talk about an issue that concerns me greatly—the recent actions of the Taliban regime.

I visited Afghanistan nearly 25 years ago. I was impressed by the resilient independence of its people. I deeply lament the destruction of art and the censorship of literature.

The giant statues of Bamiyan, which I had the privilege of seeing and admiring long ago, have been demolished.

All of this is very lamentable, but the recent violations of human rights and religious freedom must be condemned as crimes of a higher order.

Last month, the Taliban Islamic militia imposed a rigid new social code requiring Hindus in Afghanistan to wear a distinctive yellow piece of cloth identifying them as Hindus. The similarities between this recent action and those of pre-war Nazi regimes are disturbing.

Even more disturbing are the other similarities between pre-war Nazi Germany and the Taliban militia.

From what we have seen, the government of Afghanistan is waging a war on its certain members of its populace—particularly women and religious minorities. Before the Taliban took power in 1996, the women of Afghanistan had relative freedom: they could work, even as professionals, dress generally as they wanted, and drive and appear in public alone. Under the Taliban, women have lost not only these "privileges" but also all their rights as persons.

Now, the women of Afghanistan must ensure that not even an inch of their flesh shows; they must screen the windows of their homes so they cannot be seen, or see.

Women can no longer work and are forbidden to go out in public without a male relative. Even in their own homes, they are not allowed to be heard; they must wear silent shoes and obey and serve silently.

The slightest violation of the Taliban law is punishable by beating and stoning, often to death.

And now the Taliban regime has turned its hatred toward religious minorities. Recently, the world watched in horror as the Taliban militia destroyed ancient Buddhist statues, simply because they were of another religion.

And now, we are witnessing the Taliban's policy to mark its religious minorities. I fear what this action will lead to.

We already know what it can lead to.

Calling the Taliban's actions a "human rights violation" is a gross understatement.

We must—the world must—condemn it.

I urge my colleagues to support this resolution which not only condemns the Taliban's use of Nazi tactics, but it also demands that the Taliban regime immediately revoke its order stigmatizing Hindus and other non-Muslims in Afghanistan and conform its laws to all basic international civil and human rights standards.

We must not be silent on these atrocities.

Mr. TOWNS. Mr. Speaker, I rise in support of House Concurrent Resolution 145. Recently, the Taliban in Afghanistan has issued a decree that all non-Muslims should wear a yellow identity symbol in addition to the requirement that women must fully cover themselves in a veil. This decree, although affecting all in Afghanistan, is directly targeted toward a minority Hindu population. It is unthinkable that we, here in America, would remain silent while religious persecution is actively promoted. Furthermore, this sort of action by the regime is reminiscent of previous leaders and governments that also set out a path of differentiation between people. In many of these cases, including the Nazis coercing Jews into wearing a yellow Star of David, a small action such as this, was only the precursor for larger, more violent forms of discrimination.

In addition, the Taliban has ordered the destruction of all pre-Islamic statues in Afghanistan, including a pair of 1600-year-old, 100-foot statues of Buddha that were carved out of a mountainside.

I find no other choice but to rise up with my colleagues to condemn these actions and to condemn the Taliban. I join with all people from around the world, people of all faiths and nationalities, to denounce this latest action of religious discrimination by the Taliban in Afghanistan.

Mr. PALLONE. Mr. Speaker, I would like to express my strong support for H. Con. Res. 145. I commend my colleague Mr. ENGEL, for introducing this important piece of legislation that condemns the Taliban for requiring Hindus and non-Muslims in Afghanistan to wear identifying symbols.

The Taliban regime's policies are inhuman, and clearly resonate Nazi tactics used to stigmatize Jews during the Holocaust. The Taliban policies are reprehensible, and not only should this Congress and the international community condemn the Taliban for their action against Hindus, I also call upon Pakistan to take a stand and use its influence with the Taliban to end these reprehensible policies.

The Taliban's record on human rights and support for terrorism have been documented in several reports, including the U.S. State Department's Patterns of Global Terrorism 2000 Report. The findings in these reports on the Taliban exemplify a clear pattern of basic human and civil rights to the Afghan people, especially women, minorities and children. The statistics of violence against women and girls is simply overwhelming.

Not only is the Taliban's record on human rights atrocious, the State Department's Patterns of Global Terrorism reports that "The Taliban continued to provide a safehaven for international terrorists, particularly Osama bin Laden and his network, in the portions of Afghanistan it controlled." Not only does the Taliban house Osama bin Laden, the Taliban allows Afghanistan to be used for a base of operation for worldwide terrorist activities and training.

The people of Afghanistan are being held hostage in their own country under the terrorist regime of the Taliban. Their recent policy of requiring Hindus to wear identification badges, mandating Hindu women to fully cover themselves in veil, demanding Hindu homes to be identified, and prohibiting Muslims and Hindus to live together all further exacerbate the current situation and indicate that the Taliban is trying to implement a genocide against their own people.

I urge Pakistan to step up to the plate and use its influence to allow Afghan Hindus to continue to live their lives and practice their religious beliefs and I urge all of my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 145, which condemns the Afghanistan Government for requiring non-Muslims to wear identifying symbols and other acts of human rights violations.

A recent order by the Taliban regime of Afghanistan to require Hindus and other non-Muslims in Afghanistan to wear symbols identifying them as non-Muslim is very disturbing.

It is inconceivable that after the experience of World War II, when Jewish members of European countries were forced to wear the Star of David as a means of identifying their religious beliefs that we should see this type of action again on the part of any government.

Women, minorities, and children suffer disproportionately. The U.S. State Department's Country Report on Human Rights Practices found that violence against women and girls in Afghanistan occurs frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings.

Amnesty International's Report 2001, covering events from January–December 2000 and issued May 30, 2001, states in its findings on Afghanistan that:

> Human rights abuses, including arbitrary detention and torture, continued to be reported in the context of the ongoing conflict between warring factions. The Taliban continued to impose harsh restrictions on personal conduct and behavior as a means of enforcing their particular interpretation of Islamic law. Fighting in the northern provinces intensified during the second half of the year as the Taleban and anti-Taleban forces fought for control of territory. Forced displacement of the civilian population was used by the Taleban to gain control of territory in areas north of Kabul, creating a severe humanitarian crisis.

The Taliban has repeatedly interfered with United Nations relief programs and workers, preventing the provision of much-needed food and emergency relief services to the people of Afghanistan.

There are more than 25 million internally displaced persons within Afghanistan, and more than 2 million refugees who have left the country.

The Taliban's Islamic Emirate of Afghanistan, headed by Mullah Mohammad Omar, is recognized as a government by only three countries, including Pakistan, the United Arab Emirates, and Saudi Arabia. Of the three, Pakistan's relations with the Taliban are the most extensive, including military and economic assistance. The anti-Taliban alliance's Islamic State of Afghanistan, headed by Burhanuddin Rabbani, is recognized as a government by other governments and the United Nations. According to the State Department's report Patterns of Global Terrorism 2000, issued in April 2001, "The Government of Pakistan increased its support to the Taliban."

According to the State Department's Patterns of Global Terrorism:

> The Taliban continued to provide safehaven for international terrorists, particularly Usama Bin Ladin and his network, in the portions of Afghanistan it controlled.

On May 29, 2001, a jury in Federal District Court in Manhattan convicted four bin Laden followers on all 302 counts they faced in connection with the August 7, 1998, bombings at the U.S. Embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, which killed 224 people, including 12 Americans, and wounded thousands.

The State Department's Patterns of Global Terrorism 2000 report states:

> Islamic extremists from around the world including North America, Europe, Africa, the Middle East, and Central, South, and Southeast Asia continued to use Afghanistan as a training ground and base of operations for their worldwide terrorist activities in 2000. The Taliban, which controlled most Afghan territory, permitted the operation of training and indoctrination facilities for non-Afghans and provided logistics support to members of various terrorist organizations and mujahidin, including those waging jihads (holy wars) in Central Asia, Chechnya, and Kashmir.

On October 15, 1999, the U.N. Security Council unanimously adopted resolution 1267, in which it demanded that the Taliban in Afghanistan turn over Osama bin Laden, in order that he might be brought to justice, and required the Taliban to cease the provision of sanctuary and training for international terrorists and their organizations. The Taliban took no steps to comply with the Security Council's demands.

The willful act of segregating groups in any society based on their innate human differences is wrong, it was wrong in the southern United States before the civil rights movement forced a change in our Nation's policy regarding African-American, Hispanic, Native American, and Asian members of our society. It was wrong for South Africa to impose apartheid on the majority African and Indian population, and it is wrong for Afghanistan. The 56th session of the United Nation's Commission on Human Rights reported that a constitutional vacuum exists in Afghanistan. The Taliban government acknowledges the need for a constitution that would encompass an inclusive process, which would enable all segments of the Afghan population to participate in working out an acceptable constitutional framework and procedures for its acceptance and approval by the Afghan people.

There continues to be a denial to women of access to education, health and employment. The rights of women have been curtailed by limitation on their freedom of movement of women, with little access to employment or education. I have also heard about refugees stories concerning refugees and reports that chronicle the abduction of women, rape, infliction of the punishment of stoning, lashing, and other forms of inhuman punishment.

I would strongly encourage the Taliban government to rethink this decision along with their treatment of women in light of the strong negative connotations that are implied by their action. I do not reject the right of the Afghanistan people to self-determination, but I do reject any attempt to abuse women or to ostracize members of their diverse society.

The road that they are traveling on has been traveled on before with dire consequences for those who attempted to enforce laws and policies based on prejudice or fear. The intent of the government may not be to take action against these religious groups, but the end result could indeed lead to untold violence against others because they worship God in their own way.

America was willing to aid the Afghan people in their struggle for freedom from the former Soviet Union. Our Nation's support came from our shared interest in stopping the violence that was being committed against their people because of their deep faith in God expressed in their commitment to Islam.

I would ask that the Taliban not forget their history with those who were intolerant of them, and remember that a nation like the United States gains it strength from the diversity of the people who call her home.

I urge my colleagues to support this important resolution.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Tuesday, June 12, 2001, the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ENGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 12, as follows:

[Roll No. 161]

AYES—420

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Allen
Burr
Ferguson
Ford
Fossella
Hill
Hoekstra
Hostettler
Johnson, E. B.
Larson (CT)
Lowey
Meek (FL)

☐ 1622

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 145, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from New York?

There was no objection.

CALIFORNIA'S ENERGY CRISIS

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ESHOO. Mr. Speaker, yesterday afternoon, the California delegation, 52 strong, including our two United States Senators, Republicans and Democrats, met with the Vice President. The subject of the meeting was energy.

Californians are reeling from the sticker shock in the bills that they are receiving. We know that the Federal Energy Commission has said that there is gouging. We know that there is gaming. Californians are hurt and hurting badly by this.

I will place into the RECORD as part of what I am saying this morning a report that has come out from CNN. It is entitled "Power of advertising fights electricity rate caps".

Well, together with the White House and the GOP majority in the House, those gouged prices from Californians are now going to be put into an advertising campaign. The dollars that we are paying are going to be placed into an advertising campaign to try to defeat price relief in California.

This is an outrage, and it is an equivalent to what the tobacco companies did as they tried to wage their war on America and say that tobacco was good. This is an outrage, and we are going to fight this.

Mr. Speaker, I include the article that I referred to earlier as follows:

POWER OF ADVERTISING FIGHTS ELECTRICITY RATE CAPS

WORRIED GOP, WHITE HOUSE GIVE BLESSING TO UTILITIES' CALIFORNIA CAMPAIGN

(By Major Garrett)

WASHINGTON (CNN).—Major U.S. utility companies—at the behest of senior congressional Republicans and with White House approval—will launch a multimillion-dollar advertising campaign this week to fight federal caps on electricity prices in California, several sources tell CNN.

No exact dollar figure has been set for the television campaign, but congressional and administration sources said the first phase will cost less than $5 million and run only in California. Media buyers for the utilities will also purchase airtime on Spanish-language television.

"Every penny right now will be spent in the Golden State," said a source intimately involved in the ad campaign.

Over time, the utilities' ad campaign could easily cost more than $10 million. Leading congressional Republicans have urged the entire energy industry to spend upwards of $50 million on the ads—or about as much as the tobacco industry spent to defeat comprehensive tobacco legislation in 1998.

Congressional GOP leaders have issued dire, albeit private, warnings to the energy industry that they may not be able to block legislation imposing caps on prices or other measures designed to give the federal government a greater role in setting rates for wholesale electricity, oil or natural gas.

The ad campaign reflects a deepening sense of dread among congressional Republicans that the Bush energy policy, while long on specifics, has failed to address short-term political pressure on Republicans.

Republicans inside and outside of Congress tell CNN they are terrified about confronting a summer of Democratic attacks on energy prices as they gear up for re-election campaigns. The concerns are all the more acute because of the GOP's narrow, five-seat House majority and fear among Senate Republicans that they could lose more ground to the Democrats in next year's elections.

The final straw for many House and Senate Republicans was Mr. Bush's trip to California, which, in effect, put the issue of price caps in the spotlight.

"It was a total disaster," said an adviser to the House Republican leadership. "He came out there to let every Californian, including Republicans, know he was against price caps. Now everyone in California knows (Democratic Gov.) Gray Davis is for them and the president is not."

What's worse, several senior Congressional Republican sources told CNN, the White House returned from the trip thinking the president had the upper hand.

"It's ludicrous," said another House Republican. "Members have lost confidence in their ability to understand how this issue is affecting us."

Congressional Republicans will not play any role in the content or overall strategy of the campaign. Neither is the White House involved. But House and Senate GOP leaders have shared their concerns with top White House officials, among them Mr. Bush's senior political adviser, Karl Rove.

"The White House is aware and approving of the effort," said a senior Senate Republican aide.

House Republican leaders, beset by complaints from rank-and-file Republicans about the beating they're taking on the energy price issue, have been demanding action from energy companies to make the public case against price caps or other controls on energy markets. Chief among the advocates has been House Majority Leader Tom DeLay of Texas.

DeLay and his wife, Christine, dined with President bush and the first lady on Wednesday. Sources close to the situation said the evening was mostly social, but they added that DeLay expressed concerns about the withering attacks the House GOP has been absorbing from Democrats on the energy issue.

From news conferences to special orders on the House floor, Democrats have blasted Republicans as allies of big energy conglomerates and as unwilling to question high energy prices.

The White House, sources inside and outside the administration tell CNN, has gotten the message. Senior advisers convened an emergency "California energy message" meeting Thursday to discuss future strategy. The meeting involved Rove, White House counselor Karen Hughes and senior advisers from the president's economic team and the Energy Department.

The political danger for Republicans has become so pronounced that House GOP leaders pulled an energy bill sponsored by Republicans Rep. Joe Barton, R-Texas, because they could not be sure they could kill a Democratic attempt to add energy price caps in California to the legislation.

Similarly, senior Senate Republicans aides said a push for electricity price caps in California could prove unstoppable if the issue comes to the floor. With Senate Democrats eager to push other matters first—such as HMO reform—the price cap issue will probably not make it to the Senate floor until congress returns from its Fourth of July recess.

At a recent gathering of Senate Republicans, one top senator said there "wasn't five votes" among Republicans to block price caps on electricity in California.

Last week, House Majority Leader Dick Armey, R-Texas, and Conference Chairman J.C. Watts, R-Oklahoma, sparred publicly over whether to hold hearings into energy prices. Armey said the exercise was "nonsense." Watts said he wanted energy companies to at least explain price fluctuations so the public would see that Republicans were at least willing to hold them accountable to consumers.

"We're not fighting fire with fire," said one exasperated senior House Republican aide. "This is a war and if the energy companies don't step up to the plate, we can't stop bad things from happening anymore. They have to be willing to fight and fight on the air."

Before the emergency White House meeting California, top White House communications aides sent a memo to all congressional Republicans last week advising that they should no longer use the phrase "price caps" but "price controls."

The theory behind the semantics, Republicans say, is that price caps sound consumer-friendly and nonthreatening, while price controls sound bureaucratic and meddlesome. The White House has long argued that price caps in California—or anywhere else—would distort markets.

This distortion, the White House has argued, would artificially lower prices, encourage consumption and diminish the supply of energy that can be profitably brought to market.

Republican sources said several utilities will participate in the advertising and that the thrust of the pitch would be that government interference in energy markets would, in the case of California, bring more blackouts.

The campaign may, in later stages, remind viewers of the gas lines in the 1970s, which many energy economists say were brought on by price controls that drastically reduced the supply of gasoline and by consumers hoarding gasoline, frightened of never having enough.

"We've been carrying their water for a long time," one Republican said of the energy industry. "And now they're going to have to provide some air cover."

The one irony is that energy economists have of late forecast that gasoline prices—which were feared to be headed well above $2 per gallon—will likely drop later this summer and that the energy crisis in California may not be as acute as anticipated.

The main reason, these economists say, is that high prices for gasoline and electricity sparked widespread conservation that has boosted supplies of gasoline and taken pressure off California's electricity needs.

But that doesn't mean the political equation has changed.

"Members are scared to death," said another senior House Republican aide. "They are going to be redistricted this year and they will have to sell themselves to some new voters next year. They need to be able to tell them what they did about energy."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SPEAKING OUT FOR RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, tonight we would like to pay tribute to rural America and to particularly highlight the efforts of the 140-member Congressional Rural Caucus. We have pledged ourselves to having attempts to preserve rural America, and I commend my cochairman of this caucus, the gentlewoman from Missouri (Mrs. EMERSON), and the gentlewoman from North Carolina (Mrs. CLAYTON) for their leadership and dedication to the rural caucus on issues that matter to rural residents across this country.

Our job as members of the Congressional Rural Caucus is to promote economic and social policies that support the continued viability of our rural communities. In many instances throughout my State of Kansas our rural communities continue to struggle. We continue to see populations in once-thriving communities decline across the Great Plains. Of 105 Kansas counties, 61 have smaller populations today than in 1900; 82 Kansas counties have lost population since just 10 years ago; and 65 counties are predicted to lose population in the next 10 years.

Kansas communities are confronted with serious challenges of prosperity and survival. While working on the farm bill, Mr. Speaker, we hope there will be a strong component for rural development in that farm bill. And as parts of the rural caucus, I chair the task force on telecommunications. Seems awfully important for us to make certain that the provisions that are often available in more urban areas of our country are made available in rural communities as well. Our communities' survival depend upon access to increasing technology.

Mr. Speaker, by providing one voice for rural America, the Congressional Rural Caucus will ensure that rural communities will remain viable and competitive. Our job in Congress is to raise the awareness of rural issues and to preserve that way of life. As Congress debates important issues like rural development in the farm bill, and access to telecommunication technologies, we must address the opportunities and challenges that we face in rural America.

Rural Americans across the country need us to demonstrate our commitment for a better quality of life, and I urge my colleagues to join us in this fight and to speak out for rural America.

Mr. REHBERG. Mr. Speaker, will the gentleman yield?

Mr. MORAN of Kansas. I yield to the gentleman from Montana.

Mr. REHBERG. Mr. Speaker, agriculture is the number one industry in the State of Montana. That is why the two pieces of legislation I introduced, along with the gentleman from South Dakota (Mr. THUNE) and the gentlewoman from Missouri (Mrs. EMERSON) are so important to me and to rural America.

The heart of America is her rural communities. The Montana farmers and ranchers who work the soil understand that our State's motto, Oro Y Plato, gold and silver, is truly the gold of ripe wheat fields and the silver of water resources. The harvest of the farmer and rancher translate into the gold and silver of economic health in rural communities.

Families spanning generations have sustained themselves in agriculture, but it is no longer feasible. The past few years have brought disasters and record low prices to the ag economy. While safety nets are important to producers, especially in lean years, America's farmers and ranchers do not want to be dependent upon the government. So we must develop a long-term market-oriented approach to Federal farm policy to give producers the tools to help themselves and at the same time to bring much-needed economic growth to their communities. Short-term financial aid is helpful; but long-term planning, along with creative, innovative opportunities, are vital lest America's rural families lose their farms and small towns die with them.

We need to encourage producers to add value to their product. Value-added ventures will enable producers to reach up the marketing chain and capture profits generated from processing their raw commodities. Two barriers prevent producers from pooling together and adding value to their products: first, though farmers are experts in their own fields, often they do not have the technical expertise needed to launch complex value-added business ventures; second, producers are strapped for cash. Even if they had enough capital to initiate development of value-added processing, many of the combined players in the market could squeeze producer-owned entities out before they become profitable. Something needs to be done to level the field for producers.

Developing value-added agricultural industries will bring increased economic development along with the spirit of hope to Montana and other rural States. And that is good for our pocketbooks, it is good for our communities, and it is good for our quality of life.

□ 1630

SOLVING PROBLEMS OF RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, in 1908, President Roosevelt charged the Country Life Commission with the task of solving the rural problem. He identified this problem as the fact that the social and economic institutions of this country are not keeping pace with the Nation as a whole almost 100 years ago, and that would just as easily describe our situation in America today.

Many people are aware that there is a farm crisis plaguing rural America. However, fewer people are aware that this crisis does not stop at the farm but extends to the whole of rural America. Crumbling infrastructure, lack of educational and employment opportunities, outmigration of youth, inadequate health care facilities, and a growing digital divide are just a few of the struggles that our rural communities must overcome. We must take steps to close that gap and to recognize the vital contributions of rural communities to American economic, cultural, and civic life.

Just over a year ago, I joined with my friend and colleague, the gentlewoman from Missouri (Mrs. EMERSON), in resurrecting the Congressional Rural Caucus. The Rural Caucus is grounded in the belief that the needs of rural America are diverse and unique. We stand united in the belief that it is past time for Congress to stand up for rural America. We must do all we can to ensure that our rural communities are not just to survive, but they may thrive as well. Only when we tailor policies which address the unique needs of rural America will we see that day.

The 107th Congress will provide numerous opportunities to speak up for rural America, but I would like to mention two in particular.

The first is the upcoming farm bill. This Congress will be updating our farm policy for the first time since 1996. We must seize this opportunity not just to rethink our commodity policies, but to pause and to reflect upon the needs of all rural citizens. An important component of the farm bill certainly is our commodity policy, but the needs of rural America go far beyond commodities. The question that we must ask with the farm bill is not how do we fix our commodity programs, although this is clearly an important question and requires our attention. Rather, we must ask ourselves: What is our social contract with rural America; and what actions do we need to take to reinforce that contract?

Our obligation and debt to our rural communities is greater than ever. We must fulfill that debt by pledging to work harder than ever to assist rural America.

I am not alone in this belief. On May 23, I joined 120 of my colleagues in sending a letter to the leadership of the House Committee on Agriculture urging them to make rural development an integral part of the upcoming farm bill.

However, the farm bill is just the beginning. The second opportunity lies in strengthening our partnership with the White House. The Rural Caucus is committed to moving forward with the White House as full partners. Together we can make great steps in strengthening our rural communities, but the White House must do their part.

We have programs that assist rural America, but they are scattered throughout departments and agencies with little coordination between them. We must recognize that decades of incremental and piecemeal efforts have resulted in policy which no longer address the realities of life in these rural communities.

Before stepping forward with a comprehensive new blueprint for rural America, we must step back to survey the landscape of rural America and our patchwork set of policies that are directed towards it. It is time to follow the lead of other industrialized countries in the world in crafting an integrated and comprehensive rural policy. They have done it. We can do it as well.

The time has come to address the entire rich fabric of our farming and rural communities across the country and not just the single threads that bind it together. At stake is not just the continued existence of our rural communities. At stake is the very soul of this great country. If rural America dwindles away, all of America is deprived of a great asset. If rural communities turn to ghost towns, the spectre will haunt us all.

Madam Speaker, I urge Congress to support our rural communities.

APPROPRIATORS SHOULD FULLY FUND FIRE AND EMS DEPARTMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, the numbers are in, and the results are overwhelming. This Congress for the first time in the history of America last year authorized and appropriated $100 million for the

American fire and emergency services community to meet their local needs. It was an historic action.

Within a 30-day time period, from April 1 until May 2, the 32,000 fire and EMS departments across this country had the opportunity of applying for matching funds to meet their local needs and to meet the national responsibilities being placed on them in our effort to prepare for an incident involving a weapon of mass destruction.

Within that 30-day time period, there were 30,000 requests for funds from over 20,000 departments, from the smallest rural department in rural America, to the largest department in our largest city. They requested funds for breathing apparatus, for training, for new technology, for communication systems, for fire apparatus. The resultant 20,000 requests totaling 30,000 specific applications asked for $3 billion of assistance. We only appropriated $100 million.

Madam Speaker, there will be a lot of very unhappy and disappointed fire and emergency services departments. But we have made an historic beginning, and I would encourage our colleagues to join together and request that we increase the funding for that grant program to $300 million in this year's appropriation process so that we can continue to meet the need of our domestic defenders.

Some would say this is too much money. Madam Speaker, local law enforcement officials across this country receive $4 billion a year from the Federal Government. While I support our local law enforcement, our fire and EMS personnel should certainly receive no less. $100 million is a long way from $4 billion.

So I say to our colleagues today as we understand the need that has now been documented for the first time, $3 billion in requests from every congressional district in this country. I would ask our colleagues in the House and the other body to join together and request the appropriators to exceed the President's request of $100 million and fully fund the authorized amount which this fiscal year is $300 million.

Madam Speaker, I urge my colleagues to contact the appropriators and make the request to our good chairman, the gentleman from Florida (Mr. YOUNG), who was a tireless advocate last session, and the gentleman from New York (Mr. WALSH), the subcommittee chair, to include the fully authorized amount in the appropriation process.

PROTECTING AND PROMOTING THE RIGHT TO ORGANIZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I thank my colleague, the gentleman from Michigan (Mr. BONIOR), who organized some of us to come to the floor and discuss the importance of protecting and promoting the rights of workers to organize.

Every year our government spends tens of millions of dollars of our tax money to support efforts around the globe to promote democracy. One of the ways that we measure society's success in establishing a democratic system of government and an open society is how well its laws protect the rights of the poor, the rights of workers, and the rights of its citizens to speak, to organize, and to act collectively on their own behalf.

This is a message that we send every day from the floor of this Congress. We condemn, as we did today, those governments that oppress workers, that shield unscrupulous employers and empower the elites of society. Democracy is not measured by how well you guard the affluent and the powerful, but by how well you protect the rights of the weakest and the most vulnerable.

Thirty-six years ago, in 1935, Congress enacted the National Labor Relations Act to address the inequality of bargaining power between the employees who do not possess the freedoms of association or liberty of contract and the employers. In the depth of the Great Depression, our government understood that working men and women could not challenge employers who, through their wealth and power and associations, could exploit labor if workers themselves were not protected in their efforts to organize. That was a decision born of decades of brutal, bloody, and crippling warfare in the mines, the factories, the wharves, and the workshops of America.

But today, as the men and women born, along with the NLRA retire, 65 years later that promise to America's working people remains unfulfilled despite many achievements by organized labor on behalf of America's working families.

Unions have made tremendous improvements in the quality of life and standard of living of their members and their families. Union workers earn 28 percent more than nonunion workers, and union women earn 31 percent more than nonunion women workers. Unions have made dramatic improvements in the economic status of minority Americans: African American union members earn 37 percent more than nonunionists, and Hispanic workers increase their earnings about 55 percent through union membership.

Ninety percent of union workers have pension benefits compared to only 76 percent of nonunion workers, and 86 percent have health care benefits compared to 74 percent of nonunion workers. Only 50 percent of the nonunion have short-term disability benefits, compared to 73 percent of union workers. And the union workers, on an average, enjoy twice the job stability of their nonunion counterparts.

American workers and their families, whether union or not, enjoy a higher quality of life, greater freedoms, greater opportunities, greater political influence and greater health because of the union movement in the United States. Because of the many hard-fought battles over the last century and a quarter, most Americans can take a weekend off. Most Americans only work 8 hours a day rather than 10 or 12. In their later years, most Americans have pension plans, health insurance, as well as Social Security and Medicare that union support made possible and protects today.

Given this great heritage, many question why the number of workers who are members of unions has decreased. Perhaps unions are victims of their own success at times. They have raised the quality of life for millions who never carried a union card. But there is another explanation and the Congress needs to pay it closer attention and address the shortcomings of current labor law.

Congress sends millions of dollars to build democratic institutions in other countries, and one of the measurements of success is the creation of a free trade movement with the right to strike and engage in collective bargaining and political activity. That is a measure of political health. But it is often not the case in the United States.

Unions and the men and women who would form and join them are the victims of grossly unfair bias under the current labor laws. The decks are stacked against those seeking to create a union. The law grants numerous advantages to employers that facilitate their efforts to prevent fair elections and successful collective bargaining.

Let me give you a few examples. The Wagner Act says a laborer may not be fired for trying to form or join a union. However, the only remedy for an unlawful discharge is to grant the worker back pay and reinstatement. As anyone familiar with labor law knows, it can easily take a year or more to litigate the unlawful discharge case. While that may be fine for an employers' association, few workers can afford to go several years without a job. Nor does the back pay of money that should have been earned to compensate a worker for the damages suffered as a result of having no income for 6 months. The worker receives no compensation to account for the new clothes that the worker could not provide for his child. The worker receives no compensation for the car or home that was repossessed. These are just the beginning of some of the unfair labor practices that exist in current law in this country. We will continue this discussion.

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LABOR RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I am pleased to take this opportunity to salute first of all organized labor and to talk briefly about the role that it has played and continues to play in the lives of average citizens, ordinary Americans, the role that it has played in helping to create what we call the middle class.

Every day when I pick up the paper, the first thing that I generally see is where the rights of workers are being eroded. We are continuing to downsize, outsource, privatize. There is a tremendous amount of anti-union organizing activity. We see the diminution of workers' rights and the elimination of fringe benefits. More and more people are forced into having to work part time, with not a real job where they have benefits, where they know that if they should become ill, they can go to the doctor or go to the hospital.

In a world that is increasingly connected by international trade and investment, the need for enforceable rules in the global economy to protect workers' rights and prevent a devastating drive to the bottom in labor standards has never been more critical than what it is today. Working together, countries must take steps to establish minimum international labor standards so that increasing trade competition between nations does not continue to spiral downward.

The fact is that since NAFTA was enacted in 1993, the United States has lost more than 600,000 jobs. U.S. companies have less stringent labor and environmental standards. In fact, more than 150 U.S. companies have left the U.S. for Mexico since NAFTA and are now relishing in the fact that they have avoided compliance with important worker safety and health standards. And, of course, they are getting away with paying their employees as little as $7 a day. How can a Teamster, for example, who might make an average of $19 an hour compete with this? The fact of the matter is that he or she cannot. And each and every time we go to the bargaining table to negotiate a good, fair contract, we are berated with threats of companies relocating. In the end, American jobs are eliminated, our wages are suppressed, and benefits cut. Unfortunately, the World Trade Organization does not seem to be concerned with this problem.

I was pleased not long ago to listen to my colleague from North Carolina talk about reauthorization of the agricultural bill and the fact that rural America must have a real place in it. I was thinking that when we reauthorize that bill, we need to make sure that we look at some of the subsidies that we are giving to agribusiness, that we look, for example, at the tremendous subsidy that the sugar growers are getting which is keeping the cost of sugar so high in places like where I live that candy companies are going out of business, or they are talking about moving to Mexico or Argentina or someplace other than in the United States.

And so I think it is a call to arms for the workers of America to unite, to keep coming together, to keep organizing, to make sure that there is protection for the average person, the workers of this country.

WORKERS' RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

Ms. SOLIS. Madam Speaker, today I rise to talk about the importance of workers' rights. I want to tell my colleagues a little bit about my own personal history. My parents came as immigrants to this country. Because they became a part of working America, they were also involved in the union movement. Because of that, we had protections for our family, seven brothers and sisters. Because of that protection, my father lives a better life. He lives on a fixed income with a retirement, a pension plan. My mother is well. But the fact remains that before the union came into their place of work, they suffered quite a bit. My father, in fact, was exposed to very hazardous and toxic materials and as a result became involved with the union to provide protection so that other employees there, immigrant employees who could not speak English could have clothing, appropriate clothing and even an oxygen mask that would help prevent them from being exposed to harmful chemicals.

My mother worked for many years, 20 years exactly, on her feet almost 10 hours a day and now suffers from arthritic problems and severe varicose veins. She was lucky, though, that she had the union to fall back on, to provide her protections, medical coverage not only for herself but for her seven children and I as one of those. It has not been an easy road for them, and I thank the unions for providing that safety mechanism for them and my brothers and sisters.

But the movement of the union effort needs to go on. In fact, I was very privileged as a member of the State Senate to run the industrial relations committee where I was very much involved in helping to raise the minimum wage. I am sad to report that in the Federal Government, our minimum wage is much lower than the State of California. In fact, it is at $5.15 an hour. In California, it is $5.75. It is still below the poverty level. In fact, if we were to raise it up a bit, we would still have to give a boost of $1.24. We still have a long way to go. Working America needs a break.

In my opinion, we have much to do to protect women, particularly many of those that are forced to work two and three jobs at minimum wage to raise their families. Many of them have children. Many of them sorely need insurance, health coverage and many other protections that are provided to union people. Many of those individuals are seeking to organize and have not been successful because many anti-union companies or businesses are trying to erode any support so that they can collectively bargain for their rights.

I want to put my support behind efforts that I was recently involved in in California in the city of Vernon with a particular organization there that was trying to organize women and immigrants that were working to sew mattresses and blankets. Some had worked there for 30 years at the Hollander Home Fashion in Vernon and were not given any kind of retirement benefits or any kind of pension plan. Thirty years at minimum wage and not one increment. I went out there and met some of those workers. Thank God that the employer there came to his senses and they were able to work out an agreement. They now have a collective bargaining agreement that will provide protections for the some 200 or 300 workers that I saw there in Vernon.

I cannot say that about an ongoing effort right now with Pictsweet Mushrooms in California where farm workers are trying to get also a better medical plan, a pension plan, and the one that is being offered right now by the employer is much too small and it would require a much greater premium on the part of the worker. The California Agricultural Relations Board has upheld an unfair labor practice charged against Pictsweet by the United Farm Workers. The United Farm Workers won that, but we still need to do more. I stand here now in support of what the Pictsweet Mushroom employees are working on.

We have a long way to go for working families, especially those that are new immigrants, that are coming to this country with the realization that they want to share in the American dream. I would ask this House and body to put forward a minimum wage bill to provide protections for all workers and to work to provide more sufficient coverage in terms of OSHA, because we know that there are many, many thousands of workers that lose their lives, that go to work thinking that they are going to have some protections in place and find out that they cannot even go home because something happened at work.

I would ask this Congress, this body, to please take note of these issues.

THE IMPORTANCE OF COLLECTIVE BARGAINING FROM A HIGH TECH PERSPECTIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Madam Speaker, I come to the well of the House today to speak in favor of and to recognize the importance of collective bargaining. I would like to do it from the perspective of my particular district. I represent a high tech district in the State of Washington just north of Seattle that includes Redmond where Microsoft is located as well as many software firms. It includes a biotech corridor where some of the new medicines are being developed with our new genetic technology, Immunex and others. From that perspective, a lot of folks have thought in the new economy where we have high tech jobs and software and biotech that the importance of collective bargaining or organized labor would fade away. I just want to say today that from the perspective of the high tech economy represented by my district, the importance of collective bargaining to people remains just as large and fundamental as it always has been in this country.

I want to tell just a couple of stories as to why that is true. First the story of Northwest Hospital in my district where a large group of employees desired to be represented by the SCIU, the service employees union, from a variety of professions at the hospital. Something interesting happened when those workers decided they wanted to be represented by SCIU. What was interesting that happened is that the hospital management, unlike a lot of places, decided not to try to intimidate workers, not to try to browbeat workers, not to interfere in the decision by the workers who are really the people who ought to have the decision whether to be represented or not represented. As a result of that, the workers freely voted and indeed in this case voted to be represented by that bargaining unit. To date there has been peace and harmony and increased productivity at that hospital I think because of that peaceful relationship. It was one example about how where management took a progressive attitude to allow workers to freely voice whether or not to be represented, things worked well.

Now I want to talk about the current situation at the University of Washington where the teachers assistants have expressed a desire to be represented by a bargaining unit of the UAW. Despite, I think, their clear manifestation of a desire, the administration of the UW has felt constrained, they believe they do not have the legal authority under the Washington State legislative structure to enter into a bargaining unit at the University of Washington. Many people, myself included, believe that is a misinterpretation of Washington law.

Nonetheless, that has created a lot of tension and the lack of the ability to move forward between the management, essentially the administration of the University of Washington and the teachers assistants. It is a situation where collective bargaining has not been able to move forward at least due to the perceived belief of the University of Washington management that we have not been able to move forward in a collective bargaining agreement, much I think to the detriment of the institution as a whole.

I think it has been instructive as to why collective bargaining needs to be recognized. We have been hopeful that the administration would take another look at the interpretation of Washington law. Failing that, we have also been hopeful that the Washington legislature would do some house cleaning and simply grant very specifically to the University of Washington administration the ability to collectively bargain. I am told that our friends in the other party have blocked efforts of that in the Washington legislature. I think that is very, very shortsighted. To simply give the University of Washington management the same authority that other management anywhere in America has to enter into collective bargaining units.

I want to say today from a high tech corridor, there is good news in a bargaining situation in a hospital. There is bad news in another high tech corridor, the University of Washington. We are hopeful that that gets resolved so that the parties can move forward in this very important right of collective bargaining to organize. That is the story from the high tech world.

INTRODUCTION OF BIPARTISAN SOFTWOOD LUMBER FAIR COMPETITION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, I would certainly echo the comments of those that preceded me in the well about the contributions of organized labor to all working people in the United States and join them in supporting their efforts. But I come to talk about a specific sector of the economy and specific workers, that is, people who work in the lumber and wood products industry.

Back in the 1980s, the United States Department of Commerce found that Canadian lumber is heavily subsidized.

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The Reagan, Bush I and the Clinton administrations have all found the Canadian lumber is subsidized. Numerous Canadian sources, including the BC Forest Resources Commission, Canadian Private Wood Owners Association, Maritime Lumber Bureau have also found those subsidies. That is not in question.

The subsidies come in three primary forms. The provincial government owns 95 percent of the timberland in Canada and administratively sets the price of timber one-quarter to one-third of its market value.

Agreements allow Canadian mills long-term access to timberland in exchange for cutting to subsidize the timber. No matter what the market conditions are, they are required to harvest and process the lumber, and they lose their licenses if they do not do that.

Finally, they are really back 50 years ago or more in terms of their environmental practices. They regularly violate principles set by the Canadian national government in terms of streamside buffers; drag logs through the streams and destroy precious salmon habitat. The results of that are being reflected in crashing salmon runs off of Canada and Alaska.

In response, in 1996, the United States and Canada negotiated a softwood lumber agreement. Unfortunately, that has expired and negotiations to extend or revise the agreement have not occurred despite the fact that many of us have contacted the current administration and asked them to make this a high priority.

We have seen statistics that say a mere 5 percent increase in lumber imports, subsidized lumber imports, from Canada could cost 8,000 jobs in the Pacific Northwest. So we feel this is of the utmost priority.

I am introducing legislation tomorrow with the gentleman from Georgia (Mr. NORWOOD), bipartisan legislation, the Softwood Lumber Fair Competition Act, and I really appreciate the fact that the gentleman from Georgia (Mr. NORWOOD) has joined me as the chief Republican sponsor. It also will have support and introduction of a number of other Democrats and Republicans from various parts of the United States.

If Canada will not do the right thing and come back to the negotiating table and the Bush administration will not take the initiative, then Congress must force the issues through enactment of such measures as the Softwood Lumber Fair Competition Act.

Our legislation is based on the import relief provisions of the Steel Revitalization Act, which has 212 bipartisan cosponsors. The legislation requires that the President take necessary steps by imposing quotas, tariff surcharges, negotiate voluntary export restraint agreements or other measures when softwood lumber imports from Canada exceed the average volume imported monthly during the 24-month period preceding December 1995.

This will help ensure that the U.S. industry and workers are not harmed by unfair dumping of subsidized Canadian lumber.

The job losses and mill closures will accelerate if the United States does not stand up for our working families and demand that Canada trade fairly.

With the sluggish U.S. economy, we simply cannot afford to sacrifice more U.S. jobs and U.S. industries to unfair trade by the Canadians.

The President has repeatedly assured Congress that his administration will vigorously enforce U.S. trade laws. I was pleased with his recent decision to pursue a Section 201 case on steel dumping. Now it is time for the President to do more on softwood lumber issues. It has been nearly 3 months since the agreement expired, and 3 months since a number of us contacted the administration to tell them how urgent it was that they pursue these negotiations. He needs to bring the Canadians back to the negotiating table and work out an agreement which both sides can live with similar to the 1996 agreement.

The choice is clear. Canada needs to come back to the negotiating table with a good faith effort or Congress must take action.

ORGANIZED LABOR

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, I rise to join my colleagues in praising the men and women of organized labor. Organized labor has been a key proponent in the battle for fair wages and better working conditions and safer working conditions throughout the history of our Nation. Just like my colleague from California, let me say a little background because I know people all over the country do not know that most of us represent individual districts.

I started out in high school, as we call it, a fly boy at a newspaper, and worked in my apprenticeship, graduating from college; at the same time also getting my journeyman card as a union printer, and finding out in 1971 I made more as a union printer than I did as a college graduate with an undergraduate degree in business. So I stayed in the printing business and worked there and ended up helping manage a small business.

In that time, I got involved in politics, elected to the legislature, went back to law school at night but still worked in the printing business for 23 years and still kept my card in the union. With the merging now of the Typographical Union with the Communications Workers Union, I can proudly say that I am not working at the trade but a member of the Communications Workers Union.

I tell people do not ask me to fix their phone. I cannot even run a press any more. I have been ruined by serving in Congress.

I believe that the right to bargain collectively is a basic civil right and that unions are an avenue of that fair treatment and economic stability for working people.

The right for people to bargain collectively and independently is not only important in our country but around the world because of the litmus test on the freedom that a society has.

We have seen the impact that employee groups can have in establishing more Democratic governments in institutions worldwide, with one example of the success being the Solidarity Union in Poland. In other countries that are still autocratic regimes, such as China and Vietnam, the rights of workers to organize into unions or employee groups and push for improved pay and working conditions will be the key to showing that that country is ready for real governmental and economic reforms and establishing a free society and the rule of law.

So freedom to organize is a basic civil right that free societies enjoy.

Back here in America, last year 475,000 people joined unions in 2000. Despite the fact that oftentimes this is a basic right of workers, they face intimidation from employers who break the law and try to prevent workers from organizing.

Let me read just a few statistics about what workers have to go through to exercise their rights. Twenty-five percent of employers fire workers that try to organize unions. Over 90 percent of the employers, upon hearing that their workers want to organize, force employees to attend closed-door meetings and listen to the anti-union propaganda. Whether it is true or not, no one really knows since they are closed door.

Thirty-three percent of employers illegally fire workers who tried to form unions and 50 percent of employers, half of the employers, threatened to shut down if their employees organize.

If workers in America are subject to this kind of discrimination, then we can only imagine what workers in the rest of the world have to go through when they want to join together to bargain collectively.

Before I get too far along, I have a particular piece of legislation that came out of an experience in Houston that I want to speak to. This is the second session I have introduced what is now H.R. 652, the Labor Relations First Contract Negotiation Act. This bill was introduced to enhance the rights of employees to organize and bargain collectively for improved living standards. It will require mediation and ultimately arbitration if an employer and newly-elected representative had not reached a collective bargaining agreement within 60 days.

Time after time, valid elections are held where workers choose to be represented by a union, but months and sometimes years later will go by and these workers still have no contract even though they voted for union representation.

This bill is important because what we see with the NLRB is that the delay is often justice denied, and what we would like to see is that bill come to a vote so we can debate real labor law reform on both sides of the issue. I believe passage of that bill will help with short-circuiting the delay that we have with the NLRB and actually have workers go back to work and prevent workers and employers being locked in sometimes a stalemate.

America has a great history of recognizing workers and their right to organize, but we still have a long way to go.

I want to thank the gentleman from Michigan (Mr. BONIOR) for his effort today and will work with him to continue to fight for the rights of workers not only here in America but throughout the world. I know the bumper sticker I see in Houston often says, "If you like weekends, it is brought to you by unions." I think that says more than any of us can say, Madam Speaker.

SALUTE TO ORGANIZED LABOR IN OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. ANDREWS) is recognized for 5 minutes.

Mr. ANDREWS. Madam Speaker, I am pleased to join with my friend and colleague, the gentleman from Michigan (Mr. BONIOR), in the salute to organized labor in our country.

The enduring value of organized labor's contribution is best measured by what labor has done for those who are not members of labor unions. Labor unions have done much for their members: Higher wages, broader and more valuable benefits, safer and more fair working conditions. It is the collective lifting of all workers and all industries and all persons across the country that has been the lasting legacy of organized labor.

With that in mind, I think it is important that we examine what labor has achieved, how our lives would be different if labor had not been organized; what we must do in this Congress to continue the strong tradition of collectively bargaining in America, and then to consider the issues that affect each of us that labor is taking a lead in fighting and working for.

Members of the generation that has been described as America's greatest generation were born in a very different world than the one in which we live today. A person 75 years of age today was born in 1926. In 1926, when they stopped working they stopped having an income unless they were someone very affluent and very privileged. Most people worked until the day that they died. Then labor helped to take the lead in enacting the Social Security legislation in the mid-1930s.

If one was born in 1926, they lived in a world where the day they stopped working, they stopped getting any kind of health care coverage or access to medical services if they had it at all before then.

The mid-1960s again was in the vanguard as Congress passed and President Johnson signed the Medicare legislation, which has assured generations of Americans, labor union families and nonlabor union families, the security of first class health care from the day they retire until the day that they die.

If one was born in 1926, they lived in a world where it was legal to require someone to work more than 40 hours a week without paying them overtime. It was legal to press into service children. It was legal to send them to work for long hours in dark places that were unfit for human work or human habitation. Labor was in the vanguard of changing that as well.

The strides that labor has made are based upon the ability to bargain collectively, and it is this right of collective bargaining that needs protection and support in the Congress of the United States. There are two actions that I think are important for us to consider. One we should take and one we should not take.

We should, as the gentleman from Texas (Mr. GREEN), has suggested and others have suggested, enact legislation that says to an employer that when the employer in bad faith refuses to bargain collectively with a duly recognized collective bargaining union, that that employer should be held responsible for the consequential damages and attorney's fees which flow from such a failure to bargain in good faith.

The way it works today is that when a union fights and wins a representation election and an employer chooses to keep on fighting rather than to start bargaining, that lost wages and lost value of benefits and expenses incurred as a result of continuing to litigate and to fight are not recoverable by the workers who won that representation election.

It is a unique anomaly in American law. In virtually every other area of contract law in America, if one has a contract and it is breached by the other side, they are made whole for the consequences of that breach. That is not true in collective bargaining legislation and it ought to be. That is the aim of legislation that I have introduced in the House of Representatives in this Congress.

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What we should not do is pass so-called paycheck protection legislation that is designed to require of unions what we do not require of any other institution in American life, and that is that if the union wishes to become involved in political activity, to express itself through education or voter registration, they have to get unanimous consent. I believe that is the wrong way to go. We should not do so. I think we should do the other legislation.

COMPACT IMPACT AID TO GUAM NOT SUFFICIENT

The SPEAKER pro tempore (Ms. HART). Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Madam Speaker, today I want to draw the attention of Members to the financial and economic conditions in Guam by discussing two policy and legislative items with dramatic consequences for Guam.

First of all, I want to talk about the Interior appropriations bill which was marked up today by the full Committee on Appropriations. Guam was given $5.38 million for Compact Impact Aid. Compact Impact assistance is money that is given to the Government of Guam as a form of reimbursement for educational and social services given to migrants from the Freely Associated States, primarily the FSM, the Federated States of Micronesia, some impact from the Republic of the Marshall Islands and the Republic of Palau.

These three states, that are independent nations, are in free association with the United States; and these compacts of free association have allowed these three nations to be the only independent nations on the face of the Earth to have unmonitored and unregulated migration into the United States.

Because of the geographic and developmental conditions in the Micronesian region, Guam is impacted more than any other state or territory by the unmonitored migration by the Freely Associated States in Micronesia, which continues to have dramatic impact for a number of services provided by the Government of Guam.

Since the Compacts of Free Association were first established in 1986, Guam only started to receive Compact Impact aid in fiscal year 1996, and during that time period until 1999 Guam annually received $4.58 million from the Department of Interior's Office of Insular Affairs budget. However, the Government of Guam continues to maintain that it expends anywhere between $15 million to $25 million annually to provide educational and social services for migrants.

Although there continues to be differences between how the Government of Guam and how the Department of the Interior calculate these actual impact costs, the Department of Interior in a letter accompanying a report by the new Secretary of the Interior, Gale Norton, acknowledges the Department of the Interior's own best estimates of $12.8 million annually for Compact Impact costs for Guam. This is acknowledged in a letter by the new Secretary of the Interior.

It has been noted by the Governor of Guam, Carl T. Gutierrez, that Guam has spent over $150 million for these migrants who have come to Guam since 1986, while Federal reimbursement has totalled roughly $40 million for the same period.

Funding authority for Compact Impact assistance stems from Public Law 99-239. This is the law which governs the relationship between the United States and these three independent countries. Basically, the law states that there are hereby authorized to be appropriated for fiscal years beginning after 1985 such sums as may be necessary to cover the costs, if any, incurred by the State of Hawaii, the Territories of Guam, American Samoa and the Northern Mariana Islands, resulting from any increased demands placed on educational and social services by immigrants from the Marshall Islands and the Federated States of Micronesia.

The impact has been direct, the impact. has been dramatic, right on Guam. The need for Compact Impact Aid has been documented. It is doable to fix this problem.

This situation for the Government of Guam is further aggravated by the recent passage of the President's tax cut plan. Guam and the Virgin Islands are two territories that operate under a mirror Tax Code. That is, any changes that are made in the Federal Tax Code are immediately reflected in the local tax codes, which also collect income tax. So this means that, particularly in the case of Guam, we are probably likely to experience cuts over the next year of anywhere between $20 million and $30 million in local revenues as a result of these tax cuts that have been introduced by President Bush and have now passed into law.

These tax cuts were conceived here for the Federal Government because of a surplus. In Guam, the Government of Guam is operating on a deficit, we are experiencing some 15 percent unemployment, and we are in the middle of an economic downturn as a result of the Japanese economic downturn and recent reductions in military spending.

So, basically, we need the Compact Impact Aid. It can be done, it is doable, it is the right thing to do, and I urge Members to consider this as the Interior appropriations works its way through.

IN SUPPORT OF UNIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Madam Speaker, I rise today to pay tribute to all of our Nation's hardworking men and women. I come from a working family. I come from a union family. I know what it is like to work for every penny and live from paycheck to paycheck.

Thirty-nine years ago my father put my sister and me and the family dog in the back seat of our car. My parents were in the front seat. Everything we owned was packed in a U-Haul that was connected to the back bumper of our car. We drove across country in the middle of the summer in an un-air conditioned car from upstate New York to California for my dad to get a job.

Before we got to California, we decided we would stop in Las Vegas for the night. We never left. The reason we never left is the day after we arrived in Las Vegas my dad joined the culinary union and the following day he got a job. He got a job as a waiter, which he kept for the next 33 years until he retired.

On a waiter's salary, on a union waiter's salary, my father made enough money to put a roof over our head, food on the table, clothes on our backs, and two daughters through college and law school; and the reason that he was able to do that is because of the fine wages that the unions had negotiated and fought for.

Because of the efforts of organized labor, so many doors of opportunity were opened to my family. No one has to convince me of the importance of unions in our country and the positive impact that they have on workers and business. I have had firsthand experience, and many of my fellow Nevadans have had the same experience.

Unions have had a significant impact on the city that my parents and my children and I call home. This is evident in the fact that Nevada has the highest percentage of workers that are union members in the country and our Nation's strongest economy. The culinary union Local 226 alone has more than 50,000 members and is the backbone of our community's service-oriented economy.

Las Vegas is the fastest growing metropolitan area in the country. Because of this incredible growth, the construction industry has exploded, and the building trades union members are helping to build our community. It is an oasis in the middle of the desert, thanks to them. Employers in southern Nevada recognize the importance of fostering partnerships with the unions. When workers make good wages, have good benefits and have good working conditions, productivity increases.

Southern Nevada's economy is booming and hardworking union men and women helped create this prosperity. I am proud of this strong organized labor movement in Nevada and the improvements that the unions have made for all workers.

Unions are the voice of working men and women in this country. Over the years, unions have worked to ensure that employees make liveable wages, work a 5-day workweek so they can spend time with their families, and receive overtime pay. Unions have fought and continue to fight to make sure that workers receive quality health care for themselves and their families. Unions fight for families. Family-leave provisions allow parents to attend parent-teacher conferences, attend to sick family members or spend time with a newborn without the threat of losing their job. Through collective bargaining, unions have secured all of these benefits.

I am committed to protecting the right of our workers to both join unions and to collectively bargain, and I will fight against any attempt to erode these rights.

This country is far better off and a far better place to live and raise our families because of our unions and our right to organize. I commend the efforts of this Nation's hardworking men and women, and I pay tribute to them and organized labor today.

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THE CITY OF HOUSTON IN RECOVERY AFTER TROPICAL STORM ALLISON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, on June 5, 2001, the storm of a lifetime, Tropical Storm Allison, hit the city of Houston and the surrounding areas. I rise today to pay tribute and to acknowledge the terrible loss that our community has suffered, the loss of some 21 individuals in our community; and whether or not the count is complete, we offer and I offer my deepest sympathy to all of those who have lost loved ones.

We know now that close to 17,000 residents of the city of Houston and surrounding areas have been impacted and have to be in shelters. But what we do know is that Houston has a can-do attitude, and we have drawn together as a community.

I am delighted that my colleagues from Texas will join me in a resolution congratulating all of those individuals who sacrificed and suffered, the ones who sacrificed to help with the rescue, the U.S. Coast Guard, the Houston Fire Department, the Houston Police Department, the various Red Cross workers and volunteers, and so many others who were just passing by and became a Good Samaritan.

It was a storm of a lifetime, because those who have lived in Houston all of their life have never seen such a storm, starting first on June 5, 2001, subsiding for a while, and then starting up with all of its fury in a couple of days. The downtown was under water, the Medical Center was under water, residential areas were under water, and people everywhere were impacted. Freeways were shut down.

But that did not stop the mighty might of those who live in the greater Houston area. Mayor Lee P. Brown did an outstanding job of gathering the troops around and encouraging us to be able to accept our fate, but yet begin to recover.

Just this past Tuesday there was a Day of Prayer. As this hit, I was in the city and was able to engage with both the Mayor and the county judge as we surveyed the area. We are grateful for the Mayor's leadership in his letter to the Governor and the Governor's leadership, Governor Perry, in immediately contacting the White House, as we worked together in making contact with the White House and the President exercising his authority and declaring this a disaster area and in an expeditious time. We thank him.

At the same time, we thank those who withstood the storm. As I traveled throughout the district on Sunday, Monday, and Tuesday, as I traveled with the U.S. Coast Guard by helicopter and as well with the FEMA director, Joe Allbaugh, we all had one intent in mind, to immediately rescue and help those who were so devastated. There was a great deal of bravery, a great deal of heroism. The community did come together.

The recovery will be long. There are enormous challenges to overcome, and that is with the energy concern, the electricity concern, the telephone concern, the housing concern, the health concern, the school concern. Yes, the city has been impacted in so many ways, upwards of $1 billion in damage. But what I can be gratified for is that there have been many efforts, corporate donations, FEMA on the ground, and the persistence of those of us who believe in helping, that we will press the point that these individuals will be able to overcome bureaucratic red tape and be declared recipients of funds that they truly need.

Let me thank my colleagues for their very kind remarks, and let me also acknowledge the various agencies like the IRS and other agencies that have noted the predicament of our community. I look forward to working with FEMA, ensuring that the reimbursement comes about.

I want to thank the Red Cross centers, the volunteer centers, Lakewood Church, Fondren Seventh Day Adventist Church, Kirby Middle School, all started by volunteers. The Sweet Home Baptist Church, the Sunnyside Multiservice, many of them initially manned by volunteers, and the Red Cross that came in subsequently. Although I know that they are not listening because they are focused on so many other important issues, let me thank them again.

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To the arts community of Houston, they are a viable part of your community. We will work with them. To the downtown business community that has a number of the small business entrepreneurs who made our business community vibrant, we will work with them. To the media, we will thank and work with them continuously as they provide information throughout all of the community.

Likewise, I am delighted to be able to recognize the donation of Mr. George Foreman, a native Houstonian, of $250,000, and of course a number of the corporations, as well. We will offer a resolution of appreciation, as well as assisting the community with any other support and legislative initiatives that may be brought about.

I want to thank the Harris County delegation for their leadership in this effort, and I hope that we will be able to recover together as a community united as one.

Madam Speaker, I rise to recognize the work by thousands of Houstonians to recover in the wake of the disastrous flooding that inundated Southeast Texas and to remember those lives lost over the last several days due to this tragedy.

There has not been a complete accounting of all of those who have been reported missing in the Houston area, but there are already 21 deaths, which have been attributed directly to the flooding that occurred in the city. The death toll could have been much higher had it not been for the bravery and dedication of our city's fire fighters, law enforcement officers, public works crews, and emergency management personnel. I would like to also extend thanks and appreciation to those private citizens who rushed to the aid of fellow citizens who were in danger of succumbing to the floodwaters. These heroic individuals may not all be known, but the evidence of their caring and humanity is evident in the number of those who are reported to have been lost. These Houstonians used their personal boats and watercraft to rescue neighbors, friend, family and strangers from the rising floodwaters.

My appreciation also extends to those surrounding counties that provided assistance to residents of Houston, when the city was not able to respond due to the overwhelming numbers of request.

The catastrophic flooding has left 17,000 resident of the City of Houston and surrounding area in desperate need of emergency shelter, this is in addition to the sizable Houston homeless population. Across Harris County Texas it is estimated that as many as 21,000 homes are thought to be without power, phones, and water, with about 5,000 homes having been flooded.

Reliant Energy/HL&P reported that 34,000 of their customers, who included hospitals, were without power during the flooding.

The medical personal of Memorial Herman Hospital are to be commended for their quick action to move patients to safer ground when the hospital was threatened by floodwaters. Memorial Herman Hospital is a level 1-trauma center and transplant center with multiple levels of adult, pediatric and neonatal intensive-care capabilities. The flood forced the hospital to suspend service on Saturday, and move all of its patients to safety.

I would like to thank our fellow Americans for rushing to the aid of the residents of the City of Houston. I would like to remind us all how important it is to offer assistance to those in distress due to natural or man made disasters. Therefore, I thank President Bush for acting quickly to declare Southeast Texas a federal disaster area. The City of Houston is estimated to have a billion dollars in damage as a result of the flood.

The Internal Revenue Service (IRS) has also recognized the enormity of the flood in our area by providing an automatic extension from the June 15 deadline for filling or paying taxes to August 15 of this year. I thank the Director of the IRS for allowing this additional time for Houston area residents.

The flood and its severity were exacerbated by the fact that land in and around the Houston area has been subsidence of land. Many report that the area around the Medical Center area had subsided about 2 feet from 1973 to 1995. New data on subsidence in the Houston area is due to come out at the end of this month, according to the National Geodetic Survey office.

The floods economic impact to the area may be difficult to assess. There are an estimated 76,000 ATM bank machines that were effected by the flood, which may have implications for 22 states. The Pulse ATM network reported that the flood disrupted transactions when the primary and secondary power supplies was flooded in Houston. This led to the forced closing of the Bush Intercontinental Airport, suspension of Metro bus service, the flooding of major highways into and out of the city, such as I–10, Highway 59, I–45, parts of the 610 Loop, have all had a tremendous impact on the city's business community.

Houston is in recovery due to the efforts of thousands of public servants, businesses, and individual efforts. I would like to commend and thank the Houston Chronicle and KHOU–TV (Channel 11) for leading an effort which has raised almost $6 million to aid the Red Cross' massive relief effort. Those stations that also joined in this effort are KPRC–TV (Channel 2), KRIV–TV (Channel 26), KTMD–TV (Channel 48), KLN–TV (Channel 45), and KRBE–FM (104.1).

Clear Channel Communications reported more than $30,000 in donations and 50 to 60 truckloads of supplies, and businesses and organizations contributed $353,000, with $100,000 of this amount coming from Calpine Corporation.

Former heavyweight boxing champion Mr. George Foreman, a native Houstonian, donated $250,000 to this effort.

Furthermore, I will work with local, state, and federal governments to ensure that Houston has the resources necessary to make a full recovery from the floods. I will investigate the severity of this flood and evaluate methods that can be put into place to prevent another tragedy of the magnitude from happening again.

I thank my colleagues for their support during this difficult time.

NORTH ATLANTIC TREATY ORGANIZATION

The SPEAKER pro tempore (Ms. HART). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BEREUTER. Madam Speaker, I have taken this hour under the leadership's prerogatives this evening in order to address three related subjects. I will be joined, I am sure, by some of my colleagues who also have something to say about these subjects because of their recent involvement in a meeting.

First of all, I would like to spend some time talking about the NATO Parliamentary Assembly; second, relatedly, about the subject of NATO expansion, the North Atlantic Treaty Organization expansion; and third, about two of nine applicant countries, Lithuania and Bulgaria.

It has been my privilege to participate in the NATO Parliamentary Assembly, formerly known as the North Atlantic Assembly, since 1984 on a rather regular basis. Since 1995, I have had the opportunity to chair the House delegation to the NATO Parliamentary Assembly.

This organization, the NATO Parliamentary Assembly, has now been in existence and operating efficiently and I think quite effectively for more than 40 years, first for the 12 countries of the NATO Alliance, later expanded to 16, and now 19 members.

Congress participates as a result of a statutory decision which provides for participation for both the House and Senate and bipartisan delegations that meet with our European and Canadian allies in NATO, their parliamentarians semi-annually, and in fact a third meeting that involves part of the assembly which takes place in Brussels in February, where we meet not only with our colleagues from the NATO countries but also with officials of NATO, the North Atlantic Council, the Secretary General of NATO, and more recently, with the European Union and some of its components, like the European Commission and the European Parliament.

Without a doubt, the NATO organization, NATO, has been the most effective collective defense alliance in the history of the world. It has provided the collective security to those nations of Western Europe, and it is no surprise that many countries of the former Warsaw Pact now aspire to membership not only to the European Union but to NATO itself.

The NATO Parliamentary Assembly has provided a forum for discussion, for dialogue, for research by the parliamentarians of the 16, now 19, NATO countries. It is by, all accounts, the most substantive of all of the inter-parliamentary efforts in which the House and Senate are involved.

The members of the delegation from the House and from the Senate are chosen by the leadership on both sides of the aisle to participate in this assembly, and we have always proceeded in a bipartisan fashion.

Our comments tonight are prompted by the fact that we have recently returned from one of our semiannual meetings. This one was in Vilnius, Lithuania.

Lithuania is not a member of NATO, but as the Soviet Union collapsed, as the Iron Curtain came down, as Yugoslavia began to disintegrate, we had a substantial concern and interest in assuring that these nations of the former Warsaw Pact and indeed parts of the Soviet Union were given an opportunity to benefit from participation in the NATO Parliamentary Assembly as associate members, because it was our view that if we could help them, particularly in their parliamentary bodies, move towards democratic institutions and practices, this would be a major service to those countries.

In fact, we had a very successful and very organized effort to reach out to these countries' parliamentarians and to the parliaments themselves. We called it the Rose-Ross Seminar. They were financed in significant part by the United States, through the U.S. Agency for International Development funds, but now they are supported by the assembly itself, with contributions from other countries.

The U.S. no longer has a predominant role in financing these seminars, but they were meant to help these parliamentarians and the leaders of those governments, civilian, military, to understand what it was like to participate and work in a democracy; to build democratic institutions; and, in fact, to try to provide transparency in budgeting, civilian control of the military, and eventually, of course, interoperability with NATO forces, if that is the course they chose.

Nine of those countries have chosen to aspire to and formally request membership in NATO. They range across the face of Central and Eastern Europe from the three Baltic states of Estonia, Latvia, Lithuania down to Bulgaria in southeastern Europe. They are known today as the Vilnius Nine, from a meeting of the nine that recently took place in Vilnius.

I notice that we are joined by one of my colleagues, who is the vice-chairman of the Political Committee of the NATO Parliamentary Assembly here in the House. My colleagues know him as the chairman of the House Permanent Select Committee on Intelligence. It is the gentleman from Florida (Mr. GOSS).

I think as my colleagues appear, since they have busy schedules, we will just let them speak to any of the three subjects that are related that we wish to discuss tonight. We will talk about the assembly itself and how it operates, about the fact that we visited two of the aspiring members, and about the subject of NATO expansion.

Madam Speaker, I yield to the gentleman from Sanibel, Florida (Mr. GOSS).

Mr. GOSS. I thank the gentleman from Nebraska for his consideration in yielding to me, Madam Speaker, and I congratulate him for his leadership of the NATO parliamentarian group.

I am not sure that all Members understand, and certainly most people in America do not understand, the extraordinary efforts we go to to reach out to parliamentarians in other countries in order to ensure that our form of democracy is well understood, and to make sure that we understand, as perhaps the only world's leading superpower now, some of the problems other countries are facing and how their legislative branches are dealing with those.

That is particularly true with our allies in NATO, the member nations, because we are dealing with a very critical subject here, and that is the national security, and in the case of NATO, the collective security of those who have signed on to NATO.

It is no secret, of course, that now that we have a number of countries that aspire to membership in NATO because of concerns about their national security that we have decisions facing us which are somewhat timely, in fact, as soon as a year from now, and in a few months in Prague next November, where decisions are going to have to be made about the enlargement, and many nations are following specific plans to try and make sure that they are eligible and in fact will be included in NATO membership and the responsibilities that that implies; in fact, not only implies but demands, because there are considerable demands in order to meet the standards of NATO.

For example, a percentage of the gross domestic product of each country has to be used for defense, collective defense. There has to be some type of interoperability. That means speaking a common language. Those types of things are very important.

I believe that it is fair to say that we have a window of opportunity right now that is not going to stay there forever. The gentleman from Nebraska (Mr. BEREUTER), the chairman, has just led a delegation to Vilnius, Lithuania, and to Bulgaria. These are two of the nine states that are aspirant applicants for the next round of enlargement.

We saw there a tremendous commitment among the people, among the leadership, because of the desirability to look west and join the freedom-loving democracies in that form of government, and they are willing to make sacrifices in those countries to meet the standards of operability and the standards necessary for membership to accept all responsibilities.

Some have said that the enlargement issue is a bad issue because, oh, there are cost problems, or it will upset the Russians, or a whole bunch of other arguments that we heard when the previous three countries were brought into NATO, Hungary and the Czech Republic and Poland, all of whom have been very supportive, valued additions to the NATO arrangement since their membership and coming in.

I believe that we are going to see the same thing with the other countries that are ready for enlargement. If we miss the opportunity to capture the enthusiasm that they have for the sacrifices they are willing to make to join NATO now, I am not sure where they go or how it will come out.

So I think the enlargement question is a critical question that needs to be boosted forth, brought to the attention of our colleagues, and made clear that it should be a critical point of the foreign policy matters of the Bush administration. I hope that is going to happen.

It is, I suppose, not coincidental that President Bush is at this very time in Europe discussing some of the other issues that are involved. Obviously, we have the missile defense questions that are of interest to our allies, and the whole question of the European security defense, what that is going to look like, because that could color our presence in the Balkans, and many other issues that are of great interest to us.

But when it comes down to the fabric, the atmosphere, the willingness, the commitment, the spirit of NATO, I think the enlargement question is the most important.

I must congratulate the gentleman from Nebraska (Chairman BEREUTER) for constantly through the years being a champion of this, leading the way, taking delegation after delegation over to meet with our colleagues in various places, and receiving those colleagues, those parliamentarians who have come back from those places to get more information from Washington.

It has been a real labor of love. It has shown great results. I think the gentleman's wisdom and vision has preceded him with the three who have already been enrolled as the enlarged members, and with the other nine aspirants out there. I believe we have now visited virtually all of them. It seems to me we are at the threshold of opportunity, and if we fail to take it, I think it is a "shame on us" situation. I thank the gentleman for the time to say that.

Mr. BEREUTER. Madam Speaker, I thank the gentleman for his kind remarks.

At the Lithuania meeting, I think the controversial elements on our agenda included the Albanian ethnic conflict in Macedonia or the former Yugoslavia, the Republic of Macedonia.

We always talk about burden-sharing. We are concerned and interested as constructive critics over what the European Union will be doing on creating a European security and defense policy, or ESDI, some would say.

They wanted to know our views on missile defense, a limited missile defense that the President is addressing now at various points in Europe.

But I think ultimately it always comes back to, as one element in our discussion, the subject of NATO enlargement. I think it is appropriate for the gentleman and for this delegation to talk to our colleagues in the House and to the Congress in front of the American people about the U.S. role in enlargement and the advantages that brings to the Alliance, and the responsibilities we have to assure that worthy applicants, countries that have met some of the criteria that the gentleman mentioned, have an opportunity to bring the NATO umbrella over them and to make a contribution to the collective security.

The first enlargement of NATO was an easy one when the Federal Republic of Germany took into its arms the German Democratic Republic, East Germany. As a result of the disintegration of the Warsaw Pact and the collapse of the Iron Curtain, that was an easy addition.

But then we may remember, and I am sure the gentleman does because he was involved in it, along with this Member, that it was the House of Representatives that really took the lead in pushing for the enlargement of NATO. The Senate followed us, and then the Clinton administration, in recognizing and supporting the Congress of the United States, took the leadership role within the North Atlantic Council in the meeting of our Secretary of State with their foreign ministers and our Ministers of Defense, and pushed for NATO enlargement.

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For us, we have always said the doors are open, as long as these countries are willing to move towards democratic institutions and to assure civilian control of their military and to have no aspirations for the territory of their neighbors, to make the kind of commitments necessary for providing an adequate defense, to contribute to the NATO alliance, they ought to be eligible for membership.

So we have as a result of that, the Czech Republic, Hungary, and Poland as the first round of members by a decision in 1999. I think the only disappointment in the Congress is that one other country, Slovenia, which most of us had considered to be quite worthy of membership at that time and, indeed, that was the expression of the Congress, was not taken in. But they are certainly a leading candidate for the next round.

The gentleman from Florida (Mr. GOSS) mentioned that this decision will come before us again as a group of 19 NATO countries in Prague in 2002. My estimate is that unless the United States takes the leadership, expansion will not proceed at that time. And I think we have that responsibility. We have, within the U.S. government, I think, a leading role.

I only regret that votes on the tax cut bill kept us from visiting one other country, because Slovakia, among the first four considered for membership that took a different turn in its politics, now has made dramatic advances; and we were planning to visit Slovakia, as well as Lithuania and Bulgaria.

I might explain to my colleagues that we solicit advice from a number of sources, our State Department, people outside government, the supreme commander of Europe, General Joseph Ralston, as to the countries we might visit now as being among the front runners for NATO membership and countries that needed to have recognition for the advances that they have taken. That is how we selected our visitation as a result of the trip to Vilnius.

I wonder if the gentleman has any reaction to the demonstrations that we saw in Vilnius, Lithuania.

Madam Speaker, I yield to the gentleman from Florida.

Mr. GOSS. Madam Speaker, I think it was extremely heartening. I cannot speak with enough admiration for the respect I have for the Baltic nations and what they endured under the past years of tyranny before they were freed, and that has been freedom that has been very precious only for a decade.

Their enthusiasm is somewhat, therefore, more understandable when you are there; but the very strong ardent feeling, passion about being free and democratic and leaning West and wanting to be associated with the things we stand for and willing to shoulder the responsibility and, as I say, make the sacrifice, because there is some sacrifice, that is not one of the wealthiest Nations in the world by any means. And there is some sacrifice involved.

There was very strong support for NATO, very clear friendship, very clear understanding of what they were getting into, how much they wanted to be involved in this, and how far they were willing to go.

I have spent some time, and I congratulate our speaker for his outreach to parliamentarians in other countries as well, including the former Soviet Union, Russia.

The Speaker has reached out to the Duma and to the leadership of the Duma and has made a recent trip there. And one of the conversations that we, of course, had with our fellow colleagues in the Duma as legislators is the concern that they have that NATO is getting too close somehow to Russia.

We point out always to the parliamentarians, to the Duma, that NATO is a defense organization. It is not a defensive organization, and one of the cases we use is how well in Vilnius they have dealt with problems that were serious problems previously in the relationships with Russia.

In fact, Vilnius, has, I think, responded very, very favorably in the dealings with Belarus. I do not think anybody can say they have been anything except good neighbors and gone the extra mile to work out appropriate sovereign questions with the Belarus. In terms of the Russian interest in Lithuania itself, the concern has always been the Kaliningrad Corridor, how do you get to Kaliningrad Corridor, another part of Russia, which is on the other side, as it turns out, of Lithuania on the Baltic.

The problem of the responsibility of that has been worked out extremely proficiently, very well, and to the Russian satisfaction and to the Lithuanian satisfaction under Lithuanian leadership.

So if there is some danger to the Russians by Lithuania somehow acting responsibly and democratically and freely and joining with counterpart organizations and NATO, I fail to see what it is.

If anything, the Russians should argue that the Lithuanian neighborhood has become much more friendly to Russia since they have been aspirant to NATO because they understand the responsibilities of that.

I am not sure that the Russians are ready to accept that argument yet, but I certainly congratulate the Lithuanians.

Mr. BEREUTER. Madam Speaker, I thank the gentleman for those comments. They are exactly right. It should bring some additional stability to the region, and the Russians really should have nothing really to fear. Let me go back briefly to give a history of what has happened to the Baltic Nations.

Back in the late 1930s, we had the infamous Molotov-Ribbentrop which ceded those three Baltic nations to the Soviet Union, and then they were forcibly annexed, and thousands of people were killed or sent to Siberia and then we had the Nazi invasion of the region, and they come under Nazi control before they fell back under the control of the Soviet Union.

Now, to the resounding credit and resounding yet today, the United States never recognized the annexation of these three nations into the Soviet Union. In fact, you could go up 16th Street and see some of the embassies, free Lithuania and free Estonia and free Latvia operating, and the diplomats actually got to be old men and women here waiting for freedom which finally came their way with great difficulty.

One of our colleagues who has taken a very special interest in the NATO parliamentary assembly, participating only since the February meeting, but an even greater and longer term interest in the Baltic Nations is our colleague from Illinois (Mr. SHIMKUS).

Madam Speaker, I yield to the gentleman from Illinois for any comments he would like to make about NATO enlargement or Lithuania or whatever subject he would like to discuss.

Mr. SHIMKUS. Madam Speaker, I thank the gentleman for yielding to me and I thank the gentleman from Florida (Mr. GOSS) and I really am honored to have been able to travel with you and deal with issues regarding NATO.

I have learned a lot and grown a lot, and I appreciate the wise council and expertise.

Madam Speaker, I would like to submit the following op-ed for the RECORD:

SHOULD THE NORTH ATLANTIC TREATY ORGANIZATION EXPAND?

(By Congressman John Shimkus)

As I fly 31,000 feet above Bosnia and Herzogovina, I think of its present strife. I see the steep slopes and terraced farmland. It is quiet and serene at this height, hiding national tensions that have made the Balkans the powder keg of Europe.

My return flight originated from Sofia, Bulgaria, as an official member of the U.S. delegation to the NATO Parliamentary Assembly. Our short trip was designed to compliment the Bulgarian people on their movement to a constitutional democracy, with rule of law and respect for human rights. We also assessed their potential as a friend and possible future ally.

Bulgaria is not only an example to the Balkans but a very stabilizing force. And in addition to being a stabilizing force for the Balkans, Bulgaria is a constructive link between occasionally feuding current NATO allies Greece and Turkey.

From the Bulgarian President to the Prime Minister, the Chairman of the Parliament to the Defense Minister, all were on message as to the importance of NATO and their hope to be included in the next round of enlargement. Our meeting occurred weeks before a competitive upcoming national election. As a politician myself, I understand the value of time. Their availability reinforced the importance they place on their Western contacts, the continuing importance of the United States in European affairs, and their appreciation of NATO membership.

Prior to Sofia, I attended the NATO Parliamentary Assembly spring session in Vilnius, Lithuania. Another strong applicant for enlargement, Lithuania is an associate member of NATO and a member of several demanding programs for NATO aspirants. They did not miss their opportunity to impress the NATO Parliamentary Assembly. (Which made this fourth generation Lithuanian very proud.)

Lithuania has also developed a constitutional democracy, the rule of law, and a respect for human rights. Lithuania has attempted to be an additive element to NATO. Immediately upon the breakout of hostilities in Bosnia and Herzogovina and Kosovo, Lithuania deployed troops in support of both NATO missions. Not constrained by the old Soviet force structure, Lithuania is moving to light infantry for deployability and forest defense. Lithuania's rapid ascent to a functioning democracy, tolerance for its Russian minority, and a willingness to put a painful 20th Century history behind it make the country a serious candidate for alliance membership.

The Lithuanian president fought against the Soviet army as a member of Lithuania's Homeland Defense. He eventually fled for freedom and gained success in the United States. His election marked a westward look by Lithuania. Lithuania's leadership is young and motivated. At the Ministerial level, the Chairman of Parliament, and the Prime Minister . . . the ages run from 38 to 53 years old.

But one of my poignant memories of the trip was the jeweler from the open air historical museum of Rumsiskes. Above the door of his shop were these words in English, "I want to be in NATO, because my family died in Siberia." Lithuania has been run over numerous times and has suffered great destruction. Most recently, Germany and the Soviet Union in World War II. No Lithuanian was untouched by those events. Yet the current government has energetically sought good relations with all of its neighbors, including Russia.

Why would Bulgaria, Lithuania, or any other country want to join NATO? Why is this important to the United States and the 20th District of Illinois?

For many years the Statue of Liberty has been a symbol of freedom, security, and economic opportunity for many immigrant families. The Statue faces east, welcoming immigrants to our shores. Now I think as she faces east, she also looks east toward Europe at these former captive nations who struggle as newly emerged democracies.

Many of us multi-generational immigrants, after years of security and freedom, take our liberties for granted. Many of us are too young to have experienced the fresh air of newly found freedom. This trip revived my senses. Not only could I smell the sweet air of freedom; I could see it, touch it, and taste it. I am a better father, citizen, and representative for it.

This will be true for NATO. For NATO to be relevant, it must expand its current protective umbrella over these new emerging democracies. By expanding, NATO will experience heightened senses—seeing, feeling, touching, and tasting freedom. We will also have a better chance that our young men and women will be spared the horrors of war. The taxpayers also may be spared the great expense of war with a little preparation and prevention.

As President Clinton said, the goal of NATO is to "expand the frontier of freedom." Hopefully President Bush will say the same with this addition: "from the Baltic Sea to the Black Sea, a Europe whole, free, and secure."

Mr. Speaker, the last paragraph says as President Clinton said, the goal of NATO is to expand the frontier of freedom. Hopefully President Bush will say the same, with this addition, from the Baltic Sea to the Black Sea a Europe whole, free, and secure.

Mr. Speaker, I appreciate this special order tonight because this is occurring at the time when the President is overseas, and there are a lot of anxious people going to be hanging on every word that he says, like the chairman of the Federal Reserve Board. They are going to be dissecting it, because it means so much.

I have done a couple of things in preparation for tonight, and the gentleman mentioned the rallies, and I brought some small photos from the rallies.

Mr. BEREUTER. Those rallies in support of NATO membership?

Mr. SHIMKUS. Rallies in support of NATO membership. First, I want to show some photos of times that I remember. My involvement with NATO goes back as a young second lieutenant on the German border with Czechoslovakia serving in defense of freedom under NATO auspices which I did for 3 years.

These are the photos I remember. Here is an East German border guard looking across at the people who would recognize this who remember the old pillars. And on the other side, here is the actual fence with an East German guard and the dog trailing behind as there is a patrol, as we did so often, is keep checking on each other.

These stand in stark contrast to our most recent trip, where we have photos from the rally that happened right outside the meeting arena. I wanted to make sure I had that.

There were some signs up of the people who were present. One says here, it says NATO Lithuania, good, okay. This other one, the small one says, the victims of Gulag are calling for justice.

In our trips and in my op-ed, I am not sure if there was a single family that was not touched by the occupation of all of these forces.

Mr. BEREUTER. Mr. Speaker, I just wanted to relate the experience I saw, at a little booth there with the jeweler working and displaying his ware, and he had NATO, yes. My family was sent to Siberia.

His entire family never came back from Siberia, so he wanted to make sure that does not reoccur in some fashion in the future.

There was this artisan who has a very strong commitment to NATO membership for Lithuania.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for his comments. Mr. Speaker, another photo is what we touched on earlier, and it actually represents the Molotov-Ribbentrop Pact. And it says, the Pact of Molotov-Ribbentrop is our past; NATO is our future.

I think what I have enjoyed about this brief experience into the NATO parliamentary assembly is, as I say in my op-ed piece, is really breathing the fresh air of freedom. I tried to make this point to a lot of my parliamentary colleagues from some of the other countries in that for NATO to be the NATO that I know, it has to expand. It has to have a protective umbrella over these emerging democracies.

In one of my closing statements in Vilnius, I said if not here, meaning in Vilnius, my question was where? If not now, my question is when? There is a lot of debate about the where and the when.

I will just say that we, as a Nation, have had a lot of people sacrifice for freedom. Some have actually had to fight and die, and we just celebrated Memorial Day. They understand the value of a free society and the sacrifices.

The folks who are considered the old captive nations, they have this exuberance of freedom that helps create optimism and faith in democratic ways of life, the rule of law, equal treatment, human rights. They are struggling to form a more perfect union. They are not all perfect, but one way we can definitely help is to provide that protective umbrella through a defense alliance, such as NATO, to give them some foundational support as they pursue becoming a more perfect union themselves.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his comments, and I hope he will make contributions any time he feels the urge to do that.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I appreciate the gentleman yielding further, because our colleague who was a wonderful addition to the group of parliamentarians in Vilnius because he is so familiar with the territory and the experience there made it more value-added than it normally is for a visit for those countries.

I congratulate him for his expertise and his patience in educating the rest of us on some of the issues, and food not the least of which, the gentleman is an expert on many things.

I was struck by something the gentleman said. It so happens that in Vilnius, Lithuania as in somewhat similar situations elsewhere in the Baltic nations, Latvia and Estonia, there is a KGB museum. And it was, in fact, a show place of terror and torture and inhumanity and all of the history, that painfully recent history that the gentleman has referred to and it is shown off as an example of what should not happen in a free and humanitarian civilized society.

Clearly, there were barbaric acts of torture, treachery, horrible suffering, heartbreak, all of these pieces brought to the surface and even the photographs that were lining the meeting halls, which were reminders to us of the atrocities that took place in such recent history during the Cold War under the whole very cold harsh hands, unsympathetic leadership from a foreign country.

□ 1800

The curious part of that is that, in my view, the Baltic nations have gotten over it and on their way so well and are willing to go forward and positively in the future. I think that is terrific. But I think the fact that they have that KGB museum is a reminder of why they are so anxious to be in NATO, so this can never happen again, is a perfectly rational straightforward approach.

It so happens the juxtaposition of two other countries that happened to be in on this recent trip, with the chairman's leadership, and also splitting my time partly with the Speaker in Russia, is in Russia the KGB is looked on very differently.

The KGB has undergone a name change and some cosmetic surgery and is now called the SVR and is becoming more fashionable. It is true that the present leader of Russia is a former KGBer. Mr. Putin is, in fact, a KGBer, and he has many of the KGB folks around him. There is sort of a rehabilitation of being a KGBer involved.

So if one goes from the Baltic nations in one day and goes to Russia, one gets a very different approach if one goes to the KGB museum in Moscow. It is great that the Baltic nations have gotten over it. They remember it. They are not happy about it, but they are willing to go forward in a constructive way.

It appeared to me that the juxtaposition with the Russians are, no, they are still trying to justify it, they are resurrecting it, and they are not being realistic at all about their future. To me, it is a striking problem, and it is a problem that we have to deal with with Russia. I think that we are committed to do that.

But I think it is a question of understanding rather than threat. I do not believe the Baltic nations propose in any way a threat to Russia, nor I think does the United States of America seek to propose a threat to Russia.

That is not what the enlargement of NATO is about. It is a defense organization. I say that because, also, we were under the leadership of the gentleman from Nebraska (Mr. BEREUTER) in Bulgaria. Bulgaria has a very different arrangement with Russia, a very different type of situation as a former part of the Soviet bloc and has kept a different approach to dealing with Russia today, which is not as decisive a feeling as has existed in the past in the Baltic nations for all the understandable reasons.

So we have many different views and many different points of view. But the people who are looking positively into the future for their own security, whether they be the Baltic nations or the Bulgarians or the Romanians or the Slovenians or Slovakians, are looking for the guarantee of security, the stability, the idea to participate in civilized Western society and go forward with all that opportunity and pay the price of doing that in terms of the sacrifice they have to make.

That is the difference. That is our job, not only to honor the fact that we have opportunity in the open window for the aspirant nations who wish to come into NATO, but also to assure the Russians that that is not a threat to Russia.

I honestly believe our friend Jerry Solomon, who used to be our leader in these endeavors, used to joke and say the day is going to come, and we are going to be able to invite Russia into NATO. I hope that day comes to pass. If we do our job right, it may very well come to pass.

The only other point I would want to make, if the gentleman from Nebraska would indulge me for a minute more, is that I sometimes hear from others who do not entirely understand NATO today and the NATO concept, that NATO is engaged in other adventures like the Balkans, where we have basically a peacekeeping operation going on that is very delicate and somewhat dangerous and actually doing quite a good job under extraordinary difficult circumstances by NATO member countries, in fact other countries as well, Partnership for Peace countries and others.

Mr. BEREUTER. Including the Baltic Brigade, and elements of Lithuania and Poland are there, Madam Speaker.

Mr. GOSS. Indeed. Madam Speaker, in fact; one can say that the Baltic, think of that, the Lithuanian-Polish Brigade helping out, two folks that were having troubles before now working together, this shows that things are possible. But when you get through, the argument always in Russia is, but you see, you go off and do different things.

I think it is interesting that the Petersburg tasks are now being more and more assigned to the U.S., the new ESDI, the European pillar, whatever that is going to emerge as, and that that would be the place that those get parked, and that there will be a reaffirmation that the NATO is, in fact, a defense treaty organization. I think that we have work to do to stress that point.

The point to the Russians is that, if they are concerned about the European security defense initiative, they need to talk to the European Union about that because those are the folks that are about that. That is not our main issue.

Mr. BEREUTER. Madam Speaker, I want to come back to Bulgaria in a minute. But I want to comment briefly again on the Baltics because those three countries have not had it easy. There has been a significant Russian population from some of them, particularly Latvia, not so much in Lithuania. So the tensions have been there as they have moved to an independent status. The language issues. But I think they have done an admirable job of addressing those and trying to permit full participation of Russian and other non-

Baltic nation ethnics into their society.

I also think it is interesting how much they look to the United States as a role model and how much we have to live up to to meet their expectations. Well, for example, there is a big American connection in so many ways and in the government of those three Baltic states. One finds U.S. citizens who have dual citizenships in the parliaments of all three countries. The President of Lithuania is a former resident of Chicago, I believe was the EPA Regional Administrator.

The very impressive President of Latvia, indeed, spent much of her career as a scientist and as a teacher in Canada and had many connections with the United States.

I know as I have gone in the past to the Baltic States, first in 1996, I think, as a part of our outreach to their parliaments with the gentleman from Texas (Mr. FROST) and our former colleague Congressman Solomon, the Omaha Lithuanian community was very interested in discussing my upcoming trip and then having to report back because they have a sister city relationship with one of the communities in Lithuania. Indeed, I have a large Latvian active community in my own major city of Lincoln.

So we have had this American association. The Scandinavian countries have provided some assistance, particularly Denmark. It has been an effort to bring them along through the Partnership for Peace Program and to participate, as the gentleman says, in peacekeeping activities in the Balkan region.

I visited Bulgaria for the first time, I think, in about 1983, and what a different place that was compared to today. They had a very different and more positive relationship with Russia, the Soviet Union, than with any other of the so-called satellite countries in the Warsaw Pact, probably because they shared more closely a religion, language, and they had no common border with the Soviet Union, perhaps the important distinction. In fact, the czar had been in there twice to in their view rescue them from the Ottoman Empire.

But in any case, I think what has happened in Bulgaria has also been equally impressive because they have embraced democracy. They have taken an interesting turn or two in the process. But their elections have been free and fair by international observers' unanimous view. They are facing another one on June 17.

So the American delegation to the NATO Parliamentary Assembly will perhaps pay more attention to that than most Americans. But it is every expectation it is going to be a free and fair election. Perhaps the government party will have to share power.

But when they went through that election in 1997, they took a different course even more emphatically, and they became very concerned about embracing ethnic differences in their own country, about being a good neighbor to Macedonia. They have a positive relationship with two of our NATO allies, Greece and Turkey, that sometimes have their differences.

Bulgaria, in fact, has become an element of peace and stability in that region. We watched their changes there, their suffering difficulties. Their people are impatient for more economic progress. They have the problems of the mafia from other countries that plague them. But I think they are striving in a very direct fashion, and it is going to give them the kind of results that those citizens of Bulgaria want, if they have enough patience, if we help them and give them every opportunity to justify their applicant status in NATO.

Madam Speaker, I yield again to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Madam Speaker, I, too, was impressed by our subsequent visit to Bulgaria for the reasons that the gentleman from Nebraska mentioned. Their ability to help unite our allies and work with both Greece and Turkey and the stabilizing force that they do establish in the Balkans and the ethnic diversity was very striking. Just walking down the main streets, to see the different places of worship really standing right next to each other in that part of the world, that is not happening as much as it should.

I was struck with one of our luncheons when it was asked, well, how come, Congressman SHIMKUS, House Concurrent Resolution 116 specifically talks to the Baltic nations and not all the rest of the applicants? It was a fair question. My response was there is a different attitude of Russia to the other applicants for admission than to the Baltic area. This is not to exclude the other applicants or to place them in competition with each other, but this is to say to our friends in Russia that they are treating them differently. We do not want them to be treated differently. They have no veto authority.

Our appeal is that the President, in the next day or so, continues to make the case of the open door policy, which the whole parliamentary association reconfirmed that no one has a veto, and that geography is not going to be a determining factor.

I was also struck with the gentleman mentioning a lot of the new elected officials, especially, well, Lithuania and Latvia. He was talking about all the U.S. citizens that have gone back to be involved in the private and the public sector.

The people who have endured years under domination actually made a conscious decision in their elections to look west. In their electing of these expatriates or dual citizenship individuals, they made a conscious decision to look west. That is the critical aspect of this whole debate.

When they are looking west, we should not take the time to close the door on them. We should welcome them as they look west to democratic institutions, ethnic pluralism, human rights, and all the benefits of that.

They are making a tremendous sacrifice to meet the requirements for NATO admission by trying to get the 2 percent of their GDP. For new emerging democracies that are coming out of a centralized economic command and control economy, for them to put so many resources into getting up to NATO standards should be applauded, should be welcomed, and should be rewarded.

The last thing that I want to mention in this little section is that some of these same debates about the Baltics occurred with Poland, that it would be destabilizing, that our friends in Russia would not like it. But I think history proves that the relationship between Poland and Russia is even better today than it was before their entrance into NATO. I will stake my name on it right now that the relationship with the Baltic nations will be better with Russia after their admittances to NATO than if we prolong this over a period of years.

Mr. BEREUTER. Madam Speaker, in fact, the Russians have benefited economically from Poland's emergence as a market-oriented economy and as a part of the West. I have every expectation that this would happen with the Baltic nations as well. Russia uses those ports. The Baltic people are very entrepreneurial in their outlook. There is no doubt that there would be benefits to their next-door neighbor Russia as well in my judgment.

Mr. SHIMKUS. Madam Speaker, if I may just add, the relationship has only been strengthened in Lithuania, especially with the Kaliningrad area in that there is normal everyday discussions of transportation of goods and material to the enclave there in Kaliningrad, and there has been zero incidences.

Mr. BEREUTER. Madam Speaker, one of the surprises to me has been the reluctance in the past, and I think today, of some of our European NATO allies to embrace expansion. They have been very slow to expand the European Union east when that is an important element of bringing economic prosperity and stability to Europe, to make Europe, as we say, one, whole in one, and safe for democracy and for people to pursue their dreams and their aspirations.

We have, I suppose, some reluctance on the part of some of the European countries because they see their economic relationship, perhaps the debt that they have with Russia as a point of concern. I should say their creditors have debt, that the Russian government owes those banks.

□ 1815

I think it will take American leadership once more. Perhaps that leadership will come from this House when we insist that the door remains open. It is not a matter of whether or not NATO is going to expand, it is when, and when the countries make the necessary steps.

The GNP contributions of Bulgaria, for example, are 3 percent. We are pushing hard for some of our existing NATO membership to reach 2 percent because the quality of the forces has deteriorated in some of our NATO member countries. And we look at this in sort of amazement and concern when they are actually creating an ESDP, another entity, a rapid reaction force within the European Union.

I know the President is going to be pushed hard to be explicit about what direction, which countries should be brought in, and in my judgment at least that is not appropriate for him to make that kind of explicit statement at this point. But we want to encourage all of those members to meet the requirements, the criteria listed or otherwise, that will qualify them for membership. So I hope that, in fact, the President gets an opportunity in Warsaw, where he is expected to make comments about this, to give every encouragement to the nine aspirant countries.

Mr. GOSS. May I ask the gentleman to yield for just one moment.

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. GOSS. I notice that there happen to be four of us here because of the chairman's leadership I think on this side, but this is strictly a bipartisan effort. We have colleagues on the other side of the aisle too, and they are equal players and very valuable to putting this whole message out. So I do not want anybody to think that this is a one-party initiative. This is an effort of the House, and the gentleman leads it very well.

Mr. BEREUTER. I thank the gentleman and appreciate his bringing that up. It has always been bipartisan. In fact, we have had presidents of the assembly itself that are Democratic colleagues on the House side; and more recently, our former senior Senator from Delaware, Senator Roth, was the president.

Madam Speaker, I now yield to the gentleman from New York (Mr. REYNOLDS), who made his first visit to a NATO parliamentary assembly meeting in Vilnius, and we welcome him to the delegation. I am interested in what a newcomer's attitudes and outlook would be about what he saw in Vilnius.

Mr. REYNOLDS. Well, I thank the gentleman, and he made the trip a highly successful one for this newest member of this bipartisan delegation that was in Lithuania and then in Bulgaria.

I somewhat shared with my staff that I felt it was like taking a three-credit hour, 1-week class to learn a little on NATO, a little on Europe and its politics, the European Union interaction and European history to understand all that.

Mr. BEREUTER. Surprisingly, I have been accused of working the delegation too hard. I cannot understand that, but I yield back.

Mr. REYNOLDS. From that new knowledge, and as I understand the presentation now, I have gained an appreciation of some of the general direction of NATO and our role in that important body, as well as the subject of NATO expansion and Lithuania, which was our host. I might add that our colleague, the gentleman from Illinois (Mr. SHIMKUS), of Lithuanian descent, was immediately a recognized hero not only for his basketball skills but by his presence and his caring for his homeland. He also had the unique opportunity of sharing some of that with his family, which I know was very, very important to him.

When we look at the picture of not only that meeting in Lithuania but the opportunity to go to Bulgaria, it was a new enlightening experience for me to see a country that many had considered the 16th part of the Soviet Union but who have now shown not only stability for themselves but been a tremendous partner in the region of stabilization. Particularly as we arrived there, we saw the meeting with the President, the Prime Minister, the chairman of the parliament, as well as a number of ministers, and recognized the relationships they had built with their neighbors, both Greece and Turkey, and the interaction and confidence both those countries had with Bulgaria.

It was interesting looking at the democracy underway; that they have chosen to look at the Western Hemisphere as a model of where they want to pursue trade and opportunities of partnering, and also with Europe and the opportunity of trying to be successful in the admission to the European Union and to NATO. This showed me a country that is very important to the United States and, more importantly, to the world's interest with regard to the stability of the region.

I think as a candidate for both NATO and the European Union membership we have an important role in Congress in the debate over that NATO enlargement. The first measures urging enlargement during the last round came from the House in 1994, and it is time again for the Chamber to enter the debate. Certainly Bulgaria, in the visit and the extensive conversations and meetings we had with its government, shows that they are doing everything in their power to prepare themselves to be ready to be a candidate for both the European Union but, more importantly for our mission, to NATO. And I look forward to their progress in the coming year as that is measured.

Mr. BEREUTER. I thank my colleague from New York for his outstanding statement. It is obvious he has gained a lot and made a major contribution by his comments here tonight. But I am also impressed by the fact that both the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New York (Mr. REYNOLDS) made major contributions to the defense committee in one case and the political committee in the other case during our meetings in Vilnius.

I think maybe as we look ahead as to what our role is as a Congress, as the United States, we ought to recognize and I think emphasize to our colleagues that leadership from the United States is going to be required to expand NATO, appropriately expand it, to countries that meet the criteria.

President Bush is in Europe at this moment. He is about to make an address in Warsaw. It will be, as I understand it, a major address on NATO. It is my strong desire and hope that the President will clearly indicate that there are no new barriers or any old barriers to NATO membership and that no part of Europe would be excluded because of history or geography. In short, there is no veto. We are going to look appropriately at the northern part of eastern and central Europe, the Baltic region, and countries like Slovenia and Slovakia in the center. And I would hope there will be one or more countries in southeastern Europe, in the Balkan region, that will qualify in our judgment and the judgment of the other 18 members of NATO for membership.

It seems to me if one or more of those countries in the Balkans meets the criteria and can be brought in, it is an outstanding example to the other countries and ethnic groups in that troubled part of Europe that there is an opportunity for them to have a higher degree of security through NATO membership and perhaps to successfully aspire to membership in the European Union as well.

I do want to say to the gentleman from Illinois (Mr. SHIMKUS) that I recognize the contribution he has made by resolution that he has introduced before the Congress. It calls for the admission of new members to NATO, including the Baltic states, when the criteria for membership is fulfilled. And that is what it should come down to. So I heartily endorse and am pleased to be a cosponsor of the gentleman's legislation. It is the kind of initiative we had some time ago when we moved the country, moved the NATO alliance, towards expansion to the Czech Republic, Hungary, and Poland.

I look to my colleagues for any concluding comments they might make in the last 5 minutes or so. I will yield to the gentleman from Florida, and then I will go to the gentleman from Illinois and the gentleman from New York. The gentleman from Florida.

Mr. GOSS. Madam Speaker, I thank very much the chairman for leading this and for all he does on this subject. I honestly believe that the world has changed in a great many ways. It is not just the technology, it is not just the evolution, it is not just the alignment of countries and the sovereignty questions and borders. It is all those things and more we are confronted with. And we are confronted with them in an extraordinary way of great privilege and honor but great responsibility and duty as members of the United States Congress when we talk to parliamentarians elsewhere, because people do look to the United States of America for help and guidance in so many ways.

The point I would make is that I honestly believe that this window is open on enlargement. We have enthusiastic, spirit-filled activity going on in these countries. This is real commitment that we are seeing. And the good-news part of it, beyond all the good news that is inherent in that message, is that if these countries are able to qualify and come in in a steady way under the NATO defense umbrella, it seems to me that that removes uncertainty; and removing uncertainty removes playing fields for mischief makers. I think that is the nature of the security threat we have today, is too many mischief makers taking advantage of areas of uncertainty.

So I think that stability factor we talk about is very important, and I think this is a critical time for leadership. I congratulate the gentleman for his leadership, and I hope we can get other leadership to list as well. I know the Speaker of the House is very interested in this and has been a great ally, and I am sure he will continue to be.

Mr. BEREUTER. I thank the gentleman for his comments. And on a practical side, of course foreign investors, which are so important in that region, look to NATO membership as something that will bring security to their investments. We heard that in Bulgaria.

I yield to the gentleman from Illinois.

Mr. SHIMKUS. I just want to highlight the bipartisan aspect of the resolution: 25 Republicans, 15 Democrats. I want to also mention the gentleman from Ohio (Mr. KUCINICH), who is the co-chair of the House Baltic Caucus highlighting that point.

And just a statement to our European allies. We have been there for them year after year after year. They need to be there for these emerging democracies.

Mr. BEREUTER. If the gentleman from New York has any concluding remarks, I yield to him.

Mr. REYNOLDS. I thank the chairman, and I just want to say that I support the Shimkus resolution as a cosponsor. As he advances that debate in the House, I look forward to participating with him and assisting him in the endeavor of that resolution.

I also want to say this is an important time, while our President is overseas in that part of the world that NATO's whole universe is about, the aspect of defense of our allies. So this is a tremendous time to launch the further debate on NATO enlargement and reminding not only ourselves but the world of the criteria that NATO has established and that these countries are working diligently to meet that strong criteria so that they can be partnering in a NATO alliance in the future.

I believe enlargement is a subject that, while we only discussed it today, should hopefully bring a result in Prague in 2002.

Mr. BEREUTER. I thank the gentleman very much for his remarks. I thank all my colleagues. And I want to say that I appreciate the written remarks submitted by our colleague, the gentleman from California (Mr. LANTOS), our Democratic senior member of the Committee on International Relations, who is very supportive for NATO expansion. His views are very consistent with those I think we expressed here tonight.

Mr. LANTOS. Madam Speaker, I want to commend the distinguished gentleman from Nebraska (Mr. BEREUTER) for calling this special order on the recent meeting in Vilnius of the NATO Parliamentary Assembly. We in the House are indeed well served to by DOUG BEREUTER's outstanding leadership of the House delegation to the NATO parliamentarian exchanges. He is serious and thoughtful in his leadership, and he has served our nation well through his commitment to the NATO Parliamentary Assembly.

Madam Speaker, in NATO and in the growing European Union we have a powerful group of friends and allies who basically share our values and objectives. We have said during the Cold War—and I personally passionately believe it—that NATO was a defensive military alliance. I believe that today NATO is a defensive alliance.

I am completely supportive of NATO enlargement, once the countries which are candidates for membership meet the economic and political criteria that qualify them for membership. The three Baltic countries—Lithuania, Lativa, and Estonia—are moving rapidly in this direction, and I strongly favor their admission into NATO. Whether it takes place in 2002, 2004, 2005 or 2006 is very secondary.

Madam Speaker, I want to make clear my strong belief that Baltic membership in NATO—or the membership of any other country in NATO—is not contrary to Russian interests. In fact, it is in Russia's interest to have the arena of stability and prosperity in Europe expanded to Russia's borders. It is clear that as democratic forces gain strength within Russia, these democratic forces will welcome the enlargement of NATO and the growth of stable democracies in adjacent countries. It is not in Russia's interest to have countries such as Belorus run by a dictator on their border. It is in Russia's interest to have a country such as democratic Estonia—prosperous, free, and a member of NATO—to be near Russia.

I never accepted during the Cold War—and I do not accept now—the notion that NATO threatens Russia. There is no NATO leader that has the slightest ambition to invade or act in a way that is contrary to Russia's long-term interests. The NATO leadership hopes for the evolution of a democratic and prosperous and stable Russia. The leadership and the members of NATO want nothing more for the Russian people but an improvement in their economic conditions and the improvement of their political and civil liberties.

Madam Speaker, I disagree most strongly with the notion that we have to pay off the Russians in order to win their agreement to modify the ABM treaty in order to move ahead with our own system of missile defense. We should not truncate the natural growth of NATO in order to win concessions on missile defense, and we should definitely not allow Russian efforts at intimidation or blackmail to dissuade us from accepting the Baltic countries as members of NATO.

Madam Speaker, these were our goals with respect to Czech Republic, Hungary, and Poland when they were accepted for NATO membership four years ago. These will be our objectives with Slovenia, Slovakia and all other countries that seek membership and are granted membership in NATO in the future.

COMMUNICATION FROM FORMER STAFF ASSISTANT OF HON. JIM McCRERY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jennifer Lawrence, former staff assistant of the Honorable JIM MCCRERY, Member of Congress.

JUNE 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal subpoena for trial testimony issued by the United States District Court for the Western District of Louisiana in a criminal case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JENNIFER LAWRENCE,
Former Staff Assistant to Congressman Jim McCrery of Louisiana.

COMMUNICATION FROM THE HONORABLE JOHN CONYERS, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN CONYERS, Jr., Member of Congress.

House of Representatives,
Washington, DC, June 11, 2001.
Hon. J. Dennis Hastert,
Speaker, House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the U.S. District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

John Conyers, Jr.,
Member of Congress.

□ 1830

AMERICA HAS URGENT NEEDS FOR SCHOOL CONSTRUCTION

The SPEAKER pro tempore (Ms. Hart). Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. Etheridge) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Madam Speaker, I rise this evening to direct the attention of my colleagues to a task that I think is paramount in our Nation and our ability to be able to compete in the 21st century, and that is the task of improving the public schools in this country.

As the hour goes on, a number of my colleagues on the Democratic side have indicated they will join me as we offer a perspective on this critical issue facing our Nation, our States, our communities, and certainly the parents, teachers, and students of this country.

As communities throughout my district and really across this country celebrated the graduation season in the past few weeks, I believe it is an opportune time to look at what Congress needs to do to provide our schools the support they need to succeed in the 21st century.

It does not seem like it, but in just a matter of less than 2 months, school will be convening again all across America. Over 53–54 million students will head back to school, the largest number of public school students in the history of this country. At a time when the classrooms are going to be overcrowded, space will be at a premium and staffs will be challenged. Today my colleagues, Democratic colleagues who will join me, together we joined all of the members of the Democratic Caucus in signing a discharge petition on the bipartisan Johnson-Rangel-Etheridge school construction bill. American people understandably do not follow legislative process close enough to know what a discharge petition is or why it is important.

I regret that we even have to use it, but when there comes a time when the majority estoppels an issue as important as school construction for the children of this country, it is time for drastic action. A discharge petition is the only vehicle we have as ranking minority members to force the leadership to act, such as when they have blocked us from bringing up needed legislation. That is the only way that the Members have an opportunity to get it done. I would remind my colleagues and others that every Member of this body is elected by the same number of people, except at the end before a census when you may have more or less people in a district than usual.

This is so important because we know that we have a bipartisan majority in this body of the membership who will vote for this school construction bill that will provide $25 billion to help build and fix schools in communities all across America. But the only way we can get a vote on this bill is if we get 218 signatures on the discharge petition. That means that we have to get a majority of the Members of the House to sign the discharge petition to get it to the floor, and we have more signatures than that as cosponsor of the bill when it came up before. If we get a chance to vote on it, it will pass by a large majority, in my opinion.

As my colleagues know, I am the only former State school chief serving in Congress. I had the privilege of being elected to lead my State of North Carolina's public schools for 8 years, through a time of tremendous growth and change and opportunity. I am pleased to be serving in Congress. I have been working since I got here now 4½ years ago to pass this innovative legislation to provide national leadership for better schools.

But the Republican leadership refuses to allow us a vote on this critical bill, for whatever reason. Some say partisanship; some say unyielding ideology. It makes no sense not to have a vote on it. It does not do anything to dictate to anyone. The only thing it does is provide tax free bonds to the local units of government, to sell those bonds and build school buildings to get children out of trailers, off stages, and out of hallways to where they have decent lighting and new technology, all of those things that we think about that is important for education.

It is difficult for me to understand why we cannot get a vote on it. When Members stand on the floor of the House and say education is important, the President of the United States says it is one of his top priorities, if he makes one telephone call, we might get a breakthrough, if he would just call the Speaker.

We have urgent needs for school construction, and they are going worse every day. We must work to help meet these needs.

Throughout my district in North Carolina, schools are bursting at the seams. As I said, school will open in just a few short months, less than 2 now. And somewhere between 53 and 54 million children are going to show up. We know that school enrollment is going to increase the following year, and the year after that, and projections are for the next 10 years. Too many students are being condemned to less-than-the-best facilities and stuffed in overcrowded classrooms and rundown facilities. We need a modernization act to help fix this problem.

It bothers me that we talk about how important education is and we turn a blind eye to doing the needed things we need on facilities. Is it the most important thing? Probably not. But it is among the list of important things. Why? Because a well-trained teacher in front of that classroom, in my opinion, is the most critical piece. But then again you ask the question: Why not have a good place for the teacher to teach and the child to learn? If we say education is important and children ride in buses passing nice new prisons to go to a rundown school, what kind of message are we sending to our children. Do they really believe that we believe that education is that important? And yet the Republican leadership refuses to act on our modest bipartisan legislation that begins to supply some measure of help in this critical crisis.

Yes, we need more teachers. We need to reduce class sizes, but we need the space to put students in. Every year, the Federal Government spends billions of dollars to build State prisons. We spend money for local roads, bridges, waterways, and countless other projects that are needed and are important. But why do they get priority over school construction? Do you reckon it is because of powerful constituents and influential patrons here in Washington. I would dare not think it was because school children do not vote.

My friends, I am here to fight for the citizens who cannot vote, the children. They may only be 20 percent of our population, but I can assure you tonight that they are 100 percent of the future.

I am here to represent the children who do not have lobbyists to get the leadership to cut them a deal. I am here to speak for the children whose voices will not be heard by themselves to say we need school construction. We need books. We need air conditioned classrooms. We need technology in those classrooms. We need bathrooms that work and water fountains that put out cool water on a hot day.

I urge my colleagues to join me in signing the discharge petition on the Johnson-Rangel-Etheridge School Construction Act and to pass this critical bill without delay, and we can do it. It seems to me a tax cut was important to this body and to the President, and we got it through here in record time, before Memorial Day. School starts in less than 2 months. We cannot build buildings that quick, but we can start; and it is important.

I have spoken many times on this floor about the need for school construction, and I will continue to speak out because the need is growing every day, every month, and every year. The last number I saw about the need for modernization in this country is approaching $300 billion. That is a lot of money. Historically we have said that is a local and State responsibility, and we do not say that with a lot of other things.

We have people come to the floor and say education is the most important thing we have to do in this country beyond our national defense, and when it comes time to make the hard decisions to help make a difference, it becomes a big slip between the lip and the hip. It takes resources to get the job done. As more children come, the need will continue to grow.

You know, the other side of that coin, as I mentioned earlier, is the need for good teachers, to reduce class size, decent facilities, adequate class sizes, and well-trained teachers are a critical piece in the challenge to improve education. We cannot do it in a stop-start, a piece here and a piece there. We would not dare, no businessman would dare try to do that on a production line building an automobile or tractor or any other product; and yet we ask our teachers to operate in conditions that we would not operate a factory for business people. It says something about our priorities. It bothers me greatly at a time when we have more resources available to us in this Congress than we have had in over 20 years. I trust we will not squander that opportunity.

Last year, the Democratic staff of the Committee on Government Reform Special Investigation Division prepared for me a study entitled K–3 Class Sizes in North Carolina's Research Triangle Region, and the numbers in this report are startling. I am talking about an area of the country that I think is fairly progressive. It does a good job with education. We have outstanding teachers. Children do well. It is one of those regions when you talk about high tech, you have to talk about Research Triangle Park as one of the top five or six places in the country. No matter how much talk or rhetoric there is in this town about education, I believe we should stick to the facts. Let me share with you some of the facts from my district. I think they would be the same from other districts and could very well be more telling.

Fact number one, last year in Wake County, the largest county in my congressional district and the second fastest growing county in the State of North Carolina, over 95 percent of young children were taught in classrooms that exceeded the national goal of 18 students per classroom. That is kindergarten through third grade.

Anyone who has done any kind of longitudinal study, which is a study that is done over years that has a statistical base, says if one wants to really improve education, improve the quality of opportunity for every child, then reduce class sizes, put a good teacher in front of that classroom, and exciting things will happen.

Why? Because teachers do not have time when they have 26 or 30 students in a class. It is very difficult. I like to remind people when they raise the issue, Faye and I have three wonderful children. We love all three of them. They have done well, and we are proud of them. One is a teacher, one started as a teacher and is now in law school, and the other finished school and is farming.

But when they were growing up, I would hate to think that we had 28 or 30 in a room. They were great youngsters, but I think that would have been tough. That is what we ask our teachers to do every day. We ask them to be surrogate parents, counselors, moral leaders. We ask them to be teachers. We ask them to do everything for our children. And to give students the kind of care and direction they need, and yet we put them in overcrowded classrooms.

□ 1845

We stuff more in than the teacher has time to work with and it makes it very difficult. In the Research Triangle region as we talked about those class sizes, 95 percent of the young children are taught in classrooms that exceed the national average. Across the 13-county Triangle region, 91 percent of our children in kindergarten through the third grade are taught in classrooms that exceed 18 students. That is a significant number when you look at all the challenges you have as a kindergartner. For those of us who are adults, it is kind of hard to remember when we were kindergartners. Sometimes it is difficult to remember that when you only have one at home. Just think what it would be if you had 18 and you were trying to teach them their numbers, their colors and their ranges are so great, from some who come to school knowing their colors, others who come to school knowing how to use the bathroom and go do other things and others who do not. Teachers have to do all that. When you are in classrooms over 18, the job is exceedingly difficult.

More troubling is the fact that a whopping 42.5 percent of kindergarten students in Wake County are in huge classrooms of 25 or more.

When we talk about improving the quality of education across this country as we compete in a global economy, then we understand the tremendous challenge and responsibility we are placing on teachers. No wonder it is difficult to recruit teachers and more difficult to keep them in the classroom. They are looking for other jobs. Besides that, we do not pay them like we ought to pay them. The last time I checked, if a teacher bought a car it cost just as much as it does for the president of a bank or a large corporation. They do not give them a discount. We have got teachers leaving education at an alarming rate now. Why? In the first 5 years, roughly 25 percent are leaving the profession, because they cannot make a living, buy a home and look after their children. There is something wrong when we are not doing that. Besides that, we are not even building the kind of facilities they need. We have to change that.

The report I am talking from also documented that reducing class size improves order. Surprise. Improves discipline. It cuts down as much as 30 percent on the time a teacher must divert from instruction to dealing with disruption. It seems to me that means students are learning more if you have time to instruct and they have time to learn. Not surprisingly, small class sizes lead to greater academic achievement, as I have just said. That is what we all want.

The report demonstrates that class size reduction in the early grades is one of the most direct and effective ways to improve education performance. Why is it, then, if we know that, that this body wants to turn a blind eye to putting more teachers out there to help reduce class sizes? It is beyond me. I do not understand it. Maybe someone will explain it to me. No teacher can be expected to reach young minds effectively in a classroom that is overcrowded with so many youngsters. It is very difficult. The task is challenging enough to begin with without handicapping our teachers who care so much for their children.

Madam Speaker, I have been in a lot of classrooms, probably more than any other Member in this body. I have seen how teachers can take milk cartons and turn them into turkeys for young children. I have seen how they can take throwaway things and turn them into usable items in the classroom. They take all the used equipment we give them, and I often marvel at how grateful they are that we will give them anything they can use. I remember when I was superintendent, we got the business community to give us their used computers because some schools had no computers. Then I go to meetings and I hear people say, "What we need to do is turn out young people who can compute, who can communicate and when they come out of school, they ought to be able to go in business and run all this equipment." I say, "That's right." But they do not have the equipment to learn on. Yet we criticize the public schools and we are not willing to give them the tools to do the job. It is wrong. It is unfair to hardworking teachers and bright young people who want to achieve to not give them a chance.

Let me talk about now some of the good things that Congress is doing to help improve our Nation's schools, because I do not think you always ought to talk about the things we are not doing. I think it is important to remind ourselves that we are doing some things. As a member of the Committee on Science, I have been working with my colleagues on both sides of the aisle to help strengthen math and science and engineering education in this country, because I firmly believe as most of my colleagues do and I think a majority of the people in this country, if we are going to be a major competitor in the 21st century, we are going to have to do better and better educationally and academically because we truly are competing with the world. The days are gone when we just compete with the neighbors next door. We still are the world's largest market, but the truth is that 95 percent of the people of this world live outside the borders of the United States, so that is our developing market and our future market and we have got to be able to compete with it. There are absolutely critical fields in math, science and engineering for our Nation's economy to prosper. Military dominance and supremacy. Domestic quality of life in the 21st century. It is absolutely imperative that we improve our technological skills if we want to remain and continue to grow. Otherwise, we will be passed.

The Rand Institute recently issued a report on the changes technology will bring in the coming years, over the next 25 years. Let me share some of this with Members. Hopefully it will help folks understand where we need to get to and be a little bit more focused on why we need to be spending dollars today on education to help our young people who will come out in 2015, will really be the next graduating class that starts this coming year.

It dramatically lays out how high the stakes really are, and they are very high. Let me read from the report summary. If that is not a wakeup call, then maybe we have got people ready for a slap.

"Life in 2015 will be revolutionized by the growing effects of multidisciplinary technology across all dimensions of life: social, economic, political and personal. The results could be astonishing. Effects may include significant improvements in human quality of life and lifespan; high rates of industrial turnover; lifetime worker training; continuing globalization; reshuffling of wealth; cultural amalgamation or invasion with potential for increased tension and conflict; shifts in power from nation states to nongovernmental organizations and individuals; mixed environmental effect; improvements in quality of life with accompanying prosperity and reduced tension; and the possibility of human eugenics and cloning."

We need to read that a couple of times, because that is really heavy stuff. That is available within most all of our lifetimes unless something happens to suddenly end it. Those are major changes. They will all come about as a result of the opportunities in technology and others.

Madam Speaker, the impact of this coming revolution is mind-boggling, but one point is abundantly clear. There is no question about it in my mind: America must have the leaders and workers to harness the potential of this coming revolution and continue to exert our global leadership role to secure our economic leadership position. Congress must provide support today through innovative efforts to improve science education to promote the success of America tomorrow. We cannot wait 5 to 10 years to start. Other countries are already investing today.

I am pleased to report that we have begun to make some progress in this effort. Today, the House Committee on Science unanimously adopted H.R. 1858, the National Mathematics and Science Partnership Act, to improve our Nation's standing in math, science, engineering and technological education and the instruction of it. This bill includes a major initiative that I started out with last year to enhance math and science education and teacher preparation through the National Science Foundation. This measure authorizes $200 million for NSF to establish partnerships between institutions of higher education and local and State school systems to improve the instruction of elementary and secondary science education. That is an important component. Having been a State superintendent and working at the State level with local school systems, I can tell Members that is a critically needed piece and those dollars can be used wisely. It will provide a variety of other activities to include: recruiting and preparing pre-service students for careers in mathematics education, a shortage in this country right now; offering in-service professional development initiatives, including summer or academic year institutes or workshops to strengthen the capabilities of existing mathematics and science teachers.

For too many years, we employed teachers, depending on the school systems, 9 months; in North Carolina it is 10 months and we wonder what they ought to do the next 2 months. Go out and find a part-time job? That is fine when you are young, but as you get older, you really need to have full-time work because you have full-time bills. We are beyond where that can continue to happen. Especially in the area of science and mathematics, if we can provide them with resources, they can get training, they will come back and even be far better teachers the following year.

Innovative initiatives that instruct teachers on using technology more effectively. This is a critical piece, because technology is moving so fast. When you are in that classroom every day and you are instructing every day, you do not have time in a lot of cases to do all those things you would like to do to keep up to speed with all the new pieces coming down. I guess education is the only place I know where we ask a teacher to teach all day, go home at night and do a lesson plan, grade papers until sometimes 8, 9, 10 o'clock at night, especially if you are a teacher of literature and grading compositions, and come back and start all over the next day. That is why it is getting more and more difficult.

It also will help in the development of distant learning programs for teachers and students, an opportunity to cut down on travel, especially now when gas prices are getting to be prohibitive for people to travel.

Teacher transition efforts for professional mathematicians, scientists and engineers who wish to begin a career in teaching. There are those who have put in a full career in a professional field and really have got their years in to retire and feel a calling. They would like to go back to the public schools and get reinvigorated with a group of young people, and start teaching all over again, something they have wanted to do but could not do because of finances. There will be resources here to help make that transition, especially at a time when teachers are so critical and the shortage is so great.

Madam Speaker, my district is, as I said, in the Research Triangle region of North Carolina, where we know that technology fueled the remarkable economic growth we have experienced in the 1990s, land that was turned from pine trees and cotton fields to high tech, computer chips, and a revolution that employs over 100,000 people. It has changed the landscape forever and added wealth to a lot of people. This partnership bill, this initiative that we are talking about, will help foster and provide a solid foundation on which to build better math and science education, not only in places like Research Triangle Park, but all over America and help those people who are looking for a better opportunity in life to realize it.

☐ 1900

We cannot turn back. I grew up on a farm in eastern North Carolina. The county where I grew up, we grew normal crops you would have in eastern North Carolina, tobacco, corn, cotton, soybeans. Then we had hogs and all the other stuff. I think now how busy we thought we were then, but reflecting back we really did not have anywhere near as much to do as I thought we did, because today the pace seems to be much faster. I only say that to say that the things we are talking about tonight of education and opportunities have helped a young farm boy have the opportunity to get a college degree and the educational opportunities I have had, and served as a State legislator, State superintendent, now a Member of the most distinguished body, in my opinion, in the world, in the United States Congress. Yet, with all that we still have much to do.

Let me take just a moment now in this special order to talk about and celebrate a bipartisan accomplishment that passed this House just a few weeks ago. I think it is so important. It really is a bipartisan accomplishment that I think will help improve the schools in this country and certainly has had a significant impact on schools in my State and in those areas across the country that we have put it in, and that is called character education.

Last month, during the consideration of H.R. 1, this House unanimously voted to add a character education amendment that was offered by myself and my Republican colleague, the gentleman from Tennessee (Mr. WAMP). This important measure will provide $50 million per year for the U.S. Department of Education to provide grants to State and local school systems to launch education initiatives for our children.

When I served as State superintendent, we pioneered character education. After a comprehensive survey I did in 1989, surveying about 25,000 across the State, some alarming data came back that things we really needed to do and pay attention to and after a year and a half study and work with a whole host of principals, teachers, academicians, judges and others, we recommended to the State board and they adopted a character education program that we really initiated and integrated into the curriculum across the State.

The survey showed that discipline, safety, good order and respect were really major problems or were perceived to be major problems, I should say, in the public schools of North Carolina. We planted a seed of character education, and I happen to believe they have produced a bumper crop of good things for the children of our State. This bill, I trust, will begin the process of doing that across America.

Character education works, I believe, because it teaches students to view the world through a moral lens and to learn that actions really do have consequences. I think character education works best because it is integrated in the curriculum but probably equally or more important it integrates those basic values that all of us can agree on: Honesty, integrity, respect, responsibility, kindness, compassion, perseverance throughout the academic curriculum.

I do not know of anyone who can disagree with those. It works, character education works, because it teaches children how to grow up to become not only good students but good citizens and decent human beings as well.

I am pleased and proud that the House has passed the $50 million Etheridge-Wamp character education amendment and I call on my colleagues in this body and the White House to support it.

Mr. Speaker, let me return back to where I started and then I will prepare to wind down shortly. This issue of school construction, I have talked about several issues after having started with that but I think it is important to remember Congress is called upon from time to time to do many things. If we have a disaster, we try to respond. If we have a problem in the world, America is the last safe haven as a democracy for people around the world, and we normally go and try to help, as we should.

The time has come to do our own homework, to take care of our own children, to meet their needs, and we can do it. We have the resources, but the question is do we have the will. Do we have the commitment? I have often believed that it is one thing to talk. It is another thing to do. It is easy to say I care; I have compassion. It is another thing to show it in acts. It is one thing to tell a person, I am concerned you do not have food and then walk off and leave them with their stomach grumbling. It is another thing to help.

I do not know that building schools is exactly like that, but I truly believe that if we do the things for children, we have quality facilities, good teachers, a good environment for them to learn, reach out to their parents and invite them to be part of the educational establishment, schools will be better, educational attainment will increase and America will be a better place in the future, and our democracy will stand for a long, long time.

If we do not, as our Founding Fathers challenged us long ago, we have a democracy but we are the only ones who can determine whether it will last. I really believe that we have it within our destiny.

Finally, Mr. Speaker, I want to offer my views on reform of Federal support for kindergarten through 12th grade education. As I said at the outset, I spent a number of years, and as I told my colleagues when I came here, as the only chief in this body, former chief. I do not know that I have all the answers but I know some of the things we ought not be doing and sometimes we do some things on this floor that I know we should not be doing. I believe I have a little different perspective as we look at it than others in this town about what it takes to improve schools for our children, and my State has repeatedly been cited as a model for reform by everyone from the Bush White House to Democratic leaders in the Congress, to the nonpartisan Rand Corporation that has done a number of studies in education across America.

H.R. 1 as passed by this House may prove to be a decent education reform. I sure hope it does. There are some things in it that I would not have put in it, I would have written differently, but I voted for this bipartisan bill because I support the concept of greater accountability with greater resources to get the job done.

Let me say again so no one misunderstands, one cannot, one will not, improve schools and education on the cheap. In the 1980s, we decided we were going to rearm the military and the last time I checked we spent hundreds of billions of dollars and we won the Cold War. We did not win it on the cheap. It will not even take that kind of money to turn education around.

I get amused when people talk about how much we are spending, and we do spend quite a bit, but the truth is at the Federal level in most cases it is less than 7 percent of all the money going to education. If one goes back to the 1960s, when we really increased in science and math education, when Sputnik went up we were spending closer to 12, 15 percent, depending on which system you were in.

So we have gone backwards. Our schools today face daunting challenges, among them record enrollments, rundown facilities, incredible diverse bodies with special needs. And, yes, we have higher expectations, to name a few. We have more children showing up at the schoolhouse door today who do not speak the language of the school system than ever in history, but if we will do a few things we can help those children. They will be capable. They will be prosperous. They will be our next generation of doctors, lawyers and teachers. We have to give them an opportunity. Education is the key to opportunity. Education is the door through which all of us walk into the middle class. We do not get there without it.

The days are gone when you can be a dropout and become a millionaire, but you can do it with education. That is still the American dream.

Before we put new requirements on our schools and on our children, the schools are not going to be able to meet those strident new standards if we fail to provide the resources that they are going to need to achieve those goals. It is one thing to say jump and then you put a millstone around their feet. It is another thing to give them wings. I am very concerned that we may not put the resources behind it.

Congress may fail to do that. If we do, we will pay a heavy price. The resources that we are going to need to invest in better schools can only come from the budget we have. The Bush budget request provides the smallest educational increase in percentage terms in 6 years, in 6 years. In fact, the final budget that we passed eliminates all the education funding that the Senate Democrats added and cuts education funding even below what the President's budget had requested, $1 billion less than the President's budget this year, and $20 billion less over the next 10 years.

Now, that does not sound like folks who are really committed to improving education in this country. I cannot imagine this body saying we are going to improve our military and scale up to meet the needs of the 21st century and the challenges around the world but we are going to give you $20 billion less money. That is not going to happen.

To do it to our teachers and to our children is akin to being sinful. If we are to realize our potential as a country, we absolutely must reverse this course and rededicate ourselves to real education reform. We must provide the tools to get the job done. If you are going to dig a hole, you give somebody either a shovel or you give them a tool to dig a hole with. If you are going to dig a big enough one, you may want a piece of power equipment. But if we are going to raise the bar on every child in America, and I happen to believe we can and should, we need to make sure that they are strong enough to jump over that bar.

It reminds me of something one of my farmer friends told me one time. He said, if all you do to a pig is weigh him every day and you do not feed him he is not likely to get much bigger. Well, if all we do to young people is we test them every day and we do not give them the resources to help those that have the greatest need, they are not likely to improve a whole lot. We need to be able to put the resources there to get the job done. Tough reform without real resources will be nothing but a cruel hoax on our children. Reform without resources will condemn an entire generation of American children to failure at a critical time in our Nation's history by frittering away an unprecedented budget surplus.

□ 1915

In North Carolina, when we started doing our assessment program, we put resources in to help those children who were not up to scale. We put in summer school so they can go back and catch up so they do not get failed, because once a child fails and he fails to pass a grade, the likelihood of that youngster dropping out increases dramatically. It is important that we do the things that need to be done.

We know what needs to be done. We may not know everything that works, but we can find the best ideas and put them in there.

Madam Speaker, we have a chance before this Congress adjourns this year to get this discharge petition before this body, to vote on it, send it to the Senate, let them vote on it, and I have every belief that they will pass it, and send it to the President for his signature. It will make a difference in the quality of schools in America and the modernization and the technology that is needed; but more importantly, it will make a difference in the lives of children in America.

REASONABLE SOLUTIONS BY REASONABLE PEOPLE REGARDING THE UNITED STATES ENERGY SITUATION

The SPEAKER pro tempore (Ms. HART). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Madam Speaker, this evening I want to talk about the energy situation that we have in the United States. Really, the theory of my discussion this evening is about reasonable solutions by reasonable people.

We have heard on this floor for any number of weeks now constant attacks against the administration, constant attacks against the U.S. Congress, constant attacks on why this energy crisis has come about, but we are real short on hearing much about solutions.

This evening I want to talk a little about, number one, just how widespread especially the electrical shortage is in this country. I want to give my own predictions on where I think we are going to be in a year or two in regard to the electrical generation shortage we have in this country; and I will visit a little about California, which seems to be the State, frankly, that did the least amount of planning and is in the most amount of trouble. There is a correlation between not much planning and lots of trouble. We will discuss a little of that this evening.

We will talk shortly about New York State and the other 48 States and what the other 48 States have done and what kind of a situation we are in.

I want to start at the very beginning of my remarks by saying that I do not have an anti-California bias. I know some of my colleagues are upset, and I think that there is some justification to these people being upset, with the situation in the State of California. But there are a lot of us on the Republican side, and I am sure on the Democratic side, outside of the State of California, who live outside the State of California, who happen to believe that we need to help California; that California, while it primarily got itself into this mess on its own, it cannot get itself out of this mess entirely on its own, although, frankly, California is going to have to put its boots on by pulling itself up by its own bootstraps. So there is a lot of responsibility that falls on California.

But we have got to remember that California is the sixth most powerful economic factor in the world. Not in the United States; it is not the sixth most powerful economic State in the United States. If it were a country of its own, it would be the sixth most powerful country in the world from an economic point of view.

Frankly, what is bad for California is bad for the United States when it comes to economies. California produces a tremendous amount of our agricultural products, the foods that you buy at the grocery store. So we are dependent on California, and California is dependent on us. This is a union, you know, the United States of America, so when one State generally gets in trouble, the other States feel the impact; and in my opinion, the other States have an obligation to step up to the plate to help their colleague.

But that does not mean that as you step up to the plate to help a fellow State you ignore how you got there in the first place, or that you take some of the more radical positions, or that you accept some of the radical ideals of how to approach this. It all comes back, in my opinion, to a reasonable approach by reasonable people.

Let me talk just very briefly here about the California energy crisis. I have a number of charts this evening. I think, colleagues, they will help me walk through my points with you.

Let us take a look at the State of California. First of all, remember that in California, this is a State where predominantly you saw, and I know this may ruffle some feathers, but the fact is you predominantly saw in that State an attitude of "do not build it in my backyard." We predominantly saw an attitude in the State of California where the political leaders seemed to believe that anything that California needed in the way of a new power source, that they could either get it from renewables, alternatives, or conservation.

Now, most of my discussion this evening is going to be about conservation. Conservation is a very, very, very important factor in helping California and helping the entire Nation. One, use our energy more efficiently; and, two, make sure that the other 40 States avert an energy crisis.

But we have to be realistic, and I am afraid that some of this realism never really existed or it was ignored in California, the realism that you cannot get yourself out of this energy shortage by conservation alone.

I note that the Vice President has been criticized on numerous occasions because the Vice President stood up and said exactly that; that, look, no matter how hard we believe in conservation, no matter how much we exercise, we still need to come up with additional power generation. We still need to take into consideration that this Nation is becoming more and more and more dependent on foreign nations for our oil resources.

So as the Vice President agrees and as I strongly advocate, as do most reasonable people, it is some kind of combination of answers that will help the State of California out of its energy crisis: that that combination would contain conservation; that that combination would contain other types of alternative energy; that that combination would contain exploration of further oil resources; that that combination would contain additional electrical generation. That is how we are going to get an answer for our colleagues, for our fellow State, the State of California.

Now, remember, in the last 8 years there has not been the approval for a natural gas transmission line. I am not talking about the natural gas line that goes from Main Street into your House. I am talking about a major transmission line, to move the natural gas from one location to another location.

I can tell you that it seems to me that every time there was an effort at putting in some type of project, whether it was natural gas transmission lines, whether it was electrical generation, all you continued to see was that nothing would work; no generation plant in California would satisfy the people near it; no gas transmission line through California would work. In fact, every single project, to the best of my knowledge, in the last 8 or 10 years in California involving nuclear energy, involving electrical generation, involving natural gas transmission, every one of them was aggressively opposed, as if it would bring an end to society as we know it if we dared build that type of project. That is one of the reasons that our fellow colleagues in California are in this kind of shape.

Let us look at the second point, place price caps on the rate that electrical providers could charge to consumers while doing nothing to discourage demand.

You know, this is a misconception that deregulation, true deregulation, actually took place in California. True, they called it deregulation, they gave it the label of deregulation, but what California did was not true deregulation. What California did in their State was they allowed the electrical utility companies to sell their generation facilities to an outside party, and then, retaining oversight on the utility companies, the State of California prohibited the utility companies from raising their prices on the consumer in the State of California.

By not raising your prices to the consumer, it is very similar to renting. If you are a landlord renting an apartment to a tenant and you pay for the utilities, what happens in that kind of case? What will happen is you will go see the people that are renting from you, if you are paying their utilities, in the summer their air conditioner will be at 50, and in the winter they will have the windows of the apartment open trying to get rid of all the heat they are generating in the house because they have the thermostat turned up to 80 or 90 degrees.

It does not work. Economically it does not work. Allowing a price freeze for consumers instead of a price that reflects what the markets demand, you create an artificial floor. You do not have to walk very far on that artificial floor if you do not have supports for it before somewhere you are going to fall through. That is what happened, because California did not have true deregulation.

Let us go on. No new coal-fired power permits in the last 10 years. I am a little discouraged to see that just in the last few days, number one, the State of California has panicked and is now proceeding through their Governor Davis, who has attacked almost everyone else, the blame game, blame it on them, blame it on them, blame it on them, but never point a finger at the political leaders in California, the State political leaders, never point a finger at the Governor of California. Point them at everybody else.

The difficulty is that now in the last few days we have seen some pretty rash reactions by the political leaders within the State of California. The first thing, the Governor apparently, and this is what I read from the media, I obviously have not had a conversation with the Governor, but the Governor apparently has now agreed to sign long-term contracts for electrical generation. Long-term contracts.

You know where that electrical price is today, folks? Do you know where that price is? You are at the top of the market. You are at the top of the market in what you are paying for electricity. Now is not the time to sign long-term contracts to buy that power, but the Governor of California has decided that it is.

I will point out here just exactly how many power generation facilities we have coming online in this next year. In this next year we will have three generation plants a week coming online throughout the rest of the Nation. Believe it or not, it is my prediction that in the next year to year and a half, maybe 2 years at the outmost, we are going to have an electrical glut. We are going to have more electricity in this country than we know what to do with.

We may have trouble with transmission, and, again, looking at the State of California, ask California when is the last time they allowed a major transmission line to go through their state. You can generate all the electricity you want, but if you cannot move it from point A to point B, and sometimes that point from A to B is a long distance, the electricity does not do you much good, because, you see, once you generate electricity, as we all know, you cannot put it in a little bottle; or, like a bag of potato chips, eat half the bag and wrap it up and eat the rest of the bag the next day. You cannot do that with electricity, and time you do not generate is time lost. So I actually think that we are going to have an electrical surplus.

But California's responsibility is to help itself, and we have a responsibility to help California. I do not think we should continued to heap on California, continue to bash California, but I think we should be willing enough, all of us, to say where are the shortfalls? What do we need to do to help our colleagues?

Let us go on.

□ 1930

Now let me say that on the coal-fired, as I started to say, the coal-fired plant permits, another thing that has discouraged me in the last few days, which is caused by panic and by poor planning, I understand now in California the Governor has lifted restrictions on some of the dirtiest or most polluting electrical generation plants in the State for special hours when they run short of electricity.

What brought that about? A shortage. But what brought about the shortage? The fact that it now has California reducing or diluting their tight standards for pollution, it is because they have refused to approve anything. Nothing satisfied the regulators out there in California. Nothing satisfied the people that opposed electrical generation plants or electrical transmission lines or natural gas transmission lines.

Now, as a result, when they get in a crisis in the State, they see the environment in my opinion kind of taking second seat because they have to have that energy. What is going to come first, the environment, or having electricity to the local hospital? The environment, or being able to power the refineries so they can continue to produce gas?

There is give and take in everything we do. We cannot possibly live on this Earth without taking something from the environment. We have to eat, sleep, et cetera.

The same thing in California, but now the give and take is kind of out of proportion because, in California, they did not plan. They did not say, all right, we may not like electrical generation plants, we may not like coal-burning plants, we may not like transmission lines, those big towers with those big wires that are kind of ugly. We may not like to even begin a discussion on nuclear energy, but the fact is, we have to do some planning.

That is what is missing from the California solution, from the California deregulation effort. Now we see not a discussion, a good, thorough discussion by reasonable people about, what do we do on deregulation so it does not repeat itself. Instead, what we are seeing primarily from the elected State officials there in California, primarily the Governor of California, we are seeing the blame game: "It is your fault. It is your fault. It is your fault."

Come on. We have to come up with a solution here. Let us look at a couple of other things.

One is, no inland refineries have been built in 26 years. California's power capacity is down 2 percent since 1990, while demand is up 11 percent in that same time period. That is a collision. That is a collision waiting to happen. They drop capacity down at the same time they bring demand up and they are going to have a collision. That is what has occurred in California.

Let me say that the Governor of California speaks as if all of the States in the Union are in this kind of problem. I have to tell the Members, there is a reason that California stands alone in this energy crisis. There is a reason that California is in worse shape than everybody else. It is not because they got the bad draw out of the hat. It is not because they happened to be in the wrong place at the wrong time. It is because they put themselves there.

There are a lot of States in this Union who have said, we may not like it in our backyard, we may not like electrical transmission lines, we may not want to see a generation facility, but the fact is for our citizens in this particular State we need to plan for our future energy needs. Now, that includes, by the way, conservation.

I must say here, Madam Speaker, California has demonstrated a solid move and solid progress towards conservation. In the last month alone, the State of California has dropped their energy demands in the electrical market as I understand it by 10 percent, not because they brought additional production on, although, as I said, they are going to have to, but because they have begun to conserve.

We are going to go over some conservation ideas tonight that I think will be an easy sell to my colleagues, because my ideas and ideas that I have gathered of other people's for conservation are conservation without pain.

Does it sound too good to be true? It is not. It is just some simple, commonsense ideas about conservation that will reduce the demand, which, by the way, in the long run will also reduce the price, and also, it is good policy not to waste energy.

Let us go on. I just mentioned how ironic it is that the State of California really has its biggest problem. The dark days are ahead in California. Now, remember that California is an importer. They are bringing in electricity because they cannot, under the regular course of events, under a regular course of events, generate enough electricity to supply their State.

The same thing, by the way, in the United States. Under a regular course of events, this Nation has become more and more dependent on foreign countries across the oceans to answer our needs because, in large part, we have not had exploration.

Let us take a look at the United States. We are going to find out that the Governor of California, by the way, has taken great delight in criticizing Texas simply because, in my opinion, he wants to run for President in 2 years, and the President happens to be from Texas.

But if we put the political biases aside, the problem that Texas has is Texas frankly has done good planning. It has plenty of power for its State. The difficulty is Texas, which really has surplus power, they, in other words, are on the another end of California, and they have power they can export out of their State, but they do not have the transmission lines, for example, to take much power into the eastern grid or into the western grid. I think that is going to be resolved pretty soon, because then Texas can help other States.

New York City has been unable to generate enough energy for its demand. They had blackouts, as we remember, in 1965 and in 1977. But they are in the process of allowing facilities to be built in New York. They are not a State that has refused to allow electrical generation to be built in their State for 10 years. They are trying to keep up with demand, and they are being more aggressive about it as we speak.

New York, my guess is this summer New York blackouts will be at a minimum because New York is racing to come up with a solution, understanding that conservation alone will not give them the answer, although conservation is going to be a critical part of the solution.

Now, in the Pacific Northwest we have heard about possible power shortages up in Washington and Oregon. These are not because Washington and Oregon have refused to allow generation facilities. These shortages are not because they are naysayers, because they have that NIMBY attitude, not-in-my-back-yard attitude. Their problem up there in the Northwest is they have a drought.

In fact, that contributes to the problem in California, because California is dependent upon the hydro power, which of course means water, which of course, when we have a drought, we do not have, out of the Pacific Northwest.

The Pacific Northwest, primarily the Columbia River, which has dried up fairly dramatically, that is nature, that is an act of nature. We have to do what we can do to help these States, but I think that will resolve itself. Our droughts usually come to an end. I think we will see some resolution.

Now let us look at California. There could be as many as 34 or more blackouts in the State of California, although, again to the credit of California, because of the conservation methods they are now exercising, California may drop that fairly dramatically. California may have less of an energy crisis. They will not eliminate it until they accept the fact they have to have additional generation, but I think they are going to have less of an energy crisis than we thought even just 2 weeks ago because of the fact that the people in California are seriously accepting conservation methods.

So in California, the primarily problem with California is lack of planning and lots of pretending, lack of planning and lots of pretending. That is what has happened in California. They pretended that they really had deregulation. They pretended that they could say to their citizens, you will never have a price increase. We are going to cap it. They pretended that while demand for power went up, there was no need to provide additional generation to answer that. They pretended that conservation and alternative energy standing alone could meet the additional demands of the citizens of California.

That is what has happened. That pretending has created the problem in California. But I think we can get it resolved. I am going to show the Members some other ideas I have.

This cartoon I just saw today in the paper. I wanted it made up. The fact is, as I have said repeatedly throughout my comments this evening, reasonable people can reach reasonable solutions, but we have to have people who are not hypocritical. We have to have people who do not say one thing on one end and do something else on the other.

I think this editorial cartoon out of the Grand Junction Daily Sentinel pretty well depicts exactly some of what has gone on.

Here we are in a Volkswagen van. It has solar power on the roof. It says, "Make love, not power plants. Save the Earth. No nukes." On the back, it has a California license plate, racing right by the "last chance" energy gas station. Then the cartoon down there shows the Volkswagen bug running out of gas. Now it shows the driver of the bug with a gasoline can in his hand walking back saying, "It is all Bush's fault."

That is exactly what we are seeing a lot of out there, people who oppose generation: "Not in my backyard. No more exploration. No electrical generation plants, no transmission lines." But then the minute they run out of power, they go and blame everyone else.

We need to avoid that, because we can come up with solutions, all of us working together. We have to face the fact that no matter how good a solution we come up with, we are always going to have 10 percent over here on this extreme that might, for example, say, "Drill at any expense." That is crazy. We all cherish our environment too much to have that, to buy into that. We have 10 percent or 15 percent over here who say, "Do not drill at all. We do not need additional power," et cetera, et cetera.

But in the middle there is a large segment of people who believe, one, in conservation, and believe in exercising responsibility in their own lifestyles for conservation, while at the same time acknowledging that we have to become less dependent, not more dependent, on foreign countries, and that we have to have generation facilities sometimes within view of our homes, sometimes within view of our communities. Sometimes we have to sacrifice a little of that so we can have the supply, the energy supply, that we need.

Let us talk about our homes. As we all know, the electricity in a home travels through the house in wires. These wires lead to light switches and outlets which power the televisions, computers, lights, and most everything else in our homes.

Think about how dependent we are on energy. Our heat is dependent on energy. No matter whether we use natural gas or propane, we have to use electricity. The air cooling, whether it is refrigerated air or a humidifier type of air or just simply fans, is dependent on electricity. Obviously, the lights, the security system, is dependent. When we take a look at our houses, just how dependent are, it is incredible just how much we depend on electricity. Electricity makes our homes comfortable to live in.

It is not free. Electricity is not free. We cannot have electricity brought to our homes without some type of sacrifice. We cannot have electricity in our homes without some type of impact to the environment.

The key on the impact is that as we look at the impact, is it a reasonable impact? Is it a balanced impact? Is it an impact that is sustainable as far as mitigation to the environment?

Let us go on. Before electricity gets to our homes, some type of fuel must be used. It can be coal, it can be nuclear, or even a dam on a river. We give up certain parts of nature to enjoy electricity, so we must do our part to conserve electricity.

For example, if we leave the light on in the room after we leave it, we are using electricity we do not need. To conserve electricity, shut off lights in rooms we are not using.

Now, that sounds pretty simple. Gee, here is the gentleman from Colorado (Mr. McINNIS) telling us to turn off our lights. We know that, it is common sense, turn off the lights on the way out of the room.

I will make a little confession here: Up to about 3 months ago when I went to my office the first thing in the morning, I turned on every light in the office. I put on the coffee, turned on the lights. I went to the sink, ran the hot water until the water got hot, started to put it in the coffee pot.

We do it differently now in my office. Now I do not turn on lights in the office, all the lights. I turn on the light that I need to read by, but I do not turn all the lights on until the office personnel shows up, until we actually need the lights.

If we as a Nation would only turn on that light switch when we actually needed the lights, that would help. Light we use for security purposes, for example, we may have a timer that turns on a bedroom light, especially while we are away on vacation, or a garage light that a timer turns on at 2 or 3 in the morning. Just go up to that light and replace it with a lower wattage light and we are helping save energy. These are simple ideas that cause no pain.

The fact that I go into my office and do not turn on all the lights does not cause any pain. It helps the situation. The fact that we use a lower wattage bulb does not impact the security at all.

Shut off the TV when nobody is watching it. Keep the computer in sleep mode if we are not using it. Shut off the monitor. Unplug appliances like curling irons and clothing irons right away. Letting them sit while turning off wastes electricity, and on top of that, it is unsafe.

I know the Members are saying, well, this is all pretty basic stuff. We have heard this before. The whole reason, the whole reason that I am visiting with the Members this evening is we have all heard it before, but we have not all used it before. We have not exercised our responsibilities to help with conservation. If we are going to get to the bottom of this problem, we have all got to pitch in on conservation.

□ 1945

Let us continue. Here are a few steps you can take to immediately, this is immediately, help this Nation conserve on fuel, on energy. Do not let the hot water run while you are washing your hands, brushing your teeth, or shaving.

I have done that before. I get ready to shave. I turn on the hot water, I walk over, I get the shaving cream or something, water is running, and I casually look in the mirror. You can save a lot of hot water, plus you can save the water.

Water is a little more complicated, because it is a renewable resource. But the electricity to heat is not renewable, and we can conserve on that. Use smaller appliances such as microwaves, toaster ovens, and crock pots. Use cold water to operate your garbage disposal, this saves energy. And, frankly, it helps the unit to dispose of grease more efficiently.

Wash your clothes in cold water. If you use ceiling fans, blades should rotate clockwise, keep that in mind, that in the summer, your ceiling fans have to turn clockwise. Make sure it is turning clockwise, otherwise it is defeating the purpose.

If it is turning counterclockwise, it works to help heat the home. If it turns clockwise, it lifts the cool air up, and it helps cool the home, very simple, no pain. It does not cost you any more money. It does not require you to sacrifice the lifestyle that you have.

All it requires you to do is reach up and pull the chain, that is all it requires, and you can help our Nation conserve.

Keep doors closed as much as possible, especially on refrigerators. Do not circle a parking lot over and over instead, take the first spot available. How many of us do go to Wal-Mart, we go down to the grocery store and go through the parking lot three times or four times and see if we can find a parking spot that is 15 feet closer to the front door?

Take the first available parking spot you saw, number one, walk into the store. It actually helps you get a little more exercise, takes off a few calories and you are wasting less energy. For somebody that goes down where there is parking, having a tough time finding parking in shopping centers, over a year period of time, you actually would be surprised how much consumption of gasoline you would save by simply taking the first parking spot available.

Again, back to conservation. Here are some others. Now, this is one that is really a pet peeve for me. If you take a look, and I am asking all of my colleagues to pay special attention to this, because this is a significant conservation move that we can take that is totally and completely painless.

What am I talking about? Tonight when you go home, colleagues take a look at your owner's manual in your car. Go into the glove compartment and pull out the owner's manual.

Before you look at the owner's manual, remember a couple of basic things. Number one, that people who drafted it, who put that owner's manual together are the people who designed the car, the people who tested the car, the people who sell the car. If you look in there, go in there and see how often the people who know the most about your car how often they tell you to change the oil.

My guess is that most of you will see in your owner's manual that your personal car oil only needs to be changed every 5,000 miles to 7,000 miles.

Now, take a look at the campaign that has gone on over the last several years. There are a lot of people out there that want you to believe that if you do not change your oil every 3,000 miles, your car motor is going to be ruined.

It is a very clever marketing ploy, and it has worked very successfully. There are hundreds of thousands of people in this country who religiously change their oil every 3,000 miles even though the owner's manual says change it every 5,000 or every 6,000.

Let us say that if half of those people that change their oil every 3,000 miles now do what the owner's manual tells them to do and change it every 6,000, look what kind of savings you have. Look what you do to demand. Over a year period of time, you are talking about, you are talking about millions of barrels of oil, millions of barrels of oil.

Yet, if we do this, there is no pain. Your car is not going to run any less efficient. You are not going to be restricted from driving anywhere. Life goes on just as it went on before, except now you are helping us reach some kind of solution. You are a reasonable person coming to a reasonable solution. You are a contributor to the solution.

Let us go on. Make a grocery list and take fewer trips to the store; use public transportation or ride your bike or walk when you can; turn down cooling levels for your refrigerator or freezer; keep all exterior doors tightly shut and avoid frequent in and out traffic; lower the temperature of your hot water heater to 120 degrees.

This is a pretty interesting one, because a lot of people do not know about this. Colleagues, tonight when you go home, take a look at your hot water heater, take a look at the hot water tank.

On the bottom of the tank you are actually going to see a thermometer and you might find, to your surprise, that your thermometer is on high. I can tell you if you think, put your thermometer on low at about 120 degrees, that water is still too hot for you to stand in; 120 degrees is still too hot.

You actually save energy, there is no reason to heat the water to 190 or higher. Heat it to 120. Move that little gauge to lower. And guess what? You are one of those reasonable people who help with a reasonable solution that has not impacted your life-style one iota. It has not impacted your life-style one bit. Very important you are part of the team.

Take shorter showers. Now I know I have that on there. I can tell you it was snowing in my district. By the way, colleagues, as you know, my district is the Rocky Mountains of Colorado. We are at the highest elevation in the country. And after it snows in the middle of June, you like to go home and have a long hot shower.

So I do not know, maybe that impacts life-style a little too much, but if it does not impact your life-style, go ahead and cut down your hot water showers.

Let me tell you just the conservation elements that we have gone through to this point. We have not had to use millions of dollars of taxpayers' dollars to research whether these work or not. We have not had to put taxpayer credits out there, so that you have the money and you get credits to use against your taxes to see whether these work or to make them work.

I can tell you, in my opinion, if the American people would follow the recommendations I have made this evening, we will have made more progress towards conservation, in my opinion, than any of these solar tax credits or other tax credits, we have spent hundreds and hundreds of millions of dollars at the Federal level trying to find a Federal solution which generally does not work.

Let us go on. Conservation. This is pretty interesting. I did not know this until about 3 weeks ago when I was researching it. Preheat your oven only when it is necessary to preheat it. Do my colleagues know that foods that take over an hour to cook do not require a preheated oven?

In other words, if you have a roast and it is going to take more than an hour to cook it, do not preheat your oven, it does not do you any good. And not only does it not do you any good, if you do not preheat your oven, guess what happens? You save money. Because preheating an oven takes a lot of energy.

You actually cut your own electrical bill. You improve your life-style, because you bring home more money at the end of the month.

If your water heater, and this is important, was purchased about 1992, use a blanket around it. You can buy that blanket at a local convenience store. It probably pays for itself over a 6-month period of time. After 1992, there is some question as to whether or not the blanket is really going to help you with your hot water heater.

A full refrigerator uses less energy to cool. If you have a refrigerator, and you just have a couple of cartons of milk and cheese and maybe 120th of your refrigerator has food in it, put some water bottles in there, occupy the space. It actually saves energy, and you have cold water to drink.

Some of this stuff may sound mundane. Some of it he just keeps talking about conservation. He just keeps talking about conservation. Every item I have told you tonight is something that each and every one of us can utilize. This chart does not belong to one class. This chart does not belong that only one in one State can use it. This chart is for another.

Every chart I have showed you on conservation hints or conservation suggestions work no matter where you use it. It works in California. It works in New York. It works in Florida. It works in Montana.

Conservation, paint and decorate in light colors. Dark colors absorb light. Light colors reflect light. The lighter colors you use the less artificial lighting is required. You think we would all know that. But if you have a room with white walls, you are going to use a whole lot less electricity to light that room up than if you paint it with dark walls.

Defrost food in the refrigerator instead of defrosting it in a microwave where you use a lot of extra energy. Place it in the refrigerator 24 hours before you need it. So tomorrow if you know that you are going to have, you have some frozen burritos in the freezer, instead of 5 minutes after you come home from work and 10 minutes before you have dinner stick it in the microwave to thaw it out, simply the night before, place it in the refrigerator. By the time you come back the next day, they would have thawed out on their own and ready to go right in the oven.

It is a very simple step. Imagine if we had 200 million people going home from work and they were not defrosting in the microwave, you want to know something? That would help conserve electricity? Good idea.

Every time your iron heats up, you burn more electricity than leaving your lights on for 4 consecutive hours. Try ironing all of your clothes at one time. This simple practice can make a surprising difference in your water and power bill. Clean the lint filter after every load. It says that on your dryer, clean that lint filter.

Every time you turn that iron up, it is like lighting for 4 hours. That iron uses a lot of electricity. I am not saying do not use the iron. I am not saying that at all. What I am saying is, hey, let us do all of your clothes at once so you do not have to continually heat it up.

Mr. Speaker, let us talk about a couple other simple things. Replace 60-watt bulbs that are left out overnight with two 15-watt bulbs. We talked about that. We talked about the use of the lights that use compact fluorescent bulbs. You have probably heard that.

Here is another conservation, replace 150-watt bulb operating 5 hours a night with a 35-watt compact fluorescent bulb. Same lighting impact, no impact on life-style, but yet you are helping conserve in this country.

Let us look at this one, here are some other easy steps, unplug or get rid of that refrigerator in the garage. Do you know how many people have an extra refrigerator in the garage? Millions. Do you know how many people have a freezer in the garage that does not have much in it? A lot of people.

You probably do not really need it and if you figure it out, the average refrigerator, the extra refrigerator you have plugged in your garage uses about $16 a month in electricity.

You figure out what kind of foods you have in that refrigerator you may have a couple six packs of beer and figure out at $16 dollars a, you figure how much, what that, about $192 dollars a year, just to be able to refrigerate it in the garage. Make a little more room in the refrigerator, put your beer in there. You are going to save a lot of electricity, and you are going to save yourself a lot of money.

Use your dishwasher only when you have it full, the same thing with your clothes washer. If you have to cook a hot meal, wait until later in the evening until it is cool. That one is maybe kind of a little impractical, but it is not impractical for you to take a look and see if you really need that refrigerator in the garage.

Let us look here. While on vacation, there are a lots of us colleagues that are going to be taking vacations this year. Here is some ideas, completely painless. It will not affect vacation. Set your air conditioner at 35 degrees at 85 degrees, excuse me, not 35 degrees, you get the opposite result, 85 degrees when you leave the home.

My wife and I left this last weekend, and we have refrigerated air. Every air conditioner in our house we have three separate thermometers, three separate air conditioning units, one system, but three units and each of those units, that thermometer was at 90 degrees on all three of them.

When we came home, it only inconvenienced us for about 15 minutes. The house was hot for about 15 minutes before that refrigerated air began to cool that home, and within half an hour, we were at the exact temperature we wanted to be.

But in the meantime for 48 hours instead of those air conditioners running about every 20 minutes, they didn't run at all. That probably saved my wife and I $20 or $30 for the weekend. So you save money, you help conserve.

We have talked about several basic things that we can do for conservation. Let me reiterate a few of my points and with my last 17 minutes, let me just kind of recap what I have said this evening.

First of all, take a look. Cleaner air. We are making progress. Do not become distressed about the entire picture. There are certain areas that we really need to do something or we are going to have a lot of problems.

□ 2000

One of them is our dependency on foreign oil. Our second one is to ignore conservation. We cannot ignore conservation, and we cannot continue to build our dependency on foreign oil.

But some of the good things that are happening is, one, people in this country are willing to conserve. If we can help give ideas, tell your neighbor, talk about it at coffee.

In California, they are in a crisis. Now they did not conserve because the Governor of California told them to conserve. They did not conserve because, all of a sudden, they felt like good citizens overnight. They conserve because they had a crisis. They conserve because they got their monthly utility bill. But none the less, their conservation cut electricity demand by 10 percent in the State of California last month alone. That is pretty good. That is positive.

I want my colleagues to know that if one takes a look, cleaner air, energy consumption has risen while emissions have declined. We can make better cars. We can make cars with cleaner emissions.

Now, the answer for our automobiles, for example, in my opinion, is not to eliminate the automobile, we would never do it on a practical aspect, and not to make such outrageous demands on the automobile manufacturers that the automobile they produce cannot go more than 30 miles an hour, cannot go up a hill.

I live in the highest mountains of the United States. We have got to have cars that have power. We have to have SUVs up there. We need those kind of automobiles. But we do not need automobiles that get four miles to the gallon.

Frankly, the automobile manufacturers had been responsive, not because they are all of a sudden good citizens, but because we the citizens are demanding more efficient automobiles. We are demanding better gasoline mileage; and after this energy crisis, we are going to demand more.

But take a look. As I said earlier, mark my word, I think in a year and a half, at the outmost 2 years, we are going to have an electrical generation glut in this country.

Let me give my colleagues some statistics. Right now, the power plant industry is in the midst of an unprecedented, unprecedented in our entire history, power building boom and adding more new power than the plant a week that was recently called for. Last year, 158 new generation plants were completed nationwide or three plants a week. The new units had an average capacity of 150 megawatts. That means about 150 homes.

Let me just go on here. The electricity industry expects to build 1,453 new power units in the next 3 years. Taking time off for weekends, that amounts to one plant a day for 5 years running. Now, maybe all of these will not get built, but right now the electrical generation capacity plants designs in this country call for a new plant every day coming on-line for the next, as I said, for the next 5 years.

So I think we are going to have an electrical generation glut. But that does not mean we have solved the problem. Number one, we have to have transmission lines. We have to move the electricity from point A to point B. Number two, we have got to continue a very aggressive educational campaign on conservation, points like I gave my colleagues, very harmless ways to help all of us, reasonable people bring about a solution for our energy crisis.

But probably what is most important this evening, I can tell my colleagues, is it cannot be conservation alone. I am a big believer in conservation. I just spent the last hour going through with my colleagues where I think we can all conserve. The numbers that result from these conservation ideas that I gave are not insignificant numbers. These are not small numbers. These numbers make a difference.

But while I say this, while I say that conservation will be of substantial benefit to our energy situation, I must also say that we have got to continue to look for, explore for natural resources, that we have got to continue to allow transmission lines, that we are going to have to have some refineries in this country.

We cannot typically say that everything that is being built is a disaster, that everything being built means the end of our life as we know it, that everything being built is going to be a complete and ultimate decimation to our environment. There are a lot of reasonable proposals out there that can be made to work.

Now, no project, no project should be approved without mitigation, in fact even higher than mitigation, and that is supplementation to the environment. On the other hand, when the environmental impacts have been mitigated, when the environment has been enhanced in some cases or may be enhanced to a degree in all cases, when we meet that standard, do not continue to say no. Do not continue to say it cannot happen in my backyard.

When those standards are met, we as a Nation have a responsibility to the next generation. We have to have enough foresight for future generations to say yes to reasonable projects, yes to reasonable conservation. We have also got to have enough guts, frankly, to stand up here. We have tax credits that are not working, not only in Washington, but Washington is unique. There have been hundreds of millions of dollars wasted in tax credits for so-called alternative energy.

Well, what are the results. Do not let people divert us from looking at the bottom line. Are we getting the results that we want simply because of what they call their project: "My project is the solar project, so do not dare ask me any questions about what is the bottom result." Are we really coming out with a product that is efficient for our environment? Are we really conserving energy for the hundreds of millions of dollars we are spending?

It was amazing to me how many people criticize the President in his budget when he says this program has not produced. This program sounds good. It has got a great name, especially in an energy crisis. It has got lots of special interest groups in Washington who benefit from those tax credits, pushing, how dare you say no to this alternative or that alternative.

But the reality of it is, one, we have to conserve; two, we have to explore and find new resources for our energy; and, three, the money that we are currently spending, the taxpayer dollars, my colleagues' dollars, their constituents' dollars, we have to justify, we have got to treat those dollars as if they were our own.

We have an incumbent responsibility, an inherent responsibility to manage those dollars. No matter how nice sounding or how progressively sounding a program is, if it is not giving us results, we have got to have enough guts to stand up and cut it off.

In summary, Madam Speaker, I think this energy crisis is limited. Over the long-term, obviously we have issues. We cannot continue to grow in dependency on foreign oil. But California is unique. California is more the exception than the rule. California, a large part, brought this on itself. But California is a large part of the United States. We all want to help California despite the criticisms we have; and some of the whipping that California gets they have got coming. But a lot of it, they do not. Californians I think are exercising responsibility by practicing conservation.

But the reality is this, reasonable people can come together and have reasonable solutions that, one, protect our environment; two, conserve for future generations; three, lower dependency on foreign oil; and, four, do not have a negative impact on the life-style to which we have all become accustomed. If we can meet those four, five standards, we have done pretty well. I think reasonable people can do that.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of attending a funeral in Connecticut.

Mr. FOSSELLA (at the request of Mr. ARMEY) for today on account of attending the graduation of his son.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. ANDREWS, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. REHBERG) to revise and extend their remarks and include extraneous material:)

Mr. GUTKNECHT, for 5 minutes, today and June 14.

Mr. SOUDER, for 5 minutes, today.

Mr. ENGLISH, for 5 minutes, June 14.

Mr. HUNTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, today.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, JUNE 8, 2001

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 487. An act to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of copies or phonorecords of such performances or displays is not an infringement under certain circumstances, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which were thereupon signed by the Speaker:

H.R. 1914. An act to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

ADJOURNMENT

Mr. MCINNIS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Thursday, June 14, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2458. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Noxious Weeds; Permits and Interstate Movement [Docket No. 98–091–2] received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2459. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Air Force Space Command is initiating a single-function cost comparison of the Communications activity at Peterson Air Force Base (AFB), Colorado, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

2460. A letter from the Army Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—Report On Use of Employees of Non-Federal Entities to Provide Services to the Department of the Army—received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2461. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Community Bank-Focused Regulation Review: Lending Limits Pilot Program [Docket No. 01–12] (RIN: 1557–AB82) received June 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2462. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Community Development Revolving Loan Program for Credit Unions—received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2463. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Central Liquidity Facility—received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2464. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—List of Nonconforming Vehicles Decided To Be Eligible for Importation [Docket No. NHTSA 2000–7882] (RIN: 2127–AI17) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2465. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA 2000–7629; Notice 2] (RIN: 2127–AI11) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2466. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware; Conversion of the Conditional Approval of the NOx RACT Regulation to a Full

Approval and Approval of NOx RACT Determinations for Three Sources [DE053-1029a; FRL-6996-5] received June 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2467. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Underground Storage Tank Program: Approved State Program for North Carolina [FRL-6976-5] received June 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2468. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina: Final Approval of State Underground Storage Tank Program [FRL-6976-4] received June 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2469. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule—Revision of Fee Schedules; Fee Recovery for FY 2001 (RIN: 3150-AG73) received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2470. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Inspector General during the six-month period ending March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2471. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2472. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2473. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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2480. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2481. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2482. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2483. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2484. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2485. A letter from the Senior Management Analyst, Division of Policy and Directives Management, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (RIN: 1018-AH85) received June 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2486. A letter from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's "Major" final rule—Thunder Bay National Marine Sanctuary and Underwater Preserve Regulations [Docket No. 970404078-0176-02] (RIN: 0648-AE41) received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2487. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation Of Nonimmigrants Under The Immigration And Nationality Act, As Amended: Aliens Ineligible To Transit Without VISAS (TWOV)—Russia—received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2488. A letter from the Chief Financial Officer, Paralyzed Veterans of America, transmitting a copy of the annual audit report of the Paralyzed Veterans of America for the fiscal year 2000, pursuant to 36 U.S.C. 1166; to the Committee on the Judiciary.

2489. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Incorporation of Standard NFPA 59A in the Liquefied Natural Gas Regulations [Docket No. RSPA-97-3002; Amdt. 193-17] (RIN: 2137-AD11) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2490. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Standards for Center Line and Edge Line Markings [FHWA Docket Nos. 97-2295(96-47), 97-2335 (96-15), and 97-3032] (RIN: 2125-AD68) received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2491. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Size Eligibility Requirements for SBA Financial Assistance and Size Standards for Agriculture—received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2492. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Frivolous filing position based on section 861 [Notice 2001-40] received June 7, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2493. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate [Rev. Rul. 2001-32] received June 8, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107-100). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. JONES of Ohio (for herself, Ms. Eddie Bernice Johnson of Texas, Ms. DeLauro, Mr. Hobson, Ms. Kaptur, Mr. Waxman, Mr. Grucci, Mr. Boehlert, and Mr. Weldon of Pennsylvania):

H.R. 2145. A bill to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories; to the Committee on Education and the Workforce.

By Mr. GREEN of Wisconsin (for himself, Mr. Shimkus, Mr. Shows, Mr. Frost, Mr. Duncan, Mr. Lipinski, Mr. Cramer, Mr. Smith of New Jersey, Mr. Terry, Mr. Calvert, Ms. Hart, Mr. Oxley, Mr. Hayworth, Mr. Sessions, Mr. Nethercutt, Mr. Gilchrest, Mrs. Kelly, Mr. Pitts, Mr. Ney, Mr. Gary G. Miller of California, Mr. Petri, Mr. English, Mr. Jones of North Carolina, Mr. Royce, Mr. Watkins, and Mr. Sweeney):

H.R. 2146. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

By Mr. WELLER (for himself, Mr. Johnson of Illinois, Mr. Cardin, Mr. English, Mr. Ramstad, and Mr. Kerns):

H.R. 2147. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. Boehlert, Mr. Houghton, Mr. Gilchrest, Mr. Moran of Virginia, Mr. Olver, Mr. Shays, Mr. Capuano, Mr. Engel, Mr. Smith of Washington, Mr. Price of North Carolina, Mr. McDermott, Ms. McCarthy of Missouri, Mr. Blumenauer, Ms. Solis, Mr. Honda, Mr. Kildee, Mr. Hoeffel, Mr. Neal of Massachusetts, Mr. Lewis of Georgia, Mr. Greenwood, Mrs. Morella, Mr. Allen, Mr. Dingell, Mr. Doggett, Ms. Baldwin, Mr. Sawyer, Mr. Hoyer, Mrs. Biggert, Mr. Wu, Mr. Markey, Mr. Nadler, and Mr. Pascrell):

H.R. 2148. A bill to reestablish the Office of Technology Assessment; to the Committee on Science.

By Mr. CRANE (for himself, Mr. Thomas, Mr. Dreier, Mr. Hastert, Mr. Armey, Mr. DeLay, Mr. Combest, Mr. Kolbe, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Houghton, Mr. Herger, Mr. McCrery, Mr. Camp, Mr. Ramstad, Mr. Nussle, Mr. Sam Johnson of Texas, Ms. Dunn, Mr. Collins, Mr. Portman, Mr. Watkins, Mr. Hayworth, Mr. Weller, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. Brady of Texas, Mr. Ryan of Wisconsin, Mr. Bass, Mr. Bereuter, Mrs. Biggert, Mr. Blunt, Mr. Cantor, Mr. Calvert, Mr. Cox, Mr. Cunningham, Mr. Dicks, Mr. Flake, Mr. Frelinghuysen, Mr. Goss, Mr. Hastings of Washington, Mr. Hyde, Mr. Issa, Mr. Johnson of Illinois, Mr. Keller, Mr. Kirk, Mr. Knollenberg, Mr. LaHood, Mr. Linder, Mr. McInnis, Mr. Manzullo, Mr. Osborne, Mr. Otter, Mr. Oxley, Mr. Pence, Ms. Pryce of Ohio, Mr. Reynolds, Mr. Schrock, Mr. Sessions, Mr. Shays, Mr. Simpson, Mr. Toomey, Mr. Watts of Oklahoma, and Mrs. Wilson):

H.R. 2149. A bill to extend trade authorities procedures with respect to reciprocal trade agreements; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALDACCI:

H.R. 2150. A bill to modify the land conveyance authority with respect to the Naval Computer and Telecommunications Station, Cutler, Maine; to the Committee on Armed Services.

By Mr. BALDACCI (for himself and Mr. Allen):

H.R. 2151. A bill to direct the Secretary of Transportation to establish a commercial truck safety pilot program in the State of Maine, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARSON of Oklahoma:

H.R. 2152. A bill to provide for the issuance of bonds to construct and modernize Indian schools and to provide a credit against Federal income tax for holders of such bonds; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Matsui, Mrs. Thurman, Mr. McGovern, Mr. Holt, and Mr. Cunningham):

H.R. 2153. A bill to provide for an election to exchange research-related tax benefits for a refundable tax credit, for the recapture of refunds in certain circumstances, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER (for himself, Ms. McKinney, Ms. Pelosi, Ms. DeGette, and Mr. Lewis of Georgia):

H.R. 2154. A bill to amend title 10, United States Code, to require the Department of Defense and all other defense-related agencies of the United States to fully comply with Federal and State environmental laws, including certain laws relating to public health and worker safety, that are designed to protect the environment and the health and safety of the public, particularly those persons most vulnerable to the hazards incident to military operations and installations, such as children, members of the Armed Forces, civilian employees, and persons living in the vicinity of military operations and installations; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Transportation and Infrastructure, Resources, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. Smith of Texas, and Mr. Stupak):

H.R. 2155. A bill to amend title 18, United States Code, to make it illegal to operate a motor vehicle with a drug or alcohol in the body of the driver at a land border port of entry, and for other purposes; to the Committee on the Judiciary.

By Ms. HOOLEY of Oregon (for herself and Mrs. Johnson of Connecticut):

H.R. 2156. A bill amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas (for himself, Mr. McIntyre, Mr. Bereuter, Mr. Stenholm, Mr. Brady of Texas, Mr. Tanner, Mr. Nussle, Mr. Hilliard, Mr. Pomeroy, Mr. Stupak, Mrs. Thurman, Mr. Bass, Mr. Nethercutt, Mr. Wicker, Mrs. Emerson, Mr. Kind, Mr. Peterson of Pennsylvania, Mr. Sandlin, Mr. Thune, Mr. Sweeney, Mr. Carson of Oklahoma, Mr. Oberstar, Mr. Rahall, Mr. Skelton, Mr. Watkins, Mr. Gordon, Mr. Cramer, Mr. Ehlers, Mr. Holden, Mr. Lewis of Kentucky, Mr. McHugh, Mr. Foley, Mr. Hilleary, Mr. Jones of North Carolina, Mr. Boswell, Mr. Goode, Ms. Hooley of Oregon, Mr. Pickering, Mr. Shimkus, Mr. Baird, Mr. Hayes, Mr. Phelps, Mr. Terry, Mr. Kennedy of Minnesota, Mr. Putnam, and Mr. Ross):

H.R. 2157. A bill to address health care disparities in rural areas by amending title XVIII of the Social Security Act, the Public Health Service Act, and the Internal Revenue Code of 1986, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 2158. A bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 2159. A bill to provide for grants to States for enacting statewide laws regulating public playgrounds consistent with playground safety guidelines established by the Consumer Product Safety Commission; to the Committee on Energy and Commerce.

By Mr. PITTS (for himself, Mr. Stenholm, Mr. Watts of Oklahoma, Mr. Hall of Ohio, Mr. English, Ms. DeLauro, Mr. Souder, Mr. Davis of Illinois, Mr. Ramstad, Mr. Filner, Mr. Watkins, Ms. Norton, Mr. Brady of Texas, Ms. McCarthy of Missouri, Mr. Schaffer, Mr. Doyle, Ms. Hart, Mr. Abercrombie, Mr. Ehlers, Mr. Gonzalez, Mr. Upton, Mr. Clay, Mr. McHugh, Ms. Baldwin, Mr. Burr of North Carolina, Mrs. Clayton, Mr. Jones of North Carolina, Ms. Slaughter, Mr. Hayes, Mr. Kildee, Mrs. Myrick, Mr. Delahunt, Mr. Calvert, Mr. Ross, Mrs. Emerson, and Mr. Horn):

H.R. 2160. A bill to provide for the establishment of individual development accounts; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. Blunt, Mr. Mollohan, Mr. Ney, Mr. Peterson of Minnesota, Mr. Strickland, Mr. Lipinski, and Ms. Brown of Florida):

H.R. 2161. A bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. REYES:

H.R. 2162. A bill to authorize a national museum, including a research center and related visitor facilities, in the city of El Paso, Texas, to commemorate migration at the United States southern border; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself, Mrs. Morella, Mrs. Capps, Mrs. Jo Ann Davis of Virginia, and Mr. Kennedy of Rhode Island):

H.R. 2163. A bill to amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty; to the Committee on Education and the Workforce.

By Mr. SHAYS (for himself, Mr. Kanjorski, Mr. Kolbe, Mr. Toomey, Mr. English, Mr. Miller of Florida, Mr. Bass, Mr. Barrett, Mr. Sununu, Mr. Borski, Mr. Smith of New Jersey, Mr. Sensenbrenner, Mr. Lipinski, Mr. Kirk, Mr. Upton, Mr. Souder, Mr. Gekas, Mr. Frelinghuysen, Mr. Brady of Pennsylvania, Mr. Pallone, Mrs. Roukema, Mr. Blumenauer, Mr. Hutchinson, Mrs. Kelly, Mr. Rohrabacher, Mr. Crane, Mr. Wamp, Mr. Ryan of Wisconsin, Mr. Capuano, Mrs. Maloney of New York, Mrs. Morella, Mr. Pitts, Mr. Goss, Mr. Luther, Mr. Frank, Mr. Allen, Mr. Keller, Mrs. Biggert, Mr. LoBiondo, Mr. Royce, Mr. Gutierrez, and Mr. George Miller of California):

H.R. 2164. A bill to amend the Agricultural Market Transition Act to gradually reduce the loan rate for peanuts, to repeal peanut quotas for the 2004 and subsequent crops, and to require the Secretary of Agriculture to purchase peanuts and peanut products for nutrition programs only at the world market price, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPENCE:

H.R. 2165. A bill to amend title 10, United States Code, to authorize the award of a Cold War service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. STARK (for himself, Mr. Brown of Ohio, Mr. Gonzalez, Mrs. Mink of Hawaii, Ms. Norton, Mr. Waxman, Ms. Jackson-Lee of Texas, Mr. Coyne, Mr. Kucinich, Ms. Kaptur, Mr. Hall of Ohio, Mr. Meeks of New York, Mr. Owens, Mr. George Miller of California, Ms. McCarthy of Missouri, and Mr. LaFalce):

H.R. 2166. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Mr. Bonior, Ms. Kaptur, Mr. Barrett, Mr. Kildee, Mr. Kirk, Mr. Hinchey, Ms. McCollum, Ms. Baldwin, Mr. Dingell, Mr. Barcia, Mr. Kucinich, Mr. Levin, Mrs. Thurman, Ms. Schakowsky, Mr. Brown of Ohio, Mr. Luther, Mr. LaTourette, Ms. Rivers, Mr. Obey, Mr. Kleczka, Mrs. Jones of Ohio, Mr. Conyers, Mr. Strickland, Mr. Jackson of Illinois, Mr. Kind, Mr. Blagojevich, Mr. Oberstar, Mr. Roemer, Mr. Towns, Mr. Evans, and Mr. Rush):

H.R. 2167. A bill to amend the Federal Water Pollution Control Act to protect ⅕ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SUNUNU:

H.R. 2168. A bill to suspend temporarily the duty on bitolylene diisocyanate (TODI); to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 2169. A bill to extend the deadline under Part I of the Federal Power Act for commencement of construction of a hydroelectric project in the State of Nevada; to the Committee on Energy and Commerce.

By Mr. MURTHA:

H.J. Res. 52. A joint resolution proposing an amendment to the Constitution of the United States relating to school prayer; to the Committee on the Judiciary.

By Ms. BROWN of Florida (for herself, Mr. Hoyer, Ms. Lee, Mr. Conyers, Ms. McKinney, Mr. Hastings of Florida, Mrs. Thurman, Mr. Gonzalez, Mrs. Meek of Florida, Mr. Clay, Mr. Jackson of Illinois, Mrs. Christensen, Ms. Norton, Mr. Rush, Mr. Davis of Illinois, Ms. Carson of Indiana, Ms. Eddie Bernice Johnson of Texas, Mr. Scott, Ms. Kilpatrick, Mr. Snyder, and Mr. Stark):

H. Con. Res. 159. Concurrent resolution expressing the sense of Congress with respect to rights each registered voter in the United States should have; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Mr. Hansen, Mr. Gibbons, Mr. Hall of Ohio, Mr. McKeon, Ms. Hart, Mr. Linder, Mr. Sam Johnson of Texas, Mr. Hostettler, Mr. Bilirakis, and Mr. Kleczka):

H. Con. Res. 160. Concurrent resolution expressing the sense of Congress that the United States should continue to honor its commitment to the United States aviators who lost their lives flying for France during World War I by appropriating sufficient funds to restore the Lafayette Escadrille Memorial; to the Committee on International Relations.

By Mr. CONDIT (for himself, Mr. Gephardt, Mr. Baca, Mr. Baird, Mr. Berman, Mrs. Capps, Mrs. Davis of California, Mr. DeFazio, Ms. Eshoo, Mr. Farr of California, Mr. Filner, Ms. Harman, Ms. Hooley of Oregon, Mr. Inslee, Mr. Kucinich, Mr. Larsen of Washington, Mr. Lantos, Ms. Lee, Mr. Matsui, Mr. George Miller of California, Mrs. Napolitano, Ms. Roybal-Allard, Ms. Pelosi, Mr. Sherman, Mr. Smith of Washington, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Thompson of California, Ms. Waters, Mr. Waxman, Ms. Woolsey, and Ms. Watson):

H. Res. 165. A resolution providing for the consideration of the bill (H.R. 1468) to stabilize the dysfunctional wholesale power market in the Western United States, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. JACKSON-LEE of Texas introduced a bill (H.R. 2170) for the relief of Steven Joseph Sweeney; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Cantor.

H.R. 64: Mr. Baird.

H.R. 65: Mr. Platts.

H.R. 91: Ms. Rivers.

H.R. 94: Mrs. Thurman.

H.R. 123: Mr. Carson of Oklahoma, Mr. Barcia, Mr. Rahall, Mr. Hostettler, Mr. Stump, Mr. Ross, and Mr. Kerns.

H.R. 162: Mr. Payne, Ms. Sanchez, Mr. Platts, Mr. Foley, Mr. Pomeroy, Mr. Larsen of Washington, and Ms. Norton.

H.R. 239: Mr. Lipinski.

H.R. 260: Ms. McKinney and Mr. Payne.

H.R. 303: Mr. Gilman.

H.R. 326: Mrs. Jo Ann Davis of Virgina.

H.R. 425: Ms. Solis and Mr. Andrews.

H.R. 510: Mr. Kennedy of Minnesota, Mr. Engel, and Mr. Hastings of Florida.

H.R. 519: Mr. Rush.

H.R. 572: Mrs. Maloney of New York.

H.R. 600: Mr. Andrews, Ms. McCarthy of Missouri, Mr. Souder, Mr. Lantos, and Mr. Latham.

H.R. 606: Mr. Maloney of Connecticut.

H.R. 612: Mrs. Roukema, Mrs. Wilson, Mr. Norwood, Mr. Rangel, Mr. Spratt, Mr. Matheson, Mr. Dreier, Mr. Camp, Mr. DeMint, and Mr. Maloney of Connecticut.

H.R. 641: Mrs. Mink of Hawaii.

H.R. 687: Mrs. Davis of California, Mr. Meeks of New York, and Mr. Doyle.

H.R. 699: Mr. Simpson.

H.R. 702: Mr. Payne.

H.R. 703: Mr. Etheridge.

H.R. 721: Mr. Roemer, Mrs. Napolitano, Mr. Sherman, Mr. Evans, Ms. Harman, Mr. Becerra, Ms. Slaughter, Mr. Israel, Mr. Meehan, Mr. Smith of New Jersey, Mrs. Meek of Florida, and Ms. Sanchez.

H.R. 757: Ms. McKinney.

H.R. 774: Mr. Burr of North Carolina.

H.R. 781: Mr. Nadler.

H.R. 794: Mr. Mascara.

H.R. 804: Mrs. Johnson of Connecticut and Mr. Simmons.

H.R. 808: Mr. Hall of Texas, Mr. Jefferson, Mr. King, Mrs. Kelly, Ms. Ros-Lehtinen, and Mr. Grucci.

H.R. 817: Mr. Towns.

H.R. 823: Mr. Rush.

H.R. 898: Ms. Jackson-Lee of Texas and Mrs. Clayton.

H.R. 912: Mr. Boehner, Mr. Hall of Ohio, Mr. Larsen of Washington, Mr. Toomey, and Mr. Grucci.

H.R. 940: Mr. Lucas of Kentucky.

H.R. 968: Ms. Lee, Mr. Rogers of Kentucky, Mr. Snyder, and Mr. Wolf.

H.R. 978: Mr. Rush.

H.R. 981: Mr. Camp, Mr. Horn, and Mr. Simmons.

H.R. 1017: Mr. Sessions.

H.R. 1035: Ms. Woolsey.

H.R. 1109: Mr. Burton of Indiana, Mr. Pitts, Mr. Hayes, Mr. Gibbons, Mr. Largent, Mr. Radanovich, and Mr. Hansen.

H.R. 1110: Mr. Riley.

H.R. 1120: Mr. Boucher and Mr. Cantor.

H.R. 1129: Mr. DeFazio.

H.R. 1130: Mr. DeFazio.

H.R. 1134: Mr. Stump and Mr. Tiberi.

H.R. 1170: Mr. Gephardt.

H.R. 1171: Mr. Hayworth, Mr. Osborne, and Mr. McHugh.

H.R. 1187: Mr. Rush and Mr. Honda.

H.R. 1192: Mr. Baldacci and Mr. McDermott.

H.R. 1194: Mr. Wamp.

H.R. 1252: Mr. Moran of Virginia.

H.R. 1254: Mr. Owens.

H.R. 1262: Mr. Frost and Mr. Evans.

H.R. 1291: Mr. Gibbons.

H.R. 1339: Mr. Pomeroy.

H.R. 1340: Mr. Simmons.

H.R. 1353: Mr. Ramstad, Ms. Pryce of Ohio, and Mr. Hutchinson.

H.R. 1364: Mr. Flake.

H.R. 1382: Ms. Sanchez.

H.R. 1401: Mr. Gillmor, Mr. Hastings of Washington, Mr. Kucinich, Mr. Souder, Mr. Doyle, and Ms. Jackson-Lee of Texas.

H.R. 1411: Mr. Gibbons and Ms. Berkley.

H.R. 1452: Mr. Bonior and Ms. Velazquez.

H.R. 1459: Mr. Terry, Mr. Gonzalez, and Mr. McInnis.

H.R. 1483: Ms. Eshoo.

H.R. 1507: Mr. Hayworth, Ms. McCollum, Mr. Kolbe, Mr. Doolittle, and Mr. McGovern.

H.R. 1509: Ms. Woolsey and Mr. Callahan.

H.R. 1510: Mr. Camp.

H.R. 1543; Mr. Baker, Mr. Berman, Mrs. Kelly, Mr. Paul, Mr. Filner, Mr. Hyde, and Mr. McGovern.

H.R. 1553: Mr. DOOLITTLE, Mr. JEFFERSON, Mr. CROWLEY, and Mr. GOODLATTE.

H.R. 1615: Mr. CONYERS and Mr. DAVIS of Florida.

H.R. 1624: Mr. PALLONE, Ms. DUNN, Mr. DEUTSCH, Mr. WOLF, Mr. SOUDER, Mr. TIERNEY, Ms. SANCHEZ, Mr. GONZALEZ, Mr. SCHROCK, Mr. MORAN of Virginia, Mr. MEEHAN, Mr. JONES of North Carolina, Mr. PETERSON of Pennsylvania, Mr. MICA, Mr. RANGEL, Mr. DOOLITTLE, and Mr. CRENSHAW.

H.R. 1632: Mr. CRANE.

H.R. 1645: Mr. POMEROY and Mr. ABERCROMBIE.

H.R. 1648: Mr. ENGLISH and Mr. HINCHEY.

H.R. 1650: Mr. WU.

H.R. 1668: Mr. WAMP, Mr. SMITH of Texas, and Mr. KINGSTON.

H.R. 1672: Ms. ROYBAL-ALLARD, Mr. DEFAZIO, Ms. MILLENDER-MCDONALD, and Mr. CONDIT.

H.R. 1673: Mr. SIMMONS.

H.R. 1707: Mr. MANZULLO.

H.R. 1711: Mr. PAYNE.

H.R. 1739: Mr. DEFAZIO, Mr. PALLONE, and Mr. CROWLEY.

H.R. 1760: Mr. SOUDER and Ms. JACKSON-LEE of Texas.

H.R. 1764: Mr. KLECZKA, Mr. BALDACCI, Mr. BONIOR, Mr. BERMAN, Mr. MCHUGH, Mr. INSLEE, Ms. RIVERS, Mrs. THURMAN, Mr. FILNER, Mr. BLUMENAUER, Mr. ROTHMAN, Ms. SANCHEZ, Mr. PASTOR, Ms. ROYBAL-ALLARD, and Mr. PHELPS.

H.R. 1782: Mr. EVANS.

H.R. 1805: Mr. FLETCHER.

H.R. 1825: Ms. LEE, Mr. MCHUGH, Mr. WAXMAN, Mr. CLEMENT, Ms. CARSON of Indiana, Mr. CLAY, Mr. HOUGHTON, and Mr. BALDACCI.

H.R. 1839: Mr. HINCHEY and Mr. MCDERMOTT.

H.R. 1842: Mr. JEFFERSON.

H.R. 1873: Mr. BACA, Mr. ABERCROMBIE, Mr. PALLONE, Ms. MCKINNEY, Mr. FRANK, and Mrs. BONO.

H.R. 1882: Mr. BLUMENAUER.

H.R. 1911: Mr. GILCHREST.

H.R. 1923: Mr. SOUDER.

H.R. 1935: Mr. HILLIARD, Mr. KENNEDY of Rhode Island, Mr. JONES of North Carolina, Mr. MATHESON, Mr. COYNE, and Mr. RILEY.

H.R. 1941: Mr. ISSA.

H.R. 1948: Mr. RUSH and Mr. RANGEL.

H.R. 1961: Mr. STRICKLAND and Mr. PALLONE.

H.R. 1975: Mr. STUMP.

H.R. 1984: Mrs. ROUKEMA.

H.R. 2001: Mr. POMBO.

H.R. 2009: Mr. BLUMENAUER, Mr. CONDIT, Mr. FORD, Mr. OSE, Ms. VELAZQUEZ, and Mr. WAXMAN.

H.R. 2017: Mr. RUSH.

H.R. 2037: Mr. STUMP, Mr. HAYWORTH, Mr. COBLE, Mr. WATKINS, Mr. BRADY of Texas, Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. HASTINGS of Washington, Mr. AKIN, Mr. MCINNIS, Mr. NETHERCUTT, and Mr. PETERSON of Minnesota.

H.R. 2063: Mr. CARSON of Oklahoma, Mr. BALDACCI, Mr. ALLEN, Ms. MCCARTHY of Missouri, and Ms. HARMAN.

H.R. 2074: Mr. FRANK and Mr. BONIOR.

H.R. 2076: Mr. INSLEE.

H.R. 2082: Mr. BACA.

H.R. 2101: Mr. BARTLETT of Maryland.

H.R. 2117: Mr. RUSH and Mr. HALL of Ohio.

H.R. 2125: Mr. MORAN of Virginia.

H.R. 2134: Mr. RUSH and Mr. BONIOR.

H.J. Res. 36: Mr. MCGOVERN and Mr. REHBERG.

H.J. Res. 45: Mr. FLAKE.

H. Con. Res. 20: Mr. STRICKLAND, Ms. BROWN of Florida, Mr. MATHESON, and Mr. OWENS.

H. Con. Res. 42: Mr. FATTAH and Mr. LAHOOD.

H. Con. Res. 67: Mr. HILLEARY.

H. Con. Res. 97: Mr. SCHIFF, Mr. VISCLOSKY, Ms. SOLIS, and Mr. OSE.

H. Con. Res. 116: Mr. UPTON.

H. Con. Res. 137: Mr. LANGEVIN, Mr. EHRLICH, Mr. SCHROCK, and Mr. SIMMONS.

H. Con. Res. 151: Mr. PALLONE, Mr. RANGEL, Mr. BLAGOJEVICH, Mr. RAHALL, Mr. HONDA, and Mr. HOYER.

H. Res. 160: Mr. ROHRABACHER, Mr. FALEOMAVAEGA, and Mr. WOLF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. CLEMENT.

SENATE—*Wednesday, June 13, 2001*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of hope, this is a day for optimism and courage. Set us free of any negative thinking or attitude. There is enough time today to accomplish what You have planned. We affirm that You are here and that we are here by Your divine appointment. We also know from experience that it is possible to limit Your best for our Nation. Without Your help we can hit wide of the mark, but with Your guidance and power we cannot fail. You have brought our Nation to this place of prosperity and blessing. You are able to bless us if we will trust You and work together as fellow patriots. Fill this Chamber with Your Presence, invade the mind and heart of each Senator, and give this Senate a day of efficiency and excellence for Your glory. We thank You in advance for a truly great day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Kennedy (for Dodd) amendment No. 382 (to amendment No. 358), to remove the 21st century community learning center program from the list of programs covered by performance agreements.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Hutchinson modified amendment No. 555 (to amendment No. 358), to express the sense of the Senate regarding the Department of Education program to promote access of Armed Forces recruiters to student directory information.

Feinstein modified amendment No. 369 (to amendment No. 358), to specify the purposes for which funds provided under subpart 1 of part A of title I may be used.

Reed amendment No. 431 (to amendment No. 358), to provide for greater parental involvement.

Clinton modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program.

Cantwell modified amendment No. 630 (to amendment No. 358), to provide for additional requirements with regard to the integration of education technology resources.

Hollings amendment No. 798 (to amendment No. 358), to permit States to waive certain testing requirements.

Gregg (for Santorum) amendment No. 799 (to amendment No. 358), to express the sense of the Senate regarding science education.

The PRESIDENT pro tempore. Under the previous order, there will now be 40 minutes for closing debate on the Santorum amendment No. 799 and the Hollings amendment numbered 798.

Mr. KENNEDY. Mr. President, as we resume consideration of the education authorization bill, we have 40 minutes of debate on the Santorum and Hollings amendments concurrently, with two rollcall votes at approximately 9:40 this morning, and votes throughout the day, as well into the evening, as the Senate works to complete action on the education bill this week. If the bill is completed on Thursday, there will be no rollcall votes on Friday.

The PRESIDENT pro tempore. The Senator from Pennsylvania, Mr. SANTORUM.

AMENDMENTS NOS. 798 AND 799

Mr. SANTORUM. Mr. President, I rise to talk about my amendment which will be voted on in roughly 40 minutes. This is an amendment that is a sense of the Senate. It is a sense of the Senate that deals with the subject of intellectual freedom with respect to the teaching of science in the classroom, in primary and secondary education. It is a sense of the Senate that does not try to dictate curriculum to anybody; quite the contrary, it says there should be freedom to discuss and air good scientific debate within the classroom. In fact, students will do better and will learn more if there is this intellectual freedom to discuss.

I will read this sense of the Senate. It is simply two sentences—frankly, two rather innocuous sentences—that hopefully this Senate will embrace:

"It is the sense of the Senate that—

"(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

"(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

It simply says there are disagreements in scientific theories out there that are continually tested. Our knowledge of science is not absolute, obviously. We continue to test theories. Over the centuries, there were theories that were once assumed to be true and have been proven, through further revelation of scientific investigation and testing, to be not true.

One of the things I thought was important in putting this forward was to make sure the Senate of this country, obviously one of the greatest, if not the greatest, deliberative bodies on the face of the Earth, was on record saying we are for this kind of intellectual freedom; we are for this kind of discussion going on; it will enhance the quality of science education for our students.

I will read three points made by one of the advocates of this thought, a man named David DeWolf, as to the advantages of teaching this controversy that exists. He says:

Several benefits will accrue from a more open discussion of biological origins in the science classroom. First, this approach will do a better job of teaching the issue itself, both because it presents more accurate information about the state of scientific thinking and evidence, and because it presents the subject in a more lively and less dogmatic way. Second, this approach gives students greater appreciation for how science is actually practiced. Science necessarily involves the interpretation of data; yet scientists often disagree about how to interpret their data. By presenting this scientific controversy realistically, students will learn how to evaluate competing interpretations in light of evidence—a skill they will need as citizens, whether they choose careers in science or other fields. Third, this approach will model for students how to address differences of opinion through reasoned discussion within the context of a pluralistic society.

I think there are many benefits to this discussion that we hope to encourage in science classrooms across this country. I frankly don't see any down side to this discussion—that we are standing here as the Senate in favor of intellectual freedom and open and fair discussion of using science—not philosophy and religion within the context, within the context of science but science—as the basis for this determination.

I will reserve the remainder of my time. I have a couple of other speakers I anticipate will come down and talk about this amendment, and I want to leave adequate time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The PRESIDENT pro tempore. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

The PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, do I understand correctly the Senator from Minnesota has the time from Senator HOLLINGS?

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. So Senator HOLLINGS has the 10 minutes. In his absence, the control of the time should be with the Senator from Minnesota.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask the Chair whether or not we have 10 minutes altogether on our side or 10 minutes for each of us. What is the understanding from last night?

The PRESIDENT pro tempore. The Senator from Massachusetts controls 10 minutes, and the Senator from South Carolina controls 10 minutes, which has now been——

Mr. KENNEDY. I will be glad to yield 5 minutes of my time if the Senator wants it.

The PRESIDING OFFICER. The Senator from Minnesota has been tendered 10 minutes from the time allotted to Mr. HOLLINGS.

AMENDMENT NO. 798

Mr. WELLSTONE. Mr. President, my hope is the Senator from South Carolina will be able to be here. He spoke last night on his amendment, and he can do it with more eloquence and more persuasively than can I. But I told him, since I support his amendment, I would be pleased to try to be a fill-in for him.

I see my colleague is now here. I say to the Senator from South Carolina that I will be delighted to follow him, if he is ready to speak.

Mr. President, I yield to the Senator from South Carolina. I will follow my colleague.

The PRESIDENT pro tempore. Does the Senator from South Carolina seek recognition?

The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, this Senate, and I say it advisedly and respectfully, in a sense, we are the best off-Broadway show. We engage in these charades, set up these straw men and then knock them down, taking the credit for being so effective politically.

We say we have a surplus; we don't have a surplus. The CBO projected in March a $23 billion surplus for this fiscal year. Mark it down, it will be between a $50 billion and $70 billion deficit. We haven't even passed an appropriations bill. We have not passed any kind of supplemental and already we can foresee, less than a week after the signing of the so-called tax cut—where we had no taxes to cut—a deficit of $50 billion to $70 billion.

Now here is what we set up. We say: Wait a minute. In education there is no accountability; there is no testing. The people back home do not know what they need. If we can get some accountability and testing, we will learn what they need.

Such fanciful nonsense. We have testing coming out of our ears. You mention the State, and I will give you the millions they are spending.

Mr. President, I ask unanimous consent to have this schedule printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
Alabama	$4,000	B	B	B	B	B	B	12	0	$24,915,437
Alaska	3,500	B	B		B	B	B	10	2	8,629,291
Arizona	4,800	B	B	B	B	B	B	12	0	28,129,355
Arkansas	3,200		B	B	B	B	B	10	2	16,983,311
California	44,000	B	B	B	B	B	B	12	0	161,769,009
Colorado	10,700	R	R	B	B	B	B	10	2	23,798,968
Connecticut	2,000		B		B		B	6	6	19,875,848
Delaware	3,800	B		B			B	6	6	8,016,860
Florida	22,400	B	B	B	B	B	B	12	0	68,848,688
Georgia	14,000	B	B	B	B		B	10	2	43,139,333
Hawaii	1,400	B		B			B	6	6	9,961,299
Idaho	700	B	B	B	B	B	B	12	0	11,393,934
Illinois	16,500	B		B			B	6	6	57,731,557
Indiana	19,000	B			B		B	6	6	31,207,328
Iowa	0		B				B	4	8	17,424,763
Kansas	1,100		M	R		M	R	4	8	17,179,348
Kentucky	8,100	B	R	M	B	R	M	8	4	21,605,599
Louisiana	9,000	B	B	B	B	B	B	12	0	24,579,091
Maine	3,300		B				B	4	8	10,704,063
Maryland	17,100	B	B	B	B	B	B	12	0	27,457,342
Massachusetts	20,000	R	B		M	B	R	7	5	31,006,359
Michigan	16,000		B	R		R	R	5	7	48,296,329
Minnesota	5,200	B		B			B	6	6	27,066,118
Mississippi	7,600	B	B	B	B	B	B	12	0	18,198,252
Missouri	13,400	R	M			R	M	4	8	28,736,967
Montana	282	B					B	4	8	9,161,562
Nebraska	1,650		R				R	2	10	12,374,005
Nevada	3,300	B	B	B			B	8	4	13,876,879
New Hampshire	2,500	B			B			4	8	10,802,081
New Jersey	17,000		B				B	4	8	37,746,447
New Mexico	650	B	B	B	B	B	B	12	0	13,633,052
New York	13,000		B				B	4	8	77,283,719
North Carolina	11,300	B	B	B	B	B	B	12	0	39,659,706
North Dakota	208		B		B		B	6	6	7,883,693
Ohio	12,300		B		B			4	8	53,078,486
Oklahoma	2,500	B		B			B	6	6	20,932,225
Oregon	7,000	B		B			B	6	6	19,516,428
Pennsylvania	15,000			B	R		B	5	7	52,955,297
Rhode Island	2,300	R	B			R	B	6	6	9,150,790
South Carolina	7,800	B	B	B	B	B	B	12	0	22,849,169
South Dakota	720		B	R			B	5	7	8,412,279
Tennessee	15,600	B	B	B	B	B	B	12	0	28,600,739
Texas	26,600	B	B	B	B	B	B	12	0	108,915,567
Uutah	1,400	B	B	B	B	B	B	12	0	17,026,566

State	Amount spent on testing (in thous)	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Number of 3–8 tests	New tests required	Revenue sharing proceeds
Vermont	460		B				B	4	8	7,730,061
Virginia	17,900	B	B	B	B		B	10	2	34,846,313
Washington	7,700	B	B		B	B		8	4	31,448,887
West Virginia	400	B	B	B	B	B	B	12	0	12,494,530
Wisconsin	2,000	R	B				B	5	7	27,306,317
Wyoming	1,700		B				B	4	8	7,415,370
Total	422,070							387	213	

Mr. HOLLINGS. Mr. President, we are spending $422 million this present year in testing back home. We have been testing since you were a little boy and I was a little boy. The folks back home know what is really needed. But here we come and say they don't know what they need and they never have had any accountability. We want to discover for them what schools are flunking and close those schools down, and in the meantime hurt the students who have never even had the course, so to speak.

If you did not benefit, as a poor child, from the Women Infants and Children Program, you don't have a strong mind coming into this world. If your school did not receive Title I funding, if you didn't have access to a Head Start program, if you didn't get a good teacher, if your class was so big that you were unable to listen and learn, you are unprepared. All these programs figure into giving students the course and they are less than 50-percent funded. Now we are going to test students because we know from the debate they have not had the course. We haven't really gotten to the crux of the matter. Congress has decided what is needed. So we have had testing.

Right to the point, if you really believe in harming students, as my distinguished colleague from Minnesota points out so vividly and forcefully, and you are merely trying to give yourself political credit, then vote against the amendment. That crowd that has been trying to abolish the Department of Education now comes in saying they are going to get responsibility in education, accountability, and set up a straw man and knock it over with a 7-year bureaucracy of $2.7 billion to $7 billion. That is what it costs.

Mr. President, yesterday I had printed in the RECORD this particular survey by the National Association of State Boards Of Education.

If you believe in bureaucracy at the cost of some $7 billion, if you believe that Washington knows best, that the people back home don't know what they need—while we have heard on the floor about needs ranging from libraries to curricula to teachers to reducing class sizes to school construction to after-school programs—then don't vote for this amendment. Every Senator over the 7 weeks has put out the needs. But what we need to do is take that money, like revenue sharing, send it back to the local folks, and say: If you want to have testing, test. If you want to have further testing, do that. If you really think you need to increase the teachers' pay, if you need to hire more teachers, those kinds of things, then do it. But that is really assisting; not spending extra money.

This is not an increase, this is giving flexibility to the money under the bill to address the needs back home. It is playing as if, fast forward 3 or 4 years, we have had the testing, we know what is needed, and we know what schools are flunking. I could flunk 30 or 40 in South Carolina this afternoon with this so-called quality test, and students do not have another school to go to and you cannot close their school down. So we spend billions, and we are in the same place as we are this minute.

If you believe in that bureaucracy, if you believe in unfunded mandates, if you believe in one size fits all, if you believe in harming the children just to get political credit on the floor of the Senate, then vote against this amendment.

But if you want to help the children back home and help the local school boards, if you want to help America advance education, then take this same program money and send it back on a revenue-sharing basis so that schools can address their needs, whether those needs be testing or otherwise.

I yield the floor.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDENT pro tempore. The Senator has 2½ minutes.

Mr. WELLSTONE. Mr. President, I rise to support the Hollings amendment. Hearing the Senator from South Carolina makes me think that, our motto should be, perhaps: We should invest before we test.

I think of what the American people said about Dr. King when he left the pulpit and went out into the community: He went out and walked his talk. I don't think we are walking our talk. If we were walking our talk, we would not only be demanding our tests, but we would be demanding that every child have an opportunity to do well on the tests. We have not done that, and I think Senator HOLLINGS raises what I think is the most important question.

I believe I am one of the few Senators who is troubled by this and agonizing over the question of whether or not the Federal Government should be telling the school board, the school district, which epitomizes the grassroots political culture of America: 'You do not get to decide what is best.' We are telling them, every school district in America: You are going to test every child, grades 3, 4, 5, 6, 7, and 8 every year, with consequences for your school and your school district depending on how these children do in these tests.

What this amendment says is we should maybe have a little more faith in people at the school board level.

We should have maybe a little more faith in people back in our States to decide what they think is best, and they should have the option on whether they want to do the testing or use the resources to help children. That is what this amendment says.

I am all for national community standards for civil rights and human rights and for the first amendment and in making sure there is a floor for a educational commitment below which no poor child falls. I think that is what we are about as a nation. But I think when it comes to this kind of decision, is it right for the Federal Government literally to tell every school district what to do to test every child? I think we might rue the day we have voted for this. I struggle over the question right now. That is why I think this is such an important amendment. I fully support it.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. KENNEDY. Mr. President, first of all, on the Santorum amendment, I hope all of our colleagues will vote in support of it. It talks about using good science to consider the teaching of biological evolution. I think the way the Senator described it, as well as the language itself, is completely consistent with what represents the central values of this body. We want children to be able to speak and examine various scientific theories on the basis of all of the information that is available to them so they can talk about different concepts and do it intelligently with the best information that is before them.

I think the Senator has expressed his views in support of the amendment and the reasons for it. I think they make eminently good sense. I intend to support that proposal.

On the Hollings-Wellstone amendment, I listened, as I always try to do, to my friend and colleague from South Carolina. There is so much he says that makes very good sense, but I have to oppose the amendment.

When he talks about the preparation of children, he makes a great deal of sense. In fact, if the children are denied the Women's, Infants', and Children's Program—the WIC Program—if they are denied the early nutrition, which is so important for the development of the mind, if they are denied the early learning experiences, which are absolutely instrumental in developing and shaping the mind, they lose opportunities.

If we are only funding the Head Start Program at 40 percent, we are leaving 60 percent out. The Early Head Start Program is only funded at about 10 or 12 percent.

If we take children who are denied all of those kinds of opportunities, unless they are enormously fortunate to have other kinds of sustained enforcement of educational experience and stimulating experience in terms of their home life, or other circumstances, we can ask whether children are arriving in school ready to learn. Some may be but many others may not.

One of the most important developments over the period of the last 10 years has been the knowledge of what happens in the development of the brain. We had "The Year of The Brain." It was on the front pages of magazines and newspapers and on television programs. We found that the early development aspects of the brain are absolutely essential where the neurons connect with the synapses and we have the development of the mind.

One of the key aspects, that at least many of us have believed, is that not only is it important to leave no child behind in terms of the support of this bill to reach all 10 million children who will be eligible but also the investment in children at the early age, to which Senator HOLLINGS spoke. But if we are going to continue to make that battle and struggle, we are going to have to, on the floor in the Senate and in appropriations, try to invest for the children so they are ready to learn.

A number of States responded to the requirements of the title I program in 1994. We require testing in the elementary schools, middle schools, and in the high schools. Fifteen States are meeting that requirement at the present time. But most of the tests which exist in the States are more attuned to national standards rather than State standards. Forty-nine States have established their own standards.

The purpose of this legislation is to try to develop a curriculum that will reflect those standards and have well-trained teachers who will use that curriculum and then examination of the students with well thought out tests that are really going to test not only what the child learns but the ability of the child to use concepts. That is why the average test that is being used at the State level is $6 or $7. The test we are trying to develop here, the provisions which are strengthened with the Wellstone amendment and the other requirements, averages $68 a test versus $6.

Money doesn't answer everything in terms of being sure you are going to get a quality test, but part of the requirements we have for the use of the test is to be able to disaggregate it. At the current time, there are only three States that use disaggregated information. So you know in the class that there are various groups of students who aren't making it rather than just the test that uses the whole classroom.

It is also important to disaggregate information so that you know more completely where the challenges are in terms of the students themselves in order to make progress and tie the curriculum into these types of features, and also to make sure we are going to have the development of the test developed by the States, in the States, for the States' standards.

That is our purpose—not that they take off-the-shelf tests. Most of the States using the tests now are using the off-shelf-tests that are focused on national standards rather than State standards. That happens to be the reality.

I don't question that in a number of States there are superintendents and school boards who think they are getting adequate information. But this is a much more comprehensive way of finding out what the children know and then hopefully developing the kinds of methodologies to equip the children to move ahead. That is really our purpose. We may not get it right, but that is certainly the purpose we intend.

Finally, if the States are developing their own tests, and if they meet the standards which are included in this legislation and they conform with them, then they obviously meet those requirements. Then there is nothing further they have to do.

Three States, as I said, disaggregate information and have a number of the items that are included in this bill. But by and large they are not in existence in other areas.

If that is the case, and we believe assessments are a key aspect of all of the efforts we are trying to develop in this legislation—I know there are those who don't agree with that as a concept—we know that children are tested frequently.

I can give you some cases in Lancaster, PA, where they test actually every 9 weeks in terms of what the children are learning during that period of time; and they alter and change the curriculum to try to give focus and attention to groups of students in those classes who are not making measurable progress. They have seen the absolutely extraordinary progress the schools have made in Lancaster as a result of it.

If it is done right, done well, done effectively, it is a very important, positive instrument in terms of children's development. If it is not, then it can have the kind of unfortunate results that have been mentioned in this Chamber. It is our intention to try to do it right. We have built in enough legislation to do it. I think this is the way to go.

I think we have a good bill. We have had good authorization. We are going to have the difficulty and challenge of getting the funding. That is an essential aspect of the continuing process as we move through the legislative process. We want to make sure that we are going to do it right.

But I do not believe the Hollings-Wellstone amendment is consistent with the whole central thrust of this legislation. I, regretfully, oppose the amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. EDWARDS). The Senator's time has expired.

Mr. HOLLINGS. I ask for the yeas and nays, Mr. President.

Mr. KENNEDY. Mr. President, I ask unanimous consent it be in order to now ask for the yeas and nays. And then I will ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. How much time remains on the amendments?

The PRESIDING OFFICER. The minority controls the remaining time, 15½ minutes.

Mr. SANTORUM. Mr. President, I ask unanimous consent that it be in order for me to ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. If there is no one who wants to address the Senate, I suggest the absence of a quorum—I am sorry.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I want to use some of the time that is available for our side to talk a little about the bill. I have not said much in relation to this bill, but it certainly is one of the most important issues that we will talk about.

We have a great opportunity to help make education stronger in our country. That is, of course, what we ought to be seeking to do. This discussion has gone on for a very long time. I hope we are nearing the end of the debate. I think we have spent nearly 4 weeks, off and on, on this proposition. It is time to bring it to a close.

In my view, we have had an excessive amount of amendments; nevertheless, that is where we are. But now if we are really going to do our part, and if we are really going to be able to cause this to be something that is effective, then we need to focus a little bit, as we evaluate where we are, on what our goals are, what it is we are really seeking to do.

I guess too often I get the notion that we get wrapped up around here in all the details, little items that mean something to someone, and we lose track of where it is we really want to go.

What we ought to do is have a vision—hopefully, a fairly common vision—of what our goals are in terms of education, in terms of the role of the Federal Government in education, and to be able to measure what we are doing each day in terms of how we meet those goals.

I think one of them that is quite important is, what is the role of the Federal Government in education? It has been my view, and continues to be my view, that the major responsibility for elementary and secondary education lies at the local level, lies with the community, lies with the school boards, and lies with the States.

One of the reasons I think that is so important is there are very different needs in very different places because what you need in Chugwater, WY, is quite different than what you need in Pittsburgh, PA. They ought to be able to make those kinds of unique decisions locally.

What is really needed to bring about change? We are all in favor of change, although I am not as pessimistic about schools as many people are. I think most of our schools do a pretty good job. One of the reasons I think that—and I realize this is not a broad sampling—is because of the young people who come to the Senate. They are evidence, it seems to me, that our schools are doing a pretty darn good job.

We need to do better, and there are some schools that do better than others, but that ought to be part of our goal, to establish what is really needed to bring about change. Then we ought to measure it. I think too often when we get into these issues, much of our conversation begins to border on political rhetoric: Boy, if you are for education, then that's a great thing. But you have to kind of decide what it is that you are for. Everybody is for education.

We have to talk a little bit about spending. This bill authorizes spending far beyond anything that we have ever thought about. Obviously, most of us would agree dollars alone don't bring about quality education. You can't have it without the dollars, but dollars alone don't do that. So I think there has to be some limit.

With that, inevitably, goes a certain amount of direction and control from Washington. How much of that do you want? I think there are some things that we ought to think and talk about.

As I understand it, the real purpose, as we started out with this S. 1, was to increase accountability for student performance. We do that some by testing. There has to be some accountability. We have to put out there funding, funding that really works and is not wasted, is not used up in bureaucracies. We have to have increased flexibility and local control if we really want to be able to deal with the problems that exist in our school systems.

We need to empower parents to have a role in schools. We need there to be opportunities for students such as in charter schools. We need some changes in that respect. We need to provide options for students who are consistently failing or who are in danger at schools. We need to do something about that.

But the responsibility really lies at the local level. That is why we elect school boards. That is why we have legislatures. We need to help, but there needs to be local flexibility. I think it is pretty clear from the debate that the bureaucracy and redtape have been real problems.

My wife happens to be a special ed teacher. I can tell you, she spends more time with reports than is really necessary. When she ought to be working with the kids, she is having to fill out all these reports that come in and are required. There ought to be a limit to that.

We ought to try to reduce the duplicative educational programs that are out there. Now over 50 percent of the Federal education dollars are spent on bureaucracy and overhead. That is unacceptable. The money needs to be there to help the kids.

Burdensome regulations, unfunded mandates—talk to anybody who is an administrator at a school and see what they think about unfunded mandates and the burdens of regulation. We do not talk about that very much. We have had 150 amendments that bring about more regulations. We ought to make sure we avoid that.

I think, again, we have to work to give the States and the locals unprecedented flexibility. The Federal Government has provided only about 6 or 7 percent of the funding for elementary and secondary education. We ought to do better than that. But keep in mind, the basic thrust is in the local community with the local dollars, the local decisions, the local leaders. That is where it belongs.

We talk about schools failing. We ought to put a little responsibility on those who are responsible for those schools that are failing. Help them, yes, of course. But the idea that we are suddenly going to take over this whole educational system and change it, I don't think that is consistent with our notions of Government.

So I just think we have a great opportunity. I think there are some very good things in this bill. I hope that we conclude it soon so we can get it moving and so we can get on to some other issues as well. But I hope we evaluate, as we go: What do we think the role of the Federal Government is? How should money be used that is sent to the local and State governments? How do we have accountability? And how, indeed, do we make sure this effort of ours is one that produces the best dividends and moves us towards our vision of what education in this country ought to be.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first, I thank the Senator from Massachusetts for his support of my amendment. I hope the Senate will overwhelmingly vote for and support the amendment that I have offered.

The Senator from Wyoming was just talking about the role of the Federal Government in education. I was just thinking about the many visits I have made to school districts around my State. I have been to about 160 or 170 school districts in my State. We have about 500 school districts. I talked about education in many of those visits.

Maybe other Senators have experienced the same thing, but when I talk about education in schools, when I talk about educational reform, superintendents and teachers tend to get a little stiff in front of me, tend to get a little tense, because they are living it. And here we are, on the outside, trying to tell them how to do it better. One of the reasons I go to those schools is to listen to the schoolteachers and to principals and superintendents, parents, and students.

One of the things I hear more and more from people and parents and teachers in particular is, yes, we need to improve education, but we also need to look at what is coming into the educational system, the children coming into our system, particularly in our lowest performing schools, where children are coming in with many more profound problems than they did 20, 30, 40, even 50 years ago, when we thought we had a pretty good educational system in the country.

To sit here and say all the problems in our society, all the problems with our children are because they don't have a good education or there is not a good school, whatever the case may be, sort of laying all the blame on the schools for not producing educated children, in some respects, I believe, misses the mark or certainly doesn't tell the whole story of the problems that we are confronting as a culture and as a nation.

We have a couple minutes before the vote, and I wanted to put my two cents in. For those teachers and administrators, people who work very hard in the school system, particularly the poor schools and schools that are in difficult neighborhoods, you are right; the schools are not the sole source of blame for having children who can't read coming out of them. I even argue in many cases they aren't the principal sources of blame or even a particularly big share of the blame.

When we talk about educational reform, particularly leaving no child behind—and I support that—we need to look not just within the school system; we have to look outside the school system. We have to look at our culture. We have to look at the American family, our neighborhoods, at our popular culture, and the message being sent to the young children. We have to look at neighborhoods. And whether it is crime or the breakdown of the family or the breakdown of the community, the lack of economic opportunities, whatever the case may be—in most cases, it is all of those things—we need to recognize that education is just a piece of solving this puzzle for a child growing up in these very poor neighborhoods.

I hope we don't walk away from here flexing our muscles, raising our hands, saying: We have now solved the problem; We have fixed the educational system and that alone is going to solve the problems we face in our poor and downtrodden communities. It will not, no matter how good our schools are.

I always share this story of going to a high school in north Philadelphia, a very poor high school, a very poor neighborhood, a crime ridden neighborhood. I walked through that school. First I walked through the metal detectors. And I finally got to a classroom where, of the students going to the school, less than 5 percent were going to go on to some education beyond high school. I went into the classroom where those 5 percent were, and they were being talked to about their opportunities. They were all from public housing, poor neighborhoods. They could get a free ride to any school they wanted to go to.

I remember talking to them about the opportunities they had and sort of seeing somewhat blank stares back at me. We got into a discussion. I said: What is your biggest fear? What is your biggest concern about the school you go to and your education? And the consensus developed was this: Getting to school alive every day. When you are an achiever in a group of people who do not achieve academically, you are a target. You can throw more money at that school, you can improve the quality of the teachers, you can have smaller class size, but if your concern is getting to school alive, we are missing the boat somewhere.

I want to step back, as we hopefully will celebrate passage of this bill and say that we have done great things to help children. If we don't get to the issues outside of the school, throwing more money into the school is whistling through the graveyard at night. It isn't going to solve the problem.

I yield the floor.

Mr. BYRD. Mr. President, I have been interested in the debate surrounding the teaching of evolution in our schools. I think that Senator SANTORUM's amendment will lead to a more thoughtful treatment of this topic in the classroom. It is important that students be exposed not only to the theory of evolution, but also to the context in which it is viewed by many in our society.

I think, too often, we limit the best of our educators by directing them to avoid controversy and to try to remain politically correct. If students cannot learn to debate different viewpoints and to explore a range of theories in the classroom, what hope have we for civil discourse beyond the schoolhouse doors?

Scientists today have numerous theories about our world and its beginnings. I, personally, have been greatly impressed by the many scientists who have probed and dissected scientific theory and concluded that some Divine force had to have played a role in the birth of our magnificent universe. These ideas align with my way of thinking. But I understand that they might not align with someone else's. That is the very point of this amendment—to support an airing of varying opinions, ideas, concepts, and theories. If education is truly a vehicle to broaden horizons and enhance thinking, varying viewpoints should be welcome as part of the school experience.

Mr. BROWNBACK. Mr. President, as my friend from Pennsylvania, and perhaps every one in the free world, knows the issue he brings up with regard to how to teach scientific theory and philosophy was recently an issue in my home State of Kansas. For this reason, many of my constituents are particularly sensitive to this issue.

I would like to take the opportunity of this amendment to clear the record about the controversy in Kansas.

In August of 1999 the Kansas State School Board fired a shot heard 'round the world. Press reports began to surface that evolution would no longer be taught. The specter of a theocratic school board entering the class to ensure that no student would be taught the prevailing wisdom of biology was envisioned. Political cartoons and editorials were drafted by the hundreds. To hear the furor, one might think that the teachers would be charged with sorting through their student's texts with an Exacto knife carving out pictures of Darwin.

However, the prevailing impression, as is often the case was not quite accurate. Here are the facts about what happened in Kansas. The school board did not ban the teaching of evolution. They did not forbid the mention of Darwin in the classroom. They didn't even remove all mention of evolution from the State assessment test. Rather, the school board voted against including questions on macro-evolution—the theory that new species can evolve from existing species over time—from the State assessment. The assessment did include questions on micro-evolution—the observed change over time within an existing species.

Why did they do this? Why go so far as 'to decipher between micro and macro-evolution on the State exam? How would that serve the theocratic school board's purpose that we read so much about? Well, the truth is . . . their was no theocratic end to the actions of the school board. In fact, their vote was cast based on the most basic scientific principal that science is about what we observe, not what we assume. The great and bold statement that the Kansas School Board made was that simply that we observe micro-evolution and therefore it is scientific fact; and that it is impossible to observe macro-evolution, it is scientific assumption.

The response to this relatively minor and eminently scientific move by the Kansas school board was shocking. The actions and intentions of the school board were routinely misrepresented in the global press. Many in the global scientific community, who presumably knew the facts, spread misinformation as to what happened in Kansas. College admissions boards, who most certainly knew the facts, threatened Kansas students. The State Chamber of Commerce and Industry, and the State universities were threatened based on the actions of school board. All of these effects caused by a school board trying to decipher between scientific fact and scientific assumption. The response to the actions of the board, appeared to many as a response to the commission of heresy.

For this reason, I am very pleased that my friend from Pennsylvania offered this amendment. He clarifies the opinion of the Senate that the debate of scientific fact versus scientific assumption is an important debate to embrace. I plan to support the amendment and urge my colleagues to join me.

Mr. REID. Mr. President, I ask unanimous consent that between the two votes, prior to the second vote in order, there be 2 minutes on each side for debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator from Pennsylvania yield back the remainder of his time?

Mr. SANTORUM. I do.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 799. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—8

Chafee
Cochran
Collins
DeWine
Enzi
Hagel
Stevens
Thompson

NOT VOTING—1

Dodd

The amendment (No. 799) was agreed to.

Mr. KENNEDY. I move to reconsider the vote by which the amendment was agreed to.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 798

Mr. KENNEDY. As I understand, we have 2 minutes on each side. There will be 2 minutes for the Senator from South Carolina and 2 minutes for the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, dear colleagues, the fundamental flaw is the approach that we do not, at the local level, have accountability, that we do not have testing. The truth is, and I have previously printed it in the RECORD, we have testing coming out of our ears: $422 million this year. We know what works.

I say, rather than go through a 7-year exercise at $7 billion, along with the bureaucracy from Washington, to develop what Washington thinks is the standard, what Washington thinks is quality, use that money to address local concerns, whether they be further testing or additional needs. We know what the needs are. Senators have stated them over 7 weeks: Curriculum, better teachers, more teachers, smaller class size, and on down the line.

This is, in a sense, revenue sharing with the same amount of money.

If Members believe in one size fits all, that Washington—and not the local folks—has the answers, if Members believe in unfunded mandates, if Members believe students should be tested on courses that they have yet to receive—Title I, Head Start, and the others—if Members believe we ought to institute this 7-year bureaucracy at a cost of $7 billion, vote against the amendment.

If Members believe in local control, and if Members believe they know what is best, and what schools in their states need is help for curriculum, for class size, and everything else, then vote with us. I don't see my distinguished colleague, Senator WELLSTONE, but I have his support, and I think I might be able to get the support of Senator KENNEDY.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, with all respect to my friend and colleague from South Carolina, I rise to oppose the amendment. This amendment, if passed, will cut out the heart of the bipartisan agreement on educational reform in this underlying bill. The heart of it is that we are going to demand results; we are going to ask for evidence that we can present to educators, to parents, indeed to students and public officials, that the vast amounts of money that we at the Federal level and those at the State and local level are investing in the education of our children is actually working. The important thing to say is that in the requirement that the underlying bipartisan agreement makes for testing of schoolchildren from grades 3–8, we set the rules, but we leave it to the States to determine the standards. It is the States that will decide each year what is adequate yearly progress. It is the States that will determine how well their students are doing. So this is a national set of rules, but it is the States that will decide how each of them goes forward in implementing the rules.

Second, we require an arcane term, but it means a lot, disaggregation of data, so that people in the State, in the local area, parents, can see how each group of children is doing so we will be sure in that evidence that we will not overlook the educational needs of the neediest of our children.

I ask my colleagues to oppose this amendment and thereby stand by the bipartisan agreement for educational reform.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 798. The yeas and nays have been ordered. The clerk will call the roll.

The assistant bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 78, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—22

Akaka
Boxer
Cantwell
Conrad
Corzine
Daschle
Dayton
Dodd
Durbin
Feingold
Harkin
Hollings
Inouye
Leahy
Levin
Murray
Nelson (NE)
Reed
Reid
Sarbanes
Stevens
Wellstone

NAYS—78

Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Nelson (FL)
Nickles
Roberts
Rockefeller
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

The amendment (No. 798) was rejected.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 420 TO AMENDMENT NO. 358

Mr. SPECTER. Madam President, I call up amendment No. 420.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 420.

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products)

On page 893, after line 14, add the following:

SEC. . EXEMPTION.

Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

"(6)(A) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for an individual who—

"(i) is under the age of 18 and over the age of 14, and

"(ii) by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade,

to be employed inside or outside places of business where machinery is used to process wood products.

"(B) The employment of an individual under subparagraph (A) shall be permitted—

"(i) if the individual is supervised by an adult relative of the individual or is supervised by an adult member of the same religious sect or division as the individual;

"(ii) if the individual does not operate or assist in the operation of power-driven woodworking machines;

"(iii) if the individual is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

"(iv) if the individual is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.".

Mr. SPECTER. Madam President, I seek recognition to discuss my amendment, which briefly stated, would simply permit Amish youths, aged 14 to 18, to be able to work in sawmills. The issue has arisen as to the safety of these sawmills. The Appropriations subcommittee which has jurisdiction over the Department of Labor which I had chaired held a hearing on this subject. It is appropriate and necessary that the full Committee on Health, Education, Labor, and Pensions have a hearing.

We have consulted with experts who have given us a formula to provide for what we think is the requisite safety. I have had a brief discussion with the Senator from Massachusetts about my withdrawing this amendment and having a hearing so that due consideration could be given to this issue by his committee.

This amendment is designed to permit certain youths—those exempt from attending school—between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced identical measures in the 105th and 106th Congresses. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House twice before. I am hopeful the Senate will also seriously consider this important issue.

As chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. In 1998, I toured an Amish sawmill in Lancaster County, PA, and had the opportunity to meet with some of my Amish constituency. In December 2000, Representative PITTS and I held a meeting in Gap, PA, with over 20 members of the Amish community to hear their concerns on this issue. Most recently, I chaired a hearing of the Labor, Health and Human Services and Education Appropriations Subcommittee to examine these issues.

At the hearing the Amish explained that while they once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland has disappeared in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth, upon the completion of their education at the age of 14, to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

Under my amendment, youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My amendment requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice has raised serious concerns under the establishment clause with the House legislation. The House measure conferred benefits only to a youth who is a "member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade." By conferring the "benefit" of working in a sawmill only the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to "irreligion." In drafting my amendment, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who "are exempted from compulsory education laws after the eighth grade." Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin versus Yoder supports my bill. In Yoder, the Court held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the free exercise clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade "contravenes the basic religious tenets and practices of the Amish faith." I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

This is a matter of great importance and I urge my colleagues to work with me to provide relief for the Amish community.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the Senator is correct. The Senator has spoken to me about this issue. It is a very important issue because it does involve children and involves a dangerous industry. But there are other factors to be considered.

The Senator has given us some recommendations from very noteworthy OSHA experts who believe a way can be found to ensure the safety of these children and also achieve the objective. I think it would be valuable to have that in an open hearing, and we will do so in our Labor Committee and give due notice to the Senator when that hearing will be held, and welcome any of the people from whom he thinks it would be useful for us to hear.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my colleague from Massachusetts.

I just add one note. There are very serious issues of religious freedom involved here with the Amish having the right under the Constitution not to have education beyond the age of 14, and those will be considered in due course.

Let me thank my distinguished colleague from Louisiana for yielding so that we could have this brief colloquy.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We will have a very brief quorum call. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 420 WITHDRAWN

Mr. SPECTER. Madam President, in the last colloquy I stated my intention to withdraw the amendment. I did not use the magic words, which I now use. I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SPECTER. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I ask unanimous consent that upon the disposition of the Dodd amendment No. 382, the Senator from Nebraska, Mr. NELSON, be recognized to call up amendment No. 533; that there be 5 minutes for debate on the amendment equally divided in the usual form; that upon the use of the time, the amendment be agreed to and the motion to reconsider be laid upon the table with no second-degree amendment in order thereto.

Further, that upon the disposition of amendment No. 533, Senator KERRY be recognized to call up amendments Nos. 423 and 455, that there be 40 minutes total for debate on the two amendments with time divided as follows: 10 minutes each, Senators KERRY, SMITH of Oregon, KENNEDY, and GREGG, with no second-degree amendments; that upon the use or yielding back of time, the amendments be agreed to and the motions to reconsider be laid upon the table.

Provided further that, upon the disposition of the Kerry/Smith amendments, the Senate resume consideration of the Cantwell amendment No. 630, as modified, with a total of 15 minutes for debate divided as follows: 5 minutes each, Senators CANTWELL, KENNEDY, and GREGG; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the Cantwell amendment, with no second-degree amendment in order thereto, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Louisiana is recognized to call up amendment No. 474 on which there will be 30 minutes equally divided in the usual form.

AMENDMENT NO. 474 TO AMENDMENT NO. 358

Ms. LANDRIEU. Madam President, I call up amendment No. 474.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes amendment numbered 474.

Ms. LANDRIEU. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve the formulas for teacher quality grants)

Beginning on page 312, strike line 18 and all that follows through page 313, line 4, and insert the following:

"(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 65 percent of the

On page 320, strike lines 16 through 26 and insert the following:

"(1) an amount that bears the same relationship to 20 percent of the total amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

"(2) an amount that bears the same relationship to 80 percent of the total amount as the num-".

Ms. LANDRIEU. Madam President, the amendment that I offer today is similar in some ways to the amendment I offered and we adopted 2 days ago. With an overwhelming and bipartisan show of support, we again made a commitment to better target the somewhat scarce education resources offered by the Federal Government under this bill—I use the word scarce judiciously; to some it is an awful lot of money, but to others, relative to what we need, it is not enough towards the communities with the greatest need.

Whatever moneys we are able to place, I believe, and many of my colleagues on the Republican and Democratic side and, to his credit, President Bush must be targeted toward helping the children and the schools that need the most help. Particularly when, as Senator KENNEDY has so eloquently expressed many times on the floor, this is really a new day for education from the Federal Government. We are initiating sweeping reforms, not mandating local governments but supporting them in their efforts to reform their schools, to increase standards, to implement accountability. We must work with the states and locals in partnership, to help fulfill our promise to leave no child behind.

This amendment would target more tightly title II dollars. On Monday, 57 Members of this body helped us to target the title I dollars, the largest title of the elementary and secondary education bill. There are seven general titles in the BEST bill. Title I has always been the largest Federal title. Some would argue the most important. Yet, when you are talking about providing an quality education, it is hard to argue that a Title which is focused on quality teachers is any less important. In my mind and in the minds of many in the Senate, there really is no more important element of an education than a good, qualified teacher.

William Arthur Ward once said: The mediocre teacher tells; the good teacher explains. The superior teacher demonstrates; the great teacher inspires.

We need a lot more great teachers in America. We have many, but we need more. No doubt there is a crisis in our Nation today. From the East Coast to the West Coast, from the North to the South, from California, to Louisiana, to New Hampshire, to Illinois, communities are faced with a struggle to find qualified people to teach their children.

Every major newspaper and magazine in our Nation has covered this story—not on the back page, not on the middle page, but on the cover page. Here is an excerpt from Newsweek published earlier this fall. "Who Will Teach Our Kids?" That is the question parents are asking. "What Schools And Parents Can Do. Half Of All Teachers Will Retire By The Year 2010."

The picture is of a child waiting for a teacher and these subtitles only scratch the surface of the real crisis facing us today. Let me read briefly from a story that says "Teachers Wanted." I noticed this because Frank, my husband, and I have our 9-year-old Connor in school here. He finished third grade this year. One of the joys of my day is to know every day that Connor is in a school with a wonderful teacher—Holly Garland, and that he is being well educated in a school that is safe. I can come to work in the Senate and do my job. My husband can go do his job because we have that security.

But that is not the case of a family from Georgia. Their names are Jill and Larry Jackson of Conyers, GA. The article says:

It should have been a season of hopeful beginnings, but for Jill and Larry Jackson of Conyers, Ga., the opening of school this fall has meant only anger and frustration. Their 11-year-old son, Nicholas—

Only 2 years older than Connor—

is in a sixth-grade special-ed class taught by an assistant and a substitute. The regular teacher quit after three weeks of school, and the class of 13 is out of control. "We can move Nicholas to a special-ed class in another school that has just five kids," says

> Jill, "but the teacher is leaving in December. I phoned the district, and they told me that they have five special-ed positions to fill. And I asked them if they think they'll have a certified special-ed teacher in that class by December, and they said: 'That's the least of our problems right now.'"

Jill, the mother, much as I am with my children, said: "Well, it's the biggest problem in my life right now."

To millions of parents, from Massachusetts to New Hampshire to Louisiana to Mississippi, the biggest problem in their lives is their kids, 90 percent of whom are in the public schools of this Nation. They send them to schools and classrooms without certified teachers, without any teachers, with substitute teachers, teachers who come in and out of the classroom every few weeks. How is it possible for a child to begin to learn when the teacher doesn't even know a child's name? This is a parent's worst nightmare.

My amendment does not attempt to fix this terrible situation because I am not certain any amendment could actually deal with a problem this large. It is so large and so tough. What my amendment does is say, we know we have a problem; we need to set goals and strategies for fixing that problem; and most importantly, we must provide the resources to address the problem.

In short, my amendment attempts to move what money we have into the areas and to the schools that need the most help. This bill requires that all schools with 50% or more of their children in poverty must have all highly qualified teachers by 2005. What would that mean to states?

Let me cite some statistics that were actually shocking to me, and hopefully they will be to the Members of the Senate. Let me start with some examples of some States right now that are in pretty good shape. I will cite three or four.

Connecticut has a total of 1,069 schools. Yet only 189 of those schools are 50 percent poverty. So out of over 1,000 schools, they have fewer than 200 schools in the whole State that have 50 percent of poverty or more. To meet the requirements under this bill, 6,670 in Connecticut's poorest schools would have to be highly qualified by 2005. That is a manageable amount. Connecticut is in pretty good shape because under the bill, it is going to have to make sure that these 189 schools have the resources to meet this requirement. Based on what I know about the resources in Connecticut and the great work of Senator DODD and Senator LIEBERMAN and other elected officials in that State, I have no doubt that with the extra muscle they can probably manage to find 6,000 highly qualified teachers in 3 years.

Let me share the good news about another State, New Hampshire. It has 516 schools. Only 7 in the whole State of New Hampshire—it is a small State—have a poverty rate of 50 percent. That means that they have three years to make sure that the 103 teachers who currently teach in those schools are highly qualified. Again, I am confident that with the good work of the Senators here from New Hampshire and their Governor, Jean Shaheen, and their elected officials , they can find the 103 teachers qualified, get them in those classrooms, and meet the goals of this bill.

Let me give you one other example of a State in pretty good shape. It is a larger State, and people might not expect that a large State such as New Jersey would be in good shape, but they are. They have 2,317 schools. Only 400 of those schools have 50 percent poverty rates or greater. They must ensure that 16,000 teachers are highly qualified. Sixteen thousand is a lot, but New Jersey is a big State with a lot of resources. There is substantial wealth in New Jersey. Lots of corporations are there. Their property taxes are pretty high. If they would distribute them a little more evenly, which they are probably in the process of doing, they can perhaps find 16,000 teachers in 3 years.

Let me tell you a sad story. Let me talk to you about 3 States. As you may expect, one of them is Louisiana. One of them is Mississippi. And the third is Texas. Let me talk about Louisiana for just a minute. We have—Senator BREAUX and I—in our State 1,500 schools. Of the 1,500 schools, 1,013 have more than 50 percent of the children in those schools in poverty. Let me repeat that. We have 1,500 schools in Louisiana. Out of that number, we have 1,013 schools that have 50 percent of poverty, or higher. That means we would have to find 30,000 highly qualified teachers for these classrooms. There are only 49,000 full time teachers in the whole state, so we would have 3 years to make sure that 3 out of every 5 teachers meet the qualification requirements outlined in this bill. I don't know how, if we worked 24 hours a day, 7 days a week, between now and the deadline which is in this bill, with the limited resources we have, if we could meet that deadline.

Let me go into a little bit more detail about Louisiana. I want to show you what the challenge is. I think Senator KENNEDY and Senator GREGG, who are very knowledgeable about this, must certainly understand this challenge.

In Louisiana, every year we have 8,000 students enrolled in colleges and universities. The students who graduate are 1,600 every year. We will lose 160 in the test because the tests for teachers will weed out some who are not ready and qualified. That is most important. So we will graduate with degrees 1,440. These are last year's statistics. And 33 percent of these, which the taxpayers in Louisiana paid taxes—income taxes, sales taxes, fees, license taxes—to educate will leave our State. For the most part, they will leave Louisiana because almost every State around us has higher salaries. So we will lose 33 percent of those teachers who come out, leaving us basically with 964 teachers. These teachers will start, and in 5 years 30 percent of them will leave the system, leaving us—out of this graduating class of 1,600—675.

This is not right. This is not efficient. This is a waste of taxpayer dollars. Most important, it is what is contributing to the crisis of us trying to get good teachers in our classrooms.

Now a lot of things can be done.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator from Louisiana has expired.

Ms. LANDRIEU. Mr. President, I yield myself 10 minutes to complete. I ask unanimous consent that I may do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. I appreciate the extra time.

What's more, 66% of the teachers in Louisiana have bachelors degrees. Only 13 of our teachers were Nationally Board Certified in the year 2000. And over 15% of those teaching in our state have not successfully completed their certification.

This is true of Louisiana, but it is going to be true in almost every State you look at. The numbers of people choosing to teach are just not there to meet the requirements. So lots of things can be done. This bill encourages alternative certification, being creative, getting retirees who have had a successful first career into the schools. For instance, a great program Troops to Teachers, which uses our military to fill these slots. We can no longer rely on 18-, 19-, 20-year-olds. We must broaden our thinking.

There are positive things that can be done, and there are success stories, but they are not free. I contend today, and I will continue to fight in this debate, that there are simply not enough resources at the local and Federal levels to meet the new demands of this bill and to give a promise to our parents and students that they will be taught by a qualified, good teacher.

Let me share some facts about Mississippi. Mississippi is a State that is in a very tough situation. Mississippi has 874 schools. Of the 874 schools, 700 have 50 percent of poverty—students from households represented by an income that hits the poverty level. They need 23,274 highly qualified teachers. Under this bill, they are going to have 3 years to find 23,274 teachers.

Mississippi and Louisiana need help. That is what this amendment is about. It is about saying whatever dollars we can muster, whatever we can scratch out of this budget to make an investment in this Nation's future and our kids, let's get it to the States and the children who have been without qualified teachers for too long. We have examples throughout our history of that special teacher with that special touch who can work miracles for a child, any child, regardless of their race or family income. Let's help get teachers to Louisiana and Mississippi.

Let me end with Texas. Texas is a big State, and they have a big problem because they have 7,228 schools.

Of those schools, 3,190 have student populations with 50 percent of poverty or more. They need a whopping 107,779 qualified teachers in 3 years.

Louisiana, Texas, and Mississippi are examples of States that do not have the same resources other States might have, particularly Mississippi and Louisiana.

This amendment is an attempt to bring the resources that will support this reform, that will help meet the goals of this new education bill to the States and to the areas that could use the most help.

Some people on the other side have said this is a local issue. This might be where the local issue in terms of decisions are made, but if this Federal Government does not step up to the plate and provide some additional resources to help parishes in Louisiana, such as Red River, Orleans Parish, St. Martin Parish, and Iberia Parish and even Jefferson Parish, they cannot reach their full potential. If we do not step up to the plate, they will never be able to find the thousands of qualified teachers with creativity, with a new approach to education because there are so many barriers.

I thank my colleagues for their attention to the issue of targeting federal resources to our areas of greatest need. It is a very important and fundamental principle of this bill. We have set new high standards. We have left the control at the local level. We have given local governments, as you did, Mr. President, when you were Governor of your wonderful State of Delaware, more resources with which to work, but those resources are not adequate.

I hope as this moves forward that we can increase our investment in our children's education so that the family I referred to in Georgia or my family or any other family does not have to live through the nightmare of having high hopes for a child, sending them off to school only to be in a classroom out of control because we have not provided the resources and the parameters necessary to succeed.

Today, research is confirming what common sense has suggested all along. A skilled and knowledgeable teacher can make an enormous difference in how well students learn. Is the home environment important? Absolutely. Can children learn without their parents or a parent or a grandparent or a guardian encouraging them? No. But can a good teacher make a difference? Absolutely.

Again to quote:

> The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. But the great teacher inspires.

We have a nation that was built on hope and inspiration. Our Nation was founded on the belief that tomorrow could be a better day; that men and women would live in liberty and that value is taught through our school system. If we do not commit the resources to help our teachers do the job, if we do not find ways to get more and better teachers in the classroom, we have not only failed our schools, we have failed our country.

I am pleased to say I understand it is going to be accepted. Again, I wish it was broader in its scope because we need to do more, but this amendment targeting our resources will help. I will be back many times to speak about this subject. I thank you, and I believe my time has expired.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. I believe I have time, do I not?

The PRESIDING OFFICER. Apparently those opposing the amendment have time.

Mr. KENNEDY. I ask unanimous consent to proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank Senator LANDRIEU from Louisiana for this amendment. As she has mentioned, this is completely consistent with her previous amendment, which was overwhelmingly accepted, in that it provides greater targeted resources for teachers.

For my money, the most important ingredient in the educational process is having a well-trained teacher in the classroom. There are other components, but this is absolutely essential.

The greatest challenge we face is the neediest and the poorest schools where we need the best teachers have the most unqualified teachers. The amendment of the Senator from Louisiana sharpens the direction of this legislation to ensure, to the extent we can, we get well-qualified teachers to teach the neediest students. It is a very important amendment, and it is a very useful and helpful amendment. I urge the Senate to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Tennessee seek recognition?

Mr. FRIST. I yield back the remainder of our time, and we can have a voice vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 474.

The amendment (No. 474) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. I thank the Senator.

Mr. FRIST. I understand we will now proceed to the Dodd amendment, and that we will have 2 hours equally divided.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 382 TO AMENDMENT NO. 358

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, is recognized to call up amendment No. 382 on which there will be 2 hours of debate equally divided.

Mr. DODD. I ask that the Chair notify me when 15 minutes of my time have expired. I will then ask unanimous consent that the Senator from Tennessee, Mr. FRIST, be recognized for 15 minutes, and at the expiration of his 15 minutes, I be rerecognized to complete my opening statement.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. DODD. I thank the Chair.

Mr. President, I thank my good friend and colleague from Massachusetts, Senator KENNEDY, the chairman of the committee; Senator GREGG, and other Members, my friend from Tennessee with whom I have worked on many issues and for whom I have the highest regard and respect. I appreciate their efforts. I have enjoyed working with them on the Elementary and Secondary Education Act.

This is not a surprise amendment. My colleagues have known for some time I have been deeply interested in afterschool programs. Going back, in fact, I offered some of the earliest amendments to support afterschool programs as the chairman of the Subcommittee on Children and Families, and then as the ranking member, working very closely with my good friend and colleague from Vermont, Senator JEFFORDS, and Senator BARBARA BOXER from California has been very interested in afterschool programs. Most Senators have been interested in afterschool programs.

Afterschool programs—in a sense, I am preaching to the choir addressing the Presiding Officer as a former Governor of the State of Delaware. He understands the tremendous value of having good, strong afterschool programs and how important they are. In a sense, I am offering this amendment not just on my behalf and those who support this, but I do so on behalf of Fight Crime Invest in Kids, which represents a thousand police chiefs, sheriffs, prosecutors, leaders, police organizations, crime survivors; on behalf of the YMCA and YWCA, which are the largest afterschool providers in the United States—literally there are some 2,500 YMCA and YWCA programs that provide afterschool programs—National PTA, National Network for Youth, Afterschool Alliance, National Community Education Association. I will provide a list.

I ask unanimous consent that the long list of education groups, police groups, prosecutors, and others supporting this amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Fight Crime Invest in KIDS
YMCA
NABYC
National PTA
National Network for Youth
Afterschool Alliance
National Community Education Association
National Education Association
School Social Work Association of America
National Association of School Psychologists
Council for Exceptional Children
National Association of Social Workers
Association for Career and Technical Education
American Counseling Association
American Federation of Teachers
National Alliance of Black School Educators
American Association of University Women

Mr. DODD. Mr. President, their endorsement is not fainthearted. They believe this may be the single most important issue of the Elementary and Secondary Education Act. Because we are leaving out under the pilot program—and I want to make this argument so people can understand it; this bill can get a little confusing with all the various pieces of it.

One of the major pieces of this bill is called the Straight A's Program which is called a pilot program.

When we think of pilot programs or demonstration programs, our mind immediately draws on a number that represents a relatively small fraction of the larger group. It will be a pilot program or a demonstration program. Certainly, this program, when it was announced, sounded relatively small. It is a pilot program that would be in 7 States out of 50, in 25 school districts. That sounds pretty small. One cannot imagine that being any great threat as a pilot program. I am not sure whether it is a pilot program for 1 year, 4 years, 5 years, or 7 years.

This bill is a 7-year bill. I am not sure how long the pilot programs on the grants are supposed to run during the life of this bill. That is rather vague in the underlying bill. It could end up being 14 States or 21 States over the 7-year life of the bill, or is it just 7 States in 7 years? I am not sure of the answer.

In seven States and 25 districts, exclude the 25 districts, I can get you to 44 percent of the entire student population of the United States. If this pilot program that is going to be awarded by the Secretary of Education goes to the 7 largest States and the 25 largest school districts in America, you are at 51 percent of the entire student population of the United States—hardly a pilot program or a demonstration program. I don't think it is a leap of faith to suggest that may be the case.

I expect every State in the United States to apply for the Straight A's Program. Why? Because it eliminates all the categorical programs. It says to the States, you can basically do anything you want with this money. It says you have to serve the neediest kids, but we know under title I how broad a definition that is already under law for 36 years. I cannot imagine a jurisdiction not saying: I would like one of those; I will take Federal money without any strings attached. It is not any great leap of logic to assume that all 50 States and virtually every school district will probably apply for the Straight A's Program.

I don't think it is any great leap if, in fact, you believe this program ought to be national policy and not a pilot program—which is the view of the administration; they only call it a pilot program for the purpose of this bill because if they said they want this to be the national program, there would be a lot of resistance to it. If they call it a pilot program, a lot of people are willing to say they will try a pilot program.

The fact is, this could affect a lot of children for a long time. Seven years may not seem like much in the life of a bill in Congress, but if you have a child in kindergarten, the first grade, the second or third grade, that is the entire elementary education your child will get. So afterschool—I will get to the particular program—is important. This could affect a lot of children. It is why the YMCAs, it is why police chiefs, it is why all the other organizations are concerned about this: because of the potential exposure it could mean to an awful lot of children around the country.

There are reasons why this particular program is important. Let me explain it in context. What happens under the Straight A's Program, all of a sudden community-based, local-based grant applications get eliminated in these 7 States and 25 districts. It would now come from the State education authority or the Governor as to whether or not there would be an afterschool program. This is why people are concerned. We are moving away from local decisionmaking. We are saying in these States: You are out. That YMCA, the community-based organization, and some of the church-based organizations, you are out. It depends on what happens at the State level. They watch the program grow because of the value. There has never been, in the history of the Department of Education, a grant program that has been sought after as much as this grant.

Let me demonstrate the point with this chart. In this year alone there have been 2,762 grant applications. Of that nearly 3,000, only 300 will be funded under existing resources. There have been an average of 2,000 applications a year since the program started, and the numbers are going up. So we are looking at a tremendously popular program. People see afterschool care as critically important primarily to the safety of their children. There is an academic achievement element to this, but it is primarily an issue of safety. In the history of the Department this has been the most sought after grant of any in the United States. That is how popular it is with people all across the country.

We increased the funding for this over the years, but not very much. According to the most recent Mott/J.C. Penney poll, nearly two-thirds of voters report difficulty funding quality, affordable afterschool programs. The Census Bureau reports that nearly 7 million children between the ages of 5 and 14 go home alone unsupervised each week.

Let me show a graph with the number of children, showing the growing numbers of grade-school-age children in self-care in the United States: 2 percent of 5-year-olds have no afterschool care and are home alone; 3 percent of 6-year-olds; 4 percent of 8-year-olds; and 11-year-olds—these are children, not teenagers—10- and 11-year-olds, 1 in every 4 is home alone.

The second chart points out what police chiefs say about the program, and why dumping it into a block grant and eliminating community organizations from asking for help is wrongheaded. Police chiefs were asked in a survey: Which of these strategies do police chiefs choose as the most effective for reducing youth violence in the country? "Afterschool," almost 70 percent chose that. Then it drops way down for "try juveniles as adults," "hire more police," with "metal detectors" at 1 percent. Is there any doubt where those people, who deal with these issues every day believe this program has value? Is there any doubt whether or not it ought to be taken out of this block grant and left to local community organizations such as the YMCAs, such as our community organizations that find these programs worthwhile, to apply for these dollars?

I can only, with the money, grant 300 out of almost 3,000 a year that apply. But eliminate this, and these 7 States and 25 districts for 7 years, left totally to the discretion of a State agency or a Governor, may cut a lot of these programs. Why? Because a lot of the kids come from some of the poorest rural and urban districts and don't have the local clout to be applying for this assistance and carrying it off.

This is very important. If you talk about basic safety, it is critical. Again, listening to me is one thing, but listen to people who work every day in this area. They are the ones behind this.

Listen to the police chiefs across the country. Let me read their letter:

> As an organization led by more than 1,000 police chiefs, sheriffs, prosecutors, leaders of police organizations, and crime survivors, we urge you to support a Senate floor amendment to S. 1 to remove 21st Century Community Learning Centers (21st CCLC) from the Straight A's Block Grant.
>
> We are concerned that if 21st CCLC is folded into a block grant with many other educational programs the investment that the Federal government has finally begun to make in expanding after-school programs will wither. After-school programs are different than many of the other programs included in the block grant. They support and enhance academic performance but they are not necessarily direct academic programs. Therefore, in a block grant where the accountability provisions measure only academic performance, after-school programs will likely lose out to regular school-day academic programs.
>
> In addition, as law enforcement leaders and crime survivors we feel strongly that one of the most important aspects of afterschool programs is the crime-prevention impact. The Straight A's block grant accountability provisions do not measure crime-prevention outcomes and therefore do not completely recognize the unique nature and importance of after-school programs such as 21st CCLC.
>
> In the hour after the school bell rings, violent juvenile crime soars and the prime time for juvenile crime begins. The peak hours for such crime are from 3:00 to 6:00 p.m. These are also the hours when children are most likely to become victims of crime, be in an automobile accident, have sex, smoke, drink alcohol, or use drugs.
>
> After-school programs that connect children to caring adults and provide constructive activities during these critical hours are among our most powerful tools for preventing violent juvenile crime. For example, in a five-city study, half of a group of at-risk high-school kids were randomly assigned to participate in the Quantum Opportunities after-school program. The boys left out of that program had six times more criminal convictions in their high-school years than the boys who attended the after-school program.
>
> Yet roughly 11 million children go home from school regularly to an empty house. With such a large unmet need, now is the time to be strengthening the Federal government's commitment to after-school programs, not weakening it.

That is 1,000 police chiefs talking about this. Forget about the Senator from Connecticut talking; will we listen to the people who work on these issues every day?

Let me read a letter from the YMCA. This is the largest program, celebrating its 150th year of existence this year. These people know what they are talking about. These are some of the best programs in the country.

This is a letter from Ken Gladish, national executive director:

> A recent survey conducted for the YMCA of the USA shows how important afterschool programs are. Among other findings, the survey showed that young people who do not participate in afterschool programs are five times more likely to be D students, twice as likely to get into a fight at school and far more likely to skip a day of school than youth engaged in stimulating, productive activities in the hours after school. According to census figures, more than seven million school-age children are left home alone and on the streets, unsupervised after school. This is far too many of our youth to place in danger of academic failure and much worse.
>
> As the largest private provider of afterschool programs in the country, YMCAs have 150 years of experience providing programs to young people during non-school hours. More than 2,500 YMCAs serve over 9 million children and youth in over 10,000 communities through partnerships with schools, businesses, police, juvenile courts and housing authorities. Many other community-based organizations in this country also have decades of experience operating quality afterschool programs, and Congress is making the 21st Century program better by making sure funding is available for programs operated by these organizations. However, by not requiring the Straight A's states to spend this money on afterschool programs and to make it available to community organizations, Congress will effectively and dramatically limit the overall positive impact afterschool programs can have on local communities.

I ask unanimous consent the full text of this letter be printed in the RECORD.

Thee being no objection, the letter was ordered to be printed in the RECORD, as follows:

> YMCA OF THE USA,
> *Washington, DC, May 4, 2001.*
>
> Hon. CHRIS DODD,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR DODD: On behalf of the YMCA of the USA, I would like to thank you for offering your amendment to the reauthorization of the Elementary and Secondary Education Act to remove the 21st Century Community Learning Centers program from the "Straight As" demonstration provision. Dedicated funding for afterschool programs and the ability of community-based organizations to compete fairly for this funding would be severely restricted without passage of your amendment.
>
> A recent survey conducted for the YMCA of the USA shows how important afterschool programs are. Among other findings, the survey showed that young people who do not participate in afterschool programs are five times more likely to be D students, twice as likely to get into a fight at school and far more likely to skip a day of school than youth engaged in stimulating, productive activities in the hours after school. According to census figures, more than seven million school-age children are left home alone and on the streets, unsupervised after school. This is far too many of our youth to place in danger of academic failure and much worse.
>
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>
> As we celebrate our 150th anniversary in the United States in 2001, YMCAs remain committed to doing what it takes to build strong kids, strong families and strong communities. Thank you for your efforts to increase opportunities for all our kids.
>
> Sincerely,
>
> KENNETH L. GLADISH, Ph.D.,
> *National Executive Director.*

Mr. DODD. Can there be any more eloquent argument that whatever else we do with Straight A's and academic performance, we should not take a program for which there is such need in this country, where the overwhelming evidence is that police officers and people who provide afterschool programs are begging us not to jeopardize the millions of kids who could be in a pilot program affecting literally millions of children—we should not exclude this valuable tool for keeping kids safe and providing some safe harbor for them in the afterschool hours.

With that, I promised my good friend from Tennessee, because of other obligations he has, to provide him with whatever time I have remaining to respond to these eloquent, persuasive arguments—maybe he will endorse the amendment at this point—and then I have unanimous consent to reclaim my time.

Mr. FRIST. I appreciate the Senator from Connecticut outlining the debate in which we will be engaged for the next 2 hours. He raised many important points.

I do rise in opposition to the Dodd amendment. Over the next 13 or 14 minutes, I hope to explain to my colleagues why I am opposed to this amendment. I will address two issues. No. 1, I will address problems with the substance of the amendment itself and its impact on the underlying bill. No. 2, I hope to reveal how this particular amendment, in stripping out part of the bipartisan education bill, violates the principles behind this bipartisan agreement. I mention this right upfront because if this amendment were agreed to, it would potentially threaten the entire education bill.

Most important, in response to the eloquent words of the Senator from Connecticut, we should focus on the substance of the amendment itself. First of all, you will hear several terms. One is "Straight A's"; one is "21st Century School." Let me back up a little bit and paint the big picture.

"Straight A's" is the title that is given for the program entitled Academic Achievement for All. This is a program that is a part of the underlying bill. It functions as a pilot program. Its purpose is to demonstrate, not on a nationwide scale, but for up to 7 States and 25 districts which can apply to qualify for this pilot program. The reason the program itself is so important to our side of the aisle is that it does crystallize and underscore the important principle of flexibility and—and this is where I disagree with my colleague—local control. Local control is coupled with higher standards of accountability.

The BEST bill requires all students meet standards of achievement. However, if you participate in this voluntary pilot program, you are given greater flexibility to make decisions at the local level, and you will be required to deliver higher standards than are required in the underlying bill.

Again, I mention it because people think this is a block grant with no strings attached, and that is simply not true. The strings are attached in the form of high academic standards and accountability. If you don't meet the standards, you cannot participate; again, if you don't qualify in the evaluations that are built into the underlying bill, your privileges of flexibility are taken away.

What funding are we talking about? We are not talking about enormous Federal block grants which are taken from education funding. Many are concerned about the approximately $8 billion title I funds that are aimed at disadvantaged children. No, we are talking about the other programs, non-title I funds. I do not want people to misunderstand where these funds will come from. I can't emphasize this enough.

After a lot of negotiation with the White House, with the Democrats, with the Republicans, we brought everyone to the table, and we agreed on certain programs. That is why Straight A's is in the underlying bill. But this amendment is trying to strip it out. We agreed to choose those categorical programs which conform to the ideas in the underlying bill: Increased flexibility and strong accountability. The pilot program links greater flexibility to accountability for higher student achievement. Not all 18 categorical programs incorporate these two components. However, I believe about 9 do. Nine categorical programs have been included, one of which is the 21st Century program. This is an afterschool program. It is a program which I believe, as the Senator from Connecticut does, is a very positive, important program which is integral to strengthening the entire underlying education bill.

The program may be worthwhile. I am not going to argue that it is not, because the program is a worthwhile program. I will argue, however, that there are situations where local districts should be able to use that money for afterschool programs, or for more tutoring, or for more teachers, or for class size reduction, or for teacher training, or for school construction. They ought to have the freedom to choose how best to use those funds, and this pilot program gives local and State officials the authority to do this.

It captures innovation through increased accountability with local control. Those concepts are terribly important to the Republicans.

We started negotiating with all 50 States to agree to more flexibility if they guarantee high accountability. But, in the negotiations, it went from 50 States to 40, to 30, to 20, to 10 and now we are down to 7 States. Indeed, we had 9 categorical programs with title 1 funds. We started with many more. But after negotiations with the White House, Democrats and Republicans, we narrowed it down 9 programs which made sense to be a part of this consolidation as we go forward.

Clearly, President Bush feels strongly about flexibility and local control. It is part of his larger agenda. And so much of the underlying bill itself has moved away from the flexibility that I and many others had hoped would be in this bill. This is the only thing left in this overall education bill that really captures high accountability, maximum flexibility, and local control.

It is important for our colleagues to understand that negotiations and compromise brought us to the point where we agreed in a bipartisan way to narrow the scope of this program from 50 to 7 States. We also included fewer categorical programs to raise the academic standards. It was a bipartisan compromise. Therefore, I have to mention that if this amendment passes, it will strip away the heart and soul of Straight A's, which is in the underlying bill. In fact, it jeopardizes the entire education bill.

Let me elaborate on flexibility. Seven States will participate. They can still have the Safe School Programs, but they will make that decision for themselves. We allow for diversity at the local level. One district might take a lot of steps toward an afterschool program. In another district, they may already have an afterschool program funded in some other way. They may want to use those funds for more teachers or improving technology or for more computers in classrooms. All of these initiatives can improve education, but only the local schools know which programs will most effectively improve education. Again, this can only be done when they are given maximum flexibility and local control.

What does the Dodd amendment do? It destroys the program. The Dodd amendment destroys the pilot program because it takes away from the overall funding that is available. If a State is accepted into the program, the Dodd amendment takes away about 40 percent of that funding, leaving only about 60 percent of the funding for flexibility programs.

We know, based on the negotiations with States and districts, that if the Straight A's program only provided the little amount of funding which the Dodd amendment allows for, it wouldn't be worthwhile for a State or a district to participate.

This amendment takes 40 percent of the funding out of a very important program that we negotiated through compromise. We simply cannot strip more out of it because nobody will take advantage of it. It destroys Straight A's. It destroys what is left in the education bill that we feel strongly about, and that the President of the United States feels strongly about. It is one of the few things left in the bill that captures innovation, captures creativity, and focuses on local decisionmaking coupled with high standards of accountability.

There were several questions that the Senator from Connecticut brought up. I will go through them again.

He mentioned the pilot program which requires a review of the State's performance. If a State fails to meet what is agreed to in terms of the average yearly program for 2 years, or if the State fails to exceed the average yearly process for 3 years, the agreement is terminated right then.

He mentioned that the Straight A's program will eliminate all of the categorically targeted programs. It does not eliminate all of them. I think as we observe which programs local schools choose, we will understand which programs are most effective and more frequently implemented, but it doesn't eliminate all of them.

I started with 50 States. That is where we were. That is what our Republican caucus wants. We don't want to impose the program on any State, but if a State wants more flexibility in exchange for higher standards, they should be able to choose this path. We whittled it down from 50 to 7 states, but we just can't take away anymore and still have an effective program. I hope as many States as possible will take advantage of this program.

The Senator from Connecticut made a point about losing local control. This is an important principle because larger principle behind this program is: local people can make better decisions. They will make better decisions, if they are held accountable to improve education.

That is what this elementary and secondary education bill is all about—reauthorization of education for those children. Local districts get the same amount of funds, but they decide what their priorities are. This includes afterschool programs; we are not taking that away. They get the exact same amount of money. But they can decide where to spend the funds. Maybe in rural Tennessee all of the kids are out playing football in the afternoon and don't need an afterschool program.

Under our plan, they can take that same amount of money and put it in tutoring for those students who are not doing as well academically. Today, they don't have that flexibility. The money has to go straight into the 21st century afterschool program whether they want it to or not.

The Senator from Connecticut said the programs would eliminate afterschool programs. We don't eliminate them. We believe that local districts should use that money for afterschool programs, if they like, or for teachers, or for technology, or for tutoring, or for textbooks.

Are there strings attached? Absolutely. This is not a block grant program where they can take the money and use it however they want. Again, this is not a block grant.

That is why, again, it came from the negotiations. We put the standards pretty high in the underlying bill—but raised them even higher for the straight A's program. These are the highest standards anywhere in the bill. If a district participates, they will operate under higher standards, or they will not qualify to continue to participate in the program.

We do not eliminate all categorical grant programs. For example, we didn't touch the reading program. We didn't touch homeless or Indian or emigrants or vocational education. Are all categorical grant programs within bipartisan negotiations? Yes, it was narrowed down 17 to 9.

I will close. Again, I appreciate the Senator from Connecticut allowing me the opportunity to respond to some of the points he made. I appreciate the support of my colleagues on this bill. I hope to be able to speak a little bit later this afternoon.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I appreciate the comments made by my friend from Tennessee.

I am unclear—I don't expect this to be resolved in this amendment—as to how long these actual block grant applications will be in existence. It is unclear in the bill. That is why I said it could be 7. It could be 14. It could be 21 States, if the grants are for shorter periods of time. That is an open-ended question.

But the important point I want to make and the distinction here is that the decisions within the State are not made locally. That is a big difference. They are made by the State education authority, or the Governor. We had that debate the other day as to who would dominate in that discussion.

But the idea that the local town or some community in Delaware or Connecticut can make the decision about an afterschool program is not the case. I wish it were. That decision, and whether or not you are going to get any afterschool programs, will be made by a higher authority. They are the ones who will make that decision.

Under the existing program, the town or the county can apply, and they can receive it or not. But it is a local decision. If you have football programs locally and you don't need it, you don't apply for it. There are many communities who need the help, so they apply directly. Some are not communities, they are community-based organizations, which are expanding tremendously. That is why YMCAs and other organizations, even some that involve churches and synagogues, are allowed to apply here, which does not mean the State has to make that decision.

So all I am saying under the Straight A's Program is, just on those afterschool programs, leave it to the local communities to decide whether or not they think afterschool programs are worthwhile. I do not believe that is that great a difficulty.

By the way, on the percentages taken out—this has been said over and over again—I asked the Congressional Research Service to give me their financial interpretation of what my afterschool program would mean in the context of the Straight A's Program. If you exclude title I, yes, my colleague from Tennessee is right, it is 40 percent. But I do not think you can pick and choose here.

Under all of the Straight A's Programs, the afterschool program amounts to 5.7 percent. That leaves roughly 94 percent of the dollars under Straight A's that is still there to do all the other things for academic performance.

So if you are going to define Straight A's as eliminating all non-title I funds, of course you get a higher percentage. But that is not what this is. Under Straight A's, it the entire pot of money, it is 5.7 percent, not 40 percent or 50 percent, as has been argued by some. So I make those two points particularly.

The rest, as my colleague has said very candidly, would like to have all 50 States under this, with no strings attached, to just go out and do what they want to do. That is why there is an Elementary and Secondary Education Act.

Why did the Federal Government, 36 years ago, pass this law? It passed the law because there was a growing concern that the neediest of children in the United States—28 million of them who grow up in poverty, and 12 million working families in poverty, and others—that there was a need to step in and try to do more to see to it that the neediest children would be served. That is why there is a Federal Elementary and Secondary Education Act, because there was a concern across the country that these neediest kids' needs were not being met.

Over the years, we have contributed about 6 cents. It has gone up from 4 cents to 6 cents of an education dollar; that is, 94 cents comes from the State and local property taxpayers, and 4 cents or 5 cents or 6 cents of the education dollar comes from the Federal Government.

So what we are trying to do in that 6 cents is just to make sure that in certain areas the neediest of our children are going to get served, not that we have a right to guarantee anyone's success. We do not. There is no obligation to say to Americans: You ought to count on your Government guaranteeing you success. That is out. What we try to do—all people at all levels in our society—is to create equal opportunity for people. That is the beauty of America. That has been such an attraction to people all over the globe and why people every morning get up around the world and line up around U.S. Embassies to try to come here, either as citizens or as green card holders.

There are a lot of reasons why they come, but I think the most important one is that this is a place of equal opportunity. We are not perfect. We have not arrived at perfection, but we try very hard to see to it that, regardless of where you come from, if you are a citizen of this country, regardless of ethnicity or background or religion, you have an equal opportunity to succeed. That is America. There is no guarantee of success, but an equal opportunity to succeed.

That is what this is all about. That is the beauty of America, more so than our wonderful natural landscape or the economic wealth of our country. As important as those things are, I have always believed that the great beauty of America, the great magic of it, is this notion of equal opportunity.

How equal can the opportunity be if your education isn't equal? I have told the story in this Chamber, when my great grandmother came to America, at age 14 or 15, with her husband—Thomas and Catherine Murphy—from the west coast of Ireland, she could not read or write. That was not uncommon for immigrants in the 19th century and early part of the 20th century. The first thing she did was she got herself elected to the Voluntown, CT, school board. She understood that education was going to be the key for the nine children she was about to have—my grandfather being the ninth—and that was the way you were going to get ahead. No guarantee of it, but if you had a decent education, you had an opportunity to get ahead.

We are at the beginning of the 21st century, not at the end of the 19th century, and I happen to believe that principle my great grandmother intuitively applied to her own family. It is something we ought to apply to all families. At least give people a good education in this country, a good starting block—that is what this is really all about—and see to it that kids can be safe.

As you can see from the chart, when you have between 7 million and 11 million children home alone—if you take 5-, 6-, and 7-year-olds, and you have 9 percent of 5-, 6-, and 7-year-olds alone for hours after school, and you have 10-, 11-, and 12-year-olds, where about 60 percent of those kids are home alone, you have a problem on your hands. You do not need a Ph.D. in child psychology to tell you that.

You ask any parent who is working what they worry about at 2 or 3 o'clock in the afternoon. Sometimes in rural communities—not so much today with cellular phones, but before the arrival of cellular phones, it was sometimes hard to get a call through because parents who were working were calling their houses at 2:30, 3, 3:30 to see whether or not their child was home safely.

There isn't a parent in America who does not worry about where their kids are when school lets out. That is why there are almost 3,000 applications for afterschool programs. That is why 1,000 police chiefs have begged us to adopt this amendment. Because they understand it as the most important issue when it comes to preventing crime and juvenile problems, and kids who become victims.

This isn't about liberals and conservatives, Republicans and Democrats. That is not what this is about. You go ahead and ask these people. Ask the YMCAs what party they belong to. Ask those 1,000 police chiefs what party they belong to. Ask crime survivors, are you a Democrat or Republican? That is not what they said in the letter. They said: We are people who know what we are talking about, and we think afterschool programs make sense.

Academic achievement is important. I have said I would support this pilot program. I have my concerns about it. I am not the first to admit that. But I am willing to try it, provided there is adequate funding. I doubt the funding may be there, but if the funding is there, let's try this over the next 7 years. If your child ends up in one these States and is a guinea pig for the next 7 years, that may be another matter. But that is not the case. So we will try the pilot program.

But why would you throw afterschool programs into the guinea pig area when we know it works? When every community in the country will tell you they need it? When you have people who have dedicated their lives to this, who understand it, why are you going to throw this into that situation where some State authority is going to decide whether some rural county or some urban community ought to have some money for after school? That is what this bill does. You take away local authority when it comes to applying for the grant applications. They have no authority to apply for them. It will be a decision made at the State level.

The local authority is gone. So that local YMCA, that local Boys Club or Girls Club out there, they will not have the right to apply to the Department of Education to ask for an afterschool program and assistance. They are going to have to rely on someone in their State capital to decide whether it is OK.

I say to the Presiding Officer, as a former Governor, you understand as well as anyone how difficult that can be. We all know it. It is hard to work the different battles that go on, and so forth. Sometimes it isn't just how this works. For the 3,000 who apply and the 300 who get some help—if you want to help them, increase the funding for it instead of throwing it into a block grant where it is a jump ball over whether or not this program is going to be funded.

We heard my colleague from Tennessee say this is a great program, the 21st Century Community Learning Centers. Everybody who stands up says this is a great program. Then why are you throwing it into a roulette wheel for the next 7 years to see whether or not communities might get some help? If it is such a great program, if the communities are telling us it is a great program—and I will repeat what I said at the outset, there has never been a grant program that has been sought after as widely in the history of the Department of Education as the 21st Century Community Learning Centers. We are about to take it and dump it into a Las Vegas environment where you are shooting craps on whether or not you may end up with a good afterschool program, despite the fact every organization you can think of that works in this area is asking us to do otherwise.

I am not suggesting that Straight A's eliminates all categorical programs. I realize that. There was some negotiation that went on, and so some made it, some didn't. I accept that. That is politics. That is how it works. Don't try to convince me it was done on the merits. It was done on who could get in the room, who couldn't, what deal was going on. Afterschool got left out. That is all.

I am here today to say: Look this does not directly relate to academic performance. It has some impact. As we heard, kids who are in afterschool programs do better academically. Those who are not do worse. A lot of other things happen to them.

Academic performance is very important. I don't question that at all. But it is not the most important or the only thing. There are other things that are important as well.

A kid's safety is important. Ask a parent whether or not they think their child is safe after school has any value or any importance. I think we know the answer. If you ask them if academic performance is important, of course, they will say it is. But they don't believe you ought to make it a choice between academic performance and a kid being unsafe.

I am suggesting we can do both. You can test academic performance through this pilot program, but you can also, as part of the Federal Government's commitment to education, provide some small resources to community-based organizations that desire them. It is their decision to apply. I am not dumping the money out to them. They have to apply. They have about a 1 in 10 chance of getting it, even if they do apply. Of the 3,000 that apply, 300 make it. So even if you have a strong desire for one, under present funding levels, you have a very small chance of getting it. But why eliminate any chance at all or leave it to the whims of what happens at the State level where a lot of other issues are going to be in play?

I apologize for getting wound up. Obviously, I care about this. I see my colleagues from New Jersey and Rhode Island here. I also see my colleague from Arkansas who I presume wants to be heard on this. I will yield some time to my two colleagues if they are interested.

The PRESIDING OFFICER. The Senator from Connecticut has consumed 31 minutes; 29 minutes remain. The opposition side has 45 minutes remaining.

Mr. DODD. I yield 5 minutes to my colleague from Rhode Island, and then I will go to my colleague from Arkansas.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to commend the Senator from Connecticut for his amendment and for his passion. He is exactly right. He is focusing on a very important program, the 21st Century Community Learning Centers.

I speak not theoretically but from experience. About 2 weeks ago I went to Central Falls, RI, the poorest community in my State, a community so poor that the school system has been taken over by the State of Rhode Island. I was there because they were announcing the opening of a support center that would integrate all the services necessary today to effectively deal with the education of a child. It was located right next to one of the elementary schools. It would be open to parents and provide the resources and services necessary, health care services, screening services.

This initiative was sponsored by the United Way of Rhode Island. The good news, it is spreading from Central Falls to other communities in Rhode Island, starting next with Providence, our biggest city. At the core of this initiative: A grant for the 21st century learning program from Federal education. This grant helped the United Way move forward and provided additional momentum, the thrust to go forward with this.

That is an example of how this program has materially affected the education of students in Rhode Island.

Central Falls is the poorest community, heavily Latino, with new Americans coming in. It needs all sorts of services that you don't typically find the extra dollars in the budget to deal with. And the 21st century grant provided the additional necessary resources. That is an example of how we can make a real difference.

This 21st century learning program has made that real difference. The Senator from Connecticut is so right, we are sacrificing this ability to go ahead and make these critical differences, inspiring local participation of the United Way, combined activities, doing what we all say we want to do—bring the whole community into the education of children.

The risk of a block grant is that these priorities will fall by the wayside. A school district that is faced with paying salaries, fixing buildings, everything else, will say: I would love to do this. This is exactly what we have to do, but we don't have the resources to do it.

I commend the Senator.

Let me suggest two other areas with respect to the Straight A's program that I think are very important. First, the program is being presented as a pilot program. The reality is, if you do the mathematics, and if you take seven States, such as California, Texas, New York, Florida, Illinois, Ohio, and Pennsylvania, and then you take the 25 largest school districts outside of those states, Straight A's could potentially apply to about 51 percent of the students in the country. That is a rather significant amount of children subject to this pilot program. We have to be very clear that this program could be far from a pilot, that within a year or so we could see 51 percent of the students of America subject to this block grant program, magnifying all of the concerns expressed by Senator DODD of Connecticut and others.

Let's be very clear, this is a pilot, but the pilot is flying a stealth aircraft. We could find ourselves not with a pilot program to evaluate, but in the midst of a widespread, significant change in public policy in the United States.

I originally filed amendment No. 537 to try to truly restrict this to a pilot program, but I think, because of many factors, this is a discussion that will probably take place in conference, as the House version comes over without the widespread application that is potentially in this bill.

One other point about Straight A's: I have been insistent on getting parental involvement in this legislation. With the cooperation of Senator GREGG and Senator HUTCHINSON and everyone on the committee, we have made real strides. But unfortunately, some of those parental involvement protections would not have to be followed in Straight A's states and districts. I filed amendment No. 399 to ensure that those other parental involvement requirements of S. 1 would have to be followed, such as various provisions of section 1118, and other provisions throughout S. 1 which require parental involvement, including teacher quality and safe and drug free schools. I would hate to see the parental involvement provisions go by the wayside because of a block grant approach. I don't want to get involved in an extended debate over each of the parental involvement provisions right now, and will not offer this amendment, but will continue to address these issues as S. 1 moves to Conference.

Let me return to the issue at hand and conclude. Senator DODD's amendment is well placed, well stated. This is about practical improvement of schools. I have seen this improvement in Rhode Island. We will lose it if we go to a block grant. If you ask yourself what is wrong with American education, one of the things that has been wrong is that the governance of education for too many years has ignored problems that have festered—poor professional development, poor infrastructure, many things such as that. Who are these people? They are the Governors, the school committees, and the Congress. But what we propose to do in a block grant is to reinforce this lack of performance, this turning over of the keys and keep doing what you are doing.

I suggest there is a middle ground between a block grant program and micromanagement. One example of how that works successfully is the 21st century learning centers. I hope we can maintain that.

I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired. So far Senator DODD and those speaking in favor of the amendment have consumed 37 minutes; 23 minutes remain. Those in opposition have consumed 15 minutes; 45 minutes remain. Who seeks recognition?

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself such time as I might consume in opposition to the Dodd amendment.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. HUTCHINSON. Mr. President, as we hear the debate on removing the 21st century program from the Straight A's demonstration project, I am reminded very much of the fierce debate that occurred in the early and mid-1990s over welfare reform. I was in the House at the time and there were those of us who believed that the great reforms that were taking place in welfare were occurring at the State level—there were a number of Governors around the country who were in the forefront of reforming, and the Presiding Officer was one of those Governors—and that the best thing we could do on the Federal level after a generation of trying to micromanage welfare, and having done a miserable job at it and, in fact, having seen welfare dependence only increase in our country, many of us believed, on a bipartisan basis, that the best possible thing we could do was to give the States broad new flexibility in the reforms they would enact at the State level.

There was a fierce debate over whether that was a good direction in which to go. The opponents continually raised the issue that you can't really trust the States and we dare not give them that kind of flexibility; if we give them that flexibility, they will misuse it and they will abuse the poor and they will not take care of the most vulnerable in our society. And there was the hue and cry about block granting being the great evil; that only those of us in Washington knew how to care for those who were in need. Many campaigns were run on the issue of how callous and heartless it was to pass welfare reform.

Well, history demonstrated that that was one of the greatest things we could do for the working poor and for the welfare-dependent in this country—the welfare reform that Congress passed and President Clinton ultimately signed into law. As a result, welfare rolls nationwide have fallen. Tens of thousands have gone from a life of dependence to a life of productive work and have begun to realize and to live out the American dream.

As we bring forth a very small demonstration program that has been compromised and compromised, whittled and whittled, until it is but a shadow of its former self, we hear the same arguments raised against this small demonstration program that we heard against welfare reform years ago. I know there are differences, but there are a lot of similarities; the argument is basically the same: You can't trust that the States are going to do the right thing. Never mind that they are elected by the same people who elected us. It doesn't matter that they are accountable to the same constituents to whom we are accountable. We can't trust them. Only we can ensure that these programs are conducted in the right way.

There have been good faith negotiations that went on, bipartisan negotiations, about a bill and about a program—the Straight A's—that at least there could be a little effort, a little opportunity for States—no State would be compelled to—and for 25 school districts—but no school district would be compelled—to enter into not a block grant in the purest sense but a program in which they would be given greater flexibility than ever before in exchange for a very tight commitment on performance improvement.

But if a State is going to make that kind of commitment, there has to be some incentive. And the more we pull out of the Straight A's demonstration program, the less incentive there is. I think most who have looked at what is left of Straight A's would agree that if the Dodd amendment passes, there will be little if any incentive. There will not be a Straight A's. This will destroy it, take out the very heart of it, and there will not be one State or one school district that would see it worthwhile to make the kind of commitments required under Straight A's for the limited flexibility that would remain.

Let me just say, as we think about where this program has gone, the President campaigned on this and he called it charter States. He saw it as a national program. He wanted to make it an opportunity for all States. This is where we are now. We have gone from 50 States and 14,000 school districts to a demonstration project for 7 States and 25 school districts. For those who would argue that we have not given, not compromised, I say we have compromised to the point that there is nothing left if this amendment passes. So we have gone from a national program of 50 States to 7 States and 25 school districts.

Additionally, there must be geographic distribution if more than that number applies. We have gone from no targeting of Federal dollars to maintaining the title I targeting to schools unless an alternative method better targets. We have made that compromise from the original program. We have gone from no limitations on non-title I dollars to providing that non-title I must target as well—additional targeting. That is a compromise that the authors of this legislation have made in the course of the negotiations. We have agreed to take out reading—a $1 billion program—from the list of eligible programs.

We also agreed to take out the following programs in the negotiations, as the Senator from Connecticut well knows. We agreed to remove the migrant program, the homeless program, the immigrant program, and the Indian program. We have agreed to maintenance of effort language—another compromise made from the original proposal that the President ran on and that so many of us believe in and have sought. We have agreed to restrict the amendment process so SEAs or LEAs cannot game the process. We have agreed to allow an LEA to opt out of the performance agreement upon permission from the SEA. We have agreed to require parental involvement to be required in the performance agreement. That is something that Senator REID sought as a concession in the process of negotiations that were made. We have agreed to requiring parental participation and that it be reported. We have agreed to prevent a State from becoming a charter State if an LEA becomes one until the end of the term of the LEA performance agreement.

We agreed to make the sections of title I apply, and there are six different sections that we agreed to make apply. None of those sections were originally applied to Straight A's. We have agreed to include teacher quality and bilingual education goals as part of the performance agreements—another concession and compromise made. We have agreed to strict private school equitable participation language. We have tightened the approval requirements for the performance agreements so it will be subject to peer review and based on quality, not first come/first served as was done with the Ed-Flex legislation. We have tightened the amendment procedure for amendments to performance agreements. We have agreed that a State or district may not get an Ed-Flex waiver for any program it consolidates under the performance agreement.

On and on goes the list of concessions that have been made, in trying to preserve an important part of this education legislation. And now the last remnant is sought to be pulled out as well. Basically, when we vote on this amendment, the question is: Do we want to have a Straight A's demonstration program or not? To vote for the Dodd amendment is to say we should not have this at all. If that is the position, it is honest, but let's just say that not just whittle it down until there is nothing but a few fragments of sawdust left of what was a concept and an idea that had great merit. So we are clinging to that which is left, after all of the concessions that have been made.

To pull this program will pull so much of the remaining funding resources in the Straight A's demonstration program that there will be virtually no incentive for school districts or for States to participate. It will be but a figleaf. It will be that we can say, well, it is in the bill, but what is there isn't—we really would not even get an idea of whether it was a workable concept in the first place if this much is pulled out.

I plead with my colleagues. I don't question the sincerity of those who are devoted to this. There are devotees to every program in Straight A's. I am certain that there are worthwhile qualities to most of those programs. But if the concept is we consolidate spending streams, provide flexibility to the States and local school districts, in exchange for a guarantee that they are going to increase performance, then we must set aside those very parochial, programmatic loyalties to say at least in these few States and few school districts we will give them the opportunity to experiment and see if they have a better way.

I ask my colleagues to defeat the Dodd amendment, to preserve what is left of the Straight A's Program in this demonstration, and allow those few States and those few school districts that will be given an opportunity under the language in the bill to have a chance, given the new flexibility they will have, to demonstrate that the reforms and the leadership they can provide at the local level will, in fact, reward the children. That is where our great interest should be, not in preserving a program but in doing what is best for the children.

I thank the Chair and reserve the remainder of our time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Connecticut.

Mr. DODD. Madam President, I yield 5 minutes to the Senator from New Jersey, Mr. TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. TORRICELLI. Madam President, I thank the Senator for yielding the time.

I believe these have been a very productive few weeks in the Senate. I am very proud of the institution and how, on a bipartisan basis, it has put differences aside and found common ground in dealing with the educational problems of our country.

In adopting the Dodd amendment on title I, for the first time we are guaranteeing that poor school districts will receive 100 percent of their title I funding. What a remarkable statement by this institution.

Currently, there are districts in our country that are receiving a third or a quarter of that to which they are entitled, imposing an enormous burden on local school districts.

We adopted the Harkin amendment to meet our Federal commitment to special education by guaranteeing $181 billion over the next 10 years. In 1975, when IDEA was created, the Federal Government promised to pay 40 percent of the special education needs. Last year, it paid 13 percent.

These are two remarkable positions by this institution in which every Senator should take great pride.

Blocking school voucher amendments stated our commitment to the public school system on an uncompromised basis. In fact, we will be funding reading programs at the $900 million level next year and voted to authorize $3 billion for professional development programs.

All of these things, including the President's proposal for accountability and testing and those programs Democrats have supported for a long time, enhance the quality of performance and teaching.

With this amendment, Senator DODD takes us into a new area, not simply accountability, not only instruction, but the lives of the students themselves, recognizing that education involves all of these aspects of a student's life, including the quality of their lives and what they do after school, recognizing it is all part of preparing a student for life.

That is why I support the Dodd amendment. That is why I believe this is not a matter of discretion for some people who believe they should do it or should not do it. This is a national commitment to recognize that education is a part of the entire student day. It may be a Governor's responsibility. It may be a local school board's responsibility. It is also our responsibility. This makes sense.

I know something about this subject. In the 1950s, it was unusual for a young woman to work outside the home. In the community in which I lived in suburban New Jersey, I believe I may have been the only student who came home after school to an empty home, not simply because my mother chose to work but because she had to work. I remember those hours. School let out at 2:30 p.m. or 3 p.m. My mother and father would work until 6 p.m. or 6:30 p.m., and for 3 and 4 hours sometimes I would sit in my home alone.

My community was without some of the temptations of modern life. I encountered few problems, but I remember that stage of life. That is why when police chiefs were asked, as Senator Dodd has demonstrated, what would you do to deal with school violence, the problems of students, 69 percent said exactly what Senator Dodd is doing: Afterschool programs.

We have done every one of these other things. Metal detectors in schools: We did that and should do that. One percent of police chiefs said that was the answer.

Hire more police officers: We did that for years and we should. That is 13 percent.

Try juveniles as adults: Many of our States have done that. The Federal Government is doing that. That is 17 percent.

The Senator from Arkansas said: Why don't we listen to those of our constituents at other levels of government who have more experience? Exactly, I say to the Senator.

Look at Senator Dodd's chart. Of the police chiefs involved in this every day, 69 percent of them said afterschool programs. That is what we are doing, and it is the right money in the right place.

What may have been unusual in my suburban community in New Jersey is now common to millions of Americans. Twenty-eight million school age children have parents who work outside the home.

Maybe I was the only child in my town, but 15 million American children in the afternoon now return to an empty home, and my colleagues know what that means. Juvenile crime peaks between the hours of 3 p.m. and 6 p.m. All of those police officers looking in the middle of the night for kids who are committing crimes, causing problems, are looking at the wrong time. That is not the problem. It is after school: No parents, no teachers, no supervision, no options. Senator Dodd is offering the option.

Violent crime: The greatest risk to our children being hurt themselves is not in school. We are putting in metal detectors and police officers. But it is after school: No options, no supervision. Senator Dodd has the answer.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. TORRICELLI. Will the Senator yield me an additional 3 minutes?

Mr. DODD. I yield 3 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Madam President, a few weeks ago we adopted the Boxer amendment to authorize $2 billion for afterschool programs, but under the current bill States can opt out of providing afterschool care for those who need it. This is not something on which people should opt out, not recognize the problem. It is not a local problem; it is a national problem.

There is not a study I have ever seen where it is not clear that not only is this the source of juvenile violence, it is the principal time of the day and the time in life when young people experiment with narcotics. It is a principal reason and a problem for teenage pregnancy.

Many things in America change. Some do not. Young people without supervision and time on their hands are mischievous, are led to temptations and wrong influences. This, I say to my colleagues, is an opportunity to address the problem, and the evidence could not be more overwhelming. A national study of five housing projects with afterschool programs and five without shows us the difference. Those without had 50 percent more vandalism and 30 percent more drug activity than those with afterschool programs.

This Senate has met its responsibility with IDEA. We have taken a stand on special education. We are putting resources into reading. We have answered the President's call for accountability and testing. We have resisted abandonment of the public schools on school vouchers. Every Member of the Senate can be proud of this education bill.

Senator Dodd now writes the last word, and what we did during the school day we now provide for afterschool programs. I am proud of his amendment, proud of Senator Dodd, and I urge my colleagues on a bipartisan basis to support his amendment.

I yield the floor. I thank the Senator for the time.

Mr. DODD. Madam President, before he leaves, let me thank my colleague from New Jersey. He always brings a new level of eloquence to any debate in which he is involved. While we all from time to time bring our own natural experiences to these discussions and debate, his discussion of growing up in New Jersey in the home where both his parents worked is certainly a poignant remainder of what happens today with a lot of children throughout America.

There are 28 million children in 12 million families struggling to make ends meet, and of that number a staggering number of these kids are home alone, or if not home, someplace else unsupervised. For those reasons, over 1,000 chiefs of police have written and beseeched in the strongest language one can imagine that this amendment be adopted, along with the 2,500 YMCAs across the country, an organization that has the longest record in history in providing afterschool programs.

I underscore they did a survey on their own and the Senator from New Jersey pointed it out, but I repeat it because their findings corroborate what the Senator from New Jersey pointed out. Among the findings, the survey showed that young people who do not participate in afterschool programs are five times more likely to be D students. So there is an academic relationship here. They are twice as likely to get into a fight at school and are far more likely to miss school than young people engaged in stimulating, productive activities in afterschool hours.

Every study and survey we have seen shows this. That is why the chiefs of police, who work with this problem every day, want this. If you want to know what local people think, obviously, afterschool is desired.

Mr. TORRICELLI. Will the Senator yield?

Mr. DODD. I yield.

Mr. TORRICELLI. As we debate this issue, we understand the forces in education that will fight for more money for special education. And they should. I understand the constituency that wants school construction. I support that.

My concern is there is not a constituency, other than us, representing the interests of law enforcement and our own experience with these children who are fighting for money to deal with this violence and afterschool activities. Senators, on a well-reasoned basis, come to the floor and say, make this all discretionary; throw it into a pot and let the States do what they want. But, I don't know who is coming to Trenton, to my State capital, to fight for afterschool programs.

I know the people who want construction. I know the people who want more teachers. I support them. But I don't know who is going there representing the mothers and the fathers who are not home in the afternoon or the police chiefs who are concerned about drug use or teenage pregnancy.

They only have us. That is why I am not for taking away anyone's discretion. I believe in the judgment of the State and local governments, but this is an instance where the Congress has to compensate for the fact that we know from experience, we have looked at the empirical data, and we have heard from the police chiefs, and we know what is happening with the students on their performance when they don't have afterschool programs. We know what happens with teenage pregnancy and drug use. We know the evidence. This is a case where our judgment is required. That is why I think the amendment is so worthwhile.

Mr. DODD. I thank my colleague for those comments.

I have heard this repeatedly over this debate in the last hour, that if this amendment is adopted, this destroys the straight A's program. This amounts to 5.7 percent, according to the Congressional Research Service, of the funding in the pilot Straight A's Program, title I, non-title I funds under that title I program. Not 40 percent. To say you cannot fund the block grant program with 94 percent of the money does not make any sense to me. Rather than stripping the program, we are taking the pilot program and setting aside afterschool in that pilot program.

As we said earlier, we are talking about a program that includes 7 States and 25 districts. It could be more than 7 States over the 7 years of this entire bill. We don't debate this bill again for 7 years. Obviously, for children who are starting elementary school, they will have completed elementary school by the time we come back and revisit the issue. To say in a pilot program we will block grant everything made at the State level, and if a local school district wants to apply for funds for afterschool, they will depend upon a State educational authority or a Governor to say, yes or no, is totally up to the discretion of the State authority. There is no review process at all. They can apply, and for whatever reason, they can say no.

Afterschool programs are the most highly sought after grants in the history of the Department of Education. This year alone there were almost 3,000 applications. They are going up each year. We only grant 300. There is only 1 chance in 10 of getting your grant approved. They are so popular because local community-based organizations see the value.

I am saying, keep the Straight A's Program. We will have the pilot program for the block grants. It will be there for the 7 States and 25 districts—or maybe more—to try over the next 7 years. Don't make afterschool become a jump ball in that regard.

What Straight A's is about is academic performance, trying to get better scores in math and reading. I don't argue that afterschool has some relationship to academic performance, whether or not kids are in trouble or not in trouble. This is primarily a safety issue. It is primarily a crime issue, as the chiefs of police have pointed out in overwhelming numbers when they look at the difficulties kids get into and the time of day the difficulties occur. They state with overwhelming numbers it is between 3 in the afternoon and 6 or 7 at night.

Mrs. BOXER. Will the Senator yield?

Mr. DODD. I am happy to yield. My colleague is a great champion for afterschool programs and has an amendment adopted, a sense of the Senate, saying we ought to do this.

Mrs. BOXER. In fact, I decided not to do the sense of the Senate. We did the real thing. This Senate voted with about 60 votes to increase the funding for afterschool. We actually did a real amendment, not just a sense of the Senate, and for the first time in history this Senate actually voted to increase the funding.

The reason I asked my friend to yield, if he would be willing to give me a minute of his time, I will pose a question. It has been a struggle, as he knows, because he has led the fight. When I came here, I joined him in this fight. We knew it did not take rocket science to understand that our kids are getting into trouble after school. We now have the exact percentages. That is why the police all over the country, as was pointed out, support this. We know it does help kids with their academic performance, although that is not the main reason we have afterschool. We know, as has been pointed out, there is an overwhelming number of applications for these grants.

Now, finally, under President Clinton, we have seen this program go from $10 million to $600 million; and now with the amendment my friend helped me with, it is over $1 billion, and we will be able to help millions of kids.

My question is, On the one hand, how can we vote to support real funding for this program and then turn around and vote to take it away and put it into some nebulous experiment which may turn out to be great—I have my problems with it—or may not?

By the way, JOHN ENSIGN, a Republican from Nevada, my primary cosponsor, told a moving story about how he used to get in trouble as a kid. He had no place to go. He had a single mom.

We take this stand, make a wonderful statement, and put real dollars behind it. Is it not the case we turn around and pull some of that money out; and isn't that just a contradiction in how we feel about afterschool?

Mr. DODD. I thank my colleague for raising the point. It is a very good point she raised.

Before my friend from California arrived, we heard our good friend from Tennessee talk about how much he supports, as most Members do, the 21st Century Learning Centers. Senator JEFFORDS of Vermont is the principal author. I joined him with that several years ago. This is an overwhelmingly popular program at a local level. Now grant applications are made at a local level for funds which leverage, by the way, United Way, funds for nonprofits, churches and so forth. Without this seed money and what we do in the grants, it is difficult to get the other organizations to support it.

Now for those 7 States and 25 school districts, which, by the way, I happen to believe are probably going to comprise a significant percentage of the 50 million kids who go to school each day, if you take the 7 most populous States and 25 school districts, I can get you to over 50 percent of the student population of the country. I presume every State is going to apply because what Governor—and I am looking at our Presiding Officer, who knows more about Governors, I suppose, than either my good friend from California or I do—when States get a chance to get Federal money with no strings attached would not take that deal. I presume every State will apply.

The Secretary of Education wants to get the maximum number of students under this pilot program. Obviously, they will choose one of the largest States and largest school districts, which means for the next 7 years we will take a significant percentage of kids into a pilot program, a demonstration program, and we will say that afterschool is part of that. We are not going to provide a separate pot of resources for which localities can apply.

We are going to say, no, now as a locality if you are within those 7 States or 25 districts, you have to go up to the State education authority or the Governor, whichever it is, and they may or may not accept it. They can reject it out of hand. When you are competing for scarce dollars in poor areas, in many cases, of course, where the working poor live, how well do they do in that competition? The Presiding Officer knows how difficult those decisions can be. Her late husband was a great Governor of the State of Missouri. How difficult those decisions may be.

Mrs. BOXER. Will my colleague yield?

Mr. DODD. I am happy to yield.

Mrs. BOXER. The Senator raises an important point. Now we have a situation where, instead of being able to apply for these funds, these local school districts—and I thought my colleagues on the other side loved local control—now have to go through the States.

Am I correct, I ask my friend, this will take a piece off for administration? In other words, if they decide to say to a local district, OK, we will allow you to use some of this, they are going to take some money off the top. This is inefficient.

I say to some colleagues who may be listening from their offices—maybe a few are—if you are a fan of afterschool programs, if you think they are important, if you think they are a silver bullet that we have to keep our kids out of trouble, don't disrupt this program just when it is starting to reach kids. You have not done it with Head Start. You should not do it with afterschool.

Isn't this a point that should be considered that the State will pull some money off the top for administration whereas under our normal program the money goes straight to the local districts?

Mr. DODD. That is correct. Again, here it is not a question of sort of dumping the money out there. Localities have to apply for it. You have to ask for it. If you ask for it, there is only a small chance you may actually get it.

I would like to see us put in more resources. As my colleague from California points out, this program started as a $10 million program, but because of local mayors and county executives, the YMCAs, the Boys and Girls Clubs, the church-based organizations, the police, they said: Look, this works so well, we went from $10 million to $600 million. We are flattening that line out, and for 25 States and 7 districts we are dumping it all out on a roulette wheel.

All I am saying is, in those pilot areas, carve this one out and let the localities apply directly. It reduces the amount of money in the pilot program by 5.7 percent. That is all.

Those are not my numbers, those are numbers determined by the Congressional Research Service, a nonpartisan organization that makes those calculations.

So on the notion somehow that I am destroying the Straight A's Program, I am destroying this delicately balanced coalition here, I merely point out: I do not think 1,000 police chiefs, I don't think 2,500 YMCAs, I do not think Boys Clubs and Girls Clubs all across America are in the business of destroying here.

I am looking at my good friend from Ohio over here, with whom I drafted Safe and Drug Free Schools. He knows the numbers I put up: 70 percent of the police chiefs say this works. As the Senator from New Jersey pointed out, we have done metal detectors, hiring more police, trying juveniles as adults in some areas—that is controversial—but in these 7 States and 25 districts we are reducing the number by 5.7 percent. That is not gutting Straight A's, that is just saying don't deprive these local communities for the next 7 years of the opportunity to do something that every community in this country believes has great value.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. DODD. I have a lot of time here. I reserve those 30 seconds for closing argument, Madam President.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, let me talk for a moment, if I may, about a part of the bill that is not very controversial but I think is very significant. It is that part of the bill that Senator DODD just mentioned, and that is the drug-free school component of the bill.

Let me congratulate Senator DODD. I really enjoyed working with him, with his team, to get language in this bill that will really improve the current Drug Free Schools Program. I believe we have done that. I salute him for that very excellent work. I also thank Senator MURRAY and Senator GRASSLEY for their work on this language as well.

I think we all understand when we talk about our drug problem, we have to have a coordinated, consistent, and a balanced approach. A balanced approach means drug treatment, drug education, prevention. It means international interdiction of drugs. It also means domestic law enforcement. Those are the four basic components. We have to do them all. We have to consistently do them all.

The drug-free schools provision in this bill and the money it represents is really virtually the only thing the Federal Government does in the area of education.

This bill authorizes $925 million which will go down to the local school districts across this country. The current Drug Free Schools Program is in virtually every school district in the country. Interestingly and sadly, in many school districts it is the only money that is being spent on drug education. So it is important to do what we have done in this bill, and that is continue the program. But it is also important to improve the program.

I had the opportunity, when I was in the House of Representatives over a decade ago, to serve on the National Commission on Drug Free Schools. We issued a report in 1990. We talked about how this program needed to be improved. Some improvements have been made in the last decade, but unfortunately not all the recommendations have been followed.

What we do with the language in this bill is take that decade-old report and, frankly, bring it to life, use some of the recommendations, and improve the current law. One thing we determined at that time was if antidrug efforts in our schools are to be effective at all, they must be coordinated, they must be consistent, and they must be community oriented. We recommended a number of things including the following four items:

No. 1, every school district should develop and conduct drug eradication and prevention programs for all students from kindergarten through grade 12, every single year.

No. 2, parent and community groups should take a more active role in developing and selecting drug prevention programs.

No. 3, the Department of Education should ensure that schools conduct periodic evaluations of all drug education and prevention programs.

No. 4, Federal and State governments should fund only those education and prevention program efforts that are likely to be effective. There should be scientific data behind the decision to use a particular program.

The Safe and Drug Free Schools Program that is contained in this bill incorporates these recommendations. This program helps prevent our children from ever becoming involved with drugs and supports efforts to create violence-free learning environments.

The language we have written into the education bill that is before us today further improves this program. It gives States greater flexibility to target assistance to schools in need, and it increases accountability measures to ensure that this assistance actually goes towards programs that really work.

Furthermore, the language we have written in the bill would improve coordination of Safe and Drug Free Schools Programs with other community-based antidrug programs by requiring schools to work directly with parents, with local law enforcement agencies, with local government agencies, with faith-based organizations, and other community groups in the development and implementation of antidrug and violence strategies. That community coordination is absolutely essential. It has, tragically and unfortunately, in the past, sometimes been missing from local communities. This bill says we have to have that coordination.

Drug abuse and violence against young people is a community problem, a national problem. It requires a community-based solution. That is why we need the entire community to be involved in the creation and in the execution of programs to fight youth drug abuse and violence.

Our language would allow afterschool programs to apply for Safe and Drug Free School grants as long as they meet the same standards as any other applicant. If afterschool programs use research-based drug and violence prevention programs, and if they prove they reduce drug and violence in schools, then they will have fair access to Safe and Drug Free School funding.

I really cannot talk about the Safe and Drug Free Schools Programs without mentioning one of the most tough and effective fighters against youth drug abuse and school violence, and that is the first lady of my home State of Ohio, Hope Taft. Hope Taft has dedicated years of her life to help make our schools safer and drug free, and she was instrumental in the development of this language that is in front of us today, language we have written into the education bill. She is really the voice for community-based organizations. I commend her for the great contribution she made to this bill. Through her efforts, she has raised awareness of the dangers of youth drug abuse and violence in our schools.

Let me also applaud President Bush for his support of this program. During the campaign, President Bush promised to increase funding for the Safe and Drug Free Schools Program by over $100 million over 5 years. I commend him for that commitment. It is truly the kind of commitment we need to continue to improve this very vital program.

The Safe and Drug Free Schools program is a critical part of restoring effectiveness and balance in our national drug policy. And ultimately, if we don't restore effectiveness, more and more children will use drugs, leading to greater levels of violence, criminal activity, and delinquency. Unless we take action—unless we take the necessary steps to reverse these disturbing trends—we will be sacrificing today's youth and our country's future.

Quite frankly, children simply cannot learn when they are under the influence of drugs or alcohol. Children cannot learn when they more worried about their safety than their homework. Children cannot learn when they are scared. That's why we must ensure that children and the adults who work in our schools are safe—that they are free from drugs and violence.

As we continue to debate education reforms in this nation, we need to remember that improvements to our school buildings, increased professional development efforts for our teachers and administrators, and changes in education policies will not help our young people realize their true potential as long as drugs and violence are in their schools. It's that simple.

I thank the Chair and yield the floor.

Mr. DODD. Mr. President, will my colleague yield?

Mr. DEWINE. Yes.

Mr. DODD. Mr. President, I commend my colleague from Ohio. He no longer serves on the Health, Education, Labor and Pensions Committee. But he did serve on it. I have enjoyed my work in the Senate over the years, but never as much as I have enjoyed working with the Senator from Ohio on a number of different issues, and this one in particular which he just addressed, and that is the problem of substance abuse and children.

We managed to put together a pretty good bill a few years ago on safe and drug free schools, largely because of the efforts of the Senator from Ohio. I commend him publicly for his present work and over the years. He brings a lot of personal experience as well. He has a pretty good size clan in his own right. I think it is almost a baseball team.

Mr. DEWINE. We are one short of a baseball team.

Mr. DODD. He brings a great deal of passion and understanding. So much of what he is talking about bears directly on the subject matter to which he has dedicated a good part of his service. I thank him for it and look forward to working with him in the future.

Mr. DEWINE. I thank my colleague. Again, I compliment him for the great deal of work he did. It was a great pleasure to work with him and his staff. I think the language in the bill improves the current law and is a significant improvement. I think it is going to make a difference. I appreciate his great work.

Mr. DODD. Madam President, my time has about expired. I wonder if my friend from New Hampshire will offer to yield me time, and I ask unanimous consent that just prior to the vote, which I think is going to occur around 2 o'clock, that I be given a couple of minutes to make a final summation of my argument.

Mr. GREGG. Two minutes on both sides.

Mr. DODD. Madam President, I withhold that for a minute.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I have listened with interest and have been impressed by the enthusiasm, energy, and commitment of the Senator from Connecticut to the 21st century program, which is something I strongly support myself. In fact, during my prior life when I was chairman of the Appropriations Committee on Commerce, State, Justice and working with Senator HOLLINGS, we essentially funded what amounted to the afterschool program initiatives in different areas, especially in the Boys and Girls Clubs and programs with Big Brothers and Big Sisters.

I was able to put into this bill language which I am very excited about because I think it will significantly improve the 21st century program, which allows community-based organizations to participate in the program for the first time, instead of having programs which are totally managed by the local educational organization. The schools basically weren't working all that well, quite honestly, in many areas because basically at the end of the schoolday, teachers were tired, and developing programs that kept teachers around the school building after the schoolday was hard to do, and understandably so.

Now we are going to infuse the afterschool programs with community-based organizations. Some of them can be faith-based organizations, which is very exciting. You will get, I am sure, Boys and Girls Clubs, and again Big Brothers and Big Sisters, that will actually physically be on site for the afterschool programs.

There is a major educational component in that amendment which was adopted in committee. I think you will also get groups such as the CYO that might be involved in things like this, or other faith-based groups that basically won't be in the school teaching religious values—that would be inappropriate—but will be in the school teaching life-needed skills or organizing sports programs perhaps in the school period.

After-the-schoolday is something I have worked very hard on as a Member of the Senate on the committee and admire and appreciate the commitment of the Senator from Connecticut to the after-the-schoolday programs. We all understand that the period from 3 to 6 is a period where youth are at risk, unfortunately, in many of our communities. And for them to have some place constructive to go is very important.

This amendment doesn't really address that issue because, in my humble opinion, this amendment goes to the question of management. Who makes the decision as to how the after-the-schoolday is controlled, whether it is going to be a categorical program coming from the Federal Government that says you must have an afterschool program or the alternative, which I think makes much more sense—whether a State or a community decides to take all the educational formula funding programs, merge them together, and set them up as a program, the purpose of which is to make sure the children participating in those programs actually exceed the academic success of the children who are not in those programs.

As a result, we get a better return for the dollars spent in these various areas. We get better students who are better prepared for life. We get students who are coming through the school year with a better academic achievement level.

That should be, of course, our goal in this bill. It is the goal of the Straight A's Program.

The question as to how the day is structured would be left at the local community level, or the State level, and wouldn't be directed from within the Federal Government.

This is the difference. It is not a question of whether there will be an afterschool program. It is a question of who will make the decision as to how funds are allocated within the formula grant program for designing the afterschool program and the schoolday program.

To step back, I think it is important to understand the basic concept of

Straight A's. The concept of Straight A's is that we give the local school districts and the States, or those who wish to apply anyway, the opportunity—it is only a limited number—to set up a program where they actually commit that the low-income child will do better—this is the important point—than the other children in the school district in academic achievement, and, therefore, getting prepared for life and being competitive in our society and having a chance to participate in the American dream.

In exchange for making that commitment to the kids who are from low-income families to actually exceed the average yearly progress in the community generally for students, we will allow the local school districts and the States to design the program free of stress on the input side.

The 21st century program, along with the other 16 formula programs that are put into this proposal for the development of Straight A's, are all strong, oriented programs. It has significant restrictions. They are very categorical and very directive. They are very top-down command and control programs. They all have specific purposes, but the fundamental goal of all of them is to get a child up to speed academically and at a level where they are actually going to be constructive and productive citizens in our society.

We have said, with the Straight A's experiment—in a few States; in a very few States, potentially 7 States and 25 school districts—let's try an experiment. Let's say to the local communities, rather than having the top-down command and control, the traditional Federal control of strings-attached dollars, we will take all those dollars, put them in a basket and give them to the local communities, but the condition of you taking those dollars is that you are going to have to commit to prove that the children those dollars are directed towards are going to do better than the other children in the community.

So it is not as if the States and the local school districts are getting some huge influx of dollars with no restrictions or no responsibilities. The responsibility is even greater, but it is at the end of the system versus at the beginning. Instead of saying how they will do it, we expect results; and then we are going to test them to make sure those results are actually being achieved.

It is a very creative approach. It really is part of the essence of the underlying agreement and bill which we negotiated and which was the result of the impetus that came from the President. The President's concept on education is really pretty simple. It is that we should focus on the child, and that we should expect the child to obtain academic achievement, and that we should do that by giving flexibility to the local school districts; in exchange for the flexibility, we are going to have strict accountability to see that the children have attained academic achievement.

So the concept is to create an initiative and demonstration programs which will, at least with these 16 categorical programs, put them in a basket and give those dollars to the States with great flexibility, or give those dollars to the communities with great flexibility, but in exchange expect academic achievement subject to strict accountability, focused on the child.

This program, this Straight A's Program, meets all the conditions and all the ideas that have been put forward by the President as one of the key purposes of his educational initiatives. That is why there is such an intense discussion about it today.

If you listen to the Senator from Connecticut, you obviously have to be drawn to his ability to present his case well, but the point is, if we go back to the approach offered by the Senator from Connecticut, then we will have fundamentally undermined what is one of the primary thrusts of the President's initiatives in trying to break out of this mold into which we have put education for the last 25 years, where for generation after generation we have seen low-income kids being left behind, which isn't acceptable.

So the President has come up with this idea. Actually, it is an idea that was developed by the Senator from Washington, Mr. Gorton, a couple of years ago. The President adopted it. He has taken this idea and put it into his package. That is why it is so critical that this amendment be defeated. Because if it is adopted, it basically takes the heart out of the Straight A's Program and as a result undermines one of the key thrusts of the President's initiatives to try to bring low-income kids not only up to speed but, in this case, actually putting them ahead of their peers in education.

I see the Senator from Nevada is trying to get my attention. Obviously, he wishes to make a point. I yield to the Senator.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Nevada.

Mr. REID. I appreciate the Senator from New Hampshire yielding for a brief unanimous consent request.

AMENDMENT NO. 518, AS FURTHER MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 518, as modified, and previously agreed to, be further modified with the language at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The modification is as follows:

"SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $200,000,000 for fiscal year 2002 and each subsequent fiscal year.".

Mr. REID. Mr. President, I ask unanimous consent that the consent with respect to the Dodd amendment be modified to provide that the vote in relation to the Dodd amendment occur upon disposition of the Cantwell amendment No. 630, provided that the previous consent with respect to the Nelson amendment No. 533, and other amendments within that consent agreement, reflect this change.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, to clarify for Members exactly where we are now, the Senate will debate the other amendments in a previous order, and the Senate will vote in relation to the Dodd amendment at about 2:15.

Mr. President, I further ask unanimous consent that, prior to the vote on the Dodd amendment, the Senator from New Hampshire be recognized for 2 minutes and the Senator from Connecticut be recognized for 2 minutes in the appropriate order. Senator DODD would go last. That vote would occur at about 2:15 p.m.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. REID. Mr. President, the other amendments in this order are going to be disposed of by voice vote by virtue of a previous agreement we have. I appreciate very much my friend from New Hampshire yielding. I know it was awkward, but I appreciate it very much.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 533, AS MODIFIED, TO AMENDMENT NO. 358

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that amendment No. 533 be modified with the changes that are at the desk.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield back all time on the Dodd amendment?

Mr. GREGG. Mr. President, we reserve our time. I ask unanimous consent that our time be reserved and it be set aside until after the Nelson amendment has been completed.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is laid aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 533, as modified.

The amendment is as follows:

(Purpose: To provide for mentoring programs for students)

On page 586, between lines 18 and 19, insert the following:

SEC. 405. MENTORING PROGRAMS.

(a) IN GENERAL.—Title IV of Elementary and Secondary Education Act of 1965 is further amended by adding at the end the following:

"PART E—MENTORING PROGRAMS

"SEC. 4501. DEFINITIONS.

"In this part:

"(1) CHILD WITH GREATEST NEED.—The term 'child with greatest need' means a child at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or that has lack of strong positive adult role models.

"(2) MENTOR.—The term 'mentor' means an individual who works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

"(3) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"SEC. 4502. PURPOSES.

"The purposes of this part are to make assistance available to promote mentoring programs for children with greatest need—

"(1) to assist such children in receiving support and guidance from a caring adult;

"(2) to improve the academic performance of such children;

"(3) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

"(4) to reduce the dropout rate of such children; and

"(5) to reduce juvenile delinquency and involvement in gangs by such children.

"SEC. 4503. GRANT PROGRAM.

"(a) IN GENERAL.—In accordance with this section, the Secretary may make grants to eligible entities to assist such entities in establishing and supporting mentoring programs and activities that—

"(1) are designed to link children with greatest need (particularly such children living in rural areas, high crime areas, or troubled home environments, or such children experiencing educational failure) with responsible adults, who—

"(A) have received training and support in mentoring;

"(B) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

"(C) are interested in working with youth; and

"(2) are intended to achieve 1 or more of the following goals:

"(A) Provide general guidance to children with greatest need.

"(B) Promote personal and social responsibility among children with greatest need.

"(C) Increase participation by children with greatest need in, and enhance their ability to benefit from, elementary and secondary education.

"(D) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity by children with greatest need.

"(E) Encourage children with greatest need to participate in community service and community activities.

"(F) Encourage children with greatest need to set goals for themselves or to plan for their futures, including encouraging such children to make graduation from secondary school a goal and to make plans for postsecondary education or training.

"(G) Discourage involvement of children with greatest need in gangs.

"(b) ELIGIBLE ENTITIES.—Each of the following is an entity eligible to receive a grant under subsection (a):

"(1) A local educational agency.

"(2) A nonprofit, community-based organization.

"(3) A partnership between an agency referred to in paragraph (1) and an organization referred to in paragraph (2).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Each entity receiving a grant under this section shall use the grant funds for activities that establish or implement a mentoring program, including—

"(A) hiring of mentoring coordinators and support staff;

"(B) providing for the professional development of mentoring coordinators and support staff;

"(C) recruitment, screening, and training of adult mentors;

"(D) reimbursement of schools, if appropriate, for the use of school materials or supplies in carrying out the program;

"(E) dissemination of outreach materials;

"(F) evaluation of the program using scientifically based methods; and

"(G) such other activities as the Secretary may reasonably prescribe by rule.

"(2) PROHIBITED USES.—Notwithstanding paragraph (1), an entity receiving a grant under this section may not use the grant funds—

"(A) to directly compensate mentors;

"(B) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the entity's operations;

"(C) to support litigation of any kind; or

"(D) for any other purpose reasonably prohibited by the Secretary by rule.

"(d) TERM OF GRANT.—Each grant made under this section shall be available for expenditure for a period of 3 years.

"(e) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

"(1) a description of the mentoring plan the applicant proposes to carry out with such grant;

"(2) information on the children expected to be served by the mentoring program for which such grant is sought;

"(3) a description of the mechanism that applicant will use to match children with mentors based on the needs of the children;

"(4) an assurance that no mentor will be assigned to mentor so many children that the assignment would undermine either the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-on-one relationship, where practicable) with each mentored child;

"(5) an assurance that mentoring programs will provide children with a variety of experiences and support, including—

"(A) emotional support;

"(B) academic assistance; and

"(C) exposure to experiences that children might not otherwise encounter on their own;

"(6) an assurance that mentoring programs will be monitored to ensure that each child assigned a mentor benefits from that assignment and that there will be a provision for the assignment of a new mentor if the relationship between the original mentor is not beneficial to the child;

"(7) information on the method by which mentors and children will be recruited to the mentor program;

"(8) information on the method by which prospective mentors will be screened;

"(9) information on the training that will be provided to mentors; and

"(10) information on the system that the applicant will use to manage and monitor information relating to the program's reference checks, child and domestic abuse record checks, and criminal background checks and to its procedure for matching children with mentors.

"(f) SELECTION.—

"(1) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall select grant recipients from among qualified applicants on a competitive basis.

"(2) PRIORITY.—In selecting grant recipients under paragraph (1), the Secretary shall give priority to each applicant that—

"(A) serves children with greatest need living in rural areas, high crime areas, or troubled home environments, or who attend schools with violence problems;

"(B) provides background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs;

"(C) proposes a mentoring program under which each mentor will be assigned to not more children than the mentor can serve effectively; or

"(D) proposes a school-based mentoring program.

"(3) OTHER CONSIDERATIONS.—In selecting grant recipients under paragraph (1), the Secretary shall also consider—

"(A) the degree to which the location of the programs proposed by each applicant contributes to a fair distribution of programs with respect to urban and rural locations;

"(B) the quality of the mentoring programs proposed by each applicant, including—

"(i) the resources, if any, the applicant will dedicate to providing children with opportunities for job training or postsecondary education;

"(ii) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the applicant's mentoring program;

"(iii) the degree to which the applicant can ensure that mentors will develop longstanding relationships with the children they mentor;

"(iv) the degree to which the applicant will serve children with greatest need in the 4th, 5th, 6th, 7th, and 8th grades; and

"(v) the degree to which the program will continue to serve children from the 4th grade through graduation from secondary school; and

"(C) the capability of each applicant to effectively implement its mentoring program.

"(4) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in selecting grant recipients under paragraph (1), the Secretary shall select not less than 1 grant recipient from each State for which there is a qualified applicant.

"(g) MODEL SCREENING GUIDELINES.—

"(1) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to program participants specific model guidelines for the screening of mentors who seek to participate in programs to be assisted under this part.

"(2) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

"SEC. 4504. STUDY BY GENERAL ACCOUNTING OFFICE.

"(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify successful school-based mentoring programs, and the elements, policies, or procedures of such programs that can be replicated.

"(b) REPORT.—Not later than 3 years after the date of the enactment of this part, the Comptroller General shall submit a report to the Secretary and Congress containing the results of the study conducted under this section.

"(c) USE OF INFORMATION.—The Secretary shall use information contained in the report referred to in subsection (b)—

"(1) to improve the quality of existing mentoring programs assisted under this part and other mentoring programs assisted under this Act; and

"(2) to develop models for new programs to be assisted or carried out under this Act.

"SEC. 4505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 4503 $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) GRANT FOR TRAINING AND TECHNICAL SUPPORT.—

(1) IN GENERAL.—The Secretary of Education shall make a grant, in such amount as the Secretary considers appropriate, to Big Brothers Big Sisters of America for the purpose of providing training and technical support to grant recipients under part E of title IV of the Elementary and Secondary Education Act of 1965, as added by subsection (a), through the existing system regional mentoring development centers specified in paragraph (2).

(2) REGIONAL MENTORING DEVELOPMENT CENTERS.—The regional mentoring development centers referred to in this paragraph are regional mentoring development centers located as follows:

(A) In Phoenix, Arizona.

(B) In Atlanta, Georgia.

(C) In Boston, Massachusetts.

(D) In St. Louis, Missouri.

(E) In Columbus, Ohio.

(F) In Philadelphia, Pennsylvania.

(G) In Dallas, Texas.

(H) In Seattle, Washington.

(3) PURPOSE.—The purpose of the training and technical support provided through the grant under this subsection is to enable grant recipients to design, develop, and implement quality mentoring programs with the capacity to be sustained beyond the term of the grant.

(4) SERVICES.—The training and technical support provided through the grant under this subsection shall include—

(A) professional training for staff;

(B) program development and management;

(C) strategic fund development;

(D) mentor development; and

(E) marketing and communications.

(5) FUNDING.—Amounts the grant under this subsection shall be derived from the amount authorized to be appropriated by section 4505 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), for fiscal year 2002.

Mr. NELSON of Nebraska. Mr. President, I rise to ask the Senate's support for the Mentoring for Success Act, the amendment that is before the Senate today.

This amendment concerns the welfare of our Nation's most precious asset, our children. Children comprise only 20 percent of our population, but they are 100 percent of our future. I am hopeful my colleagues will carefully consider their significance. This amendment gives us the opportunity to support our children and the future of our country at the same time.

The environment in which many of our children are raised looks nothing like the one in which I and many of my colleagues grew up. Close to 50 percent of our children are raised in single-parent households. In most cases, single parents work long hours. Their energy and resources are stretched thin. While there are many successful single parents, there are some cases where a single parent simply cannot and does not, for a variety of reasons, adequately serve as the role model a child might need. As a consequence, many of these children replace that void with drugs, alcohol, and violence. Other children who may not come from single families are faced with a home life that may be particularly difficult because of an abusive parent or maybe a parent incapacitated due to illness. This amendment is for these children.

Of course, it can't fix family problems or bring broken families back together, but it can help change these children's lives and brighten their future.

I am proud to say that this amendment is inspired by the success of a mentoring program in my State which was originally started by Congressman TOM OSBORNE, the sponsor of companion legislation adopted by the House.

As many know, before my friend and fellow Nebraskan TOM OSBORNE became a Congressman this last year, he was coach of the beloved University of Nebraska Huskers football team. This man knows a thing or two about winning strategies and how to implement them, not just on the field but in the community as well.

In 1991, he and his wife Nancy began the Team Mates Program in Lincoln, NE, which paired members of the University of Nebraska football team with middle school students. He had such great success with the program that he expanded it across the State of Nebraska in 1998. I was proud to assist him in that effort as Governor at that time, and I joined the Team Mates board of directors so I could continue my involvement with such an effective and important mission.

Now Congressman OSBORNE has taken his experience and turned it into worthwhile legislation. This amendment would authorize $50 million for a new competitive grant program to award local school districts, community-based organizations, or a partnership between the two to find mentoring initiatives. Each State would receive at least one grant under this program. I am pleased to be here today and to continue my support for mentoring programs.

Mentoring programs funded by grants made available through this legislation would pair children with role models who could provide stable emotional support, academic assistance, and exposure to positive experiences that they may not otherwise receive.

The mentors are not parental replacements. Rather, they are helping hands who offer a glimmer of hope to kids who are forced, through no fault of their own, to contend with tough situations and bleak prospects.

Priority would be given to programs that serve children with the greatest need in rural areas, high crime areas, or troubled home or school environments, and only programs that require thorough background screening of participating adults would be eligible to receive funding.

Mentoring for Success is intended to provide guidance to children in need, to promote personal and social responsibility, to improve academic achievement, to discourage use of illegal drugs, alcohol, violence, gang involvement, or other harmful behavior, and to encourage children to set goals for themselves, including postsecondary training or education.

Young people today are confronted on a daily basis with situations that my generation simply didn't know could exist. I was fortunate enough to be raised in a loving and caring household. My generation needed support, encouragement, and stability. Today our kids need it, too. That is one thing that simply has not changed. Mentors can provide that support. I know it works. It has in Nebraska. I am convinced that Mentoring for Success will prove it will work everywhere.

What began as a spark in Nebraska has the potential to become a flame of optimism for at-risk children all across the country. I am proud today to be able to convey that this measure will in fact help our children.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I thank the good Senator for bringing this issue to our attention. I might mention, I was with their superintendent of schools in Boston a week ago during our break, Tom Payzant. He was talking about eight kinds of mentors working in schools there and the positive impact they are having in terms of the discipline in the schools and helping to resolve some of the tensions in the schools.

He said that 10 years ago he never would have thought this kind of need would be there, but it is there. He said he could use eight more very quickly and easily. It is a good idea. It is a good suggestion. Obviously, it will be voluntary. Communities will have to apply but it is another way of trying to help resolve some of the tensions that exist in many of the schools and provide a safer environment. There are a lot of different ways of trying to do it. This is a very positive and constructive way.

We welcome the amendment and urge the passage of it at this time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to and the motion to reconsider is laid upon the table.

The amendment (No. 533), as modified, was agreed to.

The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I thank the Senator from Massachusetts and the bipartisan leadership that has brought this education bill to us in a most timely manner, at a most important time in the history of public education in this country.

The PRESIDING OFFICER. If the Senator will suspend, under the previous order, the Senator from Massachusetts, Mr. KERRY, was to be recognized.

Mr. KENNEDY. Mr. President, the Senator from Florida has spoken to me for 2 days about being able to address the Senate on the importance of education. I mentioned that during the lunch hour there is not as much of a clamor for floor time. He has a short speech. Would it be agreeable to my colleague from Massachusetts if he is able to complete his statement for a brief time, 4 or 5 minutes?

Mr. KERRY. I have no objection if the definition of "brief" is 4 or 5 minutes.

The PRESIDING OFFICER. The Senator from Florida may continue.

Mr. NELSON of Florida. I thank both of the Senators from Massachusetts. Indeed, as a new Senator, I am learning that the definition of "brief" is generally not understood in this Chamber. Yet I will adhere to the common understanding in Webster's Dictionary of the term "brief" and keep it to less than 5 minutes. I thank the Senator from Massachusetts.

As a product of public education, I am very privileged to be a part of the debate and what I think is going to be part of the solution. One of the major components of the future quality of that is now being considered before this body. This legislation that we are now considering marks a victory for many and, most especially, for the American people who have overwhelmingly said that the education of their children is their No. 1 priority.

I have been guided through this debate by the experiences that I bring to this Chamber by my own educational upbringing, and what I experienced in the public schools of Brevard County, FL, was due in large part to having highly qualified teachers.

Who among us does not have some significant life-changing or life-steering experience by the interaction with a quality teacher? Those teachers, in my case, were in schools that were in good repair and in an environment that was conducive to learning. So during debate on this bill many of us have pushed for those same goals—reducing class size by putting more teachers in our classrooms, funding to help build and repair our schools, accountability to monitor the progress of each of our schools, and accountability to monitor the progress of every child in those schools.

Those principles have been incorporated in the many amendments that have now strengthened this bill, such as increased funding to put a highly qualified teacher in every classroom and to support teacher recruitment; full funding for special education; full funding for title I for disadvantaged students; modernization of school libraries; and also targeting of funds to low-income children. Another example of an amendment that we have is an incentive for schools to adopt high-quality assessments to chart student progress.

Today, in this country, some 90 percent of our children attend public schools. To continue that strong and important legacy of our public schools, and now to strengthen them for the many challenges ahead, we must ensure that our public schools are safe and conducive to learning for all students from all walks of life.

I believe this bill creates a framework through which we can reach every student, be it an inner-city student, a rural student, a physically challenged student, a low-income student, a suburban student, or a learning impaired student.

Our goal is to provide each of those students with the opportunity to achieve. In the end, reaching every student and improving every school is our goal, and I believe this bill is a step in the right direction—an important step.

But as we complete action on this bill, we must ensure that our commitment to better education is backed by the appropriations needed to make it happen. That part of the debate won't end this week, or even this year. So at every step of the way I intend to stand up for the Federal assistance needed to ensure a high-quality education for all of our children.

I thank my colleagues for the opportunity to share my heart on this subject that is of most importance to the American people.

Mr. President, I yield the floor.

Mr. KENNEDY. If the Senator will yield for a second, I thank the good Senator for his comments. Senator NELSON has been very much involved in the debate on education and has taken a great interest. We have benefited from this involvement. We welcome his continued ideas and recommendations, and we hope he will be even more active as we are dealing with additional educational issues. I am very grateful to him for all his good work and for his excellent statement. I thank the Senator.

AMENDMENTS NOS. 423 AND 455 TO AMENDMENT NO. 358

The PRESIDING OFFICER. The Senator from Massachusetts, Mr. KERRY, is recognized to offer two amendments en bloc, which the clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SMITH of Oregon, and Mr. CARPER, proposes an amendment numbered 423.

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. SMITH of Oregon, Mr. CARPER, and Mrs. CLINTON, proposes an amendment numbered 455.

The amendments are as follows:

AMENDMENT NO. 423

(Purpose: To provide for professional development and other activities for principals)

On page 383, after line 21, insert the following:

SEC. ____. TEACHERS AND PRINCIPALS.

Part A of title II (as amended in section 201) is further amended—

(1) by striking the title heading and all that follows through the part heading for part A and inserting the following:

"TITLE II—TEACHERS AND PRINCIPALS

"PART A—TEACHER AND PRINCIPAL QUALITY;

(2) in section 2101(1)—

(A) by striking "teacher quality" and inserting "teacher and principal quality"; and

(B) by inserting before the semicolon "and highly qualified principals in schools";

(3) in section 2102—

(A) in paragraph (4)—

(i) in subparagraph (B)(ii), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) with respect to an elementary school or secondary school principal, a principal—

"(i)(I) with at least a master's degree in educational administration and at least 3 years of classroom teaching experience; or

"(II) who has completed a rigorous alternative certification program that includes instructional leadership courses, an internship under the guidance of an accomplished principal, and classroom teaching experience;

"(ii) who is certified or licensed as a principal by the State involved; and

"(iii) who can demonstrate a high level of competence as an instructional leader with knowledge of theories of learning, curricula design, supervision and evaluation of teaching and learning, assessment design and application, child and adolescent development, and public reporting and accountability."; and

(B) in paragraph (9)(B), by striking "teachers" each place it appears and inserting "teachers, principals,";

(4) in section 2112(b)(4), by striking "teaching force" and inserting "teachers and principals";

(5) in section 2113(b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "teacher" and inserting "teacher and principal";

(ii) in subparagraph (A)—

(I) by inserting "(i)" after "(A)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following:

"(ii) principals have the instructional leadership skills to help teachers teach and students learn;"; and

(iii) in subparagraph (C), by inserting ", and principals have the instructional leadership skills," before "necessary";

(B) in paragraph (2), by striking "the initial teaching experience" and inserting "an initial experience as a teacher or a principal";

(C) in paragraph (3)—

(i) by striking "of teachers" and inserting "of teachers and principals";

(ii) by striking "degree" and inserting "or master's degree"; and

(iii) by striking "teachers." and inserting "teachers or principals."; and

(D) in paragraph (7), by striking "teacher" and inserting "teacher and principal";

(6) in section 2122(c)(2)—

(A) by striking "and, where appropriate, administrators,"; and

(B) by inserting "and to give principals the instructional leadership skills to help teachers," after "skills,";

(7) in section 2123(b)—

(A) in paragraph (2), by inserting "and principal" before "mentoring";

(B) in paragraph (3), striking the period and inserting ", nonprofit organizations, local educational agencies, or consortia of appropriate educational entities."; and

(C) in paragraph (4)—

(i) by striking "teachers" and inserting "teachers and principals"; and

(ii) by striking "teaching" and inserting "employment as teachers or principals, respectively";

(8) in section 2133(a)(1)—

(A) by striking ", paraprofessionals, and, if appropriate, principals" and inserting "and paraprofessionals"; and

(B) by striking the semicolon and inserting the following: "and that principals have the instructional leadership skills that will help the principals work most effectively with teachers to help students master core academic subjects;";

(9) in section 2134—

(A) in paragraph (1), by striking "teachers" and inserting "teachers and principals"; and

(B) in paragraph (2)—

(i) by striking "teachers" and inserting "teachers and principals"; and

(ii) by inserting "a principal organization," after "teacher organization,"; and

(10) in section 2142(a)(2), by striking subparagraph (A) and inserting the following:

"(A) shall establish for the local educational agency an annual measurable performance objective for increasing retention of teachers and principals in the first 3 years of their careers as teachers and principals, respectively; and".

AMENDMENT NO. 455

(Purpose: To modify provisions of the Safe and Drug-Free Schools and Communities Act of 1994 with respect to alternative education)

On page 505, line 18, insert after "intervention," the following: "high quality alternative education for chronically disruptive and violent students that includes drug and violence prevention programs,".

On page 528, line 11, strike "and".

On page 528, between lines 11 and 12, insert the following:

"(15) developing, establishing, or improving alternative educational opportunities for chronically disruptive and violent students that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with chronically disruptive and violent students; and".

On page 528, line 12, strike "(15)" and insert "(17)".

On page 541, between lines 9 and 10, insert the following:

"(15) the provision of educational supports, services, and programs, including drug and violence prevention programs, using trained and qualified staff, for students who have been suspended or expelled so such students make continuing progress toward meeting the State's challenging academic standards and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with disruptive students;".

On page 541, line 10, strike "(15)" and insert "(17)".

On page 541, line 18, strike "(16)" and insert "(18)".

On page 550, between lines 16 and 17, insert the following:

"(10) the development of professional development programs necessary for teachers, other educators, and pupil services personnel to implement alternative education supports, services, and programs for chronically disruptive and violent students;

"(11) the development, establishment, or improvement of alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;".

On page 550, line 17, strike "(10)" and insert "(12)".

On page 550, line 22, strike "(11)" and insert "(13)".

On page 551, line 3, strike "(12)" and insert "(14)".

On page 551, line 9, strike "(13)" and insert "(15)".

AMENDMENTS NOS. 423 AND 455, AS MODIFIED

Mr. KERRY. Mr. President, I send two modifications to the desk.

The PRESIDING OFFICER. The amendments are so modified.

The amendments, as modified, are as follows:

AMENDMENT NO. 423, AS MODIFIED

(Purpose: To provide for professional development and other activities for principals)

On page 383, after line 21, insert the following:

SEC. . TEACHERS AND PRINCIPALS.

Part A of title II (as amended in section 201) is further amended—

(1) by striking the title heading and all that follows through the part heading for part A and inserting the following:

"TITLE II—TEACHERS AND PRINCIPALS

"PART A—TEACHER AND PRINCIPAL QUALITY";

(2) in section 2101(1)—

(A) by striking "teacher quality" and inserting "teacher and principal quality"; and

(B) by inserting before the semicolon "and highly qualified principals and assistant principals in schools";

(3) in section 2102—

(A) in paragraph (4)—

(i) in subparagraph (B)(ii), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) with respect to an elementary school or secondary school principal, a principal—

"(i)(I) with at least a master's degree in educational administration and at least 3 years of classroom teaching experience; or

"(II) who has completed a rigorous alternative certification program that includes instructional leadership courses, an internship under the guidance of an accomplished principal, and classroom teaching experience;

"(ii) who is certified or licensed as a principal by the State involved; and

"(iii) who can demonstrate a high level of competence as an instructional leader with knowledge of theories of learning, curricula design, supervision and evaluation of teaching and learning, assessment design and application, child and adolescent development, and public reporting and accountability."; and

(B) in paragraph (9)(B), by striking "teachers" each place it appears and inserting "teachers, principals, and assistant principals,";

(4) in section 2112(b)(4), by striking "teaching force" and inserting "teachers, principals, and assistant principals";

(5) in section 2113(b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "teacher" and inserting "teacher and principal";

(ii) in subparagraph (A)—

(I) by inserting "(i)" after "(A)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following:

"(ii) principals have the instructional leadership skills to help teachers teach and students learn;"; and

(iii) in subparagraph (C), by inserting ", and principals have the instructional leadership skills," before "necessary";

(B) in paragraph (2), by striking "the initial teaching experience" and inserting "an initial experience as a teacher, principal, or an assistant principal";

(C) in paragraph (3)—

(i) by striking "of teachers" and inserting "of teachers and principals";

(ii) by striking "degree" and inserting "or master's degree"; and

(iii) by striking "teachers." and inserting "teachers or principals."; and

(D) in paragraph (7), by striking "teacher" and inserting "teacher and principal";

(6) in section 2122(c)(2)—

(A) by striking "and, where appropriate, administrators,"; and

(B) by inserting "and to give principals and assistant principals the instructional leadership skills to help teachers," after "skills,";

(7) in section 2123(b)—

(A) in paragraph (2), by inserting "and principal" before "mentoring";

(B) in paragraph (3), striking the period and inserting ", nonprofit organizations, local educational agencies, or consortia of appropriate educational entities."; and

(C) in paragraph (4)—

(i) by striking "teachers" and inserting "teachers, principals, and assistant principals"; and

(ii) by striking "teaching" and inserting "employment as teachers, principals, or assistant principals, respectively";

(8) in section 2133(a)(1)—

(A) by striking ", paraprofessionals, and, if appropriate, principals" and inserting "and paraprofessionals"; and

(B) by striking the semicolon and inserting the following: "and that principals and assistant principals have the instructional leadership skills that will help such principals and assistant principals work most effectively with teachers to help students master core academic subjects;";

(9) in section 2134—

(A) in paragraph (1), by striking "teachers" and inserting "teachers and principals"; and

(B) in paragraph (2)—

(i) by striking "teachers" and inserting "teachers and principals"; and

(ii) by inserting "a principal organization," after "teacher organization,"; and

(10) in section 2142(a)(2), by striking subparagraph (A) and inserting the following:

"(A) shall establish for the local educational agency an annual measurable performance objective for increasing retention of teachers, principals, and assistant principals in the first 3 years of their careers as teachers, principals, and assistant principals respectively; and".

AMENDMENT NO. 455, AS MODIFIED

(Purpose: To modify provisions of the Safe and Drug-Free Schools and Communities Act of 1994 with respect to alternative education)

On page 505, line 18, insert after "intervention," the following: "high quality alternative education for chronically disruptive, drug-abusing, and violent students that includes drug and violence prevention programs,".

On page 528, between lines 11 and 12, insert the following:

"(15) developing, establishing, or improving alternative educational opportunities for chronically disruptive, drug-abusing, and violent students that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with chronically disruptive, drug-abusing, and violent students;".

On page 541, between lines 9 and 10, insert the following:

"(15) the provision of educational supports, services, and programs, including drug and violence prevention and intervention programs, using trained and qualified staff, for students who have been suspended or expelled so such students make continuing progress toward meeting the State's challenging academic standards and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with disruptive students;".

On page 541, line 10, strike "(15)" and insert "(17)".

On page 541, line 18, strike "(16)" and insert "(18)".

On page 550, between lines 16 and 17, insert the following:

"(10) the development of professional development programs necessary for teachers, other educators, and pupil services personnel to implement alternative education supports, services, and programs for chronically disruptive, drug-abusing, and violent students;

"(11) the development, establishment, or improvement of alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;".

On page 550, line 17, strike "(10)" and insert "(12)".

On page 550, line 22, strike "(11)" and insert "(13)".

On page 551, line 3, strike "(12)" and insert "(14)".

On page 551, line 9, strike "(13)" and insert "(15)".

Mr. KERRY. Mr. President, let me begin by expressing not just my gratitude, but the gratitude of everybody in the Senate who understands the dynamics of this process, and to my senior colleague from Massachusetts; there is no stronger, more forceful, more committed advocate for the schools of our country than my colleague, TED KENNEDY. I think his work in leading this for weeks now on the floor will speak for itself in the end when we will pass a bill that this country will be proud of—providing, of course, that we ultimately provide the resources necessary to empower this framework to take hold. I salute my colleague for his leadership and thank him for what he has been doing.

I also thank my friend from Florida for his gracious comments and for his strict adherence to the common understanding of Webster's Dictionary.

These are two amendments which I have offered today with my good friend from Oregon, Senator GORDON SMITH. One deals with the quality and supply of our Nation's principals, and one deals with the provision of alternative educational opportunities for chronically violent and disruptive students.

I am pleased to have Senator CARPER, Senator REED of Rhode Island, and Senator LEVIN joining us as original cosponsors of the principals amendment.

The fact is very straightforward. In the next year, we are going to be faced with a leadership crisis in our schools. Many of today's principals are reaching the age of retirement, and there is clear evidence that reveals a decline in the number of candidates for each opening. For example, by the end of this school year, more than 400 New York City principals will have retired. In Washington State, nearly 300 principals, or 15 percent of the total, left their jobs at the end of the last school year. The Dallas Morning News reported that Texas is about to face the greatest shortage of principals it has ever encountered, with some studies predicting a 50-percent turnover rate among the State's 8,500 principals and assistant principals within the next 10 years.

Schools all over the country are faced with the question of who will replace these retiring principals, who will provide the critical leadership for our educational system.

Qualified candidates are becoming increasingly hard to find. In the 1998 survey of school districts, half of the districts reported a shortage of qualified candidates. The attrition rate for elementary school principals now stands at 42 percent for the decade from 1988 to 1998, and it is expected to remain at least as high through this decade.

Indeed, some predictions are it could reach as high as 60 percent as principals of the baby boom generation reach retirement age.

This is happening at a time when the U.S. Department of Labor estimates that the need for principals in our country will grow with rising school enrollments through at least 2005. If we do not stem the flow of retirees and buoy up the number of aspiring principals, we will face a critical school leadership crisis, one that could debilitate any of the other reform efforts we are making today.

Not only, however, is the supply of principals vital to the success of education reform, but obviously the quality of our principals is also critical. A good principal can create the climate that fosters excellence in teaching and learning while an ineffective one can quickly thwart the progress of the most dedicated reformers.

I think any of us who has been to any school in this country, particularly when we walk into a blue ribbon school, we will acknowledge that if the school is working, if the school is particularly a blue ribbon school, that school has a blue ribbon principal.

Every school in this country that works begins with the leadership in the school itself. Without a good leader, it is hard to instigate or sustain any meaningful change, and schools will not be transformed, restructured, or reconstituted absent that leadership.

Education reform policies, such as the ones we hope will be instituted as a result of the BEST Act, are meaningless without strong leadership to implement them in school. Today we all know principals face a whole different set of challenges than their predecessors. One of the greatest challenges is providing a positive learning environment for a highly diverse student population. By the middle of the new century, more than half of the population will be made up of those whose families originated in Africa, Asia, or Latin America.

Principals will certainly need to understand and be prepared to integrate into their schools a new generation of sophisticated technology which, in turn, will require them to place a high priority on staff development for teachers and for themselves. I do not believe it is possible to underestimate the impact technology will continue to have on teaching and administration.

Increased responsibilities without increased support will continue to hamper school districts' abilities to attract qualified principals. It is another reason the resource issue is so critical ultimately to the success of the legislation we will pass.

The amendment the Senator from Oregon and I are offering addresses this critical problem by giving States greater flexibility in the use of their title II dollars so that funding can be used to retain high-quality principals and improve principal quality.

I point out that with respect to the second amendment we are offering, Senator SMITH and I and others share a twofold concern. The quality of teaching and learning suffers significantly when one or two disruptive students or violent students monopolize a classroom and the attention of a teacher, and that violent and disruptive student is often in desperate need of services, supports, and greater levels of attention than are provided in the traditional classroom.

We have a choice: We can either deal with the problems of these young people while they are in school, while we know where to find them, while we have them under our control, while we have the opportunity to provide them services, or we can wait for them to drop out or turn to the streets or encounter them later in the juvenile justice system of the country.

The intent of this amendment is to ensure that our classrooms are safe, drug free, and that all students are provided with a meaningful opportunity to learn.

The amendment we are offering amends the Safe and Drug Free Schools Program and expands its purpose to include the provision of alternative education opportunities. This amendment will allow the list of allowable Federal, State, and local uses of funds under the Safe and Drug Free Schools Program to include the option of providing alternative education, supports to chronically disruptive, drug abusing, and violent students.

One option to ensure that classrooms and schools are safe and manageable has been to require removal of disruptive and dangerous students. Typically this is accomplished through expulsions and long-term suspensions. However, while expelling and suspending may make schools safer and more manageable, students' problems do not go away when they are removed from the classroom—the problems just go somewhere else.

School districts across the country report experiencing significant increases in both the number of students expelled and the length of time they are excluded from their schools. The consensus among educators and others concerned with at-risk youth is that it is vital for expelled students to receive educational counseling or other services to help modify their behavior while they are away from school.

Without such services, students generally return to school no better disciplined and no better able to manage their anger or peaceably resolve disputes. They will also have fallen behind in their education, and any underlying causes of their violent behavior may be unresolved. Research has shown a link between suspension/expulsion and later dropping out of school, with resulting personal and social costs.

Alternative education works. My home State of Massachusetts has some excellent alternative education programs. The superintendent of the Boston Public Schools created an Alternative Education Task Force in Octeober, 1998. A recent report of this Task Force found that alternative education programs have helped to reduce the dropout rate both in Boston Public Schools and in other community-based programs.

One Boston Public Schools alternative education program, the Community Academy, has been recognized by the U.S. Department of Education as one of the top nine exemplary programs in the country. The students enrolled in the Community Academy are from grades 6–12 and are referred by principals, guidance counselors, and parents. The Community Academy's small, highly structured and closely monitored program provides a setting where these students can receive the attention and services they need to get their lives on track and enable them to focus on learning. All students of Community Academy are monitored through intervention stragtegies by the program's staff, including case managers, clinicians, instructors, and parents.

The school system in Springfield, MA, has established six alternative schools. And since they began their alternative sites, the dropout rate in Springfield has declined from 11.8 percent to 4.9 percent. The superintendent of the Springfield schools made a commitment that all students in Springfield will receive an education, including suspended or expelled students, he has stood by that commitment, and in Springfield they are seeing real results.

An example of alternative education is Springfield Academy, Springfield, MA. The principal is Alex Gillat.

Gertrude is a teenager who does not have contact with her parents and resides with her older sister and two younger siblings. While enrolled in a local high school, Gertrude had many difficulties both in and out of school and ultimately was expelled because she attacked another student with a hammer. Gertrude spent a little over a year at the Springfield Academy. I am very happy to report that Gertrude graduated last year and is currently enrolled in a university. She is supported in her studies by a number of scholarships.

Daniev came from a family with a history of drug abuse. His father died of a heroin overdose and he too became a heavy user of drugs and alcohol. Chronically truant, Daniev one day witnessed a friend get killed as they walked along the railroad tracks in Springfield. After that incident, Daniev suffered post traumatic stress disorder. Around this time, Daniev was enrolled at Springfield Academy. With the aid of the staff, counselors, and a Navy recruiter, Daniev quit using drugs and alcohol, successfully completed high school, and is now enlisted in the Navy.

Another example is Bridge Academy, Springfield, MA. The principal is Allen Menkell.

Cyrus is a senior in high school and is literally on the cusp of graduation, but Cyrus almost didn't make it. In addition to problems with substance abuse, Cyrus' father passed away, and soon thereafter, his younger brother died of leukemia. Cyrus was about to drop out of his "last chance school," but teachers at Bridge Academy rallied around him, and helped him to see how much he had accomplished. Cyrus will graduate this month, and may go on to community college.

It is shocking to think where these young people would be without the opportunities that alternative schools like those in Springfield and Boston provided them with. But what is all too common is that these alternative learning environments do not exist. What is all too common is that these young people would not have anywhere to turn.

I call attention to the fact that the superintendent of Boston Public Schools created an alternative education task force in October of 1998. A recent report of the task force found it has helped reduce the dropout rate both in the Boston public schools and in other community-based programs.

One alternative program has been recognized by the Department of Education as one of the exemplary programs in the country.

In addition, in Springfield, MA, they have established six alternative schools, and since they began their alternative sites, the dropout rate in Springfield has declined from 11.8 percent to 4.9 percent.

An alternative education opportunity makes a difference—a difference to the child who needs it and a difference to the children who are often trapped in a classroom that will not work because of the disruptive student.

I urge my colleagues to embrace both of these amendments as supportive of the intentions and goals of this legislation.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Nineteen seconds.

Mr. CARPER. May I have 8 of those 19 seconds?

Mr. KERRY. I ask for an additional minute for my colleague. I apologize.

Mr. KENNEDY. I will be glad to yield 5 minutes.

Mr. CARPER. Mr. President, I am grateful to both Senators.

Senator KERRY offered two wonderful amendments. I am pleased to be an original cosponsor of both of them. I thank him for his leadership.

We have spent a fair amount of time talking about academic standards we have set in our schools and other States have set in their schools. We have spent a fair amount of time acknowledging tests are being taken to measure student progress and we need to hold folks accountable—schools, school districts, and teachers.

It has been acknowledged again and again how important having a good teacher in a classroom is to enable all students to reach the standards that are being set in their respective States.

Professional development of teachers is critical in my State of Delaware, obviously Massachusetts, and other places. Senator KERRY put his finger on it. It is not enough just to work on the professional development of the teachers or to make sure we have teachers who know their business, know their stuff, love to teach, love kids in our classrooms, but it is critically important that the men and women leading those schools, the principals and assistant principals, learn how to do their jobs well.

One of the toughest jobs going these days is not as a Member of the Senate, not even President of the United States. I think one of the toughest jobs in America today is trying to be principal of a school and run the school with all of its challenges—the kids, the curriculum, Federal and State regulations coming at them, dealing with the parents, many of whom are not present in the lives of their children, passing referendums. It is a tough job.

The idea that we acknowledge not just that it is a tough job but say to States, you can use some of this Federal money to make sure more of the people leading our schools know how to do their tough job well, is just a wonderful step we are taking.

The second thing I want to say with respect to funding, providing the possibility for Federal funds for alternative schools for chronically disruptive students, is that every child can learn. Children who are chronically disruptive came to school behind, started behind, and fell further behind. In many cases they did not have parents engaged in their lives and may not have had the right teachers. Even those kids can learn. They may need to be in a classroom other than the one they are sitting in today or this year. They may need to be in a different school, but they can learn in a different school. If we include in the alternative for disruptive students trained educators and leaders who know how to work with those students who come from tough backgrounds, those kids can learn and can meet the standards, as well.

Our role is not to say to States that they have to use this money to train school leaders and principals; our job is not to say they have to use this to provide for alternative schools for disruptive students; but with the amendments we make it an option.

I commend Senator KERRY and Senator SMITH from Oregon for joining in offering this amendment. I am pleased to stand in support.

Mr. KERRY. Mr. President, I thank the Senator for his leadership as a Governor. He did a superb job in the State of Delaware, leading in some of the reforms incorporated herein. We appreciate and respect that and thank him for his support and comments with respect to these amendments.

Mr. KENNEDY. I urge the acceptance of these amendments.

The amendment, as my friend and colleague has pointed out, using the Safe and Drug Free Schools for the development of alternative educational opportunities for these students causing problems in school makes a great deal of sense. This is a problem.

One of the things we understand is that children do not learn when they are distracted and there is violence. Even though schools are one of the safest places to be at any time, we know there are incidents which occur. The Senator has made an excellent recommendation.

On the issue of the principals, as we have learned very well with the Jeremiah Burke School, a principal took a school that lost accreditation and within 6 years, this last year—and it is the only high school in Boston that is eligible for title I funds, which means it has to have 70 percent eligibility which, in economic terms, are the neediest children probably in the city—this year, 100 percent of the graduates were accepted into college. I think it was as much the principal's leadership in that as anything else.

The Senator has for a long time talked about the importance of the quality of principals. This is a particular area he has spent a great deal of time on and has visited a lot of the schools and spoken eloquently and effectively on the issue.

These are two very good amendments. I thank the Senator for the good work he does on education.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I am pleased to come to the floor with Senator KERRY today and am grateful that the manager of this bill has accepted our amendments. I will speak to No. 423. This is something Senator KERRY and I worked on for some time because of our fundamental belief that principals shape the environment in which teachers and students ultimately succeed or fail. We believe improving the quality of school is the most effective way to make systematic improvements in our educational system.

The school principal of today is more than a manager. Today's principal needs to be an effective instructional leader. Instructional leaders develop and implement strategies for improving teaching and learning; they develop a vision and establish clear goals for student performance.

School principals provide direction in achieving state goals; encourage others to contribute to goal achievement; secure commitment to a course of action from individuals and groups in the school and community. They are instrumental to the success of a school, and we have a responsibility to help them succeed in this role.

To be effective, principals need more than workshops or other one-time professional development "events." They need high quality, ongoing professional development focused on student achievement.

There is no doubt that teacher quality is important, but it is the collection of teachers working with a unified purpose that transforms a school. That critical development comes only with a skilled effective leader at the helm.

A 1999 report issued by the National Association of State Boards of Education characterized effective principals as the "lynchpins of school improvement" and the "gatekeepers of change." The National Association of State Boards of Education views principals as impacting both the implementation and sustainability of reforms focused on student achievement.

Principals have a powerful effect on the culture of a school: Teachers will model the behavior of a principal whom they trust and who has knowledge about good instruction.

Currently, professional development funding is available to teachers, but far too few principals receive similar professional development options because school districts often decide to devote limited funding to teacher programs first. That is why this amendment allows principals to access federal professional development funds.

Not only do we need to help our current principals be more effective, we also need to address the critical shortage of school administrators.

Too many schools opened this fall without a principal. Although the teacher shortage is well known, discussions about the lack of qualified school leaders to fill the position of principal have just begun, and they have begun with this amendment.

In Vermont, one of every five principals has retired or resigned since the end of the last school year.

In Washington State, 15 percent of principals did the same last year.

In 1999, New York City had 200 schools that opened with temporary leaders.

School districts face a monumental task of finding effective leaders for our nation's schools. Cities and states nationwide report principal vacancies and only a trickle of qualified applicants, if any, willing to fill the positions.

A recent study by the Educational Research Service estimates that more than 40 percent of public school principals will retire over the next ten years. Our school leaders are graying and we are not replacing them with enough qualified candidates.

Leadership plays a pivotal role in all spheres of our national life, but we have not yet made it a priority in schools. The business and corporate community has long considered enlightened leadership a prerequisite for successful change. It cultivates young leaders and provides extraordinary resources for their development. The commitment to developing and ensuring strong leadership extends to the armed forces, where we provide officer-training programs and service academies for preparing leaders for all military services.

We need to do the same for the potential leaders of our schools. This amendment does exactly that, by allowing funds to be used for mentoring aspiring principals and recruiting leadership candidates.

There are excellent programs around the country, like Portland State University's Graduate School of Education, ready to help train administrators, if necessary funds are made available.

The role of the principal must be recognized if schools are going to improve on a national level. The new policies being implemented here in Congress will, for the most part, have to be implemented at the school level by principals.

We have a responsibility to equip principals to carry out the achievement goals we have set for them.

I am asking my colleagues along with Senator KENNEDY and others to support our Principals amendment. This amendment will allow states to use Teacher Quality funds to improve the quality of elementary and secondary principals and assistant principals.

This could include such state options as reforming principal certification, ensuring that principals have the instructional skills to help educators teach, and mentoring principals. These functions could help states ensure that enough high quality principals are ready to lead our children and our schools into the 21st century.

I would also like to address the need for alternative education in our children's schools. Senator KERRY and I have been working together for several years to address the problem of educating troubled and chronically disruptive children in schools.

Today we offer an amendment, number 455, which will allow states to use Title VI Safe and Drug Free Schools money for alternative education, when it relates to drug and violence prevention, and to try to prevent these students from dropping out of school.

Alternative education options need to exist for the benefit of all students—both the disruptive students and their classmates.

Removing potentially violent or chronically disruptive children from the classroom can leave other students free to learn.

But more than that, just removing these difficult students from the classroom without providing alternative placements simply leaves them unsupervised. It also leaves them without opportunities to learn the skills they will need in life. This puts the students at even higher risk for failure later in life.

What these children need is appropriate, intensive assistance that can only be provided outside the regular classroom. Alternative education can meet their needs for supervision, remediation of behavior, maintenance of academic progress, and it can help prevent them from dropping out.

Clearly, alternative education will not be a "magic bullet"; however, it can serve a number of very important purposes. First, it can improve safety in schools, by working with students who may be a danger to themselves, other children, and staff.

Second, alternative education can also prevent disruptions to learning for the overwhelming majority of students who come to school to learn.

Third, as I have already mentioned, it can provide appropriate help to chronically disruptive and violent students. According to administrators in Multnomah County's Department of Community Justice, half the youth who are on probation or parole are also enrolled in alternative schools. Just think of the implications for society and these individuals and their families later in life if these troubled youngsters are denied the support they need to grow both academically and behaviorally.

Finally, alternative education options can prevent high risk students from dropping out of school. This gives them a much better chance of becoming contributing members of society.

Research from the Northwest Regional Education Laboratory, based in my home state of Oregon, has shown that at least two thirds of the students in community based alternative schools—all former dropouts—have found academic and social success after being enrolled in the program.

Last winter, I talked with 150 Oregon educators about the best ways to prevent students from dropping out. Among the solutions, they recommended alternative education as a critical tool for keeping kids in school.

Despite the fact that we know that alternative education is so critical, there are simply not enough dollars available to reach all the students who need it.

I am holding letters from educators in my home state telling me of their great need for federal help to fund alternative school options. I know this need for funds exists across the country as well.

Therefore, I ask you to join my distinguished colleague, Senator KERRY, and me in support of our alternative education amendment. Allowing states to use Safe and Drug Free Schools funds for alternative education will help ensure that no children, even the ones at highest risk, are left behind.

I yield the floor.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendments.

The PRESIDING OFFICER. Has all time been yielded?

Mr. KENNEDY. We are prepared to yield back the remainder of the time.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc, No. 423, as modified, and No. 455, as modified.

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 423 and 455), as modified) were agreed to, en bloc.

Mr. KENNEDY. I move to reconsider and lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 630, AS MODIFIED

Ms. CANTWELL. I ask unanimous consent to call up previously proposed amendment No. 630, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I rise today in support of a bipartisan amendment that was made possible with the help of my colleague, the distinguished Senator from Wyoming, Mr. ENZI, and I also express my appreciation to Senators KENNEDY and GREGG for their help on this amendment. They have done a terrific job of moving this education bill through the process this year.

We have all experienced going home and hearing from teachers that too often technology is simply not well integrated into the classrooms. While we spend billions on technology in schools, too often these funds do not have the full potential impact because the technology dollars often are focused just on equipment itself.

This bipartisan amendment simply requires that school districts which seek to use Federal technology dollars do so in a way that explicitly details how they are going to integrate teacher training and professional development, curriculum development, and proper system resources.

Furthermore, the amendment will ask the Department of Education to report on these strategies to identify the BEST practices on bringing technology and training into the classroom so schools that are successful can be used as a model to scale BEST education practices and technology at the national level.

This amendment has been supported by a number of national teaching organizations as well as many of the technology industry, such as AOL-Time Warner, Sun Microsystems, Microsoft, Computer and Communications Industry Alliance, and many others.

I ask unanimous consent their letters in support of this amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMPUTER & COMMUNICATIONS
INDUSTRY ASSOCIATION,
Washigntion, DC, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL, On behalf of the Computer & Communications Industry Association (CCIA), I write to express support for the Developing Best Practices for technology in Education Amendment to S. 1, the Better Education for Students and Teachers Act. CCIA applauds your leadership efforts in introducing this amendment.

The Cantwell-Enzi bipartisan education technology amendment to ESEA is a positive step forward in ongoing efforts to bring technology to the classroom in a comprehensive and effective way. This amendment will enable schools across the country to integrate technology into classrooms to give all our children the opportunity to take advantage of the many benefits that technology and the Internet can provide.

Our schools will most benefit by the development of programs that employ technology effectively and can be implemented by any school or district. This amendment recognizes that to be successful we must integrate technological resources with two other crucial elements: teacher training and professional development and curriculum development.

We are pleased to support the Cantwell-Enzi amendment and believe it will encourage the development of best practices for the use of scalable technology in states and local districts around the country and assessment and evaluation of the effectiveness of those strategies. we are delighted to support this amendment as one important step in bringing technology to the classroom and will pledge to work for its passage.

Sincerely,

EJ BLACK,
President and CEO.

BUSINESS SOFTWARE ALLIANCE,
Washingon, DC, June 7, 2001.

Senator MARIA CANTWELL
U.S. Senate, Senate Hart Building,
Washington, DC

DEAR SENATOR CANTWELL: I am writing to commend you on your initiative to ensure that teachers and students can take full advantage of the opportunities presented to them by having computers and Internet connections available as an integral part of teaching. You have correctly identified a critical need: it is not enough to make computers available in the classroom, teachers must integrate them into their everyday instructional activities.

As you are well aware, technology companies often have a hard time finding new employees that have the needed levels of math and science training, as well as computer literacy. In a survey conducted last year, BSA CEOs projected that, on average, 9 percent of the openings for skilled workers went unfilled in 2000. We believe a long-term approach is needed that takes into account education policy, particularly in regard to providing incentives for and increasing the interest of our nation's youth to study math and science.

We support your proposed amendment to the education bill because it would promote more specific and rigorous use of technology in the classroom. Today, while many classrooms have a computer, too few of our teachers make use of it on a systematic basis. We believe the Cantwell-Enzi amendment will address these issues, changing the way our students improve their computer skills.

As we understand it, your proposal would require local and state agencies to include in their education plans three criteria: 1) teacher training and development in the use of technology; 2) curricular development that incorporates computers and the internet; and 3) a plan to rationally allocate technology resources. Additionally, your proposal would direct the Department of Education to develop plans and programs on best ways to use technology in teaching.

We applaud your leadership in this critical area, and we stand ready to work with you.

Sincerely,

ROBERT W. HOLLEYMAN,
President and Chief Executive Officer.

SUPERINTENDENT
OF PUBLIC INSTRUCTION,
Olympia, WA, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: Thank you for your efforts to improve the delivery of technology funding under the Elementary and Secondary Education Act by offering amendment #630 regarding "Developing Best Practices for Technology in Education."

The federal government has been the largest single investor in education technology in this nation over the past decade. To further improve the effective integration of technology, training, and research-based best practices will ensure that our national investment continues to be prudent and targeted to efforts that improve student learning.

For state and local technology plans to miss connections to the development of educator's skills, the development of the curriculum they will use, or the development of best practices in technology resources and systems, would be to miss a tremendous opportunity to build student success. Requiring these elements in plans makes eminent sense. In addition, the national evaluation of technology plans will allow the nation as a whole to learn from and to build on the success of those, such as the many entrepreneurial educators in Washington state, who have solved thorny problems of technology integration with creativity, wisdom, and vision. I do not want to suggest that in any way schools are not making progress in effectively using technology. We have examples of effective uses of technology from around the country, and particularly in the state of Washington, through the use of our K–20 Network (dozens of examples are described at *http://www.wa.gov/k20/*).

Washington state, as a leader in technology innovation and in the integration of technology into effective use in the classroom, has much to gain by the passage of the Cantwell-Enzi amendment to ESEA.

Sincerely,

TERRY BERGESON,
State Superintendent of Public Instruction.

AOL TIME WARNER,
Washington, DC, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: I am writing to voice AOL-Time Warner's enthusiastic support for your National Digital School District Amendment to S. 1, the BEST Act. We believe that your amendment furthers the goals of this bill as well as those of Congress and the Administration by encouraging innovative education strategies and public/private partnerships, and mandating program effectiveness assessments. We applaud your understanding of the importance of the use of technology to educate America's youth.

As you know, AOL-Time Warner has a deep and abiding interest in ensuring that all students receive an education that not only grounds them in the basics—reading, writing, and arithmetic—but simultaneously prepares them for employment in the global, high-technology economy. To achieve these goals, we believe that all students must gain access to 21st Century learning tools and skills, and that teachers must receive training in how to use new technologies and integrate them into their classrooms. Through our establishment of AOL@School, a free online learning tool that helps administrators, teachers, and students gain quick and easy access to the best educational content available on the Web, and our support of PowerUP, a non-profit organization that provides underserved youth with access to technology and mentoring, AOL-TW has made 21st Century technology literacy a cornerstone of our business and philanthropic efforts.

We believe that your amendment will not only complement these and other education technology projects in which AOL-Time Warner has been involved, but will leave a legacy of best practices for states and school districts to emulate.

Thank you again for your demonstrated leadership on this issue.

Sincerely,

JILL A. LESSER,
Senior Vice President, Domestic Public Policy.

SUN MICROSYSTEMS, INC.,
Washington, DC, June 7, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of Sun Microsystems, Inc., I would like to thank and congratulate both you and Senator ENZI on the introduction of S.A. 630: "Developing Best Practices for Technology in Education." S.A. 630 is a worthy addition to S.1, the Elementary and Secondary Education Act, and we fully endorse your efforts. We believe that S.A. 630 is a logical and much needed step that will help schools, school districts, teachers, and students all achieve significant gains in performance and efficiency by requiring the development of comprehensive strategies for technology.

As schools move towards a greater dependence on computer technology, they are continually faced with expensive hardware and software expenditures, continual upgrades, expensive technical support, and a constant need for teacher re-training. By encouraging the adoption of "best practices," we believe more schools will move toward a web-based learning model, allowing anytime, anywhere access to educational resources. Through web-based learning, our schools can achieve greater efficiency, increase access to educational resources and allow teachers to spend time doing what they do best—teach.

Therefore, we specifically support the Cantwell-Enzi Amendment because it meets the challenges of brining education to the classroom by:

1. Requiring that local and state agencies develop strategies that include teacher development and training; curriculum development; and technology system resources to be eligible for over $1 billion in federal technology funds;

2. Encouraging the development of best practices for the use of technology in schools that can be scalable in states and local districts around the country.

The single most important thing the federal government can do to promote real educational reform is to encourage a shift towards web-based learning. We believe this amendment is an important step, and are proud to support your efforts.

Sincerely,

KIM JONES,
Vice President, Global Education and Research.

SCHOOLTONE ALLIANCE,
Chicago, IL, June 6, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the members of the SchoolTone Alliance, I write to express support for the National Digital School Districts Amendment to S. 1, the Better Education for Students and Teachers Act, SchoolTone Alliance applauds your leadership efforts in introducing this amendment.

The amendment addresses the very real challenges faced in effectively using technology in our nation's classrooms by strengthening teacher training, improving curricular development, allocating scarce resources and identifying best practices. Last year the bipartisan Congressional Web-based Education Commission released its report, The Power of the Internet for Learning, and called upon policymakers to enact an "e-learning agenda." Your amendment implements the vision articulated in that report and will act as a catalyst in moving the power of the Internet for learning from promise to practice.

The SchoolTone Alliance is a not-for-profit, independent consortium of companies promoting the benefits of Internet-based computing in schools. SchoolTone Alliance member companies include: ACTV HyperTV Networks, Inc.; AOL@School; bigchalk,com; Blackboard, Inc.; BritannicaSchool.com; Broadware Technologies; HighWired.com; Isis Communications Limited; JASON Foundation; Lucent Technologies; National Semiconductor; Power School; SaskTel; SchoolCity.com; SchoolCruiser/Timecruiser Computing; Simplexis.com; SRI International; Sun Microsystems, Inc. and VIP Tone, Inc.

SchoolTone Alliance and its members look forward to working with you on a mutual agenda of bringing technology to all students and in making it a more effective and efficient tool for learning.

Sincerely,

IRENE K. SPERO,
Executive Director.

UNIVERSITY OF WASHINGTON,
Seattle, WA, June 6, 2001.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR MARIA: We commend you for your leadership on the Cantwell-Enzi Amendment of S.1, S.A. 630: "Developing Best Practices for Technology in Education."

There is widespread agreement that technology has the potential to dramatically enhance teaching and learning.

In the past few years, we have made great progress in providing computers and connectivity in our classrooms, both nationally and in Washington State. In Washington State, for example, the proportion of K–12 classrooms with Internet access increased from 64% to 87% between 1998 and 2000.

However, just providing computers and connectivity is not sufficient. In Washington State, nearly half of all schools have no equipment replacement plan within a five-year cycle. Three-fourths of all schools cannot meet an equipment downtime goal of two days or less. The average time spent on staff/teacher in-service technology training is one hour per year. Per-student expenditures on all aspects of technology range from an average of $22/student in the bottom 10% of Washington's 297 school districts, to an average of $357/student in the top 10%. Curriculum lags tremendously. So does research on educational outcomes—measured as a fraction of total expenditures, computer chip manufacturers spend 200 times as much on R&D, and potato chip manufacturers spend 20 times as much!

Your amendment will encourage the thoughtful and effective integration of technology into the classroom, in a way that truly does enhance teaching and learning. Again, thank you for your leadership.

Sincerely,

EDWARD D. LAZOWSKA,
Bill & Melinda Gates Chair in Computer Science, Department of Computer Science & Engineering.

PATRICIA M. WASLEY,
Dean and Professor, College of Education.

MICROSOFT CORPORATION,
Washington, DC, June 12, 2001.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of Microsoft Corporation, I would like to commend you on the introduction of your amendment, "Developing Best Practices for Technology in Education," to S.1, the "Better Education for Students and Teachers Act." As strong supporters of bipartisan education reform, Microsoft applauds your leadership and vision on this important issue, and we share your commitment to providing educators with the tools and training they need to integrate technology effectively into their classrooms.

Using technology to raise student achievement and improve professional development is vital as we seek to reform our education system. Our own initiative to promote professional development, the Microsoft Classroom Teacher Network, has helped provide technology training to nearly 1.5 million teachers annually. In addition, Microsoft has developed a suite of software tools, particularly the Encarta Class Server, Web-based curriculum development platform designed to aid teachers in classroom management. Microsoft also supports the Boys & Girls Club of America Club Tech program which gives students access to technology after school thereby providing particularly low-income children, with access to a wide array of educational technology experiences and opportunities.

By helping to provide teachers with the resources necessary to succeed, and by ensuring that educators nationwide will have access to information regarding the most effective uses of technology in raising student achievement, your amendment will help promote creativity and innovation in our education system and ensure that no child is left behind.

Sincerely,

JACK KRUMHOLTZ,
Director, Federal Government Affairs, Associate General Counsel.

Ms. CANTWELL. I also ask the support of my colleagues in passing this legislation to make sure our technology dollars at the national level are used efficiently and effectively, that some of the models being established even in the private sector be considered as we move forward on getting the best for education under this amendment. I encourage my colleagues to support it, and again thank Senator ENZI, my staff and Senator ENZI's staff on their bipartisan effort in passing this legislation.

I yield the remainder of my time.

Mr. KENNEDY. I thank the Senator from Washington for this proposal. She brings enormous experience in this area as one who has demonstrated, in another life, great perception about the possibilities of the computer world and what it can mean for enhancing education. Her recommendations in the form of this amendment are something we value. We have provisions reflected in the legislation, as the Senator has noted, but I think this perception that she has brought with this amendment will be enormously useful and valuable.

We had a good description of the proposal earlier last evening. She has given us additional comments today. We are prepared to recommend the amendment be accepted. I do so at this time. I think we are prepared to accept it.

I thank the Senator for her diligence in pursuing this matter. She has been enormously cooperative with the floor managers in arranging to bring this to the attention of the Senate. We are grateful to her for her accommodation but most importantly for the substance of this proposal, which will add to the enhancement of children's knowledge in the area of computer technology.

We are prepared to accept that.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. We yield the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 630) as modified, was agreed to.

Mr. KENNEDY. I thank the Chair and I thank the Senator.

Ms. CANTWELL. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we are expecting a vote in a few moments on the Dodd amendment. Sometime after that, we will be dealing with the Hutchinson amendment and then the Schumer proposal. There will be the Schumer proposal and then there will be another first-degree amendment. Then later in the afternoon, after those, we hope to consider the Clinton amendments.

This gives an idea on how we are going to be spending the early afternoon, midafternoon. That ought to bring us into mid-late afternoon. We are making very important progress. We still have some important measures yet to address. But we are making good progress. We are very grateful for the cooperation of our colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 382

Mr. FRIST. Mr. President, we will vote in about 7 minutes. I understand the Senator from Connecticut has 2 minutes reserved prior to the vote. I will use several minutes in opposition to the amendment that has been put forth by the Senator from Connecticut. I have had the opportunity to make some main points and speak in opposition to this amendment.

It really boils down to two things. The first is the area of procedure. The Dodd amendment strips out what has been agreed to in a bipartisan way, Democrats, Republicans, and the White House, in negotiations that went on for days and weeks. Our colleagues absolutely must understand that this reaches into the agreement we have and strips out and really destroys a program called Straight A's, a program we feel very strongly about, a program that captures many of the fundamental reforms and principles that I believe will strongly change the nature of education so that we will no longer have this increasing achievement gap. Those principles are flexibility, accountability, and local control.

The substance of what is in the underlying bill is that we have basically taken about nine categorical programs, non-title I, money for the low-income, non-title I funds. There are about 18 to 20 categorical programs. We took nine of those programs and basically said a State can apply, or a district can actually apply, and basically say we will use that money in such a way that we can identify locally with the flexibility and local control—which is so important—we will address the needs we see that are putting up a roadblock for us to educate our children.

Linked to that is our agreement that the accountability of student achievement we will demand by entering into this arrangement in order to obtain those funds with such flexibility is that we are going to meet higher standards than anywhere else in the bill. That was negotiated.

The other things we have not been talking about very much in terms of this whole concept of being a block grant. Let me just basically say it was negotiated that the standards are high, performance has to be demonstrated, or you drop out of that program.

The second point I want to make is that we have come together to negotiate this part of the bill. The fact that you would strip out a part of the bill where people say that is just one program, it needs to be understood that of the overall funding that is in this pilot program—a pilot program we would like to see opened to all States, but, no, we negotiated if from 50 to 40 to 30 to 20 to 10 to 7; so we already negotiated the categorical programs down. We all debated and decreased that from 18 to 9, so it is as small as it can possibly be in this negotiated way. And if you remove a program that accounts for about 40 percent of the funding, that destroys Straight A's, this innovative program that is set before us.

Therefore, I would argue that if our goal is to leave no child behind, we should leave at least one element of hope in this bill to capture the flexibility, the local control, and the strong accountability in which we, as Republicans, believe so strongly.

Adoption of the Dodd amendment guts Straight A's, guts this flexibility, guts this local control, and guts this opportunity to truly leave no child behind. Thus, I urge defeat of this amendment by the Senator from Connecticut.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself a minute and a half.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, with respect to the amendment No. 431, as modified, I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 433, 436, 431 AS MODIFIED, AND 419, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, today we are again in a position to clear amendments by unanimous consent. Therefore, I ask unanimous consent that it be in order for these amendments to be considered en bloc, and any modifications, where applicable, be agreed to, the amendments be agreed to, en bloc, and the motions to reconsider be laid upon the table, en bloc.

They are Reed amendment No. 433, Reed amendment No. 436, Reed amendment No. 431, as modified, and Specter amendment No. 419.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 433

(Purpose: To amend a definition)

On page 307, line 16, strike "and".

On page 307, line 18, strike the period and insert "; and".

On page 307, between lines 18 and 19, insert the following:

"(V) encourage and provide instruction on how to work with and involve parents to foster student achievement."

AMENDMENT NO. 436

(Purpose: To make a technical correction relating to parental involvement)

On page 90, line 5, after "problems" insert the following:

"including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan".

AMENDMENT NO. 431, AS MODIFIED

(Purpose: To provide for greater parental involvement)

On page 125, line 6, insert "(a) IN GENERAL.—" before "Section".

On page 127, between lines 20 and 21, insert the following:

(b) GRANTS.—Section 1118(a)(3) (20 U.S.C. 6319(a)(3)) is amended by adding at the end the following:

"(C)(i)(I) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.

"(II) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(ii) Each application submitted under clause (i)(II) shall describe the activities to be undertaken using funds received under this subparagraph, shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement shall include an assurance that the local educational agency will notify parents of the option to transfer their child to another public school under section 1116(c)(7) or to obtain supplemental services for their child under section 1116(c)(8), in accordance with those sections.

"(iii) Each grant under this subparagraph shall be awarded for a 5-year period.

"(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

"(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

"(vi) There are authorized to be appropriated to carry out this subparagraph **$100,000,000** for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.".

AMENDMENT NO. 419

(Purpose: To improve the provisions related to initiatives for neglected, delinquent, or at risk students)

On page 233, strike lines 9 through 14, and insert the following:

"(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 5 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—

"(1) projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies; or

"(2) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education and vocational training programs through strategies designed to expose the youth to, and prepare the youth for, postsecondary education and vocational training programs, such as—

"(A) preplacement programs that allow adjudicated or incarcerated students to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

"(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment;

"(C) essential support services to ensure the success of the youth, such as—

"(i) personal, vocational, and academic counseling;

"(ii) placement services designed to place the youth in a university, college, or junior college program;

"(iii) health services;

"(iv) information concerning, and assistance in obtaining, available student financial aid;

"(v) exposure to cultural events; and

"(vi) job placement services.

On page 233, strike lines 20 through 24.

On page 234, between lines 4 and 5, insert the following:

"SEC. 1419. EVALUATION; TECHNICAL ASSISTANCE; ANNUAL MODEL PROGRAM.

"The Secretary shall reserve not more than 5 percent of the amount made available to carry out this chapter for a fiscal year—

"(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this chapter;

"(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this chapter; and

"(3) to create an annual model correctional youthful offender program event under which a national award is given to programs assisted under this chapter which demonstrate program excellence in—

"(A) transition services for reentry in and completion of regular or other education programs operated by a local educational agency;

"(B) transition services to job training programs and employment, utilizing existing support programs such as One Stop Career Centers;

"(C) transition services for participation in postsecondary education programs;

"(D) the successful reentry into the community; and

"(E) the impact on recidivism reduction for juvenile and adult programs.

On page 242, line 19, strike "and".

On page 242, line 22, strike the period and insert "; and".

On page 242, between lines 22 and 23, insert the following:

"(5) participate in postsecondary education and job training programs.

On page 243, line 6, insert "and the Secretary" after "agency".

AMENDMENT NO. 382

Mr. DODD. Mr. President, let me inquire. I gather we have a unanimous consent agreement to have 4 minutes equally divided to make closing arguments.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. We are done.

Mr. DODD. I have 2 minutes.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, I had printed in the RECORD letters in support of my afterschool amendment, letters from Fight Crime: Invest in Kids, from 1,000 chiefs of police, prosecutors, crime survivors, and police organizations. Their letters are strong letters in terms of the value of afterschool programs.

Seventy percent of the chiefs of police have said the best method for reducing the problems of afterschool violence is a good afterschool program.

There have been almost 3,000 applications for 21st century learning centers since the concept was introduced a number of years ago. It has been the largest single request from local communities and community-based organizations in the history of the Department of Education.

My point is simply this. I am willing to support, and I support the Straight A's block grant program. I want to take out, however, the 5.7 percent of funding—that is all it amounts to—for afterschool programs. That program ought not end up subject to the vagaries of what happens to a State education agency.

We ought to let local communities decide whether or not they want an afterschool program. We are going to say in 7 States, in 25 school districts—that could comprise as many as 26 million children—for the next 7 years, that afterschool programs will be left to a jump ball, in effect.

This is a program that is supported by Boys Clubs and Girls Clubs. I have strong letters from the YMCAs, YWCAs—the 2,500 across the country—that urge—in fact, beg in this letter—that we adopt this amendment. It isn't me asking for this. This is not D's and R's fighting with each other. These are people every day who are out there trying to make sure that kids can be in a safe environment after school. That is really what this amounts to. Chiefs of police say it is important. School administrators will tell you it is important.

This does not destroy the block grant program at all. This idea that it does is not based on any independent analysis of it at all. So I urge this amendment be adopted. It means a lot to our local communities. We now have 11 million kids who are home alone at the end of each school day. We need to do better by these children.

An afterschool program, based on the 21st century concept, certainly is deserving of that support. I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, just 15 seconds. We are going to hold Members accountable on the amount of time for the vote on this amendment. So I hope all Members will make it their business to be in the Chamber on time because we have to accommodate other Members who have accommodated our schedule. We are making good progress. We are going to conform to the Senate rules in relation to the time for the vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to Dodd amendment No. 382. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Torricelli
Wellstone
Wyden

NAYS—51

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Biden
Landrieu

The amendment (No. 382) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I missed this vote by a couple seconds. I was conducting a hearing on the Balkans. It was my fault. I am not suggesting that it is anybody's fault but mine. But if I had been here in time to vote, I want the RECORD to reflect that I would have voted for the Dodd amendment. I realize I cannot have my vote recorded, but I want to be recorded as being in favor of the Dodd amendment if I had been here in time. I apologize to my colleagues.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 555, AS MODIFIED

Mr. HUTCHINSON. Mr. President, I ask for the regular order in relation to amendment No. 555.

The PRESIDING OFFICER. The Senator has that right, and the amendment is now pending.

AMENDMENT NO. 555, AS FURTHER MODIFIED

Mr. HUTCHINSON. Mr. President, I send a further modification to amendment No. 555 to the desk and ask unanimous consent it be so modified.

The PRESIDING OFFICER. Is there objection to the request to further modify the amendment? Without objection, it is so ordered.

The amendment, as further modified, is as follows:

At the end of title IX add the following:

902. DEPARTMENT OF EDUCATION CAMPAIGN TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Service in the Armed Forces of the United States is voluntary.

(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

(6) A number of high schools across the country have denied recruiters access to students or to student directory information.

(7) In 1999, the Army was denied access on 4,515 occasions, the Navy was denied access on 4,364 occasions, the Marine Corps was denied access on 4,884 occasions, and the Air Force was denied access on 5,465 occasions.

(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

(11) Denying recruiters direct access to students and to student directory information undermines United States national defense, and makes it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national security.

(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

(b) CAMPAIGN TO PROMOTE ACCESS.—

(1) REPORT.—Not later than 30 days after the date of enactment of this Act, each State shall transmit to the Secretary of Education a list of each school, if any, in that State that—

(A) during the 12 months preceding the date of enactment of this Act, has denied access to students or to student directory information to a military recruiter; or

(B) has in effect a policy to deny access to students or to student directory information to military recruiters.

(2) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Defense, shall, not later than 90 days after the date of enactment of this Act, make awards to States and schools using funds available under section 6201(d) of the Elementary and Secondary Education Act to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

(B) TARGETED SCHOOLS.—In selecting schools for awards required under subparagraph (A), the Secretary shall give priority to selecting schools that are included on the lists transmitted to Congress under paragraph (1).

SEC. 903. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—

(1) PROHIBITION.—No funds available to the Department of Defense may be provided by grant or contract to any institution of higher education (including any school of law, whether or not accredited by the American Bar Association) that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) COVERED STUDENTS.—Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

Mr. HUTCHINSON. Mr. President, I want to make a brief presentation on this amendment and the need for this amendment. Senator SESSIONS may also wish to make a brief statement regarding this amendment.

I believe in discussions with Senator KENNEDY and Senator REID this amendment has been agreed to, but I do want to make a brief statement about it and give Senator SESSIONS an opportunity to do likewise.

In my role last year as chairman of the Personnel Subcommittee on Armed Services, we held two hearings regarding recruitment to our armed services. One of the tragedies I became aware of was there are literally thousands of high schools across the United States that have denied access to our military recruiters. That is a national shame.

In fact, we found that in 1999, which is the last year figures are available, the Army was denied access to 4,515 high schools; The Navy was denied access to 4,364 high schools; The Marine Corps was denied access to 4,884 high schools; and the Air Force was denied access to 5,465 high schools.

These same high schools across the country are providing student directory information to college recruiters. They are providing routine access to employers, to class ring companies. I was very concerned about this. As a result, I put a provision in last year's Defense authorization bill that required those high schools that want to deny access to go through a process in which the publicly elected school board members would have to vote proactively to deny access on a discriminatory basis to military recruiters.

I do not think many are going to do that. The thousands of schools that are denying access are doing so usually at the whim of a principal or superintendent who, for one reason or another, does not believe recruiters should come on campus.

I believe they should have equal access. To the extent they allow college recruiters and employers to recruit, then our military recruiters should be able to come on that campus and tell their story, and they have a great story to tell. They have a story to tell about career opportunities in our armed services. They have a story to tell about educational benefits that are offered in the armed services. They have a story to tell about what Congress has done to enhance health care benefits for those who make a career in the armed services. They have a great story to tell young people, and young people need to have this career option laid out before them. The military should not be discriminated against.

We put those provisions in, and Senator KENNEDY worked closely with us ensuring it was not too heavy handed. In fact, there is a whole process set up in which schools that are denying access will have everyone clear up to the Secretary of Defense notified. The Governor of the State will be notified, and a process is put in place whereby whatever problems may have led to that discriminatory denial of access can be addressed and hopefully amicably addressed so recruiters can get into the schools again.

Only when a publicly elected school board votes publicly to deny access will they be able to opt out of the bill. If they ignore the law, which was passed by the Congress last year and signed into law, they open themselves to a Federal lawsuit.

What we are finding out now is we are approaching the 1 year out from when the law takes effect. Recruiters have told me this year, personnel chiefs have told me this year that they are finding principals do not know there has been a change in the law. Superintendents simply do not know that this is the new law of the land.

My amendment tells the Secretary of Education that he must begin an educational campaign in the course of this next year so superintendents and principals are not going to have the excuse that they did not know. They are going to know what the new policy is. They are going to know what the new law is and begin, hopefully, to prepare for July 1, 2001, when that law takes effect. I am very pleased that on both sides of the aisle, in a bipartisan way, there is an agreement. This has been a good step to take. This is a good vehicle for this provision in the Elementary and Secondary Education Act.

I am also pleased Senator SESSIONS of Alabama called to my attention another problem that has developed. I yield to Senator SESSIONS for a statement about that provision he has added in a modification to the amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Arkansas for his leadership on this important issue. The U.S. military has been a guardian of liberty for the United States and for freedom-loving people all over the world. It has preserved our freedom. I wish it were not so that we had to have a military, but we do, and it is critically important the men and women in the military have the best education, and they recruit the best young people in America, urging them to consider a career in the military.

There is a group that is active in America that sometimes is hostile to that. One of the most astounding things I learned a few years ago as attorney general of the State of Alabama, a young man I hired to work in my office went to law school, and the law school he attended would not allow military recruiters to come on the law school campus to solicit lawyers to join the military. I was astounded. He said the students got up a petition to protest it. I thought he was kidding. He was not kidding. In fact, that was the circumstance.

I talked to the dean and I later drafted legislation to require that law schools allow recruiters on campus. They told me apparently it is a problem, and it may be a reality all over America. They said the reason this was occurring was because the accrediting agencies for law schools take the position that the "don't ask, don't tell" policy of the U.S. military, approved by former President Bill Clinton, is discriminatory and, therefore, law schools cannot allow anybody who discriminates to come on campus. So they have made that an accrediting factor and have intimidated law schools.

This unelected group—who they are, I am not sure; perhaps they are leftover antiwar activists—is dictating this around the country.

I think this legislation will be a healthy signal that the Senate says, as I told this law school dean: You have freedom. We have a rule of law in America today because men and women in uniform have defended against the Communist totalitarians, the Nazi oppressors, and defeated them and preserved liberty. The very concept, the very idea that a legal arm of the Defense Department, the JAG officers, are not respected and cannot recruit on the campus of the best law schools is unacceptable.

I appreciate the opportunity that Senator HUTCHINSON has provided to allow this amendment be included as a part of his legislation. I think it is good public policy. I think it is wrong to allow this to happen in America today. I think this legislation could make a big step in eliminating the problem. If it does not, we may have to have more specific legislation in the future.

I thank the Chair. I thank Senator HUTCHINSON. I thank Senator KENNEDY and Senator GREGG.

Mr. KENNEDY. Mr. President, I understand that the final modification may take a moment or two. There is the question about out of which fund the resources will come. I understand the proponents want it out of the Secretary's discretionary fund rather than the initial funding, which was about $125 million that was going to be used for bonuses for States and communities that meet their responsibilities in developing their tests. We are just checking on the cross-reference number.

That aside, I thank Senator HUTCHINSON and Senator SESSIONS for their cooperation in working this amendment through. We have a procedure in place now so we can focus responsibility if there is a denial for access to the campuses of this country. It does seem to me that the armed services ought to have the same ability for access to students as other groups that are recruiting at these universities and colleges and schools. I think that is a rather basic and fundamental concept and one with which I agree.

I think we have a proposal to try to move that process forward. There is some existing legislation in place. This is a restatement of that legislation because there has been some question in some minds whether the existing legislation did the job. I thought the member of the Committee on Armed Services, the one who had visited this issue previously, thought it did, but we have some additional ways of encouraging schools and colleges and law schools to give consideration to recruiters. That has been included in this amendment. That is acceptable to me, and I hope when it is finalized, which should be in a moment, we will move ahead and accept the amendment.

Mr. GREGG. Mr. President, I join with my colleagues, and I especially thank the Senator from Arkansas and the Senator from Alabama for bringing this amendment forward. I think it is absolutely essential that we, as the Senate, put ourselves unalterably on the record, in a clear manner, that we believe the armed services have every right, and in fact colleges have an obligation to allow them, to recruit on their campuses, whether they be law schools, whether they be graduate schools, or whether they be undergraduate schools.

The attempt to exclude the military services from different colleges is an example of political correctness run to its extreme. As the branch of government which funds the armed services and which has a critical obligation of making sure the armed services is filled with talented citizens, it is our obligation to recruit aggressively. The natural place to recruit is in the higher system of education and in our high schools.

I congratulate the Senator. It is an excellent amendment. I look forward to its passage.

Mr. DODD. Mr. President, I ask unanimous consent the Hutchinson amendment be temporarily laid aside so I may offer an amendment which I believe will be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 456, AS MODIFIED, TO AMENDMENT NO. 358

Mr. DODD. I send a modification of the early childhood educator professional development amendment No. 456 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. CORZINE, proposes an amendment numbered 456, as modified.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The amendment is as follows:

On page 383, after line 21, add the following:

"PART E—EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT

"SEC. 2501. PURPOSE.

"In support of the national effort to attain the first of America's Education Goals, the purpose of this part is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

"SEC. 2502. PROGRAM AUTHORIZED.

"(a) GRANTS TO PARTNERSHIPS.—The Secretary shall carry out the purpose of this part by awarding grants, on a competitive basis, to partnerships consisting of—

"(1)(A) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

"(B) another public or private entity that provides such professional development;

"(2) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations; and

"(3) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs in identifying and preventing behavior problems or working with children identified or suspected to be victims of abuse.

"(b) DURATION AND NUMBER OF GRANTS.—

"(1) DURATION.—Each grant under this part shall be awarded for not more than 4 years.

"(2) NUMBER.—No partnership may receive more than 1 grant under this part.

"SEC. 2503. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENTS.—Each such application shall include—

"(1) a description of the high-need community to be served by the project, including such demographic and socioeconomic information as the Secretary may request;

"(2) information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other provider in the partnership;

"(3) the results of the needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

"(4) a description of how the proposed project will be carried out, including—

"(A) how individuals will be selected to participate;

"(B) the types of research-based professional development activities that will be carried out;

"(C) how research on effective professional development and on adult learning will be used to design and deliver project activities;

"(D) how the project will coordinate with and build on, and will not supplant or duplicate, early childhood education professional development activities that exist in the community;

"(E) how the project will train early childhood educators to provide services that are based on developmentally appropriate practices and the best available research on child social, emotional, physical and cognitive development and on early childhood pedagogy;

"(F) how the program will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, disabilities, or other special needs; and

"(G) how the project will train early childhood educators in identifying and preventing behavioral problems or working with children identified as or suspected to be victims of abuse;

"(5) a description of—

"(A) the specific objectives that the partnership will seek to attain through the project, and how the partnership will measure progress toward attainment of those objectives; and

"(B) how the objectives and the measurement activities align with the performance indicators established by the Secretary under section 2506(a);

"(6) a description of the partnership's plan for continuing the activities carried out under the project, so that the activities continue once Federal funding ceases;

"(7) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

"(8) an assurance that, in developing its application and in carrying out its project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

"SEC. 2504. SELECTION OF GRANTEES.

"(a) CRITERIA.—The Secretary shall select partnerships to receive funding on the basis of the community's need for assistance and the quality of the applications.

"(b) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

"SEC. 2505. USES OF FUNDS.

"(a) IN GENERAL.—Each partnership receiving a grant under this part shall use the grant funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

"(b) ALLOWABLE ACTIVITIES.—Such activities may include—

"(1) professional development for individuals working as early childhood educators, particularly to familiarize those individuals with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

"(2) professional development for early childhood educators in working with parents, based on the best current research on child social, emotional, physical and cognitive development and parent involvement, so that the educators can prepare their children to succeed in school;

"(3) professional development for early childhood educators to work with children who have limited English proficiency, disabilities, and other special needs;

"(4) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified or suspected to be victims of abuse;

"(5) activities that assist and support early childhood educators during their first three years in the field;

"(6) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

"(7) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

"(8) data collection, evaluation, and reporting needed to meet the requirements of this part relating to accountability.

"SEC. 2506. ACCOUNTABILITY.

"(a) PERFORMANCE INDICATORS.—Simultaneously with the publication of any application notice for grants under this part, the Secretary shall announce performance indicators for this part, which shall be designed to measure—

"(1) the quality and accessibility of the professional development provided;

"(2) the impact of that professional development on the early childhood education provided by the individuals who are trained; and

"(3) such other measures of program impact as the Secretary determines appropriate.

"(b) ANNUAL REPORTS; TERMINATION.—

"(1) ANNUAL REPORTS.—Each partnership receiving a grant under this part shall report annually to the Secretary on the partnership's progress against the performance indicators.

"(2) TERMINATION.—The Secretary may terminate a grant under this part at any time if the Secretary determines that the partnership is not making satisfactory progress against the indicators.

"SEC. 2507. COST-SHARING.

"(a) IN GENERAL.—Each partnership shall provide, from other sources, which may include other Federal sources—

"(1) at least 50 percent of the total cost of its project for the grant period; and

"(2) at least 20 percent of the project cost in each year.

"(b) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirement of subsection (a) through cash or in-kind contributions, fairly valued.

"(c) WAIVERS.—The Secretary may waive or modify the requirements of subsection (a) in cases of demonstrated financial hardship.

"SEC. 2508. DEFINITIONS.

"In this part:

"(1) HIGH-NEED COMMUNITY.—

"(A) IN GENERAL.—The term 'high-need community' means—

"(i) a municipality, or a portion of a municipality, in which at least 50 percent of the children are from low-income families; or

"(ii) a municipality that is one of the 10 percent of municipalities within the State having the greatest numbers of such children.

"(B) DETERMINATION.—In determining which communities are described in subparagraph (A), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

"(2) LOW-INCOME FAMILY.—The term 'low-income family' means a family with an income below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available.

"(3) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means a person providing or employed by a provider of non-residential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through kindergarten.

"SEC. 2509. FEDERAL COORDINATION.

"The Secretary and the Secretary of Health and Human Services shall coordinate activities under this part and other early childhood programs administered by the two Secretaries.

"SEC. 2510. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.".

The PRESIDING OFFICER. The amendment is so modified.

Mr. DODD. I have cleared the modification with the manager and the ranking member. I offer this amendment on behalf of myself and Senator CORZINE of New Jersey. It is the early childhood educator professional development amendment.

We have been talking a lot in the last few days about raising the quality of education for all children. Learning starts, as we all know, very early—earlier than most people imagined a few years ago. If we want to succeed with educational reform, we have to help those educators work with very young children.

We know from research that quality child care makes a difference in children's readiness for school, their behavior, and their social and emotional development.

A study following children in Chicago enrolled in the Child Parent Program and other early childhood programs over a 15 year period, reported in the May 9, 2001 Journal of the American Medical Association, shows that low-income children in high-quality, comprehensive early childhood education programs have lower rates of juvenile arrests and violent arrests.

The National Academy of Sciences' report, Neurons to Neighborhoods, also stressed the importance of quality early childhood education to child development.

And, many other studies confirm that children who attend early childhood education programs led by highly qualified educators are more likely to have better behavior skills, more enriched vocabularies and pre-reading skills, and to succeed in school.

Yet we do not give the caregivers and teachers who nurture 13 million children outside of their homes every day the training that they want and need.

Many child care and preschool teachers have only a high school diploma. And, often, preschool teachers receive only ten hours of training each year.

Children who can't interact well with other children or their teachers are going to have a better chance at learning to read if we develop their reading skills in conjunction with their other developmental needs.

For children to be ready for school and to learn to read, their early childhood educators must have the training to help them develop intellectually and socially.

This amendment would provide for grants to local partnerships to train early childhood educators in children's social, emotional, cognitive, and physical development, including ways to identify and prevent behavior problems and children who are victims of abuse.

Violence prevention must begin with very young children. With the skills and knowledge on how to effectively help young children deal with anger and conflict without violence and to support their learning, many more children will succeed in school and beyond.

If we can deal with these issues early in life, we can help prevent negative, even violent, behavioral problems later.

We must invest in the teachers of our young children.

This amendment is supported by a long list of organizations representing the early childhood educator community, including the American Federation of Teachers, the Children's Defense Fund, the Departments of Education in Maryland, New York State, Oregon, Rhode Island, and South Carolina, the National Association for the Education of young Children, the National Head Start Association, the YMCA, the YWCA, and many others.

I ask my colleagues to join me in Senator CORZINE in supporting this important amendment.

I think the amendment is being agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend the Senator from Connecticut for his initiative in this area. He makes a number of good points about the need for high-quality teachers being involved in early childhood education programs. The amendment is acceptable to the managers on this side.

If there is no other debate, I will urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 456), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PREVIOUSLY SUBMITTED AMENDMENT NO. 458

Mr. DODD. Mr. President, I am not going to offer this amendment. I will ask unanimous consent the amendment be printed in the RECORD, the one I was about to offer on equity for Puerto Rico, amendment No. 458. I ask unanimous consent this amendment be printed in the RECORD.

(The amendment is printed in the RECORD of May 9, 2001, under "Amendments Submitted.")

Mr. DODD. I do not intend to offer this amendment, but I wanted to raise it as a subject matter that has been discussed both in the other body and here. As we all know, Puerto Rico is part of America. They do not have Senators here, so from time to time those of us who have been involved and care about the hundreds of thousands, millions of people who live on the island of Puerto Rico, and the 600,000 children on that island, and the quality of education they receive, take on the responsibility of trying to raise the issues that are important to these fellow Americans.

This amendment I will not offer right now. The House has included some language to deal with title I education in Puerto Rico. I am hopeful in conference maybe we can work out some accommodation that will serve these children.

Title I is very important to Puerto Rico because of the island's high concentration of low-income children. Mr. President, 93 percent of Puerto Rico's public schools participate in title I. More than 600,000 children benefit from the title I program. The cost of educating children in Puerto Rico is comparable to the cost of educating children in the 50 States. In fact, the cost of living in San Juan, Puerto Rico, its capital, is higher than the cost of living in most other major American cities. Failure to provide equitable treatment to Puerto Rico and its children who are American citizens, American children, perpetuates a system that denies those children the access to quality education that every child deserves.

The President has articulated in his statements that we should be leaving no child behind in this country. The Puerto Rican children, as I said, have no Senators to represent them. They do have a very fine Representative in the other body, ANÍBAL ACEVEDO-VILÁ, who represents the island of Puerto Rico in the other body. He does not have a vote, but he has a voice. He votes in committees. He has talked to me and other Members about the importance of title I funding in Puerto Rico.

So on behalf of my colleague in the other body, on behalf of the 600,000 children in Puerto Rico and their families, I put this amendment in the RECORD. I raise the issue here to let them know we will continue to pursue this matter when it comes up in conference.

Puerto Rico is working very hard to help its children compete. Over the last 5 years, it has increased its per pupil investment in education by 58 percent. That is more than any State in the United States and more than the national average, but because of the unfair treatment we give this group of Americans, Puerto Rican children receive only three-quarters of the resources they would receive were they to move to Connecticut, Rhode Island, or any other State. Even though they are American citizens, we do not provide them the full funding every other State gets under title I under proportionality, so these fellow citizens of ours are not treated as equally as others.

On behalf of the people of Puerto Rico, I hope that situation will be corrected. We will fight very hard for it in conference, but recognizing the realities here on the floor, I am fearful such an amendment might fail. I think there is a better chance of working out something with the other body in conference that will accommodate these people.

The 516,000 poor children in Puerto Rico should know we have not given up and we will carry on this battle in conference.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I join with my friend and colleague from Connecticut in pointing out to this body the unfairness of the treatment of Puerto Rico.

If I am not mistaken, I think they have a greater participation in the military forces of this country than any State or other territory. I remember at one time when we were battling on questions of the Food Stamp Program pointing out the number of Puerto Rican Congressional Medal of Honor winners in the conflicts of this Nation. They are, in many instances, the earliest units that get called up to the service of this country. They have served all over the globe and have proudly worn the American uniform. Yet they are being constantly shortchanged in this extraordinarily important area, important to families in our 50 States. But these families in Puerto Rico care as deeply as any families do in any part of the United States about their children, and the hopes and dreams of those children are just as real as the hopes and dreams of children here.

So I give assurance to the Senator. We have talked about this. It was raised briefly in the markup of our committee. We will work with our colleagues on the other side and with our friends in Puerto Rico and hopefully with the administration to move us in the direction of treating them equitably and fairly. They are not so treated at this time. I think the American people would certainly support that.

If we are able to get the additional funding, which I am hopeful we are able to do, the opportunities will be even greater. But I thank the Senator for bringing up this subject.

We want to give full notice to all of our colleagues that we are going to try to find a way to treat Puerto Rico fairly, as they should be treated and as they are not being treated at the present time.

I thank the Senator for bringing this matter to our attention.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I join my friend and colleague from Massachusetts in saluting the Senator from Connecticut and the Senator from New Jersey for this outstanding amendment. I think it has been summed up well by both speakers. The funding in Puerto Rico is not what it should be. Certainly given that every Puerto Rican is an American citizen, given the fact that we have, particularly with my State and so many of the others, people who are going back and forth, educated in one, work in the other, and go back home to retire, we want the best educated people in Puerto Rico that we can have.

Title I said we are going to do that for people who are less advantaged than the rest of us. To exclude Puerto Rico from that formula is both unfair to their birthright as citizens, to the fact they fight in the military, to the fact that they do all the things all of us do, and at the same time it is also foolish because a better educated Puerto Rico makes a stronger America and a stronger American economy.

Certainly it affects the State that I represent very directly.

This is an excellent amendment. I think the Senator from Connecticut has done the right thing by not forcing the debate. I join him in an earnest wish that the conferees will take care of this problem in conference so that we will finally do right by the children of Puerto Rico, American citizens as are we.

I yield the floor.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized to offer an amendment regarding funding with 40 minutes for debate; further, that when Senator DOMENICI offers his amendment regarding funding, which is at the desk, the debate be limited to 40 minutes; further, that the debate on the two amendments be divided as follow: Senators SCHUMER, DOMENICI, GREGG, and KENNEDY; further, that upon the use or yielding back of the time, the Senate vote in relation to the Domenici amendment followed by 4 minutes for closing debate, and a vote in relation to the Schumer amendment with no second-degree amendments be in order.

Ms. COLLINS. Mr. President, reserving the right to object, I will not object. I wonder if we could add "or their designee."

Mr. KENNEDY. I so add "or their designee."

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 800 TO AMENDMENT NO. 358

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 800.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002)

At the appropriate place insert the following:

SEC. 902. SENSE OF THE SENATE ON APPROPRIATION OF ALL FUNDS AUTHORIZED FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush has said that bipartisan education reform will be the cornerstone of his administration and that no child should be left behind;

(2) the Bush administration has said that too many of the neediest students of our Nation are being left behind and that the Federal Government can, and must, help close the achievement gap between disadvantaged students and their peers;

(3) more of the children of our Nation are enrolled in public school today than at any time since 1971;

(4) math and science skills are increasingly important as the global economy transforms into a high tech economy;

(5) last year's Glenn Commission concluded that the most consistent and powerful predictors of student achievement in math and science are whether the student's teacher had full teaching certification and a college major in the field being taught; and

(6) Congress increased appropriations for elementary and secondary education by 20 percent in fiscal year 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask that I be yielded 10 minutes of the pending time to the Schumer amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. SCHUMER. Mr. President, I offer this amendment on behalf of myself and my colleague from California, Senator BOXER. We have worked hard on this amendment. I very much appreciate her efforts and inspiration on this amendment.

Our amendment is very simple. I am going to read it to the body so there can be no mistake about it. After a bunch of whereas clauses, on line 23, page 2, it says:

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

The amendment is very simple. Basically it says to this body, to the other body, and to the White House: Put your money where your mouth is.

We have been talking about education, as we should, for the last 2 weeks. We have been saying how important education is to the future of America. We have been debating—and I think in a rather good debate—the various new programs we wish to add to education. We have talked about modifying other programs. As a result, so that these will not be empty promises, we have added over $10.6 billion to the authorization level if you just count the five major programs: IDEA, title I, teacher quality, bilingual immigrant, and afterschool. There are several more billion that have been added as well.

What a hollow promise it would be if we passed this bill and then did not appropriate the money. To those who have been listening to this debate in the gallery and elsewhere, an authorization brings no new money to a program. It is simply an ability to open up a bank account up to a certain level. It is the appropriation that actually puts the money in the bank account. It is only the appropriation that will fund the special education or the teachers for underachieving children or the teachers of high quality throughout America or the afterschool programs.

If we were to authorize a beautiful shiny bill and put it in a nice box and put a ribbon on it and send it to the White House, and the President were to have a big signing ceremony, and then in the summer, when the appropriations process began, we were to not appropriate even close to the amount of money we have authorized, all our talk the last few weeks would be a hollow promise. We would be saying, yes, we care about education, but we do not care enough about education to fund it.

All the things that make the public cynical about this city, and even about this Chamber, would come to be realized in those two contradictory acts: One, great debate and discussion about programs, and then later in the summer, no money to fund all the programs we are talking about.

Why is this amendment necessary? It is certainly true that we do not always appropriate every dollar we authorize. But it is quite glaring in the actions we have taken thus far. The President has run on a platform as an education President. This Senate debates this bill and says we are going to be the education Senate. Yet in the budget we passed—in the President's budget—the increase in the amount of money actually proposed for education is considerably less than last year and the year before and the year before.

So are we serious or are we just fooling the American people? Is this a real debate or is this just for show to make us feel good and make our constituents feel good? That is the fundamental question with which this amendment deals.

I know there are many in this Chamber on both sides of the aisle who believe so strongly in this matter that they don't want to allow this bill to actually get to the President's desk until we see if there is going to be money for it.

This amendment that I have authored with the Senator from California says that. It says, very simply, that we are going to put our money where all our verbiage has been. It says, very simply, that we care enough, as hard and tight as this budget is, that we are going to find room to pay for quality teachers, to pay for special education.

It says we realize that the local property tax, which funds education throughout America, is so high for almost all of our constituents that if we do not come to their aid, the quality of our schools will certainly decline.

I know the Senator from New Mexico has an amendment, but it is a meaningless amendment; I do not know why he even offered it because all his amendment says—let me read it—is: the Senate make funding consistent with the President's budget.

I would not advise people to vote for it if they have been voting for these increased programs because the President's budget does not fund them.

I say to my colleagues, we just have finished 2 weeks of a debate where we have debated how this program should be changed, whether this one should get $500 million or $600 million. That is not much when you consider it is all of America, with the tens of millions of schoolchildren we have in this great country. How can we then just go ahead and vote for the amendment by the Senator from New Mexico which says we are not going to fund it? Because that is what Senator DOMENICI's amendment says. It says, we are not going to fund education to the extent that we have just voted in the last 2 weeks we should fund education.

Are we going to make this the bill of fulfilled dreams for so many schoolchildren or the bill of broken promises? That is what the contrast is. The Schumer-Boxer amendment says we are going to try to help you reach your dream; we are going to help you fund your schools to make your schools better. The Domenici amendment says it is already a broken promise even though we are voting for an authorization for the kids in special ed, which consumes such a high percentage of local school budgets; for the kids in title I who need a little help to read up to grade level; for teacher quality so that our kids get the best teachers, and teaching is an elite profession in the 21st century. The Schumer amendment says we are going to deliver. The Domenici amendment says we are not, so don't pay any attention to what we have done over the last 2 weeks.

Mr. President, I yield to my colleague and coauthor of this amendment, the Senator from California, 10 minutes.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from New York. As usual, he has really cut through a lot of the fussiness surrounding this debate and made the point clear. That is why I was so proud to team up with him.

All we are saying in this amendment is, fund the programs you just voted to fund. It is as simple as that. And just so everybody understands it, I will explain it one more time. In every program that we put forward in the Federal Government, no matter what it is, you basically have an authorization, which is the nod. It says to the appropriators: It is OK to fund the military up to this amount; it is OK to fund education up to this amount, highways up to this amount. That is the authorization.

The next step that makes it all a reality is the funding, the actual funding of those programs. That is called appropriations. So the Schumer-Boxer amendment simply says—and I am going to say it in his words because they come from the heart and soul of Brooklyn, NY—put your money where your mouth is.

Everyone understands what that means. We can all give the greatest speeches coming out of our mouths—golden words, beautiful words. What does it mean if you do not back it up with reality, with substance, and, in this case, with funding?

It doesn't mean anything for amendments to pass and then not to fund them. I guess the senatorial way to say it would be, fulfill your commitments that you made on this ESEA bill. That is all it says.

We have been debating this for weeks. Senator DOMENICI's alternative to Schumer-Boxer essentially says: All this was wasted time. We are not going to fund all of this. We are just going to go back to the President's budget which shorts all of these programs.

The next chart shows what we have voted to fund in this bill. By the way, I have not included everything, but Senator COLLINS will recognize this because she worked hard on some of these items. Senator COCHRAN will recognize it because he worked hard on this, as well as Senators LINCOLN, AKAKA, MIKULSKI, REED, and DOMENICI. I worked with Senator ENSIGN. These are quite bipartisan. As a matter of fact, the first one, title I, full funding, is a Dodd-Collins amendment. So look at what we have done.

The authorizing level we just passed for the current year is $15 billion, and the Bush budget is $9 billion. So there is a gap we need to fill. IDEA, which is for special education, the kids who need the help, it is funded at $8.8 billion for next year; the President's budget is $7.3 billion. There is a shortfall. Continuing the list: Teacher quality, $3 billion compared to $2.6 billion; the Boxer-Ensign bill on afterschool, $1.5 billion compared to $846 million; grants for enhanced testing, $200 million, a new program; math and science education, DICK DURBIN's amendment, up $400 million; bilingual education, up, that was LINCOLN CHAFEE; small programs, THAD COCHRAN, that is zero in the President's budget, $416 million here; economic education, $10 million, a new program; community technology, $100 million to zero; school libraries, $500 million to zero in the Bush budget; and mental health grants, I say to my friend, Senator DOMENICI, $50 million, a new program. He doesn't even say we ought to fund his own amendment. He says stick to the President's budget. He would not fund the program he brought here, and he worked with Senator KENNEDY on it. It was done by unanimous consent. It was that popular.

So here we have it in black and white. This is only $10.4 billion. I understand the difference now is $12.3 billion because after we made this chart, we approved some other programs.

I say to the Senator from New York and to the Senator from Massachusetts and to Senator COLLINS, who is managing the floor for the Republicans: We have to do more than just say nice words. We have to do more than stand here and say "our children are our future." How many of us have said that? Probably all of us at one time, that we care about them. We have to say more than just education is our priority. What we have to do is come behind those words with the resources.

This bill is about reform. If you want results, you need the resources. It is kind of like the three R's. This next chart is the essence of the Schumer-Boxer amendment. On our side of the aisle what we are saying is—and we hope Republicans will join us—we want reform. We have proven that by this bill. We want resources. We have proven that by this amendment. And we expect results. We are going to hold people accountable for results.

So far, our Republican friends support reform. But if they back the Domenici alternative to Schumer-Boxer, I think we can truly say they don't support resources and they cannot possibly expect results.

Every one of these programs I have shown you has been brought to the Senate by various Senators. Now is the time when the rubber meets the road. Another saying, one we hear a lot: The rubber meets the road. How are you going to bring into effect these wonderful programs, such as teacher quality, title I, grants for enhanced testing, math and science, bilingual ed, small programs, economic education, community technology centers, school libraries, mental health clinics, afterschool programs, if you don't bring to the fore the resources? Or, said in a better way in the Schumer-Boxer amendment: It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

To my colleagues who may be listening in their offices, if you vote against the Schumer-Boxer amendment, I have to say, I don't understand why you voted for this wonderful list of enhancements for our children. It just does not make sense. We are saying, you voted for the authorizing of these programs; now vote for the appropriations.

As my colleague Senator SCHUMER has stated: Some Members feel so strongly about it, they did not even want to bring this bill to the floor until we had a meeting of the minds with our Republican friends and the President that these programs would be funded or at least some of them would be funded.

I urge my colleagues to come together, Republicans and Democrats alike, and give the thumbs up to this bill. You all say you like it. President Bush has held meetings. He has had Congressman MILLER on one side and TED KENNEDY on the other. That is great. Photo ops are great. We all love them. You show you are for the kids and then your budget falls $12 billion short next year of what we need to do to carry out all this important work we have done over weeks and weeks on this bill.

I thank my colleague from New York. We have joined together, east coast, west coast. We hope all those in the middle will join us and defeat the Domenici amendment. If all we are going to do is appropriate the money in the President's budget, we can't really do this.

The most important thing, regardless of what we do with Domenici, is to support the Schumer-Boxer amendment. That will show that we mean what we say and we say what we mean. And we should be a model to our children. I look up in the galleries and see a lot of kids here. They are watching us. We had better mean what we say.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know my friend and colleague from Iowa wanted some time as well. I do not see him on the floor. Do I understand now I have up to 10 minutes; is that correct?

The PRESIDING OFFICER. The Senator has 20 minutes on the two amendments.

Mr. KENNEDY. I thank the Chair. I yield myself 7 minutes.

The end is in sight in terms of the completion of this legislation and this phase of the legislative process. It has been on the floor now for several weeks. We have had good debates on a number of very important measures. We still have some remaining items through the afternoon, hopefully recessing at a reasonable hour this evening. Then we will have a full morning and early afternoon tomorrow with a series of amendments by Senators HELMS, MURRAY, and SESSIONS. Hopefully, we will be able to conclude the legislation by tomorrow at a reasonable time.

It is appropriate, as we are coming into the final hours of consideration of the legislation, to take stock of where we are, to take stock of the legislation, and then to look down the road in terms of the future.

We are going to be completing this legislation. We will move to the conference with the House of Representatives, which has a somewhat different approach than we have, but we have a fundamental agreement on what we are going to do. We will have an opportunity to address those issues and to find common ground with the House. Then we will come back here with a final product.

I am strongly committed and will work very hard to make sure we are going to come back with a program that is going to, in this instance, include the funding for the IDEA programs, which make such a difference for children in my State and across the country. By that I mean the mandatory spending for the IDEA. We have had bipartisan support to include that in the legislation. It was reflected here during the discussion, not only on that amendment but on others, as well, by Republicans and Democrats. It is vitally important. It makes a great deal of difference in terms of the results on this whole program.

When you take the funding of IDEA and also the funding in terms of title I, plus what we have done with other elements in terms of the Elementary and Secondary Education Act, and if we are going to move toward a real funding and investment in our children, I think we have the most unique opportunity we have had in recent times to make a major difference in terms of the neediest children in our country. We should not miss it.

What we have seen over the period of these past several weeks is the attempt to try and get it right in terms of working to make sure that children in local communities are going to have available to them tried, tested, and proven programs that can provide academic achievement and advancement. That is what this legislation is really all about. We know what needs to be done. The question is, do we have the willpower to be able to do it? That is what this amendment of Senator SCHUMER and Senator BOXER really is all about—to put the Senate on record in the final hours of this debate that we believe we need the resources made available to the children in this country that otherwise would be denied it.

Mr. President, we have to understand that this legislation isn't going to solve all of the problems. We will be back in another 6 years trying to deal with these issues again. But what the proponents of this amendment understand is that what is really essential is the investment in the early education of the children of this country, to invest in Early Start, Healthy Start, early learning, and children in terms of the Head Start Program. We are strongly committed to that. We are all strongly committed to the concept of having a child ready to learn when they go into school. That is a given. The funding is not there. The funding is not there for those programs.

Many of us are greatly disappointed because when we are talking about the children, particularly the very small children and the children who will be affected by this legislation, we are defining the future of this Nation. We are defining the future of our democracy, the future of our economy, and the future of the relationships these individuals are going to have with their families.

This is about America's future. For my money, there isn't a more important investment that we can make. This is about our children and about our future.

This chart reflects the progress we have made in recent times in the elementary and secondary education budget increases. We have seen that over the period of the last 7 years it has gone up by 8.6 percent. We have heard it said that money isn't everything, money doesn't solve all the problems, and let's not just throw money at education. We understand that. The fact is, though, the investment here is a clear reflection about our Nation's priorities.

As a matter of national priority, do we think investing in the neediest children in our country is a priority in which we ought to invest?

This amendment says, yes, there is no higher priority. What we have had and what we are looking at is the budget that has been proposed by this administration, by this President, supported by this Republican Party and its Republican leadership. When you look at that record, the proposed ESEA budget increases that will be incorporated, this concept in the Domenici amendment, there is a 2.6 percent increase in 2002. That is a $1 billion addition for IDEA and $700 million for the title I program—$700 million for the title I program.

We are only reaching a third of the children at the present time. And then if you look at this chart for the years 2003, zero; 2004, zero; 2005, zero; 2006, zero; 2007, zero; 2008, zero; 2009, zero; 2010 zero. The number of children at the end of the next 10 years is going to be the same number that we have at the present time. There will be no increase in the total number of children who will be there, in contrast to the amendment of the Senator from New York and the Senator from California, which says we are going to build to make sure that if we do have something in here, and the funding for the IDEA program, we are going to see an expansion in investing in those children. We are going to make sure that all of the children who are eligible—the 10 million children—will participate in the whole range of programs.

Who wants to make the choice today about which child is going to get supplementary services and which will not, or which will get a summer school program and which will not, or which will get the afterschool program and which one will not? What are we going to say about that? This amendment says that our Nation's priorities are clear and they should be expressed on the floor of the Senate in a bipartisan way.

Seventy percent of the Members of this body, Republican and Democrats alike, supported the idea for full funding for the title I program. We have brought about the reforms that many of the critics have stated. The real question is, are we going to be true to the concept that we are going to leave no child behind? Without this amendment, and without the resources here, we are leaving two out of three children behind, make no mistake about it.

Finally, in our elementary and secondary education bill, we effectively guarantee that every child that is eligible for the title I program in the ESEA will reach proficiency by the time this legislation expires. That is an empty promise if we are only going to fund this program to reach one out of three. We should not represent to the American people that we are committed to not leaving children behind if we are not going to back that up with the kinds of American resources that we have available at this time and which should be invested in these children. That is the way I read this amendment.

I thank the Senators for bringing this measure up. I hope it is going to get strong support because it is really a reflection of the kind of commitment that this body has for the future of our Nation and, most important, the future of the children of our country.

Mr. President, I withhold the remainder of my time. Mr. President, I suggest the absence of a quorum, with the time not to be charged.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 801, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask unanimous consent that an amendment I send to the desk be a substitute for the amendment that has been previously stated to be a Domenici amendment. This is the Domenici amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SENSE OF THE SENATE REGARDING AUTHORIZATIONS.

FINDINGS.—

(1) This bill currently authorizes at least $30 billion in discretionary spending on elementary and secondary education programs in fiscal year 2002.

(2) Over the 2002–8 period, this bill authorizes more than $300 billion for these same programs.

(3) Congress currently provides $18.4 billion for these same programs.

It is therefore the Sense of the Senate that:

(1) The Appropriations Committee shall fund the authorizations in this bill to the maximum extent possible.

Mr. DOMENICI. Mr. President, I want to read this to everyone so there will be an understanding of where we are.

First, I did not have enough time this afternoon or I would have searched the records of legislation we passed that comes out of committees that have authorizing authority. Clearly, the committee that reported this bill that has been debated so mightily on or about May 3, with intervening time used for some other bills, is an authorizing committee. There is no authority in the committee that my good friend Senator KENNEDY chairs to appropriate money. I do not think anybody will argue with that point.

The appropriators each year appropriate money in various appropriations bills, one of which will contain the appropriated money for education.

What we have been doing in the meantime on this education bill is very typical of what we do on any new authorization bill.

People bring to the floor amendments to the authorizing bill that says we want to authorize a different program with different amounts of money covering different groups of people so that historically in the U.S. Congress, whenever authorizing legislation has been passed, it is, for the most part, substantially higher than the amount appropriated by the Appropriations Committee, which has the single and sole authority to appropriate money.

I do not believe anyone is going to stand in this Chamber today and say the education committee appropriated this money and each Senator who offered an amendment that was voted on, whether it was adopted 95–0 or by 2 votes, whatever the case may be—nobody is going to say that amendment was appropriating money, making money available to the Department of Education to do certain things.

Those amendments and the basic underlying bill create a policy or an authorizing gamut from which the appropriators fund some or all of what is in authorizing legislation.

We have set about in the Senate to adopt many amendments. I am quite certain that when the appropriations bill comes to the floor, if we want to take every one of these amendments and stand up before the Senate and say, "I want to offer this amendment to the appropriations bill because I want to add more money," I am sure it will be considered. The question is, will it be adopted? The question is, will it be automatic? I think the answer is, we do not know whether it will be adopted when it comes to appropriating, and certainly there is no question that it has not yet been appropriated.

I say in this amendment—and I think everybody who is concerned about education funding ought to vote for it—the following: This bill before us, without the remaining amendments that are still to be adopted, currently authorizes at least $30 billion in discretionary spending for elementary and secondary education programs in fiscal year 2002—$30 billion at least that we voted on in the bill and with the authorizing amendments.

Likewise, if you take the multiple years covered by this authorization bill, 2002 to 2008, the bill authorizes more than $300 billion for these same programs, the ones we are currently funding in the next finding I made. Currently we are funding these programs at $18.4 billion a year. We are almost doubling that, and then over a number of years we are more than doubling the funding that is currently being applied to these programs.

After I make these findings, I conclude very simply:

It is therefore the Sense of the Senate that: The Appropriations Committee shall fund the authorizations in this bill to the maximum extent possible.

That means that is exactly what is going to happen, and we ought to go ahead and recognize it and urge the appropriators to do this. It does not matter what we say in this bill. Unless we choose to take over the reins of appropriating and put it in this bill, it does not matter what we vote for, it matters what the appropriators give to fund this bill.

They already know that whatever the budget is, education is given the highest priority. In fact, education of a comparable nature to what I have been speaking of goes up 11.4 percent in the basic budget of the President and in the basic budget that was adopted by the Congress.

Even those numbers are not binding because the appropriators will decide out of all the priorities how much they want to take away from other programs or exceed the budget to put more of that in education. That is the prerogative of the committee with the consensus and, in some instances, perhaps a 60-vote majority being required. The Senate and the House will decide how much of the authorizing bill that is going to be adopted either Friday or next week shall be funded by the appropriators.

I certainly do not come before the Senate saying I know which programs ought to be funded by the appropriators. I happen to be on the Appropriations Committee, but in due course they will have their own hearings, as we do all the time. This is not a rarity, to pass an authorizing bill that has much more in it than the appropriators pay for, and they are not doing anything wrong by not funding it as much as is authorized. That is the prerogative of the appropriators.

In simple language, I hope everybody who is interested in maximizing the appropriation of money to the education programs, all of which are encapsulated in this bill which Senator KENNEDY has been managing since they took the majority and Senator JUDD GREGG has managed on our side—it is a very good bill, one that for the first time has some major changes. We might, in fact, look back in a few years and say that bill that was debated all those days caused us to do some things very differently than we have in the past. Who knows, if you listen to the President, if you listen to some in this Chamber who advocate these new ideas, it may very well be that we will have improved the results of our National Government's money going to States for school systems that are either run by the district or by county.

I compliment those who have participated in this bill. I voted for a number of the amendments, but certainly the truth is that the Appropriations Committee will decide how much of that they can afford under the budget they will have before them, and the Senate will decide on an appropriations bill as the matter comes up: How many more of these new programs do you want to fund in the year 2002?

I believe the Senate has adopted many provisions that will not be funded. Certainly, I am not talking about title I, but I am talking about many of the amendments, maybe even some that this Senator has offered that are part of this very large authorizing bill. But I will not be surprised if some of those I have offered and some of those others have offered will not be funded by the appropriators as we work our way through the 13 appropriations bills.

It is all right with me if Senators want to say everything else will have to be reduced and changed because we are going to fund in appropriations every single amendment that has been offered to this bill, we will fund them in their entirety. If one wants to vote for that, that is fine. Perhaps one can vote for that, and perhaps one can vote for the Domenici amendment that says, do the maximum appropriators; do the maximum amount you can under the budget restraints you will be living under as appropriators.

Mr. SCHUMER. Will the Senator yield?

Mr. DOMENICI. I am happy to yield.

Mr. SCHUMER. I thank the Senator for the courtesy. The Senator from California and I offered this amendment not for every time the authorization strays from the appropriation—we know it does that a lot—but for two reasons: One, we wish to make education a top priority. That is what the President has said, that is what some Members in speeches have said. Yet when we look at what has been newly authorized, it brings us to a level of $37 billion.

What is in the budget that the then-chair of the Budget Committee proposes was $20.1 billion, which is only $1.7 billion higher than last year? So I ask my friend from New Mexico to give a little elaboration on what the phrase "to the maximum extent possible" means. Is only $1.7 billion possible? We have walled off military spending in the budget the good Senator has proposed. We have a separate offset for agriculture.

The Senator from California and I fear, if left on its own, education will get no new funding or very little new funding and this debate will be for naught. I ask my colleague to elaborate, since he is our expert from that side of the aisle on the budget, what does "to the maximum extent possible" mean? How much money is left for education? Is it closer to the $37 billion level in this authorization or to what I consider very small and not sufficient $20 billion, a $1.7 billion increase over last year?

I thank the Senator for yielding for that question.

Mr. DOMENICI. Let me ask the Senator if he has better numbers than I do. The bill currently authorizes at least 30. Are you suggesting that is 37? I will live with your numbers. Does the Senator think it is $37 billion we have authorized in this bill?

Mr. SCHUMER. I say to my colleague, it is probably a little more than 37, but we added up everything we could get our hands on, and it comes to 37.

Mr. DOMENICI. Let's say it is somewhere between 30 and 37 and perhaps even between 30 and 40 is authorized in this bill.

Mr. SCHUMER. If my colleague will yield, I think that number is less important than the number that we think we will actually appropriate. That is the purpose of the amendment.

In the budget we have only appropriated an additional $1.7 billion as opposed to $20 billion more that is authorized. I would like to come closer to the $20 billion than the $1.7 billion, particularly if we want to be the "education Senate," particularly if the President wants to be the "education President."

In talking about education, pictures going to school are not going to educate our kids. It is the real dollars that do. I ask my colleague, just with his knowledge, which far exceeds my knowledge, to give us some ballpark of what "to the maximum extent possible," might mean.

Mr. DOMENICI. First of all, I am certainly not trying to avoid that. I am very prepared to answer it. If you will relax for a minute and let me answer it, we will all have a nice afternoon.

First, let me say it may shock everyone to hear this, but frankly the Appropriations Committee will decide what that number is. In all honesty, they will decide that. But they won't decide it based on this authorization bill. They will do it based upon what they want to establish as the priorities for expenditures for fiscal year 2002.

But if the Senator wants to know what numbers were offered by the budget as it cleared the Congress—and these are not binding; these are assumptions—then I will tell you that the budget resolution assumed $6.2 billion more than the President. So it is $6.2 billion added to $18.4 billion which makes it a total of $24.6 billion that is assumed in the budget resolution as being fundable.

I am not going to stand here and say they will fund that much, nor am I going to say they will fund that little. The truth is, unless the Senate chose today to pass a statute and it got signed by the President and it said the appropriators are going to appropriate and they are hereby ordered to appropriate the amount of money contained in this bill, then there is nothing we can do about it. They are going to do what they think is right based upon the available resources and what the Senate at large decides as these appropriations come forward.

I did not come to the floor to prejudge what they would do. I came to the floor to make sure everybody understands that an authorizing bill is very different than an appropriations bill. It has been different forever. I shouldn't say forever, but essentially for about 70 years we have had both appropriations and authorizations. They really are not the same. I regret to say we have even appropriated when there is no authorization for many parts of our Government. We have not authorized for years and the appropriators pay for the function of Government anyway.

I am comfortable that this Senate and the Appropriations Committee will maximize, as I indicated, the resources they put into education. I am confident because it has been the will of this Senate over and over as we vote that we put more rather than less in education. So I think that will happen.

Having said that, I think it is pretty clear that "maximum" is a dictionary definition. It is not a number definition. It just says the most you can. Whatever you are looking at, do to the extent possible. Do the most for education. That is what I put in my resolve clause because I think, honestly, to vote for anything other than that is to deny the reality of what is going to happen, prejudged, preordained by the rules we follow in the Senate.

I yield the floor.

Mr. SCHUMER. Mr. President, I believe the Senator from Massachusetts has yielded to me his 10 minutes. How much time remains on our side, which I believe is my time plus the time of the Senator from Massachusetts?

The PRESIDING OFFICER. The Senator from New York has 12 minutes. The Senator from New Mexico has 4 minutes 12 seconds. The Senator from New Hampshire has 20 minutes.

Mr. SCHUMER. I ask my colleague from New Hampshire if he wants to take some of his time now since we are down on our side and the Senator from New Hampshire has the full 20 minutes, unless he desires to yield most of it back. I will take 5 minutes, and I know the Senator from California will take 5 minutes, and that is it. We are finished on our side.

Mr. GREGG. I say to the Senator from New York, that seems reasonable. I will speak for a few minutes and reserve time. I will reserve 10 minutes to balance out with that side.

We are into a numbers game obviously. I am not sure that will have a positive impact on how this bill is perceived because the essence of this bill is the policy. Authorizing bills are about policy. I think people need to understand that. Authorizing committees tend to put numbers on bills but appropriating committees spend the money.

As a member of the Appropriations Committee, I can state that as much as we admire the authorizing committees, sometimes we act independently of the authorizing committee. The key to an authorizing bill is the policy that is laid down relative to educational reform.

In this bill, there is a lot of very interesting, very significant policy, the purpose of which is to depart from a course that has regrettably produced year after year of failure in educating our low-income children, and move on a course which will hopefully give our children from low-income families a better opportunity to learn and be competitive with their peers, and therefore participate in America and the prosperity of our Nation.

The basic themes of the policy in this bill, as I have outlined a number of times, is that it is child centered. It involves giving more flexibility to local communities and the teachers and the parents and the principals. In exchange for that flexibility, it builds in a desire to see much greater academic achievement on the part of low-income kids who today, regrettably, read at two or three grade levels less than their peers and graduate at a 50-percent rate from high school. It has significant accountability standards to make sure those academic achievements are accomplished.

The policy in this bill is strong. It is unique in the sense of the tradition of Federal involvement in education in that it takes a new road to a large degree.

The authorizing levels in this bill, however, are really not that relevant to what is going to happen, in my humble opinion. The reason I say that is because it has become almost a form of gamesmanship on this floor to constantly throw more money into the number at the authorizing level. All you have to do is look at what we have done in the last few weeks to recognize that.

Over the last few weeks we have added into this budget, into this bill, literally huge increases in the authorized level. We have increased the authorization level by 47 percent in the mandatory area, adding $112 billion. Over the term of the bill, which would be 7 years, we have added $211 billion, for a 101-percent increase.

In the year 2000, we have increased the authorizing level by $11 billion, bringing the total to $38.8 billion, or a 120-percent increase. That has all been done in about a week's time, maybe a week and a half, as we picked up speed over the last few days.

We need to put that in context. This bill has been on this floor before. We have heard from the other side that we have to authorize and then we have to appropriate to the highest level possible to achieve the most significant results because money translates into achievement. Of course we know money doesn't translate into achievement. But even if we were to accept that argument, and we were to go back a few years—for example, the last time this bill was authorized, back in 1994–1995—we would find the enthusiasm for bumping up the authorizations when we had a Democratic President and a Democratic Congress was not quite so high. It could have been at that time they were dealing with reality versus politics.

At that time, when the authorizing bill came through, the ESEA authorizing bill came through, the actual increase in educational spending that resulted from it was .012 percent—.012 percent. In fact, the actual educational funding was cut in that year by $484 million. The increase in title I specifically was less than 6 percent in that year.

You might say there was a deficit then so Congress had to be much more restrained in its activity. But I would point out that at that time the Senator from Massachusetts represented that the bill as it was passed and authorized—remember the authorization levels were essentially no increase at all—he said it was the most important reauthorization of ESEA since that landmark act was passed in 1965. So, obviously, at that time at least the chairman of the committee thought it achieved the goals it was supposed to have achieved. In fact, he went on to hail its academic accountability standards. It would achieve those levels at the levels it was authorized or else he would not have said it was such a great bill.

I do not know what has changed in 6 years, other than we have a different President and a different Congress. Yes, we do have a surplus. But as a practical matter, if the bill was so good and strong when there was virtually no authorization increase, why today do we have to have an authorization increase which has, just in 7 days, jumped so radically? Remember when this bill came out of committee the authorization increases in it were already exceeding 100 percent of what the underlying authorized levels were when we started out. So we are talking about 100 percent on top of 100 percent.

I also note if spending on education has to be so aggressively pursued in order to accomplish the goals of better education, somebody must not have informed the prior President of that. The prior President's increases in title I spending, President Clinton's increases, were rather small—not only during the period that we had a deficit but during the period that we had the surplus, from 1998–1999. In the period of surplus, the increased proposal was $36 million; in 1999 his increased proposal was $219 million; in the year 2000–2001 he proposed a $401 million increase in title I funding.

In the area of special education, he essentially proposed no increase in 1998, 1999, 1999–2000, and then in 2000–2001 he proposed an increase.

As a practical matter, President Clinton, who I believe was committed to education—in fact, when I was Governor and he was Governor we held an education conference down in Charlottesville, as I recall—was one of the leaders on the issue. I state he certainly maintained that view throughout his Presidency. He thought he could accomplish his goals on education during a period of surplus with the dollars he outlined.

What is President Bush suggesting? I think that brings us sort of into a complete circle. President Bush has suggested a very significant increase in funding. Remember, President Clinton's request was $401 million. President Bush's funding request in this area is $500 million. That was his request.

In negotiations leading up to bringing this bill to the floor, the President went well beyond that request and, in fact, has offered an increase in title I funding which represents a 50-percent increase in funding in 1 year.

In the special education area, President Bush has proposed the largest single increase ever proposed by a President in special education funding. President Bush has proposed a 50-percent increase, or offered a 50-percent increase in title 1 funding as part of the negotiations leading up to this bill. He has proposed in his budget a $500 million increase, which is $100 million more than President Clinton proposed, and he has proposed the single largest increase in special education funding ever proposed by a President.

It is reasonably disingenuous to take the position that this President isn't committed to education on the policy side, and also on the spending side, to support that policy, because he has walked the walk and made the proposals to accomplish it, which brings us to the question of what is the purpose of this sense of the Senate amendment.

It is to ask the appropriating committee to fully fund authorizations which have come at us on this floor for the last 5 or 7 or 8 days—it has in actuality been 14 days since we really went on the bill in an intense way—authorizations which, as I mentioned earlier, represent in those few days an over 120-percent increase in this year's budget, a 100-percent increase in the 7-year budget representing $211 billion, and a 47-percent increase in special education funding. I think you are going to have trouble with the appropriating committee to accomplish that. We have to be realistic.

I suppose when the defense authorizers come to the floor they might offer the same type of SOS, and they might say we want defense authorizations fully appropriated also. They would probably have a pretty good case for that because the obligation of the National Government is national defense.

Then I suspect when the health committee, which I happen to be a member of, and which this committee comes out of, comes forward with the authorization levels for NIH, for which we have significantly increased the appropriations, or for some other health activity which is very important, such as prescription drugs, or whatever the item might be, we are going to ask for full appropriations their, too.

The list goes on and on. The obligations of the Federal Government are significant.

But when you increase the authorizations on the floor of the Senate by 120 percent in 7 days on a bill that came out which had almost a 100-percent increase in it to begin with, and you increase the authorization by $200 billion on a bill which came out with already $235 billion in it when it hit the floor, which was a significant increase, a dramatic increase over present law, I think you are making a statement: Yes; that you want a commitment to education, but I think you are also probably acknowledging realistically that you are never going to hit those goals.

It is just not reasonable to expect that the appropriations committee is going to have that type of change sitting in its pocket to move into this area. But when the President of the United States comes forward and says he is committed to a 50-percent increase in funding for title I, that is pretty significant.

When the President of the United States comes forward and offers the biggest increase in history that a President has ever asked in special education, I think the Appropriations Committee will take that position.

In the end, I believe these accounts will receive the very significant dramatic increases that they deserve. In fact, it is very obvious from the President's proposal that the education accounts are going to receive the largest rate increase ever by a factor probably of 100 percent or maybe more—200 or 300 percent—of any accounts in the Federal Government. The only agency that will probably be able to compete and the only area where competition will be even close will be NIH where we are committed to doubling funding over a period of time. But I don't think even the NIH increases as a percentage are going to be anywhere near the percentage of increases we are going to see coming as a result of this President's commitment to education.

Once again, I suspect that this amendment, although well-intentioned, is going a bit beyond what reality is as far as the Congress functions because I think we all understand that the appropriating committees do not necessarily listen to authorizing committees when it comes to money. Authorizing committees define policy. That is our primary responsibility. We have done a good job of it in this bill.

Because of the President's commitment in this area, I am pretty confident that the appropriating committee will make a dramatic increase in the spending commitment to education which will allow us to accomplish policies that we hopefully are going to pass with this bill.

I reserve the balance of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, how much time does the Senator from New Hampshire have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 3 and a half minutes remaining.

Mr. SCHUMER. I have 12 minutes.

The PRESIDING OFFICER. That is correct.

Mr. SCHUMER. I yield 4 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I think this is really where the rubber meets the road. Are we serious about the work we have accomplished? I went over this in great detail. I don't know if the Chair can read this from his seat. I have listed all the bipartisan programs that we have added to this bill, beautiful programs such as IDEA, increasing funding, teacher quality, some of these my colleague worked very hard on himself, mental health programs, these were all added in a bipartisan fashion. It adds up here to $10 billion more than is in the Bush budget. We know that we even have done more.

The Schumer-Boxer amendment is important because what we say is all of this hard work, all of this coming together, all of this bipartisanship, all of this work for the children of America should be funded. Very simply put, that is exactly what Senator SCHUMER and I are doing in this amendment. It is a sense of the Senate.

What is the argument that the Senator from New Mexico, Mr. DOMENICI, has lodged against the Schumer-Boxer amendment? First he looked at the Senator from New York, and I guess the Senator will remember, and he said: I hope the Senator from New York will relax and we will all have a happy afternoon. Then he went on to say: It is impossible to fund this. That is not a happy afternoon for any of us who care about kids. But I also want to say to my friend from New York, do not relax until every child in New York, every child in New Jersey, every child in California, every child in Mississippi, Louisiana and every other State has a good quality public education.

I hope you will not listen to that advice. I hope you will stay focused, as you always do, on these issues and keep giving us these kinds of amendments so we make sure we mean what we say and we say what we mean.

The Senator from New Mexico said some other things too. He said to the Senator from New York and to the Senator from California: You can't tell the Appropriations Committee what to do. That is ridiculous. And in your amendment you are saying, fund these programs to the extent of the authorization. We are not telling them what to do. We are passing a sense of the Senate.

One, we are not telling them what to do. We are asking them to consider the sense of the Senate that these programs should be fully funded.

I want to make another point and I wish the Senator from New Mexico was on the floor. His comments were really disingenuous. He was chairman of the Budget Committee when the Budget Committee came out with the budget. Do you know what he did? My friend from New York knows it well. He not only set the size of the tax cut, which the Finance Committee has jurisdiction over, but he also made that whole debate filibuster-proof. Did he tell us what to do? Oh, yes, he did. Did he also make sure that agriculture spending would be protected? He sure did. Do you know that the chairman of the Budget Committee had the authority to decide the increases in agriculture, not the Appropriations Committee, and do you know that the chairman of the Budget Committee—it is no longer Senator DOMENICI; it is now Senator CONRAD, a sort of twist of fate—said that the chairman of the Budget Committee is now going to decide how much we are going to spend on the military. So when the Senator from New Mexico chastises the Senator from New York and the Senator from California and says——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I yield the Senator from California one additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mrs. BOXER. Mr. President, when the Senator from New Mexico tells these two Senators—who have a simple sense of the Senate that we agree only carries moral authority, doesn't tell them exactly what to do—we are overstepping our bounds, I have to say that is amazing to me because that is coming from my friend—I served with him on the Budget Committee for many years—who actually gave power to the chairmen of the committees to say what the appropriate level should be for military spending and ag spending. I do not see it.

You will note, that committee did not stand up for education. They said we could have a piece of the extra $6 billion that may be lying around. All we are saying is, give education a chance to be fully funded.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I hope my colleagues will support the Schumer amendment.

I thank my colleague from New York.

Mr. SCHUMER. Mr. President, I yield 4 minutes to my friend and colleague, our leader on education, the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Will the Chair tell me when there are 30 seconds remaining?

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, what this debate is really about is whether we, as a body, are going to be satisfied with the budget that has been proposed by the President and the Republicans that gives a $1 billion increase in IDEA and a $700 million increase for the title I program, or whether we are going to try to fund ESEA, the title I program, for the full funding, whether we are going to fund ESEA the way bipartisan votes over the last 3 days have indicated is the desire of this body.

I hear a great deal about the budget, but the budget isn't law. Do we understand that? The budget isn't law. In this body, we have the ability and the power—if we believe in something—to pass legislation that is going to fund the programs the way they should be funded. That is what this battle is about.

With all respect to my good friend from New Mexico, his proposal is a cop-out. It says: As much as possible. We know what is possible. He was the chairman of the Budget Committee. They are going to follow the Budget Committee, and that is going to be peanuts for educating the children of this country. You cannot educate children with a tin cup. You cannot do it on the cheap. You have to invest in them.

That is what the Schumer amendment is all about. That is why, if we believe that education is important, and that we want to reach all of the children—not just a third—if you want to reach just a third in fiscal year 2008, you vote with Senator DOMENICI. That is exactly what you are going to do. But don't make any more speeches about "we are not going to leave any child behind." Put those speeches away. Put those speeches away forever. That is what this vote is about.

We have the opportunity of funding it so no child is left behind. It is as simple as that. One is just a cop-out. The other is a reaffirmation and statement of what has happened in the Senate Chamber over the period of these past weeks. And it is a statement and a comment that we are going to commit ourselves to work every single day for the remaining time of this session, and during the appropriations battles, and after that every single time, to invest in the children and the future of this Nation. That is what the Schumer amendment is all about. That is why it should be supported.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield myself the remaining 3 minutes.

The PRESIDING OFFICER. Almost 4 minutes.

Mr. SCHUMER. Mr. President, first, I thank the Senator from Massachusetts. One day, if I am here a long time, I might be able to reach 10 percent of his eloquence. And I would be happy with that. He sums it up just perfectly.

Let me say, first, in reference to my good friend from New Mexico, he says the budget does not have room to appropriate all that is authorized. In the budget he put together, they walled off military spending, they walled off transportation spending, they walled off agriculture spending. They said they are going to get what they need.

What is really wounding to those of us who believe so much in education is not simply that education was not walled off but the doublespeak that is going on in this Capitol.

The President did not campaign as the military President. He did not campaign as the agriculture President. He is not busy taking pictures with big trucks as the transportation President. He campaigned as the education President.

Then they hand up a budget whose increase in actual spending is miserly. To say this is doublespeak is kind. This is why the American people despise Washington, because there are all the photo opportunities and all the slogans, and then when it comes to actually putting the money on the table to help keep our country No. 1—by educating it—we come up with 100 excuses.

Where are the excuses for the military? Where are the excuses for agriculture? Where are the excuses for transportation? This is just not right. This is just not fair.

We spent 2 weeks debating education in a bipartisan way. We talked about how we are coming together. And then we find that the amount of money the budget will allow is a $1.7 billion increase. That is what the President proposed? Less than President Clinton, much less than President Clinton's increase in the previous 3 years when we had a surplus.

If you don't want to fund education, don't say you are the "education President." If you don't want to fund education, don't say you are the "education Senate." Don't talk about leaving no child behind when you are leaving 80 percent of the children behind with this budget.

Is this amendment that the Senator from California and I have put together a foolproof amendment? Is it foolproof? No. It is a sense of the Senate. It is saying: Let's live up to our promises, our promises not to ourselves but our promises to the children of America and the people of America who we said we were going to help.

This amendment simply says: Put your money where your mouth is. Don't give a lot of speeches, don't do a lot of photo opportunities unless you spend it. We know they can do it if they want. The Domenici amendment, which says "do as much as possible," is the most elastic check I have ever seen. No one will cash it.

So, my colleagues, I urge a "no" vote on the Domenici amendment, which will not provide the necessary funding for our kids, and a "yes" vote on the Schumer-Boxer amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire has 3½ minutes remaining.

Mr. GREGG. Is that all the time remaining on either side?

The PRESIDING OFFICER. That is all the time remaining.

Mr. GREGG. Mr. President, I appreciate the energy of the Senator from New York, but I cannot agree with his position. The fact is, we finally have a President who is focused on education, who is focused on the fact that we, as a nation, and as a federal government, have totally failed in our responsibility to low-income children. We have spent over $120 billion of taxpayers' money, and we have still left the low-income child behind in America.

We finally have a President who has said: No longer are we going to tolerate this. We are not going to tolerate taking taxpayers' money and allegedly using it to benefit the low-income child, and finding out that generation after generation of low-income children have not been able to realize the American dream because they have not been able to get an education. We have a President who has finally stood up for the low-income child and his or her right to receive a decent education in our country.

We brought a bill to this Chamber. It isn't exactly what I wanted, I know it isn't exactly what the other side wanted, but it has, as its essence, the elements that will bring about some significant changes in the way we deliver education in this country, especially on behalf of low-income children. And, more importantly—or equally as important—the President has said: I am going to support that policy with dollars. He has put on the table more dollars than the prior President ever put on the table, by a factor, in the area of title I, of about, by my calculations, 10. In the area of special ed, he has proposed the single largest increase ever proposed by a President.

The simple fact is, this President has backed up his commitment to education with a commitment of dollars. What we have seen on the floor for the last 12 days is a lot of Members who want to put out a press release saying they have increased it even more. And so they know when we are using authorization money, that we are using funny money to some degree. The real money comes out of the Appropriations Committee. We know that when the Appropriations Committee meets, it is going to make its decisions no matter what the authorization committee says because that is the way it has worked around here since time immemorial, or at least in this century.

As a practical matter, what we can do that is constructive is pass a good bill that has good policy and also make it clear to the Appropriations Committee that we expect them to fund education to the fullest extent possible, which is what the Domenici amendment requests and what is reasonable.

We have somebody backing us up on this, and that is the President, who has already said that the number proposed in the budget is something he is going to exceed, again by a factor of potentially 10, or somewhere in that range, in the area of title I.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico had an additional 4 minutes.

Mr. GREGG. The Senator from New Mexico has yielded his time to me, so I claim the Senator's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I yield back the time and ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the Schumer-Boxer amendment as well.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Domenici amendment No. 801, as modified. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—49

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—1

Dodd

The amendment (No. 801), as modified, was rejected.

Mr. HARKIN. I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 800

The PRESIDING OFFICER. Under the previous order, 4 minutes is evenly divided between the Senators from New York and the Senator from New Hampshire.

Mr. SCHUMER. Mr. President, I assume I have 2 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I yield 1 minute to my colleague on this amendment, the Senator from California.

Mrs. BOXER. Mr. President, we have been working for 7 or 8 weeks on this bill. What is wonderful about it is we have worked on it under the Republican leadership and now under the Democratic leadership. What we have done is quite extraordinary. We have truly made education a priority in this Nation.

This chart lists all of the good things we have added to this bill over and above the Bush budget. Members from both sides of the aisle have added these amendments, whether afterschool, IDEA, title I, teacher quality. I don't even have time to go through the whole list in a minute.

In our amendment, the Schumer-Boxer amendment, we are saying we should fund this bill. We should fund these programs. We should lift these kids up and deliver on the rhetoric and the promises we have made.

It is a very simple amendment. I urge the support of Members.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment is simple. It says we ought to do what we say we are going to do. We have made and the President has made education a hallmark of this election campaign and this new Congress, beginning in Washington. It would be the cruelest of broken promises to have a debate for weeks and then not actually appropriate the money we say we are going to appropriate.

The present budget resolution cannot do it. It has a paltry $1.7 billion increase, not enough to even do one-quarter of what we say we are going to do on title I, let alone all the other priorities.

If Members want to put their money where their mouth is, if Members want to give the people in America faith in the system, that we do not just debate things but we do things, Members will vote for this amendment that says it is the sense of the Senate that we ought to appropriate what we are authorizing. This is for the kids of America. I urge a bipartisan vote for it.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I yield such time as he may consume to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, it has been the history of the Senate that we authorize legislation and we appropriate or pay for legislation that has been adopted. In this case, this sense-of-the-Senate resolution stands that on its head and says, whatever it is we voted on to be authorized, we shall fund. The appropriators shall pay for it.

Now, historically we always authorize more than we can afford. We are doing the same thing in this bill. As a matter of fact, if that sense of the Senate were adopted, we would increase education 100 percent in the first year—not 10, not 20, not 30, but 100 percent. Over the next 7 years, we would increase it by $300 billion. This has nothing to do with the President's commitments. It has to do with the Senate taking a typical authorization bill and adding all kinds of nice, good, wholesome, wonderful amendments that we are not going to pay for because we don't have the money. The appropriators will pay for what they can afford. We cannot tell the appropriators in advance; they have a myriad of programs to look at in terms of priorities, and we would be telling them it is the sense of the majority of Members saying: Appropriators, you will; you shall; there is no escape; you will pay for every amendment that has been adopted as if it were appropriated.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. Indeed, I am pleased to.

Mr. BYRD. Mr. President, while I support many of the provisions in this bill, and I support increased Federal aid for education, I think this amendment is premature. I did not vote for the previous amendment upon which the Senate just acted. At this time, appropriators have no idea what the conference report on this bill will resemble. We have no idea what the final dollar amount for this bill will be. We may not know that final amount for several weeks. It would be misleading to commit to any particular dollar figure before we see where the conference report on this bill shows us to be. To do otherwise is to ask the Appropriations Committee to buy a pig in a poke.

I will not support this amendment. I did not support the previous amendment.

To jump in now and to commit to an unknown funding level, I think, as an appropriator, is irresponsible. As an appropriator, I cannot do that. I will not do that. And if this continues, we will see more and more of these amendments that try to put the Senate on record and committing the Appropriations Committee to bind itself to a money figure before we really know all the facts.

Resources are scarce this year and we will have to stretch and strain to meet this Nation's needs. Premature commitments will only make the difficult job of appropriating more difficult. To use an old West Virginia expression: I'll roll up my britches when I get to the creek. We will do the best we can when we have more information.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 800. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Dodd

The amendment (No. 800) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, as I understand, if there is going to be a little lull in the routine right now, I thought I would take advantage of this opportunity to advise the Senate that, at my request, the managers' amendment, No. 585, to this bill includes a new provision in the Early Reading First Program. The Early Reading First Program is designed to improve the language and early literacy development of children ages 3 through 5. Reading, as we all know, is the most important and fundamental skill for children to learn.

This new provision in the bill will allow the use of Federal funds and authorize the appropriation of funds for dissemination of a reading readiness screening tool that is based on top quality research for children in this age group.

The National Council on Learning Disabilities has developed such a tool which is based on the report and research that was reviewed by the National Reading Panel.

To acquaint the Senate with the work that has been done in this area, the National Reading Panel was created at our suggestion as a result of legislation that was introduced back in 1997. Subsequently, the report accompanying the Fiscal Year 1998 Labor-HHS and Related Agencies Appropriations Act called on the National Institute of Child Health and Human Development and the Department of Education to form a panel to evaluate existing research on the teaching of reading to children, to identify proven methodologies, and suggest ways for dissemination of this information to teachers, parents, universities, and others.

As a result of that initiative and the work that was done, there has been published one example of this initiative. It is prepared by the National Center for Learning Disabilities.

With this legislation that is identified by me in this amendment in the managers' package, this is the kind of material that will be disseminated with the use of Federal funds to schools, to universities, to departments of education at universities, and others who are interested in the latest and best information about how to teach young children who have reading difficulties, and new techniques for teaching those who will acquire developmental skills at a faster rate and more efficiently, to equip them to be successful in the early grades of school.

So I bring this to the attention of the Senate to let everyone know that there has been, over time, a very successful effort, first by the research institutes at the National Institutes of Health, to do some fundamental research into why children have difficulties learning to read, and things that can be done to help overcome those difficulties.

That research has now been used by the Department of Education because of legislation we adopted in the past, and now we have come to the point where there are some specific programs and practices that are being recommended throughout the country as a result of the work of the National Reading Panel whom we charged with the job of translating those research findings into teaching practices and techniques.

What this research has told us—just as an example—is that 75 percent of children with reading difficulties who are not identified by the time they reach age 9 will still have poor reading skills at the end of high school; 80 to 90 percent of children identified with learning disabilities have their primary deficits in reading and language-based processes; research provides reliable ways to determine whether children as young as age 4 are developing the fundamental skills necessary to learn to read; and last, early identification and effective, early intervention can dramatically reduce the numbers of students failing in reading.

Back in April of last year, the panel submitted its report to Congress at a hearing of our Senate Appropriations subcommittee chaired by Senator SPECTER of Pennsylvania. Some of the most important research that I hoped could be made available to teachers and parents is the information about the skills young children need to have in order to be ready to read and, beyond that, how to help them attain those skills. This dissemination of a user-friendly predictor of reading readiness will ensure that more children arrive at school with the skills they need, and early identification of those children who need extra help will be possible.

This amendment will finally ensure that parents and teachers have available the first tool they need to begin the important steps to learning to read.

The Department of Education's monthly publication "Community Update" for April 2001 features an article by Dr. Reid Lyon, chief of the Child Development and Behavior Branch at the National Institute of Child Health and Human Development. He says in the article:

> Today's teachers have a number of resources that can help them discriminate between research that can be trusted and research that cannot be. One such resource is The Report of the National Reading Panel.

Mr. President, I ask unanimous consent that a copy of Dr. Reid Lyon's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOLID RESEARCH, SOLID TEACHING

(By G. Reid Lyon)

Teachers frequently tell me that they see little value in basing their teaching practices on the results of "educational research." They point out that the research reports are difficult to understand, frequently do not apply to the specific children they are teaching, and often reflect "turf battles" between academics espousing different research philosophies.

I know firsthand the devastating effect that poor quality research has on teaching practices and the trust teachers have in educational research. As a brand new third-grade teacher in the mid-1970s, I was responsible for teaching 28 students of varying abilities and backgrounds. Unfortunately, many of my students had not yet learned basic reading skills and were clearly floundering in almost every aspect of their academic work.

However, the university courses that I had taken to become certified as an elementary school teacher led em to believe these youngsters would learn to read when they were ready. Likewise, my school's reading curriculum was based on the assumption that learning to read was a natural process, similar to learning to listen and speak. Thus children did not need to be taught basic reading skills in a systematic or direct manner.

At the beginning of the year, a third of my students read so slowly and inaccurately that they could not comprehend what they read. Their spelling was also nothing to write home about. Unfortunately, by the end of the year, these same students continued to read slowly and inaccurately. The only change I could discern was that their motivation to read had waned—they would actually avoid reading—and their self-esteem had suffered considerably. Likewise, I felt like a failure as a teacher.

It wasn't until later in my research career that I learned that the way I was trained to teach reading, and the way that the reading series recommended that literacy concepts should be taught, were based upon research that was questionable at best. Indeed, I came to learn later that the assumptions upon which the instructional philosophy and methods rested had never been adequately tested through well-designed studies.

Today's teachers have a number of resources that can help them discriminate between research that can be trusted and research that cannot be. Now, when almost every reading program and set of instructional materials are said to be "research-based," teachers need to know that many of these products are based upon beliefs and dogma rather than on scientific data.

One such resource is the The Report of the National Panel—An Evidence-Based Assessment of the Scientific Research Literature on Reading and Its Implications for Reading Instruction, available free by request at www.nationalreadingpanel.org. The report is published jointly by the National Institute of Child Health and Human Development, the U.S. Department of Education, and the National Institute for Literacy (NIFL). NIFL, a government agency that disseminates evidence-based information on reading, is also developing information and tools specifically for teachers.

All teachers want to do the best for their students. When our children learn, everyone wins. Solid, research-based approaches can help children do just that!

Mr. COCHRAN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 516, AS FURTHER MODIFIED

Mrs. CLINTON. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 516, as modified, and ask that it be further modified with the language I send to the desk.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendment is so modified.

The amendment, as further modified, is as follows:

On page 586, between lines 18 and 19, insert the following:

SEC. ___. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF DILAPIDATED OR ENVIRONMENTALLY UNHEALTHY PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN AND THE HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART E—MISCELLANEOUS PROVISIONS

"SEC. 4501. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF DILAPIDATED OR ENVIRONMENTALLY UNHEALTHY PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall conduct a study on the health and learning impacts of dilapidated or environmentally unhealthy public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have high occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to use of pesticides, insecticides, chemicals, or cleaners, lead-based paint, or asbestos or have radon or other hazardous substances prohibited by Federal or State Codes.

"(2) The health and learning impacts of dilapidated or environmentally unhealthy public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

"(3) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State codes to achieve healthy and safe school environments, how to improve the overall monitoring of public school building health, and a cost estimate of bringing all public schools up to such standards.

"(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the health and learning impacts on students that attend dilapidated or environmentally unhealthy public schools, including recommendations for obtaining such information.

"(5) The capacity (such as the district bonded indebtedness or the indebtedness authorized by the district electorate and payable from the general property taxes levied by the district) of public schools that are dilapidated or environmentally unhealthy to provide additional funds to meet some or all of the school's renovation, repair, or construction needs.

"(6) The degree to which funds expended by public schools to implement improvements or to address the conditions examined under this study are, or have been, appropriately managed by the legally responsible entities.

"(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

"(1) not later than 18 months after the date of enactment of this Act; or

"(2) not later than December 31, 2002.

"(d) PUBLIC DISSEMINATION.—The Secretary shall make the study under this section available for public consumption through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department of Education.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).

"SEC. 4502. HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the 'Healthy and High Performance Schools Act of 2001'.

"(b) PURPOSE.—It is the purpose of this section to assist local educational agencies in the production of high performance elementary school and secondary school buildings that are energy-efficient and environmentally healthy.

"(c) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

"(1) PROGRAM.—There is established in the Department of Education the High Performance Schools Program (in this section referred to as the 'Program').

"(2) GRANTS.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out paragraph (3).

"(3) STATE USE OF FUNDS.—

"(A) SUBGRANTS.—

"(i) IN GENERAL.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(A) to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in paragraph (4).

"(ii) LIMITATION.—A State educational agency shall award subgrants under clause (i) to the neediest local educational agencies as determined by the state and that have made a commitment to use the subgrant funds to develop healthy, high performance school buildings in accordance with the plan developed and approved pursuant to clause (iii)(I).

"(iii) IMPLEMENTATION.—

"(I) PLANS.—A State educational agency shall award subgrants under subparagraph (A) only to local educational agencies that, in consultation with the State educational agency and State offices with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which such subgrants are made.

"(II) SUPPLEMENTING GRANT FUNDS.—The State educational agency shall encourage qualifying local educational agencies to supplement their subgrant funds with funds from other sources in the implementation of their plans.

"(B) ADMINISTRATION.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(B)—

"(i) to evaluate compliance by local educational agencies with the requirements of this section;

"(ii) to distribute information and materials on healthy, high performance school buildings for both new and existing facilities;

"(iii) to organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high performance school buildings;

"(iv) to obtain technical services and assistance in planning and designing healthy, high performance school buildings; and

"(v) to collect and monitor information pertaining to the healthy, high performance school building projects funded under this section.

"(4) LOCAL USE OF FUNDS.—

"(A) IN GENERAL.—A subgrant received by a local educational agency under paragraph (3)(A) shall be used for renovation projects that—

"(i) achieve energy-efficiency performance that reduces energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results; and

"(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

"(B) EXISTING BUILDINGS.—A local educational agency receiving a subgrant under paragraph (3)(A) for renovation of existing school buildings shall use such subgrant funds—

"(i) to achieve energy efficiency performance that reduces energy use below the school's baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline

"(ii) and to help bring schools into compliance with Federal and State health and safety standards.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—A State receiving a grant under this section shall use—

"(A) not less than 70 percent of such grant funds to carry out subsection (c)(3)(A); and

"(B) not less than 15 percent of such grant funds to carry out subsection (c)(3)(B).

"(2) RESERVATION.—The Secretary may reserve up to 1% per year from amounts appropriated under subsection (f) to assist State educational agencies in coordinating and implementing the Program.

"(e) REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall conduct a biennial review of State actions implementing this section, and shall report to Congress on the results of such reviews.

"(2) REVIEWS.—In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by State educational agencies in establishing eligibility of local educational agencies for subgrants under this section, and may assess other aspects of the Program to determine whether the aspects have been effectively implemented.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $50,000,000 for fiscal year 2002; and

"(2) such sums as may be necessary for each of fiscal years 2003 through 2011.

"(g) DEFINITIONS.—In this section:

"(1) HEALTHY, HIGH PERFORMANCE SCHOOL BUILDING.—The term 'healthy, high performance school building' means a school building which, in its design, construction, operation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, and protects and conserves water.

"(2) RENEWABLE ENERGY.—The term 'renewable energy' means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.".

(f) LIMITATIONS.—No funds received under this section may be used for—

(1) payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this Act;

(2) the construction of new school facilities;

(3) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

Mrs. CLINTON. Mr. President, last week I offered this amendment to address two critical concerns faced by our schools that often do not rise to the forefront of our education debate but frequently have a direct impact on how well our children can learn and how much it costs to run the average school in our country.

The first issue is ensuring that our children attend schools that are environmentally sound in order to protect their health and well-being.

The second issue is helping schools save money on their energy bills by providing them with resources to become more energy efficient. Our schools can then reinvest those energy savings where they belong, into educational resources such as books or computers or more training for teachers, which can really make a difference in the lives of children.

I understand that since the time I offered this amendment, there has been some concerns that the amendment might help to fund new school construction or renovation projects. Let me be very clear that while I do support a Federal role in school modernization, construction, and renovation, this amendment is not intended to address the unmet needs of our Nation's schools when it comes to construction and renovation.

I have offered this amendment because I am very concerned that we simply do not have a comprehensive understanding of the problems children face who attend environmentally unhealthy or dilapidated schools. There are no nationwide statistics or in-depth research to help us know and understand the extent of the problems in our schools.

While the majority in this body may not agree that the Federal Government should have a role in helping States and localities construct and renovate public schools, I do strongly believe—and believe there should be broad support for the proposition—that we must understand better the health and educational impacts children may face if they attend schools that have environmentally unhealthy conditions, or that the deterioration of the schools are such that it affects a child's health.

Every day, in old or poorly maintained school buildings around the country, students of all ages sit in classrooms where they are forced to breathe in stale air or even mold spores that make them sick and could have long-term debilitating effects on their abilities to learn.

We know from a 1996 GAO study that 15,000 schools in our country have indoor pollution or ventilation problems affecting over 11 million children and that, furthermore, as many as 25 million children nationwide are attending schools with at least one unsatisfactory environmental condition. But we often have no idea whatsoever what effects these so-called "sick" schools have on the students who attend them.

At least once a week I read stories in the press such as the one I found in the New York Post this morning. The Post reported that while doing work on subway stations in the Bronx, transit crews chipped lead paint into the air, with no protection to catch that paint, which then fell into the yard of a public school filled with students from kindergarten through to the seventh grade.

I also know the Presiding Officer is deeply concerned about something we recently learned, which is that playground equipment is sometimes treated with arsenic and that arsenic-treated playground equipment is then put into the playgrounds of our schools. The Presiding Officer has been a leader in trying to end this terrible practice so that we protect our children who, based on my experience—being one once a very long time ago, but having raised my own and going to many playgrounds—children do the strangest things. They roll on the ground. They put the dirt in their mouths. They bite the playground equipment. You never know what a child may do. That is my point. We have to be sure the environment in which our children attend school and the playgrounds on which they play are not causing them harm.

In that 1996 GAO study, we found that two-thirds of the schools that were investigated were not in compliance with requirements to remove or correct hazardous substances, including asbestos, lead, underground storage tanks, and radon.

Experts believe that exposures during the early years, when children are developing, can have severe long-term effects. Even more alarming, a recent study indicates that children exposed to levels of lead now considered safe may be at risk of lead poisoning from peeling paint.

Listen to this new research conducted by the Children's Hospital Medical Center of Cincinnati, OH, showing that children who have less than 10 micrograms of lead per deciliter of blood experience a decline in their IQs. There was an average of a 5.5-percent drop in a child's IQ for every 10-microgram increase in lead. Children in this study experienced hearing loss, speech delay, balance difficulties, and even tendencies toward acting out and violent behavior.

I am also concerned that we are facing a soaring rate of asthma across the country. The epicenter is in New York City and California, but it affects every State in the Union. The indoor air quality of our schools must be examined to find out whether or not it is contributing to this skyrocketing rate of asthma, which is the leading cause of school absenteeism.

These bits and pieces of research, only a few of which I have shared in these remarks, paint a picture of a problem that we must learn more about. Groups around the country have done a great job bringing this to our attention.

I, again, applaud the Healthy Schools Network in Albany, NY, for all the tremendous work it has done to document this problem in New York State. Since I introduced this amendment, I have been pleased to receive the endorsement of the American Lung Association, the Asthma and Allergy Foundation of America, the American Public Health Association, the Institute of Children's Environmental Health, the Massachusetts Healthy Schools Network, the New York City Board of Education, the Parent Teacher Association, the American Federation of Teachers, and the Children's Environmental Health Network.

The American Public Health Association recently passed a resolution calling for further research on the extent and impact of children's environmental health and safety risks and exposures at school and prevention measures, including research sponsored by the U.S. Department of Education. This amendment would authorize $2 million for a study conducted by the Department of Education, in conjunction with the Centers for Disease Control and the Environmental Protection Agency, to evaluate the health and learning impacts of environmentally unhealthy and dilapidated public school buildings, the impacts on children who have attended or are attending such schools. We would ask the researchers specifically to determine the characteristics of our public elementary and secondary school buildings that contribute to any unhealthy environment.

In addition to this study, I have also called for resources to help our States and local school districts make their schools healthier and more energy efficient. I am very pleased I was able to work closely with Senator MURKOWSKI to align my amendment with a concept he had included in his comprehensive energy bill to help our schools become more energy efficient.

Both the chair of the Energy Committee, Senator BINGAMAN, and the ranking minority member, Senator MURKOWSKI, have offered their support for this amendment. They recognize the importance of helping our schools become more energy efficient and being able to increase our energy supply while paying for the cost of energy.

The U.S. Department of Energy estimates that schools could save 25 to 30 percent of the money they spend on energy. That is about $1.5 billion. And they could achieve this through better building design, using energy-efficient and renewable energy technologies, and improving operations and maintenance.

About 2 weeks ago, I went to Kingston, NY. I visited a school district that is ahead of the curve, which got a grant to do exactly what the grants in this amendment would provide. They have already saved—in this rather small school district—$400,000. Because of that, I put out this brochure, "Smart Schools Save Energy." It is to promote energy efficiency in New York State schools. We have distributed it to every single superintendent in New York.

It talks about what can be done to save energy costs. The catch is, as superintendents have told me, there is no money in their current budgets to do this. It is kind of a catch-22 problem. If they could save the money from energy use, then they would have the money to put into other needs, such as better teacher training and the like.

This amendment provides the grants that will help schools make their buildings healthier and more energy efficient. By incorporating provisions of legislation I recently introduced, the Healthy and High Performance Schools Act of 2001, we will be able to provide more information about the materials to be used and to help districts organize and conduct programs for school board members and personnel and to help provide compliance with Federal and State codes to make each of our schools healthier and more energy efficient.

I stress that, while these funds could not be used to construct new buildings, they would help schools assess how they can become more energy efficient when and if they do renovate their schools, which would save money in the long run.

This is the kind of common sense help we could provide to our schools around the country. I believe we owe it to our students and certainly to the parents who send their children off to school every day to make sure there is nothing at all in any schoolroom in any school building or on any school playground that could harm their child. If we undertake this study, we will be able to give the kind of information and help that every parent and every school district needs, and we will be able to provide assistance to make sure schools are energy efficient, which will save money.

As we have talked now for weeks, trying to provide the resources to enable our children to learn is the primary goal of every single one of us here.

I would be very grateful for support for this amendment to enable this to come about as part of our overall educational reform efforts.

I ask for a vote on the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, what is the order of business at this time?

The PRESIDING OFFICER. The pending amendment is the Clinton amendment No. 416.

Mr. SESSIONS. Mr. President, I ask unanimous consent that we now turn to amendment No. 604, an amendment I have offered.

The PRESIDING OFFICER. Is there further debate on the Clinton amendment? The Senator from Nevada.

Mr. REID. Mr. President, we are ready for action on the Clinton amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued with the call of the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senator SESSIONS now be recognized to call up amendment No. 604, as modified, and that following the reporting of the amendment by the clerk, Senator HARKIN or his designee be recognized to offer a first-degree amendment regarding IDEA, which is at the desk; further, that there be 1 hour for debate on the amendments with 15 minutes under the control of each of the following Senators: HARKIN, SESSIONS, KENNEDY, and GREGG; further, when the Senate resumes consideration of the education bill at 9 a.m. on Thursday, there will be an additional 60 minutes for closing remarks provided as above; further, upon the use or yielding back of the time, the Senate vote in relation to the Harkin amendment, followed by 4 minutes of debate, 2 minutes on each side, and a vote in relation thereafter to the Sessions amendment.

Following that, the Senate will resume consideration of the Helms amendments Nos. 574 and 648.

The PRESIDING OFFICER (Mr. REED). Is there objection?

Mr. SESSIONS. Reserving the right to object, Mr. President, my concern would be if I may give my remarks first, before Senator HARKIN. I am concerned about that. That would be my request.

Mr. REID. That is fine.

The PRESIDING OFFICER. Does the Senator from Alabama object?

Mr. REID. Does the Senator withdraw his objection?

Mr. SESSIONS. My request was that I be allowed to speak first.

Mr. REID. Of course.

Mr. SESSIONS. I will not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, the pending amendment is laid aside, and the Senator from Alabama is recognized.

AMENDMENT NO. 604, AS MODIFIED, TO AMENDMENT NO. 358

Mr. SESSIONS. Mr. President, I send to the desk amendment No. 604, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 604, as modified.

The amendment is as follows:

AMENDMENT NO. 604, AS MODIFIED

(Purpose: To amend the Individuals with Disabilities Education Act regarding discipline)

At the appropriate place, insert:

TITLE —INDIVIDUALS WITH DISABILITIES

SEC. 01. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) UNIFORM POLICIES.—

"(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline and order applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

"(2) LIMITATION.—

"(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

"(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

"(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.".

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

"(o) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

"(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

"(3) LIMITATION.—

"(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

"(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.".

SEC. 03. ALTERNATIVE EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) IN GENERAL.—At the written request of a parent (as defined in section 602(19)(A) of the Individuals with Disabilities Education Act) of a child with a disability (as defined in section 602(3) of such Act), a local educational agency in which the child resides, or a State educational agency that is responsible for educating the child, may transfer the child to any accredited school that—

(1) is specifically designed to serve children with disabilities;

(2) is selected by the child's parents;

(3) agrees to accept the child; and

(4) carries out a program that the local educational agency, or State educational agency, if appropriate, determines will benefit the child.

(b) PAYMENT TO SCHOOL; LIMITATION ON FURTHER RESPONSIBILITY.—

(1) IN GENERAL.—For each year for which a child with a disability attends a school pursuant to subsection (a), the local educational agency or State educational agency shall pay the school, from amounts available to the agency under part B of the Individuals with Disabilities Education Act, an amount equal to the per-pupil expenditure for all children in its public elementary and secondary schools, or, in the case of a State educational agency, the average per-pupil expenditure for the State,. as defined in section 3(2) of the Elementary and Secondary Education Act of 1965.

(2) TRANSFER.—Notwithstanding any other provision of law, a local educational agency or State educational agency that transfers a child with a disability to a school under subsection (a) shall have no other responsibility for the education of the child while the child attends that school.

(c) USE OF FUNDS; ADDITIONAL CHARGES TO PARENTS.—A school receiving funds under subsection (b)(1)—

(1) shall use the funds only to meet the costs of the child's attendance at the school; and

(2) may, notwithstanding any other provision of law, charge the child's parents for the costs of the child's attendance at the school that exceed the amount of those funds.

Mr. SESSIONS. Mr. President, there is a real problem in education today in kindergarten through 12th grade. Anybody who talks to teachers at any length, as I have, will realize that discipline is a key problem for teachers, principals, and administrators. It undermines the ability of learning in the classroom, and it is not a healthy environment too often. It is a real challenge today.

Children are always difficult to manage, and in today's world I think it is more so than in the past. I have been to quite a number of schools in my State over the last year—maybe as many as 20. Each time, I spent a good deal of time with teachers and principals and sometimes superintendents and board members. We talked about what is going on. I can say with absolute certainty that they told me over and over again that the biggest problem they see from the Federal Government is the discipline rules that have been set forth under the Individuals With Disabilities Education Act.

I suggest that if anybody is doubtful about that, call a schoolteacher they know and talk to them about what is being said and what is occurring within their schools. I was amazed. It is a Federal mandate. It is a law that has the best of all intentions to deal with disabled children, and I support it entirely. But there have been some unintended consequences in how children are disciplined in a classroom. We have absolutely created two classes of children for the purpose of discipline.

I have had teachers tell me: JEFF, last year in this very school a child who was a disabled child sold marijuana to two other children. The two who bought it were removed from school. The one who sold it, because he was disabled, could not be removed from school under Federal law. I have had circumstances where another teacher told me about two children who brought a gun to the parking lot. They didn't bring it into the school, but they violated the school rules, and one that was disabled was able to stay in school. The teacher said: Every time I see that other child who was removed from our classroom, I know and he knows that another who did the very same act was not removed from the school.

In addition to that, there are extraordinary problems within the classroom. I want to share some comments and letters I received from teachers in my State. I don't believe it is different from around the country. At one of our hearings that Senator JEFFORDS chaired last year, a superintendent from Vermont came and testified that 20 percent of his school district's budget goes to IDEA students. It is a matter of great importance. We want to give them the highest possible opportunity to succeed, but we also want to be sure we aren't creating a circumstance that makes learning more difficult in the classroom than it ought to be.

Let me read to you from a special education program coordinator's letter. This person works with special ed kids. He said:

> Thank you for your efforts to amend IDEA 97.

We thought that was going to help when it passed in 1997. Teachers and principals are telling me it made the situation worse. It didn't help.

> The restrictions inherent in this legislation have the potential to cripple a school system beyond repair. Although my job is to advocate for students with disabilities, I also feel a responsibility to protect the rights of all children to an appropriate education.

An elementary school principal wrote:

> Today, general educators at all grade levels must deal with a large number of students who are challenged. Having to deal with these behavior problems and to constantly change behavior interventions not only takes away from important instructional time, but inadvertently reinforces a disabled child's behavior. All class rules should apply to all students. Therefore, they should have the same disciplinary actions.

A middle school principal wrote:

> I am a middle school principal of a great school with wonderful children. I have witnessed the evolution of IDEA and am very concerned about the impact these regulations have on public education. This issue is causing many fine teachers to reconsider their choice of professions after a few years in education.

Most of us know that most teachers who decide to give up the profession do so because of discipline problems and the frustrations of trying to maintain discipline in the classroom.

A high school principal wrote:

> I am writing to support your efforts to change some of the current special education laws. The current laws are very frustrating in dealing with disruptive pupils. In order for us to maintain and provide a safe environment for all students, your provisions must be made in the law.

A city school superintendent wrote this:

> In the short time since these regulations have been in effect, numerous instances have taken place involving special ed students where hardships, disruptions, and chaos have resulted from restraints placed on the administrators by the new regulations.

Another superintendent wrote:

> We have written to advise you of our frustrations with trying to implement the 1997 amendments to IDEA relating to classroom discipline of disabled students. Classroom teachers must devote a significant amount of time and attention to address behaviors that interfere with the learning of students with disabilities or their required disciplinary action. Often this time and attention is to the detriment of the other students in the classroom and valuable instructional time is lost.
>
> It is of a particular concern to me as a superintendent to know that the roles and responsibilities of both our general and special educators have been redefined to the degree that teachers and administrators cannot act immediately when the situation demands it.
>
> Our teachers and administrators are committed to serving all children, regardless of needs, in a fair and equitable manner. If we don't teach these children right from wrong at a young age, how can they learn to act as good law-abiding citizens as adults.

Another one writes:

> There have been several students with disabilities at our school who totally disrupt the learning environment of the regular classroom. They yell out, try to run away, are defiant and create havoc in the classroom. The teachers are required to spend so much time with these disruptive students that the other students are missing out on the quality instruction they need to be successful. I hope that when you consider changes in IDEA, you will not lose sight of those other students who need to be provided with quality education.

The letters go on. I will add one more:

> I have dealt with several instances over the last 3 years in which special education students have disrupted classrooms and threatened administrators and teachers.

I have heard that more than once.

> In many cases, their parents use psychologists and lawyers to create a climate of intimidation.

Another teacher wrote me this letter. I thought it was particularly poignant:

> As a special educator of 6 years, I consider myself on the front lines of the ongoing battles that take place on a daily basis in our Nation's schools. I strongly believe that part of the ammunition that fuels these struggles are the rights guaranteed to certain individuals by IDEA 97. The law, though well-intentioned, has become one of the single greatest obstacles that educators face in their fight to provide all our children with a quality environment education delivered in a safe environment.
>
> There are examples that I can offer firsthand. However, let me reiterate, I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology and master's degree in special education and a Ph.D. in good old common sense. Nowhere in my educational process have I been taught that a certain few disabled students should have a right to endanger the right to an education of all other disabled children. It's nonsense, it's wrong, it's dangerous, and it must be stopped.
>
> There is no telling how many instructional hours are lost by teachers in dealing with behavioral problems. In times of an increasing competitive global society, it is no wonder that American students fall short. Certain students are allowed to remain in the classroom robbing the other children of hours that can never be replaced. There is no need to extend the school day. There is no need to extend the school year.
>
> If the politicians would just make it possible for educators to take back the time lost on a daily basis, there is no doubt we could have a better educated student. It is even more frustrating when it is a special education child who knows and boasts that "they can't do anything to me," and he is placed back in the classroom to disrupt it day after day, week after week.
>
> It is clear that IDEA 97 not only undermines the educational process, it also undermines the authority of educators. In a time when our profession is being called upon to protect our children from increasingly dangerous sources, our credibility is being stripped from us. I am sure you have heard the saying that teachers are scared of the principals, the principals are scared of the superintendents, the superintendents are scared of the parents, the parents are scared of the children, and the children are scared of no one. And why should they be?
>
> I have experienced the ramifications of the new and improved law firsthand. I had one child attempt to assault me. He had been successful with two other teachers. He was suspended for 1 day. I had another child make sexual gestures to me in front of the entire class. Despite the fact that every child in my class and a majority of the children in the school knew of it, I was told by my assistant principal that nothing could be done because special-ed kids have rights.
>
> I literally got in my car to leave that day, but my financial obligations to my family and my moral responsibility to my children I had in my class kept me there. The particular child I spoke about frequently made

> vulgar comments and threats to my girls in my class on every opportunity he had when there was no adult present. Fortunately, the girls, also special-ed, could talk to me about it. Unfortunately they had to put up with it because nothing could be done.
>
> I know of a learning disabled child who cut a girl in a fight. The child and her parents then attempted to sue the school system because the child was burned when she grabbed a coffee pot to break it over another child's head.
>
> I know of another specific incident where three children brought firearms to school. The two regular children were expelled; the special-ed student was back in school the following week.
>
> I fully expect that you and your colleagues in Washington will do what it takes to take our schools back from this small group of children who feel it is their right to endanger the education of every other child in the school. As my grandmother said, right is right and wrong is wrong, and to enable this to continue is wrong.

There are other letters. I want to read one more from a student. It makes the point, I think, very well:

> I am a 14-year-old 8th grader. I have a problem. There is this girl that goes to school with me, and she is an ADD student.

A disabled student.

> She has been harassing me for no reason. She has pretty much done everything from breaking my glasses to telling me she is going to kill me. This really bothers me because she is an ADD student and the only punishment she ever gets is a slap on the hand. My principal says there is not much he can do because of her status. I asked, what would happen if I threatened her back? And he told me I would be suspended from school and forced to stay away. The most she has ever gotten is 3 days in-school suspension. I think this is wrong. She scares me, and I'm tired of this. It has been going on for 5 months, and it's really getting scary.

Mr. President, it is a very small percentage of disabled students who are behaving in this way, but even a few who would do so make it very difficult for the schoolteachers and principals to conduct a safe class. It is an important issue for us. In terms of all the things we are doing here, if you talk to your teachers in your school systems, if we can make some improvement in this situation, they would feel as though Congress has listened to them and has responded.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, how much time did I have?

The PRESIDING OFFICER. You asked for an additional 3 minutes.

Mr. SESSIONS. Originally, when I began.

The PRESIDING OFFICER. You had 15 minutes when you began.

Mr. SESSIONS. I am sorry, I thought it was 30.

I conclude by saying this amendment I offer will say this, and this is very important. It is a very modest attempt at improving the situation. If a child is a disabled child and their misbehavior is not connected to their disability, then they can, and I think should, be treated like any other child in the school.

If a child has a nervous condition and cannot control himself, then that child ought to be placed in an environment within the school that is healthy for him, and this law would require that. They could not be removed from school if their actions or misbehavior were connected to that disability, but if they had perhaps a movement disability and they are selling dope, they ought to be treated like any other child in the school. That is what this amendment says.

No. 2, it says if a school acts on a child, that they can take them out of a mainstream classroom and place them in another classroom until a hearing has been conducted about an individual educational plan for that child so they can be provided special education. Under current law, they have to be back in the classroom at least within 45 days, and in other circumstances, less than that. They go right back in before a determination can be made. This will give more flexibility to principals and teachers.

Finally, under current law, if a school believed that a student could be sent to a school for the blind, for example, and this doesn't have anything to do with discipline, the State or local school system could pay the tuition and let that child go to the school for the blind. The trouble is, the special schools often cost a lot of money. The school system does the best they can with their own programs. My parent would expand options for these parents. If parents think others might be better, this amendment says if the school agrees and if the parents agree, they can take the value of the tuition that child has and go to a special school that has the ability to deal with that disability.

There are some superior schools for the blind, for the deaf, perhaps better than most public schools. A lot of families sacrifice to send their children there. This funding could assist them in making that choice, to the benefit of the child. It is purely an option that, I think, is healthy and benefits disabled children. I can't imagine anyone not supporting it.

I believe this is a modest amendment that will begin to help in some way to deal with an unfortunate situation. So many of the children do so well. The vast majority of our disabled children do exceedingly well, and we have great programs.

This bill we are passing today provides unprecedented new funding for IDEA. We are excited about those possibilities, but we ought to deal with this particular problem that is disrupting our schools.

Mr. KENNEDY. Mr. President, would the Senator be good enough to help me understand the Senator's amendment? Is it the Senator's position that if the child is disciplined and the discipline is a reflection of the form of disability, does the Senator agree there should be alternative educational services available to that child?

Mr. SESSIONS. I do. In fact, to that extent, we continue a double standard for a child. The school would have the option to move the child to an alternative setting, but not remove him from the school or not deny educational services.

My amendment does that. It says if the discipline problem is a product or related to their disability then the child may not be denied educational services.

Mr. KENNEDY. If it falls under that category, you are still for providing the services, which I think is very important.

As I understood the amendment, would the services be required to be provided in a school that was just for the disabled?

Mr. SESSIONS. No.

Mr. KENNEDY. Page 4 of the amendment suggests they have alternative educational services and that may be in some other setting, some alternative setting.

Mr. SESSIONS. I say it this way: Most school systems are required under Federal law to provide educational services. If they have special needs, they have to provide them. Many children have an individual, one single individual who goes with that single child all day long to help them.

Our amendment gives one little option that, I think, would be helpful to parents or teachers. It says if the parents came in and believed a school for the blind or a school for the deaf down the street has a better program than public education, and the school agreed, and it is a certified school for that disability, they could ask for, if the school agreed, funding to go to that other school.

Mr. KENNEDY. I know the Senator has included "is selected by the child's parents," so you have parental involvement. It is not the concern that many have, that the child might just be put in a setting which would be just for special needs children and then it would be the resegregation of disabled children. I see in this language you have "selected by the child's parents." It is designed to serve children with disabilities, and if the place agrees to accept the child and it carries out a program that a local or State educational agency finds is appropriate and will benefit the child.

The Senator can see the concern about whether that would be a dumbing down kind of a process in education. It would be a quality educational opportunity that would be suitable for that child. That is the concern. I don't know whether there are ways of addressing that.

Mr. SESSIONS. First, let me say thank you so much, and to your staff, for giving careful attention to this. Many items have been included because you have suggested them. You are asking questions that are important.

As a result of our discussions with lawyers who deal with these issues, school people, your staff and others, we made this language crystal clear. It says a local educational agency responsible for educating a child may transfer the child to an accredited school if it is selected by the child's parents and carries out the program and the school determines that program would benefit the child. In other words, both the parents and the school must agree. The parents cannot say: I want to take my money and take my child to this school. The school would have to agree. The parents would have to agree. That provides the protection from abuse that might otherwise occur.

Mr. KENNEDY. That is where the payment comes into effect because you would have to offset the expenses for that child and there would be the allocations of resources for offsetting the payment and for education for that institution; is that right?

Mr. SESSIONS. That is correct. It could not exceed the average daily expenditure cost of the child and it could be only used for the education of the child.

Mr. KENNEDY. What happens to the child with a disability who has a behavioral problem that is not related to the disability?

Mr. SESSIONS. If their discipline or behavioral problem is not related to their misbehavior, then this language will say they would be treated like any other child who misbehaves in school, subject to discipline, suspension, or other disciplinary action a school would normally impose.

I know you would like to say any child, perhaps, could have an alternative, but I am not sure we have the funding to do that. But I don't think in this instance if their misbehavior is not connected to their disability, they should be treated preferentially to another child.

Mr. KENNEDY. What is the experience in the Senator's own State as to how school districts deal with the children? Do they provide alternative educational experiences or not?

Mr. SESSIONS. I think most schools are doing a pretty good job. As the Senator knows, the Federal Government committed to pay 40 percent of IDEA costs and never paid much more than 10 percent or 15 percent of that. This bill would fully fund that 40 percent.

But under the law—and there are groups of parents who meet, advocacy groups, and lawyers who are active in Alabama and every State—if they are emotionally disturbed children and they cannot control themselves, they cannot be removed from school as a result of that. If they are a danger to themselves or others then they can be provided services in an alternative setting, perhaps, but they cannot be denied educational services. That is the universal in the United States.

Mr. KENNEDY. I thank the Senator for his response to the questions. There are some others maybe I could talk about with the Senator in the morning. There is an alternative to the Sessions amendment. But we will look forward to the presentations in the morning. As I understand it, the Senator will have a half hour, Senator HARKIN or his designee will have a half hour to get into the description of the alternative. Then we will make a judgment.

I appreciate the response of the Senator to the questions. I thank him.

AMENDMENTS NOS. 369 AS FURTHER MODIFIED, 484 AS MODIFIED, 441 AS MODIFIED, 549 AS MODIFIED, 446 AS MODIFIED, 555 AS FURTHER MODIFIED, AND 609, EN BLOCK, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, this evening we are in a position to clear amendments by unanimous consent. I therefore ask unanimous consent it be in order for these amendments to be considered en bloc, any modifications where applicable be agreed to, the amendments be agreed to en bloc, the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. These include amendments No. 369, Feinstein; No. 484, Bingaman; No. 441, Lugar-Bingaman; No. 549, Hagel; No. 446, DeWine; No. 555, Hutchison; No. 609, Feinstein. And I ask unanimous consent to vitiate the yeas and nays on No. 555.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 369, AS FURTHER MODIFIED

(Purpose: To specify the purposes for which funds provided under subpart 1 of part A of title I may be used)

On page 137, between lines 3 and 4, insert the following:

SEC. . LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

"SEC. 1120C. LIMITATION OF FUNDS.

"An LEA may not use funds received under this subpart for:

"(A) purchase or lease of privately owned facilities;

"(B) purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs:

"(C) the construction of facilities;

"(D) the acquisition of real property;

"(E) the payment of travel and attendance costs at conferences or other meetings other than travel and attendance necessary for professional development; or

"(F) the purchase or lease of vehicles."

AMENDMENT NO 484 AS MODIFIED

(Purpose: To amend education technology programs)

On page 16, line 4, insert "servers and storage devices," before "video".

On page 16, line 5, insert "and other digital" after "web-based".

On page 16, line 7, strike "environments for problem-solving" and insert "learning environments,".

On page 182, line 16, insert ", including education technology such as software and other digital curricula," after "materials".

On page 317, line 16, insert ", including through a grant or contract with a for-profit or nonprofit entity" after "activities".

On page 317, line 26, insert ", including technology literacy" after "skills".

On page 319, between lines 19 and 20, insert the following:

"(12) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including the ability to collect, manage, and analyze data to improve teaching, decision making and school improvement efforts and accountability.

"(13) Developing or supporting programs that encourage or expand the use of technology to provide professional development, including through Internet-based distance education and peer networks.

On page 325, line 18, insert ", including through a grant or contract with a for-profit or nonprofit entity" after "activities".

On page 326, line 2, strike "and".

On page 326, line 7, strike the period and insert "; and".

On page 326, between lines 7 and 8, insert the following:

"(D) effective integration of technology into curricula and instruction to enhance the learning environment and improve student academic achievement, performance, technology literacy; and

"(E) ability to collect, manage, and analyze data, including through use of technology, to inform teaching.

On page 326, line 11, insert ", other for profit or nonprofit entities, and through distance education" after "education".

On page 344, line 5, strike "and".

On page 344, line 10, strike the period and insert "; and".

On page 344, between lines 10 and 11, insert the following:

"(5) improve and expand training of math and science teachers, including in the effective integration of technology into curricula and instruction.

On page 348, line 8, strike "and".

On page 348, line 15, strike the period and insert "; and".

On page 349, line 10, insert "and technology-based teaching methods" after "methods".

On page 349, line 19, strike "experiment oriented" and insert "innovative".

On page 356, line 21, strike the period and insert ", and to improve the ability of institutions of higher education to carry out such programs".

On page 358, line 17, insert "both" after "would".

On page 358, line 24, strike the semi colon and insert "and to improve the ability of at least 1 participating institution of higher education as described in section 2232(a)(1) to ensure such preparation;".

Beginning on page 360, strike line 23 through line 7, page 361, and insert the following:

"(A) learn the full range of resources that can be accessed through the use of technology;

"(B) integrate a variety of technologies into the curricula and instruction in order to expand students' knowledge;

"(C) evaluate educational technologies and their potential for use in instruction;

"(D) help students develop their technical skills; and

"(F) use technology to collect, manage and analyze data to inform their teaching and decision-making;".

On page 361, strike lines 22 through 24 and insert the following:

"(6) subject to section 2232(c)(2), acquiring technology equipment, networking capabilities, infrastructure and software and digital curriculum to carry out the project.

On page 365, line 10, insert "and teacher training in technology under section 3122" before "prior".

On page 367, line 24, strike the period and insert "and have a substantial demonstrated need for assistance in acquiring and integrating technology.".

On page 369, strike line 3 through line 22, and insert the following:

"(1) outlines the long-term strategies for improving student performance, academic achievement, and technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to effectively integrate technology into the curricula and instruction;

"(2) outlines long-term strategies for financing technology education in the State to ensure all students, teachers, and classrooms will have access to technology, describes how the State will use funds provided under this part to help ensure such access, and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan;

"(3) provides assurance that financial assistance provided under this part shall supplement, not supplant, State and local funds; and

"(5) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to improve student academic achievement and student performance.

On page 370, strike line 5 through line 26, and insert the following:

"(1) acquiring, adapting, expanding, implementing and maintaining existing and new applications of technology, to support the school reform effort, improve student academic achievement, performance, and technology literacy;

"(2) providing ongoing professional development in the integration of quality educational technologies into school curriculum;

"(3) acquiring connectivity with wide area networks for purposes of accessing information, educational programming sources and professional development, particularly with institutions of higher education and public libraries;

"(4) providing educational services for adults and families;

"(5) repairing and maintaining school technology equipment;

"(6) acquiring, expanding, and implementing technology to collect, manage, and analyze data, including student achievement data, to inform teaching, decision-making, and school improvement efforts, including the training of teachers and administrators; and

"(7) using technology to promote parent and family involvement and support communications between parents, teachers, and students.

Beginning on page 371, strike line 14 through line 13, page 373, and insert the following:

"(1) a description of how the activities to be carried out by the local educational agency under this part will be based on a review of relevant research and an explanation of why the activities are expected to improve student achievement, and technology literacy;

"(2) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency improve student academic achievement, student performance, and teaching;

"(3) a description of the type of technologies to be acquired, including services, software, and digital curricula, including specific provisions for interoperability among components of such technologies;

"(4) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the effective use of technology in the classroom or library media center, including a list of those entities that will partner with the local educational agency in providing ongoing sustained professional development;

"(5) the projected cost of technologies to be acquired and related expenses needed to implement the plan;

"(6) a description of how the local educational agency will coordinate the technology provided pursuant to this part with other grant funds available for technology from other Federal, State, and local sources;

"(7) a description of a process for the ongoing evaluation of how technologies acquired under this part will be integrated into the school curriculum; and will affect technology literacy and student academic achievement, performance, as related to challenging State content standards and State student performance standards in all subjects; and

"(8) a description of the evaluation plan that the local educational agency will carry out pursuant to section 2308(a).

Beginning on page 374, strike line 19 through line 2, page 375, and insert the following:

"(1) increased professional development and increased effective use of technology in educating students;

"(2) increased;

"(3) increased access to technology in the classroom, especially in low-income schools; and

"(5) other indicators reflecting increased student academic achievement or student performance, as a result of technology.

On page 375, line 13, strike "in all of the areas".

On page 379, strike line 4 through line 19, and insert the following:

"(5) EXCHANGE.—The plan shall describe the manner in which the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the conditions and practices that support effective use of technology in improving teaching and student educational opportunities, academic achievement, and technology literacy.

"(6) GOALS.—The plan shall describe the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

AMENDMENT NO. 441, AS MODIFIED

(Purpose: To provide for comprehensive school reform)

On page 34, line 8, strike "$250,000,000" and insert "$500,000,000".

On page 86, line 22, insert before the semicolon the following: "and may include a strategy for the implementation of a comprehensive school reform model that meets each of the components described in section 1706(a)".

On page 258, line 22, strike "and".

On page 258, line 25, strike the period and insert "; and".

On page 258, after line 25, add the following:

"(iii) 3 percent to promote quality initiatives described in section 1708.".

On page 260, strike lines 5 through 9, and insert the following:

"(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that—

"(A) include each of the components described in section 1706(a);

"(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

"(C) are supported by technical assistance providers that have a successful track record, and the capacity to deliver high quality materials, professional development for school personnel and on-site support during the full implementation period of the reforms.".

On page 260, line 15, insert "annually" before "evaluate".

On page 261, line 7, insert before the period the following: "to support comprehensive school reforms in schools that are eligible for funds under part A".

On page 261, line 11, strike "for the particular" and insert "of".

On page 261, line 12, strike "reform plan" and insert "reforms".

On page 263, line 1, strike "and".

On page 263, line 2, strike "reform model selected and used" and insert "reforms selected and used, and a copy of the State's evaluation of the implementation of comprehensive school reforms supported under this part and the student results achieved".

On page 263, strike lines 15 through 17, and insert the following:

"(2) describe the comprehensive school reforms based on scientifically-based research and effective practices that such schools will implement;".

On page 264, line 1, insert "comprehensive" after "such".

On page 264, line 10, strike "innovative" and insert "proven".

On page 264, line 14, strike "schools with diverse characteristics" and insert "schools".

On page 265, line 18, strike "and".

On page 265, line 22, strike "school reform effort." and insert "comprehensive school reform effort; and".

On page 265, between lines 22 and 23, insert the following:

On page 265, line 25 strike "the approaches identified" and all that follows through

"Secretary" on line 1 of page 266, and insert "nationally available".

On page 266, line 2, strike "programs" and insert "program".

On page 266, after line 23, add the following:

"SEC. 1708. QUALITY INITIATIVES.

"The Secretary, through grants or contracts, shall promote—

"(1) a public-private effort, in which funds are matched by the private sector, to assist States, local educational agencies, and schools, in making informed decisions upon approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 1706(a); and

"(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.

AMENDMENT NO. 549, AS MODIFIED

(Purpose: To provide for the awarding of school facility modernization grants on a competitive basis)

At the appropriate place, insert the following:

SEC. . SCHOOL FACILITY MODERNIZATION GRANTS.

Subsection (b) of section 8007 (20 U.S.C. 7707(b)) (as amended by section 1811 of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106–398)) is amended to read as follows:

"(b) SCHOOL FACILITY MODERNIZATION GRANTS AUTHORIZED.—

"(1) FUNDING AND ALLOCATION.—

"(A) FUNDING.—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall award grants in accordance with this subsection to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(B) ALLOCATION.—From amounts made available for a fiscal year under subparagraph (A), the Secretary shall allocate—

"(i) 10 percent of such amount for grants to local educational agencies described in paragraph (2)(A);

"(ii) 45 percent of such amount for grants to local educational agencies described in paragraph (2)(B), of which, 10 percent shall be available for emergency grants that shall not be subject to the requirements of subparagraphs (A) and (B) of paragraph (4); and

"(iii) 45 percent of such amount for grants to local educational agencies described in paragraph (2)(C), of which, 10 percent shall be available for emergency grants that shall not be subject to the requirements of subparagraphs (A) and (B) of paragraph (4).

"(C) SPECIAL RULE.—A local educational agency described in clauses (ii) and (iii) of subparagraph (B) may use grant funds made available under this subsection for a school facility located on or near Federal property only if the school facility is located at a school where not less than 25 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

"(2) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this subsection only if—

"(A) such agency received assistance under section 8002(a) for the fiscal year and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located;

"(B) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) such agency had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made.

"(3) AWARD CRITERIA.—In awarding grants under this subsection, the Secretary shall review applications submitted with respect to each type of agency represented by local educational agencies that qualify under each of subparagraphs (A), (B), and (C) of paragraph (2). In evaluating an application, the Secretary shall consider the following criteria:

"(A) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(B) the extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(C) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(D) the need for modernization to meet—

"(i) the threat that the condition of the school facility poses to the health, safety, and well-being of students;

"(ii) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(iii) facility needs resulting from actions of the Federal Government.

"(E) The age of the school facility to be modernized.

"(4) OTHER AWARD PROVISIONS.—

"(A) AMOUNT.—In determining the amount of a grant awarded under this subsection; the peer group and Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

"(B) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions, excluding land contributions, to meet the matching requirement of the preceding sentence.

"(C) MAXIMUM GRANT.—A local educational agency described in this subsection may not receive a grant under this subsection in an amount that exceeds $5,000,000 during any 2-year period.

"(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary, who shall forward such application to the appropriate peer group under paragraph (3), at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(A) a listing of the school facilities to be modernized including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(B) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

"(C) a description of how the local educational agency meets the award criteria under paragraph (3);

"(D) a description of the modernization to be supported with funds provided under this subsection;

"(E) a cost estimate of the proposed modernization; and

"(F) such other information and assurances as the Secretary may reasonably require.

"(g) EMERGENCY GRANTS.—

"(A) APPLICATIONS.—Each local educational agency applying for a grant under paragraph (1)(B)(ii) or (1)(b)(iii) that desires a grant under this subsection shall include in the application submitted under paragraph (5) a signed statement from an appropriate local official certifying that a health or safety emergency exists.

"(B) SPECIAL RULES.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies applying for a grant under paragraph (1)(B)(ii) or (1)(B)(iii).

"(C) PRIORITY.—If the Secretary receives more than one application from local educational agencies described in paragraph (1)(B)(ii) or (1)(B)(iii) for grants under this subsection for any fiscal year, the Secretary shall give priority to local educational agencies based on the severity of the emergency, as determined by the peer review group and the Secretary, and when the application was received.

"(D) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in paragraph (2) that applies for a grant under this subsection for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in subparagraph (C).

"(7) GENERAL LIMITATIONS.—

"(A) REAL PROPERTY.—No grant funds awarded under this subsection shall be used for the acquisition of any interest in real property.

"(B) MAINTENANCE.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

"(C) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this subsection shall comply with all revelant Federal, State, and local environmental laws and regulations.

"(D) ATHLETIC AND SIMILAR SCHOOL FACILITIES.—No Federal funds received under this subsection shall be used for outdoor stadiums or other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

"(8) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.".

AMENDMENT NO. 446 AS MODIFIED

(Purpose: To modify provisions relating the the Safe and Drug Free Schools and Communities Act of 1994 with respect to violence prevention)

On page 514, line 10, insert “, suspended and expelled students,” after “dropouts”.

On page 524, line 7, insert before the semicolon the following: “including administrative incident reports, anonymous surveys of students or teachers, and focus groups”.

On page 535, line 21, strike “violence problem” and insert “and violence problems”.

On page 537, line 15, by inserting “ and violence” after “use,”.

On page 539, between lines 17 and 18, insert the following:

“(6) administrative approaches to promote school safety, including professional development for principals and administrators to promote effectiveness and innovation, implementing a school disciplinary code, and effective communication of the school disciplinary code to both students and parents at the beginning of the school year;”.

On page 545, line 9, insert “, that is subject to independent review,” after “data”.

On page 545, lines 10 and 11, strike “social disapproval of”.

On page 545, line 12, after the period add the following: “The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.”.

On page 549, between lines 18 and 19, insert the following:

“(4) the provision of information on violence prevention and education and school safety to the Department of Justice, for dissemination by the National Resource Center for Safe Schools as a national clearinghouse on violence and school safety information;”.

On page 550, line 14, insert “administrative approaches, security services,” after “include”.

On page 553, line 2, insert “to” after “research”.

On page 553, after line 24, add the following:

“(J) Researchers and expert practitioners.

AMENDMENT NO. 555 AS FURTHER MODIFIED

(Purpose: To require the Secretary of Education to establish a campaign to educate principals, school administrators, and other educators regarding access to secondary schools for military recruiting purposes, and for other purposes)

At the end of title IX, add the following:

SEC. 902. DEPARTMENT OF EDUCATION CAMPAIGN TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

(a) Findings.—The Senate makes the following findings:

(1) Service in the Armed Forces of the United States is voluntary.

(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

(6) A number of high schools across the country have denied recruiters access to students or to student directory information.

(7) In 1999, the Army was denied access to students or student directories on 4,515 to students or student directories occasions, the Navy was denied access on 4,364 occasions, the Marine Corps was denied access on to students or student directories 4,884 occasions, and the Air Force was denied access to students or students directories on 5,465 occasions.

(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

(11) Denying recruiters direct access to students and to student directory information undermines United States national defense, and makes it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national security.

(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

(b) Campaign to Promote Access.—

(1) Report.—Not later than 30 days after the date of enactment of this Act, each State shall transmit to the Secretary of Education a list of each school, if any, in that State that—

(A) during the 12 months preceding the date of enactment of this Act, has denied access to students or to student directory information to a military recruiter; or

(B) has in effect a policy to deny access to students or to student directory information to military recruiters.

(2) Education program.—

(A) In general.—The Secretary of Education, in consultation with the Secretary of Defense, shall, not later than 90 days after the date of enactment of this Act, make awards to States and schools using no more than $3 million of funds available under section 6203(c) of the Elementary and Secondary Education Act to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

(B) Targeted schools.—In selecting schools for awards required under subparagraph (A), the Secretary shall give priority to selecting schools that are included on the lists transmitted to Congress under paragraph (1).

SEC. 903. MILITARY RECRUITING ON CAMPUS.

(a) Denial of funds.—

(1) Prohibition.—No funds available to the Department of Defense may be provided by grant or contract to any institution of higher education (including any school of law, whether or not accredited by the American Bar Association) that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(2) institutions in paragraph (1) shall be exempt if they have a long-standing policy of pacifism based on historical religious affiliation.

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(3) Covered students.—Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) Procedures for Determination.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) Definition.—For purposes of this section, the term “directory information” means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received; and the most recent previous educational institution enrolled in by the student.

AMENDMENT NO, 609

(Purpose: To require audits of local education agencies to determine how funds are being expended)

At the appropriate place in title I, insert the following:

SEC. . LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.

(a) Audits.—The Office of the Inspector General of the Department of Education shall conduct not less than 6 audits of local education agencies that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 in each fiscal year to more clearly determine specifically how local education agencies are expending such funds. Such audits shall be conducted in 6 local educational agencies that represent the size, ethnic, economic and geographic diversity of local educational agencies and shall examine the extent to which funds have been expended for academic instruction in the core curriculum and activities unrelated to academic instruction in the core curriculum, such as the payment of janitorial, utility and other maintenance services, the purchase and lease of vehicles, and the payment for travel and attendance costs at conferences.

(b) Report.—Not later than 3 months after the completion of the audits under subsection (a) in each year, the Office of the Inspector General of the Department of Education shall submit a report on each audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

Mr. KENNEDY. Mr. President, I see none of my colleagues here to make further comments and statements on this. We will resume the debates tomorrow morning at 9 o'clock. I thank all our colleagues for their help and their cooperation. We have made good progress and we look forward to a final passage sometime tomorrow afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the situation on the floor at the present time?

The PRESIDING OFFICER. The pending amendment is the Sessions amendment No. 604, as modified.

Mr. HARKIN. Is there a time agreement on that amendment?

The PRESIDING OFFICER. The Senator from Iowa is to be recognized to call up an amendment, and he has 15 minutes.

Mr. HARKIN. I have 15 minutes?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. Mr. President, I yield myself such time as I may consume then at this time. I may ask for a bit more.

Mr. President, I looked at this amendment, and all I can say is here we go again. How many times do we have to go down this road of saying that the disciplinary problems in our schools are because of kids with disabilities, and if we only can get ahold of those kids with disabilities and do something about them, then we can straighten out the discipline problem in our schools?

We have been down this road many times before. Fortunately, this body has recognized the importance of IDEA's protections in the past, and I hope we will do so again.

We as a nation decided sometime ago that segregation was wrong. I am not talking about segregation of races. We decided that a long time ago. That was wrong. I am talking about the segregation of people with disabilities from our society. We as a country said it was wrong to take kids from their families and send them halfway across the State to some alternative setting, when they could have had a decent, adequate education right in their own community, in their own school district, in their own neighborhood, if they were just given some appropriate support.

The reason I feel so deeply about this is that it is very personal to me. My brother was sent away halfway across the State from our small hometown when he was a kid because he was deaf. He was put in an institution to get his education—segregated from society, from his family, from his friends, from the town in which he grew up.

Well, those were the old days. I thought we as a society had progressed beyond that. When we passed the Individuals With Disabilities Education Act in 1975—my first year here in the Congress—we said we are not going to do that anymore; to the maximum extent possible, we are going to integrate kids with disabilities into our local educational institutions, and we are going to provide the support services those kids need to get an education.

I can remember when my oldest daughter was in grade school and when the first couple of kids with disabilities came into the classroom. There was a bit of a hue and cry. Some of the parents didn't like it. They thought it was going to take attention away from the other kids because they would have to pay more attention to the kids with disabilities. But because of the Individuals With Disabilities Education Act, the school had to take these kids and provide the services. A wonderfully amazing thing happened. These young kids in that classroom, who perhaps had never associated with anyone their age with a disability, all of a sudden became drawn to these two kids who were in the classroom with their disabilities.

They became more sensitive to these kids, and the kids with disabilities found they could associate with kids without disabilities.

I saw a wonderful thing happen, and I saw the families who later on said: This is not a bad deal. It sensitized them to the fact that this could happen to any one of them any day of the week. Any one of us could become disabled—mentally or physically—at any time. It shows the vulnerability of human nature, but it also shows that kids with disabilities can learn and reach their maximum potential.

Do we want to turn the clock back? Do we want to go back to those days when we took those kids out of that setting and put them in a separate setting and said: No, you can't be in a classroom with other kids.

I do not mean to overblow this amendment, but that is exactly what this amendment will do. This amendment, in section 2(A), says:

> A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative education setting if the behavior that led to the child's removal is a manifestation of the child's disability as determined under subparagraphs—

And so on.

What that says is that a child with disabilities can be removed. Yes; schools must continue to give him a free appropriate public education—but in an alternative education setting. I read that to mean a segregated setting, someplace across town, someplace where they segregate kids with disabilities.

Under current law, you have to provide a free appropriate public education but before you remove a child you have to consider certain factors, including whether the behavior was a result of their disability. This would turn the clock back to days when schools could segregate.

You say: What if that kid acted up and harmed someone? Don't you want him removed, put in a setting where they cannot harm someone? Yes, I want safety in the classroom, too, but think about this before you vote on this. This is an example I will tell you that occurs every single day in classrooms all over America with kids with disabilities.

I will use a young deaf kid again because I am so familiar with that. A young deaf kid is in a classroom. They are using a TV monitor to show some educational programs. The classroom teacher inadvertently or advertently did not provide for captioning or the school did not provide for the captioning. The student who is deaf cannot understand what is going on.

This may go on for a couple of days until finally the kid who is deaf starts acting up. He may reach over and hit the kid next to him, may grab the kid next to him, may throw something. So a school takes that kid out of the classroom.

Under the Sessions amendment, there is no inquiry as to whether or not the kid was provided the adequate appropriate supportive services. Instead, this deaf child could be segregated based on the fact that the school failed to provide appropriate services.

Under present law, there would be a due process hearing as to why that kid acted up. They might bring in a counselor and a deaf interpreter. Maybe the kid will say: I am mad because I can't understand what is going on.

The Sessions amendment says: We don't care; get him out of here.

In addition, I have a great deal of empathy with our elementary and secondary school teachers all over America, many of whom have not been trained and who do not really know how to handle kids with disabilities. They have big classrooms. They have 28, 30 kids in a classroom, and they get a couple of kids with disabilities in their classroom. What are they going to do?

The real problem is that teachers aren't getting trained and no one is providing supportive services to these kids as is supposed to be done under law. They create a disturbance. They are not provided the appropriate supportive services so they can learn in that setting.

The teacher is at wits end. He or she would say: I've got to get these kids out of here. I can't teach the rest of these kids.

The kids tell the parents: We have kids acting up all the time; they are disturbing the classroom; I can't study. The parents call the principal. The principal says get those kids out of there.

I feel sorry for those teachers. The answer is not to segregate the kids. The answer is to meet our obligations—our moral obligations and our legal obligations—to make sure these kids get the supportive services they need to learn in that environment.

It seems to be cost is no objection when they want to segregate kids and put them in an institution. We don't care what it costs. But in order to provide the kind of supportive services they may need in an integrated classroom, why, well, that costs too much money.

It does not cost too much money. It can cost more to segregate those kids than to provide the services they need to help them.

As I said, I have a lot of empathy with these teachers because I have been in those classrooms. I feel sorry for those teachers. They do not have the support. But, now they are going to get help because on this bill, under an amendment offered by Senator HAGEL and this Senator, adopted unanimously by the Senate, we are finally going to provide full funding for the Individuals with Disabilities Education Act which we have been talking about since 1975.

That amounts, over the next 10 years to about $181 billion that the Federal Government has now said to the States: We are now going to give the money out we have been talking about for the last 26 years.

Now we can get the supportive services these teachers need, and if we couple that with class size reduction and reducing the number of kids in classrooms, then we have the right formula. We have the right formula not only for kids with disabilities, but for kids without disabilities.

I know people get disturbed. They hear about all the discipline problems in our classrooms, and I am not saying there are not discipline problems. But I have sat in this Senate Chamber, and I have heard Senator after Senator in the past talk about the gun incidents at Columbine, San Diego, Pennsylvania—and then they talk about discipline, and it always comes down to kids with disabilities.

I challenge them or anybody else to show me one of those violent instances where a child under an IEP, an Individualized Education Program, a kid with a disability was involved. Why is it when we have shootings, we have guns, and we have things that happen in the schools, the first thing that comes on the floor of the Senate is to beat up on the kids with disabilities? The discipline amendments don't go after kids without disabilities; they always go after kids with disabilities. I ask: Why? Why? They are the most vulnerable in our society.

We had a tough time reauthorizing IDEA a few years ago. Senator JEFFORDS and I, Senator KENNEDY and others, worked hard on it. We got all sides to agree on what we would do when we finally reauthorized. And now we have the funds in this bill to pay for it. Before we go after kids with disabilities, let's identify the real problems.

The Sessions amendment says to parents with kids with disabilities, tough luck, you are out of the picture. We will take those kids and kick them out and segregate them and you don't have anything to say about it.

Why are we picking on the kids with disabilities? Honest to God, I just don't understand this.

Do I disagree we have some discipline problems in school? No, we do have discipline problems in school. Of course we do. But it is not because of kids with disabilities. I challenge someone, please, step forward and show me the data that it is kids with disabilities causing these problems.

I don't want kids in the classroom who will hurt themselves or hurt others. If a kid is truly violent and can't be controlled, even with supportive services, that kid should not be there. We have set up through a long history of 26 years processes and procedures to ensure that kids with disabilities have due process, as do their families.

IDEA, the Individuals with Disabilities Education Act, allows schools to remove those kids. A GAO report released in January concluded that special education students who are involved in serious misconduct are being disciplined in generally a similar manner to regular education students based on information that principals reported to us in our review of the limited extant research. That means IDEA is not limiting a school's ability to discipline children with disabilities.

Again, what does the Sessions amendment do? I repeat, under the guise of discipline, it allows us to resegregate these kids, to turn back the clock. The second thing it does is allow schools to cease services to these kids. Section C allows the children not only to be taken out but to cease services.

A kid with a disability needs services, needs support; a kid can be not only segregated but have services cease. That is adding insult to injury. What are you going to do, throw them out on the street? Think about a kid with a serious disability, who is already frustrated by their disability. And now you will stop the services and throw them out on the street? Talk about a timebomb waiting to happen.

The one thing we have always mandated under discipline procedures for kids with disabilities is you have to keep the services going to these kids. Nobody is going to throw them out on the streets. But the Sessions amendment allows services to cease.

The Sessions amendment also creates a program that allows parents to take money from the public schools to go into private schools. Under the amendment, the local educational agency could wash its hands of responsibility for that child. Again, the Federal dollars end up in private schools without any accountability as to how those dollars get spent. The local educational agency washes its hands.

We have been down this road before. If I had a dollar for every iteration of this amendment we have had on this floor in 20 years, I would be a rich man. They always say, "We will tweak it here and tweak it there," but it always comes down to the same two or three things: segregate them out, cut out the services, and let them go out on the streets. It always comes down to that.

I have had my say. I will continue to speak out on this as long as I am on this Senate floor. I don't mean tonight; I mean as long as I am in the Senate. These families with kids with disabilities, a lot of times families are at their wit's end. A lot of times the parents are working. A lot of times it is a single parent. They are working hard, have a kid with a disability who requires a lot of attention, a lot of care, a lot of love, and the last thing they need is to get kicked in the teeth by the Senate. The last thing they need is to have to go out and try to find a lawyer to fight it in court.

I thank the Chair's indulgence, but this is an issue I care very deeply about. There are ways of addressing this issue. This is not the way to do it. Don't go after the most vulnerable kids when it cannot be proven. You cannot show me the data. That is all I ask. Show me the data where it is kids with disabilities who are causing these problems. Show me the data and make me a believer. I have lived with this too long. I have worked on this issue too long. The data is not there. If you can show it to me, I will change my mind.

AMENDMENT NO. 802 TO AMENDMENT NO. 358

My amendment is at the desk and I ask my amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN]; for Mr. KENNEDY, for himself and Mr. HARKIN, proposes an amendment numbered 802.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 802

(Purpose: To amend the Individuals with Disabilities Education Act regarding discipline)

At the appropriate place insert the following:

TITLE —INDIVIDUALS WITH DISABILITIES

SEC. 01. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) UNIFORM POLICIES.—

"(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

"(2) LIMITATION.—

"(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting pursuant to Sec 615K, if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

"(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

"(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.", except as provided in 612(a)(1).

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

"(o) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

"(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

"(3) LIMITATION.—

"(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

"(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.".

Mr. HARKIN. Mr. President, again I want to make it clear what my amendment does. It basically takes the Sessions amendment, leaves most of it the way it is, but it just says, No. 1, you cannot segregate; you cannot segregate these kids—unless you follow the law. Under the present law, you can segregate kids if they are violent. But before you segregate you have to follow certain processes and procedures.

The second thing my amendment says is you cannot cease services; you cannot stop the services to these kids even if they have been removed from the classroom.

Finally, it deletes the last section that would allow local school districts to hand over federal dollars, without any accountability on how those dollars are being spent.

I think it is a reasonable and a logical approach to this problem, as I have said many times before. I do not mind people who want to have better discipline in the classrooms. I sent two kids through public schools. Yes, I want discipline in the classrooms. I want a well-structured classroom just as the Presiding Officer does for his kids and grandkids, I am sure. But this is not the way to do it. This is not the way to do it.

The way to do it is to do it under the procedures and processes that will ensure the kids with disabilities have the services and the support they need so they will not be segregated ever again in our society.

I thank the Chair for his indulgence. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. DODD. Mr. President, this morning I was not present during rollcall vote number 182, the Santorum amendment. I was attending a meeting in the Russell building. Unfortunately, the mechanism designed to alert Members of votes was malfunctioning. Therefore, I was unaware that a vote was in progress.

Had I been present for the vote, I would have voted in favor of the Santorum amendment.

AMENDMENT NO. 634, AS FURTHER MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the previously modified Stevens-Inouye amendment, which was agreed to, No. 634, be further modified with the changes I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

AMENDMENT NO. 634 AS FURTHER MODIFIED

(Purpose: To make amendments with respect to programs for Alaska Natives and Native Hawaiians, and with respect to Impact Aid payments for certain heavily impacted local educational agencies)

On page 872, strike lines 15 through 18, and insert the following:

part;

"(L) construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body; and

"(M) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

On page 873, strike line 18 and insert the following:

$35,000,000 for fiscal year 2002 and such sums as may

On page 879, strike lines 8 through 15, and insert the following:

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.

On page 881, strike lines 22 through 25, and insert the following:

part;

"(I) remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests;

"(J) education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers;

"(K) parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers;

"(L) cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students;

"(M) a cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program;

"(N) activities carried out through Even Start programs carried out under subpart 1 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph;

"(O) other early learning and preschool programs;

"(P) dropout prevention programs such as the Cook Inlet Tribal Council's Partners for Success program;

"(Q) an Alaska Initiative for Community Engagement program;

"(R) career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities;

"(S) provision of operational support and construction funding, and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 to 12, and higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities; and

"(T) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

On page 882, strike lines 16 through 19 and insert the following:

"(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least 1 Alaska Native regional nonprofit organization.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For fiscal year 2002 and each of the 6 succeeding fiscal years, there is authorized to be appropriated to carry out this section the same amount as is authorized to be appropriated under section 7205 for activities under that section for that fiscal year.

"(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

"(A) not less than $1,000,000 to support activities described in subsection (a)(2)(K);

"(B) not less than $1,000,000 to support activities described in subsection (a)(2)(L);

"(C) not less than $1,000,000 to support activities described in subsection (a)(2)(M);

"(D) not less than $2,000,000 to support activities described in subsection (a)(2)(P); and

"(E) not less than $2,000,000 to support activities described in subsection (a)(2)(Q).

On page 883, between lines 16 and 17, insert the following:

"(e) REPORTING REQUIREMENTS.—Each recipient of a grant or contract under this part shall, not later than March 15 of each fiscal year in which the organization expends funds under the grant or contract, prepare and submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, summary reports, of not more than 2 pages in length. Such reports shall describe activities undertaken under the grant or contract, and progress made toward the overall objectives of the activities to be carried out under the grant or contract.

On page 886, between lines 13 and 14, insert the following:

TITLE VIII—IMPACT AID

SEC. 801. ELIGIBILITY UNDER SECTION 8003 FOR CERTAIN HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) ELIGIBILITY.—Section 8003(b)(2)(C) (20 U.S.C. 7703(b)(2)(C)) is amended—

(1) in clauses (i) and (ii) by inserting after "Federal military installation" each place it appears the following: "(or the agency is a qualified local educational agency as described in clause (iv))"; and

(2) by adding at the end the following:

"(iv) QUALIFIED LOCAL EDUCATIONAL AGENCY.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

"(I) The boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

"(II) The agency has no taxing authority.

"(III) The agency received a payment under paragraph (1) for fiscal year 2001.".

(b) EFFECTIVE DATE.—The Secretary shall consider an application for a payment under section 8003(b)(2) for fiscal year 2002 from a qualified local educational agency described in section 8003(b)(2)(C)(iv), as added by subsection (a), as meeting the requirements of section 8003(b)(2)(C)(iii), and shall provide a payment under section 8003(b)(2) for fiscal year 2002, if the agency submits to the Secretary an application for payment under such section not later than 60 days after the date of enactment of this Act.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SITUATION IN THE MIDDLE EAST

Mrs. FEINSTEIN. Mr. President, we are at a critical juncture in the Middle East. If words are followed by deeds, yesterday's acceptance by the Palestinians of a U.S. plan brokered by CIA Director Tenet—which Israel had previously signed off on—may open the door for an end to the violence of the past eight months, a cooling off period, and new peace talks.

The violence in Israel following the collapse of the Camp David talks has been profoundly disturbing to those of us who are both friends of Israel and strong supporters of Arab-Israeli peacemaking.

With a cease-fire now in effect, the Israeli and Palestinian people have an opportunity to start moving back in the right direction, towards peace and security for the region.

If the peace process is to gain momentum, both sides must make a commitment to the right of the other to exist, in peace and security.

If leaders on both sides are able to muster the political will necessary for this commitment, then I believe that it will be possible for the cease-fire to hold, for a cooling-off period to have effect, and for confidence building measures to once again give momentum to a new peace process.

I was a supporter of the Oslo process when I first came to the Senate, and worked to build peace in the region in the years since, believing a commitment by both sides existed.

I was thus saddened that the unprecedented concessions that former Prime Minister Barak offered last summer—which many felt met the needs and aspirations of the Palestinian people—was not accepted.

Not only was the Palestinian response to that offer "no," but PLO Chairman Yassar Arafat walked away from the negotiations and the Palestinians began a campaign of violence which, in turn, led to Israel resorting to violence to try to protect its security and safeguard the lives of its people.

In walking away from negotiations, Mr. Arafat raised questions about his commitment to peace, and whether there are some in Palestinian society who are unwilling to accept the existence of Israel under any circumstances.

With this cease-fire, these questions are again on the table.

As I stated on the floor of the Senate earlier this year, the new Intifadah was characterized by a level of hate and violence that I did not believe possible in view of the nature of concessions Israel had offered to make.

Particularly tragic—coming on top of over 400 Palestinian and 100 Israeli deaths since last September—was the murder of 20 young Israelis at a night club in Tel Aviv on June 1. Israel's restraint in response to this bombing—looking for the path of peace, not continued bloodshed—has been nothing short of heroic.

No one—Israeli or Palestinian—should have to worry about the possibility of attack as they put their child on a school bus, go to work, go shopping, sit at a cafe, or go to a night club.

We can all remember the images from last Fall of the Palestinian child hiding behind his father, caught in the cross-fire—and, just a few days later, the pictures of the Israelis lynched by a Palestinian mob, their bloody bodies thrown from the second floor window of the police station.

There are countless other such images that each side can point to in the 8 months since.

It is easy to understand how passions can run high, and fear and frustration can drive violence in the current environment.

It is also easy to see how these feelings can get out of control and lead to ever deeper, and never-ending, cycles of violence.

The cease-fire and cooling off period that has been agreed to provides both parties the opportunity to end the provocation and reaction.

Palestinian acceptance of the cease-fire agreement brokered by Director Tenet is a crucial step in the right direction, and carries with it an acknowledgment of the special responsibility incumbent on the Palestinian Authority to end the violence.

Much more will need to be done, however, to show the international community that Mr. Arafat and the Palestinian people are committed to peace and willing to coexist with Israel.

Mr. Arafat's call for a halt to the violence will only yield results if he follows his words with deeds.

With the cease-fire now in effect, Mr. Arafat must follow-up on the agreed-to elements of the deal. He must re-arrest those terrorists he inexcusably released last fall, stop anti-Israel incitement in the Palestinian media, and make sure that the Palestinian police strictly enforce his cease-fire orders.

He must also follow up on information supplied by Israel about imminent terrorist attacks. He must move to confiscate weapons that are being held by many in the West Bank and Gaza illegally. And he must take action to prevent his aides and other Palestinian officials from defending terrorists.

Mr. Arafat must also understand that if he fails the test, again, that there will be very real consequences for him and for the Palestinian people.

The Government of Israel, for its part, must continue to show its commitment to peace by exercising the admirable restraint it has shown in the wake of the June 1 tragedy.

Israel must also take steps to ease the restrictions on Palestinians, including travel, and pull its forces back from Palestinian populations centers.

The events of recent days also strengthen the case for more active American involvement in the Middle East.

I applaud the recent stepped-up role of the Bush administration and urge the President and Secretary Powell to continue their engagement at this critical juncture in Israeli-Palestinian relations.

I also extend my praise to Director Tenet and Assistant Secretary of State Burns, both of whom have been in the region for the past several days shuttling between Israeli and Palestinian offices.

Director Tenet, in particular, has played an important role bridging Israeli and Palestinian security concerns, and I am confident that he will continue to do his utmost to bring the sides together—without jeopardizing Israel's security.

Lastly, I believe that we owe a debt to our former colleague, Senator Mitchell, for his work in developing the Mitchell Commission report and recommendations.

The administration's endorsement of the Mitchell Commission report as the basis for restoring peace to the Middle East is a sign it understands the role it must play in order for the violence in the region to subside and for the parties to eventually return to the negotiating table.

If we have learned anything from the history of the Arab-Israeli conflict it is that only through diplomacy can the people of the Middle East achieve peace and stability.

I also call on my colleagues in the Senate to support active American leadership in the region.

This is not the time—or the issue—to be engaging in partisan politics. Democrats and Republicans alike must unite in supporting our friends in Israel as well as President Bush and Secretary Powell in their peace-building efforts.

With this cease-fire, the United States must continue to be involved as a facilitator of peace and diplomacy in the Middle East.

The administration also must continue to follow in the footsteps of previous Republican and Democratic administrations alike, whose involvement in Arab-Israeli peacemaking led to historic breakthroughs such as the Camp David Accords, the Madrid Conference and the Wye Agreement.

Last year, by walking away from the negotiations, Mr. Arafat raised serious questions about whether he was truly committed to the cause of peace.

We are at another critical juncture and Mr. Arafat, now, again, has the opportunity to show he is serious about peace. In the past few days he has said the right things—in both English and Arabic—and now he must do the right things as well.

I believe that if the parties are committed to coexistence, and that if each continues to demonstrate the necessary leadership—with the United States playing an active and engaged role—we may soon see an end to the violence and a return to negotiations.

The events of the last 8 months will make it difficult, but with this cease-fire paving the way for a cooling off period and the implementation of confidence building measures, I remain hopeful that peace for the peoples of the Middle East is still possible.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in St. Louis, MO in 1998. A gay man was allegedly assaulted by a male neighbor who came into the victim's garage and hit him 12 times with a baseball bat saying, "You are a faggot motherf---er who needs to move [out of this neighborhood]. If you don't move, you're gonna die." The victim required 70 stitches and sustained a permanent head injury.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 12, 2001, the Federal debt stood at $5,683,524,204,123.12, five trillion, six hundred eighty-three billion, five hundred twenty-four million, two hundred four thousand, one hundred twenty-three dollars and twelve cents.

One year ago, June 12, 2000, the Federal debt stood at $5,648,174,000,000, five trillion, six hundred forty-eight billion, one hundred seventy-four million.

Five years ago, June 12, 1996, the Federal debt stood at $5,141,287,000,000, five trillion, one hundred forty-one billion, two hundred eighty-seven million.

Ten years ago, June 12, 1991, the Federal debt stood at $3,491,404,000,000, three trillion, four hundred ninety-one billion, four hundred four million.

Fifteen years ago, June 12, 1986, the Federal debt stood at $2,046,458,000,000, two trillion, forty-six billion, four hundred fifty-eight million, which reflects a debt increase of more than $3.5 trillion, $3,637,066,204,123.12, three trillion, six hundred thirty-seven billion, sixty-six million, two hundred four thousand, one hundred twenty-three dollars and twelve cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO VICTOR ROSENBAUM

• Mr. KENNEDY. Mr. President, I rise today in tribute to one of the great cultural treasures of Massachusetts, Victor Rosenbaum. Mr. Rosenbaum is the President of the esteemed Longy School of Music and has been an important figure in Boston's musical life for more than a quarter century, excelling as a pianist, teacher, conductor, composer, writer and administrator.

As a pianist, Victor Rosenbaum is critically acclaimed for his performances as a soloist and chamber musician. He has performed throughout the world and has appeared as a soloist with the Boston Pops, Pro Arte Orchestra, Boston Classical Orchestra and the Boston Philharmonic. His chamber music collaborations have been with such distinguished artists as Leonard Rose, Joseph Silverstein, Roman Totenberg, and the Vermeer and Cleveland Quartets.

In addition to teaching at Longy, Mr. Rosenbaum is also a member of the faculty at the prestigious New England Conservatory where he was the former chair of the Piano Department, and a current member of the faculty of Musicorda.

Since Mr. Rosenbaum's appointment as President in 1985, Longy has become a major performance center in the greater Boston area, and has greatly expanded its curriculum for children, avocational students, and aspiring professional musicians and teachers.

In 1994, the Schools work with low-income school children from Cambridge came to the attention of the Lila Wallace-Reader's Digest Fund, the Nation's largest private arts funder. Selecting Longy as one of the six nonprofit cultural institutions nationwide to expand their youth programs, the Fund awarded the School $355,000, the largest of the six and the largest single gift ever made to the School at that time, to provide private music instruction to students from Boston and Somerville as well as Cambridge and to develop an in-school music enrichment program.

Victor Rosenbaum has had an immeasurable impact on Boston's cultural life. He has elevated the quality of music in our city and expanded its reach to new audiences and music-lovers.

I commend him for what he has accomplished and extend congratulations to him as he retires from Longy at the end of his 16th year as its venerable President.●

TRIBUTE TO DOROTHY FREDERICK

● Mr. GRASSLEY. Mr. President, since 1963, the month of May has helped the Nation focus on the contributions and achievements of America's older citizens. The image of those over the age of 65 is dramatically different than it was just a generation ago. Older Americans increasingly redefine modern maturity, re-shape cultural boundaries and dispel age-related stereotypes associated with getting older. They are leaders in our families, in our work-places and in our communities.

One of these leaders is an 80-year-old woman from Milford, IA. Dorothy Frederick understands the value of helping others. Through her initiative, concern and commitment, she has touched the lives of many in her community.

Mrs. Frederick and her husband, Ted, moved to Milford in 1950 where the couple has owned a hardware business for fifty years. After the couple's five children were grown, Mrs. Frederick's desire to stay active led to her increasing involvement in the community.

Through her church, Mrs. Frederick helped start meals on wheels in Milford more than twenty years ago. Over that time, she has gotten other churches in the community involved in the program. Today, meals on wheels is still going strong in Milford, and Mrs. Frederick continues to be the program coordinator. She is "on call" with the program each day and is responsible for finding drivers and coordinating their activities. She even fills in as a substitute driver when needed.

Mrs. Frederick's initiative also led to the establishment of the Dinner Date program in Milford nearly twenty years ago. Every Tuesday, Mrs. Frederick is responsible for serving meals at the community meal site to senior citizens and others. Her ongoing commitment to these programs has contributed to their success all of these years.

Mrs. Frederick is a woman who likes a challenge. After serving six years on the city council, she was elected Mayor of Milford and served the better part of her six-year tenure while in her sixties. As mayor, Mrs. Frederick made her mark by fulfilling a campaign promise to put a streetlight on every corner in town. Today, she is still known as "the woman who lit up Milford."

Mrs. Frederick and her husband have been married for 58 years. The couple's five children and three grandchildren keep them very busy. When asked what she likes to do with her free time, Mrs. Frederick says her main interest is helping people and that all people are important, whether they be young or old.

I think those words are pretty good words to live by and I'd like to thank Mrs. Frederick for her contributions to the people of Milford. Her initiative and compassion for others is an example to us all that we should always be willing to help, no matter what our age.●

TRIBUTE TO RAJESH NAIR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Rajesh Nair of Milford, NH, on being named as New Hampshire High Technology Council's 2001 Entrepreneur of the Year.

As a former small business owner, I applaud Rajesh, President of Degree Controls, Inc., for his achievements in the field of thermal management controllers for electronics packaging. He and his company have been recognized in their industry as innovative leaders receiving the Partner in Excellence Gold Trophy for the top supplier to Lucent Technologies in Oklahoma City.

Rajesh and his company have made other important contributions in thermal engineering further enhancing their success in the industry. The citizens of New Hampshire have benefitted greatly thanks to the economic and civic contributions of Degree Controls, Inc. It is truly an honor and a privilege to represent Rajesh in the United States Senate.●

TRIBUTE TO DAVID GAGNON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to David Gagnon of Milford, NH, on being named as the New Hampshire High Technology Council's 2001 Entrepreneur of the Year. As a former small business owner, I applaud the achievements of David and his employees at Degree Controls, Inc.

David, Executive Vice President of Degree Controls, Inc., has achieved high recognition in the field of thermal management controllers for electronics packaging. He and his company have been recognized in their industry as innovative leaders receiving the Partner in Excellence Gold Trophy for the top supplier to Lucent Technologies in Oklahoma City.

The citizens of New Hampshire have benefitted greatly thanks to the economic and civic contributions of Degree Controls Inc. His astute approach to high technology opportunities is an asset to the business community in our state. It is an honor and a privilege to represent him in the United States Senate.●

TRIBUTE TO AMBASSADOR MALCOLM TOON

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay special tribute to Ambassador Malcolm Toon, an outstanding American diplomat with a long and impressive record of service to our Nation. For Ambassador Toon this year's July Fourth celebration has particular meaning since it also marks his Eighty-fifth Birthday.

In a diplomatic career that spanned more than three decades, he served as U.S. ambassador to the Soviet Union, Yugoslavia, Czechoslovakia, and Israel and held positions within the State Department as the Director of Soviet Affairs and the Deputy Assistant Secretary for European Affairs. These assignments provided Ambassador Toon with a degree of expertise and keen insight that would prove invaluable when, in March 1992, he was selected by President Bush to serve as the first U.S. chairman of a newly formed bilateral American-Russian commission tasked with determining the fate of missing service personnel.

Under his six-year stewardship, the U.S.-Russia Joint Commission on POW/MIAs overcame many obstacles in pursuit of its humanitarian work on behalf of missing servicemen and their families. Thanks to his leadership and steadfastness, the fates of numerous military personnel have been clarified and a robust archival research program implemented. During his tenure the Joint Commission visited each of the fifteen independent states that comprised the former Soviet Union and urged heads of state and other senior officials to do all within their power to assist in the search for American servicemen still unaccounted for. Similar initiatives were directed at the countries of Central and Eastern Europe. I am personally aware of Ambassador Toon's deep sense of commitment to the POW/MIA issue since, as co-chairman of the Joint Commisson's Vietnam War Working Group, I had the privilege of serving with Ambassador Toon.

Prior to embarking on his diplomatic career in 1946, Ambassador Toon served in the U.S. Navy during World War II as a PT-Boat skipper, achieving the rank of Lieutenant Commander and earning the Bronze Star for valor. His academic credentials include a BA degree from Tufts University and graduate studies at Middlebury College and Harvard University.

I ask my colleagues to join with me today in recognizing a distinguished diplomat who has contributed greatly to our nation's commitment to the fullest possible accounting for our missing service personnel.●

TRIBUTE TO MORTON E. GOULDER

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Morton E. Goulder of Hollis, NH, on being named as New Hampshire High Technology Council's Lifetime Achievement Award Recipient.

As a senior member of the Senate Armed Services Committee, I applaud Morton's exemplary achievements as President of M.E. Goulder, Deputy Assistant Secretary of Defense for our country from 1973 to 1977, and founder of Sanders Associates, a company which specializes in military electronics research and development.

His contributions to the economic environment of New Hampshire are to be applauded. The citizens of our State have benefitted greatly from Morton's selfless dedication to business, education and community affairs in New Hampshire. It is truly an honor and a privilege to represent him in the U.S. Senate.●

TRIBUTE TO MICHAEL J. GERLING

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Michael J. Gerling of Lebanon, NH, on being named as New Hampshire High Technology Council's 2001 Entrepreneur of the Year.

As a former small business owner, I applaud the achievements of Michael and his company, Geographic Data Technology, Inc., in the wireless technology market that have resulted in his company's map databases being used for in-car navigation systems for Lexus and Toyota.

I commend your staff of over 700 employees for their contribution to the success of Geographic Data Technology, Inc. Working in tandem with his employees, he has created a workplace which promotes open communication allowing employees to discuss important issues directly with you.

The citizens of Lebanon and our entire state have benefitted greatly from the economic and civic contributions of your company. Michael's astute approach to high technology opportunities is an asset to the business community in New Hampshire. It is an honor and a privilege to represent him in the U.S. Senate.●

MESSAGE FROM THE HOUSE

At 3:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 643. An act to reauthorize the African Elephant Conservation Act.

H.R. 700. An act to reauthorize the Asian Elephant Conservation Act of 1997.

H.R. 1831. An act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

The message further announced that pursuant to section 313(2)(a) of Public Law 106–554, and upon the recommendation of the majority leader, the Speaker has appointed the following Member of the House of Representatives to the Board of Trustees of the Center for Russian Leadership Development: Mr. AMO HOUGHTON of New York.

The message also announced that pursuant to section 228(d)(1) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106–181), the Speaker has appointed the following members on the part of the House of Representatives to the National Commission To Ensure Consumer Information and Choice in the Airline Industry: Mr. Gerald J. Roper of Illinois and Mr. Paul M. Ruden of Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 643. An act to reauthorize the African Elephant Conservation Act; to the Committee on Environment and Public Works.

H.R. 700. An act to reauthorize the Asian Elephant Conservation Act of 1997; to the Committee on Environment and Public Works.

H.R. 1831. An act to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2367. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106–95" (RIN115–AF76) received on June 12, 2001; to the Committee on the Judiciary.

EC–2368. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2369. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2001–36) received on June 11, 2001; to the Committee on Finance.

EC–2370. A communication from the Chairman of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Medicare in Rural America for June 2001; to the Committee on Finance.

EC–2371. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Mangoes from the Philippines" (Doc. No. 93–131–2) received on June 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2372. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 01–058–1) received on June 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2373. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Undersized Regulation for the 2001–02 Crop Year" (Doc. No. FV01–933–1 FR) received on June 12, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2374. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Major Rail Consolidation Procedures" (STB 582) received on June 12, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2375. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Station; Little Rock, AR" (Doc. No. 01–50) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2376. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Temple, TX" (Doc. No. 01–46) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2377. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotment, DTV Broadcast Stations; Salinas, CA" (Doc. No. 99–269) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2378. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Merced, CA" (Doc. No. 01–41) received on June 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2379. A communication from the Director of the Office of Congressional Affairs, Office of the Chief Financial Officer, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Fee Schedules; Fee Recovery for Fiscal Year 2001" (RIN3150–AG73) received on June 12, 2001; to the Committee on Environment and Public Works.

EC–2380. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Telluride and Pagosa Springs" (FRL6989–3) received on June 12, 2001; to the Committee on Environment and Public Works.

EC–2381. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Promulgation of Extension of Attainment Dates for PM10 Nonattainment Areas; Utah" (FRL6996–9) received on June 12, 2001; to the Committee on Environment and Public Works.

EC–2382. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana" (FRL6994–9) received on June 12, 2001; to the Committee on Environment and Public Works.

EC–2383. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Procedures for the Measurement of Mercury in Water (EPA Method 1631; Revision C); Final Rule, Technical Corrections" (FRL6998–5) received on June 12, 2001; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 1024. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 1025. A bill to provide for savings for working families; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1026. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building"; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 1027. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1028. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. GRAMM, Mr. REED, Mr. SHELBY, Mr. SCHUMER, Mr. ALLARD, Mr. BAYH, Mr. ENZI, Mr. JOHNSON, Ms. MIKULSKI, and Mr. BOND):

S. 1029. A bill to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program; considered and passed.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. DASCHLE, Mr. ROBERTS, Mr. JOHNSON, Mr. JEFFORDS, Mrs. CRAPO, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DORGAN, Mr. WELLSTONE, Mr. BOND, Mr. HELMS, Mr. COCHRAN, Mr. EDWARDS, Mr. HUTCHINSON, Mr. DOMENICI, Mr. BURNS, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1030. A bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes; to the Committee on Finance.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 1031. A bill to authorize additional appropriations for the United States Customs Service for personnel, technology, and infrastructure to expedite the flow of legal commercial and passenger traffic along the Southwest land border, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. KERRY, Mr. HELMS, Mr. LEAHY, Mr. DURBIN, and Mr. CHAFEE):

S. 1032. A bill to expand assistance to countries seriously affected by HIV/AIDS, malaria, and tuberculosis; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. CORZINE, Mr. WELLSTONE, Mr. BAYH, and Mr. CHAFEE):

S. 1033. A bill to amend the Federal Water Pollution Control Act to protect ⅕ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DURBIN, Mr. DAYTON, Mr. WELLSTONE, Mr. DEWINE, Mr. VOINOVICH, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1034. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to require the Secretary of Transportation to promulgate and review regulations to ensure, to the maximum extent practicable, that vessels entering the Great Lakes do not spread nonindigenous aquatic species, to require treatment of ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1035. A bill to establish programs to protect the resources of and areas surrounding the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DEWINE, Mr. DORGAN, Mr. DASCHLE, Mr. KOHL, Mr. LUGAR, Mr. KENNEDY, Mr. JOHNSON, Mr. CONRAD, Ms. LANDRIEU, and Mr. DAYTON):

S. 1036. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 540

At the request of Mr. DEWINE, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 582

At the request of Mr. GRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 582, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance program.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 657

At the request of Mr. LUGAR, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Montana (Mr. BAUCUS), the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Nebraska (Mr. HAGEL), the Senator from Oregon (Mr. WYDEN), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 657, a bill to authorize funding for the National 4-H Program Centennial Initiative.

S. 677

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 724

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 801

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 825

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 825, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 847

At the request of Mr. DAYTON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 871

At the request of Mr. CLELAND, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 926

At the request of Mr. HARKIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 926, a bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma.

S. 974

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 974, a bill to amend title XVIII of the Social Security Act to provide for coverage of pharmacist services under part B of the medicare program.

S. 981

At the request of Mr. ROCKEFELLER, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 981, a bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families.

S. 994

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 994, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1017

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. REED) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1017, a bill to provide the people of China with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. CON. RES. 8

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress regarding subsidized Canadian lumber exports.

S. CON. RES. 9

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution condemning the violence in East Timor and urging the establishment of an international war crimes tribunal for prosecuting crimes against humanity that occurred during that conflict.

S. CON. RES. 45

At the request of Mr. FITZGERALD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 45, a concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

AMENDMENT NO. 423

At the request of Mr. SMITH of Oregon, his name was added as a cosponsor of amendment No. 423.

At the request of Mr. CARPER, his name was added as a cosponsor of amendment No. 423, supra.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 423, supra.

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 423, supra.

AMENDMENT NO. 456

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 456.

AMENDMENT NO. 555

At the request of Mr. SESSIONS, his name was added as a cosponsor of amendment No. 555.

AMENDMENT NO. 792

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 792 intended to be proposed to S. 1, an original bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 798

At the request of Mr. HOLLINGS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 798.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. SMITH of Oregon, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 1024. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, pain is our Nation's silent public health crisis. Pain is often left untreated or undertreated, especially among older patients, minorities and children. Forty to 50 percent of dying patients experience moderate to severe pain at least half of the time in the last days of their lives. A Brown University study published in last month's Journal of the American Medical Association found that 40 percent of nursing home patients nationwide with acute or chronic pain are not getting treatment that brings them relief. Thousand of Americans die in pain every year, and thousands live in chronic pain.

What is truly tragic for these patients is that the medical technology and know-now exist to make them more comfortable. What does not exist is a medical system that supports clinicians trying to address these issues or a system to support patients and families as they try to find help for pain.

The primary goal of the Conquering Pain Act, a bipartisan bill that I am introducing today with Senators SMITH, ROCKEFELLER, and BREAUX is to create a public health framework on which effective pain management policies can be developed. Providing help to patients in pain, to their health care providers, and to others caring for those patients will ensure their access to pain management 24 hours a day, seven days a week, 365 days a year.

The widespread crisis of failing to adequately address patients in pain is made crystal clear by the fact that only one State in the Nation has ever has sanctioned a physician for the under-treatment of pain. That State is my home State of Oregon, which is now also considering the creation of a commission on pain management with the State health department.

The Conquering Pain Act does not seek to tell clinicians how to practice medicine. It does not override State regulation and oversight of medicine. It does provide information to physicians and families in an effort to support them. It also seeks to find answers to the complex problems created by the interplay between State and Federal regulation of pain medications.

Most importantly, the bill would create six regional Family Support Networks linking patients, families and providers to information and services to assist patients in pain. These networks would also assist clinicians who need additional information, mentoring or support to deal with the medically complex cases that patients in pain often present.

It would be cruel and callous for this Congress to continue to ignore the overwhelming number of scientific studies that show patient after patient failing to get relief from pain. This legislation, which enjoys broad support with the medical and patient community, would start us down the road toward addressing in a bipartisan, positive way one of our Nation's most serious and continued health problems.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1024

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the"Conquering Pain Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—EMERGENCY RESPONSE TO THE PUBLIC HEALTH CRISIS OF PAIN

Sec. 101. Guidelines for the treatment of pain.
Sec. 102. Patient expectations to have pain and symptom management.
Sec. 103. Quality improvement projects.
Sec. 104. Pain coverage quality evaluation and information.
Sec. 105. Surgeon General's report.

TITLE II—DEVELOPING COMMUNITY RESOURCES

Sec. 201. Family support networks in pain and symptom management.

TITLE III—REIMBURSEMENT BARRIERS

Sec. 301. Reimbursement barriers report.
Sec. 302. Insurance coverage of pain and symptom management.

TITLE IV—IMPROVING FEDERAL COORDINATION OF POLICY, RESEARCH, AND INFORMATION

Sec. 401. Advisory Committee on Pain and Symptom Management.
Sec. 402. Institutes of Medicine report on controlled substance regulation and the use of pain medications.
Sec. 403. Conference on pain research and care.

TITLE V—DEMONSTRATION PROJECTS

Sec. 501. Provider performance standards for improvement in pain and symptom management.
Sec. 502. End of life care demonstration projects.

SEC. 2. FINDINGS.

Congress finds that—

(1) pain is often left untreated or undertreated especially among older patients, African Americans, Hispanics and other minorities, and children;

(2) chronic pain is a public health problem affecting at least 50,000,000 Americans through some form of persisting or recurring symptom;

(3) 40 to 50 percent of patients experience moderate to severe pain at least half the time in their last days of life;

(4) 70 to 80 percent of cancer patients experience significant pain during their illness;

(5) one in 7 nursing home residents experience persistent pain that may diminish their quality of life;

(6) despite the best intentions of physicians, nurses, pharmacists, and other health care professionals, pain is often under-treated because of the inadequate training of clinicians in pain management;

(7) despite the best intentions of physicians, nurses, pharmacists, mental health professionals, and other health care professionals, pain and symptom management is often suboptimal because the health care system has focused on cure of disease rather than the management of a patient's pain and other symptoms;

(8) the technology and scientific basis to adequately manage most pain is known;

(9) pain should be considered the fifth vital sign; and

(10) coordination of Federal efforts is needed to improve access to high quality effective pain and symptom management in order to assure the needs of chronic pain patients and those who are terminally ill are met.

SEC. 3. DEFINITIONS.

In this Act:

(1) CHRONIC PAIN.—The term "chronic pain" means a pain state that is persistent and in which the cause of the pain cannot be removed or otherwise alleviated. Such term includes pain that may be associated with long-term incurable or intractable medical conditions or disease.

(2) END OF LIFE CARE.—The term "end of life care" means a range of services, including hospice care, provided to a patient, in the final stages of his or her life, who is suffering from 1 or more conditions for which treatment toward a cure or reasonable improvement is not possible, and whose focus of care is palliative rather than curative.

(3) FAMILY SUPPORT NETWORK.—The term "family support network" means an association of 2 or more individuals or entities in a collaborative effort to develop multi-disciplinary integrated patient care approaches that involve medical staff and ancillary services to provide support to chronic pain patients and patients at the end of life and their caregivers across a broad range of settings in which pain management might be delivered.

(4) HOSPICE.—The term "hospice care" has the meaning given such term in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)).

(5) MEDICATION THERAPY MANAGEMENT SERVICES.—The term "medication therapy management services" means consultations with a physician or other health care professional (including a pharmacist) who is practicing within the scope of the professional's license, concerning a patient which results in—

(A) a change in the drug regimen of the patient to avoid an adverse drug interaction with another drug or disease state;

(B) a change in inappropriate drug dosage or dosage form with respect to the patient;

(C) discontinuing an unnecessary or harmful medication with respect to the patient;

(D) an initiation of medication therapy for a medical condition of the patient;

(E) consultation with the patient or a caregiver in a manner that results in a significant improvement in drug regimen compliance; or

(F) patient and caregiver understanding of the appropriate use and adherence to medication therapy.

(6) PAIN AND SYMPTOM MANAGEMENT.—The term "pain and symptom management" means services provided to relieve physical or psychological pain or suffering, including any 1 or more of the following physical complaints—

(A) weakness and fatigue;

(B) shortness of breath;

(C) nausea and vomiting;

(D) diminished appetite;

(E) wasting of muscle mass;

(F) difficulty in swallowing;

(G) bowel problems;

(H) dry mouth;

(I) failure of lymph drainage resulting in tissue swelling;

(J).confusion;

(K) dementia;

(L) delirium;

(M) anxiety;

(N) depression; and

(O) and other related symptoms

(7) PALLIATIVE CARE.—The term "palliative care" means the total care of patients whose disease is not responsive to curative treatment, the goal of which is to provide the best quality of life for such patients and their families. Such care—

(A) may include the control of pain and of other symptoms, including psychological, social and spiritual problems;

(B) affirms life and regards dying as a normal process;

(C) provides relief from pain and other distressing symptoms;

(D) integrates the psychological and spiritual aspects of patient care;

(E) offers a support system to help patients live as actively as possible until death; and

(F) offers a support system to help the family cope during the patient's illness and in their own bereavement.

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

TITLE I—EMERGENCY RESPONSE TO THE PUBLIC HEALTH CRISIS OF PAIN

SEC. 101. GUIDELINES FOR THE TREATMENT OF PAIN.

(a) DEVELOPMENT OF WEBSITE.—Not later than 2 months after the date of enactment of this Act, the Secretary, acting through the Agency for Healthcare Research and Quality, shall develop and maintain an Internet website to provide information to individuals, health care practitioners, and health facilities concerning evidence-based practice guidelines developed for the treatment of physical and psychological pain. Websites in existence on such date may be used if such websites meet the requirements of this section.

(b) REQUIREMENTS.—The website established under subsection (a) shall—

(1) be designed to be quickly referenced by health care practitioners; and

(2) provide for the updating of guidelines as scientific data warrants.

(c) PROVIDER ACCESS TO GUIDELINES.—

(1) IN GENERAL.—In establishing the website under subsection (a), the Secretary shall ensure that health care facilities have made the website known to health care practitioners and that the website is easily available to all health care personnel providing care or services at a health care facility.

(2) USE OF CERTAIN EQUIPMENT.—In making the information described in paragraph (1) available to health care personnel, the facility involved shall—

(A) ensure that such personnel have access to the website through the computer equipment of the facility;

(B) carry out efforts to inform personnel at the facility of the location of such equipment; and

(C) ensure that patients, caregivers, and support groups are provided with access to the website.

(3) RURAL AREAS.—

(A) IN GENERAL.—A health care facility, particularly a facility located in a rural or underserved area, without access to the Internet shall provide an alternative means of providing practice guideline information to all health care personnel.

(B) ALTERNATIVE MEANS.—The Secretary shall determine appropriate alternative means by which a health care facility may make available practice guideline information on a 24-hour basis, 7 days a week if the facility does not have Internet access. The criteria for adopting such alternative means should be clear in permitting facilities to develop alternative means without placing a significant financial burden on the facility and in permitting flexibility for facilities to develop alternative means of making guidelines available. Such criteria shall be published in the Federal Register.

SEC. 102. PATIENT EXPECTATIONS TO HAVE PAIN AND SYMPTOM MANAGEMENT.

(a) IN GENERAL.—The administrator of each of the programs described in subsection (b) shall ensure that, as part of any informational materials provided to individuals under such programs, such materials shall include information, where relevant, to inform such individuals that they should expect to have their pain assessed and should expect to be provided with effective pain and symptom relief, when receiving benefits under such program.

(b) PROGRAMS.—The programs described in this subsection shall include—

(1) the medicare and medicaid programs under titles XIX and XXI of the Social Security Act (42 U.S.C. 1935 et seq., 1936 et seq.);

(2) programs carried out through the Public Health Service;

(3) programs carried out through the Indian Health Service;

(4) programs carried out through health centers under section 330 of the Public Health Service Act (42 U.S.C. 254b);

(4) the Federal Employee Health Benefits Program under title 5, United States Code;

(5) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) as defined in section 1073(4) of title 10, United States Code; and

(6) other programs administered by the Secretary.

SEC. 103. QUALITY IMPROVEMENT EDUCATION PROJECTS.

The Secretary shall provide funds for the implementation of special education projects, in as many States as is practicable, to be carried out by peer review organizations of the type described in section 1152 of the Social Security Act (42 U.S.C. 1320c-1) to improve the quality of pain and symptom management. Such projects shall place an emphasis on improving pain and symptom management at the end of life, and may also include efforts to increase the quality of services delivered to chronic pain patients and the chronically ill for whom pain may be a significant symptom.

SEC. 104. PAIN COVERAGE QUALITY EVALUATION AND INFORMATION.

(a) IN GENERAL.—Section 1851(d)(4) of the Social Security Act (42 U.S.C. 42 U.S.C. 1395w-21(d)(4)) is amended—

(1) in subparagraph (A), by adding at the end the following:

"(ix) The organization's coverage of pain and symptom management."; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period and inserting ", and"; and

(C) by adding at the end the following:

"(v) not later than 2 years after the date of enactment of this clause, an evaluation (which may be made part of any other relevant report of quality evaluation that the plan is required to prepare) for the plan (updated annually) that indicates the performance of the plan with respect to access to, and quality of, pain and symptom management, including such management as part of end of life care. Data shall be posted in a comparable manner for consumer use on www.medicare.gov.".

(b) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to information provided with respect to annual, coordinated election periods (as defined in section 1851(e)(3)(B) of the Social Security Act (42 U.S.C. 1395-21(e)(3)(B)) beginning after the date of enactment of this Act.

SEC. 105. SURGEON GENERAL'S REPORT.

Not later than October 1, 2002, the Surgeon General shall prepare and submit to the appropriate committees of Congress and the public, a report concerning the state of pain and symptom management in the United States. The report shall include—

(1) a description of the legal and regulatory barriers that may exist at the Federal and State levels to providing adequate pain and symptom management;

(2) an evaluation of provider competency in providing pain and symptom management;

(3) an identification of vulnerable populations, including children, advanced elderly, non-English speakers, and minorities, who may be likely to be underserved or may face barriers to access to pain management and recommendations to improve access to pain management for these populations;

(4) an identification of barriers that may exist in providing pain and symptom management in health care settings, including assisted living facilities;

(5) an identification of patient and family attitudes that may exist which pose barriers in accessing pain and symptom management or in the proper use of pain medications;

(6) an evaluation of medical, nursing, and pharmacy school training and residency training for pain and symptom management;

(7) a review of continuing medical education programs in pain and symptom management; and

(8) a description of the use of and access to mental health services for patients in pain and patients at the end of life.

TITLE II—DEVELOPING COMMUNITY RESOURCES

SEC. 201. FAMILY SUPPORT NETWORKS IN PAIN AND SYMPTOM MANAGEMENT.

(a) ESTABLISHMENT.—The Secretary, acting through the Public Health Service, shall award grants for the establishment of 6 National Family Support Networks in Pain and Symptom Management (in this section referred to as the "Networks") to serve as national models for improving the access and quality of pain and symptom management to chronic pain patients (including chronically ill patients for whom pain is a significant symptom) and those individuals in need of pain and symptom management at the end of life and to provide assistance to family members and caregivers.

(b) ELIGIBILITY AND DISTRIBUTION.—

(1) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be an academic facility or other entity that has demonstrated an effective approach to training health care providers including mental health professionals concerning pain and symptom management and palliative care services; and

(B) prepare and submit to the Secretary an application (to be peer reviewed by a committee established by the Secretary), at such time, in such manner, and containing such information as the Secretary may require.

(2) DISTRIBUTION.—In providing for the establishment of Networks under subsection (a), the Secretary shall ensure that—

(A) the geographic distribution of such Networks reflects a balance between rural and urban needs; and

(B) at least 3 Networks are established at academic facilities.

(c) ACTIVITIES OF NETWORKS.—A Network that is established under this section—

(1) shall provide for an integrated interdisciplinary approach, that includes psychological and counseling services, to the delivery of pain and symptom management;

(2) shall provide community leadership in establishing and expanding public access to appropriate pain care, including pain care at the end of life;

(3) shall provide assistance, through caregiver supportive services, that include counseling and education services;

(4) shall develop a research agenda to promote effective pain and symptom management for the broad spectrum of patients in need of access to such care that can be implemented by the Network;

(5) shall provide for coordination and linkages between clinical services in academic centers and surrounding communities to assist in the widespread dissemination of provider and patient information concerning how to access options for pain management;

(6) shall establish telemedicine links to provide education and for the delivery of services in pain and symptom management;

(7) shall develop effective means of providing assistance to providers and families for the management of a patient's pain 24 hours a day, 7 days a week; and

(8) may include complimentary medicine provided in conjunction with traditional medical services.

(d) PROVIDER PAIN AND SYMPTOM MANAGEMENT COMMUNICATIONS PROJECTS.—

(1) IN GENERAL.—Each Network shall establish a process to provide health care personnel with information 24 hours a day, 7 days a week, concerning pain and symptom management. Such process shall be designed to test the effectiveness of specific forms of communications with health care personnel so that such personnel may obtain information to ensure that all appropriate patients are provided with pain and symptom management.

(2) TERMINATION.—The requirement of paragraph (1) shall terminate with respect to a Network on the day that is 2 years after the date on which the Network has established the communications method.

(3) EVALUATION.—Not later than 60 days after the expiration of the 2-year period referred to in paragraph (2), a Network shall conduct an evaluation and prepare and submit to the Secretary a report concerning the costs of operation and whether the form of communication can be shown to have had a positive impact on the care of patients in chronic pain or on patients with pain at the end of life.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as limiting a Network from developing other ways in which to provide support to families and providers, 24 hours a day, 7 days a week.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $18,000,000 for fiscal years 2002 through 2004.

TITLE III—REIMBURSEMENT BARRIERS

SEC. 301. REIMBURSEMENT BARRIERS REPORT.

The Medicare Payment Advisory Commission (MedPac) established under section 1805 of the Social Security Act (42 U.S.C. 1396b-6) shall conduct a study, and prepare and submit to the appropriate committees of Congress a report, concerning—

(1) the manner in which medicare policies may pose barriers in providing pain and symptom management and palliative care services in different settings, including a focus on payment for nursing home and home health services;

(2) the identification of any financial barriers that may exist within the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq.) that interfere with continuity of care and interdisciplinary care or supportive care for the broad range of chronic pain patients (including patients who are chronically ill for whom pain is a significant symptom), and for those who are terminally ill, and include the recommendations of the Commission on ways to eliminate those barriers that the Commission may identify;

(3) the reimbursement barriers that exist, if any, in providing pain and symptom management through hospice care, particularly in rural areas, and if barriers exist, recommendations concerning adjustments that would assist in assuring patient access to pain and symptom management through hospice care in rural areas;

(4) whether the medicare reimbursement system provides incentives to providers to delay informing terminally ill patients of the availability of hospice and palliative care; and

(5) the impact of providing payments for medication therapy management services in pain and symptom management and palliative care services.

SEC. 302. INSURANCE COVERAGE OF PAIN AND SYMPTOM MANAGEMENT.

(a) IN GENERAL.—The General Accounting Office shall conduct a survey of public and private health insurance providers, including managed care entities, to determine whether the reimbursement policies of such insurers inhibit the access of chronic pain patients to pain and symptom management and pain and symptom management for those in need of end-of-life care (including patients who are chronically ill for whom pain is a significant symptom). The survey shall include a review of formularies for pain medication and the effect of such formularies on pain and symptom management.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report concerning the survey conducted under subsection (a).

TITLE IV—IMPROVING FEDERAL COORDINATION OF POLICY, RESEARCH, AND INFORMATION

SEC. 401. ADVISORY COMMITTEE ON PAIN AND SYMPTOM MANAGEMENT.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, to be known as the Advisory Committee on Pain and Symptom Management, to make recommendations to the Secretary concerning a coordinated Federal agenda on pain and symptom management.

(b) MEMBERSHIP.—The Advisory Committee established under subsection (a) shall be comprised of 11 individuals to be appointed by the Secretary, of which at least 1 member shall be a representative of—

(1) physicians (medical doctors or doctors of osteopathy) who treat chronic pain patients or the terminally ill;

(2) nurses who treat chronic pain patients or the terminally ill;

(3) pharmacists;

(4) hospice;

(5) pain researchers;

(6) patient advocates;

(7) caregivers; and

(8) mental health providers.

The members of the Committee shall designate 1 member to serve as the chairperson of the Committee.

(c) MEETINGS.—The Advisory Committee shall meet at the call of the chairperson of the Committee.

(d) AGENDA.—The agenda of the Advisory Committee established under subsection (a) shall include—

(1) the development of recommendations to create a coordinated Federal agenda on pain and symptom management;

(2) the development of proposals to ensure that pain is considered as the fifth vital sign for all patients;

(3) the identification of research needs in pain and symptom management, including gaps in pain and symptom management guidelines;

(4) the identification and dissemination of pain and symptom management practice guidelines, research information, and best practices;

(5) proposals for patient education concerning how to access pain and symptom management across health care settings;

(6) the manner in which to measure improvement in access to pain and symptom management and improvement in the delivery of care;

(7) the development of ongoing strategies to assure the aggressive use of pain medications, including opiods, regardless of health care setting; and

(8) the development of an ongoing mechanism to identify barriers or potential barriers to pain and symptom management created by Federal policies.

(e) RECOMMENDATION.—Not later than 2 years after the date of enactment of this Act, the Advisory Committee established under subsection (a) shall prepare and submit to the Secretary recommendations concerning a prioritization of the need for a Federal agenda on pain and symptom management, and ways in which to better coordinate the activities of entities within the Department of Health and Human Services, and other Federal entities charged with the responsibility for the delivery of health care services or research on pain and symptom management with respect to pain management.

(f) CONSULTATION.—In carrying out this section, the Advisory Committee shall consult with all Federal agencies that are responsible for providing health care services or access to health services to determine the best means to ensure that all Federal activities are coordinated with respect to research and access to pain and symptom management.

(g) ADMINISTRATIVE SUPPORT; TERMS OF SERVICE; OTHER PROVISIONS.—The following shall apply with respect to the Advisory Committee:

(1) The Committee shall receive necessary and appropriate administrative support, including appropriate funding, from the Department of Health and Human Services.

(2) The Committee shall hold open meetings and meet not less than 4 times per year.

(3) Members of the Committee shall not receive additional compensation for their service. Such members may receive reimbursement for appropriate and additional expenses that are incurred through service on the Committee which would not have incurred had they not been a member of the Committee.

(4) The requirements of Appendix 2 of title 5, United States Code.

SEC. 402. INSTITUTES OF MEDICINE REPORT ON CONTROLLED SUBSTANCE REGULATION AND THE USE OF PAIN MEDICATIONS.

(a) IN GENERAL.—The Secretary, acting through a contract entered into with the Institute of Medicine, shall review findings that have been developed through research conducted concerning—

(1) the effects of controlled substance regulation on patient access to effective care;

(2) factors, if any, that may contribute to the underuse of pain medications, including opiods;

(3) the identification of State legal and regulatory barriers, if any, that may impact patient access to medications used for pain and symptom management; and

(4) strategies to assure the aggressive use of pain medications, including opiods, regardless of health care setting.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the findings described in subsection (a).

SEC. 403. CONFERENCE ON PAIN RESEARCH AND CARE.

Not later than December 31, 2005, the Secretary, acting through the National Institutes of Health, shall convene a national conference to discuss the translation of pain research into the delivery of health services including mental health services to chronic pain patients and those needing end-of-life care. The Secretary shall use unobligated amounts appropriated for the Department of Health and Human Services to carry out this section.

TITLE V—DEMONSTRATION PROJECTS

SEC. 501. PROVIDER PERFORMANCE STANDARDS FOR IMPROVEMENT IN PAIN AND SYMPTOM MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Health Resources Services Administration, shall award grants for the establishment of not less than 5 demonstration projects to determine effective methods to measure improvement in the skills, knowledge, and attitudes and beliefs of health care personnel in pain and symptom management as such skill, knowledge, and attitudes and beliefs apply to providing services to chronic pain patients and those patients requiring pain and symptom management at the end of life.

(b) EVALUATION.—Projects established under subsection (a) shall be evaluated to determine patient and caregiver knowledge and attitudes toward pain and symptom management.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require.

(d) TERMINATION.—A project established under subsection (a) shall terminate after the expiration of the 2-year period beginning on the date on which such project was established.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 502. END OF LIFE CARE DEMONSTRATION PROJECTS.

The Secretary, acting through the Health Resources and Services Administration, shall—

(1) not later than January 1, 2004, carry out not less than 5 demonstration and evaluation projects that implement care models for individuals at the end of life, at least one of which shall be developed to assist those individuals who are terminally ill and have no family or extended support, and each of which may be carried out in collaboration with domestic and international entities to gain and share knowledge and experience on end of life care;

(2) conduct 3 demonstration and evaluation activities concerning the education and training of clinicians in end of life care, and assist in the development and distribution of accurate educational materials on both pain and symptom management and end of life care;

(3) in awarding grants for the training of health professionals, give priority to awarding grant to entities that will provide training for health professionals in pain and symptom management and in end-of-life care at the undergraduate level;

(4) shall evaluate demonstration projects carried out under this section within the 5-year period beginning on the commencement of each such project; and

(5) develop a strategy and make recommendations to Congress to ensure that the United States health care system—

(A) has a meaningful, comprehensive, and effective approach to meet the needs of individuals and their caregivers as the patient approaches death; and

(B) integrates broader supportive services.

Mr. SMITH of Oregon. Mr. President, I rise today to join my friend and colleague from Oregon in reintroducing the Conquering Pain Act. He and I have worked long and hard together to expand access to effective pain and symptom management for chronic pain and terminally ill patients, and I believe that this legislation is an important step toward accomplishing that goal. This is an issue of great importance to my home state of Oregon, and a matter of personal significance to me.

Prior to my service in elected office, I served as a volunteer for my church. In this capacity, I found my professional work as a food processor in a constant, but blessed, state of interruption. On a weekly basis and at the oddest of hours, I found myself making continual rounds at St. Anthony's Hospital in Pendleton, Oregon. On many occasions I shared with parents the unspeakable joy of welcoming newborn babies into this world. On others, I suffered in heartbreaking sorrow as I tried to comfort the critically ill, or hold the hands of those who lay at the brink of eternity.

On too many of these occasions, patients suffered intense pain and discomfort during their final hours; sometimes as a result of inadequate pain management techniques, and sometimes as a result of our medical focus on curing illness and prolonging life at any cost. I have seen many beloved friends suffer unnecessarily and I believe that all Americans have been touched at some point by a friend or family member struggling to cope with chronic or acute pain. We all deserve a health care system committed to adequately addressing the comfort of ailing patients.

The legislation we reintroduce today, the Conquering Pain Act, is consistent with my belief that the practice of medicine must place greater emphasis on helping people who are experiencing chronic and acute pain.

The Conquering Pain Act of 2001 will take a number of steps to ensure that patients have greater access to effective pain management. This legislation will commission studies by the Surgeon General's office, the General Accounting Office, the Institute of Medicine, and MedPac to examine the state of pain and symptom management in the United States, and to review regulatory obstacles that stifle effective pain management in our health care system. The Act will establish demonstration projects at the Department of Health and Human Services and other institutions to provide advanced pain management care and to research effective methods to measure improvement in the skills, knowledge, and attitudes of health care personnel in pain and symptom management. In addition, this bill will make important and timely information related to pain management available to patients and health care professionals over the Internet.

The Conquering Pain Act of 2001 will do something that should have been done many years ago; it will finally establish a coordinated Federal agenda regarding pain and symptom management. For better or for worse, our health care system has focused intensely on curing disease but has never adequately addressed the need to provide effective pain management. Americans should expect their health care providers to attend to their comfort as well as their health, and I believe that this legislation will go a long way toward addressing this long-standing deficiency.

By Mr. LIEBERMAN:

S. 1025. A bill to provide for savings for working families; to the Committee on Finance.

Mr. SANTORUM. Mr. President, today, Senator JOSEPH LIEBERMAN and I are introducing the Savings for Working Families Act, which seeks to expand opportunities through Individual Development Accounts, IDAs, to enable the working poor to save for a home, educational expenses, and micro-enterprise and small business efforts. We have already reintroduced this provision this year as Title I of bipartisan legislation, S. 592, "the Savings Opportunity and Charitable Giving Act of 2001." Rep. PITTS and Rep. STENHOLM are also introducing a bipartisan companion bill on IDAs in the House of Representatives today.

IDAs have been endorsed by President Bush during the presidential campaign and were included in his budget. IDAs are also included in H.R. 7, "the Community Solutions Act." We strongly support the charitable giving incentives in our bill but in the context of this legislation, which includes savings incentives provisions, we are seeking to add additional tax relief for those working hard to save.

IDAs are matched savings accounts for working Americans restricted to three uses: 1. buying a first home; 2. receiving post-secondary education or training; or 3. starting or expanding a small business. Individual and matching deposits are not co-mingled; all matching dollars are kept in a separate, parallel account. When the account holder has accumulated enough savings and matching funds to purchase the asset, typically over two to four years, and has completed a financial education course, payments from the IDA will be made directly to the asset provider.

Financial institutions, or their contractual affiliates, would be reimbursed for all matching funds provided plus a limited amount of the program and administrative costs incurred, whether directly or through collaborations with other entities. Specifically, the IDA Tax Credit would be the aggregate amount of all dollar-for-dollar matches provided, up to $500 per person per year, plus a one-time $100 per account credit for financial education, recruiting, marketing, administration, withdrawals, etc., plus an annual $30 per account credit for the administrative cost of maintaining the account. To be eligible for the match, adjusted gross income may not exceed $20,000, single, $25,000, head of household, or $40,000, married, to prevent the creation of any additional marriage penalties.

Our legislation is aimed at fixing our Nation's growing gap in asset ownership, which keeps millions of low-income workers from achieving the American dream. Most public attention focuses on our growing income gap. Though the booming American economy has delivered significant income gains to the Nation's upper-income earners, lower-income workers have been left on the sidelines. This suggests to some that closing this divide between the have-mosts and the have-leasts is simply a matter of raising wages. But the reality is that the income gap is a symptom of a larger, more complicated problem.

Success in today's new economy is defined less and less by how much you earn and more and more by how much you own—your asset base. This is great news for the millions of middle-class homeowners who are tapped into America's economic success, but it is bad news for those who are simply tapped out—those with no assets and little hope of accumulating the means for upward mobility and real financial security. This widening asset gap was underscored in a report issued earlier this year by the Federal Reserve. The Fed found that while the net worth of the typical family has risen substantially in recent years, it has actually dropped substantially for low-income families.

For families with annual incomes of less than $10,000, the median net worth dipped from $4,800 in 1995 to $3,600 in 1998. For families with incomes between $10,000 and $25,000, the median net worth fell from $31,000 to $24,800 over the same period. The rate of home ownership among low-income families has dropped as well. For families making less than $10,000, it went from 36.1 percent to 34.5 percent from 1995 to 1998; for those making between $10,000 and $25,000, it fell from 54.9 percent to 51.7 percent.

How do we reverse this troubling trend? IDAs are the unfinished business of the Community Renewal and New Markets Empowerment initiatives which became law in December of 2000 and will increase job opportunities and renew hope in what have been hopeless places. But to sustain this hope, we must provide opportunities for individuals and families to build tangible assets and acquire stable wealth.

How do we do this? We believe that the marketplace can provide such opportunity. Non-profit groups around the country have launched innovative private programs that are achieving great success in transforming the "unbanked"—people who have never had a bank account—into unabashed capitalists. Through IDAs, banks and credit unions offer special savings accounts to low-income Americans and match their deposits dollar-for-dollar. In return, participants take an economic literacy course and commit to using their savings to buy a home, upgrade their education or to start a business.

Thousands of people are actively saving today through IDA programs in about 250 neighborhoods nationwide. In one demonstration project undertaken by the Corporation for Enterprise Development, CFED, a leading IDA promoter, 2,378 participants have already saved $838,443, which has leveraged an additional $1,644,508.

While data have been encouraging, unfortunately IDA programs are still limited and too scattered across the Nation. This amendment will expand IDA access nationwide by providing a significant tax credit to financial institutions and community groups which they will pass through to IDA account holders. This credit would reimburse banks for the first $500 of matching funds they contribute, thus significantly lowering the cost of offering IDAs. Other State and private funds can also be used to provide additional match to savings. It also benefits our economy, the long-term stability of which is threatened by our pitiful national savings rate. In fact, according to some estimates, every $1 invested in an IDA returns $5 to the national economy.

IDAs are supported by a variety of groups including the Credit Union National Association, the Corporation for Enterprise Development, the National Association of Homebuilders, the Financial Services Roundtable, and the

National Conference of State Legislators.

Individual Development Accounts, combined with other community development and wealth creation opportunities, are a first step towards restoring the faith in the longstanding American promise of equal opportunity. That faith has been shaken by stark divisions of income and wealth in our society. With the leadership of the President and the Speaker, I am hopeful, along with Senator LIEBERMAN and other supporters in the Senate, that Congress will take this significant step toward restoring the long-cherished American ideals of rewarding hard work, encouraging responsibility, and expanding opportunity this year.

By Mr. SCHUMER:

S. 1027. A bill to expand the purposes of the program of block grants to States for temporary assistance for needy families to include poverty reduction, and to make grants available under the program for that purpose; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise today to speak on the Schumer-Wellstone "Child Poverty Reduction Act." This bill would create a fifth goal of the Temporary Assistance for Needy Families, TANF, Program to reduce poverty among families with children in the United States, and it would provide a $150 million annual appropriation for high performance bonus grants to States who reduce both the depth and extent of child poverty.

Under current law, TANF has four goals: 1. provide assistance to needy families so that children may be cared for in their own homes; 2. end dependency on the welfare system; 3. prevent and reduce the incidence of out-of-wedlock pregnancies; and 4. encourage the formation and maintenance of two parent families. The bill would add language stating that the fifth goal of TANF is "to reduce poverty of families with children in the United States."

The TANF program currently awards "high performance" bonuses to States that rank high on outcome measures related to the program's goals. A total of $1 billion was provided over 5 years, averaging $200 million per year, for this bonus. The law charges the Secretary of Health and Human Services with developing the criteria for measuring high performance in consultation with certain groups representing the states. Bonuses have thus far been awarded for fiscal year 1999 and fiscal year 2000. For fiscal year 1999 through fiscal year 2001, states are judged only on measures related to promoting work for the high performance bonus. Beginning in fiscal year 2002, new measures will be added that provide bonus awards to States that increase the percent of married couple families with children and to States that take steps to increase participation in food stamps, Medicaid/SCHIP and child care. This bill would create an additional $150 million bonus category to provide high performance bonus grants to all States that reduce their child poverty rate from the previous year's poverty rate. The grant is authorized from fiscal year 2003 onward. To ensure continued improvement, States cannot receive a bonus if their child poverty rate for any given year is higher than their lowest child poverty rate from calendar year 2002 onward. In addition, even if a State reduces the overall poverty rate, a State cannot receive the bonus if the average amount of income that the State's poor children needed to get above the poverty line, the average depth of child poverty, increased from the previous year. Each State that qualifies for a grant would receive an award equal to the number of the children residing in the State as a percentage of the number of children living in the United States. A qualifying State can receive no less than $1 million per year, and no more than 5 percent of their Basic TANF grant.

This bill takes the important first step toward reorienting our thinking about the purpose of welfare "reform." Many people have trumpeted the "success" of welfare reform, pointing to the enormous reduction in the caseload as proof of this success, but such claims miss the point. Reducing the rolls is the easy part—just kick people off, close their cases, and wish them well. The more important, and infinitely more difficult, part is the reduction of poverty. When advocates of welfare "reform" talk about ending dependency, there is clearly a presumption that they are also advocating moving these same families toward economic self-sufficiency. But the reality of the situation is that the welfare rolls have declined much more quickly than the poverty rate, and it is not at all clear that those families who have lost their benefits have moved out of poverty. Of particular concern is the fact that too many children in this country continue to live in poverty.

What do we know about the well-being of poor children in this country? We know that the number of children who live in poverty has declined. In 1998, 18.9 percent of children in the United States lived in poverty. In 1999 that figure dropped to 16.9 percent. But before we start celebrating, let's think about what this really represents. In this period of unheralded economic growth, child poverty has decreased by two percent. Two percent. Unprecedented, rewrite the economic textbooks, prosperity, and childhood poverty has decreased by only two percent.

Worse, though, we also know that poor children are on average now more poor than ever before. Their families have incomes further below the poverty level than in any other year that this information has been collected. And researchers point to the decline in cash assistance and food stamps as a primary cause. The percentage of poor children whose families received cash assistance fell from 62 percent in 1994 to 43 percent in 1998; the percent of poor children who received food stamps dropped from 94 percent to 75 percent from 1994 to 1998; and a million people became uninsured in 1998. Our Nation's programs, designed to meet the needs of our most vulnerable citizens, are serving fewer of them. This is what we call success? I've said it before and I'll continue to say it for as long as we have this debate simply reducing the welfare rolls is not success. Reducing the rolls is not the same thing as reducing poverty, our real goal, a goal we have not come close to reaching.

It is critical that we reframe the public discourse so that welfare "reform" is about ending poverty, not simply reducing the rolls, and we must make it part of a larger discourse about the needs of working families in this country. After all, there are about 6 million people on the welfare rolls, but there are 32 million people 12 million children living in poverty, 43 million people who are uninsured, 30 million people who are hungry, more than 13 million children who are eligible for child care assistance who aren't receiving any, more than 12 million people teetering on the edge of homelessness, and an estimated 6.9 million people in this country earning only the minimum wage unable to move their families out of poverty even by working full-time, year-round. As we begin to consider reauthorization of the welfare "reform" bill, we need to understand that whatever debate we have won't be just about welfare. We need to understand that what we will really be talking about is poverty, about hunger and homelessness, about whether or not our children are safe, about whether or not they come to school "ready to learn," about whether or not they grow and prosper. The debate we will have is not simply about what is good for the 6 million people in this country receiving public assistance, or even the 32 million people living in poverty, but it will be a debate about what is good for our country. It will be a debate about our priorities.

Any investment we make in the needs of low-income families will be paid back to us a thousand-fold in the well-being of our children, our neighborhoods, and our communities. And the cost of not investing in these families is similarly multiplied when we see our children fall behind in grade school and high school, when we bear witness to horrible acts of violence committed by children against children, and when we face a cycle of poverty that seems nearly unbreakable. I look forward to the day when the needs of all families are met, when we ensure that every member of our community leads a life of dignity, able to provide for themselves and their families. And I have to believe that such a day will come, although I worry that it may not come soon enough.

We must do more to reduce both the extent and the depth of poverty in this country, and right now is the time to do so. Right now we have the resources to ensure that no family, no child, is left behind. The Schumer-Wellstone "Child Poverty Reduction Act" is a step in this direction. I urge each of my colleagues to support this bill.

By Mr. DASCHLE (for himself and Mr. JOHNSON):

S. 1028. A bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal Features of the initial stage of Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DASCHLE. Mr. President, I am today introducing the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001. This proposal is the culmination of more than 3 years of discussion with local landowners, the South Dakota Water Congress, the U.S. Bureau of Reclamation, local legislators, representatives of South Dakota sportsmen groups and affected citizens. It lays out a plan to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project in South Dakota to the Commission of School and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, and provides the option to preferential leaseholders to purchase their original parcels from the Commission.

To more fully understand the issues addressed by the legislation, it is necessary to review some of the history related to the Oahe Unit of the Missouri River Basin project in South Dakota.

The Oahe Unit was originally approved as part of the overall plan for water development in the Missouri River Basin that was incorporated in the Flood Control Act of 1944. Subsequently, Public Law 90–453 authorized construction and operation of the initial stage of this unit. The purposes of the Oahe Unit, as authorized, were to provide for the irrigation of 190,000 acres of farmland, conserve and enhance fish and wildlife habitat, promote recreation and meet other important goals.

The project came to be known as the Oahe Irrigation Project, and the principal features of the initial stage of the project included the Oahe pumping plant, located near Oahe Dam, to pump water from the Oahe Reservoir, a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir, and the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east of Pierre, South Dakota.

Under the authorizing legislation, 42,155 acres were to be acquired by the Federal Government in order to construct and operate the Blunt Reservoir feature of the Oahe Irrigation Project. Land acquisition for the proposed Blunt Reservoir feature began in 1972 and continued through 1977. A total of 17,878 acres actually were acquired from willing sellers.

The first land for the Pierre Canal feature was purchased in July 1975 and included the 1.3 miles of Reach 1B. An additional 21-mile reach was acquired from 1976 through 1977, also from willing sellers.

Organized opposition to the Oahe Irrigation Project surfaced in 1973 and continued to build until a series of public meetings were held in 1977 to determine if the project should continue. In late 1977, the Oahe project was made a part of President Carter's Federal Water Project review process.

The Oahe project construction was then halted on September 30, 1977, when Congress did not include funding in the FY 1978 appropriations. Thus, all major construction contract activities ceased, and land acquisition was halted.

The Oahe Project remained an authorized water project with a bleak future and minimal chances of being completed as authorized. Consequently, the Department of Interior, through the Bureau of Reclamation, gave to those persons who willingly had sold their lands to the project, and their descendants, the right to lease those lands and use them as they had in the past until they were needed by the Federal Government for project purposes.

During the period from 1978 until the present, the Bureau of Reclamation has administered these lands on a preference lease basis for those original landowners or their descendants and on a non-preferential basis for lands under lease to persons who were not preferential leaseholders. Currently, the Bureau of Reclamation administers 12,978 acres as preferential leases and 4,304 acres as non-preferential leases in the Blunt Reservoir.

As I noted previously, the Oahe Irrigation Project is related directly to the overall project purposes of the Pick-Sloan Missouri Basin program authorized under the Flood Control Act of 1944. Under this program, the U.S. Army Corps of Engineers constructed four major dams across the Missouri River in South Dakota. The two largest reservoirs formed by these dams, Oahe Reservoir and Sharpe Reservoir, caused the loss of approximately 221,000 acres of fertile, wooded bottomland that constituted some of the most productive, unique and irreplaceable wildlife habitat in the State of South Dakota. This included habitat for both game and non-game species, including several species now listed as threatened or endangered. Meriwhether Lewis, while traveling up the Missouri River in 1804 on his famous expedition, wrote in his diary, "Song birds, game species and furbearing animals abound here in numbers like none of the party has ever seen. The bottomlands and cottonwood trees provide a shelter and food for a great variety of species, all laying their claim to the river bottom."

Under the provisions of the Wildlife Coordination Act of 1958, the State of South Dakota has developed a plan to mitigate a part of this lost wildlife habitat as authorized by Section 602 of Title VI of Public Law 105–277, October 21, 1998, known as the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. The State's habitat mitigation plan has received the necessary approval and interim funding authorizations under Sections 602 and 609 of Title VI.

The State's habitat mitigation plan requires the development of approximately 27,000 acres of wildlife habitat in South Dakota. Transferring the 4,304 acres of non-preferential lease lands in the Blunt Reservoir feature to the South Dakota Department of Game, Fish and Parks would constitute a significant step toward satisfying the habitat mitigation obligation owed to the state by the Federal Government and as agreed upon by the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the South Dakota Department of Game, Fish and Parks.

As we developed this legislation, many meetings occurred among the local landowners, South Dakota Department of Game, Fish and Parks, business owners, local legislators, the Bureau of Reclamation, as well as representatives of sportsmen groups. It became apparent that the best solution for the local economy, tax base and wildlife mitigation issues would be to allow the preferential leaseholders (original landowner or descendant or operator of the land at the time of purchase) to have an option to purchase the land from the Commission of School and Public Lands after the preferential lease parcels are conveyed to the Commission. This option will be available for a period of 5 years after the date of conveyance to the Commission. During the interim period, the preferential leaseholders shall be entitled to continue to lease from the Commissioner under the same terms and conditions they have enjoyed with the

Bureau of Reclamation. If the preferential leaseholder fails to purchase a parcel within the 5-year period, that parcel will be conveyed to the South Dakota Department of Game, Fish and Parks to be use to implement the 27,000-acre habitat mitigation plan.

The proceeds from these sales will be used to finance the administration of this bill, support public education in the State of South Dakota, and will be added to the South Dakota Wildlife Habitat Mitigation Trust Fund to assist in the payment of local property taxes on lands transferred from the Federal government to the state of South Dakota.

In summary, the State of South Dakota, the Federal Government, the original landowners, the sportsmen and wildlife will benefit from this bill. It provides for a fair and just resolution to the private property and environmental problems caused by the Oahe Irrigation Project some 25 years ago. We have waited long enough to right some of the wrongs suffered by our landowners and South Dakota's wildlife resources.

I am hopeful the Senate will act quickly on this legislation. Our goal is to enact a bill that will allow meaningful wildlife habitat mitigation to begin, give certainty to local landowners who sacrificed their lands for a defunct federal project they once supported, ensure the viability of the local land base and tax base, and provide well maintained and managed recreation areas for sportsmen.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1028

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blunt Reservoir and Pierre Canal Land Conveyance Act of 2001".

SEC. 2. FINDINGS.

Congress finds that—

(1) under the Act of December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), Congress approved the Pick-Sloan Missouri River Basin Program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to provide for municipal and industrial water supply, fish and wildlife, and recreation;

(D) to protect urban and rural areas from devastating floods of the Missouri River; and

(E) for other purposes;

(2) the purpose of the Oahe Unit, James Division, of the Oahe Irrigation Project was to meet the requirements of that Act by providing irrigation above Sioux City, Iowa;

(3) the principal features of the initial stage of the Oahe Unit, James Division, of the Oahe Irrigation Project included—

(A) a system of main canals, including the Pierre Canal, running east from the Oahe Reservoir; and

(B) the establishment of regulating reservoirs, including the Blunt Dam and Reservoir, located approximately 35 miles east of Pierre, South Dakota;

(4) land to establish the Pierre Canal and Blunt Reservoir was purchased between 1972 and 1977, when construction on the initial stage of the Oahe Unit, James Division, was halted;

(5) since 1978, the Commissioner of Reclamation has administered the land—

(A) on a preferential lease basis to original landowners or their descendants; and

(B) on a nonpreferential lease basis to other persons;

(6) the 2 largest reservoirs created by the Pick-Sloan Missouri River Basin Program, Lake Oahe and Lake Sharpe, caused the loss of approximately 221,000 acres of fertile, wooded bottomland in South Dakota that constituted some of the most productive, unique, and irreplaceable wildlife habitat in the State;

(7) the State has developed a plan to meet the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) to mitigate the loss of wildlife habitat, the implementation of which is authorized by section 602 of title VI of Public Law 105-277 (112 Stat. 2681-660); and

(8) it is in the interests of the United States and the State to—

(A) provide original landowners or their descendants with an opportunity to purchase back their land; and

(B) transfer the remaining land to the State to allow implementation of its habitat mitigation plan.

SEC. 3. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term "Blunt Reservoir feature" means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin Program.

(2) COMMISSION.—The term "Commission" means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term "nonpreferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term "Pierre Canal feature" means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin Program.

(5) PREFERENTIAL LEASEHOLDER.—The term "preferential leaseholder" means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term "preferential lease parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—

(A) IN GENERAL.—The term "State" means the State of South Dakota.

(B) INCLUSION.—The term "State" includes a successor in interest of the State.

(9) UNLEASED PARCEL.—The term "unleased parcel" means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) CONVEYANCE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey all of the preferential lease parcels to the Commission, without consideration, on the condition that the Commission honor the purchase option provided to preferential leaseholders under subsection (e).

(d) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (c) and (f), respectively, the State shall agree to accept—

(A) in "as is" condition, the Blunt Reservoir Feature and the Pierre Canal Feature; and

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature.

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL, AND OTHER OUTSTANDING RIGHTS.—A conveyance under subsection (c) or (f) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(e) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on 1 of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) 10 percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after the date of the conveyance under subsection (c) to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Commission the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of conveyance.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be determined to be, at the election of the preferential leaseholder—

(i) the amount that is equal to—

(I) the number of acres of the preferential lease parcel; multiplied by

(II) the amount of the per-acre assessment of adjacent parcels made by the Director of Equalization of the county in which the preferential lease parcel is situated; or

(ii) the amount of a valuation of the preferential lease parcel for agricultural use made by an independent appraiser.

(B) COST OF APPRAISAL.—If a preferential leaseholder elects to use the method of valuation described in subparagraph (A)(ii), the cost of the valuation shall be paid by the preferential leaseholder.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Commission shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Of the proceeds of sales of land under this subsection—

(A) not more than $750,000 shall be used to reimburse the Secretary for expenses incurred in implementing this Act;

(B) an amount not exceeding 10 percent of the cost of each transaction conducted under this Act shall be used to reimburse the Commission for expenses incurred implementing this Act;

(C) $3,095,000 shall be deposited in the South Dakota Wildlife Habitat Mitigation Trust Fund established by section 603 of the Water Resources Development Act of 1999 (113 Stat. 389) for the purpose of paying property taxes on land transferred to the State;

(D) $185,400 shall be transferred to Sully County, South Dakota;

(E) $14,600 shall be transferred to Hughes County, South Dakota; and

(F) the remainder shall be used by the Commission to support public schools in the State.

(f) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order of priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal Feature.

(g) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(h) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(i) FUNDING OF THE SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603(b) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking "$108,000,000" and inserting "$111,095,000".

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. DASCHLE, Mr. ROBERTS, Mr. JOHNSON, Mr. JEFFORDS, Mr. CRAPO, Mr. ROCKEFELLER, Mr. HARKIN, Mr. DORGAN, Mr. WELLSTONE, Mr. BOND, Mr. HELMS, Mr. COCHRAN, Mr. EDWARDS, Mr. HUTCHINSON, Mr. DOMENICI, Mr. BURNS, Mr. BINGAMAN, and Mrs. LINCOLN):

S. 1030. A bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, I am introducing the Rural Health Improvement Act of 2001. This proposal is the result of a bipartisan and bicameral effort. I am proud to be joined by Senator THOMAS the lead cosponsor of the bill, along with Senators DASCHLE, ROBERTS, JOHNSON, LINCOLN, JEFFORDS, CRAPO, ROCKEFELLER, HARKIN, DORGAN, WELLSTONE, BOND, HELMS, COCHRAN, EDWARDS, HUTCHINSON, DOMENICI, BURNS, and BINGAMAN. I would also like to thank our House companions, led by Representatives MORAN and MCINTYRE.

In addition, I would like to thank the National Rural Health Association, the Federation of American Hospitals, the National Association of Rural Health Clinics, the American Hospital Association, and the College of American Pathologists for their support of this effort.

Working together, I believe we are taking important steps toward improving access to health care in our rural communities.

Rural health care providers are often forced to operate with significantly fewer resources than larger, urban facilities. In my State of North Dakota, rural hospitals often receive only half the Medicare reimbursement of their urban counterparts. For example, a rural facility in North Dakota receives approximately $4,200 for treating pneumonia, while Our Lady of Mercy in New York city receives more than $8,500.

This funding disparity is simply unfair and has placed many rural providers on shaky ground. And in my State, if these facilities close, rural communities will be left without access to needed health care services. We simply cannot allow this to happen.

According to the Medicare Payment Advisory Commission, MedPAC, continued funding shortfalls have resulted in rural providers having much tighter Medicare margins than their urban counterparts. Today, the average rural hospital operates with a slim 4.1 percent inpatient margin, compared to 13.5 percent for urban providers.

When you look at overall Medicare margins, the situation is even more bleak, rural providers are working with an average negative 2.9 percent Medicare margin compared to 6.9 percent for urban hospitals. Our rural facilities cannot continue to provide high-quality services it they lose nearly 3 percent on every Medicare patient they serve.

To address these problems, the bill I am introducing today would take three important steps to erase inequities in the Medicare inpatient hospital payment system and provide new resources to rural health care providers.

As you know, it is nearly impossible for hospitals serving small, rural areas to take advantage of economies of scale realized by facilities located in larger communities. This problem is compounded by the fact that Medicare does not adequately account for the higher costs of serving low-volume populations. According to MedPAC, the result of these factors is that the majority of small facilities operate in the red.

To ensure our smallest rural hospitals can keep their doors open, the Rural Health Care Improvement Act would provide a new, and much needed, extra payment to hospitals serving fewer than 800 patients per year. This new low-volume adjustment payment would provide up to 25 percent in additional funding to help rural providers cover inpatient hospital services.

Second, this proposal would close the gap in payments hospitals receive for serving low-income patients. Today, hospitals are provided special payments to help cover the costs of serving the uninsured; these supplements are called disproportionate share payments, DSH. The problem is that under current law urban providers can receive unlimited DSH payments, while rural providers' add-ons are capped. There is no sound policy reason for this disparity. My bill closes this gap by allowing rural providers to also receive unlimited DSH payments.

Third, this proposal would take steps to equalize another glaring Medicare disparity with no policy justification that provides larger hospitals a base payment amount 1.6 percent higher than rural hospitals. The Rural Health Care Improvement Act would address this disparity by increasing the rural hospital base payment amount to the level urban providers receive.

I am happy to say that these improvements to Medicare's inpatient hospital reimbursement, combined with our rural health care efforts from last year, would significantly reduce the rural/urban payment gap by increasing rural providers' Medicare margins to approximately 11.8 percent. In total, these changes would place our rural hospitals on much sounder financial footing.

In addition to Medicare changes, the Rural Health Care Improvement Act would also establish three new rural health care programs.

Our legislation would allow hospitals to apply for up to $5 million to help cover the cots of repairing crumbling buildings. It is my hope these resources will help strengthen the infrastructure of our nation's rural hospitals.

In addition, our proposal would make $100,000 per facility available to help rural hospitals update or purchase new technology. Often, with limited budgets, rural hospitals cannot afford to buy quality, up-to-date medical tools. This new program ensures rural citizens have access to modern and safe health care services.

Third, our bill would provide funding to help establish Telehealth Resource Centers. Today, larger telehealth networks often work with fledgling networks to provide technical assistance. This grant program would provide new resources to support this collaboration and further expand telehealth services into the most remote, rural communities.

Finally, the Rural Health Care Improvement Act also takes important steps to strengthen rural health clinics, RHCs. Today, there are more than 3,300 RHCs nationwide that provide health care to thousands of rural residents. However, while we recognize the importance of these clinics, we also know that more than 50 percent of RHCs are being significantly underpaid for their services, according to recent data. My bill addresses this funding shortfall by increasing rural health clinic payments by 25 percent.

Thank you again to my Senate and House colleagues, as well as the organizations who worked with us, for your cooperation in developing this important health care proposal. It is my hope that this legislation will help to strengthen and sustain our nation's rural health care system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Health Care Improvement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—RURAL MEDICARE REFORMS

Sec. 101. Medicare inpatient payment adjustment for low-volume hospitals.
Sec. 102. Fairness in the medicare disproportionate share hospital (DSH) adjustment for rural hospitals.
Sec. 103. Establishing a single standardized amount under the medicare inpatient hospital PPS.
Sec. 104. Hospital geographic reclassification for labor costs for all items and services reimbursed under medicare prospective payment systems.
Sec. 105. Treatment of certain physician pathology services under medicare.
Sec. 106. One-time opportunity of critical access hospitals to return to the medicare inpatient hospital PPS.

TITLE II—RURAL GRANT AND LOAN PROGRAMS FOR INFRASTRUCTURE, TECHNOLOGY, AND TELEHEALTH

Sec. 201. Capital infrastructure revolving loan program.
Sec. 202. High technology acquisition grant and loan program.
Sec. 203. Establishment of telehealth resource centers.

TITLE III—RURAL HEALTH CLINIC IMPROVEMENTS

Sec. 301. Improvement in rural health clinic reimbursement under medicare.
Sec. 302. Exclusion of certain rural health clinic and Federally qualified health center services from the medicare PPS for skilled nursing facilities.

TITLE I—RURAL MEDICARE REFORMS

SEC. 101. MEDICARE INPATIENT PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.

Section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) is amended by adding at the end the following new paragraph:

"(12) PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.—

"(A) PAYMENT ADJUSTMENT.—

"(i) IN GENERAL.—Notwithstanding any other provision of this section, for each cost reporting period (beginning with the cost reporting period that begins in fiscal year 2002), the Secretary shall provide for an additional payment amount to each low-volume hospital (as defined in clause (iii)) for discharges occurring during that cost reporting period to increase the amount paid to such hospital under this section for such discharges by the applicable percentage increase determined under clause (ii).

"(ii) APPLICABLE PERCENTAGE INCREASE.—The Secretary shall determine a percentage increase applicable under this paragraph that ensures that—

"(I) no percentage increase in payments under this paragraph exceeds 25 percent of the amount of payment that would otherwise be made to a low-volume hospital under this section for each discharge (but for this paragraph);

"(II) low-volume hospitals that have the lowest number of discharges during a cost reporting period receive the highest percentage increase in payments due to the application of this paragraph; and

"(III) the percentage increase in payments due to the application of this paragraph is reduced as the number of discharges per cost reporting period increases.

"(iii) LOW-VOLUME HOSPITAL DEFINED.—For purposes of this paragraph, the term 'low-volume hospital' means, for a cost reporting period, a subsection (d) hospital (as defined in paragraph (1)(B)) other than a critical access hospital (as defined in section 1861(mm)(1)) that—

"(I) the Secretary determines—

"(aa) had an average of less than 800 discharges during the 3 most recent cost reporting periods for which data are available that precede the cost reporting period to which this paragraph applies; and

"(bb) is located at least 15 miles from a similar hospital; or

"(II) the Secretary deems meets the requirements of subclause (I) by reason of such factors as the Secretary determines appropriate, including the time required for an individual to travel to the nearest alternative source of appropriate inpatient care (taking into account the location of such alternative source of inpatient care and any weather or travel conditions that may affect such travel time).

"(B) Prohibiting certain reductions.—Notwithstanding subsection (e), the Secretary shall not reduce the payment amounts under this section to offset the increase in payments resulting from the application of subparagraph (A).".

SEC. 102. FAIRNESS IN THE MEDICARE DISPROPORTIONATE SHARE HOSPITAL (DSH) ADJUSTMENT FOR RURAL HOSPITALS.

(a) Equalizing DSH Payment Amounts.—

(1) In general.—Section 1886(d)(5)(F)(vii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)(vii)) is amended by inserting ", and, after October 1, 2001, for any other hospital described in clause (iv)," after "clause (iv)(I)".

(2) Conforming amendments.—Section 1886(d)(5)(F) of such Act (42 U.S.C. 1395ww(d)(5)(F)), as amended by section 211 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–483), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended—

(A) in clause (iv)—

(i) in subclause (II), by inserting "or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)" after "clause (xiii)";

(ii) in subclause (III), by inserting "or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)" after "clause (xii)";

(iii) in subclause (IV), by inserting "or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)" after "clause (x) or (xi)";

(iv) in subclause (V), by inserting "or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)" after "clause (xi)"; and

(v) in subclause (VI), by inserting "or, for discharges occurring on or after October 1, 2001, is equal to the percent determined in accordance with the applicable formula described in clause (vii)" after "clause (x)";

(B) in clause (viii), by striking "The formula" and inserting "For discharges occurring before October 1, 2001, the formula"; and

(C) in each of clauses (x), (xi), (xii), and (xiii), by striking "For purposes" and inserting "With respect to discharges occurring before October 1, 2001, for purposes".

(b) Effective Date.—The amendments made by this section shall apply with respect to discharges occurring on or after October 1, 2001.

SEC. 103. ESTABLISHING A SINGLE STANDARDIZED AMOUNT UNDER THE MEDICARE INPATIENT HOSPITAL PPS.

(a) In General.—Section 1886(d)(3)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(A)) is amended—

(1) in clause (iv), by inserting "and ending on or before September 30, 2001," after "October 1, 1995,"; and

(2) by redesignating clauses (v) and (vi) as clauses (vii) and (viii), respectively, and inserting after clause (iv) the following new clauses:

"(v) For discharges occurring in the fiscal year beginning on October 1, 2001, the average standardized amount for hospitals located in areas other than a large urban area shall be equal to the average standardized amount for hospitals located in a large urban area.

"(vi) For discharges occurring in a fiscal year beginning on or after October 1, 2002, the Secretary shall compute an average standardized amount for hospitals located in all areas within the United States equal to the average standardized amount computed under clause (v) or this clause for the previous fiscal year increased by the applicable percentage increase under subsection (b)(3)(B)(i) for the fiscal year involved.".

(b) Conforming Amendments.—

(1) Update factor.—Section 1886(b)(3)(B)(i)(XVII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XVII)) is amended by striking "for hospitals in all areas," and inserting "for hospitals located in a large urban area,".

(2) Computing DRG-specific rates.—

(A) In general.—Section 1886(d)(3)(D) of such Act (42 U.S.C. 1395ww(d)(3)(D)) is amended—

(i) in the heading, by striking "IN DIFFERENT AREAS";

(ii) in the matter preceding clause (i)—

(I) by inserting ", for fiscal years before fiscal year 1997," before "a regional DRG prospective payment rate for each region,"; and

(II) by striking "each of which is";

(iii) in clause (i)—

(I) in the matter preceding subclause (I), by inserting "for fiscal years before fiscal year 2002," before "for hospitals"; and

(II) in subclause (II), by striking "and" after the semicolon at the end;

(iv) in clause (ii)–

(I) in the matter preceding subclause (I), by inserting "for fiscal years before fiscal year 2002," before "for hospitals"; and

(II) in subclause (II), by striking the period at the end and inserting "; and"; and

(v) by adding at the end the following new clause:

"(iii) for a fiscal year beginning after fiscal year 2001, for hospitals located in all areas, to the product of—

"(I) the applicable average standardized amount (computed under subparagraph (A)), reduced under subparagraph (B), and adjusted or reduced under subparagraph (C) for the fiscal year; and

"(II) the weighting factor (determined under paragraph (4)(B)) for that diagnosis-related group.".

(B) Technical conforming sunset.—Section 1886(d)(3) of such Act (42 U.S.C. 1395ww(d)(3)) is amended in the matter preceding subparagraph (A), by inserting ", for fiscal years before fiscal year 1997," before "a regional adjusted DRG prospective payment rate".

SEC. 104. HOSPITAL GEOGRAPHIC RECLASSIFICATION FOR LABOR COSTS FOR ALL ITEMS AND SERVICES REIMBURSED UNDER MEDICARE PROSPECTIVE PAYMENT SYSTEMS.

Section 1886(d)(10)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(10)(D)), as amended by section 304(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–494), as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by adding at the end the following new clause:

"(vii)(I) Any decision of the Board to reclassify a subsection (d) hospital for purposes of the adjustment factor described in subparagraph (C)(i)(II) for fiscal year 2001 or any fiscal year thereafter shall apply for purposes of adjusting payments for variations in costs that are attributable to wages and wage-related costs for PPS-reimbursed items and services.

"(II) For purposes of subclause (I), the term 'PPS-reimbursed items and services' means, for the fiscal year for which the Board has made a decision described in such subclause, each item and service for which payment is made under this title on a prospective basis and adjusted for variations in costs that are attributable to wages or wage-related costs that is furnished by the hospital to which such decision applies, or by a provider-based entity or department of that hospital (as determined by the Secretary).".

SEC. 105. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) In General.—Section 1848(i) of the Social Security Act (42 U.S.C. 1395w–4(i)) is amended by adding at the end the following new paragraph:

"(4) Treatment of certain physician pathology services.—

"(A) In general.—With respect to services furnished on or after January 1, 2001, if an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service medicare beneficiary who is an inpatient or outpatient of a covered hospital, the Secretary shall treat such component as a service for which payment shall be made to the laboratory under this section and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) or as a hospital outpatient service for which payment is made to the hospital under section 1834(t).

"(B) Definitions.—In this paragraph:

"(i) Covered hospital.—

"(I) In general.—The term 'covered hospital' means, with respect to an inpatient or outpatient, a hospital that had an arrangement with an independent laboratory that was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to fee-for-service medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a carrier with a contract under section 1842 and not to the hospital.

"(II) Change in ownership does not affect determination.—A change in ownership with respect to a hospital on or after the date referred to in subclause (I) shall not affect the determination of whether such hospital is a covered hospital for purposes of such subclause.

"(ii) Fee-for-service medicare beneficiary.—The term 'fee-for-service medicare beneficiary' means an individual who is entitled to benefits under part A, or enrolled under this part, or both, but who is not enrolled in any of the following:

"(I) A Medicare+Choice plan under part C.

"(II) A plan offered by an eligible organization under section 1876.

"(III) A program of all-inclusive care for the elderly (PACE) under section 1894.

"(IV) A social health maintenance organization (SHMO) demonstration project established under section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203).".

(b) Conforming Amendment.—Section 542 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–550), as enacted into law by section 1(a)(6) of Public Law 106–554, is repealed.

(c) Effective Dates.—The amendments made by this section shall take effect as if included in the enactment of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–463 et seq.), as enacted into law by section 1(a)(6) of Public Law 106–554.

SEC. 106. ONE-TIME OPPORTUNITY OF CRITICAL ACCESS HOSPITALS TO RETURN TO THE MEDICARE INPATIENT HOSPITAL PPS.

(a) In General.—Notwithstanding section 1814(*l*) of the Social Security Act (42 U.S.C. 1395f(*l*)), the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall pay each critical access hospital having an application approved under subsection (b)(2) under the prospective payment system for inpatient hospital services under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) rather than under such section 1814(*l*).

(b) One-Time Application and Approval.—

(1) Application.—Not later than the date that is 6 months after the date of enactment of this Act, each eligible critical access hospital (as defined in subsection (c)) that desires to receive payment under the prospective payment system for inpatient hospital services under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) instead of receiving payment of the reasonable costs for such services under section 1814(*l*) of such Act (42 U.S.C. 1395f(*l*)) shall submit an application to the Secretary in such manner and containing such information as the Secretary may require.

(2) Approval.—Not later than the date that is 3 months after the date on which the Secretary receives the application submitted under paragraph (1), the Secretary shall approve or deny the application.

(c) Eligible Critical Access Hospital Defined.—In this section, the term "eligible critical access hospital" means a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))) that received payments under the prospective payment system for inpatient hospital services under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) prior to its designation as a critical access hospital under section 1820(c)(2) of such Act (42 U.S.C. 1395i–4(c)(2)).

TITLE II—RURAL GRANT AND LOAN PROGRAMS FOR INFRASTRUCTURE, TECHNOLOGY, AND TELEHEALTH

SEC. 201. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM.

(a) In General.—Part A of title XVI of the Public Health Service Act (42 U.S.C. 300q et seq.) is amended by adding at the end the following new section:

"CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM

"Sec. 1603. (a) Authority To Make and Guarantee Loans.—

"(1) Authority to make loans.—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

"(A) the acquisition of land necessary for the capital improvements;

"(B) the renovation or modernization of any building;

"(C) the acquisition or repair of fixed or major movable equipment; and

"(D) such other project expenses as the Secretary determines appropriate.

"(2) Authority to guarantee loans.—

"(A) In general.—The Secretary may guarantee the payment of principal and interest for loans made to rural entities for projects for any capital improvement described in paragraph (1) to any non-Federal lender.

"(B) Interest subsidies.—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan and for and on behalf of the project for which the loan was made, amounts sufficient to reduce by not more than 3 percent of the net effective interest rate otherwise payable on such loan.

"(b) Amount of Loan.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed $5,000,000.

"(c) Funding Limitations.—

"(1) Government credit subsidy exposure.—The total of the Government credit subsidy exposure under the Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed $50,000,000 per year.

"(2) Total amounts.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed $250,000,000 per year.

"(d) Capital Assessment and Planning Grants.—

"(1) Nonrepayable grants.—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed $50,000, for purposes of capital assessment and business planning.

"(2) Limitation.—The cumulative total of grants awarded under this subsection may not exceed $2,500,000 per year.

"(e) Termination of Authority.—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2006.".

(b) Rural Entity Defined.—Section 1624 of the Public Health Service Act (42 U.S.C. 300s–3) is amended by adding at the end the following new paragraph:

"(15)(A) The term 'rural entity' includes—

"(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

"(ii) any medical facility with at least 1, but less than 50 beds that is located in—

"(I) a county that is not part of a metropolitan statistical area; or

"(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725));

"(iii) a hospital that is classified as a rural, regional, or national referral center under section 1886(d)(5)(C) of the Social Security Act; and

"(iv) a hospital that is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

"(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the medicare program under title XVIII of the Social Security Act shall not preclude a hospital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).".

(c) Conforming Amendments.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(1) in subsection (b)(2)(D), by inserting "or 1603(a)(2)(B)" after "1601(a)(2)(B)"; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking "section 1601(a)(2)(B)" and inserting "sections 1601(a)(2)(B) and 1603(a)(2)(B)"; and

(B) in paragraph (2)(A), by inserting "or 1603(a)(2)(B)" after "1601(a)(2)(B)".

SEC. 202. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 1501 of the Children's Health Act of 2000 (Public Law 106–310; 114 Stat. 1146), is amended by adding at the end the following section:

"SEC. 330I. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM.

"(a) Establishment of Program.—The Secretary, acting through the Director of the Office of Rural Health Policy of the Health Resources and Services Administration, shall establish a high technology acquisition grant and loan program for the purpose of—

"(1) improving the quality of health care in rural areas through the acquisition of advanced medical technology;

"(2) fostering the development of the networks described in section 330A;

"(3) promoting resource sharing between urban and rural facilities; and

"(4) improving patient safety and outcomes through the acquisition of high technology, including software, information services, and staff training.

"(b) Grants and Loans.—Under the program established under subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants and make loans to any eligible entity (as defined in subsection (d)(1)) for any costs incurred by the eligible entity in acquiring eligible equipment and services (as defined in subsection (d)(2)).

"(c) Limitations.—

"(1) In general.—Subject to paragraph (2), the total amount of grants and loans made under this section to an eligible entity may not exceed $100,000.

"(2) Federal sharing.—

"(A) Grants.—The amount of any grant awarded under this section may not exceed 70 percent of the costs to the eligible entity in acquiring eligible equipment and services.

"(B) Loans.—The amount of any loan made under this section may not exceed 90 percent of the costs to the eligible entity in acquiring eligible equipment and services.

"(d) Definitions.—In this section:

"(1) Eligible entity.—The term 'eligible entity' means a hospital, health center, or any other entity that the Secretary determines is appropriate that is located in a rural area or region.

"(2) Eligible equipment and services.—The term 'eligible equipment and services' includes—

"(A) unit dose distribution systems;

"(B) software, information services, and staff training;

"(C) wireless devices to transmit medical orders;

"(D) clinical health care informatics systems, including bar code systems designed to avoid medication errors and patient tracking systems;

"(E) telemedicine technology; and

"(F) any other technology that improves the quality of health care provided in rural areas including systems to improve privacy and address administrative simplification needs.

"(e) Authorization of Appropriations.—For the purpose of carrying out this section there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2007.".

SEC. 203. ESTABLISHMENT OF TELEHEALTH RESOURCE CENTERS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.), as amended by section 202, is amended by adding at the end the following:

"SEC. 330J. TELEHEALTH RESOURCE CENTERS.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Director of the Office for the Advancement of Telehealth of the Health Resources and Services Administration, shall award grants to eligible entities to establish telehealth resource centers in accordance with this section.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or nonprofit private entity.

"(2) TELEHEALTH.—The term 'telehealth' means the use of electronic information and telecommunications technologies to support long-distance clinical health care, patient and professional health-related education, public health, and health administration.

"(c) AMOUNT.—Each entity that receives a grant under subsection (a) shall receive an amount not to exceed $1,500,000.

"(d) EQUITABLE DISTRIBUTION.—In awarding grants under subsection (a), the Secretary shall ensure, to the greatest extent possible, that such grants are equitably distributed among the geographical regions of the United States.

"(e) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to eligible entities that have a demonstrated record of providing or supporting the provision of health care services for populations in rural areas.

"(f) USE OF FUNDS.—An entity that receives a grant under subsection (a) shall use funds from such grant to establish a telehealth resource center that shall—

"(1) provide technical assistance, training, and support to health care providers and a range of health care entities that provide or will provide telehealth services for a medically underserved community, including hospitals, ambulatory care entities, long-term care facilities, public health clinics, and schools;

"(2) provide for the dissemination of information and research findings related to the use of telehealth technologies;

"(3) provide for the dissemination of information regarding the latest developments in health care;

"(4) conduct evaluations to determine the best application of telehealth technologies to meet the health care needs of the medically underserved community;

"(5) promote the integration of clinical information systems with other telehealth technologies;

"(6) foster the use of telehealth technologies to provide health care information and education for health care professionals and consumers in a more effective manner; and

"(7) provide timely and appropriate evaluations to the Office for the Advancement of Telehealth on lessons learned and best telehealth practices in any areas served.

"(g) COLLABORATION.—In providing the services described in subsection (f)(5), such entity shall collaborate, if feasible, with private and public organizations and centers or programs that receive Federal assistance and provide telehealth services.

"(h) APPLICATION.—An entity that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the manner in which the entity shall establish and administer a telehealth resource center to meet the requirements of this subsection; and

"(2) a description of the manner in which the activities carried out by such center will meet the health care needs of individuals in rural communities.

"(i) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report on each activity funded with a grant under this section.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) for fiscal year 2002, $30,000,000; and

"(2) for fiscal years 2003 through 2008, such sums as may be necessary.".

TITLE III—RURAL HEALTH CLINIC IMPROVEMENTS

SEC. 301. IMPROVEMENT IN RURAL HEALTH CLINIC REIMBURSEMENT UNDER MEDICARE.

Section 1833(f) of the Social Security Act (42 U.S.C. 1395*l*(f)) is amended—

(1) in paragraph (1), by striking ", and" at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) by striking "in a subsequent year" and inserting "in 1989 through 2001"; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) in 2002, at $79 per visit; and

"(4) in a subsequent year, at the limit established under this subsection for the previous year increased by the percentage increase in the MEI (as so defined) applicable to primary care services (as so defined) furnished as of the first day of that year.".

SEC. 302. EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES FROM THE MEDICARE PPS FOR SKILLED NURSING FACILITIES.

(a) IN GENERAL.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (2)(A)(i)(II), by striking "clauses (ii) and (iii)" and inserting "clauses (ii), (iii), and (iv)"; and

(2) by adding at the end of paragraph (2)(A) the following new clause:

"(iv) EXCLUSION OF CERTAIN RURAL HEALTH CLINIC AND FEDERALLY QUALIFIED HEALTH CENTER SERVICES.—Services described in this clause are—

"(I) rural health clinic services (as defined in paragraph (1) of section 1861(aa)); and

"(II) Federally qualified health center services (as defined in paragraph (3) of such section);

that would be described in clause (ii) if such services were not furnished by an individual affiliated with a rural health clinic or a Federally qualified health center.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 2002.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Rural Health Care Improvement Act of 2001 with Senator CONRAD and fellow Senate Rural Health Caucus members Senators ROBERTS, JOHNSON, HELMS, DORGAN, DOMENICI, DASCHLE, CRAPO, BINGAMAN, BOND, LINCOLN, COCHRAN, WELLSTONE, BURNS, ROCKEFELLER, HUTCHINSON, EDWARDS, HARKIN, and JEFFORDS. As always, it is important to note that rural health care legislation has a long history of bipartisan collaboration and cooperation.

I want to thank the National Rural Health Association, the Federation of American Hospitals, the National Association of Rural Health Clinics, the American Hospital Association and the College of American Pathologists for their work and support in this effort.

The Rural Health Care Improvement Act of 2001 will go a long way in addressing current inequities in the Medicare payment system that continually place rural providers at a disadvantage. This legislation recognizes the unique needs of rural hospitals and levels the playing field between rural and urban providers.

First, the bill equalizes Medicare Disproportionate Share Hospital, DSH, payments. These add-on payments help hospitals cover the costs of serving a high proportion of low-income and uninsured patients. While urban facilities can receive unlimited add-ons corresponding with the amount of these types of patients served, rural add-on payments are capped at 5.25 percent. The "Rural Health Care Improvement Act of 2001" eliminates the rural hospital cap, bringing their payments in line with the benefits urban facilities receive.

Second, this legislation closes the gap between urban and rural "standardized payment" levels. Inpatient hospital payments are calculated by multiplying several different factors, including a standardized payment amount. Under current law, hospitals located in cities with a population over 1 million receive a base payment amount 1.3 percent higher than those serving smaller populations, $4,130 vs. $4,197. This disparity is corrected in our bill by bringing the rural base payment up to the urban payment level.

Third, the bill recognizes that low-volume hospitals have a higher cost per case, which results in negative operating margins. To address this problem, the Rural Health Care Improvement Act of 2001 establishes a low-volume inpatient payment adjustment for hospitals that have less than 800 annual discharges per year and are located more than 15 miles from another hospital. This provision will improve payments for approximately 900 rural facilities nationwide, which is just over one-third of all rural hospitals.

In addition to these Medicare payment reforms, this legislation strengthens the over 3,000 rural health clinics that serve many rural Americans. Under current law, rural health clinics receive an all-inclusive payment rate that is capped at approximately $63. This payment has not been adjusted, except for inflation, since 1988. To recognize the rising costs of health care this bill raises the rural health clinic cap to $79.

Certain provider services, such as those offered by physicians, nurse practitioners, physician assistants, and qualified psychologists are excluded from the consolidated payments made to skilled nursing facilities, SNFs, under the prospective payment system. However, the same services provided to SNFs by physicians and other providers employed by rural health clinics and federally qualified health centers are not excluded from the consolidated SNF payment. This bill includes a provision that ensures skilled nursing services, offered by rural health clinic and qualified health center providers, will receive the same payment treatment as services offered by providers employed in other settings.

It is time for the Federal Government to recognize that the "one payment system does not fit all." Rural providers care for patients under different circumstances than their urban counterparts and the Rural Health Care Improvement Act of 2001 ensures that rural hospitals, rural health clinics and qualified health centers are paid accurately and fairly. I strongly encourage all my colleagues with an interest in rural health to cosponsor this legislation.

Mr. BURNS. Mr. President, I rise today to detail my support of the Rural Health Care Improvement Act of 2001, which was introduced today by Senator CONRAD and is cosponsored by myself and a number of my colleagues from rural States across this Nation.

The Rural Health Care Improvement Act of 2001 will increase payments for low-volume hospitals, equalize Medicare Disproportionate Share, DSH, payments, close the gap between urban and rural "standardized payment" levels, streamline wage index re-classification, ensure rural communities access to independent lab services, provide grant and loan programs for infrastructure and technology improvement projects, and strengthen rural health clinics.

Those of us from rural and frontier areas recognize that rural health care is in a state of crisis. Through mismanagement of Medicare reimbursement policies and an unwillingness to truly evaluate the obstacles inherent in providing quality health care in rural areas, we have allowed rural health care to reach the brink of complete breakdown. The Rural Health Care Improvement Act of 2001 will go a long way towards rectifying this dire situation.

The investments through the Rural Health Care Improvement Act of 2001 will address the kernel problem of health care in America. Next week the Senate will engage in a healthy debate about patients' rights legislation and it is likely that Congress will tackle Medicare reform within the near future as well. These arguments will be academic for many of my constituents if rural hospitals, clinics, and other providers across my State can no longer afford to serve their communities.

By passing the Rural Health Care Improvement Act of 2001, we can defuse the time bomb which is rural America's health care crisis. I urge each of my colleagues to consider this legislation carefully and hope for its prompt passage.

By Mr. FRIST (for himself, Mr. KERRY, Mr. HELMS, Mr. LEAHY, Mr. DURBIN, and Mr. CHAFEE):

S. 1032. A bill to expand assistance to countries seriously affected by HIV/AIDS, malaria, and tuberculosis; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, I have spoken several times over the last few months on what many consider to be the most pressing moral, humanitarian and public health crisis of modern times, the worldwide epidemic of HIV/AIDS. I have previously gone into great detail about the impact of the disease on families, communities, economies, and regional stability.

Sometimes we feel overwhelmed by the enormity of insolvable problems. We become inured to the tragedy, and look for problems we can more easily solve. But we must not turn away from the world-wide devastation of HIV/AIDS. Just consider this: right now, 36 million people are infected with HIV/AIDS a fatal infectious disease, mostly in developing countries. That number is more than the total combined populations of Virginia, Massachusetts, Tennessee, Maryland, Kentucky, Connecticut, New Mexico, Vermont and Nebraska. As of today, AIDS have orphaned 13 million children, more than the entire population of Illinois.

Compounding this burden, over 8 million people acquire tuberculosis each year, and 500 million more get malaria, both diseases that disproportionately affect the poorest countries. Frequently forgotten, malaria still kills a child every 40 seconds. Remember the horrific links between HIV/AIDS, TB and malaria. If you have AIDS you are much more likely to contract TB, and TB has become the greatest killer of those with AIDS. Similarly, if a person with HIV/AIDS contracts malaria, that person is more likely to die. And infectious diseases such as these cause 25 percent of all the deaths in the world today. But as Americans, we have many reasons to be proud of our response to the challenges.

The U.S. has been a leader in the global battles against AIDS, malaria and TB. This year, we are spending over $460 million on international AIDS assistance alone, not including research. This is approximately half of all the funds being spent on HIV/AIDS from all sources worldwide. In addition, we spend over $250 million on international TB and malaria programs. But we, and the rest of the world, must do more. The U.N. estimates that for basic HIV/AIDS prevention, treatment and care programs in Africa alone, over $3 billion will be required, and at least $5 billion needed if specific anti-AIDS drugs are more widely used.

In Abuja, Nigeria, on April 26, U.N. Secretary General Kofi Annan called for a global "war chest" to combat HIV/AIDS, malaria and TB. Few thought that his call would so quickly be answered.

On May 11, just 2 weeks later, Senator LEAHY and I joined Secretary General Kofi Annan and Nigerian President Obasanjo as President Bush announced his intent to contribute $200 million as seed money for a new global fund designed to provide grants for prevention, infrastructure development, care and treatment for AIDS, malaria and TB. And this is to be over and above our already substantial bilateral commitments.

Uniquely, it will be financed jointly by governments and the private sector, and will focus on integrated approaches to turning back, and eventually conquering these scourges. While emphasizing prevention, this new initiative will also seek to develop health infrastructures so necessary to deliver services. Importantly, it will also support science-based care and treatment programs, including provision of drugs, and support for those, such as orphans, who are affected by disease, not just infected by it.

And because of recent action by the pharmaceutical companies to slash prices of AIDS drugs in Africa, for the first time in history, the drugs that revolutionized AIDS care and treatment in the U.S. can become part of a comprehensive prevention and care strategy in many more countries. This global fund is a new idea, it isn't a U.S. fund, or a U.N. fund, or a World Bank fund. However, it builds on last year's landmark work and legislation spearheaded by Congressman JIM LEACH, Congresswoman BARBARA LEE, and Senator JOHN KERRY to establish a multilateral funding mechanism for HIV/AIDS.

A key component of the Global Fund will be the full participation of the private sector, including business, NGOs, foundations and individual citizens. The problem is so large that governments cannot do the work alone. Nongovernmental organizations, both faith-based and secular will be critical in the delivery of prevention and care services and to quickly converting good intentions into practical programs on the ground. And use of the funds will be closely monitored to ensure that good public health and science drive the programs and intellectual property rights are protected.

The legislation Senators KERRY, HELMS, LEAHY, DURBIN, and I are introducing today authorizes $200 million for fiscal year 2002, and $500 million for fiscal year 2003 to be appropriated for payment to the global trust fund. It will not substitute for, or reduce, resource levels otherwise appropriated for our excellent bilateral and multilateral HIV/AIDS, malaria and TB programs. This will be money well spent, it will save lives, and just as important, it will provide hope to the millions of people around the world who can do so much if given the prospect of a healthy future for themselves and their children.

Since the President was the first to announce our participation in the Global Fund for HIV/AIDS and Other Infectious Diseases, others have stepped up. France announced an initial contribution of $128 million, the United Kingdom has promised $106 million, and Japan is considering a significant commitment in the near future. Of particular interest, Winterthur-Credit Swisse has just announced a $1 million contribution, and others in the global business community are expected to follow. Other companies and foundations are considering financial or in-kind contributions.

Kofi Annan himself has offered $100,000 of his own money for the fund. I have also been told by U.N. Staff in New York that they have received many calls from private citizens asking how they can contribute. One gentleman from Virginia wants to send a check for $600. I have been assured that he and others like him will not have long to wait. A tax-exempt account for donations and toll-free number for information are being created as I speak. I understand that negotiations are underway with United Way to see if it can use its vast outreach to encourage donations. This is terrific news.

Every American, and others throughout the world, should join this fight against the diseases that have too long threatened our children, destroyed families, and undermined economic development of dozens of nations. This is not just government's fight. It is all of our responsibility to conquer HIV/AIDS, malaria and TB and consign them to the waste-bin of history.

Last week I had the opportunity of meeting with a remarkable woman from Atlanta who contracted HIV/AIDS at age 16. Denise Stokes has struggled with the virus for 15 years. She described what it was like spending time in hospital intensive care units and what it was like to not have access to available drugs. She prayed that some day there would be a cure and watched, from the depth of her illness, as policymakers seemed unable to grapple with the public health and personal tragedy that was AIDS. She is now sharing her experiences with churches, college students, community and professional organizations—challenging us to follow her example—to embrace our moral obligation to reach out beyond our selves, our communities and beyond our own country borders to fully battle the infectious diseases that are destroying so many lives on our planet. Denise Stokes' message is one of rising to a challenge, and bringing hope to the sick and their loved ones. All America must rise to this historic challenge and join in sending a message of hope.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mrs. BOXER, Mrs. CLINTON, Mr. DURBIN, Mr. CORZINE, Mr. WELLSTONE, Mr. BAYH, and Mr. CHAFEE):

S. 1033. A bill to amend the Federal Water Pollution Control Act to protect ⅕ of the world's fresh water supply by directing the Administrator of the Environmental Protection Agency to conduct a study on the known and potential environmental effects of oil and gas drilling on land beneath the water in the Great Lakes, and for other purposes, to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DURBIN, Mr. DAYTON, Mr. WELLSTONE, Mr. DEWINE, Mr. VOINOVICH, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1034. A bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to require the Secretary of Transportation to promulgate and review regulations to ensure, to the maximum extent practicable, that vessels entering the Great Lakes do not spread nonindigenous aquatic species, to require treatment of ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. KOHL, Mr. FEINGOLD, Mr. DAYTON, Mr. SCHUMER, Mr. BAYH, and Mrs. CLINTON):

S. 1035. A bill to establish programs to protect the resources of and areas surrounding the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. STABENOW. Mr. President, I rise today to introduce three bills called the Great Lakes Initiative which are designed to protect the five Great Lakes.

The Great Lakes are one of our Nation's most precious natural resources. They contain one-fifth of the world's fresh water supply and provide safe drinking water to millions of people every day.

The Great Lakes also play a vital role in the economies of the Great Lakes States, including recreation, tourism, commercial shipping, industrial and agriculture. That is why I am introducing legislation today to protect this vital resource for the use, benefit, and enjoyment of present and future generations of Americans.

Three bills make up this new Great Lakes Initiative: (1) the Great Lakes Water Protection Act; (2) the Great Lakes Ecology Protection Act; and (3) the Great Lakes Preservation Act.

The first bill, the Great Lakes Water Protection Act, would protect the Great Lakes from environmentally dangerous oil and gas drilling. I am pleased that this bill has strong bipartisan support in both the House and the Senate, with Senators FITZGERALD, LEVIN, CHAFEE, KOHL, FEINGOLD, DAYTON, CLINTON, DURBIN, WELLSTONE, BAYH, CORZINE, and BOXER as original cosponsors.

The Great Lakes support many fragile coastlines and wetlands. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake. These shorelines are also home to many rare and endangered plant and wildlife species, including the rare piping plover, Michigan monkey flower, Pitcher's thistle, and the dwarf lake iris.

The Great Lakes also play a vital role in the economies of the Great Lakes States. In particular, coastal communities rely heavily on the Great Lake's resources and natural beauty to support tourism and recreation activities. The most recent estimate shows that recreational fishing totaled $1.5 billion in expenditures in Michigan alone.

Drilling in the Great Lakes could expose our valuable fresh water supply to serious contamination, cause serious environmental damage to the water and shoreline of the Great Lakes, and have crippling effects on Great Lakes communities that depend on tourism and recreation for their local economies. The Great Lakes Water Protection Act would prohibit new oil and gas drilling in the Great Lakes.

During the ban, the Environmental Protection Agency and National Academy of Sciences would conduct a two-year study examining the impacts on drilling on the environment, public health, the water supply, and local economies. Once the study is completed, Congress can analyze the results of the study and lift the ban on oil and gas drilling if it deems appropriate.

This bill would also provide $50 million per year for park and shoreline conservation to the Great Lakes States to offset any lost oil royalty revenues during the ban on drilling.

The second bill, Great Lakes Ecology Protection Act, seeks to curb the influx of invasive species into the Great Lakes. I am pleased that this bill also has strong bipartisan support with Senators FITZGERALD, LEVIN, VOINOVICH, KOHL, FEINGOLD, DURBIN, DEWINE, DAYTON, WELLSTONE, SCHUMER, and BAYH as original cosponsors. The bill would try to stop the importation of invasive species by prohibiting ballast water discharges in the Great Lakes and requiring sophisticated sterilization of ballast water tanks as well. This is based on a bipartisan bill in the House introduced by Congressman HOEKSTRA and Congressman BARCIA.

Invasive species have already damaged the Great Lakes in a number of ways. They have destroyed thousands of fish and threatened clean drinking water.

For example, Lake Michigan once housed the largest self-reproducing lake trout fishery in the entire world. The invasive sea lamprey, which was introduced from ballast water almost 80 years ago, has contributed greatly to the decline of trout and whitefish in the Great Lakes by feeding on and killing native trout species.

Today, lake trout must be stocked because they cannot naturally reproduce in the lake. Many Great Lakes States have had to place severe restrictions on catching yellow perch because invasive species such as the zebra mussel disrupt the Great Lakes' ecosystem and compete with yellow perch for food. The zebra mussel's filtration also increases water clarity, which may be making it easier for predators to prey upon the yellow perch. Moreover, tiny organisms like zooplankton that help form the base of the Great Lakes food chain, have declined due to consumption by exploding populations of zebra mussels.

The Great Lakes Ecology Protection Act would ban ballast water discharges in the Great Lakes. The bill would require ships to discharge ballast water and sterilize the ballast water tanks before entering the Great Lakes to prevent the introduction of any non-indigenous species. The act also would significantly increase funding for invasive species research and ballast water technology, by providing $100 million in research grants over the next five years.

The research grants would encourage collaboration between the colleges and universities, and the shipping industry to help develop new and better ballast water purification technologies.

The third bill, the Great Lakes Preservation Act, would ban dangerous bulk water diversions while the Great Lakes Compact makes recommendations on how specifically to implement appropriate governing standards. This bill also has strong bipartisan support with Senators FITZGERALD, LEVIN, KOHL, FEINGOLD, DAYTON, SCHUMER, and BAYH as original co-sponsors.

Bulk water diversion could become a serious threat to the fresh water supplies of the Great Lakes in the future. We must stop this in our countries and negotiate with Canada to do the same.

Global water demand is doubling every 21 years, while only 1 percent of the water in the Great Lakes is renewed each year by precipitation or runoff. At the same time, scientists predict that by the end of the century, Great Lakes water levels could decline by 1.5 to 8 feet due to increased evaporation; and within the next three decades we may see a decline by as much as 3 feet. This of course is in addition to the historic fluctuations in lake levels that can vary by as much as 6.5 feet.

The bill also would help provide new funding sources to preserve and restore historic Great Lakes lighthouses. Great Lakes lighthouses have helped mariners navigate the Great Lakes and find safe harbors for decades, and are an important part of the maritime history of the Great Lakes. Many of these lighthouses have historical or architectural significance, but are unfortunately in poor condition because of neglect and deterioration.

The Act would help find new funding sources to preserve the lighthouses by directing the National Park Service to Study the Great Lakes lighthouses and recommend the best course of action for preserving and restoring the lighthouses.

The Great Lakes are a precious natural resource not just to their neighboring States, but to the entire country. I urge my Senate colleagues to join me and protect this vital resource for the use, benefit, and enjoyment of present and future generations of Americans.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Water Protection Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes contain ⅕ of the world's fresh water supply;

(2) the Great Lakes basin is home to over 33,000,000 people and is a vital source of safe drinking water for millions of people;

(3) the Great Lakes support many wetlands, sand dunes, and other fragile coastal habitats;

(4) those coastal habitats are home to many endangered and threatened wildlife and plant species, including the piping plover, Pitcher's thistle, and the dwarf lake iris;

(5) the Great Lakes are crucial to the economies of the Great Lakes States for recreation, commercial shipping, and industrial and agriculture uses; and

(6) oil and gas development beneath the water in any of the Great Lakes could—

(A) expose a valuable fresh water supply of the United States to serious contamination; and

(B) cause serious environmental damage to the water and shoreline of the Great Lakes.

SEC. 3. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE GREAT LAKES.

The Federal Water Pollution Control Act is amended by inserting after section 108 (33 U.S.C. 1258) the following:

"SEC. 108A. EFFECTS OF OIL AND GAS DEVELOPMENT ON THE GREAT LAKES.

"(a) DEFINITIONS.—In this section:

"(1) ACADEMY.—The term 'Academy' means the National Academy of Sciences.

"(2) DRILLING ACTIVITY.—

"(A) IN GENERAL.—The term 'drilling activity' means any drilling to extract oil or gas from land beneath the water in any of the Great Lakes.

"(B) INCLUSIONS.—The term 'drilling activity' includes—

"(i) directional drilling (also known as 'slant drilling'); and

"(ii) offshore drilling.

"(3) GREAT LAKE.—The term 'Great Lake' means—

"(A) Lake Erie;

"(B) Lake Huron (including Lake Saint Clair);

"(C) Lake Michigan;

"(D) Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude); and

"(E) Lake Superior.

"(4) GREAT LAKES STATE.—The term 'Great Lakes State' means each of the States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

"(b) INCENTIVES TO PREVENT DRILLING ACTIVITY.—

"(1) IN GENERAL.—To be eligible to receive an incentive grant under paragraph (2), a grant under section 601(a), or a grant under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), a Great Lakes State shall not issue any oil or gas permit or lease for drilling activity.

"(2) INCENTIVE GRANTS.—

"(A) IN GENERAL.—For each fiscal year or portion of a fiscal year in which paragraph (1) is in effect, the Secretary of the Interior shall make grants to Great Lakes States.

"(B) USE OF GRANTS.—A Great Lakes State shall use a grant under this paragraph to carry out conservation activities in the State, including activities to conserve parkland and protect shores.

"(C) AMOUNT OF GRANTS.—For each fiscal year or portion of a fiscal year, the amount of a grant to a Great Lakes State under subparagraph (A) shall be equal to the product obtained by multiplying—

"(i) the amount available for grants under this paragraph for the fiscal year or portion of a fiscal year; and

"(ii) the ratio that—

"(I) the amount of funds that the Great Lakes State would have received, but for paragraph (1), from the sale of oil and gas from the Great Lakes during the fiscal year; bears to

"(II) the amount of funds that all Great Lakes States would have received, but for paragraph (1), from the sale of oil and gas from the Great Lakes during the fiscal year.

"(D) MAXIMUM AMOUNT OF GRANTS.—For each fiscal year, the Secretary of the Interior may make grants under this paragraph in an aggregate amount not to exceed $50,000,000.

"(c) STUDY.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall conduct a study to examine the known and potential environmental effects of drilling activity, including any effects on—

"(A) water quality (including the quality of drinking water);

"(B) the sediments and shorelines of the Great Lakes;

"(C) fish and other aquatic species, plants, and wildlife that are dependent on Great Lakes resources;

"(D) competing uses of water and shoreline areas of the Great Lakes; and

"(E) public health of local communities.

"(2) CONSULTATION.—In designing and conducting the study, the Administrator shall consult with—

"(A) the Secretary of Energy;

"(B) the Administrator of the National Oceanic and Atmospheric Administration;

"(C) the Chief of Engineers;

"(D) the Great Lakes States; and

"(E) as appropriate, representatives of environmental, industry, academic, scientific, public health, and other relevant organizations.

"(3) INDEPENDENT REVIEW.—Not later than 180 days after the date of enactment of this section, the Administrator shall enter into an agreement with the Academy under which the Administrator shall submit to the Academy, and the Academy shall review, the results of the study.

"(4) REPORT.—Not later than 1 year after the date of submission to the Academy of the study under paragraph (3), the Academy shall submit to the Administrator and Congress—

"(A) the study; and

"(B) a report that describes the results of the review by the Academy (including any recommendations concerning the results of the study).

"(5) ACTION BY CONGRESS.—It is the sense of Congress that, after receiving the study and report under paragraph (4), Congress should—

"(A) review the study and report;

"(B) conduct hearings concerning the impact of drilling activity; and

"(C) determine whether to eliminate the condition under subsection (b)(1).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

S. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Ecology Protection Act".

SEC. 2. BALLAST WATER TREATMENT REGULATIONS.

(a) IN GENERAL.—Section 1101(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4711(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by striking "(3) ADDITIONAL REGULATIONS.—In addition" and inserting the following:

"(3) REGULATIONS CONCERNING AQUATIC NUISANCE SPECIES.—

"(A) IN GENERAL.—The Secretary of Transportation shall, in consultation with the Secretary of the Interior, the Secretary of Commerce, the Secretary of Defense, the Administrator of the Environmental Protection Agency, the Governors of States that border the Great Lakes, and in accordance with this paragraph, promulgate and review regulations to prevent, to the maximum extent practicable, the introduction and spread of aquatic nuisance species in the Great Lakes.

"(B) CONTENTS OF REGULATIONS.—The regulations promulgated under subparagraph (A)—

"(i) shall apply to all vessels capable of discharging ballast water (including vessels equipped with ballast water tank systems or other water tank systems) that enter the Great Lakes after operating on water outside of the Exclusive Economic Zone;

"(ii) shall ensure, to the maximum extent practicable, that ballast water containing aquatic nuisance species is not discharged into the Great Lakes (including by establishing the standard described in clause (iii));

"(iii) shall include a ballast water treatment standard for vessels that elect to carry out ballast water management or treatment that, at a minimum, requires—

"(I) a demonstrated 95 percent volumetric exchange of ballast water; or

"(II) a ballast treatment that destroys not less than 95 percent of all animal fauna in a standard ballast water intake, as approved by the Secretary;

"(iv) shall protect the safety of each vessel (including crew and passengers);

"(v) shall include requirements on new vessel construction to ensure that vessels entering service after January 1, 2005, minimize the transfer of organisms;

"(vi) shall require vessels to carry out any discharge or exchange of ballast water within the Great Lakes only in compliance with the regulations;

"(vii) shall be promulgated after taking into consideration a range of vessel operating conditions, from normal to extreme;

"(viii) shall—

"(I) ensure that technologies and practices implemented under this section are environmentally sound treatment methods for ballast water and ballast sediments that prevent and control infestations of aquatic nuisance species; and

"(II) include a detailed timetable for—

"(aa) the implementation of treatment methods determined to be technologically available and cost-effective at the time of the publication of the notice of proposed rulemaking; and

"(bb) the development, testing, evaluation, approval, and implementation of additional technologically innovative treatment methods;

"(ix) shall provide for certification by the master of each vessel entering the Great Lakes that the vessel is in compliance with the regulations;

"(x) shall ensure compliance with the regulations, to the maximum extent practicable, through—

"(I) sampling or monitoring procedures;

"(II) the inspection of records;

"(III) the imposition of sanctions in accordance with subsection (g)(1); and

"(IV) the certification of ballast water treatment vendors and vessel vendors;

"(xi) shall be based on the best scientific information available;

"(xii) shall not supersede or adversely affect any requirement or prohibition pertaining to the discharge of ballast water into water of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

"(xiii) shall include such other requirements as the Secretary of Transportation considers appropriate.

"(C) REGULATORY SCHEDULE.—

"(i) NOTICE OF PROPOSED RULEMAKING.—

"(I) IN GENERAL.—Not later than 120 days after the date of enactment of the Great Lakes Ecology Protection Act, the Secretary of Transportation shall publish, in the Federal Register and through other means designed to reach persons likely to be subject to or affected by the regulations (including publication in local newspapers and by electronic means), a notice of proposed rulemaking concerning the regulations proposed to be promulgated under this paragraph.

"(II) FINAL REGULATIONS.—The Secretary of Transportation shall promulgate final regulations under this paragraph—

"(aa) with respect to the implementation of treatment methods described in subparagraph (B)(vii)(II)(aa), not later than 270 days after the date of enactment of the Great Lakes Ecology Protection Act; and

"(bb) with respect to the additional technologically innovative treatment methods described in subparagraph (B)(vii)(II)(bb), not later than the earlier of—

"(AA) the date established by the timetable under subparagraph (B)(vii)(II) for implementation of those methods; or

"(BB) 720 days after the date of enactment of the Great Lakes Ecology Protection Act.

"(III) REVIEW AND REVISION OF REGULATIONS.—Not later than 3 years after the date on which final regulations are promulgated under this subparagraph, and every 3 years thereafter, the Secretary shall review and revise as necessary, the regulations—

"(aa) to improve the effectiveness of the regulations; and

"(bb) to incorporate better management practices and ballast water treatment standards and methods.

"(IV) PUBLIC PARTICIPATION.—The Secretary of Transportation shall—

"(aa) provide not less than 120 days for public comment on the proposed regulations; and

"(bb) provide for an effective date that is not less than 30 days after the date of publication of the final regulations.

"(4) ADDITIONAL REGULATIONS.—In addition".

(b) DEFINITION OF TREATMENT METHOD.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by redesignating paragraphs (13), (14), (15), (16), and (17) as paragraphs (14), (15), (16), (17), and (18), respectively; and

(2) by inserting after paragraph (12) the following:

"(13) 'treatment method' means a method for treatment of the contents of a ballast water tank (including the sediments within the tank) to remove or destroy nonindigenous organisms through—

"(A) filtration;

"(B) the application of biocides or ultraviolet light;

"(C) thermal methods; or

"(D) other treatment techniques that meet applicable ballast water treatment standards, as approved by the Secretary;".

SEC. 3. INVASIVE SPECIES AND BALLAST WATER TECHNOLOGIES RESEARCH GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, is authorized to award Invasive Species and Ballast Water Technologies Research Grants.

(b) USE OF FUNDS.—Grants awarded under subsection (a) may be used to—

(1) study the impact of invasive species on the environment of the Great Lakes region; and

(2) develop technologies and treatment methods, including ballast water tank technology, designed to destroy or remove invasive species.

(c) ELIGIBLE RECIPIENTS.—

(1) IN GENERAL.—The Secretary may award grants under subsection (a) to any post-secondary educational institution in the United States.

(2) SPECIAL CONSIDERATION FOR INSTITUTIONS COLLABORATING WITH INDUSTRY.—In awarding grants under subsection (a), the Secretary shall give special consideration to post-secondary educational institutions that work collaboratively with members of the United States shipping industry to carry out an activity for which grant funds may be used under subsection (b).

(d) AVAILABILITY AND MARKETING OF TECHNOLOGY.—In awarding grants under subsection (a), the Secretary shall ensure that to the greatest extent practicable, technologies and treatments developed as the result of a grant awarded under subsection (a) are made commercially available.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section **$100,000,000** for the period of fiscal year 2002 through fiscal year 2006.

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Lakes Preservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Lakes are precious public natural resources, and are renewable but finite bodies of water that should be protected, conserved, and managed for the use, benefit, and enjoyment of all present and future generations of people of the United States;

(2) the Great Lakes are crucial to the economies of the Great Lakes States for recreation, commercial shipping, industrial, and agricultural uses;

(3) the Great Lakes contain ⅕ of the world's fresh water supply and are a vital source of safe drinking water for millions of people;

(4) the Great Lakes Charter of 1985 is a voluntary international agreement that provides the procedural framework for notice and consultation by the Great Lakes States and the Great Lakes Provinces concerning the diversion of the water of the Great Lakes basin;

(5) the Governors of the Great Lakes States and the Premiers of the Great Lakes Provinces have based decisions on proposals to withdraw, divert, or use Great Lakes water on the extent to which the proposals conserve and protect water and water-dependent natural resources of the Great Lakes basin; and

(6) decisionmaking concerning Great Lakes water should remain vested in the Governors of the Great Lakes States, who manage the water and resources on a day-to-day basis.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BULK FRESH WATER.—The term "bulk fresh water" means fresh water extracted in quantities intended for transportation by tanker or similar form of mass transportation, without further processing.

(3) FROM THE GREAT LAKES BASIN.—The term "from the Great Lakes basin", with respect to water, means—

(A) water from Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, Lake St. Clair, or Lake Superior;

(B) water from any interconnecting waterway within any watercourse that drains into or between any of those lakes; and

(C) water from a tributary surface or underground channel or area that drains into or comprises part of any watershed that drains into any of those lakes.

(4) GREAT LAKE.—The term "Great Lake" means—

(A) Lake Erie;

(B) Lake Huron (including Lake Saint Clair);

(C) Lake Michigan;

(D) Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude); and

(E) Lake Superior.

(5) GREAT LAKES PROVINCE.—The term "Great Lakes Province" means the Province of Ontario or Quebec, Canada.

(6) GREAT LAKES STATE.—The term "Great Lakes State" means the State of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, or Wisconsin.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. MORATORIUM ON EXPORT OF BULK FRESH WATER.

(a) IN GENERAL.—Bulk fresh water from the Great Lakes basin shall not be exported from the United States.

(b) SUNSET PROVISION.—Subsection (a) shall cease to be effective on the date of enactment of an Act of Congress approving the operation of a mechanism and conservation standard for making decisions concerning the withdrawal, diversion, and use of water of the Great Lakes that has been agreed to by each of the Governors of the Great Lakes States, acting in cooperation with the Premiers of the Great Lakes Provinces.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should enter into an agreement with the Government of Canada stating that the United States and Canada shall abide by the terms of the moratorium under subsection (a) until the date specified in subsection (b).

SEC. 5. PRESERVATION OF HISTORIC GREAT LAKES LIGHTHOUSES.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes have greatly influenced settlement, commerce, transportation, industry, and recreation throughout the rich maritime history of the Great Lakes States;

(2) lighthouses in Great Lakes States have helped mariners navigate dangerous shoals and find safe harbors for decades and are an important part of the maritime history of the Great Lakes;

(3) many of the lighthouses have historical or architectural significance; and

(4) the future of the lighthouses is uncertain because many are in poor condition because of neglect and deterioration.

(b) STUDY.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall conduct and submit to Congress a study to identify options to preserve the lighthouses in the Great Lakes States.

(c) PROCEDURE.—In conducting the study under subsection (b), the Secretary shall—

(1) review programs, policies, and standards of the National Park Service to determine the most appropriate means of ensuring that the lighthouses (including any associated natural, cultural, and historical resources) are preserved; and

(2) consult with—

(A) State and local historical associations and societies in the Great Lakes States;

(B) historic preservation agencies in the Great Lakes States;

(C) the Commandant of the Coast Guard; and

(D) other appropriate entities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. LEVIN. Mr. President, I am pleased to join Senator STABENOW, in introducing 3 pieces of legislation to help protect the nation's largest source of fresh water—the Great Lakes.

The first bill, The Great Lakes Water Protection Act, will prevent new oil and gas drilling beneath the lakes until the EPA, in cooperation with the National Academy of Science, the Great Lakes States, and other interested parties, is able to study the impacts that drilling may have to water quality, fish and wildlife habitat, drinking water, and other coastal land-use activities.

It is just not worth taking a chance on harming this critical resource for a small amount of oil and natural gas.

Slant drilling, while a more environmentally friendly method than the traditional drilling methods, is imperfect. Wells can blow out and equipment can be damaged. Because just one quart of oil can contaminate up to two million gallons of drinking water, the risk of drilling is especially acute when these wells are located directly next to the Great Lakes which serve as the source of drinking water for so many communities. According to a recent study by the Lake Michigan Federation, the normal slant drilling process could result in ground water contamination, surface water pollution, and the release of hazardous gases. If an accident were to occur, an oil or natural gas spill could impact Michigan's sensitive wetlands, sand dunes, and wildlife habitat. Oil leaked or washed into the Lakes would affect fish species, especially in the sensitive near-shore spawning and nursery areas, detrimentally impacting the Great Lakes commercial and recreational fisheries. We surely need to thoroughly review all possible risks before making decisions that could chance these irreplaceable natural resources.

Additionally, there are existing human activities along the Great Lakes' coasts, and we need to find out how drilling activities could impact those communities. Even advocates of drilling admit that some damage at shore-line drilling sites is inevitable. Drilling requires the construction of new infrastructure such as drilling rigs and sites, storage tanks, and new pipelines. These facilities can deter tourism and hinder local community development.

Our pristine Great Lakes coastline is valuable to the tourism industry in Michigan while the Great Lakes' energy potential is very small. Since the first U.S. well was drilled under Lake Michigan in 1979, only 438,000 barrels of oil and about 17.5 billion cubic feet of natural gas have been produced. This is not even a drop in the bucket compared to the Nation's annual energy consumption of 20 million barrels of oil per day and 65 billion cubic feet of natural gas per day. In contrast, Great Lakes recreational fishers spend $1.4 billion annually on gear and lake trips. The thousands of hikers, birdwatchers, beach-goers and other recreational users enjoying the Great Lakes shoreline and coastal waters contribute millions of dollars to local economies.

I believe that if this country should focus more on advancing alternative fuels. In Michigan, we can advance environmental quality and economic growth by supporting research into advanced technology vehicles.

I encourage my colleagues to support this important legislation. There is simply too much at stake to risk the Great Lakes and their shoreline.

The second piece of legislation, The Great Lakes Water Protection Act, prohibits bulk fresh water from the Great Lakes basin to be exported from the United States until a conservation standard governing withdrawals, diversion, and use of Great Lakes water is in place. The Great Lakes hold nearly 20% of the world's supply of freshwater.

As this legislation clearly states, the Great Lakes Governors currently have the authority to veto proposals to divert water from the Great Lakes outside the basin. However, the existing process over out-of-basin water diversions may be subject to an international trade dispute. So as the global water demand doubles every 21 years, we need a back up conservation strategy.

Additionally, this legislation authorizes the National Park Service to complete a resource study outlining options for the preservation of lighthouses in the Great Lakes. There are 120 Michigan lighthouses, and approximately 70 of these structures will be surplus property over the next 10 years. Under legislation that I sponsored last year, these historic treasures will be smoothly transferred from government ownership, and the Secretary of the Department of the Interior, through the National Park Service, is authorized to establish a historic lighthouse preservation program. The bill we are introducing today reinforces the government's commitment to preserving these historic structures.

Lastly, I am cosponsoring the Great Lakes Ecology Protection Act to attempt to control one of the most expensive and environmentally dangerous problems facing the Great Lakes-aquatic nuisance species.

Nearly 150 nonindigenous aquatic species have been accidently introduced into the Great Lakes in the past century. Most of the recent invasive species have been transported to the Lakes in commercial ships' ballast water. In 1990 and 1996 Congress enacted legislation which slowed down the introduction of aquatic nuisance species in the Great Lakes, however, approximately 1 new non-native organism enters the Lakes each year.

This legislation that I am cosponsoring is designed to prevent these invaders from coming into the Great Lakes and to control the movement of organisms once they have been introduced into the Lakes. The Coast Guard needs to design a standard for vessels capable of discharging ballast water in the Great Lakes that ensures that ballast water containing aquatic species are not discharged in the Great Lakes. The Coast Guard needs to establish a Ballast Treatment Performance Standard which will provide flexibility for industry to utilize and improve technology in order to meet that standard in whatever manner they want. Additionally, this legislation authorizes up to $100 million for invasive species and ballast water technologies research grants.

I encourage the rest of my colleagues to support legislative efforts to control aquatic nuisance species. In 2002, the National Invasive Species Act of 1996 expires, and Congress will be tasked with improving and reauthorizing this legislation. I believe that a national reauthorization is important to create a unified approach rather than forcing the States to enact individual standards for ships in an attempt to control aquatic nuisance species. However, if efforts to reauthorize a national program should stall, I believe that this legislation will help protect the Great Lakes from aquatic invaders.

By Mr. HARKIN (for himself, Mr. LEAHY Mr. DURBIN, Mr. DEWINE, Mr. DORGAN, Mr. DASCHLE, Mr. KOHL, Mr. LUGAR, Mr. KENNEDY, Mr. JOHNSON, Mr. CONRAD, Ms. LANDRIEU, and Mr. DAYTON):

S. 1036. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to establish an international food for education and child nutrition program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, together with a bipartisan group of colleagues, I am pleased to be introducing this legislation to address two of the most glaring problems facing children across the globe: malnutrition and the lack of educational opportunity. I very much appreciate the opportunity to work with Senator LEAHY and Senator LUGAR, who have so strongly supported nutrition assistance for many years, in developing this legislation.

An estimated 300 million poor children around the world either do not receive food at school or do not go to school at all. About 130 million of the world's children, 60 percent of them girls, are presently not attending school. With the abundance of food here in America and in other nations, this reality is absolutely unconscionable.

Our bill, the George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001, will provide U.S. agricultural commodities and other assistance to boost child nutrition in connection with educational programs in developing countries.

I salute former Senators George McGovern and Bob Dole for their work in promoting the Global Food for Education Initiative, and President Clinton for recognizing its merits early on and beginning a pilot project for this year.

The bill permanently adds this new program to existing U.S. foreign food assistance programs, such as P.L. 480 and Food for Progress.

Our bill will apply the producing power of American farmers and agriculture-related industries to help families, villages and even nations escape the treadmill of poverty by supporting both improved nutrition and education for children. It also offers nutritious food and learning as an alternative to sending children down the dead-end path of exploitive work in sweatshops, mines or factories.

The International Food for Education and Child Nutrition Program established in this legislation will be carried out through private nonprofit groups, cooperatives, and intergovernmental organizations. Under the bill, USDA will purchase U.S. commodities and cover the costs of making them available in developing countries to provide nutrition for children in connection with educational programs. Funding would begin at $300 million in fiscal 2002 and increase to $750 million in fiscal 2006.

The problems of global malnutrition and limited education are so large that participation by other countries is crucially important. Accordingly, this bill specifically encourages other donor countries and the private sector to support the program. If concerned nations will come together and make a firm commitment, we can end child hunger, child poverty and exploitive child labor and lift families and nations from poverty.

Ms. LANDRIEU. Mr. President, I rise today to speak briefly in support of the McGovern-Dole International Food for Education and Child Nutrition Act of 2001. I am proud to join Senators HARKIN, DURBIN, and LEAHY, who were instrumental in the introduction of this bill, as well as my other colleagues who are co-sponsors. Additionally, I would like to acknowledge the efforts of two former members of this body, Senators George McGovern and Bob Dole, who worked tirelessly to initiate this program decades ago.

As many of my colleagues well know, almost 300 million children in this world go hungry on a daily basis. Can you imagine that—300 million children? The number is staggering—almost five percent of the world's population; more than the population of our entire country. Think of it—if everyone, every person that we know, every man, woman and child in the United States, did not get enough to eat. If that were the case, I would imagine that we in this chamber would not hesitate to take action and remedy the situation. That is what this bill attempts to do; it is merely a first step, an important step for these hundreds of millions of children who are going hungry around the world.

We must ensure that every child, no matter where they live, no matter what their income level, receives at least one nutritious meal per day. One meal per day, for every child in the world. As little as that may seem to those of us here, it could mean the difference between life and death for many of these children. I make sure that my son and daughter get three nutritious meals a day; I am sure that all of my colleagues do the same for their children. It is not too much to ask that we provide just one meal for these hungry children all over the world.

But this is not just about meals; as noble a goal as that is, this is also about education. Of these 300 million children, almost half are not in school. What we are trying to do is encourage these children to attend school by helping their schools feed them when they are there. As George McGovern himself said, "The school lunch brings children to school; education lowers the birthrate, increases personal income, and provides a market for surplus farm commodities."; So it not just a meal we are helping to provide for these children; it is an education.

Finally, for some who may say this is a handout, it is not. This program is designed to help developing countries set up their own school lunch programs, so that one day they can take full responsibility for feeding their students. In other words, this is not a handout, but a hand up. There is an old saying that if you give a man a fish, he eats for a day; if you teach him to fish, he eats for a lifetime. We are trying to teach these countries how to fish, by providing them the means to do so. I hope that my colleagues will come together in support of this critical legislation, and we in Congress can approve this bill quickly and send it to the President for his signature.

Mr. HARKIN. This bill continues our Nation's proud tradition of helping to build a better future for children in developing countries and I am proud we are introducing it today. I strongly urge my colleagues to support this important legislation and ask, unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001".

SEC. 2. INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION.

Title IV of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) is amended by adding at the end the following:

"SEC. 417. INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE COMMODITY.—The term 'eligible commodity' means—

"(A) an agricultural commodity; and

"(B) a vitamin or mineral produced—

"(i) in the United States; or

"(ii) in limited situations determined by the Secretary, outside the United States.

"(2) ELIGIBLE ORGANIZATION.—The term 'eligible organization'. means a private voluntary organization, cooperative, or intergovernmental organization, as determined by the Secretary.

"(3) PROGRAM.—The term 'Program' means the International Food for Education and Child Nutrition Program established under subsection (b)(1).

"(4) RECIPIENT COUNTRY.—The term 'recipient country' means 1 or more developing countries covered by a plan approved under subsection (d)(1)(A)(ii).

"(b) PROGRAM ESTABLISHMENT.—

"(1) IN GENERAL.—In cooperation with other countries, the Secretary shall establish, and the Department of Agriculture shall act as the lead Federal agency for, the International Food for Education and Child Nutrition Program, through which the Secretary shall provide to eligible organizations eligible commodities and technical and nutritional assistance for pre-school and school-age children in connection with education programs to improve food security and enhance educational opportunities for pre-school age and primary-school age children in recipient countries.

"(2) ADMINISTRATION.—In carrying out the Program, the Secretary may use the personnel and other resources of the Food and Nutrition Service and other agencies of the Department of Agriculture.

"(c) PURCHASE AND DONATION OF ELIGIBLE COMMODITIES AND PROVISION OF ASSISTANCE.—

"(1) IN GENERAL.—Under the Program, the Secretary shall enter into agreements with eligible organizations—

"(A) to purchase, acquire, and donate eligible commodities to eligible organizations; and

"(B) to provide technical and nutritional assistance.

"(2) OTHER DONOR COUNTRIES.—Consistent with the Program, the Secretary shall encourage other donor countries, directly or through eligible organizations—

"(A) to donate goods and funds to recipient countries; and

"(B) to provide technical and nutritional assistance to recipient countries.

"(3) PRIVATE SECTOR.—The President and the Secretary are urged to encourage the support and active involvement of the private sector, foundations, and other individuals and organizations in programs and activities assisted under this section.

"(d) PLANS AND AGREEMENTS.—

"(1) IN GENERAL.—To be eligible to receive eligible commodities and assistance under this section, an eligible organization shall—

"(A)(i) submit to the Secretary a plan that describes the manner in which—

"(I) the eligible commodities and assistance will be used in 1 or more recipient countries to meet the requirements of this section; and

"(II) the role of the government in the recipient countries in carrying out the plan; and

"(ii) obtain the approval of the Secretary for the plan; and

"(B) enter into an agreement with the Secretary establishing the terms and conditions for use of the eligible commodities and assistance.

"(2) MULTIYEAR AGREEMENTS.—

"(A) IN GENERAL.—An agreement under paragraph (1)(B) may provide for eligible commodities and assistance on a multiyear basis.

"(B) LOCAL CAPACITY.—The Secretary shall facilitate, to the extent the Secretary determines is appropriate, the development of agreements under paragraph (1)(B) that, on a multiyear basis, strengthen local capacity for implementing and managing assistance programs.

"(3) STREAMLINED PROCEDURES.—The Secretary shall develop streamlined procedures for the development, review, and approval of plans submitted under paragraph (1)(A) by eligible organizations that demonstrate organizational capacity and the ability to develop, implement, monitor, and report on, and provide accountability for, activities conducted under this section.

"(4) GRADUATION.—An agreement under paragraph (1)(B) shall include provisions—

"(A)(i) to sustain the benefits to the education, enrollment, and attendance of children in schools in the targeted communities when the provision of commodities and assistance to a recipient country under the Program terminates; and

"(ii) to estimate the period of time required for the recipient country or eligible organization to provide assistance described in subsection (b)(1) without additional assistance provided under this section; or

"(B) to otherwise provide other long-term benefits to the targeted populations.

"(e) EFFECTIVE USE OF ELIGIBLE COMMODITIES.—The Secretary shall ensure that each eligible organization—

"(1) uses eligible commodities made available under this section effectively, in the areas of greatest need, and in a manner that promotes the purposes of this section;

"(2) in using assistance provided under this section, assesses and takes into account the nutritional and educational needs of participating pre-school age and primary-school age children;

"(3) to the maximum extent practicable, uses the lowest cost means of delivering eligible commodities and providing other assistance authorized under the Program;

"(4) works with recipient countries and indigenous institutions or groups in recipient countries to design and carry out mutually acceptable food and education assistance programs for participating pre-school age and primary-school age children;

"(5) monitors and reports on the distribution or sale of eligible commodities provided under this section using methods that will facilitate accurate and timely reporting;

"(6) periodically evaluates the effectiveness of the Program, including evaluation of whether the food security and education purposes can be sustained in a recipient country if the recipient country is gradually terminated from the assistance in accordance with subsection (d)(4); and

"(7) considers means of improving the operation of the Program by the eligible organization and ensuring and improving the quality of the eligible commodities provided under this section, including improvement of the nutrient or micronutrient content of the eligible commodities.

"(f) Interagency Coordination on Policy Goals.—The Secretary shall consult and collaborate with other Federal agencies having appropriate expertise in order to provide assistance under this section to promote equal access to education to improve the quality of education, combat exploitative child labor, and advance broad-based sustainable economic development in recipient countries.

"(g) Sales and Barter.—

"(1) In general.—Notwithstanding subsection (d)(1)(A), with the approval of the Secretary, an eligible organization may—

"(A) acquire funds or goods by selling or bartering eligible commodities provided under this section within the recipient country or countries near the recipient country; and

"(B) use the funds or goods to improve food security and enhance educational opportunities for pre-school age and primary-school age children within the recipient country, including implementation and administrative costs incurred in carrying out this subsection.

"(2) Payment of administrative costs.—An eligible organization that receives payment for administrative costs under paragraph (1) shall not be eligible to receive payment for the same administrative costs under subsection (h)(3).

"(h) Eligible Costs.—Subject to subsections (d)(1) and (m), the Secretary shall pay all or part of—

"(1) the costs and charges described in paragraphs (1) through (5) and (7) of section 406(b) with respect to an eligible commodity;

"(2) the internal transportation, storage, and handling costs incurred in moving the eligible commodity, if the Secretary determines that—

"(A) payment of the costs is appropriate; and

"(B) the recipient country is a low income, net food-importing country that—

"(i) meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference; or

"(ii) has a national government that is committed to or is working toward, through a national action plan, the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the follow-up Dakar Framework for Action of the World Education Forum in 2000; and

"(3) the projected costs of an eligible organization for administration, sales, monitoring, and technical assistance under a plan approved by the Secretary under subsection (d)(1)(A) (including an itemized budget), taking into consideration, as determined by the Secretary—

"(A) the projected amount of such costs itemized by category; and

"(B) the projected amount of assistance received from other donors.

"(i) Displacement.—Subsections (a)(2), (b), and (h) of section 403 shall apply to this section.

"(j) Audits and Training.—The Secretary shall take such actions as are necessary to support, monitor, audit, and provide necessary training in proper management under the Program.

"(k) Annual Report.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes—

"(1) the results of the implementation of the Program during the applicable year, including the impact on the enrollment, attendance, and performance of children in primary schools targeted under the Program; and

"(2) the level of commitments by, and the potential for obtaining additional goods and assistance from, other countries for the purposes of this section during subsequent years.

"(l) Independence of Authorities.—Each authority granted under this section shall be in addition to, and not in lieu of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

"(m) Funding.—

"(1) In general.—Subject to paragraphs (2) and (3), for each of fiscal years 2002 through 2006, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) Fiscal year limitations.—

"(A) In general.—Subject to subparagraph (B), the amount of funds the Commodity Credit Corporation uses to carry out this section shall not exceed—

"(i) $300,000,000 for fiscal year 2002; or

"(ii) $400,000,000 for each of fiscal years 2003 through 2006.

"(B) Participation by donor countries.—If the Secretary determines for any of fiscal years 2004 through 2006 that there is adequate participation in the Program by donor countries, in lieu of the maximum amount authorized for that fiscal year under subparagraph (A)(ii), the amount of funds of the Commodity Credit Corporation uses to carry out this section shall not exceed—

"(i) $525,000,000 for fiscal year 2004;

"(ii) $625,000,000 for fiscal year 2005; or

"(iii) $750,000,000 for fiscal year 2006.

"(3) Use limitations.—Of the funds provided under paragraph (2), the Secretary may use to carry out subsection (h)(3), not more than—

"(A) $40,000,000 for fiscal year 2002;

"(B) $50,000,000 for fiscal year 2003;

"(C) $60,000,000 for fiscal year 2004;

"(D) $70,000,000 for fiscal year 2005; or

"(E) $80,000,000 for fiscal year 2006.".

SEC. 3. CONFORMING AMENDMENTS.

(a) Section 401(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731(a)) is amended by inserting "(other than section 417)" after "this Act" each place it appears.

(b) Section 404(b)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1734(b)(4)) is amended by inserting "with respect to agreements entered into under this Act (other than section 417)," after "(4)".

(c) Section 406(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(d)) is amended by inserting "(other than section 417)" after "this Act".

(d) Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by inserting "(other than section 417)" after "this Act".

(e) Section 412(b)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(b)(1)) is amended by inserting "(other than section 417)" after "this Act" each place it appears.

Mr. LEAHY. Mr. President, today we introduce the George McGovern-Robert Dole International Food for Education and Child Nutrition Act of 2001.

This is a momentous day for needy children around the world. And it is America's opportunity to embark on a bold venture that can have unexpected benefits, and advance world peace and understanding.

The name of our legislation honors two great leaders, and two great friends, Ambassador George McGovern and Senator Bob Dole. It was a privilege for me to serve on the Senate Agriculture, Nutrition and Forestry Committee with both of them for many years. I have known both of them for years and they know that each hungry child is an empty promise.

Nutrition is the key not only to health but to education and economic progress in many developing societies. This initiative taps America's agricultural bounty to become a catalyst for real and lasting change in many struggling nations. This bill can literally change the world.

I am thrilled that Chairman Tom Harkin will join with ranking member Dick Lugar and me on this Senate bill. It would be hard to find, in the last 13 years, a nutrition or agriculture bill sponsored by Senator Lugar, Senator Harkin and me—that is not now the law of the land.

We are pleased to have Senator DeWine with us in this effort. I work with him on the Judiciary Committee and I know he is a strong fighter for children. Senators Kohl, Dorgan, Dashle, Kennedy, Durbin, Conrad, Johnson, Landrieu, and Dayton are also on the bill. Each, in their own right, are leaders in protecting children.

This bill will make private voluntary organizations and the World Food Program full partners with USDA in implementing this bold education and child nutrition vision. I want to make clear that the bill unambiguously provides that PVOs are full partners with USDA, just as the WFP will be.

Ambassador George McGovern has said about this effort that, "Dollar for dollar it is the best investment we can make in creating a healthier, better educated and more effective global citizenry." He spoke of how the program would be of "enormous benefit" to the education of girls, since in Third World countries parents will also send girls to school if meals are offered.

I want to point out that one Catholic Relief Services project offering meals and education in Ghana has seen the "number of girls enrolled in school jump by 88 percent, and their attendance rose by 50 percent." In Pakistan, the World Food Program offered cooking oil to families if they sent their children, especially girls, to school. The parents' response was overwhelming and the "enrollment of girls has doubled." In similar projects in Niger "girls' attendance rose by 75 percent, and by 100 percent in Morocco."

This is clearly a great idea for children who otherwise may have no hope, and no future.

Most beginnings rarely seem momentous at the time, and then, looking back, every detail is studied by students and scholars and meaning is attached to every step. I want to chronicle some aspects of this beginning when memories are fresh.

I will again mention my good friend Ambassador George McGovern. First, I appreciate that President George W. Bush decided to keep George McGovern on as Ambassador to the U.N. food agencies in Rome, Italy. This demonstrated a keen bipartisan spirit, and the best choice for the job.

Last year, George McGovern authored a paper setting forth a bold vision for a multinational effort to provide meals to children in school settings. He is an expert having worked on school lunch issues during his eighteen years on the Agriculture, Nutrition and Forestry Committee, as a Director of the Food for Peace program, and now as U.S. Ambassador to the U.N. food agencies.

He further explained this bold vision at Senate Agriculture Committee hearing on July 27, 2000. What a pleasure it was for me to listen to both Ambassador McGovern and Former Majority Leader Bob Dole at this hearing presided over by my friend and colleague, then Chairman DICK LUGAR. The hearing featured two giants in the history of nutrition programs adding another chapter to their legacies, under the watchful eye of a very decent, intelligent, and understanding Senator, Senator LUGAR, who cares about the state of the world.

At the hearing, George McGovern said that "if we could achieve the goal of reaching 300 million hungry children with one good meal every day, that would transform life on this planet." He pointed out another significant benefit in that "it would raise the income of American farmers and those in other countries that have farm surpluses."

Senator Dole, another giant in the history of nutrition programs, supported this vision and commended the Clinton administration for launching a $300 million school feeding pilot program to feed hungry children throughout the world. He said, "I can think of no better solution to the problem [of agricultural surpluses] than to support a program that will help our farmers while putting food in the stomachs of desperately hungry and malnourished children."

This brings me to another leading player in this bipartisan effort, former President William Clinton. He elevated these issues by raising the idea at the G8 meeting in Okinawa, Japan, in July, 2000. He urged the eight industrialized democracies at the start of the new millennium to contribute some of their wealth, natural resources and goodness to help the next generation of the world. The President announced this $300 million Global Food for Education Initiative to feed hungry children and pledged to work with other nations to seek support and contributions from them. This gave the McGovern-Dole proposal new force and captured the interest and attention of other nations. The President's staff, including Tom Friendman and chief of staff John Podesta, worked diligently to get this program off the ground and dedicated career staff at USDA, including Richard Fritz and Mary Chambliss, worked long hours to launch the President's initiative.

At that same hearing, then Secretary Dan Glickman noted that worldwide 120 million children are not enrolled in school and that tens of millions drop out before achieving basic literacy. He explained how a global school meals program would reduce the incidence of child labor and have the potential to raise academic performance and increase literacy rates. He noted what a draw school meals can be, when a school feeding program in the Dominican Republic was temporarily suspended, 25 percent of the children dropped out of school.

Another tremendous force in the history of this initiative is Catherine Bertini, the Executive Director of the World Food Program. I have known Cathy since I first met her when she was being confirmed as Assistant Secretary of Agriculture for Food and Consumer Service over a decade ago, under President George Bush.

She was an outstanding and creative leader in that job and I was happy to support her for the World Food Program position. I treasure memories of a detailed briefing she gave my wife, Marcelle, and me at her apartment in Rome, Italy. Her concern for hungry children, her command of the facts and her extreme competence and management abilities have made her a truly outstanding director.

In an interesting coincidence, my chief advisor and legal counsel on nutrition policies since 1987, Ed Barron, has been a friend of Cathy's since high school. He went to school in Homer, NY, and Cathy attended neighboring Cortland High School.

Cathy explained that in one original idea the WFP offered "take home" food to a family for every month that a girl attended school regularly. Cathy noted that "the results have been dramatic" as school attendance greatly increased. Cathy proposed some great principles that, I agree, should be followed. Such an international feeding program should be sustainable, it should be mostly school-based, and it should be targeted to the most needy. Of course, we need to employ a loose definition of school, since a teacher can teach and school children can learn in practically any setting.

In addition, she noted that the United States should use its special knowledge and experience to help other countries develop these programs. USDA and US AID experts should make periodic visits to work with national personnel and PVOs and others to build capacity and sustainable projects.

Joseph Scalise who represents the World Food Program here in Washington, D.C. has done a wonderful job keeping me and my staff informed of developments regarding WFP efforts and views.

Another major force in international feeding efforts is Ellen Levinson. As Executive Director of the Coalition for Food Aid, she has done a very effective job representing many private voluntary organizations who provide food and other assistance throughout the world. She is a strong advocate for an integrated approach for physical and cognitive child development, with a focus on much more than just a meal or food ration. In addition to food assistance, Ellen wants the initiative to provide quality education and development.

Another leader in the area has been my good friend Marshall Matz. He has been a vigorous advocate and friendly adviser in this effort.

I also want to mention Elizabeth Darrow of my staff who has played a major role in helping organize this effort and making sure we kept it on track.

This bill has been greatly advanced by staff of Senators HARKIN and LUGER. Chief of Staff Mark Halverson and chief economist Stephanie Mercier attended many meetings and helped craft a fine bill. The Republican Chief of Staff for the Committee, Keith Luse, and his staff including Chris Salisbury, Dave Johnson and Michael Knipe, provided extremely useful guidance and advice about how best to structure this program and help ensure that the benefits get delivered to needy children. This was truly a team effort.

As always, the outstanding drafting skills of Gary Endicott of Senate Legislative Counsel are much appreciated. I have many times recognized his tremendous service to the Senate.

Congressman JIM MCGOVERN and Congresswoman JO ANN EMERSON, along with Congressman TONY HALL and others, recognized the bold potential of this effort right from the start. Many staff working for the other body provided a great deal of assistance, but Cindy Buhl needs to be especially recognized for her long hours of work, and dedication to the project. Cindy, and her boss JIM MCGOVERN, took command of this effort and deserve a lot of credit.

This bipartisan, bicameral effort, now looks to the new Administration for assistance. I, and all my colleagues, are eager to work with the Bush White House and Secretary Veneman to make this international education and child nutrition initiative a success. It may be imperative to have the President extend the current pilot program for one more year to insure continuity of service, and to provide an opportunity to work out all the kinks in a new project. The President could provide additional funding out of the Commodity Credit Corporation to help us bridge the gap.

I also want to thank the GAO team that is working on analyzing the current effort. The GAO is helping to provide valuable advice on how to improve this effort.

I want to briefly mention some thoughts from Ambassador McGovern's book, "The Third Freedom." He begins with: "Hunger is a political condition. The earth has enough knowledge and resources to eradicate this ancient scourge."

I completely agree—and because addressing hunger is a moral imperative, the U.S. should lead the way. I am very hopeful that many nations who we have helped in the past—including economic gains in Europe who benefited from our Marshall Plan after WWII—will follow our lead and offer food, technical assistance and financial aid.

I look forward to working with my colleagues on this legislative and moral effort.

Mr. KENNEDY. Mr. President, I am proud to join so many of my colleagues in sponsoring the global school lunch legislation proposed today by Senators LEAHY and DEWINE. This bill is the product of much hard work by our former colleagues Dole and McGovern, and also by officials at all levels of government, the World Food Program, and the many non-governmental agencies that have pioneered international school feeding programs.

Much has already been accomplished. Under a trial program, the Department of Agriculture is preparing to ship 630,000 tons of wheat, soybeans, rice, dry milk, corn, and other food to nine million children in 38 nations throughout Latin America, Africa, Asia, and Eastern Europe. This legislation will be an important incentive to strengthen the worldwide effort.

Bob Dole and George McGovern worked well together in the Senate to promote child nutrition in America. The results of their landmark National School Lunch program have been impressive—improved nutrition and health, and increased academic performance as well. Their successful school lunch idea can benefit children in need throughout the world.

Hunger remains a painful reality every day for over 300 million children across the globe, and we can do more—much more to combat it. We know the cure for hunger, and I hope that Congress will move quickly to enact this needed legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 800. Mr. SCHUMER (for himself and Mrs. BOXER) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 801. Mr. DOMENICI submitted an amendment intended to be proposed to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

SA 802. Mr. HARKIN (for Mr. KENNEDY (for himself and Mr. HARKIN)) proposed an amendment to amendment SA 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

TEXT OF AMENDMENTS

SA 800. Mr. SCHUMER (for himself and Mrs. BOXER) proposed an amendment to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place insert the following:

SEC. 902. SENSE OF THE SENATE ON APPROPRIATION OF ALL FUNDS AUTHORIZED FOR ELEMENTARY AND SECONDARY EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush has said that bipartisan education reform will be the cornerstone of his administration and that no child should be left behind;

(2) the Bush administration has said that too many of the neediest students of our Nation are being left behind and that the Federal Government can, and must, help close the achievement gap between disadvantaged students and their peers;

(3) more of the children of our Nation are enrolled in public school today than at any time since 1971;

(4) math and science skills are increasingly important as the global economy transforms into a high tech economy;

(5) last year's Glenn Commission concluded that the most consistent and powerful predictors of student achievement in math and science are whether the student's teacher had full teaching certification and a college major in the field being taught; and

(6) Congress increased appropriations for elementary and secondary education by 20 percent in fiscal year 2001.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate all funds authorized for elementary and secondary education in fiscal year 2002.

SA 801. Mr. DOMENICI submitted an amendment intended to be proposed to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE ON EDUCATION FUNDING CONSISTENT WITH THE PRESIDENT'S BUDGET AND THE CONGRESSIONALLY PASSED BUDGET RESOLUTION.

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush has said that bipartisan education reform will be the cornerstone of his administration, and that no child should be left behind;

(2) The Bush Administration has said that too many of the neediest students of our nation are being left behind and that the Federal Government can, and must, help close the achievement gap between disadvantaged students and their peers;

(3) Congress should devote to high-priority education programs, such as Title I, a substantial portion of the $6.2 billion reserved for domestic discretionary programs in the budget resolution;

(4) The budget resolution assumes substantially increased funding for high priority education programs, including:

(a) $11.0 billion for Title I, Education for the Disadvantaged, including $9.1 billion for grants to local educational agencies and $975 million for new Reading First programs;

(b) $8.7 billion for programs under the Individuals with Disabilities Education Act, including $7.6 billion for part B grants to states, a 20 percent increase over last year;

(c) $2.6 billion for teacher quality programs, a 17 percent increase over last year; and

(d) $1.1 billion for Impact Aid, a 14 percent increase over last year;

(5) Spending restraint is necessary to ensure debt reduction and protection of Social Security; and

(6) Congress should pass all 13 appropriations bills consistent with the spending limits and restraints in the concurrent resolution on the budget for fiscal year 2002.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) the appropriations committees should fulfill the authorized spending levels in this bill to the extent that it is consistent with the parameters of the budget resolution; and

(2) these spending increases will be ineffective unless they are coupled with a strong, bipartisan education reform plan in accord with the basic principles put forward by the President.

SA 802. Mr. HARKIN (for Mr. KENNEDY (for himself and Mr. HARKIN)) proposed an amendment to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place insert the following:

TITLE —INDIVIDUALS WITH DISABILITIES

SEC. 01. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) UNIFORM POLICIES.—

"(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

"(2) LIMITATION.—

"(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting pursuant to Sec. 615K, if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

"(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

"(C) DETERMINATION THAT BEHAVIOR WAS NOT MANIFESTATION OF DISABILITY.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability.", except as provided in 612(a)(1).

SEC. 02. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 01) is amended by adding at the end the following:

"(o) DISCIPLINE DETERMINATIONS BY LOCAL AUTHORITY.—

"(1) INDIVIDUAL DETERMINATIONS.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(2) DEFENSE.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

"(3) LIMITATION.—

"(A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

"(B) PLACEMENT DURING REVIEW.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 19, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes for the 107th session of the Congress.

Those wishing additional information may contact Committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 21, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing on Native American Program Initiatives at the College and University Level.

Those wishing additional information may contact Committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 13, 2001, to conduct a hearing on the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a member of the board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 13, 2001 at 10:15 a.m. to hold a hearing titled "The Crisis in Macedonia and U.S. Engagement in the Balkans" as follows:

Witnesses:

Panel 1: Ambassador James Pardew, Senior Advisor on the Balkans for the Bureau of European Affairs, U.S. Department of State, Washington, DC.

Panel 2: General Wesley K. Clark (USA Ret.), Corporate Consultant, Stephens Group, Inc., Washington, DC.

The Honorable Richard Perle, Resident Fellow, American Enterprise Institute, Washington, DC.

Panel 3: General William Nash (USA Ret.), Senior Fellow and Acting Director of the Center on Preventive Act, Council on Foreign Relations, Washington, DC.

Dr. Daniel P. Serwer, Director, Balkans Initiative, United States Institute of Peace, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 13, 2001 at 9:30 am for a hearing regarding Economic Issues Associated with the Restructuring of Energy Industries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on June 13, 2001, at 9:30 a.m. in room 485 Russell Senate Building to conduct a confirmation hearing on the nomination of Mr. Neal K. McCaleb to be the Assistant Secretary of Indian Affairs, U.S. Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on the Constitution be authorized to meet to conduct a hearing on Wednesday, June 13, 2001 at 10:00 a.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 13, 2001, at 9:30 a.m. in closed session to receive a briefing on the Department of Defense's Missile Defense Strategic Review.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Adam Hines and Brian Altman, two interns in my office, be granted floor privileges for duration of debate on S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974 CLARIFICATION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 1029, introduced earlier today by Senators SARBANES, GRAMM, REED of Rhode Island, SHELBY, SCHUMER, ALLARD, BAYH, ENZI, JOHNSON, MIKULSKI, and BOND.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1029) to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, this is a technical correction to last year's Manufactured Housing Improvement Act. I ask for its immediate approval. This legislation is being cosponsored by Senators GRAMM, REED, SHELBY, ALLARD, BAYH, ENZI, SCHUMER, and BOND.

Last year, in a bipartisan effort, Congress passed the "American Homeownership and Economic Opportunity Act of 2000." Title VI of that law is the "Manufactured Housing Improvement Act" originally introduced by Senators SHELBY, BAYH, JOHNSON, and others. Unfortunately due to a technical problem with the law, the manufactured housing program, run by HUD, may be forced to shut down as early as next week.

Last year's legislation was the result of extensive bipartisan negotiations, and negotiations with industry and consumer groups, all of whom supported the final product. The legislation passed by unanimous consent in both the Senate and the House. The new law enacted is a long-overdue and significant streamlining and reform of the manufactured housing program. It also provides expanded consumer protections, improved safety requirements, and a process that allows for faster updating of regulations.

The manufactured housing program is funded through fees HUD levies on the industry. Prior to the new Act, HUD could spend those funds as needed. However, to maintain better oversight of the program, the new law made the spending of the fees subject to appropriations.

Unfortunately, the Manufactured Housing Improvement Act passed after the VA–HUD appropriations bill, so the appropriators could make no provision for the spending of the funds HUD has collected since the Manufactured Housing Improvement Act passed on December 27, 2000.

As a result, HUD has continued to collect the fees, but it is unable to spend them without specific authorization in an appropriations bill to do so. Clearly it was not our intent for this to happen. The legislation my colleagues and I are introducing today will allow HUD to continue to run the program until the next VA–HUD Appropriations bill passes. I also want to be clear that these funds are subject to all other requirements contained in the National Housing Construction and Safety Standards Act of 1974.

I ask that it be passed.

Mr. REID. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statement relating thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1029) was read the third time and passed, as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANUFACTURED HOUSING.

(a) AVAILABILITY OF FEES.—Notwithstanding section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)), any fees collected under that Act, including any fees collected before the date of enactment of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701 note) and remaining unobligated on the date of enactment of this Act, shall be available for expenditure to offset the expenses incurred by the Secretary under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), otherwise in accordance with section 620 of that Act.

(b) DURATION.—The authority for the use of fees provided for in subsection (a) shall remain in effect during the period beginning in fiscal year 2001 and ending on the effective date of the first appropriations Act referred to in section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)) that is enacted with respect to a fiscal year after fiscal year 2001.

ORDERS FOR THURSDAY, JUNE 14, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, Thursday, June 14. I also ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1, the education authorization bill; further, at 1 p.m. there be a period for morning business until 2 p.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator KYL would be allowed to speak from 1 until 1:30 p.m., Senator HOLLINGS would be allowed to speak for 5 minutes, Senator AKAKA for 15 minutes, and Senator DURBIN for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will convene at 9 a.m. and resume consideration of the education bill. At that time there will be 60 minutes of total debate time on the Harkin and Sessions IDEA amendments. Therefore, there will be two rollcall votes beginning at approximately 10 a.m. The first vote will be on the Harkin amendment. Additional rollcall votes are expected as the Senate works to complete action on the education bill this week.

The two managers of the bill, Senator KENNEDY and Senator JUDD GREGG of New Hampshire, have worked very hard on this legislation. However, Senator DASCHLE has indicated we are going to stay here tomorrow until we complete this bill. We have a number of things lined up after the Sessions and Harkin amendments. We expect we will complete a couple of difficult amendments shortly. But we hope early afternoon we can complete this legislation.

I repeat, Senator DASCHLE said we are going to stay here tomorrow and if we have to work through the night into Friday, we are going to complete this legislation. We have worked very hard to complete scores of amendments this week. We have a big day ahead of us tomorrow, but I think if we complete this bill, it is quite clear we will be out on Friday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Thursday, June 14, 2001, at 9 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF LILLIAN WALLACE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Ms. BERKLEY. Mr. Speaker, I would like to recognize a remarkable citizen, Mrs. Lillian Wallace, for her continued dedication and service to the people of Nevada. Lillian is being honored on the occasion of her 90th birthday. She was born on June 13, 1911, in New Haven, Connecticut.

Lillian and her late husband Julian founded Seniors United in 1982 in Las Vegas. The purpose of Seniors United is to educate the senior population about the importance of becoming politically active, knowledgeable, and involved Under Lillian's leadership, this organization has prospered.

Over the years, Lillian has received numerous community awards and has been actively involved with the Retired Seniors Volunteer Programs, the Jewish Federation, City of Hope, Mobilehome Owners League of Nevada, American Cancer Foundation and the American Heart Association.

Lillian has devoted her entire life to seeking and finding ways of assisting those who need help. She serves as a true model of a woman who is dedicated to serving her community.

CONGRESSIONAL UNDERFUNDING OF IDEA HURTS LOCAL SCHOOLS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. LANTOS. Mr. Speaker, when the House considered President Bush's education reform bill last month the rule imposed by the Majority for consideration of that legislation did not permit amendments to be offered to address the urgent need for increased education funding of the Individuals with Disabilities Education Act (IDEA). As a result, local school districts across our nation will continue to be forced to cut important local programs.

Mr. Speaker, as recently as the early 1970's, it was documented that some two million children were receiving no education whatsoever, many because of physical or learning disabilities. In response to this terrible injustice, Congress enacted the Education for All Handicapped Children Act in 1975. Later renamed the Individuals with Disabilities Education Act (IDEA), the law guarantees equal educational opportunities for all children. As a result of this legislation, some six million children with disabilities between the ages of three and twenty-one are receiving an education today—children who probably would not have that opportunity without this legislation.

Mr. Speaker, Congress pledged itself to fund IDEA at a level providing local schools with 40% of the additional funds required to educate children with special needs. In the 4 years since Congress established this goal, we have failed to appropriate the necessary funds for IDEA. By continuously under-funding IDEA, we are placing unnecessary burdens on local school budgets. It is an outrage that should have been rectified during debate and consideration of the President's education reform bill.

Mr. Speaker, underfunding of IDEA has lead to a competition between special education and regular education in virtually every school district in our nation, because local and federal funding available is simply too small to meet the education requirements. In order to fund both special and regular education to the best of their ability, school districts have had to cut critical services from their budgets.

Mr. Speaker, the Belmont-Redwood Shores School district, which is located in my congressional district, provides us with an excellent example of the burden which the Congress' failure to fully fund IDEA places on local school districts. The Board of Trustees of the Belmont-Redwood Shores Elementary School District recently met to discuss whether they should give teachers a much needed cost of living raise or cut programs and personnel from elementary schools in the district. The programs and personnel considered for elimination include the elementary school music program, one assistant principal, two custodians, as well as an English as a Second Language teacher. The board also considered cutting a counseling program, cutting back on technology equipment, or not making necessary repairs to audio/visual equipment. Mr. Speaker, these unfortunate and unnecessary budget cuts could have been easily avoided if Congress had simply met its commitment to fully fund IDEA.

Providing quality education for all students, including those with disabilities, requires federal assistance to aid states and school districts provide these necessary services. Lack of funding leads school administrators to make decisions that are not in the best interests of students, but decisions dictated by budget considerations. Congress' broken pledge to fully fund IDEA has made schools seek to reduce the number of students classified as special needs or to restrict the services available to all students. The lack of sufficient funding to meet the needs of students with disabilities also places considerable strain on the entire school budget as administrators are forced to increase tax revenue or cut other critical programs in order to provide IDEA services.

Mr. Speaker, Congress must follow through on its pledge to support fully special education. I regret the Majority leadership's decision to make local school districts choose between educating children with special needs and eliminating other important school services. The needs of children with disabilities should never be pitted against other important educational needs of our nation's children. I urge my colleagues to join me allowing a complete debate and a vote on the full funding of IDEA.

INDIA PURSUES MISSILE DEFENSE IN IS DRIVE FOR HEGEMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BURTON of Indiana. Mr. Speaker, on June 6, the French news agency, Agence France Presse, reported that Russia offered to provide an anti-missile system to India, which Indian "defense expert" Uday Bhaksur called a "desirable development." This offer comes from the same Russian government that has told us that we cannot build a missile defense system because of the ABM treaty. It is ironic that Russia is vigorously opposing our missile defense efforts while providing an anti-missile system to a country that has a longstanding tradition of opposing America on a variety of issues and in a variety of foreign policy forum.

For example, India, a country which supported the former Soviet Union's invasion of Afghanistan, recently voted with China to table a U.S. resolution at the United Nations against Chinese human-rights violations. India later voted to remove America from the U.N. Human Rights Commission. In fact, India votes against the United States at the U.N. more often than any country except Cuba. We should not forget that in May 1999, the Indian Express reported that Defense Minister George Fernandes convened and led a meeting with the Ambassadors from Red China, Cuba, Russia, Yugoslavia, Iraq, and Libya. According to this article, the aim of this meeting was to set up a security alliance "to stop the United States."

According to the Council of Khalistan, India has murdered over 250,000 Sikhs since June 1984 when it attacked the Golden temple, the Sikh religion's holiest shrine. According to a recent report from the Movement Against State Repression, India admitted to holding over 52,000 Sikh political prisoners without charge or trial. Just recently, five Indian troops were overwhelmed when they were trying to set fire to a Gurdwara and some Sikh homes in Kashmir to set Sikhs and Muslims against each other. Both Sikh and Muslim residents of the village came out to stop the troops from burning down the houses and the Gurdwara. Two reports accuse the Indian government of killing 35 Sikhs in Chithi Singhpora in March 2000. By some calculations, India has also killed more than 75,000 Muslims in Kashmir.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Other reports indicate that the Indian government has killed tens of thousands of Dalit "untouchables," Assamese, Tamils, Manipuris, and other minorities.

Since Christmas 1998, India has pursued a policy of terror against Christians. A missionary named Graham Staines, who was running a program to help treat leprosy, was burned to death in his jeep, along with his two sons, ages eight to ten, while the killers surrounded the jeep and chanted "Victory to Hannuman," a Hindu god. This wave of terror has been characterized by church burnings, the murder of priests, the rape of nuns (supporters of the RSS, the parent organization of the ruling BJP described these murders as "patriotic"), attacks on prayer halls, and attacks on Christian schools. Reports indicate that over 200,000 Christians have been killed by the Indian government since 1947.

Mr. Speaker, America should not support this military provocation and human-rights abuse. We should stop all our aid to India until the human rights violations have ceased. We should also support the fundamental right of all peoples to self-determination. Whether it is the Sikhs of Khalistan, the Kashmiris in Indian-occupied Kashmir, or the people of Nagalim, all peoples and all nations should have the right to govern themselves. States which rule through the force of violence are destined to collapse. In the case of India, it is better that this happens peacefully like the Soviet breakup. We do not want another Yugoslavia in South Asia. And when all the people and nations of South Asia have achieved freedom, our help will bring us new allies in that troubled region.

Mr. Speaker, I would like to place the Agence France Presse article into the RECORD for the information of my colleagues.

[From the Agence France Presse, June 6, 2001]

INDIAN EXPERT WELCOMES RUSSIA'S ANTI-MISSILE OFFER

NEW DELHI, June 6 (AFP).—Russia's offer to develop a national missile defence system for India is a "desirable development", an Indian defence expert said Wednesday.

"India should definitely says, 'We would like more details' It is a very desirable development," Institute of Defence Studies and Analysis deputy director Uday Bhaskar told AFP.

"This gives a sense of the direction that Indo-Russian strategic cooperation is likely to take," he added.

Russian Deputy Prime Minister Ilya Klebanov, who is holding talks with Indian Foreign Minister Jaswant Singh in Moscow, unexpectedly announced Wednesday that Russia would shortly make a full proposal on the system. Indian defence ministry officials in New Delhi declined to comment.

"The political intent now to pursue defence or even missile defences of deterrence is now becoming more palpable and evident," Bhaskar said.

U.S. Deputy Secretary of State Richard Armitage visited India last month to talk to leaders about the U.S. plan to build a missile defence shield, which India has partially supported.

Moscow has traditionally enjoyed warm ties with India, which is currently engaged in a nuclear arms race with arch-rival Pakistan.

However, Russia has expressed concern about India's initial warm response to the U.S. missile defense shield.

Bhaskar said India was correct to hold discussions with other world powers on the issue. "If India is talking to the Americans, then they should also talk to the others," Bhaskar said. Klebanov also said India and Russia would cooperate on the development "of the latest type of submarine". The two sides also agreed to jointly develop an Il-214 military cargo plane.

CHARITABLE GIVING IN SOUTH CAROLINA AND THE SOUPER BOWL OF CARING

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. SPENCE. Mr. Speaker, I rise to bring to the attention of the House two articles relating to involvement in charitable giving by South Carolinians. The first article, from the May/June 2001 issue of Columbia Metropolitan Magazine, is entitled, 'Gracious Giving—South Carolina is High on the 'Generosity Index'.' This article focuses on the results of a recently published national survey by the National Center for Charitable Statistics, of the Urban Institute, which found that South Carolina is ranked 37th nationally in adjusted gross income, yet, it is "10th among all states in generosity to charitable organizations." The article contains a photograph, which was taken of Reverend Brad Smith and members of the congregation of Spring Valley Presbyterian Church, in Columbia, South Carolina, as donations were being collected, at the doors of the Church, for the Souper Bowl of Caring. Reverend Smith is the founder of the Souper Bowl of Caring, which raised $4 million through 15,000 congregations on Super Bowl Sunday, this year. The second article,which I am incorporating in my remarks, is from the Winter 1998–99 issue of Sandlapper Magazine, and it is entitled, "From One Small Seed—A Super Bowl Sunday Charity Started by Columbia Youth Quickly Went National." This article provides an interesting account of the development of the Souper Bowl of Caring, from the initial effort in Columbia, South Carolina, in 1990, through its growth to all fifty States, as well as Puerto Rico and Canada, today. During the past eleven years, the Souper Bowl of Caring has raised $14 million for the benefit of needy persons.

Mr. Speaker, as the Congress and the Bush Administration address initiatives concerning the efforts of religious groups to improve the lives of those who are in need, I believe that the following articles should serve to inspire each of us. At this point, I am pleased to include the previously referenced articles for the attention of the house.

[From Columbia Metropolitan Magazine, May/June 2001]

GRACIOUS GIVING—SOUTH CAROLINA IS HIGH ON THE "GENEROSITY INDEX"

(By Reba Hull Campbell)

South Carolinians are a generous lot, according to a national study that compares charitable giving by individuals in all 50 states. The Urban Institute's National Center for Charitable Statistics ranks South Carolina 10th among all states in comparing charitable giving to adjusted gross income.

The Institute's "Generosity Index" puts South Carolina in the top 10 most giving states, along with fellow Bible Belt states of Mississippi, Arkansas, Louisiana, Tennessee and Alabama. Others in the top 10 include Utah, Oklahoma, South Dakota and North Dakota. Northeastern states of New Jersey, New Hampshire and Massachusetts fell at the bottom of the list.

According to the study, South Carolina falls 37th nationally in adjusted average gross income, but ranks 10th among all states in generosity to charitable organizations. The study was based on each state's average adjusted gross income compared to average itemized charitable deductions.

The average charitable contribution by South Carolinians is $3,469. That's compared to Mississippi ranked 49th in adjusted gross income, at $4,070 and Massachusetts, ranked number four in income, with just $2,645 in average contributions. In a state as small, rural and, in many areas, poor, as South Carolina, it's logical to pose the question of why its citizens have such a high giving average when they have less to give than individuals in many wealthier states.

As reflected in its previous studies on charitable giving, the Urban Institute says income level doesn't necessarily parallel charitable giving. Leaders in several Midlands are non-profit organizations agree, saying that while good economic times do encourage increased giving, South Carolinians have consistently shown their inclination to be cognizant of the needs of others and support charitable giving through religious and human service organizations. The Urban Institute found that over half the funds raised for the more than 2,000 registered charitable groups in South Carolina go to health and human service or religious organizations, reflecting South Carolina citizens' willingness to help their neighbors in need.

The survey found that Bible Belt states, plus Utah, were the most generous in their giving habits. These states are home to strong populations of evangelical Christians and Mormons, both of whom tend to tithe at higher levels. Northern states, which rank lower on the giving scale, are home to more Catholics, who Urban Institute experts say tend to give at lower levels.

Strong religious roots in South Carolina definitely influence giving habits, says Mac Bennett, executive director of the Central Carolina Community Foundation. "We are part of the Bible Belt and a significant amount of the giving is to religious organizations. Also, I think religious influences teach stewardship and a sensitivity to those with special needs that are not met by government."

Erin Hardwick, executive director of the South Carolina Association of Non-profit Organizations, agrees. "A correlation exists between involvement in religious organizations and the level of giving. Of all charitable contributions, more than 60 percent go to religious organizations."

A study by The Independent Sector, a national organization supporting research and excellence for non-profits, reinforces this strong relationship tying religious involvement to charitable giving. Nationally, the average donation to religious organizations increased in current dollars from $686 in 1995 to $1,002 in 1998.

Mac says the fact that South Carolina falls high on the "generosity index" is not a surprise. "I think philanthropy in our state is founded on this simple sense of responsibility to help other people, whether it's volunteering, sharing a meal or donating financial resources. There is a concern for human kind—philo, the Latin root, translates to "for the love of man."

Joan Fail, executive director of Communities in Schools in Columbia, agrees and makes similar observations about local giving trends from her experiences at CIS and previously with the Nurturing Center. "I've seen very strong support from individual giving in the 11 years I've been in the non-profit sector. Whether it's a good economy or bad, South Carolinians are just giving people."

Erin believes South Carolina's recent strong charitable giving record can be attributed to two factors—a strong economy and the fact that people give to causes close to their communities and families.

"A strong economy, including a decline in unemployment, leads to increased household giving. The level of giving is affected by a person's concern about the future, and the strong economy has reduced anxiety about the future," Erin says.

She points to the Independent Sector study, noting that people do tend to give more as their financial security increases. The decision to give is often influenced by whether individuals have sufficient disposable income. On a national level, this report indicates an increase in the percentage of respondents who reported giving a larger amount, up to 24 percent in 1999 from 21 percent in 1996.

While good economic conditions do make for better times in the non-profit sector, Joan does caution against a giver's income level as the sole organizations when identifying potential donors.

"What always surprises me is that I find those people who have less disposable income actually give a much higher percentage of what they have than those who have more," Joan says. "That has taught me many valuable lessons, and I never make an assumption about whether someone may give based on income. I've seen studies that indicate people actually give more if they pay higher taxes rather than lower taxes, disputing the assumption that lower taxes mean increased disposable income for charitable contributions."

So today, with the apparent plateau of economic conditions around the corner, should non-profits be concerned with declining contributions? Not necessarily. Erin says, "People give to people. They give to local concerns or causes in which they have some connection. It's a personal decision."

She notes that three factors generally influence people to give to charitable causes—being asked by someone, through participation in an organization or through a family member or relative. Even in an economic downturn, these personal factors are unlikely to change.

[From the Sandlapper magazine, Winter 1998–99]

FROM ONE SMALL SEED . . . . A SUPER BOWL SUNDAY CHARITY STARTED BY COLUMBIA YOUTH QUICKLY WENT NATIONAL

(By Margaret N. O'Shea)

The Rev. Brad Smith often thinks of the tiny seed he tossed into his senior youth group at Spring Valley Presbyterian Church in Columbia that winter Sunday nine years ago, because its phenomenal growth has changed his life and the lives of countless others. It was a simple line in a prayer: "Lord, as we enjoy the Super Bowl football game, help us to be mindful of those among us without even a bowl of soup to eat." But such seeds fall on fertile ground in the generous South, where people instinctively respond to a neighbor's need—or a stranger's—with casseroles and kindness.

Not even the sower could envision how that single seed would flourish. But youth in the church seized the notion and nurtured it. By the 1990 Super Bowl, they had mobilized it. By the 1990 Super Bowl, they had mobilized other young people in 22 Columbia-area churches to collect one dollar each and cans of food from worshipers as they left to go home, filling soup kettles with the donations for local food banks and soup kitchens. They scored $5,700 and vowed to top it the next year. They did . . . over and over again. In time, more than 125 churches in Richland and Lexington counties were familiar with the kettles and bowls used to collect donations, and churches in other states were borrowing the idea. In 1995, what the Spring Valley youth enthusiastically dubbed "The Souper Bowl" went national.

With its roots in midland South Carolina, it is today a charity branching nationwide and affirming the miracles that can occur when enough people give just a little. Last Super Bowl Sunday, it inspired people in all 50 states and Canada to toss $1.7 million into soup cauldrons at churches and community centers to 'help feed the hungry or meet other needs in their local neighborhoods. Now, every year while Americans are riveted on a football game that determines a national championship, more and more of them also focus, however briefly, on the Souper Bowl, which defines a national conscience. It is a simple way for ordinary people to make a difference.

The challenge has been to keep simple a sweeping movement that now has thousands of volunteers, at least 8,000 local branches, corporate sponsors and 10 professional football teams behind it, and high-tech support to keep track of donations. All the money remains in the communities where it is collected; local groups choose where to give the cash and food. Totals are reported to a phone bank in Columbia or logged on the Internet.

The numbers help participants see more clearly what their own contributions, however small, can do when added to others'. "In an age when young people are bombarded with cynicism, it's important for them to know that by God's grace, they can make a difference in the world," Smith says. "We are so divided as a country in so many ways. Republican and Democrat. Rich and poor. Black and white. Young and old. The Super Bowl is a rivalry. But our Souper Bowl transcends differences. It brings diverse people with different backgrounds, different opinions, different faiths, together for a common purpose, and together they make a tremendous difference. Just knowing that changes the way many of our young people choose to live the rest of their lives."

On the Internet—and wherever the Souper Bowl of Caring, as it's now called, is discussed—the football images are tempting. Youth carry the ball. Donors score. Teams win. A youth group in Virginia is called for clipping after challenging their pastor to shave his beard when their collections reach a goal. Some churches blitz their communities with flyers and letters and phone calls. On the Web site, donated by South Carolina SuperNet, football icons offer links to a playbook, coaches' corner, player profiles, and a chance to score a touchdown on a hunger quiz. Prior years' statistics are retired numbers, of course.

But for Brad Smith, the mustard seed is the image to remember. He recalls the half dozen teenagers who showed up after school to brainstorm about the first Souper Bowl. Each had friends who attended other churches and schools and agreed to call them. One by one, those churches joined the effort. Later, as young people went away to college or moved to other cities, they would in the same way get their new churches involved in giving. Each year would bring younger brothers and sisters of kids who'd been involved earlier on, stuffing envelopes with press releases for out-of-state newspapers, making phone calls, manning the phone bank, distributing posters, holding the cauldrons.

When the Souper Bowl first began to spread to other states, it was still through the word-of-mouth concept. Pennsylvania, the state that always comes closest to South Carolina's contributions and once has even surpassed us, began participating after a Lutheran layman in his 80s heard about the program while vacationing in Myrtle Beach and took the idea home.

Laura Bykowski, a Spring Valley volunteer who "retired" from a marketing career to raise a family, has used her child's naptime to ply those marketing skills for the Souper Bowl. As a result, professional football players agreed to make public service announcements and nearly a dozen teams, including the Carolina Panthers and Atlanta Falcons, threw their considerable weight behind the Souper Bowl. National Football League star Reggie White and Campbell's Soup launched a nationwide promotional campaign, including radio ads, posters and a press conference in San Diego the Wednesday before the 1998 big game.

Columbian Jim Antley designed and maintains the Web page. Some 30 volunteers help enter data. Frank Imhoff compiled the database.

But it's still the energy of youth that drives the Souper Bowl of Caring. Local tradition is at least one all-night workathon, where young people gather at the Spring Valley church social hall to share pizza, watch a Monty Python movie, stuff envelopes and lick stamps until dawn. And youth make up the bulk of the volunteers who do the actual work on Super Bowl Sunday.

Last year, about a thousand churches and organizations used the Internet to report their donations, but seven times that number telephoned on Super Bowl Sunday, calling into a 50-line phone bank contributed by Blue Cross/Blue Shield. Other companies have offered support and expertise, usually because someone who works there has asked. Some communities get corporations to match what individuals give.

Yet, the focus remains small. The idea still is to ask for only a dollar, only a can of food. If the amount collected is only about what it takes to pay for a 30-second commercial in the televised football game that day, it is still a monumental blessing for the charities chosen to receive that bounty.

With the phenomenal growth of the Souper Bowl, its original organizers have insisted on maintaining the grassroots character. "We believe the idea is a gift from God," Brad Smith says. "It is our task to be good stewards of it."

RIGHT TO ORGANIZE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BONIOR. Mr. Speaker, The Right to Organize is a fundamental right—workers fought, bled and even died for this right.

Workers organize because they want to ensure that their labor is valued . . . they want a voice at work.

About four years ago, we began working with the AFL–CIO to lend our voices as Members of Congress . . . to help build coalitions with workers as they try to organize.

As elected officials, we can join with clergy and other community leaders to ensure that workers have the freedom to choose to join a union.

That's what the 7 Days in June are all about.

We are here today to join the chorus of voices that says: 'Employer interference with workers' choices is unacceptable.'

This year's 7 Days in June . . . 9th through 16th . . . promises to be even bigger than last year when more than 12,000 workers, community leaders and elected officials participated in more than 120 events in 100 cities.

The participation in these events by Members of Congress is important—when we lend our support, we help lift the spirits of those trying to organize.

We also help them win!

You know, there are some things an elected official should do . . . and some things an elected official should not do.

Well, let me tell you, one thing an elected official should never do . . . stand by and watch while a state supported university tries to derail a union organizing drive the way Michigan State University tried to stop its teaching assistants from organizing earlier this year.

That is why last February I began to help the MSU graduate students organize.

Graduate students teach classes, grade papers and do research—they spend up to 30 hours a week working with no medical coverage and minimal compensation . . . and that's on top of their own graduate coursework.

MSU was the only research university in Michigan where teaching assistants did not have collective bargaining rights.

So we got together with the students and the Michigan Federation of Teachers to see what could be done.

We began by gathering signatures on petitions in support of the student organizing drive.

I called MSU President Peter McPherson several times asking that his Administration remain neutral during the organizing campaign.

Some of us in the Michigan Congressional delegation (KILPATRICK, KILDEE & CONYERS) sent a joint letter to President McPherson as well.

As it got close to the vote, I wrote a letter in support of the drive which was published in the student newspaper.

And during the election, a number of us who supported the students stopped by the campaign headquarters.

Together, I believe we made a difference in the lives of these students . . . and I am proud to say there are over 1,200 new union members in the State of Michigan today because of it.

I know a number of my colleagues have similar experiences to share, and I would encourage everyone to look for ways to lend their voice to organizing efforts—when we work together, we build a better place to live for all of us.

VICTORY AT MSU REQUIRED TEAMWORK

(By David Decker)

The successful organizing effort as MSU was a yearlong project. It required a massive amount of work and then when we filed enough cards to get an election, the MSU administration launched an anti-union campaign. Through it all the campaign moved forward by talking one-on-one with the graduate employees from each department at work, on campus and in their homes. As the campaign progressed we added a web site, e-mail list, and a get-out-the-vote phone bank. In addition to organizing the graduate employees we also organized our friends in the U.S. Congress, the Michigan House and Senate, and in organized labor to bring pressure on the MSU administration to stop it's anti-union campaign.

MFT & SRP organizer Jon Curtiss, the BEU organizing staff, steering committee, and department contacts led the organizing effort at MSU. Augmenting Jon and the GEU crew were numerous volunteers from the Graduate Employees Organization (University of Michigan), including President Cedric DeLeon and staffer Mark Dilley who worked the campaign full-time in the closing weeks and from the Graduate Employees Organizing Committee (Wayne State), including President Peter Williams, Glenn Bessemer and staffer Charlie Grose. At key point throughout the campaign MFT & SRP PSRP organizer, Krista Schneider, lent her assistance.

But while the key to the victory, the MSU graduate assistants and staff did not stand-alone. They received incredible support from elected officials, other labor organizations, and the greater MSU community.

Congressman David Bonior voiced concern to MSU President McPherson directly and in a letter concerning the university's anti-union campaign, and had a letter printed in the State News supporting the organizing drive. Joining Bonior in a letter were U.S. Representatives John Conyers, Carolyn Kilpatrick and Dale Kildee, Congressman Sander Levin also talked with President McPherson expressing his concerns. And Congressman Bart Stupak sent a letter as well.

State Representatives David Woodward (D-Royal Oak), Buzz Thomas (D-Detroit) and Bill McConico (D-Detroit), a member of the Highland Park Federation of Teachers, all stopped by the office to help with the Get Out The Vote Effort. A total of 26 State Legislators signed a letter to President McPherson, State Senator Diane Byrum sent a letter with similar theme.

State Representative Ray Bashamis staffer, Hoon-Yung Hopgood, Senate Democrat Office staffer Dana Houle, and State Democratic Party staffer Dennis Denno all helped with phone calls.

Scores of MSU alumni, including Detroit teachers President Janna Garrison, Metro Detroit AFL-CIO President Don Boggs, Organization of School Administrations President Diann Woodard, labor attorney David Radtke (who also spent a day helping with organizing house calls), wrote President McPherson.

Numerous unions including Operating Engineers Local 547, AFSCME Council 25 and Teamsters Joint Council 43 let the MSU President know what they thought of the anti-union effort, MSU alumnus Jack Finn, Legislative Director of United Food and Commercial Workers Local 876, expressed his thoughts in a letter printed in the State News. SEIU lobbyist Cindy Paul joined in with house calls, while Julie Barton from Jobs For Justice helped with the phone bank. UAW Regional Director Cal Rapson called University Trustees on our behalf.

Michigan State AFL-CIO President Mark Gaffney and the staff—Denise Cook, Ken Fletcher, Mark Alexander and Mary Holbrook provided their support. Former Michigan AFL-CIO President Frank Garrison also made contracts on behalf of the MSU graduate assistants.

The MSU Labor Coalition, headed by Wayne Cass of Operating Engineers Local 547, was there throughout the yearlong campaign as was the Clerical-Technical Union who early on lent us their offices for meetings and at the end helped with the phone bank.

Two MSU Trustees, Board Chair Colleen McNamara, and Trustee Dorothy Gonzalez took all of our calls, met with us, and urged the Administration not to run and anti-union campaign.

THE THREAT TO WORKERS' FREEDOM TO CHOOSE A UNION

The struggles working people face are not exceptions to the rule—when a majority of workers say they want a union, employers routinely threaten their right to make their own free choice with a campaign of coercion, harassment and firings.

Ninety-one percent of employers, when faced with employees who want to join together in a union, force employees to attend closed-door meetings to hear anti-union propaganda; 80 percent require immediate supervisors to attend training sessions on how to attack unions; and 79 percent have supervisors deliver anti-union messages to workers they oversee.

Eighty percent hire outside consultants to run anti-union campaigns, often based on mass psychology and distorting the law.

Half of employers threaten to shut down if employees join together in a union.

In 31 percent of organizing campaigns, employers illegally fire workers just because they want to form a union.

Even after workers go through all this and win a National Labor Relations Board election to form a union, one-third of the time their employer never negotiates a contract with them.

More than at any time in recent history, working people are joining together in unions with the hope of improving our living standards, our communities and our jobs. But as workers succeed, employers are stepping up a campaign of coercion, firings and harassment to block our freedom to make our own decisions about joining a union.

That's why the AFL–CIO and its 13-million-member affiliated unions have begun a broad, long-term campaign to restore the balance needed to project the right of workers to make a free choice to join a union.

Through Voice@Work, unions are helping workers form unions in a new way. Right from a campaign's start, workers reach out to their elected representatives, clergy members and other community leaders to gain support fort their freedom to form a union. Many of these community leaders eagerly back their constituents' efforts to build better lives for their families and help call on employers to avoid intimidation and coercion.

7 Days in June is the annual high point in our effort. We join together—workers, our unions, state federations and central labor councils, community leaders, clergy, public officials and students—to say employer interference with workers' choices is unacceptable. 7 Days in June this year is June 9

through 16. It promises to be even bigger than last year, when more than 12,000 working people, community leaders and elected officials participated in more than 120 events in 100 cities.

Working families will continue to push for a voice at work by telling Americans why workers are struggling to form unions and how their employers are waging a war against them.

TRIBUTE TO MR. MICHAEL M. GLASSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a man who has faithfully served the citizens of Genesee County, Michigan, for 15 years. On June 18, civic, community, and government leaders will join family and friends to honor Mr. Michael M. Glasson, as he retires as County Purchasing Director.

Michael Glasson was born and raised in my hometown of Flint, and holds a Bachelors Degree from Michigan State University and a Masters in Public Administration from Wayne State University. In 1974, he began his career in purchasing, working as a buyer for Hurley Medical Center, which led three years later to his becoming Chief Buyer for the City of Flint, a position he held for nine years. Michael then made the transition from city to county, as he became Purchasing Director for Genesee County in 1986.

As Purchasing Director, Michael helped usher his department into the modern age with the development of new purchasing regulations, the automation of the purchasing process, and the streamlining of the entire department. Under his leadership, the department set a new standard of efficiency and effectiveness.

Michael serves his peers and colleagues as a member and past president of the Michigan Public Purchasing Officers Association, is a Certified Instructor with the National Institute for Governmental Purchasing, and he has also served as an Instructor at Ferris State University and Detroit College of Business. In 1996, he was recognized by the Michigan Public Purchasing Officers Association and awarded the Klang Award for outstanding contributions to government purchasing.

Mr. Speaker, Michael Glasson has been a positive influence on Genesee County government for the last 15 years. The many people he has come in contact with during that time have benefited from his dedication, his attention to detail, and his ability to work with people from all walks of life. I ask my colleagues in the 107th Congress to please join me in congratulating him on his retirement, and wishing him the best of luck in his future endeavors.

CONSCRIPTION POLICIES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. PAUL. Mr. Speaker, I highly recommend to my colleagues the attached article "Turning Eighteen in America: Thoughts on Conscription" by Michael Allen. This article was published in the Internet news magazine Laissez Faire Times. Mr. Allen forcefully makes the point that coercing all young men to register with the federal government so they may be conscripted into military service at the will of politicians is fundamentally inconsistent with the American philosophy of limited government and personal freedom. After all, the unstated premise of a draft is that individuals are owned by the state. Obviously this belief is more consistent with totalitarian systems, such as those found in the Soviet Union, Nazi Germany, Red China, or Castro's Cuba, than with a system based on the idea that all individuals have inalienable rights. No wonder prominent Americans from across the political spectrum such as Ronald Reagan, Milton Friedman, Gary Hart, and Jesse Ventura oppose the draft.

Selective Service is not even a good way of providing an effective military fighting force. As Mr. Allen points out (paraphrasing former Senator Mark Hatfield), the needs of the modern military require career professionals with long-term commitments to the service, not short-term draftees eager to "serve their time" and return to civilian life. The military itself recognizes that Selective Service serves no useful military function. In 1993, the Department of Defense issued a report stating that registration could be stopped "with no effect on military mobilization, no measurable effect on the time it would take to mobilize, and no measurable effect on military recruitment." Yet the American taxpayer has been forced to spend over $500 million on a system "with no measurable effect on military mobilization!"

I have introduced legislation, H.R. 1597, which repeals the Selective Service Act, thus ending a system which violates the rights of millions of young Americans and wastes taxpayer dollars for no legitimate military reason. I urge my colleagues to read Mr. Allen's article then cosponsor HR 1597 and join me in ending a system which is an affront to the principles of liberty our nation was founded upon.

TURNING EIGHTEEN IN AMERICA: THOUGHTS ON CONSCRIPTION

(By Michael R. Allen)

In March of 1967, Senator Mark Hatfield (R–Oregon) proposed legislation that would abolish the practice of military conscription, or the drafting of men who are between 18 and 35 years old. Despite its initial failure, it has been reintroduced in nearly every Congress that has met since then, and has been voted upon as an amendment at least once.

This bill was an excellent proposal that should have never been needed. The dovish Hatfield's arguments in promotion of the bill constituted what is actually the conservative position on the item. In its defense, Hatfield asserted that we need career military men who can adapt to system changes within the context of weaponry. Short-term draftees, maintained Hatfield, would not be particularly adept at utilizing modern technology. More recent efforts to overturn the Selective Service Act have similarly stressed efficiency.

This basic logic is the driving force behind the political anti-draft movement. Others oppose the draft because it represents another governmental intrusion into the lives of America's young adults. Those lacking skill or ambition to serve will be greatly humiliated once drafted, and those without developed skill in search of an alternative career will be denied an opportunity to choose that direction. The draft also is a blatant attack on the Thirteenth Amendment, which prohibits involuntary servitude. If the federal government fought individual states over the legalization of private-sector slavery, then should it not also be equally compelled to decry public-sector servitude? Of course it should, but an elastically interpreted "living Constitution" makes all sorts of public schemes safe from legal reproach.

Recruiting students and vagrants is of no use to a competitive military, since both groups are uninterested in active duty. By contrast, a volunteer army—assuming the country needs any army at all—will yield those with an interest in serving their country and those who seek the military as a place to get that necessary step up into a better life. A primary partner to draft reform would be to offer an alternative for those who request not to serve militarily. Non-combatant positions, such as field doctors and radio operators, might be made civilian positions. Then, those who wish not to engage in battle will be able to serve the nation for as long as they need.

Additionally, the government can save some money, albeit not much, by not having to buy uniforms for these civilians.

Yet the most compelling reason for having volunteer military forces is the right of a person to own his or her body. The right to self-ownership must be supreme in a free nation, since without it there is no justification for government or laws at all. If one does not own his body, then why should murder be a crime? Why should there be money for the individual to spend? The self must own itself for there to be any liberty. And clearly one does have self-ownership. A man controls his own actions, and efforts to force him to do what he desires not to do are nugatory. The best the State can do is arrest him after he has disobeyed the law. It cannot prevent a willful person from committing illegal acts. The draft ignores the concept of self-ownership and proceeds to diminish the available benefits of a free society for young men.

Issues of cost and unfairness can sway those not seeing a moral reason to oppose conscription. The government spends a lot of money that might be used in armory for war in order to draft a number of men that would be similar to the number who might otherwise volunteer. In this way, the draft is a redundant method that consumes entirely too much money.

It is unfair because those who do not get called remain free while those called into duty must serve or face charges that will haunt them for the rest of their lives. This practice, while through chance, is unjust because it targets those Americans with low draft numbers. Through the archaic, unjust draft process America once more is embracing authoritarianism. If the government chose, National Guard forces could be utilized to alleviate the costs of draft, recruitment, and salary. The savings could then be used to properly compensate a volunteer army, which would attract more skillful persons if the pay scale were better.

Draft proponents employ some arguments that would be acceptable if they had purchased every male aged 18 to 35. However, the United States of America has not bought—bought off, tricked and fooled, yes—any of her citizens at this time. Some of the stentorian arguments side-step the question of rights and look at other issues, such as mobility, emergency readiness, and social outcome.

Former Senator Sam Nunn of Georgia, a Democrat, said in a 1980 U.S. News and World Report article that "Middle and upper-class America are not sufficiently participating in the defense of the country today except in the officer corp. That's one of the tragedies of the volunteer force . . ."

Nunn's provocative statement is not only designed to evoke resentment towards the "privileged" upper classes, it is also not sound from a practical point of view. Certainly, the classes with a statistically higher amount of college education should be involved in positions in which education can be put to best use. It is apparent that the Nunn argument involves some sort of "duty" the upper classes have to live the life of the foot soldier, and amounts to no less than a feeble attempt at egalitarian blurring of class distinction.

Proponents of the draft continue to ignore their weakest point: namely, that wars which had the support of the American public would not require conscription but instead would have a full supply of eager volunteers. People not only own their own bodies, but a free society also grants people final say over government policy. War is an area where the voice of the people is very important, as their security is at stake. And where else can the people exercise their voice than in the decision on registering to serve? Denying this decision is in effect creating a government that does not respect the people's wishes, and instead dictates to them.

AMERICORPS

There was an effort in June 1997 by President Clinton to use the Selective Service System to recruit potential volunteers in his AmeriCorps program. Such a move is a two-fold intrusion on civil liberties: it violates the right of those who were forced to register for the draft to avoid having their addresses and other private information released to another agency; and, of course, it is costly to the taxpayer to pay for a joint system that serves two unconstitutional agencies. Ultimately, though, the administration deferred its plans. This issue has not gone away, as national service plans have considerable support from those people who think that everyone has a duty to the government.

Free people can resist the draft easily. They need not register at all, or they can flee the country when they are called to serve. After all, they still own their bodies regardless of what the law says. But the change of life necessary to avoid the government allows the government some control of ones life, even when one does not openly submit. One does not need to recognize the right of the government to conscript its citizens for any purpose in order to be disrupted by the institution. If one pays income taxes and expects to get that money back in the form of college aid, he must register for Selective Service. If one wishes to collect the money stolen through the payroll tax for so-called "Social Security," he must register. Most people are not able to forgo paying taxes if they wish to work, so if they hope to see their tax dollars again they must register for the draft.

As a young man of draft age, I could sleep easier if I knew that my life would never have to be disrupted by a government which has given itself the legal ground on which it may attempt to violate my right to own myself. Even as I refuse to recognize the government's powers, the Selective Service System/AmeriCorps/Department of Education bloc does not care. To them I am their property, regardless of my feelings. The military and charity draft is indeed one of the most evil institutions in the United States government.

HONORING MRS. BARBARA L. BAILEY OF CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Barbara Bailey of Connecticut, who died yesterday at the age of 93. Mrs. Bailey was the wife of the late John M. Bailey, who was the legendary Democratic Party chairman of Connecticut, and was also the chairman of the national Democratic Party in the 1960s. Mrs. Bailey's passing marks the end of an era in Democratic politics in the State of Connecticut.

Mrs. Bailey will long be remembered as the matriarch of the Democratic Party during its golden years, not only for her public service, but also for providing the state with two outstanding public servants—Chief State's Attorney John M. Bailey, Jr. and my distinguished predecessor, former U.S. Representative Barbara B. Kennelly.

All her life, Mrs. Bailey was intensely devoted to her family, to Connecticut, and to the Democratic Party. She and her husband led the state, and the national party, with class and distinction. In all her years her interest and love of people willing to serve in public office never wavered.

Throughout her life, Mrs. Bailey never held public office, yet she was indeed a public servant. She served the public through her immeasurable commitment to her family and the causes she truly believed in—including the rights of women and the struggle of the disadvantaged. She served on the board of Trustees for the University of Connecticut for 10 years and received numerous honors and accolades for her civic work. Over the years, the Bailey's hosted presidential candidates, ambassadors, and dignitaries from all over the world. Mrs. Bailey's trademark was her grace, her dignity, and the way she made everyone around her feel welcome and at home.

She was part of an age in Democratic politics that saw the first Catholic elected President of the United States. She was the co-recipient, along with U.S. Senator Abraham Ribicoff, of the "Keepers of the Flame" award in 1988, which honored those who kept alive the memory and legacy of President John Kennedy.

Her love for the people of Connecticut and politics was superceded only by the devotion she had to her family. The legacy Mrs. Bailey leaves is everlasting and is carried on through her children and grandchildren who continue to serve the state with distinction.

Mrs. Bailey was an exceptional person whose humanity, class and grace touched everyone she came in contact with. The nation, the State of Connecticut, and most of all her family, will truly miss her.

HONORING THE DISTINGUISHED CAREER OF DICK QUINLIN UPON HIS RETIREMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

> Whereas, Dick Quinlin has spent his life serving the people of Belmont County; and
>
> Whereas, He began his career with the Emergency Management Agency in 1985 as EMA Coordinator, and was named full time coordinator in 1994; and,
>
> Whereas, during his tenure in office, Belmont County repeatedly benefitted from his expertise as nature saw fit to test his skill with the 1990 Flood of Wegee and Pike Creeks, the snow emergency of 1994, and the flash flood of June 1998; and,
>
> Whereas, Dick Quinlin was ever present to guide our community out of disaster, and was duly recognized by the Governor of Ohio as he was presented with the Ohio Commendation Medal, by the Ohio National Guard, and by the Belmont County Bar Association with the Liberty Bell Award; and
>
> Whereas, I desire to add my voice to the chorus of well wishers who have repeatedly expressed admiration, respect and friendship, for Dick Quinlin;

Therefore, Mr. Speaker, I ask that my colleagues join me in honoring the career of Dick Quinlin. His lifelong service and commitment to Belmont County is to be commended.

HONORING CAMERON VETERANS' HOME

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the importance of the Missouri Veterans' Home located in Cameron, Missouri. A landmark in the community, the Cameron Veterans' Home provides a healing hand to those honored Americans that have fought to preserve the privileges of freedom we all enjoy today.

In April of 2000, Missouri's sixth veterans home admitted its first resident. The Cameron Veterans' Home today is a 200-bed facility committed to providing a service to Missouri's Veterans.

Cameron Veterans' Home is dedicated to providing quality healthcare to veterans and assists them in achieving their maximum level of independence. The Cameron Veterans' Home works to ensure a safe, comfortable environment to its residents conducive to personal dignity and happiness in a community living setting.

In recognition to the staff of the Cameron Veterans' Home and the City of Cameron which supports our Veterans so well, I commend the Cameron Veterans' Home for the unconditioned level of support and compassion they extend to those brave Americans that have sacrificed their lives for this great nation.

TRIBUTE TO DR. CLARENCE STRAHAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. KILDEE. Mr. Speaker, as a former teacher, I am happy to rise before you today on behalf of the school district of my hometown, Flint, Michigan. On July 13, members of Flint Community Schools will join family and friends to honor the career of Dr. Clarence Straham, who is retiring after 35 productive years.

Originally from Moffett, Oklahoma, Clarence Straham's path to greatness began in 1956, when he joined the United States Air Force, where he served as an Academic and Drill Instructor/Counselor in San Antonio. Honorably discharged in 1962, Clarence attended the University of Arkansas at Fayetteville, where he received a Bachelors Degree in Mathematics and Science in 1964. In 1971 he received a Masters Degree from Eastern Michigan University, and furthered his education with a Doctorate from the University of Michigan.

Clarence's career as a teacher began following his graduation from the University of Arkansas, where he became a mathematics teacher at Merrill Junior/Senior High in Pine Bluff. After moving to Michigan, he taught at Bryant Community Junior High and later moved to Northwestern Community High, where he remained from 1968 to 1976. During that time, Clarence also taught at C.S. Mott Adult High School and Mott Community College. In 1976, Clarence moved to Flint Southwestern Academy, where he has remained to this day. In addition to his tenure at Southwestern, he spent two years as a member of the part-time faculty at the University of Michigan-Flint.

For more than four decades, Clarence has selflessly worked to improve Flint Community Schools. An 11-year member of the Four North Central Evaluation Team in mathematics, he saw to it that the curriculum for high schools in four different cities was kept to a high quality of standards. He has also been the co-chairperson of the Flint NAACP Scholarship Committee, and a member of the Flint Multi-Cultural Community Education Task Force, among many other accomplishments. Clarence is a member of the National Council of Teachers of Mathematics, Urban League, and is a Life Member of the NAACP.

Mr. Speaker, Dr. Clarence Straham is a tremendously respected individual. Thousands of his students, past and present, have greatly benefited from his insight, as has the entire Flint community over the course of the last 35 years. He has always been a fighter for education for he believes that a strong educational background is the basis toward improving the quality of life. I ask my colleagues to please join me in congratulating him on his retirement, and wishing him the very best in his future endeavors.

FAITH-BASED INITIATIVES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. PAUL. Mr. Speaker, I recommend to my colleagues the attached article, "The Real Threat of the Faith-Based Initiative" by Star Parker, founder and president of the Coalition on Urban Renewal and Education (CURE). Miss Parker eloquently explains how providing federal monies to faith-based institutions undermines the very qualities that make them effective in addressing social problems. As Miss Parker points out, religious programs are successful because they are staffed and funded by people motivated to help others by their religious beliefs. Government funding of religious organizations will transform them into adjuncts of the federal welfare state, more concerned about obeying federal rules and regulations than fulfilling the obligations of their faith.

If religious organizations receive taxpayer monies, they will have an incentive to make obedience to the dictates of federal bureaucrats their number-one priority. Religious entities may even change the religious character of their programs in order to avoid displeasing their new federal paymaster. This will occur in large part because people who currently voluntarily support religious organizations will assume they "gave at the (tax) office" and thus will reduce their level of private giving. Thus, religious charities will become increasingly dependent on federal funds for support. Since "he who pays the piper calls the tune" federal bureaucrats and Congress will then control the content of "faith-based" programs.

Those who dismiss these concerns should consider that funding religious organizations will increase federal control of religious programs; in fact the current proposal explicitly forbids proselytizing in federally-funded "faith-based" programs. While religious organizations will not have to remove religious icons from their premises in order to receive federal funds, I fail to see the point in allowing a Catholic soup kitchen to hang a cross on its wall or a Jewish day center to hang a Star of David on its' door if federal law forbids believers from explaining the meaning of those symbols.

Miss Parker points out that the founding fathers recognized the danger that church-state entanglement poses to religious liberty, which is why the First Amendment to the United States Constitution protects the free exercise of religion and forbids the federal government from establishing a national church. As Miss Parker points out, the most effective and constitutional means for Congress to help those in poverty is to cut taxes on the American people so that they may devote more of their resources to effective, locally-controlled, charitable programs.

In conclusion, Mr. Speaker, I hope all my colleagues will read Miss Parker's article and join her in supporting a return to a constitutional policy that does not put faith in federal programs but instead in the voluntary actions of a free and compassionate people.

[From GOPUSA.COM, May 25, 2001]

THE REAL THREAT OF THE FAITH-BASED INITIATIVE

(By Star Parker)

The faith-based initiative is our latest proof that politicians are great entrepreneurs in finding ways to expand the scope of government, their own power and control over our lives. This particular initiative should be of concern to all because, in the best scenario, it will only waste money. In the worst case, however, it will be destructive to our nation.

Although for President Bush this initiative is a crusade to reach minorities, welfare programs have already done enough damage in black America. Government dependency has created an environment in which black illegitimacy rates have soared seventy percent. This time the victim of government intervention will be the black church.

However, there is an even deeper concern facing us than this.

Those who claim that the faith-based initiative merely saves charitable programs of religious organizations from discrimination miss the most basic point. The main reason faith-based programs are successful is the fact that free people choose to fund them and that free people choose to participate in them.

The truth is that we all are already participating in a great faith-based initiative. It is called the United States of America and its principles and rules are in the Declaration of Independence and the Constitution.

When we examine these great documents, we see that the founders referenced our most fundamental rights to our Creator and then defined the role of government to secure these rights. Our great and blessed country, has been a story of unprecedented success because of the crucial premise that man is and must be free to exercise his God-given rights.

It is worth noting that although the founders declared this; they then prohibited, in the very first amendment to the Constitution, the establishment of religion by government. Clearly, they did not make haste to keep government out of religion because they were not religious men or because they were opposed to religion or religious activity. They did this because they understood that faith, freedom, and choice cannot be separated and that it is critical to preserve and protect these core elements of our society.

Our goal should be to eliminate government from those aspects of our society that have been politicized: not to politicize the very faith and freedom that have made our country great. The very idea of welfare is the antithesis of both faith and freedom.

A true faith-based initiative is one defined by freedom and not one defined by politics. Humankind already has a tragic history of incidents where governments and politicians have gotten into the business of defining faith and religion.

I respect our President, but he is dead wrong on this one. We still have billions of unused dollars in our welfare budgets. Let us return these funds to our citizens and exercise true faith that they will make the right decisions regarding charitable giving. Let us remember the simple wisdom of Ronald

Reagan that government is the problem, not the solution.

A PROCLAMATION RECOGNIZING BISHOP GILBERT J. SHELDON

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. NEY. Mr. Speaker, I invite my colleagues to join with me and the citizens of Ohio in celebration and commemoration of the Twenty-Fifth year of Bishop Gilbert J. Sheldon's ordination as Bishop in the Catholic Church.

Whereas, Bishop Sheldon's journey began on February 28, 1953 when he was ordained to the priesthood by Archbishop Edward Hoban; and,

Whereas, Bishop Sheldon was ordained Bishop on June 11, 1976 by Most Reverend James A. Hickey; and,

Whereas, Reverend Sheldon has tirelessly dedicated himself in service to God and to his fellow man as he served as Bishop of the Diocese of Steubenville; and,

Whereas, such institutions of God's will as Saint Rose Church in Cleveland, Saint Clare in Lynhurst, and Sacred Heart Church in Oberline have all benefited and prospered under his guidance;

Therefore, I invite my colleagues to join with me and the Citizens of Ohio in celebration and commemoration of Most Reverend Gilbert J. Sheldon's twenty-fifth anniversary of his Episcopal Ordination.

AMERICAN LEGION PONY EXPRESS POST #359

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. GRAVES. Mr. Speaker, I rise today to recognize the importance of the American Legion Pony Express Post #359 in St. Joseph, Missouri.

The American Legion Pony Express Post #359, chartered on January 24, 1946, has a long history of providing aid to children's assistance organizations and charities as well as assisting needy veterans in the St. Joseph area.

The American Legion has been a patriotic organization dedicated to providing community service. They open their doors to assist those brave Americans that have served our country and instill a warm sense of pride in our nation that these men and women fought so hard to defend.

In honor of Flag Day, I rise to extend my appreciation to thank all the brave veterans, and the men and women in our Armed Forces for serving and protecting our nation from assaults on our freedoms and liberties. Because of your tireless efforts, this truly is the land of the free and the home of the brave, and I am honored that we can share and enjoy the peace and prosperity of this great nation.

TRIBUTE TO CHESSYE BAUGHMAN POWELL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. SPENCE. Mr. Speaker, on Monday, April 30th, Chessye Baughman Powell retired from the United States House of Representatives, after thirty-four (34) years of devoted service. Chessye began her service to the people of the Second Congressional District of South Carolina in the Orangeburg Office of my predecessor, Congressman Albert Watson, on March 11, 1967. When I became a Member of Congress, in January 1971, I was glad that Chessye wanted to continue to assist the constituents who were being served through my Orangeburg Office.

From 1967 to 2001, Chessye dedicated herself to the various needs of the constituents of the Second Congressional District, as well as to those of persons from throughout our State. Chessye mastered the bureaucracy of the Federal Government and she was very adept at contacting the appropriate officials to address the many situations that were presented to her. Also, I was always proud of her representation of me at meetings and events in the Second Congressional District. In a 1997 profile in the (Orangeburg) TIMES AND DEMOCRAT, Chessye reflected on her career and the changes that have taken place over the more than thirty (30) years that she has served the citizens of the Second Congressional District. Chessye noted that, during her career, the UNITED STATES GOVERNMENT MANUAL has become "probably ten (10) times the size that it was twenty-five (25) years ago." Chessye also observed that she has been guided by the motto: "When duty calls, you have to rise to the occasion." Chessye has always risen to the occasion, whatever the circumstances have been.

Chessye attended Newberry College, in South Carolina, and she began working for the (South Carolina) State Law Enforcement Division (SLED) at the time that it was being developed by Chief J.P. "Pete" Strom. Chessye later was employed by SCM, an industry in Orangeburg, South Carolina, where she met her husband, Roy. Chessye and Roy have a son, Greg, who is a health care executive in Atlanta, and a daughter, Allyn, who is a graduate student at the College of William and Mary. In 1990, Chessye became a District Administrator on my staff, based in my Orangeburg Office.

Chessye has dedicated thirty-four (34) years of her life to helping others. She can be justifiably proud of her many accomplishments, and I am pleased to join her many friends in wishing her much happiness in her future endeavors.

B'NAI B'RITH INTERNATIONAL HONORS DAN S. WILFORD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to honor a true leader in the field of health care, Mr. Dan S. Wilford. On Monday, June 18, 2001, Mr. Wilford will be recognized by B'nai B'rith International for his leadership and commitment to the public in the field of health care.

For the past 17 years Mr. Wilford has served as the President of Memorial Hermann Health Care System and its nine subsidiary corporations. He also serves as the Chief Executive Officer of a community-based, nonprofit hospital system, comprised of thirteen hospitals in the greater Houston area and two hospitals in Beaumont and Orange, Texas. The system also includes an outpatient center, two nursing homes, and a retirement community. Mr. Wilford's involvement in these organizations has set him apart as a leader and an activist in the health care community.

Dan Wilford is involved in many different professional organizations. He is active in the Texas Hospital Association, American Hospital Association, and serves on the Board of Directors of the Voluntary Hospitals of America, the Hospital Research and Development Institute, the United Way of Texas Gulf Coast, and the Greater Houston Partnership.

As a member of the University of Mississippi's class of 1962, he was inducted into the University's Alumni Hall of Fame in 1995. In 1966, Mr. Wilford received a Masters Degree in Hospital Administration from Washington University, in St. Louis, Missouri, and later was awarded the University's Distinguished Alumnus Award. He has countless recognition for his devotion to the health care industry, but the award he receives tonight truly stands out.

B'nai B'rith International's National Health Care Award is given to a health care professional who embodies their commitment to making our communities a better place to live. Through his community involvement and multiple leadership roles Mr. Dan Wilford exemplifies the goals B'nai B'rith sets to achieve. Mr. Wilford's sense of community activism helps to make the city of Houston a better place to live and I am proud to join B'nai B'rith in recognizing him for all that he has done.

TRIBUTE TO MS. JOYCE M. HAYES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. KILDEE. Mr. Speaker, as a former teacher, I am happy to rise before you today to recognize Ms. Joyce M. Hayes, who is retiring from Flint Community Schools after 33 great years of teaching.

Armed with a desire to teach, Joyce Hayes began her college career in Marshall, TX, where she graduated in 1967 from Wiley College with a Bachelors Degree in English and a minor in History. In 1968, she worked as an English teacher at Terrance Manor Middle School in Augusta, GA. Later she moved to Flint, where she began teaching Adult Education courses at C.S. Mott Adult High School and Beecher Community High School. She later became an English and Speech teacher at Jordan College in Flint, and at Longfellow Middle School, also in Flint.

In 1981, Joyce began a term with Flint Northern High School, one that has lasted to this day. In addition to English, Joyce taught World, American, and Modern Literature, Mythology, Grammar and Composition, and Successful Writing and Reading to hundreds of students from ninth to twelfth grades. She also served as the Instructor for the school's Honors/Gifted Student Program, Class Advisor, and Student Council Advisor. In 1992, Joyce became English Department Head, a position she has also held to this day. The same year, Joyce successfully completed her Masters Degree in Education from Eastern Michigan University. Two years later, she completed another degree from Eastern Michigan, this time a Masters in Guidance and Counseling.

For many years, Joyce has been dedicated toward working to improve our schools, not just in Flint, but also throughout the State and the Nation. She is a member of the Michigan Education Association, National Education Association, and the National Council of Teachers of English, among many other groups. She has been an important part of many citywide and statewide committees designed to further educational and emotional growth among our students. Joyce has been recognized for her efforts by inclusions in Who's Who Among High School Teachers, American Educators, and American Women, and was recently chosen as the 2001 Saginaw Valley Teacher of the Year.

Mr. Speaker, Joyce Hayes is a tremendously respected individual. Many of her students, past and present, have greatly benefited from her insight, as has the entire Flint community over the course of the last 33 years. She has always been a fighter for education, for she believes that a strong educational background is the basis toward improving the quality of life. I ask my colleagues to please join me in congratulating her on her retirement, and wishing her the very best in her future endeavors.

A TRIBUTE TO THE CARPENTERS LOCAL UNION NO. 845

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Carpenters Local Union No. 845 in Delaware County. Founded a century ago, three Local Unions from Pennsylvania united to form the Delaware County District Council. Over the next 75 years, Local Union No. 845 evolved to become the largest of the three locals in Delaware County, Pennsylvania.

Carpenters Local Union No. 845 has established itself as one of the most distinguished organizations of its kind. The members of this organization, and their families, have made innumerable sacrifices in order to help future generations of Americans. Furthermore, many of the members of Local 845 have served in the armed forces for our great nation. These individuals have demonstrated impeccable American values, and have participated in countless works of charity. The Union has stood as the backbone of thousands upon thousands of its members by providing decent wages, and a better standard of living for themselves and their loved ones.

Mr. Speaker, as a carpenter myself, I know that Local No. 845 has benefitted the Philadelphia community, and will continue to do so for years to come. On its 100th anniversary, members of the Local 845 are leading through example by hard work and dedication. They have been the pioneers for the working class, and will continue to make new advancements and achievements through their endurance, commitment, and leadership.

TRIBUTE TO BOB AND GAY SMITHER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. LAMPSON. Mr. Speaker, today I rise to congratulate my constituents, Bob and Gay Smither, on receiving the Texas Young Lawyers Association Liberty Bell Award on behalf of their work with the Laura Recovery Center Foundation. I couldn't think of two more worthy people to receive this award.

I met the Smithers just over four years ago, after the disappearance of their daughter, Laura Kate. Sadly, Laura's body was recovered a couple of weeks later. The Smithers chose to turn this terrible tragedy into something positive, the founding of the Laura Recovery Center. It is because of Laura and her parents' inspiration, that I founded the Congressional Caucus on Missing and Exploited Children.

Through this harrowing experience, we have learned of thousands of families who suffer this same tragedy every year in this nation. Bob and Gay have dedicated their lives to protecting our children and keeping our families safe. So many in their community worked so hard to bring Laura home that I can't imagine a stronger outpouring of love and support by a community.

The Smithers have told me that they intend to accept it on behalf of all of their volunteers. This is just one more indication of their commitment to their community and their selflessness—they choose to share this honor rather than accept it only on behalf of themselves.

The Foundation has recently received Texas Commission on Law Enforcement Officer Standards and Education certification for their training program on rapid response to child abduction and have been invited to present monthly training courses at the Houston Police Academy and Galveston County Sheriff's Department.

I am honored to call Bob and Gay Smither my constituents, and am honored that they have been selected to receive the Liberty Bell Award.

HONORING CENTRAL CONGREGATIONAL CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to honor the 150th Anniversary of "The First German Evangelical Lutheran Church," presently known as Central Congregational Church, located at 1311 Holman, Houston, Texas. In 1851, Pastor Casper Braun arrived in Houston to help German speaking settlers transition to their new home. He was responsible for founding the congregation in September of 1851.

Over the years, the church has built three permanent facilities; a white wooden colonial style structure, a red brick building with a Gothic style white sandstone trim, and its most recent structure, built in 1927, a tan brick with red terra cotta roof directly from northern Italy. The church currently houses the Houston chapter of Habitat for Humanity and the Houston Graduate School of Theology, and is also responsible for financing five new Lutheran churches in the Houston area.

The 87 members of the Central Congregational Church, under the leadership of Pastor Dr. W. Clark Chamberlain have been involved in many community outreach programs in hopes of attracting new parishioners. Since 1975, Central Congregational Church has participated in the Christian Community Services Center of Houston. This service organization is an interfaith alliance of more than three dozen congregations, who work together for betterment of the community. The alliance provides job training, job placement, emergency relief, clothes, back-to-school programs, a thrift shop, day care services, and delivers meals to senior citizens who are shut in. Currently, the church prepares more than 100 meals a day for home-bound individuals.

Mr. Speaker, the Central Congregational Church has a long history of faithful service to the Houston area. The tireless efforts of the leaders and parishioners at Central Congregational Church has made them a shining example for other community groups to emulate. I applaud the parish and its members for their commitment to the community and wish them success in the forthcoming years.

TRIBUTE TO MARCEL GROEN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. HOEFFEL. Mr. Speaker, I rise today to honor Marcel Groen of Montgomery County, Pennsylvania. Marcel has been awarded the first Mark E. Goldberg Memorial Award which recognizes individuals for their commitment to Jewish culture and civic life and also for participating in the Israel Bonds Program. The

Mark E. Goldberg Memorial Award was established in memory of Mark E. Goldberg and his strong devotion to the Jewish community.

Marcel is a founding partner in the law firm of Groen, Laveson, Goldberg & Rubenstone in Bensalem, Pennsylvania. He is extremely active in his community as a former chairman of the Bucks County International Trade Council, a board member of the Bucks County Male Teen Conference, and he was former counsel to the Lower Bucks County Chamber of Commerce. Marcel has served as a special counsel to numerous municipalities and their agencies.

Marcel has long been an active supporter of the Democratic party. He is the Chairman of the Montgomery County Democratic Committee and is a member of the Pennsylvania Democratic State Committee. He was also the former Finance Chairman of the Bucks County Democratic Committee.

Marcel has dedicated much time and efforts to Jewish causes. He is an officer of the board of Beth Shalom Congregation, served as past-president of the Philadelphia ORT and the Bucks County Jewish National Fund, and a former vice president and board member of the Philadelphia Solomon Schechter Day School.

Marcel and his wife Bernice are the proud parents of four children: Marlon, Jennifer, Rachel, and Justin. Their family also includes son-in-law Ami Dolev and future son-in-law, Elad Yagur.

Marcel is my close friend. He is a good man committed to public service and civic leadership. I am pleased to congratulate Marcel for this distinguished award.

THE SAVINGS FOR WORKING FAMILIES ACT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. PITTS. Mr. Speaker, the last decade has seen some of the greatest prosperity in American history. This has provided new opportunities not only for the savvy Wall Street investor, but also for those who are gainfully employed for the first time. And while some economic indicators are down a bit, we still have a great opportunity to help those who once had few opportunities. We have the chance to help them find new ways to gain a permanent foothold in the financial mainstream.

Today, Congressman Charlie Stenholm and 33 other bipartisan cosponsors are joining me to re-introduce The Savings For Working Families Act. This legislation will provide tax credits to banks providing matching funds for Individual Development Account (IDA) savings. IDAs are savings accounts that may be used for education, housing, or to start a small business.

IDAs are a proven success in my home state of Pennsylvania. For example, Jacqui Fulton, a 66-year-old woman from Philadelphia told the Philadelphia Daily News recently that when she used to get depressed about her circumstances, she would raid the cookie jar where she kept her money and go buy herself a manicure. It made her feel better for a short time. But now, she goes to the bank every week and deposits another twenty dollars into her IDA account. She now says that she "almost skips to the bank"—it makes her feels so good. Jacqui started saving in her IDA account in July of 1997. She saved over 12 hundred dollars and received her saving match of six hundred dollars in August of 1999. She used the money to expand a talent search business called Direction and Exposure.

She says, "This is one of the smart moves I made to have more money to invest in my business." She feels good about herself, and she's saving money to make a dream come true. And she's no longer raiding her cookie jar.

Jacqui's is just one success story among many. This program is working in Pennsylvania. Pennsylvania has one of the largest IDA programs in the country. The Commonwealth has appropriated $4.5 million dollars to the program to date, and another $1.5 million is included in this year's budget. Right now, there are 2584 contracted accounts divided among 15 financial institutions around the state. At the end of last year, IDA investors in Pennsylvania had saved almost three-quarters of a million dollars.

IDAs are a proven success in many other states too. But they are under utilized. Where they have been made available, they have worked. They are meant to be a springboard to continued prosperity. Making higher education possible makes prosperity possible. Helping people start small businesses makes prosperity possible. But without hopeful that will be very soon. I look forward to working with the President, House Leadership, and all of the cosponsors of this legislation to make this dream come true.

A TRIBUTE TO THE FATHER'S DAY GALA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to pay tribute to a great institution that is serving the needs of families in my district and the entire Delaware Valley.

For the past two years, the Father's Day Gala Program Committee, led by Karen Burton, has honored that most important of all men, the father. As Father's Day approaches, all of us are compelled to think of our fathers and the role they played in our lives. Those of us who are privileged to have had the support of strong fathers know that our paths were made easier by the love, the advice, the nurturing and the discipline they gave us. Those who have not had that privilege know well the void that lack left in their lives.

Unfortunately, Mr. Speaker, we don't often take the time to honor our fathers, or step fathers. Most Dads are too busy being Dads to worry about that. But it is wonderful that a group of citizens would come together as volunteers to say thank you to all the fathers out there. I must say that I am especially proud of this gala, since so much of the work on this event was done by Karen Burton, who was born and raised in my district. Ms. Burton, her mother Sara, and her entire family have worked tirelessly to make my district a better place. This event is in keeping with their family tradition.

And so, to all the fathers at the Gala, and to all the women and children who love them, I say Happy Father's Day and keep up the good work.

INTRODUCING THE CHILD POVERTY REDUCTION ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. STARK. Mr. Speaker, I rise today to introduce the Child Poverty Reduction Act. Senator CHARLES SCHUMER is introducing companion legislation in the Senate.

During the welfare debate of 1995–96, I had concerns that too much emphasis was placed on kicking people off of welfare rolls rather than reducing poverty. Unfortunately, my concerns—and those of several of my colleagues and administration officials who quit their jobs in protest of welfare reform's passage in 1996-proved accurate.

The emphasis on reducing welfare caseloads has caused welfare caseloads to drop faster than the poverty rate. From 1996–99, the number of people receiving welfare dropped 41 percent, while child poverty was reduced only 16.3 percent in the same period. As a result, almost one in six children (12 million) continue to live in poverty.

Child poverty can have devastating impacts that last a lifetime. Studies show that poverty has harmful affects on children's cognitive ability and school performance and can contribute to early sexual activity and pregnancy, crime and incarceration, and unemployment.

To encourage states to use funds to improve the well-being of our nation's children, this bill amends the Temporary Assistance for Needy Families (TANF) program by making reducing child poverty an explicit goal of the welfare law and creating a $150 million high performance bonus grant to states that reduce child poverty.

To receive this new TANF high performance bonus, states would have to reduce their child poverty rate from the previous year's poverty rate. To ensure that states sustain their efforts to reduce child poverty, the high performance bonus is only awarded to states whose most recent child poverty rate does not exceed their lowest poverty rate since the beginning of this bonus program.

I find it even more troubling that almost 5 million children live in extreme poverty in which their families' incomes are less than 50 percent of poverty ($8,731.50 annually for a family of four, or just $728 a month). This bill attempts to help those especially needy children by only rewarding states that reduce poverty for children at all levels of need.

Thus, the high performance bonus is only given to states that both reduce the overall poverty rate and prevent any increase the percentage of poor children living in extreme poverty.

Children have no choice as to whether they are on welfare and I will continue to look for methods to protect them from the effects of TANF. While this legislation is not the overall solution to reducing child poverty, it is a clear step in the right direction.

Reducing child poverty is one of the smartest policy initiatives that this Congress can embark on since children are our nation's future. I urge my colleagues to please join me in this small, but important, investment to reduce child poverty and improve child well being by enacting the Child Poverty Reduction Act.

IN MEMORY OF TIMOTHY LAWSON

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Timothy Lawson, a young man who lived a life of honor, patriotism, and had a keen sense of service to our nation.

I was deeply saddened when I heard of Timothy's passing. However, we can take comfort in this trying time by knowing that he served our country courageously. Timothy embodied a truly dignified manner during his service to our country.

While enlisted in the Navy during the Persian Gulf War, he received a Navy Achievement Medal for saving two people out of a liquid oxygen fire. After returning to California from the Persian Gulf, he studied criminal justice together with his brother, Gary, at California State University, Sacramento. Before enlisting in the Marines, Timothy held a position in the United States Secret Service while attending California State University, Sacramento.

Not only did Timothy emanate dignity in his professional life, but he also strove to lead a life modeled on the lessons he learned from his family. His parents instilled this sense of service during his childhood in Northern California and Clinton, Iowa.

During a training mission Timothy's plane went down in the desert in California's San Joaquin Valley. He and Navy Lt. Timothy Gilbreth were flying a T–34C Turbo Mentor about three miles north of the El Centro Naval Air Station.

During my time in the United States Army I witnessed the passing of many of my fellow soldiers. Whether during peacetime or in times of conflict, when a member of our Armed Services passes away in the line of duty, we should not fail to recognize the sacrifices they made.

Mr. Speaker, please join me in recognizing the service and patriotism Timothy Lawson. It is appropriate, during a week in which we are remembering Americans who lost their lives in the Armed Services, that we all acknowledge and appreciate the sacrifices that Timothy made for our country.

EUGENE AND CONNIE ROTH HONORED WITH SHOFAR AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to my very good friends Gene and Connie Roth, who will receive the Shofar Award on June 14 from the United Hebrew Institute of Kingston, Pennsylvania.

The shofar, or ram's horn is a religious musical instrument having profound significance in the Jewish religion. It constitutes an important part of the Jewish prayers in the synagogue during the festivals of Rosh Hashana, the Jewish New Year, and Yom Kippur, the Day of Atonement.

The name of this award is certainly fitting. Just as the shofar plays an integral role in the Jewish faith, so too have Gene and Connie been an integral part of the United Hebrew Institute family for more than 40 years. All of their children, Joan, Steven, Jeffery and Larry, are graduates of UHI. Both Gene and Connie have served and still serve on the Board of Trustees, including Gene's service as chairman from 1967 to 1969. In addition, Connie served as president of the PTA from 1971 to 1973 and still serves as president of the Ladies Auxiliary of Talmud Torah.

But UHI is far from the only Wyoming Valley institution to benefit from the services and talents of this dedicated couple. Among the organizations which have benefited from their expertise and commitment are the Geisinger Wyoming Valley Medical Center, Wilkes University, the Jewish Community Center, Wilkes-Barre Industrial Fund, Congregation Ohav Zedek and its Sisterhood, the Jewish Federation, United Jewish Appeal, the United Way, the Osterhout Library, the Jewish Home, Queen Esther Hebrew Ladies Aid Society, Jewish Family Service, Martin Luther King Committee for Social Justice and Hospice St. John.

Mr. Speaker, both Gene and Connie are pillars of the community. Gene has been honored many times by groups including B'nai B'rith, the Boy Scouts of America, and Who's Who, among several outstanding organizations. For her part, Connie was named the Woman of Valor by Congregation Ohav Zedek and was honored by the Women's Division of the Jewish Campaign and by B'nai B'rith Lodge.

The primary focus for Gene and Connie has always been their family, their community and the preservation of Jewish heritage. Their longstanding efforts on behalf of the school, their synagogue and the community are truly inspirational. I am pleased to call to the attention of the House of Representatives this well-deserved award being presented to Gene and Connie Roth as well as their many good works, and I wish them all the best.

RECOGNIZING THE CONTRIBUTIONS OF FRANK MOLINA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Ms. SOLIS. Mr. Speaker, I rise today to mark the departure of a key member of my staff, Frank Molina, a field representative in my El Monte office who is leaving this Friday to pursue his life-long dream of attending law school.

The single child of working-class parents, Frank became one of the first members of his family to earn a college degree when he graduated from the University of California at Los Angeles last year. Armed with a major in International Development Studies and minors in Latin American Studies and Spanish Literature, Frank set out to give back to the community that had already given him so much.

He started as a field representative in my California State Senate office in August 2000 and moved to the U.S. House of Representatives in January. Beyond helping constituents with casework, Frank assisted with higher education, transportation, immigration and economic development issues in my district office. The residents of my district are better off because of him.

Frank's fluency in Spanish was an extremely important asset for our office. He routinely communicated with constituents in their native tongue and wrote many of my Spanish-language speeches and position papers.

His biggest asset, though, was his dedication to the residents of the 31st Congressional District. Day after day, Frank worked to ensure that small businesses prospered in our area, that recent immigrants settled into their new community and that high school students benefitted from the advantages of higher education.

And now Frank is hoping to reap those same benefits. He plans on spending these next few months studying for the Law School Admission Test and hopes to attend an Ivy League university for law school. Although I and the constituents of the 31st Congressional District will miss Frank, we wish him the best.

INTRODUCTION OF LEGISLATION TO WAIVE FEDERAL WEIGHT LIMITS ON THE MAINE INTERSTATE

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BALDACCI. Mr. Speaker, I rise today to introduce legislation to exempt commercial vehicles traveling on the Maine Interstate from federal weight limits. Maine finds itself in a rather unique and dangerous situation. Canada and states surrounding Maine have much higher weight limits for trucks than those on Maine's Interstate. As a result, when they enter Maine, these heavy trucks are diverted onto smaller state and local roads. This diversion has caused two major problems.

First, the diversion of these trucks onto state and local roads is destroying these roads, Most are not built to handle the wear and tear caused by heavy trucks which would not normally be driven on secondary roads. As a result, the State and local governments are forced to use scarce funds to meet high repair and maintenance costs. In a geographically large state where every transportation dollar counts, such expenditures drain funds away from other high priority projects. By contrast, the Interstate is designed to absorb the wear and tear caused by heavy vehicles, and I believe that is where they should be driving.

Second, having these trucks on secondary roads causes an extreme safety hazard. Heavy vehicles, such as tanker trucks carrying hazardous material and fuel oil, simply should not be traveling through communities with small roads, narrow intersections and difficult rotaries. Regrettably, there have been many accidents—some fatal—between large trucks and private vehicles on these smaller roads. The roadways are not designed to accommodate heavy trucks, whereas the Interstate system clearly is. I believe that getting these trucks back on the Interstate where they belong will enhance safety.

My bill will institute a 3-year pilot program during which time the federal weight limits will not apply to Maine's Interstate. During this waiver period, traffic data will be collected and reviewed by a Safety Committee headed by the Maine Department of Transportation. If the Committee finds that the waiver in fact has not negatively impacted safety, then the waiver will become permanent.

This important bill represents a good first step in solving this very real and very dangerous problem for Maine's people and Maine's roads.

INTRODUCTION OF SAFE PLAYGROUNDS ACT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. PALLONE. Mr. Speaker, I rise today to ask that my colleagues join me in supporting legislation I introduced today that would ensure that our nation's playgrounds are safe and properly constructed throughout America.

As the school year ends and summer begins, children all around the United States will be spending more time outside playing with friends at our community playgrounds. While most kids enjoy horsing around at the playground, it can be a dangerous place if the equipment is either broken or not up to code. Every year more than 200,000 children are injured on America's playgrounds, and, according to the U.S. Consumer Product Safety Commission (CPSC), 147 children died between 1990 and 2000 from playground equipment-related injuries.

In a 1998 survey, U.S. playgrounds received an overall grade of C− when rated on the presence of physical hazards and behavioral elements, including supervision and age-appropriate design. Mr. Speaker, many may think that this is an acceptable grade because states, counties and local communities don't have any specific standards to follow when building playgrounds.

However this is not true. For the past several decades, the CPSC has written a very detailed national code to help states and local governments build the safest possible playgrounds. Unfortunately, only five states require that all public playgrounds in their respective communities abide by these standards.

My legislation, the Safe Playgrounds Act, would urge states to pass a law that assures that all playgrounds are safe for our kids.

The Safe Playgrounds Act will provide $1 million grants to states that enact statewide laws regulating public playgrounds according to the CPSC's Handbook for Public Playground Safety. States could use these funds to either build new playgrounds or bring older ones up to code.

Mr. Speaker, I urge my colleagues to join me in protecting our kids from playground accidents by cosponsoring this bill. Playground accidents will always be a reality, but by making these grounds as safe as possible, we can reduce those accidents that are not the fault of the child but of the playground itself.

MAGNOLIA JUNIOR HIGH SCHOOL

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. BRADY of Texas. Mr. Speaker, I would like to take this opportunity to welcome the students and faculty of Magnolia Junior High School of Magnolia, Texas to Washington, DC. I would also like to recognize the students from Maywood Middle School who are visiting with them from my colleague, Congressman DOUG OSE's, district in California. These students have traveled over great distances to enjoy the many national museums and learn the significance behind the many historic monuments that are in this great city. I would like to wish them all the best and hope they relish this tremendous educational opportunity.

TRIBUTE TO FRANCIS M. FULKERSON, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. SKELTON. Mr. Speaker, today, I wish to pay tribute to Francis M. Fulkerson, Jr. who has retired from the Army Corps of Engineers in Napoleon, MO.

In 1956, Mr. Fulkerson began his Federal career as a student trainee with the Corps. Mr. Fulkerson accepted a full time position in 1958 as a Surveying Technician at the Napoleon Office Area. During his career, Mr. Fulkerson served the Glasgow Area Office, the New Orleans District, the Kansas City District Office, the Jefferson City Resident Office, and then returned to Napoleon in July, 1988. Mr. Fulkerson has served for over 40 years.

Mr. Speaker, Francis Fulkerson's federal career has been far reaching. I know the members of the House, please join me in expressing appreciation for his years of service.

AMERICAN BREAKTHROUGH RESEARCH ACT OF 2001

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. CRANE. Mr. Speaker, I am pleased to announce that I, along with my friend and Colleague Congressman BOB MATSUI, are introducing the American Breakthrough Research Act of 2001. This important legislation remedies a shortcoming in the federal income tax incentives available for research and development activities. To a considerable extent, our country's competitive position in the world economy and our citizens' standard of living are dependent on maintaining and enhancing our leadership in pure science and in the equally important commercialization of the fruits of scientific discovery. Over many years, the Congress and administrations across political parties consistently have supported tax incentives for those crucial activities.

Much of the risky and capital intensive work of developing the commercial potential of scientific findings is undertaken by relatively small and even start-up businesses. It often takes many years and many millions of dollars of investment to turn discoveries into products, and along the way these entrepreneurs tend to have few if any products to sell and little or no revenues. The U.S. bioscience industry, for example, which many call the industry of the 21st century is comprised of about 1200 companies, most of which are relatively small. While the medicines and treatments that these companies are developing hold great promise to reduce or eliminate major diseases such as cancer and cystic fibrosis, few companies can go to the market with products to sell.

A key goal of Congress in enacting and reenacting the research tax credit and expensing provisions of the Code has been to foster this long-term intensive R&D work. Yet the fact is that many such companies derive no benefit from these provisions. As estimated by a major U.S. accounting firm, 95 percent of the Nation's biotechnology firms did not earn any profits in 2000. The existing research tax incentives thus fail to reach these companies because the incentives can be utilized only by companies that have significant profits and taxable income.

This is a fundamental problem that we need to address now. This defect in existing law puts these companies, which are critically dependent on investment to sustain their research, at a disadvantage in raising capital compared with other, often larger companies that do have current income. Without current access to these tax incentives, these smaller companies whose research activities are so vital to our Nation, are hard pressed to find needed capital.

The Crane-Matsui legislation fixes this shortcoming. It provides eligible long-term research companies with the opportunity to obtain a current benefit from these tax attributes through an election to claim a refundable tax credit in exchange for relinquishing the research-related losses and credits. There is growing precedent for this type of proposal among the States, several of which have enacted or are considering similar provisions to provide research companies with a current benefit from otherwise unusable tax incentives. We hope our colleagues will join us in supporting this important legislation.

A TRIBUTE TO ANNE BLUE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to a remarkable young woman who spent a brief sojourn on this earth, but who has left giant footprints "on the sands of time." The life of Anne Blue reminds us that the measure of a person's life is not the quantity of years, but the quality of years on this earth.

Anne Elizabeth Candace Blue was born in Georgetown Guyana on June 14, 1956 and departed this life July 5, 1993. In her 37 years of existence, she rose to the heights of academic and professional achievement. She passed the Common Entrance Examination in Guyana and attended Bishop's High School. She migrated to England and entered the London Hospital School of Nursing where she graduated as a State Registered Nurse. She migrated to the United States where she obtained the Bachelor of Science degree in Nursing from Hunter College and the Juris doctor degree from Hofstra Law School. She was active in various social, cultural and professional associations. She was a member of the Bishop's High School Alumni Association; founding member of the Caribbean American Bar Association; founding member of New York Reggae Music Festival Inc. She was a licensed Real Estate broker and Mortgage broker and, together with her parents John and Hyacinth Blue, she carried on a prosperous and successful Real Estate and Home Care business on Church Avenue.

Anne Blue "walked with kings, nor lost the common touch." She never lost contact with her native land and visited Guyana on an annual basis. As tribute to her patriotic and humanitarian commitment, her parents have created four Anne Blue scholarships in her memory—The Anne Blue National C.X.C. scholarship, awarded to individuals who obtained outstanding marks on the C.X.C. examination; The Anne Blue University of Guyana Law student scholarship, awarded to second year law students who obtain outstanding grades in their first year of law school; A scholarship to St. Gabriel's Elementary School, her elementary school alma mater; and a scholarship to Bishop's High School, her high school alma mater.

In the United States, the Anne Blue Scholarship Fund is sponsoring Project Amethyst, an academic enrichment program designed to help students to help students prepare for the specialized High School Admissions examinations. The participants begin the program in the 7th grade and continue through the 8th grade. They attend classes for four hours on Saturday's where qualified teachers tutor them in the areas of English, Mathematics, Biology and Computer Science.

In paying tribute to Anne Blue, we also pay tribute to her remarkable parents, John Blue and Hyacinth Blue, who transformed their pain into triumph by preserving and perpetuating the memory of their remarkable daughter. They have named their Real Estate and Home Care business establishments in her honor, and have created a Scholarship fund, which opens the door of academic opportunity to underprivileged young people in Guyana and Central Brooklyn. In the words of Horace, "exegit monumentum, perennius aere"—they have built a monument more lasting than bronze.

FEDERAL FIRE FIGHTERS DESERVE HEALTH BENEFITS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. RODRIGUEZ. Mr. Speaker, I rise on behalf of thousands of federal fire fighters and emergency response personnel nationwide who, at great risk to their own personal health and safety, protect America's defense, our veterans, Federal wildlands and national treasures. Although the majority of these important federal employees work for the Department of Defense, federal fire fighters are also employed by the Department of Veteran Affairs, and the United States Park Service. From first-response emergency care services on military installations around the world to frontline defense against raging forest fires here at home, we call on these brave men and women to protect our national interests.

Yet under federal law, compensation and retirement benefits are not provided to federal employees who suffer from occupational illnesses unless they can specify the conditions of employment which caused their disease. This onerous requirement makes it nearly impossible for federal fire fighters, who suffer from occupational diseases, to receive fair and just compensation or retirement benefits. The bureaucratic nightmare they must endure is burdensome, unnecessary and, in many cases, overwhelming. It is ironic and unjust that the very people we call on to protect our federal interests are not afforded the very best in health care and retirement benefits our federal government has to offer.

Today, Representatives CONNIE MORELLA (R–MD), JO ANN DAVIS (R–VA), and LOIS CAPPS (D–CA) joined me to introduce bipartisan legislation, the Federal Firefighters Fairness Act of 2001, which amends the Federal Employees Compensation Act to create a presumptive disability for fire fighters who become disabled by heart and lung disease, cancers such as leukemia and lymphoma, and infectious diseases like tuberculosis and hepatitis. Disabilities related to the cancers, heart, lung and infectious diseases enumerated in this important legislation would be considered job related for purposes of workers compensation and disability retirement—entitling those affected to the health care coverage and retirement benefits they deserve.

Too frequently, the poisonous gases, toxic byproducts, asbestos, and other hazardous substances with which federal firefighters and emergency response personnel come in contact, rob them of their health, livelihood, and professional careers. The federal government should not rob them of necessary benefits.

The bipartisan effort behind the Federal Firefighters Fairness Act of 2001 marks a significant advancement for fire fighter health and safety. Federal firefighters deserve our highest commendation and it is time to do the right thing for these important federal employees.

Thirty-eight states have already enacted a similar disability presumption law for federal firefighters' counterparts working in similar capacities on the state and local levels. The Federal Firefighters Fairness Act of 2001 is about parity for federal fire fighters; the same level of support provided to other important groups, such as teachers and police officers, should also be granted to these dedicated federal employees.

Mr. Speaker, the job of fire fighting continues to be complex and dangerous. The nationwide increase in the use of hazardous materials and the recent rise in both natural and man-made disasters pose new threats to fire fighter health and safety. The Federal Fire Fighters Fairness Act of 2001 will help protect the lives of our fire fighters and it will provide them with a vehicle to secure their health and safety.

I urge my colleagues to embrace this bipartisan effort and support the Federal Firefighters Fairness Act of 2001 on behalf of our nation's federal fire fighters and emergency response personnel.

SENSATIONAL SOCCER IN THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. COBLE. Mr. Speaker, On May 26, the Sixth District of North Carolina became the home of the 3–A state championship girls soccer team—Southwest Guilford High School. The Cowgirls completed their victory run with a season record of 24–3. After winning state championships in 1995 and 1997, the team brought the title home again when they beat T.C. Robeson 4–1.

With a team that has the Regional Player of the Year Erin Sides, All-State Player and leading goal scorer Kelly Whitaker, Conference Defender of the Year Lauren Field, and Erin Gonzalez as the All-State Stopper, Southwest Guilford had a leading advantage in capturing the 3–A state title.

The Cowgirls won all five state championship title games. The final game was a scoreless tie at halftime. But the team remained united and was ready for the second half.

"We said at halftime, whoever scored that first goal is going to win the game," sweeper Lauren Field, one of three captains, told the High Point Enterprise.

The Cowgirls' Erin Sides, scored their first goal, only two minutes into the second half. Laura Allen drilled another goal three minutes later. The final two goals that sealed the victory were by Kelly Whitaker, who was the championship game MVP.

Congratulations are in order for Head Coach Mike Fitzpatrick along with his Assistant Coach Gary Sabo, Goalkeeper Coach Chris Barrett and JV Coach Jim Coggins.

Members of the championship team included Laura Allen, Deanna Carr, Sara Crowder, Lisa Demeyer, Lauren Field, Erin Gonzalez, Natalie Henderson, Melissa Hunter, Andrea Lance, Bevan Menamara, Jolie Reed, Erin Slides, Marty Thompson, Marianne Trexler, Claire Walley, Kelly Whitaker, and Wendy Williams.

Everyone at Southwest Guilford High School can be proud of the Cowgirls. On behalf of the citizens of the Sixth District, we congratulate Athletic Director Brindon Christman, Principal Wayne Tuggle and everyone at Southwest Guilford for winning the state 3–A girls soccer championship.

INTRODUCTION OF THE AIRCRAFT CLEAN AIR ACT OF 2001

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. NADLER. Mr. Speaker, today I am introducing the Aircraft Clean Air Act of 2001 along with Senator DIANE FEINSTEIN who has introduced the companion bill in the Senate. This legislation is intended to create a procedure within the FAA to record cabin air quality incidents on commercial flights and to require airlines to turn over certain information regarding those complaints to the FAA.

The problem, Mr. Speaker, is that there is no way for passengers and crew members to register complaints about poor air quality they may have experienced on a commercial flight in the United States. Airlines are not required to save, or make available, valuable maintenance records of the flights where air quality problems are reported. Nor are they required to make available the chemical constituents present to which a person on the plane may be exposed. As a result, we have very little information as to the frequency or nature of cabin air quality incidents.

The Aircraft Clean Air Act of 2001 addresses this problem by allowing passengers and crew members to register cabin air quality complaints directly with the FAA. The FAA is then required to pass the complaint on to the appropriate airline, and to keep records of all complaints for ten years. Further, a passenger or crew members may request that the airline named in their complaint turn over the applicable mechanical and maintenance records of the flight in question if they have had a medical professional verify their symptoms. Airlines would have 15 days to turn over this information, after which a civil penalty of $1,000 per day would be levied on the airline for every day they do not turn over the requested information.

The Aircraft Clean Air Act of 2001 addresses another issue as well, the level at which aircraft are pressurized in flight. Currently airplanes are pressurized at 8,000 feet while they are in the air. This means that for the duration a flight is in the air, it feels to the passengers as if they are at 8,000 feet above sea level, regardless of the actual altitude of the aircraft. The 8,000 foot standard was based on outdated research that used an unrepresentative sample of the population. Recently, there have been questions regarding the safety of the 8,000 foot level. As a person goes higher above sea level, the rate at which oxygen is absorbed into the body decreases. This could cause problems such as shortness of breath and numbness in limbs, and lead to other health related problems.

The Aircraft Clean Air Act of 2001 authorizes the FAA to sponsor a study to determine if the cabin altitude rate, as currently defined by existing government regulation, should be lowered. The study would examine the affects of altitudes between 5,000 and 8,000 feet on various types of people that broadly represent the public. The bill allows universities to compete to conduct the study, and allows the National Academy of Sciences' "Committee on Air Quality in Passenger Cabins of Commercial Aircraft" to select the winner.

Mr. Speaker, airlines should be required to record all air quality complaints from passengers and crew members and to turn over the requested maintenance information in order to insure that our airlines remain the safest in the world. This is a matter of extreme importance for the flying public as well as those who work in the industry, and I urge my colleagues to support this legislation.

ELIMINATE PENALTY FOR IMMIGRANT CHILDREN—H.R. 1209

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of H.R. 1209—The Child Protection Act of 2001. Too many injustices affect immigrants as a result of how the current Immigration and Nationality Act is written. H.R. 1209 is but one way to ensure that children of citizens are not penalized because it takes the INS an unacceptable length of time to process their adjustment of status petitions.

Alien children of U.S. citizens are eligible for admission as an immediate relative. They are not subject to any numerical limitations on visas. The only wait time for these children is the actual time the INS takes to process their petitions.

However, when these children turn 21 years of age, their status shifts from immediate relative status to the status of family-first preference. This category is subject to a limited number of visas per year.

If these children turn 21 after their immediate relative petition is filed, they are moved to the bottom of the wait list for the family-first preference category. Since this category is backlogged for many countries, the child's wait time for processing unfairly increases.

H.R. 1209 would ensure that an alien child of a U.S. citizen shall remain eligible for immediate relative status as long as an immigrant visa petition was filed before the child turned 21. The date the petition was filed, and not the date the petition is processed, shall apply.

I urge my colleagues to support this piece of legislation to correct this inequitable outcome.

IRRELEVANT WEEK 26TH ANNIVERSARY

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. COX. Mr. Speaker, I rise today to commemorate an unusual community event that takes place in my district each year. "Irrelevant Week," now being celebrated for the 26th year in a row, was the vision of former National Football League player Paul Salata.

Founded on the premise of "doing something nice for someone for no reason," Irrelevant Week has inspired generous acts that have made this popular event one of the most relevant altruistic programs held in Orange County. The honoree of the week is, by tradition, the person chosen last in the National Football League draft. Whether first or last in the NFL draft, Paul Salata knows that beyond pure talent, it is the character and drive of the player—even if the last one picked—that will determine how successful he will be on the field. Proceeds from the week's events are donated to charities in Southern California, including this year's beneficiaries: the Orange County Youth Sports Foundation and Save Our Youth.

This year's honoree is future Arizona Cardinal Tevita Ofahengaue. He was the 246th pick in the NFL draft this year. Born in Tonga and raised in Laie, Hawaii, he is a 6′2″ 251-pound tight end from Brigham Young University.

Tevita, along with his wife and four children, will undoubtedly enjoy celebrating his reign as "Mr. Irrelevant" during the week's festivities. On behalf of the United States Congress and the people of Orange County whom it is my privilege to represent, congratulations to Tevita, his family, Paul Salata, and everyone associated with Irrelevant Week XXVI.

HONORING HOWARD SCHARLIN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a man who will be greatly missed by all who knew him. A man who served his country proudly in its hour of need, and a man whose love for his work and his life are only eclipsed by his immeasurable love of family. It brings me great sadness to report that Howard Scharlin of Coconut Grove, Florida, passed away last Tuesday at the age of 73.

Howard Scharlin attended school at Brooklyn College and later at Brooklyn Law School. He was admitted to the New York State Bar Association in 1951. Before entering the practice of law, he joined the Navy and attended Officers Training School from which he eventually became a line officer on the *Battleship*

Wisconsin. It was on the *Wisconsin* where Howard began service to his country during the Korean War.

After the war, Howard Scharlin moved to Miami in 1955. It was in Florida that he began his legal career as a real estate attorney and also a real estate developer. As a developer, Howard used his intellect and creativity to play a great role in the development of the City of Hialeah. Other accomplishments in the field include the co-creation of Palm Springs Mile, the creation of Anchorage Way and Commodore Plaza, and more notably, the development of the first townhouses in Florida and the laws creating condominiums.

However, Howard may best be known for his intense involvement in community service and his most generous philanthropy. He was a major supporter of the Boys and Girls Club, the United Way, and a myriad of Arts associations both in Florida and Aspen Colorado, where his family spent a considerable amount of time. He showed a great interest in educational institutions as well, as he was on the Board of Trustees for the Coconut Grove Playhouse and the Ransom Everglades School, as well as endowing the I Have a Dream Foundation at the Drew Elementary School.

In addition, Howard was an outstanding member of the Jewish community and a passionate supporter of the State of Israel. He was a board member on the American Jewish Committee, board member and Past President of the Miami Jewish Federation, President of the local chapter of AIPAC, participant in a number of missions to Israel, influential member on the boards of several Temples, and a number of other organizations.

Mr. Speaker, Howard Scharlin was both well-loved and widely respected by all those blessed to have known him, especially his wife, three children, and six grandchildren by whom he is survived. He selflessly served his country. His life's work was his dream. And his family was a source of admiration and great pride. Today we celebrate Howard's life which serves as a wonderful example to all who follow in his footsteps.

TRIBUTE TO MR. FRED WENGER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. PENCE. Mr. Speaker, I rise today to honor the life of the late Mr. Fred Wenger, an outstanding citizen and dedicated community leader in Delaware County, Indiana for three decades. I join his lovely wife Karen and three children in expressing gratitude for his loyal service as an Indiana State Representative.

Mr. Speaker, ask everyone in the Indiana General Assembly about the legacy of Mr. Wenger and they will unanimously refer to his gentle soul. He was dedicated to building strong constituent relationships and stronger Christian values.

Mr. Wenger's powerful faith influenced all of his work at the State House. He routinely voted his conscious for each of his three years in office. His passion for public service made him an inspiration to all of his colleagues. He is not only deeply regarded, but also deeply loved.

Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to this respected man who helped make selected communities of east central Indiana the pleasant places they are today. Indiana will miss Mr. Fred Wenger.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. SAWYER. Mr. Speaker, I rise in support of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. While this bill is controversial, I believe that it is fundamentally headed in the right direction. In fact, I authored an amendment to this bill to assure that, if the Bell Operating Companies receive relief to deliver high-speed Internet services, they would be required to deliver Internet services to underserved areas.

The bill would free the Bells of regulation to compete freely with long-distance providers and cable companies for high-speed Internet services. Of course, those companies which are already unregulated in providing high-speed Internet services oppose putting the Bells on an equal playing field.

I am less interested in the great turf wars among competitors than I am in how fair competition benefits the consumer, and whether technical advances—especially high speed Internet services, or broadband—will be made available across America.

Broadband access, along with the content and services it might enable, has the potential to transform the Internet—both what it offers and how it is used. For example, a two-way high speed broadband connection could be used for interactive applications such as online classrooms, showrooms, or health clinics, where teacher and student (or customer and salesperson, doctor and patient) could see and hear each other through their computers. An "always on" connection could be used to monitor home security, home automation, or even patient health remotely through the Internet.

The high speed and high volume that broadband offers could also be used for bundled service where, for example, cable television, video on demand, voice, data, and other services are all offered over a single line. In truth, many of the applications that will best exploit the technological capabilities of broadband, while also capturing the imagination of consumers, have yet to be developed.

My amendment, which was adopted by the House Committee, requires the Bells to make 20 percent of their central [switching] offices capable of carrying high speed data within the first year after enactment. In the second year, that number would rise to 40 percent of the central offices, and in the third year, 70 percent. After five years after enactment, 100 percent of the offices must be able to provide high-speed Internet access. While this does not mean that 100 percent of the nation will be hooked up, it will make an enormous leap in availability.

The amendment is flexible in that it allows the Bell Operating Companies to provide service through alternative technologies other than Digital Subscriber Lines (DSL), which utilize copper and fiber telephone infrastructure, in meeting this requirement. If a company would like to provide wireless or satellite as an alternative to DSL, they can under my amendment. A failure to comply with the requirements could trigger substantial Federal Communications Commission (FCC) fines.

Finally, the amendment requires the affected companies to report annually to the FCC on progress in deployment of these services to the underserved communities.

I believe this is a reasonable approach, that simply holds the Bells accountable for what they have promised if they get relief.

The bill, with my amendment, was accepted by the Energy and Commerce Committee on May 9, 2001. The Judiciary Committee has also held a hearing on the bill and plans to consider it before it comes to the floor of the House for a vote later this summer.

The future of telecommunications is full of uncertainty as competing companies and industries try to anticipate technological advances, market conditions, consumer preferences, and even cultural and societal trends. Congress should work to ensure industry competition and to provide for service to all sectors and geographical locations of American society. I believe the bill, with my amendment, has the potential to reach this public policy goal.

STATE DEPARTMENT LETTER DESCRIBING RELIGIOUS PERSECUTION IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. WOLF. Mr. Speaker, as co-chairman of the Congressional Human Rights Caucus, I want to share a letter I recently received from the State Department regarding religious persecution in China. The letter notes that the State Department currently estimates that, "roughly ten Catholic Bishops, scores of Catholic priests and house church leaders, 100–300 Tibetan Buddhists, hundreds (perhaps thousands) of Falun Gong adherents, and an unknown but possibly significant number of Muslims are in various forms of detention in China for the expression of their religious or spiritual beliefs." An illustrative list of religious prisoners in China notes that many have been tortured to death or are serving sentences of up to 21 years for simply practicing their religion.

I look forward to the day when the citizens of China will be free to worship the religion of their choosing and enjoy the basic human right of religious freedom.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 31, 2001.

Hon. FRANK WOLF,
Co-Chairman, Human Rights Caucus,
House of Representatives.

DEAR MR. WOLF: This is in response to your request of Acting Assistant Secretary Michael Parmly for additional information during his testimony before the Human Rights Caucus on May 15 on the status of religious freedom in China. We appreciate your concern about the recent deterioration of religious freedoms in China and the large number of persons held in China for the peaceful expression of their religious or spiritual views. We regret the delay in responding to your request for information, but we wanted to provide as comprehensive a list of these individuals as possible.

We currently estimate that roughly ten Catholic Bishops, scores of Catholic priests and house church leaders, 100–300 Tibetan Buddhists, hundreds (perhaps thousands) of Falun Gong adherents, and an unknown but possibly significant number of Muslims are in various forms of detention in China for the expression of their religious or spiritual beliefs. The forms of detention range from de facto house arrest to imprisonment in maximum security prisons. As you know, we regularly raise cases of religious prisoners with Chinese officials both here and in China. Our information about such cases comes from sources as diverse as religious dissidents, human rights NGOs, interested Americans and, most importantly, regular reporting from our embassies and consulates. Unfortunately, the opaqueness of the Chinese criminal justice system and absence of any central system that provides basic information on who is incarcerated and why makes it exceedingly difficult to determine the exact number of religious prisoners currently being held in China. We have, however, attached lists of cases of particular concern that we have raised with Chinese authorities or have included in our human rights and religious freedom reports.

We recognize the importance of compiling and maintaining a database of political and religious prisoners from additional sources such as Chinese newspapers and government notices and appreciate Congressional interest in providing us additional resources to fund such activities. At present, the Bureau for Democracy, Human Rights and Labor is discussing with the International Republican Institute a proposal which will be submitted through the National Endowment for Democracy. This proposal will be for a Human Rights and Democracy Fund grant specifically for the purpose of funding a U.S. NGO's efforts to develop and maintain a list of political and religious prisoners in China.

Such a database will be extremely valuable to the human rights work done not only by this bureau but also by other government agencies, the Congress, and NGOS. We welcome your interest in and support of this effort and look forward to cooperative efforts to develop and fund a comprehensive record of religious prisoners in China.

In the meantime, we hope the information in this letter and the attached lists are helpful to you. We would welcome any case information that you might have available that could improve the quality of this list.

Sincerely,

MICHAEL E. GUEST,
Acting Assistant Secretary,
Legislative Affairs.

Enclosure: Listing of Religious Prisoners in China.

ILLUSTRATIVE LIST OF RELIGIOUS PRISONERS IN CHINA

Note: See comments in cover letter. The following illustrative list is compiled from various sources, including information provided to us by reputable non-governmental organizations and from the State Department's annual reports on human rights and on religious freedom. We cannot vouch for its overall accuracy or completeness.

STATUS

MUSLIMS

Xinjiang Abduhelil Abdumijit, tortured to death in custody.

Turhong Awout, executed.

Rebiya Kadeer, serving 2nd year in prison.

Zulikar Memet, executed.

Nurahmet Niyazi, sentenced to death.

Dulkan Rouz, executed.

Turhan Saidalamoud, sentenced to death.

Alim Younous, executed.

Krubanjiang Yusseyin, sentenced to death.

PROTESTANTS (MISC.)

Qin Baocai, reeducation through labor sentence.

Zhao Dexin, serving 3rd year in prison.

Liu Haitao, tortured to death in custody.

Miao Hailin, serving 3rd year in prison.

Han Shaorong, serving 3rd year in prison.

Mu Sheng, reeducation through labor sentence.

Li Wen, serving 3rd year in prison.

Yang Xian, serving 3rd year in prison.

Chen Zide, serving 3rd year in prison.

EVANGELISTIC FELLOWSHIP

Hao Huaiping, serving reeducation sentence.

Jing Quinggang, serving reeducation sentence.

Shen Yiping, Reeducation; status unknown.

COLD WATER RELIGION

Liu Jiaguo, executed in October 1999.

FENGCHENG CHURCH GROUP

Zheng Shuquian; reeducation; status unknown.

David Zhang; reeducation; status unknown.

CATHOLICS

Bishops

Bishop Han Dingxiang; arrested in 1999, status unknown.

Bishop Shi Engxiang; arrested in October 1999.

Bishop Zeng Jingmu; rearrested on September 14, 2000.

Bishop Liu; house arrest in Zhejiang.

Bishop Jiang Mingyuang; arrested in August 2000.

Bishop Mattias Pei Shangde; arrested in early April 2001.

Bishop Xie Shiguang; arrested in 1999; status unknown.

Bishop Yang Shudao; arrested Feb. 2001; status unknown.

Bishop An Shuxin; remains detained in Hebei.

Bishop Li Side; house arrest.

Bishop Zang Weizhu; detained in Hebei.

Bishop Lin Xili; arrested Sept. 1999, status unknown.

Bishop Su Zhimin; whereabouts unknown.

Priests

Fr. Shao Amin; arrested September 5, 1999.

Fr. Wang Chengi; serving reeducation sentence.

Fr. Wang Chengzhi; arrested September 13, 1999.

Fr. Zhang Chunguang; arrested May 2000.

Fr. Lu Genjun; serving 1st year of 3 year sentence.

Fr. Xie Guolin; serving 1st year of 1 year sentence.

Fr. Li Jianbo; arrested April 19, 2000.

Fr. Wei Jingkun; arrested August 15, 1998.

Fr. Wang Qingyuan; serving 1st year of 1 year sentence.

Fr. Xiao Shixiang; arrested June 1996, status unknown.

Fr. Hu Tongxian; serving 3rd year of 3 year sentence.

Fr. Cui Xingang; arrested March 1996.

Fr. Guo Yibao; arrested April 4, 1999.

Fr. Feng Yunxiang; arrested April 13, 2001.

Fr. Ji Zengwei; arrested march 2000.

Fr. Wang Zhenhe; arrested April 1999.

Fr. Yin; serving 1st of 3 year sentence.

Fr. Kong Boucu; arrested October 1999.

Fr. Lin Rengui; arrested Dec. 1997, status unknown.

Fr. Fr. Pei Junchao, arrested Jan. 1999, status unknown.

Fr. Wang Chengi; arrested Dec. 1996, status unknown.

TIBETAN BUDDHISTS

Lamas

Gendun Choekyi Nyima; house arrest.

Pawo Rinpoche; house arrest.

Nuns

Ngawang Choekyi; serving 9th year of 13 year sentence.

Ngawang Choezom; serving 9th year of 11 year sentence.

Chogdrub Drolma; serving 6th year of 11 year sentence.

Jamdrol; serving 6th year of 7 year sentence.

Namdrol Lhamo; serving 9th year of 12 year sentence.

Phuntsog Nyidrol; serving 12th year of 17 year sentence.

Yeshe Palmo; serving 4th year of 6 year sentence.

Ngawang Sangdrol; serving 9th year of 21 year sentence.

Jigme Yangchen; serving 11th year of 12 year sentence.

Monks

Ngawang Gyaltsen; serving 12th year of 17 year sentence.

Ngawang Jamtsul; serving 12th year of 15 year sentence.

Jamphel Jangchub; serving 12th year of 18 year sentence.

Ngawang Kalsang; serving 6th year of 8 year sentence.

Thubten Kalsang; sentence not reported.

Lobsang Khetsun; serving 5th year of 12 year sentence.

Phuntsok Legmon; sentenced to 3 years in prison.

Namdrol; sentenced to four years in prison.

Yeshe Ngawang; serving 12th year of 14 year sentence.

Ngawang Oezer; serving 12th year of 17 year sentence.

Ngawang Phuljung; serving 12th year of 19 year sentence.

Lobsang Phuntsog; serving 6th year of 12 year sentence.

Sonam Phuntsok; arrested in October 1999.

Phuntsog Rigchog; serving 7th year of 10 year sentence.

Lobsang Sherab; serving 5th year of 16 year sentence.

Sonam Rinchen; serving 15 year sentence.

Ngawang Sungrab; serving 9th year of 13 year sentence.

Jampa Tenkyong; serving 10th year of 15 year sentence.

Ngawang Tensang; serving 10th year of 15 year sentence.

Lobsang Thubten; serving 7th year of 15 year sentence.

Agya Tsering; arrested in October 1999.

Trinley Tsondru; serving 5th year of 8 year sentence.

Tenpa Wangdrag; serving 13th year of 14 year sentence.

HONORING CINDY CALERICH FOR HER DEDICATION AND HARD WORK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to ask Congress to pay tribute to one of Colorado's leading citizens. Earlier this year 41-year-old Cindy Calerich of Monte Vista passed away unexpectedly. Throughout her life, Cindy donated her time to help others. For that she was named its "Hero" for the past year, an award given as an honorary memorial tribute by the San Luis Valley Red Cross.

A Colorado native, Cindy moved to the San Luis Valley 5 years ago. For the last two and a half years she volunteered at the San Luis Valley Red Cross. She spent most of her time on call for disaster services and assisted families in the San Luis Valley during emergency situations. Several times a week, coupled with her on call status, she went into the Red Cross office and helped answer phones and entered computer data.

During the Sand Dunes fire, Cindy worked three days straight without any sleep to assist in feeding and caring for the families who were relocated, and the firefighters involved in the disaster. Cindy also volunteered for the Alamosa Search and Rescue Service. According to the Red Cross, Cindy will always be remembered as "someone who was always on call and willing to help."

Cindy donated a great deal of her time to the Red Cross to help those in need, while managing to raise her son Ben. Mr. Speaker, Cindy is a role model to her friends and family for all that she has done for those families that needed a helping hand. Family, friends, co-workers and the community will miss her. Cindy touched many lives and for that Congress should take a moment to remember her and thank her for her helping hand.

7 DAYS IN JUNE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. WEINER. Mr. Speaker, I rise today to send a simple message: employer interference with workers' choices is unacceptable. When working people join together to form unions with the hope of improving their standard of living, their community and their jobs, harassment, coercion, firings and other attempts by employers to block the efforts of workers will not be tolerated.

This message is at the heart of the AFL–CIO's "7 Days in June" campaign. "7 Days in June" is a week long series of activities around the country sponsored by the AFL–CIO to shine the spotlight on how hard it is for people to form legal unions in the United States. I am pleased to participate in today's special order and to be a part of this campaign. And I thank my Colleague, Mr. BONIOR for organizing this event today.

Whenever I hear the term union-busting, I think back to my high school history book, with black and white pictures of men with fedoras and billy clubs hopping out of old trucks and rushing picket lines to break up strikes in the 1920s and 30s. But the sad reality is that union busting is not relegated to the history books. It is a practice that is alive and well.

Today, the men in fedoras have been replaced with lawyers in Armani suits. The billy clubs have been replaced with lawsuits, company-sponsored sham-unions, and other tactics intended to harass or intimidate employees. These new tactics may not be as brazen as they once were, but they are just as effective in squelching the rights of workers to organize.

I had the unfortunate opportunity to see these new tactics first hand earlier this year. On March 5, 2001, I was joined by 63 of my colleagues in the House of Representatives in sending a letter to the Chairman and CEO of Delta Airlines, Leo Mullen, a copy of which I will submit to the record. In this letter we simply asked him to allow the flight attendants at Delta to decide for themselves whether to support union representation.

The genesis of this letter was a meeting I had with constituents from Kew Gardens, New York, who are flight attendants at Delta. They told me of the difficulties that they were having in organizing at Delta due to interference by supervisors and other employees who opposed the union's efforts. When I heard their stories, I offered to send a letter to Delta's CEO, asking him to sign the Association of Flight Attendants' "Appeal for Fairness," a six-point pact aimed at creating an atmosphere that will allow for a free and positive discussion, void of intimidation, threats and harassment.

When word got out that I was sending this letter, I was overwhelmed by the amount of letters, e-mails, phone calls and faxes that my office received. From all over the country, flight attendants at Delta were contacting me to let me know of their own personal stories of intimidation, harassment and interference by supervisors and other employees at Delta Airlines who were opposed to the union's organizing efforts.

The stories I heard were textbook cases of modern union-busting activities. Flight attendants in Boston who told me of a supervisor's effort to deny them meeting space in the airport. The supervisor even attempted to get them thrown out of the food court when he saw AFA literature on a table where three activists happened to be sitting. I also heard from flight attendants in Orlando whose supervisors were keeping lists of union supporters. And I hear from flight attendants in New York who were told that they weren't allowed in their own crew lounge if they were going to distribute AFA literature.

Mr. Speaker, unfortunately, the experiences of the flight attendants at Delta are not isolated incidents. All over the country there are companies that foster such an anti-union corporate culture that encourages these familiar union busting activities. I believe that it is our responsibility as Members of Congress to stand-up and lend our voices in criticizing this behavior, which is why I am participating in this "7 Days in June" special order tonight.

Working men and women who undertake union organizing drives do so for many different reasons. But at the heart of every organizing drive is a desire to improve their lives and the lives of their co-workers. Employer tactics that block the freedom to choose a voice at work are wrong. We should begin to change the way employers behave by passing laws that provide for stiff punishments for such acts and allow these workers the chance to express their views without the fear of company reprisals.

In closing I want to commend the work of the flight attendants at Delta Airlines and the Association of Flight Attendants who are trying to improve their standard of living, their community and their jobs and wish them luck in their continuing efforts.

Mr. Speaker, I submit for the RECORD a letter to the chairman and CEO of Delta Air Lines by me and several of my colleagues.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 5, 2001.

LEO F. MULLIN,
Chairman and CEO, Delta Air Lines,
Atlanta, GA.

DEAR MR. MULLIN: It has come to our attention that the Delta Air Lines flight attendants are attempting to form a union. We write to urge you to allow the flight attendants at Delta Air Lines to decide for themselves whether to support union representation.

For nearly 75 years the policy of this country, as expressed in our national labor laws, has been to encourage employees to choose whether to join a union without interference or coercion by their employer. Collective bargaining is the time-honored method for resolving issues between management and employees in the American workplace. Workers have a right to a voice on the issues that affect their careers and their working conditions.

The Association of Flight Attendants' six-point pack, "Appeal for Fairness," is well-designed to ensure that both the union and management conduct themselves fairly. It not only calls on both management and the union to refrain from coercive tactics but also provides for balanced meetings in which both points of view can be expressed openly. And, in the end, it calls for both management and the union to respect the employees' final choice.

We urge you to approach this, and every union organizing drive, in a fair and balanced manner. We encourage you to sign the "Appeal for Fairness" on behalf of Delta management, to demonstrate to the Delta flight attendants that the company is committed to respecting their rights under the law and will honor their decision regarding whether to join a union.

Sincerely,

Anthony Weiner, William O. Lipinski, John E. Sweeney, David E. Bonior, Jerry F. Costello, Robert A. Borski, Jerrold Nadler, Corrine Brown, Eddie Bernice Johnson, Juanita Millender-McDonald, Nick J. Rahall II, Peter A. DeFazio, Robert Menendez, Bob Filner, Frank Mascara, Earl Blumenauer.

Bill Pascrell Jr., Tim Holden, Steve Israel, Jose E. Serrano, Carolyn McCarthy, Gregory W. Meeks, James P. McGovern, Shelley Berkley, Nita M. Lowey, Nydia M. Velazquez, Maurice D. Hinchey, Joe Baca, Jay Inslee, Carolyn B. Maloney, Robert Wexler, Cynthia A. McKinney, Carrie P. Meek, Rush D. Holt, Earl F. Hilliard, Lucille Roybal-Allard, Martin Frost, Sam Farr, William J. Coyne, Ron Kind.

Patsy T. Mink, Fortney Pete Stark, Mike Thompson, Tom Sawyer, Mike Ross, Dennis Moore, John J. LaFalce, Barney Frank, Dennis J. Kucinich, Ed Pastor, David Wu, Steven R. Rothman, Nancy Pelosi, William Lacy Clay, Melvin L. Watt, John B. Larson, Neil Abercrombie, Julia Carson, Hilda L. Solis, Carolyn C. Kilpatrick, Michael E. Capuano, Rod R. Blagojevich, Jim Matheson, Karen L. Thurman.

MOTOR CARRIER FUEL COST EQUITY ACT OF 2001

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. RAHALL. Mr. Speaker, I am pleased to introduce the bi-partisan "Motor Carrier Fuel Cost Equity Act of 2001" with my colleagues Mr. BLUNT of Missouri, Mr. MOLLOHAN of West Virginia, Mr. NEY of Ohio, Mr. PETERSON of Minnesota, Mr. STRICKLAND of Ohio, Mr. LIPINSKI of Illinois and Ms. BROWN of Florida.

In the 106th Congress, the House passed this bill by suspension of the rules on October 10, 2000 because Members recognized the hardship small business truckers suffer when they must pay for price spikes in the cost of diesel fuel. However, the bill was received in the Senate the next day and no further action was taken. Today, my colleagues and I re-introduce this bill with the hope that it will be enacted into law. Our goal is to ease the financial burden on small business truckers who need relief from diesel fuel price spikes.

Small business truckers are the Owner-Operators, approximately 350,000 men and women throughout the United States who own, operate and maintain their own 18-wheelers for their livelihood. They comprise about 67 percent of our nation's trucking force. They pay for their own diesel fuel, taxes, highway tolls and permits. These men and women do not work for the large trucking companies which negotiate long term fuel contracts and can defray part of the cost of skyrocketing fuel prices. Unlike the large trucking companies, the Owner-Operators are at the mercy of diesel fuel price spikes. They simply do not have the market clout to negotiate fuel contracts.

In the last 18 months, the price of diesel fuel has risen more than fifty cents a gallon over the 1999 levels. While the price spikes have hurt the entire trucking industry, no one is hurt like the little guy. Fuel is the single biggest operating cost of a small business trucker and accounts for up to one-third of their budget. According to an analyst with A.G. Edwards, almost 200,000 trucks have been repossessed since January of 2000 because small business truckers could not make ends meet.

In the third quarter of 2000 over 1,350 companies owning five trucks or less went bankrupt. This is nearly double the record set in the previous quarter. The price of diesel fuel prices was the primary factor in causing these bankruptcies. Just-in-time deliveries are being threatened, fewer transportation alternatives for shippers are available and consumers could face a rise in the price of various goods and commodities resulting in a national economic downturn.

The "Motor Carrier Fuel Cost Equity Act of 2001" gives a safety net of relief to owner-operators, shippers and consumers by ensuring that a fuel surcharge will be assessed at times of diesel fuel price spikes. Under terms of a surcharge, a shipper pays to the trucking companies the difference between what is deemed to be a baseline cost of diesel fuel and the sudden, dramatic increases in the cost of that fuel. The legislation provides that the fuel surcharge must be itemized on the freight bill or invoice to trucking customers. The fuel surcharge arrangement will be enforced solely by the parties themselves through private action. The federal government will have no regulatory or enforcement authority.

The bill will not abrogate existing fuel surcharge arrangements. Customers who already pay a fuel surcharge will not be affected by this legislation. Nothing in the bill will prevent parties in the future from establishing a fuel surcharge agreement that is different from this pending legislation. All past, current and future privately negotiated fuel surcharge agreements are fully respected.

In calculating a diesel fuel surcharge, pricing will be based on the National Average Diesel Fuel Index which is published by the Energy Information Administration of the United States Department of Energy. Whenever fuel costs return to normal levels, the surcharge will no longer be applied.

America watched the economies of Britain and France thrown into chaos on the issue of diesel fuel prices. A lack of relief from diesel fuel prices is a formula for disaster in the making, considering the large number of bankruptcies we have recently witnessed in the United States.

The essential feature of the Motor Carrier Fuel Cost Equity Act of 2001 is that it provides a private right of action as a means to ensure that the entity which actually pays for the fuel receives the surcharge. No Federal Government enforcement. No cost to the taxpayers. Just simply equity and fairness.

High diesel fuel prices have also had a devastating effect on our nation's port drivers. Their poor working conditions have come to the attention of the International Brotherhood of Teamsters, which is involved in an ongoing effort to organize port truck drivers and to bring national attention to their plight.

It is time that we go to bat for the little guy, the small businessperson, and for the integrity of our economy by enacting the Motor Carrier Fuel Cost Equity Act of 2001.

THE HONORABLE MAERSK MOLLER, A MARITIME VISIONARY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to a most extraordinary maritime leader, Mr. Maersk Mc-Kinney Moller, a true visionary of the international shipping community and owner of the A.P. Moller Group. Mr. Moller's company, Maersk-Sealand, is a global transportation provider whose fleet of ships make it the world's largest shipping company. I am also very pleased to note that Maersk Moller's ships fly the American flag and generate much needed jobs for U.S. maritime labor. In fact, Maersk-Sealand directly generates employment for approximately 9000 people in its United States shipping business and it also serves more than 30,000 U.S. based companies engaged in international trade.

Maersk is truly a remarkable company, Mr. Speaker, and Maersk Mc-Kinney Moller is an exceptional person. Mr. Moller's family history is rooted in the United States. His mother was an American, born in Kansas City. During the time spent in this country during World War II, Mr. Moller developed a keen appreciation of the many sacrifices Americans made during that great struggle. Many of the ships in the A.P. Moller fleet were used by the United States and our allies. Following World War II, Maersk Moller, his father, and many other people worked hard to rebuild their civilian shipping enterprise into the world-class company it is today.

I would like to cite a few of the significant Maersk milestones.

The company's United States headquarters was founded in 1943.

Today Maersk has 10 United States corporate entities dedicated to ship management, terminal operations, trucking, rail transportation, and third party logistics and, as mentioned, it generates employment for approximately 9000 Americans.

In 1947, a prominent affiliate, Maersk Line, Limited, was chartered in Delaware.

Maersk Line, Limited is the largest U.S.-flag carrier serving the foreign trades of the United States.

53 vessels documented under the U.S.-flag are owned, operated or chartered by Maersk Line, Limited.

29 of these ships are dedicated to service for the U.S. government.

Maersk Line, Limited has become a critical partner in the preposition ship program for the Marine Corps and U.S. Army.

Maersk Line, Limited ships were the first vessels to arrive in Desert Storm and off-load critically needed Marine Corps supplies and equipment.

Space on Maersk commercial ships was provided free of charge to the U.S. government so the government could load much needed supplies for our troops during the sustainment phase of the operation.

Mr. Speaker, during a recent discussion with Mr. Maersk Moller, I was impressed with his deep desire to maintain a competitive U.S.-

flag presence in the international trade. Mr. Moller is a true believer in United States flag shipping and our maritime interests are the better for his support of a U.S.-flag fleet.

I believe that we need new initiatives to stimulate an international U.S.-flag presence. A tax-based methodology, for instance, has been used in other countries to encourage growth in their merchant fleets; we should have similar incentives for American workers to attract talented people to this important industrial base.

I am working on legislation to provide such incentives for our U.S.-flag operations, under the Maritime Security Program. Companies like Maersk are very willing to invest in U.S.-flag shipping and make a contribution to the national security interests of the United States. We must give them encouragement to do so.

I congratulate Mr. Maersk Mc-Kinney Moller on his many personal accomplishments, his longstanding desire to maintain a U.S.-flag presence, and the numerous contributions he has made to foster trade in the foreign maritime commerce of the United States.

HONORING WORLD WAR II VETERAN ALFORD LEE GRAY—

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor World War II veteran Alford Lee Gray of Olathe, Colorado. Alford endured the terrors of the War, including the Battle of Leyte, in order to help ensure a victory on the side of justice. While mere words cannot express Alford's heroism, I am proud to have this opportunity to honor the valor he exhibited during the war.

Even before World War II, Alford was well aware that sacrifice and persistence are sometimes needed for survival. A witness of the Depression, Alford also discovered the necessity of teamwork. He says, "You relied on your neighbor and he relied on you. Without knowing it, I think we took that feeling into the war with us," said Alford in a article from the Montrose Daily Press. Indeed, these lessons seem to have provided him with the means not only to survive, but also to help ensure an American victory. Alford demonstrated remarkable heroism when it was most needed of him.

Before the Battle of Leyte, Japanese Vice Admiral Takeo Kurita expected to stamp out the American resistance, and he armed himself with weapons to complete that feat. Kurita's 18-inch guns, Japanese Zeros, and incendiary bombs destroyed several of American Admiral William F. Halsey's ships, including the U.S.S. Kitkun Bay, on which Alford resided. Then, according to Alford, "A Kamikaze came out of nowhere and exploded on deck," resulting in such terrible damage that the men were given permission to abandon ship. Even in this precarious state, however, Alford and others followed the captain's commands to extinguish the fires and somehow got the ship back to Pearl Harbor. "After the Battle of Leyte, I counted 270 holes punched through the side of our ship. Some of the shells had gone completely through the Kitkun Bay. I don't know why we were still floating after that fight," said Alford.

In spite of the severe damage to Halsey's ships, American forces destroyed ten Japanese cruisers, four carriers, three battleships, and nine destroyers. Thanks to the teamwork and courage of men like Alford, what the Japanese expected to be an easy victory turned into a cruel defeat. In fact, the Japanese would never recover from this crucial defeat.

In recognition of his valor, Alford Gray has been honored with a Good Conduct Medal, an Asiatic Pacific Ribbon with five stars, a World War II Victory Medal, a Philippine Liberation Medal, and a Presidential Citation. Today, Mr. Speaker, I ask Congress to also recognize and honor Alford Lee Gray for his legendary bravery and sacrifice. He is a great American who plainly deserves the thanks and esteem of this body.

TRIBUTE TO COURTNEY JOHNSON, ELIZABETH JACKSON AND ERIK GREB

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York's outstanding young students, Courtney Johnson, Elizabeth Jackson, and Erik Greb. Tomorrow, on June 14th, the women of Girl Scout Troop 1909, Service Unit 19 will recognize Courtney and Elizabeth for receiving their gold awards, and on June 15th, Troop 284 will recognize Erik on his Eagle Scout Court of Honor.

Since the beginning of last century, the Girl and Boy Scouts of America have provided thousands of young men and women each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Courtney, Elizabeth, and Erik, and bring the attention of Congress to these successful young men and women on their day of recognition.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. LARSON of Connecticut. Mr. Speaker, for Roll Call Vote No. 161, on final passage of H. Con. Res. 145, condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu, I was unable to be present and voting in the Chamber as I was on my way to Connecticut to attend funeral services for Mrs. Barbara L. Bailey, the mother of my predecessor, former Congresswoman Barbara B. Kennelly. Had I been present and voting in the Chamber, I would have joined my colleagues in voting in favor of condemning the Taliban for their atrocious policies.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. McGOVERN. Mr. Speaker, on Thursday, May 31st a vigil service honoring our friend and colleague JOE MOAKLEY was held at the Massachusetts Statehouse in Boston.

During the service, Father J. Donald Monan and Senator EDWARD M. KENNEDY both gave moving tributes to JOE. I'd ask that both sets of remarks be included at an appropriate place in the RECORD.

VIGIL SERVICE IN HONOR OF JOHN JOSEPH MOAKLEY, 1927–2001

STATE HOUSE, BOSTON, MASSACHUSETTS, MAY 31, 2001

(Homily by J. Donald Monan, S.J.)

"Amen I say to you, whatever you did for one of these least brothers of mine, you did for me."

Both here in Boston and in the tiny Central American country of El Salvador, this is the final week of the Easter Season, the season when Christ's death is still fresh in our memories, but when we celebrate in faith our confidence in newly-risen life. In the three short days since Memorial Day, the word of Joe's passing has kindled not only the brilliance of the City's writers and its cameramen; it touched their hearts as well. Every step along the route of his public career, from the streets of South Boston to the halls of Washington, has been faithfully, even lovingly portrayed.

Those portraits I will not attempt to retrace this evening. I believe that there is one reason why Congressman Moakley suggested that I have the privilege of speaking this evening. Joe frequently and publicly said that of all the accomplishments that were his in over forty years of public service, his proudest accomplishment was in bringing to light the truth about the atrocious murders of six Jesuit priest-educators and their housekeepers at the University of Central America in El Salvador. It was that thin but sharp ray of light that was the beginning of the return of peace and justice to that troubled land.

As one who stood on the ground in El Salvador during Joe's work there, I would like to recreate, as much as I can ten years later, the circumstances that made what he did so important to the world and so proud an accomplishment to Joe. Why did a gruesome murder three thousand miles away stir Joe Moakley to what he considered his greatest accomplishment?

The persons murdered were Jesuit priests and two of their housekeepers. People the world over, if they know of the existence of Jesuits, think of us as educators. But Jesuit education, especially at the University of Central America, has never pursued knowledge merely for its own sake, but always as a cultural force to bring about greater equality among people, as an instrument to improve the condition of the human family, to ease the oppression that comes from poverty, at times, even the oppression of political leaders who use well-trained armies to enforce their oppression.

Such was the case in El Salvador in the decade of the '80s. As Ignatio Ellacuria, the murdered Jesuit President of the University of Central America expressed it: "The reality of El Salvador, the reality of the Third World, that is, the reality of most of this world—is fundamentally characterized by the—predominance of falsehood over truth, injustice over justice, oppression over freedom, poverty over abundance, in sum, of evil over good—that is the reality with which we live—and we ask ourselves what to do about it in a university way. We answer—: We must transform it, do all we can to ensure that—freedom (predominates) over oppression, justice over injustice, truth over falsehood, and love over hatred. If a university does not decide to make this commitment, we do not understand what validity it has as a university. Much less as a Christian-inspired university."

It was because of this message successfully being communicated that at 1 o'clock in the morning of November 16, 1989, a battalion of troops entered the campus of the Jesuit University in El Salvador, roused the Jesuit President and five of his brother professors from their sleep, forced them onto a little plot of grassy land behind their simple residence, and then dispatched them on the spot. They then proceeded to shoot up the surrounding buildings with machine guns to make the murders look as though they were perpetrated by guerrilla forces.

It all appears so clear-cut and transparent today. But when it happened, the Military High Command issued a statement declaring that it had been guerrillas that were responsible for the murders. The American Embassy, whose government had trained here in the States some of the very trigger men who committed those murders, pointed the finger of blame not at the military, but at the guerrillas.

In January of 1990, the Speaker of the House appointed Congressman Joe Moakley to an extraordinary, select committee to investigate the crimes in El Salvador. In some ways, that appointment changed Joe Moakley's life forever. But for all who knew him best, from the Speaker who appointed him to the former Speaker who encouraged him, that appointment simply tapped into the rich veins of faith and determination and courage, veins of optimistic hope and of care for those most in need that had been his since childhood.

Faith was not something that Joe wore on his sleeve or that made people uncomfortable, yet it was a perspective that he brought to everything he did in public and private life. It was a lifelong perspective on himself and on the people around him. In that perspective, he saw the inviolable dignity of every human person and the irresistible call of those in need; faith gave a new dimension to his sense of justice and of fairness; it made him unswerving when the powerful served themselves at the expense of the weak. It was this faith and his courage and sense of justice Joe Moakley brought to El Salvador.

The measure of Joe Moakley's faith and of his courage in carrying out his charge is the measure of the forces that opposed him—not a few ruthless individuals, but the US-trained military establishment of a sovereign nation that could enforce silence on witnesses as effectively as it had committed murder. Perhaps most difficult of all, Joe also faced the embarrassing efforts of some of his own governmental colleagues to set false trails away from the guilty and to withhold keys to the truth that they themselves held.

There is no doubt but that the authoritative voice of one man and his courage to use it ultimately broke the dam of silence and kindled hope that peace and justice could again be realities. Within a year of his appointment, criminal investigations in El Salvador were raised to the level of full trials. For the first time in history, two military officers were convicted for their part in the crime. Within another year, peace accords were signed in the U.N. between the government and its warring opponents. And although those suspected of ultimately ordering the murders were never tried, and men who confessed to killing the University Jesuits were exonerated for acting under orders, the system of governmentally-organized oppression and murder had been broken. Thanks to Joe, the truth had come to light; the nation itself has begun to taste the first fruits of peace. And in the light of that truth and that peace, a whole people have realistically begun to live again.

What made this story the greatest accomplishment of Joe's public life? It was its straight-line continuity with what Joe had done all his life. It simply played out on a world stage Joe's lifelong faith in the inviolable dignity of every human being, his unique sense of justice and fairness and the unswerving courage he had always shown on behalf of those who were weak and in need. That was what Joe had been for forty years in South Boston and in the halls of Congress, and most of all, it was what he had believed from the first time he heard the Gospel message in his Parish Church, "Whatever you did for one of these least brothers of mine, you did for me."

REMARKS OF SENATOR EDWARD M. KENNEDY VIGIL SERVICE FOR CONGRESSMAN JOE MOAKLEY, STATE HOUSE, BOSTON, MAY 31, 2001

It's an honor to be here with all of you this evening to pay tribute to our dear friend Joe Moakley, a remarkable Congressman, an outstanding leader and one of the best friends Massachusetts ever had.

Joe tried so hard in recent months to prepare us for this moment, but none of us was ready for this loss. It was simply too hard to contemplate. But as Shakespeare wrote, our "cause of sorrow must not be measured by his worth, for then it hath no end." And Joe's worth, his decency, his legacy truly do have no end.

Joe Moakley's life was a life of service to his country and to his community, and he was one of the most beloved political leaders of our time. He had a zest for life and a love of Congress not for the glory it might bring to him, but for the good he could do for the people.

All of us who served with Joe admired his strength, his wisdom, his dedication to public service, and his incredible common touch that inspired the people he served so well and made them love him so deeply in return. The Irish poet could have been talking about Joe when he said that there were no strangers, only friends he didn't met.

Joe was a patriot in the truest sense of the word. He joined the Navy at 15 to serve his country in World War II, and he served honorably and well.

He returned home and pursued higher education under the G.I. Bill, eventually earning a law degree. And as it should be in this great land, Joe Moakley's future was limitless—from the Boston City Council to the Massachusetts Legislature to the halls of Congress, where he earned the respect and admiration of colleagues on both sides of the aisle. Joe worked long and hard and well, and always in the service of the people.

And what a beautiful team Joe and his wife Evelyn made. We loved them both so much, and now, they are together again.

We were never surprised to hear that Joe was a boxer in college, because in all the years we worked with him in Congress, he was always fighting for the underdog, constantly helping those who needed help the most, battling skillfully and tirelessly for better jobs, better education, better health care, better lives and better opportunities for the people he so proudly served. How fitting that it was our Joe Moakley who shined the light of truth and justice on the atrocities in El Salvador and changed our national policy to protect human rights and promote democracy in that country. Yes, Joe's life was a life of constant service.

When I think of all Joe has done for Boston and Massachusetts, I recall how brilliantly he fought for support to build the South Boston Piers Transitway, to clean up Boston Harbor, to modernize the Port of Boston, to preserve so many Massachusetts historic sites—the Old State House, the Old South Meeting house, the USS Constitution, Dorchester Heights, our world-renowned marketplace, Faneuil Hall—and, of course, the new federal courthouse that now proudly bears his name. Because of Joe Moakley's leadership in protecting and preserving and creating these extraordinary aspects of our heritage, they will always be part of our state's history and our nation's history too—and so will Joe.

Even in recent months, even in recent days, even while Joe struggled so bravely with the illness that finally took his life, he continued to do the work of the people he loved so dearly.

And at a stage when others might be winding down or turning inward, Joe continued to turn outward, establishing a charitable foundation to make the dream of education a reality for young people. The G.I. Bill had given Joe a chance to reach for the stars, and Joe's commitment, through his foundation, will give countless young people a chance to reach for the stars too. Joe never forgot where he came from, and he never stopped working to serve the people he loved so much.

He was elected to the Massachusetts House in 1952—the same year that a young Congressman named John F. Kennedy was first elected to the Senate. And now, the Moakley Public Speaking Institute—to be launched this summer at the Kennedy Library to teach public speaking skills and public service to local low-income high school students—will forever link Joe Moakley to President Kennedy.

As my brother said so eloquently on the eve of his inauguration, in his farewell address here to the State Legislature:

"When at some future date the high court of history sits in judgment on each of us, our success or failure will be measured by the answers to four questions:

—Were we truly men of courage?

—Were we truly men of judgment?

—Were we truly men of integrity?

—Were we truly men of dedication?

Measured by those four high standards, Joe Moakley was "four for four"—he batted a thousand in the annals of public life.

Service to his nation. Service to his State. Service to his District. Service to his people. Service. Service. Service.

It's no wonder that God chose to call him home on Memorial Day—the national day of honor for those who served the nation so well. We miss you, Joe, and we always will.

Near the end of Pilgrim's Progress, there is a passage that tells of the death of Valiant, and it could well have been written about Joe Moakley:

"Then, he said, I am going to my Father's; and though with great difficulty I am got hither, yet now I do not regret me of all the troubles I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battle who now will be my rewarder.

"When the day that must go hence was come, many accompanied him to the riverside, into which as he went he said, 'Death, where is they sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side.

HONORING "THE GRAMMY MAN", JOHN BILLINGS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mr. McINNIS. Mr. Speaker, it is my honor to stand before you today and pay tribute to the shinning star of the Western Slope of Colorado. That's where John Billings the Grammy Man resides. He is only the second man ever to create, by hand, each gold gramophone statue that is presented at the GRAMMYs.

Every year since 1958, that gold gramophone has been handed to some of the biggest recording stars in the industry. John is the only person allowed by the National Academy of Recording Arts and Sciences to make what is arguably the industry's highest honor—the Grammy statuette. When John started in 1977, there were only 51 categories, today there are 100. John spends five months a year casting about 300 awards. "Its kind of unique that in just 43 years, two of us have made them," John said. "It's a dying art and a lost craft, and somebody's got to keep it alive."

John grew up in Van Nuys, California during the 1960's, where he used to hang around the garage workshop of his neighbor Bob Graves, the original maker of the Grammy statuette. After Bob began to lose his eyesight making the creation of the statues difficult, he asked John if he would like to become the next craftsman. He would spend the next 7 years learning the craft. "One of the last things he said to me was 'Don't ever let anyone get those Grammys away from you'." When John cannot make the award any longer, he will pass the tradition to his son.

For the last 25 years John has perfected its design. "I have sat in the audience for so many years, and I sit there and cry. To see something that I have made to honor this person, and they're standing there holding it up in the air like it's an Olympic medal. There is really a lot of pride in that, and I think that's what keeps me going."

Mr. Speaker, the statue is a labor of love and a matter of pride for John. Los Angeles may be the real home of the Grammy Awards, but Ridgeway, Colorado is much bigger in the eyes of the music industry. He is truly one of a kind.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 14, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To continue hearings to examine the nature and scope of cross border fraud, focusing on the state of binational U.S.-Canadian law enforcement coordination and cooperation and what steps can be taken to fight such crime in the future.

SD–342

JUNE 19

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 764, to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market; and S. 597, to provide for a comprehensive and balanced national energy policy.

SD–366

Commerce, Science, and Transportation

To hold hearings to examine local telecommunication competition issues.

SR–253

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine the implementation of the Multifamily Assisted Housing Reform and Affordability Act of 1997.

SD–538

10 a.m.

Indian Affairs

To hold oversight hearings to receive the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes/Inter-tribal Bison Cooperative for the 107th Congress.

Room to be announced

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold hearings to examine geriatrics, focusing on meeting the needs of our most vulnerable seniors in the 21st century.

SD–430

2:30 p.m.

Banking, Housing, and Urban Affairs

International Trade and Finance Subcommittee

To hold hearings on proposed legislation authorizing funds for the United States Export-Import Bank.

SD–538

JUNE 20

9:30 a.m.

Governmental Affairs

To hold hearings to examine the role of the Federal Energy Regulatory Commission associated with the restructuring of energy industries.

SD–342

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.

SD–138

Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of the United States banking system.

SD–538

Foreign Relations

To hold hearings to examine United States security interests in Europe.

SD–419

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues regarding blood cancer.

SD–124

10 a.m.

Indian Affairs

To hold oversight hearings to examine Native American Program initiatives.

SR–485

Commerce, Science, and Transportation
To hold hearings to examine international trade issues.
SR–253

2:30 p.m.
Governmental Affairs
To hold hearings on the nomination of Kay Coles James, of Virginia, to be Director of the Office of Personnel Management; and the nomination of Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority.
SD–342

JUNE 26

10:30 a.m.
Indian Affairs
To hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress.
SR–485

JUNE 27

10 a.m.
Judiciary
To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.
SD–226

HOUSE OF REPRESENTATIVES—*Thursday, June 14, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ISAKSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 2001.

I hereby appoint the Honorable JOHNNY ISAKSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Scott A. Dornbush, Van and Ben Wheeler United Methodist Churches, Van, Texas, offered the following prayer:

Almighty God, fountain of all wisdom, guide and direct us in the work before us.

Help us to remember that the Stars and Stripes of our flag represent the needs of a great and diverse people as well as the sacrifice of many who have made possible the freedom we enjoy.

Grant to us Your wisdom as we seek to bring comfort to those suffering the pain of poverty, conviction to those knowing the apathy of affluence, and freedom to those whose path is obstructed. Tune our ears this day, not only to the cry of the mighty, but also to the muffled silence of those without voice. May the work of our hands insure justice for all.

Bless our President and the United States of America. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. CARDIN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARDIN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

REVEREND SCOTT DORNBUSH

(Mr. HALL of Texas asked and was given permission to address the House for 1 minute.)

Mr. HALL of Texas. Mr. Speaker, it is my privilege to recognize again the Reverend Scott Dornbush of Van, Texas in my district who offered the opening prayer as our guest chaplain today.

Reverend Dornbush has served as pastor of the Van, Texas and Ben Wheeler, Texas United Methodist Churches since 1997. Each Sunday, Reverend Dornbush delivers three sermons, two in Van and one in Ben Wheeler, which is 10 miles away. As he says with good humor, "That's the way it's done in East Texas."

Reverend Dornbush is actively involved in numerous projects that reflect his commitment to the social implications of the Gospel. He has volunteered at crisis centers for abused women and children, initiated counseling groups, and authored and presented a paper on ministering to abusive families.

His churches also reflect his leadership and are well-known for their mission efforts. They provide foods for over 100 families and distribute, and this is unbelievable, over three tons of fresh produce. The churches also offer preschool and child care.

I want to commend Reverend Dornbush and those in his congregation for their efforts in meeting the needs of those in their communities through these service-based programs.

We know from experience that local citizens and local organizations have a better understanding of their communities' needs and how to meet these needs. We know that some of the most successful efforts have been sponsored by our churches and other faith-based groups.

Mr. Speaker, the time has come to include these viable programs in Federal efforts to improve the lives of our citizens, and I look forward to working with my colleagues to make this happen. I am pleased to welcome Reverend Dornbush today.

I want to also express my appreciation for the Guest Chaplain program which provides a vital spiritual link between Washington and our faith-based communities throughout America.

I thank Reverend Dornbush.

COLONEL HUGO S. VALDIVIA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to honor my congressional constituent, Colonel Hugo Valdivia, for his 25 years of service to our country in the United States Air Force.

Tomorrow will be Colonel Valdivia's formal retirement at the Pentagon and I wanted us to show our gratitude for his years of dedication to our country.

Colonel Valdivia had recently been at the Pentagon, where he had been handpicked to serve as the Deputy Director for Information Warfare. He serves as the Air Force Advisor on the National Security Panels to the Defense Science Board and the Joint Chiefs of Staff's Quadrennial Review of military missions and forces structure.

During his distinguished career, Colonel Valdivia has received numerous accolades, including being selected by the National Security Agency as a finalist in a worldwide competition for information security accomplishments.

The Colonel has also been the Chief of the Information Assurance Division for the U.S. European Command. In addition, Colonel Valdivia was the Director for Computer Operations and Software Development for NORAD.

Please join me in showing Colonel Valdivia our gratitude for his sterling service to our country. He joins us here today with his family.

FLAG DAY

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, today marks the 224th birthday of the United States flag. The Stars and Stripes represents our spirit as a Nation, our unity as people, and our commitment to democracy throughout the world.

Today, Americans will pause for a moment as they reflect on this great Nation. I am proud that my district includes Fort McHenry. Tonight at 7

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

o'clock, at this historic site, the people of Baltimore will join in the National Pause for the Pledge.

It is only fitting that we honor our flag and the song that has captured its glory. Fort McHenry is the site where Francis Scott Key immortalized our flag. In writing "The Star Spangled Banner," he captured the determination of this great Nation to defeat the British during the War of 1812.

This morning, I was honored to have the opportunity to lead the House of Representatives in the Pledge of Allegiance. I urge every Member and all Americans to join me in paying tribute to this great symbol of liberty, justice and democracy and join the people of Baltimore by pausing at 7 o'clock this evening to honor our flag.

FATHER'S DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on Sunday, millions of Americans will be taking dad out for dinner to celebrate Father's Day. Father's Day is the one day every year that we set aside to say thank you to the men who raised us, taught us to fish, to play baseball, taught us to know right from wrong.

But there is a sad side to Father's Day as well. See, everyone has a father, but not everyone has a dad. In fact, fatherhood is in real trouble in America today. One-third of the children in America today do not live with their father, and one-third of all American children live in a house without an adult male.

Since 1960, the percentage of single parent families has grown 248 percent. What is the result: 226 percent increase in violent crime, 430 percent increase in out-of-wedlock teen pregnancy, sadly 134 percent increase in teen suicides. Now an absent father is not the only reason so many kids are in trouble. But can anyone doubt that it is at least part of the reason?

All the absent fathers and all the deadbeat dads in America should think hard this weekend about the role they could be playing in the lives of their children. A father's job is an important one. We should all remember that.

WE DO NOT NEED CHARITY, WE NEED ENERGY REGULATION

(Mr. SHERMAN asked and was given permission to address the House for 1 minute.)

Mr. SHERMAN. Mr. Speaker, in 1999, California paid $7 billion for electrical generation. A year later, last year, we paid $32.5 billion for the same amount of electricity. Today, with conservation efforts, we will use no more electricity than we did 2 years ago, but we will pay 50, 60, or $70 billion for the same number of electrons. This is because so many turbines in California are, quote, closed for maintenance.

If my colleagues will see this chart, they will see that roughly 10,000 megawatts, one-fifth of everything California needs, is shut down in excessive maintenance. Why? Because the independent energy wholesalers know that by closing some turbines for maintenance, they can drive the price of other kilowatts 10 times, 20 times, sometimes 50 times higher than the fair price.

The answer is the Hunter-Eshoo bill, which will restore for at least a couple of years the regulation necessary to take the profit out of manipulation. We do not need charity. We need regulation.

FLAG DAY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today we celebrate and pay tribute to our Nation's flag and all that it symbolizes. While our Nation and Old Glory itself has grown and changed over the past two centuries, the Stars and Stripes continue to represent the same ideals, freedoms, and liberties which we all cherish.

It is a symbol of our Nation and serves as a reminder of our historic struggles for independence. Moreover, the United States flag embodies the hopes and dreams of people around the world. To millions, Old Glory symbolizes the American dream, the dream of having the freedom and opportunity to accomplish anything.

So as we continue on with our business today, let us each take an extra moment to recognize Old Glory because we are all truly blessed to live under the freedoms and liberty for which the Stars and Stripes stand.

CHINESE MISSILES BUILT WITH AMERICAN TAXPAYER DOLLARS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the constituents of the gentleman from Idaho (Mr. SIMPSON) were honored to visit our Marine base at Quantico. They even got a gift. The token gift is a Communist-made calculator with "Marines" printed on one side and "Made in China" printed on the other.

Unbelievable. First, the Pentagon buys boots made in China. Now the Pentagon buys Communist gifts made in China. What is next? Generals and missiles made in China?

This is not the Marine Corps to blame, nor the fine Marines like Oliver North. It is the bureaucrats at the Pentagon, and they should be stone-cold fired.

I have asked for an investigation. My colleagues should join me. Enough is enough.

I yield back the fact, while we celebrate Flag Day in our great country, China has missiles pointed at us that were built with money taken from U.S. taxpayers/paychecks.

ENERGY POLICY

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to call on all of us to work together to find long-term solutions to our energy problems. The energy crunch affects all of us from the farmer who pays more for diesel fuel to families who are on summer vacation.

After 8 years of neglect toward our national energy policy, we find ourselves trying to deal with higher costs, at the same time looking for long-term solutions.

President Bush's plan for our energy policy is forward thinking and sensible. His plan focuses both on our need for conservation and our need for increasing energy sources. Best of all, the plan addresses these needs without sacrificing our way of life or the environment.

As we move forward, let us look to what John Foster Dulles once said, "The measure of success is not whether you have a tough problem to deal with, but whether it is the same problem you had last year."

The sooner we act on a comprehensive energy policy, the sooner we will find relief.

REPUBLICANS LOSE IN THE COURT OF PUBLIC OPINION ON ENERGY ISSUES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, after pushing through President Bush's budget cuts cutting energy conservation by 21 percent and renewable energy by 35 percent, fighting tooth and nail against reasonable controls and Federal regulation of price gouging and market manipulation in the western U.S., offering a so-called energy plan that James Watt wholeheartedly supported, saying, hey, 20 years later, it looks like they dusted off our old work.

Well, it might play well in the board rooms of my Republican friends' campaign contributors, with the energy conglomerates, but they know they are losing in the court of public opinion.

□ 1015

So somehow they are going to try a new tack, and I quote: "Congressional

Republican leaders have issued dire, albeit private, warnings to the energy industry that they may not be able to block legislation imposing caps on prices or other measures designed to give the Federal Government a greater role in setting rates for wholesale energy, oil or natural gas."

So the response is spin and advertising. We are offering a real alternative, an alternative that will give relief to the people in the western U.S. from price gouging and market manipulation, an alternative that will give the American people a sustainable, renewable energy future with conservation and renewable resources.

This is a stark choice for the American people: hot air or a real energy policy that benefits consumers.

HAPPY BIRTHDAY TO THE U.S. ARMY

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, since its birth on June 14, 1775, the United States Army has played a vital role in the growth and development of the American Nation. It won the new Republic's independence in an arduous 8-year struggle against Great Britain. The Army has repeatedly defended America against both internal and external threats, from the War of 1812 through the tremendous battles that finally rid the world of Nazi totalitarianism, Japanese imperialism, and communism.

From the beginning, the U.S. Army has also been involved with internal improvements: natural disaster relief, economic assistance, domestic order, and a host of other contingencies. Our Army has a proud tradition and continues to draw great satisfaction from knowing that when the Nation was in need, it answered the call.

Mr. Speaker, I am honored to stand here today and wish the men and women of the U.S. Army a very happy birthday.

CALIFORNIA'S ENERGY CRISIS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, after months and months of watching the Bush administration do nothing to help the California consumers and the California business community with the price gouging that is going on in energy, after months of having the White House act as the puppet of the oil industry, after months of watching an administration that is full of ex-oil industry executives give private meetings to the oil industry on their energy plan, and seeing the very people who are making the decisions about our energy future hold stock in the energy companies, after months of this kind of activity and insensitivity to the Western energy users in this country, the Republicans and the White House now understand that the American people are no longer going to continue to accept this administration doing nothing about the price gouging that is going on in the western United States with respect to energy while at the same time those very energy executives of the companies that are punishing the California consumer, punishing California businesses, punishing the workers and punishing our economy are cashing stock options worth $300 million as they gouge the people in the western United States.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, only a few months after the U.S. Postal Service hiked its first-class postal rates, the quasi-Federal agency is again set to increase mail costs, this time by as much as 25 to 30 percent. The hike comes in response to the agency's projected loss of $2 to $3 billion this year and a report from its own Inspector General that the agency loses approximately $1.4 billion per year in waste and abuse.

Charges of abuse at the Post Office include $200 million worth of lavish executive parties, large-scale junkets, high-priced publicity campaigns, and generous employee bonuses. The agency managed to rack up $9.3 billion in debt by the end of fiscal year 2000, but has yet to put in place a repayment program for that debt.

The American consumer should not have to pay increased mail costs to repair inefficiency and waste at the Postal Service. The Postal Service gets my porker of the week award.

TRIBUTE TO HOLLY WARLICK

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I rise today to pay tribute and offer my congratulations to my friend Holly Warlick. Holly was inducted this past weekend into the Women's Basketball Hall of Fame in our hometown of Knoxville, Tennessee.

Holly was the first athlete, male or female, to have her number retired at the University of Tennessee. She was a star point guard and 4-year starter for the Lady Vols from 1977 to 1980. She was placed on the U.S. Olympic team that year and later played in the first women's professional basketball league.

For the past 16 years, she has been an assistant coach to the great Pat Head Summit, and the Lady Vols basketball team has won many national championships and is always ranked among the Nation's top.

Holly Warlick is an inspiration to young girls and women everywhere and one of our finest citizens. I congratulate her on a well-deserved honor, her induction into the Women's Basketball Hall of Fame.

FERC'S INADEQUATE RESPONSE TO WESTERN ENERGY CRISIS

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to share with my colleagues a letter I received from William Massey, one of the three commissioners from the Federal Energy Regulatory Commission.

FERC has a responsibility by law to regulate energy prices when they are unjust and unreasonable. Californians spent $7 billion last year on energy. This year, the energy costs were $70 billion. The same thing is happening in Oregon. Can somebody explain to me what is just and reasonable about that?

This administration has taken a hands-off approach to the energy crisis in the West and FERC has shirked its responsibilities to maintain a fair market for consumers. Recently, I, along with my colleagues, wrote to FERC commissioners and ask they take steps to ensure that energy prices out west are just and reasonable. So I would like to take a second and read Commissioner Massey's short but appropriate response.

He says, "Thank you for writing to express disappointment with FERC's wholly inadequate response to the Western energy crisis. My response will be brief. I completely agree with you. The commission must take additional steps to ensure that prices out west are just and reasonable."

I just wish this administration would do the same.

FATHER'S DAY

(Mr. McINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINTYRE. Mr. Speaker, what happens to the family matters. It matters to our children, it matters to our parents, it matters to our communities, it matters, yes, to our Nation.

This Sunday, families all across America will come together and honor the role that fathers play in our families and in our society. I am grateful for the role that my father and his love for my family and me has played in my life. However, for many families, this will be just another Sunday, because there is no dad at home. In fact, an estimated 24.7 million children in this country live absent their biological fathers for whatever reason.

As Members of the people's House, each of us should do all we can to promote policies and support programs that are father-friendly and that help families that may not have a father.

First, we should pass H.R. 1300, the Responsible Fatherhood Act, that would provide resources to encourage responsible fatherhood and fund programs for local government, nonprofits, and religious and charitable organizations to help children.

Second, we should all take time to lend our hands and our hearts to those children that may not have a dad around. Read to them, take them to a ball game, take time to talk, or just take time to listen.

May God bless our fathers, especially this Father's Day.

PROVIDING FOR CONSIDERATION OF H.R. 1088, INVESTOR AND CAPITAL MARKETS FEE RELIEF ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 161 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 161

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1088) to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes. The bill shall be considered as read for amendment. In lieu of the amendment recommended by the Committee on Financial Services now printed in the bill, the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; (2) the further amendment printed in the Congressional Record and numbered 2 pursuant to clause 8 of rule XVIII, if offered by Representative LaFalce of New York or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 161 is a modified closed rule providing for the consideration of H.R. 1088, the Investor and Capital Markets Fee Relief Act. This bill is designed to provide tax relief to investors and market participants by reducing or eliminating many of the user fees imposed by the Securities and Exchange Commission for buying and selling securities.

H. Res. 161 provides for 1 hour of debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Financial Services. Upon the adoption of this rule, an amendment in the nature of a substitute, printed in the CONGRESSIONAL RECORD and offered by the gentleman from Ohio (Mr. OXLEY), chairman of the Committee on Financial Services, will be considered as adopted in lieu of the amendment originally recommended by the Committee on Financial Services.

The rule also makes in order a substitute amendment for the minority, offered by the gentleman from New York (Mr. LAFALCE) or his designee, which can be debated for up to 1 hour, evenly divided.

The rule also waives all points of order against consideration of both amendments. Finally, the rule provides for one motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, the purpose of H.R. 1088 is to provide significant tax relief to millions and millions of investors and market participants. When it was originally established, the SEC was supposed to be a user fee-funded entity. The SEC currently taxes investors and companies trading in securities with user fees, using the monies generated by these fees to fund its enforcement of Federal securities' laws and regulations.

As investments in mutual funds, 401(k) plans, and retirement funds have dramatically increased over the last 20 years, the SEC's current fee schedule has unfortunately not been changed to reflect these new circumstances. This has, in turn, created a situation in which billions of dollars in SEC fees, above and beyond the level needed to fund its enforcement activities, are being used for other purposes. H.Res. 161 modernizes the fee schedule, saving investors and companies $14 billion over the next 10 years by significantly reducing five SEC taxes on securities transactions.

The bill provides much needed relief for investors and companies by also terminating the mandatory application fees and reducing registration fees. Also, the new fee schedule gives the SEC the necessary funding to continue enforcing our laws while retaining top quality employees.

□ 1030

Mr. Speaker, I hope my friends on both sides of the aisle will join me in supporting this legislation to return a greater portion of the Federal Government's excess funds to our investors so they can use these moneys as they see fit.

The Committee on Rules approved this rule by voice vote yesterday, and I urge my colleagues to support it so we may proceed with debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume; and I thank my colleague from Georgia (Mr. LINDER) for yielding me the customary time.

Mr. Speaker, this is a modified closed rule that will allow for the consideration of H.R. 1088, the Investor and Capital Markets Fee Relief Act.

Under this restrictive rule, a Democratic substitute may be offered on the floor by the gentleman from New York (Mr. LAFALCE). Unfortunately, no other amendments may be offered.

The underlying bill reduces fees levied by the Securities and Exchange Commission for stock-related transactions. This will result in a loss of about $14 billion in Federal receipts between the years 2002 and 2011. This general budget effect is a large revenue depletion. In the year 2002 alone, CBO estimates this will be more than $1.3 billion. It is a drain on the treasury.

The reduction of fees is motivated by an increase in collections, which is the result of greater stock market activity in the last few years. It makes perfect sense to reduce fees that might benefit individual investors. In fact, the Democratic substitute would do just that. However, given the uncertain future of financial markets and the unforeseeable need for regulation and enforcement, it seems imprudent to reduce revenues by such a large amount as this bill does. Moreover, minority members of the Committee on Financial Services warn that these cuts could ultimately result in cuts in important government programs like Head Start, medical research, and transportation and infrastructure improvements.

A more sound approach would be to examine the long-term needs of the Securities and Exchange Commission as well as other government activities involved with protecting the securities markets, including the Federal Bureau of Investigation inquiries, Department of Justice criminal prosecutions, and any other Federal resources needed to prosecute securities cases. Only then would we have a sound basis for establishing an appropriate fee reduction.

Mr. Speaker, for these reasons, I urge my colleagues to support the Democratic substitute at the proper time.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), the gentleman from California (Mr. DREIER), and the rest of the Committee on Rules for crafting a very effective rule; a rule that allows the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Financial Services, to offer his substitute amendment for consideration by the House.

Congress has authorized the Securities and Exchange Commission to impose user fees on investors and market participants. The fee, intended to fund Securities and Exchange Commission operations, has turned into a cash cow for the U.S. Treasury. The government now collects fee revenues that far exceed the operating cost of the Securities and Exchange Commission. In fiscal year 2002, actual Securities and Exchange Commission collections reached a staggering $2.27 billion. That is over six times the Securities and Exchange Commission's $377 million budget.

H.R. 1088, the Investor and Capital Markets Fee Relief Act, addresses this excess collections problem. It is important legislation that returns some $14 billion over the next 10 years to America's investors and those seeking access to our markets. It reduces or eliminates all of the excess securities fees in a responsible way, holding the appropriators harmless and ensuring that the Securities and Exchange Commission has a long-term stable funding source for its important mission of protecting investors and promoting capital formation.

Mr. Speaker, the legislation introduced by my good friend, the gentleman from New York (Mr. FOSSELLA), will help America's nearly 100 million investors save and invest for college, retirement, or simply for a better life.

H.R. 1088 includes pay parity for the Securities and Exchange Commission staff. The SEC is experiencing severe recruiting and retention problems. In the last 3 years, more than 1,000 employees, over one-third of the agency staff, have left the agency. The Securities and Exchange Commission's overall attrition rate is more than twice the government average.

In an effort to combat this staffing crisis, the Securities and Exchange Commission has explored every available tool, including recruitment bonuses, retention allowances, emergency child care and other measures. There is no justification whatsoever for paying Securities and Exchange Commission staff 24 to 39 percent less than the Federal banking regulators, especially in light of the passage of Gramm-Leach-Bliley which requires the SEC staff to work side by side with the Federal banking regulators.

Mr. Speaker, I urge my colleagues to support this very fair rule, and support this needed legislation. Let us give money back to investors and strengthen the Securities and Exchange Commission at the same time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the rule and the underlying bill. Investors and capital market participants were overcharged $9.2 billion over the last 10 years in fees that support the operations of the Securities and Exchange Commission. These overcharges will grow to $14 billion over the next 10 years without fee relief now.

For fiscal year 2001, the Securities and Exchange Commission's budget is $423 million, but the agency is set to collect $2.5 billion in fees, over 6 times the Securities and Exchange Commission's budget. Congress created the fee structure so that the operating costs of the Securities and Exchange Commission would be funded by those benefiting from securities regulation. The fees have evolved into a tax on investors which was not the original intent of Congress.

The Investor and Capital Markets Fee Relief Act reduces the fees on stock transactions, mergers, tender offers and new issues that investors and market participants pay to support the Securities and Exchange Commission. These fees, many of which are paid by individual investors and pension funds, were never intended to grow so dramatically. At the same time, the legislation provides pay parity for Securities and Exchange Commission employees.

Mr. Speaker, the Investor and Capital Markets Fee Relief Act will save $14 billion that can potentially be reinvested in the capital markets. It allows fees to be readjusted if the Securities and Exchange Commission ever faces a funding shortage. It provides pay parity for Securities and Exchange Commission employees. The agency has lost one-third of its employees in the last 3 years, and is truly facing a staffing crisis.

Mr. Speaker, this particular bill passed the Committee on Financial Services and the full Senate by unanimous consent. I urge my colleagues to support both the rule and the underlying bill.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time; and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues to support this rule so we can move on to debate on this important bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 13, as follows:

[Roll No. 162]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns

Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Kanjorski

NOT VOTING—13

Brown (FL)
Carson (IN)
Cubin
Cummings
DeGette
Engel
Ferguson
Frost
Houghton
Johnson, E. B.
Jones (OH)
Whitfield
Young (AK)

□ 1103

Mr. BURTON of Indiana and Mrs. NORTHUP changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. CARSON of Indiana. Mr. Speaker, for reasons beyond my control, the voting machine would not accept my voting card on Thursday, June 14, 2001, and therefore, I was unable to vote on rollcall vote 162. I alerted the Speaker pro tempore, Mr. QUINN, to the problem, but by the time I reached the well, the voting was closed. Had I been able to cast my vote I would have voted "yea".

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 12, not voting 12, as follows:

[Roll No. 163]

AYES—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NOES—12

Burton
Costello
DeFazio
Frank
Hilliard
Kanjorski
LaFalce
Rahall
Taylor (MS)
Visclosky
Waters
Wu

NOT VOTING—12

Brown (FL)
Cubin
DeGette
Ferguson
Frost
Houghton
John
Johnson, E. B.
Jones (OH)
Velázquez
Whitfield
Young (AK)

□ 1114

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1319

Ms. HART. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1319.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

COMMUNICATION FROM THE HONORABLE DICK ARMEY, MAJORITY LEADER

The SPEAKER pro tempore laid before the House a communication from the Honorable DICK ARMEY, Majority Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 12, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 20 U.S.C. 4703, I would like to appoint Mr. Stump of Arizona to the board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation.

Sincerely,

DICK ARMEY,
Member of Congress.

INVESTOR AND CAPITAL MARKETS FEE RELIEF ACT

Mr. OXLEY. Mr. Speaker, pursuant to House Resolution 161, I call up the bill (H.R. 1088) to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 161, the bill is considered read for amendment.

The text of H.R. 1088 is as follows:

H.R. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investor and Capital Markets Fee Relief Act".

SEC. 2. IMMEDIATE TRANSACTION FEE REDUCTIONS.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by striking "1⁄300 of one percent" each place it appears in subsections (b) and (d) and inserting "$12 per $1,000,000";

(2) in the first sentence of subsection (b), by striking ", except that" and all that follows through the end of such sentence;

(3) in paragraph (1) of subsection (d), by striking ", except that" and all that follows through the end of such paragraph;

(4) in subsection (e), by striking "$0.02" and inserting "$0.0072"; and

(5) by adding at the end the following new subsection:

"(i) PRO RATA APPLICATION.—The rates per $1,000,000 required by this section shall be applied pro rata to amounts and balances equal to less than $1,000,000.".

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) POOLING AND ALLOCATION OF COLLECTIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking "Every" and inserting "Subject to subsection (j), each"; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

"(d) OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.—

"(1) COVERED TRANSACTIONS.—Each national securities"

and inserting the following:

"(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED AND LAST-SALE-REPORTED SECURITIES.—Subject to subsection (j), each national securities";

(C) by inserting "registered on a national securities exchange or" after "security futures products)"; and

(D) by striking ", excluding any sales for which a fee is paid under subsection (c)";

(4) in subsection (e)—

(A) by striking "except that for fiscal year 2007" and all that follows through the end of such subsection and inserting the following: "except that for fiscal year 2007 and each succeeding fiscal year such assessment shall be equal to $0.0042 for each such transaction.";

(5) in subsection (f), by striking "DATES FOR PAYMENT OF FEES.—The fees required" and inserting "DATES FOR PAYMENTS.—The fees and assessments required";

(6) by redesignating subsections (e) through (i) (as added by section 2(5)) as subsections (d) through (h), respectively;

(7) by adding at the end the following new subsection:

"(i) DEPOSIT OF FEES.—

"(1) OFFSETTING COLLECTIONS.—Fees collected pursuant to subsections (b), (c), and (d) for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in subsection (k), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(2) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to subsections (b), (c), and (d) for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.".

(b) ADDITIONAL REDUCTIONS OF FEES.—

(1) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (i) (as added by subsection (a)(7)) the following new subsections:

"(j) RECAPTURE OF PROJECTION WINDFALLS FOR FURTHER RATE REDUCTIONS.—

"(1) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year.

"(2) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 (including assessments collected under subsection (d)) equal to the target offsetting collection amount for fiscal year 2011.

"(3) REVIEW AND EFFECTIVE DATE.—An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (i)(1)(B) and (k)—

"(A) an adjusted rate prescribed under paragraph (1) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (2) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(k) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect (as offsetting collections) the fees and assessments under subsections (b), (c), and (d) at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

"(l) DEFINITIONS.—For purposes of this section:

"(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

"Fiscal year:	**Target offsetting collection amount**
2002	$585,720,000
2003	$679,320,000
2004	$822,240,000
2005	$976,320,000
2006	$1,148,040,000
2007	$880,880,000
2008	$892,080,000
2009	$1,023,120,000
2010	$1,161,440,000
2011	$1,321,040,000

"(2) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, and security futures products) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act (as redesignated by subsection

(a)(6) of this section) is amended by inserting before the period at the end the following: "not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such fees are based.".

SEC. 4. REDUCTION OF REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking paragraphs (2) through (5) and inserting the following:

"(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee at a rate that shall be equal to $125 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2003 and any succeeding fiscal year such fee shall be adjusted pursuant to paragraph (5) or (6).

"(3) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(4) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (2) for such fiscal year to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for such fiscal year, is reasonably likely to produce aggregate fee collections under this subsection that are equal to the target offsetting collection amount for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (2) for all of such fiscal years to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this subsection in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

"(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances equal to less than $1,000,000.

"(8) REVIEW AND EFFECTIVE DATE.—An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (3)(B) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

"(10) PUBLICATION.—The Commission shall publish in the Federal Register notices of the rate applicable under this subsection and under sections 13(e) and 14(g) for each fiscal year not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such rate is based.

"(11) DEFINITIONS.—For purposes of this subsection:

"(A) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

"Fiscal year:	**Target offsetting collection amount**
2002	$512,500,000
2003	$589,380,000
2004	$650,385,000
2005	$790,075,000
2006	$949,050,000
2007	$214,200,000
2008	$233,700,000
2009	$284,115,000
2010	$333,840,000
2011	$394,110,000

"(B) BASELINE ESTIMATE OF THE AGGREGATE MAXIMUM OFFERING PRICES.—The baseline estimate of the aggregate maximum offering prices for any fiscal year is the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

SEC. 5. FEES FOR STOCK REPURCHASE STATEMENTS.

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended

(1) in paragraph (3), by striking "a fee of 1/50 of 1 per centum of the value of securities proposed to be purchased" and inserting "a fee at a rate that, subject to paragraphs (5) and (6), is equal to $125 per $1,000,000 of the value of securities proposed to be purchased";

(2) by inserting after paragraph (3) the following new paragraphs:

"(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

"(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances equal to less than $1,000,000.

"(8) REVIEW AND EFFECTIVE DATE.—An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

"(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.".

SEC. 6. FEES FOR PROXY SOLICITATIONS AND STATEMENTS IN CORPORATE CONTROL TRANSACTIONS.

Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended—

(1) in paragraphs (1) and (3), by striking "a fee of 1/50 of 1 per centum of" each place it appears and inserting "a fee at a rate that, subject to paragraphs (5) and (6), is equal to $125 per $1,000,000 of";

(2) by redesignating paragraph (4) as paragraph (11); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

"(7) Pro rata application.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances equal to less than $1,000,000.

"(8) Review and effective date.—An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) Lapse of appropriation.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

"(10) Publication.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.".

SEC. 7. TRUST INDENTURE ACT FEE.

Section 307(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77ggg(b)) is amended by striking "Commission, but, in the case" and all that follows and inserting "Commission.".

SEC. 8. PAY PARITY PROVISIONS.

(a) Securities and Exchange Commission Employees.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended—

(1) by striking paragraphs (1) and (2) and by inserting the following:

"(1) Appointment, compensation, and benefits.—

"(A) In general.—The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under this Act.

"(B) Rates of pay.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(C) Additional compensation and benefits.—The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation.

"(2) Information; comparability.—In establishing and adjusting schedules of compensation and additional benefits for employees of the Commission, which are to be determined solely by the Commission under this subsection, the Commission—

"(A) shall consult with and inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

"(B) shall inform the Congress of such compensation and benefits; and

"(C) shall seek to maintain comparability with such agencies regarding compensation and benefits.".

(b) Technical Amendments.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking "or" after the semicolon;

(B) in subparagraph (D), by inserting "or" after the semicolon; and

(C) by adding at the end of the following:

"(E) the Securities and Exchange Commission.".

(2) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" after the semicolon;

(B) in paragraph (3), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(4) section 4(b) of the Securities Exchange Act of 1934.".

SEC. 9. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), the amendments made by this Act shall take effect on October 1, 2001.

(b) Pay Parity.—

(1) In general.—Except as provided in paragraph (2), the amendments made by section 8 shall take effect on the date of enactment of this Act.

(2) Exception.—The amendments made by section 8(b)(1) shall take effect as of such date as the Securities and Exchange Commission shall (by order published in the Federal Register) prescribe, but in no event later than 1 year after the date of enactment of this Act.

The SPEAKER pro tempore. In lieu of the amendment recommended by the Committee on Financial Services printed in the bill, the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 is adopted.

The text of H.R. 1088, as amended, is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Investor and Capital Markets Fee Relief Act".

SEC. 2. IMMEDIATE TRANSACTION FEE REDUCTIONS.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) by striking "$\frac{1}{300}$ of one percent" each place it appears in subsections (b) and (d) and inserting "$15 per $1,000,000";

(2) by striking "and security futures products" each place it appears in such subsections and inserting "security futures products, and options on securities indexes (excluding a narrow-based security index)";

(3) in the first sentence of subsection (b), by striking ", except that" and all that follows through the end of such sentence and inserting a period;

(4) in paragraph (1) of subsection (d), by striking ", except that" and all that follows through the end of such paragraph and inserting a period;

(5) in subsection (e), by striking "$0.02" and inserting "$0.009"; and

(6) by adding at the end the following new subsection:

"(i) Pro Rata Application.—The rates per $1,000,000 required by this section shall be applied pro rata to amounts and balances of less than $1,000,000.".

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) Pooling and Allocation of Collections.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking "Every" and inserting "Subject to subsection (j), each"; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

"(d) Off-Exchange Trades of Last-Sale-Reported Securities.—

"(1) Covered transactions.—Each national securities"

and inserting the following:

"(c) Off-Exchange Trades of Exchange Registered and Last-Sale-Reported Securities.—Subject to subsection (j), each national securities";

(C) by inserting "registered on a national securities exchange or" after "narrow-based security index))" (as added by section 2(2)); and

(D) by striking ", excluding any sales for which a fee is paid under subsection (c)";

(4) in subsection (e), by striking "except that for fiscal year 2007" and all that follows through the end of such subsection and inserting the following: "except that for fiscal year 2007 and each succeeding fiscal year such assessment shall be equal to $0.0042 for each such transaction.";

(5) in subsection (f), by striking "Dates for Payment of Fees.—The fees required" and inserting "Dates for Payments.—The fees and assessments required";

(6) by redesignating subsections (e) through (i) (as added by section 2(5)) as subsections (d) through (h), respectively;

(7) by adding at the end the following new subsection:

"(i) Deposit of Fees.—

"(1) Offsetting collections.—Fees collected pursuant to subsections (b), (c), and (d) for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in subsection (k), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(2) General revenues prohibited.—No fees collected pursuant to subsections (b), (c), and (d) for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.".

(b) Additional Reductions of Fees.—

(1) Amendment.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (i) (as added by subsection (a)(7)) the following new subsections:

"(j) Recapture of Projection Windfalls for Further Rate Reductions.—

"(1) Annual adjustment.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year.

"(2) MID-YEAR ADJUSTMENT.—For each of the fiscal years 2002 through 2011, the Commission shall determine, by March 1 of such fiscal year, whether, based on the actual aggregate dollar volume of sales during the first 5 months of such fiscal year, the baseline estimate of the aggregate dollar volume of sales used under paragraph (1) for such fiscal year (or $48,800,000,000,000 in the case of fiscal year 2002) is reasonably likely to be 10 percent (or more) greater or less than the actual aggregate dollar volume of sales for such fiscal year. If the Commission so determines, the Commission shall by order, no later than such March 1, adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the revised estimate of the aggregate dollar amount of sales for the remainder of such fiscal year, is reasonably likely to produce aggregate fee collections under this section (including fees collected during such 5-month period and assessments collected under subsection (d)) that are equal to the target offsetting collection amount for such fiscal year. In making such revised estimate, the Commission shall, after consultation with the Congressional Budget Office and the Office of Management and Budget, use the same methodology required by subsection (l)(2).

"(3) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 (including assessments collected under subsection (d)) equal to the target offsetting collection amount for fiscal year 2011.

"(4) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (1), (2), or (3) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (i)(1)(B) and (k)—

"(A) an adjusted rate prescribed under paragraph (1) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted;

"(B) an adjusted rate prescribed under paragraph (2) shall take effect on April 1 of the fiscal year to which such rate applies; and

"(C) an adjusted rate prescribed under paragraph (3) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 30 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(k) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect (as offsetting collections) the fees and assessments under subsections (b), (c), and (d) at the rate in effect during the preceding fiscal year, until 30 days after the date such a regular appropriation is enacted.

"(l) DEFINITIONS.—For purposes of this section:

"(1) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

"Fiscal year:	**Target offsetting collection amount**
2002	$732,000,000
2003	$849,000,000
2004	$1,028,000,000
2005	$1,220,000,000
2006	$1,435,000,000
2007	$881,000,000
2008	$892,000,000
2009	$1,023,000,000
2010	$1,161,000,000
2011	$1,321,000,000

"(2) BASELINE ESTIMATE OF THE AGGREGATE DOLLAR AMOUNT OF SALES.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, security futures products, and options on securities indexes (excluding a narrow-based security index)) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget, using the methodology required for making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(2) CONFORMING AMENDMENT.—Section 31(g) of such Act (as redesignated by subsection (a)(6) of this section) is amended by inserting before the period at the end the following: "not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such fees are based".

SEC. 4. REDUCTION OF REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended by striking paragraphs (2) through (5) and inserting the following:

"(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee at a rate that shall be equal to $92 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2003 and any succeeding fiscal year such fee shall be adjusted pursuant to paragraph (5) or (6).

"(3) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission; and

"(B) except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(4) GENERAL REVENUES PROHIBITED.—No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (2) for such fiscal year to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for such fiscal year, is reasonably likely to produce aggregate fee collections under this subsection that are equal to the target offsetting collection amount for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (2) for all of such fiscal years to a rate that, when applied to the baseline estimate of the aggregate maximum offering prices for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this subsection in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

"(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

"(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (3)(B) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

"(10) PUBLICATION.—The Commission shall publish in the Federal Register notices of the rate applicable under this subsection and under sections 13(e) and 14(g) for each fiscal year not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies, together with any estimates or projections on which such rate is based.

"(11) DEFINITIONS.—For purposes of this subsection:

"(A) TARGET OFFSETTING COLLECTION AMOUNT.—The target offsetting collection amount for each of the fiscal years 2002 through 2011 is determined according to the following table:

"Fiscal year:	**Target offsetting collection amount**
2002	$337,000,000
2003	$435,000,000
2004	$467,000,000
2005	$570,000,000
2006	$689,000,000
2007	$214,000,000
2008	$234,000,000
2009	$284,000,000
2010	$334,000,000
2011	$394,000,000

"(B) BASELINE ESTIMATE OF THE AGGREGATE MAXIMUM OFFERING PRICES.—The baseline estimate of the aggregate maximum offering prices for any fiscal year is the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during such fiscal year as determined by the Commission, after consultation with the Congressional Budget

Office and the Office of Management and Budget, using the methodology required for projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.".

SEC. 5. FEES FOR STOCK REPURCHASE STATEMENTS.

Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)) is amended

(1) in paragraph (3), by striking "a fee of 1/50 of 1 per centum of the value of securities proposed to be purchased" and inserting "a fee at a rate that, subject to paragraphs (5) and (6), is equal to $92 per $1,000,000 of the value of securities proposed to be purchased";

(2) by inserting after paragraph (3) the following new paragraphs:

"(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust the rate required by paragraph (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust the rate required by paragraph (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

"(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

"(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

"(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.".

SEC. 6. FEES FOR PROXY SOLICITATIONS AND STATEMENTS IN CORPORATE CONTROL TRANSACTIONS.

Section 14(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(3)) is amended—

(1) in paragraphs (1) and (3), by striking "a fee of 1/50 of 1 per centum of" each place it appears and inserting "a fee at a rate that, subject to paragraphs (5) and (6), is equal to $92 per $1,000,000 of";

(2) by redesignating paragraph (4) as paragraph (11); and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) OFFSETTING COLLECTIONS.—Fees collected pursuant to this subsection for any fiscal year shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, and, except as provided in paragraph (9), shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts. No fees collected pursuant to this subsection for fiscal year 2002 or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.

"(5) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for such fiscal year to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for such fiscal year.

"(6) FINAL RATE ADJUSTMENT.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates required by paragraphs (1) and (3) for all of such fiscal years to a rate that is equal to the rate (expressed in dollars per million) that is applicable under section 6(b) of the Securities Act of 1933 for all of such fiscal years.

"(7) PRO RATA APPLICATION.—The rates per $1,000,000 required by this subsection shall be applied pro rata to amounts and balances of less than $1,000,000.

"(8) REVIEW AND EFFECTIVE DATE.— In exercising its authority under this subsection, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code. An adjusted rate prescribed under paragraph (5) or (6) and published under paragraph (10) shall not be subject to judicial review. Subject to paragraphs (4) and (9)—

"(A) an adjusted rate prescribed under paragraph (5) shall take effect on the later of—

"(i) the first day of the fiscal year to which such rate applies; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted; and

"(B) an adjusted rate prescribed under paragraph (6) shall take effect on the later of—

"(i) the first day of fiscal year 2012; or

"(ii) 5 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.

"(9) LAPSE OF APPROPRIATION.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such a regular appropriation is enacted.

"(10) PUBLICATION.—The rate applicable under this subsection for each fiscal year is published pursuant to section 6(b)(10) of the Securities Act of 1933.".

SEC. 7. TRUST INDENTURE ACT FEE.

Section 307(b) of the Trust Indenture Act of 1939 (15 U.S.C. 77ggg(b)) is amended by striking "Commission, but, in the case" and all that follows and inserting "Commission.".

SEC. 8. COMPARABILITY PROVISIONS.

(a) COMMISSION DEMONSTRATION PROJECT.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

"Sec.
"4801. Nonapplicability of chapter 47.
"4802. Securities and Exchange Commission.

"§ 4801. Nonapplicability of chapter 47

"Chapter 47 shall not apply to this chapter.

"§ 4802. Securities and Exchange Commission

"(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

"(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

"(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

"(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

"(f) This section shall be administered consistent with merit system principles.".

(b) EMPLOYEES REPRESENTED BY LABOR ORGANIZATIONS.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) IMPLEMENTATION PLAN AND REPORT.—

(1) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) INCLUSION IN ANNUAL PERFORMANCE PLAN AND REPORT.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) IMPLEMENTATION REPORT.—

(A) IN GENERAL.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) CONTENT.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

"48. Agency Personnel Demonstration Project .... 4801.".

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking "or" after the semicolon;

(ii) in subparagraph (D), by inserting "or" after the semicolon; and

(iii) by adding at the end the following:

"(E) the Securities and Exchange Commission;".

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking "or" after the semicolon;

(ii) in paragraph (3), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(4) section 4802.".

(2) AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) APPOINTMENT AND COMPENSATION.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

"(2) REPORTING OF INFORMATION.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.".

(3) AMENDMENT TO FIRREA OF 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking "the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation".

SEC. 9. STUDY OF THE EFFECT OF FEE REDUCTIONS.

(a) STUDY.—The Office of Economic Analysis of the Securities and Exchange Commission (hereinafter referred to as the "Office") shall conduct a study of the extent to which the benefits of reductions in fees effected as a result of this Act are passed on to investors.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Office shall—

(1) consider the various elements of the securities industry directly and indirectly benefitting from the fee reductions, including purchasers and sellers of securities, members of national securities exchanges, issuers, broker-dealers, underwriters, participants in investment companies, retirement programs, and others;

(2) consider the impact on different types of investors, such as individual equity holders, individual investment company shareholders, businesses, and other types of investors;

(3) include in the interpretation of the term "investor" shareholders of entities subject to the fee reductions; and

(4) consider the economic benefits to investors flowing from the fee reductions to include such factors as market efficiency, expansion of investment opportunities, and enhanced liquidity and capital formation.

(c) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Congress the report prepared by the Office on the findings of the study conducted under subsection (a).

SEC. 10. STUDY OF CONVERSION TO SELF-FUNDING.

(a) GAO STUDY REQUIRED.—The Comptroller General shall conduct a study of the impact, implications, and consequences of converting the Securities and Exchange Commission to a self-funded basis. Such study shall include analysis of the following issues:

(1) SEC OPERATIONS.—The impact of such conversion on the Commission's operations, including staff quality, recruitment, and retention.

(2) CONGRESSIONAL OVERSIGHT.—The implications for congressional oversight of the Commission, including whether imposing annual expenditure limitations would be beneficial to such oversight.

(3) FEES.—The likely consequences of the conversion on the rates, collection procedures, and predictability of fees collected by the Commission.

(4) APPROPRIATIONS.—The methods by which the conversion may be accomplished without reducing the availability of offsetting collections for appropriations.

(5) OTHER MATTERS.—Such other impacts, implications, and consequences as the Comptroller General may consider relevant to congressional consideration of the question of such conversion.

(b) SUBMISSION OF REPORT.—The Comptroller General shall submit to the Committees on Financial Services and Government Reform of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Governmental Affairs of the Senate a report on the study required by subsection (a) no later than 180 after the date of enactment of this Act.

(c) DEFINITION.—For the purposes of this section, the term "self-funded basis" means that—

(1) an agency is authorized to deposit the receipts of its collections in the Treasury of the United States, or in a depository institution, but such deposits are not treated as Government funds or appropriated monies, and are available for the salaries and other expenses of the Commission and its employees without annual appropriation or apportionment; and

(2) the agency is authorized to employ and fix the salaries and other compensation of its officers and employees, and such salaries and other compensation are paid without regard to the provisions of other laws applicable to officers and employees of the United States.

SEC. 11. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), the amendments made by this Act shall take effect on October 1, 2001.

(b) IMMEDIATE TRANSACTION FEE REDUCTIONS.—The amendments made by section 2 shall take effect on the later of—

(1) the first day of fiscal year 2002; or

(2) 30 days after the date on which a regular appropriation to the Commission for such fiscal year is enacted.

(c) ADDITIONAL EXCEPTIONS.—The authorities provided by section 6(b)(9) of the Securities Act of 1933 and sections 13(e)(9), 14(g)(9) and 31(k) of the Securities Exchange Act of 1934, as so designated by this Act, shall not apply until October 1, 2002.

The SPEAKER pro tempore. After 60 minutes of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the CONGRESSIONAL RECORD and numbered 2 if offered by the gentleman from New York (Mr. LAFALCE) or his designee, shall be considered read and shall be debatable for 1 hour, equally divided and controlled by the proponent and the opponent.

The gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

□ 1115

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1088.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. BURTON) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am pleased today to bring to the floor H.R. 1088, the Investor and Capital Markets Fee Relief Act. This legislation returns excessive Securities and Exchange Commission fees, $14 billion over the next 10 years, to America's investors and those seeking access to our markets.

Introduced by my good friend, the gentleman from New York (Mr. FOSSELLA), an important Member of the Committee on Financial Services, H.R. 1088 reduces or eliminates all of the securities fees in a responsible way by holding the appropriators harmless and ensuring that the SEC has a long-term stable funding source for its important mission of protecting investors and promoting capital formation.

Contrary to the explicit intent of the Congress, the government now collects fee revenues that far exceed the operating costs of the SEC. In fiscal year 2000, actual SEC fee collections reached a staggering $2.27 billion, over six times the SEC's $377 million budget; and it is estimated that fee collections this fiscal year will be substantially higher.

In my home State of Ohio, the Public Employees Pension Fund will pay several million dollars in the next decade if this legislation is not enacted, and that goes for all of the public employees return systems throughout the country.

Each day this year investors across the country are paying more than $3 million in excess transaction fees alone. The excess revenues are being used to fund other Federal programs, entirely unrelated to regulation of the securities markets. The fees are unmistakably a tax on investors and capital formation. They are no longer about government need, but about government greed.

The legislation also includes a provision granting SEC employees pay parity with the banking regulators. The commission faces a staffing crisis. In the last 3 years, over one-third of the SEC's staff have left the agency. In the increasingly consolidated financial services industry, SEC staff perform the same functions and work side by side with their counterparts at the Federal Banking Agency, yet inexplicably earn anywhere from 25 to 45 percent less.

In an environment where the investors and markets need effective regulation more than ever, it is important to address the morale problem and its effects on retention of SEC staff. The securities industry strongly supports pay parity, because it will, by helping the commission attract and retain first-rate staff, improve the regulation efficiency of our capital markets.

We intend the pay parity provisions to be executed in a responsible fashion, enabling the SEC to provide the same benefits to its employees as those provided to the Federal banking regulators, but not more.

I am pleased that so many Members on the other side of the aisle have helped in this effort. I particularly appreciate all of the efforts of the gentlewoman from New York (Mrs. MALONEY), the gentleman from New York (Mr. CROWLEY), and the gentleman from New Jersey (Mr. MENENDEZ) for their hard work and efforts on our behalf.

This bipartisan legislation enjoys widespread support from the investing public, the Securities and Exchange Commission, major pension funds, the Profit-Sharing/401(k) Council of America, and the securities industry.

H.R. 1088 is pro-investor, good government legislation. I urge all of my colleagues to vote against the Democratic substitute and to support final passage.

Mr. Speaker, I include for the RECORD two exchanges of letters between myself and Chairman THOMAS and Chairman COMBEST regarding their respective committee's jurisdiction. I also want to thank both of them for their cooperation in bringing this important legislation to the floor.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, April 2, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On March 28, 2001, the Committee on Financial Services ordered reported H.R. 1088, the Investor and Capital Markets Fee Relief Act. As you are aware, section 2 of the bill affects the Agriculture Committee's jurisdiction with regard to transaction fees on security futures products.

Because of your willingness to consult with the Committee on Agriculture regarding this matter and the need to move this legislation expeditiously, I will waive consideration of the bill by the Agriculture Committee. By agreeing to waive its consideration of the bill, the Agriculture Committee does not waive its jurisdiction over H.R. 1088. In addition, the Committee on Agriculture reserves its authority to seek conferees on any provisions of the bill that are within our jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by our Committee for conferees on H.R. 1088 or related legislation.

I request that you include this letter and your response as part of your committee's report on the bill and the Congressional Record during consideration of the legislation on the House floor.

Thank you for your cooperation in this matter.

Sincerely,

LARRY COMBEST,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 2, 2001.

Hon. LARRY COMBEST,
Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN COMBEST: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1088, the Investor and Capital Markets Fee Relief Act.

I acknowledge your committee's jurisdictional interest in the changes to the fee structure for security futures products contained in this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on Agriculture with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

MICHAEL G. OXLEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 2, 2001.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN OXLEY: I am writing to express my support for what you are trying to accomplish in H.R. 1088, the Investor and Capital Markets Fee Relief Act. The Committee on Ways and Means has long taken a jurisdictional interest in the fees collected by the Securities and Exchange Commission. In our view, these "fees" are taxes because they greatly exceed the SEC's regulatory costs. In the past, we worked with the Committees on Commerce and Appropriations to attempt to rectify this problem.

As you know, I am strongly committed to protecting the jurisdictional interest of the Committee on Ways and Means and to ensuring that all revenue measures are properly referred to this Committee. To this end, the Committee on Ways and Means relies upon the statement issued by the Speaker in January 1991 (and reiterated by Speaker Hastert on January 3, 2001) regarding the jurisdiction of the House Committees with respect to fees and revenue measures. Pursuant to that statement, the Committee on Ways and Means generally will not assert jurisdiction over "true" regulatory fees that meet the following requirements:

(i) The fees are assessed and collected solely to cover the costs of specified regulatory activities (not including public information activities and other activities benefitting the public in general);

(ii) The fees are assessed and collected only in such manner as may reasonably be expected to result in an aggregate amount collected during any fiscal year which does not exceed the aggregate amount of the regulatory costs referred to in (i) above:

(iii) The only person subject to the fees are those who directly avail themselves of, or are directly subject to, the regulatory activities referred to in (i) above; and

(iv) The amounts of the fees (a) are structured such that any person's liability for such fees is reasonable based on the proportion of the regulatory activities which relate to such person, and (b) are nondiscriminatory between foreign and domestic entities.

Additionally, pursuant to the Speaker's statement, the mere reauthorization of a preexisting fee that had not historically been considered a tax would not necessarily require a sequential referral to the Committee on Ways and Means. However, if such a preexisting fee were fundamentally changed, it properly should be referred to the Committee on Ways and Means.

We last addressed SEC fees in the National Securities Markets Improvement Act of 1996. That legislation was intended to reform the SEC fee structure and bring the total amount of fees down to the level of the SEC's budget. In a letter from then Chairman Archer to the Chairman of the Commerce Committee, Congressman Bliley (whose committee had jurisdiction over the SEC at the time), Chairman Archer noted the Committee on Ways and Means' longstanding goal of reducing these "fees" so that they truly are fees rather than taxes. Chairman Archer also reserved jurisidictional interest in the fee structure, and stated that the Committee would strongly oppose any attempts to delay or lengthen the fee phase-down schedule provided by the 1996 Act.

Since the enactment of the 1996 Act, it has become increasingly clear that actual fee collections greatly exceed what was estimated in 1996. In fact, I understand that these fees are projected to generate over $2.5 billion in revenue in fiscal year 2001, more than six times the SEC budget. H.R. 1088 seeks to address this issue by reducing these fees down to the level of the SEC's budget, which was also the goal of the 1996 Act.

Because H.R. 1088 would not ensure that fee collections will not exceed the amount required to fund the relevant regulatory activities of the SEC fees, the bill does not meet requirements (i) and (ii) of the Speaker's statement set forth above. If the fees were being newly created, or were fundamentally different from existing fees, the Committee on Ways and Means would ask that H.R. 1088 be referred to it, in accordance with its jurisdictional prerogative. However, the Committee understands that the intent of H.R. 1088 is to significantly reduce these fees and eliminate fees in excess of the SEC's budget. Under such circumstances (and without prejudice to the jurisdictional interest of the Committee on Ways and Means), I will not seek sequential referral of H.R. 1088, as currently written, or have any objection to its consideration, in its current form, by the House.

However, I would emphasize that, if the fee structure set forth in H.R. 1088 is modified in the future, the Committee on Ways and Means will take all action necessary to protect its proper jurisdictional interest.

Finally, I would respectfully request that you include a copy of this letter in the report for H.R. 1088 or in the Record during floor consideration of the bill. With best personal regards,

Sincerely,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 2, 2001.

Hon. WILLIAM M. THOMAS,
Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 1088, the Investor and Capital Markets Fee Relief Act.

I acknowledge your committee's jurisdiction over the revenue aspects of this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I will include a copy of your letter and this response in the Committee's report on the bill and the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, this bill will do two basic things: first of all, it will achieve pay parity for SEC employees, and there is almost unanimity of opinion, at least amongst Democratic and Republican members of the Committee on Financial Services on that issue. So pay parity is in the principal bill, and pay parity is in the substitute that I would be offering or the motion to recommit, should that be necessary.

There is a difference of opinion within the whole House of Representatives though, primarily from the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), but I will let him speak for himself at the appropriate time.

But there is another important aspect of the bill that is controversial, and that is the issue of fee reductions. Now, for the most part, the publicity that has been given to fee reductions has been given exclusively with respect to so-called section 31 fees. When individuals walked into our office, all they really talked about was section 31 fees.

Now, section 31 fees are transaction fees. These are very, very small amounts of money; but given the volume of transactions, they wind up coming to huge amounts of money. In the last Congress, about the only thing that was being talked about was a reduction in those transaction fees, the section 31 fees. As a matter of fact, I am told that an accord had been entered into between Democrats and Republicans dealing with the reduction exclusively in that fee.

But it is a different Congress, and you cannot throw red meat at somebody without having them bite. It looked as if we will be able to get anything through this Congress we wanted, so let us not just reduce section 31 fees, let us reduce section 6 fees. Let us also reduce section 13 and section 14 fees.

Now, what are they? Well, section 6 fees are the registration fees. They are not transaction fees. Section 13 and section 14 are merger and tender-offer fees. They are not transaction fees. Yet the reduction is with respect to them too.

So when I do offer my substitute, it will be dealing with the issue of not section 6 and Not Section 13 or section 14, but exclusively with section 31; and I will reduce the fees, but not quite as much as the gentleman from Ohio does in his bill.

Now, why am I taking what I think is a more prudent approach? Well, for a whole slew of reasons. First of all, we need to be concerned not just with the enforcement capacity of the SEC; we need to be concerned with the enforcement capacity of the totality of government that is involved in enforcing our securities laws. As the gentleman from Pennsylvania (Mr. KANJORSKI) more than any other Member in this body has pointed out, it is not just the SEC, it is the FBI, it is the Justice Department; and we have got to give them additional resources in addition to giving additional resources to the SEC.

The gentleman from Pennsylvania (Mr. KANJORSKI) tried in subcommittee, he tried in full committee, he tried before the Committee on Rules, but he was unable to get an amendment to clarify that under existing law we must provide fees that deal for the totality of the governmental enforcement effort. I think that that is really unfortunate, because his was not a partisan amendment; it was a rational, law enforcement amendment. The gentleman should have been allowed to offer it.

Secondly, I think we are putting the cart before the horse in a terrible, terrible way. I think we are making a huge mistake. Look back from 1 year to the present. The American public has lost approximately $5 trillion in equity market valuation. Now, there are a whole slew of reasons for this, of course; but there are things within the purview of the SEC and the Justice Department and the Congress that we need to be looking at very aggressively.

One of them is analyst independence. Are the analysts promoting themselves? Are the analysts promoting the companies they work for? Are the analysts trying to promote the interests of the investor? Well, we are having a hearing on that this very minute. I think what is going on insofar as investor advice is scandalous, and I do not think we should be reducing fees when we have not addressed that problem.

Look what is going on in accounting. In the past several years, we have seen a trebling of the number of restatements of earnings. In the restatement of earnings cases alone, investors have lost over $30 billion. According to the chief accountant of the SEC, Mr. Lynn Turner, this is the tip of the iceberg. We should be investigating that before we reduce fees.

I think the SEC budget and the Justice Department and FBI budget dealing with securities should be beefed up at least 200 to 300 percent in order to protect the American investor who is in the marketplace today, far, far greater than the investor has ever been in America's history. Unfortunately, today's bill will preclude the type of effective enforcement that I believe we need.

I think it is regrettable that we are doing this. I think it is almost inevitable. I think the cards are in, but I think we are making a tragic mistake.

Mr. Speaker, H.R. 1088 contains a central flaw that could have an adverse impact on many areas of legislative endeavor. The fundamental problem is what I, and a number of my colleagues, consider an excessive cut in fees charged by the SEC to corporations and, in some cases, individuals. Basically, H.R. 1088 cuts approximately $14 billion in federal revenues from FY2002 to FY2011. For FY2002 alone, it results in $1.3 billion in cuts from what otherwise would be collected under present law. I will subsequently join with a number of my colleagues in offering an amendment to remedy this core flaw by diminishing the cuts. At this point, however, I would like to focus on the potential consequences of the approach taken in H.R. 1088.

The Securities and Exchange Commission functions as the primary guardian of U.S. equity and debt markets which are used by better than half American households. It is funded entirely by a variety of complex fees it charges to a range of users. Some of those fees are earmarked, by permanent statute, for the SEC's use. These are referred to as offsets. Others flow into the general revenues. Yet, the markets, directly or indirectly, are the source. The renowned transparency of these markets is the bedrock of the American economy, and the fees are integral to preserving that transparency and protecting investors. How the funds are utilized might be readjusted in the future, but I do not believe that the current revenue stream should be depleted so substantially by permanent statute without a fuller exploration of the adequacy of current oversight and enforcement efforts. The pending substitute would take a more prudent approach.

Prudence is particularly important given substantial evidence that greater oversight and more aggressive enforcement is called for. For example, financial statements are a key barometer of stock worth throughout the entire system, a key piece of information for investors and their accuracy is a central oversight responsibility of the SEC. Yet, judging by the numbers of companies that have had to revise their financial statements in recent months, many major companies have succumed to the temptation to manipulate their results. The number of restatements has more than trebled from the early 1990s, from an average of less of than 50 a year to 156 last year. More than half of the companies accused of financial fraud in shareholder class action suits last year have already been forced to restate their earnings. These figures are particularly troubling when one notes that the original statements are of financials that had been approved by the firms' auditors.

The $14 billion in fee reductions in H.R. 1088 deny the SEC any claims on those funds to reverse this trend. I realize that much of that $14 billion now flows into the general revenue and is not now earmarked for SEC use. However, once these substantial cuts are embraced, any objective review and possible subsequent determination that Congress should in fact bolster SEC resources and expand agency responsibilities through charges to market users will be seriously compromised. If anything, more of those funds which now flow into general revenue should perhaps be earmarked for SEC use and targeted to enforcement activities. I am not prepared to say to what degree. However, I am prepared to say that prudence should be the rule in allowing any cuts at this point. H.R. 1088, as reported, is in my view too extravagant and will impair future efforts to bolster the SEC.

Second, H.R. 1088 needlessly puts pressure on existing budget limits. Let me emphasize that the OMB has not given an opinion on this bill. Indeed, careful reading of the appendix to the President's budget would lead one to believe the administration is assuming user fees are not cut but continue at the present rates. Additionally, we are all keenly aware that there is considerable pressure on discretionary spending and this institution will be forced to make some hard choices this summer and fall. There is reason for deep concern that reserves will be quickly exhausted and that Medicare funds will have to be invaded. In addition, there are valuable social and economic development programs that are facing substantial cuts, which many Members would prefer to give priority over large-scale fee reductions, including important housing programs cut under the HUD budget. H.R. 1088 will only necessitate further belt-tightening. SEC funds flowing to general revenue, as opposed to those earmarked as offset for the SEC, would be reduced by $8.9 billion from FY 2002 to 2006. In FY 2002 alone, the reductions to general revenue would amount to more than $1.3 billion. In short, H.R. 1088 will increase the immediate threshold of pain substantially and undeniably. The substitute that I and my colleagues will offer as an amendment goes a long way toward solving this problem.

I do solidly support one aspect of this legislation—giving all SEC employees full pay parity with the employees of the bank regulators. The Financial Services Committee reported such a provision, but subsequent efforts at compromise by my Republican colleagues put that provision at risk. I am pleased that further discussion resulted in the full pay parity provision being reported to the floor as part of H.R. 1088. Such a provision is also included in the substitute that I and my colleagues will offer. The situation at the SEC is dire. This is not only because of its high vacancy and turnover rate. It is also because of the priority we should attach to its mission. If the markets are not made safer through high quality and experienced oversight and enforcement, both investors and our broader economy are at risk. The threat is real, and full pay parity is a necessary and overdue part of the solution.

I urge my colleagues to oppose the bill as reported by the Rules Committee and support the Democratic substitute.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me say to everyone paying attention to this debate that I am under no illusion that this bill is going to go down to defeat. I think it is going to pass overwhelmingly.

I do support wholeheartedly the $14 billion in fee reductions, which in effect is going to be like a tax cut for the American people. It is going to be an economic stimulus. What I do oppose, however, is the pay parity provisions, because I think it is going to end up costing the taxpayers of this country a great deal of money.

Now, the SEC in effect wants to take the lid off of the salaries for the people that work there and to have them raised up in conjunction with the other financial institutions in this country. But let me just give you some facts that I think are very important.

The SEC right now has the authority to pay retention allowances under current law up to 25 percent of base pay. So if somebody is making $160,000 a year, right now they could get a $40,000 bonus to keep that person employed. That would kick them up to $200,000. So they do not need this legislation to do that.

The SEC has the authority to pay recruitment bonuses up to 25 percent of base pay. So, once again, if a person was being hired at $160,000, they could give them a $40,000 bonus, which would take them to $200,000. They have that ability right now.

The SEC has the authority to grant employees up to a $10,000 performance bonus, in addition to the other bonuses I just talked about. So a person, if they did a good job, could get $210,000, if their base pay was $160,000.

Now, clearly the SEC is a mismanaged agency. In a recent letter to me from OPM, the Office of Personnel Management, about a 4-page letter, they cited all the problems with the SEC that need to be corrected before they start talking about pay parity. They also said they opposed the pay-parity provisions. The White House, the Office of Management and Budget, opposes the pay-parity provisions.

□ 1130

Yet, it is in this bill, and I am confident it is going to pass today. But I want to go on record opposing it, because it is going to get into the American taxpayers' pockets.

Let me just talk about a couple of other things. Right now the SEC, with recruitment allowances and retention bonuses combined with the special pay rates, could pay attorneys $14,000 more than the FDIC today. They could pay $6,000 more than the Comptroller of the Currency. So if we are talking about making sure that that pay parity is there, it is already there. They just need to utilize the tools they already have available to them.

So despite the claims of the SEC, they have recruitment and retention problems really in only three areas, and that is attorneys, accountants, and examiners. If we take those three categories out, the loss of jobs, the people leaving the SEC, has only gone down by 3.1 percent. So the problem that needed to be addressed was only the attorneys, accountants, and examiners, and we tried to work that out, and we could not.

Let me tell the Members something. As a result of this bill being passed, other agencies of government are going to want the same thing, which means the lid is going to be taken off as far as salaries are concerned for government employees.

Already, the Department of Veterans Affairs, the Commodity Futures Trading Commission, the Export-Import Bank, and the Patent Trademark office have all asked for the same pay parity provisions that are in this bill, and I guarantee the Members that every agency of government is going to want the same thing. They are already calling my office, since my committee has jurisdiction over those pay increases. So Members can just count on pay going through the roof in many agencies of government.

Now, the President wanted a 4 percent cap on spending. It has been raised to about a 5 percent cap on spending. When all the agencies that want these pay parity provisions get them, that cap is going to just be busted right to smithereens, and the cost of government is going to go up. That means the taxpayers are going to have to pay more and more and more for government.

The top pay right now at the FDIC and the Office of Thrift Supervision equals the pay of the Vice President of the United States right now. The pay schedule for an employee at the National Credit Union Administration in San Francisco is almost $300,000 a year.

At the other banking regulating institutions, one out of every five employees makes more than $100,000. At the Federal Housing Finance Board, it is one out of every three employees. In the rest of the whole government, only one out of 25 employees makes that kind of money. Members can see they are all going to want the same thing. It is going to force a raising of the salaries throughout the government. All the employee unions are going to see this and start pushing for it. This is the camel's nose under the tent. The American people are going to end up paying a heck of a lot more for government than they are paying right now.

This is not a good provision. I support the fee reductions, but this pay parity provision is going to really be bad for the country.

Mr. OXLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of this legislation, and I want to commend the gentleman from Ohio (Chairman OXLEY) for taking long overdue leadership in bringing this bill to the floor and Congressman FOSSELLA for introducing it. The Financial Service Committee reported the bill by voice vote and passed the Senate by unanimous consent.

Before Memorial Day, we passed the most significant tax cut in the last twenty years. Millions of American families who are saving and investing in their future will be able to have greater control over their finances. Today we have the opportunity to do the same by passing H.R. 1088. This bipartisan legislation will protect American investors from paying excessive fees on their investments today and end Washington's hidden tax on securities transactions.

EXCESSIVE FEES

Fees established in the 1930s for the sole purpose of funding the Securities and Exchange Commission (SEC) have exceeded the amount needed to run the agency by vast sums. Last year alone investors were charged more than six times the amount needed.

Currently, the nearly 88 million American investors who contribute to a public or private retirement plan, 401(k) plan, mutual fund, bank trust, stock or investment product are being overcharged in government fees. Since 1990, American investors have been overcharged in fees by almost $9.2 billion.

In fact, in my state of New Jersey the public retirement plan, the New Jersey Division of Investment, was overcharged $307,000 last year in fees. That is a 10 year total of over $3 million!

We should encourage workers to invest for their future rather than diminish the value of their savings. With more and more options, including mutual funds and online trading, available, the number of Americans investing in the stock market as their primary or supplemental means of saving for retirement has dramatically increased.

As a result of the larger number of employers offering retirement plans, this increase has not been among the very wealthy—the increase in fund ownership between 1998 and 2000 was stronger among households with income of less than $35,000. These retirement funds, because they are traded in large blocks, are especially hard hit by the current SEC fees.

It does not make sense that we overcharged investors in order to create a Washington slush fund. These excessive fees should be eliminated and I urge my colleagues to support this important legislation.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. FOSSELLA), the sponsor of the legislation.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

I thank him for his leadership, because without his leadership, we would not be able to bring this bill to the floor; as well as the gentleman from Louisiana (Chairman BAKER), on the other side; my colleague, the gentlewomen from New York, Mrs. MALONEY and Mrs. KELLY; the gentleman from New York (Mr. CROWLEY); and the gentleman from New Jersey (Mr. MENENDEZ), among others.

Today this legislation fulfills the promise with the American people. The original intent of the Congress was to fund the SEC, and it does a wonderful job enforcing our Nation's securities laws to protect investors.

But what has happened over the years is that these fees have become a cash cow for the Federal Treasury. So while the SEC may need a budget or require a budget of about $420 million, the fees collected exceed $2 billion per year.

Those fees become an indirect tax on capital and investors. So if someone is involved in an IRA, he or she benefits under this bill. If someone has a mutual fund, he or she benefits under this bill. If someone is involved in a 401(k), he or she benefits under this bill. If one is involved in a pension fund, they benefit under this bill. If one is an investor, they benefit under this bill.

Indeed, almost 100 million Americans will benefit, because what Congress does today is to say to the American people, when we make a promise, we keep it. When we say we want money to fund the SEC, we will take that money, but anything over and above that, send it back to the American people.

We know what happens when we send the money back to the American people. Not only do we encourage more investment, which is a good thing for America, but we put more money back in the capital markets to allow those entrepreneurs to create more jobs, to allow investors to have a little more freedom to do what they want with their own money.

Talk about savings, I know we are going to hear a lot of numbers today. In my home State of New York, the New York State Pension Fund, teachers pension fund, pays $305,000 in excess fees because Congress has failed to act to date. That is one fund. Could Members think of the thousands across the country that will benefit from this?

I urge my colleagues to support this bill and to reject the substitute, because that is not even half a loaf. It is not even a quarter of a loaf. The substitute continues the charade with the American people. The substitute does not go far enough in providing adequate relief for investors. At the end of the day, that is what this is all about.

Mr. Speaker, I thank the chairman once again for his leadership.

Mr. LAFALCE. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), the ranking member of this subcommittee.

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to the bill and in favor of the substitute. The reason for that is very simple. I hear my friends on the other side, and I do not delude myself, this is going to pass overwhelmingly. Maybe the 107th Congress will get the reputation of being the corporate Congress because, of all the funds that are out there for special use purposes, the first to come before the Congress is the securities industry fund; not the other funds that we collect and use for other purposes, but this fund.

That being beside the point, I think my friends on the other side are disingenuous. The intention of the act that created the user fee for this fund was not for the purposes of funding alone the SEC, it was created for the purposes of funding the cost of the security industry in this country to the United States government. The SEC is just a part, and a small part, of that cost.

For instance, take the FBI, a major investigative agency involved in stock fraud cases all the time. I think, to the best of my recollection, the FBI's budget is around $12 billion a year. Could we imagine maybe 10 percent of the investigative time of the FBI is involved in business fraud and stock fraud situations? That would be $1.2 billion. We receive nothing back from this user's fee to the general fund to fund that. No, the taxpayer, the man who delivers milk, the farmer that grows farm products, everybody in America pays for that special protection for the securities industry of the Federal government.

Let us look at some of the other side expenses. The Justice Department, how much time and how many Federal attorneys are used, and what are their costs involved with security transactions in this country? Certainly they have to be far greater than zero. Nothing is allotted in the user fee scale to cover these costs. We could go on and on. The judicial branch, how much of the court system is devoted to trying cases and litigating issues and securities?

The intention of the original act was that the Federal Treasury would be compensated by this user fee for that purpose. But my friends on the other side, and I daresay most of my colleagues on the Democratic side, they are going to be so happy to reduce the very small portion of the fee on security transactions and in fact underfund the cost to the United States government of the security industry, because we do not know the real costs.

The full intent of my original amendment and the substitute is to provide sufficient time and study to allocate the real cost of the security industry to all of the United States government, and make sure the fee is sufficient to compensate that cost. Instead of doing that, we are only going to cover the cost of the SEC.

We are sending all the money back, and the additional cost of the FBI, the Justice Department, the court system, and every other element of government involved in security industry transactions in this country is going to be borne by that 50 percent of the American people through their income taxes and other taxes, and they have no participation in the benefit of the securities industry. It is a shifting of burden, and the shifting is to the ones that could least afford it.

Our substitute wants to reduce the user fee to reasonable amounts, but it says, very basically, let us find out what the real cost is. Instead, the first order of business of the majority of this House is to run forward and see how we can affect and get the appreciation of the securities industry of the United States; a tremendous victory, $14 billion over 10 years.

Unfortunately, what my friends on the other side are not telling the rest of the American people is that they are going to be paying taxes in other forms to fund some of the cost of government that directly pertains to the securities industry.

I urge my colleagues on our side to stand up for reason and rightfulness. Vote for the substitute and vote down this bill.

Mr. OXLEY. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise in support of H.R. 1088, the Investor and Capital Markets Fee Relief Act of 2001. As the chairman of the Committee on the Budget, I can report to my colleagues that this important bill is fully contemplated and consistent with the recently-agreed conference report on the budget resolution for fiscal year 2002.

The combined reduction in revenue from this bill, with $1.4 billion for fiscal year 2002 and $8.8 billion for the first 5 years, and the recently-enacted Economic Growth and Freedom Act of 2001, is fully within the revenue parameters established by the budget resolution for fiscal year 2002.

I would share and express some concern, however, with the provision in the bill that would exempt financial regulators from the SEC from the civil service pay scale. It is important that we consider the impact of this change on the Federal budget and its implications for other Federal agencies requesting comparable treatment.

I would urge the Committee on Financial Services and the chairman to work with the Committee on Government Reform and Oversight during the conference to address this issue raised by the provision pay parity to prevent further and future adverse budgetary impact.

I rise in support of this bill and urge its adoption.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS), the ranking member of the subcommittee.

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to H.R. 1088, the Investor and Capital Markets Fee Relief Act, and in support of the substitute. I believe that its purpose is questionable and its approach excessive.

The current fees on the sale of stock amount to just 33 cents per $10,000 of transactions. In other words, most individuals will likely presently spend more to buy a newspaper to read the stock prices than they do on these transactions.

This bill would reduce revenues by approximately $14 billion between 2002 and 2011. I am concerned, especially in light of the recently-enacted tax cut and the need for funding such critical areas, including education, and some relief from high energy prices for my constituents in California, as well as ensuring the solvency of Social Security, that H.R. 1088 is simply cutting too much too soon.

I am an original cosponsor of the Democratic alternative, H.R. 1480, the Fairness in Securities Transactions Act, which represents a reasonable approach to this issue.

The substitute will lower fees by $4.8 billion over 10 years, as opposed to the $14 billion in the bill before us. In addition, the substitute, like the underlying bill, gives the SEC the ability to match the pay and benefits of Federal banking regulators to address the SEC's inability to attract and retain qualified staff, no matter what their pay grade or job title.

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It is important to resolve the differences between the salaries of SEC employees and employees of other Federal regulatory agencies, because the SEC pays as much as 40 percent less than the other financial regulatory agencies. The SEC has lost more than 1,000 employees over 3 years, which is more than one-third its total staff. Attrition at the agency has doubled the government average.

With the passage of the Gramm-Leach-Bliley Act last Congress, the distinctions between the job of an SEC lawyer and a Fed lawyer, for example, have become even more blurred. It is crucial that the SEC have the ability to obtain and retain qualified staff so that investors can receive the protection they deserve.

Mr. Speaker, I urge my colleagues to support the Democratic alternative and oppose H.R. 1088.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), the chairman of the Subcommittee on Oversight and Investigations.

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for yielding me the time.

Mr. Speaker, I thank my colleagues from both sides of the aisle for their work on this bill. I rise today in strong support of H.R. 1088, the Investor and Capital Markets Fee Relief Act.

This is legislation to prune fees which have grown to become an implicit tax on long-term investors. The excessive fees, especially section 31 fees, penalize those who invest their savings in the market, and those who have pensions invested in the market.

It is untenable for us to silently tax investors, entrepreneurs, and businesses through fees designed to fund securities regulation. In addition, these excessive fees are passed right on to consumers. While the fees are small on a single trade, they exponentially add up over the years for folk who invest in mutual funds or have pensions.

I am talking about teachers, police officers, workers whose pensions should be protected and encouraged, not taxed. This is a stealth tax.

In addition, the growth of these fees runs directly counter to the legislation that created them. The 1934 Act clearly states that these fees were created to cover the costs of running the SEC. There was nothing about other priorities. Unfortunately, the fees now bring in 5 times as much money as necessary to properly run the SEC.

While it is hard for Washington to return excess money, that is exactly what we must do today. This debate is about priorities, strengthening and encouraging pensions and investment must be our priority.

In crafting this bill with my friends, the gentleman from Louisiana (Mr. BAKER) and the gentleman from New York (Mr. FOSSELLA), I feel it is the best possible solution to the current problem of excessive fees imposed on investors.

This bill will return $14 billion to investors and pension beneficiaries who earned them, and this is where the money belongs.

Mr. Speaker, I ask my colleagues on both sides of the aisle to join me in voting to return the excess fees to the pensions and to the investors. Vote to follow the intent of Congress when it created these fees. I believe that we should all vote to support the Investor and Capital Markets Fee Relief Act.

Mr. LAFALCE. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the City of New York (Mrs. MALONEY) who has a little bit of interest in this issue.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE), the ranking member, for yielding me the time and for his incredible leadership in so many areas.

Mr. Speaker, American investors have been overcharged. Over the last 10 years, the Securities and Exchange Commission has collected $9.2 billion more than it has needed for its operations. This money comes directly from capital markets participants, including individual investors and new issuers.

This legislation is proconsumer, proinvestor legislation that cuts these fees down to a level that provides the SEC with the resources it needs to do its job while saving investors over $14 billion over the next 10 years.

These fees were intended to merely cover the operating costs of the SEC. They were never intended to multiply so dramatically. I can remember when stock ownership was reserved for a select few. Today, 52 percent of American households own stock or mutual funds.

Former SEC Chairman Levitt has stated that 87 percent of the New York Stock Exchange fees and 82 percent of NASDAQ fees are paid by investors.

The New York State Public Pension Plan estimated recently that they will pay $13.5 million in fees over 5 years. These fees are also paid by the holders of retirement accounts, including 401(k) accounts.

This is the investors' money. We should let them keep it. The bill also included much needed pay parity for the SEC. At the very least, SEC employees should be paid the same as banking regulators. We are in a staffing crisis.

At the SEC regional office, at 7 World Trade Center in New York, 19 percent of the staff left during fiscal year 2000.

Mr. Speaker, I urge my colleagues to support the bill and oppose the substitute. H.R. 1088 is supported by labor, the National Treasury Union, the industry, and the SEC. This bill will send a strong message to the Senate that they should take up our version of the bill and get relief to investors as quick as possible.

Finally, let me thank all that have worked on this bill in a bipartisan way, particularly the gentleman from Ohio (Mr. OXLEY); the gentleman from the great State of New York (Mr. FOSSELLA); and I must thank very much the gentleman from New York (Mr. LAFALCE), the ranking member; and the gentleman from Pennsylvania (Mr. KANJORSKI).

While we disagree on the extent to which SEC fees should be cut, no one has worked harder to secure parity for the SEC employees, and I thank them greatly for their work in this area.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair would remind the Members that it is not appropriate to advise the Senate on what actions they should take.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is time to end this excessive fee on savings and investment. It is a fee that is a tax. It was wrong for Congress to impose a fee, otherwise known as a tax, on tens of millions of Americans.

The current tax was levied to fund the Securities and Exchange Commission, but guess what, it soon became a cash cow and Congress now uses it to fund other government programs, and that is just not right. One of my constituents, Al Anderson, of Coastal Securities is an example of someone who is adversely affected by this so-called fee.

When I visited his company, he told me he had to pay an additional $4 million in taxes over the last 3 years just because of this fee.

Now, that is not a small sum of money, and when he factored it into his business plan, it meant one thing, slower growth. There was a job impact. The government should not be in the business of slowing business down. The business that government ought to be in is to encourage businesses to grow.

While this bill helps companies like Coastal Securities, it will also make it easier for people to save for retirement through either individual stock investments, mutual funds, 401(k)s, or pension plans.

So this bill, which relieves the tax that has gotten far too big and it is used far too wide. With all the talk about the need to prepare for retirement, the least this Congress can do is remove this barrier to savings.

We need to cut taxes again for the people. Support America. Support this bill.

Mr. LAFALCE. Mr. Speaker, I yield 2½ minutes to the gentleman from the great City of New York (Mr. ACKERMAN), a member of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. ACKERMAN. Mr. Speaker, I want to thank the gentleman from the great State of New York (Mr. LAFALCE), the ranking member of the Committee on Financial Services for yielding me the time.

Mr. Speaker, I am proud to be an original cosponsor of H.R. 1088, the Investor and Capital Markets Fee Relief Act. This is very important legislation which will reduce the securities transaction fees, and I rise in strong support of the measure.

A reduction in these fees will benefit not only Wall Street, but will benefit so many families throughout the country who today own more stock than ever before. In addition to individuals, State and local pension plans will benefit from a reduction in these fees.

For example, in my State of New York, it is estimated that payments in the public pension plans alone in section 31 fees are presently projected to be approximately close to $14 million over the next 5 years.

An important component of any legislation addressing reducing security transaction fees is paid parity for SEC employees.

These Federal workers are stationed not just in Washington, D.C., they live throughout the Nation and work in the SEC field offices. Some of them are my constituents who work in the largest SEC field office in the City of New York.

We must be able to attract and retain highly qualified regulators to ensure the integrity and strength of our markets. We are not seeking to compete with the private sector. As we all know, government service requires a special level of devotion to our Nation, which is often not well compensated, as well as work in the private sector. However, within the Federal Government, the certain standard should exist.

It is simply unacceptable for the SEC regulators not to be paid on par with their counterparts in other Federal financial agencies. I am very pleased that the pay parity provision is included in this bill.

Mr. Speaker, I am very happy to join with so many of our colleagues both on our committee and others in the House in supporting one of the first measures to be considered on the floor from this new committee, the Committee on Financial Institutions and Consumer Credit.

Mr. Speaker, I look forward to the passage of legislation on the floor today, swift action in the Senate and signing by the President. I encourage our colleagues to vote for this important measure.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the vice chairman of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. OXLEY) for standing by our bipartisan agreement, for keeping his commitments to those of us on the Democratic side of the aisle, and for fighting for American investors.

I also need to say I am not used to disagreeing with the gentleman from New York (Mr. LAFALCE), the distinguished ranking member, my friend, because he is such a thoughtful legislator and a good friend. I want to thank him for his principled leadership on the Committee on Financial Institutions and Consumer Credit.

However, I strongly support this bill which as written has strong union support, industry support, and agency support.

It is rare to get all of those parties supporting one effort, but this bill has it. It has that support for a good reason. The stock market has increasingly become the investment of choice for America's working families, and these families are relying on the growth of their savings to finance everything from buying a home, to putting their kids through college, to having a secure retirement.

But just as the savings of American families have moved into the market, the government-imposed fees these families pay to purchase these stocks are taking an every-increasing bite out of their profits. Fees are assessed from everything from mutual funds to pension funds in ways that many investors are not often even aware of and are costing Americans billions of dollars. Once you figure in the loss of compound interest, these fees can rob an individual family of thousands of dollars in lost profits over time.

The fees were originally authorized by Congress to cover the operating costs of the Securities and Exchange Commission. That is a necessary and valid purpose which I totally support. Consumers and investment firms benefit from the market, and I think it is reasonable to ask market participants to help pay the costs of the very agency that ensures the market runs efficiently and fairly.

The problem is that today, because of a rise in market value, no one could have predicted these fees are taking almost six times what is necessary to fund the Securities and Exchange Commission. That is simply not reasonable.

Let us oppose any weakening amendments. Let us make sure that we give investor fee relief. Let us do it in the bipartisan way that this bill has been crafted.

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Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS), a member of the committee from the City of New York.

Mr. MEEKS of New York. Mr. Speaker, I stand today in strong support of H.R. 1088, the Investor and Capital Markets Fee Relief Act.

Let me thank the gentleman from Ohio (Chairman OXLEY) for his leadership and the gentleman from New York (Mr. LAFALCE), the ranking member, for his leadership on the committee. As indicated by the last speaker, this is an unusual opportunity with which I disagree with the ranking member, but on this one I do.

This bill will save investors and other market participants $14 billion over the next 10 years. The SEC 31 fees and other fees collected by the SEC were created to fund the SEC without the need for an appropriation from the general treasury. However, over the past two decades, an increasing number of individuals have been participating in the market through 401(k)s, mutual funds, and on-line transactions.

This has caused the SEC to collect $9.2 billion more in fees over the last 10 years than has been needed to fund the agency's operation. As a result, the agency has been put in a position of collecting additional taxes from the public for the general treasury.

H.R. 1088 and its companion bill in the other Chamber will correct this inequity while containing a provision that will allow for fees to be adjusted upward should the SEC face a funding shortfall.

Probably the most important provision for me of this bill is this provision for pay parity for SEC employees with their Treasury and Federal Reserve counterparts. As it stands, the Federal Government is not able to compete with the private sector when it comes to paying our financial regulators what they are worth.

The SEC is at a serious disadvantage when they cannot compete for employees with their government counterparts. The result has been a loss of approximately one-third of their employees over the past 3 years. This creates delays and inefficiencies in carrying out their regulatory duties to safeguard fairness and transparency and all in our capital markets, capital markets which are critical to our position as the world's economic superpower.

I want to thank the sponsor and cosponsor of this bill and encourage all Members of the House to support it.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from the Big Apple, New York, (Mr. CROWLEY), a distinguished member of our committee.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for yielding me the time and the gentleman from New York (Mr. LAFALCE) for his diligent work on this bill as well. I rise in strong support, in favor of the Investor and Capital Markets Fees Relief Act. I want to thank the lead sponsors, the gentleman from New York (Mr. FOSSELLA) and the gentlewoman from New York (Mrs. MALONEY), both from New York City, for introducing this legislation.

These SEC charges are user fees and not taxes, and they currently bring in almost six times more than are needed to operate the SEC. It is fair to lower these fees and pass these savings on to the American people.

While these fees appear small, they can have a substantial effect on Americans who purchase and sell stocks or those Americans who open mutual funds or 401(k)s or who are saving for a retirement in a public pension plan.

In fact, these fees, with their excessive collections, have become an onerous form of taxation on investment, hindering investment and saving opportunities for Americans.

Right now, under the current formula, the typical family will pay $1,300 in fees over their lifetime to the SEC. By lowering these fees and applying these same dollars to their investments, like pension funds and 401(k)s, this money could grow to over $11,000 in extra savings.

In my home State of New York, the State's public pension program will pay over $14 million in the next 5 years in SEC fees if Congress does not take action, fees that are not needed for their intended purpose of financing and operating the Securities and Exchange Commission.

That $14 million could be better invested into people's pockets for their retirement. As 50 percent of Americans now own stock and have some say in the actions of the financial markets, this bill will provide relief to Main Street, not just to Wall Street.

Furthermore, this legislation will finally provide full pay equity to the hard working employees at the Securities and Exchange Commission, many of whom live in my district and throughout many of the metropolitan cities in America.

This pay equity is not only fair but is also justified and is also badly needed.

In fact, one SEC office in New York City has witnessed 100 percent turnover. This bill will help adjust the staffing problem at the SEC.

As both the representative for the financial capital of the world and a lifelong resident of Queens, I recognize that investors of yesteryear wore wingtip shoes, but the investors today wear workboots.

I urge my colleagues to support this legislation.

Mr. Speaker, I rise in strong support of the Investor and Capital Markets Fee Relief Act and want to thank the lead sponsors Representatives VITO FOSSELLA and CAROLYN MALONEY for introducing this legislation. These SEC charges are user fees—not taxes—and they currently bring in almost 6 times more than are needed to operate the SEC. It is fair to lower these fees—and pass these savings on to Americans. While these fees appear small, they can have a substantial effect on Americans who purchase and sell stock, or those Americans who own mutual funds or 401(k)'s or who are saving for a retirement in a public pension plan. In fact, these fees, with their excessive collections, have become an onerous form of taxation on investment, hindering investment and savings opportunities for Americans.

Right now, under the current formula, the typical family will pay $1,300 in fees over their lifetime to the SEC. By lowering these fees and applying these same dollars to their investments, like pension funds and 401(k)'s, this money could grow to over $11,000 in extra savings. In home state of New York, the State's public pension program will pay over $13 million in the next 5 years in SEC fees if Congress does not take action—fees that are not needed for their intended purpose of financing the operations of the Securities and Exchange Commission. That $13 million could be better invested into people's pockets for their retirement. As 50 percent of Americans now own stock and have some say in the actions of the financial markets, this bill will provide relief to Main Street not just to Wall Street. Furthermore, this legislation will finally provide full pay equity to the hard working employees at the Securities and Exchange Commission, many of whom live in my district and in major metropolitan areas throughout the United States.

They live in places like San Francisco, Los Angeles, Denver, Salt Lake City, Miami, Atlanta, Chicago, Boston, Philadelphia, Fort Worth and, of course, Washington, D.C. This pay equality is not only fair and justified but also badly needed. Currently, the employees of the SEC—the people making sure the securities industry is working for America—are earning less pay than their counterparts at other federal regulatory agencies of the same field, like the Treasury, the Federal Reserve Bank, and the Office of the Comptroller of the Currency.The result—massive staff turnover at the SEC. In fact, one SEC office in New York City has witnessed 100 percent turn over—this bill will help address this staffing problem at the SEC. As both a representative from the financial capital of the world and a lifelong resident of Queens, I recognize that the investors of yesteryear wore wingtips, but the investors of today wear workboots.

This legislation is for the tens of millions of Americans who invest for their retirement, a child's education or a better life and to the hard working and dedicated employees at the SEC, who deserve equality and fairness in their compensation. I urge my colleagues to support this legislation.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York City, New York, (Mr. ENGEL) of the Committee on Energy and Commerce.

Mr. ENGEL. Mr. Speaker, I want to thank the gentleman from New York (Mr. LAFALCE). Even though we disagree on this bill, he is truly one of the great Members of this House.

I rise to voice my strong support for H.R. 1088. I also want to urge my colleagues to support the manager's amendment. I was a cosponsor of this bill in the last Congress when jurisdiction rested with the Committee on Energy and Commerce on which I serve, and I am also a cosponsor this year as well.

This bill is obviously important to my home city, New York City, and important to the rest of the country as well. The need for the underlying bill is just simple mathematics. Current law allows the Federal Government to charge far more in fees than are needed to keep the SEC operating.

Let us be clear. By the end of this fiscal year, the SEC will have collected $22 billion more than it has needed to operate. That is $22 billion that could have stayed with the individual investors to be invested and made available to the capital markets.

We in Congress have done a lot to encourage our constituents to start saving for retirement. Millions of Americans are now investing in the stock market through their 401(k) plans and mutual funds. But some of their savings are actually being drawn off to pay for the fees that have been accumulating at the SEC. We need to fix this now.

These fees drain capital from the private markets, removing it at the very start of the capital-raising process, and divert it to the U.S. Treasury. The transaction fee is assessed when brokerages charge an investor for selling shares, and are generally passed on to the customer as part of the cost of the transaction.

Once this fee is reduced, investors will be able to see the savings immediately. The individual investor, not the broker, is paying the vast bulk of these transaction fees. On the New York Stock Exchange, 87 percent of the section 31 fees are paid by individual investors and 82 percent on the NASDAQ. This is unacceptable.

Also, the manager's amendment adopts the language for pay parity. This is something I have supported for a very long time. We cannot expect the government to attract the talent it needs if we are going to pay these people sometimes half of what they can earn in the same job in the private sector.

So, Mr. Speaker, I urge a yes vote on the manager's amendment and a yes vote on the underlying bill. This is a bill whose time has come.

Mr. OXLEY. Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from New York (Mr. LAFALCE) has 8 minutes remaining.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, there are some individuals, for example, labor unions who support this bill, and they support it because of the pay parity provisions, and that is it. They really do not care that much about the various fee reductions. They will support any bill that has pay parity within it. So much for that.

Who are the other ones who are primarily supporting this bill? Well, let us not kid ourselves. It is the securities industry. It is not individual investors. They have not been coming to us. I do not think I have received one phone call or one letter from an individual investor. But I have been inundated by representatives from the various securities industries. They are the ones who are most interested, and they want this reduction. They think it is going to be good for their industry.

Reductions might be in order. The question is how much and what should one do before the reductions. Well, first of all, it seems to me before one does the reductions, one ought to figure out what one needs. We have not done that.

There is not a person in this House who could tell me how much the FBI spends on enforcing our securities laws. There is not a person in this House who can tell me how much the Department of Justice spends on enforcing our securities laws. Most important, no one can tell me how much we should be spending amongst the SEC and the FBI and the Justice Department to fund our securities laws.

Now, that is pretty important. I think that is unbelievably important because we are talking about trillions and trillions of dollars. I mean, you know, we are talking about a relative pittance, we are talking about a relative amount of pennies for individual investors. But when their stock that was 100 all of a sudden goes to 2, there is an enormous problem. That is not a pittance now. That is their life that has been lost. That has been taking place time after time after time for a whole slew of reasons.

At the very minute we are considering this bill, the subcommittee that produced this bill is considering another issue, investor independence. There is an enormous problem there, so enormous that the industry itself yesterday came out with some practices that they said are absolutely imperative to improve the performance of analysts to get their act together. They are a good first step, but they do not go nearly far enough. They are voluntary in nature.

At one time, there was an investigation of thousands of different recommendations, and about 1 percent of those recommendations said sell. Wow. There used to be a ratio of, say, 6 to 1 buy to sell. Lately, that ratio has been revealed to be about 100 to 1.

We have an entirely different type of terminology. The SEC and the FBI and the Justice Department should be investigating this. That is what we should be talking about rather than saying reduce the fees.

Accountants, what are accountants doing? Well, for the most part, accountants are not making very much money doing accounting or auditing. They are doing an audit of a firm, maybe getting $2 million for the audit, and then making $100 million on consulting fees. One has to wonder about the independence and objectivity of that audit.

In the past couple of years, we have seen a tripling of the number of restatements of earnings. Each and every single one of those restated earnings had initially been approved by the accountant auditing firm. That is troubling. That has resulted in the decimation of people's lives. They have loss their savings, maybe not 100 percent, but maybe 50 percent, 75 percent of their savings.

The SEC does not have the present capacity. We have seen a geometric increase in market valuation and no increase in staff. We have seen a geometric increase in IPOs and no increase in staff. Now we are going to have an increase in pay, pay parity, and no increase in staff authorizations. So fewer staff.

I am concerned about that. I am concerned about that because the single greatest reason we had problems, Mr. Speaker, with the S&Ls was inadequate supervision, when the number of examiners, the number of supervisors were cut back. There are a multiplicity of reasons, but that was the single greatest one. We put this cart before the horse. We give the industry what it asks for unwittingly.

All the money that was given, by the way, is coming from general revenues. Certain of the monies, certain of the fees are going to a special fund, and the other fees go to general revenues. The reductions we are making all come from general revenues.

So we are going to have $14 billion less for other things, too, not just SEC, $14 billion less for prescription drugs, for health care for the uninsured, for housing for those who are homeless. One has to wonder where our priorities are. I wonder.

The bill will pass, but it should not pass, not until we ask all these other questions and answer them and deal with all these other problems first.

Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for yielding me this time, and certainly to the gentleman from New York (Mr. LAFALCE), my friend and distinguished ranking member, whom I agree with an overwhelming majority of the time, but on this issue here we have a small disagreement.

I rise in support of H.R. 1088. There is no doubt that excessive fees imposed on financial transactions should be reduced.

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These fees were originally intended to fund the enforcement activities of the Securities and Exchange Commission, but the revenue collected by these user fees has come to far surpass the amount needed by the SEC, as a matter of fact, by a factor of five; and this warrants a little fixing, as they say in my part of the country.

To be sure, we have a host of budget priorities exceedingly more important than the issue on the floor today; the quality and delivery of education, prescription drugs for seniors, and, clearly, national defense, as the President struggles to talk about it across the globe. But we should be addressing these priorities by being responsible with general tax revenue, not by overcharging a specific industry on user fees. It is simply unfair to say to investors, sorry, we charged you too much by accident; but we are not going to give the money back because we need it for other purposes.

SEC fees should be reduced to the point where they fully fund the enforcement responsibilities of the Securities and Exchange Commission. And for the SEC to do its job effectively, its employees need to be paid at a competitive rate. Recruitment and retention of key employees are critical for the effective operation of any business or any government agency. However, the SEC's effectiveness will deteriorate if it cannot maintain its institutional memory and continuity of purpose.

We rely on the SEC to protect investors, a mission that is becoming increasingly complex as more and more Americans become investors and our financial system becomes increasingly global. It is time we establish pay parity between SEC employees and the other financial regulators. H.R. 1088 accomplishes both goals, reducing SEC fees and establishing pay parity for SEC employees. It corrects an unfairness caused by unforeseen changes in the market, and for that reason I am proud to support it.

The SPEAKER pro tempore (Mr. COOKSEY). The time of the gentleman from New York (Mr. LAFALCE) has expired; the gentleman from Ohio (Mr. OXLEY) has 8½ minutes remaining.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 1088.

Mr. Speaker, a rose by any other name is still a rose, and government fees are nothing more than government taxes. When the fees that are designed to be drawn from the system to pay for the costs of that system exceed the cost, they are simply and plainly excessive taxes.

The vision of the gentleman from Ohio (Mr. OXLEY), expressed in H.R. 1088, is the right vision for America. It represents an enormous savings to taxpayers. According to the CBO, this bill will save taxpayers, which are the investors who pay the fees, an estimated $1.5 billion in 2002 alone and $8.9 billion from 2002 to 2006.

It is time, in these uncertain days of instability and unpredictability in our stock market in America, to say yes to those Americans that invest in America; and I rise, therefore, in strong support of 1088 and say let us reduce the fees that are nothing more than taxes.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the underlying bill. I think it is a good bill. I think it is the right thing to do.

I will say that I do not think this bill is a panacea. It is not going to affect every taxpayer. It is not going to even out corrections in the stock market. But what it will do is save the investors money, it will save issuers money; and more importantly, I think, in an era of surpluses it will get us back to using fees for what Congress originally intended them to be.

Quite frankly, I would hope that we would follow up in passing this bill in bringing the CARA bill to the floor, which passed overwhelmingly, so we could use the fees from offshore drilling, off the coast of my State of Texas and other States, for coastal conservation, as was intended by President Johnson when the Land and Water Conservation Fund was set up. But this bill is the first step in that right direction, and I think it will also require us to go back and look at our budgets and budget appropriately, which, quite frankly, we have not done.

This is a good bill, I support it, I commend the chairman for bringing it to the floor, and I hope my colleagues will follow suit and pass it.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no further speakers under general debate; but I just want to acknowledge and thank the subcommittee chair, the gentleman from Louisiana (Mr. BAKER). He is very obviously supportive of the bill, it came out of his subcommittee, but he is chairing a very important hearing, as we speak, on the securities issues regarding stock analysts; and that is why he was unable to be present during the general debate.

Ms. CARSON of Indiana. Mr. Speaker, I rise today in support of the LaFalce Amendment. While I agree with the principle of a reduction in SEC fees, and pay parity for SEC employees, I believe that Mr. LAFALCE'S substitute approaches this issue with a prudence not present in H.R. 1088.

As many of my colleagues have highlighted, agencies such as the Congressional Budget Office have estimated that the fees required to be collected by the SEC from all sources will total over $2.47 billion in fiscal year 2001. This represents more than five times the SEC's fiscal 2001 appropriation of $422.8 million. The current levels of SEC fees that were developed to fund the cost of regulating the securities markets, now seriously exceed the government's cost of regulation to such a degree that they constitute a drag on capital formation, and a special burden on every American investor.

Both H.R. 1088 and the LaFalce substitute address the SEC's staffing crisis by giving the SEC the much-needed ability to match the pay and benefits of other federal banking agencies, and they also recognize that in the wake of the historic Gramm-Leach-Bliley Act of 1999, the ability to compensate SEC staff at the same level as their sister regulators at the banking agencies is more imperative than ever. With pay-parity the SEC can continue to function effectively by remaining an institution that can attract and retain dedicated professionals.

Since 1990, American investors have been overcharged over $9 billion, as the volume of investment has soared since the fees were originally levied in the 1930s. In 1996, Congress enacted reductions in the fee rates, to take effect over 10 years, with the intention that after fiscal year 2007 the amount collected should be approximately equal to the SEC's budget, or the cost to the government of regulating the markets. However, trading volumes and merger activity have soared, and fee receipts are projected to continue to exceed the SEC's budget by a wide margin.

While I support a fresh attempt to bring SEC fees back down to reasonable levels, and believe that a reduction will benefit all of America's investors, I feel that the LaFalce substitute provides American investors with a more prudent and more secure solution to the reduction of SEC fees, and providers the SEC with a stable solution to its current problems.

Mr. CHAMBLISS. Mr. Speaker, I rise today to speak on H.R. 1088, the Investor and Capital Markets Fee Relief Act.

While I commend Representative FOSSELLA, Chairman OXLEY, and Chairman BURTON on their work to reduce fees imposed by the Securities and Exchange Commission, I am bothered by the lack of inclusion of pay parity for the Commodity Futures Trading Commission while a pay parity provision for the SEC is included. The SEC and the CFTC are the only federal financial regulators governed by the pay scales outlined in title V of the United States Code. The CFTC, as does the SEC, experiences difficulties in recruiting and retaining staff. Including provisions solely for the SEC would only further disadvantage the regulatory body over which my Subcommittee has jurisdiction.

The Commodity Futures Trading Commission cannot currently offer salaries competitive with the private sector; the Commission's ability to compete with fellow public financial regulators will be further hindered. Over a 22-month period, the Commission lost over 40 percent of key staff to better paying positions. Of those who left for better pay, over 20 percent went to the Securities and Exchange Commission—where a 10 percent pay differential was offered within title V. One can only expect for this number to increase if the SEC becomes exempt from title V as other federal financial regulators have. Concerns over recruitment and retention of staff will only be augmented due to this provision in the bill.

The Commodity Futures Modernization Act, signed into law December 2000, is now being implemented by both the CFTC and SEC. Six months after the bill has become law is not an appropriate time to disadvantage the agency. The best lawyers are needed to implement this bill that is critically important to the financial industry.

Although I have supported H.R. 1088 on the merit of fee reduction, I am disappointed that Chairmen OXLEY and BURTON could not grant my request to include equitable treatment to the Commodity Futures Trading Commission regarding pay parity.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LAFALCE

Mr. LAFALCE. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. LAFALCE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Securities Transactions Act".

(b) FINDINGS.—The Congress finds the following:

(1) The United States capital markets are recognized as the most liquid, efficient, and fair in the world.

(2) The Securities and Exchange Commission has been charged since 1934 with maintaining the integrity of the United States capital markets and with the protection of investors in those markets.

(3) The majority of American households have their savings invested in those securities markets.

(4) A lack of pay parity for the employees of the Securities and Exchange Commission with other United States financial regulators poses a serious threat to the ability of the Commission to recruit and retain the professional staff required to carry out its essential mission.

SEC. 2. IMMEDIATE FEE REDUCTION.

Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended by striking "1/300 of one percent" each place it appears and inserting "1/500 of one percent".

SEC. 3. REVISION OF SECURITIES TRANSACTION FEE PROVISIONS; ADDITIONAL FEE REDUCTIONS.

(a) POOLING AND ALLOCATION OF COLLECTIONS.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended—

(1) in subsection (b)—

(A) by striking "Every" and inserting "Subject to subsection (i), each"; and

(B) by striking the last sentence;

(2) by striking subsection (c);

(3) in subsection (d)—

(A) by striking paragraphs (2) and (3);

(B) by striking the following:

"(d) OFF-EXCHANGE TRADES OF LAST-SALE-REPORTED SECURITIES.—

"(1) COVERED TRANSACTIONS.—Each national securities"

and inserting the following:

"(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED AND LAST-SALE-REPORTED SECURITIES.—Subject to subsection (i), each national securities";

(C) by inserting "registered on a national securities exchange or" after "security futures products)";

(D) by striking ", excluding any sales for which a fee is paid under subsection (c)";

(4) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively;

(5) in subsection (e) (as redesignated by paragraph (4)), by striking "(b), (c), and (d)" and inserting "(b) and (c)"; and

(6) by adding at the end the following new subsection:

"(h) DEPOSIT OF FEES.—

"(1) OFFSETTING COLLECTIONS.—Fees collected pursuant to subsections (b) and (c) for any fiscal year—

"(A) shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission, except that the amount so deposited and credited for fiscal years 2007 through 2011 shall not exceed the target offsetting collection amount for such fiscal year; and

"(B) shall not be collected for any fiscal year except to the extent provided in advance in appropriation Acts.

"(2) GENERAL REVENUES.—Fees collected pursuant to subsections (b) and (c) for fiscal years 2007 through 2011 in excess of the amount deposited and credited as offsetting collections pursuant to paragraph (1) for such fiscal year shall be deposited and credited as general revenue of the Treasury. No fees collected pursuant to such subsections for fiscal years 2002 through 2006, fiscal year 2012, or any succeeding fiscal year shall be deposited and credited as general revenue of the Treasury.".

(b) ADDITIONAL REDUCTIONS OF FEES.—

(1) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is further amended by adding after subsection (h) (as added by subsection (a)(6)) the following new subsections:

"(i) RECAPTURE OF PROJECTION WINDFALLS FOR FURTHER RATE REDUCTIONS.—

"(1) ANNUAL ADJUSTMENT.—For each of the fiscal years 2003 through 2011, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for such fiscal year to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under this section that are equal to the sum of—

"(A) the target offsetting collection amount for such fiscal year; and

"(B) the target general revenue amount for such fiscal year.

"(2) Final rate adjustment.—For fiscal year 2012 and all of the succeeding fiscal years, the Commission shall by order adjust each of the rates applicable under subsections (b) and (c) for all of such fiscal years to a uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for fiscal year 2012, is reasonably likely to produce aggregate fee collections under this section in fiscal year 2012 equal to the target offsetting collection amount for fiscal year 2011.

"(3) Limitation on rate adjustment.—Notwithstanding paragraphs (1) and (2), no adjusted rate established under this subsection for any fiscal year shall exceed the rate that would otherwise be applicable under subsections (b) and (c) for such fiscal year.

"(4) Review and effective date.—An adjusted rate prescribed under paragraph (1) or (2) and published under subsection (g) shall not be subject to judicial review. Subject to subsections (h)(1)(B) and (j), an adjusted rate prescribed under paragraph (1) shall take effect on the first day of the fiscal year to which such rate applies and an adjusted rate prescribed under paragraph (2) shall take effect on the first day of fiscal year 2012.

"(j) Lapse of Appropriation.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under subsections (b) and (c) at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

"(k) Definitions.—For purposes of this section:

"(1) Target offsetting collection amount.—The target offsetting collection amount is an amount equal to—

"(A) $976,000,000 for fiscal year 2002;
"(B) $1,132,000,000 for fiscal year 2003;
"(C) $1,370,000,000 for fiscal year 2004;
"(D) $1,627,000,000 for fiscal year 2005;
"(E) $1,913,000,000 for fiscal year 2006;
"(F) $1,110,000,000 for fiscal year 2007;
"(G) $1,144,000,000 for fiscal year 2008;
"(H) $1,327,000,000 for fiscal year 2009;
"(I) $1,523,000,000 for fiscal year 2010; and
"(J) $1,745,000,000 for fiscal year 2011.

"(2) Target general revenue amount.—The target general revenue amount is an amount equal to—

"(A) zero for each of the fiscal years 2002 through 2006;
"(B) $463,000,000 for fiscal year 2007;
"(C) $449,000,000 for fiscal year 2008;
"(D) $500,000,000 for fiscal year 2009;
"(E) $551,000,000 for fiscal year 2010; and
"(F) $614,000,000 for fiscal year 2011.

"(3) Baseline estimate of the aggregate dollar amount of sales.—The baseline estimate of the aggregate dollar amount of sales for any fiscal year is the baseline estimate of the aggregate dollar amount of sales of securities (other than bonds, debentures, other evidences of indebtedness, and security futures products) to be transacted on each national securities exchange and by or through any member of each national securities association (otherwise than on a national securities exchange) during such fiscal year as determined by the Congressional Budget Office in making projections pursuant to section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as contained in the projection required to be made in March of the preceding fiscal year.".

(2) Conforming amendment.—Section 31(g) of such Act is amended by inserting before the period at the end the following: "not later than April 30 of the fiscal year preceding the fiscal year to which such rate applies".

SEC. 4. COMPARABILITY PROVISIONS.

(a) Commission Demonstration Project.—Subpart C of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 48—AGENCY PERSONNEL DEMONSTRATION PROJECT

"Sec.
"4801. Nonapplicability of chapter 47.
"4802. Securities and Exchange Commission.

"§ 4801. Nonapplicability of chapter 47.

"Chapter 47 shall not apply to this chapter.

"§ 4802. Securities and Exchange Commission

"(a) In this section, the term 'Commission' means the Securities and Exchange Commission.

"(b) The Commission may appoint and fix the compensation of such officers, attorneys, economists, examiners, and other employees as may be necessary for carrying out its functions under the securities laws as defined under section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

"(c) Rates of basic pay for all employees of the Commission may be set and adjusted by the Commission without regard to the provisions of chapter 51 or subchapter III of chapter 53.

"(d) The Commission may provide additional compensation and benefits to employees of the Commission if the same type of compensation or benefits are then being provided by any agency referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation. In setting and adjusting the total amount of compensation and benefits for employees, the Commission shall consult with, and seek to maintain comparability with, the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(e) The Commission shall consult with the Office of Personnel Management in the implementation of this section.

"(f) This section shall be administered consistent with merit system principles.".

(b) Employees Represented by Labor Organizations.—To the extent that any employee of the Securities and Exchange Commission is represented by a labor organization with exclusive recognition in accordance with chapter 71 of title 5, United States Code, no reduction in base pay of such employee shall be made by reason of enactment of this section (including the amendments made by this section).

(c) Implementation Plan and Report.—

(1) Implementation plan.—

(A) In general.—The Securities and Exchange Commission shall develop a plan to implement section 4802 of title 5, United States Code, as added by this section.

(B) Inclusion in annual performance plan and report.—The Securities and Exchange Commission shall include—

(i) the plan developed under this paragraph in the annual program performance plan submitted under section 1115 of title 31, United States Code; and

(ii) the effects of implementing the plan developed under this paragraph in the annual program performance report submitted under section 1116 of title 31, United States Code.

(2) Implementation report.—

(A) In general.—Before implementing the plan developed under paragraph (1), the Securities and Exchange Commission shall submit a report to the Committee on Governmental Affairs and the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Government Reform and the Committee on Financial Services of the House of Representatives, and the Office of Personnel Management on the details of the plan.

(B) Content.—The report under this paragraph shall include—

(i) evidence and supporting documentation justifying the plan; and

(ii) budgeting projections on costs and benefits resulting from the plan.

(d) Technical and Conforming Amendments.—

(1) Amendments to title 5, United States Code.—

(A) The table of chapters for part III of title 5, United States Code, is amended by adding at the end of subpart C the following:

"48. Agency Personnel Demonstration Project .... 4801.".

(B) Section 3132(a)(1) of title 5, United States Code, is amended—

(i) in subparagraph (C), by striking "or" after the semicolon;

(ii) in subparagraph (D), by inserting "or" after the semicolon; and

(iii) by adding at the end the following:

"(E) the Securities and Exchange Commission;".

(C) Section 5373(a) of title 5, United States Code, is amended—

(i) in paragraph (2), by striking "or" after the semicolon;

(ii) in paragraph (3), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(4) section 4802.".

(2) Amendment to Securities Exchange Act of 1934.—Section 4(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) Appointment and compensation.—The Commission shall appoint and compensate officers, attorneys, economists, examiners, and other employees in accordance with section 4802 of title 5, United States Code.

"(2) Reporting of information.—In establishing and adjusting schedules of compensation and benefits for officers, attorneys, economists, examiners, and other employees of the Commission under applicable provisions of law, the Commission shall inform the heads of the agencies referred to under section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) and Congress of such compensation and benefits and shall seek to maintain comparability with such agencies regarding compensation and benefits.".

(3) Amendment to FIRREA of 1989.—Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by striking "the Thrift Depositor Protection Oversight Board of the Resolution Trust Corporation".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 2001.

The SPEAKER pro tempore. Pursuant to House Resolution 161, the gentleman from New York (Mr. LaFalce) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. LaFalce)

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not believe the debate should take that long. I offer this amendment on behalf of the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from California (Ms. WATERS), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. TOWNS), and the gentleman from Massachusetts (Mr. MARKEY).

I have stated before what this amendment in the nature of a substitute does. It has basically the same pay-parity provisions that the underlying bill does; but with respect to the reduction of fees, it focuses in on transaction fees, section 31 fees, and reduces them not by the amount that the main bill does but by approximately half that amount, by approximately $5 billion rather than by about $10 billion over a 10-year period. It does not reduce either registration fees or tender-offer or merger fees.

That is the basic difference, and I would hope that Members would support it.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Is the gentleman from Ohio (Mr. OXLEY) opposed to the amendment?

Mr. OXLEY. I am indeed.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume, and indeed I rise in opposition to the amendment.

Let me say to my friend from New York that we have had a good debate on this issue, and it has been a bipartisan debate, which has been quite enlightening. My big concern is that there is some misperception that somehow these SEC fees should be used for something other than funding the Securities and Exchange Commission, that is, the FBI and the Justice Department. Let me remind the Members that when Congress passed the Capital Markets bill, the NSMIA bill, back in 1996, under the leadership of our good friend Jack Fields, the effort at that time was to create a user fee. Those folks who would use the SEC to police the markets and to make certain that things ran smoothly, that those fees would be used to fund the SEC. A genuine user tax. A user tax like when we buy gasoline at the pump. That tax goes into roads and bridges. And that is what a user fee really is.

The user fee in this case has become so large and has grown so exponentially, as a matter of fact I have a chart which shows the SEC funding versus fee collections, and we can see the SEC appropriations down here and the total SEC fees have gone up exponentially, particularly during the bull market; and as a result those fees have become excessive and have in fact funded this SEC six times over.

Now, my friend from New York, who offered the substitute amendment, if he were sincere about taking some of those revenues and using them for something other than the SEC would have directed those fees to the FBI and to the Justice Department, and maybe even to the Metropolitan Police Department of the District of Columbia. But that is not what the SEC fees were all about. That is what the Congress decided back in 1996, and we were so successful that they have overextended the SEC budget by six times.

So what we are saying is this is an overtax. It is a tax on investment, it is a tax on savings, it is a tax on job creation and ought not maintain. So that is where we are today. So while my friend wants to cut some of the fees, but not all of the fees, our argument is just the opposite, that we only need these fees to run the SEC.

Later on this year we will be debating and discussing the reauthorization for the Securities and Exchange Commission. It may very well be, I will say to my friend from New York, that the SEC will come in and make a case for increasing their authorization. And if indeed they do, I will join my friend from New York in authorizing more funds so that the SEC can continue to do its good work. But that will come later, and that is a different issue in that regard.

So this is an amendment that needs to be defeated. We need to return those excess fees back to where they belong, and that is the American investor; and I would ask that the amendment be defeated.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself 2 minutes. First of all, the distinguished chairman says that we are going to reduce the fees now and then later on we are going to consider the needs of the SEC; that later on, if we feel that there are greater needs, then we will increase their authorization. I think he has just proven that we are putting the cart before the horse. We ought to consider what the needs of the SEC are first before we engage in the fee reduction.

Secondly, he says that these fees are only for the SEC. But the fact is the law does not say that. The law does not use the word SEC. The law uses the word government. It is the resources of government that are necessary for the enforcement of our securities law that are to be funded by these fees. And that includes, at the very least, the FBI and the Justice Department.

Now, we wanted to clarify that. We offered an amendment in subcommittee to clarify that. It was argued against. We offered an amendment in the full committee. We attempted to offer an amendment on the floor of the House to clarify that these fees should be used by the totality of government law enforcement agencies with respect to our securities' laws. The Republican majority gave us a gag rule on that issue. They refused to allow us to say that the fees raised should be used for the totality of enforcement, not just SEC, but FBI and the Justice Department.

So to come in and make the argument that all these fees are to be used for SEC when the world knows we need more than the SEC if we are to have effective enforcement, and we are saying, yes, we need these fees for the other governmental agencies too for effective enforcement, I think is misleading and erroneous.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume, before recognizing my next colleague, to respond to my friend from New York, if I may.

The gentleman had the opportunity to put in his substitute anything he wanted, which would have included, of course, the provisions that he mentioned.

□ 1230

Mr. Speaker, I am not making any preconceived ideas about the needs for the SEC. That will obviously come in the necessary regular order as it relates to the SEC and their funding and the reauthorization. But to say that these fees somehow should be used for law enforcement other than the SEC strikes me as simply not correct. The gentleman could simply introduce an amendment to the proper appropriations bills that would increase the funding for the FBI and the Department of Justice directly related to the SEC.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Speaker, the gentleman is not denying that an amendment was offered by the gentleman from Pennsylvania (Mr. KANJORSKI) that the gentleman from Ohio strongly opposed? The gentleman is not denying that the gentleman from Pennsylvania (Mr. KANJORSKI) joined forces before the Committee on Rules in order to seek the permission of the Rules Committee to offer an amendment on the floor of the House and that the gentleman from Ohio opposed it and that the majority of the Rules Committee opposed its being offered on the floor, does the gentleman?

Mr. OXLEY. Of course not. I am simply saying those amendments were defeated handily in the subcommittee and committee, and the gentleman from New York had the opportunity to put that language in his substitute.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I rise to oppose the amendment in the nature of a substitute. As someone who likes to look at the positive, I commend the gentleman from New York for reducing transaction fees; but not enough. That is the problem with the amendment. It does not go far enough.

If we go back to the original intent here, what Congress promised the American people, and my colleagues have heard it here a number of times, we need enough money to fund the SEC, to allow the SEC to do its job. Above and beyond that, to the tune of an excess of $2 billion per year, let us send that money back to the investors. If we believe that we want to make more American investors, we should reduce the fee, as in the underlying bill. If we want to make more people participants in IRAs, support the underlying bill. If we want to make more people participants in 401(k)s or pension funds, then vote for the underlying bill and oppose this amendment.

Mr. Speaker, the teachers' pension fund in New York alone paid $305,000 in excess fees. Why should we, Congress, force the teachers' pension fund of New York to pay $305,000 per year? Where does that money come from? It comes from their members. Think of the thousands of funds across the country.

As far as those who are concerned about the budget of the SEC, and it is a reasonable concern, I ask unanimous consent that this letter dated March 15, 2001 be entered into the RECORD. "I am pleased to write in enthusiastic support of the proposed Investor and Capital Markets Fee Relief Act. This bill, as you described it today, will provide meaningful securities fee relief to investors, market participants, and public companies, while assuring full and stable long-term funding of the Commission." This was signed by the acting chairman of the SEC. Obviously there is a certain and reasonable level of comfort that the SEC is going to get the funding it needs to do its job.

Mr. Speaker, the underlying bill is what provides investors across America the real purpose and intent of what it was all about. Congress broke its word for awhile. Now it is fulfilling its promise and giving Americans more incentives to invest.

The letter previously referred to is as follows:

U.S. SECURITIES
AND EXCHANGE COMMISSION,
Washington, DC, March 15, 2001.

Hon. VITO J. FOSSELLA,
Committee on Financial Services, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN FOSSELLA: I am pleased to write in enthusiastic support of the proposed "Investor and Capital Markets Fee Relief Act." This bill, as you described it today, will provide meaningful securities fee relief to investors, market participants, and public companies, while assuring full and stable long-term funding of the Commission. I commend you and Chairman Oxley, Subcommittee Chairman Baker, Representatives Sue Kelly, Felix Grucci, Carolyn Maloney, and Joseph Crowley, as well as the other cosponsors and your staff, for crafting such a considered approach to this technically complex and multifaceted issue.

The pay parity provision is particularly important to the Commission's ability to attract and retain qualified staff. The proposed bill, together with commensurate authorization and appropriation, will help address this issue.

Again, I express my sincere thanks for your leadership on these issues. Please let me know if there is anything my staff or I can do to assist you as this process moves forward.

Sincerely,

LAURA S. UNGER,
Acting Chairman.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to the substitute, but not in opposition to the substitute's sponsors. The gentleman from New York (Mr. LAFALCE), the ranking member, and the gentleman from Pennsylvania (Mr. KANJORSKI), the subcommittee chairman; and I disagree on the extent to which SEC fees should be reduced.

Mr. Speaker, I want to make sure that all of my colleagues are aware of the tremendous hard work that they have done in ensuring that the pay parity provisions for SEC employees were included in the process. There are no two Members who have been more committed to making sure that the professionals who regulate our capital markets are the most qualified in the world than the gentleman from New York (Mr. LAFALCE) and the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. Speaker, while their substitute includes the pay parity provisions that are in the underlying bill, I will oppose it because I believe SEC fee reduction should be more expansive than proposed. I believe cutting section 31 fees, merger and transaction fees, and fees on new issues is the fairest way to provide fee relief.

Under the formula in the underlying bill, all users of the capital markets will be given fee relief, avoiding a situation where one group of users of the capital market overly subsidizes the cost of market regulation for others.

Regardless of our disagreement on this issue, the gentleman from New York has been a leader on pay parity; and I praise his efforts and his principled leadership on the Committee on Financial Services.

The substitute proposal, while well intended, does not significantly reform the current fee structure. The underlying bill has strong union support, industry support, and agency support. It is incredibly rare to have all three parties supporting a bill, yet the underlying bill has their support.

Mr. Speaker, I urge support for the underlying bill, and I urge my colleagues to vote against the substitute.

Mr. OXLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GRUCCI), a valuable member of our committee.

Mr. GRUCCI. Mr. Speaker, I rise in opposition to the LaFalce, Kanjorski, Frank, Dingell, Markey, Towns, Waters substitute amendment, and in favor of H.R. 1088. This substitute amendment clearly does not address the excessive and unnecessary transaction fees that are imposed on investors and market participants on a daily basis.

Today nearly half of the U.S. households, 57 percent of which have an annual household income of less than $75,000, invest in mutual funds. Between 1998 and 2000, the largest increase of mutual fund ownerships has been strongest among households with annual incomes of less than $35,000. Approximately 88 million Americans own stock directly or indirectly through a pension fund, a 401(k), or a mutual fund. The average American investor is no longer a Wall Street tycoon. The average American investor is now your neighbor.

I believe we have a responsibility here in Congress to encourage hardworking American families to invest in their futures and in those of their children rather than waste money from their savings on unnecessary transaction fees.

A good example of this unnecessary waste is the New York State Teachers' Pension Fund. The fund was overcharged $305,000 in the year 2000; and over a 10-year span, this could amount to a loss of $3.6 million.

Now I understand that this fee structure was originally created in the 1930s in order to provide the SEC with an appropriate operating budget. However, with the growth in the investment community, these fees are no longer necessary. The substitute amendment does not address the excessive fees to the extent that we are able to and should not be approved.

Mr. Speaker, I am sure my colleagues will agree that it is simply common sense for Congress to return hard-earned dollars back to consumers, families, and investors. The savings achieved through the elimination of these securities transaction fees will be better spent by individual Americans on education, retirement, and reinvestment opportunities.

Mr. Speaker, I ask my colleagues to join me in voting against the substitute amendment and in favor of H.R. 1088.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I rise in strong support of the underlying bill and in opposition to the Democratic substitute.

The difference between the majority's bill and the Democratic substitute is simple. The majority's bill lowers all fees that all investors pay to the SEC, approximately to the point where the fees collected would about cover the cost of operating the SEC.

The Democratic alternative lowers some fees, but much less, leaving American savers and investors forced to continue to overpay fees to pay this overcharge so it can serve as a cash cow for all of government.

Our bill provides $14 billion over 10 years in fee reduction because the SEC is poised otherwise to charge $14 billion in excess fees. The Democratic alternative provides less than $5 billion in fee reduction. And one of the things that we have heard this morning is a criticism of our bill because it takes into account only the direct costs of the SEC and not all of the other costs that might be associated with some kind of securities enforcement.

Mr. Speaker, I have to say that it does not appear that that provision is the intent of the substitute amendment. I would cite a "Dear Colleague" that was circulated by the supporters of the substitute in which they argued that excess securities fees should be spent on elderly housing programs, Head Start, medical research, and transportation infrastructure. In other words, basically all of government. The idea embodied in the Democratic alternative is that this should continue to serve as a cash cow for the rest of government.

If the minority wants more money for all of these spending programs to grow government, to grow programs, to increase spending, I think it should be paid in a more straightforward way, in a way in which all Americans are more equal in sharing in the burden, and it should not be hidden in fees charged to investors.

Mr. Speaker, it is not fair to do it that way. It is not productive to our capital markets to do it that way. I urge my colleagues to reject the Democratic substitute amendment, and vote for the underlying bill which would be a huge savings for America's savers and investors.

Mr. LAFALCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), a distinguished ranking member of the Subcommittee on Capital Markets.

Mr. KANJORSKI. Mr. Speaker, it is a very interesting question that the substitute suggests that we fund all other elements of government. Why do we not look at the special funds that are being collected that are not being used for the purposes that they are being collected for?

I think some of my colleagues on the Committee on Transportation and Infrastructure would say we have airport funds, taxes that are being charged and levied against every traveler at every airport with funds of billions of dollars that are not being used to build airports and to solve the transportation problem, but are going to fund other areas of the Federal Government.

I can tell you a perfect example. I come from an area that involves coal mining. We have the abandoned mine land charge on coal companies in this country with more than $1.5 billion in that fund, and this Congress has not allocated those funds for 7 or 8 years. We are not even putting out the interest on those funds to correct a grievous error on the environment of air and water pollution in this country.

The idea that suddenly within 5–6 months since the beginning of the 107th Congress, this bill is here on the floor already, moved through the committees, I think even paved in the United States Senate. There is no need to conference this bill. It has been preconferenced.

I ask the question: Why? Why can the majority party legislate in 165 days from its beginning this buildup in the securities area of taxation and fundraising, and they cannot attend to the other problems. They cannot attend to the fact that we have needs in hospitals from the Medicare fund; and needs of education and educational funds to raise. Nobody ever looks at that.

I just have to believe, and I do not like to believe it, but when the telephone rings and our Congress listens, there seems to be direct and very loud communications from Wall Street.

I do not like to say that because I just came from a hearing, otherwise I would have spent my whole day arguing this bill. But over there we were trying to discover whether we have independent analysts. Millions of investors lose a portion or all of their life-savings with bad advice, with partial advice.

Mr. Speaker, have we said any of these funds should be made available to establish standards to provide ethical conduct and enforcement of those standards to see that investors in America sometimes do not lose trillions of their dollars? I raised the question when one of the witnesses talked about every investor on Wall Street should not rely on an analyst, he should read the prospectus, the balance statement of the firm and the profit and loss statement.

I asked the question: Why is the majority party heading down this railroad so quickly? The other side of the aisle wants to even privatize Social Security and allow 130 million Americans to take a percentage of their Social Security and invest it in the stock market, all on the advice of analysts that to some indication have not been forthright with even the more sophisticated investors.

□ 1245

I asked the question: What are you going to do when all of these people come into the market? We know 23 percent of the American people are functionally illiterate. We are not going to have a program and we are not going to have the funds to make sure there are protections for this, whether they are done by private industry or government. I prefer private industry to do it.

What you are doing right now is taking the funding mechanism away for any further protection and information systems that may have to be established, intrastate, interstate on stock security transactions, on payments back on fraud cases from the protection fund. You are taking all this money away. In the future if we discover we need more FBI investigations, more prosecutions, more studies or more information, we are going to come back and take it out of the pot of the average taxpayer, Joe Blow, who has to go to work every day, maybe makes a little bit above minimum wage, and he is going to pick up the tab for the Wall Street investor.

I think it is wrong. I do not think this legislation is wrong. I think the issue of not using user fees for purposes they are not intended to be used is a correct issue. I stand by it. I just say it is premature. Why did you pick the securities industry first? Why did you not think of American transportation? Why did you not think of American medical and health needs and use those funds first? I urge my colleagues to support the substitute and oppose the bill.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. JONES), a member of the committee.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in opposition to the proposed substitute to H.R. 1088. I believe the underlying bill that the gentleman from Ohio (Mr. OXLEY) and my colleagues from both sides of the fence worked so hard to bring to the floor is superior.

Congress created a simple fee structure so that the SEC would be paid directly by the regulated securities community rather than the general taxpayer. The Securities and Exchange Commission accomplished this by imposing user fees on investors. The problem that we are faced with today results from the fact that the revenue we collect from these securities fees total over six times the amount of the SEC's annual budget. The excess fees go into the general revenue fund and are used to fund programs that have nothing to do with the original congressional intent of only covering the operating costs of the SEC.

The proposed substitute does not fix the problem. Mr. Speaker, the underlying bill before us today, H.R. 1088, would return $14 billion over the next 10 years to American investors and those seeking access to our securities markets. For this reason, both the

Americans for Tax Reform and National Taxpayers Union strongly endorse passage of H.R. 1088.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. I thank the ranking member for yielding me this time.

Mr. Speaker, the Committee on Financial Services, on which we serve, has jurisdiction over at least two sets of fees. When we were doing our budget reviews, they both came up. One set of fees are the fees that go to the SEC, which we are substantially lowering. The other set of fees are the fees that go to the Federal Housing Administration, the FHA. The Bush administration has announced that they are going to raise those.

Now, I hope that when some of us try to contest this fee raising, that all of this fervor against stealth taxes and excessive fees will not have totally dissipated, although I would not want to bet on it, even if betting were legal, which it is of course not. In fact, the FHA is a net contributor to the Federal treasury. We had a hearing called by the chair of the Subcommittee on Housing, the gentleman from New Jersey, in which all of the Federal auditing agencies made it clear, the FHA is in very good shape.

So how do we respond to the FHA, which has the mandate of helping housing, helping particularly nonrich people, because there is a limit on how much house you can get under the FHA, so the FHA is a middle-class and moderate income housing program. The fees on multiple family housing, a commodity in very short supply in much of this country, will be raised. Why will they be raised? Apparently in part so we can reduce the fees on the SEC, because we are talking about a fungible part of money.

So the people who are engaged in stock trading, a perfectly reasonable and honorable occupation but not one I had previously thought as being in the ranks of the oppressed, will get relief. Most of the people involved have already gotten relief through other tax measures, but the FHA fees will go up. If Members wonder whether or not I am violating the rule of germaneness, the answer is no, because these are both fee structures within the jurisdiction of the Committee on Financial Services. Indeed, under the instructions we get from the budget authority, raising one and lowering the other, these are offsets.

I agree there is a case for lowering the SEC fees. But by lowering them to this extent, we are also making multiple family housing for moderate- and middle-income people more expensive. That is not my choice, that is the choice of this administration, because there is a proposal pending from Secretary Martinez to raise the FHA fees. Under our budget structure, there is an offset here.

Now, it is not simply in this particular instance that I think we err by raising the fees for people of moderate income who are seeking multiple family housing. By the way, the administration has asked us to enhance the ability of the FHA to finance units in some parts of the country. That is their major housing production program right now, the FHA multiple family housing area, and they want to raise the fees on it. On the other hand, they want to reduce, more than I think is justified, the fees on the SEC.

It is not simply this particular instance that troubles me. We have an economy which has been doing better during this past decade than any economy in the history of the world. I am delighted with that, as we all are. We are all working to keep that going. It has produced wealth in amounts beyond what people thought possible. That is a very good thing. But we also know that there have been inequities in the distribution of it.

And what has this Congress consistently done? We have seen inequity and decided to make it worse. We have seen a gap and tried to widen it. That is what we do today. To the people who are in the financial industry and the stock part of the economy where things have over the decade done well, although there is obviously a slight drop now, we give them more benefits. In the area of housing, under the FHA, where we have a national crisis and many people, working people, middle-income people in great distress, this administration wants to raise the fees.

I would hope that we could pass this amendment, not reduce the fees as much, and then turn to the legislative measures that would be necessary to prevent the steep increase in FHA fees that we may be facing. So I am grateful that we have had a chance, because we like to talk about priorities. Here is the chance. You have two sets of fees. As we speak, the administration is preparing to raise FHA fees and we could reduce the necessity for that. It would take some legislative changes but it is all a fungible part of money, if we were to not lower these fees as much.

For people who say, well, why should one subsidize the other, the fact is neither one is being subsidized if you look at the fee structure the way we do it. The FHA fees in fact are in surplus. So the FHA fees will be increased so they can make a bigger contribution to the tax cut and the SEC fees will be substantially reduced, further exacerbating inequality. The Congress should not try to get rid of all inequality. It could not if it wanted to. But for Congress to take a set of actions, Congress and the administration together, that make this kind of inequity and maldistribution worse rather than better is absolutely the wrong way to go.

Mr. OXLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. SHADEGG), a member of our committee.

Mr. SHADEGG. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1088. I want to compliment the gentleman from Ohio (Mr. OXLEY), the chairman of our committee, and the gentleman from New York (Mr. FOSSELLA), the author of this bill, for bringing forward such a commonsense piece of legislation.

The reality of this bill is very simple and very straightforward. American investors, and that is over half of all families in America, are being overcharged. It is simple, it is straightforward, it is that basic. They are being overcharged by $14 billion over the next 10 years. That is indeed an inequity and it is a maldistribution.

This commonsense bill, brought to the floor after a thoughtful legislative process, with hearings, fixes that inequity. And so I rise in strong support of the bill but also in strong opposition to the amendment.

The authors of the amendment are well intended. The substitute, they say they want to go not quite so far. What they would do is overcharge America's investors by $9.2 billion. I also want to compliment them on being very honest and straightforward. They are not doing this in a deceptive fashion. They say point blank, yes, we know it raises more money than we need, we know it raises $9 billion more than we need, but we ought to spend that money on, as they propose, elderly housing programs, CDBG blocks, Head Start, medical research, transportation and infrastructure. They admit it raises more than we need and we put that burden on investors, and they say spend it on general funds. I am glad there is bipartisan support for not doing that to America's investors. We have heard Democrats rise on this floor today and support the majority bill and oppose the substitute.

I just want to make the point in opposition to the remarks that were just made. It was just pointed out by my colleague, an argument was made that what is being done wrong here is that, and the argument was made, that we are raising the cost and making more expensive multiple family housing by lowering this excessive fee which collects more than is needed for what the fee is supposed to do. Nothing could be further from the truth. The inequity in maldistribution is that we are imposing this fee on investors, not on others.

If we want to subsidize housing, multiple housing, then let us do so honestly. Let us tell the American people we are doing it. I simply think it is fair to my colleagues and the American people to understand. If we want to subsidize multiple family housing, so be it, but do not hide it in this bill.

We owe the American people honesty. This bill is honest. We owe American investors, more than half of all American families, to charge only what the fee is supposed to collect. I compliment the sponsors of the bill and I urge my colleagues to support H.R. 1088.

Mr. LAFALCE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. COOKSEY). The Chair is unable to entertain the gentleman's point of order until the Chair has put the question on the amendment.

Mr. LAFALCE. Would the Chair restate that position? I thought that I would be able at any point that I was recognized to get up and make a point of order that a quorum was not present.

The SPEAKER pro tempore. Under the rules of the House, the Chair may not recognize the absence of a quorum during debate. The only time the point of order may be entertained is when the Chair puts the question to the House on the gentleman's amendment.

Mr. LAFALCE. So you could debate within the House of Representatives without a quorum?

The SPEAKER pro tempore. A point of order of no quorum is not permitted during the debate, no.

Mr. LAFALCE. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The Chair is unable to recognize the motion.

The previous question is ordered under the rule without such intervening motion.

Mr. OXLEY. Point of inquiry. Does the request have to be in writing?

The SPEAKER pro tempore. On demand, the motion needs to be in writing.

Mr. OXLEY. The gentleman from New York was recognized for what particular purpose?

The SPEAKER pro tempore. With the previous question having been ordered to passage without intervening motion pending is the debate on the amendment controlled by the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE). Under the special rule, no other motions are permissible.

Mr. LAFALCE. A motion to adjourn is not permissible at this time?

The SPEAKER pro tempore. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Speaker, I have a parliamentary inquiry. When is a motion to adjourn permissible?

The SPEAKER pro tempore. With the previous question being ordered to final passage without intervening motion under the rule that motion can be entertained after the question of passage of the bill.

Mr. LAFALCE. Not before passage of the bill?

The SPEAKER pro tempore. That is the ruling of the Chair.

Mr. LAFALCE. I will not appeal the ruling of the Chair. But attempting to expedite this, and I have made an offer that we could proceed expeditiously without vote on the substitute, without offering a motion to recommit, without vote on final passage, and I have been rebuffed. The reason I have been making these motions is because I have been rebuffed in my attempt to expedite the consideration of the House.

□ 1300

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Richmond, Virginia (Mr. CANTOR), a distinguished member of our committee.

Mr. CANTOR. Mr. Speaker, I rise today in opposition to the proposed substitute and in strong favor of the underlying bill.

I would like to commend the gentleman from Ohio (Mr. OXLEY) for his leadership on the bill and the gentleman from New York (Mr. FOSSELLA) for bringing this bill forward.

I think it has been said before, the basic notion behind this bill is a fee for service and, in this case, Depression-era Federal securities laws imposed various user fees on investors and market participants so that the regulated community paid for the costs of their regulation. Here we have a case where the fee has been far in excess of the need for operating the regulatory agency, and ultimately the fee has turned into a back-door hidden tax increase for all Americans who choose to invest their hard-earned money in the capital markets.

The impact of these provisions can be felt by every American at every income level as an estimated 80 million Americans own stocks directly or indirectly through mutual funds, pension funds or college savings plans.

These investment vehicles provide access to wealth, security and retirement and the ability for families to pay for a college education. Fees for registration, merger, tender offers and transactions all add costs to these beneficial programs.

The tax levied upon the American people by securities fees are detrimental to the creation of capital, thereby impeding job creation, economic opportunity and growth. Providing immediate relief from these excessive fees will benefit all investors of all types at every income level, including individuals and small businesses, providing a much needed boost to our slowing national economy.

American investors suffer as these costs are consistently passed on to individuals while excess fee revenues are deposited into the U.S. Treasury to be spent on unrelated government programs.

Mr. Speaker, the situation is unfair and the time has come to correct this injustice. The proposed substitute does not represent a fair return of this hidden tax.

Mr. Speaker, I again express my strong support for the underlying bill and its attempt to provide truth in fees and transparency for all Americans, and I urge defeat of the substitute and adoption of the underlying bill.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I rise in strong support of the Investor and Capital Markets Fee Relief Act and in opposition to the substitute offered by the gentleman from New York (Mr. LAFALCE). Markets do not pay taxes; people do.

So we are just today attempting to relieve taxpayers, people, savers, retirees, teachers, cops, moms and pops, retirees of a burden on savings and investment, and a significant one. We are doing so only to the extent that it is fiscally reasonable. The fees, the taxes that we are talking about here are meant to fund the SEC but over the past many years, and we have been studying this issue for 8 years, we have seen that the fees are running far in excess of what it requires to operate the SEC.

There is a big tax overcharge and it runs into billions of dollars. If we were to adopt the substitute, then the tax overcharge would run to well over $2 billion still. As a result, it is very, very important to reject the substitute and to pass the underlying legislation.

The bill that we are considering today will repeal the penalty tax on savings and investment that is represented by these enormous fees. The substitute would maintain the status quo. It will not stop the tax overcharge. It will not deliver the tax relief that American savers and investors deserve. It would allow the SEC to continue to impose fees far in excess of what the agency needs to fund its operations.

The substitute is really a great way to stick it to investors and savers. In California, our teachers' retirement, our CALPERS retirement fund, has paid in overcharges, in just the year 2000, $2.6 million. That is for those worthy people's retirement savings. Why should we take it away from them if it is not necessary for the SEC to fund its operations?

This is a vitally needed bill. It is very, very good for the country. It is good for savers, and I urge that we reject the substitute.

Mr. Speaker, I rise in strong support of the Investor and Capital Markets Fee Relief Act (H.R. 1088), and in opposition to the substitute amendment offered by the gentleman from New York [Mr. LAFALCE].

Markets don't pay taxes—people do.

Before I begin my formal remarks, I'd like to take a moment to commend the chairman of the Financial Services Committee, the distinguished gentleman from Ohio [Mr. OXLEY], as well as the Chairman of the Capital Markets Subcommittee, the gentleman from Louisiana [Mr. BAKER], for their hard work on this legislation, and for making passage of this bill a top priority for the Committee.

It's entirely appropriate that this legislation follows so closely on the heels of the recently-enacted tax bill, as the legislation before us today provides significant additional tax relief for American investors by reducing the excessive fees now imposed on the sale of Securities: Stocks you own directly, or trust your company retirement plan, or union pension fund, to own in your name. If you're a teacher or peace officer, it's the investments that the trustees of your retirement plan makes.

Today, investors and other participants in U.S. capital markets are being massively overcharged by the Securities and Exchange Commission for the services it provides. When Congress wrote the Securities Act of 1933 and the Exchange Act of 1934, we authorized the SEC to impose certain fees to help offset the agency's costs of regulating the securities marketplace. But in recent years the government has been imposing fees on investors and other participants in the securities market that are far beyond what is needed to pay for the SEC's budget.

Last year alone, investors paid $2.3 billion in fees to the SEC—six times the amount needed to pay for the agency's $380 million budget.

Over the last decade, the SEC has collected $9.2 billion in excessive fees.

These so-called "fees" are a direct tax on savings and investment. All the excess taxes not needed by the SEC are not returned to retirees, or young workers. Instead they're sent along to the U.S. Treasury, to add to our record-breaking tax surplus.

The bill we are considering today, H.R. 1088, will repeal this penalty tax on savings and investment. H.R. 1088 cuts the rate of every major SEC fee.

The substitute, on the other hand, would maintain the status quo. It won't stop the tax overcharge. It won't deliver the tax relief that American seniors and investors deserve. It would allow the SEC to continue to impose fees far in excess of what the agency needs to fund its operations.

The weaknesses of the substitute amendment are evident:

One third the total tax relief. The substitute amendment guarantees that government will continue to collect overcharges of nearly $10 billion. Of course, none of these extra taxes would go to benefit the SEC whose budget is already fully funded under H.R. 1088. Instead, the overcharges will be passed along to the U.S. Treasury to add to the record-high tax surplus.

Limited transaction fee relief reduces so-called Section 31 fees, which are imposed on the sale of securities. In 1996, these fees raised $134 million; but in 2000, the amount collected had grown to more than $1 billion. Under substitute, Section 31 fees could cost investors $2 billion in 2006.

No registration fee relief. Despite the recent growth in transaction fee collections, Section 6(b) fees—which are imposed on the registration and issuance of new securities—still raise more revenue than any other fee imposed by the SEC: $1.1 billion last year alone. H.R. 1088 reduces 6(b) fees by 62%; unfortunately, the substitute amendment contains no reduction in 6(b) fees.

No other fee relief. In addition to ignoring the need to reduce securities registration fees, the substitute also fails to reduce the other tax overcharges covered by H.R. 1088. It contains no relief for hard-working Americans.

For all these reasons, I urge my colleagues to reject the substitute amendment. It fails to provide investors—who have been massively overpaying for the SEC's services—with the relief they deserve from these massive tax overcharges on savings and investments. By rejecting this amendment, and instead approving the tax relief in H.R. 1088, Congress can protect Americans from burdensome taxes on their life savings, on capital formation and on the competitiveness of the U.S. economy.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), a distinguished member of our committee.

Mr. ROYCE. Mr. Speaker, when Congress created the current fee structure for securities transactions, the intent there was to ensure that the regulated community would pay for the cost of their regulation, and basically due to a rising stock market and due to unprecedented trading volume the government is now collecting fees that greatly exceed the operating budget of the SEC; in fact, by some six times greater than that operating budget.

What happens to this revenue? Well, it is deposited into the U.S. Treasury and it is used for other Federal programs.

What would be the benefit of eliminating the tax overcharge? Well, by reducing the transaction fees paid by investors each time they sell a stock, by reducing the registration fees, then this would eliminate basically a tax on equity transactions. This is a tax felt by everyone who invests in mutual funds. This is a tax felt by everyone in retirement accounts and, as we know, Mr. Speaker, it is a majority of Americans.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO), a distinguished member of our committee.

Mr. MANZULLO. Mr. Speaker, I rise in opposition to the Democrat substitute. We have heard a lot today about the SEC, through no fault of its own, collecting six times more per year than it needs to fulfill its obligations. That extra money goes into the general government money pot and then it is spent on other programs. Apparently some people think that is okay, but the bottom line is this: More Americans are investing than ever before and this is good. Unfortunately, only 20 percent of small business owners are able to set up pension plans for their employees. This is bad. Any unnecessary money we collect diminishes the value of American savings and may prevent other small businesses from helping their employees plan for retirement.

We should not penalize the millions of American families and small businesses who are working hard to plan for the future. I would encourage my colleagues to vote no on the Democratic substitute.

Mr. LAFALCE. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), a member of our committee.

Mr. ROGERS of Michigan. Mr. Speaker, I thank the gentleman from Ohio (Mr. OXLEY) for his leadership.

Mr. Speaker, my father was a teacher for 32 years. He paid into his pension regularly; never missed, quite obviously. His pension was being overcharged by user fees.

I have a friend that is a milk hauler, works long hours, spends a lot of time away from his family. He diligently puts a little money aside every week in his 401(k). His pension, his savings for his family, is being overcharged.

I have a friend of mine, a young widow with two children, puts a little money away in an education savings plan in Michigan. That education savings plan, the very thing that is going to allow her children to better themselves, is being overcharged.

This is very, very simple. We can talk about $14 billion and we can talk about the structure of the SEC and the regulators and pay parity, and all of those things are important, but what is important to me and the people I represent are these teachers, are these widows, are these hard-working individuals who get up every day and play by the rules who just say, look, I understand I have to pay for it but do not overcharge me one penny, please, because it is my money.

The weight and burden should not be on the shoulders of those who save for their future.

Mr. LAFALCE. Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I want to compliment everyone who worked on this particular bill. For a long time, the quote/unquote, SEC user fees were actually taxes, and there is a long record of the fact that it was a revenue raiser. In fact, it was a tax on investing. For some time, there has been a history of the Committee on Ways and Means using a constitutional provision in dealing with taxes called blue slipping legislation that moves from the Senate, since they do not have the ability to originate revenue, and the SEC user fees clearly fit the pattern of taxes.

With this bill, that is no longer the case. With the adjustment in the user fees, what they actually are going to be are user fees. If someone wants to mark progress in the Federal system, the idea of having legislation to call something what it actually is is a blue ribbon day.

So I want to thank the committee in terms of producing a product in which the phrase "user fee" is used and it is, indeed, a user fee. I congratulate the chairman for this.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to House Resolution 161, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. LAFALCE).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. LAFALCE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OXLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 126, nays 299, not voting 7, as follows:

[Roll No. 164]

YEAS—126

Abercrombie
Allen
Baca
Baldacci
Baldwin
Barrett
Becerra
Berman
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Gephardt
Green (TX)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Luther
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mink
Mollohan
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rivers
Rodriguez
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Skelton
Slaughter
Solis
Spratt
Stark
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Woolsey
Wynn

NAYS—299

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Flake
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—7

Cubin
Ferguson
Houghton
Johnson, E. B.
Jones (OH)
Lucas (OK)
Watts (OK)

□ 1335

Mrs. KELLY, Ms. SANCHEZ, and Messrs. COBLE, DAVIS of Illinois, GILMAN, CARSON of Oklahoma, McNULTY, PICKERING, REYES, BARR of Georgia, ROTHMAN, TOWNS, and RUSH changed their vote from "yea" to "nay."

Mr. WYNN and Mr. THOMPSON of Mississippi changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained across town at an important Energy Seminar and unfortunately missed the vote on the LaFalce Substitute Amendment to H.R. 1088 earlier today.

I ask that the RECORD reflect that, had I been able to be here for the vote, I would have voted "no" on the LaFalce Substitute.

The SPEAKER pro tempore (Mr. LINDER). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FOSSELLA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 404, noes 22, not voting 6, as follows:

[Roll No. 165]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest

Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—22

Burton
Clayton
DeFazio
Delahunt
Dingell
Duncan
Filner
Jones (OH)
Kanjorski
Kaptur
Kucinich
LaFalce
Lee
Markey
Obey
Olver
Stark
Taylor (MS)
Thurman
Tierney
Visclosky
Waters

NOT VOTING—6

Cubin
Ferguson
Greenwood
Houghton
Jefferson
Johnson, E. B.

□ 1354

Mr. VISCLOSKY changed his vote from "aye" to "no."

Ms. WOOLSEY changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise to inquire about the schedule for next week from the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will meet next week for legislative business on June 19, 2001, at 12:30 p.m., that will be for morning hour, and will meet at 2 p.m. for legislative business.

The House will consider a number of measures under the suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 6:00 p.m.

On Wednesday, and the balance of the week, the House will consider the following measures, subject to the rules: the Supplemental Appropriations Act and the Agricultural Appropriations Act.

On Friday, Mr. Speaker, no votes are expected past 2:00 p.m.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for his remarks and would like to inquire of him on what days the gentleman expects next week to bring up the supplemental and on what days the ag appropriation bill?

Mr. ARMEY. If the gentleman will continue to yield, the supplemental we expect to have on the floor on Wednesday; and we would put agriculture appropriations on Thursday, with the expectation that it would run into Friday.

Mr. BONIOR. If by some chance we finish ag on Thursday, would that necessitate a session on Friday? Or would that still be left up in the air?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's inquiry. In fact, if we do manage to finish the bill on Thursday, we would probably then extend Friday for work back in the districts.

Mr. BONIOR. Let me ask this question of the gentleman from Texas, my friend. There are reports that on the HMO bill, the gentleman plans to bring their bill to the floor before the 4th of July. Are we likely to see that come to the floor next week?

Mr. ARMEY. I appreciate the gentleman's inquiry, but while we are placing extremely high priority on the HMO reform and would have hopes to have it on the floor before the 4th of July, I think that it is clear it will not be available next week. My own view is that we would probably expect it soon after the 4th of July at the earliest.

Mr. BONIOR. Finally, Mr. Speaker, if I could just raise this issue with the gentleman from Texas, the distinguished majority leader, I wanted to inform the gentleman that we now have 198 signatures on a discharge petition for school modernization.

There are 21 Republicans who have sponsored the Nancy Johnson-Charlie Rangel bill on school modernization. I would hope that this bill could be brought before the body. The need is obvious, all around the country with one out of every three schools having serious school refurbishing and modernization needs.

If I could just take one other minute, I would like to just relay to my colleague regarding a school that I visited in the Detroit area recently. It was built in 1926, and it was built to hold 900 students. It has 1500 students in it, 40 to a classroom, many of the obvious problems that we see with our schools, windows, heating problems, the unavailability of privacy in bathrooms, water not working.

These issues are prevalent in our schools throughout the country. Many of our schools need support in the endeavor to refurbish and to modernize. And there is bipartisan support for this bill.

I am just hoping that Members on the other side of the aisle will ask their leadership to bring this bill to the floor. If they do not, I am hopeful that they will join us to go to 218 so we can discharge it.

Having said that, I thank my colleague for his schedule for the remainder of the week and next week and I wish him a good weekend.

Mr. ARMEY. I thank the gentleman.

ADJOURNMENT TO MONDAY, JUNE 18, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. ISSA.) Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, JUNE 19, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, June 18, 2001, it adjourn to meet at 12:30 p.m. on Tuesday, June 19, 2001, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1400

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with on Tuesday next.

The SPEAKER pro tempore (Mr. ISSA). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HAPPY FATHER'S DAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it be the express will of this body that every father in America have a glorious weekend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FERC LIKELY TO PUT NEW LIMITS ON CALIFORNIA ENERGY PRICES

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I am very pleased to report here, on Flag Day, that the oil industry forces of George II are in retreat. A few weeks ago, the Duke of Halliburton, Mr. CHENEY, met with the Oregon, Washington, Montana, and Idaho delegations and said there is no problem, we are not doing anything. Then a few days ago he met with the California delegation and stiffed them in the same way.

Now it turns out in today's newspaper, which I will enter into the RECORD, an article from the Washington Post, they are in retreat. They are going to go down to FERC and finally ask FERC to do what the law says it must do, that is, cap unreasonable prices in electricity.

The United States west of the Rockies has been ignored by this administration, but they are now en route. They are running for the hills. They have dropped their guns. They have torn off their uniforms, and they are running to hide down at FERC.

They are not going to get away with putting in something down at FERC that just does a little something. We want real caps on those gougers. Vote for the Anti-Gouging Act of 2001.

[From the Washington Post, June 14, 2001]

FERC Likely To Put New Limits on California Energy Prices

(By Mike Allen and Juliet Eilperin)

A federal agency plans to impose new limits on California energy prices next week, according to senior government officials, a move that would offer President Bush and Republican lawmakers relief from an increasingly thorny political problem in the nation's largest state.

The Federal Energy Regulatory Commission plans to hold a special meeting Monday to take up possible solutions to California's power crunch. And officials said yesterday the leading proposal would control the wholesale price of electricity throughout the West around the clock.

Such a measure would expand a rule that applies only to California and only during the most severe power shortages. Gov. Gray Davis (D) has said the current program is shot full of loopholes and does not benefit consumers. Under the new proposal, the government would set a target price—generous enough to permit a profit for efficient producers—and companies would have to justify higher prices in writing, officials said.

The move comes as concern is growing among congressional Republicans that the Bush administration and its GOP allies were losing the political battle over California's energy crisis—and that it could affect the party's fortunes in next year's elections.

House Majority Whip Tom DeLay (R–Tex.) has assigned a team of Republicans to help deflect legislative attacks on Bush's energy policies, and has instructed members to deliver daily floor speeches defending the administration's plans. House Republicans took up Bush's broader energy bill—which focuses on stepping up production—in earnest yesterday in an effort to pass it by midsummer.

Congressional Democrats have been increasing pressure on the administration to address quickly the skyrocketing electricity prices and power shortages in Western states. Sen. Joseph I. Lieberman (D–Conn), the new chairman of the Governmental Affairs Committee, plans to hold a hearing Wednesday—two days after the commission meeting—to examine federal regulation of energy, and his main witness will be Davis.

House negotiations on a bipartisan emergency energy bill for California broke down last week just as Democrats were taking control of the Senate. In response, Rep. W. J. "Billy" Tauzin (R–La.), chairman of the Energy and Commerce Committee, and 14 other GOP lawmakers seized on a proposal by Rep. Doug Ose (R–Calif.) to make FERC's rules apply around the clock. Tauzin wrote FERC Chairman Curt Hebert Jr. to urge its adoption.

Hebert scheduled the unusual FERC meeting shortly thereafter. "Nobody would disagree with the urgency of the situation and the need for the commission to act promptly. We're working feverishly to do that," said Walter Ferguson, Hebert's chief of staff.

The commission, composed of three Republicans and two Democrats, is independent. Members are appointed by the president and confirmed by the Senate. Bush and key members of the commission have said repeatedly that they have ideological and practical objections to an absolute cap on the wholesale price of electricity, which Davis has argued is the best way to prevent electricity from becoming unaffordable this summer.

Federal officials said the commission's less-stringent measure—"face-saving," Democrats called it—would help stabilize power prices while overcoming White House and commission members' objections to a cap.

"We aren't overly concerned that this will discourage generation like real price controls would," a White House official said. "A hard cap would be disaster. It would cause electricity generators to shut down."

Another White House official said that the administration would not take a formal position until the commission has voted and the details are clear, but added that the measure sounded acceptable "in theory."

"The president has been calling on the Federal Energy Regulatory Commission to be vigilant in making sure that illegal price gouging does not occur in California or elsewhere," the official said.

A California Democratic official said, "They realized they have been taking a beating on this issue, both in California and nationally. This is the equivalent of Bush saying, 'Uncle.' "

However, Davis said at a news conference in Sacramento that he remains "a doubting Thomas" about the prospects for dramatic action from the commission. "I've been fighting FERC for over a year," he said. "The federal government has not been doing its job. If they finally do, I'll say, 'It's about time, but thank you.' "

Sen. Dianne Feinstein (D–Calif.) said the measure being considered "would be a flexible price cap, set at the price of least-efficient megawatt of the least-efficient plant."

"Price mitigation appears to be a way to avoid using the words 'price cap' or 'cost-based rate,' which some members of FERC and the Bush administration find objectionable," Feinstein said. "I don't care what they call it, as long as they get the job done."

In April, FERC issued a price restraint plan that established cost-based price ceilings for generators selling wholesale power in the state, but limited the measure to power emergencies when California's available power reserves drop below 7.5 percent of demand. The order is credited with helping bring down California's electricity prices, which dropped below $100 a megawatt hour statewide last week for the first time since the crisis began last autumn. Fuel conservation, milder weather and increased generating capacity also have played a part.

House Republicans, after the first hearing on Bush's energy package yesterday, held a closed-door meeting with administration officials and outlined an ambitious schedule for enacting it. According to participants, House panels would pass legislation over the next several weeks so the entire chamber could vote before the August recess.

The meeting in DeLay's office included more than a dozen House members as well as Energy Secretary Spencer Abraham, Interior Secretary Gail A. Norton and Environmental Protection Agency Administrator Christine Todd Whitman.

Much of the meeting focused on how the GOP could fight Democratic attacks more effectively. Abraham suggested Republicans could rebut the Democrats' arguments because they were based on "flimsy evidence," while DeLay argued his colleagues could not afford to be passive, sources said.

"We want a proactive message," DeLay told the group. "We want solutions, not rationing."

Democrats are convinced the GOP is politically vulnerable on the question of energy, and they are determined to hammer away at the theme to boost their chances in next year's election. "The environment is an issue that could decide many swing congressional districts in 2002," said Rep. Edward J. Markey (D-Mass.), who questioned Abraham sharply yesterday during an energy and air quality subcommittee hearing.

The party has already run a series of radio ads on the energy crisis in the districts of several vulnerable members, and House Democrats now regularly hold news conference accusing the GOP as being beholden to special interests.

Staff writer Peter Behr contributed to this report.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DISTURBING DEVELOPMENTS IN THE NAGORNO-KARABAGH PEACE PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this afternoon to discuss some disturbing developments in the Nagorno-Karabagh peace process among Armenia, Azerbaijan and Nagorno Karabagh.

In April, the leaders of two of these nations, Armenia and Azerbaijan, met in Key West, Florida, and all indications were that they were getting closer to reaching a peace agreement. Despite such indications, Azerbaijan's president, Jeydar Ailyev, has effectively called a halt to the peace process, and now declares that Azerbaijan is "ready for war at any time it is needed".

Obviously, Mr. Speaker, this statement not only does not promote peace, but actually serves to increase tensions. If Azerbaijan's leader is serious about ending the conflict between his country and Armenia, he should stop catering to militant factions within his country. This conflict has been going on for over 10 years now and is being unnecessarily drawn out by Mr. Ailyev.

Mr. Speaker, the United States is one of the co-chairs of the Minsk Group, the body under the Organization for Security and Cooperation in Europe, the OSCE, charged with facilitating a negotiated settlement to this dispute. Besides the political investment in the peace process, our Nation also has a vested interest to bring about stability in this region.

In order to achieve this, Azerbaijan and Armenia must embrace greater economic integration, development of infrastructure and cooperation in other areas. This is the path that President Ailyev must be encouraged to follow. Indeed, the benefits to his country would be significant by opening his nation to substantially more trade, investment and assistance. However, any kind of economic cooperation between the two countries must begin with Azerbaijan lifting a decade long blockade on Armenia.

Mr. Speaker, section 907 of the Freedom Support Act makes the United States' position on this blockade very clear to Ailyev, and he has tried unsuccessfully to demand repeal. What section 907 does is to effectively limit some forms of direct American aid to Azerbaijan until that country lifts its blockades of Armenia and Karabagh. It is important to know that this law has no effect on humanitarian aid, democracy building measures, as well as OPIC, TDA and Ex-Im engagement.

Mr. Speaker, I would also like to strongly encourage Mr. Ailyev to drop the refusal to accept direct participation of representatives from Nagorno Karabagh in the negotiations. The Nagorno-Karabagh conflict is not only a bilateral dispute between Armenia and Azerbaijan. While these countries must obviously be part of the negotiations and the final settlement, the people of Karabagh, who have their own democratically elected government, must have a seat at the table. After all, it is their homeland and their lives that are at stake in this peace process. No one else should be allowed to make life and death decisions for them.

Armenia and Nagorno Karabagh have continued to reiterate their commitment to the peace process even in the face of stalling and the ongoing threatening comments coming from Azerbaijan.

These tactics are nothing new. In November of 1998, the OSCE submitted a comprehensive peace proposal to Armenia, Azerbaijan and Nagorno Karabagh. Despite serious reservations, both Armenia and Nagorno Karabagh accepted a peace proposal as a basis of negotiations. Azerbaijan summarily rejected it.

On June 14, 1999, the Azeri military attacked Karabagh's defensive forces along the Mardakort section of the Line of Conflict between Azerbaijan and Karabagh. Representatives of the OSCE, who visited the area, confirmed this act of aggression.

Mr. Speaker, Armenia's Foreign Minister, Vartan Osakian, said this past week that Armenia was ready to resume talks. He also urged Azerbaijan not to deviate from the "Paris principles", the understanding developed by the Armenian and Azerbaijani presidents during two rounds of talks in the French capital in January and March, and in Key West in April this year.

According to Ambassador Carey Cavanaugh, the U.S. representative to the Minsk Group, these negotiations have made real progress. He stated in an interview with the U.S. Department of State that both presidents felt that, after their last meeting, that substantial progress had been made that exceeded both their expectations.

Mr. Speaker, Armenia and Nagorno Karabagh are ready to settle this dispute. They have fully committed to peace and have fully cooperated at every turn with OSCE representatives. They have taken risks for peace despite a decade-long blockade of their countries and frequent acts of Azerbaijani aggression.

I strongly urge President Ailyev, if he is serious about peace, to come back to the negotiating table, cease all calls for military action, and end the oppressive blockade against Armenia and Nagorno Karabagh.

PRE-AUTHORIZATION REQUIREMENTS OF THE STANDARD TRADE NEGOTIATING AUTHORITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, as the United States grapples with an historically large trade deficit, and many of our farmers and manufacturers face growing and cumulative competitive disadvantages in the international marketplace, the time has come for Congress to work with the administration on behalf of a stronger trade policy.

Clearly, the centerpiece of a new and more aggressive trade policy has to be new authority which allows our government to pursue trade agreements that level the international playing field for American workers and American products. Congress must act quickly and firmly to give our trade negotiators the authority they need to defend our interest and open distant markets to the creation of our sweat, ingenuity and freedom.

Last week, I outlined to the House the major provisions of my bill, H.R. 1446, the Standard Trade Negotiating Authority Act. At that time, I promised this House I would return and discuss at greater detail the major components of this bill.

Today, I would like to focus on the pre-authorization requirements. This section requires the President to consult with Congress and receive an affirmative vote to authorize the initiation of trade negotiations with any country or countries before proceeding with them. WTO negotiations, which are already authorized by existing agreements, would be exempt from this pre-authorization requirement.

Mr. Speaker, Section 8 of Article I of the Constitution specifically grants to Congress the authority to regulate commerce with foreign nations. Unfortunately, over the last several decades, Congress has almost entirely ceded the policy making initiative over this increasingly vital part of our national economy. Under Fast Track, we eliminated our oversight and opportunity to influence the outcome of potentially far-reaching agreements to one single up-or-down vote.

I believe this lack of input and transparency has led directly to the increasing controversy surrounding trade agreements and the inability of the Nation to have an intelligent and conclusive discussion about trade policy.

For example, NAFTA was never contemplated during the Fast Track authorization then in existence. In 1988, when we last authorized Fast Track authority, NAFTA was not even discussed. But within a couple of years, NAFTA was brought back in toto for an up-or-down vote.

Likewise, the 1994 GATT agreement included changes to section 201 and 301 of our trade laws, the antisurge and antidumping provisions, without any prior discussion in Congress.

How then would the pre-authorization requirements of H.R. 1446 address these concerns?

First, Mr. Speaker, my bill provides ongoing authority for the President to negotiate any trade agreement, providing first that he receives approval from Congress in the form of a vote to specifically authorize that negotiation along with its scope and its objectives.

This means that each negotiation can be considered under its own merits and provides for a systemic review by the Congress while there is still some time to affect the outcome.

There will be no more surprises, not for us, and more importantly not for the people we represent.

Under this legislation, 90 days before entering into trade negotiations, the President would formally notify Congress of his intention to proceed. The International Trade Commission would also be required to complete an assessment of the potential impact of the agreement on the U.S. economy.

Legitimate labor and environmental concerns would find voice in this process through the establishment of a Commission on Labor and the Environment. The Commission would issue a report to Congress and the President laying out specific concerns and negotiating objectives prior to the vote by Congress on pre-authorization.

This careful review process allows the Congress to deal with the reality that not all proposed negotiations are created equal.

It is certainly the case that a bilateral trade agreement with Australia would raise very different issues and different concerns than one with Egypt or Laos.

Hemispheric trade proposals may raise labor and environmental concerns which have no relevant place in a negotiation involving financial services or competition policy.

For these reasons, our negotiating strategy and goals must be flexible if we are to maximize the opportunities before us. The law should recognize this reality while still remaining true to our constitutional obligations as a Congress.

Some may attack this proposal because it would require two votes by Congress, not just one, one before a negotiation and one to approve the final agreement. I say so much the better.

The government should speak plainly and honestly to our citizens. Our trade policy should be shaped in direct consultation with working families throughout the United States, speaking through their elected representatives.

Goals and objectives should be spelled out. Details matter. If we want to restore the faith of Americans in trade agreements, we must be forthright in spelling out our objectives, and we should have nothing to hide.

Pass this legislation and give the administration the authority they need.

TROUBLE IN THE PHILIPPINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I want to draw the House's attention today to the events that are unfolding in the Philippines, an area that is only 3 hours by flying time to my home island of Guam.

I am troubled by the recent events unraveling in the Philippines in regards to the allegations that the Abu Sayyef, a band of separatists from the southern Philippines, have kidnapped and have killed an American, this is still unconfirmed, and are holding some 20 more people, including two other Americans, as hostages.

I happened to be in Manila on an official visit over the Memorial Day recess when this tragedy occurred. As the lead official from the U.S. at the time in the Philippines, I participated in a number of meetings which were designed to try to help deal with the crisis as well as many other issues that were affecting Philippine-U.S. relations.

Today, I would certainly urge each and every American to continue to support President Gloria Macapagal-Arroyo in her heroic and courageous efforts during this very tense standoff. She has made it clear up till now that she intends to stand firm and not pay any ransom for this most recent rash of kidnappings in her country.

The United States and the Philippines have a very long and proud history of friendship and cooperation, although not always in agreement on each and every issue, thus punctuating the need to continue to work closely with the Philippines in helping them resolve this internal crisis.

I understand that the new administration's, President Bush's administration, strategy review is expected to cast the Asian Pacific region as perhaps the single most important region for military planners. I cannot agree with this renewed focus more. Of course it will bring more attention, not only to my home island of Guam, but to our relationship with the Philippines.

While in Manila, I met with President Arroyo, participated in a series of discussions with Vice President Guingona, who is also concurrently the Secretary of Foreign Affairs, about the implementation of the visiting forces agreement between the U.S. and the Philippines which was formulated in 1999.

☐ 1415

This positive step forward hopefully will revive and reinvigorate the security relationship between our two countries, which has declined following the U.S. withdrawal from the military bases there in 1992.

I also drew attention to some of the cleanup issues that are remaining from Clark Air Force Base and Subic Bay Naval Station, formerly U.S. sites, which I also visited. I think it is important that we have a clear understanding of the problems that continue to exist. Last month, the House passed my amendment to the foreign relations authorization bill, which encourages a nongovernmental study to examine environmental contamination and any health effects emanating from these former U.S. facilities. I want to make clear that the United States is not legally required to provide cleanup, but we continue to have a moral obligation to at least investigate and do what we can.

A new study on May 14 by the RAND organization entitled "U.S. and Asia—Toward a New U.S. Strategy and Force Posture" reinforces the current administration's thinking by outlining the importance of an engaged United States in the Asia-Pacific theater. This study argues that the U.S. engage in new relationships with the Philippines and with Guam. Specifically, the study reports that the U.S. should expand cooperation with the Philippines and that the Philippines may present an interesting opportunity to enhance Air Force access in the western Pacific. I could not agree any more with that study.

The Philippines is an important country to the United States, not only because of our long historical relationship but because of our new strategic posture and challenges that we face in this century. I urge all House Members to consider this information and to consider this important piece of our puzzle, our strategy puzzle, in the Asia-Pacific region.

PRESIDENT PROPOSES TO CEASE LIVE COMBINED ARMS TRAINING ON VIEQUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I am disappointed to come to the well today to learn that President Bush is proposing to cease live combined arms training on the Puerto Rican island of Vieques by 2003. In short, the President and his administration are ignoring the issue of military readiness and national security.

In opinion editorials, congressional testimony and official DOD press releases, the Commandant of the Marine Corps, General James Jones, and the former Chief of Naval Operation, Jay Johnson, repeatedly stressed to the Clinton administration the importance of combined arms training at Vieques. Their simple and continued message has been very clear: "Without Vieques, the Second Fleet cannot train, evaluate, or certify Battle Group/Amphibious Ready Group teams for combat operations."

In fact, Admiral Johnson testified in a hearing in 1999 that "Vieques is not only the sole training facility on the East Coast that offers crucial combined live arms training, the range also serves as a model for the world because it offers the ability to conduct actual time synchronization of air, ground, surface, and subsurface components with live ordnance."

Even former President Clinton's special panel on military operations on Vieques concluded that "the separation of certain aspects of current training into their component parts cannot replicate the ideal solution that has been available by the integration of all operational activities at Vieques."

Meanwhile, it appears that this decision will and could perhaps put American men and women at risk in the future. Why? Because it denies them the necessary combined arms training needed to succeed in combat operations. From World War II through our most recent crisis in Kosovo, our Nation's military has been able to meet our Nation's call to arms because of the preparation we afford them at training ranges all over the world but in particular here at Vieques. History has taught us the success or failure of our Nation's military and the risk of loss of life is a direct function of the preparation we afford them prior to combat. Closing the Vieques training range will result in a significant loss of critical combat training, which is essential to our Navy and Marine forces.

Whether it was the Gulf War, that I participated in, or other military operations, we are beginning to dull our own Nation, as if we can place our men and women at risk and somehow, if we are able to conduct these operations with standoff weapons, that there will be no risk of life. We should fall upon our knees and thank the military leaders, those tough NCOs that are out there, those master sergeants, those lieutenants and company commanders who are doing the tough training, because that is what saves lives on the battlefield. And when they train on the ground, it has to be coordinated not only from the sea but also from the air for a combined operation.

I was on the island of Vieques. They need to be able to land the Marines, and the Marines landing need to be able to call in; whether it is naval gunfire, whether it is artillery, or whether calling in from the ship to air, the air to land, but all coordinated on one point. Why? To increase the lethality. Now that sounds brutal, but what is fighting our Nation's wars about? It is bringing lethality to a particular point in time so we can win on the battlefield.

So I am very disappointed that someone down at the White House or others have made judgments without being very good listeners to our military planners, and I appeal, I appeal to the administration to rethink what they have done here. There is absolutely no substitute for training with live ammunition. Do not succumb to the temptation that live fire combined with arms training on Vieques can be duplicated elsewhere or overemphasize simulation technology. While simulation is valuable training, our servicemen and women will ultimately be playing Nintendo and think that that is war.

Finally, Mr. Speaker, let me remind the President of the United States, this Congress, and the American people about the essence of combat operations. In short, combat is to close with and destroy the enemy by firepower and maneuver and/or close combat. This applies to all aspects of military operations, whether it is air, whether it is on land, or whether it is sea. It is dirty, it is ugly business, and war fighting requires the confidence and ability to handle live fire.

FATHERHOOD RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I have introduced today a resolution to promote responsible fatherhood for Father's Day.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in addition to supporting the great efforts of the gentlewoman from Indiana, I would like to be able to acknowledge that we are filing today H. Res. 166 that will commemorate and thank all of the valiant heroes and volunteers in the city of Houston and surrounding areas through Tropical Storm Allison.

Might I say, Mr. Speaker, that these volunteers deserve this recognition. They are still out on the battlefield fighting, and there are those who are still suffering as well as those who have lost their lives. We will honor these volunteers with H. Res. 166, signed by a large number of the members of the Texas delegation, and thank them for the valiant effort they performed during Tropical Storm Allison.

And I thank the gentlewoman from Indiana for yielding to me, Mr. Speaker.

Ms. CARSON of Indiana. Mr. Speaker, I wish to let the gentlewoman from Texas know that my heart goes out to her and all the people who were affected by that devastating flood situation in her district.

Mr. Speaker, I have introduced a resolution to promote responsible fatherhood on behalf of Father's Day. Twenty-nine members of the Congressional Black Caucus, including the gentleman from Illinois (Mr. RUSH), have joined me as cosponsors of the resolution.

In introducing the resolution, Mr. Speaker, we aim to raise the awareness of the importance of fathers being involved in the lives of their children. I understand that all men are not deadbeat dads, some men are simply dead broke. I am probably one of the very few Members of Congress who knows personally what it is like to grow up in a home without a father. My experience growing up fatherless is what has stirred my passion to become a leader in this movement.

Fatherlessness affects our children in more ways than we can count, preventing our children from fully reaching the potential we know they have within. While there are millions of fathers who actively support their children, there are many others who do not due to financial or social circumstances. Many absent fathers are part of the working poor and may wish to aid their children but simply cannot financially.

The goal of the fatherhood resolution is to promote responsible fatherhood, the emotional and financial support of one's children. In wishing all of God's children, all of our Father's children, a happy Father's Day, which is coming up on Sunday, I wanted to call my colleagues' attention to the promotion of this effort, of the bill that we have in, H.R. 1300, which would authorize block grants to fund programs at the local and State level, nonprofit organizations, et cetera.

The Responsible Fatherhood Act of 2001 has already garnered broad bipartisan support in both the House and the Senate, and I would encourage my colleagues to cosponsor this bill to provide men with the tools and the resources necessary to become responsible fathers.

Mr. Speaker, I offer my Happy Father's Day to you too.

MISSILE DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I thought I would take the well and talk a little bit about the hearing that we held today in the Subcommittee on Military Research and Development of the House Committee on Armed Services concerning the issue of missile defense.

What we did today, Democrats and Republicans, is talk to General Kadish, who heads the missile defense program for this administration, for this Nation; and we talked specifically about tests: where are we, what have we done, what works, what does not work, and where do we need to go.

One thing that General Kadish led with, which I thought was very important for Americans to understand, is that we have made progress and that we have accomplished some very important things for America. The first one goes back to the killing of 28 Americans in the Desert Storm operation when Iraqi scud missiles, which are ballistic missiles, they go about 50 percent faster than a 30.06 bullet, came in and hit a concentration of American troops, resulting in 28 deaths. We fired back as much as we could with the then Patriot missile system. At the end of that conflict, we had MIT come in and analyze whether or not we had gotten any of those missiles. One of the experts from MIT said he did not think we got any. The Army said they thought we got about 80 percent, they were not sure, but that we did have some problems.

Well, since that time, since the early 1990s, during Desert Storm, we have developed a missile defense system, now called PAC–3, the Patriot 3 missile defense system, which can shoot down on a regular basis, on a consistent basis, on a reliable basis, those incoming scud ballistic missiles. We have now had eight tests, and every one of those eight tests has intercepted.

I hear a lot of folks talking about whether or not we can hit a bullet with a bullet, because it sounds so impossible. Well, a bullet from one of our Capitol Hill policemen, a 38 bullet, for example, goes about 1,200, 1,400 feet per second. A scud missile goes maybe 7,000 feet per second. That is a scud ballistic missile. So it goes as much as four to five times as fast as some bullets. And even if we take a very high velocity bullet, a big-game rifle or a rifle that one would use on the battlefield, like a 30.06 that goes about 3,000 feet per second, a scud missile even goes about twice as fast as that bullet.

□ 1430

And the Patriot missile system that we fire at that thing, goes in excess of 4,000 feet per second. So both the target missile, that is the ballistic missile, and the missile that we shoot up to knock it down, go faster than a bullet. And eight times in our tests, we have successfully hit a bullet with a bullet.

What does that mean. Well, it means to Americans who are thinking, as they sit around the breakfast table with their family and child who may join the armed services and be stationed in the Middle East or on the Korean peninsula, it means that this country, in response to the missile threat, working as hard as it can in developing technology as quickly as possible, has developed a defense, at least against these scud missiles that are being proliferated around the world, which we are apt to see in a conflict in the near future.

It means when you have a base camp with a Marine expeditionary unit filled with 19- and 20-year-old kids from all of the farms and cities of this country or a part of the 101st Air Mobile Brigade out of Fort Campbell, Kentucky or an Air Force unit stationed somewhere enforcing the no-fly zone, it means if our adversaries launch a ballistic missile, that is a pretty slow ballistic missile as they go, but still as fast as a bullet, if they launch a scud missile attack at that contingent, our PAC–3, our Patriot 3 system which we are now in the business of fielding, we have tested it, would be able to handle that attack and allow our young men and women to come home alive.

So we established that. Now, General Kadish, having established that, showed the members of the Committee on Armed Services the footage of a number of tests that we have made. He said, We have missed some; and we have hit some. He laid out a program that we need to undertake in the next 5–10 years to develop a capability that is better and better. We are moving ahead. We are going to have robust testing. We are going to defend America.

FATHER'S DAY IS ABOUT MORE THAN PRESENTS

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, all over America we are hearing the words, "Happy Father's Day." I come to the floor this afternoon to remind America that Father's Day is about more than presents. What are the children without fathers to do?

Fully a third of our children in our country are without fathers, being raised by one parent, usually a woman. The numbers are increasing at an alarming rate. The only thing harder than raising children is one parent raising children. Often that is the case today. If there are one-third of children without fathers today in the home, in the African American community that number is two-thirds.

The results are appalling to family formation. Chronic joblessness among black males, disproportionate numbers in prison which keep family formation from occurring in the usual way, led me to search for answers. I have been involved in a number of activities, and the most recent was inspired by the Million Man March in 1995. I was concerned that something concrete should come out of this march to capture the energy of almost a million African American men coming to Washington to indicate they were going to do something about reconstruction of their communities and of black family life itself.

Yet when they went home and said what am I to do, well, some in fact found lots to do. But for the average unaffiliated black man, there was nothing to capture that energy.

Mr. Speaker, I believe that government and business and unions and communities ought to have a response so that this energy could be used to the highest and best effect. I conceived the idea of a commission on black men and boys that would allow black men and boys in the District of Columbia to get together to indicate what to do and how to do it. Recently we received funding from the Department of Labor.

This commission, set up in the District of Columbia, will be holding hearings; will identify available sources of government and community and private assistance for black men and boys in the District of Columbia; and will point out what the successes are and what the needs and gaps are. The point is it is not another study, ladies and gentlemen. We know the problem is acute. This is an opportunity to get down to brass tacks, tackling one of the great problems in our country which is fatherlessness, one-parent homes in the African American community, rapidly spreading throughout the United States.

George Stark, the former Redskins offensive lineman, is the chair. We have one of our former police chiefs on the commission, the president of the District of Columbia student body, a high school representative, and other men in the city who have been involved in the activities of black men and boys.

The most important manifestation of the accumulated difficulties of African American men is the failure to form families and extraordinary patterns of family disillusion. This is a frightening trend that is traced to an essential actor in the African American community: the black male. We cannot do without him. Black feminists like me have been able to draw attention to what has happened to the women raising these children alone, what happens to girls who get pregnant when they are teens. We are bringing that down. It is time to focus on the black man, the other essential actor.

When we do so, we can halt this frightening trend which is already having domino generational effects that endanger the children of the African American community. Further delay in bringing a strong, concentrated focus on black men and boys before they become men quite simply threatens the viability of the African American community as we have known it historically in our country from slavery to this very moment.

We hope that our own Commission on Black Men and Boys here in the District of Columbia will serve as a model for what other communities can do to bring a focused attention led by black men and boys themselves on an urgent problem in the African American community and in America at large.

REBUILD MILITARY TO ENSURE THAT FREEDOM AND NATIONAL SECURITY ARE PROTECTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the gentleman from California (Mr. HUNTER) was on the floor just a few minutes ago talking about missile defense systems and the need for missile defense systems.

I would like to speak today about some of the activities of China selling military wares to Cuba. In my district, and I have the privilege to represent the third district of North Carolina, we have Camp Lejeune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and actually a Coast Guard base in Elizabeth City. I am proud to represent a district where there are so many men and women in uniform that are willing to die for this country; and certainly those who are retired, veterans and retirees, I thank them for their service.

I am concerned that too many times we in this country take our freedoms for granted, and that is somewhat normal. But having a military district and being on the Committee on Armed Services, along with the gentleman from California (Mr. HUNTER), I am concerned that too many times we, as Americans, take freedom for granted. This is a very unsafe world we live in. There is a need to spend money to rebuild the military to ensure that the freedoms that we enjoy and the national security of this Nation, that we are well protected.

I want to bring up a couple of points. This is a Washington Times article from Wednesday, March 28, 2001. Admiral Blair was speaking to the Senate Committee on Armed Services, and he warns of perilous buildup of Chinese missiles. I want to read this quickly.

Mr. Speaker, the commander of U.S. forces in the U.S. Pacific told Congress yesterday that "'China's ongoing missile buildup opposite Taiwan is destabilizing, and will lead to a U.S. response unless halted. Over the long term, the most destabilizing part of the Chinese buildup are the immediate-range and short-range ballistic missiles, the CSS–6's and 7's, of the type that were used in 1996 to find the waters north and south of Taiwan,' said Admiral Dennis Blair, the Pacific commander leader."

I wanted to share that, Mr. Speaker, because again I think that we as a Congress understand our constitutional duties, and that is to ensure that we have a strong military.

Tuesday of this week another one of our colleagues, the gentleman from Pennsylvania (Mr. PITTS), who is a veteran of the Vietnam War, came on the floor talking about China selling military materials to Cuba. I wanted to come to the floor with this enlargement of the Washington Times article that he made reference to that says China is secretly shipping arms to Cuba, and just again to say to my colleagues in the House as well as the Senate, soon we will be debating an emergency supplemental for our military. I think it is $5.8 billion, I wish it were closer to $9 billion, but we will debate that issue later.

This is an unsafe world, and we must be sure that we are well prepared to defend the national security interests of this country because as we all went back on Memorial Day to pay homage to those who have given their life as well as to those who have served, we must always remember that freedom is not free; and to ensure that we have the freedoms that we enjoy, we must continue to invest, as the gentleman from California (Mr. HUNTER) was saying, in a missile defense system.

And I am saying today, as have many of my colleagues on both sides of the aisle, and the gentleman from Missouri (Mr. SKELTON) has been on the floor talking about this issue, he is the ranking member of the Committee on Armed Services, this year we must be sure that we work with a President who campaigned and said that we need to rebuild the military.

Mr. Speaker, I thank the men and women in uniform; and I say respectfully, God bless America, and God bless those who served this Nation.

CONGRESS NEEDS TO ADDRESS DRUG ABUSE AND DRUG ADDICTION PROBLEMS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes as the designee of the minority leader.

Mr. CUMMINGS. Mr. Speaker, as I listened to the last speaker talk about our national defense, and I certainly agree that we must do everything in our power to make sure that our country is safe, I come before the House this afternoon to address another issue that certainly goes to our national defense. It is one that if we are not careful to address from many different angles, we will find that it will erode our country from the inside.

Mr. Speaker, that is the subject of drug abuse, drug addiction, how to address this problem in this new century.

Just a few weeks ago, President Bush announced his nominee for director of the National Drug Control Policy Agency. As ranking member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources and one of the representatives of Baltimore, a city plagued by drugs and its related social ills, I must stress to my colleagues the importance of drug treatment and the significant role it plays in our national drug control policy.

I appreciate the fact that President Bush and the nominated ONDCP director, John Walters, both of them have affirmed their commitment to increased funding for drug treatment and prevention.

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I look forward to reviewing their proposals. We must work together to ensure that drug treatment dollars spent are spent effectively and efficiently and that they work to save lives, families and eventually entire communities.

Drug addiction is a disease that poses a serious national public health crisis which requires a strong Federal response. If we do not act now, a whole new generation of Americans will be exposed to the high social, economic and health costs associated with addiction. In this Nation today, the annual economic cost of drug abuse and dependence in loss of productivity, health care costs and crime have been estimated at $256 billion. Before I discuss how drug treatment works to address the crisis, I must first outline the impacts drugs have had not only on my City of Baltimore but also on this Nation as a whole. In many instances, it disproportionately targets minorities.

Like many communities in our Nation, Mr. Speaker, Baltimore, Maryland and its populace have suffered from the ill effects of drug addiction and its related crime. The low price, high purity and availability of heroin in the city have had a dramatic impact on the city's population. According to the Drug Enforcement Administration, one out of eight citizens of the City of Baltimore is addicted to drugs. They spend an estimated $1 million a day on illegal drugs in the city. In 1998, 252 of the 401 heroin overdoses documented in Maryland occurred in Baltimore City. Baltimore is ranked second in the rate of heroin emergency room incidents and, as in many urban areas, illegal drug activity and violent crime have gone hand in hand. Open air drug markets in areas that are known for drugs are not only havens for drug dealers, users, customers and criminals, but are also hot spots for violent crime. It is estimated that more than 70 percent of crimes are committed by individuals that are under the influence of drugs.

The Baltimore-Washington region has been designated as a High Intensity Drug Trafficking Area, better known as a HIDTA. Established in 1994, it is one of the 28 antidrug task forces established and financed by the White House's Office of National Drug Control Policy. The Baltimore police department estimates that 40 to 60 percent of homicides are drug-related. Baltimore has endured 10 straight years of more than 300 homicides each year, making it the fourth deadliest city in the United States. I am pleased to say that the year 2000 marked the first time in 10 years our murder rate was below 300.

The city has made tremendous strides in this area. I strongly believe that drug treatment must be made more widely available to low-income users without the prerequisite of arrest and involvement in the criminal justice system. Sadly, low-income drug users are more likely to become involved in the criminal justice system due in part to the shortage of treatment options available to them. Given this shortage, in many inner city areas, drug abuse is more likely to receive attention as a criminal justice problem rather than a social/health problem.

A recently released 3-year study by the National Center on Addiction and Substance Abuse at Columbia University, entitled "Shoveling Up: The Impact of Substance Abuse on State Budgets," reveals that in 1998 States spent approximately $81.3 billion on substance abuse addiction, 13.1 percent of the $620 billion in total State spending. Of each dollar, 96 cents went to shovel up the wreckage of substance abuse and addiction; only 4 cents to prevent and treat it. The study looked at 16 areas of State spending, including criminal and juvenile justice, transportation, health care, education, child welfare and welfare, to detect how States deal with the burden of unprevented and untreated substance abuse. They found that the $77.9 billion was distributed as follows: $30.7 billion to the justice system, $16.5 billion for education, $15.2 billion for health care, $7.7 billion for child and family assistance, $5.9 billion for mental health and developmental disabilities, $1.5 billion for public safety. According to the study, States spend 113 times as much to clean up the devastation that substance abuse visits on children as they do to prevent and treat it.

The study reports that the best opportunity to reduce crime is to provide treatment and training to drug and alcohol abusing prisoners who will return to a life of criminal activity unless they leave prison substance free and upon release enter treatment and continuing aftercare.

Although the State of Maryland is making strides, I believe that we can do more. According to the CASA report, 10.2 percent of the budget is spent on the highlighted programs that deal with societal effects of drug addiction, while only .03 percent is spent on prevention, treatment and research. That means for every substance abuse dollar spent in the State, a mere 3 cents is used for treatment. We can do better.

I am pleased to note that the State of Maryland's drug treatment funding has risen. In fact, Governor Parris Glendening has proposed a $22 million increase in the State funding for drug treatment in the next fiscal year, of which more than one-third will go to Baltimore, where it is desperately needed.

Nationally, over 50 percent of all crimes are committed by individuals under the influence of drugs. The National Institute of Justice's ADAM drug testing program found that more than 60 percent of adult male arrestees tested positive for drugs. The National Center on Addiction and Substance Abuse at Columbia University found that 80 percent of men and women behind bars, approximately 1.4 million, are seriously involved in alcohol and other drug abuse. States estimate that 70 to 85 percent of their inmates need some kind of substance abuse treatment. Less than 20 percent of the inmates receive treatment while in prison.

Although drug use and sales cut across racial and socioeconomic lines, law enforcement strategies have targeted street-level drug dealers and users from low-income, predominantly minority, urban areas.

Unfortunately, this law enforcement tactic has disproportionately and unfairly affected black men. The rate of imprisonment for black men is 8.5 times the rate for white men. Over the last 10 years, black men's rate of incarceration increased at a 10 times higher rate than that of white men. If the current rate of incarceration remains unchanged, 28.5 percent of black men will be confined in prison at least once during their lifetimes, a figure six times that of white men. Black women are incarcerated at a rate of eight times that of white women. The increasing rate of incarceration in general has had a magnified effect on the black population.

Current laws regarding mandatory minimum sentencing are biased at all stages of the criminal justice system. These laws have had a devastating effect on black and Latino communities. The issue can be addressed by ending the disparity between crack and powder cocaine sentencing. The powder form of cocaine that is preferred by wealthier, usually white consumers, requires 100 times as much weight and an intent to distribute to trigger the same penalty as the mere possession of crack cocaine. In 1986, before mandatory minimums instituted this sentencing disparity, the average sentence for blacks was 6 percent longer than the average sentence for whites.

Four years later following the implementation of this law, the average sentence was 93 percent higher for blacks. Possession of crack cocaine, which is prevalent in the African American community, is subject to mandatory minimums. Methamphetamine, which is prevalent in the Hispanic community, receives mandatory minimums. However, for Ecstasy and powder cocaine, which we know are prevalent in the white community, there are no mandatory minimums. We need to establish fair and less racially divisive and polarizing sentencing guidelines.

In reviewing these issues and learning the facts about drugs and crime and their related effects on livable communities, I decided to further explore this issue to identify the problems and what I could do as a Federal legislator to fix them. In March of last year, I requested that the Subcommittee on Criminal Justice, Drug Policy and Human Resources hold a hearing in Baltimore entitled "Alternatives to Incarceration: What Works and Why?" The proliferation of drugs in my city has led to an increase in violent crimes, the creation of profit motivated drug gangs and an increase in the prison population. The combination of these elements has led to the destruction of many of Baltimore's youth, families and communities and has been at epidemic levels far too long.

Programs that combine drug treatment, social services, and job placement are frequently discussed as alternatives to incarceration and as tools in reducing the recidivism rate among offenders. The hearing gave us the opportunity to explore such alternatives in an effort to combat the growing societal cost of drug abuse and criminal activity. Witnesses included the chief of police, political leaders, policy experts and treatment graduates. We learned about a program called the Drug Treatment Alternative to Prison program, better known as DTAP. This program, run by the Kings County, New York district attorney's office, combines drug treatment, social services and job placement. It has saved lives and reduced criminal justice problems, health and welfare costs. With adjustments, I believe that this program could go a long way toward assisting nonviolent offenders to getting on the right path.

Maryland's Great Disciple program initiative is another successful alternative that was discussed during the hearing. The Great Disciple program uses drug testing, treatment and escalating sanctions for failed or missed drug tests to reduce recidivism. The program has cut in half the rate of failed drug tests during the first 60 days of supervision and lowered the probability of rearrest by 23 percent during the first 90 days.

Diversion programs like DTAP and BTC work on the premise that with treatment, social services and job placement, offenders return to society in a better position to resist drugs and crime. Such programs lower the costs associated with incarceration, public assistance, health care and recidivism. Further, they produce taxpayers that can make positive contributions to society.

I am well aware that there is no simple solution to combating this crisis. However, I believe that this hearing provided myself and the chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources with additional perspectives on how to uplift offenders, eradicate drug-related crime and substance abuse and ultimately revitalize communities in Baltimore and nationwide.

Since that hearing, the gentleman from Florida (Mr. MICA), chairman of the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources introduced, and the House passed, H.R. 4493, which seeks to establish grants for drug treatment alternative to prison programs administered by State and local prosecutors.

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On September 14, 2000, during the Congressional Black Caucus Foundation's 30th annual legislative conference, I hosted an issue forum entitled "Fighting the Drug War; Reclaiming Our Communities." The forum featured a viewing of the motion picture "The Corner." It is a six-part miniseries based on the true story of a family in Baltimore, Maryland, and their struggle with drug addiction and the societal and economic effects of drugs in their community.

The film put a human face on the percentages, facts and figures you have heard about this afternoon. It provided a starting point for our discussion of real people, real issues and real lives. The panel included Dr. Donald Vereen, former deputy director of the Office of National Drug Control Policy, Dr. Peter Beilenson, health commissioner of Baltimore, Mr. Gus Smith, father of Kemba Smith, a student who has been incarcerated 24 years with no parole because of current mandatory minimum sentencing laws. I have already discussed issues related to mandatory minimums and racial disparities in sentencing. I am pleased, however, that prior to the end of his last term, President Clinton commuted her sentence. Mr. Charles "Roc" Dutton, Baltimore native and director of "The Corner," was also a part of the panel.

The panel was moderated by Ms. Cherri Branson, former Democratic staffer of the Committee on Government Reform Subcommittee on Criminal Justice, Drug Policy, and Human Resources. Among the various discussion points, those that clearly resonated included the need to address drug problems as a health issue, rather than a criminal justice issue, the treatment gap, and "The Corner."

Many in the audience felt that "The Corner" helped them to understand what drug-addicted persons face on a day-to-day basis. Mr. Dutton spoke eloquently about his experience directing "The Corner," the HBO miniseries about the life in Baltimore's most drug infested neighborhoods.

One day, while Mr. Dutton's film crew was on location in west Baltimore, they heard the unmistakable sound of gunfire. The police officers who were providing security for the filmmakers raced off to the crime scene. When they returned 20 minutes later, they reported that a young man was lying dead in a nearby alley. Two young boys from the neighborhood overheard the police report, and one suggested that they run down the street to see the dead man. "No," the other replied, "we see that stuff every day. Let's stay and watch them make the movie."

Mr. Dutton's account of real life on "The Corner" reveals two of the most chilling side effects of our national drug epidemic. While too many of our young people are dying or living destroyed lives, younger children are becoming so hardened by the carnage that they may never enjoy the innocence of childhood.

We can begin to save young lives by understanding that it is within our power to restore the local economies and social fabric of even our most drug devastated neighborhoods. We need only to apply the necessary will, commitments, and resources to this task.

I am convinced that we can prevail in gaining adequate funding for drug treatment, because the crisis we face is not limited to poor African Americans hanging out on the Nation's urban street corners. Americans everywhere now realize that drugs are one of their biggest problems, too.

In Baltimore we are witnessing a growing grassroots movement that is leading the way toward reversing that appalling distinction. Within the historic East Baltimore Community Action Coalition, the Edmondson Community Organization and Project Garrison, private citizens are combining their personal commitment and their understanding of local drug problems with financial assistance from the United States Department of Justice's Weed and Seed Program and private foundation backing. As a result, these communities are now better able to reclaim their neighborhoods from drug addiction, even as they reclaim their streets from the drug dealers. They understand, as Charles Dutton observed during our Washington forum, that if we want to protect our children, we must do it ourselves.

The statistics, the hearing and the issue forum I have just discussed all point to one important reality: treatment works. Studies show that prevention and treatment programs effectively reduce alcohol and drug problems, but such programs are severely underfunded.

A recent SAMHSA study found that only 50 percent of the individuals who need treatment receive it. Nevertheless, prevention, treatment, and continued research are our best hope for reducing alcohol and drug use and their associated crime, health, welfare and social costs. The 1997 National Treatment Improvement Evaluation Study found that sustained reductions in drug use and criminal activity increased employment and decreased welfare dependence among 5,700 individuals 1 year after they completed treatment. Employment increased by 20 percent and welfare dependence decreased by 11 percent. Crack use decreased by 50 to 70 percent, and heroine use by 46.5 percent. Homelessness decreased by more than 40 percent.

Women's treatment programs show real success. Overall, 95 percent of the children born to women in treatment are born drug free. According to the 1996 data for the Center for Substance Abuse Treatment, Pregnant and Postpartum Women and Infants Program, after treatment 86.5 percent of children were living with their mothers.

Drug treatment means crime reduction. A 1997 National Treatment Improvement Evaluation Study found that with treatment, drug selling decreased by 78 percent, shoplifting declined by 82 percent, assaults declined by 78 percent. There was a 64 percent decrease in arrests for crime, and the percentage of people who largely support themselves through illegal activity dropped by nearly half, decreasing more than 48 percent.

Drug treatment within and outside the criminal justice system is more cost efficient in controlling drug abuse and crime than continued expansion of the prison system. Three-fourths of arrestees test positive for drugs. Only 22 percent have ever been treated for substance abuse. In prison, treatment is only available for 18 percent of inmates.

The Rand study concluded that spending $1 million to expand the use of mandatory sentencing for drug offenders would reduce drug consumption nationally. Spending the same sum on treatment would reduce consumption almost eight times as much.

When we discuss ensuring that our Nation's citizenry has effective and efficient treatment, a cost-benefit analysis is important. For every penny invested in drug treatment, society saves one penny in stolen and damaged property, one penny in victim injuries and lost work, one penny in police and court costs, one penny in jail and prison costs, one penny in hospital and emergency room visits, one penny in preventing infectious diseases and one penny in child abuse and foster care.

According to the California Drug and Alcohol Treatment Assessment, treated substance abusers reduced their criminal activity and health care utilization during and in the years subsequent to treatment by amounts of over $1.4 billion. About $209 million was spent providing this treatment, for a ratio of benefits to costs of 7 to 1.

As I speak of Baltimore, I cannot fail to mention our dynamic health commissioner, Dr. Peter Beilenson, trained at Johns Hopkins University. He has served as a key source of information for me and my staff regarding the extent of the drug abuse and addiction in the city of Baltimore.

In March of last year, Dr. Beilenson had an editorial placed in the Baltimore Sun entitled "How $40 million more can aid addicts."

Mr. Speaker, I will place this editorial in the RECORD.

[From the Baltimore Sun, March 6, 2000]

How $40 Million More Can Aid Addicts

(By Peter L. Beilenson)

The Consequences of Baltimore's drug problem are well-known: 75 percent to 90 percent of all crimes committed in the city are drug-related and 80 percent of all AIDS cases are a result of injected drug use.

Many businesses have trouble locating drug-free employees, and our schools are full of kids coping with at least one drug-affected parent.

If we want to be serious about dealing with Baltimore's high crime and AIDS rates, and improve our economy and schools, then we must be serious in addressing our drug problem—which is 55,000 addicts strong.

Part of the solution is to reform the criminal justice system as Mayor Martin O'Malley is proposing, which will allow the courts to focus on violent drug-related offenders. However, we cannot simply arrest our way out of the drug problem.

Why? Because while we can temporarily clear our streets of the most violent offenders (who are often related to the drug trade), so long as the demand for drugs remains, new suppliers will take their place. The only way to decrease this demand is to significantly expand substance abuse prevention and treatment.

Baltimore's publicly funded drug treatment system treats about 18,000 addicts a year, and does so fairly effectively. In fact, a national scientific advisory group recently called Baltimore's treatment system one of the best in the country.

That doesn't mean it can't be better. The treatment system is about to begin using extensive performance measures to evaluate individual treatment programs.

But the basic fact remains: We do not have anywhere near the treatment capacity we need.

Our best estimate is that about 40,000 addicts each year will request treatment or be required by the courts to receive it.

For this to happen, the treatment system would need an influx of approximately $40 million—in addition to the current $30 million budget.

What would this $70 million buy? It would allow for treatment within 24 hours of a voluntary request or an order from the courts. Immediate care is crucial because treatment is most effective when addicts admit their problem and seek treatment or sanctions are rapidly enforced.

While getting clean is relatively easy, staying clean is harder. The key to long-term success is keeping recovering addicts drug-free. To that end, it is crucial that we address other problems in their lives. Thus, the $40 million would also provide enhanced services on-site at substance-abuse treatment programs in the city, including mental health and medical services, job readiness training and placement, legal services, housing coordination and day care.

Even in this time of economic prosperity and budget surpluses, $40 million in new funding sounds like a lot of money.

But let's put it in perspective: Crime committed by Baltimore's 55,000 addicts costs an estimated $2 billion to $3 billion each year. The consequences of our city's substance abuse problems are so detrimental to Baltimore's health that fully funded and readily available comprehensive drug treatment is absolutely imperative.

I am so convinced of the importance of this funding and the effectiveness of treatment in preventing crime that I will make this pledge in writing:

> If Baltimore's crime rate is not cut in half within three years of obtaining $40 million in additional funding for drug treatment, I will resign.

Additionally, I would like to share some of the information with you now. The article explains why I fight daily for expanded drug treatment and prevention funding.

The drug epidemic we face in Baltimore permeates every aspect of my constituents' lives. Seventy-five to 90 percent of all crimes committed in the city are drug related, and 80 percent of all AIDS cases are a result of injected drug use. Businesses have trouble locating drug-free employees, and our schools are full of kids coping with at least one drug-affected parent.

We have nowhere near the treatment capacity we need. According to Dr. Beilenson, the best estimate is that 40,000 addicts each year will request treatment or be required by courts to receive it. Dr. Beilenson believes that to meet the need, Baltimore City must have at least $40 million, in addition to the current $30 million budget. He believes that it would allow for treatment within 24 hours of a voluntary request or an order from courts. Medical care is most effective when the addicts admit their problem and seek treatment.

Dr. Beilenson further explains that the additional funds would provide enhanced services on site at substance abuse treatment programs in the city, which would include mental health and medical services, job readiness training and placement, legal services, housing coordination, and day care.

What really hit home for me in Dr. Beilenson's op-ed was the way he put it into perspective. Crime committed by Baltimore's 55,000-plus addicts costs an estimated $2 billion to $3 billion each year, so $40 million is like a drop in the bucket when compared to the potential savings. Dr. Beilenson was so convinced that this $40 million was necessary for the city that he pledged to quit his job in Baltimore if Baltimore's crime rate was not cut in half within 3 years of obtaining that funding for drug treatment. That is the commitment, and I thank Dr. Beilenson for his continued work.

When I urge for increased funding for drug treatment services on the floor, in committee, and in "Dear Colleagues," please know that the city of Baltimore has dedicated people like Dr. Beilenson who will use the funds in the most effective and efficient manner possible.

Expansion of drug treatment can stop the spread of AIDS also. In 1997, 76 percent of the new HIV infections were among drug users. Of those diagnosed with AIDS, drug use is linked to more than 36 percent of adult cases, 61 percent of women's cases, and more than 50 percent of the pediatric cases.

Alcohol and drug treatment effectively prevents HIV disease and costs far less than HIV medical care. Needle exchange programs also have been shown to reduce the spread of HIV and open the door to treatment for injection drug users.

In 1996, a National Treatment Improvement Evaluation Study found a significant reduction in risky sexual behavior among individuals who participated in substance abuse treatment. The percentage of individuals who had sex with an intravenous drug user or exchanged sex for money or drugs dropped by more than 50 percent.

As I stated earlier, it is clear that our drug laws, particularly mandatory minimum sentencing, have fallen disproportionately on black males. This has led to the breakdown of many black family units, entire communities, and undermines efforts to reduce the impact of drug use and abuse.

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We do not yet know how effective faith-based drug treatments are. In spite of the fact that faith-based charitable choice provisions have been Federal law since 1996, we have no information on how these programs work.

The General Accounting Office in their 1998 report entitled "Drug Abuse: Studies Show Benefits May Be Overstated," revealed "that faith-based strategies have yet to be rigorously examined by the research community."

Last year, the National Institutes of Health and the National Institute on Drug Abuse, in response to an inquiry from the National Association of Alcoholism and Drug Abuse Counselors, wrote:

> Although there are a number of studies emerging that "faith" or "religiosity" may serve as a protective factor against initial drug use, there is not enough research in the treatment portfolio for NIDA to make any valid conclusive statements about the role that faith plays in drug addiction treatment.

As such, in early April I asked the GAO to investigate the role or effectiveness of faith-based organizations in providing federally-funded social services. If Congress and the President are going to expand the role of faith-based organizations in fulfilling federal mandates via charitable choice, we must have a basis for assessing how these organizations have performed and the effect government support will have on constitutional principles, civil rights, competition within treatment communities, and accountability.

Questions must be asked. Are we prepared to forgo the "separation of church and State" by allowing groups to proselytize with public funds or discriminate in employment and the provision of services on the basis of religion, sex, gender, or race?

Who qualifies? Will we create unhealthy competition, with the more dominant or better-financed faiths winning the prize?

How will our government funds be regulated? Will groups forgo the full expression of religious beliefs in exchange for money? Are we comfortable with our houses of worship becoming houses of investigation?

As the son of two ministers, I recognize the role faith and spirituality can play in helping to treat a person suffering from drug addiction. Make no mistake about it, drug addiction is an illness, and as an illness it requires medical and psychological attention.

Treating drug, alcohol addiction, and abuse is about treating a diseases, it is not about using federal funds to proselytize. It is about providing trained and licensed addiction counseling professionals to assess an individual's needs and method of treatment.

It is not about relaxing State licensing and certification standards for substance abuse counselors. It is about ensuring that our poorest and our least-served receive the best treatment available as they struggle to overcome a devastating disease.

In their time of need, they deserve and must demand accountability in the provision of drug treatment services. Drug addiction treatment demands quality resources and effective treatment. It should not be used as a testing ground for unproven methods of unlicensed professionals.

We must never lose sight of the fact that the federal funding of drug treatment services is a public service, one available to every person everywhere. As a result, public health services must never be placed in a position of competing for federal funds. In treating drug addiction, integrity, accountability, and responsibility must be a part of any treatment package.

According to the National Institute of Justice, 65 percent of inmates in New Jersey released from prison lack adequate access to resources needed in order to live productive lives after incarceration. In Maryland, of the annual 13,000 new commitments to prison, to the prison system, 60 percent are from Baltimore City. Unfortunately, many of these offenders return to the same neighborhoods, and because they do not have an alternative, often return back to the same life of drug use and petty crime.

A recent survey conducted by the Maryland Department of Corrections identified jobs, education, and housing as the top three concerns among returning ex-offenders. Seventy-five percent of Maryland's inmates have not had job training while in prison. Further, the majority of repeat offenders with a sentence of 18 months or less are not in long enough to receive needed skills and training.

Fortunately, community organizations and the Department of Corrections became involved in the Reentry Partnership Initiative. They recognized the increasing need for law enforcement and correction systems to work collaboratively and with community-based service providers to increase the likelihood that returning ex-offenders will stay out of prison, make a livable wage, and become contributing members of their communities.

In mid-September of 2000, Janet Reno traveled to my district to participate in a round table discussion of Baltimore's Reentry Partnership Initiative. At that time, she called on Congress to fully fund the administration's request of $145 million for the reentry initiative in the FY 2001 Commerce, Justice, State, and Judiciary appropriations bill.

That funding would assist State, city, and community partners in their efforts; provide an integrated reentry program to help prepare inmates for their transition from prisons to their communities; develop resources to efficiently manage program services that focus on an offender's needs; partner with private, nonprofit, and other governmental services to maximize the effectiveness of key service providers, and reduce recidivism; cooperatively develop a comprehensive plan that supports an offender's post-incarceration needs, including coping and decision-making skills, and effective use of a variety of community-based social and medical services. The program hopes to serve 250 ex-offenders during the first year.

In 1998, the White House Office of National Drug Control Policy launched an initiative to encourage our Nation's youth to stay drug-free. The campaign targets youths age 9 to 18, particularly middle-aged schoolchildren, adolescents, parents, and other adults who influence the choices of young people.

To get the word out to a range of economic and ethnic groups, the campaign uses advertising, public relations, interactive media, television programs, and after-school activities to educate and empower young people to reject drugs.

The campaign also partners with civic and nonprofit organizations, faith-based groups, and private corporations to enlist and engage people in prevention efforts.

Nearly a year of research went into designing this comprehensive campaign. Hundreds of individuals and organizations were consulted, including experts in teen marketing, advertising, and communication, behavior change experts, drug prevention practitioners, and representatives from professional, civic, and community organizations.

This campaign raises the bar for public service campaigns because it has an unprecedented level of accountability. It has been constantly monitored, evaluated, and updated to ensure that it effectively reaches teens and their parents.

The Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform has held oversight hearings on this campaign. ONDCP has demonstrated that they continue to meet Congress's mandates while remaining cost-efficient and effective.

Last year, former ONDCP director General Barry McCaffrey joined me in Baltimore with a group of students to discuss the campaign and its effectiveness. General McCaffrey mentioned to me that a youth town hall meeting provided him with valuable information to take back to Washington to refine the campaign's message.

The students shared that some people in the ads that they could relate to greatly added to the effectiveness of the message. One ad featuring the singer, Lauren Hill, particularly stood out to them. Several surveys have been released in the past couple months that show that although we have a long way to go towards eliminating youth substance abuse, the media campaign is making strides towards this goal.

I hope that during the 107th Congress, Members will work hard to expand substance abuse and prevention programs so that our Nation's youth can live happy, productive, and drug-free lives.

I requested $2.5 million in the fiscal year 2002 Labor-HHS-Education bill for substance abuse and mental health services in the administration's Center for Abuse Treatment account to assist the city of Baltimore with its efforts to provide expanded drug treatment services.

The city of Baltimore suffers from an enormous drug abuse problem, so much so that the U.S. Drug Enforcement Administration called it the most addicted city in America.

According to Drug Strategies, a national nonprofit research organization that studies drug addiction and treatment programs, Baltimore is home to 60,000 drug addicts. Its six drug treatment facilities are currently running at 104 percent capacity, and several thousand addicts await treatment.

The city currently services 18,000 voluntary or court-ordered drug treatment patients, which is approximately 25 percent of the total number of people seeking treatment.

In fiscal year 2001, Congress provided $2.21 million to assist Baltimore in its effort to provide treatment on request, an innovative drug treatment regimen aimed at ensuring that drug treatment slots are available for every addict who seeks voluntary treatment, as well as those ordered into treatment by the courts.

In order to address the burgeoning drug epidemic in Baltimore, the city health department plans to utilize fiscal year 2001 resources to provide drug treatment services for 1,241 addicts. With an additional investment of $2.5 million in fiscal year 2002, the city would provide 75 additional immediate residential care beds.

Currently, Baltimore has the capacity to provide this 28-day regimen to only 75 people who request treatment. However, the city receives more than 100 calls each day requesting these services. Additional federal funding would enable Baltimore to double the capacity of its current intermediate residential treatment program, improve quality of life, and reduce the crime that is endemic among addicts.

I requested $250 million in the fiscal year 2002 Treasury-Postal appropriations bill for the National Youth Anti-drug Media Campaign. The Office of National Drug Control Policy, in collaboration with the Partnership for a Drug-Free America, coordinates this effective public-private drug prevention media campaign.

The media campaign is an integral, cost-effective, and results-driven component of our national drug control policy, and it is working. Since the campaign was launched in 1998, more kids see risks in drugs. Fewer see benefits.

The critical shifts are fueling an unmistakable decline in drug use, as documented by two leading national tracking studies. Past-year use of marijuana has declined significantly. Congressional funding for the effort has stayed constant since 1998. However, the cost of placing these ads is up 23 percent.

To ensure anti-drug messages maintain their impact, to counter inflation, and to address the rise in new types of drug use, more funding is needed. According to a recent Baltimore Sun article, 45 percent of Americans believe it is a good idea to invest even more funding to protect future generations from the scourge of drug addiction and abuse.

Given the campaign's reach into society and its proven ability to leverage hundreds of millions of private industry dollars, it will surely continue to be one of the most cost-effective demand reduction programs ever funded by the Federal government. It is a wise investment for our country and for our children.

I also supported the $50.6 million funding level in the fiscal year 2002 Treasury-Postal appropriations bill's Drug-Free Communities Act. This effort was spearheaded by the gentleman from Ohio (Mr. PORTMAN). The level of funding is necessary to build and strengthen effective anti-drug coalitions, a central, bipartisan component of our Nation's drug demand reduction strategy.

It is crucial that communities around the country are organized to respond to their local drug problems in a comprehensive and coordinated manner. The DFCA recognizes that federal anti-drug resources must be invested at the community level with those who have the most power to reduce the demand for drugs: parents, teachers, business leaders, the media, religious leaders, law enforcement officials, youth, and others.

□ 1530

The bill makes Federal support contingent upon a community first demonstrating comprehensive commitment to addressing the drug problem, sustaining the effort over time with non-Federal financial support and evaluating the specific initiatives they undertake.

While other priorities will constrain the amount of funding available for discretionary programs, the DFCA warrants the administration-proposed increase. The community coalition approach has proven effective in reducing teenage drug use in communities around the country.

This additional funding will allow hundreds of additional communities to build and sustain effective coalitions that are the backbone of successful local antidrug efforts.

In conclusion, I submit to you that the data is overwhelming, and it is becoming increasingly difficult to help those facing addiction, particularly when we cannot secure desperately needed funding for a comprehensive drug treatment plan.

We know that drug treatment reduces stolen and damaged property, injuries and lost work time, police and court costs, hospital and emergency room visits, rates of infectious diseases and child abuse and foster care.

With appropriate funding, a comprehensive drug treatment plan could address the prevention treatment and after-care services our Nation needs.

After-care services in particular can save jobs, families and lives. Effective after-care includes child care services, vocational services, mental health services, medical services, educational and HIV services, legal and financial services, housing and transportation, and family services.

According to the National Institute on Drug Abuse, the best treatment programs provide a combination of therapies and other services that meet the needs of an individual patient.

Drug addiction is a disease that poses a serious national public health crisis. As such, it requires an adequate Federal response; and if we do not act now, a whole new generation of Americans will be disposed to the high social, economic, and health costs associated with addiction.

Ultimately, my goal is to make Baltimore a livable community through increased services to residents, reduction in crime and drug abuse, and increased citizen productivity.

Mr. Speaker, I include the following story from Time magazine for the RECORD as follows:

[From TIME Magazine, June 5, 2000]

THE LURE OF ECSTASY

The elixir best known for powering raves is an 80-year-old illegal drug. But it's showing up outside clubs too, and advocates claim it even has therapeutic benefits. Just how dangerous is it?

(By John Cloud)

Cobb County, GA., May 11, 2000. It's a Thursday morning, and 18-year-old "Karen" and five friends decide to go for it. They skip first period and sneak into the woods near their upscale high school. One of them takes out six rolls—six ecstasy pills—and they each swallow one. Then back to school, flying on a drug they once used only on weekends. Now they smile stupid gelatinous smiles at one another, even as high school passes them by. That night they will all go out and drop more ecstasy, rolling into the early hours of another school day. It's rare that anyone would take ecstasy so often—it's not physically addictive—but teenagers everywhere have begun experimenting with it. "The cliques are pretty big in my school," Karen says, "and every clique does it.

Grand Rapids, Mich., May 1997. Sue and Shane Stevens have sent the three kids away for the weekend. They have locked the doors and hidden the car so no one will bug them. Tonight they hope to talk about Shane's cancer, a topic they have mostly avoided for years. It has eaten away at their marriage just as it corrodes his kidney. A friend has recommended that they take ecstasy, except he calls it MDMA and says therapists used it 20 years ago to get people to discuss difficult topics. And, in fact, after tonight, Sue and Shane will open up, and Sue will come to believe MDMA is prolonging her marriage—and perhaps Shane's life.

So we know that ecstasy is versatile. Actually, that's one of the first things we knew about it. Alexander Shulgin, 74, the biochemist who in 1978 published the first scientific article about the drug's effect on humans, noticed this panacea quality back then. The drug "could be all things to all people," he recalled later, a cure for one student's speech impediment and for one's bad LSD trip, and a way for Shulgin to have fun at cocktail parties without martinis.

The ready availability of ecstasy, from Cobb County to Grand Rapids, is a newer phenomenon. Ecstasy—or "e"—enjoyed a brief spurt of mainstream use in the '80s, before the government outlawed it in 1985. Until recently, it remained common only on the margins of society—in clubland, in gay America, in lower Manhattan. But in the past year or so, ecstasy has returned to the heartland. Established drug dealers and mobsters have taken over the trade, and they are meeting the astonishing demand in places like Flagstaff, Ariz., where "Katrina," a student at Northern Arizona University who first took it last summer, can now buy it easily; or San Marcos, Texas, a town of 39,000 where authorities found 500 pills last month; or Richmond, Va., where a police investigation led to the arrest this year of a man thought to have sold tens of thousands of hits of e. On May 12, authorities seized half a million pills at San Francisco's airport—the biggest e bust ever. Each pill costs pennies to make but sells for between $20 and $40, so someone missed a big payday.

Esctasy remains a niche drug. The number of people who use it once a month remains so small—less than 1% of the population—that ecstasy use doesn't register in the government's drug survey. (By comparison, 5% of Americans older than 12 say they use marijuana once a month, and 1.8% use cocaine.) But ecstasy use is growing. Eight percent of U.S. high school seniors say they have tried it at least once, up from 5.8% in 1997; teen use of most other drugs declined in the late '90s. Nationwide, customs officers have already seized more ecstasy this fiscal year, more than 5.4 million hits, than in all of last year. In 1998 they seized just 750,000 hits.

The drug's appeal has never been limited to ravers. Today it can be found for sale on Bourbon Street in New Orleans along with the 24-hour booze; a group of lawyers in Little Rock, Ark., takes it occasionally, as does a cheerleading captain at a Miami high school. The drug is also showing up in hip-hop circles. Bone Thugs-N-Harmony raps a paean to it on its lastest album: "Oh, man, I don't even f   with the weed no more."

Indeed, much of the ecstasy taking—and the law enforcement under way to end it—has been accompanied by brealthlessness. "It appears that the ecstasy problem with eclipse and crack-cocaine problem we experienced in the late 1980s," a cop told the Richmond Times-Dispatch. In April, 60 Minutes II prominently featured an Orlando, Fla., detective dolorously noting that "ecstasy is no different from crack, heroin." On the other side of the spectrum, at *http://ecstasy.org*, you can find equally bloated praise of the drug. "We sing, we laugh, we share/and most of all, we care," gushes an awful poem on the site, which also includes testimonials from folks who say ecstasy can treat schizophrenia and help you make "contact with dead relatives."

Ecstasy is popular because it appears to have few negative consequences. But "these are not just benign, fun drugs," says Alan Leshner, director of the National Institute on Drug Abuse. "They carry serious short-term and long-term dangers." Those like Leshner who fight the war on drugs overstate these dangers occasionally—and users usually understate them. But one reason ecstasy is so fascinating, and thus dangerous to antidrug crusaders, is that it appears to be a safer drug than heroin and cocaine, at least in the short run, and appears to have more potentially therapeutic benefits.

Even so, the Federal Government has launched a major p.r. effort to fight ecstasy based on the Internet at *http://clubdrugs.org*. Last week two Sentators, Bob Graham of Florida and Chrles Grassley of Iowa, introduced an ecstasy antiproliferation bill, which would stiffen penalties for trafficking in the drug. Under the new law, someone caught selling about 100 hits of ecstasy could be charged as a drug trafficker; current law sets the threshold at about 300,000 pills. "I think this is the time to take a forceful set of initiatives to try to reverse the tide," says Graham.

What's the appeal of ecstasy? As a user put it, it's "a six-hour orgasm." About half an hour after you swallow a hit of e, you begin to feel peaceful, empathetic and energetic—not edgy, just clear. Pot relaxes but sometimes confuses; LSD stupefies; cocaine wires. Ecstasy has none of those immediate downsides. "Jack," 29, an Indiana native who has taken ecstasy about 40 times, said the only time he felt as good as he does on e was when he found out he had won a Rhodes scholarship. He enjoys feeling logorrheic: ecstasy users often talk endlessly, maybe about a silly song that's playing or maybe about a terrible burden on them. E allows the mind to wander, but not into hallucinations. Users retain control. Jack can allow his social defenses to crumble on ecstasy, and he finds he can get close to people from different backgrounds. "People I would never have talked to, because I'm mostly in the Manhattan business world, I talk to on ecstasy. I've made some friends I never would have had."

All this marveling should raise suspicions, however. It's probably not a good idea to try to duplicate the best moment of one's life 40 times, if only because it will cheapen the truly good times. And even as they help open the mind to new experiences, drugs also can distort the reality to which users ineluctably return. Is ecstasy snake oil? And how harmful is it?

This is what we know:

An ecstasy pill most probably won't kill you or cure you. It is also unlike pretty much every other illicit drug. Ecstasy pills are (or at least they are supposed to be) made of a compound called methylenediosymethamphetamine, or MDMA. It's an old drug: Germany issued the patent for it in 1914 to the German company E. Merck. Contrary to ecstasy lore, and there's tons of it, Merck wasn't trying to develop a diet drug when it synthesized MDMA. Instead, it's chemists simply thought it could be a promising intermediary substance that might be used to help develop more advanced therapeutic drugs. Thee's also no evidence that any living creature took it at the time—not Merck employees and certainly not Nazi soldiers, another common myth. (They wouldn't have made very aggressive killers.)

Yet MDMA all but disappeared until 1953. That's when the U.S. Army funded a secret University of Michigan animal study of eight drugs, including MDMA. The cold war was on, and for years its combatants had been researching scores of substances as potential weapons. The Michigan study found that none of the compounds under review was particularly toxic—which means there will be no war machines armed with ecstasy-filled bombs. It also means that although MDMA is more toxic than, say, the cactus-based psychedelic mescaline, it would take a big dose of e, something like 14 of today's purest pills ingested at once, to kill you.

It doesn't mean ecstasy is harmless. Broadly speaking, there are two dangers: first, a pill you assume to be MDMA could actually contain something else. Anecdotal evidence suggests that most serious short-term medical problems that arise from "ecstasy" are actually caused by pills adulterated with other, more harmful substances (more on this later). Second, and more controversially, MDMA itself might do harm.

There's a long-standing debate about MDMA's dangers, which will take much more research to resolve. The theory is that MDMA's perils spring from the same neurochemical reaction that causes its pleasures. After MDMA enters the bloodstream, it aims with laser-like precision at the brain cells that release serotonin, a chemical that is the body's primary regulator of mood. MDMA causes these cells to disgorge their contents and flood the brain with serotonin.

But forcibly catapulting serotonin levels could be risky. Of course, millions of Americans manipulate serotonin when they take Prozac. But ecstasy actually shoves serotonin from its storage sites, according to Dr. John Morgan, a professor of pharmacology at the City University of New York (CUNY). Prozac just prevents the serotonin that's already been naturally secreted from being taken back up into brain cells.

Normally, serotonin levels are exquisitely maintained, which is crucial because the chemical helps manage not only mood but also body temperature. In fact, overheating is MDMA's worst short-term danger. Flushing the system with serotonin, particularly when users take several pills over the course of one night, can short-circuit the body's ability to control its temperature. Dancing in close quarters doesn't help, and because some novice users don't know to drink water, e users' temperatures can climb as high as 110 [degrees]. At such extremes, the blood starts to coagulate. In the past two decades, dozens of users around the world have died this way.

There are long-term dangers too. By forcing serotonin out, MDMA resculpts the brain cells that release the chemical. The changes to these cells could be permanent. Johns Hopkins neurotoxicologist George Ricaurte has shown that serotonin levels are significantly lower in animals that have been given about the same amount of MDMA as you would find in just one ecstasy pill.

In November, Ricaurte recorded for the first time the effects of ecstasy on the human brain. He gave memory tests to people who said they had last used ecstasy two weeks before, and he compared their results with those of a control group of people who said they had never taken e. The ecstasy users fared worse on the tests. Computer images that give detailed snapshots of brain activity also showed that e users have fewer serotonin receptors in their brains than nonusers, even two weeks after their last exposure. On the strength of these studies as well as a large number of animal studies, Ricaurte has hypothesized that the damage is irreversible.

Ricaurte's work has received much attention, owing largely to the government's well-intentioned efforts to warn kids away from ecstasy. But his work isn't conclusive. The major problem is that his research subjects had used all kinds of drugs, not just ecstasy. (And there was no way to tell that the ecstasy they had taken was pure MDMA.) And critics say even if MDMA does cause the changes to the brain that Ricaurte has documented, those changes may carry no functional consequences. "None of the subjects that Ricaurte studied had any evidence of brain or psychological dysfunction," says cuny's Morgan. "His findings should not be dismissed, but they may simply mean that we have a whole lot of plasticity—that we can do without serotonin and be O.K. We have a lot of unanswered questions."

Ricaurte told TIME that "the vast majority of people who have experimented with MDMA appear normal, and there's no obvious indication that something is amiss." Ricaurte says we may discover in 10 or 20 years that those appearances are horribly wrong, but others are more sanguine about MDMA's risks, given its benefits. For more than 15 years, Rick Doblin, founder of the Multidisciplinary Association for Psychedelic Studies, has been the world's most enthusiastic proponent of therapeutic MDMA use. He believes that the compound has a special ability to help people make sense of themselves and the world, that taking MDMA can lead people to inner truths. Independently wealthy, he uses his organization to promote his views and to "study ways to take drugs to open the unconscious."

Doblin first tried MDMA in 1982, when it was still legal and when the phrase "open the unconscious" didn't sound quite so gooey. At that time, MDMA had a small following among avant-garde psychotherapists, who gave it to blindfolded patients in quiet offices and then asked them to discuss traumas. Many of the therapists had heard about MDMA from the published work of former Dow chemist Shulgin. According to Shulgin (who is often wrongly credited with discovering MDMA), another therapist to whom he gave the drug in turn named it Adam and introduced it to more than 4,000 people.

Among these patients were a few entrepreneurs, folks who thought MDMA felt too good to be confined to a doctor's office. One who was based in Texas (and who has kept his identity a secret) hired a chemist, opened an MDMA lab and promptly renamed the drug ecstasy, a more marketable term than Adam or "empathy" (his first choice, since it better describes the effects). He began selling it to fashionable bars and clubs in Dallas, where bartenders sold it along with cocktails; patrons charged the $20 pills, plus $1.33 tax, on their American Express cards.

Manufacturers at the time flaunted the legality of the drug, promotion it as lacking the hallucinatory effects of LSD and the addictive properties of coke and heroin. The U.S. Drug Enforcement Administration was caught by surprise by the new drug not long after it had been embarrassed by the spread of crack. The administration quickly used new discretionary powers to outlaw MDMA, pointing to the private labs and club use as evidence of abuse. DEA officials also cited rudimentary studies showing that ecstacy users had vomited and experienced blood-pressure fluctuations.

Most therapeutic use quickly stopped. But Doblin's group has founded important MDMA studies, including Ricaurte's first work on the drug. Sue Stevens, the woman who took it in 1997 with her husband Shane—he has since died of kidney cancer—learned about the drug from a mutual friend of hers and Doblin's. She believes he helped Shane find the right attitude to fight his illness, and she helps Doblin advocate for limited legal use. Soon his association will help fund the first approved study of MDMA in psychotherapy, involving 30 victims of rape in Spain diagnosed with post-traumatic stress disorder. In this country, the FDA has approved only one study. In 1995 Dr. Charles Grob, a UCLA psychiatrist, used it as a pain reliever for end-stage cancer patients. In the first phase of the study, he concluded the drug is safe if used in controlled situations under careful monitoring. The body is much less likely to overheat in such a setting. Grob believes MDMA's changes to brain cells are accelerated and perhaps triggered entirely by overheating.

In 1998, emergency rooms participating in the Drug Abuse Warning Network reported receiving 1,135 mentions of ecstasy during admission, compared with just 626 in 1997. If ecstasy is so benign, what's happening to these people? The two most common short-term side effects of MDMA—both of which remain rare in the aggregate—are overheating and something even harder to quantify, psychological trauma.

A few users have mentally broken down on ecstasy, unprepared for its powerful psychological effects. A schoolteacher in the Bay Area who had taken ecstasy in the past and loved it says she took it again a year ago and began to recall, in horrible detail, an episode of sexual abuse. She became severely depressed for three months and had to seek psychiatric treatment. She will never take ecstasy again.

Ecstasy's aftermath can also include a depressive hangover, a down day that users sometimes call Terrible Tuesdays. "You know the black mood is chemical, related to the serotonin," says "Adrienne," 26, a fashion-company executive who has used ecstasy almost weekly for the past five years. "But the world still seems bleak." Some users, especially kids trying to avoid the pressures of growing up, begin to use ecstasy too often—every day in rare cases. In one extreme case, "Cara," an 18-year-old Miami woman who attends Narcotics Anonymous, says she lost 50 lbs. after constantly taking ecstasy. She began to steal and deal e to pay for rolls.

Another downside: because users feel empathetic, ecstasy can lower sexual inhibitions. Men generally cannot get erections when high on e, but they are often ferociously randy when its effects begin to fade. Dr. Robert Kiltzman, a psychiatrist at Columbia University, has found that men in New York City who use ecstasy are 2.8 times more likely to have unprotected sex.

Still, the majority of people who end up in the e.r. after taking ecstasy are almost certainly not taking MDMA but something masquerading under its name. No one knows for sure what they're taking, since emergency rooms don't always test blood to confirm the drug identified by users. But one group that does test e for purity is DanceSafe, a prorave organization based in Berkeley, Calif., and largely funded by a software millionaire, Bob Wallace (Microsoft's employee No. 9). DanceSafe sets up tables at raves, where users can get information about drugs and also have ecstasy pills tested. (The organization works with police so that ravers who produce pills for testing won't be arrested.) A DanceSafe worker shaves off a silver of the tablet and drops a solution onto it; if it doesn't turn black quickly, it's not MDMA.

The organization has found that as much as 20% of the so-called ecstasy sold at raves contains something other than MDMA. DanceSafe also tests pills for anonymous users who send in samples from around the nation; it has found that 40% of those pills are fake. Last fall, DanceSafe workers attended a "massive"—more than 5,000 people—rave in Oakland, Calif. Nine people were taken from the rave in ambulances, but DanceSafe confirmed that eight of the nine had taken pills that weren't MDMA.

The most common adulterants in such pills are aspirin, caffeine and other over-the-counters. (Contrary to lore, fake e virtually never contains heroin, which is not cost-effective in oral form.) But the most insidious adulterant—what all eight of the Oakland ravers took—is DXM (dextromethorphan), a cheap cough suppressant that causes hallucinations in the 130-mg dose usually found in fake e (13 times the amount in a dose of Robitussin). Because DXM inhibits sweating, it easily causes heatstroke. Another dangerous adulterant is PMA (paramethoxyamphetamine), an illegal drug that in May killed two Chicago-area teenagers who took it thinking they were dropping e. PMA is a vastly more potent hallucinogenic and hyperthermic drug than MDMA.

Most users don't have access to DanceSafe, which operates in only eight cities. But as demand has grown, the incentive to manufacture fake e has also escalated, especially for one-time raves full of teens who won't see the dealer again. Established dealers, by contrast, operate under the opposite incentive. A Miami dealer who goes by the name "Top Dog" told TIME he obtains MDMA test kits from a connection on the police force. "If [the pills] are no good," he says, customers "won't want to buy from you anymore." It's business sense: Top Dog can earn $300,000 a year on e sales.

As writer Joshua Wolf Shenk has pointed out, we tend to have opposing views about drugs: they can kill or cure; the addiction will enslave you, or the new perceptions will free you. Aldous Huxley typified this duality with his two most famous books, Brave New World—about a people in thrall to a drug called soma—and The Doors of Perception—an autobiographical work in which Huxley begins to see the world in a brilliant new light after taking mescaline.

Ecstasy can occasionally enslave and occasionally offer transcendence. Usually, it does neither. For Adrienne, the Midwestern woman who has been a frequent user for the past five years, ecstasy is a key part of life. "E makes shirtless, disgusting men, a club with broken bathrooms, a deejay that plays crap and vomiting into a trash can the best night of your life," she says with a laugh. "It has done two things in my life," she reflects. "I had always been aloof or insecure or snobby, however you want to put it. And I took it and realized, you know what, we're all here; we're all dancing; we're not so different. I allowed myself to get closer to people. Everything was more positive. But my life also became, quickly, all about the next time I would do it * * * You feel at ease with yourself and right with the world, and that's a feeling you want to duplicate—every single week."

THREAT OF THE PEOPLE'S REPUBLIC OF CHINA AND MASSIVE UNCONTROLLED IMMIGRATION

The SPEAKER pro tempore (Mr. ISSA). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, today being Flag Day, millions of Americans around the country are honoring the Nation through honoring the flag. Naturally, our thoughts turn to a number of subjects on a day like today.

I just returned from a particularly stirring presentation that was held over in the Cannon Caucus Building for veterans, at which time I was able to give a little bit of a presentation. It was a very powerful event, beautiful music, and a lot of great speeches about the country, about the Nation, about where we are as a Nation and about where we hope to go.

Mr. Speaker, this evening I want to talk about a couple of things that I believe to be the most significant threats this Nation faces; one is an external threat, and that threat is the People's Republic of China.

I characterize that nation as a threat, because of the actions taken by the Chinese, not just in the recent past, by the forcing down of one of our planes, but I suggest that China is a threat to the United States and can be identified as such as a result of analyzing China's history and its most recent actions together.

China is a nation with a very long history of aggressive behavior; that behavior is often activated by grievances, both actual grievances and perceived and contrived.

It is motivated by a sort of raging nationalism that finds expression in expanding its borders in xenophobia. I believe that the best way to successfully deal with China is to understand these realities and to fashion a foreign policy accordingly.

Later on, I will discuss what I believe to be the other most significant threat to the United States and that is internally. It is not a foreign threat, it is an internal threat, and that is massive uncontrolled immigration into this country, both legal and illegal.

I recognize that both of these subjects are quite controversial. Both of these subjects always engender a lot of emotion and a lot of discussion. The latter, the issue of immigration, does not get much attention on this floor, because there is a fear, a natural fear, on the part of a lot of people, a lot of my colleagues to address this, for fear that they will be characterized or mischaracterized, as the case may be, as a result of their opposition or concern about massive immigration into this Nation.

It is, nonetheless, the second topic I will deal with. First, I want to stay with the topic of the People's Republic of China.

Another important understanding for Americans with regard to China, something we must come to grips with is the fact that China believes itself to be our number one enemy. They look at us as their enemy. There is absolutely nothing we can do by way of appeasement that will ever change this reality.

Here in the United States, as in most democracies, there is a basic unwillingness to confront the harsh realities of nature. We want to attribute always the hostile actions of others to benign intent.

History, of course, has proven that this particular course of action is always dangerous and sometimes disastrous. From a historical perspective, China provides an unparalleled view of a nation in the constant grip of absolutism. Indeed, this tradition goes back to the very founding of the Chinese state by the Chang dynasty in 1766 B.C. The governmental structure at that time was sophisticated, and an autocrat ruled it. When addressing his subjects, he referred to himself as I, the single one man.

For literally thousands of years, the Chinese people have been treated as disposable resources of the state. The recent discovery of the famed Terra Cotta Warriors in China's ancient Capitol of Xian have survived far longer than the bones of the thousands of construction workers who were buried alive to hide the location of the tomb from grave robbers.

I find this to be a more interesting aspect of Chinese and a more revealing aspect of Chinese culture than the craftsmanship of the artists involved.

China's long history is an unbroken international internalization of the concept of externally expanding power as a guiding principle of foreign policy.

A China scholar by the name of Steven Moser states that this desire for hegemony is still deeply embedded in China's national dream work, intrinsic to its national identity and implicated in what it believes to be its natural destiny.

Mr. Moser divides China's quest for hegemony in three parts, basic hegemony, he says, the recovery of Taiwan, and the assertion of undisputed control over the South China Sea. Regional hegemony is the extension of the Chinese empire to maximum extent of its old, what they call their old Celestial Empire.

Finally, global hegemony, this is a worldwide contest with the United States to replace the current Pax Americana with a Pax Sinoca.

Certainly many observers disagree with Mr. Moser's characterization of modern day China. They would argue that time have changed and that new realities have forced a cultural and political metamorphosis in the PRC.

They go on to contend that the United States should fashion a foreign policy to accommodate this change. This, of course, is one of the arguments that was made during the recent debate here in this Congress over PNTR, or permanent normal trade relationships, with China.

The other very powerful argument that was made for PNTR, and about which I will say more later, when something like this, we do not really care about America's national security interests. There is money to be made by buying cheap in China and selling dear in the rest of the world. Well, let us test the theory of the modern day Chamberlains that rely on the accommodating rather than confronting China.

China, of course, is already acquired, through more peaceful mechanisms, Hong Kong and Macau; but they are now preparing for Taiwan to follow suit, peacefully or otherwise. China is aggressively assembling the military capabilities to protect its war power beyond its present internationally recognized borders.

Six days ago, China masked amphibious vehicles and landing craft on an island near Taiwan as part of a large-scale military exercise. These exercises are expected to be one of the largest shore-based war games held by the Chinese military in recent history.

China's capability to deliver the nuclear weapons to targets which include Los Angeles and many other cities in the United States has been perfected by the application of advanced technology that has been both purchased and stolen from the United States.

China has embarked upon the construction of three missile bases along the coast to threaten Taiwan. My colleagues may recall that they fired several missiles toward Taiwan just not too long ago.

Mr. Speaker, a little over 1 year ago, China exploded a neutron bomb; that event went relatively unpublicized in the Western press. Included in the plans for this basic hegemony of the region is the occupation of the Spratly and Paracel Island group. No fewer than 11 naval bases have been constructed in this area in the very recent past.

By the way, these are very important sites strategically, as they control the sea lanes connecting the Strait of Malaca and the Taiwan Strait. From there you can easily strengthen the Philippines and Brunei and Thailand.

In recent history, China began its quest to regain the Celestial Empire, that was an area stretching from the Russian Far East to Lake Bakal and most of southern Asia, by sending troops into Tibet, Inner Mongolia and Manchuria.

They are using nonmilitary assets to project Chinese influence around the region by exporting human beings. There are now over 60 million Chinese expatriates in surrounding countries operating businesses that generate almost $700 billion a year, which is, by the way, almost equal to the entire Gross Domestic Product of the Communist Chinese.

Chinese now outnumber Russians. Chinese now outnumber Russians in Siberia. In 1995, the Russian Defense Minister Pavel Grachev warned the Chinese were in the process of making a peaceful conquest of the Russian Far East. Russians are fearful of this mass immigration, but the Chinese love it.

The outflow relieves unemployment. It facilitates trade and, more importantly, it strengthens the historical claims to the land. By the way, all this sounds unfortunately very familiar to some of the things that are happening in our own country and, again, about which I will speak more in the future.

There is a significant increase in activity of a variety of sorts in Tajikistan and Kazakhstan and Mongolia and Korea.

Eventually, the Chinese believe they will be in direct confrontation with the United States. Their military and political leaders have stated this on several occasions. We, however, would rather whistle past the graveyard, which by the way may well be the one that we would all rest in if China had their way.

Now many people disagree. Again they will say that the era of monolithic communism is dead and the era of democratic capitalism has replaced it. Well, philosophical communism is indeed a rotting corpse, but totalitarian communism is alive and well in the PRC. In fact, throughout the world, political oppression can and does coexist quite comfortably with various iterations of capitalism.

□ 1545

One can make the case that political freedom cannot long exist without economic freedom; but the opposite case that economic freedom leads inevitably to political liberty is much weaker.

In fact, let us look closely at China over the last 20 years of economic reforms. Today, remember, after the last 20 years of economic reforms where democratic capitalism was supposed to have been making inroads in China, after 20 years of this, every major dissident in China has been jailed or they have been exiled.

According to the State Department nation report this year, thousands of unregistered religious institutions have been either closed or destroyed. Hundreds of Falun Gong have been imprisoned. Thousands more have been sentenced to, quote, reeducation camps or locked up in mental hospitals.

On April 23, the Chinese arrested a 79-year-old bishop and seven other Catholic clergymen in anticipation of problems arising out of the celebration of Easter. Two days ago, they arrested 35 Christians for worshipping outside their official church. They were sentenced to labor camps.

Speaking of labor camps, the number in China now stands around 1,100. These are places of human misery on a scale equivalent to anything seen in Nazi Germany or in the Soviet gulag. In fact, they have become an integral part of the Chinese economy through the sale of products made by slave labor. By the way, much of this can be found in almost every store in America. As we all know, China is the source the Pentagon went to to purchase the berets, the black berets that they were going to provide our military with.

A particularly lucrative industry has grown up around the harvesting and sale of human organs in China. Prisoners in these labor camps are categorized according to blood types and other pertinent information. When orders come in from around the world for certain body parts, the appropriate prisoners are slaughtered. Their organs are packed and sent off to the highest bidder.

In 1996, the Chinese Government admitted that 20,000 kidneys had been harvested from prisoners. By the way, in most cases, they took them two at a time.

All this is going on while American culture supposedly makes inroads into every part of the world and while the Internet provides a window to the world to all who can afford the hardware or get access to it. All this is going on subsequent to all the political strategies designed to bring China into the community of nations. It goes on after we pass PNTR. It will continue to go on until the United States and the rest of the world draw the proverbial line in the sand and make it clear that Chinese plans for basic regional and global hegemony are unattainable.

China may eventually be forced to accept the world as it is and accept that role as a peaceful participant in the March toward democratic capitalism. But it will not happen as a result of a policy of appeasement.

I worry, Mr. Speaker, about the fact that this Congress will be asked once again to approve normal trade relations with China because, although we passed over, certainly, my objection and that of many of our colleagues here, we did pass last year PNTR.

China has not, in fact, joined the WTO, the World Trade Organization. As a result of the fact that they have not yet joined the WTO, they have not achieved PNTR with the United States. So we will every year now until they are in the WTO, the President will still have to request normal trade relations with China. I fear that it will be extended to them.

Mr. Speaker, I will never forget what we went through here on this floor and in this body on the debate over that particular issue. I personally have never ever been lobbied more heavily, more pressure applied to try to get me to vote for normal trade relations with China.

Nothing that I ever dealt with here on the floor, not issues of abortion, not issues of gun-related laws, nothing matched the pressure that we faced from the corporate lobby in this Nation, the corporate lobby that puts profits above patriotism. That is the only way we can describe what they were doing here.

I will not call them American corporations because, Mr. Speaker, they had absolutely no allegiance to this country. They were much more concerned with that market they believed that existed in China. Really, what they wanted to do was import very cheap Chinese products and sell them in lucrative markets.

The idea that we were going to have a two-way trade was what they would constantly refer to. But, Mr. Speaker, that will never happen. First of all, there is no market there. Although there are certainly a billion and a half people, they cannot buy our products. They do not have the money, number one.

Number two, the Chinese Government will never allow massive trade with the United States. They only allow it going the other way, to the extent that we now sell to them only 2 percent of our exports, but we buy 40 percent of theirs.

Our trade imbalance with them last year was $86 billion. This is what we called trade. It is not trade. It is an imbalance that is detrimental to the United States and to American workers. Not only that, it is detrimental to the security of the United States, because when we make China stronger economically, we in fact provide them with the means to build the armaments to threaten us eventually. Taiwan today, the United States tomorrow. I believe this to be true, Mr. Speaker. I believe that China is our most significant and most serious threat externally.

Now, let me get to the internal threat to the Nation. Since 1970, more than 40 million foreign citizens and their descendents have been added to the local communities of the United States. Last month, the New York Times reported the Nation's population grew by more in the 1990s than in any other decade in United States history. For the first time since the 19th century, the population of all 50 States increased, with 80 percent of the American counties experiencing growth.

Demographic change on such a massive scale inevitably has created winners and losers here in America. It is time, in fact way past time, that we asked ourselves what is the level of immigration that is best for America; in fact, what is even the level of immigration that can help the rest of the world.

It is difficult to discuss this, because everyone here, certainly on this floor, all of us, all of my colleagues, everybody that we know as friends and relatives who are immigrants to this Nation and relatively recent. My family came here in the late 1800s.

So it is not immigrants in and of themselves with which we find fault. Certainly I do not. I understand entirely the desire for all of these people to come to the United States. I do not blame them. If I were in their situation, I am sure I would be trying to do exactly the same thing.

But we must ask each other, Mr. Speaker, we must as those of us who have been elected and the Nation's future put in our hands for at least this period of time, we must ask ourselves if massive immigration on the scale that we have been witnessing it over the last couple of decades is in fact the best thing for America from this point on.

Mr. Speaker, in the heyday of immigration into this Nation, in the late 1800s, in the early 1900s when my grandparents came here, the height of immigration, we call that the Golden Era, in fact we never had more than a couple hundred thousand immigrants a year during that period of time.

This year, and for every year for the last decade or more, we have had at least 1 million immigrants a year over that period of time. We have had about another 250,000 a year who come here every year under refugee status.

Now, I am going to try to explain what has happened here by the use of this chart. As my colleagues can see, in 1970, the population of the United States was 203 million. By the year 2000, the population had gone up to 281 million.

How much of this population increase can be attributed to immigration, and how much can be attributed to what we would call the natural, the birth rate of the people here that we refer to as the baby boomers and the people who are indigenous to the United States prior to this time?

The green area of this chart indicates what the growth in this country would have been, what the population of this Nation would have been in the year 2000, the 2000 census, had it not been for immigration. As my colleagues can see, it would have been about 243 million people. It is actually 281 million people.

By the way, this is a very low count because it does not really capture the number of especially illegal immigrants who are here in the country, and there are millions and millions of them.

But one can see, Mr. Speaker, what I am talking about here, in that we have had almost the exact same growth rate from the baby boomer generation, we call the baby boom echo, because we are having an increased birth rate in the United States, and it will continue to increase until about the year 2020. It then levels off, and it actually starts downward. That is what we would call the natural birth rate here in the United States taking out immigration.

But the fact is that immigrants and their descendants amount to almost exactly as much growth in the last 10 years as the entire baby boom echo, bringing this up to 281 million.

Mr. Speaker, there was a time when this land could absorb this kind of population growth. But I suggest to my colleagues that every single day on the floor of this House, when Members of the Democratic Party get up and talk about their problems, the problems in California especially, the problems with energy consumption in the United States generally, they always blame it on the producers, the price gouging electric producers, power producers.

Even we, Mr. Speaker, on the other side trying to explain supply and demand to those people who have a desire to not listen miss the important point that this particular thing plays in the debate over natural resources in the United States.

Mr. Speaker, I suggest to my colleagues that what we are seeing in California today we are going to see happen throughout the United States as a result of massive population increases, increases in population that force a demand on resources. It is a natural function.

We are actually in many States below where we were several years ago in per capita use of resources, per capita use of energy resources specifically. We have been able to conserve enough. We have been able to improve products. We have been able to do a number of things that actually have reduced per capita usage.

But it does not matter when the number of people in this country keeps climbing so dramatically. I want to tell my colleagues how dramatic it is going to be with this other chart here.

I just returned recently, I had an opportunity to speak in Los Angeles. As most people know, Los Angeles is a city that is inundated with immigration. The numbers of people are growing dramatically. I have to tell my colleagues that, for the most part, it has affected the quality of life in that city.

A lot of people I talk to actually use the phrase we have escaped from Los Angeles. They had moved to all the areas in the suburbs outside. Many, many more people I know living in my own community in my district came from California, and they came because they said it is a quality of life issue.

It is absolutely true that the quality of life has been eroding both in Los Angeles and other areas where massive numbers of people are congregated. We find that as a result, of course, tremendous demands are placed on resources.

We recognize that what was just yesterday a beautiful pasture is today sprouting houses. We recognize that where we took a walk with our dog and with our family maybe just a few months ago is now some sort of industrial park development. A road is coming through in an area that was a pleasant pasture land a short time ago.

In Colorado, we are forced with enormous expenditures for infrastructural development all to meet what, population growth. Population growth. A lot of people think to themselves, well, gosh, is it the case that we are having such an enormous growth of population just internally in this country? Because I know most people are quite concerned. I mean, the two-child family, a lot of people recognize that that is what is, maybe, the optimum number, and they try very much to achieve just that goal.

Well, it is not that birth rate that we are concerned about. It is not the natural birth rate in the country that will propel us into this dire strait that is the expansion of the Los Angeles all over the United States of America.

Nothing against the people who live there in Los Angeles. Many people I am sure love it. But I will tell my colleagues that it is a megalopolis by anybody's definition, and it faces some of the most difficult situations of any city in the United States as a result of that.

That is what I am referring to when I talk about the fact that we are expanding. That is exactly what cities are going to be looking like all over the United States in a relatively short time because this chart shows what is going to happen.

□ 1600

This is the dramatic evidence of population and what will happen if we continue to have immigration at this particular level. This does not presume to define what will happen to the population because of legal immigration. Remember, this is just what is going to happen by the year 2100 to the population of the United States of America if we allow immigration to continue at the numbers that we have today.

Again, I have to reiterate, it does not count the fact that we are doubling our immigration rate every year with illegal immigrants. About 1 million illegals come in every year. About 2 to 3 million we gain. Nobody is really sure, of course, we cannot really count them all that easily, but the best prediction we have of this is that 2 to 3 million a year are net gains. So, in fact, this doubles. This doubles if present trends continue, 571 million at 2100.

Then where will our cities be? Then how much will gas prices be? How difficult will it be for us to deliver natural gas from one place to another? How much will it cost to do that? What will the smog be like in these cities? What will be the quality of life for Americans in the year 2100 if we allow immigration to continue at this level?

Mr. Speaker, I suggest that it is nothing any of us here would like to think of. We cannot describe it as a pleasant place to be under these circumstances. That is why I characterize this as a threat, almost equal with the threat posed to the United States externally by aggressor nations.

This is happening, and we are doing it. We have the ability to control this, Mr. Speaker. This is something we can handle because in fact we have the power in this body to control immigration, at least to try to bring it under control. Certainly there will always be people coming across our borders illegally, but we have to at least try to preserve the integrity of the border. We must at least try to reduce immigration.

Can we handle 50,000 a year? Yes. Can we handle 100,000 a year? Yes. Can we handle 150,000 a year? Okay. Give me 200,000 a year, but not a million a year legally and twice that many illegally. We cannot handle it. It is the numbers. It is not where they come from. I do not care where they are coming from, whether it is Mexico or Guatemala or China or Cuba or Haiti. I do not care. The place of origin is not important; it is the numbers. It is the numbers. This is not a racial issue. It is the numbers.

I am somewhat discouraged because it is so difficult to get this subject dealt with openly, even, as I say, here in this body. People are afraid to discuss it. People choose to avoid it. As I was walking over here with the staff person carrying these charts, we were walking through the tunnel area coming over and an another Member of the House walked by and he said, oh, you are going to do a Special Order? I said, yes. He said, what about? I said, immigration. I am trying to talk about immigration control. He said, oh, brother, good luck. He said good luck because he knows that this is not a popular subject. It is very difficult to get my colleagues to really want to focus on it, but I think it is an enormously important thing for us to do.

We control immigration. No State does. No State has the ability to establish numbers for the people coming in. They cannot control their own borders. That is uniquely the territory of the United States, the Federal Government. It is our responsibility. It is a responsibility, Mr. Speaker, that I think we have abdicated. We have done so for a lot of reasons. We have abdicated this responsibility, to a certain extent, and have allowed this massive immigration because there are political implications to this. And, yes, I will say it, political parties and specific individuals within political parties want to manipulate and use immigration as a political tool.

We all recall that in the last administration, the President, then-President Clinton, forced the INS to go through this hurry-up process to bring all these people in and give them citizenship. Well, why, I wonder? Why did he force them to ratchet up the time frame involved, shorten the time frame involved and ratchet up their energy to get all these people registered, get them all in here in the United States, get them to be citizens, get them registered? Because, of course, they turn into Democrat votes. Let us be serious about this. We all recognize the politics of this issue.

I know it is another one of those things nobody likes to say, but it is the truth. And as a result of the fact that these populations are, and I will say it, manipulated, and I believe they are manipulated by political parties and by politicians, we are going to find it difficult to actually bring the numbers down.

Now, that is one thing that has done it. The other thing, of course, has been business. Businesses in the United States are very, very content to continue to hire people, immigrants coming in here legally and illegally. Why? Because they will work for less. It is not nuclear science here we are talking about. If I can hire somebody for a lot less than I would have to pay someone who is a citizen of the United States, I am tempted to do it. They are not supposed to. There are supposed to be laws against it. But everyone knows that they are regularly ignored. We all know the INS does absolutely nothing to actually enforce those laws. Once in a while, a little tiny feint here or there, a raid here or there to pretend they care. But in reality this is not an area where INS pays any attention.

I hear this from my community and from people all the time, from employers who say, TANCREDO, I wish you would get off this thing, this immigration issue. I hire a lot of people who I know are here illegally, but I have to do it anyway. They will admit it. And certainly they will admit to hiring illegal immigrants because they can pay them less. Well, is that in the immigrant's best interest?

I mentioned earlier there are two interests here: What can America do for our own people, and what can we do for the rest of the world? Mr. Speaker, I suggest that people coming here and working for low wages are continually exploited. They are exploited by business. They are even exploited by the labor unions. And they are exploited by the people who bring them here, the "coyotes" they are called, people who pack them into vans and on the back of trucks, or packed in with other kinds of products in order to get them across the border, sometimes dead. We have had, in the last months in Colorado, several cases where people were found dead. Perhaps their car was in an accident. A van was in an accident not too long ago, and 13 people were killed in the van, and several others hurt, in a small van. They were all smashed in there.

They are coming across the borders in greater numbers. They are risking life and limb to get here. And I do not blame them for doing it. I do not blame the immigrants. I blame our government for not being willing to deal with this issue. It is extremely difficult for us to bring issues like this forward, but I will continue to do it as long as I have the opportunity to do so.

There is a June 11 special issue of "Time" magazine entitled "The Border is Vanishing." It says: "The Border is Vanishing Before Our Eyes Creating a New World for All of Us. Welcome to Amexico," their world is called. A world, of course, in which English is not spoken, a world in which the numbers, the population numbers, are affecting the quality of life in the way I have described and is described in this "Time" magazine article.

This is something with which we must deal, even if it is difficult to think about it. We have to do so. It is our responsibility as people who have taken an oath to defend this Nation against all enemies, external and internal. And I am not saying that immigrants are internal enemies. I am saying that immigration is a threat, huge massive immigration on the scale with which we have now observed it lo these many years is a threat to this Nation. And this is the best example I can provide to prove that.

This is where we will be, Mr. Speaker. This is not a place I think most of us would find appropriate or most of us would want our children to be living in. We want to bequeath them something else, both the children of people who have been here for a long time and I believe the children of recent immigrants.

I think many recent immigrants, Mr. Speaker, as a matter of fact, agree with us on this issue, agree with us that a cap has got to be put on it. It is the old thing about, I'm here, now you can shut the door. But they recognize the impact that massive immigration, legal and illegal, has. It is not just people who have been here for a long period of time.

So I do really hope that we will take serious account of these two issues, the issue of the threats posed to the United States, again externally by the People's Republic of China, and internally by massive uncontrolled immigration of this nature.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 324

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 324. It was inadvertently added without my permission.

The SPEAKER pro tempore (Mr. ISSA). Is there objection to the request of the gentleman from Georgia?

There was no objection.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. ENGLISH) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today and June 19.

Mr. PENCE, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was given to:

Mr. POMBO and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,380.

ADJOURNMENT

Mr. DEAL of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until Monday, June 18, 2001, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2494. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 01–058–1] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2495. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Mangoes from the Philippines [Docket No. 93–131–2] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2496. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—PRIME Act Grants (RIN: 3245–AE52) received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2497. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Temple, Texas) [MM Docket No. 01–46; RM–10046] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2498. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Salinas, California) [MM Docket No. 99–269; RM–9698] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2499. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Little Rock, Arkansas) [MM Docket No. 01–50; RM–10059] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2500. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Merced, California) [MM Docket No. 01–41; RM–10058] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2501. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

2502. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–69, "Advisory Neighborhood Commission Temporary Amendment Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2503. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–71, "Real Property Tax Assessment Transition Temporary Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2504. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–70, "Earned Income Tax Credit Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2505. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–72, "Department of Mental Health Establishment Temporary Amendment Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2506. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–67, "Arena Fee Rate Adjustment and Elimination Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2507. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–74, "51 Percent District Residents New Hires Amendment Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2508. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in April 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

2509. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in March 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

2510. A letter from the Chair, Corporation for Public Broadcasting, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2511. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–68, "Child Fatality Review Committee Establishment Temporary Act of 2001" received June 14, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2512. A letter from the Assistant Attorney General, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2513. A letter from the Acting Director, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 2000, through March 31, 2001, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2514. A letter from the Acting Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2515. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Regulations Designed to Reduce the Mid-Continent Light Goose Population (RIN:

1018–AI00) received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2516. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of Nonessential Experimental Population Status for 16 Freshwater Mussels and 1 Freshwater Snail (Anthony's Riversnail) in the Free-flowing Reach of the Tennessee River below the Wilson Dam, Colbert and Lauderdale Counties, Alabama (RIN: 1018–AE92) received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2517. A letter from the Acting Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting the Department's "Major" final rule—Mining Claims Under the General Mining Laws; Surface Management [WO–320–1990–PB–24 1A] (RIN: 1004–AD22) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2518. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Immigrants and Nonimmigrants Under The Immigration and Nationality Act, As Amended—Refusal of Individual Visas—received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2519. A letter from the the Adjutant General, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 101st National Convention of the Veterans of Foreign Wars of the United States, held in Milwaukee, Wisconsin, August 20–25, 2000, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 107–88); to the Committee on Veterans' Affairs and ordered to be printed.

2520. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2001–36] received June 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2521. A letter from the Deputy Secretary, Department of Defense, transmitting a Report on Proposed Obligations for Weapons Destruction and Non-Proliferation in the Former Soviet Union; jointly to the Committees on Armed Services and International Relations.

2522. A letter from the Director, Defense Security Cooperation Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104–107, section 540(c) (110 Stat. 736); jointly to the Committees on International Relations and Appropriations.

2523. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Provisions of the Benefits Improvement and Protection Act of 2000; Inpatient Payments and Rates and Costs of Graduate Medical Education [HCFA–1178–IFC] (RIN: 0938–AK74) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 169. A bill to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws, and for other purposes; with an amendment (Rept. 107–101 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANNON:

H.R. 2171. A bill to require that the Bureau of the Census prepare and submit to Congress a detailed plan for counting overseas Americans in future decennial censuses, and for other purposes; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. Wolf, Mr. Owens, Mr. Neal of Massachusetts, Mr. Pallone, Mrs. McCarthy of New York, Mr. Deutsch, Mr. Gillmor, and Ms. DeGette):

H.R. 2172. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the cloning of humans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McGOVERN (for himself, Mr. Simpson, Mr. Rush, Mr. Shimkus, Mr. Ross, Mr. Whitfield, Mr. Pickering, Mr. Shows, Ms. McKinney, and Mr. Langevin):

H.R. 2173. A bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy; to the Committee on Energy and Commerce.

By Mr. CALVERT (for himself, Ms. Woolsey, Mr. Boehlert, Mr. Smith of Michigan, Mr. Bartlett of Maryland, Mr. Ehlers, Mr. Larson of Connecticut, Mr. Peterson of Minnesota, Mrs. Morella, Mrs. Biggert, Mr. Baca, Ms. Rivers, Mr. Hall of Texas, and Mr. Gary G. Miller of California):

H.R. 2174. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Science.

By Mr. CHABOT (for himself, Mrs. Myrick, Ms. Hart, Mr. Smith of New Jersey, Mr. Weller, Mr. Green of Wisconsin, Mr. Shows, Mr. Wolf, Mr. Pickering, Mr. Baker, Mr. Phelps, Mr. Mica, Mr. Istook, Mr. Weldon of Florida, Mr. Tiberi, Mr. Doolittle, Mr. DeMint, Mr. Hansen, Mr. Wamp, Mr. Largent, Mr. English, Mr. Riley, Mr. Burton of Indiana, Mr. Bartlett of Maryland, Mr. Paul, Mr. Bachus, Mr. Vitter, Mr. Cantor, Mr. Aderholt, Mr. Terry, Mr. Hayes, Mr. Lewis of Kentucky, Mr. Oxley, Mr. Collins, Mr. Keller, Mr. Oberstar, Mr. Souder, Mr. Pombo, Mr. Camp, Mr. Hostettler, Mr. Goodlatte, Mr. Lipinski, Mr. Hilleary, Mr. Stearns, Mr. Thune, Mr. Blunt, Mr. Lucas of Kentucky, Mr. Pitts, Mr. Hyde, Mr. Sessions, Mr. Crane, Mr. Deal of Georgia, Mr. Langevin, Mr. Pence, Mr. Taylor of Mississippi, Mr. Armey, Mr. Hall of Texas, Mr. Norwood, Mr. Wicker, Mr. Akin, Mr. Brady of Texas, Mr. Gary G. Miller of California, Mr. Barcia, Mr. DeLay, Mrs. Jo Ann Davis of Virginia, Mr. Portman, Mr. Everett, Mr. Graves, Mr. Cannon, Mr. Tiahrt, Mr. Ryan of Wisconsin, Mr. Ney, Mr. Rogers of Michigan, Mrs. Emerson, and Mr. King):

H.R. 2175. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. BAIRD (for himself and Mr. Andrews):

H.R. 2176. A bill to amend the Internal Revenue Code of 1986 to provide disaster relief for homeowners; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. Ortiz, Mr. Lucas of Oklahoma, Mr. Foley, Mr. Bartlett of Maryland, Mr. Baca, Mr. McKeon, Mr. Lewis of California, Mr. Sensenbrenner, Mr. Skeen, Mr. Weldon of Florida, Mr. Rehberg, Mr. Sandlin, Mr. Reyes, and Mrs. Capps):

H.R. 2177. A bill to amend the Internal Revenue Code of 1986 to encourage the timely development of a more cost effective United States commercial space transportation industry, and for other purposes; to the Committee on Ways and Means.

By Mr. CARDIN (for himself, Mr. Stark, Mr. Kleczka, Mr. Levin, Mrs. Thurman, Mr. Coyne, Mr. Towns, Mr. Lewis of Georgia, Mr. Bentsen, Ms. Hooley of Oregon, Mr. Jefferson, and Mr. Waxman):

H.R. 2178. A bill to amend the Internal Revenue Code of 1986 and title XVIII of the Social Security Act to provide for comprehensive financing for graduate medical education; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 2179. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for expenditures for renewable energy property; to the Committee on Ways and Means.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Gillmor, Mr. Green of Wisconsin, Mr. Sweeney, Ms. Granger, Mr. Towns, Mr. Linder, Mr. Ferguson, Mr. Collins, Mr. Schrock, Mrs. Bono, Mr. Peterson of Minnesota, Mr. Grucci, Mr. Terry, and Mr. Doyle):

H.R. 2180. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DeFAZIO (for himself, Mr. Norwood, Ms. Hooley of Oregon, Mr. Shows, Mr. Boyd, Mr. Taylor of Mississippi, Mr. Baird, Mr. Graham, Mr. Ross, Mr. Pickering, Mr. McNulty, Mr. Lewis of Georgia, Mr. Callahan, Mr. Thompson of Mississippi, Ms. Kaptur, Ms. McCollum, Mr. Kucinich, and Ms. DeGette):

H.R. 2181. A bill to impose certain restrictions on imports of softwood lumber products of Canada; to the Committee on Ways and Means.

By Mr. DOYLE (for himself, Mr. Evans, Mr. Wynn, Mr. Baldacci, and Mr. Coyne):

H.R. 2182. A bill to amend title 38, United States Code, to revise the computation of retirement annuities for part-time employment by persons employed by the Department of Veterans Affairs under that title; to the Committee on Veterans' Affairs.

By Mr. ENGEL:

H.R. 2183. A bill to amend the Safe Drinking Water Act to allow public water systems to avoid filtration requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. Terry, Ms. Kilpatrick, Mr. Sanders, and Ms. McKinney):

H.R. 2184. A bill to amend the Internal Revenue Code of 1986 to expand the energy credit to include investment in property which produces energy from certain renewable sources and expenditures for cool roofing, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. Hall of Ohio, Ms. Hart, Mr. Cooksey, and Mrs. Emerson):

H.R. 2185. A bill to amend the Food Stamp Act of 1977 to require the Secretary of Agriculture to purchase additional commodities for distribution, and for other purposes; to the Committee on Agriculture.

By Mr. GOODLATTE:

H.R. 2186. A bill to amend the Soil Conservation and Domestic Allotment Act to ensure that States and local governments can quickly and safely remove flood debris so as to reduce the risk and severity of subsequent flooding; to the Committee on Agriculture.

By Mr. HEFLEY (for himself, Mr. Udall of Colorado, and Mr. McInnis):

H.R. 2187. A bill to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 2188. A bill to amend the Older Americans Act of 1965 to permit States to allow the issuance of vouchers to older individuals to obtain nutrition services provided under such Act; to the Committee on Education and the Workforce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Jefferson, Mr. McCrery, Mr. Spence, Mr. Hunter, Mr. Weldon of Pennsylvania, Mr. Taylor of Mississippi, Mr. Saxton, Mr. Simmons, Mr. Maloney of Connecticut, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Cunningham, Mr. Wicker, Mr. Vitter, Mr. Cooksey, Mr. Cantor, Mr. Scott, Mr. Pickering, and Mr. Shows):

H.R. 2189. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Ways and Means.

By Ms. McCARTHY of Missouri (for herself, Mr. Larsen of Washington, and Mr. Blunt):

H.R. 2190. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McCRERY:

H.R. 2191. A bill to suspend temporarily the duty on 2-methyl imidazole; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2192. A bill to reduce temporarily the duty on hydroxylamine free base; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2193. A bill to suspend temporarily the duty on prenol; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2194. A bill to suspend temporarily the duty on 1-methyl imadazole; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2195. A bill to suspend temporarily the duty on formamide; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2196. A bill to suspend temporarily the duty on Michler's ethyl ketone; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2197. A bill to suspend temporarily the duty on vinyl imidazole; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Ms. Kaptur, Mr. Strickland, Mr. Olver, Mr. Stark, Ms. Jackson-Lee of Texas, Mr. Baldacci, Mr. DeFazio, Mr. McGovern, Ms. Eshoo, Mrs. Christensen, Ms. Millender-McDonald, Mr. Farr of California, Mr. Sandlin, Ms. Woolsey, Mrs. Maloney of New York, Mr. Brown of Ohio, Mr. Hilliard, Mr. Waxman, Mr. Payne, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Bonior, Ms. McKinney, Mr. Lantos, Mr. McDermott, Mr. Rangel, Mr. Frank, Ms. Rivers, Ms. Schakowsky, Ms. Solis, and Ms. Carson of Indiana):

H.R. 2198. A bill to meet the mental health and substance abuse treatment needs of incarcerated children and youth; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2199. A bill to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to permit any Federal law enforcement agency to enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia if deemed appropriate by the Chief of the Department and the United States Attorney for the District of Columbia, and for other purposes; to the Committee on Government Reform.

By Mr. NUSSLE:

H.R. 2200. A bill to amend the Internal Revenue Code of 1986 to permit financial institutions to determine their interest expense deduction without regard to tax-exempt bonds issued to provide certain small loans for health care or educational purposes; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota:

H.R. 2201. A bill to amend title 38, United States Code, Section 1114 to increase the compensation for disabled veterans who require aid and attendance; to the Committee on Veterans' Affairs.

By Mr. REHBERG:

H.R. 2202. A bill to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the pertinent irrigation districts; to the Committee on Resources.

By Mr. REYES (for himself and Mr. Thornberry):

H.R. 2203. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

By Mr. RUSH:

H.R. 2204. A bill to establish a Consumer Energy Commission to assess and provide recommendations regarding recent energy price spikes from the perspective of consumers; to the Committee on Energy and Commerce.

By Mr. SIMMONS:

H.R. 2205. A bill to amend title 49, United States Code, to promote the cooperation of Amtrak with local governments in the implementation of activities to enhance railroad property and structures; to the Committee on Transportation and Infrastructure.

By Mr. TERRY (for himself, Mr. Brady of Texas, Mr. Manzullo, Mr. Bilirakis, Mr. Barton of Texas, Mr. Shimkus, Mr. Graves, Mr. Isakson, Ms. Kilpatrick, Mr. Sanders, Ms. McKinney, and Mr. Wu):

H.R. 2206. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy efficient property placed in service or installed in an existing principal residence or property used by businesses; to the Committee on Ways and Means.

By Mrs. THURMAN:

H.R. 2207. A bill to amend the Internal Revenue Code of 1986 to provide that the volume cap for private activity bonds shall not apply to bonds for water and sewage facilities; to the Committee on Ways and Means.

By Mr. WATT of North Carolina (for himself, Ms. Waters, and Mr. Frank):

H.R. 2208. A bill to amend the Real Estate Settlement Procedures Act of 1974 to require the payment of interest on escrow and impoundment accounts established for the payment of taxes and fire and hazard insurance premiums on property securing a federally related mortgage loan; to the Committee on Financial Services.

By Mr. ISAKSON:

H. Con. Res. 161. Concurrent resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996; to the Committee on Armed Services.

By Mr. KNOLLENBERG (for himself, Mr. Crowley, Mr. Pallone, and Mr. Sweeney):

H. Con. Res. 162. Concurrent resolution expressing the sense of the Congress regarding oil and gas pipeline routes in the South Caucasus; to the Committee on International Relations.

By Mr. WATTS of Oklahoma (for himself and Mr. Davis of Illinois):

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas (for herself, Mr. EDWARDS, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. REYES, Mr. EVANS, Mr. GREEN of Texas, Mr. TURNER, Mr. BENTSEN, Mr. DELAY, Mr. CULBERSON, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. SANDLIN, Mr. LAMPSON, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 166. A resolution recognizing the outstanding and invaluable disaster relief assistance provided by individuals, organizations, businesses, and other entities to the people of Houston, Texas, and surrounding areas during the devastating flooding caused by tropical storm Allison; to the Committee on Transportation and Infrastructure.

By Ms. CARSON of Indiana (for herself, Mr. BISHOP, Mrs. CHRISTENSEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. HASTINGS of Washington, Mr. HILLIARD, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Ms. MCKINNEY, Mr. MEEKS of New York, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. SCOTT, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATSON, Mr. WATT of North Carolina, and Mr. WYNN):

H. Res. 167. A resolution encouraging and promoting greater involvement of fathers in their children's lives, especially on Father's Day; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

109. The SPEAKER presented a memorial of the General Assembly of the State of Missouri, relative to a Resolution memorialing the United States Congress to and the Department of Agriculture to grant a wavier for Agramarke Quality Grains, Inc. for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; to the Committee on Agriculture.

110. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 64 memorializing the United States Congress to increase federal aid to Louisiana farmers; to the Committee on Agriculture.

111. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 32 memorializing the United States Congress to use the powers at its disposal to commission the Department of Energy to establish a national energy policy, which should pursue a long-term remedy to problems by providing incentives for immediate domestic natural gas exploration and production, including opening untapped natural gas reserves; to the Committee on Energy and Commerce.

112. Also, a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the United States Congress to make federal rules and regulations to allow the development of Medicare supplement insurance policies offering greater prescription drug coverage than is currently available; jointly to the Committees on Ways and Means and Energy and Commerce.

113. Also, a memorial of the General Assembly of the State of Missouri, relative to Senate Concurrent Resolution No. 28 memorializing the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources; jointly to the Committees on Energy and Commerce, Resources, and Science.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. RODRIGUEZ.

H.R. 31: Mr. KERNS.

H.R. 41: Mrs. DAVIS of California.

H.R. 68: Mr. ISRAEL.

H.R. 85: Mr. EVANS.

H.R. 123: Mr. CRANE.

H.R. 267: Mr. EVANS.

H.R. 296: Ms. SOLIS.

H.R. 303: Mr. LARSON of Connecticut.

H.R. 317: Mr. MCGOVERN.

H.R. 325: Mr. BLAGOJEVICH and Mr. NORWOOD.

H.R. 356: Mr. MCGOVERN and Mrs. CAPITO.

H.R. 440: Mr. TIERNEY and Mr. DEFAZIO.

H.R. 507: Mr. KERNS.

H.R. 526: Mr. NORWOOD, Mr. SMITH of New Jersey, Mr. BARR of Georgia, Mr. DOGGETT, Mr. LARSEN of Washington, Mr. BACA, Ms. MCKINNEY, Mr. MURTHA, Mr. BARCIA, Mr. BLAGOJEVICH, Mr. NEAL of Massachusetts, Mr. MORAN of Virginia, Mr. SHOWS, Mrs. CHRISTENSEN, and Mr. HILL.

H.R. 538: Mr. WU.

H.R. 590: Mr. BENTSEN.

H.R. 602: Mrs. BIGGERT.

H.R. 612: Mr. SMITH of Washington, Mrs. MCCARTHY of New York, and Mrs. JOHNSON of Connecticut.

H.R. 619: Ms. SOLIS.

H.R. 656: Mr. PAUL and Mr. BURTON of Indiana.

H.R. 659: Ms. CARSON of Indiana.

H.R. 662: Mr. PHELPS and Mr. EHLERS.

H.R. 692: Mr. RADANOVICH and Mr. OTTER.

H.R. 746: Mrs. CAPITO.

H.R. 751: Mr. MCHUGH.

H.R. 757: Mr. OWENS.

H.R. 761: Mr. ALLEN.

H.R. 774: Mr. SPRATT.

H.R. 782: Mr. ROGERS of Michigan and Mr. GILLMOR.

H.R. 796: Mr. KLECZKA.

H.R. 822: Mr. DEFAZIO.

H.R. 843: Mr. GILMAN and Ms. MCKINNEY.

H.R. 848: Mr. ENGEL, Mrs. MALONEY of New York, and Ms. LOFGREN.

H.R. 853: Mr. PLATTS.

H.R. 854: Mr. LUCAS of Kentucky, Ms. WOOLSEY, Mr. SPRATT, and Ms. LOFGREN.

H.R. 887: Mrs. CAPITO.

H.R. 951: Mr. BARCIA, Mr. GILLMOR, Mr. MOLLOHAN, Mr. MCGOVERN, Mr. EHLERS, Mr. PITTS, Mr. HOEFFEL, Mr. ENGLISH, Mr. CUMMINGS, Mrs. KELLY, Mr. DEMINT, and Mr. SUNUNU.

H.R. 975: Mr. CROWLEY and Mr. ROSS.

H.R. 981: Mr. SHADEGG, Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. MICA, and Mr. CANNON.

H.R. 1024: Mr. MORAN of Kansas, Mr. SWEENEY, Mr. SHADEGG, Mr. POMBO, Mr. HAYES, and Mr. NEAL of Massachusetts.

H.R. 1037: Mr. ISAKSON, Mr. CLEMENT, and Mr. MCGOVERN.

H.R. 1073: Mrs. MALONEY of New York, Mr. ROSS, Mr. SIMMONS, Mrs. KELLY, and Mr. LARSON of Connecticut.

H.R. 1076: Mr. ROTHMAN, Mr. HOYER, Ms. SANCHEZ, Mr. ORTIZ, Mr. MOLLOHAN, Mr. OLVER, Mr. SNYDER, Mr. SCHIFF, Mr. FATTAH, and Mr. LIPINSKI.

H.R. 1082: Mr. LEACH, and Mr. TIAHRT.

H.R. 1097: Mr. LARSEN of Washington, Mr. LANGEVIN, and Mr. MARKEY.

H.R. 1110: Mr. EHLERS.

H.R. 1154: Mr. TOWNS.

H.R. 1155: Mr. WAXMAN, Mrs. BONO, Ms. LOFGREN, Mr. LOBIONDO, Mr. MATSUI, Mr. HOBSON, Mr. PLATTS, Mr. BONIOR, Mr. LAHOOD, and Mr. HONDA.

H.R. 1164: Mr. HILLIARD.

H.R. 1198: Mr. BOSWELL and Mr. MCDERMOTT.

H.R. 1232: Mr. STRICKLAND and Mr. MCGOVERN.

H.R. 1238: Mr. MCHUGH, Mrs. JONES of Ohio, Mr. GONZALEZ, Mr. DOYLE, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. CUMMINGS, Mr. PLATTS, Mr. NEAL of Massachusetts, and Mr. EVANS.

H.R. 1289: Ms. MCCOLLUM and Mr. CONYERS.

H.R. 1291: Mr. BAKER, Mr. MORAN of Kansas, Mr. SOUDER, and Mr. TIBERI.

H.R. 1296: Mr. MATHESON, Mr. PICKERING, Ms. JACKSON-LEE of Texas, and Mr. THOMPSON of California.

H.R. 1305: Mr. DELAY, Mr. FLETCHER, and Mr. HASTINGS of Washington.

H.R. 1316: Mrs. JOHNSON of Connecticut, Mr. CLEMENT, Mr. FOLEY, and Mr. UDALL of Colorado.

H.R. 1331: Mr. BARR of Georgia.

H.R. 1342: Mr. NEY.

H.R. 1388: Mr. LUCAS of Kentucky and Mr. LATHAM.

H.R. 1412: Mrs. BIGGERT, Mr. CALLAHAN, Mr. JOHNSON of Illinois, and Ms. HART.

H.R. 1424: Mr. FILNER and Mr. PAYNE.

H.R. 1438: Mr. SPENCE, Mr. HILLEARY, Ms. DUNN, and Mr. WELLER.

H.R. 1462: Mrs. CUBIN.

H.R. 1520: Mr. THOMPSON of Mississippi.

H.R. 1522: Mr. PALLONE, Ms. CARSON of Indiana, Mr. PASTOR, Mr. RANGEL, and Mr. ABERCROMBIE.

H.R. 1542: Mr. ORTIZ, Mr. KILDEE, Mr. ALLEN, Mr. SERRANO, and Mr. BROWN of South Carolina.

H.R. 1553: Mrs. MYRICK, Mr. UDALL of Colorado, and Mr. MATSUI.

H.R. 1556: Mr. SPRATT, Mr. MCNULTY, Mr. HALL of Texas, and Mr. REYNOLDS.

H.R. 1587: Mr. BROWN of South Carolina, Mr. GONZALEZ, Mr. MCGOVERN, Mr. SCHIFF, and Mr. MATHESON.

H.R. 1596: Mr. SOUDER, Mr. RAMSTAD, Mr. GOODE, and Mr. MCGOVERN.

H.R. 1598: Mr. MCGOVERN and Mr. UPTON.

H.R. 1600: Mr. KOLBE, Mr. SESSIONS, Mr. FLAKE, and Mr. NEAL of Massachusetts.

H.R. 1605: Mr. WELDON of Florida, Mr. HASTINGS of Florida, and Mr. FOLEY.

H.R. 1613: Mrs. ROUKEMA.

H.R. 1641: Mr. GREENWOOD.

H.R. 1642: Mr. ALLEN, Mr. GEORGE MILLER of California, and Mr. SMITH of Washington.

H.R. 1656: Mr. DEUTSCH.

H.R. 1675: Mr. FLAKE.

H.R. 1682: Mrs. MCCARTHY of New York, Mr. KING, Mr. PALLONE, Mr. FROST, and Mr. OWENS.

H.R. 1685: Mr. BROWN of Ohio, Mr. PAYNE, Mr. FRANK, Mr. LANGEVIN, Mr. LAFALCE, Mr. DEUTSCH, and Mr. BONIOR.

H.R. 1687: Mr. DAVIS of Illinois.

H.R. 1690: Mr. RUSH.

H.R. 1700: Mr. RUSH.

H.R. 1701: Mr. BARTLETT of Maryland, Mr. COOKSEY, Mrs. EMERSON, Mr. POMBO, Mr. DICKS, Ms. HOOLEY of Oregon, Mr. BRYANT, Mr. SPRATT, Mr. TIAHRT, and Mr. MORAN of Kansas.

H.R. 1717: Mr. STUPAK.

H.R. 1723: Mr. HEFLEY, Mr. RUSH, Mr. HILLEARY, Mr. SIMMONS, Mrs. KELLY, Ms. MILLENDER-MCDONALD, and Mr. LIPINSKI.

H.R. 1726: Mr. FRANK, Ms. JACKSON-LEE of Texas, and Mr. RANGEL.

H.R. 1733: Mrs. JONES of Ohio.

H.R. 1734: Mrs. THURMAN, Mr. JACKSON of Illinois, Mr. BARCIA, and Mr. TIERNEY.

H.R. 1745: Mr. KIRK.

H.R. 1754: Mr. ALLEN, Mr. HILLIARD, Mr. WOLF, Mr. STUPAK, Mr. BILIRAKIS, and Mr. CROWLEY.

H.R. 1773: Mr. BALDACCI and Mr. EVANS.

H.R. 1774: Mr. COSTELLO, Mr. ROGERS of Michigan, Mr. SHOWS, Mr. SHIMKUS, Mr. TANCREDO, Mr. PLATTS, Mr. FLAKE, and Mr. SENSENBRENNER.

H.R. 1779: Mr. DEFAZIO, Mr. GEORGE MILLER of California, Mr. CLAY, and Ms. HOOLEY of Oregon.

H.R. 1781: Mr. SMITH of New Jersey.

H.R. 1795: Mrs. LOWEY, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. MCNULTY, Mr. WAXMAN, Mr. BERMAN, Mr. ENGLISH, Mrs. MORELLA, Mr. SCHROCK, Ms. DELAURO, Mr. SWEENEY, Mr. EVANS, Mr. SHERMAN, and Mr. WAMP.

H.R. 1798: Ms. ESHOO.

H.R. 1804: Ms. SLAUGHTER.

H.R. 1810: Mr. UDALL of Colorado, Ms. MCKINNEY, and Mr. OBERSTAR.

H.R. 1811: Mr. OTTER, Mr. HERGER, and Mr. HOUGHTON.

H.R. 1818: Mrs. MINK of Hawaii.

H.R. 1834: Mr. GARY G. MILLER of California, and Mr. CROWLEY.

H.R. 1839: Mr. BONIOR.

H.R. 1841: Mrs. MORELLA, Mr. BENTSEN, Mr. FALEOMAVAEGA, Mr. LAFALCE, Mr. INSLEE, Mr. NEAL of Massachusetts, and Mr. OWENS.

H.R. 1864: Mr. PAYNE.

H.R. 1891: Mr. TIBERI, Mr. FERGUSON, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr. SESSIONS, Mr. PENCE, Mr. BACHUS, Mr. SHIMKUS, Mr. LAHOOD, and Mr. BLUNT.

H.R. 1892: Mrs. BIGGERT, Mr. WAXMAN, Ms. SANCHEZ, and Mr. RUSH.

H.R. 1897: Mr. PAYNE, Mr. ROSS, and Mr. HINCHEY.

H.R. 1922: Mr. PAYNE.

H.R. 1928: Mr. MCGOVERN.

H.R. 1929: Mr. MCGOVERN, Mr. WAXMAN, Mr. LARSEN of Washington, and Ms. LOFGREN.

H.R. 1942: Mr. EVANS and Mr. JOHNSON of Illinois.

H.R. 1945: Mr. PAYNE and Mr. SMITH of New Jersey.

H.R. 1950: Mr. BURTON of Indiana.

H.R. 1978: Mr. CAPUANO, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. OLVER, Ms. SCHAKOWSKY, and Ms. WOOLSEY.

H.R. 1984: Mr. HILLEARY.

H.R. 1992: Mr. GRAHAM and Mr. TANCREDO.

H.R. 1997: Mr. FILNER, Mrs. THURMAN, and Mr. FRANK.

H.R. 2001: Mr. LARGENT.

H.R. 2005: Mr. BROWN of Ohio, Mr. CLAY, Mr. FROST, Mr. KUCINICH, and Mr. FRANK.

H.R. 2008: Ms. WATSON, Mr. HASTINGS of Florida, Mr. FORD, Mr. MEEKS of New York, Ms. MCKINNEY, Ms. LEE, Mr. BISHOP, Mr. CLAY, Mr. OWENS, Mr. CUMMINGS, Mrs. CLAYTON, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2013: Mr. DEFAZIO, Mr. JACKSON of Illinois, Mr. LUTHER, and Ms. LEE.

H.R. 2036: Mr. BACHUS, Mr. TERRY, Mr. TAYLOR of North Carolina, Ms. MCKINNEY, Ms. RIVERS, Mr. WOLF, Mr. DEFAZIO, Mr. OWENS, Mr. MCNULTY, Mr. LARSON of Connecticut, Mr. CLAY, Mr. KOLBE, Ms. HART, Mr. BALDACCI, and Mr. BOYD.

H.R. 2055: Mr. ISTOOK, Mr. PENCE, Mr. JONES of North Carolina, Mr. SCHAFFER, Mr. BURTON of Indiana, Mr. TOOMEY, Mr. LARGENT, Mr. DEMINT, and Mrs. MYRICK.

H.R. 2064: Mr. KILDEE, Mr. CLAY, and Ms. MCCOLLUM.

H.R. 2073: Mr. SHOWS, Mr. SMITH of New Jersey, Mr. GOODE, Mr. MCGOVERN, Mr. KILDEE, Mr. FILNER, Mr. RAHALL and Mrs. THURMAN.

H.R. 2074: Ms. CARSON of Indiana.

H.R. 2078: Mr. JACKSON of Illinois, Mr. CRANE, Ms. PELOSI, Mr. HALL of Texas, Mr. BOYD, Mr. STENHOLM, Mr. PHELPS, Mr. TOM DAVIS of Virginia, Mr. CALVERT, Mrs. BIGGERT, Ms. HART, Mr. JONES of North Carolina, and Mr. ANDREWS.

H.R. 2095: Ms. MCKINNEY.

H.R. 2096: Mr. GRUCCI, Mr. AKIN, and Mr. BURTON of Indiana.

H.R. 2102: Mr. CLAY, Mr. COSTELLO, Mr. MCINTYRE, Mr. RODRIGUEZ, Mr. FROST, and Mr. BALDACCI.

H.R. 2118: Mr. FROST and Mr. WAXMAN.

H.R. 2123: Mr. GILLMOR, Mr. SHERMAN, Mr. PLATTS, and Ms. BALDWIN.

H.R. 2131: Ms. SLAUGHTER and Mr. BERMAN.

H.R. 2138: Mr. COYNE, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, and Mr. SMITH of Michigan.

H.R. 2149: Mr. PITTS, Mr. TOM DAVIS of Virginia, and Mr. KENNEDY of Minnesota.

H.R. 2156: Mr. GREENWOOD.

H.R. 2164: Mr. WEINER.

H.J. Res. 6: Mrs. THURMAN and Mr. CAPUANO.

H.J. Res. 36: Mr. HOSTETTLER, Mr. PUTNAM, Mr. KIRK, Mr. CARSON of Oklahoma, Mr. NUSSLE, Mr. NEY, Mr. NORWOOD, and Mr. STRICKLAND.

H.J. Res. 38: Ms. MCKINNEY.

H. Con. Res. 3: Ms. PELOSI.

H. Con. Res. 17: Mr. WU and Mr. MORAN of Virginia.

H. Con. Res. 20: Mr. SIMMONS, Mr. KIND, and Ms. BALDWIN.

H. Con. Res. 25: Ms. MCKINNEY, Mr. MORAN of Virginia, and Mr. WOLF.

H. Con. Res. 48: Mr. STUMP.

H. Con. Res. 68: Mr. BARCIA.

H. Con. Res. 102: Mr. MCNULTY, Ms. LEE, Mr. WEXLER, Mr. SABO, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. LOFGREN, and Mr. HILLIARD.

H. Con. Res. 144: Mr. KNOLLENBERG, Mr. BURTON of Indiana, Mr. ROHRABACHER, Mr. ENGLISH, Mr. CAMP, Mr. LIPINSKI, Ms. KAPTUR, and Mr. LEVIN.

H. Con. Res. 154: Mr. ARMEY, Mr. DELAY, Mr. SESSIONS, Mr. BARTON of Texas, Mr. SANDLIN, Mr. REYES, Mr. ORTIZ, Mr. FROST, Mr. GREEN of Texas, Mr. TURNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCINTYRE, Mr. ETHERIDGE, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. HAYES, and Mr. ISTOOK.

H. Res. 65: Mr. STUPAK and Mr. WICKER.

H. Res. 101: Mr. BONIOR.

H. Res. 124: Mr. KERNS, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. HILLIARD, and Mr. BISHOP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 324: Mr. DEAL of Georgia.

H.R. 1319: Ms. HART.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

28. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 244 petitioning the United States Congress to enact the Younger Americans act; to the Committee on Education and the Workforce.

29. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 241 petitioning the United States Congress and the New York State Legislature to enact legislation that would require health insurance companies to provide coverage for dental care; jointly to the Committees on Energy and Commerce and Ways and Means.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 1. June 13, 2001, by Mr. BRAD CARSON on House Resolution 146, was signed by the following members: Brad Carson, Rosa L. DeLauro, Martin Frost, Major R. Owens, Carolyn C. Kilpatrick, Stephanie Tubbs Jones, Gregory W. Meeks, Ciro D. Rodriguez, James A. Traficant, Jr., Michael M. Honda, Hilda L. Solis, Grace F. Napolitano, Shelley Berkley, Mike Thompson, Janice D. Schakowsky, John Lewis, George Miller, Nancy Pelosi, David E. Bonior, Robert E. Andrews, Karen L. Thurman, Anna G. Eshoo, Charles B. Rangel, Darlene Hooley, Dennis J. Kucinich, Steven R. Rothman, Ellen O. Tauscher, Patsy T. Mink, Benjamin L. Cardin, Wm. Lacy Clay, Carolyn McCarthy, Betty McCollum, Richard A. Gephardt, Robert A. Brady, Alcee L. Hastings, Joseph M. Hoeffel, Brad Sherman, Brian Baird, Karen McCarthy, Robert Menendez, Barbara Lee, Juanita Millender-McDonald, Danny K. Davis, Jesse L. Jackson, Jr., David D. Phelps, Rod R. Blagojevich, Donald M. Payne, Rick Larsen, Mike McIntyre, James R. Langevin, Earl Blumenauer, Ruben Hinojosa, Baron P. Hill, John F. Tierney, Adam B. Schiff, Diane E. Watson, Dale E. Kildee, Nick Lampson, Jim McDermott, Eva M. Clayton, Sanford D. Bishop, Jr., Albert Russell Wynn, Frank Mascara, Jane Harman, Robert T. Matsui, Bob Etheridge, John M. Spratt, Jr., Peter A. DeFazio, Lynn C. Woolsey, John B. Larson, Charles A. Gonzalez, Thomas H. Allen, Xavier Becerra, Steve Israel, Susan A. Davis, Jim Matheson, Mike Ross, Gene Green, Silvestre Reyes, Joe Baca, Ronnie Shows, James H. Maloney, Barney Frank, Fortney Pete Stark, Bob Filner, Lois Capps, Tom Udall, David Wu, Thomas M. Barrett, Vic Snyder, Carolyn B. Maloney, Gary A. Condit, Gerald D. Kleczka, Robert A. Borski, Lane Evans, Patrick J. Kennedy, James P. McGovern, John W. Olver, Harold E. Ford, Jr., Loretta Sanchez, Martin T. Meehan, Ted Strickland, James A. Barcia, Lynn N. Rivers, Solomon P. Ortiz, Bob Clement, David E. Price, Michael E. Capuano, Jose E. Serrano, Maurice D. Hinchey, Ken Lucas, Diana DeGette, Zoe Lofgren, Carrie P. Meek, Max Sandlin, Corrine Brown, William D. Delahunt, Rush D. Holt, Anthony D. Weiner, Tammy Baldwin, Tony P. Hall, Cynthia A. McKinney, Sheila Jackson-Lee, Marcy Kaptur, Julia Carson, Eliot L. Engel, Christopher John, Lloyd Doggett, Luis V. Gutierrez, Joseph Crowley, Maxine Waters, Bart Gordon, Chaka Fattah, Robert Wexler, Jim Davis, Michael R. McNulty, Leonard L. Boswell, Bart Stupak, Tim Holden, Bill Pascrell, Jr., Frank Pallone, Jr., Ron Kind, John Elias Baldacci, Dennis Moore, Adam Smith, Ken Bentsen, Peter Deutsch, James P. Moran, Sherrod Brown, Ed Pastor, Nydia M. Velázquez, William J. Jefferson, John J. LaFalce, Tom Lantos, Edolphus Towns, Bernard Sanders, Jay Inslee, William O. Lipinski, Mark Udall, Nick J. Rahall II, David R.

Obey, Sander M. Levin, Chet Edwards, Jerrold Nadler, Marion Berry, Gary L. Ackerman, Earl F. Hilliard, John Conyers, Jr., Louise McIntosh Slaughter, Bennie G. Thompson, Elijah E. Cummings, John D. Dingell, Bobby L. Rush, Melvin L. Watt, Howard L. Berman, Edward J. Markey, James L. Oberstar, Ralph M. Hall, Calvin M. Dooley, Michael F. Doyle, Bill Luther, Robert E. (Bud) Cramer, Jr., Ike Skelton, Earl Pomeroy, Lucille Roybal-Allard, William J. Coyne, Jerry F. Costello, Allen Boyd, Nita M. Lowey, James E. Clyburn, Paul E. Kanjorski, Steny H. Hoyer, Norman D. Dicks, Henry A. Waxman, Sam Farr, Robert C. Scott, and Neil Abercrombie.

SENATE—*Thursday, June 14, 2001*

The Senate met at 9 a.m. and was called to order by the Honorable Bill Nelson, a Senator from the State of Florida.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, today, on Flag Day, we remember that memorable Flag Day, June 14, 1954, when President Dwight Eisenhower stood on the steps of the Capitol and recited the Pledge of Allegiance for the first time with the phrase, "one Nation under God." We pray that we will not forget his words spoken on that historic day: "In this way we are reaffirming the transcendence of religious faith in America's heritage and future; in this way we shall constantly strengthen those spiritual weapons which forever will be our country's most powerful resource in peace and war."

Today, as we celebrate Flag Day, we repledge allegiance to our flag and recommit ourselves to the awesome responsibilities You have entrusted to us. May the flag that waves above this Capitol remind us that this is Your land.

Thank You, Lord, that our flag also gives us a bracing affirmation of the unique role of the Senate in our democracy. In each age, You have called truly great men and women to serve as Senators. May these contemporary patriots experience fresh strength and vision.

We are very grateful for the outstanding people You call to work as leaders of the Senate. Today we thank You for Sharon Zelaska and for her faithful and loyal service as Assistant Secretary of the Senate. As she retires, we praise You for her commitment to You and her patriotism to our Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT G. TORRICELLI, a Senator from the State of New Jersey, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Florida thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

SCHEDULE

Mr. REID. Mr. President, on behalf of Senator DASCHLE, the majority leader, I announce that there will be 1 hour of debate divided between Senator HARKIN and Senator SESSIONS. They worked on this amendment last night. Following their presentations, there will be two rollcall votes at approximately 5 after 10 this morning. At 12 noon, we will do morning business for 1 hour as outlined last night in the unanimous consent agreement. They expect the Helms amendment to be brought up immediately after the rollcall. That would be at approximately 11 o'clock. Votes will occur throughout the day. This bill will be completed today, tonight, or tomorrow. We are going to work until we complete this legislation. If we are able to complete the bill today, of course, there will be no rollcall votes tomorrow.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

Pending:

Jeffords amendment No. 358, in the nature of a substitute.

Biden amendment No. 386 (to amendment No. 358), to establish school-based partnerships between local law enforcement agencies and local school systems, by providing school resource officers who operate in and around elementary and secondary schools.

Leahy (for Hatch) amendment No. 424 (to amendment No. 358), to provide for the establishment of additional Boys and Girls Clubs of America.

Helms amendment No. 574 (to amendment No. 358), to prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities.

Helms amendment No. 648 (to amendment No. 574), in the nature of a substitute.

Dorgan amendment No. 640 (to amendment No. 358), expressing the sense of the Senate that there should be established a joint committee of the Senate and House of Representatives to investigate the rapidly increasing energy prices across the country and to determine what is causing the increases.

Clinton further modified amendment No. 516 (to amendment No. 358), to provide for the conduct of a study concerning the health and learning impacts of dilapidated or environmentally unhealthy public school buildings on children and to establish the Healthy and High Performance Schools Program.

Sessions modified amendment No. 604 (to amendment No. 358), to amend the Individuals with Disabilities Education Act regarding discipline.

Harkin (for Kennedy/Harkin) amendment No. 802 (to amendment No. 358), to amend the Individuals with Disabilities Education Act regarding discipline.

AMENDMENTS NOS. 604 AND 802

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 60 minutes for remarks on the Sessions amendment No. 604 and the Harkin amendment No. 802.

Who seeks recognition?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, is there any other agreement in terms of speaking between the votes? Are we going to speak and then vote? Will we just have an hour equally divided and then vote?

Mr. REID. That is true.

The ACTING PRESIDENT pro tempore. Mr. President, there will be 4 minutes of debate followed by a vote on or in relation to the Sessions amendment.

Mr. SESSIONS. On the second vote?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. SESSIONS. Thank you, Mr. President.

Mr. President, the issue we are dealing with today is a very important issue. I had no idea how significant teachers and principals and superintendents consider this issue. We have already in the course of this legislation approved a historic increase in funding for IDEA. That is going to help schools do a better job of providing specialized training for students with disabilities to a degree we have never seen before.

In fact, 10 or 15 years ago, when the IDEA matter was settled and made a part of Federal law, Congress agreed to pay 40 percent of the cost that would fall on the school system. That agreement was never honored. Congress never appropriated that 40 percent. In fact, we are closer to 10 percent, or even under 10 percent. Now I think we are around 15 or 20 percent of that commitment under the legislation that passed here. I hope we will be able to fund it. We voted to fully fund IDEA. It would be a large increase in funding for school systems.

But as I traveled my State, they expressed concern to me. I visited 20 schools in Alabama recently, and I talked to principals and teachers at each one of those schools. They tell me that funding is important. They would like more funding. Many of them know that Congress has not fulfilled that agreement. They told me. Their frustration just pours out over the Federal regulations that deal with children with disabilities.

This is the book that has the regulations in it with which they are required to comply. Lawyers, experts, testimony, and hearings occur on a regular basis. It is very difficult for teachers to be able to maintain discipline in their classrooms.

Anyone who has talked to teachers in recent years—and perhaps forever, but now I think it is more of a problem—knows they are not able to maintain the level of discipline in a classroom they would like. As a result, it makes it more difficult for them to reach the children in the classroom. It makes learning more difficult. We know that in certain nations in the world they have classroom sizes three times or four times what we have in the United States. Yet they are able to maintain discipline. We need to do a better job of maintaining discipline in the classroom. If you talk to teachers and principals, they will tell you that.

One of the greatest irritants to them is the regulation that comes out of this book. Teachers have left the profession based on it. They are incredibly frustrated. When you talk to them, their frustration pours out. They cite example after example of circumstances that you would think would not and could not happen but do happen in America. In fact, it does happen on a daily basis.

We have been thinking about how to improve this. How can we improve the ability of school systems to confront a difficult situation with compassion, with consistency in the classroom so that it is clear that no one child can rule the roost, that no one child can just take charge and know they can't be disciplined and actually utilize that power to disrupt the classroom?

We have talked with superintendents. We have talked to national leaders. We have talked to lawyers who handle these cases. We have proposed an amendment that is modest, that is less strong in some ways than others that have been adopted, but it will go a long way, if not all the way, in fixing this problem.

This is what happens: A disabled child who is misbehaving is treated in an entirely different way than a child who is not a disabled child. They have extraordinary protections that, in effect, make it difficult for discipline to even occur. Lawyers are involved in it to an extraordinary degree.

Let me read one letter from a special education coordinator who wrote about this problem. We tried to fix some of this in 1997 to improve it, but from what I am hearing in the field from the teachers, we made the situation worse, not better. This special education coordinator writes:

> The restrictions inherent in [the 1997] legislation have the potential to "cripple" a school system beyond repair. Although my job is to advocate for students with disabilities, I also feel a responsibility to protect the rights of all children to an appropriate education.

An elementary school principal writes:

> Today general educators at all grade levels must deal with a large number of these students who are a challenge to manage and instruct. Having to deal with these behaviors and/or to constantly change behavior interventions not only takes away important instructional time from other students, but inadvertently reinforces the disabled children's behavior. All class rules should apply to all students and therefore all students should share the same disciplinary action.

I have maybe 50 or 60 letters to that effect. Let me read a letter from one teacher who shared her thoughts on this subject:

> As a special educator for six years I consider myself "on the front lines" of the ongoing battles that take place on a daily basis in our nation's schools. I strongly believe that part of the "ammunition" that fuels these struggles are the "rights" guaranteed to certain individuals by IDEA '97.

Remember this is a special educator.

> The law, though well intentioned, has become one of the single greatest obstacles that educators face in our fight to provide all of our children with a quality education delivered in a safe environment. There are many examples that I can offer first hand. However, let me reiterate that I am a special educator. I have dedicated my life to helping children with special needs. It is my job to study and know the abilities and limitations of such children. I have a bachelor's degree in psychology, a masters degree in special education and a Ph.D. in good ole common sense. No where in my educational process have I been taught a certain few "disabled" students should have a "right" to endanger the right to an education of all other disabled and nondisabled children. It is nonsense. It is wrong. It is dangerous. It must be stopped. There is no telling how many instructional hours are lost by teachers in dealing with behavior problems. In times of an increasingly competitive global society, it is no wonder American students fall short. Certain children are allowed to remain in the classroom robbing other children of hours that can never be replaced. There is no need to extend the schoolday, no need to extend the school year. If politicians would just make it possible for educators to take back the time that is lost on a daily basis, to contain certain students, there is no doubt we would have better educated students. It is even more frustrating when it is a special education child who knows and boasts "they can't do anything to me" and he is placed back in the classroom to disrupt it day after day, week after week.

And she goes on.

There are many other letters. I thought I would share one from a student. I think it is particularly insightful into the problem with which we are dealing. We want to give every possible assistance to children with disabilities, but there are other children in the classroom also. We ought to think about them. Sometimes their very lives are at stake. Sometimes their safety is at stake. Sometimes their dignity is at stake.

This is what this 14-year-old writes. It was sent to me earlier this year:

> I am a 14 year old eighth grader. I have a problem. There is this girl that goes to school with me, she is an ADD student [disabled student]. She has been harassing me for no reason. She has pretty much done everything from breaking my glasses to telling me she is going to kill me. This really bothers me because she is an ADD student and the only punishment she ever gets is a slap on the hand. My principal says there is not much that he can do because of her status as a special ed kid. I asked what would happen if I threatened her back and he told me that I would be suspended from school and forced to stay away. The most she has ever gotten is three days "in school" suspension. I think this is wrong. She scares me and I am tired of this. It has been going on for 5 months and it's really getting scary.

Unfortunately, that is not a rare event. Too often, that is what we are seeing today.

Our legislation is a realistic attempt to deal with it.

What it says is—and this is the core of it—if a child's misbehavior in the classroom is unconnected to the disability which they have, then they should be able to be disciplined like any other child in the classroom. We are not creating a permanent set of separate and unequal disciplinary actions in a classroom.

If a child has a disability and that disability is connected to their disruptive activity, then we, as a society, have decided we will not remove them from the classroom; that it is something they cannot control, perhaps, and that we will provide them some form of education, whether it is in that classroom or in an alternative setting.

But it is morally wrong and legally indefensible, in my view, to say that a child who has a mobility disability, who sells drugs in a class to other students, or who brings a gun to school—and that mobility disability has no connection whatsoever to the misconduct that they act out and do—they should not be protected and treated preferentially over the other students in the classroom.

Let me tell you what I have heard from teachers in my State. I have two different examples I will share. There are many. Two children in a car bring a gun to a school campus. They did not bring it in the classroom, but it was a clear violation of the rules. It required a suspension from the school. The nondisabled student is suspended from school. The disabled student is not suspended, or is suspended just for a few days, because they are treated separately.

Another example was told to me by teachers where one child sold marijuana to two other children on the school grounds. The seller was a disabled child. The purchasers or receivers were nondisabled children. Under the school rules, they were clearly in violation. The two who received the drugs were kicked out of school for a period of time. The one who sold the drugs was not. The teacher asked: How can we look those children in the eye? What kind of moral authority can we expect to have if we maintain discipline such as that? Isn't that wrong? It is mandated by Federal law, the IDEA regulations that are all over the country.

We want to help children with disabilities, but we do not want to create a circumstance that frustrates teachers, that undermines learning, and really does not help the child involved.

Over and over again, the letters I receive from teachers tell me they believe it is a bad learning process for a child to believe that they, in the classroom, can do things other children cannot. Then when they get out into the work world, they are treated like everybody else and end up having trouble on the job or with criminal activity.

It is a problem we can confront. This legislation says you are entitled to a hearing, but if the hearing finds that your bad activity was not directly connected to your disability, then you could be treated for disciplinary purposes like any other child in the classroom. That is only common sense. It surprises me that anyone would object to that.

Secondly, we found in the course of working on this matter that a number of parents are sacrificing to have their children take advantage of special schools. There is a great school, Talladega School for the Blind, in Alabama where a lot of children go. These are not inexpensive schools. Parents sacrifice to send their children there.

Under Federal law, the school system must give each disabled child as much assistance as they can based on their disability.

The PRESIDING OFFICER (Mr. TORRICELLI). The Senator's time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr.. SESSIONS. Mr. President, this provision would say that if the school system believes an alternative school could help and if the parent agrees, if they both agree, they could take their daily allowance for funding for that student and allow the parent to apply to another school. I note that the House voted on a tougher bill than this just the other day by an overwhelming vote. The time has come to fix this problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise in opposition to the Sessions amendment. I hope our colleagues will consider the alternative Senator HARKIN has offered. Let me mention that briefly and then put this into some context.

The amendment Senator HARKIN and I are proposing ensures that students with disabilities will continue to receive services even if they are suspended or expelled. It retains the noncessation of services provision in current law.

It ensures that behavioral supports are available to children so they may continue to learn. We are agreeing with Senator SESSIONS that a uniform policy of discipline for students with or without disabilities is appropriate. Where we differ is in the ultimate outcome.

Our amendment continues the services while his amendment denies them. Our communities will be safer. Our children will become better citizens, if they have the full opportunity to learn. Conversely, expulsion from school with no alternatives will lead some children down a path where no one wants them to go. That is the alternative.

I remind our colleagues of the history of the IDEA and where we have come from in terms of discrimination against those with disabilities. We have made remarkable progress on the road to free our Nation from the stains of discrimination. Discrimination was written into the Constitution. We fought a Civil War. Then again in the late 1950s, primarily with the leadership of Dr. King, and then in the early 1960s, we were able to pass landmark legislation that helped, to the extent that laws could, free us from discrimination on the basis of race, religion, national origin, gender discrimination, and discrimination on the basis of disabilities. Hopefully, we are going to free ourselves from discrimination on sexual orientation as well. It has been a very difficult march. No place has it been more difficult than trying to free the 5 million children who 25 years ago were more often locked in closets, not participating in the educational process. We have moved beyond that; we have proudly gone beyond that.

We have seen slow but continuing progress. We saw it in 1974-1975, with the leadership at that time of President Ford. We made important progress. It was in response to Supreme Court decisions that recognized that when every State constitution guaranteed education to children, it didn't mean leaving out the disabled, leaving out the handicapped. The Supreme Court said we have a responsibility to provide for children who have certain mental and physical challenges. We have embraced that.

As we have seen through this debate, we have recognized that many communities are attempting to deal with this problem. Given the complexity and the challenges of those disabilities, it is costly for many small communities. I know this is true in every State. Members have talked about small communities that have children with severe disabilities and what the impact has been in terms of taxes in the communities.

What we stated a number of years ago—10 years ago—is that we were going to at least give the assurance that the Federal Government was going to provide 40 percent of the help for education. It still is a State requirement. Make no mistake about it. If we were not providing the funds, there is still the requirement under the State constitution, according to the Supreme Court. But we said we want to participate.

That is what this legislation is about in terms of its focus on needy children. We are saying that that is a particular challenge for our country, that the poorest children, locked in rural and urban areas, are a special cause of America. We are also saying those children who have disabilities are a special cause.

That is one of the most important parts of the bill, and I am going to do everything I possibly can to ensure that it comes back from conference with the kinds of funding we have guaranteed in this legislation.

There has been slow progress in giving assurance to children that they are going to have an opportunity to get a decent education in our public schools.

This issue the Senator from Alabama has raised has been before the Senate on a number of occasions. The place to deal with it is when we do the reauthorization of the IDEA, which is going to occur next year. That is the appropriate place to deal with it. We haven't had the hearings. We haven't conducted the studies. We haven't had review. We have anecdotal evidence the Senator from Alabama has provided to us.

Let's take the General Accounting Office. I listened to the Senator from Alabama talk about various letters. You can get letters on school behavior from any school in the country. Public schools are still the safest place in America for children, and we know the number of incidents taking place in public schools generally in any event. You could get 1,000 letters from many cities on kids and their concerns about safety.

We have to do something about it. We are trying to do something about it. We have included that in the legislation. I will not spend the time in reviewing that at this moment, but we have taken many steps to ensure safer and better education in the community.

Let's look at student discipline. In January 2000, just 2 years ago, we adopted new disciplinary procedures for the public schools. Here is the GAO report:

> Nevertheless, responding principals generally regarded their overall special education discipline policy as having a positive or neutral effect on the level of safety and orderliness in their schools.

That is the GAO. That is not anecdotal. That is not coming here to the Chamber and reading four or five letters from students. That is what the General Accounting Office said. They are not advocating my position or the position of the Senator from Alabama. They are trying to give us the facts, and these are the facts. The facts are not the anecdotal message of the Senator from Alabama.

That is what is happening out there. Now, you can go through the study and you will find out that 27 percent of the principals report that a separate discipline policy for special education—20 percent reported that the disciplinary procedures for IDEA are burdensome and time consuming. I would like to do something about that, but we are not doing that here on the last 1-hour time distribution on the Elementary and Secondary Education Act. We ought to be able to do something on it.

I would like to get the best people here, the GAO people who wrote that report. I would like to hear their testimony and get their recommendations. I would like to help those schools.

But that isn't what this amendment is all about. That is not what this is all about. It is taking children who have, in these instances, a disciplinary problem—and note the words of art related to their particular disability. In fact, if you knock those children out, we know what happens. It is five or six times as likely that they will never come back to education once they lose that continuing education. Those are the statistics. We know what is going to happen. Those children are gone, out.

Now, this is a difficult challenge, but it is a challenge that I think most of us think is worth it. What we have seen, as the Senator from Iowa pointed out very eloquently last night, is the extraordinary road to progress when local communities and school districts attempt to deal with these issues, with extraordinary kinds of results, incredible kinds of reactions. I could spend the time, which I don't have here, reading letters that have been written by parents who say their children have learned how to love because they have a child in the class who has learning disabilities, and we know the problems they have. We have spent time working with those children and other children who come together. Do you want to throw those kids out? Do you want to throw them out because they have had a cigarette outside in the lobby which was not related to their disability? Throw them out? My goodness. If we are going to have to have a full debate, let's do it, but do it on the reauthorization. Let's not take the final hours here to throw them out of school. That is what this amendment does, make no mistake about it.

This is a basic major retreat, Mr. President, on the march of progress for disabled children. It is unworthy of this body, with the progress that we have made, to go backward. That is where this amendment takes us. We have a very solid alternative which is responsive to any of the continuing challenges. It has been offered by Senator HARKIN. Every Member can vote for it with pride and hold their head high. I give assurance to the Senator from Alabama, if he wants to do that next year, he can be our first witness on the reauthorization of IDEA. If he wants other people on the panel that sustain his position, we will welcome them, too.

Let's not effectively undermine the solid progress that we have made for children in this country over the period of the last 25 years. That is what the Sessions amendment does. We should reject it.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry. How much time remains?

The PRESIDING OFFICER. The Senator has his own time, 15 minutes.

Mr. HARKIN. Mr. President, I want to associate myself fully with the statement just made by the chairman of our committee regarding the amendment I spoke on last night. I intend to speak a few more minutes this morning. First of all, sometimes good things happen, and we ought to take notice of them.

Apropos of this debate we are having about kids with disabilities in schools, there is an article that recently appeared in the Washington Post on June 10th. It is a great story of the success of the Individuals with Disabilities Education Act. It is headlined, "Autistic Teen in DC School Goes to Head of Class." It talks about "Lee Alderman, a shy 19-year-old with autism, who will become the first special education student in the district, and perhaps in the metropolitan area, to graduate as valedictorian of his public high school class." This kid with a disability had a lot of problems going through school. He had the support of IDEA.

Mr. President, I talk about that because in these debates we hear about discipline problems and all the things that are happening. We forget the hundreds of thousands of success stories that happen because of the Individuals with Disabilities Education Act, such as the one I just mentioned here with Lee Alderman. Yet we pick out a problem in this school or one in that school and we blame the kids with disabilities. I don't know why we continue to do that.

I have pointed out many times how I have looked at schools where they have discipline problems, and they get a new principal and institute procedures according to the Individuals with Disabilities Education Act, and their problems go away.

The easy thing is always to get a kid with a disability out of the classroom, segregate them. My principal objection to the Sessions amendment is that it results in segregation—we are going to once again turn the clock back to the days when we segregated kids with disabilities, when we took kids from their homes and their communities and sent them sometimes halfway across the State to live in an institution to go to a special school.

As I said last night, that is my personal story. My brother, who was deaf, was taken from his home, his community, his family, his friends, and sent halfway across the State to a boarding school for the deaf and the dumb, as they called it in those days. He was segregated from his family, his community, only because he was deaf. Mr. President, I don't want to go back to those days—back to the days when these kids were shuffled off to institutions.

That is why we passed the Individuals with Disabilities Education Act—to mainstream kids. That is why we passed the Americans with Disabilities Act—to say that it is wrong to discriminate against anybody, not just on the basis of race, sex, color, creed, national origin, but also disability. As a result of this, kids with disabilities have gone to school with their friends and their neighbors, kids they know and with whom they associate. It has provided opportunities for these kids with disabilities. But more than that, it has provided the opportunities for kids without disabilities to be intimately associated in the classroom with kids who do have disabilities. I believe both have gained from this experience. I don't want to turn the clock back.

The Sessions amendment basically would allow that segregation—take the kid out and put him in some segregated setting, without the protections of current law.

Under IDEA, the law as it is presently constituted, can a child with a disability be segregated? The answer is yes. If that child is a safety risk to himself or herself, or to others. And, even if it is a manifestation of their disability, that child can be segregated, but only after a process in which the school has to show that they have provided adequate services for this kid.

Last night, I gave an example of a child in a classroom. They had a TV monitor. He was watching it. The kid was deaf and some of the educational materials were put on the television monitor. But there was no captioning on it. So this went on, I don't know how long—a couple of days. Then the kid started throwing things. Then he started punching the kid next to him and things like that. Well, they kicked him out of the class. But, because of IDEA, there was a process to find out why that child acted out. When they brought in an interpreter, they found out the kid was frustrated because he could not understand what was going on. He was not getting the proper services. Under the Sessions amendment, that would not happen. That kid could be taken out, if he done something like that, without the protections of current law and could be segregated from that classroom.

Mr. SESSIONS. Will the Senator yield for a question on that?

Mr. HARKIN. Just one minute. Yes, I will yield, but I may ask for more time if I yield. I would not mind getting into a discussion.

Mr. SESSIONS. I would not want the due process hearing to be eliminated. I don't intend to do that in the legislation. If there is any language there that does that, I will be glad to discuss it with the Senator. I do not believe it does.

Mr. HARKIN. Mr. President, if you look at my amendment, section 2, limitation, in general——

Mr. SESSIONS. The Senator's amendment or mine?

Mr. HARKIN. My amendment.

Mr. SESSIONS. The Senator said mine eliminated a due process hearing. I would like for him to say where it does that.

Mr. HARKIN. Right in "(2) Limitation.—(A) In General.—" where you say "shall receive a free appropriate public education which may be provided in an alternative educational setting." My amendment adds the words "pursuant to Sec 615K" which does provide that. The Senator's amendment does not provide that. I ask him to look at that. That is not provided.

To me, that was the biggest problem. I have other problems with his amendment. That is the single biggest problem right there. I point that out.

Look at my amendment; I put in the words "pursuant to Sec 615K."

That is one big problem with this amendment. The second problem is the cessation of services, and this is equally as important, perhaps, as the segregation.

I agree with the Senator from Alabama; if a student with a disability violates a school rule and if that behavior is not related to his disability, that child should be disciplined in the same manner as any other child, and IDEA allows for that.

Under the Individuals with Disabilities Education Act, let's say a child with a disability is caught smoking in the parking lot and that is a violation of school rules but it is not a manifestation of that child's disability. That child can be disciplined just as any other child who was caught smoking in that parking lot. No ifs, ands, or buts about it.

Here is the point: They can be disciplined, but the educational services cannot be stopped. We continue the services to this child.

Here is the difference between the approach of the Senator from Alabama and mine. I do not believe educational services ought to be stopped for any child. Two years ago, we had the juvenile justice bill before the Senate. I offered an amendment at that time, which was adopted, which said that if a student with or without a disability was disciplined and was segregated or moved out of the school setting, educational services had to be continued.

Why is it that if we are going to expel a student, we are just going to throw them out on the street? We shift the problem to the streets when it may be a family problem or it could be a host of reasons why this young person is acting up.

The juvenile justice bill continued services for every child, not just kids with disabilities, but every child who was disciplined and removed from a school setting continued to receive educational services.

My approach was to expand the concept of IDEA to all students. The approach of my friend from Alabama is let's take away everything, all of the services, even from kids with disabilities. That is the difference in approach. If one believes that a kid with a disability who is caught smoking in the parking lot and is kicked out of school because that is the school policy ought to be thrown on the street and receive no educational support, no educational services, then that is what the Sessions amendment does. But if one thinks that child should continue to receive educational services, that is not contained in his amendment; he wipes that out. Under IDEA, as the law is constituted today, that child will continue to get services.

Two years ago when I offered this amendment on the juvenile justice bill, I had major police and law enforcement agencies of America supporting my amendment because they wanted to continue educational services to these kids.

Law enforcement and parents all agree that ceasing services is the wrong answer, and yet I point out to my friend from Alabama, under paragraph (C) of his amendment, all of these services are ceased. My amendment leaves the same language as the Senator from Alabama, except I say "except as provided in 612(a)(1)" which means they continue the services. They can still be kicked out of school, make no mistake about it. They can be kicked out, but educational and other services that a disabled child needs will continue.

I have lived with this now for most of my life. I have lived with IDEA for 26 years. It just seems as if every year we get some amendment that comes up to do something about kids with disabilities and discipline in school. Look, I do not mind, I say to my friend from Alabama, if he wants to do something about discipline in schools. I am sure there is something we can do about discipline in schools without encroaching on local control. But why focus on kids with disabilities? Why pick on the most vulnerable of our society? When we look at all of the school shootings from Columbine to Oregon to Pennsylvania, and I think there was one in Arkansas, not a one of those involved a child with a disability—not one. Yet every time we have something like that flare up, there is always an amendment that comes out that goes after kids with disabilities. It is not right. It is not fair.

We have been through this before. We have been through it time and time again. I repeat for emphasis' sake what the Senator from Massachusetts said. We had a GAO study done of this. I wanted to get a study done to find out whether or not kids in special education were getting special treatment in the schools. Here is what the GAO report said in January, and I quote:

> Special education students who are involved in serious misconduct are being disciplined in generally a similar manner to regular education students based on information that principals reported to us and our review of the limited extent research.

That means IDEA is not limiting the ability to discipline children with disabilities. Really, what the Sessions amendment does is, under the guise of discipline, it will allow schools to turn the clock back and segregate these kids again. It will allow us to turn the clock back and stop services to these kids.

As the Senator from Massachusetts said, we know a lot of times families with kids with disabilities are struggling. They do not have a lot of wherewithal. Kids get kicked out, they get disciplined, families throw up their hands, the kids get thrown on the streets, and they never come back. They do not come back. We all know what happens then, and we know what happens to them after that. They wind up in our jails, in our prisons.

We have taken major steps in this country to integrate kids with disabilities.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I ask unanimous consent for 5 minutes.

Mr. SESSIONS. Objection. Five minutes is a bit much at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. I ask unanimous consent for 3 more minutes.

Mr. SESSIONS. OK. Three on each side?

Mr. REID. Reserving the right to object, I think we should have 3 minutes for the opposition to this amendment also.

Mr. HARKIN. Sure, that is all right.

Mr. SESSIONS. Three minutes a side is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, as I was saying, we have come a long way, and we should not turn the clock back. On this very bill we are discussing, Senator HAGEL and I offered an amendment that fully funds the Individuals with Disabilities Education Act that we passed 26 years ago. That is in this bill. It is not an authorization; it is actually an appropriation in this bill, and it was adopted unanimously by the Senate by voice vote. That means school districts now will have more Federal funds coming in to help them provide the services these kids need.

Let's not resegregate these kids until we see the outcomes of full funding. We are now going to give the schools the support and the finances they need to make sure they get the appropriate services for these kids with disabilities.

The amendment I have pending in many ways is similar to the amendment of the Senator from Alabama, but it does not segregate and it does not stop services. It does allow schools to discipline kids with disabilities, it allows them to even kick them out, but it does not allow them to segregate or stop services to the kids with disabilities. I think that is a vital, important difference between these two amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I will take managers' time.

The PRESIDING OFFICER. The Senator from Alabama was yielded 3 minutes.

Mr. SESSIONS. I will take that time.

Let me respond first to the distinguished Senator from Iowa. I know how deeply he cares about this issue. I understand his concerns. We are not trying to undertake anything that would be detrimental to children with disabilities.

I want him to understand clearly that under the example cited about a child who was frustrated because they could not hear the television—and some of those things happen—under this amendment I have presented, that child could not be removed without a manifest determination hearing, and if in any hearing that would occur it is clearly shown there was a connection between his disability and his behavior, he could not be denied school services.

That is the difference between our amendment and the one that passed the House a few weeks ago in May that does not provide for the hearing. Under the House bill that passed by 250 or 40-some-odd votes, they would be treated as any other child for disciplinary purposes.

Mr. GREGG. Will the Senator yield?

Mr. SESSIONS. I yield.

Mr. GREGG. I yield such time as I may have under this amendment to the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. For example, it says for disciplinary purposes the children shall be treated equally.

> "(2) LIMITATION.—
>
> "(A) IN GENERAL.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).
>
> "(B) MANIFESTATION DETERMINATION.—The manifestation determination shall be made immediately; if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

I wanted to get that straight. I know the Senator cares deeply about that.

Mr. HARKIN. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. HARKIN. I point out to the Senator, in all fairness, the paragraph just quoted leaves our "pursuant to section 615(k)" of the underlying bill which provides for that due process hearing. That is not in your amendment.

Mr. SESSIONS. Our amendment further says:

> (A) REVIEW OF MANIFESTATION DETERMINATION.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

current law, and we provide for the hearing.

Mr. HARKIN. Later, after they are kicked out.

Mr. SESSIONS. The school gets to protect the students until it is complete, no later than 10 days. I think the school system ought to be given some deference. The principals and the teachers love children. They care about their school. They want to do the right thing. We have pounced on them.

Why does the disability act come up in the U.S. Congress? Because it is a Federal law that is controlling our teachers and principals. When they express concern to us, we should listen.

I am pleased to yield 7 minutes to the distinguished Senator from Virginia, Mr. ALLEN. He was a former Governor and was deeply involved in education.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes 23 seconds; the Senator from Iowa has 1½ minutes; and the Senator from Alabama has 13 minutes 49 seconds.

Mr. KENNEDY. I am interested because I thought we had an hour evenly divided at 9 o'clock. I know we went to this a few minutes after 9.

The PRESIDING OFFICER. There was an additional 6 minutes added by unanimous consent.

Mr. KENNEDY. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I rise in support of the Sessions amendment which would properly return the ability to the local schools and principals to establish and implement uniform discipline policies applicable to all children in our States and school districts.

I have been listening to a lot of comments back and forth. One of the reasons this issue comes back year after year after year is that it is an issue in local schools year after year after year and it becomes an issue in campaigns.

The issue is not whether or not we support IDEA or support education and helping those with disabilities. We clearly all agree with that. The issue is whether or not we are going to have a uniform standard of conduct applicable to all students within a public school system. That is the issue.

I was involved in this issue from the first month I came in as Governor of Virginia in 1994 where we had these problems with this Federal law. We took the Department of Education to court in Commonwealth of Virginia v. Riley. We went to the appellate court and prevailed. Then in 1997 our victory for maintaining order and discipline in our schools was taken away by the action of the House and the Senate.

I can promise the Senator from Iowa, the Senator from Massachusetts, and the Senator from Alabama that discipline or expulsion is not taken lightly in Alabama or Virginia—or I can't imagine in any school. To accuse our educators, our States, our school boards of wanting to unfairly discriminate against students with disabilities and shirking their responsibility by unfairly expelling them is unfounded and wrong.

It is not a question of a kid smoking a cigarette in the parking lot. The issues are students who set up cocaine rings, sell explosives that blow off a child's hand, or bloody another student with brass knuckles. If a child has an epileptic fit and breaks a teacher's nose, that is usually a mitigating factor so a child will not be expelled.

Here are actual cases in Fairfax County, not too far from here, in public schools. A group of students brought in a loaded .357 magnum handgun. It was recovered in the school building. The non-special-education students were expelled. One student, however, was identified as learning disabled due to the student's weakness in written language skills. The team reviewed the evaluations and found there was no causal relationship between the student's writing disability and the student's involvement in the weapons violation. The student was not expelled. That student later bragged to teachers and students at the school that he could not be expelled.

In another recent case in Fairfax High School, a student was part of a gang that was involved in a mob assault on another student. One student involved in the melee used a meat hook as a weapon. Three of the gang members were expelled; the other two who were special ed students were not expelled and are still in the school.

These are the real situations where there is not an equal or fair administration of standards of conduct in the schools. I think we all care about good school conduct. We want small class sizes, good academics, good assessments, empowerment of parents, and all the rest. What also is important is a conducive learning environment.

We need to trust in and take care to allow the responsibilities for maintaining order and discipline in schools to be where they properly belong and not have a Federal law that really justifies a double standard on discipline for disabled and nondisabled students, despite our shared efforts to ensure equal treatment and inclusion into a mainstream system.

The Sessions amendment would return authority for all students back to the States and local schools where it belongs. It is for the parents, teachers, and community, not Washington, to know what is best for students. We want to provide students with a safe learning environment, but we do not need any illogical interference from the Federal Government.

I hope my colleagues will support the Sessions amendment. I thank Senator SESSIONS for his brave leadership on this issue. I ask Senators to stand by your local schoolteachers, stand by your principals, by providing fair and equal standards of conduct for all students, and please support the Sessions amendment.

I yield the remainder of my time.

Mr. KENNEDY. Mr. President, I am absolutely amazed and shocked at the comments of the Senator from Virginia, talking about drugs, guns, and bombs. Why didn't they call 911? They can be held and expelled. Now we are finding out what this is all about: Guns, drugs, and bombs in schools—that disabled children are doing it? Demonstrate it.

I give you the General Accounting Office report that says there is no such thing that is happening. This is not something we are proposing. This is a study on discipline and school behavior. If you can find the words "guns, bombs, and drugs" in here, go ahead and find them. It reaches entirely different conclusions.

Mr. ALLEN. Will the Senator yield?

Mr. KENNEDY. No, I don't yield. You talk about it, that it comes up in campaigns. You bet it does. And we have just heard it, we have just seen it. We just heard and understand the reasons.

If there is a problem, as the Senator from Alabama says, we don't find it in the General Accounting Office report. Anyone can get anecdotal information that there is a problem here and there in some schools. But that just doesn't happen. That is not the case. That is not what the General Accounting Office in its report of January of this year stated.

Mr. ALLEN. Will the Senator yield?

Mr. KENNEDY. If you have a different conclusion from that, present it. But just to say look, there are guns, bombs, and drugs, all these disabled children all over, disrupting, disrupting—we are used to that. We have heard that kind of presentation. That is not what this is about. These children have faced these challenges along the line. This is what the General Accounting Office report says.

Mr. ALLEN. Will the Senator yield?

Mr. KENNEDY. I have limited time, Senator. I was here last evening ready to debate it, and I was here earlier ready to debate it.

Mr. ALLEN addressed the Chair.

Mr. KENNEDY. I ask for order, Mr. President. Who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. KENNEDY. I yield myself 1½ minutes.

This is what it says:

> Special education students who are involved in serious misconduct are being disciplined in generally a similar manner to regular education students, based on the information principals reported to us and our review.
>
> [P]rincipals generally rated their school's special education discipline policies . . . as having a positive or neutral effect on the level on [school] safety and orderliness.

That is what this report, the General Accounting Office report, says:

> Based on our analysis of disciplinary actions and past research, regular education and special education . . . were treated in a similar manner.

There is the General Accounting Office report. We have, with 1 hour on the reauthorization of this act, a proposal that is going to take away the kind of education support systems the Federal Government pays for—not Virginia pays for but the Federal Government pays for. That is the effect of it.

You wanted to wipe that out.

The amendment Senator HARKIN has introduced is very clear in what it permits, what it allows. The amendment says that students with disabilities will continue to have services, even if they are suspended or expelled. It retains the noncessation of service provisions in current law and ensures that behavioral supports are available to children so they may continue to learn.

The PRESIDING OFFICER. The Senator has used his minute and a half.

Mr. KENNEDY. I will take the last minute.

We are agreeing with Senator SESSIONS; a uniform policy for students with or without disabilities is appropriate. Where we differ is in the ultimate outcome. If you want to change the IDEA law, let's do it when we do reauthorization.

I have invited the Senator from Alabama to come to our hearing. I will invite the Senator from Virginia to come and make the presentation. But to change this march we have had—not since 1994, but many of us have been here since 1974, at a time when 5 million children were being put in closets and not educated—not 1994, and we know who has been discriminated against—we are not going to march backward.

This is a major retreat in providing mainstreaming for the children of this country which is not only the right educational policy and the right, decent thing to do, but is also commanded to be done by the Supreme Court.

I hope the amendment of the Senator from Alabama is defeated and the amendment of the Senator from Iowa is accepted.

Mr. BYRD. Mr. President, I recognize that the issue of educating children with disabilities is complex. There are many factors to take into consideration as we try to determine the best possible policy to make sure that all children receive a quality education. I have no doubt that this amendment is intended to improve the educational opportunities for disabled students, but I have concerns that the amendment fails to provide protections to make sure that parents of children with disabilities are not pressured into removing their children from public schools. If a system of protections were included, I would likely support this amendment.

Further, this bill is not the appropriate place to resolve this complicated issue. In view of the fact that this Congress will reauthorize the bill that guarantees an education to children with disabilities, the Individuals with Disabilities Education Act, IDEA, I believe Congress should wait for that opportunity to make significant changes in policy concerning educating disabled children. That will allow us to fully debate these important issues, examine the alternatives, and come to a clearer understanding of how to best educate disabled children in this country. I am voting against this amendment today, but I look forward to revisiting this issue during the reauthorization of the IDEA.

Mrs. CLINTON. Mr. President, I rise today in opposition to both Senator SESSIONS' and Senator HARKIN's amendments, which attempt to reach the goal of helping school districts establish and implement discipline policies that are consistent for every child in the school district.

I strongly believe that we do need to come to a resolution in Federal law that will help school districts appropriately discipline students when they act out violently or in a way that disrupts the learning of other students, but that we should be certain that our actions do not punish children for their disabilities.

The problem we have, at hand, is that the 1997 IDEA reauthorization, as passed and implemented, has developed a separate discipline policy for children in special education, which many school superintendents have found unequal and unfair in their efforts to maintain discipline in their schools. In fact, a recent GAO report, published in January of this year, found that while many principals believe that the differing school policies had a neutral effect on their schools, 27 percent of principals did believe that a separate discipline policy for special education students is unfair to the regular student population.

Now, I want to be very clear that my intention is not to go back to the pre-1975 days when students with disabilities were segregated from the regular student population or, even worse, were denied education all together. In fact, in the early 1970s, I walked door to door trying to figure out why so many children were staying home from school. The census, at the time, showed that there were 2 million children out of school so the Children's Defense Fund worked to answer the question of why these children were not in school. While working for the Children's Defense Fund, I was one of the researchers who found that approximately 750,000 of these children were being kept out of school because they were handicapped. This research led to the first-ever report by the Children's Defense Fund, "Children out of School in America," which helped provide solid research to pass the Education for All Handicapped Children Act of 1975.

As the Progressive Policy Institute so eloquently concluded in a recent report, thanks to this law "today many disabled children in America have the opportunity to obtain high-quality educational experience tailored to their needs and circumstances, the priorities of their parents, and the judgements of their teachers." This report goes on, however, to point out that the law has not kept up with the challenges faced by today's schools. Discipline is a primary example. While IDEA provides protection for disabled students, many believe it goes too far. That, while protecting disabled students, the law may unintentionally harm the educational progress of other students in the classroom.

Senator SESSIONS' amendment attempts to fix this problem by eliminating all due process for children with disabilities who have disciplinary problems. Senator HARKIN's amendment, on the other hand, attempts to address the problem by encouraging local school districts to implement uniform discipline policies while, at the same time, recodifying current IDEA law as it relates to the discipline policy.

I oppose these amendments because I do not believe that either amendment adequately addresses the problem of working toward a uniform discipline policy that allows school administrators to maintain discipline so that all children are offered the opportunity to learn and are not interrupted due to the actions of one child, while protecting the civil rights of children with disabilities to receive a free and appropriate education.

There is much work we need to do on this issue and I believe that we should develop balanced policies that can be part of the discussion and debate during the 2002 reauthorization of IDEA. We need to look for policies that help prevent children with discipline problems from unnecessarily being identified as in need of special education. We need to ensure that quality alternative educational settings are developed for those students who need alternative placements. And, most importantly, we need to fully fund IDEA so that children with disabilities receive appropriate treatment.

Mr. BAYH. Mr. President, I rise today to explain my vote against the Sessions amendment. I do believe that we need a more uniform standard of discipline for disabled students, however, I do not believe that it is prudent for the Senate to consider such an important policy matter in such a short amount of time. I share several of the Senator's concerns about the need to revisit the discipline language in the Individuals with Disabilities Education Act, but I do not believe the reauthorization bill for the Elementary and Secondary Education Act is the appropriate vehicle. The reauthorization of the Individuals with Disabilities Education Act is expected to be considered next year. I look forward to having a fuller debate on this complex issue at that time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. How much time remains on this side?

The PRESIDING OFFICER. The Senator has 8 minutes 42 seconds.

Mr. SESSIONS. I yield 3 minutes to the Senator from Virginia.

Mr. ALLEN. Mr. President, in response to some of the remarks by the Senator from Massachusetts, let me say this is not an issue about trying to deprive those students with disabilities of an education. This is an issue of standards of conduct. Oh, sure, the Federal Government does put some money into IDEA, but most of it does come from the taxpayers of the Commonwealth of Massachusetts, the Commonwealth of Virginia, and the State of Alabama. That is the whole issue of the Harkin-Hagel amendment in the first place. It has been an unfunded mandate.

To cite the comments and cast aspersions on my remarks, which were taken from a court decision—these individuals from Richmond City public schools, Fairfax County public schools, were under oath. Just because a General Accounting Office report doesn't refer to these situations doesn't mean they did not occur. Those individuals presented themselves before a court and swore under oath what happened. There are school records of it. They were subject to cross-examination.

For the Senator from Massachusetts to say these are just concocted, falsified stories, unfortunately is not an accurate statement. These are incidents that occur time after time.

The Senator from Alabama and I are not saying that disabled students cause trouble all the time. But it does happen, from students who are disabled and students who have no disabilities —they cause problems in schools. We think the standards of conduct should be fair and equal in their treatment, with proper due process and equal protection. That is what the issue is, and no amount of unfair aspersions, raised voices, and histrionics can avoid the facts of what we are trying to do, to preserve local autonomy and safe schools as well as equal and fair treatment.

I yield whatever time I had.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the school system does treat differently students who bring drugs and guns to school. There is no doubt about that. I know Senator HARKIN feels strongly about this, and Senator KENNEDY does. Senator HARKIN and Senator KENNEDY opposed, when we had 74 votes on the juvenile bill, an amendment that simply said if you bring a gun to school, you can be treated as any other child for disciplinary purposes. That got 74 votes in this body. It is time to do something about this.

Do we not love children if we simply say a child who acts illegally, who abuses other children, who is sexually aggressive against girls in the classroom, even teachers, who curses teachers in the classroom—engaging in that activity, if it is not connected to their disability, should they be protected and given a special status, as they absolutely are here?

All this amendment says is, if a child has a disability, as Senator HARKIN used the example, a hearing disability, and that is connected to their misbehavior, then they cannot be denied services in the school. They can remain there, and they are entitled to a hearing even on whether or not they go to a special classroom.

We do not deny hearings. But we are simply saying it is time for the school principals and teachers to be given some respect. It is time for school students, as the 14-year-old about whom I read here, who said she can't respond but she is abused regularly—her glasses are knocked off. The girl told her she was going to kill her, and she was afraid to go to school. That child is getting no relief and cannot get it, it seems.

I believe we have a modest step forward in making progress. Unfortunately, the Harkin amendment undermines everything the amendment I have offered seeks to do.

It is return to the status quo. It is return to the Federal Government micromanaging school classrooms and discipline problems. It is not healthy for America.

All we are trying to do is exact some balance. The House passed a much stronger bill earlier last month with 246 votes. That vote did not provide the kinds of hearings that our bill does. I believe this is the right approach. It is time to respond to the educators.

Senator KENNEDY says the Federal Government is paying for this. We know the Federal Government is not paying for this. We know we are paying only a fraction of the cost. It is basically an unfunded Federal mandate on local schools in America. They are required to do all of these things.

Newsweek had an article on a student who was called "the meanest kid in Alabama." He had an aide who went with him from the time he got on the schoolbus until the time he got to class, all through class, and then on the way home on the bus. One day he assaulted the schoolbus driver, and the aide, I think, tried to stop him.

Those are the kinds of problems we have created under this law that seems to be impossible to deal with. I think the Disabilities Act is a historic step forward. We want to keep every child in the regular classroom who can possibly be kept there.

I have visited schools in Alabama. I have seen schools with children in wheelchairs in the classroom. I have seen blind children in the classroom. I think that is wonderful. But if a child in a wheelchair sells dope, should they be treated differently from any other child who sells dope in school?

That is all we are saying. But even then that child would have to have a hearing, and the school would have to show that the action he was being disciplined for was not a result of the disability before he could be removed from the classroom.

This is a modest step forward to deal with a problem that is very real for teachers all over this country. If you go into their schools and talk to them, you will hear them talk about it. If you have friends who are teachers, ask them about it.

There are many actions in this legislation that are unfair and cannot be justified, in my opinion.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand there are 1½ minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I ask the Senator from Virginia if he would please provide to my office these specific examples and the schools because I would like to take a look at those. I would like to look at them because, under the 1997 bill that we passed, if you bring a bomb or a gun or drugs to school, you are out. You are out. So I would like to ask publicly if the Senator from Virginia would provide those to my office so we can take a look at those to see why there is this disagreement. In the 1997 bill, which we passed 98–1 on the Senate floor, if you bring a bomb or drug or guns to school you are out.

I say to the Senator from Alabama that I realize he has good intentions. All of us want discipline in schools. I brought two kids through public schools. Of course, we want discipline in our public schools. None of us wants our teachers or busdrivers to be subject to violence by kids who may harm them or harm themselves. None of us wants that. We want safe schools.

That is why in the process of 26 years we have worked hard on a bipartisan basis in the Senate and in the House to fashion and change this legislation so that we meet the needs of those public schools. That is what the 1997 bill was all about. It is working. Let's not turn the clock back and segregate these kids as we did in the past. We have come too far for that. That is what the Sessions amendment does. It just segregates these kids.

Mr. SESSIONS. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute thirty-two seconds.

Mr. SESSIONS. Mr. President, the Harkin amendment does not do the job. I urge its defeat. It has the pretense of improving the law, but it does not in any way.

Under the amendment, the schools would not be free to set uniform discipline provisions for all students. The double standard that now exists would continue to exist. Our amendment does not completely remove the double standard, but it makes substantial progress after providing a hearing to that student to ensure they are treated fairly. Even if the bad behavior that a school seeks to address in the classroom has no relation to the child's disability, the school would be forced to keep that disruptive or even violent student in the classroom.

If a child, for example, were blind, and if there were an excellent blind school nearby, the Harkin amendment would deny the school and the parent the right to agree—it would take both of them agreeing—to accept the average daily allowance for that student and apply that to that school, if the parent wanted to make up the difference and get the kind of high-quality education that might not be available in that school.

I believe this is a concern for children. I believe it is compassionate in every way. It simply tries to give our beleaguered principals, teachers, and schools more options to deal with a very real problem.

I thank the Chair. I urge defeat of the amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 802.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 64, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—36

Akaka
Biden
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Collins
Corzine
Daschle
Dayton
Dodd
Feingold
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Leahy
Levin
Mikulski
Murray
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Snowe
Specter
Stabenow
Torricelli
Wellstone

NAYS—64

Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Clinton
Cochran
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski

Nelson (FL)
Nickles
Roberts
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

The amendment (No. 802) was rejected.

Mr. HATCH. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, yesterday during rollcall votes 185 and 186, I was necessarily absent to attend services in connection with the passing of Mrs. Barbara Bailey. Mrs. Bailey was the spouse of the late John Bailey, the legendary former chairman of both the Connecticut State Democratic Party and the Democratic National Committee. She was also the mother of Barbara Kennelly who represented the 1st Congressional District of Connecticut from 1983 through 1999. She was a remarkable woman and her passing saddens us all.

Had I been present for the votes, I would have voted as follows: On rollcall vote No. 185, the Domenici amendment as modified, I would have voted "no." On rollcall vote No. 186, the Schumer amendment, I would have voted "aye."

AMENDMENT NO. 604, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes for debate to be followed by a vote on or in relation to the Sessions amendment.

Who yields time?

Mr. SESSIONS. Mr. President, we have a real problem in education today. It is a mandate that we know we do not fully fund. We are paying about 10 percent of the cost of IDEA. We ought to be paying 40 percent, according to our agreement. We have voted to increase that funding fully now.

The next thing we need to do is deal with the Federal regulations that are contained in this book that teachers and principals are having to deal with on a daily basis. Most of you have heard from your teachers and schools. You know the way we are administering the Disabilities Act does not work.

My amendment would simply say that a child, after a hearing where it is found that they are disruptive or perform an illegal or improper act in school that was not a product of their disability, would be treated, for disciplinary purposes, as any other child. That would mean that a child who sold dope, even though they may have a mobility disability, would be treated as any other child that sold drugs in a classroom. I think that is the right approach.

The House passed a bill much stronger which said flatout that any child, whether disabled or not, would be treated the same for disciplinary purposes.

This is a more modest step, but I believe a good step, in dealing with the problem that we are hearing about from all our teachers. I urge passage of the amendment.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Iowa.

Mr. HARKIN. Mr. President, I know that all Senators—I talked with them in the well—are concerned about discipline in classes. This Senator is no different. I put two kids in public schools. We are all concerned about discipline in the classroom. But the Sessions amendment is the wrong approach. To segregate kids with disabilities and take them out and put them in a separate setting is not the right thing to do.

The Sessions amendment would cease services to these kids with disabilities. That is not the right thing to do. There may be other things we can do to help provide for discipline in the classroom but not to segregate kids with disabilities. That is extreme.

Those of us who have lived in families with siblings who were disabled and watched them taken from our families and our communities and sent halfway across the State, segregated from their friends, do not want to go back to that. That is what the Sessions amendment does.

Mr. REID. Mr. President, I ask unanimous consent that the time set aside in the order entered last night from 1 to 2 for morning business be terminated. There will be no morning business if this unanimous consent agreement is agreed to. We want to move along with this bill. I have spoken to the people interested and they have been very courteous and have acknowledged it would be better to not do morning business then.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senators ALLEN, BOND, and VOINOVICH be listed as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Is all time yielded back?

Mr. SESSIONS. Yes.

Mr. HARKIN. Yes.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time having expired, the question is on agreeing to amendment No. 604, as modified.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—50

Allard
Allen
Bennett
Bond
Breaux
Bunning
Burns
Campbell
Carnahan
Cochran
Conrad
Craig
Domenici
Dorgan
Durbin
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Cleland
Clinton
Collins
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wellstone
Wyden

The amendment (No. 604), as modified, was rejected.

Mr. REID. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. REID. Mr. President, it is my understanding the Senator from Alabama wishes to vote——

The PRESIDING OFFICER. The motion to table has been made and is not debatable.

Mr. REID. Mr. President, I ask unanimous consent to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding this amendment we just completed—it did not pass on a vote of 50–50. The Senator from Alabama wishes to vote on this again. With the consent of the Senator from Alabama and the Senator from Iowa, it would seem it would be in everyone's interest that we would schedule a vote at a time certain on the motion to reconsider.

My unanimous consent request is it would be after the completion of the work on the amendment of the Senator from North Carolina, which is, according to the order we entered last night, the next to be debated.

In short, we will complete the debate on the Helms amendment, vote on that, and immediately go to a vote on the motion of the Senator from Alabama, with 1 minute on the side of the Senator from Alabama and 1 minute for the Senator from Iowa.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Is there a request before the Senate?

Mr. REID. Yes, there is.

Mr. BYRD. Reserving the right to object, I merely want to understand what the request is.

Mr. REID. I say to my friend from West Virginia, if this unanimous consent request is finalized, we are going to go ahead and complete the debate on the amendment offered by the Senator from North Carolina. Following a vote on that amendment, we would come back and vote again on the motion that was just made.

Mr. BYRD. Why is the Senate voting again on that motion?

Mr. REID. Because the Senator from Alabama wishes to have a vote, and the fact is, we have not tabled the motion to reconsider on the initial motion that I made, and the motion the Senator from California made to table.

We are trying to enter into this agreement. If that does not work, then the Senator from Alabama is going to suggest the absence of a quorum to try to figure a way to get out of that and in the meantime we will waste a lot of time around here.

Mr. BYRD. Is the motion to table before the Senate?

Mr. REID. It is before the Senate, but it has not been agreed to.

Mr. BYRD. Was there a vote in progress on that motion?

Mr. REID. No.

Mr. BYRD. There was not. So the Chair has not ruled on the motion to table. Therefore, the vote is still to be had, whether it be by voice, by division, or by rollcall.

Mr. REID. The Senator from West Virginia is, as usual, right.

Mr. BYRD. Mr. President, I have no objection to the request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, for Members of the Senate, then, we are going to now begin debate on the amendment of the Senator from North Carolina.

AMENDMENTS NOS. 574 AND 648

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Helms amendments Nos. 574 and 648.

The Senate will be in order. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my remarks from my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. Mr. President, I believe the pending business has already been announced by the Chair; is that correct?

The PRESIDING OFFICER. If the Senator will restate the question, please.

Mr. HELMS. Is it my understanding that the amendment became the pending business by unanimous consent? Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I thank the Chair.

As the largest and most universally acclaimed youth-serving organization in the world, the Boy Scouts of America has led millions of young boys to respect and abide by the fundamental virtues of duty to God and respect for individual beliefs, loyalty to their country and respect for their country's law, service to others, voluntarism, training of boys in responsible citizenship, in physical and mental development, and in character development.

This came about early in the last century. It was a curious turn of events that brought Scouting to America in the year 1910.

The year before, in 1909, a Chicago publisher, William D. Boyce, had been traveling in Europe.

Mrs. BOXER. Mr. President, may I ask my friend to yield for a moment. It is very difficult to hear the Senator. Would you be willing to hold your microphone because it is very difficult for us to hear your presentation.

Mr. HELMS. I am delighted. I didn't know anyone wanted to listen to it.

Mrs. BOXER. Senator MURRAY and I are hanging on your every word and we want to hear.

Mr. HELMS. Does the Chair suggest I start over?

The PRESIDING OFFICER. If the Senator would like.

Mr. HELMS. It was a curious turn of events that brought Scouting to America in 1910. The year before that, in 1909, a Chicago publisher, William D. Boyce, had been traveling in Europe and got lost in a dense fog while he was in London. It was a Scout—not by that name but a Scout—who came to Boyce's aid and guided him through the fog to his hotel. Afterwards, the boy refused a tip from Mr. Boyce explaining that as a Scout, he would not and could not take a tip for doing a good turn.

Since that time, almost a century has elapsed, and the character and the reputation and the admiration that people have for the Boy Scouts of America has intensified year after year.

Last June, a year ago, the Supreme Court found it essential to uphold constitutional rights of Boy Scouts of America, oddly enough, to abide by and practice the Boy Scout moral guidelines for membership and leadership, including no obligation to accept homosexuals as Boy Scout members or leaders.

Yet in spite of the Supreme Court's landmark decision, radical militants continue to attack this respectable organization—the Boy Scouts of America.

Specifically, these militants are pressuring school districts across the country to exclude the Boy Scouts of America from federally funded public school facilities based on what they did in one instance. They decided to press for exclusion of the Boy Scouts from the schools because the Boy Scouts would not agree to surrender their first amendment rights and because they would not accept the agenda of the radical left.

I asked the Congressional Research Service, among others, to inform me as to how many school districts have already taken such hostile action against the Boy Scouts. The Congressional Research Service reported to me that at that time at least nine school districts were known to have attacked the Boy Scouts of America, and, in the majority of the cases, they had done so in outright rejection of the Supreme Court's ruling protecting the Boy Scouts' rights, which is now the law of the land.

Which is precisely why I again decided to offer the amendment entitled "The Boy Scouts of America Equal Access Act." This pending amendment—which unanimously passed the House of Representatives—would for once and for all put a complete end to the arrogant treatment being directed by various school districts across this Nation at the Boy Scouts of America.

Specifically, the pending amendment stipulates that if a public elementary school, or a public secondary school, discriminates against the Boy Scouts of America—or any other youth group similar to the Boy Scouts—in providing equal access to school facilities, then that school will be in jeopardy of losing its Federal funds.

Now, before opponents work themselves into a frenzy, it may be well to make clear on exactly how this proposed amendment would work: it stipulates that the Office of Civil Rights within the Department of Education be given statutory authority to investigate any discriminatory action taken by school authorities against the Boy Scouts of America.

The Office of Civil Rights was established to handle discrimination problems that occur within the public school system. My amendment would direct the Office of Civil Rights to handle cases of discrimination against the Boy Scouts precisely the same as the Department of Education currently handles other cases of discrimination—barred by Federal law and which may result in termination of Federal funds.

It should be noted, Mr. President, that according to CRS, "historically, the fund termination sanction has been infrequently exercised—by the Office of Civil Rights—and most cases are settled at . . . the investigative process . . .". In other words, when the Office of Civil Rights warns a school to get its act together, the school usually listens.

Therefore, it is not likely that any school will be in fact ever that its funding eliminated; unless it adamantly refuses to provide the Boy Scouts of America equal access to school facilities.

It will not be handled willy-nilly. It will be based on specific evidence.

Needless to say, I do hope that the Senate will uphold the constitutional rights of the Boy Scouts of America to have equal access to school facilities.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, the Republican leader.

Mr. LOTT. Mr. President, I thank the manager in opposition to this amendment for allowing me to go ahead and speak now. Ordinarily, we make a real point to go back and forth. So I appreciate that. I will be brief and to the point.

I rise in support of this amendment. I think it is an amendment that should basically be accepted by all of us. I don't know quite how to react to the fact that in America even the Boy Scouts seem to be under attack. Is motherhood and apple pie next? Is there nothing sacred anymore?

I don't have a conflict of interest. I came from such a small, rural, poor area that we didn't even have a Boy Scout troop. I was a Cub Scout. Somehow or other we managed to have a Cub Scout troop. I enjoyed that. I never got to be a Weeblo or a Boy Scout. I missed it.

I have been very supportive of the Boy Scouts, and I have attended Eagle Scout ceremonies. I have been to Boy Scouts events that recognized great Americans who started off as Scouts—such as Jerry Ford when he got a special recognition.

It is not as if I am defending something from which I directly benefited. But, quite frankly, I think we all benefit from organizations such as the Boy Scouts. Their fundamental principles are rooted in basic good things such as duty to God and respect for individual beliefs, loyalty to one's country and respect for its laws, service to others, voluntarism, and training of youth in responsible citizenship, in physical and mental development, and in character advancement.

These are all such fine goals. I have watched this organization transform young men's lives, as the Girl Scouts with girls. They have given them an opportunity to help themselves, to support causes bigger than themselves as the saying goes now, and to improve their community by involvement.

I think in no way should we diminish the importance of that, or take away what they do for boys and girls of all races and ethnic and religious backgrounds.

Now what does this amendment do? The title is the Boy Scouts of America Equal Access Act. It sounds good to me. I assume there are going to be those who say this is something we shouldn't do or it gives them some advantage. But all it says is that if a public elementary school or public secondary school has a designated open forum, then that school cannot discriminate against the Boy Scouts of America or any youth group on the basis of its membership or leadership criteria or on the basis of its oath of allegiance to God and country.

If a public school did discriminate against the Boy Scouts of America, then that school would be in jeopardy of losing its Federal education funds.

I know the Supreme Court rendered a decision recently saying a religious group could have time and access to space at a school if all other groups have access. You do not have to attend, but if you are going to have an open policy, then you have to let everybody have an opportunity to have access to the space in the school. This is a very meritorious and I think very defensible position to have.

The Boy Scouts have become the largest voluntary youth movement in the world with a worldwide membership totaling more than 25 million. Over 6 million of those participants come from the United States alone.

There have been a series of decisions in the courts that I think relate to this. The U.S. Supreme Court held in Boy Scouts v. Dale that the Boy Scouts are a private organization and, as such, they can decide who can be in their organization if they wish.

There was a decision recently involving the Boy Scouts in the U.S. district court in Florida which said that Broward County could not evict Scouts off school property.

So there are decisions at the district court level and from the Supreme Court affecting this. But of the attacks on the Boy Scouts, some people would say it is no real problem. It is having an impact. Based on the Boy Scouts' stand on their principles, eight of the United Way agencies nationwide have withdrawn their financial support from the Boy Scouts of America. We have seen that there have been some 359 school districts which have severed sponsorships with the Scouts since last June's ruling.

So it is affecting the Boy Scouts in terms of financial support, and it is affecting them in that schools are beginning to prohibit Boy Scouts from being able to have sponsorships and meet in their schools.

So clearly it is having an effect. We have reached the point now where when a Boy Scout troop comes out—four or five boys; or girls who are Girl Scouts—they get booed because they are there during the Pledge of Allegiance. Surely, we cannot reach that kind of ugliness in America.

So I think it is very important that we have this amendment added. It would require that public schools treat the Boy Scouts of America exactly the same as they do all other groups meeting in the schools; that is all. Surely, the least we can do is to allow them to have equal access.

So while there may be some wringing of hands and assertions of what this amendment does way beyond what it does, or its intent, they just want to be treated the same as everybody else —nothing more, nothing less.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do want to be heard on this issue. But in fairness to the other side, I would like to defer so long as I can follow the Senator, in this order, because of a timing problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Perhaps I could make a quick unanimous consent request. I am going to speak for 2 minutes and then ask Senator MURRAY if she would really open the debate with about—how many minutes does the Senator need?

Mrs. MURRAY. Ten minutes.

Mrs. BOXER. And then go to Senator INHOFE.

Is that acceptable?

Mr. INHOFE. That would be fine.

Mrs. BOXER. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I thank the Republican leader for making his remarks concise. I do really appreciate the opportunity given to me by Senator KENNEDY to manage the opposition to this amendment. The reason I feel very strongly about it is that this amendment is not about the Boy Scouts. My kids were Scouts. I will never forget that. They are really old now. I am a grandmother now. But I remember when they were in their uniforms. My kids were Scouts.

This amendment is not about Scouts because the Supreme Court has already ruled that the Boy Scouts have the absolute right to take their programs into the public schools. That issue has been resolved.

So I believe—and I am going to reserve my time, and I will explain why I have reached this conclusion—that this amendment is unnecessary; that it is gratuitous. It is hurtful to a group of people. It divides us again as a country. It brings in this Chamber an issue that divides us, that hurts people, and I believe—and Senator MURRAY is going to speak to us as a former school board member with a tremendous amount of authority on this—it is a slap at local control, something my friends on the other side of the aisle revere.

So I hope in the course of this debate—and I know we go uphill when this comes up—we face the facts of what this is about. I hope, in the course of debate, people will look inside their hearts to decide what this amendment is really about. It is not about the Boy Scouts having the ability to meet in public schools. That has been determined. It is about hurting a whole group of people, a minority in this country, for absolutely no good reason.

I hope people will have the courage to come to this Chamber, to speak out, to be heard, to lift up this debate, and that we will have a good vote against this amendment.

Mr. President, I yield 10 minutes to my friend and colleague from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from California for yielding me time.

Mr. President, I believe that Scouting—whether it is the Boy Scouts or Girl Scouts—really can help kids develop their character and build important skills. And that is important. In fact, Scouting has been an important part of my life and my own children's lives.

I was a Brownie. I was a Junior Girl Scout. I was a Girl Scout. I was a Brownie Leader. I was a Girl Scout Leader. And, in fact, I was even a Boy Scout Leader for my son's troop. So I know about Scouting. This amendment is not about scouting.

This amendment is about imposing a Federal mandate on local schools that could essentially overwhelm their facilities and strain their ability to meet their first responsibility, which I believe we all understand is to educate our students.

The Helms amendment essentially takes a problem that does not exist and uses it to dictate the decisions that local school boards make.

There are several problems with this amendment, but first and foremost, it really is not needed, as the Senator from California said. Right now, under Federal law, Scouts receive the same protection and access as any other group—nothing more, nothing less—and that is the way it should be. And that is not just my opinion; it is our Federal law, known as the Equal Access Act.

Let me read to you part of that statute. It says:

> It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny access for a fair opportunity to, or [to] discriminate against, any students wishing to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical or other content of the speech at such meetings.

That is the law right now—on the books in black and white. So this amendment is unnecessary because current Federal law already requires equal access. Not only do groups such as the Boy Scouts already have access under Federal law, the courts are reaffirming that access.

In fact, just this last Monday, the U.S. Supreme Court ruled that a New York State school had to let a religious organization use its facilities since it was already allowing nonreligious organizations to do the same thing.

Mr. President, I ask unanimous consent to have a Washington Post article which explains this ruling printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. MURRAY. Equal access is already in the law. It was just upheld by the U.S. Supreme Court. Groups such as Scouts have equal access. Therefore, this amendment is not about the question of equal access. This amendment, however, is about special access. Frankly, we ought to call this proposal the "unequal access amendment" because it selects one group over all others for special protection.

There is a second problem with the amendment. I served on a local school board. I know what it is to have limited meeting space in a school and to have organizations that want to use that space who come before you and beg and plead for that ability. Right now schools make those decisions based on their own circumstances within the law. Schools might not have enough space. They might not have the budget for the extra cleanup required for groups to use these facilities or additional groups to use them. They might not have the staff to lock up the building after hours. Teachers might not have the time in the schoolday to rearrange their classrooms. Maybe there are only a few rooms available after school and they are already needed for other things such as tutoring or they have already been given to another group. There might be insurance or liability concerns.

Because of all those variables that local school boards have to live with on a weekly basis, those decisions are made at the local level. Sometimes those local policies keep schools from having to pick one group over the other, from picking winners or losers.

The Helms amendment would overrule all of those local policies, all of those local decisions, and pick one winner and require every school to accommodate them or risk losing their Federal funding.

Scouts already have the same protections as similar organizations, and local schools already make good legal decisions based on those circumstances.

Before I close, I note that I am eager to see how some of my colleagues vote on this amendment which, as I have noted, is not about Scouting. It is about forcing decisions on local schools. In recent years some of my colleagues have spoken at great length about the importance of local control in educational decisions. Of course, having served on a local school board, I reminded them that most decisions are made at the local level and that there is a limited Federal role for efforts such as helping disadvantaged students and reaching national educational goals. Frankly, I do not see how setting up a special national privilege for just one organization falls in that role.

Recently on the Senate floor my amendment to reduce school overcrowding was defeated on a party-line vote. Opponents on the other side said those decisions should be made at the local level. They ignored the fact that funding was optional and flexible, meaning it could be used for class size reduction or teacher training or recruitment. Opponents of my amendment said local control was more important than an effective, targeted, flexible initiative.

Now we get to see if all those Members will stand up to the principles they have advocated. This Helms amendment is far more intrusive. It is not optional. Unlike my amendment, the Helms amendment has nothing to do with schoolday learning. It is definitely a Federal mandate on local schools. It definitely takes decisions out of local hands. Frankly, I do not see how anyone who has called for more local control will support this Helms amendment. This vote will be very telling.

The Helms amendment addresses a problem that does not exist. Groups such as the Scouts already have equal access through existing law. Instead, this intrusive amendment provides special, unequal access for just one group and overrules what is happening at the local level.

I will share with my colleagues how frustrating and difficult it can be, as a school board member, to make decisions about who can use your facilities. I have been in front of many parents who were unhappy with decisions that school boards have made. This Helms amendment may well force a school board to tell a group, perhaps a church group that is already using their gym, that because of the Helms amendment and fear of a lawsuit, if they don't change their mind, we will have to override facilities use by that group. This amendment may well force a school to tell another group that because of our Federal law, the Boy Scouts come in first.

I care about Scouting. I want our Scouts to have facilities. I want it to be under equal access, not special protection. That is what the Helms amendment does.

I thank my colleague from California and yield back my time to her.

EXHIBIT 1

[From the Washington Post, June 1, 2001]

JUSTICES BACK BIBLE GROUP

ACCESS TO SCHOOL FACILITIES WIDENED

(By Charles Lane)

The Supreme Court ruled yesterday that a New York state school may not prohibit an evangelical Christian children's club from meeting on its premises, a decision that may have cleared the last legal obstacles to religious groups' long-sought goal of having the same access to school facilities as other organizations.

By a vote of 6 to 3, the court held that the Milford Central School's effort to deny the after-school use of its building to the Good News Club, but not to other, nonreligious groups, was a form of discrimination on the basis of religious viewpoint, and thus violated the constitutional guarantee of free speech.

The Good News Club, which operates thousands of chapters around the country, urges children as young as 6 to accept Jesus Christ as a personal savior. The school argued that, in barring the club from meeting there, it was following a New York law designed to avert any appearance of official sponsorship of religious worship and to protect children from getting the impression that the school endorses a particular religion.

But the court rejected the notion that the club's use of the school would create a kind of pro-religious pressure on children, noting that children could not attend the club's meetings unless their parents approved.

"[W]e cannot say the danger the children would misperceive the endorsement of religion is any greater than the danger that they would perceive a hostility toward the religious viewpoint if the Club were excluded," Justice Clarence Thomas said in the opinion he wrote for the court.

Conservative legal scholars noted that the case fits into a recent trend in which the court has adopted a more accommodating position toward religion in public places when it believes that it is merely maintaining a fair balance between religious and secular activity. That could mean future support for President Bush's "faith-based" social services initiative, or for school vouchers, they said.

"It will be much harder for anyone to argue that a faith-based organization's social service treatment program has crossed a line, becoming, in essence, 'too religious,'" said Douglas Kmiec, dean of the Catholic University law school.

But Barry Lynn, executive director of Americans United for Separation of Church and State, said the decision maintains a distinction between state support for religious instruction and extracurricular religious activity, and therefore "has no spillover into the voucher area."

Of the 4,622 Good News Club chapters around the country, about 527 meet regularly in public school buildings. Supporters of the group said the ruling gives a significant boost to the club and others like it.

"It's no secret that it helps them attract children when they meet in a more convenient location," said Gregory S. Baylor of Annandale-based Religious Liberty Advocates, which filed a friend of the court brief on behalf of Good News's parent organization, the Child Evangelism Fellowship Inc. "Prior to this, a lot of school districts were nervous about letting them in. Now I can say, 'Read the Supreme Court case.'"

Opponents agree with this forecast, but they said it shows how the court has titled the church-state balance in favor of religion.

"This is really religious worship directed at young children," said Jeffrey R. Babbin, an attorney who filed a friend of the court brief on behalf of the Anti-Defamation League of B'nai B'rith, which backed the school. "Our concern is that what can't be done in school shouldn't be done right after. Often kids can't go home right after school."

The case began in 1996 when two parents, the Rev. Stephen D. Fournier and his wife, Darleen, sought to move the meetings of their Good News Club chapter from a local church to Milford's only school building, which houses all classes from kindergarten through 12th grade.

School authorities in the 3,000-resident rural community refused, saying that the Good News Club was not simply a discussion group that talked about morals from a religious viewpoint, but a form of religious instruction.

The Good News Club's sponsoring organization, the Child Evangelism Fellowship, based in Warrenton, Mo., says that its purpose is to "evangelize boys and girls with the Gospel of the Lord Jesus Christ and to establish (disciple) them in the Word of God and in a local church for Christian living."

Good News Club meetings revolve around prayer, songs, stories and games drawn from the Bible, and some of the children attending are "challenged" to declare Jesus Christ as their savior.

The Fourniers sued in federal court. The New York-based appeals court sided with the school, but because its ruling clashed with a St. Louis-based appeals court's decision in favor of access for another Good News Club, the Supreme Court agreed last year to decide the dispute.

In the court opinion yesterday, Thomas said that this case was essentially no different from previous ones in which the court had upheld the right of a Christian parents' group to show a film at a public high school in the evening and of Christian students at the University of Virginia to receive the same funding for their publication as other groups.

When the state operates a "limited public forum" in which citizens may express their views, Thomas wrote, "speech discussing otherwise permissible subjects cannot be excluded . . . on the ground that the subject is discussed from a religious viewpoint."

Thomas was joined by the court's other conservative-leaning members—Chief Justice William H. Rehnquist and Justices Sandra Day O'Connor, Antonin Scalia and Anthony M. Kennedy. He also picked up the vote of Justice Stephen G. Breyer, a liberal, who wrote a separate opinion to emphasize that he supported the club's position only insofar as it was asking for nondiscrimination by the school. He said important issues remained to be examined, especially whether a reasonable child might indeed see the club's presence at the school as an endorsement of religion.

Justices John Paul Stevens, David H. Souter and Ruth Bader Ginsburg dissented.

"It is beyond question that Good News intends to use the public school premises not for the mere discussion of a subject from a particular, Christian point of view, but for an evangelical service of worship calling children to commit themselves in an act of Christian conversion," Souter wrote.

The case is Good News Club v. Milford Central School, No. 99-2036.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I know the distinguished Senator from Washington is very sincere in her remarks, but I believe there is a problem in insisting that we are legislating on a situation that doesn't exist. I will point out examples of that.

When Senator HELMS first started, his microphone wasn't quite on high enough and we were not able to hear his remarks. I will repeat the first couple of things he said. He talked about the Boy Scout movement in our Nation as being part of the largest voluntary youth movement in the world, with U.S. membership totaling over 6 million. He also mentioned the three basic fundamental principles.

The fundamental principles of the Boy Scouts include, one, a duty to God and respect for individual beliefs; two, loyalty to country and respect for the laws of the land, service to others, and a spirit of voluntarism; and, three, the training of youth in responsible citizenship, physical and mental development, and character advancement.

As a private organization, the Boy Scouts of America has the right to select persons it believes will provide the leadership that measures up to the high caliber of standards of this fine institution. Boy Scouts and other similar groups have a constitutional right to associate freely, and our publicly funded schools should not inhibit that right of access to public school facilities.

Not only is this my opinion; it has been found to be the law of the land by the Supreme Court. In June of last year—this has been alluded to—in Boy Scouts of America v. Dale, the Supreme Court ruled that Boy Scouts have the constitutional right to specifically exclude homosexual members and leaders. The Helms amendment was prompted by the denial of public school access to groups such as the Boy Scouts even after this Supreme Court decision.

For example, the Broward County school board voted to keep Boy Scouts from using public schools to hold meetings, in direct violation of the Supreme Court's decision. Luckily, in the Boy Scouts v. School Board of Broward County, in March of this year, the U.S. district court in Florida issued an injunction to block the county's attempt to evict the Scouts from public school property.

Unfortunately, this is not an isolated case. This is why I make the point that there is a problem out there. The Congressional Research Service, which Senator HELMS alluded to, has reported that at least nine school districts have publicly attacked Boy Scouts, which is in direct contradiction of the ruling of the Supreme Court.

Let me give a couple examples of this. In Chapel Hill, NC, the Chapel Hill-Carrboro school board voted, on January 11, 2001, to give Scouts until June to either go against the rules of their organization or lose their sponsorship and meeting places in schools. In New York City, the New York City school chancellor, Harold Levy, said the school system would not enter into any new contracts with the Boy Scouts of America. This is something that happened after that Supreme Court decision. The Los Angeles City Council has "directed all of the city's departments to review contracts with Boy Scouts and order an audit of those contracts to ensure compliance with a nondiscrimination clause."

In Madison, WI, it is the same thing. It goes on and on—quite a lengthy list.

The repetitive, hostile actions taken against the Boy Scouts are inexcusable and against the law and should be stopped immediately.

The Helms amendment reinforces the constitutional rights of Boy Scouts and the Supreme Court decision upholding those rights. This amendment states that if a public school has designated "open forum," then the school cannot discriminate against Boy Scouts of America or any youth group on the basis of its membership or leadership criteria or on the basis of its oath of allegiance to God and country.

The oversight provisions of the amendment ensure that the Office of Civil Rights within the Department of Education will protect the Boy Scouts as it protects other groups that have been or are discriminated against. We are talking about antidiscrimination in this amendment.

The amendment proposes that any public school receiving Federal funding from the Department of Education must allow the Boy Scouts or other similar youth groups equivalent access to school facilities and must not discriminate against these groups by requiring them to admit homosexuals as members or leaders or any other individuals who reject the Boy Scout oath of allegiance to God and country.

So I just submit that I disagree, and it is an honest disagreement with the Senator from Washington. There is a problem, and it is necessary to legislate against this problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I will propose a unanimous consent request for the order of speakers.

I ask unanimous consent that Senator DURBIN have 10 minutes, and that on our side Senator ENZI have up to 15 minutes. Then if somebody comes on that side to speak, I propose that there be a Democratic speaker. But if they are not here, I ask that Senator SMITH have up to 10 minutes, and then a Democrat. speaker, and then Senator BROWNBACK have 10 minutes.

Mr. BYRD. Mr. President, reserving the right to object, I have a question I would like to ask at some point to propound about the language of this amendment. When might I do that?

Mr. BROWNBACK. I propose that we have an order of speakers and——

Mr. REID. Mr. President, if I may be heard on this.

Mr. BROWNBACK. I yield to the Senator from Nevada.

Mr. REID. I say to the Senator from West Virginia, it appears with all these speakers that have been lined up, it would be sensible, as far as I am concerned, that a question be asked before the speeches are given, not after.

It is my understanding that the Senator from West Virginia simply wants to ask a question for someone to answer during the discussion of this amendment; is that right?

Mr. BYRD. The Senator is correct.

Mr. REID. I hope that the Senator from West Virginia can be recognized immediately to ask his question. Is there any objection to the Senator asking his question?

Mr. BROWNBACK. There would be no objection on my part if the Senator from Illinois is OK with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the majority whip and all Senators. I wish to get a clarification of a definition. I think it is well that I pose this question now.

I don't intend to go into the background at this point, except to say that I have been concerned about some of the things that have been said and some of the actions that have been taken with respect to Boy Scouts. I was very disappointed when at the Democratic Convention there was a demonstration—not by all Democrats by any means, and I feel sure it wasn't a part of the convention plans. But I was embarrassed at the boos and the disrespect shown by some of the participants at that convention, which I did not attend; I was watching television. I have been concerned about other hostile actions that have since been directed at the Boy Scouts of America.

Certainly, my intention up to this moment has been to vote for this amendment. I do have a question, however. The question deals with definitions. I would like a better definition or clarification of the term "youth group." In paragraph 2 of section 2(a), I read the following:

> . . . denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group . . .

I will repeat that: ". . . or any other youth group."

> . . . that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibits the acceptance of homosexuals, or individuals who reject the Boy Scouts' or the youth group's oath of allegiance to God and country, as members or leaders.

My problem with that is "youth group" could include skinheads, and it could include Ku Klux Klan youth groups or any other "hate" groups. That is what I am concerned about.

I know what we are talking about—the Boy Scouts. That is one thing. But I hesitate to open the language up to just any "youth" group. That is my problem. I would like for someone to clarify the definition of "youth group", or perhaps offer a modification so that we will all know what we are talking about.

Mr. BROWNBACK. If the Senator will yield for a response to that.

Mr. BYRD. I am glad to.

Mr. BROWNBACK. We are working with the primary sponsor of the amendment to get a further definition and clarity on that so that we can directly respond to the appropriate question of the Senator from West Virginia. We will do that as soon as possible.

Mr. BYRD. I appreciate that. I have discussed this with the sponsor, Mr. HELMS, and two of his staff members.

Mr. SMITH of Oregon. If the manager will yield, I join the Senator from West Virginia in asking for a clarification because I think it is very important that we know what we are talking about.

I am here standing for the proposition that tolerance is a two-way street; that we should tolerate the gays and lesbians in our community, but we should also tolerate the Boy Scouts in our community.

Clearly, there are some groups that have national charters that this Government recognizes, such as the Boy Scouts, and there are groups that do not. That kind of a distinction perhaps ought to be made because I think we all want to be voting for the right thing. There are some groups, such as the skinheads, that I don't want to be voting for today. I thank the Senator from West Virginia for his question.

The PRESIDING OFFICER. The Senator's time has been consumed.

Mr. BYRD. I ask unanimous consent to proceed for 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the terminology which I read here includes this excerpt:

> . . . The Boy Scouts' or the youth group's oath of allegiance to God and country . . .

Mr. President, as a former member of the Ku Klux Klan—and this is no secret to anybody; it has been known to the people of this country for at least 50 years, so I am not telling anything new. But there is no doubt that that organization purports to swear allegiance to God and country.

I do not want to open this up to just any group—just any group that swears allegiance to God and country. That is why I raise the question. I think there must be a clarification of this. At least I am going to be on record by what I am saying here, that I am not, regardless of how I vote on this amendment—I hope this can be clarified, and I hope there can be some modification of the language.

On the record, I am not supportive of letting just any "youth group" come under the canopy of the definition of that term.

Mrs. BOXER. Will my friend yield to me for just a moment?

Mr. BYRD. If I have time.

Mrs. BOXER. I ask unanimous consent that the Senator be given 60 seconds additional time so I may engage him.

The PRESIDING OFFICER. (Ms. CANTWELL). Without objection, it is so ordered.

Mrs. BOXER. Senator DURBIN is anxious to be heard. I thank my friend. This amendment is troubling, and the Senator from West Virginia has put his finger on a very serious problem with this. What if a group springs up—I am just going to use a name—the Timothy McVeigh Youth Group and has in its charter antihomosexual language. It is my understanding, after checking with attorneys, in fact, they would be given special privileges because they have an antihomosexual charter.

My friend has raised a very important issue, and I thank him for it.

Mr. BYRD. I thank the Senator. I prefer to use the Ku Klux Klan. We know what we are talking about there. If one wishes to look at the oath—I will say the oath of the Ku Klux Klan, and there are associate groups and affiliated groups. Women used to be in the Klan; maybe young people. I do not recall.

When it comes to patriotism, to God, to country, the words of that organization are superlative in that respect. How closely the actions followed the words is something else.

This language needs to be clarified. It needs to be modified. I do want to support the amendment. I am speaking only as a Senator from West Virginia. That is the way I see it. I hope there will be some modification of that language.

Mr. BROWNBACK. Madam President, I renew my unanimous consent request that I put forward. I ask that the Democrats who are in turn speaking will not speak for more than 15 minutes in the unanimous consent request I put forward.

Mr. REID. Reserving the right to object, Mr. President, I do know the names the Senator talked about. We should cut it off there. This could go through the entire afternoon. Those names you mentioned be the only ones.

Mr. BROWNBACK. I am not prepared to enter into a time agreement.

Mr. REID. That is my question. I am saying I am happy to agree to the times as you set forth, and the names you have mentioned, but after that, we will just have jump ball here.

Mrs. BOXER. No problem. Madam President, I can now say, after Senator DURBIN, Senator WELLSTONE will follow. That is our list at this time.

Mr. WARNER. Reserving the right to object, do I understand there is time available on our side?

Mr. BROWNBACK. Yes, there is.

Mr. WARNER. Is it restricted to this amendment?

Mr. BROWNBACK. We are attempting to restrict it.

Mr. WARNER. A gentleman's and gentlewoman's understanding.

Mr. BROWNBACK. That is correct.

Mr. WARNER. I have an amendment pending at the desk that I want to withdraw and need about 12 minutes to address the reason for which I am withdrawing it.

Mr. BROWNBACK. Can the Senator do it afterwards?

Mr. WARNER. I will be delighted to do it after, if the Senator will be kind enough and indicate in the unanimous consent request for me to do that.

Mr. REID. That is the question: After what? We have a couple amendments pending on which we are going to be voting. That will probably take a while. The Senator may have to wait several hours.

Mr. WARNER. Mr. President, I certainly will be delighted to do that so long as I, hopefully, can have some assurance for not more than 10 minutes during the course of the day. I thank the Chair.

The PRESIDING OFFICER. Without objection, the previous order is modified. Under the previous unanimous consent order, the Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair. Madam President, I am opposed to discrimination—discrimination based on race, creed, color, gender, or sexual orientation. I am sorry that the Boy Scouts of America, which were an important part of my youth, an important part of my family, have now become a symbol that is being debated in the Chamber of the Senate. I am sorry this organization that has meant so much to so many is now being trivialized or symbolized by this debate. But it is a fact, and it is a fact that the amendment that has been offered by Senator HELMS raises many questions.

I do not think the question is whether or not Boy Scout chapters have access to public schools. As the Senator from Washington said, that is not even debatable. The Supreme Court has ruled on that as late as this week. They had a specific ruling saying that no school district can keep any Boy Scout troop out of a public school. They have access. This amendment is not necessary. It is already the law of the land.

The amendment by Senator HELMS goes further. The amendment by Senator HELMS says that no school district can discriminate against a youth group that also says homosexuals may not belong.

This raises some serious problems because there are school districts in States across America, including the State of Illinois, which have a statement of policy, and they say: We will not let any groups be sponsored by our schools if they discriminate on the basis of race, creed, color, gender, or sexual orientation. It is just a school policy. You want your school group to be sponsored by the school? No way if they discriminate.

I would imagine those statements of policy were passed at school board meetings without a dissenting vote. Who is going to vote against that: That you would want a school district sponsoring a group that discriminates? Yet what Senator HELMS says in his amendment is that if your school district sticks with that policy of nondiscrimination in sponsorship, you lose your Federal funds.

What does that mean to the school district of the city of Chicago? Hundreds of millions of dollars coming in to help kids. With the Helms amendment, it is gone. It is not just Chicago. Many other States are also affected.

This amendment, which may have been offered as a tribute to the Boy Scouts or for whatever reason, has become much more. This has gone way beyond the Boy Scouts, I say to my colleagues in the Senate. What this amendment is trying to do is, frankly, create an environment which is antithetical, antagonistic to the beliefs of many school districts which have basically said: We will not sponsor organizations that discriminate. Yes, we may be forced to bring some in to have access to our schools, but we are not going to sponsor them.

According to Senator HELMS, if you do not sponsor them, it is discrimination. If it is discrimination, guess what. You lose your Federal funds.

Let me go to the point raised by Senator BYRD from West Virginia. Senator BYRD touched on an important point. He talked about what kinds of youth groups we are discussing. Senators started using hypothetical groups: What about skinheads, this group, that group, that happen to have some awful beliefs but also happen to discriminate against those of a different sexual orientation? As I read the Helms amendment, the school not only has to open the door to have access to use the school, but they also have to be willing to sponsor the group, and if they do not sponsor that group and others such as it, then they run the risk of losing their Federal funds.

Is this a farfetched idea that a group such as that might arise? I wish it was. I will tell my colleagues about my own home State of Illinois. Have you ever heard of the World Church of the Creator? Mr. President, I remind my colleagues, they did hear about it in the news not long ago.

This is a white supremacist organization that advocates openly the murder of Jewish individuals and people of color. It has what it calls "holy books," "ministers," and religious ceremonies all grounded in their "religion" of white supremacy.

Do my colleagues know when they heard about them? They heard about them in July of 1999. A young man named Benjamin Smith went on a shooting rampage throughout Springfield, IL, Urbana, Decatur, Skokie, Chicago, and Northbrook. He wounded nine and murdered Won-Joon Yoon, a doctoral student at Indiana University, and he killed Ricky Birdsong, an African American, the former Northwestern University basketball coach.

Mr. Smith wounded and killed these individuals because he hated those who were different from him and because his religion, the World Church of the Creator, supported taking violent action against them.

If the World Church of the Creator approached a school in Illinois and asked that school sponsor their youth group, under the Helms amendment, if they said no, they would lose their Federal funds. Why? Because the World Church of the Creator also has a very clear policy when it comes to homosexuals. The World Church of the Creator does not allow homosexuals in the membership or in their leadership.

Think of the situation we are creating. Imagine serving on a school board with no pay under these circumstances. Senator HELMS, in trying to pay a tribute to the Boy Scouts, has opened the door wide for mischief from every crazy group in America that wants to not only use school premises but be sponsored by schools. If they don't go along, guess what. They get either a lawsuit or the loss of Federal funds.

I consider this amendment a complete disaster. It is a disaster when one considers the impact it has on schools across America that are trying to live under the four corners of the law. The Supreme Court has said open your doors for access, but the Supreme Court doesn't say a school has to sponsor the group, provide the schoolbus, make sure they have some sort of special treatment within the school, give them a page in the yearbook.

Do we want the World Church of the Creator to have a page in the yearbook of your child's high school? I certainly don't. I am embarrassed that this organization calls Illinois home. In an open and free society, these things are allowed to exist, but they are not in a situation where they ought to receive special treatment, which Senator HELMS wants to give them under this amendment.

I urge all of my colleagues on both sides of the aisle, take time to read this carefully. This is not as simple as it sounds. The language Senator HELMS has put in this bill will create nothing but trouble for school districts across America which will now be forced to face impossible decisions as these hate-filled groups come in, one after the other, asking for special treatment.

Join me in voting no against the Helms amendment.

Mr. REID. I have spoken to the Republican manager of the bill. The Senator from Wyoming is next, and then Senator WELLSTONE will be recognized for up to 15 minutes. Senator DASCHLE, the majority leader, wishes to use part of Senator WELLSTONE's 15 minutes. Senator WELLSTONE has given consent to give part of his time to Senator DASCHLE. We will not use any more time, but there will be another speaker, if that is OK with the Senator from Kansas.

Mr. BROWNBACK. That is correct. We will maintain the same flow of people as under the unanimous consent request.

Mrs. BOXER. I have another speaker. The next Democrat after Senators WELLSTONE and DASCHLE would be Senator CLINTON.

The PRESIDING OFFICER. Without objection, the order will be so modified.

The Senator from Wyoming.

Mr. ENZI. Madam President, I rise in support of amendment No. 648, the Boy Scouts of America Equal Access Act, offered by my distinguished colleague from North Carolina, Senator HELMS. I am certain, with some modifications, any of the inflammatory groups that have been mentioned will be excluded from the amendment. The amendment was intended to be simple and straightforward in its purpose, to ensure the constitutional rights of 6 million Boy Scouts in the United States are not violated by public schools that receive Federal education funds.

The Boy Scouts of America is one of the oldest and largest youth organizations in the United States and in the world today. The organization teaches its members to do their duty to God, to love their country, and to serve their fellow citizens. And they do that. The Boy Scouts have formed the minds and hearts of millions of Americans and prepared these boys and young members for the challenges they are sure to face for the rest of their lives.

I urge my colleagues to join in defending the Boy Scouts from unconstitutional discrimination by supporting the Helms amendment.

It has been said earlier in the discussion that this is an unnecessary amendment. It brings to mind two things. First, when did we stop doing unnecessary amendments around here? And second, this would not be brought up if it were not necessary.

I have had a number of opportunities, needs that should never have happened, to defend the Boy Scouts and make sure they have places to meet. I have a list of five times it happened during the year 2000, and eight times already this year. This is a young year.

An Iowa city school board voted to prohibit Boy Scouts from distributing any information in schools because of Scouts' membership criteria. Greg Shields, the national spokesman for Boy Scouts of America, said, "We simply ask to be treated the same way as any other private organization . . . [and] that our free speech and right to assemble be respected just as we respect the rights of others."

The New York Times reported that New York's Chappaqua School District officials were able to coerce two local Boy Scout troops into signing a document that denounced national policies of the Boy Scouts as a condition to allowing the troops access to school property.

I ask unanimous consent this list be printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. ENZI. Boy Scouts has been a part of my education. I am an Eagle Scout. I am pleased to say my son was in Scouts. He is an Eagle Scout. I say it is part of my education because each of the badges that is earned, each of the merit badges that is earned, is an education. I tell schoolkids as I go across my State and across my country that even though at times I took courses or merit badges or programs that I didn't see where I would ever have a use for them, by now I have had a use for them and wish I had paid more attention at the time I was doing it.

Boy Scouts is an education. It is an education in possibilities for careers. I can think of no substitution for the 6 million boys in Scouts and the millions who have preceded them. There are dozens on both sides of the aisle who have been Boy Scouts.

I always liked a merit badge pamphlet on my desk called "Entrepreneurship." It is the hardest Boy Scout badge to earn. It is one of the most important ones. I believe small business is the future of our country. Boy Scouts promote small business through their internship merit badge. Why would it be the toughest to get? Not only do you have to figure out a plan, devise a business plan, figure how to finance it, but the final requirement for the badge is to start a business.

I could go on and on through the list of merit badges required in order to get an Eagle badge. There are millions of boys in this country who are doing that and will be doing that. They do need places to meet. They are being discriminated against. They are being told they cannot use school facilities.

It isn't just school facilities; it is Federal facilities. A couple of years ago, we had an opportunity to debate this again on floor, and it had to do with the Smithsonian. Some Boy Scouts requested they be able to do the Eagle Scout Court of Honor at the National Zoo and were denied. Why? The determination by the legal staff of the Smithsonian that Scouts discriminate because of their support for and encouragement for the spiritual life of their members. Specifically, they embrace the concept that the universe was created by a supreme being, although we surely point out Scouts do not endorse or require a single belief or any particular faith's God. The mere fact they asked you to believe in and try to foster a relationship with a supreme being who created the universe was enough to disqualify them.

I read that portion of the letter twice. I had just visited the National Archives and read the original document signed by our Founding Fathers. It is a good thing they hadn't asked to sign the Declaration of Independence at the National Zoo.

This happens in the schools across the country. Other requests have been denied. They were also told they were not relevant to the National Zoo. That is kind of a fascinating experiment in words. I did look to see what other sorts of things had been done there and found they had a Washington Singers musical concert, and the Washington premiers for both the "Lion King" and "Batman." Clearly, relevance was not a determining factor in those decisions.

But the Boy Scouts have done some particular things in conservation that are important, in conservation tied in with the zoo. In fact, the founder of the National Zoo was Dr. William Hornaday. He is one of the people who was involved in some of the special conservation movements and has one of the conservation badges of Scouts named after him.

If the situations did not arise, this amendment would not come up. But they do arise, as I mentioned with the list of eight incidents already this year. Four of those are on a statewide basis.

Last summer the Supreme Court in Boy Scouts of America v. Dale held that the Boy Scouts were entitled to full protection under the first amendment right of expressive association. The High Court held that State laws such as New Jersey's law of public accommodation unconstitutionally violated the first amendment rights of this venerable organization if they were applied to force the Boy Scouts to accept Scoutmasters whose lifestyles violated the Boy Scout oath. The Helms amendment will ensure that public schools that receive public education funds do not force the Boy Scouts to check their first amendment rights at the schoolhouse door.

The Helms amendment simply requires that the Boy Scouts are treated fairly, as any other organization, in their efforts to hold meetings on public school property. It does not require public schools to open their doors to any organization for before- or after-school meetings on public school property. It provides if the school is going to provide an open forum for youth or community groups before or after school, that school must allow the Boy Scouts the chance to use school property for their meetings.

Unfortunately, many school districts are bending to the pressure of far left interest groups in their attempt to deny the constitutional rights of the Boy Scouts of America. A number of school districts have prohibited the Scouts from meeting on public school property or have pressured local Scouting troops to denounce their very principles on which the organization was founded before they can have meetings there.

An example of this discrimination is in Broward County, FL, where the school board voted last November to prohibit the Boy Scouts of America from using public schools to hold meetings and recruitment drives. This is part of a growing trend of local schools, which are imposing viewpoint discrimination against the Boy Scouts because they disapprove of the Scout's message and the way they put this message into practice. Fortunately, the Federal courts have not looked favorably on this viewpoint of discrimination against the Boy Scouts in the early legal challenges to these actions.

In March of this year, the U.S. District Court for the Southern District of Florida issued a preliminary injunction against the Broward County School District to block their attempt to keep the Boy Scouts off public school property. The district court found that since the school district allowed numerous other groups to use public school facilities, they had established a limited forum. Accordingly, they were not allowed to discriminate against Boy Scout speech simply because they disagreed with the Scout's viewpoint on homosexuality. In granting this injunction, Judge Middlebrooks wrote:

> The constitutional rights to freedom of speech or expression are not shed at the school gate.

I have to mention, these are examples of where the Scouts were able to use the courts to assure that they were not discriminated against. I am pretty sure everybody in America recognizes if you have to use the courts to get your rights to use school buildings, it costs money. It costs time. This amendment eliminates that cost and eliminates that time, to allow the organizations to have the same rights as the other groups at school.

It is unfortunate, sometimes, that we have—the legal system is very important in the country but it has some interesting repercussions. Our system of lawsuits, which sometimes are called the legal lottery of this country, allow people who think they have been harmed to try to point out who harmed them and get money for doing that. It has had some difficulties for the Boy Scouts.

I remember when my son was in the Scouts their annual fundraiser was selling Christmas trees. One of the requirements when they were selling Christmas trees was that the boys selling trees at the lot had to be accompanied by two adults not from the same family.

I did not understand why we needed all of this adult supervision. It seemed as if one adult helping out at the lot would be sufficient. The answer was, they have been sued because there was only one adult there and that adult was accused of abusing the boys. Two adults provided some assurance that did not happen.

The interesting thing is, it was just me and my son at the lot and we still had to have another adult in order to keep the Boy Scouts from being sued.

They run into some of the same difficulties with car caravans.

So the legal system of this country has put them in the position where they are doing some of the things that they are doing. The legal system of the country has caused some of the discrimination that is done.

It is something we need to correct. This discussion of the Helms amendment is timely. On Monday of this week, the Supreme Court held that a public school in New York was not allowed to exclude the Good News Club, which is a private Christian organization for gradeschool children, from using public school facilities for the group's afterschool meetings. In the Good News Club v. Milford Central School, the Court determined that the school violated the club's first amendment free speech rights by discriminating against the group's viewpoint. The Helms amendment would assure that these free speech protections would also apply to the Boy Scouts of America.

The Boy Scouts of America is one of the oldest and largest youth organizations in the United States and the world today. The organization teaches its members to do their duty to God, to love their country, and serve their fellow citizens. The Boy Scouts have formed the minds and hearts of millions of Americans and prepared these boys and young men for the challenges they are sure to face the rest of their lives. It is an essential part of Americana. I urge my colleagues to join me in defending the Boy Scouts from constitutional discrimination by supporting the Helms amendment.

EXHIBIT NO. 1

EXAMPLES OF BOY SCOUTS BEING DISCRIMINATED AGAINST

On May 21, 2001, the Gay, Lesbian and Straight Education Network—an activist homosexual organization—reported that "After launching a campaign last September [against the Boy Scouts] the Gay, Lesbian and Straight Education Network has tracked a total of 359 school districts which have severed sponsorships with the Scouts since the Supreme Court ruling last June" [www.glsen.org].

On May 11, 2001, the Associated Press reported that the Iowa City School board voted to prohibit the Boy Scouts of America from distributing any information in schools because of the Scouts membership criteria. Greg Shields, the national spokesman for Boy Scouts of America said, "We simply ask to be treated the same way as any other private organization . . . [and] that our free speech and right to assemble be respected just as we respect those rights of others.

On February 8, 2001, the Ashbury Park Press reported that the State [of New Jersey] is considering a rule change that would bar school districts from renting space to the Boy Scouts of America because of their position on homosexuality.

On February 7, 2001, The Arizona Republic reported that the Sunnyside School District, in Tucson [two-sawn], Arizona decided to charge the Boy Scouts of America fees to use school facilities, even though no other groups have to pay fees. The ACLU executive director said that, "While Boy Scouts, atheists, Nazis, even Satanists have the right to express their views, government should not use public money to promote them."

On January 28, 2001, the Boston Globe reported that the Acton School Committee in Massachusetts decided to prevent the Boy Scouts from distributing literature at school—even though other groups can do so. In defending its actions, Acton School Committee cited Massachusetts law, which says that schools cannot sponsor the Boy Scouts.

On January 14, 2001, the New York Times reported that New York's Chappaqua School District officials were about to coerce two local Boy Scout troops into signing a document that denounced the national policies of the Boy Scouts of America as a condition for allowing these troops access to school property.

On January 13, 2001, the Wisconsin State Journal reported that the Madison School Board voted unanimously to post a condemnation against the Boy Scouts of America in all 45 school districts.

On January 11, 2001, the News & Observer reported that "The Chapel Hill-Carroboro school board voted to give Scouts until June to either go against the rule of their organization or lose their sponsorship and meeting places in schools."

On December 18, 2000, the Seattle Union Record reported that a state coalition of advocates for gay and lesbian students has asked Seattle Public Schools to restrict the Boy Scouts of America's access to students and school buildings.

On December 2, 2000, the New York Times reported that the Schools Chancellor barred New York City public schools from: bidding on contracts with city schools, sponsoring Scout troops or allowing the Scouts to recruit members during school hours.

On November 20, 2000, the Associate Press reported that in Mount Pleasant, Michigan, School boards in Minneapolis and New York City, as well as other city and state governments and groups nationwide, have recently cut support of the Scouts because of its gay policy. In the Detroit suburb of Plymouth, a teachers union asked its school board to ban groups—including the Boy Scouts—that discriminate against gays.

On November 16, 2000 Fla. Today reported that "Broward County's school board voted unanimously to keep the Boy Scouts of America from using public schools to hold meetings and recruitment drives because of the groups ban on gays." [District Court intervened.]

On November 15, 2000 the Telegram and Gazzete reported that in Worchester, Ma, "Superintendent of Schools Alfred Tutela . . . banned the Boy Scouts from holding meetings in the properties of the Wachusett Regional Schools District."

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, prior to my colleague, Senator WELLSTONE, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I say to my colleague, I thank him for adding to this debate. But if you believe in the rule of law, which we all do, the Supreme Court has spoken very clearly on this point. The Boy Scouts have equal access to every single public school in this country. The Supreme Court has so declared. So I, again, say to my friend, what is the purpose of this amendment? It is gratuitous, it seems to me. It is unnecessary. It hurts a group of people. It divides the country. We already know the Boy Scouts have equal access. With all the remarks he has made, if schools are not allowing that, they are breaking the law.

We do not need another law which, by the way, opens up a can of worms, as Senator BYRD, who supports the underlying amendment, says. It is a can of worms. It could invite people in who you really do not want. He mentioned the Ku Klux Klan and skinheads and other groups.

I appreciate being given this 1 minute.

Mr. BROWNBACK. I ask unanimous consent for 1 minute before my colleague from Minnesota speaks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Madam President, I think some of the reasons the Senator from California is raising may be valid to the point that this should pass 100–0. If this is not seen as a particularly contentious issue, if it is something that is going to happen and it is agreed to anyway, I hope we will all support the Boy Scouts. This is, indeed, about the Boy Scouts, and it is important to that organization that has 23 million members worldwide. I think it would be a good statement of support to them.

This issue is about the Boy Scouts and there are legitimate issues that have been raised. I think we can tighten the language; if some people are concerned about the expansiveness of "youth group," make it just about the Boy Scouts and pass it 100–0.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, the majority leader is on the floor. I will limit my remarks to 3 minutes.

First of all, I am a son of a Jewish immigrant who fled persecution from Ukraine and then Russia. I grew up in a family where I was taught it was wrong to discriminate against anyone. I have tried to teach my children and my grandchildren the same. I am against discrimination of people because of nationality, race, gender, ethnicity, or sexual orientation.

I commend the Boy Scouts for all of the good work they have done for people. But I am very saddened that the Boy Scouts have engaged in what are discriminatory policies towards gays and lesbians. I think that is most unfortunate for what is otherwise a very fine organization.

There was a piece of legislation on this floor a number of years ago which said that any school district that "promoted homosexuality" would be cut off from Federal funds. Then I looked at the operational definition of it down a number of paragraphs, and that included counseling. So if you have a young man in high school and he goes to see a counselor, and if he says: I am gay, my friends disowned me, my parents have disowned me, and I feel worthless—I do a lot of work in suicide prevention and the mental health field. Unfortunately, a high incidence of suicide is among boys who are gay.

The way the Court has ruled, it is clear that if, in fact, community groups come into schools, so can Boy Scouts. That isn't even the issue. The question is whether or not if a school district has a policy of nondiscrimination and it chooses not to sponsor the Boy Scouts because the Boy Scouts discriminate against this group of citizens—against gays—it would no longer be able to do so, which then would provide Boy Scouts with not access but with special treatment.

That is wrong. It is wrong to say to any school district in any State and to any school board that you have to change your policy; that you have to sponsor a group which goes against the very values that you have professed, which is what we should not do; that is, discriminate against any group of citizens, any children anywhere.

That is why I oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I think what the Senator from Minnesota said so eloquently, passionately, and accurately probably leaves little left to be said in regard to what this amendment is.

I rise today to express my disappointment with this amendment.

The Senate has been debating the Elementary and Secondary Education Act—off and on—for more than eight weeks now.

This is an important debate. We are talking about the blueprint for federal education policy and funding.

So far, this has been an unusually bipartisan debate.

We have been making principled compromises, and real progress.

And now this.

Let me be clear: I believe the Boy Scouts should have the same access to public school facilities as any other private organization.

But I fear that is not what this amendment is about.

I oppose Senator HELMS' amendment for two reasons.

First: It could usurp the rights of states, counties and local communities to make certain decisions for their own schools.

Under this amendment, communities that feel strongly that discrimination based on sexual orientation is wrong could face a terrible choice. They could either disregard their own conscience. Or they could follow their conscience and lose millions of dollars that their children's schools need.

Both sides have said, throughout this debate, that one of our goals should be to find ways to allow communities to make more decisions about their own schools, not fewer.

This amendment does exactly the opposite.

The second reason this amendment is such a disappointment to me is that—in my opinion—it tolerates discrimination.

A year and a half ago, Congress awarded the Congressional Medal of Honor—the highest honor this nation can bestow on civilians—to the "Little Rock Nine." More than a generation ago, as children, they had the courage to help desegregate the Little Rock public schools.

Back then, millions of Americans—in Little Rock and across this nation—believed that segregation was a moral imperative.

There are many people today who believe that discriminating against gays and lesbians is also a moral imperative. I understand that. But that is not the American way.

Over the years, I've been honored with awards from many groups.

There are only a few that I keep in my office in the Capitol. One is an award I got three years ago this week from the National Capital Area Chapter of the Boy Scouts.

It's a sculpture of a young boy. I keep it in my office because of my profound respect for the good work the Boy Scouts have done in this country for more than 90 years.

We believe in principled compromise. But we cannot compromise on fundamental issues of civil rights.

Supporters of this amendment say they are merely defending the constitutional right of free association. They say they are simply protecting the right of a private organization to set its own rules.

But the Supreme Court has already ruled that the Boy Scouts have the same right as any other community or youth group to use school facilities.

This amendment seeks special rights for one organization. It could force communities to grant that organization special privileges—or lose thousands, perhaps millions of dollars in federal education aid.

It is sad to see the Boy Scouts—a group that has worked for more than 90 years to avoid political polarization—being used now by some to foster political polarization in this Senate, and in our society as a whole.

I hope my colleagues will reject this amendment. I hope that we can work together to finish this good bipartisan education bill because our children's future, our country, and the rights of all people, minorities, and those who are not minorities, stand in the balance.

I yield the floor.

Mrs. CLINTON. Madam President, if I could have 2 minutes to associate myself completely with the majority leader's eloquent statement, I rise in opposition to this amendment for all of the reasons that the majority leader has just outlined; but also, further, to say I was honored to serve for 8 years as the Honorary Chair of the Girl Scouts of America. I know the value of the Girl Scouts and the Boy Scouts.

To deprive any youngster of the opportunity to participate over this issue strikes me as regrettable at the very least.

The Girl Scouts don't discriminate. We have had an organization that has gone for so many years without any of this difficulty. It should be up to the local level to determine whether or not a local school district wishes to have the Boy Scouts offer these services to youngsters in their schools and in their districts.

I am absolutely amazed that my friends on the other side would propose an amendment that so totally eviscerates local control. It is already unnecessary, as we know, with respect to the use of facilities. The Supreme Court has already, as it did again yesterday, reaffirmed access to public school facilities.

If we are saying that having the Boy Scouts either in its present form or with slight modifications determined by the local parents and the schools would in any way jeopardize all Federal funding, it just absolutely amazes me that people on the other side could make such an argument.

So I believe, with all my heart, that we should not be discriminating against anyone in our country. But certainly a local district that tries to work out whatever its problems are with the Boy Scouts, and makes a decision that it considers in the best interests of its children, should not face the peril of losing all Federal funding that should be made available to educate our children, which is what we have been debating now for more than a month.

So I hope all of us will join in rejecting this amendment and making clear that we respect the Boy Scouts, we respect the Girl Scouts, and we especially respect local control over educational facilities and opportunities.

Thank you, Madam President.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized for 10 minutes.

Mr. SMITH of Oregon. Madam President, I think I am going to come at this issue more differently than any of my colleagues who have spoken so far.

I stand here as an Eagle Scout. I stand here as an Oregon Senator. I stand here as one who believes that gays and lesbians are due equal rights. I have tried to demonstrate that in the way I have conducted my service in the Senate, by supporting Jim Hormel's nomination to be an Ambassador for our country, by being the cosponsor, with Senator KENNEDY, of hate crimes legislation, and by now endorsing a new version of ENDA that has a broader religious exemption. I believe I stand here with some credibility when I come to the issue of tolerance.

One of my core values is that if we are to be true disciples, we should love one another. I try actively not to discriminate. But I believe I just heard the majority leader and the Senator from New York say that the Boy Scouts have a right to be in the schools but we can discriminate against them. And that is what impels me to this Chamber this morning.

This amendment of Senator HELMS is not raised in a vacuum. It hurts me personally, as one of five sons of my parents to have the Eagle badge, and the father of another Eagle, and another son on the way to Eagle, to see the values of that organization held up to ridicule by some on the left who I believe are terribly intolerant and who do discriminate against people of faith whenever they can.

I will tell you that in my working with the Human Rights Campaign, the folks there with whom I have worked have been very respectful of religious faith and have worked with me regarding religious organizations under the proposed ENDA law. I think that was a tolerant thing for them to do.

My great frustration is trying to say to the right and to the left: Toleration is a two-way street. What I have heard back and forth this morning is intolerance on both sides. I will tell you, as a Republican, how disappointed I was to see from the Republican Steering Committee this morning chapter and verse of instances where a homosexual man and Scout leader was also a pedophile. The inference they are trying to draw is that if you are a homosexual, ergo, you are a pedophile and cannot be a Scout leader. That is no more true than the proposition that a man who coaches a girl's soccer team will necessarily sexually abuse the girls.

We have to get beyond these stereotypes. This is wrong; this is intolerant; and it goes both ways.

So I believe Senator HELMS is here in good faith. I believe he is going to amend his amendment. I believe we can narrow it in a way to exclude those groups who do not have national charters with this Government or in some way to say that, yes, we do feel a need to stand up for the Boy Scouts of America.

Assuming we find that language, I intend to vote with Senator HELMS because, I will tell you, what I learned as a Scout is an ideal that I want to see preserved for our country. And I don't want them excluded from the national parks; I don't want them excluded from our public places; because I believe what I learned as a Boy Scout is as invaluable and as enduring today as it was when I learned it as a 12-year-old boy.

Madam President, we are doing a school bill here because we want to help our kids. Let me tell you what I learned as a Scout. We memorized it. I have to use these glasses now. I didn't then. But these are the qualities I would like taught in school: A Scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent.

Then you come to the Scout oath. The last phrase is what everybody focuses on anymore. I didn't even know what it meant in a modern context when I learned it as a boy. It is:

> On my honor I will do my best
> To do my duty to God and my country
> And to obey the Scout law;
> To help other people at all times;
> To keep myself physically strong,
> Mentally awake,
> and morally straight.

Do you know what I knew as a boy about "morally straight"? I didn't know anything about gays or lesbians or "straight." What I was taught that meant was that as a boy and a young man I should be sexually abstinent and that as an adult and a married man I should be sexually faithful to my spouse. Is that wrong? I know that that is a tough standard, but I say the U.S. Senate should keep that ideal high. And we can do it by supporting the Boy Scouts of America.

So while we are working out the language on the Helms amendment, I thank the Senator from North Carolina for the spirit of the amendment that says these ideals, these values are valuable still.

Madam President, I think what is often lost in this debate about the Boy Scouts is how it is even organized. The Boy Scouts is a national institution with a national charter with this Government, and it is put out for any group that wants to sponsor it. They are called chartering institutions. Most of the chartering institutions are churches and synagogues. Some are police stations. Some may even be a school district. But I tell you, we ought to understand the spirit of religious accommodation. It ought to apply to the Boy Scouts as well. But in many cities in our country, this organization is being singled out for discrimination, and it is wrong because this is a standard.

These are values that I want taught in public school. And these are values that when I live them, my life is better for it and my pursuit of happiness is more full.

So I hope we can find the right language because this Eagle Scout feels a need to vote for the Boy Scouts of America on the floor of the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, with the agreement and the graciousness of Senator BROWNBACK, we will have Senator MURRAY speak for 3 minutes, and I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I will never forget my daughter when she was that little Brownie girl. All the women Senators are giving the proceeds of our book to the Girl Scouts. There isn't anyone on this side of the aisle who doesn't believe it is very important to have organizations such as these to help our kids. We also believe, however, if you read this amendment, it is not about equal access for the Boy Scouts.

I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want to respond quickly to the Senator from Oregon. I was concerned with his mischaracterization of those who oppose this amendment. As I heard him, I felt he was saying those who support this amendment support the Boy Scouts and the values of the Boy Scouts, and those who oppose it oppose the Boy Scouts.

I tell the Senator from Oregon and our colleagues, that is absolutely not the case. I have sat here and listened to the entire debate. Everyone who has opposed this amendment has spoken about the Boy Scouts personally in their own lives, including me. I remind the Senator from Oregon that I was a Brownie. I was a junior Girl Scout. I was a Girl Scout. I was a Brownie leader. I was a junior Girl Scout leader. I was a senior Girl Scout leader, and I was a Boy Scout leader for my son.

I think the Boy Scouts do a tremendous job in this country for a lot of young people, and I want them to continue to do that.

The opposition to this amendment comes because the Boy Scouts already have equal access to our facilities. They have them under current law, and it has been affirmed by court decisions. The concerns on our side are that this amendment and the language of the amendment as written will give the Boy Scouts access above and beyond any other group that asks for a school facility.

As a former school board member, the bind that will put our school districts in, as they look at this language and are told that if a church group comes to them and another group, perhaps seniors who are looking for tutoring, and Boy Scouts, is that they will have to pick the Boy Scouts over those other groups. School boards make these decisions based on a lot of different local decisions: On space, on how the facility will be used, on how many janitors they are going to have to hire, on what other kinds of demands there are on their facilities. Their underlying goal as a school board is to make sure the kids in their district are educated. We have to leave this decision in their hands and not put language into the Elementary and Secondary Education Act that forces them to choose one group over another.

Equal access is currently provided under law and by the courts. What we cannot do is tie the hands of school boards to give unequal access to a group, even though all of us on the floor may agree that it is a great group.

Mr. SMITH of Oregon. Will the Senator yield for a question?

Mrs. MURRAY. I am happy to yield for a question.

Mr. SMITH of Oregon. I say to Senator MURRAY, I don't cast aspersions on anyone. But I have heard a few say that the Boy Scouts are discriminators and therefore should be discriminated. I have heard that in several remarks. I am only making reference to that. I believe some legitimate concerns about the amendment have been raised. I am hearing from some that the Boy Scouts are out of date and old-fashioned. I am saying they ought to remain in fashion.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is recognized for 10 minutes.

Mr. BROWNBACK. I appreciate that. I rise in support of the amendment. This is one that should pass 100–0. Hearing some of the comments on both sides of the aisle, I am not sure I understand why there should be any opposition to it.

I will read the applicable part of the amendment. It is on page 2. It says to any State educational agency, if a school, or schools served by the agency, denies equal access or a fair opportunity to meet or discriminates against any group affiliated with the Boy Scouts of America or any other youth group that wishes to conduct a meeting within that designated open forum—and that is where the language is being worked on right now—on the basis of the membership or leadership criteria of the Boy Scouts, their funding is limited.

As the Senator from North Carolina pointed out, most of these never get to that point. The Department of Education looks at it, investigates. It is worked out at the local school district level. This all gets worked out. The operative point here is that if the Boy Scouts are going to be discriminated against, you are going to go into a process of being reviewed on your Federal funding.

Is this a legitimate concern? Some have raised the point this is not a legitimate concern. Let's look at the headlines. In the year following the decision of the Supreme Court, the Boy Scouts v. Dale, which affirmed the Scouts' right of free association—that is the issue here, right of free association, in the Constitution; it has been a raging storm. The New York Times has compared the Scouts to a hate group. Robert Scheer of the Los Angeles Times characterizes Scouts as engaged in hateful politics. They have been accused of bigotry. Activists groups have expressed being appalled at some of the Scouts' positions. Unfortunately, many school districts have responded to the controversy by attempting to discriminate against the Boy Scouts.

This is a point I am reiterating from the Senator from Wyoming, a former Eagle Scout. I, unfortunately, was not an Eagle Scout. We didn't have the Boy Scouts in Parker, KS. I wish we had. My son was in the Boy Scouts. It is a great organization. Some of the school districts have followed on after this sort of hyperbole and rhetoric regarding the Boy Scouts and they have started to respond.

Listen to what is happening.

In Seattle, the home State of the Presiding Officer, from the Seattle Union Record:

> Safe Schools Coalition Asks for Restricted Access for Seattle Scouts.

From the South Florida Sun-Sentinel:

> Broward School Board to Review Scouts' Lease.

From the Detroit News:

> Plymouth Schools to Vote on Ban on Scout Meetings.

This is an active issue against the Boy Scouts of America. People are saying the Boy Scouts is a good organization: we like the Boy Scouts, are part of the Boy Scouts, continue to be a part of the Boy Scouts; we should let them have public access. If you think this is an insignificant amendment, vote for it 100–0 then.

Unfortunately, the school districts' response to this controversy is based on what other people are saying about the Boy Scouts of America and not what the Boy Scouts are doing or saying. In Kansas, we have a tradition and a thought that is appropriate to bring here; that is, that you take people at their word. Rather than attempting to characterize the nature of the Boy Scouts as an organization or offering just my opinions on that, I think we ought to let them speak for themselves. We talk a lot on the floor about character, the need for character, the need for that in this country. Everybody would agree we need character. We need to bring back those fundamental principles that this country was built upon.

Are the Boy Scouts a part of that? First and foremost, consider the question of whether or not Scouts are a hate group, as some have alleged. It is important to go back to the roots of this 90-year-old organization, look at the values upon which they exist.

Let's consider their oath the Senator from Oregon was citing, which I think is so beautiful. It is something we all ought to memorize as U.S. Senators and others:

> On my honor I will do my best
> To do my duty to God and my country

"In God we trust," above the halls of the Senate, major door through which we walk.

> And to obey the Scout law;
> To help other people at all times;
> To keep myself physically strong,
> mentally awake,
> and morally straight.

As a parent of five, I like that. I think that is pretty good. I think that is pretty good character education. I don't see anything hateful in it. However, the oath does refer to the Scout laws. Maybe we need to look to see if this is a hate group or not.

In the Scout group, they call for trustworthiness. A Scout tells the truth, keeps his promises. Honesty is part of his code of conduct. People can depend on him. A Scout is loyal. A Scout is true to his family, Scout leaders, friends, school, and Nation. A Scout is helpful. A Scout is concerned about other people. He does things willingly for others without pay or reward. That is a nice notion to bring back.

A Scout is friendly. A Scout is a friend to all. He is a brother to other Scouts. He seeks to understand others. He respects those with ideas and customs other than his own.

A Scout is courteous. A Scout is polite to everyone, regardless of age or position. He knows good manners make it easier for people to get along together. A Scout is kind. A Scout understands there is strength in being gentle. He treats others as he wants to be treated. He does not hurt or kill harmless things without reason. A Scout is obedient. A Scout follows the rules of his family, school, and troop. He follows the rules of the school. He obeys the laws of his community and country. If he thinks these rules and laws are unfair, he tries to have them changed in an orderly manner rather than disobeying them.

A Scout is cheerful. A Scout looks for the bright side of things. He cheerfully does tasks that come his way. He tries to make others happy. They may be being tasked on that one at this point in time.

A Scout is thrifty. A Scout works to pay his way and to help others. He saves for unforeseen needs. He protects and conserves natural resources. He carefully uses time and property. A Scout is brave. A Scout can face danger, even if he is afraid. He has the courage to stand for what he thinks is right, even if others laugh at or threaten him. And they are being threatened today.

A Scout is clean. A Scout keeps his body and mind fit and clean. He goes around with those who believe in living by these same ideals. He helps keep his home and community clean. A Scout is reverent toward God and faithful in his religious duties. Listen to this one. He respects the beliefs of others.

I don't see any hate espoused there. In fact, quite the contrary, the Scout law advocates respecting the beliefs of others. Yet the Scouts' beliefs are not being respected here and they are being singled out for discrimination, and some are even alleging they are discriminatory. Helping others is part of it, as are being gentle and treating others with respect. That is part of their core values. Considering all of the violent and hateful influences which our children are exposed to on an hourly basis, I find it supremely ironic that school boards are so concerned with the influence of an organization whose slogan is "do a good turn daily."

Looking at the Scouts' founding principles may not be enough to clear the record. Perhaps it is better to take them at their word regarding the particular issue of this debate—their stand on having homosexual leaders. The question I believe many school boards in the country are asking is, Are the Boy Scouts of America a homophobic organization? To which I would aggressively respond: No. No, they are not. Even in their own creed they say "respect for diversity."

I want to put in a quote the Boy Scouts forwarded:

> The Boy Scouts of America respects the rights of people in groups who hold values that differ from those encompassed in the Scout Oath and Law, and the Boy Scouts of America makes no effort to deny the rights of those whose views differ to hold their attitudes or opinions.

That is what the Boy Scouts say and do themselves. Scouts come from all walks of life. They are exposed to diversity in Scouting that they may not otherwise experience. I know from my work with the Scouts, it is a diverse group. It gives a lot of opportunity to a lot of kids. The Boy Scouts of America aim to allow youth to live and learn as children and enjoy Scouting without immersing them in the politics of the day.

I think this last quote from the Boy Scouts is particularly appropriate. In truth, this debate is not about the Scouts—it is about the politics of the day into which the Scouts have been swept. They have had this motto, and they have had these views and they have been an organization 90 years. As far as the politics of banning one of the oldest and most noble youth organizations in this country from public property, we cannot, should not, and we must not let this happen.

I call on all of my colleagues in the Senate to pass this worthy amendment. With that, I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the Helms amendment is a solution in search of a problem. The Senator from North Carolina says his amendment is needed because schools are excluding the Boy Scouts from using their facilities, and this is simply not true. Just this week, the Supreme Court reaffirmed the right of groups such as the Boy Scouts to use public school facilities. This amendment is about punishing schools that decided to no longer sponsor the Boy Scouts because of their exclusionary membership policy.

Currently, 359 school districts, with a total of 4,418 schools in 10 States, including Massachusetts, no longer sponsor the Boy Scouts. This is the statute in my State of Massachusetts:

> Extracurricular activities, advantages, and privileges of public schools include all extracurricular activities made available, sponsored, or supervised by any public school. No school shall sponsor or participate in the organization of outside extracurricular activities conducted at such school that restricts student participation on the basis of race, color, sex, religion, national origin, or sexual orientation.

This does not prohibit school committees from allowing the use of school premises by independent groups with restrictive membership. Therefore, they can use the facilities. The Massachusetts statute indicates they can't be made to sponsor.

The Helms amendment is attempting to override the State statute and the decisions being made locally. I think that is unwise, unnecessary, and wrong. Although the schools do not sponsor the Boy Scouts, the Scouts are still given access to school facilities as any other group. The Boy Scouts may have a constitutional right to use public school facilities. They do not have the right to demand school sponsorship. Yet that is exactly what the amendment allows them to do.

The amendment also contains a harsh punishment on the schools that decide no longer to sponsor the Boy Scouts with the loss of all Federal education funds. I strongly urge my colleagues to vote against the Helms amendment.

Madam President, we have been on the floor for 8 weeks attempting to try to fashion and shape legislation that was going to enhance the education of children all over this country. We have a good bill, and it seems to me to be unwise in that effort to bring effectively something that these children have no control over. We are giving accountability to the children to exceed themselves in the challenge they are facing. We put additional challenges on teachers, on parents, on schools. We are encouraging the States for greater participation and involvement. Now we have this amendment, the results of which would deny the benefits of the advantages of this legislation to reach many different children in our country. It seems to me to be unwise. I hope the amendment is defeated.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. As the Chair knows, I obtained unanimous consent that I might deliver my remarks from my chair for obvious reasons.

I have listened in fascination to the discussion on the Senate floor this morning and this afternoon. It bears out exactly what I was told was going on in the way of the lining up of opposition on the other side to this amendment by the homosexual-lesbian leaders in this area. Let me say at the outset that I don't like the corruption of a once beautiful word "gay" which has been adopted as a description of conduct that is anything but that.

It is all right with me if the other side wants to make a political football out of this thing, but they were not prepared and they had not been energized when this amendment came up the first time. In any case, I have heard here that the Boy Scouts are not being discriminated against and all of this is false, and so forth and so on.

Let me give a few examples. On May 11 of this year, the Associated Press reported that the Iowa City school board voted to prohibit the Boy Scouts of America from distributing any information in schools because of the Scouts' membership criteria. A spokesman for the Boy Scouts of America:

> We simply ask to be treated the same way as any other private organization and that our free speech and right to assemble be respected just as we respect the rights of others.

On February 8 of this year, the Asbury Park Press reported that the State of New Jersey is considering a rule change that would bar school districts from renting space to the Boy Scouts of America because of their position on homosexuality.

On February 7 of this year, the Arizona Republic reported that the Sunnyside School District in Tucson decided to charge the Boy Scouts of America fees to use school facilities, even though no other groups have to pay for use.

The ACLU executive director said:

> While Boy Scouts, atheists, Nazis, even satanists have a right to express their views, Government should not use public money to promote them.

What goes on here? Is this not really an attack by one group on the Boy Scouts of America? Of course, it is. Why do you think these people have been standing up and telling how long they served in the Girl Scouts in a tearful sort of way? The goal here is the goal of the organized lesbians and homosexuals in this country of ours.

On January 28 of this year, the Boston Globe reported that the Acton School Committee in Massachusetts decided to prevent the Boy Scouts from distributing literature at school even though all other groups can do so. In defending its actions, Acton School Committee cited Massachusetts law that says schools cannot sponsor Boy Scouts.

On January 14 of this year, the New York Times reported that New York Chappaqua School District officials were able to coerce two local Boy Scout troops into signing a document that denounced the national policies of the Boy Scouts of America as a condition for allowing these troops access to school property.

Don't you see what is going on here? The Supreme Court knocked them in the head. The Supreme Court stood up for the Boy Scouts of America, exactly as I am trying to stand up for them.

I am a little bit sick at my stomach at some of the mewling and puking that has gone on in this debate this morning and this afternoon.

On January 11 of this year, the News and Observer, my favorite newspaper in Raleigh, NC, said that the Chapel Hill-Carrboro School Board voted to give Scouts until June—la-di-da—either to go against the rule of their organization or lose their sponsorship and meeting places in schools.

I have two or three more pages. If anybody is interested, Madam President, I will be glad to read them into the RECORD. Otherwise, I am going to place them in the RECORD so they can be examined when the vote has been taken, and if the other side manages to defeat this amendment, as has been advocated and worked for by the organized groups to which I have been referring, then it will be there for the public to see who is who and who is for what.

I am going to pause momentarily, but I will be back, because Senator KYL has been waiting to address this amendment. I thank the Senator for coming. I yield to him.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I rise in support of the Helms amendment.

Since 1910, for the past 91 years, the Boy Scouts of America have been instilling in young boys the values of personal responsibility, community, and duty to God, respect for individual beliefs, and patriotism. Millions of boys have become better citizens because of the availability of Scout troops in their communities.

I respect the message of the Boy Scouts and respect their commitment to instilling these ethical and moral values in young boys. Unfortunately, there are some who do not respect the Boy Scouts' message. Some school boards are taking action to prevent the Boy Scouts from distributing recruitment information and holding meetings and not, as has been suggested, because some more appropriate group needs the space but because of what the Scouts believe. That is why I have chosen to speak today to voice my concerns regarding the discrimination the Boy Scouts are facing and to support the Helms amendment that will allow the good work of the Scouts to continue in schools.

Last year, the U.S. Supreme Court upheld the Boy Scouts' first amendment right of association to create their own criteria for Scout leaders, even if that means prohibiting homosexual leaders in order to uphold its focus on strong moral values. That was in Boy Scouts v. Dale.

Since that critical Supreme Court decision, the Boy Scouts have experienced serious discrimination for exercising their constitutionally protected rights, and that is not right.

Boy Scout troops across America are facing obstacles put in place by school boards. In a Wall Street Journal article from last July, it was noted that poor minority children will suffer the most as a result of this all-out attack on the Boy Scouts.

It is vital to hold Scout meetings in local public schools, particularly in inner-city neighborhoods because often that is the only safe place for these kids to congregate.

The Senator from Massachusetts said the amendment is a solution looking for a problem, but the Congressional Research Service has reported already nine specific school boards have taken action to restrict Boy Scout access to public school facilities. The Senator from North Carolina had just gotten started reciting a litany of examples where this has occurred and apparently has several more pages from which he can read.

This is a problem, unfortunately, that requires a solution, and the point of his amendment is to stop the trend so we do not have any more examples and so the Boy Scouts do not have to continually litigate every time they want to enforce their constitutional rights.

This Congress has taken action over and over where the Supreme Court has guaranteed rights to a group or an individual or a cause of one kind or another, and we have sought to embody in the law a remedy so that the entity or the group does not have to constantly go to court to battle for these constitutionally guaranteed rights. That is what is meaningful about the kind of action that is being proposed today.

An example as recently as November 2000, the Broward County School Board voted to prevent the Boy Scouts altogether from using public schools to hold meetings and recruitment drives. They challenged this in the Federal court, and the Boy Scouts won the initial victory.

In March 2001, the district court issued a preliminary injunction that will allow the Boy Scouts to continue their regular meetings and recruitment.

Yes, it is true that some have argued there is a remedy for the Boy Scouts to enforce their constitutionally protected rights. Why wouldn't we want to assist them so they do not have to go through expensive court litigation every time another school board decides to take this kind of discriminatory action.

This past Monday, the Supreme Court held that a public school violated the Christian organization's free speech rights by excluding the club from meeting after school. The Court found the school was discriminating against the club because of its religious nature, and the Court rejected this viewpoint discrimination.

More and more the Court is acknowledging the fact it is appropriate for us to protect these kinds of rights. There are about 85,000 Cub Scouts and Boy Scouts in my own State of Arizona. They rely on every public elementary school in Arizona to open the cafeteria or another room in afterschool meetings and help Scouts distribute information.

I have gone to these schools and participated in the awarding of Eagle Scout badges, for example. I suspect almost all of us have done that, and it makes us feel very good to be supporting these youngsters who really want to become very good citizens.

Even in my State of Arizona, the Boy Scouts have been subjected to this kind of discriminatory practice by school boards. One district outside of Tucson will simply not sponsor Scouting anymore. It has nothing to do with the need of other school activities for the space that has been devoted to the Scouts.

Another school district began charging fees for the Scouts to use its facilities, but the same district does not charge a fee for any other group. Why charge the Scouts? The district said the Boy Scouts do not meet the goals and objectives of the school district.

In another district, school employees took it upon themselves to throw away recruitment fliers in order to prevent the Boy Scouts from getting its information out to the students.

I think the need for this is clear. The Boy Scouts need our help to ensure equal access to our public schools. They should not be forced to continually go to court to protect their constitutionally guaranteed rights.

If they are denied access for legitimate purposes, this amendment does not apply. It is only to enforce their right against discrimination. They are experiencing hostility and exclusion from some public schools. It has to stop.

The Helms amendment ensures they are not going to have to go to court to protect their rights. They will continue to be able to meet and teach young boys strong moral values. I hope others will join in supporting this very important and needed amendment to this bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I appreciate the opportunity to discuss this issue. I think it is an important issue. There is a real problem we need to wake up and face. As a former Boy Scout and former Eagle Scout, I feel strongly about it and want to share some remarks on the subject.

We grew up in a little community outside of town with nine boys in the community. Of the nine, eight became Eagle Scouts and one was a Life Scout. We always teased him, why he didn't finish, and he always said he regretted not having completed the program, one step from being an Eagle Scout.

Every Thursday evening, we went to town, and we had to pool our cars. A parent or kids who had their license would drive to our meeting. We would do camps together. We did the Scout oath and Scout laws every Thursday night:

> On my honor I will do my best
> To do my duty to God and my country
> And to obey the Scout law;
> To help other people at all times;
> To keep myself physically strong,
> mentally awake,
> and morally straight.

I never thought that much about it, but over the years that had an impact on my life. In our town, people remained in Scouts into their senior year in high school.

The first time I came to Washington was with a Boy Scout troop. We had a 50th anniversary of that troop, and 60 had been Eagle Scouts. From the 9 boys of my little community, 15 miles outside of the town, every one of them had a full degree from college, several have Ph.D.'s, law degrees, and advanced degrees. One is a medical doctor. One is a dentist.

It meant a lot to me. We also did the Scout laws every Thursday night: A scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty—that is a good word we don't use much anymore—brave, clean, and reverent. The word "God" is used and the word "reverent" is used, but it is decidedly not a sectarian organization. Not one bit of the literature or otherwise suggests that. To the contrary, it is an organization that encourages boys to develop a spiritual side and to recognize that they are indeed more than a random collection of particles but are created persons. That is a key component of the Boy Scouts.

Several years ago my friend, Senator ENZI from Wyoming, talked about being an Eagle Scout, as is his son. He told a story about the Washington zoo in the U.S. capital. The Washington zoo would not allow the Boy Scouts to have a Court of Honor. And, by the way, one of the founders of the Washington zoo was one of the founders of Boy Scouts. They were not allowed because they discriminate against atheists. The oath required that boys do their duty to God. They said if you were an atheist, you could not take the oath; therefore, you were a discriminatory organization and you could not use the property at the Washington zoo to have a Court of Honor.

We raised that point. It was not lightly taken. There were letters written to defend it. But when confronted with it, the leader of the zoo capitulated and apologized and said that was not a good policy and they would not continue to adhere to it.

What is troubling to me is that we have skirted the issue some, but there is a group of Americans who believe very strongly—and I don't disparage their motives—that the Boy Scouts' position on gay Scoutmasters is not appropriate, and they have set about to punish the Boy Scouts. I don't think there is anybody here who would deny it. They are politically active. They work United Fund committees, and they work school boards and city councils. And they seek to get them to eliminate Boy Scouts from public facilities. That is what is happening. There is no mystery about that.

We give a lot of Federal money to school systems. I don't believe every time something irritates us that the Federal Government ought to get involved, but I feel strongly abut this. The Supreme Court of the United States upheld the right of the Boy Scouts to make this determination.

Some say there is no discrimination going on against the Scouts. There plainly is. It will plainly continue. As far as I am concerned, if there is a school system in America that says to a little Boy Scout troop, such as troop 94 in Camden, AL, you can't have a meeting on school grounds because of your policy concerning your leadership and the behavior of your members, you can't have it here, even though the Supreme Court said yes, as far as I am concerned, they don't need Federal money and I am not voting to give it to them.

That is where we are. I am not sure exactly how the language is going to come out. I know Senator HELMS would like to make sure there was the least possible controversy over it. I would like that also. I firmly believe we ought to affirm through governmental entities and organizations the kind of character-building program to which the Boy Scouts are committed. "Do a good turn daily" is the motto.

I read and clipped an article that brought tears to my eyes, an article in one of the newspapers about Boy Scouts in Rwanda. They had all their uniforms confiscated, but they had their kerchiefs. The picture with that article showed those Scouts at a hospital in war-torn Rwanda, cutting the grass. They were interviewed, and they said: We always do a good turn daily. I tried to get them some help. The article went on to say that when the totalitarian leader took over, he oppressed the Scouts; he took their uniforms and their books, and he forced all the young people to join, for lack of a better word, a Hitler-type youth group of which everybody had to be a part. They refused. They stayed true to their oath. Under oppression we have the finest example of commitment. That was very moving to me.

These ideals are wonderful ideals. I find it difficult for anyone to conclude that there is something unhealthy in the way the Boy Scouts do business. It ought to be affirmed and nurtured. A school system that will not provide them their constitutional right does not deserve a dime of Federal money, in my opinion. I think the Helms amendment will help deal with that and get some attention from around the country.

I yield the floor.

Mr. REID. Mr. President, today, the U.S. Senate made a strong statement in support of the right of the Boy Scouts of America and other youth groups to enjoy equal access and a fair opportunity to use the facilities of our Nation's public schools. I am proud to have joined my Senate colleagues in supporting an amendment to S. 1, the Elementary and Secondary Education Act, which will codify in Federal law recent decisions by the Supreme Court of the United States upholding these basic rights of equality and fairness for the Boy Scouts.

I am also a strong supporter of the right of private organizations such as the Boy Scouts to organize as they wish. My son was on Eagle Scout, and I know firsthand the values on which the Boy Scouts and the Girl Scouts stand. The Scouts stand for strong moral character, duty to God, a respect for the rule of law, service to others and loyalty and allegiance to country. Based upon these high standards, the Boy Scouts and any such private organization should be allowed to determine its own membership without interference. This prerogative has been upheld by the U.S. Supreme Court as recently as this week, and I commend the Senate for endorsing this fundamental right.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from North Carolina, Senator HELMS. This amendment, the Boy Scouts of America Equal Access Act, is very clear in its purpose, which is "To prohibit the use of Federal funds by any State or local educational agency or school that discriminates against the Boy Scouts of America in providing equal access to school premises or facilities." I am pleased to be a cosponsor of this amendment.

It is appropriate that this amendment be considered and adopted on this education bill. Since its founding in 1910, the Boy scouts of America, BSA, has complemented youth education with a program that teaches skills and values that will help those youth throughout their lifetimes. Over the past 91 years, more than 100 million young men and women have been served by Scouting. For those young people, Scouting has provided a program of values and leadership, joined with an opportunity to improve themselves by helping others.

The BSA is primarily concerned about the youth it serves. Its mission statement states: "The mission of the Boy Scouts of America is to prepare young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Law." The Scouting program has three specific objectives, commonly referred to as the "Aims of Scouting." They are character development, citizenship training, and personal fitness. The methods by which the aims are achieved are Advancement, Uniforms, Outdoor Program and Skills, Youth Leadership, Patrol Method, Community Service, and Adult Association. In addition, the Scouting Program through a variety of means works to prevent child abuse, drug abuse, hunger, functional illiteracy, and teen unemployment.

Scouting has become an American institution, a natural element in most communities. Scouts exemplify the values outlined in the Scout Oath and Law and dedicate themselves to serving their communities.

The BSA respects the rights of people and groups who hold values that differ from those encompassed in the Scout Oath and Laws, and the BSA makes no effort to deny the rights of those whose views differ to hold their attitudes or opinions. Likewise, the Boy Scouts of America aims to allow youth to live and to learn as children and enjoy Scouting without immersing them in the politics of the day. Unfortunately, certain groups dissatisfied with the Boy Scouts of America's membership policies and the moral views on which they are based have suggested that the BSA not have the privilege of meeting in public schools or distributing recruitment information at public schools. I do not agree with that suggestion. Just as other student or community groups are permitted to have access to public school facilities, the Boy Scouts of America should have the same access.

I am proud of my association with the Boy Scouts of America. I strongly support the amendment that would permit the Boy Scouts to have equal access to public school facilities. This amendment is consistent with the decision by the United States Supreme Court which reaffirmed the Boy Scouts of America's standing as a private organization with the right to set its own membership and leadership standards.

Mr. LEAHY. Mr. President, the amendment offered by Senator HELMS entitled the "Boy Scouts of America Equal Access Act" aims to ensure that the Boy Scouts of America has access to our nations' public school facilities. The Boy Scouts already have access to our public schools, access that is guaranteed by the Constitution. As recently as this past Monday, the Supreme Court confirmed in the case of Good News Club v. Milford Central School that when a public school establishes a limited open forum, the school may not discriminate on the basis of viewpoint among groups wishing to use that forum. Under that decision and its predecessors, the Boy Scouts already have the same right to use public schools as any other group. We do not need to echo the Constitution's clear protections through an amendment to the reauthorization of the Elementary and Secondary Education Act.

Moreover, this amendment does more than simply reiterate what the Supreme Court has already made clear about access to our public schools. It conditions federal funding on the willingness of school districts to accept groups with "membership or leadership criteria, that prohibit the acceptance of homosexuals." Districts that refuse space to any groups besides the Boy Scouts, or groups with similar views on homosexuality, are subject to no Congressionally-mandated penalty. Indeed, the only specially protected viewpoint under the Elementary and Secondary Education Act would become the refusal to accept gays and lesbians. I am uncomfortable with the Congress endorsing these particular views above all others, and I believe that the courts would likely find this to be impermissible viewpoint discrimination. The Supreme Court has stated that: "Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment." *Simon & Schuster, Inc.* v. *Members of the N.Y. State Crime Victims Bd.*, 112 S. Ct. 501, 508 (1991). In my opinion, this amendment would do precisely what the Court has said the First Amendment prohibits.

I oppose the Helms amendment because it accomplishes nothing except to provide special and unprecedented protection for one particular and deeply controversial view, the Boy Scouts' decision to "prohibit the acceptance of homosexuals." This is not the job of Congress, and it should not interfere with the important work we are doing to reform our education system. It is also worth noting that this amendment does not prevent schools from withdrawing their sponsorship of the Boy Scouts, as some supporters have stated. It simply guarantees the organization the access that they already have.

This amendment is unnecessary. This debate needs to be about the education of our children, about pressing problems such as providing high quality teachers; ensuring access to technology; funding programs to assist low-income and disadvantaged students; and, renovating and repairing deteriorating schools. We have had a good debate on these issues over the past several weeks and have done so in a bipartisan and cooperative manner. As we come to what may be the closing hours of our consideration of the critical issue of education reform, I urge my colleagues to maintain the focus on our school children and the quality of the programs, facilities and services they receive and to oppose this divisive and unnecessary amendment.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the Helms amendment. Under our Federal Constitution and laws, public schools are already required to provide equal access to their facilities. This amendment, therefore, is unnecessary. As such, its only result would be to divide our communities rather than bring them together.

It is unfortunate that an organization that has meant so much to our nation has now become the object of a larger debate on civil rights and national unity. This amendment is not a vote on the legitimacy of the Boy Scouts as a national institution. Rather, it is a vote on the direction in which we want our country to go.

I have heard from constituents who are opposed to this amendment. One was a teacher who spoke eloquently to the divisiveness of the amendment. He wrote:

> DEAR SENATOR FEINSTEIN:
>
> As your constituent, I strongly urge to oppose the Helms amendment to the Education Bill (S. 1), which would deny all Federal education funding to any school that has been found to discriminate against the Boy Scouts or any other youth group that denies membership to gays and lesbians.
>
> Aside from being politically divisive and unrelated to the underlying bill, the Helms amendment is completely unnecessary and is a punishment in search of a problem. The use of public school facilities is governed by the First Amendment. The Helms amendment does nothing to further the goals of improving education and serves only as an anti-gay attack. I urge you to oppose this amendment and look forward to hearing your views on this important issue.

Other constituents voiced their concerns about the message of intolerance such an amendment would carry if passed. A family from Valley Glen, CA wrote:

> We are very much offended by the discrimination that the [Boy Scouts of America] is able to operate with under the blessings of the U.S. Supreme Court. On one hand we applaud the actions of school boards, city councils, police departments, corporations and United Way agencies for standing up for what they believe. On the other hand, as members of Temple Beth Hillel (Valley Village, CA), we are quite proud of our Pack 311 and Rabbi Jim Kaufman's stand that the basic program is great and that the best way to make change is from within.
>
> Additionally, as a family who is very active in the Girl Scouts . . ., we are quite proud that [the Girl Scouts] are inclusive of all girls and their families.
>
> Our tax dollars should not be used to support the discrimination that the "Boys Scouts Equal Access Act" is trying to affirm. We urge you to help to defeat this act and to help to hold the [Boy Scouts of America] to the same standards that the country as a whole is striving for. The [Boys Scout of America] is a great American institution and we hope that it can continue to be so following the same non-discriminatory rules as the rest of the country.

Here are my views on the matter: first, the Supreme Court has already spoken to the issue of equal access for private organizations. Last year, the Court ruled in Dale v. Boy Scouts of America that the Boy Scouts had a First Amendment right to prohibit gay men and lesbians from serving as leaders in the Boy Scouts. What this decision means is that the governments cannot directly penalize the Boy Scouts for constitutionally protected views and policies, as the New Jersey public accommodations law had sought to do in the case. Nor can they indirectly penalize the Scouts by denying access to public facilities and other benefits available to other private groups.

So, for me, the matter is settled. Already a school must allow access to an organization like the Boy Scouts, regardless of the organization's viewpoints, or risk losing federal funding. The Constitution already protects the Boy Scouts and similar youth groups, so there is no reason for Congress to intervene.

I also oppose the Helms amendment because of its sweeping potential to limit the rights of state and local governments to make decisions for their own school districts, and for their own children, as to their communities' tolerance of discrimination. One provision of the amendment in particular troubles me: It would provide special protection to groups that prohibit the acceptance of homosexuals. Basically, it singles out for protection a type of discrimination. A consensus developing in our country is that discrimination of this kind is wrong. Across the nation, local jurisdictions are voting to prohibit discrimination against gays and lesbians.

In my hometown of San Francisco, a city that prides itself on the diversity of its views and the diversity of its people, a cornerstone of the community is its belief that basic civil rights protections should extend to every American, and not only to a few and under certain circumstances. A vote in favor of this amendment would be an indictment against the people of San Francisco and of their rich tradition of accepting others.

And it would be an indictment of the many other communities throughout California and the rest of the nation that promote diversity and tolerance for all. I urge my colleagues to oppose this amendment, which would foster a sense of division and disunity.

Mr. FEINGOLD. Mr. President, the work of the Boy Scouts of America is commendable, and I am proud to have been a Boy Scout. However, I must oppose the amendment offered by the Senator from North Carolina, Mr. HELMS, on constitutional grounds.

The Helms amendment would prohibit federal education funding for schools, school districts, or States that deny access to their facilities to the Boy Scouts, or other such organizations that discriminate based on sexual orientation. In fact, the Supreme Court has already held that if school districts provide some groups access to their facilities as an open forum, they must provide all groups equal access to those facilities. The Helms amendment is not needed to assure the Boy Scouts equal access if a local school district decides to open its facilities to outside groups.

Regrettably, the effect of the Helms amendment as drafted is to give specific groups additional rights to school resources not afforded to other groups. As such, the amendment would thus violate the first amendment by singling out groups that discriminate on the basis of sexual orientation for special treatment. Just as government may not retaliate against or be hostile toward a particular viewpoint, it may not endorse or show favoritism toward such a message. I do not believe that the Federal Government should single out particular policies for special protection using the power of education funding.

Because the Helms amendment violates the first amendment, I will vote "no." I hope that the amendment can be revised in conference to protect all groups from unfair treatment at the hands of federally funded schools based on the views that they express. That would be the right, and the constitutional, way to handle this issue.

Mr. BAUCUS. Mr. President, I rise today to share my thoughts on Senator HELMS' amendment that would deny Federal education funds to schools that deny access to the Boy Scouts of America.

I want to be very clear that my vote against this amendment in no way represents a vote against the Boy Scouts of America. I have always been, and will continue to be, a strong supporter of the Boy Scouts of America. The Boy Scouts provides an opportunity for our children to create and accomplish goals, increasing their sense of self worth and discipline. Boy Scouts learn about the importance of maintaining respect and honor for themselves and others, and Scouts are often excellent role models for their peers. I am firmly convinced that organizations like the Boy Scouts and Girl Scouts play an important role in the development of well-adjusted and productive children.

I voted against this amendment because I felt it provided a Federal solution to a local issue, and I think that is wrong. Under current law, local school board members decide which organizations are permitted to meet in their schools. I want community members and school board members to continue to have that ability. They know best what their children need, and their decisions reflect local values and priorities.

I further want to point out that the Boy Scouts already have equal access to our schools under current law. I firmly believe that the Boy Scouts should be allowed in our schools, and I am pleased that the Supreme Court has upheld the right of the Boy Scouts to have equal access to our public schools. Should there be cases where the Boy Scouts are denied access to our schools, I think our judicial system is well positioned to determine whether a school's decision was fairly and equitably reached.

I felt that this Supreme Court decision fairly addressed the issue of equal access while keeping control at the local level. I further felt that this decision would give the necessary support to the Boy Scouts of America to meet in our schools without necessitating Congressional intervention. For these reasons, I voted against this amendment.

In my mind, a better alternative, in the form of an amendment introduced by Senator BOXER, existed. I supported that amendment, which affirms the right of the Boy Scouts to meet in our schools without imposing a Federal mandate.

Mr. REID. Madam President, if I could direct a question to the Senator from North Carolina, does the Senator have an idea how much longer he wishes to have this matter debated, just so we can inform Senators when we can expect a vote?

Mr. HELMS. I would say not more than 4 more hours.

Mr. REID. The Senator has said for not more than 4 more hours, so everyone should keep that in mind. If Senator HELMS uses the time he wants, we would vote about 5:30.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, I was listening to the debate and wanted to come down and offer a few thoughts.

First of all, I have heard all the people talking about their days in Scouting. I wish I could add to those voices except I was not necessarily the cleanest cut kid in the world. As a matter of fact, I tried Scouting for only about 3 weeks. So I cannot join the chorus of those who were Eagle Scouts and made it on to the U.S. Senate. But scouting was something that I witnessed growing up. I saw a lot of people whose lives it transformed. Perhaps if I had stayed with Scouting my life would have been transformed a little earlier than it otherwise was.

I have seen many children over the years whose lives have been influenced so greatly by Scouting. The Eagle Scout ceremonies I have gone to honor incredible people. They honor not only the Scouts themselves, but the leaders of the Scout troops who dedicate so many hours to young people and their development. These are the types of activities we should be encouraging.

But I also wanted to add a few words. We do not want to be gay bashing around this Chamber. At least I do not believe we should be. People have the right to live their lives as they choose to live their lives. But I believe in freedom in America. I believe, for instance, if there was a group of people who believe in a gay lifestyle, they may require that same lifestyle or belief of their leadership. I believe that group should be allowed all of its constitutional rights; the right to require that their leaders have their same beliefs. This is, to me, a matter of freedom.

The Boy Scouts have chosen what they want and what they determine as their organization. In America, we should be able to have these types of organizations.

As a matter of fact, there is a group called the Royal Rangers. For those who are not familiar with the Royal Rangers, they are Christian organizations who believe that the Boy Scouts have become too secularized. So the Royal Rangers was formed to bring more of a Christian perspective to scouting because they did not feel that the Boy Scouts were meeting their religious needs.

The point of that is they did not try to change the Boy Scouts. They respected the Boy Scouts' right to believe and to operate how they were operating. But instead of trying to destroy the Boy Scouts or try to hurt the Boy Scouts, they formed their own organization based on their own beliefs. That is the direction we should be going in this country.

If people want to form their own organization, they can form it based on their own beliefs—that really is what America is supposed to be about. This amendment here simply says that a group that has a certain belief system, and has proven that their belief system leads to good citizenship, then we should be encouraging this group. We should not be discriminating against those groups going into our public school systems.

I hope we can get a bipartisan vote in favor of this amendment. I believe that in the long run this amendment will be good for America because I believe the Boy Scouts are good for America.

I yield the floor.

Mr. REID. Madam President, this is just to notify Senators, Democrats and Republicans, that when this amendment is finished, whatever time that may be, we have a number of other matters that will be completed today. Whenever this amendment is completed, we have a number of other important amendments to move to. Senator GREGG told me earlier today he has at least one other amendment that could take a little bit of time, maybe two other amendments. But this is to notify everyone we are going to work tonight until we finish this bill. If we cannot finish it late tonight, then we will come back tomorrow and finish it. It was announced as early as Monday. We are going to work until we finish this bill. I know people feel very strongly about this issue and other issues developed during the day.

We want to make sure everyone has every opportunity to speak and let the Senate know how they feel. But I think there is a time that comes when we have to vote. As my friend, Mo Udall, said in the House one time when he came to appear before a committee: Everything has been said, but not everyone has said it.

I think we may be arriving at that point in the near future on this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, it is, frankly, really a sad day when we have to be here on the floor of the Senate to defend the Boy Scouts of America as if they have done something wrong and they have to be defended.

I have seen a lot of things since I have been in this place. We have had a lot of interesting debates on a lot of interesting subjects. I sit at the desk of Daniel Webster. Daniel Webster didn't know about the Boy Scouts of America in his time. I cannot imagine what Webster would think if he were here today to listen to this debate—or Washington or Jefferson or any of the great leaders.

I rise today without equivocation to support the amendment of my friend from North Carolina, to protect one of America's treasures, the Boy Scouts of America.

I would like to call your attention to the photograph behind me during the course of these brief remarks. These are the bad people we are keeping out of our schools, these young boys. I had two sons who were Boy Scouts. I was a Boy Scout.

I can't think of anybody who is hurt to be a Boy Scout. When you talk about precluding "the Scouts," the Boy Scouts from being in a school, what does that mean? Does it mean if a Boy Scout comes in in his uniform for his class, is he going to be thrown out of class and sent home? I guarantee you, if some boy came into class and created a disturbance, it is highly unlikely he would be thrown out of class under the current rules and regulations that some teachers have to face.

I am trying to be as unemotional as I can about this, but this is such an outrage. The organization, the Boy Scouts of America, has one of the most rich traditions and history in American history, in American culture for all time. How many Boy Scouts are there whose names are on that Vietnam Wall? How many Boy Scouts were in the greatest generation that Tom Brokaw talked about? How many Boy Scouts led the fight in World War I? How many?

These are the boys we want to keep from having their meetings in schools that receive billions of taxpayer dollars. I never thought I would see the day when I would have to stand on the Senate floor and go to bat for the Boy Scouts to have that right. But do you know what. Senator HELMS, I am proud to stand here with you and do it.

We need to do it. Then we will do it. I am with him.

The Boy Scouts of America was recognized by Federal charter in 1916 to provide an educational program for boys and men to build character and to train citizens—yes—to promote reverence for God and country. How horrible that must be. We are going to promote reverence for God and country in this time of political correctness. Isn't it awful that somebody might take an oath of allegiance to God and country? What are we coming to? How bad does it have to get before we wake up?

Some of the people who are standing here today in opposition to Senator HELMS on this amendment not too long ago were standing on this floor defending the right to immerse a crucifix in urine and get Federal dollars to display it as art—the same people. That is what we have come to in America. God bless us.

The largest voluntary youth organization and movement in the world—the Boy Scouts—is under siege right on the Senate floor. Six million American boys are members from a wide diversity—religious, ethnic, economic, disability, special needs, honor students, Eagle Scouts, all of it—are under siege.

A large number of Boy Scouts are sponsored by local churches. They meet in church basements.

This tradition should be revered and protected by the Federal Government, not attacked by the Federal Government. We shouldn't discriminate against an organization because it teaches boys morality.

Senator HELMS says we are going to condition Federal education money on a State or locality not discriminating against the Boy Scouts of America. And Senator HELMS is right. He is absolutely right. In your heart you know he is right.

On June 28, 2000, the Supreme Court of the United States, in the case Boy Scouts of America v. Dale, upheld the first amendment rights of Boy Scouts of America to maintain its almost century-old moral code and its standard for membership and leadership.

The Supreme Court concluded that the Boy Scouts have a right under the first amendment to set standards for membership and leadership by concluding that the first amendment protects the right of a private organization to determine its own membership.

The Senate has conditions for membership in this body. Maybe we shouldn't have any conditions. Should we be attacked by the same groups?

The Boy Scouts embrace the following oath. I want to repeat that oath. I think it has been repeated here before. But it is the central purpose of why we are here. Why does Senator HELMS need to be here to offer this amendment to protect the Boy Scouts? Why? Here is their honor code and the oath that they take:

> On my honor I will do my best
> To do my duty to God and my country
> And to obey the Scout law;
> To help other people at all times;
> To keep myself physically strong,
> mentally awake,
> and morally straight.

These boys, and boys like them, by the millions, are being told they can't even have a meeting in their school or in a school in some communities across America.

I will tell you something. Rome died from a lot less than this. When you dilute your moral code to this extent, and if this keeps up, the obituary for America is going to be written. And it is sad to see it is being written here on the floor of the Senate.

When the count is taken, I know where I want to be, and I know where Senator HELMS is going to be.

This is wrong, pure and simple. It is wrong to do this to this organization. There is an organized campaign against the Boy Scouts. It is under siege by the American Civil Liberties Union. It is attacked.

The Boy Scouts have recently suffered discrimination and unfounded accusations of prejudice resulting in discriminatory actions being taken against the organization and its members.

I know this has been said before. It is not meant to be a cheap shot. It is meant to bring up a point. Senator BYRD talked about it.

Delegates at the Democratic National Convention on August 17, 2000, booed the Boy Scouts while the Boy Scouts were leading the delegates in the Pledge of Allegiance. Not all Democrats did that. Very few Democrats did that. But they did it. No one threw them out of the convention. No one threw them out of the meeting. They sat there under their rights booing the Boy Scouts for leading their convention. If I had been a Democrat at that meeting, I would have sought them out and had them thrown out. What a sad day in America.

On September 5, 2000, in Framingham, MA, the superintendent of schools considered prohibiting the local Boy Scout troop from recruiting other Scouts on school grounds for exercising their constitutionally protected rights. Can you believe that? They cannot even recruit a Boy Scout on the grounds of Framingham, MA, schools.

You wonder why we have problems in America. Should you really be surprised when you hear that children shoot children or children commit crimes or children don't respect their parents or children don't respect their authority? What are we telling them? What message are we sending here? How bad does it have to get before America wakes up?

We are in this age of political correctness. That is what we are talking about here—political correctness.

Another shocking example of this same thing is in Robbinsdale district elementary school in Minnesota. One of the teachers in that school states that she will not let the Boy Scouts into her classroom.

Again, is that the Boy Scouts, the organization, a Boy Scout in his uniform—or a Girl Scout, for that matter?

The teacher wrote to the State attorney general:

> Schools and teachers who continue to do business as usual with the Boy Scouts of America participate in discrimination through complicity, acceptance through silence. I will not.

That was printed in the Star Tribune on September 3, 2000.

The State of Connecticut has banned contributions to the Boy Scouts—banned contributions to the Boy Scouts by State employees through a State-run charity. Can you believe that? It is unbelievable. I never thought I would live to see the day that this would happen in this country.

If Jefferson, Madison, Hamilton, and Washington aren't rolling in their graves now, I can't imagine what would ever motivate them to.

Let's look at some of the horrible, terrible things the Boy Scouts of America do.

Let me read from the Bergen County Record of May 29, 2001. This is a good example of what the Boy Scouts do:

> Americans marked Memorial Day with solemn remembrance by making pilgrimages to grave sides, bearing flowers and flags to honor soldiers who sacrificed their lives in battle.
>
> "It means a lot to me, coming out here and seeing the veterans," said Boy Scout Lee Booker, 15, as he helped place miniature American flags at the foot of 46,850 veterans headstones at the Memphis National Cemetery in Tennessee.

And those boys can't meet on school grounds? And you wonder why we are losing our kids.

Is it time to defund the Boy Scouts of America? Is this the group that we want to expel from our public schools? That is what this is all about.

I applaud the Boy Scouts for all the wonderful contributions that group has provided to American society. I am proud to have an Eagle Scout on my staff—one that I know of; there may be more. Jeff Marschner is a shining example of what an important contribution the Boy Scouts of America make to all of us.

They ought to be held in esteem. When they ask to have a meeting, they ought to be asked: Which room do you want?

What have they done that is so wrong? The answer is, nothing. What they have done is so right. And they are being punished for it.

I am going to say it: Every leader in this country who takes that position—local, State, or Federal—ought to have to pay a political price for it. I would say to my critics on this: What were you doing on Memorial Day while the Boy Scouts of Tennessee were placing miniature American flags on the tombstones of Tennessee soldiers?

All persons have the right of freedom of speech and freedom of association. And the Boy Scouts have earned theirs. I hold the first amendment rights of every American in esteem. Freedom of association is fundamental. I do not support the Government attacking groups because of their membership policies. Some membership policies I don't like. I don't like the KKK. I don't like the skinheads. I don't like those organizations. And anybody who can stand in this Senate Chamber and equate them to the Boy Scouts has a real serious problem.

If the first amendment is gutted for the cause of forcing the Boy Scouts to change their membership policies, what is next?

The Boy Scouts, as an organization, is empowered by our Constitution to determine their own membership criteria—not the Federal Government, not a State, not a local government, not a local school board, not a mayor, not a Governor, not the President, not any unelected bureaucrat in this country. Only the Boy Scouts have a right under the Constitution of the United States to determine their membership requirements for their Boy Scouts, for these boys. That is who has the obligation and the responsibility to do it, and no one else under this Constitution.

Children—boys, girls—are this Nation's most precious resource. Yet this is what we do to them in this Senate Chamber—unbelievable.

I support the Helms amendment. I have never been prouder in my entire political life than I am today to stand here with Senator JESSE HELMS in support of this amendment. I cannot think of one issue that I have ever stood here and talked about that I am more proud to do than what I am doing today. It is not discriminatory. It is fair and simple. It is to protect the Boy Scouts from discrimination, that Boy Scouts cannot be banned from schools that receive millions and millions—and billions—of dollars.

The education bill has money. This bill has money, more money than we have ever given to education from this body. And all Senator HELMS is asking is that governments that accept this money not discriminate against these young men, and young men like them, shown in this picture. Is that asking too much? I certainly hope not.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the other side is willing to yield back its time, I will yield back my time.

Mr. REID. We have no time to yield back, but we are ready for a vote, Madam President.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered. The question now is on agreeing to Helms amendment No. 648. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—51

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Cochran
Collins
Conrad
Craig
Crapo
Domenici
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer

Cantwell
Carper
Chafee
Cleland
Clinton
Corzine
Daschle
Dayton
DeWine
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

The amendment (No. 648) was agreed to.

CHANGE OF VOTE

Ms. LANDRIEU. Madam President, on rollcall vote 189, I voted yea. It was my intention to vote nay. Therefore, I ask unanimous consent I be permitted to change the vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. BROWNBACK. I move to reconsider the vote.

Mr. SMITH of Oregon. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from West Virginia.

Mr. BYRD. Madam President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I ask unanimous consent to explain my vote. I ask unanimous consent for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, the Senate is not in order. I will not proceed until it is in order. This was a very important vote.

Madam President, I want Senators to get out of the well. I am entitled to be heard, and I want other Senators to have the same respect and same entitlement.

This was not an easy vote for me. I believe just as strongly as any Senator on that side of the aisle about the rights of the Boy Scouts and about the respect we ought to show the Boy Scouts. I was ashamed and embarrassed by the actions of some people—not by the Democratic Party—by some people at the Democratic Convention who may or may not have been delegates, in showing disrespect for the Scouts.

Having said that, I had some concerns about this language, and I took those concerns to the author of the amendment, Mr. HELMS. He indicated he would try to have that language changed. Several other Members on that side of the aisle voiced their sentiments as being equal and square with mine: That the language needed to be clarified and modified.

The language was this language: "Any other youth group." Similar language is used in at least one other place in the amendment.

My question was: What is the definition of "youth group" as it is being used in this amendment? The definition in the amendment reads as follows:

> Youth Group—the term "youth group" means any group or organization intended to serve young people under the age of 21.

That can be a Black Panthers group. That can be a skinhead group. That can be a Ku Klux Klan group. I do not mind speaking on that subject. I detest the Klan. I have been a member of it. That is not news. Everybody in this Senate knows that, and I do not carry that badge with pride. But I do not want the Ku Klux Klan or any other hate group in our schools. So, I thought there ought to be a clarification and better definition of "youth group."

I came to the floor when the vote occurred. Nobody came to me and said: With regard to your concern, we have changed the language, or, we have not. Nobody said that.

When I saw on the television screen that the vote on the amendment was in progress, I came to the floor, and I went to Senator HELMS. I said: Was there a modification of that language? He said: No.

He was in accord with having a modification but he said, "they didn't want it modified." I do not know who "they" were. But in any event, faced with having to vote up or down on this amendment, I voted for it, but I am still concerned that the definition of "youth group" was not changed. I am concerned because that request, which I think was a reasonable request, was somehow rejected by somebody. I voted for the amendment.

I take the floor now to say I hope that in conference that language will be changed. The distinguished Senator from Oregon, Mr. SMITH, earlier suggested that it be changed to mean groups that have national charters. I believe I am correct in the way he stated it—groups that are nationally chartered. That would be fine with me. But that change was not made.

I only take the floor now to explain my vote and to express my regrets that what I thought was a very reasonable request was apparently just rejected out of hand.

I hope that attention will be given in conference to changing this language to make it clear that the term "other groups" pertains to groups that are nationally chartered.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I ask unanimous consent that the amendment of Senator HELMS that just passed be allowed to be amended as Senator BYRD has explained it and as some Members lobbied to have it changed. I think it will be a better amendment. If it is not done here, it ought to be done in the conference committee. We all understand that. No one wants this opened up to skinheads, Nazis, the Ku Klux Klan, or any other hate group, but we want to say the standards of the Boy Scouts of America are standards and values that are valuable still.

Mr. REID. Madam President, did the Senator make a unanimous consent request?

The PRESIDING OFFICER. Yes.

Mr. REID. Reserving the right to object, we, in good faith, during the 8 weeks of this debate have been doing amendments side by side. If your side has an amendment, we have an amendment. We have been doing that and have done it 25 times. We certainly have done it the last week many times. I personally—and I don't know how anyone else feels—think that is not a bad idea as long as we have the opportunity to have our amendment debated, if we have an amendment we believe is an appropriate amendment, and we would be happy to show it to any Member who wants to see it and we have a right to vote on the Helms amendment, which has already been voted on. If you want to modify, that is fine, but we want an opportunity to have an up-or-down vote. We have done it for weeks and I don't see why this amendment should be any different.

Mr. SMITH of Oregon. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. KENNEDY. I listened to the Senator from West Virginia. A similar amendment has already passed in the House of Representatives, so we have the House language and this language. It is identical. If we follow past precedence, there is not the flexibility to take into consideration what the Senator from West Virginia has requested. That, I think, is part of the reality in terms of the way these institutions run. They have passed a similar amendment by a voice vote, we passed an amendment, and for all intents and purposes that is what will be before the conference. If we follow the precedent, that flexibility that the Senator had mentioned would not be before the conference.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, we have been discussing this matter over the last few moments. I ask, after I have given a description of our circumstances, that Senator BYRD be recognized for a unanimous consent agreement.

Just for the notification of our colleagues, we would then recognize Senator BOXER who has the right to offer a second-degree amendment. It is a freestanding, side-by-side amendment.

Mrs. BOXER. To my own amendment.

Mr. DASCHLE. That will be offered. Then we will also have the Sessions amendment vote.

Ms. LANDRIEU. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. May I inquire if we could amend the consent request, if Senator BYRD would allow me to be recognized for 30 seconds prior to his statement?

Mr. LOTT. Madam President, reserving the right to object, and I do not object to the request of the Senator, but just to make sure I understood, was there an original request? Did Senator DASCHLE make a unanimous consent request?

Mr. DASCHLE. I only asked Senator BYRD be recognized to make the unanimous consent request. Following that, we would go to a vote on the Sessions amendment. After the Sessions amendment is disposed of, we would recognize Senator BOXER for purposes of offering another amendment.

Mrs. BOXER. A second-degree.

Mr. LOTT. You were just announcing the intention with regard to how to proceed? The UC was to allow Senator BYRD to offer a modification, and then I believe the Senator just wanted 30 seconds to speak?

Ms. LANDRIEU. Prior to Senator BYRD.

Mr. LOTT. I withdraw my reservation.

Mr. BYRD. Madam President, may we have order in the Senate?

Madam President, in an effort to help the Senate to reach the best possible product of the amendment's status at this point, so that a consensus of minds in this body may come to a conclusion as to what in their judgment seems to be the best outcome, I ask unanimous consent that on page 2 of the amendment, section 2 titled "equal access" subsection (a), paragraph (2), line 12 thereof, be amended as follows: To insert the words, following the word "group": "listed in title 36 of the United States Code as a patriotic society," and I ask unanimous consent further that I may be allowed, additionally, to amend the amendment, as modified, which is presently pending, in a second place.

The second place being on page 4 under section (C), titled "Youth Group," on line 8 strike the comma following the numerals "21" and insert the following: "and which is listed in title 36 of the United States Code as a patriotic society."

So I am asking to amend the bill in two places with the amendment—I am asking to amend the pending amendment, as modified, in two places and as I have outlined.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader.

Mr. DASCHLE. Madam President, is it now not in order to move to the Sessions amendment?

The PRESIDING OFFICER. The Senate must first adopt the Helms amendment, as amended and modified.

Mr. DASCHLE. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 574, as modified.

The amendment (No. 574), as modified, was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Madam President, as I understand, each side now has 1 minute to make their presentation prior to the vote on the Sessions amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Alabama.

Mr. SESSIONS. Madam President, we are on the verge and so close to making a realistic and fair and just step in dealing with the complications and frustrations our school systems are wrestling with every day involving disciplinary situations with disabled students. Anyone who talks to them knows it is a very real problem.

Our legislation is a middle-ground position. It is more cautious than the Gorton amendment which got almost 50 votes. It is more modest than the House amendment that passed. It simply says, if a child is disabled and commits a violation of discipline rules that would result in discipline for them, they would be treated as any other child, unless and only after a hearing has been held to ensure that the misbehavior the child committed was not connected to that disability—because some children have emotional problems and have difficulty containing themselves. Those children would not be able to be disciplined like other students.

We think this is a fair and progressive step. I urge your support. I believe with the Vice President we would be able to pass this. I urge its consideration.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, the Senator from Iowa is not here. I will take one moment.

We have fought for 25 years to try to mainstream disabled children. I remember when there were 5 million who were kept in the closets and shut away. IDEA may not be perfect, but we have a GAO study, which is an authoritative study, that says the changes that were made 2 years ago on discipline seem to be working.

The previous vote was 50–50. We are divided.

Next year we are going to have a complete reauthorization of IDEA. Why have a major step backward in terms of assisting the children in this country?

If we have to change it, let's do it at the time we have the reauthorization—not on the basis of a 50–50 vote or 1 hour of debate and discussion on this measure.

Make no mistake about it. If we accept the Sessions amendment, history will record this as the first major step backward instead of forward with regard to disabled children.

Mr. SESSIONS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

I further announce that if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote "yea."

The PRESIDING OFFICER (Mrs. LINCOLN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—51

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Cochran
Conrad
Craig
Crapo
Domenici
Dorgan
Durbin
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Corzine
Daschle
Dayton
DeWine
Dodd
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Jeffords
Kennedy
Kerry
Kohl
Leahy

Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wellstone
Wyden

NOT VOTING—2

Inouye
Smith (NH)

The motion was agreed to.

The PRESIDING OFFICER. The question is on agreeing upon reconsideration to amendment No. 604 offered by the Senator from Alabama. The yeas and nays are automatic.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the matter before us, the Sessions amendment, be handled on a voice vote.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. It takes unanimous consent to vitiate the yeas and nays. I ask unanimous consent that we vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 604) was agreed to.

Mr. NICKLES. Madam President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

AMENDMENT NO. 562 TO AMENDMENT NO. 358

Mrs. BOXER. Madam President, I send amendment No. 562 to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 562.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding, and authorize appropriations for, part F of title I of the Elementary and Secondary Education Act of 1965)

At the end of title IX, add the following:

SEC. 902. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The afterschool programs provided through 21st Century Community Learning Centers grants are proven strategies that should be encouraged.

(2) The demand for afterschool education is very high, with over 7,000,000 children without afterschool opportunities.

(3) Afterschool programs improve education achievement and have widespread support, with over 80 percent of the American people supporting such programs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should continue toward the goal of providing the necessary funding for afterschool program by appropriating the authorized level of $1,500,000,000 for fiscal year 2002 to carry out part F title I of the Elementary and Secondary Education Act of 1965; and

(2) such funding should be the benchmark for future years in order to reach the goal of providing academically enriched activities during after school hours for the 7,000,000 children in need.

AMENDMENT NO. 803 TO AMENDMENT NO. 562

Mrs. BOXER. Madam President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 803 to amendment No. 562.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 1. SHORT TITLE.

This title may be cited as the "Equal Access to Public School Facilities Act."

SEC. 2. EQUAL ACCESS.

IN GENERAL.—No public elementary school, public secondary school, local educational agency, or State educational agency, may deny equal access or a fair opportunity to meet after school in a designated open forum to any youth group, including the Boy Scouts of America, based on that group's favorable or unfavorable position concerning sexual orientation.

Mrs. BOXER. Madam President, I need literally a minute.

In this amendment, we are codifying what the Supreme Court has said, and that is every group, including the Boy Scouts, has equal access to school facilities. It is very simple. It is very straightforward. It stays away from the can of worms we believe was opened in the Helms amendment.

I hope all of our colleagues, 100 strong, will vote in favor of this simple, straightforward statement that all groups, regardless of their viewpoint, be allowed equal access to the public schools.

I yield the floor. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise in opposition to this amendment, and I wish to express some concerns regarding it.

We just adopted an amendment which I think addressed the issue at the core, and that was concerning the treatment of the Boy Scouts of America.

The Boy Scouts of America, as many people know, has been recently pursued by a number of organizations saying they were not going to allow them to participate and use public schools for Boy Scout meetings. That was the direction of the amendment on which we worked.

I will point out what some of the organizations and schools are pursuing with the Boy Scouts. They are saying: Look, we do not want to allow them to have access to our schools. We do not want to allow them to meet.

Listen to some of these examples:

On May 11, 2001, the Associated Press reported the Iowa City School Board voted to prohibit the Boy Scouts of America from distributing any information in schools because of the Scouts membership criteria. Greg Shields, the national spokesman for Boy Scouts of America, said:

> We simply ask to be treated the same way as any other private organization . . . [and] that our free speech and right to assemble be respected just as we respect those rights of others.

On February 8, 2001, the Asbury Park Press reported that the State of New Jersey was considering a rule change that would bar school districts from renting space to the Boy Scouts because of their position on homosexuality.

On February 7, 2001, the Arizona Republic reported that the Sunnyside School District in Tucson decided to charge the Boy Scouts of America fees to use school facilities, even though no other groups have to pay fees.

The ACLU executive director said:

> While Boy Scouts, atheists, Nazis, even satanists have the right to express their views, Government should not use public money to promote them.

On January 28, 2001, the Boston Globe reported that the Acton School Committee in Massachusetts decided to prevent the Boy Scouts from distributing literature at school, even though other groups can do so. Defending its actions, Acton School Committee cited Massachusetts law which says schools cannot sponsor the Boy Scouts.

On January 14, 2001, the New York Times reported that New York's Chappaqua School District officials were able to coerce two local Boy Scout troops to sign a document that denounced the national policies of the Boy Scouts of America as a condition for allowing these troops access to school property.

I have several more pages of examples. The reason I wanted to point these out is to show what the problem is, and that is, the Boy Scouts are being threatened to have access to public schools denied. That is the reason for the amendment. That was the reason for the Helms amendment.

The Boy Scouts is a 90-year-old organization with millions of members in the country. My guess is a fair number of Members of this body were Boy Scouts or their children are Boy

Scouts. Senator NELSON of Nebraska was an Eagle Scout. Senator SMITH of Oregon was an Eagle Scout. Senator ENZI's son was an Eagle Scout. Senator LANDRIEU's family members were Eagle Scouts.

My point in saying this is here is an organization that has been next to God and country and mom and apple pie for as long as we can think of, and it is being pursued. It is being pursued, being castigated. The ACLU executive director mentioned the Boy Scouts in the same sentence as atheists, Nazis, and satanists. They are trying to categorize them in a dark category, a negative category, and all they want to do is do a good deed daily. That is their motto. They are being pursued.

What did we do? What was the response this body voted on by a bare margin of victory? This body said we are not going to tolerate them being pursued or kept out of school buildings. We said in this amendment: If you are going to try to keep them out of school buildings, then we are going to review the Federal funding for you because we so strongly believe in this organization—90 years old, basic value training, character training in which many people in this body participated.

The Senator from California then proposes an additional amendment apparently trying to address much of the same topic. In that amendment, she puts forward:

> No public elementary school, public secondary school, local educational agency, or State educational agency, may deny equal access to meet after school in designated open forum to any youth group, including the Boy Scouts of America, based on that group's favorable or unfavorable viewpoint concerning sexual orientation.

She is trying to cover it. The problem is it does not cover it. It does not cover this for the Boy Scouts. It does not have any enforcement mechanism for the Boy Scouts. They are going to have to go into court with this language the same as they would right now to try to get access to public schools in school districts across the country that are trying to deny them access.

What we did instead was flip the burden. We flipped it to the school districts, saying: If you are going to deny the Boy Scouts, you are going to have to state why and clearly to the Federal educational agency if you are going to continue to get Federal funds. We put the onus and burden on the school districts in the Helms amendment, which is the proper and appropriate place to put it, instead of draining these private coffers of the Boy Scouts of America to pursue lawsuit after lawsuit in various jurisdictions to simply get access to public schools.

What do you want to do? The Boxer amendment, while on its face would look fine, puts the burden back on the Boy Scouts. It says the Boy Scouts are going to have to go to court to get access. You have this law, yes; you have the Supreme Court ruling; but you are going to have to go to court and spend thousands and, at the end of the day, millions of dollars to get access to public schools for the Boy Scouts of America. Let's deny apple pie access to public schools next. They are going to make the Boy Scouts spend millions of dollars to get in and have a meeting at the public school.

That is not appropriate. That is not the right place, to put this burden on the Boy Scouts. They raise private moneys to do character education and do what all of us laud, I believe, in this body. I believe all of us laud the Boy Scouts and what they are after and what they are doing. Maybe that is not the case. Maybe some do not. I hope everybody supports the Boy Scouts.

This is not the right way to go. The Boxer amendment puts the burden back on the Boy Scouts to spend millions of dollars to fight their way into public schools. We should not do that. We do not need to do that. I would rather the Boy Scouts spend millions of dollars on camping, doing things as a scouting troop, as my son did when he was a part of the Boy Scouts, as some of the Eagle Scouts here did. I would rather they buy campgrounds and land to explore and take care of underprivileged youth, as Boy Scouts do across the country. I would rather they take underprivileged youth from inner cities as part of the Boy Scouts, take them to the countryside and camp and spend millions of dollars doing that rather than millions of dollars in court simply to gain access to the public educational institutions in our country for which we provide substantial funding.

That is why this amendment is flawed and should fail and why I oppose this amendment.

I urge my colleagues to oppose and vote against this amendment because we are shifting the burden back to the Boy Scouts and making them fight their way into the public schools. We really do not need to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. With all due respect to my distinguished colleague, I don't quite understand the argument that the Boy Scouts will have to fight their way into the schools. Constitutionally, they cannot be denied access to the schools now. They cannot be denied access. I suspect if one argues that you are going to have to fight your way in, there is the implication a lot of schools are trying to keep the Boy Scouts out.

Second, since Brown v. The Board, you cannot keep black kids from going to school. If we had an amendment that took the language out of Brown, parroted it, as my distinguished colleague from California does, from the 1998 Supreme Court case that sets out this principle—we cannot do this—it means every black child has to spend thousands of dollars to fight their way into the schools.

One of the things that distinguishes the United States of America, when the Supreme Court of the United States speaks clearly, and particularly when the Senate then legislatively parrots the exact language that the Supreme Court uses—guess what. The American people, even those who do not agree, obey. That is the pattern we have in this country.

The idea that there will be Boy Scouts—and I was a Boy Scout and proud of it; I was an Explorer Scout; I support the Scouts; I will match my merit badges against my colleague's merit badges—Boy Scouts standing with tin cups in front of schools saying, "We need to raise money to go to Federal court to make sure we can get in," is not going to happen. Theoretically, it could happen, just as theoretically today a school in the State of Delaware, or Kansas, could say, "We will not let black folks in." Theoretically, that can happen. Guess what. The black parents have to go to court.

This is as much a threat to the Boy Scouts having to raise millions and millions of dollars as black folks having to raise millions and millions to get access to public schools. There is a constitutional amendment.

My friend—and he knows he is my friend—Senator HELMS from North Carolina, has an amendment that I voted against. I think it got pretty well cleaned up by the Byrd amendment, but it has some arcane problems. I will not take the time of Senators and bore them, but the reason it is probably still unconstitutional, although I have no objection to the way it got cleaned up—the reason it is arguably still unconstitutional is it is not content neutral because—and this is a constitutional principle—we will deny a school district funds—money—if in fact they discriminate, they violate the Constitution, by not letting in Boy Scouts or like organizations that determine their leadership based on criteria that are their own, to which others may object.

The problem with that is, technically, constitutionally, it does not include every group in the world. It does not include every group in the world. It is no longer viewpoint neutral. It says we are only going to penalize school districts that discriminate against one type of organization as opposed to all. I know that is not my friend's intention, but that is why the amendment is still probably flawed, although I am willing to take a chance on it.

As I said to my friend from California, I am not sure this amendment is needed. I will support it. I think we all should support it. All we are doing is supporting the Supreme Court decision.

On this idea that we have to go further, then it seems to me you should say, okay, we will cut off all moneys to all schools that violate the Supreme Court's rulings that you are not allowed to have organized prayer. How about that one? Does anybody want to sign up on that one? Same folks who want to sign up on this want to sign up on that? I don't think so. I don't think we will have people running across the aisle saying, look, if that school district or that school allowed organized prayer—and I am not opposed to prayer, obviously, but that is what the Supreme Court said, in a Supreme Court decision.

What is done if a school violates the decision? Bring an action. Very few schools violate. But to make the Helms amendment content neutral—and I did not want to start playing games, and I know occasionally it is suggested I am too constitutional. The mistake I make is I teach constitutional law. My mother would say a little bit of knowledge is a dangerous thing.

The truth is, if you wanted to make the Helms amendment pass constitutional muster, you could arguably say, OK, as long as you do not discriminate, you deny school funds to any school district that violated any constitutional right of anybody. That is why technically it is not constitutional. It doesn't do that. It protects only one viewpoint as opposed to all viewpoints.

I don't want to get into that because the truth is, we all know on this floor, nobody, if we are a private citizen, is going to go home to the school district and say, by the way, I don't like the fact that the Boy Scouts don't allow homosexual Scout leaders so I will go to the school board meeting tomorrow and insist they be blocked access to my school.

This is a bit of a charade. Everybody on the floor supports the Boy Scouts. We may disagree whether they should or should not allow homosexuals to be members. And I think they should. We may disagree on that. But no one disagrees on the ruling of the Supreme Court which says you cannot discriminate against them because the Court ruled it is OK for this organization to say we don't want homosexual Scout leaders. That is what the Supreme Court said. It is OK. I accept that. It is the Supreme Court of the United States of America.

I also accept the fact that the Supreme Court says you cannot discriminate against the Boy Scouts because of the decision they made.

I think it is Kafkaesque. We are arguing about something on which we don't disagree. This is about politics. This is a political game we are playing. It is a joke—who is more Boy Scout. I am as big a Boy Scout as anyone here. We can all compare merit badges and our support for the Boy Scouts. So let's not make a mockery of this thing.

The fact is there is a technical, legal, constitutional argument that the last amendment is unconstitutional. That is the core of the objection of those who voted for it before it got amended. After it has been amended, it is arguably still unconstitutional. I am willing to take a chance on it. I am satisfied to let it go at that.

This clearly is constitutional. This clearly restates what I thought we all want. No school district can deny Boy Scouts access if they have access for anybody.

Again, I conclude by saying the idea this could cost the Boy Scouts millions of dollars I find a bit of a stretch.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise in opposition to the amendment and point out one of the real values of Boy Scouts is that it isn't designed to be competitive. It isn't designed to see who is the best Boy Scout, who has the most merit badges, who has better merit badges. It is designed to teach young men good values. It is designed to teach young men about the world. It is designed to teach young men about possible careers. That is being thwarted.

I will not repeat everything I said this morning. I am sure that is a relief. I hope Members look at the record. I am convinced they did not pay attention when I spoke earlier. An important point: The record of five cases a year ago, where the Boy Scouts had to go to court. We are not talking hypothetical; we are not talking about the possibility that somebody's constitutional rights were violated. We are talking about actual situations. Some of those will be resolved over the years at great cost. We are not talking hypothetical on the cost either.

I am not going to pretend to be a constitutional lawyer because I am one of the few people here who is not a lawyer at all. But I was a Boy Scout. I am watching what is happening to the Boy Scouts in this country.

Five times in the year 2000, this instance came up. I have to tell you, already this year, eight times. That is just ones that I was able to find, which means they are ones that made national press. It doesn't mean it is all the instances of it happening.

The five last year and the eight this year are cases where it happened in school. I am not talking about all of the discrimination that there is out there against the Boy Scouts. I am just talking about in school.

We cleared up the definitional problem that I think would have made that a near unanimous vote before. It should have made it a near unanimous vote before. Now we have an amendment that tries to eliminate anything that the Helms amendment could have done. Here is how it eliminates it. It does it in two ways.

It eliminates the enforcement mechanism. There was not anything in the Helms amendment that automatically took money away from schools. There was a review process. If the review process said they discriminated, there was the possibility that they would lose their funds.

Enforcement: There is no enforcement in this amendment. It may say what the Constitution says, but it doesn't provide enforcement. The amendment we agreed to before, that provides enforcement.

The second problem is this one allows discrimination against the Boy Scouts. The wording in here does not preclude—this is a big problem with the school—does not preclude charging them exorbitant rates. They would still have equal access; they would have, depending on how you took it to court, a fair opportunity. But it would not be the same thing as in the Helms amendment where you could not be charged discriminatory fees to keep the Scouts out. Every one of those things would require another court action.

I am not an attorney. I am told a lot, when I go back to Wyoming, that one of the problems in this country is we have too many attorneys. They talk about the old towns in the West where the first attorney came to town and he went broke. In other towns the first attorney came to town, he was accompanied by another attorney, and they both did very well. That is what is happening to the Boy Scouts. We have enough attorneys; they can all do very well at the expense of the Boy Scouts.

The dollars being spent on litigation ought to be spent on good programs for youth. We have been talking throughout the education bill about the need to do things for youth, the need to have kids taken care of after school. This is an organization where you do not take care of the kids after school, the kids help take care of us after school. We are talking about a communitarianism group, a group focused on helping their community through their volunteer efforts.

In order to get your Eagle award you have to do a community project—not a personal project, not a family project. It has to be a community project. So these kids get to find out what voluntarism is. It is not voluntarism for them. It is that grand distinction; it is for other people, that chance to do something for other people.

We need to make sure every time we can get a free program such as the Boy Scouts that will teach character and take care of the community, we do everything we can to promote it. We have taken care of this through the Helms amendment. We can destroy it through the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, as soon as Senator REID is done, I will claim the floor.

Mr. REID. Madam President, I wanted to ask a question of the manager. I am speaking to a Chamber empty on the minority side.

The question we have on this side is, When, if at all, are we going to vote on this? Does anybody know? Maybe one of the managers is in the back. It is now 4 o'clock, approximately. We have an amendment that says:

> No public elementary school, public secondary school, local educational agency, or State education agency, may deny equal access or a fair opportunity to meet after school in a designated open forum to any youth group, including the Boy Scouts of America, based on that group's favorable or unfavorable viewpoint concerning sexual orientation.

A little different from my friend from Wyoming, I am a lawyer. If there is something wrong with this legally, I suggest voting against it as some did on the underlying amendment that passed. It does not seem to me, at this late time, we are going to benefit by continuing to talk about this. So I would like to get something from the minority.

This morning I talked to Senator HELMS. He said he wanted 4 more hours. That at least gives people an idea how much time it will take. Does anyone have any idea how much longer the minority wishes to debate this 1-paragraph amendment?

Mr. GRAMM. Madam President, as far as I am aware, I am the last speaker. I was just waiting to get an opportunity to speak.

I do not know. There may be someone else over here who is welling up in their chest with a speech, but as far as I know, I am it.

Mr. REID. I will say to my friend, if they are not now, they will after your speech.

Mr. GRAMM. Maybe there will be a rush of people on your side, although I do not think so. I would not want to defend this amendment.

Mr. REID. The Senator from California yielded to me. I apologize to my friend from Texas. I return the floor to the Senator from California.

Mrs. BOXER. I say thank you to my friend from Texas. I will only speak for about 60 seconds, and then I am happy to yield the floor.

There are some days when I wonder where I am and what I am doing. This is really one of those days.

I have an amendment that simply codifies a Court decision that was a victory for the Boy Scouts of America. When it was announced, everyone said: OK, in our Nation, regardless of an organization's viewpoint, they have a right to equal access to our public schools; freedom of speech. For those people, and I count myself among them, who believe we are all God's children, and I abhor discrimination against anyone for any reason, including their sexual orientation, I thought: This is tough because if a school district really has a strong feeling and they believe this to be a fight for civil rights, they are still going to have to let the Boy Scouts in. But that is America. We allow equal access and that is the way it is.

Now I have an amendment that simply guarantees this equal access, that says the Senate agrees on equal access for all groups, whatever their view is on sexual orientation. And I have people who stand up and say I am undoing the Boy Scouts.

Again, my most enduring memory of my little girl, who is now a mother herself, is her in her little outfit when she was a little Brownie, and the character building that went with that. So no one can get up on the other side and say Members on this side do not care. We do care.

This amendment, again—and then I will yield the floor to my friend because I know he has reasons that he is against this, and I am interested to hear his explanation—simply says what the Supreme Court said: Equal access for the Boy Scouts to every single public school in America because every group, regardless of their viewpoint, has a right to have such equal access.

So I am kind of glad I proposed this amendment. I am kind of stunned that anyone would be against it. But that is their right, their privilege. As a matter of fact, it is their duty if they find something wrong with it. But I thought the Supreme Court decision was cheered by the Boy Scouts, and I am a little stunned that my Republican friends somehow do not view it that way.

I hope we will have a bipartisan vote in favor of this amendment.

I yield the floor.

Mr. GRAMM. Madam President, if someone showed up from Mars and listened to this discussion, I am sure they would be convinced that this was somehow a simple amendment that was protecting the Boy Scouts. But they would be convinced only if they showed up in the last 30 minutes, because we spent much of this day debating and voting on an amendment by Senator HELMS that said if a school system denied access of facilities on a nondiscriminatory basis to the Boy Scouts of America, they would lose Federal funds.

In listening to our dear colleague from California, you would think Boy Scouts using public schools would be a noncontroversial amendment. Maybe if you came from Mars 30 minutes ago you would be convinced of that. But if you came from Mars an hour ago, you would realize that after a lengthy debate 49 Members of the Senate voted to not deny Federal funds to school systems that discriminate against the Boy Scouts of America. We had a vote on exactly this subject. The vote was 51-49.

What is wrong with the amendment that is before us? There are several things that are wrong with it. I think I can explain it pretty simply.

First of all, we have an unequivocal statement in the bill right now with a Helms amendment that says you lose Federal funds if you deny the Boy Scouts of America the ability to use your facilities after school on a nondiscriminatory basis.

How does the Helms amendment work? It has an enforcement mechanism. That enforcement mechanism is, you lose Federal funds. So the Boy Scouts of America don't have to go out and hire a lawyer, go to the district court, the circuit court, and the Supreme Court to get to use the local schools for Scout meetings after school. The Helms amendment has an enforcement mechanism in it.

Second, the Helms amendment says the Boy Scouts can use the schoolhouse on a nondiscriminatory basis, which means they cannot be charged a higher fee than anybody else. They cannot face separate rules than anybody else, where they could be denied the right to hand out material, for example. That is the Helms amendment. That is the position of the education bill as it now stands.

We voted on that issue. The vote was 51–49. Where I come from, that is about as close as you can get and have a determinant result.

Now in comes this amendment which says no public elementary school or public secondary school or local education agency or State agency may deny equal access. No one is opposed to this freestanding, but this now clouds the position of the underlying bill.

Why is this amendment a very weak amendment which does virtually nothing to protect the Boy Scouts? Let me explain why.

First of all, there is no enforcement mechanism. Unlike the Helms amendment, which is currently part of this bill, there is no enforcement mechanism if a school violates the law. What would that force the Boy Scouts of America to do? It would force the local troop to hire a lawyer and to go to court. You could literally dissipate the assets of the Boy Scouts of America in trying to enforce a bill that has no enforcement clause in it.

The amendment which is now in the bill, which is undercut by adding this amendment to it, has an enforcement mechanism, because you lose funding, and any school faced with giving up Federal funding is going to allow the Boy Scouts to use their facility.

Second, this amendment does not guarantee that the Boy Scouts would be able to use the facility on an equal basis. They couldn't discriminate against the Boy Scouts or anybody else in terms of using it. But it does not have a provision, as the Helms amendment does, to guarantee that you don't have to pay a higher fee or that you wouldn't get to use it on an equal basis or you wouldn't be able to hand out materials

I am not saying this is a bad amendment. If this had been offered freestanding, if we had not debated the other amendment all day long, I think some might have found some merit in it.

My point is, we have a provision in the bill that has an enforcement mechanism, which this does not. We have an unequivocal statement in the bill that was passed 51–49. My basic position is that this actually weakens the bill by putting two provisions in it, one which is strong and enforceable and has an enforcement mechanism, and one which does not.

Therefore, my view is, with all due respect, that we have already decided this on a 51–49 vote, and if your objective is to guarantee that the Boy Scouts of America get to use the schoolhouse like other organizations, then the thing to do would be to leave the provision which is currently in the bill there and to reject this amendment.

If we adopt this amendment, then we have two amendments in the bill that are very different. Then you are going to leave it up to conferees to decide which one they want to take.

If your objective is to have the strongest possible language for the Boy Scouts, I assert—this is a free country, and people have their own opinions—that the way to keep the strongest language is to not dilute it by putting weaker language without an enforcement mechanism next to it. With all due respect, that is why I am going to vote no on it.

I would be very happy to yield to my dear friend.

Mr. BIDEN. Madam President, if the Senator will yield for a brief comment and question, my objective is to make sure the Boy Scouts have access to the school.

My worry is, having been the guy who wrote the statutory language on flag burning, the Supreme Court is going to rule unconstitutional the Helms amendment, if you pass it. Ask any conservative or liberal lawyer. There is a 60-percent chance that will happen.

I view it in the exact opposite way, although approaching it with the same objective as my friend from Texas does. The reason to include this other provision is to have a fail-safe constitutional guarantee because what the Court is going to say on the Helms amendment—which I support as amended—is the following. It is going to say that you do not have a guarantee to take away funds from any school district that denies homosexual organizations the right to be in the school. You do not deny funds to any organization or any school that denies or permits prayer in school, which is unconstitutional.

The Court is going to look at it and say it is not content neutral. That is what I mean. I know my friend from Texas knows as well. That is why—it is not content neutral—the same rationale that declared my constitutional statute against flag burning unconstitutional. It was not content neutral.

I argue, for those of you who truly want to make sure the Boy Scouts have access, even if you voted for and support the Helms amendment—which I think is a reasonable position—you should vote for this amendment as well because it guarantees you double protection.

This is clearly, unequivocally constitutional. The Helms amendment, as amended, is unquestionably constitutional.

I yield the floor. I thank my colleague.

Mr. GRAMM. Madam President, responding very briefly, first of all, if you believe a provision is unconstitutional, in my opinion, you ought to vote against it. We sort of hide behind this idea of "let the Supreme Court decide." But when we put our hand on the Bible and swear to uphold, protect, and defend the Constitution, in my opinion, we are swearing to do that.

I personally do not believe the Helms amendment is unconstitutional. We have passed amendments and bills all the time that deny or grant Federal funds based on what a school system does. But everybody has their own opinion about that.

My basic position is that the Helms amendment is quite strong and has an enforcement mechanism. This amendment would require that the Boy Scout troops all over America get lawyers and go to court on an individual basis. It would be really unenforceable, except with the expenditure of tremendous amounts of money that the Boy Scouts don't have.

I think we have a strong measure in the bill now. Fifty-one Members voted for it. My suggestion is, keep it strong if you want the Boy Scouts in schools, and I would vote no on this. Obviously, people have other opinions. That is why——

Mr. NICKLES. Will the Senator from Texas yield for a question?

Mr. GRAMM. I am happy to yield.

Mr. NICKLES. I appreciate the Senator yielding. I also appreciate the discussion on the amendment.

I may be off base, but I am reading the amendment, and it says:

> . . . State educational agency, may deny equal access or a fair opportunity to meet after school in a designated open forum to any youth group, including the Boy Scouts of America, based on that group's favorable or unfavorable position concerning sexual orientation.

Maybe I am misreading that, but it looks to me as if it is an invitation for gay activist groups, for all kinds of groups, to meet. If you give access to the Boy Scouts, then you have to give access to gay activists in elementary schools, grade schools, schools up to the 12th grade, senior high schools.

Mr. GRAMM. May I respond to that?

Mr. NICKLES. Please do.

Mr. GRAMM. Let me respond by saying, remember Senator BYRD got up and asked that we change the Helms amendment because it had language in it that said "or other groups." So the argument was made by Senator BYRD that the language in the Helms amendment that said "other groups" was so vague that it could include Nazis, skinheads.

My point is, this language is at least as broad as the language we took out of the Helms amendment because this requires that they open it up to any youth group, including the Boy Scouts. And the question is, Do we want to force public schools to open up to skinheads? Or to the Ku Klux Klan? I do not think we do.

Senator BYRD made the point. I supported him in changing the Helms amendment because it said: Boy Scouts or other groups. And we made that change by unanimous consent.

Now we have this amendment before us that says that we open it up "to any youth group, including the Boy Scouts" without regard to their view on sexual orientation. But what about their view on America or race or numerous other things?

I am saying that the criticism Senator BYRD raised of the Helms amendment—that it opened it up for all these hate groups—that same criticism can, and I think should, be leveled against this amendment. Maybe it should be corrected by modifying these other youth groups to assure they are groups that have a Federal patent, for example.

But I simply say that the point Senator BYRD made was as valid against this amendment as it was against the Helms amendment and we changed the Helms amendment.

AMENDMENT NO. 803, AS MODIFIED

Mrs. BOXER. Mr. President, I ask unanimous consent to make that modification, as we allowed that modification to be made in the Helms amendment, to mirror that.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Mr. BROWNBACK. Reserving the right to object.

Mr. GRAMM. No, let's not object.

Mr. BROWNBACK. I just want to understand.

Mrs. BOXER. Instead of saying "other youth groups," we would say that have a national charter. It would mirror the Helms amendment.

Mr. BROWNBACK. OK. So you would insert that language? You would strike the language "any other youth group" and instead insert those in section 36?

Mrs. BOXER. That is absolutely correct. We would do it the same way we allowed you to modify yours.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as modified, is as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 1. SHORT TITLE

This title may be cited as the "Equal Access to Public School Facilities Act."

SEC. 2. EQUAL ACCESS

IN GENERAL.—No public elementary school, public secondary school, local educational agency, or State educational agency, may deny equal access or a fair opportunity to meet after school in a designated open forum to any youth group, listed in title 36 of the U.S. Code as a patriotic society, including the Boy Scouts of America, based on that group's favorable or unfavorable position concerning sexual orientation.

Mrs. BOXER. I thank my colleague for making that point.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I am glad that correction was made, but that does not change any of the other points I made. There is no enforcement mechanism here. We have a provision in the bill that does have an enforcement mechanism. So we are weakening our commitment to it by putting this amendment in the bill.

Secondly, we do not have any guarantees that the Boy Scouts—while they might be permitted to come to the school grounds, they might be charged a higher fee or separate conditions may be imposed on them. And for both those reasons, I believe this amendment ought to be rejected.

We have already acted on it. It was a tough vote. It was 51-49 as to who wanted to guarantee the right to the Boy Scouts. I think we have spoken. I think this is a weaker amendment.

I hope we will not move away from the strong, unequivocal position we took that the Boy Scouts of America, and their commitment to God and country, is a commitment we believe belongs in every schoolhouse in America where they want to operate. So I urge my colleagues to reject the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, this week, this month, we have been seeking to redefine the role of the Federal Government in education in our country.

For much of this day we have spent our time in this Chamber trying to make sure that Boy Scouts have the opportunity to have their meetings and their activities in our public schools.

As a number of my colleagues, I was a Boy Scout. As a number of our colleagues, I am the father of not one Boy Scout but two Boy Scouts. One just made Star this past week, two steps away from Eagle. The other guy is a new guy, brand new, just was a Weeblo, just crossed over. He is going camping tomorrow night with Troop 67 to Lum's Pond outside Newark, DE.

My friends, we have talked about this long enough today. I suggest that we call a halt to this debate and go ahead and vote. There are those of us who want to go camping with the Boy Scouts this weekend. I don't want to be here tomorrow night talking about this issue; I want to be camping.

Mr. REID. I would ask we vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I have a couple comments I would like to make regarding this amendment.

We have talked in the abstract on this issue of: Will the Boy Scouts have to sue to get into schools or will they not? There have been some allegations made. Several Members have said this is not the case.

I want to put a real case in front of us. On January 11, 2001, the News & Observer reported that the Chapel Hill-Carroboro school board voted to give Scouts until June to either go against the rule of their organization or lose their sponsorship and meeting places in schools.

That was January of this year. That school board says: By June, you either change—go against the Boy Scouts organization—or lose your privileges to get into the schools.

We have two different proposals in front of us: the Helms amendment that was adopted and the Boxer amendment that is being proposed.

Under the Helms amendment that was adopted, the school board in this district would be the one that would have to say: This is why we are blocking the Boy Scouts from being in this school. This is what we are doing. And if they don't, if they don't have the rationale, then they are going to lose their Federal funding.

Under the Boxer amendment, which is basically the current law, the Boy Scouts have to sue to say: We have a right to be in this school. That is the law today. The Boxer amendment just basically renews the law as it is currently today. The Boy Scouts would have to sue to say: Look, we are not going to go against our Federal charter, and we still want into the school. This is current law, what this school district did. The Boxer amendment basically puts forward current law again. So the Boy Scouts would have to hire a bunch of lawyers to go against the school district—in this situation as well as in hundreds of thousands of situations across the country—to get into the school.

That is a real live case. That is an example of what we are talking about. The Boxer amendment does not cure that.

On the other hand, the Helms amendment that was adopted—by a very tight vote, a close vote—would say that the Department of Education goes to the Chapel Hill School District and says: Why are you blocking the Boy Scouts? And if you are going to continue down this road, we are going to pull Federal funding. So then it is on the school districts, in that particular case, to defend as to why they are blocking the Boy Scouts or they will get their Federal funding pulled.

The Boy Scouts have an access to be able to get in. They have a tool to be able to get there. On the other side, they have to fight their way through court. And for those who are saying: You are dreaming up cases, here is an example:

I read five others when I took the floor earlier. There are more that I could read. The simple point of this is, thankfully, the amendment is being changed some, so it is not all organizations—skinheads and others, but the fact of it is, who are you going to put the burden on, on the school district or are you going to put it on the Boy Scouts?

The Boxer amendment puts it on the Boy Scouts. The Helms amendment puts it on the school district. I hope we will all say we want the Boy Scouts in the schools. We don't want to charge them a bunch of money to get there. We don't want to charge undue fees. We don't want to charge them more to be able to get into the schools. That is the point.

I urge my colleagues to vote against the Boxer amendment, if they support the Boy Scouts and keeping them from having to spend a lot of money just to get into the schools, places where they presently deserve to be.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 803, as modified.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy

Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NAYS—47

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Inouye

The amendment (No. 803), as modified, was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 562, as amended.

The amendment (No. 562), as amended, was agreed to.

Mr. KENNEDY. Mr. President, this might not be the case, but there is a possibility that it might be the case, and that is, to my knowledge, Senator CLINTON is going to speak for 1 to 2 minutes on her amendment, and I understand it is going to be accepted.

I suggest the absence of a quorum.

Mr. DOMENICI. Will the Senator let me speak?

Mr. KENNEDY. I withhold the request.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise today to discuss the Better Education for Students and Teachers Act.

Education no longer simply involves students learning the fundamentals of reading, writing, and arithmetic. Rather, students must possess the resources to compete and succeed as we proceed into the new, highly technical millennium. The computer and the Internet have become integrated into every aspect of our lives, and are becoming essential teaching tools in our schools and a basic component of any classroom.

To meet this challenge, we must strive for innovative ideas and to determine exactly how we can maximize the Federal Government's resources because: Even on its best day the Federal Government can never be a replacement for local administrators, educators, and parents.

Simply put, New Mexicans are in a far better position to know exactly what our schools and students need than government officials here in Washington.

Most Washingtonians probably do not know the Corona School District has 82 students, the Deming School District has 5,300 students, and the Albuquerque School District has 85,000 students. Additionally, the Gallup School District encompasses nearly 5,000 square miles, an area greater than Rhode Island and Delaware combined.

My point is simple, a one-size-fits-all approach cannot work in New Mexico and will not work in many areas of our country. Consequently, we must have solutions that are flexible and meet the diverse needs of our States, school districts, and schools.

I want to take a couple of minutes and provide my perspective on how we arrive at the point we are today with the BEST bill.

Not too long ago during the mid 1990's a number of us came to the conclusion that the current K–12 education status quo could no longer be maintained. I think this realization may have been spurred by Senator FRIST's excellent work as the chair of the Senate Budget Committee Task Force on Education. The task force produced: "Prospects for Reform: The State of American Education and the Federal role."

The report asked the simple question of "how well are our children doing?" The answer was mediocre at best because student achievement had stagnated over the past two decades even though America had established a record of near universal access and completion of high school. Thus, the report concluded that we must address the issue of a quality educational system. In other words the need for academic competence and rigor.

Building upon the excellent work of the Task Force, Senator FRIST soon introduced the Education Flexibility Partnership Act of 1999 commonly referred to as Ed-Flex. The bill simply said: one size does not fit all and thus, States should be allowed to waive-out of the regulations pertaining to certain Federal K–12 education programs.

Ed-Flex already existed as part of a demonstration program and Senator FRIST's bill merely sought to provide all 50 States within that same flexibility. The Senate passed the bill overwhelmingly by a vote of 98–1 and within a month the President had signed the measure into law. Unfortunately, after the passage of Ed-Flex for a variety of reasons there was not any further fundamental changes made to our K–12 system. Instead, since the last reauthorization of the ESEA in 1994 there is no approach that we learned is a complete failure: merely providing more funding.

In 1996 the Federal Government spend about $23 billion on education and within a few short years the number ballooned to over $42 billion in FY 2001. The logical conclusion is that a near doubling of educational funding would result in dramatic improvements in student achievement. Sadly, for all of our funding we simply do not have the matching results.

For instance, in 1996 the average reading score for a 4th grader was 212 and the Federal Government spent about $11 billion on the ESEA. Five years later, Federal spending on the ESEA has nearly doubled to $20 million, while the average reading score of a 4th grader remained at 212.

In New Mexico, the number of 4th graders testing at or above proficient in reading actually fell from 23 percent in 1992 to 22 percent in 1998. I submit that we are not receiving a very good return on our investment, a near doubling of funding with no corresponding improvement. Imagine savings a greater and greater portion of your paycheck each week and after 5 years actually having less money. I think it is fair to say that very few individuals would stand for these results, if instead of students we were talking about our retirement savings.

Thus, we are now debating the BEST bill because many of us believe we simply must have a new approach to measuring academic success. The bill fundamentally alters the practice of Washington deciding the best educational practices and then distributing increasingly greater and greater sums of money without any accountability.

Make no mistake, we have not abandoned our commitment to providing the necessary resources to our States and school districts. In fiscal year 2001 ESEA spending totaled $18.4 billion.

President Bush's fiscal year 2002 budget proposal requested a $19.1 billion authorization for ESEA for fiscal year 2002, a 9-percent increase.

Building upon the President's proposal, the FY 2002 budget resolution includes the President's 9-percent increase in federal education spending for reading education, the Individuals and Disabilities Education Act, IDEA, and teacher training.

I think it is also important to note that on May 3 when the Senate began debate, the BEST bill already authorized $27.7 billion for ESEA in FY 2002, a 57-percent increase over 2001 and nearly $190 billion over the authorization period of FY 2002–2008.

If one does not believe that is enough then you will be interested to hear how much spending we have added since May 3:

$11 billion in ESEA and other education spending for a total of $38.8 billion in FY 2002, an increase of 120 percent over FY 2001.

$211 billion in ESEA and other education spending for a total of $416 billion over the seven year authorization period of the bill.

And of that total, $112 billion is mandatory spending under the Individuals with Disabilities Education Act.

With the preceding as a backdrop, I believe the BEST bill follows the President's promise to leave no child behind by ensuring academic success through a fresh approach to education like: Accountability.

Our schools will be held accountable for their progress in educating our children through high standards, testing, and consequences for failure.

Every child in grades 3–8 will be tested in reading and math proficiency annually. In New Mexico alone about 151,000 students will be tested. Also, the State will receive an additional $4.5 million next year and more than $33 million over the next 7 years to offset any new costs.

Instead of simply continuing to receive increased Federal funding in the face of failure, schools will now face consequences for persistent failure.

Schools failing to demonstrate improvement will face corrective action, parents will be given the option of public school choice and supplemental services for their children, and ultimately a school's persistent failure could lead to reconstitution.

Consolidation of duplicative education programs will provide maximum local flexibility to focus on improving student achievement. For instance, title II of the BEST bill created a new State teacher development grant program with a substantially larger pot of money by combining all of the current teacher funding. States will have the option to use the funding for professional development, teacher mentoring, merit pay, teacher testing, as well as recruiting and training high-quality teachers.

For example, New Mexico maintains a commendable student-teacher ratio of 15.2 and under the bill will no longer be required to use a portion of these funds for class size reduction. Instead, New Mexico will have the option to use that money for teacher recruitment and retention programs or maybe additional training.

The new accountability provisions will ensure that historic increases in Federal education funding will be based upon school performance. The bill includes the President's Reading First initiative to ensure all children and kindergarten through third grade become proficient readers by the end of third grade. The bill also includes programs to create Math and Science Partnerships, Strengthen After-School Care, and provide for Early Childhood Reading Instruction.

Parents and the public will be given detailed school-by-school report cards on the performance of their schools. Parents will have the option to transfer their child from a failing public school to an effective public school with transportation provided or to redirect their child's share of federal funds towards tutoring or after-school academic services. Parents will be given the option to transfer their child out of a persistently unsafe public school to another public school of their choice.

As Congress proceeds, one of its primary missions will be to determine what is working, what is not working, and what can be improved to give our children a better chance of succeeding in the future.

Before I conclude, I want to briefly talk about several provisions that are of personal importance to me:

First, Senator DODD and a bipartisan group of Senators joined me earlier this year to introduce the Strong Character for Strong Schools Act. I think it is important to note that reform does not only apply math, science, and reading; instead we must also reform the culture of our schools.

Our bill will be part of an amendment offered by Senator COCHRAN and seeks to encourage the creation of character education programs at the State and local level by providing grants to eligible entities. I believe our bill builds upon the highly successful demonstration program to increase character education that was contained in the last ESEA bill.

Since 1994, the Department Of Education has made $25 million in "seed money" grants available to 28 States to develop character education programs. Currently, there are 36 States that have either received federal funding, or have enacted their own laws mandating or encouraging character education. Thus, the time is now to ensure that there is a permanent and dedicated funding source available for character education programs.

I also believe schools must not only have the resources for core missions like teaching reading, writing, math, and the sciences, but the additional resources to face emerging challenges.

Thus, I am extremely pleased the Senate has accepted an amendment authored by Senator KENNEDY and I to increase student access to mental health services by developing links between school districts and the local mental health system.

School districts would partner with mental health agencies, juvenile justice authorities, and any other relevant entities to better coordinate mental health services by: Improving preventive, diagnostic, and treatment services available to students; providing crisis intervention services and appropriate referrals for students in need of mental health services and continuing mental health services; and educating teachers, principals, administrators, and other school personnel about the services.

Finally, we must provide our school districts and schools with the resources to both recruit and retain the best available teachers for our children.

Earlier this year I introduced the Teacher Recruitment, Development, and Retention Act of 2001. I am very pleased to see elements of that bill included in the pending legislation. I am also grateful the Senate has accepted my amendment that will allow States the option of using Teacher Quality funds for the creation of Teacher Recruitment Centers. Teacher Recruitment Centers will serve as statewide clearinghouses for the recruitment and placement of K–12 teachers. The centers would also be responsible for creating programs to further teacher recruitment and retention within the state.

Thank you and I look forward to the working with my colleagues on this important issue and final passage of this bill.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, before turning to my tuition tax credit amendment, I am pleased to inform the people of Arizona that an agreement has been reached to allow the T.J. Pappas School to remain open and eligible for federal funds, including homeless education funds.

As I understand it, a modified version of the amendment I have offered to secure this objective will be incorporated into the bill shortly.

The Pappas School is well-known and well-regarded in the greater Phoenix area because it combines a high-quality education with essential social services required by the homeless students who attend.

I have visited the school and I believe that the work that they are doing is good work. I also believe that it would be a grave disservice to children who have already borne significant misfortune if the Federal Government deprived them of the opportunity to attend an institution that serves them so well.

Last fall, President Bush visited the school and came away impressed by the commitment of the staff and the hope that those dedicated professionals have instilled in their students.

The agreement that was hammered out by my self, Senator FEINSTEIN, Senator MURRAY, and Senator BOXER, revises the language in the underlying bill to allow Pappas and a number of other worthy schools to continue serving children in need. It also ensures that essential safeguards for homeless students and their families are protected.

Of course, a homeless child should be able to attend any school he or she wishes—whether it be the school he or she attended before becoming homeless, or a school like Pappas that addresses their distinct needs on a transitional basis with the objective of enabling them to return to a mainstream school.

I am very pleased that despite some fundamental philosophical differences, it was possible to reach this agreement.

Mr. President, I want to make a brief statement on behalf of Senator McCAIN and myself and others who have worked out the language of an amendment which will permit some schools for homeless children to continue to operate.

I ask unanimous consent to print in the RECORD an article from the Arizona Republic of June 14, 2001, relating to just one of the success stories of this school, the Thomas J. Pappas School.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, June 14, 2001]

PAPPAS VALEDICTORY?

SOLE GRADUATE MAY BE LAST FOR SCHOOL

(By Karina Bland)

Crystal Sumlin is all there is to the Class of 2001, graduating tonight from the Thomas J. Pappas School for homeless children.

She is the school's first—and possibly last—graduate depending on a vote expected today in Congress to ban federal funding for homeless schools. The School is under fire for segregating kids from their public school peers.

"If it weren't for Pappas, I don't think I would have made it to graduation," Sumlin said. "And I know I wouldn't be going to college." The school, open for more than a decade, added a high school three years ago, so its oldest students are juniors. But Sumlin, 17, who has almost straight A's—she got a C in trigonometry—finished her course work a year early.

Despite the uproar in Congress over her school, Sumlin is thinking only of finishing up a report on Arizona's unemployment rate and the new dress she'll wear under her black cap and gown.

Sumlin, her three younger sisters and little brother have been at Pappas for three years after a lifetime of switching schools. One year, she switched schools seven times.

She said her family moves about every three months, usually because the rent is too high, the landlord complains of too many kids, or her brother Jason, 16 and in a detention center, sometimes gets into trouble.

But they've been in the same place since November, the longest most of the kids remember without a move. They've lived in a shelter, cheap motels and apartments.

"I hate moving," Sumlin said. "When I got older, I thought I wanted to travel, but, now, I don't know. I think I'll find a place and stay in it."

EYE ON THE BALL

Shy at first, Sumlin starts talking and her plans spill out: Arizona State University in the fall. Maybe a class this summer to start. She wants to be an attorney.

School officials are helping her apply for financial aid and promising a scholarship.

"I'm going to be somebody," she said.

She is determined, said Mary Michaelis, the school's student services coordinator. And, unlike many kids at Pappas, Sumlin is pushed by her mother, Velma Williams, to do well.

"She is too big on school, my mom is," Sumlin said. "She says I'm not going to drop out if she has anything to do with it."

MOM HELPS OUT

Williams has everything to do with it. She volunteers at the school and stops by regularly to check on her kids.

"I push my kids a little harder than most people push their kids so that they make something of their lives and not have to work a job like I'm working now," Williams said.

She works 40 to 50 hours for less than $300 a week, collecting bills for a telemarketing company.

She knows about unpaid bills. Her phone doesn't work because she spent the money on new shoes, stockings and a rented limousine for Pappas', and the girls', first prom.

They'll eat bologna for a week.

She is raising six kids. Her oldest, Chris, 21, is on his own in school in Seattle, with no government assistance and no child support. The kids have no contact with their fathers.

All the kids need new shoes. She'll buy two pairs this week, two the week after and two more after that.

"I have always taught them if you want something, you work for it," Williams said. "You don't expect the next person to hand it to you."

PAPPAS PICKS UP THE SLACK

Pappas is the only place her kids have had a chance to do well, she said. Now, no matter how often they move, they stay put at school—the same teachers, the same friends.

It is the one stable thing in their lives, their mother said.

Most schools require kids to live within attending boundaries or get there on the their own. Pappas buses travel hundreds of miles a day, picking up kids wherever they live.

Kids can eat, get clothes and even medical treatment there.

Pappas could lose $850,000, almost two-thirds of its annual budget, if Congress decides today to pull its federal funding.

Maricopa County Schools Superintendent Sandra Dowling said she'd come up with the money somehow rather than lose the school at Fifth Avenue and Van Buren Street.

HOLDING DOWN THE FORT

Sumlin is in charge in her family's two-bedroom townshouse near 24th Street and McDowell Road until Mom gets off work, sometimes 8 or 9 p.m.

In the long afternoons, she weaves complicated braids in her sister's hair. They listen to music, singing along with Mariah Carey.

"We don't have vocal skills," Sumlin said, laughing. "But we do it anyway."

Michael, 9, the youngest and only boy at home, has hazel eyes and girlfriends in sixth and eighth grades. He wants to be a firefighter.

Report cards are out. The kids pass them proudly. Berry a tubby Basset hound, rolls belly up.

Sumlin cooks for the kids, often making spaghetti or chicken and Rice-A-Roni.

She hopes her family stays put awhile, though she plans to live in a dormitory at ASU.

Sumlin is nervous about going to college but said, "I think I'll be all right as long as I can come home and visit."

No matter where home may be.

Mr. KYL. Mr. President, I will briefly explain what we accomplished in this amendment. An agreement was reached to allow the Thomas J. Pappas School in Arizona to remain open and eligible for Federal funds, including these homeless education funds. A modified version of the amendment I offered to accomplish this will be incorporated into the bill shortly.

For the information of my colleagues, the Pappas School is well known and very well regarded in the greater Phoenix area because it combines a high-quality education with essential social services required by the homeless students who attend the school.

I have visited the school, and I know the work they are doing is very good. I also think it would be a grave disservice to the children who have already borne significant misfortune in their lives if the Federal Government deprived them of the opportunity to attend an institution that has served them so well.

Last fall, president Bush visited the school and came away very impressed by the commitment of the staff and the hope those dedicated professionals have instilled in their students.

The agreement I speak of was hammered out by Senator FEINSTEIN, Senator MURRAY, Senator BOXER, Senator McCAIN, and myself, and revises the language in the underlying bill to allow the Pappas School and a number of other worthy schools to continue serving children in need.

It ensures essential safeguards for homeless students, and their families are protected. Of course, a homeless child should be able to attend any school, whether it is the school he or she attended before becoming homeless or a school that addresses their distinct needs on a transitional basis with the objective of enabling them to return to a mainstream school.

I am very pleased, despite fundamental philosophical differences, it was possible to reach this agreement. We have done something for homeless children, and for that I think we should be rightly proud.

Secondly, Mr. President, I would like to offer a few words about an amendment that I will not be offering. I believe that these comments will go some distance toward explaining the reasons why I plan to vote against final passage of the bill before us.

Mr. President, I appreciate the opportunity to say a few words about my amendment number 580.

I will not be offering this amendment so that there will be no blue slip problems with the House.

This amendment, like the Gregg amendment, that—unfortunately—was defeated earlier this week, would make real reforms that address the urgent need to improve elementary and secondary education in our country.

The tax bill that we passed last month takes a very important first step along these same lines by allowing the Coverdell education IRAs to be used not only to facilitate savings for college education but for grades K through 12 as well.

While the administration of our schools is and should remain a local responsibility, we have a compelling national interest in improving the quality of K through 12 education.

And there are ways to discharge that responsibility without adding to the bureaucracy in Washington and without adding new mandates.

As has been noted repeatedly during debate on this bill: It is a fact that America is currently not educating the workforce it needs for the economy of the 21st century. Raising overall achievement will enhance America's competitiveness.

It is a fact that international tests reveal that American high school seniors rank 19th out of 21 industrialized nations in mathematics achievement and 16th out of 21 nations in science achievement.

Ironically, this threat to our competitiveness is the result of our failure to apply the very principles undergirding our economy's success in the area of education.

Our Nation has thrived because our leading industries and institutions have been challenged by constant pressure to improve and to innovate. The source of that pressure is vigorous competition among producers of a service or a good for the allegiance of their potential customers or consumers.

So why not promote innovation by producers and choice for consumers in the field of education?

The quasi-monopoly of public education today discourages this innovation.

We must find a way to promote innovation and opportunity through greater choice of parents. Those are the concepts that have built this country through our great free market economic system, and it is the same concept that can improve our educational system.

The other problem with our education system is that too many of our children are literally being left behind.

Anyone who has followed this debate has heard the particulars, but they demand our repeated attention: Thirty-seven percent of American fourth graders' tests show that they are essentially unable to read. For Hispanic fourth graders, the proportion is 58 percent, and for African-American fourth graders, it is 63 percent.

As President Bush has repeatedly noted, far too many of America's most disadvantaged youngsters pass through public schools without receiving an adequate education. It is intolerable that millions of children are trapped in unsafe and failing schools.

Parents should have a right in the United States of America to get the best education possible for their children as they see it, and the amendment I offer today will help secure that right.

My amendment would provide a $250 tax credit, $500 for joint filers, to partially offset the cost of donations to tuition scholarship organizations.

These organizations—usually founded by business leaders—that provide tuition scholarships to enable needy youngsters to attend a school of their families' choosing. The idea first came to light about a decade ago when the first one was founded in Indianapolis. Now there are more than 80 such programs serving more than 50,000 students nationwide.

For families who benefit, these programs are a godsend. A study that was just released by the Kennedy School of Government found that 68 percent of parents awarded scholarships are very satisfied with academics at their child's school compared with only 23 percent of parents not awarded scholarships.

I should pause on that point to observe if this amendment became law and scholarships were to become more widely available, the schools these students left would have a much greater incentive to improve than is the case today.

Because we anticipate that the tax credit would foster competition, we anticipate that its adoption will bring improvement of all schools, not just a few.

But today, the problem is that demand for scholarships far outstrips supply, even though these low-income families must agree to contribute a significant portion of the total cost of tuition.

For example, in 1997, 1,000 partial tuition scholarships were offered to needy families in the District of Columbia. Nearly 8,000 applications were received.

Another example: In 1999, 1.25 million applied for 40,000 scholarships in a national lottery. Clearly, there is a huge unmet demand for this kind of assistance.

In 1997, Arizona implemented an innovative plan to meet that demand in our State: A $500 tax credit to offset donations to organizations that provide tuition scholarships to elementary and secondary students. The results: Upwards of $40 million in donations to tuition scholarship organizations.

The number of school tuition organizations operating in my State of Arizona is up from 2 to 33, and the organizations have a very wide range of emphasis and orientations. For example, they range from the Jewish Community Day School Scholarship Fund to the Fund for Native Scholarship Enrichment and Resources to the Foundation for Montessori Scholarships.

Nearly 15,000 Arizona students, nearly all of them from disadvantaged backgrounds, have received this scholarship assistance.

While some have charged that the law was unconstitutional—particularly given the explicit prohibition on direct aid to parochial schools in Arizona's constitution—our State supreme court recognized that allowing taxpayers to use their own money to support education is a different matter and upheld the program.

And consistent with previous holdings on the subject, the U.S. Supreme Court declined to review the decision.

In other words, the Arizona tax credit should be embraced by those concerned that Federal dollars going to vouchers which students would then take to the school of their choice could possibly be unconstitutional.

In Arizona, you do not have public dollars being given to students in the form of vouchers which are then taken to the school of their choice.

Instead, what we provide is that if people want to contribute money to a duly qualifying scholarship fund, that scholarship fund can then give that scholarship to needy students and those students can take that scholarship to whatever school in which they want to be educated and the donors receive a tax credit.

That is constitutional. It does not violate any notion of separation of church and state.

And yet it permits people to help those who need the help the most to have the flexibility that only the most wealthy in our society have today: the ability to take their kids to the school of their choice.

I have come to believe that it offers the best possible way to resolve this problem of choice and innovation.

It meets the constitutional challenges; it involves the private sector; it involves personal donations; it does not give the Federal Government the task of funding and administering a large voucher program.

Yet it gets the benefits to the students who need it the most, who are willing to contribute part of their own income to match that scholarship and pay the tuition at the school of their choice.

Now when I brought this amendment up during the debate on the tax bill, I listened carefully to the arguments that were offered in opposition by my colleague, Senator BINGAMAN.

In his remarks, my colleagues made two basic contentions.

First he said:

> What we are saying [if we pass this amendment] is we will not appropriate money directly to those schools, but we will give each taxpayer a $250 credit if they will give that $250 to the private school. That, to men, seems to be a pretty direct way of providing Federal support for private and parochial schools.

But as Arizona Republic columnist Robert Robb noted, this argument equating tax credits with direct appropriations "ultimately rests on the odious theory that government is entitled to all your money, and anything it doesn't grab is in fact expended."

Senator BINGAMAN went on to argue that it would be imprudent to enact a proposal this "costly" at a time "when we are unable to make [a comparable] commitment to the public schools."

But the recent history of the bill before us today rebuts the premise of that argument.

The Joint Committee on Taxation has estimated this credit could cost the Federal Treasury $43.4 billion over a 10-year period.

Meanwhile, the Budget Committee's staff report that, as of last week, the Senate has added $211 billion to this bill for a total seven-year price tag of $417 billion.

And given the concern about public schools, it is also worth noting that this tax credit is neutral as to whether scholarships should be used at public or non-public schools.

Scholarships could be used to offset tuition costs at a private school, or to pay the tuition costs families in most states must pay to enroll a child in a school across district boundaries.

I hope that my colleagues will think about what a magnitude of difference that money would make in the lives of our children: $43 billion would finance 12.4 million $3,500 scholarships.

Think of the opportunity provided to those 12.4 million students with a $3,500 scholarship to take them out of the condition of education they are in now, out of the failing school, out of the unsafe school, and to a school where they can achieve, where they can learn, where they can be competitive, where they can learn their full potential.

I have said many times that if we can get education right, almost everything else in this country will follow. By "we," I do not just mean the Federal Government. In fact, I mean primarily the parents and local school folks.

First, it will help people realize their full potential.

Second, it will make them more qualified to compete for the kinds of jobs that are going to exist in the future.

Third, it will help our Nation compete. We are going to need to compete in a world environment.

Fourth, it is going to make us more secure because we are going to have the kind of young students who can invent the things that are going to help us keep our technological edge when it comes to national security.

Fifth, it is going to make us better citizens.

I have been somewhat appalled at what some of our schools do not teach about the history of this great country of ours, about the foundation for the self-governance we have, about the need for people, especially young people, to participate in our democratic Republic.

I fear that generations of Americans are growing up not being taught the fundamentals of our society, our Government, and our free-market system that we were taught, and I think fairly well.

If we go a couple generations without teaching our children accurately and adequately in subjects from math and reading to history to government to economics and all the other subjects that students in this complex world have to master, then we are not going to progress as a nation and be the leading superpower and the leader of the world we are today, in economic terms or in terms of human rights, democratic principles, and other societal values.

If we get education right, we can flourish in all of these areas, and if we stay 19th out of 21 countries on these tests, then Americans are not going to be as well educated and we will be overtaken by other nations.

We have led the world in foreign aid and assistance. We have led the world in our insistence on human rights.

In other words, America stands for what is good on this Earth, and for us to continue to be the leader of the world to promote these values requires an educated citizenry, a citizenry that will be educated and committed to these ideals, to these propositions.

We cannot sustain that kind of education with the system we have today. The scholarship tuition credits I am proposing with this amendment will enable parents to allow their children to be educated in the very best schools for those students and to enable them to escape the kind of system we have today to one where each child can grow to their full potential. We must demand nothing less of our system.

This scholarship tax credit is an idea whose time has come, and that is why I have pressed it repeatedly and will continue to do so.

AMENDMENTS NOS. 571 AS MODIFIED, 527 AS MODIFIED, 457 AS MODIFIED, 582 AS MODIFIED, 432 AS MODIFIED, 585 AS MODIFIED, 586, 587 AS MODIFIED, 588, 589, 590, 591, 592 AS MODIFIED, 593, 595, 512 AS MODIFIED, 435 AS MODIFIED, 386, 424, 516, 804, EN BLOC, TO AMENDMENT NO. 358

Mr. KENNEDY. Mr. President, we are in a position to clear amendments by consent. I ask unanimous consent to consider these amendments en bloc, the amendments be agreed to en bloc, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 571, AS MODIFIED

(Purpose: To provide grants to states with high growth rates in Title I children)

Beginning on page 141, strike line 23 through line 13 on page 142, and insert the following.

"(A) IN GENERAL.—Notwithstanding any other provision of this Act, the amount made available for each local educational agency under sections 1124 and 1124A for the fiscal year shall not be less than the greater of—

"(i) 100 percent of the amount the local educational agency received for fiscal year 2001 under sections 1124 and 1124A, respectively; or

"(ii) 100 percent of the amount calculated for the local educational agency for the fiscal year under sections 1124 and 1124A, respectively, determined without applying the hold harmless provisions of this subparagraph.

"(C) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

"(D) POPULATION UPDATES.—

"(i) IN GENERAL.—Notwithstanding paragraph (4), in fiscal year 2001 and each subsequent year, the Secretary shall use updated data, for purposes of carrying out section 1124, on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable.

"(ii) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this subparagraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall—

"(I) publicly disclose their reasons;

"(II) provide an opportunity for States to submit updated data on the number of children described in clause (i); and

"(III) review the data and, if the data are appropriate and reliable, use the data, for the purposes of section 1124, to determine the number of children described in clause (i).

"(iii) CRITERIA OF POVERTY.—In determining the families that are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

"(iv) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for each fiscal year such sums as may be necessary to update the data described in clause (i).

AMENDMENT NO. 527, AS MODIFIED

(Purpose: To establish an exception to the prohibition on segregating homeless students)

On page 284, strike lines 6 through 13 and insert the following:

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(H) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youth in schools, a State that has a separate school for homeless children or youth that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

“(i) the school meets the requirements of subparagraph (C);

“(ii) any local educational agency serving a school that the homeless children and youth enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

“(iii) the State is otherwise eligible to receive funds under this subtitle.

“(C) SCHOOL REQUIREMENTS.—For the State to be eligible to receive the funds, the school shall—

“(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

“(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

“(II) reviews the general rights provided under this subtitle; and

“(III) specifically states—

“(aa) the choice of schools homeless children and youth are eligible to attend, as provided in subsection (g)(3)(A);

“(bb) that no homeless child or youth is required to attend a separate school for homeless children or youth;

“(cc) that homeless children and youth shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs;

“(dd) that homeless children and youth should not be stigmatized by school personnel; and

“(ee) contact information for the local liaison for homeless children and youth and State Coordinator for Education of Homeless Children and Youth;

“(ii)(aa) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

“(bb) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

“(iii) ensure that the parent or guardian (or youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

“(iv) demonstrate in the school's application for funds under this subtitle that such school—

“(I) is complying with clauses (i) and (ii); and

“(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

“(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

“(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B) shall—

“(i) implement a coordinated system for ensuring that homeless children and youth—

“(I) are advised of the choice of schools provided in subsection (g)(3)(A);

“(II) are immediately enrolled in the school selected in accordance with subsection (g)(3)(C); and

“(III) are provided necessary services, including transportation, promptly to allow homeless children and youth to exercise their choices of schools in accordance with subsection (g)(4);

“(ii) document that written notice has been provided—

“(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school described in subparagraph (B); and

“(II) in accordance with subsection (g)(1)(H)(ii);

“(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youth to, or requiring homeless children and youth to enroll in or attend, a separate school described in subparagraph (B);

“(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

“(v) not use funds received under this subtitle to establish—

“(I) new or additional separate schools for homeless children or youth, other than schools described in subparagraph (B); or

“(II) new or additional sites for separate schools for homeless children or youth, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

“(F) REPORT.—

“(i) PREPARATION.—

“(I) IN GENERAL.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph.

“(II) CONTENTS.—The report shall contain, at a minimum, information on—

“(aa) compliance with all requirements of this paragraph;

“(bb) barriers to school access in the school districts served by the local educational agencies; and

“(cc) the progress the separate schools are making in integrating homeless children and youth into the mainstream school environment, including the average length of student enrollment in such schools.

“(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinators for the Education of Homeless Children and Youth, and shall comply with any requests for information by the Secretary and State Coordinators.

“(iii) SUBMISSION.—Not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall submit the report described in clause (i) to—

“(I) the President;

“(II) the Committee on Education and the Workforce of the House of Representatives; and

“(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

“(G) DEFINITION.—In this paragraph, the term ‘covered county’ means—

“(i) San Joaquin County, CA;

“(ii) Orange County, CA;

“(iii) San Diego County, CA; and

“(iv) Maricopa County, AZ.”

AMENDMENT NO. 457, AS MODIFIED

(Purpose: To increase parental involvement and protect student privacy)

On page 778, after line 21, add the following:

“PART C—INCREASING PARENTAL INVOLVEMENT AND PROTECTING STUDENT PRIVACY

“SEC. 6301. INTENT.

“It is the purpose of this part to provide parents with notice of and opportunity to make informed decisions regarding the collection of information for commercial purposes occurring in their children's classrooms.

“SEC. 6302. COMMERCIALIZATION POLICIES AND PRIVACY FOR STUDENTS.

“(a) PROHIBITION.—Except as provided in subsection (b), no State educational agency or local educational agency that is a recipient of funds under this Act may—

“(1) disclose data or information the agency gathered from a student to a person or entity that seeks disclosure of the data or information for the purpose of benefiting the person or entity's commercial interests; or

“(2) permit a person or entity to gather from a student, or assist a person or entity in gathering from a student, data or information, if the purpose of gathering the data or information is to benefit the commercial interests of the person or entity.

“(b) PARENTAL CONSENT.—

“(1) DISCLOSURE.—A State educational agency or local educational agency that is a recipient of funds under this Act may disclose data or information under subsection (a)(1) if the agency, prior to the disclosure—

“(A) explains to the student's parent, in writing, what data or information will be disclosed, to which person or entity the data or information will be disclosed, the amount of class time, if any, that will be consumed by the disclosure, and how the person or entity will use the data or information; and

“(B) obtains the parent's written permission for the disclosure.

“(2) GATHERING.—A State educational agency or local educational agency that is a recipient of funds under this Act may permit or assist a person or entity with the gathering of data or information under subsection (a)(2) if the agency, prior to the gathering—

“(A) explains to the student's parent, in writing, what data or information will be gathered including whether any of the information is personally identifiable, which person or entity will gather the data or information, the amount of class time if any, that will be consumed by the gathering, and how the person or entity will use the data or information; and

“(B) obtains the parent's written permission for the gathering.

“(c) DEFINITIONS.—In this part:

“(1) STUDENT.—The term ‘student’ means a student under the age of 18.

“(2) COMMERCIAL INTEREST.—The term ‘commercial interest’ does not include the interest of a person or entity in developing, evaluating, or providing educational products or services for or to students or educational institutions, such as—

"(A) college and other post-secondary education recruiting;

"(B) book clubs and other programs providing access to low cost books or other related literary products;

"(C) curriculum and instructional materials used by elementary and secondary schools to teach if—

"(i) the information is not used to sell or advertise another product;

"(ii) the information is not used to develop another product that is not covered by the exemption from commercial interest in this paragraph; and

"(iii) the curriculum and instructional materials are used in accordance with applicable Federal, State, and local policies, if any; and

"(D) the development and administration of tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of aggregate data if—

"(i) the information is not used to sell or advertise another product;

"(ii) the information is not used to develop another product that is not covered by the exemption from commercial interest in this paragraph; and

"(iii) the tests are conducted in accordance with applicable Federal, State, and local policies, if any.

"(d) LOCALLY DEVELOPED EXCEPTIONS.—A local educational agency, in consultation with parents, may develop appropriate exceptions to the consent requirements contained in this part if—

"(1) the information to be collected is not personally identifiable;

"(2) the local educational agency provides written notice to all parents of its policy regarding data or information collection activities for commercial purposes; and

"(3) with respect to any particular data or information gathering or disclosure, the agency provides written notice to all parents of—

"(A) the data or information to be collected;

"(B) the person or entity to whom the data or information will be disclosed;

"(C) the amount of class time, if any, that will be consumed by the collection activities; and

"(D) the manner in which the person or entity will use the data or information.

"(e) FUNDING.—A State educational agency or local educational agency may use funds provided under subpart 4 of part B of title V to enhance parental involvement in areas affecting children's in-school privacy.

"(f) TECHNICAL ASSISTANCE.—Upon the request of a State educational agency or local educational agency, the Secretary shall provide technical assistance to such an agency concerning compliance with this part.

"(g) ENFORCEMENT.—The Secretary shall take appropriate actions to enforce, and address violations of, this section, in accordance with this chapter.

"(h) OFFICE, FUNCTIONS.—The Secretary shall designate an office to enforce this section and to provide technical assistance.

"(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).".

AMENDMENT NO. 582, AS MODIFIED

(Purpose: To protect student privacy)

On page 778, after line 21, add the following:

SEC. ___. GUIDELINES FOR STUDENT PRIVACY.

(a) DEVELOPMENT OF STUDENT PRIVACY GUIDELINES.—A State or local educational agency that receives funds under this Act shall develop and adopt guidelines regarding arrangements to protect student privacy that are entered into by the agency with public and private entities that are not schools.

(b) NOTIFICATION OF PARENTS OF PRIVACY GUIDELINES.—The guidelines developed by an educational agency under subsection (a) shall provide for a reasonable notice of the adoption of such guidelines to be given, by the agency or a school under the agency's supervision, to the parents and guardians of students under the jurisdiction of such agency or school. Such notice shall be provided at least annually and within a reasonable period of time after any change in such guidelines.

(c) EXCEPTIONS.—This section shall not apply to the development, evaluation, or provision of educational products or services for or to students or educational institutions, such as the following:

(1) College or other post-secondary education recruitment or military recruitment.

(2) Book clubs, magazines, and programs providing access to other literary products.

(3) Curriculum and instructional materials used by elementary and secondary schools to teach.

(4) The development and administration of tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of aggregate data.

(5) The sale by students of products or services to raise funds for school- or education-related activities.

(6) Student recognition programs.

(d) INFORMATION ACTIVITIES BY THE SECRETARY.—Once each year, the Secretary shall inform each State educational agency and each local educational agency of the educational agency's obligations under section 438 of the General Education Provisions Act (added by the Family Educational Rights and Privacy Act of 1974; 20 U.S.C. 1232g) and the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.).

(e) FUNDING.—A State educational agency or local educational agency may use funds provided under subpart 4 of Part B of title V of the Elementary and Secondary Education Act of 1965 to enhance parental involvement in areas affecting children's in-school privacy.

(f) DEFINITIONS.—In this section, the terms "elementary school", "local educational agency", "secondary school", "Secretary", and "State educational agency" have the meanings given those terms in section 3 of the Elementary and Secondary Education Act of 1965.

AMENDMENT NO. 432, AS MODIFIED

(Purpose: To broaden local applications, and for other purposes)

On page 324, between lines 10 and 11, insert the following:

"(11) A description of how the local educational agency will provide training to enable teachers to—

"(A) address the needs of students with disabilities, students with limited English proficiency, and other students with special needs;

"(B) involve parents in their child's education; and

"(C) understand and use data and assessments to improve classroom practice and student learning.

On page 326, line 2, strike "and".

On page 326, line 7, strike the period and insert "; and".

On page 326, between lines 7 and 8, insert the following:

"(D) effective instructional practices that involve collaborative groups of teachers and administrators, using such strategies as—

"(i) provision of dedicated time for collaborative lesson planning and curriculum development meetings;

"(ii) consultation with exemplary teachers;

"(iii) team teaching, peer observation, and coaching;

"(iv) provision of short-term and long-term visits to classrooms and schools;

"(v) establishment and maintenance of local professional development networks that provide a forum for interaction among teachers and administrators about content knowledge and teaching and leadership skills; and

"(vi) the provision of release time as needed for the activities;

"(E) teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as career teacher, mentor teacher, and master teacher career paths) and pay differentiation."

AMENDMENT NO. 585, AS MODIFIED

(Purpose: To improve the Early Reading First Program)

On page 207, strike line 8 and all that follows through page 212, line 15, and insert the following:

"Subpart 3—Early Reading First

"SEC. 1241. PURPOSES.

"The purposes of this subpart are as follows:

"(1) To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based research.

"(2) To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

"(3) To demonstrate language and literacy activities based on scientifically based research that support the age-appropriate development of—

"(A) spoken language and oral comprehension abilities;

"(B) understanding that spoken language can be analyzed into discrete words, and awareness that words can be broken into sequences of syllables and phonemes;

"(C) automatic recognition of letters of the alphabet and understanding that letters or groups of letters systematically represent the component sounds of the language; and

"(D) knowledge of the purposes and conventions of print.

"(4) To integrate these learning opportunities with learning opportunities at preschools, child care agencies, and Head

Start agencies, and with family literacy services.

"SEC. 1242. LOCAL EARLY READING FIRST GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(3), the Secretary shall award grants, on a competitive basis, for periods of not more than 5 years, to eligible applicants to enable the eligible applicants to carry out the authorized activities described in subsection (e).

"(b) DEFINITION OF ELIGIBLE APPLICANT.—In this subpart the term 'eligible applicant' means—

"(1) one or more local educational agencies that are eligible to receive a subgrant under subpart 2;

"(2) one or more public or private organizations or agencies, acting on behalf of 1 or more programs that serve preschool age children (such as a program at a Head Start center, a child care program, or a family literacy program), which organizations or agencies shall be located in a community served by a local educational agency described in paragraph (1); or

"(3) one or more local educational agencies described in paragraph (1) in collaboration with one or more organizations or agencies described in paragraph (2).

"(c) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary which shall include a description of—

"(1) the programs to be served by the proposed project, including demographic and socioeconomic information on the preschool age children enrolled in the programs;

"(2) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy and prereading activities using scientifically based research, for preschool age children;

"(3) how the proposed project will provide services and utilize materials that are based on scientifically based research on early language acquisition, prereading activities, and the development of spoken language skills;

"(4) how the proposed project will help staff in the programs to meet the diverse needs of preschool age children in the community better, including such children with limited English proficiency, disabilities, or other special needs;

"(5) how the proposed project will help preschool age children, particularly such children experiencing difficulty with spoken language, prereading, and literacy skills, to make the transition from preschool to formal classroom instruction in school;

"(6) if the eligible applicant has received a subgrant under subpart 2, how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 2 at the kindergarten through third-grade level;

"(7) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and

"(8) such other information as the Secretary may require.

"(d) APPROVAL OF APPLICATIONS.—The Secretary shall select applicants for funding under this subpart on the basis of the quality of the applications, in consultation with the National Institute for Child Health and Human Development, the National Institute for Literacy, and the National Academy of Sciences. The Secretary shall select applications for approval under this subpart on the basis of a peer review process.

"(e) AUTHORIZED ACTIVITIES.— An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

"(A) Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.

"(B) Providing professional development that is based on scientifically based research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's—

"(i) spoken language (including vocabulary, the contextual use of speech, and syntax) and oral comprehension abilities;

"(ii) understanding that spoken language can be analyzed into discrete words, and awareness that words can be broken into sequences of syllables and phonemes;

"(iii) automatic recognition of letters of the alphabet and understanding that letters or groups of letters systematically represent the component sounds of the language; and

"(iv) knowledge of the purposes and conventions of print.

"(C) Identifying and providing activities and instructional materials that are based on scientifically based research for use in developing the skills and abilities described in subparagraph (B).

"(D) Acquiring, providing training for, and implementing screening tools or other appropriate measures that are based on scientifically based research to determine whether preschool age children are developing the skills described in this subsection.

"(E) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

"(f) AWARD AMOUNTS.—The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

"SEC. 1243. FEDERAL ADMINISTRATION.

"The Secretary shall consult with the Secretary of Health and Human Services in order to coordinate the activities undertaken under this subpart with preschool age programs administered by the Department of Health and Human Services.

"SEC. 1244. INFORMATION DISSEMINATION.

"From the funds the National Institute for Literacy receives under section 1227, the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.

"SEC. 1245. REPORTING REQUIREMENTS.

"Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

"(1) the activities, materials, tools, and measures used by the eligible applicant;

"(2) the professional development activities offered to the staff of the eligible applicant who serve preschool age children and the amount of such professional development;

"(3) the types of programs and ages of children served; and

"(4) the results of the evaluation described in section 1242(c)(7).

"SEC. 1246. EVALUATIONS.

"From the total amount appropriated under section 1002(b)(3) for the period beginning October 1, 2002 and ending September 30, 2008, the Secretary shall reserve not more than $5,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

"SEC. 1247. ADDITIONAL RESEARCH.

"From the amount appropriated under section 1002(b)(3) for each of the fiscal years 2002 through 2006, the Secretary shall reserve not more than $3,000,000 to conduct, in consultation with National Institute for Child Health and Human Development, the National Institute for Literacy, and the Department of Health and Human Services, additional research on language and literacy development for preschool age children.".

AMENDMENT NO. 586

(Purpose: To improve the Pupil Safety and Family School Choice Program)

On page 83, strike lines 3 through 9.

AMENDMENT NO. 587, AS MODIFIED

(Purpose: To refine the Improving Academic Achievement Program)

On page 774 strike line 1 and all that follows through page 778, line 21, and insert the following:

"PART B—IMPROVING ACADEMIC ACHIEVEMENT

"SEC. 6201. EDUCATION AWARDS.

"(a) ACHIEVEMENT IN EDUCATION AWARDS.—

"(1) IN GENERAL.—The Secretary may make awards, to be known as 'Achievement in Education Awards', using a peer review process, to the States that, beginning with the 2002–2003 school year, make the most progress in improving educational achievement.

"(2) CRITERIA.—

"(A) IN GENERAL.—The Secretary shall make the awards on the basis of criteria consisting of—

"(i) the progress of each of the categories of students described in section 1111(b)(2)(B)(v)(II)—

"(I) towards the goal of all such students reaching the proficient level of performance; and

"(II) beginning with the 2nd year for which data are available for all States, on State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills;

"(ii) the progress of all students in the State towards the goal of all students reaching the proficient level of performance, and (beginning with the 2nd year for which data are available for all States) the progress of all students on the assessments described in clause (i)(II);

"(iii) the progress of the State in improving the English proficiency of students who enter school with limited English proficiency;

"(iv) the progress of the State in increasing the percentage of students who graduate from secondary school; and

"(v) the progress of the State in increasing the percentage of students who take advanced coursework, such as advanced placement and international baccalaureate courses, and who pass advanced placement and international baccalaureate tests.

"(B) WEIGHT.—In applying the criteria described in subparagraph (A), the Secretary shall give the greatest weight to the criterion described in subparagraph (A)(i).

"(b) ASSESSMENT COMPLETION BONUSES.—The Secretary may make 1-time bonus payments to States that complete the development of assessments required by section 1111 in advance of the schedule specified in such section.

"(c) No Child Left Behind Awards.—The Secretary may make awards, to be known as 'No Child Left Behind Awards' to the schools that—

"(1) are nominated by the States in which the schools are located; and

"(2) have made the greatest progress in improving the educational achievement of economically disadvantaged students.

"(d) Fund To Improve Education Achievement.—The Secretary may make awards for activities other than the activities described in subsections (a) through (c), such as character education, that are designed to promote the improvement of elementary and secondary education nationally.

"SEC. 6202. LOSS OF ADMINISTRATIVE FUNDS.

"(a) 2 Years of Insufficient Progress.—

"(1) Reduction.—If the Secretary makes the determinations described in paragraph (2) for 2 consecutive years, the Secretary shall reduce, by not more than 30 percent, the amount of funds that the State may reserve for the subsequent fiscal year for State administration under the programs authorized by this Act that the Secretary determines are formula grant programs.

"(2) Determinations.—The determinations referred to in paragraph (1) are determinations, made primarily on the basis of data from the State assessment system described in section 1111 and data from State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills, that—

"(A) the State has failed to make adequate yearly progress as defined under section 1111(b)(2) (B) and (D) for all students and for each of the categories of students described in section 1111(b)(2)(B)(v)(II);

"(B) beginning with the 2nd year for which data are available on State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics, the State has failed to demonstrate an increase in the achievement of each of the categories of students described in section 1111(b)(2)(B)(v)(II); and

"(C) the State has failed to meet its annual measurable performance objectives, for helping limited English proficient students develop proficiency in English, that are required to be developed under section 3329.

"(b) 3 or More Years of Insufficient Progress.—If the Secretary makes the determinations described in subsection (a)(2) for a third or subsequent consecutive year, the Secretary shall reduce, by not more than 75 percent, the amount of funds that the State may reserve for the subsequent fiscal year for State administration under the programs authorized by this Act that the Secretary determines are formula grant programs.

"SEC. 6203. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

"(a) State Grants Authorized.—From amounts appropriated under subsection (c) the Secretary shall award grants to States to enable the States to pay the costs of—

"(1) developing assessments and standards required by amendments made to this Act by the Better Education for Students and Teachers Act;

"(2) working in voluntary partnerships with other States to develop such assessments and standards; and

"(3) other activities described in this part or related to ensuring accountability for results in the State's public elementary schools or secondary schools, and local educational agencies, such as—

"(A) developing content and performance standards, and aligned assessments, in subjects other than those assessments that were required by amendments made to section 1111 by the Better Education for Students and Teachers Act; and

"(B) administering the assessments required by amendments made to section 1111 by the Better Education for Students and Teachers Act.

"(b) Allocations to States.—

"(1) In general.—From the amount appropriated to carry out this section for any fiscal year, the Secretary first shall allocate $3,000,000 to each State.

"(2) Remainder.—The Secretary shall allocate any remaining funds among the States on the basis of their respective numbers of children enrolled in grades 3 through 8 in public elementary schools and secondary schools.

"(3) Definition of state.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(c) Authorization of Appropriations.—For the purposes of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

"SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.

"(a) National Assessment of Educational Progress.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $110,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) Education Awards.—For the purpose of carrying out section 6201, there are authorized to be appropriated $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.".

On page 458, strike lines 10 through 12, and insert the following:

"(C)(i) who was not born in the United States or whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

On page 486, strike lines 10 and 11, and insert the following:

"(1) parts A, C, E (other than section 3405), and F shall not be in effect; and".

AMENDMENT NO. 588

(Purpose: To amend the local educational plan under section 1112(c) of the Elementary and Secondary Education Act of 1965 regarding models of high quality, effective curriculum)

On page 74, strike line 24, and insert the following:

"parents and teachers; and

"(14) make available to each school served by the agency and assisted under this part models of high quality, effective curriculum that are aligned with the State's standards and developed or identified by the State."; and

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AMENDMENT NO. 589

(Purpose: To improve section 1116 of the Elementary and Secondary Education Act of 1965 regarding assessment and local educational agency and school improvement)

On page 83, line 25, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2) (B) and (D)".

On page 84, line 4, insert ", principals, teachers, and other staff in an instructionally useful manner" after "schools".

On page 84, line 25, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2) (B) and (D)".

On page 88, line 6, strike "meet" and insert "make continuous and significant progress towards meeting the goal of all students reaching".

On page 90, line 5, insert "(including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan)" after "problems".

On page 91, line 15, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2) (B) and (D)".

On page 92, line 13, insert "and giving priority to the lowest achieving students" after "basis".

On page 95, line 9, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2) (B) and (D)".

On page 95, beginning with line 13, strike all through page 96, line 6, and insert the following:

"(i)(I) provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1); and

"(II) if all public schools in the local educational agency to which children may transfer are identified under paragraph (1) or this paragraph, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer of as many of those children as possible, selected by the agency on an equitable basis;

"(ii) make supplemental educational services available, in accordance with subsection (f), to children who remain in the school;

On page 96, line 7, strike "(ii)" and insert "(iii)".

On page 96, line 21, strike "(iii)" and insert "(iv)".

On page 96, strike line 23 and all that follows through page 97, line 23.

On page 97, line 24, strike "(E)" and insert "(D)".

On page 98, line 7, strike "(F)" and insert "(E)".

On page 98, line 16, strike "and fails" and all that follows through "this paragraph" on page 98, line 20.

On page 98, line 25, strike "(D)" and insert "(C)".

On page 99, line 6, insert "(i)" after "(B)".

On page 99, line 12, strike "(i)" and insert "(I)".

On page 99, line 14, strike "(ii)" and insert "(II)".

On page 99, line 16, strike "(iii)" and insert "(III)".

On page 99, line 19, strike "(iv)" and insert "(IV)".

On page 99, line 21, strike "(v)" and insert "(V)".

On page 99, between lines 22 and 23, insert the following:

"(ii) A rural local agency, as described in section 5231(b), may apply to the Secretary for a waiver of the requirements of this subparagraph if the agency submits to the Secretary an alternative plan for making significant changes to improve student performance in the school, such as providing an academically focused after school program for all students, changing school administration, or implementing a research based, proven effective, whole school reform program. The Secretary shall approve or reject an application for a waiver under this subparagraph not later than 30 days after the submission of information required by the Secretary to apply for the waiver. If the Secretary fails to make a determination with respect to the waiver application within such 30 days, the application shall be considered approved by the Secretary.

On page 100, line 6, strike "(D)" and insert "(C)".

On page 100, line 23, strike "(A)".

On page 101, strike lines 5 though 20.

On page 102, lines 15 and 16, strike "(7)(C) and subject to paragraph (7)(D)" and insert "(5)".

On page 102, line 21, strike ", and that" and all that follows through "1111(b)(2)(B)(v)(II)," on page 102, line 25.

On page 103, line 1, strike "(D)" and insert "(C)".

On page 103, line 7, strike ", and that" and all that follows through "disadvantaged students," on page 103, line 10.

On page 103, line 20, strike "(D)" and insert "(C)".

On page 104, line 22, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2)(B) and (D)".

On page 105, line 13, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2)(B) and (D)".

On page 105, lines 20 and 21, strike "section 1111(b)(2)(B)" and insert "sections 1111(b)(2)(B) and (D)".

On page 106, between lines 13 and 14, insert the following:

"(C) Not later than 30 days after a State educational agency makes an initial determination under subparagraph (A), the State educational agency shall make public a final determination regarding the improvement status of the local educational agency.

On page 106, lines 22 and 23, strike "meet proficient levels" and insert "make continuous and significant progress towards meeting the goal of all students reaching the proficient level".

On page 109, line 15, strike "(C)" and insert "(E)".

On page 112, line 16, strike "(A)".

On page 112, line 19, strike "(3)" and insert "(6)".

On page 112, strike line 23 and all that follows through page 113, line 2.

On page 113, line 14, strike "(D)" and insert "(C)".

On page 115, line 14, strike "(D)" and insert "(C)".

At the appropriate place insert:

The current section 1501, U.S. Code, is deleted and replaced with the following:

SEC. 1501. NATIONAL ASSESSMENT OF TITLE I

(a) National Assessment.—The Secretary shall conduct a national assessment of the impact of the policies enacted into law under title I of the Better Education for Students and Teachers Act on States, local educational agencies, schools, and students.

(1) Such assessment shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

(2) The assessment shall examine, at a minimum, how schools, local educational agencies, and States have—

(A) made progress towards the goal of all students reaching the proficient level in at least reading and math based on a State's content and performance standards and the State assessments required under section 1111 and on the National Assessment of Educational Progress;

(B) implemented scientifically-based reading instruction;

(C) implemented the requirements for the development of assessments for students in grades 3–8 and administered such assessments, including the time and cost required for their development and how well they meet the requirements for assessments described in this title;

(D) defined adequate yearly progress and what has been the impact of applying this standard for adequacy to schools, local educational agencies, and the State in terms of the numbers not meeting the standard and the year to year changes in such identification for individual schools and local educational agencies;

(E) publicized and disseminated the local educational agencies report cards to teachers, school staff, students, and the community;

(F) implemented the school improvement requirements described in section 1116, including—

(i) the number of schools identified for school improvement and how many years schools remain in this status;

(ii) the types of support provided by the State and local educational agencies to schools and local educational agencies identified as in need of improvement and the impact of such support on student achievement;

(iii) the number of parents who take advantage of the public school choice provisions of this title, the costs associated with implementing these provisions, and the impact of attending another school on student achievement;

(iv) the number of parents who choose to take advantage of the supplemental services option, the criteria used by the States to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental services on student achievement; and

(v) the kinds of actions that are taken with regards to schools and local educational agencies identified for reconstitution.

(G) used funds under this title to improve student achievement, including how schools have provided either schoolwide improvement or targeted assistance and provided professional development to school personnel;

(H) used funds made available under this title to provide preschool and family literacy services and the impact of these services on students' school readiness;

(I) afforded parents meaningful opportunities to be involved in the education of their children at school and at home;

(J) distributed resources, including the state reservation of funds for school improvement, to target local educational agencies and schools with the greatest need;

(K) used State and local educational agency funds and resources to support schools and provide technical assistance to turn around failing schools; and,

(L) used State and local educational agency funds and resources to help schools with 50 percent or more students living in families below the poverty line meet the requirement of having all teachers fully qualified in four years.

(b) Student Achievement.—As part of the national assessment, the Secretary shall evaluate the effectiveness of the programs and services carried out under this title, especially Part A, in improving student achievement. Such evaluation shall—

(1) provide information on what types of programs and services are most likely to help students reach the States' performance standards for proficient and advanced;

(2) examine the effectiveness of comprehensive school reform and improvement strategies for raising student achievement;

(3) to the extent possible, have a longitudinal design that tracks a representative sample of students over time; and

(4) to the extent possible, report on the achievement of the groups of students described in section 1111(b)(2)(B)(v)(II).

(c) Developmentally Appropriate Measures.—In conducting the national assessment, the Secretary shall use developmentally appropriate measures to assess student performance.

(d) Studies and Data Collection.—The Secretary may conduct studies and evaluations and collect such data as is necessary to carry out this section either directly or through grants and contracts to—

(1) assess the implementation and effectiveness of programs under this title;

(2) collect the data necessary to comply with the Government Performance and Results Act of 1993.

(e) Reporting.—The Secretary shall provide to the relevant committees of the Senate and House—

(1) by December 30, 2004, an interim report on the progress and any interim results of the national assessment of title I; and

(2) by December 30, 2007, a final report of the results of the assessment.

AMENDMENT NO. 590

(Purpose: To amend the uses of funds under the Local Innovative Education Programs)

On page 683, strike lines 12 and 13, and insert the following:

"(H) programs to improve the literacy skills of adults, especially the parents of children served by the local educational agency, including adult education and family literacy programs;

On page 684, line 6, strike "and".

On page 684, line 7, strike the period and insert a semicolon.

On page 684, between lines 7 and 8, insert the following:

"(O) programs that employ research-based cognitive and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels; and

"(P) supplemental educational services as defined in section 1116(f)(6).

AMENDMENT NO. 591

(Purpose: To amend section 1119 of the Elementary and Secondary Education Act of 1965 regarding professional development activities)

On page 130, strike line 2, and insert the following:

quality of professional development; and

"(J) provide assistance to teachers for the purpose of meeting certification, licensing, or other requirements needed to become highly qualified as defined in section 2102(4).";

On page 130, line 5, strike the period and insert "; and ".

On page 130, between lines 5 and 6, insert the following:

(3) by adding at the end the following:

"(j) Requirement.—Each local educational agency that receives funds under this part and serves a school in which 50 percent or more of the children are from low income families shall use not less than 5 percent of the funds for each of fiscal years 2002 and fiscal year 2003, and not less than 10 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified within 4 years.".

On page 127, line 23, insert "(1)" after "(b)".

On page 127, line 24, strike "in paragraph (1),".

AMENDMENT NO. 592, AS MODIFIED

(Purpose: To provide a manager's package of amendments)

On page 29, between lines 14 and 15, insert the following:

"**SEC. 16. PROHIBITION ON DISCRIMINATION.**

"Nothing in this Act shall be construed to require, authorize, or permit, the Secretary, or a State, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.".

On page 36, lines 21 and 22, strike "served under this part".

On page 36, strike line 24 and all that follows through page 37, line 2, and insert the following:

guage arts, history, and science, except that—

"(i) any State which does not have standards in mathematics or reading or language arts, for public elementary school and secondary school children who are not served under this part, on the date of enactment of the Better Education for Students and Teachers Act shall apply the standards described in subparagraph (A) to such students not later than the beginning of the school year 2002–2003; and

"(ii) no State shall be required to meet the requirements under this part

On page 37, line 18, insert "and" after the semicolon.

On page 37, line 23, strike "; and" and insert a period.

On page 37, strike line 24 and all that follows through page 38, line 4.

On page 38, line 19, strike "subparagraph (B)" and insert "subparagraphs (B) and (D)".

On page 41, strike lines 6 through 8 and insert the following:

"(vii) includes school completion or graduation rates for secondary school students and at least 1 other academic indicator, as determined by the State, for elementary school students, except that

On page 41, line 13, strike "discretionary".

On page 44, lines 13 and 14, strike "curriculum".

On page 45, line 2, strike "curriculum".

On page 46, strike line 20 and all that follows through page 47, line 2.

On page 47, line 3, strike "(E)" and insert "(D)".

On page 47, between lines 6 and 7, insert the following:

"(E)(i) beginning not later than school year 2001–2002, measure the proficiency of students served under this part in mathematics and reading or language arts and be administered not less than one time during—

"(I) grades 3 through 5;

"(II) grades 6 through 9; and

"(III) grades 10 through 12;

"(ii) beginning not later than school year 2002–2003, measure the proficiency of all students in mathematics and reading or language arts and be administered not less than one time during—

"(I) grades 3 through 5;

"(II) grades 6 through 9; and

"(III) grades 10 through 12;

"(iii) beginning not later than school year 2007–2008, measure the proficiency of all students in science and be administered not less than one time during—

"(I) grades 3 through 5;

"(II) grades 6 through 9; and

"(III) grades 10 through 12;

On page 47, line 8, strike "annual".

On page 47, line 10, insert "annually" after "standards".

On page 47, line 11, insert ", and at least once in grades 10 through 12," after "8".

On page 47, line 12, insert "if the tests are aligned with State standards," after "arts,".

On page 48, between lines 14 and 15, insert the following:

"(G) at the discretion of the State, measure the proficiency of students in academic subjects not described in subparagraphs (E) and (F) in which the State has adopted challenging content and student performance standards;

On page 48, line 15, strike "(G)" and insert "(H)".

On page 49, strike line 7 and all that follows through page 50, line 7, and insert the following:

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years, except that if a local educational agency demonstrates to the State educational agency that assessments in another language and form is likely to yield more accurate and reliable information on what such a student knows and can do, then the State educational agency, on a case-by-case basis, may waive the requirement to use tests written in English for those students and permit those students to be assessed in the appropriate language for one or more additional years, but only if the total number of students so assessed does not exceed one-third of the number of students in the State who were not required to be assessed using tests written in English in the previous year because the students were in the third year of the 3-year period described in this clause;

"(I) beginning not later than school year 2002–2003, provide for the annual assessment of the development of English proficiency (appropriate to students' oral language, reading, and writing skills in English) of students with limited English proficiency who are served under this part or under title III and who do not participate in the assessment described in clause (iv) of subparagraph (H);

On page 50, line 8, strike "(H)" and insert "(J)".

On page 50, line 17, strike "(I)" and insert "(K)".

On page 50, lines 19 and 20, strike "scores, or" and insert "performance on assessments aligned with State standards, and".

On page 51, line 1, strike "(J)" and insert "(L)".

On page 51, line 20, insert ", but such measures shall not be the primary or sole indicator of student progress toward meeting State standards" after "measures".

On page 51, line 21, insert "Consistent with section 1112(b)(1)(D)," before "States".

On page 52, strike lines 21 and 22 and insert the following:

is applicable to such agency or school;

"(B) the specific steps the State educational agency will take to ensure that both schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff as required by sections 1114(b)(1)(C) and 1115(c)(1)(F), including steps that the State educational agency will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out of field teachers, and the measures that the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such steps;

"(C) how the State educational agency will develop or identify high quality effective curriculum models aligned with State standards and how the State educational agency will disseminate such models to each local educational agency and school within the State; and

"(D) such other factors the State deems

On page 53, line 12, strike "(i)" and insert "(j)".

On page 59, lines 16 and 17, strike "performance standards," and insert "performance standards, a set of high quality annual student assessments aligned to the standards,".

On page 59, line 19, insert "and take such other steps as are needed to assist the State in coming into compliance with this section" after "1117".

On page 68, line 24, strike "paraprofessionals" and insert "a paraprofessional".

On page 69, line 18, insert ", the setting of State performance standards, the development of measures of adequate yearly progress that are valid and reliable," before "and other".

AMENDMENT NO. 593

On page 202, delete line 1 through line 4, and insert the following:

"(a) In General.—From funds reserved under section 1225, the Secretary shall contract with an independent outside organization for a 5-year, rigorous, scientifically valid, quantitative evaluation of this subpart.

"(b) Process.—Such evaluation shall be conducted by an organization outside of the Department that is capable of designing and carrying out an independent evaluation that identifies the effects of specific activities carried out by States and local educational agencies under this subpart on improving reading instruction. Such evaluation shall use only data relating to students served under this subpart and shall take into account factors influencing student performance that are not controlled by teachers or education administrators.

"(c) Analysis.—Such evaluation shall include the following:

"(1) An analysis of the relationship between each of the essential components of reading instruction and overall reading proficiency.

"(2) An analysis of whether assessment tools used by States and local educational agencies measure the essential components of reading instruction.

"(3) An analysis of how State reading standards correlate with the essential components of reading instruction.

"(4) An analysis of whether the receipt of a discretionary grant under this subpart results in an increase in the number of children who read proficiently.

"(5) A measurement of the extent to which specific instructional materials improve reading proficiency.

"(6) A measurement of the extent to which specific rigorous diagnostic reading and screening assessment tools assist teachers in identifying specific reading deficiencies.

"(7) A measurement of the extent to which professional development programs implemented by States using funds received under this subpart improve reading instruction.

"(8) A measurement of how well students preparing to enter the teaching profession are prepared to teach the essential components of reading instruction.

"(9) An analysis of changes in students' interest in reading and time spent reading outside of school.

"(10) Any other analysis or measurement pertinent to this subpart that is determined to be appropriate by the Secretary.

"(d) Program Improvement.—The findings of the evaluation conducted under this section shall be provided to States and local educational agencies on a periodic basis for use in program improvement.

AMENDMENT NO. 595

At the end of title IX, add the following:

SEC. . MAINTAINING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 611 of the Individuals with Disabilities Education Act is amended to add the following new subsection:

"(k) Continuation of Authorization.—For fiscal year 2012 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary for the purpose of carrying out his part, other than section 619.".

AMENDMENT NO. 512

(Purpose: To authorize programs of national significance)

(The text of the amendment is printed in the Record of May 9, 2001, under "Amendments Submitted.")

AMENDMENT NO. 435, AS MODIFIED

(Purpose: To support the use of education technology to enhance and facilitate meaningful parental involvement to improve student learning)

On page 369, between lines 6 and 7, insert the following and redesignate the remaining paragraphs accordingly:

"(2) outlines the strategies for increasing parental involvement in schools through the effective use of technology;".

On page 370, line 24, strike "and".

On page 370, line 26, strike the period and insert a semicolon.

On page 371, line 1, insert the following:

"(b) Allowable Uses of Funds.—

"Each local educational agency, may use the funds made available under section 2304(a)(3) for—

"(1) utilizing technology to develop or expand efforts to connect schools and teachers and parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and

"(2) providing support to help parents understand the technology being applied in their child's education so that parents are able to reinforce their child's learning.".

On page 371, between lines 23 and 24, insert the following and redesignate the remaining paragraphs accordingly:

"(3) a description of how the local educational agency will ensure the effective use of technology to promote parental involvement and increase communication with parents;

"(4) a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction their child receives at school;".

On page 374, line 24, strike "and"

On page 378, line 24, strike "and".

On page 379, line 1, insert the following and redesignate the remaining subparagraph accordingly:

"(F) increased parental involvement in schools through the use of technology: and".

AMENDMENT NO. 386

(Purpose: To provide resource officers in our schools)

On page 893, after line 14, add the following:

SEC. . SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS Program.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting "school officials," after "enforcement officers"; and

(2) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;".

(b) School Resource Officer.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(3) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(c) Authorization of Appropriations.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

"(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.".

AMENDMENT NO. 424

(The text of the amendment is printed in the Record of May 14, 2001, under "Amendments Submitted.")

AMENDMENT NO. 516, AS FURTHER MODIFIED

(Purpose: To provide for the conduct of a study concerning the health and learning impacts of sick and dilapidated public school buildings on children and to establish the Healthy and High Performance Schools Program)

(The text of the amendment is located in today's Record under "Amendments Submitted.")

AMENDMENT NO. 804

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, I rise in support of the Cochran amendment to the Better Education for Students and Teachers Act. Specifically, I would like to speak to two elements of this amendment that are of particular importance to me and my State of Iowa.

I would first like to speak to a portion of this amendment that address an often overlooked segment of our student population, gifted and talented children. There are approximately three million children in the United Sates who are considered gifted and talented. It is important to point out that these gifted and talented children do not simply possess an extraordinary level of intelligence, but they actually have a unique way of thinking and learning. Gifted and talented children look at the world differently and often have a different way of interacting socially. As a result, gifted and talented students have different educational needs from other students.

These remarkable children have enormous potential. Today's gifted and talented child may grow up to become a leader in the field of science or a world-renowned performer. However, this will not happen automatically. Gifted and talented children need to be challenged and their unique skills must be nurtured. Currently, many gifted and talented children do not receive the educational programs and services they need to live up to their potential. In fact, many gifted and talented children lose interest in school; they learn how to expend minimum effort for top grades, have low motivation, and develop poor work habits. Others abandon their education altogether and drop out of school. This is a tragedy not only for the students, but also for our society.

Much of the Federal role in education is focused on helping Stats to meet the needs of disadvantage students and students with special learning needs. Currently, the availability and quality of gifted and talented educational services varies widely from State to State. This situation adversely affects all gifted and talented students, but especially disadvantaged students. In areas without adequate public school services for gifted and talented students, more well-off parents can afford to place their children in a private school that offers gifted and talented programs or pay for private supplemental equational services like tutors and summer camps. Meanwhile, disadvantaged talented and gifted students remain in public school settings that cannot meet their unique educational needs without federal assistance.

My gifted and talented initiative, which is contained in the Cochran amendment, will help to ensure that ALL gifted and talented students have the opportunity to achieve their highest potential by providing grants, based on State's student population, to State education agencies. These grants will be used to identify and provide educational services to gifted and talented students from all economic, ethnic, and racial backgrounds—including students with limited English proficiency and students with disabilities. My proposal outlines four broad spending areas but leaves decisions on how best to serve these students to states and local school districts.

The legislation ensures that the Federal money benefits students by requiring the State education agency to distribute not less than 88 percent of the funds to schools and that the funds must supplement, not supplant, funds currently being spent. Additionally, rather than simply accepting Federal funds, States must make their own commitment to these students by matching 20 percent of the Federal funds. The matching requirements will help ensure that programs and services for gifted education develop a strong foothold in the States.

The Cochran amendment also reauthorizes the Javits Gifted and Talented Students Education Program. The Javits Program is a research program that funds a national research center and provides grants to a wide range of public and private entities in order to build a nationwide capability to meet the special educational needs of gifted and talented students. The research results from the Javits Program provide invaluable tools to help schools and teachers learn how to identify gifted and talented students and improve gifted and talented programs. I would like to emphasize that, because of the nature of this program, a continued Federal commitment is required. It simply wouldn't be practical or prudent to ask each State to conduct its own research into gifted and talented education. And yet, the research fostered by this program remains essential in ensuring that teachers have the best possible information about how to help gifted and talented students reach their full potential.

I am pleased that my own State of Iowa is one of the leaders in gifted education. Indeed, I have learned of many remarkable young people and dedicated education professionals through the advocacy efforts of the Iowa Talented and Gifted Association. I have come to believe, strongly, that Congress must support initiatives designed to identify and serve the special learning needs of gifted and talented children.

Our Nation's gifted and talented students are among our great untapped resources. However, our help is needed to ensure that States and local school districts are able to address the unique educational needs of gifted and talented students. In the spirit of the President's challenge to leave no child behind, I would urge my colleagues to remember America's gifted and talented children.

I would also like to express my support for another portion of this amendment that addresses an important educational need in our country. The Cochran amendment reauthorizes provisions for the National Writing Project. The National Writing Project is a nationally recognized nonprofit organization that works to improve student writing achievement by improving the teaching and learning of writing in the Nation's schools. Each summer, successful writing teachers at 167 local sites in 49 States, Puerto Rico, and the District of Columbia attend annual summer institutes through the National Writing Project. At these summer institutes, teachers examine their classroom practices, conduct research, and develop their own writing skills. After completion of one of these summer institutes, the participating teachers return home and provide professional development workshops for other teachers in their home schools and communities. These follow-up activities are conducted throughout the entire academic year in order to maintain and encourage continued use of writing skills. As a result, the National Writing Project is able to reach far more teachers than would be possible through directly administered professional development activities and teachers are able to reap the benefits the whole year long.

I proud to say that the National Writing Project has a long and successful history in Iowa. The Iowa Writing Project was initiated in 1978 and was among the first in the Nation. Since its inception, over 8,000 teachers have taken part in the annual summer institutes. And, this group of teachers has served as the means of administering and conducting workshops and in-service training programs for many more thousands of Iowa teachers. In fact, upon returning home from attending one of those summer institutes, Iowa Writing Project participants can in turn impact as many as fifty percent or more of their fellow educators in their community. Thus, the relatively small number of teachers who participate in the Iowa Writing Project summer institutes can provide professional development opportunities in writing for entire communities.

The success of the National Writing Project has resulted in substantial support in the areas where it has been implemented. In fact, for every dollar of Federal funding, writing project sites generate more than six dollars in support from States, host sites, and other public and private sources. Yet, while the National Writing Project has a regional focus and widespread local support, the 167 local sites could not operate without the coordination and support provided by the national organization. At a time when both institutions of higher education and businesses are increasingly discovering that Americans do not have the writing skills they need to be successful, it is essential that we support proven writing programs, like the National Writing Project.

The two portions of this amendment which I have addressed are examples of areas where there are clear educational needs that cannot be met by states alone and where our existing efforts have proven successful. I support the general goals of the B.E.S.T. bill, including consolidating or eliminating programs that are not working or that interfere with decisions that are more properly made at the State or local level. However, where our efforts have been shown to be successful and needed, our support should be maintained. Therefore, I would urge my colleagues to support the Cochran amendment.

Mr. BINGAMAN. Mr. President, I rise today to thank my colleague from Mississippi, Senator COCHRAN, for including my legislation reauthorizing the smaller learning communities program in his amendment related to national activities. I am also grateful to my colleagues for supporting this amendment. My legislation ensures that the currently authorized and funded smaller learning communities program, which I sponsored during the 1994 reauthorization of the Elementary and Secondary Education Act, continues. This program provides funds to school districts to assist in the creation of smaller learning communities or "schools within schools." This is an extremely important program that we know works to improve student achievement and make our schools safer.

In the past 40 years, schools—especially high schools—have been getting bigger and bigger. In today's urban and suburban settings, high school enrollment of 2,000 and 3,000 are commonplace; in some places like New York City school enrollments near 5,000. Research demonstrates that students in schools of this size do not perform as well as students in smaller schools and large schools are less safe.

Research also has shown that small schools and large schools broken down into smaller learning communities are superior to large schools on virtually every measure of educational success. Student achievement is higher in small school environments. Students in these schools tend to have higher grades, test scores, and honor roll membership, even when other variables such as teacher quality or community characteristics are considered. Furthermore, students from small school environments are more likely to finish high school. They also are more likely to be admitted to college, do well once they are there and complete their studies. These results are even more pronounced for minority and low-income students. Because teachers have fewer students in smaller schools they can know their students better, minority and low-income students are less likely to be overlooked. As a result, the creation of smaller learning communities can be an effective way to address the achievement gap between poor students and their more affluent peers.

Smaller learning environments also address non-academic learning because they provide an environment where students can learn how to participate actively in their school community. Student attitudes are overwhelmingly more positive in small schools. Students are far more likely to be involved in extracurricular activities than students in large schools. In order to have a sufficient number of players on the team or members of the club, all students must participate in small schools. In contrast, in large schools many students do not have a chance to participate in these important school experiences unless they display some special talent. Research has demonstrated that participating in extracurricular activities contributes significantly to student learning and makes it less likely that the student will drop out of school or have poor attendance.

Smaller learning communities also result in safer schools. Large school environments tend to promote feelings of isolation and alienation. In contrast, smaller learning communities promote a sense of belonging and community. Since there is an undisputed relationship between students' feelings of alienation and school violence, the creation of smaller learning communities is a very effective strategy for preventing the occurrence of acts of school violence that have become tragically commonplace in schools across the country in recent years. In smaller learning environments, problems in interpersonal relationships or other difficulties can be addressed before they lead to violence. Because teachers can get to know all students on a personal level, smaller learning communities go a long way towards ensuring that all students feel they belong and that they are safe. This makes the creation of smaller learning communities an important method of preventing school violence.

Smaller learning communities also help to decrease teacher attrition and therefore improve the quality of instruction. Teachers working in smaller learning environments often feel that they have more opportunity to teach instead of dealing with paperwork and discipline problems that are more common in larger school environments. Under such circumstances, teacher morale is improved making good teachers less likely to "burn out."

I have been advocating for small schools and the creation of smaller learning communities for a number of years. The smaller learning community program was first authorized in 1994. The program was funded in FY 2000. Last year, a total of 354 schools serving over 400,000 high school students in 39 States were awarded grants to plan, develop and implement strategies that would personalize the learning environment for students.

The legislation allows for local decisionmaking with respect to how to build smaller learning communities. Some of the most common strategies include: (1) creating career academies that offer students academic programs organized around a broad career theme, often building on team teaching methods; (2) implementing mentoring systems in which teachers, counselors, and other school staff advise students on a personal level; and (3) creating schools within schools so that smaller groups of students take all or most of their classes together—often from the same team of teachers and/or administrators and often operating in distinct areas of the school facility. All of these strategies are designed to create a more individualized learning environment.

In my home State of New Mexico, the Albuquerque School District received a substantial grant under this program last year, which will allow them to create smaller learning communities in six of their high schools and hopefully with additional funding through this program they will be able to do so in all of the city's high schools. I was able to visit one of these schools recently and see the good work being done with some of the funding from this program. I visited Cibola High School, where they have created a school-within-a-school for ninth graders with their small schools grant. Taking into account evidence of a high drop out rate at ninth grade, the faculty at Cibola decided to move all of the ninth graders into one corridor and divide them into five teams. Each team of teachers meets together two to three times a week to discuss instructional strategies and any concerns about students on their team. The grant allowed them to hire four more teachers reducing pupil/teacher ratios. They also created two lunch periods within the school so that the ninth graders have their own lunch. Preliminary data indicates that the work at Cibola has been quite successful. The drop out rate declined from 9 percent to a little over 1 percent. Eighty-six percent of the ninth graders earned all of their credits last year and moved on to the tenth grade. Students, teachers and parents continually comment on how the new arrangements has helped students to be successful. The schools reports that students feel safer and less worried about the transition to high school. Teachers comment that they enjoy teaching more since there are fewer discipline problems and they have more opportunity to work with students one-to-one. I have a letter from Linda Sink, the principal at Cibola High School, summarizing the success at the school.

I also note that teachers and administrators in schools in Las Lunas, NM were also delighted to receive a smaller learning communities grant last year. They are confident that the career academy, which will open in August 2001, funded through this grant will do much to improve the educational experience of their students. This academy will offer core academic content within the context of career programs in pre-engineering, electronics, culinary arts, criminal justice, education and health services.

No doubt small schools in themselves are insufficient to address all of the problems that are facing our nation's educational system. But the strategy of reorganizing our large schools into smaller learning communities is a proven method of reform which attacks many if not most of the challenges facing schools today. Throughout the history of education parents of means have sent their children to small schools because they have known that in smaller schools their children will have the opportunity to connect with adults who care about them and can give consideration to their learning needs. With your support, small schools can continue to be created in order to provide children with learning environments that help all children succeed.

AMENDMENT NO. 386

Mr. BIDEN. I ask unanimous consent that Senators HOLLINGS, BINGAMAN, LANDRIEU, CLELAND, and JOHNSON be added as original cosponsors to my amendment.

This amendment is fairly simple, and I hope all of my colleagues can support it.

It would extend the Justice Department's school resource officer program for 6 years. It authorizes $180 million per year through 2007 for the wildly successful COPS in Schools Program. This is the same amount appropriated for the program in each of the last 2 years, the same amount requested by the administration in its Budget, and it's enough money to hire 1,500 resource officers per year.

This is a great program. Police departments and schools get together and they file their application jointly, based on the community's needs. To date, the Justice Department has funded over 3,800 school resource officers. They are 3 year grants, totaling up to $125,000 per officer. That's about $40,000 per year, usually enough to fund the officer's whole salary.

Why offer this amendment now. Well, the bill before us is designed to improve our schools, but without my amendment it does not include dedicated funds to hire school resource officers. And authority for COPS in Schools, one of the most successful school safety programs out there, expired last year.

My amendment has been endorsed by the National Association of School Resource Officers, by the National School Safety Center, by the Center for the Prevention of School Violence, by the National Education Association, and by the Fraternal Order of Police.

Why do school safety experts, line officers, the resource officers themselves, and the heads of police departments across the country, and educators support this amendment. Because they know COPS in Schools works. They know school resource officers can help quiet troubled schools halls, can quickly stop a violent incident, and can mentor students.

What are school resource officers. These are specially-trained police officers, men and women who work in and around elementary schools, middle schools, and high schools. They work with teachers, parents, and kids to identify and combat school-related crime and disorder problems. They get to know the students. They are their counselors and their role models, and, when necessary, they enforce the law.

D.A.R.E. police officers would be eligible to receive funding under this amendment, just as they are under the current COPS in Schools program.

I recently sat down with all of the school resource officers in Delaware. My State has embraced the concept, today, 16 members of the Delaware State Police serve as school resource officers. So do two members of the Wilmington Police Department, and one Newark police officer.

And about 1 year ago, I held a field hearing on school safety at the William Penn High School in Delaware. One of the witnesses was Delaware State Police Corporal Jeff Giles. Jeff told me how successful he has been as a school resource officer, how the kids feel safer, the school is more secure, and parents and teachers are put at ease.

This program works, COPS in Schools is a success. Let me tell you a story: When a high school in my State, Lake Forest High School, tried to phase out its school resource officer because of a lack of funds, the kids walked out. They walked out of school to protest Corporal Gary Fournier's, dismissal! The kids would not let their school resource officer go, they liked having him around so much. We found some funds that let the school keep Corporal Fournier on, but it should never have come to that.

Now, I was pleased the appropriators saw fit to include $180 million for COPS in Schools last year. And it looks like the Administration wants to continue the program at the same level this year. But year-to-year appropriations are no substitute for a multi-year authorization.

Schools need to have assurances this is a program that's here to stay. City councils and other local governing bodies need to be able to pass their budgets knowing the Federal Government is there to help. Today, as we debate this education bill, authority for the whole COPS program has expired and with it, the COPS in Schools program's future is unclear.

That just shouldn't be the case. A lot of these school resource officers are heroes, and we shouldn't end the program that helps fund them. Take a look at the tragic shooting this past March in Granite Hills High School in El Cajon, CA. Local officials there have stated that but for the quick response of Rich Agundez, that school's resource officer, lives may have been lost. In the weeks following this shooting, San Diego school officials decided to station resource officers in all of their 180 schools.

We should help communities like San Diego. We should make sure they hear the message, loud and clear, that this Senate agrees with them. Let's give school resource officers to every school that wants one. Let's give parents a little peace of mind that their kids are safe when they get on that school bus and head off to learn. Let's give teachers a hand in maintaining order in their classrooms.

Let's pass my amendment and fund the COPS in Schools program. It works. It works, and I challenge any of my colleagues to tell me otherwise.

AMENDMENT NO. 640 WITHDRAWN

Mr. KENNEDY. I ask consent, further, to withdraw amendment numbered 640.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask consent following final passage, until the close of business today, the two managers be permitted to add a managers' amendment to the bill, provided that the amendment is agreed to by both leaders and both managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the Jeffords substitute amendment No. 358 is agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

RURAL EDUCATION

Mr. BAUCUS. Mr. President, I rise today to shift the direction of the education debate for a moment. For the past few weeks, we have been debating now best to engage the Federal Government in ways to improve our K–12 schools. There has been a lot of constructive debate on a number of important topics. An amendment that I planned to offer, S.A. 387, would have addressed another important topic relative to our schools: recruitment and retention of teachers in rural areas.

I have spoken with Senator KENNEDY and agreed to withdraw my amendment, but I want to speak for a moment about its importance. My amendment would have increased the scope of current loan forgiveness provisions for teachers, including an expansion of eligibility to those teachers who teach in districts identified within the Rural Education Achievement Program.

I offered this amendment because there is a significant need in our rural schools for assistance in attracting and keeping good teachers. My amendment may have helped that situation.

I understand that the issue of rural teacher recruitment and retention is one that needs further investigation, though, and am pleased that Senator KENNEDY has agreed to address the needs of rural schools in Senate HELP Committee hearings. We need to better understand rural needs and find effective ways to provide our rural schools, home to roughly 17 percent of students throughout the country, with the resources they need to delivery a quality education.

Mr. KENNEDY. Thank you for bringing this important matter before us in the Senate. I agree with you that we should take a closer look at the needs of our rural schools, and I look forward to looking at how different mechanisms, including teacher loan forgiveness programs, can help meet the needs of our rural schools.

Mr. BAUCUS. Thank you, Senator, for giving your attention to this issue of great importance to rural schools in my home State of Montana and throughout the country

AMENDMENT NO. 505

Mr. BINGAMAN. Mr. President, yesterday we passed amendment No. 505 by unanimous consent. The amendment relates to BIA schools. The legislation was considered by the Indian Affairs Committee and the amendment was cosponsored by the distinguished Chair and Ranking Member of that Committee. I would like to note for the record that the Navajo nation has some concerns regarding some of the provisions in that amendment. I understand that Senators INOUYE and CAMPBELL are working with my office and representatives of the Navajo nation to address those concerns. I'd like to ask Senator INOUYE if my understanding is correct?

Mr. INOUYE. We are working to address those concerns and hope to be able to make any necessary changes to the amendment in conference.

Mr. BINGAMAN. I'd like to thank my distinguished colleagues for their efforts. I also ask my Chair, Senator KENNEDY, for his assistance during the conference to make any necessary amendments to the underlying bill.

Mr. KENNEDY. I would be happy to work with Senator BINGAMAN on making any necessary changes related to this amendment during the conference.

Mr. JEFFORDS. Mr. President, with the passage of the Elementary and Secondary Education Act of 1965, there has always been broad support for the Federal Government to provide assistance and leadership to the States and localities, the entities that serve as the primary sources for implementing our education system. Over these past 36 years, we have had thoughtful debates regarding the Federal role in both establishing and overseeing education policy. Through these spirited discussions, we have tried to create initiatives that emphasize excellence for all students.

Over the past 3 years, the Health, Education, Labor, and Pensions Committee has closely examined elementary and secondary education. In the 106th Congress, two dozen hearings were held regarding the ESEA reauthorization. One of the very first hearings the committee held this year featured Secretary Paige and focused on the President's education initiative.

All 20 members of the HELP Committee worked together to draft S. 1 and unanimously voted the bill out of committee. Following committee action, I and several of my colleagues worked with the White House to further refine the committee bill that has now passed the Senate.

S. 1, the Better Education for Students and Teachers Act, begins a new chapter that not only sets goals designed to improve student performance, but provides a road map for achieving those goals. With the leadership of President Bush, and the leadership of many Senators from all parties, we have, before us, legislation that better targets resources and provides greater accountability at both the State and local levels.

Our goal must be to ensure that every child will obtain the knowledge necessary to succeed in our society and in our economy. To ensure progress toward this goal, the legislation before us will establish accountability measures for every school, school district and State in the country, so that the public can see whether or not they are making annual academic progress.

The House and Senate conferees will soon begin their work in putting together a final product that will hopefully not set unrealistic goals and undermine our overall goal of leaving no child behind. If we are not very careful, the result of our efforts might be havoc rather than help for our education system and the students it is designed to serve.

I look forward to continuing to work with all of my colleagues in writing a conference report that will provide the foundation for every child in this Nation to receive a quality education.

I would like to take this opportunity to thank Senator KENNEDY, Senator GREGG, and the other members of the committee. I would like to join the managers in thanking all of the committee staff for their hard work. Particularly, I would like to thank my staff, Sherry Kaiman, Susan Hattan, Scott Giles, Jenny Smulson, Andy Hartman, Justin King, Carolyn Dupree, Leah Booth, Ann Clough, Sallie Rhodes, and Frances Coleman for their efforts. I also want to thank Wayne Riddle and Jim Stedman from the Congressional Research Service and Mark Koster, Liz King, and Bill Baird from the Office of Legislative Counsel for their tremendous contribution in shaping S. 1.

Mr. BIDEN. Mr. President, education is, and should be, among our top priorities here in the Senate.

Parents know that the quality of a child's education can make or break that child's future. Businesses understand that they cannot compete in this high-tech world without a well trained and well educated workforce.

That is why what we are doing here today, and have done in the past few weeks is so important.

We have had an opportunity to put aside partisan differences to craft a federal education policy that will strengthen schools, increase accountability, empower parents, and give our teachers and administrators the resources they need to give our children the education they deserve.

In many respects, we have been successful. The bill itself takes some positive steps toward improving public education in America. It provides for annual testing of students and a process for identifying and turning around failing schools. It requires that high standards be set for all students. It targets federal education resources towards the students who need the greatest assistance. It includes a new early reading initiative to promote literacy. And it contains other important provisions to help increase parental involvement in their children's education.

In addition, we were able to make a number of key improvements to the underlying bill during the Senate debate. The bill now includes language calling for full funding of title I for disadvantaged children and full funding of the federal commitment to educate children with disabilities. We increased funding for bilingual education and after-school programs. We provided additional funding to improve and modernize resources in school libraries. We passed additional changes to make sure that States use high quality tests to gauge the progress of students. And we passed an amendment that I was proud to cosponsor that will help recruit more teachers.

I am also pleased that the Senate accepted my amendment to provide $180 million to put more school resource officers in our schools. These officers are specially trained to prevent school violence and to quickly respond to crimes, while serving as mentors and role models and providing guidance to students.

Despite these important steps that we have taken, I must say that I am truly disappointed by some missed opportunities.

We missed an opportunity to make reducing class sizes a priority when the Senate voted against Senator MURRAY's amendment to increase funding for the 100,000 teacher initiative and ensure that it is not consolidated with other teacher quality programs.

We missed an opportunity to help our States renovate and build new schools when the Senate voted against Senator HARKIN's amendment to reauthorize a bi-partisan school construction plan.

But above all else, we missed an opportunity to resolve the issue of adequate funding for all the education reforms that this bill requires.

The truth is, we can stand here and make eloquent speeches about all these needed changes in our education system, many of which I wholeheartedly support, but without the resources to back up these eloquent words, nothing will change. I am hopeful that even more resources can be directed toward education during the conference committee negotiations and through the annual appropriations process that will begin shortly.

I believe that on the whole this bill takes a dramatic step in the right direction. It improves accountability, empowers parents, and begins to make the types of investments that our teachers and students deserve and need.

Mr. GRASSLEY. Mr. President, I rise in support of the education reform bill. I am encouraged by the renewed emphasis President Bush and many in Congress have placed on education and I welcome this opportunity to share my views on this important subject.

Improving elementary and secondary education has long been a goal of those of us in Congress. However, for too long, the debate at the Federal level has focused on the same old ideas that boil down to more spending without ensuring results and more Federal control of local schools. That is why I am pleased that President Bush has put forward a plan for education that takes us in a new direction. S. 1, the Better Education for Students and Teachers Act, encompasses the President's main goals and puts the Federal role in education on the right track.

Since 1965, when Congress embarked on its first elementary and secondary education initiative, the Federal Government has continued to expand its role in the area of education. Yet, while the Federal role in education has increased, accountability has not. The Federal Government continues to spend more and more on education while creating complicated and overlapping programs that may or may not address the needs of local schools. In fact, research has shown that, while Federal funding for education has increased substantially over the last 30 years, students' test scores have not shown improvement.

The BEST Act seeks to change this situation by taking steps to ensure accountability for the use of Federal education dollars. Under this bill, States will be required to develop their own strategy to measure improvement and hold schools and school districts accountable through the use of State-run assessments. In this way, schools and school districts that fail to help students achieve can be identified so that assistance can be provided and necessary corrective action taken.

Going hand in hand with the need for greater accountability is the necessity for increased flexibility for States and local school districts. Part of the problem of stagnant student achievement despite increased Federal funding is that Federal funding comes with a disproportionate degree of Federal control. Federal micro-managing of classrooms ties the hands of teachers and can actually prevent them from meeting the individual needs of students.

We in Washington must face the fact that we cannot possibly know what's best for every school in America. My home State of Iowa contains a wide variation of school districts from rural to urban. Students in Des Moines are likely to have different needs from those of students in Lineville. What works in Davenport may not work in Sioux Center. How then can we in Washington direct Federal funding to meet the needs of all the students of Iowa, much less vastly different regions of our country, without providing for a substantial degree of local control? If States are to meet tough new goals for student achievement, they must be given the freedom to do so without having their hands tied by unnecessary Federal regulations. This bill does just that by consolidating related programs into more flexible block grants and allowing schools to waive certain Federal regulations in return for results.

It is also essential that parents have the opportunity for greater involvement in their child's education. Under the BEST Act, school report cards will be issued so that parents will have information on the quality of their child's school, and support will be given to local educational agencies and nonprofit organizations to implement parental involvement programs that are designed to improve student performance. In addition, parents of disadvantaged students in failing schools will be given the choice to move their children to a better school.

In closing, while this bill does provide for a substantially increased investment in elementary and secondary education, it does so in a framework of real reform that provides greater flexibility to states and local school districts in return for demonstrated results. This bill represents a shift from the old Washington-knows-best view of education to one which empowers states, local communities, and parents to improve student achievement. President Bush has called on us to ensure that no child in America is left behind. The Better Education for Students and Teachers bill will put us on course to meet that challenge.

Mr. LEAHY. Mr. President, I rise today to express my support for the innovative and far-reaching legislation before us, the Better Education for Students and Teachers, BEST, Act. The Senate for several weeks has been considering this reauthorization of the Elementary and Secondary Education Act, ESEA, which was first enacted in 1965 as part of President Johnson's war on poverty. While the anchor of this law has always been title I—a program to provide support to low-income and disadvantaged students—ESEA has evolved over the past 35 years to also include important professional development, technology and after-school programs. The bill before us today makes significant changes to education policy, reflecting our commitment to make the Federal Government an effective partner in reforming the nation's public schools. We all hope these reforms will be the right ones for our children. While I do have some concerns about the commitment of the President and my colleagues on the other side of the aisle to adequately fund the programs in the BEST Act, I am willing to take them at their word, to leave no child behind.

During the Senate's consideration of the BEST Act, a variety of amendments offered by Senators on both sides of the aisle have been considered. I would like to take a moment to highlight just a few of these.

First, I want to express my thanks and appreciation to the managers of this bill, Senators KENNEDY and GREGG, for accepting an amendment offered by Senator HATCH and myself to re-authorize Department of Justice grants for new Boys and Girls Clubs in each of the 50 States. In 1997, I was proud to join with Senator HATCH and others to pass bipartisan legislation to authorize grants by the Department of Justice to fund 2,500 Boys and Girls Clubs across the Nation. This bipartisan amendment authorizes $60 million in Department of Justice grants for each of the next five years to establish 1,200 additional Boys and Girls Clubs across the Nation. These grants will bring the total number of Boys and Girls Clubs to 4,000 to serve 6,000,000 young people by January 1, 2007.

In my home State of Vermont, this long-term Federal commitment has enabled Vermonters to established six Boys and Girls Clubs, in Brattleboro, Burlington, Montpelier, Randolph, Rutland, and Vergennes. Indeed, Vermont's Boys and Girls Clubs received more than $1 million in Department of Justice grants since 1998. I am hopeful this amendment will ensure future funding for these successful youth programs.

Some of the most publicized and often-discussed provisions of the BEST Act are the expanded requirements for student assessment, specifically the annual testing of schoolchildren in Grades 3 through 8. The legislation will require states to establish comprehensive assessment systems in order to evaluate the achievement of their schools and students. Accountability in education is important. Parents, students, teachers, and taxpayers should know how their schools are performing. However, it is important that testing be used as a diagnostic tool in an overall assessment system and not become a reform in its own right. Tests should measure school progress based on standards that are part of a high-quality curriculum. My home State of Vermont has a fine tradition of high expectations in education and currently has in place a comprehensive framework for school standards and accountability. I am hopeful that the new role of the Federal Government outlined in the legislation before us will reinforce, not undermine, state and local efforts to improve student performance.

For small States—like Vermont—the costs associated with implementing a large-scale assessment system can be prohibitively expensive. During consideration of the BEST Act, the Senate approved two key amendments that will help lessen the burden on the States. First, the Senate overwhelmingly passed an amendment to require that the Federal Government provide at least 50 percent of the costs of developing and administering the testing requirements in the underlying bill. If the Federal Government does not provide these funds, the States will not be required to administer the tests.

Second, the Senate adopted an amendment to have the General Accounting Office conduct a study to evaluate the true costs to the States for the testing provisions. This report will be completed prior to the implementation of the Best Act's assessment requirements. If the GAO finds the costs to be higher than anticipated, the Senate should return to the issue. We must not require reform from our States—especially small States without providing the necessary resources to support those reforms. We must not set our schools and students up for failure.

In addition to these important testing-related improvements, the Senate also approved an amendment to fully fund the Federal Government's portion of the Individuals with Disabilities Education Act, IDEA. This is a crucial issue and one that education officials back in our home States have been pushing for—for the Federal Government to fulfill its responsibility. The Senate also agreed to authorize full-funding for the title I program, a strong reflection of our commitment to providing resources to schools that educate low-income and disadvantaged students.

While several other amendments were approved that will strengthen the BEST Act, I was pleased that the Senate rejected some proposals that would have weakened our commitment to public school education. In particular, I was pleased that the Senate rejected an amendment that would have directed public dollars to private schools. I have long had concerns about using Federal tax dollars to support private schools through vouchers. Although I support the options private schools provide for some of our Nation's youth, our primary responsibility must be to ensure that our public schools are the best they can possibly be in order to give our children the education they deserve. Rather than send precious public funds to private or religious schools, we must ensure that all public schools in the United States have the resources to provide a high quality education for all of our Nation's children.

By approving the legislation before us today, we will be taking the first step toward enacting quality education reform in our Nation's schools. The second step will come later in the year when Congress and President Bush determine the funding level for these Federal programs. In recent days many of my colleagues have spoken about the need for adequate funding for these reform efforts. I want to add my voice to that debate. Unless we commit ourselves to providing the resources necessary for States to carry out the reforms outlined in this bill, we will be doing serious harm to our children.

I will vote in support of this bill today with the belief that it will improve the educational and learning opportunities of the school children in Vermont and across the Nation. I urge my colleagues to continue our commitment to education and to provide the resources necessary to ensure that this far-reaching legislation achieves its goals.

Mr. WARNER. Mr. President, I rise today in strong support of S. 1, the Better Education for Students and Teachers Act (the "BEST" Act), which will reauthorize the Elementary and Secondary Education Act ("ESEA").

President Bush has appropriately indicated that education reform is his number one priority. The BEST bill, which is based on the President's blueprint, is premised on the President's goal: "No Child Left Behind." I share the President's goal. Our educational system must leave no child behind.

Education is the key to a better quality of life for all Americans. From early childhood through adult life, educational resources must be provided and supported through partnerships with individuals, parents, communities, and local government. The federal government has a limited, but important role in assisting states and local authorities with the ever-increasing burdens of education.

Originally passed in 1965, the ESEA provides authority for most federal programs for elementary and secondary education. ESEA programs currently receive about $18 billion in federal funding, which amounts to an estimated 7 cents out of every dollar that is spent on education.

Nearly half of ESEA funds are used on behalf of children from low-income families, under Title I. Since 1965, the federal government has spent more than $120 billion on Title I.

Despite the conscientious efforts of federal, state, and local entities over many years, our education system continues to lag behind other comparable nations. Nearly 70% of inner city fourth graders are unable to read at a basic level on national reading tests. Fourth grade math students in high poverty schools remain two grade levels behind their peers in other schools. Our high school seniors score lower than students in most industrialized nations on international math tests. And, approximately one-third of college freshman must take a remedial course before they are able to even begin college level courses.

The underlying issue is—do we just pour more taxpayer dollars to perpetuate these mediocre results or do we take some bold new initiatives?

Increased federal education funding, increased state and local flexibility in their use of federal funds, and increased accountability are all components of this bill that are steps in the right direction.

First, in regard to funding, Republicans, Democrats, and Independents will continue to support increased education funding. Last year, nearly $44.5 billion was appropriated to the Department of Education. This was a $6.6 billion increase from Fiscal Year 2000 levels. Without a doubt, education will receive another significant increase this year when Congress passes the appropriations bill that funds the Department of Education.

Next, in regard to flexibility, the BEST bill significantly increases state and local flexibility in the use of their federal education dollars.

In the current fiscal year, the ESEA funds over 60 programs. Most of these programs have a specified purpose and a target population.

Our schools do not need a targeted one size fits all Washington, D.C. approach to education. While schools in Boston, Massachusetts may need to use federal education dollars to hire additional teachers to reduce classroom size, schools in other parts of the country may wish to use federal dollars for a more pressing need, like new text books. Federally targeted programs for a specified purpose do not recognize that different states and localities have different needs.

Who is in a better position to recognize these local needs, Senators and Representatives in Washington, D.C. or Governors, localities, and parents? Those Virginians serving in state and local government and serving on local school boards throughout the Commonwealth are certainly in a better position than members of Congress from other states to determine how best to spend education dollars in the Commonwealth of Virginia.

The BEST Act increases flexibility and local control. The Straight A's provisions of this bill and the Teacher Empowerment provisions serve as two good examples.

The Straight A's provisions of this bill creates a 7 state and 25 district demonstration program. Under the program, 7 states and 25 districts that choose to participate gain the flexibility to consolidate a number of federal formula grant programs and integrate these federal dollars with state and local monies that serve children.

In addition, S. 1, in its Teacher Empowerment provisions, consolidates the targeted and inflexible class size reduction programs and the targeted Eisenhower Professional development program. The money in these programs is consolidated so states and localities can use these funds for a variety of options, including hiring additional teachers, retaining high quality teachers, developing professional development programs, or to hire mentors, to name a few of the numerous options.

Straight A's and the Teacher Empowerment provisions are key components of the increased flexibility provided in the BEST bill.

Finally, accountability, in certain areas, is needed. Our education policy is locking out many students and not providing them the key to a better life. It's time to move forward in education to ensure that all of our children are given the opportunity to receive a higher quality of education.

Let's seize this challenge.

President Bush's proposal to test students annually in grades 3–8 in reading and math, which is part of the BEST bill, is a strong proposal that promotes accountability.

These tests will result in parents and teachers receiving the information they need to know to determine how well their children and students are doing in school and how well the school is educating. Testing also provides educators the information they need to help them better learn what works, improve their skills, and increase teacher effectiveness.

While some have expressed concern that President Bush's proposal calls for too much testing, I have a different view. A yearly standard test in reading and math will allow our educators to catch any problems in reading and math at the earliest possible moment. Tests are becoming a vital part of life, no matter how onerous. If America is to survive in the rapidly emerging global economy, tests are a key part.

I note that Virginia has already recognized the importance of testing, having installed an accountability system called the Standards of Learning (SOLs). In Virginia, we already test our students in math and science in grades 3, 5, and 8. The accountability provisions in the BEST bill will augment the Commonwealth of Virginia's Standards of Learning.

Mr. President, in summary, the evidence demonstrates that the $120 billion spent on elementary and secondary education since 1965 has produced mediocre results, at best. This bipartisan legislation is a step in the right direction, and I look forward to President Bush ultimately signing education reform legislation into law.

Mr. LEVIN. Mr. President, for nearly 2 months the Senate has been debating reform measures that would establish new goals for our teachers, our schools, our students and their parents. These substantial and creative measures passed the Senate today as part of the reauthorization of the Elementary and Secondary Education Act.

The legislation focuses on improving student achievement, student performance, and school success through expanding accountability provisions, increasing resources, improving technical assistance, and providing mechanisms intended to help turn around schools which are falling short. The bill seeks to ensure that local education agencies and States have the resources over the next four years to put a highly qualified teacher in every classroom. This provision also includes an amendment that I offered which provides that the professional development training authorized for these teachers also include training in the use of computer technology to improve student learning in core academic subjects.

The bill also provides for over 125,000 new teachers to be paired with mentors and to have the opportunity for yearlong internships. The Reading First provisions of the legislation authorize an important new initiative that provides nearly $1 billion for States and local school districts to improve reading education, and help teachers get ready to ensure that all children become proficient readers by the end of the third grade. I am pleased that an amendment I offered, to permit funds under this program to be used for family literacy programs, was adopted.

The bill also authorizes partnership grants, a new initiative designed to boost achievement in the areas of math and science through strengthening and training and recruitment of highly qualified teachers; and continues the "Preparing Tomorrow's Teachers to Use Technology" program, which trains teachers in the use of technology in the classroom.

Mr. President, this legislation contains extremely complicated testing requirements. I have reservations about the utility of such a federal mandate, given the tests that are already administered in my State of Michigan. However, because I support the essential reforms also included in this legislation, I have decided, on balance, to support the bill.

Mr. FEINGOLD. Mr. President, the Senate is about to vote on one of the most important pieces of legislation that we will debate this year. The Elementary and Secondary Education Act has provided the framework for the Federal role in education for more than 35 years. The bill currently before us, the Better Education for Students and Teachers Act, will chart the course for the Federal role in education for the next seven years and beyond.

I strongly support maintaining local control over decisions affecting our children's day-to-day classroom experiences. The Federal Government has an important role to play in supporting our States and school districts as they carry out one of their most important responsibilities the education of our children.

Every child in this country has the right to a free public education. Every child. That is an awesome responsibility, and one that should not have to be shouldered by local communities alone. The States and the Federal Government are partners in this worthy goal, and ESEA is the document that outlines the Federal Government's responsibilities to our Nation's children, to those who educate them, and to our States and local school districts.

It is with this bill that we must find the right balance between local control and Federal targeting and accountability guidelines for the Federal dollars that are so crucial to local school districts throughout the United States.

Ninety percent of American children attend public schools. More than 879,000 young people in my home state of Wisconsin are enrolled in public schools, from pre-school through grade twelve. I am a graduate of the Wisconsin public schools, and I am proud to say that all four of my children have attended them as well.

The legislation before us has generated vigorous debate in Wisconsin. I have heard from parents, teachers, school board members, school administrators, school counselors and social workers, state officials, and other interested observers. And their comments are clear: they say that the Congress must not undermine the targeted measures aimed at improving education for disadvantaged students. They say that we must live up to our commitment to fully fund the Federal share of elementary and secondary education programs.

If we are, as President Bush has said, to "leave no child behind," we should ensure that the programs created to help the most vulnerable children are fully funded.

We should fully fund title I, we should fully fund the Federal share of the Individuals with Disabilities Education Act (IDEA), we should fully fund Head Start, we should fully fund Impact Aid, and we should fully fund these programs in a fiscally responsible manner.

For too long, the Federal Government has failed to live up to its promise to fund these and other important education programs. During this debate, some of our colleagues have argued that money is not the only answer, and they are partially correct. In Wisconsin, however, where the State imposes limits on the amount of money that school districts can raise and spend annually, Federal funding is absolutely critical. I have heard time and again from frustrated school board members who have to make the tough decisions about which programs to fund and which programs to cut. In this time of economic prosperity, we should not pit groups of students against each other for scarce education dollars.

In that regard, I am pleased that the Senate has passed amendments to this legislation that authorize the full funding of title I and of IDEA.

Nevertheless, I cannot support a bill that includes a new, largely unfunded Federal mandate for annual testing in grades 3–8. As I noted earlier in this debate, the response to this proposal from the people of my state is almost universally negative. My constituents oppose this proposal for many reasons, including the cost of developing and implementing additional tests, the loss of teaching time every year to prepare for and take the tests, the linking of success on these tests to ESEA administrative funds, and the pressure that these additional tests will place on students, teachers, schools, and school districts.

I am pleased that the Senate adopted amendments to help to ensure that these tests are of a high quality, to award bonuses to States for developing high quality tests rather than for the speed with which the testing program is implemented, and to require a study by the General Accounting Office on the true costs of these tests to the States. I am also pleased that the Senate adopted an amendment to increase the funding provided for these tests by the Federal Government, but I remain concerned that this bill still falls far short of authorizing enough funding for this new Federal mandate.

I am concerned that this bill does not do enough to ensure that local school districts will have the resources to help students be successful on these tests. I am disappointed that the Senate failed to adopt an amendment offered by the Senator from Minnesota, Mr. WELLSTONE, of which I was an original cosponsor, which would have modified the annual testing provisions to clarify that States would not have been required to implement the annual tests unless title I is funded at $24.7 billion by July 1, 2005, funding levels consistent with the Dodd-Collins amendment adopted by the Senate.

I was also pleased to cosponsor an amendment offered by the Senator from South Carolina, Mr. HOLLINGS, which would have allowed a State to opt out of the new federal testing requirements if the State already has comparable accountability measures in place. Many States and local school districts around the country, including Wisconsin, have such programs. We should leave the means and frequency of assessment up to the States and local school districts who bear the responsibility for educating our children. Every State and every school district is different. A uniform testing policy may not be the best approach.

I have also heard from a number of my constituents that this Congress should do nothing that would undermine the good that the Federal Government's support has done to help states and local school districts over the last several years. They told me that we should not undermine the progress that we have made in smaller class sizes, in technology education, in standards-based reform, and in accountability for results.

I regret that this bill does not authorize class size reduction as an independent program. And I particularly regret that the amendment to reinstate this program that was offered by the Senator from Washington, Mrs. MURRAY, was defeated. I am baffled by the argument put forth by some of our colleagues that smaller classes mean less to students than the presence of a good teacher in the classroom. I would argue that both are important. Of course, a good teacher makes a huge difference. But even the best teacher in the country will have far better results with 18 students instead of 50.

My home state of Wisconsin is a leader in the effort to reduce class size in kindergarten through third grade. The Student Achievement Guarantee in Education, SAGE, program is a statewide effort to reduce class size to 15 students in kindergarten through third grade.

The SAGE program began during the 1996–1997 school year with 30 participating schools. Now in the program's fifth year, there are nearly 600 participating schools.

According to the recently-released program evaluation for the 1999–2000 school year, conducted by the SAGE Evaluation Team at the University of Wisconsin Milwaukee:

"When adjusted for pre-existing differences in academic achievement, attendance, socioeconomic status and race, SAGE students showed significant improvement over their Comparison school counterparts from the beginning of first grade to the end of third grade across all academic areas."

The study also found that "teaching in reduced size classrooms is characterized by more individualization, time spent on teaching rather than disciplining, class discussion, hands on activities, content coverage, and teacher enthusiasm."

The results speak for themselves. Smaller classes translate to better instruction and better achievement.

The education community in my State is also deeply concerned and I share this concern about proposals that would shift scarce Federal tax dollars away from the public schools they are intended to support.

I commend the work of the Senator from Massachusetts, Mr. KENNEDY, and the Senator from Vermont, Mr. JEFFORDS, and others who have worked so diligently these past weeks to negotiate compromise language with the Administration on many of the issues that remained outstanding following the HELP Committee's mark-up of this legislation. I regret that I am unable to support this compromise for a number of reasons.

I am troubled by language in this compromise that would require school districts to use up to 15 percent of their Title I money to pay for supplementary services or transportation for public school choice for students in schools that have failed to make adequate yearly progress for three years. This provision would mean that a school that is already in trouble would have as little as 85 percent of its Title I money available for school programs. If Congress agrees to divert badly-needed Title I money for supplemental services, it is all the more urgent that we fully fund the Title I program.

I am also concerned about the so-called "Straight A's" performance agreement pilot program that is included in the bill. This provision would allow seven States and 25 districts in effect to block grant most of their ESEA funding. I am pleased that this provision stipulates that this funding cannot be used for private school vouchers and that it can only be used for specified activities. I am also pleased that individual school districts within the seven States that participate in this program may apply to opt out of the State's performance agreement.

Supporters of this provision use terms like "consolidation of Federal funds" and "flexibility," but let's be honest. This is a block grant. This new version of the Straight A's proposal is an improvement over earlier versions, but I remain concerned about the impact this consolidation of funds will have on proven programs such as class size reduction, 21st Century Community Learning Centers, and Safe and Drug Free Schools; and on professional development for teachers and other school professionals.

I regret that the Senate did not adopt an amendment offered by the Senator from Connecticut, Mr. DODD, to remove the 21st Century Community Learning Centers from this block grant, an amendment which I supported and which was supported by many of my constituents.

Another reason I will oppose this bill is the inclusion of an amendment offered by the Senator from Alabama, Mr. SESSIONS, pertaining to discipline procedures for special education students. This amendment is a huge step backward in the fight to protect the civil rights of disabled students, and I hope that the conferees on this bill will work to improve this language to ensure that those rights continue to be protected.

In closing, this debate gave us the opportunity to strengthen public education in America. Unfortunately, many of the provisions contained in this bill may, in fact, undermine public education by blurring the lines between public and private, between church and State, and between local control and Federal mandates. I must therefore oppose the bill, and I urge my colleagues to do the same.

IN SUPPORT OF OUR NATION'S TEACHERS

Mr. WARNER. Mr. President, I rise once again today in support of the over 3,000,000 teachers in this country.

In the early days of the debate on this education bill, I, along with Senator COLLINS, offered a Sense of the Senate amendment on May 8, 2001. This amendment, which passed by a vote of 95–3, stated:

> the Senate should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

Later, on May 23, 2001, on the tax reconciliation bill of 2001, the Senate passed a Collins-Warner amendment to provide teachers with such tax relief. The amendment passed the Senate by a vote of 98–2.

I worked with Senator COLLINS on this amendment because I recognize that individuals do not pursue a career in the teaching profession for the salary. People go into the teaching profession for different personal commitments—to educate the next generation, to strengthen America.

While many people spend their lives building careers, our teachers spend their careers building lives.

Simply put, to teach is to touch a life forever.

How true that is. I venture to say that every one of us can remember at least one teacher and the special influence he or she had on our lives.

Even though we are all well aware of the important role our teachers play, it goes without saying that our teachers are underpaid, overworked, and all too often, underappreciated.

In addition to these factors, our teachers also expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending money out of their own pocket on: one, education expenses brought into the classroom—such as books, supplies, pens, paper, and computer equipment; and, two, professional development expenses—such as tuition, fees, books, and supplies associated with courses that help our teachers become even better instructors.

These out-of-pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

While the primary responsibility rests with the states, I believe the Federal Government can and should play a role in helping to alleviate the nation's teaching shortage.

Here is an example of such help. On a Federal level, we can encourage individuals to enter the teaching profession and remain in the teaching profession by reimbursing them for the costs that teachers voluntarily incur as part of the profession. This incentive will help financially strapped urban and rural school systems as they recruit new teachers and struggle to keep those teachers that are currently in the system.

With these premises in mind, Senator COLLINS and I offered the Collins-Warner amendment to the Tax Reconciliation Act of 2001.

This amendment which, again, passed the Senate in a vote of 98–2, had two components. First, the legislation would have provided a $250 tax credit to teachers for classroom supplies. This credit recognizes that our teachers dip into their own pocket in significant amounts to bring supplies into the classroom to better the education of our children.

Second, this legislation would have provided a $500 above the line deduction for professional development costs that teachers incur. This deduction would particularly help low-income school districts that typically do not have the finances to pay for professional development costs for their teachers.

Unfortunately, this important Collins-Warner amendment was not included in the tax legislation that emerged from conference. Thus, the tax relief measure signed into law by President Bush did not contain the Collins-Warner amendment.

The education legislation that will pass the Senate today, the Better Education for Students and Teachers Act, the BEST Act, is based on a principle put forth by President Bush entitled, "No Child Left Behind."

As we move towards final passage of legislation that will implement reforms to achieve the goal of "Leaving No Child Behind," we must keep in mind the other component in our education system—the teachers. If we fail to accord equal recognition to our teachers, our children will be left behind.

Therefore, let me be clear: Senator COLLINS and I will not forget our teachers.

Senator COLLINS and I will continue to work hard to ensure that our teachers receive recognition in the tax code for the many personal and financial sacrifices they make to better the education of America's youth.

Mr. DOMENICI. Mr. President, I rise today to discuss the "Better Education for Students and Teachers Act."

Education no longer simply involves students learning the fundamentals of reading, writing, and arithmetic. Rather, students must possess the resources to compete and succeed as we proceed into the new, highly technical millennium.

The computer and the Internet have become integrated into every aspect of our lives, and are becoming essential teaching tools in our schools and a basic component of any classroom. To meet this challenge, we must strive for innovative ideas and to determine exactly how we can maximize the Federal government's resources because: Even on its best day the Federal Government can never be a replacement for local administrators, educators, and parents.

Simply put, New Mexicans are in a far better position to know exactly what our schools and students need than government officials here in Washington.

Most Washingtonians probably do not know the Corona School District has 82 students, the Deming School District has 5,300 students, and the Albuquerque School District has 85,000 students. Additionally, the Gallup School District encompasses nearly 5,000 square miles, an area greater than Rhode Island and Delaware combined.

My point is simple, a one-size fits all approach cannot work in New Mexico and will not work in many areas of our country. Consequently, we must have solutions that are flexible and meet the diverse needs of our States, school districts, and schools. I would like to take a couple of minutes and provide my perspective on how we arrived at the point we are today with the BEST Bill.

Not too long ago during the mid 1990's a number of us came to the conclusion that the current K–12 education status quo could no longer be maintained. I think this realization may have been spurred by Senator FRIST's excellent work as the chair of the Senate Budget Committee Task Force on Education.

The Task Force produced: Prospects for Reform: The State of American Education and the Federal Role. The report asked the simple question of "how well are our children doing?"

The answer was mediocre at best because student achievement had stagnated over the past two decades even though America had established a record of near universal access and completion of high school. Thus, the report concluded that we must address the issue of a quality educational system. In other words the need for academic competence and rigor.

Building upon the excellent work of the Task Force, Senator FRIST soon introduced the "Education Flexibility Partnership Act of 1999" commonly referred to as "Ed-Flex."

The Bill simply said: one-size does not fit all and thus, States should be allowed to waive-out of the regulations pertaining to certain Federal K–12 Education programs. "Ed-Flex already existed as part of a demonstration program and Senator FRIST's Bill merely sought to provide all fifty states with that same flexibility.

The Senate passed the Bill overwhelmingly by a vote of 98–1 and within a month the President had signed the measure into law. Unfortunately, after the passage of "Ed-Flex" for a variety of reasons there was not any further fundamental changes made to our K–12 system.

Instead, since the last reauthorization of the ESEA in 1994 there is one approach that we learned is a complete failure: merely providing more funding.

In 1996 the Federal Government spent about $23 billion on education and within a few short years the number ballooned to over $42 billion in FY 2001. The logical conclusion is that a near doubling of educational funding would result in dramatic improvements in student achievement.

Sadly, for all of our funding we simply do not have the matching results.

For instance, in 1996 the average reading score for a 4th grader was 212 and the Federal Government spent about $11 billion on the ESEA. Five years later, Federal spending on the ESEA had nearly doubled to $20 billion, while the average reading score of a 4th grader remained at 212.

In New Mexico, the number of 4th graders testing at or above proficient in reading actually fell from 23 percent in 1992 to 22 percent in 1998. I would submit that we are not receiving a very good return on our investment, a near doubling of funding with no corresponding improvement.

Imagine saving a greater and greater portion of your paycheck each week and after five years actually having less money. I think it is fair to say that very few individuals would stand for these results, if instead of students we were talking about our retirement savings.

Thus, we are now debating the BEST Bill because many of us believe we simply must have a new approach to measuring academic success.

The Bill fundamentally alters the practice of Washington deciding the best educational practices and then distributing increasingly greater and greater sums of money without any accountability. Make no mistake, we have not abandoned our commitment to providing the necessary resources to our States and school districts.

In fiscal year 2001 ESEA spending totaled $18.4 billion. President Bush's FY 2002 Budget proposal requested a $19.1 billion authorization for ESEA for FY 2002, a nine percent increase.

Building upon the President's proposal, the FY 2002 Budget Resolution includes the President's nine percent increase in federal education spending for reading education, the Individuals with Disabilities Education Act, IDEA, and teacher training. I think it is also important to note that on May 3 when the Senate began debate, the BEST Bill already authorized $27.7 billion for ESEA in FY 2002, a 57-percent increase over 2001 and nearly $190 billion over the authorization period of FY 2002–2008.

If one does not believe that is enough then you will be interested to hear how much spending we have added since May 3: $11 billion in ESEA and other education spending for a total of $38.8 billion in FY 2002, an increase of 120 percent over FY 2001; $211 billion in ESEA and other education spending for a total of $416 billion over the seven year authorization period of the Bill; and of that total, $112 billion is mandatory spending under the Individuals with Disabilities Education Act, IDEA.

With the preceding as a backdrop, I believe the BEST Bill follows the President's promise to "Leave No Child Behind" by ensuring academic success through a fresh approach to education.

Our schools will be held accountable for their progress in educating our children through high standards, testing, and consequences for failure. Every child in grades 3–8 will be tested in reading and math proficiency annually.

In New Mexico alone about 151,000 students will be tested. Also, the State will receive an additional $4.5 million next year and more than $33 million over the next seven years to offset any new costs.

Instead of simply continuing to receive increased Federal funding in the face of failure, schools will now face consequences for persistent failure. Schools failing to demonstrate improvement will face corrective action, parents will be given the option of public school choice and supplemental services for their children, and ultimately a school's persistent failure could lead to reconstitution.

Consolidation of duplicative education programs will provide maximum local flexibility to focus on improving student achievement. For instance, Title II of the BEST Bill creates a new State Teacher Development grant program with a substantially larger pot of money by combining all of the current teacher funding.

States will have the option to use the funding for professional development; teacher mentoring; merit pay; teacher testing; as well as recruiting and training high quality teachers. For example, New Mexico maintains a commendable student-teacher ratio of 15.2 and under the Bill will no longer be required to use a portion of these funds for class size reduction.

Instead, New Mexico will have the option to use that money for teacher recruitment and retention programs or maybe additional training.

The new accountability provisions will ensure that historic increases in Federal education funding will be based upon school performance.

The Bill includes the President's "Reading First" initiative to ensure all children in kindergarten through third grade become proficient readers by the end of third grade. The Bill also includes programs to create Math and Science Partnerships, Strengthen After-School Care, and provide for Early Childhood Reading Instruction.

Parents and the public will be given detailed school-by-school Report Cards on the performance of their schools. Parents will have the option to transfer their child from a failing public school to an effective public school with transportation provided or to redirect their child's share of Federal funds toward tutoring or after-school academic services.

Parents will be given the option to transfer their child out of a persistently unsafe public school to another public school of their choice. As Congress proceeds, one of its primary missions will be to determine what is working, what is not working, and what can be improved to give our children a better chance of succeeding in the future.

Before I conclude, I would like to briefly talk about several provisions that are of personal importance to me.

First, Senator DODD and a bipartisan group of Senators joined me earlier this year to introduce the "Strong Character for Strong Schools Act."

I think it is important to note that reform does not only apply math, science, and reading; instead we must also reform the culture of our schools. Our Bill will be part of an amendment offered by Senator COCHRAN and seeks to encourage the creation of character education programs at the State and local level by providing grants to eligible entities.

I believe our Bill builds upon the highly successful demonstration program to increase character education that was contained in the last ESEA Bill. Since 1994, the Department of Education has made $25 million in "seed money" grants available to 28 states to develop character education programs.

Currently, there are 36 States that have either received Federal funding, or have enacted their own laws mandating or encouraging character education. Thus, the time is now to ensure that there is a permanent and dedicated funding source available for character education programs.

I also believe schools must not only have the resources for core missions like teaching reading, writing, math, and the sciences, but the additional resources to face emerging challenges. Thus, I am extremely pleased the Senate has accepted an amendment authored by Senator KENNEDY and I to increase student access to mental health services by developing links between school districts and the local mental health system.

School districts would partner with mental health agencies, juvenile justice authorities, and any other relevant entities to better coordinate mental health services by: improving preventive, diagnostic, and treatment services available to students; providing crisis intervention services and appropriate referrals for students in need of mental health services and continuing mental health services; and educating teachers, principals, administrators, and other school personnel about the services.

Finally, we must provide our school districts and schools with the resources to both recruit and retain the best available teachers for our children.

Earlier this year I introduced the "Teacher Recruitment, Development, and Retention Act of 2001."

I am very pleased to see elements of that Bill included in the pending legislation. I am also grateful the Senate has accepted my amendment that will allow States the option of using Teacher Quality funds for the creation of Teacher Recruitment Centers.

Teacher Recruitment Centers will serve as statewide clearinghouses for the recruitment and placement of K–12 teachers. The Centers would also be responsible for creating programs to further teacher recruitment and retention within the state.

Thank you and I look forward to the working with my colleagues on this important issue and final passage of this Bill.

Mrs. FEINSTEIN. Mr. President, the bipartisan bill that the Senate has developed over the last 2 months makes major reforms in education policy by focusing on student achievement and by making schools accountable for results. California's public schools should be strengthened by this bill.

This bill includes several important reforms.

The bill extends the current requirement that states must have academic standards for reading and math and also requires states to establish standards for science and history.

Students must reach a proficient level within ten years by making continuous and substantial academic improvement.

To ensure that students are learning, states are required to test every student in grades 3–8 annually in reading and math based on state standards.

To ensure accountability, schools that fail for two consecutive years to make adequate yearly progress must be identified for improvement and also must identify specific steps to improve student performance.

Local school districts must correct failing schools and states must correct failing districts either through new curriculum, restructuring the school, or reconstituting the school staff.

In order to improve teacher quality, this bill authorizes grants to states for teacher certification, recruitment, and retention services.

The bill enhances programs for limited English proficient children by providing teacher training and funds for programs to improve the English proficiency of these students.

The bill authorizes $1.5 billion for afterschool programs to help struggling students get tutoring and other help.

There are many other important provisions.

It is my hope that this bill will offer opportunities for progress to many California students, school officials, parents and the public.

California students perform very poorly compared to students in many other states. Our schools are struggling on virtually every front. California has some of the largest classes in the nation; California has overcrowded and substandard facilities; California has 30,000 uncredentialed teachers and a projected enrollment rate triple that of the national rate.

Here are some examples of how California's schools fall short:

Thirty-four percent of California's schools that participate in Title I are identified for improvement compared to the national average of 19 percent, according to the U.S. Department of Education.

Only 20 percent of California's fourth grade students are proficient in reading, ranking thirty-six out of thirty-nine states. California ranks thirty-two out of thirty-six states for proficient eight graders in reading, at twenty-two percent, according to Education Weekly Quarterly Report, January 2001.

California is ranked seventh in the Nation for the highest number of Level I Literacy citizens, the worst level possible, according to the National Institute for Literacy.

California spent $5,462 per student in 1999, approximately $1,500 less than the U.S. average, ranking 42nd out of 50 states, according to Rankings and Estimates; NEA Research, October 1999.

Now let's compare U.S. students to students in other countries. Students in the United States also perform poorly compared to their international counterparts.

In literacy, 58 percent of United States high school graduates rank below an international literacy standard, dead last among the twenty-nine countries that participated, according to Education Week, April 4, 2001.

U.S. eighth graders scored significantly lower in mathematics and science than their peers in fourteen of the thirty-eight participating countries, according to 1999 TIMMS Benchmarking Study.

The percentage of teachers in the United States that feel they are "very well prepared" to teach science in the classroom is 27 percent. The international average is twice that, peaking at 56 percent, according to 1999 TIMMS Benchmarking Study.

U.S. students' knowledge of civic activities ranked third out of the 28 countries that participated. However, those same students have been slipping in scores relating to math and science. Source: Civic Know-How: U.S. Students Rise to Test, International Association for the Evaluation of Educational Achievement.

I am very pleased that the Senate approved several amendments that I suggested.

One, title I funding: The bill revises the funding formula for title I, Education of Disadvantaged Children, to better reflect the growth in poor students for States with growing student populations, giving California an increase of $98 million over fiscal year 2001, at the President's fiscal year 2002 budget request level.

Two, title I use of funds: In an effort to better focus title I funds on academic instruction, the bill prohibits school districts from using funds for the purchase or lease of privately-owned facilities, facilities maintenance, gardening, landscaping, janitorial services, payment of utility costs, construction of facilities, acquisition of real property, payment of travel and attendance costs at conferences or other meetings, other than travel and attendance for professional development. This is similar to the bill I introduced, S. 309.

Three, title I audit: The bill requires the Inspector General to conduct of audit to determine how title I funds are used and the degree to which they are used for academic instruction.

Four, master teachers: The bill includes my amendment to allow use of the teacher training funds in the bill for school districts to create master teacher positions so school districts can increase teacher salaries for excellent teachers to mentor and supervise other teachers, in an effort to keep new teachers in teaching. This is an outgrowth of a bill I introduced on January 22, S. 120.

Five, small schools: The bill allows the use of Innovative Education funds, title V, for States and districts to build smaller schools. The upper limits on the number of students would be for elementary schools, 500 students; middle schools, 750 students; and high schools, 1,000. This parallels my bill, S. 308.

Six, HeadStart teachers: The bill allows forgiveness of up to $5,000 of federal student loans for college graduates who agree to teach in Head Start programs, in an effort to put more trained teachers in pre-school programs, similar to S. 123, which I introduced on January 22.

Seven, gun-free schools clarification: The bill includes several clarifications of the current Gun-Free Schools Act, the law which requires a one-year expulsion for students who "bring" a gun to school. This bill (1) includes students who "possess" a gun at school; and (2) clarifies that the term "school" means the entire school campus, any setting under the control and supervision of the local school district; and (3) requires that all modifications of expulsions be put in writing.

It is a good bill. American education should benefit immensely from this bill. Now the task is to provide sufficient funding and other resources to our schools to implement the reforms we are passing.

I look forward to working for the bill's final enactment.

Mr. McCONNELL. Mr. President, I rise today in support of S. 1, the Better Education for Students and Teachers, or BEST Act. Debate on this bill has provided the Senate with an important opportunity to assess the Federal Government's role in educating our children. It has given us the chance to strengthen the programs which are working and to reform those that are not. Most importantly the Senate has taken this opportunity to empower parents, teachers and local administrators with new flexibility and resources, so that we can achieve the fundamental goal of our schools: helping every student learn.

America's continued prosperity demands a well-educated workforce. In their lifetimes, our children and grandchildren will witness scientific and technological advances which are unimaginable today. Yet, their ability to take advantage of these marvels will be dependent upon a strong foundation in the fundamentals of learning—reading, writing, math, and science. After all, a computer is nothing but a useless plastic and metal box, if a student doesn't know how to use it. Likewise, the Internet, with all its possibilities, is meaningless if a child can't read the words on the screen.

Over the course of this debate, the American people have had the opportunity to view two contrasting visions for our Nation's schools. For far too long, the vision of too many has been based on the Washington-knows-best philosophy of the last 35 years. Under this mind set, for every possible problem in our schools, the Federal Government should design a new Government program with new government regulations and a new government bureaucracy. For instance, the Federal Government provides only seven percent of total spending on education yet demands 50 percent of all school paperwork. This requires 25,000 education professionals struggling to fill out forms in order to comply with Washington's onerous regulations rather than teaching students. What folly and what a colossal waste of time, talent, and resources.

Under this flawed approach, a program is accountable if its triplicate forms' are turned in on time and all the "I's" are dotted and their "T's" are crossed. Whether the program actually helps students learn has too often been an afterthought. Simply put, school districts are told to make their problems fit the federal government's so-called "solutions" rather than allowing schools the flexibility to design their own appropriate solutions.

This leads one to the question "Has this approach worked?" Not surprisingly, it hasn't.

Unfortunately, too many American children are falling behind. A recent study found that U.S. fourth graders are ranked third in the world in science and compete favorably against their international counterparts in math. This same study shows that by the time these kids reach middle school, they finish near the middle of the pack in math and science. Worse still by high school, U.S. students rank 19th among 21 industrial nations in Mathematics and 16th in Applied Sciences, Third International Mathematics and Sciences Study. These results are unacceptable. How can we tolerate a system in which the longer American students spend in school, the further they fall behind? We should not fool ourselves into thinking that America's international competitors will sit idly by as we struggle to catch up. We must improve our schools now in order to ensure that America's students are prepared to compete and succeed at the highest levels.

Another failing of this Washington-knows-best vision is the belief that more money will magically solve all that ails our nation's schools. Let there be no doubt, resources are important and I am committed to providing substantial increases in education funding. In each of the past 2 years, Republicans in the Senate not only met President Clinton's education funding requests, but exceeded them by billions of dollars. However, money is only part of the answer. The title I program was enacted in 1965, in an attempt to close the achievement gap between poor students and their wealthier counterparts. Thirty-five years and $165 billion later, poor students still lag far behind their wealthier peers by an average of 20 points on national achievement tests. Worse yet, a recent appraisal by the National Assessment of Education Progress found that the achievement gap among fourth grade students is growing even wider—NAEP, 4/6/2001.

I am proud to say that President Bush, through his "no child left behind" blueprint, has offered us a better vision. This legislation expresses the obvious truth that parents, teachers, principals, and administrators have a better understanding of the needs of their students than the Washington bureaucrats who will never meet these children, never learn their names, and never come to understand their hopes and aspirations. This legislation provides States and local schools unprecedented flexibility to design and implement programs tailored to their needs with one requirement: results.

For the first time in history, we will establish a blueprint for holding schools accountable for producing results. States will be required to set high standards and demonstrate progress as measured by annual assessments. Now I recognize that annual testing is not the cure for poor performing schools, much the same way that an x-ray cannot heal a broken bone. But the x-ray will allow us to better understand the problems and more importantly, better develop the solutions. Testing will help parents and teachers evaluate their students and schools, determine which are struggling and why, and then ensure they receive the help they need to meet high academic standards.

In a perfect world, these assessments would show that all of our children are learning and that all of our schools are preparing them for the future. Unfortunately, experience tells us otherwise. Therefore, we must be prepared to provide both the resources to help those schools which are committed to change and consequences for those which refuse. For those schools that spurn reform and chronically underperform, I believe we must allow parents choices—whether that be public school choice, supplementary tutoring services, or a private institution. I believe this point was best expressed by the editorial board of one of my home state newspapers, The Paducah Sun, when it encouraged the President and Congress to "change the formula for reform by putting power in the hands of parents—not education bureaucrats who have a vested interest in protecting the status quo." I am pleased this bill takes some positive, first steps in that direction by providing low-income children with expanded access to charter schools, other public schools, and private tutors. I am deeply disappointed, however, the Senate rejected Senator GREGG's very modest proposal to provide these same children in chronically poor performing schools with the option of attending a private school.

While the President's accountability and assessment provisions are clearly the hallmark of the BEST Act, one should not overlook several of the other key provisions included the bill. The President has stated that every child should read by the third grade and the BEST Act incorporates his ambitious "Reading First" initiative to meet that goal.

It also includes a new teacher empowerment initiative which allows school districts increased flexibility in solving their unique professional development problems: whether that is through hiring new teachers, retraining current ones, instituting professional development programs, recruiting other mid-career professionals, or reducing class size.

I am also pleased that the BEST Act includes the Straight A's Demonstration championed by my colleagues, Senator GREGG and Senator FRIST. Straight A's is the embodiment of local control. This demonstration project would allow seven States, and up to 25 local school districts, to receive most of their Federal funds in the form of a single federal grant. In exchange for this unprecedented flexibility, the participating school systems would be required to meet even higher standards of academic achievement than already required in the BEST Act. Jefferson County Public Schools, the largest school district in Kentucky, has expressed an interest in securing one of these Straight A's waivers and I hope this fine school system is given full consideration.

Over the past several weeks, the Senate has engaged in an earnest and lively debate. I am particularly proud of an amendment I authored which the Senate adopted "The Paul D. Coverdell Teacher Protection Act." This legislation builds upon the work of our colleague, Senator Coverdell, by extending liability protections to teachers, principals, administrators who act in a reasonable manner to maintain order in the classroom. I am honored that the Senate adopted this amendment in an overwhelming 98–1 vote, and I look forward to working with the BEST Act's conferees to ensure that it is included in the final conference report.

This is not a perfect bill. At times during this debate, the Senate has succumbed to the easy temptation to create more of the narrowly targeted Government programs designed to satisfy needs of one interest group or another. I believe the Senate could have better served America's local schools by simply providing them the necessary resources and allowing them the flexibility to design solutions which will meet their particular needs.

However, while I may not agree with every amendment the Senate has adopted, I believe that on balance this legislation will empower parents, teachers, and local administrators with new flexibility and resources, so that we can achieve the fundamental goal of our schools: helping every child learn.

DIAGNOSIS AND PARTNERSHIP

Mr. GRAHAM. Mr. President, two of the concepts that I am pleased to have included in this legislation are the principles of "diagnosis" and "partnership."

I would like to thank Senators KENNEDY and GREGG for their assistance in including this amendment in this legislation.

I am also very happy to be joined by my colleague GEORGE ALLEN of Virginia as the lead Republican sponsor of this amendment.

I can put a human face on this.

I have done several workdays in schools facing this situation in throughout Florida.

These workday experiences taught me that when students struggle to meet performance standards, there is not one uniform cause of failure.

Because of that, there cannot be one uniform remedy to turn a school around.

School "A" may need a revised curriculum, or better qualified teachers.

While school "B", whose students are scoring at the exact same level as school "A" may need English-language tutors and eyesight screening for poor children who may not have had a vision test in their lives.

Perhaps the single most important action a school or a school district, can take at the first sign that students are struggling is a thorough analysis of circumstances and conditions that are impacting student achievement.

It's my belief that this analysis should not only encompass factors that are within the school walls, but outside the school walls, in the community, as well.

Before we start applying remedies to a struggling school from a menu of options—let's take the first step and understand what the specific challenges this particular school faces are.

It's common sense.

I use an analogy of a physician: she must first diagnose the specific ailment, then she can prescribe the proper treatment.

It's important that this same "diagnosis" step be included in each and every State education plan in America.

This leads to part two: Encouraging partnerships.

In the course of identifying the particular challenges facing a struggling public school, what happens if one or more of the factors impacting student performance are outside the school?

What if one of the reasons that third graders are struggling to read is a very high percentage of adult illiteracy in the school district?

What if one of the reasons 8th graders are failing at math turns out to be a high absenteeism rate because of safety concerns on the walk to school?

Such a finding needs be made public—and the school, county, State and Federal Government, along with community-based groups, should be encouraged to creatively build appropriate partnerships.

These partnerships can then get to work and try to mitigate outside-the-school concerns.

My wife Adele brought to my attention a school in North Florida, Andrew Robinson Elementary in Jacksonville.

Principal Erdine Johnson, of Andrew Robinson Elementary school, realized that many of her students could not do their best in the classroom because of a wide range of health concerns.

Instead of just declaring that "this was a 'health' not an 'education' issue" the North Florida community sprung into action, and we have a success story today.

In 1995, the University of Florida worked with Andrew Robinson to open a pediatric health center on-site.

This pediatric center at Andrew Robinson offers services to the elementary school students, and provides health outreach to the community.

The staff members at the Center are a vital link between a child's home environment and their ability to learn in the classroom.

The Center works with parents on nutrition and wellness issues, and provides preventative screenings for the children.

Children living in healthy environments are more ready to learn, and that has meant better test scores, and better lives.

This is an example of what our amendment encourages—if a problem outside the schools is identified—we encourage creative community partnerships to help solve it.

Several organizations have joined Senator ALLEN and me in support of our amendment.

I would like to include for the RECORD a letter of support from Daniel Merenda, the President and CEO of the National Association of Partners in Education.

He says, "Many of the problems facing our students are not because of the schools. These problems are created by circumstances and conditions found beyond the school."

Once the information is made public about specific concerns outside the school walls, Mr. Merenda predicts the creation of new partnerships and the strengthening of existing partnerships.

I agree with his assessment.

I also have a letter of support from the education organization Communities in Schools, headquartered in Senator ALLEN's state of Virginia.

And the Points of Light Foundation also endorses this amendment in a letter I would like to submit for the RECORD.

I want to again thank Senator ALLEN for working with me on this issue, and offer thanks to my colleagues for accepting this amendment by voice vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARTNERS IN EDUCATION,
Alexandria, VA, April 26, 2001.

Hon. BOB GRAHAM,
Hart Senate Building,
Washington, DC.

DEAR SENATOR GRAHAM, I write to support your suggested "Diagnosis" language for the ESEA Reauthorization. As you know the National Association of Partners in Education represents thousands of schools, communities and businesses throughout America who form effective partnerships to support student success in and out of school. Our national network of 7,500 members coordinates the work of millions of volunteers in schools.

We recently completed Partnership 2000: A Decade of Growth and Change, a national survey of school districts in the United States. The study examines school partnerships in a decade during which education topped America's national agenda. This survey of school partnerships provides a "next chapter" to the baseline data we collected in 1990. The survey shows that schools in 69% of districts nationwide are now engaged in partnership activities compared to 51% in 1990. Over 35 million students benefit from school partnerships today, 5.3 million more than in 1990. Nearly 3.4 million volunteers serve in America's school partnerships, roughly one for every 14 children in our schools. Volunteers log approximately 109 million hours of work in and out of schools, roughly equivalent to 52,000 full-time staff.

In light of these data, your suggested "diagnosis" language makes sense. If community and business partners were aware of the specific problems facing a school and causing students to struggle, they could direct their energy and attention to "fixing" the problem in and around the schools. Schools can not do it alone.

Many of the problems facing our students are not because of schools. These problems are created by circumstances and conditions found beyond the school. Partnerships are an ideal mechanism to address and resolve these problems. Your suggested language for the reauthorization of ESEA will require that schools or school districts take appropriate steps to partner with community groups to mitigate the problem.

Senator Graham, the data we have collected indicates community partners are contributing time equivalent to 52,000 full time staff to our schools . . . at no additional cost. Can you imagine what this force could do if schools facing problems were to ask for help? Your suggested language added to the reauthorization of the ESEA could make a significant and real contribution to the thousands of students who are in failing schools.

Let me know how we can help. We need the reauthorization of the Elementary and Secondary Education Act to truly help America's school children. Your amendment does exactly that.

Sincerely,

DANIEL W. MERENDA,
President and CEO.

COMMUNITIES IN SCHOOLS,
Alexandria, VA, May 3, 2001.

Hon. BOB GRAHAM,
Hart Senate Building,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing to support your suggested "diagnosis" language for the Elementary and Secondary Education Act reauthorization. I have served for 25 years as president of Communities In Schools, the nation's leading community-based organization helping young people stay in school and prepare for life. Our network has grown to serve more than 2,300 schools, providing access to community resources for over 1.3 million students. Based on our experience, I am completely convinced that school/community partnerships are the most effective way to support student success when non-academic factors must be addressed.

If schools and students do not perform well, the community stands ready to help. A careful diagnosis of the reasons behind poor performance, followed by a strong partnership-building effort with community stakeholders, will turn around an ailing school. I have seen it happen time and again.

Please let me know if I can be of help to you. Your amendment to the ESEA is critically important to our nation's children.

Most sincerely,

WILLIAM E. MILLIKEN,
President.

POINTS OF LIGHT,
May 4, 2001.

Hon. BOB GRAHAM,
U.S. Senate, Hart Senate Building,
Washington, DC.

DEAR SENATOR GRAHAM, I would like to take this opportunity to lend our support to your "Diagnosis" language for the Reauthorization of the Elementary and Secondary Education Act (ESEA). The Points of Light Foundation was founded in 1990 with the mission to engage more people, more effectively in volunteer service to help serious social problems.

The Foundation works in conjunction with over 470 Volunteer Centers cross the nation in building a grassroots service infrastructure in order to address each community's most pressing social dilemmas. As you know, all to often, youth are disproportionately affected by negative societal forces. We have found that the building of diverse, multi-sector community coalitions, in addressing youth issues, is one of the most effective protective factors. Your amendment directly facilitates the creation and implementation of such coalitions.

In closing I would like to commend you on your proactive approach to ESEA Reauthorization and wish you the very best success in mitigating those negative forces impacting our nation's youth.

Sincerely,

ROBERT K. GOODWIN,
President and CEO.

Mr. REED. Mr. President, as we come to the end of the debate on the Elementary and Secondary Education Act, ESEA, reauthorization bill, I would like to share my thoughts on the bill. I plan to support S. 1, the Better Education for Students and Teachers, BEST, Act, but not without serious reservations.

We have been working on this legislation for 3 years now, and we certainly have made some needed improvements over current law. The bill contains tougher accountability, more along the lines of what Senator BINGAMAN and I pressed for back in 1994. For the first time, States, districts, and schools will be held accountable for improving the academic performance of all students. Moreover, the bill requires the timely identification of failing schools so additional resources and support can be supplied to help those schools turn around, coupled with real consequences if that failure continues. We will have to be vigilant, however, to ensure that the accountability system is workable, and not weakened, during Conference.

Over the past few weeks of debate, key amendments have passed, adding further value to the legislation. One such amendment was offered by Senators HARKIN and HAGEL to increase funding for IDEA by annual increments of $2.5 billion until the full 40 percent share of funding is reached in fiscal year 2007. This amendment also frees up at least $28.9 billion, and up to $52.5 billion, in education funds by shifting IDEA funding from discretionary to mandatory funding. This amendment serves two worthy and important goals: meeting our commitment to fully fund IDEA and by doing so, freeing up some of the needed resources for title I and other elementary and secondary education programs.

I was pleased to support this extremely important amendment, as well as two amendments by Senator WELLSTONE to improve the testing regime in the bill. The first amendment ensures that the assessments meet relevant national testing standards and are of adequate technical quality for each purpose for which they are used. The Wellstone amendment also provides grants to States to enter into partnerships to research and develop the highest quality assessments possible so they can most accurately and fairly measure student achievement. The second amendment makes the quality of the test, rather than speed in developing the test, the factor for determining bonuses for states.

As my colleagues know, I have made improving our Nation's school libraries a top priority in the Senate and during my time in the other chamber. Our school libraries have wasted away since dedicated Federal funding was eliminated in 1981, and, as a result, too many students lack access to up-to-date, enriching books and other reading material. Given the direct correlation between well-stocked, well-staffed school libraries and literacy and overall student achievement, my amendment, which passed on an overwhelming 69 to 30 vote, authorizes $500 million for up-to-date books and technology and other needed improvements for our Nation's school libraries. Moreover, it rightfully makes school libraries a key component of our effort to increase literacy, as embodied by the President's Reading First initiative included in the bill.

I have also worked to bolster current law's parental involvement provisions based on the simple fact that parental involvement is a major factor in determining a child's academic success. Parental involvement contributes to better grades and test scores, higher homework completion rates, better attendance, and greater discipline. The bill already contained provisions I had pressed for, including ensuring title I families can access information on their children's progress in terms they can understand; involving parents in school support teams that help turn around failing schools; requiring technical assistance for title I schools and districts that are having problems implementing parental involvement programs; having States collect and disseminate information about effective parental involvement practices to ensure schools have information on how to encourage and expand parental involvement; ensuring parents are involved in violence and drug prevention programs so parents can reinforce the safe and drug-free message at home; requiring States and districts to annually review parental involvement and professional development activities of districts and schools to ensure the activities are effective; and requiring each local educational agency to make available to parents an annual report card which explains how a school is performing.

In addition, this week, several amendments I offered to further strengthen parental involvement were adopted. Key provisions were added to ensure that teachers will receive training on how to work with and involve parents in their child's education and to allow the use of technology to promote parental involvement. Most importantly, a grant fund of $100 million will be established to help districts implement effective parental involvement policies and practices. All of these changes go a long way to ensuring a coordinated focus on bringing schools and parents together in the effort to increase student achievement, something that is particularly needed in light of the bill's annual testing requirement and other accountability mechanisms.

Also, I am pleased that this bill contains important provisions from my Child Opportunity Zone Family Center legislation to foster the coordination and integration of key services to improve student learning.

In addition, I am pleased that the Senate handily rejected vouchers, which would have been the wrong approach to helping our public schools.

In the midst of all of these improvements, however, there are some troubling aspects to this legislation—the lack of guaranteed resources, the testing regime, and the Performance Agreement block grant.

While every Senator recognizes that historically, constitutionally and culturally, educational policy is the province of State and local governments, the Federal Government does play a role. And, we have played this role quite robustly since 1965. The role may be described as encouraging innovation and overcoming inertia at the local level so that every student in America, particularly students from disadvantaged backgrounds, has the opportunity to seize all the opportunities of this great country.

We have an obligation to continue to work with the States and localities, in a sense as their junior partner, but as an important partner, to ensure that every child in this country will have the ability to achieve and obtain a quality public education.

President Bush and our Republican colleagues claim that this bill will leave no child behind, but simply adding testing and flexibility to our elementary and secondary schools without providing adequate resources will not do the job.

I have had many opportunities to talk with the Secretary of Education and other leaders in this administration with respect to their education goals. They talk a good game. They talk about accountability; they talk about standards. But then when you ask them: Where are the resources? They say: Well, we really don't need resources.

That is just not the case. Every American understands that education is worthwhile and that we must invest in education, not just with words but with dollars, to make a high quality education a reality in the life of every child.

Access to increased resources and funding plays a crucial role in improving student achievement and turning around failing schools. For example, recent changes in the Texas public school financing system that preceded President Bush's terms as Governor of Texas have led to substantially equalized access to revenue for low and high income school districts. Accordingly, reports indicate that test scores in Texas have risen markedly in those poorest districts that received additional money under the new financing plan. This has been the case especially in Houston, the home of Secretary Paige.

Now, for the first time, these local school systems are getting the needed funding to repair and modernize their schools, reduce class size, improve professional development, and increase parental involvement—conduct the kinds of programs that really help children succeed. A school district cannot pay for these programs with accountability; real resources are necessary. In addition to the lack of a real commitment of resources beyond Senator HARKIN's IDEA amendment, I am also particularly disappointed that both Senator HARKIN'S school construction amendment and Senator MURRAY'S class size reduction amendment failed.

Another troubling aspect of this bill is structure of the mandate that States test each student from grades 3 to 8 in order to receive Federal education funding. We all recognize that testing is an essential part of education, but this mandate puts a lot of practical pressure on the States to harmonize their standards with their evaluations. Some States have found out it is not practical to give a test to every child every year because the tests have to be very individualized to capture all the nuances of those standards.

My sense is, and I have talked to educational experts in the States, the sheer requirement to test every child every year for grades 3 through 8 will inexorably lead the States to adopt standardized testing which may or may not capture the standards in that particular State. So this testing regime could unwittingly move away from one of the central elements we all agree on, carefully thought out standards and evaluations that measure those standards. And that is why I supported Senator HOLLINGS amendment to give States flexibility to waive the mandate of annual testing if circumstances warrant. I am disappointed the amendment failed.

I hope we all recognize that testing alone is not sufficient to improve our schools. Identifying children who are falling behind and schools that are failing is just the first step. But, the hardest step is fixing the problem.

As we proceed to Conference, we need to ask ourselves: What are we really doing to our kids? I believe we are imposing very strict testing regimes upon our children. Yet if we don't provide adequate resources to support improvement, such as smaller class sizes and quality teachers, we will just be setting them up for failure. We will be turning our backs on the children of this country, and I am sure that is no one's intention. That is why I will continue to fight for adequate resources to make sure that every child truly has the opportunity to achieve.

Another aspect of this bill that is of great concern to me is the Performance Agreements demonstration program.

Otherwise known as Straight A's, this block grant has the potential to undermine the continued viability of important Federal standards, such as targeting funds to schools and children with the greatest needs, improving teacher quality, strengthening parental involvement, and providing children with safe and drug free schools.

We have a longstanding commitment to the children of this country to address the needs that the states and localities cannot. By placing Federal dollars into state and local block grants, without targeting the Federal dollars on programs identified to be of great national concern or ensuring compliance with Federal requirements and basic commonsense guidelines, we may be abandoning the neediest children of this country, denigrating parents' rights, and abrogating our commitment to ensure that every child has the opportunity to obtain a quality education.

In fact, the States' track record in ensuring that low-income students get their fair share of education funds is less than commendable. A March 2001 Education Trust study of education finance equity found that in 42 of 49 states there are substantial funding gaps between high and low-poverty school districts. The average gap for the Nation was $1,139 per year per student. That translates into a total of $455,600 for a typical elementary school of 400 students.

The Performance Agreement pilot is also not a benign, limited demonstration project by any stretch of the imagination. Indeed, if the Secretary selects the 7 most populous States and the 25 largest school districts, the number of students subject to Straight A's would be as high as 51 percent of the Nation's student population.

For example, if the Secretary selects California, Texas, New York, Florida, Illinois, Pennsylvania, and Ohio to participate in Straight A's, then, based on 1998 figures, approximately 23 million children would be subject to Straight A's. If the Secretary then chooses the 25 largest school districts in states other than those 7 states, then over 26 million children between the ages of 5 and 17 would be subject to Straight A's.

Earlier this week I discussed this issue and my amendment, No. 537, which sought to limit this unproven, Straight A's experiment to States and districts that serve a combined student population of 10 percent of the total national student population.

I believe we must have ample opportunity to review and analyze data regarding this program's effect and its impact on student achievement before we consider subjecting more than half of our Nation's children to this new and unproven initiative, and I will continue to pursue this issue of the scope and consequences of this "demonstration project" as we move forward into Conference.

Another problem with this program is its impact on key existing and new parental involvement protections.

During negotiations on the Performance Agreements, protections were added to ensure that some of the parental involvement requirements of title I would have to be followed. Unfortunately, those protections don't go far enough. Left unchanged, the bill would void large parts of the title I parent involvement requirements and other key parental involvement provisions that I, along with the National PTA, Chairman KENNEDY, and others worked to include in this bill.

The last thing we should do is adopt an education bill that reduces parent involvement and family rights. We should not put families in a position where they find themselves with fewer rights by virtue of the fact that the State or district in which they live has chosen to participate in this program.

Every other initiative to provide flexibility to States and districts, including Ed-Flex, has put parent involvement provisions off limits, and this bill should too, and I will continue efforts to address this issue to ensure that we protect, rather than weaken, parental involvement as S. 1 moves to Conference. Our Nation's parents deserve nothing less.

Today, we live in a challenging, international economic order, and students from Rhode Island are not just competing with students from Mississippi and California; they are all competing against the very best and brightest around the globe. That requires investment. It requires raising our standards and giving every child a chance to reach those standards to ensure that we have the best-educated workforce that is competitive in a global economy.

If the education of our young people is truly the No. 1 domestic priority in the United States, as the President claims, then we must put our money where our mouth is. Unfortunately, we have not seen the administration come forward and pledge the kind of resources necessary to achieve any real reform. Instead, we are in danger of having a risky testing scheme and no accountability without the resources to make it all work.

While I support this bill and the significant reforms we have passed, I will continue to work vigorously to ensure that we provide every child with the opportunity to achieve a world-class education.

Mr. NELSON of Nebraska. Mr. President, I would like to express my support for the Elementary and Secondary Education Act. Although my support is not without reservation, I believe that the bill before us today contains much that will ultimately benefit America's schools and the children who attend them. The legislation's intent—increasing student achievement, narrowing the achievement gap among minority and disadvantaged students, strengthening accountability, and increasing local flexibility—are important goals. Commitments in this bill to improve school safety, to improve bilingual education, and to fully fund title I and IDEA were critical factors in my decision to cast an affirmative vote. Were it not for the inclusion of such key components, I would be less inclined to support this bill today.

The issue of education itself is noncontroversial; the way in which we educate our children, however, is. Because we are trying to define the way in which we can improve education and the way that can best be accomplished, this bill deserves serious debate.

Personally, I have always believed that the Federal Government has a role as a junior partner in crafting education policy. The U.S. government in that role, though, should not usurp the State and local governments' power to make education decisions that are more appropriately handled at the State and local level. The line between the Federal Government's role in education and the State's role is a delicate one, and it should be respected.

One area where I believe this bill treads dangerously close to crossing that line is with respect to the issue of unfunded mandates. Specifically, as a former governor, I am concerned by the inclusion of language in this bill that requires States to conduct assessments and meet Federal standards of progress under threat of financial penalty, yet refuses to provide the resources local communities need to meet the often expensive requirements. This bill mandates 316 new tests nationwide, but it does not provide the funding to the States to implement them. Such mandates are irresponsible and burdensome for State and local governments, and will force them to short change other priorities or raise local taxes. In my State of Nebraska, rigorous standards and assessments are in place; the additional tests mandated by this legislation are not critical to improving our schools.

This issue aside, I am encouraged by the programs and the commitment to education quality improvement included in this legislation. The adoption and inclusion of the Mentoring for Success Act in ESEA is a victory for children throughout the country who need the benefit of a stable and caring role model. Programs like this one, which seek to narrow the gap between the have's and the have-nots, are vital. If no child is truly going to be left behind by our education system, it is imperative that we fund initiatives like this mentoring program, as well as other programs like the President's literary initiative, Reading First. This bill contains these initiatives, and they are one of the reasons why I will support it.

Overall, this legislation makes great strides toward improving our educational system. It will help ensure that all children, especially the neediest, will have access to the quality education they deserve. Measures like loan forgiveness for Head Start teachers and efforts to improve teacher quality, will assist in making certain that all children have access not to just any education, but access to a quality education. As I previously indicated, this bill is headed in the right direction, but it is not without flaws. I am hopeful that in the conference report critical funding issues will be addressed. While the initiatives the Senate has approved are well intentioned, they will not be worth the paper they are printed on if we cannot fully fund them. If education is truly a priority for this Administration and for this Congress, the reality of funding levels in this bill must be carefully considered. It is with confidence that I will support this bill, however, in anticipation that the conferees will work together diligently to author a conference report that is sensible, balanced, and fiscally responsible. Our children deserve nothing less; it is Congress' duty to make good on our promises to leave no child behind.

IMPROVING MATH, SCIENCE, AND ENGINEERING EDUCATION

Mr. WARNER. Mr. President, in our efforts to ensure that the United States remains an economic and military superpower in the 21st century, we must strive to improve the quality of math and science education in this country.

Unfortunately, our schools today need more support in preparing students—in sufficient numbers—to meet the needs of our country. The statistics are alarming, as reported by the National Commission on Mathematics and Science Teaching for the 21st Century, The Glenn Commission, and by the National Assessment of Education Progress, NAEP.

Less than one-third of all U.S. students in grades 4, 8, and 12 perform at or above the "proficient" achievement level in mathematics and science on national tests.

More than one-third of such students score below the basic level in these subjects.

And, among 20 nations assessed in advanced mathematics and physics, none scored significantly lower than U.S. students in advanced math, and only one scored lower in physics. Our students can and must do better.

In an effort to improve math and science education, I have joined with Senators ROBERTS, FRIST, COLLINS, and others in supporting much needed legislation to help improve math and science education in elementary and secondary schools. This legislation is now part of S. 1, the Better Education for Students and Teachers Act, the BEST Act.

Not only will the math and science provisions in the BEST Act help improve math and science curriculum in our elementary and secondary schools, they will help our schools recruit even better math and science educators, and make available additional professional development to these educators.

While I wholeheartedly support these provisions, I believe we must go one step further. Not only should we improve math and science education at the K–12 level, we must do something to encourage more individuals to enter vocational schools and colleges and universities in pursuit of programs of study in math, science, and engineering.

It is estimated that the technology driven economy of the 21st century will add approximately 2 million science and engineering jobs to the American economy between today and 2008.

For example, in one sector of America today, in Northern Virginia, there are over 20,000 high-tech jobs going unfilled month to month.

The Senate Judiciary Committee has issued a report that clearly demonstrates America's crisis in meeting the demand in our economy for persons trained in the high-tech field. The report quotes Cato Institute economist Daniel Griswold stating that, "Americans are not earning specialized degrees fast enough to fill the 1.3 million high-tech jobs the Labor Department estimates will be created during the next decade."

In addition, the Judiciary Committee report refers to a Hudson Institute estimate that states that the unaddressed shortage of skilled workers throughout the U.S. economy could result in a 5 percent drop in the growth of the GDP. That translates into approximately $200 billion in lost output, nearly $1,000 for every American.

In both the 105th Congress and the 106th Congress, we addressed the high-tech labor shortage by passing legislation to increase the ceiling on the number of H–1B visas—a visa for highly trained foreign workers coming to the United States to work in a high-tech position.

America was forced to do this because our educational institutions are simply not producing the number of personnel needed in the high-tech sector.

In an effort to provide incentives for Americans to pursue a high-tech education, the H–1B visa legislation contained very important provisions that impose a $500 fee per H–1B visa petition that will be used to fund scholarships for Americans who choose to pursue education in these important fields. It is estimated that this fee will raise roughly $450 million over 3 years to create 40,000 scholarships for U.S. workers and U.S. students.

Once again, I whole heartedly support the H–1B scholarship fund. Nevertheless, I believe that we in Congress must do more.

For the past several weeks, we have been discussing education reform in the Senate. However, during this debate we have failed to address the question of whether our educational system is meeting our Nation's vital economic and national security needs.

Our national security is becoming more and more dependent on minds trained in math, science, computer science, and engineering to survive. To ensure our country's prominent role in the future, we must look within our borders to meet these needs.

Unfortunately, today, a look inside our borders shows that this country is facing a dire shortage of math, science, and engineering students. According to the National Science Foundation, NSF, the engineering, mathematics, and science fields show declining numbers of degrees in the late 1980s and the 1990s:

From 1985 to 1998 there has been a 20 percent decrease in the number of people receiving bachelor's degrees in engineering, from 77,572 to 60,914.

In the last 10 years, the number of students graduating with bachelor's in physics has dropped by nearly 20 percent, from 4,347 in 1989 to 3,455 in 1998.

From 1986 to 1998 the number of students receiving bachelor's degrees in mathematics has decreased greater than 25 percent, 16,531 to 12,094.

From 1986 to 1998 the number of students receiving Bachelors in Computer Science dropped more than 30 percent, from 42,195 to 27,674.

While the U.S. produces fewer and fewer mathematicians, scientists, and engineers, the rest of the world is making up the difference. America is importing them.

In several large countries—Japan, Russia, China, and Brazil—more than 60 percent of students earn their first university degrees in the science and engineering fields. In contrast, in the U.S., students earn about one-third of their bachelor-level degrees in science and engineering fields, and this includes social sciences.

Engineering represents 46 percent of the earned bachelor's degrees in China, about 30 percent in Sweden and Russia, and about 20 percent in Japan and South Korea. In contrast, engineering students in the United States earn about 5 percent of all bachelor-level degrees earned in this country.

The demand for science and engineering degrees will only increase. According to the National Science Foundation, during the 1998–2008 period, employment in science and engineering occupations is expected to increase at almost four times the rate for all occupations. Though the economy as a whole is anticipated to provide approximately 14 percent more jobs over this decade, employment opportunities for science and engineering jobs are expected to increase by about 51 percent, or about 2 million jobs.

America must now take steps to encourage, at all levels of our educational process, young people to undertake the training necessary to meet our Nation's demands.

We in the Congress must help in every way to redirect these students from other pursuits into curricula which will train them. This is an absolute necessity if America is to remain secure economically in this one world market and militarily with our national security commitments.

Accordingly, I offered an amendment to this education bill to encourage individuals to pursue programs of study in math, science, and engineering. This amendment is cosponsored by Senators GORDON SMITH, ALLARD, and ALLEN.

The Pell Grant program is one of the most successful and respected educational initiatives taken by the Congress. The concept behind the Pell Grant properly recognizes the needs of young people coming from economic backgrounds which make it difficult for them to acquire higher education.

I have in the past, and always will be in the future, a strong supporter of the Pell Grant program.

Nevertheless, we in the Congress have an obligation when expending taxpayer money, to do so in a manner that meets our Nation's needs. Our Nation desperately needs more trained students in math, science, and engineering. That is an indisputable objective.

The Pell Grant program, in my judgment, offers Congress the opportunity to provide incentives for student recipients to pursue curricula in math, science, and engineering.

My amendment provides a 50 percent greater award to Pell Grant recipients who pursue a program of study in math, science, and engineering.

The amendment is as simple as that.

My Pell Grant amendment is one idea, but I am certain it is not the only idea. As a member of the Senate's Education Committee, I hope that my chairman, Chairman KENNEDY, will schedule hearings to look into our system of higher education and whether this country is on track to produce graduates who meet the current and projected needs of this country.

At this time, I withdraw my amendment in order to give the Education Committee a sufficient opportunity to address this issue.

At some time in this Congress, I fully intend to reintroduce an amendment along these lines after the committee has reviewed the issues, after I get the views of the administration, and after the wide range of people who on a daily basis review the Pell Grant program have an opportunity to share their views as well.

VOTE EXPLANATION

Mr. LIEBERMAN. Mr. President, I rise to give an explanation for votes that I made earlier today on the amendment offered by my colleague Senator SESSIONS and the second degree amendment offered by Senator HARKIN. I voted against these amendments because ultimately I believe that we should consider such proposals when the Senate debates the reauthorization of the Individuals with Disabilities Education Act, IDEA, next year.

I support the provisions in the Harkin amendment that would allow States and local education agencies to establish and implement uniform policies regarding discipline applicable to all children. This would allow school personnel to remove students from school for disruptive behavior, if such behavior is determined not to be a manifestation of the student's disability. The amendment further states that school districts must provide education services to such students in an alternative setting. Although I agree with my colleague that schools should strive to uphold such provisions, I believe there may be special exemptions to this, such as when a student poses a violent threat to educators and other students.

I share the concern raised by my colleague from Alabama and have voted in the past to reform discipline provisions to ensure safe and orderly learning environments. However, such an important issue deserves our full consideration and attention and I believe we should deal with this in the context of IDEA reauthorization so we can have a fuller debate and adopt a more comprehensive approach.

I look forward to working with both of my esteemed colleagues on these and other important elements of the IDEA when it is reauthorized next year.

AMENDMENT NO. 443

Mr. LIEBERMAN. Mr. President, I rise today to clarify why I voted against the Voinovich amendment No. 443 to the ESEA reauthorization bill dealing with loan forgiveness for Head Start teachers. It amends the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers. I thoroughly agree with the ideas expressed in this amendment and have supported incentives for teachers in the past. However, I could not support the amendment because it was not germane to the ESEA reauthorization. I would have supported such an amendment in the context of the Higher Education Act. The amendment provided a tax credit for those individuals who agree to be employed as a Head Start teacher for 5 consecutive years and have demonstrated knowledge and teaching skills in reading, writing, and early childhood development. I strongly believe that it is essential that we have qualified individuals employed in our Head Start programs and working with our youngest children. However, I voted against the amendment, because it was not germane to the ESEA legislation. I did so because together with other leaders on the bipartisan negotiated education compromise bill, I have agreed to vote against non germane amendments so that we will have a better chance to complete and pass this all-important ESEA reauthorization. The amendment passed 76–24 and I am happy with the results.

EDUCATION PROGRAMS OF NATIONAL SIGNIFICANCE ACT

Mr. COCHRAN. Mr. President, my amendment, the Education Programs of National Significance Act, would reauthorize several elementary and secondary education programs that have been effective in improving the education opportunities of students throughout the country.

One example is the National Writing Project which as first authorized 10 years ago and for the current fiscal year is funded at $10 million.

The National Writing Project has 169 sites in 49 States, the District of Columbia, and Puerto Rico. It provides training for 1 out of every 34 teachers across the country. In addition, the National Writing Project raises $6 in local funding for every $1 in Federal funding it receives, and has become a model program for improving teaching in other academic fields such as math, science, and reading.

Last fall, the Academy for Educational Development completed a study which shows the improvement of student writing achievement as a result of their teachers' involvement in the National Writing Project. The study evaluated the writing skills of 583 third- and fourth-grade students. The executive summary of the study states:

> Overall, these findings show that students in classrooms taught by NWP teachers made significant progress over the course of the school year.

Last month, I held a Senate hearing in Bay St. Louis, MS which examined the effectiveness of the National Writing Project in my State. I heard from teachers and school administrators who gave compelling testimony about the positive results in their classrooms and the improvement of their teaching skills attributed to participation in National Writing Project training.

The amendment authorizes the continuation, subject to annual appropriations, of the National Writing Project.

The amendment also reauthorizes research based educational material delivered by public broadcasting television stations under the Ready To Learn Television Act of 1992. The objective was to utilize the time children spend watching television to prepare them for the first year of school. Today we know this program has resulted in improved learning skills for the children.

Recent research from the University of Alabama and the University of Kansas tells us that Ready to Learn is having a positive impact on children and their parents. The University of Alabama study found that Ready to Learn families read books together more often and for longer periods than nonparticipants. And, this is a fact that surprises many, Ready to Learn children watch 40 percent less television and are more likely to choose educational programs when they do watch.

Using the best research tested information available, Ready To Learn supports the development of educational, commercial-free television shows for young children. Between the Lions, is the first television series to offer educationally valid reading instruction which has been endorsed by the professional organizations that represent librarians, teachers and school principals. Its partners also include: The Center for the Book at the Library of Congress; the National Center for Family Literacy; the National Coalition for Literacy and the Home Instruction Program for Preschool Youngsters. This broad-based support is unprecedented for a children's television show. It is well deserved affirmation of the Ready to Learn mission.

A recent study from the University of Kansas showed that children who watched Between the Lions a few hours per week, increased their knowledge of letter-sound correspondence by 64 percent compared to a 25 percent increase by those who did not watch it. The parents and other care givers of more than six million children have participated in the local workshops and other services provided by 133 public broadcasting stations.

I am encouraged by the success of Ready to Learn and look forward to a new generation of children whose families will have access to the information needed to develop a learning environment before they are enrolled in school.

These are two of the Educational Programs of National Significance that I have been personally involved in starting. The others that are included in this amendment are also proven examples of federally funded education programs that will help us have a better educated student population throughout the Nation.

I urge Senators to support the amendment.

Mr. SHELBY. Mr. President, throughout this debate, we have wrestled with how we best improve education for all of our children; whether it is more money, more flexibility, more accountability, higher standards, less bureaucracy, more choice. All of these considerations and goals are worthy and certainly play an important role in ensuring that our children receive the best education possible.

But, there is one ingredient—one factor—that without fail, is the most essential to a child's education and that is a parent. I submit that there is no school building, no computer, no TV, no textbook that can replace the role of a parent when it comes to educating a child. And accordingly, no government official or school official shares the same interest as a parent in protecting and raising their child. I say this because the amendment Senator DODD and I are offering today is about ensuring the rights and responsibilities of parents in raising and educating their children.

As parents, we entrust schools with our children in the hope and belief that they will receive a strong education that will prepare them for the future—that they will be taught and learn the basic foundations for success—reading and writing, math and science. Parents expect this.

What they don't expect and what many of them aren't even aware of is that their children will be used as captive focus groups for marketers during the school day. That is not part of the bargain and, I submit, it shouldn't be.

Last year a GAO study found that marketers and advertisers are increasingly targeting our children in the school setting. This is not some freak occurrence. It is a calculated marketing strategy that is intended to get around parents and reach kids directly in a way they could not normally. In a recent column raising concerns about this phenomenon, George Will notes how marketers now study "marketing practices that drive loyalty in the preschool market" and "the desires of toddler-age consumers." In addition, marketers advise that "School is . . . the ideal time to influence attitudes."

There is no question that there is a lot of money to be made in marketing to children. According to a report by the Motherhood Project at the Institute for American Values, in 1998 alone, children ages 4 to 12 spent nearly $27 billion of their own money and influenced nearly $500 billion in purchases by their parents. As parents, many of us have probably felt like it was a lot more than $500 billion at times.

I am all for free enterprise. But, there are boundaries. And, marketers are crossing those boundaries when they seek to go into public schools and collect marketing information on children without parental consent. A recent editorial in the Christian Science Monitor echoes this sentiment.

> Schools are for learning, not market research . . . Businesses do have a role in education. They can lend financial and other kinds of support, and be recognized for such. But educators and businesses also need to recognize boundaries—and stay within them.

Congress has acted in the past to provide some boundaries to schools and protect parental rights and children's privacy. The Family Education Rights Protection Act, the Protection of Pupil's Rights Act and the Children's Online Privacy Protection Act all provide parents with some ability to protect how information is collected and shared on their children. None of these laws, however, protect parents' rights when third party marketers seek to collect similar information from their children in the classroom.

Our amendment seeks to address this gap in the law and reenforce these boundaries by ensuring that when third parties want to come in to the classroom and conduct market research and collect information on our children for strictly commercial purposes, they have to ask the parent.

We are not breaking new ground here other than filling in gaps in existing law. In addition, parental consent is already required for many other activities that occur in the schools, including extracurricular activities, field trips, and internet access. Indeed, parental consent is required before students may participate in the Everybody Wins Program that many Members and staff of this body participate in.

I know there have been concerns and questions raised about our amendment and active lobbying against our efforts.

However, in working with the White House, I believe we have addressed most of the these concerns as reflected in our modified amendment. We have sought to minimize concerns over "burden" by requiring parental consent for only those commercial/marketing activities that seek to collect information on children.

In addition, we have attempted to provide local flexibility —while ensuring parental involvement—by allowing local school boards to provide additional exceptions to the consent requirements so long as the information they seek to collect is not personally identifiable and the school notifies the parents of their policy on these data collection activities.

Despite our good-faith efforts to address legitimate concerns, I understand that some financial interests may oppose parental consent no matter what. They are willing to argue that requiring parental consent imposes a burden on local schools.

I fundamentally disagree and submit that if we have come to the point where we consider parents a burden and parental consent a mandate—then we have a bigger problem in this country. Parents a burden? I say we need more such local burdens in our schools, not less. You simply can't get more "local" than a parent.

And as a corollary to this, I would suggest that these interests have it backwards. It is rather the local schools that are interfering in the rights of parents. Schools exceed their authority when they allow third parties to come in to the classroom and collect information on children for strictly commercial purposes.

We have tried to focus this amendment on those non-educational activities that parents traditionally maintain authority over. Parents have a tough enough time trying to raise and instill certain values in their children. Schools should not be a parent-free zone where marketers get unfettered access to children that they would not otherwise be able to achieve anywhere else.

There is nothing intended in this amendment to disadvantage public-private partnerships in our schools. And, in fact, most public-private partnerships have nothing to do with collecting personal information on children. Indeed, I continue to believe that many of these relationships can be very positive for schools and students. We want to encourage, not discourage many of these relationships.

But, I submit that these public-private partnerships should be able to withstand the scrutiny of parents when they seek to collect information on their children. If it is in their child's interest—you can be sure a parent will give their permission. I don't know of any reputable company whose business model would be based on intentionally skirting parental rights and targeting children directly in the schools. And, I doubt, that any business that relied on such a tactic would be around very long.

I do, however, believe that the amount of interest and extensive lobbying that has been shown on our little amendment is a strong indication of how much money is being made on targeting kids in the schools and how important it is to some marketers to get around parents and get access to our children directly.

Our modified amendment was crafted in consultation with the Administration, and is supported by the National Parent Teacher Association, Commercial Alert, the Eagle Forum, the American Conservative Union, Focus on the Family, and the Motherhood Project at the Institute for American Values, among other groups.

I am pleased with the acceptance of this amendment by the Senate and thank the managers for their work on this bill and on our amendment.

I look forward to working with my colleagues as the bill is considered in conference.

Mr. KENNEDY. I ask unanimous consent the Senate now proceed to the consideration of House companion H.R. 1; that all after the enacting clause be stricken, and the text of S. 1, as amended, be substituted in lieu thereof, and the Senate proceed to vote on final passage of the bill; that the Senate insist on its amendment, request a conference with the House—

Mr. LOTT. Reserving the right to object, I believe there has been a modification.

Mr. KENNEDY. If I could restate it: I ask consent that the Senate proceed to consideration of the House companion, H.R. 1; that all after the enacting clause be stricken, and the Text of S. 1, as amended, be substituted in lieu thereof, the bill be read a third time, and that the Senate proceed to vote on final passage of the bill.

I further ask consent S. 1 be returned to the calendar.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The foregoing request is agreed to.

Mr. GREGG. We are about to go to final passage. I wanted to thank staff on both sides. This bill has been on the floor for 7 weeks. Their tireless efforts, literally hours, days, nights, and weekends, on behalf of moving this bill along have been extraordinary.

On my staff, of course, Denzel McGuire led the effort and did an exceptional job. Jamie Burnett, Rebecca Liston and other folks, so many it is hard to mention, as well as John Mashburn, Andrea Becker, Holly Kuzmich, and Raissa Geary on our side have all worked extraordinary hours to make this work.

We also thank the professional staff of Senator KENNEDY, led by Danica and other members of their staff.

Mr. KENNEDY. I express my thanks now, and I will do so at the conclusion and hope they understand we appreciate this.

I ask for the yeas and nays.

Mr. GREGG. If the Senator will suspend, on behalf of Senator WARNER, I ask unanimous consent to withdraw his previously submitted amendment No. 792.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, this will be the last vote of the week. There will be no session tomorrow. We begin again on Monday. There will be no votes on Monday. For the information of all Senators, the first vote will occur sometime on Tuesday, but we will be in session on Monday.

I yield the floor.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the bill will be read the third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE), is absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Bennett
Feingold
Helms
Hollings
Inhofe
Kyl
Nickles
Voinovich

NOT VOTING—1

Inouye

The bill (H.R. 1), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. KENNEDY. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that it be in order for the clerk to make technical and conforming changes to any previously agreed to amendments with respect to the ESEA bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 441, AS FURTHER MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the Lugar amendment No. 441 be further modified with the technical change that I now send to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification is as follows:

On page 265, line 25 strike "identified" and all that follows through "Secretary" on line 1 of page 266, and insert "nationally available".

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before we turn to morning business, there is one thing I would like to say. I have been on the floor during the entire 8 weeks of this debate on the education bill. A great deal of that time—about 6 of the weeks—I spent with Senator JEFFORDS as a manager of this bill. I just want to make sure everyone understands his contribution to this piece of legislation.

He was chairman of this committee. His substitute is what we accepted. In the kind of glow of having finished this legislation—we are all happy to finish a major piece of legislation; the President should be happy—I just want to make sure everyone understands the great contribution to this piece of legislation made by the junior Senator from the State of Vermont.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I join my friend and colleague, Senator REID, in paying tribute to JIM JEFFORDS at the time of the completion of this legislation. As the Senator rightfully pointed out, Senator JEFFORDS was really the architect of the development of the core aspects of this legislation and presided over a very extensive markup. He was able to bring the committee to a unanimous vote of support for that legislation even though there were a good many differences that were expressed. It does not surprise any of us who are on that committee because he has been a leader in the area of education over his entire career in the Senate as well as in the House of Representatives.

There are many features in this legislation that have been included of which he was really the architect many years ago. So I think all of us who are mindful of the progress that has been made join in paying tribute to Senator JEFFORDS for his remarkable leadership. I think this body will continue to benefit from his continued involvement. We certainly depend upon it, and I know America's children depend upon it as well.

I thank Senator JEFFORDS for all of his good work.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

THE PRESIDENT'S TRIP TO EUROPE

Mr. COCHRAN. Madam President, I am pleased to address the Senate to applaud the leadership being shown by President Bush during his visit with leaders in Europe. I like the straightforward and forceful way he is expressing his views on international security issues, especially on the subject of missile defenses.

In March, the President dispatched senior administration officials around the world to discuss with leaders of other nations the plans he was considering to deploy defenses against ballistic missiles. The Secretary of State, the Secretary of Defense, and high-level administration teams have worked hard to ensure that our friends and allies understand why the United States intends to deploy these new defensive systems.

This week European leaders are hearing directly from the President his personal views on this issue. At his first stop in Madrid, President Bush said that the task of explaining missile defense "starts with explaining to Russia and our European friends and allies that Russia is not the enemy of the United States, that the attitude of mutually assured destruction is a relic of the Cold War, and that we must address the new threats of the 21st century if we're to have a peaceful continent and a peaceful world."

The Prime Minister of Spain, Mr. Aznar, responded to President Bush's remarks by saying:

> [I]t is very important for President Bush to have decided to share that initiative with its allies, to discuss it with them, to establish a framework of cooperation with his allies with regard to this initiative and, as he announced, to also establish a framework for discussions, cooperation, and a new relationship with Russia.

The Prime Minister also said:

> What I am surprised by is the fact that there are people who, from the start, disqualified his initiative and, in that way, they are also disqualifying the deterrence that has existed so far and probably they would also disqualify any other kind of initiative. But what we're dealing with here is an attempt to provide greater security for everyone. And from that point of view, that initiative to share and discuss and dialog and reach common ground with the President of the United States is something that I greatly appreciate.

Today the news reports indicate that many other European leaders agree with the sentiments expressed by the Prime Minister of Spain. The most conspicuous exceptions have been France and Germany.

I commend President Bush for his effort to modernize our defenses against terrorism and ballistic missiles. Internationally, we remain vulnerable to these threats. We can no longer intentionally choose to accept that on behalf of our citizens. Nor can peace-loving people anywhere in the world tolerate the continued intentional vulnerability that this policy ensures.

President Bush realizes this and is doing what is necessary to remedy the situation. He is making it clear that he will unilaterally reduce our stockpile of nuclear weapons to the lowest level, compatible with the need to keep the peace. And he is consulting with our allies and others in an effort to explore new agreements that will further protect our common security interests.

He acknowledges that everyone, not even our closest allies, will agree with us on everything, but President Bush holds out hope for new understandings. He said at one news conference:

> I don't think we are going to have to move unilaterally, but people know I am intent on moving forward.

The President is doing the right thing and setting the right tone in providing this kind of leadership at this particular time. It is a very important step in achieving a higher level of security for all the world, not just for the United States.

I ask unanimous consent that a list of quotations from those supporting U.S. missile defense plans be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUOTES SUPPORTIVE OF U.S. MISSILE DEFENSE PLANS

Australia—Foreign Minister Downer (June 1, 2001): "We've said to the Americans that we are understanding of their concerns about the proliferation of missile systems . . . if a rogue state were to fire a missile at the United States, would an appropriate response be for the United States to destroy all of the people in that country? And I think, understandably, the Americans are saying that may be a slight over-reaction. And if that is all that their current deterrence arrangements provide for, then I think it's understandable that they should want to look for more sophisticated and more effective, and at the end of the day, more humane ways of dealing with these problems."

Czech Republic—President Havel (June 13, 2001): ". . . the new world we are entering cannot be based on mutually assured destruction. An increasingly important role should be played by defense systems. We are a defensive alliance."

Hungary—Prime Minister Orban (May 29, 2001): "The logic of the Cold War, mutual deterrence, would not give a reply to the problems of the future. It is important that North America and Europe should work jointly on solutions demanded by the new realities."

Italy—Prime Minister Berlusconi (June 13, 2001): "We agree that it is necessary for a new, innovative approach in our policies towards these new threats."

Defense Minister Martino (June 11, 2001): "[Missile defense] would not be directed against the Russian Federation today; the aim is to protect us from unpredictable moves by other countries. It is in the interests of peace, of all of us."

Japan—Prime Minister Koizumi (June 7, 2001): "This is very significant research because it might render totally meaningless the possession of nuclear weapons and ballistic missiles."

Poland—President Kwasniewski (June 13, 2001): "[The U.S. missile defense plan is a] "visionary, courageous, and logical idea."

Defense Minister Komorwski (May 27, 2001): "Poland has looked upon U.S. declarations on the necessity of establishing a missile defense system with understanding from the very start. We . . . see the modification of the project to provide for a 'protective shield' for European allies as a step in the right direction. This can only enhance defense capabilities but also strengthen the unity of NATO. The territory of Poland and the Polish defense system may become a key element of an allied missile defense structure."

Secretary of the National Security Council Siwiec (May 18, 2001): "The ABM Treaty . . . stands in the way of building a new security system. The debate on the missile shield is not unlike protests of steam engine users against the inventors of rocket engines . . ."

Romania—Defense Minister Pascu (June 12, 2001): Romania understands the U.S. desire for protection from missile attack and would have "no objection at all' even if the U.S. proceeded unilaterally. Regarding those in Europe that dismiss the threat of missile attack, Pascu said "It is a real danger. To some, it is not because they don't want it [missile defense] done."

Slovakia—Prime Minister Mikulas (June 8, 2001): "We have always perceived the United States as the protector of democratic principles in the world and we understand the alliance (NATO) as a defense community. So we consider the missile defense project to be a new means of collective defense . . ., a security umbrella for this democratic society and therefore in general we support this project."

Spain—Defense Minister Trillo (May 23, 2001): "The [U.S.] missile initiative . . . is neither an aggressive initiative—it is a defensive one—nor a nuclear escalation, but rather, on the contrary, a means of deterrence of the buildup of nuclear weaponry."

The PRESIDING OFFICER. The Senator from Utah.

VOTE ON ESEA AUTHORIZATION

Mr. BENNETT. Madam President, the vote we just had recorded only eight votes in the "nay" column, and one of those eight was mine. I don't usually find myself that isolated. I thought on this occasion that it would be appropriate for me to explain why I voted against this bill.

I am not sure what I would have done had my vote been decisive, because I recognize that we need to pass an elementary and secondary education bill. We need to move forward on an issue that President Bush has correctly identified as our No. 1 domestic priority. Nonetheless, I was troubled enough by the bill that I voted against it and wanted to make my reasons clear in the hope they might influence the conferees.

I have three reasons for voting against this bill. The first one is money. The cost of this bill is twice what it was when the bill hit the floor to begin with. We added money here; we added money there. We had a drunken sailor's attitude toward this situation: Education is wonderful; let's throw money at it.

I am troubled by that kind of view with respect to how we should legislate around here. It struck me as being a bit out of control.

Secondly, as I heard more and more from the people in Utah who will have to live under this bill, they kept saying to me, This feels an awful lot like a Federal straitjacket. This feels an awful lot like Federal control. This feels an awful lot like we are losing the power to run our own schools. I find that troubling as well. As some of my colleagues have said, I didn't run for the federal school board; I ran for the U.S. Senate.

Many of the decisions that were made with respect to this bill were decisions that were made on the assumption that Washington knows better than the local school boards, and that assumption troubles me.

It is because of the third reason, as I looked at the bill as a whole, that I decided to vote against it. I am passionate enough in my commitment to education that I could swallow the idea of more money. Frankly, if we were getting the right results, I could look the other way and say, Well, since we are getting the right results, I can tolerate increased Federal control.

But this bill is not a step forward in education. This bill is overwhelmingly timid. It has almost no significant new initiatives in it. It is simply funding the status quo to the maximum. The more I look at education, the more I think we need to break out of the status quo. We need to try new things. But any time a suggestion was made that we try something new, even on a pilot basis in a very limited sense in just a few places, it was swatted down.

People talk about Government as if inertia at rest is the problem, that nothing ever gets done. It is my experience that it is inertia of motion that is the problem with Government. It is not just the law of physics. A body in motion tends to stay in motion and in the same direction, whether it is a body moving through space in the physical world or whether it is a Government agency moving through regulations that always does things the same way. It keeps things going. It takes yesterday's answers and tries to force them on today's problems.

As I look at this bill overall, I do not see the boldness, the freshness, the challenge to do something different and try to break out of the old patterns that, frankly, were there when President Bush first submitted his education plan. We, in this body, have added so much baggage to that exciting first motion that it is hard to recognize the President's initiatives in this bill. They are buried under piles of money and piles of directions that are rooted in the status quo and in the past.

So I decided that the bill is going to pass, regardless of what I try to do. But if I can draw a little bit of attention to the fact that the bill is not, in fact, as bold, as innovative, and as hopeful as it started out to be by casting a negative vote, then that would justify casting a negative vote.

I don't expect very many people will listen to what I have to say, and I don't expect very many people will pay attention to the vote I have cast. But I remember when I first came here as a young Senator, someone said to me, Cast your vote with this in mind—how will you feel as you drive home thinking about it after the debate is over?

I decided that as I drove home thinking about this one that I would drive home feeling better having cast the protest vote than I would if I had gone along with the large majority of my colleagues.

I don't mean to suggest that anyone who voted for this bill was not voting out of complete, sincere dedication to the idea that this is something good. I don't mean to question the motives of anybody else. I simply want to explain my own. This bill has grown too expensive. This bill has grown into too much Federal control. And the end result, in terms of timidity and support for the status quo, is simply not worth those first two. That is why I opposed the bill.

I hope the product that comes back to us from conference will be better and that I will then be in a position to support it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

226TH BIRTHDAY OF THE ARMY

Mr. HAGEL. Madam President, I rise today to wish the United States Army happy birthday. It was 226 years ago today, in 1775, that the Continental Army of the United States was formed. The United States Army has had a monumental impact on our country.

Millions of men and women over the past 226 years have served in the senior branch of our military forces. The Army is interwoven into the culture of America. Those who have had the great privilege of serving our country in the U.S. Army understand that.

Last week, I was in Crawford, Nebraska. I am helping with the renovation of the historic barracks at the old Ft. Robinson in western Nebraska.

Ft. Robinson was home to the U.S. Army's "Buffalo Soldiers"—the heroic black soldiers who fought as part of the U.S. Army after the Civil War into the early 20th Century.

The 9th Cavalry Buffalo Soldiers called Ft. Robinson home from 1885 to 1898. And the 10th Cavalry Buffalo Soldiers were stationed at Ft. Robinson from 1902 to 1907.

It is also interesting to note that Nebraska was home to the 25th Cavalry Buffalo Soldiers who were stationed at Ft. Niobrara, in the north central part of Nebraska, from 1902 to 1907.

The Buffalo Soldiers made up about twelve percent of the U.S. Army at the turn of the Century and they served our country valiantly and with great distinction.

Eighteen Buffalo Soldiers earned the Medal of Honor, our Nation's highest award, fighting on the Western frontier. Five more earned the Medal of Honor for service during the Spanish American War.

"Duty, honor, country" is the motto of the U.S. Army. It is America. Every generation of Americans who have served in the U.S. Army—from the Continental Army to the Buffalo Soldiers to today's fighting men and women—have been shaped by this motto.

It has molded lives in ways that are hard to explain, just as the Army has touched our national life and history and made the world more secure, prosperous, and a better place for all mankind.

On this 226th birthday of the U.S. Army, as a proud U.S. Army veteran, I say happy birthday to the Army veterans of our country. We recognize and thank those who served and whose examples inspired those of us who have had the opportunity to serve in the U.S. Army.

It is the Army that has laid the foundation for all of this nation's distinguished branches of service and helped build a greater, stronger America.

Mr. President, on this, the 226th birthday of the Army, I say Happy Birthday and, in the great rich tradition of the U.S. Army, I proudly proclaim my annual Senate floor "HOOAH!"

The PRESIDING OFFICER. The Senator from Connecticut.

THE 226th ANNIVERSARY OF THE U.S. ARMY

Mr. DODD. I commend my dear friend from Nebraska for his remarks celebrating the 226th anniversary of the Army. I am glad I was present on the floor to hear the annual "Hooah" from a wonderful former sergeant who served with great distinction during the Vietnam conflict. He is a wonderful Member of this body and a great friend to the veterans of America.

I served in the Army. I was a weekend warrior. I defended the shores of Connecticut from outside aggression over the years. But, I am deeply proud to have worn the uniform of the Army while rising to the rank of E4. I am even more proud of my friend for his wonderful service and for what he has done in public life after his service. I join him in wishing happy birthday to our friends in the U.S. Army.

Mr. HAGEL. Madam President, if I may respond to my friend from Connecticut, it is common knowledge that E4s run the Army, so I salute him with a big "Hooah."

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DODD. Madam President, I want to spend some time talking about the reauthorization of the Elementary and Secondary Education Act of 1965, which we passed just a few minutes ago.

First, I commend my friend and colleague from Massachusetts, the chairman of the committee, for his continuing leadership in the area of education. Senator KENNEDY has been a tireless champion of children and families and is now into his fifth decade here in the Senate. He has no equal when it comes to his passion for serving those in need, and demonstrated that passion once again during his management of this bill over the past 6 or 7 weeks.

I also want to join with those who have commended our colleague, Senator JEFFORDS of Vermont. Senator JEFFORDS is the former chairman of this committee. We were elected to Congress together more than a quarter century ago. He has been a wonderful friend and fellow New Englander and in large part is responsible for the outlines of the bill just adopted by a substantial vote. In his quiet way, JIM JEFFORDS made a very profound and strong imprint on this legislation.

Although much attention has been focused on political events over the last few weeks associated with our colleague from Vermont, that should not overshadow his substantive commitment to the quality of education in this country, and this reauthorization of the Elementary and Secondary Education Act is one of the finest examples of his efforts over the years. So I commend him for his work.

I thank my friend from New Hampshire, Senator GREGG, who is a tremendously bright and articulate Member of this body. We have our differences, but there is no more engaging Member, no one with whom I more enjoy debating a subject. He is knowledgeable and deeply committed to these issues. He has very strong views, but is a very fair individual, and he did a very fine job here on the floor. Other members, also have been very involved in this legislation, such as Senator FRIST of Tennessee, who cares deeply about these issues; JOE LIEBERMAN, EVAN BAYH, and MARY LANDRIEU; and especially other members of the committee on which I served—TOM HARKIN, JACK REED, PATTY MURRAY, BARBARA MIKULSKI, JEFF BINGAMAN, and our new colleagues, Senator CLINTON from New York, and Senator EDWARDS. Also, SUSAN COLLINS, and TIM HUTCHINSON from Arkansas. PAUL WELLSTONE has offered many amendments in committee as well as on the floor, expressing his strong appetite for improving the quality of public education in America. Certainly, TOM DASCHLE, the distinguished majority leader, has been deeply involved in this debate and discussion over the last number of weeks and deserves a great deal of credit, along with HARRY REID, for keeping the battle moving forward and the debate moving forward over these last days of the debate.

I thank TRENT LOTT, former majority leader, now minority leader, for his work as well.

I am sure that I left some people out here, including the Presiding Officer, the distinguished Senator from Michigan, Ms. STABENOW, who has also been deeply involved in education matters for many years—long before she arrived as a new Member of this body, in her work in the other Chamber, and in her home State of Michigan on behalf of children and families. I thank her for her work as well. And, Senator BIDEN, with whom I offered my comparability amendment, along also with Senator REED.

Madam President, this is not a bill I would have written. Nor is it one that I expect our Republican friends would have written, were we allowed to write our own version of a framework for elementary and secondary education. This is a compromise bill. There are parts of it about which I am very excited and others about which I am disappointed. This is not an uncommon reaction when a final vote on major legislation is called for.

But we are not through the process. This is step 1 for us. The other body has adopted its version of the Elementary and Secondary Education Act, and now we will meet in conference, to work out the differences between these two bills.

I believe our collective work over the past couple of months has greatly improved the bill, and that is why I voted for it. Nevertheless, I hope that it will come back from conference a stronger bill.

This bill will target resources to the neediest students in our country. It will make sure that classrooms are run by well-qualified teachers, and it will provide options to parents. Those are wonderful improvements over the status quo. I heard my friend from Utah say this bill was nothing more than the status quo. That is not the case.

There also were many important amendments adopted, in many cases with broad bipartisan support.

Senator HARKIN and Senator HAGEL put together what may be the most important amendment adopted in this bill, mandating full funding of the Individuals with Disabilities Education Act. After 26 years of waiting, communities, parents, teachers, and students finally will receive full funding of special education. This is a major achievement.

I am very proud of the fact Senator COLLINS and I were able to get 79 votes for full funding of title I over the next 10 years. I hope that we can fully fund it more rapidly than that, but I believe, and my colleague from Massachusetts who has a wonderful historical memory of this law over the years may know, this is the first time we ever voted to fully fund title I, I am proud of this action.

Senator KENNEDY's amendment will increase the number of qualified teachers in our classrooms. That is a major achievement.

Senator WELLSTONE's amendment ensures that the tests States develop to comply with this bill will be of high quality.

Senator BLANCHE LINCOLN of Arkansas won strong bipartisan support to increase support for bilingual education.

Our colleague from California, Senator BOXER, won support, I joined with her, to increase resources to provide children with productive afterschool programs.

Senator REED of Rhode Island deserves great credit for providing school libraries with desperately needed resources.

The amendment of our colleague from Illinois, Senator DURBIN, will strengthen math and science partnerships. That improves the bill tremendously as well.

I was also pleased the Senate rejected efforts to include private school vouchers in this bill by a significant vote. Not out of any negative feelings about private education, but because with 50 million children in public schools and 5 million in private schools, resources are hard to come by, and we must do our best to improve the quality of public education.

I am pleased as well the Senate accepted an amendment I offered, along with the support of the chairman of the committee and others, for the professional development of early childhood educators.

Also, the amendment I offered with Senator SHELBY of Alabama to protect student privacy was accepted by voice vote.

For children to be ready for school and to learn to read, their early childhood educators must have the training to help them develop intellectually and socially, and this amendment contributes to that goal.

The amendment I offered with Senator SHELBY of Alabama to protect student privacy also was accepted by voice vote.

This amendment will ensure parents have the right to decide whether their children will be asked personal questions by marketeers for commercial purposes during school time.

This is a growing phenomenon, one that is a growing concern of mine, that classrooms are becoming market testing grounds. It is hard enough to educate a child. I do not think parents expect their children to become the subject of marketing surveys in school. Parents wouldn't tolerate this happening in their homes without their permission and they should not have to tolerate it in their children's schools without permission.

Businesses can be great partners in the educational system. They have a vested interest in a well-educated workforce. But the extent to which and how they are involved is something about which we all ought to be conscious.

But, I do have significant concerns about this bill. I am disappointed that it does not include funds dedicated to reducing class size and repairing crumbling schools. We know that these things improve student achievement and we will continue to fight for them.

I also am disappointed we adopted the Helms amendment, which purported to be about ensuring the Boy Scouts access to public school facilities, a right already guaranteed them by the United States Supreme Court.

The Boy Scouts have a long tradition of doing wonderful things for America's young men, but unfortunately the Helms amendment, in my view, effectively puts the Senate on record as approving the exclusionary policies of the Boy Scouts and other organizations, and that is a sad commentary as we enter the 21st century.

Most of all, I am concerned that while this bill demands accountability for low-income schools and school districts, and establishes the goal of funding title I, we still have not received a commitment from the President or our Republican colleagues to provide the resources for Title I, special education, and other parts of this bill.

I would have hoped that by now the President would have said there will be full funding of these programs during his administration. He has, for whatever reasons, decided not to make that commitment. I am still hopeful he will. That will go a long way in alleviating my concerns about whether or not these reforms are going to give these children an opportunity to compete on a level playing field with other children who have the tools that will allow them to succeed. It does not guarantee success, but it is an opportunity to succeed.

We have an obligation at every level, Federal, State, and local, to see to it that all kids have a chance to succeed. It is important, if this bill is going to reach its potential, to have the resources we will need to give kids that chance.

That has not yet happened, and I am very uneasy as we go into the conference about whether or not those commitments will be forthcoming. If we end up with nothing but tests and standards and leave needy children in this country in rural and urban areas without the resources to benefit from real reforms, then we will end up with a self-fulfilling prophecy of children who fail tests, which will be taken as a further indictment of public education.

I know I am not alone in this concern. The chairman of the committee has expressed this feeling over and over, and I am hopeful that as this debate proceeds over the coming weeks, the commitments we have asked for with regard to resources will be forthcoming.

And, finally, I am disappointed the Senate did not adopt an amendment which I offered along with Senator BIDEN and Senator REID, with strong support of almost half of the Senate, calling for comparable educational opportunity services for all children within a State. We have done that for 36 years within school districts. Some districts have more students than 27 States in this country. For 36 years, they have been able to provide a comparable educational opportunity. I think States ought to meet that same criteria. This bill demands greater accountability from students, parents, teachers, school boards, and the Federal Government—the only entity we exclude from that is the States. I am disappointed that amendment was not adopted.

But, again, to conclude these remarks, my hat is off to the chairman of the committee, to JIM JEFFORDS, as I mentioned earlier, for his work, to the members of our committee, going right on down the line to the most junior member, Senator CLINTON of New York. Also, our Republican colleagues, including JUDD GREGG, BILL FRIST, SUSAN COLLINS, TIM HUTCHINSON and the others, who worked hard to make this a better bill. While we disagreed and I had strong arguments with them on many points, my respect for them is in no way diminished. In fact, if anything, it is enhanced by their commitment.

We are all trying to do our best for the children of this country and I hope that in the weeks ahead, we will be able to improve this bill further. Again, I thank the chairman of the committee and his staff and all of our staffs.

I will include all the names of people here. They worked so hard. From Senator KENNEDY's staff, Michael Myers, Danica Petroshius, Jane Oates, Roberto Rodriguez, Michael Dannenberg, Dana Fiordaliso, and Ben Cope. From my staff, Lloyd Horwich, Shawn Maher, Jeanne Ireland, Grace Reef, Sheryl Cohen, and John Carwell.

Bev Schroeder and Katie Corrigan of Senator HARKIN's staff, Bethany Little of Senator MURRAY's staff, Elyse Wasch and Michael Yudin with Senator REED, Jill Morningstar and Jay Barth with Senator WELLSTONE, and Ann O'Leary with Senator CLINTON.

Also, Carmel Martin and Dan Alpert with Senator BINGAMAN, Kimberly Ross with Senator MIKULSKI, and Crystal Bennett, with Senator EDWARDS.

Mark Powden, Sherry Kaiman, and Andy Hartman with Senator JEFFORDS. Michele Stockwell with Senator LIEBERMAN, Elizabeth Fay with Senator BAYH, and Kathleen Strottman with Senator LANDRIEU.

I also want thank the staff on the other side, especially Denzel McGuire and Stephanie Monroe, with Senator GREGG, Holly Kuzmich with Senator HUTCHINSON, Maureen Marshall with Senator COLLINS, and Andrea Becker with Senator FRIST.

And, I want to thank Joan Huffer with Senator DASCHLE and David Crane and John Mashburn with Senator LOTT, and Sandy Kress and Townsend McNitt, of the White House staff, for all of their help.

I remember Senator KENNEDY and I were up one Saturday morning weeks. We were in the building, walking around, and happened to see a door open. We walked in and there were the staffs, trying to work out differences and work out language in the bill. We offer the amendments, we get the attention, we appear before the cameras, but it is the staffs of our offices who do tremendous work and develop great understanding of these issues.

I thank Senator KENNEDY's staff, my own staff, the staff of the others, both majority and minority for the tremendous effort and time they put in to make this a better bill.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I want to, first, express appreciation to many of our colleagues and friends and then say a very brief word about what I think this bill is really about.

I want to start off by thanking the extraordinary staffs, mine and those of the members of our committee, Democrats and Republicans alike. We are enormously blessed to have men and women who are committed and dedicated to trying to strengthen the educational system of this country. To a great extent I hope they feel some satisfaction this evening with the completion of this legislation.

As has been pointed out by my friend Senator DODD, we had areas of differences but there was no real difference in our desire to send a very clear message, which tonight we are sending to families all across this country, that help is on the way.

The legislation that was passed a short while ago was not a Democratic bill or a Republican bill; it was an education bill. Stated very clearly with this extraordinary vote—91 votes in favor of this legislation—this Senate is committed to the future of this country. That is what this is about. It is about the hopes and dreams of children, their desire to excel in athletics and sports, but also in the classrooms. When they have exciting and innovative and creative teachers, when they have interesting curricula and it is all well taught and supported by parents—all of that is really about the future of America.

This vote this evening is a clear manifestation of what has been happening over the past days on the floor of the Senate. Democrats and Republicans were coming together on this central issue, the core issue, the first issue for American families. All parents understand the importance of children's dreams. We realize, really, the greatest limitation on those children's dreams is the failure to provide the opportunity for those children's minds to be as expansive as they possibly can be, to be interested and informed, benefitting from educational opportunities which, hopefully, we have strengthened in this legislation.

First, I thank Denzel McGuire and Stephanie Monroe of Senator GREGG's office; Holly Kuzmich of Senator HUTCHINSON's staff; Maureen Marshall of Senator COLLINS' staff; David Crane and John Mashburn of Senator LOTT's staff; Mark Powden and Sherry Kaiman of Senator JEFFORDS' staff; Lloyd Horwich of Senator DODD's staff; Carmel Martin and Dan Alpert of Senator BINGAMAN's staff; and Elizabeth Fay of Senator BAYH's staff; Michelle Stockwell of Senator LIEBERMAN's staff.

I also thank Sandy Kress, who has been enormously helpful to all of us in the Senate, Democrats and Republicans alike, representing the President. She is a person who understands the President's views very completely. She is a forceful fighter for the position of the President. But as I said on many occasions, she doesn't always say no. She understands the importance of attempting to fight for the position of the President. I thank as well Townsend McNitt of the White House staff as well, who was enormously valuable and helpful to us.

I thank Secretary Paige for his work. Secretary Paige really set the tone for this legislation. At the time of his swearing in, I asked if he would be good enough to come up and meet with all the Democrats. He came up for a meeting. We had very good attendance. I think almost our whole Democratic caucus was in attendance. He stayed there until the last question was asked. It was a very impressive presentation. Since that time, he has been available and accessible to all of us on matters with which we were concerned.

I could not possibly have made much difference in this effort without, really, the tireless work of my own staff: Jane Oates, Michael Dannenberg, and Roberto Rodriguez, for their indispensable roles—all of our staff, of whom I am so proud. They are superb professionals who take great pride in their work, as they should, and as I do in them.

My thanks go to Jim Manley for his able assistance; Danica Petroshius, Dana Fiordaliso, and Ben Cope for the amazing support over the weeks—most of all to Danica Petroshius, whose leadership, energy, and vision has made all the difference. I thank Danica so much. Her friendship I value greatly.

I am very fortunate for in our staff we have not only great professionals, but they are also great friends. We have a good opportunity to work together. I am not always sure they felt that way for every moment over these past 8 weeks, but I want them to know that is the way I felt about them.

Let me thank also our colleagues who were really indispensable. One of the things that makes it so satisfying to work on our committee, as well as being productive, is there is a great coming together by Democrats and Republicans.

I think the markups were enormously spirited with very good debate and discussion of different viewpoints. But there is a great deal of respect for the opinions of each other. In our committee we have tried to work out some special responsibilities. All members have had great commitment in the area of education.

Of course, when we think of Senator DODD, we think of the children's caucus and all the good work he has done in those areas, particularly in the afterschool programs.

TOM HARKIN: We think of his efforts to make sure we are going to have modern classrooms for our children.

Senator MIKULSKI has been singular in her work in trying to focus on the digital divide to make sure we are not going to have the disparities in the digital divisions what we have had in educational divisions. She has been light-years ahead of the rest of us in understanding this and in helping us to try to minimize it.

JEFF BINGAMAN knows more about accountability than any other Member and has been such a leader in this area.

Senator WELLSTONE has been so passionate on so many different issues. I can think of his contributions, particularly on this legislation, to try to make sure we address the quality of our testing and to make sure that children are going to be treated fairly and equitably. I know he has serious reservations about many of these provisions. Our committee is so much the better for having Senator WELLSTONE, as is the Senate.

JACK REED comes from a long tradition of interest in education, not only since he has been in the Senate but also as a House Member. He follows in the Senate Claiborne Pell, who was chairman of our Education Committee. Senator REED understands the importance of quality education and the importance of parental involvement, and also the recognition of libraries as a special priority to children. I still think we missed some important opportunities in being able to adopt some of the Reed amendments because we are enhancing dramatically the reading programs which the President has stood behind. We need good, effective libraries over the long range. JACK REED understands this.

Senator MURRAY—I can still hear her eloquent pleas for us to go to smaller class size—as a former schoolteacher, brings dimension to our education issues which are unique. Senator EDWARDS, who is so much involved in the development of the education policy in North Carolina, which has really been singular in its achievement, shared with us these extraordinary lessons and made valuable contributions.

Senator CLINTON probably has spent more time in schools in New York and as much as any Member of the Senate has spent time in schools, learning and speaking. Of course, we were advantaged by the fact that when she arrived on our committee, she already had a lifetime of involvement in children's issues and educational issues. Since she arrived on that committee, from the first day we benefited from her experience.

I also thank Connie Garner of my staff for her tireless dedication. She has worked on issues involving the disabilities questions. She left a sickbed. She was there 3 weeks ago in a very important medical condition, from which she has recovered. But she was quick to put aside the attention to her own health in order to be in here and be with us on these debates on matters dealing with disability. She is the proud mother of eight, at last count. Connie is the proud mother of a disabled child, and she has made an extraordinary mark on disability policy.

I want to finally thank the one who pulled all of this together for our committee, Michael Myers, with whom I have had the good opportunity to work on many different policy issues for years, starting with refugees years and years ago, longer than he may want to remember. He has the extraordinary ability to make a lot of different issues, policy questions, and problems a great deal easier. He is a problem solver with rare qualities. In an undertaking such as we had, he was absolutely, extraordinarily valuable.

I thanked earlier Senator JEFFORDS and spoke about his very special contributions.

I also thank Senator GREGG, who has spent a good deal of time here on the floor. I always enjoy working with him—more often when we agree than when we disagree. But it is always a pleasure.

Senator FRIST—who has worked on education—and I have worked closely together on health care.

I thank Senator HUTCHISON, Senator COLLINS, and other members of our committee.

We had the benefit also of Senator LIEBERMAN and Senator BAYH. Senator BAYH took special interest in education as a Governor. After being Governor, he brought those interests here to the Senate. He is not a member of our committee but is as thoughtful about issues on education as one can possibly imagine. Senator LIEBERMAN has made education one of his great areas of specialization and has been both an enormously helpful and valuable ally as we have pursued this issue.

I thank all of the outside groups who have worked with us. We tried to communicate as much as we possibly could as we were working through this process. We tried to do as good a job as we could. I thought we did a decent job. I am sure there are people to whom we owe an apology. I extend that apology. If we weren't able to get to you, or answer your questions on some of these matters, we will take the opportunity now and invite those who are concerned about this to examine this bill and to give us their ideas as we go to the conference. We are very grateful for all of the outside help and assistance we had.

I commend all the students, parents, and teachers who left an indelible mark on this legislation, and thank them for their commitment and willingness to put aside the divisions of the past and find constructive compromise to improve education for all students and all public schools across the country. It is a good bill. It has strong support.

I thank the floor staff, who are always available to us and who are invaluable in working through complex and difficult situations on the floor. They have been absolutely superb, wonderful professionals.

Finally, I thank Senator HARRY REID who was absolutely instrumental. He is not on our committee, but I think at the end of these 8 weeks he knows more about education than perhaps he intended to at the start of this legislation. He is learning more about every bill because there isn't an ally—having been here as long as I have been and having had the good fortune to be a floor manager of legislation—there is no one who has greater value as a floor manager than the Senator from Nevada. He has extraordinary skills, and he uses them in amazing ways. He was able to get things achieved and move this process along. People might ask, Well, how much of a difference does it make? It makes the difference between success and failure. Make no mistake about it, it makes the difference between success and failure. And we would not be here with that success in terms of the strong support of the Members of this body tonight had it not been for my friend and colleague, Senator REID. I am enormously grateful to him for all of his good work. I thank him for all he has done. We look forward to seeing him in harness next week on the Patients' Bill Of Rights. And hopefully he will be able to dispose of those 300 amendments, as he was able to dispose of the 300 amendments that were offered to this bill and get us to final passage.

Finally, I thank the clerks and also all the pages for their help and assistance during this time.

Mr. REID. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. REID. I was not coming to hear the laudatory remarks of the Senator, but I appreciate having heard them. It is not often in the Senate we have the opportunity to say good things about each other; We are busy trying to get an amendment adopted or give a speech we need to give, and all the things we need to do.

But I cannot help but reflect on the time I have had to spend with the Senator from Massachusetts on this bill because my mind goes back to when I was just a boy, a student at Utah State University. I say to the Senator, your brother was running for President, and I was enthused about helping him. I was in Republican territory, Utah State University in Logan, UT. So I formed at that university a young Democratic club: Young Democrats. And one of the prize possessions I have in the world is a letter written by John Kennedy after that successful election. I have it hanging on the wall in my office in the Hart Building, where he acknowledged we formed this club and perhaps helped him a little bit.

I told the Senator the first day I came to the Senate what an honor it was for me to serve with TED KENNEDY, a person who is one of the well-known people of the world, who has been such an example for how you deal with your family for all of us.

For me, on a personal basis, I say to the Senator, to be able to legislate with you has been a dream of a lifetime. And then to have the senior Senator from Massachusetts say some nice things about me is even something that I never dreamed would happen. So there is mutual admiration. I appreciate the Senator's nice remarks.

Mr. KENNEDY. I thank the Senator and yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I did not have the opportunity to hear all of the remarks made by our distinguished colleagues, but I also come to the floor to congratulate our colleague, Senator KENNEDY, for the remarkable job he has done in getting us to this point. I think it is fair to say—I hope the country understands this—this bill would not be where it is today, we would not have passed it 91-8, if it were not for his persistence, his incredible leadership, and the ability he has to once again bring both sides together.

I have had the good fortune now to work with our colleague from Massachusetts on so many things, and I am awed, I am inspired, and I am, indeed, grateful for his friendship and for the extraordinary leadership he provides. So I thank him and congratulate him in particular.

Let me also congratulate our colleague, Senator JEFFORDS. He has gone through a very difficult period. He began by providing us with leadership on the Republican side as we took up this piece of legislation—now as an Independent, caucusing with us. He has voted and supported this legislation all the way through. His leadership, his commitment, his work also deserve special recognition.

He is not in the Chamber at this time, but I just want to say, on behalf of the entire Senate, we thank him for what he has done and the manner in which he has done it.

Of course, there are many others who have been very active. I cite especially Senator LIEBERMAN and Senator BAYH for their efforts in working with Senator KENNEDY. They have been extraordinary in their efforts to find common ground.

We started in our caucus in some ways divided. We ended this whole debate more unified on education than we have been in a long time, and it is in part because of the work they have done.

Senator DODD, with his passion, his commitment, deserves special recognition as well. I salute him for the efforts he made to find ways to address the concerns he has with the bill. I thank him for his participation.

Let me finally say, as Senator KENNEDY has, and others have already noted, the one person who is not on the HELP Committee who probably had as much to do with getting this job done as anybody has—or ever will on a piece of legislation—is our assistant Democratic leader. You can only love HARRY REID if you know him. And I don't know of anybody who does not love him and have the affection for him that I do. He once again demonstrated his value not only to our caucus but to the Senate and to the country with the manner and the tremendous ability he demonstrates in working with us each and every day. He is the single best person any manager could ever hope to have as they work to try to resolve outstanding differences, scheduling conflicts, and the array of challenges we face in trying to work through any bill.

So I acknowledge and congratulate our dear friend, Senator HARRY REID, our assistant Democratic leader, for the work he has done in getting us to this point.

I will have a number of matters to raise as we prepare to close, Madam President, but at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before the Senator from South Dakota, the majority leader, leaves the Chamber, on behalf of Senator KENNEDY and myself, I would like to acknowledge, Mr. Leader, that it is nice you said good things about us—and we really appreciate it—but everyone should know, especially the people in South Dakota, that when things got rough out here, we always had to turn to you.

We were able to do a lot of things. We had a good time working together. We enjoyed our partnership. But when it came time to make the really tough decisions, we had to turn to you.

I would like to say this is the first real week of your leadership as majority leader. I hope this is a message of things to come because we were able, on a bipartisan basis—this was not the Democratic leadership pushing things through. We had to turn to you, and when it really got tough, we were able to work this out. There was no better example of that than today. It is a small miracle we finished today.

We had to go back to the office, bring you out here, and as a result of that, it was above our pay grade—Senator KENNEDY and I—but it certainly is not above your pay grade. As I have said so many times—and I appreciate your kind remarks about me —neither one of us could have made this bill happen but for you.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. Yes.

Mr. KENNEDY. I don't think we called on him more than 25 times a day, asking him to come out here to help us out.

But in a serious way, I just underline what Senator REID has said: The ultimate credit for this achievement is with the leader of the Senate; that is, our new leader and our friend, Senator DASCHLE. I think all of us understand that is what leadership is really about. We were able to get this done and done in a bipartisan way.

Senator DASCHLE announced when he assumed the leadership the way he wanted this institution to be run, and that is the way it was run. Members all through this debate were able to have their views either voted on or considered, unfettered by parliamentary gimmicks. The abuse of parliamentary technique was not in play. There was full, open, frank debate and discussion and accountability. It is a breath of fresh air in terms of the functioning of this body. It is really what I think most of us believe this body is really all about.

It is a real honor and pleasure to know TOM DASCHLE is leading this institution. I thank him for his words.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I also express my appreciation for all who have been involved in this bill.

I say to Senator KENNEDY, a number of people on this side of the aisle have expressed their appreciation for your leadership. You are a great advocate, but also you manage a bill very well.

Mr. KENNEDY. I thank the Senator.

Mr. SESSIONS. The process that we utilized worked well. Everybody got their votes and got their say. Matters went along fine.

President Bush, as a Governor, committed to doing something about education in his State. He was hands on in that effort. As a result, he knew something about education when he ran for President. He determined that it would not be business as usual. He was convinced that children were being left behind, that they were finding themselves in seventh, eighth, and ninth grades unable to do basic education work, and tragedies were in store for them. He got to know some outstanding individuals in education in Texas. One was Dr. Rod Paige, the superintendent of the Houston school system, 207,000 students, one of the largest in America.

Secretary Paige had made some real progress there. When he took over in 1995 in that school system, he found only 37 percent of the students were passing the basic Texas test. He had been the dean of a school of higher education. He determined that they could do better, and he insisted that they do better. In 5 years, he doubled that number—1 percentage point from doubling —to 73 percent passing.

President Bush saw that. He appreciated that achievement. He was determined to try to bring that kind of progress throughout America. That is why he selected Dr. Rod Paige as his Secretary of Education.

Dr. Paige eliminated social promotion. He improved testing. He cracked down on schools that did not work, and he cracked down on discipline problems. It was a real achievement of an extraordinary degree that should give us all hope that we can make much better progress with education than we think.

My wife taught. I have been in 20 schools this year. There are teachers around this country teaching their hearts out every day, giving their level best to education. If we can create a system that nurtures them and allows their talents to flourish and not be clamped down by rules and regulations and such, I believe we have the potential for extraordinary progress in education.

Finally, I note that testing is critical because if you love children and you care about them and you do not want them to fall behind, you will find out how they are doing. The parents need to know. The teachers need to know. The principals need to know. Everybody needs to know whether learning is occurring.

When a child is falling behind in basic reading and math—and they will have to be tested in this program—then you can deal with it. If we let them get to junior high, high school, ninth grade, typically, and they can't do basic math and can't read effectively, they drop out. That is a great tragedy. They will be left behind. We should not allow that.

This bill will move us forward. The President will support unprecedented increases in education this year, but he wants that kind of reform. It is part of the bill. I am confident it will come out of the conference committee in a way that he can support.

I thank Senator DASCHLE for his leadership and his time in the late evening.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from Alabama for his comments. I agree with much of what I heard. I think he is absolutely right. This is a real accomplishment. And for people who care about education on both sides of the aisle, we made real progress today. I am proud to be a part of it. I appreciate his comments.

Madam President, I want to acknowledge the leadership of Senator LOTT, our Republican leader. He was majority leader when we started. We had a number of discussions as we considered how to take up this bill. It was Senator LOTT who said: We are going to take it up, and we are going to let amendments roll. We are going to let amendments be offered. We are not going to use extralegal parliamentary devices. We are going to stay with the agreement we had under the power sharing. He did it, and he did it with real style.

The day should not end without a recognition of Senator LOTT's commitment in that regard and the leadership he provided to allow us to complete the bill today.

Senator JUDD GREGG from New Hampshire also deserves special recognition. He stepped in at the end, completed the bill, as the Republican manager. I acknowledge his leadership as well.

COMMEMORATION OF FLAG DAY

Mr. THURMOND. Mr. President, two hundred and twenty-four years ago today, the United States was engaged in its War for Independence. I note that the American Continental Army, now the United States Army, was established by the Continental Congress, just two years earlier on June 14, 1775. I express my congratulations to the United States Army on its 226th birthday.

At the start of that War, American colonists fought under a variety of local flags. The Continental Colors, or Grand Union Flag, was the unofficial national flag from 1775–1777. This flag had thirteen alternating red and white stripes, with the English flag in the upper left corner.

Following the publication of the Declaration of Independence, it was no longer appropriate to fly a banner containing the British flag. Accordingly, on June 14, 1777, the Continental Congress passed a resolution that "the Flag of the United States be 13 stripes alternate red and white, and the Union be 13 stars white and a blue field representing a new constellation."

No record exists as to why the Continental Congress adopted the now-familiar red, white and blue. A later action by the Congress, convened under the Articles of Confederation, may provide an appropriate interpretation on the use of these colors. Five years after adopting the flag resolution, in 1782, a resolution regarding the Great Seal of the United States contained a statement on the meanings of the colors: red—for hardiness and courage; white—for purity and innocence; and blue for vigilance, perseverance, and justice.

The stripes, symbolic of the thirteen original colonies, were similar to the five red and four white stripes on the flag of the Sons of Liberty, an early colonial flag. The stars of the first national flag after 1777 were arranged in a variety of patterns. The most popular design placed the stars in alternating rows of three or two stars. Another flag placed twelve stars in a circle with the thirteenth star in the center. A now popular image of a flag of that day, although it was rarely used at the time, placed the thirteen stars in a circle.

As our country has grown, the Stars and Stripes have undergone necessary modifications. Alterations include the addition, then deletion, of stripes; and the addition and rearrangement of the field of stars.

While our Star-Spangled Banner has seen changes, the message it represents is constant. That message is one of patriotism and respect, wherever the flag is found flying. Henry Ward Beecher, a prominent 19th century clergyman and lecturer stated, "A thoughtful mind, when it sees a Nation's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the Government, the principles, the truths, and the history which belong to the nation that sets it forth."

Old Glory represents the land, the people, the government and the ideals of the United States, no matter when or where it is displayed throughout the world—in land battle, the first such occurrence being August 16, 1777 at the Battle of Bennington; on a U.S. Navy ship, such as the *Ranger*, under the command of John Paul Jones in November 1777; or in Antarctica, in 1840, on the pilot boat *Flying Fish* of the Charles Wilkes expedition.

The flag has proudly represented our Republic beyond the Earth and into the heavens. The stirring images of Neil Armstrong and Edwin Aldrin saluting the flag on the moon, on July 20, 1969 moved the Nation to new heights of patriotism and national pride.

Today we pause to commemorate our Nation's most clear symbol—our flag. An early account of a day of celebration of the flag was reported by the Hartford Courant suggesting an observance was held throughout the State of Connecticut, in 1861. The origin of our modern Flag Day is often traced to the work of Bernard Cigrand, who in 1885 held his own observance of the flag's birthday in his one-room schoolhouse in Waubeka, Wisconsin. This began his decades-long campaign for a day of national recognition of the Flag. His advocacy for this cause was reflected in numerous newspaper articles, books, magazines and lectures of the day. His celebrated pamphlet on "Laws and Customs Regulating the Use of the Flag of the United States" received wide distribution.

His petition to President Woodrow Wilson for a national observance was rewarded with a Presidential Proclamation designating June 14, 1916 as Flag Day. On a prior occasion President Wilson noted, "Things that the flag stands for were created by the experiences of a great people. Everything that it stands for was written by their lives. The flag is the embodiment, not of sentiment, but of history. It represents the experiences made by men and women, the experiences of those who do and live under the flag."

Flag Day was officially designated a National observance by a Joint Resolution approved by Congress and the President in 1949, and first celebrated the following year. This year, then, marks the 51st anniversary of a Congressionally designated Flag Day.

It is appropriate that we pause today, on this Flag Day, to render our respect and honor to the symbol of our Nation, and to review our commitment to the underlying principles it represents. Today, let us reflect on the deeds and sacrifices of those who have gone before and the legacy they left to us. Let us ponder our own endeavors and the inheritance we will leave to future generations.

Finally, as we commemorate the heritage our flag represents, may we as a Nation pledge not only our allegiance, but also our efforts to furthering the standards represented by its colors—courage, virtue, perseverance, and justice. Through these universal concepts, We the People can ensure better lives for ourselves and our children, for these are the characteristics of greatness. In doing so, we can move closer to the goal so well stated by Daniel Webster at the laying of the cornerstone of the Bunker Hill Monument on June 17, 1825. On that occasion he said, "Let our object be our country, our whole country, and nothing but our country. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of Wisdom, of Peace, and of Liberty, upon which the world may gaze with admiration forever."

I have long supported legislation which imposes penalties on anyone who knowingly mutilates, defaces, burns, tramples upon, or physically defiles any U.S. flag. I have also supported a constitutional amendment to grant Congress and the States the power to prohibit the physical desecration of the U.S. flag. I regret that the Senate has yet to adopt a Resolution for a flag protection Constitutional amendment.

I am pleased that the Senate adopted a Resolution to provide for a designated Senator to lead the Senate in reciting the Pledge of Allegiance to the Flag of the United States. This has added greatly to the opening of the Senate each day.

Today I encourage my colleagues and all Americans to take note of the history and meaning of this 14th day of June. We celebrate our Flag, observing its 224th birthday, and the 226-year-old Army which has so proudly and valiantly defended it and our great Nation.

MICHIGAN'S GUN LAWS

Mr. LEVIN. Mr. President, on New Years Day 2001, the Governor of Michigan signed into law a bill to take discretion away from local gun boards to issue concealed gun licenses and require authorities to issue concealed weapons licenses to any one 21 years or older without a criminal record, with limited exceptions. Under the law, the number of concealed handgun licenses in our State would grow by 200,000 to 300,000 a ten-fold increase. Needless to say, the law has the potential to increase gun violence in Michigan and endanger the lives of thousands of people. Istrongly believe that this law is better suited to the old West than the new millennium.

I am pleased to report that hundreds of thousands of my fellow Michiganders agree with me. While the law was scheduled to take effect on July 1st of this year, a coalition of law enforcement and community groups from across our State called the People Who Care About Kids collected 232,582 signatures on a petition to suspend the law and put it before the voters in 2002. One of those signatures was mine.

Now the issue is before the courts. Just last month, a State Appeals Court ruled unanimously that the referendum process should proceed. And this Wednesday the Michigan Supreme Court heard arguments on whether the Appeals Court ruling should stand. For the good of my State and for the safety of its citizens, I hope that the Supreme Court upholds the lower court ruling and lets the voters decide the issue. If voters are given the opportunity, I am confident that this wrongheaded effort to roll back Michigan's gun laws will be defeated.

BUDGET PROCESS

Mr. HOLLINGS. Mr. President, in this morning's Washington Post we finally hear the truth. President pro tempore ROBERT C. BYRD tells it like it is. Republican and Democrat, White House and Congress, and the people generally take heed.

I ask consent that an article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 14, 2001]

INHERITED MESS

(By Robert C. Byrd)

The president's budget director, Mitchell Daniels, has made an impassioned plea [opted, June 5] for Congress to achieve an "orderly and responsible budget and appropriations process" this year despite the sudden turn-about in the Senate from Republican to Democratic control.

While lauding the president's continuing efforts to civilize the tone of business in Washington, Daniels blamed Congress for routinely circumventing budget resolution ceilings to fund runaway appropriations. This year, he predicted, would have been different had the Republicans maintained control of the Senate, and he exhorted Democrats to withstand the siren song of "games and gimmicks" in the appropriations process so as to avoid upsetting the budget apple cart.

Unfortunately, the deck is stacked against the appropriators. The dice are loaded. The wheel is rigged. Regardless of whether a Democrat or a Republican chairs the Appropriations Committee, the unrealistically low budget targets and tax-cut combo will again perpetuate a yearly hoax on the American people.

Despite all the brave talk of fiscal restraint, the Appropriations committees will quietly be asked to spend more money than the budget allows. We know the president will ask us to spend billions more on defense. We know we will be asked to spend billions more on education. We know we have billions of dollars in both unmet and unanticipated needs that we will have a responsibility to fund.

We know this. The president knows this. The president's budget director well knows this. The American people should know this. The American people are entitled to truth in budgeting. These programs are not just the priorities of a Democratic Senate. These are the priorities of the president. They are the priorities of the nation. They have to be addressed.

Here is the true state of affairs. The budget pays lip service to sizable funding increases for national security, but it doesn't back up its promises with the necessary resources. For non-defense programs, the budget falls $5.5 billion below the level necessary just to keep pace with inflation. What this means is that the nation is fiscally frozen in time, unable to reduce massive backlogs in critical programs that have been piling up for years, and equally unable to anticipate emerging needs.

Simply put, the budget resolution and the tax cut combined deny the resources that Congress—regardless of which party is in power—needs to meet a growing nation's requirements. The scarce dollars that are needed for education, Social Security, Medicare, prescription drug benefits and the many other important priorities of the American people will have to come from somewhere.

Democrats do not want to resort to gimmicks or game. We were outraged when the Republicans resorted to them—when they hijacked the budget from the Budget Committee over the objections of the Democrats, and then added insult to injury by shutting Democrats out of the conference process. But when a budget resolution allows for a massive tax-cut proposal yet fails to allow for the increased funding for national defense and for education that we all know the president will request, the "evasions and gimmickry" have begun.

Appropriators welcome cooperation. We encourage flexibility. We seek good-faith dealings with the White House and with both sides of the aisle. We ask only that the administration reciprocate in kind. A good place to start would be to avoid preemptive finger pointing in the media.

To attempt to back the Senate Appropriations Committee into a corner by suggesting that Democrats are suddenly in a position to derail "the first orderly, responsible budget and appropriations process in many years" is to belie the facts. The budget process was anything but "orderly and responsible" this year. In fact, the budget process has been convenient political cover for "games and gimmickry" for several years. And we all know it.

This is the scenario that the Democratic Senate has inherited, and this is the reality that Congress and the administration face in the coming months as we work our way through the appropriations process.

The Senate Appropriations Committee will review the details of the president's budget and we will, on a bipartisan basis, do our best to produce 13 responsible and disciplined appropriations bills. It is my hope that we can address this daunting challenge in a spirit of cooperation, and work together to replace partisan rhetoric with responsible solutions.

And if OMB Director Daniels really wants to help his president change the climate in Washington, he can work to stop the blame game in its very tired tracks.

ACADEMIC ACHIEVEMENT IN PORTLAND PUBLIC SCHOOLS

Mr. SMITH of Oregon. Mr. President, I rise today to commend the exceptional achievement of 8 schools in Portland, OR: Humboldt, Marysville, Chief Joseph, Woodmere, Clark, Grout, Kenton and Vestal Elementary Schools.

We have spent 8 weeks in this Chamber talking about education. We have debated the best ways to educate America's children, to raise academic achievement of disadvantaged students, and change failing schools into successes. While we have been busy talking, schools in my home State have been working hard to educate our children.

I want to make special mention of eight schools in the Portland Public School District. Over the past 3 years, these remarkable schools—where more than half of the students come from low income families—made greater strides in raising student test scores than all others in the school district. Due to the hard work of students, parents, teachers, and principals, reading and math scores have significantly improved, the achievement gap between poor and minority students and white students narrowed, and parents, including those new to our country, became part of the fabric of the school community.

Today, I commend the principals and teachers of these great schools. These educators represent an ideal. They are dedicated; they are creative; and they transform children into scholars. They will do anything for their students, even work extra jobs to earn money to buy books for their students. Their hard work has helped their students achieve record academic improvement today and it has set the stage for these children's success for years to come. I thank them for their efforts.

I also thank the parents of these children. They have made a real difference in their children's education by volunteering at school, reading with their children, and encouraging their students to devote their best efforts to their studies.

Above all, I salute the students of these outstanding schools. The countless hours they have spent inside and outside the classroom practicing their reading and writing, working math problems, and conducting science experiments have not been in vain. They have paid off in a remarkable way. Many of these students don't speak English as their first language; many come from low income families; and all are from areas of the city which had never expected to see such success. Yet these very students have realized this extraordinary accomplishment.

The improvements in the test scores of these children are incredible. The Oregonian newspaper reports the following: At Humboldt [Elementary], 71 percent of fifth graders in 2000 met or exceeded math benchmarks. Only 31 percent of those students met math standards as third graders in 1998. At Marysville Elementary in Southeast

Portland, 78 percent of fifth-graders met math benchmarks in 2000. Thirty-two percent of those students passed the State math test as third graders.

But even more important than these significant gains in test scores, these dedicated students have cultivated a love of learning that will last the rest of their lives. This thirst for knowledge guarantees that this is just the first of many successes to come.

A study by the Portland Public Schools Foundation attributed the advances of these schools to the same principles we have been discussing here: strong principals, high parent involvement, and professional development opportunities for teachers.

I share the achievement of these students with my colleagues because it reminds every member of the U.S. Senate that better education is becoming a reality across America. Our work here is important, but the true source of academic achievement is the dedication, the dreams, and the hard work of students, teachers, and principals like these in Portland. The best we can do is to give them the tools they need to succeed.

In closing, allow me to commend, once again, the students, parents, and educators in these schools for this great accomplishment, for the hope they give us, and for the high standard they set for all of us.

REMEMBERING THE MIA'S OF SULTAN YAQUB

Mr. SCHUMER. Mr. President, I rise today to ask my colleagues to join me in remembering the Israeli soldiers captured by the Syrians during the 1982 Israeli war in Lebanon.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in the Bekaa Valley in northeastern Lebanon. Sergeant Zachary Baumel, First Sergeant Zvi Feldman, and Corporal Yehudah Katz were captured by the Syrians that day. They were identified as an Israeli tank crew, and reported missing in Damascus. The Israeli tank, flying the Syrian and Palestinian flag, was greeted with cheers from bystanders

Since that terrible day in 1982, the governments of Israel and the United States have been doing their utmost by working with the office of the International Committee of the Red Cross, the United Nations, and other international bodies to obtain any possible information about the fate of the missing soldiers. According to the Geneva Convention, Syria is responsible for the fates of the Israeli soldiers because the area in Lebanon where the solders disappeared was continually controlled by Syria. To this day, despite promises made by the government of Syria and by the Palestinians, very little information has been released about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

Monday marked the anniversary of the day that these soldiers were reported missing in action. Nineteen pain-filled years have passed since their families have seen their sons, and still Syria has not revealed their whereabouts nor provided any information as to their condition.

One of these missing soldiers, Zachary Baumel is an American citizen, from my home of Brooklyn, NY. An ardent basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew University, where he had been accepted to study psychology. But fate decreed otherwise and on June 11, 1982, he disappeared with Zvi Feldman and Yehudah Katz.

Zachary's parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, the American Coalition for Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organizations. These groups have been at the forefront of this pursuit of justice. I want to recognize their good work and ask my colleagues to join me in supporting their efforts. For nineteen years, these families have been without their children. Answers are long overdue.

I am not only saddened by the plight of Zachary Baumel, Zvi Feldman, and Yehudah Katz, but I am disheartened and angered by the fact that even as we continue to search for answers about their welfare, we must add more names to the list of those for who we have no knowledge of their location, health, or safety.

In a clear-cut violation of international law, three Israeli soldiers were abducted by Hezbollah on October 7, 2000 while on operational duty along the border fence in the Dov Mountain range along Israel's border with Lebanon. The soldiers—Sergeant Adi Avitan of Tiberias, Staff Sergeant Binyamin Avraham of Bnei Brak, and Staff Sergeant Omar Souad of Salma—are believed to have been wounded during the incident.

According to an investigation by the IDF Northern Command, Hezbollah terrorists set two roadside bombs, then crossed through a gate near the fence, pulled the three soldiers out of their jeep and fired anti-armor missiles at the empty vehicle. The solders were then taken by the terrorists to the Lebanese side of the border. Although the United States has called on Syria to assist in the timely release of these three soldiers, no information has been given as to their conditions or whereabouts. The International Red Cross has also been requested to intervene by attempting to arrange for a visit with the three kidnapped IDF soldiers in order to ascertain their status.

The agony of the families of these kidnapped Israeli solders is extreme. They have not heard a word regarding the fate of their sons who are being held captive for political ransom. We must pledge to do our utmost to bring these soldiers home, for the sake of peace, decency and humanity.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I want to describe a terrible crime that occurred June 20, 1993 in Everett, Washington. A gay man was stabbed to death by a hitchhiker who allegedly told friends he committed the crime because he hated homosexuals. Isaiah Clarence Enault, 24, was charged with murder and is a suspect in a stabbing assault of another gay man.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HONORING CLAY COUNTY LEGACY MEMORIAL AND FOUNTAIN

Mrs. CARNAHAN. Mr. President, I would like to take this opportunity to honor the residents of Clay County, MO for their vision, harmony, and unity. At a time when some communities are engaged in divisive debates regarding our Nation's past, Clay County residents have chosen to dedicate a monument and water fountain on the county courthouse lawn honoring the unsung black heroes and heroines who survived slavery and helped make Clay County a successful and thriving community in the heartland.

Tomorrow, Friday, June 15, the Clay County Commission and the Clay County African-American Legacy Consortium will dedicate the Legacy Memorial and Fountain honoring Clay County African-American pioneers and their contributions to this county, first in slavery, and then in freedom. The location of the memorial and fountain is especially significant since slaves were once sold from the courthouse steps and African-Americans were required to drink from separate water fountains in that very building.

The monument will list over 150 Clay County African-Americans and their contributions to this community dating back to 1800. Included in the monument's listing are Vennie and Lulu Fielder. Mr. and Mrs. Fielder both became entrepreneurs, opening Fielder Hardware and Box Company in Kansas City, Missouri, and Lulu Fielder's Sandwich Shoppe. Mrs. Lulu Fielder is now the oldest living African-American native resident of Clay County at the young age of 102. Mrs. Fielder will take the first ceremonial drink from the water fountain at tomorrow's celebration. And with that drink, Lulu Fielder will epitomize the words inscribed on the monument, "come, drink, all who thirst for freedom; the water fountain will no longer separate us as a people."

Congratulations to the Clay County Commission, the Clay County African-American Legacy Consortium, and all Clay County residents. Thank you for making me proud to be a Missourian.

NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

Mr. MILLER. Mr. President, in education everyone claims to be for high standards. That's the good news. But a lot of folks only want to be measured by their own standards, and they don't have a very good way of knowing whether their standards are high or, more importantly, whether they are high enough.

That is why I am for measuring educational progress in America by having each State use its own standards and tests and then confirming progress by using a high-quality back-up examination. The National Assessment of Educational Progress is just such an instrument. It will help us get more information about achievement in our States and provide an independent second opinion that our student achievement progress is reaching all of our students and that we are not raising our scores just by getting a few more of our better students to do better.

In the past ten years 49 States have used the National Assessment in one form or another. This has not led to a national curriculum and it is not going to. On average, more than 40 States have participated in any one year. Last year the State school superintendent or commissioner in 48 States signed up to participate.

In the National Assessment's 30 years, never has a State or district expressed concern that it was being coerced to teach to the National Assessment tests. In fact, each test is developed through a national consensus process in which State standards and assessments are considered. Before deciding to participate, each State reviews the National Assessment content. State participation in the test development process ensures that the National Assessment is a fair representation of the material in math, reading and other subjects that states already believe is important to test.

MISSOURI BOYS STATE

Mrs. CARNAHAN. Mr. President, Saturday, June 16 starts the 62nd session of Missouri Boys State. Founded in 1938 by the Missouri American Legion, Missouri Boys State has educated over 33,000 young men on the basic principles of democracy. For more than 60 years, Missouri Boys State has lived up to its motto and has made an "investment in our State's greatest resource—the youth of Missouri."

Boys State was started in 1934 in Illinois by Dr. Hays Kennedy and Harold Card, and was designed to teach democratic ideals to America's youth. The four founding members of Missouri Boys State, Jerry F. Duggan, Harry M. Gambrel, Dr. Truman L. Ingle, and A.B. Weyer, did not realize that Missouri's program would develop into one of the most successful and prestigious programs in the country for youth involvement. The Missouri Boys State program has become one of the most revered honors bestowed upon high school boys in Missouri.

The first session occurred in Fulton, MO in 1938 with 129 young men. This year's session is expected to draw over 1,000 participants including over 100 counselors. From that very first session in 1938 to today, the same message rings true—"Democracy depends on me!" Boys State continues to stress the important aspects of serving the public and one's community.

The success of Missouri Boys State continues today. In July of 1999, a high school student from Columbia, Missouri, Ryan Rippel, was elected President of Boys Nation. Boys Nation, sponsored annually by the American Legion, is a program by which select students from across the nation gain first-hand experience in how our federal government works through mock Senate activities.

Missouri Boys State has had wide community and public support. Over 500 civic organizations and individuals contribute to the success of this program. A memorial trust was established in 1982 to ensure the continuation of Missouri Boys State. The Missouri Boys State Scholarship fund was established in 1993 to provide a renewable, 4-year college scholarship for the participant that earns the "Citizen of the Week" honor. And the Martin Luther King, Jr. Scholarship program was established in 1989 to ensure the continued participation of minority students.

Missouri Boys State plays an integral role in developing our youth in Missouri. Therefore, I ask that my colleagues recognize all that Boys State does for our young men and wish them well as they open their 2001 session.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 13, 2001, the Federal debt stood at $5,681,952,015,740.15, Five trillion, six hundred eighty-one billion, nine hundred fifty-two million, fifteen thousand, seven hundred forty dollars and fifteen cents.

One year ago, June 13, 2000, the Federal debt stood at $5,651,369,000,000, Five trillion, six hundred fifty-one billion, three hundred sixty-nine million.

Five years ago, June 13, 1996, the Federal debt stood at $5,139,482,000,000, Five trillion, one hundred thirty-nine billion, four hundred eighty-two million.

Ten years ago, June 13, 1991, the Federal debt stood at $3,494,282,000,000, Three trillion, four hundred ninety four billion, two hundred eighty-two million.

Fifteen years ago, June 13, 1986, the Federal debt stood at $2,046,290,000,000, Two trillion, forty-six billion, two hundred ninety million, which reflects a debt increase of more than $3.5 trillion, $3,635,662,015,740.15, Three trillion, six hundred thirty-five billion, six hundred sixty-two million, fifteen thousand, seven hundred forty dollars and fifteen cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO HERBERT SAFFIR

• Mr. GRAHAM. Mr. President, today I would like to recognize an outstanding Floridian, Mr. Herbert Saffir. Herb Saffir graduated from the Georgia Institute of Technology in 1940 with a bachelor's degree in civil engineering. He served in the Army during World War II and worked as an engineer with Federal agencies and private-sector firms in New York, Ohio, Tennessee, and Virginia before moving to South Florida in 1947. For the next 12 years he was an assistant county engineer for Miami-Dade County. In 1959, he started his own structural engineering firm, Herbert Saffir Consulting Engineers, in Coral Gables, FL.

Herb Saffir is considered one of the foremost experts on engineering buildings to resist damage by high winds. His expertise was so integral in the formulating of the building codes in South Florida that he is known as the "father of the Miami building code." Although this is a great achievement, Herb Saffir's accolades go even further.

In 1972, Robert Simpson, former Director of the National Hurricane Center had difficulty describing to emergency management and disaster officials what kind of damage to expect from approaching hurricanes. It was determined that a scale was needed to give disaster officials an idea of what to expect from a storm. Herb Saffir was enlisted to work with Simpson on this project. Together they created the Saffir-Simpson Damage Potential Scale, which established the five categories of hurricane severity. The Saffir-Simpson Scale is still used today and is a vital tool to assess the possible destruction associated with an approaching hurricane.

When Hurricane Andrew tore through Florida in August 1992, weather forecasters relayed information on the powerful storm to concerned citizens using the ratings system. But, Herb Saffir was not satisfied to just lend his name to the efforts to mitigate damage from Hurricane Andrew. He also lent a hand. Using his vast engineering knowledge and experience, Mr. Saffir was integral in the rebuilding of South Florida. He was recognized for his efforts with the Florida Engineering Society's Engineer of the Year Award in 1994.

Mr. Saffir's work continues to be recognized today. The American Society of Civil Engineers recently recognized Mr. Saffir for his research and development of wind-damage analysis on structures, and for the creation of the Saffir-Simpson Scale now used extensively by emergency management organizations as far away as Australia. In fact, the National Hurricane Center described Mr. Saffir as "a national treasure."

Herb Saffir is a remarkable American and a credit to the State of Florida. It brings me great joy to recognize his accomplishments today.●

TRIBUTE TO THE HONORABLE ROBERT B. PIRIE, JR.

● Mr. LEVIN. Mr. President, I rise today to recognize an outstanding public servant, Robert B. Pirie, Jr., as he completes more than 7 years of continuous service within the civilian leadership of the Department of the Navy, first as Assistant Secretary of the Navy, Installations and Environment, then as the Under Secretary of the Navy, and finally as Acting Secretary of the Navy. In each capacity, he worked tirelessly to serve America and our Navy and Marine Corps. His time in the Pentagon was the pinnacle of a public service career spanning fifty years.

Secretary Pirie is a 1955 Naval Academy graduate, whose achievements as a midshipman propelled him to a Rhodes Scholarship. He served 20 years on active duty, a military career that culminated in command-at-sea aboard a nuclear attack submarine. Secretary Pirie went on to provide exceptional public service as a Deputy Assistant Secretary of Defense in the Carter Administration.

When he returned to the Department of the Navy seven and a-half years ago, his confident leadership and far-reaching vision helped the Navy navigate through many complex issues. Whether leading the Department's efforts to conduct critical training at the Atlantic Fleet Weapons Training Facility at Vieques, Puerto Rico, or increasing force protection for Sailors and Marines in the aftermath of the USS COLE terrorist attack, or addressing the encroachment issues that complicate our operational and training ranges, Robert Pirie's leadership has been vital to the readiness and success of our country's military forces.

Secretary Pirie provided exceptional advice, support and guidance to the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the Commandant of the Marine Corps. His keen insight, relentless dedication, and extraordinary talent have contributed significantly to building and maintaining the world's best-trained, best-equipped, and best-prepared Navy and Marine Corps. His vision has positively shaped the future readiness and capabilities of the fleet in ways that will resonate for many years.

It is a pleasure to recognize Secretary Pirie for his many contributions in a life devoted to our nation's security as he leaves the Department of the Navy. I know my colleagues join me in wishing him and his wife Joan much happiness and fair winds and following seas as they begin a new chapter in their lives.●

IN HONOR OF BARBARA L. BAILEY

● Mr. LIEBERMAN. Mr. President, I rise to speak today in memory of Mrs. Barbara L. Bailey, a great and gracious lady, the first lady of Connecticut Democratic politics, who passed away this past Monday.

As my colleague Senator CLINTON said when she introduced Mrs. Bailey at the White House a few years back, Mrs. Bailey "has been a stalwart of the Democratic Party in Connecticut and progressive politics . . . in the country." I first met Barbara Bailey when I was writing my senior thesis at college on her husband, John Bailey, former Democratic National Committee Chairman under President Kennedy and legendary Connecticut political leader.

Mrs. Bailey was an astute political advisor and partner to her husband. She was known as a gracious host to politicians at all levels of government. Mrs. Bailey entertained such political luminaries as President John F. Kennedy and Vice President Hubert H. Humphrey and many, many others.

After her husband died in 1975 Mrs. Bailey continued to follow Democratic politics closely and actively. In fact, a few years ago four generations of Baileys gathered at the White House when Barbara spoke about the importance of health care and introduced President Clinton at the White House on Mother's Day.

Mrs. Bailey has also spent her life devoted to public service, especially on issues concerning women. Just last month, the 93-year-old Mrs. Bailey received a lifetime achievement award from the Ladies Auxiliary of Saint Francis Hospital and Medical Center in Hartford. She also spent ten years as a trustee of the University of Connecticut.

Mrs. Bailey is known to Connecticut as the matriarch of a distinguished political family. Her family has always been most important to her and I know it was a joy for her to see her children and grandchildren continue the tradition of civic involvement that she and her husband believed in so deeply. Her daughter, Barbara Bailey Kennelly, is the former U.S. Representative from Connecticut's first district and has run for Governor of the Nutmeg State. Her son, Jack Bailey, is currently the chief State's attorney. And just this summer Mrs. Bailey's grandson, Austin Perkins, represented Connecticut as a delegate to the Democratic National Convention in Los Angeles, CA.

Barbara Bailey's death is a loss for me personally and for the whole of Connecticut. We will remember her fondly as a gracious woman of principle, a champion of good causes and a beloved mother, grandmother and friend.●

IN RECOGNITION OF THE 100TH ANNIVERSARY OF MINNEAPOLIS METAL WORKERS LODGE 459

● Mr. DAYTON. Mr. President, I rise today to salute the Capitol City and Minneapolis Metal Workers Lodge 459 on the occasion of their 100th Anniversary.

For a century, members of this Minnesota Union have fought for and secured fair wages and decent, safe working conditions for all workers. Through the years the brothers and sisters of Lodge 459 have labored tirelessly to guarantee that each worker's rights are respected, each family's future is insured.

A strong labor force is the backbone of our economy; it is the power behind every successful business, every growing community. Today, the proud members of Lodge 459 continue in the strong tradition of their parents and grandparents. They reflect the dedication and determination which are the hallmark of the labor movement in our Nation. Together, they will safeguard the future for our children and grandchildren. And in doing so, they will assure that in America, businesses will thrive, communities will grow, and families will succeed.●

TRIBUTE TO GEORGE C. SPRINGER

• Mr. DODD. Mr. President, I rise to honor George C. Springer, who is stepping down this month after an unprecedented 11 two-year terms as the President of the Connecticut Federation of Educational and Professional Employees, formerly the Connecticut State Federation of Teachers. George will remain active in the union as the recently-appointed director of the American Federation of Teachers' Northeast Region.

I mentioned the change in the union's name because it highlights George's unceasing efforts on behalf of its members. In 1979, when George began his leadership of the union, it had about 11,000 members, almost all of whom were teachers. Today, the union has 24,000 members, including teachers and other professional school-related employees, State and municipal employees, health care professionals, and higher education faculty. Twenty-two years ago, the union had only one full-time officer, two clerical employees, and a handful of field representatives. Today, it has three full-time officers, a staff of 15, and numerous field representatives. George rightly is proud of the increased diversity of his union.

George also ought to be proud of what his advocacy has brought—not only benefits for union members, but also the ability for them to do their jobs better, to better serve the children and all citizens of Connecticut. George tirelessly has fought for greater involvement for the union and its members in legislative and policy matters. I think it is especially appropriate, as we prepare to complete debate on reauthorization of the Elementary and Secondary Education Act of 1965, to talk about how public education in Connecticut has changed for the better during George's tenure.

In 1979, teacher pay was poor, the gap between the quality of schools for wealthy children and those for poor children was great, and relations between the union and school boards was contentious. Today, teacher salaries and student achievement in Connecticut are among the best in the country, the State is working to provide a quality education for all children, and the union frequently works hand in hand with school management to improve the school system.

But, George's influence has not been limited to Connecticut, or even the United States. As President, George has represented the union around the country and around the world, in such places as Brazil, Belgium, Hong Kong, Japan, and Sweden. He also has served as an election observer in South Africa and Nigeria. I have no doubt that from New Britain, Connecticut, where he taught for 20 years, to the many places he has been around the world, George has left his mark. Nor do I doubt that he will continue to leave his mark, as he works hard at the AFT to better connect State and local affiliates with the national organization and with each other.

Tonight, George's fellow union members, other friends, and his family are gathering in Hartford to celebrate his leadership of the union. I regret that I cannot join them in person, but certainly I join them in spirit.

It has been my privilege to know George for many years, and I offer my admiration and gratitude for his work, and best wishes as he moves on to new challenges.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:19 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1914. An act to extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 11:53 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1157. An act to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes.

H.R. 2052. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 145. Concurrent resolution condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu.

At 4:24 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1088. An act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1157. An act to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 145. Concurrent resolution condemning the recent order by the Taliban regime of Afghanistan to require Hindus in Afghanistan to wear symbols identifying them as Hindu; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1088. An act to amend the Securities Exchange Act of 1934 to reduce fees collected by the Securities and Exchange Commission, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. INOUYE, Mr. HUTCHINSON, and Mr. STEVENS):

S. 1037. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions; to the Committee on Finance.

By Mr. INOUYE:

S. 1039. A bill for the relief of the State of Hawaii; to the Committee on Finance.

By Mr. SHELBY:

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1041. A bill to establish a program for an information clearinghouse to increase public access to defibrillation in schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 1042. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REID:

S. 1043. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Nevada; to the Committee on Energy and Natural Resources.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 1044. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1045. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1046. A bill to establish a commission for the purpose of encouraging and providing for the commemoration of the 50th anniversary of the Supreme Court decision in Brown v. Board of Education; to the Committee on the Judiciary.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 1047. A bill to amend the Internal Revenue Code of 1986 to provide for nonrecognition of gain on dispositions of dairy property which is certified by the Secretary of Agriculture as having been the subject of an agreement under the bovine tuberculosis eradication program, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. LEAHY, Mr. VOINOVICH, Mr. BREAUX, Mr. CONRAD, Mr. LUGAR, Mr. SANTORUM, Ms. LANDRIEU, and Mr. HATCH):

S. 1048. A bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1049. A bill to provide for an election to exchange research-related tax benefits for a refundable tax credit, for the recapture of refunds in certain circumstances, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mr. FITZGERALD, and Mr. VOINOVICH):

S. 1050. A bill to protect infants who are born alive; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 1051. A bill to expand the boundary of the Booker T. Washington National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself, Mr. EDWARDS, and Mr. KENNEDY):

S. 1052. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; read the first time.

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. REID, Mr. DOMENICI, Mr. KYL, Mr. BAYH, Mr. INOUYE, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 1053. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. REID):

S. 1054. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1055. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Ms. LANDRIEU, and Mr. SCHUMER):

S. 1056. A bill to authorize grants for community telecommunications infrastructure planning, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1057. A bill to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 110. A resolution relating to the retirement of Sharon Zelaska Assistant Secretary of the Senate; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 111. A resolution commending Robert "Bob" Dove on his service to the Senate; considered and agreed to.

By Mr. ALLARD (for himself, Mrs. HUTCHISON, Mr. HAGEL, Mr. CLELAND, Mr. BOND, Mr. INHOFE, Mr. HUTCHINSON, Mr. JEFFORDS, Mr. ROBERTS, Mr. REED, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. LEVIN, Ms. COLLINS, Mr. BUNNING, Mr. DAYTON, Mr. KENNEDY, Mr. MCCAIN, Mr. ALLEN, Mr. THURMOND, Mr. SANTORUM, Mr. SESSIONS, Ms. LANDRIEU, and Mr. DURBIN):

S. Res. 112. A resolution honoring the United States Army on its 226th birthday; considered and agreed to.

By Mrs. BOXER (for herself and Mr. SMITH of Oregon):

S. Con. Res. 49. A concurrent resolution urging the return of portraits painted by Dina Babbitt during her internment at Auschwitz that are now in the possession of the Auschwitz-Birkenau State Museum; to the Committee on Foreign Relations.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Con. Res. 50. A concurrent resolution recognizing the important contributions that local governments make to sustainable development and ensuring a viable future for our planet; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 530

At the request of Mr. GRASSLEY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Hawaii (Mr. AKAKA), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 532

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 532, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 570

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 590

At the request of Mr. JEFFORDS, the name of the Senator from Minnesota

(Mr. DAYTON) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 670

At the request of Mr. DASCHLE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 670, a bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 678

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 678, a bill to amend the Federal Water Pollution Control Act to establish a program for fisheries habitat protection, restoration, and enhancement, and for other purposes.

S. 756

At the request of Mr. GRASSLEY, the names of the Senator from Idaho (Mr. CRAPO), the Senator from California (Mrs. FEINSTEIN), and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 860

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Illinois (Mr. FITZGERALD), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from Mississippi (Mr. COCHRAN), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 887

At the request of Mr. WELLSTONE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 908

At the request of Mr. BROWNBACK, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 908, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1003

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1003, a bill to ensure the safety of children placed in child care centers in Federal facilities, and for other purposes.

S. 1004

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1004, a bill to provide for the construction and renovation of child care facilities, and for other purposes.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Maryland (Mr. SARBANES), the Senator from California (Mrs. FEINSTEIN), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

AMENDMENT NO. 516

At the request of Mr. WELLSTONE, his name was added as a cosponsor of amendment No. 516.

At the request of Mrs. CLINTON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 516, supra.

AMENDMENT NO. 604

At the request of Mr. SESSIONS, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Missouri (Mr. BOND), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 604.

AMENDMENT NO. 648

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 648.

At the request of Mr. HELMS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of amendment No. 648, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. INOUYE, Mr. HUTCHINSON, and Mr. STEVENS):

S. 1037. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator INOUYE and Senator HUTCHINSON to offer legislation on a very important issue for those military men and women who serve our country every day. Our current military retirement system, I have come to understand, has a serious flaw on it.

We often memorialize those soldiers, sailors, and airmen who died in combat, but too often we forget that service men and women die frequently during daily operations or while training. In the past five years, 2,206 military families lost their spouse, father or mother while serving their country. In just the past year we have mourned the loss of the sailors on the USS *Cole*, Air Force pilots in Scotland, and soldiers in helicopter crashes in Hawaii, and Vietnam. What is not fully understood is that their families do not receive their full retirement pensions in many cases. Because service members are not vested in their retirement system until the day they retire active duty personnel do not qualify for a retirement pension unless the services medically retire them before death. This has caused hardships to families and necessitated extraordinary efforts by commanders and medical and manpower personnel.

Most Americans, and even many in uniform, do not understand that this affects those with one year of service as well as those with thirty. If these military members were in the Federal service system, or a policeman in Arizona, their family would be able to receive part of their pension. This bill will correct that inequity by amending Sections 1222 and 1448 of Title 10 U.S.C. and allowing members of the armed forces on active duty who die while serving in the line of duty to be posthumously retired. In addition, the bill would allow the services to ensure the family is given the best choice of benefits based on their individual situation. This is the least we can do when they make the ultimate sacrifice for their country.

Though we have not been involved in a major conflict in more than ten years, every day we deploy our military to many more places than we did just a decade ago. The day-to-day activities of our armed forces are inherently dangerous. If we are going to maintain and recruit a quality force, we must reassure those who serve that we are going to provide for their family. I believe that Brigadier General William Caldwell, Assistant Division Commander of the 25th Infantry Division, said it best, "Everything we do is complex." BG Caldwell made this comment after the crash of two helicopters in Hawaii that killed six members of the 25th Infantry Division. That sums up the situation perfectly.

This bill will be a step in the right direction and is a way to help repay our debt to our military and their families. Not only is it the right thing and fair thing to do, but during these times of increased deployments and personnel shortages, it is in our national interest to continue to show our dedicated service members that we appreciate their sacrifice and commitment.

I commend the Senator from Hawaii for his support on this issue and urge other Senators to join us in this effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POSTHUMOUS DISABILITY RETIREMENT FOR MEMBERS OF THE ARMED FORCES WHO DIE IN THE LINE OF DUTY WHILE ON ACTIVE DUTY.

(a) AUTHORITY.—Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1222. Posthumous retirement: retroactive effective date; related elections

"(a) AUTHORITY.—Upon a determination by the Secretary concerned that it is advantageous for the survivors of a member of the armed forces who dies in the line of duty while on active duty, the Secretary concerned may—

"(1) posthumously retire the member under section 1201 of this title effective immediately before the member's death; and

"(2) make for the deceased member any election with respect to survivor benefits under laws referred to in subsection (c) that the deceased member would have been entitled to make upon being retired under that section.

"(b) CONSTRUCTION WITH SECTION 1201 REQUIREMENTS.—Nothing in this section modifies the requirements set forth in section 1201 of this title regarding determinations or eligibility.

"(c) ADMINISTRATION OF BENEFITS LAWS.—A retirement and election under subsection (a) shall be effective for the purposes of laws administered by the Secretary of Defense or any Secretary concerned and laws administered by the Secretary of Veterans Affairs.

"(d) NONREVIEWABILITY OF DETERMINATIONS.—A determination or election made by a Secretary concerned under subsection (a) is not subject to judicial review.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1222. Posthumous retirement: retroactive effective date; related elections.".

SEC. 2. SURVIVOR BENEFIT PLAN.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who—

"(A) dies in the line of duty while on active duty after—

"(i) becoming eligible to receive retired pay;

"(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

"(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

"(B) dies in the line of duty while on active duty and is posthumously retired under section 1201 of this title pursuant to section 1222 of this title.".

(b) DEPENDENT CHILD ANNUITY.—Paragraph (2) of such section is amended by striking "or if the member's surviving spouse subsequently dies" and inserting "or if the payment of an annuity to the member's surviving spouse under that paragraph subsequently terminates".

(c) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) SERVICE MEMBERS POSTHUMOUSLY RETIRED.—In the case of an annuity provided under section 1448(d)(1)(B) of this title, the retired pay to which the member would have been entitled when the member died shall be determined for purposes of paragraph (1) based upon the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member's death.".

(d) CONFORMING AMENDMENT.—Section 1451(c)(3) of such title is amended by striking "section 1448(d)(1)(B) or 1448(d)(1)(C)" and inserting "clause (ii) or (iii) of section 1448(d)(1)(A)".

SEC. 3. EFFECT DATE AND APPLICABILITY.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to improve access to tax-exempt debt for small nonprofit health care and educational institutions; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, today I am introducing the Health and Higher Education Facilities Improvement Act of 2001. This legislation will help small non-profit health and educational institutions more effectively finance the cost of essential services, and lead to new facility construction. By modifying the laws that restrict deductibility or "bank financing for small non-profit organizations that need it the most: small local hospitals and colleges.

The Tax Reform Act of 1986 unintentionally discriminated against small non-profit educational and health care facilities that want to sell small amounts of tax-exempt debt to community banks. Before 1986, banks and financial institutions could deduct the interest incurred to carry tax-exempt bonds. This allowed banks to purchase tax-exempt bonds at attractive rates. The 1986 tax act repealed bank deductibility, but an exception was retained for small governmental issuers that issue bonds of $10 million or less each year.

This exception was designed to preserve bank deductibility for small local governments, but does not help small non-profit institutions. The small issuer exception to be of little value in many States, like Vermont where statewide health care and higher education bond issuing authorities typically issue many millions of dollars of debt each year. The legislation I am introducing today will modify the small issuer exception by granting bond issuers the right to apply the small issuer exception at the level of the ultimate beneficiary of the funding. Consequently, a small college or health care facility borrowing less than $10 million in tax-exempt debt in any one year could elect tax-exempt status for that debt, even if it is issued by a statewide authority. This would make the debt more attractive to local banks, and could result in significant savings for beneficiary institutions over the life of the bond.

The Health and Higher Education Facilities Improvement Act of 2001 focuses the benefit of the small issuer exemption on smaller non-profits, without regard to whether the bond issuer is a government entity issuing more than $10 million in bonds per year. Small non-profits are important community institutions; they stand to benefit from greater access to tax-exempt debt. Wall Street and large money center banks may have little interest in small amounts of debt from small institutions. The bank across the street from a local college or health care clinic, however, may have greater confidence and insight into the community value of the institution. This bill would allow those banks to carry tax-exempt debt at attractive rates and maintain commitments to the people and institutions in their local communities.

I urge my colleagues to support this bill.

By Mr. SHELBY:

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

Mr. SHELBY. Mr. President, Congress recently passed a tax bill that provides much-needed relief for all Americans. While I am pleased that the tax bill included marriage penalty relief, a reduction in marginal rates and a phase out of the estate tax, these changes unfortunately increase the tax code's complexity. Furthermore, despite the positive changes made this year, the current code still retains the alternative minimum tax, the taxation of Social Security benefits, and marginal rates that increase with income.

I rise today to introduce legislation that takes tax reform to the next level and addresses the fundamental problems of the current code. My bill accomplishes this by repealing the current Internal Revenue Code and replacing it with a flat tax, where all taxpayers pay the same rate.

As with current law, not all wage earners will pay a Federal income tax under a flat tax. In order to assist lower income Americans, I have included large standard deductions. For example, a family of four would need to make more than $35,200 before paying a single penny in taxes.

Some argue that it's fair to tax wealthier people at higher rates. I believe that nothing can be further from the truth. Not only is this type of tax policy fundamentally unfair, it also prevents our economy from realizing its full potential.

A flat tax does not mean that a school teacher will have the same tax liability as Bill Gates. The principles of math dictate that people who make more will still pay more in taxes with a single rate. The difference is that with a flat tax those who earn more will no longer be penalized by rising marginal rates.

My bill also increases tax fairness by eliminating itemized deductions and credits. While these tax breaks benefit those who are lucky enough to claim them, they consequently hurt the taxpayers who are not. As a result, people with the same yearly salaries can pay very different Federal income taxes depending on whether they have children, they decide to own or rent a home, or decide to finance a family vacation through a credit card or a home equity loan.

Over time the tax code has evolved from a way to collect Federal revenue into a way to encourage and reward behavior the government deems important. I believe that the American people are intelligent enough that they do not need the Federal Government dangling a carrot in front of them when they make life decisions. Furthermore, I believe that people should not be punished for deciding to make these decisions in ways that are contrary to what the government decides is right.

Simplification is yet another reason our country needs the flat tax. The National Taxpayer Advocate cited complications in the tax code as the number one issue taxpayers faced in 2001. As the IRS publishes more and more regulations, and new tax laws are enacted, the complexity of the tax code will only grow.

The complexity of the tax code forces many Americans to seek the advice of tax professionals at the cost of many millions of dollars. No tax code should be so puzzling that the average person has to spend his hard-earned money to hire a tax preparer or an accountant. Those who decide to brave the tax code and file their own returns do not fare better. These people face conflicting IRS advice and many hours of completing confusing tax forms. All of these needless hassles results in taxpayer frustration and apathy and less time spent on more productive endeavors.

Under the flat tax, a taxpayers would be able to be quickly and accurately file their returns. There would be no itemized deductions or credits to calculate, no capital gains tabulations and no alternative minimum tax. With this new simplicity, taxpayers would be able to complete their personal income tax return in virtually no time at all compared to the 13 hours the IRS estimates it takes to complete a 1040 form.

I understand that my bill is a major change from the current tax code. Many people have become complacent with the status quo. Still others enjoy using the tax to implement social policy. I on the other hand believe though that a tax code should have one purpose and that is to collect revenue.

I hope that my colleagues will begin to seriously look at alternatives to the current code. The legislation I have introduced today is an excellent opportunity to bring this debate to the floor of the Senate. The combination of freedom, simplicity and fairness make the flat tax the ultimate goal of true tax reform. I urge my colleagues to join me in support of meaningful and comprehensive tax reform.

By Mr. FEINGOLD:

S. 1041. A bill to establish a program for an information clearinghouse to increase public access to defibrillation in schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to introduce the Automatic Defibrillators in Adam's Memory Act, or the ADAM Act, which would help schools across America implement public access defibrillation programs.

I am especially proud that the concept of this legislation came from my home state of Wisconsin, where a similar program has saved the lives of a number of students.

Heart disease is not only a problem among adults. I recently learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in southeastern Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

The following November, a Milwaukee Technical High School football player died of Sudden Cardiac Arrest while playing basketball with his friends. And in April 2000, two more Milwaukee-area deaths were attributed to sudden cardiac arrest: a Marquette University senior and a visiting 12-year old from Illinois who was playing basketball.

These stories are incredibly tragic. These young people had their whole lives before them, and could have been saved. In fact, we have seen a number of examples in Wisconsin where early CPR and access to defibrillation have saved lives.

Seventy miles away from Milwaukee, a 14-year-old boy, collapsed while playing basketball. Within three minutes, the emergency team arrived and began CPR. Within five minutes of his collapse, the paramedics used an automated external defibrillator to jump start his heart. Not only has this young man survived, they have identified his father and brother to have the same heart condition. To prevent cardiac deaths, internal defibrillators were implanted in both men.

I also recently met Heather Rahn who on March 19, was at a church concert in the gymnasium of Good Hope Christian Academy. She told her friends that her heart was racing, and she felt nervous. In the middle of running across the gym, she collapsed on the ground from cardiac arrest. She was down for about three and a half minutes when an ambulance arrived, bringing a defibrillator that would save her life. It took two shocks to bring her back.

These tragic stories help to underscore three issues. First, although cardiac arrest is most common among adults, it can occur at any age, even in apparently healthy children and adolescents. Second, early intervention is essential, a combination of CPR and use of AEDs can save lives. Third, some individuals who are at risk for sudden cardiac arrest, can be identified to prevent cardiac arrest.

After Adam Lemel tragically suffered his cardiac arrest two years ago, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to: bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths, and save lives.

Today, Project ADAM has introduced AEDs into several Wisconsin schools, and has been a model for programs in Washington, Florida, Michigan and elsewhere.

I had the chance to visit with Dave Ellis, Adam's parents, and the dedicated people at Children's Hospital of Wisconsin, especially Karen Bauer and Dr. Stu Berger. And let me tell you, there are no better advocates for saving the lives of cardiac arrest victims. I want to commend them for their service, and efforts to save the lives of sudden cardiac arrest victims.

I strongly believe that the Federal Government should support local efforts to equip more people in our communities, including younger generations, with the necessary skills to deal with life-threatening emergencies like cardiac arrest. And there is no better way to support local efforts than by following the lead of a successful local effort such as Project ADAM.

Over two hundred twenty thousand Americans die each year of sudden cardiac arrest, including between 5000 and 7000 children. About 50,000 of these victims lives could be saved each year if more people implemented the "Chain of Survival," which includes an immediate call to 911, early CPR and defibrillation, and early advanced life support.

According to the Centers for Disease Control, the number of sudden cardiac deaths of people between the ages of 15 and 34 years old has increased over 10 percent in the past 10 years. The research also shows that sudden cardiac death has increased by 30 percent in young women.

Without any training, kids would never know what to do in the face of such an emergency.

As a matter of fact, many adults wouldn't know what to do either. That lack of knowledge is a break in the chain of survival, but that break can be repaired through the right training. A number of localities have pushed for increased CPR training and public access to defibrillation in schools.

The ADAM Act will help strengthen the Chain by establishing a national Project ADAM resource center. The center would provide schools with information to help them implement public access defibrillation programs.

The ADAM Center would also provide support to CPR and AED training programs, and help foster new community partnerships among public and private organizations to promote public access to defibrillation in schools.

Finally, the ADAM Act would create a way to track cardiac arrest among children and to conduct further research into this serious health threat.

This clearinghouse responds to the growing number of schools that have the desire to set up a public access defibrillation program, but often don't know where to start.

If the ADAM Act becomes law, schools across the country will have a place to turn as they work to establish public access to defibrillation programs in more schools across America. The Project ADAM resource center will help schools give victims of cardiac arrest a fighting chance.

By Mr. INOUYE:

S. 1042. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I rise to introduce the Filipino Veterans' Benefits Improvement Act of 2001. This bill provides our country the opportunity to right a wrong committed decades ago, by providing Philippine-born veterans of World War II who served in the United States Armed Forces their hard-earned, due compensation.

Our Nation is now at peace, and our prosperity has reached levels never before seen by any Nation in history. We are on the top of the world in terms of economic power and military might, and much of this unprecedented success is due to the tremendous sacrifices made by our fighting forces during World War II. We trampled tyranny in Europe and in the Pacific, and when we raised our flag proudly over hostile lands, we were greeted enthusiastically by the millions we liberated from the grasp of terrible aggression.

I take this opportunity today to remind everyone of an injustice that persists as a blemish on one of history's greatest success stories.

The Philippines became a United States possession in 1898, when it was ceded from Spain following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines, including the right to call all military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

On July 26, 1941, President Roosevelt issued an Executive Order calling members of the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East. Under this order, Filipinos were entitled to full veterans' benefits. More than 100,000 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the United States Armed Forces.

The United States Armed Forces of the Far East fought to reclaim control of the entire Western Pacific. Filipinos, under the command of General Douglas MacArthur, fought in the front lines of the Battle of Corregidor and at Bataan. They served in Okinawa, on occupied mainland Japan, and in Guam. They were part of what became known as the Bataan Death March, and were held and tortured as prisoners of war. Through these hardships, the men of the Philippine Commonwealth Army remained loyal to the United States during the Japanese occupation of the Philippines, and the valiant guerilla war they waged against the Japanese helped to delay the Japanese advance across the Pacific.

Despite all of their sacrifices, on February 18, 1946, Congress betrayed these veterans by enacting the Rescission Act of 1946 and declaring the service performed by the Philippine Commonwealth Army veterans as not "active service," thus denying many benefits to which these veterans were entitled.

Then, shortly after Japan's surrender, Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending American troops to occupy enemy lands, and to oversee military installations at various overseas locations. A provision included in the Recruitment Act called for the enlistment of Philippine citizens to constitute a new body of Philippine Scouts. The New Scouts were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of the New Philippine Scouts continued as a matter of law until the end of 1946.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which included a provision to limit veterans' benefits to Filipinos. This provision duplicated the language that had eliminated veterans' benefits under the First Rescission Act, and placed similar restrictions on veterans of the New Philippine Scouts. Thus, the Filipino veterans that fought in the service of the United States during World War II have been precluded from receiving most veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Congress tried to rectify the wrong committed against the Filipino veterans of World War II by amending the Nationality Act of 1940 to grant the veterans the privilege of becoming United States citizens for having served in the United States Armed Forces of the Far East.

The law expired at the end of 1946, but not before the United States had withdrawn its sole naturalization examiner from the Philippines for a nine-month period. This effectively denied Filipino veterans the opportunity to become citizens during this nine-month window. Forty-five years later, under the Immigration Act of 1990, certain Filipino veterans who served during World War II became eligible for United States citizenship. Between November, 1990, and February, 1995, approximately 24,000 veterans took advantage of this opportunity and became United States citizens.

For many years, Filipino veterans of World War II, who are now in their twilight years, have sought to correct the injustice caused by the Rescission Acts by seeking equal treatment of their valiant military service in our Armed Forces. They stood up to the same aggression that American-born soldiers did, and many Filipinos sacrificed their lives in the war for democracy and liberty.

Heroes should never be forgotten or ignored, so let us not turn our backs on those who sacrificed so much. Many of the Filipinos who have fought so hard for us have been honored with American citizenship, but let us now work to repay all of these brave men for their sacrifices by providing them the full veterans' benefits they have earned.

By Mr. REID:

S. 1043. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, today I am introducing a simple bill that would extend the deadline under the Federal Power Act for the commencement of construction of the Blue Diamond hydroelectric project in southern Nevada. The bill will allow the Federal Government to extend the project permit for as many as three consecutive two-year periods. At this time, serious concerns remain about the environmental impacts of the project and where power generated at the facility would be sold. These important questions merit additional dialogue and introduction of this bill provides for further examination of this project.

By Mr. SARBANES (for himself, Mr. WARNER, Mr. ALLEN, and Ms. MIKULSKI):

S. 1044. A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1045. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authorities, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SARBANES. Mr. President, today I am introducing two measures to expand restoration and protection efforts in the Chesapeake Bay watershed. Joining me in sponsoring these measures are my colleagues Senators WARNER, ALLEN, and MIKULSKI.

Nearly two decades ago, the Bay area States and the Federal Government signed an historic agreement to work together to restore the Chesapeake Bay, our Nation's largest estuary and one of the most productive ecosystems in the world. In 1987, the Governors of Maryland, Virginia, Pennsylvania, the Chesapeake Bay Commission, the Mayor of the District of Columbia and the Administrator of the EPA, on behalf of the Federal Government, reaffirmed their commitment to that compact and agreed to 29 specific goals and action plans including the unprecedented goal of a 40 percent reduction of nitrogen and phosphorous loads to the main stem of the Bay by the year 2000. Last year, the State and the Federal Government conducted an extensive evaluation of cleanup progress since the 1980s and determined that, despite important advances, efforts must be redoubled to restore the integrity of the Chesapeake Bay ecosystem. A new Chesapeake 2000 agreement was signed to serve as a blueprint for the restoration effort over the next decade.

To meet the goals established in the new agreement, it is estimated that the local, State and Federal Governments must invest $8.5 billion over the course of the next ten years. Thousands of acres of watershed property must be preserved, buffer zones to protect rivers and streams need to be created, and pollution from all sources will have to be further reduced. While $8.5 billion seems like an enormous sum, we should remember that the health of Chesapeake is vital not only to the more than 15 million people who live in the watershed, but to the nation. The Chesapeake Bay watershed is one of our Nation's and the world's greatest natural resources covering 64,000 square miles within six States. It is a world-class fishery that still produces a significant portion of the fin fish and shellfish catch in the United States. It provides vital habitat for living resources, including more than 3600 species of plants, fish and animals. It is a major resting area for migratory waterfowls and birds along the Atlantic including many endangered and threatened species. It is also a one-of-a-kind recreational asset enjoyed by millions of people, a major commercial waterway and shipping center for much of the eastern United States, and provides jobs for thousands of people. In short, the Chesapeake Bay is a magnificent, multifaceted resource worthy of the highest levels of protection and restoration.

Over the years, human activities have profoundly impacted the Bay. Untreated sewage, deforestation, toxic chemicals, runoff and increased development have degraded the Bay's water quality and contributed to the decline of such key species as oysters and blue crabs and the underwater grasses they favor for habitat. We have lost not only thousands of jobs in the fishing industry but much of the wilderness that defined the watershed. By the year 2020, an additional three million people are expected to settle in the watershed and this growth could eclipse the nutrient reduction and habitat protection gains of the past. Not meeting the investment needs of the next 10 years risks reversing all that has been achieved over the past two decades in cleaning up the Bay.

The first measure we are introducing would establish a grant program in the Environmental Protection Agency to support the installation of nutrient reduction technologies at major wastewater treatment facilities in the Chesapeake Bay watershed. Despite important water quality improvements over the past decade, nutrient over-enrichment remains the most serious pollution problem facing the Bay. The overabundance of the nutrients nitrogen and phosphorous continues to rob the Bay of life sustaining oxygen. Recent modeling of EPA's Bay Program has found that total nutrient discharges must be reduced by more than 35 percent from current levels to restore the Chesapeake Bay and its major tributaries to health. To do so, nitrogen discharges from all sources must be reduced drastically below current levels. Annual nitrogen discharges into the Bay will need to be cut by at least 110 million pounds from the current 300 million pounds to less than 190 million pounds. Municipal wastewater treatment plants, in particular, will have to reduce nitrogen discharges by nearly 75 percent.

There are 288 major wastewater treatment plants in the Chesapeake Bay watershed: Pennsylvania, 124, Maryland, 62, Virginia, 70, New York, 18, Delaware, 3, Washington, D.C., 2, and West Virginia, 9. These plants contribute about 60 million pounds of nitrogen per year, one fifth, of the total loads of nitrogen to the Bay. Upgrading these plants with nutrient removal technologies to achieve nitrogen reductions of 3 mg/liter would remove 46 million pounds of nitrogen in the Bay each year or 40 percent of the total nitrogen reductions needed. Nutrient removal technologies have other benefits as well, they provide significant savings in energy usage, 20 to 30 percent, in chemical usage, more than 50 percent, and in the amount of sludge produced, five to 15 percent. They are one of the most cost-effective methods of reducing nutrients discharged to the Bay.

My legislation would provide grants for 55 percent of the capital cost of upgrading all 288 plants with nutrient removal technologies capable of achieving nitrogen reductions of 3 mg/liter.

The total cost of these upgrades is estimated at $1.2 billion, with a federal share of $660 million. Any publically owned wastewater treatment plant which has a permitted design capacity to threat an annual average of 0.5 million gallons per day within the Chesapeake Bay watershed portion of New York, Pennsylvania, Maryland, West Virginia, Delaware, Virginia and the District of Columbia would be eligible to receive these grants. As a signatory to the Chesapeake Bay Agreement, the EPA has an important responsibility to assist the states with financing these water infrastructure needs.

The second measure would reauthorize the National Oceanic and Atmospheric, NOAA, Chesapeake Bay Office. I first introduced a similar measure in June, 2000, but unfortunately it was not acted upon prior to the adjournment of the 106th Congress.

The NOAA Chesapeake Bay office, NCBO, was first established in 1992 pursuant to Public Law 102-567. It serves as the focal point for all of NOAA's activities within the Chesapeake Bay watershed and is a vital part of the effort to achieve the long-term goal of the Bay Program, restoring the Bay's living resources to healthy and balanced levels. During the past nine years, the NCBO has made great strides in realizing the objectives of the NOAA Authorization Act of 1992 and the overall Bay Program living resource goals. Working with other Bay Program partners, important progress has been made in surveying and assessing fishery resources in the Bay, developing fishery management plans for selected species, undertaking habitat restoration projects, removing barriers to fish passage, and undertaking important remote sensing and data analysis activities.

NOAA's responsibilities to the Bay restoration effort are far from complete, however. Some populations of major species of fish and shellfish in Chesapeake Bay such as shad and oysters, remain severely depressed, while others, such as blue crab are at risk. Bay-wide, some 16 of 25 ecologically important species are in decline or severe decline, due to disease, habitat loss, over-fishing and other factors. The underwater grasses that once sustained these fisheries are only at a fraction of their historic levels. Research and monitoring must be continued and enhanced to track living resource trends, evaluate the responses of the estuary's biota to changes in their environment and establish clear management goals and progress indicators for restoring the productivity, diversity and abundance of these species. Chesapeake 2000, the new Bay Agreement, has identified several living resource goals which will require strong NOAA involvement to achieve.

The legislation which we are introducing would provide NOAA with additional resources and authority necessary to ensure its continued full participation in the Bay's restoration and in meeting with goals and objectives of Chesapeake 2000. First, the legislation authorizes and directs NOAA to undertake a special five-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate other federal agencies, to develop the knowledge base required for understanding multi-species interactions and developing multi-species management plans. To date, fisheries management in Chesapeake Bay and other waters, has been largely based upon single-species plans that often ignore the critical relationships between water and habitat quality, ecosystem health and the food webs that support the Bay's living resources. There is a growing consensus between scientific leaders and managers alike that we must move beyond the one-species-at-a-time approach toward a wider, multi-species and ecosystem perspective. Chesapeake 2000 calls for developing multi-species management plans for targeted species by the year 2005 and implementing the plans by 2007. In order to achieve these goals, NOAA must take a leadership role and support a sustained research and monitoring program.

Second, the legislation authorizes NOAA to carry out a small-scale fishery and habitat restoration grant and technical assistance program to help citizens organizations and local governments in the Chesapeake Bay watershed undertake habitat, fish and shellfish restoration projects. Experience has shown that, with the proper tools and training, citizens' groups and local communities can play a tremendous role in fisheries and habitat protection and restoration efforts. The Chesapeake Bay Foundation's oyster gardening program, for example, has proven to be highly successful in training citizens to grow oysters at their docks to help restore oysters' populations in the Bay. The new Bay Agreement has identified a critical need to not only to expand and promote community-based programs but to restore historic levels of oyster production, restore living resource habitat and submerged aquatic vegetation. The NOAA small-grants program, which this bill would authorize, would complement EPA's Chesapeake Bay small watershed program, and make "seed" grants available on a competitive, cost-sharing basis to local governments and nonprofit organizations to implement hands-on projects such as improvement of fish passageways, creating artificial or natural reefs, restoring wetlands and seagrass beds, and producing oysters for restoration projects.

Third, the legislation would establish an internet-based Coastal Predictions Center for the Chesapeake Bay. Resource managers and scientists alike agree that we must make better use of the various modeling and monitoring systems and new technologies to improve prediction capabilities and response to physical and chemical events within the Bay and tributary rivers. There are substantial amounts of data collected and compiled by Federal, state and local government agencies and academic institutions including information on weather, tides, currents, circulation, climate, land use, coastal environmental quality, aquatic living resources and habitat conditions. Unfortunately, little of this data is coordinated and organized in a manner that is useful to the wide range of potential users. The Coastal Predictions Center would serve as a knowledge bank for assembling monitoring and modeling data from relevant government agencies and academic institutions, interpreting that data, and organizing it into products that are useful to resource managers, scientists and the public.

Finally, the legislation would direct NOAA to implement an education program targeted toward the 3 million pupils in kindergarten through 12th grade in the Chesapeake Bay watershed. One of the key goals of the Chesapeake 2000 Agreement is to expand education and public awareness of the Bay and local watersheds. Among other activities, the Agreement calls for providing meaningful Bay or stream outdoor experiences for every school student in the watershed before graduation from high school, incorporating the Chesapeake Bay watershed into school curricula, and providing students and teachers alike with information to increase awareness of Bay living resource and other issues. Our legislation would enable NOAA to enter into partnerships with non-profit environmental organizations in the region experienced in conducting environmental education programs, the Chesapeake Bay Foundation and the Living Classrooms Foundation, for example, and to expand opportunities for students and teachers to participate in Bay and other field and classroom learning experiences which support Chesapeake Bay restoration and protection efforts.

The legislation increases the authorization for the NOAA Bay Program from the current level of $2.5 million to $8.5 million per year to enhance current activities and to carry out these new initiatives. For more than a decade, funding for NOAA's Bay Program has remained static at an annual average of $1.9 million. If we are to achieve the ultimate, long-term goal of the Bay Program, protecting, restoring and maintaining the health of the living resources of the Bay, additional financial resources must be provided.

These two measures would provide an important boost to our efforts to save the Chesapeake Bay. They are strongly supported by the Chesapeake Bay Commission, the Chesapeake Bay Foundation, and other organizations in the watershed. I ask unanimous consent that the full text of the measures and supporting letters be printed in the Record. I urge my colleagues to join with us in supporting the two measures and continue the momentum contributing to the improvement and enhancement of our Nation's most valuable and treasured natural resource.

There being no objection, the additional material was ordered to be printed in the Record, as follows:

S. 1044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chesapeake Bay Watershed Nutrient Removal Assistance Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) nutrient pollution from point sources and nonpoint sources continues to be the most significant water quality problem in the Chesapeake Bay watershed;

(2) a key commitment of the Chesapeake 2000 agreement, an interstate agreement among the Administrator, the Chesapeake Bay Commission, the District of Columbia, and the States of Maryland, Virginia, and Pennsylvania, is to achieve the goal of correcting the nutrient-related problems in the Chesapeake Bay by 2010;

(3) by correcting those problems, the Chesapeake Bay and its tidal tributaries may be removed from the list of impaired bodies of water designated by the Administrator of the Environmental Protection Agency under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d));

(4) nearly 300 major sewage treatment plants located in the Chesapeake Bay watershed annually discharge approximately 60,000,000 pounds of nitrogen, or the equivalent of 20 percent of the total nitrogen load, into the Chesapeake Bay; and

(5) nutrient removal technology is 1 of the most reliable, cost-effective, and direct methods for reducing the flow of nitrogen from point sources into the Chesapeake Bay.

(b) Purposes.—The purposes of this Act are—

(1) to authorize the Administrator of the Environmental Protection Agency to provide financial assistance to States and municipalities for use in upgrading publicly-owned wastewater treatment plants in the Chesapeake Bay watershed with nutrient removal technologies; and

(2) to further the goal of restoring the water quality of the Chesapeake Bay to conditions that are protective of human health and aquatic living resources.

SEC. 3. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"TITLE VII—MISCELLANEOUS

"SEC. 701. SEWAGE CONTROL TECHNOLOGY GRANT PROGRAM.

"(a) Definition of Eligible Facility.—In this section, the term 'eligible facility' means a municipal wastewater treatment plant that—

"(1) as of the date of enactment of this title, has a permitted design capacity to treat an annual average of at least 500,000 gallons of wastewater per day; and

"(2) is located within the Chesapeake Bay watershed in any of the States of Delaware, Maryland, New York, Pennsylvania, Virginia, or West Virginia or in the District of Columbia.

"(b) Grant Program.—

"(1) Establishment.—Not later than 1 year after the date of enactment of this title, the Administrator shall establish a program within the Environmental Protection Agency to provide grants to States and municipalities to upgrade eligible facilities with nutrient removal technologies.

"(2) Priority.—In providing a grant under paragraph (1), the Administrator shall—

"(A) consult with the Chesapeake Bay Program Office;

"(B) give priority to eligible facilities at which nutrient removal upgrades would—

"(i) produce the greatest nutrient load reductions at points of discharge; or

"(ii) result in the greatest environmental benefits to local bodies of water surrounding, and the main stem of, the Chesapeake Bay; and

"(iii) take into consideration the geographic distribution of the grants.

"(3) Application.—

"(A) In general.—On receipt of an application from a State or municipality for a grant under this section, if the Administrator approves the request, the Administrator shall transfer to the State or municipality the amount of assistance requested.

"(B) Form.—An application submitted by a State or municipality under subparagraph (A) shall be in such form and shall include such information as the Administrator may prescribe.

"(4) Use of funds.—A State or municipality that receives a grant under this section shall use the grant to upgrade eligible facilities with nutrient removal technologies that are designed to reduce total nitrogen in discharged wastewater to an average annual concentration of 3 milligrams per liter.

"(5) Cost sharing.—

"(A) Federal share.—The Federal share of the cost of upgrading any eligible facility as described in paragraph (1) using funds provided under this section shall not exceed 55 percent.

"(B) Non-federal share.—The non-Federal share of the costs of upgrading any eligible facility as described in paragraph (1) using funds provided under this section may be provided in the form of funds made available to a State or municipality under—

"(i) any provision of this Act other than this section (including funds made available from a State revolving fund established under title VI); or

"(ii) any other Federal or State law.

"(c) Authorization of Appropriations.—

"(1) In general.—There is authorized to be appropriated to carry out this section $132,000,000 for each of fiscal years 2003 through 2007, to remain available until expended.

"(2) Administrative costs.—The Administrator may use not to exceed 4 percent of any amount made available under paragraph (1) to pay administrative costs incurred in carrying out this section.".

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NOAA Chesapeake Bay Office Reauthorization Act of 2001".

SEC. 2. CHESAPEAKE BAY OFFICE.

(a) Establishment.—Section 307(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(a)) is amended—

(1) in paragraph (1), by striking "Estuarine Resources"; and

(2) by amending paragraph (2) to read as follows:

"(2) The Secretary of Commerce shall appoint as Director of the Office an individual who has knowledge of and experience in research or resource management efforts in the Chesapeake Bay.".

(b) Functions.—

(1) Section 307(b)(3) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)(3)) is amended to read as follows:

"(3) facilitate coordination of the programs and activities of the various organizations and facilities within the National Oceanic and Atmospheric Administration, the Chesapeake Bay units of the National Estuarine Research Reserve System, the Chesapeake Bay Regional Sea Grant Programs, and the Cooperative Oxford Lab, including—

"(A) programs and activities in—

"(i) coastal and estuarine research, monitoring, and assessment;

"(ii) fisheries research and stock assessments;

"(iii) data management;

"(iv) remote sensing;

"(v) coastal management;

"(vi) habitat conservation and restoration; and

"(vii) atmospheric deposition; and

"(B) programs and activities of the Cooperative Oxford Laboratory of the National Ocean Service with respect to—

"(i) nonindigenous species;

"(ii) marine species pathology;

"(iii) human pathogens in marine environments; and

"(iv) ecosystems health;".

(2) Section 307(b)(7) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)(7)) is amended by striking the period at the end and inserting the following: ", which report shall include an action plan consisting of—

"(A) a list of recommended research, monitoring, and data collection activities necessary to continue implementation of the strategy described in paragraph (2); and

"(B) proposals for—

"(i) continuing and new National Oceanic and Atmospheric Administration activities in the Chesapeake Bay; and

"(ii) the integration of those activities with the activities of the partners in the Chesapeake Bay Program to meet the commitments of the Chesapeake 2000 agreement and subsequent agreements.".

(c) Conforming Amendment.—Section 307 of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d) is amended by striking the section heading and inserting the following:

"SEC. 307. CHESAPEAKE BAY OFFICE.".

SEC. 3. MULTIPLE SPECIES MANAGEMENT STRATEGY; CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM; COASTAL PREDICTION CENTER.

The National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended by inserting after section 307 (15 U.S.C. 1511d) the following:

"SEC. 307A. MULTIPLE SPECIES MANAGEMENT STRATEGY.

"(a) In General.—Not later than 180 days after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration shall commence a 5-year study, in cooperation with the scientific community of the Chesapeake Bay and appropriate Federal agencies—

“(1) to determine and expand the understanding of the role and response of living resources in the Chesapeake Bay ecosystem; and

“(2) to develop a multiple species management strategy for the Chesapeake Bay.

“(b) Required Elements of Study.—In order to improve the understanding necessary for the development of the strategy under subsection (a), the study shall—

“(1) determine the current status and trends of fish and shellfish that live in the Chesapeake Bay estuary and are selected for study;

“(2) evaluate and assess interactions among the fish and shellfish described in paragraph (1) and other living resources, with particular attention to the impact of changes within and among trophic levels; and

“(3) recommend management actions to optimize the return of a healthy and balanced ecosystem for the Chesapeake Bay.

“SEC. 307B. CHESAPEAKE BAY FISHERY AND HABITAT RESTORATION SMALL GRANTS PROGRAM.

“(a) In General.—The Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the ‘Director’), in cooperation with the Chesapeake Executive Council (as defined in section 307(e)), shall carry out a community-based fishery and habitat restoration small grants and technical assistance program in the Chesapeake Bay watershed.

“(b) Projects.—

“(1) Support.—The Director shall make grants under the program under subsection (a) to pay the Federal share of the cost of projects that are carried out by eligible entities described in subsection (c) for the restoration of fisheries and habitats in the Chesapeake Bay.

“(2) Federal share.—The Federal share of the cost of a project under paragraph (1) shall not exceed 75 percent of the total cost of that project.

“(3) Types of projects.—Projects for which grants may be made under the program include—

“(A) the improvement of fish passageways;

“(B) the creation of natural or artificial reefs or substrata for habitats;

“(C) the restoration of wetland or sea grass;

“(D) the production of oysters for restoration projects; and

“(E) the identification and characterization of contaminated habitats, and the development of restoration plans for those habitats in the Chesapeake Bay watershed.

“(c) Eligible Entities.—The following entities are eligible to receive grants under the program under this section:

“(1) The government of a political subdivision of a State in the Chesapeake Bay watershed and the Government of the District of Columbia.

“(2) An organization in the Chesapeake Bay watershed (such as an educational institution or a community organization) that is described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of the Code.

“(d) Additional Requirements.—The Director may prescribe any additional requirements, including procedures, that the Director considers necessary to carry out the program under this section.

“SEC. 307C. COASTAL PREDICTION CENTER.

“(a) Establishment.—

“(1) In general.—Not later than 1 year after the date of enactment of this section, the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration (referred to in this section as the ‘Director’), in collaboration with regional scientific institutions, shall establish a coastal prediction center for the Chesapeake Bay (referred to in this section as the ‘center’).

“(2) Purpose of center.—The center shall serve as a knowledge bank for—

“(A) assembling, integrating, and modeling coastal information and data from appropriate government agencies and scientific institutions;

“(B) interpreting the data; and

“(C) organizing the data into predictive products that are useful to policy makers, resource managers, scientists, and the public.

“(b) Activities.—

“(1) Information and prediction system.—The center shall develop an Internet-based information system for integrating, interpreting, and disseminating coastal information and predictions concerning—

“(A) climate;

“(B) land use;

“(C) coastal pollution;

“(D) coastal environmental quality;

“(E) ecosystem health and performance;

“(F) aquatic living resources and habitat conditions; and

“(G) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, and organisms, coastline erosion, and related physical and chemical events within the Chesapeake Bay and the tributaries of the Chesapeake Bay.

“(2) Agreements to provide data, information, and support.—The Director may enter into agreements with other entities of the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local government agencies, and academic institutions, to provide and interpret data and information, and provide appropriate support, relating to the activities of the center.

“(3) Agreements relating to information products.—The Director may enter into grants, contracts, and interagency agreements with eligible entities for the collection, processing, analysis, interpretation, and electronic publication of information products for the center.”.

SEC. 4. ENVIRONMENTAL EDUCATION.

The National Oceanic and Atmospheric Administration Authorization Act of 1992 is amended by inserting after section 307C (as added by section 3) the following:

“SEC. 307D. ENVIRONMENTAL EDUCATION PILOT PROGRAM.

“(a) Pilot Program Established.—Not later than 180 days after the date of enactment of this section, the Director, in cooperation with the Chesapeake Executive Council, shall establish the Chesapeake Bay Environmental Education Program to improve the understanding of elementary and secondary school students and teachers of the living resources of the ecosystem of the Chesapeake Bay, and to meet the educational goals of the Chesapeake 2000 agreement.

“(b) Grant Program.—

“(1) In general.—The Director, through the pilot program established under subsection (a), shall make grants to not-for-profit institutions (or consortia of such institutions) to pay the federal share of the cost of programs described in paragraph (3).

“(2) Criteria.—The Director shall award grants under this subsection based on the experience of the applicant in providing environmental education and training programs regarding the Chesapeake Bay watershed to a range of participants and in a range of settings.

“(3) Functions and Activities.—Grants awarded under this subsection may be used to support education and training programs that—

“(A) provide classroom education, including the use of distance learning technologies, on the issues, science, and problems of the living resources of the Chesapeake Bay watershed;

“(B) provide meaningful outdoor experience on the Chesapeake Bay, or on a stream or in a local watershed of the Chesapeake Bay, in the design and implementation of field studies, monitoring and assessments, or restoration techniques for living resources;

“(C) provide professional development for teachers related to the science of the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

“(D) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

“(E) demonstrate field methods, practices and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and

“(F) develop or disseminate projects designed to—

“(i) enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or of a goal of the Chesapeake Bay Program; or

“(ii) protect or restore living resources of the Chesapeake Bay watershed.

“(4) Federal share.—The Federal share of the cost of a program under paragraph (1) shall not exceed 75 percent of the total cost of that program.

“(5) Program review.—Not later than 1 year after the date on which the Director awards the first grant under this subsection, and annually thereafter, the Director shall conduct a detailed review and evaluation of the programs supported by grants awarded under this subsection to determine whether the quality of the content, delivery, and outcome of the program warrants continued support.

“(c) Procedures.—The Director shall establish procedures, including safety protocols, as necessary for carrying out the purposes of this section.

“(d) Termination and Report.—

“(1) Termination.—The program established under this section shall be effective during the 4-year period beginning on October 1, 2001.

“(2) Report.—Not later than December 31, 2005, the Director, in consultation with the Chesapeake Executive Council, shall submit a report through the Administrator of National Oceanic and Atmospheric Administration to Congress regarding this program and, on the appropriate role of Federal, State and local governments in continuing the program established under this section.

“(e) Definition.—In this section, the term ‘Chesapeake 2000 agreement’ means the agreement between the United States, the States of Maryland, Pennsylvania, and Virginia, and the District of Columbia entered into on June 28, 2000.”.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 307(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(d)) is amended to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Department of Commerce for the Chesapeake Bay Office $8,000,000 for each of fiscal years 2002 through 2005.

"(2) AMOUNTS FOR PROGRAMS.—Of the amount authorized to be appropriated for each fiscal year under paragraph (1)—

"(A) not more than $2,500,000 shall be available to operate the Chesapeake Bay Office and to carry out section 307A;

"(B) not more than $1,000,000 shall be available to carry out section 307B; and

"(C) not more than $500,000 shall be available to carry out section 307C.

"(D) not more than $2,000,000 shall be available to carry out section 307D.

(c) CONFORMING AMENDMENT.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (97 Stat. 1409) is amended by striking subsection (e), as added by section 307(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (106 Stat. 4285).

SEC. 6. TECHNICAL CORRECTION.

Section 307(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 1511d(b)) is amended by striking "Chesapeake Bay Executive Council" and inserting "Chesapeake Executive Council".

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, May 15, 2001.

Hon. PAUL SARBANES,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR SARBANES: Last year, a few Members claimed that the Florida Everglades was a national treasure. I know you agree with me that the Chesapeake Bay, which drains six states and the District, has more claim to being a national treasure than the Florida Everglades.

I am writing to thank you for your steadfast support for the Bay. I am also writing to urge you to pass new legislation that will fund wastewater treatment plant upgrades to reduce nutrient pollution in the Bay. Nutrient pollution is the Bay's number one problem. The Bay and its tributaries receive about twice as much nitrogen and phosphorus as they should. Sewage plants are not the sole source, but new technology makes them the low-hanging fruit as we seek reductions.

First, let me give credit where it is due. Over 70 large wastewater treatment plants have been upgraded with technology that dramatically reduces the amount of nitrogen and phosphorus in the treated discharge. Some plants, like the Blue Plains facility in DC, have gone beyond what was asked of them. Virginia and Maryland and the local municipalities have shouldered that cost so far.

Nevertheless, to make a real dent in nutrient pollution, we need to get serious about getting all the major plants to remove nitrogen and phosphorus from the effluent. Another 218 major plants await upgrades. These plants need to install state-of-the-art technology, which would cut 85% of the nitrogen and phosphorus pollution from the treated discharge. That would slash nutrients in the Bay by more than 50 million pounds each year. I've attached a copy of a letter from my staff to yours that provides a detailed background briefing on this subject.

The Clean Water Act promised citizens that they would have clean waters by now. Sadly, the Bay is still polluted thirty years later. If we fail to greatly reduce nutrient pollution in the next few years, the Bay will not be the only loser. Commercial fishermen and their families will suffer. Waterfront property owners will not realize a gain in their investment. Recreational opportunities—so important in this workaholic world—will be diminished. And certainly, an unhealthy Bay imperils human health.

The Chesapeake Bay Foundation stands ready to galvanize public support behind your effort to fund these upgrades. With 92,000 members, a dedicated professional staff and a volunteer board, we are determined to do whatever it takes to save the Bay. Thank you again for all of your hard work on behalf of the Bay.

Sincerely,

WILLIAM C. BAKER,
President.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, May 23, 2001.

Hon. PAUL S. SARBANES,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: We write in support of your efforts to reduce the environmental and public health impacts of one of the major point sources of nutrient pollution to the Chesapeake Bay—municipal wastewater treatment plants. As you know, nearly 300 major sewerage treatment plants located in the Chesapeake Bay watershed discharge approximately 60 million pounds of nitrogen, amounting to 20 percent of the total nitrogen load, into the Chesapeake Bay.

Nutrient pollution has been a particularly difficult and persistent problem in our efforts to protect and restore the Chesapeake Bay's ecosystem. In 1987, the Chesapeake Bay Commission and our Bay partners committed to achieving a 40 percent reduction in controllable nutrient loads to the Bay by the year 2000. While measurable pollution reductions were achieved despite continued population growth and development, the Chesapeake Bay Program estimates that at least an additional 100 million lbs. of nitrogen must be removed in order to correct the Bay's nutrient-related problems by 2010.

Fortunately, the Bay states have led the way in the application of advanced nutrient removal technologies. For example, of Maryland's 66 wastewater treatment plants, biological nutrient removal (BNR) technology is in operation at 34 plants, under construction at 9 plants, and all but one of the remaining wastewater treatment plants have signed cost-share agreements for implementation of BNR. While this technology is one of the most reliable and cost-effective means of reducing nutrient loads to the Bay, it is prohibitively expensive without the combined contribution of local, state, and Federal funds. To date, the financial burden for upgrading aging sewerage infrastructure has rested largely upon local governments, which have a limited capacity to support such expensive capital improvements. The Chesapeake Bay Foundation has derived a rough estimate of $1.2 billion for the application of BNR at treatment plants within the Bay watershed over a 10-year period.

By establishing the proposed grant program under the "Chesapeake Bay Watershed Nutrient Removal Assistance Act," state and local funds could be matched with Federal funds to initiate urgently needed upgrades to eligible wastewater treatment facilities. By prioritizing those facilities that would produce the greatest nutrient load reductions at points of discharge and the greatest environmental benefits to local bodies of water, this program would ensure significant and measurable improvements to the water quality and living resources of the Chesapeake Bay. We commend you and your colleagues for addressing this important issue and offer our assistance in your endeavor.

Sincerely,

BRIAN E. FROSH,
Chairman (Senate of Maryland).
ROBERT S. BLOXOM,
Vice-Chairman (Virginia House of Delegates).
RUSS FAIRCHILD,
Vice-Chairman (Pennsylvania House of Representatives).

MARYLAND DEPARTMENT
OF THE ENVIRONMENT,
Baltimore, MD, June 12, 2001.

Hon. PAUL SARBANES,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR SARBANES: The State of Maryland has been pursuing an aggressive program of reducing nutrients from publicly owned wastewater treatment plants through its Biological Nutrient Removal (BNR) Cost-Share Program. This State funded program provides 50% of the costs to upgrade existing wastewater treatment plants with pollutant removal technologies that go beyond regulatory requirements to help meet the goal of cleaning up the Chesapeake Bay and its tributaries.

This State funded program has benefited from your efforts as well as those of Senator Mikulski through the earmarking of special federal appropriations to some of the wastewater treatment plants targeted for these BNR upgrades. This assistance has made the needed improvements affordable to the citizens served by these treatment plants and advanced the goals of the Chesapeake Bay Program.

I am writing to you today to request your continued support of the BNR Program. Maryland has accomplished much in this program. Of the 66 targeted plants, 34 are in operation and 9 are under construction. The remaining plants are in planning and design. Maryland has provided $163 million to fund these improvements, with another $73 to $100 million estimated to be needed to complete the program. The local governments have committed an equal share, and have the need for additional funding to implement BNR. With full implementation of the BNR Program, nitrogen loadings to the Bay will be reduced from 32 to 15.2 million pounds per year.

Achieving this level of nutrient reduction is more critical than ever, as the new goals being evaluated for the Chesapeake 2000 Agreement are refined. It is already clear that we will have to do much more to reduce both point sources and non-point sources of nutrient pollution to restore the Bay.

BNR will remain the cornerstone of the point survey strategy to achieve the needed nutrient reductions. While the BNR program has targeted a nitrogen concentration of 8 mg/l, many of the plants designed with BNR will be able to achieve even lower concentrations. The plants currently in planning and design are being evaluated and designed to be able to achieve lower concentrations, in anticipation of more ambitious Bay goals. In some cases, this may increase project costs, but is a reasonable investment to protect the Bay and its tributaries.

In the interest of maintaining the leadership of the Chesapeake Bay restoration effort by providing a nationally significant demonstration effort, I am asking for your continuing assistance in helping Maryland, and the other jurisdictions in the Chesapeake Bay region, meet these ambitious yet critical nutrient reduction goals. The creation of a special grant program to help local governments upgrade their wastewater treatment plants to reach the lowest possible nutrient discharge levels would ensure that the large publicly owned wastewater treatment plants in the region are maximizing pollutant removals to the benefit of the Chesapeake Bay.

The beneficiaries of this capital investment will be not only the future residents in the Chesapeake Bay region, who will be able to enjoy the environment and economic wealth of the Bay and the living resources with which we share this unique resource, but also the nation which will benefit from the knowledge gained from the Chesapeake Bay restoration effort.

Sincerely,

JANE NISHIDA,
Secretary.

By Mr. DEWINE (for himself, Mr. LEAHY, Mr. VOINOVICH, Mr. BREAUX, Mr. CONRAD, Mr. LUGAR, Mr. SANTORUM Ms. LANDRIEU, and Mr. HATCH):

S. 1048. A bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims; to the Committee on Finance.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection the text of the bill was ordered to be printed in the RECORD.

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.

(a) EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.—Subsection (b) of section 468B of the Internal Revenue Code of 1986 (relating to special rules for designated settlement funds) is amended by adding at the end the following new paragraph:

"(6) EXEMPTION FROM TAX FOR ASBESTOS-RELATED SETTLEMENT FUNDS.—Notwithstanding paragraph (1), no tax shall be imposed under this section or any other provision of this subtitle on any settlement fund to which this section or the regulations thereunder applies that is established for the principal purpose of resolving and satisfying present and future claims relating to asbestos.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 468B(b) of such Code is amended by striking "There" and inserting "Except as provided in paragraph (6), there".

(2) Subsection (g) of section 468B of such Code is amended by inserting "(other than subsection (b)(6))" after "Nothing in any provision of law".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2000.

SEC. 2. MODIFY TREATMENT OF ASBESTOS-RELATED NET OPERATING LOSSES.

(a) ASBESTOS-RELATED NET OPERATING LOSSES.—Subsection (f) of section 172 of the Internal Revenue Code of 1986 (relating to net operating loss deduction) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULES FOR ASBESTOS LIABILITY LOSSES.—

"(A) IN GENERAL.—At the election of the taxpayer, the portion of any specified liability loss that is attributable to asbestos may, for purposes of subsection (b)(1)(C), be carried back to the taxable year in which the taxpayer, including any predecessor corporation, was first involved in the production or distribution of products containing asbestos and each subsequent taxable year. In determining its specified liability losses attributable to asbestos, the taxpayer may elect to take into account payments of related parties attributable to asbestos-related products produced or distributed by the taxpayer.

"(B) COORDINATION WITH CREDITS.—If a deduction is allowable for any taxable year by reason of a carryback described in subparagraph (A)—

"(i) the credits allowable under part IV (other than subpart C) of subchapter A shall be determined without regard to such deduction, and

"(ii) the amount of taxable income taken into account with respect to the carryback under subsection (b)(2) for such taxable year shall be reduced by an amount equal to—

"(I) the increase in the amount of such credits allowable for such taxable year solely by reason of clause (i), divided by

"(II) the maximum rate of tax under section 1 or 11 (whichever is applicable) for such taxable year.

"(C) CARRYFORWARDS TAKEN INTO ACCOUNT BEFORE ASBESTOS-RELATED DEDUCTIONS.—For purposes of this section—

"(i) in determining whether a net operating loss carryforward may be carried under subsection (b)(2) to a taxable year, taxable income for such year shall be determined without regard to the deductions referred to in paragraph (1)(A) with respect to asbestos, and

"(ii) if there is a net operating loss for such year after taking into account such carryforwards and deductions, the portion of such loss attributable to such deductions shall be treated as a specified liability loss that is attributable to asbestos.

"(D) LIMITATION.—The amount of reduction in income tax liability arising from the election described in subparagraph (A) that exceeds the amount of reduction in income tax liability that would have resulted if the taxpayer utilized the 10-year carryback period under subsection (b)(1)(C) shall be devoted by the taxpayer solely to asbestos claimant compensation and related costs, through a settlement fund or otherwise.

"(E) COORDINATION WITH OTHER CARRYBACK LIMITATIONS.—The amount of asbestos-related specified liability loss that may be absorbed in a prior taxable year (and the amount of refund attributable to such loss absorption) shall be determined without regard to any limitation under section 381, 382, or 1502 or the regulations thereunder.

"(F) PREDECESSOR CORPORATION.—For purposes of this paragraph, a predecessor corporation shall include a corporation that transferred or distributed assets to the taxpayer in a transaction to which section 381(a) applies or that distributed the stock of the taxpayer in a transaction to which section 355 applies.".

(b) CONFORMING AMENDMENT.—Paragraph (7) of section 172(f) of such Code, as redesignated by this section, is amended by striking "10-year".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2000.

Mr. LEAHY. Mr. President, I am pleased to join with Senator DEWINE in introducing bipartisan legislation to provide common-sense tax incentives to help address asbestos liability issues.

First, our legislation would exempt investment income in an asbestos-related designated settlement funds from Federal income tax, much as the investment income in a 401(k) savings plan is exempt from Federal income tax under current law. To qualify for this exemption from Federal taxation, the principal purpose of the asbestos-related designated settlement fund must be to pay present and future claims to asbestos victims and their families. This tax incentive encourages businesses to create settlement funds to meet their asbestos-related liabilities, just as the tax incentive for 401(k) savings plans encourages workers to invest for their retirement.

Second, our legislation recognizes the unique nature of asbestos-related diseases by providing a special "carry-back" rule for a company's losses from paying claims to asbestos victims and their families. Under current law, a company may carry back these costs from products sold in the last ten years. This carry-back period, however, fails to match the realities of asbestos-related diseases, which are often latent for forty or more years. In many cases, companies are paying asbestos-related claims for exposure to products that were produced a half-century ago.

Our legislation would permit companies for whom the ten-year period provides no relief to carry back their current expenses from asbestos payments to victims and their families to the years in which the company produced the asbestos product. This extension of the carry-back tax rule is only fair given the long latency period of asbestos-related diseases.

I agree with Supreme Court Justice Ruth Bader Ginsburg in the Amchem Products decision that Congress can provide a secure, fair and efficient means of compensating victims of asbestos exposure. The appropriate role for Congress is to provide incentives for private parties to reach settlements, not to take away the legal rights of asbestos victims and their families. Our bipartisan bill provides these tax incentives for private parties involved in asbestos-related litigation to reach global settlements and for asbestos victims and their families to receive the full benefit of the incentives.

Encouraging fair settlements while still preserving the legal rights of all parties involved is a win-win situation for business and asbestos victims. For example, Rutland Fire Clay Company, a family-run, 118-year-old small business in my home state of Vermont, recently reached a settlement with its insurers and the trial bar concerning the firm's asbestos problems. Unlike some big businesses that are trying to avoid any accountability for their asbestos responsibilities through national "tort reform" legislation, the Rutland Fire Clay Company and its President, Tom Martin, are doing the right thing within the legal system. The tax incentives in our bipartisan bill will support the Rutland Fire Clay Company and its employees while providing financial security for its settlement with asbestos victims and their families.

I believe it is in the national interest to encourage fair and expeditious settlements between companies and asbestos victims. The legislation we are introducing today will encourage payments to victims while ensuring defendant firms remain solvent.

I thank Senator DEWINE for his leadership on this issue. I urge my colleagues to support our bipartisan approach to provide a secure and fair means of compensating victims of asbestos exposure and to permit businesses with asbestos liabilities to efficiently meet their responsibilities.

By Mr. TORRICELLI:

S. 1049. A bill to provide for an election to exchange research-related tax benefits for a refundable tax credit, for the recapture of refunds in certain circumstances, and for other purposes; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today to introduce a vital piece of legislation that will encourage the growth of some of the most innovative companies in the world. I refer to the small biotechnology firms throughout the country which on a daily basis perform breakthrough research that enhances our daily lives.

Indeed, biotechnology research over the years has benefitted greatly from successful initiatives such as the R&D tax credit. The R&D credit is of particular importance to my State of New Jersey because there are over 100 companies who spend $20 billion a year in R&D. In fact, over 50 percent of all the prescription drug research in the world is conducted in my State.

Going hand in hand with the R&D tax credit are the contributions of the biotechnology industry. My colleagues are well aware of the importance of this segment of industry and the beneficial role biotechnology plays in improving our quality of life and protecting the environment. In fact, the Senate unanimously approved a resolution acknowledging the benefits of biotech research earlier this Congress.

The Senate has recognized these benefits that are seen in the drugs and vaccines developed over the last 20 years, which have already enabled over 270 million people throughout the world live healthier and longer lives. Today, a breast cancer, leukemia or diabetes patient has a fighting chance to survive their illness through treatments developed by biotech research.

The record number of biotech drug approvals by the FDA over the past five years demonstrates the potential of this industry to develop new therapies which may someday lead to cures and vaccines for debilitating diseases such as heart disease, Alzheimer's, AIDS and cancer.

While the R&D credit has been responsible for enabling much of this breakthrough research, the irony is that many small firms who are performing the most advanced, cutting edge research and experimentation, who desperately need the R&D credit are unable to utilize it because they have failed to turn a profit. These small companies often dedicate all of their resources to one or two major initiatives to conduct long term R&D projects benefitting our medical, agricultural and industrial sectors.

In many instances, these projects are time consuming, expend much capital, and unfortunately are unsuccessful or unmarketable. Consequently, the long term unprofitability of these companies make them unable to take advantage of tax breaks and incentives such as the R&D credit. Therefore, many small firms are forced to abandon their research, sell their innovations to larger companies or simply go out of business.

I firmly believe that these industry failures are our failures because the firm that ends its research today, may have been the company that provides the cure for Parkinson's or Lou Gherig's disease tomorrow.

In order to address this situation, it is time for Congress to adopt a straightforward proposal that would build on the success of the R&D credit to provide these small research companies with the resources they need to continue their vital work. Specifically, I am introducing a proposal to allow these small firms to elect to take a refundable tax credit, equal to 75 percent of the nominal value of their current-year research credits or deductions or 75 percent of the value of the current-year net operating losses multiplied by the highest marginal tax rate for corporations (currently 35 percent).

I have also included safeguard provisions to ensure that the government's investment in these companies is put to good use. Any company that elects to take this refundable tax credit would become ineligible for normal R&D tax credits and normal corporate tax deductions until they are able to payback the original amount of the refundable tax credit in federal income taxes after they turn a profit. Furthermore, my proposal requires that the proceeds from the refundable tax credit must be used towards ongoing research-related activities. My legislation also maintains that if it is determined that a company claiming this credit is not using the proceeds for research, the IRS can recapture that portion of the credit.

This proposal does not seek to supercede or replace the R&D tax credit. Rather, it complements the tremendous success of the R&D credit. It helps the struggling companies that the R&D credit doesn't reach. I am hopeful that my colleagues will recognize, as I do, the magnificent potential of the biotech industry and make this investment in its future.

By Mr. SANTORUM (for himself, Mr. FITZGERALD, and Mr. VOINOVICH):

S. 1050. A bill to protect infants who are born alive; to the Committee on the Judiciary.

Mr. SANTORUM. Mr. President, today I am introducing the Born Alive Infants Protection Act.

When I was first elected to the Senate in 1994, I never imagined that the bill I am offering today would be necessary. Simply stated, this measure gives legal status to a fully born living infant, regardless of the circumstances of his or her birth. I am deeply saddened that we must clarify Federal law to specify that a living newborn baby is, in fact, a person.

One could ask, "Why do you need Federal legislation to state the obvious? What else could a living baby be, except a person?" I will begin my explanation with events in 1995, when the Senate began its attempts to outlaw a horrifying, inhumane, and barbaric abortion procedure: partial birth abortion. In this particular abortion method, a living baby is killed when he or she is only inches from being fully born. Twice, the House and Senate stood united in sending a bill to President Clinton to ban this procedure. Twice, President Clinton vetoed the bill; and twice, the House courageously voted to override his veto. Although support in the Senate grew each time the ban came to a vote, the Senate fell a few votes shy of overriding the veto.

Then, on June 28, 2000, the U.S. Supreme Court struck down Nebraska's partial birth abortion ban. The Supreme Court's ruling in Stenberg v. Carhart, as well as subsequent rulings in lower courts, are disturbing on a number of levels. First, the Supreme Court struck down Nebraska's attempt to ban a grotesque procedure the American Medical Association has called "bad medicine," and thousands of physicians who specialize in high risk pregnancies have called "never medically necessary." Further, the Court said it did not matter that the baby is killed when it is almost totally outside the mother's body in this abortion method. In other known abortion methods, the baby is killed in utero. Finally, the U.S. Supreme Court, and the Third Circuit Court have stated it does not matter where the baby is positioned when it is aborted. This assertion, to me, is the most horrifying of all.

In the years of debates on partial birth abortion, I have asked Senators a very simple question: If a partial birth abortion were being performed on a baby, and for some reason the head slipped out and the baby were delivered, would it be o.k. to kill that baby? Not one Senator who defended the procedure has ever provided a straightforward "yes" or "no" response. They would not answer my question. I believe it is important to define when a child is protected by the Constitution; so, I revised my question. I asked whether it would be alright to kill a baby whose foot is still inside the mother's body, or what if only a toe is inside? Again, I did not receive an answer.

Unfortunately, evidence uncovered last year at a hearing before the House Judiciary Subcommittee on the Constitution suggests my questions were not so hypothetical. In fact, two nurses testified to seeing babies who were born alive as a result of induced labor abortions being left to die in soiled utility rooms. Furthermore, the intellectual framework for legalization of killing unwanted babies is being constructed by a prominent bioethics professor at Princeton University. Professor Peter Singer has advocated allowing parents a 28-day waiting period to decide whether to kill a disabled or unhealthy newborn. In his widely disseminated book, Practical Ethics, he asserts, "killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all."

In response to these events, the Born Alive Infants Protection Act grants protection under Federal law to newborns who are fully outside of the mother. Specifically, it states that Federal laws and regulations referring to a "person," "human being," "child," and "individual" include "every infant member of the species homo sapiens who is born alive at any stage of development." "Born alive" means "the complete expulsion or extraction from its mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, caesarean section, or induced abortion." The definition of "born alive" is derived from a World Health Organization definition of "live birth" that has been enacted in approximately 30 states and the District of Columbia.

Again, all this bill says is that a living baby who is completely outside of its mother is a person, a human being, a child, an individual. Similar legislation passed by the House of Representatives last year by an overwhelming vote of 380–15. I am hopeful that Senators on both sides of the general abortion debate can agree that once a baby is completely outside of its mother, it is a person, deserving the protections and dignity afforded to all other Americans.

I ask unanimous consent that the text of the Born Alive Infants Protection Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Born-Alive Infants Protection Act".

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from its mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor,caesarean section, or induced abortion.

"(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being born alive as defined in this section".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.".

By Mr. WARNER (for himself and Mr. ALLEN):

S. 1051. A bill to expand the boundary of the Booker T. Washington National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, today I rise to introduce a bill which will expand the borders of the Booker T. National Washington Monument in Virginia. This extraordinary 224 acres of rolling hills, woodlands, and agricultural fields preserves and protects the birth site and childhood home of Booker T. Washington. It interprets both his life experiences and significance in American history.

On April 2, 1956 the Monument was authorized by Congress to create a "public national memorial to Booker T. Washington, noted Negro educator and apostle of good will . . .". Mr. Washington was widely considered the most powerful African American of his time. This park provides a focal point for the continuing discussions on the context of race in American society, a resource for public education, and the continuation of his legacy today.

The agricultural landscape surrounding the Monument plays a critical role in the park's interpretation of Washington's life as an enslaved child during the Civil War era. Many of his most significant experiences center on this small tobacco farm located near the rapidly developing recreational area of Smith Mountain Lake. It is remarkable that the area immediately surrounding the national monument remains relatively unchanged since the time of Booker T. Washington's birth.

As part of the park's strategic plan, a viewshed study was conducted in 1998. It's purpose was to survey the surrounding lands in the most highly visited areas of the park and determine what visual effects urban development would have on the preservation of this historic site. The study identified a 15-acre parcel of land to be the most critical addition for this park because of its proximity to Booker T. Washington's birth site.

Several private landowners now wish to sell some of the surrounding farmland, including the 15-acre tract identified in the viewshed study. I believe that in order to maintain this unique historic setting, the Park Service should acquire this property so that visitors will be able to experience the same pastoral setting that was so crucial to Booker T. Washington's life. I urge my colleagues to join me in preserving this important landmark in our nation's history for all future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Booker T. Washington National Monument Boundary Adjustment Act of 2001".

SEC. 2. BOUNDARY OF BOOKER T. WASHINGTON NATIONAL MONUMENT EXPANDED.

The Act entitled "An Act to provide for the establishment of the Booker T. Washington National Monument", approved April 2, 1956 (16 U.S.C. 450*ll* et seq.), is amended by adding at the end the following new section:

"SEC. 5. ADDITIONAL LANDS.

"(a) LANDS ADDED TO MONUMENT.—The boundary of the Booker T. Washington National Monument is modified to include the approximately 15 acres, as generally depicted on the map entitled "Boundary Map, Booker T. Washington National Monument, Franklin County, Virginia", numbered BOWA 404/80,024, and dated February 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

"(b) ACQUISITION OF ADDITIONAL LANDS.—The Secretary of the Interior is authorized to acquire from willing owners the land or interests in land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

"(c) ADMINISTRATION OF ADDITIONAL LANDS.—Lands added to Booker T. Washington National Monument by subsection (a) shall be administered by the Secretary of the Interior as part of the monument in accordance with applicable laws and regulations.".

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. REID, Mr. DOMENICI, Mr. KYL, Mr. BAYH, Mr. INOUYE, Mr. LIEBERMAN, and Mr. JEFFORDS):

S. 1053. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, I am pleased to introduce today the Hydrogen Future Act of 2001, a bill to reauthorize the Department of Energy's hydrogen energy programs. I am especially pleased that this bill has strong bipartisan support. I worked closely with my colleague from Hawaii, Senator AKAKA, in developing the bill, which builds on the great work of his predecessor, Spark Matsunaga, and I thank him for his support. Other cosponsors include Senators BINGAMAN, MURKOWSKI, REID, DOMENICI, KYL, BAYH, INOUYE, LIEBERMAN, and JEFFORDS.

There has been a wide-ranging and sometimes fierce debate recently over what should be in a national energy policy. But while there is significant disagreement over near-term strategies, there is a widely shared vision of where we need to end up. For the sake of both the economy and the environment, we need to develop clean, domestic renewable fuels, such as solar heat and power, wind turbines, geothermal power, hydroelectric power, and biomass and ethanol. These fuels are domestic, avoiding the risks of dependence on foreign sources; indeed several of these fuels are widely available in the U.S., so that many states, such as Iowa, that now import virtually all their fuel could bring that work home. The use of multiple fuels, and the local availability, should make supplies more reliable as well. And these renewable fuels are truly "green"—they cause almost no pollution and result in almost no global warming.

However, the sun, the wind, and even the rivers are not always available when you need them, and you can't store sunlight, wind, or the electricity you make from them. If they are to be major sources of power, you need a way to store the energy.

The need to store electricity is not just a hypothetical problem for an energy future. The California energy crisis this year has vividly demonstrated that electricity is not just another commodity. The terrible price spikes and rolling blackouts occur in part because customers need electricity but cannot store or stockpile it, during brief shortages purchasers have paid hundreds or thousands of dollars a kilowatthour, or found there was no electricity to buy. Californians hoped to create a free and fair market in electricity, but instead find themselves at the mercy of electricity providers.

The automobile industry has also recognized for some time that electric cars could be much more efficient than any combustion engine vehicle, as well as quieter and non-polluting. But they have lacked an effective way to generate electricity on board.

These issues may be even more important abroad. Our world population continues to increase at an almost alarming rate. Back when I was born in 1939, there were three billion people on the earth. When I turned 60 not long ago, there were 6 billion people. And 40 years from now, when by daughter turns 60, there will be 11 billion people on earth.

As countries like India, China and the African Nations become industrialized consumer societies, billions of additional people will want, and deserve to have, a better quality of life. That means heating in the winter and air conditioning in the summer, televisions and microwave ovens and cars. But if they develop the same way we did, we are all in trouble. The air pollution, water pollution, and global warming could make our earth unlivable. And if China and other developing nations import oil to fuel a billion cars, our recent $2 a gallon gasoline prices will look like bargains. For the sake of these countries and for our own sake, we've got to help these developing countries leap-frog fossil fuels and move directly to sustainable development based on renewable energy.

The Hydrogen Future Act is about the solution to the electricity storage problem. Hydrogen is a colorless, odorless, non-toxic gas that can be obtained from ordinary water using electricity or from plants such as switchgrass and trees. Hydrogen can be stored and transported much like natural gas. And it is an almost perfect fuel. When burned, the main waste product is water. But hydrogen can more efficiently be used to power fuel cells, making only electricity, heat, and pure water. And it's safe, escaping harmlessly into the air if there is a leak.

Because of these qualities, hydrogen has long been a technologist's dream. Jules Verne imagined hydrogen from water powering machinery, trains, and and lights back in 1874. But in 1990, when the Hydrogen Research, Development, and Demonstration Act first became law, hydrogen was still used for energy more in space, by NASA, than on earth.

How things are changing. Hydrogen fuel cells are no longer a laboratory curiosity. Today, the First National Bank of Omaha, just outside my home state of Iowa, uses fuel cells to power its credit card service operations. They wanted fuel cells because of their reliability. They figure it costs them one million dollars for every hour their power is out, and that the $3.8 million system has already paid for itself. The New York Central Park Police Station relies on a fuel cell for off-grid electricity because it would have cost over a million dollars to run power line extensions to the building. And at the Kirby Cove Campground in California, fuel cells have another advantage: they're quiet.

We've seen public buses running on hydrogen fuel cells in Chicago and Vancouver and Southern California. Every major car manufacturer has prototype fuel cell cars and vans on the roads. And there are hydrogen fueling stations in places such as Dearborn, Michigan; Las Vegas, Nevada, and Sacramento, CA. Some companies are developing fuel cells to power cell phones and personal computers, others for full-size power plants. Companies have announced plans to deliver commercial fuel cell products in the next few years in cars, buses, and homes.

Soon hydrogen may be powering the world. It's potential is so great that some people look forward to a "hydrogen economy," an economy in which hydrogen is the ubiquitous energy "carrier" between renewable sources and all end uses. Larry Burns, a vice president of General Motors has said, "We believe hydrogen will be the fuel of the future." And Don Huberts, of Shell, said "The stone age did not end because the world ran out of stones, and the oil age will not end because we run out of oil." Saudi Arabian Oil Minister Ahmed Zaki Yamani has used almost the same words. Now Iceland has embarked on a visionary program to create the world's first hydrogen economy using their abundant hydroelectric and geothermal resources.

The Department of Energy hydrogen energy program is a critical part of this revolution. The program conducts research in the efficient and cost-effective production of hydrogen from renewable sources and from fossil fuels, in effective storage of hydrogen, and in potential uses such as reversible fuel cells, as well as in necessary infrastructure including hydrogen sensors. The program demonstrates technologies such as hydrogen fueling and remote off-grid power applications. The program also conducts invaluable process and market analyses, as well as doing necessary work on codes and regulations. They are working on ceramic membranes, combined electricity generation and hydrogen production, and niche markets such as vehicles in mines. Almost all projects are funded in party by industry.

The bill we are introducing today will extend, expand, and improve this DOE program. Because of the enormous promise of hydrogen energy, and the current rapid expansion of opportunities, the bill authorizes a significant increase in funding for the hydrogen program, to $60 million next year, with a total of $350 million over five years.

It also establishes a new program aimed at demonstrating hydrogen technologies and their integration with fuel cells at Federal, State, and local government facilities. The program would be based on a plan to be developed by an interagency task force. It would focus on hydrogen production, storage, and use in buildings and vehicles; on hydrogen-based infrastructure for buses and fleet transportation; and on distributed power generation, including the generation of combined heat, power, and hydrogen. This new demonstration program would be funded at an additional $20 million next year, with a total of $150 million over five years.

The bill makes other improvements, including: Modification of cost-sharing requirements to enable more participation in research projects by small companies and to exclude from cost-sharing analytical and service work that will not lead to commercial products. These changes are intended to conform more closely to the requirements in the Energy Policy Act of 1992 that govern the rest of the renewable energy program, without violating WTO rules; Language incorporating international activities where appropriate in the DOE programs. A global perspective is necessary both to develop world markets for our products and to encourage international development on a sustainable path; Clarification of the composition of the Hydrogen Technical Advisory Panel that oversees the program for DOE; Reporting requirements to further enhance inter-agency and inter-governmental cooperation in the hydrogen program.

This bill has the support of the chairman and ranking members of the Energy Committee as well as the chairman and ranking member of the Energy and Water Subcommittee of the Appropriations Committee. I understand that a bill to reauthorize the Hydrogen Future Act will also be introduced today in the House by Representatives KEN CALVERT and SHERWOOD BOEHLERT, key members of the Science Committee. And the recent report of the administration's National Energy Policy Development Group recommended reauthorization of the hydrogen program. I hope with this strong bipartisan support we will be able to pass this bill quickly and to help realize hydrogen's potential in providing the clean, reliable energy we so desperately need.

Mr. AKAKA. Mr. President, I am pleased to join Senator HARKIN, Senator BINGAMAN and Senator MURKOWSKI, Chairman and Ranking Member of the Senate Committee on Energy and Natural Resources, my colleagues Senators BAYH, DOMENICI, JEFFORDS, KYL, LIEBERMAN, REID, and my senior colleague from Hawaii, Senator INOUYE, in introducing legislation that will accelerate the ongoing efforts for the development of a fuel for the future—hydrogen. Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources.

In these days of soaring energy prices, oil cartels, air pollution, global climate change and greenhouse gases, hydrogen is a dazzling alternative. We can have a zero-pollution fuel. It can be produced domestically, ending our dependence on foreign oil. The question is not whether there will be a hydrogen age but when.

Hydrogen as a fuel can help us resolve our energy problems and satisfy much of the world's energy needs. I am convinced that sometimes in the 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources. In the next twenty years, increasing concerns about global climate change and energy security will help bring about penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both the transportation and electricity sectors.

I have a long-term vision for hydrogen energy as a renewable resource. Progress is being made and challenges and barriers are being surmounted at an accelerating pace on a global scale. Fuel cells for distributed stationary power are being commercialized and installed in various locations in the United States and worldwide. Transit bus demonstration programs are underway in both the United States and Europe. Major automobile companies are poised to deploy fuel cell passenger cars within the next few years. All these activities involve government and private sector cooperation.

Industry is moving ahead with fuel cell developments at a rapid pace. Many companies are forming partnerships to bring new technologies to the marketplace. Daimler-Chrysler, Ford, and Ballard have formed a partnership and pledged $1.5 billion for commercialization of automotive fuel cells. Edison Development Company, General Electric, SoCal Gas, and Plug Power have agreements to commercialize residential fuel cells.

National governments are turning to hydrogen as the fuel of the future. Iceland is making a strong bid to become the world's first hydrogen-based economy. According to its plans, hydrogen-powered cars and buses will transport people in Reykjavik, the country's capital within ten years. If all goes well there will be no need for oil in Iceland.

Closer to home, I am particularly pleased that the State of Hawaii is taking the lead in ushering in the hydrogen era. Our State Legislature is advancing bills that would authorize the formation of a public-private sector partnership for promoting hydrogen as an energy source. The partnership would involve the State, Counties, Federal Government, utilities, and private companies. The partnership would be charged with developing plans to promote investment in hydrogen infrastructure, begin pilot plants to produce hydrogen from geothermal and other sources on Oahu, study how to move hydrogen to other islands, and study how wind and other methods could be used to produce hydrogen. In California, the state's zero emissions vehicle requirements favor early introduction of hydrogen-powered vehicles.

These are very important initiatives. They may be small steps, but for the hydrogen future they are important steps forward.

My predecessor in the Senate, Senator Spark Matsunaga was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as the legislation became known, was designed to accelerate development of domestic capability to produce an economically renewable energy source in sufficient quantities to reduce the Nation's dependence on conventional fuels. As a result of Senator Matsunaga's vision, the Department of Energy has been conducting research that will advance technologies for cost-effective production, storage, and utilization of hydrogen.

The Hydrogen Future Act of 1996, which followed the Matsunaga Hydrogen Act, expanded the research, development, and demonstration program under the original Act. It authorized activities leading to production, storage, transformation, and use of hydrogen for industrial, residential, transportation, and utility applications. It enjoyed bipartisan support in Congress.

Today we are introducing legislation that reauthorizes and amends the Hydrogen Future Act of 1996. It highlights the potential of hydrogen as an efficient and environmentally friendly source of energy, the need for a strong partnership between the Federal government, industry, and academia, and the importance of continued support for hydrogen research. It fosters collaboration between Federal agencies, State and local governments, universities, and industry, and it encourages private sector investment and cost sharing in the development of hydrogen as an energy source. It adds provisions for the demonstration of hydrogen technologies at government facilities to expedite wider application of these technologies.

The bill we are introducing today supports the recommendations of the President's Council of Advisors on Science and Technology, PCAST. In its report issued in November 1997, PCAST proposed a substantial increase in Federal spending for applied energy technology R&D, with the largest share going to energy efficiency and renewable energy technologies. The PCAST report, "Federal Energy Research and Development for the Challenges of the Twenty-First Century," acknowledged and supported advances in a wide range of both hydrogen-producing and hydrogen-using technologies.

The current Hydrogen Program, administered by the Department of Energy, supports a broad range of research and development projects in the areas of hydrogen production, storage, and use in a safe and cost-effective manner. Some of these new technologies may become available for wider use in the next few years. The most promising include advanced natural gas- and biomass-based hydrogen production technologies, high pressure gaseous and cryogas storage systems, and reversible PEM fuel cell systems. Other projects lay the groundwork for long range opportunities. These activities need continued support if the nation is to enjoy the benefits of a clean energy source.

The Hydrogen Program utilizes the talents of our national laboratories and our universities. The National Renewable Energy Laboratory, Sandia, Lawrence Livermore, Los Alamos, and Oak Ridge National Laboratories, as well as Jet Propulsion Laboratory are involved in the program. The DOE Field Office at Golden, Colorado, and Nevada Operations Office in Nevada are also involved. University-led centers-of-excellence have been established at the University of Miami and the University of Hawaii. U.S. participation in the International Energy Agency contributes to the advancement of DOE hydrogen research through international cooperation. The program has also built strong links with the industry. This has resulted in strong industry participation and cost sharing. Cooperation between government, industry, universities, and the national laboratories is key to the successful development and commercialization of new and environmentally friendly energy technologies.

The legislation we are introducing today authorizes $350 million over the next five years for research and development for hydrogen production, storage and use. This will allow advancement of technologies such as smaller-scale production systems that are applicable to distributed-generation and vehicle applications, advanced pressure vessels, photobiological and photocatalytic production of hydrogen, and carbon nanotubes, graphite nanofibers, and fullerenes.

The bill also authorizes $150 million for conducting integrated demonstrations of hydrogen technologies at government facilities. This provision will help secure industry participation through competitive solicitations for technology development and testing. It will test the viability of hydrogen production, storage, and use, and lead to the development of hydrogen-based operating experience acceptance to meet safety codes and standards.

By supporting this bill, we will be ushering in a new era of non-polluting energy. I urge my colleagues to support this important legislation.

By Mr. KOHL (for himself and Mr. REID):

S. 1054. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to re-introduce the Patient Abuse Prevention Act. I am pleased to be joined in this effort by Senator REID, who has worked tirelessly with me on this important legislation.

There is absolutely no excuse for abuse or neglect of the elderly and disabled at the hands of those who are supposed to care for them. Our parents and grandparents made our country what it is today, and they deserve to live with dignity and the highest quality care.

Unfortunately, this is not always the case. We know that the majority of caregivers are dedicated, professional, and do their best under difficult circumstances. But we also know that too often, the elderly are starved, shamed, abused, neglected and exploited by the very people charged with their care. And the systems that are in place today are not enough to protect them.

It is estimated that more than 43 percent of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care services will continue to increase as the Baby Boom generation ages. While most long-term care workers do an excellent job, it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem, which led my home State of Wisconsin to pass a criminal background check law for health care workers. The legislation I introduce today follows their example and builds on their efforts.

Current State and National safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aides are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with violent criminal backgrounds, people who have already been convicted of murder, rape, and assault, could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislation will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in long-term care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate an FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

There is clear evidence that this is needed. In 1998, at my request, the Senate Special Committee on Aging held a hearing that focused on how easy it is for known abusers to find work in long-term care and continue to prey on patients. At that hearing, the HHS Inspector General presented a report which found that, in the two States they studied, between 5–10 percent of employees currently working in nursing homes had serious criminal convictions in their past. They also found that among aides who had abused patients, 15–20 percent of them had at least one conviction in their past.

But even more compelling, we heard from Richard Meyer of Libertyville, Illinois, whose 92-year old mother was raped by a nursing home worker who had a previous conviction for child sexual abuse. A criminal background check could have prevented this tragedy. But even more appalling, there is nothing in current law that prevents her assailant from travelling 50 miles to my home town of Milwaukee and finding another job in a home health agency.

There's no greater illustration of the need for background checks than this. But for those who need more hard data, there is more evidence. In 1998, I offered an amendment which became law that allowed long-term care providers to voluntarily use the FBI system for background checks. So far, 7 percent of those checks have come back with criminal convictions, including rape and kidnapping.

Clearly, this is a critical tool that long-term care providers should have, they don't want abusive caregivers working for them any more than families do. The current voluntary system was a good first step, but if we're serious about protecting our seniors, and I believe that every Member of the Senate is, then we have to do more than make it voluntary. We should make it a national priority to require all long-term care providers who participate in Medicare and Medicaid to conduct these checks. And we should make the investment necessary to cover the costs of the checks, just like we reimburse providers for other costs of providing care to Medicare and Medicaid beneficiaries. This is a common-sense, inexpensive step we can take to protect patients by helping long-term care providers thoroughly screen potential caregivers.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, and those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

I want to repeat that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don't. When a patient checks into a nursing home or hospice, or receives home health care, they should not have to give up their right to be free from abuse, neglect, or mistreatment.

This bill is the product of collaboration and input from the health care industry, patient and employee advocates who all have the same goal I do: protecting patients in long-term care. I look forward to continuing to work with my colleagues, the Administration, and the health care industry in this effort. Our nation's seniors and disabled deserve nothing less than our full attention.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patient Abuse Prevention Act".

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) Nursing Facility and Skilled Nursing Facility Requirements.—

(1) Medicaid program.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396r(b)) is amended by adding at the end the following new paragraph:

"(8) Screening of nursing facility workers.—

"(A) Background checks on applicants.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

"(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

"(ii) require, as a condition of employment, that such worker—

"(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

"(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

"(III) provide in person a copy of the worker's fingerprints or thumb print, depending upon available technology; and

"(IV) provide any other identification information the Secretary may specify in regulation;

"(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

"(iv) if that system does not contain any such disqualifying information—

"(I) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(8); and

"(II) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

"(B) Prohibition on hiring of abusive workers.—

"(i) In general.—A nursing facility may not knowingly employ any nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

"(ii) Provisional employment.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the worker during the worker's provisional period of employment.

"(C) Reporting requirements.—A nursing facility shall report to the State any instance in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

"(D) Use of information.—

"(i) In general.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

"(ii) Immunity from liability.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

"(iii) Criminal penalty.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

"(E) Civil penalty.—

"(i) In general.—A nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

"(I) for the first such violation, $2,000; and

"(II) for the second and each subsequent violation within any 5-year period, $5,000.

"(ii) Knowing retention of worker.—In addition to any civil penalty under clause (i), a nursing facility that—

"(I) knowingly continues to employ a nursing facility worker in violation of subparagraph (A) or (B); or

"(II) knowingly fails to report a nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

"(F) Definitions.—In this paragraph:

"(i) Conviction for a relevant crime.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

"(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

"(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

"(ii) Disqualifying information.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

"(iii) Finding of patient or resident abuse.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

"(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

"(II) such other types of acts as the Secretary may specify in regulations.

"(iv) NURSING FACILITY WORKER.—The term 'nursing facility worker' means any individual (other than any volunteer) that has direct access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.".

(2) MEDICARE PROGRAM.—Section 1819(b) of the Social Security Act (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following:

"(8) SCREENING OF SKILLED NURSING FACILITY WORKERS.—

"(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

"(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

"(ii) require, as a condition of employment, that such worker—

"(I) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

"(II) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

"(III) provide in person a copy of the worker's fingerprints or thumb print, depending upon available technology; and

"(IV) provide any other identification information the Secretary may specify in regulation;

"(iii) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

"(iv) if that system does not contain any such disqualifying information—

"(I) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

"(II) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after completion of the check against the system initiated under clause (iii).

"(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

"(i) IN GENERAL.—A skilled nursing facility may not knowingly employ any skilled nursing facility worker who has any conviction for a relevant crime or with respect to whom a finding of patient or resident abuse has been made.

"(ii) PROVISIONAL EMPLOYMENT.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a skilled nursing facility may provide for a provisional period of employment for a skilled nursing facility worker pending completion of the check against the data collection system described under subparagraph (A)(iii) and the background check described under subparagraph (A)(iv). Such facility shall maintain direct supervision of the covered individual during the worker's provisional period of employment.

"(C) REPORTING REQUIREMENTS.—A skilled nursing facility shall report to the State any instance in which the facility determines that a skilled nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

"(D) USE OF INFORMATION.—

"(i) IN GENERAL.—A skilled nursing facility that obtains information about a skilled nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

"(ii) IMMUNITY FROM LIABILITY.—A skilled nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(6) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

"(iii) CRIMINAL PENALTY.—Whoever knowingly violates the provisions of clause (i) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

"(E) CIVIL PENALTY.—

"(i) IN GENERAL.—A skilled nursing facility that violates the provisions of this paragraph shall be subject to a civil penalty in an amount not to exceed—

"(I) for the first such violation, $2,000; and

"(II) for the second and each subsequent violation within any 5-year period, $5,000.

"(ii) KNOWING RETENTION OF WORKER.—In addition to any civil penalty under clause (i), a skilled nursing facility that—

"(I) knowingly continues to employ a skilled nursing facility worker in violation of subparagraph (A) or (B); or

"(II) knowingly fails to report a skilled nursing facility worker under subparagraph (C),

shall be subject to a civil penalty in an amount not to exceed $5,000 for the first such violation, and $10,000 for the second and each subsequent violation within any 5-year period.

"(F) DEFINITIONS.—In this paragraph:

"(i) CONVICTION FOR A RELEVANT CRIME.—The term 'conviction for a relevant crime' means any Federal or State criminal conviction for—

"(I) any offense described in paragraphs (1) through (4) of section 1128(a); and

"(II) such other types of offenses as the Secretary may specify in regulations, taking into account the severity and relevance of such offenses, and after consultation with representatives of long-term care providers, representatives of long-term care employees, consumer advocates, and appropriate Federal and State officials.

"(ii) DISQUALIFYING INFORMATION.—The term 'disqualifying information' means information about a conviction for a relevant crime or a finding of patient or resident abuse.

"(iii) FINDING OF PATIENT OR RESIDENT ABUSE.—The term 'finding of patient or resident abuse' means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a skilled nursing facility worker has committed—

"(I) an act of patient or resident abuse or neglect or a misappropriation of patient or resident property; or

"(II) such other types of acts as the Secretary may specify in regulations.

"(iv) SKILLED NURSING FACILITY WORKER.—The term 'skilled nursing facility worker' means any individual (other than any volunteer) that has direct access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants.".

(3) TECHNICAL AMENDMENTS.—Effective as if included in the enactment of section 941 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (114 Stat. 2763A–585), as enacted into law by section 1(a)(6) of Public Law 106–554, sections 1819(b) and 1919(b) of the Social Security Act (42 U.S.C. 1395i–3(b), 1396r(b)), as amended by such section 941 (as so enacted into law) are each amended by redesignating the paragraph (8) added by such section as paragraph (9).

(b) STATE REQUIREMENTS.—

(1) MEDICAID PROGRAM.—

(A) EXPANSION OF STATE REGISTRY TO COLLECT INFORMATION ABOUT NURSING FACILITY EMPLOYEES OTHER THAN NURSE AIDES.—Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking "NURSE AIDE REGISTRY" and inserting "NURSING FACILITY EMPLOYEE REGISTRY";

(II) in subparagraph (A)—

(aa) by striking "By not later than January 1, 1989, the" and inserting "The";

(bb) by striking "a registry of all individuals" and inserting "a registry of (I) all individuals"; and

(cc) by inserting before the period ", and

(II) all other nursing facility employees with respect to whom the State has made a finding described in subparagraph (B)";

(III) in subparagraph (B), by striking "involving an individual listed in the registry" and inserting "involving a nursing facility employee"; and

(IV) in subparagraph (C), by striking "nurse aide" and inserting "nursing facility employee or applicant for employment"; and

(ii) in subsection (g)(1)—

(I) in subparagraph (C)—

(aa) in the first sentence, by striking "nurse aide" and inserting "nursing facility employee"; and

(bb) in the third sentence, by striking "nurse aide" each place it appears and inserting "nursing facility employee"; and

(II) in subparagraph (D)—

(aa) in the subparagraph heading, by striking "NURSE AIDE REGISTRY" and inserting "NURSING FACILITY EMPLOYEE REGISTRY"; and

(bb) by striking "nurse aide" each place it appears and inserting "nursing facility employee".

(B) FEDERAL AND STATE REQUIREMENT TO CONDUCT BACKGROUND CHECKS.—Section 1919(e) of the Social Security Act (42 U.S.C. 1396r(e)) is amended by adding at the end the following:

"(8) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON NURSING FACILITY EMPLOYEES.—

"(A) IN GENERAL.—Upon receipt of a request by a nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

"(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

"(C) STATE REPORTING OF INFORMATION TO NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

"(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

"(ii) report to the nursing facility the results of such review; and

"(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

"(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

"(i) AUTHORITY TO CHARGE FEES.—

"(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation, until expended.

"(II) STATE.—A State may charge a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

"(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

"(E) REGULATIONS.—

"(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

"(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

"(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

"(i) the number of requests for searches and exchanges of records made under this section;

"(ii) the disposition of such requests; and

"(iii) the cost of responding to such requests.".

(2) MEDICARE PROGRAM.—

(A) EXPANSION OF STATE REGISTRY TO COLLECT INFORMATION ABOUT SKILLED NURSING FACILITY EMPLOYEES OTHER THAN NURSE AIDES.—Section 1819 of the Social Security Act (42 U.S.C. 1395i–3) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking "NURSE AIDE REGISTRY" and inserting "SKILLED NURSING CARE EMPLOYEE REGISTRY";

(II) in subparagraph (A)—

(aa) by striking "By not later than January 1, 1989, the" and inserting "The";

(bb) by striking "a registry of all individuals" and inserting "a registry of (I) all individuals"; and

(cc) by inserting before the period ", and (II) all other skilled nursing facility employees with respect to whom the State has made a finding described in subparagraph (B)";

(III) in subparagraph (B), by striking "involving an individual listed in the registry" and inserting "involving a skilled nursing facility employee"; and

(IV) in subparagraph (C), by striking "nurse aide" and inserting "skilled nursing facility employee or applicant for employment"; and

(ii) in subsection (g)(1)—

(I) in subparagraph (C)—

(aa) in the first sentence, by striking "nurse aide" and inserting "skilled nursing facility employee"; and

(bb) in the third sentence, by striking "nurse aide" each place it appears and inserting "skilled nursing facility employee"; and

(II) in subparagraph (D)—

(aa) in the subparagraph heading, by striking "NURSE AIDE REGISTRY" and inserting "NURSING FACILITY EMPLOYEE REGISTRY"; and

(bb) by striking "nurse aide" each place it appears and inserting "nursing facility employee".

(B) FEDERAL AND STATE REQUIREMENT TO CONDUCT BACKGROUND CHECKS.—Section 1819(e) of the Social Security Act (42 U.S.C. 1395i–3(e)) is amended by adding at the end the following:

"(6) FEDERAL AND STATE REQUIREMENTS CONCERNING CRIMINAL BACKGROUND CHECKS ON SKILLED NURSING FACILITY EMPLOYEES.—

"(A) IN GENERAL.—Upon receipt of a request by a skilled nursing facility pursuant to subsection (b)(8) that is accompanied by the information described in subclauses (II) through (IV) of subsection (b)(8)(A)(ii), a State, after checking appropriate State records and finding no disqualifying information (as defined in subsection (b)(8)(F)(ii)), shall submit such request and information to the Attorney General and shall request the Attorney General to conduct a search and exchange of records with respect to the individual as described in subparagraph (B).

"(B) SEARCH AND EXCHANGE OF RECORDS BY ATTORNEY GENERAL.—Upon receipt of a submission pursuant to subparagraph (A), the Attorney General shall direct a search of the records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints and other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

"(C) STATE REPORTING OF INFORMATION TO SKILLED NURSING FACILITY.—Upon receipt of the information provided by the Attorney General pursuant to subparagraph (B), the State shall—

"(i) review the information to determine whether the individual has any conviction for a relevant crime (as defined in subsection (b)(8)(F)(i));

"(ii) report to the skilled nursing facility the results of such review; and

"(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1128E.

"(D) FEES FOR PERFORMANCE OF CRIMINAL BACKGROUND CHECKS.—

"(i) AUTHORITY TO CHARGE FEES.—

"(I) ATTORNEY GENERAL.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such activities or $50. Such fees shall be available to the Attorney General, or, in the Attorney General's discretion, to the Federal Bureau of Investigation until expended.

"(II) STATE.—A State may charge a skilled nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.

"(ii) PROHIBITION ON CHARGING APPLICANTS OR EMPLOYEES.—An entity may not impose on an applicant for employment or an employee any charges relating to the performance of a background check under this paragraph.

"(E) REGULATIONS.—

"(i) IN GENERAL.—In addition to the Secretary's authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General's responsibilities under this paragraph and subsection (b)(9), including regulations regarding the security confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

"(ii) APPEAL PROCEDURES.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the accuracy of the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee is incorrectly identified as the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the applicant's or employee's criminal record.

"(F) REPORT.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress on—

"(i) the number of requests for searches and exchanges of records made under this section;

"(ii) the disposition of such requests; and

"(iii) the cost of responding to such requests.".

(c) Application to Other Entities Providing Home Health or Long-Term Care Services.—

(1) Medicaid.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in paragraph (65), by striking the period and inserting "; and"; and

(B) by inserting after paragraph (65) the following:

"(66) provide that any entity that is eligible to be paid under the State plan for providing home health services or long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919.".

(2) Medicare.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

"APPLICATION OF SKILLED NURSING FACILITY PREVENTIVE ABUSE PROVISIONS TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING HOME HEALTH OR LONG-TERM CARE SERVICES

"Sec. 1897. The requirements of subsections (b)(8) and (e)(6) of section 1819 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing home health services or long-term care services to an individual entitled to benefits under part A or enrolled under part B (including an individual provided with a Medicare+Choice plan offered by a Medicare+Choice organization under part C).".

(d) Reimbursement of Reasonable Costs for Background Checks.—The Secretary of Health and Human Services shall factor into any payment system under titles XVIII and XIX of the Social Security Act the reasonable costs of the requirements of sections 1819(b)(8) and 1919(b)(8) of such Act, as added by this section, incurred by any entity subject to such requirements.

SEC. 3. INCLUSION OF ABUSIVE WORKERS IN THE DATABASE ESTABLISHED AS PART OF NATIONAL HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) Inclusion of Abusive Acts Within a Long-Term Care Facility or Provider.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7e(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by inserting after clause (iv), the following:

"(v) A finding of abuse or neglect of a patient or a resident of a long-term care facility, or misappropriation of such a patient's or resident's property.".

(b) Coverage of Long-Term Care Facility or Provider Employees.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a–7e(g)(2)) is amended by inserting ", and includes any individual of a long-term care facility or provider (other than any volunteer) that has direct access to a patient or resident of such a facility under an employment or other contract, or both, with the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, providing services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants)" before the period.

(c) Reporting by Long-Term Care Facilities or Providers.—

(1) In general.—Section 1128E(b)(1) of the Social Security Act (42 U.S.C. 1320a–7e(b)(1)) is amended by striking "and health plan" and inserting ", health plan, and long-term care facility or provider".

(2) Correction of information.—Section 1128E(c)(2) of the Social Security Act (42 U.S.C. 1320a–7e(c)(2)) is amended by striking "and health plan" and inserting ", health plan, and long-term care facility or provider".

(d) Access to Reported Information.—Section 1128E(d)(1) of the Social Security Act (42 U.S.C. 1320a–7e(d)(1)) is amended by striking "and health plans" and inserting ", health plans, and long-term care facilities or providers".

(e) Mandatory Check of Database by Long-Term Care Facilities or Providers.—Section 1128E(d) of the Social Security Act (42 U.S.C. 1320a–7e(d)) is amended by adding at the end the following:

"(3) Mandatory check of database by long-term care facilities or providers.—A long-term care facility or provider shall check the database maintained under this section prior to hiring under an employment or other contract, or both, any individual as an employee of such a facility or provider who will have direct access to a patient or resident of the facility or provider (including individuals who are licensed or certified by the State to provide services at the facility or through the provider, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility or through the provider, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants).".

(f) Definition of Long-Term Care Facility or Provider.—Section 1128E(g) of the Social Security Act (42 U.S.C. 1320a–7e(g)) is amended by adding at the end the following:

"(6) Long-term care facility or provider.—The term 'long-term care facility or provider' means a skilled nursing facility (as defined in section 1819(a)), a nursing facility (as defined in section 1919(a)), a home health agency, a hospice facility, an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility that provides, or provider of, long-term care services or home health services and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.".

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out the amendments made by this section, $10,200,000 for fiscal year 2002.

SEC. 4. PREVENTION AND TRAINING DEMONSTRATION PROJECT.

(a) Establishment.—The Secretary of Health and Human Services shall establish a demonstration program to provide grants to develop information on best practices in patient abuse prevention training (including behavior training and interventions) for managers and staff of hospital and health care facilities.

(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall be a public or private nonprofit entity and prepare and submit to the Secretary of Health and Human Services an application at such time, in such manner, and containing such information as the Secretary may require.

(c) Use of Funds.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, the long-term care industry, and local community members;

(2) examine patient care issues relating to regulatory oversight, community involvement, and facility staffing and management with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are used; and

(4) identify and disseminate best practices for preventing and reducing patient abuse.

(d) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. EFFECTIVE DATE.

The provisions of and amendments made by the Act shall apply, without regard to whether implementing regulations are in effect, to any individual applying for employment or hired for such employment—

(1) by any skilled nursing facility (as defined in section 1819(a) of the Social Security Act) or any nursing facility (as defined in section 1919(a) of such Act), on or after the date which is 6 months after the date of enactment of this Act,

(2) by any home health agency, on or after the date which is 12 months after such date of enactment, and

(3) by any hospice facility, any intermediate care facility for the mentally retarded (as defined in section 1905(d) of the Social Security Act), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII of such Act or the medicaid program under title XIX of such Act, on or after the date which is 18 months after such date of enactment.

By Mrs. FEINSTEIN:

S. 1055. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased today to introduce the Privacy Act of 2001.

This legislation combats the growing scourge of identity theft and other privacy abuses by setting a national standard for privacy protection.

The bill has a simple goal. It is designed to give back to ordinary citizens control over their personal information.

Under the Privacy Act of 2001, if a company intends to collect and sell a customer's address, phone number, or other non-sensitive information, the company must give the customer notice and an opportunity to opt-out of the sale if they so choose.

For especially sensitive personal information such as financial, health, driver's licenses, and Social Security Numbers, the legislation establishes more stringent privacy protections.

Specifically, the bill requires an individual's opt-in prior to the sale, licensing, or renting of their personal financial or health information.

In other words, opt-in means that a person must give their explicit and affirmative consent before an entity can use this type of personal information.

The bill would also close loopholes in the Driver's Privacy Protection Act, most recently amended last year, so that a State Department of Motor Vehicles can no longer disclose the most sensitive information on a driver's license, such as the driver's identification number or physical characteristics, without the driver's opt-in.

Finally, the bill would restrict the purchase, sale, and display of Social Security numbers to the general public.

Why do we need a Federal privacy law?

The new economy has exponentially increased the flow of personal information, but the protections for individual privacy have not kept pace.

With access to sensitive data so widely available, often just at the touch of a keyboard, identity theft has become one of the country's fastest growing crimes.

Identity theft is when a thief steals your personal information and then uses it to run up huge bills on your credit cards, bank accounts or other accounts. In some cases, identity theft has also resulted in stalking and murder.

Recent statistics on the growth of identity theft suggest we have no time to waste in protecting personal privacy.

The Federal Bureau of Investigation estimates 350,000 cases of identity theft occur each year. That's one case every two minutes.

Not surprisingly, members of the public have flooded our Federal agencies with pleas for assistance. Reports to the Social Security Administration of Social Security number misuse have increased from 7,868 in 1997 to 46,839 in 2000, an astonishing increase of over 500 percent.

The Federal Trade Commission, FTC, has experienced a similar explosion of cases. If recent trends continue, reports of identity theft to the Federal Trade Commission will double between 2000 and 2001, to over 60,000 cases.

Fully 40 percent of all consumer fraud complaints received by the FTC in the first three months of 2001 involved identity theft.

Unfortunately, the State most affected by these complaints is California. Fully 17 percent of the identity theft complaints the FTC received this past winter came from my home state.

Let me give some real-world examples of privacy abuses:

Social Security Number Privacy: Amy Boyer, a 20-year-old dental assistant from Maine was killed in 1999 by a stalker who bought her Social Security number off the Internet for $45, and then used it to locate her work address.

Identity Theft No. 1: Michelle Brown of Los Angeles, California, had her Social Security number stolen in 1999, and it was used to charge $50,000 including a $32,000 truck, a $5,000 liposuction operation, and a year-long residential lease.

While assuming the victim's name, the perpetrator also became the object of an arrest warrant for drug smuggling in Texas.

Identity Theft No. 2: An identity theft ring in Riverside County allegedly bilked eight victims of $700,000. The thieves stole personal information of employees at a large phone company and drained their on-line stock accounts.

One employee reportedly had $285,000 taken from his account when someone was able to access his account by supplying the employee's name and Social Security number.

Financial Privacy: In a September 14, 1999 editorial, the Los Angeles Times described how a small San Fernando Valley bank, "sold 3.7 million credit card numbers to a felon, who then bilked cardholders out of millions of dollars." According to the article, the bank was not held liable for this action.

It is also astonishing what some data marketers are now providing to their customers.

According to the Los Angeles Times, some marketing companies have started selling lists of as many as 120 million households which include names, addresses, and phone numbers, estimated income, marital status, buying habits and hobbies.

Similarly, a medical information service has made databases available to its customers which contain the phone number, gender and address of: 3.3 million people with allergies, 3.0 million people with heartburn, 850,000 with yeast infections, 450,000 people with incontinence, and 368,000 people who suffer clinical depression.

As a result, we have seen privacy become the top consumer protection issue.

The bill I am introducing today, the Privacy Act of 2001, contains two bedrock principles.

Privacy legislation should not discriminate against any system of communication.

If personal information deserves protection, it deserves protection however it is collected. It should not matter whether personal data is collected in person, over the phone, or on the Internet.

Nevertheless, some privacy bills have exclusively targeted Internet transactions. There is no justification for discriminating against high technology companies by imposing Internet-specific privacy rules.

Companies operating on the Internet should not have any more duties to protect privacy than businesses extracting information from warranty cards or mail catalogues.

Not all personal information deserves the same level of privacy protection.

Some information like Social Security numbers, motor vehicle records, personal financial information, and medical information deserve higher levels of privacy protection.

With regard to the first principle, the Privacy Act of 2001 protects the privacy of information regardless of the medium through which it is collected.

Other privacy proposals have tried to confine privacy legislation to the Internet.

These proposals unfairly discriminate against high technology users. Put simply, companies and other entities can misuse personal information from off-line sources just as easily as with on-line sources.

Why should a company extracting data from a warranty card have any less of a duty to protect personal privacy than a company collecting personal data on-line?

For example, telemarketers who besiege consumers with phone calls during the dinner hour get much of their personal information used from consumers filling out and mailing back warranty and registration cards. But these warranty cards give consumers no notice about how their personal information will be used.

Consider the case of Anne Marie Levine, a Virginia resident, who entered a raffle to win a new car.

The sponsor of the raffle, unbeknownst to Ms. Levine, sold the personal information on her raffle ticket. In the next two weeks, she received calls from a host of jeep dealers in the area.

While some may consider unsolicited marketing calls a mere annoyance, Ms. Levine was outraged, as I'm sure many Americans would be, that the auto dealer sold her personal information without her permission.

Moreover, with the advent of digital scanners, digital photography, and data processing, the distinctions between on-line and off-line transactions are already blurring.

With regard to the second principle, the Privacy Act of 2001 recognizes that not all categories of personal information merit the same level of protection.

The bill requires businesses intending to collect and sell nonsensitive personal information, eg. name, phone number, address, to nonaffiliated third parties to give customers notice and the opportunity to opt-out of the sale.

The opt-out standard for non-sensitive information ensures that if a person fills out a warranty card, sign-up for a computer service, or submit an entry for a sweepstakes, the business must notify him before it sells his personal information to other businesses or marketers.

This framework guarantees basic privacy protections for consumers without unduly impacting commerce.

To eliminate unnecessary burdens on businesses, the legislation sets up a safe harbor for businesses which appropriately use nonsensitive personal information. Industries and industry-sponsored seal programs which have already adopted Notice-and-Opt Out information policies will be exempt.

The bill also sets a national standard for the sale or marketing of nonsensitive personal information.

Federal preemption is needed because a jumbled patchwork of State privacy laws helps neither businesses nor consumers. Conflicting State laws lead to consumer confusion about privacy rights.

For example, if one logs onto an Internet site, which State law governs: the law of the State of the computer user, the law where the website is being operated, or the law of the State of the manufacturer of a product?

Similarly, a patchwork of 50 State privacy laws, would pose a logistical nightmare for corporate America.

Without Federal preemption, businesses will face the unsavory choice of either adopting, for consistency's sake, privacy guidelines that comply with the strictest state privacy law, or dealing with the costs and paperwork imposed by 50 different state privacy laws.

For especially sensitive personal data, like financial data, medical data, or a driver's license, the bill pushes for an opt-in model of consent.

I believe people should have control over how their most sensitive information is used. In the absence of a customer's express permission, company's should not market or sell sensitive personal data.

To create this opt-in standard, this legislation builds upon the existing lattice-work of Federal privacy laws.

For example, the bill modifies the recently enacted Gramm-Leach-Bliley Financial Services Modernization Act by requiring an opt-in for the sale of personal financial information.

Presently, under the Gramm-Leach-Bliley Act, a bank must give a customer notice and the opportunity to opt-out before the bank can disclose private financial information to non-affiliated third parties.

This legislation would impose a stricter standard if the bank tries to sell the information. Any bank that sells personal financial information to non-affiliated third parties would have to get the prior consent of the customer, OPT-in.

Similarly, this bill strengthens the privacy protections for personal health data.

The newly enacted Department of Health and Human Services privacy regulations set a basic opt-in framework for disclosure of health information. I recognize that the rules are being revised by the Bush administration, so any discussion of health privacy must necessarily contemplate a moving target.

Nevertheless, the current version of the regulation has loopholes that limit patient privacy.

The regulations only prohibit "covered entities", namely health insurers, health providers, and health care clearinghouses, from selling a patient's health information without that patient's prior consent, an Opt-in Model.

Meanwhile, non-covered entities such as business associates, health researchers, schools or universities, and life insurers are not subject to this opt-in requirement, except through contractual arrangements.

My bill would preserve the privacy of health information wherever the information is sold. Any life insurer, school or non-covered entity trying to sell protected health information would have to get the patient's consent.

In addition, the bill would require entities to obtain a patient's approval before using "protected health information" for marketing purposes.

This legislation builds on existing law to protect the information on our drivers' licenses.

With its recent amendments, the Driver's Privacy Protection Act, DPPA, offers some meaningful protections for drivers privacy.

For example, under the DPPA, a State Department of Motor Vehicles must obtain the prior consent, Opt-in of the driver before "highly restricted personal information", defined as the driver's photograph, image, Social Security number, medical or disability information, can be disclosed to a third party.

However, loopholes remain. Other sensitive information found on a driver's license deserves equal protection.

This legislation would expand the definition of "highly restricted personal" to include a physical copy of a driver's license, the driver identification number, birth date, information on the driver's physical characteristics and any biometric identifiers like a fingerprint that are found on the driver's license.

Thus, this bill would ensure consumers have control over how their motor vehicle records and driver's license data are used.

I would like to take a moment to highlight Title II of this legislation, which reflects a compromise with Senator GREGG on the privacy of Social Security numbers.

It is so crucial to protect Social Security Numbers because these are the key to unlocking a person's identity.

Many identity theft cases start with the theft of a Social Security number.

Once a thief has access to a victim's Social Security number, it is only a short step to acquiring credit cards, driver's licenses, or other crucial identification documents.

The Feinstein/Gregg compromise bars the sale or display of Social Security numbers to the public except in a very narrow set of circumstances.

Display or sale is permitted if the Social Security Number holder gives consent or if there are compelling public safety needs.

For the first time, Federal, State, and local governments will have to redact Social Security numbers on government records before these records are provided to the public.

Thus, enterprising identity thieves no longer can scour bankruptcy records, liens, marriage certificates, or other public documents to steal Social Security Numbers.

Moreover, State governments will no longer be permitted to use the Social Security number as the default driver's license number.

The legislation, however, recognizes that some industries, like banks, rely on Social Security Numbers to exchange information between databases and complete identification verification necessary for certain transactions.

It permits the sale or purchase of Social Security Numbers to facilitate business-to-business transactions so long as businesses put appropriate safeguards in place and do not permit public access to the number.

Some critics of privacy legislation argue it will impede commerce. I disagree. A reasonable baseline of privacy laws will stimulate commerce. On the Internet, for example, fear of identity theft has impeded consumer transactions.

One study of e-commerce estimates consumer privacy fears prevented up to $2.8 billion in online retail sales in 1999. Another study suggests that, by 2002, over $18 billion of lost sales can be attributed to consumer privacy concerns.

This legislation codifies steps Congress can take to protect citizens from identity thieves and other predators of personal information.

It restores to individuals more control over their most sensitive personal information such as Social Security numbers, driver's license information, health information, and financial information.

The legislation sets reasonable guidelines for businesses that handle our personal information every day, like credit card companies, hospitals, and banks.

Our Nation is rushing toward an information economy that will yield unprecedented economic efficiencies.

The commercial benefits of the new economy are unquestionable. But, in our rush to embrace the new, we must remember to protect the core Democratic values on which our country depends.

Every American has a fundamental right to privacy, no matter how fast our technology grows or changes.

But our right to privacy only will remain vital, if we take strong action to protect it.

I look forward to working with my colleagues to enact the Privacy Act of 2001.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Privacy Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

Sec. 101. Collection and distribution of personally identifiable information.
Sec. 102. Enforcement.
Sec. 103. Safe harbor.
Sec. 104. Definitions.
Sec. 105. Preemption.
Sec. 106. Effective Date.

TITLE II—LIMITATIONS ON USE OF SOCIAL SECURITY NUMBERS

Sec. 201. Findings.
Sec. 202. Prohibition of the display, sale, or purchase of social security numbers.
Sec. 203. No prohibition with respect to public records.
Sec. 204. Rulemaking authority of the Attorney General.
Sec. 205. Treatment of social security numbers on government documents.
Sec. 206. Limits on personal disclosure of a social security number for consumer transactions.
Sec. 207. Extension of civil monetary penalties for misuse of a social security number.

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

Sec. 301. Definition of sale.
Sec. 302. Rules applicable to sale of nonpublic personal information.
Sec. 303. Exceptions to sale prohibition.
Sec. 304. Effective date.

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

Sec. 401. Definitions.
Sec. 402. Prohibition against selling protected health information.
Sec. 403. Authorization for sale of protected health information.
Sec. 404. Prohibition against retaliation.
Sec. 405. Prohibition against marketing protected health information.
Sec. 406. Rule of construction.
Sec. 407. Regulations.
Sec. 408. Enforcement.

TITLE V—DRIVER'S LICENSE PRIVACY

Sec. 501. Driver's license privacy.

TITLE VI—MISCELLANEOUS

Sec. 601. Enforcement by State Attorneys General.
Sec. 602. Federal injunctive authority.

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 101. COLLECTION AND DISTRIBUTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) PROHIBITION.—

(1) IN GENERAL.—It is unlawful for a commercial entity to collect personally identifiable information and disclose such information to any nonaffiliated third party for marketing purposes or sell such information to any nonaffiliated third party, unless the commercial entity provides—

(A) notice to the individual to whom the information relates in accordance with the requirements of subsection (b); and

(B) an opportunity for such individual to restrict the disclosure or sale of such information.

(2) EXCEPTION.—A commercial entity may collect personally identifiable information and use such information to market to potential customers such entity's product.

(b) NOTICE.—

(1) IN GENERAL.—A notice under subsection (a) shall contain statements describing the following:

(A) The identity of the commercial entity collecting the personally identifiable information.

(B) The types of personally identifiable information that are being collected on the individual.

(C) How the commercial entity may use such information.

(D) A description of the categories of potential recipients of such personally identifiable information.

(E) Whether the individual is required to provide personally identifiable information in order to do business with the commercial entity.

(F) How an individual may decline to have such personally identifiable information used or sold as described in subsection (a).

(2) TIME OF NOTICE.—Notice shall be conveyed prior to the sale or use of the personally identifiable information as described in subsection (a) in such a manner as to allow the individual a reasonable period of time to consider the notice and limit such sale or use.

(3) MEDIUM OF NOTICE.—The medium for providing notice must be—

(A) the same medium in which the personally identifiable information is or will be collected, or a medium approved by the individual; or

(B) in the case of oral communication, notice may be conveyed orally or in writing.

(4) FORM OF NOTICE.—The notice shall be clear and conspicuous.

(c) OPT-OUT.—

(1) OPPORTUNITY TO OPT-OUT OF SALE OR MARKETING.—The opportunity provided to limit the sale of personally identifiable information to nonaffiliated third parties or the disclosure of such information for marketing purposes, shall be easy to use, accessible and available in the medium the information is collected, or in a medium approved by the individual.

(2) DURATION OF LIMITATION.—An individual's limitation on the sale or marketing of personally identifiable information shall be considered permanent, unless otherwise specified by the individual.

(3) REVOCATION OF CONSENT.—After an individual grants consent to the use of that individual's personally identifiable information, the individual may revoke the consent at any time, except to the extent that the commercial entity has taken action in reliance thereon. The commercial entity shall provide the individual an opportunity to revoke consent that is easy to use, accessible, and available in the medium the information was or is collected.

(4) NOT APPLICABLE.—This section shall not apply to disclosure of personally identifiable information—

(A) that is necessary to facilitate a transaction specifically requested by the consumer;

(B) is used for the sole purpose of facilitating this transaction; and

(C) in which the entity receiving or obtaining such information is limited, by contract, to use such formation for the purpose of completing the transaction.

SEC. 102. ENFORCEMENT.

(a) IN GENERAL.—In accordance with the provisions of this section, the Federal Trade Commission shall have the authority to enforce any violation of section 101 of this Act.

(b) VIOLATIONS.—The Federal Trade Commission shall treat a violation of section 101 as a violation of a rule under section 18a(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) TRANSFER OF ENFORCEMENT AUTHORITY.—The Federal Trade Commission shall promulgate rules in accordance with section 553 of title 5, United States Code, allowing for the transfer of enforcement authority from the Federal Trade Commission to a Federal agency regarding section 101 of this Act. The Federal Trade Commission may permit a Federal agency to enforce any violation of section 101 if such agency submits a written request to the Commission to enforce such violations and includes in such request—

(1) a description of the entities regulated by such agency that will be subject to the provisions of section 101;

(2) an assurance that such agency has sufficient authority over the entities to enforce violations of section 101; and

(3) a list of proposed rules that such agency shall use in regulating such entities and enforcing section 101.

(d) ACTIONS BY THE COMMISSION.—Absent transfer of enforcement authority to a Federal agency under subsection (c), the Federal Trade Commission shall prevent any person from violating section 101 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as provided to such Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Any entity that violates section 101 is subject to the penalties and entitled to the privileges and immunities provided in such Act in the same manner, by the same means, and with the same jurisdiction, power, and duties under such Act.

(e) RELATIONSHIP TO OTHER LAWS.—

(1) COMMISSION AUTHORITY.—Nothing contained in this title shall be construed to limit authority provided to the Commission under any other law.

(2) COMMUNICATIONS ACT.—Nothing in section 101 requires an operator of a website to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 5551).

(3) OTHER ACTS.—Nothing in this title is intended to affect the applicability or the enforceability of any provision of, or any amendment made by—

(A) the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.);

(B) title V of the Gramm-Leach-Bliley Act;

(C) the Health Insurance Portability and Accountability Act of 1996; or

(D) the Fair Credit Reporting Act.

(f) PUBLIC RECORDS.—Nothing in this title shall be construed to restrict commercial entities from obtaining or disclosing personally identifying information from public records.

(g) CIVIL PENALTIES.—In addition to any other penalty applicable to a violation of section 101(a), a penalty of up to $25,000 may be issued for each violation.

(h) ENFORCEMENT REGARDING PROGRAMS.—

(1) IN GENERAL.—A Federal agency or department providing financial assistance to any entity required to comply with section 101 of this Act shall issue regulations requiring that such entity comply with such section or forfeit some or all of such assistance. Such regulations shall prescribe sanctions for noncompliance, require that such department or agency provide notice of failure to comply with such section prior to any action being taken against such recipient, and require that a determination be made prior to any action being taken against such recipient that compliance cannot be secured by voluntary means.

(2) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" means assistance through a grant, cooperative agreement, loan, or contract other than a contract of insurance or guaranty.

SEC. 103. SAFE HARBOR.

A commercial entity may not be held to have violated any provision of this title if such entity complies with self-regulatory guidelines that—

"(1) are issued by seal programs or representatives of the marketing or online industries or by any other person; and

"(2) are approved by the Federal Trade Commission, after public comment has been received on such guidelines by the Commission, as meeting the requirements of this title.

SEC. 104. DEFINITIONS.

In this title:

(1) COMMERCIAL ENTITY.—The term "commercial entity"—

(A) means any person offering products or services involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; and

(B) does not include—

(i) any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(ii) any financial institution that is subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(iii) any group health plan, health insurance issuer, or other entity that is subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 201 note).

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) INDIVIDUAL.—The term "individual" means a person whose personally identifying information has been, is, or will be collected by a commercial entity.

(4) MARKETING.—The term "marketing" means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service.

(5) MEDIUM.—The term "medium" means any channel or system of communication including oral, written, and online communication.

(6) NONAFFILIATED THIRD PARTY.—The term "nonaffiliated third party" means any entity that is not related by common ownership or affiliated by corporate control with, the commercial entity, but does not include a joint employee of such institution.

(7) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means individually identifiable information about the individual that is collected including—

(A) a first, middle, or last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address, including the street name, zip code, and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a photograph or other form of visual identification;

(F) a birth date, birth certificate number, or place of birth for that person; or

(G) information concerning the individual that is combined with any other identifier in this paragraph.

(8) SALE; SELL; SOLD.—The terms "sale", "sell", and "sold", with respect to personally identifiable information, mean the exchanging of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(9) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 105. PREEMPTION.

The provisions of this title shall supersede any statutory and common law of States and their political subdivisions insofar as that law may now or hereafter relate to the—

(1) collection and disclosure of personally identifiable information for marketing purposes; and

(2) collection and sale of personally identifiable information.

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

TITLE II—LIMITATIONS ON USE OF SOCIAL SECURITY NUMBERS

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of social security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used social security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of this system.

(4) A social security number does not contain, reflect, or convey any publicly significant information or concern any public issue. The display, sale, or purchase of such numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act offers each individual that has been assigned a social security number necessary protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 202. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028 the following:

"§ 1028A. Prohibition of the display, sale, or purchase of social security numbers

"(a) DEFINITIONS.—In this section:

"(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

"(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a social security number.

"(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

"(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(b) LIMITATION ON DISPLAY.—Except as provided in section 1028B, no person may display any individual's social security number to the general public without the affirmatively expressed consent of the individual.

"(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

"(d) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

"(e) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

"(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

"(f) EXCEPTIONS.—

"(1) IN GENERAL.—Except as provided in subsection (d), nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

"(A) permitted, required, or excepted, expressly or by implication, under section 205(c)(2), 1124A(a)(3), or 1141(c) of the Social Security Act (42 U.S.C. 405(c)(2), 1320a–3a(a)(3), and 1320b–11(c)), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note), section 6109(d) of the Internal Revenue Code of 1986, or section 6(b)(1) of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6305(b)(1));

"(B) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

"(C) for a national security purpose;

"(D) for a law enforcement purpose, including the investigation of fraud, as required under subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), and the enforcement of a child support obligation;

"(E) if the display, sale, or purchase of the number is for a business-to-business use, including, but not limited to—

"(i) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

"(ii) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, and volunteers;

"(iii) compliance with any requirement related to the social security program established under title II of the Social Security Act (42 U.S.C. 401 et seq.); or

"(iv) the retrieval of other information from, or by, other businesses, commercial enterprises, or private nonprofit organizations,

except that, nothing in this subparagraph shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public;

"(F) if the transfer of such a number is part of a data matching program under the Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a note) or any similar computer data matching program involving a Federal, State, or local agency; or

"(G) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program.

"(g) CIVIL ACTION IN UNITED STATES DISTRICT COURT; DAMAGES; ATTORNEY'S FEES AND COSTS.—

"(1) IN GENERAL.—Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

"(A) such preliminary and equitable relief as the court determines to be appropriate; and

"(B) the greater of—

"(i) actual damages;

"(ii) liquidated damages of $2,500; or

"(iii) in the case of a violation that was willful and resulted in profit or monetary gain, liquidated damages of $10,000.

"(2) STATUTE OF LIMITATIONS.—No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

"(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedy available to the individual.

"(h) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any person who the Attorney General determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law—

"(A) to a civil penalty of not more than $5,000 for each such violation; and

"(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

"(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

"(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

"1028A. Prohibition of the display, sale, or purchase of social security numbers.".

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) except as provided in paragraph (5) of section 1028A(a) of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in paragraph (1) of such section) any individual's social security number (as defined in such paragraph) without the affirmatively expressed consent of that individual after having met the prerequisites for consent under paragraph (4) of such section, electronically or in writing, with respect to that individual; or

"(10) obtains any individual's social security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;".

(c) EFFECTIVE DATE.—Section 1028A of title 18, United States Code (as added by subsection (a)), and section 208 of the Social Security Act (42 U.S.C. 408) (as amended by subsection (b)) shall take effect 30 days after the date on which the final regulations promulgated under section 204(b) are published in the Federal Register.

SEC. 203. NO PROHIBITION WITH RESPECT TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 202(a)(1)), is amended by inserting after section 1028A the following:

"§ 1028B. No prohibition of the display, sale, or purchase of social security numbers included in public records

"(a) IN GENERAL.—Nothing in section 1028A shall be construed to prohibit or limit the display, sale, or purchase of any public record which includes a social security number that—

"(1) is incidentally included in a public record, as defined in subsection (d);

"(2) is intended to be purchased, sold, or displayed pursuant to an exception contained in section 1028A(f);

"(3) is intended to be purchased, sold, or displayed pursuant to the consent provisions of subsections (b), (c), and (e) of section 1028A; or

"(4) includes a redaction of the nonincidental occurrences of the social security numbers when sold or displayed to members of the general public.

"(b) AGENCY REQUIREMENTS.—Each agency in possession of documents that contain social security numbers which are nonincidental, shall, with respect to such documents—

"(1) ensure that access to such numbers is restricted to persons who may obtain them in accordance with applicable law;

"(2) require an individual who is not exempt under section 1028A(f) to provide the social security number of the person who is the subject of the document before making such document available; or

"(3) redact the social security number from the document prior to providing a copy of the requested document to an individual who is not exempt under section 1028A(f) and who is unable to provide the social security number of the person who is the subject of the document.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be used as a basis for permitting or requiring a State or local government entity or other repository of public documents to expand or to limit access to documents containing social security numbers to entities covered by the exception in section 1028A(f).

"(d) DEFINITIONS.—In this section:

"(1) INCIDENTAL.—The term 'incidental' means that the social security number is not routinely displayed in a consistent and predictable manner on the public record by a government entity, such as on the face of a document.

"(2) PUBLIC RECORD.—The term 'public record' means any item, collection, or grouping of information about an individual that is maintained by a Federal, State, or local government entity and that is made available to the public.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 202(a)(2)), is amended by inserting after the item relating to section 1028A the following:

"1028B. No prohibition of the display, sale, or purchase of social security numbers included in public records.".

SEC. 204. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 202.

(b) BUSINESS-TO-BUSINESS COMMERCIAL DISPLAY, SALE, OR PURCHASE RULEMAKING.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Federal

Trade Commission, and such other Federal agencies as the Attorney General determines appropriate, may conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the business-to-business provisions pertaining to section 1028A(f)(1)(E) of title 18, United States Code (as added by section 202(a)(1)). The Attorney General shall consult with other agencies to ensure, where possible, that these provisions are consistent with other privacy laws, including title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.).

(2) Factors to be considered.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following factors:

(A) The benefit to a particular business practice and to the general public of the sale or purchase of an individual's social security number.

(B) The risk that a particular business practice will promote the use of the social security number to commit fraud, deception, or crime.

(C) The presence of adequate safeguards to prevent the misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers.

(D) The implementation of procedures to prevent identity thieves, stalkers, and others with ill intent from posing as legitimate businesses to obtain social security numbers.

SEC. 205. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) Prohibition of Use of Social Security Account Numbers on Checks Issued for Payment by Governmental Agencies.—

(1) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

"(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) Prohibition of Appearance of Social Security Account Numbers on Driver's Licenses or Motor Vehicle Registration.—

(1) In general.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(A) by inserting "(I)" after "(vi)"; and

(B) by adding at the end the following new subclause:

"(II)(aa) An agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not disclose the social security account numbers issued by the Commissioner of Social Security, or any derivative of such numbers, on any driver's license or motor vehicle registration or any other document issued by such State (or political subdivision thereof) to an individual for purposes of identification of such individual.

"(bb) Nothing in this subclause shall be construed as precluding an agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, from using a social security account number for an internal use or to link with the database of an agency of another State that is responsible for the administration of any driver's license or motor vehicle registration law.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to licenses, registrations, and other documents issued or reissued after the date that is 1 year after the date of enactment of this Act.

(c) Prohibition of Inmate Access to Social Security Account Numbers.—

(1) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following new clause:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 206. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

"(a) In General.—A commercial entity may not require an individual to provide the individual's social security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

"(1) for any purpose relating to—

"(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

"(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

"(C) law enforcement; or

"(D) a Federal or State law requirement; or

"(2) if the social security number is necessary to verify identity and to prevent fraud with respect to the specific transaction requested by the consumer and no other form of identification can produce comparable information.

"(b) Other Forms of Identification.—Nothing in this section shall be construed to prohibit a commercial entity from—

"(1) requiring an individual to provide 2 forms of identification that do not contain the social security number of the individual; or

"(2) denying an individual a good or service for refusing to provide 2 forms of identification that do not contain such number.

"(c) Application of Civil Money Penalties.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

"(d) Application of Criminal Penalties.—A violation of this section shall be deemed to be a violation of section 208(a)(8).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to requests to provide a social security number made on or after the date of enactment of this Act.

SEC. 207. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) Treatment of Withholding of Material Facts.—

(1) Civil penalties.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" and inserting "who—";

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(B) makes such a statement or representation for such use with knowing disregard for the truth; or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading,

shall be subject to";

(C) by inserting "or each receipt of such benefits while withholding disclosure of such fact" after "each such statement or representation";

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation"; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation".

(2) Administrative procedure for imposing penalties.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following new paragraphs:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(2) makes such a statement or representation for such use with knowing disregard for the truth; or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to".

(b) Application of Civil Money Penalties to Elements of Criminal Violations.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following new paragraph:

"(3) Any person (including an organization, agency, or other entity) who—

"(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

"(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

"(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

"(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

"(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to display, sell, or purchase it;

"(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the social security account number of any person in violation of the laws of the United States;

"(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number; or

"(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C)

shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(c) Clarification of Treatment of Recovered Amounts.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(d) Conforming Amendments.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(e) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) Violations by government agents in possession of social security numbers.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date under section 202(c).

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

SEC. 301. DEFINITION OF SALE.

Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended by adding at the end the following:

"(12) Sale.—The terms 'sale', 'sell', and 'sold', with respect to nonpublic personal information, mean the exchange of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.".

SEC. 302. RULES APPLICABLE TO SALE OF NONPUBLIC PERSONAL INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in the section heading, by inserting "and sales" after "disclosures";

(2) in subsection (a), by inserting "or sell" after "disclose";

(3) in subsection (b)—

(A) in the heading, by inserting "for Certain Disclosures" before the period; and

(B) by adding at the end the following:

"(3) Limitation.—Paragraphs (1) and (2) do not apply to the sale of nonpublic personal information.";

(4) by striking subsection (e);

(5) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(6) by inserting after subsection (b) the following:

"(c) Opt-In for Sale of Information.—

"(1) Affirmative consent required.—Each agency or authority described in section 504(a) shall, by rule prescribed under that section, prohibit a financial institution that is subject to its jurisdiction from selling any nonpublic personal information to any nonaffiliated third party, unless the consumer to whom the information pertains—

"(A) has affirmatively consented in accordance with such rule to the sale of such information; and

"(B) has not withdrawn the consent.

"(2) Denial of service prohibited.—The rule prescribed pursuant to paragraph (1) shall prohibit a financial institution from denying any consumer a financial product or a financial service for the refusal by the consumer to grant the consent required by such rule.".

SEC. 303. EXCEPTIONS TO SALE PROHIBITION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802), as amended by this title, is amended by adding at the end the following:

"(f) General Exceptions.—This section does not prohibit—

"(1) the sale or other disclosure of nonpublic personal information to a nonaffiliated third party—

"(A) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer to whom the information pertains, or in connection with—

"(i) servicing or processing a financial product or service requested or authorized by the consumer;

"(ii) maintaining or servicing the account of the consumer with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity; or

"(iii) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

"(B) with the consent or at the direction of the consumer, in accordance with applicable rules prescribed under this subtitle;

"(C) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978; or

"(D) to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury, with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), a State insurance authority, or the Federal Trade Commission), self-regulatory organizations, or for an investigation on a matter related to public safety; or

"(2) the disclosure, other than the sale, of nonpublic personal information—

"(A) to protect the confidentiality or security of the records of the financial institution pertaining to the consumer, the service or product, or the transaction therein;

"(B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

"(C) for required institutional risk control, or for resolving customer disputes or inquiries;

"(D) to persons holding a legal or beneficial interest relating to the consumer;

"(E) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

"(F) to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the financial institution, persons assessing the compliance of the institution with industry standards, or the attorneys, accountants, or auditors of the institution;

"(G) to a consumer reporting agency, in accordance with the Fair Credit Reporting Act or from a consumer report reported by a consumer reporting agency, as those terms are defined in that Act;

"(H) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of such business or unit;

"(I) to comply with Federal, State, or local laws, rules, or other applicable legal requirements, or with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or

"(J) to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes, as authorized by law.".

SEC. 304. EFFECTIVE DATE.

This title shall take effect 6 months after the date on which the rules are required to be prescribed under section 504(a)(3).

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

SEC. 401. DEFINITIONS.

In this title:

(1) Business associate.—

(A) In general.—Except as provided in subparagraph (B), the term "business associate" means, with respect to a covered entity, a person who—

(i) on behalf of such covered entity or of an organized health care arrangement in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs, or assists in the performance of—

(I) a function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or

(II) any other function or activity regulated under parts 160 through 164 of title 45, Code of Federal Regulations; or

(ii) provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized health care arrangement in which the covered entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

(B) Limitations.—

(i) In general.—A covered entity participating in an organized health care arrangement that performs a function or activity as described by subparagraph (A)(i) for or on behalf of such organized health care arrangement, or that provides a service as described in subparagraph (A)(ii) to or for such organized health care arrangement, does not, simply through the performance of such function or activity or the provision of such service, become a business associate of other covered entities participating in such organized health care arrangement.

(ii) Limitation.—A covered entity may be a business associate of another covered entity.

(2) Covered entity.—The term "covered entity" means—

(A) a health plan;

(B) a health care clearinghouse; and

(C) a health care provider who transmits any health information in electronic form in connection with a transaction covered by parts 160 through 164 of title 45, Code of Federal Regulations.

(3) Disclosure.—The term "disclosure" means the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

(4) Employer.—The term "employer" means a person or organization for whom an individual performs or has performed any service, of whatever nature, as the employee of that person or organization, except that—

(A) if the person for whom the individual performs or has performed the service does not have control of the payment of wages for such service, the term "employer" means the person having control of the payment of those wages; and

(B) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" means that person.

(5) Group health plan.—The term "group health plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(1)), including insured and self-insured plans, to the extent that the plan provides medical care (as defined in section 2791(a)(2) of the Public Health Service Act, 42 U.S.C. 300gg–91(a)(2)), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise, that—

(A) has 50 or more participants (as defined in section 3(7) of Employee Retirement Income and Security Act of 1974, 29 U.S.C. 1002(7)); or

(B) is administered by an entity other than the employer that established and maintains the plan.

(6) Health care.—The term "health care" means care, services, or supplies related to the health of an individual, including—

(A) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling services, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body; and

(B) a sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(7) Health care clearinghouse.—The term "health care clearinghouse" means a public or private entity, including a billing service, repricing company, community health management information system or community health information system, and value-added networks and switches, that—

(A) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or

(B) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

(8) Health care provider.—The term "health care provider" has the same meaning given the terms "provider of services" and "provider of medical or health services" in subsections (u) and (s) of section 1861 of the Social Security Act (42 U.S.C. 1395x), and includes any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

(9) Health information.—The term "health information" means any information, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

(B) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

(10) Health insurance issuer.—The term "health insurance issuer" means a health insurance issuer (as defined in section 2791(b)(2) of the Public Health Service Act, 42 U.S.C. 300gg–91(b)(2)) and used in the definition of health plan in this section and includes an insurance company, insurance service, or insurance organization (including an HMO) that is licensed to engage in the business of insurance in a State and is subject to State law that regulates insurance. Such term does not include a group health plan.

(11) Health maintenance organization.—The term "health maintenance organization" (HMO) (as defined in section 2791(b)(3) of the Public Health Service Act, 42 U.S.C. 300gg–91 (b)(3)) and used in the definition of health plan in this section, means a federally qualified HMO, an organization recognized as an HMO under State law, or a similar organization regulated for solvency under State law in the same manner and to the same extent as such an HMO.

(12) Health oversight agency.—The term "health oversight agency" means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.

(13) Health plan.—The term "health plan" means an individual or group plan that provides, or pays the cost of, medical care, as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2))—

(A) including, singly or in combination—

(i) a group health plan;

(ii) a health insurance issuer;

(iii) an HMO;

(iv) part A or B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(v) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(vi) an issuer of a medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. 1395ss(g)(1));

(vii) an issuer of a long-term care policy, excluding a nursing home fixed-indemnity policy;

(viii) an employee welfare benefit plan or any other arrangement that is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers;

(ix) the health care program for active military personnel under title 10, United States Code;

(x) the veterans health care program under chapter 17 of title 38, United States Code;

(xi) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) (as defined in section 1072(4) of title 10, United States Code);

(xii) the Indian Health Service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

(xiii) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

(xiv) an approved State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), providing benefits for child health assistance that meet the requirements of section 2103 of such Act (42 U.S.C. 1397cc);

(xv) the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.);

(xvi) a high risk pool that is a mechanism established under State law to provide health insurance coverage or comparable coverage to eligible individuals; and

(xvii) any other individual or group plan, or combination of individual or group plans, that provides or pays for the cost of medical care (as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2)); and

(B) excluding—

(i) any policy, plan, or program to the extent that it provides, or pays for the cost of, excepted benefits that are listed in section 2791(c)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(1); and

(ii) a government-funded program (other than 1 listed in clause (i) through (xvi) of paragraph (1)), whose principal purpose is other than providing, or paying the cost of, health care, or whose principal activity is the direct provision of health care to persons, or the making of grants to fund the direct provision of health care to persons.

(14) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term "individually identifiable health information" means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received by a covered entity or employer; and

(B)(i) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

(ii)(I) identifies an individual; or

(II) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(15) LAW ENFORCEMENT OFFICIAL.—The term "law enforcement official" means an officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to—

(A) investigate or conduct an official inquiry into a potential violation of law; or

(B) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

(16) LIFE INSURER.—The term "life insurer" means a life insurance company (as defined in section 816 of the Internal Revenue Code of 1986), including the employees and agents of such company.

(17) MARKETING.—

(A) IN GENERAL.—The term "marketing" means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service.

(B) LIMITATION.—Such term does not include communications that meet the requirements of subparagraph (C) and that are made by a covered entity—

(i) for the purpose of describing the entities participating in a health care provider network or health plan network, or for the purpose of describing if and the extent to which a product or service (or payment for such product or service) is provided by a covered entity or included in a plan of benefits; or

(ii) that are tailored to the circumstances of a particular individual and the communications are—

(I) made by a health care provider to an individual as part of the treatment of the individual, and for the purpose of furthering the treatment of that individual; or

(II) made by a health care provider to an individual in the course of managing the treatment of that individual, or for the purpose of directing or recommending to that individual alternative treatments, therapies, health care providers, or settings of care.

(C) NOT INCLUDED.—A communication described in subparagraph (B) is not included in marketing if—

(i) the communication is made orally; or

(ii) the communication is in writing and the covered entity does not receive direct or indirect remuneration from a third party for making the communication.

(18) NONCOVERED ENTITY.—

(A) IN GENERAL.—The term "noncovered entity" means any person or public or private entity, including but not limited to a health researcher, school or university, life insurer, employer, public health authority, health oversight agency, or law enforcement official, or any person acting as an agent of such entities or persons, that is not a covered entity.

(B) LIMITATION.—The term "noncovered entity" includes a covered entity if such covered entity is acting as a business associate.

(19) ORGANIZED HEALTH CARE ARRANGEMENT.—The term "organized health care arrangement" means—

(A) a clinically integrated care setting in which individuals typically receive health care from more than 1 health care provider;

(B) an organized system of health care in which more than 1 covered entity participates, and in which the participating covered entities—

(i) hold themselves out to the public as participating in a joint arrangement; and

(ii) participate in joint activities including at least—

(I) utilization review, in which health care decisions by participating covered entities are reviewed by other participating covered entities or by a third party on their behalf;

(II) quality assessment and improvement activities, in which treatment provided by participating covered entities is assessed by other participating covered entities or by a third party on their behalf; or

(III) payment activities, if the financial risk for delivering health care is shared, in part or in whole, by participating covered entities through the joint arrangement and if protected health information created or received by a covered entity is reviewed by other participating covered entities or by a third party on their behalf for the purpose of administering the sharing of financial risk;

(C) a group health plan and a health insurance issuer or HMO with respect to such group health plan, but only with respect to protected health information created or received by such health insurance issuer or HMO that relates to individuals who are or who have been participants or beneficiaries in such group health plan;

(D) a group health plan and 1 or more other group health plans each of which are maintained by the same plan sponsor; or

(E) the group health plans described in subparagraph (D) and health insurance issuers or HMOs with respect to such group health plans, but only with respect to protected health information created or received by such health insurance issuers or HMOs that relates to individuals who are or have been participants or beneficiaries in any of such group health plans.

(20) PROTECTED HEALTH INFORMATION.—The term "protected health information" means individually identifiable health information that is in any form or medium. The term does not include individually identifiable health information in education records covered by section 444 of the General Education Provisions Act (20 U.S.C. 1232g).

(21) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

(22) SCHOOL OR UNIVERSITY.—The term "school or university" means an institution or place for instruction or education, including an elementary school, secondary school, or institution of higher learning, a college, or an assemblage of colleges united under 1 corporate organization or government.

(23) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(24) SALE; SELL; SOLD.—The terms "sale", "sell", and "sold", with respect to protected health information, mean the exchange of such information for anything of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(25) USE.—The term "use" means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

(26) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 402. PROHIBITION AGAINST SELLING PROTECTED HEALTH INFORMATION.

(a) IN GENERAL.—A noncovered entity shall not sell the protected health information of an individual without an authorization that is valid under section 403. When a noncovered entity obtains or receives authorization to sell such information, such sale must be consistent with such authorization.

(b) SCOPE.—A sale of protected health information as described under subsection (a) shall be limited to the minimum amount of information necessary to accomplish the purpose for which the sale is made.

(c) PURPOSE.—A recipient of information sold pursuant to this title may use or disclose such information solely to carry out the purpose for which the information was sold.

(d) NOT REQUIRED.—Nothing in this title permitting the sale of protected health information shall be construed to require such sale.

(e) IDENTIFICATION OF INFORMATION AS PROTECTED HEALTH INFORMATION.—Information sold pursuant to this title shall be clearly identified as protected health information.

(f) NO WAIVER.—Except as provided in this title, an individual's authorization to sell protected health information shall not be construed as a waiver of any rights that the individual has under other Federal or State laws, the rules of evidence, or common law.

SEC. 403. AUTHORIZATION FOR SALE OF PROTECTED HEALTH INFORMATION.

(a) Valid Authorization.—A valid authorization is a document that complies with all requirements of this section. Such authorization may include additional information not required under this section, provided that such information is not inconsistent with the requirements of this section.

(b) Defective Authorization.—An authorization is not valid, if the document submitted has any of the following defects:

(1) The expiration date has passed or the expiration event is known by the noncovered entity to have occurred.

(2) The authorization has not been filled out completely, with respect to an element described in subsections (e) and (f).

(3) The authorization is known by the noncovered entity to have been revoked.

(4) The authorization lacks an element required by subsections (e) and (f).

(5) Any material information in the authorization is known by the noncovered entity to be false.

(c) Revocation of Authorization.—An individual may revoke an authorization provided under this section at any time provided that the revocation is in writing, except to the extent that the noncovered entity has taken action in reliance thereon.

(d) Documentation.—

(1) In general.—A noncovered entity must document and retain any signed authorization under this section as required under paragraph (2).

(2) Standard.—A noncovered entity shall, if a communication is required by this title to be in writing, maintain such writing, or an electronic copy, as documentation.

(3) Retention period.—A noncovered entity shall retain the documentation required by this section for 6 years from the date of its creation or the date when it last was in effect, whichever is later.

(e) Content of Authorization.—

(1) Content.—An authorization described in subsection (a) shall—

(A) contain a description of the information to be sold that identifies such information in a specific and meaningful manner;

(B) contain the name or other specific identification of the person, or class of persons, authorized to sell the information;

(C) contain the name or other specific identification of the person, or class of persons, to whom the information is to be sold;

(D) include an expiration date or an expiration event relating to the selling of such information that signifies that the authorization is valid until such date or event;

(E) include a statement that the individual has a right to revoke the authorization in writing and the exceptions to the right to revoke, and a description of the procedure involved in such revocation;

(F) be in writing and include the signature of the individual and the date, or if the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual; and

(G) include a statement explaining the purpose for which such information is sold.

(2) Plain language.—The authorization shall be written in plain language.

(f) Notice.—

(1) In general.—The authorization shall include a statement that the individual may—

(A) inspect or copy the protected health information to be sold; and

(B) refuse to sign the authorization.

(2) Copy to the individual.—A noncovered entity shall provide the individual with a copy of the signed authorization.

(g) Model Authorizations.—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in this section and model statements of the limitations on such authorizations. Any authorization obtained on a model authorization form developed by the Secretary pursuant to the preceding sentence shall be deemed to satisfy the requirements of this section.

(h) Noncoercion.—A covered entity or noncovered entity shall not condition the purchase of a product or the provision of a service to an individual based on whether such individual provides an authorization to such entity as described in this section.

SEC. 404. PROHIBITION AGAINST RETALIATION.

A noncovered entity that collects protected health information, may not adversely affect another person, directly or indirectly, because such person has exercised a right under this title, disclosed information relating to a possible violation of this title, or associated with, or assisted, a person in the exercise of a right under this title.

SEC. 405. PROHIBITION AGAINST MARKETING PROTECTED HEALTH INFORMATION.

(a) In General.—Notwithstanding any other provision of law, a covered entity or noncovered entity shall not use, disclose, or sell protected health information for marketing without an authorization that is valid under subsection (c), except as provided in subsection (b).

(b) Exception.—A health care provider may use or disclose protected health information for marketing without an authorization when it uses or discloses such information to make a marketing communication to an individual if the communication occurs in a face-to-face encounter between the health care provider and the individual.

(c) Authorization.—

(1) In general.—An authorization under subsection (a) shall—

(A) contain a description of the information to be used, disclosed, or sold that identifies such information in a specific and meaningful manner;

(B) contain the name or other specific identification of the person, or class of persons, authorized to use, disclose, or sell the information;

(C) identify persons to whom the information is to be provided or sold;

(D) include an expiration date or an expiration event relating to the use, disclosure, or sale of such information that signifies that the authorization is valid until such date or event;

(E) include a statement that the individual has a right to revoke the authorization in writing and that there are exceptions to the right to revoke, and a description of the procedure involved in such revocation;

(F) be in writing and include the signature of the individual and the date, or if the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual; and

(G) include a statement explaining the purpose for which such information is used, disclosed, or sold.

(2) Plain language.—The authorization must be written in plain language.

(d) Notice.—The authorization shall include a statement that the individual may—

(1) inspect or copy the protected health information to be marketed as provided under section 164.524 of title 45, Code of Federal Regulations (or a successor regulation); and

(2) refuse to sign the authorization.

(e) Documentation.—A covered entity shall retain such documentation as required for any use, disclosure, or sale, as described under section 403(d).

(f) Rescission of Individually Identifiable Health Information Regulation.—Effective as of December 28, 2000—

(1) section 164.514(e) of title 45, Code of Federal Regulations (relating to standards for uses and disclosures of protected health information for marketing), promulgated by the Secretary of Health and Human Services in the final rule entitled "Standards for Privacy of Individually Identifiable Health Information" (65 F.R. 82462 (December 28, 2000)) is void; and

(2) section 164.514 shall take effect as if subsection (e) of such section had not been included in the promulgation of the final regulation.

(g) Noncoercion.—A covered entity or noncovered entity shall not condition the purchase of a product or the provision of a service to an individual based on whether such individual provides an authorization to such entity as described in this section.

SEC. 406. RULE OF CONSTRUCTION.

Except for the provisions of section 405, all requirements of this title shall not be construed to impose any additional requirements or in any way alter the requirements imposed upon covered entities under parts 160 through 164 of title 45, Code of Federal Regulations.

SEC. 407. REGULATIONS.

(a) In General.—The Secretary shall promulgate regulations implementing the provisions of this title.

(b) Timeframe.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish proposed regulations in the Federal Register. With regard to such proposed regulations, the Secretary shall provide an opportunity for submission of comments by interested persons during a period of not less than 90 days. Not later than 2 years after the date of enactment of this Act, the Secretary shall publish final regulations in the Federal Register.

SEC. 408. ENFORCEMENT.

(a) In General.—A covered entity or noncovered entity that knowingly violates section 402 or 405 shall be subject to a civil money penalty under this section.

(b) Amount.—The civil money penalty described in subsection (a) shall not exceed $100,000. In determining the amount of any penalty to be assessed, the Secretary shall take into account the previous record of compliance of the entity being assessed with the applicable provisions of this title and the gravity of the violation.

(c) Administrative Review.—

(1) Opportunity for hearing.—The entity assessed shall be afforded an opportunity for a hearing by the Secretary upon request made within 30 days after the date of the issuance of a notice of assessment. In such hearing the decision shall be made on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested, the assessment shall constitute a final and unappealable order.

(2) Hearing procedure.—If a hearing is requested, the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 30

days after the date of the decision of the judge. A final order which takes effect under this paragraph shall be subject to review only as provided under subsection (d).

(d) JUDICIAL REVIEW.—

(1) FILING OF ACTION FOR REVIEW.—Any entity against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which such entity is located or the United States District Court for the District of Columbia by filing a notice of appeal in such court within 30 days from the date of such order, and simultaneously sending a copy of such notice by registered mail to the Secretary.

(2) CERTIFICATION OF ADMINISTRATIVE RECORD.—The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed.

(3) STANDARD FOR REVIEW.—The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code.

(4) APPEAL.—Any final decision, order, or judgment of the district court concerning such review shall be subject to appeal as provided in chapter 83 of title 28 of such Code.

(e) FAILURE TO PAY ASSESSMENT; MAINTENANCE OF ACTION.—

(1) FAILURE TO PAY ASSESSMENT.—If any entity fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed by action in the appropriate United States district court.

(2) NONREVIEWABILITY.—In such action the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(f) PAYMENT OF PENALTIES.—Except as otherwise provided, penalties collected under this section shall be paid to the Secretary (or other officer) imposing the penalty and shall be available without appropriation and until expended for the purpose of enforcing the provisions with respect to which the penalty was imposed.

TITLE V—DRIVER'S LICENSE PRIVACY

SEC. 501. DRIVER'S LICENSE PRIVACY.

Section 2725 of title 18, United States Code, is amended by striking paragraphs (2) and (3) and adding the following:

"(2) 'person' means an individual, organization, or entity, but does not include a State or agency thereof;

"(3) 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, medical or disability information, any physical copy of a driver's license, birth date, information on physical characteristics, including height, weight, sex or eye color, or any biometric identifiers on a license, including a finger print, but not information on vehicular accidents, driving violations, and driver's status; and

"(4) 'highly restricted personal information' means an individual's photograph or image, social security number, medical or disability information, any physical copy of a driver's license, driver identification number, birth date, information on physical characteristics, including height, weight, sex, or eye color, or any biometric identifiers on a license, including a finger print.".

TITLE VI—MISCELLANEOUS

SEC. 601. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under title I, II, or IV of this Act or under any amendment made by such a title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with such titles or such amendments;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Attorney General intervenes in an action under subsection (a), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under title I, II, IV, or V of this Act or under any amendment made by such a title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that practice.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 602. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or under an amendment made by this Act, the Federal Government shall have injunctive authority with respect to any violation of any provision of title I, II, or IV of this Act or of any amendment made by such a title, without regard to whether a public or private entity violates such provision.

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, Mr. KENNEDY, Ms. LANDRIEU, Mr. SCHUMER):

S. 1056. A bill to authorize grants for community telecommunications infrastructure planning, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. Mr. President, I rise today to introduce legislation to help rural and underserved communities across the country get connected to the information economy.

Today I am introducing the Community Telecommunication Planning Act of 2001. I am proud to have Senators BOXER, LANDRIEU, KENNEDY, CANTWELL, and SCHUMER as original cosponsors. This bill will give small and rural communities a new tool to attract high speed services and economic development.

I am especially proud at how this legislation came about. Since last year, I've been working with a group of community leaders in Washington State to find ways to help communities get connected to advanced telecommunications services.

I want to take a moment to thank the members of my Rural Telecommunication Working Group for their hard work on this bill. The members include: Brent Bahrenburg, Gregg Caudell, Dee Christensen, Dave Danner, Louis Fox, Tami Garrow, Larry Hall, Rod Fleck, Ray King, Dale King, Terry Lawhead, Dick Llarman, Jim Miller, Joe Poire, Skye Richendrfer, Jim Schmit, Fred Sexton, Ted Sprague, Barbara Tilly, Terry Vann, Ron Yenney.

We met as a working group, and we held forums around the State that attracted hundreds of people. We've tapped the ideas of experts, service providers and people from across the State who are working to get their communities connected. The result in this legislation, which I am proud to say is part of Washington State's contribution to our national effort to wire all parts of our country.

This bill addresses a real need in many communities. While urban and suburban areas have strong competition between telecommunications providers, many small and rural communities are far removed from the services they need. We must ensure that all communities have access to advanced telecommunications like high speed internet access. Just as yesterday's infrastructure was built of roads and bridges, today our infrastructure includes advanced telecom services. Advanced telecommunications can enrich our lives through activities like distance-learning, and they can even save lives through efforts like telemedicine. The key is access. Access to these services is already turning some small companies in rural communities into international marketers of goods and services.

Unfortunately, many small and rural communities are having trouble getting the access they need. Before areas can take advantage of some of the help and incentives that are out there, they need to work together and go through a community planning process. Community plans identify the needs and level of demand, create a vision for the future, and show what all the players must do to meet the telecom needs of their community for today and tomorrow. These plans take resources to develop. This bill would provide those funds.

Providers say they're more likely to invest in an area if it has a plan that makes a business case for the costly infrastructure investment. Communities want to provide them with that plan, but they need help developing it. Unfortunately, many communities get stuck on that first step. They don't have the resources to do the studies and planning required to attract service. So the members of my Working Group came up with a solution: have the federal government provide competitive grants that local communities can use to develop their plans. I took that idea and put it into this bill.

When you think about it, it just makes sense. Right now the federal government already provides money to help communities plan other infrastructure improvements—everything from roads and bridges to wastewater facilities. The bill would provide rural and underserved communities with grant money for creating community plans, technical assessments and other analytical work that needs to be done.

With these grants, communities will be able to turn their desire for access into real access that can improve their communities and strengthen their economies. This bill can open the door for thousands of small and rural areas across our state to tap the potential of the information economy. I urge the Senate to support this bill and I look forward to working with my colleagues to see it passed.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1057. A bill to authorize the addition of lands to Pu‘uhonua o Honaunau National Historical Park in the State of Hawaii, and for other purposes; to the committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today along with my colleague Senator INOUYE to introduce legislation that is important for the people of Hawaii, for the National Park Service, and for the nation as a whole. I am offering legislation that would allow expansion of the boundaries of Pu‘uhonua o Honaunau National Historical Park on the island of Hawaii by 238 acres. These lands are adjacent to and contiguous with the park's current boundaries.

Pu‘uhonua o Honaunau National Historical Park preserves a site with great significance for Native Hawaiians, students of history, archaeologists, and the people of Hawaii in general. It is nestled along the coast of the island of Hawaii where, up until the early 19th century, Hawaiians who broke kapu or one of the ancient laws against the gods could avoid certain death by fleeing to this place of refuge or "pu‘uhonua." The offender would be absolved by a priest and freed to leave. Defeated warriors and non-combatants could also find refuge here during times of battle. The grounds just outside the wall that encloses the pu‘uhonua were home to several generations of powerful chiefs. The 182-acre park was established in 1961 and includes the pu‘uhonua and a complex of archeological areas including temple platforms, royal fishponds, holua (sledding tracks), and coastal village sites. The Haloe o Keawe temple and several other structures have been reconstructed to provide visitors an understanding of life during the early days of the royal families.

The park, on the famed Kona coast of the Big Island of Hawaii, is appreciated by Native Hawaiians and the general public as a place where the story and history of native culture are interpreted for all Americans. It is worth mentioning that the National Park Service oversees 384 units across the nation, including national parks, battlefields, military parks, memorials, monuments and historic trails. Of these nearly 400 sites, there are only a handful of national historic parks that celebrate interpretations of contemporary native cultures. I am pleased that two of these parks, Pu‘uhonua o Honaunau and Kaloko-Honokohau, are in Hawaii on the Big Island. I invite you all to visit us for a truly remarkable immersion in Hawaiian cultural history, something very close to my heart.

The proposed expansion has national significance from an archaeological and historical perspective. The archeological resources are very important. They illustrate that the Ki‘ilae village complex, with its numerous sites and features, represents one of the most complete assemblages of the coastal component of the ancient Kona field system. This system was not just an agricultural system utilized by the early Kona chiefs, it was a complex economic system that supported a dense population. Archaeological records have shown that this system allowed the Kona chiefs to become very powerful for a period of at least 200 years and most likely supported the growth and development of Kamehameha the Great's army and thereby contributed to his rise to power in the Hawaiian Islands. The cultural landscape here includes not only residential features, but also religious, agricultural and ceremonial sites. The unusually high number of heiau is believed to be an indication of the importance of this area to the Hawaiian ruling class.

Mr. President, the expansion of the park has widespread support from local communities and county officials. There is a long history of study and analysis of expansion possibilities for the park. The 1977 Master Plan for the Pu‘uhonua o Honaunau National Historical Park originally proposed boundary expansions in four contiguous areas. Following the original master plan, in 1992 the National Park Service conducted a feasibility study for protecting adjacent lands through boundary expansions. Then in August of last year, given the notification of the recent land transaction between the McCandless Ranch and a private development corporation, the NPS prepared a special report on the proposed park expansion to include the Ki‘ilae village parcel. The Service held three well-attended community meetings on the Big Island, with enthusiastic support for the expansion.

The 238-acre expansion authorized by this bill is the preferred option of the NPS, although additional acres could potentially be acquired. The Ki‘ilae village property meets the criterion of national significance for historical and archaeological areas. The Trust for Public Land (TPL) is providing funds for the appraisal of the property, and has indicated an interest in helping facilitate the expansion of the park. The TPL financial assistance is a departure from their normal business practice, and they made the decision to commit the funds in recognition of the unique conservation values that this property presents for the National Park Service.

I submit for the RECORD a letter from Mayor Harry Kim of the County of Hawaii which shows the depth of public support and appreciation for the expansion, particularly from the Hawaiian community. I ask unanimous consent that the letter and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1057

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pu‘uhonau o Hōnaunau National Historical Park Addition Act of 2001".

SEC. 2. ADDITIONS TO PUʻUONAU O HŌNAUNAU NATIONAL HISTORICAL PARK.

The first section of the Act of July 26, 1955 (69 Stat. 376, ch. 385; 16 U.S.C. 397) is amended—

(1) by striking "That when" and inserting "SECTION 1. (s) When"; and

(2) by adding at the end thereof the following new subsections:

"(b) The boundaries of Puʻuhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of lands and interests therein within the area identified as "Parcel A" on the map entitled "Puʻuhonua o Hōnaunau National Historical Park, Proposed Boundary Additions, Kiʻilae Village", numbered PUHO-P 415/82,013 and dated May, 2001.

"(c) The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as "Parcel B" on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the boundaries of Puʻuhonua o Hōnaunau National Historical Park to include such lands or interests therein.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

COUNTY OF HAWAII,
Hilo, HI, May 16, 2001.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The purpose of this letter is to request that you seek Congressional authorization to expand the boundaries of Puʻu Honua O Hōnaunau National Park.

As I am sure you know, our local media have given a good deal of attention to a development proposed on 800 acres adjacent to Puʻu Honua O Hōnaunau. The community, particularly the Hawaiian community, has been outspoken in its desire to see this acreage preserved and the park enhanced. Numerous historic sites have been identified on this acreage, some or all related to the ancient Hawaiian village of Kiʻilae.

My staff has spoken with Ms. Geri Bell, Park Superintendent, and she has said that at least 238 acres (out of the 800) are closely linked to the park and associated with the village of Kiʻilae. Moreover, she has indicated that the owner of the land would willingly sell the 238 acres to the National Park. The next step is Congressional authorization.

The acquisition could be 238 acres, 800 acres, or something in between, and I would leave that determination to the experts to decide. However, your support for acquisition of at least the smaller portion would allow for a valuable addition to the park and assure preservation of an important part of our ancient Hawaiian heritage.

I fully support the expansion of the park by acquisition of this acreage, and hope you will let me know if there is any way in which I can be of assistance.

A similar letter has been sent to the other members of our Congressional delegation.

Aloha,

HARRY KIM,
Mayor.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 110—RELATING TO THE RETIREMENT OF SHARON ZELASKA, ASSISTANT SECRETARY OF THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Whereas, on June 15, 2001, Sharon Zelaska will retire from service to the United States Senate as the Assistant Secretary of the Senate after 4½ years;

Whereas, previously Sharon rendered exemplary service to the federal government as a staff member in the House of Representatives for 11½ years and in the Executive Branch for 4 years;

Whereas, throughout these years, she has at all times discharged the difficult duties and responsibilities of her office with extraordinary, grace, efficiency and devotion; and

Whereas, Sharon Zelaska's service to the Senate has been marked by her personal commitment to the highest standards of excellence to enable the Senate to function effectively: Now, therefore, be it

Resolved, That Sharon Zelaska be and hereby is commended for her outstanding service to her country and to the United States Senate.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Sharon A. Zelaska.

SENATE RESOLUTION 111—COMMENDING ROBERT "BOB" DOVE ON HIS SERVICE TO THE SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 111

Whereas Robert Britton Dove began his service to the United States Senate in 1966 as Second Assistant Parliamentarian;

Whereas "Bob Dove" continued his service to the United States Senate for 35 years culminating in his appointment as the Parliamentarian of the United States Senate;

Whereas throughout his tenure in the Senate Bob Dove faithfully discharged the difficult duties and responsibilities of Parliamentarian of the United States Senate with great dedication, integrity and professionalism;

Whereas Bob Dove always performed his duties with unfailing good humor;

Whereas throughout his service as Parliamentarian Bob Dove advised the President of the Senate, as well as all Senators and staff on all questions of procedure in the Senate;

Whereas Senators and staff on both sides of the aisle have been appreciative of the Institutional and Historical knowledge that Bob brought to the office of the Parliamentarian;

Whereas Bob has published a number of documents regarding Senate process that have been used as educational resources by many Senators and staff;

Whereas Bob has given parliamentary advice and guidance to numerous countries around the globe on behalf of the Senate including but not limited to the newly formed Russian Federation;

Whereas Bob Dove has been honored by the United States Senate with the title of Parliamentarian Emeritus; and

Whereas Robert Britton Dove retired on May 18, 2001, after 35 years of service to the United States Senate: Now, therefore, be it

Resolved, That the United States Senate commends Robert B. Dove for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Robert Britton Dove.

SENATE RESOLUTION 112—HONORING THE UNITED STATES ARMY ON ITS 226TH BIRTHDAY

Mr. ALLARD (for himself, Mrs. HUTCHISON, Mr. HAGEL, Mr. CLELAND, Mr. BOND, Mr. INHOFE, Mr. HUTCHINSON, Mr. JEFFORDS, Mr. ROBERTS, Mr. REED, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. LEVIN, Ms. COLLINS, Mr. BUNNING, Mr. DAYTON, Mr. KENNEDY, Mr. MCCAIN, Mr. ALLEN, Mr. THURMOND, Mr. SANTORUM, Mr. SESSIONS, Ms. LANDRIEU, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 112

Whereas 226 years ago, the Continental Army was formed with the goals of ending tyranny and winning freedom for the colonists in what has become the United States of America;

Whereas since the end of the American Revolution, our Nation's soldiers, imbued with the spirit of the original patriots, have pledged their allegiance to our Nation through their sacrifices in uniform;

Whereas all of the United States Army units, Active, Guard, and Reserve, share the heritage of the Continental Army, and our Nation's soldiers represent the finest men and women our Nation has to offer;

Whereas thousands of our Nation's soldiers stand guard around the globe ensuring our freedom and doing the tough jobs that maintain our way of life;

Whereas the United States Army is steeped in a proud tradition that dates back to June 14, 1775, but is ever flexible and capable of responding to a dynamic world;

Whereas the United States Army is transforming to meet the new demands of the 21st century;

Whereas the United States Army will ensure that the President, as Commander in Chief of the Armed Forces, continues to have capable land forces to quickly and efficiently deploy throughout the world to meet the national security interests of the United States;

Whereas both in times of peace and war, throughout more than 2 centuries, our Nation's soldiers have been poised and ready to answer the call of duty to defend our great Nation; and

Whereas the United States Army remains the best fighting force in the world: unchallenged, unparalleled, respected by their allies, feared by their opponents, and esteemed by the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) honors the United States Army on its 226th birthday;

(2) reflects on the great legacy the United States Army has given our Nation; and

(3) expresses pride in our Nation's soldiers' courage, dedication to duty, and selfless service to our Nation.

SENATE CONCURRENT RESOLUTION 49—URGING THE RETURN OF PORTRAITS PAINTED BY DINA BABBITT DURING HER INTERNMENT AT AUSCHWITZ THAT ARE NOW IN THE POSSESSION OF THE AUSCHWITZ-BIRKENAU STATE MUSEUM

Mrs. BOXER (for herself and Mr. SMITH of Oregon) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 49

Whereas Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now in her late 70's, has requested the return of watercolor portraits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II;

Whereas Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele;

Whereas Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele;

Whereas these paintings are currently in the possession of the Auschwitz-Birkenau State Museum;

Whereas Dina Babbitt is unquestionably the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp;

Whereas the artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history; and

Whereas this continued injustice can be righted through cooperation between agencies of the United States and Poland: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the 7 watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the 7 original paintings to Dina Babbitt as expeditiously as possible.

Mrs. BOXER. Mr. President, I rise today to submit a resolution regarding the artwork of a woman named Dina Babbitt. Mrs. Babbitt, who was born Dinah Gottliebova, was an inmate at Auschwitz during the Holocaust. During her internment, she was forced by the notorious Dr. Joseph Mengele to paint pictures of doomed inmates. Because of her paintings, Ms. Babbitt and her mother were two of only 22 inmates who survived their internment at Auschwitz.

Seven of the paintings were found at Auschwitz after the camp was liberated and were sold to the Polish State Museum in Osweicim. The museum contacted Mrs. Babbitt in 1973 to inform her that they had the pieces, but refused to relinquish them to her. She has been fighting with the museum since then to get her paintings back.

Mrs. Babbitt has a simple motivation for retrieving her paintings. The people in the portraits became her friends, and they perished in the gas chambers. The paintings are the only reminder she has of them and the internment camp, as she has said, "everything else was taken from me."

Mrs. Babbitt, who now resides in the United States, is in her late 70s. She has fought for too long to have these paintings returned. There is no doubt that she painted these works and has a moral right to have them in her possession. This resolution urges the President and the Secretary of State to work with the Polish government and the Auschwitz-Birkenau museum to see that the seven watercolors in question are returned to their rightful owner.

I hope that my colleagues will support his resolution.

SENATE CONCURRENT RESOLUTION 50—RECOGNIZING THE IMPORTANT CONTRIBUTION THAT LOCAL GOVERNMENTS MAKE TO SUSTAINABLE DEVELOPMENT AND ENSURING A VIABLE FUTURE FOR OUR PLANET

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works.

S. CON. RES. 50

Whereas the city of Ann Arbor, Michigan was chosen by the International Council for Local Environmental Initiatives (in this concurrent resolution referred to as the "ICLEI") to host the U.S. and Canadian Municipal Leaders Rio+10 Preparatory Meeting for the United Nations-sponsored 2002 World Summit on Sustainable Development (in this concurrent resolution referred to as the "2002 World Summit");

Whereas the ICLEI strives to build and serve a worldwide movement of local governments to achieve tangible improvements in global environmental and sustainable development conditions through cumulative local actions;

Whereas the goals of the 2002 World Summit are to generate momentum toward sustainable development and ensure a viable future for our planet;

Whereas the predecessor of the 2002 World Summit was the United Nations Conference on Environment and Development, known as the Earth Summit;

Whereas local governments play a central role in the development of communities that respect ecological integrity, promote social well-being, and create economic vitality by developing and maintaining economic, social, and environmental infrastructures, overseeing local planning processes, establishing local environmental policies and regulations, and assisting in implementing national environmental policies;

Whereas the city of Ann Arbor, Michigan is a member of the ICLEI's Cities for Climate Protection, an association of over 300 local governments from around the world dedicated to developing sustainable community-based solutions to local and global environmental problems;

Whereas the city of Ann Arbor, Michigan is a designated Department of Energy Clean City in recognition of the city's efforts to purchase alternative fuel vehicles, build alternative fuel infrastructure, and educate the community about the use of alternative fuel vehicles in order to enhance energy security and environmental quality;

Whereas the city of Ann Arbor, Michigan is a member of the Environmental Protection Agency's Green Lights Program and has retrofitted over 20 city buildings with energy efficient lighting;

Whereas the city of Ann Arbor, Michigan developed an innovative Municipal Energy Fund to improve the energy efficiency of city facilities and provide community demonstrations of energy saving and renewable energy technologies that result in environmental stewardship and fiscal responsibility;

Whereas the city of Ann Arbor, Michigan has an Energy Plan that reduces energy use and encourages renewable energy, a Solid Waste Plan that encourages recycling, composting, and source reduction, and a Transportation Plan that reduces traffic congestion and vehicle miles traveled through the implementation of mass transit and alternate transportation programs;

Whereas the Environmental Management Team of the city of Ann Arbor, Michigan has a comprehensive program addressing environmental cleanup, environmental restoration, park and greenway development, energy efficiency, transportation alternatives, parks, infill development, and waste water management;

Whereas the city of Ann Arbor, Michigan was chosen from among 35 cities in North America to host the ICLEI's U.S. and Canadian Municipal Leaders Rio+10 Preparatory Meeting;

Whereas the city of Ann Arbor, Michigan is 1 of 6 cities worldwide selected to host a preparatory meeting for the 2002 World Summit; and

Whereas the University of Michigan and the residents of the city of Ann Arbor, Michigan are committed to communitywide initiatives to support sustainable development: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the city of Ann Arbor, Michigan and its residents for their dedication to building a community that respects ecological integrity, promotes social well-being, and creates economic vitality.

Mr. LEVIN. Mr. President, I and my colleague from Michigan, Senator STABENOW, are submitting a resolution recognizing the City of Ann Arbor, Michigan and its residents for their dedication to building a community that respects the environment, promotes social well-being and creates economic vitality. The city of Ann Arbor is hosting the U.S. and Canadian Municipal Leaders Rio+10 Preparatory Meeting for United Nations-sponsored 2002 World Summit on Sustainable Development. The 2002 World Summit marks the ten-year anniversary of the United Nation's Conference on Environment and Development, better known as the Earth Summit. The Earth Summit, held in 1992 in Rio de Janeiro, Brazil, built wide political and popular support for environmental protection and sustainable development. Local leaders from across the world will gather at the 2002 World Summit to assess progress and examine barriers to the implementation of the Rio agreements. The Summit and preparatory meetings will generate new momentum for and renew our commitment to ensuring a viable future for our planet.

In preparation for the 2002 World Summit, the International Council for Local Environmental Initiatives (ICLEI) is convening regional meetings to bring together local government leaders, technical experts and representatives of local government associations to evaluate local implementation of the Earth Summit's Agenda 21 and the Rio Conventions. The city of Ann Arbor was one of six cities worldwide chosen to host a preparatory meeting to assess opportunities and recommend strategies for accelerated action for sustainable development at the local level. Ann Arbor serves as a model for the important contributions that local governments make to sustainable development. Committed to protecting the environment while promoting social well-being and economic vitality, the city is purchasing alternative fuel vehicles, building alternative fuel infrastructure and educating residents about the use of alternative fuel vehicles in order to enhance energy security and environmental quality. The city is also developing an innovative Municipal Energy Fund to improve the energy efficiency of city facilities and provide community demonstrations of energy saving and renewable energy technologies that result in environmental stewardship and fiscal responsibility. For these reasons, the city is designated an ICLEI's City for Climate Protection and a Department of Energy Clean City. Protecting precious land resources and ensuring clean air and water for residents are also important priorities of the city. Ann Arbor has a comprehensive program addressing environmental cleanup and restoration, park and greenway development, energy efficiency, transportation alternatives, infill development and wastewater management.

I congratulate all the local leaders who will be attending the U.S. and Canadian Municipal Leaders Rio+10 Preparatory Meeting. Their cumulative local actions will improve our global environment. And, I commend the city of Ann Arbor, its residents and the University of Michigan for building a community that strives to protect our environment for future generations.

Ms. STABENOW. Mr. President, I am proud to join my colleague from Michigan, Senator LEVIN, in submitting a resolution recognizing the city of Ann Arbor, Michigan and its residents for their dedication to building a community that respects ecological integrity, promotes social well-being, and creates economic vitality.

On June 20, 2001, the city of Ann Arbor, Michigan will be hosting the U.S. and Canadian Municipal Leaders Rio+10 Preparatory Meeting for the United Nations-sponsored 2002 World Summit on Sustainable Development. The 2002 World Summit marks the ten-year anniversary of the 1992 Earth Summit, which helped build worldwide political and popular support for environmental protection and sustainable development. The 2002 World Summit will help assess the progress made since the Earth Summit, and renew our commitment to providing a bright future for our planet.

The city of Ann Arbor was chosen from among 35 cities in North America to host the U.S. and Canadian Municipal Leaders Rio+10 Preparatory Meeting, and is one of six cities worldwide selected to host a preparatory meeting for the 2002 World Summit. The preparatory meeting will bring together local government leaders, technical experts and representatives of local government associations to examine opportunities and recommend strategies for environmental protection and sustainable development at the local level.

The city of Ann Arbor has had numerous environmental accomplishments, and serves as a shining example of how local government can make tremendous contributions to solving local and global environmental problems. The city of Ann Arbor has developed an Energy Plan that reduces energy use and encourages renewable energy, a Solid Waste Plan that encourages recycling, composting, and source reduction, and a Transportation Plan that promotes mass transit and alternate transportation programs. Ann Arbor is also a Department of Energy Clean City, in recognition of its efforts to build alternative fuel infrastructure, purchase alternative fuel vehicles and educate the community about their uses. The city is also developing an innovative Municipal Energy Fund to improve the energy efficiency of city facilities and provide community demonstrations of energy saving and renewable energy technologies that result in environmental stewardship and fiscal responsibility. The city of Ann Arbor has made protecting the environment a community priority, and serves as a model of how local governments can play a critical role in sustainable development.

I congratulate the city of Ann Arbor for the honor of being chosen as one of six cities worldwide to host a preparatory meeting for the 2002 World Summit, and I congratulate all the local leaders who will be attending this preparatory meeting to help solve our environmental problems. I also commend the city and its residents for building a community that works hard to protect the environment, while at the same time creating economic vitality and promoting social well-being.

AMENDMENTS SUBMITTED AND PROPOSED

SA 803. Mrs. BOXER proposed an amendment to amendment No. 562 submitted by Mrs. BOXER and intended to be proposed to the amendment No. 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

SA 804. Mr. KENNEDY (for himself and Mr. GREGG) proposed an amendment to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) supra.

TEXT OF AMENDMENTS

SA 803. Mrs. BOXER proposed an amendment to amendment No. 562 submitted by Mrs. BOXER and intended to be proposed to the amendment No. 358 proposed by Mr. JEFFORDS to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

In lieu of the matter proposed to be inserted insert the following:

SEC. 1. SHORT TITLE.

This title may be cited as the "Equal Access to Public School Facilities Act".

SEC. 2. EQUAL ACCESS.

IN GENERAL.—No public elementary school, public secondary school, local educational agency, or State educational agency, may deny equal access or a fair opportunity to meet after school in a designated open forum to any youth group, including the Boy Scouts of America, based on that group's favorable or unfavorable position concerning sexual orientation.

SA 804. Mr. KENNEDY (for himself and Mr. GREGG) proposed an amendment to amendment No. 358 submitted by Mr. JEFFORDS and intended to be proposed to the bill (S. 1) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

On page 18, line 14, strike ", provide" and all that follows through page 18, line 17, and insert "provide, on an equitable basis, such children special educational services or other benefits under such program, and provide their teachers and other education personnel serving such children training and professional development services under such program.".

On page 19, between lines 19 and 20, insert the following:

"(A) subpart 2 of part B of title I;

On page 19, line 20, strike "(A)" and insert "(B)".

On page 19, line 21, strike "(B)" after "A".

On page 19, line 21, strike "(B)" and insert "(C)".

On page 19, line 22, strike "(C)" and insert "(D)".

On page 19, line 23, strike "(D)" and insert "(E)".

On page 69, line 18, strike the end quotation marks and the second period.

On page 69, between lines 18 and 19, insert the following:

"(m) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the assessments and standards required under this section.".

On page 300, line 24, strike "(2) and (3)" and insert "(3) and (4)".

On page 300, line 24, strike "and" after the semicolon.

On page 301, line 1, strike "paragraph (2)" and insert "paragraph (3)".

On page 301, between lines 2 and 3, insert the following:

"(1) the term 'homeless children and youth'—

"(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

"(B) includes—

"(i) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations, are living in emergency or transitional shelters, are abandoned in hospitals, or are awaiting foster care placement;

"(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C)); and

"(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

"(C) migratory children (as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in this paragraph;

(2) The terms enroll and enrollment include attending classes and participating fully in school activities.

On page 301, line 3, strike "(1)" and insert "(2)".

On page 301, line 6, strike the period and insert a semicolon.

On page 301, between lines 6 and 7, insert the following:

(3) in paragraph (3) (as so redesignated), by striking "and" after the semicolon;

(4) in paragraph (4) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(5) the term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.".

On page 315, line 15, insert "principals," after "teachers,".

On page 316, between lines 20 and 21, insert the following:

"(12) An assurance that the State educational agency will comply with section 6 (regarding participation by private school children and teachers).

On page 319, between lines 19 and 20, insert the following:

"(12) Fulfilling the State's responsibilities concerning proper and efficient administration of the program carried out under this part.

On page 323, line 16, insert "and principals" after "teachers".

On page 324, lines 7 and 8, insert ", principals," after "teachers".

On page 324, between lines 10 and 11, insert the following:

"(11) An assurance that the local educational agency will comply with section 6 (regarding participation by private school children and teachers).

On page 325, line 20, insert "and principals" after "teachers".

On page 325, line 23, insert "and principals" after "teachers".

On page 348, line 8, strike "and" after the semicolon.

On page 348, line 15, strike the period and insert "; and".

On page 348, between lines 15 and 16, insert the following:

"(5) a description of how the State educational agency and local educational agency in the eligible partnership will comply with section 6 (regarding participation by private school children and teachers).

On page 369, line 13, strike "and" after the semicolon.

On page 369, between lines 13 and 14, insert the following:

"(3) contains an assurance that the State educational agency will comply with section 6 (regarding participation by private school children and teachers).

On page 369, line 14, strike "(3)" and insert "(4)".

On page 373, line 10, strike "and".

On page 373, between lines 10 and 11, insert the following:

"(10) a description of how the local educational agency will comply with section 6 (regarding participation by private school children and teachers).

On page 373, line 11, strike "(10)" and insert "(11)".

On page 708, line 3, insert "(including assurances of compliance with applicable provisions regarding participation by private school children and teachers)" before the comma.

On page 764, line 25, strike "and" after the semicolon;

On page 765, line 6, strike the period and insert "; and".

On page 765, between lines 6 and 7, insert the following:

"(D) parents of children from birth through age 5.

On page 765, between lines 10 and 11, insert the following:

"(c) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a parental information and resource center from—

"(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

"(2) working with another agency that serves children.

On page 766, line 6, insert ", who shall constitute a majority of the members of the special advisory committee" after "6101(b)(1)(A)".

Amendment to SA505, Page 6: Delete lines 12 through 18 and insert: "each school shall be determined by the tribal governing body, or the school board, if authorized by the tribal governing body".

On page 774, line 14, strike from 6201(a)(2)(A)(i) the phrase: "economically disadvantaged students and of students who are racial and ethnic minorities" and replace it with "any of the categories of students listed in section 1111(b)(2)(B)(v)(II)".

On page 777, line 15, strike from 6202(a)(2)(B) the phrase: "students who are racial and ethnic minorities, and economically disadvantaged students," and replace it with: "any of the categories of students listed in section 1111(b)(2)(B)(v)(II)".

On page 9 of SA#484, line 15, strike "365" and insert "1 of SA#545" and delete "10" and insert "7".

On page 10 of SA#484, line 20, strike "and".

On page 11 of SA#484, line 15, strike the period after "ance".

On page 11 of SA#484, line 15, add "; and" after "ance".

On page 11 of SA#484, add the following between lines 15 and 16:

"(6) outlines how the plan incorporates—

(A) teacher education and professional development;

(B) curricular development; and

(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by the State and local educational agencies.".

On page 13 of SA#484, strike "and" on line 6 and strike the period after "students" on line 9.

On page 13 of SA#484, add "; and" after "students".

On page 13 of SA#484, insert the following between lines 9 and 10:

"(8) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement and student performance.".

On page 6 of SA#441, line 12, add "approaches" after "available".

On page 579, line 25, insert after "person", "receiving funds pursuant to this Act,".

On page 580, line 8, after "person", insert "receiving funds pursuant to this Act.".

On page 582, line 25, after "exceed", insert "fifty percent".

On page 582, line 1, after "received", insert "under the Better Education for Students and Teachers Act".

On page 138, line 9, strike "according to" and insert "taking into consideration".

On page 4 of amendment No. 370, line 1, strike "1,500" and insert "1,000".

On page 521, between lines 18 and 19, insert the following:

SEC. 405. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended by adding at the end the following:

"Chapter 3—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities Through the Provision of Certain Services

"SEC. 691. FINDINGS.

"Congress makes the following findings:

"(1) Approximately 1,000,000 children and youth in the United States have low-incidence disabilities which affects the hearing, vision, movement, emotional, and intellectual capabilities of such children and youth.

"(2) There are 15 States that do not offer or maintain teacher training programs for any of the 3 categories of low-incidence disabilities. The 3 categories are deafness, blindness, and severe disabilities.

"(3) There are 38 States in which teacher training programs are not offered or maintained for 1 or more of the 3 categories of low-incidence disabilities.

"(4) The University of Northern Colorado is in a unique position to provide expertise, materials, and equipment to other schools and educators across the Nation to train current and future teachers to educate individuals that are challenged by low-incidence disabilities.

"SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DISABILITIES.

"In order to fill the national need for teachers trained to educate children who are challenged with low-incidence disabilities, the University of Northern Colorado shall be designated as a National Center for Low-Incidence Disabilities.

"SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PROGRAMS.

"(a) GRANT.—The Secretary shall award a grant to the University of Northern Colorado to enable such University to provide to institutions of higher education across the nation such services that are offered under the special education teacher training program carried out by such University, such as providing educational materials or other information necessary in order to aid in such teacher training.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2002, and $1,000,000 for each of the fiscal years 2003 through 2005.".

At the end, add the following:

SEC. . FEDERAL INCOME TAX INCENTIVE STUDY.

(a) IN GENERAL.—The Secretary of Education shall provide for the conduct of a study to examine whether Federal income tax incentives that provide education assistance affect higher education tuition rates.

(b) DATE.—The study described in subsection (a) shall be conducted not later than 6 months after the date of enactment of this Act and every 4 years thereafter.

(c) REPORT.—The Secretary shall report to Congress the results of each study conducted under this section.

At the appropriate place insert the following:

SEC. . CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.

(a) IN GENERAL.—Section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327) is amended—

(1) in subsection (a), by inserting "that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)" after "institutions";

(2) in subsection (b), by adding "institutional support of" after "for";

(3) in subsection (d), by inserting "that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)" after "institution"; and

(4) in subsection (e)(1)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) institutional support of vocational and technical education.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) APPLICATION.—The amendments made by subsection (a) shall apply to grants made for fiscal year 2001 only if this Act is enacted before September 30, 2001.

At the end, add the following:

SEC. 902. SENSE OF CONGRESS ON ENHANCING AWARENESS OF THE CONTRIBUTIONS OF VETERANS TO THE NATION.

(a) FINDINGS.—Congress makes the following findings

(1) Tens of millions of Americans have served in the Armed Forces of the United States during the past century.

(2) Hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century.

(3) The contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life.

(4) The advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces.

(5) This reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations.

(6) Our system of civilian control of the Armed Forces makes it essential that the Nation's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions.

(7) Senate Resolution 304 of the 106th Congress, adopted on September 25, 2000, designated the week that includes Veterans Day as "National Veterans Awareness Week" to focus attention on educating elementary and secondary school students about the contributions of veterans to the Nation.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens.

On page 893, after line 14, add the following:

SEC. . TECHNICAL AMENDMENT TO THE KIDS 2000 ACT.

Amounts appropriated pursuant to section 112(f)(1) of the Kids 2000 Act (42 U.S.C. 13751 note) and the initiative to be carried out under such Act shall be administered by the Secretary of Education.

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

(a) THIS ACT.—This Act may be cited as the "John H. Chafee Environmental Education Act of 2001".

(b) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 1(a) of the National Environmental Education Act (20 U.S.C. 5501 note) is amended by striking "National Environmental Education Act" and inserting "John H. Chafee Environmental Education Act".

SEC. 2. OFFICE OF ENVIRONMENTAL EDUCATION.

Section 4 of the John H. Chafee Environmental Education Act (20 U.S.C. 5503) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "objective and scientifically sound" after "support";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (7) through (13) as paragraphs (6) through (12), respectively; and

(D) in paragraph (12) (as so redesignated), by inserting before the period at the end the following: "through the headquarters and the regional offices of the Agency"; and

(2) by striking subsection (c) and inserting the following:

"(c) STAFF.—The Office of Environmental Education shall—

"(1) include a headquarters staff of not more than 10 full-time equivalent employees; and

"(2) be supported by 1 full-time equivalent employee in each regional office of the Agency.

"(d) ACTIVITIES.—The Administrator may carry out the activities described in subsection (b) directly or through awards of grants, cooperative agreements, or contracts.".

SEC. 3. ENVIRONMENTAL EDUCATION GRANTS.

Section 6 of the John H. Chafee Environmental Education Act (20 U.S.C. 5505) is amended—

(1) in the second sentence of subsection (i), by striking "25 percent" and inserting "15 percent"; and

(2) by adding at the end the following:

"(j) LOBBYING ACTIVITIES.—A grant under this section may not be used to support a lobbying activity (as described in the documents issued by the Office of Management and Budget and designated as OMB Circulars No. A-21 and No. A-122).

"(k) GUIDANCE REVIEW.—Before the Administrator issues any guidance to grant applicants, the guidance shall be reviewed and approved by the Science Advisory Board of the Agency established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).".

SEC. 4. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 7 of the John H. Chafee Environmental Education Act (20 U.S.C. 5506) is amended to read as follows:

"SEC. 7. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PROGRAM.

"(a) ESTABLISHMENT.—There is established the John H. Chafee Memorial Fellowship Program for the award and administration of 5 annual 1-year higher education fellowships in environmental sciences and public policy, to be known as 'John H. Chafee Fellowships'.

"(b) PURPOSE.—The purpose of the John H. Chafee Memorial Fellowship Program is to stimulate innovative graduate level study and the development of expertise in complex, relevant, and important environmental issues and effective approaches to addressing those issues through organized programs of guided independent study and environmental research.

"(c) AWARD.—Each John H. Chafee Fellowship shall—

"(1) be made available to individual candidates through a sponsoring institution and in accordance with an annual competitive selection process established under subsection (f)(3); and

"(2) be in the amount of $25,000.

"(d) FOCUS.—Each John H. Chafee Fellowship shall focus on an environmental, natural resource, or public health protection issue that a sponsoring institution determines to be appropriate.

"(e) Sponsoring Institutions.—The John H. Chafee Fellowships may be applied for through any sponsoring institution.

"(f) Panel.—

"(1) In general.—The National Environmental Education Advisory Council established by section 9(a) shall administer the John H. Chafee Fellowship Panel.

"(2) Membership.—The Panel shall consist of 5 members, appointed by a majority vote of members of the National Environmental Education Advisory Council, of whom—

"(A) 2 members shall be professional educators in higher education;

"(B) 2 members shall be environmental scientists; and

"(C) 1 member shall be a public environmental policy analyst.

"(3) Duties.—The Panel shall—

"(A) establish criteria for a competitive selection process for recipients of John H. Chafee Fellowships;

"(B) receive applications for John H. Chafee Fellowships; and

"(C) annually review applications and select recipients of John H. Chafee Fellowships.

"(g) Distribution of Funds.—The amount of each John H. Chafee Fellowship shall be provided directly to each recipient selected by the Panel upon receipt of a certification from the recipient that the recipient will adhere to a specific and detailed plan of study and research.

"(h) Funding.—From amounts made available under section 13(b)(1)(C) for each fiscal year, the Office of Environmental Education shall make available—

"(1) $125,000 for John H. Chafee Memorial Fellowships; and

"(2) $12,500 to pay administrative expenses incurred in carrying out the John H. Chafee Memorial Fellowship Program.".

(b) Definitions.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(14) 'Panel' means the John H. Chafee Fellowship Panel established under section 7(f);

"(15) 'sponsoring institution' means an institution of higher education;".

(c) Conforming Amendment.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 7 and inserting the following:

"Sec. 7. John H. Chafee Memorial Fellowship Program.".

SEC. 5. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.

(a) In General.—Section 8 of the John H. Chafee Environmental Education Act (20 U.S.C. 5507) is amended to read as follows:

"SEC. 8. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.

"(a) President's Environmental Youth Awards.—The Administrator may establish a program for the granting and administration of awards, to be known as 'President's Environmental Youth Awards', to young people in grades kindergarten through 12 to recognize outstanding projects to promote local environmental awareness.

"(b) Teachers' Awards.—

"(1) In general.—The Chairman of the Council on Environmental Quality, on behalf of the President, may establish a program for the granting and administration of awards to recognize—

"(A) teachers in elementary schools and secondary schools who demonstrate excellence in advancing objective and scientifically sound environmental education through innovative approaches; and

"(B) the local educational agencies of the recognized teachers.

"(2) Eligibility.—One teacher, and the local education agency employing the teacher, from each State, the District of Columbia, and the Commonwealth of Puerto Rico, shall be eligible to be selected for an award under this subsection.".

(b) Definitions.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 4(b)) is amended by adding at the end the following:

"(16) 'elementary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

"(17) 'secondary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);".

(c) Conforming Amendment.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 8 and inserting the following:

"Sec. 8. National environmental education awards.".

SEC. 6. ENVIRONMENTAL EDUCATION ADVISORY COUNCIL AND TASK FORCE.

Section 9 of the John H. Chafee Environmental Education Act (20 U.S.C. 5508) is amended—

(1) in subsection (b)(2)—

(A) by striking "(2) The" and all that follows through the end of the second sentence and inserting the following:

"(2) Membership.—

"(A) In general.—The Advisory Council shall consist of not more than 11 members appointed by the Administrator after consultation with the Secretary.

"(B) Representatives of sectors.—To the maximum extent practicable, the Administrator shall appoint to the Advisory Council at least 2 members to represent each of—

"(i) elementary schools and secondary schools;

"(ii) colleges and universities;

"(iii) not-for-profit organizations involved in environmental education;

"(iv) State departments of education and natural resources; and

"(v) business and industry.";

(B) in the third sentence, by striking "A representative" and inserting the following:

"(C) Representative of the secretary.—A representative"; and

(C) in the last sentence, by striking "The conflict" and inserting the following:

"(D) Conflicts of interest.—The conflict";

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) Membership.—Membership on the Task Force shall be open to representatives of any Federal agency actively engaged in environmental education."; and

(3) in subsection (d), by striking "(d)(1)" and all that follows through "(2) The" and inserting the following:

"(d) Meetings and Reports.—

"(1) In general.—The Advisory Council shall—

"(A) hold biennial meetings on timely issues regarding environmental education; and

"(B) issue a report describing the proceedings of each meeting and recommendations resulting from the meeting.

"(2) Review and comment on draft reports.—The".

SEC. 7. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.

(a) Change in Name.—

(1) In general.—Section 10 of the John H. Chafee Environmental Education Act (20 U.S.C. 5509) is amended—

(A) by striking the section heading and inserting the following:

"SEC. 10. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.";

and

(B) in the first sentence of subsection (a)(1)(A), by striking "National Environmental Education and Training Foundation" and inserting "National Environmental Learning Foundation".

(2) Conforming amendments.—

(A) The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 10 and inserting the following:

"Sec. 10. National Environmental Learning Foundation.".

(B) Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 4(b)) is amended—

(i) by striking paragraph (12) and inserting the following:

"(12) 'Foundation' means the National Environmental Learning Foundation established by section 10;"; and

(ii) in paragraph (13), by striking "National Environmental Education and Training Foundation" and inserting "Foundation".

(b) Number of Directors.—Section 10(b)(1)(A) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(b)(1)(A)) is amended in the first sentence by striking "13" and inserting "19".

(c) Acknowledgment of Donors.—Section 10(d) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(d)) is amended by striking paragraph (3) and inserting the following:

"(3) Acknowledgment of donors.—The Foundation may acknowledge receipt of donations by means of a listing of the names of donors in materials distributed by the Foundation, except that any such acknowledgment—

"(A) shall not appear in educational material presented to students; and

"(B) shall not identify a donor by means of a logo, letterhead, or other corporate commercial symbol, slogan, or product.".

(d) Administrative Services and Support.—Section 10(e) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(e)) is amended in the first sentence by striking "for a period of up to 4 years from the date of enactment of this Act,".

SEC. 8. THEODORE ROOSEVELT ENVIRONMENTAL STEWARDSHIP GRANT PROGRAM.

(a) In General.—The John H. Chafee Environmental Education Act is amended—

(1) by redesignating section 11 (20 U.S.C. 5510) as section 13; and

(2) by inserting after section 10 the following:

"SEC. 11. THEODORE ROOSEVELT ENVIRONMENTAL STEWARDSHIP GRANT PROGRAM.

"(a) Establishment.—

"(1) In general.—There is established a grant program to be known as the 'Theodore Roosevelt Environmental Stewardship Grant Program' (referred to in this section as the 'Program') for the award and administration of grants to consortia of institutions of higher education to pay the Federal share of the cost of carrying out collaborative student, campus, and community-based environmental stewardship activities.

“(2) FEDERAL SHARE.—The Federal share shall be 75 percent.

“(b) PURPOSE.—The purpose of the Program is to build awareness of, encourage commitment to, and promote participation in environmental stewardship—

“(1) among students at institutions of higher education; and

“(2) in the relationship between—

“(A) such students and campuses; and

“(B) the communities in which the students and campuses are located.

“(c) AWARD.—Grants under the Program shall be made available to consortia of institutions of higher education in accordance with an annual competitive selection process established under subsection (d)(2)(A).

“(d) ADMINISTRATION.—

“(1) IN GENERAL.—The Office of Environmental Education established under section 4 shall administer the Program.

“(2) DUTIES.—The Office of Environmental Education shall—

“(A) establish criteria for a competitive selection process for recipients of grants under the Program;

“(B) receive applications for grants under the Program; and

“(C) annually review applications and select recipients of grants under the Program.

“(3) CRITERIA.—In establishing criteria for a competitive selection process for recipients of grants under the Program, the Office of Environmental Education shall include, at a minimum, as criteria, the extent to which a grant will—

“(A) directly facilitate environmental stewardship activities, including environmental protection, preservation, or improvement activities; and

“(B) stimulate the availability of other funds for those activities.

“(e) CONDITIONS ON USE OF FUNDS.—With respect to the funds made available to carry out this section under section 13(a)(1)—

“(1) not fewer than 6 grants each year shall be awarded using those funds; and

“(2) no grant made using those funds shall be in an amount that exceeds $500,000.”.

(b) DEFINITIONS.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 5(b)) is amended by adding at the end the following:

“(18) ‘consortium of institutions of higher education’ means a cooperative arrangement among 2 or more institutions of higher education; and

“(19) ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 9. INFORMATION STANDARDS.

(a) IN GENERAL.—The John H. Chafee Environmental Education Act is amended by inserting after section 11 (as added by section 8(a)(2)) the following:

“SEC. 12. INFORMATION STANDARDS.

“In disseminating information under this Act, the Office of Environmental Education shall comply with the guidelines issued by the Administrator under section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note; 114 Stat. 2763A–153).”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 11 and inserting the following:

“Sec. 11. Theodore Roosevelt Environmental Stewardship Grant Program.
“Sec. 12. Information standards.
“Sec. 13. Authorization of appropriations.”.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John H. Chafee Environmental Education Act (20 U.S.C. 5510) (as redesignated by section 8(a)(1)) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by striking the section heading and subsections (a) and (b) and inserting the following:

“SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Environmental Protection Agency to carry out this Act $13,000,000 for each of fiscal years 2002 through 2007, of which—

“(1) $3,000,000 for each fiscal year shall be used to carry out section 11; and

“(2) $10,000,000 for each fiscal year shall be allocated in accordance with subsection (b).

“(b) LIMITATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), of the amounts made available under subsection (a)(2) for each fiscal year—

“(A) not more than 25 percent may be used for the activities of the Office of Environmental Education established under section 4;

“(B) not more than 25 percent may be used for the operation of the environmental education and training program under section 5;

“(C) not less than 40 percent shall be used for environmental education grants under section 6 and for the John H. Chafee Memorial Fellowship Program under section 7; and

“(D) 10 percent shall be used for the activities of the Foundation under section 10.

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1)(A) for each fiscal year, not more than 10 percent may be used for administrative expenses of the Office of Environmental Education.

“(c) EXPENSE REPORT.—As soon as practicable after the end of each fiscal year, the Administrator shall submit to Congress a report describing in detail the activities for which funds appropriated for the fiscal year were expended.”; and

(3) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking “National Environmental Education and Training Foundation” and inserting “Foundation”; and

(B) in paragraph (2), by striking “section 10(d) of this Act” and inserting “section 10(e)”.

In the Inhofe amendment, page 8, line 16 after “.”, insert:

“(3) The Chairman is authorized to provide a cash award of up to $2,500 to each teacher selected to receive an award pursuant to this section, which shall be used to further the recipient's professional development in environmental education. The Chairman is also authorized to provide a cash award of up to $2,500 to the local education agency employing any teacher selected to receive an award pursuant to this section, which shall be used to fund environmental educational activities and programs. Such awards may not be used for construction costs, general expenses, salaries, bonuses, or other administrative expenses.

“(4) The Chairman of the Council on Environmental Quality may administer this awards program through a cooperative agreement with the National Environmental Learning Foundation.”

Strike “40” in subsection 13(b)(1)(C) and insert “38”;

Strike the period at the end of subsection 13(b)(1)(D) and insert: “; and (E) not less than 2 percent shall be available to support Teachers' Awards under subsection 8(b).”

On page 893, after line 14, insert the following:

“PART B—TRANSITION PROVISION

“SEC. 9201. CERTAIN MULTIYEAR GRANTS AND CONTRACTS.

“(a) IN GENERAL.—Notwithstanding any other provision of this Act, from funds appropriated under subsection (b) the Secretary shall continue to fund any multiyear grant or contract awarded under section 3141 or part A or C of title XIII (as such section or part was in effect on the day preceding the date of the enactment of the Better Education for Students and Teachers Act) for the duration of the multiyear award.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out subsection (a).

“(c) REPEAL.—This section is repealed on the date of enactment of a law that—

“(1) reauthorizes a provision of the Educational Research, Development, Dissemination, and Improvement Act of 1994; and

“(2) is enacted after the date of enactment of the Better Education for Students and Teachers Act.”.

On page 764, line 10, strike “and”

On page 764, line 13, strike the period and insert: “; and”

On page 764, between lines 13 and 14, insert the following:

“(6) to provide a comprehensive approach to improving student learning through coordination and integration of Federal, State, and local services and programs.”

On page 764, line 20, before “training” insert: “comprehensive”

On page 768, line 6, strike “and”

On page 768, line 9, strike the period and insert “;”

On page 768, between lines 9 and 10, insert the following:

“(M) identify and coordinate Federal, State, and local services and programs that support improved student learning, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training; and

(N) work with and foster partnerships with other agencies that provide programs and deliver services described in subparagraph (M) to make such programs and services more accessible to children and families.”

On page 770, line 7, after “Federal” insert: “, State, and local services and”.

On page 77, line 10, strike “and” after the semicolon.

On page 77, between lines 17 and 18, insert the following:

(iii) by adding at the end the following:

“(I) Coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training.”; and

On page 77, line 24, strike “and”.

On page 78, line 4, strike “and”.

On page 78, between lines 4 and 5, insert the following:

(III) in clause (vi), by striking “and” after the semicolon;

(IV) in clause (vii), by striking the period and inserting “; and”; and

(V) by adding at the end the following:

“(viii) describes how the school will coordinate and collaborate with other agencies providing services to children and families, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training.''; and

On page 79, line 11, strike ''and'' both places it appears.

On page 79, strike line 18, and insert the following: teams; and''; and

On page 79, between lines 18 and 19, insert the following:

(C) by adding at the end the following:

''(I) coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training.''.

On page 572, line 2, insert '', or to have possessed a weapon at a school,'' after ''to a school''.

On page 572, line 7, insert before the period the following: ''if such modification is in writing''.

On page 573, line 3, strike ''and''.

On page 573, line 9, strike ''and''.

On page 573, line 10, strike the period and insert ''; and''.

On page 573, between line 13 and 14, insert the following:

''(f) DEFINITION.—In this section, the term 'school' means any setting that is under the control and supervision of the local education agency for the purpose of student activities approved and authorized by the local education agency.

''(g) EXCEPTION.—Nothing in this section shall apply to a weapon that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.''.

On page 573, line 20, strike ''brings a firearm or weapon to a school'' and insert ''brings a weapon to a school, or is found to have possessed a weapon at a school,''.

On page 573, strike lines 22 through 25, and insert the following:

''(b) DEFINITIONS.—For the purpose of this section:

''(1) SCHOOL.—The term 'school' has the meaning given to such term by section 921(a) of title 18, United States Code.

''(2) WEAPON.—The term 'weapon' has the meaning given such term in section 4101(b)(3).''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 21, at 9:30 a.m. in SD–106 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price, (Part II).

Those wishing to submit written statements should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150.

For further information, please contact Shirley Neff at 202/224–4103.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President. I would like to announce for the information of the Senate and the public that the hearing previously scheduled for Tuesday, June 19, 15 9:30 a.m., in room SD–106 of the Dirksen Senate Office Building will now start at 9 a.m.

The purpose of the hearing is to receive testimony on S. 764, a bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rates or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes; and sections 508–510 (relating to wholesale electricity rates in the western energy market, natural gas rates in California, and the sale price of bundled natural gas transactions) of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

For further information please contact Leon Lowery or Jonathan Black at 202/224–4103.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to hold a markup on the nomination of Gordon H. Mansfield to be Assistant Secretary for Congressional Affairs in the Department of Veterans Affairs, followed by a hearing on ''The Looming Nurse Shortage: Impact on the Department of Veterans Affairs.''

The Committee will meet on Thursday, June 14, 2001, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, June 14, 2001, from 9:30 a.m.–12 p.m., in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be authorized to meet during the session of the Senate on Thursday, June 14, 2001, at 9:30 a.m., for a hearing entitled ''Cross Border Fraud: Scams Know No Boundaries.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent to allow Lisa Ekman, my policy fellow, floor privileges for the duration of the debate on S. 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Spencer Stelljes, an intern in my office, be granted floor privileges during the remainder of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that Beth Cameron, a fellow on Senator KENNEDY's staff, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I ask unanimous consent for Rebecca Papoff of my staff to be given the privilege of the floor for the duration of the Helms amendment on the Boy Scouts of America.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. DASCHLE. Madam President, before I begin with the wrap-up items, I announce that all the matters that I am about to propose have been cleared on the Republican side.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 72, 97, and 107; that the nominations be confirmed, the motions to reconsider be laid on the table, that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

Before the Chair rules on this request, I want to add that we are prepared to clear four Treasury Department nominations on the calendar, as well as one military promotion. The remaining two nominations will require floor time and rollcall votes. We are working on those agreements. I simply note that because I have said from the very beginning of my tenure as majority leader that I am prepared to move nominations forward. We would have been prepared to move virtually all but two nominations.

As I understand it, there are objections to the four Treasury Department nominations on the Republican side, as well as an objection to one military promotion. Given those objections, clearly we are not prepared to move to them today. It is not as a result of any particular objection on our side. We are prepared to move to them just as soon as the Republican matters can be resolved. I ask for their consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF JUSTICE

Charles A. James, Jr., of Virginia, to be an Assistant Attorney General.

EXECUTIVE OFFICE OF THE PRESIDENT

James Laurence Connaughton, of the District of Columbia, to be a Member of the Council on Environmental Quality.

ENVIRONMENTAL PROTECTION AGENCY

Stephen L. Johnson, of Maryland, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

COMMENDING ASSISTANT SECRETARY SHARON ZELASKA

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 110 submitted by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 110) relating to the retirement of Sharon A. Zelaska, Assistant Secretary of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Madam President, today I rise to pay tribute to Sharon Zelaska, who is retiring after serving for over 4 years in the demanding position of Assistant Secretary of the Senate, and who has contributed so much to the efficient operations of the Senate over those years.

She arrived in 1997, a stranger to the Senate but not to Capitol Hill, having worked for a dozen years previously as executive assistant to then Representative Jack Kemp. As Assistant Secretary she has been responsible for the day-to-day operations of the office of Secretary of the Senate, no small task given that 24 departments report to the Secretary. Working closely with Secretary of the Senate Gary Sisco, she helped provide the best possible service to all 100 Senators individually, and to the Senate as an institution.

Since the post of Assistant Secretary was historically that of Chief Clerk, Sharon Zelaska had a chair on the rostrum specifically designated for her. She took that chair on ceremonial occasions, but on most days her real work was behind-the-scenes, managing the many departments within the Secretary's office.

As Assistant Secretary she spent countless hours working with Senators and staff. Her door was open to every one to stop in for a cup of coffee and an opportunity to talk about important issues of the day. When department heads retired, new candidates needed to be interviewed and selected. Vouchers required signing, payrolls had to be adjusted, e-mail answered, and no end of paperwork completed. She did all that with a poise and sense of fairness that all who worked with her admired and will miss with her retirement.

I want to take this opportunity to thank Sharon Zelaska for all her contributions to the Senate over the past 4 years and to wish her Godspeed for a happy future in a well-earned retirement.

Mr. DASCHLE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Statements on Submitted Resolutions.")

COMMENDING BOB DOVE ON HIS RETIREMENT AS PARLIAMENTARIAN

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 111 submitted by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 111) commending Robert "Bob" Dove on his service to the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 111) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Statements on Submitted Resolutions.")

HONORING THE ARMY ON ITS 226TH BIRTHDAY

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 112 submitted earlier by Senators ALLARD and HUTCHISON.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 112) honoring the United States Army on its 226th birthday.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLARD. Madam President, 226 years ago, the Continental Army was formed with the goal of ending tyranny and winning our freedom. Since the end of the Revolution, American soldiers, imbued with the spirit of the original patriots, have pledged their allegiance to our Nation through their sacrifices in uniform.

All of our Army units, Active, Guard, and Reserve share the heritage of the Continental Army and their soldiers represent the finest men and women our Nation has to offer. Thousands of soldiers stand guard around the globe ensuring our freedom and doing the tough jobs that maintain our American way of life.

The proud tradition of the Army, dating back to 1775, has always stood tall. They are steeped in tradition, but ever flexible and capable of responding to a dynamic world. Now, the Army is transforming to meet the new demands of the 21st century. This new force will ensure that our National Command Authorities continue to have the ability to quickly and efficiently deploy land forces throughout the world.

Both in times of peace, and times of war, throughout more than two centuries, the soldiers of the Army have been poised and ready to answer the call of duty to defend this great Nation. The Army remains the best fighting force in the world: unchallenged and unparalleled. They are respected by their allies, feared by their opponents, and esteemed by the American people. Today, June 14, 2001, as the U.S. Army celebrates their 226th birthday, I ask that we reflect on the great legacy the Army has given this Nation and recognize our pride in our American soldiers' courage, dedication to duty, and selfless service to the Nation.

Mr. DASCHLE. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

(The text of the resolution is located in today's RECORD under "Statements on Submitted Resolutions.")

MEASURE READ THE FIRST TIME—S. 1052

Mr. DASCHLE. Madam President, I understand that S. 1052, introduced earlier today by Senators MCCAIN, EDWARDS, and KENNEDY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

Mr. DASCHLE. Madam President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read a second time on the next legislative day.

TECHNICAL AND CONFORMING CHANGES

Mr. DASCHLE. Madam President, I ask unanimous consent that the previous consent with respect to technical and conforming changes be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO INCLUDE AMENDMENTS IN H.R. 1

Mr. DASCHLE. Madam President, I ask unanimous consent, notwithstanding passage of H.R. 1, on previously agreed-upon amendments where language was affected by amendments agreed upon later, that it be in order for these amendments to be included in the bill as previously was the intent of the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIRD READING OF S. 1

Mr. DASCHLE. Madam President, I ask unanimous consent that S. 1 be considered as having been read the third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 18, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1 p.m. Monday, June 18. I further ask that on Monday, immediately following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Madam President, with this request having now been agreed to, the Senate will not be in session on Friday, as I have announced. On Monday, the Senate will convene at 1 p.m. with a period for morning business. There will be no rollcall votes on Monday. Rollcall votes will occur on Tuesday afternoon and throughout the remainder of the week as the Senate begins consideration of the Patients' Bill of Rights.

ORDER FOR ADJOURNMENT

Mr. DASCHLE. Madam President, I now ask unanimous consent that following the remarks of Senators BYRD, AKAKA, and WELLSTONE, the Senate stand in adjournment as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. WELLSTONE. Madam President, reauthorization of the Elementary and Secondary Education Act may be the most important step we will take during this Congress to affect what is surely one of the most crucial interests of the country—childrens' education. I have tried to devote appropriate attention and effort toward improving this bill. That is because I have believed since Committee consideration that it contains significant flaws. At the same time, we have improved the bill in important ways, and we have added substantial new commitments of Federal funds for education. In my view, these improvements, plus the prospects for further improvement in Conference, outweigh my remaining serious reservations about policy contained in the bill at the present time. Therefore, while I pledge to continue in Conference to try to improve the policy and to assure funding, I have voted in favor of the bill today.

A number of weeks ago, I opposed bringing this bill to the floor in the absence of some assurance that sufficient resources would be provided to Federal education programs. That issue remains among my deepest concerns and considerations. Along with other improvements we have made since that time, we have very substantially bolstered needed funding for Federal education—especially by including mandatory, full funding for the Individuals with Disabilities Education Act, IDEA. This provision alone will mean over $3 billion for my State of Minnesota in IDEA funds during the coming 10 years. It will mean $153 million in IDEA funds for Minnesota in fiscal year 2001.

The improvements must be balanced against policy deficiencies—primarily in the area of mandated tests and the bill's so-called "straight-A's," or "performance agreement," provisions. My view is that if we at the Federal level are going to insist on "accountability" from states, districts, schools and students, then we must be accountable to the principle that every student should have an equal opportunity to succeed. That means we must sufficiently fund the Federal programs, such as Title I, IDEA and others, that attempt to give all students an equal chance. We all know that not every student arrives to school equally ready to learn. That is why it really is impossible to separate our presumption of holding schools and students accountable on one hand, from our own accountability to an obligation to sufficiently fund housing, nutrition and Head Start efforts on the other hand. We have not held ourselves accountable on that measure. We have avoided even debating this bill in that context. But if we will not meet that measure, and we have not, then we must at minimum ensure that Federal education programs provide schools and students an equal chance at succeeding before we impose accountability and tests whose stakes can be very high.

My colleagues and anyone who has listened to much of the debate on this bill know that I have grave reservations about its annual testing provisions. Indeed, I oppose those provisions. I offered one amendment to remove the mandate for the tests if full Title I funding is not provided. I then cosponsored an amendment to allow States not to implement the tests so that they could utilize those funds instead for other means of boosting student achievement in the lowest performing schools .

I continue to believe that federally mandated annual testing of every student is a mistake. If it is implemented, I believe we will regret it. I say "if" because I hope the Senate will realize its mistake before the year 2005, which is when the first of these new tests would be required. I still intend to attempt at least to allow States to utilize the newly mandated tests for "diagnostic" purposes, rather than for the purpose of meeting adequate yearly progress targets. I hope that change can be made in Conference. If I do not succeed at that, I believe that we in Congress, the States and the public may very well reject these tests before they occur. I think they are unneeded, unwanted and most likely detrimental. The debate on what is becoming a mania for testing is just beginning.

We are making a significant mistake in mandating these new tests on every child, in every school, in every district and in every state. In the current context, it makes little sense. We have not even begun fully to implement the assessments we approved in 1994 with the last ESEA reauthorization. Yet we are moving to double those requirements and to expand their scope to cover every child in the country. We have not had a chance to look at the effect of those 1994 changes. Only 11 States have brought themselves into full compliance with that law. From what we have been able to look at, the evidence seems to indicate we should be very concerned about how these tests are being implemented and what their effect is on student learning.

I would like to cite a few reports that should send us a clear warning about what we are about to do. The Independent Review Panel on Title I which was mandated in the 1994 Reauthorization issued its report "Improving the Odds" this January. The report concluded that "Many States use assessment results from a single test—often traditional multiple choice tests. Although these tests may have an important place in state assessment systems, they rarely capture the depth and breadth of knowledge reflected in state content standards." The Panel went on to make a strong recommendation. It said, "Better Assessments for instructional and accountability purposes are urgently needed."

I would also like to quote from the National Research Council, as cited in the Report "Measuring What Matters." This report was developed by the strongly pro-testing Committee for Economic Development. The report says: "policy and public expectations of testing generally exceed the technical capacity of the tests themselves."

Everybody wants to find a way to address the critical challenge of closing the achievement gap. In people's genuine desire to do something about our schools, I believe they have created expectations from these tests, that far exceed what the tests can ever do. In fact, Robert Schwartz, the President of Achieve, Inc., the nonprofit arm of the standards-based reform movement recently said: "Tests have taken on too prominent of a role in these reforms and that's in part because of people rushing to attach consequences to them before, in a lot of places, we have really gotten the tests right."

In this rush for answers, the tests have ceased their useful function of measuring the reform and have become synonymous with it. That is exactly where this bill goes wrong and I believe that the consequences will be destructive. I believe that in the not so distant future, we will regret ever having done this. In fact, I believe that by the time these new tests are to go into effect, many if not most of the Senators in this body will have changed their mind on this issue.

My concerns are many and I have been over them before, but in summary, I am extremely concerned about how too much testing can subvert real learning. A Stateline News article from last week reported that:

> A yet to be released RAND study conducted in North Carolina found that between 50 and 80 percent of the improvements in student performance measured by tests are temporary and fail to predict any real gains in student learning.

RAND, which is one of the most respected research institutions in the country, is not alone. A recent survey of Texas teachers indicates that only 27 percent of teachers believe that increases in TAAS scores reflect an increase in the quality of learning and teaching.

Much of this is due to the phenomenon of teaching to the test. The Committee for Economic Development, a strongly pro-testing coalition of business leaders, warns against test based accountability systems that "lead to narrow test based coaching rather than rich instruction." Test preparation is not necessarily bad—but if it comes at the expense of real learning, it becomes a major problem. There is no question, at this point, that teaching to the test has become a problem. As an example, the recent Education Week/Pew Charitable Trust study, Quality Counts found that "Nearly 7/10 teachers said instruction stresses tests 'far' or 'somewhat' too much. 66 percent also said that state assessments were forcing them to concentrate too much on what is tested to the detriment of other important topics."

Beyond this detrimental phenomenon, which has proven to be more prevalent in low income communities, there is significant evidence that, at the very time we are trying to bring more teachers into low income schools and address a teacher shortage generally, the need to teach to the test and to provide education based on rote memorization and is driving people out of the field.

This is tragic at a time when we face an acute teacher shortage and we know that the single most important factor in closing the achievement gap between students is the quality of the teacher the students have. Both Linda Darling Hammond and Jonothan Kozol have addressed this issue when speaking to the Democratic Caucus. As Kozol said: "Hundreds of the most exciting and beautifully educated teachers are already fleeing from inner-city schools in order to escape what one brilliant young teacher calls "Examination Hell." I would like to quote from an article from today's New York Times that addresses this specific issue. The article explained: "In interviews over the last month many fourth grade teachers questioned why they should stay in a job that revolves around preparation for new state exams . . . Principals say that they cannot keep experienced teachers in fourth grade or transfer them there."

It would be remiss to talk about this issue without also addressing the fact that these tests are not perfect instruments. No one put it better than the strongly pro-testing Committee for Economic Development. These business leaders concluded that "tests that are not valid, reliable and fair will obviously be inaccurate indicators of the academic achievement of students and can lead to wrong decisions being made about students and schools."

For example, a study by David Rogosa of California's Stanford 9 National Percentile Rank Scores for individual students showed that the chances that a student whose true score is in the 50th percentile will receive a reported score that is within 5 percentage points of his true score is only 30 percent in reading and 42 percent on ninth grade math tests.

Rogosa also showed that on the Stanford 9 test "the chances, . . . that two students with identical 'real achievement' will score more than 10 percentile points apart on the same test" is 57 percent for 9th graders and 42 percent on the fourth grade reading test.

We have to take such error very seriously if we are attaching consequences to the test results for students and schools. If we do not, and we continue to over rely on a single, less than accurate test, our ability to fairly implement any type of accountability is in jeopardy.

When we rush to get them done and rush to attach stakes to them, we are ignoring the admonition of the National Academy of Sciences that our expectations for tests should not exceed their technical capacity. One of the most troubling quotations I have read in this regard is a quote from Maureen di Marco, Vice President of Houghton Mifflin company whose subsidiary, Riverside Publishing, is one of the major test publishers. She was cited in the Washington Post as saying that the Industry can only handle the Bush proposal as long as states make up the difference with off the shelf, national achievement tests that are mostly multiple choice and can be scored electronically. This would be destructive and take us in the opposite direction from where we must be going in terms of accurate, quality testing. Such tests are usually not aligned with standards and most often do not measure the depth of student knowledge or student reasoning. In fact, the Stanford-9, the test studied by Rogosa, is just this kind of test, that the companies are telling us we will have to rely on.

H. D. Hoover, one of the authors of the Iowa Test of Basic Skills and incoming president of the National Council on Measurement in Education said in a recent article that "there is one heck of a capacity problem" when it comes to meeting the testing requirements in this bill. So again, in this context, I fail to understand why we are rushing ahead with these new requirements. Why can we not at least wait until states have the knowledge and the opportunity to get the tests they have right before we move on to doing so many more. The Committee for Economic Development report clearly states "there is more work to do in designing assessment instruments that can measure a rich array of knowledge and skills embedded in rigorous and substantive standards." Before we rush ahead, let's meet that challenge.

But I would not be being intellectually or personally honest if I did not say that even if we had the most perfect assessments, I still would have significant concerns with the use of tests to compare all students and to punish schools because we have still done so little to ensure that every student has the same opportunity to do well on those tests. That concern runs as deep as any I have. It is a fairness question. There are few bills we will face this year where the policy proposals and the funding that must back up the proposals are so inextricably linked. Without giving more resources to low income schools so they can develop the capacity to help their children do well, we will only set up children to fail. In punishing these students and these schools for their poor performance, I am afraid that we are too blindly confusing their failure with our own. It is in fact, a failure for policy makers to close our eyes to the resource starved schools in our urban and rural areas. It is a failure to think that by testing alone we can reverse years of neglect and deprivation.

A study of the Florida accountability system proves this point starkly. The study found that "for every percent that poverty increases, the school's score drops by an average of 1.6 points." He showed that the level of poverty in a school in Florida predicted what the school's achievement score would be with 80 percent accuracy! Not one of my colleagues should be surprised by this.

Tests have their place, but they also have their limits. They can not give a kindergartener the early childhood education that his or her parents could not afford to provide. They can not hire a good teacher, they can not reduce class size, they cannot buy students' books and they cannot fix the heater in a school in Minnesota in the winter. Until we give every child these critical tools to do well, the tests will measure less a child's potential and more the accident of his birth.

My concerns with this bill are many, and they remain deep. But I also recognize that there is room for improvement and that the bill as it stands has many strengths. I very much appreciate the work that I and my colleagues have had the opportunity to do to improve this bill. I would like to highlight just a few of those improvements.

In the area of testing, I want to thank my colleagues for their support for three amendments that I worked very hard on and that I think will go far to ensure that we have high quality tests that are not abused. In ensuring the proper use of tests, we move to ensure that tests most accurately measure how students learn, not what they have memorized. We can more accurately see what it is that students have actually been taught. We can get a better picture of what students need and how they can best be helped.

The first is the amendment I introduced that would ensure that states show that their assessments are in compliance with the National Standards on Educational and Psychological Testing and that their assessments are of adequate technical quality for each purpose for which they are used. The amendment also would provide $200 million in grants for states to improve their assessments so that they are of the highest quality and are state of the art in terms of most accurately measuring the range and depth of student knowledge.

These higher quality tests and fairer uses of tests are needed because low quality tests can lead to inaccurate assessments which do not serve, but rather subvert, efforts at true accountability and high standards. Further, if we want to avoid the negative outcomes that the wrong kind of testing can bring, such as teaching to the test and teachers leaving the field, we have to be sure that assessments measure students' depth and creativity. We have to measure what students have actually been taught and we have to measure student progress not just in a single point in time, but over time and in multiple dimensions. In doing so, teachers will not futilely train their students but rather will engage their students, and challenge them and explore with them their diverse talents. That way students will gain a deeper more enduring knowledge that translates to all different contexts and is useful when confronting all different challenges. This amendment will move us strongly in the right direction.

The second amendment would achieve the same effect as the first. This amendment took the incentive bonus grants that the bill included, which would have rewarded states for completing their assessments as fast as possible, and instead awarded the bonuses to states that develop the most high quality assessments. This way we will be able to incentivize states to move in the direction of developing the most effective assessments that lead to better teacher and learning.

The third was an amendment that I offered and which passed in the Committee that authorized an in depth study, conducted by the National Research Council, to address the impact of high stakes tests on individual students. I do not think there is a greater abuse of a test than to use it as the sole determinant of whether a student will be promoted or graduated. The Professional Standards on Educational and Psychological Testing, the National Research Council and virtually every major education and civil rights group agrees with this, yet states and districts persist in this practice. This amendment would look at this practice to determine what are its affects on students, teachers and curriculum. This study would serve as a guide for policy makers so they can understand better how tests can be used as a positive tool in children's education.

But beyond the testing provisions, other key improvements were included. None may be more important than the inclusion of the Harkin amendment which would provide full mandatory funding for IDEA.

The fact that we have finally decided to live up to the commitment we made too many years ago to fully fund the federal share of the Individuals with Disabilities Education Act is perhaps the greatest improvement of all. For too long we have shirked this responsibility and for too long children with disabilities have not received the services they need. We assume the responsibility to educate children with disabilities because it is their constitutional right and it is their moral right. But we must never forget that we also educate these children because we know that if given the right opportunities, the vast majority of them can succeed. Passage of this amendment helps make sure that children with disabilities are not pushed aside, that they get the services they need and that they have the opportunities to do well. With those opportunities, so many children can do well they do better than well. They excel.

Beyond this most important, most deeply rooted issue is that the program has created a significant, debilitating burden on states and districts when it is our responsibility, not theirs, to provide a large portion of the funding for these critical services to children with disabilities. While states have a constitutional mandate to provide equivalent educations to students with special needs, they do not have the financial resources to do so. It is shameful that for so long, the federal government has not lived up to its promise to provide its share of that funding. And it is with great relief and happiness that this funding, which so many of us have pushed for for years, is one step closer to being realized. This amendment will bring more than $3 billion in IDEA spending to Minnesota. This would make a real difference for children with disabilities and all children in the state. I am grateful to Senator HARKIN for his leadership on this issue and I believe that mandatory full funding for IDEA will make a world of difference for so many of our nation's children. I very much support this part of the bill.

Another critical area is the area of teacher quality. I am particularly pleased that the Senate has adopted an amendment that I introduced with Senators HUTCHISON, CLINTON, DEWINE and KENNEDY to establish a national Teacher Corps program to help states and districts recruit teachers into the nation's highest need schools. The teacher shortage we face amounts to a crisis and the problem is most acute in high need urban and rural schools. Even though research shows that the most important factor in student achievement is the quality of the teacher, the rates of underlicensed teachers in urban schools is twice that of the nation as a whole and in low income areas, 50,000 under-prepared teachers are hired each year. The passage of this amendment represents a national commitment to address this very severe barrier to learning.

I want to particularly applaud the work of Senator KENNEDY, who has fought more than anyone in the area of teacher quality. Senator KENNEDY included key provisions that would ensure that within five years, only highly qualified teachers are hired in high poverty schools. No one has worked harder on the issue of high quality teachers than Senator KENNEDY. When we think about closing the achievement gap between low and high income schools, this provision is essential. Several studies have shown that if poor and minority students are taught by high quality teachers at the same rate as other students, a large part of the gap between poor and minority students and their more affluent white counterparts would disappear. For example, one Alabama study shows that an increase of one standard deviation in teacher test scores leads to a two-thirds reduction in the gap between black-white test scores.

Finally, parent involvement is an area in which I believe the bill has seen substantial improvement. Parent involvement is one of the most important parts of any child's education. When families are fully engaged in the educational process, students have: higher grades and test scores; better attendance and more homework done; fewer placements in special education; more positive attitudes and behavior; higher graduation rates; and, greater enrollment in post-secondary education. For this reason, I am grateful for the inclusion of my amendment to establish local, community based parent involvement centers to help the lowest income communities and the communities like the Hmong community in Minneapolis and St. Paul where parents, because of language and cultural barriers, are most isolated from their children's educational experience. Senator REED's leadership on parent involvement has brought the issue to the forefront and his work has helped ensure that the benefits brought by greater family involvement in education would extend to all families.

In conclusion, there are many important issues with which we grapple in the U.S. Senate. But, my colleagues, I truly feel that there is nothing more important than the education of America's children. The opportunity to improve America's public education was one of the key factors that drove me to become a public servant and to run for election to this body nearly a dozen years ago. I am proud of the work I have done with many in this body on education at all levels in this country.

It is that passion to improve public education that is the reason that at many points during the last several months, as we moved to this point on the reauthorization of ESEA, I have been deeply frustrated. And, it is the reason that I am frustrated with this bill today. For all the reasons that I have laid out earlier, I truly feel that in many ways we are missing a tremendous opportunity to take a significant step forward in bettering America's education system.

At the time of the final vote in our committee mark-up, I voted to send the bill forward to the full Senate. I was deeply conflicted about my vote at that point. However, along with several of my colleagues on that committee, I did so with the message that, as the process continued, the expansion of resources committed to education must come to match the elevation in our expectations about our schools' performances. On the Senate floor we have made a huge step forward in achieving that goal with the mandatory funding for the IDEA program. The inclusion of mandatory IDEA funding has gotten us part of the way there on the commitment of resources that was vital, in my mind to match the dramatic increase in testing required by an act that confuses educational accountability with standardized testing.

But, beyond this, we still have to make sure, that along with the passage of the Dodd-Collins Amendment on Title I, the Kennedy Amendment on Teacher Quality and the Boxer amendment on after school—there will be an adequate appropriation to match the authorization levels so we can truly help those students who are already so far behind where they should be. Without that, this bill will not work.

While this is a vote on the final passage of this bill in the Senate, we all know that much work remains to be done on this bill. Whether it is in testing or funding or defining adequate yearly progress, I think that most people on this side of the aisle know that this bill has a long way to go. I am committed to remain deeply involved in that important work that must be done in the weeks ahead. Therefore, I will vote "yes" today with perhaps the deepest ambivalence I have ever felt on a vote during my years in the United States Senate and with a message similar to the one I laid out when I voted to send this bill out of committee.

In particular, in the weeks ahead, as the Conference Committee does its work, I will continue to fight to strengthen the fairness and quality of the assessments that will be a part of the final bill. Specifically, I will continue to work toward an effective compromise. That compromise was included in an amendment which I filed and was prepared to put forward today. I decided that it would be more productive for me to wait until another day to offer that proposal. That amendment would keep in place the assessment system used for determining whether schools are achieving adequate yearly progress that was included in the 1994 reauthorization but has yet to be fully implemented. And, it would allow the annual testing to move forward. But, it would allow states and schools to use those additional annual tests only for the diagnostic purposes for which experts in the field of educational assessment say is their most appropriate use. That is, rather than being attached to sanctions for schools or individuals, assessments are best used to diagnose the academic strengths and weaknesses of individual students and to help them improve. Testing has a role in the educational system, but it should be used primarily to achieve what should be our ultimate goal: Helping our students live up to their true intellectual potential.

I will also do everything I can to fight for the retention of the IDEA amendment in the Conference Report and for other funding increases for Title I, Teacher Quality, after school and other key programs.

It is because of this desire to fight and because I see so much room for improvement that I am choosing to stay engaged in this process and I am voting yes. I believe we can do much, much more.

After today, however, there will be one remaining vote on this bill—on the bill that comes out of the Conference between the Senate and the House. My vote at that time will be based on the considerations I have outlined above. It is my sincere hope that the provisions in the bill related to the quality, fairness and appropriate use of tests will be stronger in the conference report than in this bill. There must also be an iron-clad commitment of resources to assist disadvantaged students in their educational opportunities. Finally, the bill must ensure full funding for the federal government's commitment to its share of our special education students' education. But, today, with deep ambivalence, I have voted "yes" on this bill with hope that we can continue to improve it and the education of America's students.

Again, I want to congratulate the Senators who supported this bill. I voted for it with a considerable amount of ambivalence. Making the IDEA program mandatory is hugely important to Minnesota and other people in the country. There were amendments on testing, and on recruitment of teachers, and dealing with parental involvement that I am proud of, which I worked on along with others who were a part of this bill.

When it goes to conference, I get to be in the conference committee. I am going to fight to make the testing diagnostic, without high-stakes consequences. The money needs to be there in appropriations. If we don't get the money for title I, if we are not able to make some of those changes, I may well vote against the conference report when it comes back to the floor. For right now, I want to keep on fighting.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN DEFENSE OF FATHERS

Mr. BYRD. Madam President, recently there has been a spate of articles regarding the increase in the number of single parent homes, based upon the latest census data. Last month, Newsweek's cover story was "The New Single Mom: Why the Traditional Family is Fading Fast, What It Means for Our Kids." The number of families headed by single mothers has increased 25 percent since 1990, to more than 7.5 million households. Although divorce and widowhood certainly contribute to this figure, the number of out-of-wedlock births has run at about one third of all births for the last decade, compared to 3.8 percent of all births in 1940.

Let me say that again. The number of out-of-wedlock births has run at about one-third of all births for the last decade, compared to 3.8 percent of all births in 1940.

Not all single parent households are headed by women. The number of single fathers has also increased, to just over 2 million families. Nevertheless, what I found most striking about the articles I read was the apparently growing trend of women who choose for whatever reason to put off marriage, but who still decide to go ahead and have children, whether by birth or adoption. The thinking seems to be: Don't settle for less than Mr. Perfect, but if the biological alarm is ringing, don't put off having children, either. As Father's Day approaches, I do wish to say a few words in defense of men, particularly men in the role of father.

Men are not perfect. I found that out at the beginning of the human race. Most will never be "Mr. Perfect." I will be the first to admit that. Many men squeeze toothpaste from the middle of the tube and many men do not always put the cap back on the toothpast tube. Men have been known to drink from the milk carton before putting it back in the refrigerator. Some men cannot seem to find the dirty clothes basket for love nor money, and a few miscreants leave their dirty clothes tangled in inside-out knots. Men commonly are assigned the once-a-week 'glory' jobs like taking out the trash and mowing the lawn, leaving the daily burden of cooking, cleaning, laundry, and getting kids ready for school to their wives. This I hear from women on my staff, and it can be readily verified by asking any married woman within earshot. Fathers do not do their fair share of changing diapers, getting up in the middle of the night, reading bedtime stories, helping with homework, driving kids to sports practices and games, or shopping for school clothes. From this litany, one might suppose that women who elect to have children without the burden of also caring for a husband are the smart ones. I do not advocate that, but in a sense they may be the smart ones.

But in defense of fathers—and that is why I take the floor at this time—we are not simply a drag on the family. Of course, it is a little late for me to be referring to myself as a father, except I am one. I am a father and past that stage now. I am a grandfather, and beyond that I am a great grandfather, great in the other sense, the true sense of the term. I am a "great" grandfather.

We are not as fathers simply a drag on the family, good only for bringing in our share of the family net worth.

Fathers add a different dimension to child-rearing that, historically at least, has proven its value. Fathers are often forced to be the "bad cop" to mother's "good cop" routine. Mother gets to be understanding and sympathetic, leaving the tough calls to dad, as in "you'll have to ask your father," or "just wait until your father comes home." It is dad who must say "no." It is dad who leads the miscreant to the figurative woodshed. Fathers are often accused of being demanding, but they are no more demanding than one's future boss or coach will be. And it is dads who come to the rescue, dads who arrive with toolboxes at the scene of the automotive failure or at the scene of a plumbing crisis. Dads investigate the noises in the night.

Some fathers are overbearing, some are obnoxious sideline coaches, to be sure, but many more dads are patient teachers of baseball pitches and football catches. Some dads teach other skills, too, such as carpentry or plumbing, or working on the family car. Tiger Woods thanks his dad for encouraging him to play golf. Countless 16-year-olds have learned to drive with their father in the passenger seat, calmly saying, "no, not this one but the other right turn" while inwardly suppressing the desire to grab the wheel to make the turn.

It was the man who reared me, that old coal miner dad. He was the only father I ever knew, really, having been left without the tender love of a mother at the age of barely 1-year-old. The man who then took me to raise was my uncle by marriage. I did not know the difference until I was 16 years old. So to me he was dad, really dad.

It was he who nurtured me in a love of art and music. He didn't buy me a cowboy suit or a cap buster. As a matter of fact, he wasn't able to buy me very much of anything, but he bought for me watercolors; he bought drawing tablets; he bought pencils; he bought books—good books. He could hardly read himself, but as a coal miner he knew the worth of an education. He didn't want me to be a coal miner. He wanted me to have a better life. So he bought me a fiddle, a violin.

It was my old dad. He was the best dad I ever knew. He was the best dad, as far as I was concerned, in the world. I never heard him use God's name in vain, never, in all the years I knew him. I never heard him speak ill of his neighbor. I never saw him sit down at the table and grumble at the fare that was on the table. Not once, never. I never heard him speak ill to the good woman who raised me—his wife, my aunt.

When he died, he didn't owe any man a penny. He was as honest as the day is long; Humble, hard working, one of the truly few great men, in my opinion, that I ever knew.

It was that man who used to meet me on his walk home from the coal mines. In the evening I would look up the railroad tracks. We used to refer to directions as up or down—up the railroad tracks. They were really up because there was a little incline on the railroad track. So I always, late in the afternoons, looked up the railroad track as far as I could see to watch for him, the greatest man in my life. I watched for him. I could see him coming from a long way off. I can see him now: tall, black hair, red mustache, slender, carrying a watch in his pocket on a watch chain.

I would run to meet him. I knew that he had saved a cake for me. And so running along the railroad tracks, three or four crossties at a time, each time I would be running fast to meet him. He would set down that dinner bucket, he would lift off the lid, and then he would reach down and bring out a cake that he had put into his lunch pail. Here he had worked all day long in the black bowels of the Earth and the black dust of the coal mine heavy labor, but he had not eaten the cake; he kept it for me.

So he reached down into that pail, pulled out that cake, a real 5-cent cake back in those days, a 5-cent cake—usually two little cakes, perhaps with coconut icing, wrapped in a piece of wax paper, two little cakes for 5 cents.

How do I know? Because mother sent me to the store to purchase the groceries. She would tell me: Bring home the cake. I knew that cake was going into his dinner pail, but I knew he would save it for me.

So he would greet me with the tired hello of a man who had spent his day in the mines and he would give me the cake that he had saved from his lunch.

His work was demanding and physically draining. He probably could have used those extra calories, and the extra energy from that cake, but he always saved the cake for me.

He wanted better for me than he had had. He encouraged me in school. He demanded my best work. I know he would have helped me to go to college if he could have helped me. He certainly didn't want me to go to work in the mines. I never heard him complain about going there day after day and coming home tired with coal dust still in his eyebrows, perhaps in his eyelashes.

Dads like mine teach important values. They teach their sons to respect their mothers. They teach their sons to read the Biblical admonition, honor thy father and thy mother. They teach their daughters to expect and to demand that kind of respect from men.

They teach the value of work, and of giving one's best effort at whatever task is at hand. Like the Bible admonishes us: "Whatsoever thy hand findeth to do, do it with thy might. . . ." They reinforce the importance of family, and of teamwork. They push their children to achieve more than they did, and show their pride in their children's accomplishments. Dads like mine may not be flashy, as mine was not. They may not be demonstrative. But they are the solid backbone of the family, a refuge in times of trouble. They are enduring, much more so than networks of friends. They are enduring, meaning lasting, ever always the pillar of strength and refuge, much more so than networks of friends.

And, finally, fathers kill bugs, which alone is reason enough to keep us around, I think.

So, women, please, I urge you to reconsider. Most men make pretty good fathers. They love their children and they add value to their children's lives. Come Sunday, this Sunday, they will be delighted with the loud ties and cheap cologne—maybe cheap cologne—that are their due on Father's Day.

Madam President, I close with a bit of poetry that always brings to mind the kind man who raised me, who always set a fine example for me. I often think, if I were the man that he was, I could really feel good about myself. The bit of poetry is called, "The Little Chap Who Follows Me." Most Senators, I am sure, have already heard it.

A careful man I ought to be;
A little fellow follows me;
I do not dare to go astray
For fear he'll go the self-same way.

I cannot once escape his eyes;
Whatever he sees me do he tries—
Like me, he says, he's going to be;
The little chap who follows me.

He thinks that I am good and fine,
Believes in every word of mine;
The base in me he must not see,
The little chap who follows me.

I must remember as I go,
Through summer's sun and winter's snow,
I'm preparing for that man to be,
A little fellow follows me.

Madam President, this former little chap salutes his old Dad, who is watching from the diamond towers and the golden streets of Heaven, and all the other fellows who rise to the challenge of setting a good example for the children who look up to them.

SENATE HISTORICAL EDITOR WENDY WOLFF

Mr. BYRD. Madam President, this week, the attractions of retirement will claim another highly valued Senate staff member. With deeply mixed feelings, I note the departure of Wendy Wolff.

Since 1987, Wendy Wolff has served the Senate as Historical Editor in the Office of the Secretary. Viewers on C-SPAN will not observe Wendy in the Senate chamber or at committee hearings. She fulfills her professional responsibilities away from public view in the offices of the Senate Historian. Yet, it would be accurate to conclude that she has significantly left her mark on Senate history; she has even shaped Senate history.

I first met Wendy as she began to prepare the lengthy and complex index to Volume One of my four-volume history, The Senate, 1789–1989. Anyone who has consulted that first volume's index is likely to agree that it is most user-friendly. In 1989, Wendy assumed editorial responsibilities—as well as the indexing chores—for the remaining three volumes in that series. Over the next five years, she handled the countless tasks—many of them deeply challenging—that fall to editors and publishers of encyclopedia-length reference volumes.

Ten years ago, in the preface to Volume Two, I offered the following assessment of Wendy's contributions to that project.

> Her strong editorial hand has skillfully shaped this work from a disparate collection of speeches to what I believe is a carefully balanced and finely coordinated reference book. Tirelessly dedicated to this project from its inception, Wendy Wolff has maintained herein the editorial standards of Volume One and has convincingly guided the author away from tempting side roads. Her indexes to both volumes display a rich and impressively detailed knowledge of the Senate's historical structure.

Wendy's editorial hand and critical judgment have also shaped other Senate historical volumes. Among them are Senator Bob Dole's Historical Almanac of the United States Senate (1989); United States Senate Election, Expulsion and Censure Cases, 1793–1990 (1995); Senator Mark Hatfield's Vice Presidents of the United States, 1789–1993 (1997); Minutes of the U.S. Senate Republican Conference, 1911–1964 (1999); and Capitol Builder: The Shorthand Journals of Captain Montgomery C. Meigs, 1853–1861 (2001).

I know that I speak for Wendy Wolff's colleagues and other admirers in wishing Wendy Wolff a most enjoyable retirement. We won't ever forget her.

(Mr. BAYH assumed the chair.)

STATE OF PUBLIC EDUCATION

Mr. BYRD. Mr. President, not long ago, I came across a letter from Thomas Jefferson to his nephew, Peter Carr, which discussed the elements of a good education. In his letter dated August 19, 1789, Jefferson advised his nephew to divide his studies into three main areas: Give the principal to History, the other two, which should be shorter, to Philosophy and Poetry.

"Begin [with] a course of ancient history," Jefferson wrote, "First read Goldsmith's history of Greece. . . . Then take up ancient history in the detail, reading the following books, in the following order: Herodotus, Thucydides, Xenophontis Anabasis, Arrian, Quintus Curtius, Diodorus Siculus, Justin." This, Jefferson wrote, would form his "first stage of historical reading." Next, Jefferson wrote, he should read Roman history.

I remind Senators, this is Thomas Jefferson speaking. He then recommended reading "Greek and Latin poetry." He advised reading Virgil, Terence, Horace, Anacreon, Theocritus, Homer, Euripides, Sophocles, Milton's "Paradise Lost," Shakespeare, Pope and Swift.

Regarding the subject of morality, Jefferson advised, "read Epictetus, Xenophontis Memorabilia, Plato's Socratic dialogues, Cicero's philosophies, Antoninus—I don't know whether he meant Pius Antoninus or Marcus Aurelius Antoninus; it could well have been both—and "Seneca."

I was pleased to see what Jefferson found to constitute a quality education. Those of my colleagues who have heard me speak to any degree over the years are probably a bit amused by at least some of the readings suggested by Jefferson. I suppose, to some extent, it sounds like a list of books that might be in my own personal collection. But, lest anyone get the wrong impression, I do not consider myself to be on par with that master thinker, Thomas Jefferson. But I have these, and more.

Although Jefferson did not have a degree as an educator, given his vast accomplishments, it seems foolhardy to argue with the merit of his advice to his nephew. As a contemporary wrote of the young Thomas Jefferson, he was "a gentleman of 32 who could calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a cause, break a horse, dance a minuet, and play the violin." May I also add, that he was the author of the Declaration of Independence and "Notes on Virginia," the founder of the University of Virginia, an ambassador to France, a Secretary of State, a Vice President, and President of the United States.

In his closing lines to his nephew, Jefferson said, "I have nothing further to add for the present, but husband well your time, cherish your instructors, strive to make everybody your friend; and be assured that nothing will be so pleasing as your success."

Do you hear what he said? "Cherish your instructors, strive to make everybody your friend." These simple but fundamental guidelines are as appropriate today as they were when Jefferson wrote them.

There is great wisdom in that letter. Wise council that I think we would do well to follow today. Jefferson obviously knew that a good education can make the difference in the life course of any individual. He knew the value of good teachers.

I have spoken on this floor, many times before, about my early years as a student in a two-room schoolhouse. I imagine that to those much younger than I, the pictures I paint with my remarks about my school, my teachers, and what I think makes for a good, sound education must seem distant and archaic. Sadly my experiences are a world away from the usual classroom climate of today.

Yet, I caution the skeptics to consider that there may be some advantages to accumulated years. I believe, for example, that our nation's experiences and experiments with education have taught at least one essential truth: the basic underpinnings of a solid education have been essentially the same throughout the history of civilized men and women.

I readily concede that the environment in my old two-room schoolhouse was a good deal different from the environment of the overcrowded schools of today. But I believe that those things which made for a good education then, those things which contributed most to learning, are the same today as they were when I spent my weekdays in a tin-roofed wooden building, overheated by the pot-bellied stove, reading Muzzy's history, in the 1920's.

In the school of my youth, we did not have computers, but we were plugged into our own imaginations. I had no television set.

Parenthetically, I doubt that I am better off. I probably would have been much worse off by having a television set.

But I had no television set with which to watch videos about distant, faraway lands, but I had the vision of my own mind's eye to see life beyond my own little corner of the world. Air conditioning? We opened the windows. Water fountains? We had waters from a nearby spring.

I used to go out in the summertime and lie down in the old springhouse—lie down on my belly, let the damp, cool ground touch my breasts, put my face, as it were, into that spring, and drink that cool water that bubbled from the white sands of the spring. And in school, I was always hoping I would be one of the two boys who would be sent by the schoolteacher over the hill to the spring to bring back water in a bucket for all of the children in the room. We drank out of one dipper—all of us. We didn't think anything about sanitation so much in those days, although we did read "Hygiene." That was one of the books we read in school.

But I can remember in later years when my mom kept boarders in the coal camp, and we got our drinking water from a pump, one pump for every half dozen houses in a row of coal miners' homes. We would go out to the pump and bring up the water, pumping it up and down, and bring the water to the house. And the boarders, those coal miners who boarded at my mom's house, and I all drank from the same dipper.

We didn't have hard drives, but we were driven hard, to work, to learn, to succeed.

We had only two rooms in the little schoolhouses that I first attended, beginning in 1923, but those rooms were filled with students respectfully seeking to learn. We had dedicated teachers who expected the best from their students and they did not tolerate mediocrity nor did they tolerate bad behavior.

There was a category on that report card that had a designation spelled D-E-P-O-R-T-M-E-N-T: Deportment. I always knew that in taking that grade card home to my coal miner dad, he would look it over carefully, and he would look at that designation: Deportment. It had better be good.

In those modest two rooms, we were close to one another and we were close to our dear, dear teachers who loved us, who inspired us to learn, who inspired us to seek excellence. We sometimes had to share desks and rub elbows and actually touch—which meant that, whether we liked our classmates or not, we were forced to be civil to one another and to recognize our human bonds.

Teachers got to know their students. And, my, how I swelled with pride when my teacher would pat me on the top of the head and say: ROBERT, you did a good job. You did well on your test.

Teachers got to know their students, got to recognize their moods and individual needs. Teachers could see in the twinkle of their charges' eyes what motivated their charges, and they could hear in the collective groans of frustration what bewildered their charges. I had teachers who inspired me to learn.

I wanted that pat on the head. I wanted that pat on the back.

I wanted the other students to hear the teacher compliment me on having passed a hard test in spelling, doing a good job: 100 percent. ROBERT, you got 100 percent on your spelling test, and so on. And other boys and girls were likewise inspired.

I had teachers who seemed to be truly fulfilling a calling. Teachers in my youth could give hugs, and did. Teachers in my youth could enforce the rules, and they did.

Today, though crowded, distance seems to be the norm. Don't touch. Don't get too close. Don't get too involved. Don't spend too much time with one student.

After school, students walk out of the schoolhouse door and into an apathetic culture where passers-by don't bother to say hello, where neighbors often don't bother to learn other neighbors' names. Young people are growing up in our society lacking respect for their elders, lacking respect for their peers, and lacking respect, all to often, even for themselves. And, in our world of two-parent working families and single mothers, it is harder than ever for parents to provide the discipline, the guidance, and the moral compass that our children so desperately need.

Teachers are being led to feel that their place in a student's life ends at the last bell of the day. A well-meaning teacher, in our society today, can rarely take a real interest in a student's life beyond the schoolyard, without fear of being reprimanded by the school, without fear of being accused of some transgression, without fear even of being the subject of some lawsuit. There are plenty of well-meaning, talented, inspiring teachers in our schools today. But, they are up against a lot. Too often today, parents resent a teacher who disciplines their child. They put pressure on teachers to pass children who should fail, and they put pressure on principals to bestow honors on students who do not earn them. As a result, achievement is downgraded. Excellence is not encouraged. Expectations are lowered.

In my youth, we were less sheltered from the responsibilities and the realities of life than are the children of today. I know that may seem hard to believe. But I think it is true. Particularly in the coal camps where I grew up, we saw, up close, the consequences of our actions. Chores left undone, meant hardships for the entire family. Death was always lingering around the entrance to the coal mines. Hunger was a regular visitor. Money was scarce and it had real value. We saw what it was to work hard for a day's wages, only to have those wages eaten up paying for the most basic of life's necessities.

May I say to the youth of the country, and to the youth who sit in these Chambers on each side of the Presiding Officer's chair, my first job was in a gas station. They were not service stations in those days, they were gas stations. I remember the cold mornings of January and February 1935—my first job in a gas station. My pay? Fifty dollars a month. That is $600 a year. I walked 4 miles to work and 4 miles home, if I wasn't fortunate enough to be able to catch a ride on a milk truck or a bread truck.

My parents demanded a lot of me. They did not accept excuses. I knew that if I got a whipping at school, another was waiting for me when I got home or as soon as my parents heard about the whipping at school. As much as my mom and dad may have wanted me to have a better life than they had known, they seemed to know that the path to a better life was also a rocky one. They didn't try to pave my way. They told me the truth. They taught me to cut through the brush, to work hard to push barriers out of my way, and to climb over the hurdles that circumstances erected.

This is where I think we have failed, in many instances, our young people today. We shower them with material goods. We buy them a car to drive just around the corner to the schoolyard. We protect their egos like fine china. We encourage them to take the easy route. Books are dumbed down to make studies easier. Tests are abandoned or graded on a curve because too many students can't pass them. Our history books, so-called history books, are bland and inaccurate because we have changed the story, left out the heroes, and glossed over the ugly realities of our past.

Make no mistake about it, this country has made its fair share of mistakes. We have had more than a helping or two of ugliness. But to pick up a history book today and read of the politically correct Shangri-La portrayed within, you would hardly know it. How can we possibly expect our children to learn from our mistakes if we hide the realities of our mistakes from them? Sugar-coated history cannot teach.

My experiences have led me to conclude that for the sake of our children and for the future of our Nation we must insist upon a return to excellence. We need to teach the value of hard work. We ought not be afraid of it. I never knew anyone who died from hard work, except John Henry, the steel-driving man.

We need to honor and reward real achievement. We need to temper reward with reality. We need to insist on civility. We could do a lot of that right here in this Chamber. We need to encourage understanding, not deny differences. We need less high tech and more high standards. Above all—we have heard it so many times, I will say it again because it is true—we need to get back to basics.

We need to ensure that our children are provided a firm foundation in reading, in writing, in arithmetic, in science, in history. We need to ensure that our schools are places in which our students can learn. That is much of what we have been talking about for the last 8 weeks in this Chamber. That is much of what this legislation we passed today is about.

We need to ensure that the schoolhouse is a place of study, of hard work, not revelry. We need more, not less, discipline. It is time for a return to the days when traditional values like respect, loyalty, honor, and integrity meant something. A lot of us could also learn these things anew.

I truly believe that in our desire to find the cure to our educational problems, we have gone far afield. We have neglected perhaps the most important ingredient. High-tech gadgets, glossy textbooks filled with pictures but little narrative, costly frills, and bigger buildings are not the answer. The innate desire to learn that resides in the human spirit is the commodity that we are wasting. It is a precious commodity, indeed, and it will flow abundantly if given the attention, the direction, the encouragement that it needs to take firm root.

Challenge is the component which we seem to fear: Let's don't have challenge; Let's don't have too much competition.

Challenge a child to learn something difficult. Challenge a child to be the best in his class. I say that almost to every young person with whom I stop to talk: Be the best, I believe that all too often the focus of today's education...

Challenge a child to learn something difficult. Challenge a child to be the best in his class. I say that almost to every young person with whom I stop to talk: Be the best in your class; be the best. Make that child know that hard work pays off. Ask him for more, not less. Encourage him to find his unique talents. Then work with those youngsters who have a tougher time; don't lower the standards, lift the sights. Encourage our children to reach as high as they can. Don't tolerate less. Reward them, then, for achievement.

Yet instead of challenging our children to do their best, I believe that all too often the focus of today's education system has become quite different. We have all been told that new theories and creative methods would bring new life to our failing public schools. We have put billions into almost every trendy remedy offered. We have tried everything from audio language labs to personal computers to team teaching to new math to teacher empowerment, and still we flounder.

According to the testing, we still suffer from a pervasive inability to pass on the accumulated knowledge of civilization from one generation to the next.

What is the problem? Well, the problems are legion. But the major problem, I suspect, is the systematic discarding of traditional scholarship as an agreed-upon goal. Instead many in the education establishment have opted for a strange form of psychological and social experiments in our schools and often with disastrous results that shortchange and even denigrate true academic achievement and excellence.

The goals, the ideals, the practices, and curricula have been altered over the past three decades, usually without the clear awareness of parents. The result is inferior standards both for the teaching of students and for the training of teachers.

The usual answer to such complaints is "we need more money." Surely if we pour enough money into our education coffers, something of value will be produced. I used to firmly believe this golden rule of educational cause and effect. I am a little skeptical of it now.

In 1959–60, we were spending, on average, $375 per student in our public elementary and secondary schools. That amounts to $2,065 per student adjusted for inflation. In 1997–98, we were spending $6,662 for every child, roughly three times the amount we spent in 1959–60.

In inflation adjusted dollars, we are now spending three times more per child than in 1960, when in 1960 performance was generally higher than it is today.

According to the U.S. Department of Education's National Center for Education Statistics, in the fall of 1959, there were a total of 35 million students enrolled in America's public elementary and secondary schools.

In the fall of 1999, 40 years later, there were 46,800,000 students, an increase of 11 million students in 40 years. The pupil-to-teacher ratio in 1959–1960 was roughly 26 students for every teacher. In 1999, again, 40 years later, the student-to-teacher ratio had improved to roughly 16 students for every teacher. I am talking about full-time teachers. In other words, the data shows that there were fewer students for each teacher in 1999 than there were in 1959–1960.

I remember in my high school graduation class, there were 28 students who ended up with diplomas. That was in 1934. We had 28 students in my class, not 90 or 100. But there was discipline. We paid attention. We had teachers who demanded that of us, teachers who could teach, teachers who loved us, teachers who were dedicated, and we learned from them.

The growth of support personnel in the education area has mushroomed. Such things as reading specialists, guidance counselors, special ed teachers, clerical assistants, teacher's aides, have grown from 700,000 in 1960 to 2.5 million in 1999—almost a fourfold increase. And although America has one of the highest costs of education per student, it is not first in teacher salaries.

What do our dollars buy? We had 2,826,146 teachers in our elementary and secondary schools in 1998, as opposed to 1,353,372 teachers in 1959–1960. So we have roughly doubled the number of teachers we had 40 years ago. But we had 93,058 guidance counselors in 1998 compared to 14,643 in 1959–1960, or more than 5 times the number of guidance counselors.

We have poured money—and I have voted for it—we have poured money into title I funding. Yet we skimp on funding for the gifted and the talented. I got in on the ground floor when it comes to Federal education programs and funding for education. I was in the House of Representatives when there was a great debate as to whether or not we should spend Federal moneys on Federal programs for education. I have no problem with helping truly disadvantaged children gain good skills, but I fear that the definition of "disadvantaged" has been broadened to cover a variety of learning problems, and a good solid education is becoming less of a priority than identifying children for counseling or special help so that more title I funds will flow.

Our children's failure to learn is not, I suspect, the fault of poverty always. In some of the most poverty-stricken families I have seen in my lifetime, many of the best students were nurtured. So our children's failure to learn is not, I suspect, the fault of poverty always, or of being emotionally damaged by their environment, as much as it is due, in many instances, to faddism, political correctness, and a general failure to teach with tried and true methods.

I may be a bit vain—we are all vain—but I believe I could teach students. I don't know anything about the modern methods of teaching. I don't care about that. As far as I am concerned, I could teach those children. I am not a teacher, nor is every Senator in this body. A few Senators here have been schoolteachers. But I think most, if not all, of the Senators on both sides of the aisle could be good teachers—certainly in some subjects. I am not saying I would be a good teacher in chemistry or physics. But put me in a classroom with children, give me a good text book, and I could teach history, reading, spelling, and so on. So perhaps we spend too much time on methodology. I speak as a layman today, but I have some perception of what is going on in this country and some opinion as to what ought to be done.

One of my perceptions is that many teachers would have to spend a great deal of time on methodology, the newest method of teaching this or that subject. Just give me Muzzy's American History, and I am vain enough to think that I could teach. What I am saying is we probably expect too much of our teachers in many ways—teaching this new method and that new method—but not enough of substance, which has been here from the beginning. H2O was H2O when Adam and Eve were in the garden, you see. CO2 was CO2 way back yonder. So H2O hasn't changed since Adam and Eve were driven from the garden. It is still plain old water, drinking water; it tastes the same. It has not changed, much like human nature. That hasn't changed from the beginning, since Cane slew Abel. Men and women are still slaying one another.

So, in my view, we need to take an entirely new look at the way we fund education, at the way we train teachers, and at the curricula and the methods used on our children.

Our public school system has become top heavy with a whole host of people who are not directly involved with getting our kids to learn. We have more teachers, but fewer of them have degrees in the subjects they teach, and fewer of them see teaching as a lifelong career. We are turning our kids loose on the job market with too few tools and little or no appreciation for what a good education means for their futures.

Children who fail to achieve a college education will lose some $20,000 a year in income as adults. The former CEO of Xerox, David Kearns, estimates that poor schooling costs businesses some $50 billion a year in remedial work.

We are failing our kids and we are failing our kids in the most fundamental responsibility that we have to them—the responsibility to provide them with a good education.

Children need to know what is expected of them. Then they need to be given the tools with which to achieve their goals. They need to be told that it is a tough old world out there—a tough old world—and that the competition is global—not just in Sophia, my hometown of 1,160 souls. The competition is global. There will be no dumbing down of standards out there in that world. There will be no grade inflation out there in the real world. There will be no social promotion out there in the real world of global competition. It is going to be rough.

The consequences for a poor education will be lifelong, and the consequences will be harsh. And that is another thing that we should be teaching our children, namely, that there are consequences for one's actions and inactions. I do not view this bill through rose colored glasses as the definitive cure to what ails our educational system, but I think that bill that passed a little earlier today is at least a departure from the status quo. That legislation looks at education from new angles, and offers the chance—the chance—to get a better handle on the challenge before us.

The public school choice provisions offer some degree of hope, though limited, to parents who are fighting failing schools and trying desperately to give their children a solid education.

These are the most important people in the world: their children. These are the parents' most priceless possession: their children. No wonder people are searching for some other way. No wonder. They want their children to have the best. They want their children to have good teachers.

Furthermore, this legislation we passed today puts our public schools on notice that they must improve. So we are saying to the public school system, we are saying to the administrators in that system, we are saying to the principals and the teachers in that system, we are saying to the teachers union they must improve.

The bill also creates consequences if schools do not improve. So the time of reckoning is at hand. The legislation requires annual testing to track our children's progress in the areas of mathematics, science, reading, and history.

Moreover, the legislation insists upon a national gauge to more accurately measure public schools and to help compare what works and what does not work.

This bill also places an emphasis on teacher quality. When will we come to know in this country that no pricetag can be placed upon teacher quality? No pricetag. An emphasis is put on recruiting qualified teachers. When are we going to learn that a qualified, dedicated, conscientious teacher is worth far more than the finest athlete in this country, far more than the most clever, sharpest, most attractive network anchor man or woman? The teacher is worth far more—the teacher.

The teacher holds in his or her hands that most priceless resource possessed by this Nation. That teacher molds that child, its outlook, its attitude.

> I took a piece of plastic clay
> And idly fashioned it one day,
>
> And as my fingers pressed it still
> It moved and yielded to my will.
>
> I came again when days were past,
> The bit of clay was hard at last.
>
> The form I gave it, it still bore,
> And I could change that form no more.
>
> I took a piece of living clay
> And gently formed it day by day,
>
> And molded with my power and art
> A young child's soft and yielding heart.
>
> I came again when years were gone,
> He was a man I looked upon.
>
> He still that early impress wore,
> And I could change him nevermore.

That is the teacher. The responsibilities placed on a good teacher are heavy in today's world certainly.

How can we expect as a nation to continue to be a world leader with a population that is ignorant of the worth of a good teacher, a population that is ignorant of the basics in math, science, and history?

I understand that in some States history is not a required course in the curricula of public schools. What a shame. What a mistake. Cicero said: To be ignorant of what occurred before you were born is to remain always a child.

I am not talking about social studies. Social studies are all right in their place. I am talking about history. It has been considerably garbled these days. We try to change the facts of history, but the facts are there, and they ought to be taught. We ought to be plain about it, upfront about it, and try to profit by our mistakes.

Provisions that I supported in this bill are aimed at addressing the lack of qualified math and science teachers in this Nation.

At this point, I should also say that whatever dollar figure emerges from the House-Senate conference on this bill will place a burden on the appropriators to fund, given the tight budget constraints under which we will be laboring and the behemoth tax cuts which siphoned off many of the dollars which could have been used to pay for this bill, but if the President signs the bill that emanates from the conference, then I will assume—and I think I will have a right to assume—that the Appropriations Committee will have the help of the White House and the help on both sides of the aisle to provide the money to fund the bill.

I hope some of the new approaches contained in the bill will foster increased excellence among our Nation's schools, but I believe we are going to need further reform. While I can agree with the "leave no child behind" slogan which has characterized the President's education initiative and much of the debate on this legislation, I hope we also will endeavor to slow no child down if that child has extraordinary abilities. And the child does not have to come out of an affluent home to have extraordinary abilities.

I fear that sometimes in our approach to education we concentrate so much on bringing the slower students up to speed that we fail the child who can and should race ahead. And while testing for achievement is a good idea, it will mean little if the focus is on manipulating scores in order to make parents feel good or in order to capture more education dollars from the Federal Government for the school.

I don't believe in bumper sticker politics. I don't believe in bumper sticker education policy. It is time to look afresh at why we are failing our kids, regardless of whose flaws that fresh look may reveal. More money won't help if it is not properly used. More teachers won't help much if they are not properly trained. Our society has changed. There are more single-parent families and more families where both parents work today. Simple changes such as a 9-to-5 schoolday might do more to address some of the problems in our schools than all the counselors and afterschool programs we can fund.

Look at the other industrial countries of this world. They don't make life quite so easy as we like to do here in this country, apparently. We spend gobs of money, train loads of money—and I have voted for it for more than 50 years, 49 years to be exact—yet today we are not turning out the quality of students with quality education that many of our industrial competitors are turning out. They go to school longer in those countries and so the work is harder.

School uniforms might make students focus more on their heads and less on their bodies. The longer schoolday might do more to address some of the problems in our schools than all of the counselor and afterschool programs we can find. Better textbooks that utilize the tried and true methods of teaching could certainly go a long way toward shoring up basic skills. It might not be a bad idea to bring back the old McGuffy readers. An emphasis on classic literature and poetry could provide our youngsters with a glimpse of beauty and a sense of the spiritual side of human nature so absent in our empty, vulgar, popular culture. Clearly, there is much more to do in education than can be done in one single piece of legislation.

We cannot afford to lose another generation of children to fads. James A. Garfield, a President of the United States, who was assassinated, said: Give me my old teacher, Mark Hopkins, on one end of the log and me, myself, on the other end, and there will be a university.

So, it is the teacher, the child, and the attitude that count.

We cannot afford to deafen our ears to all views except those in the education establishment. We must strive again for excellence in learning and to return to proven methods, no matter whose toes it may step on. The public is outraged. The survival of the public school system is at stake, not to mention the future of our children and our Nation. I think the education establishment—meaning the administrators, the principals, the teachers, the teachers unions, and all—had better read the handwriting on the wall. A good public school system is what this Nation needs. It is what we want. That is what we have been spending millions of dollars for. But it is time to wake up, time for an accounting, time to understand that all things are not well in this public school system. And if we don't shape up—you talk about vouchers, talk about private schools—you better be watching the handwriting on the wall.

Some years ago I traveled down to the old Biblical city of Babylon by the side of the Euphrates River and I visited a place where it was said that Belshazzar feasted with 1,000 of his lords. And as he feasted, blind and dying, there appeared on the wall near the candlestick, a hand. That hand wrote on the wall. And Belshazzar summoned all of his magicians and his wise men and asked them to interpret the handwriting that appeared on the wall. It seems to me the handwriting said: mene, mene, tekel, upharsin. I hope that is right. It has been a while since I read it: Mene, mene, tekel, upharsin. And the queen said, this young man who can interpret that writing, his name is Daniel. And so the king who was trembling, his knees were shaking, summoned Daniel.

Daniel was asked to interpret the writing. And he interpreted the writing to mean: God, thou art weighed in the balances and art found wanting. God hath numbered thy kingdom and finished it.

That night, Belshazzar was slain and his kingdom was taken over by the Medes and Persians. So we should see the handwriting on the wall. We better learn that the public school system needs to shape up. We spend billions on it. Parents need to back up their teachers and participate in the PTAs, and we should pay teachers, good teachers, salaries that are commensurate with their worth.

No football player was ever equal to the worth of a good teacher. No television anchorperson was ever worth more than a good teacher. That may sound like an extremist talking, but there is something to what I am saying. You better believe it. And I might say this, too. There is no politician who is ever worth more than a good teacher.

When American students do so poorly in international mathematics assessments that they score 19th out of 21 nations, the handwriting should be on the wall. It is clear that it is not vouchers that threaten our public schools. It is the inadequate education that our public schools offer and parental frustration that threaten to undermine confidence in public education. And it is high time that we realize that.

There are many public schools that are great schools. There are a lot of good schools in this country, and a lot of good teachers. But we need to lift the level of all the boats.

According to the U.S. Department of Education, nearly 1 million children have been pulled out of public schools and are being educated at home by their parents. That number is sure to grow.

Yes, parents are concerned by the violence that is occurring in the schools, concerned by the falling grades of their children, concerned by the lack of discipline in the public schools, concerned that for the money spent we are turning out worse students, generally speaking, than it used to be when we were spending far less money.

It is up to us who do believe in public schooling to see what is happening and to do whatever it takes to restore confidence in public education. We owe that to our kids. We owe that to their parents. And we owe it to the country we all claim to love.

FLAG DAY

Mr. BYRD. Mr. President:

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by.

Sea-fights and land-fights, grim and great,
Fought to make and save the State:
Weary marches and sinking ships;
Cheers of victory on dying lips;

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation, great and strong
To ward her people from foreign wrong;
Pride and glory and honor, all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

Mr. President, today is Flag Day. It is the birthday of our Stars and Stripes. It was on June 14, 1777, that the Second Continental Congress passed the resolution authorizing the creation of a flag to symbolize the new Nation, the United States of America.

This is not a federal holiday, but to me it is one of the most important days of the year. Flag day is our nation's way of honoring, celebrating, and paying our respects to the very symbol of our nation. As the poem says: "more than the flag is passing by."

Henry Ward Beecher explained that "a thoughtful mind when it sees our nation's flag, sees not the flag, but the nation itself."

More than this, Old Glory represents the values and principles of our nation. It commemorates our nation's glorious past, and it offers hope for an even more glorious future.

Born at the beginning of the American Revolution, the Stars and Stripes is a celebration of our independence and our freedom as well as our strength and our security. It was there, being raised and saluted during some of the proudest moments in our nation's history as in Iwo Jima in 1945 and on the Moon in 1969. And it has been there in every major conflict in American history as millions of young Americans have marched off to battle under the flag. It was at Fort McHenry during the War of 1812. It was there at Gettysburg, at San Juan Hill, and at Normandy.

But more than soldiers have been inspired and guided by our Nation's colors.

I can't begin to explain what a thrill it is for me to visit a school and see young children putting their chubby hands on their hearts and pledging allegiance to "the flag of the United States of America and to the republic for which it stands." When I see such a sight, I feel confident for the future of our great land. Whatever our current troubles might be, I somehow know that everything will be all right. Our flag, as it has throughout our history, continues to transcend our differences, and affirm our common bond as a people and our solemn unity as a great Nation.

The United States Senate now begins each morning by pledging allegiance to the flag. Speaking those few, but stirring, words, while looking at Old Glory, still inspires me and reminds me of how fortunate I am to be an American, to be a West Virginian, and to be a United States Senator.

On Flag Day, 1917, President Woodrow Wilson noted: "though silent it [our flag] speaks to us" and indeed it does.

It speaks to us of great events—of our liberty; of our history; of our future. It speaks to us of the freedom that is the basis, and the enduring promise, of our Republic.

"Hats off," Mr President, "the colors before us fly; But more than the flag is passing by."

I close by citing those memorable, moving lines from the second stanza of our national anthem:

Tis the Star-Spangled Banner. O long may it wave
O'er the land of the free and the home of the brave.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with, and that I be allowed to proceed in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan.

IN MEMORY OF VERNA "SUZY" JOYCE, DEDICATED PUBLIC SERVANT, WIFE AND MOTHER

Mr. LEVIN. Mr. President, I rise tonight to pay tribute to Suzy Joyce who passed away today Thursday, June 14, 2001. Her sudden and untimely death leaves a void that for those who knew and loved Suzy will never be filled.

Born Verna Joyce, but called Suzy by those knew her, in North Carolina on September 15, 1957, Suzy began work in the United States Senate over two decades ago as a cashier in the Senate Restaurants. Since 1986, I had the privilege of having Suzy on my staff. During her tenure on my staff, she was a model employee whose expertise, dedication, diligence and attention to detail enabled my office to respond to constituents efficiently and effectively.

Suzy played a vital role in advancing and modernizing our office's mail system. She arrived in the era of carbon copies and mimeograph machines, but she helped implement a new mail system that responds to the needs of the computer era when letters are as likely to arrive by email as they are by the US Postal Service. While my constituents may have never had the opportunity to personally meet Suzy, tens of thousands of them received constituent services, United States flags flown over the Capital and heard from me by mail because of her organization and efforts.

Suzy was more than a dedicated employee. She was a warm and friendly woman whose infectious smile, sense of humor and love for the Pittsburgh Steelers filled our office, and earned her friends throughout the Senate. It seems as if everyone knew Suzy. She was the one who welcomed interns and told my staffers, who are prone to working long days, to remember to call their parents. When members of my staff went to the Senate Printing Office or the Architect of the Capitol, they were often admonished with orders to say "Hello to Suzy."

I wish that more of my constituents had the opportunity to meet Suzy and her husband Rick. The two of them worked together in the United States Senate, and this is a better place because of them.

Suzy and Rick's dedication extended far beyond work. They were dedicated to each other, their three children, their family and their God. Together, they embodied the American values of hard-work, faith and loyalty. Suzy and Rick, both natives of North Carolina, recently celebrated another anniversary together. Their love for each other was evident to all. Rick works as the Facilities Supervisor under the Office of the Superintendent, and Suzy would come into work with him, hours before our office opened so that she could ride to and from work with him. After work, Suzy frequently volunteered at her church where she was a regular attendee and an important contributor. She is survived by three wonderful daughters: Andrea, Candice and Dawn of whom she was extremely proud and talked about frequently.

One never is able to prepare for the death of a friend or loved one. However, I trust that the friends, family and faith that were so important to Suzy in her life will continue to sustain her family in the days, months and years ahead. I and my staff will keep Suzy Joyce and her family in our thoughts and prayers. I know that the Senate family joins me in offering their condolences to the family of Verna "Suzy" Joyce on the occasion of their great loss.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 18, 2001

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. Monday, June 18, 2001.

Thereupon, the Senate, at 8:30 p.m., adjourned until Monday, June 18, 2000, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 2001:

DEPARTMENT OF THE INTERIOR

FRANCES P. MAINELLA, OF FLORIDA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE, VICE ROBERT G. STANTON, RESIGNED.

JOHN W. KEYS, III, OF UTAH, TO BE COMMISSIONER OF RECLAMATION, VICE ELUID LEVI MARTINEZ, RESIGNED.

DEPARTMENT OF STATE

DANIEL C. KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

RUSSELL F. FREEMAN, OF NORTH DAKOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

CLARK KENT ERVIN, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE JACQUELYN L. WILLIAMS-BRIDGES, RESIGNED.

RICHARD J. EGAN, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

VINCENT MARTIN BATTLE, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LEBANON.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JAMES C. RILEY, 6688

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM S. WALLACE, 1708

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LARRY R. JORDAN, 0772

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BENJAMIN S. GRIFFIN, 5044

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LEON J. LAPORTE, 0933

CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 14, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

JAMES LAURENCE CONNAUGHTON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY.

ENVIRONMENTAL PROTECTION AGENCY

STEPHEN L. JOHNSON, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

CHARLES A. JAMES, JR., OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

EXTENSION OF REMARKS

FLAG DAY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. GRAVES. Mr. Speaker, it is an honor to rise today on Flag Day to extend my appreciation to our veterans and the men and women in our Armed Forces for their service and protection in both peace and war.

I am honored to attend the 13th Annual Flag Retirement Ceremony on Saturday, June 16, 2001, hosted by the American Legion Stanley Pack Post #499, in Blue Springs, Missouri. American Legion Post #499 has a long history of providing a ceremony to lie to rest our colors. The members of the American Legion Post #499 have tirelessly dedicated their time to honor our nation's flag and share with our citizens, both young and old, their respect and admiration for the flag and all that it represents.

As American Legion Post #499 lays these tired flags to rest, we are mindful of the glory of our nation and the rights and freedoms that we share. The 13 red and white stripes not only represent our humble beginnings as 13 British colonies who fought bravely to gain us freedom but also the purity of our national purpose and the blood of our brave men and women in uniform who selflessly stand ready to defend our nation.

There is no better symbol of our country's values and traditions than the flag of the United States of America. It continues to exemplify the profound commitment that our founders made to freedom, equality, and opportunity more than two centuries ago. The flag flies with magnificent glory from public buildings, covers hero's tombs as a remembrance of their bravery, and serves as a daily reminder to all of us that the blessing of democracy and peace should not be taken for granted.

It is important that we teach our children the significance of our flag. Today, our nation renews its allegiance to our flag. Together, we stand collectively to honor its glory as its vibrant colors continue to wave through the skies that blanket the dreams and hopes of our beloved America. This truly is the land of the free and the home of the brave, and I am honored that we can share and enjoy the peace and the prosperity of this great nation.

H. CON. RES. REGARDING OIL AND GAS PIPELINE ROUTES THROUGH THE SOUTH CAUCASUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. CROWLEY. Mr. Speaker, I am pleased to join my colleagues, Congressman JOSEPH KNOLLENBERG, Congressman FRANK PALLONE, and Congressman JOHN SWEENEY, in offering this House Concurrent Resolution. This resolution seeks to ensure a just and equitable regional arrangement that will strengthen political, economic and security ties among all the nations of the South Caucasus.

Mr. Speaker, I am greatly concerned by the National Energy Policy Development (NEPD) (Group recommendation to support the Baku-Ceyhan (SAY-han) pipeline. Along with my colleagues, Mr. KNOLLENBERT, Mr. PALLONE and Mr. SWEENEY, I will be sending a letter to the President urging him to reexamine the NEPD Group recommendations regarding the Caucasus. I am also asking that he review all current and future oil and gas pipeline routes to ensure that all countries of the South Caucasus are included.

The proposed Baku-Ceyhan pipeline route originating in the Azerbaijani capital of Baku and terminating at the Turkish port of Ceyhan via Georgia, explicitly bypasses Armenia at the insistence of Azerbaijan. The demands by Azerbaijan to bypass Armenia come despite the knowledge that a trans-Armenia route is the most reliable, direct and cost-effective route, and certainly one of the most tangible actions in support of regional integration and cooperation.

Armenia's exclusion from regional economic and commercial undertakings in the South Caucasus hinders U.S. policy goals of promoting regional stability based upon the development of strong political, economic and security ties among all countries of the Caucasus and the United States. Exclusion of one country in regional projects only fosters instability.

Armenia must be included in regional and trans-regional economic plans and projects. Only then can stability in the Caucasus be fostered. Encouragement of open market economies, increased trade and international private investment will lead to regional prosperity for all the countries involved. No one country should be excluded. Moreover, it simply does not make sense to choose a far more costly option that excludes Armenia, because of political considerations that do not benefit either the countries of the region nor the U.S. The proposed Baku-Ceyhan pipeline is estimated to cost more than $2.7 billion. A pipeline that includes Armenia, a route that is more direct would reduce the pipeline costs by a minimum of $6 million. That is a significant savings. That is a cost savings not only for the region, but for U.S. taxpayers who are helping to fund planning and implementation of the South Caucasus pipeline projects.

Finally, I should note that Armenia has been a strong ally of the U.S. in the region. With a well-educated and highly skilled population, it is a country moving towards democracy and an open economy. We simply cannot afford to alienate a proven friend and ally in the region.

In closing, I want to urge the President to give additional thought to the proposed Baku-Ceyhan pipeline and to have the foresight to include Armenia in that project, both for the good of the region, and for the good of U.S. policy in the region.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISHOLM

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Mr. RANGEL. Mr. Speaker, I rise before you today to join with my colleagues in honoring one of the most dedicated and respected legislators of our time—former Congresswoman and civil rights leader Shirley Anita Chisholm.

It is said of Shirley Chisholm that she was a passionate and effective advocate for the needs of minorities, women, and children and that she truly changed the nation's perception about the capabilities of women and African-Americans. Well, while that may well be true, Shirley Chisholm was that and so much more.

I had the distinction and pleasure of serving with Shirley Chisholm in the New York State Assembly in the mid 1960's and later here in the Congress where she was the first African-American woman elected to Congress, and witnessed firsthand just how much of a pioneer and visionary she was. She didn't fear entering the male-dominated Brooklyn political arena, nor the New York State Legislature, nor this Congress, and she did it with the ebullient style and determination that was Shirley.

Her enduring spirit and foresight, lead her to take the biggest step of all when she ran for the Democratic presidential nomination in 1972, only seven years after Blacks were given the right to vote. It was through this venue, that Shirley Chisholm was able to focus national attention on the issues that mattered most to her. She became a powerful spokesperson for the Democratic Party. Though she was not successful in her bid, her running was symbolic. It encouraged other Blacks and women to participate in politics; it opened the door to later campaigns, and it sent the message that Black politicians had arrived.

For many years, Shirley Chisholm has given leadership to the struggle for equality and human rights for all people. Her life exemplifies her passionate commitment for a just society and her vision for a better world. Throughout her political career, her tireless efforts lead her to take on such issues as women's rights, funding for day care, job training, fair housing, and environmental protection just to name a few. She also fought against credits to defray the cost of going to private schools fearing it would diminish the quality of public schools.

Shirley Chisholm was an outspoken leader. She worked for the reform of U.S. political parties and legislatures in order to meet the needs of more citizens. She was a severe critic of the seniority system in Congress and protested her 1969 assignment to the House Agriculture Committee. She soon won reassignment to a committee on which she felt she could be of greater service to her district.

Shirley once said, "We must build new institutions or reform old ones so that there are avenues of upward mobility and achievement that will allow all citizens, black and white, to maintain creative tensions between themselves. If we fail, this nation will be poorer for it and if we succeed, it will be richer indeed."

Mr. Speaker, I thank my colleague Representative BARBARA LEE, for affording Members the opportunity to mark this occasion recognizing Shirley Chisholm who is a true public servant, a champion for all people, and a woman whom I am proud and honored to call my friend.

A TRIBUTE FOR FATHER'S DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. HONDA. Mr. Speaker, in light of the fact that this Sunday is Father's Day, I would like to share with you a letter sent to me by the stepson of a dear friend of mine. I believe it captures the essence of this important holiday for Dads, like myself, all around the country.

DEAR MR. HONDA: While my name may not be familiar to many in Washington, D.C., I'm sure that the name of my stepfather will—Norm Mineta.

This past year has been an amazing journey for my family—and for my family, that's really saying something. My stepfather's life reads like a story one would learn about in a history book or a novel. At the age of twelve, he was taken from his house and detained in an internment camp along with 120,000 others in this nation who happened to be of Japanese ancestry.

After the Second World War ended, he and his family returned to San Jose and he attended and graduated from the University of California Berkley. Later, during the Korean War, he joined the Army where he served as an intelligence officer. After his military service he worked in the family business at the Mineta insurance company until once more he answered the call to public service. Norm served in the San Jose City Council, as the Mayor of San Jose, and 21 years as the Representative for the 15th Congressional District of California.

After he left the Congress, he worked for Lockheed Martin as senior vice president for almost five years until President Clinton tapped him for the position of Commerce Secretary. After the 2000 election, President Bush chose him to serve America once more as the Transportation Secretary.

Norm's list of firsts is beyond impressive—it's amazing. He was the first American of Japanese descent to serve as a Mayor of a major city in the continental United States. As the Chairman of the House Committee on Transportation & Infrastructure, he was the first Asian Pacific American to serve as Chairman of a full Committee in the U.S. House of Representatives (Chairman of the transportation committee). He was also the first Asian Pacific American to serve on any President's Cabinet, and the first Cabinet member to serve in successive administrations for two different political parties. And this only scratches the surface. You could fill volumes with all of my stepfather's achievements. In fact, someday, I'm certain they will. But there is a deeper reason why I am writing this letter.

As I witnessed all of the events taking place in my family's life over the past year, and I read all of the articles and stories about my step dad's life, and I heard all of the speeches, I noticed that something was missing—the most important something. Who Norman Y. Mineta really is, not just what he has done in public life.

Norm is one of the kindest, most decent man I have ever been privileged to know.

As a Member of Congress, Norm would go to events at the White House, as other important people did. He would stand in the receiving line to meet the President and when his time would come he would shake the President's hand saying, "Hello Mr. President. I'm Norm Mineta from California." To which every President would respond, "Norm, I know who you are." Later he would say to my mom, with wonder in his eyes. "The President said he knows who I am!"

Norm Mineta is a man who puts family above all else. His biography in "Who's Who in America" does not describe how he canceled all of his plans the day my family's dog, Tribble, died. His resume does not reflect the pride he felt when my stepbrother, Dave Mineta, was elected to the school board of Pacifica, California. Nor do the official records of the Congress contain the fact that he cried when Dave asked his father to swear him into his new position on the school board. Norm was so excited when my brother Mark and his wife called home to tell the news that they were pregnant with their first child. As a father, he took as much pride in the fact that in my stepbrother, Stu Mineta, was hired at a regional airline as a pilot as he did in his own appointment to the Cabinet.

After coming home from a long day at the office, Norm would always takes times, and considerable joy, in playing with his two dogs. Norm has been known to fall asleep whenever the family comes together to watch a movie. Watching a movie on video with Norm often involves constantly prodding him to make sure he is still awake. Often times he will fall asleep, but deny this to us when we call him on it. Norm has been a wonderful husband to my mother in more ways than I could ever begin to describe. He refers to my mother as "honey" and "dear" in public, but in private, he calls her "pal," and that is what they truly are—the best of friends.

My life with Norm has been a wonderful blessing. Life doesn't always happen the way you plan and sometimes people get divorced. Such was the case with my mother and father. And to this day, I love my father very much. I have been blessed twice, for God brought into my life Norman Mineta. A man whom history will remember much longer than it will remember most of us. I am also very fortunate because Norm is a man that I will remember is ways that the history books will never be able to capture. Our nation will remember Norm as many great things, veteran, Mayor, Congressional leader, two-time Cabinet Secretary, but the greatest of these titles and accolades to me, will always be "Dad."

Sincerely,

BOB BRANTER.

RECOGNIZING VALLEY HOSPITAL IN RIDGEWOOD, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate the Valley Hospital in Ridgewood, New Jersey on the occasion of their 50th anniversary. From a small and difficult beginning, the Valley Hospital has become a premier example of quality and commitment to medical excellence. This weekend, the Valley Hospital will be honored as a Hermitage Pioneer Corporation at the Hermitage Rose Ball in Ho-Ho-Kus, New Jersey. It is an honor to recognize this hospital for their service to northern New Jersey.

The Valley Hospital opened its doors in 1951 with 108 beds, 22 bassinets and 268 physicians and employees. Over 4,700 patients were admitted and served by the hospital. Through their exceptional leadership and vision, Valley has expanded and continually met the changing healthcare needs of the ever-growing community. I am proud to say that Valley now has over 600 physicians and 3,000 employees. Last year the hospital served 42,540 patients and welcomed 3,221 babies. Under Mike Azzara's guidance as Chairman of Valley Health Systems, and Audrey Meyer's leadership as President and CEO of the Valley Hospital, the hospital has entered the 21st century as a premier provider of health care in not only New Jersey but the entire Northeast United States.

This achievement has not come without a struggle. Plans to open a hospital in northwest New Jersey began nearly forty years before ground was broken. Community groups gathered to raise money for a hospital, however, the stock market crash and the Great Depression stalled their attempts. Under the leadership of the Women's Auxiliary in 1944, local residents donated almost $1,000,000 to break ground in 1949.

The Valley Hospital exists because of a determined group of local citizens who very early on saw a need and overcame the odds to make this into a reality. This is the classic American dream. Such outstanding dedication is still visible in the hospital today as the Valley Hospital looks forward to the needs of the next fifty years.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in commending the Valley Hospital for its service to the community, and recognizing those committed to continuing its tradition of excellence.

HONORING PAUL WENDLER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute and express gratitude to my good friend Paul Wendler for his many years of service and for his significant contributions to the conservation of wildlife and natural resources in Michigan and the entire Great Lakes region.

Paul has dedicated his life to making his community a better place to live for all citizens and he has earned many plaudits and awards for his numerous accomplishments. From his outstanding record of achievement in management with the Saginaw Steering Gear Division of General Motors Corporation to his tenure as Mayor of the City of Saginaw and his successful efforts to build the Saginaw Civic Center, Paul's energetic and enthusiastic leadership has served as a towering model for others to emulate.

While his extensive involvement in community service has extended to a wealth of projects, Paul's particular passion has been his devotion to preserving the vitality and abundance of wildlife and natural resources throughout our state, nation and the entire world. His membership in conservation and sportsmen's clubs are too numerous to list, but his vast experience in the conservation movement includes many leadership roles, among them his position as President of the Michigan Wildlife Foundation and President of the Michigan United Conservation Club.

Throughout all his years of community and public service, Paul has never sought the limelight for himself nor has he accepted full acclaim for his achievements. He has always been the first to share credit and to suggest that others played a far greater role. He would be the first to acknowledge the significant contributions others have made to his success, including the vital support of his family. Paul's wife, Phoebe, and their children, Paul, Anne and Gretchen, have shared his love for our precious natural resources and they have been an important part of his efforts to protect and preserve the environment.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Paul Wendler and his family for their commitment to conservation. I am confident that they will continue to work hard to ensure the viability of our woods and waterways well into the future.

CYPRIOT ACCESSION TO THE EUROPEAN UNION AND THE ONGOING DIVISION OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. CROWLEY. Mr. Speaker, I submit for the RECORD my statement from the Committee on International Relations Subcommittee on Europe hearing on June 13, 2001.

Mr. Chairman, I am pleased to have this opportunity to speak in strong support of the U.S. relationship with these three important countries: Greece, Cyprus and Turkey. However, I would like to speak, in particular, about two key issues which have no doubt been the focus of this hearing today—that of Cypriot accession to the European Union (EU) and the ongoing division of Cyprus.

In its conclusions at Helsinki, the European Council, in December of 1999, welcomed the launch of proximity talks that year aiming at a comprehensive settlement of the Cyprus problem. The Council further noted that, while a political settlement of the Cyprus problem would facilitate accession of Cyprus to the EU, it would not be a precondition to accession. In his confirmation hearing held on March 20, Undersecretary of State for Political Affairs Marc Grossman stated that we must impress upon the Turkish Cypriots and the people in Ankara that they have got to get involved in the stalled proximity talks. A settlement to the problem would surely be a welcome development for all the governments involved.

Most of us understand that accession of Cyprus to the EU will provide a much-needed impetus to a political solution. But, what Turkish Cypriot leader Rauf Denktash must understand is that Cyprus will accede to the EU whether or not he returns to the negotiating table. Because Cyprus is divided, I fear the people living on the northern part of the island under Mr. Denktash's rule, will not benefit from EU membership. The north must rejoin the rest of the island so that its people can share in the wealth, both political and economic, which EU membership has to offer. Mr. Denktash's recalcitrance will not block the Cypriot government from reaching its goal. What Mr. Denktash must decide is whether or not he wants to be a productive part of Cyprus' future. I truly hope, for the sake of all Cypriots, that he elects to do so.

The people of Cyprus, with their long and rich cultural and political history, deserve far more than to see their island forever divided because of misguided political aspirations. There must be a reunited Cyprus, one that is bizonal, bicommunal and federal, created on the basis of the United Nations Security Council resolutions. I urge Mr. Denktash to return to the negotiating table once again so that a negotiated settlement can be reached. EU accession for Cyprus will benefit everyone: the U.S., Greece, Turkey, and all of Cyprus' other allies. Cyprus must take its rightful place in the community of nations as a strong, unified country with the opportunity to grow and prosper economically, to be afforded the same legal, political and social rights as other nations. Cypriot accession to the EU will begin that process, but resolution of the political problem dividing the island will provide the ultimate closure Cyprus needs to move forward.

In closing, I would like to commend my colleagues, Congresswoman Carolyn Maloney and Congressman Michael Bilirakis, for introducing a House Concurrent Resolution in support of Cypriot accession to the EU. I am proud to be a co-sponsor of that bill.

TRIBUTE TO UNIVERSITY OF SANTA CLARA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. HONDA. Mr. Speaker, I rise today to honor the Sesquicentennial Anniversary of the University of Santa Clara.

The University of Santa Clara became California's first institution of higher learning in 1851 and is celebrating its Sesquicentennial Year in 2000–2001, on the same campus it has occupied continuously since its founding. This campus is home to the beautiful Mission Santa Clara.

The University of Santa Clara excels in meeting its goal of educating women and men of competence, conscience, and compassion. The more than 55,000 alumni of Santa Clara University are leaders in business, industry, government, the spiritual community, education, the arts, athletic endeavors and civic life throughout the United States. The University of Santa Clara began its graduate division in 1912 and today provides highly respected graduate programs in Law, Business, Counseling Psychology, Education, Pastoral Ministries, and Engineering.

The University of Santa Clara opens its doors to the community twelve months a year with special programs, exhibits, and events that inform and entertain visitors to the campus. Outstanding leaders of Silicon Valley, the Bay Area, and the world are regularly welcomed to visit the University and share their experiences and insights. The campus community of the University of Santa Clara includes many individuals who serve on community and church boards. These community members also dedicate hours of volunteer time to homeless shelters, elementary and secondary schools, to those who seek justice; in short, they participate fully with the broader community.

In California, a state that leads the nation in accepting immigrants from around the world, the University of Santa Clara continues to be committed to preserving ethnic and cultural diversity on its campus.

Mr. Speaker, it is an honor to pay tribute to the University of Santa Clara on its Sesquicentennial Anniversary, and I commend and congratulate the University on this important occasion.

HONORING FRANK AND GRACE BARR

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate Frank and Grace Barr for their contributions to historic preservation and community service in northern New Jersey. This weekend, Frank and Grace Barr will be the recipients of the Hermitage Volunteer Appreciation Award of 2001. Their leadership in the development of the Hermitage is a remarkable achievement and I commend them for their efforts. The results of their dedication are felt not only at the Hermitage, but throughout our community. As community leaders for over thirty years, they are outstanding examples of the type of people who make Bergen County such a wonderful place.

We take tremendous pride in the Hermitage in Ho-Ho-Kus, New Jersey. Built in 1740, the Hermitage was the home of Theodosia

Prevost, who invited George Washington and his officers to stay at the estate after the Battle of Monmouth in July of 1778. One of Washington's officers, Aaron Burr, became a frequent visitor afterward and eventually proposed marriage to Theodosia. Attendees of the couple's wedding at the Hermitage included James Monroe, Alexander Hamilton, and the Marquis de Lafayette.

After its noteworthy beginnings, the Hermitage was donated to the State of New Jersey and has been restored as a museum and National Historic Site through the work of the Friends of the Hermitage. It is through the continued dedication of people such as Frank and Grace Barr that we can continue to enjoy this treasure. Frank and Grace have been active supporters of the Friends of the Hermitage since 1976 and continue to pledge their time and effort to this landmark. It is an honor to recognize such a dedicated couple.

Grace Barr served on the Board of Trustees for six years and is now a member of the Hermitage development committee. An active and effective fund-raiser, Grace also co-chaired the Colonial Ball and the Friends of the Hermitage Cookbook, first printed in 1976. In addition to her work at the Hermitage, Grace has been an active member of the Ho-Ho-Kus Public School System for over twenty-six years.

Frank Barr has been both a Trustee of the Valley Health System and Chairman of Valley Hospital in Ridgewood, New Jersey. Valley Hospital has become a Hermitage Pioneer Corporation through its evolution into a major healthcare system. As a former Ho-Ho-Kus School Board President and trustee on various boards in the local community, Frank has played an integral role in the community. He has served as President of Fishers Island Development Corporation and was a Trustee of St. Lawrence University. He has also founded a non-profit affordable housing corporation in addition to his many other career achievements. These are truly phenomenal people.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Grace and Frank Barr for all they have done for their community and for the outstanding example they set for all of us.

HONORING GILSON D. FOSTER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Gilson D. Foster as he concludes his lengthy and meritorious tenure as Business Manager and Financial Secretary of the International Brotherhood of Electrical Workers Local 557 and as President of the Saginaw County Labor Council. Gil has truly earned his reputation as an outstanding leader who has played a key role in shaping the future of the greater Saginaw community.

A native of Alma, Michigan, Gil has positively affected the lives of nearly everyone who has had the pleasure of meeting him, and those of countless people who will never know how much better their lives are thanks to his hard work. Throughout his life, he has exhibited exemplary citizenship by consistently and eagerly going well above and beyond the call of duty. He has truly made a difference in the lives of working families.

Devotion to duty, longevity in service and job excellence are hallmarks of Gil's work ethic. After graduating in 1952 from the former Arthur Hill Trade School, Gil enlisted in the United States Marine Corps, serving honorably until his discharge in 1960. He later graduated from the Saginaw Joint Electrical Apprenticeship program and embarked on his career in the electrical trade. In 1966, Gil took over as Local 557 Business Manager and Financial Secretary and served in those roles for 35 years. Similarly, he spent 20 years as President of the Saginaw County Labor Council and also served on the Michigan state AFL–CIO General Board.

Gil's contributions, however, extend far beyond the workplace. Over the years, Gil has freely and exuberantly given his time and resources to many community organizations, including the Salvation Army, the United Way of Saginaw County, the Lake Huron Area Council Boy Scouts of America Executive Board, the Saginaw Community Foundation, the Delta College Quality of Life Advisory Council, the Saginaw Economic Development Corporation, the Saginaw County Chamber of Commerce and the Great American Music Festival Board of Trustees.

Of course, such community service is never accomplished without the love and support of family. Gil's wife, Patricia, and five children, Kathy, Nancee, Keith, Randall, and Anne, have been an integral and key part of his success.

Mr. Speaker, I ask my colleagues to join me in congratulating Gil Foster on his first-rate and admirable community involvement and for his efforts in making Saginaw an enviable place to call home. I am confident that he will continue to provide many more years of dedicated service to his fellow citizens.

CONDEMNING TALIBAN REGIME OF AFGHANISTAN REQUIRING HINDUS TO WEAR SYMBOLS IDENTIFYING THEM AS HINDU

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of this Resolution which condemns the treatment of Hindus by the Taliban government.

The Taliban government has once again crossed the line, this time by forcing Hindus to wear identifying markers on their clothing. This latest oppressive act is eerily reminiscent of Nazi-era Germany when Jews were forced to wear the yellow Star of David in order to identify themselves. Singling out one group serves only one purpose: fostering discrimination and potential persecution. The world stood silently by when the Nazis started targeting Jews. We will not be silent this time. We must remember the cautious maxim that reminds us that those who do not learn from the past are condemned to repeat it.

The Taliban are slowly attacking all groups who they perceive as different. Since 1996, the Taliban, an extremist militia, has seized control of 90% of Afghanistan and then unilaterally declared an end to women's basic human rights.

Women are banished from working. Girls are not allowed to attend school beyond the eighth grade. Women are being beaten for not fully covering themselves, including their eyes and ankles.

Women and girls are not allowed to go out into public without being covered from head to toe with a heavy and cumbersome garment and escorted by a close male relative.

Women are not allowed to seek health care, even in emergency situations, from male doctors.

The Taliban has allowed some women to practice medicine, but women must do so fully covered and in sectioned off, special wards. And even these services are only available in very few select locations, leaving women to die from otherwise treatable diseases.

A sixteen-year-old girl was stoned to death because she went out in public with a man who was not her family member.

A woman who was teaching girls in her home, was also stoned to death in front of her husband, her children and her students. An elderly woman was beaten, breaking her leg, because she exposed her ankle in public.

These atrocities are real.

They are happening now, and will continue tomorrow as long as the extremist Taliban government is still in control of Afghanistan.

The restrictions on women's freedom in Afghanistan are unfathomable to most Americans.

Women and girls cannot venture outside without a burqa—an expensive and restrictive garment that covers their entire bodies including a mesh panel covering their eyes.

For some women, not having the means to afford and purchase this expensive garment will banish them to their homes for the rest of their lives.

The effects of this decree have been severe.

Many Afghan women are widows and have no means to income because they cannot work, and unless they have a close male family member, they have no access to society for food for their families and themselves.

We must continue to speak out against the Taliban, on behalf of the women and girls that risk death for speaking out for themselves.

We must not accept the Taliban as a legitimate government.

We must send a strong and clear message that gender apartheid and religious discrimination is unacceptable and a gross violation of the most basic human rights.

Afghanistan may be physically located on the other side of the world, but the voices of the women and girls suffering there are heard loud and clear here.

INTRODUCTION OF THE RENEWABLE ENERGY ACT FOR CREDIT ON TAXES

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mrs. DAVIS of California. Mr. Speaker, I would invite you to join me as a co-sponsor of the Renewable Energy Act for Credit on Taxes.

This is a refundable tax credit to be given for investments in renewable energy systems based on solar, wind, or fuel cells providing up to $4.50 per Watt of electricity produced, capped at the lesser of 35 percent of the cost of the system or $6,000 for residences and $50,000 for commercial enterprises. It would sunset in four years.

A recent ABC poll showed that 90 percent of the public support increased investment in renewable energy sources. In its National Energy Policy, the administration has also identified this need.

Based on the California experience, we need to supply more energy at peak periods as soon as possible. Because of transmission gridlock both between states in the western region and within California, right now we need to increase supplies where they will be used. Public policy calls for increasing reliance on renewable energy sources.

Therefore, we need to give incentives to power sources that can be put into operation relatively quickly, produce power at peak times where it will be used, and be powered by renewable energy sources.

The administration's National Energy Policy states, "Photovoltaic solar distributed energy is a particularly valuable energy generation source during times of peak use of power." [p. 6–10]

Under-used locations for increased production of power are homes and businesses. Owners have not invested in personal energy systems in part because they have not provided a reasonable return on the investment. This gap can be bridged by using tax incentives to motivate additional private investment in power. The benefit is a long-term contribution to power supply that does not require continued cost for fuel.

Solar power for water heating has been used extensively in the West over many years because it has been a good investment. It demonstrates the willingness of owners to make this investment when it is financially viable.

Newer materials and more reliable systems have become available to make individual photovoltaic systems attractive as well. In April a solar demonstration home was built on the Washington Mall that not only incorporated many energy saving designs but also employed a solar energy system with back-up batteries. The additional cost for the solar system for this large, three-bedroom, two story home was given as $30,000.

Is a federal tax credit enough to encourage a homeowner to make this investment? Under my bill the owner would qualify for $18,000 of the cost based on the amount of power produced; however, the proposed cap would be the lesser of 35 percent of the cost or $6,000, leaving $24,000 of uncovered cost.

While this might not be a sufficient incentive for many owners, some 14 states as well as about 26 municipalities have additional rebates. California, for example, has a rebate program capped at 50 percent of the cost. In this case, the California homeowner combining the two programs would be paying only $9,000 of that cost.

Without a rebate, a homeowner could buy a system of half the capacity receiving a lower rebate but still have a $9,750 net cost under this bill.

The advantage of a solar solution is that in many locations the solar energy is most available when it is most needed—in the summer in the middle of the day.

In other areas wind systems are viable with applications that look like a typical roof top vent suitable for residences and businesses. While there is a current production tax credit for wind energy, it is not an attractive financial incentive for individuals since the owner is using the product not selling it. Thus, a tax credit is the appropriate mechanism.

I have chosen a refundable tax credit rather than a grant program as less bureaucratic and readily accessible to a taxpayer. The sunset will give incentives to immediately increase supplies.

I believe it is time to take a large stride toward investing in renewable energy that will continue to produce power for many years without needing to purchase fossil fuels. We can have more clean power where we need it at peak periods.

CONGRATULATING ELMER BECKENDORF

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor a dear friend and outstanding Texan, Mr. Elmer Beckendorf. This Saturday, June 16, 2001, Elmer a member of the North Harris Montgomery Community College District Board of Trustees will receive the Association of Community College Trustee's Regional Trustee Leadership Award. His commitment to public service and above all his dedication and support for education earned him this rightly deserved honor.

Born December 14, 1921 in Harris County, Texas, Elmer is a fifth generation resident of Harris County, Texas. He graduated from Addicks High School and attended the University of Houston. During World War II, Elmer served in United States Army Signal Corp attached to the Air Force installing and maintaining radio equipment providing communications for an Air Force Fighter Wing in the Pacific area of operations, Okinawa and surrounding areas. After the war, he returned to Texas where he married Dorothy Heldberg. They have three children, six grandchildren and two great grandchildren. In 1954 Mr. Beckendorf formed E.L. Beckendorf and Sons, Inc., an independent dairy farm.

Elmer Beckendorf has been a true leader in his community, having served on public boards for 47 years. He has served on the North Harris Montgomery Community College District (NHMCCD) Board of Trustees for sixteen years including two two-year terms as chair and two two-year terms as vice chair. During his service, the college district has grown from two campuses serving four school districts to four, soon to be five, comprehensive campuses and six educational centers serving nine school districts in a 1400 square mile area with a population of over 1 million citizens.

He was elected to and has served on the Tomball Independent School District Board of Trustees for 22 years, holding various offices including president during

Civic organizations on which he has served include the Tomball Regional Hospital Authority Board of Directors, member since 1975, chairman since 1982; the Cypress Creek Branch of Greater Houston YMCA, board member 1975–1986 receiving the Volunteer of the Year in 1979; the Rotary Club of Tomball, member 1955 to present; the Greater Tomball Chamber of Commerce member since 1975 receiving the Citizen of Year in 1979; the Texas Forage and Grassland Council, Charter member, 1979 to present and President from 1981–1984; the Houston Milk Producers Federal Credit Union as an Officer of the board for 29 years; the Association of Community College Trustees as a Lifetime member; the Dairy Shrine Club as a Lifetime member and the Tomball Future Farmers of America as an Honorary Chapter Farmer.

Additionally, Elmer Beckendorf has been a champion of education supporting and leading initiatives in the area of economic development, workforce development and K–16 partnerships. With his support, NHMCCD has established Center for Business and Economic Development (CBED), a center focused on economic development initiatives and workforce development needs of our region. His support for K–16 partnerships, initiatives and agreements has led to the seamless flow of curriculum, program and services from public school through community colleges and universities.

The Association of Community College Trustees could not have picked a more outstanding person for this award. Elmer Beckendorf is a very special person and one who exemplifies the true public citizen willing to give tirelessly of himself in order that others may benefit. On behalf of the U.S. House of Representatives and the citizens of the 8th Congressional District of Texas, I offer our warmest congratulations.

A NEW DIRECTION AT ST. LOUIS HOUSING AUTHORITY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to share some very happy news about the St. Louis Housing Authority. Just two short years ago, the St. Louis Housing Authority had the distinction of holding the worst federal ranking—14.25 out of 100—of any big city housing authority and the Department of Housing and Urban Development was threatening to take over the agency. But then, fortunately, Cheryl Lovell was named Executive Director of the agency and good things began to happen. Last month, the St. Louis Housing Authority achieved a federal ranking of 70.3 and by all accounts things are improving for the residents of St. Louis public housing.

I commend Cheryl Lovell for her dedication and achievement and would like to share the following article "City Housing Raises Its Grades" which appeared in the St. Louis Post Dispatch on June 13, 2001.

[From the St. Charles County Post, June 14, 2001]

Affordable Housing Options Will Be Studied

(By Ralph Dummit)

A consultant has been selected to conduct a study in St. Charles County on the availability of affordable housing. The consultant is Paul Dribin, who served for several years as an official in the St. Louis office of the U.S. Department of Housing and Urban Development.

Dribin Consulting was picked by St. Charles County Executive Joe Ortwerth from among five or six applicants for the $45,000 contract.

Social service workers across the county have sought answers to the question of available housing for low-income residents for many years. They have contended that not only is it difficult for poor families to rent houses but that affordable houses for sale to the poor are in limited supply. They are concerned that development is geared more to large houses on large lots than to building houses or apartments in a more modest price range.

Dribin is no stranger to housing matters in St. Charles County. The Farms apartment complex off Kisker Road had been a property insured and subsidized by HUD when neighbors began to complain about its poorly maintained and rundown condition.

As a HUD official in St. Louis at that time, Dribin sought to solve the problem at The Farms. He was able to acquire $8 million from HUD to repair the project and got a voluntary deed from the owners in lieu of foreclosure, then conveyed the property to St. Charles County. Today, the property—now called Sterling Heights—is well maintained and provides affordable housing to dozens of families.

In previewing his job for the county, Dribin wrote that the problems of affordable housing are increasing in rapidly growing areas such as St. Charles County. Most residents are benefiting from the expanding economy, but "the working poor are finding housing options more limited."

Dribin may rely on Development Strategies Inc., to gather census data for his study. The county had hired Development Strategies after the Flood of 1993 to study ways to provide replacement housing for the hundreds of people left homeless by the flood.

Dribin said that after the census figures are analyzed, he will prepare a comprehensive report "detailing the housing conditions and the overall need for affordable housing" in the county.

Further, based on the identified needs of the community, Dribin will present to the County Council "a detailed proposal outlining alternative strategies for implementing an affordable housing policy."

The consultant added, "Forming a housing authority is only one option in a range of public and private sector alternatives to address (the county's) housing needs."

Dribin expects to have an initial report completed by mid-August and to issue a completed report by the end of September.

Recently, business leaders have joined in voicing concern about providing more affordable housing for their employees.

Gregory D. Prestemon, president of the county's Economic Development Center, said late last year that he had heard from almost all of the county's larger employers "that they see a need for housing to fit the needs of people of all income levels."

Ortwerth has told the County Council that although state law authorizes a county housing authority—such as the one in the city of St. Charles—to construct, acquire, lease or operate housing complexes, that is not his goal.

Ortwerth said a county housing authority should concentrate on working with the private sector to promote the construction of affordable housing. He contends that such housing can be built so that it will maintain its value and does not depreciate the value of other residential properties in a community.

One purpose of studying the county's housing needs is to qualify under state statutes to form a county housing authority. Earlier, Ortwerth had hoped such an authority might be able to take over the voucher program administered by the North East Community Action Corp., also known as NECAC.

In a related move, Ortwerth last year filed suit seeking a declaratory judgment on whether NECAC or the county should be eligible to administer Section 8 housing assistance to low-income individuals and families.

No judgment on the suit has been rendered.

Meantime, NECAC traditionally has administered the Section 8 program in the county—at least 575 vouchers at present—excluding the city of St. Charles. The vouchers are the equivalent of holding cash as low-income people search for suitable and affordable housing in the county. But even among the holders of the vouchers, many give up when they are unable to find places to rent.

TRIBUTE TO SARA FORDE AND ANGELA RETEGUIZ

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize two of New York's outstanding young students, Sara Forde and Angela Reteguiz, on the occasion of their Gold Award Ceremony. On July 19, 2001, the women of Service Unit 35 will recognize Sara and Angela.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who posses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Sara and Angela, and bring the attention of congress to these successful young women on their day of recognition.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in honor of JOHN JOSEPH MOAKLEY, former Congressman from the ninth Congressional district of Massachusetts.

JOE MOAKLEY was first sworn in as a representative in 1989. We know him most recently for his long service on the Committee on Rules—he was chairman of that committee from 1989 to 1994, and continued to serve as the ranking member from 1995 until this year.

As my colleagues have noted before me, JOE MOAKLEY never forgot his roots. Even as Chairman of one of the most influential committees in the U.S. Congress, he always had time for constituents in need, and junior Members of Congress who didn't understand the intricacies of House operations. He was known for his ability to diffuse tense situations with a humorous comment, and was welcomed and appreciated by all for his direct yet respectful manner. As my colleagues from the other side of the aisle have noted, we all thought of him as a fair chairman and an honest human being.

I began my elected service in the House of Representatives in 1989, and it was in that year that six Jesuit priests, their housekeeper and her daughter were murdered in El Salvador. Congressman MOAKLEY was appointed as the head of a special task force directed to investigate the murders and the response of the Salvadoran government. It was this task force which first reported the connection between these murders and several high-raking military officers in El Salvador. This report was of sufficient gravity that it resulted in the termination of U.S. military aid to El Salvador. The end of the civil war in that country is often attributed to his work in this area and the change in U.S. policy which resulted therefrom. JOE MOAKLEY did not have to take on any of this extra work. It didn't help him get elected, he didn't get paid any more money—he did it, I believe, because he felt a need to right a wrong, and this is how I will always remember him.

We here in Washington are all missing him very much right now. I know his surviving family and other relatives will miss him even more. To them I say JOE MOAKLEY was as good as they come. He was a true public servant in every positive sense and I stand today to honor this gentleman of all time.

TRIBUTE TO GILDA'S CLUB

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. NADLER. Mr. Speaker, I rise today to pay tribute to Gilda's Club of New York City on the occasion of its sixth anniversary. Since opening its doors in 1995, Gilda's Club has welcomed over 2,600 people—men, women and children—all of whom have been affected by cancer. The Club was founded in honor and named after the late Gilda Radner. While best known for her work as a comedienne, Radner's legacy continues in Gilda's Club as it carries out her dying wish: that persons, like herself, living with cancer would find a community in which to meet, support, and share with those also struggling with this deadly disease.

Gilda's Club is a non-profit organization that provides free-of-charge services to anyone living with cancer, from those struggling with their own illnesses to their families and friends. Most noteworthy of these services is the Club's innovative and effective Basic III 'Plus' program. The program focuses on providing members with an emotional and social foundation from which to draw hope and strength. From encouragement in Support and Networking Groups, to education in Lectures and Workshops, to family bonds in Noogieland, The Family Focus and Team Convene, the Basic III 'Plus' program covers all the bases in creating the network patients need to heal both emotionally and physically.

This network is made possible by the volunteers and members of Gilda's Club, who strive to create a welcoming atmosphere for newcomers. These members and volunteers form lasting bonds while participating in Club programs. It is this unique bond that allows members to feel comfortable turning to the Club in their times of need. Executive Director Joel Sesser most accurately describes the Club as "a special community at the crossroads of the world." Everyone, regardless of their sex, religion, or ethnic background, is guaranteed loving care and support at Gilda's Club.

For the hope and spirit it has provided to its members and the inspiration it provides to the community, I offer my sincere congratulations to Gilda's Club of New York City for its six years of exceptional service.

THE EMERGENCY FOOD ASSISTANCE ENHANCEMENT ACT OF 2001

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Emergency Food Assistance Enhancement Act. My bill increases commodity purchases for The Emergency Food Assistance Program (TEFAP) to help emergency feeding organizations—food banks, food pantries, soup kitchens—meet the needs of their communities. It also provides more federal support for the cost of storing, transporting, and distributing food donated to these organizations by the federal government and private sources. A total of up to $40 million a year of money that is not being used for employment and training programs is earmarked for these food purchases and handling costs, in addition to the $100 million a year now set aside for TEFAP food purchases and $45 million a year appropriated for storage, transportation, and distribution costs.

Food banks and other organizations meet the needs of their communities by managing donations from the government and private sectors, and most government donations are from TEFAP. It is a unique program that has the ability to provide nutritious domestic food products to needy Americans, while at the same time providing direct support to the agriculture community. Although federal food donations through the TEFAP are not the only source of the food distributed by food banks and others, they are key because they provide distributing agencies with some certainty as to their inventory and contribute greatly to the variety of food items that are offered. TEFAP grants for storage, transportation, and distribution costs also enable these agencies to efficently handle a large volume of federal and private donations. In the 1996 welfare reform act, Congress made TEFAP commodity purchases mandatory because of the integral role it has in providing food aid to needy families and individuals.

TEFAP benefits are a quick fix, something to get families through tough times. TEFAP gives them the support they need, but it doesn't catch them in a cycle of dependency. These food purchases also provide much needed support to the agriculture community. While other food assistance programs are much larger, TEFAP purchases have a much more direct impact on agriculture producers.

The 1997 Balanced Budget Act included hundreds of millions of dollars for employment and training programs aimed at able-bodied adults between the ages of 18 and 50 without dependents whose eligibility for food stamps was restricted by a work requirement set up in the 1996 welfare reform law. The bulk of the money is dedicated to employment/training programs that keep unemployed able-bodied adults on the food stamp rolls, if they participate. But much of it is going unspent. Several hearings and reports have said that this money is unspent because few are taking advantage of employment and training assistance offered through the Food Stamp program; states running the program are not seeing a demand and are not drawing on this funding. The unused pool of employment and training money now tops $200 million, and continues to grow. At the same time, food banks and other emergency food providers report increased demand from this group and others.

Why not put the money where the need is? The Secretary of Agriculture continually reviews states' spending of their Food Stamp program allocations for employment and training programs. If a state doesn't use the money allocated to it, the Secretary can reallocate it to another state that can use it. My bill does nothing to change or restrict this authority. It simply allows the Secretary to tap up to $40 million a year in unspent and unreallocated employment and training funds for TEFAP commodity purchases and storage, transportation, and distribution costs.

Mr. Speaker, I am hopeful that the Emergency Food Assistance Enhancement Act will enjoy resounding and rapid support from the full House of Representatives. It is important that we increase commodity purchases for this important program and help emergency food providers handle the maximum volume of food donations possible.

INTRODUCTION OF THE MENTAL HEALTH JUVENILE JUSTICE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, it is my pleasure to announce the introduction of the Mental Health Juvenile Justice Act of 2001. I am pleased to be joined by 32 original cosponsors who share my strong desire to improve the treatment of children with mental health needs who enter the juvenile justice system.

The rate of mental disorders is significantly higher among youth in the juvenile justice system than among youth in the general population. Federal studies suggest that as many as 60% of incarcerated youth have some mental health disorder and 20% have a severe disorder. In my home state of California, a recent study by the California Youth Authority found that 35% of boys in its custody and 73% of girls need mental health or substance abuse treatment.

We also know that many youngsters in the juvenile justice system have committed minor, non-violent offenses or status offenses. While they may be better served through the mental health system, often times these youngsters are incarcerated in juvenile facilities because of a lack of access to or the availability of mental health programs in the community. These youngsters, their families, and society, could be better served if we made available appropriate local mental health, substance abuse, and educational services as an alternative to incarceration, particularly for first offenders and non-violent offenses.

Our nation's juvenile justice system cannot adequately serve the needs of children with mental health disorders. Juvenile facilities are overcrowded and lack the necessary programming required to accommodate the needs of these youthful offenders. Staff working in these facilities are not trained to work with children in need of mental

Mental health treatment and services have been proven more effective than incarceration in preventing troubled young people from reoffending and are less expensive than prison. In the long run, they are even more cost-effective to us as a society, because they increase the odds that a young person will become a responsible, productive, taxpaying citizen rather than a permanent ward of the state.

The bill we are introducing today, the Mental Health Juvenile Justice Act, would help create alternatives to incarceration, particularly for first time non-violent offenders, and improve conditions in youth correctional institutions by:

Providing funds to train juvenile justice personnel on the identification and need for appropriate treatment of mental disorders and substance abuse, and on the use of community-based alternatives to placement in juvenile correctional facilities.

Providing block grant funds and competitive grants to states and localities to develop local mental health diversion programs for children who come into contact with the justice system and broaden access to mental health and substance abuse treatment programs for incarcerated children with emotional disorders.

Establishing a Federal Council to report to Congress on recommendations to improve the treatment of youth with serious emotional and behavioral disorders who come into contact with the justice system.

Strengthening federal courts' ability to remedy abusive conditions in state facilities under which juvenile offenders and prisoners with mental illness are being held.

We need to reform our juvenile justice system to ensure that it preserves the basic rights and human dignity of the children and youth housed in its facilities. And, while alternatives to incarceration may not work for all youth, for those who must serve time in a juvenile correctional facility we have an obligation to ensure that they have access to appropriate medical and psychiatric treatment and qualified staff.

The Mental Health Juvenile Justice Act offers these reforms and includes the appropriate safeguards for youth who would be better served in mental health and substance abuse treatment programs. I look forward to working with my colleagues in enacting this legislation.

TESTIMONY OF ARTHUR T. KATSAROS

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Ms. HART. Mr. Speaker, today the House Science Committee, subcommittee on Energy, held a hearing on the "President's National Energy Policy: Hydrogen and Nuclear Energy Research and Development Legislation." One gentleman that was asked to testify was Arthur T. Katsaros, who spoke on behalf of Air Products and Chemicals, Inc., a Pennsylvania based company that has been researching and developing the utilization of hydrogen as a fuel source. With the recent coverage of energy and our plans for future use in the United States, I would ask that his testimony be submitted for others to view and learn more about this abundant source:

INTRODUCTION

Mr. Chairman, Ms. Woolsey, and members of the Subcommittee, thank you for the opportunity to testify this morning on a subject that may seem futuristic but is actually upon us—the utilization of hydrogen as a fuel source. No matter what one's perspective is on climate change and the role of fossil fuels in the current economy, there is a broad consensus that the United States and the world are moving toward a "hydrogen economy" in which fuel is abundant, efficient, renewable, and non-polluting: There is debate over how soon hydrogen will be widely available as a fuel source, but little debate over hydrogen's many virtues. I am pleased to address the viability of hydrogen as a fuel source today and in the years and decades ahead, and to address perfectly legitimate concerns about assuring its safe use. I ask that my full testimony be submitted for the record.

I am Arthur Katsaros, Group Vice President for Engineered Services and Development with Air Products and Chemicals, Inc, a Fortune 500 company based in Allentown, Pennsylvania, and with operations throughout the world. Air Products is among, the world's largest companies in the industrial gas business, and is the leading producer of third-party hydrogen worldwide. Air Products is a recent past chair of the National Hydrogen Association (NHA), whose members include industrial gas producers, automobile manufacturers, energy providers, chemical companies, universities, and research institutions. I am pleased to be appearing on behalf of both Air Products and the NHA.

SUPPORT FOR HYDROGEN FUTURE ACT

NHA members wholeheartedly support reauthorization of the Hydrogen Future Act. Indeed, given the focus on hydrogen in the National Energy Policy recently released by the White House, we hope that funding for hydrogen will be increased rather than held constant. The timing is right for the United States to be putting scarce research and development resources into hydrogen as a fuel source.

The public is clearly committed to environmental protection. Energy concerns have also come to the fore, both as a result of electricity disruptions in California and the higher fuel prices that we all are facing. Policy makers will find it impossible to discuss energy policy without having to also debate environmental impact. Embracing hydrogen certainly appears to be one answer to the tension between a clean environment and bountiful energy—it provides a method for delivering energy to stationary as well as mobile sources without pollution (its byproduct of combustion is water).

For reasons of environmental protection and sustainability, America needs to be on a path that relies increasingly less on carbon as a source of energy—we have moved over the past 150 years from coal, to oil, to natural gas, and we believe eventually our economy will be based primarily on hydrogen.

HYDROGEN IS A SAFE FUEL SOURCE

Every day, millions of pounds of hydrogen are used—and used safely—in hundreds of industries across the country and around the world (50 million pounds daily in the U.S. alone). As the world's largest third-party hydrogen generator and supplier, Air Products has been addressing hydrogen safety, storage, transportation and other infrastructure concerns for decades. We put an extremely high value on safety at Air Products. The American Chemistry Council last year gave Air Products its highest award for safety. Our experience shows that hydrogen can be handled safely when guidelines for its safe storage, handling and use are observed.

Hydrogen is a fuel, and as a fuel it has combustible properties. Hydrogen's combustion properties warrant the same caution any fuel should be given, and like all fuels there are safety measures unique to hydrogen (most people do not refill their own propane tanks, for example, yet propane is widely used at home). There is no scientific or practical barrier to the safe use of hydrogen as a fuel.

Safety technologies for hydrogen have progressed in several areas. Gas detection and measurement capability has advanced based in part on the extensive investment of the Department of Energy in the last few years. Several of these technologies are becoming available as commercial products. Hydrogen flame detection has progressed mainly from the commercialization of technology used by the National Aeronautics and Space Administration (NASA). NASA today uses infrared and ultraviolet detection systems that can detect not only invisible flames produced by burning hydrogen, but also those hidden behind a screen of smoke. In addition, a series of hydrogen sensors has proven to be capable of detecting hydrogen leaks prior to ignition.

Air Products operates hundreds of miles of hydrogen pipelines in the U.S. In California alone, we produce approximately 300 million standard-cubic-feet-per-day of hydrogen, which is transported to petroleum refiners in the state to reduce the sulfur, olefins and aromatics content in transportation fuels. Safety is the paramount concern in the operation of our hydrogen pipelines. Our pipeline integrity management program—which exceeds regulatory requirements—includes risk assessment studies that typically result in the use of multiple safety technologies on our hydrogen pipelines, including heavier pipeline wall thickness, excess flow valves and isolation valves, along with intensive testing, inspection and maintenance procedures. We have been working closely with the U.S. DOT Office of Pipeline Safety on the development of regulations increasing safety practices on hydrogen and other flammable gas pipelines. The promulgation of these regulations will be critical to the development of a safe and reliable hydrogen pipeline infrastructure in the U.S.

In addition to delivering hydrogen to customers through pipelines, Air Products also liquefies hydrogen at cryogenic temperatures (−423 °F) and transports it by truck and barge. We drive 15,000-gallon hydrogen tanker trucks millions of miles per year on U.S. highways without incident. NASA, the largest consumer of liquid hydrogen in the world. has been buying hydrogen for the space program from Air Products for over 35 years under consecutive competitive contracts, totaling over 300 million pounds of liquid hydrogen. Every Space Shuttle flight has been powered by our liquid hydrogen.

CODES AND STANDARDS TRANSLATE INTO PUBLIC TRUST

Hydrogen energy safety is based on three primary elements: regulatory requirements, capability of safety technology, and the systematic application of equipment and procedures to minimize risks. Industry currently implements many successful proprietary methodologies for safely handling large amounts of hydrogen. There are several codes and standards specifically for hydrogen fuel applications that are under development by international, U.S. and industry organizations (including ISO, DOE and NHA). There are also many efforts underway to standardize hydrogen system component manufacture for hydrogen safety in a variety of potential commercial hydrogen market applications.

Widespread hydrogen use will require that safety be intrinsic to all processes and systems. To develop a hydrogen infrastructure that has the public's confidence in its safety and convenience, an industry consensus on safety issues is required. This includes the development of compatible standards and formats (e.g., the same couplings for dispensing the same form of fuel). Product certification protocols are also required. The development of codes and standards for the safe use of hydrogen is an essential aspect of the U.S. Department of Energy Hydrogen Program.

Utilizing industry expertise and coordinating with government and other official entities, this barrier to commercialization may be overcome, allowing siting of hydrogen components and systems on a worldwide basis. Indeed, the NHA works with leading code- and standard-setting organizations around the world to develop and publish industry consensus standards that account for the outstanding safety record of hydrogen. The workshops, technical meetings, manuals, reports, and sourcebooks of the NHA characterize an industry that wants to leave no stone unturned in a commitment to safety and public trust. We will continue to work with policy makers on standards and codes that promote safety and encourage public confidence in the use of hydrogen in fuel cells and direct combustion.

COMMERCIALIZATION IS COMING, BUT IT REQUIRES GOVERNMENT SUPPORT

Our international competitors—often with major help from their governments—are pouring substantial resources into hydrogen research. We believe that hydrogen will be widely used commercially within a generation—if not in the United States, then surely in Western Europe, where a consensus exists that climate change must be addressed. The Japanese have a $2.8 billion long-term hydrogen program called World Energy Network. Major automakers around the world are planning to sell fuel cell cars within the next five years. Clearly, the race for global dominance in hydrogen fuel technology has begun.

Through our involvement in multiple demonstration projects in North America and Europe, Air Products is very much engaged in the race to commercialize hydrogen technologies. Some examples of our involvement include the design and installation of fueling systems for a hydrogen fuel cell bus demonstration program for the Chicago Transit Authority; Ford Motor Company's fuel cell automobile development facility in Dearborn, Michigan; and a fleet of fuel cell service vehicles for the Palm Springs, California's Airport. Air Products is leading the hydrogen fuel provider team for the California Fuel Cell Partnership. In the next three years, more than 70 fuel cell-powered cars and buses will be placed on the road from the Partnership's West Sacramento facility. We recently installed a gaseous hydrogen fueling station in Atlanta, Georgia for a hydrogen fuel bus project conducted by a consortium of companies led by the Southeastern Technology Center. Air Products has successfully tested the use of Hythane—a blend of hydrogen and natural gas used as an ultraclean fuel—in projects in Denver, Colorado, and Erie, Pennsylvania. This year we participated in the demonstration of a stationary fuel cell generator that was used to power air quality monitoring equipment used by the Texas Natural Resource Conservation Commission. And Air Products is currently leading a team that will build and operate an on-site hydrogen production facility, fuel cell power plant, and a fueling station capable of dispensing hydrogen and hydrogen-blended fuels to fleets of buses and light duty vehicles in Las Vegas, Nevada. Almost all of these projects have one thing in common: the active support and partnership of government entities.

The hydrogen industry recognizes that the markets will ultimately dictate the commercial success of hydrogen. However, we note that a White House that prides itself on its faith in the markets has, in its recent National Energy Policy, supported tax credits for fuel cell vehicles. We suggest that such credits, which would stimulate demand for hydrogen, need to be matched by credits to stimulate hydrogen supply if government is serious about supporting hydrogen utilization. For example, a tax credit for plant and equipment that generates and distributes hydrogen would help develop the infrastructure needed to supply fuel cell vehicles and stationary power generators. Without such an infrastructure, it is less likely that fuel cell manufacturers will have success in selling mass quantities of fuel cells that cannot easily be refilled.

Beyond tax credits, vibrant funding of the hydrogen program at DOE—especially research into improved hydrogen storage—will help lead the country toward widespread commercialization of hydrogen fuel. Utilization of hydrogen fuel on urban bus fleets and other government vehicles, perhaps combined with applications of fuel cell power plants at federal facilities, will demonstrate the role of hydrogen and, by increasing demand, help drive down costs.

CONCLUSION

The United States is poised to take a leadership role in the development and commercialization of the global hydrogen economy. Hydrogen's utilization promotes clean air and water, makes the United States more competitive internationally, and ultimately holds

Through R&D programs and demonstration projects supported by the DOE and other government agencies, new hydrogen technologies will be tested and prepared for commercial use;

By its own use of hydrogen technologies, government will play a key role in stimulating the development of a hydrogen infrastructure;

And by driving the development of standards and regulations, government will help with the issues of storage and safe handling of hydrogen required for public confidence.

We are pleased this Committee shares the view that hydrogen plays an integral role in energy planning for the future. It is our hope that Congress will take a vital step toward this future by its prompt consideration and passage of the Hydrogen Future Act. We look forward to working with this Committee, with Congress generally, and with an Administration that has identified the need for an increased role for hydrogen to satisfy our energy needs in the near future and beyond.

THE "CONSUMER ENERGY COMMISSION ACT OF 2001"

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. RUSH. Mr. Speaker, today, I am pleased to introduce a House companion bill to S. 900, the "Consumer Energy Commission Act of 2001," which was introduced on May 16, 2001, by Senator RICHARD J. DURBIN of Illinois.

Over the past several years, the nation has been hit with one energy crisis after another. In the midst of all but one of those crises, energy consumers have heard from the "expert" after "expert" that the marketplace is to blame.

While consumers, industry representatives, and public officials may disagree over whether the crisis of the day has more to do with market forces than with gouging, but ultimately, we can all agree that this country needs a comprehensive energy policy. Clearly, the Administration should be commended for its attempt at articulating such a strategy. However, the report reflects almost exclusively, the interests and concerns of the energy industry.

Unfortunately, today's energy market is controlled by relatively few huge corporations, which do not always have the best interests of the public at heart. Many consumers are not convinced that making more resources available to these companies will magically fix the market. Moreover, consumers are not convinced that deregulation, and restructuring, without strict policing of the industry, will create enough competition to alleviate the stranglehold that those companies have over the industry, and indeed the pockets of energy consumers.

It is in response to this constant and pervasive threat of market abuse and manipulation, that I introduce the "Consumer Energy Commission Act of 2001." The Act would create the Consumer Energy Commission, (CEC), which would in turn analyze the energy market from the consumer's perspective and give recommendations on how to protect the public from opportunistic, and abusive behavior in the market by energy companies. This bipartisan body would consist of 11 members from consumer groups as well, as energy experts from the industry and federal government.

While there may be disagreement over what caused, and what steps should be taken to solve our current national energy dilemma, it cannot be disputed that consumers are paying astronomical prices for energy, while large companies are yielding even more astronomical profits. With this thought in mind, I am proud to introduce the "Consumer Energy Commission Act of 2001," which will stand as an important step in assisting those who have suffered most during the current series of regional and national energy crises—the hard-working consumer.

PERSONAL EXPLANATION

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. ALLEN. Mr. Speaker, on June 13, 2001, 1 was unavoidably absent for two rollcall votes. Had I been present I would have voted "yea" on rollcall vote 160, the Sudan Peace Act, and "yea" on rollcall vote 161, a resolution relating to human rights in Afghanistan.

DESIGNATION OF BANGOR INTERNATIONAL AIRPORT AS A STATE ASCE HISTORIC LANDMARK

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. BALDACCI. Mr. Speaker, I rise today to recognize the designation of Bangor International Airport (BIA) as a State American Society of Civil Engineers (ASCE) Historic Landmark. I have been proud to support this designation which I believe is well deserved.

For nearly three-quarters of a century, BIA has served as an important transportation hub for northern and eastern Maine. A municipal airstrip began in 1927, and operations have grown ever since. Within 4 years, the original Pan American Airways was flying from BIA. Today, a new Pan Am is operating from BIA, continuing a long tradition of excellent service.

The airport has had its share of celebrity, as well. Amelia Earhart flew from BIA in 1933, and piloted the inaugural flights for the Boston-Maine Airways Service.

During World War II, the federal government took over the airport, turning BIA into Dow Air Force Base. The Base played a crucial role in US military operations until it was decommissioned in 1964, and was known as the "Gateway to Europe." BIA continues to be an important part of our military's mission, serving as the home of the 101st Refueling Wing of the Air National Guard—better known as the "Maniacs." Today, thanks to the efforts of the City of Bangor, the airport is a commercial success. Just this week we learned of a major expansion of service that will keep business and leisure travelers moving smoothly into and out of Maine. As a member of the House Transportation Committee's Subcommittee on Aviation and a native of Bangor, I take special interest and pride in BIA's many successes—past, present and future.

I want to congratulate everyone who played a role in securing the ASCE Historic Landmark designation for Bangor International Airport, I am pleased that this facility's long and significant history is being honored.

CHAMPION OF THE HANDICAPPED—RON FOXWORTHY

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. MILLER of Florida. Mr. Speaker, I come before you today in this great Chamber to honor a fellow American. His name is Ron Foxworthy.

He lives in Sarasota, which is in my Congressional District in the Southwest part of Florida. Ron is being honored in Sarasota by his fellow citizens, his friends, his family, and most notably by the hundreds and hundreds of handicapped children and adults for whom Ron has been the most devoted of advocates.

Ron is a successful businessman who could easily have the delightfully carefree life of a retiree in our area. He is a Shriner. He is also a 33 degree Mason. Many years ago, Ron decided to devote his extra time and extra finances to the care and well being of handicapped children.

Ron gives the expression "quality time" new meaning.

Since 1964 he has made sure that handicapped children can enjoy the beautiful beaches of Sarasota.

He has organized the now international Suncoast Off-shore boat races, for which all proceeds go to the Suncoast Foundation for the Handicapped.

In his role in the business community Ron has been instrumental in bringing various groups together for the common goal of assisting the handicapped. He counsels young business entrepreneurs on the operation and management of their businesses and provides them with the skills to assist the handicapped in their communities.

He somehow managed to find the time to build the first training center in the country for Special Olympics Athletes.

It is not uncommon for Ron to transport burned and handicapped children to Shriner Childrens Hospitals in his own airplane and at his own expense. He then flies back to pick up the parents so they can be with their children at the Hospitals.

Webster's Dictionary defines Champion as "The holder of first place in a contest; one who defends another person". Ron Foxworthy is a true Champion of the Handicapped.

A TRIBUTE TO JULIUS L. CHAMBERS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to Julius Levonne Chambers of Durham, North Carolina, who retired as Chancellor of North Carolina Central University on June 1st. Today we honor Mr. Chambers for his accomplishments as a civil rights lawyer and for his service to North Carolina Central University and my home state.

Julius Chambers was born in Mount Gilead, North Carolina, a small community east of Charlotte, in 1936. He learned about racial discrimination at an early age when a white man refused to pay for repairs that Chambers' father had made on the man's truck. In 1954, the year of Chamber's graduation from high school, the Supreme Court handed down its landmark ruling regarding Brown v. Board of Education. Indeed even at an early age it seemed that Julius Chambers was destined to be a key figure in the civil rights movement.

In the fall of 1954, Chambers enrolled at North Carolina Central University, which was then called North Carolina College, where in his senior year, he served as the institution's student body president. Chambers graduated from North Carolina Central in 1958, and after earning his master's in history at the University of Michigan, he came back to North Carolina to study law at the University of North Carolina at Chapel Hill. While he studied law in Chapel Hill, Chambers' path intersected with the civil rights movement once again, when he was chosen Editor-in-Chief of the University of North Carolina Law Review, thus becoming the first African American to hold this title at a historically white law school in the South. After graduating first in his class of 100 in 1962, Chambers attended Columbia University Law School. Then in 1963, Thurgood Marshall selected Chambers to be the first intern at the NAACP's Legal Defense and Education Fund.

Once he completed schooling, it did not take Julius Chambers long to make his own impact on the civil rights movement. He opened his own law practice in June of 1964, and from this one-person law office, he created the first integrated law firm in North Carolina history. Chambers, with the help of his partners and lawyers from the Legal Defense Fund, litigated many historic civil fights cases, including Swann v. Charlotte-Mecklenburg Board of Education (1971), that helped shaped our nation's civil rights law. In 1984, Chambers left the firm to become the Director of the Legal Defense Fund. He would serve in this position for nine years, until he was inaugurated as Chancellor at his alma mater, North Carolina Central University.

Upon his arrival at Central in 1993, Chancellor Chambers faced a daunting challenge. Over the next eight years, Chambers used his many contacts and his reputation as a civil rights lawyer to replenish the University's coffers and improve its infrastructure. But more importantly, he revitalized the University's strong and proud spirit by virtue of his excellent leadership. He had a vision for North Carolina Central University to make the school the best liberal arts institution in the nation. And even in his last days as Chancellor he was still talking about providing better resources for students, hiring qualified and committed faculty, and improving academic achievement. He was a truly great Chancellor and he helped to shape the lives of so many of North Carolina's young African American leaders.

While recruiting Chambers for the Chancellor's position at Central, Mr. C.D. Spangler, the former president of the University of North Carolina system, told Chambers: "If you were chancellor at North Carolina Central University, 5,000 students will walk with their heads held higher because you're there."

Mr. Speaker, everyone involved with the North Carolina Central family and every citizen in North Carolina can hold their heads high today as we honor Julius Chambers for his career and his remarkable accomplishments.

My wife Faye joins me in wishing Julius Chambers and his wife Vivian all the best in the future. And on behalf of a grateful state, thank you Julius Chambers for a job well done.

CELEBRATING NATIONAL FLAG DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in honor of Old Glory. National

Flag Day is a day especially revered by veterans and one which deserves the special attention of each of us.

The Flag of the United States of America has been a constant throughout our nation's history; through its high and low points. In its long and distinguished history, our flag has taken various versions. Just as our country has grown from the original 13 colonies to the great country it is today, so too has our flag. At the time of the original 13 colonies and the Continental Congress, it was a flag of red and blue stripes, with 13 stars, representing the union of those colonies, set in a blue field, representing a new constellation. From the Star Spangled Banner, to the Flag of 1818 with its 20 stars, to today's flag, with its 50 stars, Old Glory has been a symbol of liberty and freedom for people around the world.

I am always touched by the efforts of people across the country to preserve, protect, and honor America's flag. One example that stands out, is the effort of four veterans in my district, who I have recognized as June Citizens of the Month, for their flag education program, which has taken to almost thirty different schools to talk to more than 12,000 students. Another, was the placement of a flag receptacle by a VFW Post in Levittown, Long Island, in which old and worn flags can be placed so that they can be disposed of by the U.S. Post in a manner that is befitting their importance.

As demonstrated by these men and the community in Levittown, the American flag is more than a piece of cloth—it is a national symbol. For this reason, I believe our flag is worth a constitutional sanctuary. Therefore, as we celebrate National Flag Day, let me remind my colleagues of the need to pass legislation that prohibits the desecration of the flag. It is time to give our flag the honor and respect it deserves as our most sacred national symbol.

INTRODUCTION OF THE DISTRICT OF COLUMBIA POLICE COORDINATION AMENDMENT ACT OF 2001

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Ms. NORTON. Mr. Speaker, today, I introduce a bill to amend P.L. 105–33, legislation that has done much to cure uncoordinated efforts of federal and local law enforcement officials in the nation's capital. The District of Columbia Police Coordination Amendment Act of 2001 amends the Police Coordination Act I introduced in 1997, and that was signed that year, by allowing those agencies not named in the original legislation to assist the Metropolitan Police Department (MPD) with local law enforcement in the District. Inadvertently, P.L. 105–33 failed to make the language sufficiently open-ended to include agencies not mentioned in the original bill.

Prior to the Police Coordination Act, federal agencies often were confined to agency premises and were unable to enforce local laws on or near their premises. Instead, for example, federal officers sometimes called 911, taking hard-pressed D.C. police officers from urgent work in neighborhoods experiencing serious crime. Federal officers were trained and willing to do the job, but lacked the authority to do so before the passage of the Police Coordination Act.

Agencies have already signed agreements with the U.S. Attorney for the District of Columbia enabling them to participate. Federal agencies understand that the extension of their jurisdiction will enhance safety and security within and around their agencies while offering needed assistance as well to District residents. The Capitol Police and Amtrak Police, who have the longest experience with expanded jurisdiction, report that the morale of their officers was affected positively because of the satisfaction that comes from being integrated into efforts to reduce and prevent crime in and around their agencies and in the nation's capital. This non controversial technical amendment to the Police Coordination Act is another step to achieving my goal of assuring the most efficient use of all the available police resources to protect federal agency staff, visitors and D.C. residents.

INTRODUCTION OF THE ALL-PAYER GRADUATE MEDICAL EDUCATION ACT OF 2001

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. CARDIN. Mr. Speaker, I rise today to introduce legislation that is vital to the future of our nation's health care system. America's academic medical centers and their affiliated hospitals are essential to the nation's health. These centers do much more than train each new generation of health professionals. Every American benefits from advances in medical research and well-trained providers. Medical advances have dramatically improved the quality of life for millions of Americans, and our academic medical centers are at the heart of the new era of biotechnology, which holds the promise of effective treatments for so many diseases.

Although academic medical centers constitute only two percent of our nation's nonfederal community hospital beds, they conduct 42% of all health research and development in the United States, they contain 33% of all trauma units and 31% of all AIDS units, and they treat a disproportionate share of the country's indigent patients. However, funding for these critical tasks is at risk in the new competitive health care marketplace. Commercial insurers are displaying increasing reluctance to pay academic medical centers adequately to support their educational and research missions, and managed care companies steer patients away from these centers as well. Generally, managed care companies cut costs by seeking the lowest cost hospitals and physicians. An academic medical center cannot compete if forced to cover part of its teaching costs through the rates that it charges for medical services. Without a separate funding source for academic costs, these centers run the risk of being non-competitive for managed care contracts through no fault of their own.

Two years ago, The National Bipartisan Commission on the Future of Medicare studied graduate medical education funding and proposed eliminating Medicare's funding role and moving GME into the general appropriations process. It was an approach that would have seriously undermined not only academic medical centers, but also the future of the medical profession. Fortunately, this recommendation was not enacted.

There is a better way, a much fairer way, to provide for graduate medical education, while ensuring the health of the Medicare Trust Fund. To ensure stability of funding for GME in the increasingly turbulent health economic climate, continued predictable support from Medicare is essential. But even Medicare's contribution does not fully cover the costs of residents' salaries, and more importantly, our current funding system fails to recognize that a well-trained physician workforce benefits all segments of society, not just Medicare beneficiaries.

Today, I am introducing the All-Payer Graduate Medical Education Act of 2001 to create a fair and rational system for the support of graduate medical education—fair in the distribution of costs to all payers of medical care, and fair in the allocation of payments to hospitals. This bill establishes a Trust funded by a 1% fee on all private health insurance premiums. Teaching hospitals will see their direct and indirect GME payments increase by $2.2 billion each year. In addition, because the current formula for direct GME is based on cost reports generated nearly twenty years ago, it unfairly rewards some hospitals and penalizes others. This bill replaces that outdated formula with an equitable, national system for direct GME payments based on actual resident wages.

Many critics of federal GME support fail to recognize its vast societal benefits. They have attacked indirect GME payments, complaining that hospitals are not required to account for their use of these funds. The All-Payer Graduate Medical Education Act provides a structured mechanism for hospitals to inform Congress and the public about their contributions to improved patient care, education, clinical research, and community services.

My bill also addresses the supply of physicians in the United States. Nearly every commission studying the physician workforce has recommended reducing the number of first-year residencies to 110% of American medical school graduates, down from the current level of 138%. This bill directs the Secretary of HHS, working with the medical community, to develop and implement a plan to accomplish this goal within five years.

This legislation will also ensure that hospitals are compensated fairly for the indigent patients they treat. Medicare disproportionate share (DSH) payments are particularly important to our safety-net hospitals. Many of these are in dire financial straits. This bill reallocates DSH payments, at no cost to the federal budget, to hospitals that carry the greatest burden of poor patients. Hospitals that treat Medicaid-eligible and indigent patients will be able to count these patients in applying for disproportionate share payments. This provision builds on changes made in last year's Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) to provide DSH payments equitably, regardless of the facility's location.

Finally, because graduate medical education encompasses the training of other health professionals, my bill directs $300 million of the Medicare savings toward graduate training programs for nurses and other allied health professionals each year. These funds are in addition to the current support Medicare provides for the nation's diploma nursing schools.

Numerous provider and patient groups have registered their support for the all-payer concept, including the Association of American Medical Colleges, the National Association of Children's Hospitals, the American Medical Student Association, the American Osteopathic Association, the American Association of Colleges of Osteopathic Medicine, the American Speech Language Hearing Association, the American Association of Colleges of Nursing, and the American Hospital Association.

I urge my colleagues to join me in protecting America's academic medical centers and the future of our physician workforce by supporting this legislation. Together, we can establish an equitable funding system for GME that ensures the continuation of the highest caliber medical workforce and patient care.

H.R. 2174: ROBERT S. WALKER AND GEORGE E. BROWN, JR., HYDROGEN FUTURE ACT OF 2001

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. CALVERT. Mr. Speaker, I rise to introduce H.R. 2174, Robert S. Walker and George E. Brown, Jr. Hydrogen Future Act of 2001, a reauthorization of the Hydrogen Future Act of 1996.

I strongly support continued hydrogen research and development. While serving as Chairman of the Subcommittee on Energy and Environment of the Committee on Science I began consideration of this reauthorization, which has come to fruition today.

The President's National Energy Policy calls for a balanced energy supply portfolio—I completely support the President's recommendations. America's unprecedented economic growth and prosperity rests on an affordable supply of energy. And, we can all agree that reducing emissions and conserving resources is a good idea. For this reason, I continue to advocate the pursuit of greater efficiencies and reduced energy consumption in our industrial processes, in our transportation sector and in our communities and homes. The national energy strategy that will emerge from Congress and the Bush Administration will include all our energy options and hydrogen will have a place in that strategy. In fact, I am excited to report that the Bush Administration came out in support in my reauthorization bill today at the Science Committee's Subcommittee on Energy hearing today on "Hydrogen and Nuclear Energy R&D Legislation."

Mr. Speaker, I first became interested in the possibilities that hydrogen presents through my work with CE–CERT, an excellent engineering center at the University of California, Riverside—located within my 43rd Congressional district. CE–CERT is nationally renowned for initiating innovative programs to reduce energy demand and improve the environment. CE–CERT has successfully demonstrated a hydrogen vehicle, which has been well received. Additionally, Riverside County, also within my district, participates with a number of other partners in Sunline—a highly successful public bus fleet demonstration of hydrogen technology, which includes hydrogen infrastructure. Programs such as CE–CERT and Sunline show that hydrogen vehicles are not only possible but also practical. Programs such as these are critical to sustaining my district's growth while continually improving air quality.

For this reason, last year, while Chairman of the Science Committee's Energy and Environment Subcommittee, I considered sponsoring the reauthorization of the Hydrogen Future Act of 1996. I am proud to be introducing this legislation today, and I understand that Senator HARKIN will also be introducing similar legislation in the Senate today.

The bill will reauthorize appropriations for hydrogen R&D at the Department of Energy totaling $400 million including an additional $150 million for demonstration projects. This is a substantial increase in authorized levels over previous years. The bill would also sunset the Hydrogen Technical Advisory Panel and directs the Secretary of Energy to enter into appropriate arrangements with the National Academy of Sciences to establish a Hydrogen Advisory Board, thus giving Hydrogen R&D the kind of high-level, Federal and nationwide visibility it deserves.

My bill is named after two former colleagues. George E. Brown, Jr., who honorably served the district adjacent to mine for many years—he was my mentor and good friend. I was proud to serve under Chairman Walker on the Science Committee and respected his leadership on this, as the author of the previous Hydrogen Future Act, and many other issues.

I am pleased to introduce this bill with 13 original cosponsors and I invite more of my colleagues to join me in support of this important, forward-looking R&D legislation.

IN RECOGNITION OF THE 25TH ANNIVERSARY LIBERTY STATE PARK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Liberty State Park on its 25th Anniversary. I am proud and honored to represent Liberty State Park in the U.S. House of Representatives. For decades, the Park has symbolized freedom and democracy, while providing a beautiful backdrop to the Statue of Liberty and Ellis Island.

The park officially opened on Flag Day, June 14, 1976, as New Jersey's bicentennial gift to the nation. Located on the Hudson River waterfront, less than 2,000 feet from the Statue of Liberty, Liberty State Park serves as a place of public recreation for millions of tourists and nearby residents. Every year, families from all across the country travel to the park to picnic, host social gatherings, or simply take in the grand views of the Manhattan skyline and the Statue of Liberty.

For years, I have vigorously fought to protect Liberty State Park for our children and future generations. In 1994, I successfully fought developers'efforts to convert this cherished landmark into a golf course. In addition, I have worked with a coalition of organizations to remediate the park's interior to provide more space for visitors to enjoy.

My family and I have shared and enjoyed this park with countless other families and visitors from all across the globe. We have spent many spring and summer afternoons playing football and taking in the splendid views of the Statue of Liberty and Ellis Island. It has become a family ritual to catch a ferry ride from the park to Ellis Island or the Statue of Liberty on a nice fall day.

Liberty State Park continues to play an important role in the lives of the people and families who journey here every year. I love and appreciate this park, and will continue to protect and preserve its natural beauty. I would also like to pay tribute to the Pesin family for their commitment to preserving Liberty State Park and all its splendor.

Today, I ask my colleagues to join with me in honoring Liberty State Park on its 25th Anniversary.

HOW THE IMPERIAL IRRIGATION DISTRICT SAVED THE IMPERIAL VALLEY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. HUNTER. Mr. Speaker, June 20, 2001, marks the 100-year anniversary of water coming to the Imperial Valley. For my colleagues who are not familiar with the desert portion of my district, it lies in the southeast corner of California, along the U.S. international border with Mexico. Fertile land, and the hardworking farmers of the Imperial Valley, are responsible for many of the fruits and vegetables that our country enjoys throughout the year.

As with any desert region, having water is of paramount concerns and the creation of the Imperial Irrigation District (IID) was an instrumental part of allowing the Imperial Valley to survive. I wanted to take this time to recognize their efforts and accomplishments.

Pioneers began to settle in the Imperial Valley in the 1890s. At that time, the California Development Company (CDC) was responsible for making water available to the new settlers. Men such as Charles Rockwood, Perry Paulin, and Anthony Heber obtained the financial backing necessary to conjoin the waters of the Colorado River with the Colorado Desert. Their plan was to construct a headworks on the river just below Yuma, Arizona, that would connect to a 54-mile–long canal. Water would be delivered by force of gravity to its destination in what was variously called the "New River Country", or the "Imperial Settlement" and finally, the "Imperial Valley."

It was not until 1900, when George Chaffey became associated with the CDC, that work began in earnest on the canal-building project that started at Pilot Knob, extended into and out of Mexico, and eventually found its way to Cameron Lake, later to become known as Calexico, California.

Chaffey struck a deal with Rockwood and the other officers of the corporation to finish the necessary infrastructure and divert water from the Colorado River to the Imperial Valley in five years. Chaffey finished his work ahead of schedule and within two years the first water was being delivered to the fledging community of Imperial on June 20, 1901.

With the means to deliver water from the Colorado now in place on both sides of the border, the settlers of Imperial County were ready to welcome easier times. Unfortunately, the flood years of 1905–1907 created a difficult situation when the swollen Colorado River suddenly changed course, sweeping away the original headworks at Hanlon Heading and sending its entire flow not to the Gulf of Mexico, but to the Imperial Valley. A disaster for CDC resulted.

Only the intervention of the Southern Pacific Railroad, which had its own investment to protect in the Valley's continued reclamation and settlement, staved off the inevitable collapse of the CDC, and with it the hopes and dreams of several thousand new settlers. The dilemma facing the railroad was whether or not to abandon its existing lines in the Imperial and Mexicali Valleys, which were now under water, and build new ones, or to throw its considerable resources into stopping the break, saving both valleys.

Southern Pacific Railroad executives opted for the latter choice, spending a total of $6 million over the next two years to close the break. As the company's largest stockholder, the railroad was forced to assume day-to-day management of the CDC during the midst of the flood years. To the approximately 3,000 settlers who had come to the Imperial Valley this meant that the company responsible for bringing water to their burgeoning communities and distributing it to the mutual water companies and their farms was no more.

Southern Pacific Railroad, however, was reluctant to be in the Imperial Valley irrigation and land business and made the decision to cut its losses before it acquired any new ones. A group of disgruntled local investors had the same idea and called for the dissolution of the CDC and the sale of its remaining assets.

It was against this backdrop of natural and man-made disasters that the first settlers of the Imperial Valley took a series of affirmative steps to ensure the future of their community. The first step was a vote in August, 1907, designating El Centro, with its 41 registered voters, as the county seat over Imperial, the Valley's oldest and most populous community with 500 registered voters and one-third of the total electorate. There were five towns in the Valley then: Imperial, Calexico, Brawley, Holtville and El Centro, the first three having been developed by a syndicate of Los Angeles investors and the latter two by Mr. W.F. Holt, who underwrote much of the Valley's early growth and development.

The Imperial Valley was now its own county and El Centro its geographic and governmental center. The first Board of Supervisors was elected on that same August day in 1907, as was the very first district attorney, Mr. Phil Swing, and the county's first sheriff, Mr. Mobley Meadows. Duly constituted as an official body by the state, the young county was ready to begin addressing its most pressing concern: What to do about the water situation, so closely tied to the future of the Imperial Valley?

For a time, the federal government appeared to offer a solution. Responding to pressure from the Southern California delegation, Congress appropriated $1 million in 1910 to construct new gates and levees near the site of the former break. An unexpected surge in the river, however, washed away eight months of work and killed one of the workers.

Despite opposition from the mutual water companies, county officials began to circulate the idea of forming an irrigation district that would be owned by the people through the California Irrigation District Act. The legal analysis was furnished by Mr. Phil Swing, the newly-elected and politically astute D.A., who would later serve in Congress. He became the motivating force behind the Boulder Canyon Project.

Swing argued that private ownership had been tried and failed, the federal government could not be counted on to fill the void left by the railroad and the mutual water companies could not be trusted to represent the people's best interests. According to Swing, what the Imperial Valley needed was an irrigation system owned by the people it was meant to serve, a public agency with municipal powers similar to a city, but one that was also autonomous from county government. The call for local control had immediate appeal in an Imperial Valley still recovering from the flood years and captured the populist mood of the voters. An election was held on July 14, 1911, and the vote in favor of establishing the Imperial Irrigation District (IID) was passed 1,304–360.

Members of the IID's first board included Mr. Porter Ferguson, a Holtville farmer; Mr. Fritz Kloke, a farmer and banker in the Calexico area; Mr. W.O. Hamilton, an El Centro farmer and merchant; Mr. H.L. Peck, an Imperial farmer and merchant; and Mr. Earl Pound of Brawley, a farmer and real estate broker. At its first meeting on July 25, 1911, Porter Ferguson was named president of the board, and members were asked to contribute $150 toward the good of the cause, with the $750 going to help defray ongoing expenses.

Their cause was self-determination, which most people believed could only be realized through the eventual purchase of the water distribution system already in place, including the 52 miles of canals owned and operated by the Compania de Terrenos y Aguas de la Baja California, a Mexican subsidiary of the CDC. Both companies and their assets were tied up in the courts, but the ITD intended to acquire these properties out of receivership. In the meantime, it would have to generate the capital needed to implement its ambitious acquisition plan.

By 1912, with the Mexican Revolution going on just across the border in Mexicali, an opportunity was presented for an open discussion regarding the need for an "All American Canal," the first recorded reference to the massive project that would be completed, along with Hoover Dam, some 30 years later.

At the same time, the IID was negotiating directly with the railroad and with the American and Mexican receivers in an effort to purchase the assets of the CDC, which it did in 1915 for the price of $3 million. A bond issue for $3.5 million was passed later that year and condemnation of the defunct company was initiated by the IID. Both actions were popular with the people, if not with the mutual water companies, but individual board members did not enjoy the same level of support among water users, mainly due to water shortages on the river.

Finally, the entire board of directors resigned as a body and the County Board of Supervisors had to appoint five new IID directors, naming Mr. Leroy Holt as president in 1916. It was this Holt-led board, serving during those first tumultuous years of 1912–1916, that skillfully pursued the acquisition of the CDC's existing waterworks and placed it in the hands of the people. The IID purchased the last of the "mutuals" in 1922. It was during this period that the East Highline was built, along with the Westside Main Canal and other important features of the canal network that are still in service today.

The IID's first four years in existence were a chronology of great accomplishments, coupled with competitive politics. Its real achievement, however, was delivering to the people of the Imperial Valley some measure of certainty in the future and, with it, a reason for optimism. With the flood years and the period of receivership behind it, the IID, on behalf of the people, picked up where the CDC left off. There was only one difference, the IID never stopped.

Thank you Imperial Irrigation District for your years of dedicated service, for saving the Imperial Valley and for all that you continue to do for the citizens of Imperial County.

TRIBUTE TO THORNTON SISTERS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. PALLONE. Mr. Speaker, I would like to call attention once again to a group of women who never cease to amaze me. This month marks the tenth anniversary of The Thornton Sisters Foundation, Inc. I have been following these women's struggles and accomplishments for a long time now, and after a decade of success I feel it an honor to formally salute these women a second time.

On Sunday June 10, 2001 the Thornton Sisters Foundation held an awards ceremony for the twenty-five finalists of the Donald and Itasker Thornton Memorial Scholarship and their family members. The Grand View Ballroom at the Jumping Brook Country Club in Neptune, New Jersey hosted this occasion.

The Thornton Sisters have an interesting history that led to the creation of this foundation. Their parents, Donald and Itasker, moved in 1948 from Harlem New York City to Long Branch, New Jersey. The Thornton move was so that their children would be able to receive a better education. After purchasing a lot on Ludlow Street, Mr. Thornton became the first African-American man in the area to receive a mortgage.

Mrs. Thornton having given birth to six children, all of whom are girls, became a domestic. Mr. Thornton worked three jobs at Fort Monmouth, Eatontown to provide for his children.

Mrs. Thornton was unable to attend college herself. However, she pushed all of her daughters to accomplish something that she would never be able to do. Mrs. Thornton was correct in her foreseeing that women of the future would need to be able to be financially stable on their own.

With the help of scholarships and a weekend family music group all six daughters graduated from Monmouth University in Long Branch. Their music ensemble was well known and packed the house of the Apollo Theatre in Harlem. Having learned early on the importance of an education, these six sisters now want to give the same opportunity they had to other young women.

This story has special significance to me, as I am a citizen of Long Branch. Rita Thornton and I both attended Long Branch high school at the same time and actually participated in speech and debate together. I could tell, even back then, that her and her sisters share a true commitment to education and excellence—now knowing all of them received straight A's throughout high school.

These women are truly a group that needs to be admired and praised. I want to personally thank the Thornton sisters on their ten years of providing scholarships for young minority women of the state of New Jersey.

NATIONAL YOUTH SMOKING REDUCTION ACT OF 2001

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. DAVIS of Virginia. Mr. Speaker, I am very pleased to introduce the National Youth Smoking Reduction Act of 2001, which gives the Food and Drug Administration (FDA) comprehensive, effective authority to oversee the tobacco industry. As the name implies, the primary focus of this bill is to keep our children away from tobacco products—to protect them from being targeted by the tobacco industry, to keep them from becoming addicted, to keep them healthier and stronger without the detrimental effects of tobacco.

I would especially like to thank my co-sponsors, Representatives TOWNS, GILLMOR, COLLIN PETERSON, LINDER, MARK GREEN, MIKE DOYLE, COLLINS, SWEENEY, BONO, GRANGER, TERRY FERGUSON, SCHROCK, and GRUCCI, for their leadership on this important issue.

Where does my interest in curbing tobacco use come from? My father died of emphysema, and my wife is a doctor. I have three children of my own, and it would break my heart to see them fall prey to the marketing tactics that ensnare children and get them started on tobacco and down the road to disease and suffering. Moreover, I can see with my own eyes the dangers presented by tobacco use, and I believe there is a need to do something about the situation.

I should note that this is not the first time I have acted against tobacco. Back in the mid-1980s, as a member of the Fairfax County Board of Supervisors, I introduced the first ordinance in the Commonwealth of Virginia to designate non-smoking areas in restaurants.

I have tried to take a sensible approach to what is clearly a sensitive and polarizing issue. Some believe FDA has no role in regulating tobacco. Many would prefer FDA to have complete authority over tobacco, up to and including banning the use of tobacco products outright. I am promoting an approach that will allow FDA to take important steps in protecting our citizens, especially children, from the dangers of tobacco. However, I stop short of an abolitionist stance, because I believe that if an adult chooses to use tobacco products, he or she should legally be able to do so. If we ban tobacco use, or leave room for tobacco products to be altered in a way that makes them unacceptable to adult consumers, an illegal market to obtain such products will surely arise. This, ultimately, will be more harmful to the public health than if we never did anything at all. My bill leaves the authority to ban the use of tobacco products, or to eliminate nicotine completely from them, where that authority belongs: the Congress.

In addition, my bill allows for "reduced-risk" tobacco products. This is an area I believe could be very important in weaning existing tobacco users from more dangerous products—making it easier for them to quit, or at least giving them options that are less dangerous than the ones they are currently using.

I have sought to improve upon S. 190, which has been introduced in the other body. Like that bill, mine allows FDA to remove harmful substances from tobacco products, whether or not they are already on the market. It improves upon S. 190 by codifying the marketing and access restrictions found in the Master Settlement Agreement and the 1996 FDA regulation. These restrictions will go into effect shortly after enactment of the bill, and will subject them to federal enforcement. Furthermore, my bill directs FDA to regulate descriptors, such as "light" and "ultralight", and allows FDA to ban their use if they determine them to be misleading. I have also extended my bill to cover "bidis" and other tobacco products specifically directed towards children.

Mr. Speaker there are other important additions included in my bill, which are described in the attached section-by-section analysis. I urge your careful consideration of this extremely important legislation.

THE NATIONAL YOUTH SMOKING REDUCTION ACT

Section-by-Section Summary: The "National Youth Smoking Reduction Act of 2001," among other things, creates a new chapter IX of the Federal Food, Drug, and Cosmetics Act (FDCA) to provide explicit authority to FDA to regulate tobacco products. The bill creates a separate chapter in the FDCA for tobacco products and thus expressly directs FDA to maintain a distinct regulatory program for tobacco products. The new FDCA chapter IX for tobacco products provides for comprehensive regulation of tobacco products.

The provisions of this new FDCA tobacco products chapter are based on the FDCA's device provisions, but some changes were made to make the provisions more appropriate for tobacco products. The most significant change is that the current statutory standard of "reasonable assurance of safety and effectiveness," which is relied on when FDA makes a range of decisions for devices, was changed to "appropriate for the protection of the public health," a standard which is more appropriate for tobacco products.

FDCA CHAPTER IX—TOBACCO PRODUCTS

Section 901—FDA authority over tobacco products

Clarifies that nothing in chapter IX shall be construed to affect the regulation of drugs and devices under chapter V that are not tobacco products under the FDCA.

Also clarifies that chapter IX does not apply to tobacco leaf that is not in the possession of the manufacturer, or to producers of tobacco leaf; including tobacco growers, tobacco warehouses, and tobacco grower cooperatives.

Also clarifies that FDA employees may not enter onto a farm owned by a producer of tobacco leaf without the producer's written consent.

Section 902—Adulterated tobacco products, and

Section 903—Misbranding tobacco products

Defines the conditions under which a tobacco product will be adulterated or misbranded under the FDCA, and subject to enforcement action. These provisions are similar to device law provisions, but are tailored to tobacco product regulation.

Section 903(b) authorizes the Secretary to require by regulation the prior approval of statements made on the label of a tobacco product, and explicitly states that no regulation issued under this subsection may require the prior approval by the Secretary of the content of any advertisement. This is similar to a device law provision.

Section 904—Submission of health information to the secretary

Within 6 months of enactment (and annually thereafter), each tobacco product manufacturer or importer must, among other document requirements, submit to FDA:

All documents relating to research activities, research findings, conducted, supported, or possessed by the manufacturer on tobacco or tobacco-related products;

All documents relating to research concerning the use of technology to reduce health risks associated with the use of tobacco; and

All documents relating to marketing research on tobacco products.

Section 905—Annual registration

Tobacco manufacturers are required to register each year with FDA in order to provide name and place of business information, as well as to provide lists of tobacco products manufactured by the establishment, and other information. Entities registered with FDA are subject to inspection every two years.

Section 906—General provisions respecting control of tobacco products

Provides authorities relating to the general regulation of tobacco products. This section includes protections for trade secret information similar to those for devices.

Under Section 906(d), the FDA through regulation may require that a tobacco product be restricted to sale or distribution upon such conditions, including restrictions on the access to, and the advertising and promotion of the tobacco product, if the Secretary determines that such regulation would be appropriate for the prevention of, or decrease in, the use of tobacco products by children under the age at which tobacco products may be legally purchased.

FDA may not require that the sale or distribution of a tobacco product be limited to prescription use only.

FDA is precluded from prohibiting tobacco product sales in face-to-face transactions by specific categories of retail outlets (for example, a ban on sales of cigarettes by gas stations).

Under Section 906(e), the FDA is authorized to promulgate regulations requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation, packing, storage, and installation of a tobacco product conform to good manufacturing practice (GMPs) to assure that the public health is protected.

Prior to issuing GMP regulations, FDA is to consider recommendations from an advisory committee.

The bill makes explicit that the Secretary has the authority to grant either temporary or permanent exemptions or variances from a GMP requirement.

Section 907—Performance standards

FDA may promulgate performance standards for tobacco products if FDA determines that a standard is appropriate for protection of the public health. This authority is essentially the same as that for devices.

A decision as to whether a performance standard would be appropriate for the protection of the public health is to be determined with respect to the risks and benefits to the population as a whole, including users and non-users of the tobacco product.

Performance Standards must be promulgated through rulemaking, and interested persons may request that a proposed standard be referred by FDA to an advisory committee for recommendations on scientific issues.

Congress has the sole authority to approve any standard that eliminates all cigarettes, all smokeless tobacco products, or any similar class of tobacco products, or that reduces nicotine to zero. Also, no performance standard can render a tobacco product unacceptable for adult consumption.

Section 908—Notification and recall authority

Provides authority for FDA to order public notification if it determines that a tobacco product presents an unreasonable risk of substantial harm to public health, and such notification is necessary to eliminate that unreasonable risk. In addition:

FDA may issue cease and desist orders and order recalls of particular tobacco products where the Secretary finds that a tobacco product contains a manufacturing or other defect that is not ordinarily contained in tobacco products on the market and would cause serious, adverse health consequences or death.

The section's notification and recall provisions do not relieve any individual from liability under state or federal law.

Section 909—Records and reports on tobacco products

FDA may, by regulation, require a tobacco manufacturer or importer to report any information that suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected, adverse product experience.

Section 910—Premarket review of certain tobacco products

Provides for premarket review of new tobacco products that have the potential to increase the risks to consumers from conventional tobacco products being marketed at the time of the application.

Section 911—Judicial review

This provision provides judicial review procedures beyond the Administrative Procedure Act for FDA actions involving performance standards and premarket approval applications. This provision provides the same procedures as the parallel provision in device law.

Section 912—Reduced risk tobacco products

This section ensures that only those products designated by FDA as a "Reduced Risk Tobacco Product" may be marketed and labeled as such.

FDA may designate a product as a "reduced risk tobacco product" if it finds that "the product is demonstrated to significantly reduce of harm to individuals caused by a tobacco product and is otherwise appropriate to protect the public health."

A product designated as a "reduced risk tobacco product" is required to comply with certain marketing and labeling requirements. However, the FDA shall not prohibit communication that such product is a "reduced risk tobacco product."

FDA may revoke such designation after providing an opportunity for an informal hearing.

A manufacturer of a tobacco product is required to provide written notice to FDA upon the development or acquisition of any technology that would reduce the risk of such products to the health of the user for which the manufacturer is not seeking designation as a "Reduced Risk Tobacco Product" under this section.

Section 913—Preservation of state and local authority

The section makes clear that except as expressly provided, states and localities may adopt and enforce tobacco product requirements that are in addition to, or more stringent than requirements established under FDCA chapter IX. Where a requirement of a State or locality is more stringent, the requirement of the State or locality shall apply.

No provisions of chapter IX relating to tobacco products shall be construed to modify or otherwise affect any action or the liability of any person under the product liability laws of any State.

Section 914—Equal treatment of retail outlets

Directs FDA to issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

Section 915—Access and marketing restrictions

Prescribes specific marketing and access restrictions for tobacco products. (FDA may impose additional restrictions on marketing and access pursuant to section 906(d), as described above.) The requirements provided in this section track the vast majority of the marketing and access restrictions promulgated by FDA in its 1996 final rule, which was later nullified by the Supreme Court. The requirements also incorporate, with applicability to all, the marketing restrictions imposed on some tobacco product manufacturers under their settlement with the State Attorneys General.

Establishes a federal minimum age of 18 for tobacco product sales and requires proof of age of any individual younger than 26. Authorizes FDA to contract with the states for the enforcement of minimum age laws.

Prohibits the use of vending machines and the distribution of free samples of tobacco products, except in adult-only facilities where minors are prohibited from entering.

Bans tobacco advertisements in any outdoor location, in any transit vehicle or facility, and in any youth-oriented publication. A youth-oriented publication is defined as any publication whose readers younger than 18 years of age constitute more than 15 percent of total readership or that is read by 2 million or more persons younger than 18 years of age.

Bans tobacco-brand-name sponsorships of any athletic, musical, artistic, or other social or cultural event.

Bans the use of cartoon characters in any tobacco advertisement, promotion or labeling. Also bans manufacturers from distributing branded tobacco product apparel or other merchandise.

Prohibits any action by a tobacco business that has the primary purpose of encouraging tobacco use by minors or that directly or indirectly targets youth in the advertising, promotion, or marketing of tobacco products.

Prohibits manufacturers from making any payment to any other person for the display, reference, or use as a prop of any tobacco product or tobacco product advertisement in any motion picture, television show, theatrical performance, music recording or performance, or video game.

Section 916—Mandatory disclosures

Prescribes specific disclosure requirements related to tobacco product ingredients, the use of domestic and foreign tobacco leaf, and the use of terms such as "light" or "low tar."

Directs FDA to issue regulations requiring the disclosure to consumers of tobacco product ingredients on a brand-by-brand basis following the model of ingredient disclosure used for foods, under which spices, flavorings, and colorings may be listed as such.

Directs FDA to issue regulations requiring the disclosure on each package of tobacco product of the percentage of domestic and foreign tobacco in that brand.

Requires tobacco product manufacturers to include a specific disclaimer in any advertisement which classifies a tobacco product according to its tar yield or the yield to consumers of any substance, such as by using terms like "light" or "low tar." The disclaimer required is: "[Brand] not shown to be less hazardous than other [type of tobacco product]." Directs FDA to promulgate additional regulations relating to the use of such terms to ensure that they are not false or misleading.

Regulatory record

For purposes of promulgating regulations pursuant to section 906(d) on advertising and access, the materials collected by the FDA in promulgating the 1996 regulations will have the same legal status as if they had been collected pursuant to this statute.

Conforming and other amendments

These amendments to the general provisions ensure that the full range of compliance, enforcement, and other general authorities available to FDA for other products are available for tobacco products.

Prevents FDA from restricting the sale of tobacco products in face-to-face transactions to certain categories of retail outlets. Allows FDA to issue, after an administrative hearing before an Administrative Law Judge, a no tobacco sale order prohibiting the sale of tobacco products at a particular retail outlet based on repeated violations by that outlet.

Prior to using its authority to issue a no tobacco sale order, FDA must promulgate through notice-and-comment rule-making regulations that include a definition of the term "repeated violations," provisions for notice to the retailer of each violation, and a provision that good faith reliance on false identification does not constitute a violation of any FDA minimum age requirement for the sale of tobacco products.

Amends the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act, to give the FDA the responsibility for ensuring that the various warning labels currently used on tobacco products continue to be used as to protect public health, within certain pack and advertisement size limits. FDA has the authority to revise the warnings.

In less than 2 years after enactment, the FDA shall promulgate rules requiring testing, reporting, and disclosure of tobacco product smoke constituents and ingredients, such as tar, nicotine, and carbon monoxide, that the FDA determines should be disclosed to the public in order to protect the public health.

"AMTRAK GOOD NEIGHBOR ACT OF 2001"

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. SIMMONS. Mr. Speaker, I rise today to introduce the "Amtrak Good Neighbor Act of 2001."

The purpose of this bill is to build a better relationship between Amtrak and the local municipalities along the Northeast Rail Corridor.

As recently as last week, some concerned citizens in the great city of New London, Connecticut gave a much needed paint job to a railroad bridge owned by Amtrak, covering up years of graffiti. I called this a great act, reflecting the pride that New London residents have for their city. Amtrak called this trespassing and conducted a criminal investigation.

There needs to be a better relationship between Amtrak and local municipalities. This is why I have introduced the Amtrak Good Neighbor Act of 2001. This bill directs Amtrak to work with local municipalities, whose citizens would like to provide improvements to Amtrak-owned property.

I urge my colleagues to support this important bill.

TRIBUTE TO SHERIFF ANDREW MELONI

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize and honor the distinguished 45-year law enforcement career of an outstanding public servant and a dear friend, Andrew P. Meloni.

Since taking office as Sheriff of Monroe County, New York, on January 1, 1980, Andy Meloni made his department one of the preeminent law enforcement agencies in the entire United States. Sheriff Meloni's 20-year tenure has been marked by innovative leadership, consummate professionalism and an unquestioned commitment to public service.

A member of the Executive Board of the New York State Sheriffs' Association, the National Sheriffs' Association and as a Commissioner on the Commission for Accreditation for Law Enforcement Agencies, Sheriff Meloni was nominated by President Clinton and Former President Bush as a "Point of Light."

Through Sheriff Meloni's leadership, the Monroe County Sheriff's Office—the largest Sheriff's office in New York state—has received national recognition for its creative programs. A husband and father of five children, Sheriff Meloni has further given of this time, talents and energy by working with and raising funds for numerous children's programs and services, and is an active Compeer volunteer.

A veteran of the United States Army, Andrew Maloni has had a proud and distinguished career in law enforcement and public safety—beginning work in the Sheriff's department in 1954, and subsequently serving as Undersheriff, Monroe County Public Safety Administrator and Director of Public Safety for the University of Rochester.

Mr. Speaker, Andrew P. Meloni retired as Monroe County Sheriff on May 31, 2001; and I ask that this Congress join me in saluting his leadership, commitment and professionalism in protecting the lives, safety and well being of his community.

TRIBUTE TO MR. ROY ROGERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor Mr. Roy Rogers for his tremendous contributions to the development of South Florida and the protection of its environmental resources. A graduate of the U.S. Naval Academy in 1960, Roy Rogers served his country proudly as a navigational engineer for a nuclear submarine. Following his service, Roy Rogers began his career as a developer. He developed golf courses with legendary architect Robert Trent Jones and assisted in the planning and development of multiple communities in South Florida.

In 1985, he started to oversee Arvida's planning and development of Weston, a community in western Broward County near the Florida Everglades. It was in this development project where Roy Rogers manifested his talents not only as a developer, but also as a conservationist. Although to many these talents seem polar opposites, Roy Rogers excelled in carefully blending his skill as a developer and his care for the environment. Conservationists and developers alike, commend Roy Rogers for his masterful development of western Broward County.

After 15 years of carefully watching over the creation of Weston, Roy Rogers recently retired from his position as senior vice president of Arvida/JMB. An active member in various civic and governmental organizations, Roy Rogers will continue to benefit the people of South Florida through his many talents. It is with great honor that I commend a good friend and skillful developer for enhancing the beauty of South Florida through his many projects.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. OXLEY. Mr. Speaker, I would like to join the colleagues who have paid their appreciation to a genial giant of the House of Representatives, Congressman JOE MOAKLEY.

Last night, the Massachusetts delegation led a tribute to JOE MOAKLEY in Statutory Hall. How fitting for JOE to be honored in that hall of legends.

It's hard in an era of political cynicism to find public officials who would be described as "beloved." But JOE MOAKLEY certainly was one, as evidenced by the heartfelt tributes that have come from those he worked with here in Washington and the people he represented back in Boston.

JOE MOAKLEY was principled, fair, and famously friendly. He was passionate without being unpleasant. JOE loved the institution of Congress and, in turn, became one of the select legislators who make Congress work for the American people. But despite his long years of service in the Nation's Capital and his ascension to the highest levels of power in the House, JOE MOAKLEY remained a man of Massachusetts and a person of great humor and humility. His unmistakable and delightful Boston accent told you immediately who JOE MOAKLEY was, where he came from, and who he represented.

During his distinguished career, JOE MOAKLEY stood for integrity and decency. In doggedly carrying on with his congressional duties during this illness, he achieved nobility as well. We all mourn the loss of an expert legislator and friend. But we can honor the legacy of JOE MOAKLEY by conducting our business with his sense of honor and decency. It's a way that we can give back, for all that JOE MOAKLEY gave to the House of Representatives, his constituents, and his country.

STATEMENT FOR FLAG DAY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to our most cherished symbol of freedom, the American flag, and to recognize its importance to our national identity.

Until the 13 colonies rebelled against Great Britain in 1776, each enjoyed a separate existence from the others with few ties among them. Their common fight against British rule, however, brought them more than independence. It brought the realization of a national identity. The adoption of our national flag, on June 14, 1777, served as a symbol of this blossoming union.

John Paul Jones, the revolutionary war hero, the first to sail to sea under this new flag, stated that: "The Flag and I are twins. . . . So long as we can float, we shall float together. If we must sink, we shall go down as one." Many veterans share his passion. Today we offer our profound gratitude to those who have fought and died to protect the freedoms that our flag represents.

Today is a time to reflect upon the flag and what it means to America. It is a time to recognize that we live in a great nation that, with work, can become greater still. It is a time to contemplate America's place in the world and to know that our flag stands as a beacon of liberty and justice. We know that these freedoms have not come easily and we are grateful to those who have fought for these ideals: in battle, in the courts, in Congress, and in our everyday lives, we must work to uphold the ideals for which the Stars and Stripes truly stand.

TERRIFIC TENNIS IN THE 6TH DISTRICT OF NORTH CAROLINA

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. COBLE. Mr. Speaker, on May 26, the Sixth District of North Carolina became the home of the 4–A men's state championship tennis team—Walter Hines Page High School in Greensboro. The Pirates completed their title match with a season record of 22–0—their second consecutive season with no losses.

The Cone-Kenfield Tennis Center at the University of North Carolina at Chapel Hill was the site where the Pirates defeated Fayetteville Terry Sanford High School 6–3. The single game winners included sophomore Jon Isner, freshman Robert Hogewood, and junior Adam Kerr. Both teams were undefeated up to this point and after single matches the score was 3–3. The game was still in anyone's court.

Doubles matches were going to decide who would be the team to lose. All three Page High School doubles teams won their matches, which gave the state title to the Pirates.

Congratulations are in order for Head Coach Jill Herb, Assistant Head Coach Tom Herb, along with assistant Jerry Steinhorne.

Members of the championship team included Robbie Bernstein, Steven Eagan, Pete Georges, Andrew Hjelt, Robert Hogewood, Charlie Holderness, Jon Isner, Adam Kerr, Dean Mandaleris, Jonathan Newman, Daniel Rowland, Drew Saia, Jarrett Saia, Jason Steinhorn, David Stone, Robert Sullivan, David Tursky, and Danny Redell.

Everyone at Page High School can be proud of the Pirates. On behalf of the citizens of the Sixth District, we congratulate Athletic Director Rusty Lee, Principal Dr. Terry Worrell and everyone at Page High School for winning the state 4–A Men's Tennis championship. In fact, winning two straight championships is impressive, but going undefeated for two years in a row is remarkable.

EXPRESSING CONCERN OVER THE STATE OF LABOR RIGHTS IN THE U.S.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. KUCINICH. Mr. Speaker, the right of workers to organize themselves into a union and bargain collectively are fundamental rights protected by various international conventions. Among them is the Universal Declaration of Human Rights, one of the first major achievements of the United Nations. Article 23 of the UDHR states that "everyone has the right to form and to join trade unions for the protection of his interests." Another is the Right to Organize and Collective Bargaining Convention, adopted in 1949 at the 32nd assembly of the International Labor Organization and ratified by 148 countries. The very first line of this document reads: "Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment."

United States law also codifies these basic labor rights. The National Labor Relations Act, signed in 1935, guarantees employees the right to organize and chose their bargaining representative. The Act also protects employees from retaliation by their employer for exercising their rights under the NLRA. Section 8 of the Act makes it an Unfair Labor Practice for an employer to "interfere with, restrain, or coerce employees" in the exercise of their rights to organize and bargain collectively. Specifically, employers are barred from discharging or otherwise discriminating against an employee because he or she has engaged in union activity or has filed charges or given testimony under the NLRA.

Unfortunately, Mr. Speaker, there remains in this country a large gap between theory, in which these basic rights are protected, and practice, in which these rights scarcely exist. According to Human Rights Watch, "workers' freedom of association is under sustained attack in the United States, and the government is often failing its responsibility under international human rights standards to deter such attacks and protect workers' rights." The evidence for this is great. Fewer than 40% of all workers who participate in an NLRB election gain coverage under a collective bargaining agreement; this number was over 75% in the early 1950s. Of the successful campaigns to form a union, only 66% result in a first contract for the newly organized workers. Unionization rates in the U.S. are at some of the lowest levels in decades.

Some will argue that this demonstrates that American workers lack interest in unions. But given unions' demonstrated ability to win Americans better wages, better benefits, and better working conditions, this explanation carries little weight. The real reasons American workers are unable to fully exercise their basic rights are three: First, certain employers will utilize any means, legal or otherwise, to prevent their workers from forming a union. Second, in current form American labor law provides little resource to those whose rights are violated, and imposes little penalty on those who choose to ignore the law. And third, international trade agreements make it easy for employers to escape their legal responsibility to honor workers' rights by taking their operations elsewhere in the world.

What do certain unscrupulous corporations do to fight unionization? They coerce, intimidate, threaten, and sometimes even abuse workers. They fire workers are seen talking to union representatives, as Up-To-Date Laundry did recently in Baltimore. They hire union-busting lawyers to slander the local union in front of a captive audience of workers, like the Mariott Corporation did in San Francisco. They alert INS officials to the illegal immigrants in their workforce, even though these employers conveniently ignored their workers illegal status when hiring them.

Walmart threatened to shut down its butchering operation and start selling pre-packaged meat in its stores because a mere 11 workers wanted to unionize. A company called NTN Bower tried to undermine a United Auto Workers unionization drive by threatening to move their jobs to Mexico. A leaflet they passed out to workers read, "With the UAW your jobs may go south for more than the winter!"

This last example suggests the impact of trade agreements on U.S. anti-union activity. As Professor Kate Bronfenbrenner of Cornell University has demonstrated, "plant closing threats and plant closings have become an integral part of employer anti-union campaigns," and that these tactics, combined with others, are "extremely effective" in undermining union organizing efforts. Professor Bronfenbrenner specifically cites NAFTA as facilitating this behavior.

All of this should make us wonder: what does the law do to stop these kind of actions? The answer is virtually nothing. The following quote from Human Rights Watch is illustrative: "An employer determined to get rid of a union activist knows that all that awaits, after years of litigation if the employer persists in appeals, is a reinstatement order the worker is likely to decline and a modest back-pay award. For many employers, it is a small price price to pay to destroy a workers' organizing effort by firing its leaders." If an employer can go so far as to fire worker with near impunity, certainly the law will not be enough to dissuade this employer from other illegal anti-union tactics.

What is needed to end the abuse of these basic human rights in this country is strict enforcement of existing labor law, tougher penalties for labor law violators, the streamling of the NLRB investigative process, and restrictions on the ability of companies to shift their operations to avoid unionization. More fundamentally, we as Americans must acknowledge that these rights, the right to organize a union and bargain collectively, are indeed basic human rights, to be protected as vigilantly as are the right to worship freely and the right to free speech. Only when we take these core labor rights as seriously as our other fundamental rights will our workers achieve the respect, dignity, and justice they deserve.

TRIBUTE TO ALFRED G. FELIU

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Alfred G. Feliu on the occasion of his completion of his term as Chairman of the Board of Trustees of the Bronx Museum of the Arts, a position he has held since June 1998. He served in that capacity during a challenging time in the history of the Museum, steering it through financial difficulties, leadership changes and staff disruptions into a period of stability and growth. His work on behalf of the Museum has been tireless. While the Museum was undergoing a change in Executive Directors, he virtually assumed management of this institution, working on its behalf more than 20 hours a week. His dedication to the Museum and its success is unrivaled.

Mr. Feliu is a partner in his own law firm, Vandenberg, Feliu and Peters where he specializes in employment and labor law. He has also served as an employment law mediator and arbitrator on the American Arbitration Association's National Employment Disputes Panel. He is the managing editor of New York Employment Law & Practice, a monthly newsletter published by the New York Law Journal and is the author of several books.

Mr. Feliu was born and raised in the Bronx and remains a devoted advocate of the borough. His interest in serving on the Board of the Bronx Museum of the Arts arose out of his desire to give back to his home community, and particularly the children of the Bronx, some of the wonderful opportunities he believes it afforded him.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Feliu for his work on behalf of the Bronx Museum of the Arts, and indeed on behalf of all of the people of the Bronx. We owe him a debt of gratitude.

HONORING JOSEPH LYNCH UPON HIS RETIREMENT AS COMMISSIONER OF THE NEW YORK STATE DIVISION OF HOUSING

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to pay tribute not only to an outstanding public servant, but a dear friend, Mr. Joseph B. Lynch. Next week, friends and co-workers will gather in Albany, NY, to salute Joe's leadership as Commissioner of the New York State Division of Housing and Community Renewal, and to extend their fondest wishes as Joe begins his retirement after a long and distinguished career.

Joe first joined DHCR in April of 1995 when he was tapped by Governor George E. Pataki to serve as Deputy Commissioner for Community Development. Successive promotions led to Joe's appointed as Commissioner on February 10, 1999.

A registered architect, graduate of Rensselaer Polytechnic Institute, and veteran of the United States Navy, Joe was former Area Manager of the U.S. Department of Housing and Urban Development (HUD) Buffalo Office and Acting Regional Administrator, where he provided an extensive range of housing and community development programs and administered HUD's operating programs in 48 counties in upstate New York.

Under Joe's leadership, a series of public-private partnerships and innovative initiatives helped revatlize communities across New York state. Joe's previous service and expertise includes serving as President and CEO of the Audubon New Community in Amherst, N.Y., Senior Staff Officer for the New York State Urban Development Corporation in the Western New York area, and Director of Design and Construction for the State University Construction Fund.

Joe has been honored countless times for his professional achievements, and is active in a wide-range of community and professional organizations.

Mr. Speaker. Throughout Joe Lynch's career, he has made a difference not only in our Western New York community and across our state, but in our nation as well. And as he begins his retirement from public service, I ask that this Congress join me in saluting Joe Lynch's career the difference that he has made.

PACIFIC SALMON RECOVERY ACT

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1157) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes:

Mr. SIMPSON. Mr. Chairman, I would like to revise my earlier statement during debate on the Hooley amendment to H.R. 1157, the Pacific Salmon Recovery Act. During the debate I erroneously stated the Environmental Protection Agency (EPA) had ordered a landowner in my district to fill in an illegally dug stream channel. It was the U.S. Army Corps of Engineers that told my constituent to fill in the stream channel.

TRIBUTE TO FREDERICK DOUGLASS ACADEMY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. RANGEL. Mr. Speaker, I rise before you today to share with you and my colleagues here in the House, an article which appeared in the June 11, 2001 edition of The Washington Times about Frederick Douglass Academy which is located in my 15th Congressional District in central Harlem.

As a graduate of Frederick Douglass Academy, I am most proud of the hard work and commitment of their principal, Gregory Hodge and the teachers who go beyond the call of duty to see that each child leaves there with a good education.

Just recently, I sponsored two Congressional Pages who are students at Frederick Douglass, Charzetta Nixon and Leon Harris, and I am proud to say that they truly represented the best of the Academy and my Congressional District.

I commend this article to my colleagues knowing that with students like those at Frederick Douglass Academy, this nation's future is in good hands.

[From the Washington Times, June 11, 2001]

LOW BUDGET, HIGH ACHIEVERS

STAFF'S COMMITMENT DRIVES A SCHOOL'S SUCCESS IN HARLEM

(By Nate Hentoff)

Most polls indicate that education leads all other concerns among Americans. Parents, whatever they themselves have achieved, or not achieved, want their children to succeed in school and therefore in life. Many parents become desperately disappointed. Yet, in 40 years of writing about schools, I've seen that depression lift as a principal reinvents the wheel and shows how all children can learn.

A current reinventor of the wheel of learning is Gregory Hodge, the principal of the Frederick Douglass Academy in central Harlem, a predominantly black and Hispanic area of New York City.

I was not surprised when I read a story about his school earlier this year in the New York Times because I once wrote a book—"Does Anybody Give a Damn: Nat Hentoff on Education"—about schools in "disadvantaged" neighborhoods that also expected all of their students to learn. And they did learn.

Of the 1,100 students at the Frederick Douglass Academy, a public school, 80 percent are black and 19 percent are Hispanic. Some come from homes far below the poverty line. In a few of those homes, one or both parents are drug addicts. Seventy-two percent of the students are eligible for free lunch.

The dropout rate is 0.3 percent. If a student doesn't show up at a tutoring session, his teacher calls his mother, father or other caregiver. Every student is expected to go to college. As the New York Times reported, "In June of last year, 114 students graduated and 113 attended colleges, some going to Ivy League or comparable schools." The 114th student was accepted by the Naval Academy.

During the Great Depression, I went to a similar public school. All of us were expected to go to college. Most of us were poor. At the

Boston Latin School, as at the Frederick Douglass Academy, there was firm, but not abusive, discipline. And we had three hours of homework a night. There were no excuses for not turning in the work. At the Frederick Douglass Academy, the students have four hours of homework a night.

The students there take Japanese and Latin in middle school and can switch to French or Spanish in high school. At Boston Latin, we had to take Latin and Greek as well as American history. The kids at Frederick Douglass can take advanced placement courses not only in American history, but also in calculus and physics. I flunked beginning physics.

Moreover, the students at Frederick Douglass mentor elementary-school children at the public school next door. "The idea," Mr. Hodge told the New York Times, "is to show students that they have responsibilities to the Harlem community. And they are expected to be leaders and help Harlem grow."

Near Boston Latin Schools, there were elementary school kids who, without mentoring, didn't have much of a chance to believe that they could someday go to college. But our Boston Latin principal didn't send us out to be part of a larger responsibility.

So how come Frederick Douglass Academy does what a public school is supposed to do—lift all boats? The principal, who reads every one of the 1,100 report cards, demands that his teachers expect each child to learn. The school works, he says, because it has committed teachers. "They come in early and stay late. The teachers go with them to colleges. Some have gone in their own pockets for supplies . . . Teachers here will do everything they can to make sure kids are successful."

A senior who had been in a high school outside New York City explained the success of the school—and his own success there—succinctly: "They want you to learn here."

I have been in schools at which principals are seldom seen because they don't want to take responsibility for problems that arise. And I know teachers who have enabled kids to learn in their classrooms, but worry about sending the students on to teachers who are convinced that children from mean streets and homes without books can learn only so much.

And I remember a president named Bill Clinton who spent a lot of time focusing on affirmative action to get minority kids into college. For the most part, he ignored the students who never get close to going to college because of principals, teachers and school boards who do not expect all kids to learn, and so do not demand that they do.

At a New York City school board meeting years ago, I heard a black parent accuse the silent officials: "When you fail, when everybody fails my child, what happens? Nothing. Nobody gets fired. Nothing happens to nobody, except my child."

He was torn between grief and rage. So are many American parents these days. At the Frederick Douglass Academy, parents see their children grow in every way. And it is a public school.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. ABERCROMBIE. Mr. Speaker, yesterday, June 13, I was unavoidably absent and I was unable to vote on two rollcall votes. Had I been present, I would have voted as follows: Rollcall No. 158, approval of the Journal, "yea", Rollcall No. 159, passage of H.R. 1157, "yea".

FLAG AND FATHERS' DAY 2000

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. MICA. Mr. Speaker, on Flag Day and as we approach Fathers' Day 2000, I thought it would be appropriate to share with my colleagues and include in the CONGRESSIONAL RECORD excerpts from the publication "War Letters: Extraordinary Correspondence from American Wars", and a subsequent article authored by Andrew Carroll. I do not recall ever having read anything that better captures the joy of fatherhood, the scale of individual sacrifice for our Nation, or that conveys more fitting appreciation of our national insignia—our flag. In an era when nearly a third of our sons and daughters are raised without a father, when the traditional family and patriotism are wavering, it is my hope that these powerful letters may serve as a small inspiration.

Author Andrew Carroll provides a preface introduction and details the circumstances relating to the writing of each letter.

Twenty-six-year-old Capt. George Rarey, stationed in England, was informed of the birth of his first child just moments after coming back from a mission on March 22, 1944. Overwhelmed with joy, Rarey sent a letter to his wife Betty Lou (nicknamed June) in Washington, DC. A talented artist, Rarey drew a sketch to commemorate the event.

Darling, Darling, Junie!

Junie, this happiness is nigh unbearable—Got back from a mission at 4:00 this afternoon and came up to the hut for a quick shave before chow and what did I see the deacon waving at me as I walked up the road to the shack? A small yellow envelope—I thought it was a little early but I quit breathing completely until the wonderful news was unfolded—A son! Darling, Junie! How did you do it?—I'm so proud of you I'm beside myself—Oh you darling.

All of the boys in the squadron went wild. Oh its wonderful! I had saved my tobacco ration for the last two weeks and had obtained a box of good American cigars—Old Doc Finn trotted out two quarts of Black and White from his medicine chest and we all toasted the fine new son and his beautiful Mother. . . .

Junie if this letter makes no sense forget it—I'm sort of delirious—Today everything is special—This iron hut looks like a castle—The low hanging overcast outside is the most beautiful kind of blue I've ever seen—I'm a father—I have a son! My darling Wife has had a fine boy and I'm a king—Junie, Darling, I hope it wasn't too bad—Oh I'm so glad its over—Thank you, Junie—Thank you—thank you. . . .

Oh, Junie, I wish I could be there—Now I think maybe I could be of some help—There are so many things to be done—What a ridiculous and worthless thing a war is in the light of such a wonderful event. that there will be no war for Damon!—Junie, isn't there anything I can do to help out. . . .

Oh my beautiful darling, I love you more and more and more—Gosh, I'm happy!—Sweet dreams my sweet mother, Love—Rarey.

Capt. George Rarey was killed three months after writing this letter.

Even in the Internet age, many servicemen and women continued to send their letters the old-fashioned way—through the mail. In 1997, 36-year-old Major Tom O'Sullivan was in Bosnia, serving as the officer in charge of the first Armored Division Assault Command Post and, later, as the operations officer of the 4th Battalion, 67th Armor at Camp Colt. O'Sullivan frequently wrote home to his wife Pam and their two children, Tara and Conor, and on September 16, 1996—the day Conor turned seven—O'Sullivan (at far right, with his Bosnian translator) sent a birthday gift he hoped would have special meaning to his son:

Dear Conor,

I am very sorry that I could not be home for your seventh birthday, but I will soon be finished with my time here in Bosnia and will return to be with you again. You know how much I love you, and that's what counts the most. I think that all I will think about on your birthday is how proud I am to be your dad and what a great kid you are.

I remember the day you were born and how happy I was. It was the happiest I have ever been in my life and I will never forget that day. You were very little and had white hair. I didn't let anyone else hold you much because I wanted to hold you all the time. . . .

There aren't any stores here in Bosnia, so I couldn't buy you any toys or souvenirs for your birthday. What I am sending you is something very special, though. It is a flag. This flag represents America and makes me proud each time I see it. When the people here in Bosnia see it on our uniforms, on our vehicles, or flying above our camps, they know that it represents freedom, and, for them, peace after many years of war. Sometimes, this flag is even more important to them than it is to people who live in America because some Americans don't know much about the sacrifices it represents or the peace it has brought to places like Bosnia.

This flag was flown on the flagpole over the headquarters of Task Force 4–67 Armor, Camp Colt, in the Posavina Corridor of northern Bosnia-Herzegovina, on 16 September 1996. It was flown in honor of you on your seventh birthday. Keep it and honor it always.

Love, Dad.

REDWOODS DEBT FOR NATURE

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 2001

Mr. POMBO. Mr. Speaker, the staff report is entitled Redwoods Debt-For-Nature Agenda of the Federal Deposit Insurance Corporation and the Office of Thrift Supervision to Acquire the Headwaters Forest. This report was prepared for the Committee to wrap up some oversight work on the FDIC and Office of Thrift Supervision redwoods debt-for-nature matter started during the last congress. The analysis concludes that there was a redwoods debt-for-nature scheme pursued by the bank regulators at the FDIC and the OTS beginning in at least February 1994. The startling part is that the banking claims against Mr. Charles Hurwitz (stemming from his minority ownership of a failed savings and loan) that were to be used a leverage to get Pacific Lumber Company's redwoods, a company owned and controlled by Mr. Hurwitz, were loser claims. By the FDIC's own internal evaluation, there was a 70 percent chance the claims would fail procedurally and more than 50 percent chance of failing on the merits.

The conduct of the bank regulators was so bad that it led a U.S. District Court Judge, the Honorable Lynn Hughes to conclude that the agencies used tools equivalent to the cosa nostra—a mafia tactic—in their pursuit of Mr. Hurwitz and his privately owned redwoods. This staff report gives even more basis to validate the conclusion of the federal judge. No one-whether a millionaire industrialist or a laborer in a factory-should be subject to the unchecked tools of an out of control "independent" agency like the FDIC or the OTS. The redwood scheme grew as the FDIC understood the importance of its—and the OTS'—potential claims as the leverage for the redwoods during an extraordinary 1994 strategy meeting with a Member of Congress—19 months before the claims were even authorized to be filed. The other bank regulator, the OTS, was enlisted by the FDIC right after that meeting. They were hired to pursue the same claims against Mr. Hurwitz administratively as leverage for their claims. FDIC's reason for teaming up with the OTS: to get "the trees," according to the notes of their own staff.

The redwoods scheme was introduced through an intense lobbying campaign by environmental groups, including Earth First! They penetrated the "independent" FDIC, the FDIC's outside counsel, the OTS, the Administration, the Department of the Interior, the White House, and Members of Congress. The redwoods scheme was why ordinary internal operating procedures of the FDIC that would have closed the case against Mr. Hurwitz were not followed. The redwoods scheme overrode the initial internal conclusion that the claims against Mr. Hurwitz were losers for the bank regulators and should not have been bought under the written policy of the agency. In fact, just a few days before the staff recommendation flipped from "don't sue" to "sue," FDIC officials met with the top staff from the Office of the Secretary of the Department of the Interior. Their notes from the meeting concluded by saying, "If we drop suit, [it] will undercut everything." Of course "everything" was the just-discussed scheme to leverage redwoods from Mr. Hurwitz.

The FDIC (and its agent, the OTS) were the critical part of the scheme. The bank regulators were willing advocates who promoted a redwoods exchange for banking claims against Mr. Hurwitz well before the claims were authorized by the FDIC board, well before they were filed, and very well before Mr. Hurwitz raised the notion of redwoods. The evidence of the FDIC's participation in the redwoods scheme contradicts the testimony offered by the witnesses at the December 12, 2000, hearing of the Committee Task Force. That testimony was that banking claims or the threat of banking claims against Mr. Hurwitz involving USAT were not brought as leverage in a broader plan to get the groves of redwoods from Mr. Hurwitz. The weight of the documentation contradicts that conclusion.

The cost of bringing these claims that would have been "closed out" if it were the normal situation—is nearly $40 million to Mr. Hurwitz. One of two things needs to happen. We need to either have a hearing on this situation or the FDIC and OTS boards need to correct this action and revisit the underlying board actions that authorized the suits in the first place. I would be surprised if the FDIC and OTS board members actually knew what their staffs were doing with the redwoods scheme. I hope they would be surprised, but the evidence is now here for them to see. This is embarrassing to the bank regulators—they need to address it now.

REDWOODS DEBT-FOR-NATURE AGENDA OF THE FEDERAL DEPOSIT INSURANCE CORPORATION AND THE OFFICE OF THRIFT SUPERVISION TO ACQUIRE THE HEADWATERS FOREST, JUNE 6, 2001

PREFACE

Documentation References

Documentation is referenced in parentheticals throughout the text of this report. References to "Document A" through "Document X" are references to documents that were incorporated into the hearing record by unanimous consent by the Task Force on Headwaters Forest and Related Matters on December 12, 2000. These documents are contained in the files of the Committee and those that are referred to are reproduced in Appendix 1. Documentation referenced as "Record 1," "Record 2," etc. is documentation found in Appendix 2. Much of this documentation was not introduced as part of the hearing record, and it is provided for reference to substantiate key facts referenced in this report. References to "Document DOI A," "Document DOI B," etc. are references to documents that were incorporated into the hearing record by unanimous consent of the Task Force on December 12, 2000. These documents were produced to the Committee from the Department of the Interior. Appendix 4 contains the correspondence between the Committee and the bank regulators.

All documentation referenced in this report and attached in an appendix is necessary to contextually verify the information and conclusions reached in this report on subjects within and related to the jurisdiction of the Committee on Resources. The records, documents, and analysis in this report are provided for the information of Members pursuant to Rule X 2.(a) and (b) of the Rules of the House of Representatives, so that Members may discharge their responsibilities under such rules.

Role of the Committee on Resources: The Headwaters Forest Purchase and Management

Ordinarily, one would think that the Committee on Resources does not regularly interact or have jurisdiction over bank regulators. It is important to understand that the Committee on Resources has jurisdiction over the underlying law that initially authorized the purchase of the Headwaters Forest by the United States and management of the land by the Bureau of Land Management. That law was enacted in November 1997 and is P.L. 105–83, Title V, 111 Stat. 1610. That legislation was incorporated in an appropriations bill that funded the Department of the Interior.

Several conditions constrained the Headwaters authorization. One of those conditions was that any "funds appropriated by the Federal Government to acquire lands or interests in lands that enlarge the Headwaters Forest by more than five acres per each acquisition shall be subject to specific authorization enacted subsequent to this Act." This clause in the authorizing statute is commonly referred to as the "no more" clause, because it prohibits federal money from being used to expand the Headwaters Forest after the initial federal acquisition.[1] This was part of the agreement between the Administration and the Congress when funds were authorized and appropriated for the purchase of the Headwaters Forest. The federal acquisition actually took place on March 1, 1999, the final day of the authorization, at which time all federal activity to acquire additional Headwaters Forest should have been dropped. Thus, the FDIC's lawsuit and the OTS's administrative action should be dropped.

This statute, including the "no more" clause, is part of the Committee's basis to compel bank regulators to provide documents and testimony about subjects related to the Headwaters Forest, debt-for-nature, redwoods, and related subjects. The sheer volume of material possessed by the banking regulators on subjects related to the Headwaters Forest, possible acquisition of Headwaters Forest, and redwoods debt-for-nature schemes provide more than adequate basis for the Committee's jurisdiction over these agencies about these subjects. Additionally, the banking regulators have submitted themselves, properly, to the jurisdiction of the Committee.

Use of Records and Documents

The FDIC and the OTS will undoubtedly complain that use of some of the records and documents disclosed in this report will jeopardize their case against Mr. Hurwitz, and that certain litigation privileges or a court seal apply to the documents; however, as stressed above, all documentation in this report and attached in an appendix is necessary to contextually verify the information and conclusions reached in this report. The documentation directly bears on subjects within and related to the jurisdiction of the Committee on Resources.

The records, documents, and analysis in this report are provided for the information of Members. Informing Members has legal basis in Article I of the Constitution and is implied because Members of Congress need accurate information to legislate. Indeed, the Committee has legislated on the Headwaters Forest. Informing members also has legal basis under Rule X 2.(a) and (b) of the Rules of the House of Representatives. Members will be better able to discharge their responsibilities under such rules after reviewing the information in this report.

Some may believe that litigation privileges might prohibit use of the records not already part of the Task Force hearing records. However, litigation privileges do not generally apply to Congress. They are created by the judicial branch of government for use in that forum. Assertions of any litigation privileges by the FDIC or the OTS or Mr. Hurwitz related to documents that are disclosed in this report may still be made in the judicial forum.

Committee staff has redacted sensitive information (for example information unrelated to redwoods or debt-for-nature and information involving legal strategy) of certain records and documents to preserve the integrity of the judicial and administrative proceedings. It is expected that the FDIC and OTS may erroneously say that disclosure of certain documents and records will undercut their litigation position. While many of the documents and records disclosed may be quite embarrassing to the bank regulators, embarrassment is no basis for keeping the information about the unauthorized redwoods debt for nature scheme secret. Some sunshine will expose the unauthorized redwoods agenda of the bank regulators in this case and sanitize the system in the future.

Background and Summary

On December 12, 2000, the Task Force on Headwaters Forest and Related Matters held a hearing that exposed an evolving redwoods "debt-for-nature" scheme undertaken by bank regulators—the Federal Deposit Insurance Corporation (FDIC) and the Office of Thrift Supervision (OTS). Presented at that hearing was substantial documentation and testimony showing how federal banking regulators, swayed by an intense environmentalist lobbying campaign, willingly became integral to a "debt-for-nature" scheme to obtain redwood trees.

In short, banking regulators provided the otherwise unavailable leverage for a federal plan to extort privately owned redwood trees. The leverage used was the threat of "professional liability" banking claims against Mr. Charles Hurwitz, a minority owner of United Savings Association of Texas (USAT), a failed Texas savings and loan.

Mr. Hurwitz was a favorite target of certain environmental activists who wished to obtain the large grove of redwood trees in northern California, redwoods that belonged to a company, the Pacific Lumber Company, also owned by Hurwitz. The environmental interests pressured Congress, the Administration, and the banking regulators to bring the banking actions against Mr. Hurwitz and USAT. The idea was that the actions or threat of actions would lever or even force Mr. Hurwitz into transferring redwood trees to the federal government.

The FDIC suit (Federal Deposit Insurance Corporation, as manager of the FSLIC Resolution Fund v. Charles Hurwitz, Civil Action No. H–95–3956) and the OTS administrative action (In the Matter of United Savings Association of Texas and United Financial Group, No. WA 94–01) against Mr. Hurwitz actually became what the environmentalists and political forces sought: the legal actions were the leverage for redwoods.

The bank regulators knew that their actions would be the leverage for such a debt-for-nature transaction. Between late 1993 and when the actions were initiated,[2] the bank regulators became more and more enmeshed with the environmental groups, the Department of the Interior, and the White House in the redwoods debt-for-nature scheme. In the end, they ignored every prior internal analysis indicating that they would lose the USAT suit, so they teamed up and brought it administratively and in the courts.

Ultimately, the FDIC suit and their hiring of OTS to bring the separate administrative action forced Mr. Hurwitz to the negotiation table. The bank regulators, in concert with the Department of the Interior and the White House, actually baited Mr. Hurwitz into raising the redwoods issue first, so it would not appear that the bank regulators were seeking redwood trees.[3] Indeed the bank regulators still try to propogate the fiction that Mr. Hurwitz somehow raised the issue first, but they can point to no document written evidence prior to September 6, 1995, when Mr. Hurwitz finally submitted and broached the possibility of swapping redwoods for bank claims.

After an intense banking regulator effort to get the redwoods that lasted from 1993 through 1998, the federal government and the State of California switched the plan and purchased the redwood land owned by Mr. Hurwitz's company. They did so as authorized by Congress (P.L. 105–83, Title V, 111 Stat. 1610).

After the federal purchase, the residue was: (1) fatally flawed banking claims that lacked merit; (2) bank regulators standing alone having been used politically by the White House and Department of the Interior; (3) a group of environmentalists still screaming "debt-for-more-nature;" (4) a federal judge who compared the tactics of the bank regulators to those of hired governments and the "Cosa Nostra" (the mafia); and (5) Mr. Hurwitz who was required to spend upwards of $40 million to fight the scheme. In short, the residue was a big mess.

However, not until the oversight review and December 12, 2000, hearing of the Task Force did the banking regulators' redwoods "debt-for-nature" motivation, which trumped their own negative evaluation of the merits of their case, become more fully understood.[4] It was clear after the hearing that the "professional liability" claims would have been administratively closed—never even brought to the FDIC board by FDIC staff for action—had Mr. Hurwitz not owned Pacific Lumber Company and the Headwaters Forest redwood trees.

Instead, intense political pressure, intense environmental lobbying, and White House pressure to pursue the banking claims as leverage for redwoods outweighed the standard operating procedure to administratively close the USAT case, because there was no USAT case. Two sets of banking regulators—the FDIC and the OTS—became willing instruments and partners in the debt-for-nature scheme as they violated their own test for bringing "professional liability" claims. Bank regulators brought the claims against Mr. Hurwitz even though they were more likely than not to fail and were not cost effective.

The banking regulators' own assessment was that their action would have a 70% likelihood of failure on statute of limitation grounds alone. Even if the claims survive the statute of limitation challenges, their own cerebral assessment put less than a 50% likelihood of success on the merits of their claims. These are not the conclusions of the Task Force, although some Members may well agree with them; they are the conclusions of the bank regulators themselves.

Moreover, the bank regulators (OTS and FDIC) held numerous meetings about the redwoods debt-for-nature scheme, and at a critical juncture right before they reversed their recommendation to the FDIC board, they met with DOI. The bank regulators walked away from that meeting knowing that "[i]f we drop [our] suit, [it] will undercut everything." (Record 21). This is the meeting that most likely ensured that the leverage for the redwoods desired by the DOI and the Clinton Administration would become real through filing legal and administrative actions.

These contacts were far outside of normal operating practice for banking regulators and were described by the former Chairman of the FDIC as "shocking" and "highly inappropriate" (Hearing Transcript, 43–44).

In addition, the former FDIC Chairman told the Task Force that environmental reference to redwoods does not have "any relevance whatsoever [on] whether or not you [the FDIC] sue[s] Charles Hurwitz and Maxxam over the failure of United Savings. Whether they own redwood trees or not is absolutely, totally irrelevant."—(Hearing Transcript, page 45). This stinging rebuke from a past FDIC Chairman is a fitting assessment of the actions of an agency caught up in a debt-for-nature agenda that was too big, too political, and too unrelated to its statutorily authorized purpose.

While there were many factors that nudged the FDIC, and by association the OTS, into the debt-for-nature scheme—its own outside counsel, the law firm of Hopkins & Sutter—provided early and direct links into the environmental advocates who lobbied and advocated for federal acquisition of the Headwaters Forest through a debt-for-nature scheme. In fact, they were selected over as outside counsel other firms because of their environmental connections and ability to handle a redwoods debt-for-nature swap.

In addition, the predisposition of the legal staff of the FDIC and OTS, the strong desires of Department of the Interior and the White House, the creative lobbying of the Rose Foundation and the radical Earth First! protesters (whose effect was felt and noted in the FDIC Board Meeting discussions during consideration of the USAT matter) all allowed the redwoods debt-for-nature scheme to pollute FDIC and OTS decision-making about the potential claims over USAT's failure. Very little if any documentation provided to the Task Force justified, on a substantive basis, the decision to proceed with the banking actions against Mr. Hurwitz and the other USAT officers and directors.

Redwoods and "debt-for-nature" were not part of banking regulators decisionmaking or thought process early in the investigation of possible USAT banking claims—from December 1988 through about August 1993. The notion was first introduced to the FDIC in November 1993, when the redwoods debt-for-nature proposal sent to them by Earth First! was "reviewed" by FDIC lawyers. The first Congressional lobbying of bank regulators promoting redwoods debt-for-nature occurred by letter on November 19, 1993. The first known in-person lobbying of bank regulators by a Member of Congress about potential claims of bank regulators being swapped for redwoods occurred in February 1994. The tainting of any possible legitimate banking claims began with the occurrence of that very unusual meeting.

The documents and records show how the redwoods debt-for-nature notion ultimately permeated bank regulators decisions while they developed and brought their claims against W. Hurwitz. As the claims were kept active during fourteen tolling agreements between bank regulators and Mr. Hurwitz as the leverage against him for redwoods using those claims was applied. And when the claims were authorized and then filed on August 2, 1995, the claims became more leverage.

In the end, the evidence is clear that, but for the environmentalists pressure to get redwoods through debt-for-nature and, but for Congressional pressure to get leverage on Mr. Hurwitz to submit and give up his redwoods to the government, the banking claims would not even have been brought.

Interestingly, it was unknown early in that process whether a settlement for potential USAT claims would be viable at all or include redwoods, or whether the government would possibly purchase the redwoods. In any case, the threat of and actual FDIC and OTS claims brought Mr. Hurwitz to the negotiating table. Prior to the claims being filed, the FDIC conspired with the White

House and the Department of the Interior about the importance and role of the banking claims to advance the debt-for-nature redwoods agenda. The OTS was present during some of those meetings and was reportedly "amenable" to the redwoods debt-for-nature strategy.

Even after the outright federal acquisition, which was by purchase, the call became "debt for more nature,"[5] through a continued use of the bank regulators leverage of suits that were in process already. The claims continued to be used by the federal government to lever Mr. Hurwitz for more nature, at that juncture arguably in violation of the authorizing statute.[6]

What remained at the end of the day were filed claims that would not have been brought under ordinary circumstances had Mr. Hurwitz not owned redwoods. The bank bureaucracy, with its reason for bringing the claims in the first place having evaporated, continued the fiction: they continued propagating the false notion that redwoods and debt-for nature had nothing to do with their bringing the USAT claims. Mr. Hurwitz raised it first, they said, even as the FDIC told Department of the Interior that they needed an "exit strategy" from the redwoods issue. If redwoods had nothing to do with bringing or pursuing the claims in the first place, then there would be no need for an "exit" strategy from the redwoods issue.

The documentation discovered by Chairman Young and Task Force Chairman Doolittle, which is explained in this report, dispels the notion that Mr. Hurwitz raised the redwoods debt-for-nature first. To the contrary, the Federal Government, bank regulators included, actually baited Mr. Hurwitz into raising it, and they became uncomfortable when he had not raised it nearly a year after the FDIC suit was filed and months after the OTS suit was brought.

This report synthesizes records and information about the redwoods "debt-for-nature" scheme of banking regulators, the information subpoenaed from the FDIC and OTS, and the information collected at the December 12, 2000, hearing of the task force.

Ordinary Role of the FDIC and OTS: Regulate Banks and Recover Money

As a starting point, it is helpful to understand the ordinary and authorized role of bank regulators when financial institutions fail. The FDIC is the independent government agency created by Congress in 1933 to maintain stability and public confidence in the nation's banking system by insuring deposits. The FDIC administers two deposit insurance funds, the Bank Insurance Fund for commercial banks and other insured financial institutions and the Savings Association Insurance Fund for thrifts.

Other than its deposit insurance function, the FDIC is the primary regulator for banks. It supervises, monitors, and audits the activities of federally insured commercial banks and other financial institutions. The FDIC is also responsible for managing and disposing of assets of failed banking and thrift institutions, which is what it did concerning USAT, 24 percent of which was owned by Mr. Charles Hurwitz. In connection with its duties associated with failed banks, the FDIC manages the Federal Savings and Loan Insurance Corporation Resolution Fund, which includes the assets and liabilities of the former FSLIC and Resolution Trust Corporation.

The OTS is the government agency that performs a similar function to that of the FDIC for thrifts insured through a different insurance fund. The OTS is the primary regulator for thrifts. The responsibilities of the FDIC and OTS overlap in certain instances. The OTS has explained how the two agencies divide those shared responsibilities: the FDIC "seek[s] restitution from wrongdoers associated with failed thrifts" and the OTS "focus[es] on preventing further problems." The USAT case is an exception to these stated policies of federal institutions.

Nowhere in the statutes authorizing the OTS[7] or the FDIC[8] is there authority to pursue "professional liability" claims or other claims for purposes of obtaining redwood trees or "debt-for-nature" schemes. The sole purpose of such actions with respect to failed institutions is to recover funds or cash not trees and not nature.

The mission of recovering cash was acknowledged by the OTS and FDIC. (See, Hearing Transcript, page 63, 64, Ms. Seidman (OTS) answered: "Our restitution claim is brought for cash." Ms. Tanoue (FDIC) answered: "[T]he FDIC considered all options to settle claims, at the encouragement of Mr. Hurwitz and his representative agency, looked at trees, but the preference has always been for cash.") Indeed, this may be why the FDIC and the OTS have consistently maintained that Mr. Hurwitz was the first to bring the notion of redwood trees to them. It is the only position they can take that is consistent with their underlying authority. This being the case, there should have been few, if any, records concerning redwoods produced to the Committee. To the contrary, the records produced were voluminous—and redwoods were even a topic discussed by the FDIC board when it reviewed whether to bring suit regarding USAT.

Chronological Facts and Analysis Regarding the FDIC and OTS Pursuit of USAT Claims

1986: Mr. Hurwitz Buys Pacific Lumber Company and Its Redwood Groves

Mr. Charles Hurwitz owns Pacific Lumber Company. He acquired it in a hostile takeover on February 26, 1986, using high yield bonds. Pacific Lumber Company owned the Headwaters Forest, a grove of about 6,000 acres of old redwood trees. That property became desired by environmental groups because of the redwood trees.

After Mr. Hurwitz bought Pacific Lumber Company, he and the company became a target of several environmental groups when the company increased harvest rates on its land. Harvests were still well within sustainable levels authorized under the company's state forest plan, but harvest rates were generally greater than prior Pacific Lumber Company management undertook.

Environmentalist publicly framed the Hurwitz takeover of Pacific Lumber Company, as that by a "corporate raider" who floated "junk bonds" to finance a "hostile takeover" of the company to simply cut down more old redwood tree. It is unclear whether framing this issue in such a way had more to do with intense fundraising motivations aligned with certain environmental groups described in the recent Sacramento Bee series about financing the environmental movement (www.sacbee.com/news.projects/environment/20010422.html) or more to do with ensuring that trees are not cut.

At this juncture, Mr. Hurwitz and Pacific Lumber Company were targets of environmentalists, but his opponents had little leverage to stop the redwood logging on the company's land other than the traditional Endangered Species Act or State Forest Practices Act mechanisms.

1988: Hurwitz's 24% Investment in Texas Savings and Loan is Lost

Mr. Hurwitz also owned 24% of USAT, a failed Texas-based thrift bank. The bank failed on December 30, 1988, just like 557 banks and 302 thrifts failed in Texas between 1985 and 1995 resulting from the broad-based collapse of the Texas real estate market. As a result of the failure, the banking regulators say they paid out $1.6 billion from the insurance fund to keep the bank solvent and secure another owner. That number has never been substantiated by documentation.

Because Hurwitz owned less than 25% of the bank, and because he did not execute what is known as a "net worth maintenance agreement," he was not obligated to contribute funds to keep the bank solvent when it failed. Such agreements (or obligations when a person owns 25 percent or more of an institution) are enforced through what is known as a "professional liability" action brought by bank regulators.

In certain cases, the FDIC and OTS are authorized by law to bring to recover money is for the "professional liability" against officers, directors, and owners of failed banks. The idea is to recover restitution—money—it took to make failed institutions solvent. This type of claim was brought against Mr. Hurwitz by the bank regulators at OTS after they were hired to do so by the FDIC. The nature of "professional liability" claims are explained well in bank regulator's publication as follows:

> Professional Liability [PL] activities are closely related to important matters of corporate governance and public confidence. . . . [They] strengthen the perception and reality that directors, officers, and other professionals at financial institutions are held accountable for wrongful conduct. To this end, the complex collection process for PL claims is conducted in as consistent and fair a manner possible. Potential claims are investigated carefully after every bank and savings and loan failure and are subjected to a multi-layered review by the FDIC's attorneys and investigators before a final decision is rendered on whether to proceed. . . . (Managing the Crisis: The FDIC and the RTC Experience 1980–94, published by FDIC, August 1998, page 266)

Indeed, the bank regulators at the FDIC undertook an investigation of USAT beginning when USAT failed on December 31, 1988, to determine what claims they might have against USAT officers, directors, and owners.

1989–September 1991: Investigation Continues

The investigation of USAT proceeded, and interim reports were issued by law firms investigating potential USAT claims for the FDIC. Environmentalists initiated various non-banking campaigns to block redwoods timber activities of Pacific Lumber Company on their Headwaters land.

October 1991–November 1993: Bank Regulators Find No Fraud, No Gross Negligence, No Pattern of Self-Dealing

By October 1991, the bank regulators determined that there was no "intentional fraud, gross negligence, or pattern of self-dealing" related to officer, director or other professional liability issues related to the failure of USAT (Document B, page 7). They also determined that there was "no direct evidence of insider trading, stock manipulation, or theft of corporate opportunity by the officers and directors of USAT." (Document B, page 14). Bank regulators said that the USAT "directors' motivation was maintenance of the institution in compliance with the capitalization requirements and not self gain or violation of their duty of loyalty." (Document

B, page 17) There being no wrongful conduct, bank regulators concluded that they had no valid basis to pursue banking claims[9] against the owners of USAT to recover money for its failure.

In spite of the determination that there was no basis to file a claim regarding USAT, a determination that was unknown to Mr. Hurwitz or the other potential defendants at the time, the banking regulators and Hurwitz made numerous agreements beginning November 22, 1991, expiring July 31, 1995, to toll the statute of limitations. This gave the bank regulators more time to investigate while they withheld filing of a claim. These agreements are fairly routine in complex cases like USAT.

Beginning in August 1993 while the statute was still tolled, several actions to attempt to acquire the Headwaters Forest were taken in Congress and urged by environmental groups. For example, on August 4, 1993, Rep. Hamburg introduced a bill to purchase 44,000 acres (20%) of the Pacific Lumber Company's land and make it into a federal Headwaters Forest. In August 1993, the first contact between the Rose Foundation (the primary environmental proponent of advancing USAT claims against Hurwitz to obtain Pacific Lumber redwoods) and attorneys for the FDIC was made.

As early as November 30, 1993,[10] FDIC attorneys were aware of the Hamburg Headwaters bill and "materials from Chuck Fulton re: net worth maintenance obligation" (Record 3A). The handwritten FDIC memo from Jack Smith to Pat Bak notes that the professional liability section "is supposed to pursue that claim." It reminds her not to "let it fall through the crack!" And if the claim is not viable, the banking regulators "need to have a reliable analysis that will withstand substantial scrutiny." (Record 3A)

Pressure to advance claims against Hurwitz in connection with the redwoods in a debt-for-nature swap came in a variety of forms to the FDIC. It first came from Congress on November 19, 1993, in a letter to the FDIC Chairman from Rep. Henry B. Gonzolez, Chairman of the House Committee on Banking (Record 2). Numerous written Congressional contacts with the banking regulators, most urging FDIC or OTS to bring claims against Hurwitz occurred in late 1993 when the debt-for-nature scheme was framed[11] and subsequently over the years.

On the same day, Bob DeHenzel, an FDIC lawyer, got an e mail about a "strange call" regarding USAT (Record 1). It was received by Mary Saltzman from a Bob Close, who claimed to be working with some environmental groups" and wished to talk to whoever was investigating the USAT matter. He had detailed knowledge about a $532 million claim related to USAT and Charles Hurwitz. He made the comment that "people like Hurwitz must be stopped." He said he was working with an environmental group called EPIC in Northern California. Paul Springfield, an FDIC investigator, documented a conversation he had with DeHenzel that day (Friday, November 19, 1993) about the call from Bob Close, Mr. Springfield verified that the FDIC lawyer, Mr. DeHenzie, was familiar with a Hurwitz connection to forest property:

> he [DeHenzel] had some knowledge of the nature of the inquiry [by Mr. Close] as well as the attorney Bill Bertain disclosed by Close. DeHenzel stated that this group was involved in fighting a takeover action of some company by Hurwitz involving forest property in the northwestern United States. Apparently they are trying to obtain information to utilize in their efforts. (Record 1)

Then on November 24, 1993, Mr. DeHenzel, faxed a November 22, 1993, memo he received on November 22, 1993, from the radical group Earth First! to another FDIC staff member. That memo laid out the "direct connection between the Savings and Loans, the FDIC and the clearcutting of California's ancient redwoods." (Document E) The memo introduced the concept that the USAT "debt" (which were only potential claims that FDIC internal analysis had already concluded had no basis) should be traded for Pacific Lumber Company redwoods. An excerpt of the memo lays out the scheme:

> Coincidently, Hurwitz is asking for more than $500 million for the Headwaters Forest redwoods. So if your agency can secure the money for his failed S&L, we the people will have the funds to by Headwaters Forest. Debt-for-nature. Right here in the U.S. That's where you come in. Go get Hurwitz. (Document E)

The FDIC apparently took Earth First! seriously. Within one month, the FDIC lawyers reported to the acting chairman in a memo that they were "reviewing a suggestion by 'Earth First' that the FDIC trade its claims against Hurwitz for 3000 acres of redwood forests owned by Pacific Lumber, a subsidiary of Maxxam." (emphasis supplied) (Document G, December 21, 1993, Memorandum to Andrew Hove, Acting Chairman, From Jack D. Smith, Deputy General Counsel).[12] The handwritten note on the top of the page indicates that the acting chairman Hove was orally briefed about the USAT situation prior to the memo.

Thus, well before Mr. Hurwitz raised the issue of redwoods and debt-for-nature directly with the FDIC in August or September 1996[13] with the bank regulators, its lawyers had received written proposals from the radical group Earth First!, and the FDIC was undertaking a review of the proposals. These were proposals making the connection between Hurwitz, the redwoods, and USAT bank claims.

Then in the close of 1993, a press inquiry report to Chairman Hove on debt-for-nature and the redwoods was received and documented from the Los Angeles Times. The press question was whether FDIC lawyers have considered whether "we could legally swap a potential claim of $548 million against Charles Hurwitz (stemming from the failure of United Savings Association of Texax) for 44,000 acres of redwood forest owned by a Hurwitz controlled company." (Record 3B)

The redwoods debt-for-nature scheme had been introduced via these various venues during 1993. At the same time FDIC's own analysis had shown absolutely no basis for a banking claim lawsuit involving USAT. However, it was not until early 1994 when the FDIC and their agent, the OTS, adopted the redwoods debt-for-nature scheme, and it became inextricably intertwined in its USAT bank claims. Ironically, it was political forces that enticed the bank regulators, who are supposed to act on bank claims without political influence, into wholesale and willing adoption of the redwoods debt-for-nature scheme.

1994: UNDISCLOSED CONGRESSIONAL MEETINGS LOBBYING ON THE REDWOODS "DEBT-FOR-NATURE" PLAN

By February 2, 1994, the FDIC attorneys knew the weakness of several of its net worth maintenance claims and it acknowledged that it "can point to no evidence showing that either UFG or Hurwitz signed a net worth maintenance agreement" (Record 5, page 6). They acknowledged the weakness in a status memo (Record 5).

As a result, the FDIC teamed up with the OTS to have OTS attempt to construct an "administrative" net worth maintenance claim against Mr. Hurwitz and his company that owned the redwoods. They believed (but offered no proof that) "the actual operating control of [MCO, FDC, and UFG] was exercised by Charles Hurwitz." (Record 5, page 9). In short, FDIC did not have a claim, but the OTS may be able to bring an action in an administrative forum[14] that was much more conducive to bank regulators, so the FDIC would hire the OTS.

The net worth maintenance claim was important because if it could be established on the facts (i.e., if Mr. Hurwitz owned 25 percent of USAT or he was somehow in control of USAT) it could mean he would be liable for that percentage of the USAT loss, which totaled $1.6 billion.[15] In that way the bank regulators could conceivably get into

However, in written correspondence and at the Task Force hearing on December 12, 2000—the FDIC and the OTS denied that the litigation concerning USAT and Mr. Hurwitz had anything to do with redwoods.[16] They also denied that their discovery tactics were improper or for the purpose of "harassment."[17] One exchange at the hearing between Mr. Kroener, the FDIC's General Counsel and Chairman Doolittle, however, typifies the response to the question of whether the bank regulators' litigation had anything to do with redwoods or leveraging redwoods:

> Mr. DOOLITTLE. . . . Did this litigation or discovery tactic [harassment through discovery] have anything to do with redwoods or the desire to create a legal claim to leverage redwoods?
>
> Mr. KROENER. It did not. . . .
>
> (Hearing Transcript, page 99)

While they have publicly denied any linkage, their own written words show the opposite. There was indeed a scheme involving politicizing bank claims against Mr. Hurwitz. Mr. Kroener's answer and the repeated denials of a linkage is purely wrong.

A superb example of just how wrong Mr. Kroener's answer was is contained in the previously unreleased meeting notes from a February 3, 1994, meeting between FDIC legal and Congressional staff and a U.S. Congressman. The redwoods debt-for-nature linkage was the point of the meeting.

The high ranking FDIC lawyers working on the redwoods case—Mr. Jack Smith, FDIC Deputy General Counsel, and Mr. John Thomas—and a Rep. Dan Hamburg[18] met on February 3, 1994, to discuss the potential banking claims targeting Mr. Hurwitz.[19] (Record 2A).

The fact that the meeting occurred at all—especially that it occurred eighteen months prior to the USAT claim being authorized or filed—and the notes from the meeting evince that leverage for redwoods was promoted by FDIC lawyers. The notes also show that the FDIC knew claims targeting Hurwitz were invalid and probably could not be used as leverage (Record 2A). Highlights of the Spittler (Record 2A, page ES 0509) meeting notes are as follows.

Rep. Hamburg had "an immediate interest in the case," probably because he had a bill pending to purchase the Headwaters, and the proposal from environmentalists in his district to swap the Hurwitz banking claim "debt" for redwoods had been generally floated. (Record 8A, The Humboldt Beacon, Thursday, August 26, 1993, Earth First! Wants 98,000; 4,500 Acres Tops, PL Says.)

According to Spittler's notes, which are Record 2A, Rep. Hamburg said he was "interested enough over potential filing of the complaint to ask what is about to proceed." And Hamburg [r]ealized that this possible avenue would be lost." The "avenue" he was referring to was applying leverage against Mr. Hurwitz for a redwoods debt-for nature swap, and Jack Smith obviously understood this. According to Spittler's notes, Smith replied, it is "very difficult to do a swap for trees," which means Smith knew that the authority of the FDIC to recover restitution in trees was difficult or impossible.

Smith then told Hamburg about the USAT investigation: "The investigation has looked at several areas. {One c]laim [is] on the net worth maintenance agreements."[20] (Record 2A) The other FDIC attorney present, Mr. John Thomas, acknowledged the fatal flaw of FDIC's claim: "[There] have been attempts to enforce this, [referring to the net worth maintenance agreement.] Thomas then said, "we can't find signed agreement [between] FSLIC [and USAT/Hurwitz]. We never found the agreement." Record 2A) Thomas was absolutely correct—because there never was a net worth maintenance agreement signed by Mr. Hurwitz.

Besides the highly irregular nature of any communication between the FDIC and anyone about a case under investigation this communication is incredible for two reasons. First, it shows the willful manner in which FDIC volunteered to get involved in a political issue and mix potential claims with the redwoods issue. The meeting notes prove that the FDIC lawyers actually secretly briefed a Congressman about the specifics of an ongoing investigation that would become mixed with a political issue.

Second, the timing of the Congressional strategy session was eighteen months before the FDIC board had not even approved filing a claim against Mr. Hurwitz—and its lawyers were then discussing the specifics their investigation of a potential claim in the context of the scheme that would use the potential claim to obtain redwood trees.[21] The highly irregular nature of this early meeting injected a political dynamic to a case still under investigation. This was obvious to former FDIC Chairman Bill Isaac. He testified to the Task Force that the—

> discussions that occurred between FDIC staff and people outside the Agency prior to and during litigation were inappropriate. The fact that those discussions occurred exposes the FDIC and the OTS to the charge that the motivation for their litigation was to pressure Charles Hurwitz and Maxxam to give up their private property, the redwood trees owned by Pacific Lumber. . . . [T]heir repeated contacts with parties with whom they have no business discussing this litigation, congressional and administrative officials and environmental groups, leaves them open to whatever negative conclusions one might care to draw. (Hearing Transcript, pages 15—16).

Mr. Isaac noted the impropriety later again in the hearing.

> —that really would have shocked me as chairman to see the FDIC staff having meetings with people outside the Agency about the redwood trees, and . . . congressional officials about a possible litigation we're thinking about bringing involving redwood trees; you know, somehow tying these redwood trees into it, and getting that mixed up in our decision as to whether to bring a suit over the failure of a bank. (Hearing Transcript, page 44-45)

The content of the meeting between Hamburg, Smith (as opposed to the fact that the meeting even occurred), is even more appalling considering Jack Smith's next comment. According to Spittler's notes, he said "If we can convince the other side [Hurwitz] that we have claim[s] worth $400 million and they want to settle, could be a hook into the holding company." Of course, the "convincing" about valid claims was the leverage, and the "hook" into the holding company was getting company assets, including redwood trees. This was redwoods debt-for-nature. FDIC was part of the redwoods scheme.

Not only does this show that the idea about debt-for-nature was real to the FDIC lawyers, it shows when they promoted it at a congressional meeting in February 1994, more than 18 months before the FDIC lawsuit against Hurwitz was even authorized by the board and 17 months before, according to Mr. Kroener's testimony, Mr. Hurwitz "indirectly" raised the debt-for-nature swap with the FDIC through the Department of the Interior. Contrary to Mr. Kroener's representations to the Task Force, the FDIC legal staff was deeply ensconced in the redwoods debt-for-nature scheme well before Mr. Hurwitz raised redwoods with bank regulators.

The contents of the meeting shows irresponsible ends-driven government, from almost any perspective. Mr. Smith was not even talking about investigating and bringing valid legitimate bank claims. He was only talking about "convincing" Mr. Hurwitz that "we have claims." This may even be unethical, because he implied that an invalid, unviable claim (the net worth maintenance claim) may be used as leverage to get redwoods from Mr. Hurwitz.

The FDIC is supposed to be an "Independent agency," that is, it is supposed to insulate itself from political pressure and disputes. FDIC legal staff suddenly injected themselves into a political issue of emerging national prominence (redwood trees and debt-for-nature using banking claims), an issue beyond the normalcy of banking recovery actions. The meeting notes show that the FDIC attorneys engaged to promote the issue of a debt-for nature swap, and that the design was to merely "convince the other side" that the FDIC had claims worth $400 million that the agency knew it did not have. This is a sad, sad statement from an "independent" government agency, and it is only the early part of the slide for the FDIC.

Buttress what the FDIC lawyers said in the February 1994 meeting to Rep. Hamburg about trees and claims, against what Mr. Kroener and the other bank regulators told the Task Force in sworn testimony:

> Mr. POMBO. Ms. Seidman and Ms. Tanoue, the FDIC and the OTS have repeatedly said to the public and the Congress, including this morning, that what the agency wanted from USAT claims was cash, is that correct?
>
> Ms. SEIDMAN. Yes. Our restitution claim is brought for cash. As to any further discussions both relating to the decision to bring the claim that way and subsequent settlement discussions, none of which I took part in, I would defer to Ms. Buck.
>
> Ms. TANOUE. I will also say that the FDIC considered all options to settle claims, at the encouragement of Mr. Hurwitz and his representative agency,[22] looked at trees, but the preference has always been for cash. . . .

At a minimum, Ms. Tanoue is misleading. Eighteen months prior to even having a claim to settle or having a claim authorized or having a claim filed, her agency's top lawyers were sitting in a Congressional office talking about "convincing the other side" that "we have claims worth $400 million" and getting a "hook" into a holding company that owns redwoods.

> Mr. POMBO. At what point did you start looking at the other options, and you mention trees?
>
> Ms. TANOUE. Much of this discussion occurred before my tenure. I turn to Mr. Kroener for elaboration on that point.
>
> Mr. KROENER. . . . We were first offered trees or natural resources assets by representatives of Mr. Hurwitz indirectly in July of 1995.[23]
>
> There had obviously been a huge public debate going on regarding this forest. We were not part of that[24] but we had lots of communications, others got lots of communications, . . . [and our chairman and general counsel] had responded to inquiries of Congress that were mindful that trees could come into play in our claims, but our claims didn't involve trees; they involved cash. (Hearing Transcript, pages 63-65)

Obviously their claims involved cash, because by law their mission is to replenish the insurance fund with money. Mr. Kroener was wrong when he said their claims did not involve trees, and trees certainly came into play as evidenced by the February 1994 the Rep. Hamburg-Smith-Thomas meeting. Indeed trees were the motivating force that led the FDIC to promote net worth maintenance claims to the OTS.

The clear implication of Ms. Tanoue's answer is that Mr. Hurwitz was the first to bring the redwoods into a possible settlement, but we know that FDIC lawyers were scheming in February 1994 with a Member of Congress to get a banking claim "hook" into the redwoods holding company owned by Mr. Hurwitz. Mr. Hurwitz was not the one who first brought the redwoods into banking claim issue-the environmental groups, FDIC lawyers, and certain Members of Congress had already done so by that point.

Perhaps W. Kroener did not read the meeting notes that he provided to the Task Force about the February 1994 meeting between FDIC lawyers and Rep. Hamburg when he told the Task Force that FDIC claims did not involve trees until July 1995 when Mr. Hurwitz raised the redwoods to the FDIC indirectly through the Department of the Interior. The claims did involve trees—convincing the "other side" that there is a $400 million claim and they may "want to settle," which gets the FDIC into the Hurwitz holding company that has the redwood trees.

As to Ms. Seidman, she stated a fact—that the OTS claim was for cash, which is technically all that it could be for. What she omits is that the FDIC had imparted the redwoods debt-for-nature agenda directly to the OTS on the heels of the February 3, 1994, meeting between FDIC and Rep. Hamburg—and the FDIC did so because its claims were too weak and too small to provide enough leverage for the redwoods (See, Record 33, Record 35 and accompanying discussion infra).

It took less than 24 hours following the FDIC-Rep. Hamburg meeting for the FDIC Deputy General Counsel, Jack Smith, to write to Carolyn Lieberman (now Carolyn Buck), the top lawyer at OTS. (Record 6). The letter (1) forwarded legal analysis of the net worth maintenance claim against the Hurwitz's holding company that owned the redwoods; (2) admitted that FDIC had no net worth maintenance claim; (3) prodded OTS to review whether it could administratively bring a net worth maintenance claim; and (4) in an incredible admission of purpose and intent, the letter notified OTS about the redwoods debt-for-nature scheme. The last paragraph of the one page letter reads:

You should be aware that this case has attracted public attention because of the involvement of Charles Hurwitz, and environmental groups have suggested that possible claims against Mr. Hurwitz should be traded for 44,000 acres of North West timber land owned by Pacific Lumber, a subsidiary of Maxxam. Chairman Gonzales has inquired about the matter and we have advised him we would make a decision by this May. After you have reviewed these papers, please call me or Pat Bak (736–0664) to discuss the next step and to arrange coordination with our professional liability claims. (Record 6)

Clearly, this action, immediately after the FDIC strategy meeting with Rep. Hamburg constitutes direct engagement of the FDIC to promote the claim that would become the leverage for the redwood debt-for-nature scheme.

It is worth stressing that the FDIC that wrote this letter on the heels of the Rep. Hamburg meeting is the same FDIC that testified to the Task Force that their litigation did not have anything to do with trees. How could it not when the FDIC told the OTS that it promised Rep. Gonzalez that the agency "would advise him of its decision about an environmental group suggestion "that possible claims against Mr. Hurwitz should be traded for 44,000 acres of North West timber land owned by Pacific Lumber.

This is debt for nature. It was real in February 1994. It ultimately overrode the fact that the FDIC knew its claim was weak and it led almost immediately to the FDIC hiring the OTS to promote the net worth maintenance claim against Mr. Hurwitz.

This letter was sent three months prior to FDIC hiring OTS to pursue the net worth maintenance claim that FDIC knew it did not have.[25] Importantly, it was sent

In effect, the FDIC scheme beginning at least in February 1994, polluted the OTS action. What was a "hook" into the "holding company" that owned the redwoods for FDIC, was a "hook" into the holding company for the OTS. In fact, without the FDIC money (which by 1995 totaled $529,452 and by 2000 totaled $3,002,825), OTS's five lawyers and six paralegals advancing the claims against Mr. Hurwitz would have been unfunded—and probably not advanced the claim. And without the net worth maintenance claim—by far the largest claim—there would be no hook into Mr. Hurwitz, therefore no hook into his redwoods.

It is helpful to understand why Mr. Smith told Rep. Hamburg that it is "very difficult to do a swap for trees." It was very difficult for two reasons. First, the claims would not ordinarily be brought because they would fail on the merits, so it would be difficult to exchange a claim that would not have been ordinarily brought. The bank regulators manual explains their policies from 1980 through 1994 for bringing claims as follows:

No claim is pursued by the FDIC unless it meets both requirements of a two-part test. First, the claim must be sound on its merits, and the receiver must be more than likely to succeed in any litigation necessary to collect on the claim. Second, it must be probable that any necessary litigation will be cost-effective, considering liability insurance coverage and personal assets held by defendants. (Managing the Crisis: The FDIC and the RTC Experience 1980–94, published by FDIC, August 1998, page 266)

Second, the claims would be for restitution, and the FDIC could not accept trees in settlement. The FDIC even admits that they would need "modest" legislation to accept trees, which is an admission that their purpose in seeking redwoods is indeed unauthorized.

However, it was political pressure, such as that applied by environmental groups in 1993 and Rep. Hamburg beginning in 1994, that led the willing FDIC (and ultimately its agent; the OTS, after FDIC began paying OTS in May 1994) into ignoiing the mission of recovering money on cost effective banking claims.

Instead the FDIC adopted unauthorized missions of providing leverage through lawsuits that are unsound on the merits and would "convince" (the word used by Mr. Smith) Mr. Hurwitz that FDIC had a claim of "$400 million" so that they could get a "hook into the holding company" and settle the claim for redwood trees. This was exercise of leverage pure and simple.[27]

February 2 through 4, 1994, were important redwoods debt-for-nature days for the FDIC's legal team. There was the FDIC memo admitting that it had no net worth maintenance claim. Then there was the meeting with Rep. Hamburg about the redwoods scheme. Then there was an odd, but revealing e-mail sent by FDIC's congressional liaison, Eric Spittler, to Jack Smith on February 4, 1994, about a conversation he had with Smith on February 3, 1994, the same day as the Rep. Hamburg meeting. The message was about the selection of an outside law firm to act as counsel on the USAT matter:

Jack, I thought about over conversation yesterday. My advice from a political perspective is that the "C" firm [Cravath] is still politically risky. We would catch less political heat for another firm, perhaps one with some environmental connections. Otherwise, they might not criticize the deal but they might argue that the firm [Cravath] already got $ 100 million and we should spread it around more. (emphasis supplied) (Document I)

Indeed, "environmental connections" were a factor in selection of the outside counsel for the USAT matter. A February 14, 1994, memo about "Retention of Outside Counsel" for the USAT matter (Record 15) from various FDIC lawyers to Douglas Jones, FDIC's acting General Counsel, trumpets the ability of the firm ultimately selected, Hopkins & Sutter, to handle a redwood debt-for-nature settlement:

The firm [Hopkins & Sutter] has a proven record handling high profile litigation on behalf of the [FDIC] and, drawing on its extensive representation of the lumber industry, will be able to cover all aspects of any potentially unique debt for redwoods settlement arrangements. (Record 15, page 8)

The FDIC was clearly planning—even in February 1994 with the selection of an outside counsel—for a redwoods debt-for-nature swap as part of a settlement! This was before they even knew if their potential claims were really claims, and before the FDIC Board had authorized filing of any claims. From the FDIC's perspective, an outside counsel law firm with "environmental connections" that can "cover all aspects of any potentially unique debt for redwoods settlement" is the only choice. (Record 15)

So in February 1994, the FDIC—which denies to this day its litigation against Mr. Hurwitz has any linkage to a redwoods debt-for-nature scheme—selected the outside counsel for the USAT matter because it could handle a debt for redwoods settlement. This firm was an ideal choice for a bank regulator with an agenda to get a "hook" into a holding company that has redwood tree assets that might be traded for bank claims—if they can "convince" the other side that they have valid claims. Mr. Hurwitz's redwood trees were targeted a year and a half before the bank claims were authorized to be filed and seventeen months before he supposely raised the issue of redwoods "first" with the FDIC.

The FDIC, its lawyers and acting chairman knew of the linkage between bank claims and redwoods, as did their outside counsel, Hopkins & Sutter, which even facilitated numerous contacts, information exchanges, strategy sessions, and meetings during the remainder of 1994 between the bank regulators and environmentalist proponents of a Hurwitz debt-for-nature redwoods swap.

But Ms. Tanoue and Mr. Kroener testified that redwoods had nothing got do with the litigation, hardly an accurate proposition in light of the fact that the FDIC's outside counsel was selected because of their environmental connections and ability to handle a "unique debt for redwoods settlement." (Record 15)

Indeed, Hopkins & Sutter's "environmental connections" paid off—to the environmentalists advocating a redwoods debt-for-nature scheme. F. Thomas Hecht, the lead partner at Hopkins and Sutter on the USAT matter, in a memo copied to FDIC attorney's summarized the intense lobbying effort [beginning in about March 1994] by certain environmental activists led by the Rose Foundation of Oakland, California[, whose] principal concern has been to conserve an area of unprotected old-growth redwoods in northern California known as the Headwaters Forest. (Document N, page 1) The memo (Document N, page 3–4) details the following contacts:

On June, 17, 1994, Thomas Hecht met with Jill Ratner of the Rose Foundation in San Francisco for an initial meeting at which Ms. Ratner outlined her groups' concerns.

On October 4, 1994, Hecht, Jeffrey Williams, Robert DeHenzel and the Rose Foundation and its lawyer participated in a teleconference at which the claims prepared by the Rose Foundation were presented in more detail.

On January 20, 1995, DeHenzel and Hecht met with Julia Levin of the Natural Heritage Foundation ("NHF"), a group closely associated with the Rose Foundation. The NHF is conducting much of the lobbying effort on behalf of the Rose Foundation and other environmental activists on this issue.

In addition to these more formal encounters, Williams, DeHenzel and Hecht have each been contacted repeatedly by the Rose Foundation and its attorneys to explore the theories in more depth and to urge the FDIC to take action. In each of these meetings and in subsequent telephone conversations and correspondence, the Rose Foundation and its allies have urged three general approaches to the problem including: (a) the imposition of a constructive trust over the Pacific Lumber' redwoods, (b) the seizure of redwoods using an unjust enrichment theory, and (c) obtaining rights to the forest or, at a minimum, an environmental easement, as part of a negotiated settlement. They have also urged Congressional action, filed a Qui Tam proceeding in the Northern District of California and threatened the FDIC with proceedings under the Endangered Species Act. (Document N, page 3–4)

This is just a sampling of the many instances were the bank regulators own notes and memos show integration between what were still possible bank claims and the redwoods. All of these occurred beginning 18 months before the USAT claims against Mr. Hurwitz were authorized or filed. Record 8 contains several examples of outside contacts between bank regulators and environmental groups about different mechanisms to leverage redwoods using potential banking claims.

1995: The Federal Government Scheme Is Defined—"High Profile Damages Case" In Which Redwoods Are "A Bargaining Chip"

The relationship between the possible banking claims and the redwoods is not just implied by the number of meetings or the extensive evaluations by bank regulators and their lawyers throughout 1994, it was directly stated in the March 1995 memo by F. Thomas Hecht, FDIC's outside counsel:

> As their theories have become subject to criticisms, certain counsel for the Rose Foundation have shifted (at least in part) from arguments compelling the seizure of the redwoods to urging the development of an aggressive and high profile damages case in which redwoods become a bargaining chip in negotiating a resolution. This, indeed, may be the best option available to the environmental groups; its greatest strength is that it does not depend on difficult seizure theories. This approach would require that both the FDIC and OTS undertake to make the redwoods part of any settlement package.[28] (footnote not in original) (Document N, page 8)

Thus, the FDIC's outside counsel explained and evaluated the best course of action for the environmental groups (never mind the FDIC or the government). The fact is that a high profile damage claim where redwoods were leveraged from Mr. Hurwitz—the environmentalist's best option—is exactly how the FDIC proceeded, particularly after the DOI and the White House engaged with the bank regulators. They swallowed the redwoods debt-for-nature scheme—hook, line, and sinkers (as the old saying goes)—beginning in 1994 and continuing into 1995, even though their own analysis showed that their potential claims would not stand.

In spite of these facts, the FDIC has consistently insisted since late 1993 that "there is no direct relationship between USAT and the Headwaters Forest currently owned by Pacific Lumber Company . . . [however], if such a swap became an option, the FDIC would consider it as one alternative . . ." (Record 28). Indeed, this is exactly what the banking regulators have told the Committee in writing: they have always been open to the idea, but they prefer cash. The documentation outlined above shows that the banking regulators actively pursued a redwoods debt-for-nature agenda using their claims as urged by certain Members of Congress and by environmental groups. However, by this point, the Department of the Interior and the White House had yet to engage. That changed in early 1995.

In February 1995, a host of environmentalists proposed an acquisition of the Headwaters redwood trees to President Clinton, and Leon Panetta (Chief of Staff) wrote back to them saying that budget constraints would not permit outright acquisition (Record 16A). He suggested that they push a debt-for-nature swap or land exchange instead. That action served to lower expectations for appropriated funds for the redwoods, and focused the proponents on continuing to push the redwoods debt-for-nature scheme.

By April 3, 1995, FDIC lawyers were openly attempting to leverage Mr. Hurwitz into settling claims that were still yet to be filed for redwood trees. The redwoods debt-for-nature scheme was alive and active at the FDIC as indicated by the words in this e mail to Mr. Jack Smith from Mr. Bob DeHenzel:

> Jack:
>
> Just a note regarding our brief discussion on Charles Hurwitz and exploring creative options that may induce a settlement involving the sequoia redwoods in the FDIC/OTS case: . . . (Record 9)

In these words the FDIC's attorneys were indeed leveraging redwoods by using their banking claims—at least three months before FDIC says that Mr. Hurwitz raised the redwood-debt-for nature idea through his "representative agency" (presumably the DOI), attorneys, four months before the FDIC board authorized the suit against Mr. Hurwitz, and about five months before the FDIC maintains Mr. Hurwitz raised the redwoods swap idea directly with the bank regulators.

Thus, well before the notion of the redwoods debt-for-nature deal was introduced to the FDIC by Mr. Hurwitz (as the bank regulators religiously maintain) the bank regulators were indeed targeting Mr. Hurwitz's redwoods and using their potential claims as leverage to "induce" a settlement. The repeated statements and the sworn testimony of Ms. Seidman, Ms. Tanoue, and Mr. Kroener to the Task Force (that Mr. Hurwitz introduced the redwoods into settlement discussions) is yet another example that directly contradicts what the FDIC lawyers were doing as evidenced by their own writing.

The notes of FDIC attorneys about what they were seeking and why the FDIC and the OTS were cooperating also contradict the testimony of the bank regulators when they say that redwoods had noting to do with the litigation against Mr. Hurwitz. Sometime in mid-1994 (but before July 20, 1994)[29], FDIC wished to continue studying their claim and "a possible capital maintenance claim by OTS against Maxxam." In illuminating candor, the handwritten memo articulates why the FDIC lawyers wanted to hire the OTS and double team Mr. Hurwitz:

> Why?
>
> (1) Tactically, combining FDIC & OTS' claims—if they all stand scrutiny—is more likely to produce a large recovery/the trees than is a piecemeal approach (Record 10, bates number JT 000145)

So, the senior FDIC lawyer, Mr. John Thomas, contemporaneously wrote that their strategy with OTS would be more likely to produce "the trees." But their Chairman, their General Counsel, and the OTS Director repeatedly told the commiittee that the litigation had nothing to do with trees. Were the FDIC and OTS management and their board members so ill-informed about what their attorneys were seeking to achieve? "The trees" is not cash, period.

The other very alarming notion is how integral OTS is to the strategy to "produce" "the trees," according to the FDIC attorneys. The strategy to "combine" FDIC's weak claims with possible OTS claims on net worth maintenance further explains the February 4, 1994, letter from FDIC's lawyers to OTS's lawyers (Record 6).

It transmitted the net worth maintenance claim to the OTS and introduced the notion that the FDIC was considering a redwoods debt-for-nature swap scheme. The FDIC told OTS that they were about to report to Rep. Gonzalez about the potential for the swap. The implication was that viable claims against Mr. Hurwitz (brought directly by the FDIC or indirectly through the OTS) would allow the FDIC to report back to Mr. Gonzalez that they could help get "the trees" because a swap would be more viable. Without the OTS, the FDIC would not have enough leverage to produce "the trees," because by its own analysis, the FDIC claims were losers.

The repeated intra-government lobbying of FDIC and OTS also pushed the bank regulators into the political redwoods debt-for-nature acquisition scheme. This intragovernment lobbying began indirectly by at least May 19, 1995,[30] and is first evidenced by notes (Record 11) from a phone call by Ms. Jill Ratner, who runs the Rose Foundation, to Mr. Robert DeHenzel. (Record 11 is a copy of Mr. DeHenzel's notes from that conversation.)

The notes (Record 11) indicate that Ms. Ratner told Mr. DeHenzel about the Department of the Interior (DOI) players who are "very interested in debt-for-nature swap": Mr. Alan McReynolds, a Special Assistant to the Secretary of the DOI, Mr. Jeff Webb, with DOI congressional relations, Mr. George Frampton, the Assistant Secretary for Fish Wildlife, and Parks at DOI, and Mr. Jay Ziegler, an assistant to Mr. Frampton were all discussed as redwoods debt-for-nature advocates. And Record 11A illustrates that the Rose Foundation had done substantial work regarding various mechanisms to transfer the redwoods to the federal government.

The notes indicate that Mr. McReynolds had flown over Headwaters during the week of May 8, 1995,[31] with Ms. Ratner a primary advocate of various plans to acquire the Headwaters Forest. This was the first indication that DOI was engaging on the redwoods debt-for-nature scheme and probably Mr. McReynolds' first exposure to the concept that bank claims could provide the leverage for the redwoods scheme. There is no mention in the notes that Mr. Hurwitz requested DOI to raise the issue of a redwoods swap or look into it:

> Interior is . . . discussions will continue. Webb & Zeigler will continue doing prelim[inary] work to explore whether debt-for-nature would work. (Record 11)

By the time that the DOI engaged in May 1995, the FDIC lawyers were well aware of the "'debt-for-nature' transaction that various environmental groups have been advocating to resolve the claims involving Hurwitz and USAT." (Record 12) They were also apparently intimidated by the environmentalists as shown by the two page FDIC memo about a redwoods debt-for-nature letter to FDIC referencing the Oklahoma City bombing and a "call to defuse this situation" by doing a swap (Record 12). The following excerpt of the memo shows detailed knowledge about the debt-for-nature scheme and a perceived threat of violence related to environmentalist who had pushed the FDIC into it:

> As you know, the above-referenced investigation has resulted in attracting the attention of organizations and individuals that have interests in environmental preservation. This has arisen as a result of Charles Hurwitz's acquisition (through affiliates) of Pacific Lumber, a logging company in Humbolt County California, that owns the last stands of old growth, virgin redwoods.[32] It has been widely reported that the company has been harvesting the virgin redwoods in a desperate attempt to raise cash to pay its and its holding company's Maxxam, Inc.'s, substantial debt obligation.
>
> The environmentalist's issues are centered on preserving the old growth redwoods through a mechanism of persuading Hurwitz to settle the government's claims involving losses sustained on the USAT failure by, in part, transferring the redwood stands to the FDIC or other federal agency responsible for

managing such forest lands. FDIC has received thousands of letters urging FDIC to pursue such a transaction.

The environmental movement, like many others, is not homogeneous and contains extreme elements that that have resorted to civil disobedience and even criminal conduct to further their goals. As a result of the recent tragedy in Oklahoma City, everyone appears more sensitive to the possibility that people can and do resort to desperate, depraved criminal acts. Accordingly we take any references to such conduct, even ones that appear innocent, more seriously. (Record 12)

This excerpt shows that FDIC attorneys were (1) probably somewhat intimidated and (2) already well-versed in the debt-for-nature scheme when Ms. Ratner told Mr. DeHenzel who the DOI players supporting the redwoods debt-for-nature scheme were. The FDIC was keen to the motivations and methods of thosewho fed the scheme to them. Perhaps the intimate knowledge by the FDIC of the interests and desires of the environmental community came through the numerous pieces of correspondence and legal memos from the Rose Foundation to the FDIC through Hopkins & Sutter.[33] The material showing the constant pummeling of FDIC by these advocates (and the willing acceptance by the FDIC and its outside law firm with "environmental connections") is too voluminous to reproduce. It is contained in the Committee's files.

With the FDIC primed, the Department of the Interior directly engaged with the FDIC. The first known direct contact was a 5:00 p.m. call on July 17, 1995, from Alan McReynolds to Robert DeHenzel.[34] The notes taken by DeHenzel (Record 16) indicate that McReynolds, a special assistant to the Secretary of the Interior, asked about the "status of our [FDIC] potential claims and how OTS is organized, etc." He needed "someone to describe our [FDIC] claims and FDIC/OTS roles." He said that the DOI is receiving "calls almost daily from members of Congress and private citizens."[35] McReynolds pressed for a meeting that week (the week of July 17, 1995) because of his vacation and travel schedule. At that juncture, DeHenzel's notes say that McReynolds had not spoken to Jack Smith yet.

The following day, DeHenzel consulted about the McReynolds inquiry with "JVT," John V. Thomas, the same FDIC lawyer who attended the Rep. Hamburg meeting in November 1993. Mr. Thomas told him to talk to Jack Smith and Alice Goodman. The notes say that "JVT's reaction—Smith & Goodman should be there with us" (Record 16) for the meeting with McReynolds.

Then the unexpected occurred. On July 20, 1995, Mr. Hurwitz refused to extend the statute of limitations tolling agreement with the FDIC (Record 17, See, footnote 1 on page 2). He had last done so on March 27, 1995, and that extension was to expire on July 31, 1995. As a result, any lawsuit by FDIC regarding USAT claims against Mr. Hurwitz were required to be filed by August 2, 1995, just thirteen days later. It was just three days after Mr. McReynolds contacted the FDIC for a meeting about the potential FDIC and OTS actions against Mr. Hurwitz that the FDIC was told that Mr. Hurwitz would not extend the tolling agreement.

The FDIC was unprepared for this action. They had enjoyed six years and eight months of discovery during which they were lobbied by outside groups and Members of Congress on the completely unrelated issue of pursuing the redwoods debt-for-nature swap. However, the agency had failed to do its job and cobble together enough evidence supporting a banking claim involving USAT and Mr. Hurwitz. They were not ready to file a complaint or drop the case on their own volition, even though Mr. Hurwitz provided voluminous records to the agency in the discovery process, records that defined the facts and illuminated issues raised by the FDIC.

As a result, the FDIC was facing two issues—the request for a meeting with the Office of the Secretary of the DOI and the need to address the fact that they did not have the USAT case prepared after more than six years of investigation.

They addressed these issues internally in a July 20, 1995, meeting between "Mr. Jack Smith, JVT [John V. Thomas, FDIC lawyer], MA [Maryland Anderson, FDIC lawyer], JW [Jeff Williams, FDIC lawyer], and Robert DeHenzel." (Record 18)

It is clear from this meeting that the FDIC lawyers were not anxious to recommend a lawsuit against Hurwitz. They did not have a case, because it did not meet their internal standards. Instead they prefer-red to hinge their action on whether OTS brought the administrative action, the action that they prompted and paid OTS to bring against Hurwitz. This is an odd trigger for an agency that does admits it does not have a case, disavows it seeks redwoods, and is only interested in receiving "cash."

Thus, the FDIC lawyers" behavior is somewhat schizophrenic—on the one hand they know their internal policies will not let them bring a suit, but on the other hand they want to sue Mr. Hurwitz (and not other potential defendants). They then begin constructing the justification for doing so around the notion that the potential claims against Mr. Hurwitz are somehow special-not "ordinary." They also apparently talk of telling Mr. McReynolds what they will do—evidence of further improper coordination with the DOI outside of normal FDIC operating parameters. Mr. Thomas' notes from the internal FDIC meeting (Record 18) explain:

Re: McReynolds-Kosmetsky-Hurwitz-Tolling

Jack [Smith]—we will not go forward if OTS files a case—if OTS does not file suit, we still have to decide our case on the merits before tolling expires

*Memo to the GC [General Counsel] to Chairman—update status of case & recommends that we let Kozmetsky out.

If suit against Hurwitz—we sue only him and not others

Find out if Hurwitz will toll

Write a memo on case status to GC 10 page memo should do it! continue tolling sue or let them go

If ordinary case, we do not believe there is a 50% chance we will prevail therefore, we cannot recommend a lawsuit.

McReynolds—handle same as the Hill presentation (Record 18)

Clearly, the thinking coming out of the July 20, 1995, meeting was that the FDIC lawyers were not ready to make a recommendation on the merits of the case. Continued tolling was not an option because Mr. Hurwitz refused to sign a tolling extension, so the options "sue or let them go" were the only viable options. If it were an ordinary case the preference at that point would be to close the case out—that is let them go.

FDIC lawyer, Mr. John Thomas' later notes outlining some points for that memo to the General Counsel tell us why this was not the "ordinary" case:

"[G]iven (a) visibility—tree people, Congress & press . . . we thought you—B[oar]d—should be advised of what we intend to do—and why—before it is too late." (Record. 22)

What Mr. Thomas was saying is that the staff intends to close out the case, and if the FDIC board wants to do otherwise before the case is closed (administratively by the staff or by virtue of the statute of limitations running), then the Board must intercede.

Importantly, the FDIC lawyers deviated from ordinary operating procedures because of the intense lobbying campaign for the redwoods debt-for-nature swap. Clearly, the intense lobbying effort by the environmental groups, by their outside counsel, by the DOI, by the White House, and by other federal entities was effective! At that point the bank regulators bought the redwoods scheme, but were unprepared then to totally disregard there what they knew they should do under their rules and guidelines, so the staff punted the issue to the board.

The FDIC had already injected itself into a political issue. Their dilemma was summed up by Mr. Thomas in notes preparing for a discussion on the USAT claims with the board apparently scribed a few days later:

Dilemma (why they [the FDIC Board] get paid the big bucks)—take:

Hit for dismissed suit

Hit for walking based on staff analysis of 70% loss of most/all on S of L [statute of limitations]

(Record 23)

The action by the FDIC of treating this case differently than the "ordinary" case and the concerted manipulation of hiring the OTS to pursue parallel claims to be used as leverage sends the strong message: if someone wants to influence bank regulators on an entirely collateral issue, and politically manipulate the bank regulators, they can successfully do it.

All that must be done to use the bank regulators to achieve a collateral issue is to pursue two year public relations campaign aimed at them, swamp the bank regulators with cards and letters about the collateral issue, write and submit various legal briefs for them that link the collateral issue, meet with the bank regulators about the collateral issue, organize congressional letters advocating the collateral issue, hold secret meetings with Members of Congress about the collateral issue, hold "protest" rallies outside of their meetings, and do whatever else it takes so that at the end of the day, bank regulators do not follow ordinary procedures.

Indeed, the redwoods debt-for-nature swap became linked to USAT and Mr. Hurwitz just as the environmental groups wished. This was not the ordinary case—it was going to the FDIC Board even though the FDIC admitted their case had a 70 percent chance of being dismissed because of the statute of limitations, and was more likely than not of falling on the merits if they were reached.

Apparently, the FDIC legal staff was prepared to tell McReynolds and "the Hill" [Congress] the same thing—their course of action described in the July 20, 1995, meeting notes (Record 18). This modified procedure still left the door open for the board to act against staff recommendations and authorize the suit anyway—something that may not have been ideal from Mr. McReynolds perspective, but would still leave open the possibility of the leverage that DOI desired against Mr. Hurwitz.

Then something else changed on July 21, 1995, which was the day following the internal FDIC meeting on their potential claims against Mr. Hurwitz. The change caused the entire approach of the FDIC lawyers to evolve again. What changed was not any new information about the facts of the potential claims against Mr. Hurwitz related to USAT. What changed was not any favorable development in law that strengthened their potential claims against Mr. Hurwitz related to USAT. What changed was not any analysis about the nature or strength of the potential claims against Mr. Hurwitz. All of these things remained the same.

What changed was the realization by the FDIC lawyers, as communicated by a senior DOI official, that (1) the Clinton Administration and the DOI, had adopted and embraced the redwoods debt-for-nature scheme and they wanted the scheme to be successful, and (2) the FDIC's potential banking claims were critical to pulling off that redwoods debt-for-nature scheme. The potential banking claims—the same claims that the FDIC lawyers would have dropped using "delegated authority"—were the leverage that were critical to making the redwoods debt-for-nature scheme work.

That realization occurred when the FDIC lawyers met with Mr. McReynolds on Friday, July 21, 1995, at 11:00 a.m. (Record 19), just as he had requested on Monday, July 17, 1995. Meeting notes indicate that background about the redwoods and endangered species issues associated with the Mr. Hurwitz's redwoods[36] were initially discussed (Record 20). Other background about Governor Wilson's task force and the willingness of California to participate in the deal were discussed, as were Mr. Hurwitz's valuations of the property (Record 20). Apparently, McReynolds laid out some of the basics about the redwood acreage. He was familiar with the issue from first hand experience because he had flown over the redwoods with Jill Ratner during the week of May 8, 1995 (See, Record 11):

> H[urwitz] values 8K [acres] at $500 m. Interior wants to deal it down. H[urwitz] really wants $200m total. Calif. Deleg[ation] is really putting pressure on. Dallas/Ft. Worth—Base closure[37]

The FDIC also told McReynolds about the meeting that FDIC lawyers had set for the following Wednesday, July 26, 1995, with the OTS to discuss the USAT matter. They told Mr. McReynolds about the fact that they were doing the memo to the Chairman (the 10 page memo they concluded they needed in their July 20, 1995, meeting amongst the FDIC lawyers, See Record 18). The entry regarding this in Record 20 is reproduced below:

> Wed [July 26] 10:30 mtg w/OTS. Memo for Chairman. (Record 20)

Eric Spittler's notes from the July 21, 1995, meeting add helpful details, and they are reproduced below:

> $400,000 expenses on OTS[38]
>
> Have not decided whether to bring case—won't decide for months.[39]
>
> Alan McReynolds—Adm[instration] want to do deal
>
> Gov. Wilson w/DOI had task force of 6 groups
>
> Told to find a way to make it happen
>
> CA will trade $100m in CA [California] timber
>
> Adm[instration] might trade mil[itary] base[40]
>
> Had call from atty. Appraisal on prop[erty] for $500m. Said they want to make a deal.[41] Don't know how much credence we have from them about a claim. At same time telling them to get rid of claim. He can't cut them down.
>
> If we drop suit, will undercut everything. (emphasis supplied)
>
> (Record 21)

So, the FDIC knew—according to the meeting notes—that if the FDIC dropped the suit by letting the statute of limitations run, "it will undercut everything" related to the redwoods scheme that was just discussed with McReynolds. In other words, letting the statute of limitations expire—the "ordinary" procedure and recommendation of the FDIC lawyers at the time—meant the leverage for the redwoods debt-for-nature deal would evaporate, as would the scheme to get Hurwitz's redwoods. Thus, the notes confirm a redwoods debt-for-nature scheme and that FDIC did not really know whether Mr. Hurwitz believed that the FDIC had a valid claim—further evidence of the fact that the claims were indeed weak substantively and procedurally.

In this context—where the FDIC knew its claims (and the claims it was paying OTS to pursue) were the essential leverage for the redwoods—the FDIC lawyers began drafting the memo. Clearly, the agency was struggling with the fact that dropping the claims was inconsistent with what the DOI and the Administration needed to accomplish the redwoods debt-for-nature swap.

The handwritten outline of Mr. John Thomas (Record 22) reviewed the major points in the contemplated for the memo to the Chairman. The outline reiterated the linkage between FDIC and OTS, and it reinforced staff conclusion that the USAT claims against Mr. Hurwitz should be left to expire otherwise the court would dismiss them. Mr. John Thomas' outline clearly show that if this case were "ordinary" it would be closed. Pressure for redwoods was the justification for informing the Board of the staff's intent to close out the case, and the option of pursuing the case for purposes of leverage was therefore left open. Mr. Thomas' outline, which appears to be composed for the 2:00 p.m. briefing of the Chairman on July 26, 1995, (Record 22) is partially reproduced below—

> May recall briefed re OTS—[FDIC is] paying [the OTS]—some months ago.
>
> OTS is making progress, but not ready. Thus, tolling again.
>
> OTS staff hopes to have draft notice of charges to Hurwitz, et al. Aug-Sept.
>
> (Apologize for short fuse)—we thought we would be able to put off a final decision until OTS acted. Hurwitz refused to toll.
>
> Normal matter, we would close out under delegated authority w/o [without] bringing it to your Bd's attention.
>
> However, given
>
> (a) visibility-tree people, Congress & press
>
> (b) [OMITTED] we thought you—Bd—should be advised of what we intend to do—and why—before it is too late.
>
> * * * * *
>
> Bottom line: likely to lose on S of L [statute of limitations]—let it go or have ct. dismiss it.
>
> Continue to fund OTS
>
> We'd also write Congress re what & why rather than awaiting reaction
>
> Redwood Swap—
>
> Interior/Calif.
>
> Forest—[military] base—FDIC/OTS claim(?)
>
> (Record 22)

This outline reinforces the approach and dilemma described by FDIC lawyers in their July 20, 1995, meeting. First, there was coordination with the OTS claims to get redwoods. That's because FDIC's possible claims were losers on substantive and procedural (statute of limitations) grounds. Second, ordinary procedures to close out the matter were circumvented due to "visibility" from the redwoods debt-for-nature campaign of the "tree people" (Earth First! and the Rose Foundation), Congress, and the press. Third, the Department of the Interior's "Redwood Swap" was taking shape and FDCI lawyers were beginning to coordinate with DOI staff.

All these factors combined to override the normal course of action, which was to close out the case. Instead, the Board would get the decision. All of this confirmed in John Thomas' own handwritten outline (Record 22), and all of it adding up to show that the redwoods debt-for-nature scheme had a real impact on the approach of the FDIC's lawyers. It had yet to skew the FDIC's final judgment based on early versions of the memo to the Chairman (Document X), but the final version dated July 27, 1995, would reflect skewed judgment.

The memo was drafted, and a version reflecting Mr. Thomas' notes and all of the prior internal staff discussions was produced and dated July 24, 1995. The drafts are Document X, and the final before the reversal is Document X, pages ES 0490-0495. It contains an unsigned signature block. Highlights of this memo are reproduced below and they tell exactly what the FDIC lawyers would advise the FDIC Board:

> We had hoped to delay a final decision on this matter until after OTS decides whether to pursue clams against Hurwitz, et. al. However, we were advised on July 21, 1995 that Hurwitz would not extend our tolling agreement with him. Consequently, if suit were to be brought it would have to be filed by August 2, 1995. We are not recommending suit because there is a 70% probability that most or all the FDIC cases would be dismissed on statute of limitations grounds. Under the circumstances the staff would ordinarily close out the investigation under delegated authority. However (evidenced by numerous letters from Congressmen and environmental groups), we are advising the Board in advance of our action in case there is a contrary view. (Document X, page ES 0490)

And in discussing the merits, the memo again advised:

> The effect of these recent adverse [court] decisions is that there is a very high probability that the FDIC's claims will not survive a motion to dismiss on statute of limitations grounds. We would also be at increased risks of dismissal on the merits. Because there is only a 30% chance that we can avoid dismissal on statute of limitations grounds, and because even if we survived a statute of limitations motion, victory on the merits (especially on the claims most likely to survive a statute of limitations motion) is uncertain given the state of the law in Texas, we do not recommend suit on the FDIC's potential claims. (Document X, page ES 0493-0494)

The memo then discusses the redwood forest matter, an interesting notion given the fact that the FDIC has consistently maintained that the redwoods were not at all connected to their litigation:

> The decision not to sue Hurwitz and former directors and officers of USAT is likely to attract media coverage and criticism from environmental groups and member of Congress. Hurwitz has a reputation as a corporate raider, and his hostile takeover of Pacific Lumber attracted enormous publicity and litigation because of his harvesting of California redwoods. Environmental interests have received considerable publicity in the last two years, suggesting exchanging our D&O [director and officer] claims for the

redwood forest. On July 21, we met with representatives of the Department of the Interior, who informed us that they are negotiating with Hurwitz about the possibility of swapping various properties, plus the possibility the FDIC/OTS claim, for the redwood forest. They stated that the Administration is seriously interested in pursuing such a settlement.[42] This is feasible with perhaps some new modest legislative authority. . . . We plan to follow up on these discussions with the OTS and Department of [the] Interior in the coming weeks. . . . When the Hurwitz tolling agreement expires, we would recommend that we update those Congressmen who have inquired about our investigation and make it clear that this does not end the matter of Hurwitz's liability or the failure of USAT because of the ongoing OTS investigations. (Record X, pages ES 0493–0494).

It is helpful to understand that there were four major versions of this memo drafted and revised. The drafts of this memo are all typedated July 24, 1995, and they all reference discussions with the Department of the Interior. These drafts are Document X, which was made part of the Task Force hearing record by unanimous consent.

However, one version of this memo contains numerous handwritten changes, including a date that was changed from July 24, 1995, to July 27, 1995 (Document X, pages PLS 000192–000195). The changes amount to the complete and total reversal in approach to the USAT claims related to Mr. Hurwitz. The July 27, 1995, version is the text that was incorporated into the Authority to Sue (ATS) cover Memorandum[43] that was itself dated July 27, 1995. It, with the ATS memo (Document L, EM 00123–00135), went to the FDIC Board, and it recommended the suit against Mr. Hurwitz be brought.

The July 27 final version rolled into the ATS memo also discusses the "Pacific Lumber-Redwood Forest Matter" (Document L, page EM 00129). Therein, it notes the July 21, 1995, FDIC meeting with "representatives of the Department of the Interior [McReynolds], who informed us [the FDIC] that they are negotiating with Hurwitz about the possibility of swapping various properties, plus the possibility of the FDIC/OTS claim, for the redwood forest." (Document L, page EM00129). The memo also says that the "Administration is seriously interested in pursuing such a settlement."

Note what the memo does not say. It does not say Mr. Hurwitz raised the issue of redwoods and linked them in any way to the banking claims. It says that the Administration is negotiating a swap of possible properties, plus the banking claims. When the bank regulators learned of this (probably from Mr. McReynolds on July 21, 1995), the bank regulators should have been very uncomfortable. They had already voluntarily injected themselves into a political dynamic with other government agencies—one of which had apparently taken their statutory obligation to recover cash by using claims that belonged to the FDIC and were not even brought yet. At this juncture Mr. Hurwitz had not raised the prospect of such a scheme with the FDIC.

The only other intervening event between the July 24, 1995, memo drafts and the July 27, 1995, reversal is a meeting on July 26, 1995, at 10:30 a.m. between the FDIC and OTS. Record 26 are the only set of meeting notes from that meeting,[44] and the notes reiterate the discussion between FDIC lawyers and Mr. McReynolds on July 21, 1995. This puts the OTS squarely inside the redwoods debt-for-nature scheme.

The notes are very helpful to show the degree of coordination between the FDIC and OTS about redwoods and the linkage between the potential claims and redwoods. They also show how the FDIC polluted the OTS decision-making with the same political dynamic it had been part of for more than a year. The FDIC staff summed up the situation and briefed OTS about all of the important redwoods developments related to Mr. Hurwitz:

J. Smith—

—Hurwitz won't sign tolling agreement with FDIC—need to file lawsuit by 8/12

—J Thomas-chances of success on stat. Limitations is 30% or less

—will continue discussions with Helfer

—Pressure from California congressional delegation to proceed

Dept. of Interior—Alan McReynolds

—Administration interested in resolving case & getting Redwoods[45]

—Pete Wilson has put together a multiagency task group

—Calif would put up $ 100 MM of California timberland

—Hurwitz wants a military base between Dallas & Fort worth-Suitable for commercial development

—Hurwitz also wants our cases settled as part of the deal[46]

Two weeks ago-Hurwitz lawyer called Teri Gordon at home & told him he should not be turned off by the $500 MM appraisal

What is OTS'schedule? How comfortable is OTS w/ giving info to Interior?

(Record 26)

None of the records reviewed contains any banking law rationale for the reversal in the staff recommendation July 24, 1995, (which was to notify the board that they would close out the potential claim against Mr. Hurwitz by letting the statute of limitations run) and the July 27, 1995, approach (which recommended a lawsuit against Mr. Hurwitz). The only explanation for the reversal is the meeting with Mr. McReynolds where the DOI and Administration's desire for leverage was communicated and understood by the FDIC coupled with the meeting with OTS where bank regulators from both agencies discussed the Administration's desire for the redwoods debt-for-nature scheme to succeed. At this juncture, the thinking was that there would be no money for an appropriation for the Headwaters, so a swap of some sort was the only way to acquire the redwoods.

The FDIC board only saw the July 27, 1995, memo. In their meeting they discussed the redwoods scheme when they discussed bringing the action against Mr. Hurwits (Record 27). As part of his briefing, Mr. John Thomas elaborates on the redwood scheme to the FDIC board:

Mr. THOMAS. This is, of course, a very visible matter. It is visible for something having no direct relationship to this case, but having some indirect relationship. Mr. Hurwitz, through Maxxam, purchased Pacific Lumber. Pacific Lumber owns the largest stand of virgin redwoods in private hands in the world, the Headwaters. That has been the subject of considering—considerable environmental interest, including the picketing downstairs of a year or so ago. It has been the subject of Congressional inquiry and press inquiry. So we assume that whatever we do will be visible.

Interior, you should also be awar—aware, the Department of Interior is trying to put together a deal to the headlines [sic] [Headwaters] trade property and perhaps our claim. They had spoken—they spoke to staff a few days ago about that and staff of the FDIC has indicated that we would be interested in working with them to see whether something is possible. We believe that legislation would ultimately be required to achieve that. But again, if it's the Board's pleasure, we would at least try to find out what's happening and pursue that matter and make sure that nothing goes on we're not aware of—we're not part of. (Record 27, page 11–12)

Later, Chairman Helfer raised the issue of whether bringing suit enhances the prospect of settlement of non-banking issues, that is the redwoods:

Chairman HELFER. . . . does the FDIC's authorization to sue enhance the prospect—the prospects for a settlement on a variety of issues associated with the case?

Mr. THOMAS. It might have some marginal benefit, but I don't think it would make a large difference. I think the reality is that the FDIC and OTS staff have worked together, expect to continue to work together, and so, I don't think it would have a major impact. It might make some difference, but I think particularly any effort to resolve this with . . . a solution that involves the redwoods would be extremely difficult.[47] . . . (Record 27, page 16)

These exchanges in the FDIC board meeting about the redwoods are troubling simply because they occurred. They injected factors that had nothing whatsoever to do with the validity of banking claims against Mr. Hurwitz. The advice and recommendations on July 27, 1995, deviated so widely from the approach of staff that would have ordinarily taken to close the case administratively. They deviated even more from the approach they would have taken before the McReynolds meeting on July 21, 1995, where they came to understand that the Administration needed the leverage for the redwoods swap.

The deviation is likely a result of that meeting, coupled with the OTS meeting on July 26, 1995, where they coordinated on the claims they were paying the OTS to pursue and conspired about the need for leverage to get the redwood claims. The FDIC understood at that point that OTS's claims may not be brought for months (or perhaps at all) and they certainly knew that if "we drop our suit, [it] will undercut everything." (Record 21)

The day following filing of the suit, FDIC lawyers sent a memo to their communications department reiterating the congressional and environmental interest due to the redwoods issue. (Record 28) The memo explained conspiracy with the Department of the Interior and how the department had been negotiating for the redwoods using the FDIC and OTS claims. The memo also indicated that it was the Administration that was "seriously interested in pursuing such a settlement." (Record 28, page 2) In addition, as if the FDIC lawyers knew they were doing something wrong, the memo emphasized that "All of our discussions with the DOI are strictly confidential." (Record 28, page 2)

Then the memo went on to suggest that the FDIC should not disclose these discussions or deviate from the prior public statement about redwoods. Basically that statement was that if a redwood "swap became an option, the FDIC would consider it as one alternative and would conscientiously strive to resolve any pertinent issues." (Record 28, page 2)

The work on a redwoods swap by the FDIC and the Department of Interior then grew as indicated by the volume of notes from meetings where other federal entities were drawn into the scheme. There was an August 2, 1995, DOI Headwaters acquisition strategy paper drafted by Mr. McReynolds. It reports the FDIC and the OTS "are amenable to [a debt for nature swap] if the Administration supports it." (Document DOI B). This is blatant evidence of just how political the FDIC's July 27, 1995, reversal was.

There was the August 15, 1995, meeting between DOI, FDIC (Smith), and OTS (Renaldi and Stems) (Document DOI C, page 2) where it was reported that "FDIC and OTS are wondering why DOI is not being more aggressive with Hurwitz and is permitting [Governor] Wilson's task force to take the lead" (Document DOI C, page 2). This is a stunning indictment of the political motivation of the FDIC and OTS staff.

There was coordination with Congressional offices (Document DOI D).

There was endorsement from the Assistant Secretary of DOI of using the FDIC and yet to be filed OTS claims in exchange for the redwoods (Document DOI E).

There were multi-agency meetings that included the White House ONM and CEQ (Document DOI F and H)

The Vice President was lobbied by Jill Ratner for his support of the redwoods scheme as was the White House (Document DOI G), and bi-weekly conference calls were occurring between the FDIC, the OTS, and the DOI to coordinate on the redwoods scheme by September 1995.

There was the October 1995, memo to the General Counsel of FDIC about a scheduled meeting that was to occur on October 20, 1995 with Vice President Gore about the FDIC and OTS claims and their integral linkage to leveraging redwoods. Mr. Kroener, testified that the meeting never occurred, but the information in the memo is nonetheless illuminating, and it contradicts FDIC's statements that they were not after redwood trees.

The memo verifies that Mr. Hurwitz was not interested and had not raised the notion of a redwoods swap for FDIC or OTS claims. The memo says OTS met with Hurwitz's lawyer and "no interest in settlement has been expressed to OTS." (Record 33, page 2). The memo says that FDIC has had several meetings and discussions with Hurwitz counsel prior to the filing of the lawsuit. Hurwitz has never, however, indicated directly to the FDIC a desire to negotiate a settlement of the FDIC claims. (Record 33, page 2).

This puts to rest the notion that Mr. Hurwitz was or had been interested (or had raised) the notion of a redwoods swap for the OTS or FDIC claim up to that point.[48] Apparently, the FDIC relied on erroneous representations of Mr. McReynolds to the contrary.

Then, in an incredible self-indictment, the FDIC observes that it is "inappropriate to include OTS" in the meeting to discuss possible settlement with Hurwitz because the OTS claim was not approved for filing, and discussions may be perceived as "an effort by the executive branch to influence OTS's independent evaluation of its investigation" (Record 33, page 2). What exactly, then, did the FDIC think its February 1994 meeting with Rep. Hamburg would do to its independent judgment? What did the FDIC think repeated contacts with environmental groups since 1993 would do? What did the FDIC think that its meetings with Mr. McReynolds right before their staff recommendation changed in July 1995 would do? Why did the FDIC and the OTS meet and have phone briefings with DOI in July, August, September 1996. All of these contacts were just as inappropriate then as they were when FDIC staff wrote the briefing memo for Vice President Gore's meeting. Did the FDIC lawyers take an ethics class sometime between February 1994 and October 1995?

In fact, the FDIC intended to help the Administration force Mr. Hurwitz into trading his redwoods for the FDIC and OTS claims. They wanted to induce a settlement, and their words say it. There meeting with the Vice President was an important meeting,

> FDIC has no direct claim against Pacific Lumber through which it could successfully obtain or seize the trees or to preserve the Headwaters Forest.
>
> FDIC's claims alone are not likely to be sufficient to cause Hurwitz to offer the Headwaters Forest,[49] because of their size relative to a recent Forest Service Appraisal of the value of the Headwaters Forest ($600 million); because of very substantial litigation risks including statute of limitations, Texax negligence—gross negligence business judgment law, and Hurwitz role as a de facto director; and the indirect connection noted above, including the risk of Hurwitz facing suit from Pacific Lumber securities holders if its assets were disposed of without Pacific Lumber being compensated by either outsiders, or Hurwitz or entities he controls. (Record 33, page 3) (emphasis supplied)

Two things are clear after reading this passage. First, FDIC staff intended the claim to operate as an inducement, along with the OTS claim, for trees. Second, that there is no other rationale, after reading this evaluation, for the FDIC lawyers to have switched their recommendation between July 24 and July 27, 1995—except that they intended all along to help the Administration by playing a part in inducing a settlement.

After reading this passage, one wonders why the FDIC still attempts to propagate the obviously false notion that their claims had nothing to do with redwoods.

There was the October 22, 1995, meeting that included a cast from DOI, OMEB, FDIC, DOJ, and the Department of Treasury "at which we [CEQ] initiated discussions on a potential debt-for-nature swap." (Document DOI H). That meeting led to FDIC attorney Jack Smith compiling a lengthy memorandum to Kathleen McGinty, the Chairman of CEQ. The memo reviewed issues and answers about the feasibility of various legal mechanisms that might be used to facilitate the redwoods debt-for-nature scheme. (Record 30).

Then in late 1995, Judge Hughes, the U.S. District Court judge who was assigned the FDIC's lawsuit discovered what the FDIC and OTS had done to team up using overlapping authority to harass Mr. Hurwitz (Record 37 and Document A) and the banking regulators' redwood debt-for-nature scheme began to be exposed.

At the same time (November 28, 1995) FDIC lawyers met with Katie McGinty (CEQ), Elizabeth Blaug (CEQ), and John Girimundi (DOI) where it was decided that there would be "no formal contacts until OTS file," (Record 38) and it was acknowledged that "after the administrative suit is filed is time for opening any discussions." However, the FDIC had already had several discussions with OTS about the redwoods swap, as had DOI staff beginning in July 1995, even before the FDIC claim was filed.

The notes from meetings between the FDIC and/or the OTS and environmental groups, government agencies, federal departments, the White House, from September 1995 through March 1996. (Record 31)

1996: FDIC LAWYERS CANNOT FIND THEIR WAY OUT OF THE FOREST—HELP, "WE NEED AN EXIT STRATEGY FROM THE REDWOODS"

By January 6, 1996, the redwoods scheme had come together as planned. John Thomas reported to Jack Smith in a weekly update:

> United Savings. OTS has filed their notice of charges. The statute has been allowed to run by us [FDIC and OTS] on everyone other than Hurwitz. We have moved to stay our case in Houston, and are awaiting a ruling. . . . And there is question of whether a broad deal can be made with Pacific Lumber. (Record 36)

Shortly thereafter, on January 19, 1996, the fact that Mr. Hurwitz had not directly brought the issue of the redwoods into settlement discussions became a problem. OTS apparently refused to join the meetings led by CEQ about Headwaters, and an FDIC lawyer reported the refusal to CEQ:

> I advised Elizabeth Blaug about this yesterday afternoon. I said that if Hurwitz wanted to have global settlements with OTS and FDIC involved, he would have to ask for them. (Record 36A)

In other words, the *ex parte* agency discussions (without Mr. Hurwitz) about FDIC and OTS banking claims were at least improper, and the impropriety was now realized; however, it was too late.

By March 1996, the FDIC and OTS were deeply involved with promoting the redwoods debt-for-nature scheme, but they had still yet to receive any direct communication from Mr. Hurwitz proposing a redwoods swap for their claims. About March 3, 1996, the FDIC attorneys must have begun to realize that the agency should not be involved in the redwoods scheme. He made the following note on what appears to be a "to do" list:

> Tell Mc[Reynolds]—we need exit strategy from Redwoods. NO collusion.
>
> (Record 32)

So, the FDIC was (and still is) saying to the world that their claims have nothing to do with leveraging redwoods, and seven months after they are brought they "need and exit strategy"? After two years of collusion between FDIC and a half dozen federal agencies, several environmental groups, the White House, and the OTS about a redwood scheme the FDIC wants to talk to McReynolds to ensure that there is "NO collusion"?

And, by August 8, 1996, Mr. Hurwitz still had not apparently raised the redwoods debt-for-nature issue in the context of settling banking claims. Record 40 at page 2 are questions (and the start of draft answers) from Elizabeth Blaug to Jack Smith. Question number one is, "Why doesn't the Administration forget the land exchanges and get Hurwitz to settle his debts in exchange for the trees?" The answer: "would be inappropriate because of independent status of regulators, pending litigation and administrative proceeding. . . ."

This means what FDIC and OTS had done since February 1994 concerning advancing the redwoods debt-for-nature scheme was inappropriate. In addition, if Mr. Hurwitz had really raised the notion of a redwood for bank claims swap, then this question would have been entirely unnecessary. The answer would have been "Mr. Hurwitz raised it, the bank regulators and Administration did not, and we are pursuing that option." But that was not the case. The fixation on ensuring—even as late as August 1996—that Mr. Hurwitz would "first" raise the redwoods issue to the FDIC and OTS is quite illustrative of the fact that he had yet to do it and it was a prerequisite to either banking agency engaging on the redwoods scheme—something that they had already done.

Finally, on September 6, 1996, nearly a year after the FDIC suit was filed, the FDIC and OTS got what they wanted—a direct contact from Hurwitz that "he will propose that the FDIC take certain redwood trees which we will exchange for other marketable property from perhaps Interior." (Record 41) The settlement meeting came the following week, and it is the first time Mr. Hurwitz's representatives raised the possibility of settling the banking claims using redwood trees. (Record 41) The settlement proposal was reject by the *Department of the Interior* within a few days, and it was clear that the FDIC and OTS were not even in charge of settling their own claims. (Record 42) This is additional evidence of the political nature of the FDIC lawsuit and OTS administrative action.

Discussions about a redwood swap for banking claims ebbed and flowed through the remainder of 1996, 1997, and 1998, and the law that authorized the outright purchase of the Headwaters Forest was enacted on November 14, 1997. Then, pursuant to that law, the transaction closed on the last day before the authorization and funds expired, March 1, 1999, and the federal government, with the help of the State of California purchased the Headwaters Forest.

This action left the bank regulators without their "exit strategy" (Record 32) from the redwoods scheme, and with a U.S. District Court judge that somehow began to see the FDIC and OTS cases and coordination for exactly what they were: strong arm tactics of an "independent" agency out of control. In an uncommonly harsh opinion, U.S. District Court Judge Lynn N. Hughes described FDIC tactics of bringing this case as those of the cosa nostra (meaning a tactic of making an "offer" that Hurwitz could not refuse). The July 27, 1995, FDIC ATS memorandum somehow ended up on the web page of the Houston Chronicle, and the court allowed discovery on the improper FDIC and OTS coordination and cooperation in the scheme to leverage the redwoods from Mr. Hurwitz.

Conclusion

The OTS case proceeded in the administrative forum, but a decision has still not been rendered. In spite of a late desire by the OTS to keep their claims clean of the redwoods matter, FDIC polluted its and OTS'claim by prompting and paying for OTS to pursue them in the first place as part of the redwoods scheme. OTS also attended several meetings in which details of the redwood swap scheme were discussed well before their claims were noticed or filed, including the critical July 26, 1995, meeting with the FDIC at which DOI and the Administration's desires for the redwoods and need for the banking claims to leverage the redwoods from Mr. Hurwitz were spelled out. The OTS is equally responsible for improper involvement in the redwoods scheme, and the pollution of its claims with a political agenda.

Meanwhile, Mr. Hurwitz has reportedly spent some $40 million to defend himself from a tactics that equate to those of the cosa nostra. Indeed, it is the bank regulators at the FDIC and OTS who shoulder responsibility for advancing a corrupted claim for improper purposes (i.e., to leverage redwoods) that are not authorized by law.

If anyone bears responsibility for corrupting the bank regulatory system—it is the FDIC and OTS legal staff who caved to the redwood desires of the DOI and the Administration. The Directors of the FDIC and OTS should take corrective action and withdraw the authorization for the FDIC lawsuit and the OTS administrative action against Mr. Hurwitz for matters involving USAT. Integrity of the bank regulatory system demands nothing less.

NOTES

[1] Therefore, funds appropriated to of any federal entity cannot be used for any activity that even supports acquisition of more Headwaters Forest. If funds are spent for such activities, then they are not legally spent.

[2] The FDIC action was authorized on August 1, 1995, and filed on August 2, 1995, the final day under the statute of limitations; Notice of the OTS administrative action was filed on December 26, 1995 and the OTS trial began on September 22, 1997.

[3] This occurred when the concept of purchasing the redwoods outright from Mr. Hurwitz was unlikely due to budget constraints.

[4] The first indication that bank regulators became part of the redwoods debt-for-nature scheme was rendered by U.S. District Court Judge Lynn Hughes, who observed that the FDIC and OTS were targeting Mr. Hurwitz in a manner that resembled tactics of the cosa nostra.

[5] The latest example of debt-for-more-nature is contained in Record 1A.

[6] This violated the "no more" clause, because federal funds were being spent to acquire additional acreage of the Headwaters Forest. The continued pursuit of redwood trees through debt-for-nature by bank regulators in no way diminishes the highly inappropriate involvement of the bank regulators in participating in the debt-for-nature scheme before the statute was enacted or before the transaction was consummated.

[7] 12 U.S.C. 1462a et seq.

[8] 12 U.S.C. 1818 et seq.

[9] Some non-banking claims (e.g. possible securities law claims) were referred to other entities for investigation.

[10] This cooperation was formalized in May 1994 when the FDIC began paying the OTS to advance its claims.

[11] These contacts were: Rep. Gonzolez to Hove (FDIC), November 19, 1993; Rep. Dellums to Hove (FDIC), December 15, 1993; and in 1994, at least seven written Congressional contacts were made to the FDIC or OTS on the debt-for-nature matter. Interestingly, Rep. Dellums wrote to the FDIC about the redwoods swap on the following dates: December 15, 1993, February 9, 1994, May 27, 1994, and September 14, 1995; and it was reported that on Monday, July 18, 1994, Ms. Jill Ratner attended a fundraiser for Re. Dellums in Oakland, California where she discussed the redwoods issue with the Vice President Gore. "Mr. Gore said, 'I'm with ya,'" Ratner reported enthusiastically to members of the Bay Area Coalition for the Headwaters Forest after the early-morning fundraiser for Rep. Ron Dellums, D–Oakland, in Oakland" San Francisco Daily Journal, Friday, July 22, 1994. (Document J)

[12] In addition on November 30, 1993, Jack D. Smith, sent a memo about "Hurwitz" to Pat Bak (another FDIC lawyer) about two issues—(1) the Hamburg Headwaters acquisition bill and (2) some materials about a type of claim called a "net worth maintenance" claim advising Bak not to "let the claim fall through the crack!" The December 21 memo to Hove from Smith notes that FDIC and OTS are coordinating on this claim because the courts will "not enforce" them and there will be FDIC/OTS discussions about OTS bringing the net worth maintenance claims.

[13] The FDIC maintains that Mr. Hurwitz raised the issue of redwoods directly with the FDIC in September, August or September, 1996 (after the FDIC lawsuit was filed) and indirectly July 1995, through the Department of the Interior (prior to the lawsuit being authorized and filed by the FDIC). There is serious question whether a bank claims for redwoods swap was raised by Mr. Hurwitz or his lawyers prior to September 6, 1996, a year after the FDIC case was filed. (See discussion infra.)

[14] Such a forum—an administrative law judge at OTS—as opposed to an Article III court would be viewed by bank regulators as more favorable.

[15] FDIC admitted in a later memo that its claim against Hurwitz was not enough to leverage his redwoods because it was for a lower dollar amount than necessary and it was so weak on the merits, which is why the OTS administrative action on the same facts became so important to the scheme. (See, discussion infra at page 41 et. seq. and Record 33.) This is truly an incredible admission of the redwood purpose on the part of FDIC and is an admission of why the FDIC hired the OTS. Clearly it was to pursue a redwoods debt-for-nature scheme.

[16] Bank regulators at the FDIC attempted to do this by saying that they never raised the redwood issue with Mr. Hurwitz. To have done so would be an admission that they intended a redwoods debt-for-nature scheme, but their defense (that Mr. Hurwitz raised it with them first) really not address reach the issue of whether redwoods or a scheme to get redwoods from Mr. Hurwitz had any relationship to their banking claims.

[17] Id. See also, hearing transcript at pages 97–100 for the exchange between Mr. Kroener and the Members of the task force when he was confronted with internal FDIC e mail messages indicating that their lawyers were pursuing discovery for purposes of "harassing" Mr. Hurwitz.

[18] Rep. Hamburg had introduced H.R. 2866 that authorized the Forest Service to purchase the Headwaters Forest and designate it as wilderness.

[19] This meeting was preceded on February 2, 1994 with what appears to be a prepatory phone call between staff of Rep. Hamburg and a counsel to Chairman Gonzolez, Amanda Falcon.

[20] A net worth maintenance claim automatically attaches to owners who have 25% or more of a failed bank. Under banking law an owner is required to contribute personal funds to keep the bank solvent in such a case. Where ownership is less than 25%, bank regulators often try to get owners to sign an agreement binding them to personal contributions to keep failing institutions solvent. This is called a net worth maintenance agreement. There was no net worth maintenance agreement between Mr. Hurwitz and the bank regulators.

[21] Later Mr. Isaac explained the impropriety of outside meetings revealed in the ATS memo. The meeting with Rep. Hamburg was unknown at the time, but it is a dramatic example of how much the bank regulators polluted their process with a redwood agenda. Mr. Issac words: "[O]ne of the things that that Agency has always prided itself on is its independence and its integrity and its freedom from the political process. To meet with environmentalists or anybody else, administration officials or congressional representatives, to talk about litigation that is proposed or is ongoing is something that I think was and is highly inappropriate. I find it shocking that people—people did that, and I've never seen that happen at that Agency before and I'm quite surprised by it." (Hearing Transcript, page 45).

[22] This is a very odd characterization, given that government agencies to not generally have authority to represent individuals or other entities. If Ms. Tanoue was saying that Mr. Hurwitz somehow raised the redwoods issue to the FDIC through the Department of the Interior, the characterization is not legitimate for several reasons. First, there is no evidence that the DOI is authorized by law to hold such a representative capacity. Second, the characterization is at odds with the fact that the DOI lawyers had been briefed and lobbied by environmental groups years prior to the DOI raising the issue (if indeed they did). Third, the characterization is at odds with the strategy sessions with Rep. Hamburg that are now known to have taken place. Fourth, the characterization presumes that the DOI "representatives" were accurately and truthfully making such an "offer." Absent written proof of such an offer, this characterization is not believable. To the contrary, the written evidence clearly shows that Mr. Hurwitz's representatives were discussing trades of surplus government land for the redwoods at the time.

[23] Mr. Kroener is playing with the facts. See footnote.

[24] (Footnote not part of original) This statement is incorrect, given the notes of the Rep. Hamburg meeting that show that the FDIC lawyers had willingly promoted their claims as leverage in the redwoods debt-for-nature scheme.

[25] They had no claim because they "could not find" a net worth maintenance agreement with Mr. Hurwitz.

[26] When the FDIC finally filed its claim in federal court on August 2, 1995, the federal judge hearing the case, Judge Hughes, said the FDIC and OTS used tools of Cosa Nostra (the mafia) against Mr. Hurwitz, uncommonly strong language to describe actions by any party, let alone the federal government.

[27] Leverage by other agencies—the Department of Labor and the Securities and Exchange Commission was also discussed at the Hamburg meeting. (See meeting note (bates number JS 004216) attached after Record 2A, page 2.) These are Jeff Smith's records.

[28] In light of the existence of this analysis by F. Thomas Hecht, one wonders how FDIC can, with any seriousness, keep saying that their claims and litigation had nothing to do with redwoods or a redwood debt-for-nature scheme. Their outside lawyers were analyzing the very debt-for-nature theories lobbied by the environmental groups and they acted as an early conduit to funnel information to FDIC legal staff. Even if one does agree with the positions of the Rose Foundation or Earth First! on this issue (and this report does not address their advocacy or their right under our Constitutional government to free speech and to petition their government), one must question the response of the FDIC and its outside lawyers to that petitioning. If the FDIC is truly operating under its statutory mandate—which is to recover cash—then the proper response to environmentalists or anyone else should have been, "We have a statutory mission, and it is not to help the federal government acquire redwood trees or anything else, period." Surely, the redwoods agenda should not have permeated the bank regulators' analysis and thinking as it did.

[29] The handwritten memo is not dated, but it refers waiting until the fourth quarter of 1994 to make a decision, so this places the memo in late in the second or third quarter of 1994.

[30] McReynolds, according to his calendar entry, also met on May 16, 1995, with Geoff Webb (DOI) and Julia Levin, with the Natural Heritage Institute. That group had just written a paper for the Rose Foundation on April 19, 1995, entitled "Federal Inter-Agency Land Transfer Mechanisms." (Record 11A) That paper notes that there are "six federal statutory programs that allow property under control of one Federal agency to be transferred to another Federal agency or into non-federal lands" and it begins laying out the mechanisms to get Mr. Hurwitz's redwoods into federal ownership.

[31] This date is important. Mr. Kroener's testimony and representations to the Task Force that it was July 1995, when DOI raised redwood debt-for-nature on behalf of Mr. Hurwitz. The first-hand involvement between Mr. McReynolds and Ms. Ratner (and the flyover) occurred two months prior to the time when DOI is said to have raised the redwoods debt-for-nature swap on behalf of Mr. Hurwitz with the FDIC and OTS.

[32] This wholesale acceptance of the environmentalist rhetoric about virgin redwoods in itself shows bias. The author of the memo must be misinformed, because the United States and the State of California already owns tens of thousands of acres of virgin redwood stands in California, most of which are parks that will not be logged.

[33] Two of the many examples are (1) the September 26, 1994, 43 page legal analysis how the FDIC could impose a constructive trust over Hurwitz's Pacific Lumber redwoods (Record 13) and (2) the June 29, 1995, letter from F. Thomas Hecht to the FDIC's attorney Jeffrey Ross Williams that forwarded a legal memo about the Headwaters situation and qui tam claims that had been filed related to the forest. (Record 14)

[34] The notes do not say that Mr. Hurwitz or any of his authorized representatives asked DOI to broach a redwoods debt-for-nature deal to swap bank claims for redwoods. The FDIC informed Chairman Young that the chain of events leading to McReynolds call was an 8:00 p.m. July 13, 1995, call to Alan McReynolds "at his home" from John Martin, a Hurwitz lawyer, "urging him to contact the FDIC to begin a dialogue to resolve the FDIC's claims as part of a larger land transaction involving the Headwaters Forest that was being considered by Mr. Hurwitz and the Department of the Interior." (See, October 6, 2000, letter to Duane Gibson, General Counsel, Committee on Resources, from William F. Kroener, III, General Counsel FDIC contained in Appendix 3) This representation in no way says that Mr. Hurwitz (or his lawyer) initiated the discussion of a redwoods debt-for-nature swap with the Department of the Interior. It artfully says Mr. Hurwitz was "considering" such a proposal—a proposal more likely initiated by Mr. McReynolds.

In any case, the FDIC's legal relationship on any USAT banking matter was with Mr. Hurwitz, not with the Department of the Interior. Any indirect suggestion by an intermediary, such as Mr. McReynolds, who did not represent Mr. Hurwitz or USAT, does not change that legal relationship or alter the FDIC's responsibility to keep its claims free of political influence—from in and outside of the government. However, there is considerable question whether McReynolds' recollections related to a call from John Martin are accurate. Mr. Martin was discussing (with McReynolds) potential swaps of excess government property, such as military bases, for the redwoods, a subject with which McReynolds had experience. Mr. Martin's notes from his discussions at the time back up his recollection (Record 25).

[35] It is important to note that notes of McReynolds conversation with DeHenzel do not in any way indicate that Mr. Hurwitz or his lawyers had suggested or urged linking a settlement of the USAT banking claims and Mr. Hurwitz's redwoods in a swap, which is what McReynolds later said in sworn testimony.

[36] The Endangered Species Act was preventing Mr. Hurwitz from harvesting redwoods on Pacific Lumber Company's Headwaters land.

[37] (This footnote is not in original). This refers to surplus federal properties that were being considered by the government and Mr. Hurwitz on such a swap involving the redwoods. Mr. McReynolds had been working with Hurwitz lawyer, John Martin on potential swaps involving surplus military government property and redwoods.

[38] (This footnote is not in original). The $400,000 refers to the approximate amount FDIC had paid the OTS to bring its administrative action up to that point.

[39] (This footnote is not in original). This could refer to the fact that FDIC had not decided whether to bring its case, and the staff would recommend at that time that the Board not authorize the suit. Document X verifies that this was the staff recommendation at that time. This could also refer to the fact that OTS has not decided to bring their case.

[40] (This footnote is not in original). Indeed, this is the issue (a swap of redwoods for a surplus military base) that Mr. McReynolds and Hurwitz lawyer, John Martin, had discussed.

[41] (This footnote is not in original). The prior four sentences (notes from what McReynolds said) are very important, however, especially when read in context of footnote 25 and 26 of this report. Those sentences are: "Adm[inistration might trade mil[itary] base. Had call from atty. Appraisals on prop[erty] for $500m. Said they want to make a deal." Indeed, Mr. Hurwitz wanted to make a deal—swapping redwoods for military bases. That was the subject of the ongoing discussion between the attorney who called McReynolds, Mr. John Martin of Patton Boggs, and McReynolds. Mr. Martin was only discussing possible trades of military bases for redwood land owned by Pacific Lumber. (Record 25) Mr. Martin did not deal with issues related to the banking claims and his notes from conversations with McReynolds verify this. The idea of mixing the bank claims—having been floated for years in Congress, in environmental circles including the Rose Foundation, was likely first raised by someone else, and it was McReynolds who had spent time "flying over Headwaters" with Rose Foundation Director, Jill Ratner, in May 1995.

[42] (footnote not in original) This confirms the earlier stated conclusion that one of the things that changed on July 21, 1995 was the realization by FDIC lawyers that the Clinton Administration and DOI had adopted and embraced the redwoods debt-for-nature scheme and they wanted it to be successful.

[43] FDIC decisions to file lawsuits are made by the FDIC Board, and the Authority to Sue Memorandum (ATS Memorandum) is the vehicle through which the FDIC staff lays out the case to the board.

[44] These notes appear to be taken by Bryan Veis of the OTS enforcement branch, and they are the only notes of this meeting produced, despite the fact that there were twelve attendees at the meeting—five from the OTS and seven representing the FDIC. (See, Record 26, page 00933). In the view of

Committee staff, there appear to be serious omissions from the production of both agencies related to this meeting.

[45] (footnote not in original) So, it was indeed the Administration that wanted the redwoods, and brought them into the discussions.

[46] (footnote not in original) Note that the FDIC has had no direct contact from Mr. Hurwitz about such a proposal to settle the case using redwoods and they did not until September 1996. The FDIC is simply taking the word of the DOI on the issue.

[47] It is extraordinarily difficult to square this evaluation by Mr. Thomas with the discussion in the July 21, 1995, meeting that he attended where it was noted that, "If we drop suit, will undercut everything." (Record 21)

[48] Record 35, page 2 and 3 also confirms this fact.

[49] Record 34 also confirms the thinking of FDIC lawyers that "it will take more than FDIC claims to get the trees and FDIC remains an important part of exploring creative solutions to the issue." This sounds like words from staff of an agency trying to find a purpose, rather than staff of an agency carrying out its statutory purpose. In fact, Record 39, a "Draft Outline of Hurwitz/Redwoods Briefing" from Mr. Jack Smith's files, actually states directly how FDIC had strayed from its mission and adopted as its agenda the redwoods debt-for nature scheme: Significant development involving multi-Agency initiative led by Office of the Vice President to obtain title to last privately owned old growth virgin redwoods and place under protection of Department of Interior's National Park Service. FDIC plays prominent role in this Government initiative." The outline also acknowledges that the FDIC, working with CEQ, Interior, other agencies in exploring viability of "debt for nature settlement." (Record 39, page 2) The date on this outline is May 16, 1996.

HOUSE OF REPRESENTATIVES—*Monday, June 18, 2001*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 2001.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Oh God of justice, You answer whenever we call upon You. Bless our Nation and this Congress.

Make of us fit instruments to accomplish Your will in our day and bring pervasive justice to all aspects of life.

By Your spirit of love, open those hearts that are closed to You or to their neighbors.

Help those who are fragile or frightened to know You are found in "the other."

Free those hearts that are fastened on what is futile and what is false in their search for happiness.

Rather, we ask You, to place in all our hearts a greater joy than we can ever have from any of our many material blessings.

Let the light of Your face shine on us, O Lord, so that our joy, our peace, and our security may be fixed on You, O God of justice, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WOLF) come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, June 18, 2001, to file a report on a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies for the fiscal year ending September 30, 2002 and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. All points of order are reserved on the bill.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 19, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2524. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Payments for Recovery of Lost Production Income [Docket No. 00-037-4] (RIN: 0579-AB15) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2525. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Undersized Regulation for the 2001-02 Crop Year [Docket No. FV01-993-1 FR] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2526. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Florida [Docket No. 01-020-1] received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2527. A letter from the Deputy Secretary, Department of Defense, transmitting a report entitled, "Identification of the Requirements to Reduce the Backlog of Maintenance and Repair of Defense Facilities"; to the Committee on Armed Services.

2528. A letter from the Acting Deputy Director, Department of Treasury, transmitting the Department's final rule—Extension of Grant of Conditional Exception—received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2529. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Chile, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

2530. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Application of the Electronic Signatures in Global and National Commerce Act to Record Retention Requirements Pertaining to Issuers under the Securities Act of 1933, Securities Exchange Act of 1934 and Regulations S-T [Release Nos. 33-7985, 34-44424; 35-27419; IC-25003] (RIN: 3235-AI14) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2531. A letter from the Deputy Director, National Institute on Disability and Rehabilitation Research, Department of Education, transmitting Final Priority—Technology for Successful Aging, Wheelchair Transportation Safety, and Mobile Wireless Technologies for Persons with Disabilities, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2532. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Years 2001-2003 for three Rehabilitation Engineering Research Centers—received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2533. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Further Delay of Effective Date [HCFA-2006-F3] (RIN: 0938-AI28) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2534. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 00F-1488] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2535. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Extension of Attainment Dates for PM10 Nonattainment Areas; Utah [UT–001–0033; FRL–6996–9] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2536. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Montana [MT–001–0018a, MT–001–0019a, MT–001–0020a, MT–001–0022a, MT–001–0023a; MT–001–0031a; FRL–6994–9] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2537. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Designation of Areas for Air Quality Planning Purposes, Telluride and Pagosa Springs [CO–001–0058a, CO–001–0059a; FRL–6989–3] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2538. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Alaska [Docket No. AK–24–1712a; FRL–6993–7] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2539. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Illinois; Oxides of Nitrogen [IL204–2; FRL 6998–2] received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2540. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Atlantic City, New Jersey) [MM Docket No. 01–49; RM–10032] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2541. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Lima, Ohio) [MM Docket No. 01–51; RM–10007] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2542. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Butte, Montana) [MM Docket No. 01–29; RM–10044] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2543. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Oklahoma City, Oklahoma) [MM Docket No. 99–297; RM–9726] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2544. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Great Falls, Montana) [MM Docket No. 00–114; RM–9744] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2545. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Panama City, Florida) [MM Docket No. 01–57; RM–10031] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2546. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 01–12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2547. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Finland for defense articles and services (Transmittal No. 01–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2548. A letter from the Director, Department of Defense, Defense Security Cooperation, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Hungry for defense articles and services (Transmittal No. 01–20), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2549. A letter from the Director, Department of Defense, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Hungary (Transmittal No. 06–01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

2550. A letter from the Director, Department of Defense, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Chile for defense articles and services (Transmittal No. 01–03), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2551. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Canada [Transmittal No. DTC 063–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2552. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on employment of United States citizens by certain international organizations, pursuant to 22 U.S.C. 276c–4; to the Committee on International Relations.

2553. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2554. A letter from the Acting Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Annual Program Performance Report on the FY 2000 and Performance Plan for FY 2002; to the Committee on Government Reform.

2555. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2556. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2557. A letter from the Deputy Director, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2558. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Definition of Affected State (RIN: 1010–AC74) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2559. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2001–2002 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018–AG55) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2560. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Removing Russia from the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program [INS No. 2144–01] (RIN: 1115–AG27) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2561. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Children Born Outside the United States; Applications for Certificate of Citizenship [INS No. 2101–00] (RIN: 1115–AF98) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2562. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Measurement of Mercury in Water (EPA Method 1631, Revision C); Final Rule, Technical Corrections [FRL–6998–5] received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2563. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Major Rail Consolidation Procedures—received June 12, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2564. A letter from the Acting Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Surety Bond Guarantee Program (RIN: 3245–AE74) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2565. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Delegation of Authority-

Portfolio Loan Servicing Contractor (RIN: 2900–AK72) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2566. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalties for Underpayments of Deposits and Overstated Deposit Claims [TD 8947] (RIN: 1545–AY79) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1542. A bill to deregulate the Internet and high speed data services, and for other purposes; with an amendment; adversely (Rept. 107–83 Pt. 2). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BEREUTER (for himself, Mr. OXLEY, Mr. LAFALCE, Mr. SANDERS, Mr. LEACH, and Ms. LEE):

H.R. 2209. A bill to increase the authorization for the multilateral World Bank AIDS Trust Fund, and expand the focus of the Trust Fund; to the Committee on Financial Services.

By Ms. KAPTUR (for herself and Mr. HUNTER):

H.R. 2210. A bill to establish the National Commission on the Impact of United States Culture on American Youth; to the Committee on Education and the Workforce.

By Mr. BACA (for himself, Mr. PALLONE, Ms. MCKINNEY, Mr. LANGEVIN, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Mr. CARSON of Oklahoma, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. REYES, Mr. TOWNS, Mr. HONDA, Mr. FILNER, Mrs. CAPPS, Ms. BALDWIN, Mr. BLUMENAUER, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mr. ENGLISH, Mrs. MINK of Hawaii, Ms. ROYBAL-ALLARD, Mr. KIND, Mr. FROST, Mr. STUPAK, Mr. UDALL of New Mexico, Mr. BONIOR, Mr. FARR of California, and Mr. MCDERMOTT):

H. Res. 168. A resolution expressing the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture, and education; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 250: Mr. WICKER, Mr. SIMPSON, Mr. SPRATT, Mr. LARSON of Connecticut, and Mr. NEY.

H.R. 548: Mrs. DAVIS of California, Mr. CANTOR, Mr. LARSEN of Washington, Mr. WU, Mr. BARCIA, Ms. HARMAN, Mr. BROWN of South Carolina, Mr. LEWIS of Georgia, Mr. COMBEST, Mr. BENTSEN, Mr. HANSEN, Mr. KUCINICH, Mr. WAXMAN, Mr. COOKSEY, Mr. SOUDER, Mr. JOHN, Mr. ANDREWS, Mr. RAHALL, Mr. GONZALEZ, Mr. MCCRERY, and Ms. SCHAKOWSKY.

H.R. 612: Ms. KILPATRICK, Mr. BLUMENAUER, Mr. HILLIARD, Mr. WEINER, Mr. PRICE of North Carolina, and Mr. BACA.

H.R. 746: Mr. LEACH and Mr. FORD.

H.R. 822: Mrs. CAPITO.

H.R. 1141: Mr. PORTMAN.

H.R. 1177: Mr. HALL of Ohio.

H.R. 1291: Mr. EVERETT, Mr. NETHERCUTT, Mrs. BIGGERT, and Mr. KOLBE.

H.R. 1329: Mr. BALDACCI.

H.R. 1405: Mr. PRICE of North Carolina.

H.R. 1460: Mr. PAUL, Mr. GIBBONS, Mr. RAHALL, Mr. SHIMKUS, Ms. HART, Mr. BRADY of Texas, Mr. TERRY, Mr. HANSEN, Mr. COOKSEY, Mr. TANCREDO, Mr. HOSTETTLER, Mr. SCHAFFER, Mr. GOODE, and Mr. TAYLOR of North Carolina.

H.R. 1487: Mr. SMITH of Texas and Ms. MCCOLLUM.

H.R. 1542: Mr. SMITH of Texas and Mr. LATOURETTE.

H.R. 1887: Mr. GILCHREST.

H.R. 1895: Mr. COX, Mr. EHLERS, Mr. BRYANT, Mr. DOOLITTLE, Mr. FOLEY, Mr. CRANE, and Mr. HERGER.

H.R. 1931: Mr. KELLER and Ms. JACKSON-LEE of Texas.

H.R. 1957: Mr. OBERSTAR, Ms. LOFGREN, and Ms. SCHAKOWSKY.

H.R. 1983: Mr. SPENCE, Mr. LAHOOD, Mr. HANSEN, and Mr. TAYLOR of Mississippi.

H.R. 2104: Mr. FILNER, Ms. LEE, Ms. JACKSON-LEE of Texas, and Mr. HILLIARD.

H.R. 2131: Mr. TOM DAVIS of Virginia and Mr. COYNE.

H.R. 2134: Ms. LOFGREN.

H. Con. Res. 154: Mr. EDWARDS and Mr. WATTS of Oklahoma.

H. Res. 101: Ms. ROYBAL-ALLARD.

H. Res. 152: Mr. VISCLOSKY, Mr. COYNE, Ms. KAPTUR, Mr. BARCIA, Ms. DELAURO, Mr. STARK, Mr. WAXMAN, Mr. STUPAK, Mr. BRADY of Pennsylvania, Mr. PASTOR, Mr. LANGEVIN, Mr. FERGUSON, Mr. RUSH, Mr. KILDEE, Ms. BROWN of Florida, Mr. KUCINICH, Mr. STRICKLAND, Mr. BONIOR, and Mrs. THURMAN.

H. Res. 160: Ms. KAPUR.

SENATE—*Monday, June 18, 2001*

The Senate met at 1 p.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led today by the Chaplain of the U.S. House of Representatives, Father Daniel Coughlin.

PRAYER

The guest Chaplain offered the following prayer:

Almighty and eternal God, Your faithfulness endures forever; Your love is ever creative. Your blessings have enriched this Nation throughout its history even to this present moment.

Each State represented in this assembly is unique in its identity and its resources. Blessed with people of diversity and freedom, each State has chosen Members of this House to represent its interests, let its voice be heard, and bear its will upon the future of this great Union.

Bless each Member of this Senate with prudence, justice, fortitude, and integrity. Lord, by lively exchange and through working together, may they discover the common ground of this Nation. Then, loosened by the bonds of history and mutualism, may they fortify this Republic and its future.

With Your grace, may there be a new manifestation in our time of these States united in justice and freedom as a peacemaker in the world, both now and forever. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the order previously entered, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Democratic whip is recognized.

SCHEDULE

Mr. REID. Mr. President, as you have announced, there will be morning business during the afternoon. There will be no rollcall votes today. Tomorrow we have every intention of bringing up the Patients' Bill of Rights. All Members should expect some long nights this week and next week prior to the Fourth of July break. It is the expectation of the majority leader that we finish the Patients' Bill of Rights before the Fourth of July break. So there will be rollcall votes throughout the remainder of the week.

MEASURE PLACED ON CALENDAR—S. 1052

Mr. REID. Mr. President, there is a bill at the desk due its second reading. I now ask unanimous consent that the bill be read a second time, but I would object to any further proceedings with respect to the bill at this time.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The PRESIDENT pro tempore. There being an objection to any further proceedings on the bill, the bill will be placed on the calendar.

H.R. 1—FURTHER MODIFICATION OF AMENDMENT NO. 549

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding passage of H.R. 1, it be in order for the previously agreed to amendment No. 549 to be further modified with the changes that are now at the desk.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 549), as further modified, is as follows:

"(A) AMOUNT.—In determining the amount of a grant awarded under this subsection; the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

"(B) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions, excluding land contributions, to meet the matching requirement of the preceding sentence.

"(C) MAXIMUM GRANT.—A local educational agency described in this subsection may not receive a grant under this subsection in an amount that exceeds $5,000,000 during any 2-year period.

"(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary."

Mr. REID. I thank the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota, Mr. DORGAN, is recognized for 10 minutes.

PATIENTS' BILL OF RIGHTS

Mr. DORGAN. Mr. President, I would like to speak today about the Patients' Bill of Rights, or the Bipartisan Patient Protection Act, which we are going to be turning to beginning tomorrow morning in the Senate. This debate revolves around the development of for-profit health care and the growth of big managed care organizations and what that has meant to patients and people around this country who seek medical help. For some 4 years now we have been debating what has been happening with the explosion of HMOs in our health care system.

All of us understand the basics of medicine. That is, we understand that if you have a medical affliction, you need to go see someone who is trained in the field of medicine. Often, they perform certain tests, and if you have an acute problem, often they check you into a hospital to get the needed treatment in those circumstances.

But things have changed in recent years in this country. The emergence of for-profit managed care organizations that are now in charge of health care for a good many Americans has changed the delivery of health care. The delivery of health care to individual patients now does not just involve the delivery of health care advice from a doctor to a patient in an examining room. It is more than that. In some cases, we now have someone in an insurance company office 1,000 miles away perhaps, who is making a decision about what medical care they will cover and what they will not cover with respect to this particular patient.

In recent years, Congress began to get a great deal of mail from patients saying: I had a health care plan only to discover that, when I became very sick and needed the benefits of that plan, those benefits were not available to me. Not only was I required as a patient to fight a battle with cancer, I was also required, they write, to fight a battle with cancer and then a battle with my managed care organization to give me the treatment I needed.

So we will soon have before us a bipartisan Patients' Bill of Rights, or Bipartisan Patient Protection Act. Yes, it is bipartisan. Democrats and Republicans are together bringing a bill to the floor of the Senate, saying we need to change what is happening in the delivery of health care in a way that provides fundamental rights to patients.

Let me describe some of those rights. Patients ought to have the right to know all of their medical options for treatment, not just the cheapest medical option. Second, a patient ought to have the right to "medically necessary" care without some arbitrary interference by an HMO or a managed care organization. Doctors and patients, not health plan executives, ought to determine the care that is needed.

Patients ought to have the right to choose the doctor they want for the care they need, including especially specialty care.

Patients ought to have the right to emergency room care when they have an emergency.

A patient ought to have the right to have access to prescription medicine that the doctors say are medically necessary for the patient.

You ought to have the right to a fair and speedy process for resulting disputes with your health care plan or your managed care organization.

And, finally, you ought to have the right to hold that managed care organization or health care plan accountable if its decision results in injury or even death.

As this debate gets underway, we will hear a lot of things about this bill. We will hear that this is "a trial lawyer's bill of rights." God forbid, they will say, that we should give patients the right to go to an attorney and seek redress against a managed care organization that didn't do right by them.

I find this a fascinating description of this bill. I will talk a bit more about it later. But those who will come to the floor of the Senate and talk about their concern about lawyers being involved are concerned only for one side. They say: We don't want patients to have the ability to go to a lawyer to get legal help to demand that managed care organizations give them the care they need and the care they thought was guaranteed to them; let's not allow patients to have a lawyer.

They don't say anything about the managed care organizations. Those big organizations have all kinds of lawyers working for them. If a patient doesn't pay a bill, or a monthly premium, guess what? The managed care organization can certainly go a hire a lawyer. Right? They have a battery of lawyers with whom to pursue their objectives. Those who oppose this legislation say the patient ought not have the right to seek redress.

I would like to go through a few examples today and draw some conclusions. As I do that, I would like to point out that these examples are real people. I have used some of them before, and some are new. But let me describe the problems we are trying to address with this legislation through the patients and the difficulties these patients have been forced to go through in order to get the medical help they thought they were going to get under their managed care plan.

Let me turn to James Adams. I have spoken of James Adams before on the floor of the Senate. This is a picture of James Adams, the happy and healthy little fellow tugging on his sister's shirt sleeve to get her attention. He lost both of his hands and legs.

James Adams is now 7 years old. Because of his parents' HMO rules, what happened to him in March of 1993 when he was only 6 months old changed his life forever. He was suffering from a 105-degree fever. His mother took him to the family's HMO pediatrician, who diagnosed a respiratory ailment for this young fellow and a postnasal drip and prescribed saline drops, vaporizer use, and Tylenol. The pediatrician told the mother not to worry, that high fevers in young children don't necessarily mean a serious illness.

Late that night, his temperature was still rising and he was in great discomfort. His worried mother called the HMO. The nurse on duty recommended bathing this young fellow in cold water. The pediatrician then placed a follow-up call advising the parents to bring James to an HMO participating hospital 42 miles away, even though there were 3 closer hospitals.

On the way to the furthest hospital, which was the HMO hospital 42 miles away, this young boy suffered full cardiac and respiratory arrest and lost consciousness. The parents passed three hospital emergency rooms before they could finally reach the HMO hospital, which is where they would have coverage, according to their HMO.

Upon James' arrival, doctors were able to return his pulse and breathing. But the circulation to his hands and feet had been cut off and could not be returned, causing irreparable damage to his extremities. The result? Both of his hands and feet had to be amputated. That rendered him into a situation he will have to live with for all of his life. The delay in care caused by driving almost an hour to an affiliated hospital took its toll.

One asks the question: Is it a reasonable thing to have a young boy with a 105-degree fever go to a hospital 42 miles away and pass 3 hospitals on the way? That is the way some HMOs work. That is not the way a plan should work. Any emergency room ought to be available to this young fellow in an emergency.

Let me describe another story, dealing with another person who was denied coverage to emergency room care.

Jacqueline Lee lives in Bethesda, Maryland. A lover of the outdoors, she took a trip to hike in the Shenandoah Mountains in the summer of 1996. While walking on one of the trails, she lost her footing, and plummeted off of a 40-foot cliff to the ground below. Luckily for Jacqueline, she was quickly airlifted from the mountain to a hosptial in Virginia. Amazingly, she survived the fall, sustaining fractures in her arms, pelvis, and her skull.

After she survived and went through a convalescence, her HMO refused to pay more than $10,000 in emergency room bills because it said this woman who was brought into an emergency room on a gurney, unconscious, did not get preapproval for using emergency room services.

Because an unconscious patient falling off a 40-foot cliff, suffering substantial injuries, did not get preapproval, the managed care organization said it would not pay the emergency room fees. This is an example of emergency room care that is needed by a patient who had protection under her health plan only to be told later that she wouldn't be covered for emergency room treatment. Is that something patients should worry about? They shouldn't have to worry about that.

Our Patients' Bill of Rights says emergency room treatment is available in emergencies under what is called a prudent layperson standard of defining what an emergency is.

Let's not have more delay and all kinds of shenanigans by the managed care organization to see how it can withhold treatment. Let's say that if you have an emergency and you are covered by a managed care plan, you deserve the right to be treated at an emergency room. It ought to be true for Jacqueline Lee. It ought to be true for James Adams. It ought to be true for every patient covered under a plan who needs emergency room treatment.

Let me describe the situation of Ethan Bedrick. I have spoken of Ethan before.

The reviewing doctor never met with the family and never met with this young boy, Ethan. He simply said: Only a 50-percent chance of being able to walk by age 5 is a "minimal benefit" and therefore his insurance company would not continue the therapy.

Ethan Bedrick was born on January 28, 1992. His delivery went badly, and as a result of asphyxiation, he has suffered from severe cerebral palsy and spastic quadriplegia, which impairs motor functions in all his limbs. Ethan was put on a regimen of intense physical, occupational and speech therapy to help him overcome some obstacles throughout his development.

At the age of 14 months, Ethan's insurance company abruptly cut off coverage for his speech therapy, and limited this physical therapy to only 15 sessions per year. This change was recommended by an insurance company doctor performing a "utilization review" of Ethan's case. The reviewing doctor cited a 50 percent chance that Ethan could walk by age 5 as a "minimal benefit" of further therapy.

Ethan's parents appealed to the courts. The courts said:

> It is as important not to get worse as it is to get better. The implication that walking by age 5 . . . would not be "significant progress" for this unfortunate child is simply revolting.

Unfortunately, during the time of court action, Ethan lost three years of vital therapy. And even then, the Bedricks were left with no remedy for compensation for Ethan's loss of therapy.

Does this child need patient protections? You bet your life. This child and his family need patient protections.

Let me describe a young boy named Christopher Roe. I was holding a hearing one day in Las Vegas, NV, with my colleague, Senator REID. Christopher's mother, Susan, came to the hearing, and she held, above her head, a picture the size of the one I have in the Chamber. Susan began to speak about her son Christopher and this subject of patients' protection.

His mother said that Christopher Thomas Roe died October 12, 1999. It was his 16th birthday. The official cause of Christopher's death was leukemia. But Susan said the real cause of Christopher's death was that the family's health plan denied him the chemotherapy drug he needed. Yes, it was investigational, but it would have given him a chance at life; and it was denied at every step of the way.

Christopher was first diagnosed with leukemia in 1998. He at first achieved remission, only to develop an early relapse. His pediatric oncologist recommended he receive a bone marrow transplant, which was his only hope for long-term survival. But before he could receive a bone marrow transplant, he needed to go into a second remission.

Chris's oncologist felt that because of his early relapse, he needed an additional drug that the oncologist recommended. It was available at the Hughes Institute in St. Paul, MN, but it had already proven effective in fighting the specific kind of leukemia cells young Christopher had.

The health plan denied treatment saying, no, this drug is experimental, even though it wouldn't have had to pay for the drug itself, only the blood draws, physician visits, and blood products it would have paid for had he received traditional chemotherapy.

Chris's family immediately appealed. The review, which was supposed to have taken 48 hours, took 10 days. Meanwhile, as the appeal dragged on, Christopher's condition worsened, and his oncologist felt he had no choice but to start Christopher on the more traditional chemotherapy. But that did not work.

The National Bone Marrow Donor Program found six perfect matches for this young boy, which is almost unheard of. Unfortunately, he was never able to make it to a bone marrow transplant because he was never able to achieve the second remission without the drug he needed in order to do that. At a hearing that I held with my colleague, Senator REID, his mother Susan stood up and held this picture of young Christopher above her head, and she began crying as she described her son's death. She said: My son was 16 years old. And he looked up at me from his bed and said: Mom, I just don't understand how they could do this to a kid.

This mother felt that her son deserved every opportunity, deserved a fighting chance against his disease. What she said was: My son and our family had to fight the cancer and fight the managed care organization at the same time, and that is not fair.

She is right about that. We ought not have this happen in our country. I hope that, in the name of Christopher Roe and so many others, we can pass a patients' protection act in this Congress that says to them and others like them: You have certain rights as patients. Right now the odds are stacked. We have the big interests over here, and they have all the money and all the lawyers; and we have the patients over here who, alone with their families, are left to fight the battle.

We had a hearing in Washington, DC, about a year ago. A mother from New York came to that hearing. Mary Lewandowski was her name. I will never forget her because she came up to me after the hearing and gave me a big hug, and we talked about her daughter Donna Marie. Donna Marie died February 8, 1997. Her mother Mary has made it a cause to try to see if she can prevent from happening to others what happened to her child. Mary comes to Congress at her own expense. Nobody pays her way here. Every chance she gets, she comes to talk about her daughter.

The week of her daughter Donna's death, she had been to a doctor four times in 5 days. Despite her worsening symptoms, this young girl was told that she had an upper respiratory infection, and she had panic attacks, her doctor said. She was 22 years old. On the evening of February 8, Donna was in a tremendous amount of pain. Her mother called the hospital, and was told she could not bring her daughter to the hospital unless it was a life-or-death situation, or unless she had a doctor's referral.

Mary tried in vain to reach Donna's doctor. One hour later, Donna lapsed into a coma and died. She died from a blood clot on her lung the size of a football.

Donna's doctor later told her mother that a $750 lung scan might well have saved her daughter's life. But the test was not performed because it could not be justified to the HMO or the managed care organization.

Now I would like to turn, just for a moment, to a couple of other issues in this debate. The question of whether care is "medically necessary" is often cited as a reason for lack of treatment by a managed care organization.

This is a picture of a young baby born with a horrible problem, a cleft upper lip: A terrible disfigurement. Surgeons tell me that—in fact, one Member of Congress, who is an oral surgeon confirms this—it is not unusual at all to be told that fixing this is not "medically necessary" and, therefore, the health care plan will not cover it. It is not "medically necessary" to fix this. Can you imagine being told that as a parent?

Let me show you a picture of what it looks like when you fix this problem. This picture shows what that young child can look like when that problem is fixed.

After looking at the results, can one really say it is not medically necessary to fix this? This legislation begins to define what the rights of patients are with respect to what is "medically necessary."

Is it necessary for us to pass this legislation? In the name of all of these children, in the name of these patients and in the name of these people who have to fight dread diseases and their managed care organizations at the same time, the answer clearly is yes. We ought to give them those opportunities. And those opportunities exist in this legislation.

This will be a long and difficult debate. I do not know whether the votes will exist at the end of this debate to pass it.

But I do know this: This debate has gone on for nearly 4 years now. This is an iteration of an iteration of an iteration. It is a compromise after a compromise after a compromise. It is a bipartisan bill brought to the Senate Chamber to say: Let us provide patient protections against those HMOs that want to withhold needed treatments for patients. Let's change the odds.

Let me hasten to say, not all insurance companies or HMOs are bad actors. Many of them are wonderful, and do a great job, and serve their patients very well. I commend them.

There are some, however, who look at a patient in the context of profit and loss. A woman in the State of Georgia suffered a very severe head injury. She was put in an ambulance, and on the way to a hospital—she was not quite unconscious—she had the presence of mind to tell the ambulance driver: I want to go to the following hospital. And it was the farthest hospital away, about another 10 minutes. They took her there, but they later asked her why, with a brain injury, she would want to take the extra 10 minutes to go to a further hospital. She said: I know about the hospital that was closer. It is a hospital with a reputation for taking a look at a patient who is coming in and seeing the dollars and cents, the profit and loss. I didn't want my medical care to be the function of someone else's calculation of profit and loss.

This is from a woman in an ambulance with a brain injury. My point is very simple. This country needs to have some basic protections for patients, and the patients want those protections. Especially with the growth of managed care organizations, many of whom do a fine job, but some of whom do not, we need these protections.

We need to say, as a matter of public policy in this country, patients have certain rights. Yes, you have a right to know all of your options for medical treatment, not just the cheapest one the managed care organization might want to tell you about.

Yes, you have a right to an emergency room when you have an emergency. Yes, you have a right to be able to see the specialist you need when you need to see one. Yes, you have a right, if your spouse is being treated for breast cancer and you have changed jobs, for your wife to see that same oncologist who has been working with for her for the last 5 years to fight her breast cancer. You ought to have that right, and this legislation will give you that right.

We will have Senators who will assert that this is a bill about trying to create more lawsuits. It is not that at all. It is about trying to provide patient protections. As I said when I started, the managed care organizations have all the lawyers they need. They can hire all the lawyers they need and want unimpeded. No one is going to come to the Chamber from the other side and talk about limiting the rights of the big managed care organizations or insurers to hire lawyers, are they? I don't think so. But they will say: We don't want patients to have access to attorneys to hold managed care organizations accountable.

This is all about accountability. The Red Cross can be held accountable. Boy Scouts can be held accountable. Everybody can be held accountable except, in these circumstances, managed care organizations. This piece of legislation says everybody ought to be held accountable.

This is not about lawyers, this is about getting the right care to patients when they need it.

I suspect we will debate this for a couple of weeks. We have had this debate before. This legislation has changed from that time. For example, we hear from small businesses, who are now getting mailings around the country, saying: If Congress passes this Patients' Bill of Rights, this is going to break our small businesses because we will be held accountable. That is not true. In fact, this has changed so that we use exactly the same language the majority party used in its substitute in 1999. This bill isn't in any way putting in jeopardy small businesses. We don't hold them accountable. They are not accountable at all in circumstances where they have not had direct participation in making decisions about patient care. They are not accountable in that circumstance and should not be accountable because they were not making the decision.

This is about managed care organizations and patients and the relationship between the two and the rights patients ought to have.

I have other pictures. I have other stories. I will at some point later describe more of them in terms of what is "medically necessary" because by deciding what is medically necessary is another very important way in which HMOs can withhold treatment.

I am going to show a poster on the issue of medical necessity that is a little more subtle than perhaps the other one I used but just as important. Brenna Nay was born in 1987. She has abnormal facial features characteristic of what is called Hajdu-Cheney syndrome. The shape of her skull is distorted. She had no chin. The question is, is it medically necessary to treat this young lady?

Let me show the result after surgery. They built this young woman a chin. After surgery, does that improve that young woman's life? Is this something you ought to expect would be covered in a health plan? In my judgment, it should.

I have other pictures that are similar. I will use them later.

This "medically necessary" issue is critically important. I feel passionate about these health care issues. I have lost a member of my family. I have sat in intensive care day after day after day and know what it is like to lose a member of my family in a circumstance I can hardly begin to describe. In my case, my loss didn't have anything to do with the managed care organization withholding treatment. But I understand the passion of parents. I understand the passion of people who are fighting for their lives, who are struggling and fighting mightily against dread diseases and illnesses they know can kill them and then discover they not only have to waste the emotional energy to wage war against cancer or heart disease or so many other problems, but they also have to try at the same time to fight a managed care organization that ought to be covering that which is in their health care plan.

That is not right. That is not fair. These are the types of problems this piece of legislation is designed to try to address. If we can pass this legislation, the country will be a significant step ahead in dealing with patients' needs and protections.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mr. DORGAN assumed the chair.)

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, June 15, 2001, the Federal debt stood at $5,632,910,105,449.16, five trillion, six hundred thirty-two billion, nine hundred ten million, one hundred five thousand, four hundred forty-nine dollars and sixteen cents.

One year ago, June 15, 2000, the Federal debt stood at $5,644,607,000,000, five trillion, six hundred forty-four billion, six hundred seven million.

Twenty-five years ago, June 15, 1976, the Federal debt stood at $612,128,000,000, six hundred twelve billion, one hundred twenty-eight million, which reflects a debt increase of more than $5 trillion, $5,020,782,105,449.16, five trillion, twenty billion, seven hundred eighty-two million, one hundred five thousand, four hundred forty-nine dollars and sixteen cents during the past 25 years.

ADDITIONAL STATEMENTS

HONORING COLONEL JAMES GARRARD JONES, FIRST MAYOR OF EVANSVILLE

• Mr. LUGAR. Mr. President, I rise today to honor a true pioneer in public service, Colonel James Garrard Jones.

Colonel Jones was born in Paris, KY on July 3, 1814, but soon became a resident of the great State of Indiana when his family moved there in 1819. This move was Indiana's good fortune, for it did not take long for Colonel Jones to become involved in public life.

The young Colonel Jones served as Surveyor and Deputy Recorder of Vanderburgh County, leaving a lasting mark as the county's early field notes and books of deeds and mortgages appear in his handwriting. He went on to serve as Evansville Trustee and Evansville Attorney under the town corporation. In 1847, Colonel Jones's efforts in the establishment of a city government culminated with his election as first Mayor of Evansville. He won reelection as Mayor in 1850.

Colonel Jones took his service to the State level with his election as Attorney General of Indiana in 1860. But shortly thereafter he was appointed Colonel of the Forty-Second Regiment of the Indiana Volunteer Infantry, and he left office to serve with the regiment.

After hostilities ended, Colonel Jones practiced law until Governor Baker appointed him to his final position of public service in 1869 as Judge of the Fifteenth Judicial Circuit.

Colonel Jones passed away on April 5, 1872. This public servant, husband, and father to eight children is remembered not only for his public service, but also for his intelligence, kindness, and geniality.

On June 23, 2001, the descendants of Colonel Jones, the current Mayor of Evansville, IN, Russell Lloyd Jr., the Friends of the Forty-Second Regiment Indiana Volunteer Infantry, and others will gather to remember Colonel Jones with the placement of a new bronze marker at his grave site in the Oak Hill Cemetery in Evansville. I am pleased to join them in honoring this fine man who contributed greatly to Evansville, the state of Indiana, and our nation.●

CONGRATULATING SHIRLEY M. CALDWELL TILGHMAN

● Mr. TORRICELLI. Mr. President, I rise today to congratulate Shirley Tilghman on becoming the 19th President of Princeton University. Dr. Tilghman comes to this revered post eminently qualified, having previously served as an exceptional teacher and a world renowned scholar.

Dr. Tilghman has been a valuable member of the Princeton faculty for many years. Arriving at Princeton in 1986, she served as the Howard A. Prior Professor of the Life Sciences. She has also served as the chair of Princeton's Council on Science and Technology from 1993 through 2000, and in 1998 undertook the responsibilities of founding director for Princeton's multi-disciplinary Lewis-Sigler Institute for Integrative Genomics. The founding of the Lewis-Sigler Institute grew out of Dr. Tilgman's role as one of the architects of the national effort to map the human genome.

Harold R. McAlindon once said, "Do not follow where the path may lead. Go instead where there is no path and leave a trail." I am confident that based on Dr. Tilghman's wealth of experience and interests, she will continue in this spirit as she guides Princeton University. I wish her all the best.●

TRIBUTE TO KATHLEEN MOORE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kathleen Moore of Goffstown, NH, for her act of heroism. I commend her for the act of risking her own life to save the life of a fellow citizen.

While returning home after babysitting for children of a friend, Kathleen spotted a burning automobile that had crashed into a tree. Alarmed by the sound of banging from inside the vehicle, Kathleen, a postal employee, risked her life while aiding Mark Renaud, of Barnstead, NH, who was trapped underneath the burning car.

Kathleen, who had lost a daughter and a son in an automobile accident 12 years earlier, heroically pulled Mark Renaud out of the flaming inferno that had consumed the car. Thanks to the selfless actions of Kathleen, Mark is alive today.

Kathleen Moore is a role model for the citizens of Goffstown, our State and country. I applaud her act of heroism and charity. It is an honor and a privilege to represent her in the United States Senate.●

CONGRATULATING THE MERCK INSTITUTE OF AGING & HEALTH

● Mr. CORZINE. Mr. President, I rise to congratulate the Merck Institute of Aging & Health and its executive director, Dr. Patricia Barry, on its public introduction today.

As the baby boom becomes the senior boom, the number of Americans over 65 will double within the next 30 years to 70 million. This significant increase in the life span means that we must find ways to increase the health span, or America will grow sicker as it grows older.

Located in Washington, DC, the Merck Institute of Aging & Health is a new nonprofit organization established to help increase the health span by promoting active aging. Funded by the respected Merck Company Foundation of White House Station, NJ, the new institute is specifically dedicated to improving the health, independence, and quality of life of older people around the world. It will fulfill this mission by communicating vital health information, educating the public and health professionals about healthy aging, and encouraging research in the aging field.

As more individuals start to enjoy longer lives, they also need to enjoy better lives. They need to learn how to age without losing independence, and they need to see the promise of active aging transformed into reality. This is both the challenge and charge of the new institute, and I have every confidence that its director and staff will meet that challenge and help the public, professionals, and policymakers face the critical issue of active aging in the 21st century. In the process, I know that this institute will help prove, in the words of Dr. Barry, that "Aging should not be seen as an obstacle, but as an opportunity."

Again, I congratulate the Merck Institute of Aging & Health on its public introduction, and I wish it continued success throughout the coming years.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY last month. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 24, 1999 in San Diego, California. Hundreds of gay-pride marchers and spectators were tear-gassed when someone threw a military-issue tear-gas grenade near the Family Matters contingent during the 25th annual Pride Parade. Family Matters is a social and educational group for gay and lesbian parents and their families. The 70-person contingent included small children and babies in strollers.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

SPEARFISH HIGH SCHOOL "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" FINALISTS

● Mr. JOHNSON. Mr. President, I rise today to publicly commend an excellent group of students from Spearfish High School in Spearfish, SD. This class of 23 government students performed extraordinarily well at the Center for Civic Education's "We the People . . . The Citizen and the Constitution" national finals held in Washington, D.C. The Spearfish High School class competed with 49 other government classes from around the country, and I applaud these students for their outstanding performance and for their dedication and commitment to studying the U.S. government.

"We the People . . . The Citizen and the Nation," is an outstanding program directed by the Center for Civic Education and funded by the United States Department of Education by an act of Congress. The program's goal is to create an enlightened citizenry that is well-versed on the principles and virtues of America's constitutional democracy. To help meet this goal, students take part in an instructional curriculum that culminates with a simulated congressional hearing that tests students knowledge and understanding of the history and principles of American government.

Spearfish, SD is a wonderful town located in the northern part of the Black Hills, home to Mt. Rushmore, Crazy Horse monument, and other beautiful landmarks and landscapes. I am proud that these students from Spearfish serve as such excellent representatives of our great State of South Dakota. I commend them for their talent and their commitment to learning about our Nation's system of government.

For their contributions to the successful team effort, I congratulate class members Ryan Aalbu, Jessica Barron, Ryan Batt, Chelsea Brennan, Christi Coburn, Doug Dodson, Johanna Farmer, Ryan Freemont, Christina Hammerquist, Marie Hoffman, Matt Loken, John Martin, Cassie Parsons, Faith Pautz, Kara Peep, Danielle Peterson, Crystal Sachau, Amanda Schlepp, Jordan Schmit, Mindy Simonson, Mark Stratton, Erin Talsma, and Aaron Varadi.

Mr. Patrick Gainey deserves special recognition for his role in this accomplishment. As the teacher of this class, he both taught and inspired these students, while leading them to the national finals competition. I also acknowledge State Coordinator Lennis Larson, and District Coordinator Mark Rockafellow for helping to facilitate this event for these students.

I am proud that South Dakota is home to such outstanding students, whose desire and commitment to studying our constitutional government is clearly evident from this achievement. I thank you, for allowing me time to share this outstanding accomplishment with my Senate colleagues. Their performance in this national competition not only makes all of South Dakota proud, but also serves as a model for other talented and motivated students throughout our state to emulate.•

TRIBUTE TO CAPTAIN FRANK HOLDSWORTH

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Captain Frank Holdsworth of Londonderry, NH, on the occasion of his retirement from the Londonderry Police Department. For 23 years he has served the citizens of Londonderry with dedication and pride.

Frank began his career as a special officer and was promoted 6 times earning the titles of patrolman, corporal, sergeant, lieutenant, and captain. He has held every position within the police force due to his reliable and professional performance.

Frank has been actively involved in community affairs programs at the Londonderry Police Department. He was influential in starting the field training program and also worked with the secret service when presidential campaigns came to town. Frank was in civic groups including: Londonderry Athletic and Field Association, Lions Club and Police Relief Association.

I commend Frank for his loyal and dedicated service to the Town of Londonderry. The citizens of Londonderry and the State of New Hampshire are grateful for his contributions to the community and his profession.

I wish Frank and his family well as he retires from the Londonderry Police Department. It is truly an honor and a privilege to represent him in the United States Senate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

S. 1052. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2384. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Payments for Recovery of Lost Production Income" (Doc. No. 00-037-4) received on June 13, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2385. A communication from the Congressional Review Coordinator , Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Florida" (Doc. No. 01-020-1) received on June 14, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2386. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report relative to the assessment of the cattle and hog industries for calendar year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2387. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Penalties for Underpayments of Deposits and Overstated Deposit Claims" (RIN1545-AY79) received on June 14, 2001; to the Committee on Finance.

EC-2388. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, a report dated June 14, 2001; to the Committee on the Budget.

EC-2389. A communication from the Acting General Counsel, Executive Office of the President, transmitting, pursuant to law, the report of a nomination changed for the position of Director of the National Drug Control Policy, received on June 14, 2001; to the Committee on the Judiciary.

EC-2390. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority—Portfolio Loan Servicing Contractor" (RIN2900-AK72) received on June 14, 2001; to the Committee on Veterans' Affairs.

EC-2391. A communication from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "NIDRR—Technology for Successful Aging, Technology for Transportation Safety, and Mobile Wireless Technologies for Persons with Disabilities" received on June 13, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-2392. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to efforts made by the United Nations and the UN Specialized Agencies to employ an adequate number of Americans during 2000; to the Committee on Foreign Relations.

EC-2393. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Deputy Under Secretary of Defense, Logistics and Material Readiness, received on June 14, 2001; to the Committee on Armed Services.

EC-2394. A communication from the Acting Deputy General Counsel, Office of Surety Bond Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Surety Bond Guarantee Program" (RIN3245-AE74) received on June 14, 2001; to the Committee on Small Business.

EC-2395. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Community Development Revolving Loan Program For Credit Unions" (2 CFR Part 705) received on June 14, 2001.

EC-2396. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Central Liquidity Facility Final Interpretive Ruling and Policy Statement 01-2 Central Liquidity Facility Advance Policy" received on June 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2397. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; State of Illinois; Oxides of Nitrogen" (FRL6998–2) received on June 13, 2001; to the Committee on Environment and Public Works.

EC–2398. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report relative to the status of licensing and regulatory duties dated April 1, 2001; to the Committee on Environment and Public Works.

EC–2399. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alaska" (FRL6993–7) received on June 14, 2001; to the Committee on Environment and Public Works.

EC–2400. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Maryland Regulatory Program" (MD–046–FOR) received on June 13, 2001; to the Committee on Energy and Natural Resources.

EC–2401. A communication from the Assistant Secretary, Land and Minerals Management, Leasing Division, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf-Definition of Affected State" (RIN1010–AC74) received on June 14, 2001; to the Committee on Energy and Natural Resources.

EC–2402. A communication from the Acting Assistant Secretary of Regulatory Affairs, Bureau of Land Management, transmitting, pursuant to law, the report of a rule entitled "Mining Claims Under the General Mining Laws, Surface Management" (RIN1004–4022) received on June 14, 2001; to the Committee on Energy and Natural Resources.

EC–2403. A communication from the Deputy Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Uranium Industry Annual 2000"; to the Committee on Energy and Natural Resources.

EC–2404. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator of the Office of Federal Procurement Policy, received on June 13, 2001; to the Committee on Governmental Affairs.

EC–2405. A communication from the Acting Director of the Office of Personnel Management, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2406. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the lists of General Accounting Office Reports for April 2001; to the Committee on Governmental Affairs.

EC–2407. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2408. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2409. A communication from the Executive Director of the Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on June 14, 2001; to the Committee on Governmental Affairs.

EC–2410. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Poor Management Oversight and Financial Irregularities Plague the District's Abandoned and Junk Vehicle Program"; to the Committee on Governmental Affairs.

EC–2411. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Commissioner of Customs, United States Custom Service, received on June 8, 2001; to the Committee on Finance.

EC–2412. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Assistant General Counsel (Treasury), Chief Counsel, Internal Revenue Service, received on June 8, 2001; to the Committee on Finance.

EC–2413. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Deputy Under Secretary/Designated Assistant Secretary (Internal Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2414. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and nomination confirmed for the position of Chief Financial Officer, received on June 8, 2001; to the Committee on Finance.

EC–2415. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chief Financial Officer, received on June 8, 2001; to the Committee on Finance.

EC–2416. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and nomination confirmed for the position of Assistant Secretary (Management), received on June 8, 2001; to the Committee on Finance.

EC–2417. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary (Management), received on June 8, 2001; to the Committee on Finance.

EC–2418. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of acting role, the designation of acting officer, a vacancy and a nomination confirmed for the position of General Counsel, received on June 8, 2001; to the Committee on Finance.

EC–2419. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and nomination for the position of Assistant Secretary (Financial Markets), received on June 8, 2001; to the Committee on Finance.

EC–2420. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and nomination for the position of Assistant Secretary (Public Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2421. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Financial Institutions), received on June 8, 2001; to the Committee on Finance.

EC–2422. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Enforcement), received on June 8, 2001; to the Committee on Finance.

EC–2423. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary (Economic Policy), received on June 8, 2001; to the Committee on Finance.

EC–2424. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Assistant Secretary (Tax Policy), received on June 8, 2001; to the Committee on Finance.

EC–2425. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Assistant Secretary (Tax Policy), received on June 8, 2001; to the Committee on Finance.

EC–2426. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Deputy Under Secretary/Designated Assistant Secretary (Legislative Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2427. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, nomination, and nomination confirmed for the position of Deputy Under Secretary/Designated Assistant Secretary (Legislative Affairs), received on June 8, 2001; to the Committee on Finance.

EC–2428. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy for the position of Treasurer of the United States, received on June 8, 2001; to the Committee on Finance.

EC–2429. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of the designation of acting officer and a nomination for the position of Under Secretary for Enforcement, received on June 8, 2001; to the Committee on Finance.

EC–2430. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, designation of acting officer, and the discontinuation of service in acting role for the position of Under Secretary of Enforcement, received on June 8, 2001; to the Committee on Finance.

EC–2431. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, and a nomination for the position of Under Secretary for Domestic Finance, received on June 8, 2001; to the Committee on Finance.

EC–2432. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, a nomination, and a nomination confirmed for the position of Under Secretary of International Affairs, received on June 8, 2001; to the Committee on Finance.

EC–2433. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Deputy Secretary, received on June 8, 2001; to the Committee on Finance.

EC–2434. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a vacancy, the designation of acting officer, the discontinuation of service in acting role, a nomination, and a nomination confirmed for the position of Secretary of the Treasury, received on June 8, 2001; to the Committee on Finance.

EC–2435. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; NOAA Information Collection Requirements; Regulatory Adjustments; Technical Amendment" (RIN0648–AP23) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2436. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator of the Research and Special Programs Administration, received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2437. A communication from the Senior Regulatory Analyst of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties" (RIN2105–AC92) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2438. A communication from the Senior Regulatory Analyst of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs; Threshold Requirements and Other Technical Revisions" (RIN2105–AC89) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2439. A communication from the Senior Regulatory Analyst of the Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled "Credit Assistance for Surface Transportation Projects" (RIN2105–AC87) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2440. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes Powered by P and W JT9D–7 Series Engines" ((RIN2120–AA64)(2001–0238)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2441. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Electric Company CF34 Series Turbofan Engines" ((RIN2120–AA64)(2001–0258)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2442. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Air Tractor, Inc; AT–400, AT–500, and AT–800 Airplanes" ((RIN2120–AA64)(2001–0257)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2443. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corporation Model S76A, S76B, and S76C Helicopters" ((RIN2120–AA64)(2001–0255)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2444. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directive: GE Company CF34 Series Turbofan Engines" ((RIN2120–AA64)(2001–0252)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2445. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–80 Series Airplanes and Model MD88 Airplanes" ((RIN2120–AA64)(2001–0253)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2446. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Model CF6–80C2 Turbofan Engines" ((RIN2120–AA64)(2001–0254)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2447. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed, Model 188A and 188C Series Airplanes" ((RIN2120–AA64)(2001–0247)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2448. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L–1011–385 Series Airplanes" ((RIN2120–AA64)(2001–0248)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2449. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: American Champion Aircraft Corporation 7, 8, and 11 Series Airplanes" ((RIN2120–AA64)(2001–0250)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2450. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737, 747, 757, 767, and 777 Series Airplanes; Request for Comments" ((RIN2120–AA64)(2001–0251)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2451. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD11 Series Airplanes" ((RIN2120–AA64)(2001–0243)) received on June 14 , 2001; to the Committee on Commerce, Science, and Transportation.

EC–2452. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Flugzeubau GmbH Models DG 500 Elan Series, DG 500M and DG 500MB Sailplanes" ((RIN2120–AA64)(2001–0245)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2453. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 35, 35A, 36, 36A Series Airplanes" ((RIN2120–AA64)(2001–0246)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2454. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Model BH 125, DH 125, and HS 125 Series Airplanes" ((RIN2120–AA64)(2001–0240)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2455. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: P and W PW4000 Series Turbofan Engines" ((RIN2120–AA64)(2001–0241)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2456. A communication from the Program Analyst of the Federal Aviation Administration, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, INC, SA226 Series and SA227 Series Airplanes" ((RIN2120–AA64)(2001–0242)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2457. A communication from the Program Analyst of the Federal Aviation Administration, transmitting. pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Inc. Model 47B, 47B–3, 47D, 47D–1, 47G, 47G–2, 47G2A, 47G–2A–1, 47G–3, 47G–3B, 47G–3B–1, 47G–3B–2, 47G–3B–2A, 47G–4, 47G–4A, 47G–5, 47G–5A, 47H–1, 47H–2, 47H–2A, and 47K Helicopters; Request for Comments" ((RIN2120–AA64)(2001–0239)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2458. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 707 and 720 Series Airplanes" ((RIN2120–AA64)(2001–0244)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2459. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR; Skull Creek, Hilton Head, SC" ((RIN2115–AE46)(2001–0013)) received on June 14, 2001 ; to the Committee on Commerce, Science, and Transportation.

EC–2460. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Fireworks Display, Kill Van Kull, Staten Island, NY" ((RIN2115–AA97)(2001–0024)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2461. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Chicago Harbor, Chicago, Illinois" ((RIN2115–AA97)(2001–0020)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2462. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulation: USS *Doyle* Port Visit—Boston, Massachusetts" ((RIN2115–AA97)(2001–0023)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2463. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Ottawa River, Toledo, Ohio" ((RIN2115–AA97)(2001–0026)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2464. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Grosse Point Farms, Lake St. Clair, MI" ((RIN2115–AA97)(2001–0025)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2465. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY" ((RIN2115–AE47)(2001–0047)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2466. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Annisquam River, Blynman Canal, MA" ((RIN2115–AE47)(2001–0046)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2467. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Captain of the Port Detroit Zone" ((RIN2115–AA97)(2001–0027)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2468. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR; Sarasota Bay, Sarasota, Florida" ((RIN2115–AE46)(2001–0011)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2469. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Captain of the Port Detroit Zone" ((RIN2115–AA97)(2001–0017)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2470. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; USS *Samuel Eliot Morison* Port Visit, Newport, RI" ((RIN2115–AA97)(2001–0019)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2471. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Zone Regulations: USS *Hawes* Port Visit, Newport, RI" ((RIN2115–AA97)(2001–0021)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2472. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations: SLR; Harbor Town Fireworks Display, Calibogue Sound, Hilton Head, SC" ((RIN2115–AE46)(2001–0014)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2473. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR: Gulf of Mexico, Sarasota, Florida" ((RIN2115–AE46)(2001–0012)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2474. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: U.S. Aerospace Challenge, Holland, MI" ((RIN2115–AA97)(2001–0022)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2475. A communication from the Chief of the Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Riversplash 2001, Milwaukee River, Wisconsin" ((RIN2115–AA97)(2001–0028)) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2476. A communication from the Acting Assistant Administrative for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Boundary Changes in the Flower Garden Banks National Marine Sanctuary; Addition of Stetson Bank and Technical Corrections; Final Rule" (RIN0648–XA50) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2477. A communication from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Thunder Bay National Marine Sanctuary and Underwater Preserve Regulations; Final Rule" (RIN0648–AE41) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 104

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 104, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 280

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 280, a bill to amend the Agriculture Marketing Act of 1946 to require retailers of beef, lamb, pork, and perishable agricultural commodities to inform consumers, at the final point of sale to consumers, of the country of origin of the commodities.

S. 281

At the request of Mr. HAGEL, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 283

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 392

At the request of Mr. SARBANES, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 638

At the request of Mr. DOMENICI, the name of the Senator from New York

(Mr. SCHUMER) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 662

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to other wise commemorate, certain individuals.

S. 677

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 910

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 910, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 946

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 952

At the request of Mr. GREGG, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 986

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1006

At the request of Mr. HAGEL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1006, a bill to provide for the energy security of the United States and promote environmental quality by enhancing the use of motor vehicle fuels from renewable sources, and for other purposes.

S. 1017

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1039

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1039, a bill for the relief of the State of Hawaii.

S. 1042

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 4

At the request of Mr. NICKLES, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress regarding housing affordability and ensuring a competitive North American market for softwood lumber.

S. CON. RES. 43

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs will hold hearings entitled "Diabetes: Is Sufficient Funding Being Allocated To Fight This Disease?" The upcoming hearings will examine whether sufficient Federal funding is being allocated to fight diabetes. The subcommittee intends to hear from children suffering from the disease, celebrities affected by diabetes, scientists, and business leaders who will explain the toll that this disease has on individuals who suffer from it, its impact on society, and current research opportunities to find a cure. The hearing will be held in conjunction with the second Juvenile Diabetes Foundation Children's Congress.

The hearing will take place on Tuesday, June 26, 2001, at 10 a.m., in room 216 of the Hart Senate Office Building. For further information, please contact Claire Barnard of the subcommittee's minority staff at 224–3721.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Kathleen Dietrich, a fellow assigned in my office, be granted the privilege of the floor for the debate on the bipartisan Patients' Bill of Rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I ask unanimous consent that my deputy, Tom Swanton, on leave from the Department of Justice, be granted floor privileges for the course of this debate in consideration of the Patients' Bill of Rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1052

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 a.m. tomorrow, Tuesday, June 19, the Senate proceed to the consideration of S. 1052, the Patients' Bill of Rights.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, on my reservation, I note a couple of facts have to be considered at this time. That is, the manager of the legislation is not able to be here today. I have not been able to talk with him. I tried to reach him, as a matter of fact, this morning by phone—that is Senator JUDD GREGG of New Hampshire—and other Senators who are directly involved in this legislation. I have not been able to get clearance to proceed at 11:30 a.m. tomorrow.

Also, I understand the underlying legislation that will be the vehicle we consider was changed perhaps as late as Friday afternoon. We are trying to get a look at it and see exactly what changes have been made because that will determine what first amendments might be offered or what the tone of the debate will be as we open this legislation. I am sure we are going to be able to go to the Patients' Bill of Rights in a reasonable period of time, but at this time I have been asked to object. So I object.

The PRESIDING OFFICER (Mr. WARNER). Objection is heard.

Mr. REID. Mr. President, I say before my friend leaves that we have copies of the legislation, and we will be happy to let anyone who wants look at it. I hope, as the minority leader indicated, that we can move to this bill tomorrow. If not, of course, there are other procedural things we can do to get to it eventually.

I have spent time with Senator GREGG in recent weeks, and he is a pleasant man to be with. I know Senator FRIST is well advised about this legislation. This has been going on for years, and we hope we can finally dispose of it one way or the other in the near future. I not only appreciate what the Senator has said but the tone in which he said it. We look forward to seeing if we can work it out tomorrow.

ORDERS FOR TUESDAY, JUNE 19, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, June 19. I further ask consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period for morning business at 11:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator KYL from 10 a.m. to 10:30 a.m.; Senator BROWNBACK from 10:30 a.m. to 10:40 a.m.; Senator DURBIN, or his designee, from 10:45 a.m. until 11:30 a.m., with Senator HOLLINGS in control of 10 minutes of Senator DURBIN's time.

Further, I ask unanimous consent that tomorrow, after the morning business hour has expired, the Senate be in recess from 12:30 p.m. until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on Tuesday the Senate—as I have talked with the minority leader today—will convene at 10 a.m. with a period for morning business until 11:30 a.m. If agreement is reached, the Senate will begin consideration of the Patients' Bill of Rights on Tuesday at 11:30 a.m. The Senate, as I said, will recess from 12:30 p.m. to 2:15 p.m.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent that following the remarks of Senators SPECTER, KENNEDY, and HELMS, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. KENNEDY. Mr. President, tomorrow I am very hopeful we will at long last have the opportunity to consider, again, legislation to protect American patients from HMO abuses. Across the country, we have seen abuses as a result of HMOs interfering with the decisions being made daily by doctors, nurses, and family physicians. Health care professionals are seeing their decisions overruled by HMO accountants who, in many instances, are many miles away. These accountants do not have the professional training that the doctors and the nurses initially making that judgment and decision have received. They are not seeing the patient and are more interested in the bottom line for the HMO rather than the good outcome for the patient.

This legislation has been out there for nearly 5 years. During that period of time, we have had some debate. We have had some votes in the Senate, but it seems to me we now have a chance to finally give Americans the protections they want and deserve.

I will take a few moments this afternoon to review, once again, what this legislation is about. This legislation recognizes that managed care too often means "mismanaged" care. We have the opportunity to change that. We should change it and establish a minimum standard of quality care. If individual States want to build on those standards, that should be the decision for the States, but we ought to establish a minimum standard. That is what this legislation, before the Senate tomorrow, will do.

This legislation basically incorporates the protections which are already in effect in the Medicare and Medicaid protections. Many of the protections included in this bill have been recommended by insurance commissioners who are not Democrats or Republicans. Actually, if you looked, there are probably more Republicans than Democrats among this group. A few protections included in the bill are the result of the unanimous bipartisan commission, set up 3 years ago, that made a series of recommendations. The protections included here reflect a unanimous vote by the commission.

I will review them quickly. It is important we understand the introduced proposal now known as the McCain-Edwards legislation. I am a strong supporter. Senator DASCHLE is a strong supporter, as well as others. Over the weekend, more than 44 State medical societies wrote their Senators indicating their strong support for this legislation. As of this afternoon, more than 600 health organizations from across the country support the McCain-Edwards legislation.

I would be surprised if the other side can find about 15 supportive organizations. Virtually the entire medical community—not only the professional doctors, nurses, consumers, but the advocates—understand the importance of this legislation and support it, along with the senior organizations. The disability community understands this legislation. This bill provides care for children and others that have special needs as a result of their condition. Virtually every health organization supports it. This bill has bipartisan support.

Sixty-three Republicans effectively supported this legislation in the House of Representatives, and it has bipartisan support in the Senate. I daresay if one asks Republicans or Independents across the country—whether in the upper parts of the State of Maine, southern Florida, California, or the State of Washington—this bill has common interest and common concern across the Nation. So many of the issues we deal with in the Senate have support only in one region of the country among one particular group, and they usually face strong opposition in other parts of the country.

The principal opposition—the singular opposition—is the insurance companies and the HMOs. If one looks at the breadth of support on our side, it is not just the bipartisan membership bringing this and supporting this, Republicans and Democrats alike. Dr. NORWOOD in the House of Representatives, Congressman GANSKE, and others in the House of Representatives—along with Congressman DINGELL support the bill. In the Senate, we have Senator MCCAIN and others, including Senator SPECTER, who is on the floor at this time, and other Members who support this concept.

It is understandable because this bill has compelling reason for protections. They are commonsense protections. First, we want to protect all patients. That is very fundamental and important. We don't want legislation that alleges coverage for all, but creates sufficient loopholes so large numbers of our American families will not be covered. President Bush has recognized this principle. He wants to make sure all families and all patients will be covered.

We talk about access to specialists. It includes out-of-network service. I can remember in my own family situation, my son Teddy was 12 years old, and he had a particular type of cancer—Osteosarcoma. About 1,500 children have this kind of cancer every year. It took a child pediatric oncologist who could understand his real needs and was able to make the recommendations for treatment of that particular need. We want to make sure if other families have either children or loved ones who need the kind of specialty care that is outside of the network, then they will be able to access the best of the speciality's trained medical professional. We want to make sure it is guaranteed. In too many instances today, it is not guaranteed.

We want to make assure care coordination and standing referrals. This is especially important for individuals who have a disability, so they don't have to go back every single time to their primary care physician for a referral. We need care coordination and protections particularly because some patients have complicated, involved health care needs or disabilities. This is enormously important. It is a feature the disability community cares so much about. It makes sense and provides savings for resources.

Next, this bill protects coverage for clinical trials. A lot of Members say they support clinical trials. We voted on this issue in the Senate not long ago. We did not guarantee access to clinical trials. There is a decline in the number of clinical trials at the present time—at a time when we are supporting dramatic increases in the NIH budget, and at the time of the century that we will see the greatest progress in the life sciences that we have ever seen.

As the previous century was the age of engineering, chemistry, and physics, this is the century of the life sciences. When we pick up a newspaper each day, we find that new breakthroughs are taking place. The only way we can get the breakthroughs from the laboratory to the bedside is through clinical trials. We have to make sure we encourage clinical trials. We are seeing a decline in the number of clinical trials because the industry will not continue to support these programs.

We will have a chance to get into this in greater detail. Obviously, when we debate clinical trials, the additional kinds of health care costs that are entailed should be covered by the clinical trials. But there should be basic coverage for that individual who has a health care need that should be continued by the insurance company.

It is always amazing to me why insurance companies or HMOs will not support it. If the person gets better as a result of the clinical trials, it is going to save the health plan resources, and it is not going to put them at greater risk.

Next, coverage for emergency care. In too many instances, if patients go to another emergency room or another emergency care facility or hospital, the HMO will not cover it. That makes absolutely no sense.

Direct access to OB/GYN providers and pediatricians is enormously important. It is an issue that is of primary concern to women, so they can have the OB/GYN as their primary care doctors. Certainly for primary care physicians, the need for pediatricians for children ought to be very clear and supported.

The PRESIDING OFFICER. The Chair wishes to advise the distinguished Senator from Massachusetts that the standing order of the day is limiting Senators to 10 minutes during this period of morning business.

Mr. KENNEDY. Mr. President, I see my friend from Pennsylvania. Could I go for 10 more minutes? I ask unanimous consent for 10 more minutes.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. KENNEDY. We want to make sure the patients receive the prescription drugs that their doctors prescribe. This is not always the case. It is difficult to believe, but it is not the case in too many HMOs.

The list goes on. This bill prohibits clauses which frequently gag medical professionals and doctors from recommending what is best for patients. This bill also prohibits financial incentives to deny care.

It is difficult for most of us to believe what exists in many HMO contracts at this time. Many have major financial incentives for doctors—if they do not prescribe certain care, doctors can enhance their financial situation. Any legislation ought to have that particular protection, as well as protections for the providers who advocate for patients.

We want to make sure we have a good internal appeals process conducted in a timely way. So if there is a question of getting the treatment, it is done in a timely way. We also need a timely independent external appeals process.

There are those who think if the HMO makes a recommendation on appeal, then that is good enough. Recommendations should be independent. In States with the external appeals process, it is done independently. We should do no less. We will have a chance to debate that. Surprisingly, it is debatable, but the protection makes a good deal of sense.

Health plans should be held accountable in Federal court when contract disputes result in injury or death. Plans should be held accountable in State courts when a disputed medical judgment results in injury or death. The judicial conference has made these recommendations, and it is, by and large, the situation we have in the State of Texas at the present time. Since 1997, we have seen only a handful of suits take place.

If the Chair will let me know when I have 1 minute left, please?

Let's take a look here, once again, why it is so important to pass this bill. I will do this very quickly. Every day we fail to act, this is what it means in terms of American patients being hurt. The number of patients affected every day from health care abuse—from delay in needed care—is 35,000; from delay in specialty care, the number of patients affected every day is 35,000; and from HMOs forcing patients to change doctors, 31,000 patients are affected each day. As a result of that, 59,000 patients every day have added pain and suffering, and 41,000 patients every day experience worsened conditions. That is happening every single day. That is why we believe it is so important to provide protections.

Doctors know that congressional delay means patient suffering. That was the result from a study by the Kaiser Family Foundation. It illustrates that 14,000 doctors each day see patients suffering from serious decline in their health because of abuses by health plans. It happens from health plans denying coverage of physician recommended prescription drugs.

Each day, 14,000 doctors prescribe prescription drugs, and patients do not receive these necessary drugs.

There are 10,000 doctors every day recommending various diagnostic tests so they can analyze the health care needs of their patients, but patients are denied coverage for these tests. And there are 7,000 doctors who are recommending specialty care for their patients. They have made the decision and have found it necessary, but the specialty care is being denied. There are 6,000 doctors who say patients ought to stay overnight in the hospital, but it is being denied. And there are 6,000 doctors who see their referral for mental health or substance abuse treatment denied—every single day, that is happening.

This is why we need to address this situation across this country—north, south, east, and west. We ought to establish a basic floor of protections. We ought to have accountability, because when we have accountability, HMOs do the correct thing.

If we look at what has happened, we just finished 8 weeks on the floor of the Senate where rarely a speech was made about education when we did not hear about accountability. Remember that? We are going to have accountability for children, third grade through eighth, for taking tests. We are going to have accountability for schools. If they don't shape up, they will be restructured and reorganized. Accountability on the parents, accountability on the States—accountability, accountability, accountability.

This is all we are saying—when we have accountability, which means when a decision is made by an HMO that overrides a doctor's decision, and that decision results in harm, death, or injury to a patient, the HMO should be held responsible for its decision.

When we include this protection in HMOs, we find the number of harmful decisions falls. If you look at the State of Texas where they have had this protection in effect for 3½ years, they have had about a dozen cases. If you look at the State of California—which has a very tough protection not dissimilar from what we are talking about, but also has accountability—they have no cases to date. None, zero. This has been a surprise to the industry and to other health observers in California. There have been 200 appeals out there. Mr. President, 65 percent of those appeals have been decided in favor of the HMO, but they still have not had those cases brought to court. But what you do have is guarantees to patients, such as the ones we have outlined here in this particular list. That has been true.

Finally, we have about 50 million Americans through their own contract—State and county workers—who have the opportunity to sue the HMOs under that particular contract.

We don't find the kind of abuses the naysayers will talk about in terms of this legislation, and we find their premiums are very much along the lines of the others.

We are looking forward to this debate tomorrow. I welcome the opportunity to finally bring this bill up. I am grateful to the leadership of Senator DASCHLE who has urged us to move on this in a timely way. In the past, we haven't been able to bring this up in the way we will tomorrow—as a free and open debate. We have had to bring it up in other circumstances, at other times, using the rules of the Senate to insist that the Senate address it. Now we will have the chance for a free and open debate. We want progress on this legislation. It is necessary.

In the last week, we were able to work out—with the administration and others—a very solid result for education reform. I am still not satisfied it will benefit all the children it should because although the authorization will ensure that all children will benefit, we are going to have to make an issue on those questions. I wish we had that same opportunity on health care as well because this protection is of such enormous importance to families across the Nation.

I look forward to the debate. I hope we can get to this bill in a timely way. We had a full opportunity to examine and look at the various provisions. We already debated and acted on most of these provisions 2½ years ago. This is a substantive matter with which Members should be familiar. The need is paramount.

I look forward to working with our colleagues on all sides of the aisle. I look forward to, hopefully, working with the administration so we can enact legislation that will make sure that when doctors make a decision with a family, it will be a decision that will stand. Doctors need that kind of protection. Health professionals need that protection. Importantly, patients need that protection.

That is what this legislation is really all about. We look forward to working with our colleagues to make sure we get the job done.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks at my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

SETTING THE RECORD STRAIGHT ABOUT J.A. JONES CO.

Mr. HELMS. Mr. President, the distinguished Senator from Virginia (Mr. ALLEN) last week emphatically called the hands of various media for having inaccurately reported the Senator's position on the World War II Memorial and the American firm (and its German parent company) selected to build the memorial.

I feel obliged to comment as well, not only to commend the able Senator from Virginia for speaking out, but to emphasize that the lead contractor for the World War II Memorial is a distinguished North Carolina company.

J.A. Jones Construction Company is a 112-year-old Charlotte enterprise which deserves better than to have bitter fringe groups try to impugn the integrity and historic citizenship of such a well-established firm.

Business is business, and it's understandable that losing bidders on any project will be disappointed. But for such a prestigious U.S. company as J.A. Jones to be unjustifiably criticized certainly is an inappropriate exercise on the part of the losing bidders.

For the purpose of rejecting the activities by fringe groups, I feel it appropriate that the CONGRESSIONAL RECORD reflect the specific role that J.A. Jones Construction Company has played in supporting the United States and its national defense during the 112 years that J.A. Jones Company has been in business.

While this is not a complete list, it is sufficiently detailed for me to make clear the kind of corporate citizen J.A. Jones Construction Company has been:

The construction of nine American military bases that trained U.S. troops for World War II;

The construction and operation of the Navy Shipyard in Panama City, FL, and the operation of the Navy Shipyard at Brunswick, GA. Between the two facilities, J.A. Jones employees built more than 200 *Liberty* Class warships during World War II;

Selection as one of the first American companies to work in a war zone, constructing air bases and other facilities in and around Saigon during the Vietnam war;

Construction of the Washington Mall Reflecting Pool, the West Wing of the White House, the East Wing of the National Gallery of Art, the East and West Fronts of the Capitol, the Smithsonian Air and Space Museum, the Natural Museum of History addition and renovation, and the National Gallery of Art Sculpture;

The continued involvement in building and maintaining military bases and facilities across the country; and

The current reconstruction of the two U.S. Embassies in Africa destroyed by terrorist bombings.

Considering the circumstances, I feel it only fair that a statement issued by the president of J.A. Jones Construction Company be made a part of the RECORD at this point. President John D. Bond III identified significant aspects of his company's service to America.

Mr. President, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF JOHN D. BOND III

J.A. Jones' 112-year history is an important and classic case study in corporate patriotism and dedication to a free world. In the military buildup in the 1930s before the U.S.'s involvement in World War II, J.A. Jones built nine military bases, from the ground up, in Alabama, Georgia, Mississippi, North Carolina and South Carolina. These bases provided everything our troops needed to prepare for their crucial role in saving the world.

During the war, J.A. Jones built and then operated the Navy Shipyard in Panama City, Fla., and took over operations of the Navy Shipyard at Brunswick, Ga. At these two crucial locations, J.A. Jones employees built more than 200 Liberty Class warships at an incredible rate of 12 per month. In 1943 and 1944, workers donated their time on Christmas Day to continue working and get the ships to the Allied and U.S. Armed Forces who so desperately needed them to win the war.

Scores of J.A. Jones employees served in the war, including Edwin Jones, Jr., who would later become chairman of the company after serving with the Marines and taking part in the deadly fighting at Iwo Jima.

J.A. Jones' commitment to our nation and its men and women in uniform has continued over the years. In Vietnam, J.A. Jones was one of the first American companies to actually work in a war zone when it built air bases and other facilities in and around Saigon. J.A. Jones' close ties with the U.S. military remain just as strong today as our employees continue to build and manage bases and facilities around the world.

In discussing the relationship between Philipp Holzmann and J.A. Jones, it also is important to look at history. The two companies first worked together in the mid-1970s on U.S. Army Corps of Engineers projects in Saudi Arabia. J.A. Jones was looking to expand its global presence, and Philipp Holzmann saw potential in the U.S. Philipp Holzmann bought J.A. Jones in 1979. Edwin Jones Jr., the World War II veteran who fought at Iwo Jima, was chairman of J.A. Jones at the time of the sale.

We are in fact a global economy. The very fact that Germany has become a free capitalistic country and trusted American ally is testament to the United States' and post-World War II Allied commitments to rebuilding the free world. Unfortunately, in the discussions of where the World War II Memorial will be built and who will build it, we have lost sight of the true purpose of this project: to honor the veterans who saved the world. I believe the history of J.A. Jones Construction and its people makes it the ideal choice for the historic project.

I am extremely proud that J.A. Jones will play an important role in the building of the World War II Memorial. When we break ground this summer, I will be there with my father, who was a paratrooper in World War II, and my son, whose generation must recognize and understand the sacrifices that America's Greatest Generation made for freedom. I could not look either of them in the eye if I had any question about J.A. Jones' commitment to American and a free world.

Today; I can say unequivocally that no company is more committed than J.A. Jones to the principles that have made America the leader of the free world.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER (Mr. HATCH). The Senator from Virginia.

Mr. WARNER. Mr. President, it is just by accident that I happened to be on the floor to listen to my distinguished friend and colleague recount the history of this really remarkable construction firm. But I must say I have some concerns about the problem. I have not reached any determination. I don't know if there is anything that this one Senator or other Senators can do to try to clarify what I perceive as a legitimate concern not only held by this Senator but many across the United States for these reasons.

My dear friend and colleague from North Carolina has recounted the history of J.A. Jones. I don't question for a minute the distinguished patriotic service this firm has rendered to the United States, as the Senator has recounted very clearly, from World War II to date.

It also brought up the Charles Tompkins firm here in Washington, DC. I had some knowledge of that firm, and that firm also had an impeccable record, so far as I know, of patriotic service and built many structures here in Washington.

Indeed, if I may indulge, at one time I was a young sort of engineer of types. After my last year of college before going to law school, I worked in the construction business here in the Nation's Capital as the supervisor of heavy concrete and steel construction. And all of us knew about the Charles H. Tompkins Building Firm.

But I think it is important for the RECORD to show that these two firms were then bought out—Tompkins was first bought by the Jones Company, if I understand it, and then the Jones Company, the controlling interest, was bought out by a German firm. Am I correct on that, I ask my distinguished colleague?

Mr. HELMS. That is correct. But the presidency resides in the United States.

Mr. WARNER. Yes. But what year, to refresh my recollection? I have read it, but I simply don't have my papers here. But how many years ago was it when the German firm bought this——

Mr. HELMS. I don't recall.

Mr. WARNER. I will place that in today's RECORD. But I think it is important. I feel a duty to put in the RECORD also that this parent firm in Germany has just recently concluded a resolution of what appears to be a longstanding dispute about its record during World War II as it related to certain persons in the European area and the use of them as forced labor during the war, which, unfortunately, was prevalent with a lot of German firms that have survived to this day.

Then just several hours ago I got a report that some evidence is coming to the forefront—I will have to try to put this in the RECORD; I am sorry I don't have my papers, but I think it is important—that the firm just paid a penalty to the U.S. Government for some settlement, again, of a claim between the U.S. Government and this firm.

But I say to my distinguished friend—and I have no better friend in the Senate. Both of us served in World War II in the U.S. Navy. My service was very modest, but I do remember that period of time very well as a young 17-year-old sailor. I think it is important that at least the RECORD state the facts. Then the people of the United States, particularly those who served in World War II, and their families—because this memorial is as much a tribute to the families as it is to those who served, particularly the families who lost their loved ones in that conflict.

As the Senator knows, there were over several hundred thousand who lost their lives. There were many, many more hundred thousands who suffered wounds. Then, of course, the Senator remembers the tremendous unity here at home during that entire period between all citizens who served their Nation in many ways.

But I just point this out. I think this RECORD should be complete. I feel an obligation to do it. I do it out of respect for my colleague. But I will put into the RECORD today additional facts relating to your statement, Senator, because I think the RECORD should be complete, and then the citizens simply have to make up their own mind on this. I do not know that there is any action that can be taken or should be taken, but the RECORD, in my judgment, should be complete.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. WARNER. Yes, of course.

Mr. HELMS. I think the RECORD should be clear as to the German firm. I don't know anything about that. But the allegations were made about J.A. Jones Construction Company, and it is that North Carolina firm that I came to defend this afternoon.

I welcome anything that the distinguished Senator from Virginia, who has been my friend for a long time, can add about the German firm. But I want the RECORD to be clear about J.A. Jones Construction Company. That is the reason I came to the Senate Chamber this afternoon.

Mr. WARNER. Mr. President, I think it is important that you undertook this because you do so not only out of loyalty to your State and to your constituents, but, indeed, by your distinguished record in World War II, having served in the Navy, and by your strong support throughout your entire Senate career for all those who participated in military conflict, and their families, and particularly for your support for this memorial.

I thank the Senator for the opportunity to engage in a colloquy with him.

Mr. President, I ask unanimous consent that I may have printed in the RECORD certain additional material that could be pertinent.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. I say to my good friend, so we will all know, our beloved colleague, and former majority leader, Robert Dole, who has an extraordinary record of heroism in World War II, was, indeed, instrumental in the building of this memorial; that is, raising the funds and putting the infrastructure in place financially for this memorial to go through. There are some hundred thousand dollars that have been raised—almost all of it in the private sector. I was pleased, as a member of the Armed Services Committee, to bring to the Senate an amendment of some $6 million of taxpayers funds which was incorporated into last year's authorization bill and appropriated to add to the many hundreds of thousands of gifts contributed towards the building of this memorial so as to raise the final total to the $100 million to allow construction to go forward.

So I say to my good friend from North Carolina, again, I feel an obligation, having instituted that funding requirement, and asking colleagues to support—indeed, the Congress as a whole—I feel I have an obligation to put in the RECORD such facts as I know about this case. And I will include a communication I have just received from Senator Dole which in many ways recites the history of the distinguished firm to which you refer.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. HELMS. I say to the Senator, I commend you for the position you have taken. And I join you in making clear all of the relevant facts about this matter, specifically those involving the German firm.

Mr. WARNER. Yes.

Mr. HELMS. But I want to separate the J.A. Jones Construction Company from that. Incidentally, I talked to Senator Dole right here on the floor of the Senate last week about it. And it was he who called me to look into the matter and to come here today.

Mr. WARNER. Fine.

Mr. President, I thank our distinguished colleague, and I appreciate the forbearance of our distinguished colleague from Pennsylvania, who has been patiently waiting.

EXHIBIT NO. 1

Washington, DC, June 13, 2001.

Hon. JOHN W. WARNER,
U.S. Senate,
Washington, DC.

DEAR JOHN: Enclosed are press statements relating to the companies who were awarded the contract to construct the National World War II Memorial. The General Services Administration acting as the agent for the American Battle Monuments Commission awarded the contract and the selection was under the GSA Construction Excellence program.

Best wishes.

BOB DOLE.

Enclosure.

[Press Release From the U.S. Agency for International Development, Aug. 18, 2000]

WASHINGTON, D.C.—Philipp Holzmann AG, a German construction company, has pled guilty to participating in a criminal conspiracy to rig bids on a USAID-funded construction contract in the Arab Republic of Egypt, Everett L. Mosley, Acting Inspector General, U.S. Agency for International Development, announced today.

As part of its plea agreement with the Department of Justice, Antitrust Division, Holzmann agreed to pay a criminal fine in the amount of $30 million.

The one-count felony judgment was entered in the U.S. District Court in Birmingham, Alabama. It charged Holzmann and other unnamed co-conspirators with participating in a conspiracy to suppress and eliminate competition on the U.S. Agency for International Development (USAID) contract in violation of the Sherman Antitrust Act.

Today's action is the first charge to arise out of an on-going grand jury investigation in the Northern District of Alabama conducted by the Justice Department's Antitrust Division, Atlanta Field Office, working in concert with the USAID Office of the Inspector General.

"This plea agreement is the first step in the unraveling of a wide-ranging conspiracy involving several multi-national corporations, which had targeted the USAID program for exploitation," Mosley said. "This investigation is part of our continuing law enforcement effort to combat fraud in the foreign assistance programs. Program integrity is essential to maintain public support for the foreign assistance program of the United States."

Holzmann participated in rigging the bids so that its American subsidiary, J.A. Jones Construction Co., which had submitted a bid as part of a joint venture, would be awarded the lucrative USAID contract for construction of a waste-water treatment project at a highly inflated price.

The investigation is continuing until each co-conspirator is identified and prosecuted.

This investigation was conducted by USAID's Office of Inspector General.

The case was prosecuted by the Justice Department's Antitrust Division, Atlanta Field Office.

[Media Advisory From the U.S. General Services Administration, June 13, 2001]

GSA STATEMENT ON SELECTION OF CONTRACTOR FOR WWII MEMORIAL

The General Services Administration (GSA), acting as agent on behalf of the American Battle Monuments Commission (ABMC), awarded a contract to Tompkins Builders and Grunley-Walsh Construction to construct the National World War II Memorial on the Mall in Washington, D.C. The joint venture of these American firms submitted the highest quality proposal and the lowest price, thus providing the best overall value to the Government.

GSA management is sensitive to the issues raised in news stories. The agency reiterates that Tompkins and Grunley-Walsh are responsible firms.

Tompkins Builders, a U.S. company established in the District of Columbia in 1911, and the third largest general contractor in the Washington D.C. Metropolitan area, has a reputation for quality construction. It is owned by J.A. Jones Construction Company, founded in 1890 in Charlotte, N.C., a subsidiary of J.A. Jones, Inc. Since 1979, the Philipp Holzmann Company, a German construction firm, has owned J.A. Jones, Inc.

Both Tompkins Builders and Grunley-Walsh have extensive working relationships with GSA and other Federal agencies. They have participated in many construction and renovation projects in the Washington, DC area, including the: Washington Monument; Jefferson Memorial; Franklin D. Roosevelt Memorial; U.S. Capitol; National Air and Space Museum; Food and Drug Administration's Center for Food Safety and Applied Nutrition in College Park, MD, and Alexandria Federal Courthouse in Alexandria, VA.

J.A. JONES REAFFIRMS LONG HISTORY OF SUPPORTING U.S. MILITARY

CHARLOTTE, NC, June 12, 2001.—J.A. Jones Construction Co., whose subsidiary Tompkins Builders was chosen last week as lead contractor for the prestigious World War II Memorial in Washington, today reiterated its crucial role in supporting the U.S. military and government during the company's 112-year history.

Key contributions include:

The construction of nine American military bases that trained U.S. troops for World War II.

The construction and operation of the Navy Shipyard in Panama City, Fla., and the operation of the Navy Shipyard at Brunswick, Ga. Between the two facilities, J.A. Jones employees built more than 200 Liberty Class warships during World War II.

Selection as one of the first American companies to work in a war zone, constructing air bases and other facilities in and around Saigon during the Vietnam War.

Construction of the Washington Mall Reflecting Pool, the West Wing of the White House, the East Wing of the National Gallery of Art, the East and West Fronts of the Capitol, the Smithsonian Air and Space Museum, the Natural Museum of History addition and renovation, and the National Gallery of Art Sculpture.

The continued involvement in building and maintaining military bases and facilities across the country.

The current reconstruction of the two U.S. Embassies in Africa destroyed by terrorist bombings.

The following is a statement from John D. Bond III, president of J.A. Jones Construction:

Let me make this as clear as I can make it: Anyone who questions the patriotism of J.A. Jones Construction Co., its employees, and our historical commitment to a free world, is misguided and misinformed.

J.A. Jones' 112-year history is an important and classic case study in corporate patriotism and dedication to a free world. In the military buildup in the 1930s before the U.S.'s involvement in World War II, J.A. Jones built nine military bases, from the ground up, in Alabama, Georgia, Mississippi, North Carolina and South Carolina. These bases provided everything our troops needed to prepare for their crucial role in saving the world.

During the war, J.A. Jones built and then operated the Navy Shipyard in Panama City, Fla., and took over operations of the Navy Shipyard at Brunswick, Ga. At these two crucial locations, J.A. Jones employees build more than 200 Liberty Class warships at an incredible rate of 12 per month. In 1943 and 1944, workers donated their time on Christmas Day to continue working and get the ships to the Allied and U.S. Armed Forces who so desperately needed them to win the war.

Scores of J.A. Jones employees served in the war, including Edwin Jones Jr., who would later become chairman of the company after serving with the Marines and taking part in the deadly fighting at Iwo Jima.

J.A. Jones' commitment to our nation and its men and women in uniform has continued over the years. In Vietnam, J.A. Jones was one of the first American companies to actually work in a war zone when it built air bases and other facilities in and around Saigon. J.A. Jones' close ties with the U.S. military remain just as strong today as our employees continue to build and manage bases and facilities around the world.

In discussing the relationship between Philipp Holzmann and J.A. Jones, it also is important to look at history. The two companies first worked together in the mid-1970s on U.S. Army Corps of Engineers projects in Saudi Arabia. J.A. Jones was looking to expand its global presence, and Philipp Holzmann saw potential in the U.S. Philipp Holzmann bought J.A. Jones in 1979. Edwin Jones Jr., the World War II veteran who fought at Iwo Jima, was chairman of J.A. Jones at the time of the sale.

We are in fact a global economy. The very fact that Germany has become a free capitalistic country and trusted American ally is testament to the United States' and post-World War II Allied commitment to rebuilding the free world. Unfortunately, in the discussions of where the World War II Memorial will be built and who will build it, we have lost sight of the true purpose of this project: to honor the veterans who saved the world. I believe the history of J.A. Jones Construction and its people makes it the ideal choice for the historic project.

I am extremely proud that J.A. Jones will play an important role in the building of the World War II Memorial. When we break ground this summer, I will be there with my father, who was a paratrooper in World War II, and my son, whose generation must recognize and understand the sacrifices that America's Greatest Generation made for freedom. I could not look either of them in the eye if I had any question about J.A. Jones' commitment to America and a free world.

Today, I can say unequivocally that no company is more committed than J.A. Jones to the principles that have made America the leader of the free world.

Statement of the American Battle Monuments Commission Regarding the Construction Contract for the National WWII Memorial, June 11, 2001

The joint venture of Tompkins Builders and Grunley-Walsh Construction was awarded a $56 million contract last week to build the National World War II Memorial on the Mall in Washington, D.C.

The award was made by the General Services Administration (GSA), acting as agent for the American Battle Monuments Commission (ABMC). The agency conducted the general contractor procurement and selection under the GSA Construction Excellence program.

The selection was based on price, experience on comparable projects, and past performance. The evaluation of all these factors allowed the government to select the offer representing the overall "best value" in terms of risk. While price was not the sole factor considered, the joint venture of Tompkins/Grunley-Walsh did submit the lowest price.

Tompkins Builders, an American company established in the District of Columbia in 1911, is the third largest general contractor in the Washington Metropolitan area. The company has earned a reputation for quality construction.

Tompkins is owned by J.A. Jones Construction Company, a subsidiary of J.A. Jones, Inc., which is an American company founded in 1890 in Charlotte, North Carolina.

J.A. Jones, Inc., in turn, is owned by the Philipp Holzmann Company, a large German construction firm. In today's global economy, international ownership relationships are common. Three of the five largest construction companies in America are foreign-owned.

Neither ABMC nor GSA has the authority to discriminate against American firms based upon the nationality of parent or grandparent corporations. Moreover, such discrimination would be inconsistent with the principles for which the WWII generation sacrificed.

[From the New York Times, Apr. 13, 2001]

Global Conspiracy on Construction Bids Defrauded U.S.

(By Kurt Eichenwald)

A group of international construction companies defrauded the American government out of tens of millions of dollars earmarked for Egyptian water projects undertaken as part of the Camp David peace accords, according to government officials and court documents.

One participant in the wide-ranging conspiracy, a unit of ABB Ltd., the Swiss engineering giant, pleaded guilty yesterday to its role in the scheme, agreeing to pay $63 million in fines and restitution.

The conspiracy, which lasted more than seven years, involved the rigging of contract bids submitted in the late 1980's and early 1990's to the United States Agency for International Development, which was financing Egyptian water projects that resulted from the Middle East peace accords reached during the Carter administration.

Contracts were supposed to be awarded through competitive bidding. But the construction companies subverted the process through payments of bribes and kickbacks to other possible bidders, fraudulent billing to the government and the laundering of cash through Swiss bank accounts, court records in related cases show.

The conspirators included at least six international construction companies, which collectively referred to themselves as the Frankfurt Group, according to people briefed on the case. At the time of the bidding, the companies were either American or American subsidiaries of European concerns. The name of the group came from the fact that some of the largest companies were based in Frankfurt.

The investigation of the conspiracy began almost six years ago, after a top financial officer at one company noticed a series of improper wire transfers and other transactions. That executive then brought those matters to the attention of the Justice Department, which has been investigating ever since.

According to court records, companies involved in the conspiracy were able to obtain profits of as much as 60 percent on the Egyptian water projects—a return that would be almost certainly impossible to obtain under competitive bidding. Indeed, some of the companies went to great lengths to hide their profits, charging fictitious expenses from related companies to decrease the returns shown on their books.

All told, about a dozen contracts have been awarded under the program, totaling more than $1 billion. To date, three contracts have been found to involve fraud, and the others remain under investigation.

The investigation has already resulted in two other guilty pleas, entered last fall by other construction companies. But until yesterday the full scope and implications of the criminal investigation were not publicly known.

In the plea entered yesterday in Federal District Court in Birmingham, Ala., ABB Middle East and Africa Participations A.G., a Milan-based subsidiary of the engineering company, admitted to taking part in a conspiracy to rig the bid for a project known as Contract 29. The original participant in the conspiracy was SAE Sadelmi USA, another ABB subsidiary, which was based in North Brunswick, N.J., and later became part of the Milan subsidiary.

Under the terms of the illegal agreement, the ABB unit met with other potential bidders on Contract 29 and agreed to pay them $3.4 million to submit inflated bids for the project. The ABB unit was then able to inflate its own bid on the project, knowing the offer would still beat other submissions. The value of the awarded contract, which was to pay for building a wastewater treatment plant in Abu Rawash, Egypt, was about $135 million.

"Although the construction work that is the subject of this case was performed on foreign shores, the U.S. government paid the bill and the U.S. taxpayers were the victims of the scheme," John M. Nannes, acting assistant attorney general in charge of the Justice Department's Antitrust Division, said in a statement.

An ABB spokesman, William Kelly, said the company had been cooperating with investigators since 1996, and first learned that it was a target of the inquiry last fall. He said the crimes were conducted by a small group of employees, all of whom have since left the company for reasons unrelated to the case.

"We deplore and deeply regret the behavior that led to these charges," Mr. Kelly said. "It stands in sharp contrast to the high standard of business ethics practiced by the great majority of ABB employees." He added that in the year since the bid rigging occurred, ABB has expanded internal compliance programs "to let employees at all levels know that ABB has zero tolerance for illegal or unethical business behavior."

According to court records in related civil cases, the $3.4 million payment was made to an unincorporated joint venture formed by Bill Harbert International Construction, based in Birmingham, and the J.A. Jones Construction Company, a Charlotte, N.C., subsidiary of Philipp Holzman A.G. of Frankfurt.

Phillipp Holzman pleaded guilty to a criminal complaint filed under seal last August. A spokesman for Harbert did not return a telephone call.

According to court filings by the government in related cases, the Jones-Harbert venture was at the center of other bid-rigging efforts involving the Egyptian water projects. For example, American International Contractors Inc., a construction

> company based in Arlington, Va., and owned by the Archirodon Group of Geneva, pleaded guilty last September to accepting payments in exchange for a commitment not to bid on a project known as Contract 20A. That contract was awarded to the Jones-Harbert joint venture, court records show.
>
> Indeed, irregularities in Contract 20A led to the discovery of the broader bid-rigging scheme. The irregularities were first discovered by Richard F. Miller, who worked first as a controller and then as treasurer of Jones from 1986 through 1996.
>
> During the course of his work, Mr. Miller discovered a series of improper transactions involving the joint venture with Harbert, and pieced together that a bid-rigging scheme had been used in Contract 20A, a $107 million sewer project in Cairo.
>
> Among the evidence eventually discovered by Mr. Miller, according to court records from a federal whistle-blower suit he filed, were wire transfers for $3.35 million from the joint venture to a related company for fictitious "preconstruction costs."
>
> The most complex transaction, according to the court records, was a bogus "sale-leaseback" arrangement involving a Jones-related company called Sabbia. Under the terms of the deal, Sabbia was to purchase the construction equipment for the project, then lease it back to the joint venture.
>
> Yet while $14.4 million in lease payments were sent to Sabbia, the $4 million to purchase the equipment was never paid by that company. Instead, according to court records and lawyers involved in the case, that money remained in a Swiss bank account and was used as a fund to disburse payments to other co-conspirators.
>
> "This was an example of a transaction that was done to reduce the apparent profitability of Contract 20A," said Robert Bell, a lawyer from Wilmer, Cutler & Pickering who is representing Mr. Miller in his whistle-blower suit. "If you skim almost $15 million off the top, it's easier to make it look like the joint venture wasn't making all that much money."

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE PATIENTS' BILL OF RIGHTS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the legislation which is due to come to this Chamber tomorrow. I thought it might be useful to focus on a Dear Colleague letter which I sent out last week, which reads as follows:

> A key point of controversy on legislation now pending in the Senate is whether patients will be permitted to collect damages from insurance companies without a statutory limitation. Under more than 200 years of common law precedents, a harmed plaintiff has been able to recover compensation as set by a jury for economic losses and pain and suffering when a defendant is negligent and punitive damages for gross, malicious or intentional misconduct.
>
> The McCain-Edwards-Kennedy Bill, of which I am a co-sponsor, provides for Federal court jurisdiction on the issue of whether a claim is covered by the contractual provisions of a health care plan and for state court jurisdiction on medical malpractice claims.
>
> Serious concerns have been raised to that bill because of a history of very high verdicts in state courts on personal injury claims which could significantly raise the cost of health care in the United States. There is substantial experience that Federal court trials result in a more reasoned and judicious result in malpractice cases.
>
> I intend to offer a compromise amendment which would maintain Federal court jurisdiction under McCain-Edwards-Kennedy for coverage claims (which have also been referred to as quantity or eligibility decisions) and extend Federal court jurisdiction, excluding state court jurisdiction, on medical malpractice claims (which have also been referred to as quality or treatment decisions) which would preserve plaintiffs' traditional common law remedies in a more reasoned judicial setting.

The consequences of ERISA have been extremely complicated. Enacted in the early 1970s, it has been held in many, many cases to bar plaintiffs from recovering for personal injuries. Cases brought under ERISA, section 502, are governed by the doctrine of complete preemption, which applies when Congress so completely preempts a particular area of law that any civil complaint raising this select group of claims is necessarily Federal in character.

Under section 514, a plaintiff's claim is barred if the claim relates to an employee benefit plan. If a plaintiff's claim does not relate to an employee benefit plan, then the claim is not barred and is heard in State courts. There is a growing line of cases finding that State causes of action, States' Patients' Bill of Rights, do not relate to an employee benefit plan and, therefore, are not preempted if they address the quality of services to be provided.

There have been many cases in this complicated field, and they are referred to by the Court of Appeals for the Fifth Circuit in a case decided slightly less than a year ago on June 20, 2000, in a case captioned Aetna Health Plans of Texas, Inc., v. the Texas Department of Insurance. There the Fifth Circuit noted that the courts have "repeatedly struggled with the open-ended character of the preemption provisions of ERISA" and also the Federal Employees Health Benefits Act.

The Fifth Circuit goes on to say:

> The courts have faithfully followed the Supreme Court's broad reading of "relate to" preemption under 502(a), in its opinions decided during the first twenty years after ERISA's enactment. Since then, in a trilogy of cases,[1] the [Supreme] Court has confronted the reality that if "relate to" is taken to the furthest stretch of its indeterminacy, preemption will never run its course, "for really universal relations stop nowhere."

There has been a succinct summary of the key issues raised by ERISA preemption in a case decided earlier this year on March 27, 2001, by the United States Court of Appeals for the Third Circuit, captioned Pryzbowski v. United States Health Care Incorporated.[2] In Pryzbowski, the court noted prior Third Circuit opinions where the court distinguished between claims directed to the quality of the benefits the plaintiff received versus claims that the plans erroneously withheld benefits, that is, claims that seek to enforce plaintiff's rights under the terms of their respective plans or to clarify their rights to future benefits.[3] In Pryzbowski the Third Circuit went on to say that:

> We stated that claims that merely attack the quality of benefits do not fall within the scope of section 502(a)'s enforcement provisions and are not completely preempted, whereas claims challenging the quantum of benefits due under an ERISA-regulated plan are completely preempted under section 502(a)'s civil enforcement scheme.

The Third Circuit then went on to note:

> Though the quality-quantity distinction was helpful in those cases, we have acknowledged that the distinction would not always be clear.

From Pryzbowski and other cases, it is apparent that if a Patients' Bill of Rights is enacted which gives the Federal courts jurisdiction over the scope of the plan, or the so-called quantity decision, and the State courts jurisdiction over the quality or the treatment decision, then there will be a plethora of nearly endless litigation as to what belongs in which court. The court decisions are replete with cases where the facts have been analyzed. It is frequently very difficult to distinguish between the two categories, quantity or quality, and it often ends up with the case remanded for other facts to be determined.

It is my suggestion that the Federal court retain total jurisdiction over both category of cases, whether they are the quantity decisions, which relate to eligibility decisions, or the quality decisions, which relate to treatment decisions. My suggestion is that it would be much preferable to have exclusive jurisdiction vested in the Federal courts.

There is considerable concern about excessive verdicts in State courts when contrasted with the more judicious decisions in the Federal courts. What my compromise suggests is that by giving exclusive jurisdiction to the Federal courts, traditional plaintiff's damage claims could be retained without so-called caps or limitations.

There has been enormous concern about what would happen if the Patients' Bill of Rights refers to the State courts these medical malpractice cases without any limitation on damages.

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[1] *Debono* v. *NYSA-ILA Med. & Clinical Services Fund*, 117 S. Ct. 1747 (1997); *California Div. of Labor Standards Enforcement* v. *Dillingham Construction, N.A., Inc.*, 117 S. Ct. 832 (1997); *New York State Conference of Blue Cross & Blue Shield Plans* v. *Travelers Inc. Co.*, 115 S. Ct. 1671 (1995).

[2] 245 F.3d 266 (3rd Cir. 2001).

[3] The cases the Third Circuit cited were: *Dukes* v. *U.S. Healthcare, Inc.*, 57 F.3d 350 (3rd Cir. 1995), In *re U.S. Healthcare, Inc.*, 193 F.3d 151 (3rd Cir. 1999), and *Lazorko* v. *Pennsylvania Hospital, 237 F.3d 242 (3rd Cir. 2000).*

Last year, the Judiciary Committee considered amending diversity jurisdiction in class action cases because diversity jurisdiction was so easily defeated when a class of plaintiffs would sue a defendant. If there was a single plaintiff residing in the same State as the defendant, then diversity was defeated.

This legislation, which amended diversity jurisdiction and was passed out of the Judiciary Committee, was sought by so many defendants who felt unfairly treated by State court decisions. The report of the Judiciary Committee on the Class Action Fairness Act of 2000 (S.R. 106–420) contains some statements which are relevant to consideration of having medical malpractice cases tried solely in the Federal courts rather than the State courts.

This is what the Judiciary Committee report said at page 15:

> The ability of plaintiffs' lawyers to evade Federal diversity jurisdiction has helped spur a dramatic increase in the number of class actions litigated in State courts—an increase that is stretching the resources of the State court systems.

Then on page 16, the Judiciary Committee majority report goes on to point out the concern of unfairness in State court actions saying:

> The Committee finds, however, that one reason for the dramatic explosion of class actions in State courts is that some State court judges are less careful than their Federal court counterparts about applying the procedural requirements that govern class actions. Many State court judges are lax about following the strict requirements of rule 23 (or the State's governing rule), which are intended to protect the due process rights of both unnamed class members and defendants. In contrast, Federal courts generally do scrutinize proposed settlements much more carefully and pay closer attention to the procedural requirements for certifying a matter for class treatment.

Then the Judiciary Committee majority report goes on at page 17 to point out:

> A second abuse that is common in State courts class actions is the use of the class device as "judicial blackmail." Because class actions are such a powerful tool, they can give a class attorney unbounded leverage. Such leverage can essentially force corporate defendants to pay ransom to class attorneys by settling—rather than litigating—frivolous lawsuits.

The majority report then goes on to say:

> State court judges often are inclined to certify cases for class action treatment not because they believe a class trial would be more efficient than an individual trial, but because they believe class certification will simply induce the defendant to settle the case without trial.

Now, in citing these references to the Judiciary Committee report, I do not seek to impugn all State court judges because most State court judges are careful and judicious and follow settled principles. But there have been a considerable number of these certifications of class actions, and there have been many cases which involve forum shopping, judge shopping, which seek to go to specific counties or specific States where there are excessive verdicts.

By contrast, the Federal courts have an established reputation where there is different selection of judges. In many States, judges are elected—my own State of Pennsylvania. Here, again, I am not intending any broad condemnation, but in the Federal courts, where judges are selected for life tenure, it is fair to say that the caliber of the judiciary is superior. That, again, is a generalization.

Again, there are many fine State court judges. But the experience in the State courts, as illustrated by this class action report, gives grave concern to many who are worried that if the Patients' Bill of Rights is enacted and there are unlimited damages possible in State court (medical malpractice cases), which is now the provision under the McCain-Edwards-Kennedy bill, that there will be widespread abuses. Those same concerns are not found with respect to these malpractice cases in the Federal courts.

We are about to enter into a difficult and protracted debate on a Patients' Bill of Rights. It is my view, and has been, as reflected in the votes I have cast on the Senate floor for several years now, that America needs a Patients' Bill of Rights and that the traditional remedies not be capped or limited. But a good tradeoff, in my judgment, would be that exclusive jurisdiction would be vested in the Federal courts. This is not really a problem for plaintiffs of "forum non conveniens"—the Latin phrase which means an inconvenient court—because there are underlying Federal questions on ERISA. And even when cases are brought in the State court, invariably, they end up on removal actions in the Federal court. When you start to try to make distinctions under ERISA 502, ERISA 514, trying to distinguish between the quantity of coverage versus the quality of coverage, they necessarily overlap; and it will be a saving of judicial resources if all of those cases are heard in the Federal court. I ask my colleagues to consider this.

I ask unanimous consent at this time that the full text of my Dear Colleague letter, dated June 13, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 13, 2001.

DEAR COLLEAGUE: A key point of controversy on legislation now pending in the Senate is whether patients will be permitted to collect damages from insurance companies without a statutory limitation. Under more than 200 years of common law precedents, a harmed plaintiff has been able to recover compensation as set by a jury for economic losses and pain and suffering when a defendant is negligent and punitive damages for gross, malicious or intentional misconduct.

The McCain-Edwards-Kennedy Bill, of which I am a co-sponsor, provides for Federal court jurisdiction on the issue of whether a claim is covered by the contractual provisions of a health care plan and for state court jurisdiction on medical malpractice claims.

Serious concerns have been raised to that bill because of a history of very high verdicts in state courts on personal injury claims which could significantly raise the cost of health care in the United States. There is substantial experience that Federal court trials result in a more reasoned and judicious result in malpractice cases.

I intend to offer a compromise amendment which would maintain Federal court jurisdiction under McCain-Edwards-Kennedy for coverage claims and extend Federal court jurisdiction, excluding state court jurisdiction, on medical malpractice claims which would preserve plaintiffs' traditional common law remedies in a more reasoned judicial setting.

Since the Patients' Bill of Rights will be on the Senate floor next week, I thought it useful to call this proposal to your attention so that you may consider it. My staff and I are available to respond to questions and to amplify the details of this proposed compromise since this is a simplified statement on complex legal issues.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair for sitting late. It is not easy to come in on a Monday afternoon. The distinguished Senator from Utah, a senior Republican on the Judiciary Committee, has performed extraordinary service. I thought it not unfitting that I should cite his report on class action cases since he was the author of those pearls of wisdom I quoted.

I believe that concludes our business. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 4:03 p.m., adjourned until Tuesday, June 19, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 2001:

THE JUDICIARY

TERRY L. WOOTEN, OF SOUTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH CAROLINA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106-553, APPROVED DECEMBER 21, 2000.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

STEVEN L ADAMS, 9518
JOSEPH P ANELLO, 8852
AMOS BAGDASARIAN, 5429
MICHAEL E BATES, 2079
JAMES A BUNTYN, 1403
KEVIN M BURMAN, 8098
ROBERT B BURNS, 1677
WILLIAM J BURNS, 7597
DAVID N BURTON, 9816
WILLIAM S BUSBY III, 8374
IWAN B CLONTZ, 5807
MICHAEL G COSBY, 2191
MICHAEL J DORNBUSH, 4994
ARTHUR B EISENBREY, 9129

DENNIS C ELVIN, 3179
MICHAEL L FLOOD, 1193
LOREN W FLOSSMAN, 9821
TERRY L FRITZ, 7319
FLORIAN J GIES IV, 2151
TIMOTHY G GRAVEN, 9283
ERNEST D GREEN, 3081
MICHAEL E HILLESTAD, 5421
ELWOOD H HIPPEL JR., 6896
DAVID E HOLMAN, 5666
ROBERT H JOHNSTON, 6655
LARRY R KAUFFMAN, 0308
MARY J KIGHT, 8947
BRADLEY A LIVINGSTON, 5925
THOMAS E LYTLE III, 6567
GARY T MAGONIGLE, 6681
DAVID B MANSFIELD, 8303
BRUCE A MARSHALL, 0916
MICHAEL J MCDONALD, 9971
MARK F MEYER, 7065
RICHARD O MIDDLETON II, 4183
MICHAEL S MILLER, 2533
ARNE E MOE, 3259
NICHOLAS M MONTGOMERY JR., 0379
YAFEU A NANTWI, 6574
ROBERT D NORTH, 2436
THOMAS A PERARO, 2660
DANA A RAWL, 7815
JEFFREY E SAWYER, 0387
THOMAS C SCHULTZ, 2203
GARY SHICK, 7284
STEPHEN M SISCHO, 9908
LAWRENCE W SMITH JR., 8155
ROBERT D SMITH JR., 6639
WILLIAM J STRANDELL, 5333
T JOHN STROM BROCK, 8019
ERNEST G TALBERT, 1569
STEVEN L VANEVERY, 7452
MICHAEL J VANLEUVEN, 1166
EDWIN A VINCENT JR., 7198
CHARLES E WEST JR., 2236
JOHN D WOOTTEN JR., 8755
SALLIE K WORCESTER, 6491
ROBERT J YAPLE, 1164
JANNETTE YOUNG, 9302

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT E ELLIOTT, 2151
DAVID L GRAY, 3715
BERNIE R HUNSTAD, 7236
MARK H JACKSON, 9706
EDWARD S KAPRON, 9484
RICHARD A LEXVOLD, 6228
CHARLES E LYKES JR., 8146
GERALD L MEYER, 3040
JAMES K OBRIEN JR., 0971
CHARLES E PICKENS, 5019
PETER G SMITH, 2904

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRUCE M. BENNETT, 8713
DONALD C. BRITTEN, 9427
LINWOOD D. BUCKALEW, 1659
MARK A. CLINK, 3764
JOSEPH P. KELLY, 1566
JOHN T. LINDSAY, 1459
FERDINAND F. PETERS, 8948
ROY P. PIPKIN, 3833
GRANT E. ZACHARY JR., 4823

DEPARTMENT OF COMMERCE

SAMUEL W. BODMAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF COMMERCE, VICE ROBERT L. MALLETT, RESIGNED.

MICHAEL J. GARCIA, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE F. AMANDA DEBUSK, RESIGNED.

DEPARTMENT OF DEFENSE

JOSEPH E. SCHMITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, VICE ELEANOR HILL.

EXTENSIONS OF REMARKS

IN HONOR OF FATHER MARINO FRASCATI, O. DE M.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Marino Frascati, O. De M. as he celebrates his 50th year of priesthood. Cleveland should be proud to have this exemplary man in its midst.

Father Frascati was born in Castelviscardo (Terni), Italy on May 16, 1925. He attended the Propedeuticum at Gregorian University in Rome earning a Baccalaureus in Philosophia. He attended seminary at St. Joseph Franciscan Seminary in Teutopolis, Illinois, and was ordained on June 24, 1951—50 years ago this month.

His Cleveland service began in 1957 as Assistant at Our Lady of Mount Carmel (West). He became Pastor in November 1970 and served in this capacity until April 1995. He was the Chairman of the Detroit Shoreway Community Development Corporation. He was instrumental in the planning and fund-raising process that resulted in the completion in 1979 of Villa Mercede, a federally funded HUD project consisting of 150 apartments for seniors and the disabled.

He became Vicar for the Order of Our Lady in the United States in July 1994. In 1976 Father Frascati received the Cavalier dell Ordine al Merito della Republica Italia from the Italian government in recognition of his services to the Italian community both here and abroad.

My fellow colleagues please join me in applauding this truly great man and all of his contributions to society.

TRIBUTE TO CAPTAIN RICHARD J. PARISH, USN

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. SCARBOROUGH. Mr. Speaker, I rise today to pay tribute to a man who has dedicated more than 30 years of his life to protecting the people of this great nation through his service in the United States Navy. This gentleman has distinguished himself as a decorated officer, a community leader, a trusted advisor, and as a personal friend. The man I speak about today is Captain Richard J. Parish, who is retiring from the United States Navy.

Captain Parish is currently the Director of Office Training and Education/NROTC Program Manager on the staff of the Chief of Naval Education and Training in Pensacola, Florida. I could praise Captain Parish for his many successes as Commander of the Naval Surface Warfare Center at Coastal Systems Station, Commanding Officer of U.S.S. *Samuel Eliot Morison*, or his numerous other assignments throughout his storied career. I could mention his many awards, including the Defense Superior Service Medal, the Legion of Merit, the Meritorious Service Medal, the Navy Commendation Medal, and many others. Or I could applaud his academic achievements, including a Master's Degree in Financial Management from the naval Postgraduate School. However, I'm sure Captain Parish would say that all of these were just part of his duty.

Mr. Speaker, not only has Captain Parish been an outstanding Naval officer, he's also been a great friend and advisor. Whether through his assignment at CNET at NAS Pensacola, or his extraordinary tenure as Commander of Coastal Systems Station, Captain Parish has been an engaged and effective leader as well as a great source of advice and counsel to me on issues related to the Navy. I have looked to Dick Parish on many occasions for his unvarnished opinion on the issues affecting our nation's armed forces. As a member of the House Armed Services Committee over the past seven years, such insight has proven invaluable to me. Although I too will be leaving my post in the near future, I look forward to continuing our friendship.

Mr. Speaker, I join Captain Parish's many friends and colleagues in wishing him all the best as he embarks on this new phase of his life. Northwest Florida and the greater Navy community are fortunate to have had Captain Richard J. Parish serve them with honor and distinction. I want to thank my friend Dick Parish for his service to our great nation and to our local community, and wish him success and happiness now and always.

HONORING VETERANS FROM NASSAU COUNTY'S UNITED VETERANS ORGANIZATIONS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of four veterans from Nassau County's United Veterans Organization (UVO)—Joe Librizzi from Oceanside, Pat Cassetta from Uniondale, Bernie Flatow from West Hempstead and Sal Brandino from Rockville Centre—as June Citizens of the Month for the flag education program.

In December of 1997, the UVO came up with a brilliant idea of a flag education program for Nassau County schools and students. This program was designed to teach elementary students proper flag etiquette and respect.

Too often our students aren't exposed to the knowledge and the history our veterans possess. With this program students can learn about our nation's history from those who lived it. At the same time, the students learn about America's most important symbol from those who fought for our country.

The veterans began to put their idea into a plan by sending letters of introduction and explanation to 56 school superintendents in Nassau County. In early 1998, the team consisting of Librizzi, Cassetta, Flatow and Brandino began their presentations and as they say, "The rest is history." In the first year of presentations, they visited 29 schools and reached about 12,000 students. During the 2000/2001 school year, the vets predict they will reach 39 schools this year, bringing their three-year total to 40,000 students.

Thousands of letters from students, teachers and administrators give testimony to the fact the vets achieved their goal—fostering respect for the American flag. The vets committee have also been honored by the U.S. Marine Corps Color Guard attending many of their presentations.

These veterans saw a void in education, and stepped in to help out. We should all be like these veterans—they're still giving back to their community and shaping their country's future.

Thank you, and congratulations.

IN HONOR OF COMMISSIONER JIMMY DIMORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Commissioner Jimmy Dimora on this very special birthday and to thank him for his many dedicated years of public service.

Mr. Dimora is a great man, skilled politician, public servant, and most importantly, a friend. In January 1999 he began his term as Cuyahoga County Commissioner with the one simple goal to simplify county government and make it "user friendly" for his constituents. He was soon, thereafter, elected by his fellow commissioners as President of the Board of Cuyahoga County Commissioners.

His career in public service did not begin, however, on the county level. Mr. Dimora has 28 years of dedicated service with the City of Bedford Heights. Originally a city employee, he quickly demonstrated his love for the city and was elected Council-at-Large. In 1982 he was elected Mayor of the City of Bedford Heights and was re-elected without opposition to four consecutive terms. Commissioner Dimora has served his community in countless capacities, including Chairman of Cuyahoga County's Investment Advisory Committee,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Vice-Chairman of the County's Solid Waste District, member of the Board of Revisions and Governing Board to the Northeast Ohio Areawide Coordinating Agency. Commissioner Dimora currently serves as Chairman of the Cuyahoga County Democratic Party and has served selflessly in that position since February, 1994.

Commissioner Dimora is a man I hold in very high regard for he has greatly touched the Cleveland community. He has dedicated his entire life to public service and enjoys working with his constituents. He is people-oriented, kind-spirited, hard-working, and dedicated to his work and community.

Mr. Speaker, please join me in honoring a very fine man and wishing him a happy birthday. Commissioner Jimmy Dimora is truly a man of the people, and has served the Cleveland community selflessly his entire life.

PERSONAL EXPLANATION

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. HILL. Mr. Speaker, I did not vote on House Concurrent Resolution 145 when the House of Representatives considered it on June 13th (rollcall vote No. 161). Had I voted on House Concurrent Resolution 145, I would have voted "yea."

TRIBUTE TO FREDERICK STEPHENS HUMPHRIES, PH.D., NOTED EDUCATOR, SCHOLAR, AND GREAT AMERICAN

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mrs. MEEK of Florida. Mr. Speaker, tonight I am pleased to pay tribute to Frederick Stephens Humphries, one of the true giants of higher education in this country. We all recognized early in his 16-year tenure that he is a man of great vision and wisdom. As President of Florida A&M University, he built it into one of this nation's premier institutions of higher education.

Dr. Humphries is one of those special individuals in whom there exists not only an immense capacity for service, but also that touch of genius which everyone recognizes but no one can define.

Under Dr. Humphries' leadership, Florida A&M's enrollment has more than doubled and the number of graduates has tripled. He did this simultaneously while raising standards and improving the overall quality of the student body. Three times in the last ten years Florida A&M has been the top choice of National Achievement Scholars, tying last fall with Harvard for attracting the largest number of these high-achieving students.

Thanks to Fred Humphries, Florida A&M now has the triple distinction of being the nation's largest single-campus historically black college, the No. 1 producer of African-Americans with baccalaureate degrees, and the leading producer of African-American teachers.

Perhaps his single greatest contribution to America and to African-Americans is that, during his 26-year career as a college President, Dr. Humphries has taught an entire generation of African-Americans that there was room for intelligence and idealism in our world, and that "excellence with caring" was not just a way to live but a way to live greatly, that with education and knowledge each of us might share in the promise of our age.

So to you Frederick Stephens Humphries, I want to thank you for all that you have done not only for Florida A&M, but this nation and our world.

ESPERANZA'S 11TH ANNUAL FIESTA OF HOPE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to recognize and honor Esperanza, Incorporated for their years of education to the Cleveland community and celebrate their 11th Annual Fiesta of Hope to be held on Friday, June 22, 2001.

Esperanza, Inc. is the only non-profit organization in Ohio dedicated to the promotion and advancement of Hispanic education. This organization attracts hundreds of volunteers who tutor, mentor, and provide guidance to students of all ages. Volunteers provide assistance to students looking for scholarships and academic advice.

Since its formation, Esperanza, Inc. has celebrated its diversity through a yearly "fiesta." Last year, Esperanza, Inc. awarded 55 scholarships that provided much needed assistance to students. An education is the backbone of a healthy and productive life, and this organization is spending their time and energy in promoting a sound education for all people.

Mr. Speaker, please join me in recognition of a fine educational association. Esperanza, Inc. has served the Cleveland community for over a decade. I am humbled and grateful to have such a worthwhile organization in my district, and wish them the best of luck with their 11th Annual Fiesta of Hope.

A TRIBUTE TO WAYMAN F. SMITH III

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. CLAY. Mr. Speaker, I rise to offer my comments and warmest congratulations on the retirement of my friend, Wayman F. Smith III, who is leaving his position as Vice President of Corporate Affairs for the Anheuser Busch Corporation after 20 years of dedicated service. Throughout his life, Wayman Smith has remained a committed public servant who has made it his life's work to expand opportunity and raise the aspirations of African Americans in both his native St. Louis and our country as a whole.

As a young man during the height of the Civil Rights Movement, Wayman made the dangerous journey through the segregated South to help register African American voters as part of the NAACP Voter Registration Project. Later in the Sixties, Wayman entered the political arena and was elected to the St. Louis Board of Aldermen, where he served for twelve years. He also served four years on the Board of Police Commissioners for the St. Louis Metropolitan Police Department.

Wayman Smith began his high school years in the 1950s at the segregated Summer High School in St. Louis, but later transferred to and graduated from Soldan High School following the U.S. Supreme Court's decision in Brown vs. Board of Education. After completing his undergraduate degree in Business Administration from Monmouth University in West Long Branch, New Jersey, Wayman later went on to earn his Juris Doctorate degree from Howard University School of Law. Following his graduation from law school, Wayman became a partner in the law firm of Wilson, Smith, McCullin and Smith and later served as a judge in the St. Louis Metropolitan Court and served as the director of the Conciliation for the Missouri Commission on Human Rights.

During the last twenty years, Wayman has served as Vice President of Corporate Affairs for the Anheuser Busch Corporation, where he has been credited with building positive and economically productive relationships between Anheuser Busch and the African American community. Under Wayman's leadership, Anheuser Busch's Corporate Affairs Department expanded its Minority Purchasing Program initiative from less than $1 million to nearly $200 million. As a result, the Anheuser Busch Corporation today holds the honorable distinction of having done business with every African American, Hispanic and women-owned financial institution in the nation.

Additionally, his department has raised over $160 million for the United Negro College Fund and he founded the "Budweiser Jammin' for Education Fund" a major provider of college scholarship funds for our nation's urban youth. Literally hundreds of organizations have benefited greatly from Wayman's assistance, including the Congressional Black Caucus Foundation, which received a direct contribution from Wayman Smith to help pay off the mortgage on its Washington, D.C. headquarters.

In addition to his professional responsibilities, Wayman Smith has always been a leader in community involvement. He founded and chairs the African American Initiative for the United Way: a program that has raised millions of dollars for worthwhile charities in the St. Louis Metropolitan Area. Wayman is also Chairman of the Board of Regents for one of our nation's historically black educational institutions, Harris-Stowe State College, and serves on the Howard University Board of Trustees where he is also Chairman Emeritus. Wayman Smith also participates on the boards of the St. Louis Gateway Classic Foundation, the Congressional Black Caucus Foundation, Rankin Technical College, the NAACP Special

Contributions Fund, and the United Way of Greater St. Louis.

Now after twenty years at the corporate helm, Wayman plans to enjoy his early retirement from Anheuser Busch by returning to his first love, private legal practice. This summer, Wayman will rejoin his brother, Christopher M. Smith, Sr. and six other attorneys in the Smith Partnership in St. Louis, where he will continue to represent Anheuser Busch as well as other national and international interests.

It is my pleasure and honor to recognize Wayman F. Smith III, for the many contributions he has made on behalf of his beloved City of St. Louis, his community and his nation.

TRIBUTE TO JORDAN HENNER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Jordan Henner. On July 13, 2001, the Boy Scouts of Troop 125 in Commack will recognize Jordan's achievements by giving him the Eagle Scout honor.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills with learning self-reliance and teamwork.

This award is presented only to those who posseses the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Jordan Henner, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Jordan and his family.

IN MEMORY OF MR. JAMES F. PYKARE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 18, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. James F. "Big Jim" Pykare for his many years of service and countless contributions to his community.

Mr. Pykare, originally from Warren, Ohio, served his world community selflessly throughout his lifetime. He was born the son of the late Eugene F. and Ruth Clarissa Wallace Pykare. He had a very distinguished military career. Pykare served in Vietnam, Germany, Jordon, Lebanon and Alaska as a member of the Army. He also served on several special duty stations in the United States, specializing in Infantry Intelligence and Operations.

His loyalty and dedicated service to the Army was noticed. For his military service, Pykare was awarded the Purple Heart and Bronze Star for Valor. After serving his country selflessly, Pykare owned his own business, the Motorcycle Club of Cleveland, where he customized bikes. He also had a large love of politics that led him to taking an active role within the old Ward 13 Democratic Club.

Mr. Speaker, I ask that you join me in honoring the memory of a wonderful, loving man. "Big Jim" Pykare has affected and served the Cleveland community in many capacities, and was an inspiration to many. He has touched so many of us, and will be greatly missed.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 19, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 20

9:30 a.m.

Finance

To hold hearings to examine trade promotion authority.

SD–215

Energy and Natural Resources

To hold hearings on the nomination of Patricia Lynn Scarlett, of California, to be Assistant Secretary for Policy, Management, and Budget, the nomination of William Gerry Myers III, of Idaho, to be Solicitor, and the nomination of Bennett William Raley, of Colorado, to be Assistant Secretary for Water and Science, all of the Department of the Interior.

SD–366

Governmental Affairs

To hold hearings to examine the role of the Federal Energy Regulatory Commission associated with the restructuring of energy industries.

SD–342

10 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Department of Housing and Urban Development.

SD–138

Foreign Relations

To hold hearings to examine United States security interests in Europe.

SD–419

Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of the United States banking system.

SD–538

Appropriations

Defense Subcommittee

To hold hearings on the budget overview for fiscal year 2002 for the Navy.

SD–192

1 p.m.

Judiciary

To hold oversight hearings to examine the restoration of confidence in the Federal Bureau of Investigation.

SD–226

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

4 p.m.

Armed Services

Closed meeting to discuss NATO alliance matters.

SR–236

JUNE 21

9 a.m.

Armed Services

To hold hearings to review Department of Defense strategy issues.

SH–216

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues regarding blood cancer.

SD–124

Finance

To continue hearings to examine trade promotion authority.

SD–215

Energy and Natural Resources

To hold oversight hearings to examine the national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price.

SD–106

Foreign Relations

To hold hearings on the nomination of William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland;

the nomination of Howard H. Leach, of California, to be Ambassador to France; the nomination of Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Russian Federation; and the nomination of Anthony Horace Gioia, of New York, to be Ambassador to the Republic of Malta.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Angela Antonelli, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development; the nomination of Jennifer L. Dorn, of Nebraska, to be Federal Transit Administrator; and the nomination of Ronald Rosenfeld, of Maryland, to be President, Government National Mortgage Association.

SD–538

Commerce, Science, and Transportation

To hold hearings to examine the current conditions of United States manufacturing and the impact of manufacturing recession on individuals, industry sectors and the U.S. economy, and the relationship between international trade agreements and the significant job loss that has occurred over the past two years.

SR–253

Indian Affairs

To hold oversight hearings to examine Native American Program initiatives.

SR–485

Small Business

To hold hearings on S. 856, the Small Business Technology Transfer Program Reauthorization Act of 2001.

SR–428A

11:30 a.m.

Finance

To hold hearings on the nomination of William Henry Lash, III, of Virginia, to be an Assistant Secretary of Commerce; the nomination of Allen Frederick Johnson, of Iowa, to be Chief Agricultural Negotiator, Office of the United States Trade Representative; the nomination of Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury; and the nomination of Kevin Keane, of Wisconsin, to be an Assistant Secretary of Health and Human Services.

SD–215

2:30 p.m.

Governmental Affairs

To hold hearings on the nomination of Kay Coles James, of Virginia, to be Director of the Office of Personnel Management; and the nomination of Othoneil Armendariz, of Texas, to be a Member of the Federal Labor Relations Authority.

SD–342

JUNE 22

9:30 a.m.

Armed Services

To hold hearings on the nomination of Alberto Jose Mora, to be General Counsel and William A. Navas, Jr., to be Assistant Secretary for Manpower and Reserve Affairs, both of Virginia, both of the Department of the Navy; the nomination of Diane K. Morales, of Texas, to be Deputy Under Secretary for Logistics and Materiel Readiness and the nomination of Michael W. Wynne, of Florida, to be Deputy Under Secretary for Acquisition and Technology, both of the Department of Defense; and the nomination of Steven John Morello, Sr., of Michigan, to be General Counsel of the Department of the Army.

SR–222

JUNE 26

10 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine International Democracy Programs.

SD–192

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine federal funding allocated to fight diabetes, the impact of the disease on society and current research opportunities to find a cure.

SH–216

10:30 a.m.

Indian Affairs

To hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress.

SR–485

JUNE 27

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business, to be followed immediately by a hearing on the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; and the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, Department of the Interior.

SD–366

10 a.m.

Judiciary

To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.

SD–226

SENATE—*Tuesday, June 19, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, You have called us to be creative thinkers. We begin this day by yielding our thinking brains to Your magnificent creativity. You know everything; You also know what is best for us and the Nation You have entrusted to the care of this Senate. We are grateful that You not only are omniscient but also omnipresent. You are here in this Chamber and will be with the Senators and their staffs wherever this day's responsibilities take them. We take seriously the admonition of Proverbs 16:3: "Commit your works to the Lord, and your thoughts will be established."

Thank You for this secret of success in Your Word. In response we look to what is ahead this day and thank you in advance for supernatural intelligence to maximize our thinking. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 19, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARPER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, we will be in a period for morning business until 11:30 this morning. By virtue of a previous unanimous-consent agreement, Senators KYL and BROWNBACK will be in control of the time until 10:45 a.m. and Senator DURBIN will be in control of the time from 10:45 a.m. to 11:30 a.m.

At 11:30 this morning, Majority Leader DASCHLE will be in the Chamber to move to begin consideration of the Patients' Bill of Rights. As Members know, this legislation has been around for years, and the leader is going to announce at 11:30 a.m. today his movement toward consideration of that bill. We expect to be able to move to it. We hope the minority will not have any problems with our going to that bill.

Majority Leader DASCHLE will announce at 11:30 a.m. that we are going to finish that bill before the July 4 recess. That means if there are problems moving to the bill and cloture has to be filed, we will work this weekend and perhaps the next weekend to complete this legislation.

The Senate will be in recess from 12:30 p.m. to 2:15 p.m. today for our weekly party conferences.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 10:30 a.m. shall be under the control of the Senator from Arizona, Mr. KYL.

PRESIDENT BUSH'S EUROPEAN TRIP

Mr. KYL. Mr. President, President Bush has just returned from his trip to Europe, and the newspapers are full of glowing accounts. Some of the headlines include the following: "Europe sees Bush's Trip Exceeding Expectations." That from the New York Times on June 18. The International Herald Tribune: "President Climbs in European Esteem."

Similarly, other headlines and stories noted the fact that the President was successful in communicating his views on a wide variety of subjects, including most especially our view of national security issues and specifically the question of missile defense.

I want to spend a few minutes talking about the President's successful trip, his vision for the future in a new post-cold-war era, and the acceptance of those views by most of our allies and even, to some extent, by those whom he characterizes as friends, countries that could, indeed, someday perhaps be allies, countries such as Russia, following especially his visit with President Putin during the course of this trip.

I think the pundits had a good time as the President was preparing for his trip, speculating about whether this President, who had not extensively traveled abroad and did not have a great deal of international experience, would be able to impress these savvy international leaders.

What they found—and it was interesting—on the Sunday morning talk shows they were all doing a little bit of a retreat, which pleased me because I had seen the same kind of questioning of the President when he was beginning his run for the Presidency as Governor of Texas.

There were those who said: He is a very congenial fellow, but does he really have what it takes? I think we all saw, and even my Democratic colleagues who supported Vice President Gore at the time concluded, that this is a man who not only has great charm but also significant substance and a view of the world which is in keeping with the times as we commence our journey into this 21st century.

He proved that during the campaign. He proved it in domestic affairs, achieving a milestone of success with the tax cuts we passed and he signed into law a little over a week ago, and then this foreign trip, which was the first major trip, the trip to Europe, to visit with our NATO allies and other leaders in the region. We heard the same kind of questions: Was the President prepared to meet these leaders?

There is a problem here, Mr. President, as you know, and that is that most of the countries of Western Europe—the majority, I should say—are governed by left-of-center political leaders. They are, obviously, not of the same political viewpoint as President Bush, but our alliance with our NATO allies has gone through a series of changes where we have had generally conservative leadership, more left-of-center leadership, and then a combination of the two.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We have always been able to accommodate our differences politically because of the common goal of providing a defense for the members of the NATO alliance and in working together in national security matters that go beyond just the question of the NATO alliance, especially during the cold war as we were dealing with the then-Soviet Union and subsequent to that time dealing with other challenges, including the Balkans and, of course, in dealing with the evolution of the changes that have been occurring in the country of Russia itself.

That was the state of play when the President made this journey. Yet what we found was, notwithstanding the political differences of these leaders, there still is more that binds us than divides us. President Bush is one of those innate leaders who has the capacity to bring people together because of the force of his personality, which is one of reaching out, of showing that he is willing to listen, that he is willing to accommodate, but also making it very clear he has some very firm principles upon which U.S. policy is going to be based.

At the conclusion of my remarks, I am going to ask unanimous consent to print in the RECORD two very fine pieces by one of the finest columnists and political writers of our time, Charles Krauthammer. One of them appeared in the Weekly Standard in the June 4 issue. It is entitled "The Bush Doctrine, ABM, Kyoto, and the New American Unilateralism." The other is an op-ed the Washington Post carried on June 18 in which he makes a similar point that the type of unilateralism President Bush took to Europe and is intent on pursuing with respect to United States interests throughout the world is not a unilateralism that says the United States is going to do what we want to do no matter what anybody else thinks and basically ignores their points of view at all, but, rather, as Charles Krauthammer carefully points out, this new Bush doctrine is a subtle change from the past in this regard.

It says we are going to identify what we believe is in the best interests of the United States of America and in the interests of the rest of the family of nations of the world.

We are going to pursue a course that achieves the goals that sustain those interests, and we are not going to be deterred by naysayers, by countries that, frankly, do not have the same goals in mind or by any kind of international view that everything has to be done by international accord or it cannot be done at all. We are not going to have our national security interests vetoed by any other country of the world. So we will pursue our national interests, and we are not going to allow other countries of the world that do not share those goals to dictate the results.

However, that does not mean we are simply going to try to impose our will on others or that we are going to go our own way and to heck with the rest of the world. Not at all. As Mr. Krauthammer points out, President Bush has very carefully conducted an overarching strategy, and then the tactics of achieving that strategy include a very heavy dose of consultation, especially with our allies and particularly with our NATO allies. It also involves consultation with other friends of the United States, countries such as Russia and India, and other countries such as China, with which we have had some difficulties in recent times.

But the point of these consultations is not to tell other leaders what we are going to do come heck or high water but, rather, to say: Look, this is what we believe is in our best interests and your best interests. Let's work together to try to find a way to achieve these goals. There is some room for discussion. We have not finalized everything we plan to do, so there is an opportunity for everybody to help shape the future of the world as we begin this next century. But there are certain goals and objectives we are going to attempt to achieve. If you want to be with us we would like to have you come along and help us find the right way to do that. In that spirit, he visited with these European leaders.

We all know the President is very convincing. I realize the situation there is a little different. In politics, it is not the typical kind of diplomacy coming out of the State Department or other areas of diplomatic expertise, in our country and in others, where subtlety and the spoken word are so very important. President Bush is a man who means and says what he means very plainly. There is a certain advantage to that when you are dealing with foreign leaders who do not know you so well. It quickly becomes apparent to them that what you are telling them is exactly what you believe, exactly what the United States intends to do, and that there is no guile, there is no hidden agenda.

I think it has an effect of disarming some leaders who might be looking for hidden agendas or games that sometimes people in the political world like to play. President Bush is not like that. He has been very straightforward. He has been very clear about his vision. He has not wavered from that, which is, of course, tempting to do when visiting with other world leaders who do not totally share your world view.

The net result of that diplomacy and the new American vision of national security for the family of nations of the world has been an acceptance by many of the European leaders, expressed very overtly. As the headlines noted, a view among even those who do not necessarily totally share the President's view is that there is room to work with this President on these common goals.

Our NATO allies, countries such as Spain and Italy, the Czech Republic, Vaclav Havel, made some very eloquent statements in support of the President. The Polish Government, even some statements from leaders of the British Government, Hungary, and other countries in Europe, have in one way or another expressly supported the President's plans for missile defense to protect the United States, our troops deployed abroad, and our allies. Vaclav Havel said:

> The new world we are entering cannot be based on mutually assured destruction. An increasingly important role should be played by defense systems.

There are many similar quotations in these various news stories that were filed by the reporters covering the President's trip.

While there were many European leaders who overtly expressed support for what the President was trying to do, as I said, there were others who were not specific in their endorsement but who made it very clear they believed President Bush was somebody with whom they could sit down, talk these things over with, and reach some kind of mutual conclusion.

I was especially pleased this morning to find President Putin being quoted over and over again, in the lead story in the Washington Post saying he believed there was room for the United States and Russia to talk about these issues.

He was talking about something that has been very fundamental, from the Russian point of view, to the relationship between Russia and the United States, the ABM Treaty. There is a suggestion it is no longer absolutely necessary that that treaty remain in existence as the cornerstone of the strategic relationship between Russia and the United States, as he has characterized it. President Bush has said it no longer is the cornerstone. That was a treaty developed during the height of the cold war when the Soviet Union and the United States totally mistrusted each other. Whether or not it helped keep the peace during that time is totally irrelevant to the circumstances of today, where the threat of mutually assured destruction simply cannot be the basis for the relationship, the strategic relationship between the Russian people and the American people.

It has even been put into the context of a moral statement. Dr. Henry Kissinger was one of the architects of the ABM Treaty. He was there at the creation. He has testified to Congress, and he has told many of us, that it is time to scrap this treaty. He knew why it was put into place in 1972. He knew the function it might perform at that time. But he now fully appreciates that it no longer serves that function and, more importantly, leaves us nude, unprotected, vulnerable to attack by countries that were not parties to that treaty and never would be. Here is what he said during testimony in 1999:

> The circumstances that existed when the treaty was agreed to were notably different from the situation today. The threat to the United States from missile proliferation is growing and is, today, coming from a number of hostile Third World countries. The United States has to recognize that the ABM Treaty constrains the nation's missile defense programs to an intolerable degree in the day and age when ballistic missiles are attractive to so many countries because there are currently no defenses against them. This treaty may have worked in a two-power nuclear world, although even that is questionable. But in a multinuclear world it is reckless.

He was even more blunt during a press conference with then-Governor Bush on May 23, 2000, when he said:

> Deliberate vulnerability when the technologies are available to avoid it cannot be a strategic objective, cannot be a political objective, and cannot be a moral objective of any American President.

He is correct. For any President of the United States or Congress to deliberately leave the United States vulnerable to attack when we understand that there is a growing threat of that attack, and to leave in place any kind of legal regimes that would inhibit us from developing the means of protecting ourselves, is intolerable; it is morally indefensible, especially, as Dr. Kissinger says, when the technology is there to provide a defense.

One of the questions raised by some of our European friends was, Is the technology really there?

By the way, I am somewhat amused by the twin arguments of opponents. "This thing will be so effective that it will start another arms race." That is argument No. 1. Argument No. 2: "It will never be effective." It is going to be effective or it is not going to be effective. I think it will be effective. I also do not think it will start another arms race.

But what about the state of technology?

The Bush administration has decided that, because of the immediacy of the threat identified in the Rumsfeld Commission report 3 years ago, we need to get on with this now; that we cannot test forever to try to develop the perfect system. There will never be a perfect system, at least for the amount of money we are willing to spend, and right now we do not need a perfect system. The threat is from an accidental launch or rogue nation, and those are not the most robust threats to have to defeat.

So I think what Secretary Rumsfeld and the President have in mind doing is fielding, as soon as possible, whatever technology we have, understanding that it is not necessarily the best and it may not work in all circumstances.

Now, is that an indictment of what they intend to do? I do not think so. It is an honest acknowledgement of the fact that there is no such thing as a perfect shield, and that we are in the beginning stages of actually fielding this equipment.

We have done a lot of research, to be sure. But, frankly, for political reasons, a lot of that research has been wasted because the systems that could take advantage of that research have been stopped from development and eventual deployment. So we have had a lot of starts and stops, but we have never gone the next step, which is to actually put it out in the field and see how it works.

What Secretary Rumsfeld has said is go back to the gulf war. That was an emergency. We knew the Iraqis had Scud missiles. In fact, they were beginning to shoot them toward Israel. We did not have a missile defense. But Secretary of Defense CHENEY at that time said: Don't we have anything that we might employ here? And the answer from the Pentagon was: Yes, we have the Patriot. It is an anti-aircraft system, but it is very good at that, and it might be able to shoot down some Scud missiles.

So they tinkered with it. They took the Patriot batteries that we had—I think some of them were even test batteries—and put them into the field. And those Patriots did a remarkably good job. I think that the end result was somewhere in the neighborhood of about one-third of the Scud missiles were brought down by the Patriot.

That is important when you recognize—and you will recall, Mr. President—that the single biggest loss of life of U.S. servicemen in the gulf war occurred when 28 American soldiers were killed by one Scud missile.

It is a very lethal weapon if you don't have a defense against it. So what Secretary Rumsfeld and President Bush have decided to do is to take what we have—such as the Patriot missile of the gulf war time—get it into the field and begin working with it, all the while continuing to test more and more advanced systems. In this way, we will actually have a rudimentary defense to begin with, and we can continue to build on that as the technology evolves.

I will give you an analogy. We build ships in classes. We will start the *Los Angeles* class of attack submarines, for example. The first of the *Los Angeles* class submarines that came out of the dock was a good submarine, but it was not nearly as good as the last *Los Angeles* class submarine that came out many years later. Throughout the time that basic class of submarines was built, changes were being made and embodied in that submarine, so that the last one that came off the dock, in many respects, was not much like the very first one; it was much, much improved and, frankly, was the basis for the evolution to the next generation of attack submarines.

And so it is with missile defenses. I believe what the Secretary and the President have in mind is fielding a combination of air and space and land systems, combined with the satellite and radar that is necessary to detect a launch, and continue to follow a rogue missile, and then provide information at the very end of its flight for intercept and shootdown.

That combination might include the airborne laser, something with great promise. It might include standard missiles aboard the so-called Aegis cruisers, cruisers with very good radar, and a missile which today is, obviously, not capable against the most robust of intercontinental ballistic missiles but at least has some capability if especially you are able to sail the cruisers close enough to the launching point of the missile.

As those missiles are made bigger, and another stage is added to them, and a more sophisticated seeker is put on top of that missile, it will become more and more robust, to the point that at some point it will have the capability of stopping just about any missile that might be launched against us. We also have the potential for land-based systems.

The point is this: The President has in mind moving forward, getting off the dime. Almost no one, any longer, denies the threat. Even President Putin has pointed that out.

So the question is: Do you test forever, until you are absolutely certain, or do you move forward?

I saw my little nephew over the weekend. He is just now trying to crawl and walk; and he is falling down more than he is walking, but he is trying. And the next time I see him, I suspect he is going to be walking. You don't quit just because you fell down the first time. And we don't stop just because we had a couple tests that were not totally successful.

The point is, we will continue to test; we will continue to develop; we will deploy what we have as we get it ready to deploy, and we will continue to evolve those systems until we are satisfied that we have a system that can work.

To those critics who say we don't have the technology or we won't have it, I say, give us a chance. Let's try. Let's see. Don't say, you can't do it, and we never start and we never try. The consequences are simply too great. As Dr. Kissinger said, it would be literally reckless and immoral for us not to try when the technology is there.

Another question in this respect that the allies asked is, What would the reaction from Russia be? It is a fair question. Russia has some concerns. But Russia should not have concerns. Does anybody believe that the United States intends to attack Russia? Even the

Russians have to acknowledge that is no longer the relationship between our two countries. And we don't believe they intend to attack us. Why would they?

So these large inventories of nuclear weapons that both sides have, frankly, are going to come down. We are not going to maintain that level of warhead, and we do not think the Russians are either. In fact, they have made it clear they cannot afford to do so. Frankly, we would rather not have to spend the money on all those weapons so both sides can draw down their nuclear weapons.

For anybody to suggest that our building the rudimentary defense is going to cause the Russians to begin spending billions more to build new weapons, when they cannot afford to keep the ones they have, is, I think, ludicrous. It is not going to happen. It is a misplaced fear.

I acknowledge the concern that these people express, but I ask them to think about the facts. Even Russian leaders have acknowledged they would not be able to maintain more than about 1,500 warheads—down from about 6,000 or more that they have today.

So I do not think it makes sense to argue that we should not prepare to defend ourselves just because the Russians might be fearful somehow and, therefore, might decide to spend billions more that they do not have in developing new weapons. Nor do I think that argument applies to anyone else.

What we are talking about is building a defense that rogue nations will understand, making it unprofitable for them to develop and deploy the technology of missile defenses.

Are there other threats out there from these countries such as the so-called suitcase bomb? Yes, we are spending a lot to try to deal with that, too. The cruise missile is another challenge that we have to meet. But the mere fact that we have other kinds of challenges as well does not mean that we ignore the one that is first and foremost on the minds of these rogue leaders. Why else would they be spending the billions of dollars they are spending to develop or buy the technology for these missiles and the weapons of mass destruction that they put on top of the missiles? Why?

This kind of weapon offers them a blackmail potential. In the wrong hands, with this kind of weapon a country can essentially say to the rest of the world—at the time they intend to attack someone else, or want to get something from the rest of the world—look, you know we can launch this missile against you. We have done it in the past. We will do it again. So you better give us what we want, or you better stay out of our way, or you better do whatever we want you to do. It is that blackmail component that worries so many of our leaders the most.

Go back to the Persian Gulf war again. If Saddam Hussein had had the weapons that could put a missile on London or Paris or Berlin or Rome or any other country in that area of the world, do you think we would have had the same quality of allied contingent to face him down in that Persian Gulf war? Do you think other countries would have been as willing to join the United States? And if, in fact, those weapons could have killed a lot more Americans, would the United States have been as anxious to kick him out of Kuwait?

The argument would have been: Kuwait is of no interest to us, especially when he can rain so much destruction down upon us. So you need the kinds of defenses that prevent these rogue nations from carrying out their aggressive intentions.

That is why—just getting back to the President's visit in Europe this week—I am so heartened by not only the way he has laid this vision out but the way he has stuck to his guns, all the while being very open in his discussions with allied leaders, as well as the Russians.

I must say, I was also heartened by the descriptions of the policy, and the steadiness with which Secretary of State Colin Powell and National Secretary Adviser Condoleezza Rice presented this case again Sunday on the talk shows. Dr. Rice, despite, I would say, bating by the questioner, was very calm and very firm in articulating that the United States will do what it takes to protect the citizens of the United States and the interests of other freedom-loving people around the world but that we will do so in a way in which we engage these other leaders. We will listen to what they have to say, and to the extent we are able to do so, within the confines of what is necessary for the United States, we will find ways to accommodate their needs as well.

One of these would be to actually provide that kind of missile defense protection for them as well.

I applaud the President. I congratulate him for a successful trip. I hope we will have more opportunities to discuss this important issue in the future.

Mr. President, I ask unanimous consent that two articles by Charles Krauthammer be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Weekly Standard, June 4, 2001]

THE BUSH DOCTRINE

ABM, Kyoto, and the New American Unilateralism

(By Charles Krauthammer)

I. THE WORLD AS IT IS

Between 1989 and 1991 the world changed so radically so suddenly that even today the implications have not adequately been grasped. The great ideological wars of the twentieth century, which began in the '30s and lasted six decades, came to an end overnight. And the Soviet Union died in its sleep, and with it the last great existential threat to America, the West, and the liberal idea.

So fantastic was the change that, at first, most analysts and political thinkers refused to recognize the new unipolarity. In the early '90s, conventional wisdom held that we were in a quick transition from a bipolar to a multipolar world: Japan was rising, Europe was uniting, China was emerging, sleeping giants like India were stirring, and America was in decline. It seems absurd today, but this belief in American decline was all the rage.

Ten years later, the fog has cleared. No one is saying that Japan will overtake the United States economically, or Europe will overtake the United States diplomatically, or that some new anti-American coalition of powers will rise to replace the Communist block militarily. Today, the United States remains the preeminent economic, military, diplomatic, and cultural power on a scale not seen since the fall of the Roman Empire.

Oddly enough, the uniqueness of this structure is only dimly understood in the United States. It is the rest of the world that sees it—undoubtedly, because it feels it—acutely. Russia and China never fail in their summits to denounce explicitly the "unipolarity" of the current world structure and to pledge to do everything to abolish it. The French—elegant, caustic, and as ever the intellectual leader in things anti-American—have coined the term "hyperpower" to describe America's new condition.

And a new condition it is. It is not, as we in America tend to imagine, just the superpowerdom of the Cold War writ large. It is something never seen before in the modern world. Yet during the first decade of unipolarity, the United States acted much as it had during the preceding half-century.

In part, this was because many in the political and foreign policy elite refused to recognize the new reality. But more important, it was because those in power who did recognize it were deeply distrustful of American power. They saw their mission as seeking a new world harmony by constraining this overwhelming American power within a web of international obligations—rather than maintaining, augmenting, and exploiting the American predominance they had inherited.

This wish to maintain, augment, and exploit that predominance is what distinguishes the new foreign policy of the Bush administration. If successful, it would do what Teddy Roosevelt did exactly a century ago: adapt America's foreign policy and military posture to its new position in the world. At the dawn of the 20th century, that meant entry into the club of Great Powers. Roosevelt both urged and assured such entry with a Big Stick foreign policy that built the Panama Canal and sent a blue water navy around the world to formally announce our arrival.

At the dawn of the 21st century, the task of the new administration is to develop a military and foreign policy appropriate to our position of overwhelming dominance. In its first four months in office, the Bush administration has begun the task: reversing the premises of Clinton foreign policy and adopting policies that recognize the new unipolarity and the unilateralism necessary to maintain it.

II. ABM: BURYING BIPOLARITY

In May 2000, while still a presidential candidate, George W. Bush gave a speech at the National Press Club pledging to build a national missile defense for the United States.

A year later, as president, he repeated that in a speech at the National Defense University. This set off the usual reflexive reaction of longtime missile defense opponents. What was missed both times, however, was that Bush was proposing far more than a revival of the missile defense idea that had been put on hold during the Clinton years. Bush also declared that he would make unilateral cuts in American offensive nuclear arms. Taken together, what he proposed was a radical new nuclear doctrine: the end of arms control.

Henceforth, the United States would build nuclear weapons, both offensive and defensive, to suit its needs—regardless of what others, particularly the Russians, thought. Sure, there would be consultation—no need to be impolite. Humble unilateralism, the oxymoron that best describes this approach, requires it: Be nice, be understanding. But, in the end, be undeterred.

Liberal critics argue that a missile defense would launch a new arms race, with the Russians building new warheads to ensure that they could overcome our defenses. The response of the Bush administration is: So what? If the Russians want to waste what little remains of their economy on such weapons, let them. These nukes are of no use. Whether or not Russia builds new missiles, no American defense will stop a massive Russian first strike anyway. And if Russia decides to enlarge its already massive second strike capacity, in a world in which the very idea of a first strike between us and the Russians is preposterous, then fine again.

The premises underlying the new Bush nuclear doctrine are simple: (1) There is no Soviet Union. (2) Russia—no longer either a superpower or an enemy, and therefore neither a plausibly viable nor an ideological threat—does not count. (3) Therefore, the entire structure of bilateral arms control, both offensive and defensive, which was an American obsession during the last quarter-century of the Cold War, is a useless relic. Indeed, it is seriously damaging to American security.

Henceforth, America will build the best weaponry it can to meet its needs. And those needs are new. The coming threat is not from Russia, but from the inevitable proliferation of missiles into the hands of heretofore insignificant enemies.

Critics can downplay and discount one such threat or another. North Korea, they say, is incapable of building an intercontinental ballistic missile. (They were saying that right up to the time when it launched a three-stage rocket over Japan in 1998). Or they will protest that Iraq cannot possibly build an effective nuclear capacity clandestinely. They are wrong on the details, but, even more important, they are wrong in principle: Missile technology is to the 21st century what airpower was to the 20th. In 1901, there was not an airplane in the world. Most people did not think a heavier-than-air machine could in theory ever fly. Yet 38 years later, the world experienced the greatest war in history, whose outcome was crucially affected by air power and air defenses in a bewildering proliferation of new technologies: bombers, fighters, transports, gliders, carriers, radar.

It is inconceivable that 38 years from now, we will not be living in a world where missile technology is equally routine, and thus routinely in the hands of bad guys.

It is therefore inexplicable why the United States should not use its unique technology to build the necessary defense against the next inevitable threat.

Yet for eight years, the U.S. government did nothing on the grounds that true safety lay in a doctrine (mutually assured destruction) and a treaty (the antiballistic missile treaty) that codifies it. The logic of MAD is simple: If either side can ever launch a first. And because missile defenses cast doubt on the efficacy of a second strike capacity, they make the nuclear balance more unstable.

This argument against missile defense was plausible during the Cold War. True, it hinged on the very implausible notion of a first strike. But at the time, the United States and the Soviet Union were mortal ideological enemies. We came close enough in Berlin and Cuba to know that war was plausible. But even then the idea of a first strike remained quite fantastic because it meant initiating the most destructive war in human history.

Today, the idea of Russia or America launching a bolt from the blue is merely absurd. Russia does not define itself as our existential adversary. It no longer sees its mission as the abolition of our very way of life. We no longer are nose-to-nose in flashpoints like Berlin. Ask yourself: Did you ever in the darkest days of the Cold War lie awake at night wondering whether Britain or France or Israel had enough of a second strike capacity to deter an American first strike against them? Of course not. Nuclear weapons are not in themselves threats. They become so in conditions of extreme hostility. It all depends on the intent of the political authorities who control them. A Russian or an American first strike? We are no longer contending over the fate of the earth, over the future of Korea and Germany and Europe. Our worst confrontation in the last decade was over the Pristina airport!

What about China? The fallback for some missile defense opponents is that China will feel the need to develop a second strike capacity to overcome our defenses. But this too is absurd. China does not have a second strike capacity. If it has never had one in the absence of an American missile defense, why should the construction of an American missile defense create a crisis of strategic instability between us?

But the new Bush nuclear doctrine does not just bury MAD. It buries the ABM treaty and the very idea of bilateral nuclear coordination with another superpower. Those agreements, on both offensive and defensive nuclear weapons, are a relic of the bipolar world. In the absence of bipolarity, there is no need to tailor our weapons to the needs or threat or wishes of a rival superpower.

Yet the Clinton administration for eight years carried on as if it did. It spent enormous amounts of energy trying to get the START treaties refined and passed in Russia. It went to great lengths to constrain and dumb down the testing of high-tech weaponry (particularly on missile defense) to be "treaty compliant." It spent even more energy negotiating baroque extensions, elaborations, and amendments to the ABM treaty. Its goal was to make the treaty more enduring, at a time when it had already become obsolete. In fact, in one agreement, negotiated in New York in 1997, the Clinton administration amended the ABM treaty to include as signatories Kazakhstan, Ukraine, and Belarus, thus making any future changes in the treaty require five signatures rather than only two. It is as if Britain and Germany had spent the 1930s regulating the levels of their horse cavalries.

That era is over.

III. KYOTO: ESCAPE FROM MULTILATERALISM

It was expected that a Republican administration would abrogate the ABM treaty. It was not expected that a Republican administration would even more decisively discard the Kyoto treaty on greenhouse gases. Yet this step may be even more far-reaching.

To be sure, Bush had good political and economic reasons to discard Kyoto. The Senate had expressed its rejection of what Clinton had negotiated 95–0. The treaty had no domestic constituency of any significance. Its substance bordered on the comic: It exempted China, India, and the other massively industrializing polluters in the Third World from CO_2 restrictions. The cost for the United States was staggering, while the environmental benefit was negligible. The exempted 1.3 billion Chinese and billion Indians alone would have been pumping out CO_2 emissions equal to those the United States was cutting. In reality, Kyoto was a huge transfer of resources from the United States to the Third World, under the guise of environmental protection.

All very good reasons. Nonetheless, the alacrity and almost casualness with which Bush withdrew from Kyoto sent a message that the United States would no longer acquiesce in multilateral nonsense just because it had pages of signatories and bore the sheen of international comity. Nonsense was nonsense, and would be treated as such.

That alarmed the usual suspects. They were further alarmed when word leaked that the administration rejected the protocol negotiated by the Clinton administration for enforcing the biological weapons treaty of 1972. The reason here is even more obvious. The protocol does nothing of the sort. Biological weapons are inherently unverifiable. You can make biological weapons in a laboratory, in a bunker, in a closet. In a police state, these are unfindable. And police states are what we worry about. The countries effectively restricted would be open societies with a free press—precisely the countries that we do not worry about. Even worse, the protocol would have a perverse effect. It would allow extensive inspection of American anti-biological-warfare facilities—where we develop vaccines, protective gear, and the like—and thus give information to potential enemies on how to make their biological agents more effective against us.

Given the storm over Kyoto, the administration is looking for a delicate way to get out of this one. There is nothing wrong with delicacy. But the thrust of the administration—to free itself from the thrall of international treaty-signing that has characterized U.S. foreign policy for nearly a decade—is refreshing.

One can only marvel at the enthusiasm with which the Clinton administration pursued not just Kyoto and the biological protocol but multilateral treaties on everything from chemical weapons to nuclear testing. Treaty-signing was portrayed as a way to build a new structure of legality and regularity in the world, to establish new moral norms that would in and of themselves restrain bad behavior. But the very idea of a Saddam Hussein being morally constrained by, say, a treaty on chemical weapons is simply silly.

This reality could not have escaped the liberal internationalists who spent the '90s pursuing such toothless agreements. Why then did they do it? The deeper reason is that these treaties offered an opportunity for those who distrusted American power (and have ever since the Vietnam era) to constrain it—and constrain it in ways that give the appearance of altruism and good international citizenship.

Moreover, it was clear that the constraints on American power imposed by U.S.-Soviet bipolarity and the agreements it spawned would soon and inevitably come to an end. Even the ABM treaty, the last of these relics, would have to expire of its own obsolescent dead weight. In the absence of bipolarity, what was there to hold America back—from, say, building "Star Wars" weaponry or raping the global environment or otherwise indulging in the arrogance of power? Hence the mania during the last decade for the multilateral treaties that would impose a new structure of constraint on American freedom of action.

Kyoto and the biological weapons protocol are the models for the new structure of "strategic stability" that would succeed the ABM treaty and its relatives. By summarily rejecting Kyoto, the Bush administration radically redefines the direction of American foreign policy: rejecting the multilateral straitjacket, disenthralling the United States from the notion there is real safety or benefit from internationally endorsed parchment barriers, and asserting a new American unilateralism.

IV. THE PURPOSES OF UNILATERALISM

This is a posture that fits the unipolarity of the 21st century world. Its aim is to restore American freedom of action. But as yet it is defined only negatively. The question remains: freedom of action to do what?

First and foremost, to maintain our preeminence. Not just because we enjoy our own power ("It's good to be the king"—Mel Brooks), but because it is more likely to keep the peace. It is hard to understand the enthusiasm of so many for a diminished America and a world reverted to multipolarity. Multipolar international structures are inherently less stable, as the catastrophic collapse of the delicate alliance system of 1914 definitively demonstrated.

Multipolarity, yes, when there is no alternative. But not when there is. Not when we have the unique imbalance of power that we enjoy today—and that has given the international system a stability and essential tranquility it had not known for at least a century.

The international environment is far more likely to enjoy peace under a single hegemon. Moreover, we are not just any hegemon. We run a uniquely benign imperium. This is not mere self-congratulation; it is a fact manifest in the way others welcome our power. It is the reason, for example, the Pacific Rim countries are loath to see our military presence diminished.

Unlike other hegemons and would-be hegemons, we do not entertain a grand vision of a new world. No Thousand Year Reich. No New Soviet Man. By position and nature, we are essentially a status quo power. We have no particular desire to remake human nature, to conquer for the extraction of natural resources, or to rule for the simple pleasure of dominion. We could not wait to get out of Haiti, and we would get out of Kosovo and Bosnia today if we could. Our principal aim is to maintain the stability and relative tranquility of the current international system by enforcing, maintaining, and extending the current peace. Our goals include:

(1) To enforce the peace by acting, uniquely, as the balancer of last resort everywhere. Britain was the balancer of power in Europe for over two centuries, always joining the weaker coalition against the stronger to create equilibrium. Our unique reach around the world allows us to be—indeed dictates that we be—the ultimate balancer in every region. We balanced Iraq by supporting its weaker neighbors in the Gulf War. We balance China by supporting the ring of smaller states at her periphery (from South Korea to Taiwan, even to Vietnam). One can argue whether we should have gone there, but our role in the Balkans was essentially to create a micro-balance: to support the weaker Bosnia Muslims against their more dominant ethnic neighbors, and subsequently to support the (at the time) weaker Kosovo Albanians against the dominant Serbs.

(2) To maintain the peace by acting as the world's foremost anti-proliferator. Weapons of mass destruction and missiles to deliver them are the greatest threat of the 21st century. Non-proliferation is not enough. Passive steps to deny rogue states the technology for deadly missiles and weapons of mass destruction is, of course, necessary. But it is insufficient. Ultimately the stuff gets through.

What to do when it does? It may become necessary in the future actually to preempt rogue states' weapons of mass destruction, as Israel did in 1981 by destroying the Osirak nuclear reactor in Iraq. Premption is, of course, very difficult. Which is why we must begin thinking of moving to a higher platform. Space is the ultimate high ground. For 30 years, we have been reluctant even to think about placing weapons in space, but it is inevitable that space will become militarized. The only question is: Who will get there first and how will they use it?

The demilitarization of space is a fine idea and utterly utopian. Space will be an avenue for projection of national power as were the oceans 500 years ago. The Great Powers that emerged in the modern world were those that, above all, mastered control of the high seas. The only reason space has not yet been militarized is that none but a handful of countries are yet able to do so. And none is remotely as technologically and industrially and economically prepared to do so as is the United States.

This is not as radical an idea as one might think. When President Kennedy committed the United States to a breakneck program of manned space flight, he understood full well the symbiosis between civilian and military space power. It is inevitable that within a generation the United States will have an Army, Navy, Marines, Air Force, and Space Force. Space is already used militarily for spying, sensing, and targeting. It could be uniquely useful, among other things, for finding and destroying rogue-state missile forces.

(3) To extend the peace by spreading democracy and free institutions. This is an unassailable goal and probably the most enduring method of promoting peace. The liberation of the Warsaw Pact states, for example, relieved us of the enormous burden of physically manning the ramparts of Western Europe with huge land armies. The zone of democracy is almost invariably a zone of peace.

There is a significant disagreement, however, as to how far to go and how much blood and treasure to expend in pursuit of this goal. The "globalist" school favors vigorous intervention and use of force to promote the spread of our values where they are threatened or where they need protection to burgeon. Globalists supported the U.S. intervention in the Balkans not just on humanitarian grounds, but on the grounds that ultimately we might widen the zone of democracy in Europe and thus eliminate a festering source of armed conflict, terror, and instability.

The "realist" school is more skeptical that these goals can be achieved at the point of a bayonet. True, democracy can be imposed by force, as both Germany and Japan can attest. But those occurred in the highly unusual circumstance of total military occupation following a war for unconditional surrender. Unless we are willing to wage such wars and follow up with the kind of trusteeship we enjoyed over Germany and Japan, we will find that our interventions on behalf of democracy will leave little mark, as we learned with some chagrin in Haiti and Bosnia.

Nonetheless, although they disagree on the stringency of criteria for unleashing American power, both schools share the premise that overwhelming American power is good not just for the United States but for the world. The Bush administration is the first administration of the post-Cold War era to share that premise and act accordingly. It welcomes the U.S. role of, well, hyperpower. In its first few months, its policies have reflected a comfort with the unipolarity of the world today, a desire to maintain and enhance it, and a willingness to act unilaterally to do so. It is a vision of America's role very different from that elaborated in the first post-Cold War decade—and far more radical than has generally been noted. The French, though, should be onto it very soon.

[From the Weekly Standard, June 4, 2001]

BIG ROTTEN APPLE

NEW YORK CITY AFTER GIULIANI

(By James Higgins)

Liberalism, or paleoliberalism to some, is what New Yorkers are told will return to City Hall when term limits force mayor Rudolph Giuliani to depart in 2002. Four Democrats are vying to succeed him.

But the potential return of unreconstructed liberalism is not the most menacing aspect of this fall's election. The greater threat is the potential return of unreconstructed crime. Not the kind in the streets, but the kind in the suites—the suites of city government and the Democratic party.

Everyone old enough to have watched TV in the 1980s and early 1990s knows that New York City before Giuliani was where foreign tourists came to pay the world's highest hotel taxes while waiting to be robbed and shot. But the depth and breadth of corruption in the city's Democratic establishment during the pre-Giuliani years may be difficult for non-New Yorkers to grasp. The problem was not just a few rotten apples at the top. Under a series of Democratic mayors—Abraham Beame, Edward Koch, and David Dinkins—the whole tree was rotten. It was corruption that the New York City Democrats stood for even more than liberalism, and it was corruption at least as much as liberalism that brought Giuliani to office. It was as if, having jailed much of the leadership of New York's "Five Families" of crime while he was U.S. attorney for the Southern District of New York, Giuliani had to become mayor to flush out this Sixth Family.

To appreciate the significance of the upcoming election, it's essential to know this background. The chief reason the rot was not always visible to outsiders is the canniness of Dems in the Big Apple. Unlike their counterpart New Jersey crew, the New York City Democratic leadership has refrained from putting into the highest offices sticky-fingered characters like U.S. senators Harrison Williams and Robert Torricelli. The New York Democrats could have been working from the template of the mobsters who once controlled Las Vegas: They've always chosen clean front men. There was never a hint of personal corruption on the part of Beame, Koch, or Dinkins. Their administrations were another story. Consider:

Under Ed Koch, the entire city department charged with inspecting restaurants had to be closed because there was almost no one left to do the job after investigators arrested the inspectors who were taking bribes. Not long afterwards, the department that inspected taxicabs had to be closed for exactly the same reason.

Over an extended period of the '80s and early '90s, the felony rate among Democratic borough leaders in New York City approached 50 percent. Criminal defense lawyers tell me that if senior managers of a private business used their jobs to commit crimes at this rate, the entire enterprise would be inviting a RICO indictment.

The Beame, Koch, and Dinkins administrations approved a contract with school custodians that was close to being criminal on its face: The custodians were required only to maintain schools to "minimum standards," and the contract precluded any effective enforcement mechanism. The lucky custodians then personally got to keep whatever money in their budgets they didn't spend doing their jobs. This type of contract came to an end only after a 1992 60 Minutes segment showed the custodians spending less time at the filthy schools they were ostensibly maintaining than attending to the yachts they acquired—and did maintain—at taxpayer expense.

As pre-Giuliani taxi and limousine commissioner Herb Ryan described the system after he was caught taking bribes, "Everybody else has their own thing. I just wanted to get my own thing." The literal translation of "Our Thing" is, of course, La Cosa Nostra.

This is just a small sample of what the Sixth Family Democrats and their appointees did—indeed, just a small sample of what they were caught doing. That predicate criminal activity is a major part of what in 1989 lured political rising star and crimefighter Rudy Giuliani to run for mayor, a job that for more than a century had been a political dead end.

[From the Washington Post, June 18, 2001]

. . . FROM A NO-WOBBLE BUSH

(By Charles Krauthammer)

"Remember George, this is no time to go wobbly." So said Margaret Thatcher to the first President Bush just days after Saddam Hussein attacked Kuwait. Bush did not go wobbly. He invaded.

A decade later, the second George Bush came into office and immediately began a radical reorientation of U.S. foreign policy. Now, however the conventional wisdom is that in the face of criticism from domestic opponents and foreign allies, Bush is backing down.

Has W. gone wobbly? In his first days, he offered a new American nuclear policy that scraps the 1972 anti-Ballistic Missile Treaty, builds defenses against ballistic missile attack and unilaterally cuts U.S. offensive nuclear forces without wrangling with the Russians over arms control, the way of the past 30 years. He then summarily rejected the Kyoto protocol on climate control, which would have forced the United States to undertake a ruinous 30 percent cut in CO2 emissions while permitting China, India and most of humanity to pollute at will.

Bush's assertion of American freedom of action outraged those—U.S. Democrats, Europeans, Russians—who prefer to see the world's only superpower bound and restrained by treaty constraints, whether bipolar (ABM) or multipolar (Kyoto), in the name of good international citizenship.

The word now, however, is that Bush has gone soft. He sends Secretary of State Colin Powell to Europe to try to get agreement on missile defenses. He tries, reports the New York Times in high scoop mode, to cook an ABM deal with the Russians—shades of the old days. He then concedes there is global warming and promises action. "When President Bush announces . . . that he will seek millions of dollars for new research into the causes of global warming," reported the Times just one week ago, ". . . it will mark yet another example of how global and domestic politics have forced him to back away from the hairline pronouncements of his first five months in the White House."

The Bush administration, explained Newsweek, began by "playing the bully." But then "the Bushies began to see that they could not simply impose their agenda on a balky and complex world."

The alleged cave has been greeted with smug satisfaction from those on the left who see Bush returning, after a brief flirtation with the mad-dog ideological right, to the basic soundness of post-Cold War foreign policy as established by the Clinton administration.

Dream on.

Has Bush gone wobbly? Not at all.

Ask yourself: If you really wanted to reassert American unilateralism, to get rid of the cobwebs of the bipolar era and the myriad Clinton-era treaty strings trying Gulliver down, what would you do? No need for in-your-face arrogance. No need to humiliate. No need to proclaim that you will ignore nattering allies and nervous enemies.

Journalists can talk like that because the trust is clarifying. Governments cannot talk like that because the truth is scary. The trick to unilateralism—doing what you think is right, regardless of what others think—is to pretend you are not acting unilaterally at all. Thus if you really want to junk the ABM Treaty, and the Europeans and Russians and Chinese start screaming bloody murder, the trick is to send Colin Powell to smooth and sooth and schmooze every foreign leader in sight, have Condoleezza Rica talk about how much we value allied input, have President Bush in Europe stress how missile defense will help the security of everybody. And then go ahead and junk the ABM Treaty regardless. Make nice, then carry on.

Or, say you want to kill the Kyoto protocol (which the Senate rejected 95–0 and which not a single EU country has ratified) and the Europeans hypocritically complain. The trick is to have the president go to Europe to stress, both sincerely and correctly, that the United States wants to be in the forefront of using science and technology to attack the problem—but make absolutely clear that you'll accept no mandatory cuts and tolerate no treaty that penalizes the United States and lets China, India and the Third World off the hook.

Be nice, but be undeterred. The best unilateralism is velvet-glove unilateralism.

At the end of the day, for all the rhetorical bows to Russia, European and liberal sensibilities, look at how Bush returns from Europe: Kyoto is dead. The ABM Treaty is history, Missile defense is on. NATO expansion is relaunched. And just to italicize the new turn in American foreign policy, the number of those annual, vaporous U.S.-EU summits has been cut from two to one.

Might the administration yet bend to the critics and abandon the new unilateralism? Perhaps. But the crowing of the Washington foreign policy establishment that this has already occurred is wishful thinking.

Will he wobble? Everything is possible. But anyone who has watched Defense Secretary Rumsfeld, read Deputy Secretary Wolfowitz known Vice President Cheney or listened to President Bush would be wise to place his bet at the "no wobble" window.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:45 a.m. shall be under the control of the Senator from Kansas, Mr. BROWNBACK.

Mr. BROWNBACK. Thank you, Mr. President.

EMBRYONIC STEM CELL RESEARCH

Mr. BROWNBACK. Mr. President, I rise today to address the issue of embryonic stem cell research and cloning. The two issues are inexplicably tied together. I want to discuss this in the narrow context of Federal funding for embryonic stem cell research and cloning. The two are tied together in what is currently being discussed. They take an embryo, raise it to a certain age, kill the embryo, take the stem cell out of the embryo—the young stem cells inside that are reproducing on a rapid basis—and use those in research, or use those for human development and in the capacity of making other organs in the future.

The next step will be to take the Presiding Officer's DNA material, my DNA material, the Official Reporter's DNA material, or the DNA material of some of the new interns, take it out, and put it into an embryo that has been denuclized, take that DNA material, put it into the embryo, and start the growth that is again taking place so you will have a cloned individual.

That is an individual who has exactly the same DNA as somebody else. Scientists grow it to a certain age, kill the embryo, and take those stem cells from that embryo to be used to make an organ, or make brain cells, or make something else.

These two topics are tied together. It is a gate which shouldn't open.

Initially, I think we need to talk about Federal funding in Congress. We need to discuss the issue raised regarding Federal funding of destructive embryonic research. My position is that federally funded human embryonic stem cell research is illegal, it is immoral, and it is unnecessary for where we are and what we know today. We have other solutions that are legal, ethical, moral, and superior to where we are going with these Federal funds today regarding embryonic stem cell research and cloning.

The issue of destructive embryo research has come into better focus over the past few weeks as the new administration prepares to take definitive action on the Clinton-era guidelines which call the destruction of human embryos for the purposes of subsequent federal funding for the cells that have been derived through the process of embryo destruction.

Currently, we say, OK. You can't destroy the embryo, but you can use what is taken from the destruction of that embryo. It would be like saying of the Presiding Officer, you can't kill him, but you can take his heart, you can take his lungs and brain, and his eyes out. And, if you get those, even though somebody kills him, that is OK.

Well, that doesn't seem to be right to most of us. It certainly doesn't seem to be right to me, nor the Presiding Officer. Yet that is what is being proposed, and currently taking what applies under the Clinton-era guidelines which call for the destruction of human embryos for the purpose of subsequent Federal funding for the cells that have been derived from the process of embryo destruction.

During the Presidential campaign, then Governor Bush stated, in response to a questionnaire, "I oppose using Federal funds to perform fetal tissue research from induced abortions. Taxpayer funds should not underwrite research that involves the destruction of live human embryos."

Later, after assuming the Presidency, his spokesman, Ari Fleischer, stated that the President, "would oppose federally funded research for experimentation on embryonic stem cells that require live human embryos to be discarded or destroyed."

I would like to applaud the President for his bold and principled stand in defense of the most innocent human life. It has never been, and it will never be, acceptable to kill one person for the benefit of another—no matter how big, or how promising the purported benefit.

Few issues make this point as clearly as the issue of destructive embryo research.

As my colleagues are well aware, Congress outlawed federal funding for harmful embryo research in 1996 and has maintained that prohibition ever since. The ban is broad-based and specific; funds cannot be used for "research in which a human embryo or embryos are destroyed, discarded or knowingly subjected to risk of injury or death." The intent of Congress is clear—if a research project requires the destruction of human embryos no federal funds should be used for that project.

The NIH, during the Clinton administration, published guidelines that sought to circumvent this language. At the time, several of my colleagues, and myself, sent a letter to the NIH stating our opposition to the guidelines.

It read, in part,

> Despite their title, the NIH guidelines do not regulate stem cell research. Rather, they regulate the means by which researchers may obtain and destroy live human embryos in order to receive Federal funds for subsequent stem cell research. Clearly, the destruction of human embryos is an integral part of the contemplated research, in violation of the law.

That is simply because to get embryonic stem cells you have to kill the embryo. You kill an embryo to "harvest" stem cells and use them. This is destructive human embryonic research.

The letter that I cited was signed by, among others, Senators TRENT LOTT, DON NICKLES, JOHN MCCAIN, MICHAEL DEWINE, and JOHN ASHCROFT.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
February 4, 2000.

STEM CELL GUIDELINES,
NIH Office of Science Policy,
Bethesda, MD.

TO WHOM IT MAY CONCERN: Since 1996 Congress has banned federal funding for "research in which a human embryo or embryos are destroyed." We believe the draft guidelines published December 2 by the National Institutes of Health for "human pluripotent stem cell research" do not comply with this law, which we support and which remains in effect.

Despite their title, the NIH guidelines do not regulate stem cell research. Rather, they regulate the means by which researchers may obtain and destroy live human embryos in order to receive federal funds for subsequent stem cell research. Clearly, the destruction of human embryos is an integral part of the contemplated research, in violation of the law.

Because Congress never intended for the Executive Branch to facilitate destructive embryo research, we urge the National Institutes of Health to withdraw these guidelines as contrary to the law and Congressional intent.

Sam Brownback, Pete V. Domenici, Don Nickles, George V. Voinovich, Trent Lott, John Ashcroft, Chuck Hagel, Rick Santorum, Kit Bond, Bob Smith, Rod Grams, John Kyl, Jeff Sessions, Michael B. Enzi, Mike DeWine, Jesse Helms, Tom Harkin, Conrad Burns, Jim Bunning, John McCain.

Mr. BROWNBACK. Mr. President, in order to provide the justification for the NIH guidelines, the Department of Health and Human Services wrote a legal opinion reviewing the ban just mentioned above and whether or not Federal money could be used to conduct research on so-called human pluripotent stem cells that had been derived from an embryo. My conclusion—and that of many of my colleagues—is that this research is illegal. it is illegal for this reason: the deliberate killing of a human embryo is an essential component of the contemplated research; and without the destruction of the embryo the proposed research would be impossible, which brings us to a discussion of the morality of this research.

Recently there was a bill introduced, the Stem Cell Research Act of 2001, seemingly based on the NBAC recommendations, which seeks to allow Federal funding for researchers to kill living human embryos.

Under this bill federal researchers would be allowed to obtain their own supply of living human embryos, which they would then be allowed to kill for research purposes.

The very act of harvesting cells from live human embryos results in the death of the embryo. Therefore, if enacted, this bill would result in the deliberate destruction of human embryos—human life in its most infant stage.

This bill even violates current Federal policy on fetal tissue, which allows harvesting of tissue only after an abortion was performed for other reasons and the unborn child is already dead. Under this bill, the Federal Government will use tax dollars to kill live embryos for the immediate and direct purpose of using their parts for research. Is that something that we want to do? I don't think so.

Taxpayer funding of this research is problematic for a variety of reasons. First among those concerns is that if Congress were to approve this bill, it would officially declare for the first time in our Nation's history that Government may exploit and destroy human life for its own, or somebody else's purposes. We don't want to go there.

Human embryonic stem cell research is also unnecessary.

I think there is a point that is lost to many in the broader debate about when human life begins. Where should we protect it, and how do we protect? But the point is that human embryonic stem cell research, and, thus, cloning, is also unnecessary.

There are legitimate areas of research which are showing more promise than embryonic stem cell research, areas which do not create moral and ethical difficulties.

In the past, Congress has increased funding for NIH. New advances in adult stem cell research, being reported almost weekly, show more promise than destructive embryo research, and I believe should receive a significant increase in funding.

The Presiding Officer, myself, and everyone else in the room have stem cells within us.

It has been a discovery within the past couple of years. These stem cells reproduce other cells within our body. We have them in our fat tissue, our bones, and our brain. These are cells that can now be taken out, grown, and they have multiple actions of other material, other tissue they can replace. It is very exciting and very promising.

It does not have the ethical problems of killing another life and does not have the immune rejection problems like taking DNA material from another life and putting it into someone else. It is our own DNA. It is our own material, and it is showing great promise. I want to read some of the significant advances that have taken place in recent times in adult stem cell research, which I strongly support, and I support our increasing funding in a substantial way for adult stem cell research.

Research has shown the pluripotent nature of adult stem cells. In other words, they can have a multitude of options. Research shows the ability of a single adult bone marrow stem cell to repopulate the bone marrow, forming functional marrow and blood cells, and also differentiating into functional cells of liver, lung, gastrointestinal tract—esophagus, stomach, intestine, colon—and skin, with indications it could also form functional heart and skeletal muscle. The evidence shows the stem cells home to sites of tissue damage.

In other words, these stem cells can go to the place where the damage is and start to reproduce and build up the damaged material.

This was a May 4, 2001, study that was just released on this pluripotent nature of adult stem cells. Adult stem cells can repair cardiac damage.

Researchers at Baylor College of Medicine found adult bone marrow stem cells could form functional heart muscle and blood vessels in mice which had heart damage. They note their results demonstrate the potential of adult bone marrow stem cells for heart repair and suggest a therapeutic strategy that eventually could benefit patients with heart attacks. The results also suggest that circulating stem cells may naturally contribute to repair of tissues.

Also, scientists at Duke University Medical Center showed that adult stem cells from a liver could transform into heart tissue when injected into mice. They say, "Recent evidence suggests that adult-derived stem cells, like their embryonic counterparts, are pluripotent. . . ." They have a multitude of options of this stem cell conforming into bone, heart, and other types of tissue, and "these results demonstrate adult liver-derived stem cells respond to the tissue microenvironment. . . ."

In other words, what is the environment that the tissue is placed into, and that is what it is responding to and developing.

Researchers at New York Medical College report results that show regeneration of heart muscle is possible after heart attack, possibly from heart adult stem cell.

I have several others I want to read, but one in particular I think is interesting is that scientists have found stem cells in our fat. So now we can take fat stem cells, of which we do not have a shortage in America, and those adult stem cells can be derived and made into other types of cells and grown.

A new report shows umbilical cord blood can provide effective treatment of various blood disorders in adults. It had previously been assumed that there were too few stem cells in cord blood to treat adults and only children were treated.

The results of this study show that cord blood stem cells can proliferate extensively and provide sufficient numbers of cells for adult treatments.

My point is we do not have to destroy another life to have the great success of stem cell work. We can take it out of our own bodies. We can take it out of our own fat and be able to grow these things, and we do not need to go down the route of what is called therapeutic cloning, to which destructive embryonic stem-cell research is going to lead.

In the future, people are going to say they want embryonic stem cells, but what they really want is to be able to clone you, to clone another individual, take that DNA material from you, from me, from somebody in this room, destroy a young human embryo, put the DNA material in there, start this to reproducing for a while, kill that embryo, take the stem cells out, and work with those because they are exact copies of the DNA from us. We do not want to open this door of going the route of cloning, and that is where this is leading.

Mr. President, that is why today I have spoken out on this topic. We should not be going this route. We do not need to go this route. It is illegal for us currently to go this route. I ask that we stop. This is a view that I believe the President shares. In fact, in a letter written to the Culture of Life Foundation, President Bush states:

> I oppose Federal funding for stem-cell research that involves destroying living human embryos.

I ask unanimous consent that the President's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, DC, May 18, 2001.

Mr. ROBERT A. BEST,
President, The Culture of Life Foundation, Inc., Washington, DC.

DEAR MR. BEST: Thank you for your letter about the important issue of stem cell research.

I share your concern and believe that we can and must do more to find the causes and cures of diseases that affect the lives of too many Americans.

That's why I have proposed to double funding for National institutes of Health medical research on important diseases that affect so many American families, such as breast cancer. My proposal represents the largest funding increase in the Institutes' history. I also have called for an extension of the Research and Development tax credit to help encourage companies to continue research into life-saving treatments.

I oppose Federal funding for stem-cell research that involves destroying living human embryos. I support innovative medical research on life-threatening and debilitating diseases, including promising research on stem cells from adult tissue.

We have the technology to find these cures, and I want to make sure that the resources are available as well. Only through a greater understanding through research will we be able to find cures that will bring new hope and health to millions of Americans.

Sincerely,

GEORGE W. BUSH.

Mr. BROWNBACK. Mr. President, I fully anticipate that President Bush will settle the issue of Federal funding of embryonic stem cell research within the context of the existing embryo research ban in the very near future, and I hope we take up the issue of cloning and ban it. It is a place we should not and do not need to go. I applaud the President in advance for his defense, for his clear statement on cloning, as well, and his defense of the most innocent human life.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator from Kansas has expired.

Under previous order, the time until 11:30 a.m. is under the control of the Senator from Illinois, Mr. DURBIN, or his designee. The Senator from South Carolina, Mr. HOLLINGS, controls 10 minutes of that time.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

AMENDMENT NO. 805

Mr. DURBIN. Mr. President, I ask unanimous consent, notwithstanding passage of H.R. 1, that amendment No. 805, a Torricelli amendment, be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 805) was agreed to, as follows:

(Purpose: To require local educational agencies and schools to implement school pest management plans and to provide parents, guardians, and staff members with notice of the use of pesticides in schools)

At the appropriate place insert the following:

SEC. 9 . PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "School Environment Protection Act of 2001".

(b) PEST MANAGEMENT.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w–7) the following:

"SEC. 33. PEST MANAGEMENT IN SCHOOLS.

"(a) DEFINITIONS.—In this section:

"(1) BAIT.—The term 'bait' means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

"(2) CONTACT PERSON.—The term 'contact person' means an individual who is—

"(A) knowledgeable about school pest management plans; and

"(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

"(3) EMERGENCY.—The term 'emergency' means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

"(4) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

"(5) SCHOOL.—

"(A) IN GENERAL.—The term 'school' means a public—

"(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

"(ii) secondary school (as defined in section 3 of the Act);

"(iii) kindergarten or nursery school that is part of an elementary school or secondary school; or

"(iv) tribally-funded school.

"(B) INCLUSIONS.—The term 'school' includes any school building, and any area outside of a school building (including a lawn, playground, sports field, and any other property or facility), that is controlled, managed, or owned by the school or school district.

"(6) SCHOOL PEST MANAGEMENT PLAN.—The term 'school pest management plan' means a pest management plan developed under subsection (b).

"(7) STAFF MEMBER.—

"(A) IN GENERAL.—The term 'staff member' means a person employed at a school or local educational agency.

"(B) EXCLUSIONS.—The term 'staff member' does not include—

"(i) a person hired by a school, local educational agency, or State to apply a pesticide; or

"(ii) a person assisting in the application of a pesticide.

"(8) STATE AGENCY.—The term 'State agency' means the an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that exercises primary jurisdiction over matters relating to pesticide regulation.

"(9) UNIVERSAL NOTIFICATION.—The term 'universal notification' means notice provided by a local educational agency or school to—

"(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school; and

"(B) staff members of the school.

"(b) SCHOOL PEST MANAGEMENT PLANS.—

"(1) STATE PLANS.—

"(A) GUIDANCE.—As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2001, the Administrator shall develop, in accordance with this section—

"(i) guidance for a school pest management plan; and

"(ii) a sample school pest management plan.

"(B) PLAN.—As soon as practicable (but not later than 1 year) after the date of enactment of the School Environment Protection Act of 2001, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement under section 23, a school pest management plan for local educational agencies in the State.

"(C) COMPONENTS.—A school pest management plan developed under subparagraph (B) shall, at a minimum—

"(i) implement a system that—

"(I) eliminates or mitigates health risks, or economic or aesthetic damage, caused by pests;

"(II) employs—

"(aa) integrated methods;

"(bb) site or pest inspection;

"(cc) pest population monitoring; and

"(dd) an evaluation of the need for pest management; and

"(III) is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks;

"(ii) require, for pesticide applications at the school, universal notification to be provided—

"(I) at the beginning of the school year;

"(II) at the midpoint of the school year; and

"(III) at the beginning of any summer session, as determined by the school;

"(iii) establish a registry of staff members of a school, and of parents, legal guardians, or other persons with legal standing as parents of each child attending the school, that have requested to be notified in advance of any pesticide application at the school;

"(iv) establish guidelines that are consistent with the definition of a school pest management plan under subsection (a);

"(v) require that each local educational agency use a certified applicator or a person authorized by the State agency to implement the school pest management plans;

"(vi) be consistent with the State cooperative agreement under section 23; and

"(vii) require the posting of signs in accordance with paragraph (4)(G).

"(D) APPROVAL BY ADMINISTRATOR.—Not later than 90 days after receiving a school pest management plan submitted by a State agency under subparagraph (B), the Administrator shall—

"(i) determine whether the school pest management plan, at a minimum, meets the requirements of subparagraph (C); and

"(ii)(I) if the Administrator determines that the school pest management plan meets the requirements, approve the school pest management plan as part of the State cooperative agreement; or

"(II) if the Administrator determines that the school pest management plan does not meet the requirements—

"(aa) disapprove the school pest management plan;

"(bb) provide the State agency with recommendations for and assistance in revising the school pest management plan to meet the requirements; and

"(cc) provide a 90-day deadline by which the State agency shall resubmit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement.

"(E) DISTRIBUTION OF STATE PLAN TO SCHOOLS.—On approval of the school pest management plan of a State agency, the State agency shall make the school pest management plan available to each local educational agency in the State.

"(F) EXCEPTION FOR EXISTING STATE PLANS.—If, on the date of enactment of the School Environment Protection Act of 2001, a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may maintain the school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

"(2) IMPLEMENTATION BY LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(E), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

"(B) EXCEPTION FOR EXISTING PLANS.—If, on the date of enactment of the School Environment Protection Act of 2001, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the State school pest management plan, the local educational agency may maintain the school pest management plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

"(C) APPLICATION OF PESTICIDES AT SCHOOLS.—A school pest management plan shall prohibit—

"(i) the application of a pesticide to any area or room at a school while the area or room is occupied or in use by students or staff members (except students and staff participating in regular or vocational agricultural instruction involving the use of pesticides); and

"(ii) the use by students or staff members of an area or room treated with a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging during—

"(I) the period specified on the label of the pesticide during which a treated area or room should remain unoccupied; or

"(II) if there is no period specified on the label, the 24-hour period beginning at the end of the treatment.

"(3) CONTACT PERSON.—

"(A) IN GENERAL.—Each local educational agency shall designate a contact person to carry out a school pest management plan in schools under the jurisdiction of the local educational agency.

"(B) DUTIES.—The contact person of a local educational agency shall—

"(i) maintain information about the scheduling of pesticide applications in each school under the jurisdiction of the local educational agency;

"(ii) act as a contact for inquiries, and disseminate information requested by parents or guardians, about the school pest management plan;

"(iii) maintain and make available to parents, legal guardians, or other persons with legal standing as parents of each child attending the school, before and during the notice period and after application—

"(I) copies of material safety data sheet for pesticides applied at the school, or copies of material safety data sheets for end-use dilutions of pesticides applied at the school, if data sheets are available;

"(II) labels and fact sheets approved by the Administrator for all pesticides that may be used by the local educational agency; and

"(III) any final official information related to the pesticide, as provided to the local educational agency by the State agency; and "(iv) for each school, maintain all pesticide use data for each pesticide used at the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A))) for at least 3 years after the date on which the pesticide is applied; and

"(v) make that data available for inspection on request by any person.

"(4) NOTIFICATION.—

"(A) UNIVERSAL NOTIFICATION.—At the beginning of each school year, at the midpoint of each school year, and at the beginning of any summer session (as determined by the school), a local educational agency or school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

"(i) a summary of the requirements and procedures under the school pest management plan;

"(ii) a description of any potential pest problems that the school may experience (including a description of the procedures that may be used to address those problems);

"(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(iv) the following statement (including information to be supplied by the school as indicated in brackets):

'As part of a school pest management plan, [ ] may use pesticides to control pests. The Environmental Protection Agency (EPA) and [ ] registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school. Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school, contact [ ]'.

"(B) NOTIFICATION TO PERSONS ON REGISTRY.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (5)—

"(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

"(II) the application of a pesticide for which a notice is given under subclause (I) shall not commence before the end of the business day.

"(ii) NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA.—If pesticides are used as part of a regular vocational agricultural curriculum of the school, a notice containing the information described in subclauses (I), (IV), (VI), and (VII) of clause (iii) for all pesticides that may be used as a part of that curriculum shall be provided to persons on the registry only once at the beginning of each academic term of the school.

"(iii) CONTENTS OF NOTICE.—A notice under clause (i) shall contain—

"(I) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide to be applied;

"(II) a description of each location at the school at which a pesticide is to be applied;

"(III) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;

"(IV) all information supplied to the local educational agency by the State agency, including a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied based on—

"(aa) a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;

"(bb) information derived from the material safety data sheet for the end-use dilution of the pesticide to be applied (if available) or the material safety data sheets; and

"(cc) final, official information related to the pesticide prepared by the Administrator and provided to the local educational agency by the State agency;

"(V) a description of the purpose of the application of the pesticide;

"(VI) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(VII) the statement described in subparagraph (A)(iv) (other than the ninth sentence of that statement).

"(C) NOTIFICATION AND POSTING EXEMPTION.—A notice or posting of a sign under subparagraph (A), (B), or (G) shall not be required for the application at a school of—

"(i) an antimicrobial pesticide;

"(ii) a bait, gel, or paste that is placed—

"(I) out of reach of children or in an area that is not accessible to children; or

"(II) in a tamper-resistant or child-resistant container or station; and

"(iii) any pesticide that, as of the date of enactment of the School Environment Protection Act of 2001, is exempt from the requirements of this Act under section 25(b) (including regulations promulgated at section 152 of title 40, Code of Federal Regulations (or any successor regulation)).

"(D) NEW STAFF MEMBERS AND STUDENTS.—After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each notice required under subparagraph (A) to—

"(i) each new staff member who is employed during the school year; and

"(ii) the parent or guardian of each new student enrolled during the school year.

"(E) METHOD OF NOTIFICATION.—A local educational agency or school may provide a notice under this subsection, using information described in paragraph (4), in the form of—

"(i) a written notice sent home with the students and provided to staff members;

"(ii) a telephone call;

"(iii) direct contact;

"(iv) a written notice mailed at least 1 week before the application; or

"(v) a notice delivered electronically (such as through electronic mail or facsimile).

"(F) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall issue a notice containing only the new date and location of application.

"(G) POSTING OF SIGNS.—

"(i) IN GENERAL.—Except as provided in paragraph (5)—

"(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and

"(II) the application for which a sign is posted under subclause (I) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.

"(ii) LOCATION.—A sign shall be posted under clause (i)—

"(I) at a central location noticeable to individuals entering the building; and

"(II) at the proposed site of application.

"(iii) ADMINISTRATION.—A sign required to be posted under clause (i) shall—

"(I) remain posted for at least 24 hours after the end of the application;

"(II) be—

"(aa) at least 8½ inches by 11 inches for signs posted inside the school; and

"(bb) at least 4 inches by 5 inches for signs posted outside the school; and

"(III) contain—

"(aa) information about the pest problem for which the application is necessary;

"(bb) the name of each pesticide to be used;

"(cc) the date of application;

"(dd) the name and telephone number of the designated contact person; and

"(ee) the statement contained in subparagraph (A)(iv).

"(iv) OUTDOOR PESTICIDE APPLICATIONS.—

"(I) IN GENERAL.—In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.

"(II) DURATION OF POSTING.—A sign described in subclause (I) shall be posted after an outdoor pesticide application in accordance with clauses (ii) and (iii).

"(5) EMERGENCIES.—

"(A) IN GENERAL.—A school may apply a pesticide at the school without complying with this part in an emergency, subject to subparagraph (B).

"(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, notice of the application of the pesticide in an emergency that includes—

"(i) the information required for a notice under paragraph (4)(G); and

"(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.

"(C) METHOD OF NOTIFICATION.—The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (4)(E).

"(D) POSTING OF SIGNS.—Immediately after the application of a pesticide under this paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B).

"(c) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—Nothing in this section (including regulations promulgated under this section)—

"(1) precludes a State or political subdivision of a State from imposing on local educational agencies and schools any requirement under State or local law (including regulations) that is more stringent than the requirements imposed under this section; or

"(2) establishes any exception under, or affects in any other way, section 24(b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 30 through 32 and inserting the following:

"Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.
"Sec. 31. Environmental Protection Agency minor use program.
"Sec. 32. Department of Agriculture minor use program.
"(a) In general.
"(b)(1) Minor use pesticide data.
"(2) Minor Use Pesticide Data Revolving Fund.
"Sec. 33. Pest management in schools.
"(a) Definitions.
"(1) Bait.
"(2) Contact person.
"(3) Emergency.
"(4) Local educational agency.
"(5) School.
"(6) Staff member.
"(7) State agency.
"(8) Universal notification.
"(b) School pest management plans.
"(1) State plans.
"(2) Implementation by local educational agencies.
"(3) Contact person.
"(4) Notification.
"(5) Emergencies.
"(c) Relationship to State and local requirements.
"(d) Authorization of appropriations.
"Sec. 34. Severability.
"Sec. 35. Authorization of appropriations.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2001.

Mr. TORRICELLI. Mr. President, I rise today to announce a landmark agreement regarding the use of pesticides in our Nation's schools. This agreement marks the first time that the Federal Government will institute regulations on pesticides and schoolchildren. The Senate unanimously accepted my amendment to the Elementary and Secondary Education Act, which passed in the Senate late last week. For the first time, parents in all fifty States will be notified when pesticides are used in schools.

This agreement was reached after seven weeks of negotiations between my staff, environmental health groups, a broad coalition of pesticide, agriculture, and education groups. It was developed with these various groups to achieve a balance between the need to protect children from pests and addressing the concerns about the safety of pesticide applications.

A recent study by the General Accounting Office found that no credible statistics exist regarding the amount of pesticides used in public schools and no information exists about students' exposure to pesticides or their health impacts. We can and must do a better job of providing accurate information to parents and staff at our Nation's schools regarding pesticide use and the potential effects on our children.

This amendment requires local educational agencies and schools to implement a school pest management plan. This plan must incorporate pest control methods that minimize health and environmental risks in school and around schools. This amendment does not ban any pesticide. It simply states that the area of the pesticide application must remain unoccupied during the treatment, and for some pesticides, the area must remain unoccupied for up to 24 hours after the treatment.

Perhaps the most important component of this amendment is the requirement for schools to provide universal notification to parents three times throughout the year. The universal notice must include a summary of the school pest management plan, a statement about pesticides, information on how to sign up to be notified prior to all pesticide applications, notice of pesticides that are exempt from notification requirements, and information on who to contact for additional information regarding pesticide applications at the school. The amendment also gives parents the option of being notified at least 24 hours in advance of every pesticide application. Between universal notification and this additional notice option, parents will be armed with the knowledge they need to protect their children from potentially harmful pesticides when they send them to school. It is an enormous and hard fought victory for the health of our children.

I would like to thank my colleagues, Senators BOXER and REID for joining me in introducing this important amendment. Their strong support for the protection of our children against exposure to pesticides was critical to the passage of this amendment. They have both been leaders on this issue for years, and I look forward to their continued advocacy on behalf of our Nation's children.

I extend my thanks to the majority leader, Senator DASCHLE, for working to address the concerns of all sides. I appreciate the willingness of the managers of the bill, Chairman KENNEDY and Senator GREGG, to have this important issue considered in the context of the ESEA bill. In addition, I wish to thank the many groups whose support this amendment enjoys, including: Beyond Pesticides/National Coalition Against the Misuse of Pesticides, the National Pest Management Association, Responsible Industry for a Sound Environment, American Crop Protection Association, Consumer Specialty Products Association, Chemical Producers and Distributors Association, and the International Sanitary Supply Association. I also appreciate the support of the New Jersey Pest Management Association, and the New Jersey Environmental Federation. Finally, this amendment would not have been possible without the work of Joe Fiordaliso of my staff.

I look forward to working with members of the conference on ESEA to ensure that this amendment is included in the final bill, which is presented to President Bush.

HEALTH CARE

Mr. DURBIN. Mr. President, I want to address in morning business an issue, which will be the focus of debate in the Senate for the next 2 weeks. Many times our debates in this Chamber are about issues that a lot of people across America wonder what can this possibly mean to me, my family, or my future. This debate, believe me, will affect every single one of us.

What we do—whether we pass a law or fail to pass a law—can have a direct impact on everyone witnessing this debate and virtually everyone living in this country. What could that issue possibly be? Health care. It is about whether or not our health insurance will be there when we need it.

Yesterday in Springfield, IL, my hometown, I had a press conference. I invited three local doctors and two local nurses to talk about health care today. They came and told stories which were chilling, stories of their efforts to provide quality medical care to the people of my hometown and how time and again they ran into roadblocks, obstacles, and barriers from HMOs, and other health insurance companies, which tried to overrule medical decisions.

A cardiologist who came forward said: I brought a person into my office who was complaining of pain, thinking he suffered a heart attack. I was prepared to provide emergency care and I did, only to learn that his health insurance company would not pay me because I did not happen to be in their network. This person who showed up at my office, afraid he was going to die, was supposed to read his health insurance policy, look for the appropriate doctor, and make an appointment.

That is the reality of dealing with HMOs and health insurance companies today.

A lady who is an OB/GYN in my hometown talked about women under her care preparing to deliver a baby who, because the employer of that woman changed health insurance companies, were told in the closing days of the pregnancy that she could no longer be treated by her obstetrician, but had to go to a new doctor, an approved doctor, someone who had never seen her during the course of her pregnancy simply because this health insurance company thought it could save a dollar by referring this care to a different obstetrician.

The cases went on and on and on. Frankly, it should not come as a surprise. We have known for years that HMOs, health maintenance organizations, are really cost containment organizations. Their job is to reduce the cost of health care. What is secondary in their consideration is really quality medical care that all of us count on when we go to a doctor or a hospital or rely on a nurse's advice. That has been the casualty in this debate.

Yesterday, in Springfield, IL, these health professionals came forward. They joined ranks with 500 organizations which have endorsed a bill we will begin debating today on the floor of the Senate. Let me add just a postscript to that—I hope we will begin debating it today. Yesterday we tried to take up this bill, to talk about a Patients' Bill of Rights. There was an objection from the Republican side of the aisle. They wanted more time.

I suggest to those who are following this debate, this particular issue has been debated for a long time. In 1973, the Health Maintenance Organization Act became law, allowing employers to offer managed care insurance options. That was 28 years ago.

In 1995, our current President, then Governor George Bush, vetoed a Texas bill providing protection for HMO patients.

By 1996, the first Federal law regulating private insurance, this one allowing workers to keep coverage when changing their jobs, opened the door to patients' rights. The battle went on from there.

We have known for years that we need to provide patients and their families and people working for businesses across America the protection of a Patients' Bill of Rights. What we have before us today, what we will be debating this week, is a bipartisan Patients' Bill of Rights. Senator JOHN MCCAIN, a leading Republican, is one of the leading sponsors of this bill; Senators ARLEN SPECTER and LINCOLN CHAFEE also Republicans support the bill as well; and virtually every Democratic Senator. On the House side the same can be said. Republican leaders, as well as Democrats, and some 60 Republicans voted for this bill when it came up.

So this is a bill that has been here for a long time. It is a bill that now has strong bipartisan support, and it has been subjected to a lot of give and take and compromise to come up with a reasonable approach. Yet still we run into the obstacles that are being presented by its opponents, the major opponents, of course, the health maintenance organizations.

Why are they opposed to this bill? Why don't they want to create a Patients' Bill of Rights? Frankly, they think it is going to cost them in terms of their profits. They don't want to give up the rights they have to make life-and-death decisions and overrule doctors and nurses to save a buck. That is what this debate comes down to.

If you happen to visit Washington, DC, and turn on television, you are likely to see their television advertising. These HMOs are going to dump millions of dollars into advertising, trying to tell the people across America that giving you the right to have your doctor make a medical decision is not in your best interests, that they are the ones who should be entrusted with our health care, they are the ones who should make the call in life-or-death decisions when it comes to medical treatment, when it comes to prescription drugs that are necessary to sustain your life. They say, frankly, we don't need a Patients' Bill of Rights.

That is understandable, because do you know what is at issue here? What is at issue here is accountability. We just finished 7 weeks of debate about education. The key word in that debate was "accountability." People should be held accountable, students by tests, teachers by the results of those tests, principals—everyone to be held accountable. But when it comes to health care, the HMOs do not want to be held accountable. They believe they should take their profits and not be accountable.

Let's take a step back and look at the big picture. Who in the United States can be held accountable for their conduct in a court of law? Frankly, all of us—every individual, every family, every business—with only two exceptions. There are two special classes in the United States who cannot be brought into court and held accountable for their wrongdoing:

One, diplomats. You have heard of those cases. Diplomats who come to the United States, get involved in traffic accidents, and race away to their home country, never having to face a court of law. That happens to be part of a treaty. We are stuck with it.

What is the second special and privileged class in America that cannot be held accountable for its wrongdoing? HMOs, health insurance companies. That is right. If they make a decision denying you coverage and you suffer bodily injury or die as a result of it, the HMO or the health insurance company cannot be sued. That is why they oppose the Patients' Bill of Rights. They want to maintain their special status.

The HMOs think they are royalty in this country, that they should be above the law. I disagree with that completely. This bipartisan Patient Protection Act protects all patients across America. It doesn't pick and choose like the Republican alternative. It says that you should have access to specialists. If your doctor says your son or daughter has cancer and that a pediatric oncologist is the right person for your child, that should be the final word. You should not leave it to some bean counter, some accountant, some clerk in an insurance company 100 miles away.

It says you should be able to go out of network for a specialist. In other words, if the HMO does not have that doctor on the list, that should not be the deciding factor when determining who is the best doctor for your wife or your husband when they are facing a serious illness.

Care coordination, standing referrals—all of these mean that you can get good health.

Coverage for clinical trials. Clinical trials are efforts a lot of people get into when they receive a diagnosis of a condition or disease that might otherwise be incurable. They take a drug that is being tested by the Food and Drug Administration to see how it might apply to your cancer, your heart disease, your special problem. A lot of insurance companies say: We will not pay for clinical trials, you are on your own. Well, who can pay for it? Who in their right mind can say an average person in an average family in America can pay the tens of thousands of dollars necessary for life-or-death treatment in a clinical trial?

That is what is at issue here; that is what is behind this bill. The Patients' Bill of Rights say these insurance companies must cover the clinical trials that are necessary to save your life.

What about coverage for emergency care? Imagine your son falls out of a tree in the backyard and breaks his arm while you are visiting somebody, and you race to the nearest hospital only to learn they cannot treat you because you don't happen to be on the approved list for your health insurance. Who in the world is going to carry their health insurance policy around in the glove compartment of their car to find out which is the hospital that the HMO will allow you to go to? When it comes to emergency care, people should not be second-guessed. You go where you need to go when you are in an emergency situation. You should not have to face some insurance company clerk who is second-guessing that.

Direct access to OB/GYN providers—I mentioned the illustration in Springfield.

Access to doctor-prescribed drugs. Do you know what the HMOs do? They put down a list of drugs for which they will pay. They pick and choose the ones where they get the deepest discounts from the pharmaceutical companies. So you come in with a problem and your doctor takes a look and says: This is the drug. You need it. Is a breakthrough drug, and it is available, and I think I can get it for you. I say: Doctor, is it expensive? And he says it is because it is new, but it is just what you need. Then he says: Will your company cover this? Is it on their approved list, their formulary?

Sadly, a lot of HMOs have picked a list that doesn't include all the good drugs a doctor can prescribe. The Patients' Bill of Rights says the doctor has the last word. If this is the right drug that can cure your disease and give you a good life, you should not have to get into a debate or an appeals process with an HMO or a health insurance company over it.

Finally, access to point-of-service plans. We have to make certain that people across America, when they need access to good health care, have it. The HMOs and health insurance companies that put up these obstacles should not have the final word.

This is the debate we are about to have for the next 2 weeks. This is what the Senate will focus on. Is there anything more important than our health? What would you give up for your health? I don't think anyone would give up anything for their health. That is the most important thing in your life. Now we face an onslaught of opposition from the HMOs and the health insurance companies that say no to the Patients' Bill of Rights.

I salute Senator TOM DASCHLE, the majority leader, because he said this at a rally that we just held on the steps of the U.S. Capitol. He said the Senate will stay in session until we pass a Patients' Bill of Rights. He has given notice to all of us in the Senate: Put on hold your Fourth of July parades and your picnics back at the ranch. We are all talking about staying here and getting the job done.

There are going to be fireworks on The Mall, if you want to stick around here and you don't want to pass a Patients' Bill of Rights. We can look out the back window here, skip the parades and picnics, and stay at work until we pass a Patients' Bill of Rights. I guarantee, you may or may not see fireworks on The Mall, but we will see fireworks on the floor of the Senate because the HMOs and health insurance companies are not going to give up easily. They are going to fight us every step of the way.

Who are on the different sides in this debate? On one side are 550 health organizations and consumer organizations, standing for families and individuals across America—doctors and nurses and consumer groups.

Who is on the other side, opposing our bill? One group, and one group only, the HMOs, the health insurance companies. They know what is at stake here. What is at stake is their profit, and they are going to fight us tooth and nail to try to stop this bill.

I can guarantee this. We are going to fight for a real Patients' Bill of Rights, not a bill of goods. We are not going to pass some phony law and say to America we have solved your problem. We are going to fight and stay here for this fight until we pass it. For everyone who witnesses this debate, I cannot think of a more important topic for us to face.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to my colleague from Nevada.

Mr. REID. I have been here this morning listening to the Senator's statement, and of course it is very good and beautiful. But I would like to ask the Senator a couple of questions.

We have been working on this bill for years. I have been impressed with a couple of people who have stood out in recent weeks. They are Republicans—one by the name of JOHN MCCAIN and the other by the name of CHARLIE NORWOOD. They are both Republicans. One is a dentist from Georgia, the other is a Senator from the State of Arizona who, among other things, spent 5 or 6 years in a prisoner-of-war camp, most of that time in solitary confinement.

The Senator from Illinois and I came with Senator MCCAIN to the House of Representatives in 1982. We have long acknowledged his courage; have we not?

Mr. DURBIN. Absolutely.

Mr. REID. I have been impressed with the courage of CHARLIE NORWOOD from Georgia. Is the Senator from Illinois also impressed?

Mr. DURBIN. The fact that he has stood up and announced last Friday that he has tried to work with the HMOs, tried to work with the Republican leadership and with the White House and has virtually given up because they, frankly, will not support a real Patients' Bill of Rights. Congressman NORWOOD, a Republican, has said he will openly support the Democrats. If I am not mistaken—perhaps I am—the Senator from Nevada can correct me—I think every medical doctor in the House of Representatives now supports the Democratic approach, the bipartisan approach we are offering on the floor.

Mr. REID. The reason I asked the Senator this question is that the Senator in his chart said it is a bipartisan bill. MCCAIN a Republican, EDWARDS a Democrat from the South, KENNEDY a Senator from Massachusetts, they are the chief sponsors of this legislation. This is bipartisan legislation. We have some courageous people who have said we have had enough of this.

This legislation, I have heard the Senator say, is supported by every consumer group in America plus every medical group in America, subspecialty group, specialty group, the American Medical Association, and even the lawyers support this. I don't know of a time in the past where you have the American Medical Association and the trial lawyers together. Does the Senator know another occasion?

Mr. DURBIN. I certainly don't. Usually they fight like cats and dogs. When it comes to this bill, both sides believe the HMOs and the health insurance companies should not be above the law. They should not be a special class. They should be held accountable like every other American and every other business for their wrongdoing. They should, in being held accountable, understand when they make life-or-death decisions and they are wrong, they may face a jury of a dozen Americans who will decide whether or not it was fair.

Mr. REID. The Senator made reference to the advertisements being paid for by the HMOs. They are running in Washington and all over America. What they are focusing on is this is a bill that the lawyers want. Would the Senator agree with me that those managed care entities that oppose this legislation are trying to divert attention away from the consumer protections in this bill and making it a lawyer-versus-the-rest-of-us piece of legislation?

Mr. DURBIN. There is no question about it. I often try to reflect on whether or not the Congress of the United States could have enacted Social Security or Medicare or the Americans with Disabilities Act if some of the most well-financed special interest groups in America decided they wanted to buy large amounts of TV airtime on television of America. That is what is happening. They have done it before. They are trying to do it now. They are trying to twist and distort this debate to try to undermine the public's sentiment for real change and real protection for patients.

They are going to lose because the people of America know stories in their own family and their neighbor's family. I will share for a moment—I see two of my colleagues coming to the floor—with my colleague from the State of Nevada one of the things I think really tells the whole story. You can listen to Senators come and go on the floor of the Senate. We can talk about politics and law and all the rest of it. Let me introduce you to a little fellow I met a year or so ago named Roberto Cortes from Elk Grove Village, IL. This wonderful little kid is fighting for his life every single day on a respirator.

His mom and dad are real-life American heroes. They get up every morning and try to make a life for themselves and their family. They dedicate every waking moment so this little boy stays alive. This is a fight that goes on every minute of every day. If you can imagine, if his respirator stopped he would die, and they know this. They have him at home, and they watch him constantly. This is a fight they are willing to take on. They didn't know when they were fighting for Roberto's life that they would also have to fight the insurance companies. His problem is spinal muscular atrophy, a leading genetic cause of death in kids under the age of 2.

Last year, they sent me an e-mail to talk about the battles they have had with their health insurance company. He needs a drug called Synagus to protect him against respiratory infection. Do you know what the insurance company said? No. No. His doctor said, this little boy needs this drug to protect him against an infection when he is on a respirator, and the health insurance company said no.

Imagine that for a minute. Imagine that you are battling every single day to save this beautiful little boy, and meanwhile you have a health insurance company denying you access to a drug that his doctor says he needs to stay alive. Can it get any worse than that?

That is what this debate is all about. Forget all of us in suits and ties and fancy dresses in the Senate and remember Roberto Cortes of Elk Grove Village, IL. Remember his mom and dad. That is what the debate is all about.

We can't match the health insurance industry when it comes to all the television advertising they are buying but, believe me, if I could tell Roberto's story to moms and dads across America, I know what would happen when this bill finally comes up for final passage. I thank my colleague from Nevada for joining me.

Mr. REID. If I may ask the Senator one more question, I hope Roberto is doing OK. Senator DORGAN and I held a hearing in Las Vegas, NV, where a mother's testimony was not as optimistic. It was sad. She had had dealings with an HMO, and her son is now dead. That was her testimony. Senator DORGAN and I will talk about that more as the debate goes on. The Senator from Illinois is right; the HMOs deal with people's health: Roberto, the boy in Las Vegas, parents, mothers, brothers and sisters. There is nothing that is more devastating than having someone sick and you can't get what you know needs to be done. That is what the debate is all about.

It is about accountability. Are people going to be held to a standard that is fair? We are not asking for a standard that is unfair or unreasonable or that has not been in place in the past. We are asking to have the standard where a doctor makes a decision as to the care their patient receives and it is not made by some clerk in a room in Baltimore or San Jose; it is made by that doctor who is taking care of that patient. Will the Senator agree?

Mr. DURBIN. I agree, and I thank the Senator from Nevada for joining me. I see the Senator from Minnesota is here seeking recognition.

Let me say, this is one of the most important debates of the year. Until the Senate leadership changed 2 weeks ago, this bill was buried in committee. The health insurance companies had us right where they wanted us. They stuck this bill in committee and said: You will not hear a national debate about the Patients' Bill of Rights. It is a new day in the Senate. There is new leadership, and there is a new agenda. I am proud of the fact that my party has brought forward as the first bill that we will debate a Patients' Bill of Rights. I am proud of it because I believe that is what we are all about.

Frankly, on a bipartisan basis with Senator MCCAIN and Congressman NORWOOD and others, we are making this a strong bipartisan fight. It isn't a fight so that at the end of the day we can say our party won; this politician won. It is a fight so that at the end of the day Roberto Cortes has a chance, and his mom and dad can focus on this little boy's life and that daily struggle, not a struggle with the health insurance companies.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Minnesota.

Mr. DAYTON. Mr. President, if I might add a refrain to what my distinguished colleagues have been talking about, last year I helped set up a health care hot line in Minnesota. I started getting a flood of calls, just as the Senator from Illinois described, from parents who are fighting those same kinds of battles. I don't have pictures here, but I can see them in my mind's eye, the young boys and girls and the grieving families, fighting families who are trying to deal with the tragedy of their lives and have heaped on them the further tragedy of HMOs or insurance companies not providing or not paying for the care. Suddenly they are incurring tens of thousands of dollars of debt, in addition to God-awful personal losses.

So I certainly rise in support of the legislation. I agree with the Senator from Illinois that the change in the leadership of this body—the now-majority leader and assistant majority leader are making the difference in this legislation coming to the Senate floor. I hope we can commence debate on it today.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise on this first day of consideration of the Patients' Bill of Rights to say that this is a glorious day, that finally, after a 5-year wait, the Senate can take up this important legislation.

It is my hope that our colleagues on the other side of the aisle will not block this legislation, as has been rumored all over the Capitol today. We have heard that there will be all kinds of efforts to delay and distract.

This issue is way too important for this country to withstand such potentially dilatory tactics. Indeed, the people of this country embrace patient protection and they embrace it in a bipartisan and, indeed, a nonpartisan fashion.

What does this bill do? It simply addresses a grievous wrong under American law. Currently, health care providers are held accountable for their mistakes and their malpractice, save for one type of health care provider—an insurance entity known as a health maintenance organization.

An HMO is exempt under the law. So this Patients' Bill of Rights brings to the floor of this Senate the opportunity to change the law so that HMOs are held accountable for their grievous mistakes. This is just common sense and clearly, a standard of fairness. This is why we are seeing wide acceptance of the principles of this legislation reflected in the polls all over this country.

Now let's not be deceived. Those who want to torpedo this legislation say that they support a Patients' Bill of Rights, and then they get all mired in the discussion of the technical details. But it is clear cut: Either you are for the patient or for the HMO when it comes down to the question of accountability for grievous mistakes.

Now there has, in the course of this discussion, arisen a very legitimate concern. HMOs are a major provider of insurance for employers. Therefore, an employer is quite concerned that they might have some liability because they engage the particular HMO as their insurance company. So, quite naturally, an employer does not want to have joint liability with an HMO that has perpetrated some grievous malpractice.

In this bipartisan legislation offered by Senators MCCAIN, EDWARDS, and KENNEDY, there is protection for the employer, and the employer would only be liable if the employer had participated in that grievous malpractice.

So as that issue arises, particularly among the business community, which legitimately ought to be concerned with that issue, don't be deceived, because you are protected. As we get into the discussion of this legislation, let's remember what this is all about. You are either for protecting patients or you are for the status quo, which protects HMOs. Current law states that an HMO cannot be sued for any grievous wrongs, whereas a physician, a nurse, a hospital, or any other health care provider who commits a grievous wrong against a patient can be held accountable.

So it is a stark choice: Do you want to protect the patients, or do you want to protect HMOs? You will get all the other arguments about whether or not this is going to increase the cost to patients. There will be some increase, but often as we consider the formulation of law, we have to consider the tradeoffs. Is this protection of a patient's right worth the tradeoff of a small—a very small—increase in the cost? Eighty percent of the American people clearly say they want the rights of a patient protected.

I am glad that we finally have this issue before us.

One of the greatest experiences in my professional life and a great honor for me was having served for the last 6 years as the elected insurance commissioner of the State of Florida. In that capacity, I dealt weekly with insurance companies, health insurance rates, and what it took to keep those insurance companies and HMOs financially viable, while at the same time being able to protect patients' rights.

I see this discussion of a Patients' Bill of Rights as the tip of an iceberg in a discussion of the overall reform of the entire health care delivery system. Ultimately, this will become a discussion of the reform of the Medicare system in this country. I hope and have clearly had assurances from our great assistant majority leader, the Senator from Nevada, and our great leader, the Senator from South Dakota, that we are going to take up Medicare reform later this year.

We have a great opportunity for taking the first steps addressing the comprehensive question of health care reform and health insurance reform that will ultimately address the fact that 44 million people in this country do not have health insurance, 2½ million of these people are in my own State of Florida. Clearly, they get health care. They often get it at the most expensive place, which is the emergency room, and at the most expensive time when the sniffles have turned into pneumonia. But that is a discussion for another day.

The discussion, however, starts today along the long, tortuous road of health care reform with a most important first step; that is, enacting a Patients' Bill of Rights.

I am proud to come to the floor and be able to address this. I intend to speak out on this important issue again and again over the course of the next several days, and the next couple of weeks, until we pass this important piece of legislation.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

PATIENTS' BILL OF RIGHTS

Ms. STABENOW. Mr. President, today, the Senate will begin serious consideration of one of the most important issues for every family in America—genuine protections for patients in managed care plans. As many of my colleagues know, this issue has been one of my top priorities for a very long time and I am very pleased that real debate has begun on the McCain, Edwards, Kennedy bill—a bipartisan compromise for a meaningful Patients' Bill of Rights.

It is important to note that there has been a tremendous amount of work done to get to this point. This truly is a compromise. It is truly bipartisan. I congratulate my colleagues for working so hard. I am very proud to be one of the cosponsors of this bill.

I strongly believe that every person has a right to affordable quality health care. Whether we are talking about access to nursing homes, prescription drugs for seniors, or the Patients' Bill of Rights, I have fought to improve health care for every American.

As we start this debate, I remind all of my colleagues that this debate is about real people and their real experiences with HMOs.

We have not made this up. This is about real people who have come to us who have expressed concerns. They paid for health care. They assumed that their families would have it when they needed it. Too many people find out that when it is time for that care to be given, whether it is in an emergency room, whether it is a doctor recommending a form of treatment, they are not able to receive it for their family. It is not right. That is why we are here.

I want to share one story today about a young woman named Jessica and her family in Royal Oak, MI. Jessica's story is one example of many of why we need to pass these important patient protections.

I am proud to have worked with this family, speaking on behalf of families all over this country.

Jessica was born in 1975 with a rare metabolic disorder that required vigilant medical care. Unfortunately, her disorder was not curable and she passed away September 10, 1999.

During the last year of her life, Jessica's health insurance changed. Her family doctor, who had been treating her all of her life, was not covered by the new HMO that she was forced into, and Jessica had to seek treatment through another physician. Her disease, however, was so complex that she and her family could not find a new doctor with the HMO.

Mrs. Luker talks about going name by name, page by page, and book by book through all of the physicians in the HMO, and none of them were willing to treat Jessica.

As her mother said, when Jessica's family should have been spending precious time—she used to like to sit on the porch and read books and blow bubbles—with Jessica in her final year of life, they were forced to spend countless hours fighting with the HMO bureaucrats about her care.

Jessica's insurance plan was changed just days before she was admitted to the hospital for surgery. After months of trying to figure out what to do about her seizures—she had 60 seizures in a row—her family worked with the doctor who had been treating her. This is prior to the change. They said she needed an operation. It was scheduled for May 12 of 1999. Unfortunately, her insurance changed to the HMO on May 1 without their knowledge. She had the operation on May 12.

On May 17, they got a notice that the insurance had changed and they wouldn't cover it because she didn't have preauthorization.

This is not a new story. We hear story after story about people who find themselves in situations where they didn't have preauthorization for things that were beyond their knowledge at the time.

Unfortunately, to this day, that surgery was not paid for, and the Lukers are paying for that themselves, while at the same time after they found out that she had the HMO, they would not allow her doctor of 14 years to treat her—and in her final year of life.

Jessica's story demonstrates why we need patient protections. We must make sure when our families have insurance and believe the health care will be there when their families need it that they can count on that to happen; that they are not fighting about what day they got a notice about a change in the insurance; or they are not fighting about their doctor who has been treating a family member for years not being able to continue because they do not fit into the list of the HMO.

This is just one example. I have heard stories throughout Michigan. But today we have an opportunity to begin the process to change it.

When I came to Washington as a United States Senator from Michigan, I brought a picture of Jessica. The picture is sitting on my desk in my office in the Hart Building. That picture is going to remain there until we pass this bill. This bill is for Jessica and every person who has ever needed care and been denied it by an HMO.

This picture I want to be able to take down pretty soon. It has been there long enough. Families have had to fight long enough. I am looking forward to the day when I can give that picture back to Mr. and Mrs. Luker and say: We did it.

Today we can begin that process. Let's not fight about all the various wranglings of the internal politics of this body. Let's keep our focus on the Jessicas and on the families of this country. If we do the right thing, everybody will be able to celebrate that we have created the important patient protections that our families in this country need.

I yield back, Mr. President.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Nevada.

CONCLUSION OF MORNING BUSINESS

Mr. REID. My understanding is that the hour of morning business is now terminated; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, this is an important day—and one that has been a long, long time coming.

It has been nearly 5 years since President Clinton, at the time, appointed an independent panel of health care experts and asked them to come up with a Patients' Bill of Rights.

It has been more than 4 years since President Clinton urged Congress to pass a Patients' Bill of Rights reflecting the panel's recommendations.

It has been more than 3 years since the first bipartisan Patients' Bill of Rights was introduced in the House.

And, it has been nearly 2 years since the last time we debated a real Patients' Bill of Rights here in the Senate.

We have talked long enough. There is only one thing left to do. We need to pass a real, enforceable Patients' Bill of Rights now.

The reason we are debating this bill is because so many people—inside and outside of Congress—refused to give up. I especially want to thank the Senate sponsors: my colleague, Senator KENNEDY, who has spent his entire adult life—nearly 40 years—working to improve health care for all Americans; my colleague, Senator JOHN EDWARDS, who has played an indispensable role in finding an honest, honorable middle ground on the difficult question of liability; and my colleague, Senator JOHN MCCAIN, for having the courage—once again—to disregard party labels and challenge the special interests in order to change what needs to be changed.

This bill matters—deeply matters—to America's families. More than 70 percent of all Americans with insurance and 80 percent of all Americans who get their insurance on the job—are now in some kind of managed care program. To them, this isn't a political issue; it can be a life-or-death issue.

This bill ensures that doctors, not insurance companies, make medical decisions. It guarantees patients the right to hear all of their treatment options—not just the cheapest ones. It says you have the right to go to the nearest emergency room when you need emergency care. It guarantees you the right to see a specialist if you need one. It gives women the right to see an OB-GYN without having to see another doctor first to get permission. And it guarantees that parents can choose a pediatrician as their child's primary care provider, if they need one.

But rights without remedies are no rights at all. That is why our bill guarantees people the right to appeal decisions by their HMO to an independent review board, and to get a timely response. Finally, if the HMO ignores the review board, our bill allows people to hold HMOs accountable—the same way doctors and employers, and everyone else in America is held accountable for their actions. The 85 million Americans enrolled in Medicare, Medicaid and other Federal health programs already have each of the protections in our bill. So does every Member of this Senate.

Our bill extends them to all privately insured Americans—no matter what State they live in, or what insurance plan their employers choose.

Opponents claim that guaranteeing these rights will cost too much. They say people will lose their insurance because insurance premiums will go through the roof. But the facts show otherwise. According to the nonpartisan Congressional Budget Office, our bill would increase employee premiums an average of about $1.20 a month for real rights that can be enforced—$1.20 a month.

Many things have changed since the first time this Senate passed a Patients' Bill of Rights. The bill itself has changed. We started with a bipartisan compromise: the Norwood-Dingell Patients' Bill of Rights. This bill is a bipartisan compromise on a bipartisan compromise.

One of the most important compromises concerns liability. This bill says very clearly that employers cannot be held liable unless they participate directly in a decision to deny health care. The only employers who can be held liable are the small fraction of companies that are large enough to run their own health care plans—less than 5 percent of all American businesses. Small businesses never make treatment decisions, so they would never be sued.

We have also compromised on where people can seek justice. Instead of allowing all disputes to be heard in State courts, this bill says disputes about administrative questions should be heard in Federal courts. Only cases involving medical decisions should go to State courts—just like doctors who make medical decisions.

Support for a Patients' Bill of Rights has grown—inside and outside of Congress. In the Senate, we have Senators MCCAIN, EDWARDS, and KENNEDY. In the House, we have Congressman JOHN DINGELL and two conservative Republicans, CHARLIE NORWOOD and GREG GANSKE. Outside of Congress, 85 percent of all people surveyed—and 79 percent of Republicans—support the protections in this plan, and so do more than 500 major health care, consumer and patient-advocate groups all across the country.

There has been one other significant change since the first time we debated a Patients' Bill of Rights. Before, we could only guess what would happen if people were able to hold HMOs accountable. Now we know. Texas and California have both passed Patients' Bills of Rights.

Texas passed its law in 1997. In nearly 4 years, 17 lawsuits have been filed—about five a year. In the last 6 months since California passed its law, 200 disputes have gone through the independent appeals process. None—not one—has gone to court. And two-thirds of the disputes were resolved in favor of the HMO. Experience from the two largest States—the two best laboratories—show that the scare tactics used by opponents of this bill are simply that: scare tactics.

There are some important things that have not changed in the years since we started this debate. Americans are still being hurt by our inaction. Every day that we delay passing a real Patients' Bill of Rights, 35.000 Americans are denied access to specialty care—and 10,000 doctors; see patients who have been harmed because an insurer refused to pay for a diagnostic test.

Despite the growing support inside and outside of Congress, we still face formidable opposition from the special interests.

HMOs and their allies reportedly are spending $15 million on ads to try to kill this bill this week. We welcome an honest and open debate on the issues. We hope opponents will resist the temptation to kill this bill by loading it up with amendments that make passage difficult.

Our hope is that this debate will be like the one we had not long ago on another important reform—campaign finance reform. In fact, I have personally suggested to Senator LOTT that we take up this bill under the exact same understanding that we took up campaign finance reform; that we have a good debate on amendments; that we offer the motion to table, if that would be offered; if it is not tabled, that it be subject to second degrees. I think it worked as well on the campaign finance reform as any bill I have recently had the opportunity to consider, and I hope we can do the same thing for the Patients' Bill of Rights. I am hopeful our Republican colleagues will agree to that this afternoon.

There is one more important change that has occurred since the first time we debated a Patients' Bill of Rights. We now have a new President. Members of his staff have said President Bush will veto our bill if this bill makes it to his desk. We remain hopeful that the President will decide to join us once he hears the debate and sees what our bill actually does.

In the second Presidential debate, then-Governor Bush said:

> It's time for our nation to come together and do what's right for people. . . . It's time to pass a national Patients' Bill of Rights.

We agree. The American people have been waiting too long. Working together in good faith we can end this wait and pass a real Patients' Bill of Rights.

I announce to all of my colleagues that it is my intention to stay on this bill for whatever length of time it takes. Obviously, we have this week and next week that are full weeks for consideration of the bill. My expectation is that if we finish the bill a week from this Thursday night, there would not be a session on Friday preceding the recess.

If we are not finished Thursday night, we will then debate the bill and continue to work on it Friday, Saturday, Sunday. We will not have a session on the Fourth of July, but we will pick up again on July 5 and go on as long as it takes. We will finish this bill. It is also my expectation that if we finish this bill in time, I would be inclined to bring up the supplemental appropriations bill following the completion of the Patients' Bill of Rights.

Those two pieces of legislation are bills I have already indicated to the Republican leader would be my hope that we could complete before the July 4th recess. In fact, it is my expectation and absolute determination to finish at least in regard to the Patients' Bill of Rights. We will see what happens with regard to the supplemental in the House and here in the committee.

BIPARTISAN PATIENT PROTECTION ACT—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 75, S. 1052, the Patients' Bill of Rights.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I now move to proceed to S. 1052.

The PRESIDING OFFICER. The motion is debatable.

The Majority Leader.

Mr. DASCHLE. Mr. President, I regret we are not in a position to begin consideration of this important legislation at this time. I remain hopeful that by the end of the day we will be able to do so. In the event that the Senate cannot proceed to the bill today, it is my intention to file cloture on the motion. Under the rules, this cloture vote would occur on Thursday morning 1 hour after the Senate convenes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I reiterate my support for the majority leader's unanimous-consent request. I believe it is fair and also crucial for allowing us to finally engage in a real and meaningful debate that will get Americans the protections they need and want.

This unanimous-consent request is exactly along the lines of that which governed the campaign finance reform debate. Most Americans, no matter how they felt on that issue, believed that it was a fair, open, and honest debate in which the issues were ventilated and the majority of the Senate worked its will. That is how most Americans think we should function and, unfortunately, all too often we do not.

Under this unanimous-consent agreement, unlimited amendments can be offered, and each one will be provided a significant period of time, 2 hours, and after debate the amendment would be voted on by the full Senate.

I am struggling to understand why we can't agree that this is not only a fair proposal but truly it affords each and every one of us with an opportunity for engaging in a free and spirited debate. This format embodies the full spirit of the traditional Senate and should not be ignored or misconstrued as anything but a reasonable and honest proposal.

I think Americans are watching us to see if we can come together on an issue of great importance to everyone across our Nation. I don't think delay is warranted. We should not obstruct.

I am confident that engaging in a truly open debate on this issue, without stringent time restraints or limits on amendments, will result in the passage of a strong bipartisan patients' protection bill that can be signed into law by President Bush.

I want to reiterate, it is my sincere and profound commitment to see that we enact a bill that the President of the United States can sign. It would serve no one's purpose to go through the debate and amending process in the Senate and in the other body and conference and then have a bill the President will not sign.

I will make a couple of additional comments. There has been some debate as to who supports and who does not support this legislation. I have a list of over 300 organizations that are in support of this legislation—not only the nurses and doctors of America but traditional consumer advocacy groups, including health groups such as the American Cancer Society, the American Dental Association, the American Nurses Association, a long list of organizations that have traditionally advocated for the health of Americans either in a specialized or general way.

We have a clear division here between the health maintenance organizations, which according to a CNN USA Today poll enjoy the approval of some 15 percent of the American people, and the nurses and doctors and those who are required to and do commit their lives to taking care of the health of our citizens.

I have been asked many times why is it that I am involved in this issue, why is it that I have worked very hard to try to fashion a bipartisan agreement that we could use as a base for amending and perfecting a bill that we can have signed by the President. In my Presidential campaign, in hundreds of town hall meetings attended by thousands and thousands of Americans, time after time after time after time, average citizens stood up and talked about the fact that they have been denied reasonable and fair health care and attention they believe they deserve and need.

This is an issue of importance to some 170 million Americans who would be covered by this legislation. This is an issue to average Americans who are members of health maintenance organizations. This is a challenge and a problem.

These Americans want the decisions made by a doctor and not an accountant. These Americans want and need and deserve a review process that is fair. These Americans are not receiving the fundamental health care they deserve as members of health maintenance organizations and, frankly, that is available to other Americans who have larger incomes.

Mr. President, this is not something we should delay any longer. This is an issue we should take up and address, amend, debate, and then come to a reasonable conclusion. I want to repeat my commitment to working with the White House, to working with all opponents of the legislation in its present form. For us to do nothing, as has been the case over the last several years, as time after time this issue has been brought up and blocked through parliamentary procedures, is not fair. It is not fair and honest to the American people to refuse to address the issue.

As I said with campaign finance reform, if the result of the debates and amendments is not to my liking and I don't agree with the result, I will respectfully vote against it. But I will not try to block it. I hope Members on both sides of the aisle will make that commitment as well because of the importance of the issue to the American people. It deserves a full and complete debate and vote.

I want to work together with my colleagues on both sides of the aisle. We have had meaningful negotiations. We have had good discussions. As a result of amendments, we will have further discussions. I hope that over time we will be able to reach an agreement. I again express my support for the unanimous consent request the majority leader propounded because I think it is a fair and honest way, providing no advantage to either side on this debate.

Again, I thank my colleagues for their commitment and involvement in this issue, but most of all I want to thank these 300-some organizations—the nurses and the doctors of America, in particular—who have committed themselves to addressing this issue so that all Americans can receive the health care they deserve.

I ask unanimous consent that a list of organizations supporting the bill be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Professional Groups and Grassroots Organizations Supporting the McCain-Edwards-Kennedy Bill—The Bipartisan Patient Protection Act

Abbott House of Irvington, NY; Abbott House, Inc. in South Dakota; AIDS Action; Alliance for Children and Families; Alliance for Lung Cancer Advocacy, Support and Education; Alpha 1; Alternative Services, Inc; Amalgamated Transit Union; American Academy of Child and Adolescent Psychiatry; American Academy of Dermatology Association; American Academy of Emergency Medicine; American Academy of Facial Plastic and Reconstructive Surgery.

American Academy of Family Physicians; American Academy of Mental Retardation; American Academy of Neurology; American Academy of Ophthalmology; American Academy of Otolaryngology—Head and Neck Surgery; American Academy of Pain Medicine; American Academy of Pediatrics; American Academy of Physical Medicine and Rehabilitation; American Association for Geriatric Psychiatry; American Association for Marriage and Family Therapy; American Association for Psychosocial Rehabilitation; American Association for the Study of Liver Diseases.

American Association of Children's Residential Center; American Association of Neurological Surgeons; American Association of Nurse Anesthetists; American Association of Oral and Maxillofacial Surgeons; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Private Practice Psychiatrists; American Association of University Affiliated Programs for Persons with Developmental Disabilities; American Association of University Women; American Association on Health and Disability; American Association on Mental Retardation; American Bar Association.

American Board of Examiners in Clinical Social Work; American Cancer Society; American Children's Home in Lexington, NC; American Chiropractic Association; American College of Cardiology; American College of Gastroenterology; American College of Legal Medicine; American College of Nurse Midwives; American College of Nurse Practitioners; American College of Obstetricians and Gynecologists; American College of Osteopathic Emergency Physicians; American College of Osteopathic Family Physicians.

American College of Osteopathic Pediatricians; American college of Osteopathic Surgeons; American College of Physicians—American Society of Internal Medicine; American College of Surgeons; American Congress of Community Supports and Employment Services—ACCSES; American Council on the Blind; American Counseling Association; American Dental Association; American Family Foundation; Federation of Teachers; American Foundation for the Blind; American Gastroenterological Association.

American Group Psychotherapy Association; American Headache Society; American Health Quality Association; American Heart Association; American Lung Association; American Medical Association; American Medical Rehabilitation Providers Association; American Medical Student Association; American Medical Women's Association, Inc.; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options and Resources.

American Nurses Association; American Occupational Therapy Association; American Optometric Association; American Orthopsychiatric Association; American Osteopathic Association; American Pain Society; American Pharmaceutical Association; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association.

American Psychological Association; American Public Health Association; American Small Business Association; American Society for Clinical Laboratory Science; American Society for Therapeutic Radiology and Oncology; American Society of Cataract and Refractive Surgery; American Society of Clinical Oncology; American Society of Clinical Pathologists; American Society of Gastrointestinal Endoscopy; American Society of General Surgeons; American Society of Internal Medicine; American Society of Nuclear Cardiology.

American Speech-Language-Hearing Association; American Therapeutic Recreation Association; American Thorasic Society; American Urogynecologic Association; American Urological Association; American Urological Society; American for Democratic Action; Anxiety Disorders Association of America; Arc of the United States; Association for Ambulatory Behavioral Healthcare; Association for Education and Rehabilitation of the Blind and Visually Impaired; Association for the Advancement of Psychology.

Association of Academic Physiatrists; Association of Academic Psychiatrists; Association of American Cancer Institutes; Association of Community Cancer Centers; Association of Persons in Supported Employment Association of Women's Health, Obstetric and Neonatal Nurses; Assurance Home in Roswell, NM; Auberle or McKeesport, PA; Baker Victory Services In Lackawanna, NY; Baptist Children's Home of NC; Barium Springs Home for Children in Barium Spring, NC; Bazelon Center for Mental Health Law.

Berea Children's Home and Family in OH; Bethany for Children and Families; Bethesda Children's Home/Luthera of Meadsville, PA; Board of Child Care in Baltimore, MD; Boys & Girls Country of Houston Inc., TX; Boys & Girls Homes of North Carolina; Boys and Girls Harbor, Inc. in TX; Boys and Girls Home and Family Services in Sioux City, IA; Boys' Village, Inc. of Smithville, OH; Boysville of Michigan, Inc.; Brain Injury Association; Brazoria County Youth Homes in TX.

Brighter Horizons Behavioral Health in Edinboro, PA; Buckner Children and Family Service in TX; Butterfield Youth Services in Marshall, MO; Cal Farley's Boys Ranch and Affiliates; California Access to Speciality Care Coalition; Cancer Care, Inc.; Cancer Leadership Council; Cancer Research Foundation of America; Catholic Family Center of Rochester, NY; Catholic Family Counseling in St. Louis, MO; Catholic Social Services of Wayne County, in IN; Center for Child and Family Services in VA.

Center for Families and Children in OH; Center for Family Services, Inc. in Camden, NJ; Center for Patient Advocacy; Center on Disability and Health; Chaddock; Charity Works, Inc.; Child and Family Guidance Center in TX; Child and Family Service of Hawaii; Child and Family Services in TN; Child and Family Services of Buffalo, NY; Child and Family Services, Inc. in VA; Child Care Association of Illinois.

Child Welfare League of America; Children & Families First; Children & Family Services Association; Children and Adults with Attention Deficit/Hyperactivity Disorder; Children's Aid and Family Service in Paramus, NJ; Children's Aid Society of Mercer, PA; Children's Alliance; Children's Board of Hillsborough; Children's Choice, Inc. in Philadelphia, PA; Children's Defense Fund; Children's Home & Aid Society of Chicago, IL; Children's Home Association of Illinois.

Children's Home of Cromwell; Children's Home of Easton in Easton, PA; Children's Home of Northern Kentucky; Children's Home of Poughkeepsie, NY; Children's Home of Reading, PA; Children's Home of Wyoming Conference; Children's Village, Inc.; ChildServ; Christian Home Association-Child; Clinical Social Work Federation; Coalition of National Cancer Cooperative Group; Colon Cancer Alliance.

Colorectal Cancer Network; Committee of Ten Thousand; Community Agencies Corporation of New Jersey; Community Counseling Center in Portland, ME; Community Service Society of New York; Community Services of Stark County in OH; Community Solutions Association of Warren, OH; Compass of Carolina in SC; Congress of Neurological Surgeons; Connecticut Council of Family Service; Consortium for Citizens with Disabilities; Consuelo Foundation.

Consumers Union; Cornerstones of Care in Kansas City, MO; Corporation for the Advancement of Psychiatry; Council of Family and Child Caring Agencies in NY; Counseling and Family Services of Peoria, IL; Court House, Inc. in Englewood, CO; Covenant Children's Home and Families; Crittenton Family Services in Columbus, OH; Crossroads of Youth; Cure for Lymphoma Foundation; Cystic Fibrosis Foundation; Daniel, Inc.

Denver Childrens Home; DePelchin Children's Center in TX; Digestive Disease National Coalition; Dystonia Medical Research

Foundation; Easter Seals; Edgar County Children's Home; El Pueblo Boys and Girls Ranch; Elon Homes for Children in Elon College, NC; Epilepsy Foundation of America; Ettie Lee Youth and Family Services in Baldwin Park, CA; Excelsior Youth Center in WA; Eye Bank Association of America.

Facing Our Risk of Cancer Empowered; Families First, Inc.; Families USA; Family & Children's Center Council; Family & Children's Center in WI; Family & Counseling Service of Allentown, PA; Family Advocacy Services of Baltimore; Family and Child Services of Washington; Family and Children's Service in VA; Family and Children's Services of Tulsa, OK; Family and Children's Services of San Jose; Family and Children's Agency Inc. in Norwalk, CT.

Family and Children's Association of Mineola, NY; Family and Children's Center of Mishawaka, IN; Family and Children's Counseling of Louisville, KY; Family and Children's Service in Minneapolis, MN; Family and Children's Service in TN; Family and Children's Service of Harrisburg, PA; Family and Children's Service of Niagara Falls, NY; Family and Children's Services in Elizabeth, NJ; Family and Children's Services of Central, NJ; Family and Children's Services of Chattanooga, Inc. in TN; Family and Children's Services of Fort Wayne; Family and Children's Services of Indiana.

Family and Community Service of Delaware County, PA; Family and Social Service Federation of Hackensack, NJ; Family and Youth Counseling Agency of Lake Charles, LA; Family Centers, Inc. in Greenich, CT; Family Connections in Orange, NJ; Family Counseling & Shelter Service in Monroe, MI; Family Counseling Agency; Family Counseling and Children's and Children's Services; Family Counseling Center of Central Georgia, Inc.; Family Counseling Center of Sarasota, FL; Family Counseling of Greater New Haven, CT; Family Counseling Service in Texas.

Family Counseling Service of Greater Miami; Family Counseling Service of Lexington; Family Counseling Service of Northern Nevada; Family Counseling Service, Inc. in Lexington, KY; Family Guidance Center in Hickory, NC; Family Guidance Center of Alabama; Family Resources, Inc. in IA; Family Service Agency of Arizona; Family Service Agency of Arkansas; Family Service Agency of Central Coast; Family Service Agency of Clark and Champaign Counties in OH; Family Service Agency of Davie in CA.

Family Service Agency of Genesee, MI; Family Service Agency of Monterey in CA; Family Service Agency of San Bernardino in CA; Family Service Agency of San Mateo in CA; Family Service Agency of Santa Barbara in CA; Family Service Agency of Santa Cruz in CA; Family Service Agency of Youngstown, OH; Family Service and Children's Alliance of Jackson, MI; Family Service Association Greater Boston; Family Service Association in Egg Harbor, NJ; Family Service Association of Beloit, WA; Family Service Association of Bucks County in PA.

Family Service Association of Central Indiana; Family Service Association of Dayton, OH; Family Service Association of Greater Tampa; Family Service Association of Greater Tampa, FL; Family Service Association of Howard County, Inc., IN; Family Service Association of New Jersey; Family Service Association of San Antonio, TX; Family Service Association of Wabash Valley, IN; Family Service Association of Wyoming Valley in PA; Family Service Aurora, WI; Family Service Center in SC; Family Service Center in TX.

Family Service Center of Port Arthur, TX; Family Service Centers of Pinellas County, Inc. in Clearwater, FL; Family Service Council of California; Family Service Council of Indiana; Family Service Council of OH; Family Service in Lancaster, PA; Family Service in Lincoln, NE; Family Service in Omaha, NE; Family Service in WI; Family Service Inc. in St. Paul, MN; Family Service of Burlington County in Mount Holly, NJ; Family Service of Central Connecticut.

Family Service of Chester County in PA; Family Service of El Paso, TX; Family Service of Gaston County in Gastonia, NC; Family Service of Greater Baton Rouge, LA; Family Service of Greater Boston, MA; Family Service of Greater New Orleans, LA; Family Service of Lackawanna County, PA; Family Service of Morris County in Morristown, NJ; Family Service of Norfolk County, MA; Family Service of Northwest, OH; Family Service of Racine, WI; Family Service of Roanoke Valley in VA.

Family Service of the Cincinnati, OH; Family Service of the Piedmont in High Point, NC; Family Service of Waukesha County, WI; Family Service of Westchester, NY; Family Service of York in PA; Family Service Spokane in WA; Family Service, Inc. in SD; Family Service, Inc. in TX; Family Service, Inc. of Detroit, MI; Family Service, Inc. of Lawrence, MA; Family Services Association, Inc. in Elkton, MD; Family Services Center in Huntsville, AL.

Family Services in Canton, OH; Family Services Cedar Rapids; Family Services of Central Massachusetts; Family Services of Davidson County in Lexington, NC; Family Services of Delaware County; Family Services of Elkhart County, IN; Family Services of King County in WA; Family Services of Montgomery County, PA; Family Services of Northeast Wisconsin; Family Services of Northwestern in Erie, PA; Family Services of Southeast Texas; Family Services of Summit County in Akron, OH.

Family Services of the Lower Cape Fear in NC; Family Services of the Mid-South in TN; Family Services of Tidewater, Inc. in VA; Family Services of Western PA; Family Services Woodfield; Family Services, Inc. in SC; Family Services, Inc. of Layfette; Family Services, Inc. of Wintson-Salem, NC; Family Solutions of Cuyahoga Falls, OH; Family Support Services in TX; Family Tree Information, Education & Counseling in LA; Family Violence Prevention Fund.

FamilyMeans in Stillwater, MN; Federation of Behavioral, Psychological & Cognitive Sciences; Federation of Families for Childrens Mental Health; FEI Behavioral Health in WI; Florida Families First; Florida Sheriffs Youth Ranches; Friends Committee on National Legislation; Gateway in Birmingham, AL; Gateways for Youth and Families in WA; George Junior Republic in Indiana; Gibault; Girls and Boys Town in NE.

Goodwill-Hinckley Homes for Boys; Greenbrier Childrens Center in Savannah, GA; Growing Home in St. Paul, MN; Haddasah; Heart of America Family Services in Kansas City, KS; Hemochromatosis Foundation; Hereditary Colon Cancer Association; Highfields, Inc. in Onondage, MI; Holy Family Institute of Pittsburgh, PA; Home on the Range in Sentinel Butte in Sentinel Butte, ND; Hubert H. Humphrey, III—Former Minnesota Attorney General; Human Services, Inc. in Denver, CO.

Huntington's Disease Society of America; IARCCA An Association of Children; Idaho Youth Ranch; Indiana United Methodist Children; Infectious Disease Society of America; International Association of Psychosocial Rehabilitation Services; Jackson-Field Homes in VA; Jane Addams Hull House Association in Chicago, IL; Jeffrey Modell Foundation; Jewish Board of Family & Children in New York, NY; Jewish Community Services of South Florida; Jewish Family & Career Services in Atlanta, GA.

Jewish Family & Children's Service in TX; Jewish Family and Children's Service in Minnetonka, MN; Jewish Family and Community Service in Chicago, IL; Jewish Family Service in Providence, RI; Jewish Family Service in Teaneck, NJ; Jewish Family Service in TX; Jewish Family Service of Akron, OH; Jewish Family Services of Los Angeles; Julia Dyckman Andrus Memorial Children's Center in NY; June Burnett Institute; Kemmerer Village; Kentucky United Methodist Homes.

Kidney Cancer Association; KidsPeace National Centers, Inc. in PA; Lakeside, Kalamazoo, MI; LaSalle School, Inc. in Albany, NY; League of Women Voters; Leake and Watts Services, Inc. in Yonkers, NY; Learning Disabilities of America; Lee and Beulah Moor Children's Home in TX; Leukemia and Lymphoma Society; Lupus Foundation of America, Inc.; Lutheran Child & Family Service in Bay City, MI; Lutheran Child & Family Services in River Forest, IL.

Lutheran Social Services of Wisconsin; Manisses Communications Group in RI; Maple Shade Youth & Family Services; Maryhurst, Inc.; Maryland Association of Resources for Families & Youth; Massachusetts Council of Family; MediCo Unlimited, LLC; Mental Fitness Center; Mental Health America, Inc.; Mental Health Liaison Group; Methodist Children's Home in TX; Metropolitan Family Service of Portland, OR.

Metropolitan Family Services of Chicago; Michigan Federation of Private Child & Family Agencies; Michigan State Medical Society; Mid-South Chapter of the Paralyzed Veterans of America; Milton Hershey School in Hershey, PA; Missouri Baptist Children's Home; Missouri Coalition of Children's Agencies; Missouri Girls Town; Mooseheart Child City and School in IL; Morning Star Boys' Ranch in WA; Mountain Community Resources; Namaqua Center in CO.

Natchez Children's Home in Natchez, MS; National Association of Public Hospitals and Health Systems; National Alliance for the Mentally Ill; National Alliance of Breast Cancer Organizations; National Association for Medical Direction of Respiratory Care; National Association for Rural Mental Health; National Association for the Advancement of Orthotics and Prosthetics; National Association of Children's Hospitals; National Association of County Behavioral Health Directors; National Association of Developmental Disabilities Councils; National Association of People with AIDS; National Association of Physicians Who Care.

National Association of Private Schools for Exceptional Children; National Association of Private Special Education Centers; National Assoicaiton of Protection and Advocacy Systems; National Association of School Psychologists; National Association of Social Workers; National Black Womens Health Project, Inc.; National Breast Cancer Coalition; National Catholic Social Justice Lobby; National Coalition for Cancer Survivorship; National College of Osteopathic Emergency Physicians; National Committee to Preserve Social Security and Medicare; National Community Pharmacists Association.

National Consumers League; National Council for Community Behavioral Health; National Depressive and Manic-Depressive

Association; National Down Syndrome Congress; National Family Planning and Reproductive Health Association; National Health Council; National Hemophilia Foundation; National Marfan Foundation; National Mental Health Association; National Multiple Sclerosis Society; National Organization for Rare Disorders; National Organization of Physicians Who Care.

National Organization of State Association for Children in MD; National Parent Network on Disabilities; National Partnership for Women and Families; National Patient Advocate Foundation; National Psoriasis Foundation; National Rehabilitation Association; National Therapeutic Recreation Society; National Transplant Action Committee; National Women's Health Network; National Women's Law Center; Nation's Voice on Mental Illness; Nazareth Children's Home in Rockwell, NC.

NETWORK; Neurofibromatotis, Inc.; New Community Corporation in Newark, NJ; Newark Emergency Services for Families in New Jersey; NISH; Norris Adolescent Center in WI; North American Brain Cancer Coalition; Northeast Parent & Child Society in New York; Northern Virginia Family Service; Northwest Chapter of Paralyzed Veterans of America; Northwest Childrens Home, Inc.; Northwood Children's Services in Duluth, MN.

Oak Grove Institute Foundation; Oakland Family Services; Olive Crest Treatment Centers; Omaha Home for Boys in Nebraska; Oncology Nursing Society; Organization of Specialist in Emergency Medicine; Outcomes, Inc. in Albuquerque, NM; Ovarian Cancer National Alliance; PA Alliance for Children and Families in Hummelstown, PA; Pacific Lodge Youth Services; Paget Foundation; Pain Care Coalition.

Palmer Home for Children in Columbus, MS; Pancreatic Cancer Action Network; Paralyzed Veterans of America; Patient Access Coalition; Patient Access to Responsible Care Alliance; Patients Who Care, Inc.; Pediatric Orthopaedic Society of North America; Pennsylvania Council of Children in Harrisburg, PA; Perkins School for the Blind; Personal & Family Counseling Service of New Philadelphia, OH; Philadelphia Health Management Corporation in PA; Planned Parenthood Federation of America;

Presbyterian Home for Children; Pressley Ridge Schools in PA; Provident Counseling, Inc. in St. Louis, MO; Rehabilitation Engineering and Assistive Technology Society of North America; Religious Action Center of Reform Judaism; Research Institute for Independent Living; RESOLVE; Riverbend Head Start & Family Service; Salem Children's Home; Salvation Army Family Services; San Mar, Inc. of Boonsboro, MD; Scarsdale Edgemont Family Counsel in NY.

School Social Work Association of America; Seattle Children's Home in WA; Seedco/Non-Profit Assistance,; Service Net. Inc. in PA; Sheriffs Youth Programs of Minneapolis; Sipe's Orchard Home in Conover, NC; Sjogren's Syndrome Foundation; Society for Excellence in Eye care; Society for Maternal-Fetal Medicine; Society of Cardiovascular & Interventional Radiology; Society of Gastroenterology Nurses and Associates, Inc.; Society of Gynecologic Oncologist;

Southmountain Children's Homes in Nebo, NC; Spina Bifida Association of America; St. Anne Institute of Albany, NY; St. Colman's Home in Watervliet, NY; St. Joseph Chilren's Home; St. Joseph's Indian School in SD; St. Mary's Home Home of Beaverton, OR; St. Vincent's Services, Inc. of Brooklyn, NY; Starr Commonwealth; Sunbeam Family Services of Oklahoma City, OK; Sunny Ridge Family Center; Susan G. Komen Breast Cancer Foundation.

Tabor Children's Services, Inc. of Doylestown, PA; Teen Ranch, Inc. Marlette, MI; Tennessee Citizen Action; Texas Association of Leaders in Children & Family; Texas Medical Association; The Arc of the United States; The Bradley Center in PA; The Center for Families, Inc.—Shreveport, LA; The Children's Home in Catonsville, MD; The Endocrine Society; The Family Center; The Hutton Settlement in WA.

The Learning Disabilities of America; The Mechanicsburg Children's Home of Mechanicsburg, PA; The Omaha Home for Boys in NE; The Organization of Specialists in Emergency Medicine; The Paget Foundation for Pagets's Diseases of Bone and Related Disorders; The Pressley Ridge Schools in PA; The Village Family Service Center in Fargo, ND; The Woodlands in Newark, OH; Third Way Center; Thornwell Home and School for Children in SC; Title II Community AIDS National Network; Tourette Syndrome Association.

Treatment Access Expansion Project; Triangle Family Services in Raleigh, NC; Tulsa Boys' Home in Tulsa, OK; Turning Point Center; Uhlich Children's Home; United Auto Workers; United Cerebral Palsy Association; United Community & Family Service; United Family Services in Charlotte, NC; United Methodists Childrens Home; United Ostomy Association; United States Public Interest Research Group (U.S. Pirg).

US TOO International, Inc.; USAction; Vera Lloyd Presbyterian Home & Family Services in AR; Verdugo Mental Health Center; Village for Families & Children; Virginia Home for Boys; Webster-Cantrell Hall; Wellness Community; Whaley Children's Center; Wisconsin Association of Family and Children; Wisconsin Paralyzed Veterans of America; Woodland Hills in Duluth, MN; Yellowstone Boys and Girls Ranch in Billings, MT; Youth Haven, Inc. in Naples, FL; Youth Service Bureau in Portland, IN; YWCA of Northeast Louisana.

Mr. McCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, I ask unanimous consent that at the conclusion of my remarks I be followed by Senator KENNEDY, who is also a sponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS. Mr. President, I thank my friend from Arizona, who worked with me over a period of many months to help put together this legislation—after work had been done for many years by a number of Members of the Senate, led by Senator KENNEDY.

The law for many years in this country has been on the side of big HMOs and insurance companies. They have been treated like no other person in America is treated, like no other business, small or large; they are privileged citizens. The American people want to take away that privileged status from HMOs and insurance companies. They are the only group in America that can say to a family: Your child is not going to get the medical care your doctor thinks they need.

They can overrule the decision of a medical doctor that has been made after many years of training and experience, even though they may have no experience or training whatsoever. Some young clerk sitting behind a desk somewhere can overrule a medical expert, and if they do it, there is absolutely nothing that can be done about it.

The HMOs, the insurance companies, are accountable to no one. Their judgment can't be questioned; their decision can't be reversed; and they can't be challenged anyplace, including in court.

That is what this bill is about. What we are about—Senator McCAIN, Senator KENNEDY, I, and all of the sponsors of this legislation—is changing the law. We want to move the law from the side of big insurance companies and HMOs and finally put the law on the side of patients, nurses, and doctors.

Every one of us, in traveling around our home States, has heard horror story after horror story of families and patients being run over by big HMOs. Let me recount one I heard in North Carolina.

A young man, Steve Grissom, contracted leukemia. In the course of his treatment, he had to get a blood transfusion. As part of the blood transfusion, he got AIDS. He got sicker and sicker and sicker. He was being seen by a heart specialist at Duke University Hospital. That doctor prescribed 24-hour-a-day oxygen for Steve because he needed it. This was a doctor with many years of training at one of the leading medical institutions in the country. Steve's wife's employer changed HMOs. Some clerk sitting behind a desk somewhere, without medical training, having never seen Steve Grissom, knowing nothing about it, decided they weren't going to pay for this oxygen anymore. They literally cut off his oxygen.

Steve had nowhere to go. Why? Because under the law of the land, as we stand here today, HMOs can do exactly what they did to Steve Grissom, and no one can do a single thing about it. You can't question their decision; you can't question their judgment; you can't reverse it; and you can't take them to court. So somebody such as Steve, who has a terrible time trying to pay for this oxygen himself, is stuck—even though they have paid premiums and paid for coverage, and any reasonable physician in America knows he needs this care.

That is what this act is about. The Bipartisan Patient Protection Act changes that. We are going to change the law so that finally patients, nurses, doctors, and health care providers who know how to make these medical decisions and families who are involved and whose children are being affected by these decisions will have some power of the law on their side.

Let me talk briefly about some specifics of our legislation. We provide and guarantee access by women to OB/GYNs as their primary care provider. They don't have to get permission from anybody. They can do that. If a child needs to see a specialist, a pediatrician—a child with cancer who may need to be seen by a pediatric oncologist—that child has an absolute right to go see that specialist if they need it for their life-sustaining care.

Emergency room care. If a patient or a family experiences an emergency and they need to get to the doctor, to the hospital, to the emergency room, they don't have to call a 1-800 number; they don't have to call the HMO; they don't have to get written permission. What any family will do when under an emergency situation such as that and they need care quickly, quality care, they can go straight to the nearest emergency room without worrying about whether the HMO will cover. Under our law, they are covered, period.

Scope. Our bill specifically provides that every American who has health insurance or HMO coverage is covered by our bill, period. They have at least the protections provided in this bipartisan legislation. If a State has better protections for the patient, better protections for the doctor, those protections stay in place. But our bill provides a floor below which no State can go.

So the basic protections provided in our bill—access to specialists, women being able to go see an OB/GYN, going to the nearest emergency room, access to clinical trials, which is critical to many Americans—they will have under this legislation an absolute right to those protections.

Finally, accountability. Mr. President, these rights mean nothing if they are not enforceable. If they are not enforceable, this is not a Patients' Bill of "Rights;" it is a patients' bill of "suggestions." But because we have accountability and we have enforceability, these are substantive rights that in fact can be enforced. Finally, HMOs are going to be treated as everybody else in America. They are going to be held accountable, held responsible, which means at the outset that they have an incentive to do the right thing, which is what this legislation is about—having the HMO do the right thing from the beginning and having the patient, if they don't, be able to do something about it.

What we do is set up a system that is designed to avoid lawsuits. We have, first, an internal review process so that if the HMO says they are not going to cover a particular kind of care or treatment, the patient can go through an internal review at the HMO. Second, if that process is unsuccessful, the patient can then go to an independent external review. This is a panel of doctors, health care providers, who aren't connected to the HMO, aren't connected to the patient or the treating doctor, who can make a fair and objective decision about whether this treatment is necessary. So the patient now has two different ways to get the HMO's decision reversed.

If that is unsuccessful, if for whatever reason the appeals process does not work, as a last resort, if the patient has been unsuccessful after doing all of that and if the patient has been injured as a result of what the HMO did, then as a matter of last resort the patient can go to court.

Now, first of all, with respect to employers, we specifically provide that employers cannot be held responsible. They cannot be sued; they cannot be liable. Employers are specifically protected under our bill. The only exception to that is if the employer actually makes a medical decision—if they step into the shoes of the HMO and do what no small or medium-sized employer in America would do if they actually make a medical judgment.

By the way, this provision that employers can only be held responsible if they make a medical decision and otherwise they are protected is identical to President Bush's principle on this issue. His principle provides that employers may only be held responsible if they make medical decisions. That is precisely what our bill does.

On this issue, the protection of employers, the President's principles and our bill are exactly the same.

If it becomes necessary after a patient has gone through the appeals process—internal and external review—and a patient has been injured for the case to go to court, we start with a very simple principle. That principle is this: We want to treat HMOs and insurance companies just as the other health care providers. They are making health care decisions. They have decided to overrule a doctor who decided a patient needed a particular kind of care. When they decide to overrule the doctor and step into the shoes of the doctor, we think they ought to be treated like the doctor, just like the hospitals, just like the nurses.

What we provide is they can be taken to State court, just like the doctors, just like the hospitals, and they are subject to whatever limitations exist under State law by way of recovery.

The majority of the States in this country have caps or limits on recovery, limits on noneconomic damages, in some cases, what is called pain and suffering, limits on punitive damages, and some States provide you cannot recover punitive damages.

The bottom line is this: Whatever the State law is, that law applies to the HMO, just exactly as it applies to the doctor, to the nurse, to the hospital, to everybody else in the State. We start with the basic idea that HMOs are not privileged citizens; that they are just the same as the rest of us and ought to be treated the same as the rest of us. That is what our bill does: It treats the HMOs the same as the other health care providers when they, in fact, overrule a doctor and make a health care decision.

That structure—sending those cases to State court—is what has been recommended by the Judicial Conference of the United States headed by Chief Justice Rehnquist. It is what is recommended by the American Bar Association. It is what is recommended by the State attorneys general.

People who understand the court system but are objective, not on one side or the other of this debate, have decided this is the place these cases should go for a variety of reasons. No. 1, it treats the HMOs the same as doctors and hospitals are treated. No. 2, they are courts accustomed to handling these types of cases. It makes it more likely the patient can get their case heard more quickly.

It is fair. It is equitable. It is supported by every group of objective experts—Judicial Conference, the ABA, the State attorneys general—and, by the way, follows exactly the outline set forth by the U.S. Supreme Court in the Pegram decision.

This idea of sending these cases to State court is an idea that is supported by the big legal organizations across the country and as outlined by the U.S. Supreme Court in the Pegram case.

The basic principle is we treat HMOs exactly the same way we treat doctors and hospitals if they are going to be in the business of making medical decisions.

The only cases that would go to Federal court under this bill are the cases that have, since 1974, been decided in Federal court. Those are the cases involving pure language of the contract. For example, whether a particular provision has been met or whether the 90-day waiting period has been met. Those cases go to Federal court. They have always been in Federal court. We leave them exactly where they are.

What we do not do is what has been proposed by some, which is to send every case against an HMO to Federal court. The Federal courts are backlogged so that is a way to bury the cases and assure they never get heard. It is more difficult to get attorneys because many attorneys do not practice in Federal court, and many people are a long way from the nearest Federal courthouse. There is almost always a State courthouse close by, but Federal courthouses, especially in rural America, are hundreds of miles away in many cases.

We have a system that works. It has been outlined by the U.S. Supreme Court. It is what legal experts say should be done. Most importantly, it is fair. It treats the HMOs the same as everybody else, which is the goal of this legislation.

Finally, we do require, in order for a case to be brought to court, that, first, all appeals be exhausted. That is, the patient must first go to the internal review and, second, to the external review. What we have learned from the two States that have served as models for this legislation—Texas and California—is almost all cases are resolved by that process. The reason is we structured the bill to avoid lawsuits. It has, in fact, worked in the two States that have followed our model—California and Texas, two of the biggest States in the country, two of the States where there has been historically the largest amount of litigation in the country.

There have been 16, 17 lawsuits since those bills have been enacted in those two States. The vast majority of cases have been resolved exactly as our bill provides. They have been resolved through the process of the appeal.

There has been some argument made about health care costs going up and people losing their insurance. The majority leader spoke to this earlier. Our bill, according to the Congressional Budget Office, raises insurance premiums about 4 percent over 5 years. Not 4 percent annually, 4 percent over 5 years.

The competing bill, the Frist-Breaux provision, raises insurance premiums about 3 percent over 5 years. So there is very little difference between the two bills.

In addition to that, of the 4 percent increase in our bill, the vast majority of that has to do with better health care. It has nothing to do with lawsuits, nothing to do with litigation.

Mr. President, .8 percent, less than 1 percent, has to do with litigation. The remainder, over 3 percent, has to do with better access to the clinical trials, better access to specialists, better access to emergency rooms.

It specifically provides better care. When people get better care, it costs a little bit more, and they will get a better product.

On balance, both bills increase costs slightly—3 percent in 1 case over 5 years; 4 percent in our case over 5 years. But as a direct result of this legislation being passed, people will have better quality care, and the cost has very little to do with the fact the HMOs can now be held accountable and be taken to court.

It is not an accident that the American Medical Association and over 300 health care and consumer groups in America support our bill. It is not an accident that the big HMOs and their lobby are spending millions of dollars to defeat our bill. It is not an accident that the HMOs like the Frist-Breaux bill and do not like our bill.

As we go through this debate, it will become clear that on every single difference, between the legislation we have offered and the competing legislation, whether it is coverage and whether States can opt out, whether it is access to specialists outside the plan, whether it is a truly independent review that the HMO can have no control over, whether it is going to court and which court you go to, in every single difference we protect the patients, they protect the HMOs.

Their bill, as Dr. NORWOOD, a Republican House Member from Georgia who has fought on this issue for years, has described it, is an HMO protection act. It is not an accident that all the health care groups in America and the American Medical Association support our bill.

These are people who deal with these issues every single day, and they know that on all these important issues—access to specialists, who is covered, emergency room, access to a true independent review process—our bill protects the patients; their bill protects the HMOs.

All of us have worked long and hard on this issue for a substantial period of time. Some have worked on it, including Senator KENNEDY, for many years. It is time to quit talking about doing something about HMOs and HMO reform and actually do something about it. The American people are not interested in the politics—Republicans, Democrats, Independents—and their positions politicizing this issue. What they care about is that when their child needs to see a specialist, they want to be sure that child can see that specialist. When they need to go to the emergency room, they need to know they can go to the emergency room without having to worry if the HMO is going to pay for it. If the HMO does something wrong and runs over them and runs over their family and overrules a doctor's medical decision, they want to be able to do something about that. They want the HMOs to be treated just as all the rest of us.

Ultimately that is what this bill is about. The bottom line question is, with whom do we stand? Do we stand with the big HMOs and the big HMO lobbies or do we stand with the doctors, nurses, and families of America?

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, before the Senator leaves, I wonder if he might respond to a question or two as one of the principal sponsors.

First of all, I wonder if he shares with me a certain degree of disappointment that we are not going to have the opportunity to debate these protections that are so important for American families. Every day that we fail to take action, families are being hurt. Without this legislation, more than 50,000 of our fellow citizens today are going to suffer further injury or pain. This is the result of failing to take action.

I want to make some general comments along the lines of those that the Senator made. I first say that that was an outstanding presentation with regard to the substance. It is difficult for me to understand the opposition to this, other than, as the Senator pointed out, the special interests of the HMO industry do not want it. I have not heard the administration or the Senators who are in opposition, indicate what protections in this legislation they would not want to give to the American people.

We were informed by the Republican leadership that because this bill has been changed so many times, we need to hold further hearings to find out what is in it. There have been no hearings since March of 1999.

One of the leaders pointed to paragraph (C) in the legislation, where employers can be held accountable. Then they talked about the rising costs of 20 percent a year and talked further about employer liability.

As I understand, the changes that had been made over the weekend were basically in response to some of the observations that were made about the underlying legislation. One question was about whether you could be sued in Federal or State court. The opposition claims our bill allows them to be sued in Federal and State courts at the same time. This was never the intention. I understand there was an attempt to explicitly clarify that proceeding so there would not be two forums. I understand that was one of the clarifications made. It was never intended to permit forum shopping and that was clarified.

I might mention the rest, since there were only four of them, and then get the reaction of the Senator since he was very much involved in this.

No. 2 was the question about the exhaustion of appeals before going to court. The opposition claims our bill made it too easy to go to court, arguing that patients can bypass the appeals process simply by alleging harm. Since it was not our intent to make it easy to bypass appeals, we resolved this matter by eliminating the word "alleged."

The third was about making it easier to sue doctors. The other side has been claiming our bill makes doctors liable for plan administration. This is a rather technical issue, being sued in State court and now in Federal court again. That wasn't the intent. We clarify that the positions are protected. We also included language to extend civil protections to hospitals and insurance agents. There was some question about the application of the language. The change was specifically included to clarify that, to demonstrate the protections for those groups.

In the fourth change, regarding protecting the State cause of action, we added clarifying language to protect existing State court jurisdiction from inadvertent preemption under our bill. A rather extraneous example or two were given that might have created some confusion. As I understand it, that was the fourth piece of clarifying language.

Finally, the IRS enforcement language was dropped, including an additional enforcement provision that we understand has a revenue impact and a blue-slip problem. To avoid the blue-slip issue, we dropped the provision.

Those are the totality of the changes. Evidently they are being used to somehow represent that there were major kinds of alterations or changes to the bill which are difficult to understand. Therefore, the other side refuses to permit us to begin the debate on the bill.

If the Senator would be good enough to indicate to me whether it is his understanding that these were the areas in which adjustments were made and whether the representations that were made, in terms of the clarifications? Was that his understanding as well?

Mr. EDWARDS. Will the Senator yield for me to reply to the question?

Mr. KENNEDY. I am glad to yield.

Mr. EDWARDS. In response to the question, the areas that were changed were all changes in the direction of the objections of our opponents. In other words, they raised concerns and we made changes to clarify so there would be no question but that we intended exactly what they intended.

For example, the first one the Senator mentions: exhaustion, which means you have to go through the appeals before you can take somebody to court, both sides intended that that be required because we want cases to be decided by the appeal without having to go to court, to avoid unnecessary lawsuits. We made it clear in this clarification that there is no question about that. We intend for that to be true. That was the purpose of the clarification.

Second is the cases being brought in State and Federal court. The purpose for the change was to make it clear we want nobody to be sued in both State and Federal court; to clarify the language so there was no doubt in anybody's mind about which cases go to State court and which cases go to Federal court.

Third, they complain that under our bill some physicians, perhaps, could be subject to lawsuits to which they otherwise would not be subject. So we made a change to eliminate that possibility.

Our bill, as the Senator well knows, is intended to empower doctors, to empower nurses, to make the health care decisions that only they have the medical training and experience to make, that they have the qualifications to make, not some bureaucrat sitting behind a desk at some HMO somewhere. That is the purpose of this clarifying language.

Mr. KENNEDY. Let me speak to this point. I am confused as to why there is an attempt by the Republican leadership to misrepresent what is in the employer provisions of the bill on page 144. I think all of us who have been around here find language is misrepresented and subsequently individuals disagree with the misrepresentation. It appears that is what is happening.

The Senator has stated my understanding. Then if we look at page 144, regarding the responsibility of the employer in the plans, it says:

> Causes of action against employers. . . .

Then it says:

> Subject to subparagraph (B), paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment).

That is extremely clear. In the President's language, which he sent to the Congress, and I have here, the President lists his requirement in his bill of particulars, which says:

> Only employers who retain the responsibility for and make final medical decisions should be subject to the suit.

That is what President Bush said is the principle. It is my understanding that that exact point is stated in the legislation on page 145, line 8:

> . . . to the extent there was direct participation by the employer. . . .

That talks about when they would be open to the responsibility.

But as I understand it, and I welcome the comments of the Senator, that completely conforms with what President Bush himself has established. Is that correct?

Mr. EDWARDS. The Senator is correct. The President specifically provided he does not want employers to be sued unless they make medical decisions. Our legislation does exactly that. The language completely conforms, in almost identical language, to the President's principle. We do not want employers to be sued unless somehow they step in the shoes of the HMOs and make a medical decision. That is exactly what the President is suggesting. The Senator is correct, to the extent our opponents—who, by the way, are trying to prevent this bill from ever being considered at this point in this Chamber—to the extent our opponents suggest under our legislation lawsuits against employers are allowed, they need to read the President's principles because, in fact, our legislation is identical to the President's principle on this issue.

Mr. EDWARDS. Mr. President, if the Senator will allow me one final comment, the Senator well knows, having fought on this issue for many years and having led the fight, as Senator DASCHLE, our majority leader pointed out in his earlier comments, the American people can get a lesson from what is happening at this moment. We made it clear we intended to bring bipartisan patient protection to the floor of the Senate, a bill supported by Republican Senators in this Chamber and also in the House.

What has been the response by our opponents? Has the response been to debate this issue in an open way before the American people and to make their case to support the HMOs' position on the floor of the Senate? No. Their response is to try to prevent an issue that affects millions and millions of Americans every year from even being heard on the floor of the Senate.

I think it becomes clear who wants to provide real and meaningful patient protection and who wants to keep this issue from ever getting to the floor of the Senate so HMOs maintain their privileged status.

Mr. KENNEDY. Mr. President, I thank the Senator.

In the press conference of the Republican leadership, it was represented that there were complicated changes and alterations to the bill. The Senator responded to questions raised as to what these changes and clarifications are. This is a result of the White House asking the principals to work out some clarification in these areas and to accommodate these kinds of requests.

Those changes were made. Now they are being used as an excuse for failing to bring this matter up.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. KENNEDY. Yes; briefly.

Mr. GREGG. I know that the Senator from Massachusetts and the Senator from North Carolina said the employer is not subject to liability under this bill. The Senator cited section 5 on page 144, subparagraph (A). The Senator didn't cite subparagraph (B), which says, notwithstanding subparagraph (A), the cause of action may arise against an employer, or other plan sponsor—it goes down the list—as directed participation in the employer's plan, and the decisions of the plan under section 102.

So, very clearly, an employer is subject to liability under that section, and that "directed participation" is an extremely ambiguous phrase, I believe. I would be happy to discuss that.

Then, if we go to page 141, where a new Federal cause of action against employers is created, subsection (ii) on that page says, "otherwise fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan with respect to a participant" in the plan. That action creates a new cause of action, which is a new cause of action against the plan's sponsor, and, by the terms of ERISA, section 3 definition, plan sponsor is defined as—lo and behold—the employer.

I believe it is very clear under this bill that employers are subject to the right to be sued. They are subject to the right to be sued for what I expect are going to be multiple opportunities for a creative attorney. In fact, the Congressional Budget Office has basically rated this as a lawsuit against employers and has in fact rated the costs in this bill, which is significant and will lead to employers giving up their insurance.

I would be interested in the Senator's definition and explanation of why, when the bill says in part (B) on page 144 that cause of action may arise against an employer or other plan sponsor, the language means something other than cause of action arising against the employer or other plan sponsor.

Mr. KENNEDY. I am glad to respond. I hope we can do this briefly because we are going to recess. I will let the Senator from North Carolina respond to that, if I may.

Mr. EDWARDS. Mr. President, I respond to the Senator's question by saying, first of all, I suggest that he read the principles because the language of this legislation comes directly from the President's principles.

Mr. GREGG. If the Senator will yield, I am not asking the President.

Mr. EDWARDS. Excuse me. Do I have the floor? Excuse me.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Mr. President, I think we only have 2 or 3 more minutes. I wanted to give the opportunity for a response. I think the answer, as the Senator pointed out, is read from President Bush's own words. Only employers who retain responsibility for or make final medical decisions should be subject to suit. It is that language and that principle that has been included in the language.

If the Senator from New Hampshire thinks that is in some way ambiguous, or doesn't achieve that objective, that is the objective that we had. That is the language that was drafted in the Senate to carry that purpose forward. But we are open.

Does he agree with that principle? I ask the Senator. Does the Senator agree with that fundamental principle or differ with the President on it?

Mr. GREGG. No. I actually agree with the principle. I think the President's point was that employers generally should not be subjected and opened up to massive liability. And this bill does that. That is why I asked the Senator to explain the section.

Mr. KENNEDY. I will have to reclaim the floor.

Mr. GREGG. The Senator asked me a question. Doesn't he want me to respond?

Mr. KENNEDY. I asked specifically whether the Senator agreed with the President's principles. The Senator said yes, he did.

He went on to say that the language in the legislation opens up massive opportunity for suing employers, which is different. He answered my question. I am reclaiming my time since I only have about a minute and a half left.

I wish we had the opportunity to debate this because it is very clear what has been done with the drafting of this legislation. The employers, outside of those who are actually going to be making medical decisions affecting patients, are excluded.

I have been going to the conferences with those who are opposed to it. They say, oh, no, that is not what it does.

It is a favorite whipping provision in this language. They keep saying that isn't what it does. That is what we intend to do. That is what we have done in this language. We will have more of an opportunity to debate that later.

Mr. GREGG. Will the Senator yield for a question?

Mr. KENNEDY. I only have about 5 or 6 minutes to be able to make some presentation on this. I look forward to that time. I will be glad to yield. Could I ask that we defer the recess time from 12:30 until 12:35?

Mr. GREGG. Mr. President, I ask unanimous consent that at the expiration of the discussion of the Senator from Massachusetts I be given 10 minutes.

Mr. KENNEDY. We are about to recess.

Mr. GREGG. I am asking that the time for the recess be extended beyond the Senator's period for 10 additional minutes and that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Fine.

Mr. President, so how much time remains? It is now 12:30.

The PRESIDING OFFICER. The Senator from Massachusetts has another 5 minutes by the previous unanimous consent agreement. Then the Senator from New Hampshire will have 10 minutes, and then we will recess until 2:15.

Mr. KENNEDY. Fine.

Mr. President, this whole debate should remain focused on what it is really about. What this debate is really all about is that doctors, nurses and families are going to make decisions. And those decisions ought to be carried out. They should not be overturned by bean counters and accountants working for HMOs thousands of miles away. These accountants do not have the training, do not know the patient, and do not know the complete medical circumstances surrounding the patient's case. That is what this legislation is really all about.

We have taken the kinds of protections which have been outlined now by the Senator from Arizona and the Senator from North Carolina and indicate what those protections are. There are 26 different protections which have been included. We have yet to hear from the other side, as we have had these debates now for 2 or 3 years, regarding which protections they do not agree with. Is it the emergency room? Is it the clinical trials, specialty care, or the OB/GYN protections? Is it the gag rules? We have not heard what particular guarantees and protections that are there for the American families to which they object.

They talk a good deal about the cost of this legislation. They want to do the bidding, I guess, of the HMOs, and have them be the one industry in this country not held accountable for actions they take that can harm, kill, or maim children and workers in our country.

What we are basically saying is, if HMOs make decisions which put individuals at risk, then they ought to be held accountable. The HMOs should be held accountable. If there is an employer making a similar decision which is going to result in the same kind of pain and affliction to that individual, they ought to be held accountable. Otherwise, employers that just go out and make the contracts should not be. If there is a question of clarification of language, we would work that out.

Over the period of time, one of the attacks that has been made on this legislation is its potential cost. I want to say that is an old red herring. I was here not long ago when we passed the Family and Medical Leave Act. We had the Chamber of Commerce stating the cost of the Family and Medical Leave Act was going to be $27 billion a year on American industry. It is not. It has been an enormous success, and companies have welcomed it. And there is going to be the opportunity to expand it.

I was here when we debated the portability of health care for those individuals with disabilities, the Kassebaum-Kennedy bill. We heard at the time that it was going to increase premiums by billions and billions of dollars. It has not. It is working, and there is no one here to suggest that we should not have gone ahead on it.

I was here when we heard the question: Should we increase the minimum wage? There were those who said it was going to mean hundreds of thousands of people were going to lose their jobs, and that it was going to add inevitably to the problems of inflation. It has not.

We know the scare tactics that were being used in terms of the cost in the past, and they are the same kinds of scare tactics that are being used at the present time.

The CBO, as the Senator from North Carolina has pointed out, indicates that last year premiums went up 10 percent, and the top four or five HMOs had $10 billion in profits in our country. They estimate that 20 percent of every premium dollar paid goes to advertising, administrative expenses, and large salaries for these individuals. It went up 10 percent last year. It went up 8 percent the year before.

As the CBO estimates, under the Breaux-Frist bill, it will go up 2.9 percent over 5 years; and under the McCain-Edwards bill, 4.2 percent—a 1.3-percent difference. As the Senator from North Carolina pointed out, if you look at those figures, the difference is in the additional kinds of expanded opportunities for patients, such as for clinical trials. For example, women need those clinical trials in relation to breast cancer. We need to make sure they are going to be able to have those trials.

We have to have greater access to specialists. If a child has, as my child had, an osteosarcoma—which only 1,200 children in this country have—they need a pediatric oncologist. They shouldn't go to a general practitioner to make the recommendation for the kind of treatment that resulted in the saving of my son's life. We are talking about access to those kinds of specialists. We see there is a difference between the bill we have before us and that which the opposition favors.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

The Senator from New Hampshire is recognized for 10 minutes.

Mr. GREGG. Mr. President, I had not intended to speak right now, but I do think some of the things that have been said in this Chamber do need to be responded to because it is very obvious there is a significant disagreement, and it is a disagreement which is core to this issue.

First off, let's begin with the question of how this bill is coming forward. You have to remember, this bill has not had a hearing since March of 1999. We have not had any hearings on this particular bill. And this is one heck of a complicated bill. The bill on Wednesday was not the bill we got on Thursday.

So when the other side says we are delaying, I think that is a little bit of a straw man debate primarily because, as a matter of responsibility, we have to at least read the bill. And then we have to figure out what is in it.

One of the big issues in relation to what is in it is what effect this will have on employers. I think the language is unequivocal on that point. The language in section (B), as I cited before, 144, says: A cause of action may arise against an employer. Sure they have the nice title, "Exclusion of Employers," but they wipe out that language with the language which says: Notwithstanding anything in subparagraph (A)—that is the one with the nice title on it, "Exclusion of Employers"—a cause of action may arise against an employer or other plan sponsor—and then it lists why.

One of the standards here is if the employer had direct participation. And "direct participation" has become a word of art that is incredibly broad. "Direct participation" just means an employer had to maybe wink at his employee, as he headed off to his doctor's office, and say: Hope you get better.

As a practical matter, today direct participation essentially brings in every employer in this country that has a plan. That is why a lot of employers are going to drop their plans. That is why no employer group supports the McCain bill—none—because it is an attack on employers, as versus a legitimate effort to try to get at malfeasance, misfeasance negligence in the areas of HMOs.

We all want to make sure that people who are poorly treated by their HMO have a right for recovery. We put together proposals which accomplish that. But let's not draw all the employers into the process and stick them with lawyers running around them in circles, suing them like crazy, shooting arrows at them, trying to recover from them because then we will drive the employers out of the insurance market, and more people will be uninsured. That is why it is projected that this bill will increase the number of uninsured by over 1.2 million people.

I am a little surprised that some of the sponsors of this bill want to expand the number of uninsured in this country. I think some supporters of this bill may want to because there is, I believe, a belief that nationalization of the health care system is a good idea, and one way to energize support for nationalization is to have a lot of uninsured. But I am hopeful some of the other folks who look at this bill and are supportive will say: Hold it. That was not our intent. We didn't want to drive employers out of the business of insuring and cause more people to be uninsured. We wanted to do just the opposite.

So this language is extremely broad, extremely pervasive, and will attack the employers of America—small employers, employers with 10 employees, with 5 employees, with 25 employees, with 50 employees. There is no exemption in this bill. Then there is other language in this bill. This bill creates a whole new cause of action against employers that has never been seen before, a whole new Federal cause of action. And it is a biggy. This is one where lawyers can really have a good time because, under this bill, it makes the employers responsible for the performance of the duties under the terms and conditions of the plan. This is a brand new concept under Federal law.

It defines the people responsible, as I said earlier, as plan sponsors. Plan sponsors, under ERISA, are defined as employers. It brings in the employers. We went through the different obligations under a plan that an insurance company has that offers that plan and which are enforceable, not today by the individual but by a variety of different processes. We calculate that there are potentially 200 new opportunities for private causes of action against employers as a result of this language. There are a lot of lawsuits because there are a lot of lawyers who can take those 200 opportunities and multiply them. That is one of those factors which has an infinity symbol beside it as to the number of potential lawsuits, that little circle you learned in eighth grade when you took physics, a little infinity circle connecting the lawyers to lawsuits as a result of this language.

I would rename this bill "the lawyers who want to be a millionaire act" because that is essentially what it is. This representation that employers are not subject to liability is absolutely inaccurate. Under the clear terms of the bill itself, it is absolutely inaccurate.

What is the practical effect of this bill? This issue is not about, as the Senator from Massachusetts outlined, a whole series of coverages that people need. This is not about that. We give those coverages in our State. Most States have those coverages as a requirement in their States. It is not about that. It is not about whether or not a patient has access to a specialist, and it is not about whether or not a woman has access to an OB/GYN. All of that is available and should be available. Those are being thrown up as red herrings to try to develop support. That issue is not even on the table because there is hardly a State in the country that does not give those types of coverages and require those types of coverages of their HMOs.

It is not about whether a patient should have a timely right to appeals, both internal and external, because all the laws, all the proposals that have come forward have done that. It is not about that.

It is not about whether a patient should be compensated if they get harmed by their doctor or their HMO. All of the bills that have come forward, all the proposals that have come forward have had that as part of their language. All these bills share those same goals.

This is about a dramatic expansion in the opportunity to sue. That is what the bill is about, as it is brought forward; specifically, to sue employers, with the practical effect being that more people will be uninsured in our country today because more employers will drop their insurance. The number of new opportunities in this bill for lawyers to create havoc is significant.

You have the fact that you can basically forum shop between States and Federal law. You have States stepping into the area of ERISA. ERISA is an incredibly complex piece of legislation on which Federal courts have spent a lot of time developing expertise. There has been over 10,000 cases on ERISA decisions. Suddenly Federal and State courts are going to take on this issue. Not only are they going to get to take it on, but they are going to get to take it on without any liability caps. Essentially, there are no liability caps against health plans. There may be caps against doctors in some States, but take California; they don't have caps against health plans.

There are no liability caps.

You are going to have punitive damages, economic damages without caps. The implication of what that means is that you are going to have forum shopping from State to State, depending on which State makes the most sense for a person, which structure makes the most sense for a lawyer to pursue. Then you are going to have them proceeding in that structure. And you are going to have the employer brought in.

Plus this concept that you have to go through an appeals process before you get to bring a lawsuit is also totally subjugated in this bill. The way this bill is structured, all you have to do is show harm and you are out of the appeal process—or alleged harm. Originally it was "alleged" harm. Basically, you get into court and claim you show harm and then everything else gets to the table. No more appeals process of any nature. The concept of trying to reduce the amount of litigation by having a reasonable appeal process is totally undermined by this bill.

It should also be noted that the economic impact of this bill has been scored not by me, not by some political organization, but by CBO. This bill costs 4.2 percent. That is not over 5 or 10 years, as was represented here earlier. That is an annual cost on top of the health care costs which are inflating fairly rapidly right now. A 4.2 percent increase translates into a very significant increase, as has been mentioned earlier, in the uninsured because employers will have to drop their insurance because they can't afford it. That should not be our goal here.

What should our goal be?

The PRESIDING OFFICER. The Senator from New Hampshire has used his 10 minutes.

Mr. GREGG. I ask unanimous consent for 2 more minutes.

Mr. REID. Mr. President, reserving the right to object, I have no objection to my friend using 2 extra minutes. Following that, I would like to be recognized and then the Senator from North Carolina would be recognized for 5 minutes and then we will go to our party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire now has 2 minutes, to be followed by a statement from the Senator from Nevada, and then 5 minutes to the Senator from North Carolina.

Mr. GREGG. Mr. President, the goal here should be this: When you go to see a doctor and you go to your HMO, if that is who covers you, you should expect to get good treatment. If you don't get good treatment, you should have relief. And you should expect to have a certain amount of flexibility as to who you see and especially with some very common events such as OB/GYN and areas such as that, where you should have the capacity as the patient to make some choices: your primary care provider, things such as that.

That is all accomplishable. In fact, the bills that have been brought forward from our side of the aisle—some of them in a bipartisan way, such as the Breaux-Frist-Jeffords bill, last year's, the Nickles amendment, which did not have any Democratic support—have accomplished that. In the process of accomplishing that, we should not fundamentally undermine the interests of employers to participate in health insurance for their employees, which is what, unfortunately, the McCain bill does. And we should not do unnecessary and significant damage to States rights which is, unfortunately, what the McCain bill does. That is a whole other discussion. There are a variety of other problems.

The goal can be accomplished, which is better health care and better protection of our patients and people who use our health care system without this very egregious, very intrusive, very litigious piece of law being passed.

To reiterate, this is not a debate about whether patients should have rights.

This is not a debate about whether patients should be able to go the nearest emergency room without being penalized.

This is not a debate whether a patient should be able to access a specialist with appropriate expertise and training; prescription drugs that are medically necessary and appropriate; or comprehensive information about their health plan.

This is not a debate about whether a female patient should be able to directly access OB/GYN without prior authorization, nor is it a debate whether the parents of a child should be able to designate a pediatrician as their child's primary care provider.

This is not a debate about whether a pregnant, sick, or terminally ill patient is able to continue receiving care from her physician through the entire course of treatment—even if the plan terminates her physician from the network.

This is not a debate about whether physicians are able to tell their patients about all treatment options without being gagged by the health plan.

This is not a debate about whether there should be procedures to ensure that health plans make timely decisions and patients have the right to both an internal appeal to the plan and an independent external review when a plan denies coverage. And this is not a debate about whether the external review is independent from the plan and the reviewer makes a decision based on the best medical evidence and highest standard of care.

This is not a debate about whether all Americans should enjoy these types of rights.

This is not a debate about whether patient rights should be enforceable or even whether a patient should be fairly compensated when harmed or killed by the decision of his or her health plan or HMO.

We agree on all these issues. Both sides share these goals. Democrats and Republicans.

The real debate is about how we can best achieve these common goals. It's about putting patients first—ahead of special interests. It's about accomplishing these goals without driving up health care costs, giving employers more reasons to drop health coverage, adding millions more Americans to join the ranks of the uninsured, or dismantling our private, employer-based health care system.

The bill we are about to debate—the Bipartisan Patient Protection Act sponsored by Senators MCCAIN, EDWARDS, and KENNEDY—fails on all these counts.

I believe we can accomplish our common goals without inviting these unintended consequences. Unfortunately, there appears to be no interest from the majority in addressing these concerns. Senator DASCHLE said recently that he sees no reason to compromise or address these concerns. I think that is very unfortunate for consumers and for patients.

I would like to highlight the very real problems in this bill, S. 1052 which was just introduced on June 14.

The McCain bill creates two opportunities to take a bite at the apple. First, it allows unlimited lawsuits against health plans and employers under state law. Second, it creates an expansive new remedy with very large damages under federal law.

The dual Federal-State scheme under the McCain bill will encourage dual claims and forum shopping. Plaintiff's lawyers will shop around for the forum with the highest limits on damages. And there is nothing in the bill that would prohibit suits based on the same or a similar set of facts from being filed simultaneously or consecutively in both State and Federal court.

This dual Federal-State scheme will raise complicated and costly jurisdictional questions and will ensure that plan benefits and administration will vary from State to State. This will only serve to confuse patients who are already faced with the task of navigating a complex health care system.

This scheme will also impose needless and excessive costs that will discourage employers from sponsoring health plans. It will ultimately increase the ranks of the uninsured.

Federal courts have been routinely hearing cases involving complicated employee benefit cases. The McCain bill would essentially remove all coverage and claims decisions from Federal court and place them under State jurisdiction, even though States have no experience with ERISA and employer-sponsored benefits.

Federal courts have honed their expertise in resolving complicated employee benefits issues since they were given exclusive jurisdiction over such cases in the Employee Retirement Income and Security Act of 1974, ERISA. Approximately 10,000 ERISA cases are filed each year in Federal court.

In order to provide high quality and affordable benefits to employees, employers that sponsor health plans across State lines must be able to administer their benefits in a uniform, consistent and equitable manner. The McCain bill will produce multiple and conflicting State laws, regulations and court interpretations, making it difficult for employers to administer their health plans.

Congress' rationale for giving Federal courts exclusive jurisdiction with respect to remedies is as applicable today as it was in 1974. From ERISA's legislative history: "It is evident that the operations of employee benefit plans are increasingly interstate. The uniformity of decision which the Act is designed to foster will help administrators, fiduciaries and participants to predict the legality of proposed actions without the necessity of reference to varying state laws."

Proponents of the McCain-Edwards bill would have you believe that they have compromised by adding a $5 million cap on punitive damages for the Federal cause of action. But this cap is merely illusory.

The bill has no caps on Federal or State economic or non-economic damages.

Plus, there are no caps on damages specified for the numerous lawsuits that would fall under State jurisdiction. And there is no evidence to suggest that State law caps would be applied to these various causes of action. In fact, most State medical malpractice law damage caps only apply to physicians and other health professionals—not health plans. California is one such example.

Excessive damage awards only harm physicians and patients. According to a study by Tillinghast-Towers Perrin, health plan liability will increase physician medical malpractice liability premiums by 8 to 20 percent because plaintiffs will target all possible defendants, including physicians. These costs will be passed on to patients in the form of higher premiums or reduced coverage.

Health plans will also pass on the increased costs of being exposed to large damage awards to employers who will in turn pass the costs on to employees or reduce or terminate coverage.

The McCain bill allows patients to go straight to court—for the purpose of collecting monetary damages—without exhausting administrative remedies first.

The independent medical review process is the best, most efficient remedy for the majority of patients. It ensures that patients get the medical care when they need it. In contrast, tort damages are only available to patients after they are injured.

The "go straight to court provision" creates a perverse incentive for patients, encouraged by their attorneys, to bypass the review process in order to seek the big damages awards in court.

Proponents of the exhaustion loophole argue that external review is "not enough." They would have you believe that an exhaustion requirement somehow precludes the ability of an injured patient to seek recourse in court. But this is not the case. The external review process is merely a required and beneficial step before going to court.

The high standards that the medical reviewer is required to follow will help inform the court's decisions in determining whether the plan decision was the right one. Just as a medical expert is not versed in the specifics of the law, the court is not well versed in medicine and will benefit from the finding of the independent, external review—as will the patient.

The McCain bill allows the medical reviewer to consider but "not be bound by" a plan's definition of medical necessity which may be used to determine whether a plan covers a benefit. In effect, this allows the medical reviewer to ignore contract definitions of medical necessity and substitute their own definitions or opinions as a basis for overturning a health plan's decision.

This provision would lead to routine reversals of health plan decisions and generate increased litigation. Employers and health plans would have no predictability in administering their plans or estimating their exposure to liability. Alternatively, this may cause plans to routinely approve all coverage thereby driving up premiums astronomically and raising quality and safety concerns for the patient. Employers may reconsider their commitment to offer and administer health benefits if the McCain bill becomes law.

Health plans and employers that honor their contractual obligations could be on the losing end of a lawsuit when an external medical reviewer decides to disregard a term in the health plan contract. Even plans that adhere carefully to the terms of their contracts, no matter how generous those terms are, could be held liable if the reviewer decides to apply a different standard.

Contrary to continued assertions by its proponents, the McCain bill does not protect employers from open-ended liability. In fact, the bill specifically authorizes certain types of lawsuits to be brought against employers in Federal court for failing to perform a duty under the terms and conditions of the plan.

Because employers are required to carry out a broad range of administrative duties under ERISA's statutory scheme, the McCain bill will leave them wide open to new Federal personal injury suits. Employers will be sued for all types of alleged errors such as issuing notices required by the Health Insurance Portability and Accountability Act, HIPAA, and the COBRA, regardless of whether such errors result in a denial of a covered benefit.

The McCain bill would impose potentially huge new compensatory and punitive damages remedies for violations of COBRA, HIPAA, and ERISA's disclosure requirements. Moreover, under the statute's own requirements, the employer is specifically required to carry out COBRA and disclosure requirements. The employer is almost always the administrator. Thus, McCain-Kennedy imposes a huge new liability on employers that employers cannot avoid; despite the fact that when Congress adopted COBRA and HIPAA with large bipartisan majorities no discussion was given to the need for punitive damages to enforce the new requirements.

The "direct participation" provision in the McCain bill provides little comfort to employers who will still be dragged into court on every case. Employers who do not "directly participate" in such decisions are not protected from being sued; they are only provided with a defense to raise in court.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I disagree with what my friend from New Hampshire has said about the content and the direction of the McCain-Edwards legislation. Why don't we decide if he is right or I am right. And how you do that is you come to the Senate and you debate the issue.

We are being prevented from doing that today. The Republicans have objected to our going forward to consider this bill. So this will necessitate our going through the procedure of filing a motion to invoke cloture which we will vote on Thursday. I believe rather than wasting that time, we should be here debating the principles enunciated by the Senator from New Hampshire and what we have been saying on this side all day.

That seems to be the fair way to do it, rather than talking about all the scary points of this bill from their perspective and the positive points from our perspective. Let's debate the issues. This bill has been around for 5 years in one version or another. We believe that we have refined this legislation. Because of the courageous actions of the Senator from Arizona and the brilliant input of the Senator from North Carolina, we now have a piece of legislation that is extremely good. It is better than the ones that have come before us before. It is so good that on our side we are going to offer very few, if any, amendments because we believe this legislation is so good.

This legislation deals with accountability. We spent 8 weeks in this body talking about education. What were we trying to establish? We wanted students and teachers and administrators to be accountable and to make sure we had good education in our public schools.

Accountability: That same argument should be and will be carried over into this legislation dealing with the Patients' Bill of Rights.

I have a lot of other things to say and I will not say them now. I showed to the Presiding Officer in the Senate that we have only a partial list of those organizations that support this legislation. These are business groups, nurses groups, physician groups, starting with the Abbott House, Inc.—Abbott House in Irvington, NY. That is No. 1 on the list. At the end of this list we have the YWCA of northeast Louisiana. Of the 300-plus groups we have listed here, we have groups that should know the difference between good and bad medical care. For example, there is the Wisconsin Paralyzed Veterans of America. They believe what we want to do is right.

It is not often that you find legislation in the Senate that is supported by hundreds and hundreds of groups. Every consumer group in America supports our legislation. We have the physician organizations, specialties and subspecialties, that support this legislation. We have the American Medical Association that supports this legislation.

You know, for the first time that I can ever remember, we have the doctors and the lawyers thinking this is good legislation. So I say to my friend from New Hampshire, who is going to be the manager for the Republicans on this legislation—I believe he should listen to what he said if he believes this—and I know he does—let's debate it, as my dad would say, "like men," and now women because they are a vital part of the Senate. Let's debate this issue as grownups, not hiding behind procedural matters. If they think our legislation is so bad, let them prove it out here.

I am willing to take my chances on an up-or-down vote on the Senate floor. That is how we should decide issues. We should not be hiding behind some procedural prohibition that prevents us from moving this legislation forward.

One last thing. The majority leader said today, right here at 11:30, that this legislation, the Patients' Bill of Rights, is going to be completed before we leave for the recess—if we have a Fourth of July recess. That is what he said. He is not playing games. He is majority leader of the Senate. He said today that if we don't finish this bill by next Thursday night—if we do, we are off Friday. We have the Fourth of July recess. If we don't finish this bill by next Thursday evening, we are going to work Friday, Saturday, Sunday, and we are going to work Monday—every day except the Fourth of July. Then we will come back on the fifth. We are going to be here until we finish this legislation. So all staff members here in Washington and people watching this on C-SPAN should understand that we, the Senators, may not be home for our Fourth of July break. We may be here doing the people's work, trying to work our way through this legislation, through all the obstacles being thrown up procedurally by the money interests of this country—the HMOs who think they own the medical care of this country. They don't. It is owned by the people—the patients, nurses, and doctors.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, the great thing about debate on the floor of the Senate—particularly extended debate—is that we get past the high-pitched rhetoric and actually get to the facts. I want to respond briefly to some of the comments of my friend and colleague from New Hampshire.

He argues that under our bill employers can be held responsible—citing a particular page of the legislation—if they make a comment to an employee going out the door on the way to their doctor saying, "hope you feel better".

First of all, President Bush has issued a set of principles that are specific to this issue. His principles say, "Only employers who retain responsibility for and make final medical decisions should be subject to suit." So the President himself, in his principles, has said employers that are making medical decisions about individual cases are subject to sue and should be subject to sue.

My colleague from New Hampshire cited language on page 141 of the bill referring to, "otherwise, calls of action created by failing to exercise ordinary care in the performance of a duty." Two pages later in the bill, which unfortunately my colleague didn't talk about, there is language at the bottom of the page, subsection (A), that says: "This section does not authorize a cause of action against an employer."

What I suggest to my colleague is that he read the entirety of the section to which he refers.

The language of what constitutes making a medical decision in a specific case is very clear in our legislation. It includes none of the general things that the Senator from New Hampshire talked about. What has to happen under the specific language of our bill, and as set forth by the President of the United States, is that the employer has to actually override and make the decision as an HMO would in a particular case. Otherwise, under the language of our bill, and under the President's principle, the employer is protected, period.

We want to protect employers. That is the whole purpose of this language. It is why Senator McCAIN and Senator KENNEDY and I have worked for months and months in crafting this language.

The second argument my colleague made is that there would be forum shopping between State and Federal court. The language is clear. If an HMO makes a medical decision, that case goes to State court. If the question is on the specific provisions of the plan the employee is covered by, that case goes to Federal court, period. It is where the cases have always been. The reason the other cases—the medical decision cases—go to State court is because when they make a medical judgment and overrule a doctor, we want them to be treated just as the doctors and the health care providers.

Third, he argues that ERISA is a very complicated law that will be difficult for State courts to apply. Well, the State courts won't be applying ERISA. What the State courts would be doing is applying their own State law because what our bill provides is that when a medical judgment is made by an HMO and some child is hurt as a result, and they take their case to State court, that State's law applies, so that if there are recovery limits—and there are, I think, 30-some-odd States in the country. And the argument was made that there are no caps in our legislation; there will be an outrageous explosion of litigation.

First of all, it ignores the fact that State law applies, and the vast majority of States have limits on recoveries.

Second, the evidence shows that in California and Texas—the two States that use legislation similar to ours—virtually no cases have ever gone to court. The cases get resolved in the appeals process. It is the way our legislation is designed. Cases go to court only as a matter of absolute last resort.

Finally, he suggests there will be forum shopping from State to State, where a patient will choose to go to another State to file a case because somehow that is more beneficial to them. Well, unfortunately, that has nothing to do with the real world. Patients will be required to file their case in the State where they live, which is exactly where you would expect them to file. It is where they got their care, where they were hurt by the HMO. That is where their case would be filed.

So what we have done, ultimately, is set up a system whereby HMOs are treated the same as everybody else, as all the rest of us. That is its purpose. We want to take away the privileged status that HMOs have enjoyed for so long, while protecting employers, giving patients substantive rights, access to specialists, access to emergency rooms, access to clinical trials, and having those rights be enforceable. It is so important that these rights we create in this bill have teeth in them, and the only way they have teeth in them is if the force of law is behind them and those rights are enforceable.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, at 1 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The Senator from Nevada.

STATUS OF SENATOR BRYAN

Mr. REID. Mr. President, while we are talking about patients and a Patients' Bill of Rights, I want to report to my colleagues on Senator Bryan, who has been quite ill.

I talked with Senator Bryan last Friday. He was in St. Mary's Hospital in Reno when I spoke to him. He had for a couple of days a bad sore throat, for lack of a better description. Friday morning, he was in Reno and his throat was really sore. He has a son in Reno who is a cardiologist. He went to the emergency room. He was admitted to the hospital.

They did a CT scan and found an abscess in his throat area. Friday and Saturday they administered antibiotics, hoping he would get better soon. He got worse, and Sunday morning they operated. He has been on a ventilator since then in intensive care.

I spoke with the nurses taking care of him—by the way, he was back here last week with some junior high school students—and they said he was doing just fine. She had told him I was calling, and he gave the thumbs up. They expect him to be off the ventilator today.

They do not know the cause of the infection. They are still working on that. It is an unusual thing. I have had a couple people ask me about Senator Bryan today. He is doing just fine.

BIPARTISAN PATIENT PROTECTION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I thank the Chair.

Before I get into the substance of my remarks on the Patients' Bill of Rights, I wish to salute my colleagues, the Senator from Massachusetts, the Senator from North Carolina, and the Senator from Arizona, for working so long and hard on a bipartisan compromise provision, one that I am proud to support.

Mr. President, we hear a lot about this Patients' Bill of Rights, and there are many discussions about legal issues, medical issues, et cetera, but what hits home with most of us is when we travel our States and we hear stories about what has happened under present law.

When there is a conflict, which constantly arises in these days of HMOs, between what a doctor believes is best for the patient and what the insurer believes is best for the health plan, who makes the final call? That is what this bill is all about. It is about decisionmaking, and not decisionmaking on a Saturday afternoon whether you go to the beach or go to the ball park. It is about decisionmaking when all of us are at our most strained, when a loved one is in a health care problem or with a health care crisis. That is when the decisionmaking really matters.

When a child becomes sick or a parent becomes ill, when a spouse discovers a lump on her breast, and a judgment call needs to be made about care, who has the deciding vote? Is it your doctor or is it an actuary somewhere hundreds of miles away who has not had one jot of medical training? That is what this boils down to.

Those six of us supporting the McCain-Edwards-Kennedy bill believe the decision should be made by the doctor; the decision should be made by someone who is trained to make medical decisions, not a managed care bureaucrat whose primary interests—do not blame these individuals, but their primary interest, what they are instructed to do, is look at cost, not health. Health may be in the equation but cost comes first. That is why that actuary is getting paid, whereas for the doctor who has taken the Hippocratic oath, health care comes first.

We want to pass this Patients' Bill of Rights to restore the pendulum. I am not against HMOs. They were brought in with a purpose. Medical costs were climbing out of control. Something had to be brought in to help. But the pendulum has clearly swung too far, away from the decision based on health made by the doctor in the hospital, and the nurse, towards a decision made on cost, made by an actuary, an insurance company, an HMO.

So we believe we must pass a Patients' Bill of Rights to provide real protection for patients, one that allows for the doctor to decide; one that allows the insurance company, the actuaries' decision to be challenged on a health-related basis. We must end the practice of health plans putting the bottom line before the Hippocratic oath. We must restore balance when every one of us is faced with the awful choice of what medical decision to make for ourselves or for a loved one.

As this debate gets underway, I hope to bring up the cases of some families I come across as I travel the State of New York. These are not unique cases. These are not isolated cases. They happen, unfortunately, every day.

Let me talk about Tracey Shea, from Long Island, in my State. Tracey complained to her doctor about chronic headaches. The tests discovered a tumor in her brain. It was unclear what that tumor was and her doctors ordered further tests. But the HMO refused to pay for them, arguing that the tumor was not malignant and further tests were unnecessary. Four months later, Tracey died. She was 28. She was engaged to be married.

She is gone and her parents and her fiance ask every day: Why wasn't her doctor allowed to give Tracey what she needed? Even if it was 50–50, or 25–75, why didn't she get what she wanted?

For those who think McCain-Edwards-Kennedy is some kind of abstract debate, the difference this bill, this proposal would have made to Tracey Shea, under McCain-Edwards-Kennedy, is Tracey would have had a hearing and an answer in a few days. Under the Frist-Breaux-Jeffords proposal, Tracey may not have lived long enough to get an answer.

A case in Binghamton: Rene Muldoon-Murray's little boy Logan was born hydrocephalic, a condition that many of us have seen. It is when the spinal fluid builds up and puts pressure on the brain. It is terribly painful. The Muldoon-Murray's health plan contained no pediatric neurosurgeons, the very people who should have looked at little Logan. The one adult neurosurgeon, one who did not have experience with children—the brain of a child is quite different than the brain of an adult—the one adult neurosurgeon available in the plan could only work under supervision because his license was suspended.

Imagine, the only person you can go to when your child is in agony, the only one the HMO will let you go to, is someone whose license was suspended. That is the only one the HMO in Binghamton provided as 3-year-old Logan was in pain, pain, pain.

What did Miss Muldoon-Murray do? She was not a wealthy woman but she refused treatment. She wasn't going to let her son be operated on by someone whose license was suspended. When a medical crisis required an emergency room, a lifesaving spinal surgery, the place they found was New Jersey. It cost them $27,000. The HMO refused to pay the bill.

Again, the huge difference between the two pieces of legislation: Under McCain-Edwards-Kennedy, Rene would have had the right to take little Logan to a pediatric neurosurgeon, even though her plan did not include one, and the plan would be required to cover the treatment just as if it had been administered by a plan doctor.

Under Frist-Breaux-Jeffords, the health plan would decide whether or not to cover an out-of-plan specialist and Rene would have most likely ended up in the same place, in an emergency room hundreds of miles away, stuck with a $27,000 bill.

Again, the difference between these two bills is not simply paper and pencil. It is not some abstract idea, argued by lawyers. It is real. People would be alive, people would be not suffering if this bill had been in effect.

How about in Buffalo, at the other end of our State: Bailey Stanek. Bailey suffers from apnea. This is a sometimes fatal condition in which a little one stops breathing while sleeping. The HMO refused to pay for a heart monitor which would warn Bailey's parents if his breathing ceased. If you have a child with apnea, it is a heart monitor that can save you. His life depended on it. Who would not do this for their little 8-week-old boy? The Staneks, again not wealthy people, now pay $400 a month out of pocket for a heart monitor.

These cases go on and on. If McCain-Edwards-Kennedy were around, the Staneks could appeal the decision. They could go to an independent, objective review board—not someone sponsored by the HMO who is told by the HMO: if you approve bills of more than a certain amount all told, you are out. This would be an independent, objective review board. Then we would know if little Bailey needed this heart monitor, which most physicians think he would, and they would get a decision.

Under the Frist-Breaux-Jeffords plan, this would not have happened. Why? Listen to this, for everyone concerned about this issue. Who chooses the review board under the Frist-Breaux-Jeffords plan? The HMO. And the board cannot make independent decisions about medical necessity. So the choice is very clear.

These are just three cases in my State. Look at the case of little Logan Muldoon-Murray from Binghamton; the case of the late Tracey Shea, from Long Island; the case of little Bailey Stanek in Buffalo. In all three cases, because there was not a fair review, because we do not have protections so the doctors could make the decisions—not actuaries, not insurance companies—we have had untold suffering. Multiply that suffering, not just by the individual child or the young woman in Tracey's case, who suffered, but their parents and brothers and sisters, their friends and the community.

Mr. DORGAN. I wonder if my friend will yield.

Mr. SCHUMER. I am happy to yield.

Mr. DORGAN. The Senator from New York probably remembers the hearing we held about a year ago, when a constituent from New York came to the hearing. Her name was Mary Lewandowski. Mary is the mother of the late Donna Marie McIlwaine, who died when she was only 22 years old. Mary came to tell us the story about her daughter and her experience with the HMO.

I will not soon forget Mary's testimony. Mary is not getting paid to come to Washington but she desperately wants the Congress to pass this patient protection legislation. Mary told us that her daughter passed away on February 8, 1997. Donna had been to the doctor four times in 5 days for an upper-respiratory infection. The doctors couldn't quite figure out what was happening, but her symptoms kept worsening.

On the evening of February 8, she was in a tremendous amount of pain, her mother said. She called the hospital. The hospital said: No, you can't bring your daughter to the hospital unless it is absolutely life or death, or unless you have a doctor's referral. She tried in vain to reach Donna's doctor, and an hour later her daughter, Donna, collapsed into a coma and died.

After she died, as my colleague from New York will remember, her mother told us that she discovered that Donna had a blood clot the size of a football in her lung.

Donna's doctor later told her mother that a $750 lung scan would likely have identified that blood clot and saved her daughter's life. But the lung scan was not ordered because it could not be justified by the HMO.

These are the kinds of problems that are raised related to the development of for-profit medicine. Too often the practice of managed care medicine becomes an enterprise of looking at a patient in terms of profit, rather than evaluating what doctors should provide in terms of needed medical services to patients.

The Patients' Bill of Rights, or Patient Protection Act, is a piece of legislation that says you ought not have to fight your illness or your disease and have to fight the insurance company as well. You ought not have to lose your life because someone said it wasn't worth $750 to do a lung scan on a 22-year-old girl who had a blood clot the size of a football in her lung. That ought not happen to people.

My colleague from Nevada, Senator REID, and I held a hearing in Las Vegas, NV, for one day. I will never forget that hearing. A mother named Susan gave riveting testimony. She stood and held up a picture of her son, Christopher Thomas for us to see. Christopher Thomas died on his 16th birthday of leukemia. His parents' health plan denied him the investigational chemotherapy drug he needed. At the end of her testimony Susan held up a large colored picture of her handsome 16-year-old son. She was crying. She said Christopher Thomas had looked up at her from his bed as he lay dying of cancer, and said, "Mom, I don't understand how they can do this to a kid."

Do what? This young man never got the treatment he needed to help fight the cancer that he had. This young boy and his family were put in a circumstance of having to fight cancer and fight the managed care organization at the same time. That was not fair.

That is what our patient protection legislation is about. This legislation is about empowering patients who expect to get the health care they are promised.

When I heard my colleague from New York speaking, I simply wanted to come to the floor and say that we have had plenty of hearings. Discussion has gone on for some while on the issue of a Patients' Protection Act, or Patients' Bill of Rights.

I will never forget the testimony offered at the hearing during which Mary, the mother from New York came and talked about her daughter Donna, and the hearing in Las Vegas when Susan came and talked about her son, Christopher Thomas Roe. I could stand here and cite examples from testimony after testimony of patients not getting the care they needed. I could discuss endless tragic stories and untimely deaths we have been told about. The sheer numbers of testimonies that reveal needless suffering make me so angry because none of it should have had to happen. People should have gotten the health care they deserved. They should have been able to get to an emergency room when they had an emergency, or been able to get the treatment they needed when they were suffering from cancer and trying to fight it. Yet in case after case, we discover that someone made a bad decision, and no one was held accountable for that decision. The patient wasn't given the medical treatment they deserved.

Let me quickly say, if I might, to my colleague, that there are some wonderful organizations around this country—yes, managed care organizations, some insurance companies, and health care organizations—that do great work. God bless them every day. But there are some who look at patients as profit centers and decide against providing treatment that a patient thinks they are going to get. Sometimes it is too late when they discover the consequence of that. It was too late for Donna and for Christopher.

We are trying, with a piece of legislation, to say it ought not be too late for any more Americans at any other time to not get the medical care they need. Let us pass this legislation, the Patients' Protection Act, so that people in this country can rely on getting the care that they deserve.

When I heard the Senator from New York, Senator SCHUMER speak, I wanted to speak and to mention Donna because I know he knows her mother, Mary Lewandowski. I know that all of us have the same passion to want to do the right thing. We can do this. This will take some time. There will be people coming to the floor saying they don't want to do it. They will have objections to our Patients' Bill of Rights.

Mark Twain was once asked if he would be involved in a debate. He replied: Yes; of course, as long as I can be on the opposing side.

They said: We never told you about the subject matter.

Mark Twain said: It doesn't matter. It doesn't take any preparation at all to take the opposing side and to argue it effectively.

We will have some people in Congress say we should not pass this patients' protection legislation. They are naysayers.

We know in our hearts that this is important legislation for the American people. We must do this now.

Mr. SCHUMER. Mr. President, I thank my colleague from North Dakota. Along with the story I told about three New Yorkers, he added Mary Lewandowski and her daughter, Donna.

I want to add something. Mary has been down here three or four times. Each time she comes into my office with her husband. They are not wealthy people. They are humble people. A trip from Rochester to Washington is not easy for them.

But the memory of Donna and what happened to her burns within them. They come and sit by my desk. They try and I try to talk about when this bill might come up and what is preventing it from coming up. I was happy to let them know that since we took over the majority, Senator DASCHLE decided to make this our highest priority. In fact, I have asked them if they want to come down and watch a little bit of this debate. It will never bring Donna back, but it will make them feel good that future Donnas will not die in vain.

Imagine what they are thinking now—that there is an attempted filibuster to prevent this bill from coming up. This is not legislative gamesmanship. It is not an exaggeration in this case to talk about life and death. Every one of us, as we traverse our States, hear these stories and share the embraces and the tears with the people who have been damaged more irreparably than any of us have. The only thing we can do is bring our passion, our knowledge, our work, and our sweat, blood, and tears to this floor and move this bill.

I was glad to hear our leader say that if we have to, we will stay here every day through the Fourth of July break or through the summer to get this bill finished. All of us have concerns and our families. We want to be with them. We want to be back in our States. But what could be more important than this?

We are so close to the precipice of passing a real bill—the kind of bill that has been put together by our colleagues from Massachusetts, Arizona, and North Carolina. We are right on the edge. How dare we give up. How dare we let ourselves be diverted by extraneous issues and political games.

I thank the Senator from North Dakota as well as so many others. The Senator from North Carolina spent the last year working out this compromise with the Senator from Massachusetts because this is so important.

There used to be a slogan in the 1970s. You don't need a weatherman to know which way the wind blows. Yes, you are right. We will hear a lot of arguments from the other side. But look at every group that is represented here—the Mary Lewandowskis, the Tracy Sheas, and all of the others. They are on our side. They are for this bill.

It is very simple. The only people who seem to be against us are the very people out there who have done these things, not by design but the way the system is set up—done these things that have left the gaping wounds in so many as they have needlessly lost people.

It is bad enough to lose somebody you love, but when you know you did not have to lose them, and somebody made a decision somewhere based on dollars, the hole in your heart never goes away. We have examples such as Mary Lewandowski from Rochester, NY, who has come down here and said: Please, please, please.

I would like to say to Mary—and I think I speak on behalf of the six of us in this Chamber—we are not going to give up. We are going to make this fight until we pass this bill, no matter what it takes.

With that, I thank my colleagues. I know my time has expired. And I thank my friend from Iowa for waiting.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I wish to make a brief statement. And I ask unanimous consent that the Senator from Iowa be recognized for 15 minutes after my statement, and then, with the patience of my friends from North Carolina and Massachusetts, Senator CLINTON was planning to be here at 3 o'clock to speak for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Thank you, Mr. President.

I say to my friend from North Dakota, and everyone within the sound of my voice, we were able to give specific examples of situations that developed in New York and Nevada, and other places, as a result of something very unusual that happened around here; and that is, Senator DORGAN, as chairman of the Democratic Policy Committee, held a series of hearings around the Nation. Why? That isn't the ordinary role of the Democratic Policy Committee. But because we were in the minority, we were unable to hold hearings in the committees that had jurisdiction over the Patients' Bill of Rights. So Senator DORGAN came up with the idea to hold these hearings around the country.

I am sure the hearings around the country went as well as the hearing in the State of Nevada. If that is the case, which I am certain it is, the Senator from North Dakota deserves all kinds of accolades because if he did nothing other than the hearing in Nevada, it said reams about what is going on in this country regarding the delivery of health care.

So I will never, ever forget the hearing we held at the University of Nevada at Las Vegas on the Patients' Bill of Rights. The men and women, the boys and girls, the doctors and nurses who testified there told us why we need this bill.

So I say to my friend from North Dakota, thank you very much for coming up with this unusual procedure so that the American people, and the people of Nevada, know how the rendition of health care is not going properly—not all the good things, but you were able to put, in a very direct perspective, what was going on in the country in regard to health care. So I personally appreciate very much you doing what you did because, but for this, we were stymied from explaining to people what was going on around the country with health care.

Mr. SCHUMER. Will the Senator from Nevada yield?

Mr. REID. I am happy to yield.

Mr. SCHUMER. I just want to add my thanks to my friend from North Dakota. Again, just as was the hearing in Nevada, the hearing in New York was moving, factual, and brought the case to real life as to why we need this proposal. And the Senator did. He went around the country, everywhere, like Paul Revere, letting people know they didn't have to just curse the darkness; that they could actually get something done with legislation that would really matter to people, knowing that this is not just a political game.

I add my voice to thank the Senator from North Dakota, as chair of the Policy Committee, for the great work he has done.

Mr. DORGAN. Mr. President, let me ask the Senator from Nevada to yield for a moment. Then I know the Senator from Iowa has a statement to make. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to yield.

Mr. DORGAN. I did want to take the time to show the picture of the young 16-year-old man mentioned earlier, named Christopher Roe. The Senator from Nevada and I both told his mother, Susan, that her testimony would make a difference. This is the picture Susan held up at our hearing in Las

Vegas, NV. As she held up this picture of her 16-year-old son, Susan described the difficulties obtaining treatment for Christopher through their managed care organization. Susan's family faced these difficulties in addition to the fight Christopher was trying to win in his battle against cancer. It was a battle this young boy lost, and it was a battle that had become an unfair fight because he had to fight cancer and he and his family had to fight the managed care organization at the same time.

This is the boy who died on his birthday. This is the boy who looked up from his bed and said to his mother: Mom, I don't understand how they can do this to a kid—"this" meaning, how could they not have allowed him to get all of the treatment that was necessary to give him a shot at beating cancer? He died on his 16th birthday.

To his mother Susan, who also is a tireless fighter, and who believes also that there must be change, we say your son's memory, I hope, will give all of us in this Chamber the incentive and the initiative and the passion to do the right thing and to pass a Patients' Protection Act.

I mentioned yesterday that I, too, have lost a child. And I get so angry—so angry—sometimes when I hear these stories. I didn't lose a child because of a decision by a managed care organization, but I lost a child to a disease. And you never, ever get over it.

When I see mothers such as Susan, holding up a picture of her son, saying, "this death should not have happened, I should not have lost my son, my son should have had a chance to live, my son should have been given the opportunity to fight this cancer that was invading his body", then I say we ought to have enough passion and we ought to have enough determination and grit to stay here until we pass a piece of legislation that says no more Christopher Roes in this country will lie in bed dying of cancer having treatment withheld from them; it will never happen again because we will make sure it does not.

Patients in this country have basic protections and rights, and they have the right to the treatment they need at the time they need it. They have the right to see specialists, and they have the right to know all their options for medical treatment, not just the cheapest. They have the right to go to an emergency room when they have an emergency.

There are basic protections and rights that are in this legislation that every American deserves to have. We are going to see that we get Americans protected and their rights ensured by the time we finish the debate on this important legislation.

I thank my colleague from Nevada. And again I say to Susan, and all of the other mothers and fathers who have testified at the hearings I have held, your testimony was not in vain. We have put together a record that demonstrates the need to pass this legislation, and we intend to do just that.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I first say a big thank you to Senator KENNEDY for his many years of leadership on this issue, and also thank Senator EDWARDS for his leadership and sponsorship of this bill, along with Senator MCCAIN.

This is not a new issue in this Chamber. Senator KENNEDY led the battle on this, starting about 5 years ago, if I am not mistaken. We passed it last year, as you know. The House passed a good bill, but the Senate passed a rather bad bill. We went to conference, and we could not get anything out of conference. We used to meet periodically over here in a room, in Senator NICKLES' room, to try to hammer things out, but it became clear that the more we met, the less that was going to get done. So now we have a chance, this year, to catch up on all that and to pass this meaningful legislation.

I believe we are on the verge of a big victory for the American people. They have been waiting too long for this in the waiting rooms—about 5 years—where mothers, fathers, and children have been forced to spend countless hours negotiating the massive bureaucracy of their managed care plans, desperately trying to get the health care services they need and deserve.

Unfortunately, it is clear that the opponents of a Patients' Bill of Rights are not giving up their fight. They may succeed in convincing a few to delay it for a few more days, but they are not going to be successful in stopping the Senate from passing the protections that patients should have had years ago.

Right now, as I understand, we have an objection from the Republican side to proceed to the bill, an objection from the Republican side to not even take the bill up. That is unfortunate, but I think it indicates that we have to be resolute in our determination to answer the call of our patients all over America.

We do not have to look too hard to see that there are too many people being denied appropriate care. We have all heard the horror stories of individuals unable to see their doctor in a timely manner, of patients unable to access the specialists they need. We just heard a number of stories from the Senator from North Dakota and the Senator from New York. I am certain we will hear many more as we are here in this Chamber during this debate.

These are all individuals who have been denied the treatment their doctor has recommended or their health specialist has recommended because the HMO simply doesn't want to pay the bill.

I hope we will all remember, as we hear all these stories coming out, that those are the ones we know about. That is just the tip of the iceberg. Think about the many more Americans who have been denied the care but in their desperation they went elsewhere. Maybe they paid for it out of their pocket; they moved on with their lives. The stories we hear are the tip of the iceberg. There are many more about which we don't know. These are real stories and these are real people. These are real hurts they have.

It is very simple: Your HMO either fulfills its promises to pay for medically necessary services or it doesn't. We have heard enough to know that in too many cases it doesn't. As I said, I didn't have to look very far to find such situations in my own State of Iowa.

Let me relate the story of Eric from Cedar Falls who has had health insurance through his employer. Eric is 28 years old with a wife and two children. He suffered cardiac arrest while helping out at a wrestling clinic. He was rushed to the hospital where he was fortunately resuscitated. But tragically, while in cardiac arrest, Eric's brain was deprived of sufficient oxygen. He fell into a coma and was placed on life support. The neurosurgeon on call recommended that Eric's parents get him into rehabilitation.

It was then that the problems began. Although Eric's policy covered rehabilitation, his insurance company refused to cover his care at a facility that specialized in patients with brain injury. Well, thankfully, Eric's parents were able to find another rehabilitation facility in Iowa. Eric began to improve. His heart pump was removed, his respirator was removed, and his lungs are now working fine. But even with this progress, Eric's family received a call from his insurance company saying they would no longer cover the cost of his rehabilitation because he was not progressing fast enough.

Eric's mother wrote to me and said:

> This is when we found out we had absolutely no recourse. They can deny any treatment and even cause death, and they are not responsible.

In the coming weeks in this Chamber, we have a critical choice before us. We can choose for Eric and his family. We can choose between real or illusionary protections. We can choose between ensuring health care for millions of Americans or perpetuating the burgeoning profit margins of the managed care industry.

I have been working on this issue with my colleagues for over 5 years. Last year I was a conferee trying to work out this bill with the House. It came to naught. We have debated this issue for years. We have negotiated differences of opinion to find common ground. We have worked across party lines to develop the best bill possible. I am delighted to say that amendments I offered during the past debates, such as access to specialists and provider nondiscrimination, have been incorporated into the underlying bill. S. 1052 truly represents the best of all of our collective ideas and, most importantly, meets the needs of the American people.

Our bill establishes a minimum level of patient protections by which managed care plans must abide. States can, and it is my hope that they will, provide even greater protections, as necessary for individuals in HMOs in their States. As a starting point, we need to pass a strong and substantive Patient Protection Act.

S. 1052, our Patients' Bill of Rights Act, delivers on what Americans want and what they need: Real protection against abuse; direct access to needed specialists, especially pediatrics specialists and OB/GYNs for women; the right for patients to see a doctor not on their HMO list, if the list does not include a provider qualified to treat their illness; access to the closest emergency room; the right for patients with ongoing serious or chronic conditions such as cancer or arthritis or heart disease to see their medical specialist without asking for permission from their HMO or primary care doctor every time they need to see their specialist; the right for patients to continue to see their doctor through a course of treatment or a pregnancy, even if the HMO drops their doctor from its list or their employer changes HMOs.

This is so important. Right now, so many people in managed care plans are seeing a doctor for a course of treatment. It could be a difficult pregnancy. The mother-to-be has every confidence in this specialist. Then her employer changes HMOs and this doctor is not on their approved list, not on their list for HMOs. Many HMOs will just drop that.

What this bill says is: If you started on a course of treatment, you can continue to see the doctor of your choice through that course of treatment even if the HMO has changed or if they have dropped the doctor from their list.

This bill has the right for patients to get the prescription drug their doctor says they need, not an inferior substitute that the HMO chooses because it is cheaper.

CONGRATULATING SENATOR CLELAND

Mr. DASCHLE. Mr. President, will the Senator yield for just a moment?

Mr. HARKIN. I am delighted to yield.

Mr. DASCHLE. I appreciate very much the senior Senator from Iowa yielding. The hour is almost over, and I do want to call attention to an important matter for me personally, for our caucus, and certainly for the Senate.

Our colleague from Georgia, Senator CLELAND, has never had the opportunity to preside before, in large measure because we have not been in the majority during the time he has been in the Senate. I want to call attention to the fact that MAX CLELAND, our colleague from Georgia, has been the Presiding Officer for this last hour. I congratulate him. I wish him well as he pursues his golden gavel of 100 hours of presiding. I compliment him on the way he has presided and thank him very much for his willingness to do so.

The PRESIDING OFFICER. The Chair thanks the majority leader.

Mr. DASCHLE. I thank the Senator for yielding.

Mr. HARKIN. I thank our leader for pointing that out. I, too, congratulate my friend and dear colleague from Georgia for being a good friend of mine and for being a great Senator.

A patient should have the right to appeal an HMO's decision to deny or delay care to an independent entity and to receive a binding and timely decision and, finally, the right to hold HMOs accountable when their decisions to deny or delay care lead to injury or death.

It was my friend from North Carolina, Senator EDWARDS, who said earlier that there are only two groups in the United States that can't be sued—diplomats and HMOs. It is time to end the HMO diplomatic immunity in this country and to allow them to be held accountable.

I know there is a lot of talk about the right to sue. Let's face it: Most of the situations will be resolved through the strong and binding appeals process that is in the bill. But the HMOs should not have special immunity when they harm patients. The reality is that unless HMOs are held accountable when they make inappropriate medical decisions that harm a patient, there is no guarantee that they will change their ways and stop putting profits before patients.

As this debate unfolds, I know that I and others will be coming to the floor to point out the tremendous profit margins some of these managed care industries have. When you think about it, that is hundreds of billions of dollars a year being sucked out of medical care that people need in this country and given to their shareholders or sometimes to a very small group who happen to own the HMO or the managed care system.

I don't mind HMOs making profits—that is fine—but they should not be able to make these unconscionably high profits by disallowing appropriate care for patients. That is what I mean. The HMOs cannot continue to put profits ahead of patients.

Mr. EDWARDS. I wonder if my colleague will yield for a question.

Mr. HARKIN. I am delighted to yield to my colleague and friend and a great leader on this issue.

Mr. EDWARDS. Mr. President, one of the reasons we are beginning this important discussion of an issue that will affect the lives of so many Americans is that for years now you have helped lead the fight on HMO reform, on a real Patients' Bill of Rights and on patient protection. I had the honor last year, during the Presidential campaign, of visiting in the Senator's State.

I say to my colleague, I heard over and over everywhere I went around the State the passionate feelings people in your State have for the fight that you have waged on behalf of real people and families and children to try to protect them against HMO abuses.

I wonder if the Senator would mind sharing with us what the people in his State have said to him in town hall meetings, visits on the street corner about how they feel about a clerk sitting behind a desk somewhere overruling experienced, well-trained doctors and nurses as to health care decisions that can literally affect the lives of their families.

Mr. HARKIN. First, I thank my friend from North Carolina for his kind words and for visiting my State. I invite him back soon and often. I thank the Senator from North Carolina for his great leadership on this issue, and I am delighted to be a soldier in his army to fight this battle and make sure our patients get decent care.

Mr. REID. Will my friend yield for a unanimous consent request?

Mr. HARKIN. Sure.

Mr. REID. Mr. President, I ask unanimous consent that following the statement of Senator CLINTON—she will speak for 15 minutes when she arrives—the Republicans be recognized for 1 hour following that time to make up for the time we have used.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the one thing I ask of my friends on the minority side today, Senator ZELL MILLER has asked to come over. When he shows up, after a Republican speaker finishes his statement, perhaps Senator MILLER can speak, and you would wind up getting your full hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I was at a town hall meeting in Iowa, where I first heard this comment made by a gentleman who I think really brought it all home. He said to me: I don't want my doctor doing my taxes, and I don't want my accountant deciding my health care needs. To me, that sort of brought it all home and pointed out what we are trying to do: let the doctors and health care professionals make the decisions, and not the accountants, on what kind of health care we need.

As I said earlier, the stories we hear about the lack of medical care from people in HMOs in Iowa—again, this is the tip of the iceberg. We are going to hear a lot of stories. These are real people with real injuries and real hurt. We have to keep in mind that these are just the ones we know about. How many more that we don't know about are out there?

I retold a story here about Eric, a 28-year-old man who was working and had a wife with two kids. He was helping out at a wrestling clinic and he had cardiac arrest. They rushed him in and he was resuscitated. His brain had been denied sufficient oxygen, so he needed special rehabilitation. The neurosurgeon recommended to his family to get him into rehabilitation. His insurance policy covered rehabilitation, but his insurance company refused to cover his care at a rehabilitation facility that specialized in brain-injured rehabilitation. So his family took him to another place in Iowa. He began his rehabilitation.

The good news is that he had progressed very well. The heart pump was removed, the respirator was removed, and his lungs are now working fine. But just at this point, the HMO calls his family and says they will no longer cover the cost of his rehabilitation because he is not making enough progress fast enough. I would never have known about this except that his mother wrote me a letter and said: This is when we found out we had absolutely no recourse. They can deny any treatment and even cause death and they are not responsible.

I hear stories such as this all over my State. That is why we need to move ahead aggressively and why we have to keep in mind, when this debate occurs and we hear all these amendments being proposed, that we are talking about real people, real consequences, and real hurt that is happening to these families. The need is clear.

This bill is not about doctors, nurses, or politicians; it is about patients, about our friends and our families when they get sick and they need to have the peace of mind that the health care they need and deserve—and that they have already paid for—will be available in a timely manner.

We have a chance to pass real and responsible legislation. The time is now. The American people have been in the waiting room for far too long. It is time to pass a meaningful Patients' Bill of Rights. Let's not delay any longer. We will have the debate. Let's have the amendments that are pertinent. Let's get it done once and for all.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HARKIN. I yield to the Senator.

Mr. KENNEDY. Mr. President, I thank the Senator for his strong leadership in this battle over a very long period of time. As the Senator was mentioning in the beginning of his remarks, this has been a 5-year pilgrimage, where those who have fought for this legislation have effectively been denied the opportunity to bring this measure up on its own in the Senate. The Senator can remember last year when we had actually a numerical majority in this body, bipartisan in nature, who would have voted for this. But we were denied that opportunity. Now, as the first order of business under the leadership of Senator DASCHLE—I think it was the first comment he made after assuming leadership, that this was going to be a first priority following completion of the education bill.

I have a couple of questions because I, too, have had the good opportunity, as the Senator from North Carolina has, to travel to Iowa. More importantly, I have had the good opportunity of working closely with the Senator in the development of this legislation. The Senator can agree with me that the protections we have in this bill are basically pretty mainstream kinds of protections that I think families could recognize right at the outset. I don't have the particular chart here. We will have an opportunity to get into those as the debate proceeds.

We are talking about emergency room coverage and about specialty care, and we are talking about clinical trials and OB/GYN; and we are talking about prohibiting gagging doctors and talking about continuity of care and about point of service, so we can make sure we can get the best treatment for families needing those kinds of protections. The list goes on: prescription drugs, the right kinds of prescription drugs, and then appeals, internal and external, and then accountability provisions.

Doesn't the Senator, at times, wonder with me what are the particular protections in there to which the opponents object? What are the protections to which they most object? They say: We can't do this; we oppose this; we won't let you bring this up.

These are basic kinds of protections which, as the Senator knows, are either protections that exist under Medicare or Medicaid or have been recommended by the insurance commissioners who are not known to be Democrats or necessarily Republicans—pretty bipartisan and nonpartisan in most States. The only provisions that we have taken in the Patients' Bill of Rights—additional protections—were those that were unanimously recommended by a bipartisan commission that was set up under President Clinton. They were unanimously recommended, without dissent effectively.

They recommended that the HMO association adopt them. We said, because they were so important, to protect them we would put them in as a floor to make sure they are accepted. Does the Senator not wonder with me what the principal objectives are?

Finally, let me ask, does the Senator not believe that every day we fail to pass this legislation people are being hurt?

I took the opportunity yesterday to mention briefly what the Kaiser Foundation has found and what the various studies show. They show that every day we fail to take action, families, real people—parents, mothers, fathers, sons, daughters—their injuries are being expanded and their hurt and suffering is increased and enhanced because we are failing to pass this legislation.

Doesn't the Senator agree that for all of these reasons, and others, the importance of passing this legislation in a timely way, the importance of passing it now, the importance of supporting our leader and saying let's finish before we consider other work, deserves the support of everyone in this body?

Mr. HARKIN. I thank my friend from Massachusetts for postulating this question because it is really important. Before I answer it, I again thank the Senator for his 5 years of leadership. The Senator from Massachusetts was the leader on this issue when it started 5 years ago. He was our leader last year, and he is our leader again this year trying to bring to the American people commonsense decency.

As the Senator said, there is nothing in the bill that would not meet the test of good old common sense.

Yes, I want to know if those on the other side who oppose this are going to offer an amendment that says, no; if a woman is seeing an OB/GYN, if she is having a difficult pregnancy—this may be a specialist in whatever the difficulty might be. But then the woman's employer changes HMOs and drops the doctor. Right now they can refuse to pay that specialist. She would have to go to someone else and start over.

Doesn't it make common sense that she should at least be able to see that specialist through the end of her pregnancy, the birth, and have that same specialist see her? That is common sense.

I question out loud, will someone on the other side offer an amendment to disallow that? Fine, if they want to do that, if that is their opinion. I want to see how many people vote against something such as that. That is just common sense.

Or a person with a disability who has to see a specialist on a continuing basis, I cannot tell the Senator—he knows this as well as I do; he has been very supportive.

Mr. KENNEDY. Madam President, has the time expired?

The PRESIDING OFFICER (Mrs. LINCOLN). The time has expired.

Mr. THOMAS. Madam President, the time is to change at 3:15 p.m. We ask that be done.

Mr. HARKIN. Madam President, I will finish with 1 more minute.

As I was saying to my friend from Massachusetts, many people with disabilities have to see a specialist, but so many times it is hard for a person with a physical disability to get out, get the bus, get special transportation. Now they have to see the gatekeeper every time.

The HMO says: No, you have to come in and qualify for each and every time you want to see that specialist. This bill does away with that.

Will someone offer an amendment that says to someone with a disability: I do not care; you have to go through that gatekeeper time after time to see the specialist you need to see.

I agree with the Senator from Massachusetts; the bipartisan commission worked this out. These are commonsense approaches. You can take this bill to any townhall meeting in Massachusetts, Iowa, or Arkansas and lay it out for average Americans, and they will say: Yes, this makes sense. This bill makes sense and that is why we have to do it.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Nevada.

Mr. REID. Madam President, I have spoken with the manager of the bill, the Senator from New Hampshire. He made a very valuable suggestion. I ask to revise the unanimous consent agreement that is before us. I ask unanimous consent that the Republicans have control of the time speaking as in morning business until 4 o'clock, and thereafter, until direction of the majority leader, we will go on the half hour; from 4 to 4:30 p.m. will be Democrats, from 4:30 p.m. to 5 p.m. will be Republicans, until we decide we have had enough for the night.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank the assistant majority leader for helping organize the speeches this afternoon. There are a lot of Members who want to talk on this bill. That is reflective of the fact and one of the reasons why we cannot move immediately into the amendment process. It is not that we on this side are not interested in moving to the amendment process; we honestly are. There are many on our side champing at the bit to get into this bill and amend it and address fundamental issues.

We also on our side want to have the opportunity to bring forward substantive and thoughtful approaches on how to address this issue in an even more effective way than the bill before us that has been drafted by Senator McCAIN and Senator KENNEDY.

The point, however, is that we just got this bill. It was one bill on Wednesday of last week. Then it was a different bill on Thursday. We have had 2 working days. We are talking about the bill, but it is a moving target for us. To get up to speed on it takes a little time, and there are a lot of people who want to talk about that, a lot of people who have had intimate knowledge with what has been going on with this issue for a long time but are not familiar with the specifics of the McCain-Kennedy bill and, therefore, believe they need some time to be brought up to speed before getting into the amendment process.

I note as an aside, and I think it is important to note, this is one of the most far-reaching and important pieces of legislation we will address as a Senate this year, certainly on the authorizing level. We just completed another major piece of legislation, the education bill, which is extremely important legislation. We spent 2 weeks—actually 2½ weeks—on the motion to proceed to the education bill. That was when the Republican Party held the majority in the Senate. At that time, I did not hear Senators from the other side saying we were moving too slowly as we are now hearing today from Senators on the other side, even though we have not spent more than 6 hours on the issue of whether we should proceed. It seems to me there are a few crocodile tears on that issue.

There is a legitimate reason for not immediately moving to the bill, and that is we do not know what the bill is, and we do not know the specifics of the bill. We should have a chance to read it before we proceed to it.

I use the very excellent example of the position of Members of the other side of the aisle when we were taking up the education bill when they suggested we do 2 weeks. We are not going to suggest 2 weeks, but we are going to suggest a reasonable amount of time to proceed on the issue of reviewing the bill before we address it.

This probably would not have been necessary if we had had hearings on this bill. One must remember, there has not been a hearing on this bill that is being brought before us even though it is extremely important legislation. In fact, in the Senate, there have been no hearings on the issue of patients' rights in 2 years—since March of 1999.

We have taken up the language of the Patients' Bill of Rights a couple of times, but we have not done any hearings in the committee that has jurisdiction or responsibility in the last 2 years.

That is important because at those hearings, we could have gotten constructive input. If we had had hearings on this bill, for example, we would have seen a number of people from communities across this country coming forward—small business people, people who are running mom-and-pop businesses with 9, 10, 15, 20, 30 employees saying: Listen, the hardest thing I have in my business is the cost of health insurance. I want to insure my employees. I want health insurance for them, but if the McCain bill passes, I will not be able to afford health insurance because I suddenly will not only be buying health insurance, I will be buying lawsuits. Instead of the present law which insulates the small employer especially from being sued for medical malpractice or medical malfeasance or medical events that their employees incur in the process of dealing with the health insurer with which the small business individual has contracted, instead of having that insulation, that goes down, the wall goes down.

Under this bill, those employers, those small mom-and-pop employers especially—all employers for that matter—will suddenly find themselves being sued for medical issues.

A person who runs a restaurant with 30 employees is probably saying: I don't mind being sued if I put out a bad meal and somebody gets sick. That is my responsibility. But if one of my employees to whom I have given health insurance, which I think is important to them, goes to the local doctor and the doctor doesn't treat them correctly or they get bad advice from their insurance company on the way they should have been treated or their options, why should I, as the owner of the little restaurant, end up being drawn into that lawsuit? But I will be under this law, under this proposal as it is structured.

I find it consistently ironic that the Senator from North Carolina, who has his name on this bill, continues to say employers are not subject to suits when the bill specifically says employers are subject to suits. It says it in two places that are very significant.

He suggested I read his bill. I did read his bill. I might suggest he also take a look at his bill because it does not appear he has, if he continues to conclude employers are not subject to liability. No. 1, the language is, as we mentioned earlier on page 144, very specific. Granted, the headlines for the language are "exclusion of employers and other plan sponsors." But when it gets to part (B), it says, "notwithstanding [anything] in subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . ."

That is the term, "employer." I define "employer" as employer, not insurance company. I think anybody else would, too. So right there, at the base of it, employers are sued under this bill, and for a significant amount of responsibility here, because the definition of what an employer is going to be sued for goes on to say, "where the employer participated—had direct participation by the employer or other sponsors in the decision of the plan."

Direct participation has become an extremely broad term, as I mentioned earlier today. Basically, if the employer says, as you are heading off to the hospital—you are working for the restaurant; there are 30 people at the restaurant and you get burned in the kitchen and the employer says, you have to get down to the hospital, let me make sure you get to this hospital versus that hospital, the employer is libel. The employer is libel for how you are treated at that hospital under this bill.

Then there is this new cause of action, which is a massive new expansion of the ability of people to be sued, employers specifically, under this bill. This new cause of action is created by subsection 302, subsection (A)(ii), I think it is the right cite, on page 141 of Senator MCCAIN's bill:

> . . . otherwise fail to exercise ordinary care in the performance of a duty under the terms or conditions of a plan with respect to a participant or beneficiary.

Then, the agent or the plan sponsor is subject to be sued. Plan sponsors are, by definition of ERISA, employers. That is very clear, unequivocal in ERISA. So we are talking about the fact that there is now a new Federal cause of action for what amounts to the failure of a plan, the insurer, to give information which traditionally had been managed through regulatory activity—the failure of that plan to do a whole series of things.

I put up a list earlier of potentially 200 different places, between COBRA, HIPAA, and ERISA, that you would have a cause of action that could be brought on an activity of the insurer or people who are involved in the plan in a ministerial way as employers. They would now be subject to lawsuits in a Federal action. There would now be a Federal action against them on that in over 200 different places—not quite 200, somewhere around 200 different places where employers could be sued.

I understand—I was not here but it was represented to me by people who were here—that, once again, the Senator from North Carolina said that is not true; that only counts if it is a medically reviewable event. Then that brings in the employer.

I don't know. I think I can read language. The language is abundantly clear, and I don't think you can reach that conclusion because the language is clear. The language the Senator quoted in support of that position, which actually is a 180 degree exact opposite conclusion of what the Senator from North Carolina said, the point he was making, if it was correctly represented to me.

Under clause (2), again of 302, it says:

> IN GENERAL.—A cause of action is established under paragraph (1)(A) only if the decision referred to in clause (i) or the failure described in clause (ii) does not ["not"] include a medically reviewable decision.

Just the opposite. It is not because there is a medically reviewable decision that you get brought into this. It is because there was no medically reviewable decision, which means all these ministerial events, which have unlimited liability attached to them, can create the lawsuits against employers.

So employers are going to be hit with a plethora of new lawsuits from attorneys across this country. This is a whole new industry. We will have to probably build another 20 or 30 law schools across this country just to take care of all the new lawyers who are going to join the trade in order to make money suing people under this McCain-Kennedy bill. We are going to have to expand law schools radically, which may be good for law schools but I am not sure it is good for our society as a whole.

I want to go into a little more depth here, if I have a minute—I understand somebody else is coming to speak—on the specifics so I get it right, especially on this whole issue of the Federal tort claim, this new Federal action. This is a huge event which should not be underestimated. It is technical but it is huge and the implications are radical. We are going to get a chart put up just to make it a little easier for people to understand.

Basically what this bill does is it creates two new types of lawsuits in Federal court. Under the first type of action, participants can sue over a failure to exercise ordinary care in making nonmedically reviewable claims determinations. The second Federal cause of action broadly allows suits for failure to perform a duty under the terms and conditions of the plan. Remedies available under the two new claims, these two new ERISA claims, include unlimited economic and noneconomic damages and up to $5 million in what this new euphemism is, "civil penalties," otherwise known as punitive damages. I guess that was too punitive a word to put into this bill so they used the words "civil penalties."

They have created these claims. They have taken the tops off the liability and basically said, OK, go find an employer and shoot him dead with unlimited economic damages, unlimited noneconomic damages, and $5 million in punitive damages.

The second new ERISA claim, the terms and conditions in the one I just talked about, is extremely broad, covering virtually any administrative action that does not involve a claim for benefits, including the S. 1052 McCain bill new patient protection requirements under COBRA and HIPAA.

The McCain bill establishes a complicated scheme which attempts to limit Federal and State suits against employers provided the employer does not directly participate in the decision in question. It is a very complicated scheme, but what is the effect of it? The effect of this direct participation at this time will mean that employer protections are essentially meaningless for suits alleging a failure under the terms and conditions of the plan.

Further, the McCain-Kennedy bill continues to allow unfettered class action suits—including suits against employers—where no limits on damages would apply under the current law provisions of ERISA or other Federal statutes, including the RICO statute.

So you have, first, a whole new set of Federal claims created against employers, unlimited economic damages, unlimited noneconomic damages and $5 million of punitive damages, which essentially have a figleaf entry level that any good lawyer is going to be able to punch through called directed participation. Then you have the continuation of class action suits giving lawyers another forum with things such as the RICO statute.

Because employers inherently carry out their duties under the ERISA's statutory scheme, the McCain-Kennedy bill will leave employers wide open to new Federal personal injury suits. Employers will be sued based on alleged errors in:

Offering continuation coverage and providing notices under COBRA;

Providing certification of prior credible coverage under HIPAA's portability rules;

Distributing summary plan descriptions; describing the plan's claim procedures under the plan; and describing the plan's medical necessity or experimental care benefit exclusions.

Here are some of the others:

Also, providing notices of material reduction in group health plan benefits as required by ERISA.

These are all areas where they can be sued.

Also, responding to requests for additional group health plan documents under ERISA; and, finally, group health plan reports under the Department of Labor.

In all of these areas they can be sued. The list goes on and on. Employers cannot be sued on this today. All of this is new. This is a brand new litigation area.

As I said, we will need to add many new law schools in order to absorb all the new lawyers we will need in order to bring all of these lawsuits.

The McCain-Kennedy bill proposes up to $5 million for punitive damages for COBRA, HIPAA reporting, and disclosure violations despite the fact that all of these requirements have their own specific ERISA enforcement provisions.

In other words, under present law, there are already enforcement provisions for this activity and the ones I just listed. But they don't run to the employer to benefit the patient. The patient doesn't have an individual cause of action in this area. Rather, these are strong administrative procedures which keep the employer from violating the purposes of ERISA. But now we have punitive damages up to $5 million, unlimited economic damages, and unlimited noneconomic damages.

Some of the things that occur today in order to enforce these laws but which do not involve private cause of action as created under the bill are as follows:

There is a $100 per day excise tax penalty under Code section 4980B(b) violations of the COBRA requirements—tax penalties are up to $500,000 for employers and $2 million for insurers. There is an additional $100 per day civil penalty under ERISA section 502(c) for failing to satisfy the COBRA notice requirements. Plan participants may sue employers and insurers—for benefits and injunctive relief under ERISA section 502.

There is a $100 per day excise tax penalty under Code section 4980D(b) and a $100 per day penalty under section 2722(b)(2) of the Public Health Service Act for violations of the HIPAA preexisting conditions limitations provisions. In addition, plan participants may sue for benefits and injunctive relief under ERISA section 502.

Willful violations of ERISA's reporting and disclosure rules, including the requirements relating to the provision of SPD and documents upon request, are subject to criminal fines and imprisonment under ERISA section 501.

Failure to provide documents upon request is subject to civil penalties under ERISA section 502(c).

So you already have a very extensive administrative and legal liability situation for employers and insurers that do not meet the conditions of COBRA, HIPAA, and ERISA. But what you are now layering on top of that is a brand new concept where you have a private right of action, where individuals can go out and allege these violations as part of the injury they claim they received and have a whole new cause of action against the employer.

What small-time employer—what employer, period—is going to want to keep a health plan if they have that level of liability facing them?

McCain-Kennedy would impose potentially huge new compensatory and punitive damages remedies for violations of COBRA, HIPAA, and ERISA's disclosure requirements. Moreover, under the statute's own requirements, the employer is specifically required to carry out COBRA and disclosure requirements—the employer is almost always the administrator. Thus, McCain-Kennedy imposes a huge new liability on employers that employers cannot avoid; despite the fact that when Congress adopted COBRA and HIPAA with large bipartisan majorities no discussion was given to the need for punitive damages to enforce the new requirements.

Practically what you have here is a decision by the drafters of this bill to say we are not really so much interested in delivering better health care and in giving patients better health care; we are really interested in creating a massive new opportunity for lawsuits.

In doing that, I think they are accomplishing one of the goals—which I believe is a subliminal goal and maybe a more formal goal in truism—which is to create more people who are not ensured because that can be the only conclusion from their lawsuit structure. The only thing that can come from all of these lawsuits, from all of these new causes of action, and from all of the new pressures it will put on employers is that fewer employers will insure their employees, especially small employers.

Inevitably, there will be more uninsured. Why would anybody be for more uninsured? If you are around here and you want to pass a national health care plan, the biggest argument you have in your favor is that there are too many uninsured in our country, that the only way to handle the uninsured is to nationalize the system and put everybody into a national plan so everybody is covered.

We heard that argument interminably in 1993 when there were only 23 million uninsured. After 8 years of the Clinton administration, there are now something like 42 million uninsured. We have increased the number of uninsured people by 19 million over this approximately 8-year period when we were supposed to be improving our health care delivery system. And the call for a national plan will grow and grow as the number of uninsured grow.

If you pass this proposal, because of the costs it will create on employers and because of the increased cost in the insurance premiums, which the Congressional Budget Office scored at 4.2 for every 1 percent of increased cost, CBO estimates that 300,000 people will drop insurance. So 1.2 million people are going to drop their health care insurance.

Couple with that this huge, newly built, unintended consequence—intended consequence; it is not unintended at all—which will be that employers, and especially small employers, will simply say, I am not going to run the risk of being put out of business by these lawsuits which bring me personally into the fray.

Then you have the result that more and more people will become uninsured. Thus, more and more pressure is created in the marketplace of politics for a nationalized plan.

You have to remember, if you are a small businessperson and you are employing 20, 30, or 50, or even 100 people, and you are confronted with one of these law lawsuits—which you suddenly find you are confronted with because the Federal law has the ability of making you personally liable because you happen to be the employer or the health plan sponsor—what is your alternative? What are your alternatives as a small businessperson? You have to go out and hire an attorney. How much is that going to cost you? It will cost literally tens of thousands of dollars probably to defend yourself in court or you have to settle the suit. Even though you don't believe you owe anything, you have to settle the suit rather than pay the attorneys or you decide to pay the person who brought the suit. That is going to cost you a lot of money.

Either way, as a small employer, if you are running a mom-and-pop restaurant, it will probably wipe out your profit because you suddenly find that you are subject to lawsuits to which you were never subject before simply because you gave health insurance to your employees. It is absolutely the wrong result. We have heard a lot from the other side of the aisle about individuals who had serious problems with HMOs. We are all sympathetic to those individuals. Photographs that have been brought to this Chamber—and brought to this Chamber last time—by Members from different States are very moving photographs. But you have to remember, that is not the issue here because the proposal put forward by Senator NICKLES last time, the proposal put forward by Senators FRIST, BREAUX, and JEFFORDS, and the proposal from Senators KENNEDY and MCCAIN, all take care of those individuals' concerns. Those are straw men. None of those folks, I suspect—or the vast majority of them; I suspect none of them—would have the problems they had with their HMO if any one of those three bills passed because all those bills had a very aggressive procedure for redress for the person who believes they are not getting fair treatment from their HMO—very aggressive.

All of those bills had very extensive proposals for coverage of different types of services which people believe they have a right to, and should be able to get, and should not have to have their HMO telling them what it is they should have and what it is they should not have—whether it is their OB/GYN or specialists or a primary care provider. All of them have that language or rely on State law which has that language and which is equal to the language in the bill that is being proposed.

So those issues, as compelling as they are, truly are not relevant to the debate in this Chamber because under anything that passes this Chamber, you have a 100-percent vote to take care of those issues.

The question before this Chamber is whether or not we are going to drive up the costs of health care by creating new liability for employers, forcing employers to drop health care, and whether or not we are going to usurp the authority of States to set out their ideas as to how to address this issue, where many States have already done an extraordinarily good job and really do not need a Federal law in order to protect their citizenry because the protections have already occurred.

There are a lot of other issues in here, too—lesser issues. But those are the two big ones. That is what this debate is about. It is not about the folks who have not been treated well because those folks are going to be treated well under whatever bill passes. And it is not about people not being able to go to their health care provider and get the type of specialists or the type of treatment they want in a context which everyone would describe as reasonable because that is in every one of these bills.

It is about the cost of health care, the liability of employers, and the usurpation of States rights with States having the opportunity to legislate in the area of insurance which for years is something that has been a tradition in this country.

So as we go down the road—and hopefully we will get a final form of a bill to debate from—I believe that is the proper framing of this debate. I look forward to it.

I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I thank our dear ranking member for yielding to me.

I wanted to come over today in the 15 minutes we have left to talk about this version of the Patients' Bill of Rights. Lest this stack of legislation on my desk fall over and kill me, let me make the point that it seeks to make. This stack on my desk demonstrates our big problem in trying to bring up one of the most important bills we are going to consider in this Congress; a bill that, by the definition used by its principal authors, will cause net pay of American workers to decline by $55 billion over the next 10 years. Senator KENNEDY talks about the bill costing a Big Mac. It really is 25 billion Big Macs. It is a lot of hamburgers and a lot of dollars.

Looking toward the debate on one of the most important bills that we will consider, after having spent several weeks trying to analyze and understand the old version of the bill, S. 872, we now have a new version, S. 1052, and we understand that there is yet another version which is coming.

Why is this important? It is important because if we are going to debate an issue that will have a profound effect on every working American and every user of health care—which is everybody alive—it is vitally important that we know what the proposal is that we are going to debate. A perfect example of why that is important is the Clinton health care debate that we had in 1993 and in 1994. We kept hearing a debate from the White House about their bill, and what it did; but in reality, as that debate was in the process of beginning, we had one, two, three, four, five, six, seven, eight, then nine different versions of the bill.

Why was it changing so much? It was changing so much because it was indefensible. The problem is—at least the problem I had—is that every time I studied a new version, by the time we got to the floor of the Senate to debate it, the version had changed dramatically. It was not an insurmountable problem because each and every one of these versions wanted the government to take over and run the health care system. When the American people knew what they were trying to do, they were not for it.

But I think we can expedite this debate if we simply know what is being proposed. So I would like to propose to our colleagues a solution to our problem; and that is, if there is about to be a new version, and if the authors of the bill would give us their final version, then I believe that we could, with a couple of days' study, be in a position to debate the bill. And we could get on with it.

Why is this issue so important? You are going to hear a lot of debate about what this could mean to health care in America, what it could mean to the availability of health insurance. Why is that so important? First of all, it is important because I think people need to realize that when we debated the Clinton health care bill in 1993 and in 1994, the argument that was made throughout that debate was: Don't worry about the right to have choices. Don't worry about a point-of-service option. Don't worry about the right to sue. Worry about access to health care because the figure that was used in that debate was the latest number we had, as a good number, which was that 33 million people did not have health insurance. Today, 42.6 million people do not have health insurance.

What was the solution to that problem that Senator KENNEDY proposed in presenting the Clinton health care bill? The solution was to have the Government, through health care purchasing collectives—which would be these giant HMOs run by the government that everybody would be forced to be a member of—that the government was going to set standards for health care, and they were going to give these 33 million people access to health insurance.

The price we were going to pay was that you did not have any choice about joining this government-run HMO. You are going to hear Senator KENNEDY and others talk about forcing these private HMOs to have a point-of-service option. But he is not going to point out that in the original Clinton bill, the point-of-service option was that if the health care purchasing collective in your area did not approve a treatment, and the doctor provided that treatment, he was fined $10,000. And if you paid him separately for the treatment, he was sent to prison for 5 years.

You are going to hear a lot of debate about the right to sue HMOs, but you are not going to hear that 7 years ago, Senator KENNEDY, on behalf of Bill Clinton, proposed a bill that severely limited the right of anybody to sue a doctor or any health care provider or any faceless bureaucrat running a health care purchasing collective.

The argument 7 years ago was, forget about freedom. Instead, worry about the fact that 33 million people don't have health insurance and give up your freedom and let the government run the system, and we will solve that problem. That was the argument 7 years ago.

When people understood it meant that when your mama got sick she was going to talk to a bureaucrat instead of a doctor, the American people killed that proposal. But notice the 180 that has occurred in those 7 years. Today 42.6 million people do not have health insurance, almost 40 percent more than in 1989. But now we have a proposal before us that simply assumes that every employer absorbs part of the cost of increased health care that will come from the bill before us, however, we know that the increased costs will guarantee at a minimum that 1.2 million people will lose their health insurance.

Why, if we were willing to let the government take over the health care system 7 years ago because people didn't have health insurance, do we now, in the name of giving them the very rights we would have taken away from everybody 7 years ago, make it so that 1.2 million people, at a minimum, don't have health insurance who have it today?

I will explain the answer. I am deeply worried about people losing health insurance and I want to preserve private medicine in America. But if 7 years ago you wanted the government to take over the health care system, then if you destroy the health care system we have today, if more people lose their health insurance 2 or 3 years from now, you can come back and say: let's allow the government take it over to solve a problem which, in fact, you have created with a bill like the bill before us that vastly expands lawsuits and expands cost.

Now, why is this such a big deal? Why is there so much passion about this? Let me explain why. This simple chart explains why. This simple chart tells us how unique America is in all the world, and how different we are than any other developed country in the world. We have all heard of the G–7 nations. Those are the seven richest countries in the world.

What I have done in this simple chart is to take the G–7 nations and ask a simple question: What percent of the population in the seven most developed countries in the world get their health care through the government and what percentage get it through private choice, private health insurance and decisions that they actually control that relate to their family and their children? If this chart does not scare you, then I think there is something wrong.

What does this chart show? It shows that of the seven most developed and richest countries in the world, the United States is profoundly different in health care. Sixty-seven percent of Americans buy health care as a private purchaser through private health insurance and through individual choice; 33 percent of Americans get their health care through a government program.

When you look at the next freest country in terms of private decision-making regarding health care in the developed world, next to America, which has 67 percent of its people buying health care through their choice, through private health insurance, and individual decision-making, the next freest country is Germany, where 92 percent of health care is purchased through government programs and government decision-making.

As we go into this debate, why am I so concerned about driving up health care costs and forcing people to give up their private health insurance and forcing companies to cancel insurance? I can tell you why I am concerned. I don't want, 10 years from now, the United States to be up to 92 percent of its health care run by government or 99 percent of its health care run by government or 100 percent of its health care run by government. If you want America to be at the top of this list, then you don't care if the bill before us produces a situation where companies cancel health insurance because you have the answer already. The answer is government.

This is a big issue. This is one I believe deserves thoughtful deliberation.

Finally, I will pick three issues. I will use the old bill because that is the one I know. I have checked out the new bill and, with one exception, there is not a change. There has been one word dropped. I will explain why it is so important that we have a copy of the final bill so we know what is in it. Let me take three issues that will make my point.

The first issue is the one that there was a lot of talk about on the weekend talk shows. In fact, one of our Democrat colleagues was asked about suing employers. He responded: under our bill, you can't sue employers. Sure enough, if you open their bill up to page 144, right in bold headlines, it says that you can't sue employers. In fact, in a super-bold headline it says: Exclusion of employers and other plan sponsors. And then a subhead line called paragraph (A), it says: Causes of action against employers and plan sponsors precluded. Gosh, it sure looks like it precludes suing employers.

Then it says: Subject to subparagraph (B), paragraph (A) does not authorize a cause of action against an employer. But guess what. When you get down to paragraph (B), it says: Certain causes of actions permitted. Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor or against an employee of such an employer or sponsor acting within the scope of employment.

Why are we so concerned about getting to see the final bill before we debate it? Because the bill is full of these bait-and-switch provisions. Here in one paragraph it says you can't sue an employer, and then in another paragraph it says you can.

Let me give two more examples. One is, can you force an insurance company to pay for a benefit that is specifically excluded in the policy? Let's say the policy says that the plan does not provide coverage for heart and lung transplants and, as a result, the plan is cheaper. And so my small little company I work for buys the plan, and I know in advance it does not cover that. So the question is, are you bound by the contract? If you look at the bill on page 35, it sure looks like you are. In fact it says no coverage for excluded benefits. And then it has a paragraph that tells you if they are specifically excluded, they are excluded. Until you turn over to the next page and it says: Except to the extent that the application or interpretation of the exclusion or limitation involves a determination under paragraph 2.

Then you turn back two pages and you see that anything that is medically reviewable or has to do with necessity or appropriateness can be mandated, even if the contract specifically excludes it. In other words, another bait and switch.

The PRESIDING OFFICER. Under the previous order, the time controlled by the minority has expired.

Mr. GRAMM. Let me say, we will have plenty of time to debate this and I will continue my examples later. However, the point I wanted to make now was that we need to see the final version of the bill so we can prepare to debate it.

Maybe if we can take some of these inconsistencies out, we could be closer to having an agreement than we think we are. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I only caught the tail end of the remarks by the Senator from Texas. But I will just point out that this bill, which we are hoping to consider today, has been in the works for years. It has gone through a number of drafts; it has been voted on in previous incarnations. It is not a new issue. It is ready for the full debate and disposition in the Senate. It is not like a budget bill that is presented without any debate and without any adequate preparation, as we experienced a few months ago. This is an issue that is more than ripe for the consideration of this body.

I thank Senator DASCHLE for making the McCain-Edwards-Kennedy Patients' Bill of Rights the first bill he has brought to the floor as our Senate majority leader.

I really rise today on behalf of the countless New Yorkers, and really millions of Americans across our country, who have been waiting for this day for a very long time. I heard some remarks by the Senator from Texas about the efforts that were made, I guess, 6, 7 years ago now, to try to provide health care coverage to every single American. I was deeply involved in those efforts, and although we were not successful, the goal was one that I think we should still keep at the forefront of our minds and hearts because when we began our work in 1993, there were approximately 33 million Americans without insurance; today we are up to 42 million. This is after the so-called managed care/HMO revolution occurred, where people have been finding it harder to afford coverage, afford the deductibles, afford the copayments, with the result that we have more people uninsured today than when many of us tried to address this problem some years ago.

There are many urgent health care issues before us as a nation such as sky high prescription drugs for our seniors, too many without adequate coverage, and once they have Medicare they can't afford the additional coverage that is required in order to give them the kind of health care they should have. There are gaps in our health safety net, a shortage of nurses in our hospitals and nursing homes, and the very difficult conditions under which so many of our nurses now labor. And, of course, there is the growing crisis of the uninsured. So we have our work cut out for us in order to deliver on the promise of quality, affordable, accessible health care for all Americans.

That is why I am urging we proceed without further delay or obfuscation and pass a Patients' Bill of Rights—the bipartisan Patients' Bill of Rights that Senators MCCAIN, EDWARDS, and KENNEDY have worked so hard to present, which has bipartisan support in the House.

We have to finish this job. We have been laboring over it since 1996, in earnest with the efforts within both Houses of Congress since 1997. We have now been waiting and waiting for the Congress to act. Now is the time.

I believe we should act not because it has been on the agenda for a long time, although it has, and not because it is one of those issues to which finally the stars seemed aligned and with the Democratic majority now in charge of the Senate we can actually get it to the floor but because of the patients and their families who are out there waiting and literally praying for us to act.

Each of the patients I have met and heard from, and each of the families whom all of us have heard from, tell a story that describes an urgent situation needing timely and responsive care. That is why this bill is so important.

It is about getting the care you need when you need it. It is about getting care in a timely manner from doctors you trust and choose. It is about having doctors and nurses in charge of your health care, not accountants and bookkeepers.

My colleague, TOM HARKIN from Iowa, had a memorable phrase today at the press conference. He said, "The American people don't want their doctors doing their taxes and they don't want their accountants providing their health care."

Each of us should be able to look to our doctors, our nurses, our health care professionals for the care that we trust and need. This is about access to an emergency room when we need it.

I recall being in Ithaca, NY, about 2 years ago and meeting a young woman who came to see me with a stack of medical records, literally a foot high, just desperate. She had been in a very dangerous, nearly fatal accident on one of those winding roads that go through that beautiful part of New York. Some of you may have traveled through Ithaca or may have gone to Cornell. You know what beautiful country it is, but it has also a lot of winding roads. She was in a devastating accident, lying unconscious on the side of the road. Luckily, someone came upon her and called for aid and they were able to medivac her out with a helicopter, save her life, and she was in hospital care and rehab for nearly a year. She gets out and what does she find? She gets a bill from her HMO for the helicopter medivac emergency service because—get this—she didn't call for permission first. She is unconscious on the side of the road and they want to charge her $10,000 because she didn't call for permission.

So this is about getting the emergency care you need when you need it. It is about seeing a specialist when you need it, when your doctor says: I have gone as far as I can go; you need to go see a specialist. It is about women being able to designate their OB/GYN as their specialist, and about mothers and fathers being able to designate their pediatrician as their child's general practitioner as well. It is about all of these and more—the kinds of issues that are not just written somewhere in a headline but are lived with day in and day out, which are talked about around the kitchen table, around the water cooler—the life-and-death issues that really make a vital difference to families all over New York and America—families such as that of Susan Nealy, from the Bronx, whose husband had a serious heart condition but whose referral to a cardiologist was delayed a month. The day before the appointment was finally scheduled, Mr. Nealy died of a massive heart attack, leaving behind his widow and two young children, ages 5 and 3.

It is like the family of the 15-year-old boy from New York who developed complications from heart disease, but his health plan refused to allow him to see an out-of-network specialist familiar with the case and instead sent the teenager to a network provider who did not see him for 4 months, and then the boy's lungs were filling with blood, and 2 days later he collapsed in the street and died.

These are just two of the stories I could pick from my innumerable conversations and letters that I have received. There are so many more we could tell.

For every one of these stories, there are untold stories of families whose struggles for the care they needed were denied or delayed. According to patient reports, health plans delay needed care for 35,000 patients every day. In fact, delayed care and payment is a business practice that health plans have perfected.

I have heard from many doctors who tell me that each day a health plan withholds payments represents literally thousands of dollars in interest that a health plan could earn. The practice of delay is so widespread that there is a term for it. It is called "living off the float." Unfortunately, not everyone who is subject to it actually ends up living.

Look, I don't blame the accountants and the bookkeepers. They are trying to maximize their shareholders' return, their profits. That is the business they are in. But this cannot go on. There have to be rules that say you must, regardless of your being in business and regardless of having to make quarterly returns, put patients, doctors, and nurses first.

The physicians and nurses I speak with are so frustrated about this. They are caught between the sharp conflict, between business practices that I personally think are unscrupulous, but nevertheless they are engaged in, and the principles of the oaths that they take to do no harm, to get the health care to the patient when the patient needs it when it can do some good. Life-or-death situations rarely wait for prior authorization.

Last summer, I met Dr. Thomas Lee, a neurosurgeon at the Northern Westchester Hospital Center, just up the road from where we live in Chappaqua. Dr. Lee was called to the emergency room one day about a year ago because a patient—not his patient; it was someone he had never seen before—a young woman in her early thirties collapsed at work. She was brought to the emergency room.

Dr. Lee did his neurosurgical analysis, did the tests that were necessary, and discovered this young woman had a very serious tumor that was pressing on vital parts of her brain and needed to be operated on.

They found her husband, thankfully, and they called the HMO that insured the family and asked for permission to perform the surgery right then. Dr. Lee said it was, if not a matter of life and death, a matter of paralysis and normal life, and they were denied. They were told that because Dr. Lee was not one of their network physicians, because the Northern Westchester Hospital Center was not the hospital center they preferred to use, he could not do the surgery.

For 3 hours, Dr. Lee, his nurse, and the hospital staff were engaged in an argument with the HMO instead of performing the lifesaving surgery. It breaks one's heart to think about this neurosurgeon who could be saving lives getting on the phone trying to get permission to do what he is trained to do.

Finally, he was so fed up, he said: Look, this young woman's life is at stake. I will perform the surgery free of charge so long as you will cover the hospitalization. With that deal struck, the HMO let him proceed.

I am very proud Dr. Lee is practicing medicine in my neck of the woods, but I do not expect doctors and neurosurgeons to perform lifesaving heroic surgery for free. That is not the way the system is supposed to work. These are people who go to school for decades to do this work, and they deserve the respect and compensation we should be putting into our health care system, not to satisfy HMOs but to pay for the services of trained physicians and health care professionals.

For the past 5 years patient advocates have worked on this bill, and we have seen every delaying tactic one can imagine. I had a front seat to this when I was down at the other end of Pennsylvania Avenue. We were working very hard to get this bill through the Congress. Every excuse one can come up with was thrown in the way. It became so frustrating to all of us who knew that lives were at stake, care was being denied and delayed; that passage of needed protections was being derailed.

We come to this day. Luckily for us, we are here not only because it is the right thing to do but because States and courts have realized they just cannot wait any longer. They have seen firsthand what is going on in our country.

New York passed a State managed care protection bill in 1996; they even passed a law in 1998 to strengthen the protections—all before the Congress chose to act. Many more States have passed such protections, including Texas, specifically aimed to permit injured patients to hold their health plans accountable for their injuries.

President Clinton signed an Executive order giving 85 million Americans with federally sponsored health care, such as Medicare and Medicaid, protections similar to what we are trying to give to all Americans through a 1998 act.

Even Federal courts, notably in the case of Andrews-Clarke v. Travelers Insurance, have urged the Congress to act. In that case, Judge William Young states:

> Although the alleged conduct of Travelers and Greenspring in this case is extraordinarily troubling, even more disturbing to the Court is the failure of Congress to amend a statute . . . that has come conspicuously awry from its original intent.

Yet because of our failure to enact such a statute, at least 43 percent of all Americans with employer-sponsored private coverage are still left out in the cold. These Americans cannot afford to wait any longer. Forty percent of Americans know that passing a law today is even more urgent than it was 2 years ago, and a majority of them thought it was urgent then.

Let's work in a bipartisan way. This bill is bipartisan. Senator McCAIN, Senator EDWARDS, and Senator KENNEDY have all worked to get to this point. They have all made compromises. Their bill is the only bill before the Senate that applies to all 190 million Americans with private health coverage. It is the only bill before the Senate that has all the protections of Medicare and Medicaid. It is the only bill that has the support of over 500 consumer and provider advocates.

Anybody who knows anything about some of these provider groups, such as the American Medical Association, knows that Congress is not their preferred venue. They are not keen on having the Congress tell them to do or not do anything, but doctors are so frustrated that even the American Medical Association has come time and again asking that this bill be passed.

It is the only bill that guarantees coverage for the routine costs of FDA-approved clinical trials which are so important to patients with cancer and so important particularly to children with cancer.

This is the only bill that guarantees an internal and external review as soon as it is medically necessary.

In sum, this is the only bill before the Senate that protects patients, not HMOs.

Just as delaying tactics by managed care organizations have injured and even killed millions of Americans over time, delaying tactics by the opponents of this bill have taken their toll.

I want my colleagues to look at this patient survey that is behind me. Each day, 35,000 patients have a specialty referral delayed or denied; 18,000 every day are forced to change medications as a result of their health plan's determinations—not their doctors but their health plans.

When I say "health plans," I mean somebody sitting in an office, usually hundreds of miles from where the patient or doctor is, second-guessing the doctor, saying; I am sorry, your doctor may have 30, 40 years of practice and experience, but I am going to sit in this office without ever having seen you and decide that I can second-guess what kind of prescription medication you should have.

Forty-one thousand patients a day experience a worsening of their condition because of actions by their HMOs.

One can go through this list and see what patients are saying. Then one can look at another list that comes from surveys of doctors, those who are on the front lines. They are saying they believe their patients are confronting serious declines in their health from plan abuse. This is the kind of information that concerns me because when I go to the doctor, I expect my doctor to take care of me. He or she has sworn an oath, they have been well trained, and I have checked them out. I feel like I am putting myself in someone's hands whom I can trust, and doctors are saying they are not being permitted to practice medicine. They are being told they have to subject their decisions to people they have never met nor seen.

It is because of the desire of HMOs to slow down payment, to deny payment, to keep that float I talked about going, basically to use the money they should be paying to doctors and hospitals for taking care of us for their own purposes, for their own profits, for their bottom lines.

In my office I keep a picture of a young, beautiful woman named Donna Munnings. This is Donna. This is a young woman who reminds me every single day when I look up at her picture in my office of what can happen when the system does not respond until it is too late. Donna's mother Mary is a school bus driver from Scottsville, NY. She has been lobbying and advocating for this bill for years. Her daughter Donna died February 8, 1997, after having visited her primary care physician repeatedly, only to be told that she had an upper respiratory infection and suffered from panic attacks and that no diagnostic tests were necessary. Had the doctors performed a $750 lung scan in time, they would have seen not an upper respiratory infection but a football-sized blood clot in her lung.

Her mother Mary said:

> In my subsequent research I found that HMOs can and do penalize doctors for ordering tests which HMOs feel are unnecessary. But all for the sake of money [all for the sake of a $750 test] we lost a vital, beautiful young lady who had only begun her life.

We are going to hear a lot of debate. In fact, we are debating whether we can even proceed with this bill: Yet more delaying tactics, yet more efforts to obstruct the kind of care that every one of us needs. I can guarantee the people out in that lobby and the people in the offices they represent, they would not stand for not getting the care their child needs. If they had a daughter who was suffering day after day after day, and the doctors could not tell her what was wrong and they kept sending her home, I can guarantee that those executives and those lobbyists would get some other source of care for their daughter.

But Mary is a school bus driver. She didn't know where else to turn. Having insurance was a pretty big deal. They didn't know what else to do, other than just keep going back, as Donna's condition got worse and worse and worse.

Patients buy health insurance in order to feel assured that when they seek care under the benefits for which they have paid, that care will be available and it will be available in time to be effective. Yet we know that that does not happen. In one State, the State of New York, according to Department of Insurance statistics, of the nearly 18,000 HMO decisions challenged on appeal, over 10,000 were reversed. This means that when patients can test their HMO's decision to deny needed care, over half the time the patients are right.

Yet, through a loophole in Federal law, there are too many consumers in New York—over 2.25 million—who still are not protected against these incorrect and dangerous decisions. They have no recourse. There is nothing they can do because we have not given them a Patients' Bill of Rights. They need a Federal law to give them the parity and protection their neighbors and coworkers have.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. CLINTON. I am happy to yield.

Mr. DURBIN. I believe the Senator from New York was at a briefing this morning where we discussed the experience in the State of Texas. In 1997, a certain Governor of Texas, who has now moved to Washington, had a Patients' Bill of Rights established in Texas. Maybe the Senator from New York can help me with these numbers, but I believe in the 4-year period of time that the State Patients' Bill of Rights has been in effect in Texas, there have been 1,300 appeals of decisions by insurance companies and only 17 lawsuits filed in 4 years.

So the argument that giving the people the right to go to court will mean a flood of cases brought in court has been disproven in the home State of the President. Does the Senator from New York recall that?

Mrs. CLINTON. Indeed, the Senator from New York does recall that. I appreciate the Senator from Illinois raising that because that, of course, is one of the objections the opponents are trying to throw up, that this bill will open the floodgates for lawsuits. In Texas that has not happened. It has not happened anywhere in the country where these protections have been afforded under State law.

People are not rushing to the courthouse. They want the care that they need. They don't want a lawyer; they want a doctor; and they want the doctor to take care of them according to the doctor's best judgment. That is what doctors are telling us. They are not being permitted to do that.

I appreciate my friend from Illinois raising that point because, as this debate proceeds, you are going to hear a lot of arguments about why we just cannot do this. You know, we just cannot take care of Donna and her mother Mary and all the other Donnas and Marys in our country. There will be all sorts of red herrings and all kinds of arguments made that just do not hold water. There is no basis in fact for them, but they sound good. Maybe they will scare some people. But we are tired of being scared and intimidated. This is no longer just a political issue, this goes to the very heart of who we are as Americans.

Are we going to take care of each other? Are we going to let doctors and nurses practice their professions? Or are we going to turn our lives over to HMO accountants and bookkeepers and the like?

I am hoping we will not only proceed to this bill, which deserves a full hearing, deserves a full debate, and deserves a unanimous vote in this Chamber. I hope when we pass this, we will be sending a very clear message to all the mothers and fathers and family members that this will never happen again. This beautiful young woman whose life was cut short tragically would still be with us today if that HMO had just said: maybe we should let you go ahead and have that test.

I look forward to working with my colleagues. This has been 5 years in the making. Let's end the politics of delay and move forward with the motion to proceed.

The PRESIDING OFFICER. The Senator from Nevada.

(Disturbance in the visitors' gallery.)

The PRESIDING OFFICER. The galleries will cease making a display. Any expressions of approval or disapproval are not permitted in the Senate gallery. The Sergeant at Arms will enforce it.

Mr. REID. Mr. President, I propounded a unanimous consent request some time ago that the Senator from New York was to be recognized until 4:15, the Senator from New Jersey from 4:15 to 4:30. There is no one here on the other side. The Senator will proceed until Republicans show up.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, this debate is symbolic in many ways. It holds the prospect of ending a five-year effort to pass meaningful HMO reform.

A Patients' Bill of Rights that recognizes, that while the move to HMO based health care may have started with the best of intentions, the results have been less than spectacular.

Beyond the prospect of finally enacting HMO reform, this debate marks the beginning of the tenure of TOM DASCHLE as majority leader. It is a testament to the priority that he and our caucus have given to this issue, that it is the first legislation we have brought to the floor. For too long this debate has been one-sided and bottled-up by partisanship.

I was hopeful that Majority Leader DASCHLE's earlier commitment to a full and fair debate on amendments would begin this debate on a positive note. However, I am disappointed that my colleagues on the other side have objected to the motion to proceed and that it potentially will be days before we can begin the debate on amendments.

The Senate HELP Committee has done a study and found that each day of delay on this issue has very real consequences. Every day 41,000 patients experience a worsening of their condition, 35,000 patients have needed care delayed, 10,000 patients are denied a diagnostic test or treatment, and 7,000 patients are denied a referral to specialist.

As important as the education debate over the past month has been, no issue will touch more families than what we do on HMO reform.

Today, more than 90 percent of working Americans receive insurance from their employer. Most do not have a choice about the type of coverage. This means that many working families are stuck with an HMO despite any concerns they may have with the quality of care they receive. There are over 160 million Americans with HMO insurance.

Mr. President, 33 percent of the residents of my state—2.3 million—are in an HMO. A vast majority of these Americans are in favor of and are demanding fundamental change in the way HMOs provide care.

A poll by the Kaiser Family Foundation conducted just 60 days ago found that 85 percent of Americans want comprehensive HMO reform. These Americans believe, as I do, that doctors, not HMO accountants should be in control of medical decisions.

The reality is that HMOs are a product of the runaway health care inflation of the 1970's and 1980's that drove the ranks of the uninsured.

It was hoped that by providing a predetermined list of doctors and medical coverage, the costs of medical care could be contained and coverage provided to more people. But after three decades of cutting costs and services to keep costs low, it is clear that HMOs have failed to strike the necessary balance.

Today, we are faced with a situation where medical decisionmaking is disproportionately in the hands of insurance company bureaucrats. That is why, from patients to doctors, there is unanimity in making some common sense reforms.

While Washington has been paralyzed by partisan gridlock, state legislatures have been debating and acting on this issue for years.

For example, my state of New Jersey became a national health care reform leader with the passage of the Health Care Quality Act in 1997.

The law now prohibits gag clauses, provides an independent health care appeals program and requires that insurers provide clear information on covered services and limitations. These reforms, long sought by Democrats and consumers, were passed by a Republican legislature and signed by a Republican governor.

But no matter how many individual states act, the reality is that an overwhelming number of Americans won't be protected because their state laws are exempt under ERISA.

Mr. President, 83 percent—124 million—of Americans who get their health care from their employer are not covered by state laws, and 50 percent of people enrolled in an HMO in New Jersey are exempt from State protections.

Originally designed to protect employees from losing pension benefits due to fraud, the Employee Retirement Security Act of 1974 has provided HMOs with immunity from state regulations for their negligent behavior. So despite the progress in states like New Jersey, complaints about the quality of care by HMOs continue to rise.

A survey by Rutgers University and the state Department of Health found overall that one in four New Jerseyans enrolled in an HMO was dissatisfied with their health plan. Last October a state report card found that patients in NJ were less satisfied with their HMO care than the previous year.

The bipartisan legislation being brought to the floor this week, is supported by more than 500 doctor and patient rights groups, and will finally extend patient protections to all Americans in an HMO.

This promises to be a long debate and while I look forward to dealing with many of the important details, I want to outline the fundamental principles we must address.

Under current practices, many HMOs force a patient with a chronic condition like heart disease to be treated by only the family doctor. The Kennedy-Edwards bill will guarantee access to a cardiologist or other needed specialist, even one outside his or her network.

Currently, if your sick or suffer an injury while traveling or on vacation you must get prior approval from your HMO before going to the emergency room. Our plan will ensure that a patient could go to the nearest emergency room without having to first get permission from the HMO.

Under current HMO policies, many women must obtain a referral from their primary care doctor before seeing an OB/GYN. This bill will guarantee access to an OB/GYN without a referral.

HMOs often force a child with a chronic, life threatening condition to seek approval from a primary care doctor before seeing a specialist. The Kennedy-Edwards plan would ensure a child with cancer, for example, would have the right to see a pediatric oncologist whenever the care is needed.

Today, many HMOs restrict physicians from discussing all treatment options with their patients and cut reimbursement rates for doctors who advocate with the HMO on behalf of their patients. This bill will prohibit HMOs from financially penalizing doctors who provide the best quality care for their patients.

HMOs typically have the last word when they decide to deny a needed test, procedure or treatment. We will guarantee medical decisions by HMO bureaucrats will be subject to a swift internal review and a fair external review process.

And when reckless medical decisions made by HMOs injure or kill, they are shielded from any responsibility. Now we will finally ensure that all Americans will have the right to hold HMOs accountable in court.

These protections will provide a new sense of health care security but undoubtedly over the next weeks we will hear arguments that the price for these protections will be higher cost and increases in the uninsured. But the CBO report on this legislation states that it would increase premiums by only 4.2 percent over 10 years, this will mean a little over $1 per month for the average employee.

There will be arguments that this is unnecessary because HMO's have responded to criticisms and already provide these protections. If this were truly the case, then costs should not rise at all.

They will also argue that with every one percent increase in premiums, approximately 300,000 Americans lose their health insurance coverage. But in 2000, when overall health insurance premiums increased 10 percent, the number of uninsured actually dropped.

Mr. President, we will debate many issues in this Congress but none with more impact on more people than this.

I want to thank our new majority leader, Senator DASCHLE, for bringing this to the floor so quickly and I look forward to its debate.

The PRESIDING OFFICER. Under the previous order, the time controlled by the majority has expired.

Mr. TORRICELLI. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to address the issue of a Patients' Bill of Rights. As a physician, and as one who has participated very directly in this debate over the past several years, I am one who welcomes the opportunity to have discussion on this important issue over the coming hours and days and over, I assume, the next couple of weeks.

We do have a unique opportunity, I believe, to pass a strong bill of rights for patients, an enforceable bill of rights for patients, under the leadership of President George Bush as he outlined in his principles last February.

As the American people listen to us discuss this legislation this afternoon, tonight, and over the coming days, I hope they will understand broadly that we, as a body, whether it is Democrat or Republican, will come together in this session and pass a bill that I am very hopeful will be signed by the President of the United States. I am confident that he will sign it if it is consistent with the principles that he outlined.

The bill that is going to be brought to the floor, the McCain-Edwards-Kennedy bill, is a starting place. We can't end there because, yes, it has the patients' protections and appeals process, external and internal, but at the same time it opens floodgates to a new, massive, repetitive wave of frivolous lawsuits which very quickly translate down into increased costs and increased charges.

Much of that money that is taken out of the health care system goes into the pockets of trial lawyers. Increased costs translate very directly down to loss of insurance, as we talked about the uninsured that are increasing 900,000 to 1 million every year.

We absolutely must, as we address gag clauses, access to specialists, admission to emergency rooms, and clinical trials, and as we look at patient protection, bring some sort of balance to the system to make sure that if there is harm or injury—after exhaustion of internal and external appeals processes—that compensation to that patient is full, if there has been injury or if there has been damage. But we can't allow exorbitant, out-of-control lawsuits because they drain money out of the system itself. It drives premiums up and punishes the working poor. They are the ones right now who are having a hard time struggling to even buy that insurance, even when it is in part covered by their employer. That is why when we drive these premiums up—whether it is 1, 2, 3 or 4 percent for every 1 percent—the increased cost drives those premiums up, and about 300,000 people lose their health insurance.

When we get into the business of mandating patient protection, those rights cost money. Somebody has to pay that money in some way. It is the people. It is distributed throughout the premiums. When those premiums go up, some people can't afford to buy them anymore, and they forego that insurance.

That is the sort of balance that we need to at least be aware of as we are on this floor debating.

I look forward very much to participating in that debate as we go forward on having this strong, enforcement patient bill of rights, which has strong access to emergency room, access to clinical trials, access to specialists, and elimination of gag rules. If there is any sort of concern about whether or not benefit is given when there is harm or injury—with strong internal and external appeals with an independent physician making that final decision, and then, yes, at the end of the day, if there has been harm or injury—the external review system of the physician says the plan made a mistake, sue the HMO, but do not sue the employer. Sue the HMO and not the employer.

I see my colleague from Wyoming is with us today. I am going to yield my time and look forward to participating either later tonight or tomorrow in this debate.

Just as an aside, I enjoyed very much working with the Senator from Wyoming over the last several years as we have addressed this issue. Everybody has been so entrenched. At the same time, we have been studying this issue and working hard. He is one of our colleagues who has invested a tremendous amount of time putting together a Patients' Bill of Rights that really meets the balance of getting health care to people when they need it rather than focusing on these frivolous lawsuits which might potentially hurt the patient.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Mr. President. I thank the Senator from Tennessee for his comments. I thank him for the tremendous job he has done. He is the only doctor in the Senate. He has done a tremendous job of educating us in all of the areas of a Patients' Bill of Rights and medical care and has saved quite a few people along the way. We really appreciate that. I particularly thank him for the education he has given me.

Mr. President. I rise today to join all of my colleagues in calling for a Patients' Bill of Rights. The President has clearly stated his desire to sign a bill into law, but has also been very clear on what he won't sign. I support his goal of protecting Americans that have been mistreated by their HMO, and I also support his goal of only enacting a bill that will preserve access to insurance for those that already have it, and increase access for those Americans that are uninsured. The legislative and political history on this matter stretches back a ways. In fact, in three of the four-and-a-half years I have been in the Senate, we have passed a Patients' Bill of Rights. I hope to keep that streak going this year, only I hope what we pass finally gets signed into law to the benefit, not the detriment, of consumers.

While there is a lot of consensus between all parties on the need for a number of patient protections, a strong internal and external appeals process, a right to hold health plans accountable in certain instances, and an assurance that all Americans be afforded such protections, there remains some disagreement on key issues.

First, the appeals process should be meaningful and required because it gets people the right care, right away.

Second, limitless lawsuits help lawyers, not patients.

Third, turning state regulation of health care on its head is a losing prospect for consumers whose needs have historically been better served by their own state insurance commissioner. While I would like to spend my time today making a general statement about the need for a Patients' Bill of Rights, I plan to revisit in detail the issues I just mentioned as the debate moves ahead.

During both the Floor debate and earlier in the Health, Education, Labor, and Pensions Committee consideration of the Patients' Bill of Rights, I asserted strong positions on several key components of the managed care reform debate. I wish, once again, to reiterate my support for adoption of a bill that protects consumers, improves the system of health care delivery and shrinks the rolls of the uninsured. I will do everything I can to prevent increasing the number of uninsured.

I believe that as we consider a bill as important as the Patients' Bill of Rights, we must never lose sight of our shared goal of having a strong bill. The politics should be left at the door in our effort to emerge with the best policy for patients. That was the commitment the principals in the conference made to the public more than a year ago.

I really cannot go further without commenting on that conference. I have been told by my more senior colleagues that Members have never logged as many hours in trying to thoroughly understand and work a bill as we did last year. The effort was not in vain. We learned a tremendous amount about the value of enacting a good Patients' Bill of Rights. We also learned that preserving access to quality health care is the most important patient protection we can provide to consumers.

Together, Senators GREGG, FRIST, GRAMM, JEFFORDS, and HUTCHINSON, Chairman NICKLES, and I demonstrated every day our commitment to doing the right thing for patients. I offer a special thanks to Senator NICKLES for being a patient gentleman as he led us through this negotiation process.

I do think, as that process went on, some saw the possibility that we would complete it. Most of us thought it would be completed. Some thought it was better as an issue than a solution and jumped out of the processes and started bringing votes back here in this Chamber. We could have had this done last year.

All of the bills we have ever considered, including the bill before us today, have offered a series of patient protections to consumers—direct access to OB/GYN and pediatric providers, a ban on gag clauses, a prudent layperson standard for emergency services, a point-of-service option, continuity of care, and access to specialists—that would provide all consumers many of the same protections already being offered to State-regulated health plan participants.

This is a bill for managed care. There are already State protections for State-regulated health plan participants.

Additionally, health plans would be required to disclose extensive comparative information about coverage of services and treatment options, networks of participating physicians and other providers, and any cost-sharing responsibilities of the consumer.

All of these new protections are crowned by the establishment of a new, binding, independent external appeals process, the linchpin of any successful consumer protection effort.

While I still do not believe that suing health plans is the biggest concern of consumers, holding health plans accountable for making medical decisions is a key component of a Patients' Bill of Rights.

For the record, I believe the biggest concern of patients is getting the best health care they can get, right when they need it most, not the ability to sue. Most people I know value their health over all else. Money does not buy happiness, but good health can make a nice downpayment.

Our success will absolutely be measured by whether we get patients the medical treatment they need right away. Everyone agrees that the essential mechanism is an independent, external appeals process. The last thing we should do is establish a system that would require patients to earn their care through a lawsuit. It is for this very reason that the bill I will support securely places the responsibility for medical decisions in the hands of independent medical reviewers whose standard of review is based on the best available medical evidence and consensus conclusions reached by medical experts. These decisions would be binding on health plans.

One of the specific concerns that will be directly addressed by the independent review process is that of the "medical necessity or appropriateness" of the care requested by the patient and their physician. Consumers and health care providers have repeatedly requested that there be a prohibition on health plans manipulating the definition of "medical necessity" to deny patient care. I think all of the bills have attempted to address this concern. I do have concerns, however, about how the bill before us goes beyond addressing this concern and obviates the health care contract altogether, eliminates the contract altogether. Imagine trying to price the contract if you do not know what the contract contains. That provision will have to be fixed in the final bill.

The issue of ensuring that patients receive medically necessary and appropriate care they have been promised in their contract has been addressed by a number of States already through the appeals processes they have established. Many employers and health plans already voluntarily refer disputed claims to an independent medical review. But when it comes to formal Federal action pertaining to the employer plans regulated solely by the Department of Labor, we are just now examining how to proceed. In other words, it works at the State level; it has not worked at the Federal level. Now we are considering a Federal solution.

Since its inception in 1974, this is the first major reform effort of ERISA, the Employee Retirement Income Security Act, as it pertains to the regulation of group health plans. The focus of the mission—regardless of politics—should be to protect patients. Protecting patients means not only improving the quality of care but expanding access to care and allowing consumers and purchasers the flexibility to acquire the care that best fits their needs.

This leads me to another concern I have with the bill before us. It requires States to forsake laws they have already passed dealing with patient protections included in the bill if they are not the same as the new Federal standards. The technical language in the bill reads "substantially equivalent," "does not prevent the application of," and under the process of certifying these facts with the Secretary of Health and Human Services, the State will have to prove that their laws are "substantially equivalent and effective patient protections."

The proponents of this language say it will not undo any existing State laws that are essentially comparable. But that is not what their bill requires. Instead, when I see the requirement of "substantially equivalent," I read that if there is any difference, then they are obviously not equivalent and do not meet the test. What does "substantial" mean? And how does it modify "equivalent" at the end of the day? These questions are not being answered.

Is it that the proponents aren't overly concerned with the implementation of the law versus being able to say that their bill meets the political test of covering all Americans, regardless of existing meaningful protections that State legislatures have enacted? If the laws just have to be comparable, then why don't we use that phrase?

I am very leery of one-size-fits-all legislation. Every State has differences, geographical differences, differences in the mix of people, differences in distance, differences in climate, and, more particularly, differences that affect medical care.

In Wyoming we have few doctors, we have few people, and we have lots of miles. We do not have competing hospitals anywhere in the State. And we have a need for doctors—I love this—we have a need for doctors, including veterinarians, in every single county.

I will get into this issue in more detail as the debate proceeds. I do believe we can strike a compromise on the matter of scope, but I cannot state strongly enough my objection to wrenching from States their authority to regulate on these matters.

The only hard proof we have right now is that States are, by and large, good regulators, while the Federal Government has done a lousy job regulating on behalf of its health care consumers. The General Accounting Office has been reporting that to us since we passed the Health Insurance Portability and Accountability Act, HIPAA, in 1996. And that is the consumer enforcement protection mechanism around which the bill is written.

I know I am on the verge of sounding like a broken record, but I would like to sketch out the effect of the bill's scope, as it is currently drafted. It is done best with a story about Wyoming. Wyoming, as I mentioned, has its own unique set of health care needs and concerns. Every State does. For example, despite our elevation, we do not need the mandate regarding skin cancer that Florida has on the books.

My favorite illustration of just how crazy a nationalized system of health care mandates would be comes from my own time in the Wyoming Legislature. It is about a mandate for which I voted and still support today. You see, unlike in Massachusetts or California, in Wyoming we have few health care providers, and their numbers virtually dry up as you head out of town. We can see every single town by driving outside of it. They do not run together anywhere.

So we passed an "any willing provider" law that requires health plans to contract with any provider in Wyoming that is willing to do so. While that idea may sound strange to my ears in any other context, it was the right thing to do for Wyoming. I know it is not the right thing to do for Massachusetts or California. I wouldn't dream of asking them to shoulder that kind of a mandate for our sake, when we can simply responsibly apply it within our borders.

What is even more alarming to me is that Wyoming has opted not to enact health care laws that specifically relate to HMOs because there are no HMOs in the State, with one exception, which is very small and is operated by a group of doctors who live in town. They are not a nameless, faceless insurance company. Yet under the proposal the Democrats insist is best for everybody, the State of Wyoming would have to enact and actively enforce at least 15 new laws to regulate a style of health insurance that doesn't exist in the State.

What Wyoming does currently require is that plans provide information to patients about coverage, copays, and so on, much as we would in this bill; a ban on gag clauses between doctors and patients; and an internal appeals process to dispute denied claims. I am hopeful the State will soon enact an external appeals process, too.

This is a list of patient protections that a person in any kind of health plan needs, which is why the State has acted. But requiring Wyoming to enact a series of additional laws that don't have any bearing on consumers in our State is an unbelievable waste of a citizen legislature's time and resources.

Let me explain a citizen legislature. In Wyoming, they meet for 20 days one year and 40 days the next year. They do no special sessions. If you are only employed as a legislator—and I use that term loosely on being employed because they hardly get paid anything—for 20 days one year and 40 days the next year, you have to have a bona fide job. You have to have real work in the real world. And they do. So they meet for 20 days one year—and incidentally, the 20 days is the year that they do the budget work, and they make it balance every time—20 days one year and 40 days the next. You have to live the rest of the year under the laws that you passed, which gives you a different perspective on laws than perhaps in States where the legislature meets for longer periods of time and definitely a different perspective than we have in this body. That is a citizen legislature.

Speaking of limited resources, I would be remiss if I didn't touch once more on our most important charge in the debate; that is, to preserve Americans' access to health insurance. If we make it too difficult for employers to voluntarily provide health care to their employees, then it should come as no surprise to any of us that they will simply stop volunteering to do so. Insurance for most businesses is a volunteer effort. I won't support a bill that denies people access to health care. If my colleagues don't believe me now, they can bet their constituents will come calling when they lose their insurance or have it priced forever beyond their reach.

Sometimes changes we make in the Senate drive up the cost, as the Senator from Tennessee was explaining earlier. For every 1 percent that costs go up, 300,000 people in this country lose their insurance.

I will make a promise to my own constituents right now that I will work hard to enact a Patients' Bill of Rights. I will fight any measure that threatens their access to health care. I will reserve further remarks until we delve into the process of considering the different provisions of the bill.

I, again, extend the hand of compromise and the offer to all of my colleagues that we rally around our common position on many of the patient protections and forge ahead on the rest of the bill towards an end that has an eye on what is best for the patients. This bill is about them. If someone else is benefiting from a provision, then I would suggest that our drafting is not quite done. There are some of those provisions.

I look forward to my continued role in the process. I thank the Chair and reserve the remainder of any time we have.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I see no others on the side of the minority so I will proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, Las Vegas has two daily newspapers. One is the Las Vegas Daily Journal; The other is the Las Vegas Sun. I was very impressed with the editorial in the Las Vegas Sun newspaper yesterday. The newspaper is a relatively new newspaper by American standards. It is 40, 50 years old. It was started by an entrepreneur by the name of Hank Greenspun who was a real pioneer in Las Vegas. He developed a newspaper that was feisty. It was a newspaper that took on Senator McCarthy before it was fashionable to do so. He took on the gaming interests when it was a very small newspaper and won an antitrust suit against them for their failing to advertise and they, in fact, boycotted his newspaper.

So I give this background to indicate it is a great newspaper. It was. It still is.

The editorial they wrote yesterday can be paraphrased but not very well. It is a short editorial. I will read the editorial into the RECORD. It is entitled "Patient rights get some life."

The subtitles say:

> The Senate is expected to take up this week a patient's bill of rights.

They have under that:

> Our take: It is unfortunate that so far President Bush opposes the Democratic plan,

which also is favored by some Republicans, that finally would make HMOs accountable.

The editorial begins as follows:

[From the Las Vegas Daily Journal, June 18, 2001]

President Bush's campaign pledge to be "a uniter, not a divider" has been a bust in the early going of this administration. The White House's embracing of extraordinarily conservative views, which are far removed from the mainstream, have given the president some real problems in living up to his conciliatory vow, especially on environmental issues. Now Bush will soon face another test of his ability to bring warring sides together on another divisive matter: a patient's bill of rights.

The Senate, which recently came under Democratic control, plans this week to take up a patient's bill of rights, which for years has been stymied by Senate Republican leaders. It's not just Democrats supporting the plan, notable Republicans such as John McCain also back the bill. It also is important that last week Rep. Charlie Norwood, R–Ga., signed on to a similar Democratic measure in the House. Norwood for years had championed a patient's bill of rights, but he had held off his support this year in deference to the White House, which said it wanted to work out a compromise. But even Norwood's loyalty wore thin, finally causing him to break company with Bush on this issue. The president, who has threatened to veto a patient's bill of rights that allows lawsuits in state courts against HMOs, just wouldn't budget on this key provision.

The patient's bill of rights isn't that complicated: It's all about accountability. Currently, health insurance companies are the only businesses in the nation that are immune to lawsuits if they harm someone. No one else gets such special treatment. In light of how HMOs have wrongly denied care to patients in the past, this is an industry that needs some accountability. While the lawsuit provision is essential if a patient's bill of rights is to carry any weight, few patients would ever want to pursue this option. What they want is immediate care. The Democratic plan tries to ward off people from heading to court, requiring patients to first go to an independent review panel before seeking relief through the courts.

If there is a glimmer of hope it is that Bush has softened some of his earlier hardline positions on the environment after hearing quite a bit of criticism. In the same vein, the president should listen to reason and endorse a patient's bill of rights that requires HMOs to finally be held accountable for their actions.

Mr. President, that is an editorial from a Las Vegas newspaper. It is simple. It is direct. It is to the point. It is what this debate is all about. If, as I have heard today, the minority thinks the bill has some things that they don't like, don't understand, wish weren't there, let's debate this bill. Let's not hide behind some procedural gimmick that prevents us from bringing this matter to the fore for the American people.

The people of Minnesota, the State the Presiding Officer represents, the people of New Jersey, the junior Senator from New Jersey being on the floor, the people of the State of Nevada and the rest of the country need this legislation. This is about patient protection. It is about having a doctor take care of a patient, something we used to take for granted—that if a doctor thought a patient needed something, the doctor ordered it for the patient. They can't do that anymore. That is too bad.

Patient care has been hindered, harmed, and damaged. What we want to do with the Patients' Bill of Rights is reestablish the ability of a doctor and a nurse to take care of my daughter, my sons, my wife, my children, my neighbors. Anyone who needs a doctor's care should be able to have the doctor's care. I don't want a doctor doing my taxes. I also don't want an accountant doing my medical care. That is what we have in America, in many instances, and it is wrong. This legislation that we are trying to bring up—and we will get to it; it is just a question of when—is supported by many organizations. I will soon read into the RECORD the entities that support this legislation. Virtually every health care entity in America, every consumer group, every doctor group, including the American Medical Association and, surprisingly, because I have never known them to agree on anything, the AMA and the American Trial Lawyers agree this legislation is necessary.

Who opposes it? The people providing the care, the managed care entities do not support this legislation. They are the ones paying for the millions of dollars worth of ads on television trying to confuse and frighten the American people—just as they did with the health care plan in 1993. They spent $100 million or more in advertising to frighten and confuse the American people. I have to hand it to them; they did a great job. They did frighten the American people. We are not going to let them do that.

We are going to complete this legislation. We are going to complete this legislation very soon. What is very soon? By next Thursday, a week from this Thursday, and then if we finish it by that date, we are going to do our Fourth of July recess. If we do not complete our legislation by a week from Thursday, we are going to work here, according to the majority leader, TOM DASCHLE, until we finish it. We are going to work Friday, Saturday, and we are going to work Sunday; the only day we are going to take off is July 4.

Mr. President, this legislation is overdue. It is important, and we are going to pass this legislation before we go back to be in parades for the Fourth of July.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. REID. Mr. President, we have heard utterances in this Chamber today about the Patients' Bill of Rights by Senator JOHN MCCAIN that we have a lot of groups that support this legislation. I don't have a total because it is growing every day. I am going to read into the RECORD a partial list of those entities and organizations that support the Patients' Bill of Rights, the legislation before this body:

Abbott House of Irvington, NY; Abbott House, Inc. in SD; AIDS Action; Alliance for Children and Families; Alliance for Families & Children; Alpha 1 Association; Alternative Services, Inc.; American Academy of Child and Adolescent Psychiatry; American Academy of Dermatology; American Academy of Emergency Medicine; American Academy of Facial Plastic and Reconstructive Surgery; American Academy of Family Physicians.

American Academy of Neurology; American Academy of Ophthalmology; American Academy of Otolaryngology; American Academy of Pain Medicine; American Academy of Pediatrics; American Academy of Physical Medicine and Rehabilitation; American Association for Geriatric Psychiatry; American Association for Marriage and Family Therapy; American Association for Psychosocial Rehabilitation; American Association for the Study of Liver Diseases; American Association of Children's Residential Centers; American Association of Neurological Surgeons.

American Association of Nurse Anesthetists; American Association of Pastoral Counselors; American Association of People with Disabilities; American Association of Private Practice Psychiatrists; American Association of University Affiliated Programs for Person with Developmental Disabilities; American Association of University Women; American Association on Health and Disability; American Association on Mental Retardation; American Board of Examiners in Clinical Social Work; American Board of Examiners in Social Work; American Cancer Society; American Children's Home in Lexington, NC.

American Chiropractic Association; American College of Cardiology; American College of Gastroenterology; American College of Legal medicine; American College of Nurse Midwives; American College of Obstetricians and Gynecologists; American College of Osteopathic Emergency Physicians; American College of Osteopathic Family Physicians; American College of Osteopathic Pediatricians; American College of Osteopathic Surgeons; American of Physicians—American Society of Internal Medicine; American College of Surgeons.

American Congress of Community Supports and Employment Services; American Council on the Blind; American Counseling Association; American Dental Association; American Family Foundation; American Federation of Teachers; American Foundation for the Blind; American Gastroenterological Association; American Group Psychotherapy Association; American Headache Society; American Health Quality Association; American Heart Association.

American Lung Association; American Medical Association; American Medical Rehabilitation Providers Association; American Medical Student Association; American

Medical Women's Association, Inc.; American Mental Health Counselors Association; American Music Therapy Association; American Network of Community Options and Resources; American Nurses Association; American Occupational Therapy Association; American Optometric Association; American Orthopsychiatric Association.

American Osteopathic Association; American Pain Society; American Pharmaceutical Association; American Physical Therapy Association; American Podiatric Medical Association; American Psychiatric Association; American Psychiatric Nurses Association; American Psychoanalytic Association; American Psychological Association; American Public Health Association; American Small Business Association; American Society of Cataract & Refractory Surgery.

American Society of Clinical Pathologists; American Society of Gastrointestinal Endoscopy; American Society of General Surgeons; American Society of Internal Medicine; American Society of Nuclear Cardiology; American Speech-Language-Hearing Association; American Therapeutic Recreation Association; American Urogynecologic Association; American Urological Association; American Urological Society; Americans for Democratic Action; Anxiety Disorders Association of America.

Association for Ambulatory Behavioral Healthcare; Association for Education and Rehabilitation of the Blind and Visually Impaired; Association for the Advancement of Psychology; Association of Academic Psychiatrists; Association of Academy Physiatrists; Association of Community Cancer Centers; Association of Persons in Supported Employment; Association of Women's Health, Obstetric and Neonatal Nurses; Assurance Home in Roswell, NM; and Auberle of McKeesport, PA.

Those are the A's. I have completed the groups beginning with the letter A. I will come back later and start with the B's and go through the hundreds of groups that support this legislation. The overwhelming number of American people support this legislation, as referenced by those organizations that begin with the letter A.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORZINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. CORZINE. Mr. President, I am honored to rise today, particularly with the Presiding Officer who is in the Chair, to support a motion to proceed to S. 1052, the Bipartisan Patients' Bill of Rights.

I commend Senators McCAIN, EDWARDS, and KENNEDY for the tremendous effort they put in to develop a strong, enforceable, and bipartisan bill with the support of over 500 consumer provider and health care groups, as the Presiding Officer just demonstrated to us with the A's.

More importantly, I commend the American people because the American people know what makes common sense with regard to the need to provide everyone quality health care that puts the relationship between the doctor, the nurse, and the patient first.

Over the last 30 years, managed care organizations have come to dominate our health care system. These organizations both pay for and make decisions about medical care, often preempting the fundamental relationship in the health care equation between doctor and patient.

However, unlike doctors, nurses, or almost anybody in our society, HMOs, managed care institutions, are not held accountable for their medical decisions and treatment decisions.

We just spent 8 weeks in the Senate talking about education and accountability. We need to talk about accountability within the context of the patient-doctor relationship, and that is what this debate will be all about if we can ever get to the bill.

Unfortunately, in the case of some HMOs, they have sometimes skimped on care that undermines the health of our patients, the health of the American people for the preemption and benefit of the bottom line, and, in fact, it is all about protecting the bottom line.

That is why this legislation is absolutely critical. The McCain-Edwards-Kennedy bill will ensure at long last that managed care companies are held accountable for their actions. Just as in all of industry—every doctor and, frankly, every individual in America—everyone is held accountable.

We cannot afford to wait any longer before passing legislation to curb insurance company, managed care abuses. According to physician reports, every single day we delay passage of this legislation, 14,000 doctors see patients whose health has seriously declined because an insurance plan refused to provide coverage for a prescription drug; 10,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a diagnostic test or procedure; 7,000 physicians see patients whose health has seriously declined because an insurance plan did not approve a referral to a medical specialist; 6,000 physicians see patients whose health has seriously declined because an insurance plan did not approve an overnight hospital stay. Think about that. That is 35,000 folks a day who are left with diminished and substandard care because we do not have the right relationship between doctors and patients in place with the interference of bureaucrats at insurance companies and HMOs.

This legislation has all the key components that Americans have demanded to respond to these problems. It contains strong, comprehensive patient protections.

It creates a uniform floor of protections for all Americans with private health insurance, regardless of whether something has been done in the States.

It provides a right to a speedy and genuinely independent external review process when care is denied. It is not guaranteeing a lawsuit, it is guaranteeing a speedy independent external review.

Finally, it provides consumers with the ability to hold managed care plans accountable when plan decisions to withhold or limit care result in injury or death, harm and pain to the patient.

I wish to speak briefly about a few of the most important provisions in this bill, but this is all about common sense.

First, this bill protects all Americans in all health plans. If we are serious about providing consumers with protections, we must be serious about covering all Americans. The McCain-Edwards-Kennedy bill does just that. No person is left without rights because they live in a State with weaker protections.

Second, the legislation ensures a swift, internal review process is followed and a fair and independent external appeals process if it is necessary. This will guarantee that health care providers, not health plans, will control basic medical decisions. It does not guarantee a lawsuit; it provides a process for a legitimate review of a patient's claims.

Third, the legislation guarantees access to necessary care. Patients should not have to fight their health plan at the same time they are fighting an illness. That is why the legislation guarantees access to necessary specialists, even if it means going out of a plan's provider network. It seems pretty simple we ought to get to the right doctor for the disease that is diagnosed.

Chronically ill patients will receive the speciality care they need with this bill.

Patients will have access to an emergency room, any emergency room, when and where they need it.

Women will have easy access to OB/GYN services without unnecessary barriers.

Children will have direct access to pediatricians and, most importantly, pediatric specialists.

Patients can participate in potentially lifesaving clinical trials. This is a critical protection for patients with Alzheimer's, cancers, or other diseases for which there are no sure cures.

Fourth, the legislation protects the crucial provider-patient relationship—doctor-patient, nurse-patient.

It contains antigag rule protections ensuring health plans cannot prevent doctors and nurses from discussing all treatment options with their patients. It sounds like common sense, and it limits improper incentive arrangements by the insurance industry.

Finally, this legislation makes sure that the rights we seek to guarantee are enforceable. Yes, this legislation allows individuals harmed by an HMO to sue their HMO. This is a critical provision because, let's face it, a right without a remedy is no right at all.

Again, that fundamental accountability issue we have been talking about, whether it is with regard to education, we also ought to be talking about it with health care.

No matter what health care treatment protections are passed into law, unless patients can enforce their rights, the HMO is free to ignore those requests. Health insurers must understand that unless they deliver high-quality health care that protects the rights of patients, they can and will be held accountable.

I wish to address for a moment the argument that this legislation will lead to more uninsured Americans.

There is perhaps no issue about which I am more passionate than the uninsured, about 44 million in America. I believe health care is a basic right, and neither the Government nor the private sector is doing enough to secure that right for everyone. I hope one day we will have that debate. But let me be clear; if I believed this bill would increase the number of uninsured—I believe a number of Senators believe the same—we would not support this.

Let me also point out the hundreds of health care and consumer groups that support this legislation are also the very groups that are working the hardest to expand coverage for the uninsured. They also would not support this legislation if they believed it would result in more uninsured. That issue is nothing but a diversion, a red herring, a scare tactic, because the CBO itself has said this legislation would only increase premiums by 4.2 percent over a 10-year period.

This legislation will not result in higher numbers of uninsured. It will result in better quality for patients. I heard Senator KENNEDY today saying, whether it was about family medical leave or minimum wage or a whole series of things, people are just trying to scare folks into believing that taking action that is going to help the people of America is somehow going to result in very negative results that ought to keep us from doing this and moving forward. It is just a bad argument. They are scare tactics at their worst.

In sum, I believe health decisions should be made based on what is best for the patient. We need to assure the American people that the practice of medicine is in the hands of the doctors. We trust them with our lives. We should trust them to decide what care we need. I urge my colleagues to agree to take up the bipartisan McCain-Edwards-Kennedy Patients' Bill of Rights. I see one of the authors now. I congratulate him and the other sponsors for moving an important part of what needs to be done to make America's health care more secure for everyone.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, let me first thank my colleague from New Jersey for his passionate support for this important piece of legislation, the Patients' Bill of Rights. I want to talk about several subjects briefly, if I may.

First, some people have argued, in the press, the media, and on the floor of the Senate during this debate today, that the only difference between the McCain-Edwards-Kennedy Patients' Bill of Rights, the Patients Protection Act, and the bill that has been proposed by Senator FRIST and others, is on the issue of accountability, taking HMOs to court.

There are multiple differences between these bills. There are differences in how you determine whether a State can opt out of the protections covered by the Patient Protection Act, i.e., how much coverage there is, how many people are covered by the bill.

There are differences in access to specialists outside the plan. Our bill specifically provides you can have access to a specialist. If a child needs to see a pediatric oncologist, a child with cancer, the child has a right to do that. Under their bill, the HMO is in charge of that decision. Under our bill, there is a true independent review by the independent review panel. If a claim has been denied by an HMO, that question has been appealed within the HMO, and then if that was unsatisfactory, the next appeal is to an independent review panel. Our bill specifically provides that panel must in fact be independent. The HMO can't have anything to do with choosing them. Neither can the patient or the physician involved in the care.

Unfortunately, the Frist bill does not provide the HMO cannot have control over that panel, which means the HMO essentially can have control. It is like picking their own judge and jury in a case involving somebody's health, health care that could affect the family.

The bottom line is, from start to finish, whether it is coverage, access to specialists, access to a true independent review, if, as a matter of last resort a case has to go to court, having that resolved quickly and efficiently or having it dragged out over years and years and years in a Federal court—on every single issue of difference, there is a simple thing. Our bill protects patients. Our bill is on the side of families and doctors. Their bill is slanted to the HMOs.

So it is not an accident that the American Medical Association and over 300 health care groups—virtually every health care group in America—support our bill. It is not an accident that the majority of the Senate supports our bill. It is not an accident that the majority of the House of Representatives supports our bill. All these organizations that deal with these issues every day—I am not talking about Members of the Senate, I am talking about doctors who practice medicine every day, who deal with problems with HMOs, I am talking about patients groups who hear these horror stories regularly about HMOs, who have analyzed this legislation, looked at it word by word by word from start to finish and have come to a simple conclusion: Our bill is a true patient protection act. Their bill is an HMO protection act. Our bill protects patients, doctors and families. Their bill, instead of being a Patients' Bill of Rights, is a patient's bill of suggestions because the rights contained therein are not enforceable.

To the extent there is an argument made during the course of this debate that there are no differences, there are differences. There are important differences. From the beginning to the end of this bill, there are important differences. The best evidence of those differences is the fact that the American Medical Association and doctors and health care providers and nurses groups all over America support our bill. They know what the problems are. They want to be able, along with families, to make health care decisions. They want these decisions made by health care providers and families and not by some bureaucrat or clerk with no training and experience, sitting behind a desk somewhere, who has never seen the patient. That is the difference between these two pieces of legislation.

As to the issue of accountability, that means what happens if you have gone through the internal appeal at the HMO. The HMO denies care to a family. You go to the HMO and you attempt to appeal that. They deny it again. Then you go to a truly external independent appeal, under our bill, and that is not successful. As a matter of last resort, if, after all of that, the patient has been injured, the patient can go to court.

The whole purpose of that is to treat HMOs as every other health care provider, as every small business, as every large business in America, as every individual who is listening to this debate. All the rest of us are responsible for what we do. We are held accountable, and we are responsible. The HMOs are virtually the only entity in America that can deny care to a child and the family can do nothing about it. They cannot question it; they cannot challenge it; they cannot appeal it; and they cannot take the HMO to court because the HMOs are privileged citizens in this country.

I have to ask, if you were to send out a questionnaire to the American people and say: Here are 10 groups of Americans—physicians, doctors, patients—and on that list were HMOs, and you said, on this list, whom would you want to protect from any accountability, from ever being able to be taken to court, to be treated as privileged citizens, I suggest the likelihood that the HMOs would end up at the top of that list is almost nonexistent.

What we have is an anachronism. We have a law that was passed in 1974, before the advent of managed care, before HMOs were making health care decisions. Then after the passage of this law, with the passage of these protections that gave managed care companies privileged status, they started making health care decisions.

We have a situation that needs to be corrected. All this is about is treating HMOs as every other entity and individual in America. We want them to be like all the rest of us. It is just that simple. They are not entitled to be treated better than the rest of us. But, surprise, surprise; they don't like it. They are being dragged, kicking and screaming every step of the way, and they are spending millions and millions of dollars on television ads, on public relations campaigns to defeat our bill. Why? They like being privileged. They like being treated like nobody else in America is treated. They like the fact that they can decide something and nobody can do anything about it. Why wouldn't they like it? Why wouldn't they want to keep things exactly as they are?

That is what this debate is about. Ultimately, we are going to have to decide on the floor of the Senate and at the end of Pennsylvania Avenue, hopefully, if we can get this bill through the Senate and the House, whether we are on the side of the big HMOs or whether we are on the side of patients and doctors.

Earlier today I made reference to a story of a man in North Carolina named Steven Grissom. He was a young man who developed leukemia. He became sicker and sicker. He got to the point where his specialist at Duke University Medical Center had to put him on 24-hour-a-day oxygen.

This is Steve Grissom, the man I referred to earlier.

His wife's employer HMO covered Steve Grissom. Unfortunately, his wife's employer changed HMOs. Some clerk sitting behind a desk somewhere who had never seen Steven and had never met him and with no medical expertise said: We are not paying for this. We don't think he needs it. They literally cut off his oxygen.

What was Steve Grissom going to do? He was like every family, every child, and every patient in America with an HMO that makes a decision. He couldn't do anything about it. He couldn't challenge it. He couldn't appeal it. He couldn't take them to court. He was absolutely helpless.

That is what this legislation is about. It is about giving Steve Grissom—when the HMO says we are not giving you your oxygen that your specialist says you need—the ability to do something about it. It is about allowing him to go to an appeal, and most importantly to a truly independent review panel of doctors who, in every single case such as Steve's, will reverse the decision.

When his heart specialist at Duke University Medical Center says you need this oxygen 24 hours a day, and you put that question to a panel of three doctors, what do you think the result is going to be? They are going to order that the HMO pay for the oxygen that Steve needs.

That is what this debate is about.

There are real differences between our bill and the Frist bill.

For example, when Steve's care was denied, we go to a panel that the HMO can have no control over; that a truly independent patient can't have anything to do with; that Steve couldn't have any connection with; and that the HMO can't have any connection with. It is objective and fair.

Unfortunately, under the Frist bill the HMO could choose the people on the review panel. There is absolutely nothing to prohibit that. Steve will be making his case to a judge and jury picked by the HMO.

That is an important difference between our bill and this bill.

The bottom line is that what we are about is trying to empower patients and empower doctors to make health care decisions; have people who are trained and experienced to make those decisions and the people who are impacted by them. That is what this legislation is about.

To the extent that people suggest this is going to result, No. 1, in employers being sued, we will debate this issue going forward. But it is very clear in our legislation that we protect employers. It is equally clear that we abide completely by the President's principle on this issue. The President said only employers who retain responsibility for and make final medical decisions should be subject to suit.

That is exactly what our bill does. Our bill does exactly what the President's principle provides. On this issue of employers being protected from lawsuits, we are in complete agreement with the White House.

As to the cost issue, the difference in cost between our bill and Senator FRIST's bill—the bill that the White House has endorsed—is 37 cents per employee per month. This is what they contend is going to result in a massive loss of insurance coverage, 37 cents a month. The difference between the bills on taking the HMO to court—the accountability provision—is 12 cents a month. Between 12 and 37 cents a month is not going to cause people not to be insured.

More importantly, we will give people a better price. We give them real quality health care. The reason that it is 37 cents a month more for employees is because they get better care. They get better access to clinical trials, better access to specialists, and better access to emergency rooms. When the HMO does something wrong, they can get that decision reversed by the independent review panel.

That is what this debate is about.

We have a decision to make over the course of the next few weeks. I hope for the sake of the Steve Grissoms all over this country—many of whose stories have been told today and will continue to be told on behalf of these families—that we will do what is necessary to make sure that HMOs and insurance companies in this country are treated just as everybody else, and that families and doctors can make health care decisions that affect their lives.

I yield the floor.

Mr. NICKLES. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORZINE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise to speak on the issue of the Patients' Bill of Rights. I love the title. It is a great title. I hope we can pass a positive and good Patients' Bill of Rights—one that really provides patient protections but doesn't increase costs and doesn't scare employers away.

Unfortunately, I don't think that is the case with the bill we are considering today, S. 1052.

I haven't quite figured it out. Last week, we were on the McCain-Edwards-Kennedy bill, S. 871. That was last Wednesday. I was reviewing it and trying to become more familiar with the sections and what that bill meant to employers, to people providing health care, to Federal employees, and so on. Now we are considering a different bill, S. 1052. It is important for us to know as Senators because we are going to be voting on the legislation. This is one of a few bills. Every once in a while we consider legislation that will have a significant impact on everybody's lives. We did that when we passed the tax cut package recently. That will change everybody's taxes. People are going to see tax refunds coming in the mail in the next couple of months. I think that is very positive. People are going to see their rates reduced effective July 1. I think that is positive. That is a positive impact bill. This is a bill that will have a significant impact on everybody who has health care.

A lot of people have health insurance. Then some people have health care. There is a difference. A lot of people are uninsured.

When we wrestle with the problem of health care, we need to address the number of people who are uninsured, and we need to reduce that number. By all means, we shouldn't pass any legislation that is going to increase the number of uninsured.

Everybody realizes when we have 42,500,000 uninsured people, that is too many. I think Democrats and Republicans, conservatives and liberals, agree with that. We ought to be working to reduce the number of uninsured as much as we possibly can. We probably will never get it down to zero, but we ought to make some improvement. But for crying out loud, let's not pass legislation that will increase the number of uninsured.

Unfortunately, I believe that is what would happen if we passed this so-called McCain-Edwards-Kennedy bill.

I believe if we pass this bill in its present form, we are going to increase the number of uninsured, probably in the millions. I wish that were not the case. I hope by the time we finish the debate and amendment procedure in this Senate Chamber that will not be the case. I very much hope President Bush can join with us and sign a bill and we can be shaking hands. I have mentioned this to Senator KENNEDY—we have been adversaries on this issue for a couple years now—I hope we can be shaking hands and saying we have done a good job; we have protected patients, and we did it in a way that did not really increase costs very much, and maybe we did some things that would increase the number of insured in the process, so that we did not do any damage.

We should do no harm. Congress would be much better off not to pass any bill than to pass a bill that greatly increased the cost to people buying health care and/or increasing the number of uninsured.

Let's say we want to pass a Patients' Bill of Rights. Great. But let's do no harm. Let's not increase costs dramatically. Let's not increase the number of uninsured, especially if we are talking about millions. And that is what we are talking about in the bill before us today. I wish that were not the case.

Let's go through the bill. And I think we will have some time. We need some time since we have not had any hearings on this bill. This bill has never been through a Senate markup.

In the last Congress, we did mark up the Norwood-Dingell bill. We did not pass Norwood-Dingell in the Senate. We passed a substitute bill on which many of us worked. I thought it was a positive piece of legislation. I thought it had a lot of good things. It would have addressed the problem our friend, the Senator from North Carolina, just addressed.

He said an individual, Steve Grissom, was denied health care. That was unfortunate. The bill we passed last year had internal-external appeals. That external appeal would have been quick. That person would have had health care and would not have had to go to court and would not have had to choose between State court and Federal court, seen trial attorneys—would not have had to do any of that. They would have had health care. They would have had an appeals process, and that appeals process would have been binding.

Somebody said: We need accountability. We need enforceability.

We had it binding where, if the plan did not comply with the external appeal, they would be fined $10,000 a day.

So I think in that case—and that is a terrible case, where maybe somebody, unfortunately, was denied care—they would have gotten the care; and they would have gotten it quickly; and they would not have gone to court. They would not have received the care in the courtroom but would have received it by doctors. I agree. Let's solve that problem.

We were very close to an agreement on internal-external appeals to resolve 99 percent of these cases. That is not the case with the bill we have before us. In the bill we have before us, I would say, for the 128 million private-sector Americans who are in private health care, who receive their health care from their employer, look out, because there is legislation coming, with a very good name, that makes the employer liable in almost all cases, not just the HMOs, and it makes them liable to the extent that a lot of employers are going to be scared to offer their employees health care. Some may opt out.

In addition, it will increase costs so significantly that a whole lot of people are going to say: Wait a minute, these costs are so high, I can't afford it. My employees didn't appreciate how much money we were spending on health care. So I asked them, instead of me spending $5,000 or $6,000 a year per family on health care—up to $7,000 now—would you prefer the money and you can buy health care on your own? A lot of employees will say: Yes, count me; I would like to have that money. Maybe they will buy health care on their own, and maybe they won't.

Unfortunately, a lot of employees would not, so the number of uninsured would rise, and I believe rise dramatically. So employers would be scared from the cost standpoint, and they would also be frightened because there would be unlimited liability.

There has been some misrepresentation by some, saying: This bill has caps on liability. It does not have any caps on noneconomic damages. There are all kinds of damages. And this bill has new causes of action for Federal lawsuits. It has new causes of action for State lawsuits. It allows people to be able to jury shop: Let's find a good jury in a good county. With one good jury, you can become a billionaire nowadays. Wow. A lot of employees would say: Thank you very much, but I can't afford that exposure; I can't afford that liability, the fact that one jury case, for something I had nothing to do with whatsoever, could put me into bankruptcy. So they might say: We are just going to opt out. We don't have to provide this benefit.

Some people would like to mandate that employers provide health care, but that is not going to pass, and they know that is not going to pass.

So the net effect is, a lot of employers will say: I don't have to provide this benefit. I want to, but I can't afford the exposure.

I just met somebody today who owns a restaurant. Actually, today, I met with two people who own a restaurant each. I heard people say: Hey, you are going to choose between the HMOs and the people. I met with two people today who each owns and operates a restaurant. One owns a small restaurant in Maryland. They said, if this bill passes, because of the liability provisions, they probably won't provide health care for their employees. They just started providing health care for their employees. Restaurants are the type of business where not everybody provides health care for their employees.

All the major automobile manufacturers provide health care for their employees. They will probably continue to do so because of collective bargaining agreements. Interestingly, there is a little section that exempts collective bargaining agreements. Whoops. I thought we were providing all these protections for everybody. But there is a protection for organized labor here that kind of exempts the organized labor contracts for the duration of their contracts. So they might be exempt for years.

We will get into some of the loopholes left in this provision. But this small restaurant owner said: I don't think I can afford the liability. I am afraid of doing that. And this person—female—operates her own business, which is family operated, I believe second generation, and they have had the business for 30-some-odd years, I believe. It is not all that large. About half her employees now have health care. She said today, she does not think she can continue providing health care if this bill passes.

I met with a restaurant owner who has a larger restaurant not too far from here in Northern Virginia. This person started providing health care for their employees and said: No way, not with this liability. You would make it impossible.

Wait a minute; employers are exempt. I heard that today. Oh, employers are exempt? Yes, there is a section in this bill exempting employers, on page 144: "Causes of Action Against

Employers and Plan Sponsors Precluded." Great. That will make DON NICKLES happy, and others happy. That sounds pretty good. That is paragraph (A).

Paragraph (B): "Certain Causes of Action Permitted. Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . ."

Look out, employers. You had better read paragraph (B). You are liable. Oh, there are a few little exemptions. If they do this, this, and this, they will not be liable. But it does not cover everybody. I promise you, as an employer, if they complete their fiduciary responsibilities, they are liable. And when employers find out they are liable, they are going to be scared of this bill and the results of this bill, and a lot of them will quit providing health care for their employees. In other words, if we take legislative action, maybe with very good intentions, there may be very adverse results.

They did that in the State of California on energy. They passed a bill that had a great title calling it a deregulation bill, but it had all kinds of regulations, and it had a lot of adverse results. This bill, I am afraid, if we passed it today, and it became law, would have a lot of adverse results.

President Bush has said he would veto this bill. And he is right in doing so. And we have the votes to sustain that veto.

Some people said: Why not pass this bill as it is, let the President veto it, you sustain his veto, and, hey, you have covered the subject? I do not think that is responsible legislating. Maybe it would be the easy way out. That way, we can just raise a few objections, vote no, and let him veto the bill. I do not think that is responsible.

I think we need to review this bill. I think every Senator should know what is in this bill. I will tell you, from the public comments I have heard, in some cases the sponsors of this bill may not know what is in this legislation.

So we need to consider what is in this bill. We need to talk about it. We need to see if we can improve it. Hopefully, we can improve it to the degree that we will have bipartisan support for a solution with perhaps 80 sponsors of the bill and have overwhelming support. I would love to see that happen. I will work to see that happen. I have invested a lot of time on this issue. I want to pass a good bill. This bill does not meet that definition.

I heard a couple people say this bill is consistent with the principles the President outlined. That is factually inaccurate. That is a gross misinterpretation of the President's principles. They were not written that fuzzily. I will outline in another speech what are the President's principles and where this bill falls fatally short—not short in a gray area but fatally short.

I am just concerned that maybe some people are a little loose in their statements, saying this is consistent with what the President wants, and so on, this is consistent with the Texas plan, and so on. I do not think that is factually correct. So I wanted to mention that.

I want to do a good bill. This does not fit the pattern.

What about a couple of other things? Should the Federal Government take over what the States are doing in the regulation of health care? Some people obviously think we should. As a matter of fact, I look at the scope sections of the bill, and I am almost amused. We are going to have a preemption: State flexibility. It says, on page 122, "[nothing shall] be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health [insurers]. . . ."

Boy, that sounds good. I like that section. I don't know if there is a bait-and-switch section in here or what, but that sounds so good. That sounds like something I would put in there. But it doesn't stop there. It goes on.

Then it says, on the next couple pages: If the State law provides for at least substantially equivalent and effective patient protections to the patient protection requirements which the law relates. In other words, we are not going to mess with the States unless the States, of course, have to provide at least substantially equivalent and effective patient protections as this bill does.

Well, what does substantially equivalent and effective mean? It means, States, you need to do exactly what we tell you to do. We are going to preempt everything you have. If you have an ER provision, it has to match our ER provision, our emergency room provision. If you have access to OB/GYN, you have to match our access provision to OB/GYN. And there is a lot of difference.

If you have clinical trials in your State, you have to match these clinical trials, which are enormously expensive clinical trials, which are covered by anything that NIH would offer or anything by FDA or anything by DOD or anything by the VA. There are a lot of clinical trials. You have to pay for them. It may be the State of New Jersey did pay for them or did not.

Under this bill, there is not one State in the Union that meets the clinical trial provisions of this bill. Why? Because they are very expensive provisions; because they are unknown provisions; because no one knows how much they would cost. And so the States have been kind of cautious on putting in clinical trial provisions. They have done it rather cautiously. The State of Delaware is considering clinical trials today, legislation on a patients' bill of rights. They have a clinical trial provision, and it is not nearly as expensive as the one that is mandated in this bill.

The essence of this bill is, State, we don't care what you have negotiated. We don't care how many hearings you had. We don't care if the legislature worked on this for months and negotiated it with the Governors and the providers in your State. We don't care because we know what is best. One size fits all. I guess two or three Senators decided they know what is best. They know better than every single State insurance commission. They know better than every State legislature. They know better than every Governor, every person who is in the buying business. We are going to mandate that these have to be in your contract, in your coverage.

I accidently said the word "contract." Most of this is done by contract. There is a provision in here that says you don't have to abide by the contract. That is a heck of a deal. So when people try to have a contract, here is what we will cover, here is what we don't cover, so you can have some kind of limitation on cost.

There is a little provision in the bill that says the reviewer shall consider but "not be bound by the definition used by the plan or issuer of medically necessary and appropriate." Not be bound—in other words, they can provide anything they want to provide. It doesn't make any difference what is in the contract. That is in this little bill.

How do you get a cost estimate of how much this bill is going to cost? Because no one knows. The contracts aren't binding. Wow. There are a lot of things in here.

Then I have heard people say: We are going to make sure the States have provisions that are substantially equivalent and as effective. Who is going to determine if something is as effective? We are going to have the Federal Government. HCFA is going to review the State standards. HCFA will determine whether or not you are substantially equivalent and as effective. The only way you are going to get there with any certainty is to have identical language. And then who is going to know whether or not it is as effective? That is as subjective as it could possibly be.

You have a standard that is higher than HCFA. You have a standard higher than anybody has ever imposed. It says: Here is everything we mandate. If you want Federal, nationally dictated health care, it is in this bill. Wow. I didn't know we were taking over for the State. I didn't know we had the people to do it.

Guess what. We don't. There is no way in the world the Federal Government has the resources in HCFA, the Health Care Finance Administration—which now has a new name which I can't remember and won't for the time being—there is no way in the world they could do this. Every State has insurance commissioners or regulators that are in charge of making sure the insurance companies in their State are adequately financed, meet their fiduciary responsibilities, that they meet their insurance responsibilities, that they uphold what they say they are going to do in the contracts, every State. I would imagine in New Jersey, it is hundreds of people—hundreds. I am sure it is in the hundreds. My State of Oklahoma is in the hundreds.

HCFA, the Health Care Finance Administration, couldn't enforce that. There is no way in the world. There is a list of patient protections that every State has done. In my State, it is 40 some; in most States it is 30, 40, 50 different State protections. We are going to say: We don't care what you have done. Those aren't good enough. We are going to basically say these protections are preeminent. These will supersede what your State has done. You must do as we tell you to do. If you don't, the Federal Government will take over enforceability of those provisions.

Then you will have the awkward situation of having the Federal Government enforce some provisions in your health care contract but not all the provisions. That is really going to make a lot of sense. Then there is going to be this little period of time where the State has been enforcing these State regulations. Now we have a new Federal regulation, and it is supposed to be prevailing. But the State regulation, we are used to enforcing it. Which one do we abide by? They are not familiar with the Federal enforceability. No one has ever enforced this one before. So should the State enforce the Federal regulation? They can't do it. The HCFA person hasn't signed off. Therefore, HCFA is going to take over, and they don't have anybody to enforce it.

Now what you have is language saying you have these protections, but you don't have anybody to enforce it because HCFA can't do it. They absolutely can't do it.

Somebody should ask the Secretary of Health and Human Services, do you have the capability to regulate State insurance to enforce these provisions that the McCain-Kennedy-Edwards bill would do? The answer is no. No, they couldn't do it. So we are going to have a long list of protections that we supposedly are telling everybody they have: look what we have done for you, but there is no enforceability because the Federal Government doesn't have the wherewithal to do it.

And we shouldn't do it. That is not our responsibility. Yet we are going to have that kind of takeover. I think that would be a serious mistake as well.

Then what about this comment: Under this bill, we insure all Americans. Wow, sounds really good. We are really going to provide protections for all Americans.

First, I should ask: Are we disabusing Federal employees? Are we disabusing our families, Senators' families who are under the Federal employees health care plans? Do they have such a crummy deal that we need to change their plans? The truth is, we don't change Federal employees. We change State employees. I hope everybody knows that we are going to go out and tell every Governor, every State insurance commissioner: we are going to change your public employees' health care plans. We are going to mandate you do all these things. We exempted Federal employees. Whoops.

You mean we are going to mandate all State employees, all teacher plans. We are going to mandate that all of those have to have what we have decided big government knows best. Yet for Federal employees, whoops, we exempted them. Organized labor, if they have a contract, we exempted them. Medicare, for we exempted them. Medicaid, low-income individuals, whoops, these don't apply to Medicaid. They don't apply to Medicare. They don't apply to Federal employees. They don't apply to union members, until their contract is renewed, maybe 5 years or so before that happens, if they have a long-term contract.

There are a lot of little gaps. If this is so good for the private sector, why don't we put it on the public sector? Why don't we put it on the Senate? A Senator or their family members, can they sue the Government? If they are aggrieved, can you sue the Government? The answer is no. You still can't. Even if this bill passes, you can't sue the Government. Everybody else can sue their employer. You can't sue yours.

I wonder if cost has anything to do with it. There are some things that just don't fit. It is fine for us to do this on all private sector plans, act as if that will only cost 37 cents a day. Maybe they said a week. The cost of health care right now for a family is about $7,000. At 4.2 percent of $7,000, figuring this up, you are talking about $300 a year. Some people say: That is just cents; that is a dollar a week or something. It is not a dollar a week. It is $300 a year. Maybe that is about a dollar a day. That is about the equivalent of the tax cut that a lot of Americans are going to receive this year. We are just going to take it away. So we give a tax cut with one hand and we take it away with higher health care costs in the next by this bill? We can sure do that.

Somebody said: I broke even for the year. What if you are one of the 1 or 2 million people who lost your health care because your employer dropped it? You came out on the real bad end of the deal.

This didn't cost you a dollar a day. This didn't cost you a Big Mac. This cost you your health care—probably to a person who needs health care the most. A lot of people who are in that low-income bracket, maybe working for a small restaurant in Montana, or someplace, and maybe their employer just started to provide health care, or wants to provide it, and they could not do it because they could not afford it, or because they are afraid of the liability.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. My point is, let's be very careful not to do damage to the system, not to do damage to a quality health care system that is far from perfect. Let's do some things to make sure that we increase the number of people who have insurance. Let's not do anything that would increase the number of uninsured. That is doing a very serious harm. If anybody says, hey, this bill has so much momentum, so let's pass it regardless of what it costs or what the consequences are, I beg to differ. It is worth spending a little bit of time to try to be at least responsible in this area. Let's not do damage. Let's not supersede the States. Let's not act as if the Federal Government knows best: Sorry States, we are going to take over the regulation of your health care system because we know better.

Every person here who works in this system for very long knows that we do not know better. We do a crummy job. HCFA does a crummy job in administering Medicare. They are way behind even in enforcement and compliance with the Health Insurance Portability Act. Some States still aren't in compliance. HCFA is supposed to take over regulation of that act. If they haven't done that, how in the world can they do it for private care? They could not do it.

Let's pass a positive bill. I stand ready to work with my colleagues on both sides of the aisle to do that. I am willing to spend a lot of time to work out a real bipartisan bill, one that has support by a majority of the Members on both sides. To say that this is a bipartisan bill when you have 3 Republicans sponsoring it and 40-some odd vigorously opposed to it is stretching it. That is not bipartisan. Let's have a bipartisan bill where you have a majority of both Democrats and Republicans supporting the bill. That is real bipartisan bill. Let's get a bill that President Bush will sign and become law, not just have campaign rhetoric. Let's make something happen that we can say we have passed a positive bill. I hope we can do so. It remains to be seen.

There is going to have to be some willingness to compromise. Some people say we have compromised enough. This bill is not a compromise. This bill is to the left of the Norwood-Dingell bill that we had last year. It is more expensive than that bill. The liability provisions are more intrusive and expensive than the bill Congressmen NORWOOD and DINGELL and Senator KENNEDY were pushing last year. It is not a compromise. It is a move in the wrong direction.

Let's move toward the center. I have shown a willingness—maybe more than I should have—to compromise and try to come up with a positive bill. Let's work together as both Democrats and Republicans to come up with a bill that we can all be proud of, that President Bush can sign, and one that can become law.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I see my friend from Nevada on the floor. I wanted to make a few comments at the end of our first day of discussion.

Madam President, I just hope those who are watching this debate have some understanding about the history of this legislation and what it really is all about. This legislation was first introduced 5 years ago. So that is why we hear on the Senate floor that our colleagues are glad to consider the legislation. We should be eager to consider this legislation because every day that we let go by there are more than 50,000 people who are experiencing increased suffering and injury.

There are 35,000 people today who didn't get the specialist they need in order to help them mend and get better. There are 12,000 patients who, tonight, will be taking prescription drugs that were not what the doctor ordered, but what the HMO is giving them.

There are countless illustrations where the HMOs' decisions are being made by bureaucrats and bean counters in cities many miles away from the highly trained professional medical personnel who are trying to provide care. These health care professionals are making decisions that are being countered by accountants and bean counters who aim to enhance the bottom line of the HMOs.

The real issue, when it is all said and done, is whether we are going to put into law some rather minimum standards that are already effective in Medicare and Medicaid. These fundamental standards have been recommended by the insurance commissioners, and unanimously by a bipartisan panel.

I have listened carefully to a number of the statements that have been made out here recently. I did not detect any statements directly before the Senate that are critical of the proposal that has been advanced here. Yet there has been an objection made. I haven't heard them say: let us not have that protection for the people, or let's not give them the emergency care protection, let's not give them the specialty protection, let's not give them the clinical trials in there. Did anybody hear that during the course of the afternoon? I did not hear that.

That is what this is about. That is what this is about. As we all know, people try to make the best case they can in opposition. And at the end of this first day, I find I am very much encouraged by the range of speakers who have spoken in favor of this legislation. I think there is increasing understanding by the American people, as in the debate here in the Senate, about the importance of this legislation.

We know the HMOs are spending millions of dollars on distortion and misrepresentation. They ought to be spending that on patients' care, but they are not. We welcome the opportunity to get to the bill before us and then have a full debate on these matters. There are some who wonder whether this is a bipartisan bill. I was listening to my friend and colleague from Oklahoma say he really wonders whether this is a bipartisan bill. Well, Congressman NORWOOD, Congressman GANSKE, and 63 Republican Members of the House of Representatives certainly believe that it is a bipartisan bill. We are certainly proud of the Republicans who have supported this measure in the Senate. I think that gives us hope.

I see the Senator from Nevada.

Mr. REID. I want to ask the Senator a question when he has a minute.

Mr. KENNEDY. At the end of this discussion today, we ought to realize that virtually every single medical organization—the American Medical Association, children's health, women's health, disability organizations, senior health organizations, and patient organizations—is supporting this bipartisan proposal. There are but a handful of organizations that support our opponents' proposal, and virtually all of these organizations have also endorsed our bill. I put that out as a challenge. I hope those who are opposed to this bipartisan proposal are going to at least give us the credit for the very breadth of support that comes to this proposal. This comes from people who have studied this issue, worked this issue, and whose livelihood is affected by this issue in terms of the type of care they can provide for families all across this country.

So, Madam President, I look forward to the debate.

Mr. REID. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. REID. I have been interested in the debate from the other side. Isn't it interesting that they are so concerned about the uninsured now with the Patients' Bill of Rights? As the Senator from Massachusetts will recall, we tried to do something about the uninsured, and no one was too interested then.

Mr. KENNEDY. That is right.

Mr. REID. In fact, it has gone up since then.

I also ask the Senator if he recognizes that one of the things they are saying is HCFA is understaffed and would not be able to handle the new duties given to them by this legislation. Who has been cutting back their budget all these years, strangling these organizations so they cannot render appropriate care to the constituency they are delegated to serve?

Has the Senator heard them complaining about understaffing?

Mr. KENNEDY. The answer is yes, not only have I heard it, but I remember debating with my good friend from Oklahoma on the increase for HCFA, which was recommended by the General Accounting Office—that there would be an $11 million increase for HCFA to administer. He opposed that. He fought it tooth and nail. So they did not get the additional support. And then they complain when they are inadequately staffed to do the job.

Thankfully, $2 million came out of the committee, even though we were unable to get anything on the floor. I said this to my friend, Senator NICKLES, so I do not mind mentioning it here in his absence because—he is here now. He remembers his battle against giving additional funding to HCFA to implement the Kassebaum-Kennedy bill, and he took great relish in that opposition. The Senator from Nevada has pointed that out.

I agree HCFA is a challenge because we have given them a great deal of additional responsibility in recent times. We have given them the CHIP program which is working in the States. They are doing a good job. They have Kassebaum-Kennedy, which is the portability legislation to help those who are disabled move around through jobs and not be discriminated against.

I am reminded by my staff that the latest GAO report shows HCFA is doing a good job, and virtually every State is effectively administering the Mothers and Infants Protection Act and the Women's Cancer Act, which have been additional responsibilities for HCFA. They are doing a good job with that as well.

I know it is easy to have whipping boys around here. HCFA is out there. We all can probably find instances in our own States where we wish they had made other decisions. That certainly should not be used as an excuse in opposition to this legislation.

Mr. NICKLES. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. NICKLES. Did I understand my friend and colleague to say the State of Massachusetts now complies with the Health Insurance Portability Act?

Mr. KENNEDY. Not completely. What the State of Massachusetts complies with is the CHIP program. Massachusetts is the No. 1 State in the Union with the lowest number of uninsured children. We have done an outstanding job with that. We still have work to do in other areas, such as HIPAA. Rather than take the spirit of the legislation that Senator Kassebaum believed to be the case—I had serious doubts about it—which was that there would not be a significant increase in premiums—we find a number of States, with the support of the insurance industry, have raised rates so high as to undermine the effectiveness of the program.

Mr. NICKLES. So the State of Massachusetts still does not comply with the Health Insurance Portability Act we passed several years ago?

Mr. KENNEDY. Parts of it they do; not all of it, I say to the Senator.

Mr. NICKLES. I was just wondering.

Mr. KENNEDY. That is fine. I am not going to get into whether the Republican Governors in my State were in opposition to enforcing it. That is not relevant here tonight.

The point is, Mr. President, this legislation we have before us tonight protects children, women, and families. It is about doctors, nurses, and families making decisions that will not be overridden by bureaucrats and HMOs. That is what this legislation is about.

We welcome the chance finally, finally, finally, to have it before the Senate. We look forward to the amendments to begin.

I suggest the absence of a quorum.

Mr. REID. Will the Senator withhold for a minute? While the Senator is here, I want to ask him another question. We talked about the uninsured, and we heard the other side talk about the shortage of staff. We have heard now a new one that has been going on all afternoon on the other side about States rights—how are the Governors going to put up with this terrible bill?

I say to my friend from Massachusetts, isn't it interesting that no matter what happens, there are always excuses that we cannot pass a Patients' Bill of Rights? This has been going on for 5 years. We now have a bipartisan piece of legislation. I acknowledge the first legislation that came out was partisan, just the Democrats authored it, even though some Republicans supported it. Now we have bipartisan legislation. Senators MCCAIN, KENNEDY, and EDWARDS have written this legislation. They are the chief sponsors of it. But now it is still not good enough.

Have we not heard in the 5 years we have already spent on this legislation about States rights? I ask the Senator from Massachusetts, do you not think we resolve these States rights problems with this legislation?

Mr. KENNEDY. The Senator is exactly correct. Under the proposal before us, if there is substantial compliance, then the State provisions will rule the responsibility and liability provisions. That is why I was so interested in what the Senator from Oklahoma said about not being able to decide this in Washington, DC, because it is one size does not fit all; we have all learned that.

That is not, of course, what this legislation does. It lets the States make the judgments about liability.

I am very interested in the fact there are a number of Senators on the other side who do not want to permit their States to make the judgments with regard to liability issues. That is where the liability and negligence issues have been decided for over 200 years. The States have the knowledge about these issues, and transferring responsibility into the Federal system does not make a lot of sense. There are long delays, more distance, and it is more costly to the patients.

We will have a full opportunity to debate those issues. I look forward to that debate.

The Senator is quite correct, we have in this legislation, in the liability provisions, shown very special deference, as has been stated during the course of the day. Effectively 90 percent of these cases will be tried in State courts. Only 10 percent will actually be tried in Federal courts, and those will be limited to contract cases.

The Senator is quite correct that we are relying upon the State system of justice, and that is the way it ought to be in this case. Senator MCCAIN, Senator EDWARDS, and others involved in the development of that proposal found a good solution to it.

Mr. REID. Our majority leader is in the Chamber now, and I want to make a brief statement and see if the Senator will agree with me.

We heard this harangue that this is legislation that deals with lawyers. The fact is, as to the two States where there is a Patients' Bill of Rights, in 1 State there has been no litigation whatsoever; in the State of Texas, where the President is from, in 4 years there have been 17 lawsuits filed. That is about four a year. That does not sound outrageous to me. Does it to the Senator from Massachusetts?

Mr. KENNEDY. The Senator is correct, and I will end with this note. We can speculate and theorize, but under these circumstances we ought to look at the record. We have 50 million Americans who have protections like what we are trying to provide for 170 million additional Americans in the liability provisions. Those who have protections are State and local employees and individuals who purchase insurance. They have the right to sue. There is absolutely no evidence that there has been a proliferation of lawsuits. There has not been any kind of abuse of the system, although those who are opposed to our legislation have alleged that.

Second, there is absolutely no evidence that the costs for these various policies are in any way more costly than those without the liability provisions.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, as I indicated earlier today, Senator LOTT and I and others have been discussing the manner under which we might be able to proceed to the bill. Earlier today, the unanimous consent request to proceed to the bill was not agreed to. We have been discussing the matter throughout the day. I think I am now prepared to propound a unanimous consent agreement that reflects an understanding about the way we might proceed later this week.

I ask unanimous consent that at 9:30 on Thursday, June 21, the Senate vote on a motion to proceed to S. 1052, the Patients' Bill of Rights, and that the time between the completion of that vote and 12 noon be equally divided between the two leaders or their designees for debate only, and that at 12 noon the Republican manager or his designee be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, it is my intention, then, to stay on the motion to proceed until the 9:30 time that we have now just agreed to on Thursday. Should there be any interest in accelerating that, we would certainly entertain it. However, at least now we know we will have a vote at 9:30, and that our Republican colleagues will be recognized to offer their first amendment at noon on Thursday.

I appreciate very much the willingness of Senator NICKLES and certainly the Republican leader and others who have been discussing this matter with me for the last couple of hours.

Mr. REID. Could I ask the majority leader a question?

Mr. DASCHLE. Yes.

Mr. REID. In that we will start this debate this coming Thursday, is it still the intention of the leader to finish this bill before we take the Fourth of July recess.

Mr. DASCHLE. There are two matters I think it is imperative we finish. This is the first of the two, I answer my colleague, the assistant Democratic leader; and the other is the supplemental. I think 2 good weeks of debate on this issue is certainly warranted.

We have had a debate on this matter in previous Congresses. I think we should be prepared to work late into the night Thursday night. We will be here on Friday. We will be in session on Friday, with amendments and votes. We will stay on the bill throughout next week. As I say, we will hopefully set at least a desirable time for final consideration Thursday of next week. Should we need Friday, we can certainly accommodate that particular schedule, and if we need to go longer into the weekend to do it, my intention is to stay here until we complete our work.

So, yes, I emphasize, as I have the last couple of days, that the Senate will complete this work, and hopefully the supplemental prior to the time we leave for the July recess.

Mr. REID. We will work this Friday with votes, no votes on Monday, but we will work on Monday.

Mr. DASCHLE. Correct.

Mr. NICKLES. I heard the leader say we would be working on the legislation, considering amendments on Friday. Did the leader clarify whether or not there will be votes on Friday?

Mr. DASCHLE. There will probably be votes on Friday but no votes on Monday.

Mr. NICKLES. I thought I understood the majority leader to say we would hold votes ordered on Friday to Tuesday.

Mr. DASCHLE. If I misspoke, I apologize. I intended to say, if I didn't say, we would have votes and amendments offered on Friday but that there wouldn't be any votes on Monday, but there would be amendments considered and hopefully we can make some arrangement to consider these votes as early on Tuesday morning as possible.

Mr. NICKLES. Does the leader have any indication how late we will vote on Friday?

Mr. DASCHLE. We certainly wouldn't have any votes scheduled after around 1 o'clock on Friday.

Mr. NICKLES. To further clarify, I heard the intention that you would like to have this completed by the Fourth of July, but correct me if I am wrong. We spent a little over 2 weeks on the education bill just on the motion to proceed. I believe on the education bill in total we spent 6 or 7 weeks, and the education bill is a very important bill. Likewise, this is a very important bill. And this bill, like the education bill, in my opinion, needs to be amply reviewed.

I don't know the period of time, but at least it is this Senator's intention we thoroughly consider what is in the language and how it can be improved. Some Members want to have significant changes so the bill can be signed. I am not sure if that can be done or completed in the time anticipated or hoped for. I appreciate the dilemma the majority leader is in and his desire to conclude it a week from Thursday or Friday, but I am not sure that is obtainable. We will see where we are next week.

Mr. DASCHLE. I agree. I don't know whether it is attainable or not. But I do know this: We will continue to have votes into the recess period to accommodate the completion of this bill.

My concern is, very frankly, we will come back after the Fourth of July recess—and I have talked to Senator LOTT about this—with the realization we have 13 appropriations bills to do and a recognition that we have a very short period of time within which to do them. I know the administration wants to finish these appropriations bills and Senator LOTT has indicated he, too, is concerned about the degree to which we will be able to adequately address all of the many complexities of these bills as they are presented to the Senate.

I want to leave as much time as possible during that July block for the appropriations process to work its will, and it is for that reason, in particular, that I want to complete our work on this bill so we can accommodate that schedule.

Again, I appreciate the desire of the Senator from Oklahoma to vet this and to debate it. I hope we can find a way to resolve it prior to the time we reach the end of next week.

There will, therefore, be no votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT BUSH RECOGNIZES LT. COL. BILL HOLMBERG AS AN AMERICAN HERO

Mr. DASCHLE. Mr. President, I want to call my colleagues' attention to a specific passage in President Bush's commencement address at the U.S. Naval Academy last month that was particularly meaningful to me. In that reference, the President paid tribute to the heroism of a longtime friend of mine, retired Marine Corps Lt. Colonel William C. Holmberg, class of '51.

I would like to quote from the President's speech:

> But there are many others from the Class of '51 whose stories are lesser known, such as retired Lieutenant Colonel William C. Holmberg. One year and a handful of days after graduation, Second Lieutenant Holmberg found himself on the Korean peninsula, faced with a daunting task: to infiltrate his platoon deep behind enemy lines in an area swarming with patrol; to rout a tenacious enemy; to seize and hold their position. And that's what he did. And that's what his platoon did.
>
> Along the way, they came under heavy fire and engaged in fierce hand-to-hand combat. Despite severe wounds, Lieutenant Holmberg refused to be evacuated, and continued to deliver orders and direct the offensive until the mission was accomplished.
>
> And that's why he wears the Navy Cross. And today, his deeds, and the deeds of other heros from that class, echo down through the ages to you. You can't dictate the values that make you a hero. You can't buy them, but you can foster them.

I commend the President for his recognition of this very special American. I have known Bill Holmberg ever since I came to Washington as a freshman Congressman more than 20 years ago. I know Bill not as a war hero, but as an indefatigable champion of the environment and as a visionary who understood the potential of renewable fuels for improving air quality and reducing our dependence on imported oil long before they were accepted as a viable alternative to fossil fuels.

Bill is a true American hero who stands as a model for us all. His selfless commitment to making the world a better place to live has been demonstrated not only on distant battlefields, but also by his daily pursuit of a more secure, environmentally sustainable and just society.

I join with President Bush in saluting Lt. Colonel William C. Holmberg, a sustainable American hero.

THE EXECUTION OF JUAN RAUL GARZA

Mr. FEINGOLD. Mr. President, I rise to speak on the Federal Government's execution today of Juan Raul Garza.

This is a sad day for our Federal criminal justice system. The principle of equal justice under law was dealt a severe blow. The American people's reason for confidence in our Federal criminal justice system was diminished. And the credibility and integrity of the U.S. Department of Justice was depreciated.

President Bush and Attorney General Ashcroft failed to heed the calls for fairness. Instead, the Government put Juan Garza to death.

Now, no one questions that Juan Garza is guilty of three drug-related murders. And no one questions that the Government should have punished him severely for those crimes.

But serious geographic and racial disparities exist in the Federal Government's system of deciding who lives and who dies. The government has failed to address those disparities. And President Bush and Attorney General Ashcroft failed to recognize the fundamental unfairness of proceeding with executions when the Government has not yet answered those questions. No, the government put Juan Garza to death.

Today, most of those who wait on the Federal Government's death row come from just three States: Texas, Missouri, and Virginia. And 89 percent of those who wait on the Federal Government's death row are people of color. But President Bush and Attorney General Ashcroft failed to recognize the fundamental unfairness of executing Juan Garza, a Hispanic man from Texas, before the Government had answered why those disparities exist.

On December 7, President Clinton stayed the execution of Juan Garza "to allow the Justice Department time to gather and properly analyze more information about racial and geographic disparities in the federal death penalty system." That day, President Clinton said, "I have . . . concluded that the examination of possible racial and regional bias should be completed before the United States goes forward with an execution in a case that may implicate the very questions raised by the Justice Department's continuing study. In this area there is no room for error."

But today, the thorough study that President Clinton and Attorney General Reno ordered is nowhere near completion. Even so, the Government put Juan Garza to death.

It now appears that, until recently, this administration's Justice Department had no plans to proceed with this thorough study. We now see that, on June 6, the Justice Department released a report that contained no new analysis but nonetheless reached the conclusions that they wanted to reach.

Yes, after I called for a hearing and demanded that the thorough study resume, the Justice Department did agree to renew its thorough examination of racial and geographic disparities in the Federal death penalty system. But even so, the Government put Juan Garza to death.

Experts at that hearing of the Judiciary Subcommittee on the Constitution testified that the facts did not support the conclusions that the Justice Department reached in its June 6 report. Experts testified that more information is needed before the Justice Department could credibly conclude that racial bias is absent from the Federal death penalty system. But even so, the Government put Juan Garza to death.

The Justice Department now acknowledges that it has not conducted a complete review and that more study is needed. Before the Department completes that thorough review, and before it finishes that study, the Federal Government should not execute one more person.

I once again call on the President to implement a moratorium on executions by the Federal Government. I call for it in the name of the credibility and integrity of the Department. I call for it in the name of justice. And I call for it in the name of equal justice under law.

Mr. THURMOND. Mr. President, I rise today to discuss the Federal execution that was carried out earlier today.

I believe that the Justice Department did what was right today when it carried out the death penalty against drug kingpin and murderer Juan Raul Garza.

Steadfast death penalty opponents have tried to use Mr. Garza's case to justify a moratorium on the death penalty. It is puzzling why they would because his case in no way supports their arguments about innocence and racial disparity in the administration of the death penalty.

First, Mr. Garza was clearly guilty. He was convicted of murdering three people, one of whom he shot in the back of the head, and he was tied to five other killings. Even his lawyers are not claiming innocence.

Second, there was no evidence that his race had anything to do with him receiving the death penalty. The judge and the main prosecutor in his case were Hispanic, as were all of his victims except one. The majority of the jurors had hispanic surnames, and all the jurors certified that race was not involved in their decision.

Moreover, there were six death-eligible cases in this district, the Southern District of Texas, all involving Hispanic defendants. Yet, Mr. Garza's was the only case for which the local U.S. Attorney recommended the death penalty, and the only one for which it was sought.

Mr. Garza was convicted under a law that Congress passed in 1988, which reinstated the death penalty and directed it at ruthless drug kingpins like Mr. Garza who commit murder as part of their drug trafficking. By following through with the death penalty in appropriate cases such as this, the Attorney General is simply enforcing the laws he has a duty to uphold.

Mr. Garza was treated fairly and had full access to the extensive protections of the criminal justice system. This execution is not a case study in injustice. It is a case study in how the system works properly.

I agree that continued study of the death penalty is worthwhile, but studies should not be used as an excuse to place a moratorium on the death penalty while opponents endlessly search for flaws in the system.

THE TALIBAN IN AFGHANISTAN

Mr. SANTORUM. Mr. President, I rise to discuss the critical situation concerning the Taliban in Afghanistan. The seriousness of the Taliban's gross injustices is alarming. This movement continues to make outrageous demands on religious minorities, women, and the relief workers trying to alleviate the suffering of the Afghan people. With impunity, the Taliban has largely ignored international condemnation, becoming increasingly fanatical and strict.

I am cosponsoring a bill with Senators BROWNBACK and BOXER which condemns the Taliban for its harsh demands on Muslims, Hindus, women, and religious minorities. The legislation strongly urges the Taliban to reopen United Nations offices and hospitals so that the people of Afghanistan may receive necessary relief. I encourage my colleagues to consider cosponsoring this legislation.

Hindus and all other religious minorities have been ordered to distinguish themselves from Muslims by wearing yellow badges. This decree is reminiscent of the Nazis forcing the Jews to wear the yellow star of David. It is shocking that the Taliban would order this kind of religious branding. Furthermore, Muslims and non-Muslims are prohibited from living together, and religious minorities are not permitted to construct new places of worship. The fanatic Taliban religious police invoke terror on city streets, sometimes whipping those who are not attending mosques at designated times. This kind of religious intolerance is abominable and should not be allowed.

The Taliban's iron grip on Afghanistan not only affects religious practices, it is further devastating the suffering Afghan people by obstructing relief efforts by the United Nations and other humanitarian organizations. The United Nations World Food Program believes it may be forced to close around 130 bakeries in Afghanistan's capital city if the Taliban will not allow women to help address the needs of the hungry. Without the aid of both men and women, program leaders cannot maintain the bread distribution program. Also in the capital, a 40-bed surgical hospital was forced to close its doors. Sixteen international staff members escaped to Pakistan because there were genuine concerns about their safety. This is not the first time foreign staff have had to flee. Several U.N. workers have even been arrested, a gross violation of a previous agreement between the Taliban and the U.N. that relief workers would be protected. The Taliban is compromising both the safety of international relief workers and the well-being of the Afghan people with their harsh and unreasonable policies.

The injustice meted out by the Taliban is sobering and demands continued attention. That is why I am cosponsoring S. Con. Res. 42 with Senators BROWNBACK and BOXER, and it is my fervent wish that the suffering endured by all the Afghan people and international workers be quickly relieved.

THE ADMINISTRATION'S DECISION OF VIEQUES BOMBING RUNS

Mrs. CLINTON. Mr. President, last week, the administration made headlines when it said it would stop the bombing in Vieques.

But is that really true? Let's look at the fine print.

First, the administration did not commit to stopping the bombing immediately and permanently, as so many of us have called for. In fact, the bombing runs continue this week.

Second, the administration said it would stop the bombing by May 1, 2003. But is that really something new? Let's look at the date by which the bombing would stop under the current agreement and existing law, which provides for an end to the bombing if the people vote for it. The current agreement and existing law call for an end to the bombing by May 1, 2003—the very same date.

In other words, the administration is saying nothing more than what current law mandates if the people of Vieques vote to stop the bombing.

If that is all the administration announced—that the bombing would stop by the same date provided for under current law—then this flurry of attention would be little more than an overblown story about this President's desire to abide by the letter and spirit of the agreement entered into between the Federal Government and the representatives of the people of Vieques and Puerto Rico.

But that is not all the administration announced. It also announced that it wanted to stop the November referendum. The devil is in the details, they say. Well, this is one powerful devil of an idea that has not received the scrutiny it deserves.

For what the administration is really attempting to do is to undermine the intent of the law and subvert the will of the people of Vieques.

The administration says that a referendum is unnecessary, because it already plans to end the bombing by 2003. I say a referendum is more important than ever, because without an electoral mandate to require an end to the bombing, any administration expression of intent is nothing more than that: an expression of intent. Not a legal requirement. And "intentions" can change at a moment's notice.

I wholeheartedly support all efforts to find a viable alternative site to train our naval forces. We need such training, to protect our national interest and to protect our troops. And we must work hard to find places and ways to provide such a vital element of our defense.

As I have said before, the people of Puerto Rico are great patriots; its sons and daughters volunteer for our Nation's armed forces at one of the highest rates in our country.

Thousands of Puerto Ricans have lost their lives in service of their country during all the wars of the 20th century. We need the good training to protect all our troops, many of whom are Puerto Rican.

So this is not a matter in which the people of Vieques or Puerto Rico should be pitted against the interests of national security. We are all Americans. We are all on the same team and we want the same thing: the best trained armed forces in the world.

And so, I agree with President Bush when he says the "Navy will find another place to practice." I agree with Secretary Powell when he says, "Let's find alternative ways of making sure that our troops are ready . . . using technology, using simulators and also finding a place to conduct live fire."

But here's the bottom line: Under current law, if the people of Vieques vote in November to end the bombing by May 1, 2003, the bombing must end by that date. Pure and simple. However, under the administration's plan, there will be no referendum. And therefore, there will be no mandate and no requirement to end the bombing by 2003. Only a policy to do so. And that policy could be altered by the President anytime between now and 2003.

In fact, Secretary Rumsfeld has already said that the Navy might stay on Vieques for another, and I quote, "two, three, four years" until it can arrange "the training that's needed in other ways." Defense Department officials were also quick to point out that while the President said that the Navy would find another place to practice within "a reasonable period of time" he never defined "reasonable."

Secretary England said he wanted to "have us control our destiny," meaning the Navy, as opposed to allowing what he called "this level of emotion" distract "our attention from the real issue."

In other words, the will of the people of Vieques is an "emotion" that must be put aside, and the people of Vieques should not control their destiny—the Navy should.

I believe that is the wrong way to deal with this very important issue. I believe we should work toward a solution to this problem without circumventing the law of the land, without abrogating an agreement, without obviating the will of the American citizens of Vieques.

I will stand up against any effort to shut down the referendum in Vieques. Let the votes be cast. Let them be counted. And let the voice of the people be heard and respected.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 2, 1999 in West Palm Beach, FL. Two teenagers admitted they beat a homosexual man to death last year, alleging the attack was provoked when the 118-pound victim called one of the young men "beautiful."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE DR. MARTIN LUTHER KING JR. COMMEMORATIVE COIN ACT OF 2001

Mr. CORZINE. Mr. President, I rise today in support of S. 355, a bill requiring the Secretary of the Treasury to mint coins in commemoration of the contributions to our nation of the Rev. Dr. Martin Luther King, Jr. The Dr. Martin Luther King Jr. Commemorative Coin Act of 2001, S. 355, was introduced by Senator MARY LANDRIEU on February 15.

As we approach the 40th anniversary of Dr. King's "I have a dream" speech, we remember that Dr. King was a man larger than life who had an extraordinary impact not only on the civil rights movement, but also on the history of America. He was living proof that non-violence can change the world.

In the last session of Congress, this measure was introduced in both the House and Senate, but no action was taken on the floor. My constituents, however, concerned themselves with the issues and the Borough Council of Fair Lawn, NJ, passed Resolution 315–2000 urging that the measure be adopted and the commemorative coins be authorized for the year 2003.

David L. Ganz, the Mayor of the Borough of Fair Lawn is a former member of the Citizens Commemorative Coin Advisory Committee, a long-time advocate of using commemorative coins properly, and an avid coin collector. In an article appearing in COINage magazine, a monthly trade publication, in the July 2001 issue, Mr. Ganz argues that "the accomplishments of Dr. Martin Luther King, Jr. transcend the work of presidents and academicians and cut across cultural lines. His life's work ultimately affected the fabric of American society . . . worthy of the Nobel Peace Prize in 1964 . . . [and leading to] social justice for a whole class of citizens and a generation of Americans."

This is a remarkable opportunity to honor a remarkable man, and I urge the Banking Committee, and ultimately this body, to promptly enact this legislation into law and authorize this distinctive tribute to a distinctive American.

BETTER EDUCATION FOR STUDENTS AND TEACHERS ACT

Mr. VOINOVICH. Mr. President, if there is one thing that the Senate can agree on wholeheartedly, it is that we, as a Nation, need to invest in our children's educational future. There is no other issue that hits closer to home for America's families.

But, even as we recognize the importance of education, we must realize that close to home is where education works best in America, and simply spending more and more Federal dollars on more and more Federal "one size fits all'' education directives will not, by itself, make our education system perform better.

S. 1, the Better Education for Students and Teachers Act, that the Senate passed last Thursday contains several provisions that I favor.

The bill contains a modest pilot "Straight A's'' provision that will help us build on the Education Flexibility Partnership Act that I worked to help pass in the 106th Congress to allow States to consolidate Federal education programs to meet State and local needs.

It also contains an amendment that I sponsored, that will provide loan forgiveness to Head Start teachers in effort to encourage teachers to go into early childhood education.

Further, S. 1 expands local flexibility and control by block-granting funds, consolidating some programs, and includes another amendment that I sponsored to allow local districts to spend Title II funds, if they desire, on pupil services personnel.

However, taken as a whole, S. 1 is fiscally irresponsible and violates my deeply held principles of federalism.

Over the course of my 35 years of public service to the people of Ohio, I have developed a passion for the issue of federalism—that is, assigning the appropriate role of the Federal Government in relation to State and local government.

Our forefathers outlined this relationship in the 10th Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Education is one such responsibility, and it has only been in the last 35 years that the Federal government has had much of a role to play in education policy, albeit a small one.

As my colleagues know, the Federal Government currently provides approximately 7 percent of all money spent on education in America, while 93 percent of the money is provided at the state and local level.

In my view, S. 1 not only violates that principle of federalism and the proper role of the Federal Government in education, it violates a principle long-held in this country; and that is, local control of our schools. I am concerned that this bill will put us on a fast-track towards thoroughly federalizing education.

As it has been said before on the floor of the Senate, one size does not fit all when it comes to education. Different districts have different requirements, with the needs of rural areas differing from the needs of our cities. And that has been the guiding force in American education for over 200 years.

But some of my colleagues think the Congress is the national school board. Well, we are not the national school board here in this Congress!

With the expansion of education programs that the Federal Government would undertake in this bill, I have a genuine concern that in ten or fifteen years, Washington will be dictating what is happening in every schoolhouse across the nation.

Indeed, in spite of the limited expenditure of Federal funds for education, this bill stipulates that every school district in America will test their students from grades 3 through 8.

This testing will occur regardless of how well students are performing in their particular school districts, and despite the fact that most of our states have mechanisms already in place that test students' educational performances.

For instance, just last week in my state of Ohio, Governor Taft signed into law a bill to revamp the State's testing program.

Governors, legislators, school boards, parents and most of all, teachers, all understand how onerous additional federally mandated testing provisions truly are.

I can assure you that there are many teachers in Ohio who are going to be saying, "here we go again.''

In addition, there are other provisions in this legislation that usurp the authority of states and local school districts in their ability to make decisions that will affect their students.

For example, S. 1 lays out specific steps that states and school districts must take to address failing schools.

Also under S. 1, the Federal Government would be able to tell States that its teachers in low-income schools must meet certain Federal qualification and certification requirements.

Further, the Federal Government would be able to continue to tell school districts how to spend funds in a number of areas including: reading; teacher development; technology; and programs for students with limited English language skills, instead of providing States and local school districts with full flexibility to spend funds on their own identified priorities.

Besides violating a long-held principle regarding State and local control over schools, the bill's fatal flaw is that it increases authorized and appropriated spending for education by more than 62 percent over last year's budget, and it demolishes the budget resolution that Congress recently passed.

According to the Senate Budget Committee, ESEA spending totaled $17.6 billion in fiscal year 2001. That same year, we spent over $6.3 billion on special education. That's a total of $23.9 billion of Federal funds for kindergarten through grade 12. It also represents a 21 percent increase over fiscal year 2000.

S. 1 as reported authorized $27.7 billion for ESEA alone for fiscal year 2002. Since the beginning of the debate on the floor of the Senate until its passage on June 14th, a period of some 7 weeks, the Senate added an additional $11.1 billion in education spending for fiscal year 2002.

That's a total of $38.8 billion and, as I said earlier, a 62 percent increase in just one year!

Over the life of the bill, these amendments add $211 billion to ESEA for a total of $416 billion. That is an increase of 101 percent over seven years.

When you consider that the House and Senate agreed to a budget resolution that included a modest increase in Federal spending over last year's budget of approximately 5 percent, it's obvious that if we are to fund ESEA with a 62 percent increase, many legitimate functions that are the true responsibility of the federal government will not be met. Otherwise, we will not be able to live within the parameters of the FY 2002 budget resolution.

I am concerned that a number of my colleagues may have voted for many of the amendments to S. 1, as well as the final version of the bill—even with its expensive price tag—believing that the Appropriations Committee will not fully-fund each and every authorized program.

In my view, we should only vote to authorize what we are actually willing to appropriate.

That's because, I am very sure that there will be tremendous pressure on the appropriators to fully-fund the programs included in this bill. And, at 62 percent over last year's level, the programs in S. 1 just cost too much money for this Congress to spend.

In fact, I am concerned that the level of spending in this bill will put us back on the path towards a repeat of last year's "budget busting'' appropriations cycle; a cycle that saw the Congress spend 14.3 percent more in non-defense discretionary spending than the year before.

That is why over the last few weeks, I have been working with my friend from Kentucky, Senator BUNNING, to get the signatures of our Senate colleagues on a letter to President Bush to show him that we are willing to support him in his efforts to instill fiscal discipline in the appropriations process.

In addition, our letter is meant to put Congress on notice that excessive spending will not be tolerated.

Although President Bush has indicated that he will not hesitate to use his veto pen on spending bills, Senator BUNNING and I felt he needed a "Backbone 34''—a contingent of at least 34 Senators who would agree to uphold the President's veto on bloated spending bills, should it be necessary.

I am pleased to say that Senator BUNNING and I collected the signatures of 35 Senators who have agreed to "vote against any congressional effort to override [vetoes] to enforce fiscal discipline.''

What these 35 signatures do is send an important message to all of our colleagues regarding the need for the Senate to stay within the budget resolution guidelines.

Simply put, the President will have the support he needs in Congress to sustain his veto of spending bills that are not fiscally responsible.

As far as I am concerned, the "easy" vote would have been to vote in favor of S. 1. However, I was not elected to the Senate to take the easy votes and hide from my responsibilities to the taxpayers of Ohio and this nation.

It is high-time for us to stand-up and show that we have the courage to be fiscally responsible, to prioritize our spending on the basis of those responsibilities that are truly Federal in nature, and to make the tough choices.

If Congress won't do it, I hope the President will, because the American people deserve to know that their government is serving in their best interest.

In my view, the funding expectations that are established in S. 1 are just too unrealistic, and if the President does not insist on a final bill that is more fiscally responsible, I do not doubt that my friends across the aisle will demand that he fund ESEA to the fully authorized level in his next budget.

That's why I urge President Bush to insist that the Members of the conference committee to S. 1 eliminate the enormous excess in spending that this bill contains before it is sent back to each of the respective Houses of Congress for a final vote.

By so doing, it will show the citizens of this nation that their President truly is not only the Education President, but that he cares about putting an end to Congress' spendthrift ways as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 18, 2001, the Federal debt stood at $5,634,686,176,609.17, five trillion, six hundred thirty-four billion, six hundred eighty-six million, one hundred seventy-six thousand, six hundred nine dollars and seventeen cents.

Five years ago, June 18, 1996, the Federal debt stood at $5,118,201,000,000, five trillion, one hundred eighteen billion, two hundred one million.

Ten years ago, June 18, 1991, the Federal debt stood at $3,496,571,000,000, three trillion, four hundred ninety-six billion, five hundred seventy-one million.

Fifteen years ago, June 18, 1986, the Federal debt stood at $2,044,497,000,000, two trillion, forty-four billion, four hundred ninety-seven million.

Twenty-five years ago, June 18, 1976, the Federal debt stood at $610,653,000,000, six hundred ten billion, six hundred fifty-three million, which reflects a debt increase of more than $5 trillion, $5,024,033,176,609.17, five trillion, twenty-four billion, thirty-three million, one hundred seventy-six thousand, six hundred nine dollars and seventeen cents during the past 25 years.

ADDITIONAL STATEMENTS

WEST VIRGINIA DAY

• Mr ROCKEFELLER. Mr. President, I am enormously proud to reflect upon West Virginia's years of accomplishment and good works on this, its 138th anniversary as a State. Among West Virginia's greatest achievements are its outstanding citizens who have had an influence, not only on their home State, but also on the Nation as a whole. West Virginia is home of some of the country's greatest educators, authors, and scientists. Like all great Americans, these luminaries worked for the advancement of others. Like all great West Virginians, they pursued their goals while remembering their roots.

I am reminded of Anna Jarvis, a teacher who longed to heal the rift between brothers during the Civil War. Miss Jarvis strove to provide a common bond between all Americans, northern and southern, that could serve as a stepping-stone toward a more lasting peace. To this end, she founded "Mother's Friendship Day," now known as Mother's Day, which honors the sacrifices of all mothers. Indeed, Anna achieved her goal; and, she created a tradition that endures today.

Another West Virginian, author Pearl S. Buck, sought much the same goal. Ms. Buck's revolutionary novel, "The Good Earth", highlighted the plight of poor women and children in early-20 century China. In addition, Pearl worked tirelessly to advance the civil rights movement, as well as the women's rights movement. Her efforts brought increased understanding and tolerance for the underprivileged. Pearl S. Buck was inspired by the tolerance and charity of her fellow West Virginians and instilled these ideals in a new generation of Americans.

Like Anna and Pearl, Reverend Leon Sullivan recognized his ability to change the lives of others through example. A Baptist minister, educator, and civil rights activist, Leon also served on the board of directors of the General Motors Corporation. There, he promoted the idea of corporate responsibility abroad. His desire for racial egalitarianism worldwide forged the path for the Sullivan principles; these beliefs were instrumental in the abolition of apartheid in South Africa. Though he recently passed away, Reverend Sullivan leaves a lasting legacy of fairness and equality both at home and abroad.

Finally, I think of Homer Hickam, an aerospace engineer who, in spite of his humble background, attended college and achieved great professional success. Today, Homer attributes his accomplishments to the early influence of an outstanding teacher. His story demonstrates that educators inspire students and open doors. Most importantly, it reminds us of why we should collectively invest in education.

Today, I commend all of West Virginia's heroes, those that are well known and those who remain anonymous. I hope all Americans are inspired by the generosity, integrity, and devotion displayed by the people of this great State.•

TRIBUTE TO TIM BEAULAC

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tim Beaulac of Gorham, NH, for being named as the Pharmacist of the Year for the Northeast Region, which includes Maine, New Hampshire and a portion of Vermont.

He achieved the award with the assistance of other members of the pharmacy staff at the Gorham WalMart Store including: assistant pharmacist, Kellie Lapointe, department manager, Sandy Trottier, and pharmacy technicians Mona Garneau and Karen Taylor.

Tim is a graduate of the Massachusetts College of Pharmacy and began his career at Berlin City Drug as a pharmacist for ten years. He also was employed at the former City Drugs in Gorham for several years.

Tim and his wife, Marylou, have one daughter, Holly, who is a sixth grader at Gorham Middle School.

I commend Tim on this exemplary achievement and recognition in the pharmaceutical industry. He has served the citizens of Gorham with dedication and care for many years. The people of Gorham and our entire state have benefitted from his contributions. It is truly an honor and a privilege to represent him in the U.S. Senate.•

TRIBUTE TO COLONEL WILLIAM J. GRAHAM

• Mr. CLELAND. Mr. President, it is with great pleasure that I rise today to pay special tribute to an outstanding soldier who has dedicated his life to the service of our Nation. Colonel William J. Graham will take off his uniform for the last time this month as he retires from the U.S. Army following 21 years of active duty commissioned service.

Colonel Graham began his military career with an appointment to the U.S. Military Academy at West Point. He completed the rigorous course of study at the academy and graduated with a Bachelor of Science degree, having focused his studies in the areas of general engineering and national security. He was commissioned a second lieutenant in 1980.

During Colonel Graham's career as an Army aviator, he was selected to command at every level from platoon through brigade. He reorganized, built, and fine-tuned several record-setting organizations, and enjoyed making things happen. His leadership, management, problem-solving and team-building skills have been proven during combat, peacekeeping operations, and peacetime, and he is a proven expert in crisis management, organizational planning, and training.

Colonel Graham's aviation units were among the most frequently deployed to challenging international security environments. During his career he served in and deployed to many of the world's "hotspots," including Korea, Germany, Bosnia, Macedonia, Hungary, Croatia, Panama, Honduras, and Grenada. Colonel's Graham's career culminated with duty as the Deputy Legislative Assistant to the Chairman of the Joint Chiefs of Staff where he served as liaison between the Nation's most senior military officer and the U.S. Senate.

Colonel Graham's retirement represents a loss to both the Joint Forces and the U.S. Army. Throughout a career of distinguished service, he has made innumerable long-term and positive contributions to both the military and our Nation. As Colonel Graham transitions to tackle new challenges in the business community, we will certainly miss him and wish continued success for both him and his family.●

THE GROWING ALLIANCE BETWEEN RUSSIA AND CHINA

● Mr. HELMS. Mr. President, Dr. Constantine Menges has a distinguished career in the field of national security. He has written a timely piece on the growing alliance between Russia and China. I hope my colleagues will read this article and heed his expert advice. I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Times, June 14, 2001]

CHINA-RUSSIA: PREVENTING A MILITARY ALLIANCE

(By Constantine Menges)

An important item on the agenda of President Bush as he meets President Putin of Russia should be the new 30-year treaty of cooperation which the leaders of Russia and China are scheduled to sign in July 2001.

This treaty will formalize the ever-increasing Chinese-Russian strategic coordination of recent years, which is intended to counter the United States around the globe.

Why would the leadership of China and Russia believe they need to join for this purpose? At their summit meeting in July 2000, Mr. Putin endorsed China's view as expressed in their joint statement that the U.S. "is seeking unilateral military and security advantages" in the world. Mr. Putin also criticized the "economic and power domination of the United States" and agreed with China on the need to establish a still undefined "new political and economic order."

The new China-Russia treaty will not only mean a significantly increased political-strategic challenge to the U.S., it will also pose additional military risks. These are illustrated by Russia's sale of advanced weapons systems to China which it is aiming at U.S. forces and by the February 2001 Russian military exercises that included mock nuclear attacks against U.S. military units viewed as opposing a Chinese invasion of Taiwan.

The relationship between Russia and China went from alliance in the 1950s to deep hostility from 1960 to 1985 followed by gradual normalization during the Gorbachev years. After 1991, Boris Yeltsin continued negotiations to demarcate the disputed border but kept a political distance because China remained communist and had publicly welcomed the 1991 coup attempt by Soviet communist hard-liners and also opposed Mr. Yeltsin's democratic aspirations.

Mr. Yeltsin and the first President Bush had three summit meetings in 1992 and 1993, and Russia declared its intention to move toward a "strategic partnership and in the future, toward alliance" with the U.S. The mutually positive and hopeful initial relationship with the new, post-Soviet Russia, also included a signed agreement on reductions in offensive nuclear weapons and a joint decision on modifying "existing agreements" (including the ABM treaty) to permit global missile defense which both Presidents Yeltsin and Bush acknowledged were needed. Unfortunately the Clinton administration did not pursue the opportunity for Russian-U.S. agreement on missile defense.

In April 1996, Mr. Yeltsin decided to agree with China on a "strategic partnership" and increased Russian weapons sales. Through a series of regular summit meetings, China moved the "partnership" with Russia toward strategic alignment marked by an ever-larger component of shared anti-U.S. political objectives (e.g. support for Iraq, opposition to missile defense) along with increased Russian military sales and military cooperation. This was ignored by the previous administration.

As a result, for the first time in 40 years the U.S. faces coordinated international actions by China and Russia. This could have six principal negative implications starting, first, with the fact that Russia has accepted and repeats most of communist China's views about the U.S., for example that the U.S. seeks to dominate the world.

Second, the Chinese view of the coming July 2001 treaty emphasizes that, when one of the parties to the treaty "experiences military aggression," the other signatory state should when requested "provide political, economic, and military support and launch joint attacks against the invading forces."

As the American public has learned from the April 2001 reconnaissance aircraft event, China defines not only Taiwan but also most of the international South China Sea and all its islands as its sovereign territory. If the United States should threaten or take any type of counteraction (political, economic or military) against China to uphold the rights of US aircraft or ships in that international air and sea space or to help allies or other countries defend themselves against coercion by China, which has territorial disputes with 11 neighboring countries including Japan and India, China could define this as "blackmail" and a violation of its "sovereignty". It would then hope to draw Russia in militarily, if only as a potential counter-threat as suggested by the February 2001 Russian military exercise.

A third negative consequence is ever-increasing Russian military sales and other support for the buildup of Chinese advanced weapons systems specifically targeted at U.S. air, sea and electronic military capabilities and vulnerabilities in the Pacific. For example the Russian anti-ship missiles that accompany the two Russian destroyers already delivered (and the four more to come) skim the ocean at twice the speed of sound, can carry nuclear warheads and were designed to sink U.S. aircraft carriers. In the 1990s, Russia sold China about $9 billion to $20 billion in advanced weapons systems aimed at U.S. forces (jet fighters, submarines, destroyers, anti-air/missile systems) with another $20 billion to $40 billion in weapons and high-technology sales planned through 2004. The income from these sales also helps Russia further modernize its strategic nuclear forces that currently have 4,000 warheads on about 1,000 ICBMs.

A fourth negative result is that Russia and China are working together and in parallel to oppose any U.S. decision to deploy national or Asian regional missile defenses; they are seeking to persuade U.S. allies to oppose this and refuse cooperation. At the same time Russia has sold China one of its most advanced weapons (S–300), originally designed to shoot down the Pershing medium range missile as well as aircraft and cruise missiles, along with a similar medium-range system (Tor-M1) in such quantity that China is now in effect already deploying its own missile/air defense system on the coast.

Fifth, Russia and China have been providing weapons of mass destruction components, technology and expertise to a number of dictatorships such as North Korea, Iraq, Iran and Libya which are hostile to the United States and its allies. Russia and China have also established military supply links with Cuba and the pro-Castro Chavez regime in Venezuela. The risk of conflict increases as all these dangerous regimes become militarily stronger and also believe they are backed by both China and Russia.

The sixth negative result is that the ever-closer relationship with China strengthens the authoritarian tendencies with Russia, thereby increasing the risk it will become more aggressive internationally. While the Chinese government develops relations with the Putin government and military, the Chinese Communist Party has revived direct relations with the Communist Party in Russia.

At their June 16, 2001, meeting in Slovenia, it is urgent that President Bush seek to persuade President Putin that Russia should assure the U.S. and the world that there is no open or secret military component to the July 2001 China-Russia treaty. Mr. Bush should remind Mr. Putin that the U.S. has no territorial or other claims of any kind on Russia. In contrast, communist China has on numerous occasions during the 1950s and through 1992 formally demanded that Russia "return" virtually all of the Russian Far East that China alleges was stolen by an "illegal" 1860 treaty. Russia is arming a potentially very dangerous country, perhaps making the same mistake Josef Stalin did in selling weapons to arm Germany which then attacked the Soviet Union in 1941.

Unless Russia excludes such a military component in the new treaty, Mr. Bush should indicate that the U.S. will view this as a China-Russia military alliance and a potentially grave threat to be met by the significant reductions in U.S. economic support for Russia directly, through debt restructuring, international institutions and trade access. Further the U.S. would see the need to immediately accelerate movement toward missile defense.

The U.S. and its allies need to give the China-Russia strategic alignment effective attention. With skill and foresight it is still possible to turn back the momentum by hard-liners in both Russia and China toward more confrontation while adopting realistic U.S. policies that maintain deterrence and peaceful relations.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2478. A communication from the Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a report relative to S. 1456; to the Committee on the Judiciary.

EC–2479. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Research Service Awards" (RIN0925–AA16) received on June 18, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2480. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Water and Waste Disposal Programs Guaranteed Loans" (RIN0572–AB57) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2481. A communication from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Administrator, received on June 14, 2001; to the Committee on Environment and Public Works.

EC–2482. A communication from the Counsel to the Inspector General, United States General Services Administration, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Inspector General, received on June 8, 2001; to the Committee on Governmental Affairs.

EC–2483. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Governmental Affairs.

EC–2484. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–67, "Arena Fee Rate Adjustment and Elimination Act of 2001"; to the Committee on Governmental Affairs.

EC–2485. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–69, "Advisory Neighborhood Commission Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–2486. A communication from the Chairman of the Counsel of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–68, "Child Fatality Review Committee Establishment Temporary Act of 2001"; to the Committee on Governmental Affairs.

EC–2487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–70, "Earned Income Tax Credit Act of 2001"; to the Committee on Governmental Affairs.

EC–2488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–71, "Real Property Tax Assessment Transition Temporary Act of 2001"; to the Committee on Governmental Affairs.

EC–2489. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–74, "51 Percent District Residents New Hires Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–2490. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–72, "Department of Mental Health Establishment Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC–2491. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Panama City, FL" (Doc. No. 01–57) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2492. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Great Falls, MT" (Doc. No. 00–114) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2493. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Oklahoma City, OK" (Doc. No. 99–297) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2494. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Monticello, Maine" (Doc. No. 01–64) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2495. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Lima, OH" (Doc. No. 01–51) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2496. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Butte, MT" (Doc. No. 01–29) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2497. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Galesburg, IL" (Doc. No. 01–53) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2498. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Atlantic City, NJ" (Doc. No. 01–49) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation..

EC–2499. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Regulatory Adjustment; Deadline for Atlantic Tunas Permit Category extended until May 31 for 2001 only" (RIN0648–AP29) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2500. A communication from the Acting Deputy Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of a Grant of Conditional Exception" received on June 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2501. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC–2502. A communication from the Deputy Secretary of the Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Application of the Electronic Signatures in Global and National Commerce Act to Record Retention Requirements Pertaining to Issuers under the Securities Act of 1933, Securities Exchange Act of 1934 and Regulation S–T" (RIN3235–AI14) received on June 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2503. A communication from the Under Secretary for Export Administration, transmitting, pursuant to law, a report relative to the export of ammonium nitrate; to the Committee on Banking, Housing, and Urban Affairs.

EC–2504. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2001-2002 Subsistence Taking of Fish and Wildlife Regulations" (RIN1018-AG55) received on June 13, 2001; to the Committee on Energy and Natural Resources.

EC-2505. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY-230-FOR) received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC-2506. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Minimum Cost Requirement Permitting the Transfer of Excess Assets of a Defined Benefit Pension Plan to a Retiree Health Account" (RIN1545-AY43) received on June 18, 2001; to the Committee on Finance.

EC-2507. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Further Delay of Effective Date" (RIN0938-AI28) received on June 18, 2001; to the Committee on Finance.

EC-2508. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Provisions of the Benefits Improvement and Protection Act of 2001; Inpatient Payments and Rates and Costs of Graduate Medicaid Education" (RIN0938-AK78) received on June 18, 2001; to the Committee on Finance.

EC-2509. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2000"; to the Committee on Finance.

EC-2510. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Secretary of the Navy; to the Committee on Armed Services.

EC-2511. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Under Secretary of Defense (Acquisition, Technology and Logistics); to the Committee on Armed Services.

EC-2512. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Under Secretary of Defense (Personnel and Readiness); to the Committee on Armed Services.

EC-2513. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Department of Defense General Counsel; to the Committee on Armed Services.

EC-2514. A communication from the Assistant Director for Executive and Political Personnel,. Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy (Manpower and Reserve Affairs); to the Committee on Armed Services.

EC-2515. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of General Counsel of the Department of the Army; to the Committee on Armed Services.

EC-2516. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistance Secretary of Defense (Force Management Policy); to the Committee on Armed Services.

EC-2517. A communication from the Deputy Director, Selective Service System, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Director, Selective Service System; to the Committee on Armed Services.

EC-2518. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Secretary of the Air Force; to the Committee on Armed Services.

EC-2519. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the identification of the Requirements to Reduce the Backlog of Maintenance and Repair of Defense Facilities for 2001; to the Committee on Armed Services.

EC-2520. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report relative to Army Communications-Electronic Command Research, Development, and Engineering Community; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-107. A resolution adopted by the City Council of North Olmsted, Ohio relative to national health care insurance plan; to the Committee on Health, Education, Labor, and Pensions.

POM-108. A resolution adopted by the House of the Legislature of the State of Colorado relative to federal regulation governing mining on public lands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION 01-1015

Whereas, The regulations at 43 C.F.R. Part 3809 (3809 regulations) governing the management of mining operations for hardrock minerals on federal lands that were published by the Bureau of Land Management (BLM) on November 21, 2000, 65 Federal Register 69998, and which became effective January 20, 2001, will have substantial adverse impacts on the mining industry in Colorado and throughout the United States; and

Whereas, The BLM has forecast that the implementation of the regulations will result in the loss of up to 6,000 jobs, costing American workers almost $400 million in personal income, and the agency also projects that mine production from public lands under the regulations could also decline by as much as 30% or $484 million; and

Whereas, The regulations would also impose massive additional obligations on state regulators charged with the responsibility of regulating mining on public lands through cooperative agreements with the BLM; and

Whereas, Congress commissioned the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive analysis of mining regulations; and

Whereas, Congress prohibited the BLM from promulgating final 3809 regulations, except for revisions that are "not inconsistent with" the recommendations contained within the NRC report, Hardrock Mining on Federal Lands, published in 1999; and

Whereas, The NRC report concluded that the existing array of federal and state laws regulating mining is "generally effective" in protecting the environment, and that "improvements in the implementation of existing regulations present the greatest opportunity for improving environmental protections"; and

Whereas, Notwithstanding the unequivocal findings of the NRC report, the BLM published amendments to the 3809 regulations that go far beyond the seven "regulatory gaps" identified in the report; and

Whereas, The BLM inserted several additional provisions that ignored the findings of the NRC report, including a "mine veto" provision that was never subject to public review and comment, as required by the federal "Administrative Procedures Act" and the United States Constitution; and

Whereas, The BLM further ignored the advice and recommendations of the Western Governors Association, which specifically advised the BLM to adhere to the findings of the NRC report; and

Whereas, The State of Nevada and two industry organizations have filed suit asking that the regulations which became effective on the last day of the former presidential administration be set aside; and

Whereas, The litigation calls into substantial question the validity of the 3809 regulations; and

Whereas, The BLM has conducted a preliminary review of the regulations, has concerns about "substantial policy and legal issues" raised in these lawsuits, and wants to resolve such concerns before implementing a new regulatory program; and

Whereas, The BLM published a proposal on March 23, 2001, 66 Federal Register 16162, to suspend all or some parts of the regulations that took effect on January 20, 2001, pending a complete review of the issues; and

Whereas, If such regulations were suspended, mining activities would be subject to the state and federal laws and regulations that the NRC found to be effective in protecting the environment and that were in place prior to the adoption of the current scheme; and

Whereas, The BLM's and the new presidential administration's actions once again demonstrate the willingness to provide a balance between important goals of environmental protection and responsible development of our nation's mineral resources; now, therefore, be it

Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado;

That the Colorado House of Representatives hereby expresses its support for the action of the Department of the Interior and the Bureau of Land Management in reviewing and proposing to suspend the 3809 regulations that took effect on January 20, 2001.

That the Colorado House of Representatives urges the Bureau of Land Management to promulgate new 3809 regulations that adhere to the specific recommendations of the report of the National Research Council of the National Academy of Sciences entitled Hardrock Mining on Federal Lands, as the United States Congress has mandated. Be it further

Resovled, That copies of this resolution be transmitted to the President of the United States; to the United States Department of the Interior, Bureau of Land Management, Washington, D.C.; to the Honorable Gale Norton, Secretary of the Interior, Washington, D.C.; and to the United States House of Representatives and the United States Senate.

POM–109. A joint resolution adopted by the Legislature of the State of Colorado relative to the Railroad Retirement and Survivors Improvement Act; to the Committee on Finance.

House Joint Resolution 01–1012

Whereas, The Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including Representatives Diana DeGette, Scott McInnis, Thomas Tancredo, and Mark Udall; and

Whereas, More than 80 United States Senators, including Senator Ben Nighthorse Campbell, signed letters of support for this legislation; and

Whereas, The bill now before the 107th Congress modernizes the railroad retirement system for its 748,000 beneficiaries nationwide, including over 9,000 Colorado citizens; and

Whereas, Railroad management, labor, and retiree organizations have agreed to support this legislation; and

Whereas, This legislation provides tax relief to freight railroads, Amtrak, and commuter lines; and

Whereas, This legislation provides benefit improvements for surviving spouses of rail workers who currently suffer deep cuts in income when the rail worker retiree dies; and

Whereas, No outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, All changes will be paid for from within the railroad industry, including a full share to be paid by active employees; now, therefore, be it

Resolved by the House of Representatives of the Sixth-third General Assembly of the State of Colorado, the Senate concurring herein:

That the Colorado General Assembly urges the United States Congress to enact the Railroad Retirement and Survivors Improvement Act in the 107th Congress. Be it further

Resolved, That copies of this Joint Resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Colorado Congressional delegation.

POM–110. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to increasing funding for agricultural conservation programs; to the Committee on Appropriations.

Senate Concurrent Resolution No. 134

Whereas, since the adoption of the 1985 Farm Bill and subsequent iterations of federal farm legislation in 1990 and 1996, U.S. agriculture policy has included major voluntary conservation incentive programs such as the Conservation Reserve Program (CRP) and Wetlands Reserve Program (WRP); and

Whereas, the most popular of the federal agricultural conservation programs in Louisiana have been the WRP with 368 approved easements on 137,632 acres, the Environmental Quality Incentives Program (EQIP) with 4,803 approved contracts on 494,006 acres, the Wildlife Habitat Incentives Program (WHIP) with 168 contracts on 12,900 acres, and the Forestry Incentives Program (FIP) with all available funds having been allocated; and

Whereas, Louisiana has the most easement acres enrolled in the WRP of all participating states, 407 pending applications on over 102,000 acres, and a potential WRP enrollment demand of up to 474,000 acres; and

Whereas, Louisiana is second only to Texas in the number of EQIP contracts with an estimated potential demand of three to four times the allocation currently available and only one out of every four applications for assistance able to be funded; and

Whereas, the demand for participation in WHIP and FIP also exceeds available funds; and

Whereas, CRP, which benefits Louisiana primarily through improving upstream water quality and providing nesting habitats for waterfowl and other migratory birds, and these other agricultural programs have profound beneficial impacts on wildlife habitat and water quality in our state, including ameliorating the nutrient loading of rivers and streams that contribute to the annual occurrence of hypoxia in the Gulf of Mexico, while aiding rural communities and benefitting farmers; and

Whereas, agricultural conservation incentive programs are an efficient and effective use of tax dollars to restore habitats and prevent the degradation of soil, water, and habitat over a long term and, with WRP and CRP, overproduction of crops and direct subsidy payments are reduced; and

Whereas, the Lower Mississippi Valley Initiative (LMVI), a multi-state partnership to address agriculturally based environment stewardship consisting of producers, universities, natural resource agencies, and conservation organizations in Louisiana, Arkansas, Mississippi, Missouri, Kentucky, and Tennessee formed to inform the process of developing the conservation provisions of the next farm bill, has recognized the importance to the environment, the farming community, and the future of agriculture of strategically enlarging and enhancing farm bill conservation programs; and

Whereas, although agricultural conservation programs authorized by the 1996 farm bill have reached their acreage and funding caps, additional funding has not been included in the proposed FY 2002 budget; and

Whereas, legislation has been introduced in Congress to expand agricultural conservation programs to meet the needs of farmers and the environment until the next farm bill is enacted. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the president of the United States and memorializes the Congress of the United States to expand and fund federal agricultural conservation programs, including the Conservation Reserve, Wetlands Reserve, Environmental Quality Incentives, Wildlife Habitat Improvement, and Forestry Incentives Programs. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the President of the United States, the Secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the Congress of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON (for himself and Mr. Dayton):

S. 1058. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 1059. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as a scholarship; to the Committee on Finance.

By Mr. BAYH:

S. 1060. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as part of an educational assistance program; to the Committee on Finance.

By Mr. McCONNELL:

S. 1061. A bill to authorize the Secretary of the Interior to acquire Fem Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historic Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Ms. Collins, Mr. Biden, Mrs. Clinton, Mr. Feingold, Mrs. Feinstein, Mr. Johnson, and Mr. Inouye):

S. 1062. A bill to amend the Public Health Service Act to promote organ donation and facilitate interstate linkage and 24-hour access to State donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (by request):

S. 1063. A bill to amend chapter 72 of title 38, United States Code, to improve the administration of the United States Court of Appeals for Veterans Claims; to the Committee on Veterans' Affairs.

By Mr. BOND (for himself, Mr. Reid, Mr. Smith of New Hampshire, Mr. Kerry, Mr. Warner, Mr. Chafee, Mr. Wyden, Mr. Cleland, Mr. Ensign, and Ms. Landrieu):

S. 1064. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide certain relief from liability for small businesses; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (for acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. Res. 113. A resolution congratulating the Los Angeles Lakers on their second consecutive National Basketball Association championship; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. Lott):

S. Con. Res. 51. A concurrent resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. McCAIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 127, a bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market.

S. 170

At the request of Mr. REID, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 312

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 321

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 321, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 345

At the request of Mr. ALLARD, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Wyoming (Mr. ENZI), and the Senator from Arizona (Mr. McCAIN) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 347

At the request of Mr. THOMAS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 347, a bill to amend the Endangered Species Act of 1973 to improve the processes for listing, recovery planning, and delisting, and for other purposes.

S. 392

At the request of Mr. SARBANES, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 454

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind. .

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 556

At the request of Mr. JEFFORDS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 556, a bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 651

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 651, a bill to provide for the establishment of an assistance program for health insurance consumers.

S. 654

At the request of Mr. TORRICELLI, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 657

At the request of Mr. LUGAR, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 657, a bill to authorize funding for the National 4-H Program Centennial Initiative.

S. 688

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 688, a bill to amend title 49, United States Code, relating to the airport noise and access review program.

S. 697

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 718

At the request of Mr. McCAIN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 718, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing drugs by athletes, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 824

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr.

INOUYE) was added as a cosponsor of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

S. 837

At the request of Mr. BOND, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 837, a bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 847

At the request of Mr. DAYTON, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 859

At the request of Mr. THOMAS, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 859, a bill to amend the Public Health Service Act to establish a mental health community education program, and for other purposes.

S. 860

At the request of Mr. GRASSLEY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 940

At the request of Mr. DODD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 1014

At the request of Mr. BUNNING, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1014, a bill to amend the Social Security Act to enhance privacy protections for individuals, to prevent fraudulent misuse of the Social Security account number, and for other purposes.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1037

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1041

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 1041, a bill to establish a program for an information clearinghouse to increase public access to defibrillation in schools.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. CON. RES. 35

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 35, a concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. CON. RES. 37

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

S. CON. RES. 45

At the request of Mr. FITZGERALD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Con. Res. 45 , a concurrent resolution expressing the sense of Congress that the Humane Methods of Slaughter Act of 1958 should be fully enforced so as to prevent needless suffering of animals.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. DAYTON):

S. 1058. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes; to the Committee on Finance.

Mr. HUTCHINSON. Mr. President, the debate over energy use in America has gripped our national attention for well over a year. A week doesn't go by that you don't pick up a newspaper or magazine and read at least one story about our Nation's domestic or foreign energy crisis. One issue in the energy debate that has caught my attention and that of farmers in my State is renewable fuels.

The technology to convert agricultural crops into combustible fuel, suitable for use in modern diesel and gasoline engines, has existed for more than 100 years. I believe this process continues to hold great potential for America. The production and use of biofuels offers our Nation a safe, renewable source of energy for travel and transport, not to mention the long-term economic benefits for farmers and consumers.

That is why I rise today to introduce the Biodiesel Renewable Fuels Act. I am pleased that Senator DAYTON has joined with me as my lead cosponsor. This bill encourages the use of biodiesel by establishing a tax credit for manufacturers who produce a blend of conventional diesel and soybean or oilseed additives. By reducing the diesel fuel excise tax, suppliers will receive a 3-cent-per-gallon credit for using a diesel blend that contains at least 2 percent biodiesel. This tax credit is very similar to the existing tax incentive for ethanol, a biofuel made from corn-based products. I believe a tax incentive for soy-based biodiesel will increase domestic production and capture the agricultural, environmental and economical benefits associated with using this renewable source of energy.

Most Americans don't realize that farm communities sit atop a vast and virtually untapped source of renewable fuels in the form of agriculture crops. Farmers in Arkansas are interested in developing new markets for soybean and oilseed products. In Arkansas for example, farmers grew 94 million bushels, or 2.5 million metric tons, of soybeans last year. Nationally, farmers produced 2.6 billion bushels of soybeans in 1999–2000, equal to 72 million metric tons. The oil derived from soybeans and other oilseed crops can be refined into a diesel additive or diesel alternative. According to a USDA study released in 1996, an annual market for biodiesel of 100 million gallons in the United States would raise the price of soybeans by up to seven cents per bushel. Given the recent U.S. soybean crop, that kind of annual market would result in more than $168 million directly related to the use of soy-based biodiesel.

Producing biodiesel domestically also means that more money stays in the U.S. Instead of purchasing more foreign petroleum, manufacturers can reduce their dependence on overseas oil by adding biodiesel blends for use in existing diesel engines. If domestic companies are encouraged to develop the infrastructure necessary to produce more biodiesel, the economic effect will be more U.S. jobs, lower prices for the consumer and larger markets for farmers.

Developing markets for agricultural commodities and reducing our dependence on foreign oil is good, but there are environmental benefits as well. It is well documented that the burning of biofuels in combustion engines reduces the emissions of harmful greenhouse gases and particulate matter. In fact, biodiesel passes some of the Environmental Protection Agency's most stringent emissions and health standards for fuel additives and fuel alternatives. This becomes important when you consider the EPA's recent announcement that California should continue to use ethanol as a fuel oxygenate to improve air quality. As more cities and States are faced with having to improve the quality of their air, I believe biofuels are a sensible alternative to existing oxygenates which are not as friendly to the environment or human health.

If using biodiesel improves air quality, reduces our dependence on foreign oil and provides a value-added market for soybean and oilseed crops, then we should support legislation to further development of this renewable source of fuel. My bill is good for farmers, it's good for consumers and it's good for the environment. I ask unanimous consent that the text of the Biodiesel Renewable Fuels Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Biodiesel Renewable Fuels Act".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. CREDIT FOR BIODIESEL USED AS FUEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40 the following new section:

"SEC. 40A. BIODIESEL USED AS FUEL.

"(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the biodiesel mixture credit.

"(b) DEFINITION OF BIODIESEL MIXTURE CREDIT.—For purposes of this section—

"(1) BIODIESEL MIXTURE CREDIT.—

"(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is the sum of the products of the biodiesel mixture rate for each blend of qualified biodiesel mixture and the number of gallons of the blend of the taxpayer for the taxable year.

"(B) BIODIESEL MIXTURE RATE.—For purposes of subparagraph (A), the biodiesel mixture rate shall be—

"(i) the applicable amount for a B-1 blend,

"(ii) 3.0 cents for a B-2 blend, and

"(iii) 20.0 cents for a B-20 blend.

"(C) BLENDS.—For purposes of this paragraph—

"(i) B-1 BLEND.—The term 'B-1 blend' means a qualified biodiesel mixture if at least 0.5 percent but less than 2.0 percent of the mixture is biodiesel.

"(ii) B-2 BLEND.—The term 'B-2 blend' means a qualified biodiesel mixture if at least 2.0 percent but less than 20 percent of the mixture is biodiesel.

"(iii) B-20 BLEND.—The term 'B-20 blend' means a qualified biodiesel mixture if at least 20 percent of the mixture is biodiesel.

"(D) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means, in the case of a B-1 blend, the amount equal to 1.5 cents multiplied by a fraction the numerator of which is the percentage of biodiesel in the B-1 blend and the denominator of which is 1 percent.

"(2) QUALIFIED BIODIESEL MIXTURE.—

"(A) IN GENERAL.—The term 'qualified biodiesel mixture' means a mixture of diesel and biodiesel which—

"(i) is sold by the taxpayer producing such mixture to any person for use as a fuel; or

"(ii) is used as a fuel by the taxpayer producing such mixture.

"(B) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

"(i) only if the sale or use described in subparagraph (A) is in a trade or business of the taxpayer; and

"(ii) for the taxable year in which such sale or use occurs.

"(C) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

"(c) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall, under regulations prescribed by the Secretary, be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 4041(n) or section 4081(f).

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BIODIESEL DEFINED.—

"(A) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from vegetable oils for use in compressional-ignition (diesel) engines. Such term shall include esters derived from vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, and mustard seeds.

"(B) REGISTRATION REQUIREMENTS.—Such term shall only include a biodiesel which meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

"(2) BIODIESEL MIXTURE NOT USED AS A FUEL, ETC.—

"(A) IMPOSITION OF TAX.—If—

"(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

"(ii) any person—

"(I) separates the biodiesel from the mixture, or

"(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the biodiesel mixture rate applicable under subsection (b)(1)(B) and the number of gallons of the mixture.

"(B) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) as if such tax were imposed by section 4081 and not by this chapter.

"(3) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

"(e) ELECTION TO HAVE BIODIESEL FUELS CREDIT NOT APPLY.—

"(1) IN GENERAL.—A taxpayer may elect to have this section not apply for any taxable year.

"(2) TIME FOR MAKING ELECTION.—An election under paragraph (1) for any taxable year may be made (or revoked) at any time before the expiration of the 3-year period beginning on the last date prescribed by law for filing the return for such taxable year (determined without regard to extensions).

"(3) MANNER OF MAKING ELECTION.—An election under paragraph (1) (or revocation thereof) shall be made in such manner as the Secretary may by regulations prescribe."

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following:

"(16) the biodiesel fuels credit determined under section 40A."

(c) CONFORMING AMENDMENTS.—

(1) Section 39(d) is amended by adding at the end the following:

"(11) NO CARRYBACK OF BIODIESEL FUELS CREDIT BEFORE JANUARY 1, 2003.—No portion of the unused business credit for any taxable year which is attributable to the biodiesel fuels credit determined under section 40A may be carried back to a taxable year beginning before January 1, 2003."

(2) Section 196(c) is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10), and by adding at the end the following:

"(11) the biodiesel fuels credit determined under section 40A."

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 40 the following new item:

"Sec. 40A. Biodiesel used as fuel."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 3. REDUCTION OF MOTOR FUEL EXCISE TAXES ON BIODIESEL MIXTURES.

(a) IN GENERAL.—Section 4081 (relating to manufacturers tax on petroleum products) is amended by adding at the end the following new subsection:

"(f) BIODIESEL MIXTURES.—Under regulations prescribed by the Secretary—

"(1) In General.—In the case of the removal or entry of a qualified biodiesel mixture, the rate of tax under subsection (a) shall be the otherwise applicable rate reduced by the biodiesel mixture rate (if any) applicable to the mixture.

"(2) Tax Prior to Mixing.—

"(A) In General.—In the case of the removal or entry of diesel fuel for use in producing at the time of such removal or entry a qualified biodiesel mixture, the rate of tax under subsection (a) shall be the otherwise applicable rate, reduced by the amount determined under subparagraph (B).

"(B) Applicable Reduction.—For purposes of subparagraph (A), the amount determined under this subparagraph is an amount equal to the biodiesel mixture rate for the qualified biodiesel mixture to be produced from the diesel fuel, divided by a percentage equal to 100 percent minus the percentage of biodiesel which will be in the mixture.

"(3) Definitions.—For purposes of this subsection, any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

"(4) Certain Rules to Apply.—Rules similar to the rules of paragraphs (6) and (7) of subsection (c) shall apply for purposes of this subsection.".

(b) Conforming Amendments.—

(1) Section 4041 is amended by adding at the end the following new subsection:

"(n) Biodiesel Mixtures.—Under regulations prescribed by the Secretary, in the case of the sale or use of a qualified biodiesel mixture (as defined in section 40A(b)(2)), the rates under paragraphs (1) and (2) of subsection (a) shall be the otherwise applicable rates, reduced by any applicable biodiesel mixture rate (as defined in section 40A(b)(1)(B)).".

(2) Section 6427 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) Biodiesel Mixtures.—Except as provided in subsection (k), if any diesel fuel on which tax was imposed by section 4081 at a rate not determined under section 4081(f) is used by any person in producing a qualified biodiesel mixture (as defined in section 40A(b)(2)) which is sold or used in such person's trade or business, the Secretary shall pay (without interest) to such person an amount equal to the per gallon applicable biodiesel mixture rate (as defined in section 40A(b)(1)(B)) with respect to such fuel:".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 4. HIGHWAY TRUST FUND HELD HARMLESS.

There are hereby transferred (from time to time) from the funds of the Commodity Credit Corporation amounts equivalent to the reductions that would occur (but for this section) in the receipts of the Highway Trust Fund by reason of the amendments made by this Act. Such transfers shall be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made to subsequent transfers to reflect any errors in the estimates.

Mr. DAYTON. Mr. President, I rise today to introduce, along with my distinguished colleague Senator Hutchinson from Arkansas, legislation that will increase the use of biodiesel fuel throughout our country.

Biodiesel is a natural additive to diesel fuel, much as ethanol is to regular gasoline. It is also a fuel in its own right. Biodiesel is made from soybeans and other vegetable oils. Its use as a 2-percent blend with diesel fuel, and in some instances as high as a 20-percent blend, will increase the demand for these commodities, boost their market price, and reduce the toxic carbon emissions from trucks and other vehicles across this Nation, all at no additional cost to American taxpayers.

Our legislation would provide a 3-cent-per-gallon credit to diesel fuel suppliers using 2-percent biodiesel and up to a 20-cent-per-gallon credit for blends containing 20-percent biodiesel.

As soybean prices rise then due to the increased usage, Federal spending on the U.S. Department of Agriculture Marketing Assistance Loan Program will be reduced accordingly, resulting in substantial savings for the American taxpayers.

A credit such as this would otherwise reduce the revenues that would be going into the highway trust fund. Given the deterioration of many of our Nation's highways, that would be unwise. Thus, this legislation provides for the Commodity Credit Corporation to reimburse the highway trust fund for its forgone revenues.

Our current energy crisis is also an opportunity for our country. I currently have a van driving around the State of Minnesota that uses 85-percent ethanol fuel with no difficulties whatsoever. These agricultural fuels are not just possible tomorrow, they are practical today. We just need to help them become financially competitive, until these industries can reach the volume of production necessary to compete with the giant oil industry.

In conclusion, this legislation is an important step in several right directions—toward less foreign oil dependency, toward higher agricultural commodity prices for American farmers, toward lower taxpayer costs for our struggling farm economy, and toward a cleaner air quality for us all. I respectfully urge my colleagues to support this important legislation.

By Mr. BAYH:

S. 1059. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as a scholarship; to the Committee on Finance.

By Mr. BAYH:

S. 1060. A bill to amend the Internal Revenue Code of 1986 to provide that certain postsecondary educational benefits provided by an employer to children of employees shall be excludable from gross income as part of an educational assistance program; to the Committee on Finance.

Mr. BAYH. Mr. President, I am pleased to introduce legislation today that will help thousands of American workers with the financial burden associated with sending a daughter or son to college. In this climate of labor shortages, U.S. companies are looking for innovative ways to maintain and attract a dedicated and qualified workforce. Some companies have creatively turned to providing college scholarships for their employees' children. My legislation would allow employees to deduct these scholarships from their gross income. Under current law, an employee generally is not taxed on post-secondary education assistance provided by an employer for the benefit of the employee. My bill would extend this treatment to employer-provided education assistance for the employees' children, up to $2,000 per child.

As many of my colleagues know, employer-provided education assistance is considered an integral tool in keeping America's workforce well trained and equipped to deal with the changing face of the New Economy. Current law not only allows companies to keep an up-to-date labor pool, but also allows many workers to move from low-wage, entry level positions up the economic ladder of success. Extending tax-free treatment to the children of employees not only will help working families, but will contribute to our Nation's competitiveness in an increasingly dynamic global economy.

My legislation is very simple. It allows employees whose companies provide educational scholarships for employees' children to exclude up to $2000 from gross income per child. An employee may not exclude more than $5,250 from gross income for employer education assistance. This is the limit established under Section 127(a)(2) of the Internal Revenue Code for employer education assistance. In essence, there would be "family cap." Workers could deduct a $2,000 scholarship for their child and could also exclude up to $3,250 of educational benefits for themselves, however, the combined amounts could not exceed $5,250.

In today's economy, American companies are no longer looking purely for a high-school diploma, but require that their workers have some sort of post-secondary education or training. Many working families struggle in providing this basic start which will help their children get well-paying jobs.

This piece of legislation is also a modest proposal. The Joint Committee on Taxation has scored this provision at $231 million over 10 years. I look forward to working to make sure that this provision is fully offset in a responsible manner. I hope my colleagues will join me to help ease the burden of American families with the soaring costs of higher education.

By Mr. McCONNELL:

S. 1061. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historic Park, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. McCONNELL. Mr. President, last month the Bush Administration unveiled a new national energy strategy that strikes an important balance between the twin priorities of production and conservation. Today I am proud to introduce legislation with Congressman HAL ROGERS that takes a step toward fulfilling the conservation side of that energy equation in my home state of Kentucky.

Our bill, the Fern Lake Conservation and Recreation Act of 2001, will authorize the Cumberland Gap National Historical Park to purchase Fern Lake, a natural landmark on the Kentucky-Tennessee border that has served as the municipal water supply for Middlesboro, KY since the lake was constructed in 1893. This bill will protect the lake as a clean and safe source of rural water for Kentuckians, enhance the scenic and recreational value of Cumberland Gap National Historical Park, and increase tourism opportunities in the three states that border the Park—Kentucky, Tennessee, and Virginia.

For those who may be less familiar with this part of the country, Fern Lake is a beautiful and pristine body of water set against the backdrop of the Appalachian Mountains. The 150-acre lake presently sits adjacent to the Park and is part of the viewshed from Pinnacle Overlook, which is one of the Park's most popular attractions. It is said that the glassy surface of Fern Lake is so clear that you can see fish swimming 10 feet below the surface. Perhaps that is one of the reasons why Middlesboro Mayor Ben Hickman describes his town's water supply as one of the best in the United States.

With a lake of such natural beauty and exceptional water quality, it is no wonder that the citizens and community leaders want to protect it. Although Fern Lake has been privately owned for most of its existence, it has been for sale since July 2000, and there is concern in Middlesboro that a new owner may not share the same interests regarding the lake as those embraced by the community. That is why a growing chorus of community leaders and citizens have called for the Cumberland Gap National Historical Park to purchase Fern Lake. This solution would guarantee management of this wonderful resource consistent with the needs of the community.

This legislation is needed because currently the Park is prohibited by law from expanding its boundaries by purchasing new land with appropriated funds. Our bill, therefore, authorizes the Park to use appropriated funds, if necessary, to purchase Fern Lake (and up to 4,500 acres of the surrounding watershed) and to manage the lake for public recreational uses. This bill also requires the Park to maintain Fern Lake as a source of clean drinking water, authorizes the Park to sell water to the city of Middlesboro, and permits the proceeds of the water sales to be spent by the Secretary of the Interior without further appropriation. And because the scenic and recreational values of Fern Lake will benefit the tourism industry in all three adjacent states—Kentucky, Tennessee, and Virginia—the legislation directs the Secretary of the Interior to consult with appropriate officials in these states to determine the best way to manage the municipal water supply and to promote the increased tourism opportunities associated with Park ownership of Fern Lake.

This bill is a small but important example of the type of targeted conservation measures that are essential to making a national energy policy work for all Americans. This is not the conservation of environmental extremism that seeks to divide communities, vilify opponents, or present unworkable approaches in the name of political opportunism. Rather, this is conservation that builds upon community consensus. It is common sense conservation that seeks environmental solutions that will enhance rather than disturb local industries such as tourism, which have been so vital to economically depressed areas such as southeastern Kentucky. And finally, this is conservation that is careful to consider, and where necessary, to protect, the property rights of affected landowners. This bill requires that the Park acquire land from willing sellers only, and the National Park Service has assured us that it has no authority to place land-use restrictions on private land until the land is actually acquired by the Park.

Targeted and consensus-driven conservation measures such as this one are not always easy to craft, but they are always worth the effort. This bill is proof that environmental protection and economic development need not be at odds, and that there are a number of responsible and practical conservation opportunities that can bring communities together rather than tear them apart. Indeed, if this simple formula for finding consensus conservation opportunities—broad community support, local employment, and private property protections—was replicated in all 50 States, we could make actual and noticeable strides as a nation toward protecting and promoting our natural treasures.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fern Lake Conservation and Recreation Act of 2001".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat 262; 16 U.S.C. 261 et seq.).

(2) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park's most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(3) Fern Lake is the water supply source for the City of Middlesboro, Kentucky, and environs.

(4) The 4500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

(b) PURPOSES.—The purposes of the Act are—

(1) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(2) to allow the continued supply of safe, clean, drinking water from Fern Lake to the City of Middlesboro, Kentucky, and environs.

SEC. 3. LAND ACQUISITION, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) DEFINITIONS.—In this section:

(1) FERN LAKE.—The term "Fern Lake" means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(2) LAND.—The term "land" means land, water, interests in land, and any improvements on the land.

(3) PARK.—The term "park" means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat 262; 16 U.S.C. 261 et seq.).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled "Fern Lake Watershed Boundary Addition, Cumberland Gap National Historical Park", numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(c) AUTHORIZED ACQUISITION METHODS.—

(1) IN GENERAL.—Notwithstanding the Act of June 11, 1940 (16 U.S.C. 261 et seq.), the Secretary may acquire lands described in subsection (b) by donation, purchase with donated or appropriated funds, or exchange. However, the lands may be acquired only with the consent of the owner.

(2) EASEMENTS.—At the discretion of the Secretary, the Secretary may acquire land described in subsection (b) that is subject to an easement for the continued operation of providing the water supply for the City of Middlesboro, Kentucky, and environs.

(d) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Upon the acquisition of land under this section, the Secretary shall revise the boundaries of the park to include the land in the park. Subject to subsection (e), the Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(e) SPECIAL ISSUES RELATED TO FERN LAKE.—

(1) PROTECTION OF WATER QUALITY.—The Secretary shall manage public recreational use of Fern Lake, if acquired by the Secretary, in a manner that is consistent with the protection of the lake as a source of safe, clean, drinking water.

(2) SALE OF WATER.—In the event the Secretary's acquisition of land includes the water supply of Fern Lake, the Secretary may enter into contracts to facilitate the sale and distribution of water from the lake for the municipal water supply for the City of Middlesboro, Kentucky, and environs. The Secretary shall ensure that the terms and conditions of any such contract is consistent with National Park Service policies for the protection of park resources. Proceeds from the sale of the water shall be available for expenditure by the Secretary at the park without further appropriation.

(3) CONSULTATION REQUIREMENTS.—In order to better manage Fern Lake and its surrounding watershed, if acquired by the Secretary, in a manner that will facilitate the provision of water for municipal needs as well as the establishment and promotion of new recreational opportunities made possible by the addition of Fern Lake to the park, the Secretary shall consult with—

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

By Mr. DURBIN (for himself, Ms. COLLINS, Mr. BIDEN, Mrs. CLINTON, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. JOHNSON, and Mr. INOUYE):

S. 1062. A bill to amend the Public Health Service Act to promote organ donation and facilitate interstate linkage and 24-hour access to State donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, this year the waiting list for organ transplants among Americans stands at more than 75,000. I rise to urge all Senators, and all Americans to become organ donors. I rise to introduce legislation to make it easier for individuals to donate and make it simpler to identify the decedents's donation wishes. I am pleased that Senators COLLINS, BIDEN, CLINTON, FEINGOLD, FEINSTEIN, JOHNSON, and INOUYE join me in this effort.

Access to organ transplantation remains limited by the shortage of donated organs. Each day, an average of 17 people on the waiting list will die. And the waiting list is growing. In fact, since 1990 the number of men, women and children awaiting life-saving transplants has grown by at least 10 percent easy year. We need to move expeditiously to reduce these deaths due to the scarcity of willing organ donors. Every 14 minutes we do not act, another name is added to the national transplant waiting list.

Over the last several years, I have worked with many of my colleagues on a variety of initiatives to increase organ donation. In 1996, I authored legislation to include an organ donation card with every Federal income tax refund mailed. More than 70 million donor cards were mailed, the largest distribution in history. In 1997, I authored a provision in the Labor, Health and Human Services, and Education Appropriation bill that authorized a study of hospital best practices for increasing organ donation. More recently, I launched a campaign known as "Give Thanks, Give Life" with the National Football League and a large coalition of advocacy organizations to promote family discussions over Thanksgiving of family members' desire to become organ donors.

But we need to do more. Major barriers to donation still exist. A recent analysis by the Lewin Group, Inc., found low rates of family consent to donation. In addition, there are many missed opportunities in the process of identifying and referring all potential donors to procurement organizations so that families may be approached. A 1996 study of potential organ donors in hospitals found that in nearly a third of all cases, potential donors were not identified or no request was made to the family.

Today I am introducing a comprehensive proposal to address these obstacles, including a number of new initiatives. The DONATE Act: 1. Establishes a national organ and tissue donor registry resource center at the Department of Health and Human Services; 2. Authorizes grants to States to support the development, enhancement, expansion and evaluation of statewide organ and tissue donor registries; 3. Funds additional research to learn more about effective strategies that increase donation rates; 4. Provides financial assistance to donors for travel and subsistence expenses incurred toward making living donations of their organs; 5. Expands Federal efforts to educate the public about organ donation and improve outreach activities; 6. Provides grants to hospitals and organ procurement organizations to fund organ coordinators; and 7. Directs the Secretary of the Treasury to strike a bronze medal to commemorate organ donors and their families.

Organ and tissue donor registries have the potential to greatly improve donation rates. Registries provide medical and/or procurement personnel easy access to the donation wishes of brain-dead patients. By indicating the potential donors wishes to the family, a registry documentation can aid in securing next of kin consent. Despite the fact that 85 percent of Americans support organ donation for transplants, studies indicate that only about 50 percent of families consent to donation. Well-designed databases can improve coordination between hospitals, physicians, organ procurement organizations and families. Registries can also assist in evaluating education and outreach efforts by providing information about registrant demographics and audience-specific effectiveness of awareness campaigns. Yet currently only about a dozen States operate mature, centralized organ and tissue donor registries.

I am proud that the State of Illinois was one of the first and is currently the largest such system. In Illinois, individuals can indicate their willingness to donate by signing their drivers license. Drivers' license applicants are also asked if they wish to have their name listed on the confidential statewide registry. In addition to signing up at a driver services facility, persons can join the registry by calling an eight hundred number or electronically via the web. More than 3 million Illinoisans have already joined and 100,000 more sign up each month. Today, participation in the Illinois Donor Registry is 39 percent statewide, an increase of 77 percent since 1993. In addition, about one fifth of all facilities are reporting participation rates at or above 50 percent. Most importantly, organ donation has risen 40 percent since 1993 and the Regional Organ Bank of Illinois has led the nation in the number of organs recovered for transplantation since 1994.

But unfortunately Illinois is the exception and not the rule. Most States do not have programs and gaps in knowledge exist. In fact, no one kept track of which States operate organ donor registries until recently. We have little information about what works best when developing registries. Guidance for States about the basic components of effective systems such as the core functions and content, legal and ethical standards, privacy protections and data exchange protocols, is scarce.

And in addition to the fact that most States do not operate registries, among those who do, currently no mechanism exists to share information between these registries. So if a Illinoisan dies in Wisconsin, law enforcement or hospital officials in Wisconsin have no easy way of knowing of the victims intent to donate. To be effective, registries need to be accessible to the proper authorities around the clock without regard for State boundaries. To be effective, registries also need to function as an advance directive, ensuring that the donors wishes are honored.

The DONATE Act both funds State registry development and creates the technical expertise States need to do so. The bill establishes a National Organ and Tissue Donation Resource Center, informed by a task force of national experts, to develop registry guidelines for States based on best practices. The Center would maintain a donor registry clearinghouse, including a web site, to collect, synthesize, and distribute information about what works. The proposal also requires that a mechanism be established to link State registries and to provide around-the-clock access to information. To help ensure that registry development is based on evidence of effectiveness and best practices, and to help us understand better how to utilize the registry tool to increase donations, the DONATE Act asks an advisory task force to examine state registries and make recommendations to Congress about the states of such systems and ways to develop linkages between state registries.

Public education is equally as important as developing better technical tools and programs to increase donation if we are to do a better job of matching the number of donors to people in need of a transplant. The DONATE Act launches a national effort to raise public awareness about the importance of organ donation and funds research to find better ways to improve donation rates. The bill authorizes State grants for innovative organ donor awareness and outreach initiatives and programs aimed at increasing donation.

A number of additional innovative initiatives are included in this bill. The DONATE Act would directly assist living donors, providing financial assistance to offset travel, subsistence and other expenses incurred toward making living donations of their organs. Similar provisions recently cleared the House of Representatives by more than 400 votes. The DONATE Act includes the House passed bill, with a number of improvements. For example, the Act does not restrict such assistance to artificial residency requirements and it does not limit assistance only to those who donate organs to low income recipients.

The DONATE Act also provides grants to hospitals and organ procurement organizations to fund staff positions for organ coordinators. These in-house organ coordinators would be responsible for coordinating organ donation and recovery at a hospital or a group of hospitals. Research has shown that these types of initiatives can have dramatic results. A four-year retrospective study of a large public hospital in Houston that implemented a coordinator program resulted in a 64 percent increase in the consent rate along with a 94 percent increase in the number of organ donors.

Finally, the DONATE Act incorporates a valuable initiative developed by Senator BILL FRIST to present donors or the family of a donor with a Congressional medal recognizing their gift of life. The bronze medal is just one small, meaningful way we can acknowledge the important act of donating to save another person's life.

A great deal of input from experts, and from my colleagues as well, contributed to this legislation. All of these important provisions come with the strong support and input of many groups whose mission it is to help save lives by increasing organ donation, including the American Liver Foundation, the American Society of Transplantation and the American Society of Transplant Surgeons. I strongly believe that this type of concrete investment and commitment from the Federal government is overdue and will make a real difference. And in this case a real difference is someone's life.

I urge my colleagues to join me in this effort to wipe out the waiting list for transplants. I urge you all to cosponsor the DONATE Act and move expeditiously to pass this legislation.

By Mr. BOND (for himself, Mr. REID, Mr. SMITH of New Hampshire, Mr. KERRY, Mr. WARNER, Mr. CHAFEE, Mr. WYDEN, Mr. CLELAND, Mr. ENSIGN, and Ms. LANDRIEU):

S. 1064. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide certain relief from liability for small businesses; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, it is a pleasure for me to introduce the Small Business Liability Protection Act of 2001. This bill will provide a lifeline for the thousands of small business owners threatened by lawsuits and litigation under the broken Superfund liability system. Joining me in introducing this legislation are Senators REID, SMITH, KERRY, WARNER, CHAFEE, CLELAND, LANDRIEU, ENSIGN, and WYDEN.

The bill is simple. All this bill does is protect those who contributed very small amounts of waste, or waste no different than common household garbage, to a Superfund site. The bill will also speed up the process for handling those little fish with a limited ability to pay towards a Superfund site's cleanup.

The exact same version of this bill passed the House unanimously in May and I am proud to have similar bipartisan support for this Senate version. We have members from both the Environment Committee and the Small Business Committee supporting this bill at introduction and I encourage all my colleagues to join our effort.

My bill will not let polluters off the hook. This common-sense proposal will make the Superfund program a little more reasonable and workable. With this legislation, we can begin to provide some relief to small business owners who are held hostage by potential Superfund liability.

For years now, members from both sides of the aisle have said that the Superfund program is broken, it doesn't work, it must be reformed. Unfortunately we haven't gotten past the rhetoric to fix the problem. Instead of making changes that will produce results that are better for the taxpayers, better for the environment, and more efficient for everyone involved—government agencies, Federal bureaucrats, and Congress have protected this troubled and inefficient program from meaning reform.

As Washington has played politics with the Superfund program, innocent Main Street small business owners across the nation, the engine of our economy, continue to be unfairly pulled into Superfund's legal quagmire. We now have the opportunity to put all of that behind us and move forward with bipartisan, common-sense reform.

Let's put a human face on this: recently, just across the Missouri border—in Quincy, Illinois—160 small business owners were asked to pay the EPA more than $3 million for garbage legally hauled to a dump more than 20 years ago. The situation in Quincy is just one example of the very real, ongoing Superfund legal threat to small business owners across the nation.

We all know that Superfund was created to clean up the Nation's most-hazardous waste sites. Superfund was not created to have small business owners sued for simply throwing out their trash! These small business owners are faced with so many challenges already, that the thousands of dollars in penalties and lawsuits leave them with no choice but to mortgage their businesses, their employees and their future to pay for the bills of a broken government program.

How many times will we tell ourselves that this unacceptable situation must be fixed before we act? Small business owners literally cannot afford to wait around while we delay action on the common-sense fixes required to protect them and our environment.

Is this legislation everything I would like to see. No. But this bill does move us in the direction we need to go to ensure cleanup, fairness, and progress in reforming the Superfund program.

In recognition of our small businesses around the country, I introduce this bill and look forward to ensuring speedy adoption of this long overdue legislation.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 113—CONGRATULATIONS TO THE LOS ANGELES LAKERS ON THEIR SECOND CONSECUTIVE NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 113

Whereas the Los Angeles Lakers are the undisputed 2001 National Basketball Association champions and thus champions of the world;

Whereas this is the second consecutive season that the Los Angeles Lakers have won the National Basketball Association championship;

Whereas the Los Angeles Lakers are one of America's preeminent sports franchises and have won their 13th NBA Championship.

Whereas the Los Angeles Lakers sealed their second consecutive championship with the best playoff record in the history of the National Basketball Association, and became the first team to go through the playoffs undefeated on the road;

Whereas this exceptionally gifted team is guided by Phil Jackson, one of the most successful coaches in the history of professional basketball, who led the Lakers to victory in 23 of their last 24 games;

Whereas the Los Angeles Lakers' 2001 National Basketball Association championship was characterized by a remarkable team effort, led by the series Most Valuable Player Shaquille O'Neal; and

Whereas it is appropriate and fitting to now offer these athletes and their coach the attention and accolades they have earned: Now, therefore, be it

Resolved, That the Senate congratulates the entire 2001 Los Angeles team and its coach Phil Jackson for their remarkable achievement, and their drive, discipline, and dominance.

Mrs. BOXER. Mr. President, last Friday, as millions of Americans and basketball fans around the world watched on television and listened on the radio, the Los Angeles Lakers defeated the Philadelphia 76ers to become the 2001 National Basketball Association champions.

This is the second consecutive year that the Lakers have won the NBA championship.

No team has ever enjoyed a post-season quite like the Lakers. They clinched the championship in five games, finishing the playoffs with a record of 15–1—the best ever. They were also the first team to go through the playoffs without losing a single game on the road.

Throughout the playoffs and championship series, one player in particular came to symbolize the Lakers' march to victory: The Big Man—Shaquille O'Neal. Because of his sterling play and leadership, Shaquille O'Neal was named Most Valuable Player for the series. O'Neal, of course, benefitted from a sterling supporting cast that included Kobe Bryant, Rick Fox, Derek Fisher, Robert Horry and others.

Indeed, Mr. President, this year's championship was truly a team effort.

While the lion's share of the credit for their remarkable victory goes to the players themselves, I also want to acknowledge the outstanding coaching staff led by head coach Phil Jackson. This is Coach Jackson's eighth NBA title and his second with the Lakers.

I think it is safe to say that these Los Angeles Lakers are a basketball dynasty-in-the-making, and I am delighted to introduce this resolution acknowledging their efforts and congratulating the Lakers and their fans in California and around the world.

Mrs. FEINSTEIN. Mr. President, I rise today to congratulate the Los Angeles Lakers for winning the National Basketball Association championship for a second year in a row.

The Lakers overcame internal conflict and numerous injuries to go on to a remarkable season.

They put together a remarkable string of victories at the end of the season to bring home another World Championship to the City of Los Angeles, winning 23 out of 24 of their final games and going 15 and 1 in the playoffs—the best playoff record ever.

This Lakers team demonstrated what it truly means to be a champion and represents the best of what the city of Los Angeles has to offer.

Led by the inspired play of Shaquille O'Neal and the coaching of Phil Jackson, the Lakers swept through the opening three rounds of the playoffs—easily defeating the talented Portland Trailblazers, Sacramento Kings, and San Antonio Spurs.

In the final round, the Lakers faced a gritty Philadelphia 76ers team led by the incomparable Allen Iverson. Iverson and the Sixers showed tremendous determination and heart, handing an overtime defeat to the Lakers in the first game of the series.

But as the series moved on, the Lakers outmatched the Sixers and proved, once again, that they were the best team in professional basketball.

This was truly a team effort: Shaquille O'Neal, the series Most Valuable Player, dominated the Sixers on both ends of the floor, averaging 33 points per game, 15.8 rebounds, 4.8 assists, and 3.4 blocks in the final series.

With his unselfish play, Kobe Bryant provided the spark for the offense—in game four, for instance, he scored 19 points, had 10 assists, and had 9 rebounds.

Derek Fisher, Rick Fox, Robert Horry and Brian Shaw made significant contributions to the championship—each cooly made three point shots at critical points in the series.

Horace Grant and Ron Harper provided the veteran experience that helped the Lakers push back the 4th quarter surges of the Sixers.

And finally, Tyronn Lue, deserves honorable mention for his dogged defense against Allen Iverson, especially in Game 1. Without his play, the Lakers would have been unable to contain the speedy Sixer guard.

Once again let me congratulate the Los Angeles Lakers for their victory. It was a great effort by a tremendous team.

I look forward to another winning season next year.

SENATE CONCURRENT RESOLUTION 51—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY AND EXPRESSING THE SENSE OF CONGRESS THAT HISTORY BE REGARDED AS A MEANS OF UNDERSTANDING THE PAST AND SOLVING THE CHALLENGES OF THE FUTURE

Mr. BROWNBACK (for himself and Mr. LOTT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 51

Whereas news of the end of slavery did not reach frontier areas of the Nation, especially in the southwestern United States, until long after the conclusion of the Civil War;

Whereas the African Americans who had been slaves in the Southwest thereafter celebrated June 19, known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas those African Americans handed down that tradition from generation to generation as an inspiration and encouragement for future generations;

Whereas Juneteenth Independence Day celebrations have thus been held for 136 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom; and

Whereas the faith and strength of character shown by those former slaves remains an example for all people of the United States, regardless of background, region, or race: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress recognizes the historical significance of Juneteenth Independence Day, an important date in the Nation's history, and encourages the continued celebration of that day to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) it is the sense of Congress that—

(A) history should be regarded as a means for understanding the past and solving the challenges of the future;

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States; and

(C) the Secretary of the Senate should transmit a copy of this concurrent resolution to the National Association of Juneteenth Lineage as an expression of appreciation for the association's role in promoting the observance of the end of slavery.

AMENDMENTS SUBMITTED AND PROPOSED

SA 805. Mr. DURBIN (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

SA 806. Mr. REID (for Mr. HARKIN (for himself and Mr. LUGAR)) proposed an amendment to the bill S. 657, to authorize funding for the National 4-H Program Centennial initiative.

TEXT OF AMENDMENTS

SA 805. Mr. DURBIN (for Mr. TORRICELLI) proposed an amendment to the bill H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind; as follows:

At the appropriate place insert the following:

SEC. 9 . PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "School Environment Protection Act of 2001".

(b) PEST MANAGEMENT.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w–7) the following:

"SEC. 33. PEST MANAGEMENT IN SCHOOLS.

"(a) DEFINITIONS.—In this section:

"(1) BAIT.—The term 'bait' means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

"(2) CONTACT PERSON.—The term 'contact person' means an individual who is—

"(A) knowledgeable about school pest management plans; and

"(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

"(3) EMERGENCY.—The term 'emergency' means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

"(4) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

"(5) SCHOOL.—

"(A) IN GENERAL.—The term 'school' means a public—

"(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

"(ii) secondary school (as defined in section 3 of the Act);

"(iii) kindergarten or nursery school that is part of an elementary school or secondary school; or

"(iv) tribally-funded school.

"(B) INCLUSIONS.—The term 'school' includes any school building, and any area outside of a school building (including a lawn, playground, sports field, and any other property or facility), that is controlled, managed, or owned by the school or school district.

"(6) SCHOOL PEST MANAGEMENT PLAN.—The term 'school pest management plan' means a pest management plan developed under subsection (b).

"(7) STAFF MEMBER.—

"(A) IN GENERAL.—The term 'staff member' means a person employed at a school or local educational agency.

"(B) EXCLUSIONS.—The term 'staff member' does not include—

"(i) a person hired by a school, local educational agency, or State to apply a pesticide; or

"(ii) a person assisting in the application of a pesticide.

"(8) STATE AGENCY.—The term 'State agency' means an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that exercises primary jurisdiction over matters relating to pesticide regulation.

"(9) UNIVERSAL NOTIFICATION.—The term 'universal notification' means notice provided by a local educational agency or school to—

"(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school; and

"(B) staff members of the school.

"(b) SCHOOL PEST MANAGEMENT PLANS.—

"(1) STATE PLANS.—

"(A) GUIDANCE.—As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2001, the Administrator shall develop, in accordance with this section—

"(i) guidance for a school pest management plan; and

"(ii) a sample school pest management plan.

"(B) PLAN.—As soon as practicable (but not later than 1 year) after the date of enactment of the School Environment Protection Act of 2001, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement under section 23, a school pest management plan for local educational agencies in the State.

"(C) COMPONENTS.—A school pest management plan developed under subparagraph (B) shall, at a minimum—

"(i) implement a system that—

"(I) eliminates or mitigates health risks, or economic or aesthetic damage, caused by pests;

"(II) employs—

"(aa) integrated methods;

"(bb) site or pest inspection;

"(cc) pest population monitoring; and

"(dd) an evaluation of the need for pest management; and

"(III) is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks;

"(ii) require, for pesticide applications at the school, universal notification to be provided—

"(I) at the beginning of the school year;

"(II) at the midpoint of the school year; and

"(III) at the beginning of any summer session, as determined by the school;

"(iii) establish a registry of staff members of a school, and of parents, legal guardians, or other persons with legal standing as parents of each child attending the school, that have requested to be notified in advance of any pesticide application at the school;

"(iv) establish guidelines that are consistent with the definition of a school pest management plan under subsection (a);

"(v) require that each local educational agency use a certified applicator or a person authorized by the State agency to implement the school pest management plans;

"(vi) be consistent with the State cooperative agreement under section 23; and

"(vii) require the posting of signs in accordance with paragraph (4)(G).

"(D) APPROVAL BY ADMINISTRATOR.—Not later than 90 days after receiving a school pest management plan submitted by a State agency under subparagraph (B), the Administrator shall—

"(i) determine whether the school pest management plan, at a minimum, meets the requirements of subparagraph (C); and

"(ii)(I) if the Administrator determines that the school pest management plan meets the requirements, approve the school pest management plan as part of the State cooperative agreement; or

"(II) if the Administrator determines that the school pest management plan does not meet the requirements—

"(aa) disapprove the school pest management plan;

"(bb) provide the State agency with recommendations for and assistance in revising the school pest management plan to meet the requirements; and

"(cc) provide a 90-day deadline by which the State agency shall resubmit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement.

"(E) DISTRIBUTION OF STATE PLAN TO SCHOOLS.—On approval of the school pest management plan of a State agency, the State agency shall make the school pest management plan available to each local educational agency in the State.

"(F) EXCEPTION FOR EXISTING STATE PLANS.—If, on the date of enactment of the School Environment Protection Act of 2001, a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may maintain the school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

"(2) IMPLEMENTATION BY LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(E), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

"(B) EXCEPTION FOR EXISTING PLANS.—If, on the date of enactment of the School Environment Protection Act of 2001, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the State school pest management plan, the local educational agency may maintain the school pest management plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

"(C) APPLICATION OF PESTICIDES AT SCHOOLS.—A school pest management plan shall prohibit—

"(i) the application of a pesticide to any area or room at a school while the area or room is occupied or in use by students or staff members (except students and staff participating in regular or vocational agricultural instruction involving the use of pesticides); and

"(ii) the use by students or staff members of an area or room treated with a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging during—

"(I) the period specified on the label of the pesticide during which a treated area or room should remain unoccupied; or

"(II) if there is no period specified on the label, the 24-hour period beginning at the end of the treatment.

"(3) CONTACT PERSON.—

"(A) IN GENERAL.—Each local educational agency shall designate a contact person to carry out a school pest management plan in schools under the jurisdiction of the local educational agency.

"(B) DUTIES.—The contact person of a local educational agency shall—

"(i) maintain information about the scheduling of pesticide applications in each school under the jurisdiction of the local educational agency;

"(ii) act as a contact for inquiries, and disseminate information requested by parents or guardians, about the school pest management plan;

"(iii) maintain and make available to parents, legal guardians, or other persons with legal standing as parents of each child attending the school, before and during the notice period and after application—

"(I) copies of material safety data sheet for pesticides applied at the school, or copies of material safety data sheets for end-use dilutions of pesticides applied at the school, if data sheets are available;

"(II) labels and fact sheets approved by the Administrator for all pesticides that may be used by the local educational agency; and

"(III) any final official information related to the pesticide, as provided to the local educational agency by the State agency; and

"(iv) for each school, maintain all pesticide use data for each pesticide used at the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A))) for at least 3 years after the date on which the pesticide is applied; and

"(v) make that data available for inspection on request by any person.

"(4) NOTIFICATION.—

"(A) UNIVERSAL NOTIFICATION.—At the beginning of each school year, at the midpoint of each school year, and at the beginning of any summer session (as determined by the school), a local educational agency or school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

"(i) a summary of the requirements and procedures under the school pest management plan;

"(ii) a description of any potential pest problems that the school may experience (including a description of the procedures that may be used to address those problems);

"(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(iv) the following statement (including information to be supplied by the school as indicated in brackets):

'As part of a school pest management plan, [ ] may use pesticides to control pests. The Environmental Protection Agency (EPA) and [ ] registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school. Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school, contact [ ]'.

"(B) NOTIFICATION TO PERSONS ON REGISTRY.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (5)—

"(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

"(II) the application of a pesticide for which a notice is given under subclause (I) shall not commence before the end of the business day.

"(ii) NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA.—If pesticides are used as part of a regular vocational agricultural curriculum of the school, a notice containing the information described in subclauses (I), (IV), (VI), and (VII) of clause (iii) for all pesticides that may be used as a part of that curriculum shall be provided to persons on the registry only once at the beginning of each academic term of the school.

"(iii) CONTENTS OF NOTICE.—A notice under clause (i) shall contain—

"(I) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide to be applied;

"(II) a description of each location at the school at which a pesticide is to be applied;

"(III) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;

"(IV) all information supplied to the local educational agency by the State agency, including a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied based on—

"(aa) a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;

"(bb) information derived from the material safety data sheet for the end-use dilution of the pesticide to be applied (if available) or the material safety data sheets; and

"(cc) final, official information related to the pesticide prepared by the Administrator and provided to the local educational agency by the State agency;

"(V) a description of the purpose of the application of the pesticide;

"(VI) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(VII) the statement described in subparagraph (A)(iv) (other than the ninth sentence of that statement).

"(C) NOTIFICATION AND POSTING EXEMPTION.—A notice or posting of a sign under subparagraph (A), (B), or (G) shall not be required for the application at a school of—

"(i) an antimicrobial pesticide;

"(ii) a bait, gel, or paste that is placed—

"(I) out of reach of children or in an area that is not accessible to children; or

"(II) in a tamper-resistant or child-resistant container or station; and

"(iii) any pesticide that, as of the date of enactment of the School Environment Protection Act of 2001, is exempt from the requirements of this Act under section 25(b) (including regulations promulgated at section 152 of title 40, Code of Federal Regulations (or any successor regulation)).

"(D) NEW STAFF MEMBERS AND STUDENTS.—After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each notice required under subparagraph (A) to—

"(i) each new staff member who is employed during the school year; and

"(ii) the parent or guardian of each new student enrolled during the school year.

"(E) METHOD OF NOTIFICATION.—A local educational agency or school may provide a notice under this subsection, using information described in paragraph (4), in the form of—

"(i) a written notice sent home with the students and provided to staff members;

"(ii) a telephone call;

"(iii) direct contact;

"(iv) a written notice mailed at least 1 week before the application; or

"(v) a notice delivered electronically (such as through electronic mail or facsimile).

"(F) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall issue a notice containing only the new date and location of application.

"(G) POSTING OF SIGNS.—

"(i) IN GENERAL.—Except as provided in paragraph (5)—

"(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and

"(II) the application for which a sign is posted under subclause (I) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.

"(ii) LOCATION.—A sign shall be posted under clause (i)—

"(I) at a central location noticeable to individuals entering the building; and

"(II) at the proposed site of application.

"(iii) ADMINISTRATION.—A sign required to be posted under clause (i) shall—

"(I) remain posted for at least 24 hours after the end of the application;

"(II) be—

"(aa) at least 8½ inches by 11 inches for signs posted inside the school; and

"(bb) at least 4 inches by 5 inches for signs posted outside the school; and

"(III) contain—

"(aa) information about the pest problem for which the application is necessary;

"(bb) the name of each pesticide to be used;

"(cc) the date of application;

"(dd) the name and telephone number of the designated contact person; and

"(ee) the statement contained in subparagraph (A)(iv).

"(iv) OUTDOOR PESTICIDE APPLICATIONS.—

"(I) IN GENERAL.—In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.

"(II) DURATION OF POSTING.—A sign described in subclause (I) shall be posted after an outdoor pesticide application in accordance with clauses (ii) and (iii).

"(5) EMERGENCIES.—

"(A) IN GENERAL.—A school may apply a pesticide at the school without complying with this part in an emergency, subject to subparagraph (B).

"(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, notice of the application of the pesticide in an emergency that includes—

"(i) the information required for a notice under paragraph (4)(G); and

"(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.

"(C) METHOD OF NOTIFICATION.—The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (4)(E).

"(D) POSTING OF SIGNS.—Immediately after the application of a pesticide under this paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B).

"(c) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—Nothing in this section (including regulations promulgated under this section)—

"(1) precludes a State or political subdivision of a State from imposing on local educational agencies and schools any requirement under State or local law (including regulations) that is more stringent than the requirements imposed under this section; or

"(2) establishes any exception under, or affects in any other way, section 24(b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 30 through 32 and inserting the following:

"Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.
"Sec. 31. Environmental Protection Agency minor use program.
"Sec. 32. Department of Agriculture minor use program.
  "(a) In general.
  "(b)(1) Minor use pesticide data.
  "(2) Minor Use Pesticide Data Revolving Fund.
"Sec. 33. Pest management in schools.
  "(a) Definitions.
    "(1) Bait.
    "(2) Contact person.
    "(3) Emergency.
    "(4) Local educational agency.
    "(5) School.
    "(6) Staff member.
    "(7) State agency.
    "(8) Universal notification.
  "(b) School pest management plans.
    "(1) State plans.
    "(2) Implementation by local educational agencies.
    "(3) Contact person.
    "(4) Notification.
    "(5) Emergencies.
  "(c) Relationship to State and local requirements.
  "(d) Authorization of appropriations.
"Sec. 34. Severability.
"Sec. 35. Authorization of appropriations.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2001.

SA 806. Mr. REID (for Mr. HARKIN (for himself and Mr. LUGAR)) proposed an amendment to the bill S. 657, to authorize funding for the National 4-H Program Centennial Initiative; as follows:

Beginning on page 2, strike line 14 and all that follows through page 3, line 22, and insert the following:

(b) GRANT.—

(1) IN GENERAL.—The Secretary of Agriculture may provide a grant to the National 4-H Council to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(3) AMOUNT.—The grant made under this subsection shall not exceed $5,000,000.

(c) REPORT.—The National 4-H Council shall submit any report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FUNDING.—The Secretary may fund the grant authorized by this section from—

(1) funds made available under subsection (e); and

(2) notwithstanding subsections (c) and (d) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f), funds from the Account established under section 793(a) of that Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee has scheduled a hearing to consider the nominations of Vicky A. Bailey to be an Assistant Secretary of Energy (International Affairs and Domestic Policy), and Frances P. Mainella to be Director of the National Park Service.

The hearing will take place in room 366, Dirksen Senate Office Building on Wednesday, June 27, immediately following the committee's 9:30 a.m. business meeting.

Those wishing to submit written statements on the nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C., 20510.

For further information, please contact Sam Fowler at 202/224-7571.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, June 19, 2001, At 9:30 a.m. on local competition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 19 at 9:00 a.m. to conduct a hearing. The committee will receive testimony on S. 764, a bill to direct the Federal Energy Regulatory Commission to impose just and reasonable load-differentiated demand rate or cost-of-service based rates on sales by public utilities of electric energy at wholesale in the western energy market, and for other purposes; and sections 508–510 (relating to wholesale electricity rates in the western energy market, natural gas rates in California, and the sale price of bundled natural gas transactions) of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 19, 2001, to here testimony regarding Medicare Governance: Perspectives on the Centers for Medicare and Medicaid Services (formerly HCFA).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on June 19, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorites on the member tribes of the Midwest Alliance of Soveregn Tribes For he 107th session of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 19, 2001, for a markup on the nomination of Gordon H. Mansfield to be Assistant Secretary for Congressional Affairs at the Department of Veterans Affairs. The meeting will take place off the Senate chamber after the first roll call vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on "Geriatrics: Meeting the Needs of Our Most Vulnerable Seniors in the 21st Century," during the session of the Senate on Tuesday, June 19, 2001, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 19, 2001, to conduct an oversight hearing on the Multifamily assisted Housing Reform and Affordability Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 19, 2001 to conduct a hearing on "Reauthorization of the U.S. Export-Import Bank."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator KENNEDY, I ask unanimous consent that Stacey Sachs, a fellow in his office, have the privileges of the floor during the pendency of the debate on S. 1052.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that floor privileges be granted to my health policy fellow, Kris Hagglund, for the duration of the debate on the Patients' Bill of Rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Alaine Perry, a fellow on Senator DASCHLE's staff, be granted privileges of the floor during debate on S. 1052.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 1041

Mr. REID. Madam President, I ask unanimous consent that S. 1041 be star printed with the changes which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPORTANCE OF MEMBERSHIP OF THE UNITED STATES ON THE UNITED NATIONS HUMAN RIGHTS COMMISSION

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 50, S. Res. 88.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 88) expressing the sense of the Senate on the importance of membership of the United States on the United Nations Human Rights Commission.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 88) and the preamble were agreed to en bloc.

The resolution, with its preamble, reads as follows:

S. RES. 88

Whereas the United States played a critical role in drafting the Universal Declaration of Human Rights, which outlines the universal rights promoted and protected by the United Nations Human Rights Commission;

Whereas the United Nations Human Rights Commission is the most important and visible international entity dealing with the promotion and protection of universal human rights and is the main policy-making entity dealing with human rights issues within the United Nations;

Whereas the 53 member governments of the United Nations Human Rights Commission prepare studies, make recommendations, draft international human rights conventions and declarations, investigate allegations of human rights violations, and handle communications relating to human rights;

Whereas the United States has held a seat on the United Nations Human Rights Commission since its creation in 1947;

Whereas the United States has worked in the United Nations Human Rights Commission for 54 years to improve respect for human rights throughout the world;

Whereas the United Nations Human Rights Commission adopted significant resolutions condemning ongoing human rights abuses in Cuba, Iran, Iraq, Chechnya, Congo, Afghanistan, Equatorial Guinea, Burundi, Rwanda, Burma, and Sierra Leone in April, 2001, with the support of the United States;

Whereas, on May 3, 2001, the United States was not re-elected to membership in the United Nations Human Rights Commission;

Whereas some of the countries elected to the United Nations Human Rights Commission have been the subject of resolutions by the Commission citing them for human rights abuses; and

Whereas it is important for the United States to be a member of the United Nations Human Rights Commission in order to promote human rights worldwide most effectively: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States has made important contributions to the United Nations Human Rights Commission for the past 54 years;

(2) the recent loss of membership of the United States on the United Nations Human Rights Commission is a setback for human rights throughout the world; and

(3) the Administration should work with the European allies of the United States and other nations to restore the membership of the United States on the United Nations Human Rights Commission.

ALLOWING RED CROSS VISITATION

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 51, S. Con. Res. 35.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 35) expressing sense of Congress that Lebanon, Syria and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 35) and the preamble were agreed to en bloc.

The concurrent resolution, with its preamble, reads as follows:

S. Con. Res. 35

Whereas on October 7, 2000, Hezbollah units, in clear violation of international law, crossed Lebanon's international border and kidnapped three Israeli soldiers, Adi Avitan, Binyamin Avraham, and Omar Souad;

Whereas on October 15, 2000, Hezbollah announced that it had abducted a fourth Israeli, Elchanan Tannenbaum;

Whereas these captives are being held by Hezbollah in Lebanon;

Whereas the 2000 Department of State report on foreign terrorist organizations stated that Hezbollah receives substantial amounts of financial assistance, training, weapons, explosives, and political, diplomatic, and organizational assistance from Iran and Syria;

Whereas Syria, Lebanon, and Iran voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas the International Committee of the Red Cross has made numerous attempts to gain access to assess the condition of these prisoners; and

Whereas the International Committee of the Red Cross has been denied access to these prisoners: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

CONDEMNATION OF THE TALEBAN

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 52, S. Con. Res. 42.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 42) condemning the Taleban for their discriminatory policies, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements related thereto be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 42) and the preamble was agreed to en bloc.

The concurrent resolution, with its preamble, reads as follows:

S. Con. Res. 42

Whereas the Taleban militia took power in Afghanistan in 1996, and now rules over 90 percent of the country;

Whereas, under Taleban rule, most political, civil, and human rights are denied to the Afghan people;

Whereas women, minorities, and children suffer disproportionately under Taleban rule;

Whereas, according to the United States Department of State Country Report on Human Rights Practices, violence against women and girls in Afghanistan occurs frequently, including beatings, rapes, forced marriages, disappearances, kidnapings, and killings;

Whereas Taleban edicts isolate Muslim and non-Muslim minorities, and will require the thousands of Hindus living in Taleban-ruled Afghanistan to wear identity labels on their clothing, singling out these minorities for discrimination and harsh treatment;

Whereas Taleban forces have targeted ethnic Shiite Hazaras, many of whom have been massacred, while those who have survived, are denied relief and discriminated against for their religious beliefs;

Whereas non-Muslim religious symbols are banned, and earlier this year Taleban forces obliterated 2 ancient statues of Buddha, claiming they were idolatrous symbols;

Whereas Afghanistan is currently suffering from its worst drought in 3 decades, affecting almost one-half of Afghanistan's 21,000,000 population, with the impact severely exacerbated by the ongoing civil war and Taleban policies denying relief to needy areas;

Whereas the Taleban has systematically interfered with United Nations relief programs and workers, recently closing a new hospital and arresting local workers, closing United Nations World Food Program bakeries providing much needed food, and closing offices of the United Nations Special Mission to Afghanistan in 4 Afghan cities;

Whereas, as a result of those policies, there are more than 25,000,000 persons who are internally displaced within Afghanistan, and this year, contrary to past practice, the Taleban rejected a United Nations call for a cease-fire in order to bring assistance to the internally displaced;

Whereas, as a result of Taleban policies, there are now more than 2,200,000 Afghan refugees in Pakistan, and 500,000 more refugees are expected to flee in the coming months unless some form of relief is forthcoming;

Whereas Pakistan has closed its borders to Afghanistan, and has announced that Pakistani and United Nations officials will begin screening refugees in June with a view toward forcibly repatriating all those who are found to be staying illegally in Pakistan;

Whereas the Taleban leadership continues to give safe haven to terrorists, including Osama bin Laden, and is known to host and provide training ground to other terrorist organizations; and

Whereas the people of Afghanistan are the greatest victims of the Taleban, and in recognition of that fact, the United States has provided $124,000,000 in relief to the people of Afghanistan this year: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the harsh and discriminatory policies of the Taleban toward Muslims, Hindus, women, and all other minorities, and the attendant destruction of religious icons;

(2) urges the Taleban to immediately reopen United Nations offices and hospitals and allow the provision of relief to all the people of Afghanistan;

(3) commends President George W. Bush and his administration for their recognition of these urgent issues and encourages President Bush to continue to respond to those issues;

(4) recognizes the burdens placed on the Government of Pakistan by Afghan refugees, and calls on that Government to facilitate the provision of relief to these refugees and to abandon any plans for forced repatriation; and

(5) calls on the international community to increase assistance to the Afghan people and consider granting asylum to at-risk Afghan refugees.

NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE

Mr. REID. Madam President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 657, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 657) to authorize funding for the National 4-H Program Centennial Initiative.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, Senators Harkin and Lugar have an amendment at the desk. I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table without any intervening action, and that any statements relating thereto be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 806) was agreed to, as follows:

(Purpose: To modify the funding for the National 4-H Program Centennial Initiative)

Beginning on page 2, strike line 14 and all that follows through page 3, line 22, and insert the following:

(b) Grant.—

(1) In general.—The Secretary of Agriculture may provide a grant to the National 4-H Council to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) Cost sharing.—

(A) In general.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) Form of non-federal share.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(3) Amount.—The grant made under this subsection shall not exceed $5,000,000.

(c) Report.—The National 4-H Council shall submit any report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FUNDING.—The Secretary may fund the grant authorized by this section from—

(1) funds made available under subsection (e); and

(2) notwithstanding subsections (c) and (d) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f), funds from the Account established under section 793(a) of that Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

The bill (S. 657), as amended, was read the third time and passed, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE.

(a) FINDINGS.—Congress finds that—

(1) the 4-H Program is 1 of the largest youth development organizations operating in each of the 50 States and over 3,000 counties;

(2) the 4-H Program is promoted by the Secretary of Agriculture through the Cooperative State Research, Education, and Extension Service and land-grant colleges and universities;

(3) the 4-H Program is supported by public and private resources, including the National 4-H Council; and

(4) in celebration of the centennial of the 4-H Program in 2002, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century in light of an increasingly global and technology-oriented economy and ever-changing demands and challenges facing youth in widely diverse communities.

(b) GRANT.—

(1) IN GENERAL.—The Secretary of Agriculture may provide a grant to the National 4-H Council to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(3) AMOUNT.—The grant made under this subsection shall not exceed $5,000,000.

(c) REPORT.—The National 4-H Council shall submit any report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FUNDING.—The Secretary may fund the grant authorized by this section from—

(1) funds made available under subsection (e); and

(2) notwithstanding subsections (c) and (d) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f), funds from the Account established under section 793(a) of that Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

CONGRATULATING THE LOS ANGELES LAKERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 113 submitted earlier today by Senators BOXER and FEINSTEIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 113) acknowledging that the Los Angeles Lakers are the undisputed 2001 National Basketball Association champions and congratulating them for outstanding drive, discipline and dominance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 113) and the preamble were agreed to en bloc.

(The text of S. Res. 113 is located in today's RECORD under "Statements on Submitted Resolutions.")

ORDERS FOR WEDNESDAY, JUNE 20, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Wednesday, June 30. I further ask unanimous consent that on Wednesday immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to S. 1052, the Patients' Bill of Rights, with time for debate on the motion alternating in 30-minute increments between Senator KENNEDY or his designee and Senator GREGG or his designee beginning with the first block of time controlled by the Democratic manager, Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, as the majority leader indicated just a few minutes ago, on Wednesday the Senate will continue to consider the motion to proceed to the Patients' Bill of Rights all day tomorrow. Under a previous consent agreement, the Senate will vote on a motion to proceed to the Patients' Bill of Rights on Thursday at 10 a.m., and for the time prior to 12 o'clock we will have a discussion on that motion to proceed and general debate. Thereafter, the Republicans will offer the first amendment.

The majority leader asked that I convey to everyone that the RECORD be spread with the fact that the majority leader is going to conclude this debate on the Patients' Bill of Rights prior to our taking any recess for July 4. It is going to be difficult. But if it is not done, that is what he is going to do. He has indicated that we will work Friday, Saturday, and Sunday. The only day we are going to take off is the holiday, July 4, until we finish this very important legislation.

As the leader indicated, when we get back from the break, if in fact there is a break, there are 13 appropriations bills on which we have to work. This is the time to do the Patients' Bill of Rights, and Senator DASCHLE has said that we are going to complete it prior to the Fourth of July break.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Wednesday, June 20, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 2001:

DEPARTMENT OF AGRICULTURE

JAMES R. MOSELEY, OF INDIANA, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE RICHARD E. ROMINGER, RESIGNED.

DEPARTMENT OF DEFENSE

MICHAEL PARKER, OF MISSISSIPPI, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE JOSEPH W. WESTPHAL.

DEPARTMENT OF STATE

MICHAEL E. GUEST, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

THE JUDICIARY

LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA, VICE WILLIAM G. CAMBRIDGE, RETIRED.

PAUL G. CASSELL, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE DAVID SAM, RETIRED.

DEPARTMENT OF JUDICIARY

SHAREE M. FREEMAN, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS, VICE ROSE OCHI, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—*Tuesday, June 19, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PENCE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 19, 2001.

I hereby appoint the Honorable MIKE PENCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

THE TIME IS NOW TO CONSIDER IMPACTS OF GLOBAL CLIMATE CHANGE

Mr. BLUMENAUER. Mr. Speaker, last week President Bush met with European leaders to discuss, along with other important policy issues, his dismissal of the Kyoto Protocol and the administration's minimization of global climate change.

I personally find it interesting that while the President feels we need to hold off taking action on global warming and instead need to study it more, at the same time he was discussing with our European allies his willingness to advance a national missile defense system that is unproven, expensive, and diplomatically unpopular with less likelihood of destruction, frankly, than what we face with global climate change. Three thousand international scientists and the National Academy of Science have all agreed: global warming is real and we are beginning to see the impacts in the rise of extreme weather episodes that have struck the United States in the past few years.

Indeed, it was ironic that at the time the President was minimizing global climate change and heading off to Europe, his home State of Texas was visited by Tropical Storm Allison that hit with brutal ferocity. It killed 22 people in Houston. It rained 3 feet in less than a week, most of it in a single 24-hour period, an unprecedented flood, some would suggest.

Damages were estimated at $2 billion in Houston alone, and 28 counties were declared Federal disaster areas. We saw what some scientists feel is a glimpse of the problem in the future, like the woman who was alone in an elevator when the power went out and they are programmed, of course, to go to the bottom floor. Unfortunately, in this case, the bottom 4 floors were flooded, causing the woman to drown. Or the man who was trying to save his television in the midst of a flood and was electrocuted when he touched the antenna, and his mother electrocuted trying to help him.

Now, it is inconvenient, it is dangerous, and it is beyond the notion of a few planes canceled, although Continental Airlines canceled 1,000 flights, while the Houston International Airport was closed, Mr. Speaker, a devastating example of the expected human and economic costs associated with global climate change.

Now, at the same time, we in Congress are pursuing policies that may make the impact of tropical storms and hurricanes worse as far as our coastal communities are concerned. I was struck by an editorial article in this Sunday's Washington Post by geologist Orrin Pilkey urging Congress to work with the administration on pursuing smarter policies and investments along our Nation's thousands of miles of coastline.

He cited one particular area that needed special scrutiny, and the Federal Government has embarked upon what, in many cases, can be termed an ill-advised action of steadily nourishing these beaches. In some cases, we have seen examples where they appear for legislative authorization without extensive interaction on this Chamber floor; at the same time, in much the same manner where the Corps of Engineers over the years have reduced the size of flood plains and increased the potential of damage by building one dyke and dam after another. Nonengineering solutions for beaches are seldom considered, and have the potential of increasing the risk. As we have an artificially rebuilt beach, it encourages people to develop in areas that are ecologically not sustainable.

Already, more than 300 East Coast and Gulf Coast beaches have been nourished; and more are being added to the list all the time. Last year in WRDA, without extensive debate on this floor, we added a 14-mile long Outer Banks beach nourishment project in North Carolina that has a projected cost of almost $2 billion over the next 50 years. It boils down to a subsidy of $30,000 per year for 50 years for each beachfront property that is supposed to be projected by this new beach.

Mr. Speaker, I would suggest that it is time for the Members of the House of Representatives to consider the impacts of global climate change and to eliminate subsidies and government actions that will make the impacts and costs worse over time. Looking at these existing policies at the same time we work towards global solutions for the impact of global climate change is the key to making our families safe, healthy, and economically secure for more livable communities tomorrow.

THE CHILDREN LEFT BEHIND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today I rise to express my concerns to the House to consider the children who will be left behind in H.R. 1 and S. 1.

As House and Senate conferees begin meeting to consolidate the House and Senate bills which will reauthorize the elementary and secondary education act, I urge the House to consider the reality that the children living in U.S. insular areas like Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands will be left behind in this reauthorization bill.

The President's education plan to "Leave No Child Behind" is woven into the language of H.R. 1 and S. 1, which are our blueprints for elementary and secondary education in this country. While these bills give special attention to the needs of children living in rural areas, the needs of American Indian, native Hawaiian and Alaskan native children, the needs of children with limited English proficiency, the needs of children of military families, it fails to begin addressing the needs of children living in the insular areas.

Although the insular areas have a unique status under Federal law which

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

requires special policies to serve the educational needs of children, there is no Federal educational policy that focuses on the specific and unique needs of insular area school systems.

It is difficult for insular area systems to compete for educational funding distributed by competitive grants because schools lack the personnel needed to prepare grant applications. They are also faced with unique challenges in hiring and retaining qualified administrators and certified school teachers. Insular area educational systems face other challenges such as geographical barriers, high unemployment rates, shrinking economies, aging buildings which are strained by the acceleration of weathering caused by an unforgiving tropical environment, the high cost of importing and providing equipment and supplies, and a host of other limited resources.

As the delegate from Guam to the U.S. House and a lifelong educator, I have always advocated for improvements in the manner in which the Federal policy is developed by the Federal Government in its treatment of the insular areas. Gratefully, the insular areas are included in most educational programs, but mostly as afterthoughts. As a result, educators in the insular areas must follow a patchwork system of funding arrangements varying from State shares to special formulas for outlying areas in order to obtain needed and fair funding of Federal program resources. I am pleased to note that the territories are included in many of the increases, including the President's proposal to increase by $5 billion reading programs from kindergarten to third grade.

But I am also concerned that H.R. 1 leaves out funding for parental assistance centers. In my home, the Guam sanctuary program has a program called Ayuda Para I Manaina, Help For Parents, which provides services for over 1,000 families on Guam each year. The Senate bill includes funding for this program, but the House does not, and I urge my House colleagues to recede to the Senate.

I have been a longtime advocate for establishing a Federal educational policy for the insular areas that would help bring consistency to their treatment throughout H.R. 1. In the absence of such a policy, I proposed an amendment which would require a Federal policy for the insular areas. Unfortunately, this amendment was struck down along with over 100 other amendments proposed for H.R. 1.

So I stand again before my colleagues today to urge consideration for the special needs of children in the territories. The Federal Government has recognized that special attention must be given to the challenging circumstances of insular area educational systems. Why should our educators be left searching for information in footnotes and obscure reference to find the policies which apply to them? We need to work in concert to level the playing field for all American children wherever they live, whether they live in a State or whether they live in a territory.

I hope my colleagues will join in supporting this proposed amendment to ensure that no American child is left behind in our national educational programs, no matter where they live.

I also would like, Mr. Speaker, to acknowledge the presence of Paulo Madlambayan, who is our congressional art contest winner from Guam. He came the furthest to be with us today with the other congressional art contest winners, along with his Uncle Jesse.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

The Reverend Joseph A. Escobar, Pastor, St. Anthony's Catholic Church, Pawtucket, Rhode Island, offered the following prayer:

Let us remember that we are one Nation under God.

O God, our help, our justice, hear our prayer as we begin this session of the House of Representatives. Enlighten our deliberations by the light of Your law, so that our legislation may reflect Your divine wisdom. May we keep before our eyes the truth that we have been created in Your image, that each man and woman has a dignity which we have been empowered to preserve and to protect.

Help us to see that dignity in each other and in those who have empowered us to serve. May we build a society wherein we can live in a harmony which reflects the harmony in which You created our world. We place our confidence in Your saving help this day and every day, for in You we trust. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Rhode Island (Mr. KENNEDY) come forward and lead the House in the Pledge of Allegiance.

Mr. KENNEDY of Rhode Island led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REVEREND JOSEPH A. ESCOBAR

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to welcome Father Joseph Escobar of St. Anthony's Church in Pawtucket, Rhode Island as our guest chaplain.

Established in 1926, St. Anthony's has long served Rhode Island's English and Portuguese-speaking communities.

The large influx of Portuguese immigrants to Rhode Island resulted in the first Portuguese parish in the State, Holy Rosary Parish in 1885. Next was St. Elizabeth's, in Bristol in 1913. It was soon followed by St. Francis Xavier in East Providence in 1915; and St. Anthony's was added in 1926, along with its mission at Little Compton.

Father Escobar will soon be leaving to transition to be the pastor of Our Lady of the Rosary Church in Providence, his hometown. Father Escobar was educated in East Providence public schools before attending Providence College, my alma mater, where he received a BA in mathematics. He completed his seminary studies at the Dominican House of Studies right here in the Washington, D.C. area.

He was soon ordained to the priesthood by Bishop Francis X. Roque in Washington, D.C. on May 20, 1988, and returned to Providence College where he worked towards a Master's Degree in the Religious Studies program.

He served as assistant pastor at St. Pius the Fifth Church in Providence, and St. Elizabeth Church in Bristol, Rhode Island. Father Escobar has been the administrator of St. Anthony's Parish in Pawtucket since 1977. He was incardinated into the diocese of Providence in 2000.

Mr. Speaker, I am sure that parishioners of St. Anthony's will miss him as much as his new flock at Our Lady of the Rosary are looking forward to greeting him. It was an honor and privilege to welcome Father Escobar to this United States House of Representatives, and I thank him for his invocation.

PRESIDENT'S DECISION ON VIEQUES WILL BE SHOWN TO BE WISE AND INSIGHTFUL

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Madam Speaker, please put me down as one of a substantial number of Republicans who applaud the decision of President Bush to discontinue our Naval training on the island of Vieques.

As Secretary England pointed out last week, this decision is the best way to decompress a highly charged situation which was clouding other issues between Puerto Rico and the mainland. The Bush administration has made it clear that, while providing effective training for Naval forces is our first priority, alternative sites already exist and other ranges can and will be found. I hope this can be done before May 2003.

To those who decry the "political" nature of this action, I invite them to go to Puerto Rico, listen to the people and gauge the depth of their intensity and ask this: Does anyone realistically believe it is in our national interest to disregard, year after year, the overwhelming popular will of our United States citizens on Puerto Rico? The President's decision will be shown to be wise and insightful.

CONTRACT FOR CONSTRUCTION OF WORLD WAR II MEMORIAL AWARDED TO GERMAN COMPANY WITH NAZI ROOTS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, first the Air Force buys Chinese boots. Then the Pentagon buys black berets made in China. To boot, visitors at Quantico get gifts from the Marines made in China.

If that is not enough to spoil your Chinese dinner, digest this, Congress: U.S. bureaucrats awarded a construction contract for the new World War II Memorial to be built on The Mall to a German company with Nazi roots. A German company that built war planes for the Nazis, that helped kill hundreds of thousands of American troops. Unbelievable. What is next, a Nazi memorial on the World War II sites? Beam me up.

Madam Speaker, I yield back the need for Congress to hire a proctologist to train Pentagon procurement officials on the buy American laws.

BRING MONTGOMERY GI BILL INTO 21ST CENTURY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, I am so appreciative that the gentleman from Ohio (Mr. TRAFICANT) points out from time to time the seemingly nonsensical approach that Washington bureaucrats can take to the challenges we confront. How refreshing it is, Madam Speaker, that today on this House floor, we can strike a bipartisan blow for common sense as we bring the GI bill into the 21st century.

Madam Speaker, a decisive bipartisan majority is poised to pass this bill that will increase benefits some 70 percent because we understand to maintain the integrity of our all-volunteer force, we need to have that promise of education.

The former senator from Arizona, Ernest McFarland, is part of this tradition, in the post World War II days; and our former colleague and former chairman of the Committee on Veterans Affairs, Sonny Montgomery of Mississippi, also striking a blow; along with the dean of our delegation, the gentleman from Arizona (Mr. STUMP). We thank them for this commonsense legislation.

Madam Speaker, I would hope that the temptation to engage in petty politics would be put aside for this sound piece of legislation this afternoon.

JAMES SMITH WINS CONGRESSIONAL ART COMPETITION FOR FIFTH DISTRICT OF TENNESSEE

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Madam Speaker, I rise today to honor James Smith, winner of the Congressional Art Competition for the Fifth Congressional District of Tennessee. James is a recent graduate of my alma mater, Hillsboro High School in Nashville, with his award-winning photograph entitled "Angels Come From Istanbul."

Madam Speaker, I encourage my colleagues to look at James' photograph, along with all of the other winning artwork that will be on display for the next year. It is important that we honor our artists for various reasons. By providing others with their art, artists contribute to an educational process that not only gives us an alternative form of communication, but also invokes thought and stimulates one's analytical skills.

Furthermore, artists are inventive and perceptive people who learn to express themselves in powerful, positive ways. For these reasons and countless more, I rise to congratulate and honor Mr. James Smith.

IRS RECORDS SHOW 340,000 FEDERAL EMPLOYEES OR FEDERAL RETIREES HAVE FAILED TO PAY THEIR TAXES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, the Scripps Howard News Service reported Sunday that IRS records show 340,000 Federal employees or Federal retirees have failed to pay their income taxes. 340,000, including, get this, almost 3,000 IRS employees. This information came from a report prepared by the government's own General Accounting Office.

Already we know from news reports that almost half of the tax advice that the IRS itself gives out is wrong. Now we discover from this GAO report that while the IRS comes after private citizens, it cannot clean its own house. Almost 3,000 IRS employees not paying their own taxes is scandalous. Federal ethics laws require Federal employees to pay their taxes as a condition of employment. These 3,000 IRS employees who have not paid their taxes should be ordered to pay immediately, or they should be fired.

But the best thing, Madam Speaker, we could do would be to tear up or burn the confusing, convoluted Tax Code we now have, come up with a new, simple system and do away with the IRS monster as we know it today.

HOUSE NEEDS TO ENSURE VETERANS GET WHAT THEY DESERVE

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Madam Speaker, today I rise because we have a major bill before us, H.R. 1291, that will talk about the Montgomery GI bill; but I want to take this opportunity to discuss the process.

Madam Speaker, I am concerned that as people learn about the political process and how it is supposed to operate, here is a bill on the House floor today that is very important, yet it never saw the light in terms of subcommittee. It never had the opportunity of being heard in full committee. It never had the opportunity so that we could provide some amendments.

In fact, I presumed that when the leadership heard we had some amendments to try to improve the bill, they chose to bring it on the House floor without the process that this body has allowed through the ages to allow an opportunity for us to be able to influence. It is unfortunate. It is a good bill; yet we need to understand that we need to improve this bill.

Madam Speaker, tuition rates throughout this country have risen. The studies show that even the fees in a lot of universities are higher. We need to make sure that our veterans get what they deserve, not only a process but a service.

□ 1415

THE PRICE OF GAS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I rise today because I am outraged. I am outraged that Americans are paying in some places in Indiana upwards to $2 a gallon for gasoline. Families across this country are being hurt by the fluctuating cost of fueling their cars. Stopping at the pump is no longer a routine function.

We have heard of sticker shock, Madam Speaker. Now we have been introduced this summer to pump sticker shock.

For years our colleagues in the other party have been actively working against opening new refineries and other methods of increasing the domestic supply of oil and gasoline. They have tried to demonize the oil industry of late and place the blame for rising costs squarely on the shoulders of executives and CEOs. Their political ploys have cost American drivers millions at the pump and have increased our reliance on foreign oil to such an extent that 60 percent of our oil comes from abroad.

Madam Speaker, I am happy to say that our President is leading on increased energy independence and the Republican majority in this body stands with him to end the day of pump shock in this summer and in the months ahead for American families.

CONGRESSIONAL ACTION NEEDED REGARDING OUT-OF-STATE WASTE

(Mrs. JO ANN DAVIS of Virginia asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I rise today to note the recent decision of the Fourth Circuit Court of Appeals upholding the district court opinion that Virginia cannot limit out-of-State waste coming into its borders because such restrictions violate the Commerce Clause of the Constitution. This court decision makes the necessity of Congress passing interstate waste legislation all the more urgent and compelling.

With the determination of the courts that State regulation of the interstate hauling of garbage violates the Commerce Clause, it is now time for Congress to specifically empower States to curb the amount of trash coming into landfills from outside the State.

The natural beauty of Virginia should not be degraded by out-of-State trash so that out-of-State haulers and trucking companies can reap benefits. Virginians have spoken on this issue and legislation was consequently passed and signed by the Governor that restricted the entrance of interstate waste into the Commonwealth, but then was struck down by the Federal courts.

Congress needs to act now to return this issue back to the States where the voices of the people can be heard.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, and pursuant to section 303(a) of Public Law 106–286, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. BEREUTER, Nebraska, cochairman;

Mr. LEACH, Iowa;

Mr. DREIER, California;

Mr. WOLF, Virginia;

Mr. PITTS, Pennsylvania.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1291) to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

The Clerk read as follows:

H.R. 1291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "21st Century Montgomery GI Bill Enhancement Act".

SEC. 2. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—(1) Section 3015(a)(1) of title 38, United States Code, is amended to read as follows:

"(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

"(A) for months occurring during fiscal year 2002, $800,

"(B) for months occurring during fiscal year 2003, $950,

"(C) for months occurring during fiscal year 2004, $1,100, and

"(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or".

(2) Section 3015(b)(1) of such title is amended to read as follows:

"(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

"(A) for months occurring during fiscal year 2002, $650,

"(B) for months occurring during fiscal year 2003, $772,

"(C) for months occurring during fiscal year 2004, $894, and

"(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or".

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2002, 2003, and 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House of Representatives has an historic opportunity to reaffirm our commitment to veterans, promote higher education, boost military recruitment and retention and strengthen the ladder of opportunity by passing H.R. 1291, the 21st Century Montgomery GI Bill Enhancement Act.

This legislation, which I introduced on March 29 with 57 cosponsors, including my good friend and colleague the gentleman from Illinois (Mr. EVANS), now has over 100 cosponsors and is supported by almost two dozen veterans service, military and higher education organizations as well as Secretary of Veterans Affairs Anthony Principi. The bill responds to the rising costs of college education by providing a 70 percent increase in total benefits to eligible veterans in less than 3 years.

Not since the enactment of the Montgomery GI Bill in 1985 have we had the opportunity to vote for such a dramatic increase in veterans educational benefits. I hope that all of my colleagues will support this legislation.

Madam Speaker, since the enactment of the Servicemen's Readjustment Act of 1944, commonly called the GI Bill, we have continuously provided educational support for our Nation's veterans. The original GI Bill is universally recognized as one of the most successful pieces of legislation ever approved by the Congress.

In the decade following World War II, more than 2 million eligible men and women went to college using these educational benefits. The result was an American workforce enriched by 450,000 engineers, 238,000 teachers, 91,000 scientists, 67,000 doctors, 22,000 dentists, and another million college-educated men and women. It is estimated that another 5 million men and women received other schooling or job training using the GI Bill. All told, approximately 7.8 million men and women were educated or trained by the GI Bill, helping to create what we know as the modern middle class.

The original GI Bill exceeded all expectations and had enormous benefits beyond the immediate benefits given to our deserving war veterans. College enrollment grew dramatically. In 1947, GI Bill enrollees accounted for almost half of all the total college population, resulting in the need for more and larger colleges and universities. In my home State of New Jersey, for example, Rutgers University saw its admissions grow from a pre-war high of 7,000 to almost 16,000.

A Veterans' Administration study in 1965, Madam Speaker, showed that due to the increased earning power of GI Bill college graduates, Federal Government income tax revenues rose by more than $1 billion annually. And in less than 20 years, the $14 billion cost of the original program had been recouped.

Madam Speaker, there is widespread agreement on the effect and effectiveness of veterans' educational programs. Building upon the success of the GI Bill, Congress approved a second bill, the Veterans Readjustment Assistance Act of 1952, during the Korean War; then a third bill, the Veterans Readjustment Benefits Act of 1966, during the Vietnam War; and a fourth bill, the Veterans Educational Assistance Act, for the post-Vietnam War era.

Finally, in 1985, Congress approved today's Montgomery GI Bill, or MGIB, which was designed not only to help veterans make a transition into the workforce through additional education and training, but also to support the concept of an all-volunteer Armed Forces. The use of educational benefits as a recruitment tool has been one of the most spectacularly successful of all the tools given to our Nation's military recruiters.

However, Madam Speaker, as we all know, the skyrocketing costs of a college education have seriously eroded the buying power of the MGIB benefits. The Congressional Research Service stated in its testimony to the committee, and I want to thank our distinguished chair of the Subcommittee on Benefits, the gentleman from Arizona (Mr. HAYWORTH), for the two outstanding hearings that he chaired, that between academic years 1980-1981 and 2000-2001, average tuition and fees at 4-year public and 2-year public colleges rose 336 percent. For private colleges it rose by 352 percent.

Under current law, a full-time veteran student receives $650 monthly under the Montgomery GI Bill from which the veteran student pays tuition, books, supplies, fees and subsistence allowance, including housing, food and transportation. However, according to data furnished by the College Board, the current $650 per month would have to be raised to $1,025 for a veteran student to attend a 4-year public college as a commuter student at an average cost of $9,229 per year.

That is just what our legislation does, I say to my colleagues. H.R. 1291 increases the $650 monthly amount to $800 per month effective this October 1, then to $950 per month effective October 1, 2002, and then finally to $1,100 per month effective October 1, 2003. This represents, a 70 percent increase in the monthly educational benefit in 3 years. As we point out in this chart, it goes from $23,400 to $39,600 after being fully phased in.

Madam Speaker, in this era of investing our scarce resources in areas that produce positive results, let me briefly share with my colleagues what the effect of this bill will be. At the moment, there are 266,000 veterans who are enrolled in school under the Montgomery GI Bill. This is anticipated to increase to about 330,000 over the next 10 years. However, with the approval of our legislation, the number of veteran students in school under the MGIB will increase to about 375,000 in 2011, an increase of 45,000 over the current estimate. And each of these students will be positioned, we believe, to obtain a better job and make more money, thus repaying many times over our Nation's investment in them under the MGI Bill.

Let me also point out to my colleagues that there will also be an ancillary impact on utilization. We know that something on the order of 50 percent of the people who are eligible are using this benefit. It just has not been enough to make the difference. This, we believe, will boost that participation.

Let me also say, Madam Speaker, that this bill is indeed a starting point. It is not an ending point. Our committee report on the Budget for fiscal year 2002 says that the ultimate goal is a Montgomery GI Bill that pays tuition, fees and a monthly subsistence allowance, thus allowing veterans to pursue enrollment in any educational institution in America limited only by their own aspirations, abilities and initiative.

However, after looking at the history of the program, our committee report on the fiscal year 2002 budget also states that we need to take major steps now, no delay, to increase the benefit for today's veterans who are currently eligible for the program. On a bipartisan basis, Members of the Committee on Veterans' Affairs agreed that a graduated increase in the current monthly benefit was the most important step we could take over the next 3 years to encourage veterans to use the benefit they had earned by faithful service to our Nation. For the first time in anyone's memory, the chairman of the Committee on the Budget accepted our committee recommendation and included the necessary funds in the budget resolution. He also fought to keep those funds in the conference report. As a result, we are able to bring to this floor a bill that is in compliance with the Budget Act.

Madam Speaker, H.R. 1291 is good news for veterans. It is good for education. It is good for our military and our national defense. And it is good for our economy. H.R. 1291 is good public policy. I sincerely hope that all of our Members will support it.

Finally, Madam Speaker, I must, regrettably, comment on the process that brought us here today. Since I first entered the House in 1981, I have had the honor to serve on the Veterans' Affairs Committee, first as a Member, later as Vice Chairman and now as Chairman. During these twenty-one years, I had the privilege of serving for 14 years with Chairman Sonny Montgomery, the Montgomery GI Bill's namesake, as well as for 6 years with Chairman BOB STUMP, now the Armed Services Committee Chairman. During all these years, the Veterans' Affairs Committee operated on a bipartisan basis with one simple goal: to help improve the lives of our nation's veterans.

During the five and half months I have served as Chairman, we have sought to continue this tradition and operate on a bipartisan basis. I was gratified when the Committee approved in a unanimous vote—let me emphasize that—a unanimous vote, the Views and Estimates Report for the Budget Committee. It was in large part due to our bipartisan approach—doing what was right for our veterans, not for our parties or our political careers—that we were successful in seeing a 12 percent increase for veterans spending in this year's budget.

Madam Speaker, H.R. 1291, the legislation we are considering today, resulted from a lot of hard work by the Members and staff of the Veterans' Affairs Committee—Republicans and Democrats—over many, many months. This legislation offers a realistic yet substantial increase—a 70 percent increase—in the amount of money available to veterans for educational benefits.

Madam Speaker, it was with some sadness last week that I learned that the Democrats on the Committee, having already agreed to our bipartisan strategy for moving H.R. 1291, reversed course and decided instead to take a political course. Their ploy to offer an amendment raising the cost of the program from $9 billion over ten years to more than $23 billion over ten years may appear alluring to some, but is not paid for in the budget resolution and ultimately it is unsustainable and would stand no chance of becoming law.

Madam Speaker, I understand that some members would like to see an even larger increase in educational benefits for veterans than the 70 percent increase that my legislation offers—frankly I would like to get to the point where we can offer a full tuition and expenses GI bill—but we are not yet there.

That's why the Committee, on a bipartisan basis, had made the decision to move quickly to pass H.R. 1291 with its 70 percent increase, get it signed into law, and then see what could be done next.

That's why on March 27, when we held our bipartisan press conference introducing H.R. 1291, Mr. Evans himself said:

"I view the Smith-Evans legislation that will soon be introduced as the next interim step toward the Committee's final goal of providing our veterans with the full costs of getting educated."

That's why on May 24, Mr. REYES, the Ranking Democrat on the Subcommittee on Benefits said:

"H.R. 1291 . . . represents a step in the right direction toward ensuring that these opportunities for our veterans remain real and truly meaningful opportunities for all.

"While I think everyone wishes it could do more, H.R. 1291 would indeed go far toward fulfilling our collective goals. And I am proud to be a cosponsor of this very important and vital legislation."

Madam Speaker, I said at the outset that today can be an historic day for our nation's veterans. We have an opportunity to continue our longstanding tradition of supporting our veterans in a bipartisan manner.

Let's do what is right for our veterans. Let's make real progress, not just speeches. Let's agree to work together, on a bipartisan basis, without rancor or ill-will, to join together to ensure that we do right for those who have done right for us.

Let's pass this historic legislation which will result in a dramatic increase in GI educational benefits—a 70 percent increase. In 1944, during consideration of the original GI Bill, the Senate voted 50 to nothing for approval and the House followed suit, voting 387 to 0 in favor of this historic legislation. I hope we can do the same today.

Madam Speaker, I would urge all of my colleagues to join me today in voting unanimously to approve H.R. 1291, and renew our commitment to the men and women who are on the front lines promoting freedom and peace all over the world.

Madam Speaker, I want to thank Mr. HAYWORTH and Mr. REYES, Chairman and Ranking Member of the Benefits Subcommittee, for their hard work on this bill.

I also want to thank Ranking Member EVANS for his continuous efforts on behalf of our servicemembers and veterans.

Madam Speaker, I urge my colleagues to support the 21st Century Montgomery GI Bill Enhancement Act.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge all Members to vote for this measure. This legislation provides an increase which is moderate but it is important in veterans' educational benefits.

I want to salute the gentleman from New Jersey (Mr. SMITH), the chairman. He has worked together with me in the past. I look forward to a good relationship in the future. He got that budgetary increase. We are quite proud of his hard work in that regard. We have some differences on this issue today, but they are honest differences.

I regret that no member of the Subcommittee on Benefits or the full Committee on Veterans' Affairs has been given the opportunity to vote on this measure or alternative legislation. Ironically, while this measure will improve educational benefits for men and women in uniform who serve to protect and defend our freedoms and liberties, members have been stripped of their right to vote in committee.

□ 1430

Not only have Members been disenfranchised, so too have the men and women who elected them to represent them in office here in the Congress.

After days of hearings of testimony from more than two dozen witnesses, there was no debate and there was no vote on this measure or any other proposal. This, I believe, is a sad commentary.

It will be said that this measure provides a major increase in the educational benefits for veterans; but while that is true, we could do much more.

It has been said that this legislation is a partial step. That is an acknowledgment that the benefits provided by the legislation are insufficient. Years from now, a future Congress may enact legislation providing veterans a truly meaningful educational benefit. There is no time at this point to wait, however. That meaningful veterans education benefit could be provided now. I am forced to conclude the leadership of this Congress is too timid and not willing to undertake that important step.

It may be said that it costs too much to provide our servicemen and women an educational benefit worthy of their service. I understand the budgetary surplus of the next 10 years is expected to be $500 billion. It is not a question about the budget. It is a question about our priorities.

The importance of a meaningful veterans educational benefit is well understood. The educational opportunities veterans had during World War II fundamentally changed our Nation for the better, as the gentleman from New Jersey (Mr. SMITH) has pointed out.

Military service today is no less worthy. I regret that this measure provides inadequate benefits. I regret committee members are not given the opportunity to do their job. I regret that the gentleman from Texas (Mr. REYES), the ranking Democrat member of the Subcommittee on Benefits, will be unable to participate in this debate because of the circumstances by which this measure was brought to the floor.

Nonetheless, I urge my colleagues to support this measure. I salute the gentleman from New Jersey (Mr. SMITH) and his staff for their hard work; but our veterans, I believe, deserve the help that they get from the Federal Government, and we must do more to make this a meaningful piece of legislation.

VA BENEFITS AS PERCENT OF ANNUAL HIGHER EDUCATION COSTS [1]

	Percentage of cost covered in fiscal year—						
	2005	2006	2007	2008	2009	2010	2011
H.R. 1291	33	32	32	31	31	30	30
Evans amendment	100	100	100	100	100	100	100
Current law	20	20	19	19	19	19	18

[1] Combined cost of tuition, fees, books, and supplies based on data provided by The College Board, plus annual stipend of $7,200 for living expenses.

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Average tuition + fees	$9,921	$10,418	$10,939	$11,486	$12,060	$12,663	$13,296	$13,961	$14,659	$15,392
Average books + supplies	717	753	791	831	873	916	962	1,010	1,061	1,114
Subtotal [1]	10,638	11,171	11,730	12,317	12,933	13,579	14,258	14,971	15,720	16,506
Living stipend [2]	7,200	7,380	7,565	7,754	7,948	8,146	8,350	8,558	8,772	8,992
Average annual cost	17,838	18,551	19,295	20,071	20,881	21,725	22,608	23,529	24,492	25,498
Average annual benefit under current law [3]	3,680	3,785	3,889	3,998	4,087	4,192	4,297	4,407	4,517	4,633
Percentage covered	21%	20%	20%	20%	20%	19%	19%	19%	18%	18%
Average annual benefit under HR 1291 [4]	$4,485	$5,372	$6,364	$6,525	$6,687	$6,855	$7,029	$7,202	$7,382	$7,567
Percentage covered	25%	29%	33%	33%	32%	32%	31%	31%	30%	30%
Average annual benefit under HR 320	$3,680	$3,785	$3,889	$20,071	$20,881	$21,725	$22,608	$23,529	$24,492	$25,498
Percentage covered	21%	20%	20%	100%	100%	100%	100%	100%	100%	100%

[1] Assumes inflation of 2.5% over CPIU, or 5% (CBO).
[2] Assumes 2.5% COLA (CBO).
[3] Assumes 2.5% COLA (CBO).
[4] Assumes 2.5% COLA after FY 2004.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. HAYWORTH), the chairman of the Subcommittee on Benefits.

Mr. HAYWORTH. Madam Speaker, I welcome this opportunity to come to the well of this House to speak in strong support of this legislation.

At this point, Madam Speaker, it is also important that I respond to some of the observations of the gentleman from Illinois (Mr. EVANS), my friend and the ranking member.

I think it is important to point out to this House that when the Committee on Veterans' Affairs met earlier this year to consider what our veterans budget should be, it decided unanimously to request funds to increase the Montgomery GI bill to $1,100 over 3 years. It also talked about the desirability of ultimately changing the program so that veterans would be entitled to a monthly stipend, as well as government reimbursement of tuition and fees, at any postsecondary institution in the United States.

However, the committee did not ask that funds for this program change be included in the budget resolution. Indeed, the committee explicitly stated that it would not seek funding for such a change until after a bill like this one we are bringing to the floor today had been enacted into law. Not only did the Democratic substitute offered by the gentleman from South Carolina (Mr. SPRATT) contain funds to go beyond what was requested by the Committee on Veteran's Affairs, it also should be noted that although the Blue Dog Democrat budget substitute contained increased amounts specifically to fund H.R. 320, my good friend, the ranking member from Illinois, voted against that proposal.

Madam Speaker, the bottom line on the legislation today is this: rather than being prisoners of process, we have a chance to enact sound policy, a 70, 7-0, a 70 percent increase in benefits under the Montgomery GI bill over the next 3 years. That is something that is meaningful for today's veterans. That is why I rise in strong support of this legislation.

We should note this bill was introduced by the gentleman from New Jersey (Mr. SMITH). It is cosponsored by 105 Members of this body, including as original cosponsors the majority leader, the gentleman from Texas (Mr. ARMEY); the dean of all House Members, the gentleman from Michigan (Mr. DINGELL); the chairman of the Joint Economic Committee, the gentleman from New Jersey (Mr. SAXTON); and the chairman of the House Committee on Armed Services and the dean of our Arizona delegation, the gentleman from Arizona (Mr. STUMP).

As my friend, the gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans' Affairs, said, this measure increases the bill, again, we cannot state it enough, by 70 percent over the next 3 fiscal years, the most substantial increase to date.

There is no disputing the fact that the current Montgomery GI bill needs improvement as a transition tool from military to civilian life. At present, it pays $650 per month, from which the veteran must pay for tuition, books, fees, housing, transportation, and myriad other personal expenses that students incur while attending college.

Sixty-eight percent of veterans are married at the time of separation from the military and many of those vets have children. These vets are presented with even further expenses while trying to obtain higher education.

I would note that from 1987 through 1997, VA reported that only 37 percent of eligible veterans used the Montgomery GI bill. In comparison, almost 64 percent of Vietnam-era GIs used their education benefits during the first 10 years of the program.

Providing for the common defense was the primary reason for establishing our constitutional Republic. Therefore, military service is our Nation's most fundamental form of national service. Today's servicemember is no less valued than those who were conscripted. Service personnel and veterans represent an untapped opportunity for the Nation, as Mr. G. Kim Wincup, vice chairman of the Transition Commission, stated in his testimony before our Subcommittee on Benefits.

We as a Nation benefit from highly educated veterans. The gentleman from New Jersey (Mr. SAXTON), chairman of the Joint Economic Committee, testified before our subcommittee that, quoting now, "providing our veterans with educational assistance creates a more highly educated, productive workforce, that spurs the economy while rewarding the dedication and great sacrifices made by members of our military."

Madam Speaker, I would suggest this bill is not just about greater purchasing power under the Montgomery GI bill. It is about the value we place on our military volunteers, persons who are in fact not drafted into the military but who as a Nation have asked to serve voluntarily, military veterans who are indeed a unique national resource.

These are individuals who after they conclude their military service will ultimately use this GI bill not only to catch up with their nonveteran peers but also to serve among America's leaders.

I would applaud the chairman for his leadership on this bill. I urge all of my colleagues to support this important piece of legislation. What part of a 70 percent increase do my colleagues fail to understand?

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Madam Speaker, I thank my friend, the gentleman from Illinois (Mr. EVANS), for yielding me this time.

Madam Speaker, I rise in support of H.R. 1291, the 21st Century Montgomery GI Bill Enhancement Act. As a co-sponsor of the bill, I urge its passage. This legislation continues our efforts to improve the education program for our men and women in uniform. The bill provides an increase in benefits, including raising the monthly educational stipend to $800 a month for fiscal year 2002, to $1,100 by fiscal year 2004.

I remember well the beginnings of what was later known to be the Montgomery GI bill. It was shared between the Committee on Veterans' Affairs and the House Committee on Armed Services, and I remember playing a part in making sure that it reached the floor at that time.

The gentleman from Mississippi, the Honorable Sonny Montgomery, was the author, is the author; and we should remember his efforts as we improve on that bill today.

This legislation is the right step toward enhancing this bill for our veterans. We must continue to take advantage of opportunities to provide our veterans a truly meaningful and substantial educational program.

Full funding for tuition and fees and a monthly stipend for living expenses in exchange for a service commitment would dramatically improve the GI program and would bring parity with other scholarship and tuition assistance programs currently available to young Americans. Efforts by the gentleman from Illinois (Mr. EVANS) to build upon improvements under the Montgomery GI bill will greatly improve this education program for our men and women in uniform, and I hope that his efforts on the Committee on Veterans' Affairs will continue and that they will be able to pass additional educational benefits, as the gentleman from Illinois (Mr. EVANS) so desires.

Now while it is important that the House consider this legislation, the process by which it is brought to the floor concerns me. It is deeply disturbing that no member of the Subcommittee on Benefits or of the full Committee on Veterans' Affairs has been given the opportunity to engage in a full and open debate on this measure or vote on the bill before today.

I hope procedural abuses like this do not occur again, because it is not fair, either to the Members of this body or to the veterans for whom it is intended to benefit.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Madam Speaker, as one of the veterans who took advantage of the GI bill after I got out of the Marine Corps, in fact to the tune of 45 months, or 2 years of undergraduate and 3 years of medical school, like all Members of this House I care about the GI bill, and that is why I find this process in which those of us who serve on the Committee on Veterans' Affairs was an unfortunate one in which this bill did not come before the committee to be considered and voted on.

What are my concerns? Well, in 1999, Anthony Principi, who is now Secretary of Veterans Affairs, and this was before he was Secretary of Veterans Affairs, chaired a commission known as the Principi Commission. The formal title was "Report of the Congressional Commission on Service Members and Veterans Transition Assistance."

Basically, what this report called for was a return to an education benefit for our veterans, much more like the original GI bill right after World War II.

Now what is the problem? What is the difference between what the Principi Commission called for and the legislation we are considering today? The average budget last year for 4 years for tuition and fees only was about $3,500. If we add in the costs, living expenses for a student, that gets to about $12,000.

The average private college tuition for a 4-year college was about $16,300 last year. That does not include any living expenses. That is just tuition and fees.

It does not take a whole lot of math to figure out that 3 years from now, when the bill we are considering today is in full effect, the maximum benefit annually will be $13,200; $3,000 short of just the tuition and fees with nothing provided for living expenses.

So in my view what we have done, Madam Speaker, is missed an opportunity to increase opportunity for our veterans; to help our military recruiters; to help our colleges; and perhaps, most important of all, to help the students at all of our colleges, even our very expensive 4-year private colleges, who would benefit by sitting next to a 4-year veteran of the military.

We will all vote for this bill, Madam Speaker; but it could have been so much better.

Let me make some response to the comments earlier that somehow we were engaging in petty politics. It is not petty politics to want to improve this bill or any bill. It is not petty politics to want bills to go through committee. It is certainly not petty politics to be in agreement with the current Secretary of Veterans Affairs, Anthony Principi, who put out this very important report; and the amendment of the gentleman from Illinois (Mr. EVANS) that he wanted to bring up in committee merely reflects the desires of the Principi Commission.

Mr. SMITH of New Jersey. Madam Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Madam Speaker, I rise in strong support of H.R. 1291. This bipartisan bill greatly increases the Montgomery GI bill as a recruitment tool for our military services. Based on recent testimony provided to the Committee on Veterans' Affairs by the college board, the monthly benefit needed to meet current average costs for a 4-year college is $1,025. Yet the current GI bill benefit is only $650.

Madam Speaker, $650 per month is just not enough. As a consequence, America's youth and their families no longer see military service as a path to education. They see it as a detour away from their college plans.

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As a Vietnam veteran and somebody who spent 30 years in the Reserves, I know that quality personnel are the backbone and the brains of our military, and one way to attract quality personnel is to provide an enhanced education benefit.

If my colleagues believe as I do that an improved education benefit is going to serve as an enlistment tool and is also going to provide for an educated citizenry, then support this bill. Let us help our young citizens, let us help our military, let us help America. Vote for this bill.

Madam Speaker, I rise today in support of H.R. 1291, the 21st Century Montgomery GI Bill Enhancement Act, and I commend Chairman SMITH and subcommittee Chairman HAYWORTH for their leadership in introducing the bill we are considering this afternoon.

This bipartisan bill greatly improves the Montgomery GI Bill as a recruitment tool for our military services.

Based on recent testimony provided to the Veterans' Affairs Committee by the College Board, the monthly benefit needed to meet the current average cost for a four-year college is $1,025. Yet the current GI Bill benefit is only $650 per month.

Madam Speaker, $650 per month is just not enough. As a consequence, America's youth and their families no longer see military service as the path to education; they see it as a detour away from their college plans. This, in turn, makes it more difficult to recruit young high school graduates into the services.

As a Vietnam veteran, and as someone who has spent 30 years in the U.S. Army Reserve, I know that quality personnel are the backbone and the brains of our military. One way to attract quality personnel into the military is to provide an enhanced education benefit through the GI Bill; and H.R. 1291 does just this.

Under the provisions of this legislation, the monthly educational benefit for someone who commits to a standard three-year enlistment will go from $800 in October of this year; to $950 in October 2002; to $1,100 on October 1, 2003.

A two-year enlistment with a four-year commitment to the Reserves also carries an improved benefit.

Testimony before the Veterans' Affairs Committee shows that the majority of recruits, across all branches of service, list money for education as their primary reason for enlistment. It is clear that an increase in that money would provide a greater incentive for high school graduates to join the military.

On May 24th of this year, the personnel chiefs from all of our military services testified that H.R. 1291's enhancements to the Montgomery GI Bill would be "very effective" as a recruitment and retention tool.

If my colleagues believe, as I do, that an improved education benefit will not only serve as an enlistment tool, but will also provide a more educated citizenry, then I urge them to join me in supporting this bill.

Let's help our young citizens. Let's help the military. Let's help America! Let's pass this bill.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I am proud to be here today and be a cosponsor of H.R. 1291, the 21st Century GI Bill Enhancement Act. At a time when drastic tax cuts have overshadowed our Nation's priorities, it is refreshing that the House should take up the legislation that takes a major step towards restoring purchasing power for the GI Bill.

Educational benefits are the military's best recruiting tool. The Montgomery GI Bill must be modernized to meet today's demands. H.R. 1291 moves toward this goal of expanding access to higher education by increasing the current monthly benefits from $650 to $800 by the year 2002, and ultimately to $1,100 by 2004.

Clearly, today's legislation provides a stronger education package to the men and women who choose to serve our country.

However, while I support this measure, I regret that I did not have the opportunity to vote for the bill in full committee because of the manner in which H.R. 1291 was brought to the House floor.

More importantly, I am disappointed that the gentleman from Illinois (Mr. EVANS), the ranking member, was not permitted to offer his amendment during the subcommittee markup on H.R. 1291, which was abruptly canceled.

H.R. 320, the amendment offered by the gentleman from Illinois (Mr. EVANS), the Montgomery GI Bill Improvements Act, would have provided additional resources for tuition, would have provided additional resources for fees, would have provided additional resources for books and supplies, as well as provided assistance and allowances for these people that would have enlisted for 4 additional years in service. As drafted and presented today on the House floor, H.R. 1291 only provides modest assistance in covering this cost.

Yes, we are happy that this is here. We would have had a great opportunity to make some things happen, and it is unfortunate we did not have the opportunity to make that happen.

My understanding is, based on the rules that we operate under, Rule 4(c)(1), the committee rule states that each subcommittee is authorized to meet and report to the full committee on all matters under its jurisdiction.

These committees were not allowed to practice the way we should, and it is something that we also need to recognize, that this is not a way of handling our issues that come before the House.

As we look in terms of the resources that we have now and the costs of higher education, recent reports show that fees alone are higher than tuition in most universities around the country, so there is a real need for us to look at this seriously.

We can stand here today and be proud of this piece of legislation, but we can also not feel proud of the way it was handled. Why, why, did this particular piece of legislation not have an opportunity to have a vote?

Mr. SMITH of New Jersey. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Madam Speaker, as an original cosponsor of this legislation, I am proud to stand here and urge its passage, because I think it improves one of the most popular and important benefits that the military offers today, the GI Bill.

When it started after World War II, as you know, it really changed the way we look at higher education in America, because it took the college education opportunity and experience and changed it from kind of an elite opportunity for a privileged few to something that everybody could enjoy. All Americans could enjoy that. It became the fulfillment of the American dream, and became something that we could look forward to. It became a way that a grateful Nation could say thank you and pay back those patriots that marched into harm's way to change this world.

But it got expensive to provide education, and it was hard to keep up. Yet this legislation does just that. We have heard it increases those benefits by 70 percent, and that is important, but it also should be emphasized that every dollar we spent is a good investment, because every time we spend a dollar helping some young man or woman get an education, it returns back into our economy. It is estimated in a two-year degree, that a dollar spent comes back seventeen-fold. In a four-year degree, it comes back fourteen-fold.

I encourage everyone to support the passage of this. I want to thank the gentleman from New Jersey (Chairman SMITH) for introducing this legislation and for his leadership. I pledge my commitment to make it even better. I urge everyone to pass this legislation.

Madam Speaker, as an original cosponsor of this truly landmark legislation, I rise in strong support of the 21st Century Montgomery GI Bill Enhancement Act. This legislation will vastly improve one of the most popular and important benefits our military provides—the All Volunteer Force Educational Assistance Program, or the Montgomery GI Bill.

This important program serves two main purposes:

(1) It is a key recruitment and retention tool for our military, and

(2) It helps servicemembers transition into civilian life and apply the skills they learned in uniform in the larger society.

The program has a broad and overwhelmingly positive impact on society. Servicemembers with college degrees or additional skills and training—as with any individuals who attain higher degrees—are more likely to be able to support themselves and their families through steady employment, and less likely to require government assistance.

Furthermore, according to a study done for the VA by the Klemm Analysis Group last year, servicemembers who gain college education or additional skills and training using the Montgomery GI Bill contribute more to our economy than servicemembers who do not take advantage of this program. They are able to get higher paying jobs, buy more goods and services, and invest at higher levels. In fact, the Klemm study indicates that for every dollar the government spends on the Montgomery GI Bill for servicemembers who use these benefits to get a four-year degree, as much as $14 is returned to the economy. For servicemembers who use the benefits to get a two-year degree, as much as $17 is returned to the economy.

Regrettably, too few servicemembers take advantage of this benefit because it has failed to keep pace with the skyrocketing costs of higher education. The current benefits under the Montgomery GI Bill cover just 63% of the average cost of a baccalaureate degree for a commuter student at a state college with no other expenses. And, it is rare that the servicemember taking advantage of his GI Bill benefits has no other expenses. In fact, more than two-thirds of all veterans are married at separation from the military, and many have children.

The 21st Century Montgomery GI Bill Enhancement Act provides the most significant increase—an increase of nearly 70% from the current benefit of $650 per month to the fully implemented benefit of $1,100 per month in 2004—in this program's 16-year history. According to the National Association of Independent Colleges and Universities during testimony before the Veterans' Affairs Subcommittee on Benefits earlier this month, this $1,100 benefit "would cover the full tuition charges at many four year public institutions, and even at a substantial number of private colleges."

There is little doubt that the original GI Bill benefits, which paid the full costs for a higher education, were tremendously successful both as a recruitment and retention tool, and as a bridge from military to civilian life. That program helped veterans returning home from World War II transition smoothly into civilian life, and our nation was all the better for it. It is estimated that every dollar invested in the GI Bill brought between $5 and $12.50 back into the economy in the form of higher wage-paying jobs and increased purchases of goods and services. These patriots bore the weight of the building of a new America. They first saved the nation from tyranny and then helped the nation to rise to the responsibilities of world leadership with the help of the GI Bill.

H.R. 1291 does not restore the Montgomery GI Bill to the high standards of its predecessor. It would be enormously difficult to keep up the pace of increases in the costs of higher education. In the past twenty years, the average tuition and fees at 4-year private colleges rose by 352%. During that same period, the costs at 4- and 2-year public colleges rose by 336%. But, while H.R. 1291 may not be all that we want it to be, it does make significant progress. It will enable many more servicemembers to take advantage of this great tool for advancing their hopes and improving their prospects for the future.

There are other bills that would make bigger leaps in shorter time. But the fact of the matter is that it is the bill before us that is fully funded in the budget resolution passed by this house. It is not a responsible course of government to make promises that cannot be kept. Over time, given the commitment of our Veterans' Affairs Chairman CHRIS SMITH and others on the committee and in this body, we may very well get a benefit comparable to the promise of the original GI Bill. But, in the meantime, as Carl Sagan once said, "It's better to light a candle than to curse the darkness."

Madam Speaker, I thank Chairman CHRIS SMITH for introducing this legislation, and pledge my commitment to continuing to work with him for further improvements in these important education benefits. I encourage my colleagues to make that pledge with me. With that, I urge my colleagues to support this legislation.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I want to commend the gentleman from New Jersey, the distinguished chairman of our committee, for bringing this measure to the floor.

Madam Speaker, I rise in strong support of this measure, the GI Enhancement Act, and urge my colleagues to join in lending their support. This bill provides education benefits to veterans to a level more in line with today's increasingly expensive higher education opportunities by raising the current monthly Montgomery GI Bill rates.

Madam Speaker, this GI Bill is the most profound and far-reaching piece of legislation enacted by the Congress in the 20th century. The program, first implemented after World War II, single-handedly afforded college education to the millions of middle and working class men and women who served during the war, and it helped transform America in the postwar years, leading to the "baby-boom" and the rise of middle class suburbia.

Accordingly, I urge my colleagues to support this worthy, timely legislation. With prices rising three times faster than the Consumer Price Index, I can think of no better way to enhance the education benefits that we provide for those who serve in our Armed Forces.

Mr. SMITH of New Jersey. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Madam Speaker, I rise with great pride to support H.R. 1291, the 21st Century Montgomery GI Bill. It is a great honor for me to follow G.V. Sonny Montgomery, who represented the Third District of Mississippi, the legislation which bears his name and which is an embodiment of his commitment and his legacy to our Nation's Armed Services, the military, and to our veterans.

What does it mean for Mississippi? In the Third District we have 4,763 members of the Army-Air Force National Guard throughout the district; 1,410 active duty Air Force at Columbus Air Force Base; 1,646 active duty Navy and Marine Corps personnel at Meridian, Mississippi.

It means that they will have the opportunity to get an education, to better their lives, to have a higher standard of living and quality of life for their children and for their families.

At Mississippi State University, if they choose to attend there, today 55 percent of their tuition is covered. Under this legislation, 87 percent of their tuition and costs will be covered. One hundred twenty student veterans are now enrolled at the University of Southern Mississippi. Today, 51 percent of their costs are covered under this legislation. Three years from today, 83 percent of their costs will be covered. Four hundred sixty students are enrolled there today.

At the University of Mississippi, 55 percent of the costs are covered today. Eighty-seven percent will be covered in the future, and over 100 students will benefit.

Madam Speaker, it is time for the next generation to step up to the plate and follow the leaders of the World War II generation, to show our commitment to the Armed Services. For the men and women of the 21st century who are willing to commit to serve their country, we need to make sure we can recruit and retain and give them the educational opportunities and benefits of the Montgomery GI Bill. For that reason, I have great pride in supporting this good and noble effort.

Mr. LARGENT. Madam Speaker, I rise today in strong support of H.R. 1291 and the opportunities it provides our veterans across the country. College tuition has risen approximately 49 percent over the last ten years, and more than 114 percent since 1980. This does not include costs which are incurred beyond tuition and fees. The Montgomery GI Bill benefits have not risen significantly during this time, causing hardship for our veterans who continue their education after their military service.

Many of our military personnel and veterans have families to consider, and it is of utmost importance to assist our veterans and their families who depend upon them. Veterans who continue their education often face burdens greater than the average student because they often live off campus and commute in an effort to provide the best possible situation for their families.

Our veterans serve their country with a strong sense of duty, courage and loyalty, and it is unfortunate that they have to worry about putting food on the table and about their future after military service. Our goal of recruiting high quality personnel into the Armed Forces and strengthening the ranks with personnel who make a career of serving our nation must be a top priority. Our veterans deserve the best educational benefits we can offer. I believe H.R. 1291 raises benefits to a level fitting of our nation's defenders. I thank our nation's veterans for their hard work and dedication, and I thank my colleague, Representative CHRIS SMITH, for introducing this bill and for his leadership on veteran's issues.

Mr. LANGEVIN. Madam Speaker, I rise today in support of H.R. 1291, the 21st Century Montgomery GI Bill Enhancements Act. This measure will modernize one of the most important pieces of legislation of the Twentieth Century, the Montgomery GI Bill, which was passed in 1944. I am pleased that we finally have the chance to bring the GI Bill in line with the current costs of higher education.

When the GI Bill was first enacted, it provided the stimulus for thousands of Americans to go to college after serving their country in World War II. This was a fitting reward to what has come to be termed as "The Greatest Generation," allowing them to move beyond the places they came from and pursue the American Dream. The GI Bill has since allowed millions of young men and women who could not otherwise afford college to have their education paid for after serving their country.

Unfortunately, as time has passed, the costs of sending our men and women to college has escalated considerably, and increased funding for the GI Bill has not been enough to keep the benefit current with costs. The maximum benefit right now is only $650 a month, which does not cover the cost of the average four-year state institution. As a result of letting inflation erode our commitment to our veterans, we have lost a powerful recruiting tool for bringing new people into our armed forces. It is past time for us to raise the amount of these benefits. That is why I am proud to be a cosponsor of H.R. 1291. It will link any future increase in the education benefit to the consumer price index so that inflation will no longer be an issue.

We owe this not only to our veterans, but to the millions of young men and women who will be looking to our military in the future as their best hope of obtaining a college degree. I ask that all my colleagues join me in wholeheartedly supporting this measure today.

Mr. SHOWS. Madam Speaker, I am so proud to be here, as a member of the House Veterans Affairs Committee, to share my continued support for H.R. 1291 with my colleagues in Congress.

As a young man growing up in Mississippi, two great men—my father and Sonny Montgomery, indisputably inspired my life in public service and advocacy for veterans. The valiant service rendered by men like my father and Congressman Montgomery was not done for any personal reward, just for knowing they had done their part to keep America and democracy strong. And yet, our nation did right by them by enacting the 1944 GI Bill of Rights, one of the landmark pieces of legislation of the 20th Century. It transformed America by providing for the education of millions of World War II veterans, as well as thousands of veterans who followed in their selfless path.

We all know why we must act swiftly on the passage of this legislation for our veterans. Simply put, they have earned it and deserve it. Our servicemen and women accept lower pay and modest living conditions in the military—we must meet their commitment with a promise to invest in their future.

As a country that depends on the volunteer membership of our servicemen and women to defend our nation's ideals, we must provide competitive benefits for our veterans. Recruiting is increasingly difficult in a thriving economy. We can strengthen the retention of our trained soldiers, if we deliver appropriate benefits and support.

At the same time, it is critical that the current cost of higher education be reflected. The cost of higher education since the inception of the Montgomery GI Bill in 1985 has increased more than double the rate of increase in GI Bill benefits. During the 106th Congress, and again during this Congress I introduced H.R. 1280, the Veterans Higher Education Opportunities Act. This legislation would index education benefits annually to the Annual figure published by the College Board, adjusting for the cost of attending a public four-year university as a commuter student. This way of determining benefits has received tremendous support from the Partnership for Veterans Education, made up of 40 organizations of veterans, military members, and higher education officials, as well as Admiral Tracey, the Administration's representative from the Pentagon who testified before the House Veterans Affairs Benefits Subcommittee on May 24th.

I am disappointed that we are debating this bill under the Suspension of the rules, and that there is no opportunity to consider alternatives. My bill, H.R. 1280, more accurately reflects the mission of Representative Montgomery by providing the level of education benefits that was promised to our soldiers when they entered the service. I support H.R. 1291, Madam Speaker, but we can do better. We are shortchanging our veterans by refusing to open the floor for honest debate.

Our nation's veterans are our heroes. They have shaped and sustained our nation with courage, sacrifice and faith. They have earned our respect and deserve our gratitude. Let us join together and do something meaningful by passing legislation to modernize and improve the Montgomery GI bill. It is the right thing to do.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 1291, the "21st Century" Montgomery G.I. Bill. This legislation is indeed important to our nation's national security as well as the men and women who serve our nation selflessly in uniform. It is also a sensible, bipartisan bill that will better America. It is good policy. As a veteran and a former GI

Bill beneficiary, I am proud to be an original cosponsor of H.R. 1291.

However, Madam Speaker, I am troubled by my Republican colleagues' decision to subvert the process and bypass the committee system. Last week, the Veterans Subcommittee on Benefits was scheduled to markup H.R. 1291. However, this markup was cancelled after the Committee's Democratic staff informed their Republican counterparts that Mr. EVANS and REYES each intended to offer an amendment at the scheduled markup.

Mr. EVANS' amendment would, like H.R. 320, have boosted to H.R. 1291's benefit package to cover the full cost of tuition for every servicemember now and in the future. Mr. REYES' amendment would have indexed the MGIB benefit to educational inflation instead of using the CPI, thus preventing a future deterioration in the real value of the MGIB.

Why did the Republicans block debate on these amendments? Why did Republican staff, after being informed of Mr. EVANS' and REYES' intentions two days prior to the markup—a clear demonstration of good faith—attempt to browbeat veterans' groups into preventing a full debate on H.R. 1291 that would have improved this legislation? Both amendments, after all, would only benefit our veterans, servicemembers, and their families. They were not "Democratic" amendments meant to derail the MGIB, but honest attempts to better the MGIB program.

I remain in support of H.R. 1291. When I testified in support of it on June 7, I emphasized this bill was a good interim step in our efforts to overhaul the MGIB to make it more in line with the World War II-era GI Bill. I stressed that H.R. 1291 was good policy and a step in the right direction, but was not as comprehensive as H.R. 320, which would essentially pay the full cost of tuition and grant a living allowance for every MGIB beneficiary. I urged passage of H.R. 1291 as a positive step in the process of passing H.R. 320, not as the end of the road. Short-circuiting the committee process by preventing Republican or Democratic members from perfecting this legislation is not in the interest of America's veterans. This bill should be about what best helps veterans, not over who get credit for helping veterans.

Madam Speaker, LANE EVANS and I have worked hard over the last three years to pass H.R. 320, which aims to bolster military recruiting and assist young men and women who choose to serve our nation in uniform. H.R. 1291 is a solid interim measure that will improve military recruiting and increase access to higher education for veterans. It is good policy for our country, and represents an important step in what must be a continuing process of improving the MGIB. I would urge all my colleagues to support H.R. 1291 today, but also urge my Republican colleagues to commit themselves to working with us the remainder of this session to fully restoring the G.I. Bill's purchasing power by passing H.R. 320.

Mr. HOLT. Madam Speaker, as an original cosponsor of the 21st Century Montgomery GI Bill Enhancement Act, I am pleased to see the House of Representatives taking this action today.

More than 21 million veterans have been able to get a college education with the help of the government since the original GI Bill in 1944. By the time the last American World War II veteran graduated in 1956 with the help of this program, the United States was richer by 450,000 engineers; 238,000 teachers; 91,000 scientists; 67,000 doctors; 22,000 dentists; and more than a million other college-trained men and women. It was a landmark idea that paid off for our nation, and helped to catapult the United States into its position of post-war prominence.

Today, by updating the Montgomery GI Bill, we are taking a step that will help many more men and women achieve the goal of a college degree and a brighter future for themselves.

This bill will implement a historic funding increase in the Montgomery GI Bill education benefit. The legislation goes a long way toward closing the gap between current GI Bill benefit levels and the rising cost of a college education.

This legislation will increase the monthly education benefit from its current level of $650 per month for 36 months to $1,100—the largest hike ever enacted. When fully phased in, the new education benefit will bring the total GI Bill benefit to $39,600, an amount roughly equal to the estimated cost for a student at a four-year public college. Today, these benefit levels total only $23,400, an amount that is far below what it takes to afford a degree in most institutions. The bill makes these increases over a three year period in responsible steps, increasing to $800 the first year, the second year to $950, and finally to $1,100 per month in the third year.

As a Member of the House Budget Committee, I am pleased that the Budget Resolution our Committee constructed included provisions allowing for this much-needed benefit increase.

This is an important step to honor our veterans. Increasing benefit levels will also help to recruit young, talented people to our nation's armed forces. And, like the original GI Bill, it will help pay dividends for our nation, in college-educated young people who will go on to make contributions to their neighborhoods and our nation.

I urge my colleagues to join me in passing this legislation.

Mr. BUYER. Madam Speaker, I rise in strong support of H.R. 1291, the 21st Century Montgomery GI Bill Enhancement Act.

H.R. 1291 increases the amount of educational benefits available under the Montgomery GI Bill for an approved program of education on a full-time basis from the current monthly rate of $650 for a minimum three-year enlistment to $1,100 over three years.

The benefits for a two-year active enlistment and four years in the Reserves, currently $528, will rise to $894 over three years.

This legislation is truly important.

Over the last decade, benefits under the Montgomery GI Bill have not kept pace with the rising cost of a college education.

In fact, the Department of Veterans Affairs has indicated that roughly 50 percent of eligible veterans do not use the GI Bill education benefits that they are entitled to.

Veterans repeatedly cite the lack of buying power of the Montgomery GI Bill as one of the reasons for not using this benefit.

The bill will help hundreds of thousands of veterans, service members, and their families who take advantage of the Montgomery GI Bill.

Equally important, this bill will ultimately strengthen our national defense by helping to improve the military's recruiting efforts.

The original GI Bill of 1944 is widely regarded as one of the most important pieces of social legislation ever passed by Congress.

Like that original bill and its later versions, this bill makes higher education and training more affordable to military personnel returning to civilian life.

Again, I rise in strong support of this legislation.

Mr. REYES. Madam Speaker, I rise today in support of H.R. 1291, the 21st Century Montgomery GI Bill Enhancement Act. I would like to thank my good friend and colleague, the Ranking Member of the House Veterans' Affairs Committee, LANE EVANS as well as Chairman CHRISTOPHER SMITH and Benefits Subcommittee Chairman J.D. HAYWORTH for their efforts to improve education benefits for our nation's veterans. I commend each of you for your leadership and your efforts toward improving the lives of America's veterans. However, as the Ranking Member on the Benefits Subcommittee, I am very disappointed that this matter was brought to the House Floor without Members of the Benefits Subcommittee or the Full Committee on Veterans' Affairs having an opportunity to debate and consider the measure in a mark-up.

Consistently, history has referred to GI Bill benefits as the most significant reason for the high educational attainment and post World War II economic leadership success of the United States. Through financial and tuition benefits, the GI Bill still provides millions of today's returning military service members the opportunity to gain important educational skills and knowledge they could not afford otherwise. With the cost of college climbing over the last two decades, and our nation's military plagued with recruitment problems, our obligation to our nation's veterans is to keep pace with these costs and provide stronger, more adequate GI Bill benefits. Increasing sources of private scholarships and funding, along with the Montgomery GI Bill's current inadequate level of benefits, has seriously hurt military recruiting efforts.

Our veterans certainly deserve better. From a national security standpoint, we cannot afford to allow our military to be without necessary manpower and strength. We must continue to work to maintain and improve the benefits for our veteran population. By doing this, we honor their service and provide for their future. As the Ranking Democratic Member of the House Veterans' Affairs Committee, Subcommittee on Benefits, I, along with my colleagues on the Subcommittee, held hearings on this legislation and heard testimony surrounding the significant issue of GI Bill enhancement. The testimony of individuals such as Representative JOHN DINGELL, himself an architect of GI Bill enhancement legislation, my colleague on the Committee Representative RONNIE SHOWS, and Secretary of Veterans' Affairs Anthony J. Principi, reflected a need to ensure that a GI Bill for the new century must provide a meaningful readjustment benefit to discharged service members while also giving our military an effective recruiting tool. We understand that there have been significant economic, societal, and military changes since the implementation of the GI Bill. These changes must be addressed, and Congress is now addressing its responsibility to make improvements to the structure and benefit level of this program.

It is unfortunate to mention, however, that this bill came to the floor of the House of Representatives without a mark-up. While this bill does much for American veterans and service members, many, including myself, wish it could do more. I intended to introduce an amendment to H.R. 1291 that would index the GI Bill to educational inflation rather than the Consumer Price Index. Indexing the GI Bill to the inflating cost of college tuition and expenses would allow veterans and beneficiaries of the GI Bill to receive full educational benefits without constant Congressional or governmental adjustment. The benefits would correspond with the significant costs of an institution of higher learning.

My colleague, Representative LANE EVANS, was going to introduce his bill, H.R. 320, as a substitute to H.R. 1291 during mark-up. H.R. 320, of which I am a co-sponsor, was designed to restore the GI Bill program to a benefit level comparable to that once provided to veteran students after World War II. Essentially, H.R. 320 would pay for the full cost of attending college and would remove the large enrollment fee that is paid by service members. This legislation is modeled after the recommendations made by Secretary of Veterans' Affairs Anthony Principi when he was chairman for a Congressional Commission charged with studying the needs of military service members when they leave the military to return to civilian life. This legislation enjoys broad Congressional support and the support of several national veteran service organizations. Despite the absence of a mark-up or a chance for full Committee deliberation on this matter, the provisions within H.R. 320 and the amendment I intended to offer continue to enjoy strong support among Members of Congress and veteran service organizations. I, along with my colleagues, will continue to address this issue until all our veterans are finally given a fully functional, fully beneficial, fully enhanced GI Bill.

I am a supporter of H.R. 1291 because this measure does provide a considerable increase in veterans' educational benefits under the Montgomery GI Bill. Under H.R. 1291 the monthly benefit would increase to $800 per month for fiscal year 2002, increasing to $1,100 by fiscal year 2004. While I do believe that students and service members entering college in 2002 would benefit more from a bill that includes the amount of benefits that would be provided to veterans if the bill was adjusted to educational inflation, I encourage my colleagues to vote for the passage of this bill. It is the first step in a long road toward veterans' benefits enhancement.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING ARMY NATIONAL GUARD COMBAT UNITS DEPLOYED IN SUPPORT OF ARMY OPERATIONS IN BOSNIA

Mr. THORNBERRY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 154) honoring the continued commitment of the Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and families during those deployments, recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by employers of the Guard and Reserve.

The Clerk read as follows:

H. CON. RES. 154

Whereas in October 1999 the Army announced a groundbreaking multi-year plan to mobilize and deploy the headquarters of National Guard combat divisions to command the United States sector of the Multinational Stabilization Force in Bosnia and to employ significant elements of the Army National Guard enhanced combat brigades in that sector;

Whereas the 49th Armored Division, Texas Army National Guard, and Army National Guard combat units from the 30th Enhanced Separate Brigade of North Carolina and the 45th Enhanced Separate Brigade of Oklahoma have completed deployments in Bosnia, and 1,200 soldiers of the 48th Infantry Brigade of Georgia are as of June 2001 deployed to Bosnia in the largest such deployment of National Guard personnel in support of the North Atlantic Treaty Organization peacekeeping mission in Bosnia;

Whereas the more than 1,200,000 citizen-soldiers who comprise the National Guard and Reserve components of the Armed Forces nationwide commit significant time and effort in executing their important role in the Armed Forces;

Whereas these National Guard and Reserve citizen-soldiers serve a critical role as part of the mission of the Armed Forces to protect the freedom of United States citizens and the American ideals of justice, liberty, and freedom, both at home and abroad; and

Whereas thousands of employers nationwide continue their support for service of their employees in the Reserve components: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the continuing service and commitment of the citizen-soldiers of the Army National Guard combat units deployed in support of Army operations in Bosnia;

(2) recognizes the deployment of the 48th Infantry Brigade in March 2001 as an important milestone in that commitment;

(3) honors the sacrifices made by the families and employers of the members of those units during their time away from home;

(4) expresses deep gratitude for the continuing support of civilian employers for the service of their employees in the National Guard and Reserve;

(5) recognizes the critical importance of the National Guard and Reserve to the security of the United States; and

(6) supports providing the necessary resources to ensure the continued readiness of the National Guard and Reserve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. THORNBERRY) and the gentlewoman from California (Ms. SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. THORNBERRY).

GENERAL LEAVE

Mr. THORNBERRY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORNBERRY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution, introduced by the gentleman from Georgia (Mr. COLLINS), honoring the continuing commitment of Army National Guard combat units in support of U.S. operations in Bosnia.

Throughout our history, America's citizen soldiers have played a crucial role in making and keeping the peace. Nowhere has this been more evident than in recent deployments of the National Guard to support peacekeeping missions in Bosnia. Clearly, we are increasingly reliant on the men and women of the National Guard and Reserve to perform peacetime operational missions. For example, in 1996, the National Guard and Reserves provided less than 1 million duty days of direct support to active components. Today, they are providing in excess of 12 million duty days of support annually, the equivalent of nearly 34,000 active duty personnel.

In October 1999, the Army announced an important decision to employ National Guard combat units and National Guard division headquarters in support of the NATO peacekeeping mission in Bosnia. As a result, the 49th Armored Division headquarters for the Texas National Guard, and combat units from the 30th Enhanced Separate Brigade, North Carolina National Guard, and the 45th Enhanced Separate Brigade of the Oklahoma National Guard have completed deployments in Bosnia.

I am particularly proud of the 49th, because several of its members came from my district, soldiers like Bob Wenger of Amarillo, Texas. The 49th was the first Guard or Reserve unit to command active duty troops since World War II. They set the standard for others to follow. Today, more than 1,200 soldiers of the 48th Brigade, Georgia National Guard, have deployed in the largest such deployment of National Guard soldiers to Bosnia.

This resolution not only honors the commitment and dedication of the soldiers in these combat units who have left home and family to serve the Nation, but it also honors the sacrifices of their families and employers. It also serves as a reminder to us, and to the Nation, that the National Guard and Reserve are critically important to the security of the United States. Their readiness directly contributes to America's military readiness, and we must continue to provide the support necessary for both the active and reserve components to perform the missions assigned to them.

□ 1500

Madam Speaker, I urge my colleagues to support this resolution, and I reserve the balance of my time.

Ms. SANCHEZ. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Concurrent Resolution 154, and I urge my colleagues to support this important measure.

Madam Speaker, H. Con. Resolution 154 commends the continued commitment of the Army National Guard combat units deployed in support of Army operation in Bosnia. It recognizes the important role of all National Guard and Reserve personnel, and it expresses appreciation to the employers of the Guard and the Reserves.

Since the first units of the National Guard were mobilized for deployment to Bosnia in December of 1995, our National Guardsmen and women and Reservists have played a vital and significant role in Bosnia. Their determined efforts have helped to stabilize the area and deter hostilities to facilitate long-term peace in that area.

Recognizing their valuable contributions, the Army began to mobilize and deploy the headquarters of the Army National Guard combat divisions and enhanced combat brigades in Bosnia. As increasing numbers of our National Guard and Reserves are being called to duty for peacekeeping operations, humanitarian missions, and combat, we also need to recognize the effect that this has on their families and to recognize the valiant effort by these families when personnel go abroad. Like those on active duty, Guard and Reserve personnel would not be able to focus on their mission without the support and the strength of their families. Madam Speaker, it really takes quite a lot out of families when someone gets uprooted and leaves their job for a while and goes across to work in Bosnia. So we really commend the families for their contributions and their sacrifices in this effort.

However, the Guard and the Reserve must also depend on the support of their employers. Can we imagine what it is like to have somebody who is very vital to one's business interests all of a sudden leave for 6 or 8 or 10 months? Without the support of employers across the country, Guard and Reservists would not be able to continue this important mission for the United States.

Madam Speaker, I would like to recognize and thank those employers for their essential support of the National Guard and our Reservists. It is the contributions of the service member, of the family, and the employers that play a role in our success in Bosnia and other regions. This successful combination allows us to have the best citizen soldiers in the world.

Madam Speaker, I urge my colleagues to support this measure, and I reserve the balance of my time.

Mr. THORNBERRY. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS) the sponsor of this resolution.

Mr. COLLINS. Madam Speaker, I thank the gentleman for yielding me this time.

In March, after completing preparations at Fort Polk, Louisiana and Fort Stewart, Georgia, some 1,200 soldiers of Georgia's 48th Infantry Brigade were deployed to Bosnia to participate in the peacekeeping mission. They are following in the footsteps of other National Guard units that have been mentioned such as the Texas division, the 39th Enhanced Separate Brigade of North Carolina, and the 45th Enhanced Separate Brigade of Oklahoma. Our citizen soldiers are adding their strength to our efforts to bring peace to a bitter and divided land.

These men and women are part of more than 1.2 million soldiers who play a critical part in our national defense as members of our National Guard and Reserve components. They contribute significant time and effort to executing their roles, and we as a Nation are very grateful.

Our citizen soldiers have helped defend our freedom since the first minutemen took up their muskets to meet the British at Concord Bridge. From those grassy fields of New England to the burning sands of Kuwait, our guardsmen and reservists have fought with distinction.

As citizen soldiers, most guardsmen and reservists have two careers, civilian and military. After a hard week on the job, neighbors may be headed to the beach for the weekend, but many guardsmen are headed off to drill and to train. Neighbors may be watching emergencies on TV, but oftentimes guardsmen are already there helping victims of disorder and disaster.

As we see our guardsmen called up to serve in areas such as Bosnia over the long deployments, we should note the sacrifices as they leave home, family, and friends in the service of their country. This separation is hard on families and loved ones; but while we often note the burden on soldiers and their families, we often overlook someone who makes an equal sacrifice too, and those are the employers of those reservists and those guardsmen.

I want those employers to know that the Congress deeply appreciates the sacrifice that they knowingly make for our national security when they hire members of the National Guard and Reservists. As a small businessman, Madam Speaker, I know how business can be affected by the absence of a good worker for a period of as short as a day, much less for several weeks or months. It is tough on a business, no matter how large or small.

Our Nation is secure today because Americans stand ready to defend our freedom. The men and women of our National Guard and Reserve sacrifice their time and talent to serve in the military, even as they hold down those civilian jobs. The spirit of sacrifice is also exemplified by the families and the loved ones who support them whether they are off on a weekend drill or extended deployments overseas. For this we are grateful.

Ms. SANCHEZ. Madam Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), our distinguished ranking member of the Committee on Armed Services.

Mr. SKELTON. Madam Speaker, I thank the gentlewoman for yielding me this time. I rise in support of H. Con. Res. 154. I urge that all of us in this body vote for it.

This resolution honors the Army National Guard combat units in Bosnia, recognizes the sacrifices of Guard and Reserve families, and expresses appreciation to employers of the Guard and Reserve members for their critical support. The Guard and Reserves have become increasingly critical to our national security through the years. Guard and Reserve personnel have been deployed around the world for numerous missions, including peacekeeping operations in Bosnia.

Madam Speaker, in recent weeks I have had the opportunity to visit with a good number of National Guard units in the Fourth Congressional District of Missouri, and soon I will have visited all of them. I must tell my colleagues that I am so proud of them. They are there because they want to be there. They take their training seriously; they take their mission seriously. When I asked them how many had been deployed in recent years, my colleagues should see the number of hands that are raised. I thank them for their sincerity and their dedication to the State and to our government here in the United States.

The October 1999 announcement by the Army to mobilize and deploy National Guard combat divisions to command active and Reserve forces in Bosnia was an historical landmark. Other various Guard combat support and combat service support units have been participating in Bosnia since December of 1995. For example, the 1137th Military Police Company from Kennett, Missouri was mobilized for Bosnia in December of 1995. Since then, the 70th Mobile Public Affairs Detachment and the 135th Military History Detachment from Jefferson City and the 40th Operational Support Airlift Command Detachment from Springfield have also seen service in Bosnia. These Missouri National Guardsmen and women have joined the thousands of guardsmen and reservists from across the Nation who have served the Nation so well.

Mr. THORNBERRY. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I rise today in support of this resolution offered by the gentleman from Georgia (Mr. COLLINS).

This is truly a unique time in the history of our Nation's military. The time of the National Guard being used solely for the purpose of missions within the U.S. borders is over. That is not to say the Guard does not play a vital role in our domestic situation, such as the flood recovery in my home area of Houston from the Storm Allison. In fact, and thank goodness, nearly 400 Guard members were called to active duty to assist the victims, my neighbors, in this devastation.

But that is not all they do. With the decreasing size of our active duty military, the role of the National Guard has never been more important. All too often we forget about the important service our Guard units play in protecting our Nation's interests abroad.

Last year in February, National Guardsmen began pulling active duty overseas for the first time since the Korean War. And, for the first time since American soldiers went to Bosnia in late 1995, an Army National Guard unit performed the headquarters function and provided the true component for the peacekeeping mission there.

Madam Speaker, I am proud that the approximately 750 men and women who served in this precedent-setting mission were from the Texas 49th Armored Division, the Fighting 49th of the Texas National Guard, also known as the Lone Star Division. This unit returned home in October of last year following an 8-month peacekeeping duty in Bosnia. I had the pleasure of enjoying Easter Sunday services with our troops in Bosnia. I cannot tell my colleagues how impressed I was with the dedication and the professionalism and their dedication to the mission, our country, and their families.

This resolution today also hits home because one of my staff people, David Drake McGraw, will be commanding the Alpha Troop of the Maryland National Guard when it is deployed to Bosnia in a few months. My office is dealing with the same challenges as thousands of other employers across our country when employees, key employees are deployed as part of these units. Madam Speaker, I can tell my colleagues that it is not easy, but it is worthwhile. The sacrifice members of the National Guard make each year in order to serve their country through the military is in addition to working full-time jobs. It is great and must not be forgotten. I am proud of Drake, not only for his outstanding service to the residents of my district of Texas, but also for the sacrifice and service to our Nation.

Captain McGraw serves in the Maryland Army National Guard. His unit, the first of the 1/58 Cavalry, will be going to Bosnia on September 18 for about 7 months. He will be leaving behind his wife, Barbra and his young son, David. It is important to remember the sacrifice they are making while Drake is serving his country.

Madam Speaker, it is for these reasons that I proudly support this resolution.

Ms. SANCHEZ. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Madam Speaker, I thank the gentlewoman for yielding me this time.

Madam Speaker, the National Guard personnel that are deployed in Bosnia are preventing widespread violence that could quickly reoccur if they were not there to serve their country in the cause of humanity. Every American owes them a deep debt of gratitude. They left their families, their homes, their careers behind to join our NATO allies on a mission that is saving lives and making the world safe from a cruel conflict, one that could spread uncontrollably if not held in check.

This call-up is not fun. It is tough. It is grueling, and it is dangerous duty. But they willingly serve, and we are grateful.

In March, 1,200 citizen soldiers of the 48th Infantry Brigade began a 6-month tour of duty in Bosnia, the largest Georgia Guard mobilization since Operation Desert Storm. Other Guard personnel from my State and from other States have also served as peacekeepers there, and I urge the House to pass this resolution to honor the commitment and the sacrifice of every National Guard soldier who has faithfully served and who faithfully answers the call.

Mr. THORNBERRY. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

□ 1515

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding time to me.

I especially appreciate the leadership of the gentleman from Texas (Mr. THORNBERRY) for bringing this important resolution to honor the service of our National Guard heroes who have served our country so ably in Bosnia. I also thank the gentleman from Georgia (Mr. COLLINS) for his efforts.

Madam Speaker, I have a particular interest in this resolution, and I am pleased to be a cosponsor because I am fortunate enough to represent Indiana's Atterbury National Guard base and Armed Forces Training Center at Atterbury. This facility has played an important role in preparing our reserve forces for deployment to the Bosnian theater. I am very proud of the work they do there.

In fact, Madam Speaker, the training facilities at Atterbury are the finest light fighting training site east of Mississippi, to hear them tell it. This distinction is deserved praise given the role they have played in getting our troops ready for service in Bosnia.

Since 1996, Hoosier National Guardsmen have had a continuous representation in Bosnia. Next spring, the 76th Separate Infantry Brigade will also be deployed in Bosnia. The newest mission amounts to nearly 300 infantry soldiers from all over the State of Indiana.

In addition to plain old home State pride for the work our National Guard personnel have done and are doing in Bosnia, it is with deep respect that I call attention to the preparation that is under way presently for the largest mobilization of Indiana's National Guard since World War II.

In the spring of 2004, the 38th Infantry Division Headquarters, based in east central Indiana, will deploy to Bosnia to run the Task Force Eagle Headquarters there and supervise all U.S. military operations. Hopefully, this 2004 mission will be the supervising of the final leg of our mission in that region.

For all the work that our men and women in the National Guard have done and will do in the future, Madam Speaker, I know I speak for all of my constituents in Indiana when I say, "Well done, good and faithful servants," and I thank them for all they have done to help secure relative peace and stability in the region.

House Concurrent Resolution 154 is a well-deserved tribute.

Mr. GILMAN. Madam Speaker, I rise today in strong support of H. Con. Res. 154, a bill honoring the commitment of the Army National Guard combat units deployed in Bosnia and I urge my colleagues to give this measure their full support.

Our National Guard has played a vital role in our Nation's security, primarily by maintaining the concept of the "Citizen-Soldier." Our Nation's founders were distrustful of large standing armies. Consequently, the state militias, which later evolved into the National

Guard, have always served as a working framework that stood by ready to supplement and augment the officer core of the regular military in times of war.

The most recent example of this has been the long-standing contribution the Army National Guard has made to the peacekeeping deployment in the Balkans. The Army National Guard units have performed an important supporting role backing up our active duty forces in those hazardous operations.

National Guard members face far more unpredictable military service than their active duty counterparts. The nature of their job requires them to be "on call" and ready to deploy overseas at a moments notice. As such, smooth deployments are dependent on the cooperation of both guard-member families and employers.

This resolution, in recognition of these factors, commends the sacrifices made by the families of guard-members and their civilian employers.

It also recognizes the increasingly vital role the Army National Guard plays in our Nation's national security.

Accordingly, Madam Speaker, I urge my colleagues to join in supporting this measure honoring our Country's National Guard.

Mr. ORTIZ. Madam Speaker, I rise in support of H. Con. Res. 154 which honors our commitment to the Army National Guard combat units deployed in support of Army operations in Bosnia.

I have a special appreciation for this resolution today on two levels. As the Ranking Democrat on the House Military Readiness Subcommittee, issues of how to supplement the everyday personnel needs of our troops is a vital issue for us. Through the citizen soldiers of the National Guard, we are able to keep an all-volunteer force, which is as it should be in a free democratic Nation, and we have moved into the history-making realm by introducing National Guard troops into active component combat forces, as well as multinational forces.

On another level, for Texas, the knowledge that the 49th "Lone Star" Texas National Guard Armored Division in Bosnia was ushering in a new era of the composition of active-duty military personnel has made patriots in the state extremely proud. However inevitable it was, with over half of the Army's strength in the Guard and reserves, the decision nevertheless opened a new era for the population of our armed forces.

When the decision was announced, the 49th "Lone Star" National Guard Armored Division received an amazing number of calls from the active components offering help in training. The easy relationship between these comrades in arms is the foundation for the success of the mission and for future successes in deployments. It also debunks the theory that there is a rivalry between the active components and the Guard or reserves.

South Texas has a proud tradition of military and military support. This mission of the 49th "Lone Star" Division was no different. All elements of the 49th "Lone Star" Division were deployed through the Port of Corpus Christi, which was designated as a strategic sealift seaport in 1998. South Texas watched this history happening from the front row. We supported the 49th at the outset of their mission, we applauded them at its conclusion, and we recognized the historic nature of the deployments of the Guard and reserves to front lines of our country's military deployments overseas.

South Texas support the National Guard and the reserves, we understand their commitment to our national security, and we thank them for their service to our nation. We honor their sacrifice, realize their critical importance to the country and we support providing the necessary resources to ensure their continued readiness condition.

I thank my colleagues for their work on this resolution.

Mr. CHAMBLISS. Madam Speaker, I support this resolution to honor our National Guard troops in Bosnia. Especially the men and women of Georgia's 48th Brigade now serving in Bosnia. Georgia's National Guard has a long and cherished military history dating back as far as the 1730's. From helping to secure American independence, to the Spanish American War to World War I and II, to Korea, Vietnam, and the Persian Gulf, Georgia's National Guard has played an important role in protecting the defending American interests around the world.

From the headquarters and part of the 148th Forward Support Battalion in Macon to the 2nd Battalion of Company A of the 121st Infantry based in Moultrie and Valdosta, the 48th Infantry Brigade (Mechanized) continues to honor its past by proudly serving in Bosnia. The men and women of the 48th have spent months undergoing extensive training and preparation for this deployment. They have put their jobs and family lives on hold and all told will have been away from their homes and families for almost a year.

Today, we say thank you to the families and employers for their sacrifices in supporting our National Guard. And we say thank you and God bless you to the citizen soldiers who are doing such an outstanding job to support U.S. peacekeeping efforts in the Balkans.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today in support of House Concurrent Resolution 154, a resolution honoring the continued commitment of the Army National Guard combat units deployed in Bosnia and recognizing the sacrifices made by these units.

Madam Speaker, as our country moved away from the cold war, we made a conscious decision to lower the size of our active duty forces. At the same time, as a matter of policy, we maintained our goal of fighting two simultaneous wars. The only way we could achieve both goals was to increase our reliance on our national guard and military reserve units.

For years, national guard and reserve units were thought of safe as ways to fulfill military service obligations or collect a little extra money every month. For decades that was true. Each drilling reservist or national guardsman reported for duty one weekend a month and two weeks per year, and that was all we asked of them. That whole concept of being a reservist changed during the 1990s, a decade in which our reserve and guard units were called to active duty time and time again including places such as the Middle East, Africa, and of course Bosnia.

Every time we as a nation call up a reserve unit, the vast majority of the members of that unit are pulled away from their families and jobs here in the United States. In addition to the personal sacrifices these individuals make, often times there is a monetary sacrifice as well. With everything we ask of our reserve and national guard personnel, they truly do deserve special recognition, and I am pleased to stand before our nation today and say thank you.

To every member of a national guard unit, to every reservist, to their families, and to every employer who hires or employs a member of a guard or reserve unit, I say thank you for your support of our nation. As the only super-power, the United States is expected to provide leadership in distant locations throughout the world. We have done this unilaterally, and as members of multi-national forces. When the nation has called, our citizen-soldiers have responded and continue to respond. We all owe them a debt of gratitude, and again I say thank you.

Mr. BUYER. Madam Speaker, I rise in strong support of H. Con. Res 154, honoring National Guard Combat units deployed in support of operations in Bosnia.

I know the commitments and sacrifice that the citizen soldiers and their families must make in supporting the defense of this great nation.

I have done my share of traveling and I have visited with my fellow soldiers in the National Guard, both in my congressional capacity and in my Reserve capacity.

As such, I am well aware how the National Guard contributes to national security.

Believe me, it is a story that needs to be shared with hometown USA, and more importantly, with Members of Congress.

Today's National Guard is an essential component of the Total Force.

No longer a force in reserve; the National Guard is integral to all operations today.

In fact, it is a force in readiness.

Because the military today cannot perform its missions without the support and augmentation of the National Guard, it is being used more frequently, and to a greater extent than ever before.

Since we started sending soldiers to Bosnia in 1995, the National Guard has assumed an every increasing role in that deployment.

In fact, the Bosnia operation marks a pivotal point in this nation's military history.

It marks the first time that a National Guard division headquarters served as the command and control element of Active Army component and multi-national forces in the Post Cold War.

This is truly remarkable!

According to the Department of Defense, our NATO partners, and the population in Bosnia, one cannot tell the difference between the National Guardsmen, and the soldiers of the active component.

By any measure, our National Guard personnel have performed extremely well, completing vital missions and bringing critical, and in some cases unique, skills to this operation.

Operations in the Balkans are proof that our reserve forces cannot be viewed as low priority units for manpower, equipment, and funding.

That is a luxury we cannot afford.

H. Con. Res. 154 is a reminder to all of us in this body, to all the leaders in the Pentagon, and to all Americans that the National Guard is critical to the defense of this nation, and we must support our reserve component forces if we hope to be victorious in the future.

I urge my colleagues to adopt this resolution.

Mr. GREEN of Texas. Madam Speaker, I rise in support of the resolution. I would like to thank the gentleman from Georgia who introduced this legislation for this opportunity to honor the commitment and courage of the Army National Guard units that continue to serve as part of the NATO peacekeeping forces in Bosnia.

In April of 2000, during our Easter recess, I had the opportunity to visit the soldiers of the 49th "Lone Star" Armored Division of the Texas National Guard, during their tour of duty in Bosnia.

This unit recorded a first in Army history, as it was the first time that a National Guard division headquarters was the command and control element of active duty component forces as well as multinational forces. These Texas citizen-soldiers acquitted themselves with honor and proved that the Guard is a reliable part of our armed forces.

The soldiers in these units aren't the only ones who deserve recognition. These men and women would not be able to serve without the sacrifices made by their families, who do without a spouse or parent, or their employers, who lose the service of a valued employee, for the length of their tour.

This mission underscores the value of the National Guard and Reserve to the security of the United States. As members of Congress, we recognize the benefit of the National Guard and Reserve and I hope that we will recognize the needs of these units so that they can continue to be an effective component of our armed services.

Mr. BEREUTER. Madam Speaker, this Member rises to express support for H. Con. Res. 154, recognizing the role of Army National Guard combat units operating in Bosnia. The distinguished gentleman from Georgia (Mr. COLLINS) is to be commended for introducing this legislation which also recognizes the sacrifices of reservists' families during arduous deployments.

Additionally, this Member wishes to use this occasion to recognize the crucial role Army National Guard support units play in NATO peacekeeping missions. Simply, the Army National Guard combat units cannot perform their overseas duties without the assistance of support units. For example, the 24th Medical Company, which is based in this Member's district and is comprised of reservists from Nebraska and Kansas, deployed to Bosnia in 1999. During its deployment, the company provided key medical assistance for NATO forces. In one instance, the company even found itself rescuing a combat unit which found itself trapped in a minefield. To avoid detonation of the mines, the combat unit stood on the hood of its vehicle as the 24th Medical Company lowered its helicopter and whisked the other unit to safety. Support units often are placed into precarious situations and are deserving of recognition for their efforts beyond their routine duties.

Madam Speaker, legislation such as H. Con. Res. 154 offers Congress an opportunity to reaffirm the important role of all National Guard combat and support such units in each of the armed services.

Ms. SANCHEZ. Madam Speaker, I yield back the balance of my time.

Mr. THORNBERRY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Texas (Mr. THORNBERRY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 154.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. THORNBERRY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

Mr. SHAYS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 163) recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future, as amended.

The Clerk read as follows:

H. CON. RES. 163

Whereas news of the end of slavery did not reach frontier areas of the country until long after the conclusion of the Civil War, especially in the Southwestern United States;

Whereas the African Americans who had been slaves in the Southwest thereafter celebrated June 19, known as Juneteenth Independence Day, as the anniversary of their emancipation;

Whereas these African Americans handed down that tradition from generation to generation as an inspiration and encouragement for future generations;

Whereas Juneteenth Independence Day celebrations have thus been held for 136 years to honor the memory of all those who endured slavery and especially those who moved from slavery to freedom; and

Whereas the faith and strength of character shown by these former slaves remains an example for all people of the United States, regardless of background, region, or race: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress recognizes the historical significance of Juneteenth Independence Day, an important date in the Nation's history, and encourages the continued celebration of this day to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) it is the sense of Congress that—

(A) history be regarded as a means for understanding the past and solving the challenges of the future; and

(B) the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

GENERAL LEAVE

Mr. SHAYS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 163.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of House Concurrent Resolution 163, and commend the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Illinois (Mr. DAVIS) for sponsoring this important resolution. The resolution recognizes the historic significance of Juneteenth Independence Day, and encourages its continued celebration so all Americans can learn more about our past.

The resolution also expresses the sense of Congress that knowing our history helps us understand our past and solve challenges we face in the future, and it expresses the sense of Congress that the celebration of the end of slavery is an important and enriching part of the history and heritage of the United States.

Madam Speaker, Juneteenth has long been recognized as the day to celebrate the end of slavery in the United States. Juneteenth is the traditional celebration of the day on which the last slaves in America were freed.

Although slavery was abolished officially in 1863, it took over 2 years for news of freedom to spread to all slaves. On June 19th, 1865, U.S. General Gordon Granger rode into Galveston, Texas and announced that the State's 200,000 slaves were free. Vowing never to forget the date, the former slaves coined the nickname Juneteenth, a blend of the words June and 19th, actually today. This holiday originated in the Southwest, but today it is celebrated throughout the Nation.

This resolution underscores that the observance of Juneteenth Independence Day is an important and enriching part of our country's history and heritage. The celebration of Juneteenth provides an opportunity for all Americans to learn more about our common past and to better understand the experiences that have shaped our great Nation.

I urge all Members to approve the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I first of all want to congratulate the gentleman from Oklahoma (Mr. WATTS), and I am pleased to join with him in introducing this resolution and bringing it to the floor for quick action.

I am pleased to be an original cosponsor of House Concurrent Resolution 163, particularly today, Juneteenth Independence Day. On January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation freeing the slaves of the southern States that had seceded from the Union.

However, it was not until June 19, 1865, that the Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas, with the news that the war had ended and that all slaves were now free.

The reaction to the news ranged from shock to immediate jubilation. June 19th, coined Juneteenth, became a time for former slaves to pray and to gather together with remaining family members. Education, self-improvement, and prayer services were and still are a major part of Juneteenth celebrations.

Though Texas is the only State to declare June 19 a legal holiday, it is celebrated in communities throughout the country. Juneteenth celebrations are a tribute to all Americans who fought to end slavery and who work hard for social and racial equality. It is an appropriate holiday to precede Independence Day on July 4. The promise of justice and equality contained within the Declaration of Independence and the United States Constitution were realized on this day for many people in 1865.

Today marks the 136th celebration of Juneteenth, which was originally handed down through the old tradition, from generation to generation, and finally formally honored for the first time in Texas in 1972.

Juneteenth is indeed a time to reflect on and honor those who suffered the tragedy of slavery in America. It is also a time to appreciate the social, political, educational, and economic possibilities afforded by social and racial equality. In short, Juneteenth for many African Americans represents what the Fourth of July means for mainstream America: a celebration of the promise of freedom.

As I listened this morning to my favorite radio station, WVON, to talk show host Cliff Kelly, my former colleague from the Chicago City Council, as Cliff was engaging callers in Juneteenth and the meaning of it, all of the calls were indeed positive and represented the idea that celebration was appropriate for this day.

So I want to commend radio station WVON for its efforts. I also want to congratulate and commend State Representative Monique Davis, who has introduced legislation in the Illinois General Assembly. This resolution recognizes Juneteenth Day as a day that all of America can celebrate freedom, and recognize that being free, spiritually, physically, socially, financially, educationally, and professionally is meaningful.

So for this reason, I urge all of my colleagues to support House Concurrent Resolution 163.

Madam Speaker, I reserve the balance of my time.

Mr. SHAYS. Madam Speaker, I yield such time as he may consume to our distinguished leader, the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Madam Speaker, I thank my colleague, the gentleman from Connecticut, for yielding time to me.

Madam Speaker, when General Gordon Granger arrived in Galveston, Texas, on this day 136 years ago, slaves were given notice that they were free. Even though President Abraham Lincoln's Emancipation Proclamation had the effect of law on the first day of 1863, his executive order was not in force to even communicate it in some parts of our Nation.

The celebrations on the evening of June 19, 1865, were filled with singing and feasting. After so much injustice, the last vestige of slavery had been eradicated and the United States was truly a land where, as our Declaration of Independence declared, all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

Juneteenth is a day of celebration and of learning. We should rejoice in the great land that we all call America and give thanks for our freedom, and know that there were days when that freedom was not enjoyed by all of her citizens.

The resolution we are considering today recognizes Juneteenth and encourages Americans to learn from our past so we may better prepare for our future. It celebrates the achievements of all Americans, no matter if they are red, yellow, brown, black, or white, and offers us an opportunity to reflect on how one country saw slavery and freedom within the course of our relatively short existence as a nation in this world.

I thank my colleagues for their support on this Juneteenth resolution, and I urge passage of this legislation.

Mr. DAVIS of Illinois. Madam Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I very much appreciate that the gentleman from Illinois has yielded me this time, and I appreciate his work on this and so many bills of importance to the African American community and to our country.

I appreciate the work of my good friend, the gentleman from Connecticut (Mr. SHAYS), who is managing the bill, who has always stood for principles of equal opportunity, and the gentleman from Oklahoma (Mr. WATTS) for his leadership in bringing forward this bill, as well.

Madam Speaker, I am not sure how to approach Juneteenth. It is a date fraught with poignancy and symbolism, poignancy because it is not the date on which the slaves were emancipated. That was January 1, 1863. It was simply the date that the good news finally made its way into Texas; some say by conspiracy, some say just because they did not get there and somebody was waylaid.

In any case, it was a cause for great celebration. If one learned 2½ years late that slaves had been emancipated by the Emancipation Proclamation, that is to say, by executive order, one had every reason to celebrate.

We are not here this afternoon to celebrate. This date is fraught with symbolism as well because the news of the civil rights laws has not reached all who need to hear it in America. I speak as a former chair of the Equal Employment Opportunity Commission, where I had hands-on experience, up close, to see what enforcement takes, and as a Member of Congress to see what we still have to do now.

☐ 1530

Nobody who celebrated her emancipation on June 19, 1865, would want us to do anything but make this not a cause of celebration, not even a cause for commemoration, but a cause for combustion, to get the news out to those in the administration, to employers and to Americans throughout our country, that the civil rights laws are not only in the books but they need strong enforcement.

Indeed, Madam Speaker, we need new laws as well. I have introduced a racial profiling bill that I hope will be part of the transportation bill coming forward next year. The gentleman from Michigan (Mr. CONYERS) is also preparing a racial profiling bill.

These bills indicate that there is real unfinished work even on putting laws on the books. It takes us back to the 1960s. We thought we had at least put the laws on the books then. Racial profiling is overt, deliberate, looking in your face, you are black, you are Hispanic, you do not look like me, you are under arrest or at least I-am-stopping-you discrimination. That is the kind of discrimination this is.

We cannot let $250 billion go out of this House next year, unless there is a provision that says you cannot get this money unless you have laws barring racial profiling, unless you enforce them and unless you keep racial statistics.

Look, if we reduce Juneteenth to a moment of nostalgia, we trivialize its importance. Our country was 2½ weeks late getting to the slaves in Texas. We are 2½ centuries late taking care of this business called discrimination.

Let Resolution 163 be the beginning of the end of the last great form of overt and deliberate discrimination in our country, the discrimination that stops a man or stops a woman on the street only because that person is black. If my colleagues are willing to vote for this resolution, I hope my colleagues will vote to give it meaning when the racial profiling provisions come to the floor.

Mr. DAVIS of Illinois. Madam Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Madam Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for yielding me the time.

Madam Speaker, let me begin by offering my congratulations and commendations to the gentleman from Illinois (Mr. DAVIS), as well as to the gentleman from Oklahoma (Mr. WATTS), my Republican colleague, for their leadership in bringing this matter to our attention; but for their efforts, Juneteenth might be a little-noticed footnote in American history.

That certainly should not be the case, because, while it is not recognized on a par with the Declaration of Independence, the Emancipation Proclamation is like the Declaration of Independence, part of our tradition and passion for freedom in the United States.

It is a very interesting episode in our history, and I find myself fascinated by it, that Abraham Lincoln, through executive order, declared the Emancipation Proclamation on January 1, 1863; but somehow the word did not get to slaves in Texas until 2½ years later, on June 19, 1865.

There are lots of stories as to what happened. There is some that say that the original messenger was murdered. There are others who say the Union soldiers who had the message thought that they would hold off so the slave owners could get in another season's worth of planting and reaping before the word went out that slavery was to be no more.

Whatever the case was, on June 19, 1865, Major General Jordan Granger led Union troops into Galveston, Texas, and announced that, in fact, slavery had come to an end; and now the relationship between the former slaves and the former masters was going to be that of employer and free laborer.

As you might imagine, some of the newly freed slaves did not wait around to negotiate a labor agreement on this subject. They immediately left their plantations, their formers owners and headed north, as well as to other parts of the country where they had family, to begin their new lives.

There were many who did stay around to talk about it, and out of that experience evolved what we have come to call Juneteenth, the celebration of the Emancipation Proclamation. It arrived out of a rural tradition of a family gathering, of picnics and barbeques and, generally, a notion that this is a great thing, this freedom, that we are very pleased to be a part of it and let us take advantage of it.

It also evolved into an opportunity to focus on questions of education and self-improvement which was really what freedom from slavery was all about, an opportunity to get education and, most importantly, an opportunity to express that freedom through self-improvement.

Today we do have a celebration called Juneteenth to mark that historic occasion. This occasion, however, does reflect forward to events that happen today in America. You can say in the case of Juneteenth, things do not always work the way they were intended, a message arrived 2½ years late.

Recently in Florida, things did not work the way they were intended, and you have to excuse the African American community if we are a little bit skeptical. We consider there to have been great disenfranchisement, and things did not work the way they should have. People who were eligible to vote were denied an opportunity to vote to a significant degree.

Madam Speaker, out of Juneteenth comes not just skepticism, it comes hope, because the newly freed slaves had hoped that they would be full participants in America. And despite the difficulties that we have seen in the Florida in the past election, we are moving forward with hope that an electoral reform bill will come out of this Congress, which will make sure that things that did not go the way they should have will go the right way in the future.

Juneteenth is not just a celebration of what happened. It is also an important milestone in our American history and a marker for our future conduct. It joins many other cultural celebrations, Cinco de Mayo, St. Patrick's Day, the Chinese New Year, as a part of our diverse American quilt.

It is an important occasion, an occasion for great celebration, the emancipation of the slaves in America. I am delighted to be a part of this celebration; and again, I thank the sponsors.

Mr. SHAYS. Madam Speaker, I yield such time as she may consume to the very capable gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the very distinguished gentleman from Connecticut (Mr. SHAYS) for yielding me such time.

Madam Speaker, I rise in strong support of H. Con. Res. 163, which celebrates Juneteenth, the oldest known celebration of the end of slavery. I want to commend the two authors of this resolution, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Illinois (Mr. DAVIS), for introducing this resolution.

Though the abolishment of slavery and Confederate States had become official more than 2 years earlier in 1863, it had little impact on Texans, because there were no Union troops to enforce the new edict.

It was not until June 19, 1865, that the final group of slaves were freed by Union troops who brought news of the Emancipation Proclamation to Galveston, Texas.

I find it to be a testament of the strength and growth of our great Nation that on January 1, 1980, in the same State that the last slaves were freed, Juneteenth became an official State holiday through the efforts of Al Edwards, an African American Texas State legislator.

The successful passage of this bill marked Juneteenth as the first emancipation celebration to be granted official State recognition.

Today's resolution clearly states that history should be regarded as a means of understanding the past and solving the challenges of the future. Juneteenth reminds us that we must continue to challenge the American conscience and strive to create civil equality for all of our brothers and sisters. Racism and inequality, distrust and misunderstanding often continue to divide us as a Nation.

Our efforts will not be finished until social justice prevails and all of our children can contemplate "a Nation where they will not be judged by the color of their skin, but by the content of their character."

Today, it is important that we also promote the celebration of Juneteenth in our communities. Last night in my district, Montgomery County, Maryland, Juneteenth committee members Laura Anderson Wright, Russ Campbell, Tina Clark, Wilbert Givens, Dory Hackey, Richard Myles, Shirley Small Rogeau, and Gail Street held a celebration, which they had organized, that began with a tour at the Sandy Spring Maryland Slave Museum and African Art Gallery, whose president and founder was there, Dr. Winston Anderson. The ceremony concluded at the Ross Body Community Center in the historic town of Sandy Spring, Maryland.

Madam Speaker, I want to commend these committee members for their dedication and hard work for such a noble cause.

Madam Speaker, I urge my colleagues to ensure that Juneteenth is celebrated in their home districts and to support this resolution on the 136th anniversary of the emancipation.

I thank the gentleman from Connecticut (Mr. SHAYS) for his generosity in yielding me such time as I have consumed.

Mr. DAVIS of Illinois. Madam Speaker, I yield 6 minutes to the very passionate gentleman from New Jersey, (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, two great Americans sponsored this resolution, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Illinois (Mr. DAVIS). I am proud to be associated with both of them.

Juneteenth, but also the name of a great book written by what I consider one of the great authors of the 20th century, Ralph Ellison, who wrote the "Invisible Man," often misunderstood, often derided.

Madam Speaker, yes, the Supreme Court made a decision and Dred Scott, in that decision, was overturned in 1862, actually, 3 years before exactly to the day of Juneteenth; sometimes the Supreme Court needs to be corrected by the Congress of the United States.

The Emancipation Proclamation receives its national appreciation, its rightful appreciation as the gateway to freedom for African Americans; but it took a Civil War and the 13th amendment to the United States to formally outlaw slavery.

That Emancipation Proclamation resulted in millions of slaves throughout the country who were unaffected by the provisions of the proclamation; and as my colleagues have already heard, word traveled very slowly.

Madam Speaker, this is indeed a celebration, but time for us to reflect on what this meant. Juneteenth serves as a historical milestone reminding all people of the triumph of the human spirit over the cruelty of slavery.

I think we should all take a moment not only to recognize the moral bankruptcy of slavery, but also to celebrate the achievements of those living in such inhumane conditions; and despite the rigors of slavery, African Americans contributed everything from agricultural inventions and medical breakthroughs to music. They have contributed a legacy of culture, of language, religion, a lesson of survival.

Ralph Ellison, who I believe is one of the great writers of the 20th century, he was an African American and frequently misunderstood. The genius of blacks, of black culture, was not in race, he wrote, but in human beings who bore the race. Blood and skin do not think.

There were demonic conscious and unconscious dehumanizing acts against blacks, no question about it; but the progress and opportunity for blacks in America could not depend on white oppressors changing their behavior and changing their mind as much as it would depend on individuals understanding and believing in their own God-given resources.

☐ 1545

Ellison believed that to believe solely in the idea that white oppression determined the freedom of blacks was to minimize the power of each black person and it would make redemption depend upon how it was treated. We do not accept that any longer. This was a perspective. The outskirts of society allowed him to run point on its greatest ideals while grieving over its greatest failures.

He argued against the idea that there existed a required mode of racial anger. There were, he contended, many possible responses to injustice. He wrote there was even an American Negro tradition which abhors as obscene any trading on one's own anguish for gain or sympathy. Powerful words. Powerful words in our own society now.

We have decided for the most part that each black person in our society is an incarnation, someone wrote that, of his race, and as Edward Rothstein wrote, being battered about by both blacks and whites who impose their visions of racial identity. Lincoln freed the slaves. Ellison would say only that slaves could free slaves, so that their fate and the fate of every black American cannot depend on anyone else. Individuality is a creative force within each person. Part of our birth, part of our heritage, and at best the body politic can protect but never create. No civil rights law, no Supreme Court decision, and no presidential order can undo what is in me.

I thank Ralph Ellison for giving us our great history and understanding, and on this great day of Juneteenth we celebrate the freedom of all of us. God bless America.

The SPEAKER pro tempore (Mrs. BIGGERT) The gentleman from Connecticut (Mr. SHAYS) has 12½ minutes remaining, the gentleman from Illinois (Mr. DAVIS) has 2½ minutes remaining.

Mr. SHAYS. Madam Speaker, I know we have the right to close, but I would be happy to use my time and then yield the balance of my time to the gentleman from Illinois (Mr. DAVIS) if he would like to close this debate.

Madam Speaker, I yield myself the balance of my time and commend the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Illinois (Mr. DAVIS) for introducing this resolution. I also thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service and Agency Organization, as well as the ranking members of the full committee and subcommittees, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois Mr. DAVIS), for expediting consideration of the resolution.

Obviously, I urge all Members to support this resolution. I was reading the Emancipation Proclamation during part of this debate, and while I will not read it at this time, let me just say that it is a powerful piece. And when read in conjunction with General Granger's General Order Number 3, this paragraph, I can imagine what the impact must have been. General Granger comes into Galveston and he reads the following: "The people of Texas are informed that, in accordance with the Proclamation of the Executive of the United States, all slaves are freed. This involves an absolute equality of rights," he continued, "and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer."

It is a powerful piece and, obviously, Americans have much to be grateful for. We can be very proud of our country that, in spite of all the terrible things that may have occurred during parts of our history, we are a Nation that moves forward, not backwards. I think all of us are so proud to be Americans, but it is a work in process. The freedoms that were guaranteed under the Emancipation Proclamation and under the General Order Number 3 are still unfolding.

It is an exciting time to be an American, and I just am grateful to have the opportunity to work with my colleagues on both sides of the aisle to serve our country and to serve our great people of all races.

Madam Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. DAVIS).

The SPEAKER pro tempore. The gentleman from Illinois (Mr. DAVIS) is recognized.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume, and first let me thank the gentleman from Connecticut (Mr. SHAYS) for his graciousness and for his support of this resolution. There is not a more esteemed Member of this body with more graciousness than the gentleman from Connecticut, and I want him to know that we appreciate him.

I also, Madam Speaker, want to again congratulate the gentleman from Oklahoma (Mr. WATTS) for the role that he has played in not only introducing but moving this resolution to the floor. I also want to thank the chairman of the full committee, the gentleman from Indiana (Mr. BURTON), and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), for making sure that there was an opportunity to discuss this resolution on the floor of the House on this day, June 19th, Juneteenth Day.

Madam Speaker, I know the gentlewoman from North Carolina (Mrs. CLAYTON) had planned to be here and to speak on the resolution. Unfortunately, she was unable to do so.

I think this resolution speaks to America, some of its paradoxes, some of its problems; the recognition that even as slaves were freed, there were over 800,000 who did not know it, and there are people who would say that there are many people in our country today who do not know some of the freedoms that exist. There are many people in our country who do not know that they have an opportunity to seriously impact upon all of the public policy decisions that are made in our great Nation.

As we look at the tremendous documents that we have seen evolved, and as we recognize what they really meant, they really meant that there is the opportunity to always be in pursuit of freedom of equality, of justice, of equal opportunity. It also means that we are not there yet. But as long as there is movement towards the goal, then there is hope and possibility for America. There is the hope that America can become the America that it has not been but the America that we all know that it can be.

I also want to point out that this resolution provides an opportunity for us to take a look at a part of our history, the period of reconstruction. And I want to commend Lerone Bennett, Senior Editor of Ebony Magazine, for the research and writings and work that he has done.

Finally, it was never brought to my attention more than last weekend, while driving to St. Louis to participate in a function with the gentleman from Missouri (Mr. CLAY), when my father and I, who is 89 years old, after the activity was able to interact with my uncle, who is 96 years old. Fortunately for both of them, they still have their wits and they still can recall things and they are both functional. They were discussing the period of their boyhoods and the fact that their grandparents were slaves; that my father's mother's parents were slaves; that my mother's mother's parents were slaves.

I am amazed at how much progress they made during the period of reconstruction without formal education, without a great deal of learning but using the experiences of their previous conditions to help build a new America. So Juneteenth recommends and recognizes not only the past but the presence and speaks to the future. So I would urge all of my colleagues to support it and would once again thank all of those who have helped to bring it to the floor on this day.

Mr. HORN. Madam Speaker, I rise today to recognize the importance of June 19, 2001, as Juneteenth Independence Day. I am pleased that House Concurrent Resolution 163 passed earlier today, recognizes the significance Juneteenth Independence Day and the importance of understanding our history and applying those lessons to our futures.

On January 1, 1863, President Abraham Lincoln delivered the Emancipation Proclamation freeing slaves across this country. Unfortunately, the Emancipation Proclamation had very little impact on Texas slaves where the news of the new freedom was deliberately withheld by the enslavers to maintain the labor forces on their plantations.

On June 19, 1865, more than two years after the Emancipation Proclamation was delivered, General Gordon Granger arrived in Galveston, Texas informing those still enslaved that they were now free. General Granger's first order of business was to read to the people General Order Number 3, which states, "The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and connection heretofore existing between them becomes that between employer and free laborer."

Today, we recognize the 136th anniversary of Juneteenth. Across America hundreds of celebrations are held to commemorate this important occasion. In my district, the Rock House Church International held a Juneteenth Jubilee at Recreation Park in Long Beach, California this past Saturday. This celebration served as a time for the community to gather and celebrate the freedoms all enjoy today. This event concluded with Leon Patillo signing the national anthem at the Long Beach Breakers baseball game. A fitting conclusion to the Juneteenth Jubilee.

Juneteenth was given official holiday status in Texas in 1980. Juneteenth has traditionally been celebrated in Texas and other bordering states, such as Louisiana and Arkansas. I thank Congressman Watts of Oklahoma for introducing House Concurrent Resolution 163 and expanding recognition of this event to a national celebration. Bringing this legislation to the floor today helps to bring awareness of Juneteenth to all corners of this country. Americans should use this historical milestone to remind us of the triumph of freedom over the cruelty of slavery.

Mr. LARSON of Connecticut. Madam Speaker, I rise today to show my strong support for the recognition of the day that slavery in the United States came to an end. June 19, 1865 was coined as "Juneteenth Independence Day," for the newly freed slaves of the Southwest when they finally learned of the Thirteenth Amendment that legally abolished slavery, which was passed in January of 1863. This delay of vital news as delayed by the dawdling relay of information across the country in that day.

Since that day of emancipation, the descendants of slaves in the Southwest view this day as the anniversary of the end of a tragic period in our nation's history. It is known that the dishonor, suffering and brutality of slavery cannot be erased, but the memory and feeling can provide reassurance that such inhumanity should never again take part in the United States of America.

Madam Speaker, Juneteenth Independence Day is historically significant for not only those races subject to discrimination, but also for every freedom-loving American. It is a date that marked the development of equality, equal opportunity, and unity in the United States. I urge all of my fellow Members to vote with me in support of this bill that provides a means for both understanding the past and solving the challenges of the future.

Mr. RANGEL. Madam Speaker, I rise today to urge the Congress to recognize the historic significance of Juneteenth Independence Day. On July 4, 1776, many Americans celebrated their first independence day. However, we must not forget that on this day, the ancestors of African Americans were not included in this celebration. They were slaves. In 1841, Frederick Douglas said that from an American slave's perspective, July 4th "reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim." It would be almost ninety years before all Americans would finally celebrate their freedom.

On June 19, 1865, two and a half years after President Lincoln issued the Emancipation Proclamation and two months after the conclusion of the Civil War, Major General Gordon Granger arrived in Galveston, Texas to announce that all slaves in the United States were free. This day, known as Juneteenth, signified the end of slavery across America and marked the independence of African Americans.

What began as a celebration in Texas has grown into a nationwide remembrance of one of the most significant events in our country's history. Today, Juneteenth festivities bring African American communities across the country together to honor and remember the struggle of our ancestors and rejoice in our freedom.

This historic day also recognizes the importance of furthering the knowledge of our great Nation's history. Festivities remembering Juneteenth provide the opportunity for all Americans to a gain a deeper understanding of those events that have shaped our nation's identity and the issues that continue to touch so many of our lives. Texas may have been late in receiving the news, but they were the first to acknowledge the importance of this day, making it a state holiday over twenty years ago. We, as a nation, should follow suit and pay tribute to this important day in American history.

Mr. HONDA. Madam Speaker, I rise today to celebrate Juneteenth. Juneteenth is a commemoration of the acknowledgment by African slaves in Galveston, Texas, on June 19, 1865, of their newfound freedom. It is also a celebration of the opportunity for African Americans to be free to express self-improvement and to gain more knowledge. This freedom was granted to all those in the United States of African decent by the Emancipation Proclamation in 1863. Unfortunately, in some parts of the country, news of the Proclamation did not reach people in a timely manner. In fact, it took two years to get word out to African slaves in Texas that their freedom had been granted. Although word was given to the slaves late, we must remember that it is never too late to join the effort to fight against racism around the world.

Some in this nation may not want to recall the atrocities of our past, however, we must not forget our history. While this nation has a great legacy to be proud of, we must also remember the mistakes of our past and learn from them. Today, we cannot act as if nothing is wrong when negative assumptions are made about an individual because of the color of his or her skin.

The question that still remains is how do we move forward. A few months from now, South Africa will play host to what will be the third

World Conference Against Racism. This event is scheduled to take place in Durban, South Africa August 31st to September 7th 2001. As a nation, our participation in this conference is vital. As citizens of the United States of America, we all want to see our country moving forward stronger than ever. By supporting this conference, we can make an effort to moving this country, as well as the world in the right direction.

I believe strongly that this day, June 19th is not only a celebration for African Americans, but also a celebration for our country as a whole. It represents all of the hardships that African Americans had to go through in helping construct this country and finally getting freedom and respect for the hardships they endured. As a citizen of this great country, I feel that it is America's duty to come together in showing respect to our fellow Americans on this day.

Mrs. CLAYTON. Madam Speaker, I rise in recognition of Juneteenth Independence Day that represents the end of slavery in the South. On January 1, 1863, Abraham Lincoln's Emancipation Proclamation freed all slaves. However, it was not until two and a half years later that all states were freed from bondage. Since that day on June 19, 1865, descendants of slaves have celebrated Juneteenth day. This celebration commemorates the struggles, dignity, and vision of a people who have rendered their lives for this great nation.

Although, Juneteenth Independence Day originated in Galveston, Texas, this day of celebration delineates the importance of African American history all over the United States. In my district, a small town called Princeville reaps the benefit of Juneteenth Day. Princeville, the nation's oldest black chartered town was incorporated in February 1885 by the North Carolina General Assembly. The town of Princeville began as a small village of newly freed slaves who were trying to obtain their "day of jubilee." These slaves fought with grace to have something that they could call their own.

Juneteenth Independence Day completes the cycle of what we recognize as true democracy. The memories and history of that glorious day in June of 1865, has motivated African Americans as a people to continue to fight for equality for all. At this very moment, black voters in the state of Virginia have been moved by this day to get out and vote.

June 19th represents TRUE JUSTICE and TRUE FREEDOM. Let us not forget the importance that this day has impressed upon our history both past and present.

Ms. LEE. Madam Speaker, I rise today to commemorate a celebration of freedom known as Juneteenth. In cities across the country, thousands of Americans—people of all nationalities, races and religions—are assembling to rejoice and reflect upon a milestone in American history—the official end of slavery.

Celebration of Juneteenth, June 19, as Emancipation Day began in 1865 when Texan slaves were finally notified of their freedom from the shackles of slavery. Prior to June 19, 1985, rumors of slavery were widespread; however, emancipation was not granted to Texan slaves until General Gordon Granger issued an order in Galveston, Texas declaring freedom for all slaves—some two years after President Lincoln signed the Emancipation Proclamation. When Texan slaves were finally given the news, a spirit of jubilee spread throughout the community as they prayed, sang and danced in celebration of their freedom. Newly freed slaves left the homes of slave-owners and immediately searched for family members and economic opportunities. Some simply chose to relish in their freedom. As a native Texan myself, I feel so strongly about the importance of Juneteenth and its legacy today.

Although many place significance on the untimely manner in which the news was delivered, reflecting upon the triumph and perseverance of the human spirit captures the true essence of the Juneteenth celebration. Juneteenth honors those African-Americans who travailed and survived the institution of slavery, thus encouraging free generations of African-Americans to take pride in the legacy of perseverance and strength they left behind.

As the popularity of Juneteenth grows both nationally and globally, people from all races, nationalities and creeds and realizing that Juneteenth is not only synonymous with slavery. Juneteenth represents an acknowledgment of a period in our history that shaped and continues to influence our society today.

Mr. DAVIS of Illinois. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 163, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SHAYS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1807

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 7 minutes p.m.

REPORT ON H.R. 2216, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–102) on the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 2217, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, FISCAL YEAR 2002

Mr. SKEEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–103) on the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002 and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ELECTION OF MEMBER TO COMMITTEE ON RULES

Mr. FROST. Madam Speaker, by direction of the Democrat Caucus, I offer a privileged resolution (H. Res. 169) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 169

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Rules: Mr. McGovern of Massachusetts.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON RULES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Rules:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
House of Representatives, Washington, DC

DEAR MR. SPEAKER, I hereby resign from the House Committee on Rules.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON INTERNATIONAL RELATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on International Relations:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 2001.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As I have been appointed to the House Rules Committee effective today, I hereby resign my seat as a Member of the House International Relations Committee.

As always, I appreciate your support and friendship.

Warmly,

ALCEE L. HASTINGS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FROST. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 170) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 170

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Rules: Mr. Hastings of Florida;

Committee on International Relations: Mrs. Watson of California.

Committee on Government Reform: Mrs. Watson of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 1291, by the yeas and nays;

H. Con. Res. 154, by the yeas and nays; and

H. Con. Res. 163, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1291.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1291, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, answered "present" 1, not voting 15, as follows:

[Roll No. 166]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Filner

NOT VOTING—15

Cannon
Cox
Cubin
Davis, Tom
English
Gephardt
Gibbons
Hinchey
Jones (OH)
McCarthy (MO)
Obey
Peterson (PA)
Sanders
Scott
Sweeney

□ 1834

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McCARTHY of Missouri. Madam Speaker, on rollcall No. 166 passage of H.R. 1291, I was detained in my district attending the funeral service of a distinguished civic leader, Kenneth Krakauer. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair has been advised by the Clerk that a small number of the electronic voting stations are not operative. Those stations are marked, but Members nevertheless should take care to confirm their votes.

HONORING ARMY NATIONAL GUARD COMBAT UNITS DEPLOYED IN SUPPORT OF ARMY OPERATIONS IN BOSNIA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 154.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. THORNBERRY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 154, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 167]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Cannon
Cox
Cubin
Davis, Tom
Gephardt
Gibbons
Hinchey
Jones (OH)
Manzullo
McCarthy (MO)
Obey
Peterson (PA)
Scott
Smith (WA)
Sweeney

☐ 1845

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Ms. McCARTHY of Missouri. Madam Speaker, on rollcall No. 167, agreeing to H. Con. Res. 154, I was detained in my district attending the funeral service of a distinguished civic leader, Kenneth Krakauer. Had I been present, I would have voted "yea."

RECOGNIZING HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 163, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 163, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 168]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings

Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
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Stark
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Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
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Tauzin
Taylor (MS)
Taylor (NC)
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Thompson (CA)
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Thornberry
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Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Cannon
Cox
Cubin
Davis, Tom
Gephardt
Gibbons
Hinchey
Hutchinson
Jones (OH)
McCarthy (MO)
Murtha
Myrick
Obey
Peterson (PA)
Radanovich
Scott
Sweeney

☐ 1855

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. McCARTHY of Missouri. Madam Speaker, on rollcall No. 168, agreeing to H. Con. Res. 163, I was detained in my district attending the funeral service of a distinguished civic leader, Kenneth Krakauer. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GIBBONS. Madam Speaker, due to a flight delay from my district, I was unavoidably detained from casting a vote on rollcall No. 166, rollcall No. 167, and rollcall No. 168. Had I been able to take a position, I would have voted in favor of all three rollcalls.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. SAXTON. Madam Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 2172 AND H.R. 2118

Mr. GREENWOOD. Madam Speaker, on Thursday last week, June 14, 2001, the following cosponsors were incorrectly added to H.R. 2172, and I ask unanimous consent that they be removed at this time:

Frank Wolf
Major Owens
Carolyn McCarthy
Frank Pallone
Richard Neal.

Also, the following cosponsors were incorrectly added to H.R. 2118, and I ask unanimous consent that they be removed at this time:

Henry Waxman
Martin Frost.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, JUNE 20, 2001

Mr. GREENWOOD. Madam Speaker, I ask unanimous consent that it be in order at any time on the legislative day of Wednesday, June 20, 2001, for the Speaker to entertain motions that the House suspend the rules relating to the following measures: S. 1029, H. Res. 124, H. Res. 168, H.R. 1753, H.R. 819, and S. Con. Res. 41.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IMPROVING THE HOPE SCHOLARSHIP TAX CREDIT

(Mr. CAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMP. Madam Speaker, the passage of the Taxpayer Relief Act of 1997 contained a signature initiative, the HOPE Scholarship Tax Credit. The HOPE Scholarship provides annual scholarship benefits to students. However, many of the students who need the most help do not benefit from the program.

The gentleman from Massachusetts (Mr. McGOVERN) and I are introducing legislation that would address these shortcomings. Currently, the HOPE tax credit can be used only for tuition and some expenses. However, college students must pay for much more than just tuition. Our legislation would allow the scholarships to cover required fees, books, supplies and equipment.

Additionally, a student's eligibility is currently reduced by any other grants they receive. As a result, benefits have been limited primarily to middle and upper-middle income taxpayers. That explains why fewer than one-fifth of all full-time students attending community colleges qualify for maximum HOPE Scholarship benefits. Our legislation would ensure that any Pell Grants and other grants a student receives are not counted against the student's eligibility.

Let us help make the HOPE Scholarship available to community college students. This legislation has bipartisan support and cosponsors, and also support from a number of higher education organizations.

I urge the House to bring up this legislation in the near future.

HOPE SCHOLARSHIP REFORM BILL

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. MCGOVERN. Madam Speaker, I am proud to join with the gentleman from Michigan (Mr. CAMP) in introducing the HOPE Scholarship reform bill.

In April, the Institute for Higher Education Policy issued a report, "Rhetoric and Reality: Effects and Consequence of the HOPE Scholarship." The report concluded, quite simply, that low-income students and students from low-income families do not qualify for the HOPE Scholarship.

It stated that if educational costs to the student beyond tuition and fees could be considered for the HOPE Scholarship, and if low-income students were not penalized for receiving other grants, then more low-income students could enjoy the full benefit of the HOPE Scholarship.

Our bill addresses these exact issues. Our bill ensures that students are not penalized for receiving Pell Grants or SEOG grants. It also ensures that the costs of required fees, books, supplies and equipment can be included as part of the eligible HOPE Scholarship expenses. Our bill expands access to higher education, it expands opportunity to higher education, and it expands the affordability of higher education.

Madam Speaker, I urge my colleagues to support the HOPE Scholarship reform bill.

CALIFORNIA ENERGY PROBLEMS THE FAULT OF CALIFORNIA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, anybody that gets frustrated with a utility company, I am completely sympathetic with. But I have to say, I think it is a little immature of the Governor of California to continuously blame power companies for some of their problems out there.

Just think about this: The State of California in the last 10 years had unprecedented prosperity and growth, and during that period of time, they, like any other growing municipality or entity, would add new schools, new roads, new hospitals; but when it came time to approve new power plant construction, oh, no, we cannot do that.

□ 1900

We are going to defy the law of supply and demand. What were they thinking? Grow up. They have to add to their infrastructure power. They cannot have a 25 percent increase in demand and only increase the supply 6 percent. It is as if Governor Davis has the key to the power that they need for hospitals, for schools, for learning, for lights, and even the gasoline for going places in one's car. It is like he has the key to it and he is throwing it away so that the lowly working folks, in his opinion, the middle class, cannot function.

Madam Speaker, I would say, let the key go and open up the supply, Governor Davis.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHANGES IN MANAGEMENT OF MISSOURI RIVER WILL LEAD TO FLOODING, ECONOMIC DEVASTATION, AND UNSAFE ENVIRONMENT FOR COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, as a Nation, we are fond of looking back over our country's relatively short history and commemorating noteworthy events. For instance, in a few short years, in 2004, our country will be celebrating the bicentennial anniversary of the Lewis and Clark expedition. Some will take that opportunity and look back with nostalgia and wistfully wish that we could turn the clock back and restore the great Missouri River to its natural condition of 200 years ago.

Indeed, Mr. Speaker, some strong political activists, including the newly minted Senate majority leader, have been forcefully advocating for a change in the management of the Missouri River. These individuals or entities are pushing legislation insisting on manipulating higher water flows in the spring months, called a spring rise, and lower flows in the late summer. Now, environmentalists claim that such a controlled flood is necessary to accommodate two endangered and one threatened species.

Those from the Upper Missouri River Basin, like the senior Senator from South Dakota, support this plan because it would help the multimillion dollar recreation industry. Members of this alliance have been reassuring Missourians all along that a controlled flood in the springtime will be no big deal, that somehow our concerns on the lower river basin are inconsequential or invalid.

Well, Mr. Speaker, this arrogance is not just limited to interest groups outside of Washington. I contacted a high-level government official in mid-May regarding continued concerns about flooding, about economic devastation, and constituent safety. The reply I got from this government official: "A spring rise will only result in some inconvenience."

Well, apparently in the minds of some, the habitat of two birds and one fish take precedence over the homes of 22,500 families who live alongside the Missouri River Basin.

I want to tell my colleagues, Mr. Speaker, what has happened over the last 2½ weeks. On June 1, the Missouri River was at 13 feet, which is normal. Due to heavy rainfall up-river on June the 8, 7 days later, the river stage was at an astounding 29 feet. That is a 16 foot rise in elevation a week. Now, for those of us unfamiliar with river towns or river terminology, flood stage is when a channel is full and damage begins to occur. So in these short 7 days, the Missouri River went from normal levels to 8 feet above flood stage.

Now, fortunately not a lot of damage occurred because there is adequate structural flood protection that is built to withstand flows under the current management plan. But I shudder to think what would have happened if the proposed controlled flood plan had been in effect, because once the decision is made on the up-river to release water from those up-river reservoirs, it cannot be stopped, and it takes 8 to 10 days to finally get down to the point of the confluence at St. Louis. That man-made spring rise, coupled with the heavy rainfall we saw during this 7-day period provided by Mother Nature, would have been, in my estimation, economically devastating and potentially life-threatening.

While the up-river recreation industry would have been congratulating themselves, shaking hands and heading off to the bank, Missourians would have been consoling themselves, holding hands, stranded on top of their rooftops.

To those who would have us return to the romantic times of 1804, let me say that Missouri scientists and biologists from our own State Department of Natural Resources believe that a spring rise in the flow of the Missouri River would not improve the habitat restoration of the pallid sturgeon, of the least tern, and the piping plover. In fact, according to the Army Corps of Engineers, the cost to accommodate these three species through changing the management of the Missouri River system would be $1 billion over 20 years. We are already helping species restoration through effective and less costly mitigation efforts.

In addition, if low-summer flows, the second component of this plan were instituted, commercial navigation would be severely interrupted not only in the Missouri River, but on the lower Mississippi River region, and hydroelectric power generation would be lost.

Mr. Speaker, the vast majority of Members of this House in Congress have agreed with Missourians on this issue. In fact, they have been overwhelmingly with us over the past 5 years. In fact, I see my friend from Iowa here and I applaud his efforts today in the House Agricultural Committee on Appropriations which included an amendment that would restrict funding for the Fish and Wildlife Service if such spring rise and split navigation zones were implemented.

I want to tell all of my colleagues in this House, Mr. Speaker, how deeply that we Missourians appreciate the support, especially because of recent developments in the Senate, and that we may need their undaunted courage in the very near future.

A DISCUSSION OF IMPORTANT ISSUES FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, today we passed a resolution to honor our troops in Bosnia. I personally want to thank the National Guard troops, our men and women in uniform. I want to especially recognize them today because they spend time away from their families and their jobs.

I know this because I have a neighbor in my hometown of Prescott, Arkansas, Kevin Smith, who is serving tonight in Bosnia through the National Guard while his wife remains home, pregnant, and continues to hold down a job. Our families make huge sacrifices so our men and women in the National Guard can serve our country and yes, serve Bosnia in this time of need and they do so with honor and dignity and I want to thank each and every one of them.

This is especially important to me because I have two National Guard units from my district, one from Magnolia and another from Sheridan, that are presently serving in Bosnia. My legislative assistant for military affairs has been there to visit with the troops. I wish I could have gone, but it was at a time when we had votes going on here in our Nation's capital. So I want to thank all of them. I want to thank them for this important service to our country and to Bosnia during this time of need.

Today we celebrate Juneteenth, something else that is important to me that I would like to visit with my colleagues about this evening. On this date in 1865, Major General Gordon Granger lead his troops into Galveston, Texas and officially proclaimed freedom for slaves for the State of Texas, concluding a 2½ year journey through the Deep South. Today I join African Americans and citizens of all races across Arkansas, across America, and across the world in celebrating Juneteenth in honor of the Emancipation Proclamation signed by President Abraham Lincoln and Major General Granger's historic journey. African Americans have played an important role throughout America's history and we should all be grateful for their many, many contributions to our society.

Mr. Speaker, as we gather today with family, friends and neighbors in marking the tradition of Juneteenth, I extend my warmest wishes for a special celebration, one that we will remember, and I ask all citizens to renew our commitment to a nation that stands for civil justice and opportunity for all people.

Finally, this evening I would like to visit for a few minutes on the issue of energy. Mr. Speaker, as temperatures across the country heat up and this summer's travel season begins, our Nation finds itself in the midst of an energy crisis like one that has not been seen in 2 decades. While my constituents in south Arkansas have not had to face the electricity shortages that California has seen, like all Americans, they have been strapped by the dramatic rise in oil and gas prices.

The hardworking families of south Arkansas already struggle to make ends meet. Many of my constituents come from poor and rural areas where they depend on their cars or trucks to get to and from their jobs, oftentimes traveling many miles, or where they have large tractors and equipment to tend to their family farms. When already faced with the cost of feeding their families, paying their electricity bills, and paying for expensive prescription drugs to stay healthy and get well, they simply cannot afford these high gasoline costs.

Mr. Speaker, I believe we must act to bring these prices down, and we must do it now. Since this most recent increase in gasoline prices began, I, along with many of my colleagues in Congress, have written letters to energy Secretary Spencer Abraham as well as President Bush asking them to come to the aid of gasoline consumers by aggressively lobbying OPEC, the Organization of Petroleum Exporting Countries, to increase the production of oil or, as President Bush suggested last year, "open up their spigots" to help alleviate this problem, this crisis.

Just last March, OPEC decided arbitrarily to cut oil production by 4 percent in the countries that our men and women in uniform went to serve in Desert Storm. That is one million barrels a day.

Mr. Speaker, it is time for OPEC to do right by the American consumers. It is time for OPEC to do right by the consumers of south Arkansas. Increase production, increase production now.

In addition to pressuring OPEC to increase production, we must also work with U.S. oil producers to increase their dangerously low levels of oil inventories. Our nation lacks the refinery capacity to keep up with current demand for oil and gas. We should work to streamline regulatory requirements to facilitate investment in new refineries and other improvements to our energy infrastructure, and I urge the Administration to work with our current domestic refineries to increase their inventories of refined gasoline.

But we cannot stop there. We need a balanced, proactive national energy policy—one that serves as an energy plan for the future that not only increases energy production, but also decreases energy demand. We must work to decrease our dependence on foreign oil through conservation, renewable energy, and energy efficiency programs.

In the short term, we should look at ways to guard our consumers against potential price gouging by the big oil companies. For our home heating oil consumers, we should also look at incentives to encourage consumers to make energy efficient improvements to their homes, and we must make sure that we fully fund the Low-Income Home Energy Assistance Program (LIHEAP). The money we invest in this program will be put right back into the economy through lower heating and fuel bills.

In May, President Bush announced his Administration's plan to address our nation's current energy crisis, a plan for that calls for major increases in oil and gas production in the United States. I agree with the Administration that we need to increase production, but I believe their proposal is a plan for the past that seems to cater to the big oil companies.

I am disappointed that their plan does not do more to support programs to increase research and development in new energy technologies that increase conservation and alternative and renewable fuel sources to reduce our oil dependence. This may not be an immediate answer, but it is certainly important for the long-term as fossil fuel sources diminish. Surely, if we can create the technology to send a man to the moon, we can develop a crop that our farmers can grow that can provide an efficient and affordable alternative source for fuel.

Our current energy situation is a complicated problem with no easy answers, but it is of critical importance to the people of south Arkansas and across America. The sooner we take action, the sooner we can see results at the pump. I urge my colleagues to support a balanced, proactive, and bipartisan solution to this crisis so that we can bring relief to our hard working families.

A TRIBUTE TO FIREFIGHTER JOHN J. DOWNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GRUCCI) is recognized for 5 minutes.

Mr. GRUCCI. Mr. Speaker, I rise today with a heavy heart to express my deepest sympathies and that of a grateful community to the Downing family and to pay honor and tribute to a true American hero, firefighter John J. Downing of Port Jefferson Station, New York.

On June 17, 2001, John Downing and 350 of his fellow firefighters and numerous police officers responded to a 2:19

p.m. call to a 911 that sent them to Long Island General Supply Company in Queens, New York. As is always the case, these brave men and women responded without reservation and with little or no regard for their personal safety. By 3 p.m., the blaze had gone to 5 alarms, and the fire and explosion had turned the 128-year-old Long Island General Supply Company into a horrific scene.

□ 1915

By 8 p.m. the fire had been controlled, but at a tragic cost: three firefighters lost their lives. Additionally, two civilians and dozens of firefighters were injured.

The three brave men were firefighters John J. Downing of Port Jefferson Station, from Ladder Company 163; Harry Ford, of Long Beach; and Brian Fahey of East Rockaway, both of Rescue 4 unit.

My constituent, John Downing, leaves his wife of 11 years; a daughter, Joanne; and a son, Michael. John Downing was one of seven children from Woodside. He went to elementary school at St. Sebastian School in Woodside, and then to high school in St. Francis Preparatory School in Fresh Meadows. He later went on to work in the construction field before becoming a firefighter 11 years ago.

John Downing and all three of his brothers gave back to the community through public service. He and his brother Denis both became firefighters, Denis Downing now at Ladder Company 160 in Long Island City, and James and Joseph Downing are New York City police officers.

Everyone who knew John called him a hero in every sense of the word. Every day he was on the job for the past 11 years as a firefighter. John always gave his all and did his best. Whether it was in fighting fires or helping young firefighters to learn their job better, everyone in the firehouse knew they could count on John.

Knowing this, it was no surprise when firefighter Downing appeared on the front pages of the New York Daily News 3 years ago. He was pictured on the front page as a hero once again, rescuing passengers from a commercial jet that had gone off the runway at LaGuardia Airport and into the chilling waters of Flushing Bay.

Firefighting was not John's entire life, though. He was a family man, doting over his two children and devoted to his wife. In recent weeks he had been working a second job to bring his family on their first real summer vacation to Ireland, to visit the relatives of his family and his wife's. Sadly, when the alarm for his last fire came, John was 2 hours away from ending his shift and beginning that vacation.

As the alarm went off, John put down the study book he had been reading, preparing to take the exam to become a lieutenant in the fire department. He grabbed his gear, and with the last full measure of devotion and commitment, John and his colleagues answered their last call.

Today John and his colleagues are in the loving embrace of God. I ask my colleagues to please join me in extending our deepest sympathies to the families of these three brave heroes and in recognizing the brave sacrifices of a true hero, John J. Downing.

CHANGE IN ENERGY REGULATION POLICY BY THE FEDERAL ENERGY REGULATORY COMMISSION COINCIDES WITH SWITCH IN CONTROL OF U.S. SENATE

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, 6 months ago the staff of the Federal Energy Regulatory Commission found that the prices being charged for power in the western United States were neither just nor reasonable. The law would require the Federal Energy Regulatory Commission to then take action to both lower the prices and to order rebates for market manipulation, price-gouging, price-fixing that was going on.

But under the leadership of Mr. Hebert, chair of the Federal Energy Regulatory Commission, appointed by President Bush, FERC did nothing. They said there was not really a problem, this was just the market sending us a signal. What was the signal? Billions of dollars extracted from ratepayers, residential ratepayers, small business and big businesses alike; rolling blackouts and brownouts in California; incredibly high wholesale prices in the Pacific Northwest, with prices up to one hundred times, one hundred times what was charged just 2 years ago in the wholesale market.

But it also meant up to 1,000 percent, a 1,000 percent increase in profits for a handful of energy companies, most of whom happened to be based in Texas, and most of whom happened to be very generous contributors both to this administration and to the majority party in this House.

Mr. Hebert said no action was necessary, that he would do nothing. At one meeting, he opined that he would pray for us; faith-based regulation, I guess. But something changed all of a sudden; being stonewalled for months and months; his own staff saying the law was being violated; being sued; being petitioned by Members of Congress, by constituents, businesses desperate for relief.

On Monday they held an emergency meeting. What changed? What could have brought that about? Did they finally read their own staff reports, finally recognize the market manipulation? No, what changed is one vote in the United States Senate. Suddenly, there were committees in the Senate with the capability of investigating what was going on, and they scheduled hearings for tomorrow to bring in the Federal Energy Regulatory Commission to have the Chairman explain how it is his staff found things to be unjust and unreasonable, but he said that there was no problem.

Under that threat, they have adopted some half measures; better than nothing, but not much. They are going to peg prices to the least efficient, the most expensive unit, most obsolete generating unit operating. It is better than what has been going on today, with prices up to $4,000 a megawatt hour. Maybe we will get it down to $200 or $300. That is still ten times what the market provided for just 2 years ago.

They will extend it across the entire western United States, which will offer some relief to my part of the country in the Pacific Northwest.

They did admit the price-gouging and market manipulation had gone on and that refunds were due, but they set up some sort of voluntary settlement process to try and extract the billions of dollars back from these Texas-based energy conglomerates.

That is not going to work. They need to use their authority to order the refunds, and they need to set the amount of the refunds.

Then, finally, they said it would only last through a year from next October; that is, two summers for California, two peak seasons, but only one peak season for my part of the country. This will still cost consumers hundreds of millions, ultimately billions of dollars more than they need to pay to have reliable energy in the western U.S. It will still put untold hundreds of millions and billions of dollars into the pockets of market manipulators. It is just that the profits will not be a 1,000 percent increase anymore, it might only be a 200 percent increase or 300 percent increase for those companies based in Texas who have been contributing so generously to the majority party in this administration.

But they had to do something, because they might lose their whole scam, their whole game. The heart of it is deregulation. Deregulation does not work in a monopoly environment. It does not work when there are a few plants and one big set of transmission wires that runs down to smaller wires that run to our house.

How are we going to have competition? Competition could never work, will never work in this industry. It is a vital public necessity. For more than 60 years we regulated in this country because of the collapse the last time we played with deregulation in the United States, back in the 1920s.

It is time to return to regulation. But short of that, it is time for effective cost-based caps on power, something that runs for 2 years and something that orders that rebates be done. We should not accept in this House these half-measures by the Federal Energy Regulatory Commission in their desperate attempt to save themselves from being embarrassed in having to testify before the United States Senate.

ANGOLA, INDIANA PROVIDES ECONOMIC DEVELOPMENT AND RECREATION OPPORTUNITIES TO CITIZENS, AND SUCCESSFUL HIGH SCHOOL SENIOR YEAR EXPERIENCE TO A DIVERSITY OF STUDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, Angola is a town in my district of 6,000 to 7,000 people in northeast Indiana, and it has become a hot zone for economic development, and will become ever more so in the upcoming years.

Obviously, a hard-working work force is important, but that has been there since the founding. Interstate 80/90, better known as the Indiana Toll Road, and Interstate 69 intersect just north of town, which has been a longtime asset of this area.

Angola, Indiana has further capitalized on its natural resource assets. Lake James and many other lakes in the area have long been a draw for many people who want to live in an environment where they can be surrounded by lakes and various recreation opportunities.

By connecting Pokagan State Park to the newly-built YMCA and to its unique Monument Circle with a bike path, area residents are offered increasing health and recreation alternatives.

What has given Angola a further edge is the educational collaboration of Tri-State University, Angola High School, and now the new Plastics Technology Center. Yesterday I was with Steve Corona of JobWorks, Inc., and Craig Adolph and Harry Adamson of the plastics center to announce a grant of $514,000.

To some, this may seem like the rich are getting richer. Angola has a lot of advantages. The truth is, Angola is not a wealthy town. It is basically mid-America or maybe even slightly below in income, but they are organized. They have been rising because they have been able to coordinate several things that in fact have become the keys to economic development: the recreation opportunities, the lifestyle opportunities, combined with good transportation, a good work force, and increasingly, a well-trained and educated work force.

One of the things that Angola provides is a continuum of education efforts. Whether the student decides to go into the work force directly after high school, enter a 2-year vocational program or community college program, or whether they are going to attend a 4-year university or just continue life-long learning or specific training that is not degree-driven, it is a real-world option.

To employers, this means that students are being prepared for real-world jobs. Too often, our education is generic. Many job training programs at times seem to be marginally useful. It is easy to criticize our schools when they get things wrong, and we frequently do it from this floor.

At Angola High School, they are getting things right. I visited their effective Safe and Drug-Free Schools program. As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, it has been frustrating to see a lot of programs that do not work. This is one that has worked.

They have a great high-tech program which is innovative at the State and national level. They consistently win the State music programs over the last few years. I am proud that it is in my district, but let me give the Members a couple of examples that illustrate why and what I mean by this.

The principal was quoted in this article, and the article reiterates that the U.S. Department of Education has singled out Angola as the "new American high school," and the principal is one of only two high school principals on the National Commission on the High School Senior Year national study. The Indiana Association of Teacher Educators in 1998 and 1996 picked Angola as Indiana's most outstanding high school.

One of the things they have done for the high school seniors is a workplace participation program. About 40 businesses and industries in Steuben County have developed a 9-week workplace curriculum. The high school's flexible four-block schedule allows students time to travel by bus to their workplaces.

Let me give a couple of examples. One student at Angola, Todd Hack, is further along in his college career than some college freshmen. He will start at Tri-State University with 26 hours of credits earned from advanced placement courses and computer classes he took on campus. The flexible schedule allowed him to move ahead, so he was able to stay in school and, because he was an advanced student, get a college education.

Another student, Greg Knauer, worked 30 hours a week in his senior year at a construction firm earning hours towards his journeyman's license. He hopes to begin an apprenticeship after graduation, another type of career path.

Yet another student, Amy Dennis, was interested in nursing, but did not have a family member to show her the ropes. Her workplace participation took her to Cameron Memorial Community Hospital, where she followed every clinical rotation. She will study nursing at Indiana University-Purdue University in Fort Wayne, (or IPFW) or the University of St. Francis next fall, and hopes to become an obstetrics nurse.

Yet another student will participate in a Cisco computer program in which two high schools in my district have hooked up, and when finished, he will be certified to build up a network system from ground up. He is planning to attend Cornell or MIT, his early picks, and he is confident his high school record, near perfect SAT scores, will make them take notice.

This is how high school should work, where we have the range of students, a diversity of students: one here, one going into construction, one into nursing at college, one into an advanced placement program, and one to an Ivy League school.

I want to congratulate Angola, and I am proud to represent them.

Mr. Speaker, I include for the RECORD the following articles from the Fort Wayne Journal Gazette and the News-Sun and Evening Star of Auburn and Angola.

The articles referred to are as follows:

IS HIGH SCHOOL SENIOR YEAR A WASTE OF TIME?

(By Karen Francisco)

Senior-itis symptoms are at the full-blown stage. Mortar boards and gowns in hand, scores of high school seniors are impatiently marking time, waiting for the chance to slam the door on childhood and rush headlong into life.

But are they ready? Have they spent the past nine months preparing for what lies beyond, or have they been stuck in an antiquated educational system that allots 12 years of schooling for 11 years of knowledge?

The National Commission on the High School Senior Year considered the question. It arrived at the conclusion that "The nation faces a deeply troubling future unless we transform the lost opportunity of the senior year into an integral part of students' preparation for life, citizenship, work and further education."

In his charge to the commission, former U.S. Secretary of Education Robert Riley described the senior year as a "wasteland," a year of "significant drift and disconnection."

The panel's final report will be released June 28, and it will likely create a stir not unlike 1983's landmark "A Nation at Risk" report, according to Dr. Rex Bolinger, principal at Angola High School and one of just two high school principals on the high-powered commission. Look for a sweeping indictment of the structure of U.S. high schools.

INSTITUTIONAL PROBLEMS

Bolinger points to a number of problems with the typical American high school and its role in the education spectrum. First and foremost might be its inflexibility.

"We've allowed learning to be the variable and time and support the constant," Bolinger said. "The opposite is what is needed."

He cited the example of students following a math curriculum without regard to their own interests and abilities. Students are passed along, and when they begin to struggle, they simply choose not to take any more math classes. Inflexible six- or seven-period schedules discourage students from retaking courses they haven't mastered.

American students don't perform as well as students from other industrialized countries on math and science exams because our high school curricula allow them to opt out of advanced courses like calculus and chemistry long before their counterparts, the principal said.

"The message we've got to get out is that whatever you plan to do after you get out of high school, we've all got to have the same rigorous preparation," Bolinger said.

Another problem with the typical high school is the sorting process, according to the principal. Unwittingly, some teachers and systems sort and label students as college prep, general ed or vocational. The labels stick, and students who might have discovered a passionate interest in art, literature or computers are dismissed as noncollege types. Disenfranchised, they lose interest in school and are at risk to drop out.

ANGOLA IS MODEL

Bolinger's own school could be a model for how high school should work. It has been singled out by the U.S. Department of Education as a "New American High School," and by the Indiana Association of Teacher Educators in 1996 and '98 as Indiana's "Most Outstanding Successful High School."

The school's evolution began about six years ago, when Bolinger and some business and education leaders began talking about how to prepare students for jobs in the community. The result was the Workplace Participation Program. About 40 businesses and industries in Steuben County have developed a nine-week workplace curriculum. The high school's flexible four-block schedule allows students time to travel by bus to the workplaces.

"The curriculum is simple to prepare," Bolinger said. "We tell them, "Write down what you do and teach them.' "

And the students are learning.

Joe Dolack is a senior who transferred to Angola from Illinois his sophomore year. He repeated a math class to catch up on academics, and then began participating in the workplace program at General Products Corp., an automotive components supplier. His grade-point average has risen three points on a 12-point scale and he plans to attend community college in Coldwater, Mich., before transferring to a four-year school. A career in manufacturing management is his goal.

Senator Amy Dennis was interested in nursing, but didn't have a family member to show her the ropes. Her workplace participation took her to Cameron Memorial Community Hospital, where she followed every clinical rotation. She will study nursing at Indiana University-Purdue University Fort Wayne or the University of St. Francis next fall, and hopes to become an obstetrics nurse.

It was a job in the building trades that enticed Greg Knauer. He has worked 30 hours a week during his senior year at Ingledue Construction, earning hours toward his journeyman's license. He hopes to begin an apprenticeship in construction after graduation.

Angola senior Todd Hack is further along in his college career than some college freshman. He'll start at Tri-State University this fall with 26 hours of credit earned from Advanced Placement courses and computer classes he took on campus. The flexible schedule at Angola allowed him to move ahead, Hack said, while still finishing high school requirements and participating in three sports.

Amy Enneking, also a senior, is convinced she wants to teach after spending her workplace participation hours in a first-grade classroom at Hendry Park Elementary School. She will study elementary education at Butler University this fall.

Chris DeLucenay is still a junior, but his career goals are clear.

"I knew I wanted an aggressive schedule," he said. "I'm interested in computers and engineering, so I've taken calculus at Tri-State and two Advanced Placement courses."

He will participate next year in the Cisco computer program and, when finished, will be certified to build a network system from the ground up. Cornell and MIT are his early college picks, and he's confident his high school record (and near-perfect SAT scores) will make them take notice.

A TEAM EFFORT

Craig Adolph, an Angola education consultant who has been involved in the school program since its inception, said the most remarkable thing about recent Angola graduates is their focus. All seem to have a clear idea of what they want to do and how to do it.

For the community's part, Adolph said, the job is to keep people in touch with learning so they never are reluctant to return to college or a job-training program.

Dr. Tom Enneking, vice president for academic affairs at Ti-State, said the key was to develop a seamless delivery system for education. His school had previously offered an early admissions program, but the partnership with Angola High School allowed it to build on the Advanced Placement courses, easily bridging the high school to college gap that some students fail to cross.

THE JOB AHEAD

Bolinger said the transformation of American high schools was one step in a bigger task—building an infrastructure that supports lifelong learning, instead of one that starts and stops in uneven intervals between preschool and adulthood.

The first step—creating high schools that work—won't come easily, Bolinger said, but he's hopeful the national commission's recommendations will spur progress. A report that challenges the fundamental structure of American education is a sharp departure from the current testing and standards hysteria, but the principal said he is hopeful for its prospects because of bipartisan support and the interest of Rod Paige, who was a member of the commission until he replaced Riley as secretary of education.

Bolinger said some parents have accused his school—with its emphasis on career training and college courses—of pushing students out the door. The opposite is true, he said. Rather than constraining students to a rigid, cookie-cutter model, a high school schedule should promote independence and self-exploration. The old model served us well for many years, the principal said, but a new American high school is what's needed for a new century.

STUDY'S FINDINGS

Selected findings from the National Commission on the High School Senior Year:

A high school diploma is no longer a guarantee of success in either postsecondary education or the world of work.

The goal of the American high school needs to be reoriented from preparing some students for college and others for work.

The conditions of modern life require that all students graduate from high school with the knowledge and skills needed to succeed in both postsecondary education and careers.

"The tyranny of low expectations" hinders many minority students and many poor students from all ethnic backgrounds.

Ideally, beginning in the middle school years, every student would have a "learning plan," a formal but flexible outline of what the student hopes to accomplish in young adulthood and which education, work and service experiences can best help him or her to attain those goals.

The kindergarten–12 system is poorly aligned and has not established reliable lines of communication with postsecondary education and the world of work. The National Commission on the High School Senior Year (www.commissiononthsenioryear.org)

Grant To Pay for Training Plastics Workers

(By Yvonne Paske)

Angola—That attractive structure next to the Breeden YMCA and Learning Center on Angola's northeast side isn't just for show.

The Plastics Technology Center will continue on its course to train a work force on state-of-the-art plastics technology for jobs in Indiana, Michigan, Ohio and Illinois, thanks to a $514,550 U.S. Department of Labor grant.

Collaborators on the grant, U.S. Rep. Mark Souder, R-Ind., Steve Corona of JobWorks Inc., Harry Adamson, Plastics Technology Center director, and Craig Adolph of the Cole Foundation, made the announcement at the Plastics Technology Center Monday.

The grant was requested in January and awarded Friday, Adolph said. A curriculum and courses may be in place as soon as this summer or fall to train workers on specific machinery allowing some to step into jobs earning them $40,000 a year, he said.

The training is available to workers in the Indiana counties of Noble and DeKalb, as well as Steuben, Souder said. It also is open to Williams County, Ohio, and Branch, Hillsdale and St. Joseph counties of Michigan.

The training will be free, as the grant will pick up the cost, Adamson said. To date, he has hired no project manager, although the coordinating process with other workplaces has begun.

In opening comments, Souder characterized Steuben County as a spot on the cusp of becoming an industrial magnet due to job training, exceptional schools, natural beauty, recreational options and advantageous transportation routes.

"This is clearly a hot zone for Indiana," he said. "The rolling hills, the interstate structure, the lakes. ... That's why we work to get money for the airport expansion, a bypass around Angola, the bike path. ... It all makes a positive ambiance for industrial recruitment, and in the middle of it you have a technology center."

He praised Angola High School's advanced use of technology, its partnership with Tri-State University and its school-to-workplace program and emphasized those assets work together to train and keep a available work force in Steuben County.

"The Plastics Technology Center can help Angola High School reach out," he said. "The companies ultimately with this grant can help meet the increasing demands for mid-tech workers and keep them here. This is for people in high school who recognize everyone will not go to college. We're retraining the work force. This will help northeast Indiana further along the path for an enhanced quality of life."

Corona credited the interaction between Adolph and Adamson, the facility itself, the coordination with work force systems in the tri-state area and the training curriculum for the nod on the grant.

"We expect to serve 1,000 people over the next 24 month period. . . . Research shows around 100 plastics plants in Michigan and Indiana (alone)," he said.

"That's what higher education in the U.S. and Indiana is about," Adolph said. "We're going to keep our students here. We are out in front, and with these people's help, we're going to stay there."

Adamson said the center will help Steuben County compete in a global environment. Training for students, incumbent and dislocated workers will mean higher productivity, said the 30-year veteran of the plastics industry.

Adamson led those assembled on a tour of the center, including a visit to the computer lab, where students learn industrial software packages in the center's Cisco Academy. "Here students are trained on the simulation models, individually, at their own speed," he said.

He also showed off the actual plastics machinery upon which students will train, calling it "the latest, the highest" in technology. The machinery and lab were donated by companies on six-month leases, and computers procured through a $50,000 U.S. Department of Agriculture grant written by Adolph.

"We're looking at concrete, bottom-line dollars here," Adamson said. "These people will be trained—you don't need to call a more skilled person."

Souder spoke to the environmental issues and impact attendant upon courting industry and plastics plants while touting the area's unspoiled natural beauty.

"First off, why are companies moving toward plastics?" he queried. "Because they want cleaner air, and people want higher gas mileage, which lighter, plastic parts (can give). As we move toward more biodegradable plastics, the manufacturing impact is less, as opposed to steel mills. Plastics also have some of the cleaner software jobs because we'll have applied sciences. . . . I know this is a sensitive issue in a lakes area. Plastics isn't the cleanest (industry), but it's among them," he said. He pointed to University of Notre Dame research developing reduced air pollution techniques in relation to plastics manufacturing.

Adolph indicated plastics may be the tip of the iceberg in recruiting business to the area.

"With training and with Tri-State as a partner, we . . . should be able to attract other technology-based industries as well," he said. "This building can be enhanced, so plastics is just the first large manufacturer."

WE CANNOT HAVE A FREE SOCIETY WITHOUT PRIVATE PROPERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, John A. Rapanos owned a 175-acre tract of land a few miles west of Bay City, Michigan. He cut some timber, removed the stumps, and brought in a considerable quantity of sand as fill.

Now, this was on his own private property. However, the Michigan State government ruled that 29 acres contained wetlands, and a federal permit should have been obtained first. Mr. Rapanos was indicted, convicted, and the judge reluctantly imposed a $185,000 fine, put him on probation for 3 years, and required 200 hours of community service.

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Then a few months ago, the 6th Circuit U.S. Court of Appeals reversed the judge, because incredibly they said he had given Mr. Rapanos too lenient a sentence.

Mr. Speaker, when something like this can take place, I wonder if we really live in a free country any more. The judge whom the 6th Circuit unbelievably found to be too lenient said at one point, "I don't know if it's just a coincidence that I just sentenced Mr. Gonzales, a person selling dope on the streets of the United States. He is an illegal person here. He's not an American citizen. He has a prior criminal record. So here we have a person who comes to the United States and commits crimes of selling dope, and the government asks me to put him in prison for 10 months. And then we have an American citizen who buys land, pays for it with his own money, and he moves some sand from one end to the other and the government wants me to give him 63 months in prison."

And the judge said, "Now, if that isn't our system gone crazy, I don't know what is. And I am not going to do it."

Of course, he was reversed. This story was told in a recent column by nationally syndicated columnist James J. Kilpatrick entitled, "Wetlands Case Shows Government Run Amok."

Mr. Speaker, we can never satisfy government's appetite for money or land. If we gave every Department or agency up here twice what they are getting, they might be happy for a short time; but they would very soon be back to us crying about a shortfall of funds.

Now, the Federal Government owns slightly over 30 percent of the land in this country and State and local governments and quasigovernmental entities own another 20 percent, half the land in some type of public ownership; but they always want more.

And the two most disturbing things are, one, the rapid rate at which government has increased its taking in the last 30 years or 40 years; and, two, the growing number of restrictions, rules, regulations, and red tape the government is applying to the land that is left in private hands.

And some very left-wing environmental extremists are even promoting something called the Wildlands Project with the goal of taking half the land that is left in private hands and making it public. No one seems to get concerned until it is their land that is being taken or their home.

Talk about urban sprawl, if you feel overcrowded now, wait until the government takes half the private land that is left.

Already, there is so little private land that is still developable in many areas that builders are forced to build houses on postage-stamp size lots.

Fairfax County, Virginia, recently had a man placed in jail for about 3 months because he had the audacity to put a golf driving range on his own land in competition with a county government driving range.

He even spent huge money, I believe it was over $100,000, placing trees and complying with all sorts of ridiculous requirements; but when they told him he was going to have to spend many more thousands more to move trees they had ordered him to put in in the first place and basically undo what they ordered him to do, he fought back.

I ask again, Mr. Speaker, is this still a free country?

The Nobel Prize winning economist Milton Friedman said, "You cannot have a free society without private property."

Linda Bowles, a national syndicated columnist, a few days ago in a column entitled, "Endangered Species versus Farmers," wrote this, "In his 1992 best seller, 'The Way Things Ought To Be,' Rush Limbaugh wrote, 'With the collapse of Marxism, environmentalism has become the new refuge of socialist thinking. The environment is a great way to advance a political agenda that favors central planning and an intrusive government. What better way to control someone's property than to subordinate one's private property rights to environmental concerns.' "

Ms. Bowles said at the time, this sounded like hyperbole, but it was not. Limbaugh's warning was worthy and prophetic. I realized this a few years ago when I came across a story concerning a farmer in Kern County, California, who was arrested for allegedly running over an endangered kangaroo rat while tilling his own land. His tractor was seized and held for 4 months, and he faced a year in jail and a $200,000 fine.

As time has passed, it is now clear, Ms. Bowles said, what happened to the farmer in Kern County was not an anomaly, but part of a developing pattern of government invasion of private rights.

On April 7, 2001, the federal government's Bureau of Reclamation cut off irrigation water to 1,500 family farms in the Klamath Basin on the Oregon-California border. Based on "citizen lawsuits" filed by environmental activists, all the available water will go to save fish, primarily the sucker fish. A federal judge denied an appeal by the farmers saying, "Congress has spoken in the plainest of words, making it abundantly clear that the balance has been struck in favor of affording endangered species the highest of priorities."

While the farmers are going bankrupt, the legal bills of the environmentalists are paid for by the American taxpayers under the "citizen lawsuit" provisions of the Endangered Species Act.

Mr. Speaker if we don't soon start putting people and private property before sucker fish and kangaroo rats, it is us who will be the suckers and we will lose our freedom and prosperity.

Meanwhile, based on a successful lawsuit filed by the Earth, Justice Legal Defense Fund, the U.S. Fish and Wildlife Service has just designated 4.1 million acres as critical habitats for the endangered California red-legged frog. Nearly 70 percent of the acres are private property.

The protected habitats hopscotch across 28 California counties, including key agricultural counties, adding layers of new regulations on already over-regulated private land. No activity of any kind on this land will be permitted until it has been proven that such activity will in no way affect the well-being of the beloved red-legged frog.

Another endangered critter wreaking damage in California is the fairy shrimp, which thrives in what environmentalists call "vernal pools" and what ordinary folk call standing water or mud puddles. Anyway, when these puddles evaporate, the fairy shrimp eggs nest in the mud until the next seasonal rains hatch them.

Apparently the deal is this: if you drain or spray standing water, you get an award from the mosquito control people and a summons from the fairy shrimp police.

The protection of these "vernal pools" is a nightmare to California farmers, developers, and even local governments. For example, environmental concerns for the shrimp cost Fresno County a six-month, $250,000 delay in the construction of an important freeway. However, that's cheap compared to the undisclosed cost of moving the site of a major new University of California campus in Merced, Calif., because there are too many vernal pools on it.

California is the nation's largest producer of food crops and commodities, including fruits, nuts, vegetables, melons, livestock and dairy products. This massive agricultural industry depends entirely on irrigation for water. In California, rainfall is slight or non-existent from early May to mid-October.

Land regulations, fuel costs and electrical shortages are disastrous to farmers. But the most critical issue for them and for all Californians is water. The eco-inspired ban on the construction of dams and water storage facilities to catch the runoff from winter rains and spring snow melts is limiting the supply of water even as demand for it is surging. It is a disaster in the making. Deja vu!

While there is local outrage in California and elsewhere over these abuses, there is little national outrage. One hopes this is due to a lack of coverage by the mainstream media, rather than a fatalistic American submission to state socialism. One fears that only in retrospect, when it is too late to resist, will it be understood that freedoms have been irretrievably forfeited and the Constitution irreversibly abandoned.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, I rise tonight to highlight the health care needs of our communities throughout this country. I am deeply concerned with the lack of attention that the House leadership and the administration has paid, not just to managed-care reform, but to health care as a whole.

Every day, millions of Americans suffer from diseases that we could prevent, diseases we could treat, diseases that we could cure. But we have not made the commitment to take care of that.

We must not let them down. In this Special Order tonight, we look at the Patients' Bill of Rights, as well as the issue of health care.

It is time for us to also consider the fact that there are a lot of individuals out there who are sick and that need our assistance, and we must not forget them.

We hear so much about values, and the greatest value I know is helping those who need the assistance. And who needs the assistance more than those afflicted with the diseases of the body and of the mind?

There is no doubt that this particular issue is an issue that continues to haunt us and is an issue that as a country we need to come to grips with. The Patients' Bill of Rights is an important piece of legislation. Not only does it make sense, but it also is the right thing to do.

The Ganske-Dingell bill accomplishes the critical goals of managed-care reform. First, one of the things that it does, it gives every American the right to choose their own doctor. That makes every sense in the world. That is the fact that each one of us should have, the right to choose our own doctor.

Second, the bill covers all Americans with employer-based health insurance, as well as other bills that, remarkably, exclude individuals such as firefighters, church employees, and teachers.

Third, this bill ensures that we extend external reviews of medical decisions that are conducted by independent and qualified physicians. We should not be allowing insurance accountants and people who are going to be looking at the all-mighty dollar when deciding the decisions of health care of those people that are ensured.

Fourth, it holds a plan accountable when the plan makes a bad decision that harms and kills someone. If the insurance and managed-care system decides not to provide access to care to someone, then we need to look at that seriously; and that is occurring throughout the country.

Finally, it guarantees that health care decisions are made based on the medical, not the financial, considerations. Managed-care companies must put health care first, and the Patients' Bill of Rights creates the incentives to make sure that that occurs.

Tonight, I am also joined here with the gentleman from Texas (Mr. LAMPSON). I am glad that he is here.

Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON)

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ) for yielding to me.

I wanted to come here tonight, Mr. Speaker, to speak on the Patients' Bill of Rights, which is currently being debated in Congress, and primarily to join my other friend from Texas here and talk specifically about some of the applicability of issues facing the Hispanic community in Texas and across the Nation.

But as I listened to the gentleman talk, I wanted to make another comment before I get into these particular remarks, because as the gentleman talked about the accessibility, about a person who might want to be treated for an illness that they know there is a cure for but to which they have no access, it reminds me of a friend of mine in Nederland, Texas, right by Beaumont in the heart of the 9th Congressional District, who is a school teacher, Regina Cowles; and Regina contracted breast cancer just a couple of years ago, and she found a treatment for that cancer in Houston. But because her insurance company made the decision that this was not an appropriate treatment for her, they refused to make a payment.

And consequently, she did not have access to the treatment. We worked with that insurance company and ultimately got them to relent. They made the treatment available. And she went to Houston, and she got the treatment. Unfortunately, it was started much, much too late and she died.

Those are the kinds of things about which the gentleman is speaking; that is what we are concerned with, with people across the United States of America. And we hear these stories over and over again about someone other than a physician making a decision about treatment for a person's health care problem.

Soon after I came to the United States House of Representatives, I was asked by Dr. Joe DeLeon, a cardiologist in Port Arthur, Texas, for me to come and do one of my worker-for-a-day program, and I went to Dr. DeLeon's office; and I did a number of things with him during the course of the several hours that I spent there, but at one point in time, he asked me to go with one of his nurses and precertify the patients that were on his list, so that he could get permission from the insurance company to be able to see them.

I did that. I sat down and made 10 or 12 telephone calls and, interestingly enough, a large number of the people with whom I was speaking at those insurance companies were not health care-trained professionals. They were making decisions based on lists of information that were put there. More a part of it was the bottom line of that insurance company than was the health of the people who were wanting to see the doctors.

Mr. Speaker, that is what has to change, I say to my colleagues in the House of Representatives. We have to make sure that our effort to produce legislation is going to reach those persons whose lives can be affected by the work that we are doing and make sure that we make policy that will reach those people, because they choose to have and want to have and deserve to have the quality of life that they can have in the United States of America.

While I said that I came to talk about those issues affecting the Hispanic community particularly, as far as we have come as a Nation, obstacles to equality still exist; and we continue pushing forward to provide opportunities for all.

Currently in Texas, more than 1 million children lack health insurance, Hispanics representing a disproportionate number of that number of children. A restrictive enrollment to the interview and an interview process, coupled with a burdensome application process has helped to produce this disparity. A lack of access particularly with Spanish-speaking providers and services has caused difficulty in what has become a cumbersome and bureaucratic managed-care system.

Nationwide, Hispanics constitute 35.3 percent of the total uninsured population. This is a disparity which is rapidly reaching epidemic proportions. Much of the problem can be attributed to lack of funding for prevention and education initiatives, absence of culturally-competent information available for Hispanic communities to make educated health care decisions, and inadequate representation of Latinos in the health care professions.

This is a trend which absolutely must be curtailed. And as we begin to, again, debate the Patients' Bill of Rights, we must be mindful of the issues facing all of our communities and work toward a bill that will provide protections for every citizen. The time for political posturing has passed, and now it is time to deliver on a Patients' Bill of Rights.

I support the Dingell-Ganske Patients' Bill of Rights as a comprehensive approach that provides enforceable protections to all Americans and ensures health care decisions that are made by patients and doctors and not those insurance companies about which we were talking.

Mr. Speaker, I thank the gentleman for allowing me to come and join him, and I thank him for the good work that the gentleman is doing in helping us get the word out on this bill and make sure that we come up with provisions that will indeed make a difference in all Americans' lives.

Mr. RODRIGUEZ. Mr. Speaker, I know that when the gentleman talked about that specific story, we all have stories; and we all have had calls and letters that we have received.

Mr. Speaker, I had a family that recently sent me a letter complaining about the fact that she had Lupus and had received some contact from the particular company, and it is unfortunate in terms of the difficulty that some of these people are having.

There is no doubt that when you are healthy and young, they are willing to have you onboard. As soon as you get sick and serious, then you begin to have some problems with those managed-care systems.

Mr. LAMPSON. If the gentleman will yield, those who are making those decisions need to be held accountable for those decisions, and that is what is going to change the complexion of health care in this country.

Mr. RODRIGUEZ. I also want to thank the gentleman. The gentleman mentioned the disparities that exist in the area of access to health care. We know that one of the biggest disparities that exists is the number of uninsured.

The gentleman talked about Hispanics. We have some data to show that in Texas it is over 33 percent; but throughout the country, we continue to have almost 25 percent, that lack access to healthcare insurance.

I want to share that with my colleagues a little bit, in terms of the discussion, a particular call that I had from one of my constituents. I recently received a letter from this constituent, who is not only battling Lupus, but also battling her managed-care company.

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Lupus is a chronic disease that causes the immune system to attack the body's own tissue. Patients often need access to several specialists because the disease can affect many different organ systems. When individuals need those several specialists, they find difficulty in dealing with the managed care system and difficulty in them responding.

I want to quote from a letter that a person received. It says, "People with lupus enrolled in managed care health plans should have immediate access to specialists and the specialty care they need even if those specialties are outside of the provider network. Because lupus can quickly become life-threatening, people with lupus should be able to seek emergency care when they reasonably believe that their health is in danger. They should not have to go through the lengthy complicated appeals process for receiving special care."

Mr. Speaker, this story speaks well to the importance of a strong patient bill of rights. It is important to ensure that those who have private health coverage also have meaningful health care coverage that they can depend on when they are in need. I am a strong supporter of this, and I think it is important for us to continue to be supportive of this effort that when an individual is ill they have to be able to have access to those specialists, especially in specific cases such as lupus and many others. Unfortunately, people that find themselves in this bind also are having to battle the managed care systems throughout our country.

I also want to mention that it is unfortunate that both administratively and legislatively recently we decided to look at the tax cut as the number one priority before we begin to look at the issues that confront us. It was unfortunate that we went forward on this tax cut without looking at the resources that were going to be needed, not only in all aspects of health care but all the other issues that confront us. It leaves too many Americans with diminished hopes in the area of health care. We are following the wrong path. We should first meet our needs and our priorities, which must include access to health care, before helping those individuals on the tax cuts.

We face two great health care obstacles before us. First, too many Americans do not have the basic health care coverage that is needed. Secondly, even those who do often find themselves subject to a bureaucracy that they can neither understand nor navigate, a bureaucracy that is not responsive, a bureaucracy that needs to be pushed into doing the right thing. I am not referring to government, I am referring to the private sector and the managed care systems. We can no longer put off addressing these two great health care issues, the issue of access and managed care reform.

The problem of access to care is not a small problem. More than 42 million persons, and the number is growing in this United States, lack access to good health care insurance. The burden falls disproportionately on a lot of the poor and minorities throughout this country. So many places of employment do not provide coverage. And let me add that those working in a small company, if it is not a major corporation, probably do not have access to insurance. Those not working for government, whether it be local government or Federal Government, probably do not have access to health insurance. So people find themselves in a real serious problem. Individuals not over 65 do not have Medicare; individuals who are not indigent, they do not have Medicaid. So here we have working Americans finding themselves in a real bind.

In America, the rural populations face special challenges to access care. For example, nearly one-fourth, or 25 percent, of the uninsured in the United States are Hispanic, as indicated earlier. That is twice the proportion based on population. So we can see the disproportionate numbers. In addition, African Americans also lack insurance, 25 percent of them, when they only represent half of that amount of the population. So we can see the disparity in these communities. The rest are people that are poor and that do not have access to insurance but who are out there working trying to make ends meet.

Roughly 20 percent of the uninsured live in rural areas. I have the distinction of having both not only an urban area in San Antonio but also 13 other counties of rural Texas, and I find myself that a lot of the rural counties have a great amount of difficulty with managed care systems, partly because of the reimbursement rates, partly because of the problem that a lot of the managed care systems choose not to go into rural America, and also because of the difficulties in terms of providing access to the ones that are really in need.

According to recent studies by the Kaiser Family Foundation, the rural populations tend to be older, they tend to be poorer and they tend to be less healthy compared to the people living in urban areas. So here we find ourselves with a very vulnerable population and a real need for us to reach out. When we look at the statistics of the uninsured, our children, the numbers are staggering. Nearly 11 million children under 19 do not have access to insurance. We have tried some efforts in that area, but a lot more needs to occur and we hopefully will continue to move forward in those directions.

In places like my hometown of San Antonio I am ashamed to say one-third, or 33 percent, of our children do not have coverage for health insurance. The burden falls not only on the children and not only on the families but also on the local governments. The reason why that is, for example, in the State of Texas we hold each county obligated up to 10 percent of their budgets to make sure they provide for the health care of their constituency. Yet those rural counties in south Texas, along the border, are expending up to 30 percent of their budgets for the poor. The rich counties have less poor and so do not have to expend as much, but a poor county, where individuals are paying property taxes, and in some cases in Texas for the hospital districts they are having to pay more to take care of these individuals, because the children's access to care is at the most expensive point, the emergency room.

We need to make every effort to make sure that we take care of those kids before the emergency room; that we take care of those people before the emergency room. The cost rises as local governments are forced to raise taxes. So it is important for us to look at health care as a major issue that confronts this country and an issue that we have been unwilling to deal with not only as elected officials but as a community as a whole. Everyone pays and everyone pays too much because we do not offer the proper care up front.

We need to look at the preventive care that is so very critical and very important and that can help prevent a lot of the diseases. The beauty of it now is that we can tell when youngsters are prone to have diabetes, type 2 diabetes, but what do we do with that information? Unless we do something to help prevent that diabetes as that youngster grows up, then we are defeating ourselves.

My colleagues will also hear me speak time and time again on the need for improving access for the uninsured, especially with regard to the health status of the most underserved population, the poor, the rural population, the children, and minority of this country. The current debate on patients' rights illustrates the access to service that does not necessarily guarantee quality of service.

We tend to associate barriers to care only with the uninsured, but even the insured in this country have a barrier to service. Those who have health insurance also, as my colleagues well know, face those barriers, and we need to make sure that those people at least have access. After all, they have been paying for that insurance, and when they get sick, it should be there for them.

Let me be clear. Managed care companies provide a valuable service for millions of Americans. Health care must be affordable and it must be available. HMOs do work hard to reach those goals, but there are excesses. There are situations where individuals lose out and there are situations where HMOs have not been responsive. For many, health care coverage has not been there when it is needed.

I recall a story that was told of LBJ, when he looked at establishing Medicare and Medicaid in this country back in the 1960s, and the story is that when he was having difficulty with the insurance companies who continued to bring obstacles on Medicare and Medicaid, he brought them into a room and he basically told them, and it is a very similar situation that we find ourselves in now, where he said, look, we all know that you are willing to take care of individuals when they are young and healthy, but as soon as they get old and sick, you are unwilling to expend what needs to be expended.

As the story goes, LBJ got those people there into that room that were part of the insurance companies of this country and he told them, look, I am willing to help you by taking and being able to support and establish a Medicare and taking care of the senior citizens. After all, the statistics and the data showed that a lot of the companies were basically dumping our seniors after they got sick, very similar to what we find now in a lot of areas.

So LBJ was able to convince them to support him on establishing Medicare for our seniors because, after all, those are the ones that are the most ill, those are the ones where the private sector is less likely to make a profit from, and they knew that they needed some help in that area.

For the same reason, for the indigent, who did not have the resources to buy the insurance, he asked them to allow him the opportunity to establish Medicaid for the indigent so that these people that do not have those resources to buy insurance that they can be able to have access.

So now we find a dilemma that in this country we somewhat take care of our seniors with Medicare and somewhat take care of our indigent with Medicaid, but in middle America we find people who are working hard, who are trying to make ends meet, in a bind, and yet not having access to good quality care. In fact, we have the largest number of uninsured in this country, over 42 million and growing.

So many of us have experienced the frustration of having also changed doctors because they are no longer a part of our plan. The patient bill of rights addresses this issue, where individuals should have the right to see the doctor of their choice. It does not make any sense for them to force an individual to see someone that they do not want to see, especially if they have their own doctor.

It also is troubling not being referred to specialists when a doctor says a person needs to see a specialist. That opportunity needs to be there and that opportunity is not there now with the private sector, some HMOs, who are giving individuals a rough time and giving those people who do pay their monthly premiums and should be able to have access to good quality care and to the specialists that they need. Such is the case with my constituent with lupus who had difficulty getting access to good care.

We continue to hear these stories throughout the country. The passage of a Patient's Bill of Rights is important for all Americans and for members of the various communities that make up this Nation. As chair of the Congressional Hispanic Caucus, on the Task Force on Health Care, I would also like to highlight briefly how a Patient's Bill of Rights would help the Hispanic community in particular.

The needs of managed care reform is especially important for Hispanics. Fully two-thirds of privately insured Hispanics are enrolled in managed care while only about one-half of privately insured whites are in managed care. This is based on a study done by a medical expenditures panel survey. In addition, the health care system is complicated enough, but for Hispanics and populations with limited English proficiency, the task of dealing with managed care is even more difficult. We need access to good culturally competent, linguistically sensitive providers that serve our communities.

I want to share an example when we talk about culturally competent. This was a story that I continue to tell because it is a true story, a devastating story, of a woman who was told that she was positive for AIDS.

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In Spanish when you say positive, just like in English, it is "positivo." If you do not explain what that means, the lady when she was told she was positive, she felt everything was great, not realizing that she was positive for AIDS, and she had a child that contracted AIDS. So the issue of cultural competency and linguistic understanding is very important.

Hispanics, because they are more likely to be in managed care, are also more likely to have limited providers' options and limited treatment options. By having the right to choose doctors, patients can seek a doctor who speaks the same language. Managed care may be less likely to provide treatment and diagnosis that most affect these populations.

Mr. Speaker, I am joined tonight by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman for his leadership on the question of health care, both as a Member of Congress as well as a member of the State legislature in Texas. I think this is an important enough topic to give a chronological history.

As I was listening to this debate in my office, I thought it was important to explain that people should not be frightened about this compromise. I am excited by the Senate bill and the compromise in the bill in the House, the Ganske-Dingell bill. I see no reason why this bill cannot pass from the House into the Senate and receive the signature of President Bush.

As the gentleman from Texas knows, Texas passed a similar initiative; and to my knowledge, we have not suffered in the loss of good health care. I am sure that we can work to even improve the concept of reasonable balance between patients and physicians. That is all we are talking about, is giving the American people the right to be able to make decisions about their health care along with their physicians, simply plain and straight to the point.

I am reminded of this debate, and I have been engaged in this debate it seems to be three sessions. I remember when we had a number of hearings about tragic situations which have occurred. I would like to bring back one in particular, and I think this young man if I recall, I do not want to add to the story, but I believe he was an amputee, at least two legs, I am not sure, I think he lost two hands as well. He was a youngster under the age of 12. He was an example of a youngster who had been picnicking with his relatives and had fallen and had gotten onto some dirty nails. His family was rushing him to an emergency room, but because of their insurance, their insurance was not accepted at that particular emergency room. Therefore, they had to travel miles away. It was a rural community. Just that distance caused the young man to be put in dire condition and therefore became an amputee on that basis because he could not be treated by the immediate emergency room. That is what the Patient Bill of Rights is attempting to do, to be able to ensure that the Hispanic woman who spoke Spanish, who understood everything is okay from the word "positive" versus that you are positive with HIV, that kind of lack of sensitivity would be no more.

That the idea of being turned away from an emergency room simply because you are in the wrong location simply has to stop. This is a powerful country, and although health care is not in the constitution, it certainly should be a right and privilege of Americans.

This particular bill as I understand it allows for the extra protection, I do not call it the right for a lawsuit, the extra protection to be able to, if you will, challenge and hold responsible any culprit, any particular entity that divides health care between patient and physician.

If the HMO tells the loved one while the patient is needing care I am sorry they cannot get it because your insurance does not cover or you have not paid enough, or we do not want you to have that because the doctor says you should have it, it is extra and something tragic happens, I believe that the American public deserves the right to hold that entity accountable. That is all we are asking for, is to ensure that those privileges are had and the Patient Bill of Rights reestablishes the privileges of the patient and reestablishes the right for medication and dialysis, reestablishes the right treatment for diabetes as opposed to being denied that right; and so many of my constituents have had that experience.

Mr. Speaker, elderly are living longer and the HMO is saying, I am sorry, they are at that limit, we are not going to approve it.

In closing, I had that experience with my father. Of course we do not come to the floor of the House to generate personal stories of our personal dilemmas or personal frustrations, but it is always good for people to know that we walk in their shoes. There is no special treatment and should be no special treatment for Members of Congress, and we do not want any special treatment. I want every American who has health insurance to feel the confidence that you can go in and assure that that physician is going to be the one between yourself and if it is a loved one, deciding the best health care, having the ability of the physician to be able to expand on health care or procedures, not frivolous procedures, we do not want that. We have been in a process of efficiency and management. I believe in that. I believe in bringing down the costs.

But, Mr. Speaker, I also believe that this bill is long overdue, that physicians can sit down and say I think he or she can try this treatment or I think you need this surgery and I have researched it and they need to have it.

Mr. Speaker, to see a patient on the phone lines trying to argue with the insurance companies is a frustrating process to watch; and I encountered that through the long illness of my father, talking in the hospital, in a phone booth, trying to talk to the insurance company to provide a certain coverage of someone who had paid insurance and was covered by insurance, and trying to make the argument that this is a kind of treatment that was needed or a transport that was needed because insurance companies pay for transportation from one hospital to the next.

I do not think that Americans should be subjected to that, and particularly those who adequately provide coverage for them or their loved ones. This is an important effort that we are engaging in. I hope this bill that is being debated in the Senate will quickly come to the House and we will find a way in our consciences and also in our representation of the American people to finally give them a Patient's Bill of Rights which balances patients, physicians, loved ones, and insurance companies.

I say to the industry of insurers that sometimes it looks frightening when you see something on the horizon, but it is interesting enough that a number of States, including the State of Texas, has now for at least 4 years had the kind of Patient Bill of Rights that we are trying to give to the American people.

I do want to refute the point that insurance costs are going up. We have already documented that corporations can find a way that they do not pass those fees or suggested costs on to the insured, on to the employees. It can be done. It did not happen in Texas as we understand it; and, therefore, I do not think it will happen on a national level.

I thank the distinguished Member for having this time to talk about this important issue. I hope that our colleagues will move this bill quickly because I think it is an important step for America in improving the health care delivery system that is so much needed.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman for her participation. I know the gentlewoman mentioned specifically about the fact that there are people making decisions, and as we well know, sometimes it is the accountant making a decision whether the patient should have a specialist or not. The ones making the decision should be the physicians. They are the ones that know best. They should be deciding whether a patient should have access to a specialist or not, and it should not be based upon economics. As the gentlewoman knows, this bill will make sure that occurs.

As the gentlewoman stated, we want to see the doctors of our choice. It is a basic right that a patient should see a doctor that they want to see and that just makes all of the sense in the world. We want to make sure the patient feels comfortable. The gentlewoman mentioned the importance in terms of making sure that the language barriers and the competency is there. Nothing is worse than a patient being sent to someone that they do not feel comfortable with, that they do not feel secure with. That the patient feels maybe they are not making the right decisions. Maybe a patient has someone that they have been seeing all this time that they want to continue to see.

I have always had my own doctor, and I have continued to see him despite the fact that my insurance does not cover those visits, but I continue to see him because I want to see him.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman would yield, that is a vital point. That is the continuum of care. Over the last 5–10 years, we have seen the patient moved around like a shopping cart being moved around at the grocery store. One time you are in one aisle looking at cereal boxes. Another time canned meats, another time fruit juices, meaning that the patient cannot have that physician that they have a trust in that they have had for 10 or 15 years. We used to keep our physicians for a period of time. When the insurance came in and said I am sorry, you have to move on to Doctor So-and-so because your longstanding doctor is not on the list. Continuum of care is a vital part of health care in America.

Mr. RODRIGUEZ. Mr. Speaker, the gentlewoman has hit the nail right on the head. That is one issue that all Americans agree we need to push for. The Patient Bill of Rights allows us to have the doctor of our choice.

When we look at that and when we look at lawsuits, we have not seen that many lawsuits, but I will attest that if an accountant makes a decision whether you should see a specialist or not and that person dies, and that decision was made not for a medical reason but in terms of financing, then they have every right to be sued for malpractice. It is unfortunate that that is occurring in this country. We need to put a stop to that. I thank the gentlewoman for being here with us.

Mr. Speaker, I want to take this opportunity to stress a little more in terms of the language barriers that exist, both to services and to health care that we encounter. The experiences that a lot of people have, if they do not speak the language, it becomes very difficult. We need to continue to move forward on that.

Mr. Speaker, tonight I am joined by the gentleman from New Mexico (Mr. UDALL). I know the gentleman has been active on health care and has serious concerns about access to health care, and I thank the gentleman for joining me tonight.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from Texas. It is nice to be here with the gentleman this evening. Let me first say that the leadership of the Hispanic Caucus on the health care issues and on the Patient's Bill of Rights has been very impressive. I have a district in New Mexico that is 38 percent Hispanic, close to 20 percent Native American, and the leadership that the Hispanic Caucus has shown in terms of educating us on these issues has been very, very helpful to me.

The gentleman mentioned an issue that I wanted to say something about, until I go on to continue with the Patient Bill of Rights, and that issue is this issue of why we are giving patients the right to sue an HMO.

Mr. Speaker, we have two States which have passed laws very similar to the bills we are considering now. California and Texas have passed Patient Bill of Rights laws. To listen to the other side argue and to listen to the HMO community, the managed care community argue, one would think that we were going to have runaway lawsuits. You would think that juries are going to go crazy and award massive awards. In fact, those two laws which have been in place now a number of months, one of them in Texas, went through and was put in. President Bush did not sign it, but he could have prevented it and he allowed it to become law. I believe only a half dozen people have even filed a claim under that law.

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And so the one thing that we have got to get the word out on is that this is not a situation that is going to jeopardize these companies. This is not a situation that is going to end up in runaway jury verdicts. This is a situation where we just give a patient an opportunity to have their day in court is really what we are talking about, if they are seriously injured, if someone is killed as a result of a medical decision, that they have that kind of opportunity. That is a very important point.

I think the same thing is true, as the gentleman knows in California. Only about a handful of individuals have filed. It has not been a situation that has fostered lawsuits. The important thing here is to protect the civil justice system.

A couple of words on the Patients' Bill of Rights. I believe that this is a very, very good bill because it protects patients and all of their various options. There is nothing more frustrating as a patient to have care denied and not understand why. There is nothing more frustrating as a patient to have an expert be turned down to look at your particular case. What we are talking about here is very simple, common-sense rules that make the HMOs produce quality care.

I will never forget as State attorney general when I heard this whole idea of managed care coming in, as the gentleman from Texas (Mr. RODRIGUEZ) knows, they sold it to us that it was going to be cost effective, which they have cut a lot of costs, there is no doubt about that; but they said the quality of care is going to go up. In fact, that has not happened. The quality of care has gone down, people have been denied care, patients find themselves dealing with these large bureaucracies, and they do not have any idea how to get through them. That is a big, big problem.

Let me just sum up by saying, the Hispanic Caucus has been a real leader on this issue. They have taught me a lot, the gentleman and the other members. It is a real pleasure to carry on this colloquy today with the gentleman about these issues.

Mr. Speaker, I rise today to address an issue that is important to and affects many people throughout the country, particularly many of my constituents who live in the 3rd Congressional District of New Mexico. As our colleagues in the Senate begin to take up the very important issue of a Patients Bill of Rights, it is important that we highlight the various and unique obstacles that Hispanics in the United States face when it comes to managed care.

Many Hispanics who belong to managed care programs often face obstacles that others do not. One obstacle is language barriers. At times, language barriers adversely affect not only their access to health care, but that of their children, as well. A recent report by the Agency for Healthcare Research and Quality showed that the inability of many Hispanic children to access care is a result of their parents' inability to speak English well enough to interact fully with the health care system. Furthermore, pamphlets and written information are sometimes available only in English, which presents another set of challenges for many Hispanics in the United States.

Moreover, the difficulty of navigating through the bureaucratic managed care system is often complex and burdensome. This can often present a challenge to anybody, but can be compounded by unfamiliarity with the managed care system and difficulty with the English language.

In addition to these specific problems faced directly by some Hispanics accessing and obtaining managed care, there is also a general lack of data that outlines the specific Hispanic needs pertaining to managed care programs.

While these issues I just mentioned are faced by Hispanics on an individual basis, there is another more systemic problem, that being the lack of Hispanic representation at the administrative level. It is important that more Hispanics are able to participate in the decision-making processes in managed care. There are many reasons why this is important, one of which is that individual's from similar backgrounds can better related to the challenges faced at the individual level.

As this Congress takes up a Patient's Bill of Rights and help guarantee the safety and care of patients, it is important that we not forget the unique challenges that Hispanics face when dealing with managed care. The issues that have been discussed tonight must be addressed in order to insure that Hispanics are able to receive the care they need and deserve.

Mr. RODRIGUEZ. I want to thank the gentleman from New Mexico (Mr. UDALL) for his service. I know he has been working real hard in this area, too. He mentioned the lawsuits. He is right and correct in the fact that we have not seen those lawsuits in Texas. It just gives that right. They know that the decision should be made by the medical profession and not by the accountants. In addition, he also represents a State that has a lot of rural community, a lot of Hispanics also that are uninsured. I know he has worked hard in representing them. I want to thank him for what he has done in that area. And also the fact that rural America, such as rural New Mexico and Texas, find themselves without access to health care. A lot of the managed-care systems are not operating in rural America. We have a great deal of difficulty in getting access to managed care in those areas. It has created a lot of problems for us. I want to thank the gentleman personally for what he has done on behalf of New Mexico and everyone in New Mexico including the Hispanics there.

Mr. UDALL of New Mexico. The rural part of this, as the gentleman knows, is a huge issue. Rural America does not have the opportunity to take the benefits that managed care provides, and we are especially seeing that in my district and in rural New Mexico in regard to Hispanics. I thank the gentleman once again for his leadership. I see we have another of our distinguished colleagues here that I know he is going to talk about, a real champion of health care issues for Hispanics.

Mr. RODRIGUEZ. I thank the gentleman from New Mexico for joining us tonight. I thank him for coming out. I know it is kind of late.

We are also joined tonight by the gentlewoman from California (Ms. SANCHEZ). I want to thank her for coming out here tonight. I know it is kind of late. She was also working on an issue today on the House floor. I thank her for coming back and joining me.

Ms. SANCHEZ. I thank my colleague from Texas very much. This is such an important issue. I want to take the opportunity to thank him as a Hispanic sitting on the Hispanic Caucus, which is the nonpartisan official working group of this House of Representatives that talks to the issues that in particular affect Hispanics. Of course the gentleman and I both know that health and health care is one of the largest problem areas for our population for a lot of reasons, lack of knowledge in particular. And so when we look at something like a Patients' Bill of Rights, when we look at the effect that policy can have on giving right information, giving all the information, explaining better the information to a potential patient becomes very important for Hispanics in particular. Or just the convenience factor. Most of us, we run around and we think it would be difficult to schedule different appointments with different doctors. For someone in the working class, it is very difficult to take time off from work in order to go and see their doctor, and so to make multiple visits becomes a very difficult thing.

I just want to take the opportunity to thank the gentleman for the type of work he has been doing, heading up the health care task force within the Hispanic Caucus.

Mr. RODRIGUEZ. I thank the gentlewoman for joining me tonight. She has worked hard in the caucus on various task forces. I know she is interested in health also, and I know she is very interested in the Patients' Bill of Rights. We have talked tonight about the importance of seeing the doctor of our choice, the importance of making sure that physicians make the decisions and not accountants, the importance of making sure that we hold the managed-care system accountable when that person needs a specialist and the physician says that they need a specialist, then that person should be allotted that specialist.

We have a variety of cases that have been brought, I know, to her office. The gentlewoman has had letters from people who have had difficulty with managed-care systems. I shared with the public a particular person who had had lupus, a disease that required a variety of specialists and had not only had to fight with her illness but also had to fight with our managed-care system.

Ms. SANCHEZ. And in particular with respect to diseases, it is really troublesome when we see that the Hispanic population in particular in the United States is having such a problem. They are one of the largest, fastest-growing segments of the population with respect to HIV. Not enough testing gets done there. They have the highest, probably three or four times out of the general population, ability or propensity to get diabetes.

We not only see that they need to see doctors but why it becomes so important to see the doctor of your choice. In some cases, there can be language barriers, not getting exactly the right communication going between doctor and patient. Think about how we feel. Once we find a doctor that we are comfortable with, it is almost like we do not want our insurance ever to change because we want to be able to have always the same doctor. You feel comfortable going to that doctor. Imagine how somebody feels who may not completely and totally understand the English language as well as a natural-born citizen here. I think of my own parents. My mother has a master's degree in Spanish and English. She is a teacher. Yet she always feels more comfortable hearing, especially difficult things, complicated things, complex things, in her native language of Spanish than she does in English.

Think about if you have ever been to the doctor, and they come out to tell you something, most of the time these doctors do not even know how to tell you in layman's terms what the heck is wrong with you and they are talking English. Imagine if you have the barrier of a language, it becomes even more important for people to have choice of doctor, to have portability if they go to a different job, of taking that insurance. And also a lot has been said about, oh, my God, this Patients' Bill of Rights is just about lawyers who make lots of money being able to sue HMOs.

That is not the case. First of all, if you are working class or lower income, even if you are middle class, actually, and you have a problem and you go to do these types of suits, you go to do a type of suit like this, it is a very long and expensive process. And so these contingent fees, if this goes nowhere, those lawyers, they lose all the expense money and all their time and effort. They do not get paid one dime on that. I think those who saw "Erin Brockovich," for example, understood that comment, that these people really only take a case if they think that there is something there most of the time. And so for someone, especially in the Hispanic population, a majority of the people who are Hispanics, we fall in that category. We do not have a lawyer on retainer. How do we know what to do?

Mr. RODRIGUEZ. The gentlewoman is right. I think one of the realities is that we need to make sure that everyone has the right to have access to health care. In so doing, she talks about the importance of those barriers and cultural competencies. If you are a woman, you might want to see a woman, depending on the type of illness. There is no doubt that in terms of feeling more comfortable, sometimes even a Hispanic might not make you feel comfortable. And so it is important that you see the doctor of your choice. Once again, she mentioned the issue of lawsuits. I think it is important that the judiciary is always the last resort. If you are doing the right thing, you should not be afraid of that. But when you do have people that are not physicians making the decisions whether you should see a specialist or not, then you need to be liable. I think it is important that the decision is based on money.

What we found in Texas that has the same rights as we want to establish here, we have not seen the lawsuits. We have not seen the abuse. Where we have seen the abuse is where they feel they can do and undo as they please because of the fact that you cannot do anything about it. It reminds me of that story, of that person who finds themselves having to fight both the disease and the system.

I want to thank the gentlewoman for joining me here tonight. We have a few more that have come over, a young lady that has also talked about coming and talking, so we will continue to do that. I do not know if she wanted to make any other comments.

Ms. SANCHEZ. That is fine. I know you have a couple of more over here to talk about their feelings and what people in their districts are feeling with respect to the Patients' Bill of Rights. We really need to do something about righting this situation. People should have choices. They should be comfortable that they have choices, and they should feel that they have been dealt a fair hand in dealing with the insurance coverage that they have. I thank the gentleman for doing this Special Order.

Mr. RODRIGUEZ. I thank the gentlewoman from California (Ms. SANCHEZ) for joining us.

We are pleased to be joined by several other Members. I want to ask them to go to the mikes as they get comfortable, and then later on we will be dialoguing as they come in. I want to ask both of them to join us as we bring closure to the comments of tonight. I thank them for coming out here tonight as we talk about the Patients' Bill of Rights and the impact and the importance of having access to the doctors of our choice, making sure that if the physician says that we need a specialist, that we do have a specialist. I thank the gentleman for being here.

Mr. STRICKLAND. I thank the gentleman for sharing these few moments with me. I will be very short. I was watching the gentleman on C-Span. I thought of one of my constituents that I wanted to come over and share with him. Tonight in Hillsboro, Ohio, in Highland County, Ohio, there is a constituent of mine who is 31 years old. Her name is Patsy Haines, she is a wife and a mother, and she has chronic leukemia. This Saturday we are going to have an auction. We are going to auction off items that neighbors and friends have contributed to get money to try to help Patsy Haines and her family afford the medical care she needs.

I would like to explain something else briefly. Patsy Haines worked for a particular company that had a self-insured policy, insurance plan. She worked there for 5 years, until she became too ill to work. Her husband has worked at that company for 7 years. Patsy Haines has a brother who provides a perfect match for a bone marrow transplant. Her doctor says if Patsy Haines receives this transplant, the chances are she will be cured and live a long life and rear her child and be a wife to her husband.

This is the problem: the insurance company refuses to pay for the transplant, saying that it is experimental. I went to the James Cancer Hospital in Columbus, Ohio, where some of the world's leading cancer experts work. I talked to the transplant team there. I talked to a young, very inspirational physician, degrees from Stanford and Harvard and a leading expert in bone marrow transplant.

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He confirmed that this is exactly what Patsy Haines needs. He said it is the standard treatment.

I went to the Ohio Department of Insurance and I shared Patsy Haines' story with them and they were sympathetic but they said we really have no jurisdiction over this situation.

So we find ourselves in the United States of America, in the year 2001, where a young woman, a wife, a mother, is facing a situation where she may lose her life. It is shameful. All of us in this Chamber should be ashamed that we have not passed a Patients' Bill of Rights long ago. It is beyond belief almost that we would actually stand in these Chambers and debate whether or not an American citizen should have the right to go into a court of law to have their rights defended when they are denied necessary and needed medical care.

I thank the gentleman for this special order. The American people need to know what is going on. If they do know, I believe we will be forced to do the right thing even if we choose not to. So I thank the gentleman for this special order and for this time that has been given to me, and I hope that we can move together in the days and the weeks to come to accomplish this good thing for the American people.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentleman very much for sharing that story. As we see, each Congressman that has come has shared a story from their constituents; and I want to thank them for that.

As we start bringing closure, I want to make sure I recognize my fellow Congresswoman, the gentlewoman from California (Mrs. NAPOLITANO), who is joining us tonight.

Mrs. NAPOLITANO. Mr. Speaker, I came in at the tail end of this; and I certainly want to add my two cents. I have been in the labor market, so to speak, over 50 years. It may seem kind of crazy, but I have been. In those years, I have seen the different types of coverage that employees have had because during my work period I can remember when an employee would have an illness or a need to have surgery. There was never any question about the services to be rendered to that individual by the coverage the company afforded them. There never was a question about whether or not it was legitimate or not. It was assumed that if the employee was determined to have a need, that need would be filled by the provider.

Well, things have changed. And through the years, we see that the companies have put in place deterrents for people to get the type of care that they are entitled to, because the insurance company provides it for them and they determine that they are the ones who are going to determine whether or not it is going to be treatable.

Well, that affects us all. I have had numerous phone calls from constituents just recently, a gentleman, a business owner no less, who has been in business many years, diabetic, had a foot infection. He was waiting for the provider to tell him whether or not he could get services in a hospital to take care of an infection. That is a very serious thing for a diabetic to have a toe infection. So I asked him to go to the top and make his wishes known. He was a businessman that should have been able to reach somebody besides an accountant telling him, well, wait until the decision is made.

We have many people whose lives hang by a thread and the more that they are made to wait the chances for their survival diminish. I think it is important for the people to understand that we want to have the ability to pass such legislation so they should also be aware that as we go through this session that we would like to have their input so that we can then be more cognizant of what we need to do.

We already have all kinds of information. However, it is not happening; and I think it is time that we move forward and get through Congress this year an effective bill of rights that allows any individual, legitimately needing a service, to be able to obtain it.

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman from California (Mrs. NAPOLITANO) for her comments. The Ganske-Dingell piece of legislation allows this opportunity. By the way, this particular bill has been passed by the House and we will have an opportunity to pass it again and hopefully pass it through both Houses and be able to make it through.

Once again, I want to thank all the Members that have come out today to provide their testimony of the importance of the Patients' Bill of Rights and the importance of passing this to be able to see the doctor of one's choice.

WE ARE ALL FOR A PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I enjoyed listening to the comments of the previous speakers. This evening, I want to really focus the majority of my comments on differences between the East and the West in the United States, differences between the East and the West in the State of Colorado and really talk a little about natural resources and water and so on, but I cannot help but have listened to the comments, the preceding comments.

I would point out that I think, for example, the gentleman from Ohio (Mr. STRICKLAND) who cites an example of a constituent of his who needs a bone marrow transplant, I think those stories are very appropriate. I think it helps us focus in on the debate. What I question and what I intend to challenge, and my colleagues understand this, what I intend to challenge are some of the stories that I am beginning to hear.

This evening I heard from one of the preceding speakers that a young man apparently fell on a nail, was taken to an emergency room. The emergency room refused to treat him even though he apparently was, quote, in dire straits, because he did not have the right insurance and that as a result of that young man being refused in an emergency room because he did not have the right insurance, he was transported to another hospital and as a result of the transportation resulted in the amputation of his leg.

If this is true, it is a pretty remarkable story, very sad story. What I think tends to happen, what I think tends to happen when we get in a very emotional debate, is that some of these stories get exaggerated. Now I have often heard people say, well, someone is refused because they did not have insurance, they were dying, they were hauled to the emergency room from a car accident and the emergency room doctor said, sorry, you do not have insurance and we are not going to treat you. That is not true.

If it is, let me know about the particular case, Mr. Speaker. My colleague, who by the way is from Texas, I hope he provides me with the details and the names of those people because I would like to investigate the case. If we have emergency rooms in this country who truly reject someone who necessarily needs emergency treatment, number one, it is against a Federal law if they accept any Federal funds at all, and there are very few hospitals in the country that do not accept Federal funds, so if they are doing that they are violating the Federal law.

Number two, my bet is that once we hear the other side of the story, that many of the stories we are about to hear as this Patients' Bill of Rights begins to pick up momentum, let me put it this way: I think we, on this floor, have an obligation to be accurate in our statements, especially when we are dealing with human life and especially when we are dealing with human suffering and especially when we are attacking, for example, some hospital who theoretically rejected a young man who was in, quote, dire straits and as a result the young man got his leg amputated. That is pretty serious allegations.

Maybe it is true. As I said, I kind of question it, but I would like to look into it.

Furthermore, I know that Patients' Bill of Rights sounds good. I would just urge my colleagues, remember that saying, the devil is in the fine print. You stand up, you go out on any street in America and say, hey, do you agree with a Patients' Bill of Rights? And they are going to say well, sure what is wrong with that. Sounds good.

It does sound good, but before you sign, Mr. Speaker, the American people to this contract you better take a look at what the fine details say. I can say to my colleagues, it is a bunch of hogwash for them to believe for one moment that this Patients' Bill of Rights is not going to result in lots of lawsuits. America is a country of litigation.

America is a country of intense legal wrangling. Give the trial lawyers an opportunity to prosecute cases, they are going to go after it like a kid goes after cookies. Let us be up front. Now I am not saying that there are not cases where there should not be lawsuits but let us be up front when we talk about this. Do not pretend more lawsuits are not going to result. Of course more lawsuits are going to result. Let us debate whether they are justified or not justified. At least let us be open on the front end and say this Patients' Bill of Rights will result in trial lawyers filing lots of lawsuits in this country.

If these lawsuits are not justified, it is the consumer who will pay for them. Let us take a look, as we have, and I want patients to have rights, all of us do, but do not pull the wool over their eyes by saying here is a bill of rights that in the end costs them more money and as a result more money to get insurance and as a result less people get insurance because insurances become more costly because my colleagues, on this House floor, decided they are going to ride in on their white horse and save the American patient from, as described earlier, gross abuse. There are unique cases of abuse and those should be addressed, but be very careful about what you are going to sign on to. Do not let the emotional thrill or the emotional warmness or the cuddliness of the word of a bill entice you into believing that this is the answer for our medical crisis in this country.

There are a lot of good doctors in this country. We happen to have a pretty darn good medical delivery system in this country. Sure, we need improvement. Sure, we would like to figure out how to get more people insurance. Sure, we would like to figure out the prescription costs in this country. But do not take that little bit of bad and throw out all the good. Do not, in an attempt to fix the bad, end up making its spread worse and actually doing damage to the good things that our medical health delivery system in this country does for us.

WHEN THE WEST MEETS THE EAST

Mr. MCINNIS. Let me move on from there. I had an interesting talk in Massachusetts not too long ago. Of course, as my colleagues know, my district is the Rocky Mountains of the State of Colorado. It is the highest district in the Nation elevation-wise. It is a district with great beauty, huge mountains. We have 54 mountains over 14,000 feet, by far more than any other district in the country. It is a district that many, many people visit, Aspen, Telluride, Beaver Creek, Steamboat Springs, Durango, Glenwood Springs down in the San Luis Valley, Rocky Mountain National Park, Great Sand Dunes, Colorado National Monument, the Black Canyon National Park. Most of my colleagues have all been probably at one point or another been into my district for a vacation.

Going back to my point, I was in Massachusetts. I was talking to a wonderful couple named Tony and Cathy Frasso and their son David. We were talking about public land. We were talking about some of the differences between the State of Massachusetts and the lands in Massachusetts versus the lands in the West. There is a dramatic difference between the lands and the way the lands are governed, for example, between the way decisions are made on lands in the East and lands in the West. That is really where I want to start my comments and focus my comments on natural resources this evening.

Let us take a look at just what I mean by that. Obviously, we have here a map of the United States. We will see in this map that the color over here represents government lands. So on this map, what this map depicts, is wherever color is seen on the map that says that that is owned by the government, that land is owned by the government. If we will notice, my district, by the way, is right here in the State of Colorado, right along this border. That district geographically, that land mass right there, is larger than the entire State of Florida. We will notice how interesting it is that in our country primarily in the East, in other words from my eastern border on the third district in Colorado to the Atlantic Ocean, and from Canada to Mexico, there is very little government land in these areas. Look at some of these States. They have little dots of public lands. Some of these States hardly have any government lands at all and yet when we take a look at this eastern border and come West to the Pacific Ocean or again go from Canada down to Mexico, we see massive amounts of government land.

□ 2045

Well, there are a couple of questions about that. Number one, from a historical point of view, why the difference? Why does the government own big chunks of land in the West and, relatively speaking, very little land in the East? What kind of impact does it have on decision making? And what is it like to live when you are completely surrounded?

You see in these colored areas, there are communities, millions of people live out on these lands, or they are surrounded by these government lands. The public "public lands" is not an often spoken word out in some of these States. In my district, it is spoken about all the time.

Let us talk and give an answer to the first question I asked, what is the historical basis for this massive amount of government land in the West, and yet very little government land in the East? It is really pretty simple, and it goes back to the frontier days of our country.

When our country was being settled, we were making acquisitions of land. It was our dream in this country to expand our boundaries, to go out and go west. Remember, going west was just a little ways west of Washington, D.C. back then. But the dream was to go out into the new frontier and claim new land for this new country that we had, to make our country great, by growing it in size.

But in order to do that back in those days, you did not just get a deed. For example, when we purchased Louisiana, made the Louisiana Purchase, simply having a deed to the property did not mean a whole lot. In fact, in those days, possession, as the old saying goes, possession is nine-tenths of the law. You really needed to be on the property, in possession of the property, with a six-shooter on your side. That is a lot, the law of how the land in the West was settled.

So, what happened, the government had to figure out, they had to occupy this land. Your elected leaders in Washington, D.C. had to figure out how do we get people to go west? How do we get people to possess this land? How do we get people to till the land and to put the land to good use so that we continue to build this fine country of ours?

The answer came up that most people will leave the comfort of their home, or at least a good number of people will leave the comfort of their home, if you promise them what every American dreams of, owning their own piece of land, having a piece of property that is in their name.

So the government decided the way to bring the people off the East Coast here and bring them west was to promise them land. They called that the Homestead Act, I think about 1862. And the government said to the American people, go out into this frontier, find a piece of property, put your stakes in the ground, and, if you farm it for a period of time, generally 3 to 5 years, we will let you take title to maybe 160 acres or 320 acres.

You see, back then, in Kansas, for example, or up there in Nebraska, or over in Iowa or Mississippi or Missouri or some of those areas, 160 acres was adequate. A family could live off 160 acres of farmland.

But the problem was when they hit the West, when these settlers came out, they started getting into the West, where 160 acres does not even feed a cow.

The people came back to Washington, D.C. and said we have a problem. Our idea of encouraging people to move west and settling the frontier through our Homestead Act is working in this part of the Nation. But when we come to the West, where the land is much more arid, for example, much more rugged terrain, where those mountain peaks in the Third District of Colorado go beyond 14,000 feet, at that point people are not stopping. They are not tilling the land. In fact, 160 acres will not even feed a cow in this new land we are in.

So they gave some thought to it in Washington, and somebody came up with the idea, well, what we should do, if we give 160 acres, say, in Kansas or Nebraska, maybe what we ought to do is give like 3,000 acres out in the Rocky Mountains, so that they can have a comparable amount of acreage that will feed a like number of cows or a like number of livestock.

But the problem was, they said look, realistically and politically we are not going to be able to give away large amounts of land in the West. Somebody else then said I have got the answer. What we should do in the West, just for formality, let us go ahead, the government, and keep title to the land. Let us go ahead and own the land in the West, and we will let the people use it. A land of many uses. It is called multiple use. That is where the concept of "multiple use" came from, a land of many uses.

This land, the reason it is in government hands, is not, contrary to what some of your radical environmental groups like Earth First may want you to believe, that this land was acquired for all future generations, and we should have hands off, and that for some reason, if you are out here in the East and happen to get there first, you are entitled to utilize and live off the land, but when you come to the West, you are not entitled to those kind of privileges.

The government did not intend this as one huge national wilderness area, for example. The only reason the government retained the ownership of this property was because, realistically and politically, they could not give that much land away to one person. But if you look back historically you will see very clearly that the government intended for the people to still continue to come to this area and they would be able to use the land in many different ways.

Today we have lots of different uses for this land. Obviously, we use our land just the same as you do in Kansas or Nebraska or Florida or Missouri or Vermont. We use our land very similar to that. But we also have lots of different uses. We have National Parks, just like others. We have open space, environments and critical forests.

Our water is very important, and our water in the West, remember, water in the West, which I am going to get into in some detail, the West is an arid area. In the West, we sue. We fight. Water is like blood in the West. In the East, in a lot of places, you have to fight to get rid of the water. Shove it over on your neighbor's land. In the West, you try and grab it on your land. So there are some differences there.

This points out for you what we face in the western United States, and that is that oftentimes in our land use policies, on our really everyday life out in the West, whether it is our highways that come over Federal lands, whether it is our power lines, whether it is our water, whether it is our tourism industry, our ski areas, our river rafting, mountain bikes, hiking, our kayaking, all of this, we all of a sudden have a landlord who is in a little tiny town here on the Potomac, Washington, D.C.

Very few of these States in the East, when they decide what they want to have for hiking, or where the mountain bikes are going to go, or, obviously most States do not have ski areas, but what other kind of recreational things they are going to do, they do not have to go to Washington, D.C. for permission. A lot of what we do in the West, we have to come east to the population area of Washington, D.C. to get permission to do it.

So my purpose tonight in kind of explaining the difference between the western United States and the eastern United States is to tell you that when you hear those of us in the West talk about public lands and talk about the impact of, say, wilderness areas, or logging, you listen to us, that you will give us a little time to tell our side of the story.

Over the years, we have gotten pretty good managers of this land, both from an environmental point of view, both from what we have learned from a technical point of view, both of what we have learned on how to manage our resources. And I think it is safe to say that there are a lot more people in the West that know about the land in the West than there probably are in the East, but sometimes in the West it is felt that they are being dictated to by people who have never experienced the West, or by people that do not feel the pain because they do not live on public lands.

In my district, for example, I think with the exception of one or two communities, every community in my district is completely surrounded by government lands. We have to get government permission for highways, we have to get government permission for recreational uses, we have to get government permission for open space, for endangered species, for water usage, et cetera, et cetera, et cetera. So there is a difference.

Let us move on and kind of focus in from a national picture. Actually, before we move to the State of Colorado, this is probably a good chart to take a look at, a comparison of some western and eastern States by the percentage of land, public land usage.

In 11 western States, and we picked 11 eastern States to compare side-by-side, so that those of you in the States of New York, for example, Massachusetts, Pennsylvania, Delaware, Maryland, Vermont, et cetera, we are kind of doing a side-by-side comparison in the West. So you have an idea of how public lands impact us much greater, to a much, much greater degree in the West than it does you in the East.

Again, the primary reason that we are impacted in the West and you escape the impact in the East is that historical knowledge that the only way they could encourage people to go in and use large amounts of land in the West was for the government to retain ownership.

Let us take a look. The State of Nevada, 82.9 percent, almost 83 percent of the State of Nevada is public lands, 83 percent. Connecticut, less than one-tenth of 1 percent, one-tenth of 1 percent is public lands. Rhode Island, about three-tenths of 1 percent. New York, seven-tenths of 1 percent.

So colleagues from Connecticut, Rhode Island, New York, Maine, Massachusetts, 1.3 percent. And this is where my friends, the Frassoes, Tony and Kathy and Dave, live, and I told them, 1.3 percent of your lands are public lands.

Take a look at what Colorado has. Thirty-six percent of Colorado is public lands. By the way, most of that 36 percent is in my Congressional District, the Third District of Colorado.

Look at the State of Utah. Sixty-four percent of the State of Utah belongs to the government. Those are public lands. Idaho, 61 percent. Oregon, the government owns over half that State. Wyoming, the government owns almost half that State. Arizona, almost half of the State of Arizona. Just under half of the State of California. Again, I just mentioned Colorado.

Let us go back over here. In the State of Ohio, a very large State, less than 1.3 percent of your State is owned by the government. So, for my colleagues here from the State of Ohio, you need to listen when somebody like our colleagues from the State of Nevada, who have 83 percent of their State owned by the government, come to speak to you about public lands. Listen to them. I know most of my colleagues do. But we need to have a better understanding of the difficulties that we face in the West, because they are unique to the West. Our everyday lives, the things that impact us because of government lands are unique to the West versus the East, I think this chart pretty well indicates some of that.

Now, let us go ahead and take a brief look at who some of the major government agencies that have these holdings are, major U.S. landholdings. The Federal Government owns more than 31 percent of all the lands in the United States. So if you take all the lands of this country, the government owns just under one-third of them.

State-owned, for all purposes, 197 million acres. Federally-owned, 704 million acres in this country are owned by the Federal Government. The BLM owns about 260 million acres, the Forest Service owns 231 million acres, and other Federal agencies own about 130 million acres. The Park Service has 75 million acres. The Native American tribes have about 45 million acres.

That is a lot of land. Most of us, when we talk about buying a new home, we think you are doing pretty well if you have a home that sits on a one-acre piece. Imagine, 704 million acres owned by the government, and the majority of that acreage, by far, the strong majority of that acreage, is in the West, where we live.

Now let us focus down on the State of Colorado. A very similar analogy applies to the State of Colorado between eastern Colorado and western Colorado. Now, they are very similar in that eastern Colorado is rural and western Colorado is rural. But if you go down the line, which basically is the Third Congressional District, you will see out here, go back here, in the colored areas, brown, green, blue and so on, those are government lands.

Take a look at western Colorado, right here, versus eastern Colorado. Eastern Colorado, there are very few public lands. In fact, the public lands really literally in some of these counties are the courthouse.

□ 2100

Down here you have some grasslands. You got national grassland up here, in an area over there; but primarily, most of the western slope of Colorado, most of it is owned by the government. That means that the people that live out in this area have to adapt to living and cooperating and working alongside the owners of the property, which is the government. And that has some huge impacts.

You can see why people in the West get a little defensive when somebody from the East starts dictating to them how the land in the West should be handled, especially when the people from the East speak of little experience, especially when the person from the East has never lived this.

For example, I always used to get aggravated when Clinton and Gore, when they spoke to us, they spoke to us about the West; and they would go out and make these grand announcements or by executive orders take large blocks of land and, in essence, put them off limits.

Why was I was upset? Not necessarily because of the fact that some of these moves were not good moves. In fact, some areas did deserve that, the executive order, not many, but some of them did. What bothered me the most is that the President and the Vice President outside of a vacation day or outside of a campaign had never spent a night in the West.

They did not know what our life was like. They did not know what the experience was like having to get government permission, for example, for the water you own, to use that water that you own. It goes on and on and on.

So I think at this point what I want to do is break down and go from our comments about the public lands and what impact the public lands have on the West to talk about a specific asset that we have got in the West, and it is very unique to the West, as far as the law is concerned, as far as the amount of it and the recycling of it and that is the subject of water.

Water is very unique. Water is one of the few resources we have in this country that is renewable. Remember that you often hear people talk, look, let us have conservation on water. Remember water is the one resource, it is the one resource out there that one person's waste of water could very easily be another person's water.

Let me give you an example. Years ago they came out with the idea, well, let us go and let us line all the farmers; ditches with concrete. And that way we will save water from being seeped into the ground. What some did not realize is that the water that leaked out of the one ditch may very well have been the water that popped up as a spring in a piece of property miles away.

Water, we do not understand today but we have a pretty good idea; but 20 years or 30 years from now, we will be able to actually track-specific water and see all the millions of veins that it goes in underneath our earth's surface, and how it benefits one party and yet hurts another party, et cetera, et cetera, et cetera.

But in the meantime, let us talk a little more about it. It is the only natural resource with automatic renewal. After falling from clouds as rain and snow, it may run into streams, lakes, or soaking into the ground. Eventually, it will evaporate and continues the cycle forever.

Now, here is some interesting statistics. If you take a look at all of the water in the world, all the water on the earth, 97 percent of that water, 97 percent of that water is salt water, and 75 percent of the remainder, so if you take the 3 percent of the earth's water that is not salt water, 75 percent of that 3 percent is actually water that is contained in the polar ice regions as ice caps.

As we put here, only .05 percent, only .05 percent is fresh water in streams and lakes. So when you take a look at the earth's surface under today's technology, the majority of water is salt water; or it is tied up in the polar ice caps. So that makes water a pretty precious resource.

Here is another interesting number. Seventy-three percent of the stream flow, so almost three-fourths of the stream flow in this country, is claimed by States that are east of a line drawn north to south along the Kansas-Missouri border. In other words, in the eastern United States, remember where I explained the differences here, in the eastern United States, 73 percent of the water in the streams in this entire country, three-fourths of the water is over in this area of the country, over in the eastern part of the country.

This is an arid part of the Nation, these government lands, the western States. Twelve percent is claimed by the Pacific Northwest. This leaves 14 percent of the total stream flow to be shared by 14 States which are over half the land area.

What I am saying here is that 14 percent, 14 percent of the stream flow of water resources in this entire Nation, 14 percent of it has to be shared by over half of the Nation in the western States. So geographically over half the physical size, over half the size of the country only gets 14 percent of the stream flow.

So that shows you why water has become such a precious resource in the West. One of the interesting things about water, and I know to some of you, the subject of discussing water gets pretty boring. In fact, I am going to have a sip of it right now, because we all expect water to be there when we turn on the tap.

It is kind of a boring subject until water no longer comes out of the faucet, then it becomes somewhat more of an issue. And as we begin to make huge advancements in water quality, as we begin to make huge advancements in aquatic life in our water, in better ways to utilize our water, in more efficient ways to utilize water, water becomes more of an important subject.

But I have some very interesting facts which I thought I would present this evening to my colleagues so that you have kind of an idea of how much water is required in our everyday lives, not water just for drinking, but water for our clothes, water for our food, water for our vegetation, et cetera, et cetera, et cetera.

I think one of the best charts I have seen is this one on water usage. This is the per-person drinking and cooking every day. Every person in America uses about 2 gallons of water to drink and to cook with. Flushing the toilet takes 5 gallons to 7 gallons.

Now interestingly enough, the Europeans, and I am not a big fan necessarily of some of the Europeans' technology, but some of the technology, especially when it comes to toilets they now have a dual flush toilet, a flush when you go one way, a flush when you go another way. That is a pretty smart idea. It helps conserve water. They use excess water to complete the job, so to speak.

The washing machine uses 20 gallons when you turn on your washing machine. A dishwasher to wash your dishes takes 25 gallons; taking a shower, 9 gallons.

Now, take a look at this. I find this part of the chart fascinating, take a look at how much water it takes, for example, for one loaf of bread, for one loaf of bread that you buy off the grocery store shelf, it take 150 gallons of water to bring that seed up, to process the wheat, to bring the flour, et cetera, et cetera, et cetera. It takes 150 gallons of water to produce one loaf of bread.

Take a look at one egg. This is unbelievable, one egg, to have one egg produced, you go through about 120 gallons of water. Thank goodness water is recyclable. Thank goodness it is a commodity that is rechargeable.

One quart of milk, to get 1 quart of milk, you need 223 gallons; or to get 1 gallon of milk, you need 1,000 gallons of water, a thousand gallons of water to produce 1 gallon of milk.

These are numbers that most people never heard of before. A pound of tomatoes, it is 125 gallons of water. A pound of oranges is 47 gallons. A pound of potatoes takes 23 gallons of water.

Now, what happens? This gives you a pretty good idea in the use of our country where the primary use of water is, water that is consumed for human consumption. What happens to 50 glasses of water?

If we have 50 glasses of water in our country that we were going to use for human consumption purposes, this is not water left in the stream or et cetera, this is water for human consumption, 44 of those 50 glasses of water are necessary for agriculture.

That points out to you just how important water is for our agricultural base in this country, three glasses of it is used by industry, two glasses are used by the cities and a half a glass is used out in the country for the people that live out in the country.

Pretty interesting statistics. Well, let me move from the charts that we have here and talk just a little bit more about the State of Colorado and the rivers that we have in Colorado.

First of all, I thought it would be appropriate in our capitol in Denver, Colorado. By the way, it is a beautiful building if you have an opportunity. If you are in Denver, stop by the State capitol. I have many good friends that work out of the State capitol. I served there myself.

One of the best sayings you will find in the capitol is by Thomas Hornsby Ferril: "Here is a land where life is written in water. The West is where water was and is father and son of old mother and daughter following rivers up immensities of range and desert thirsting the sundown ever crossing a hill to climb still drier naming tonight a city by some river a different name from last night's camping fire. Look to the green within the mountain cup. Look to the prairie parched for water lack. Look to the sun that pulls the oceans up. Look to the cloud that gives the oceans back. Look to your heart and may your wisdom grow to the power of lightning and peace of snow."

I think that poetic piece says it pretty well. In the West, water is like blood. In the West, our entire life is dependent on this resource. We need to understand it. We need to take care of our water resources. We need to keep people from preventing us from using water in a balanced fashion.

We need to be smart enough to keep our water clean and to figure out how to put our water to the best possible use. We need to be fair in our usage of water.

Take a look. In Colorado history, the first dam. Now, you hear lots of criticisms about dams, especially by organizations that generally are way off the spectrum, as far as balance is concerned. In the West, we are very dependent upon dams. In the West, we do not have lots of rainfall.

In fact, I think in Colorado I can tell you exactly in Colorado. In Colorado I think we average about 16 inches of precipitation a year, 16 inches a year. Take a look at what happened in Houston last week.

Now, I know that was a freak storm; but what did they have, 40 inches in a storm, 3 days or 4 days? We do not have 16 inches in an entire year.

The critical thing about water in the West, because we do not have a continual flow, because we do not have lots of rain in the West, we have to store the water that we have, primarily in the Rocky Mountains. We are dependent on our snowfall, the heavy snowfall that we get in the winter time; and then it is that spring runoff that comes off the mountains. A lot of times the runoff may come too early or the runoff may come in too great a surge, so we have to have the capability to store that water, to help us with flood control, to help us so that we have those resources in the months that we do not have any snow, in the months that we do not have spring runoff, in the months that we do not have much rainfall.

So storage of water is critical for life in the West. Now, that is not to say that we should store it at any cost. It is to say that we can store water in a smart and balanced fashion. It is interesting to hear that, that, for example, the National Sierra Club, their number one goal, or at least their number one goal last year was to take down the massive water projects in the West, Lake Powell, which is also one of our largest hydroproducers. Give me a break.

The West could not survive without reservoirs like that. In the West, we need to store that water. Understand, in the East, in many cases, you need to get rid of it. In the West, we need to store it. And our first dam actually in Colorado, our first storage was by the Mesa Verde Indians, and it was that ancient irrigation system.

They actually discovered that around 1,000 A.D. that the Indian groups there stored water, the Native Americans at Mesa Verde, they figured out that they had arid months. In fact, it is often thought that the extinction of that tribe down in that part of the State was a result of a drought, was a result of the fact that they could not store enough water to get themselves all the way through.

So there is a lot of history to the Rocky Mountains, and there is a lot of history to our water use in the Rocky Mountains. We have what they call Colorado the Mother of Rivers, that is what they call the State, because we have four major river basins in the State of Colorado. The first river basin is called the South Platte; the second, the Arkansas; the third, the Rio Grande; and the fourth, the Colorado River.

I am going to really focus on the Colorado River basin this evening with the time that I have left. Remember, rivers east of the Continental Divide, most of the Continental Divide is in my congressional district. We have all heard, colleagues, of the Continental Divide.

Rivers east of the Divide flow into the Gulf of Mexico. Rivers west of the Divide, like the Colorado River, drain into the Gulf of California and the Pacific Ocean. The Colorado River is a pretty unique river. First of all, the Colorado River is 1,440 miles long. It provides water for 25 million people. The Colorado River provides water for 25 million people, and that river which drains and provides millions of acres of agricultural water, it also provides clean hydropower. And in Colorado, we put in about 75 percent of the water resources for the Colorado River, although actually only about 25 percent of it is allowed to stay.

□ 2115

So the reason that water is so critical for us, aside from the fact that we have to store it, aside from the fact that we do not have much precipitation in our State, is that our water from our agriculture, our water for our recreation, we do everything, from our wild and scenic streams for tourism to our kayaking to our rafting to our snow making, we are very, very dependent on a very limited supply of water in the West. And so I thought that it would be good this evening to talk about water in the West.

I started this evening's comments by talking about the vast amounts of government land that sits in the West, and then transitioned into water in the West, which is one of the key ingredients. I intend in future comments to talk in a little more detail about the public lands, about the need for wilderness areas, about the need for grazing areas and the need for public interest areas, about the need for national parks and State parks, and about the need for open space. So my discussions this evening about water are just one segment in an educational series of how life in the West really is different than the East.

Now, my comments are not meant to put a divide between the East and the West. It simply is to explain the divide that already exists as a result primarily because of geographical differences, and that is where we have that. So this is my purpose. Water is our subject this evening.

I want to give a couple of other comments about water that I think are pretty interesting. First of all, as many of my colleagues may know, we have wonderful trout streams in Colorado. In fact, in the State of Colorado we have over 9,000 miles of streams; 9,000 miles coming off those great big mountains, those high mountains of the Colorado Rockies. We also have about 2,000 lakes and reservoirs. We are not like Minnesota or Michigan with those massive lakes, but considering the height, the elevation of the Rocky Mountains, Colorado is a really fairly unique State.

We have a lot of fun things in Colorado. For example, we have 13 different streams, called Clear Creek. But the key is that while there are differences in the United States between the east and the west, those differences also exist in the State of Colorado between eastern Colorado, primarily the cities, and western Colorado. My congressional district, for example, the third district of the State of Colorado, that district has 80 percent of the water resources in Colorado, yet 80 percent of the population resides outside that district. So within our own boundaries even in the State of Colorado there is a constant balancing requirement that is necessary. How much water should be diverted from the western slope to the eastern slope? What amount of water do we need to keep in the streams to preserve our aquatic life or the quality of the water? These are issues we deal with every day in the West.

My purpose in being here this evening, especially to my colleagues east of Colorado, to the Atlantic Ocean, is to request of them that when they hear about or have an opportunity to vote on water issues facing the West, ask some of us in the West about it, because the implications in the West on water in many, many cases are dramatically different than the implications on a water vote when we are discussing water in the East.

Now, tomorrow evening, or later this week, I hope to talk a little about energy. Because energy, of course, involves all of us. It is very important. I also want to talk about public lands in some more detail, the different uses of public lands, the different ways the government manages public lands.

We have lots of different management tools with public lands. When our government said, as I mentioned earlier in my comments, that in the East we would let the people own the land, but in the West the government would keep the title for the land simply to avoid the political embarrassment of giving away too much land, when the government did that, they decided that they were going to retain and manage this land. And over the time, through technological management, through better land management, through more knowledge, we have developed a vast array of tools, and we can use any one of these tools or a combination of these tools to help us manage these public lands.

Many of my colleagues are aware of some of these tools, the names of these tools, such as national parks, for example, national monuments, special interest areas, conservation areas, et cetera, et cetera. Well, what we need to do to properly manage these massive Federal lands is not to make a rule that one shoe fits all, because one shoe does not fit all in the West. What we need to do is custom manage these public lands, but we cannot custom manage public lands unless we talk to the people who live there. We cannot custom manage public lands unless we talk to the people who are directly impacted by it.

Now, it is true, and I hear this argument constantly from my colleagues here on the floor that land belongs to all the people in the West, so those of us in decision-making authority here in the East have every right to make decisions on how people in the West live and how they use that land. That is not how we get a balanced approach for the management of public lands in the West. The way to do it is to go to the local communities.

For example, today in front of the subcommittee that I chair, the Subcommittee on Forests and Forest Health of the Committee on Resources, we had a Native American who spoke about the years of history of his family and the traditions regarding the uses of the forest and the uses of government lands. We had an expert on forest that talked about the health of different public lands. Both of these people stressed in their comments the importance of having local input, the importance of bringing in the people who are impacted by these public lands.

So tomorrow night I will go into a lot more detail. I will talk about probably the most extreme use, the strongest tool we have, called wilderness designation. And by the way, I have probably put more land in wilderness than anybody currently seated in the House of Representatives. And then I will go clear to the other extreme, where the land is not properly managed, where the land is kind of a free-for-all, which is as much a disservice as an extreme on the other end.

There are lots of different tools and lots of ways that we can preserve these lands for future generations while at the same time having the right to live on them and enjoy them in this generation. This generation is not under an obligation to save everything for the future. There are a lot of things that we can use. And if we use them smartly, we not only mitigate our impact to the environment, in many cases we can enhance the environment. And that is where our obligation is, to help enhance our environment. I will talk a little more about that tomorrow evening.

For my final few minutes, even though I will address it later in the week, I want to talk a little about energy. We have talked this evening about a number of different things. First of all, we started with a few comments on the Patients' Bill of Rights, and I want to restress to my colleagues that it is important that patients have rights in this country. It is important that we do not have gross mismanagement of our medical services in this country. It is important that we have a balance out there.

And when we hear in the press and we see documents that say the Patients' Bill of Rights, we should take a look at the details. It may work out to be just what we are looking for. It may be an answer for some of the problems. But we need to read the details before signing on to the document. We need to read the details before casting our votes, because we have an obligation in these Chambers to be aware of the impact that these bills will have and to take a look at what might be the unintended consequences of actions that we might take.

So we have spent a few minutes talking about the Patient's Bill of Rights, and then, of course, I moved on and talked about public lands and water resources. Now, colleagues, I know that that is kind of a boring subject. I know this evening's walk through the differences between the East and the West in the United States, where in the West we have massive amounts of Federal Government land ownership and in the East we have very little government land ownership, and the differences that can even be pared down to the State, where we talk about differences in water and differences in government-owned lands and public lands, but while it is boring, it is very important. Life in the West is also important for those in the East, because we are totally dependent upon an understanding so that we can help preserve and utilize in a proper fashion these resources.

Finally, now, I want to visit for a couple of minutes in my remaining time about energy and the need for energy. First of all, I am a strong believer in conservation. I think there are a lot of things that the American public can do to help conserve. I was at a town meeting yesterday in Frisco, Colorado, when somebody brought up the fact that they were in Europe recently, and mentioned that when they went into a room, in order to keep the lights on, they, naturally could turn them on, but in order for them to stay on, they had to take a card and put the card in a slot. Now, I had been in Europe, too, and I remembered that as he said that. When leaving the house, once you pulled the card out to leave the house, the lights shut off. It is a tremendous energy saver and it is of no pain.

We do not have to have our lives inconvenienced at all. One switch shuts them all off. Now, of course, I imagine that if you need a security light and so on, that can be worked out. But there are little ideas like this, like changing our oil every 6,000 miles on our cars instead of every 3,000. There are lots of simple conservation ideas that we, the American people, can employ today. For example, as we prepare to retire this evening, make sure we do not have on the bathroom light, the closet light, and the bedroom light. When we are in the kitchen getting ready to have a drink of water before going to bed, shut off lights. We can turn down our heaters, if we do not need them. We can keep the air conditioner turned up if we do not need it that cold in rooms.

One of the things that helps us do this, that helps us conserve, is the marketplace. Now, I have heard a lot of talk about, well, we need to artificially support these prices. But the thing that has driven more conservation in the last couple of months has not been some action by the government, it has been high prices in the marketplace. If we were to freeze the price of energy, which some of my colleagues recommend we do, i.e. price caps, that does several things. One, it encourages people to use more of the product because they know that the price will not go up on them. Two, it discourages innovation. What drives innovation is that when prices go up and demand stays the same or goes up, people look for more efficient ways to do things. So energy and conservation are very important.

I agree very strongly with people like the Vice President, who I think, although it may not be politically correct in some audiences in our country, makes it very clear that conservation alone will not answer our shortage of energy in this country; that conservation alone will not lessen the dependency we have on foreign oil; that conservation alone, while it is a very, very important factor, it is not the sole answer. We have got to figure out ways to use and to gather more resources for energy for future generations. Energy is a big issue for us.

I actually think that the energy shortage that we are in really is kind of a wake-up call for us. It is not a crisis for the entire country where the economy has collapsed, but it is a wake-up call. It is the alarm going off saying time to wake up, time to take a look at what kind of dependency we have on foreign oil, what kind of conservation we are employing or deploying in our country. So I think from that aspect it has done us some good.

Let me kind of conclude these remarks, because I intend to go into more detail about energy, by asking my colleagues not to let people convince them that the needs of this country can be met simply by conservation. On the other hand, do not let anybody convince you that conservation does not have an important role to play. We can conserve. And a lot of people throughout the world, but more particularly in this country, can conserve without pain. In fact, a lot of the ways we conserve actually save us money, like shutting the lights off when we are not using them.

□ 2130

Change your oil less frequently, et cetera, et cetera, et cetera. You actually save money as a result of that, colleagues. So conservation and exploration are necessary elements for this country to meet the demands that the people of this country have come to expect. And I think we have an obligation to do that. A lot depends on energy. Our lives are dependent on energy, whether it is energy from hydropower, to drive our vehicles, to air conditioning, refrigeration, et cetera, et cetera.

Energy is an important policy. What this wake-up call has also done, we have had more energy debates and comments on this House floor in the last 6 weeks than we have had in the last 6 years. The Clinton administration had absolutely no energy policy. What President Bush has done, what the Bush administration has done, is said we have to have an energy policy. Let us put everything on the table. When you put some things on the table, people squeal like a stuck pig. We do not have to accept it, but we ought to debate it and think it out and determine what ought to stay on the table and come off the table. That is how you develop policy. It is debate on this House floor that helps form policy.

Mr. Speaker, I agree with the Bush administration that this country needs an energy policy. We, the American people, colleagues, the people that we represent, deserve to have an energy policy. That means a policy that has thoroughly investigated the resources, including conservation, the resources out there for us.

Mr. Speaker, I appreciate the time that I have been able to share with my colleagues this evening. I look forward to sharing further and having further discussion about public lands and talking more about energy.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Under a previous order of the House, the gentleman from Texas (Mr. SESSIONS) is recognized for 5 minutes.

Mr. SESSIONS. Mr. Speaker, the House has concluded its activities for the day, and I thank the gentleman from Colorado for taking time to update us on the important issues that he finds not only in his tutelage as a Member of Congress from Colorado, but also as an important Member of this body.

Mr. Speaker, tonight I would like to talk about something that is very important. It is called the Patients' Bill of Rights. It is an important issue that the House of Representatives and the other body will be taking up. The issue of the Patients' Bill of Rights is one that is of importance not only to consumers, but it is also important to physicians. It is important to health care providers; it is important to insurance providers. It is important to Members of Congress because we recognize that today in health care across this country that there are some unresolved issues and some changes that have not taken place in the Nation. The Nation, unfortunately, is looking to Washington, D.C. to attempt to solve some of these problems.

Tonight I would like to float a new concept or idea which I believe will become part of the health care debate. We are all aware that by and large Republicans and Democrats, Members of this body, have come to an agreement on many things that will be necessary to solve the health care problem. Things like access to emergency rooms and making sure that sick people are taken care of and having doctors make decisions and making general reform under the Patients' Bill of Rights, but the impediment or the stopping point, why we have not been able to resolve this matter rests on the issue of liability. The issue of liability or accountability is one that has not been fully seen through with an answer.

Mr. Speaker, part of the problem goes back to something that is called ERISA, which is an act from 1974, an act that provides companies that have or do business across State lines the ability to give them a chance to have an insurance policy, a savings plan and other types of arrangements for their employees on a nationwide basis rather than looking directly at how they might comply with 50 State insurance commissioner plans or 50 State plans related to savings plans.

Because of ERISA, what is called ERISA preemption, it means that health care providers do not have to comply exactly because of this exemption that they have in the marketplace to liability issues. It gives them an exemption from being sued essentially in the marketplace.

So there are some HMOs that may or may not provide service that would be consistent with State plans, and so there is a call for us to level that playing field and decide how that is going to work.

Mr. Speaker, the answer that is generally accepted is that you just allow HMOs to be sued so that the consumer or a doctor's decision is taken into account and corrected.

We, as Members of this body, deliberated on this effort. Last year I voted for something called the Norwood-Dingell bill, which would allow this to take place, where a body, that is an HMO, could be sued for a decision that they would be making in health care. The inability that we have for this body to decide today how that lawsuit would take place, whether it would be caps or an unlimited amount of money, whether it would be suing in Federal court or State court, who would be making medical decisions, whether medical decisions would be a part of this or whether it would be for harm, are things that have been widely debated.

The idea that I would like to discuss tonight is how we can go about resolving this. Essentially my plan that will be put forward is one that says that I believe that we should not skew the marketplace. We in fact want to have employers be protected when they do not make medical decisions. We do not want employers to be sued. We do not want lawsuits that would take money from health care and cause an incredible amount of draining off of resources out of health care to take place. So we want to protect employers. We want doctors to make decisions. We want doctors to make the decisions that they have been trained to do that are medically necessary.

We want to make sure as a public policy perspective that we are able to move on and give every single patient those things that they need and not hold up the delivery of those changes so that customers can, consumers can have what they need.

Mr. Speaker, my plan is simple. It separates process from harm. It says that we will not allow lawsuits as part of a difference that might take place between an HMO and a consumer, an HMO and a doctor. We will not allow those to go to a lawsuit where there is a nonharm that has been placed as a difference between these circumstances.

Why is this important? It is important because I do not believe that we should solve our differences in a court of law, but rather we should be dynamic in understanding that a doctor should be the one who is making the decisions about nondamage differences in the marketplace. So my bill will separate what I call process from harm.

The process would be, as has been accomplished in many States around the country, where there is a difference between a consumer, a patient, a doctor, and a health care provider, we would allow an internal and an external review, the internal review meaning that we would allow the HMO the opportunity to understand what their difference is and that they would have to respond back with a physician's answer, but that the final decision in this would be made by an external review, a panel that was made up of three expert physicians in this field. I believe it is important that we allow doctors to make medical decisions and not look to courts to do that.

On the other side of the coin where we deal with harm, I believe it is important that we go to a court of law, that we allow a harmed party an opportunity not only to go to a court to address these issues, but to be in front of a jury. That is where the other part of my bill will allow a party, a harmed party, to go to State court to resolve their differences.

It is my hope that this process that we are beginning will allow us an opportunity to move forward in a bipartisan way to address the issues and give patients those things that they need, address them under the Patients' Bill of Rights and also address them under liability.

PRESIDENT BUSH HAS HISTORIC MEETING WITH PRESIDENT PUTIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to provide some information from the standpoint of one Member of Congress following President Bush's recent meeting with European leaders, and in particular with his historic meeting with Russian President Putin.

I wanted to take out this special order for a number of reasons; first of all, to follow up on the discussions that were held by our President and the Russian president, and talk about the substance of those discussions; and also, on the eve of the visit of the first elected delegation to arrive in Washington following that summit, which I will host tomorrow with my colleagues, the gentleman from Maryland (Mr. HOYER) and members of the Duma Congressional Study Group here in Washington. In fact we have the First Deputy Speaker of the Russian Duma, the highest elected official in the Duma, representing President Putin's party. And as the number two person of the Duma, she is the leader of the delegation here in Washington tonight.

Mr. Speaker, the delegation of elected Russian leaders includes representation of political factions in the Duma, and are here to have formal discussions with us as a part of our ongoing dialogue. Over the past 9 years since forming the study group, we have had scores of meetings both in Washington and Moscow and throughout each of our respective countries trying to find common ground on key issues which face America and Russia.

First, Mr. Speaker, let me follow the meeting that was held between our two Presidents. There were many who said American and Russian relations were in fact becoming sour; that because of actions, especially President Bush's speech on missile defense, that perhaps Russia was no longer willing to be a friend of ours.

□ 2145

There was a lot of speculation that perhaps President Bush did not have a sensitivity relative to our relations with Russia; that perhaps President Putin was taking Russia in a different direction; that in fact America and Russia were doomed to become enemies again; and that Russia in fact was moving to become a closer ally with China and enemies of Russia as opposed to being our friend.

All during the past year in meeting with our new President, I was convinced that he understood what it would take to bring back a normalization of our relations. I can tell you, Mr. Speaker, that President Putin felt the same way. In fact, last summer I was contacted by the then chairman of President Putin's political party in the Duma, Boris Grislov. He contacted me because he wanted to come over and observe the Republican convention and build relationships between the Republican Party, and in particular our candidate, and the party of President Putin, the "Edinstvo" Faction or Unity Faction. I extended an invitation to Boris Grislov. He came to Philadelphia and spent the week with Members of Congress observing our convention, speaking to the Russian people through a media source that had come with him and understanding how our democracy worked and building ties with Republicans who were in Philadelphia.

He came back again in January of this year, again at my invitation, to visit and to observe the inauguration of our new President. We got him special passes and he observed and witnessed the inauguration of George W. Bush. Then he hosted a delegation that I took along with the gentleman from Maryland (Mr. HOYER) to Moscow approximately 10 weeks ago. The gentleman from Maryland and the delegation that traveled with us and I did an extensive 1-hour summary of that trip when we returned.

The point is that President Putin and his party wanted to reach out and establish a new relationship. Even though the media was reporting a souring of relations between Russia and the U.S., I was convinced that in the end once President Bush met face to face with President Putin, we would have a new beginning. In fact, when I was on Air Force One with President Bush right before my trip to Moscow 9 weeks ago, I said to President Bush on the plane, Mr. President, if I have a chance to meet with President Putin, which I may, and I certainly will meet with his leaders, what do you want me to tell him?

He said, CURT, you tell President Putin that I am looking forward to meeting him, that we have no quarrel with Russia, we want to be their friend. We have some differences, but we can work those out.

That is exactly what happened in the meeting between President Putin and President Bush this past weekend. I think they have struck a relationship that is good for both countries and good for the world. Now, there are problems. In fact, there is a great deal of lack of trust on the part of the Russian side. In fact, Mr. Speaker, I would call the attention of my colleagues to this collage of photographs that I assembled from news sources of street scenes in downtown Moscow a little over a year ago. The scenes are not very positive. You see Russians throwing rocks at the American embassy in Moscow. You see young Russians holding up anti-USA signs. You see Russians putting a swastika on the American flag. And you see Russians burning the American flag. This was a part of a major demonstration of over 10,000 Russians against America.

Why did they do this? Was this because of President Bush's announcement about missile defense? No, Mr. Speaker. This demonstration occurred during the previous administration. Well, then why were they protesting so aggressively in the streets, because we have been led to believe that the Russian problem is with missile defense which President Bush announced we were moving aggressively into? That is not the problem that has caused a lack of trust in Russia, Mr. Speaker. It is a combination of several factors, the results of which President Bush has inherited.

First of all, the Russians were not properly briefed when we expanded NATO a few short years ago to get the full picture that NATO was not the natural enemy of Russia any longer. Now, President Bush went to great lengths on this recent trip to explain to the Russian people and the Russian leaders that NATO was not meant to be the enemy of Russia any longer and that in fact NATO expansion was meant to provide a more secure Europe. In fact, President Bush left the door open that, one day, if Russia chose and if she met the criteria, she too could become a member of NATO. But when we expanded NATO a few years ago, that was not the case. The Russian people were given the feeling by the way we mishandled it that perhaps it was an attempt to bring in those former Soviet allies and now make them enemies of Russia.

The second reason why the people in Moscow were demonstrating is because of the war in Kosovo. Russians were convinced that that war caused a tremendous loss of innocent lives, of innocent Serbs. Mr. Speaker, as you well know, myself and a group of our colleagues also disagree with the way that we got involved in the Kosovo conflict. It was not that we liked Milosevic. It was not that we thought Milosevic was some kind of a person that we should respect and honor. We felt that he was as much of a thug and a corrupt individual and leader as everyone else did in this body.

But our reason for disagreeing with the leadership of President Clinton and Prime Minister Tony Blair of Great Britain in going in and attacking the former Yugoslavia was that we had not given Russia a chance to use its influence in getting Milosevic out of power peacefully. In fact, Mr. Speaker, I was the one that led an 11-member delegation of five Democrats and five Republicans and myself to Vienna where we met with leaders of the Russian Duma from all the factions along with those who support Milosevic, and we were able to work out the framework that became the basis of the G–8 agreement that eventually ended that conflict peacefully.

The Russians, and myself included, believe we could have ended that war and should have ended it much earlier, in fact should never have begun it in the first place and should have allowed and actually should have encouraged Russia, should have forced Russia to play a more aggressive role in peacefully removing Milosevic from power, not one year after we began the bombing but a matter of weeks after the allied nations would have worked with Russia. That was a second reason that the Russian people lost confidence in us.

But I think perhaps the most important reason the Russian people lost confidence in us is because over the past 5 years, they know that we saw billions of dollars of IMF money, International Monetary Fund money, World Bank money and in some cases U.S. taxpayer dollars going into Russia for legitimate purposes but ending up being siphoned off by corrupt leaders who in fact were friends of Boris Yeltsin, by corrupt institutions that were led by the oligarchs that had been hand-selected by Boris Yeltsin.

In fact, Mr. Speaker, 4 and 5 years ago, we were aware that corruption was running rampant in Moscow. We were made aware as Members of Congress that those people hand picked by Yeltsin to run the banking system in Russia were corruptly taking money that was supposed to benefit Russia's people and instead putting it in U.S. real estate investments and Swiss bank accounts. The problem was, Mr. Speaker, that our policy for the past 8 years under the previous administration with Russia was based on a personal friendship between President Clinton and President Yeltsin. Now, I am not against personal friendships. In fact, I think it is helpful; and hopefully President Bush and President Putin will become close friends. But President Clinton had become such a close friend of Boris Yeltsin that our whole policy for 8 years was based on keeping Yeltsin in power. When we had evidence that there was rampant corruption around Yeltsin, we should have done the right thing. We should have questioned Yeltsin directly, and we should have called him into a public accounting for the billions of dollars of money, much of it backed by the U.S. government and U.S. taxpayers, that was supposed to help the Russian people reform their economy and society but instead was benefiting Boris' personal friends. But we did not do that. We pretended we did not see it. We pretended that we did not know about it.

That is why, Mr. Speaker, in the 2 months before Boris Yeltsin resigned his position, the popularity polls in Moscow and throughout Russia showed that Yeltsin's popularity was only 2 percent. Only 2 percent of the Russian people supported him. But guess who else supported him, the President and Vice President of the United States. We were still supporting a man that almost every Russian believed was corrupt and had a severe alcohol problem. And as we all know, Mr. Speaker, when Yeltsin finally resigned, one of the conditions for his resignation was that the new President, President Putin, in his first official act would have to give a blanket pardon to Boris Yeltsin and his entire family. That is exactly what President Putin did. His first official act was to pardon President Yeltsin and his family, because the Russian people and leaders in the Duma wanted to go after Yeltsin and those oligarchs for stealing billions of dollars of money that should have gone to help the Russian people.

Further evidence of this were the indictments handed down by the Justice Department in New York just 2 years ago, in the Bank of New York scandal, where the Justice Department has alleged in public documents that individuals in Russia and the U.S. were involved in siphoning off up to $5 billion of IMF money that should have gone to the Russian people. So a third reason why these Russians were rampaging in the streets against America was because they felt that America let them down.

Now, if you believe the national news media and some of the liberals in this city, including my colleagues in this body and some in the other body, they would have you believe that our problem with Russia today is all about missile defense.

Tonight I want to talk about missile defense, Mr. Speaker, because that is not a problem with Russia. It is not a problem at least the way President Bush wants to move forward with missile defense. Some will say, Well, the Russians do not want us to move forward on missile defense. The Russians do not want us to have that capability. The fact of the matter is, Mr. Speaker, that Russia has had a missile defense system protecting Moscow and 75 percent of the Russian people for the last 25 years. In fact, they have upgraded that system at least three times and have improved it in terms of accuracy and guidance systems. We have no such missile defense system.

Why would we not have one, Mr. Speaker? Well, the ABM treaty which was negotiated back in 1972 was based on mutually assured deterrence, also called mutually assured destruction. At that time there were only two major superpowers, the Soviet Union and the United States. We each had offensive missiles with nuclear warheads on top. And so we dared each other. You attack us and we will wipe you out with a counterattack. And if we attack you, we know that you will wipe us out with a counterattack.

So deterrence was the strategic relationship between two superpowers from 1972 on. But that ABM treaty allowed one missile defense system in each country. The original treaty allowed two, but it was modified after a short period of time to only allow each country to build one missile defense system. That one system could only protect one city. Russia, because of its geography and because of its control by a Communist dictatorship picked Moscow. It just so happened in the former Soviet Union that Moscow and the environment around Moscow has about 75 percent of the Russian people. So it was fairly easy politically for the Communists in the Soviet Union to decide to protect Moscow with an ABM system, an antiballistic missile system. The people in the far east in the Soviet Union were not happy because they were left vulnerable. But if you are controlled by a Communist dictatorship, it does not matter what the people in the far east think. The Communist leadership determines which city will be protected. So Moscow was protected.

Now, over here in America we are a democracy. Our leaders could not politically pick one city. Which city would we pick? New York? Dallas? Los Angeles? Seattle? If we picked one city to protect, every other part of America would say, wait a minute. This is a democracy, a representative government where all of us are equal. You cannot pick one city and only protect one group of people. And besides, our population is not based in one area. So the ABM treaty, even though it did call and did allow for security through deterrence, did not allow America to provide a level of protection that Russian people have had for the past 25 years.

□ 2200

The difference is that today we no longer live in a world with two superpowers. The Soviet Union does not even consider itself to be a superpower today, even though they have major offensive weapons. So there is one superpower left, and that is us.

The problem with the ABM treaty is that today we have other nations that have the same offensive capability that perhaps the U.S. and Russia have had over the past 30 years. On August 30 of 1998, North Korea did something that even the CIA was not aware they had the capability to do. They launched a three-stage missile up into the atmosphere over Japan. The CIA has acknowledged publicly that they were not aware that North Korea had a three-stage rocket potential. Even though that test did not go to completion, when the CIA analysts projected how far that missile could have traveled they have now said publicly it could reach the shores of the western part of the U.S. It could not carry a very heavy payload and it might not be very accurate, but if one of those North Korean missiles had a small chemical biological or small nuclear warhead, it could hit the western part of the United States. That is the first time in the history of North Korea that a rogue state has had the capability to hit our country directly, and we have no defense against that.

Now it is not that we think that North Korea will attack us, because most of us do not. But let us imagine a scenario where North Korea might not be on friendly terms with South Korea, and we have seen evidence of that over the past several decades, and perhaps North Korea would attack South Korea. Whereupon, America would come in to help defend South Korea because of treaty relations. What if North Korea's leaders then said to our President, if you do not remove your troops from the Korean Peninsula we are going to nuke one of your western cities? For the first time in the history of the existence of North Korea, we now know they have that capability. It might not be a very accurate missile. They might aim for Los Angeles and hit Portland, but it does not matter. They have that capability.

What would be our President's response? Would we go in preemptively and nuke North Korea and wipe out all their capabilities and kill innocent people, even though they had not attacked us? Or would we wait until they launched the missile, which we could not defend against, and then counterattack and wipe out North Korea? Which course would our President take, Mr. Speaker?

It presents a kind of dilemma that we never want our President to be in. But it is not just a rogue state like North Korea. Iran has now been working on a system, the Shahab-III, Shahab-IV and Shahab-V, which now possesses a capability of sending a missile about 2,500 kilometers. That covers a good part of Europe. Iran is also working on a missile system called the Shahab-V. That system will have a range, we think, of 5,000 kilometers. Iran's goal is to develop a long-range missile to eventually hit the U.S. Iraq has a similar goal, and they have improved their SCUD missile three or four times. They eventually want to have a capability to use against America.

So we now have other nations that are unstable nations building missiles that within 5 to 10 years will be able to hit the U.S. for which we have no defense. But it is not just those unstable nations, Mr. Speaker, that we are concerned about. President Bush and Members of Congress who support missile defense do not for a minute believe that Russia will attack us. That is not the case. Our colleagues do not believe that China will attack us for that matter.

Let me say what is a concern, Mr. Speaker, and it deals with a missile that I am going to put up on the easel right now.

This photograph, Mr. Speaker, is a Russian SS-25 long-range missile. You can see it is carried on what basically is a tractor-trailer with a number of wheels and tires. This missile, when put in the launch position, when the launch codes are entered, is pre-programmed to an American city and can travel 10,000 kilometers at an approximate time of 25 minutes from the time it is launched to landing on that American city which it has been pre-programmed to strike. Now, the exact number is classified, but I can say unclassified that Russia has over 400 of these mobile launched SS-25s. Part of their doctrine is to drive them all over their territory so that we do not know where those missiles are at any given time, so there is an act of surprise there, an element of surprise if Russia would need to attack us. It is a basic part of their ICBM fleet.

Now we do not think that Russia will launch these against us deliberately, but let me give you, Mr. Speaker, an incident that did occur in Moscow and in Russia in 1995. Norway, in January of 1995, was going to launch a weather rocket into the atmosphere to sample weather conditions. So the Norwegian government notified the Russian government right next door, do not worry; this missile we are launching is not in any way offensive to you. It is simply a scientific experiment for us to sample upper atmospheric conditions for proper weather reporting.

Because of Russia's economic problems, Mr. Speaker, and because of Russia's lack of improving its sensing systems, when the Norwegians launched that rocket they misread it in Russia. The Russian military thought it was an attack from an American nuclear submarine. So when Norway launched their rocket for weather purposes, the Russian military misread that launch and thought it was an attack from a nuclear submarine off their coast. So the Russian leadership did what they would do if they were being attacked. They put their ICBM fleet on alert, which meant they were within a matter of minutes to launching one missile pre-programmed against an American city. That was their response.

The week after this incident occurred, President Yeltsin was asked by the Russian media, what happened, President Yeltsin? He acknowledged that this took place. He said, yes, it was only one of two times that ICBMs were put on full alert, but it worked; our system worked. I overruled, he said, our defense minister Pavel Grachev and I overruled the general in terms of our command staff, General Kalisnikov, and I called off the launch.

Mr. Speaker, estimates are that Russia was within 7 minutes of accidentally launching a 10,000 kilometer ICBM that would have hit an American city.

Now, Mr. Speaker, let us think for a moment. What if that launch would have occurred and what if it occurred under President Putin? Let us imagine a White House conversation between the two presidents. President Putin picks up the red phone, linking him directly up with Washington, and he gets President Bush on the phone and he says, Mr. President, we have had a terrible accident. One of our long-range missiles has been launched accidentally. Please forgive us.

What does President Bush then do? Well, he has two choices. He can then issue a launch code for one of our missiles to take out one of Russia's cities in retaliation. That would end up in perhaps a half million people being killed in both countries, or he could perhaps go on national TV and tell the American people in the city where that missile was heading that they have 25 minutes to move.

The fact is, Mr. Speaker, today America has no system to shoot down an incoming missile. We have no capability to shoot down a missile once it has been launched.

If, likewise, one of these units controlling an SS-25 were to somehow get the launch codes for that missile and launch that missile, again we have no defense against that accident.

Mr. Speaker, that is why President Bush has said America must deploy missile defense. That is why this Congress voted with a veto-proof margin 2 years ago in favor of my bill, H.R. 4, to declare it our national law that we will deploy missile defense. It was not to back Russia into a corner. It was not to escalate an arms race. It was to give us protection against a threat that we do not now have.

Now, the liberal opponents of missile defense will say, well, wait a minute, Congressman WELDON, the threat, and I heard the chairman of the Senate Foreign Relations Committee say this on Sunday, there is a more likely threat of a truck bomb coming into our cities.

That is a little bit disingenuous, Mr. Speaker, because the chairman of the Senate Foreign Relations Committee knows full well that over the past 6 years the Congress has plussed up funding for dealing with weapons of mass destruction more than what the President asked for each year. We are spending hundred of millions of dollars on new detection systems, new intelligence systems, on dealing with weapons of mass destruction that could be brought in by terrorist groups. We are not ignoring that threat, but, Mr. Speaker, the facts are there. The largest loss of American military life in the past 10 years was when a low complexity SCUD missile was fired by Saddam Hussein into an American military barracks in Bahrain, Saudi Arabia. America let down our sons and daughters. Twenty-eight young Americans came home in body bags because we could not defend against a low complexity SCUD missile.

When Saddam Hussein chose to destroy American lives, he did not pick a truck bomb. He did not pick a chemical agent. He picked a SCUD missile, which he has now enhanced four times. When Saddam Hussein chose to kill innocent Jews in Israel, he did not pick truck bombs. He did not pick biological weapons. He sent SCUD missiles into Israel, and killed and injured hundreds of innocent Jews.

The facts are easily understood, Mr. Speaker. The weapon of choice is the missile. Today throughout the world, over 70 nations possess cruise, medium- and long-range missiles. Twenty-two nations today around the world are building these missiles. All the major unstable nations are building missile systems today because they want to use them and threaten to use them against America, our allies and our troops.

Now others will say, well, wait a minute, wait a minute. This system will not work. Mr. Speaker, facts again do not support that notion. There have been 31 major tests of missile defense systems by our military over the past 5 years, 31 tests. These tests were with our Army program called THAAD, our PAC III program, the Enhanced Patriot, our Navy program, called Navy Area Wide Navy Upper Tier, and our National Missile Defense program, 31 tests. Now we had failures, I will acknowledge that, but, Mr. Speaker, the failures were not of hitting a bullet with a bullet. The failures were when we could not get the rocket into the atmosphere.

Now, that problem was solved by Wernher von Braun 40 years ago. If we use that as a reason to stop missile defense, then we better shut down our space program, because the same rocket technology that launches our satellites and our astronauts into outer space is the exact same technology we use for missile defense. So if we think that those failures should stop missile defense, then we should shut down Cape Kennedy, because it is the same rocket science.

The fact is, Mr. Speaker, of the 16 times of the 31 tests, where the seeker reached a level where it could see the target up in the atmosphere, 16 times, 14 of those times we hit a missile with a missile. We hit a bullet with a bullet. So our success rate has been 14 out of 16 times we have been able to hit a bullet with a bullet, proving that the technology is, in fact, at hand.

☐ 2215

Last week, Mr. Speaker, General Kadish, the head of our Ballistic Missile Defense Organization, a three-star general, testified, and I asked the question, general, is the technology here today? He said, absolutely, Congressman. We understand and have the technology worked out.

I said, is it an engineering challenge now? He said, that is the challenge. It is engineering, a group of systems, the queuing system, the radar system, the Seeker itself, to work together to take out that missile when it is on the ascent phase heading toward our country or our troops. So it is not a technology problem, it is an engineering challenge.

Now, Mr. Speaker, some of the opponents of missile defense will say, well, wait a minute. You can defeat missile defense by having decoys. Any nation that we would try to defend against would simply build decoys. These would be balloons so that you would not be able to tell the warhead from the balloon.

That is an easy argument for people to make, but it does not hold water, Mr. Speaker. It is disingenuous. Because if we have countries that the liberals say cannot build missile systems because they do not have the capability, how can we expect those same countries to be able to build technologies that would allow them to have decoys?

We tried to build decoys ourselves, and we are the most equipped nation in the world technologically. We have had problems building decoys. So you cannot say a foreign nation can build decoys that we cannot even build as a reason not to move forward with missile defense.

Now, we understand the challenge of being able to differentiate the actual warhead from a decoy. It is a challenge we have not yet totally solved. But, Mr. Speaker, even if we move for aggressive deployment today, we will not have a system in place for at least 5 years. We are on a time frame to solve the challenge of decoys during that time frame of deployment.

Now, some say the system would cost too much money. Mr. Speaker, the cost for missile defense is approximately 1 percent of our defense budget. One percent. Not our total budget, of our defense budget.

Now, we are building new airplanes to replace older ones, we are building new ships to replace older ships. We are building all kinds of new tanks and ammunition to replace older ones. But missile defense does not exist today. One percent of our defense budget to build defenses against missile systems is not too much to ask.

I would say to my colleagues, if you believe cost is a factor, then what price do you put on Philadelphia, or on Los Angeles, or on Washington, D.C.? Is it worth $1 billion? Is it worth $100 million? What price do we put on a city that could be wiped out from one missile launched into our country?

So price is not an issue. Technology is not an issue. Well, then what is the issue? Is it the Russians? Yes, we want to reassure Russia that this is not meant to threaten them. Do the Russians not trust us today on missile defense?

Mr. Speaker, the answer is yes. But, you know, Mr. Speaker, if I were a Russian today, I would not trust America on missile defense either. That is a pretty strong statement. Why would I say that? Why would I not trust America on missile defense if I were a Russian?

Because three times in the last 8 years under President Clinton we slapped Russia across the face on missile defense. Let me review the actual incidents one at a time.

In 1992, the new President of Russia, Boris Yeltsin, challenged former President George Bush to work together on missile defense. He said let us have our two countries cooperate. President Bush said, I agree. So our State Department began high level talks with the Russian Ministry of Foreign Affairs. Those talks were given a name, Ross-Manedov talks, named after the two people leading the discussions.

We had several meetings, quiet meetings, but very successful meetings. The two governments were looking at ways to cooperate back in 1992 on missile defense.

Things changed in 1993. A new President came in, a President who ran against missile defense. What was one of the first acts that President Clinton did? With no advance warnings to the Russian side, he abruptly canceled the Ross-Manedov talks. So we sent our first signal to Russia back in 1993, we do not want to work with you on missile defense. We will work alone.

For the support of Congress, we kept one joint missile defense program operational with the Russians. It was the construction of two satellites, one controlled by Russia and one controlled by the U.S., to sense rocket launches around the world, so we could build confidence. The program is called RAMOS, Russian American program for space observations.

In 1996, with no advance warning to the Russians or the Congress, the Clinton administration canceled the program. I got frantic calls in my office from my Russian friends. They said, Congressman WELDON, what is going on? You have told us you are trying to work with us. Your government just announced they are cancelling the funds for the RAMOS program?

Democrats and Republicans in the Congress came together. CARL LEVIN in the Senate, myself in the House, joined by a number of other Members, said this cannot stand. We overturned the Clinton administration's decision to cancel the RAMOS program, and it is still being funded today.

But, you know what Mr. Speaker? That was the second time that Russia got a signal from us. Our administration canceled the program. It was the Congress who restarted it.

There was a third incident. In the late 1990s, with the ending of the two superpowers, the common thought in America was that the ABM Treaty, if it was kept in place, had to become more flexible to allow America to deal with new threats that were emerging.

What did the Clinton administration do? It sent its negotiators to Geneva to negotiate with the Russians two new amendments to the ABM Treaty. At a time when almost everyone in America was saying let us relax the treaty so America can defend herself, what did the Clinton administration do? They negotiated with Russia two new tightening amendments that made the ABM Treaty tighter than it had been back in 1972.

Most of us in the Congress had no idea what the President was up to. We knew the amendments were dealing with multilateralizing the treaty, and the other dealt with something called demarcation.

So, Mr. Speaker, I called the State Department in 1997 and I obtained permission to go to Geneva. I think I am the only Member of either body that went over there during the discussions. I sat down at the negotiating table, alongside of me was our chief negotiator, Stanley Rivalos. Across from me at the table was the chief Russian negotiator, General Koltunov. We met for 2½ hours.

The first question I asked General Koltunov was, General, tell me, why do you want to multilateralize the ABM Treaty, meaning bring other nations in? It was only a treaty between two countries, the Soviet Union and the U.S. Why do you want to bring in Ukraine, Belarus and Kazakhstan? They do not have nuclear warheads nor long-range missiles. If you want to bring in former Soviet states, why did not you propose bringing them all in, all 15?

He looked at me. He said, Congressman, you are asking that question of the wrong person. We did not propose multilateralizing the ABM Treaty. Your side did.

I couldn't believe what I was hearing, Mr. Speaker. The Clinton administration went over to Geneva to negotiate a change in the treaty that brought in three former Soviet states to be equal signatories. Now, why would you do that, Mr. Speaker, unless, unless you wanted to make it tougher down the road to amend the treaty, because then you had to get four nations to agree as opposed to just Russia and the U.S.

The second issue was demarcation. I could not understand how we differentiated between a theater missile defense system and national missile defense. If you are in Israel, our THAAD program would be national missile defense, because it protects your whole country. You are a small country. So I said to General Koltunov on the Russian side, tell me, how do you make the difference between theater and national? How do you determine the speed and range that makes one system theater and one system national?

He said, Congressman, they are very delicate negotiations. I cannot explain it here. You have to go back and ask your scientists. So I came back home to America, not satisfied with the answers I got.

About a year later, Mr. Speaker, I got my answer. I was reading a press account in a Tel Aviv newspaper that Russia was trying to sell Israel its brand new latest missile defense system called the ANTEI-2500, A-N-T-E-I. They were also trying to sell the same system to Greece. I never heard of this system, and I know pretty much all of Russia's missile defense systems. I study them.

So I called the CIA and asked them to send an analyst over. The analyst came over to my office and brought a color brochure with him, in English. He handed me the brochure when he walked in my office and said Congressman, this is the ANTEI-2500.

I said, what is it? He said it is a brand new system that Russia is just now marketing. They are trying to sell it to Israel, Greece and other countries. He said I picked up this brochure at the air show in Abu Dhabi. The Russians were handing it out. It is in English. It is in color.

So I looked through the brochure, I still have the brochure in my office, and I turned through it to see all the pictures. And on the back page were all the technical capabilities of this new Russian system, including speed, intercept range and capabilities.

I looked at those figures and looked at the analyst and said, wait a minute. I have a hunch here that this system is right below the threshold of the demarcation that we got sucked into in Geneva, am I correct? He said yes, Congressman, you are correct. That is where the figure came from.

Well, we were in Geneva negotiating a definition of what is a theater system. The Russians knew they would be marketing the system a year later, so they wanted that demarcation to allow them to market that system, but deny us from going any better than that system. So we agreed to it.

President Clinton agreed to both of those changes in the ABM Treaty. So for the third time, we sent a signal to Russia. This third time the signal was we are going to tighten up the ABM Treaty. That is the policy of America.

Do you know what, Mr. Speaker? In our country we do live under a Constitution, and our Constitution says that no President can in fact negotiate a treaty without the advice and consent of the Senate. Now, President Clinton knows our Constitution very well, and he knew that when he negotiated those two changes in 1997, he had to submit them to the Senate for their advice and consent.

But, do you know what, Mr. Speaker? The President knew he could not get the votes to pass either one of them, even from his own party. So from 1997 until Bill Clinton left office, neither of those two changes to the ABM Treaty were submitted as required by our Constitution to the Senate. Yet the President convinced the Russians that that was our policy.

So the Russians last year, when they were ratifying START II, a very important treaty, the Duma attached those two treaty changes to the START II treaty itself. They had nothing to do with START II, but the Russians added those two protocols on. The Clinton administration, figuring they would tie the hands of the Senate, because if they could not submit those two changes separately by attaching them to START II, which the Russians ratified, they would force the Senate into a corner and they would have to ratify them as a part of START II reratification. That is why last summer the Senate said it would not take up START II. So, for the third time, the Clinton administration sent the wrong signal to Russia.

□ 2230

That is why the Russians do not trust us, Mr. Speaker, because they got terribly mixed signals during the past 8 years. That is all changing now. President Bush has said we want to work with Russia. We want to work with Europe. We will do missile defense together.

The Russians believe in missile defense. They have the SA-10, SA-12. They have the ANTEI-2500. They have the S-300, the S-400, S-500; and they have national missile defense.

They have an ABM system. They have all of those systems, some of the best systems in the world. Is it wrong then for America to want to defend ourselves? Now, there is one additional problem and reason why the Russians do not trust us, Mr. Speaker, and this is going to be a pretty provocative statement. It is actually caused by the very arms control groups in this city who claim to be the advocates of peace.

Do I have any proof to back that up? Let me give you an example, Mr. Speaker. In the midst of the national missile defense debate in 1999, this article ran in Time Magazine, about Star Wars, the new version of missile defense, a two-page spread. The story is supposed to be about missile defense, defending our people and defending Russia's people.

Up here in the corner is this chart, which you cannot see, so I have had it blown up. What is the title of this chart, Mr. Speaker? "Destroying Russia. Arms control advocates map the Pentagon's top secret plan for waging war, 1,200 warheads hitting 80 targets, and they have the targets throughout Russia." Down at the bottom, "Killing zones, the vast spread of radiation wipe out more than 20 million Russian people."

Mr. Speaker, one of my best friends from Moscow was in my office and brought me this magazine. He threw it on my table and he said, Curt, I know what you are doing with missile defense, and I support you, but this is what the Russian people think you want. They see this story on missile defense in Time magazine, which is printed all over Russia; and they see a picture of a map destroying our country and killing 20 million people.

Who produced this chart, Mr. Speaker? The Natural Resources Defense Council. So the fear in Russia was not caused by missile defense. It was caused by the hate-mongering people in those arms control groups that have scared the Russian people into believing somehow we want to wipe out 20 million of their citizens.

And guess what, Mr. Speaker? They did it again. In this week's Newsweek magazine, there is another chart showing a nuclear hit in Russia. Again, it is attributed to Natural Resources Defense Council.

This will be on every news stand in Russia and will be the talk of the Russian people; and they will say to themselves, this is what America really wants, because their arms control people are telling this to their people; they want to destroy Russia.

They want to kill tens of millions of innocent Russian citizens. That is why Russians distrust us, Mr. Speaker. It is not because of what George Bush wants to do. It is not because of what I want to do.

Tomorrow, I will lead discussions with Russia's leaders. We have 12 of their top Duma deputies in town, the first deputy speaker; and we will have discussions all day. I have been to Russia 26 times, Mr. Speaker.

I consider myself to be Russia's best friend in Congress, sometimes their toughest critic; but that is what good friends are for. This is not about backing Russia into a corner.

This is not about starting an arms race. This is not about bankrupting America. This is about protecting the American people. Mr. Speaker, if I wanted to hurt Russians, I would not have worked for the past 5 years on this project with the Russian Duma, which is to provide Russia for the first time with the Western-style mortgage program so that Russians can have houses like our middle-class people have in this country.

The program is called Houses for Our People. Almost every governor of every republic in Russia has given their stamp of approval for a program that we negotiated together to help Russian people buy homes.

We do not want to be Russia's enemy, but we sent the wrong signals to Russia over the past 8 years. We had an administration whose foreign policy toward Russia was like a roller coaster.

We backed them into a corner on the first NATO expansion. We went into Kosovo like wild people, trying to go in like cowboys from the Wild West, killing innocent Serbs instead of requiring Russia to help us.

We denied the fact that their Russian leaders were stealing billions of dollars of money that was supposed to help the Russian people, and we sent the wrong signals on missile defense.

All of that is changing now, Mr. Speaker, because we have a President who will treat the Russians with honesty and dignity. He has told the Russian leader face to face, eye to eye, we want to be your friend. We want to be your partner. We want to work with you economically. We want to help you with your environmental problems. We want to work with you on a mortgage program for your people. We want to help you grow your economy so that you become an aggressive trading partner with America.

All of us in this body and the other body should rally behind our President, and we should denounce those arms control groups in this city who use the distasteful practice of trying to convince the Russian people that somehow we are their enemy.

They are the warmonger, the people who put charts up who say that we somehow want to create a war that would wipe out 20 million Russians. They are the very warmongers, and we will not accept that. There is a place for arms control, Mr. Speaker.

Mr. Speaker, I am not against treaties, as long as they are enforced, and that means we have to have the accountability; and we have to have the enabling capability to observe in both countries with candor whether or not we are adhering to treaties.

If we use the three simple requirements that Ronald Reagan laid out in dealing with both Russia and China, strength, consistency and candor, we will not have a problem in this century. We want the same thing for the Russian people that President Putin wants; we want them to have a better life then they had. We want their kids to have better education. We want them to have homes for family. We want their Duma to become a strong part of governing their country.

We want the Russian people to eventually realize the same kind of dreams that we realize in America, but we are not going to allow the American people to remain vulnerable. We are not going to deny the reality of what is happening in rogue and terrorist states.

When Members of the other body, like the Senate Foreign Relations Chairman, are disingenuous and say our real concern are weapons of mass destruction, we have to counter that, because we do not have a corner on that. All of us understand that threat, just as we do the threat from cyberterrorism and narcodrug trafficking, but the fact is we cannot ignore the threat of missile proliferation.

We must work on arms control agreements. We must work on stabilization and building confidence and trust, and we must build limited systems that give us that protection that we do not now have. I am convinced, Mr. Speaker, that in the end, Russia and America will be prime partners together.

We will work on technology together. The Russians have expertise that we do not have. Together we can protect our children and our children's children, and we can deny those rogue states the chance of harming Russians or Americans or others of our allies by working together.

Mr. Speaker, I ask my colleagues to join President Bush in this effort; and I applaud him for his meeting with President Putin, and I look forward to our meeting tomorrow with the leaders of the Russian Duma.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2216, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. SESSIONS (during Special Order of Mr. WELDON of Pennsylvania), from the Committee on Rules, submitted a privileged report (Rept. No. 107–105) on the resolution (H. Res. 171) providing for consideration of the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. McCARTHY of Missouri (at the request of Mr. GEPHARDT) for today on account of the funeral of a friend.

Mr. CANNON (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. ENGLISH (at the request of Mr. ARMEY) for today on account of travel delays.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. DeFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. GRUCCI, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SESSIONS, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 18, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 1914. To extend for 4 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 38 minutes p.m.), the House adjourned until Wednesday, June 20, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2567. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of June 1, 2001, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 107-89); to the Committee on Appropriations and ordered to be printed.

2568. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations (Galesburg, Illinois) [MM Docket No. 01-53; RM-10040] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2569. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Monticello, Maine) [MM Docket No. 01-64; RM-10074] received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2570. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model 188A and 188C Series Airplanes [Docket No. 2000-NM-265-AD; Amendment 39-11980; AD 2000-23-10] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2571. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 35, 35A, 36, and 36A Series Airplanes [Docket No. 2000-NM-127-AD; Amendment 39-12026; AD 2000-24-19] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2572. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Models DG-500 Elan Series, DG-500M, and DG-500MB Sailplanes [Docket No. 99-CE-88-AD; Amendment 39-12005; AD 2000-23-32] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2573. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 99-NM-378-AD; Amendment 39-12027; AD 2000-24-20] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2574. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 2000-NM-31-AD; Amendment 39-12018; AD 2000-24-11] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2575. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc., SA226 Series and SA227 Series Airplanes [Docket No. 2000-CE-41-AD; Amendment 39-11885; AD 2000-17-11] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2576. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000-NE-47-AD; Amendment 39-11947; AD 2000-22-01] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2577. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BH.125, DH.125, and HS.125 Series Airplanes [Docket No. 99-NM-345-AD; Amendment 39-11943; AD 2000-21-11] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2578. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 47B, 47B-3, 47D, 47D-1, 47G, 47G-2, 47G2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-3B-2A, 47G-4, 47G-4A, 47G-5, 47G-5A, 47H-1, 47J, 47J-2, 47J-2A, and 47K Helicopters [Docket No. 2000-SW-35-AD; Amendment 39-11983; AD 2000-18-51] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2579. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Powered By Pratt & Whitney JT9D-7 Series Engines [Docket No. 2000-NM-270-AD; Amendment 39-11886; AD 2000-18-01] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2580. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737, 747, 757, 767, and 777 Series Airplanes [Docket No. 2001-NM-81-AD; Amendment 39-12240; AD 2001-10-14] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2581. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corporation 7, 8, and 11 Series Airplanes [Docket No. 98-CE-121-AD; Amendment 39-12036; AD 2000-25-02] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2582. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes [Docket No. 99-NM-164-AD; Amendment 39-12225; AD 2001-09-18] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2583. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76A, S-76B, and S-76C Helicopters [Docket No. 2001-SW-05-AD; Amendment 39-12232; AD 2001-10-06] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2584. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Air Tractor, Inc. AT-400, AT-500, and AT-800 Series Airplanes [Docket No. 2000-CE-72- AD; Amendment 39-12230; AD 2001-10-04] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2585. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockhead Model L-1011-385 Series Airplanes [Docket No. 98-NM-314-AD; Amendment 39-11884; AD 2000-17-10] (RIN: 2120-AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2586. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines [Docket

No. 2000–NE–42–AD; Amendment 39–12229; AD 2001–10–03] (RIN: 2120–AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2587. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80C2 Turbofan Engines [Docket No. 2001–NE–05–AD; Amendment 39–12233; AD 2001–10–07] (RIN: 2120–AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2588. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines [Docket No. 99–NE–49–AD; Amendment 39–12228; AD 2000–03–03 R1] (RIN: 2120–AA64) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Florida: Committee on Appropriations. H.R. 2216. A bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes (Rept. 107–102). Referred to the Committee of the Whole House on the State of the Union.

Mr. SKEEN: Committee on Appropriations. H.R. 2217. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–103). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 107–104). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 171. Resolution providing for consideration of the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes (Rept. 107–105). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mrs. Morella, Mr. Gilman, Mr. Stark, Ms. Ros-Lehtinen, Ms. Pelosi, Mr. Smith of New Jersey, Mr. Payne, Mr. Rohrabacher, Mr. Kucinich, Mr. Pitts, Mr. Delahunt, Mr. Andrews, Mr. Abercrombie, Ms. Kaptur, Mr. Capuano, Mr. Evans, Mr. McGovern, Mr. Farr of California, Mr. Wynn, and Ms. Schakowsky):

H.R. 2211. A bill to prohibit the importation of any article that is produced, manufactured, or grown in Burma; to the Committee on Ways and Means.

By Mr. TIBERI:

H.R. 2212. A bill to make the income tax rate reductions in the Economic Growth and Tax Relief Reconciliation Act of 2001 permanent; to the Committee on Ways and Means.

By Mr. COMBEST:

H.R. 2213. A bill to respond to the continuing economic crisis adversely affecting American agricultural producers; to the Committee on Agriculture.

By Mr. ANDREWS:

H.R. 2214. A bill to amend title 10, United States Code, to provide for the Air Force Assistant Surgeon General for Dental Services to serve in the grade of major general; to the Committee on Armed Services.

By Mr. SENSENBRENNER (for himself and Mr. Conyers):

H.R. 2215. A bill to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 2216. A bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. SKEEN:

H.R. 2217. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. ANDREWS:

H.R. 2218. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of States and political subdivisions of States; to the Committee on Education and the Workforce.

By Mr. CAMP (for himself, Mr. McGovern, Mr. Ramstad, Mr. Lewis of Georgia, Mr. Foley, Mrs. Thurman, Mr. Matsui, Mr. Rogers of Michigan, and Mr. Bartlett of Maryland):

H.R. 2219. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to cover fees, books, supplies, and equipment and to exempt Federal Pell Grants and Federal supplemental educational opportunity grants from reducing expenses taken into account for the Hope Scholarship Credit; to the Committee on Ways and Means.

By Mr. CAMP (for himself, Mrs. Thurman, Mr. Hayworth, Mr. Lewis of Georgia, Mr. Pickering, Mr. Hall of Texas, Mr. English, Mr. Rangel, Mr. McDermott, and Mr. Kleczka):

H.R. 2220. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the Committee concerned.

By Ms. DEGETTE:

H.R. 2221. A bill to ban the import of large capacity ammunition feeding devices, to promote the safe storage and use of handguns by consumers, and to extend Brady background checks to gun shows; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 2222. A bill to amend title 38, United States Code, to make certain improvements to the Servicemembers' Group Life Insurance life insurance program for members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 2223. A bill to amend chapter 51 of title 38, United States Code, to pay certain benefits received by veterans through the date of their death rather than through the last day of the preceding month; to the Committee on Veterans' Affairs.

By Mr. FORD:

H.R. 2224. A bill to amend the Low-Income Energy Assistance Act of 1981 to provide supplemental funds for States with programs to facilitate the collection of private donations by utilities to be used for payment of the utility bills, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR:

H.R. 2225. A bill to prohibit certain election-related activities by foreign nationals; to the Committee on House Administration.

By Mr. GILLMOR:

H.R. 2226. A bill to amend the Federal Election Campaign Act of 1971 to protect the equal participation of eligible voters in campaigns for election for Federal office; to the Committee on House Administration.

By Mr. GONZALEZ:

H.R. 2227. A bill to amend title 10, United States Code, to give certain rights to Department of Defense employees with respect to actions or determinations under Office of Management and Budget Circular A–76; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Wisconsin:

H.R. 2228. A bill to establish a program of assistance to families of passengers and crew members involved in maritime disasters; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut:

H.R. 2229. A bill to amend the Internal Revenue Code of 1986 to provide that the unearned income of children attributable to personal injury awards shall not be taxed at the marginal rate of the parents; to the Committee on Ways and Means.

By Mr. KING:

H.R. 2230. A bill to amend section 211 of the Clean Air Act to prohibit the use of the fuel additive MTBE in gasoline; to the Committee on Energy and Commerce.

By Ms. LOFGREN:

H.R. 2231. A bill to amend title 35, United States Code, with respect to patent reexamination proceedings; to the Committee on the Judiciary.

By Ms. MILLENDER-McDONALD (for herself, Mr. Nethercutt, Ms. DeGette, Mr. Davis of Illinois, and Ms. Jackson-Lee of Texas):

H.R. 2232. A bill to provide, with respect to diabetes in minority populations, for an increase in the extent of activities carried out by the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself and Mr. Hinchey):

H.R. 2233. A bill assist municipalities and local communities to explore and determine options for the alternative provision of electricity and to create new public power systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR:

H.R. 2234. A bill to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. Andrews, Mr. Isakson, Ms. Woolsey, Mr. Paul, Mr. LaHood, and Mr. Hutchinson):

H.R. 2235. A bill to authorize the Secretary of Labor to establish voluntary protection programs; to the Committee on Education and the Workforce.

By Mr. RADANOVICH:

H.R. 2236. A bill to amend the Workforce Investment Act of 1998 to expand the flexibility of customized training, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RAMSTAD (for himself, Mr. Gutknecht, Mr. Kennedy of Minnesota, Ms. McCollum, Mr. Sabo, Mr. Luther, Mr. Peterson of Minnesota, Mr. Oberstar, and Mr. Rogers of Michigan):

H.R. 2237. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky (for himself and Mr. Hilleary):

H.R. 2238. A bill to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes; to the Committee on Resources.

By Ms. ROYBAL-ALLARD (for herself, Mr. Reyes, Mr. Pastor, Ms. Solis, Mr. Baca, Mrs. Napolitano, Mr. Rodriguez, Mr. Acevedo-Vila, Mr. Becerra, Mr. Ortiz, Mr. Serrano, Mr. Hinojosa, Mr. Gonzalez, Mr. Gutierrez, Mr. Underwood, Mr. Menendez, Ms. Velázquez, and Ms. Sanchez):

H.R. 2239. A bill to reform certain laws affecting child labor, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H.R. 2240. A bill to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building"; to the Committee on Government Reform.

By Mr. TRAFICANT:

H.R. 2241. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage; to the Committee on Education and the Workforce.

By Mr. TRAFICANT:

H.R. 2242. A bill to amend title 5, United States Code, to establish Flag Day as a legal public holiday; to the Committee on Government Reform.

By Ms. VELÁZQUEZ:

H.R. 2243. A bill to amend section 3 of the Housing and Urban Development Act of 1968 to ensure improved access to employment opportunities for low-income people; to the Committee on Financial Services.

By Mr. WOLF (for himself, Mr. Shays, Mr. Tiahrt, Mr. Riley, and Mr. Ehlers):

H.R. 2244. A bill to amend the Indian Gaming Regulatory Act to require State legislature approval of new gambling facilities, to provide for minimum requirements for Federal regulation of Indian gaming, to set up a commission to report to Congress on current living and health standards in Indian country, and for other purposes; to the Committee on Resources.

By Mr. BILIRAKIS (for himself, Mrs. Maloney of New York, Mr. Gilman, Ms. Ros-Lehtinen, Mr. Smith of New Jersey, Mr. Engel, Mr. Pallone, Ms. Berkley, Mr. Diaz-Balart, Ms. Lee, Mr. Crowley, Mr. Menendez, Mrs. Capps, Ms. Eshoo, Mr. Wamp, Mr. Doyle, Mr. Kirk, Mr. Knollenberg, Mr. Andrews, Mr. Visclosky, Mr. Matsui, Mr. Blagojevich, Mr. Capuano, Mrs. Napolitano, Mr. Payne, Mrs. Morella, Mr. Coyne, Mr. Hinchey, Mr. King, Mrs. Myrick, Mr. Horn, Mr. Brown of Ohio, Ms. Pelosi, Mr. Kennedy of Rhode Island, Mr. Sherman, Ms. McKinney, Mr. McGovern, Mr. Tierney, Mr. Stark, Mr. Lewis of California, Mr. Baird, Mr. Blumenauer, Mr. Gekas, and Mr. Ackerman):

H. Con. Res. 164. Concurrent resolution expressing the sense of Congress that security, reconciliation, and prosperity for all Cypriots can be best achieved within the context of membership in the European Union which will provide significant rights and obligations for all Cypriots, and for other purposes; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 165. Concurrent resolution expressing the sense of the Congress that continual research and education into the cause and cure for fibroid cancer be addressed; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. Baca, Mr. Frost, Mr. Filner, Ms. McKinney, Mr. Rohrabacher, Mr. Kildee, Mr. Crowley, Ms. Jackson-Lee of Texas, Mr. Faleomavaega, Mr. George Miller of California, Mr. Hayworth, Ms. Lee, Mr. Rangel, Ms. Schakowsky, and Ms. Carson of Indiana):

H. Con. Res. 166. Concurrent resolution recognizing the invaluable contribution of Native American Veterans and honoring their service to the Nation; to the Committee on Armed Services.

By Mr. FROST:

H. Res. 169. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. FROST:

H. Res. 170. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. GRUCCI (for himself, Mrs. Maloney of New York, Mr. King, Mr. Crowley, Mr. Meeks of New York, Mr. Hinchey, Mr. Israel, Mr. Gilman, Mr. Pascrell, Mr. McHugh, Mrs. McCarthy of New York, Mr. Sweeney, Mr. Walsh, Mr. Fossella, and Mr. Ackerman):

H. Res. 172. A resolution honoring John J. Downing, Brian Fahey, and Harry Ford, who lost their lives in the course of duty as firefighters; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII,

114. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 134 memorializing the United States Congress to expand and fund federal agricultural conservation programs, including the Conservation Reserve, Wetlands Reserve, Environmental Quality Incentives, Wildlife Habitat Improvement, and Forestry Incentives Programs; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 2245) for the relief of Anisha Goveas Foti; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. Keller, Mr. Barton of Texas, and Mr. DeMint.

H.R. 17: Ms. Baldwin.

H.R. 68: Mr. Manzullo.

H.R. 85: Mr. McHugh and Mr. Gonzalez.

H.R. 91: Mr. Baldacci, Mr. Ney, and Mr. Hostettler.,

H.R. 159: Mr. Schrock and Mr. Isakson.

H.R. 162: Mr. Frost and Ms. Kilpatrick.

H.R. 190: Mr. Boucher.

H.R. 250: Mr. Kingston, Ms. Carson of Indiana, Mr. Gekas, and Mr. Pitts.

H.R. 267: Mr. Kennedy of Minnesota and Mr. Moran of Virginia.

H.R. 280: Mr. Saxton.

H.R. 281: Ms. Carson of Indiana and Mr. Upton.

H.R. 303: Mr. Davis of Illinois, Mr. Boyd, Ms. Eshoo, and Mr. Thompson of Mississippi.

H.R. 323: Mr. Kleczka, Mr. Simmons, Mr. Bishop, Ms. DeLauro, Ms. McKinney, Mrs. Napolitano, Mr. Bonior, and Ms. Carson of Indiana.

H.R. 331: Mr. Culberson.

H.R. 369: Mr. Keller.

H.R. 479: Mr. Holden.

H.R. 480: Mr. Holden.

H.R. 482: Ms. Hart.

H.R. 488: Mr. Cummings and Mr. Hall of Ohio.

H.R. 500: Mr. Jackson of Illinois and Mr. Wu.

H.R. 504: Mr. Kucinich, Ms. Sanchez, Mr. Boyd, and Mr. Baca.

H.R. 526: Ms. Waters, Mr. Hilliard, and Mr. Holt.

H.R. 527: Mr. Hyde.

H.R. 556: Mr. Petri.

H.R. 572: Mr. Blunt.

H.R. 600: Mr. Rahall, Mr. Terry, Mr. Frelinghuysen, Ms. McCollum, and Mr. Weiner.

H.R. 612: Mr. Wu, Mr. Barcia, Mr. Hall of Ohio, Mrs. Napolitano, and Mr. Saxton.

H.R. 632: Ms. Norton and Mr. Pallone.

H.R. 647: Mr. Hefley and Mr. Tancredo.

H.R. 652: Mr. Evans and Mr. Hilliard.

H.R. 653: Mr. Petri.

H.R. 717: Mr. Condit and Mr. Barton of Texas.

H.R. 747: Ms. Schakowsky and Mr. Baca.

H.R. 786: Ms. Velázquez and Mr. Matsui.

H.R. 814: Ms. Schakowsky.

H.R. 817: Mrs. Northup.

H.R. 818: Mr. Pallone and Mr. Weiner.

H.R. 822: Mr. Fletcher.

H.R. 831: Mr. Cooksey, Mr. DeFazio, Mr. Barrett, Ms. Lee, Mr. Brown of Ohio, Mr.

Moran of Virginia, Mr. Brady of Pennsylvania, Mr. Schiff, Mr. Latham, Mr. Goode, Mr. LaFalce, Mr. Schaffer, and Ms. Sanchez.

H.R. 839: Ms. Eshoo.

H.R. 843: Mr. McGovern and Mr. Meeks of New York.

H.R. 912: Mr. Tiberi and Mr. Acevedo-Vila.

H.R. 950: Mr. Hayworth.

H.R. 952: Mrs. Lowey, Mr. McCrery, and Ms. Schakowsky.

H.R. 954: Mr. Price of North Carolina.

H.R. 969: Mr. Cunningham.

H.R. 978: Mr. Owens.

H.R. 1008: Mr. Simmons and Mr. Barr of Georgia.

H.R. 1073: Mr. Hoyer, Mr. Horn, Mr. Bryant, and Mr. Conyers.

H.R. 1076: Mr. Kanjorski, Mr. Underwood, Mr. Markey, Mr. Reyes, and Mr. Sawyer.

H.R. 1086: Ms. Schakowsky.

H.R. 1089: Mr. Vitter.

H.R. 1090: Mr. Holt, Mr. Shaw, Ms. Jackson-Lee of Texas, and Mrs. Napolitano.

H.R. 1097: Ms. Lee, Mr. Borski, Ms. Jackson-Lee of Texas, and Mr. George Miller of California.

H.R. 1109: Mr. Riley, Mr. Vitter, Mr. Toomey, Mr. Smith of Texas, Mr. Callahan, and Mr. Gilchrest.

H.R. 1110: Mr. Linder and Mr. Hoekstra.

H.R. 1111: Mr. Waxman, Mr. Frost, and Mr. Matheson.

H.R. 1121: Mr. Ross.

H.R. 1139: Mr. Hayworth and Mr. Hunter.

H.R. 1170: Mr. Acevedo-Vila and Mr. McDermott.

H.R. 1176: Mr. Schiff and Mr. Matheson.

H.R. 1194: Mr. Baca.

H.R. 1202: Mr. Turner, Mr. Weiner, Mr. English, Mr. Carson of Oklahoma, Mr. Larsen of Washington, Ms. McKinney, Mr. Wexler, Mr. Jenkins, Mr. Ryan of Wisconsin, Mr. Gilman, Ms. Carson of Indiana, and Mrs. Davis of California.

H.R. 1220: Mr. Burton of Indiana.

H.R. 1262: Mr. Costello.

H.R. 1291: Mr. Pascrell and Mr. Osborne.

H.R. 1304: Mr. Blagojevich, Mr. Inslee, and Mr. Oberstar.

H.R. 1305: Mr. Gordon, Mr. Tom Davis of Virginia, Mr. Manzullo, and Mr. LoBiondo.

H.R. 1340: Ms. Jackson-Lee of Texas.

H.R. 1343: Mr. Matheson.

H.R. 1350: Mr. Watt of North Carolina.

H.R. 1351: Mr. Ryan of Wisconsin, Mrs. Capito, Mr. McGovern, Mr. Kildee, and Ms. Baldwin.

H.R. 1353: Mr. Gillmor, Mr. LaTourette, Mr. Weller, Ms. Pryce of Ohio, Mr. Pickering, Ms. Jackson-Lee of Texas, and Mr. Sweeney.

H.R. 1354: Mr. LaFalce.

H.R. 1371: Mr. McGovern.

H.R. 1377: Mr. Bilirakis and Mr. Armey.

H.R. 1381: Mr. Wexler.

H.R. 1382: Mr. Payne and Mr. Baird.

H.R. 1388: Ms. McCollum, Mr. Nethercutt, Mrs. Myrick, Mr. Graves, Ms. Hooley of Oregon, and Mr. Sanders.

H.R. 1391: Ms. Millender-McDonald.

H.R. 1392: Ms. Millender-McDonald.

H.R. 1393: Ms. Millender-McDonald.

H.R. 1394: Ms. Millender-McDonald.

H.R. 1395: Ms. Millender-McDonald.

H.R. 1396: Ms. Millender-McDonald.

H.R. 1397: Ms. Millender-McDonald.

H.R. 1400: Mr. Edwards.

H.R. 1405: Ms. Sanchez.

H.R. 1406: Mrs. Tauscher.

H.R. 1433: Mr. Price of North Carolina.

H.R. 1434: Mr. Tierney.

H.R. 1443: Ms. DeLauro.

H.R. 1462: Mr. Hastings of Washington.

H.R. 1468: Mr. Allen.

H.R. 1485: Mrs. Roukema.

H.R. 1488: Mr. Hoeffel.

H.R. 1496: Mrs. Morella.

H.R. 1517: Mr. Upton and Mr. Spratt.

H.R. 1543: Ms. Carson of Indiana.

H.R. 1553: Mr. Blumenauer, Mrs. Napolitano, and Mrs. Morella.

H.R. 1556: Mr. Hinchey, Mr. LoBiondo, and Mr. Grucci.

H.R. 1607: Mr. Paul.

H.R. 1609: Mr. Carson of Oklahoma, Mr. Reynolds, Mr. Hinchey, Mr. Sweeney, Ms. Hart, and Mr. Ford

H.R. 1624: Mr. Lipinski, Mr. Weldon of Florida, Mr. Walsh, Mr. Duncan, Mr. Gallegly, Mr. Price of North Carolina, Mr. Weldon of Pennsylvania, Mr. Udall of New Mexico, and Mr. Coyne.

H.R. 1644: Mr. Sam Johnson of Texas.

H.R. 1672: Ms. Carson of Indiana, Mr. Cardin, Mr. Barrett, Mr. Sherman, and Mr. Gordon.

H.R. 1704: Mrs. Northup and Mr. Weldon of Florida.

H.R. 1707: Mr. Smith of Texas.

H.R. 1718: Mr. Kind, Mr. Farr of California, Mr. DeMint, Mrs. Morella, Mr. Gillmor, Mrs. Capps, Mr. Blumenauer, and Mr. Sherman.

H.R. 1739: Mr. Clay, Ms. McKinney, Mr. Hoeffel, and Mr. Hinchey.

H.R. 1770: Mr. Pascrell.

H.R. 1773: Ms. McKinney.

H.R. 1780: Mr. Doyle, Mr. Gekas, and Mr. Evans.

H.R. 1786: Mr. Rehberg, Mr. Shows, and Mr. Barcia.

H.R. 1793: Mr. Schrock.

H.R. 1795: Mr. Pallone, Mr. Bentsen, and Mr. Kirk.

H.R. 1798: Mr. LaTourette and Mr. Kleczka.

H.R. 1815: Mr. Bartlett of Maryland, Mr. Ferguson, Mr. Gilman, Mrs. Morella, Mr. Saxton, Mr. Andrews, Mr. Baldacci, Mr. Baird, Ms. Berkley, Mr. Blumenauer, Mr. Capuano, Ms. DeGette, Ms. DeLauro, Ms. Eshoo, Mr. Fattah, Mr. Filner, Mr. Ford, Mr. Frank, Mr. Gutierrez, Mr. Hinchey, Ms. Hooley of Oregon, Mr. Israel, Ms. Lee, Mr. Maloney of Connecticut, Mr. Markey, Mr. McDermott. Mr. McGovern, Ms. McKinney, Ms. Millender-McDonald, Mr. George Miller of California, Mr. Nadler, Ms. Slaughter, Mrs. Tauscher, Mr. Tierney, Ms. Woolsey, and Mr. Sanders.

H.R. 1842: Ms. Schakowsky, Mr. Kucinich, and Mrs. Thurman.

H.R. 1847: Mr. Owens.

H.R. 1851: Mr. Schiff.

H.R. 1864: Mr. Terry.

H.R. 1882: Mr. Owens, Ms. McKinney, Mr. Underwood, Mrs. Christensen, Mr. Frost, and Mr. Faleomavaega.

H.R. 1887: Mrs. Jo Ann Davis of Virginia and Mr. Wolf.

H.R. 1908: Mr. Graves.

H.R. 1911: Mr. Goode and Mr. Rahall.

H.R. 1922: Mr. Pascrell.

H.R. 1927: Mr. Upton and Mr. Ehlers.

H.R. 1939: Mr. Frost.

H.R. 1945: Mr. McGovern.

H.R. 1950: Mr. Deal of Georgia.

H.R. 1954: Mr. Brady of Pennsylvania, Mr. Kildee, Mr. Maloney of Connecticut, Mrs. Mink of Hawaii, Mr. Greenwood, Mr. Abercrombie, and Mr. Peterson of Pennsylvania.

H.R. 1961: Mr. Burr of North Carolina.

H.R. 1974: Mr. Lewis of California.

H.R. 1979: Mr. LaHood, Mr. Aderholt, Mr. Kingston, Mr. Peterson of Pennsylvania, Mr. Bonilla, Mr. Tiahrt, Mr. McHugh, Mr. Bartlett of Maryland, Mr. Stump, Mr. Nethercutt, Mr. DeMint, Mr. Cannon, Mr. Hutchinson, and Mr. Herger.

H.R. 1980: Mr. McHugh, Mr. King, and Mr. Simmons.

H.R. 1986: Mr. Bishop and Mr. Latham.

H.R. 1990: Mr. Moran of Virginia.

H.R. 1992: Mr. Andrews and Mr. Smith of Texas.

H.R. 1993: Mr. Baker, Mr. Greenwood, and Mr. McInnis.

H.R. 2001: Mr. Ehlers, Mr. Schaffer, Mr. Stump, Mr. Bishop, and Mr. Tauzin.

H.R. 2005: Mr. McGovern, Ms. Norton, and Mr. Waxman.

H.R. 2018: Mr. Cantor, Ms. Waters, Mr. Tancredo, Mrs. Morella, Mr. Largent, Mr. Cummings, Mr. Vitter, Mr. Simmons, Ms. Kaptur, and Mrs. Roukema.

H.R. 2064: Mr. Lantos, and Mr. Pascrell.

H.R. 2074: Mr. Barrett, Ms. Kilpatrick, and Mrs. Capps.

H.R. 2081: Mr. Castle and Mr. Weiner.

H.R. 2097: Mr. Sandlin, Mrs. Morella, Mr. Conyers, Mr. DeFazio, and Mrs. Jones of Ohio.

H.R. 2103: Mr. Hobson.

H.R. 2104: Ms. McCarthy of Missouri, Mr. Hastings of Florida, and Mr. Meeks of New York.

H.R. 2108: Mr. Meeks of New York and Mr. Filner.

H.R. 2109: Mr. Hastings of Florida, Mr. Davis of Florida, and Mrs. Thurman.

H.R. 2112: Mr. Ehlers.

H.R. 2117: Ms. Slaughter, Mr. Isakson, Mr. Dooley of California, and Mr. Pomeroy.

H.R. 2118: Mr. Wolf, Mr. Owens, Mrs. McCarthy of New York, Mr. Pallone, and Mr. Neal of Massachusetts.

H.R. 2123: Ms. Roybal-Allard, Mrs. Wilson, Ms. Carson of Indiana, and Mr. Ortiz.

H.R. 2134: Mr. Lantos, Ms. Schakowsky, Mr. Owens, Ms. Jackson-Lee of Texas, and Mrs. Jones of Ohio.

H.R. 2143: Mr. Hastings of Washington, Mr. Sensenbrenner, Mr. Burton of Indiana, Mr. Hayworth, Mr. Jones of North Carolina, and Mr. Watts of Oklahoma.

H.R. 2145: Mr. Delahunt, Mr. Brown of Ohio, Ms. Millender-McDonald, and Ms. Hart.

H.R. 2148: Mr. Snyder and Ms. Lofgren.

H.R. 2149: Mr. Isakson, Mr. Rogers of Michigan, Mr. Shimkus, Mr. Fossella, Mr. Kerns, Mr. Boehner, and Mr. Barton of Texas.

H.R. 2158: Mr. Capuano and Mr. Weiner.

H.R. 2166: Mr. Sanders and Mr. Bonior.

H.R. 2167: Mr. LaFalce and Mr. Sawyer.

H.R. 2177: Mr. Smith of Texas and Mr. Watts of Oklahoma.

H.R. 2181: Mr. Wicker, Mr. Hilliard, and Mr. Abercrombie.

H.J. Res. 27: Mr. Bartlett of Maryland.

H.J. Res. 36: Mr. Pence, Mr. Phelps, Mr. Langevin, Mr. Miller of Florida, Mr. Reyes, Mr. Berry, Mr. Sessions, and Mr. Hyde.

H.J. Res. 42: Mr. Brown of Ohio, Mr. Sessions, Mrs. Capps, Ms. Solis, Mr. Matheson, and Mr. Holden.

H. Con. Res. 36: Mr. Neal of Massachusetts, Mr. LoBiondo, Mr. Brown of Ohio, Ms. Kaptur, and Mr. Etheridge.

H. Con. Res. 48: Mr. Hostettler.

H. Con. Res. 61: Mr. Phelps and Mr. Shays.

H. Con. Res. 64: Mr. Hall of Texas.

H. Con. Res. 142: Mrs. Meek of Florida and Mr. Israel.

H. Con. Res. 152: Mr. Ehlers.

H. Con. Res. 154: Mr. Gonzalez, Mr. Pence, and Mr. Baca.

H. Con. Res. 163: Ms. Norton.

H. Res. 105: Mr. McGovern.

H. Res. 124: Mr. Radanovich, Ms. Brown of Florida, Mr. Putnam, Mr. Owens, Mr.

Osborne, Mr. Keller, Mr. Brown of South Carolina, Mr. Ross, Ms. McCollum, Mr. Pascrell, Ms. Jackson-Lee of Texas, Mr. Langevin, Mrs. Biggert, and Mr. Schrock.

H. Res. 139: Mr. Payne.

H. Res. 152: Mr. Boswell, Ms. Norton, Mr. LaFalce, Mr. Blumenauer, Mr. Gilman, and Mr. Peterson of Minnesota.

H. Res. 160: Mr. Gilman, Mr. Pitts, Mr. DeLay, Mrs. Jo Ann Davis of Virginia, Mr. King, Ms. Lee, Mr. Hunter, Mr. Brown of Ohio, Mr. Delahunt, Mr. LoBiondo, Mr. Issa, Mr. Ortiz, Mr. Sensenbrenner, Mr. Barcia, Mr. Quinn, Mr. Frelinghuysen, Mr. Saxton, Mr. Traficant, Mr. Sessions, Mr. Cunningham, Mr. Weldon of Florida, Mr. Simmons, Mr. Weldon of Pennsylvania, Mr. Bachus, Mr. Gutknecht, Mr. Graham, Mr. Ganske, Mr. Brown of South Carolina, and Mr. Vitter.

H. Res. 168: Mr. Waxman.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. Saxton.

H.R. 2118: Mr. Frost and Mr. Waxman.

H.R. 2172: Mr. Wolf, Mr. Owens, Mr. Neal of Massachusetts, Mr. Pallone, and Mrs. McCarthy of New York.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2216

Offered By: Mr. DeFazio

Amendment No. 1: In chapter 1 of title I, in the paragraph under the heading "Operation and Maintenance, Air Force", after the aggregate dollar amount, insert the following: "(reduced by $24,500,000)".

H.R. 2216

Offered By: Mr. Kucinich

Amendment No. 2: In chapter 1 of title I, in the paragraph under the heading "Research, Development, Test and Evaluation, Air Force", after the aggregate dollar amount, insert the following: "(reduced by $55,000,000)".

H.R. 2216

Offered By: Mr. Sanders

Amendment No. 3: Title II, chapter 5, at the end of the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families Low Income Home Energy Assistance" insert the following:

For "Low Income Home Energy Assistance" under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) for fiscal year 2002, $2,000,000,000.

EXTENSIONS OF REMARKS

CONGRATULATING DR. PETE MEHAS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Dr. Pete Mehas for being chosen as the 2001 recipient of the Rose Ann Vuich Ethical Leadership Award. The Rose Ann Vuich Award, which was established in 1998, aims to recognize elected leaders who symbolize integrity, strength of character, and exemplary ethical behavior.

Dr. Peter Mehas is in his third term as Fresno County Superintendent of Schools. He is a dedicated public servant who began serving the community of Fresno as a teacher in 1963. He quickly progressed from assistant principal at Clovis High School, to principal, to assistant superintendent, to associate superintendent in the Clovis Unified School District. Dr. Mehas holds a lifetime California Standard Secondary Teaching Credential and General Elementary Credential, as well as a lifetime School Service Credential in General Administration.

In 1987, Dr. Mehas was appointed by Governor Deukmejian as his Chief Advisor on matters relating to all public education in the State of California. President George Bush, in 1991, appointed Dr. Mehas to a 17 member advisory commission to implement his executive order on Latino education. In 1998, Governor Pete Wilson appointed Dr. Mehas to the California Community College Board of Governors.

The Rose Ann Vuich Award is sponsored by the Fresno Business Council, the Fresno Bee, and the Kenneth L. Maddy Institute of Public Affairs. The award honors Senator Vuich, who consistently maintained high ethical standards and earned bipartisan respect throughout her career in the State legislature. The award aims to recognize elected leaders who symbolize integrity, strength of character, and exemplary ethical behavior.

Mr. Speaker, I want to congratulate Dr. Pete Mehas for being chosen as the recipient of the Rose Ann Vuich Award. I urge my colleagues to join me in praising Dr. Pete Mehas for his years of educational service in my district.

IN RECOGNITION OF CHARLES WEIDMAN DANCE CONSORT: MEZZACAPPA-GABRIAN AND YOUNG DANCERS IN REPERTORY

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Ms. VELÁZQUEZ. Mr. Speaker, I rise today, to celebrate the Centenary of Charles Weidman (1901–1975), American modern dance pioneer, this year. Mr. Weidman, along with Martha Graham, Doris Humphrey, Hanya Holm and Lester Horton, forges a new art form which was truly American.

Mr. Weidman, who was born in Lincoln, Nebraska, on July 22, 1901, was the foremost male dancer of his era. In 1928, Mr. Weidman and his partner, Doris Humphrey established a company and school devoted to exploring a new aestethic. During his time, Mr. Weidman gave important encouragement to male dancers, developing a system of exercises for them which endowed the Humphrey-Weidman Company with a stimulating virility. In 1933 he choreographed Candide, the first full length modern dance work. In addition, his invention of kinetic pantomime, a non-representational pantomime, was yet another of his major contributions to the dance world. Mr. Weidman and Miss Humphrey were the first American modern dance choreographers to compose dances for Broadway shows. In addition, Weidman was the first choreographer for the New York City Opera. Throughout his illustrious career, Mr. Weidman's versatility as a choreographer lead him to create dramatic, lyric, abstract, historic, and comic works, as well as works for Broadway shows, revues, and operas. His large body of work reflects his serious humanistic concerns, hit wit, and his clarity as a choreographer. Throughout his career, Mr. Weidman trained and influenced many dancers through the Humphrey-Weidman Company and as a Master Teacher on his own, including: Gene Kelly, Alvin Ailey, Jose Limon, Bob Fosse, Charles Morre, and Jack Cole. Mr. Weidman not only had a profound influence upon the development of American modern dance, but was also influential in the rise of American jazz dance.

The arts have always been a factor in the developing of a great society, and both performance and visual arts have played a crucial role in the development of this great nation. I wish to personally thank Dance Consort: Mezzacappa-Gabrian and youth organization Young Dancers in Repertory. I also would like to thank them and wish them the best of luck as they go abroad to represent us in Italy during the Dance Grand Prix Italia 2001.

CONGRATULATIONS TO THE CITY OF ST. FRANCIS ON ITS 50TH BIRTHDAY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KLECZKA. Mr. Speaker, this year marks the 50th anniversary of the incorporation of the City of St. Francis, Wisconsin, which I am proud to say is in my congressional district.

The area that is now St. Francis was once home to bands of the Menomonee and Potawatomi nations until the lands were ceded to the U.S. in the 1830s. Once a French trading post and part of the Northwest Territory, this area was soon settled by farmers, and in 1840, it became part of the Town of Lake.

Despite enormous growth in population in the early 1900's and several incorporation attempts, the area remained the Town of Lake for over 100 years. However, as the City of Milwaukee continued to expand after World War II, concerns about being annexed with Milwaukee grew. Determined to maintain a separate identify from Wisconsin's largest city, a small group of area business people and community leaders began to rally support for incorporation. Their efforts paid off, as residents approved the plan by nearly a 3 to 1 margin, and in 1951, the City of St. Francis was born.

Incorporation wasn't easy. Banks didn't think the municipality was financially viable, and finding the money to provide city services proved difficult. But the citizens of St. Francis refused to give up on their dream to make their new city a success. Through the adversity grew a very special spirit of community activism and pride. Volunteers put in countless hours, serving on commissions and committees, working on projects and events, helping make St. Francis a wonderful place to live and work.

That same community spirit is still alive and well in the City of St. Francis today. Volunteers still sit on municipal committees and plan and run events like the 4th of July Celebration and St. Francis Days. Community organizations and volunteers have joined together to build a community center, a library and a veteran's memorial.

And so it is quite fitting that civil groups such as the St. Francis Historical Society are working hard to make the City of St. Francis' 50th anniversary a very special celebration for a very special community. It is with great pleasure that I wish St. Francis a very happy 50th birthday, and extend my best wishes for a long and prosperous future for the city and all its residents.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. LUTHER. Mr. Speaker, I want to take a moment to honor our late colleague, Congressman JOE MOAKLEY.

JOE MOAKLEY exemplified what public service is supposed to be. He served his country

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

in the Navy, went on to represent his friends and neighbors in the State of Massachusetts and then brought his dedication to the people of Boston to the United States Congress. He served with honor, compassion and a genuine belief that he was doing the best he could for the people who put him there. His commitment to helping people reached from the streets of Boston to the people of El Salvador. His humor and smile brought much-needed optimism and enthusiasm to Congress, and he made this a better place to work.

JOE was always there for the people he represented, and he was always there for his friends. When my own family struggled to cope with a serious health problem just a few years ago, JOE was there to encourage and support us through that very difficult time. His understanding and concern were a great source of comfort, and I hope that the incredible outpouring of tributes celebrating JOE's life will bring that same comfort to his loved ones.

Few people are as big-hearted and giving as JOE, and he will be sorely missed. His memory and good works will live on and continue to touch and improve the lives of people in Boston, in the United States, and around the globe.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JOHN JOSEPH MOAKLEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, the Honorable JOHN JOSEPH MOAKLEY.

The passing of Congressman MOAKLEY was a tremendous loss to this Congress, and we should continue to honor his memory as befits a man of his stature. In both his personal life and his service in this body he displayed the highest values of statesmanship, and with that service an unparalleled quality of character.

Joe brought hard work and integrity to this body, and he fought for people everywhere. He worked to provide for the people in his home of South Boston. He also championed human rights. In 1989 he chaired a special commission to investigate the killings of six Jesuit priests, their housekeeper and her daughter in El Salvador. After concluding his duty on the commission, he continued to fight for democracy and freedom for the people of El Salvador. He also fought to make education affordable and available for all, claiming, "student loans and public education are the essence of the American dream." Throughout his public service career he ensured that this dream would be realized by our youth.

Throughout his years in Congress, Mr. MOAKLEY was magnanimous and respectful of all his colleagues. Those who worked with him closely in the Rules Committee and on the House floor, always refer to his wit, humor and professional demeanor regardless of how controversial an issue might have been. He may have disagreed with you, but he would always respect you. He was a true friend to members on both sides of the aisle.

I wish to express my sympathies to the family and friends of Congressman MOAKLEY, and the members of his staff; and to Mr. MCGOVERN, in particular, who worked for Mr. MOAKLEY for 13 years before running for Congress himself. I urge all of my colleagues to strive to emulate JOE MOAKELY, and embrace the statesmanship and integrity he brought to this chamber.

IN RECOGNITION OF CARIDAD GARCIA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Caridad Garcia for her outstanding achievements as a successful producer and radio personality of numerous Spanish broadcasting programs. I am also here today to pay tribute to Caridad Garcia for her great accomplishments as a public relations consultant.

Caridad Garcia began her distinguished career in 1989, as Executive Director of the Hope Line Program in New York City. While heading up the Hope Line Program, she created and directed a centralized bilingual outreach, information, referral, and advocacy program for Hispanic residents living in New York City. Through her efforts, she was able to ensure that Spanish-speaking residents living in New York City's metropolitan area had access to vital information affecting their communities.

As a public relations consultant, Ms. Garcia has organized and produced several public relations campaigns targeting consumers in the Hispanic community. Between 1992 and 1994, she handled consumer outreach and public relation initiatives for Downy Fabric Softener and Procter and Gamble.

Currently, Caridad Garcia is Director of Promotions, Public Relations, and Public Affairs at Radio Unica. Radio Unica is the only radio station in the United States to broadcast in Spanish 24-hours a day. As a result of her hard work, Radio Unica now reaches approximately 80 percent of the U.S. Latino population through a group of stations and affiliates nationwide.

For the past two decades, Caridad Garcia has served as an exceptional role model for the Latino community and for all Americans.

Today, I ask my colleagues to join me in recognizing Caridad Garcia for her exceptional contributions in the field of radio broadcasting, and for her selfless service to her community and country.

A TRIBUTE TO NKOSI JOHNSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. PAYNE. Mr. Speaker, The blessing of his life is that he showed a lot of people how to live . . . not just people infected with HIV/AIDS—but a lot of us . . . He taught us how to share. He taught us how to give . . . He taught us how to forgive—Diane Stevens.

Although we are generally aware of the ravages of AIDS in Africa, few of us have an opportunity to see first hand the personal destruction on individuals. Each year four million people on the African Continent are afflicted with this terrible disease. Hardest hit are the children. Many are orphaned when parents die, many are born with HIV/AIDS.

Xolani Nkosi Johnson was born with the HIV/AIDS virus. When Nkosi was three years of age, his mother died of complications due to AIDS. Nkosi was the international spokesperson for children infected with HIV/AIDS. He was the inspiration behind Nkosi's Haven, a care center for infected women and children in Johannesburg, South Africa. A gifted and experienced speaker, Nkosi traveled the world delivering his message in his own words on how AIDS has affected his life, what help the international community can render, the benefits of empowerment initiatives, and the importance of community support.

When Nkosi was old enough to attend school, his HIV status set off a firestorm in the public schools system. School officials were reluctant to allow him to attend school. Nkosi took his case to the media and government officials, and as a result, legislation was passed in South Africa that assures that all children will have the right to attend school regardless of their medical status.

Nkosi was indeed a brave young man. His courage and commitment to the children of South Africa was never ending until his untimely death on June 1, 2001.

So long Brave Warrior King (Nkosi is the Zulu word for King).

CONGRATULATING BARBARA GOODWIN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Barbara Goodwin for being chosen as the recipient of the Excellence in Public Service Award for 2001. The Excellence in Public Service Award honors courage, integrity and the striving for excellence by someone in the public sector.

Barbara is currently the Executive Director of the Council of Fresno County Governments (COG), a position she has held since June of 1994. She has extensive experience with the responsibilities and functions of a metropolitan planning organization and regional transportation-planning agency. Barbara is currently the chairperson of the San Joaquin Valley GOG Directors Association. She also currently serves on Fresno County's United Way Vision 20/20 Leadership Committee. She is a cum laude graduate of California State University, Fresno, with a B.A. Degree in Journalism/Public Relations.

Mr. Speaker, I want to congratulate Barbara Goodwin for being chosen as the recipient of the Excellence in Public Service Award. I urge my colleagues to join me in wishing Barbara Goodwin many years of continued success.

TRIBUTE TO TARQUINA ALVAREZ-DILLARD

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor Tarquina Alvarez-Dillard, a constituent who received the 2001 Outstanding Clinician Award from the National Family Planning and Reproductive Health Association.

Tarquina has worked for over 25 years at the Women's Health Care Clinic in Torrance, California. This Clinic serves over 14,000 women annually and would not succeed without the commitment of individuals like Tarquina.

Following knee surgery in 1996, for example, she returned to the Clinic wearing a cast in order not to fall behind in her work. When a fellow practitioner injured her hand, Tarquina took over that person's breast exams in addition to her own caseload. Her efforts set the standard for dedication.

In 1996, Tarquina was the recipient of the "Unsung Hero Award" from Harbor-UCLA Medical Center. She was also voted Employee of the Year for 1998 and 1999.

Providing women safe and affordable access to health care is among my highest priorities in Congress. While there are actions I can—and do—take in Congress, their implementation depends on dedicated workers like Tarquina.

I am proud to join Tarquina's colleagues and friends in congratulating her on the receipt of this prestigious national award and invite my colleagues to join me in commending her exemplary public service.

ENSURING THAT NO CHILD IS LEFT BEHIND REQUIRES MORE

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RODRIGUEZ. Mr. Speaker, the House has taken a major step in supporting the federal government's role in education with the passage of H.R. 1, the No Child Left Behind Act, which re-authorizes the Elementary and Secondary Education Act (ESEA). Through this legislation, we have made a $22.8 billion commitment for elementary and secondary education programs—a $5 billion increase over last year.

Specifically, this comprehensive measure authorizes $11.5 billion for Title I grants, which assist school districts serving economically disadvantaged students; requires states and school districts to issue report cards on aspects of student performance and teacher qualifications; requires all teachers to achieve state certification by 2005; and allocates $1.3 billion for afterschool programs, including the 21st Century Learning Centers and the Safe and Drug-Free Schools.

I am also pleased that amendments calling for the implementation of block grants and private school vouchers were soundly defeated during floor consideration of H.R. 1. While H.R. 1 consolidates thirteen programmatic titles under ESEA into six, the current funding structure remains intact. Federal dollars will continue to go directly to the local school districts rather than be needlessly funneled through a state's bureaucracy.

Furthermore, although the Act provides public school choice as well as private tutorial services to Title I students in consistently failing schools, it does not create a private school voucher program. I have consistently opposed any private voucher proposal because it would undermine public financing for public schools and provide no guarantee that low-income students would have any meaningful choice. The House's rejection of these provisions reaffirms Congress' bi-partisan support of public education.

Despite these many achievements during consideration of the No Child Left Behind Act, there remain several shortcomings which I hope are addressed during the House-Senate conference. In particular, I am disappointed with the House's failure to authorize funds for class size reduction and school renovation and construction. We have again missed the opportunity to bring older schools into the new century and ensure that our children learn in safe facilities with the most modern amenities and technology.

Unfortunately, the primary focus of "reform" has been on testing. In the name of accountability, more testing will be mandated with little financial support from the federal government. Given that many states have failed to comply with current law calling on states to measure students in those subjects for which standards have been developed, requiring states to administer more tests on an annual basis will be overly burdensome. Many of these tests are already used for "high stakes" purposes, such as grade promotion and graduation, and therefore, the potential repercussions of such an expansive, ill-advised program are disastrous.

Moreover, I, along with my colleagues in the Congressional Hispanic Caucus (CHC), have concerns with H.R. 1's treatment of the Limited English Proficient (LEP) student population. The National Assessment of Educational Progress (NAEP), a diagnostic tool to be used to audit the results of state assessments, does not administer a Spanish language reading test. Additionally, H.R. 1 unwisely consolidates immigrant, bilingual, and foreign language education into a single formula grant program. It would also require parents to opt-in to Title I LEP services and bilingual education and would subject bilingual education programs to a 3-year limit.

In their March 3, 2001 letter to President Bush, Congressman REYES, Chair of the CHC, and Congressman HINOJOSA, Chair of the CHC Education Task Force, voiced the CHC's opposition to the above provisions. First, tests provided in only English could result in inaccurate assessments of student performance for LEP students. Second, because LEP children have diverse needs and skills, a one-size fits-all approach is impractical. Establishing an arbitrary three year instructional time limit is short-sighted and contrary to the objectives of bilingual education, which is the academic achievement of LEP students in addition to English proficiency. Finally, opt-in provisions will place cumbersome procedural requirements on school districts and potentially dissuade them from providing educational instruction to LEP students. LEP students should be automatically enrolled in bilingual education programs and allowed to opt out of them if their parents so choose.

The conference version of the ESEA's reauthorization should incorporate language that provides better funding, requires no time limits, contains no opt-in provisions, and maintains immigrant, bilingual, and foreign language education as three separate programs. As an educator and supporter of public schools, I will continue to seek the resources our schools need to succeed. We have an obligation to provide fair and equal access to quality education for our children so that truly no child is left behind. Until we are truly ready to commit ourselves to educating all our children with the best we can offer, we cannot honestly say we have left no child behind.

A TRIBUTE TO JOSEPH AND VICTORIA COTCHETT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to my dear friends, Victoria and Joseph Cotchett of Hillsborough, California. These two extraordinary people are being honored for their civic involvement in the Bay Area by the Volunteer Center of San Mateo County with the prestigious "Very Important Volunteer Award" (VIVA).

Mr. Speaker, both Cotchett's are deeply involved in a wide spectrum of community activities and give freely of their time and resources to numerous community organizations. Victoria serves on the advisory board of many woman's groups, including the Woman's Protective Services of San Mateo County and Families in Transition. She is a founding director of the Wiegand Museum of Art at the College of Notre Dame in Belmont, and she previously served on the boards of the San Mateo County Hospital Foundation and the Peninsula Humane Society.

As a longtime supporter of the arts, Victoria is a member of the Board of Directors of the President's Advisory Committee on the Arts of the Kennedy Center for the Performing Arts here in Washington, DC, and she is currently leading an effort to develop a Children's Film Festival in association with the Sundance Film Festival.

A former Colonel in the U.S. Army Reserves, a JAG Officer, and a former Special Forces paratrooper officer, Joe Cotchett is a graduate of California Polytechnic College. He earned his law degree from the University of California's Hastings College of Law. Joe was recognized as one of the "100 Most Influential Lawyer in America," by the news media and in 1990 was named Trial Lawyer of the Year by Trial Lawyers for Public Justice. He is a leader of numerous professional organizations, is the author of several books on legal practice, and is a past officer of the California State Bar.

Mr. Speaker, Joe's record of commitment to our community is equally as distinguished as that of his wife. He is director of the Bay Meadows Foundation, Disability Rights Advocates, and a Commissioner on the State Parks Commission. He also serves as Director of the University of California's Hastings College of Law, President of the San Mateo Boys and Girls Club, and Chairman of the Heart Fund Finance for the San Mateo County Heart Association.

Mr. Speaker, Victoria and Joe are proud parents of two girls and represent the very best of our many volunteer citizens on the Peninsula. I urge my colleagues to join me in paying tribute to these two outstanding community leaders and congratulating them on receiving this prestigious award.

HONORING SIDNEY PERMISSON

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. DEUTSCH. Mr. Speaker, today I rise to honor the achievements of Sidney Permisson, an outstanding and dynamic member of Broward County whose numerous contributions will leave a lasting effect on the Sunrise community. Mr. Permisson, who passed away on May 13, 2001, was a civic activist in Broward County for over 20 years.

Sidney Permisson was born on February 28, 1916, and raised in Brooklyn, NY. He completed two years of studies at Brooklyn College before he had to leave school to help support his parents. Mr. Permisson worked at a Brooklyn bakery for eight years and eventually became a delegate for the Cake Bakers Union, Local 51. During this time he married Pauline Kravitz, his wife of 62 years. His work in the union eventually led him to become a mediator and a labor chief, where he stood up for hard-working men and women with no political clout or financial influence. Sidney Permisson retired in 1975 and moved to Sunrise, FL.

Upon his arrival, Mr. Permisson quickly became active in the community. As his two daughters, Joyce Japelle and Elayna Finkle, will tell you, he believed in hard work, helping others, and doing the right thing. Friends describe Sidney Permisson as compassionate, sincere, honest, and always there to help. He fought to establish a countywide trauma network, led a powerful condominium association, worked for environmental protection, kept tabs on local tax and education issues, and spoke out about consumer rights, good government, and health care. He was an inspiring public speaker. When Sindney spoke, people listened.

His efforts in the community brought him a great deal of deserved recognition. Mr. Permisson received the Sunrise Volunteer of the Year Award twice, in 1987 and 1988. In 1989, as president of the Gold Key Civic Association, a social assistance organization for Sunrise area residents, Mr. Permisson received the President's Special Recognition award issued by the Broward Regional Health Planning Council. He won the Sunrise Political Club Humanitarian Award in 1990. Also in 1990, he was elected to the Broward Senior Hall of Fame for Outstanding Volunteer Service. As president of the Statewide HMO Ombudsman Committee from 1996 to 1997, Sidney Permisson worked for the establishment of 11 statewide HMO Ombudsman councils to help solve problems between subscribers and managed care providers. Finally, he received the HMO Patient Advocate Award and the Broward Regional Health Planning Council Dedicated Service Award in 1996.

Mr. Speaker, the accomplishments of Sidney Permisson are a testament to his dedication and his passion. He leaves a lasting legacy for the people of Broward County which greatly enriches our community.

IN MEMORY OF RICHARD M. BRENNAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Richard M. Brennan, Cleveland Municipal Judge.

Judge Brennan, as he was known for 22 years, was elected in 1965 as the chief justice of the court. Even though they cancelled his position in the mid-1970s, he continued working as an associate judge, for he was continually striving to uphold the deepest integrity of the law. During these years, Judge Brennan accomplished many things. One of his most outstanding achievements was when he mobilized community support for the construction of the Justice Center. When it was unanimously approved by voters in 1969, the whole community was extremely pleased. Judge Brennan also played a vital role in devising a docket system in which lawsuits are delegated to judges.

Judge Brennan, who was an assistant Cleveland law director from 1960 to 1965, graduated from St. Ignatius High School, John Carroll University, and the Cleveland Marshall Law School. He unfortunately retired from Cleveland Municipal Judge in 1987, due to illness. Judge Brennan will forever be missed.

My fellow colleagues, please join me in honoring the memory of Judge Richard M. Brennan, a man that has touched the Cleveland community in countless ways. His love, dedication, and honor, will be missed.

TRIBUTE TO THE LATE JUSTICE MARTIN DIES, JR.

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. TURNER. Mr. Speaker, I rise in memory of Justice Martin Dies, Jr., who recently passed away on May 14, 2001, after a full life of 80 years.

Justice Dies, the son of U.S. Congressman Martin Dies, Sr., and Myrtle Dies grew up and was educated in Orange, TX. He later attended the University of Virginia in Washington, DC and later, Stephen F. Austin University where he received his B.S. degree. When the United States entered World War II, Justice Dies left college to volunteer with the Navy.

While at officer's school in New York, Martin was chosen as Commander of the Third Battalion. He was later presented a Gold Sword at graduation as the outstanding member of the Battalion. In the war, Martin saw extensive naval combat in both the Philippines and in Okinawa, for which he received several medals and military citations. After Justice Dies' ship was ordered to repel the Japanese invasion at the Battle of Leyte, the entire crew received the prestigious Presidential Unit Citation for bravery.

Near the end of the war, Justice Dies saw duty as Captain of the *U.S.S. Richard W Seusens.*

Following the war, Justice Dies completed his legal education at Southern Methodist University Law School. In 1947, he was named a member of the Barristers at SMU. While attending law school, he married Ruth Marie White of Lufkin in 1946. Upon graduation, he began practicing law with the firm Dies, Anderson and Dies.

In 1959, Justice Dies was elected to the Texas Senate from the Third Senatorial District. During his tenure in the Senate, he was widely recognized as a moving force in the effort to modernize government services for the disabled, for which he received numerous awards. Additionally, Justice Dies took great interest in improving the Texas park system. In 1965, the 750 acre park at the Dam B. Reservoir was named in his honor. The Martin Dies, Jr. State Park has been widely praised as one of the most beautiful and visited public parks in Texas.

In 1969, Justice Dies was sworn in as Secretary of State of Texas. Two years later, he was appointed Chief Justice of the 9th Court of Appeals where he served with distinction until his retirement in 1989. During that time he served on the Texas Judicial Council, serving four years as the President of the Council. He also received the Texas Handicapped Person of the Year Award, was a fellow of the Texas Bar Foundation, and served as a member of the Judicial Manpower Commission.

Justice Dies will be remembered for his great courage, his high moral and ethical standards, and above all, his compassion for others. We share our grief with his family at his passing, as we were honored to share the joy of his life.

RETIREMENT OF DR. DAVID E. EPPERSON

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. COYNE. Mr. Speaker, I rise today to observe that Dr. David E. Epperson, Dean of the University of Pittsburgh's School of Social Work, is retiring after nearly 30 years.

Dean Epperson is the longest-serving dean of social work in the country. Having served in this position since 1972, he has also served as a dean at Pitt longer than anyone else in the school's history. Under his leadership, the University of Pittsburgh's School of Social Work has tripled in size and become one of the Nation's foremost graduate schools for social work.

Dean Epperson is a University of Pittsburgh alumnus as well. He earned a bachelor's degree, two master's degrees, and a Ph.D in political science and public policy at Pitt. He has studied in Hong Kong and Turkey as well.

In addition to his academic career, Dr. Epperson worked for the YMCA both in Pittsburgh and Hong Kong. He currently serves on the National Board of Directors and International Committee of the YMCA of the USA, as well as the board of directors of the Metropolitan YMCA of Pittsburgh. He was also the former executive director of Community Action Pittsburgh, Incorporated.

Dean Epperson has also found the time to be very active in community affairs. He has served on the State planning board, the Judicial Reform Commission for the Commonwealth of Pennsylvania, the Pennsylvania Humanities Council, and the State Compensation Commission. He has served as chairman of the board of the Urban League of Pittsburgh, the Negro Educational Emergency Drive, and the Riverfront Working Group for the City of Pittsburgh. He has served on the board of directors of the Salvation Army, ACTION-Housing, the American Red Cross, Magee-Womens Hospital, the Pittsburgh Council for International Visitors, and the PNC Urban Advisory Board. And he has served as a trustee of the National Urban League and the National Center for Social Policy and Practice. He has served as deacon and trustee at the Macedonia Baptist Church as well.

Currently, Dean Epperson is the vice chairman of the Urban Redevelopment Authority of Pittsburgh, and he serves on the Allegheny County Department of Human Services Oversight Committee, the William J. Copeland Fund Advisory Committee of the Pittsburgh Foundation, the Lemington Home Advisory Board of the Pittsburgh Foundation. He is also a Trustee of the Pittsburgh Theological Seminary and its Metro-Urban Ministry Advisory Board.

Finally, Dean Epperson has also been active in a number of professional organizations, and he has received many, many awards recognizing his many important contributions and accomplishments.

David E. Epperson is a remarkably talented man who has a tremendous impact at the University of Pittsburgh, and southwestern Pennsylvania, in the course of his long and productive professional career. I am certain that Dean Epperson will continue to be active in community affairs after his retirement as well. A dinner honoring Dean Epperson on the occasion of his retirement will be held in Pittsburgh tomorrow. On behalf of the people of Pennsylvania's 14th Congressional District, I want to wish him well at this milestone in his life.

A TRIBUTE TO BRETT KAUBLE, MICHAEL KRUSE, MICAH KUBIC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. GRAVES. Mr. Speaker, I rise today to honor three students from my district: Brett Kauble of Kansas City, Michael Kruse of Platte City, and Micah Kubic of Kansas City, for winning the Congressional Award Gold Medal. In obtaining this award they have spent the last two years completing 400 hours of community service, 200 hours of both personal development and physical fitness activities, and a four-night expedition or exploration.

The Congressional Award challenges our Nation's young people to realize their full potential through goal setting in the areas of public service, personal development, physical fitness, and exploration. These three students are an outstanding example of the promise and bright future of this Nation. The lessons they have learned striving toward this award will serve them well in future pursuits. This award is a testament not only to the talent, commitment, and discipline of these students, but also to their families, communities, and schools, who supported these students along the way. For their hard work and dedication, I congratulate them. I applaud their accomplishment today, and I encourage them to always pursue future goals with the same vigor.

HONORING LEONARD ABESS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Leonard Abess, a successful banker whose philanthropy during his 97 years of life contributed greatly to the enrichment of the Miami community. It brings me great sadness to report that Leonard passed away on June 3, 2001. Today, I wish to celebrate his life's achievements and mourn the passing of a great man.

Leonard Abess was born in Providence, RI to Romanian Jews. He moved to Washington, DC in 1917, to live with an older sister after the death of his mother. He then enrolled in college at New York University where he took accounting classes at night while working full time during the day.

Leonard moved to Miami in 1925 to open an accounting firm inside First National Bank, where he was an independent auditor. Twenty-one years later he co-founded City National Bank, which is now the largest nationally chartered bank based in Florida. He went from making $25 a week as a young accountant to making millions.

All those who knew Leonard would tell you he never let his riches stop him from caring about people. Leonard Abess despised bigotry and worked so that others could benefit from his philanthropy. He treated everyone with love and dignity.

In 1949, when local hospitals refused to hire Jewish doctors, Leonard and a group of Jewish residents pooled their resources to form Mount Sinai Medical Center in Miami Beach. The hospital, of which Leonard was a founding member and a former chairman of the board of trustees, now has a $300-million-plus operating budget.

Leonard's public service won him countless accolades. He was the recipient of the Anti-Defamation League's Man of Achievement Award and was also named their chairman emeritus. Leonard was the Humanitarian Award winner from the National Conference of Christians and Jews. He and his wife, Bertha, who died in 1997, were recognized as Philanthropists of the Year by the National Society of Fund Raising Executives.

Leonard Abess was survived by his daughter Linda Ellis and son Leonard Abess, Jr.; eight grandchildren and seven great-grandchildren. Mr. Speaker, along with his family, the community of Miami will be at a great loss for his wonderful spirit and generous philanthropic contributions.

IN HONOR OF HIRAM HOUSE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize Hiram House, which will receive a historical marker for the important role it has served in the lives of Ohio youth for over a century.

Hiram House was founded in 1896 as Ohio's first "Settlement House" to address the needs of Cleveland's immigrants and others in poverty. It was one of the first of its kind in the entire Nation. For the next 105 years, this organization effectively pursued its mission of providing a quality outdoor experience for youth that promotes character, self-confidence, and leadership.

Today, Hiram House offers a variety of Summer Camps, School Camps, Educational and Adventure Programs, and year-round Group Retreats for children—especially those from the inner city and disadvantaged homes. Following the theme of American History and the Pioneer Spirit, the camp features covered wagons, tepees, log cabins, and a frontier fort to provide children with a glimpse of life on the early frontier.

The Hiram House continues to make a profoundly positive difference in the lives of more than 7,000 children a year. It is my hope that it continues its service to the community for another century and beyond.

My distinguished colleagues, I ask you to join me in honoring Hiram House and the countless individuals who have provided admirable service to the Cleveland area for over a century.

TRIBUTE TO THE LATE HONORABLE NAT PATTON

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. TURNER. Mr. Speaker, I rise in memory of The Honorable Nat Patton, Jr., a man who embodied my hometown of Crockett, TX, in so many ways. Nat recently passed away on February 13, 2001, after the full life of 88 years.

Nat Patton, the son of former U.S. Congressman and Mrs. Patton, was educated in the public schools of my hometown of Crockett, TX. It was his love for the game of baseball that led him to attend Texas A&M University, where he played shortstop for the Aggie Varsity baseball team. During his days at Texas A&M, Mr. Patton was elected president of his sophomore class and yell leader—a high Aggie honor—for the student body.

Nat Patton was destined for public service from his early years. Following in his father's footsteps, Nat had a special interest in politics and received his law degree from Cumberland University in Tennessee.

After passing the State of Texas Bar Exam, Mr. Patton returned to Crockett to enter private practice. He set his law career aside to serve his country in World War II, where he fought under General George S. Patton's Third Army, 89th Division, European Theater. Following the war he returned to Crockett and resumed his law practice.

From 1950 to 1980, Mr. Patton served Houston County as county attorney. Upon retiring from public service after 30 years, Mr. Patton continued his private law practice.

Mr. Patton and his wife, Eleanor, were married for 60 years. Both were active members of their community, participating in the First United Methodist Church of Crockett. During his service to the church Mr. Patton had served as a Sunday School teacher and as a member of the administrative board. Mr. Patton was also a member of the Masonic Lodge, Knights of Pythias, Veterans of Foreign Wars, and the American Legion.

Nat's friendliness, his welcoming smile, and his warm spirit will be remembered by many of us in Crockett as the personification of the hometown that we love.

We all share his family's profound grief in his passing, just as we have joined them in the celebration of his life.

We'll miss you, Nat.

CONGRATULATING TWILIGHT HAVEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Twilight Haven for 40 years of service to the elderly in our community.

Twilight Haven was the first care facility for the elderly in the Fresno area. It was also one of the first homes for the elderly in the state that provided independent and assisted living with nursing care at one location. Twilight Haven is a volunteer, non-profit organization with government assistance.

In 1957 a group of local leaders from the German community collaborated with a group of local churches to form the Twilight Haven Corporation. Over 700 people joined the organizers to form the initial corporation. Since the companies inception, 1,500 people have become members and the corporation presently has 550 members. Although the corporation was initially established by members from local churches, it is fully independent and not a subsidiary of any religious organization. The Twilight Haven facility was opened in November of 1960 in Fresno. Over the course of its 40 year history, the facility has gone through vast renovation. Today, the facility can accommodate about 255 residents. The facility has served more than 6,000 senior citizens and their families.

Mr. Speaker, I want to pay tribute to Twilight Haven for serving the needs of the senior citizens in our community. I urge my colleagues to join me in recognizing Twilight Haven for its many years of providing outstanding care to the elderly in Fresno.

IN HONOR OF RALPH STANLEY, A MASTER FOR MASS TRANSIT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Mr. Ralph Stanley. Mr. Stanley recently passed away, leaving behind him a legacy of outstanding public and private sector work in the transportation arena. Throughout his career Mr. Stanley established, among other things, a true expertise for mass transit projects.

Mr. Stanley was a graduate of Princeton University and Georgetown University Law School.

He joined the Transportation Department in 1981, serving as chief of staff to Transportation Department Secretaries Drew Lewis and Elizabeth Dole. He then served as the chief of the U.S. Urban Mass Transportation Administration for four years. During this time I worked closely with Mr. Stanley, particularly in the expansion of Metro for the Washington Metropolitan area. Had it not been for our working relationship, the vast system of public transportation we all enjoy today would not have been possible.

Mr. Stanley found the Virginia Toll Road Corporation in 1988 and spent four years as chief executive. In 1992, he became vice president for infrastructure and development for Bechtel. While at Bechtel, Mr. Stanley helped direct the expansion of the light rail transit system in Portland, OR, as well as the economic development of the land near the rail expansion.

Mr. Speaker, although Mr. Stanley and I did not always find ourselves on the same side of public policy issues, he was fair, forward looking and supportive of the transportation projects on which we worked together. Mr. Stanley was dedicated to create a better and more efficient transportation system for that we are grateful.

HONORING THE FREEDOM TOWER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. DEUTSCH. Mr. Speaker, since its inception, the United States has been a safe haven for those less fortunate. A Nation built around those seeking religious or political freedom. A new chance. A fresh start. Opportunities for themselves, and for their children and their children's children. And so, Mr. Speaker, I rise today to honor a symbol of our Nation's freedom; one that has already welcomed generations of new Americans to our shores: the Freedom Tower.

The defining landmark of the Miami skyline for nearly 80 years, the Freedom Tower has represented to Cuban exiles the principals upon which our Nation is based. And now the Freedom Tower is undergoing a well-deserved $40 million transformation to become an interactive museum, library, and research center that will chronicle the experiences, hardships and triumphs of Cuban exiles on their journey to South Florida.

Originally the home to a Miami newspaper, the Tower became the Cuban Refugee Emergency Center in 1962 and remained so for over a decade. Known as "El Refugio," the Freedom Tower served as Florida's Ellis Island to the 450,000 refugees that made the journey.

Mr. Speaker, the Freedom Tower has already meant so much to the South Florida community. And a year from now this distinguished Miami landmark will take on new meaning. It will teach new generations of Americans about the history of Cuban refugees and how their bravery and belief in American ideals has shaped and bettered South Florida as well as all of America.

ROCHESTER INSTITUTE OF TECHNOLOGY HONORS PROVIDIAN FINANCIAL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. LAFALCE. Mr. Speaker, I have addressed the House on numerous occasions in recent years as a critic of the credit card industry and its marketing practices. Today, I would like to share with my colleagues a different story, of how two very different institutions have joined to recognize not only a significant business turnaround, but a change in practices that have enormous consequence for consumers.

One of these institutions is the Rochester Institute of Technology in Rochester, New York, one of the world's outstanding centers of learning in the areas of business and technology. It is also located in Monroe County, one of the four counties I have the honor of representing. The other is Providian Financial Corporation, a financial services company and a major national issuer of credit cards based in San Francisco, CA.

Earlier this month, the Rochester Institute of Technology joined with USA Today in awarding Providian the 2001 Quality Cup award for achievement in customer service. The award recognized Providian for the enhanced customer satisfaction program initiated by the company in May 1999 to address consumer complaints and litigation. Under this program, Providian has implemented more than 200 initiatives in the areas of customer outreach and communications, complaint processing, customer service and marketing practices. The results have provided a dramatic turnaround for the credit company. Since 1999, Providian's customer accounts have increased 60 percent and its assets have grown by 78 percent. At the same time, consumer complaints have declined 40 percent and customer attrition rates have dropped 38 percent.

The Quality Cup award was instituted by the Rochester Institute and USA Today in 1991 to recognize and foster quality in American business. It has been awarded annually to businesses, government and educational institutions, and health care organizations who use teamwork and total quality management to reduce costs, solve problems, increase productivity and enhance consumer service. This year, a judging panel consisting of Rochester Institute faculty, together with outside academics, industry consultants and quality experts, considered 146 nominees ranging from Fortune 500 corporations to small businesses. In addition to recognizing Providian in the customer service category, winners were also selected in the categories of government, health care, manufacturing and small business.

The recognition of the Rochester Institute and USA Today symbolizes the dramatic changes Providian has achieved in less than two years. Until recently, the company was mired in controversy and litigation. Late last year, Providian agreed to pay $105 million to settle earlier class action litigation that alleged that Providian had routinely charged credit card accounts for products and services that consumers had not approved or authorized. The settlement was Providian's second within a year. In June, it also agreed to pay $300 million to settle an enforcement action by the Comptroller of the Currency involving marketing practices that the Comptroller described as a "pattern of misconduct to mislead and deceive consumers."

Since implementing its customer satisfaction program in 1999 Providian has completely restructured its consumer marketing and customer relations operations. Particularly impressive has been Providian's willingness to go beyond the minimal requirements in Federal law relating to consumer protection, both in providing consumers with large type, plain-English explanations of credit card terms, as well as providing additional protections for their customer's confidential financial and personal information.

I want to congratulate Providian for the dramatic turnaround it has achieved and for its strong and growing commitment to customer satisfaction. I also wish to commend the Rochester Institute of Technology for its continuing efforts to recognize and promote excellence in business practices and consumer service.

IN MEMORY OF REV. VINCENT J. MORAGHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of the Reverend Vincent J. Moraghan for his service to the Cleveland community. He has served as a spiritual leader and mentor to many individuals for nearly four decades.

Rev. Moraghan began his life of religious leadership when he was ordained in 1965. Early in his journey, he served as Director of St. Vincent High School in Akron and later as Associate Superintendent of Schools in the Diocese of Cleveland. I believe there are few roles more honorable than those in the field of education.

Throughout his distinguished career, Rev. Moraghan served as Associate Pastor to a variety of Parishes before developing the new mission of St. Matthias Parish of Parma, where he was the first Senior Pastor. More recently he held the position of Pastor at the Holy Name Parish in Cleveland. During this period, he served as Dean of the Southeast Cleveland Deanery. In the last years of his life, Rev. Moraghan graciously worked as Chaplain at the Cleveland Clinic.

I was honored to attend the funeral of this incredibly compassionate man. Reverend Vincent Moraghan has had a profound impact on the lives of many individuals including family, friends, and the community. He will be dearly missed.

My distinguished colleagues, I ask you to join me in honoring the memory of Reverend Vincent J. Moraghan.

HONORING JIM TRAVIS OF NASHVILLE, TENNESSEE ON THE OCCASION OF HIS RETIREMENT FROM WSMV—CHANNEL 4 NEWS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. CLEMENT. Mr. Speaker, I rise today to honor Mr. Jim Travis of Nashville, Tennessee, on the occasion of his retirement from WSMV—Channel 4 after twenty years working as a political reporter for the station. Travis is often referred to as the "Dean of Nashville Political Reporters" due to his thirty-plus-years experience covering Tennessee politics, first at the local ABC affiliate, where he spent ten years on-air, and then upon moving to the NBC affiliate.

While Jim's retirement is well deserved, his presence on Nashville television will be greatly missed. Travis began his journalism career as an announcer in Oklahoma at the University of Tulsa campus radio station more than forty-one years ago. After college, he spent several years working at television and radio stations in Alabama.

In 1970, Travis made his move to Nashville, Tennessee, working for the local ABC affiliate which made the transition from Channel 8 to Channel 2 during that time period. He furthered his education, graduating from the University of Tennessee at Nashville with a Bachelor of Science degree in Business and Economics.

Beginning in the seventies, he made his mark on Tennessee politics, covering the administrations of Governors Dunn, Blanton, Alexander, McWherter, and Sundquist, as well as numerous sessions of the Tennessee General Assembly.

Jim's institutional knowledge of Tennessee politics and political figures is legendary. In 1982, Jim was awarded the coveted George Foster Peabody Award for excellence in journalism, along with several of his colleagues at WSMV—Channel 4. In recent years his coverage of the ongoing budget debate in the Tennessee General Assembly has garnered high ratings for the station time and again.

Although he has always been first and foremost a journalist, Jim enjoys bluegrass and classical music, as well as operating a ham radio and amateur photography. His love of ham radio began years ago, as a child, and while serving as a radio operator in the U.S. Army from 1963–1965.

Jim is also known for his love of life and close observation of personalities and people. Perhaps those traits have best served him in his chosen field along with his quiet smile and discerning demeanor.

Jim Travis is a beloved figure whose work has impacted literally thousands of Tennesseans over the airwaves during his career. He will be greatly missed upon his retirement, but deserves the very best that life has to offer both now and in the years to come.

INTRODUCTION OF THE MEDICARE DIALYSIS BENEFIT IMPROVEMENT ACT JUNE 19, 2001

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. CAMP. Mr. Speaker, today I am pleased to introduce the Medicare Dialysis Benefit Improvement Act of 2001. This legislation takes important steps to help sustain and improve the quality of care for the more than 250,000 Americans living with end-stage renal disease (ESRD). More specifically, this legislation provides the Medicare reimbursement for a routine fourth dialysis treatment for End-Stage Renal Disease (ESRD) beneficiaries who require more than three dialysis treatments per week.

Currently, Medicare's composite rate for hemodialysis for the individuals with ESRD is a one size fits all reimbursement system. This is despite the fact that more than 250,000 individuals with ESRD come in all ages, shapes, sides and health statuses. Historically, the standard frequency for hemodialysis treatments to remove excess fluid and accumulated toxins has been three times a week.

Simply increasing the usual thrice weekly four hour treatment sessions will not solve a problem as there are diminishing returns for longer sessions and this would decrease the rehabilitation potential of these patients and increase noncompliance.

It is estimated that only 10–15 percent of patients would actually receive a fourth treatment a week. While Medicare rules allow payment for additional hemodialysis treatments beyond the standard three times a week on a case by case basis for fluid overload, pericarditis and a few other unusual conditions, Medicare's fiscal intermediaries rarely approve claims for more than three treatments per week.

Furthermore, this legislation takes into consideration the Medicare Payment Advisory Commission (MedPAC) report recommendation of a 2.6 percent increase to sustain patients' access to dialysis services in the 2002. This proposal would help ensure all dialysis providers receive the reimbursement that is in line with increasing patient load and quality requirements. The dialysis reimbursement is the only Medicare provider reimbursement that does not include an annual inflation adjustment. Therefore the only way in which dialysis reimbursement can be updated is by Congressional action.

As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort to ensure patients with kidney failure continue to have access to quality dialysis services. I thank my colleagues for working together on this bipartisan proposal.

TRIBUTE TO NORM KIRSCHENBAUM

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mrs. NAPOLITANO. Mr. Speaker, I rise today to honor one of California's prominent educators and public servants, Mr. Norm Kirschenbaum, who will retire on August 2nd after 39 years of dedicated service to his community.

For the past four decades, Mr. Kirschenbaum has been an integral part of the district's public school system. Involved in the educational process at nearly every level, Mr. Kirschenbaum has served as a classroom teacher, assistant principal, principal, educational director, and assistant superintendent before being asked to head the Hacienda La Puente Unified School District in 1999. His advancement through the ranks is most certainly deserved. Under his leadership, the district has achieved tremendous growth in the student Academic Performance Index. In addition, because of his unfailing dedication, the district has seen an increase in number of schools receiving California Distinguished School accreditation and has achieved a balanced budget.

In his many roles as educational coordinator, Mr. Kirschenbaum has worked tirelessly to improve management. An acknowledged trainee in Stephen Covey's "Seven Habits of Highly Effective People", Mr. Kirschenbaum started a district-wide program to train administrators, teachers, and support staff using the Covey model.

Mr. Kirschenbaum's achievements extend far beyond the district. Throughout the years, he has served on several state educational committees. In that capacity, Mr. Kirschenbaum helped to pioneer California's groundbreaking Holocaust and Genocide Framework. As a member of those committees, he worked to establish a foundation for effective year-round education. His extensive accomplishments in this area were sufficient to garner national recognition.

Perhaps the most amazing thing about Mr. Kirschenbaum is that, despite his many accomplishments, he remains humble. In a recent meeting of school officials, Mr. Kirschenbaum acknowledged the importance of working cooperatively in education and noted his delight in doing his part. "All this", he said, "could only have been possible through a team effort on the part of our entire school community. Our primary mission of raising student achievement in an environment that values the importance of relationship building and becoming more client focused has made the difference. I'm proud to have had a part in shaping this direction for our district."

Mr. Speaker, today I would like to personally commend Norm for his dedication to the students of Hacienda La Puente Unified School and the greater Southern California educational system. He is a model of the passionate American educator and devoted citizen. I know the rest of the House will join me in congratulating Norm and wishing him the best of luck in his retirement.

IN HONOR OF POLICE CHIEF DOMINIC V. MEUTI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KUCHINICH. Mr. Speaker, I rise today to honor Police Chief Dominic V. Meuti who is celebrating his retirement from the police force after 50 years with the Bedford Heights' Police Department.

Police Chief Meuti has a long and distinguished career with the City of Bedford Heights and is believed to be the longest-serving active police chief in the country. Mr. Meuti began his service in 1951 as a 21 year old mechanic. Earning just $1.25 an hour, he accepted the position after only a few months of police work under his belt.

As chief, Mr. Meuti performed countless jobs to make sure the city ran smoothly. In the winter, he acted as the Service Department, and plowed the snow using his beat-up Chevy. In the summer, he patrolled the tiny village in his own car. Chief Meuti's dedication to his job was displayed with the countless hours of work he performed. During his tenure, the community has grown to over 11,000, and the force has expanded to 38 full-time officers.

Police Chief Meuti's life, however, is not consumed with the police force. His office is filled with family photographs and he remains extremely active in his local community. His kind spirit and warm smile attract people to him. He has served his community selflessly for 50 years and is an inspiration to many.

Mr. Speaker, please join me in honoring a great man on his retirement. For 50 years, Police Chief Dominic V. Meuti has dedicated his life to public service. His love and dedication to his community will be greatly missed.

CENTRAL NEW JERSEY APPLAUDS THE WORK OF ROBERT LEVINE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. HOLT. Mr. Speaker, I rise to day in recognition of Mr. Robert Levine, the newly elected president of the Federation of Jewish Men's Clubs (FJMC), for his commitment to and accomplishments on behalf of the educational and social well being of Central New Jersey's Jewish community. Bob has helped the FJMC contribute to the health of our nation's Jewish community. On July 14, he will assume the office of president of the FJMC.

Bob Levine is a long-time resident of Central Jersey. A former Middlesex County College computer science professor and independent training consultant, he has a distinguished career which has paralleled his nearly three decades of affiliation with the East Brunswick Jewish Center.

Bob has served as president of both the Men's Club of East Brunswick Jewish Center and of the FJMC's Northern New Jersey Region. He has also served as the Vice President and First Vice President of the FJMC, and has been responsible for overseeing a number of the Federation's many programs and committees.

Bob Levine's entire life has been characterized by his devotion to his family, faith and community service. I congratulate Bob Levine on his many accomplishments. I ask my colleagues to join me in praising his many contributions to our society.

TRIBUTE TO KRISTEN SCHAEFER, LAURI CORBETT AND PAMELA CALANDRA

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York's outstanding young students, Kristen Schaefer, Lauri Corbett, and Pamela Calandra. Today, on June 19th, the women of Girl Scout Troop 130, Service Unit 44 will recognize these students for receiving their gold awards.

Since the beginning of last century, the Girl Scouts of America have provided thousands of young women each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Kristen, Lauri, and Pamela, and bring the attention of Congress to these successful young women on their day of recognition.

H.R. 333, THE BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Ms. SOLIS. Mr. Speaker, I rise to speak about H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act. I had strong reservations about the measure, and voted in favor of every attempt to improve the bill during House consideration of H.R. 333.

I voted for a Democratic alternative which would have made a number of technical improvements to the bill and modified some of the most burdensome provisions on lower income debtors. I also voted in favor of the motion to send the bill back to the Judiciary Committee in order to make improvements. This motion would have prohibited credit card companies from issuing credit cards to minors who cannot show sufficient income to repay the line of credit. Although these measures failed, I voted in favor of the bill in order to move the legislation along in the hopes that the bill would be improved when it was sent to the Senate.

Unfortunately, this was not the case. The bill passed by the Senate maintains the House bill's onerous provision concerning the means test to determine a debtor's ability to repay debts. The means test is inflexible and does not take into account individual family needs for public transportation, rent and food. The Senate bill also fails to ensure that child support payments will come first, ahead of the commercial creditors.

I will be closely monitoring the efforts of House and Senate negotiators to draft a compromise bankruptcy bill. Should the resulting bill include the anti-consumer provisions of the House passed bill, I will vote against the measure when it comes back to the House and encourage my colleagues to do likewise.

A TRIBUTE TO VINH TRONG NGO

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. DOOLEY of California. Mr. Speaker, I rise today to pay tribute to Vinh Trong Ngo, a loving father of four and a community leader from Fresno, CA, who died of a heart attack in Sacramento on May 10, 2001.

Mr. Ngo was born in Vietnam, graduated from Law University Saigon and later attended the University of California at Los Angeles.

He then retuned to his home country and, in 1975 while fighting for the Army of the Republic of Vietnam, was captured by North Vietnamese soldiers and spent the next five years in a labor camp. In 1980, Mr. Ngo escaped from the camp and fled to the United States.

Mr. Ngo received from the United States the Distinguished Award for Bravery and the Silver Star for his military service.

In the early 1980s, he earned a Master's degree in Family Counseling from Western Oregon State College and moved to California.

Over the years, Mr. Ngo worked as a legislative assistant to Senator JOHN MCCAIN of Arizona and was a principal consultant to former Californian Assembly Member Art Agnos of San Francisco.

For the past four years, Mr. Ngo worked as the regional director of public affairs and development for Planned Parenthood Mar Monte.

He was a leader in numerous community organizations, including the East Bay Vietnamese Association, the Refugee Federation of Oregon, Interfaith Alliance of Central Califonia, Amnesty International, the Vietnam Veterans Association of California, the National Women Political Caucus and the Institute for Democracy.

He is survived by his wife, Namanh Bui, and four children.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Vinh Trong Ngo and celebrating his legacy of service to his family, his community, and his country.

INDIA HONORS SWADESH CHATTERJEE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. PRICE of North Carolina. Mr. Speaker, in recent weeks celebratory events have been held both in Washington and in my district in North Carolina, honoring one of our most distinguished citizens, Swadesh Chatterjee, upon his reception of India's Padma Bhushan award in the area of public affairs. The award was conferred by the President of India on March 22, 2001.

Established in 1954, the Padma Bhushan is one of the highest civilian awards that the Indian Government can bestow on an individual. Mr. Chatterjee is the first Indian American from North Carolina to receive this award and the first Indian American to receive the award in the public affairs category.

"As a young boy growing up in the small town of Somamukhi, West Bengal," Mr. Chatterjee recalled, "I remember how in awe I was of the men and women who were chosen to receive these honors." Yet for those of us who have come to know Swadesh Chatterjee and to appreciate his leadership, this award is not surprising and is richly deserved. For Swadesh Chatterjee has gained recognition in North Carolina as an astute businessman and a respected community and political leader, and in recent years he has become well-known nationally as well.

Particularly noteworthy has been Mr. Chatterjee's presidency over the past two years of the Indian-American Forum for Political Education (IAFPE), one of the oldest and most respected Indian-American organizations in the Nation. In this capacity he worked effectively to strengthen the organization at the grass roots and to raise its profile nationally. He helped stimulate the growth of our Congressional Caucus on India and Indian-Americans. He encouraged President Clinton to make his historic trip to India last year and accompanied him when he went.

Mr. Chatterjee, his wife Manjusri, who is an accomplished psychiatrist, and their children Sohini and Souvik, are citizens of Cary, NC, whom I am honored to represent. They have helped make the Indian-American community in our State a vibrant one, and they have greatly enriched our wider community as well. Swadesh Chatterjee once said that he and other Indian-Americans were "fortunate to be the children of two mothers: India, which gave us our lives, and the United States, which gives us our livelihood." He and his family are proud Americans who contribute a great deal to our country and remind us that being American does not require a masking or suppressing of our diversity; on the contrary, our country is enriched by the flourishing of the multiple ethnic and cultural traditions from which we came.

Mr. Speaker, the Padma Bhushan Award is a fitting recognition not only of Swadesh Chatterjee's contribution to his native land but also of what he has contributed to America and to Indian-American relations. And while it surely represents a high point of his career, I am also confident that it points to even greater things to come!

INTRODUCTION OF H.R. 2211—THE BURMA FREEDOM ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. LANTOS. Mr. Speaker, it is only befitting the heroic struggle of the outstanding human rights and democracy leader in Burma, the 1991 Nobel Peace Prize Winner Daw Aung San Suu Kyi, that I today, on her birthday, introduce H.R. 2211. This bipartisan legislation bans the import of all articles into the United States which were produced, manufactured or grown in Burma.

Mr. Speaker, I am pleased that similar legislation has been introduced in the Senate by Senator Tom Harkin and Senator Jesse

Helms. Together our efforts in introducing the House bill today will close an important loophole in the current sanctions of the United States with regard to Burma.

I am taking this strong step in light of the ongoing egregious human rights violations which the Burmese people continue to suffer by the hands of the brutal military regime which now calls itself the State Peace and Development Council (SPDC). This legislation, which is already cosponsored by my colleagues Constance Morella of Maryland, Benjamin Gilman of New York, Pete Stark of California, Ileana Ros-Lehtinen of Florida, Nancy Pelosi of California, Christopher Smith of New Jersey, Donald Payne of New Jersey, Dana Rohrabacher of California, Dennis Kucinich of Ohio, Joseph Pitts of Pennsylvania, William Delahunt of Massachusetts, Robert Andrews of New Jersey, Neil Abercrombie of Hawaii, Marcy Kaptur of Ohio, Michael Capuano of Massachusetts, Lane Evans of Illinois, James McGovern of Massachusetts, Sam Farr of California, Albert Wynn of Maryland and Janice Schakowsky of Illinois, sends a strong signal to the Burmese military dictatorship that the United States will no longer allow one of the world's most brutal regimes to reap the benefits of its outrageous practices of forced and child labor, rape and the mass imprisonment of opposition and ethnic minorities leaders.

In response to the outrageous and systematic use of forced and child labor, the International Labor Organization (ILO) evoked in June 2000—for the first time in its 82-year history—an extraordinary constitutional procedure to adopt a resolution which calls on the State Peace and Development Council to take concrete actions to end forced labor in Burma. In an unprecedented step, the ILO recommended that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the system of forced or compulsory labor. In addition, the ILO urges other international bodies to reconsider any cooperation they may engage in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced or compulsory labor.

Mr. Speaker, if we take our responsibilities as the world leader on democracy and human rights seriously, the United States simply cannot stand idly by when the ILo calls on the world community to live up to its obligations. If the United States sends a strong international signal by passing this legislation, it would show that we are determined and unwavering in our efforts to support the democracy movement led by Daw Aung San Suu Kyi and her National League of Democracy (NLD) by providing international leadership. Based on this leadership, the SPDC will soon face a determined world community in which it is totally isolated.

Already in 1997, Congress enacted sanctions and former President Clinton issued an Executive Order in response to the egregious human rights violations in Burma. These measures established the existing prohibition on U.S. private companies making new investments in Burma. The European Union followed suit and imposed economic sanctions on Burma, removing trade preferences, freezing the regime's assets, and issuing a ban on travel visas for the regime's leadership. That the SPDC is not totally insensitive to this kind of pressure became obvious when the military dictatorship surprisingly entered into a secret dialogue with Aung San Suu Kyi now almost seven months ago, which unfortunately has not yielded any tangible results.

Existing U.S. investment restrictions, while an important step in the right direction, clearly do not go far enough. To everyone's surprise, despite the existing sanctions regime, imports of Burmese articles and goods into the United States grew steadily and are perfectly legal. We have to close this loophole, and our legislation would do that. We keep the pressure on the SPDC. Our conditions for the SPDC have to be absolutely clear and unequivocal: trade with the United States will only be resumed if the military regime allows sustained and measurable progress in the areas of human rights and democracy, and the SPDC must make significant progress in the talks with the only credible person involved in the ongoing secret negotiations, the winner of the overturned 1990 general elections and Noble Peace Prize Winner, Aung San Suu Kyi.

The 1999 State Department Human Rights Country Report on Burma cited "credible reports that Burmese Army soldiers have committed rape, forced porterage, and extrajudicial killing." The report further describes arbitrary arrests and the detention of at least 1300 political prisoners. The most recent report by the State Department for the year 2000 finds that "The Government's extremely poor human rights record and longstanding severe repression of its citizens continued during the year. Citizens continued to live subject at any time and without appeal to the arbitrary and sometimes brutal dictates of the military regime. Citizens did not have the right to change their government. There continued to be credible reports, particularly in ethnic minority areas, that security forces committed serious human rights abuses, including extrajudicial killings and rape. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Prison conditions remained harsh and life threatening, but have improved slightly in some prisons after the International Committee of the Red Cross (ICRC) was allowed access to prisons in May 1999. Arbitrary arrest and detention for expression of dissenting political views continued to be a common practice. The Government held Aung San Suu Kyi incommunicado twice in September, following attempts to travel beyond the bounds of Rangoon City and to Mandalay. At year's end, the Government continued to hold Aung San Suu Kyi in detention; it also held 48 members-elect of parliament and more than 1,000 NLD supporters under detention, all as part of a government effort to prevent the parliament elected in 1990 from convening. Since 1962 thousands of persons have been arrested, detained, or imprisoned for political reasons; more than 1,800 political prisoners remained imprisoned at year's end."

In addition, Human Rights Watch reported that children from ethnic minorities are forced to work under inhumane conditions for the Burmese Army, lacking adequate medical care and sometimes dying from beatings. The UN Special Rapporteur on Burma puts the number of child soldiers at 50,000, one of the highest in the world. In addition, a 1998 International Labor Organization Commission of Inquiry determined that forced labor in Burma is practiced in a "widespread and systematic manner, with total disregard for the human dignity, safety, health and basic needs of the people."

While current sanctions forbid new U.S. investments in Burma, the current Burmese imports into the U.S. rapidly grow and include apparel articles, fisheries products, gems, and tropical timber. In particular, apparel imports into the U.S. grew by 372 percent, rising from $85.6 million in 1997 to $403.7 million in 2000—a 4.7-fold increase—while wide-spread and egregious human rights violations continue.

These imports into the U.S. provide the SPDC with growing hard currency income because they are directly involved in the production process as direct or de facto owners of production facilities in the apparel and textile sector.

Mr. Speaker, the United States must stand with the Burmese slave laborers, the exploited children, the imprisoned and raped political opposition members. Passing this important legislation would not only support and strengthen the ILO as a guardian of internationally accepted labor standards, but it would also make clear to the world that the United States will never trade democracy and the respect for human rights for trade benefits and cheap imports.

Mr. Speaker, I ask that the text of H. R. 2211 be placed in the Record at this point. I urge my colleagues to cosponsor this important bill, and I call on the House to speedily adopt this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burma Freedom Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The International Labor Organization (ILO), invoking an extraordinary constitutional procedure for the first time in its 82-year history, adopted in 2000 a resolution calling on the State Peace and Development Council to take concrete actions to end forced labor in Burma.

(2) In this resolution, the ILO recommended that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the State Peace and Development Council do not abet the system of forced or compulsory labor in that country, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced or compulsory labor.

SEC. 3. UNITED STATES SUPPORT FOR MULTILATERAL ACTION TO END FORCED LABOR AND THE WORST FORMS OF CHILD LABOR IN BURMA.

(a) TRADE BAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (2), no article that is

produced, manufactured, or grown in Burma may be imported into the United States.

(2) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The State Peace and Development Council in Burma has made measurable and substantial progress in reversing the persistent pattern of gross violations of internationally-recognized human rights and worker rights, including the elimination of forced labor and the worst forms of child labor.

(B) The State Peace and Development Council in Burma has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners; and

(ii) deepening, accelerating, and bringing to a mutually-acceptable conclusion the dialogue between the State Peace and Development Council (SPDC) and democratic leadership within Burma (including Aung San Suu Kyi and the National League for Democracy (NLD) and leaders of Burma's ethnic peoples).

(C) The State Peace and Development Council in Burma has made measurable and substantial progress toward full cooperation with United States counter-narcotics efforts pursuant to the terms of section 570(a)(1)(B) of Public Law 104-208, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997.

(b) EFFECTIVE DATE.—The provisions of this section shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

TRIBUTE TO COLONEL BLAKE ROBERTSON ON THE OCCASION OF HIS RETIREMENT FROM THE UNITED STATES MARINE CORPS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to honor an outstanding public servant that has dedicated his adult life to serving his Nation as a United States Marine Corps Officer. Colonel Blake Robertson was first commissioned Second Lieutenant in the USMC Reserve in December of 1974. Since that time he has served in a variety of challenging command and staff assignments throughout the United States and overseas. His hard work and demonstrated excellence earned him steady promotions to the rank of Colonel.

Throughout his career Col. Robertson has increasingly taken on more challenging and difficult tasks. In his last assignment, as the Direct Reporting Program Manager for the Advanced Amphibious Assault Vehicle, he was responsible for developing the Marine Corps' next generation assault amphibian. In this capacity he reported directly to the Assistant Secretary of the Navy (Research, Development and Acquisition) and was responsible for the management of the only Acquisition Category I major defense acquisition program unilaterally managed by the U.S. Marine Corps. He Col. Robertson provided a steadying hand in overcoming technical and programmatic challenges in achieving the program's cost, schedule and performance objectives. Given an austere budget and technically challenging task, he marshaled these scarce resources into the Marine Corps' and one of the Department of Defenses' finest Research and Development Programs.

Col. Robertson has provided unfailing leadership in implementing new Department of Defense acquisition reforms and Integrated Product and Process Development Teams. These new and innovative business practices have been the vanguard for Defense Reform. Under his steadfast stewardship, the program earned high distinction and accolades such as the Packard Award for Excellence in Acquisition, the Defense Superior Management Award, Government Technology Leadership Award and numerous environmental awards.

Now as Colonel Robertson retires from his beloved Corps, I ask the House to join me in wishing him "fair-winds" and "following-seas" as he pursues life's next challenges.

RECOGNIZING THE RETIREMENT OF CAPTAIN KEITH JACKSON OF THE FREMONT POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. STARK. Mr. Speaker, Captain Keith D. Jackson is retiring from the Fremont Police Department on July 19, 2001 after a 25-year career with the Fremont Police Department. Captain Jackson has been a vital member of the Department, has worked his way through the ranks and made significant contributions at every level.

Captain Jackson started at the Department September 1, 1975 as a patrol officer. He attended the 84th recruit academy at the Oakland Police Department prior to taking on patrol officer duties in Fremont. He worked as a patrol officer and a Field Training Officer for new recruits until June of 1980. At that time, he was transferred to the Investigative Section as a Detective. Captain Jackson distinguished himself as a Detective and was promoted to Sergeant in March of 1982. He returned to patrol and in October 1983 he was promoted to the rank of Lieutenant. As a Lieutenant he worked as a patrol Watch Commander, Investigative Section Commander, Services Section Commander and returned to patrol as a second tour as Watch Commander between 1983 and 1988.

Some of his most significant contributions as Captain have been in the area of Special Projects. Captain Jackson was responsible for the architectural design of the new $7 million Police Facility that the Department members and the public enjoy today. Additionally, he has been the lead on the planning and construction of the new jail facilities.

Prior to being hired at the Fremont Police Department, Captain Jackson had an exemplary career with the United States Marine Corps from 1969 to 1975 on active duty and as a reserve until 1979. Captain Jackson graduated with a Bachelor of Science degree in Criminal Justice Administration in the ROTC undergraduate program at San Jose State University and upon graduation was commissioned as an officer in the Corps. He served in the areas of Air Division, Intelligence, Legal Officer and Security Officer. During his career with the Marine Corps, he was rated as an expert with a pistol and rifle and was the winner of the prestigious National Leatherneck Award for marksmanship.

As previously mentioned, Captain Jackson has a Bachelor of Science degree in Criminal Justice Administration from San Jose State University. In addition, he has earned a Masters of Science degree from Cal-Polytechnic University Pomona, and a Basic, Intermediate, Advanced, Supervisory and Management Certificate from the Commission of Police Officer Standards of Training from the State of California.

I join Captain Jackson's friends and colleagues in thanking him for his past contributions to the City of Fremont and wishing him well in his retirement years.

HONORING DR. JACK R. ANDERSON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. GILMAN. Mr. Speaker, I rise to honor and remember Dr. Jack R. Anderson, our nationally honored superintendent of schools in East Ramapo, New York, who recently passed away.

Hailed by his peers as "The last of the giants in public education," Dr. Anderson served the children and community of East Ramapo for more than 20 years with dignity and dedication.

Dr. Jack Anderson arrived in East Ramapo in 1977 and breathed new life into a troubled school system. During his tenure, he restored sound fiscal footing to our school district, promoted the importance of technology as a central focus of our students' education, and played a key role in the passage of a $22 million bond, which enabled East Ramapo to move forward with plans to maintain the schools' infrastructure and upgrade the educational program.

Superintendent Anderson led a districtwide grade reorganization, reinvigorated our teachers and staff through his support for educational innovation, and, due to his fiscal fortitude, the school district received the highest credit ratings from financial agencies.

Our 1994 "New York State Superintendent of the Year." Dr. Jack Anderson brought national recognition and attention to East Ramapo and our school district. His "Vision for the Future" Program in the area of computer education became the model for schools around the country and he established one of the first federally-funded teachers' centers in New York.

Dr. Anderson also served as chairman of the American Association of School Administrators' Federal Policy and Legislation Committee, as president of the Mid- and Lower-Hudson School Study Councils and Rockland Superintendents Association.

The vision, leadership, and caring spirit of Jack Anderson will be sorely missed not only by our East Ramapo community, but by thousands of students and parents throughout Rockland County.

Author Horace Mann once wrote, "The common school, improved and energized as it can easily be, may become the most effective and benignant of all the forces of civilization." Thanks to Jack Anderson, our East Ramapo schools are improved and energized, and it is our children, the future of our Nation, who have benefitted.

CONGRATULATING LIONEL D. BROWN WINNER OF CONGRESSIONAL ART COMPETITION

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, after weeks of deliberation, I am pleased to announce Lionel D. Brown, of Bolivar County, Mississippi, as the winner of "Artistic Discovery 2001". This annual art competition is a real opportunity for our students all over Mississippi's Second Congressional District, which encompasses twenty-four counties, to showcase their talents. I was not surprised to see that we have a lot of young talented artist in the district. Lionel's magnificent block print painting, titled "A Long Journey Ahead" edged out the stiff competition to win this years contest. This year we had seventy-four entries from worthy participants. I am sure the judges had a tough job choosing just one. I am proud of Lionel and I will take great pleasure in displaying his artwork in the Capitol subway for all to see.

Lionel spent several months in preparation and effort in order to complete his piece. He is to be commended, not only on his winning piece, but on his success in life to date. Lionel is a recent graduate of East Side High School and plans to attend a college somewhere in the State next year. I urge him to apply and hopefully attend my alma mater Tougaloo College in Central Mississippi. He would be a welcomed addition.

Lionel is not only a talented artist, he is also a superb baseball player. He plans to pursue both of these endeavors in the future, where ever he goes. I wish Lionel the best and I am confident that he will do well in his "Long Journey Ahead".

HONORING THE NATIONAL ACADEMIC TEAM OF THOMPSON INTERMEDIATE SCHOOL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. BENTSEN. Mr. Speaker, I rise to honor the Thompson Intermediate School National Academic Team, on the occasion of recent victory in the National Academic League Finals.

The National Academic League is a nationwide contest between middle school academic teams that is set up like an athletic game. Each competition is broken into four quarters, and students answer questions about math, science, social studies, and language arts. The competition is a fun and educational way to develop fundamental skills.

Thompson Intermediate School's victory marks their third championship and fifth trip to the National finals. The victorious 7th and 8th graders included Tiffany Lily, Vishal Patel, Christine Tran, Van Nguyen, Lam Lei, Wesley Bennett, Minh Bui, Ana Lopez, Justin Lai, Courtney Grimes, Grace Kim, Michael Cole, Adrian Ingalls, Tracie Thompson, Rustain Abedinzadch, Ryan Fox, Ryan Dawson, Bruce Lee, Henry Dao, and Richard Quach. The team was under the veteran leadership of coach Carolyn Carmichael, and Thompson Intermediate School Principal Greg Jones.

The finals were the culmination of hard work and rigorous training by the students. The Pasadena School District, the only Texas school district to compete, adopted the program in 1993 in order to motivate students and encourage academic acheivement. After thirteen matches with the nine other district teams, Thompson went on to the National Competition with the strong support of all of their classmates. The students prepared for the competition in a separate National Academic League class. This advanced level class prepared the students for competition with a fast-paced and diversified curriculum.

Mr. Speaker, the members of the Thompson Intermediate National Academic League Team have seen their dreams and hard work come to fruition as they have captured the National title. I applaud the hard work and diligence of these students, and wish them continued success in their studies.

TRIBUTE TO THE FULLER HAMLET UNDER-11 GIRLS SOCCER TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. McGOVERN. Mr. Speaker, I rise today to join the community of Sutton, Massachusetts in celebrating the success and triumph of the Fuller Hamlet Under-11 Girls Soccer Team. On Sunday, June 10, 2001 the girls won the Massachusetts State Championship by defeating Charles River United by the score of 1–0.

The achievement is impressive in itself, considering the fact that these young women were able to band together and earn an honorable achievement at such an early age. Attaining a championship is a feat that is cherished by all athletes, yet even at the professional level of sport not all are able to understand the exultation and excitement that these young women have just enjoyed. It is also worth mentioning that the Under-11 Girls team has joined the great tradition of winning, which has the made the Fuller Harrilet organization a perennial force in girls soccer.

I would like to recognize the contributions of each individual who has taken part in such an exceptional accomplishment. The team was comprised of 17 players: Ashley Cubbedge, Erin Fleury, Brenna Flynn, Heather Gosnell, Karina Gregoire, Caitlin Lachowski, Marissa McCann, Robin Deschke, Rachel Norberg, Lauren O'Connor, Briana Paris, Melissa Stomski, Courtney Sturgis, Alexandra Tauras, Courtney Talcott, Nfichelle Cavalieni, and Suzanne Jensen. Recognition must also be extended to the head coach, Marc Bowden, whose prominence was clearly demonstrated by guiding these young ladies to the Under-11 Massachusetts State Championship.

Mr. Speaker, it is with tremendous pride that I acknowledge the outstanding young women athletes of the Under-11 Fuller Hamlet Girls Soccer Team for a noteworthy season. I congratulate them, with great promise of future excellence, on their most exceptional accomplishment and wish them the best of luck in years to come.

TRIBUTE TO THE LATE HARRY FORD, BRIAN FAHEY AND JOHN DOWNING

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KING. Mr. Speaker, I rise today to mourn the loss of 3 New York Firefighters, the bravest of the brave. This past Father's Day, Harry Ford, Brian Fahey and John Downing died in the service of New York. These men were prepared for and paid the ultimate sacrifice, giving their lives to save others. Far too often the courage and selflessness of firefighters go unnoticed and unrewarded. Unfortunately, it takes a tragic fire in Astoria, Queens, to remind us of just how important they are. Firefighters personify courage and all that we as a nation hold dear. My prayers are with their families and their fellow firefighters. They will be missed but not forgotten.

TRIBUTE TO MR. JOHN L. STOKESBERRY ON THE CELEBRATION OF HIS RETIREMENT ON JUNE 21, 2001

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct privilege to rise and pay tribute to one of my community's unsung heroes, Mr. John L. Stokesberry, Executive Director of the Miami-Dade County Alliance for Aging, Inc. His friends and admirers will honor him on June 21, 2001 at a retirement dinner in Miami, Florida in recognition of the longevity of his service to the elder citizens of Florida.

Mr. Stokesberry is truly one of the noblest public servants of my community. Having dedicated a major portion of his life to making the health care system work on behalf of Florida's senior citizens, he has been relentless in his development of innovative elderly service programs that responded to the crying needs of our community's seniors. His was indeed a crusade of love and commitment that maximized understanding and compassion for countless destitute families who severely lack the financial wherewithal to have their elder members' welfare move up through the labyrinth of the bureaucracy.

Under his leadership many lives have been saved and countless families have been rendered whole because of his dedication to create accessibility to affordable elderly health care and welfare services. He was virtually the lone voice in the wilderness in exposing his righteous indignation over the hopelessness of countless senior citizens who through the various crises of poverty rendered them helpless before obtaining affordable quality health care and welfare services for them.

Furthermore, he has been forthright and forceful in advocating the early recognition of the problems affecting the elderly population of our state. Under his tutelage, the Alliance for Aging, Inc. and other ancillary centers on aging and development disabilities have been established to provide outreach programs in various segments of our community. Together they have initiated educational programs for its elderly population long before the crisis was recognized, and federal, state and local funding became available. His knowledge of and sensitivity to Florida's seniors knew no bounds, and he was likewise untiring in seeking the appropriate elderly care guidance for them.

In various articles on his role in facilitating upgraded quality service to our elderly population, Mr. Stokesberry was genuinely lauded as an elderly care provider par excellence who has shown courageous leadership and extraordinary vision, forcefully insisting that high quality services must be provided on behalf of our nation's burgeoning senior citizens population and must be constantly upgraded with constant community input and collaboration.

The consecration of his life serves as an example of how much difference a committed crusader like him can truly make on behalf of the less fortunate. Almost singlehandedly he has championed a career-long commitment to affordable quality senior care service for nearly three decades.

In his stint as State Director of the Florida Office of Aging and Adult Services and on to his leadership role at the Alliance for Aging, Inc., Mr. Stokesberry ensured the provision of high quality, accessible senior care to the elderly population in Miami-Dade and Monroe counties. During those harrowing times of cutbacks in health and social services funding for seniors at the federal, state and local levels, his innovative and uncompromising commitment enabled his office to maintain its critical role, while leading efforts to ensure that program effectiveness and a caring approach were not compromised.

Mr. Stokesberry truly represents an exemplary community servant who abides by the dictum that those who have less in life through no fault of their own should somehow be lifted up by those who have been blessed with life's greater amenities. As a gadfly among Miami-Dade County's and the nation's elderly care professionals, he is wont to prod his colleagues toward ensuring that both political and bureaucratic leadership must find a way to develop programs in and of the community, despite the risks.

As one of those hardy spirits who chose to reach out to senior citizens from various segments of our community, Mr. Stokesberry thoroughly understood the accouterments of power and leadership. He wisely exercised them, alongside the mandate of his conviction and the wisdom of his knowledge. The crucial role he played all these years in developing affordable quality care for our seniors evokes a genuine humility as he is wont to say that ". . . the accolades are not important. What is important is that my community receive the recognition of its strength amidst its diversity, and get the help for the disproportionate share of the problems our senior citizens confront everyday."

It is indeed an honor for me to have had the privilege of knowing this gentle and caring man. His word has been his bond to those who dealt with him, not only in moments of triumphal exuberance in helping many of our elderly turn their lives around, but also in his resilient quest to transform Miami-Dade County into a veritable loving community.

Tonight's tribute is genuinely deserved! I salute Mr. John L. Stokesberry, a very dear friend, on behalf of a grateful community that he truly loved and cared for. I bid him now Godspeed on a well-deserved retirement.

RECOGNIZING THE HOUSTON FAMILY REUNION

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. BENTSEN. Mr. Speaker, I rise today to recognize the "26th Annual Houston Family Reunion." In 1975, the children of Butler H. and Ida Bell Houston organized the very first "Houston Family Reunion." This annual week-long celebration culminates each year on Independence Day, July 4th. This year the Houston Family will meet in Houston, TX, at the Westchase Hilton and Towers.

The Houston family's roots sprout from the small town of Plant City, FL. This year, more than seven generations of Houston descendants will travel to Texas from as far away as Illinois, California, South Carolina, Tennessee, Florida, Arizona, Georgia, and the District of Columbia. There are no obstacles too large or distances too far, to separate this family on the event of their annual family reunion.

The Houston family is a very distinguished group of people. Among them are several professionals; doctors, lawyers, accountants, and educators. The values of honor, integrity and education are deeply instilled in the Houston family. They place a strong emphasis on the importance of community involvement; hence, their involvement in the many Christian organizations in Houston.

This year's reunion will highlight the current matriarch of the Houston family, Theodosia (Aunt Louvenia) Houston Knighten. Theodosia is the oldest living child of Butler H. and Ida Bell Houston. During this year's festivities, Dr. Joe Reed, Sr., the family's historian, will present an in-depth look at the family's ancestry.

Unfortunately I will not be able to attend this year's reunion; however, I extend my best wishes for a fun and memorable event. I also wish them continued success in future celebrations.

IN HONOR OF DR. THEODORE J. CASTELE, M.D.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and celebrate a great man, Dr. Theodore J. Castele, on his achievement of the 2001 West Side Ecumenical Ministry's Lamplighter Humanitarian Award.

Dr. Castele, the first television news doctor in the country, has served the Cleveland and global community in many different capacities. He is most known for almost a "billion video house calls" where he discussed everything from the latest medical breakthroughs to the cure for a common cold.

His professional duties led him much further than television. Dr. Castele is also affiliated with Case Western Reserve University where he has been Interim Associate Dean of Development and Alumni Affairs, and is now chairman of the Dean's Technology Council. Since 1961, Dr. Castele has taught medical and surgical interns at Lutheran Hospital and recently he began teaching at Fairview Hospital. His love of medicine and his true desire to help people in need have boosted his professional career to astounding heights.

However, Dr. Castele is not only active in the medical community. He has contributed thousands of hours to countless community organizations including The Humility of Mary Health Care System, the Health Museum of Cleveland, The Boy Scouts of America, and many others. He was recently recognized by the American Medical Association for his outstanding contributions to the community and was also named "Outstanding Man of the Year" by the Eagle Scout Association of Greater Cleveland.

Mr. Speaker, please join me in honoring Dr. Theodore Castele for a lifetime of dedicated service. Dr. Castele has remained active in the medical and local community his entire life. His love has touched so many in Cleveland. I am proud to have such a dedicated community leader in my district and wish him the best of luck in the future.

HONORING MATT PATRICK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the service of Matt Patrick, former Executive Director of the Boulder County AIDS Project (BCAP). After having served the people of Boulder for nearly six years, Matt has left BCAP to become Program Officer for the Gill Foundation, based in Denver. With him serving as director, BCAP experienced an evolution of philosophy.

Under Matt's guidance, the BCAP budget doubled to nearly $1 million and the staff grew by 50 percent. Importantly, during his time as Executive Director, BCAP expanded its outreach programs to target the workplace as well as Latino/a communities. Further, BCAP was selected as the best non-profit in Boulder County three times under Matt's direction and received numerous other awards.

Matt was also instrumental in the evolution of BCAP as a multiculturally proficient organization. As Executive Director, Matt incorporated policies and procedures to enhance the diverse nature of BCAP. Now there is multicultural training, a diversity coordinator and an agency wide multicultural staff.

During his tenure with BCAP, Matt and his staff gave much thought as to whom the agency's clients were—whom it was BCAP should be serving. According to Matt, "To me the reality of our mission is twofold—to serve people living with HIV and to slow the spread of HIV infection in the community." Simply considering those infected with HIV as clients of BCAP was not enough for Matt; it was only half the mission. In fact, in the year 2000, BCAP had 35,000 educational contacts as where six years ago this number was around 10,000.

By expanding educational and outreach programs, Matt Patrick served his community, the community of Boulder, CO, as few have. I recognize his service and pay him honor.

HONORING PASTOR FREDDIE GARCIA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. BONILLA. Mr. Speaker, I rise today to honor Pastor Freddie Garcia for his hard work and contributions made throughout Texas, New Mexico, California, Mexico, Peru, Colombia, and Puerto Rico. Pastor Garcia's hard work and commitment to God has improved and affected many lives.

Pastor Freddie Garcia was born June 10, 1938, in San Antonio, TX. Growing up, Pastor Garcia faced many difficult situations; his largest obstacle was drug addiction. Pastor Garcia overcame his addiction to drugs upon finding and devoting his life to God. In June 1966, Pastor Freddie Garcia married his wife Ninfa. The two have been happily married and are committed to a life with God.

Pastor Garcia graduated from the Latin American Bible Institute in California in 1970. In 1972, Pastor Freddie Garcia and Ninfa founded Victory Fellowship Outreach. The program provides teachings on issues such as: family, education, discipline, the church, and community while also focusing on individuals in need of reconciliation and rehabilitation. Victory Fellowship Outreach has cured over 13,000 people from drug addiction.

Within Victory Fellowship Outreach, there are many other ministries that reach out to help troubled individuals. The Victory Home-Christian Rehabilitation Center is open 24 hours and located in drug infested areas of San Antonio. The Center feeds and houses women and men in need of shelter and healing from life-controlling addictions. The Center has expanded across the United States and abroad. The Victory Leadership Academy has a two-year curriculum designed to equip workers with the skills necessary to run Christian rehabilitation centers. These centers also exist across the United States and throughout the world. Campus Outreach is a Youth Task Force comprised of former gang members who confront and challenge both junior high and high school students with lectures, discussion panels, classroom participation, and one on one interaction to discuss the evils of gangs and drugs. Victory Fellowship Outreach also offers Drop-In Centers which are located within housing projects offering emergency housing for troubled individuals and Jail and Prison Ministries which provide inmates with personal visits and Bible Correspondence Courses.

In 1988, Pastor Freddie Garcia published Outcry in the Barrio, an autobiography. In 1990 former President Bush presented him with the Achievement Against the Odds Award.

Pastor Garcia is a model citizen helping others with troubled pasts and troubled lives become model citizens. I would like to thank Pastor Freddie Garcia and his wife Ninfa for all they do, have done and will continue to do in the name of God and a better America.

DISCUSSION ON U.N. CONFERENCE ON RACISM

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. HILLIARD. Mr. Speaker, ANC leader Thozamile Botha once said, "We cannot choose war, we have come from war." To my colleagues and friends here today, I say that we cannot choose racism, because we have come from racism. It has brought us, and our children nothing but strife and sorrow. We all need each other in this new era of globalization. The time has come for us to stop harming each other because of our differences, and start using our differences to strengthen our weaknesses.

Racial discrimination has been an historical tragedy in all countries. Those countries, which enjoy lavish wealth today, do so because they were the oppressors of yesterday. Now, stands an opportunity to stop the cruel cycle of racial discrimination.

Historically, social structures and cultural beliefs combined to legalize racial oppression. Many lost opportunities or faced obstacles to living a prosperous life because of racial discrimination and abuse. The message rings loudly throughout any society as to which lives are considered more valuable. This instantly creates intense conflict within society.

A society that places and holds certain citizens in poverty and at a disadvantage with respect to occupation and education create an environment that induces many negative social ills—poverty, illiteracy, and crime are just a few. If all persons are expected to support and abide by the system, then the system should value all life equally. Those who will receive unequal treatment from the system may not honor it with equal respect.

The Conference on Racism focused initially on dismantling apartheid in South Africa. Apartheid fell, but just as with slavery in the United States, the remnants of inequality still remain.

International conflict now goes beyond nations going to war with one another. The wars of "the post, cold-war era," involve conflict among groups and neighbors who have lived side by side for generations. The world has become a new and politically unfamiliar place to many, and with unfamiliarity brings the desire to cling to that which they know and condemn that which is unfamiliar.

Why are so many countries afraid to address the issue? We know racism is everywhere, and it threatens to overwhelm us all if we do not place safeguards to prevent the harm it would incur.

The root of racism is fear. Fear of not being on top, fear of not being given preferential treatment, fear of competing for resources. However, the most powerful fear is one of a diminished self-worth. Too often those who perpetuate racism have intertwined their feelings of worth and confidence with the comparative status of those around them.

Hence, we do not struggle to improve life for one group, we struggle to change the false sense of superiority of another group—and it is this fear of losing superiority that frightens most. However, the only cure is to show them that a better world exists, not just for the oppressed, but for them as well. It is a new world that many cannot begin to imagine. It is this world that the U.N. Conference wishes to promote. The reality many people experience in the world today is not just emotionally painful, but it has many other ramifications that fall like stacks of dominoes. The effects of racism spread quickly and can soon pour into every community, harden and form the foundation of social institutions; and every mind of every person becomes polluted.

Our failure to address racism, as an international community is the reason we have so much international conflict. Racism should be viewed as a mental illness, and without a cure or an attempt at prevention, will create the sick atrocities we witnessed in Rwanda and Bosnia. We must find new ways to monitor hate and distrust before it reaches epidemic proportions. As global citizens we face not just diseases of the body, but of the mind and the spirit. We have too long focused on those problems we can see, and have pathetically crawled away from the true source of its origin.

United States citizens consider themselves the guardian of individual liberties. It was our political ancestors who created the framework that became the United Nations. It was our first ambassador, Eleanor Roosevelt who established the Human Rights Commission.

The U.S. urgently seeks its renewal on the U.N. Human Rights Commission. To those who wish to accomplish this, I give a quote from Eleanor Roosevelt. "Where after all, does universal rights begin? In small places, close to home . . . unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

I join my colleagues in an earnest plea for the administration and Congress of the United States, to give their full support to the World Conference on Racism and send an official delegation to Durban, South Africa.

We have been a staunch promoter of human rights and underlying any democratic philosophy is the belief that all men are created equal. This is the core of human rights and eliminating racism should be at the core of our domestic and foreign policy. We are not calling upon the world to repent, but to acknowledge the past, refuse to ignore the present and hopefully challenge the future.

LABOR AND THE LABOR FORCE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I would like to thank Representative BONIOR for organizing a special order on labor and the labor force in our country. Rather than wait until the first Monday in September, I, too, appreciate the role of labor and organized in our economy.

In my District, which is largely the Mississippi Delta, I've witnessed the transition from agriculture to gaming. Ten years ago, there were no casinos in the State of Mississippi. Today, more than 22 casinos operate in my Congressional District. The Second District of Mississippi is one of the more rural areas in the country. While we grow cotton and soybeans and farm-raise 85% of the Nation's catfish, we can sometimes lose sight of the men and women who make it all possible.

When we adjourn in the House, most times you can find me headed to Mississippi. When I get home, I hear all the concerns of hard-working folk who just want to make a better way of life for their families. No, they don't complain about how they can't contribute as much as they want to a campaign or how the estate tax is threatening to take away their farm. My constituents just want to be treated fairly and thought of as men and women.

Time after time, we see corporate executives pitted against common folk who want to know that they are not being mistreated. Just like all of us here in the Congress, our workforce wants to enjoy life. There's nothing wrong with paying hard-working people a decent wage. There's nothing wrong with providing a safe working environment. There's nothing wrong with environmental standards. There's nothing wrong with health insurance for the working poor—folks who are too rich for Medicaid but too poor for the HMO's. There's nothing wrong with forming credit unions and providing other benefits to assist our workforce, many of whom are turned away by traditional lending institutions. Mr. Speaker, these comforts are taken for granted by some here in the Congress.

In closing, I ask "What's wrong with an honest day's pay for an honest day's work?" As we carry out our duties in this House, let us not forget the men and women who have made our economy what it is.

ASTORIA HARDWARE FIRE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. CROWLEY. Mr. Speaker, I rise today in memory and recognition of John Downing, Harry Ford and Brian Fahey—three of New York's Bravest, members of the New York City Fire Department, who were killed in the line of duty on Father's Day, Sunday, June 17.

Every day, firefighters take risks by putting there own lives on the line in an attempt to save innocent people who may be trapped in a burning building or are otherwise endangered by a spreading fire. Heroic action taken by the men and women of the New York Fire Department is not an occasional event, but something that occurs daily. The routine risks they take are not recognized enough by the people who they protect. Unfortunately, it always seems to take a tragedy, like the one which occurred last weekend to fully recognize the heroism around us every day. I am heartened to see the outpouring of sympathy that has been expressed in New York and across the country for these brave men who fell in the line of duty.

Working on Father's Day was just part of the job for these three heroes, who were entrusted with the responsibility of protecting the lives of the people of New York City. When tragedy struck, Rescue Company 4, which included Mr. Ford, and Mr. Fahey, and Ladder Company 163, where Mr. Downing was assigned, were sent to fight a fire at a hardware store in Astoria, Queens. All three men, like their entire companies, were doing exactly what they were trained to do, the same thing they had done hundreds of times before. Unfortunately, this fire would lead to their deaths and the injury of 50 others.

Although we think of them today as heroes because of their valor in the face of death, all three men were heroes long before this fatal Fathers Day. Harry Ford was a 27-year veteran of the New York City Fire Department. Along with his wife Denise, he was the father of three children, Janna, Harry and Gerard. During his distinguished career, he earned ten bravery citations, including one for rescuing a baby from a burning building. As the senior member of his Company, he was held in a certain reverence by every member of Rescue Company Four.

Brian Fahey was a veteran firefighter of 14 years. He was also a member of the elite rescue team, whose most important job is to rescue their fellow firefighters imperiled in the process of saving the lives of civilians. He leaves behind three sons, Brendan, Patrick and James and is the husband of Mary.

In 1992, 11-year veteran John Downing had a brush with fame. A plane trying to take off from LaGuardia Airport slid into Flushing Bay, killing 19 people. Firefighter Downing was captured on the front page of the Daily News the next day, heroically carrying victims away from danger. He is survived by his wife Anne, and their two children, Joanne and Michael.

Words alone cannot express the sadness we all feel in the death of these men. I can only begin to express the sympathy I feel for their families and their friends, especially those who worked alongside them in their gallant profession. These men will continue to go on fighting fires, with this painful reminder of the great risk of their calling. To these men and women, I want to take the opportunity to say "thank you" for the job that you do, often without praise or acknowledgement. Keep up the good work. I hope we all can let the example of these three heroes, John Downing, Harry Ford and Brian Fahey serve as an example for all of us.

I would also like to pay tribute to the 50 other people who were injured while fighting this deadly fire, including firefighters, EMS workers, police officers and civilians. My sincerest thanks and prayers go out to all of you, especially Firefighter Joseph Vosilla, an 11-year veteran of Ladder Company 116, who is still in critical condition at Elmhurst Hospital, and Lieutenant Brendan Manning, a 19-year veteran of Battalion 49 who is in stable condition at New York Weill Cornell Center.

Mr. Speaker, these heroes made the ultimate sacrifice in the line of duty. I know the entire House joins me in paying tribute to their incredible bravery. May God bless them and their families.

SENATE—*Wednesday, June 20, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation, Lord of our history and personal Friend to those who trust in You, we thank You that 14 days before the Declaration of Independence on this day, June 20, 1776, Abigail Adams, wife of John Adams, wrote these words to her husband, "I feel no anxiety at the large armament designed against us. The remarkable interpositions of heaven in our favor cannot be too gratefully acknowledged. He who fed the Israelites in the wilderness, who clothes the lilies of the field and who feeds the young ravens when they cry, will not forsake a people engaged in so right a cause, if we remember His loving kindness."

Father, help us to have a cause that is right and to remember Your loving kindness. The two go together. Help us to be sure of Your guidance for the problems we face today and to be equally sure of Your affirmation so that we can unashamedly ask for Your success in just causes You have led us to champion. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 20, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, on behalf of Senator DASCHLE, the majority leader, I announce that today we are going to continue the consideration of the motion to proceed to the Patients' Bill of Rights. The debate on the motion will be divided in 30-minute increments, beginning right now, between the managers of the bill. The first speaker on our side will be Senator KENNEDY, the manager of the bill.

There will be a vote on the motion to proceed tomorrow morning at 9:30 a.m. to proceed to the Patients' Bill of Rights.

Madam President, Senator DASCHLE has asked that I again notify everyone that we are going to complete this legislation prior to the Fourth of July break. Everyone, including this Senator, has parades, and other things, during the Fourth of July festivities, but we should all make some calls home to make sure our staffs there indicate to those who are concerned that we may not be able to make it.

I was going home late last night, and I ran into one of the journalists. He said he had spoken to one of the Senators in the minority who thought this was just a bluff on Senator DASCHLE's part. Everyone should understand, Senator DASCHLE does not bluff. He has announced that we are going to finish this bill and that is the way it is. We all recognize there has been an effort to stall our going forward on this bill. It is not going to work. We are going to complete this bill prior to the Fourth of July recess.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank the Senator for this arrangement. I think alternating half hours is the way to do it. I hope the Presiding Officers will adhere to that.

Further, I want to say that one of the reasons for waiting to proceed to the bill is that it is relatively new to many people. It is something we need to talk more about. Certainly, we will be prepared, as we go through the day, to be able to move on to the bill tomorrow.

Thank you.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1052, which the clerk will report.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I just want to say at the outset of this debate that this is not a new legislative proposal. We have had very extensive debates on the provisions which are included in the Patients' Bill of Rights. We have had good debates on the provisions when we passed the Frist bill about 2 years ago. And we had additional kinds of debates when we took up the Norwood-Dingell bill a little over a year ago. These matters have been before the Senate. They are matters that have been discussed repeatedly in this Chamber by a number of us over a very considerable period of time.

We want to point out at the outset of this debate, that the kinds of alterations, adjustments and changes that were made over the weekend were basically technical in nature. I went through those yesterday with the Senator from North Carolina. Maybe later in the day, if it is necessary, I might go through them again. But again, they were basically clarifications in response to questions that were raised about different language interpretations of the bill. These were issues that have been raised by the White House, and those who were opposed to the legislation. I think the most recent changes help clarify the language in our bill.

As we have said all along, we are always interested in hearing ideas, suggestions and recommendations, as long as they are consistent with the fundamental purpose of the legislation. Our purpose is protecting patients, and also assuring accountability by HMOs and insurance companies that are making medical decisions and, too often, overruling doctors, nurses, and trained personnel.

So I know there are some concerns. But the way to deal with those kinds of concerns is to engage in debate on these issues. I think if you look at the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Frist bill, you will find that it tracks, at least in titles, the Norwood-Dingell and the McCain-Edwards legislation. However, the Frist bill creates numerous loopholes, which I think fails to respond either to the President's desire to make sure that all Americans are covered. We will have a chance during the day to point out some of those differences between their bill and ours.

We are facing a situation where there are many of us, a majority in the Senate, who are in strong support of the McCain-Edwards legislation. On the other side there are those who don't want any legislation and a small group who prefer the Frist-Jeffords-Breaux provision. We will work our way through it. That is the way the Senate functions. We welcome the opportunity.

I note the presence of my friend and colleague, Senator EDWARDS. He and I plan to be here the whole day. We are in the Chamber ready to deal with either amendments or to try to clarify provisions for those Members who fail to understand them. We are also here to point out, in the case of Breaux-Frist, how we think the McCain-Edwards bill provides better protections for American families. We are glad to do that as well.

That is the framework. We are starting out on day 2. We are glad this bill is before the Senate, even though we will wait until tomorrow for the first amendments. I am heartened by the strong resolution of our leader, Senator DASCHLE, in committing us to the conclusion of this legislation prior to the Fourth of July recess.

Americans have waited too long. They have waited over 5 years for a strong, enforceable Patients' Bill of Rights. This issue has been studied and studied to death. It is time for action. The Senate's failure to take action results in too many of our citizens—too many children, too many women, too many seniors, too many families—being harmed today and experiencing additional kinds of pain and suffering.

It is within that framework that we will hopefully move ahead today.

It is time to pass the Patient Protection Act. Every doctor knows it. Every nurse knows it. Every patient knows it. The American people know it. And in their heart, every Senator knows it, too. Often today managed care is mismanaged care. It is long past time for Congress to act to end the abuses by the HMOs. Too often insurance company accountants are making the medical decisions instead of doctors and patients. It is long past time for Congress to assure that the medical care is based on a patient's vital signs, not an insurance company's bottom line.

The first proposal to do so was introduced in early 1997. We are now in the fifth year of consideration of this essential reform. Patients are still suffering, even dying, because of our inaction. Every day the Congress fails to act, an intolerable additional cost is imposed on patients and their families.

A survey by the School of Public Health at the University of California found that each and every day, 50,000 patients go through added pain and suffering because of the actions of their health plan, 35,000 patients have needed care that is delayed or denied, 35,000 patients have a referral delayed or denied, 31,000 patients are forced to change doctors, and 18,000 patients are forced to change medications. A survey of physicians by the Kaiser Family Foundation and the Harvard School of Public Health found similar results. Every day, tens of thousands of patients suffer serious declines in their health as a result of the action or inaction of their health plan.

Whether the issue is diagnostic tests, specialty care, emergency room care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best advice, or women's ability to obtain gynecological services, too often HMOs and managed care plans put profits ahead of patients.

The issue is clear: Does the Senate stand with powerful HMOs or with American families? Do we stand for protecting patients and their doctors or protecting insurance company profits?

There is only one reason this legislation did not pass years ago. It is because of the tens of millions of dollars the insurance companies and their allies have lavished on lobbying, campaign contributions, and misleading advertising. Now is the time to say that the health of every American family is a public trust, not a commodity for sale to the highest bidder.

The need for prompt action on patient protections is great because the dishonor roll of those victimized by HMO abuses is so long and growing.

A baby loses his hands and feet after a medical emergency because his parents believe they have to take him to a distant hospital emergency room covered by their HMO rather than the hospital closest to their home.

A Senate aide suffers a devastating stroke which might have been far milder if her HMO had not refused to send her to an emergency room. Even now, the HMO refuses to pay for her wheelchair.

A woman is forced to undergo a mastectomy as an outpatient instead of with a hospital stay as her doctor recommended. She is sent home in pain with tubes still dangling from her body.

A doctor is denied future referrals of patients by an HMO under a managed care plan because he has told a patient about an expensive treatment that could save her life.

The parents of a child suffering from cancer are told that lifesaving surgery should be performed by an unqualified doctor who happens to be on the plan's list, rather than by a specialist at the local cancer center equipped to perform the operation.

A woman with advanced cervical cancer is denied the opportunity to participate in a clinical trial that could save or prolong her life.

A child with cystic fibrosis is denied the opportunity for treatment at a center with the expertise to treat the disease.

A teenager with a seriously injured hand is told by his insurance company that they will pay for an amputation, but not the more expensive reconstructive surgery that could provide a normal life.

A woman with a relatively minor leg injury ends up losing her leg because her insurance company persistently delays and denies adequate care.

Our legislation corrects all of these problems and many more. It takes HMOs and insurance company accountants out of the practice of medicine and returns decision making to patients and doctors where it belongs. Our proposal guarantees patients the rights that every honorable insurance company already grants, and it provides an effective and timely means to enforce these rights. These protections are basic aspects of good health care that every family believes they were promised when they purchased health insurance and paid their premiums.

Virtually all of the patient protections in this legislation are already available under Medicare. They have been recommended by the National Association of Insurance Commissioners and the President's Advisory Commission. They have also been proposed as voluntary standards by the managed care industry itself through its trade association. In fact, most of them are features of the patient protection legislation enacted under Governor George Bush in Texas.

Patients should have the right to see a specialist, if they have a condition serious enough to require specialty care.

No parent should be told that their child with cancer has to be treated by an HMO physician who lacks the expertise needed to treat the child effectively.

Patients should have the right to the prescription medicine their doctor says they need. They should not be told that they have to settle for the second best medication for their condition or suffer unnecessary side effects or pay more because the most up-to-date drug is not accepted by the HMO.

Patients should have the right to go to the nearest hospital when they have symptoms of serious illness.

They should have the right to continuing emergency care after their condition is initially stabilized. Medicare patients have these rights, and other Americans should have them, too.

Patients should have the right to participate in a clinical trial if it offers the best hope for a cure or improvement of a serious or fatal illness.

Mr. EDWARDS. Will the Senator yield for a question?

Mr. KENNEDY. I am glad to yield for a question.

Mr. EDWARDS. Would the Senator talk briefly about the number of Americans who are being affected by us not having already passed this legislation, and whatever delay may occur in the debate of this bill?

I know the Senator has been involved in this issue for many years now. He has heard all of the HMO horror stories, about what HMOs have done to people around the country. But some of the Americans listening to this debate may not be aware, as the Senator is, of how many people are affected on a daily basis, on a weekly basis, on an annual basis. As we go forward with the debate on this bill, could the Senator talk about that issue first, and then I have a couple of other questions I would love to ask.

Mr. KENNEDY. The Senator is quite right about the fact that every day we delay this legislation, thousands of Americans suffer.

The California study says that 50,000 Americans a day are suffering as a result of delay or treatment. They would not be suffering if this legislation were passed. And 35,000 families are being turned down by HMOs today for specialty care that they otherwise would have for their children, their parents or another loved one.

Close to 20,000 are taking alternative medicines and not taking the prescription drugs that their doctor says are needed but are not on the formulary of the HMO. The HMO only allows patients to take these alternative drugs. In many instances, patients take their alternative drugs and have two or three adverse reactions before they will come back to the drug that is actually prescribed by the doctors.

So every day that goes on, American families are suffering.

I might mention to the Senator the point made on this chart. This is from the Kaiser Family Foundation and the School of Public Health up at Harvard, July 1999. Doctors know that congressional delays mean patient suffering. This chart indicates the number of doctors each day seeing patients with a serious decline in health from plan abuse. These 14,000 cases represent the number of doctors who every day see denied coverage of recommended prescription drugs.

So 14,000 doctors have said they prescribed prescription drugs and they were denied, 10,000 doctors were denied the diagnostic tests that they believe were necessary in order to make an effective evaluation, 7,000 doctors claim they were denied the opportunity for specialty care, and 6,000 were denied overnight hospital stays. And 6,000 were denied referrals for mental health or substance abuse. The list goes on.

Those are two very important studies that make a very powerful case regarding how American patients are suffering. An additional study from the doctor's point of view came to a virtually identical conclusion—that patients are suffering every day as a result of HMO abuses.

Mr. EDWARDS. This information is so important to this discussion. Is the Senator saying that as of the time of this study in 1999, 14,000 doctors a day are being overruled by HMOs when they recommend prescription drugs? In other words, a patient comes into the doctor, who has training, experience, and expertise, and the doctor recommends that a patient needs prescription medication, and 14,000 doctors a day are being overruled by the HMO? Is that what the Senator's understanding is?

Mr. KENNEDY. The Senator is absolutely correct. That is what is happening regarding prescription drugs, and that includes the tests that are necessary and the specialists that are necessary.

The point I want to mention here, as the Senator was inquiring, is the importance of patients' rights to participate in a clinical trial. I think this is one of the most important guarantees that should be a part of this legislation. Unfortunately, we had a full debate on this 2 years ago in the Senate, and the Senate rejected ensuring patients access to clinical trials.

What we agreed to was a 2-year study of whether clinical trials are effective. That was under the Frist bill that eventually passed this body.

I am wondering whether the Senator would agree with me that we are in the time of doubling appropriations for the NIH budget. We are in the century of the life sciences. We can't pick up a newspaper any single day and not see medical breakthroughs. It is one of the most exciting times in medical history, with the progress that has been made on the human genome, the sequencing of genes and the explosion of different knowledge that is out there. We are going to see the development of all of this knowledge now in the laboratories.

I ask whether the Senator would not agree with me that in order to get it from the laboratories to the bedside, it has to be tested. It has to have clinical trials. This is a time of enormous potential for reducing the kinds of pain and anxiety that disease and illness bring. We can even reduce the demand on resources over a period of time. We know, for example, that if we were to develop some kind of cure for Alzheimer's, half the nursing home beds in Massachusetts would be empty this afternoon. Half of them would be empty. And there is important progress. But it isn't going to get out there unless we have the clinical trials.

Finally, as the Senator understands, insurance companies have over a period of time continued—when a patient needed the clinical trial—the ordinary expenses that were attendant to it. The clinical trial would pick up the additional kinds of expenses. They didn't go to great additional expenses. But even that kind of responsibility is being rejected now by the HMOs. The number of clinical trials is going down and threatening not only the well-being and security of the people who are in those HMOs, but the well-being of the rest of the people in our society.

Mr. EDWARDS. Would the Senator address two questions, please.

First, the fact that the HMOs are denying and not covering patients needing and having access to clinical trials—would he first talk a little about, from his experience and from talking to constituents, what impact that has on the country moving forward in the field of medicine for all of the American people, so we can continue to be the world leader that we have been in the past in advancing medicine in the areas such as Alzheimer's?

Second, would the Senator talk briefly about the difference between the McCain-Edwards-Kennedy bill on access to clinical trials and the competing Frist bill?

Mr. KENNEDY. Well, I will. This is enormously important. Let's look at what clinical trials have meant in recent times. We have made the greatest progress in addressing the challenges that children face with cancer.

Listen to this. We have 70 percent of children with cancer treated through clinical trials. This is the area where we have seen dramatic progress made. In the last 10 years, it has been miraculous. There is still a long way to go, but regarding children's cancer, we have made progress. Yet less than 3 percent of adults with cancer are enrolled in clinical trials. We have made some progress in the area of the adult cancers, but that number is in danger of decline.

Until recently, the health insurance companies routinely paid for the doctor and hospital costs associated with a clinical trial. In 1998, the CBO found that approximately 90 percent of health insurance companies reimbursed for their patient costs, but HMOs are quickly reversing that life-saving policy. Many of the HMOs are refusing to allow their patients to participate, leaving them with few alternatives.

I want to give the Senator from North Carolina, Mr. EDWARDS, a quick anecdote. One of the important cancer centers is the Lombardi Center, named after one of the great football coaches, Vince Lombardi. Most people in the Washington area are familiar with that center.

Our committee had a hearing at which the director of that center was present. He told us they had to hire more and more people to deal with the insurance companies to persuade the insurance companies to let women who had breast cancer and other cancers participate in these lifesaving trials.

That was their big new expense; not trying to treat more people, not expanding the facility, not bringing the benefits of their research and breakthroughs to other people, but to hire more people to tangle with the insurance companies. They had to do this because, for the most part, women were being turned down, even though the possibilities for their recovery were significant.

As the Senator knows, under his bill, the McCain-Edwards bill, they still have to meet certain requirements. There has to be the likelihood of progress within the clinical trials. There are protocols that have been established by the FDA and NIH. They have to qualify in these areas. There are requirements that have to be met.

We must protect vulnerable populations with these diseases, people who have the hope of being freed of the shackles of sickness. These protections are included in the Edwards-McCain bill. The Frist bill leaves the door ajar but not very much ajar. It allows HMOs to continue to resist applications for clinical trials, resistance that can last as long as 7 or 8 years.

As all of us understand, these are timely occasions. Individuals have to be enrolled in these clinical trials in a timely way to benefit.

When laying these two proposals side by side, one would have to say that under our proposal the guarantee is there, as it has been historically. And on the other side one would say that there are significant roadblocks and hazards that are being placed in the way of qualified patients to participate in the trials.

Madam President, I believe I have consumed most of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is correct. The Senator has 2 minutes remaining.

Mr. KENNEDY. Madam President, I look forward to continuing this discussion during the course of the day. It is important during this day to point out exactly what is before the Senate.

There are those who favor no HMO bill, and there are those who favor an alternative. It is important Members understand exactly the protections that are in the Edwards and McCain legislation, which I think are the types of protections that are in the best interest of the patient and are the result of a great deal of review. These protections have the very strong support of the medical profession.

We will have that opportunity later in the day. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. FRIST. Madam President, we are alternating approximately every 30 minutes. It is an opportune time because we have present two of the principals of the bill that we will be debating over the next several weeks. They just addressed many of the points in their plan.

There have been two bipartisan—ours is tripartisan—Patients' Bill of Rights bills introduced in the Senate, and I think it will be useful to contrast the two bills as we go forward to educate our colleagues but also to educate people who may be watching this debate so they may understand what we are all trying to accomplish, and that is to produce a strong, enforceable Patients' Bill of Rights that will benefit patients by strengthening the doctor-patient relationship, restoring trust to our health care system and making sure patients really are protected. In many ways, the whole swing has gone too far towards managed care. That pendulum has to swing back. How far it should swing back is a balancing act.

Both of these bills attempt to do that and I, of course, believe the Frist-Breaux-Jeffords bill does it in a much more balanced way, in a way that ensures that patient protections are appropriate and ensures a strong appeals process and legal remedies if the appeals process is unsatisfactory.

I begin by outlining what our bill attempts to achieve. It goes back to the principles that the President of the United States, President Bush, introduced several months ago. I applaud his leadership and commitment to a strong, enforceable Patients' Bill of Rights.

The principles he outlined were, No. 1, patient protections should apply to all Americans. That is important because, if we have certain rights, we want them to apply broadly. However, the breakdown in the discussion is: Is it the Federal Government that specifically defines the wording that applies to all Americans or do we respect what Governors and State legislatures have already been doing to address issues such as prohibiting gag clauses, ensuring access to specialists and access to emergency room care, and ensuring access to something my colleagues were just talking about—clinical trials.

A lot of States have not addressed clinical trials. If they have not addressed it, what should our response be? Does the Federal Government come in and say: You have to address it the way we say or can they address it the way Tennessee might best address it?

The President also said patient protection should be comprehensive. Again, there has been a lot of debate in the last 24 hours on liability, employers, and a little bit on scope. There are patient protections in the Frist-Breaux-Jeffords bill and in the McCain-Edwards-Kennedy bill. The protections are similar and all the media are saying they are exactly alike. They are not exactly alike. There are some things in their bill not in our bill. Some areas of their bill go further than ours. Clinical trials is an example.

Clinical trials, as we all know, are critically important, and they are in both bills. However, the cost in their bill is higher than in our bill because they include thousands of clinical trials that we did not include. Again, we can debate whether that is appropriate or not as we go forward. I will go through those lists of protections shortly.

Third, the President said patients should have a rapid medical review process for denial of care. Both bills do that pretty well. Again, our bill has a more efficient process. The timelines are clearly defined.

The President's fourth principle is that the review process should ensure doctors are allowed to make medical decisions and patients receive care in a timely manner.

The fifth principle of the President is that Federal remedies should be expanded to hold health plans accountable. This is an issue of real debate. We believe that, since this is a new cause of action, it should be a Federal cause of action and should go principally through Federal courts.

However, the bill on the other side, the McCain-Edwards-Kennedy bill, looks at both State court and Federal court and allows patients to go back and forth between Federal and State courts. This raises a concern with the issue of forum shopping. Trial lawyers have an incentive to make money with this new Patient's Bill of Rights, and there is the fear that there will be shopping among the various courts.

The sixth principle of the President is that patient's rights legislation should encourage employers to offer health care. We talked about that yesterday. Everybody has to realize this bill is going to cost hundreds of billions of dollars in addition to whatever will be paid for health care over the next 10 years. These rights have a cost, a price to pay. That price is hundreds of billions of dollars. Whoever is listening will be paying it. It may be shared, and we may divide it by 260 million citizens, but it will cost hundreds of billions of dollars. That is why we should not rush through the bill too quickly without adequate debate on each and every one of the issues. There is an urge to debate it, get it through, and pass it in a week or a week and a half. Remember, this will drive costs up markedly, no matter what bill passes, and the higher you drive the cost, the higher the premiums, the higher the number of uninsured in this country. We care about the uninsured and have to be careful about how high we drive those costs.

Those are the six principles put forth by the President of the United States.

Senator BREAUX, Senator JEFFORDS, and I have put together a bill that embodies these strong patient protections and fulfills each one of those principles put forth by the President.

No. 1, our bill, written in a nonpartisan way, is actually a tripartisan bill. It protects all Americans, while giving the appropriate deference to States. If a State has already addressed gag clauses in the way they think is appropriate, the Governor has signed off on it, the State legislature and elected representatives have agreed to it, we do not believe that we in the Congress need to mandate that they say almost the exact words that we dictate, which causes them to go back and redefine what they have done and bring back an issue they may have addressed.

No. 2, we guarantee comprehensive patient protections. We guarantee emergency room coverage. We guarantee in the Frist-Breaux-Jeffords bill access to specialty care. We guarantee direct access to OB/GYNs. Pediatricians can be the primary care physician. We prohibit a restrictive formula for prescription drugs. We ban gag clauses. We prohibit provider discrimination. We provide access to clinical trials coverage, and continuity of care—if your care for some reason is terminated and you are pregnant, or towards the end of life, these issues, it will be continued.

Mr. KENNEDY. Will the Senator yield?

Mr. FRIST. Because I have not had the opportunity to lay out the bill, let me lay it out. Senator BREAUX is on the floor. We will have time to debate this. I would love to do it, but this is the first time we have had the opportunity to lay out the bill, if that is all right.

No. 3, we require health plans to provide consumers with comprehensive information about their new rights. We provide all the new rights, but we need to make sure the consumer, the patient, receives them in a way that they can truly understand. That is accomplished in the Frist-Breaux-Jeffords bill.

No. 4, we ensure a rapid independent external review. If there is disagreement on the patient protections, you need to go both internally and externally and have an independent, unbiased physician make that final decision.

No. 5, doctors—not HMOs, not health plans—need to make medical decisions.

No. 6, we hold health plans accountable through expanded Federal liability. Both bills expand the liability to hold these HMOs accountable. Yes, we believe if HMOs create injury or harm, in essence, something unjust, you should be able to hold them accountable and liable, and you should be able to sue your HMO.

No. 7, we protect employers from costly, unnecessary litigation. We debated that yesterday and will continue to debate that. We will argue that the bill on the opposite side opens the door to frivolous lawsuits. Clearly, we do certain things to try to prevent unnecessary, frivolous, costly lawsuits but at the same time hold the health plans accountable and allow the health plans, not the employers, to be sued.

No. 8, we protect doctors from new lawsuits. The bill introduced Thursday, the McCain-Edwards-Kennedy bill, included some improvements from the version of the bill on the floor until that time. Clearly, as an agent of the plan, doctors could be sued. A lot of doctors did not realize that and will look at the new writings and the new bill they introduced Thursday.

No. 9, we make litigation the last resort. We go to the court as the last resort. They go to the courts much earlier, as a first resort.

No. 10, we protect the role of State courts in holding health plans accountable for quality and treatment decisions. We do not preempt State court. In Texas, if there is a lawsuit for a quality or treatment issue, it can still continue. It is very specifically written in our bill. It is for that new cause of action, a product of this legislation, that we take to Federal court.

I will turn to the other principles shortly. What are the differences between these two bills? What I just outlined and in the first column of this chart is the Frist-Breaux-Jeffords bill. In the second column is the McCain-Edwards-Kennedy bill. The first line is protections applying to all Americans. Both bills achieve that.

Deference to State laws: We achieve it; they do not. They basically say, here are the patient protections. You have to have these on the books or pass them essentially the way we wrote them.

Support State regulation of health insurance: Again, we defer to this 60-year history of health insurance primarily being the State's responsibility in terms of actual coverage.

Comprehensive protections such as emergency room specialists and clinical trials: There is a check in both columns. Both do it well.

Independent medical review: Both do it well.

Independent medical experts making medical decisions: Both do it pretty well.

Avoid slow and costly litigation. We address it. They do not.

Holds health plan accountable in Federal court: Yes, we go to Federal court. They go to Federal court for some contract issues but principally allow people to go to State court.

Protect employers from unnecessary, costly law lawsuits: We will have time to debate that, but we do that; they do not.

Reasonable limits on damages: We talked about that yesterday. They do not have those limits.

President Bush said he will pass our bill as written into law, and he will not pass their bill as written into law.

With that, I defer to the Senator from Louisiana to comment. Both Senator BREAUX and Senator JEFFORDS are present. I would love to hear from them over the next 15 minutes.

Mr. BREAUX. Madam President, I thank the distinguished Senator from Tennessee for his opening comments outlining what is the essence of the Frist-Breaux-Jeffords bill. I point out the obvious; it is the only tripartisan bill that has been introduced in this Chamber dealing with this issue. We have had bipartisan bills introduced, and I congratulate the author, but there is only one bill that has the support of independents, Democrats, and Republicans, as well, and that, of course, is the Frist-Breaux-Jeffords legislation.

I have come to respect all Members engaged in this debate because I think we all have the same goals, and in many cases we all have approached the solution to the problem in a very similar fashion—not identical but very close to being almost the same approach.

I was struck yesterday by a number of our colleagues who were talking about the Senator from New York, the senior Senator, Mr. SCHUMER, and I think the junior Senator from New York was engaged in talking about individual patients, children who have suffered damages because of denial of access to care that is medically necessary.

I thought the points they made were well taken. I don't have any disagreement with the points made. I have no disagreement that these cases should have someplace they can go to ensure the coverage for these individuals, children, elderly, and average citizens, which is needed and determined to be medically necessary. We have come a long way. I think this Congress in general is in agreement that patients should have federally guaranteed rights that are enforceable through a process of internal and external appeals, to get a quick decision that is good for the patient and good for society. If those appeals processes do not work, there should be access to the courts to enforce these rights that all Americans should have under their health care plans. Indeed, if damage is done, there should be an opportunity for patients to recover damages.

We basically agreed on the rights the Federal Government should guarantee. Senator FRIST went over those rights. They are very similar in both plans. I think theirs probably covers a few more protections for what I would term the providers as opposed to protections for patients, which is what we essentially are talking about. But given that, we are very similar in the things we say should be guaranteed to Americans when they have health insurance.

OB/GYN access for patients is guaranteed. Access to specialists is there. Breast cancer treatment plans must be covered. Clinical trials are available. There is continuity of care and emergency room access. There are no gag rules. There are point-of-service provisions. These are things we have in common in both plans.

Congress has agreed there should be certain patients' rights on which they can depend, that are enforceable, and if they are not provided, damages can be provided to compensate the injured parties. We both agree that one methodology of handling the enforcement of these rights is through an appeals process, through an internal and external appeals process.

One of the few things, interestingly, that works in the Medicare Program is, when a Medicare patient, a senior, is denied care, there is an internal and external appeals process that occurs very quickly. What we try to do is not give patients access to courts but access to health care. The fastest and best way to do it is through an appeals process internally, as we provide in this legislation, which requires the company that denies the care to review that decision. They have to do it in a very short timeframe, a matter of hours. If the patient still is denied care, there should be some kind of access to an external panel of independent professionals, medical professionals who will take care of looking at it independently of what the HMO did.

We have both agreed the external appeal should be independent. The question is, How do you do that? Both of them I think require—ours does—that HMOs are responsible for entering into a contract with independent professionals who are in fact going to look at these cases and handle the external appeals.

I do not know, if you require the HMO to enter into a contract, how they are not going to be involved in helping to select the independent reviewers. That is something I think that has to be done. If they are going to enter into a contract to pay for the people who are going to do the independent review, how can they not be involved in the selection? We can talk about that. I think we both agree the external review panel should be totally independent of the HMO. I think both sides say the HMO has to pay for them. Then how do you guarantee their independence?

We can work on that, but I think we are both in agreement that the external review people should have no connection to the HMO, although we both require the HMO pay for them. How we handle that I think is open, but I think we both agree they should be totally independent of the HMO, as much as humanly practicable that we can devise a plan that will in fact do that.

Another problem you will hear a lot of talk about, that I think will be subject to amendments, is both sides say we don't want the employer to be sued if the employer is not involved in medical decisionmaking. We agree with that. I think this side and the other side agree with that premise as well.

The problem with the approach of the other side, in the sense of how they protect employers, is finding an area that would be protected activities by the employer which would not cause them to be liable for any decisions. The concern many employers have is that doesn't prevent litigation against employers, where they would have to come in and prove they have not done anything that is wrong. I think employers were legitimately concerned about being sued for things and then they would have to come in and show they were not guilty.

Our approach is a little different. I think it is a better approach. It says employers can select a designated decisionmaker who will make the medical decisions, and if they do that, the employer cannot be sued. They don't have to come into court and defend themselves for something they never did in the first place because the designated decisionmaker, which in most cases would be the insurance company, is the entity which should be sued for making the wrong decision. I think our approach in that area is a better approach.

The final point: We both have a convoluted system with regard to where you file suit. In their bill you can file for some things in Federal court and some things in State court. And guess what. In ours you can sue for some things in State court and some in Federal court. We are amending ERISA. It is a Federal statute creating Federal rights. Anytime you litigate under existing ERISA rules, you litigate in Federal court. Therefore, if you expand rights under ERISA by amending it to include a designated set of Federal rights, the proper forum is the Federal court, not 50 different State forums.

I know my good friend from North Carolina suggested lawyers may have a problem finding a Federal court. That is a slight exaggeration. But there is no lawyer I know of who has any difficulty getting into Federal court. They do it on a regular basis very successfully, and I am glad they do.

So we have suggested if you are going to file litigation after the appeals process to enforce Federal rights that are passed by the Congress and signed into law by the President, it should be in Federal court. If you are going to sue on the existing State medical malpractice laws, the proper forum for that to be litigated is in the State courts. That is where it traditionally has been. It is a right that exists today in State court. If you are going to sue a company for medical malpractice, a doctor or hospital for medical malpractice, you will continue to do it in State courts as is the current situation.

I want to make sure we get something that can become law. If we enact a bill the President will not sign, we have not given the patients in this country one single benefit. We have given them perhaps a good political argument, but we have not created any legal rights for them to enforce when they need medical help and assurances their rights will be protected. Therefore, what I am trying to do in offering this, along with my two colleagues, is to try to create something that can actually become law.

I tell you, I would not lose sleep if the Kennedy-McCain-Edwards bill passed. My concern is not that. My concern is that it cannot become law. Therefore, as legislators, we want to enact something that can actually become law. We have offered a compromise which I think, No. 1, even from their perspective, could give at least 95 percent of what their legislation does in terms of protecting patients. But it gives 100 percent more of what theirs would do if theirs cannot be signed into law. That is just a bottom line as far as being pragmatic and as practical as I possibly can be, to say look, this is something that can become law. I think it can pass, and I think it will be signed into law if it reaches the President's desk. The opposite is true for their version which the President has said time and time again he will not sign.

We can argue whether that is a good decision on his part or not. I am sure they think it is the right decision; others would disagree with it strongly. I think we have offered something that can become law that does address the concerns that have been articulated in the Senate and in the other body for a long period of time. It is time to reach an agreement that can actually become the law of this land.

I yield any time I may have remaining.

Mr. FRIST. Madam President, I understand we have 7 minutes on our side.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I join my colleagues in explaining and hopefully alleviating the concerns of Members with respect to the question of malpractice and lawsuits.

I am probably the only one who was here back when ERISA was written. ERISA was dealing, not with these kind of parties but with pensions. But it was realized that employers need a common place to go to make sure, when they have their pension plan, there is just one jurisdiction that can take care of the complications and legal aspects. The decision there was to make it the Federal court to have exclusive jurisdiction.

We are still involved, in this case, with employers. Again, it is a different issue from pensions, but it is a very important one for employers. From World War II on, because of some special provisions for getting advantages to businesses being able to provide health insurance which would be nontaxable, it has been quite advantageous for employers to provide health care. We do not want to disturb that.

In order to not disturb that, we should follow what happened in the pension area, and that is to make sure there is uniformity of decisions across this country when we get involved with whether or not an employer would be found liable under the circumstances. We want to distinguish that from the malpractice suits with which we are involved most of the time.

I guess people get to thinking, as we talk here, that we are talking about the malpractice situation.

The malpractice suits because of doctors performing improper care, or nurses, or even the overall operation by not giving the proper medical care is one situation. That goes to State courts. If one is only talking reserving for the Federal courts as to whether or not there really was a decisionmaker who was properly put in place, or other operations totally outside of the delivery of health care, it is a very small and narrow area where you are limited to Federal courts. That is because you have to have uniformity. That is because, if an employer has a business all across this Nation, the employer doesn't have to worry about 50 different jurisdictions as far as where the law applies.

The same is true for pension plans. One Federal rule should apply in those very rare situations where there is a dispute over how much control there is and whether the business had control over the operation of the medical side.

I want to make sure it is clear. For the ordinary case where there is a problem of care, all of those will go to State courts. All we are talking about is this very limited area where the jurisdiction will be in the Federal court only.

I want to straighten that out because I think people are concerned about not being able to go through the court in their hometown where the doctor is practicing. That is absurd. I think it is important we understand that.

The best way to make sure we have good care is to make sure we have a clear idea of where these laws are going and how they are handled in the court system.

There is really little difference in our bills, if any. I don't understand what the arguments are with respect to the malpractice situation, as our plan and their plan are very similar in that regard.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Tennessee.

Mr. FRIST. Mr. President, I thank Senator BREAUX and Senator JEFFORDS for their outstanding participation in putting together the Frist-Breaux-Jeffords Bipartisan Patients' Bill of Rights of 2001. This is a bill that we have jointly worked on aggressively over the last several years. It is a bill that we regard as a balanced approach to this whole issue of patient protections—making sure that patients get the care when they need it, fixing the system itself, and making sure the protections of the rights are there, but also making sure it is done in a prospective way; and then, if the system fails, or if it breaks down, providing appropriate access to legal remedies that make the patient whole.

That is our approach. It is a balanced approach. I believe that is why it has been endorsed by the President of the United States. It meets the principles that he has set forth.

Many times, as it has been discussed, someone will ask: Well, did any other provider groups or physician groups support the Frist-Breaux-Jeffords bill? The answer is yes.

I list the following organizations so people will know that we have listened to the consumers and to the patients as well as the providers: American College of Surgeons; the Society of Thoracic Surgeons; American College of Cardiology; American Society of Anesthesiologists; American Society for Gastrointestinal Endoscopy; American Society of Clinical Pathologists; American Academy of Dermatology Association; American Association of Orthopaedic Surgeons; American Association of Neurological Surgeons; American Urological Association, Inc.; American Association Clinical Pathologists; American College of Emergency Physicians; American Society of Cataract and Refractive Surgery; and the American Physical Therapy Association.

I point that out only because people will say these are the groups that support each of our bills.

I think that is very important. These are the groups to which we have been able to explain our bill. They have endorsed our particular bill. What is most important, however, is the policy beneath the legislation and the rhetoric that we often hear in this chamber.

These groups have looked at our bill, and they agree that it is a balanced bill that keeps the interests of the patient first and foremost.

I, again, thank Senators JEFFORDS and BREAUX for their tremendous work and for the work of their staffs in putting together our bill as we go forth.

I yield the floor.

The PRESIDING OFFICER. The next block of time is controlled by the majority.

The Senator from North Carolina.

Mr. EDWARDS. Thank you, Mr. President.

Mr. President, I thank the Senator from Tennessee, and the Senators from Louisiana and Vermont for their remarks and for their work on this issue.

I did not hear all of the groups that the Senator from Tennessee just read, but the majority of those groups also support our bill.

The bottom line is there is a handful of groups that support both bills. Then there are over 600 consumer groups and medical groups, including the American Medical Association, that support our bill. There is a reason for that, which I will discuss in a few minutes.

From the start to the finish of these two bills that were analyzed side by side, there are significant differences throughout the bills. In every place there is a difference. In every single place their bill sides with the HMOs and our bill sides with the patient and doctors.

That is the reason all of these consumer groups, all of these health care groups, and the AMA support our bill and do not support their bill.

It is not an accident. These are people who have been fighting for patient protection and putting health care decisions in the hands of doctors and patients for many years. They believe deeply in this issue. They have looked at these two bills side by side. They understand that there is significant and important differences that aren't abstract. There are differences that affect the lives of thousands and thousands of families and patients all over the country.

Mr. KENNEDY. Mr. President, will the Senator yield on that point?

Mr. EDWARDS. Yes, I will.

Mr. KENNEDY. Mr. President, we were just talking about one such protection that I think is of concern to families all over this country; that is, the clinical trials.

As I understand it, just to repeat, our bill has the right to participate in clinical trials without discrimination. The patient may not be denied the right to participate in an approved clinical trial if they or their physician can show that they can be appropriate participants in that trial. We have the right to coverage for routine costs associated with clinical trials, and we have the right to participate in all federally funded or federally approved clinical trials.

The other side delays the immediate coverage for routine costs with clinical trials, and the bill has a lengthy negotiated rulemaking process to establish standards for the routine costs that may be covered—a process that may well result in an effective date for insurers as late as January 2007, which adds a 6-year delay.

The current Medicare benefit was carefully crafted and fully vetted through the Federal rulemaking. In addition, the Institute of Medicine has also released a comprehensive study by experts in the field recommending Medicare coverage for routine costs.

Furthermore, managed care plans that offer the Medicare+Choice option are already required to adhere to the current definition of routine costs. Effectively, we have the clinical trial and the patients protected.

In theirs, they don't even follow the Medicare system, which in terms of cost as a result clinical trials, would be very much deferred. As I understand, theirs does not cover the FDA-approved clinical trials. I do not understand that either because it is in the FDA where the pharmaceutical companies are working through these breakthrough drugs which offer enormous kinds of promise.

So, as the Senator knows, it is important to look at the fine print on these issues in terms of the protections. I just think we have worked with our good friends—and they are good friends, Senator FRIST and Senator BREAUX and Senator JEFFORDS—and we want to try to find common ground to work on this because the differences between us are small compared to those who do not want any bill at all. We want to try to reduce those differences.

It is important to note that it isn't just on the issues of liability, of which the Senator from North Carolina spoke, but that he has concern, as do I, about the protections—whether they provide the range of protections he thinks the patients need.

Mr. EDWARDS. I thank the Senator his questions and comments. He is exactly right. There is a difference on the issue of clinical trials in the two bills. I think the Senator from Tennessee suggested the same in his remarks. But there are differences throughout the bill, starting with the issue of coverage and how you determine whether States opt out or do not opt out of the protections in the bill. There is a difference in the access to specialists outside the plan. There are differences between the two bills. There are differences, as the Senator just pointed out, in access to clinical trials, and as the Senator from Tennessee pointed out a few moments ago.

There are differences in the independent review process. We specifically say that neither the HMO nor the patient can have any control over the body that picks the reviewing panel or the reviewing panel.

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. I will, yes.

Mr. BREAUX. I am trying to understand the differences between our two bills on that particular point. We both say the external review panel should be independent. I think we say that the HMO has to contract with these external review people. I think you have been saying they have to have a contract with an HMO to do the same thing. So what is the difference?

Mr. EDWARDS. Reclaiming my time, the difference is, we have specific language in our bill that says neither the HMO nor the patient can have any relationship or any control over who is the group who picks the reviewing panel, No. 1, or the reviewing panel itself. Their bill is silent on that specific issue.

Mr. BREAUX. Will the Senator yield further?

Mr. EDWARDS. If I could continue, this may be an issue on which, working together, we may be able to resolve our differences. There has been some discussion——

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. If I could finish, then I will be happy to yield. There was a discussion yesterday in this Senate Chamber about the issue of employer liability. The Senator from Tennessee suggested, a few minutes ago, he thought the intent of both bills was to protect employers from liability. I agree with that. I know that is the intent of our bill. And I know, from my discussions with the Senator from Tennessee, that is the intent of his bill. We have gone about it in different ways.

We believe our bill in fact protects employers. We believe our bill is totally consistent with the President's principles, to which the Senator from Tennessee made reference earlier. The President, in his principles, specifically said employers should not be subject to lawsuits—I don't have the language in front of me, so I am paraphrasing—unless they actively engage in making medical decisions.

That is exactly what we intend our bill to do and we believe our bill does; that employers are protected from lawsuits unless they in fact make medical decisions.

Having said that, this is another issue on which I think we should continue our discussion because, particularly given the fact that both sides want to protect employers from liability and want to protect employers from lawsuits, if there is a better and more effective way to do that, which is also fair to patients, we should explore that. I think that is worthy of further discussion as we go forward.

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. Yes, I will yield.

Mr. BREAUX. Back on the point, I am glad we are having this discussion on trying to narrow the differences.

Back to the external review panel, we both agree, if it goes to an external review panel for a decision of whether something is medically necessary or not, that the people making that decision on this external review panel should be independent of the HMO. But my understanding of the Senator's bill is that the HMO would enter into a contract with these independent reviewers in order to have them review the decision.

My question is, Who selects with whom the HMO is going to contract? Is it that the HMO has to enter into a contract to pay the external review people, and they have to enter into a contract with somebody? Who picks the somebody?

Mr. EDWARDS. That is a fair question. Let me respond to the Senator's question, and then I want to go back to talking about the bill specifically.

What our intention is in our bill is to provide an objective third party who chooses who the group is, who contracts and actually selects the review panel, and then chooses the review panel.

The Senator will recall, in previous bills that have been talked about and debated in this Senate Chamber, that has been one of the mechanisms used so that you do not have the HMO actually involved in contracting either with the group that is choosing the review panel—I think it is important to talk about both because they are both involved—or the review panel itself.

As a practical matter, the HMO is not likely to be choosing the actual review panel because much more likely, in real life terms, as the Senator knows, they would contract with a group that would choose the review panel.

What we want, and is the whole intention of our bill—and we think this is a very significant difference between the bills—is we do not want the HMOs—other than the fact that the HMO, I think in both bills, is responsible for the cost—we do not want the HMOs being able to have control either over the group that chooses the review panel or over the review panel itself.

I think that is an important distinction between these two bills because the way this process works, both bills are structured—with the exception of this difference that the Senator from Louisiana and I have just discussed—exactly the same way to avoid cases going to court.

There has been a lot of rhetoric on the opposing side that our bill will stimulate and foster frivolous lawsuits. The truth of the matter is, our bill does exactly what their bill does to try to avoid cases going to court.

Experience has proven, both in California and in Texas, that when you use that structure, which is that an HMO denies treatment, an HMO denies coverage, the first step is to go to an internal review within the HMO. If that is unsuccessful, the second step is to go to a truly independent third party review. If that is unsuccessful, and if the patient in the interim has been injured as a result of the HMO's behavior, then the case can be taken to court—the two States where that process has been used—and I again will say the structure is the same in both bills, the difference being we prohibit the HMO's involvement in the selection of the independent review process.

Mr. BREAUX. Will the Senator yield for a question?

Mr. EDWARDS. If I can finish, I will be happy to yield. In the two places where that system has been used before, which is in California and Texas, very few lawsuits have been filed. They are two of the biggest States in the country, some would argue two of the most litigious States in the country. They have a system similar to ours, and actually similar in structure to theirs. In both cases, what has happened is that the vast majority of the hundreds and hundreds of claims that have been filed—an HMO denies a claim, the claim then goes to internal-external review—the vast majority of those cases have been resolved by the appeals process.

That is what we mean when we say our bill is structured to avoid cases going to court. In fact, in most cases it is in the best interests of the patient to get the care and to get it as quickly as possible. That is the reason for the internal review process. That is the reason for the external review process. That is the process we used in our bill. It is the process they used in their bill.

Unfortunately, in some cases, if an HMO arbitrarily or intentionally denies care to a patient—and we have all heard the stories in this Chamber—when that occurs, in some cases a child or a family or a patient can be injured as a result.

If that occurs, then that child or family can take their case to court. That is what has been done in Texas. That is what has been done in California. What we have found is what common sense would tell us, which is that the system works.

Mr. BREAUX. Will the Senator yield?

Mr. EDWARDS. I will.

Mr. BREAUX. I am trying to nail down this point on the independent review. I am trying to do this one point at a time because we have so many points out there. It is my understanding both our bills have the HMO paying for the independent reviewers. Both of them enter into a contract with people who are going to have an independent review. Therefore, in a sense, in both bills the independent reviewer really works for the HMO in the sense that the HMO is going to enter into a contract for their services. The HMO will have to pay for those services. Both bills require that.

Mr. EDWARDS. That is correct.

Mr. BREAUX. The issue is, this should not be an insurmountable task for us to reach agreement on how we select the people who are going to do it. Somebody has to make the selection. I don't know that you have another creature out there who goes out into the world and says: Pick reviewer A versus reviewer B. Somebody has to pick who the independent reviewers are. In both bills the HMO pays for them. It is just a question on how they are selected. Our bill says they should be independent reviewers, and I think there are a lot of companies that do that type of work. The Senator from North Carolina probably knows it far better than I in his practice of law. But there are groups which are totally independent that offer their services to do this.

Isn't there a way that the two bills can reach agreement on how we select the independent reviewers? The HMOs in both bills are going to pay for the services. It is just a question of how we select them. I want them to be as independent as they possibly can.

Mr. EDWARDS. I appreciate the comments of the Senator from Louisiana. First of all, he made reference to a creature selecting who the review panel is going to be. We don't want that creature to be the HMO.

Looking specifically at the language of our bill, I am looking at page 54 of the bill, it reads:

> No such selection process under the procedures implemented by the appropriate Secretary may give either the patient or the plan or issuer any ability to determine or influence the selection of a qualified external review entity. . . .

I have a question for the Senator. My question is, This language specifically prohibits anybody involved in the process from determining or influencing the selection of a qualified external review entity; would the Senator agree to this language?

Mr. BREAUX. Let me answer that with a question.

Mr. EDWARDS. Will the Senator agree to this language?

Mr. BREAUX. Let me answer it with a question. Does that language prohibit the HMO from paying the salaries of the independent reviewers? Is that not influencing the independent reviewers? If the HMO, under your bill, pays for the services of the independent reviewers, is that not influence over their decision?

Mr. EDWARDS. I just read the Senator exactly what the language says.

Mr. BREAUX. I appreciate that. But it says you can't influence the independent reviewer. Under your bill, the HMOs are paying the salaries for the services of the reviewer. Is that not influence?

Mr. EDWARDS. My question to the Senator is, If you say you agree with us conceptually about this, and we have specifically said that no such selection process implemented by the appropriate Secretary may give either the patient or the plan or issuer any ability to determine or influence the selection of a qualified external review entity, would you agree to that language?

Mr. BREAUX. I agree with the principle, but who makes the selection? That is why I used the word "creature." What entity picks the group the HMO has to contract with?

Mr. EDWARDS. The Secretary sets up a process by which the selection of the independent review panel is done and by which the selection of those people who are eligible for the independent review panel is done. The Secretary is responsible for doing that.

My point to the Senator is, his bill doesn't say this. By the way, neither the HMO nor the doctor nor the patient can play any role in that process. If the Senator agrees with us on that concept, would he agree with the language I just read to him?

Mr. BREAUX. I think we may be close to reaching agreement. If we can't solve this problem, we might as well shut down this place; we will never solve any problem. This is a small problem in comparison with other issues we are going to be faced with in conference.

Let me ask if the Senator suggests that HHS or the Federal Government has an approved list of independent arbitrators.

Mr. EDWARDS. It is actually the Labor Secretary.

Mr. BREAUX. The Labor Secretary would have an approved list of independent reviewers and they would publish that approved list and allow that there be an approved list of independent reviewers that the Secretary of Labor would designate as being independent review people or organizations that do that type work. And then somebody has to pick from among that list. They may have 20 different groups that do that on the list. Then somebody has to enter into a contract with one of those.

In both of our bills, it is the HMO that has to enter into the contract. Is it inappropriate to allow the HMO to pick from a selected approved list by the DOL?

Mr. EDWARDS. Reclaiming my time, first of all, I thank the Senator for this discussion. I hope we will be able to continue to talk about this. My concern is that we specifically say and designate that the Secretary of Labor shall set up a process by which these people are identified. That process is required by law to not allow any of the people involved in the process, which is only fair, to have any control or any influence over who ends up on the panel. We don't set up a specific process. We give the Secretary of Labor the responsibility for doing that.

My point, in response to the Senator's question—then I will go back to the other issues I need to talk about—is that we deal with this issue. He doesn't.

I think it is critically important—I am happy to continue working with the Senator—that when you have an independent review, when you have a second appeal after the HMO internally has denied the claim, that whoever is conducting that review and whoever is on that panel not have any connection with the patient, with the doctor, or, probably most importantly, with the HMO. That is the only way we are going to get a fair and impartial review panel.

Mr. BREAUX. Will the Senator yield for a final question?

Mr. EDWARDS. Yes, I will.

Mr. BREAUX. I am trying to resolve this point. It is not irresolvable. You suggest that the Department of Labor comes up with an approved list of independent external review people. It could be several groups or several individuals who would be in a selected group of independent reviewers. When that is done, the next step is that somebody has to pick the one for this particular case that is at issue. It is either going to be the HMO that has to enter into the contract or the Department of Labor that is going to have to select the one that is going to be used in every one of these procedures.

It seems to me at that point, if the DOL has selected a group of impartial reviewers, that there is nothing wrong with having the HMO pick one of them to enter into a contract with because it is from an approved list and it has to come from that approved list. Is that bad?

Mr. EDWARDS. Reclaiming my time, responding specifically to the Senator's question, what we actually do—I hate to have to keep repeating this—we deal with this issue. You don't. What we do in this bill is we give the Secretary of Labor responsibility for setting up the process. We don't say to the Secretary of Labor: You identify this group of reviewers or these people who are eligible for the review panel. Instead, what we do is give the Secretary of Labor responsibility for setting up the process. But in setting up the process, the Secretary is required to not allow any of the people involved to be able to influence who is on the panel and who is involved.

I appreciate very much the Senator's questions. I hope we can continue to talk about this. It sounds to me as if he is genuinely concerned and interested in trying to resolve the issue. We appreciate that, but at this moment we don't have a specific solution to this issue, and we are happy to continue to talk about it. But we believe very strongly—it is the reason we address it in the bill—that the HMO and the people involved should have no role; instead, we should have an impartial process. Just like you want an impartial jury, you have an impartial review process.

Now, Mr. President, if I can go back to the overall issue of the bill, and then I want to talk about a particular patient. First, we do want to make it clear to the American people who are listening to this debate that there is a lot of media coverage that suggests that accountability, or taking HMOs to court, is the only major difference between the bills. There are major differences from start to finish—on coverage, on access to specialists outside the plan, on access to clinical trials, as the Senator from Massachusetts suggested a few minutes ago, and on a truly independent review so the decision of the HMO can be reversed, as the Senator from Louisiana and I discussed.

Finally, the issue of accountability. There are two goals in our legislation, and we believe they are met. One is to provide real and meaningful patient protection—to put the law on the side of patients and doctors so that the health care decisions are being made by the families affected by them and by the people who have the training and experience to make them—the health care providers—and not by some bureaucrat sitting behind a desk working for an insurance company.

Second is to treat HMOs as everyone else. The problem is that some people would suggest that we should help maintain the existing privileged status of HMOs. HMOs are virtually the only entity in America that cannot be held accountable. Their decisions can't be reversed; they can't be appealed; and they can't be taken to court. When they deny coverage, the families are stuck with what they did. We want to simply treat HMOs as every individual American, every small business, every large business; they should be treated the same.

If my colleagues think differently about that, and if they believe HMOs are privileged citizens and they ought to be able to maintain some of the privileged status they have today, they will have to make their case. I believe the American people believe that HMOs should be treated just like the rest of us.

I said earlier that these debates are not abstract and academic; they are real. They affect people's lives. I want to tell the story today about a young man named Gary Wemlinger and his wife Jerrie who live in my State, in Kernsville, NC. Gary, unfortunately, was diagnosed with kidney cancer some time ago. Specialists at Duke University Cancer Center have told Gary that surgery, radiation, and chemotherapy will not help him. In other words, his life cannot be saved by those treatments.

In this photograph are Gary and his wife and his five beautiful children. What they have told him is the only chance he has for recovery and to be able to spend more time with his family is to have a procedure called a stem cell transplant.

Now, what we know medically is that stem cell transplants have saved many lives across this country of patients with cancer. But because this is a fairly new treatment, and particularly for Gary's particular kind of cancer, the insurance company has said that it is experimental and, therefore, they won't pay for it. They have refused specifically to pay for it.

As you would expect, the people around Gary—his family, friends, neighbors, people in the community—have pitched in and they are working very hard to try to raise the money for Gary to have this stem cell transplant that he so desperately needs. They are having a very hard time coming up with the amount of money that it would cost. This is a perfect example of the effect that the McCain-Edwards-Kennedy bill can have.

Under our bill, when Gary needs this stem cell transplant—and his medical doctors at Duke University Cancer Center believe he does—the insurance company not only would be required to give him more serious consideration initially, but once the decision was made not to pay for the care, he would have the right to go to a truly independent medical review board to get that decision reversed. That medical review board, made up of doctors, would consider, among other things, the recommendations of the cancer specialist at Duke University Medical Center who would tell them that the only way Gary's life would be saved is through this stem cell transplant. Otherwise, these other traditional therapies—radiation, chemotherapy, and other surgeries—will not save his life.

This is a perfect example of a man and his family who would be dramatically affected if the law were on his side, on his family's side, instead of being on the side of the big HMOs.

We can talk about this a lot. There was a quote today in one of the newspaper stories—which we will make reference to later as the debate goes on—from the HMO lobbying group saying that they are prepared to spend whatever is necessary to stop the legislation from passing. They have already spent many millions of dollars and they will continue to spend millions of dollars, and they have been doing it for years. They want to keep their privileged status.

I will tell you who is not spending millions of dollars in this debate. Gary and his family are not spending millions of dollars. They have only us to count on—the people who are in this body and the people down the street on Pennsylvania Avenue. That is who they are counting on, the people they sent to represent them in Washington, DC. You won't see a television ad about this family. You won't see this family spending millions of dollars. Instead, you will see their friends and neighbors and members of their community trying desperately to raise the money that the HMO won't provide.

The point is there are clear lines in this debate. While we want very much to work with our colleagues to find a bill that can pass the Senate, pass the House, and will be signed by the President ultimately, we have to make a decision. We have to make a decision about whether we stand with the big HMOs or whether we stand with patients such as Gary and their families.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EDWARDS. Thank you, Mr. President.

Mr. FRIST. Mr. President, I understand that the next 30 minutes is under our control.

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. I yield to the Senator from Pennsylvania—he understands the situation. The Senator from Wisconsin needs how much time?

Mr. FEINGOLD. About 6 minutes.

Mr. FRIST. Would the Senator yield to the Senator from Wisconsin?

Mr. SANTORUM. If the Senator will yield, I will withhold our half hour and have his time come out of the next half hour on the Democratic side.

Mr. FRIST. Mr. President, I ask unanimous consent that the time of the Senator from Wisconsin be taken from the next 30 minutes after the 30 minutes on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I certainly thank the Senator from Tennessee and the Senator from Pennsylvania for the courtesy in allowing me to speak at this point.

Mr. President, I rise today to speak about the importance of passing a meaningful Patients' Bill of Rights that will provide patients access to the health care that they need. A real Patients' Bill of Rights is absolutely vital to protecting the quality of health care for all Americans.

I would like to make my colleagues aware of what I have been hearing from Wisconsinites about the importance of protecting patients' rights. At my listening sessions across Wisconsin, I often hear about the grim reality that the American health care system is no longer controlled by those who best understand how to treat patients—our physicians.

Instead, managed care companies, primarily HMOs but also other health insurance providers, have become so involved in the business of health care that they control nearly every aspect of health care including where care is provided, and by whom. Of greatest concern to me is that these managed care organizations can decide whether that health care can be provided at all—they make the key medical decisions.

In other words, regardless of whether that care is determined to be medically necessary by the physician who is treating you, managed care administrators can override your doctor's medical decisions and refuse to cover the care that you need.

How does this happen? Well, managed care companies control costs by limiting supply—screening of the health care providers its enrollees are permitted to see, requiring patients to go through insurance company gatekeepers prior to seeing a specialist, tracking physician proactive patterns to ensure that doctors are complying with HMO's cost-control efforts.

Some HMOs go so far as to impose a gag-rule on doctors, prohibiting physicians in their system from discussing treatment options that the HMO administrators deem too expensive.

I want to highlight two aspects of this legislation that are important examples of the need to ensure access to vital medical treatment—access to lifesaving prescription drugs and clinical trials.

Perhaps nowhere has there been more advancement in medical technology than in prescription drugs. They provide patients with cures to life-threatening diseases, and are vital to restoring a patient back to health.

Unfortunately, some HMOs limit the type and amount of medications to cut down on their cost. While I understand that these costs lead to savings in our health care system, we must ensure that patients can get the drugs if they truly need them.

I commend Senators McCAIN, EDWARDS, and KENNEDY for reaching a middle ground in the tug of war between cost control and access. Congress must pass legislation that ensures that physicians and pharmacists participate in the decision making process of who has access to prescription drugs. Congress must not forget in this debate that this input is vital for those with allergies to a given medicine. We must remember that we are considering a lifesaving measure for those who have found ineffective the prescription drugs that the health plan authorizes.

Another vital provision of this legislation is that it protects the rights of patients who want to participate in lifesaving clinical trials. The McCain-Edwards-Kennedy bill would ensure that routine health care costs associated with participation in clinical trials would provide all patients with reasonable access that could potentially save their lives.

Health insurance and managed care plans must encourage good science and help define quality care by reimbursing routine patient care costs for those with life threatening diseases who wish to participate in approved clinical trials.

Right now only 3 percent of adult cancer patients are enrolled in clinical trials and lack of insurance reimbursement is often a major obstacle to their participation. We must remedy this problem, and under the McCain-Edwards-Kennedy bill, Congress can do just that.

These patient protections ought to be part of the deal when you enroll in health insurance. These are pretty basic concerns, Mr. President, concerns that I think may get lost in all the political rhetoric.

When we speak about protecting patients' rights, I want to be clear that we are talking about how to make sure that corporate cost-control concerns don't result in people being denied the care that they need.

What we need is some thoughtful, reasoned debate and deliberation of the proposals, not stonewalling and stalemates. I hope that we can work together to craft bipartisan legislation that makes the difference in the lives of patients across America.

Mr. President, I again thank the Senators from Tennessee and Pennsylvania for their courtesy, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I want to comment for 1 minute on a statement made earlier on clinical trials to clarify it for people who are following the debate. We are going to have the opportunity to debate hopefully each of these patient protections to refine and improve them. Both the Frist-Breaux-Jeffords and the Edwards bill have clinical trials addressed as a patient protection, as a right of a patient to have access to clinical trials if they are in employer-sponsored health care.

We do have to be very careful about coverage of clinical trials. What we started with was trying to figure out how many clinical trials are going on today.

Under the Frist-Breaux-Jeffords bill, we include coverage by the Veterans' Administration clinical trials, all the clinical trials in the National Institutes of Health, and Department of Defense clinical trials. The issue is on the FDA, and the FDA obviously does wonderful clinical trials.

One concern we need to address is how many clinical trials is the FDA doing. I was going to ask the Senator from North Carolina earlier how many clinical trials are there in the FDA. Since we are taking people's money to pay for it, we need to know how much it is going to cost.

It is unclear at this juncture, and we need to work together to see how many there are. In fact, we do not know today how many FDA clinical trials are being conducted as part of FDA protocol.

We know the Center for Drug Evaluation, at the end of calendar year 2000, had 11,838. The Center for Biologics Evaluation and Research has 2,869. The Center for Devices and Radiological Health has 1,084. We know there may be some 16,000 clinical trials. Until we understand how many clinical trials, because these clinical trials cost, there is an incremental cost to these clinical trials, before we pass a law and say let's cover everything, since we all know adding incremental costs ultimately translates down to the uninsured, we need to know what these costs are.

Until we get a better feel—and I have been working for a long time trying to find out. I know NIH has 4,200 clinical trials extramurally and intramurally; 1,800 are cancer-related trials. The Department of Defense—we are looking at the number of clinical trials. The VA has 162 clinical trials, 30 of which are with partners; and 729 extramural VA-funded clinical trials, for a total of about 891.

I do not know how many FDA clinical trials are out there or what the cost actually is. We need to look at that sometime in the debate.

I understand we have 30 minutes on our side, and I yield to the Senator from Pennsylvania for such time as needed.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Tennessee. I thank him in particular for his excellent work in this area. He is a great leader and obviously an authority, somebody who understands the issue better than any of us in this Chamber. I appreciate his willingness to be fully engaged and participate in crafting a bill that will solve the problems of the health care system today and, frankly, a bill that will be signed by this President and enacted into law.

That is the balancing act which people need to come to this Chamber and pay attention to.

To start, No. 1, I am certainly for a Patients' Bill of Rights, and I have worked for the past couple of years as a member of the health care task force on our side of the aisle to craft a Patients' Bill of Rights. I feel very strongly there are protections that need to be placed into Federal law for those people who are covered by plans that are regulated by the Federal Government. They do not currently have patient protections.

When I first got into this now over 3 years ago, the state of play in health care was a little different than it is today. We had some issues that were hot-button issues. Maybe 4, 5 years ago, the issue of gag clauses was a big deal. I think everyone now pretty much agrees—even though there is language in the bills that outlaws them—they are gone; they are not around anymore. Most States, 5 years ago, had not really taken this issue up and gotten involved in the area of patient protections. Since that time, every State in the country has at least debated, and almost all of them have passed, some form of patient protection to cover regulated and sponsored plans of the State. We have a little different state of play with respect to the landscape of who is and who is not protected.

Clearly, now the only participants in health insurance in this country who are not protected with any patient protections are those who come under the ERISA plan, or federally sponsored plans. All the others have some sort of State regulation to take care of their concerns because they are State-regulated products; they are products approved and authorized by the State and State insurance commissioners, Governors, and on down.

When it comes to the Federal plans, we need to look at and I am strongly in favor of inserting some patient protections for these federally sponsored plans, called ERISA plans. It is over 100 million people. It is not a small amount of people. That is from where we need to start.

The second thing we need to look at is the differences where we began to take this up 3, 4, 5 years ago and where we are today. A few years ago we thought we had health inflation under control. We were looking at rates of growth in health care costs that were slightly above the rate of inflation. As a result of some of the dynamics in the private health care system, we were settling down, and it looked like we had reined in costs in health care. We were being rather ambitious about how we can provide patient protections and not worried about the impact of costs on the system.

That is a little different today. Today we are looking at double-digit increases in health care premiums. I was with an employer yesterday who told me his health insurance premiums over the past 2 years have gone up 42 percent. That, according to some other friends of mine with whom I have talked in Pennsylvania, is not unusual. Health care costs are skyrocketing again.

The question is, What do we do here that impacts this system? I always say with respect to anything we do in Washington, DC, first and foremost, is do no harm. We want to do good things. We want to make sure the state of play in America with respect to getting health insurance and good quality health insurance is always to enhance that ability, not detract from it.

One of the major concerns I have with the legislation before us today is what it will do to increasing costs of health insurance. At a time when we have 44 million uninsured, I believe that is the No. 1 problem in health insurance in America. We can talk about one bill covering 56 million people and one bill covering 170 million people and one covering 180 million people. None of them covers the 44 million people who do not have insurance.

If we want to look at what the real problem is in America, it is the 44 million people who do not have any health insurance. There is not one thing in this bill that helps any of those people.

The Congressional Budget Office and others looked at this and determined this legislation will take the 44 million people and turn it into over 45 million people. All it will do is add to their ranks. If misery loves company, this bill helps because it will add to the misery. It will take 44 million people and make them 45 million people with the increased costs in this bill. I would argue, given the employer liability provisions in this bill, that 45 million is just the beginning of the increase in uninsured. We may very well go from 44 million to 45 million if the employer provisions pass. I don't think these provisions will be signed into law because, thankfully, the President said he would veto the bill.

If for some reason the employer liability provision passes, it will open the avenue for lawyers to get in there and sue employers that provide insurance to their employees. No good deed goes unpunished, as they say, so we have employers who go out and provide insurance to their employees, and we would punish employers for doing that if we in the Senate allow them to be sued simply for providing insurance for their employees. To me, that is not just going to increase the uninsured, as some say who have studied the bill, from 44 million to 45 million, but from 45 to 88 or 120 or whatever the case may be. We will have massive uninsured. Employers will be crazy, if they are in the business of making, say, podiums, to allow themselves to be sued by lawyers because they provide health insurance to employees.

This is a very serious issue, the issue of access. I hope, and I believe, there will be amendments offered over the next week or two—however long we are on the bill—that will do something about access to insurance. If we walk out of this Chamber with our arms raised, saying we have helped patients, and we have done nothing but add to the ranks of the uninsured, it is a hollow victory; we have done nothing for the No. 1 problem in health care, not just to the 44 million who do not have insurance, but to all the people who do have insurance and have to pay higher insurance premiums to pay for the 44 million people who end up at the hospital because they don't have insurance and don't get the primary care that they should at the appropriate time.

Currently, we take care of hospitals that provide uncompensated care for those without insurance coverage. In my major cities—Philadelphia, Pittsburgh, Harrisburg—hospitals are financially strapped because of the high number of people who come through the door who don't have insurance and have to be taken care of, and are willingly taken care of by the nonprofit hospitals. Again, it is uncompensated.

What do they do? They lose money. They cannot pass it all over to the insurance because the insurance will not pay for it. This is a huge problem. There is nothing in this bill that takes care of this problem except, as I said before, if misery loves company, we add more to the uninsured as a result of this bill. That is not solving the fundamental problem in health insurance.

When we offer amendments, I hope we can get bipartisan support for some tax provisions that will increase the number of insured in this country, that will deal with the No. 1 problem facing America in the area of health insurance. That is, frankly, the almost embarrassing situation of having that many people on the uninsured lists.

We have a lot of other issues with which I believe we need to deal. One of the things I am hopeful we will offer is an expansion of medical savings accounts. It is a pilot program right now. I would love to see that program expanded to give real choice to people in the private health insurance system, to give them the opportunity to manage their own health insurance needs, to be able to provide for themselves and their family, and do so in a way that they have maximum choice, maximum flexibility. That should be included. Giving people choices, giving people coverage, giving people flexibility—these should be the hallmarks of this discussion, not driving up costs and increasing the uninsured and having lawyers replace doctors as decisionmakers, No. 1; and, No. 2, these lawyers' fees siphon a tremendous amount of money out of the health care system.

There are scarce resources, and this bill is overloaded with rights to sue not just HMOs—we can debate that. I am willing to discuss what we can do as far as suing HMOs. However, I am not willing to discuss, to be very honest, allowing employers to be sued. What are the consequences of employer liability?

Any employer should think about it. Would you allow your business, for which you sweated hard and perhaps built as a family business, or a big corporation, would you allow your corporation to be liable to suit simply because you provided a health benefit to your employees that has nothing to do with your business? If you did, my guess is, if you were a big corporate CEO, you would be fired. No shareholder in their right mind would want their company, their investment, to be wiped out by a group of employees who were unhappy with the health care coverage the employer provided. That is not their business. Their business is making podiums or printing paper or generating electricity. It is not providing health care to their employees. So it is one thing to be sued for the products you make or the services you provide. That comes with the business. But you shouldn't be liable for suit for benefits you provide to your employees. If you are liable for suit, you simply must get out of the business of providing health insurance to your employees. The impact on the number of uninsured in this country will be profound.

I will shortly yield to the Senator from Arkansas, and I am interested to hear what he says. The No. 1 thing to understand in dealing with this issue is, first, do no harm. If we look at the greatest problem in the health care system, it is the number of uninsured in America. And the greatest harm this legislation will create is to explode that number. That is not a victory for patients. That is not putting patients first. That is putting lawyers first, putting litigation first. It is not putting mothers and fathers and children who need and want affordable health insurance first. It is not putting these people first who are saying they need these procedures. Taking insured people who have a problem with their HMO and turning them into uninsured people is not helping them. Taking someone who has a problem with their insurance company and turning them into someone who is no longer covered is not helping them. That is not putting patients first.

What we want to do is put patients first, make sure there are adequate protections in the law, but not create a system where we will simply destroy the private health insurance system in this country. That is what this bill does. We, hopefully, can fix it. We will have amendments to fix it. There is a lot in common with these bills, but we have to fix the things that are the most egregious, and hopefully over the next week or two we will be able to do that.

Mr. FRIST. How much time remains on our side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. FRIST. I thank the Senator from Pennsylvania.

The Senator spelled out frivolous lawsuits, unnecessary costs, unnecessary mandates through micromanagement drive up the costs of premiums and it falls on the shoulders of the working poor who cannot afford the insurance. That is where the uninsured come in. I take it a step further: Frivolous lawsuits increase costs, loss of insurance, the uninsured—that translates to less care, a lower quality of care. It is not just the number of uninsured, it is the impact of being uninsured today. That is something on the floor we will have time to debate over the next several weeks.

I yield the remainder of our time to the Senator from Arkansas.

Mr. HUTCHINSON. I thank the Senator from Tennessee for his leadership on this issue, his expertise and knowledge. We are fortunate, indeed, to have someone with his knowledge of this issue as part of our institution.

I associate myself with the remarks of the Senator from Pennsylvania. He is absolutely right. I served on the conference committee on the Patients' Bill of Rights for more than a year. We wrestled with these issues. There was broad consensus that we need a Patients' Bill of Rights. I agree; we need to have a Patients' Bill of Rights. We need to have a set of legislatively codified protections for those who are in managed care systems in this country.

Where we had a problem was in the area of the lawsuits, the liability, the right to sue, and how broad should be that right to sue. While we have broad consensus in this body and in this country that there should be a Patients' Bill of Rights, there is also a growing understanding that if we do this wrong in the next few weeks, all we will do is move hundreds of thousands, if not indeed millions, of people out of the ranks of those who enjoy the protection of health insurance from their employer into the ranks of the uninsured. That is the risk we take and we better do this job right.

The Kennedy-McCain bill ignores what I believe is the most important patient protection of all and that is access to affordable health insurance. They do absolutely nothing to move those 44 million people, who today in this country do not have health insurance, into a situation in which they are covered. This bill does not address that at all.

While we may agree we need patient protections for those in HMOs, we need to be very careful that in enacting those patient protections we do not even exacerbate the problem of the uninsured in this country. The CBO, the Congressional Budget Office, has found the Kennedy-McCain bill would raise health insurance premiums by at least 4.2 percent and cause nearly $56 billion in lost wages over 10 years.

That 4.2 percent, somebody says that is not much; that is about inflation, isn't it? That is on top of the 10-percent to 13-percent increase in health insurance premiums this year, which is the third consecutive year of annual premium increases in that range. In fact, in the year 2000, premiums increased 12.4 percent; in 2001, premiums are projected to increase 12.7 percent; and in 2002, premiums are projected to increase 12.5 percent.

We are adding on top of that premium increase another 4.2 percent, as projected by the CBO. I think that is a very conservative estimate, 4.2, so we are making that problem even more severe. The Barents Group data shows for every 1-percent increase in health insurance premiums, 300,000 Americans will lose their health insurance. What that means is the Kennedy-McCain bill could cause as many as 1.3 million Americans to lose their health care, according to the CBO. If the CBO is wrong and they are understating it, as

I believe they may well be, instead of 1.3 million Americans losing their health care, it could go considerably higher.

There are 44 million uninsured Americans in our country now. So the Kennedy-McCain bill does nothing to make health insurance more affordable. Instead, it pushes the number of uninsured to even higher levels, from 44 million to 45 million, 46 million, or more.

This is the question I pose to my colleagues: What good are patient protections when 45 million people cannot enjoy them? What good will this bill do for the 45 million who do not even have health insurance today? I will tell you, it does no good at all.

Claims that the Kennedy-McCain bill covers all Americans is the biggest hoax being perpetrated in this debate today. This bill does not cover all Americans. This bill does absolutely nothing for the millions of Americans who cannot afford health insurance. We will do a disservice to this country, a disservice to the health care system in this country if, while addressing patient protections, we do not also address access. I will be offering amendments to that end. I hope my colleagues will be as well.

Dealing with the issue of liability, Kennedy-McCain supporters keep telling the American public their bill protects employers from lawsuits and that it caps damages at $5 million. Let's be very candid; let's be very honest about this. This cap only applies to punitive damages in Federal court. What Kennedy-McCain proponents fail to mention is that employers can be sued for unlimited economic damages in Federal court, unlimited noneconomic damages in Federal court, unlimited punitive damages in State court, unlimited economic damages in State court, unlimited noneconomic damages in State court, and damages through unlimited class action lawsuits under both Federal and State laws. That is what, according to the CBO, is the second major component of the cost increases that are going to occur to health premiums across this country.

I further point out there is really no exhaustion of the appeals process required. Though the bill says there is, the exceptions swallow up the rule. Kennedy-McCain requires a patient to file a request for external review within 100 days after the internal review. Nevertheless, Kennedy-McCain allows a patient—this is so important—to go right to court on the 181st day without even having gone through the appeals process by claiming that they just discovered an injury.

It makes sense, then, if you think the insurance company, the HMO, has made a wrong decision and they have been inappropriate in the decision they have made, that you have an expedited internal appeal of that decision. We all agree upon that. It is also logical and consistent, and I think there is a consensus that there should also be an option to go to an external appeal, to an independent medical expert reviewer to look at the case and make a determination as to who is right.

If we are really concerned about health care being provided for the patient, we should require that the internal and external appeal happen, happen quickly, and those appeals be exhausted before there is ever a right to sue. The goal should not be let's see if we can get to court to see who can get the dollars. The goal should be to ensure the patient is getting the health care they deserve. By allowing a patient to simply wait until 180 days have expired and then to simply allege they only now discovered the injury and to go directly to court without ever having gone through an internal appeal, without ever having gone through an external appeal, is to open the floodgates to lawsuits.

Look at the original bill on page 149. You will see that exception is clearly there. This loophole allows an employer to be taken to court 5 years, 10 years, 15 years after its health plan denied a claim for a benefit without ever having gone through an external, independent, medical review process.

What is the result? The result is that if Kennedy-McCain passes as it is now written, we will threaten the very employer-provided health insurance system that has served our country well. Maybe that is the goal. Maybe, instead of patient protections, the real goal in this legislation is to swell the ranks of the uninsured and then come back and say: Look at our huge problem. We have to address this again.

I hope that is not the goal of those who are pushing this lawsuit-geared so-called Patients' Bill of Rights. Employers will be sued even if they are upheld by the independent medical reviewer's determination under the Kennedy-McCain bill.

Kennedy-McCain is, in fact, a trial lawyer's dream. It is a trial lawyer's bill of rights. New lawsuits under Kennedy-McCain have absolutely nothing to do with ensuring that patients get quick access to needed care. According to the Urban Institute, medical malpractice claims take an average of 16 months to file, 25 months to resolve, and 5 years to receive payment. That is what we are inviting in this bill, not that patients are going to have rights and that patients are going to be assured that on an expedited basis they are going to be able to get the kind of medical treatment the insurance company has promised. This bill, as it is currently drafted, will ensure the courts are clogged with lawsuits and lawsuits for not months but years and years. That is not in the interest of improving health care in this country.

You would think, after months and years in court, a patient or the patient's family would finally be justly compensated for their injury or their loss, right? Wrong. In fact, the tort system returns less than 50 cents on the dollar to the very people it is designed to help and less than 25 cents for actual economic losses. So the real winners in this lawyers' bill of rights will, in fact, be the trial lawyers. The lawyers win and the process wins and the patients lose. That is why we need to improve this bill.

Madam President, how long do I have remaining?

The PRESIDING OFFICER (Ms. CANTWELL). The Senator has 1 minute 45 seconds.

Mr. HUTCHINSON. It is said over and over again that we have to pass a Patients' Bill of Rights because the American people are demanding it. I think if you ask the American people, if you ask most Members of Congress, are you for a Patients' Bill of Rights, they would overwhelmingly say yes. I would say yes. We all believe patients ought to have greater patient protections and they ought to be codified. They ought to be in law. But it does not tell the whole story.

A recent survey that was conducted in conjunction with the Harvard School of Public Health found this. When the question was asked of the American people, all voters, Republicans, Democrats and Independents, do you favor a Patients' Bill of Rights, 76 percent said yes. But when they were asked this question, what if you heard that this law would raise the cost of health plans and cause some companies to stop offering health care plans to their workers, would you still favor a Patients' Bill of Rights? Instead of 76 percent, 30 percent say they would favor it under that situation.

During the last few weeks, it has become increasingly clear to the American people that the Kennedy-McCain Patients' Bill of Rights, which opens the floodgates to lawsuits, would increase health care premiums and cause millions of people to lose their health care insurance, and they do not favor that kind of bill of rights.

I ask unanimous consent to have printed in the RECORD letters from two of my Arkansas constituents who are employers, telling about the threat this litigation-laden bill poses to their ability to offer health insurance to their constituents.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MCKEE FOODS CORP.,
Collegedale, TN, June 14, 2001.

Hon. TIM HUTCHINSON,
U.S. Senate, Senate Dirksen Building, Washington, DC.

DEAR SENATOR HUTCHINSON: The Senate will soon consider a proposal that will give Americans the right to sue their insurance provider in state and federal court for coverage decisions. As a business owner, this prospect has me worried McKee Foods has voluntarily sponsored its own health plan for more than 30 years. All of our employees and their families have the option to take part in our group coverage, including the 1,420 employees who work at our Gentry, Ark., manufacturing facility. In 2000, McKee Foods and its employees spent $25 million to provide health care benefits for all 6,100 of our employees and their families. The company directly paid for more than 75 percent of this amount.

Over the last two years our group insurance benefit costs are up about 26 percent and our prescription drug benefit cost has nearly doubled. The company has absorbed most of the cost increases, but employee premiums have also risen by 10 percent. It's important to note that none of the proposals presently under consideration have protection in place to protect the health care purchaser, whether individual or company, from the increased cost of coverage due to insurer liability. A health care bill containing additional costs will simply compound the problem of rising costs.

Our health plan, which is governed by ERISA, is self-insured, self-funded and self-administered. Maintaining an ERISA plan allows McKee Foods to provide uniform health care benefits to our employees in all contiguous 28 states. We've reviewed the various proposals put forth by both the Senate and the House of Representatives and have come to the conclusion that McKee Foods can be sued for voluntarily providing health care benefits. Each of the major bills under consideration contains language that defines the liability trigger as "direct participation" or "discretionary authority" over the decision. This standard directly implicates ERISA's fiduciary responsibility duty. For employers who offer a health plan governed by ERISA, liability is real.

I believe that legislation containing liability for companies will certainly lead to more uninsured Americans. I also believe that many employers want to offer health care benefits because this type of benefit helps us attract and retain high quality employees. Please remember that the voluntary employer-based health care system in our country provides coverage for more than 172 million Americans.

I'm asking you to support a health care bill that sets up a strong system for binding external review instead of lawsuits. Let's get patients the medical treatment they need, when they need it. Reaching a conclusion later in a court only benefits the attorneys.

Sincerely,

JACK MCKEE,
President and CEO.

Springdale, AZ.

DEAR ARKANSAS SENATORS LINCOLN AND HUTCHINSON: I am a small business owner in Springdale, AR. Our company employs 8 very fine people.

Our company has always made an effort to provide, at no expense to our employees, full family health insurance coverage.

A couple of months ago we were forced to begin sharing some of the cost of the health plan with the employees because of 40% plus increases. The monthly cost climbed to over $4000.00 a month for our relatively young group. I fear passing the S-238 bill will not only cause greater increases but subject our company to possible legal actions because of our offering health insurance. We could be at the mercy of whoever decides to pay a claim or not—and open the door for the company to be liable.

I think the bill has a lot of danger in it. I urge both of our Arkansas Senators to do all in your power to defeat this bill. I urge you to vote against "cloture" thus limiting the truth to be brought out on the floor.

On behalf of myself, my partner and our employees, thank you in advance for logging this request.

JOHN W. HAYES.

P.S. Your voting records are the proof of your loyalty to the people of the Great State of Arkansas.

Mr. HUTCHINSON. Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next block of time shall be controlled by the majority party.

Mr. WELLSTONE. Madam President, I ask for 10 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Madam President, I say to my colleague from Arkansas that I think what will become clear to the American people over the next week—I certainly take very seriously the words of the majority leader that we will be here as long as it takes to pass this bill—is that this will be a test case of whether or not all Members of the Senate will be there for consumers, or whether or not the health insurance industry will be able to stop this legislation.

It is that clear.

There is an unprecedented lobbying effort going on right now and a tremendous amount of money is being spent with a full court press to block this legislation.

I have no doubt that we will have amendments on the floor over the next week or week and a half which will be an effort to gut this bill through amendments.

But I think that people in the country will have a very clear sense of whether or not we are on their side.

I say to each and every one of my colleagues that I am absolutely convinced from a lot of coffee shop discussions with people in Minnesota that people do not give a darn about the labels left, right, or center. They do not care about any of it. Politics for people is much more personal. Consumers and the people we represent are saying we want to have some protection.

Let me give you some examples. I will not use the real names of people to make this more anonymous. I will never forget a woman coming up to me and saying to me at a farm gathering in Minnesota: I want you to come over and meet my husband, Joe. Remember—you met him about 6 months earlier. The doctor said he only had 2 months to live. But my Joe is a fighter.

He had cancer.

I would like for you to come over and say hello.

He was not yet in a wheelchair. But later he was because he was weakened by this struggle with cancer. He has now passed away.

She said to me: I want you to meet Joe.

I went over, and we talked.

Then she said: Can we talk away from him?

We go away so he can't hear.

She said: It is a nightmare. Every day I am on the phone with the managed care company trying to find out what they will cover. Every day it is a struggle to get the coverage for my husband for the treatment he needs as he struggles with this illness.

No American family with a loved one who needs that care should have to be fighting it out with the insurance companies or managed care plans to get the care their loved one deserves.

That is what this piece of legislation is about that was introduced by Senators MCCAIN, KENNEDY, and EDWARDS with many of us supporting it. That is what this is about, pure and simple.

This is the most important consumer protection legislation we will vote on this year as Senators.

My colleague from Arkansas said: What about the 44 million people who have no insurance? I invite the Senator from Arkansas and other Senators to please join on a piece of legislation I have called Health Security for All Americans.

I am for universal coverage. I haven't heard a lot of my Republican colleagues talking about the importance of comprehensive health care reform, universal coverage, affordable and dignified human coverage for all. I hear them talking in opposition to this piece of legislation.

Why don't we first pass this consumer protection legislation? Then we will move on and we can talk about universal coverage.

I remember a gathering in Minnesota—there are so many stories like this. There was a meeting that I had convened where we had some of the managed care plans there to meet with some of the parents. I do a lot of work in the mental health area.

I can hardly wait to have hearings in the Health Committee and have a bill on the floor doing what Senator DOMENICI calls the Mental Health Equitable Treatment Act to end the discrimination of coverage for people struggling with mental illness.

At this gathering, a lot of the parents wanted to meet with the managed care companies. One mother said: My daughter is struggling with depression. We have asked you and asked you for coverage, and you said that it wasn't medically necessary for her to get the help she needed, to see the psychiatrist that she needed to see. My daughter took her life.

Look. I can't say that she took her life because she didn't get a chance to see this particular psychiatrist. But I can tell you this: There was an article in the Minnesota Star Tribune last Sunday about the costs the State of Minnesota had to pick up because the health plans did not provide the coverage for people that the doctors said needed to get mental health coverage.

What the patients and their families heard was: You need to see the psychiatrist. You need to be in the hospital for this many days. You need to have outpatient treatment. Instead, they were denied the coverage by their HMOs. Finally, the State just picked up the coverage.

It happens all the time.

A nurse in Minnesota told our state office about a woman who suffered with stomach pains; she saw her doctor who did some tests and then suggested further tests, that were more expensive for which she should get HMO's approval. The HMO denied the additional tests. Since the doctor recommended the tests, you would think that a patient might have some recourse to the HMO's denial of coverage. Instead, the woman endured a series of phone calls with HMO employees, being forwarded from one customer service representative to another, being put on hold for 35 minutes and ultimately being referred to a 50-page benefits manual with no change in the HMO's denial of these recommended tests. No one at the company ever instructed the patient how to file an appeal. She ultimately gave up and paid for the tests herself.

It goes on and on. There is too much gatekeeping, and too much bottom-line medicine. The bottom line has become the only line. There are too many people and their loved ones who can't get the care they need or the care for their children when they need a pediatrician or to get to the emergency room to have it covered when they need to be at the emergency room or to get their parents and their grandparents the coverage they need, to get the child the coverage she or he needs for mental health coverage.

It goes on and on. Too many people go without the care they deserve. Too many doctors and nurses are not able to provide the kind of humane and dignified care they thought they would be able to provide when they were in nursing school or medical school.

What do we do? We say that we are going to have basic patient protection coverage for every citizen no matter what State he or she lives in, no matter what company he or she works for. That is the first part.

What is the second thing that we say? We say if your plan denies you the coverage, then you have a right as a consumer to appeal the decision and go to an independent appeals board or through an independent appeals process—not an appeals process within the managed care company which is the competing proposal. That is crazy. People in the country know it.

And to assist people in dealing with their insurance companies and HMOs I will be offering an amendment with Senator REED of Rhode Island that will have an ombudsman program set up in every State that provides outreach and assistance when they have trouble getting the care they need or filing the appeal they are entitled to. This would be an important addition to this legislation.

If you have headaches, severe headaches, and you go see your doctor, and you are told by your doctor that you need an MRI, and then the managed care plan says, no, it is not medically necessary, and then you, because you did not have that MRI, later find out you have a malignant brain tumor, and you die because of that—or this happens to someone in your family who dies because of that—you better believe that these companies can be taken to court. They should not have any special protection any different from any doctor or hospital or any other business.

If you are denied the coverage on the basis that it is not medically necessary, of course people can go to State court, which is where it should be. And then we abide by the laws of our States: the laws of Minnesota or the laws of Illinois or whatever state the patient lives in. It is simple.

This is all about whether or not we are finally going to pass legislation that provides consumers, provides patients, provides families, provides children the protection they deserve, the protection they need. That is what this legislation is all about.

I think I introduced a bill in 1994, and then I know Senator KENNEDY introduced a bill a couple years later, and many people have introduced bills; and we have been going through the debate now for 7 years. The time has come. It is real simple.

I conclude on this note: I really believe, more than anything else, the way people judge us is not if we are Democrat or Republican, not if we are liberal or conservative, not if we are right, left or center. None of those labels mean very much.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WELLSTONE. Madam President, I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. The question is simple. Do you, the Senator from the State of Washington or the Senator from the State of Illinois or the Senator from the State of Minnesota know us? Do you care about us? Do you understand us? Are you on our side?

That is what this legislation is all about. This is an important time. Let's step up to the plate and vote to be on the side of families in our States, consumers in our States, and provide them with this protection.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, how much time remains on the Democratic side on this debate?

The PRESIDING OFFICER. Fourteen minutes nineteen seconds.

Mr. DURBIN. I thank the Chair.

Madam President, I rise in support of this bill that has been brought to this Senate Chamber by Senator KENNEDY, who was here just a moment ago; Senator JOHN EDWARDS, Democrat from North Carolina; and Senator JOHN MCCAIN, Republican from Arizona, who have made this a bipartisan effort.

I think if you listened to the history that Senator WELLSTONE of Minnesota just recounted, you know this issue has been before the Senate and the Congress for many years. We now have an opportunity, because of the change in the leadership in the Senate a few weeks ago, for this issue, which was buried in committee, to now be on the floor of the Senate—an issue with which 80 percent of the American people agree is finally before us for debate, for amendment, for a final vote.

I applaud our majority leader, Senator TOM DASCHLE. He has said to those who want to drag their feet and stop us from this debate and amendment, the party is over. We are going to stay in session in the Senate until we pass this bill.

You will hear moans and groans from my colleagues in the Senate who have taken the Fourth of July recess period and have made plans. Some were political plans, some were personal and family plans, but they had a lot of plans. I have to confess I did, too. But I believe the Senators elected to this body were not elected to march in parades on the Fourth of July. We were elected to march to the floor of the Senate to pass legislation that will make life better for families across America.

So if it means that we have to stay in session on the Fourth of July, and take a recess for a few minutes to look out the window at the fireworks on The Mall, so be it. Let's get our job done. Let's stay and do it. This issue is worth it.

This issue, this Patients' Bill of Rights, will establish, for the first time nationwide, a standard of protection for American families when they go to their doctor or a hospital for medical care.

How important is it? Let me tell you a story. In Joliet, IL, I sat down for lunch with a doctor. He said: Let me tell you what happened to me, Senator. A mother came into my office with her little boy. The boy was about 5 or 6 years old. He had been complaining to his mom about headaches. I asked his mother how long these headaches had gone on. She said for over 3 weeks.

The doctor said to the mother: Is it on one side of his head or the other or what?

She said: It is always on the same side of his head. He complains that it hurts on this side of his head.

The doctor said to me he instantly knew that the appropriate medical response was to take an MRI to determine whether or not that little boy had a brain tumor: 3 weeks, headaches, a little boy complaining, same side of his head. But before he said that to the mother, before he made that recommendation, he asked her a question: Do you have health insurance?

She said: Yes.

The doctor asked: What is the name of your company?

She gave him the name. He excused himself from the office, went into another office, called the insurance company, described exactly what happened, and said: I am ordering an MRI.

The insurance company said: No.

He said: What am I supposed to do?

The insurance company said: Send the mother home. See if he gets better.

The doctor walked back into the office and said to the mother: I'm sorry but at this point in time I think the best thing for you to do is to go home and call me in a week or two if he is still complaining about it.

That is just one little episode in Joliet, IL, involving a doctor, a woman, and her child. That mother left that office not knowing who had made the medical decision. It was not the doctor she came to see; it was a faceless clerk at an insurance company hundreds of miles away.

When doctors ask these clerks what qualifications they have to make a medical judgment, do you know what they find out? These insurance company clerks are not nurses; they are certainly not doctors; many times they have high school diplomas and a manual in front of them where they can look up: Oh, I see, 3 weeks of headaches, one side of your head, 5-year-old child. No, it takes 4 weeks. Send him home.

That is what this has come down to. That is what this debate is about. It isn't about all the technicalities and complexities that a lot of us bring to this Chamber. It is a question about whether doctors can practice medicine, whether mothers and fathers can walk into a doctor's office and rely on the health care professional to make the judgment. That is what it is all about.

The health insurance industry, the HMOs, are the ones that oppose this bill. They are the only ones that oppose this bill. Every health care group, every consumer protection group, supports the bipartisan bill being offered on the Democratic side—every single one. The only opposition comes from one group, the health insurance companies. Why? They make more money. It is more profitable. They do not want us eating into their profit margin to provide greater and better care for American families. It is just that simple.

The two bills before us are dramatically different. Here are some of the differences shown on this chart. When you take a look at the two bills, this, on the left of this chart, represents the Bipartisan Patient Protection Act, and this side represents the Frist-Breaux bill, which is supported by the health insurance industry.

Take a look at the differences between them as to what kind of protections are provided under the Patients' Bill of Rights.

Our bipartisan bill protects all patients with private insurance. The bill being offered on the Republican side and by the industry, sadly, leaves many people behind. It says: If you can make an effort at protecting patients, good enough. We say, no; it has to be real protection.

Protection for patient advocacy: 100 percent on our side; none on their side.

Prohibition of improper financial incentives: Do you know what that means? Do you know there are at HMOs some doctors who get paid more if they do not provide treatment for patients? At the end of the year, they total it up and say: Dr. So and So, let's see, because you didn't order as many MRIs as we thought you would, you get a bonus check at the end of the year.

Did you know it is a fact that that is going on? There are financial incentives for doctors not to prescribe drugs, not to use treatments, not to hospitalize people. And if they do not do it, they get compensation. Our bill prohibits that. The health insurance industry bill—surprise, surprise—thinks that is just fine.

The ability to hold plans accountable: Our bill makes it clear they are going to be held accountable. I will get into that in a moment.

Independent external appeals: When the health insurance company says, no, we won't cover what the doctor recommends—whether it is a prescription or a treatment—it does not give you a lot of comfort to know you can go hire a lawyer and go to court and 5 years later get a verdict. You need to have an appeals process right now. Some of these are life-and-death decisions.

We want to make sure the appeals process isn't stacked against you. We do not want the health insurance company to be the judge and the jury. The bill supported by the industry leaves the health insurance company to make the final judgement. We believe it should be an independent external appeal process, one that is timely.

Guaranteed access to specialists: Our bill has it; theirs takes a nod in that direction.

Access to clinical trials: Do you know what that is? Let's say you have a rare serious disease and there is a clinical trial underway.

The doctor says to you: There is one possibility, Mrs. Jones. It is a clinical trial. I would like to see if you qualify for it.

Mr. FRIST. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. FRIST. The Frist-Breaux-Jeffords bill you are referring to as "the health industry bill," endorsement of their bill, can you name one insurance company or one HMO that has endorsed the Frist-Breaux-Jeffords bill?

Mr. DURBIN. The health insurance industry—and the Senator knows this—objects to, opposes the bipartisan bill which I support. They would gladly accept your alternative because it is much more preferable to them because it is more profitable to them. That is as obvious as this debate is. I think that is the difference between us.

We stand here supported by nurses and doctors and medical professionals, hospital associations across America. The health insurance companies are our No. 1 opposition. They support your legislation. They don't support ours.

Mr. FRIST. But is the Senator aware that there is not one HMO, to the best of the sponsors' knowledge, that has endorsed our bill, or insurance company, and is the Senator aware that over 362,000 physicians from 70 different organizations have endorsed the Frist-Breaux-Jeffords bill?

Mr. DURBIN. I am sure the Senator's figures are accurate. I wouldn't question them. But the Senator knows, if you are going to total up the medical profession, where they come down on which bill, you don't have a chance, my friend. They are all on this side of the aisle. They support the real patients' protection bill. Finding 300,000 doctors who agree with one thing or the other, congratulations.

I can tell you, when you look at the American Medical Association, the American Nurses Association, the American Hospital Association, they are all on this side of the aisle I think that is very clear.

As you go through here, access to doctor-prescribed drugs, if a doctor says this is the drug you should have, this is what you need to get well, the health insurance company takes a look at the list and says, sorry, that drug is not on our list; you can't prescribe it.

Wait a minute. If that is the drug that you need, that is what you need. That isn't a decision of an insurance company; that is a decision of a doctor. Doctors go to medical school. Insurance company clerks go to business school maybe. They shouldn't be making medical decisions.

The choice of provider, point of service, emergency room access—our bill provides that protection start to finish.

Let me ask, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 10 seconds.

Mr. DURBIN. I would like to address, in the closing time, this whole question of liability. In America, if you go out and do something wrong, if you are negligent, guilty of wrongdoing, we have a system of accountability. If you drink too much at a party, get involved in an accident and get sued, you are held accountable, right? If your business does something that it isn't supposed to do, that is illegal or wrong, you are held accountable, correct? If someone comes to your home, slips and falls, they may sue you; you will be held accountable as to whether or not you are negligent. That is part of the system of accountability in a country of laws.

There are two groups that are above the law in America. The one group above the law is diplomats. You have heard about it: The people who come to Washington from a foreign country to work in an embassy get involved in a traffic accident, catch the first plane back to their home country, and we can't touch them. Why? Treaties. We have said, for diplomats, you are above the law. I don't like it. I have seen some terrible things happen. But that is a fact.

There is another group above the law—the health insurance companies. We talked earlier about doctors coming up with suggested treatments and health insurance companies saying no. Under the law today, the only liability the health insurance company has for making the wrong decision, not covering you when they are supposed to, is the cost of the treatment, not the result of failing to treat. What is the difference? The difference is the cost of the surgery as opposed to the fact that you might have a permanent disability because you didn't get the surgery.

So we say that health insurance companies are above the law in America. They are squealing like stuck pigs because they know that if this bill passes, they will be brought into court as every other business in America and held accountable.

I don't want to see a runup in court cases and litigation. That doesn't solve the problems of a person who needs medical care right now.

I can tell you this: Once those health insurance companies know that 12 average Americans can sit in a box and listen to a judge and the attorneys and stand in judgment over their actions, they will think twice before they make these terrible decisions that deny people the basic medical care doctors think they deserve.

There has also been the argument made: If you allow us to sue the health insurance companies, you will allow us to sue the employer who buys the health insurance plan. Not so. This is a phony argument. This bill very clearly says that an employer that buys the health insurance plan and doesn't make the medical decision, doesn't say yes to the prescription or no to the treatment, is not liable. The bill is explicit.

Let me read the section from the McCain-Edwards-Kennedy bill:

> [This provision] does not authorize any cause of action against an employer . . . or against an employee of such an employer . . . acting within the scope of employment . . . unless there was direct participation of the employer in the decision of the plan.

When could an employer be brought to court for health insurance problems? I will give you one case—I think it is obvious—a case where an employer collects the health insurance premiums from the employee and doesn't pay them to the health insurance company. The employee and his family think they are covered. They are not. They go to a hospital. They say: We belong to XYZ health insurance plan. They say: Your employer never sent in the money you contributed.

Should they be held liable? You bet. That is an employer guilty of wrongdoing. But if the health insurance plan receives the money for the premiums and makes the wrong medical decision, the employer is not going to be held accountable.

That is a question that has been raised over and over by the other side, and it doesn't make any sense at all.

Do you know who can be sued in America? Incidentally, almost everybody is accountable in court under current law—the Red Cross, the Humane Society, the United Way, every other charitable foundation but not your HMO. And when you go to sue because of medical malpractice, you can sue your doctor, your nurse, your dentist, your hospital, but not the HMO that decided you weren't going to get the treatment. When it comes right down to it, every Fortune 500 company, every family-owned corporation, every small business is subject to lawsuit in America, subject to accountability, but not your HMO.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. We need to keep in mind, as we consider this bill, that accountability is part of the system of justice. HMOs should be held accountable.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next 30 minutes are under the control of the minority party.

The Senator from Tennessee.

Mr. FRIST. Madam President, we continue discussion this afternoon on the Patients' Bill of Rights. Most of the morning we have spent discussing the differences between two bills, the only two comprehensive bills that have been introduced to the Senate. One is the Kennedy-Edwards-McCain bill introduced by the majority. The other is a bill introduced by me, the Frist-Breaux-Jeffords bill. Two Patients' Bills of Rights that address the issue of how to get patient protections to the patients in order to swing the pendulum away from having medical decisions made by HMOs and turn that decisionmaking back to the doctor and the patient and the nurse, that local level where we know health care decisions are best made.

Several differences have been pointed out. Many of those focus on the impact on the employer, whether or not the employer can be sued. Under the Frist-Breaux-Jeffords bill, it is clearly delineated to make sure that everyone knows whether it is the insurance company or the employer or the lawyer or the courts that accept that risk. Somebody does have to have that risk and that liability, and it has to be defined, which we do.

The problem in the McCain-Edwards-Kennedy bill is the liability is kind of shifted around a little bit. You can go after the HMOs if they have wronged or injured a patient. And they need to be held accountable; we agree with that. But the problem is, you can sue the HMO, you can sue other agents of the plan. That is really the key language in there. Who are the agents of the plan?

Last week a physician stood up and said: I am an agent of the plan. So they introduced a different bill last Thursday to say it can't be the treating physician. I asked about the referring physician. Can you now sue the referring physician as an agent of the plan?

Their bill also allows you to sue the employer. Remember, there are 170 million people today—just about everybody listening to me, whether it is through radio or television or on the floor—who receive their insurance through their employer, if not Medicare or Medicaid—170 million people.

Their employer is arranging for them to have that insurance. If you are an employer out there and all of a sudden you can be sued, what are you going to do? Say your margin is 2 or 3 percent, you are a small business, you are barely scraping by, and all of a sudden there is a lawsuit. Lawsuits can be billions of dollars under that plan. All of a sudden, yesterday you were not subjected to them and today you are.

When that is the case, what are you going to do? Your first reaction is going to be: How much is it going to cost me? What does it mean to me? Maybe I should not offer this insurance. Maybe I should give my employees some money and let them go into the market themselves in order to avoid that. In the short term, that might be OK. I don't think it is OK, but it might be OK.

Ultimately, a number of those employees—and it falls most heavily on the working poor. The premiums go up, and they will not be able to afford this insurance; they become a part of the uninsured. As the Senator from Pennsylvania said earlier, once you become part of the uninsured, with the increased cost and frivolous lawsuits, you can't afford your insurance anymore; your employer is afraid of being sued. The premiums go sky high.

As the Senator from Pennsylvania said, if you have no insurance, the likelihood of getting good health care in the United States is much less. Therefore, this bill has a huge impact on everybody listening to this debate today. Everybody is going to be affected. The health care costs for everybody are going to go up.

Under the McCain-Edwards-Kennedy bill, it is going to go up 45 percent more—the premiums—than it goes up under the Frist-Breaux-Jeffords bill. Yes, in our bill it goes up because we are giving new rights that haven't existed and those rights cost money. The money comes out of the pockets of everybody listening to me right now—everybody—170 million people. We are talking about employer-sponsored insurance for 170 million people. It is going to impact everybody listening.

So when we talk about the cost, it is easy for politicians to show pictures of families and talk about the individuals; but we have to talk about the costs because those pictures can be pretty and you can really personalize it and make it real, but at the end of the day, if you drive the cost of insurance out of the reach of that family, you are hurting that family, or that individual. Therefore, you are going to hear us come back again and again and talk about the uninsured, the working poor who are going to lose their insurance, about the cost of premiums which are going to go up significantly.

Everybody's premiums, right now, are already going up. Probably they will go up 15 percent this year. Whatever you are paying this year, it will go up another 15 percent regardless of what we do on the floor. We are saying that under this bill, which may pass 2 weeks from now, 3 weeks from now, a month from now—and I want to pass this bill—your premiums, instead of going up 15 percent, are going to go up 20 percent if the McCain bill passes.

Therefore, we are going to again and again say you need to justify that increase in cost for these new rights. We will argue that you should have better balance if you are going to drive these premiums up with frivolous lawsuits—get rid of the lawsuits and have the same patient protections and have a lower cost. That means a lower cost of premiums, and it means fewer people going into the ranks of the uninsured.

That is why balance is critically important in this debate as we go forward. That is why looking at the rhetoric without looking at what is in the bill underneath is unacceptable, because if what is written in that bill ultimately becomes law, that law results in—I am sure it is going to be translated into increased costs. How much depends on the interpretation of what is written in the bill.

Can employers be sued or not? I say again and again that they can be sued. We have heard from the other side of the aisle that under the Edwards-Kennedy-McCain bill, they cannot be sued. Yet, if you read the bill, it says they can be sued.

Well, I started talking to the employers about lawsuits. I had the pleasure of being with a number of middle-sized and small business people yesterday. They were very clear in their concerns that if we pass a bill that exposes them to not million-dollar lawsuits but billion-dollar lawsuits, under the bill on the other side of the aisle, the Democratic-sponsored bill, there will be open-ended lawsuits, unpredictable lawsuits, when they are barely scraping by, these small businesses. And they are saying now their company is going to be exposed to billions of dollars in lawsuits. And they might just have a couple of convenience stores. They can't keep offering that insurance to their employees.

The Republicans are also accused of talking dollars and cost. We do not do a very good job of translating it down to human faces, and that is something with which we have to do better. When we talk about employers, people say: You are just for big business. It is not just big business. It is the small mom-and-pop operations, such as those convenience store operators.

Yesterday, I had an opportunity to meet with Sam Turner, an owner-operator of Calfee Company in Dalton, GA, with 139 convenience stores. His words were loud and clear. He is not going to be able to offer the insurance today if he is exposed to unlimited, unpredictable lawsuits as the owner of his convenience stores. Paul Braun from Braun Milk Hauling Company employs 40 to 50 people in a town of about 500. The same story. Lynn Martins, president and general manager of Seibel's Family Restaurant in Burtonsville, MD, a second-generation restaurateur, said, "If you expose me to unlimited lawsuits, or if you increase my premiums another 4 or 5 percent, I simply can't afford to keep offering this health insurance for my employees."

If it is not offered through your employer, yes, maybe your employee can go out to an individual market and get some health insurance. But for the most part, they won't do that. That is why we come back to this rule of thumb that is pretty accepted. It is accepted by everybody, in essence, that if you increase health insurance premiums by 1 percent—it doesn't sounds like much; it might be a hamburger once a month, or McDonald's—I have forgotten the examples, but if you increase it 1 percent, and when you are talking about 170 million people, what does that 1 percent in premium translate to? It means 300,000 people will lose their insurance. They have their insurance one day, and when we pass a bill that increases it 1 percent, 300,000 people won't have insurance the next day.

Who are those 300,000 people? Those 300,000 people are the ones who, when you increase it by 1 percent, are all of a sudden making the tradeoff between having food that night or having clothes for their kids. They are the working poor, the people who are barely scraping by, who, with the help of their employer, voluntarily comes forward—and, remember, this is all voluntary. This employer-sponsored insurance is voluntary, and therefore if you raise those prices too high, they are going to walk away from the table and leave their employees, unfortunately—in spite of good intentions—to go into the ranks of the uninsured.

How much time do we have on our side?

The PRESIDING OFFICER. Nineteen minutes, 25 seconds.

Mr. FRIST. I yield whatever time the Senator from Utah desires.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I venture into this debate with a little hesitancy because I don't have the expertise that the Senator from Tennessee and others have in this field. But I want to confine my comments to my experience as an employer.

As those who have listened to me know, I come to the Senate from a business background and consider myself a businessman rather than a politician. I have the experience of being an employer dealing with health care. It is that experience I would like to share with the Senate today.

I will open by asking unanimous consent that a letter I received today be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. BENNETT. This letter is from Ron Christensen, who is the vice president of a construction company in a relatively small town in Utah, and the key points of the letter are those which have been made over and over again during this debate. That is, Mr. Christensen tells us that if the Kennedy-McCain bill passes, he will be forced to stop providing health care for his employees.

A lot of people listen to this threat, and they say businesses are hard-hearted, businesses are just looking for ways to punish their employees, that businessmen and businesswomen are always motivated by greed, and here is an opportunity for them to save money, they will take the opportunity to save money whenever they get the excuse.

Having run a business, I can assure you that is clearly not true. When you run a business, you compete for employees, and you do everything you can to get the best ones to come to work for you. You create salary packages and benefit packages that are better than those at the business down the street so that someone will come to work for you and be loyal to you and help you build your business. You don't view your employees as people to be exploited. You view your employees as a major asset. If you don't have that view, frankly, you won't be in business very long.

So why is this person, who feels this way about his employees and who in his letter describes an excellent health care plan that he offers to his employees, saying that if this bill passes, he will withdraw health benefits and thereby run the risk of losing employees who are so vital and important to his success?

The reason, of course, is fear of lawsuits. He says:

> If this legislation becomes law, the only way to protect my company from lawsuits will be to drop health care benefits altogether, and we will do this. I simply cannot afford to expose our company to the potential liability from health care lawsuits. Even if employers could be shielded from liability, more lawsuits against health care plans will result in higher premiums I pay for health care.

I know how true Mr. Christensen's statement is. It is one thing for an employer to say, I have a defined amount of money that I have to spend on health care plans; I am willing to pay that; indeed, I have to pay that if I am going to attract and hold good employees. It is another thing to say, I am putting the entire future of the enterprise at risk by exposing it to lawsuits. I cannot take that risk, so I will say, even though it is going to jeopardize my business by diminishing my ability to attract and hold quality employees, I have to do it because the alternative is so Draconian that I simply cannot escape it.

That is the real world. It is not the world we live in back here in Washington. That is not the kind of discussion we have here, but it is the real world, and we should understand that as we make our decisions.

I remember during a similar discussion over lawsuits with respect to falling stock prices that eventually resulted in the passage of securities legislation that put out of business some of the striped-suit law firms, that Ralph Nader appearing before the Senate Banking Committee kept pressing the point that lawsuits were always good. He said, Nobody ever settled a lawsuit out of court unless he had something to hide.

I remember that very clearly because Mr. Nader made that statement in response to me and some of the comments I was making.

I pointed out to him that while I was the CEO of the company I headed prior to coming to the Senate, I settled a lawsuit out of court, and I not only had nothing to hide, I felt strongly I was in the right. So why did I settle the lawsuit? Quite simply because I had to save the company.

The legal fees of prosecuting that lawsuit at that point in the company's history were sufficiently high as to jeopardize the survival of the firm. So I swallowed hard the issue of whether or not we were in the right and decided to save the company by settling the suit out of court without proving the point.

I have been there. I know how a lawsuit can threaten the survival of a firm.

How significant is this in terms of decreasing health care coverage for people? A study has been done that says for every 1-percent increase in premium rates, 300,000 Americans lose their health coverage. That is an interesting number when you realize the Kennedy-McCain bill would increase rates, according to the Congressional Budget Office, by 4.2 percent. Do the math: 300,000 lose their health coverage every time it goes up 1 percent. You multiply that by 4.2 and you get 1.26 million more uninsured.

I think that is a low figure, because if you take the evidence coming from the employer whose letter I cited and spread it out over the rest of the country, we find out that, in addition to those who will lose their coverage because the premium goes up, there are those who will lose their coverage regardless of where the premium is simply because of the fear of the lawsuits.

Some cynics have suggested that maybe that is the reason behind the push for the Kennedy-McCain bill. They want people to lose their coverage so the pool of uninsured Americans will grow so large that there will then be demand for a Government health care plan, which is what Senator KENNEDY has told us he prefers all along.

I would not ascribe those kinds of motives to Senator KENNEDY. I think instead he is simply acting out of unfamiliarity with the way businesses are really run in America.

I want to make it clear that the comments being made by employers around the country that passage of the Kennedy-McCain bill will result in the loss of health care benefits for millions of Americans are not political hyperbole. They are simply statements of fact based on the experience of men and women who are building businesses, employing Americans, moving forward to keep the economy growing, but who are terrified, I think accurately and properly, of the prospect of a wild increase in the number of lawsuits that might come.

We are told some States have already done this and the lawsuits have not gone up; so, therefore, that proves we will not have lawsuits on a national basis. I am not sure we can make that determination and, once again, the State laws are not exactly comparable to this law, and they are not subject to the kind of examination that has been given this law by those who are looking at it through the glasses of realism.

The other thing we hear around here often is: Forget the lawsuit side, the doctors are for this bill, the American Medical Association has endorsed this bill. That is true; the American Medical Association has endorsed the Kennedy-McCain bill and is very active in their statements in favor of it. Normally, that would be something that would impress me, but I share with you, Madam President, and the other Members of the Senate, an experience I had in my office today.

I received a phone call from a doctor in Utah whom I have known for many years. He said, I am here at the meeting of the American Medical Association, and they are whipping us all up to call our Senators in support of the Kennedy-McCain bill. And so I am doing what I have been asked; I am calling my Senator with respect to the Kennedy-McCain bill so I can report back to the American Medical Association that I have done what I was told to do. As long as I have you on the phone, let me tell you what I really think. I am opposed to the Kennedy-McCain bill. I think it is a mistake. I much prefer the Frist-Breaux-Jeffords bill. I think it would work far better for the medical profession in Utah and the patients I deal with in Utah, and, Senator, I trust you to do the right thing.

The American Medical Association succeeded in their lobbying efforts to get a hometown doctor to call me, but they probably were not pleased with what the hometown doctor said. Based on his experience, based on his understanding of where things are, he recommends we defeat Kennedy-McCain and go in the direction of the Frist-Breaux-Jeffords bill.

The fact is, of course, we do not know in advance what will be all of the consequences of the legislation we pass. The one thing I have learned around here is that whatever other laws we pass, the one law we pass over and over is the law of unintended consequences. We do not know what the unintended consequences will be from either of these bills, but I have learned as a result of discovering the impact of the law of unintended consequences that the impression to go slow, the desire to be careful, the desire to move in incremental steps rather than a sweeping bold approach that we love to call for when we are running for reelection, is the right desire.

That is another reason why we should try the Frist-Breaux-Jeffords bill, which goes further than many of my colleagues on this side of the aisle would like to go toward a Patients' Bill of Rights. Let's see how it works before we take the next step, which could have catastrophic consequences.

I say catastrophic consequences because I am talking about the cancellation of health care for many Americans. I am talking about the rising disillusionment with the whole activity of what we do with respect to health care on the part of many Americans and then ultimately a demagogic call for the Government to take everything over, and we are back into the disaster, the train wreck we went through in the 103d Congress when President Clinton tried to implement that kind of solution. It tied up this body for months. It stopped everything. It produced maximum ill will all the way around. We stepped back from that. We took the approach I am talking about, which is to say let's do it a step at a time, let's do it with something we can get our arms around where the unintended consequences will be less radical and less sweeping. We passed the Kassebaum-Kennedy bill, which I was happy to cosponsor and support, and then we began to see some of the reforms that we could have had earlier if we had stayed away from the extremes proposed to us.

We see reforms in the Patients' Bill of Rights area, reforms that can work. We see things that will give us experience, that will hold down the severity of the unintended consequences, if we go in the direction of the Frist-Breaux-Jeffords bill, but I fear if we go in the other direction we will only see the consequence that is predicted in this letter that will follow my remarks, where employer after employer will say, Sorry, we can't expose ourselves to this liability. And in the name of trying to help health care, we may end up destroying it altogether. That is, in my view, a serious mistake.

EXHIBIT 1

CHRISTENSEN & GRIFFITH,
CONSTRUCTION COMPANY,
Tooele, UT, June 19, 2001.

Senator ROBERT BENNETT,
Dirksen Senate Office Building,
Washington DC.

DEAR SENATOR BENNETT: I suspect I am "preaching to the choir" by sending this letter to you, but I want you to know I am strongly opposed to the Patients' Bill of Rights bill sponsored by Sens. Kennedy and McCain under consideration by the Senate. There are better ways to correct the few problems that get so much attention.

My company prides itself on providing quality health care for our valued employees and their families. We provide a comprehensive plan which includes dental and have never had a complaint that could not be corrected. We are partially self insured and pay the total premium. No cost to the employee. Why mess with a good thing? The present system has kept costs in check and affordable. The politically motivated Kennedy-McCain bill will only drive up the cost of health insurance and encourage employers to pass more responsibility for health care to the employee.

Unfortunately, the Kennedy-McCain bill threatens my ability to provide health care for my employees. However well-intentioned, this bill would expose employers like me to lawsuits between employees and the health care plan my company provides. Despite claims that this bill has a lawsuit "exemption" for employers, this protection is murky, at best, and does not adequately protect employers from lawsuits. In fact my company could be sued for simply having selected a health care plan for employees.

If this legislation becomes law, the only way to protect my company from lawsuits will be to drop health care benefits altogether, and we will do this. I simply cannot afford to expose our company to the potential liability from health care lawsuits. Even if employers could be shielded from liability, more lawsuits against health care plans will result in higher premiums I pay for health care. A survey of construction companies last year found that 77% were faced with increased health insurance premiums, even without the potential added cost of this legislation. In order to stay in business more and more of the cost will have to be passed on to the employee. As an alternative, employees should be given access to a quick, independent external review process that would give patients the right to take their disputes to an independent panel for a quick decision.

Employers are not bad people exploiting their employees as the unions would have us believe. Were it not for employers with a profit motive our economic system would not work. Please oppose this Kennedy-McCain expansion of liability as you consider managed care reform legislation. Don't destroy a system that has served us well and made health care affordable. Thank you for your consideration of my views.

Yours Truly,

R.I. CHRISTENSEN,
Vice President.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, when this debate began yesterday on reform of the managed care system in America by establishing a Patients' Bill of Rights, it did so under very uncertain and unfortunate circumstances. There was objection to proceeding to the bill, causing delay and unnecessary confusion with the American people as to whether we intended to deal with this problem. We can all be pleased the Republican minority now has withdrawn its objections. We can now, tomorrow, begin the serious work of actually debating a Patients' Bill of Rights.

This is a moment that has been 5 years in the making. Before the Senate is honest, compromised, and reasonable legislation to establish a Patients' Bill of Rights. It is a question that involves our most basic responsibilities to the American people to assure their health and welfare.

We all recognize how we arrived at this moment. The Senate may be late, but it is right in dealing with this question.

The extraordinary increase in the cost of health care in the 1970s and 1980s radically increased the ranks of the uninsured in America. By establishing a predetermined list of medical providers at established costs with recognized services, it was everybody's hope that these managed care plans could strike a balance between the rights of consumers and providers with reasonably agreed upon costs.

It was a sound concept, but practice has established that the power disproportionately came to rest with insurance companies and the doctors and that patients lost control over their professional rights or the needs of their families.

During these years that the Federal Government has been unable to deal with this crisis, the ranks of the uninsured have continued to rise to 45 million people despite managed care. The growth of health care costs rose less slowly but has continued to rise, and a feeling of paralysis began to grip the country as doctors no longer believed they could make medical decisions and families could no longer get access to the health care providers that had been a part of the American tradition of family medical practice.

While the Federal Government was paralyzed, interestingly, States began to fashion their own responses. In 1997, my own State of New Jersey enacted the Health Care Quality Act—in some respects a model for what the Federal Government is challenged to accomplish. That law in New Jersey prohibited gag clauses. Doctors had the right, the recognized responsibility, to talk to their patients about medical options. An independent health care appeals program was established so, when care was denied by the insurance company, people had someone to go to, to appeal the judgment. There was a requirement that insurers provide clear information on their services and their limitations.

Interestingly, in 1997 when that act was passed by the State legislature in New Jersey, it was by a Republican legislature and signed by a Republican Governor, something that should be a challenge to Members of the Senate in the minority party today. But this Senate is now challenged to act because, while that State legislation was properly designed, it was insufficient, not only insufficient in that it was not national in scope but because for many people in my State and across the country in other States, people with similar experiences were exempted by ERISA laws.

Mr. President, 124 million Americans, 83 percent of those who get their health care from their employer, are not covered by State laws because of this exemption. Fifty percent of the people in the State of New Jersey enrolled in HMOs are exempted from the very State protections that I just outlined and that my State government wanted and intended to give to our people because of this exemption under the Employee Retirement Security Act of 1974.

Under this bill, HMOs claimed immunity from State regulations even if there was negligent behavior. It may or may not have ever been the intention of this Congress to exempt managed care in health care, but whether that was our intention or not, that is how the law is operating. So despite the best actions of State government, millions of Americans—124 million Americans—have no protection from the abuses of the managed care system. That is why the responsibility now rests here and why this Senate is the only hope of the American people to get relief from this abuse of power.

The American people understand what needs to happen. Only people in this institution seem to doubt it. A recent survey in my own State of New Jersey by Rutgers University found that one in four people in my State are completely dissatisfied with their health care plan, despite the fact they are paying for it and are enrolled in it and cannot get out of it because their employers have contracted for it. Last October a State report found that patients in my State were not only dissatisfied, but they are more dissatisfied than they were a year ago. The situation is deteriorating.

The legislation now before this Senate, offered by Senators KENNEDY, EDWARDS, and MCCAIN, is an answer. It is not simply bipartisan. That understates what has been achieved. But 500 organizations of patients and doctors stand behind this legislation to get patient protection to all Americans in HMOs. The confrontation that went on for decades between patients' rights advocates and doctors has not only ended but they have come together in a broad national coalition for this legislation. We have not only achieved what once seemed unlikely, the bill represents what once seemed impossible. This is achieved because specific rights would now be guaranteed to the American people.

To many Americans whose children suffer with diseases, whose lives are threatened, this Patients' Bill of Rights, to them, in their suffering or their financial distress, is just as important as the original document which bears the title a "Bill of Rights." The title is borrowed for this health care emergency because to them this has every bit as much significance.

What are these rights? One is the right to get to a specialist. Under current law in managed care, you can take a family member to your family doctor, but the cancer or the heart problem, the specialized disease or ailment that may plague you and threaten your life, is beyond the capacity of that family doctor. That is not the exception; that is often the rule. With this bill, you will have the right by law to get to a specialist who can save your life.

No. 2 is the right to get to an emergency room. In a nation in which we travel the country every day all across our States, all across our Nation, what kind of system is it, if you have health care insurance and you should be in a car accident or have an illness traveling somewhere in your State or across America and the local emergency room is not in your health care plan? Under this bill, that emergency room will give you coverage, whether they are in the plan or not, because you are there and that is where your illness or your accident happens to be.

No. 3 is the right of women to use an OB/GYN as their primary health care provider. Millions of women have made the medical decision to use their OB/GYN as their principal health care provider. It makes no sense that they have to first go to a family doctor, a general practitioner, for a reference. This establishes that right.

No. 4, as with every other patient, the right of a child to get to a specialist should never be impaired. A child should be able to get to a pediatric oncologist or heart specialist as a matter of right, directly, without delay, without question, if that is the only person who can deal with their illness and that is established.

No. 5, it is unconscionable that, by contract, any doctor should be restricted from discussing with any patient their health care options—the technology, the specialist, the choices that the genius of American technology in medicine has made available. But that is not a theoretical problem, it is something that doctors are facing in America every day, a contractual wall placed between a doctor's knowledge and a patient's need. This bill tears down that wall. No doctor in any managed care plan will ever be told again: In spite of what you know, in spite of what you think is in your patient's best interest, you cannot tell them the choices available. Now they will know as a matter of right.

No. 6 is the right to a review. If a doctor is prescribing a test or a procedure and believes it is vital to a patient and that is denied, that manager of a health care plan, that businessman, is not the last word. There is a right of appeal to a health care specialist, independently placed to oversee the managed care plan, so not only is a doctor making the recommendation but a doctor is the final, independent word.

Finally, the right of accountability. I once heard Bill Clinton say there were only two classes of people in this country by right who are immune from accountability by the legal procedures: Foreign diplomats by treaty and HMO bureaucrats. One of those will be taken away by this bill.

Can you imagine what an American automobile would be like if auto companies did not have the threat of lawsuits if their cars were not safe? We would still be manufacturing clothing in America that was flammable. We might still be living in houses that had carcinogens in them. I guarantee, our cars, our trains, and our airplanes would not be as safe. The threat of liability, the knowledge that the courts will hold a company accountable if they do not do whatever is required to be safe, is a great protection for the American people. We have extended it to every other industry in America except to managed health care plans. This bill will change that. There will be access to court. There will be damages.

There will be an expense if managed care health care plans are not ensuring that the right decisions are made, that the law is followed and people are as safe as possible. It is the right judgment.

There are those who are going to come to this floor in the coming days and argue: Oh, that may all be true, that may all be right, but if you give these rights to the American people, those 124 million Americans in managed care who are not getting these rights, the costs will rise so high that the number of uninsured will grow and the problem will become worse and not better.

It would be a sound argument but for the facts. The CBO has estimated that if this legislation is put in place, the average cost per employee will be $1 per month. That is a lot of protection for millions of Americans at a very modest cost. The CBO continues that, over 10 years, it is estimated premiums would rise by 4.2 percent. That is a lot of protection for a lot of years for very little cost.

But what of the argument that even these modest costs would throw more people into the ranks of the uninsured? The experience has been just the opposite.

In 2000, when health insurance premiums increased by 10 percent, more than twice the amount estimated would happen under this bill, the number of uninsured not only didn't rise but the number of uninsured dropped.

There is no reason to believe—and the empirical evidence suggests overwhelmingly—that we will not cause a rise in the uninsured. We will simply cause better insurance by passing this bill.

This is good legislation. This goes to our most fundamental responsibility to the American people. If this Congress and if this Senate does nothing else in this session, if nothing else is accomplished, we can reach the lives of millions of Americans who live in fear every day that during the night a child will get ill, a parent will contract a disease, or someone in a family will suffer, and in spite of the fact that family members get up every morning, work every day and pay their health care premiums, when they need their insurance it will not be there for them.

It is not a theoretical fear; it is real. We can do something about it. It is reflected in this bill. If we are ever going to stand with the American people, stand with them now. If we are ever going to do something to change their lives, do it with this bill.

I am proud to be associated with it. I am more than a little proud that the first legislation brought to this floor by a new Democratic majority in the Senate and by our majority leader, TOM DASCHLE, is a Patients' Bill of Rights. That speaks volumes about the Democratic caucus in this Senate. It says everything you need to know about TOM DASCHLE, and it says a lot about why there is still a great chance to be proud of this Senate and this session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President.

First, I want to thank my colleague, the senior Senator from New Jersey, for his passionate commitment to affordable access to health care and patients and families, and I appreciate being on the floor with him today. We appreciate his leadership.

I come to the floor again to speak about this critical issue of passing a Patients' Bill of Rights for the families of our country. One of the reasons that I came to the Senate in January was because of this issue and what it means to the families I represent.

The very first opportunity and honor that I had to speak on the floor of the Senate was to speak about the importance of passing a Patients' Bill of Rights. I am very pleased and thankful and grateful to our new majority leader for his understanding of the priority of this legislation and the fact that he would indicate that under his leadership the first bill to come to this floor would be the bill to guarantee that those who pay for insurance, who have health insurance, and the businesses that pay for insurance for their employees will know that, in fact, care will be given when there is an illness or an emergency.

Yesterday, I spoke about young Jessica and her situation as a young person under an HMO. Today, I want to share another story.

This comes from a letter that I received as a House Member 2 years ago. I shared it on the House floor during the debate at that time. This came from Susan and Sam Yamin. It was a very important letter about the tragedy that befell their family and their fight with an HMO to get emergency care.

Sam Yamin owned his own business. He worked hard. He owned a tree-trimming business. He was working on the job every day to support his family. He and Susan were working hard. One day on the job he had an accident with a chain saw that caused him to fall back and cut his leg down to the bone. This is in Birmingham, MI, a business owner who had an accident. He was rushed to the nearest emergency room where he was prepared immediately for surgery to repair the nerve damage.

The doctors took him in, had him ready, and prepared to have surgery. They called the HMO which said: He is at the wrong emergency room. You can't proceed to save the nerve in this man's leg. You have to tell this man that he has to go across town in metro Detroit to another emergency room in order to be able to be served.

With much distress, as you can imagine, his wife, Susan, packed him up, and drove him over to another emergency room where he waited, on a gurney, in the emergency room, for 9 hours. He didn't see a doctor until he finally literally tore a pay phone off the wall; he was in such pain; and he was crying out for help.

His ordeal continued when orthopedics began making decisions based on the HMO point system for the approved hospital doctors. If a patient has an unsuccessful operation or an expensive procedure, the doctor is given 5 to 10 points under this system. But if the doctor is able to provide a low-cost, quick fix, the point range is 0 to 4. They receive compensation based on how low the points are in this process of looking at payment.

Unfortunately, not only was he trapped by having to move to another emergency room, but this point system which rewards the low-cost fix put him in a situation where he didn't get surgery. He didn't have surgeons who came to his rescue to fix the nerve in his leg. They just simply sewed up the leg. Now Sam Yamin has permanent nerve damage that is spreading up his spine. He lost his business. His health care costs have escalated and have become a serious burden to his family. After many appeals, the HMO finally agreed to refer Sam to what they considered to be an adequate specialist, a podiatrist, a foot doctor. I certainly respect podiatrists, but that is not what this gentleman needs for the disability and the permanent nerve damage in his leg.

Finally, even when they made a referral, it was not to the appropriate specialist.

Sam Yamin is one example of somebody who worked hard, had his own business, cared for his family, played by the rules, and had insurance. He thought his family was covered. He goes to the emergency room, and he is told that he cannot get the help that he needs.

That is what this is about. That is what this Patients' Bill of Rights is about. It is about saying to those families who have health insurance for their family members that if you are in an emergency, you can go to the nearest emergency room and get care. If you need a specialist, you can have the right to a specialist. If you need a test or a treatment, you can have that, and the doctor or the nurse can make the medical decision and not be overruled because of nonmedical reasons because it is just too expensive to give you the specialist that you need or the test or the procedure.

We really have a choice in front of us this week and next week as we debate the Patients' Bill of Rights. It is time to choose. Are we going to stand up for Susan and Sam Yamin and their family in Birmingham, MI? Are we going to stand up for the doctors and the nurses and the dentists and the therapists and all those who come into the health care profession to be able to treat patients and give them the care they need? Are we going to stand up for the people who pay the bills as consumers of health insurance? Or are we going to side with the HMOs and the insurance companies that have created this problem?

That is the choice. To me, it is a simple choice. We know there are folks in the HMO business and insurance companies that make good decisions. There are HMOs in Michigan that do a good job.

But we also have situations where the wrong decisions are made and people have been hurt. In the end, when the Yamins come to me and say: Why is it that the only part of the health care system that is not held accountable for what they do and the decisions they make are HMOs? I cannot answer that. I cannot answer why the only two groups of people in the United States of America that are not held accountable—cannot legally be held accountable for their decisions—are foreign diplomats and HMOs. I cannot answer the reason why that makes any sense because I believe it does not.

The Yamins are asking me to fight on their behalf. The damage is already done. Mr. Yamin has lost his business. He has lost functioning in his leg. The mounting medical bills for their family will not be reversed. But they have asked me to fight to make sure this does not happen to another family.

I urge my colleagues to join in a bipartisan bill before this body. A lot of hard work has gone on. There have been a lot of changes in the last 5 years since this issue was first brought up. We have an opportunity to pass something meaningful that will make a difference in the lives of our families. I urge we do so.

I yield the floor, Mr. President, and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to address the issue today of patient protection legislation that is now before the Senate. I would like to thank so many of my colleagues who have led the effort to enact sensible patient protection legislation that will protect patients more, give patients more rights, and make sure we keep the costs down so that we will not decrease the number of insured in our country but, in fact, will increase the number of insured people. We would like a goal of every American to have quality health coverage. To do that, we must keep costs down as well as make sure that the quality part of the commitment is kept.

Senator FRIST, Senator BREAUX, and Senator JEFFORDS have what I think is the best bill. Of all of the alternatives, I think there are parts of each that are similar, and I think all the three major bills will certainly be able to come together. But I think the Frist-Breaux-Jeffords approach is the one that makes the most sense and addresses the issues that are of most concern.

Senator FRIST, the Senator from Tennessee, is also the only medical doctor in the Senate. Of all people, he would know the danger of turning over patient care to accountants and an insurance company. He also knows the danger of turning patient care over to trial lawyers whose first interest is not the well-being of the patient.

That is why I think his bill is the one that takes the balanced approach of giving more rights and addressing the major concern of quality patient care but also making sure that we do not open the courts to frivolous lawsuits that would cause the cost of health care to increase exponentially.

We all know that quality health care in the United States is unparalleled. There is no argument from anywhere regarding that fact. The question is, How do we maintain this level of quality while expanding it to as many Americans as possible? This is a complicated question, but there is a deceptively simple answer: Cost.

When you review the statistics on the uninsured, it becomes very clear. Only 18 percent of the uninsured come from families who have no connection to a workforce. The Kaiser Commission found that 82 percent of the uninsured come from working families. In fact, 71 percent of the uninsured come from families with one or more full-time workers.

According to a study done by the Center for Studying Health System Change, 20 percent of all uninsured people are offered health insurance by their employer, or a family member has an employer who offers health insurance, and they could get coverage for his or her family, and they choose not to enroll in the plan.

The most cited reason for not enrolling in an offered plan is cost. The costs are a double-edged sword. They are of concern to the patient and the employer who would provide insurance. High costs have caused people to choose to be uninsured in return for more money in their paycheck, feeling that they need that money for other priorities higher than health care coverage. It also is the stated cause by employers that say they cannot offer health insurance to their employees. That is why it is essential that any bill we pass not increase costs either for the patient or for the employer.

If health costs continue to climb, the potential results could be alarming, as evidenced by a recent series of nationwide polls of employers. In each one, an overwhelming majority of employers stated unequivocally they would have to pass on any new cost to their employees, whether by raising the employees' premium or out-of-pocket costs or by reducing benefits or eliminating coverage of certain services.

As the American economy begins to cool, businesses are beginning to tighten their belts. We are seeing the unemployment rolls go up. This could take a bigger toll on the rolls of the Nation's uninsured. We cannot fool ourselves that a minor increase would make no difference to businesses, especially small businesses with tight profit margins. Indeed, it would not take much at all for small businesses to drop coverage of their employees.

According to a study done by the Employee Benefits Research Institute, a 5-percent increase in premiums would cause 5 percent of small businesses to drop coverage, and a 10-percent increase would cause 14 percent to drop coverage.

There is also some good news in these figures, if we can just address them; that is, this would also work in reverse, with decreases in rates creating more coverage. In fact, just a 10-percent decrease in rates would make 43 percent of small businesses more likely to offer coverage.

We must keep these consequences in mind. We must also remember the consequences of our own actions in another way. Remember the health care debate that we had less than 10 years ago. I doubt that my colleagues across the aisle want to relive the consequences of trying to force upon the American people a nationalized health care system in our fiercely independent, democratic Nation.

If Americans are currently unhappy with decisions being made by their HMO rather than their doctor, then just as in 1993, they are not going to want decisions to be made by a bureaucracy in Washington, DC. Yet today we are considering legislation that would impose numerous new Federal mandates and regulations. I know if we don't learn from the mistakes of the past, we are doomed to repeat them. I didn't think we would be doomed so soon.

We all have the same goals: to ensure high-quality health care is not compromised; that more Americans have access to health care; and that all patients have basic rights and guarantees concerning their health care.

This is about people, not lawyers. We understand that people care more about getting health care, not about filing a good lawsuit. We understand patients want the care. They are not interested in filing a lawsuit later, when the injury may be irreparable. We have the support of the American people on this issue. A recent survey by Market Strategies showed that 83 percent of Americans say lawsuits with few restrictions would make it even harder for the working poor to afford coverage.

We should also listen to States that have already introduced some form of a Patients' Bill of Rights, such as my home State of Texas. One size does not work on humans, and it should not be applied to all States, either. Yet one of the bills that is before us, the Kennedy-McCain bill, would make all States the same. It would penalize States such as Texas that have taken steps toward a Patients' Bill of Rights and where, in fact, it is working.

When Texas enacted the broad set of managed care reforms in 1997, they addressed an issue that we are attempting to address in Congress. Texas successfully tackled even the sticky issue of appeals and lawsuits, one of the greatest hurdles in the debate on the bill today.

In Texas, if an HMO denies a claim, patients have the right to internal and external appeals. Once you have exhausted your administrative remedies and only then can you contemplate suing your HMO in court. The external review section was struck down by a Federal court as the State tried to apply these provisions to federally regulated HMOs. As you can imagine, that didn't stop Texas. They revived their external review section of the law, this time making it voluntary. Despite the ability to decline to participate, HMOs and other health plans are participating, and they are agreeing to be bound by the external review process.

This is how the external review process works in Texas. We let an external review board of professionals, who are not associated with the HMO, decide who is right concerning the patient's care. If the HMO denies coverage for a certain procedure, the patient and the doctor disagree with their decision, then the patient can make an internal appeal within the HMO first.

If after the HMO reviews the appeal they still refuse to change their stance, then the patient can appeal again to an outside panel of experts not associated with the HMO in any way. It works.

In fact, of more than 300 appeals heard under the external review system, fewer than 10 lawsuits has emerged. At the same time, the system has proved to be fair. The conclusions of the appeals are virtually 50/50 in favor of both the patients and the health plans.

I know all of us want the best health care for America. But it is a lot easier to jump on a rhetorical or political bandwagon, sometimes, than to create good legislation. Rather than rushing a bill through Congress—and this bill has not even had a committee markup—it is important that we examine this bill carefully. We are going to have to do that in this Chamber because the committee process was bypassed.

It is important that we ensure we are not creating more problems than we are trying to solve. We must remember the rule of unintended consequences, that sometimes the end results are vastly different from what we expect or intend.

We can't afford to take a chance with unintended consequences with our health care system. It is too basic to too many people in this country for us to make a mistake and go overboard and find that we have allowed so many lawsuits with not very many limits to create a cost increase in our health care system that would cause people to lose coverage or to start relying on lawsuits instead of talking to their doctors and getting an outside appeal to get the care on a timely basis.

A Patients' Bill of Rights is important. We must make sure that we work together to get this high quality.

Let me describe some of the reasons I am supporting the Frist-Breaux-Jeffords plan. It gives access to emergency rooms without any question and without any delay. In fact, all of the bills agree on these basic issues. I believe if we have a bill that has direct access to an emergency room, direct access, without going through a process, to get to an OB/GYN specialist or a pediatrician or specialty care by a specialist in an area, when that is called for in a diagnosis, then I think that will be a good Patients' Bill of Rights.

If we have a rapid, binding internal and external review process on denials of claims, that would be a good Patients' Bill of Rights.

If we have access to Federal courts, after going through the external review process, with reasonable limitations on noneconomic damages, that will be a good Patients' Bill of Rights.

No one argues that we should have unlimited economic damages if a person is found not to have gotten the proper care. That person needs to have the right to that care that was found to be denied in error.

It is the noneconomic damages that have caused so much rise in cost throughout our health care system, that has caused premiums to go up, hospital costs to go up, equipment costs to go up, doctor visits to go up. We can come to a reasonable compromise that gives people rights to sue and rights to access but doesn't take the cap off responsibility so that the patient care is secondary to the big court reward that you might get even if it is unwarranted.

That hurts everybody in the system because the cost goes up. And who is hurt the most? It is the person who is barely able to afford that insurance coverage but has access to it and might drop it or choose to go uninsured because the costs become unbearable.

This has a ripple effect throughout the health care system. When a person goes uninsured and then has a terrible accident, then the costs must be shared by all taxpayers, by all the people in and out of the system. It is in everyone's best interest that we have quality, affordable health care coverage so people will have their needs met in a responsible way.

That is what I think the Frist-Breaux-Jeffords plan will do. I hope very much that my colleagues will make sure that we do the responsible thing because it would be a bigger harm to our country to do the wrong thing, to take a chance.

I was here during the debate in early 1994 on the health care plan that was put forward, which would have basically nationalized our health care system. After 2 days of debate on that bill, it was pulled down because people began to see that putting our health care system into a government system was going to limit quality. It was going to limit the access that people have to the great quality health care that we have come to enjoy in our country.

When we talk about quality health care, we are talking about new innovations in prescription drugs. We are talking about being able to treat something with prescription drugs today that 10 years ago would have been a huge operation and a 2-week stay in the hospital. We have been in the forefront of the innovation with the newest technologies and the newest prescription drugs that would allow America to have the very best health care coverage of any country in the world. We don't want to lose that. Our freedom to choose has been a big part of the success of that system.

But we are in danger of losing it if we turn our system over to people who are not interested in patient welfare. It could be the accountant in the insurance company office who makes a data entry error and causes the person to lose coverage; or it can be the trial lawyer who is more interested in earning a big fee than in getting the patient the coverage they need.

It is my intention to offer an amendment to this bill that would also make sure that a person can not have coverage dropped without notice. Today, a person can walk into a pharmacy and order a prescription under their insurance policy and be told by the pharmacy that a family member has been dropped from coverage, unbeknownst to the person who walked in the door. What kind of system is it that someone can be told they don't have insurance and, therefore, they can't get their prescription or they must pay for it in full even though they have coverage, and then when the person calls the next week and says, excuse me, but I was told this week, after 6 years of coverage by the same insurance company, that a member of my family was dropped from coverage, and the person says, oh, there was an error made in a data entry and it was a mistake that your wife was dropped from coverage. That has happened with one of the better insurance companies in this country.

I am going to offer an amendment that would keep an insurance company from dropping without notification someone who has been approved for coverage, so if there is a mistake, the person will have the ability to correct the mistake before suffering the embarrassment of being told that they don't have coverage. I just wonder what would have happened if the person had showed up in the emergency room and was told they didn't have coverage anymore, unbeknownst to them, because of a data entry error that was inadvertently made by a faceless bureaucrat in an insurance company system.

So I do think it is important that we have a Patients' Bill of Rights, and I think it is important that we proceed with the utmost caution to make sure that everything we are doing is going to contribute to the problem's solution and not make it worse. That is the choice that we have today, and the reason that I am supporting the bill created by the only physician in the Senate, Senator BILL FRIST, who has seen firsthand the dangers of an insurance company making a bad decision in an HMO and the dangers of putting patient care in the hands of trial lawyers.

What we want is a Patients' Bill of Rights that puts patient care first and foremost and makes sure that we don't increase costs with unintended consequences. That is the issue that we will be debating for the next 2 weeks. I hope the people of America will take the opportunity to learn the differences between the two major bills that will be before us today and the rest of this week, and probably next week, because a person's insurance coverage and quality of care will be greatly affected by what we do in the Senate in the next 2 weeks.

I urge my colleagues to take the responsible approach to make sure that we keep the high level of quality care that we have been able to enjoy in our country—the best in the world—and let's not take a chance on lowering the quality while we give more people the ability to have guaranteed rights, and that our eye is on more access for more people in our country, not less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise in very strong support of the Bipartisan Patient Protection Act of 2001, which has been sponsored by JOHN McCAIN, JOHN EDWARDS, and TED KENNEDY.

I am a proud sponsor of this legislation because it meets my principles for managed care reform and, yet, at the same time, it meets the day-to-day needs of my constituents in Maryland and the American people. It is also supported by virtually every health care consumer and provider group.

Mr. President, the time to act is now—not weeks from now, not months from now, not years from now. We have been considering what is the best approach to have a Patients' Bill of Rights to protect people from the arbitrary, capricious, and often dangerous decisions of insurance companies. We have been considering that now for more than 4 years.

Now, nobody said during the debate of the tax bill that we need more time to analyze these amendments. Yet we have irrevocably made a fiscal choice that I think will ultimately shackle us in what we can do for the American people. We did that pretty quickly. They were all set to kind of ram a missile defense shield down our throats, where we were going to spend $80 billion to come up with a "techno-gizmo" to shoot a bullet with a bullet that might or might not come to us. Yet after 4 years, we need more time to look at the fine print on the Patients' Bill of Rights.

I say the time has come. We have to have this done by the Fourth of July, and I am ready to declare my declaration of independence and really move this bill forward.

In the United States of America, we are geniuses at inventing the third way. We don't have a socialist system. We don't have a comrade system. I agree, we don't want comrades and socialism. Also, we did believe people needed a safety net. We didn't want to leave them to the vagaries of who gets health care—where you could have the rich versus those with no health care at all—kind of a Darwinian, predatory, free-market approach; but at the same time we invented the third way—private insurance that people could buy to protect themselves. We in the United States wanted to give help to those who practice self-help. We invented Medicare and Medicaid for those populations that were either too poor or too at risk for the private market.

So now here we are with the third way—private insurance. But some years ago, in a place called Jackson Hole, where the insurance companies met with lots of tax subsidies to support them at that meeting, they came up with managed care. Managed care is nothing but a euphemism for a moat around medical care. That is what managed care is—a moat around medical care. Jackson Hole created a black hole for patients to be able to go in and get the medical care they need.

So I think the time to act is now. I hope that we will follow some very basic principles. Mr. President, I think we need to fight for patients, not for profits. Medical decisions should be made in the examining room by the doctor, not in the board room by the insurance executive. Patients should have the right to receive the treatment that is medically necessary by the most appropriate provider using the best practices.

Patients need continuity of care. Just because an employer changes insurance companies, you should not have to change your doctor, particularly if you are pregnant or a family member is terminally ill or if you are in a rehab center.

Patients should be able to hold their insurance companies accountable for medical decisions in the same way they hold their doctors accountable for medical decisions, and that is by having the opportunity for redress in court. The McCain-Edwards-Kennedy bill meets those principles.

Let me give an example of continuity of care. It is absolutely crucial. I worry about people who are undergoing care for serious and complex medical conditions. Often an employer will change insurance companies, but the employee should not be penalized. Again, if a woman is pregnant, she should have continuity of care. If a family has a child who has leukemia, while they are fighting for their child's life, they should not be fighting with their insurance company to keep their doctor.

If a family member has a stroke and is getting rehab, certainly they should be able to have continuity in that facility with that rehab team for 90 days or until discharge from the facility.

These are the kinds of issues we are talking about in our legislation and what we are fighting for.

I came to the Senate to save lives, to save jobs, and to save communities. This is what we want to do: save lives and make sure we stop the horror stories about Americans who are denied medically necessary treatment.

Mr. President, 31,000 people every year are forced to change doctors; 35,000 people a year have needed care delayed. Thousands and thousands every day have to wait for permission to get their bills paid.

Let me tell you about Jackie from Bethesda, MD. She is a go-getter, as many Marylanders are. She was hiking in the Shenandoah Mountains, lost her footing, and fell down a 40-foot cliff. Thank God there were people there to help her. She was airlifted to a hospital. Guess what. The HMO refused to pay her $10,000 hospital bill because she did not get prior authorization.

Then there is the story of a little boy who found his diabetic dad lying unconscious after days and days of trying to get an HMO referral to a specialist. This little genius called 911, but, again, though the father was rescued, they then had to fight with the insurance company while they were fighting to bring him back to health so he could go back to work.

Fight, fight, fight always with the insurance company. I am joining with Senator JACK REED on an ombudsman bill that supports programs like the one in Maryland where we actually pay people to deal with the entanglements of denial and dismissal of benefits to which they think they are entitled.

The McCain-Edwards-Kennedy bill is terrific. It guarantees access to emergency care. It provides timely access to specialists.

In this bill, if you have a child, you have access to a pediatrician. A woman has direct access to an OB/GYN. We guarantee continuity of care, and we stop that dreaded practice of drive-by mastectomies. That is why we like the McCain-Edwards-Kennedy bill.

We know Dr. FRIST and Senator JOHN BREAUX and even yourself, Mr. President, look at it another way, and we respect that, but we think that bill has too many loopholes. It leaves out too many protections. There is no protection for a health care provider that advocates on behalf of a patient. It does not prohibit coercive financial incentives for physicians to deliver health care. But I do not want to talk about their bill. I want to talk about the McCain-Edwards-Kennedy bill. I want to talk about getting a bill now. I am talking about a bill that removes the moat around medicine. I am talking about putting patients before profits.

I conclude by saying we are the discovery nation. In the 20th century, we made more scientific and medical breakthroughs than at any other time in world history, and the breakthroughs came from here. They came because the American people funded the NIH and then the private sector and our universities value added to come up with new ideas and new products that are saving lives.

When my mother was first diagnosed with diabetes, she could either go on insulin, oral insulin, or nothing at all. Now there are over 300 different forms of medication to help those patients. We are on our way to finding a cure for Alzheimer's and Parkinson's.

While we are so busy discovering lifesaving pharmaceuticals, dramatic new techniques, and new forms of prevention, we should not let the insurance companies prevent our access to the very things we paid to invent.

Let's pass this Patients' Bill of Rights. Let's do it before the Fourth of July break, or I believe the American people will foment another revolution, and we will have to stand out of their way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MILLER. Mr. President, I rise in support of the McCain-Edwards-Kennedy patient protection bill of which I am very proud to be a cosponsor.

It is time—it is past time—for us to help millions of Americans obtain their basic rights and protections in dealing with health care providers.

It is time—it is past time—for health insurers to be held accountable when they show more concern for their own bottom line than for the patients' health and safety.

It is time—it is past time—for medical decisions to be made by patients and doctors, not some HMO bean counter.

I am no stranger nor a Johnny-come-lately to this issue. Years ago I became a supporter of Congressman CHARLES NORWOOD's effort, my good friend and Republican colleague from Georgia, as he went about in his courageous effort to make this change. And I come from a State that passed a strong patient protection law 2 years ago which, by all accounts, is working very well.

Now it is time for Congress to pass a strong Federal law to protect the millions of patients who cannot be protected by the Georgia law or by any other State's law.

This patient protection issue has been on our to-do list for a long time. We often speak of something serious as being a life-or-death matter, but it seldom is. Today this is truly a life-or-death matter for many American families who cannot wait any longer for us to act.

When Georgia wrestled with this issue 2 years ago, at the heart of the debate was the question of how we could best protect the interest of patients enrolled in managed care plans. That question has become increasingly important over the past 20 years because managed care has come to dominate the health care delivery system.

In 1980, managed care was a novelty. Today more than 70 percent of Americans and close to 80 percent of insured employees are covered by some form of managed care.

As the number of Americans enrolled in HMOs and managed care has grown, so have the complaints grown and so have the horror stories grown about being denied adequate care.

The proper role of managed care is to balance the cost of health care with the medical needs of patients, but in too many cases the concerns about cost always come out ahead of the concerns for the patient. In far too many cases, managed care has become mismanaged care.

The Georgia law that was passed in 1999 brought balance to the equation by giving patients explicit access to specialists and emergency care. The law also created an independent external review system to address patients' grievances. These are the essential components of any good bill, and they are the components of the bill I speak for today.

When the Georgia Legislature debated this law, there were critics—critics who made the same arguments that we are hearing in Washington today and that I heard last year and the year before.

In Georgia, the critics paid for ads saying the law would drive up premiums and cause more people to lose coverage. The critics paid for ads claiming employers would be held liable for HMO mistakes. They paid for ads predicting—and I love this alliteration—a "flurry of frivolous" lawsuits. Oh, there was hissing and moaning, but you know what? None of those dire predictions has come true. By all accounts, Georgia's patient protection law is working, and working well. In fact, patients are so satisfied with the independent review process that not a single, solitary patient has filed a lawsuit. No, not one.

Let me read from an article in the Atlanta Constitution on Monday, "Georgia's Pioneer Plan Avoids Legal Side Effects." The first two paragraphs I will read:

> When Georgia's Patient's Bill of Rights became law two years ago, managed-care companies predicted they would be spending a lot of time in court defending their decisions to deny coverage. But there has yet to be a lawsuit filed by a patient who first aired the grievance through the new independent review system, state officials said.
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> "The law is working as intended," said Clyde Reese, Director of the Health Planning Division that oversees the patient protection process. "In the two years, no one who has gone through this process and has been denied has filed a lawsuit. It has not given rise to litigation. We're not aware of even one suit that's been processed."

There it is. The naysayers, Chicken Littles, never give up. Today on this bill, they are telling you that if it is passed, the sky will fall. They claim that the patients' employers can be sued as well as the HMO itself.

Wrong. Not so. This conservative, probusiness, Democratic Senator would never support a bill that exposes employers to that kind of liability. The McCain-Edwards bill specifically protects employers, gives protection even to the directors of the HMO. Those individuals cannot be personally sued, as some would have you believe. Employers are shielded from lawsuits unless they directly participate in a medical treatment decision.

This is also one of the very principles President Bush has said must be included. When President Bush released his principles for a bipartisan Patients' Bill of Rights on February 7, he said: Only employers who retain responsibility for and make medical decisions should be subject to suit.

We agree with President Bush. The principle outlined in February is the exact principle that is in our bill.

Now I am not a judge, and there is not enough of me to be a jury, but that is pretty plain to me. Only the HMO itself can be sued. And who can argue that HMOs should not be held accountable for mistakes? Shouldn't HMOs be treated like any other health care organization or doctor or business or individual?

While the Georgia law is a model for protecting patients, they unfortunately cannot protect all of Georgia's patients. No State law on this issue can protect all the citizens because a Federal law, the Employee Retirement Income Security Act of 1974, also known as ERISA, exempts a large class of employees from State oversight. That means millions of Americans are not covered under any patient protection law. They have no legal recourse in dealing with their HMOs, and they are suffering. It is, for too many, truly a life-or-death matter. That is why I believe so strongly that Congress must act, and act now.

The McCain-Edwards bill would also provide patients with their basic rights and protections in a balanced way. It guarantees access to medical specialists; it protects patients from having to change doctors in the middle of treatment; it provides fair, unbiased, and timely internal and independent external review systems to address patients complaints; it ensures that patients and doctors can openly discuss all the treatment options without regard to costs; and it includes an enforcement mechanism that ensures these rights are real.

The McCain-Edwards bill is also consistent with all of the principles laid out by President Bush except one: President Bush, a man for whom I have profound respect, wants the Federal courts to have exclusive jurisdiction over patient protection lawsuits. Another bill introduced by Senators BREAUX and FRIST, colleagues for whom I also have great respect, would comply with the President's wish on this point by moving all liability lawsuits to the Federal courts.

I am sorry, but I must respectfully disagree with the President and my colleagues on this one point. A purely Federal solution is not the best solution. The Breaux-Frist bill would preempt Georgia's law, as well as the laws of seven other States that have passed similar patient rights bills. The traditional arena for resolving questions about medical negligence is the State court. I submit that is where the jurisdiction should remain. It is the courtroom that is the closest to the people. Don't make my folks in Brasstown Valley have to go over the mountains, through Unicoi Gap, to get to that big, crowded, white marble courthouse in faraway Gainesville. That "ain't" right. Let 'em go to the county seat, to the courthouse in Hiawassee that they and their family have known for years.

Now, one more thing. Any bill on this issue is going to add to the cost of health insurance premiums. They all do. Ours, in my opinion, is the most reasonable. The Congressional Budget Office estimates if the McCain-Edwards bill is passed, premiums will increase by 4.2 percent over 10 years. That translates to slightly more than $1 a month for the average employee. I believe most Americans will be more than willing to pay an extra $1 a month for the protection this bill will afford them.

Let's not drag this thing on. Please, let's not play partisan games with something this important. It has been an issue in three congressional elections now and two Presidential elections. The time has come to resolve this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Georgia leaves the floor, I will say a word. I have one daughter—my oldest child is a daughter—and she has four brothers. When she married, we were a little concerned because she married someone from the South, from North Carolina. But he has been such a wonderful son-in-law and, with his family, we have gotten to know about something that I kind of refer to as southern common sense. My son-in-law, first of all, is very smart. In addition to that, he has so much common sense. He can figure out problems. He has been a great father to three of my grandchildren.

I give that background because the more I am exposed to southern legislatures, the stronger I feel on an affirmative basis about my son-in-law. I think we need more of this southern common sense in the national legislature. The two Members on the floor today epitomize what I think is the direction of the South in influencing legislation in the Senate.

I listened with interest and awe to the statement of the Senator from Georgia. It was as good as I have heard in this Chamber, and I have heard some good ones. It was direct and to the point, as only the Senator from Georgia can be with his wealth of experience being an administrator and legislator.

Another Senator on the floor with the Senator from Georgia is our friend from North Carolina.

My son-in-law is from Kannapolis. We talked about that. It is a place where they made lots of sheets and towels and things such as that, for many years.

I have not had the opportunity publicly to express my appreciation to my colleague for lending his expertise to this legislation because he has not only brought the southern common sense to this legislation but also the respect we all have for him and his legal abilities.

To my two southern friends here today, I say thank you very much for making it possible for us to be able to pass this legislation. Because of the two of you—there are other reasons, of course—we are going to pass this legislation. More than 5 years is enough. We are going to pass this legislation, and we are going to do it in the immediate future, not way down the line. We are going to pass it as soon as we can, which is going to be before the July recess begins.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, first I say to my friend from Nevada, he is mighty lucky to have a son-in-law from North Carolina.

Mr. REID. I agree.

Mr. EDWARDS. We are glad he has a son-in-law from North Carolina.

I say to my friend from Georgia, who, some people may not know, lives 6 or 8 miles from the North Carolina line, so North Carolina had a little good influence on him when he was growing up in Georgia. In fact, when I was in western North Carolina not long ago, in the closest town to the Georgia border, they said they started to believe Senator MILLER was their Senator, so I had to make it clear to them, no, it was not true; I represented them, although he does a great job of representing all the people of that area.

I thank the Senator for a number of things.

No. 1, for the eloquence of his speech, because it was so well thought out, so clearly spoken that anyone listening would have understood it.

No. 2, for talking about the actual experience as opposed to some of the rhetoric we hear on both sides of this debate on the issue of what effect this kind of patient protection legislation will have on lawsuits and the potential for lawsuits.

Georgia in fact has a real experience. We do not need to guess about what has happened down there. They have legislation very similar to ours. In the State of Georgia, there have not only been few lawsuits, there has been none during the time that law has been in place. I know the Senator played a role in helping, with his friends down there, to make sure that law in fact happened.

Next, I thank the Senator for his leadership on this issue. As he said, he is no newcomer to this issue. He has been involved in it for a number of years. His expertise and involvement are critically important.

Finally, no one cares more about being certain we are not exposing employers to lawsuits than the Senator from Georgia. He has made very clear from the day he walked in this institution that he is a man of strong character, integrity, and independence. There is no doubt in my mind he means what he says. He would not be in support of this legislation—I might add, nor would I, nor would the Senator from Nevada—none of us would support this legislation if we believed it exposed employers to lawsuits. We all care a great deal about that issue, as we care about protecting patients and providing adequate patient protection against some of the HMO abuses that have occurred.

I wanted to stand briefly and thank my friend from Georgia, thank him for his cosponsorship of our legislation and thank him for his very clear thinking on this issue which has now been expressed to the American people.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. EDWARDS. Mr. President, I inquire how much time we have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes 20 seconds.

Mr. EDWARDS. Let me speak briefly and then yield the floor to my colleagues on the other side from whom we welcome hearing on this issue.

First, we have now had a number of speakers who have addressed the issues that have been discussed over the course of the last 2 days now, since our legislation was introduced. We pointed out—and I hope we will continue to point out throughout the course of this debate—that there are areas of agreement but there are areas of disagreement. There are important differences between the McCain-Edwards-Kennedy bill and the competing bill on the other side. Those areas of disagreement go from the beginning of the bill through the end, including such things as access to specialists outside the plan, access to clinical trials—particularly FDA-approved clinical trials, access to a truly independent review process so when the claim of a patient is denied by an insurance company that patient they can go to a group and get that decision reversed, knowing it is a totally impartial review panel, there being no question about the independence of that review panel; finally, as a matter of last resort, the case being able to go to court if in fact these other processes do not work.

But what we now know from the Senator from Georgia, plus the experiences in Texas and California, is that when these appeal processes are in place, when a patient is wrongly denied care by an HMO, there are two places for that decision to be reversed before anybody goes to court. One is the internal review within the HMO; the other is the external review to a truly independent body.

I might add as to the cost—the Senator from Georgia referred to this—our bill, according to the Congressional Budget Office, will raise insurance premiums 4.2 percent over 5 years. The Frist bill raises insurance premiums I believe 2.9 percent over the same period of time.

The difference between the two, the 1.3-percent difference, the majority of that difference has nothing to do with litigation. It rests in areas such as difference in access to specialists, difference in access to clinical trials, difference in quality of care. So the bulk of the cost difference between the two bills goes specifically to the issue of the quality of care that children, families, and patients across America will receive.

To the extent the argument is made that there is an explosion of litigation, that this is going to cost a great deal of money, the reality is that there is a little over 1 percent difference between our bill and the competing bill. The bulk of that difference is accounted for by difference in quality of care.

The American people are going to get a better product. They are going to get better health care. They are going to have a way to get access to clinical trials for their child who needs to be seen by a specialist, to be seen by a specialist. They are going to have a way to reverse a wrongful decision by an HMO. That is what we are talking about. None of that has anything to do with going to court or lawsuits.

As to the issue of going to court, as the Senator from Georgia pointed out so clearly, we are only asking one thing, and that is that HMOs not continue to be treated as privileged citizens; that they be treated as everyone else—they ought to be treated as every other American, every other small business, every other large business—and that they not maintain their status as being the only group in America that cannot be held accountable for their actions. That is what this debate is about. We are on the side of patients. That is the reason the groups, AMA and others, support our legislation.

I think it is time now for me to yield the floor to my colleagues on the other side.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Tennessee.

Mr. FRIST. I will take a couple of minutes. I will be brief, and then the Senator from Maine will address many of the issues we discussed.

Clearly, much of the debate centers on what the cost of this bill will be. We both have patient protections. We want to give rights to patients that they deserve, rights to make sure we have medical decisions made by doctors and patients working together, and not medical decisions made by HMOs.

If HMOs make a medical decision, then they need to be held accountable. How do you hold them accountable? That is where much of the difference lies.

In terms of cost, because I do want to clarify this and because the Senator from North Carolina is comparing the Frist-Breaux-Jeffords bill to the McCain-Edwards-Kennedy bill, most of the quoted cost comparisons are from the Congressional Budget Office, upon which we rely. In truth, they are projections. Nobody knows exactly what the cost will be, but it is important to understand how the increase in premiums relates to the overall cost. Specifically, how much will premiums increase for the 170 million people who rely on insurance to obtain their health care? That is what we are discussing. The American people, who are the ones who will be paying more for the cost of this Bill of Rights—what they will pay is substantially different in our bill versus their bill.

In their bill, when you talk about these little percentages, the increase itself is about a 4 percent increase in premiums. When you talk about their 4.2 versus our 2.9 percent, the percentage is only 1 point difference. However, the difference is significant, whether it is 8 percent, or 5 or 4 percent, because for every 1 percent increase, we are talking about 300,000 people losing their health insurance.

In America, when you don't have insurance, you can still go to the emergency room, but you do not have the quality of care that you would have with insurance.

Instead of trying to make these differences sound tiny and small, as a physician, I see the faces of 300,000 individuals. Three hundred thousand individuals, who today have health insurance, but because of frivolous lawsuits and paying trial lawyers too much with no increase in patient protections, they lose their health insurance.

We continue to talk about the relative cost.

One other thing, to clarify what has been said on the floor regarding the civil remedies part, the Congressional Budget Office scores the Frist-Breaux-Jeffords bill versus the Kennedy-McCain-Edwards bill twice as much in terms of that increase. There is a big difference in terms of the cost. They score theirs .8 and ours is .4 in terms of the cost due to civil remedies.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Maine.

Ms. COLLINS. Thank you, Mr. President.

Mr. President, I am pleased that the Senate is now considering the issue of how best to ensure that patients receive the health care they need when they need it and that was promised by their insurance plan.

The last 10 years have been particularly turbulent ones for health care providers and patients alike. Concerns about rising costs have led to extensive changes in how health care services are provided and paid for in both public and private health plans.

As a consequence, there is a growing unease across the country about the changes in the way we receive our health care. Families worry that if they or their loved ones become seriously ill, their HMO will deny them coverage and force them to accept either inadequate care or financial ruin—or perhaps both. They feel that vital decisions affecting their lives will be made not by a supportive family doctor but by an unfeeling bureaucracy. They fear that they will have to fight their insurance company as well as their illness.

These are the concerns that have prompted this important debate about how we can ensure that HMOs are held accountable for promised care and that medical decisions are made by individuals wearing stethoscopes, not green eyeshades. People should not have to worry that their HMO will unfairly deny them treatment or force them to accept inadequate care.

Virtually every Senator agrees that medically necessary patient care should not be sacrificed to the bottom line and that health care decisions should be in the hands of doctors, not insurance accountants. But we face an extremely delicate balancing act: as we respond to these concerns, we must be careful not to impose overly burdensome Federal controls and mandates that will drive up costs and cause some people to lose their health insurance altogether. That is the whole crux of the managed care debate.

We should pass a strong, binding Patients' Bill of Rights, but we should do so in a responsible way so that we don't add excessive cost, litigation, and complexity to an already strained health care system. Congress should use the set of principles that President Bush has given us as a road map to develop a bipartisan Patients' Bill of Rights—one that applies meaningful patient protections where they are needed without unduly increasing health care costs.

The biggest obstacle to health care coverage in the United States today is cost. American employers everywhere—from the giant multinational corporation to the small corner store—are facing huge hikes in their health insurance costs. Rising health insurance costs are particularly problematic for people purchasing coverage in the individual market and for small businesses and their employees.

Earlier this year, the dominant carrier in Maine's individual market increased its rates by an average of 23.5 percent for indemnity plans and 32.6 percent for HMO plans. As a result of these increases, many people in my state are either dropping coverage or switching to "catastrophic" plans with very high annual deductibles.

Similarly, many small employers in Maine are facing premium increases of 20 to 30 percent, forcing them either to drop their health benefits or pass the additional costs on to their employees through increased deductibles, higher copays, or premium hikes. This also adds to the ranks of the uninsured as more lower-wage workers, unable to afford the increased costs, drop coverage or turn it down.

No wonder the ranks of uninsured Americans have grown to 43 million. If this happens at a time we have been enjoying a strong economy, just imagine what could happen in an economic downturn.

Higher health insurance premiums lead to significant losses in coverage. Studies have shown that for every one percent increase in insurance premiums, insurance coverage for as many as 300,000 people is jeopardized. This is one of the primary reasons I am so concerned about the McCain-Kennedy version of the Patients' Bill of Rights. According to the Congressional Budget Office, the McCain-Kennedy approach will increase health insurance premiums by an additional 4.2 percent over and above the double-digit premium increases we have already experienced. Moreover, this bill is even more expensive than previous versions of the legislation.

Congress should act to provide the important protections that consumers want without causing costs to soar, and we can do so by passing a carefully crafted bill. I also believe that we should not pre-empt or supercede, but rather build upon the good work that states have done in the area of patients' rights and protections.

States have had the primary responsibility for the regulation of health insurance since the 1940s. As someone who has overseen a Bureau of Insurance in state government, I know that state regulators have done a good job of protecting consumers.

One of the myths in this debate is that unless the federal government preempts state insurance laws, millions of Americans will somehow be "unprotected" in their disputes with HMOs. That simply is untrue.

For example, as this chart demonstrates, 48 states have passed laws prohibiting "gag clauses" that restrict communications between patients and their doctors. Forty-four states have requirements for emergency medical care; forty-seven have prompt payment requirements; thirty-seven require direct access to an OB/GYN; forty-one have requirements for external appeals; and all fifty have requirements for internal appeals and patient information.

As is so often the case, states have been the laboratories for insurance reform.

They have acted without any mandate or prodding from Washington to protect their consumers. They have been way ahead of us in enacting patients' rights.

Moreover, one size does not fit all. What may be appropriate for one State may not work well in another or may simply be unnecessary. For example, what may be appropriate for California, which has a very high penetration of HMOs, may simply not be needed in States such as Alaska and Wyoming where there is virtually no managed care. In these States, imposing a new blanket of heavy-handed Federal mandates and coverage requirements will simply drive up costs that will impede, not expand, access to health care.

That is why the National Association of Insurance Commissioners opposes the approach taken in the McCain-Kennedy bill which would force all States to adopt virtually equivalent Federal standards.

Recently, I received a letter from Kathleen Sebelius, the president of the NAIC, in which she writes:

> States have faced the challenges and produced laws that balance the two-part objectives of protecting consumer rights and preserving availability and affordability of coverage. For the federal government to unilaterally impose its one-size-fits-all standards on the states could be devastating to state insurance markets.

Mr. President, I ask unanimous consent this letter from the NAIC be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Ms. COLLINS. Mr. President, under the McCain-Kennedy bill, the Federal Government could preempt existing State patient protection laws unless they had already enacted identical protections—not just similar ones, identical ones. The approaches taken by the 50 States to the same types of patient protections vary widely and with good reason in many cases.

Why should a State that has already acted on its own to provide strong, workable patient protections have to make extensive changes in their laws to comply with new Federal standards?

Let me give you a recent example from my home State of Maine. Maine is one of just 12 States that require health plans in the fully insured individual and small group market to provide coverage for routine costs for patients participating in clinical trials. During its consideration of this provision last year, the Maine Legislature made the decision to include only those clinical trials that were approved and funded by the National Institutes of Health. I would note, parenthetically, that this decision was one that was made by a legislature controlled by the Democratic Party.

What would happen under the McCain-Kennedy bill? Under that approach, Maine would have to go back and rewrite its law to include clinical trials approved or funded by the Department of Defense, the Veterans' Administration, and the Food and Drug Administration.

Why should the State of Maine have to revisit its law? The law that the State of Maine came up with to require coverage of certain clinical trials was carefully debated. It was thoroughly considered. And the Maine State legislature decided that this was the best approach for the citizens of Maine. Yet under the legislation we are considering today, Maine would have to change its law or have it completely superseded by the Federal Government taking over control of its health insurance market.

Let me be clear. I believe the Federal Government does have an important role to play in regulating the self-funded plans under ERISA. That is because, under current Federal law, States are precluded from applying patient protections to these Federal plans. That is why we need a Federal law to ensure that consumers enrolled in insurance plans beyond the reach of State regulators enjoy the same kinds of strong patient protections that apply to State-regulated plans.

As I said, and as you can see from the chart, the States have been extraordinarily active in this area. It is all well and good if Congress decides that it wants to impose a specific requirement or mandate on federally regulated ERISA plans, since States are, by law, precluded from regulating these insurance plans. But the Federal Government should not be in the business of second-guessing and overriding the carefully crafted patient protections that have been negotiated by our State legislatures and Governors to meet the needs of that State's citizens.

States that have seized the initiative and acted on their own should not have to revise their carefully tailored laws simply in order to comply with a Washington-knows-best, one-size-fits-all Federal mandate.

Moreover, what if the State has made an affirmative decision not to act in one of these areas for very good reasons, such as the reason I previously gave where a particular State may not have much managed care so that this debate is largely not relevant to its citizens? What if the State legislature, after much discussion and debate, has decided that a particular consumer protection simply isn't needed because the marketplace has already taken care of this issue?

Let's look at the consequences under the McCain-Kennedy bill of a State failing to enact an identical provision to the consumer protections in S. 1052.

The bill proposes, quite simply, a Federal takeover of State health insurance regulation. The Health Care Financing Administration, HCFA, would be charged with enforcing the new Federal standard.

Talk about a right without a remedy. In a report issued in May of this year—5 years after new Federal health insurance standards were enacted under the Health Insurance Portability and Accountability Act, the Mental Health Parity Act, and the Newborns' and Mothers' Health Protection Act—5 years after those laws passed, five

States are still out of compliance, and Federal fallback enforcement in these States is virtually nonexistent.

Moreover, HCFA told the GAO that it has not even been able to fully assess whether or not the States have complied with the Mental Health Parity Act enacted 5 years ago, and that law is scheduled to sunset this year. Given the fact that the Patients' Bill of Rights—the version we are considering right now—is replete with new health mandates, consumers should be very concerned that HCFA has already proven beyond a shadow of a doubt that it is incapable of enforcing existing Federal insurance standards in States that do not conform. In fact, HCFA has shown that it is incapable of even assessing whether or not the States have complied with these limited Federal insurance standards. So what makes us think that HCFA could in any way take over the responsibility of regulating health insurance in States that do not comply to the letter with the standards in the McCain-Kennedy bill?

If HCFA has not been able to handle its limited responsibility under the laws that I mentioned, how in the world would it benefit consumers to provide for a Federal takeover of health insurance regulation in this area?

I think the answer is clear. It would be a tremendous disservice to consumers to have HCFA take over health insurance regulation. I know that my consumers, my constituents in Maine will have far better service and far better luck dealing with the Bureau of Insurance in the State of Maine in Gardiner, ME, than trying to call the ERISA office in Boston or the HCFA office in Baltimore. It is that simple.

As we consider Federal patient protection legislation, I believe that true deference should be given to the expert decisionmakers who know best what is appropriate for each State and who are most immediately accessible and accountable to that State's citizens.

Another of the myths—and there are many—in this current debate is that you can't sue your HMO. That, too, is not true. HMOs—even self-insured ERISA plans—can be sued in State court over quality-of-care treatment decisions. They can also be sued, under current law, in Federal court for injunctive relief to force them to provide needed care or to compensate the patient or provider for the value of the benefit, plus any attorney's fees. This is the exact same legal remedy that is currently available to us as Members of Congress under the Federal Employees Health Benefits Plan.

Mr. EDWARDS. Will the Senator yield for a question?

Ms. COLLINS. I do not wish to yield at this point. I would like to conclude my statement.

We do need strong remedies to prevent HMOs from denying needed care. There is no dispute over that point. All of us are deeply troubled by cases in which an HMO has acted in a way that was not in the best interest of the patient. That is not what this debate is about. The debate is about the best way to solve those problems, to ensure that every patient gets the care that he or she needs when they need it. That is what the debate is about.

That is why a strong, independent, and binding appeals process is critical to ensure that patients get the care they need when they need it; that they get the care they were promised. They should not have to hire an attorney and file a lawsuit to get the health care they need. They just can't sue their way to quality care. That is why the key is to make sure that we have an appeals process that is binding, that is independent, and that will force the HMO to provide the care that has been promised.

I am particularly concerned that the liability provisions in the McCain-Kennedy bill, as currently drafted, could well discourage employers that currently voluntarily provide health insurance to 172 million employees and their families from continuing to offer coverage. While the McCain-Kennedy bill claims to protect employers, the fact is, as I read the bill, they would be subject to both new Federal and State lawsuits authorized under the bill.

Under the McCain-Kennedy bill, a trial lawyer just needs to allege that an employer directly participated in a medically reviewable decision to force that employer to court. The direct participation standard in S. 1052 does not shield employers from being sued. It simply gives them a defense that they can raise in court. Being subject to such lawsuits will be particularly hard, potentially ruinous for small business owners who cannot afford the tens of thousands of dollars they would have to spend on attorney's fees to fight these kinds of cases in court.

Many Maine employers have expressed their serious concerns about the liability and scope provisions of the McCain-Kennedy bill. I met, for example, with the assistant director of human resources at Bowdoin College who talked about how moving to a self-funded ERISA plan enabled the college to continue to offer affordable coverage to Bowdoin employees when premiums for their fully insured plan skyrocketed in the late 1980s. Since they were self-funded, they were actually able to lower their premiums for their employees and at the same time enhance their benefit package with such features as well-baby care, free annual physicals, and prescription drug cards with low copayments. They told me that a proposal such as the one before us today could seriously jeopardize their ability to offer affordable coverage for their employees.

Similar concerns have been expressed by the Maine Municipal Association, L.L. Bean, Bath Iron Works, and many other very responsible Maine employers that care deeply about providing the best possible health insurance for their employees.

Even though S. 1052 is certain to drive up health insurance costs, it also does nothing to expand access to affordable health insurance. In fact, by driving up costs, it jeopardizes health insurance coverage for people who already have it and puts the cost further out of reach for those who lack it now.

As we proceed with our consideration of legislation to protect patients' rights, we should also be considering ways to expand access to coverage for millions more Americans by making health insurance more affordable.

As the Presidential Advisory Commission on Consumer Protection and Quality noted in its report which was done for President Clinton, I note: Costs matter. Health coverage is the best consumer protection.

As we proceed in this very important debate, I hope we can continue to work to improve S. 1052 so that it truly protects patients without jeopardizing their insurance coverage and without wiping out the good work of the States.

I was encouraged today by a conversation with Senator McCAIN in which he indicated that he is very open to resolving some of the problems I have raised in my statement. I hope that we can work together, and at the end of the day I hope we can approve, by an overwhelming vote, a responsible Patients' Bill of Rights that will help ensure that patients receive the care they need, when they need it, without having to resort to hiring an expensive lawyer and filing a lawsuit. That should be a goal that should unite us all.

I look forward to the upcoming debate. I think it is an important one. I hope we can come together on a bipartisan bill that the President will sign, that will make a real difference in the health care for America's patients.

Mr. KENNEDY. Will the Senator yield for a brief question?

Ms. COLLINS. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. I listened carefully to the Senator. As a member of our committee, I know she gives a good deal of attention and time to health care and education issues, as well as the other matters that come before our committee. We take her words seriously.

While listening to her, I was reminded that the Maine Medical Society, which represents the medical community in the State of Maine, is in strong support of our proposal. Which proposal does the Senator support at this time?

The PRESIDING OFFICER. The Senator from Maine has the floor and she has 1 minute.

Ms. COLLINS. Mr. President, I have worked very closely with the Maine

Medical Association on a variety of issues. I know that while they do want to see liability provisions similar to those of the Senator, they are very concerned about the issue I raised about the preemption of Maine's law.

Maine has been very active in passing a number of laws to provide consumer protections. They are carefully balanced laws. On this chart, there is a check mark all the way across. I know the Maine Medical Association was very involved with the legislature in negotiating those provisions. They are concerned about the preemption of Maine's laws which they helped to draft.

Mr. KENNEDY. May I ask one further question. The Maine law includes clinical trials, but does not include FDA clinical trials. The proposal of Senator EDWARDS and Senator MCCAIN does include clinical trials. Most of the women's groups, including women's cancer groups are strongly in support of this provision. They recognize that many pharmaceutical companies are on the edge of breakthroughs in the development of these new products.

I am interested in this illustration. The provisions for clinical trials in Maine are preferable, quite frankly, to the provisions included in Breaux-Frist, where there are a number of problems.

Wouldn't the Senator from Maine feel that including the patients in Maine in these FDA protocols might be helpful if they meet the other requirements? For example, what if a doctor feels that participating in these clinical trials means there is a real possibility of relieving a patient's medical condition?

Ms. COLLINS. Mr. President, Maine has led the way on insurance reform. Maine is one of only 12 States that cover clinical trials. The Maine legislators gave careful consideration to what the scope of that coverage should be, and a Democratic legislature and an independent Governor decided, for reasons of cost, to limit the clinical trials provisions to those who were approved by the National Institutes of Health. That is appropriate.

What I object to is that the Kennedy approach, the Kennedy-McCain bill, would say that if a State didn't cover clinical trials exactly as the Senator from Massachusetts wants them covered, then Maine's law is wiped out. I don't think that is right. I notice that Maine has been far more active than Massachusetts in the area of patients' protection, so perhaps that explains the difference in the approach that the Senator from Massachusetts, my friend, and I take.

I yield the floor.

EXHIBIT NO. 1

NATIONAL ASSOCIATION OF
INSURANCE COMMISSIONERS,
Kansas City, MO, June 19, 2001.

HON. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: As the Senate prepares to debate legislation designed to protect the rights of health insurance consumers I would like to reiterate the concerns of the nation's health insurance regulators.

The National Association of Insurance Commissioners (NAIC), which represents all fifty-five insurance commissioners in the states and territories, is primarily concerned about federal preemption of state laws and regulations. All states have passed and implemented legislation to protect the rights of beneficiaries. Over 40 states have acted to ensure access to emergency and OB/GYN care, require fair utilization review and internal and external appeals processes, and prohibit discrimination and gag clauses. Over half of the states have laws ensuring access to specialists and non-formulary prescription drugs, a point of service option, and continuity of care.

As members of Congress know from experience, passing patient protection legislation this can be a difficult task with a variety of issues to consider. States have faced the challenges and produced laws that balance the two-part objectives of protecting consumer rights and preserving the availability and affordability of coverage. For the federal government to unilaterally impose its one-size-fits-all standards on the states could be devastating to state insurance markets.

Members of the NAIC are also concerned about enforcement. As you know as a former state regulator, if there is no enforcement then there is no protection. States have developed the infrastructure necessary to receive and process consumer complaints in a timely fashion and ensure that insurers comply with the laws. The federal government does not have this capability, and the proposals do not provide any resources to federal agencies to develop such capability. It has taken the Health Care Financing Administration (HCFA) years to develop the infrastructure required to enforce the Health Insurance Portability and Accountability Act (HIPAA) which included only six basic provisions that most states had already enacted. The proposed patient protection bills are far more complicated than HIPAA and will require considerable oversight.

To resolve these issues, the NAIC urges Congress to include in any patient protection legislation provisions that would preserve state laws and enforcement procedures, such as internal and external review processes. Failure to maintain state authority in this area could lead to the implementation of regulations that are inconsistent with the needs of consumers in a state and that are not enforced effectively.

Protecting patient rights is clearly a goal of both the states and the federal government. Attaining this goal will require cooperation and we look forward to working in partnership with the federal government to implement protections that are in the best interest of consumers in each state.

Sincerely,

KATHLEEN SEBELIUS,
President, NAIC,
Insurance Commissioner, State of Kansas.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will inquire of the Senator. If I may have the Senator's attention, is the Senator supporting the Breaux-Frist bill at this time? Is the Senator going to work with Senator MCCAIN, a cosponsor with Senator EDWARDS, to try to see if we can find common ground within the next week?

Ms. COLLINS. My friend from Massachusetts may not have heard me when I said earlier—and I don't expect him to be on the edge of his chair through every moment, but I made very clear that my hope is that we can come together on this important issue. It is important, and I think it is unfortunate that we didn't get through a conference on the Patients' Bill of Rights last year. Then we would have had these protections already in place.

It is a shame that last year when we had agreement on 90 percent of the bill, we didn't enact it. Senator BREAUX of Louisiana and I suggested just that approach. So I look forward to continuing to work with my colleagues on both sides of the aisle. Just at noontime today, I had a discussion with Senator MCCAIN and he indicated an openness to solving some of the problems I have outlined in my statement. The Senator from Massachusetts knows I always enjoy working very closely with him.

So I look forward to that because my goal is that we can pass a bill that does the job on which we all agree, and yet that would not preempt States' laws when States are doing a good job, and that would not cause health insurance costs to rise to the point where we jeopardize coverage altogether.

I know those are goals we share, and I hope we can indeed work closely together.

Mr. KENNEDY. Finally—and I see the Senator from Connecticut here—the point I would like to clarify is that the Edwards bill isn't preempting the States. They have identical provisions. The States' provisions and protections, if substantial, will stand. They don't have to be identical. I just wanted to clarify that particular issue as we go through the course of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Very briefly, before the Senator from Connecticut speaks, there were some points made by the Senator from Maine.

First, we very much appreciate her open attitude to work with us to try to find a solution to a problem about which we all care a great deal. We appreciate that. She was arguing, I believe, that because of increased costs associated with a Patient Protection Act, people would go from being insured to uninsured, and that is something about which the American people should be concerned.

First of all, I point out that there are two competing bills, one of which will pass the Senate. The difference between those bills is minimal in cost.

Second, in the three States that in fact have enacted patient protection—California, Texas, and Georgia—not only has the number of uninsured not gone up but exactly the opposite has occurred. During the time that patient protection has been in place in California, in Texas, and in Georgia, the number of insured has gone up. In California, for example, in 1998 and 1999, the number of insured went up 2.3 percent. In Texas, it went up .9 percent—just under 1 percent. In Georgia, about which Senator MILLER spoke so eloquently, it went up .8 percent.

So the evidence from the three other States that have enacted laws similar to the McCain-Edwards-Kennedy bill is that because people have a better product, better health care, better rights, not only does the number of uninsured not go up but it goes down. So these rhetorical cries of all of us needing to be greatly concerned about that issue—of course we are, but the actual evidence that exists from the three States that have laws similar to the laws we are here talking about suggests over a relatively short period of time, in fairness, that just the opposite is true—that in fact, because of the quality of the product, the number of people insured can go up as opposed to going down.

With that, I will yield the floor to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me begin by, first of all, commending my good friends and colleagues from Massachusetts, North Carolina, and Arizona, Senators KENNEDY, EDWARDS, and McCAIN, for their leadership on this issue—bringing a series of reforms that seek to guarantee quality health care for more than 190 million of our fellow citizens.

This is extremely important. We know there are 43 million Americans who have no health insurance at all. We hope at some point we can develop legislation to protect those 43 million fellow citizens who have to go through the anxieties on a daily basis of hoping their children, their families will not suffer from some catastrophic illness which could wipe out whatever meager holdings they have. That debate will have to be reserved for another day.

But there are 190 million Americans who obtain health care coverage through private insurance. So we begin the debate by trying to make sure that those 190 million people who are covered by private health care coverage will be able to have the kind of rights we think they ought to have as citizens of this country.

Mr. President, I also should begin with sort of a disclaimer to you. My colleague from Connecticut, Senator LIEBERMAN, and I represent what is oftentimes referred to as the insurance capital of the world. My good friend, the Presiding Officer, is the Senator from, I suppose, the State of gaming and of family recreation. My State is well known for a variety of insurance companies that have made significant and positive contributions to the well-being of people not only here in the United States, but around the globe. We are very proud of the fact that we represent insurance companies that have provided great security for millions of people in so many different sets of circumstances.

But it is important to note that, as a Senator from that State, one of the things we are talking about here is the obligations of my constituents, those insurance companies that are involved in providing private health care coverage. So today I suppose I engage in discussion that you may not expect to hear from someone who comes from a State where I represent these interests.

I do so with a degree of sorrow because, unfortunately, in too many cases the industry does not understand the needs of millions of Americans. This is not true of the entire insurance industry in my State. There are many who have reached out and are trying to make a difference, to see to it that people do have access to specialists, emergency rooms, and clinical trials, and that they have an appeals process to turn to when they feel that they have been unfairly denied care.

We have been at this debate now for 5 years. I recall a couple of years ago being a member of a conference committee after this body had dealt with a Patients' Bill of Rights—partisan politics took over. We sat in the committee rooms for days on end and nothing happened. For each day we wait, each week that goes by, every month that passes, these 190 million people in our country run a greater and greater risk that their rights are being denied, that basic health care coverage is not forthcoming.

I hope my colleagues who are engaged, as we have been over the last few days, in delay tactics that won't allow for an amendment process to go forward will cease and desist.

It is not what the American public wants. They may not agree with every dotted "i" and crossed "t" in JOHN McCAIN's and JOHN EDWARDS' and TED KENNEDY's bill. I respect that. I understand their differences, but not to have any amendments offered, not to be debating this, not to be discussing it beyond the rhetorical comments is not going unnoticed by the American public.

As these days go by, I hope nothing happens to people, which could have been prevented by the passage of this legislation or some compromise version of it.

Let us begin the process of discussion. Let us begin the process of voting. I am disappointed and saddened that we have not.

I mentioned my State and the fact that I represent some of the largest, most successful insurance companies in the world. As many other States, my State has also taken action on this issue of a Patients' Bill of Rights. It has passed its own managed care protections. The reforms included in the Connecticut law take an important step toward protecting patients and doctors, but today 41 percent of Connecticut employees are denied these very protections because of Federal law preemptions. Almost half of my constituents are not protected by their State law.

Unless we adopt a Federal law, they will go unprotected, and that is true in State after State because of the adoption of ERISA, legislation going back years under the leadership of the former Senator from New York, Jacob Javits, of blessed memory.

Under his leadership, ERISA was passed, but as a result of that fine legislation and with the adoption of State laws providing protections for people's health care rights, a lot of our fellow citizens are preempted by that Federal law.

That is the rationale for us engaging in this debate on a Patients' Bill of Rights. There must be Federal law. If not, we are excluding millions of Americans from the protections their fellow citizens living next door to them, living down the street, working next to them at their businesses are provided under their State protections.

This debate is important, and we ought to be voting on amendments. Every hour that goes by, every day that goes by that we do not do our business raises even further risk that additional people will be harmed.

The increased role of managed care in our health system has brought some very important improvements—better coordinated care, greater efficiency at lower costs, and an enhanced focus on preventive care.

The health maintenance organizations deserve credit for making these positive steps. The benefits, however, have been accompanied by some concerns about the impact on the quality and delivery of care, and that is what the Kennedy-McCain-Edwards bill attempts to address.

Far too often the decision about whether you or your family can get the health care you need is dictated by an insurance policy rather than your doctors. That is why it pains me as a Senator from Connecticut to have to talk about an industry of which I am so proud.

While we all agree on the goal of increasing efficiency and managing costs in our health care system, we cannot do so at the expense of denying needed care. We have to strike that balance, and today that balance does not exist.

I want to take a minute to talk about a single case in my State. I realize we are talking about 190 million people in the country who have private insurance insurance but do not have protections that a Patients' Bill of Rights would provide. I know there are 43 million people who have no health care coverage at all. Sometimes we get to talking about millions of people, millions of dollars, and billions of dollars and get lost in the morass of the Federal bureaucracy of how a Patients' Bill of Rights would work. We forget we are talking about individual people, families.

I want to take a minute, if I may, and share with my colleagues the story of one family in my State and what happened to them as a result of our failure to have a Patients' Bill of Rights.

I just spoke with this family a few minutes before coming to this Chamber. I did not want to talk about this family without their permission. I called the Moscovitch family in Connecticut and asked them if I could talk about their 15-year-old son, Nitai. Let me tell my colleagues what happened.

This family lives in Brookfield, CT, a small town in my State. They are a hard-working family. In fact, the father was not yet home from work. He was on his way home from his job. Their son, Nitai Moscovitch, suffered from very severe emotional problems. The family was wise and smart enough to recognize their 15-year-old son, Nitai, needed help. He needed medical help immediately.

This family sought that help, particularly after this young boy attempted suicide. He was admitted to the Danbury Hospital in the western part of my State. Despite the fact that the young boy had a history of trying to harm himself, the insurance company that provided coverage for this family would only agree to cover his treatment for several days at the hospital, as if he had been in an automobile accident, or if he had stumbled and broken his leg or been in an athletic injury.

The idea that this was a child suffering from severe emotional illness was not under consideration: We will put on the Band-Aids, provide the stitches, but beyond that, we are not going to provide that coverage.

Even though Nitai threatened to commit suicide if he were removed from the hospital, they saw this as the rantings of a teenage boy, not to be taken too seriously.

Four hours after he was released, Nitai locked himself in a room, undid his belt on his trousers, and committed suicide.

If that is an isolated case I conjured up, then I ought to be ashamed of myself. Unfortunately, this is not an isolated case. This goes on every day, not necessarily with the tragic ending as in this case, but coverage was denied not because someone looked at Nitai and said: We don't think your emotional problems are severe enough to warrant hospitalization. Someone sitting behind a desk, I suppose at some computer terminal, was making the determination that the policy was not going to cover him. That was the medical analysis given to this young man and this family.

That has to stop. I am not suggesting that every medical examination or analysis is going to be right or there are not going to be tragedies involved, but we have to get away from the situation where the decisions about what kind of care a patient needs, what kind of doctor a patient ought to see is being determined by someone who has no medical training, no medical background at all, and then to further say basically they are not responsible.

Let me complete the story. On behalf of his son, Nitai's father, Stewart Moscovitch, wanted to sue his health maintenance organization for playing the role of doctor and refusing to cover extended treatment at the hospital. But the health plan argued that existing Federal law, the very reason we are engaged in this debate, existing Federal law prevented the family from holding them liable.

After a 3-year battle, this family secured a ruling that the Federal law did not apply in his case. However, today there is still no guarantee that the Moscovitch family or any family would have the right to hold their plan accountable for making treatment decisions.

The bill we are debating will change that. I am not going to suggest that somehow we could have entirely prevented this tragedy from happening. As I said, it is conceivable that a doctor might have arrived at the same decision. Do not assume for a second I was assuming that Nitai's life definitely would have been saved but at least they might have had more choices. At least the choice should have been left to the doctor looking at this young man and not a decision made by an insurance company or an insurance employee who, with all due respect, has no business making the decision of whether or not extended hospital care for this child ought to be covered.

I thank the Moscovitch family for allowing me to talk about their son. I called them to seek their permission to talk about their son. I was told by Nitai's brother that, in fact, the family had discussed it and hoped I would because it might, just might, make a difference. It may convince some who are wavering about whether or not this bill is warranted, whether or not this effort is worthwhile. It may be the case that one family, one individual will have a more profound effect than all of the numbers and millions of people and billions of dollars we talk about. It is family by family, patient by patient that the effects of not passing this legislation are most felt.

Putting patients first means guaranteeing access to emergency room coverage when a rational person would say emergency care was needed. It means ensuring access to doctors qualified to treat a condition, and that it is those doctors who will decide the best course of treatment. Putting patients first means making sure that patients with illnesses that have not been cured by conventional treatment are not denied the chance to participate in potentially life-saving clinical trials. It means making sure that a patient and his family can have the prescription drugs doctors say they need, not just the drugs the insurance company says are cheaper.

Other managed care bills have been introduced in this Congress that are watered-down versions. They are weaker versions. They are not truly a Patients' Bill of Rights. The Bipartisan Patient Protection Act is the only bipartisan legislation that will offer managed care patients and providers that serve them reasonable protections. The bill allows patients and doctors to determine the best course of care, establishes an independent appeals process for patients who believe they were unfairly denied care, and allows patients to hold health care plans accountable when they make those decisions.

I hope our colleagues allow this debate to go forward. Let not another day pass in delaying a debate on amendments on this bill. It is blatantly unfair. Forget Democrats and Republicans. What you do to my party, sitting on this side of the aisle, is not terribly relevant; put that aside. If you will, think of the people you represent in your States. Even if you don't like this bill, offer your ideas on your approach to this. But allow an amendment process to go forward.

It is unfair to these people, after 5 years, to not allow a full debate on amendments on this bill. That is what this institution was created for. It is what we ought to be engaged in. Now after the second day of listening to statements about this bill, it is time we started debating amendments. My hope is that will be the case.

I understand the commitment of our distinguished majority leader, Senator DASCHLE, when he says we will stay here, we will stay here until this bill is properly and fully considered. It may be defeated. At the end of the day, 51 Members may decide to defeat this bill. I would be terribly unhappy if that were the case, but at least we would have had a chance to debate and consider amendments. Sitting here day after day, hour after hour, without the chance to consider amendments and vote on an important subject such as this is dreadful. My hope is my colleagues who are engaged in this delaying practice will cease and desist.

I commend the authors of this bill and look forward to supporting them in the amendment process. My sincere hope is at the end of this discussion we will have amended the law and that the millions of Americans who are insured and preempted by Federal law as well as all the others with private insurance, will get the protections they deserve.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. How much time remains in this block?

The PRESIDING OFFICER. Six minutes remain.

Mr. DORGAN. Mr. President, my colleague from Connecticut has covered the subject of needed patient protections well. Let me, in the few short remaining minutes, make a couple of comments—some I have made before.

Let me narrow the issue down. It is about the right of patients to get the health care they deserve and that they think they have under their managed care plans. Often however, that care is actually denied them.

Patients ought to have a right to understand all of their medical options for treatment, not just the cheapest. They ought to have a right to medically necessary care without arbitrary HMO interference. They ought to have a right to go to an emergency room when they have an emergency. They ought to have a right to see a specialist when they have a need to consult a specialist. They ought to have the right to a fair and speedy process for resolving disputes.

Let me see if I can use a couple of pictures to describe what these rights mean. This young child was born with a horrible facial defect. A cleft palate which is a horrible defect of the top lip. Plastic surgeons say in about 50 percent of the cases, a managed care organization says this is something that is not medically necessary to correct. It's correction is not medically necessary? Imagine having this child and being told by a managed care organization that it is not medically necessary to correct this defect!

I spoke yesterday about a young woman named Donna Marie McIlwaine. Donna is from New York. Her mother, Mary Lewandowski, testified before a hearing I held on managed care. This beautiful young lady is not with us any longer. Donna died. Her mother described the circumstances of her death. For want of a $750 lung scan, this young girl died as a result of a blood clot in her lung the size of a football. Donna's mother called the doctor and she called the hospital, but to no avail. This young woman died because she didn't get a $750 lung scan that would have shown a blood clot the size of a football in her lung. And she died. She died on the evening of February 8, 1997. Her mother, God bless her, Mary Lewandowski, has been to Washington at her own expense, as a missionary to say "pass this legislation and don't let this happen to another child!"

I have described before, this young man, Christopher Roe, whom I learned about at a hearing I held in November—and if you are tired of hearing about him—I have talked about Christopher several times—if you are tired of hearing about him, tough luck because I will keep talking of his tragic circumstance. His mother held this picture high as she began to sob when she testified about this 16-year-old boy who died on his birthday. Christopher was fighting cancer, and fighting the managed care organization at the same time for the care he needed and didn't get. This young boy had cancer. He needed some treatment. He needed a chance. He needed some experimental treatment, a chance to get through this and successfully wage war against this dreaded disease.

But time ticked away and the managed care organization said, no, no, no. And finally this young boy, flat on his back in bed, died on his 16th birthday. Before he died, his mother told us, crying: "Christopher looked up at me and said, Mom, how can they do this to a kid?"

This is not some ethereal debate about what you think or what I think. This is about whether patients have the protections they believe exist in their managed care policies.

Are we going to say that we stand on the side of patients? Are we going to stand on the side of doctors? Are we going to stand on the side of nurses who know that the only real good health care that is delivered is delivered by health care professionals in a clinic or in a hospital room? It is not health care delivered or decisions made in an insurance company or managed care office by some junior accountant 1,000 miles away. Yet all too often that is what is happening. It is why Christopher Roe is no longer with us. This young boy lost his battle fighting cancer and he lost his battle fighting a managed care organization.

That, my friends, is not a fair fight. We know that. That is why we propose passing a piece of legislation called the Patient Protection Act or the Patient's Bill of Rights. There will be a lot of discussion and debate about this for a long period. At the end of the day, the only question is, Whose corner are you in? With whom do you stand? Are you with the patients, doctors, and the nurses? Or are you with the managed care organization and the insurance industry who say they don't want this?

In the names of Christopher Roe and Donna, and so many others that I have discussed previously on the floor of the Senate, we ought to do what is right. We ought to do the right thing. This legislation has been four years in the making. This is a long gestation period. We have debated, debated, and debated again. We have compromised, compromised, and compromised on this legislation. It is now time for us to own up to this responsibility. Let's pass this bill. Let's do it now and do it right.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we are now debating the crucial issue of patients' rights. For better or worse, we have a health care system that increasingly uses managed care to organize and deliver services. Over the next week or two or more, we are here to debate what we need to do to protect patients and to restore balance to our new system dominated by managed care companies, whether insurance companies or HMOs.

Let's be clear; patients need protections. For a variety of reasons—bad customer service, bad incentives that lead to a conflict between care and the bottom line, and simple carelessness and neglect—too many patients have been mistreated by their health care insurance companies. That is why every State in the Nation has acted on this measure to provide protections because we have seen this mistreatment range from the heartbreaking to the mundane.

We have all heard the rare but tragic horror stories in which a managed care company denies desperately needed care, sometimes with catastrophic results for the patient. Many of us have actually experienced the all too common phenomenon, nuisances of being forced to make phone call after phone call to get routine care authorized or having to wait longer than should be necessary to get an appointment with a doctor in a limited network of managed care providers.

That is why I voted in the past for comprehensive managed care reform bills that will deal with the federally regulated plans. This is why I have confidence that I will again vote for a good patient protection bill at the end of this debate.

We have heard some statements on the floor—I think maybe we ought to bring a little reality to it—saying we have to pass this bill right away. This bill is a moving target; it is a shell game, trying to figure out which version is the latest version, what version is the operative version. It did not go through the committee.

People talked about maybe we want to compromise some of it. Normally the compromise, working out of these details, happens in committee. That is why we send a committee markup to the floor. We did not do it this time. So we are going to have to do the committee's work in this Chamber.

But when I hear people talk about how there are 50,000 people being denied insurance, we hear about tragedies that happen every day, some say if we wait a day longer or a week longer, more patients are going to get denied care—just a little bit of reality. The effective date of the McCain-Kennedy bill is October of 2002. That is October of 2002, a year and a quarter from now. So while it is important that we deal with this bill, it is important that we not pass a bad bill. We have the time, and we must take the time, to make sure what we do is a good product.

Legislating is a difficult job. It inevitably involves striking a balance between competing goals. In this debate, that tradeoff is between specific patient protections and the costs those protections will impose on an already strained health care system.

Mr. President, 43 million Americans lack health insurance coverage. That is an important fact to remember and one we have to keep in mind as we deal with assuring that patients are protected. Even if Congress does nothing here, that number is almost certain to go up, perhaps dramatically, in the wake of health care costs that are shooting up 13 percent this year, following a year in which they rose by 12 percent. That is more than a 26-percent increase in just 2 years, a rate that is not sustainable. I might add, in the next year or two cost increases are expected to rise by about the same amount.

The goal of managed care, of HMOs and others, is to assure health care but to maintain some limit on the cost because anybody who has studied economics 101 knows if costs are totally unreasonable, you are not going to get the service. That service in this case is the vitally important service of health care coverage.

Employers, particularly small businesses, make a valiant effort to struggle through and provide health care insurance to their employees. I have talked to and listened to an awful lot of small businesspeople and their employees who are concerned about this particular bill as well as health care costs in general. As costs go up, fewer and fewer small businesses will provide care.

In our employer-based health care system, 75 percent of Americans with insurance get all or some of that coverage through an employer. We have to be careful. We have to be careful to ensure that we do not drive, particularly small businesses, out of the business of providing good health care coverage for their employees.

This is the dilemma. It is really the crux of what we will be talking about over the next several weeks: Which patient protections are worthwhile and when is the price of lost coverage too high?

Let me emphasize that. What is the cost in terms of health care coverage to increasing the cost of health care protection? After all, a pro-patient protection bill that takes away a family's health insurance does not provide any protection at all. If they lose their coverage, we have done exactly what we should not have done, and that is to deny them any coverage.

With all this in mind—the importance of patient protections, the danger of rising costs—what should we support? In the past I voted for, and I will vote for again, a strong Patients' Bill of Rights that contains basic, reasonable, commonsense patient protection.

This includes guaranteed access to emergency room care. Americans should not have to worry their insurance company will not pay for necessary emergency care or even for care that reasonably seems to be an emergency. I have gone to the emergency room with problems that looked very serious and after treatment found out, although they were a problem, they needed care but they were not a critical emergency. But those should be covered.

Second, a guarantee that patients get all information on treatment options. Doctors and patients need to be able to discuss openly all possible treatment options without gag rules.

Third, a right to a quick, independent, and expert appeal process. There must be an appeal to a medical expert outside of the HMO to guarantee the HMO is not focusing too much on its bottom line and not enough on the patient's bottom.

The appeal must be quick so patients get care when they need it, strong managed protections for our children, such as the ones I included in Healthy Kids 2000 legislation 2 years ago. These include the right for a child to go see a pediatrician without being forced to see a nonpediatrician gatekeeper. Pediatricians are not specialists to whom children need to be referred. They should be a child's first line of care.

Next, the right for a child to see a specialist with pediatric expertise, including going to children's hospitals when necessary. Children are different from adults. Their care is different. Doctors who primarily treat adults are not always prepared to interpret and attend the unique needs of children. A sick child needs to go to somebody who specializes in taking care of sick children.

The right to have a pediatric expert review a child's case when appealing an HMO decision. Again, even an experienced medical practitioner who deals only with adults may not have the ability, the expertise, and the training to make a decision about what kind of care a child needs.

Let me tell you a few things about what I do not support in the patient protection debate. Unfortunately, I must put at the top of the list of what I cannot support the McCain-Kennedy bill. The McCain-Kennedy bill contains some good provisions—all of them do. There are good provisions in all of these bills. But the McCain-Kennedy bill is overzealous; it goes much too far towards creating a litigation-heavy, costly new world of health care.

I will take the opportunity in the following days and weeks to go into detail on some of the glaring problems presented by the McCain-Kennedy bill and the profound threat this legislation poses to continued health care coverage for millions of Americans. For now, let me begin by highlighting the major flaws in this significantly flawed bill.

Problem No. 1, the McCain bill will dramatically increase health care costs and will take away the health insurance of more than a million Americans. The new costs this bill imposes will be paid by everybody who has health insurance. The lucky ones will just pay more. The unlucky ones will lose their coverage. That price is simply too high.

Next, the cost of this bill will hit small businesses and small business employees particularly hard. Without the clout of larger companies, small businesses right now face higher prices and have more difficult administrative hurdles when they try to buy health care. While this makes it far more difficult for small businesses to provide health care, millions of small companies try to find a way and do it anyway. I fear that will dramatically change if the McCain-Kennedy bill passes.

Since late last week when it was announced that we would be debating the McCain-Kennedy bill, my office has been inundated with letters, calls, and faxes from small businesses in Missouri. The message has been unanimous. Missouri's small businesses are struggling to provide health care despite high costs. They fear what the Kennedy-McCain bill will do to their ability to pay for health care. Many say they will drop their coverage if McCain-Kennedy passes.

This is not just a phenomenon related to my State. This is what we in the Committee on Small Business are hearing from across the country.

Let me read excerpts from one of the many letters I have received. I will not use his name, but I want to give you a flavor by telling about the important parts of the letter.

He says:

> I am writing this letter in regard to Senator Kennedy's Patients' Bill of Rights, S. 283. My family owns a small agriculture business selling certain kinds of farm equipment and lawn equipment with a fully staffed sales, parts, and service department. I offer health care coverage to my employees and paid 100 percent on the premiums until about 5 years ago when our health care costs got too high to continue. So I went to 50 percent on both the employees and their dependents, thus helping our business but strapping my employees with added costs to raise their families.

> This year our health insurance went up 34 percent. Last year, it was only 24 percent. But where is this going to stop? How am I, as a business owner who has 23 families depending on me for their livelihood, supposed to make a profit in order to pay them a livable wage and benefit package in a severely depressed agriculture economy while our liberal Government leaders are trying to further increase my expenses? If these costs escalate much further, I anticipate that I will have to drop my health plan altogether, especially if I am to be held responsible for medical court cases. I will, at a minimum, drop my group health coverage and think very long and hard about closing down and counting my interest and rent checks instead of continuing to run this business.
>
> We need relief from Government regulations that are sucking all the profits out of our organizations causing us to employ one person to do nothing but Government paperwork. We need to eliminate the death tax or inheritance tax. Please just say no to Kennedy care disasters.

From time to time during the debate on this bill I will read from other letters from Missouri businesses to remind us of the real-world impact of this legislation.

On this chart, I have an up to the minute count of the employees of Missouri's small businesses that would, as I understand, lose their health care coverage if McCain-Kennedy passes. These are letters from small businesses in Missouri that say that, as of this date, if Kennedy-McCain passes, they will drop their health care plan. Our running total on the number of employees who will lose health care if this bill is signed into law right now is 1,042.

That may not seem to be a lot, but that is a tremendous burden on those employees and their families. These are real people. These are the ones who will be totally unprotected if we pass the McCain-Kennedy legislation.

Rest assured that I will seek opportunities during this debate to find ways to shield small businesses and employees from the most outrageous aspects of this legislation.

I don't think anybody intended to cause health care coverage to be dropped. That was certainly not my understanding of the objective of this bill, but sometimes what we do here in Washington has unintended consequences. Very often the unintended consequences are far greater than the beneficial consequences.

Cost-benefit is something we neglect too often. I intend to make sure my colleagues focus on the costs as well as the benefits.

A second problem of the McCain-Kennedy bill is that it focuses too much on lawsuits and trial attorneys by encouraging endless litigation. Lawsuits are an avenue for retrospective blame and incrimination after someone claims they are harmed. Lawsuits in no way contribute to high-quality care. Instead of turning health care over to lawyers, the focus should be on making sure patients get the care when they need it before any harm occurs.

When you are sick, you want to see a doctor—not a lawyer. When I hear about all of these protections from subsequent lawsuits, I am not very interested in leaving my heirs with a bunch of lawsuit claims against a bunch of defendants if I am gone. I want to have a bill that makes sure that I can get the kind of care I need when I am really sick. That is what I think the American people have a right to ask.

A third problem of this bill is that it nationalizes the regulation of health care. State governments have traditionally overseen health care and health insurance, and, as I mentioned, every State in the Nation has done something in this area. They have tried different ways. Many of them have done good jobs.

I believe it was Justice Douglas who said ours is a laboratory where States perform experiments to see which legislation works best. The States have been out there doing it. In fact, as I said, every State has passed some type of State level patient protection act. Now the McCain-Kennedy bill comes along and threatens to impose a one-size-fits-all scheme that will do away with most or all of the tried and tested State law reforms. Some of them may be better than others. We will not know if we pass the McCain-Kennedy bill that eliminates all the State options.

Even worse, it will turn over much of the new Federal regulation of insurance to the Health Care Financing Administration, one of the most heavy-handed, unresponsive, arrogant bureaucracies in all of Washington.

I have spoken in this Chamber before about the Health Care Financing Administration. A couple of years ago, the Health Care Financing Administration was overzealous in its effort to cut the cost of home health care. Instead of saving the $16 billion that Congress asked it to save, it is on the path to saving $60 billion by shutting down health care provided in homes.

As chairman of the Committee on Small Business, I was contacted by many small entities providing home health care services. I set up the hearing. I invited the representatives of these home health care agencies who believed they were being unfairly treated by HCFA to come to Washington. A number of my colleagues wanted to testify. I invited HCFA to come and listen to their comments and provide their response. It seems reasonable, doesn't it? You have a Government bureaucracy that is the subject of all kinds of outrage. You let the people come in and tell what they see as the problem. Then you give the bureaucracy an opportunity to respond, to tell their side of the story.

Do you know what HCFA said? They didn't want to sit around and listen to the complaints of those they regulate. They would be happy to testify if they could testify along with other Senators. I forgot to check to see how many States elected the officials of HCFA to serve in the Senate. The best I can tell, none.

This is the agency that would tell State governments what kinds of health care provisions they could have. I don't think so. That is not the way we need to go.

Finally, in what I think is a major oversight in the Kennedy-McCain bill, it doesn't do a single thing to help Americans get access to health coverage. At the same time, it is threatening coverage from millions of Americans. If we are going to do harm, we ought to be prepared to help. That is why I intend to continue with my effort of introducing an amendment that will immediately allow self-employed Americans, including the 34.8 million uninsured Americans in families headed by a self-employed individual, to fully deduct their health insurance expenses.

Patients need protection through a Patients' Bill of Rights. But there is a right way and a wrong way to do it. The right way limits itself to commonsense reforms that help patients get care when they need it. The wrong way—the McCain-Kennedy way—encourages endless litigation, nationalizes health care oversight, and takes away insurance coverage from more than 1 million Americans.

There are some people who say this bill is a lawyers' bill of rights, not a Patients' Bill of Rights.

What is wrong with the right to sue?

The McCain-Kennedy bill is a trial lawyer's dream that will raise health care costs, subject our health care system to frivolous lawsuits, and will make trial attorneys rich. Despite Democratic insistence, this will put employers at risk of being sued. The so-called cap on damages in the McCain-Kennedy bill is practically worthless because it applies only in one area and leaves a variety of other types of damages uncapped. There are no caps on attorneys' fees and the outrageous contingency fees many trial lawyers force on their clients.

What types of lawsuits should we allow?

Because of the destructive capacity of plaintiffs' attorneys, we must be extremely cautious with any new lawsuits. I realize there are some situations where we need to expand the right to sue, but first everything must flow through an appeals process through which a patient can go outside the HMO to get an expert's second opinion.

Before we resort to lawsuits—which can't provide care—we must ask patients to complete this appeals process because it can result in a patient getting care. And that is what we should be talking about. But if a health insurer doesn't comply with a independent expert decision that a patient should get care, on it acts in bad faith or extreme negligence by denying care that the independent expert says is needed, the patient should be allowed to sue for damages.

The McCain-Kennedy bill limits punitive damages—although they call it a "civil assessment" to $5 million in the new Federal lawsuits their bill will allow. But economic and noneconomic damages in Federal lawsuits are still uncapped. It won't be hard for trial lawyers to find ways to milk these alternative types of uncapped damages for all they are worth.

At the State level, the McCain-Kennedy bill does nothing to impose caps on damages, even for punitive damages. While some States have their own damage caps for malpractice lawsuits, in many States these caps won't apply to the new lawsuits and the new Federalization of State health insurance regulation permitted under the McCain-Kennedy bill.

Bottom line—the caps in the McCain-Kennedy bill barely provide even a fig leaf of protection for those who will be sued.

The State-level health care liability system that exists for doctors has failed. It dramatically increases costs through defensive medicine. It encourages doctors to quit the profession. And not only does it not encourage quality care, it hinders quality care by creating a code of silence that prevents health professionals from talking about how to systematically avoid medical mistakes.

Studies show that most people who get negligently harmed in health care do not get compensated, and those that are compensated are often not harmed. Again, studies show that whether or not a patient was negligently harmed has almost no connection to whether they get compensated.

The American tort system is like a lottery in which most patients lose, a handful of patients win big on a random basis, and trial lawyers strike it rich by raking off the top of each lawsuit.

This is a huge flaw in the system to which the Kennedy-McCain bill will subject us even more.

Some supporters of the McCain-Kennedy bill claim their bill exempts employers from the new lawsuits permitted by the bill. That is a great line. My colleagues pointed out, on page 144 it says: This "does not authorize a cause of action against an employer or other plan sponsor maintaining the plan . . ." That is the good news. The bad news comes in the next paragraph. It says:

> (B) Certain Causes of Action Permitted. Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor . . ." And then it lists the exceptions. It goes down this page, goes down this page, goes down this page, goes down this page, and comes over to this page. Those are the exceptions. That is what happens to you if you are an employer.

That is why, with four pages of exceptions, a lot of employers of small businesses in my State and around the country are simply going to have to get out of the business of providing health care. It scares the heck out of them, and it should.

As we heard from small businesses, this is their concern. They want good health care for their employees, but they cannot afford to stay in business and expose themselves to the lottery of a tort system out of control.

If employers are so well protected, why are they scared? Well, simply, they are not exempt. If the right to sue is so great, why not provide all employees the right to sue—Federal Government workers, seniors in Medicare, all of the other causes? We look at it, and it is probably too expensive for the Federal Government. Think of what it is for the patients who are employees of small businesses. If they lose their health care coverage, it does little good for them to know that maybe—just maybe—they would have had the right to sue.

We are having the right debate, but the McCain-Kennedy bill is the wrong solution. I urge my colleagues to take a look at this seriously flawed legislation and to help us improve it. If we succeed in making substantial changes, I hope we will pass a dramatically different bill that represents a more reasonable and affordable approach.

I thank the Chair and yield the floor to my distinguished colleague from Tennessee.

The PRESIDING OFFICER (Mr. Reed). The Chair recognizes the Senator from Tennessee.

Mr. FRIST. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. Three minutes forty-five seconds.

Mr. FRIST. Three minutes. Thank you, Mr. President.

I will be very brief. I commend the Senator from Missouri for outlining what are really the fundamental problems in this legislation. It boils down to the fact that essentially, with the same patient protections that are in the Frist-Breaux-Jeffords bill, they offer it at a price which drives hundreds of thousands of people to the ranks of the uninsured.

The Senator from Missouri just had up a chart in relation to the number of employees of small businesses who are going to lose their insurance because of this bill. It tells the whole story. Over the next several days we will be able to weave together why. But it goes down to what the Senator from Missouri just outlined.

You have to read the bill. You have to look at the exceptions. In the bill there is the statement that employers are excluded, but then you go through exception after exception after exception, where you have these lawsuits where the employer can be sued. That creates insecurity and uncertainty for the future. Clearly, an employer is not going to maintain that new liability which can put him or her out of business the next day.

One of the problems we will get to in reading the bill—and I only have a couple minutes now—is the fact that under the Kennedy bill, once you get to court, you can go either to State court or Federal court. If you do not like Federal court, you can go back to State court. If you go to State court, since there are 50 different State courts, you can shop from court to court.

If you are an insurance company, and you cover five or six States, and a patient sues you, that patient will say: Well, they cover, for example, Alabama, and there are no caps, no limits there—the tort may be very different—I can sue for an unlimited amount. You have forum shopping on the States.

You can go to State court or Federal court. If you go to State court, there are unlimited economic damages under the Kennedy bill, and unlimited noneconomic damages, and, for pain and suffering, unlimited punitive damages.

Let's say you flip and go to Federal court. If you go to Federal court, again there are unlimited economic damages, unlimited noneconomic damages, and, yes, there is this $5 million limit on punitive damages. You might decide to go back to State court: No caps, no limits—shopping back and forth. That is what is in the underlying bill.

Can it be changed? Hopefully, it can be changed during the debate. Clearly, this sort of forum shopping between Federal court for nonmedically reviewable decisions—in the new bill, which is just introduced three nights ago, there is a whole new provision which greatly expands what you can go to Federal court for, and I quote what is in the new bill—it was not in the bill 5 days ago but is in the new bill—"violation of any duty under the plan," which is a brand new expansive right to sue.

Mr. President, how much time do I have at this juncture?

The PRESIDING OFFICER. The Senator from Tennessee has 50 seconds.

Mr. FRIST. Fifty seconds.

So we do have to read the bill. Again, it is going to take time as we go through it line by line. When you see this expansive new right to sue in Federal court, which was not there last week or a month ago or 2 months ago or in last year's bill—I don't know if it was snuck in; it is in this new bill—all of a sudden it opens up a whole new category for which you go to Federal court. But if you do not like that, maybe you will decide to go to State court. There is no bifurcation in the bill as written.

Once again, that is just an example of why we need to read the bill. It is critical that we do so as we move forward; otherwise, we are going to cause hundreds of thousands of people to lose their insurance.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, during the next few days, we have the opportunity to finish important work that was started years ago. We can finally enact meaningful patient protection legislation by passing the McCain-Edwards-Kennedy Bipartisan Patient Protection Act. The time has come to ensure that patients of managed care organizations receive the protections that they deserve and HMOs can be held accountable when they wrongfully delay or deny coverage.

Many times, it is difficult for people to understand how the issues we debate here relate to their everyday lives, but that is not the case with patients' rights legislation. The preponderance of managed care organizations makes it crucial that participants in these plans have basic protections. Over 25 percent of the U.S. population is enrolled in an HMO. Over 60 percent of Americans and over 75 percent of insured employees are in some form of managed care. Receiving health care through managed care organizations is not a matter of choice for most of the 160 million Americans in these plans and uniformly providing quality care should be the standard for health insurers.

I hear from my constituents about this issue constantly and they are anxious for this legislation to be debated, voted on, and signed into law. They want guaranteed access to specialists. They want to be sure they can receive emergency services as soon as possible and from any appropriate provider. They want to be able to participate in life-saving clinical trials. They want a fair, independent and timely appeals process when HMOs deny care. And they want to know that their HMOs will be held accountable for the harm caused by wrongful denials or delays in coverage. The Bipartisan Patient Protection Act ensures patients receive common sense protections and this bill provides these protections without significantly increasing health care costs or unfairly opening employers up to liability.

Like my colleagues, I have heard from hundreds of constituents who are deeply concerned about the unfair treatment they receive from their HMOs. They have been in situations that any of us would dread. They discover they are ill, or that their child or spouse is ill. These situations are taxing enough, but many of my constituents and many Americans throughout this country find that in addition to fighting a personal or family illness, they have to muster extra strength to battle their HMO. When people are at their most vulnerable, they are being treated unfairly and being denied the care to which they are entitled. This legislation will put a stop to these practices.

The McCain-Edwards-Kennedy bill would not subject an employer to liability for HMOs unless the employer "directly participates" in a health treatment decision. Only those very large employers who run their own HMO would be liable. So if an employer were not acting as an HMO, they would not be held accountable as an HMO. In addition, the Congressional Budget Office has estimated that this legislation would only modestly increase costs—4.2 percent over 10 years. Of this modest increase, only .8 percent is attributed to the liability provisions of the bill.

As we debate this measure, the experience of one of my constituents comes to mind. She is a young woman who loves the outdoors. One weekend during a hiking trip in the Shenandoah Mountains, she lost her footing and plummeted to the ground from a 40-foot cliff. Though she suffered significant injuries, she was fortunate to have survived.

Unfortunately, her fight to get well was not the only challenge she faced after her accident. Her HMO denied her claim on the grounds that she had failed to gain pre-authorization for her emergency room visit. She fractured her arms, pelvis and skull. Her survival was largely dependent upon her being airlifted from the trail to a nearby hospital and her bills climbed to over $10,000.

Apparently her HMO wanted her to call for preauthorization before she received emergency care. This would have been an impressive feat for her considering she was unconscious at the foot of a mountain. I am unsure exactly when this young woman was supposed to have made this call to her HMO. When she was unconscious on the ground with broken bones? Or maybe when she was in the helicopter being flown to the emergency room?

The fact that she had to fight with her HMO to pay the claims for over a year illustrates the importance of this legislation. All this time, the unpaid hospital bills stacked up and almost forced her into bankruptcy. Unlike many stories, this one did not end as tragically as it could have. This young woman did eventually get her insurer to pay her medical expenses, but only after the Maryland Insurance Administration ordered the HMO to do so. Her unnecessary ordeal and other stories that end up in tragedy show us that the time has come to stop the delaying tactics and pass meaningful patient protection legislation.

If an HMO wrongfully denies care, if it purposely limits diagnostic tests, if it refuses to cover necessary emergency care, if it withholds access to a needed specialist all in the name of saving money, then the patient who was harmed by these actions should have the right to hold that HMO accountable.

Now we have a bipartisan effort to move this legislation. The authors of this bill have worked tirelessly to try to please opponents and they have made significant adjustments. They have limited punitive damages in Federal court to $5 million. They have allowed State caps on damages to stand. They have prohibited parallel causes of action in Federal and State court. However, they have not and should not refuse to abandon the main principles of any true patient protection legislation. We have to make sure any bill we pass is as strong as the bill the House passed in 1999.

I commend Senator DASCHLE for placing such a high priority on patients' rights legislation. His decision to make it the first bill to be debated on the floor under his leadership shows his commitment to this issue. The McCain-Edwards-Kennedy legislation provides a strong, enforceable Patients' Bill of Rights. This bill is long overdue and we should pass it now.

Mr. REID. I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from Nevada for yielding me time.

Families across our country are being denied the medical care they need. These are people who have insurance. They paid their premiums. They think they are covered, but when they need care, too often they find their insurance company is most concerned about its immediate bottom line rather than their health care.

Like my colleagues, I cringe at the stories I have heard: A parent taking a child with a 105-degree fever to the emergency room in the middle of the night only to be told later that their insurance would not pay for the care that was needed; doctors offer their best medical opinions only to see them overruled by an insurance company. Too often the system makes it harder for patients to get the care they need. There is more of a focus on short-term costs than quality care.

The truth is those decisions by insurance companies and HMOs have real consequences. A child's condition may worsen. A dad might not be able to go to work. A mom may need around-the-clock medical care. But under the current system, these patients have no legal recourse. If the company they paid medical coverage to makes a bad decision, there is little recourse. That is wrong. That is one of the problems I hope we can fix by passing the Bipartisan Patient Protection Act.

For several years, I have been working in the HELP Committee, with my colleague presiding today, and here on the floor to make sure that patients get the kind of care they need. Last Congress, the other side put forth a very hollow bill that excluded many Americans and didn't provide the protection patients needed. But this year, we finally have a real chance to help families. That is why I am proud that this is the first major bill being offered in a Democratic-controlled Senate.

I support S. 1052, the Bipartisan Patient Protection Act. It gives patients the protections they need. During this debate, many amendments will be offered. Some of them will weaken the bill and draw the debate away from patient protections. I will call those attempts as I see them. I will work to make sure that patients' rights are not watered down over the course of the debate.

Health care quality and access are top issues for people in my home State of Washington. A few weeks ago, I spoke at a forum on health care in Olympia, WA. We were expecting at the most maybe 100 people would come to that event. When I arrived at the Olympia Center, I saw almost 600 people packed into the auditorium and into rooms they had opened for overflow. They turned out in tremendous numbers and spoke with such great passion because they are concerned about access to health care.

As we begin this year's debate in the Senate, I want to outline some of the problems of our current system and some of the reforms I believe are really needed. I do mention that we are not trying to eliminate managed care. In fact, it is important that we have ways to coordinate care and focus on prevention and wellness and to diagnose problems sooner. When the incentives are right, managed care can work.

In Washington State, it has helped play a role in improving life expectancy, lowering infant mortality, and ensuring women get mammograms. Unfortunately, however, today the incentives are all wrong. They focus more on cost than on care, more on a company's short-term financial health than on a patient's long-term physical health. We need to change the incentives so people are fighting illness, not fighting their insurance company.

We need to make sure insurance protects you when you become ill and prevents you from becoming sick in the first place. We need a system where doctors are not spending 45 minutes on the phone with an insurance company so a sick child can be admitted to a hospital. We need a system where parents can take an injured child to the closest emergency room instead of one that is miles away because the insurer demands it. We need a system where the ultimate decision rests in the hands of patients based on the best medical advice of their own physician.

We need simply to restore the doctor-patient relationship. Too often today a doctor is allowed to be little more than a consultant. Sometimes his or her recommendations are accepted. Other times they are not because someone else made a decision for that patient, someone who has not even seen that patient and who is not even a qualified or licensed health care provider. We need to help companies that are trying to do the right thing but are being beaten out by some bad players. We need a system where patients will know up front what their own rights are.

These days it is only when they become seriously ill that patients learn how good or bad their insurer or their HMO is. That is why we need clear, uniform, Federal quality control standards that protect all consumers. Those are some of the changes we should seek.

I now turn to a few specific points I will be fighting for in this debate.

First of all, we need to guarantee access to specialty care. Secondly, we need to guarantee access to clinical trials and comprehensive care. We need to cover emergency treatment and not just the care provided in the emergency room itself. We need to make sure we protect as many Americans as possible. Some bills have such a limited scope that many patients would get no protection.

Finally, we need to make sure that plans are held accountable for health care decisions and that the external review process is objective and timely.

Those are some of the things I will be fighting to make sure we keep in this debate.

We know that patients aren't getting the care they need. We know what the problems are, and we have a bill in front of us that will fix them.

The American people have been waiting too long for real health care protection, and we have an obligation in the Senate to give them the coverage they need. That is what this coming debate will be about.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, a number of our colleagues want to address the Senate. So I will speak briefly this afternoon.

I want to come back to one of the provisions I believe is so important in our legislation. I don't think there really should be any doubt about our strong commitment in the Senate to protecting American patients on the issue of clinical trials.

As I mentioned earlier when I had a brief exchange with my friend and colleague from North Carolina, I think any Patients' Bill of Rights that is going to be worthy of its name is going to provide good protection for clinical trials. As I have mentioned on other occasions, we have seen a vast expansion of basic research and commitment by this body. We have doubled the NIH budget in recent times. Recently we have witnessed the mapping of the human genome and the sequencing of genes.

Rarely does a day go by when we don't hear on radio, see on television, or read in the newspapers about some new kind of medical breakthrough. These breakthroughs can make a very important difference in the quality of health and life for American patients. Our whole biotech industry has been increasingly effective at making progress in areas which we could not have possibly have imagined. It is true with the orphan drug program, which we intend to reauthorize this year. On just about every front, we have seen the most remarkable progress. But in order for that progress to take life, we have to see the progress made in the laboratory get to the patient. The key aspect of this transition is clinical trials.

We believe clinical trials offer enormous hope for thousands of our fellow citizens. What we have seen in recent times is that one of the most serious abuses by HMOs is the denial to participate in clinical trials. Had these patients been involved in clinical trials, in many instances their lives would have been saved. This has been commented on by our colleagues. Their lives would have been greatly enhanced if they had been able to participate in these clinical trials.

I still remember very clearly the testimony we had before our HELP Committee on this issue a number of months ago. We had the director of the Lombardi Center, named after the great football coach, here in Washington. We asked him about what their principal challenges were as a research center. He said they had hired a number of people, and the people they hired were professionals. However, what they were hiring them for was to wrestle with the insurance companies to permit those individuals who ought to be included in the clinical trials to be so included. They had seen a significant expansion of that—far too many. He said they could have used those resources for additional kinds of trials and benefits for consumers. But he gave so many different examples of people whose lives were basically diminished and, in many instances, lost because of the failure of inclusion.

In the provisions of the McCain-Edwards bill, there are protections which are routine in terms of clinical trials that must be followed. In order to participate, there has to be the prospect that the individual can make progress, and the patient also has to meet other kinds of basic requirements. The last time we debated this issue on a Patients' Bill of Rights, the Senate finally accepted a study on whether clinical trials were really useful, productive, or helpful for American patients.

It is difficult for me to believe that was the final resolution for this body, but it was. What concerns me greatly is the issue of how we are going to eventually resolve this issue.

Recently, the Medicare Program has expanded their clinical trials program. They had to deal with a number of issues. They had to deal with unanticipated patient care costs as a result of participation in the clinical trials. They had to deal with a number of these matters.

It is interesting to note that the alternative proposal from Senator FRIST and Senator BREAUX has a clinical trial provision, but their provision will substantially delay implementation. A fair review of their provision reveals the clinical trials would not go into place for probably 4 or 5 years and also their bill excludes unanticipated patient care costs as a result of participation in clinical trials.

The reason they delay implementation is they want a further study on the allocation of costs between the clinical trials and the insurance companies. The fact is, that study has already been done. That review has already been made. The facts are in and they have been examined, reexamined, and examined again. They are being implemented at the present time and are virtually unchallenged.

We have to ask ourselves why we should have a whole other additional process that is going to delay clinical trials under the proposal of our colleagues. I have not heard the justification or the rationale for that.

Also, the alternative to the McCain-Edwards proposal excludes the FDA clinical trials. That, I understand, is directly as a result of the request of the insurance industry.

That does raise important questions because the FDA reviews are some of the most advanced reviews, some of the most important reviews, and some of the trials are at the edge of potential benefit to consumers. Yet they are completely excluded. They are included in our proposal because we value those important clinical trials.

This provision of clinical trials may not seem as important, but if one asks the breast cancer coalition in this country about what is extremely important in the protections of women and the treatment of women, they will mention clinical trials.

If one talks about other dangers of cancer, by and large, the issue of clinical trials will be at the top of their list, a top priority, a top patient protection, and we believe in that. We share that view. This is something that is absolutely essential if we are going to move ahead with the protections of patients.

We have done that previously. We have seen how there had been an allocation of resources historically between the insurance companies when they covered patients and the trial itself as a general understanding, as I mentioned, under Medicare, about those allocations of resources, what should be allocated for the clinical trial and expenses associated with that, and also what would be allocated by the continuation of care which the HMO would be otherwise required to pay.

One of the loopholes that has been added to this is the issue about some reaction to the clinical trial that may be related to the illness or not, say, someone going in under a cancer protocol and then having some kind of adverse reaction as to make their situation more complicated. Yes, that may happen in certain circumstances, but it does seem to me we ought to address that. We have done that in the past. There is no reason we should not. That has not presented itself as an impediment to moving ahead on this issue. We ought to be able to get that behind us.

I am strongly committed to ensuring that whatever comes out of this body in terms of the Patients' Bill of Rights has these protections.

I might mention a note from the Cancer Society:

> On behalf of the American Cancer Society and its 28 million supporters, I am writing to respectfully request that you allow debate on the Patients' Bill of Rights to move forward and that you support the "Bipartisan Patient Protection Act of 2001." As the largest voluntary health organization dedicated to improving cancer care, the Society has set the enactment of a patients' bill of rights that provides strong, comprehensive protections to all patients in managed care plans as one of its top legislative priorities for this session of Congress.
>
> While the Society does not have a position on health plan liability, we have identified several other provisions that are critical to cancer patients.

This is what it is, Mr. President. We are concerned about what is critical to cancer patients in this country. It is spelled out here. I will take a few moments to mention them.

> Specifically, we advocate the patient protection legislation that provides all insurance patients with:
>
> Increased access to clinical trials—assuring that cancer patients who need access to the often life-saving treatments provided in both federally and privately-funded or approved high-quality, peer-reviewed clinical trials have the same coverage for routine patient care costs (e.g., physician visits, blood work, etc.) as patients receiving standard care.
>
> Prompt and direct access to the medical specialists. Patients facing serious or life threatening illnesses, such as cancer, need continuity of care—

This legislation provides it—

> the option of designating their specialist as their primary care provider—

This legislation provides it—

> and the ability to have a standing referral to their specialist for ongoing care.

Our legislation provides it.

> Strong, independent, and timely external grievance and appeals procedures.

Our legislation provides it.

Mr. President, the letter continues:

> We are particularly pleased that—

McCain-Edwards—

> includes a strong clinical trials provision that provides access for cancer patients and others with serious and life threatening diseases to both federally and privately-sponsored high-quality, peer-reviewed trials.

The FDA trials as well as other trials.

> Clinical trials are a critical treatment option for cancer patients and are also essential in our nation's efforts to win the War Against Cancer. Without clinical trials, new or improved treatments would languish in the laboratory, never reaching the patients who need them. Unfortunately, only three percent of cancer patients currently enroll in clinical trials. Part of the problem is that many health insurers refuse coverage for a patient's routine care costs if the patient enrolls in a clinical trial—effectively denying access to life-saving treatment.

We are interested in dealing with the challenges of cancer in our society, which is the top killer and the one that is most dreaded.

I remember a great leader in the Senate, Warren Magnuson. He was instrumental in setting up the National Institutes of Health, and strongly supported the Cancer Institute. He said his dream of a newspaper headline was "Cancer Conquered." That is something most Americans agree would be the best possible headline.

Clinical trials are indispensable. Nineteen percent of the children who have cancers are involved in clinical trials. We have had the greatest progress and breakthroughs in the area of children's cancers. Researchers say a very significant reason for that is because of their involvement in clinical trials. We have made slower progress dealing with other cancers, and we have reduced numbers of people included in those trials.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. GREGG. Mr. President, this bill is a very significant bill. It impacts about everybody in America; about 200 million people presently have health insurance. As a result, if we passed a bad law, the unintended, or intended, consequences of it could be dramatic.

It is important to take a hard, intense look at what is being proposed by Senator MCCAIN and Senator KENNEDY as their bill. This is in the context of bills which have already been proposed by Members from our side, some which are bipartisan such as the Breaux-Frist-Jeffords bill; some do not have Democratic sponsorship, such as the Nickles amendment. All have as their basic purpose the same intent underlying—certainly I give credit to the McCain bill for this. The basic intent is making sure individuals are properly treated when they interface with their insurance companies; that they have an opportunity for redress that is effective, which allows them to be sure that if they get poor treatment, they have some way to correct it; and that if they are harmed by their health care provider, they have the ability to recover proper compensation for that harm.

That is a goal all Members have. Everyone who is debating in this Chamber understands the importance of making sure that Americans who get health care have adequate recourse when that health care is not supplied correctly. It is also equally important Americans have a certain set of rights when they are dealing with their health care provider in areas such as the type of physician they would see and the type of referrals they would get and the issue of specialists. That is also equally important.

All the proposals that have come forward address that issue. I have not yet heard of a case from the other side of the aisle—and they have presented a number of anecdotal cases, and they are compelling, people who have had problems with their insurers. I have not heard one of those cases where that individual would not have had the ability for redress or be taken care of under either the Nickles or the Breaux-Frist-Jeffords bill. The issue is not about that. It is not about whether or not we are concerned about individuals getting fair treatment from their insurer. It is not about individuals having a set of rights which are protected when they deal with their doctor, who is representing their insurance company, or whether they deal with their insurance company. That is not what this issue is about.

It comes down to a couple of substantive questions as to the differences. The first involves States rights versus Federal rights. That is called scope. It is a question of what authority do we have as a Federal Government to take over authority which has traditionally been handled by the States, especially in the area of insurance. Insurance has traditionally been a State responsibility.

As a former Governor, I know it is something every State takes very seriously and is very committed to. New Hampshire's laws for protecting patients are much more aggressive than proposals in any of the three packages here. That is one element of difference. The other element is something I want to talk about, the area of liability. Liability is a term that has huge implications. The practical effect of the McCain bill, no doubt about it, is that there are going to be created innumerable opportunities for lawsuits to be initiated against not only insurers but equally against employers, small employers and large employers. Mom-and-pop grocery stores, mom-and-pop gas stations, mom-and-pop restaurants, small, struggling production facilities, software companies, and large employers—Wal-Mart, Ford, whatever, the big ones—those employers are suddenly going to find themselves drawn into literally hundreds of potential opportunities for liability.

What is the effect of that? The effect of that is a large number of employers, especially small and midsize employers, are going to throw up their hands and say: Hey, listen, I can't afford the risk.

The average malpractice lawsuit in this country costs about $77,000 to defend if you are in an employer situation. There are a lot of small employers for whom $77,000 is their entire profit margin for the whole year. They may get hit with a multiplicity of lawsuits under this bill that do not exist today. This is a new law created for the purposes of creating new lawsuits. This is a bill that is of the lawyer, for the lawyer, and by the lawyer—for the trial lawyer. And the practical implication is that a lot of employers, a lot of people who want to take care of their people they work with, are not going to be able to, and they are going to simply have to drop their insurance. They are probably going to replace—some of them, the more substantive, will be able to replace their insurance by saying to the employee: Go buy your own insurance. Here is the money.

They will never get as good a package in most instances as their employer could get for them because they will not have the ability to negotiate with the strength of a large number of individuals. Individuals seeking individual policies simply get charged a lot more than groups that have been pursued as a result of a group of employers banning together or even one large employer banning together and pursuing an insurance company. The quality of the insurance will drop for those individuals. An even greater number of employees are simply not going to have insurance at all because small and midsize employers are simply not going to be able to afford it and they will simply eliminate it as an option they present as a benefit in their workplace. So there will be more uninsured.

How can you possibly call something a Patient's Bill of Rights when the practical effect of the bill is to create more people who don't have any insurance at all? So they don't have any rights; they don't have any insurance.

If that is the practical effect of the bill, and it is—you don't have to listen to me. Listen to an independent group such as CBO which has scored this bill as putting 1.2 million people out of insurance. That is the conclusion they came to because of the additional costs that result from the lawsuits, in large part. Those people are not going to have insurance. They don't get any new rights under this bill. They lose all the rights they had. Yet this is claimed to be a Patient's Bill of Rights. Very inconsistent, to say the least.

In the process of setting this bill up, there has been a presentation from the other side that they actually took the other bills that had been pursued in the last couple of years—remember, we have not had a hearing on any of these bills in our committee now for 2 years, which I think is a little bit much—to bring a bill of this size to the floor without any hearings at all so the people who are going to be affected could have a forum to make their points.

Independent of that, there were over the last couple of years bills brought to the floor. There was the prior McCain bill, the prior Kennedy bill, and the prior Norwood-Dingell bill.

The representation has been that the McCain bill has moved to the center from those two bills that were introduced before. In fact, that is not true at all. This bill is much more to the left, and by the left I mean it is much more oriented towards undermining the rights of people to buy insurance and have health insurance. By moving to the left, I mean it interferes much more with States rights and it places much more liability on the backs of small employers and also large employers.

This bill moves significantly to the left, not to the center. There are ways to move this bill to the center. Breaux-Frist-Jeffords is a bill that has moved to the center from the Nickles bill that was debated and passed in the Senate last year. If you want to argue center, left, right, this bill moves way out into left field, as compared with the original bills which were introduced and were already pretty far out in left field. This bill, if it were in Fenway Park, wouldn't be in left field; it would be in the bullpen. Well, actually that is in right field. It would be behind the Green Monster.

I point out a few areas where this occurs. First, as I have mentioned, it significantly expands liability for employers. Sponsors of the McCain bill say they have compromised by including a $5 million cap on punitive damages. However, the cap only applies in the Federal liability provisions added to the bill—it is sort of a bait-and-switch thing—and not to the more expansive liability provisions under State law.

One of the ironies of this bill is you can go forum shopping. This is one of the favorite things trial lawyers like to do. I used to do a little bit of trial work. You love to forum shop. You find out what court has the best judge; you find out what court historically has the juries that give the highest award; you find out what court has the best rules to improve your capacity to win your case on procedural grounds; and you move to that court. If it is a Federal court, you go Federal. If it is a State court, you go State. Under the present law, you cannot do that. You cannot bring an ERISA claim in a State court. But under this bill, it expands dramatically the opportunity for forum shopping. Then it says: But, hold it, we put in a cap so you don't have to worry about that.

Unfortunately, there are a lot of States that have no cap. They have no limitation at all on damages.

Further, the bill itself allows unlimited damages for economic and noneconomic losses—damages within the Federal court system. It expands the right to sue for violations of duty under the plan. This is a brandnew concept. It creates a whole new cause of action out there where employers will suddenly become liable for contractual activity on HIPAA or COBRA or ERISA that they are not liable for today, relative to a private lawsuit.

I have a chart. I don't have it on the floor today because I had it up so often I thought people might be getting tired of it. But it shows there are potentially 200 new causes of action just on this one point alone.

Then it says it does not have punitive damages. In fact the earlier bills did not have punitive damages. At least H.R. 990, which I think is the original Norwood bill, did not. But, in fact, it creates a new term of art, which is essentially punitive damages, and it allows those damages, as I mentioned, to be recovered at the rate of $5 million.

Here is a bill that says it is moving more to the center when, in fact, in the liability area it dramatically expands forum shopping, it dramatically expands punitive damages opportunities, it dramatically expands the number of lawsuits that can be brought on the issue of contracts and contractual obligations of the employer—all of this is directed at the employer—and it dramatically expands, in Federal court, economic and noneconomic damages that can be recovered against the employer. All of this is new. A brandnew attack on the employer by the trial bar will be allowed under this bill.

This is not moving to the center. This is moving to the left.

Another example, the McCain-Kennedy bill effectively requires that all States pass new patients' protection laws identical to the new Federal requirement. This is a huge step, an intrusion into States rights. Earlier versions of the legislation, both the Daschle-Kennedy bill last year and the Norwood bill, used the standard under the Health Insurance Portability and Accountability Act to determine whether or not State laws would be preempted by the new Federal patients' requirements. That standard does not prevent the application of this Federal law versus requiring the application of the Federal law.

The latest McCain bill adds new barriers for States by requiring that State laws be substantially equivalent to and as effective as each new Federal patient protection requirement. This two-part standard will effectively require every State to renegotiate and pass a whole new group of provisions in order that their laws be virtually identical with the Federal provision. If the State fails to do so, the Federal Government will take over and enforce those rules in every State.

So I cannot see how you can claim this bill moves to the center when the practical effect of this section is to essentially usurp and wipe out States' activities in this area.

My colleague from Maine just spoke a little while ago. She put up a list that showed literally almost every State in the country has aggressively addressed the issue of patients' rights and has established a set of requirements and rights which flow to the patient that are fairly consistent with what we all seek in the Senate. But if they are not exactly or substantially equivalent to and as effective as the Federal law, they will be overruled and the Federal Government will come in and usurp the State authority and actually take over the State's insurance enforcement.

We have had State insurance enforcement in this country for quite a while and it has worked pretty well. So you cannot say a bill moves to the center when it essentially says "to heck with the States, we are coming in, we are the big boys, you are out of the game because we know better than you, State legislatures. You, the State legislature, are not interested in the people who live in your States. We here in Washington are."

That is not a movement to the center. That is a dramatic, if not radical, move to the left, to centralization of power here in Washington at the expense of the States.

In addition, another example of the fact this bill does not move to the center but moves way off beyond the Green Monster, out beyond left field, out past Lansdowne Street, probably down by the Massachusetts Freeway—actually it is not a freeway; it costs money—the Massachusetts Turnpike is the effect this bill has on the ability to bypass the appeals process.

The prior proposals, earlier versions which were pretty far left, out there in left field, as I said, of the bill provided where injury or death had already occurred, and therefore the appeals process would be futile, the patient would not be required to exhaust the appeals process before going to court. The new version permits a person to bypass the appeals process and go directly to court to seek monetary damage if the harm would occur by going through the process.

That may sound reasonable, but you have to read behind that language for the practical impact of what it is.

It is noteworthy that this exception would allow lawsuits for virtually unlimited monetary damages rather than simply allowing patients to get the care they need if they would be substantially harmed by completing the review process.

The new version of the McCain bill also contains a late manifestation provision. This is an amazing provision because this provision essentially says that if the appeal process period has run and you decide that you have a manifestation of harm as a result of being treated, you no longer have to go to the appeal process; You can go directly to court.

The practical effect of this language is essentially to eliminate the statute of limitations. Under this law there is a total abrogation, in my humble opinion, of the statute of limitations. That is a move to the left.

As a trial lawyer, I love the idea that I never have to worry about the statute of limitations because if my office happens to make a mistake and not reach that 3-year window or that 6-year window, I am not going to be subject to the errors and omissions suit that I might get hit with by my client because, if there is no statute of limitations, I will never miss the filing requirement.

But going back beyond the manifestations language, this concept that is totally different than what was in the original Dingell-Norwood bill and the original Daschle-Kennedy bill that you as a patient do not have to exhaust your administrative remedies before you go into court, but you simply have to claim harm, and then you can go right after monetary damages, is a dramatic undermining of the capacity to have an effective appeal process. You essentially have no appeal process.

Now all you have are court decisions. Nobody is going to go down the appeal process route. Everybody is going to race to the courthouse with this bypass language.

The way it should be structured, obviously, is that, sure, if you are injured and you are going to suffer as a result of having to go through the appeal process and you are not getting a response, you should be able to go to court, but you shouldn't get the monetary damages at that time. You should get whatever you need in order to get the right medical care, then go back to the appeal process and find out what the proper resolution should be and then move into the court system for the monetary issues.

That is the logical approach. It is actually the approach, for all intents and purposes, that was in the original bill. Now we have another example of moving way over to the left and not moving back to the center, which this bill claims to do. It doesn't move to the center at all.

These are not minor issues—the liability issue, going straight to court issue, and the States rights issue. These are not minor issues. These are big questions in the scheme of how we deliver health care. The reason they are big questions is because, if this bill passes, it is going to fundamentally change the way health care is delivered in this country. It will push a lot of people into the uninsured ranks. As a result, you are going to have this huge momentum for the nationalization of our system.

At this point, I see our leader coming on the floor. I know he has comments that he wants to make. So I will yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, timewise, what is the situation now? Has the time been divided? Is it in blocks of an hour?

The PRESIDING OFFICER. There are 6 minutes 40 seconds remaining.

Mr. LOTT. Thank you very much. Mr. President, I will try to take advantage of that time and make a few remarks. Maybe then I can come back and talk again later.

First of all, I wish to comment briefly with the time we are using now. I think it is an important part of the process that we have opening statements and descriptions of what is in the pending bills—both the Kennedy-McCain-Edwards legislation as well as Breaux-Frist and other legislation—so we can see where the similarities are and find where the problems are.

We did not want to go forward with the amendment process on Monday because there had been changes made in the underlying bill on Thursday of last week, June 14. I presume there will still be more changes offered by the sponsors of the legislation, whether it is Senator McCAIN, or Senator EDWARDS, or others, as problems are identified and as consideration is given to the reservations. Those will be either amendments or substitutes that will be offered.

I make the point that we are not interested in prolonging the consideration of this legislation. We are prepared to go to the vote in the morning on the motion to proceed. We are prepared to begin the amendment process on Thursday afternoon. Hopefully, we can make progress on amendments on Thursday and Friday and on into next week.

I also hope we will find a way before the Fourth of July recess to complete action on a supplemental appropriations bill. A lot of that will depend on whether or not the Committee on Appropriations can act tomorrow on what is in that legislation. We need to get that done or we are going to see more problems develop with the Department of Defense being able to keep our ships steaming and our planes flying. We will need to do both of these issues as much as we can during the next week.

Let me emphasize a couple of points. Others have noted that many of the core components of the various bills that have been offered, whether it is the original Nickles proposal, the Breaux-Frist-Jeffords proposal, or the McCain-Edwards-Kennedy proposal, have a lot of similarities.

Let me talk a minute about where we agree. We agree that we want a Patients' Bill of Rights to protect patients and to ensure those patients get the care they have been promised. That is why we believe so strongly that we need an immediate review process that will get a result hopefully within a managed care entity or an outside review if that is not satisfactory inside of the managed care entity and that it be done on an expeditious basis and not drawn out. Get a result.

That is why the idea of going immediately to court has such little appeal to me because legal action, while it might get beneficial results that would be helpful to the heirs, may be of no value to a patient who will have had all kinds of problems, and perhaps even die, before the conclusion of a lawsuit.

All of the bills have a review process. The important thing, in my opinion, is that the review be quick and that it get the results. If the result is not satisfactory, then there has to be some process to get it considered in the courts. I think we will find a way to do that.

We agree that patients have to have access to specialists. That is what caused us to get into the need for a Patients' Bill of Rights. After the managed care concept was established and started going forward, it was doing a good job. It was providing care at a reduced cost. But some of the managed care entities started to make mistakes. The difficulty is they wouldn't make medical records available to patients, which were their own medical records. You can't have that. The idea that you would have to get permission from some other organization to go to an emergency entrance is unacceptable. You have to have access to emergency care in case of an accident, or whatever. Or if you have an OB/GYN doctor seeing a pregnant woman who then leaves that managed care operation, she should be able to continue to have the care of that OB/GYN.

There is no question that we need to make sure that common sense applies and that there is access to physicians. We need to have some way that cancer patients can have access to clinical trials. We need to make sure there is access for women to surgical treatments or for breast cancer. We need to make sure that patients will be able to continue to see their doctor, if the doctor no longer works for the health care plan.

There is a long list of places where we agree that there needs to be access to information that patients and beneficiaries need. We need to make sure that there are new quality measures available.

We should not ignore the fact that there is a lot of common ground. We, clearly, have some areas where we disagree. Of course, primarily it is when, where, and how you have a lawsuit.

I was a lawyer years ago. I was with a trial firm. We did defense work. But we also occasionally filed some plaintiffs' lawsuits.

I am not opposed to having access to the court systems. Americans deserve that right. The question is, Who can be sued? Should a person, or an entity, an employer, that has no involvement in the decision that is made based on business reasons, costs, or medical purposes be sued? Naturally, a good lawyer will throw out his dragnet and bring in employers, doctors, nurses, the managed care entity, the insurance company—everybody who is within range and, by the way, look for the one with the deep pockets. That is what you really want. You want the one from whom you can get the money.

I think we need to be very careful about who is covered by these lawsuits and when they can be filed. Unless and until the review processes are exhausted, we should not be resorting to legal action.

Also, where a lawsuit is filed does make a difference. I know for sure from my own personal experience, since some of my very closest friends and relatives are plaintiff lawyers, that there is this little thing of forum shopping: Let's look around and find the county in the State where we could get the highest judgment. Or maybe it is in a Federal court; let's pick and choose. Or maybe let's file in both Federal and State court.

In my own State of Mississippi, there are a series of articles being done by a Gannett newspaper, the Clarion-Ledger, that would not ordinarily do an article such as this, noting that there are one or two particular counties in my State that are considered a plaintiff's wonderland, where you can get massive damages if you go into these particular counties. By the way, our insurance commissioner—a very fine insurance commissioner of many years a Democrat—has noted that 46 insurance companies have said: We are leaving this State. We are not going to face these exorbitant, ridiculous judgments in this particular county, Jefferson County, MS.

So where you file does make a difference. We need to pay attention to that.

Of course, there is also the question of how much in damages. Is this about a result or is this about a lawsuit? Do we want health care or do we want legal action? Do we want a reasonable judgment for losses that you have incurred or do we want pain and suffering and punishment? Those are basic questions.

But I hope we can bring all sides together and get a result. I want a result. I want us to pass a Patients' Bill of Rights. I think we need it. It is the right thing to do. And I am tired of hearing about it. It is time to act. It is kind of like what we did in the tax relief bill on the marriage penalty. We have been talking about it for 10 years, about how it is unfair, and that we ought to get rid of it. My question was, Why haven't we done it?

We can do this if both sides can be reasonable. I talked to the President yesterday. There is no doubt in my mind the President wants to sign a reasonable and fair Patients' Bill of Rights. But there is also no doubt in my mind he will veto the McCain-Edwards-Kennedy bill in its present form.

I hope we can go through this amendment process, address the delivery questions, the liability questions, and also see if we can find a way to make health care more accessible to many Americans who are not now covered. Small business men and women have a hard time, even when they really want to, making sure all of their employees are covered because even if they offer them the coverage, and pay half the cost, many employees say: We just can't afford it. We are not going to do it. So they are not covered.

Can't we find a way to give them access to coverage or to help them with the expenses of that coverage? I think we can. I think this is a bill where we can help address that.

Let me note that the distinguished Senator from Nevada is on his feet. I would be glad to yield.

Mr. REID. I just want to say to the Republican leader, you do not have to use leader time. You should not be rushed. Even though you are on Democratic time, you are welcome to it.

Mr. LOTT. That was about the nicest way I have ever been told my time has expired. That is why I was talking fast. I did want to get in a few remarks. I appreciate Senator REID noting that.

At this point, I will yield the floor because we have had very good cooperation in going back and forth every 30 minutes.

I would like to continue that. I will take advantage of leader time another time. But thank you very much, I say to Senator REID.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder. There was an agreement that we would go into morning business at 5 o'clock and that I would be recognized at that time.

Mr. REID. I would say to my friend from Alaska, we were told the Republicans would have no one to speak at 4:30. But that was not factual. People did come. And they have used 35 minutes of the 30 minutes. Senator REED has been waiting.

We would ask, under the agreement that we entered into earlier today, that he use his time. I wanted to speak, but I say to my friend from Alaska, if you are the last speaker for the Republicans, I have to be here to close anyway. Senator REED wants to speak for up to 10 minutes.

I say to the Senator, you can speak for however long you desire.

Mr. MURKOWSKI. I respond to the assistant majority leader, I would probably need not more than 10 minutes.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Rhode Island be recognized for up to 10 minutes—is that adequate?

Does the Senator from Massachusetts wish to speak anymore today?

Mr. KENNEDY. Mr. President, I look forward to addressing the Senate tomorrow morning.

Mr. REID. Mr. President, I ask unanimous consent that the Chair recognize the Senator from Rhode Island for 10 minutes; following that, the Senator from Alaska for 10 minutes; and then I will close out the evening with whatever time is necessary for that to be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to support the McCain-Edwards-Kennedy bill and to commend the authors. They have done some great work in trying to reconcile a very pressing need in this country; that is, to give patients the ability to get the health care they need and, indeed, that they either paid for or their employer paid for.

Today I have heard discussion that this is just about lawyers who are going to enrich themselves. But I think that argument misses the point. The point is, there are lots of lawyers on the other side, on the HMOs' side, who are using their skills to deny patients what they thought they purchased with their health care plan, where they are able to use all the loopholes that are rife throughout our statutes, not to provide care but to provide the insurance companies with an out.

The McCain-Kennedy-Edwards bill clarifies the rights of patients. It makes them specific. It makes them less debatable. Let's make these rights less a contest of lawyers on both sides and more something that the patients of America, the citizens of America, can expect will be their right to demand and receive when they pay for health insurance.

So when you have situations where, instead of specifying, as the McCain-Kennedy-Edwards bill does, the right to a pediatrician as the provider of health care services for a child or a pediatric specialist for a child, you have something nebulous like a physician with age-specific qualifications, that is the type of ambiguity that is rife for the competing proposals, and that leads to the denial of care to Americans. In fact, it leads to lots of controversy, strife, discussion, and debate.

So this legislation has been well crafted over many months to specify, delineate, and clearly give patients their rights; in fact, to give them what they believe they are paying for. And they are already paying a lot.

So I believe that this bill has made great progress in moving from the version we considered in the last Congress in this Senate Chamber, and the version that has been proposed by Congressman NORWOOD and Congressman DINGELL in the other body; and we are moving close, I hope, to legislation that can receive the support of this Senate, which can go forward and be combined with a very similar bill on the House side offered by Congressman NORWOOD and Congressman DINGELL, and then go to the President for his signature.

What it would do, I believe, is to, again, specify clearly, unequivocally, what Americans can expect from their health care provider.

There has also been lots of discussion that this really is going to pull in countless numbers of employers, small businesses, who are going to be ensnared in a web of litigation because of this legislation. But that ignores the very specific language in the McCain-Edwards-Kennedy bill that says that an employer can only be liable if that individual played a direct role in a decision to deny a treatment of health care services to a patient. This is not the situation where a small business buys a Blue Cross plan or buys an HMO plan. This is a situation where an individual in that business organization makes the decision to say: No, don't give that service to that individual who is covered by my plan—a very unlikely circumstance, but one I think most people would agree, if you are making those types of decisions, you should at least be potentially liable for the consequences of those decisions.

I believe the discussion of an employer as being ensnared in this web of lawsuits misses the very specific language of the bill. It certainly is not the intent of this legislation. It never has been. With the refined language and the very specific language, I don't think it will be the effect of the legislation either.

We know that this issue is creating a great deal of controversy around the country. It is generating the activity of interest groups left and right. This morning, early today, the junior Senator from Utah spoke about a doctor who was contacted by the American Medical Association to call the Senator and support the McCain-Edwards-Kennedy bill. In the course of the discussion, he discovered that he really didn't support the bill but he favored the Frist-Breaux-Jeffords approach.

That is not the only calls that are being made out there in America as we speak and debate here. My office received a call from a businessman in Rhode Island instigated by the National Association of Manufacturers who said: Call your Senator and tell him not to vote for Kennedy-Edwards-McCain. But when we spoke with the individual, when we explained the provisions of the bill, particularly the provisions with respect to potential lawsuits against employers, he concluded that the Kennedy-McCain-Edwards bill was the type of legislation he could support because he is not just an employer; he is just not a businessperson; he is a family man. His wife had recently been sick, and he understood the difficulties that are faced in trying to get health care out of an insurance company that is committed to the bottom line, not the health care, principally, of their insured members. He preferred, after discussion, the type of protections included in this bill.

I hope that is a sign that when we can come here to the Chamber and clearly explain the contents of this legislation, we can convince many people across the country that this legislation is in the best interest of the families of America.

Now, I have for several years been working to ensure that this type of legislation pays particular attention to children. I am very pleased to say that the McCain-Edwards-Kennedy bill incorporates many of the provisions of legislation I have submitted along with many colleagues. It protects the right of families to have a pediatrician as a primary care provider and the right to make referrals to a pediatric specialist, not just a specialist. There is a vast difference between an adult cardiologist who may have seen a child 1 or 2 years ago and a pediatric cardiologist who specializes in those types of problems for children. If you are a parent, that is the specialist you want to see. This legislation provides for that access clearly, unequivocally.

The alternative legislation would say the company can find someone who has a specific qualification. Again, the lawyers for the insurance company can find many ways to suggest that that is the gentleman or woman who might have seen a child 2 years ago, a cardiologist, rather than the more expensive doctor not in their plan who is, in fact, a pediatric cardiologist.

This is real progress on the bill. I commend the authors for doing this and pushing forward.

There is one area I would like to see included in addition to what has been done. That is a proposal I have made previously on a bipartisan basis with Senators JEFFORDS and COLLINS to create for each State an ombudsman, someone who can be a point of reference and referral to individuals who have questions about their health care plan. Before you even get into a long, protracted internal review or external review, there should be an individual you can contact and say: Do I have a problem here? I think I am covered for this procedure. Am I really covered for this procedure? That type of advice, that type of objective information on a systematic basis can do much to resolve the potential specter of a plethora of lawsuits.

It is a worthwhile initiative. I hope my amendment can be incorporated into this bill. Indeed, I am preparing to offer such an amendment along with Senators WELLSTONE, WYDEN, and CLINTON. I hope when the process begins for amendments, we can make that improvement to what is already a very fine bill.

This is a very clear issue when you boil it all down. Do you stand with the families of America who deserve health care coverage they paid for or do you stand with the insurance companies whose major concern is their financial solvency and well-being? This legislation stands with and for the families of America. I support it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

ENERGY CRISIS IN AMERICA

Mr. MURKOWSKI. Mr. President, I recognize that we are debating a motion to proceed to the Patients' Bill of Rights. I am tempted, however, to ask unanimous consent that we set the Patients' Bill of Rights aside and go to the energy legislation that is pending before this body. I shall not do that, in deference to my colleagues on the other side, although I must admit, it is somewhat ideal and timely.

What I am going to do is call on the majority leader of the Senate to set a date to take up the energy crisis in America. Polling indicates the No. 1 issue in this country and concern is not education. It is energy.

Under the previous leadership—and hindsight is cheap—this was the week we were going to be debating a comprehensive energy bill in this body. Senator LOTT had indicated that that was the next order of business after education. Where are we in the order of business? We are on the Patients' Bill of Rights. We are supposedly going to be on the supplemental next week. We may take up the minimum wage. We may be on appropriations. Where is energy in the Democratic list of priorities for this body? I am very disappointed that evidently it has been tossed aside under the new leadership.

Where have we been on this matter? We have been busy. The Energy and Natural Resources Committee, which I previously chaired and on which I worked with Senator BINGAMAN—Senator Bingaman now chairs the committee—has been busy inasmuch as we have held 24 hearings. We have had 164 witnesses over the last year. We clearly know what this country needs. We need to produce more energy. We need to develop alternatives. We need to develop renewables. We need to do a better job of conservation. But we have to come to grips with this crisis. We can't ignore it. It is not going to go away.

The issue is ripe for debate in this body, ripe for debate on the Senate floor. We should proceed forward on behalf of the American public who is looking to Congress to provide a solution.

We all know prices are too high; supplies are too low. We all know that too little is being done as evidenced by the calendar with which we are confronted.

I therefore ask the majority leader at this time to agree to bring the energy policy legislation to the floor of the Senate at a time certain, and certainly no later than July 23. I look forward to his response.

To give some idea of the timeliness of this, one only has to look at what is going on in the committees. Yesterday, the Energy and Natural Resources Committee heard from FERC. We heard from the five members of the Commission.

Today, in Government Affairs, we had the Governor of California, Gray Davis, along with other Western Governors, appearing to tell of the energy crisis in their States. We also heard from the FERC relative to the action they had taken unanimously to reach a conclusion to basically take the pressure off what was proposed as legislation to mandate wholesale caps and prices.

I think it is fair to say that we can commend the administration, the President and the Vice President, for holding the course because wholesale caps do not encourage investment. We need investment in new power-generating facilities. As the President knows, if you put very tight caps in, investment will not come in regardless of how many permits for construction are issued. The incentive for a reasonable rate of return has to be there.

Now, FERC has come out with an order that addresses this. It takes care of not only investor-owned but municipally owned utilities. It covers both. It sets a 15-month timeframe in which to work, and it bases its great structure at the lowest efficient contributor into the energy pool.

I commend FERC. We can argue why they didn't do it sooner, but it is important to recognize that FERC has just been functioning with its five members for a relatively short period of time, less than 2 weeks. Where were they last year? There is no use going back and trying to figure out why they didn't act sooner. In any event, it is fair to say that what California needs is not political excuses; they really need practical solutions.

FERC, while working out the solution, found that some in California continue to spin the issue away in the hopes that somehow the blame will be deflected. We heard from Governor Davis. He has been blaming virtually everyone for the problems in California—his predecessor, the State legislature, and he even blamed the Texas ownership that contributes only about 12 percent of the energy that comes into California from Texas-owned energy companies. Twelve percent is significant but not overwhelming. He has blamed the President and the Vice President for problems that began 9, 10 months before they even took office. He has not recognized that, indeed, the President and the Vice President, in their proposal in the energy task force, proposed realistic ways to correct the problem—to correct it for California and nationally—by a balanced comprehensive energy policy. He also blamed power producers for price gouging. He hired the head of one of these groups, David Freeman, of the Los Angeles Department of Water and Power, as his energy adviser.

One has to look at the list of those that allegedly have overcharged California. They contribute about $505 million. Among them is the city-owned Los Angeles agency that distributes water and power in Los Angeles—somewhere in the area of about $17 million in overcharging. Another significant overcharge allegation was leveled against the Columbia River producers on the Columbia River in Bonneville. Nearly $173 million were BC hydro, which constituted about two-thirds of the $505 million.

I suggest that California spends more time discussing the problem of spinning off responsibility than looking forward to how they can address changes by increasing more production in California. I commend FERC, and I share the President's commitment to market competition, not Federal Government command and control. We must never forget that Government itself doesn't generate one kilowatt of electricity, and neither do controls, if you will, on private investment. Only industry can generate the electricity the public needs. Price controls have never spun a turbine and have never stopped a rolling blackout.

In the pursuit of just and reasonable rates, Congress need not pursue new legislation. As we saw yesterday from the FERC, the system is working. The FERC order clears the way for our work on the long-term solution. We must come together now on focusing our attention on putting in place a comprehensive national energy strategy that will help get us out of this crisis and keep us out. That must be our priority. And recognizing the contribution the administration has made in submitting the energy task force to us, the introduction of bills by both Senator BINGAMAN, myself, and a number of Members, which is a comprehensive proposal for relief, should be on the calendar of this body. It should be on the calendar for action now. It is beyond me why those on the other side have chosen to ignore it at a time when it is the No. 1 priority in the country.

Further, on a sidenote, on May 23 of this year, the Committee on Energy and Natural Resources, which I formerly chaired and now am the ranking member, reported the nomination of Steven Griles to be the Deputy Secretary of the Interior. It has been 28 days and we are still waiting to even get a time agreement, which was noticed to us that would be required. The significance of this particular nominee in the Department of the Interior is that the only confirmed position at the Department of the Interior is the Secretary of the Interior.

That is simply irresponsible. It is time for the Senate to let Steven Griles' nomination go. We look forward to trying to work with the majority to achieve this. There is absolutely no excuse to hold this nominee from being confirmed. He has been voted out of the Committee on Energy, and there is little we can offer the majority. The excuse is that they are holding up the nomination until such time as the committees are determined. But we all know the committees are going to be determined with at least one more Member of the majority going on the committees. I don't know what the minority can do other than to recognize that the Department of the Interior serves all of us—both Republicans and Democrats—and to hold up the functional responsibility when we have had the hearing and this nominee is waiting to serve the country bears another examination by the majority. I would certainly be glad to get any explanation anybody might care to provide at this time, or at any other time.

I will leave you with one thought. Back in 1992, we had a similar concern in this country that we were facing—an increase in imports. As a consequence of imports, we were increasing domestic production, as well as domestic demand, and as a consequence, we became concerned and passed out of committee a number of items that are shown on this chart. It is interesting to note, though, what we got out of the process when it went to the floor. We had given on all the supply increases associated with increasing domestic production and reducing dependence on foreign oil. As a consequence, it is rather interesting to see on the current energy plan that there is little relief proposed. Yet in our comprehensive bill on the right, clearly we tried to cover all the areas of concern.

The reason that things are different—and I will show you this on the second chart—things aren't the same as they were in 1992—we have kind of a "perfect storm" scenario. We were 37-percent dependent in 1973. Now it is 56 percent. The Department of Energy says it will be 66 percent by 2010. Natural gas prices soared three to four times. They were $2.16 per thousand, and now it is somewhere between $4 and $5. We haven't built a new nuclear plant in over 10 years, no new refineries or new coal plants.

I thank you for the time. I yield to the majority whip.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say to my friend that I am still the chairman of the Committee on Environment and Public Works, and we have a number of nominations waiting to help Governor Whitman. We have approved a deputy, Linda Fisher. I wanted to make sure she called, and she said she needed that help very badly; and we worked it out so when the Republicans were under control, I made sure that was released and that she could get over there and help.

We have a number of people waiting to go to the EPA. Governor Whitman needs help also with running that important entity.

I think the Senator should check with people on his side. The reason is that we have been waiting since we took control of the Senate to have a simple organizational resolution passed to allow the committee structure to be effectuated.

Rather than having an arrangement where the minority leader, Senator LOTT, speaks with the majority leader, Senator DASCHLE, a committee was formed to meet with Senator DASCHLE.

As we know, any time committees are chosen, it usually slows things down. Someone told me once that a committee was formed to come up with a horse, and the committee came up with a camel. That was their version of a horse. I think the committee is not really serving the Senate well.

I have knowledge, and I am sure their intent is good, nothing has happened in all this time. It seems to me the time has come that something should happen. There has been a lot of passing back and forth of memoranda and meetings, but that is what is holding things up.

As I indicated, we have people for EPA. Senator LEAHY has said publicly on a number of occasions he wants to start hearings in the Judiciary Committee.

This is not, as far as I am concerned, payback time. The fact is that 45 percent of President Clinton's nominations for the appellate court never made it through the process—45 percent. When we were in control last time, the average waiting time for a judicial nomination was 85 days. The last full Congress when the Republicans were in control, the waiting time was 285 days.

This is not going to be payback time. Senator DASCHLE has said that. We are going to conduct the Senate and the committee system in an appropriate way.

We have vacancies in Nevada. We have three vacancies for Federal judges in the small State of Nevada that need to be filled. We hope that can take place quickly. Senator ENSIGN and I have agreed on the judges who should be nominated and sent to President Bush. They are down there now.

I say to my friend from Alaska, we also want the organization of the Senate to formally take place, and we hope the committee of five will get together and take care of the other 44 Senators they represent and move on to what we believe is the appropriate function of this Senate.

I will be happy to yield to my friend from Alaska.

Mr. MURKOWSKI. I very much appreciate the comments of my friend from Nevada who has outlined, I think accurately, the overall situation. I did not in my request highlight the overall resolve of this dilemma associated with the committee and the structuring of the committee. What the Senator said certainly is relevant to having the committees take action.

This issue of Steven Griles is entirely different. The reason it is different is he has been waiting 28 days. That was before the Senate changed hands. For the majority whip to indicate he is part of this, in reality, his nomination was pending before Senator JEFFORDS left our side and joined the other side.

At that time, we were negotiating with the Democrats in good faith to agree to a time agreement, and there was an indication that they would require at least several hours, and we were willing to do that.

I want the record to note Steven Griles is different than the other pending nominations because he was proposed and held up prior to the Democratic Party taking control of the Senate.

I again renew my request that special consideration be given him because his is truly a special case.

Mr. REID. Mr. President, I say to my friend from Alaska, I have not spoken to the majority leader about Steven Griles, but I am confident once this organizational resolution is in effect, that will happen pretty quickly.

Mr. MURKOWSKI. If the Senator will yield on one more point.

Mr. REID. Yes, I yield.

Mr. MURKOWSKI. I can appreciate that, but we are still saying Steven Griles is, in effect, held hostage as a consequence of the policies of the majority now when we could have taken action when we had the majority, but we were trying to work with the minority at that time.

Clearly, we are left in this dilemma of him being caught, if you will, in the tidal backwater which affects us all, whether Republican or Democrat.

As the Senator from Nevada knows, he is from a public land State. He needs some help at the Department of Interior. This action of delaying simply puts off Mr. Griles' ability to serve our country and the Department. That is, indeed, unfortunate, particularly in view of the fact he was voted out of the committee and his nomination is still pending.

Mr. REID. Mr. President, I feel confident that it will be in everyone's interest—the minority, the majority, and every State in the Union—if we can get this organizational situation completed. We have waited far too long. The committee of five should meet as often as necessary with Senator DASCHLE. We only have one representing us and five representing them. I think Senator DASCHLE would make himself available any time of the day or night to get this organizational situation resolved.

PATIENTS' BILL OF RIGHTS

Mr. REID. Mr. President, there has been a concerted effort since the first day of this week to stall, hinder, slow down—whatever term one can use—the movement of this legislation which is before the Senate, the Patients' Bill of Rights. This method to slow down legislation has come about because the managed care entities and the people who work with them, who make a lot of money, have said to the minority: Do not let this legislation move. And the minority is trying to live up to their request. Keep this legislation boxed up. Tie it up for as long as possible.

I announce to everyone within the sound of my voice and I spread over the Record of the Senate that the "as long as possible" has come to an end. We are going to move this legislation. Five years is long enough. We are going to move this legislation now.

In the morning, we are going to vote on a motion to proceed that should have taken place a long time ago. We should not even be having a vote on a motion to proceed, but that is the way they decided to slow it down, recognizing if they slow it down this week, then maybe next week we will not want to work very hard. We have the Fourth of July parades, our 10 days at home, and then they will wait until after the Fourth of July, and we will have appropriations bills and maybe there will not be a Patients' Bill of Rights for the sixth year.

That is not going to happen. TOM DASCHLE—whom I have known since 1982; I served with him in the House and I have the good fortune of serving with him in the Senate; we came here together—has said we are going to complete this legislation before the Senate recesses for the Fourth of July break.

TOM DASCHLE is a man of his word. That is what is going to happen, and everyone should understand that.

Why is this legislation called the Patients' Bill of Rights? It is called the Patients' Bill of Rights because it will create a law that gives patients the rights to which they are entitled, which they now do not have. In short, it will once again allow a doctor to care for his or her patient. That is the way it used to be.

Just think, a doctor can prescribe medicine for his or her patient that will heal that patient in the mind of the doctor, relieve pain, prevent disease. The doctor can do that because that doctor thinks that is best for his or her patient.

Imagine a doctor can refer a patient to a specialist if he believes it is appropriate. That is the way it used to be. That is the way it is going to be in the future.

We have heard all kinds of excuses that if this legislation passes, the sky is going to fall. This is not the first time we have heard these statements.

Senator DORGAN and I spoke today to a person who is a very successful businessman. He said: The reason I like Democrats, but the reason you cause businesspeople concern, is you want to change things: Social Security, Medicare. There are things you are trying to do differently. They work out well, but people don't like change.

Just a few years ago, the Family Leave Act was talked about. The Democrats thought it would be a good idea if America was like most civilized countries. If a woman, for example, had a baby, she would not lose her job. It was called the Family Leave Act. We said: Employer, you don't even have to pay the woman, but she should be guaranteed her job when she finishes 6 weeks of maternity leave.

We can't do that. It will drive us out of business. We cannot have temporary employees. It will be awful.

I defy anyone to go home and have anybody raise the question that the Family and Medical Leave Act has hurt their business. Of course, it has not. It helps their business.

The Patients' Bill of Rights is in the same category. It is going to help our society. In the long run, it will help businesses because it will make the employees feel better about the businesses. We are being told the Patients' Bill of Rights will be like the Family and Medical Leave Act; it will drive businesses into bankruptcy. This is not going to happen.

Everything possible is being brought up about this legislation. What are some of the things I have heard this week? Kill the lawyers—they go back to biblical times. Kill all the lawyers. They have not said that, but that is what they mean. They even know how many people are going to be driven out of the insurance protection field because of this legislation. They say keep legislation in Federal court and not have any in State court: it is too expensive. One dollar a month is too much money? Or nothing happened in committee; we need to go back to committee and hold hearings.

This legislation has been going on for 5 years. We have had days of debate on the floor. We have had numerous committee hearings all over the country. The best way to sum this up, with all the crying and whining and stalling from the other side, is with who favors their legislation. The managed care industry, HMOs, that is who favors their legislation. Who favors McCain-Edwards-Kennedy? Everybody else. Does that mean everybody else is dumb? Everybody else is being led around by the greedy lawyers? The greedy doctors? The greedy nurses? Or does it mean this legislation solves a problem in our country? Is this the reason that 85 percent of everybody—Democrat, Republican, Independent—supports this legislation? I repeat: Who does not support it? The managed care industry, HMOs.

Our Patients' Bill of Rights is a bill that is authored by the very courageous JOHN MCCAIN. When we talk about JOHN MCCAIN, why do we add "courageous"? That is what he is. He is a war hero. But he is also legislatively courageous. He is joined by JOHN EDWARDS, a person in this Senate of great intellect, and also TED KENNEDY, a man who has a lifetime of experience dealing with this issue. They have written a bill that is uncompromised. I will be surprised if this side offers amendments. This is a good piece of legislation. We will take it as it is. We know we will put up with a lot of frivolous stalling, mischievous amendments on this side.

Last night, I ran into a journalist. He said to me: Senator DASCHLE thinks he is bluffing. I talked to a Republican Senator, and they think Senator DASCHLE is bluffing because it can't be done in that short a period of time.

This legislation has been handled in a short period of time in the past under the Republican leadership. When this bill came up in 1999, it finished in 4 days. We had a time certain it would pass—4 days. The bill was introduced and placed on the calendar on July 8. We began consideration July 12. There were no committee hearings either. All amendments were limited to 100 minutes of debate; no more than one second-degree amendment in order per side per amendment. Just prior to the third reading, we agreed that the majority leader, then Senator LOTT, could be recognized to offer a final amendment to which no second-degree amendment was in order. Final passage occurred on that bill. Of course they killed it in conference. Everybody knows that. Final passage was completed in 4 days. We had 17 amendments and 13 rollcall votes. So we can do this in 4 days and complete it by next Thursday if people have the will to do so.

If they don't have the will to do it Thursday night sometime, we will be here Friday, Saturday, Sunday. The Fourth of July is our first day off, a Wednesday, because we are going to work Friday, Saturday, Sunday, Monday, Tuesday, and take Wednesday off and come back on Thursday, the 5th, to complete this legislation. Everyone should know this. It has been done in the past in 4 days. We can do it again.

This afternoon I received a letter. I have a friend in Nevada. He is one of my wife's physicians, a wonderful, kind, thoughtful, considerate man. His name is Frank Nemec. Frank Nemec is not some person who does medicine from the back seat of his car, the trunk of his car. Frank Nemec is an extremely well-known physician around the country. He is published and has written articles for medical journals. He had a Fulbright scholarship to the University of California at Berkeley, graduated with honors from the University of California at Berkeley, attended with a full scholarship the university of California at Los Angeles Medical School, and graduated with honors. He has been president of the State medical society, president of the Clark County Medical Society, Las Vegas, chief of staff of the largest hospital in Nevada, board certified in internal medicine, gastroenterology. This is a fine physician and not somebody out stirring up trouble. He is a man who has been involved in politics only because he believes his patients are being affected.

Here is a letter to me from Frank Nemec:

> As you have heard from so many Nevadans over the past several years, we need a mechanism where patients have options when care is denied. The following case is a clear illustration.
>
> On April 20th, 1999, Joseph Greuble died at the age of 47 from malnutrition. Joseph's malnutrition was a direct complication of his lifelong battle with Crohn's Disease.

I am familiar with Crohn's disease, Mr. President. There are two of what are called digestive bowel diseases, Crohn's disease and gastroenteritis. They are both bad, but the worst is Crohn's. My wife is fortunate not to have such a dread disease as that; she has gastroenteritis. She has spent many months of her life in hospitals.

So I know something about Crohn's disease. The letter continues:

> Joseph's gastrointestinal problem was quite complex. His disease was complicated by ulcerations, fistulae, bleeding, obstruction, electrolyte disturbances, seizures, and chronic pain, and Joseph required multiple operations. Continuity of care is most important when dealing with an incurable, chronic, debilitating disease. In Joseph's case, the system's failure to provide continuity of care proved tragic and fatal.
>
> I served as Joseph's personal physician for 11 years. As Joseph's condition worsened he was no longer able to live independently, and he moved into his mother's small apartment in Las Vegas. His mother would accompany him to my office for all of Joseph's visits and as a result, I came to know his mother Marion quite well.
>
> For over a decade, I performed needed physician examinations, arranged for appropriate diagnostic studies, wrote Joseph's prescriptions, and attended to him in the hospital whenever he required admission due to complications of his disease. One of Joseph's most pressing needs was for nutritional support. Joseph had become malnourished as a complication of his Crohn's Disease, and required TPN (intravenous nutrition).

I am also familiar with that, Mr. President.

> Joseph's weight had fallen to just over 110 pounds, and at 5′ 10″ tall Joseph needed the TPN to maintain his weight and prevent death due to malnutrition.
>
> In January of 1999, Joseph was told by his HMO that I could no longer treat him. Appeals by both myself and Joseph to have this decision reversed were denied. My offer to see Joseph free of charge was rejected by the HMO, as I still would not have been permitted to write his prescriptions, direct his nutritional support, order any diagnostic testing, or request needed consultations.
>
> While I do not have any of the medical records of Joseph's treatment for the three months after he left my care, Joseph's mother informs me that his TPN had been discontinued, that his malnutrition worsened, his weight dropping to less than 100 pounds. Joseph, malnourished and unable to fight off infection, subsequently developed pneumonia, sepsis, and died.
>
> I have received permission from Mrs. Greuble to share this story. Marion hopes that sharing her son's story will help achieve the needed legislation to prevent this from happening in the future. Holding health plans accountable when they harm patients is not about suing insurance companies and driving up the cost of health care, it is about stopping abuses and bringing compassion back to medicine. Until the health plans are accountable, people like Joseph and his family will continue to suffer.
>
> Again, thank you for all the hard work on this important issue.
>
> Sincerely,
>
> FRANK J. NEMEC, M.D.

Doesn't this say it all? Why are we here? Are we here to talk about people dropped from insurance rolls? Are we here to talk about some lawyer fighting a lawsuit that doesn't exist?

ZELL MILLER was on the floor today. Georgia has a Patients' Bill of Rights. Not one single solitary lawsuit has been filed. In the State of Texas they have a Patients' Bill of Rights that the President of the United States vetoed on two separate occasions. They have a Patients' Bill of Rights there. In over 4 years they have had 17 lawsuits, one every quarter. It doesn't sound too overwhelming to me. I don't think it is going to drive the HMOs out of business. So let's get real.

This is about money. It is about the Frank Nemecs of the world who went to medical school to take care of his patients and he is told he can't take care of his patients. He said: I'll do it for nothing. They said: No, you might write a prescription we don't like.

I don't know, this man might have died soon anyway, but he would not have died as soon as he did. I guess the HMO decided his life wasn't worth anything anyway—he's going to die. He's 5 foot 10, weighs 110 pounds. Let's just terminate it more quickly.

We are going to finish this legislation. We are going to finish this legislation and send it over to the House. They can play whatever games they want with it, but I think the games will end over there because we have very courageous Republicans on that side of this institution, led by CHARLIE NORWOOD from the State of Georgia, who have said they have taken all they can.

I almost cried when I read this letter. Maybe if I were not here in front of the world I might admit when I read it in my office I shed a tear.

This is sad. If you knew Frank Nemec, this gentle, big man, you would know how sincere he is.

So why is this taking place? It is taking place because of money. It is taking place because the HMOs want to hang on as long as they can to keep those stock prices up and make as much money as they can in salaries. They are still going to do just fine after we pass this legislation, but they are not going to do as fine as they have been. They are not going to be able to terminate the care of someone such as Mr. Greuble.

Yesterday I read into the RECORD those organizations with names starting with the letter A that support this legislation. I am going to read for a while tonight. I am not going to read them all. This is a partial list. But I want this spread across the RECORD of this Senate that this legislation is supported by America. It is supported by Minnesota, the people in Minnesota and the people of Nevada.

The B's start with Baker Victory Services in Lackawanna, NY. This is a list of organizations that support the Bipartisan Patients' Bill of Rights:

Baptist Children's Home of NC, Barium Springs Home for Children in Barium Springs, NC, Bazelon Center for Mental Health Law, Berea Children's Home and Family in OH, Bethany for Children and Families, Bethesda Children's Home/Luthera of Meadsville, PA, Board of Child Care in Baltimore, MD, Boys & Girls Country of Houston Inc., TX, Boys & Girls Homes of North Carolina, Boys and Girls Harbor, Inc. in TX, Boys and Girls Home and Family Service, Boy's Village, Inc. of Smithville, OH.

Boysville of Michigan, Inc., Brain Injury Association, Brazoria County Youth Homes in TX, Brighter Horizons Behavioral Health in Edinboro, PA, Buckner Children and Family Service in TX, Butterfield Youth Services, Cal Farley's Boys Ranch and Affiliates, California Access to Speciality Care Coalition, Catholic Family Center of Rochester, NY, Catholic Family Counseling in St. Louis, MO, Catholic Social Services of Wayne County in IN, Center for Child and Family Services in VA.

Center for Families and Children in OH, Center for Family Services, Inc. in Camden, NJ, Center for Patient Advocacy, Center on Disability and Health, Chaddock, Charity Works, Inc., Child and Family Guidance Center in TX, Child and Family Service of Hawaii, Child and Family Services in TN, Child and Family Services of Buffalo, NY, Child and Family Services, Inc., in VA, Child Care Association of Illinois.

Child Welfare League of America, Children & Families First, Children & Family Services Association, Children and Adults with Attention Deficit/Hyperactivity Disorder, Children's Aid and Family Service in Paramus, NJ, Children's Aid Society of Mercer, PA, Children's Alliance, Children's Board of Hillsborough, Children's Choice, Inc., in Philadelphia PA, Children's Defense Fund, Children's Home & Aid Society of Chicago, Children's Home Association of Illinois.

Children's Home of Cromwell, Children's Home of Easton in Easton, PA, Children's Home of Northern Kentucky, Children's Home of Poughkeepsie, NY, Children's Home of Reading, PA, Children's Home of Wyoming Conference, Children's Village, Inc., ChildServ, Christian Home Association-Child, Clinical Social Work Federation, Colon Cancer Alliance, Colorectal Cancer Network.

Committee of Ten Thousand, Community Agencies Corporation of New Jersey, Community Counseling Center in Portland, ME, Community Service Society of New York, Community Services of Stark County in OH, Community Solutions Association of Warren, OH, Compass of Carolina in SC, Congress of Neurological Surgeons, Connecticut Council of Family Service, Consortium for Citizens with Disabilities, Consuelo Foundation, Consumers Union.

Cornerstones of Care in Kansas City, MO, Corporation for the Advancement of Psychiatry, Council of Family and Child Caring Agencies in NY, Counseling and Family Services of Peoria, Court House, Inc., Covenant Children's Home and Families, Crittenton Family Services in Columbus, OH, Crossroads for Youth, Cystic Fibrosis Foundation.

Mr. President, we are through the C's. Before this is all over, there will be a partial list in the RECORD. I haven't been able to get them all. There are over 500. I have read in the RECORD a few hundred and I will continue to do so.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak for up to 5 minutes each this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEST VIRGINIA'S BIRTHDAY

Mr. BYRD. Mr. President, I am here to wish a happy birthday to a celebrant near and dear to my heart. The thirty-fifth child in the family, grown from a difficult beginning as a child of war and conflict into a robust 138-year-old, the birthday girl is entering the new century with confidence and strength.

The birthday party in question is, of course, for the wild and wonderful, great and beautiful State of West Virginia, celebrated this Thursday, June 20. In 1863, West Virginia was born by proclamation—the only state so created. Like Caesar Augustus, West Virginia was wrested from her mother, Virginia, at the point of a sword. Also like Caesar, I foresee greatness ahead for West Virginia.

West Virginia is not a large State, ranking 41st at 24,231 square miles. But the stars shone on her birth, blessing her with natural riches, water, and a central location as the northernmost southern State and the southernmost northern State. I might wish for her more flat land, but, on the other hand, I would not trade a level plain for even a single glorious hillside blanketed by lush tangles of wild rhododendron bisected by a clear, cold stream tumbling over rocky drops amid dense stands of oak and maple. Her mountains are her crowning glory, molding her history and her character. They will continue to shape her future. The steep slopes that so complicate development preserve forests and wildlife. Nearly 75 percent of West Virginia is covered with forest. The slopes capture snow for great skiing. They shelter coursing whitewater rivers that attract kayakers, rafters, and fishermen from around the world. In a nation increasingly concerned with urban sprawl, West Virginia remains an oasis of serenity amid the surging tide of advancing humanity, an island of tranquil forest where eagles still soar and the crime rate is the lowest in the Nation.

The mountains have also shaped the character of her people, reinforcing and sustaining the independence of character and the strong work ethic that are necessary in isolated and challenging environments. West Virginians are friendly, caring neighbors, meeting bad weather and hard times with a community spirit that is itself a force to be reckoned with. West Virginians are patriotic as well. The youngest soldier of World War I, Chester Merriman of Romney, enlisted at the tender age of 14. And West Virginians are close to the Creator, reminded daily of His presence by the natural cathedral of sky, wind, water, wood, and stone that is their environment. With a mean altitude of 1,500 feet, the highest average altitude east of the Mississippi, West Virginians are literally nearer to God, as well.

Over the course of the last 138 years, West Virginia has had her share of firsts. In 1756, the first spa open to the public was established at Bath, VA, now Berkeley Springs. The Golden Delicious apple was first grown in Clay

County. The Grimes Golden apple was first grown in Brooke County. In 1787, the first steam-powered motor boat was launched in the Potomac River by James Rumsey at New Mecklensburg, now known as Shepherdstown. One of the first papers in the nation devoted mainly to the interests of women was published in Harper's Ferry on February 14, 1824. One of the first suspension bridges in the world was completed in Wheeling in November 1849.

The Civil War brought a number of "firsts" to West Virginia history books. The first major land battle fought between Union and Confederate forces in that conflict was the Battle of Philippi, on June 3, 1861. The first Union soldier had been killed a few days earlier, at Fetterman, Taylor County.

West Virginia has had other notable "firsts" since achieving statehood. West Virginia was also the site of the first rural free mail delivery in the nation. It began in Charles Town on October 6, 1896, before spreading throughout the rest of the United States. About 1908, outdoor advertising had its start when the Block Brothers Tobacco Company painted bridges and barns around Wheeling with the words "Treat Yourself To the Best, Chew Mail Pouch." Some people now spend their vacations hunting down and photographing those old barns.

On the political front, in 1928, Mrs. Minnie Buckingham Harper became a member of the House of Delegates by appointment and was, according to the West Virginia Archives, the first black woman to become a member of a legislative body in America. A less popular political first for West Virginia is its place as the first state to enact a state sales tax, which took effect on July 1, 1921. As a final "first," I would be remiss not to note here that Mother's Day was first observed at Andrews Church in Grafton, WV, on May 10, 1908. So West Virginia can claim motherhood and apple pie to offset that more sinister pair—death and taxes. We really do have it all.

West Virginia has experienced great change over the last 138 years. She remains a great resource for the country. Her coal and natural gas will continue to fuel the nation, just as her forests will provide homes and paper that the electronic age still has not supplanted. She has greatness still in store, nurtured in the bright minds of her young people, encouraged by the wisdom and foresight of her elders, carried on the strong shoulders of her workers and innovators, who love the state and want not to leave it for greener economic shores but to carry that tide into the mountains.

It has given me great pleasure over the years to help West Virginia grow. I may not have been born a West Virginian, but this transplant has taken well to the soil there. I have grafted. I hope that my efforts on her behalf have borne fruit that will help sustain her through the next 138 years. That is the best birthday gift that I can think to give her.

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers "FREE!"

Always free! Repeats the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder,
Madly flung from hill to hill,
In a wild reverberation
Makes our hearts with rapture fill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: "I'm free!"

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
"Mountaineers are always free!"

SPECIAL AGENT TIMOTHY F. DEERR, FORMER EXECUTIVE DIRECTOR, AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

Mr. THURMOND. Mr. President, I rise today to honor a dedicated and innovative public servant, Timothy F. Deerr, the former Executive Director of the Air Force Office of Special Investigations, who recently retired after more than 26 years of loyal and selfless service.

As any citizen of the United States should know, two major powers emerged from the ashes and ruins of World War II—the United States of America and the now defunct Union of Soviet Socialist Republics. The ideologies and interests of these two nations were diametrically opposed and the aspirations of Soviet communists for global control made it imperative that America's foot soldiers and leaders in national security affairs exercise vigilance and sacrifice in defense of freedom. For almost fifty years, these two superpowers engaged in a "cold war," where conflict was waged through proxies, brinksmanship, espionage, and counterespionage. It was in this environment in 1975 that Timothy Deerr joined the battle as a civilian Special Agent of the Air Force Office of Special Investigations.

By the time he completed his career earlier this year, Timothy Deerr had spent most of his professional life as a cold warrior and spy catcher. But, before he entered what has alternately been called the "world's second oldest profession" and the "wilderness of mirrors," he started out as a criminal investigator in Dayton, Ohio. It was here, at Wright-Patterson Air Force Base, that Special Agent Deerr learned and honed his skills as an investigator, gaining invaluable experience in how to read people, analyze facts, and test hypotheses.

After 6 years of working criminal cases in Ohio, Special Agent Deerr swapped the Buckeye State for the divided city of Berlin. Since renamed as the Capital of a united Germany, Berlin was then a city carved into sectors of control—a virtual battleground of espionage and counter-espionage activities. Intelligence operatives from the east and west worked feverishly against one another, both to steal secrets and to protect secrets from being compromised. For two years, Special Agent Deerr conducted critical and successful counterintelligence operations defending against foreign intelligence services stationed in the communist sector of Berlin. As a demonstration of the sensitivity of the operations he conducted, his experiences and cases in Berlin remain classified to this day, twenty years after he initially reported for duty there and ten years after the fall of the Berlin Wall.

From 1987, when he left Berlin, until 1994, Special Agent Deerr earned and held positions of increasing responsibility and importance within the Office of Special Investigations, including those of Chief, Central European Counterintelligence Operations, Wiesbaden, West Germany. Later, as the OSI Director of Counterintelligence, he managed OSI counterintelligence investigations and operations around the world and represented OSI and the Air Force on a number of senior policy boards that crafted our national counterintelligence strategy and policies.

While freedom loving people in the United States and throughout the world heralded and celebrated the implosion of communism in the early 1990s, an ironic byproduct of the end of the Soviet Union ensured America's Cold Warriors would enjoy little respite. While the USSR was a threat to peace and security for almost fifty years, it was a threat that we were able to identify and engage. After the Cold War, the world became, in many regards, a puzzling patchwork of active and potential adversaries of the United States and American citizens. Not only were foreign governments targeting our secrets and threatening our security, so were criminal and terrorist organizations. In recognition of this new dynamic, in 1994, the President of the United States directed a re-examination of the U.S. Counterintelligence

Program, including ways to improve coordination, integration and accountability of American counterintelligence efforts. As a result, Presidential Decision Directive 24 was issued in May 1994. The directive, in part, mandated the establishment of the National Counterintelligence Center, and Special Agent Deerr was tapped as the Deputy Director of the new National Counterintelligence Center, an impressive distinction and a testament to his reputation and success as one of America's premier spy catchers.

In 1996, Special Agent Deerr returned to Air Force OSI as its Executive Director—the senior civilian Special Agent in the United States Air Force. During his five-year tenure in the top civilian position within OSI, Mr. Deerr earned a reputation for innovation and excellence in leadership. He took the helm at an interesting and challenging time in the history of OSI. As a result of the end of the Cold War, diminishing budgets, and retirements of personnel who entered government service at the height of the Cold War, he faced personnel upheaval and institutional reorganization. America and our Armed Forces were faced with new and daunting challenges that required institutional agility, professional creativity, and cutting-edge technical skills. Under Executive Director Deerr's steady stewardship, OSI "re-invented" itself as a model for the 21st Century in the fields of counterintelligence, anti-terrorism, and crime fighting.

OSI built DoD's Computer Forensics Laboratory—America's premier electronic media forensics lab dedicated to ferreting out evidence of computer crime, network intrusions, and felony tampering with DoD computer systems. OSI started and still manages the Defense Computer Investigations Training Program—DoD's "graduate school" for those tasked with investigating cyber-related crimes. Furthermore, Executive Director Deerr emerged as a visionary leader of the Defense Criminal Investigative Organizations, DCIO, Enterprise-Wide Working Group, the DEW Group. Mr. Deerr and the DEW Group devised innovative enterprise-wide pilot programs to leverage scarce DoD resources, improve training and deployment of America's front line investigators, and save taxpayer dollars.

Executive Director Deerr's influence and innovations extended far beyond DoD. Through his active membership in the International Association of Chiefs of Police and the IACP International Policy Committee, Tim Deerr was instrumental in proliferating enduring principles of policing professionalism, integrity, civil liberties, and selfless service to the international policing executive community across the globe.

After 26 years of service, Executive Director Timothy Deerr left Air Force OSI an even better agency than the one he joined in 1975. His career ran the gamut from criminal investigations to catching spies, and from being a rookie agent to the top civilian on the payroll. During his almost three decades of service, the world changed dramatically from a bipolar one where there was a constant threat of nuclear war to one where the United States must be prepared to counter threats on a multitude of new fronts. Through his uncommon dedication and selfless devotion to duty he has left an indelible mark on the face of counterintelligence within the U.S. Government. I am certain that all my colleagues will want to join me in commending Mr. Deerr on a successful career and a job well done as well as wishing him, his wife Terri, and their daughter Alexandra, great health, happiness, and prosperity in the years to come.

LOOMING NURSE SHORTAGE

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am enormously pleased to bring to my colleagues' attention not only a serious problem that threatens health care throughout this Nation, but my optimism that the Department of Veterans Affairs can serve as a pathfinder in seeking solutions to this problem.

On June 14, the Committee held a hearing to explore reasons for the imminent shortage of professional nurses in the United States, and how this shortage will affect health care for veterans served by Department of Veterans Affairs, VA, health care facilities. Quality of care issues have always been important to this committee and to me, and skilled nurses are indispensable to high quality health care. Representatives of nursing associations, unions, and VA testified about the conditions that have created this critical nurse shortage and what VA—the largest employer of nurses in the United States—can do to address them.

The problem can be stated simply: too few nurses are caring for too many patients in our Nation's hospitals. Fewer young people seek nursing careers every year, while the demand for skilled nursing care, especially long-term care, is climbing. Although we have faced health care staffing shortages before, experts warn that we are on the brink of a severe and long-lasting crisis. Unless we take steps to address this problem now, the demand for nurses will exceed the supply for many years to come.

Working conditions for nurses—never easy—have become even more challenging. Managed care principles lead hospitals to admit only the very sickest of patients with the most complex health care needs. As the pool of highly trained nurses shrinks, many health care providers rely heavily upon mandatory overtime to meet staffing needs. Several registered nurses, including Sandra McMeans from my state of West Virginia, testified before the committee that unpredictable and dangerously long working hours lead to nurses' fatigue and frustration—and patient care suffers.

Astonishingly, VA has not been included in the other hearings on the nurse shortage that have taken place during this session of Congress. VA is the largest employer of nurses in the Nation, and its nurses are closer to retirement age than those in other health care systems. This makes the problem even more critical in VA health care facilities. However, VA enjoys a lower rate of nurse turnover, and a handful of VA nurses have managed to carve out innovative programs to improve nurse recruitment and retention. Several of these innovators testified at the hearing on June 14.

Programs initiated within VA to improve conditions for nurses and patients have focused on issues beyond staffing ratios and hours. A highly praised scholarship program that I spearheaded allows VA nurses to pursue degrees and training in return for their service, thus encouraging professional development and improving the quality of health care. Nursing administrators in an award-winning program at the Tampa VA Medical Center have looked for ways to include nurses in decisionmaking, and to keep up with technical innovations that can make the job safer and less physically demanding. In the Upper Midwest, the special skills of nurses and nurse practitioners are being recognized in clinics that provide supportive care close to the veterans who need it.

As nursing careers have dropped from favor for young women, the sort of training programs that provided so many with their first glimpses of patient care have fallen by the wayside. Much to my surprise, one of our witnesses testified that the "candy striper" programs of the past no longer exist to serve as training grounds for future nurses. Through a "nurse cadet" program at the VA Medical Center in Salem, VA, VA is attempting to fill that void by providing leadership in testing community mentoring programs designed to spark the next generation's interest in nursing careers.

Clearly, more can be—and must be—done to address this problem. Although the nursing crisis has not yet reached its projected peak, the shortage is already endangering patient safety in the areas of critical and long-term care, where demands on nurses are greatest. We must encourage higher enrollment in nursing schools, improve the work environment, and offer nurses opportunities to develop as respected professionals, while taking steps to ensure safe staffing levels in the short-term.

We do not have the luxury of reflecting upon this problem at length; we must act now. Fortunately, we have as allies hardworking nurses who are dedicated to helping us find ways to improve working conditions and to recruit more young people to the field. I look forward to working with VA to provide a model for the Nation on how to accomplish these difficult tasks.

In closing, I ask unanimous consent that a Raleigh, North Carolina, News and Observer article that focuses on the innovative nursing programs, and the enthusiastic and committed nurses, at the Durham VA Medical Center be printed in the RECORD. It is just this sort of commitment which gives me confidence that VA can indeed assume a leadership role as we as a Nation confront the nurse shortage.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh North Carolina News and Observer, May 6, 2001]

DURHAM VA NURSES SERVING THOSE WHO SERVED

The Durham Veterans Administration Medical Center provides care to Armed Forces veterans through three inpatient critical care units, three acute medical-surgical units, two extended-care rehabilitation units and one in-patient psychiatric unit, all of which coordinate care with a large out-patient service. "Nursing care is provided to veterans in a traditional nursing service structure by a staff of over 300 RNs," said Kae Huggins, RN, MSN, CNAA, and director of nursing. "They are empowered to deliver patient-centered care within a shared-leadership environment."

Durham VA nurses said they are given the opportunity to provide quality patient centered care, which creates a culture that supports problem solving, risk-taking and participation in decision-making.

When asked to share their reasons for choosing to pursue their careers at the Durham VA Center, several registered nurses were eager to tell their story.

Irene Caldwell, RN, nursing instructor and Vietnam veteran Army nurse said, "There is no greater honor than to care for those who through their service allow us to enjoy all that we have in this nation. The VA Medical Center in Durham is part of the network that is 'keeping the promise.' Having over 30 years of employment as a registered nurse at the VA in Durham, I am proud to be one of the 'Promise Keepers'."

Ken O'Leary, RN, staff nurse (USAF) in the Surgical Intensive Care Unit, said, "Being a vet, it is great to take care of fellow vets. Hearing their stories and sharing their memories of history in the making is so rewarding. It is nice to do for those who have done so much for the freedom we enjoy in this country."

Laura Smith, RN in psychiatry and critical care, said, "It is a real pleasure to serve those who gave us the freedom to live the way we do. The veterans are the most caring and appreciative group of patients I have ever known and are fiercely independent.

"Nursing here gives you pride in your country, and the DVAMC gives you support to stay in nursing. The nursing field is every-changing and the education staff at DVAMC works very hard to keep us up to date on all the latest items involving our careers. They also support innovations to make our jobs easier, such as lift equipment, computerized medication administration system and electronic charting."

Jackie Howell, RN, community health nurse, said, "Working at the Durham VA Medical Center not only affords us an opportunity to give back to those veterans who so bravely served our country, but it also affords us the opportunity to advance professionally. It is one of the few hospitals that truly values nurses and nursing. The philosophy of shared leadership has empowered the nursing staff to be decision makers and innovators, thus maintaining quality of care. Nursing at the Durham VA allows us to be all we want to be."

Reginald Horwitz, RN, Coronary Care Intensive Care Unit, had this to say: "As a Filipino-American given the chance to serve out veterans, it gives me a different outlook, in that I have the opportunity to give back to the very group of people who have given their all for the freedom in this country we now all enjoy and cherish. Moreover, the VA nurse is allowed to grow personally and professionally in an environment that takes the entire health care team into account in making decisions that best serve the interests of our veterans. It is an honor to be a VA nurse."

Linda Albers, RN, IV team, said enthusiastically, "Just today a patient said to me, 'I like coming here, YOU KEEP YOUR WORD.' How accurately he described the VA. As federal employees, we do keep the promise Congress made to veterans who are unfailingly grateful for the care we provide. The VA also kept its word to employees. We are involved in clinical-based research, which improves patient outcomes, impacts healthcare and is certainly healthy for our careers, as are the educational opportunities provided. Everyone at the VA is committed to keeping our promise to veteran patients, which enhances our culture of camaraderie and cooperation. In one sentence—The VA keeps its word—to veterans and employees."

Suchada Dewitya, nursing home RN, said emphatically, "These patients have risked their lives for our freedom. When they get sick, they should be treated with dignity and respect. We now have an increasing number of women veterans who come here for their care. We have a Veteran Women's Department that provides primary care. They all deserve quality, complete service. I am proud to deliver that."

Ester Lynch, RN, said: "I started here as a nursing student, new graduate, surgical floor nurse, and now I'm a nurse manager! There is no other place I'd rather be in nursing. It is so rewarding to serve veteran patients."

Virginia Brown, RN and retired from the Army Nurse Corps, said, "Some of the brightest, the best and the most professional nurses I've met were VA nurses. The patient population and their families become a special community throughout North Carolina and the nation. I especially like being a staff nurse with direct patient care. And only at the VA can a nurse choose to be a staff nurse and be supported financially for their contributions. I, too, am a veteran, and retired from the ANC through the U.S. Army Reserve."

Mary Kay Wooten, enterostomal therapy clinical nurse specialist, said "I have been a nurse at this VA Medical Center for my entire professional nursing career. I have stayed here for many reasons, but the overwhelming one is our patients. Our patients have given so much to our country and many times have received so little in return. I am proud to be able to give them something in return. Professionally, I have had the opportunity to do everything that I have wanted. I have had a variety of roles and worked in a variety of settings in the acute-care setting. I have also received many educational opportunities. As our nurse recruiter, Joe Foley, says, "The VA is the best-kept secret around.' Having worked here for 29 years, I can't imagine working any other place."

Wooten said VA nurses have state-of-the-art equipment available to them, and cited the Wound Vac as an example. The Wound Vac is a method of treatment for management of acute and chronic wounds that VA nurses have been using since 1995, shortly after its FDA approval. This advanced technology has allowed VA nurses to focus on other aspects of patients' care as it has decreased length of stay, improved wound healing and increased patient satisfaction, all at a cost savings.

KEY INFLUENCES ON YOUTH DRUG USE

Mr. GRASSLEY. Mr. President, I rise today to draw attention to key influences in youth drug use as reported in a national study, released by the Substance Abuse and Mental Health Services Administration, SAMHSA, entitled Risk and Preventive Factors for Adolescent Drug Use: Findings from the 1997 National Household Survey on Drug Abuse.

As summarized in the Spring 2001 edition of the magazine SAMHSA News, this study reported "[p]eer use and peer attitudes are two of the strongest predictors of marijuana use among all young people." For youth in the age range of 12–17, using marijuana in the past year was 39 times higher if close friends had used it versus if they had friends who had not used it. The odds for the same age group were 16 times higher if adolescents thought their friends would not be "very upset" if they used marijuana. While peer attitudes were more influential than parental attitudes, youth were still 9.6 times more likely to smoke marijuana if they viewed their parents "would not be very upset" versus "very upset."

Other risk factors for past-year marijuana use were the youth's own use of alcohol and tobacco, the parent's attitude about alcohol and tobacco, if youth could not talk to their parents about serious problems, if youth were not enrolled in school, if youth were receiving poor grades in school, or if they did not attend religious services once a week. Interestingly, the factors that most correlated with cigarette use were the same factors associated with alcohol, marijuana, and other illegal drugs. Finally, youth who had not received in-school drug/alcohol education were slightly more likely to have used marijuana in the past year than those who had not. The analysis results were uniform across race/ethnicity.

The average person, much less a teenager, does not wake up one day and decide to do a line of cocaine or take a hit of heroin. There is a general progression of both actions and attitudes. The so-called "softer" drugs of cigarettes, alcohol, marijuana, and other club or synthetic drugs are actually "gateways" that precede the use of cocaine and heroin. According to a 14-year veteran of drug treatment in New York City, the average age of new users she sees has dropped from 17 or 18 years to now 13. Quoting her from a recent newspaper article, "[w]e've seen the age of first use drop dramatically". . ."[k]ids are going from doing marijuana to drugs like ecstasy and rohypnol in months." A Spartanburg County South Carolina sheriff, also quoted in a recent newspaper article, reminds us "[t]hat the first responsibility of parenthood is to protect the child." Backing up the SAMSHA observations on peers and peer attitudes, he concluded "parents need to pay close attention to the way their children act and who they're hanging around with."

It may be difficult to raise teenagers or keep your children off all illegal substances, but there are some easy first steps and warning signs to heed. According to the National Institute on Drug Abuse, NIDA, handbook "Preventing Drug Abuse Among Children and Adolescents," the best "protective factors" include "strong bonds with parents, experience of parental monitoring with clear rules of conduct within the family unit, involvement of parents in the lives of their children, success in school performance, strong bonds with prosocial institutions such as family, school, and religious organizations, and adoption of conventional norms about drug use." With respect to family relationships, NIDA research shows that "parents need to take a more active role in their children's lives, including talking to them about drugs, monitoring their activities, getting to know their friends, and understanding their problems and concerns."

These are simple, positive actions that all of us, as friends, peers, coworkers, concerned adults, or parents can start today.

COMMEMORATION OF WORLD REFUGEE DAY

Mr. GRAHAM. Mr. President, today I commemorate World Refugee Day, a day designated for our country to celebrate the multiple contributions that immigrants have made to make America a richer, more perfect union.

It is tragic that while immigrants continue to make the fabric of our Nation stronger, many immigrants continue to be barred from vital safety net services including access to health care.

For the past several years there has been heated discussion regarding the number of uninsured in America.

There are uninsured children in every State, county and community in America. States have sought to address this issue through programs such as Medicaid and the Child Health Insurance Program (CHIP). Through these Federal-State programs, States have been able to insure millions of eligible children.

There has been recent success in providing coverage for those families and children who have gone without health insurance. We were pleased by the new census date on the number of uninsured in America. The data shows that the number of Americans without health insurance fell from 44.3 million to 42.6 million in 1999. This is the first decline since 1987. And this is good news.

In the last Presidential campaign, Vice President Gore and then-Governor Bush focused on the critical importance of insuring our nation's children and families. Today Congress is struggling with how best to cover the nations uninsured. The national press is writing article after article regarding outreach and enrollment of children in to the Medicaid and Children's Health Insurance Program. These are laudable discussions, but there is a critical element that was missing in Presidential rhetoric, congressional deliberations and the media's stories. This "missing piece" is the regrettable fact that the current federal policy, denies public health insurance to legal immigrant children and pregnant women.

While we are seeing declines in the overall level of uninsured in America, the fact is that the proportion of immigrant children who are uninsured remains extremely high. A report by the Center on Budget and Policy Priorities, shows that in the last year, nearly half of low-income immigrant children in America had no health insurance coverage.

Additionally, the percentage of low-income immigrant children in publicly-funded coverage—which was low even before enactment of the 1996 welfare reform law—has fallen substantially. Providing Medicaid and CHIP to legal immigrant children is critical in order to guarantee a healthy generation of children in America.

We all know that if we are lucky enough to have health insurance, regular health care services, particularly preventive care, is critical for maintaining good health. Children who need these services should receive them, regardless of how long they have lived in this country.

Pregnant women, regardless of their immigration status, want to make sure that their unborn children are growing and healthy. A child who is sick just wants to feel better. She does not understand that laws or her immigration status could prevent her from seeing a doctor.

Legal immigrant children, regardless of their date of entry, should have the opportunity to be treated and cared for by a doctor. Access to early medical attention can often mean the difference between curing a minor illness and dealing with a serious, potentially life threatening, medical emergency. No parent in America should have to stand by and watch their child suffer unnecessarily through an illness.

Five years is too long to wait.

Moreover, all children should be able to see a pediatrician when they are well—to prevent problems before they start. For example, immunizations in the first few years of life are critical to keep children protected from terrible diseases and to protect those around them. And for pregnant women, prenatal care helps to ensure that their newborns will be born healthy, without the worries and costs that come with a sick or premature baby.

Giving States the option to provide health insurance coverage to newly arrived legal immigrant children would help states in their efforts to enroll more low income children. States could simplify their child application and enrollment procedures by dispensing with complex immigrant eligibility determinations. In addition, outreach messages could be simplified, making it easier for community groups such as schools and churches to help enroll legal immigrant children.

I believe that providing Medicaid and CHIP to legal immigrant children is critical in order to guarantee a healthy generation of children in America. To this end, I, along with my Senate and House colleagues, have introduced the Immigrant Children's Health Improvement Act, 582 and H.R. 1143, to give States the option to provide health care coverage through Medicaid and CHIP.

Legal immigrant children who came to this country after August 22, 1996 are no different than those who arrived before that date or kids who were born on American soil. Our children go to school together, study together and play together.

On this World Refugee Day, I call upon the Congress and the President to work in earnest to eliminate the arbitrary designation of August 22, 1996 as a cutoff date for allowing children to get health care.

Let us treat the hard working people in our nation, regardless of their immigration status, with fairness and dignity.

TELECOMMUNICATIONS ACT OF 1996

Mr. FRIST. Mr. President, I am increasingly concerned about the stalled promise of the Telecommunications Act of 1996. There are many indications that the pro-competitive course we charted in 1996 when we enacted the Telecommunications Act is not moving as quickly as we intended. In response to that landmark law, hundreds of companies invested billions of dollars in an effort to bring a choice of service provider to local consumers. Yet the competitive telecommunications industry has virtually collapsed in the past year. Every day brings reports of competitors declaring bankruptcy, shutting down operations, or scaling back plans to offer service. Even in my home State, five competitive local exchange carriers with major operations in Tennessee have gone bankrupt.

We have all read recent reports of the difficulties that competitive telecommunications firms are facing in the current economic downturn. For those that continue to struggle in operation, stock prices have plunged, and the capital market has virtually dried up. While telecommunications companies captured an average of two billion dollars per month in initial public offerings over the last two years, they raised only $76 million in IPOs in March, leading numerous companies to withdraw their IPO plans.

The difficulty in entering local markets has also caused nearly all competitors to scale back their plans to offer service. Covad had established offices in Chattanooga, Knoxville, Memphis and Nashville, but is now closing down over 250 central offices, and will suspend applications for 500 more facilities. Rhythms has cancelled plans to expand nationwide. Net2000 has put its plans for expansion on hold. Numerous other competitors, such as DSL.net, have resolved to focus on a few core markets. Each of these decisions has been accompanied by hundreds of eliminated jobs. In all, competitive local carriers dismissed over 6500 employees nationwide in the last year while attempting to remain in business. Tennessee is among the hardest hit States.

The repercussions of these events on consumers is significant. Competitors reinvested most of their 2000 revenues in local network facilities. Competitors that declared bankruptcy in 2000 had planned to spend over $600 million on capital expenditures in 2001. Those competitive networks will not be available to consumers.

In this uncertain financial climate, it is imperative that we maintain a stable regulatory framework. The 1996 Telecom Act established three pathways to a more competitive local telecommunications marketplace: a new entrant could purchase local telephone services at wholesale rates from the incumbent and resell them to local customers; a competitor could lease specific pieces of the incumbent's network on an unbundled basis, using what the industry calls unbundled network elements; or a competitor could build its own facilities and interconnect them with the incumbent's network. Each of these alternatives must remain available to new entrants. Making fundamental changes to the structure of the 1996 Act will destabilize the already shaky competitive local exchange industry, depriving consumers of even the prospects for meaningful choice.

Recent press reports indicate that investors will not sink more money into local competitors when there is a "growing view that regulators are working against the new entrants." We need to ensure that the market-opening requirements of the 1996 Act are vigorously implemented. Without a supportive regulatory environment, there will be no more capital flowing to new entrants in the local telecommunications market spurring competition and lower consumer prices. This was not the promise of the Telecommunications Act I voted for in 1996.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 7, 1998 in Easton, MA. An Easton teenager threw a large rock at a 17-year-old boy he thought was gay, kicked him in the head and yelled, swore, and called the victim a "fag." The victim suffered a broken nose and a concussion. A week before the assault, the perpetrator told friends he hated gay people and thought they should be beaten up.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

AMENDMENT NO. 805 TO ESEA

Mr. TORRICELLI. Mr. President, yesterday, the Senate passed, by unanimous consent, an important amendment that will protect our children from pesticide exposure in our Nation's schools. Inadvertently, Senators BOXER and REID were left off this amendment as original cosponsors. I would like the record to reflect that Senator BOXER and Senator REID should have been listed as original cosponsors of amendment #805 to H.R. 1, the Better Education for Students and Teachers Act.

I regret this unfortunate oversight, as these two Senators are largely responsible for the passage of this amendment. They have as much claim to authorship of this important effort as any Member of this body. If not for their commitment to the protection of our Nation's children, we would not be celebrating the passage of this amendment today. Were it not for Senator BOXER'S unwavering commitment to protecting our children, as she has done with the introduction of the Children's Environmental Protection Act, the Senate would not even be having this debate. Were it not for Senator REID'S understanding of the important issues facing the Senate, and his advocacy as a member of the Environment and Public Works Committee, this amendment would not have enjoyed the support that it has.

I thank my friends for their support and ask that the Senate recognize Senator BOXER and Senator REID as original cosponsors of the School Environmental Protection Amendment.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 19, 2001, the Federal debt stood at $5,641,114,076,861.51, five trillion, six hundred forty-one billion, one hundred fourteen million, seventy-six thousand, eight hundred sixty-one dollars and fifty-one cents.

One year ago, June 19, 2000, the Federal debt stood at $5,649,976,000,000, five trillion, six hundred forty-nine billion, nine hundred seventy-six million.

Five years ago, June 19, 1996, the Federal debt stood at $5,120,985,000,000, five trillion, one hundred twenty billion, nine hundred eighty-five million.

Ten years ago, June 19, 1991, the Federal debt stood at $3,498,343,000,000, three trillion, four hundred ninety-eight billion, three hundred forty-three million.

Fifteen years ago, June 19, 1986, the Federal debt stood at $2,039,961,000,000, two trillion, thirty-nine billion, nine hundred sixty-one million, which reflects a debt increase of more than $3.5 trillion, $3,601,153,076,861.51, three trillion, six hundred one billion, one hundred fifty-three million, seventy-six thousand, eight hundred sixty-one dollars and fifty-one cents during the past 15 years.

ADDITIONAL STATEMENTS

THE RETIREMENT OF REVEREND EDDIE K. EDWARDS

• Mr. LEVIN. Mr. President, I want to pay tribute to a remarkable person from my home State of Michigan, the Reverend Eddie K. Edwards, who celebrates his retirement as CEO of Joy of Jesus, Inc. on Friday, June 22. Reverend Edwards, has received national acclamations, for having developed and implemented a strategy that served to revitalize the Ravendale Community, one of Detroit's most distressed and underserved areas. He has embodied the work of his ministry and fulfilled his mission of providing positive direction and opportunities for those in need of such guidance.

In 1976, Reverend Edwards established Joy of Jesus, Inc. a nonprofit organizations which set as its primary goal, the task of promoting positive values and healthy lifestyles as a means to help underprivileged youth become responsible citizens who can make a meaningful contribution to society. For this work, he has received national attention: a Points of Light Award and was featured in a national award-winning TV documentary entitled, "A Neighborhood Redeemed." Reverend Edwards serves on the board of numerous community and civic organizations, all of which he devotes an inordinate amount of time. He is in frequent demand as a speaker on the topics of church empowerment, collaboration of churches, neighborhood revitalization, and various other community issues. He has repeatedly demonstrated his expertise is developing non-traditional partnerships and collaboratives which have had significant impact on his community and in particular, the lives of our younger generation. And, in spite of his commitment and involvement in community, he is a devoted husband and father of six adult children.

I can only hope that in Reverend Edward's retirement he finds future endeavors are as successful and fulfilling as the previous ones. For certain, he will remain active in his many church and community activities, but will have more time to dedicate to his favorite hobbies—golfing and jogging. I am pleased to join his colleagues and friends in offering my thanks for all he has accomplished in making his community a better place.

Reverend Eddie K. Edwards can take pride in his long career of service and dedication to Church, Community and Family. I invite my colleagues to join me in saluting Reverend Edwards' work, and in wishing him well in the years ahead.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 819. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building".

H.R. 1291. An act to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill.

H.R. 1753. An act to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 154. A concurrent resolution honoring the continued commitment of the Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and families during those deployments, recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by employers of the Guard and Reserve.

H. Con. Res. 163. A concurrent resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future.

The message further announced that the House has passed the following bill, without amendment:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 41. A concurrent resolution authorizing the use of the Capitol grounds for the National Book Festival.

The message further announced that pursuant to 20 U.S.C. 4703, the majority leader appoints the following Member of the House of Representatives to the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation: Mr. STUMP of Arizona.

The message also announced that pursuant to section 303(a) of Public Law 106–286, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. BEREUTER of Nebraska, co-Chairman; Mr. LEACH of Iowa, Mr. DREIER of California; Mr. WOLF of Virginia; and Mr. PITTS of Pennsylvania.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 819. An act to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building"; to the Committee on Environment and Public Works.

H.R. 1291. An act to amend title 38, United States Code, to increase the amount of educational benefits for veterans under the Montgomery GI Bill; to the Committee on Veterans' Affairs.

H.R. 1753. An act to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 154. Concurrent resolution honoring the continued commitment of the Army National Guard combat units deployed in support of Army operations in Bosnia, recognizing the sacrifices made by the members of those units while away from their jobs and families during those deployments, recognizing the important role of all National Guard and Reserve personnel at home and abroad to the national security of the United States, and acknowledging, honoring, and expressing appreciation for the critical support by the employers of the Guard and Reserve; to the Committee on Armed Services.

H. Con. Res. 163. Concurrent resolution recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2521. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, a draft of proposed legislation entitled "Foreign Relations Authorization Act, Fiscal Years 2002 and 2003"; to the Committee on Foreign Relations.

EC–2522. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a cumulative report on rescissions and deferrals dated June 14, 2001; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC–2523. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Time-Limited Pesticide Tolerance" (FRL6778–7) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2524. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Re-establish Tolerances for Emergency Exemptions" (FRL6788–4) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2525. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyrudaben; Pesticide Tolerance Technical Correction" (FRL6786–5) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2526. A communication from the Administrator of the Environmental Protection Agency, transmitting, a draft of proposed legislation entitled "Amendment to Toxic Substances Control Act"; to the Committee on Environment and Public Works.

EC–2527. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, Antelope Valley Air Pollution Control District" (FRL6998–3) received on June 18, 2001; to the Committee on Environment and Public Works.

EC–2528. A communication from the Acting Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Size Eligibility Requirements for SBA Financial Assistance and Size Standards for Agriculture" (RIN3245–AE29) received on June 18, 2001; to the Committee on Small Business.

EC–2529. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Immigrants and Nonimmigrants Under the Immigration and Nationality Act, As Amended—Refusal of Individual Visas" (22 CFR Parts 41 and 42) received on June 18, 2001; to the Committee on Foreign Relations.

EC–2530. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the annual report of the National Advisory Council on International Monetary and Financial Policies for Fiscal Year 1998; to the Committee on Foreign Relations.

EC–2531. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Office of Policy Development, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

EC–2532. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Justice Programs, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

EC–2533. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Deputy Secretary, Department of the Interior, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2534. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Solicitor, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2535. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Indian Affairs, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2536. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Secretary of the Interior, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2537. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Policy, Management and Budget, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2538. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Office of Surface Mining, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2539. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Bureau of Land Management, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2540. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director of National Park Service, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2541. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Fish and Wildlife Service, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2542. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Land Minerals and Management, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2543. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Commissioner-Reclamation, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2544. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Water and Science, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2545. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy for the position of Assistant Secretary, Fish, Wildlife and Parks, received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC–2546. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Salisbury, MD; Correction" ((RIN2120–AA66)(2001–0102)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2547. A communication from the Staff Attorney of the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United National Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137–AD41) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2548. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on June 18, 2001; to the Committee on Governmental Affairs.

EC–2549. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2550. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2000 to March 31, 2001; to the Committee on Governmental Affairs.

EC–2551. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Director, Bureau of Justice Assistance, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

EC–2552. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Criminal Division, Department of Justice, received on June 14, 2001; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself and Mr. SPECTER):

S. 1065. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish an Inspector General for the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. KERRY):

S. 1066. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. TORRICELLI, and Mr. CRAIG):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts; to the Committee on Finance.

By Mrs. BOXER:

S. 1068. A bill to provide refunds for unjust and unreasonable charges on electric energy;

to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. JOHNSON, and Ms. STABENOW):

S. 1069. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REED:

S. 1070. A bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 1071. A bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 1072. A bill to extend eligibility for loan deficiency payments and payments in lieu of loan deficiency payments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 1073. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Governmental Affairs.

By Mr. SCHUMER (for himself and Mr. HATCH):

S. 1074. A bill to establish a commission to review the Federal Bureau of Investigation; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. SMITH of Oregon, and Mr. DASCHLE):

S. 1075. A bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 278

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 278, a bill to restore health care coverage to retired members of the uniformed services.

S. 283

At the request of Mr. MCCAIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 283, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue code of 1986 to protect consumers in managed care plans and other health coverage.

S. 421

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 421, a bill to give gifted and talented students the opportunity to develop their capabilities.

S. 480

At the request of Mr. DEWINE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 480, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 626

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and the welfare-to-work credit, and for other purposes.

S. 672

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 677

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the names of the Senator from Florida (Mr. NELSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 706

At the request of Mr. KERRY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 731

At the request of Mr. NELSON of Florida, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 731, a bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens Absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes.

S. 732

At the request of Mr. THOMPSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 732, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain restaurant buildings, and for other purposes.

S. 778

At the request of Mr. KENNEDY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 778, a bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

S. 801

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 860

At the request of Mr. GRASSLEY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 950

At the request of Mr. REID, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 950, a bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and for other purposes.

S. 1017

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1037

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BOND) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. RES. 68

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 68, a resolution designating September 6, 2001 as "National Crazy Horse Day."

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

AMENDMENT NO. 805

At the request of Mr. TORRICELLI, the names of the Senator from California (Mrs. BOXER) and the Senator from Nevada (Mr. REID) were added as cosponsors of amendment No. 805 proposed to H.R. 1, a bill to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. KERRY):

S. 1066. A bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare Program; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise to introduce the Medicare Patient Access to Preventive and Diagnostic Tests Act. This bipartisan legislation will establish new procedures under Medicare for determining the coding and payment amounts for clinical diagnostic laboratory tests. I am pleased to have my colleague, Senator JOHN KERRY, as the lead Democratic sponsor of this bill. Similar legislation has been introduced in the House of Representatives by Congresswoman JENNIFER DUNN and Congressman JIM MCDERMOTT.

Innovative clinical laboratory tests help save lives and reduce health care costs by detecting diseases, such as cancer, heart attacks, and kidney failure in their early stages, when they are more treatable. However, there are serious flaws in the way that the Center for Medicare and Medicaid Services, CMS, formally known as HCFA, currently sets reimbursement rates for diagnostic tests.

This cumbersome bureaucratic system makes it difficult for physicians and laboratories to offer these diagnostic tests to their patients who need them. Due to institutionalized flaws in the current Medicare reimbursement system, revolutionary and innovative diagnostic tests may not benefit patients for years to come. In addition, it has been shown that lower laboratory payments correlate with lower utilization. The payment rates vary significantly from region to region and State to State.

For example, in my home State of Utah, a patient is sent for blood work to test for kidney disease. Based upon the 2001 Medicare Lab Reimbursement schedule, the Utah lab would receive $2.12 for performing the test. However, labs in Arizona, Nevada, Montana, New Mexico and Wyoming, would receive $6.33 to perform the same test. This makes no economic or medical sense to me.

A recent Institute of Medicine, IoM, report stated that Medicare payments for outpatient clinical laboratory services should be based on a single, rational fee schedule. Medicare should account for market-based factors such as local labor costs and prices for goods and services in establishing the fee schedule. In addition, CMS should provide opportunities for stakeholder input and develop better communication with contractors while policies are being developed and after these policies are adopted.

Our bill, based upon the principles of this IoM report, would require CMS to establish a national fee schedule for new and current tests, based upon an open, transparent, and rational public process for incorporating new tests, as well as to provide clear explanations of the reasoning behind its reimbursement decisions. This new process would be based upon science based methodologies for setting prices for new technologies that are designed to establish fair and appropriate payment levels for these items and services.

CMS's procedures would provide that the payment amount for tests would be established under either the so-called gap-filling or cross-walking methodologies, and they would specify the rules for deciding which methodology will be used and how it will be employed. In particular, the legislation would require that if a new test is clinically similar to a test for which a fee schedule amount has already been established, through cross-walking, CMS will pay the same fee schedule amount for the new test. In determining whether tests are clinically similar, CMS will not take into account economic factors.

Finally, this new process would provide a mechanism for any laboratory or other stakeholder to challenge CMS fee schedule decisions. The cost of these changes is small in light of the significant impact on improving the quality of patient care.

I hope my colleagues will join me in cosponsoring this bill. The laudable goal of this bipartisan legislation is to establish an open and transparent public process for incorporating new laboratory tests into the Medicare program. Many seniors currently do not have full access to the medical care they need due to the antiquated process for assigning billing codes and setting reimbursement rates. We need to bridge the gap between seniors and the life-saving lab tests they need to preserve their health and promote their well-being.

I ask my colleagues to join with me in supporting this legislation and ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Patient Access to Preventive and Diagnostic Tests Act".

SEC. 2. CODING AND PAYMENT PROCEDURES FOR NEW CLINICAL DIAGNOSTIC LABORATORY TESTS UNDER MEDICARE.

(a) DETERMINING PAYMENT BASIS FOR NEW LAB TESTS.—Section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)) is amended by adding at the end the following new paragraph:

"(9)(A) The Secretary shall establish procedures for determining the basis for, and amount of, payment under this subsection for any clinical diagnostic laboratory test with respect to which a new or substantially revised HCPCS code is assigned on or after January 1, 2002 (in this subsection referred to as 'new tests'). Such procedures shall provide that—

"(i) the payment amount for such a test will be established only on—

"(I) the basis described in paragraph (10)(A); or

“(II) the basis described in paragraph (10)(B); and

“(ii) the Secretary shall determine whether the payment amount for such a test is established on the basis described in paragraph (10)(A) or the basis described in paragraph (10)(B) only after the process described in subparagraph (B) has been completed with respect to such test.

“(B) Determinations under subparagraph (A)(ii) shall be made only after the Secretary—

“(i) makes available to the public (through an Internet site and other appropriate mechanisms) a list that includes any such test for which the establishment of a payment amount under paragraph (10) is being considered for a year;

“(ii) on the same day such list is made available, causes to have published in the Federal Register notice of a meeting to receive comments and recommendations from the public on the appropriate basis under paragraph (10) for establishing payment amounts for the tests on such list;

“(iii) not less than 30 calendar days after publication of such notice, convenes a meeting to receive such comments and recommendations, with such meeting—

“(I) including representatives of each entity within the Health Care Financing Administration (in this paragraph referred to as ‘HCFA’) that will be involved in determining the basis on which payment amounts will be established for such tests under paragraph (10) and implementing such determinations;

“(II) encouraging the participation of interested parties, including beneficiaries, device manufacturers, clinical laboratories, laboratory professionals, pathologists, and prescribing physicians, through outreach activities; and

“(III) affording opportunities for interactive dialogue between representatives of HCFA and the public;

“(iv) makes minutes of such meeting available to the public (through an Internet site and other appropriate mechanisms) not later than 15 calendar days after such meeting;

“(v) taking into account the comments and recommendations received at such meeting, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of proposed determinations with respect to the appropriate basis for establishing a payment amount under paragraph (10) for each such code, together with an explanation of the reasons for each such determination, and the data on which the determination is based;

“(vi) on the same day such list is made available, causes to have published in the Federal Register notice of a public meeting to receive comments and recommendations from the public on the proposed determinations;

“(vii) not later than August 1 of each year, but at least 30 calendar days after publication of such notice, convenes a meeting to receive such comments and recommendations, with such meeting being conducted in the same manner as the meeting under clause (iii);

“(viii) makes a transcript of such meeting available to the public (through an Internet site and other appropriate mechanisms) as soon as is practicable after such meeting; and

“(ix) taking into account the comments and recommendations received at such meeting, develops and makes available to the public (through an Internet site and other appropriate mechanisms) a list of final determinations of whether the payment amount for such tests will be determined on the basis described in paragraph (10)(A) or the basis described in paragraph (10)(B), together with the rationale for each such determination, the data on which the determination is based, and responses to comments and suggestions received from the public.

“(C) Under the procedures established pursuant to subparagraph (A), the Secretary shall—

“(i) identify the rules and assumptions to be applied by the Secretary in considering and making determinations of whether the payment amount for a new test should be established on the basis described in paragraph (10)(A) or the basis described in paragraph (10)(B);

“(ii) make available to the public the data (other than proprietary data) considered in making such determinations; and

“(iii) provide for a mechanism under which—

“(I) an interested party may request an administrative review of an adverse determination;

“(II) upon the request of an interested party, an administrative review is conducted with respect to an adverse determination; and

“(III) such determination is revised, as necessary, to reflect the results of such review.

“(D) For purposes of this subsection—

“(i) the term ‘HCPCS’ refers to the Health Care Financing Administration Common Procedure Coding System; and

“(ii) a code shall be considered to be ‘substantially revised’ if there is a substantive change to the definition of the test or procedure to which the code applies (such as a new analyte or a new methodology for measuring an existing analyte-specific test).

“(10)(A) Notwithstanding paragraphs (1), (2), and (4), if a new test is clinically similar to a test for which a fee schedule amount has been established under paragraph (5), the Secretary shall pay the same fee schedule amount for the new test.

“(B)(i) Notwithstanding paragraphs (1), (2), (4), and (5), if a new test is not clinically similar to a test for which a fee schedule has been established under paragraph (5), payment under this subsection for such test shall be made on the basis of the lesser of—

“(I) the actual charge for the test; or

“(II) an amount equal to 60 percent (or in the case of a test performed by a qualified hospital (as defined in paragraph (1)(D)) for outpatients of such hospital, 62 percent) of the prevailing charge level determined pursuant to the third and fourth sentences of section 1842(b)(3) for the test for a locality or area for the year (determined without regard to the year referred to in paragraph (2)(A)(i), or any national limitation amount under paragraph (4)(B), and adjusted annually by the percentage increase or decrease under paragraph (2)(A)(i));

until the beginning of the third full calendar year that begins on or after the date on which an HCPCS code is first assigned with respect to such test, or, if later, the beginning of the first calendar year that begins on or after the date on which the Secretary determines that there are sufficient claims data to establish a fee schedule amount pursuant to clause (ii).

“(ii) Notwithstanding paragraphs (2), (4), and (5), the fee schedule amount for a clinical diagnostic laboratory test described in clause (i) that is performed—

“(I) during the first calendar year after clause (i) ceases to apply to such test, shall be an amount equal to the national limitation amount that the Secretary determines (consistent with clause (iii)) would have applied to such test under paragraph (4)(B)(viii) during the preceding calendar year, adjusted by the percentage increase or decrease determined under paragraph (2)(A)(i) for such first calendar year; and

“(II) during a subsequent year, is the fee schedule amount determined under this clause for the preceding year, adjusted by the percentage increase or decrease that applies under paragraph (5)(A) for such year.

“(iii) For purposes of clause (ii)(I), the national limitation amount for a test shall be set at 100 percent of the median of the payment amounts determined under clause (ii)(I) for all payment localities or areas for the last calendar year for which payment for such test was determined under clause (i).

“(iv) Nothing in clause (ii) shall be construed as prohibiting the Secretary from applying (or authorizing the application of) the comparability provisions of the first sentence of such section 1842(b)(3) with respect to amounts determined under such clause.”.

(b) ESTABLISHMENT OF NATIONAL FEE SCHEDULE AMOUNTS.—

(1) IN GENERAL.—Section 1833(h) of the Social Security Act, as amended by subsection (a), is amended—

(A) in paragraph (2), by striking “paragraph (4)” and inserting “paragraphs (4), (5), and (10)”;——

(B) in paragraph (4)(B)(viii), by inserting “and before January 1, 2002,” after “December 31, 1997,”;

(C) by redesignating paragraphs (5), (6), and (7), as paragraphs (6), (7), and (8), respectively; and

(D) by inserting after paragraph (4) the following new paragraph:

“(5) Notwithstanding paragraphs (2) and (4), the Secretary shall set the fee schedule amount for a test (other than a test to which paragraph (10)(B) applies) at—

“(A) for tests performed during 2002, an amount equal to the national limitation amount for that test for 2001, and adjusted by the percentage increase or decrease determined under paragraph (2)(A)(i) for such year; and

“(B) for tests performed during a year after 2002, the amount determined under this subparagraph for the preceding year, adjusted by the percentage increase or decrease determined under paragraph (2)(A)(i) for such year.”.

(2) CONFORMING AMENDMENTS.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) of the Social Security Act (42 U.S.C. 1395*l*(a)) are each amended by striking “the limitation amount for that test determined under subsection (h)(4)(B),”.

(c) MECHANISM FOR REVIEW OF ADEQUACY OF PAYMENT AMOUNTS.—Section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)), as amended by subsection (b), is amended by adding at the end the following:

“(11) The Secretary shall establish a mechanism under which—

“(A) an interested party may request a timely review of the adequacy of the existing payment amount under this subsection for a particular test; and

“(B) upon the receipt of such a request, a timely review is carried out.”.

(d) USE OF INHERENT REASONABLENESS AUTHORITY.—Section 1842(b)(8) of the Social Security Act (42 U.S.C. 1395u(b)(8)) is amended by adding at the end the following:

“(E)(i) The Secretary may not delegate the authority to make determinations with respect to clinical diagnostic laboratory tests under this paragraph to a regional office of the Health Care Financing Administration or to an entity with a contract under subsection (a).

"(ii) In making determinations with respect to clinical diagnostic laboratory tests under this paragraph, the Secretary—

"(I) shall base such determinations on data from affected payment localities and all sites of care; and

"(II) may not use a methodology that assigns undue weight to the prevailing charge levels for any 1 type of entity with a contract under subsection (a).".

(e) Prohibition.—Section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)), as amended by subsection (c), is amended by adding at the end the following new paragraph:

"(12)(1) Notwithstanding the preceding provisions of this subsection, the Secretary may not establish a payment level for a new test that is lower than the level for an existing, clinically similar test solely on the basis that the new test may be performed by a laboratory with a certificate of waiver under section 353(d)(2) of the Public Health Service Act (42 U.S.C. 263a(d)(2)).

"(2) Nothing in paragraph (1) shall be construed to limit the authority of the Secretary to establish a payment level for a new test that is lower than the level for an existing, clinically similar test if such payment level is determined on a basis other than the basis described in such paragraph or on more than 1 basis.".

(f) Effective Dates.—

(1) Establishment of procedures.—The Secretary of Health and Human Services shall establish the procedures required to implement paragraphs (9), (10), (11), and (12) of section 1833(h) of the Social Security Act (42 U.S.C. 1395*l*(h)), as added by this section, by not later than January 1, 2002.

(2) Inherent reasonableness.—The amendments made by subsection (d) shall apply to determinations made on or after the date of enactment of this Act.

By Mr. GRASSLEY (for himself, Mr. Torricelli, and Mr. Craig):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, on behalf of myself and my colleague, Senator Torricelli, I am introducing legislation, the Medical Savings Availability Act of 2001, which would make the availability of medical savings accounts permanent and would make it possible for any individual to purchase a medical savings account. Our bill would liberalize existing law authorizing medical savings accounts in a number of other respects.

Medical savings accounts are a good idea. They are basically IRAs, an idea everybody understands, which must be used for payment of medical expenses.

The widespread use of medical savings accounts should have several beneficial consequences.

They should reduce health care costs. Administrative costs should be lower. Consumers with MSAs should use health care services in a more discriminating manner. Consumers with MSAs should be more selective in choosing providers. This should cause those providers to lower their prices to attract medical savings account holders as patients.

Medical savings accounts can also help to put the patient back into the health care equation. Patients should make more cost-conscious choices about routine health care. Patients with MSAs would have complete choice of provider.

Medical savings accounts should make health care coverage more dependable. MSAs are completely portable. MSAs are still the property of the individual even if they change jobs. Hence, for those with MSAs, job changes do not threaten them with the loss of health insurance.

Medical savings accounts should increase health care coverage. Perhaps as many as half of the more than 40 million Americans who are uninsured at any point in time are without health insurance only for four months or less. A substantial number of these people are uninsured because they are between jobs. Use of medical savings accounts should reduce the number of the uninsured by equipping people to pay their own health expenses while unemployed.

Medical savings accounts should promote personal savings. Since pre-tax monies are deposited in them, there should be a strong tax incentive to use them.

As I understand it, there are approximately 100,000 MSA accounts covering a total of approximately 250,000. I understand also that approximately one-third of those who have set up medical savings accounts were previously uninsured.

But medical savings accounts have fallen short of their promise because of various restrictions in the authorizing law.

The present law has a sunset of December, 2001, which has discouraged insurers from offering such plans. Current MSA law prohibits around 70 percent of the working population from purchasing them because purchase is limited to the self-employed or to employees of small businesses of less than 50 employees.

The bill we are introducing today would eliminate the restrictions that have limited the availability of MSAs: First, it would remove the December, 2001, sunset provision and make the availability of MSAs permanent; second, it would repeal the limitations on the number of MSAs that can be established; third, it stipulates that the availability of these accounts is not limited to employees of small employers and self-employed individuals; fourth, it increases the amount of the deduction allowed for contributions to medical savings accounts to 100 percent of the deductible; fifth, it permits both employees and employers to contribute to medical savings accounts; sixth, it reduces the permitted deductibles under high deductible plans from $1,500 in the case of individuals to $1,000 and from $3,000 in the case of couples to $2,000; seventh, the bill would permit medical savings accounts to be offered under cafeteria plans; and finally, the bill would encourage preferred provider organizations to offer MSAs.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Savings Account Availability Act of 2001".

SEC. 2. EXPANSION OF AVAILABILITY OF ARCHER MEDICAL SAVINGS ACCOUNTS.

(a) Repeal of Limitations on Number of Medical Savings Accounts.—

(1) In general.—Subsections (i) and (j) of section 220 of the Internal Revenue Code of 1986 are hereby repealed.

(2) Conforming amendments.—

(A) Paragraph (1) of section 220(c) of such Code is amended by striking subparagraph (D).

(B) Section 138 of such Code is amended by striking subsection (f).

(b) Availability Not Limited to Accounts for Employees of Small Employers and Self-Employed Individuals.—

(1) In general.—Subparagraph (A) of section 220(c)(1) of such Code (relating to eligible individual) is amended to read as follows:

"(A) In general.—The term 'eligible individual' means, with respect to any month, any individual if—

"(i) such individual is covered under a high deductible health plan as of the 1st day of such month, and

"(ii) such individual is not, while covered under a high deductible health plan, covered under any health plan—

"(I) which is not a high deductible health plan, and

"(II) which provides coverage for any benefit which is covered under the high deductible health plan.".

(2) Conforming amendments.—

(A) Section 220(c)(1) of such Code is amended by striking subparagraph (C).

(B) Section 220(c) of such Code is amended by striking paragraph (4) (defining small employer) and by redesignating paragraph (5) as paragraph (4).

(C) Section 220(b) of such Code is amended by striking paragraph (4) (relating to deduction limited by compensation) and by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

(c) Increase in Amount of Deduction Allowed for Contributions to Medical Savings Accounts.—

(1) In general.—Paragraph (2) of section 220(b) of such Code is amended to read as follows:

"(2) Monthly limitation.—The monthly limitation for any month is the amount equal to 1/12 of the annual deductible (as of the first day of such month) of the individual's coverage under the high deductible health plan.".

(2) Conforming amendment.—Clause (ii) of section 220(d)(1)(A) of such Code is amended by striking "75 percent of".

(d) Both Employers and Employees May Contribute to Medical Savings Accounts.—Paragraph (4) of section 220(b) of such Code (as redesignated by subsection (b)(2)(C)) is amended to read as follows:

"(4) Coordination with exclusion for employer contributions.—The limitation which would (but for this paragraph) apply under this subsection to the taxpayer for any taxable year shall be reduced (but not below zero) by the amount which would (but for section 106(b)) be includible in the taxpayer's gross income for such taxable year.".

(e) Reduction of Permitted Deductibles Under High Deductible Health Plans.—

(1) In general.—Subparagraph (A) of section 220(c)(2) of such Code (defining high deductible health plan) is amended—

(A) by striking "$1,500" in clause (i) and inserting "$1,000"; and

(B) by striking "$3,000" in clause (ii) and inserting "$2,000".

(2) Conforming amendment.—Subsection (g) of section 220 of such Code is amended to read as follows:

"(g) Cost-of-Living Adjustment.—

"(1) In general.—In the case of any taxable year beginning in a calendar year after 1998, each dollar amount in subsection (c)(2) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) Special rules.—In the case of the $1,000 amount in subsection (c)(2)(A)(i) and the $2,000 amount in subsection (c)(2)(A)(ii), paragraph (1)(B) shall be applied by substituting 'calendar year 2000' for 'calendar year 1997'.

"(3) Rounding.—If any increase under paragraph (1) or (2) is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.".

(f) Providing Incentives for Preferred Provider Organizations To Offer Medical Savings Accounts.—Clause (ii) of section 220(c)(2)(B) of such Code is amended by striking "preventive care if" and all that follows and inserting "preventive care."

(g) Medical Savings Accounts May Be Offered Under Cafeteria Plans.—Subsection (f) of section 125 of such Code is amended by striking "106(b),".

(h) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Mrs. BOXER:

S. 1068. A bill to provide refunds for unjust and unreasonable charges on electric energy; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, earlier this week the Federal Energy Regulatory Commission issued an order to provide price mitigation to California's electricity market. This order is a stunning turnaround for an agency that refused to recognize that this energy crisis is a regional problem and that cost-based pricing is in order. However, FERC's order does not adequately address past grievances regarding refunds for overcharges by the generators.

Therefore, today I am introducing the Electricity Gouging Relief Act in an effort to bring much needed relief to consumers, businesses and the State of California from price gouging by electricity generators. This legislation helps to right past wrongs by providing rebates in cases where companies were engaged in gouging.

Generators' profits increased on average by 508 percent between 1999 and 2000. One company, Reliant Energy, experienced a 1,685 percent increase in profits in the same time period. This compares to a 16 percent increase in profits across the electric and gas industry and an increase in demand of only four percent.

My bill would require the Federal Energy Regulatory Commission, FERC, to order refunds for past electricity purchases in cases where FERC determined that the prices charged by the generators were "unjust and unreasonable." The bill would affect electricity sales that took place between June 1, 2000—when price spikes first occurred in San Diego and June 19, 2001—the day before FERC's order became effective.

I encourage my colleagues to support this bill. FERC's actions on Monday are a step in the right direction. Now, we need to refund overcharges by the generators to consumers.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electricity Gouging Relief Act of 2001".

SEC. 2. REFUNDS FOR EXCESSIVE CHARGES.

Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(e) Refunds for Excessive Charges.—

"(1) Notwithstanding any other provision of this section, the Commission shall, within 60 days after enactment of this subsection, order a refund for the portion of charges on the transmission or sale or electric energy that are or have been deemed by the Commission to be unjust or unreasonable. Such refunds shall include interest from the date on which the charges were paid.

"(2) The refunds ordered under paragraph (1) shall apply to charges paid between June 1, 2000 and June 19, 2001.".

By Mr. LEVIN (for himself, Mr. Kohl, Mr. Feingold, Mr. Schumer, Mr. Johnson, and Ms. Stabenow):

S. 1069. A bill to amend the Natural Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, today I am introducing the Willing Seller Amendments of 2001 which would amend the National Trails System Act, NTSA, to provide Federal authority to acquire land from willing sellers to complete nine national scenic and historic trails authorized under the Act. The legislation gives the Federal agencies administering the trails the ability to acquire land from willing sellers only. The legislation would not commit the Federal Government to purchase any land or to spend any money but would allow managers to purchase land to protect the national trails as opportunities arise and as funds are appropriated.

For most of the national scenic and historic trails, barely one-half of their congressionally authorized length and resources are protected. Without willing seller authority, Federal trail managers' hands are tied when development threatens important links in the wild landscapes of the national scenic trails or in the sites that authenticate the stories of the historic trails. With willing seller authority, sections of trail can be moved from roads where hikers and other trail users are unsafe, and critical historic sites can be preserved for future generations to experience. Moreover, this authority protects private property rights, as landowners along the nine affected trails are currently denied the right to sell land to the Federal Government if they desire to do so.

Willing seller authority is crucial for the North Country National Scenic Trail, which runs through my home State of Michigan, because completion of the Trail faces significant challenges. These challenges which relate to development pressure and the need to cross long stretches of private and corporate held lands are common themes throughout the seven states linked by the 4,600-mile long North Country Trail.

This legislation is also vital on a national level and accomplishes several important goals. First, it restores basic property rights—Section 10 (c) of the National Trails System Act as currently written diminishes the right of thousands of people who own land along four national scenic trails and five national historic trails to sell their property or easements on their property, by prohibiting federal agencies from buying their land. Many of these landowners have offered to sell their land to the Federal Government to permanently protect important historical resources that their families have protected for generations or to maintain the continuity of a national scenic trail. Providing this authority to Federal agencies to purchase land from willing sellers along these nine trails will restore this basic property right to thousands of landowners.

Second, it restores the ability of Federal agencies to carry out their responsibility to protect nationally significant components of our nation's cultural, natural and recreational heritage. The National Trails System Act authorizes establishment of national scenic and historic trails to protect important components of our historic and natural heritage. One of the fundamental responsibilities given to the Federal agencies administering these trails is to protect their important cultural and natural resources. Without willing-seller authority, the agencies are prevented from directly protecting these resources along nine trails—nearly one-half of the National Trails System.

Third, it restores consistency to the National Trails System Act, NTSA. Congress enacted the National Trails System Act in 1968 ". . .to provide for the ever-increasing outdoor recreation needs of an expanding population and . . . to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation . . . by instituting a national system of recreation, scenic and historic trails . . ." The agencies are authorized to collaborate with other Federal agencies, State and local governments and private organizations in planning, developing and managing the trails; to develop uniform standards for marking, interpreting and constructing the trails; to regulate their use; and to provide grants and technical assistance to cooperating agencies and organizations. The NTSA is supposed to provide these and other authorities to be applied consistently throughout the National Trails System. However, land acquisition authority, an essential means for protecting the special resources and continuity that are the basis for these trails, has been inconsistently applied. The Federal agencies have been given land acquisition authority for thirteen of the twenty-two national scenic and historic trails but have been denied authority to acquire land for the other nine trails. This bill restores consistency to the National Trails System Act by enabling the Federal agencies to acquire necessary land for all twenty-two national scenic and historic trails.

Finally, this legislation enables Federal agencies to respond to opportunities to protect important resources provided by willing sellers. The willing seller land acquisition authority provided for these nine trails and subsequent appropriations from the Land and Water Conservation Fund will enable the Federal agencies administering them to respond to conservation opportunities afforded by willing landowners.

I am pleased today to introduce this important legislation to restore parity to the National Trails System and provide authority to protect critical resources along the nation's treasured national scenic and historic trails.

By Mr. REED:

S. 1070. A bill to amend the XXVII of the Public Health Service Act and part 7 of subtitle B of title 1 of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing legislation that I believe is very pertinent to the current debate over managed care protections. My longstanding concern has been to ensure that the needs of children in managed care are not left out of the debate. That is why I am reintroducing the Children's Health Insurance Accountability Act.

This legislation sets the standard for what kinds of protections ought to be in place for children who receive care through health maintenance organizations. Specifically, this bill provides common sense protections for children in managed care plans such as: access to necessary pediatric primary care and specialty services; appeal rights that address the special needs of children, including an expedited review if a child's life or development is in jeopardy; quality measurements of health outcomes unique to children; utilization review rules that are specific to children with evaluation from those with pediatric expertise; and child-specific information requirements that will help parents and employers choose health plans on the basis of care provided to children.

I am pleased that the major provisions of this legislation are incorporated into the McCain-Edwards-Kennedy Patient Protection bill, S. 1052. It is difficult enough to have a sick child, but to face barrier after barrier to necessary care for your child is unconscionable. Our current system is often failing our kids when they most need us. It is this simple: if we do not have health plan standards, there is no guarantee that we are providing adequate care for our children. And when it comes to our children, we should not take risks.

Not one of us can deny that managed care plays a valid role in our health care system. Managed care's emphasis on preventive care has benefits for young and old alike. And HMOs have resulted in lower co-payments for consumers and higher immunization rates for our children. However, many questions have arisen about patient access to medical services and the consequences of cost-cutting measures and other incentives under managed care.

The Children's Health Insurance Accountability Act seeks to address these concerns as they relate to children. Children are not small adults and often have very different health and developmental needs. We should be sure that we are always vigilant when it comes to their health and well-being, not only in the context of patient protection legislation, but in other policy measures we consider this year.

I am pleased that this legislation is supported by a number of children's health and advocacy organizations, including the American Academy of Pediatrics, the Children's Defense Fund and the National Association of Children's Hospitals.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Insurance Accountability Act of 2001".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Children have health and development needs that are markedly different than those for the adult population.

(2) Children experience complex and continuing changes during the continuum from birth to adulthood in which appropriate health care is essential for optimal development.

(3) The vast majority of work done on development methods to assess the effectiveness of health care services and the impact of medical care on patient outcomes and patient satisfaction has been focused on adults.

(4) Health outcome measures need to be age, gender, and developmentally appropriate to be useful to families and children.

(5) Costly disorders of adulthood often have their origins in childhood, making early access to effective health services in childhood essential.

(6) More than 200 chronic conditions, disabilities and diseases affect children, including asthma, diabetes, sickle cell anemia, spina bifida, epilepsy, autism, cerebral palsy, congenital heart disease, mental retardation, and cystic fibrosis. These children need the services of specialists who have in depth knowledge about their particular condition.

(7) Children's patterns of illness, disability and injury differ dramatically from adults.

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) PATIENT PROTECTION STANDARDS.—Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D; and

(2) by inserting after part B the following:

"PART C—CHILDREN'S HEALTH PROTECTION STANDARDS

"SEC. 2770. ACCESS TO CARE.

"(a) ACCESS TO APPROPRIATE PRIMARY CARE PROVIDERS.—

"(1) IN GENERAL.—If a group health plan, or a health insurance issuer in connection with the provision of health insurance coverage, requires or provides for an enrollee to designate a participating primary care provider for a child of such enrollee—

"(A) the plan or issuer shall permit the enrollee to designate a physician who specializes in pediatrics as the child's primary care provider; and

"(B) if such an enrollee has not designated such a provider for the child, the plan or issuer shall consider appropriate pediatric expertise in mandatorily assigning such an enrollee to a primary care provider.

“(2) CONSTRUCTION.—Nothing in paragraph (1) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of services.

“(b) ACCESS TO PEDIATRIC SPECIALTY SERVICES.—

“(1) REFERRAL TO SPECIALTY CARE FOR CHILDREN REQUIRING TREATMENT BY SPECIALISTS.—

“(A) IN GENERAL.—In the case of a child who is covered under a group health plan, or health insurance coverage offered by a health insurance issuer and who has a mental or physical condition, disability, or disease of sufficient seriousness and complexity to require diagnosis, evaluation or treatment by a specialist, the plan or issuer shall make or provide for a referral to a specialist who has extensive experience or training, and is available and accessible to provide the treatment for such condition or disease, including the choice of a nonprimary care physician specialist participating in the plan or a referral to a nonparticipating provider as provided for under subparagraph (D) if such a provider is not available within the plan.

“(B) SPECIALIST DEFINED.—For purposes of this subsection, the term ‘specialist’ means, with respect to a condition, disability, or disease, a health care practitioner, facility, or center (such as a center of excellence) that has extensive pediatric expertise through appropriate training or experience to provide high quality care in treating the condition, disability or disease.

“(C) REFERRALS TO PARTICIPATING PROVIDERS.—A plan or issuer is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the plan or issuer does not have an appropriate specialist that is available and accessible to treat the enrollee’s condition and that is a participating provider with respect to such treatment.

“(D) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a plan or issuer refers a child enrollee to a nonparticipating specialist, services provided pursuant to the referral shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

“(E) SPECIALISTS AS PRIMARY CARE PROVIDERS.—A plan or issuer shall have in place a procedure under which a child who is covered under health insurance coverage provided by the plan or issuer who has a condition or disease that requires specialized medical care over a prolonged period of time shall receive a referral to a pediatric specialist affiliated with the plan, or if not available within the plan, to a nonparticipating provider for such condition and such specialist may be responsible for and capable of providing and coordinating the child’s primary and specialty care.

“(2) STANDING REFERRALS.—

“(A) IN GENERAL.—A group health plan, or health insurance issuer in connection with the provision of health insurance coverage of a child, shall have a procedure by which a child who has a condition, disability, or disease that requires ongoing care from a specialist may request and obtain a standing referral to such specialist for treatment of such condition. If the primary care provider in consultation with the medical director of the plan or issuer and the specialist (if any), determines that such a standing referral is appropriate, the plan or issuer shall authorize such a referral to such a specialist. Such standing referral shall be consistent with a treatment plan.

“(B) TREATMENT PLANS.—A group health plan, or health insurance issuer, with the participation of the family and the health care providers of the child, shall develop a treatment plan for a child who requires ongoing care that covers a specified period of time (but in no event less than a 6-month period). Services provided for under the treatment plan shall not require additional approvals or referrals through a gatekeeper.

“(C) TERMS OF REFERRAL.—The provisions of subparagraph (C) and (D) of paragraph (1) shall apply with respect to referrals under subparagraph (A) in the same manner as they apply to referrals under paragraph (1)(A).

“(c) ADEQUACY OF ACCESS.—For purposes of subsections (a) and (b), a group health plan or health insurance issuer in connection with health insurance coverage shall ensure that a sufficient number, distribution, and variety of qualified participating health care providers are available so as to ensure that all covered health care services, including specialty services, are available and accessible to all enrollees in a timely manner.

“(d) COVERAGE OF EMERGENCY SERVICES.—

“(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides any benefits for children with respect to emergency services (as defined in paragraph (2)(A)), the plan or issuer shall cover emergency services furnished under the plan or coverage—

“(A) without the need for any prior authorization determination;

“(B) whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services; and

“(C) without regard to any other term or condition of such coverage (other than exclusion of benefits, or an affiliation or waiting period, permitted under section 2701).

“(2) DEFINITIONS.—In this subsection:

“(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON STANDARD.—The term ‘emergency medical condition’ means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

“(B) EMERGENCY SERVICES.—The term ‘emergency services’ means—

“(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate an emergency medical condition (as defined in subparagraph (A)); and

“(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

“(3) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—A group health plan, and health insurance issuer offering health insurance coverage, shall provide, in covering services other than emergency services, for reimbursement with respect to services which are otherwise covered and which are provided to an enrollee other than through the plan or issuer if the services are maintenance care or post-stabilization care covered under the guidelines established under section 1852(d) of the Social Security Act (relating to promoting efficient and timely coordination of appropriate maintenance and post-stabilization care of an enrollee after an enrollee has been determined to be stable).

“(e) PROHIBITION ON FINANCIAL BARRIERS.—A health insurance issuer in connection with the provision of health insurance coverage may not impose any cost sharing for pediatric specialty services provided under such coverage to enrollee children in amounts that exceed the cost-sharing required for other specialty care under such coverage.

“(f) CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—A health insurance issuer in connection with the provision of health insurance coverage shall ensure that such coverage provides special consideration for the provision of services to enrollee children with special health care needs. Appropriate procedures shall be implemented to provide care for children with special health care needs. The development of such procedures shall include participation by the families of such children.

“(g) DEFINITIONS.—In this part:

“(1) CHILD.—The term ‘child’ means an individual who is under 19 years of age.

“(2) CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—The term ‘children with special health care needs’ means those children who have or are at elevated risk for chronic physical, developmental, behavioral or emotional conditions and who also require health and related services of a type and amount not usually required by children.

“SEC. 2771. CONTINUITY OF CARE.

“(a) IN GENERAL.—If a contract between a health insurance issuer, in connection with the provision of health insurance coverage, and a health care provider is terminated (other than by the issuer for failure to meet applicable quality standards or for fraud) and an enrollee is undergoing a course of treatment from the provider at the time of such termination, the issuer shall—

“(1) notify the enrollee of such termination, and

“(2) subject to subsection (c), permit the enrollee to continue the course of treatment with the provider during a transitional period (provided under subsection (b)).

“(b) TRANSITIONAL PERIOD.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the transitional period under this subsection shall extend for at least—

“(A) 60 days from the date of the notice to the enrollee of the provider’s termination in the case of a primary care provider, or

“(B) 120 days from such date in the case of another provider.

“(2) INSTITUTIONAL CARE.—The transitional period under this subsection for institutional or inpatient care from a provider shall extend until the discharge or termination of the period of institutionalization and shall include reasonable follow-up care related to the institutionalization and shall also include institutional care scheduled prior to the date of termination of the provider status.

“(3) PREGNANCY.—If—

“(A) an enrollee has entered the second trimester of pregnancy at the time of a provider’s termination of participation, and

“(B) the provider was treating the pregnancy before date of the termination,

the transitional period under this subsection with respect to provider’s treatment of the pregnancy shall extend through the provision of post-partum care directly related to the delivery.

“(4) TERMINAL ILLNESS.—

“(A) IN GENERAL.—If—

“(i) an enrollee was determined to be terminally ill (as defined in subparagraph (B)) at the time of a provider's termination of participation, and

“(ii) the provider was treating the terminal illness before the date of termination, the transitional period under this subsection shall extend for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

“(B) Definition.—In subparagraph (A), an enrollee is considered to be 'terminally ill' if the enrollee has a medical prognosis that the enrollee's life expectancy is 6 months or less.

“(c) Permissible Terms and Conditions.—An issuer may condition coverage of continued treatment by a provider under subsection (a)(2) upon the provider agreeing to the following terms and conditions:

“(1) The provider agrees to continue to accept reimbursement from the issuer at the rates applicable prior to the start of the transitional period as payment in full.

“(2) The provider agrees to adhere to the issuer's quality assurance standards and to provide to the issuer necessary medical information related to the care provided.

“(3) The provider agrees otherwise to adhere to the issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan approved by the issuer.

“SEC. 2772. CONTINUOUS QUALITY IMPROVEMENT.

“(a) In General.—A health insurance issuer that offers health insurance coverage for children shall establish and maintain an ongoing, internal quality assurance program that at a minimum meets the requirements of subsection (b).

“(b) Requirements.—The internal quality assurance program of an issuer under subsection (a) shall—

“(1) establish and measure a set of health care, functional assessments, structure, processes and outcomes, and quality indicators that are unique to children and based on nationally accepted standards or guidelines of care;

“(2) maintain written protocols consistent with recognized clinical guidelines or current consensus on the pediatric field, to be used for purposes of internal utilization review, with periodic updating and evaluation by pediatric specialists to determine effectiveness in controlling utilization;

“(3) provide for peer review by health care professionals of the structure, processes, and outcomes related to the provision of health services, including pediatric review of pediatric cases;

“(4) include in member satisfaction surveys, questions on child and family satisfaction and experience of care, including care to children with special needs;

“(5) monitor and evaluate the continuity of care with respect to children;

“(6) include pediatric measures that are directed at meeting the needs of at-risk children and children with chronic conditions, disabilities and severe illnesses;

“(7) maintain written guidelines to ensure the availability of medications appropriate to children;

“(8) use focused studies of care received by children with certain types of chronic conditions and disabilities and focused studies of specialized services used by children with chronic conditions and disabilities;

“(9) monitor access to pediatric specialty services; and

“(10) monitor child health care professional satisfaction.

“(c) Utilization Review Activities.—

“(1) Compliance with requirements.—

“(A) In general.—A health insurance issuer that offers health insurance coverage for children shall conduct utilization review activities in connection with the provision of such coverage only in accordance with a utilization review program that meets at a minimum the requirements of this subsection.

“(B) Definitions.—In this subsection:

“(i) Clinical peers.—The term 'clinical peer' means, with respect to a review, a physician or other health care professional who holds a non-restricted license in a State and in the same or similar specialty as typically manages the pediatric medical condition, procedure, or treatment under review.

“(ii) Health care professional.—The term 'health care professional' means a physician or other health care practitioner licensed or certified under State law to provide health care services and who is operating within the scope of such licensure or certification.

“(iii) Utilization review.—The terms 'utilization review' and 'utilization review activities' mean procedures used to monitor or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings for children, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review specific to children.

“(2) Written policies and criteria.—

“(A) Written policies.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

“(B) Use of written criteria.—A utilization review program shall utilize written clinical review criteria specific to children and developed pursuant to the program with the input of appropriate physicians, including pediatricians, nonprimary care pediatric specialists, and other child health professionals.

“(C) Administration by health care professionals.—A utilization review program shall be administered by qualified health care professionals, including health care professionals with pediatric expertise who shall oversee review decisions.

“(3) Use of qualified, independent personnel.—

“(A) In general.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and, to the extent required, who have received appropriate pediatric or child health training in the conduct of such activities under the program.

“(B) Peer review of adverse clinical determinations.—A utilization review program shall provide that clinical peers shall evaluate the clinical appropriateness of adverse clinical determinations and divergent clinical options.

“SEC. 2773. APPEALS AND GRIEVANCE MECHANISMS FOR CHILDREN.

“(a) Internal Appeals Process.—A health insurance issuer in connection with the provision of health insurance coverage for children shall establish and maintain a system to provide for the resolution of complaints and appeals regarding all aspects of such coverage. Such a system shall include an expedited procedure for appeals on behalf of a child enrollee in situations in which the time frame of a standard appeal would jeopardize the life, health, or development of the child.

“(b) External Appeals Process.—A health insurance issuer in connection with the provision of health insurance coverage for children shall provide for an independent external review process that meets the following requirements:

“(1) External appeal activities shall be conducted through clinical peers, a physician or other health care professional who is appropriately credentialed in pediatrics with the same or similar specialty and typically manages the condition, procedure, or treatment under review or appeal.

“(2) External appeal activities shall be conducted through an entity that has sufficient pediatric expertise, including subspeciality expertise, and staffing to conduct external appeal activities on a timely basis.

“(3) Such a review process shall include an expedited procedure for appeals on behalf of a child enrollee in which the time frame of a standard appeal would jeopardize the life, health, or development of the child.

“SEC. 2774. ACCOUNTABILITY THROUGH DISTRIBUTION OF INFORMATION.

“(a) In General.—A health insurance issuer in connection with the provision of health insurance coverage for children shall submit to enrollees (and prospective enrollees), and make available to the public, in writing the health-related information described in subsection (b).

“(b) Information.—The information to be provided under subsection (a) shall include a report of measures of structures, processes, and outcomes regarding each health insurance product offered to participants and dependents in a manner that is separate for both the adult and child enrollees, using measures that are specific to each group.”.

(b) Application to Group Health Insurance Coverage.—

(1) In general.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

“SEC. 2707. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

“(a) In General.—Each health insurance issuer shall comply with children's health accountability requirement under part C with respect to group health insurance coverage it offers.

“(b) Assuring Coordination.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

“(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under part C (and this section) and section 714 of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times; and

“(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.”.

(2) Conforming amendment.—Section 2792 of the Public Health Service Act (42 U.S.C. 300gg-92) is amended by inserting “and section 2707(b)” after “of 1996”.

(c) Application to Individual Health Insurance Coverage.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended by inserting after section 2752 the following:

“SEC. 2753. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

“Each health insurance issuer shall comply with children's health accountability requirements under part C with respect to individual health insurance coverage it offers.”.

(d) Modification of Preemption Standards.—

(1) Group health insurance coverage.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking "subsection (b)" and inserting "subsection (b) and (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) Special Rules in Case of Children's Health Accountability Requirements.—Subject to subsection (a)(2), the provisions of section 2707 and part C, and part D insofar as it applies to section 2707 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such provisions.".

(2) Individual health insurance coverage.—Section 2762 of the Public Health Service Act (42 U.S.C. 300gg–62) is amended—

(A) in subsection (a), by striking "subsection (b), nothing in this part" and inserting "subsections (b) and (c)"; and

(B) by adding at the end the following new subsection:

"(c) Special Rules in Case of Children's Health Accountability Requirements.—Subject to subsection (b), the provisions of section 2753 and part C, and part D insofar as it applies to section 2753 or part C, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on health insurance issuers as the requirements imposed under such section.".

SEC. 3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subpart B of part 7 of subtitle B of title I of (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. CHILDREN'S HEALTH ACCOUNTABILITY STANDARDS.

"(a) In General.—Subject to subsection (b), the provisions of part C of title XXVII of the Public Health Service Act shall apply under this subpart and part to a group health plan (and group health insurance coverage offered in connection with a group health plan) as if such part were incorporated in this section.

"(b) Application.—In applying subsection (a) under this subpart and part, any reference in such part C—

"(1) to health insurance coverage is deemed to be a reference only to group health insurance coverage offered in connection with a group health plan and to also be a reference to coverage under a group health plan;

"(2) to a health insurance issuer is deemed to be a reference only to such an issuer in relation to group health insurance coverage or, with respect to a group health plan, to the plan;

"(3) to the Secretary is deemed to be a reference to the Secretary of Labor;

"(4) to an applicable State authority is deemed to be a reference to the Secretary of Labor; and

"(5) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.".

(b) Modification of Preemption Standards.—Section 731 of the Employee Retirement Income Security Act of 1974 (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) Special Rules in Case of Patient Accountability Requirements.—Subject to subsection (a)(2), the provisions of section 714, shall not prevent a State from establishing requirements relating to the subject matter of such provisions so long as such requirements are at least as stringent on group health plans and health insurance issuers in connection with group health insurance coverage as the requirements imposed under such provisions.".

(c) Conforming Amendments.—

(1) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(2) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Children's health accountability standards.".

SEC. 4. STUDIES.

(a) By Secretary.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall conduct a study, and prepare and submit to Congress a report, concerning—

(1) the unique characteristics of patterns of illness, disability, and injury in children;

(2) the development of measures of quality of care and outcomes related to the health care of children; and

(3) the access of children to primary mental health services and the coordination of managed behavioral health services.

(b) By GAO.—

(1) Managed care.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall conduct a study, and prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report, concerning—

(A) an assessment of the structure and performance of non-governmental health plans, medicaid managed care organizations, plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and the program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) serving the needs of children with special health care needs;

(B) an assessment of the structure and performance of non-governmental plans in serving the needs of children as compared to medicaid managed care organizations under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) the emphasis that private managed care health plans place on primary care and the control of services as it relates to care and services provided to children with special health care needs.

(2) Plan survey.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives a report that contains a survey of health plan activities that address the unique health needs of adolescents, including quality measures for adolescents and innovative practice arrangement.

By Mr. INHOFE:

S. 1073. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Government Affairs.

Mr. INHOFE. Mr. President, today I rise to bring attention to an issue that affects all Americans, government waste. As we all know, the Federal Government is infamous for its profligate programs and approaches to problem solving. In the last decade, we have seen inefficiency of mammoth proportions within the government.

As a result, I have introduced legislation that would establish a national commission to eliminate government waste. This act would resurrect President Reagan's work to find an equitable way to enact fiscal responsibility and accountability within the government. During the Reagan Administration, a private sector study of government was commissioned to dispose of Federal waste, mismanagement, and abuse. Led by industrialist J. Peter Grace, the Grace Commission produced 47 reports with 2,478 recommendations. As a result of this study, President Reagan issued executive orders that saved the Federal Government more than $110 billion.

Today, many Federal agencies still use cumbersome bureaucratic procedures. The National Commission to Eliminate Waste in Government Act would establish a commission to conduct a private sector survey on management and cost control within the government. It would also provide an opportunity for the commission to review existing reports on government waste. Because the commission would be funded, staffed, and equipped by the private sector, it would not cost the government one dime.

I urge my colleagues to support this end to government waste and the beginning of discipline and efficiency within our government.

By Mr. GRASSLEY (for himself, Mr. Biden, Mr. Smith of Oregon, and Mr. Daschle):

S. 1075. A bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation to re-authorize the Drug Free Communities Act. I am pleased to be joined by my colleagues, Senator Biden, Senator Smith, and Senator Daschle in introducing this legislation which will continue for another 5 years the successes that we have found with Drug Free Communities Program. In addition, it builds upon the successes that coalitions have had by encouraging them to establish a coalition mentoring program for nearby communities. Finally, this act will authorize funding for the National Anti-Drug Coalition Institute, which will provide education, training, and technical assistance to leaders of community coalitions.

Substance abuse remains a problem in communities across the country. Substance abuse is the cause of or associated with many of today's problems, but is a preventable behavior. Community anti-drug coalitions are implementing long-term strategies to address the problem of substance abuse in their communities. By bringing together a cross-section of the community to address a common problem, community coalitions are discovering and implementing unique community solutions to reduce and prevent the incidence of substance abuse in their communities. And that idea, that communities are best suited to address their own problems, is the underlying premise that has been proven with the success of the Drug Free Communities program.

There are three key features to the Drug Free Communities Act. First, communities must take the initiative. In order to receive support, a community coalition must demonstrate that there is a long-term commitment to address teen-drug use. It must have a sustainable coalition that includes the involvement of representatives from a wide variety of community activists.

In addition, every coalition must show that it can sustain itself. Community coalitions must be in existence for at least 6 months before applying. They are only eligible to receive support if they can match these donations dollar for dollar with non-Federal funding, up to $100,000 per coalition.

An Advisory Commission, consisting of local community leaders, and State and national experts in the field of substance abuse, has worked closely with the Office of National Drug Control Policy to oversee the successful management and growth of this grant program. Because of this partnership, grants have gone to communities and programs that can make a difference in the lives of our children.

Today, we have better evidence that coalitions are working, that they are making a difference. A recent study sponsored by the Annie E. Casey Foundation documented the difference that eight community coalitions, all of which have received funding through the Drug Free Communities program, from around the country have made in their communities.

In addition to continuing this successful program, this re-authorization legislation adds the possibility for a supplemental grant to the Drug-Free Communities Grant Program. The supplemental grant is available to any coalition that has been in existence for at least 5 years, achieved measurable results in youth substance abuse prevention and treatment, have staff or Coalition members willing to serve as mentors for persons interested in starting or expanding a Coalition in their community, identified demonstrable support from members of the identified community, and have created a detailed plan for mentoring either newly formed or developing Coalitions.

Coalitions receiving the supplemental grant must use these funds to support and encourage the development of new, self-supporting community coalitions focused on the prevention and treatment of substance abuse in the new coalition's community. This supplemental grant can be renewed provided the recipient coalition continues to meet the underlying criteria and has made progress in the development of new coalitions.

Starting a new anti-drug coalition is a difficult exercise, which makes the success of these coalitions I mentioned earlier all the more remarkable. But I also know this from personal experience. For the past 4 years, I have worked with leaders from across my State of Iowa to start and grow the Face It Together Coalition, a Statewide, anti-drug coalition designed to bring together people from all walks of life, business leaders, doctors and nurses, law enforcement, school professionals, members of the media, and so on, to work together toward a common goal: keeping kids drug free.

In working with FIT, it has become clear that by working together, everyone can accomplish more. This is a solid, grass-roots initiative that can work. But it hasn't been an easy process, and it will continue to require the dedication and commitment of all of our board members. One of the biggest challenges that we face has not been finding ideas of what to do, or even finding effective ongoing projects in the State, but identifying and securing funding to support the expansion of our activities. Much can and has been done by volunteers, and through the networking connections that the Board members are able to bring to the table.

In addition, this legislation will authorize $2 million in federal funding for two years for the National Community Anti-Drug Coalition Institute. Modeled after the success we have seen from the National Drug Court Institute, this national non-profit organization will represent, provide technical assistance and training, and have special expertise and broad, national-level experience in community anti-drug coalitions.

The funding for the Institute will be to 1. provide education, training, and technical assistance to key members of community anti-drug coalitions, 2. develop and disseminate evaluation tools, mechanisms, and measures to assess and document coalition performance, and 3. bridge the gap between research and practice by providing community coalitions with practical information based on the most current research on coalition-related issues. The Institute is expected to last for more than 2 years, and to pursue and obtain additional funding from sources other than the Federal Government.

In conclusion, I encourage all of my colleagues to join me in supporting this legislation. It is supported by the Administration. It has the support of communities all across the Nation. The Drug Free Communities Program works. I look forward to working with my colleagues here and in the House to ensure quick passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) In the next 15 years, the youth population in the United States will grow by 21 percent, adding 6,500,000 youth to the population of the United States. Even if drug use rates remain constant, there will be a huge surge in drug-related problems, such as academic failure, drug-related violence, and HIV incidence, simply due to this population increase.

(2) According to the 1994–1996 National Household Survey, 60 percent of students age 12 to 17 who frequently cut classes and who reported delinquent behavior in the past 6 months used marijuana 52 days or more in the previous year.

(3) The 2000 Washington Kids Count survey conducted by the University of Washington reported that students whose peers have little or no involvement with drinking and drugs have higher math and reading scores than students whose peers had low level drinking or drug use.

(4) Substance abuse prevention works. In 1999, only 10 percent of teens saw marijuana users as popular, compared to 17 percent in 1998 and 19 percent in 1997. The rate of past-month use of any drug among 12 to 17 year olds declined 26 percent between 1997 and 1999. Marijuana use for sixth through eighth graders is at the lowest point in 5 years, as is use of cocaine, inhalants, and hallucinogens.

(5) Community Anti-Drug Coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis. For example:

(A) The Boston Coalition brought college and university presidents together to create the Cooperative Agreement on Underage Drinking. This agreement represents the first coordinated effort of Boston's many institutions of higher education to address issues such as binge drinking, underage drinking, and changing the norms surrounding alcohol abuse that exist on college and university campuses.

(B) The Miami Coalition used a three-part strategy to decrease the percentage of high school seniors who reported using marijuana at least once during the most recent 30-day period. The development of a media strategy, the creation of a network of prevention agencies, and discussions with high school students about the dangers of marijuana all contributed to a decrease in the percentage of seniors who reported using marijuana from more than 22 percent in 1995 to 9 percent in 1997. The Miami Coalition was able to achieve these results while national rates of marijuana use were increasing.

(C) The Nashville Prevention Partnership worked with elementary and middle school children in an attempt to influence them toward positive life goals and discourage them from using substances. The Partnership targeted an area in East Nashville and created after school programs, mentoring opportunities, attendance initiatives, and safe passages to and from school. Attendance and test scores increased as a result of the program.

(D) At a youth-led town meeting sponsored by the Bering Strait Community Partnership in Nome, Alaska, youth identified a need for a safe, substance-free space. With help from a variety of community partners, the Partnership staff and youth members created the Java Hut, a substance-free coffeehouse designed for youth. The Java Hut is helping to change norms in the community by providing a fun, youth-friendly atmosphere and activities that are not centered around alcohol or marijuana.

(E) Portland's Regional Drug Initiative (RDI) has promoted the establishment of drug-free workplaces among the city's large and small employers. More than 3,000 employers have attended an RDI training session, and of those, 92 percent have instituted drug-free workplace policies. As a result, there has been a 5.5 percent decrease in positive workplace drug tests.

(F) San Antonio Fighting Back worked to increase the age at which youth first used illegal substances. Research suggests that the later the age of first use, the lower the risk that a young person will become a regular substance abuser. As a result, the age of first illegal drug use increased from 9.4 years in 1992 to 13.5 years in 1997.

(G) In 1990, multiple data sources confirmed a trend of increased alcohol use by teenagers in the Troy community. Using its "multiple strategies over multiple sectors" approach, the Troy Coalition worked with parents, physicians, students, coaches, and others to address this problem from several angles. As a result, the rate of twelfth grade students who had consumed alcohol in the past month decreased from 62.1 percent to 53.3 percent between 1991 and 1998, and the rate of eighth grade students decreased from 26.3 percent to 17.4 percent. The Troy Coalition believes that this decline represents not only a change in behavior on the part of students, but also a change in the norms of the community.

(H) In 2000, the Coalition for a Drug-Free Greater Cincinnati surveyed more than 47,000 local seventh through twelfth graders. The results provided evidence that the Coalition's initiatives are working. For the first time in a decade, teen drug use in Greater Cincinnati appears to be leveling off. The data collected from the survey has served as a tool to strengthen relationships between schools and communities, as well as facilitate the growth of anti-drug coalitions in communities where they had not existed.

(6) Despite these successes, drug use continues to be a serious problem facing communities across the United States. For example:

(A) According to the Pulse Check: Trends in Drug Abuse Mid-Year 2000 report—

(i) crack and powder cocaine remains the most serious drug problem;

(ii) marijuana remains the most widely available illicit drug, and its potency is on the rise;

(iii) treatment sources report an increase in admissions with marijuana as the primary drug of abuse—and adolescents outnumber other age groups entering treatment for marijuana;

(iv) 80 percent of Pulse Check sources reported increased availability of club drugs, with ecstasy (MDMA) and ketamine the most widely cited club drugs and seven sources reporting that powder cocaine is being used as a club drug by young adults;

(v) ecstasy abuse and trafficking is expanding, no longer confined to the "rave" scene;

(vi) the sale and use of club drugs has grown from nightclubs and raves to high schools, the streets, neighborhoods, open venues, and younger ages;

(vii) ecstasy users often are unknowingly purchasing adulterated tablets or some other substance sold as MDMA; and

(viii) along with reports of increased heroin snorting as a route of administration for initiates, there is also an increase in injecting initiates and the negative health consequences associated with injection (for example, increases in HIV/AIDS and Hepatitis C) suggesting that there is a generational forgetting of the dangers of injection of the drug.

(B) The 2000 Parent's Resource Institute for Drug Education study reported that 23.6 percent of children in the sixth through twelfth grades used illicit drugs in the past year. The same study found that monthly usage among this group was 15.3 percent.

(C) According to the 2000 Monitoring the Future study, the use of ecstasy among eighth graders increased from 1.7 percent in 1999 to 3.1 percent in 2000, among tenth graders from 4.4 percent to 5.4 percent, and from 5.6 percent to 8.2 percent among twelfth graders.

(D) A 1999 Mellman Group study found that—

(i) 56 percent of the population in the United States believed that drug use was increasing in 1999;

(ii) 92 percent of the population viewed illegal drug use as a serious problem in the United States; and

(iii) 73 percent of the population viewed illegal drug use as a serious problem in their communities.

(7) According to the 2001 report of the National Center on Addiction and Substance Abuse at Columbia University entitled "Shoveling Up: The Impact of Substance Abuse on State Budgets", using the most conservative assumption, in 1998 States spent $77,900,000,000 to shovel up the wreckage of substance abuse, only $3,000,000,000 to prevent and treat the problem and $433,000,000 for alcohol and tobacco regulation and compliance. This $77,900,000,000 burden was distributed as follows:

(A) $30,700,000,000 in the justice system (77 percent of justice spending).

(B) $16,500,000,000 in education costs (10 percent of education spending).

(C) $15,200,000,000 in health costs (25 percent of health spending).

(D) $7,700,000,000 in child and family assistance (32 percent of child and family assistance spending).

(E) $5,900,000,000 in mental health and developmental disabilities (31 percent of mental health spending).

(F) $1,500,000,000 in public safety (26 percent of public safety spending) and $400,000,000 for the state workforce.

(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities across the United States.

(9) Substance abuse is perceived as a much greater problem nationally than at the community level. According to a 2001 study sponsored by The Pew Charitable Trusts, between 1994 and 2000—

(A) there was a 43 percent increase in the percentage of Americans who felt progress was being made in the war on drugs at the community level;

(B) only 9 percent of Americans say drug abuse is a "crisis" in their neighborhood, compared to 27 percent who say this about the nation; and

(C) the percentage of those who felt we lost ground in the war on drugs on a community level fell by more than a quarter, from 51 percent in 1994 to 37 percent in 2000.

(b) EXTENSION AND INCREASE OF PROGRAM.—Section 1024(a) of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1524(a)) is amended—

(1) by striking "and" at the end of paragraph (4); and

(2) by striking paragraph (5) and inserting the following new paragraphs:

"(5) $50,600,000 for fiscal year 2002;

"(6) $60,000,000 for fiscal year 2003;

"(7) $70,000,000 for fiscal year 2004;

"(8) $70,000,000 for fiscal year 2005;

"(9) $75,000,000 for fiscal year 2006; and

"(10) $75,000,000 for fiscal year 2007.".

(c) EXTENSION OF LIMITATION ON ADMINISTRATIVE COSTS.—Section 1024(b) of that Act (21 U.S.C. 1524(b)) is amended by striking paragraph (5) and inserting the following new paragraph (5):

"(5) 8 percent for each of fiscal years 2002 through 2007.".

(d) ADDITIONAL GRANTS.—Section 1032(b) of that Act (21 U.S.C. 1533(b)) is amended by adding at the end the following new paragraph (3):

"(3) ADDITIONAL GRANTS.—

"(A) IN GENERAL.—Subject to subparagraph (F), the Administrator may award an additional grant under this paragraph to an eligible coalition awarded a grant under paragraph (1) or (2) for any first fiscal year after the end of the 4-year period following the period of the initial grant under paragraph (1) or (2), as the case may be.

"(B) SCOPE OF GRANTS.—A coalition awarded a grant under paragraph (1) or (2), including a renewal grant under such paragraph, may not be awarded another grant under such paragraph, and is eligible for an additional grant under this section only under this paragraph.

"(C) NO PRIORITY FOR APPLICATIONS.—The Administrator may not afford a higher priority in the award of an additional grant under this paragraph than the Administrator would afford the applicant for the grant if the applicant were submitting an application for an initial grant under paragraph (1) or (2) rather than an application for a grant under this paragraph.

"(D) RENEWAL GRANTS.—Subject to subparagraph (F), the Administrator may award a renewal grant to a grant recipient under this paragraph for each of the fiscal years of the 4-fiscal year period following the fiscal year for which the initial additional grant under subparagraph (A) is awarded in an amount not to exceed amounts as follows:

"(i) For the first and second fiscal years of that 4-fiscal year period, the amount equal to 80 percent of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year.

"(ii) For the second, third, and fourth fiscal years of that 4-fiscal year period, the amount equal to 67 percent of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year.

"(E) Suspension.—If a grant recipient under this paragraph fails to continue to meet the criteria specified in subsection (a), the Administrator may suspend the grant, after providing written notice to the grant recipient and an opportunity to appeal.

"(F) Limitation.—The amount of a grant award under this paragraph may not exceed $100,000 for a fiscal year.".

(e) Data Collection and Dissemination.—Section 1033(b) of that Act (21 U.S.C. 1533(b)) is amended by adding at the end the following new paragraph:

"(3) Consultation.—The Administrator shall carry out activities under this subsection in consultation with the Advisory Commission and the National Community Antidrug Coalition Institute.".

(f) Limitation on Use of Certain Funds for Evaluation of Program.—Section 1033(b) of that Act, as amended by subsection (e) of this section, is further is amended by adding at the end the following new paragraph:

"(4) Limitation on use of certain funds for evaluation of program.—Amounts for activities under paragraph (2)(B) may not be derived from amounts under section 1024(a), except for amounts that are available under section 1024(b) for administrative costs.".

SEC. 2. SUPPLEMENTAL GRANTS FOR COALITION MENTORING ACTIVITIES UNDER DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

Subchapter I of chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1531 et seq.) is amended by adding at the end the following new section:

"SEC. 1035. SUPPLEMENTAL GRANTS FOR COALITION MENTORING ACTIVITIES.

"(a) Authority To Make Grants.—As part of the program established under section 1031, the Director may award an initial grant under this subsection, and renewal grants under subsection (f), to any coalition awarded a grant under section 1032 that meets the criteria specified in subsection (d) in order to fund coalition mentoring activities by such coalition in support of the program.

"(b) Treatment with Other Grants.—

"(1) Supplement.—A grant awarded to a coalition under this section is in addition to any grant awarded to the coalition under section 1032.

"(2) Requirement for basic grant.—A coalition may not be awarded a grant under this section for a fiscal year unless the coalition was awarded a grant or renewal grant under section 1032(b) for that fiscal year.

"(c) Application.—A coalition seeking a grant under this section shall submit to the Administrator an application for the grant in such form and manner as the Administrator may require.

"(d) Criteria.—A coalition meets the criteria specified in this subsection if the coalition—

"(1) has been in existence for at least 5 years;

"(2) has achieved, by or through its own efforts, measurable results in the prevention and treatment of substance abuse among youth;

"(3) has staff or members willing to serve as mentors for persons seeking to start or expand the activities of other coalitions in the prevention and treatment of substance abuse;

"(4) has demonstrable support from some members of the community in which the coalition mentoring activities to be supported by the grant under this section are to be carried out; and

"(5) submits to the Administrator a detailed plan for the coalition mentoring activities to be supported by the grant under this section.

"(e) Use of Grant Funds.—A coalition awarded a grant under this section shall use the grant amount for mentoring activities to support and encourage the development of new, self-supporting community coalitions that are focused on the prevention and treatment of substance abuse in such new coalitions' communities. The mentoring coalition shall encourage such development in accordance with the plan submitted by the mentoring coalition under subsection (d)(5).

"(f) Renewal Grants.—The Administrator may make a renewal grant to any coalition awarded a grant under subsection (a), or a previous renewal grant under this subsection, if the coalition, at the time of application for such renewal grant—

"(1) continues to meet the criteria specified in subsection (d); and

"(2) has made demonstrable progress in the development of one or more new, self-supporting community coalitions that are focused on the prevention and treatment of substance abuse.

"(g) Grant Amounts.—

"(1) In general.—Subject to paragraphs (2) and (3), the total amount of grants awarded to a coalition under this section for a fiscal year may not exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

"(2) Initial grants.—The amount of the initial grant awarded to a coalition under subsection (a) may not exceed $75,000.

"(3) Renewal grants.—The total amount of renewal grants awarded to a coalition under subsection (f) for any fiscal year may not exceed $75,000.

"(h) Fiscal Year Limitation on Amount Available For Grants.—The total amount available for grants under this section, including renewal grants under subsection (f), in any fiscal year may not exceed the amount equal to five percent of the amount authorized to be appropriated by section 1024(a) for that fiscal year.".

SEC. 3. FIVE-YEAR EXTENSION OF ADVISORY COMMISSION ON DRUG-FREE COMMUNITIES.

Section 1048 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1548) is amended by striking "2002" and inserting "2007".

SEC. 4. AUTHORIZATION FOR NATIONAL COMMUNITY ANTIDRUG COALITION INSTITUTE.

(a) In General.—The Director of the Office of National Drug Control Policy may, using amounts authorized to be appropriated by subsection (d), make a grant to an eligible organization to provide for the establishment of a National Community Antidrug Coalition Institute.

(b) Eligible Organizations.—An organization eligible for the grant under subsection (a) is any national nonprofit organization that represents, provides technical assistance and training to, and has special expertise and broad, national-level experience in community antidrug coalitions under section 1032 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1532).

(c) Use of Grant Amount.—The organization receiving the grant under subsection (a) shall establish a National Community Antidrug Coalition Institute to—

(1) provide education, training, and technical assistance for coalition leaders and community teams;

(2) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes; and

(3) bridge the gap between research and practice by translating knowledge from research into practical information.

(d) Authorization of Appropriations.—There is authorized to be appropriated for purposes of activities under this section, including the grant under subsection (a), amounts as follows:

(1) For each of fiscal years 2002 and 2003, $2,000,000.

(2) For each of fiscal years 2004, 2005, 2006, and 2007, such sums as may be necessary for such activities.

Mr. BIDEN. Mr. President, today I introduce legislation to reauthorize the Drug Free Communities Act, a program which currently funds more than 300 community coalitions across the country that work to reduce drug, alcohol, and tobacco use.

Four years ago, I worked with Senator Grassley, Representatives Sandy Levin and Rob Portman, and others to create this important program to fund coalitions of citizens—parents, youth, businesses, media, law enforcement, religious organizations, civic groups, doctors, nurses, and others—working to reduce youth substance abuse.

Community coalitions across the country—including two in my home State of Delaware—are galvanizing tremendous support for prevention efforts. They are helping fellow citizens make a difference in their communities. And they are helping all sectors of the community send a consistent message about alcohol, drugs, and tobacco.

I have been fighting for this type of anti-drug program for local communities for over a decade because I believe that prevention is a critical—but too often overlooked—part of an effective drug strategy.

Substance abuse is one of our Nation's most pervasive problems. Addiction is a disease that does not discriminate on the basis of age, gender, socioeconomic status, race or creed. And while we tend to stereotype drug abuse as an urban problem, the steadily growing number of heroin and methamphetamine addicts in rural villages and suburban towns shows that is simply not the case.

We have nearly 15 million drug users in this country, 4 million of whom are hard-core addicts. We all know someone—a family member, neighbor, colleague or friend—who has become addicted to drugs or alcohol. And we are all affected by the undeniable correlation between substance abuse and crime—an overwhelming 80 percent of the 2 million men and women behind bars today have a history of drug and alcohol abuse or addiction or were arrested for a drug-related crime.

All of this comes at a hefty price. Drug abuse and addiction cost this Nation $110 billion in law enforcement and other criminal justice expenses, medical bills, lost earnings and other costs each year. Illegal drugs are responsible for thousands of deaths each year and for the spread of a number of communicable diseases, including AIDS and Hepatitis C. And a study by the National Center on Addiction and Substance Abuse at Columbia University (CASA) shows that 7 out of 10 cases of child abuse and neglect are caused or exacerbated by substance abuse and addiction.

Another CASA study recently revealed that for each dollar that States spend on substance-abuse related programs, 96 cents goes to dealing with the consequences of substance abuse and only 4 cents to preventing and treating it. Investing more in prevention and treatment is cost-effective because it will decrease much of the street crime, child abuse, domestic violence, and other social ills that can result from substance abuse.

If we can get kids through age 21 without smoking, abusing alcohol, or using drugs, they are unlikely to have a substance abuse problem in the future. But there are still those who shrug their shoulders and say "kids are kids—they are going to experiment." Others find the thought of keeping kids drug-free too daunting a task, and they give up too soon.

But the truth is that we are learning more and more about drug prevention as researchers isolate the so-called "risk" and "protective" factors for drug use. In other words, we now know that if a child has low self-esteem or emotional problems; has a substance abuser for a parent; is a victim of child abuse; or is exposed to pro-drug media messages, that child is at a higher risk of smoking, drinking and using illegal drugs. But the good news is that we are also learning what decreases a child's risk of substance abuse.

The Drug Free Communities program allows coalitions to put prevention research into action in cities and towns nationwide by funding initiatives tailored to a community's individual needs.

In my home State of Delaware, both the New Castle County Community Partnership and the Delaware Prevention Coalition's Southern Partnership are working to prevent youth substance abuse by helping kids do better in school, addressing their behavioral problems, and teaching them the dangers associated with drug, alcohol, and tobacco use. The Delaware coalitions know that teachers who have high expectations of their students and help them develop good social skills also help to prevent substance use. And they know that if kids think that drugs, alcohol, and tobacco are bad for them, they will be less likely to use them.

Other coalitions are working to engage the religious community. In Florida, the Miami Coalition for a Safe and Drug Free Community has developed a substance abuse manual for religious leaders so that they will know how to identify substance abuse and help people who need treatment find it. They are also teaching religious leaders how to incorporate messages about substance abuse into their sermons.

Still other groups are working with the business community. A coalition in Troy, MI, is working with the Chamber of Commerce to form an Employee Assistance Program for a consortium of small businesses who could not otherwise afford to have one.

These are just a few examples of the efforts that are making a difference and just a few of the reasons why I am proud to support community coalitions.

Drug abuse plagues the entire community. We all feel the consequences—crime, homelessness, domestic violence, child abuse, despair—and we all need to do something about it. Prevention messages must come from all sectors of the community, from a number of different voices. Coalitions bring those groups together, give them information they need, help develop programs that work, and nurture them to success.

I believe that the Drug Free Communities program is a powerful prevention initiative and I urge my colleagues to support its reauthorization.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

Mr. SMITH of Oregon. Mr. President, I rise today to join my distinguished colleagues to support the reauthorization of the Drug-Free Communities Support Program. Drug-Free Community grants have had an extremely positive impact on my home State of Oregon, and I know that the program has benefitted a great number of communities all across this country. I am proud to be an original cosponsor of this important bill.

Federal Drug-Free Community grants serve programs in 14 Oregon communities in urban, suburban, and rural areas alike. All Drug-Free Community grants go directly to communities to support a wide variety of innovative drug-abuse prevention programs, ranging from community education programs and after-school programs to parenting classes and youth camps. Communities are invested in the process through a dollar-for-dollar match requirement, ensuring their interest in getting results, and they are getting results. With help from Federal Drug-Free Community dollars, Oregon drug abuse prevention groups are increasing citizen participation and they have produced a measurable decrease in both adult and youth substance abuse.

Portland's Regional Drug Initiative, RDI, for example, has promoted the establishment of drug-free workplaces among the city's large and small employers. Over 3,000 employers have attended an RDI training session, and of those, 92 percent have instituted drug-free workplace policies, resulting in a 5.5 percent decrease in positive workplace drug tests. At the Southern Oregon Drug Awareness program in Medford, OR, 320 young people have participated in its violence prevention course, and upon completion, two-thirds of those students report having no additional discipline referrals in school. These are two fine examples of how the Drug-Free Communities Support Program is directly responsible for positively impacting lives in Oregon and all across our Nation.

This bill will reauthorize the Drug-Free Communities Support Program to provide grants for an additional five years. The bill will also authorize the creation of a National Community Anti-Drug Coalition Institute, which will serve as a valuable information clearing house for programs seeking to improve themselves by using the best practices of other successful community programs. The bill also establishes a new coalition mentoring program which will enable established coalitions like the Oregon Partnership to help communities develop their own local drug prevention coalitions.

Substance prevention works, and drug abuse is becoming less common through community prevention efforts, but this is no time to rest on our laurels. Over the next fifteen years, the youth population in the United States will grow by 21 percent, and we must ensure that the programs are in place to prevent these youths from succumbing to drug-related problems, such as academic failure, drug-related violence, and HIV infection. The Drug-Free Communities Support Program is an important partner in local efforts to prevent these problems, and I urge my colleagues to join me in supporting its reauthorization.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 26, 2001, at 10:30 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the Great Plains Tribes for the 107th session of the Congress.

Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on June 28, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the Montana Wyoming

Tribal Leaders Council for the 107th session of the Congress.

Those wishing additional information may contact committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 20, 2001, at 4 p.m., in executive session to meet with NATO Secretary General the Right Honorable Lord Robertson of Port Ellen to discuss alliance matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 20, 2001, to conduct a hearing on "The Condition of the U.S. Banking System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, June 20 at 9:30 a.m. to conduct a hearing. The committee will consider the nominations of Patricia Lynn Scarlett to be an Assistant Secretary of the Interior (for Policy, Management, and Budget); William Gerry Myers III to be the Solicitor of the Department of the Interior; and Bennett William Raley to be an Assistant Secretary of the Interior (for Water and Science).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 20, 2001, to hear testimony regarding Trade Promotion Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 20, 2001 at 10 a.m. to hold a hearing titled, "U.S. Security Interests in Europe" as follows:

"U.S. Security Interests in Europe," Wednesday, June 20, 2001, 10 a.m., SD–419.

Witness: The Honorable Colin Powell, Secretary of State, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, June 20, 2001 at 9:30 a.m. for a hearing to examine the Role of the Federal Energy Regulatory Commission Associated with the Restructuring of Energy Industries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, June 20, 2001, at 1:00 p.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, June 20, 2001 at 2:30 p.m. to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Madam President, I ask unanimous consent that Diane Baker, a fellow in my office, be granted floor privileges during the consideration of S. 1052, the Patients' Bill of Rights.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that Lauren Wilcox and Clara Filice be granted floor privileges for the duration of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Anne Ekedahl DiBiasi, a fellow in Senator DASCHLE's office, the majority leader, be granted the privilege of the floor during debate on S. 1052.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the following staff members of the Senate Finance Committee be granted access to the Senate floor for the duration of the debate on S. 1052: Legislative fellows Traci Gleason and Gary Swilley; Interns Annabelle Bartsch, Liz Liebschutz, and Emilie Klein, Law clerk Jonathan Selib.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNATION OF MURDER IN INDONESIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 67, S. Res. 91.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A resolution (S. Res. 91) condemning the murder of a United States citizen and other civilians, and expressing the sense of the Senate regarding the failure of the Indonesian judicial system to hold accountable those responsible for the killings.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

Whereas on September 6, 2000, a paramilitary mob in the West Timor town of Atambua brutally killed 3 United Nations aid workers, including United States citizen Carlos Caceres, in an unprovoked attack;

Whereas Caceres, an attorney originally from San Juan, Puerto Rico, whose family now resides in the State of Florida, had e-mailed a plea for help saying that "the militias are on their way," and that "we sit here like bait" before he and the others were killed;

Whereas on May 4, 2001, an Indonesian court in Jakarta handed down only token sentences to the murderers of Carlos Caceres and the other United Nations workers, and failed to allot any punishment to the Indonesian military personnel alleged to have sanctioned this attack;

Whereas these token sentences were condemned as "wholly unacceptable" by United Nations Secretary General Kofi Annan, and described by the Department of State as acts that "call into question Indonesia's commitment to the principle of criminal accountability";

Whereas the self-confessed killer of Carlos Caceres, a pro-government militia member named Julius Naisama, was sentenced to spend not more than 20 months in jail, and remarked afterwards, "I accept the sentence with pride";

Whereas the murders of Carlos Caceres and the other United Nations workers fit a pattern of killings perpetrated, sanctioned, or condoned by certain elements within the Indonesian military in Timor, both during and since the end of the Suharto regime;

Whereas, despite the stated intent of the Government of Indonesian to put into place a system of increased judicial accountability, since the initiation of democratic rule in Indonesia in 1998, no senior military official has been put on trial for human rights abuses, extrajudicial killings, torture, or incitement to mob violence; and

Whereas the Government of Indonesia could probably have prevented both the murder of the United Nations workers and the subsequent miscarriage of justice if the government had—

(1) upheld its explicit commitment, made after the August, 1999, referendum in East Timor, to ensure that Indonesian military forces would safeguard United Nations workers and Timorese refugees from attacks by the paramilitary militias on the island who had killed approximately 1,000 East Timorese civilians in the preceding weeks;

(2) brought charges of murder or manslaughter against the 6 men who admitted to killing the United Nations workers, rather than only the lesser charge of conspiring to foment violence; and

(3) brought charges against senior military commanders who, according to the United Nations, the Department of State, and the Government of Indonesia itself, are suspected of arming and directing the paramilitary militias responsible for the carnage on Timor: Now, therefore, be it

Resolved, That (a) the Senate—

(1) condemns the brutal murder of Carlos Caceres, a United States citizen, and the other United Nations aid workers, and offers condolences to their families, friends, and colleagues;

(2) decries the inadequately disproportionate sentences handed down by the Indonesian court to the self-confessed killers of the United Nations aid workers;

(3) calls on the prosecutorial organs of the Government of Indonesia to indict and bring to trial the senior military commanders described in a September 1, 2000, statement by that government as suspects in the mass killings following the August, 1999, East Timor referendum.

(b) It is the sense of the Senate that—

(1) officials of the Department of State should, at every appropriate meeting with officials of the Government of Indonesia, stress the importance of ending the climate of impunity that shields those individuals, including senior members of the Indonesian military, suspected of perpetrating, collaborating in, or covering up extra-judicial killings and abuses of human rights in Indonesia; and

(2) the President should consider the willingness of the Government of Indonesia to make substantive progress in judicial reform, and in the criminal accountability of those responsible for human rights abuse on the island of Timor, among those factors taken into account when determining the level of financial support provided by the United States to Indonesia, whether directly or through international financial institutions.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. NELSON of Florida. Mr. President, I, along with my colleagues Senators FEINGOLD, HARKIN, and LEAHY, have introduced S. Res. 91, a resolution that condemns the brutal murder of Carlos Caceres, an American citizen, decries the inadequately disproportionate sentences given by the Indonesian judicial system to the self-confessed killers of the three U.N. aid workers, and offers condolences to the family, friends and colleagues of Carlos Caceres and the other victims of the September 6 attack.

This resolution also expresses the sense of the Senate that:

> (1) the officials at the U.S. Department of State should, at every appropriate meeting with officials of the Indonesian government, stress the importance of ending the climate of impunity which shields those individuals, including senior members of the Indonesian military, suspected of perpetrating, collaborating in, or covering up extrajudicial killings, and other abuses of human rights.
>
> (2) the President should consider the willingness of the government of Indonesia to make rapid and substantive progress in judicial reform, and in the criminal accountability of those responsible for human rights abuses on the island of Timor, among those factors taken into account when determining the level of U.S. financial support provided to Indonesia, whether directly or through international financial institutions.

On September 6, 2000, a paramilitary mob killed three United Nations aid workers, including the United States citizen Carlos Caceres, in the West Timor town of Atambua. Mr. Caceres and the other victims were stabbed and hacked to death with exceptional brutality, and their bodies were then set on fire and dragged through the streets. Mr. Caceres previously had emailed a plea for help saying that "The militias are on their way" and that "we sit here like bait."

Several weeks ago, an Indonesian court in Jakarta meted out only token sentences to the murderers of Carlos Caceres and the other U.N. workers, and failed to allot any punishment whatsoever to the Indonesian military commanders alleged to have sanctioned this attack. In addition, the self-confessed killer of Carlos Caceres, a pro-government militia member was sentenced to spend no more than 20 months in jail, and remarked afterwards, "I accept the sentence with pride."

The murders of Carlos Caceres and the other U.N. workers fit a pattern of killings perpetrated or sanctioned by the Indonesian military in Aceh, Irian Jaya, and other parts of the nation. Despite government promises of judicial accountability, since the initiation of democratic rule in Indonesia in 1998 no senior military official has yet been put on trial for human rights abuses, extrajudicial killings, torture, or incitement of mob violence. I propose that the U.S. Senate go on record to stress the importance of ending the climate of impunity which shields those individuals—especially senior members of the Indonesian military—suspected of perpetrating, collaborating in, or covering up extrajudicial killings, torture, and other abuses of human rights. The Senate urges the President and Congress to make every effort to consider the need for reform when determining policy towards Indonesia.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 91), as amended, was agreed to.

The preamble, as amended, was agreed to.

ORDERS FOR THURSDAY, JUNE 21, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Thursday, June 21. I further ask unanimous consent that on Thursday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to the consideration of the motion to proceed to S. 1052, the Patients' Bill of Rights, with the time until 9:30 equally divided between the managers of the bill or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as announced, we are going to convene at 9:15 a.m. tomorrow. We will have about 10 minutes of debate equally divided between the proponents and opponents of this legislation. Following the vote on the motion to proceed, there will be approximately 2 hours for debate equally divided between the leaders or their designees.

At 12 noon, Senator LOTT, or his designee, will be recognized to offer an amendment in regard to this legislation, S. 1052.

As has been indicated several times, we are going to conclude this legislation prior to the Fourth of July recess. As indicated, Senators are advised and their staffs should be making alternative arrangements in case we have to work through the weekend.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Thursday, June 21, 2001, at 9:15 a.m.

NOMINATIONS

Executive Nominations received by the Senate June 20, 2001:

THE JUDICIARY

JOHN D. BATES, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY S. HARRIS, RETIRED.

REGGIE B. WALTON, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE STANLEY SPORKIN, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. KEITH B. ALEXANDER, 9763
BRIG. GEN. ELDON A. BARGEWELL, 6135
BRIG. GEN. DAVID W. BARNO, 9794
BRIG. GEN. JOHN R. BATISTE, 9665
BRIG. GEN. PETER W. CHIARELLI, 6598
BRIG. GEN. CLAUDE V. CHRISTIANSON, 1982
BRIG. GEN. ROBERT T. DAIL, 5056
BRIG. GEN. PAUL D. EATON, 1993
BRIG. GEN. KARL W. EIKENBERRY, 5197
BRIG. GEN. ROBERT H. GRIFFIN, 5619
BRIG. GEN. JOHN W. HOLLY, 6285
BRIG. GEN. DAVID H. HUNTOON JR., 1919
BRIG. GEN. JAMES C. HYLTON, 8014
BRIG. GEN. GENE M. LACOSTE, 2941

BRIG. GEN. DEE A. MCWILLIAMS, 1427
BRIG. GEN. RAYMOND T. ODIERNO, 8425
BRIG. GEN. VIRGIL L. PACKETT II, 9367
BRIG. GEN. JOSEPH F. PETERSON, 2747
BRIG. GEN. DAVID H. PETRAEUS, 1960
BRIG. GEN. MARILYN A. QUAGLIOTTI, 8480
BRIG. GEN. MICHAEL D. ROCHELLE, 4381
BRIG. GEN. DONALD J. RYDER, 5441
BRIG. GEN. HENRY W. STRATMAN, 1226
BRIG. GEN. JOE G. TAYLOR JR., 0884
BRIG. GEN. N. ROSS THOMPSON III, 5240
BRIG. GEN. JAMES D. THURMAN, 8182
BRIG. GEN. THOMAS R. TURNER II, 7116
BRIG. GEN. JOHN M. URIAS, 6022
BRIG. GEN. MICHAEL A. VANE, 9890
BRIG. GEN. WILLIAM G. WEBSTER JR., 9468

HOUSE OF REPRESENTATIVES—*Wednesday, June 20, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAYS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 20, 2001.

I hereby appoint the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Rabbi Rafael G. Grossman, Senior Rabbi, Baron Hirsch Synagogue, Memphis, Tennessee, offered the following prayer:

O merciful God, in this august Chamber, Thy servants represent a nation blessed to live in freedom. Grant wisdom and courage so the path they pave can be traversed by all.

You chose us, the American people, from among all people, to be the "light unto the nations" and the voice for the silenced and the suffering. Thy children everywhere look to this hall of democracy for hope and strength, as old and young continue to face the evil hand of terror and exploitation. Give us determination to bring joy and life to victims of terror and might against those who perpetrate it. Your voice resonates in our hearts, and this is the vision of America's destiny.

Isaiah, in the language of the Bible: (Here the cited verse was read in Hebrew.) He "has sent me to bind up the broken hearted, to proclaim liberty to the captives, and opening of the eyes of those who are bound." The old Prophet's words beckon the hearts of Americans to bring the freedom of our blessings to humankind's downtrodden, to those shackled by chains of exploitation and demagoguery. The free, dear God, are only free when all of God's children are free.

Would you join me in saying, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 657. An act to authorize funding for the National 4-H Program Centennial Initiative.

S. Con. Res. 35. Concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

S. Con. Res. 42. Concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

WELCOME TO RABBI RAFAEL G. GROSSMAN

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, I would like to join my colleagues in welcoming today's guest Speaker, Rabbi Rafael Grossman, and thank him for leading the House in prayer.

Rabbi Grossman has led the Baron Hirsch Congregation in Memphis for some 25 years. In those 25 years, Rabbi Grossman has overseen the construction of a new synagogue building and has established numerous programs that have benefited members of his congregation, the City of Memphis, and the State of Israel. Through the programs and his continued counsel, the Rabbi has touched the lives of each member of his congregation.

The Rabbi was chosen as one of a group of 10 Rabbis to be recognized and honored at the centennial celebration of the Union of Orthodox Jewish Congregations of America for his outstanding achievements. He also was a recipient of the National Rabbinic Leadership Award from that organization and has written many scholarly works for numerous journals.

Rabbi Grossman is married to Mrs. Shirley Grossman, and together they are the proud parents of four children and nine grandchildren. It is my distinct pleasure to welcome him here today as our guest chaplain.

PRICE CAPS ARE NOT THE ANSWER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, until recently, I thought everyone understood the law of supply and demand, but that was before some in this town started crying for price caps on energy.

The ins and outs of energy policy may be complicated, but the law of supply and demand is very simple. President Bush has a sensible, balanced, and comprehensive plan to increase supply through new and better energy sources and to address demand through better efficiency and modernization. We should not let anyone tell us that price controls are the answer to the energy crunch we are in.

The Soviet Union tried running things that way for 70 years, and bread lines only got longer. We need to increase supply. Price controls will not produce one drop of oil or one watt of electricity. They only reduce the pain temporarily, but compound the problem actually.

Mr. Speaker, we need a long-term solution, not a short-term fix.

A CHALLENGE FOR VICTORIA'S SECRET

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. A California woman has set a world record by hooking 7,000 brassieres together to create the biggest bra ball in history. This bra ball is a protest against the way women's breasts have been exploited. Now, if that is not enough to challenge Victoria's Secret, this buxom diva has filed a lawsuit against another artist who is also building a ball of bras.

Think about it. America's courts are bogged down with drugs and murder, and now we will be tied up with 200 pounds of Maidenforms. Unbelievable. Even Slappy White of hillzoo.com cannot believe this. What is next, Congress? A stainless steel panty hose contest?

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Beam me up. I yield back the fact that all this money being used for this litigation would be better served if they put it towards a cure for breast cancer.

KEEPING THE LIGHTS ON IN AMERICA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, as we embark on the 21st century, Americans expect certain things. We want a secure future for our children, a clean environment; and when we flick the switch on a lamp, we expect the light to shine. Unfortunately, due to extreme environmental policies, many Americans cannot be assured the lights will come on. That is why I commend the President for showing real leadership in developing a national energy plan that takes a balanced approach to solving our energy crisis.

The President's plan takes into account the incredible developments in energy research, exploration, technology, which not only reduces our heavy reliance on foreign oil, but preserves and protects our Nation's environment. This comprehensive energy plan has more than 100 concrete recommendations, nearly 50 percent of which deal with conservation. This is a commonsense, long-term, high-tech solution that protects the environment and secures our future.

Americans should expect the best electric system in the world, while we secure clean air and water for our children. The President's plan will ensure our priorities and keep the lights on in America.

TRIBUTE TO BIOTECHNOLOGY

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, most of us go throughout the day without noticing that many of the products we use are a direct result of biotechnology. Everything from important medical breakthroughs like insulin and many HIV drugs to household detergents and cleaners and the like can be attributed to the discoveries made by biotechnology. It is time we recognize the biotechnology community for the numerous achievements and discoveries that have improved the quality of life for people around the globe.

Mr. Speaker, I am proud to introduce bipartisan legislation recognizing the benefits of biotechnology. I hope my colleagues will join the many cosponsors of this bill which recognizes biotechnology for its contributions of the past and for the amazing potential this technology holds for the future.

HONORING AIRMAN MATHEW KURIAN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I wish today to address just very briefly congratulations for those people who work hard to improve themselves and their community.

So today I rise to salute and congratulate 99th Supply Squadron Airman First Class Mathew Kurian, currently stationed at Nellis Air Force Base, Nevada.

Today, Airman Kurian will receive the Congressional Gold Award, an honor which recognizes initiative, achievement, and excellence among people in the United States aged 14 to 23. Recipients must set and achieve goals in four areas: Expedition and exploration, personal development, physical fitness, and voluntary public service. They must set and achieve challenging goals for the betterment of themselves and their community.

Airman Kurian met and exceeded those goals. Over the past 2 years he volunteered for over 400 hours of public service, including helping with children's ceramic classes, and he served on the Nellis Honor Guard. Airman Kurian is a role model for all Air Force members, and for all Americans as well.

I congratulate him on his achievement and thank him for his devoted efforts to better Nevada and to serve our Nation.

TRIBUTE TO EDWARD J. ROSASCO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor Edward J. Rosasco for his 17 years of service and dedication as president and chief executive officer at Mercy Hospital. Under Ed Rosasco's leadership, Mercy Hospital has strengthened its long-standing tradition of providing quality health care to all residents of south Florida.

His dedication to improving and establishing his new patient services is evident with Mercy's Pain Management Center which cures patients who never thought that they would live without pain again.

Another example is Mercy Hospital's Diabetes Treatment Center, one of only six in the Nation to be named a model center qualified to serve as a training location and a prototype for other diabetes programs.

Mercy is also recognized as an important provider for international patients and is the leading choice for residents in the Caribbean and Central and South America who seek top quality care and treatment not available in their countries.

For 17 exceptional years, Ed Rosasco has ensured that Mercy has remained true to its mission: maintaining an uncompromising commitment to excellence.

Mercy Hospital will honor Ed tomorrow, and today I ask my colleagues to join me in paying tribute to Ed Rosasco for his service to our south Florida community.

□ 1015

SUPPORTING MEASURE PROVIDING HEALTH CARE COVERAGE FOR LEGAL IMMIGRANTS

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I am here to strongly support a bill introduced by my colleagues, the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN), among others, that would allow us to provide health care coverage for legal immigrants of the United States.

Let me be very specific. My colleague, the gentleman from Florida (Mr. DIAZ-BALART), will speak a little more on this subject. What we have to make certain of is that everybody is provided good quality health care.

Yesterday a report was issued that included the fact that if folic acid was administered to pregnant women early in their pregnancies, the likelihood of a healthy delivery and a healthy baby would result. The March of Dimes and others strongly support this initiative to make certain that we provide the health care for women early in their pregnancies and then after, once the baby has been delivered.

Let us not be penny-wise and pound foolish. The money we think we are saving will evaporate in excess spending if a child is born with a disability, so let us make certain we strongly support this initiative. It is being supported by Senator GRAHAM of Florida on the Senate side, and I know my colleague is going to talk about it in greater detail.

I am thrilled and delighted to be part of this effort. Today is World Refugee Day, and I think this is a fitting tribute to this day, to make certain legal immigrants are covered.

URGING MEMBERS TO COSPONSOR H.R. 1143, THE LEGAL IMMIGRANT CHILDREN'S HEALTH IMPROVEMENT ACT OF 2001

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIAZ-BALART. Mr. Speaker, I want to thank the gentleman from Florida (Mr. FOLEY) for joining us in this very important effort.

Today I rise to speak about the unfortunate fact that legal immigrant children and legal immigrant pregnant women do not have access to federal matching health care funds for health care services.

Legal immigrants who enter the United States after August 22, 1996, must wait 5 years before they are eligible for either Medicaid or S-CHIP medical services. While these legal immigrants sometimes get emergency medical care, they are ineligible for basic medical services that reduce the need for such emergency care. This makes no sense and unnecessarily increases the costs to taxpayers.

The bill I have introduced, H.R. 1143, the Legal Immigrant Children's Health Improvement Act of 2001, will lift the 5-year ban currently in place for health services for lawfully present immigrant children and pregnant women who enter the United States after August 22, 1996. The bill gives States the option of extending such services. The legislation will provide coverage for between 150,000 and 200,000 legal immigrant children and about 50,000 legal immigrant pregnant women and their babies.

I ask my colleagues to please cosponsor H.R. 1143.

WE NEED A BALANCED LONG-TERM PLAN TO ADDRESS AMERICA'S ENERGY NEEDS

(Mrs. WILSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON. Mr. Speaker, this country needs a balanced long-term energy plan to address America's energy needs. We are more dependent on foreign oil today than we were at the height of the energy crisis in the 1970s. Fifty-five percent of the oil used in America comes from foreign sources, mostly in the Middle East.

We have made great strides in energy efficiency over the last two decades. We have cleaner water, cleaner air, and cleaner land today than we did 20 years ago. There is no going back, and nobody wants to. We can have conservation and an adequate energy supply.

Our energy policy must include both. We need to build the safe pipelines and the transmission systems to get our energy to where it is needed to meet the needs of a growing American people. We should expect the best energy system in the world, and we can pass a balanced long-term energy plan through this House in order to do so.

THE DEATH PENALTY IS NOT WORTHY OF A GREAT NATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, another man is gone. Another human being is gone. How long will we continue to travel down this inhumane road? The death penalty is not worthy of a great Nation. It is barbaric, it is uncivilized. What do we want, retribution, to get even, or to have revenge?

I happen to believe that in every human being there is the spark of the divine, and no government, not State or federal, has the right to destroy that spark. That right is reserved for the Almighty and the Almighty alone. How can we appeal to our people, especially our young people, not to use an instrument of violence to settle their disputes, and then sanction killing, sentencing someone to death?

It is time for us to join with the majority of the world and put an end to this form of barbaric punishment. It is time to put an end to the death penalty. Enough is enough, Mr. Speaker.

ELECTION OF RANDY FORBES TO THE HOUSE OF REPRESENTATIVES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we of course champion the role of a free press in our society, and so it is for that reason that I come to the floor today, because there is a story that some of our establishment media outlets have not really talked about. So I return to my profession as a broadcaster to inform the House that last night, in the Commonwealth of Virginia, voters displayed great common sense in electing Randy Forbes to this Chamber.

It means a political realignment probably not receiving the same prominence as a recent political alignment in the other body. Yet, it bears testimony to the common sense of Commonwealthy voters because, in his election, we are seeing now the prevalence of a sound policy striking a balance between protecting our precious environment and also our economy, understanding that education is a national priority but ultimately a local concern, and the notion that the money sent here to Washington belongs not to the federal bureaucrats, but to the people.

It was a sound election. We welcome Mr. Forbes to this Chamber, and we will focus on sound policy, rather than partisan politics.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record vote on postponed questions will be taken after debate is concluded on all motions to suspend the rules.

MAKING TECHNICAL CORRECTIONS TO MANUFACTURED HOUSING PROGRAM

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1029) to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

The Clerk read as follows:

S. 1029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MANUFACTURED HOUSING.

(a) AVAILABILITY OF FEES.—Notwithstanding section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)), any fees collected under that Act, including any fees collected before the date of enactment of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701 note) and remaining unobligated on the date of enactment of this Act, shall be available for expenditure to offset the expenses incurred by the Secretary under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), otherwise in accordance with section 620 of that Act.

(b) DURATION.—The authority for the use of fees provided for in subsection (a) shall remain in effect during the period beginning in fiscal year 2001 and ending on the effective date of the first appropriations Act referred to in section 620(e)(2) of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5419(e)(2)) that is enacted with respect to a fiscal year after fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on S. 1029, the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1029 is a technical correction to last year's Manufactured Housing Improvement Act. This bill authorizes HUD, the Housing and Urban Development Department, to continue operating its manufactured housing program with its fees collected through the program until Congress enacts appropriations for the Department for the year 2002.

Mr. Speaker, S. 1029, and I want everyone to hear this and understand it, S. 1029 was passed in the other House on June 13 by unanimous consent. Last year, in a bipartisan effort, Congress passed the American Home Ownership and Economic Opportunity Act of 2000, and it was title 6 of that law that is the Manufactured Housing Improvement Act.

Until last year, HUD's manufactured housing program operated under a permanent indefinite appropriation, with the fees collected from the manufactured funding program. The Manufactured Housing Improvement Act was the result of extensive bipartisan negotiations with industry and consumer groups, all of whom supported the final product.

The legislation passed by unanimous consent in both the House and Senate, but that is the past. What today is about is about closing an inadvertent loophole in the law. The manufactured housing program is funded through fees HUD levies on the industry. Prior to the new act, HUD could spend those funds as needed. However, to maintain better oversight over the program, the new law made the spending of the fees subject to the annual appropriations process. Again, it was agreed to unanimously.

The change in operating authority occurred after the approval of HUD's 2001 Appropriations Act. Therefore, this legislation that we have before us today is necessary.

Based on both the specific mandates in the Manufactured Housing Improvement Act and the statutory purposes of the program, it is clear that Congress intended these fees to be available to pay expenses for authorized program activities during the remainder of this current fiscal year. That is what this legislation is about. The legislation here today makes the necessary technical corrections to allow that appropriations continuation, and it is S. 1029, the bill that was enacted last year.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation to provide a technical clarification of the bill enacted last December to reform HUD's regulation of manufactured housing.

Last year, we labored mightily and successfully to enact long overdue changes to HUD's regulation of manufactured housing. That legislation strengthened consumer protections by authorizing national manufactured housing installation standards and by creating a process for dispute resolution to deal with manufactured housing defects.

It also streamlined and updated the regulatory process. HUD regulation of manufactured housing is funded through fees levied on the industry. As part of last year's reform bill, we made HUD's use of such fees for regulatory purposes subject to appropriations in advance. The purpose of this was to enhance oversight of HUD regulation.

However, due to negotiations on other issues, this authorizing legislation was not able to be enacted until December of last year, after the VA–HUD appropriations bill for the current fiscal year.

Thus, a technical reading of this authorizing legislation might preclude the ability of HUD to use fees collected after December 27 of last year for HUD regulation of manufactured housing until an appropriations bill is enacted for the next fiscal year starting October 1.

This potentially puts in jeopardy critical regulatory activities over the next few months. This was never the intent of the authorizing legislation. Therefore, the bill before us today, which passed the Senate by unanimous consent, would simply authorize HUD to use manufactured housing fees collected after December 27, 2000, for manufactured housing regulation, but only until such time as next year's VA–HUD appropriation bill is enacted.

This allows HUD to continue important manufactured housing regulatory activities while remaining true to the intent of the authorizing legislation to subject such fees in the future to the appropriations process for oversight purposes. I therefore urge support for this noncontroversial legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to acknowledge the statement of my colleague, the gentleman from Missouri (Mr. CLAY), and stress for all Members here that he and I have both concurred on the strong bipartisan, undivided bipartisan support of this technical correction.

Mr. ROEMER. Mr. Speaker, as a long-time advocate and co-sponsor of the Manufactured Housing Improvement Act, I rise in support of this bill today. S. 1029 makes a very important technical correction that effectively prevents the Department of Housing and Urban Development's manufactured housing program from being unintentionally de-funded.

Last year, Congress finally enacted important reforms to the federal government's manufactured housing program as part of the Manufactured Housing Improvement Act. That program, administered by the Department of Housing and Urban Development, is financed through fees collected from the manufactured housing industry. Prior to last year's reforms, HUD was authorized to spend these collected funds at its own discretion. However, the new law made this spending subject to appropriations.

Since the new manufactured housing law was passed after the FY 2001 VA–HUD Appropriations Act had been signed into law, OMB determined that the appropriations measure did not include any provisions addressing HUD's use of collected manufactured housing fees. Consequently, HUD has continued collecting the fees but is unable to spend any of the funds it has collected since the manufactured housing reforms were enacted in late December. Without authority to spend those funds, HUD has indicated that it may be forced to shut down its program soon.

S. 1029 authorizes HUD to continue operating its manufactured housing program with fees it collects through the program until Congress enacts a FY 2002 appropriation for the department. it corrects a technical problem that was unintended by Congress, and will allow business to proceed as usual.

The manufactured housing industry is extremely important to my district and the nation as one of the leading methods of providing Americans with affordable homeownership opportunities. I was pleased to see the other body pass this measure so expediently, and am pleased the House followed suit today.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and pass the Senate bill, S. 1029.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1030

RECOGNIZING AND SUPPORTING GOALS AND IDEAS OF AMERICAN YOUTH DAY

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.R. 124) recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day.

The Clerk read as follows:

H. RES. 124

Whereas national evidence indicates that America's youth are faced with oppressive issues, such as violence, drugs, abuse, and even family stress, causing the future of the youth of the United States, and therefore the future of the Nation, to be at risk;

Whereas youth in America, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society;

Whereas although Americans realize the challenges of today's busy lifestyles and balancing work schedules and youth activities, they remain committed to education, physical fitness, and civic-mindedness;

Whereas it is imperative that the people of the United States act willfully and purposely to secure a positive future for the Nation by devoting time to youth, sharing traditions, and communicating values to children in an effort to sustain ongoing relationships with caring adults;

Whereas America's Promise—The Alliance for Youth, founded by Secretary of State Colin L. Powell, is one of the Nation's most comprehensive nonprofit organizations dedicated to building and strengthening the character and competence of youth by mobilizing the Nation to fulfill the organization's "Five Promises" for young people:

(1) ongoing relationships with caring adults;

(2) safe places with structured activities during nonschool hours;

(3) a healthy start and future;

(4) marketable skills through effective education; and

(5) opportunities to give back through community service;

Whereas the citizens of the United States will celebrate American Youth Day and encourage all youth organizations to participate annually on a Saturday near the beginning of the school year; and

Whereas American Youth Day will provide opportunities for America's youth to reclaim the values which foster trust and build better communication and which will encourage parents, grandparents, and extended families to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of youth to the future of the United States;

(2) supports the goals and ideas of American Youth Day; and

(3) encourages the people of the United States to participate in local and national activities that seek to fulfill the Five Promises to America's youth, as established by America's Promise—The Alliance for Youth.

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 124.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 124, a resolution which recognizes the importance of children and supports the goals and ideals of American Youth Day, offered by the gentleman from Florida (Mr. CRENSHAW), my colleague.

In the next 24 hours, 1,439 teens will attempt suicide; 2,795 teenage girls will become pregnant; 15,006 teens will use drugs for the first time; and 3,056 teens will run away. That is within a 1-day period.

Without a doubt, teens cope, as we all did, with major physical changes, emotional ups and down, peer pressures and a changing identity; but they are also confronted by a more complex and impersonal society where drugs and alcohol are easily available and tragedies, such as violence and disease, often strike close to home.

In this time of growth and uncertainty, I strongly believe that our children need a caring adult to help them resist negative influences and make positive life choices.

America's Promise, the Alliance for Youth, is one organization which recognizes the importance of strong, positive relationships between young people and adults. Chaired by Secretary of State Colin Powell, America's Promise is based on five promises designed to help strengthen the character of our children and give them the opportunity to mature into successful and responsible adults.

The promises are simple enough. They seek to ensure that every young person has an ongoing relationship with caring adults, but they also attempt to provide every child a safe place to go before and after school, a healthy start into the future, a quality education, and an opportunity to build their neighborhoods and schools through community services.

Of course, a warm and caring family atmosphere is the most important factor in helping our young people resist negative influences, but researchers have found that many relationships are needed in a child's life. In fact, recent studies have demonstrated that youth who have relationships with older role models outside the family, such as teachers, coaches and neighbors, can help develop the broad spectrum of personal resources they need to become healthier and more caring adults.

Like many States across the Nation, the number of single-parent and two working-parent families in my State of Delaware is increasing. As a result, there is a growing need for mentors and our mentoring programs, in cooperation with organizations like Big Brothers/Big Sisters and local businesses are organizing a campaign to ensure that every child in Delaware who wants a mentor gets a mentor.

According to the Delaware youth who participated in these programs, having a mentor means having a trusted friend who cares about them, listens to them. Not surprisingly, children that have mentors or adults involved in their lives are 46 percent less likely to start using drugs, 27 percent less likely to start using alcohol, and 53 percent less likely to skip school.

If we are to continue to enjoy unprecedented freedom and prosperity as a Nation, we need to look at our collective future through the eyes of our children, for they will be responsible for navigating the challenges and opportunities of the new century. Only through the encouragement, structure, and caring provided by parents, adults and organizations such as America's Promise can we help our children realize their potential and make the world a better place for us all.

Mr. Speaker, this resolution rightly recognizes the importance of our children and the need for all Americans to mark American Youth Day through the formation of new relationships with the young people in their lives.

Mr. Speaker, I commend the gentleman from Florida (Mr. CRENSHAW) for his resolution, and I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentleman from Florida (Mr. CRENSHAW), my colleague, for bringing H. Res. 124 forward today.

The ideals embodied in this resolution promoting American Youth Day that children and youth are to be valued and that we have a responsibility to provide them with the resources they need to secure a healthy and promised future are not to be taken lightly.

Too often, Congress overlooks the needs of our Nation's young people. We somehow fail to make the issues of young people a priority, and we somehow fail to make an adequate investment in their development and well being.

Too often, we also find public programs for young people focus on the problems of youth. In turn, we wind up with a lot of programs and policies that react to the negative behaviors, like juvenile delinquency or teenage pregnancy.

That is not to say that we should ignore these problems, nor can we. In the communities across the country, children are faced with numerous obstacles which prevent them from reaching their full potential.

If you just look at the children in this Nation who are impoverished, in 1999 there were over 12 million youth under the age of 18 who were poor. In spite of low unemployment, my own State of California has one of the highest rates of child poverty among the States, ranking 45th out of the 50 States and the District of Columbia. The gap between high- and low-wage earners in California is the fifth largest among the States.

With much of the job growth that we have in the next 5 years concentrated in low-paying positions, six out of 10 of those jobs are expected to pay under $8 an hour, many working families will continue to have a difficult time making ends meet and to provide for their children.

Affordable housing, nutritious food, quality childcare, quality health care, in fact, are out of reach of many of these families.

In the area of health care, California youth have less access to health care than their counterparts in other States; 21 percent of the children and teens are uninsured as compared to 15 percent nationally. Less access to health care means that children are less likely to be immunized and less likely to receive well-child care. One study found that uninsured children are 3½ times as likely as insured children to go without needed health care, including medical, surgical, dental care, prescription drugs, eyeglasses and mental health care, all of the things that we know are important to children performing well in our schools, to take an advantage of the opportunities for success that were presented to them.

Without this kind of health care coverage, without access to this kind of diagnosis, these children's chances to succeed are greatly diminished.

Two out of three California youth in need of mental services do not receive those services. The teen unemployment rate for youth is 13.1 percent; particularly troubling is the unemployment rate for black teens of 24.7 percent.

In 1999, one out of six of the 16-year-olds to 19-year-olds in California who were looking for work could not find a job. That is why this resolution is important to call attention to these matters.

In the area of youth crime, nationally we see the juvenile crime rate is declining; but yet again, my home State of California ranks 48 out of 50 States and the District of Columbia for the percentage of youth detained in the California Youth Authority, county camps, juvenile halls, and private institutions. For too many of these youth, this incarceration will greatly diminish their chances in later life.

Twenty-two percent of the violent crimes in the U.S. are juveniles, and children under the age of 12 make up approximately a quarter of the juvenile victims known to police.

Tomorrow, the Subcommittee on Select Education will begin work on reauthorizing the Juvenile Justice and the Delinquency Prevention Act to address several of these issues. Yet the need for these programs take a more positive approach to youth still exists.

We must accentuate the positive possibilities that we can bring to these children's lives. An overwhelming body of research has demonstrated that we need to do more to foster positive youth development, to build social and emotional competence and to link young people with adult mentors.

H. Res. 124 is a step in the right direction, and Congress has the opportunity to do even more to ensure that all of these children and the purposes of this resolution are carried out and have access to the core five principles stated in this resolution.

H.R. 17, the Younger Americans Act, which I have introduced with the gentlewoman from New Jersey (Mrs. ROUKEMA), represents the next step. The Younger Americans Act was built around the same five pillars of youth development as found in H. Res. 124, helping youth to access ongoing relations with caring adults, to have safe places, to have a healthy start and future, and education and community service activities.

H.R. 17 provides communities the resources they need to achieve the very goals we are setting out for them in today's resolution. H.R. 17 has 49 cosponsors, Democrats and Republicans; and there is a companion measure in the Senate.

The Younger Americans Act establishes a national policy on youth development and assists communities in developing an infrastructure and network for local initiatives that promote the positive goals and outcomes for youth.

The Younger Americans Act promotes youth development programs that work, such as mentoring, teen employment programs, after-school learning activities, and recreational activities.

It encourages youth-led activities that encourage self-esteem and character development. It does not create new programs; instead, it reinforces, reinforces youth development initiatives that already exist at the local levels in the communities all across this country.

The bill has a vast national coalition of supporters, including Secretary of State and former Joint Chiefs of Staff Colin Powell, the Boys and Girl's Club of America, Big Brothers/Big Sisters, the National Urban League, America's Promise, the Child Welfare League of America, the United Way, the National Mental Health Association and many, many other organizations.

The Younger Americans Act ensures that all children and youth can benefit from youth development programs and have access to education, health and economic resources they need to realize their potential.

Mr. Speaker, if we are to call upon the communities to celebrate American Youth Day, then Congress must do its part.

This resolution should be just the beginning, and I commend the gentleman from Florida (Mr. CRENSHAW) for his efforts; and I hope that this resolution will receive unanimous support in the House of Representatives today. Mr. Speaker, I also invite the gentleman and many of our other colleagues to join me and the gentlewoman from New Jersey (Mrs. ROUKEMA) in supporting the next step, passage of the Younger Americans Act.

The Younger Americans Act will ensure that every day is American Youth Day. This is a commitment that this Nation must make. It is a commitment that this Nation cannot afford not to make. Mr. Speaker, I want to again say how much I appreciate this resolution being brought to the floor, because it is time for this Congress to stop, think and to reflect, and for this Nation to stop, think and reflect about the opportunities, the potential that exist in each of our children as they are born; and then the question will be whether or not that child will be in a position to take advantage of the opportunities for success. Because almost each and every one of these children is capable of doing that.

Mr. Speaker, if they do not have the access to a caring adult, if they do not have access to health, to education, to civic involvement in our communities, then their chances for those opportunities and taking advantage of those opportunities are greatly diminished. That is why we should pass this resolution today, and that is why the Congress should then take the next step, which is the passage of the Younger Americans Act.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 5½ minutes to the gentleman from Florida (Mr. CRENSHAW), the sponsor of the resolution.

Mr. CRENSHAW. Mr. Speaker, I rise today to offer for House consideration H. Res. 124. This simple proposal encourages communities all across the Nation to set aside 1 day each year to honor organizations and individuals that take the time to help young people, especially those who are vulnerable to negative influences and at risk of falling through the cracks, help these young people fulfill their dreams.

For all its wealth and prosperity, in recent years America has been suffering from what I call problems of the soul, where courts and Congress do not have any jurisdiction. So many of our neighbors have lost their moral compass and need help finding their way again when it comes to moral values. This is most true when it comes to our young people.

Nowadays, children are exposed to serious drug and alcohol use, violence, gang influences, and sexual activity at younger and younger ages. Popular culture through music, videos, television and the movies often exposes young people to images and ideas that would have been unthinkable for their age group only a few years ago.

There no longer seems to be a period in young people's lives when kids can just be kids. Mr. Speaker, it make no difference what their race, their gender, their ethnicity. These negative images and influences make no distinction and no prejudices; all young people are fair game.

So it is incumbent on each and every one of us to offer our time and energy and love to children to provide positive role models and influences to young people to give them guidance and hope.

American Youth Day would honor those who have already made this commitment and encourages others to do the same. In particular, the resolution focuses on an organization that has captured the imagination and sparked the enthusiasm of millions of Americans with its little red wagon symbol that I am wearing on my lapel. It is called America's Promise, the Alliance for Youth.

America's Promise was founded by Secretary of State Colin Powell as an outgrowth of the President's Summit for America's Future in 1997.

Then General Colin Powell answered the call of his Nation, as he has done before in uniform, and founded an organization that would partner with businesses, government, and nonprofit organizations to make and fulfill five promises for all of America's youth.

And since then, more than 550 communities and State partners have joined with America's Promise to act on this commitment. In addition, nearly 500 national organizations representing diverse interests, purposes, and locations have partnered with America's Promise.

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America's Promise, the Alliance for Youth, is building and strengthening the character and competence of youth by mobilizing the Nation to fulfill five simple promises. Each of us has organizations and individuals in our communities that exemplify the commitment to these promises. In my district in northeast Florida, there are hundreds of groups that expend their time and energy for this good cause, fulfilling these promises to America's young people. I would like to name just a few outstanding examples of how they live up to each of these promises.

The first promise is providing young people ongoing relationships with caring adults. Since opening its center in Flagler and Volusia Counties, the Pace Center for Girls has served over 300 girls, helping them to recognize their own self-worth.

The second promise is providing safe places with structured activities for young people during non-school hours. This year the Jacksonville Children's Commission will provide over 3,000 children with scholarships to attend the summer camps of their choice.

The third promise, giving young people a healthy start and future. At the I.M. Sulzbacher Center for the Homeless, young people can see pediatricians and pediatric nurses, many from the University of Florida Pediatric Residency Program, and get the special care they need.

The fourth promise, helping young people gain marketable skills through effective education. A group called PowerUP tries to connect people to the Internet and give them access to technology and technology-related education an opportunity to explore computers that ordinarily would not have a chance to do that.

And the fifth promise, providing opportunities to give back through community service. There is an Optimist Club in northeast Florida that sponsors youth antidrug campaigns and public speaking contests with special emphasis on fostering responsible citizenship and activity within the community.

ONGOING RELATIONSHIP WITH CARING ADULTS

It is no longer purely anecdotal that just having a caring and involved adult in his or her life can make a real difference for the future of a young person. Youth with mentors are 46% less likely to start using drugs; 27% less likely to start using alcohol; 33% less likely to hit others; and 52% less likely to skip school.

Flagler and Volusia Counties: Pace Center for Girls, Inc.—Young girls sometimes face added negative pressures from society which severely impact their self-esteem. Unfortunately, just as with young boys, the lack of a feeling of value to those they look up to is often just the beginning of their troubles. In particular, it can lead to promiscuous sexual activity, which in turn can end in pregnancy or disease, changing the path of that girl's future forever. Since opening its center in Flagler and Volusia Counties in July 1996, the Pace Center has served over 300 girls, helping them to recognize their own self-worth. The Pace Center's volunteers and trained staff show them through example and friendship how to "celebrate a life defined by responsibility, serenity, and grace." In fact, one of my staff in addition to raising her own two sons, gives her time and love to the girls at the Pace Center.

SAFE PLACES WITH STRUCTURED ACTIVITIES DURING NON-SCHOOL HOURS

The most influential time in a young person's life occurs every day between the hours of 3 and 8 PM. It is then, when parents are often at work, that children are most vulnerable to the influences of popular culture and peer pressure. If we can just give them a safe place to be during those hours with positive influences and productive activities, such as tutoring, arts and crafts, or sports, we can teach them behaviors and attitudes that they will carry with them for years to come.

Duval and Nassau Counties: Boys and Girls Clubs of Northeast Florida.—There are more than 2,850 Boys and Girls Clubs nationwide. They provide young people of all ages with an environment flooded with positive influences, strong adult role models, and constructive activities. In Northeast Florida, these clubs work with their local school boards to put a particular emphasis on learning. In fact, many of the tutors and mentors who participate in their programs as volunteers are teachers by profession. Their success has been phenomenal. Most of the 8th Grade students who participate in the programs in Nassau County have seen such vast improvements in their testing scores, that their school's state-conferred grade rose from a C to an A. And, since learning does not always mean sitting down and reading from a book or solving a math problem, at the Boys and Girls Club in Nassau County, which was only established a year ago, the volunteers and supporters are working with the County to establish a 10-acre park for the young people they serve.

Duval County: Jacksonville Children's Commission.—The Commission primarily serves as an umbrella organization helping groups all around the Jacksonville area provide services to young people. But one program that they have undertaken themselves has proven enormously popular and successful is their Summer Camperships Program. This year, the Commission will provide over 3,000 children with scholarships to attend the summer camps of their choice. The children must earn this scholarship by getting good grades, but the lure of summer camp can be a powerful incentive to work hard. The Summertime offers just that many more hours for getting into mischief. The Summer Camperships gives children who would otherwise have no other options than hanging around on the street corner the chance to participate in structured and fun activities.

A HEALTHY START AND FUTURE

Young people who lead healthy and active lives are better prepared to learn in school and better prepared to begin down the road to a productive adult life.

Duval County: I.M. Sulzbacher Center for the Homeless.—There is perhaps no group of young people facing an uphill battle than those who are homeless, and homelessness has been noted to be a direct predictor of specific childhood illnesses. In fact, homeless children are found to be in fair or poor health twice as often as other children, suffer 50% more ear infections, and are hospitalized twice as much. At the I.M. Sulzbacher Center for the Homeless, young people can see pediatricians and pediatric nurses—many from the University of Florida Pediatric Residency Program—and get the special care that they need. The staff there help the parents to gain access to Medicaid and SCHIP and other government programs for which their children qualify but they don't even know about. They also provide back to school physicals so homeless children can meet school requirements for entry. Furthermore, the Center teaches young people about the importance of proper nutrition and exercise, which can lead to long-term behavioral changes and healthier, longer lives.

Flagler and Volusia Counties: Pace Center for Girls.—In addition to teaching girls to love themselves and have hope for their futures, the Pace Center shows girls the value in living a healthy and drug-free life with its outdoor adventure program. This program helps young girls to incorporate exercise into their daily lives. The Pace Center also has a pregnancy prevention program, as well as an intervention program to help young girls who are already pregnant or parenting. The Pace Center takes an holistic approach to their intervention program, involving the fathers of the girls' babies as well to ensure the best possible outcome for the young parents and their child.

MARKETABLE SKILLS THROUGH EFFECTIVE EDUCATION

Education—whether it is to purely academic or also vocational training—really is the key to a brighter future. But, that's not always the message that young people are getting. This is particularly true for young people who come form disadvantaged backgrounds or families that are trapped in a cycle of illiteracy and stunted education or schools that fail to provide them with a safe and effective learning environment. These young people even more than their peers need to be reminded that it's not where you come from, but where you want to go; that they can achieve most any goal they set so long as they put their minds and souls into it; and that there are people in their neighborhoods who want to help them succeed.

Duval County: Communities in Schools.—The Communities in Schools program serves young people in nearly 300 communities in 28 states across the country. In Jacksonville, Florida, the effort includes mentoring children in several public middle schools and vocational programs. The volunteers who make this program so successful operate under the motto: "Help young people learn, stay in school, and prepare for life."

Duval County: PowerUP.—It cannot be denied that skills and experience in information technology and other high-tech resources are needed to compete in the job market. But, those resources are expensive, and parents who lack financial wherewithal to provide their children with access to them need help. Those children lack access to a bright new world of possibilities. PowerUP is dedicated to bridging the digital divide by giving children who would otherwise lack access to technology and technology-related education the opportunity to explore computers, the Internet, and new technologies. The State of Florida—which was recently named fifth in the nation in the number of high-tech jobs created in 2000 by the American Electronics Association, was PowerUP's first public partnership. Earlier this year, Governor Jeb Bush announced 24 sites where PowerUP programs will be available to young people between the ages of 6 and 18 in our inner cities. One of those sites which will soon be up and running is in Jacksonville, which is in the midst of a severe shortage of just this kind of skilled labor.

OPPORTUNITIES TO GIVE BACK THROUGH COMMUNITY SERVICE

It can be as simple as providing a positive role model. By showing young people how good it makes us feel to lend them a guiding hand, those young people may turn around and seek that same feeling by helping others around them. But sometimes, it is an orchestrated effort to instill in young people a positive vision for their communities and a desire to really make a difference.

Nassau County: Fernandina Beach Optimist Club.—The Optimist Club considers itself a "friend to youth." Its members raise money to provide children with a wide variety of important programs to improve young attitudes and minds, such as scholarships and team sports. But, they also sponsor youth anti-drug campaigns and public speaking contests with a special emphasis on fostering responsible citizenship and activity within the community.

Mr. Speaker, many of us recognize the little red wagon that Colin Powell chose as the symbol for America's Promise as a reminder of a more innocent time when children were given a chance to be children. Giving every child a little red wagon might make them happy for a day or two, but giving them the moral equivalent of that little red wagon, a caring adult, a nurturing environment, and hope for a brighter future can make them happy for a lifetime.

In closing, I would like to read from a letter I recently received from Governor Marc Racicot, the new Chairman of the Board for America's Promise. He said, "I was grateful to learn of your support of America's Promise and the work we are doing. As you know, our goal is to make youth the number one national priority, and House Resolution 124 will help accomplish that. I also appreciate you shaping the bill around the framework of the five promises in America's Promise. We truly believe this will work."

Finally, Mr. Speaker, just let me thank my colleagues for their strong support. I encourage each of us to make a commitment to honor the groups and individuals in their communities that have made a commitment to young people by celebrating American Youth Day in their districts.

Mr. Speaker, I submit for the RECORD the letter from Governor Racicot I just referred to.

AMERICA'S PROMISE,
Alexandria, VA, June 8, 2001.

Hon. ANDER CRENSHAW,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN CRENSHAW: Thank you for your kind letter welcoming me to America's Promise. I am delighted and honored to lead an organization doing such important work for young people.

I was grateful to learn of your support of America's Promise and the work we are doing. As you know, our goal here is to make youth the number one national priority, and H. Res. 124 will help accomplish that.

I also appreciate you shaping the bill around the framework of the Five Promises and America's Promise. We truly believe, and research proves, that this is the right solution. Your bill will help us share our message with millions and we are thankful for the opportunity.

Thank you for your dedication to youth and for your leadership in Congress on this important national priority. I very much look forward to working with you on legislation to build the character and competence of our nation's young people.

With best wishes,
Sincerely,

MARC RACICOT,
Chairman.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. KELLER), and wish to thank our earlier speaker, the sponsor of the bill, another gentleman from Florida (Mr. CRENSHAW).

Mr. KELLER. Mr. Speaker, I rise today in support of the resolution introduced by the gentleman from Florida (Mr. CRENSHAW), a fellow Floridian.

Today we are recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day. America's Promise, the nonprofit organization created by Secretary of State Colin Powell, is dedicated to building and strengthening the character of children by fulfilling five promises.

The first of those promises is to provide mentoring programs throughout this country, and it is that promise that I would like to direct my remarks to today. Specifically, I would like to talk about the educational and crime prevention benefits of mentoring.

First, the educational benefits, and I will tell my colleagues why it is so important to me. I had the happy privilege of serving as the volunteer chairman of the board of the Orlando/Orange County Compact Program, which is the largest mentoring program in the State of Florida. I also had the privilege of serving as a mentor myself to two students at Boone High School. From these experiences, I learned firsthand how important mentoring is.

In the State of Florida, we had a big problem. We had the worst graduation rate in the country, with only 53 percent of our students graduating from high school. We decided to do something about it by starting this Compact Mentoring Program, which matches up students at risk of dropping out of high school with business people, sort of like a Big Brother, Big Sister program. The results were dramatic. Over the last 10 years, 95 percent of the children in the Compact Mentoring Program have graduated from high school, The number one graduation rate in the country.

Let me give an example, so we are not just dealing with statistics. A young man, 16 years old, African American, named Lenard, went to an innercity school called Jones High School. He had been arrested for selling drugs, was making D's and F's, was skipping school, and said he was going to drop out. He said he would be in the Compact Mentoring Program on one condition; "Just don't give me a white mentor."

Well, to help Lenard reach out a little bit, we assigned him a white mentor, an AT&T executive named Paul Hurley. He worked with Lenard every week, developed a friendship and, to make a long story short, by his senior year, Lenard's grades went up, his attendance went up, and he went on to become Orange County Student of the Year for the Compact Program.

In his senior year, Lenard won two tickets to the Orlando Magic basketball game. He called his mentor and said, "Hey, I just won two front row tickets to the big game tonight." His mentor said, "That's great. Why don't you invite your best friend." Lenard said, "That's why I called you."

Mentoring truly does make a difference one person at a time. That is why I joined with the gentleman from Nebraska (Mr. OSBORNE), or Coach OSBORNE, earlier this year in sponsoring the Mentoring for Success Act, which now will become law, as it passed in H.R. 1 over in the Senate as part of the President's education reform will.

In summary, recognizing America's Youth Day and fulfilling the five promises will make a meaningful difference in the lives of young people, will prevent crime, will save us money, and I urge my colleagues to vote "yes" on this important resolution.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time, and I do want to identify myself with the compelling statements made by both the gentleman from Delaware (Mr. CASTLE) and the gentleman from California (Mr. GEORGE MILLER). They made compelling statements for the need for this resolution, and not only this resolution but going on to other legislation that can help implement our goals here. Certainly they have been outlined very well here, the critical resources that we need, and identified in America's Promise, founded by Secretary of State Colin Powell.

As people can observe, we have been referencing the little red wagon, but it is important to understand that this is more than just a symbol. It is a way of translating into action. And to quote Secretary Powell, he said, "The little red wagon could be filled with a child's hopes and dreams or weighed down with their burdens. Millions of American children need our help to pull that wagon along. Let us all pull together." That is a good way of stating it. And of course I want to congratulate the gentleman from Florida (Mr. CRENSHAW) for spotlighting this need.

I want to stress, as I believe the gentleman from California (Mr. GEORGE MILLER) stressed, and I want to identify myself with the next step. This is only a first step. The next step, the really promising step, is to implement the legislation H.R. 17, the Younger Americans Act, and put into law the rhetoric of this particular resolution.

I want to advise the gentleman from California (Mr. GEORGE MILLER) that I will do everything I can to work with my House leadership on this side of the aisle to expedite consideration of the Younger Americans Act and hopefully get it enacted this year or in this Congress.

Again, I thank the gentleman from Delaware (Mr. CASTLE), I thank the gentleman from Florida (Mr. CRENSHAW), and all those working here, but it has to be more than rhetoric. We have to translate this into action and promise for America's youth.

Mrs. CLAYTON. Mr. Speaker, today's youth are the future of this country. However, the children of this country today are faced with many more difficult and dangerous situations than any previous generation. They are in need of strong guidance and leadership from adults in their community. America's Promise helps the children of America develop the skills they need in order to be the leaders of tomorrow.

American Youth Day will provide an opportunity for citizens to recognize one specific day as a day to devote to the youth of this country. It will allow the communities to become aware of the "Five Promises" that America's Promise has made to our children.

Each one of the "Five Promises" represents an essential way to assist the youth of this country. Children need to build strong relationships with caring adults in order to learn how to become caring adults themselves. They need places to go and things to do during nonschool hours so that they are not left alone without supervision. They deserve a healthy start and an equal opportunity for a prosperous future. They need the chance to learn the types of skills that they will need in the job market. And they need to learn the joy of giving back to the community through service.

We must do all that we can to support the youth of this country. They need more than just the guidance of their parents. They need the support of their communities. And they need an education system that will recognize each child as an individual, one that will adapt to the specific needs of each child.

One way to allow the education system to meet the needs of a greater number of people is the reform of the GED program. The GED does not give individuals the increased earning power that a high school diploma gives. We need to improve the GED program to allow those individuals who decide to pursue a GED the types of skills that employers look for today.

The youth of today need our assistance. I rise today in strong support of H. Res. 124 and American Youth Day and I urge my colleagues to do the same.

Mr. OSBORNE. Mr. Speaker, I rise in strong support of the resolution introduced by Representative CRENSHAW to establish American Youth Day. As a long-time teacher, mentor, and coach of young people, I have seen the difference that caring adults can make in the lives of our young people. I believe that the principles set forth by H. Res. 124 will help our country to provide a better environment for the development of young people.

This resolution would encourage communities to set aside a Saturday prior to the beginning of the next school year in order to participate in activities that highlight our children and share their successes in our communities where there is a commitment to youth. One of the commitments our communities can make to youth is to provide support through mentoring. A mentor can make an enormous difference in the life of a child by providing a strong positive role model for that child.

I have known many young people who testify that they have become the successful people they are today because caring, involved, qualified mentors took the time to get involved in their lives. I was recently able to help include a mentoring program that I introduced in H.R. 1, the reauthorization of the Elementary and Secondary Education Act. This program would provide $50 million in competitive grants to mentoring programs across the nation that work to link children with mentors who have undergone background checks and are interested in working with youth. Although ESEA and the appropriations process is far from over, I hope that several hundred thousand young people will benefit from this grant program.

This resolution would also serve to highlight the accomplishments of hundreds of youth organizations around the country—including 4–H and others—that work full-time, year round to provide healthy opportunities for young people. Additional investment in programs that serve young people and provide them with healthy, constructive activities—the type of investment encouraged by the Younger Americans Act, of which I am a cosponsor—would help extend opportunities to even more of our country's youth.

Investment in our children is probably the best investment we can make. While a child's potential and self-esteem cannot be measured by a bottom-line, the cost of incarceration and absenteeism far outweighs the cost of investing in youth programs. In my state of Nebraska, it costs $21,219 per year to incarcerate an offender in the Nebraska State Penitentiary and $29,200 per year to house an arrested juvenile.

Supporting our young people as they navigate the challenging terrain of becoming adults is such a worthwhile and rewarding effort. H. Res. 124 is a great first step. I strongly support H. Res. 124 to create an American Youth Day and I encourage my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 124.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF HOUSE HONORING NATIVE AMERICANS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 168) expressing the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture, and education.

The Clerk read as follows:

H. RES. 168

Whereas Native Americans have given much to this country;

Whereas an emphasis on freedom, justice, patriotism, and representative government have always been elements of Native American culture;

Whereas Native Americans have shown their willingness to fight and die for this Nation in foreign lands;

Whereas Native Americans honor the American flag at every powwow and at many gatherings and remember all veterans through song, music, and dance;

Whereas Native Americans honor, through song, the men and women of this country who have fought for freedom;

Whereas Native Americans love the land that has nurtured their parents, grandparents, and unnamed elders since the beginning of their recorded history; and

Whereas Native Americans honor the Earth that has brought life to the people since time immemorial: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture, and education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Minnesota (Ms. MCCOLLUM) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 168.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 168, a resolution expressing the sense of the House of Representatives that the Nation's schools should honor Native Americans for their contributions to American history, culture and education, offered by my colleague, the gentleman from California (Mr. BACA).

As we all will recall, our Founding Fathers benefitted greatly from the assistance given to them by Indian tribes early in the establishment of our Nation. Many of the basic principles of democracy in our Constitution can be traced to practices and customs already in use by American Indian tribal governments, including the doctrines of free speech and the separation of powers.

In addition, the early explorers relied heavily on Native Americans to help them navigate the New World. Among the most famous of these guides is Sacajewea, who accompanied Lewis and Clark on their expedition to explore and map the West, and who now graces the obverse side of the $1 coin.

Native Americans also served with distinction in United States military actions for more than 200 years, beginning with the American Revolution. Specifically, Native Americans fought in the Civil War, the Spanish-American War, and World War I. And during World War II, more than 44,000 Native Americans out of a total population of less than 350,000 served in both the European and Pacific theaters of war. In addition, another 40,000 Native Americans left their reservations to work in ordnance depots, factories, and other war industries.

The Native Americans' strong sense of patriotism and courage emerged once again during the Vietnam era, when more than 42,000 Native Americans, more than 90 percent of them volunteers, fought in Vietnam. Native American service continues even today with many seeing action in Grenada, Panama, Somalia, and the Persian Gulf, often at rates that exceed the participation of any other single group of Americans. In fact, one out of every four Native American males is a military veteran, and many gave their lives even before they were granted citizenship in 1924.

The list of contributions made to our Nation by Native Americans is truly impressive. They are recognized for their contributions as artists, sculptors, scientists and scholars, and their efforts have contributed to our understanding and appreciation of agriculture, medicine, music and art. In addition, many of the words in our language have been borrowed from Native languages, including the names of the rivers, cities and States across our Nation.

In my home State of Delaware, the Nanticoke tribe of the eastern United States holds its annual powwow in Millsboro the first weekend after Labor Day, and thousands of people, Indians and others, attend to learn more about the Nanticoke and the Linni-Lenape, among others, who settled the Delaware River Valley from Cape Henlopen, Delaware north to the west side of the lower Hudson Valley in southern New York.

As we celebrate the culture and contributions of our Native Americans, we must also recall with great sadness the suffering they endured as a result of past policies and actions. The heritage of the Native Americans is intertwined and forever linked with our own heritage, and it is appropriate to honor it today.

Let us now work together with our schools and communities to help protect and support the perpetuation of Native American culture and community and vote "yes" on H. Res. 168.

Mr. Speaker, I reserve the balance of my time.

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Ms. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Delaware (Mr. CASTLE) in supporting H. Res. 168, and I commend the gentleman from California (Mr. BACA) for authoring this resolution.

As a teacher of American history, it is important that our schools embrace our collective history, including our Nation's history before the Mayflower landed. The heritage and customs of my home State of Minnesota have been greatly influenced by Native Americans. The name Minnesota itself comes from Dakota meaning the waters that reflect the sky.

Native American have strengthened our collective Nation in many ways. During World War II, about 400 Navaho tribe members served as code talkers for the U.S. Marine Corps. They transmitted messages by telephone and radio in their native language, a code that the Japanese never broke. Navaho is an unwritten language of extreme complexity, and one estimate is that fewer than 300 non-Navahos could understand the language at the outbreak of World War II. Navahos demonstrated that they could encode, transmit, and decode three lines of message in English in just 20 seconds. Machines at that time required 30 minutes to do the same job.

Mr. Speaker, throughout our Nation's history, Native Americans have demonstrated that very kind of selflessness and heroism that is sadly reflected too little in our history books.

This resolution does great justice by recognizing the contributions of these great people to our Nation's collective history, culture, and educational system. I agree with the gentleman from Delaware, as we approach our Nation's 200th anniversary of the Louisiana Purchase, we should gratefully remember and learn the undaunted courage of a Native American woman, Sacajawea, who enabled Lewis and Clark to explore the land we call home.

Mr. Speaker, I urge all Members to support this very important resolution, and I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I reserve the balance of my time.

Ms. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I thank the gentlewoman from Minnesota (Ms. MCCOLLUM) for yielding me this time. I appreciate her strong support for Native American issues, and the personal interest she has taken in this legislation. She is well-informed on the issues, and Congress will benefit from her scholar and commitment.

Mr. Speaker, I sponsored H. Res. 168 to ask schools to honor Native Americans for their contributions to American history, culture, and education. This resolution is a first step in seeking a Native American holiday similar to the legislation I carried in California legislation.

Native Americans have given so much to this country. Freedom, justice, patriotism and representatives of government have always been part of their culture. Long before the voyage of Christopher Columbus and the development of the first English settlement at Jamestown, Native American groups and tribes had developed their own language, literature, history, government, dance, music, art, agriculture, and architecture. That is why I am proud to be a member of the Congressional Native American Caucus.

Native Americans have shown their willingness to fight and die for this Nation in foreign lands. They honor the American flag at every powwow and at many gatherings and remember all veterans through song, music and dance.

Native Americans love the land that has nurtured their parents, their grandparents, and their elders since the beginning of their recorded history. Native Americans honor the Earth that has brought life to their people.

We need to educate and sensitize our Nation to all that Native Americans have done for this Nation. We need to take up the cause of Native American sovereignty.

Mr. Speaker, I experienced poverty firsthand as a child, so I recognize the hardship that Native Americans have faced for shelter, for health, for care, and schooling. Native American reservations have a 31 percent rate of poverty, as well as unemployment rates 6 times the national average.

Since we have provided Native Americans with a means of self-sufficiency, they have been able to provide food, basic health care, and modern conveniences that most of us take for granted. They have moved people off welfare and reduced unemployment.

Mr. Speaker, this resolution is about justice. It is about schools respecting Native Americans; and it is very important when we say respecting in schools. When a child goes to school, he or she wants to make sure that they are honored and respected with dignity. Many times it was very difficult for a Native American to identify that he or she was Native American based on the materials that existed.

This resolution honors Native Americans for their contribution. It honors the different tribes that exist throughout our country that we recognize as well. There are a combination of tribes, and the history in our books do not reveal the many, many tribes and their contributions to the land that we love so much. We enjoy the dances, we enjoy the music, we enjoy the culture. We enjoy the heritage. This resolution is about Americans respecting Americans.

Mr. Speaker, it is time that we honor and recognize those who have given so much to enrich our country; and Native Americans have for generations and generations. I salute Native American tribes that have worked to make this resolution a reality, and to them I say this is just the beginning. We will continue the struggle. Fight the fight. We will not stop. We will not rest until there is a Native American holiday, and this is the beginning of recognizing our neighbors, people who have been here and respecting one another. We owe that to them. We owe it to our country.

Mr. Speaker, I want to thank Members on both sides of the aisle for coming forward with this resolution and honoring Native Americans. It is important that we recognize the people that were here, the land that we enjoy so much, and the land that we take for granted. It is this land in America where they have taken that land and made it very valuable in each area, whether it is a reservation, whether it is contributions back to our communities.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I rise in support of H. Res. 168 expressing the sense of the House that the Nation should honor Native Americans for their contributions to American history, culture, and education.

We are privileged to share this country with Native Americans. Their contributions to democracy, the arts, agriculture, the environment, and many other endeavors are many. American Indians have been active, contributing members of society from the beginning of our country to the present, including service in our armed forces.

I am fortunate enough to have the Saginaw Chippewa Indian tribe located in my district. While historically living, trading, and hunting in the southern and midwestern areas of what is today the State of Michigan, the tribe now calls the Mount Pleasant area home.

Today's proud Saginaw Chippewa Indian tribe works with the greater Central Michigan area to promote education and programs for not only Native Americans of the area, but for all community members. The tribe works to further the progress of other Indian nations as well by working through State and Federal legislation. Being located in the middle of Michigan where they have lived for over 100 years and close to their historic land base, the members of the Saginaw Chippewa Indian Tribe remain focused on the present and future, while still remembering the past.

The Saginaw Chippewa Tribe has contributed to mid-Michigan, the State, and the entire country. Their efforts to preserve Native American heritage, share their history and help the community make me proud to represent them.

Mr. Speaker, I urge my colleagues to support this resolution.

Ms. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman from Minnesota for managing this legislation on the floor; and I thank the gentleman from Delaware (Mr. CASTLE) for bringing this measure to the floor. And I thank the gentleman from California (Mr. BACA) for authoring this resolution.

Mr. Speaker, clearly we have got to make every effort to ensure that we teach young children the great extent to which Native Americans have influenced this country through their heritage and customs and contributions and the positive impact on our development. We must get them to fully understand that Native Americans have always emphasized the key principles of democracy in their own culture, freedom, justice, patriotism, and representative government.

We must get them to understand the great contributions that individual Native Americans have made to this country throughout our entire history. At the same time, we must get people to understand that all is not well in Native America, if you will. On many of our reservations, we have very serious, serious problems, and they are problems which must be addressed by this government in its trust responsibility to those Native American tribes and nations.

We must understand that 40 percent of the housing on Indian reservations is considered substandard as compared to 5 or 6 percent of the housing nationwide. That is an obligation of this government. Indian reservations have a 31 percent poverty rate, unemployment is 46 percent on many reservations.

Most frightening of all is the fact that U.S. Native Americans suffer a death rate of 533 percent higher for tuberculosis, 249 percent for diabetes, 627 percent higher for alcoholism, and 71 percent higher for influenza and pneumonia.

Clearly the residents of these reservations, the Native Americans of this country, deserve much better care than this. This struggle will be played out in the appropriations process in this Congress. It will be played out in the budget process between the administration and the Congress. But clearly we must meet our obligation to these individuals. It is very difficult on one hand to say we must pay them great honor for all of their contributions, and then define on the other hand the incredible ignoring of the problems, the turning away from the problems that beset these very same tribes and peoples.

If we look in the jurisdiction of this committee, the Committee on Education and the Workforce, BIA-funded schools are approximately $3,800 per student. That is about half of the national average in other public school systems. The only source of funding for those schools in most instances because of poverty on the reservation is the BIA. Why should Indian children have half of the resources dedicated to their education as other children in this Nation?

We have got to understand also the fact that they go to schools of much lesser quality than we would provide for our own children.

Mr. Speaker, finally the most difficult task in this resolution, the education of young children about the contribution of Native Americans to American society, these are sovereign Nations. Long before we came here, these were the Indian nations of this continent. They were conquered in the process of settling America. Treaties were entered into that recognized the sovereign nature of these nations. So the Indian tribes in the country today are recognition of great nations, and they do in fact have their own sovereignty. That was the arrangement. Those are the treaty guarantees.

Mr. Speaker, it is a difficult arrangement as America continues to expand and grow; but it is an arrangement that we must honor under the law, under the Constitution and under the treaties of this land. We must get young people to understand that that is the relationship. In fact, in times past when tribal leaders came to the Nation's Capital, they were greeted at the State Department as representatives of independent Nations.

Mr. Speaker, that may be the most difficult lesson, not only for the school children of this Nation, but for Members of Congress to understand the sanctity of that relationship and the importance of independence to these Indian tribes.

□ 1115

Ms. McCOLLUM. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. CARSON).

Mr. CARSON of Oklahoma. Mr. Speaker, I am honored today to speak in support of House Resolution 168, introduced by the gentleman from California (Mr. BACA). I would also like to commend the leadership of the gentlewoman from Minnesota (Ms. McCOLLUM), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Delaware (Mr. CASTLE) as well for their great interest in this legislation.

Recognition by the Nation's schools of the unique role that Native Americans have played in American history, culture and education is long overdue. In 1994, President Clinton invited all of the tribal leaders in America to the White House, and it was the first such gathering since the Presidency of James Monroe in the 1820s. Similarly, President Clinton was the first President, in 1999, to visit Indian country since Franklin Delano Roosevelt did more than 50 years earlier.

Native Americans have played integral roles in the history and culture of the United States, ranging from Maria Tall Chief from my own congressional district who was the muse of George Balanchine to contemporary novelists like Louise Erdrich, N. Scott Momaday, and James Welch.

The gentlewoman from Minnesota (Ms. McCOLLUM) eloquently spoke of the contribution to our national security of the Navajo code talkers whose contributions to our Nation have only recently been recognized. The code talkers, as she pointed out, used a special code based on the Navajo language to transmit messages rendering all attempts by the Japanese to decipher American battle messages about the time and place of attack futile. Of course they were just working on the history of American Indians in combat.

The Choctaw Indians from Mississippi and Oklahoma had also used their own language as a code during World War I. About 400 Navajos served from 1942 through 1945 as code talkers, taking part in every assault that the U.S. Marines undertook in the Pacific theater. One major was quoted as saying, "Were it not for the Navajos, the Marines would never have taken Iwo Jima."

The incredible service of American Indians has certainly not been limited to the Navajo Tribe. In the 20th century, five American Indians have been among those few soldiers to be distinguished with the Medal of Honor, given for military service above and beyond the call of duty. Two of those were from Oklahoma, a Cherokee from Oklahoma and a Creek as well. Also a Choctaw from Mississippi, a Winnebago from Wisconsin, and a Cherokee from the Eastern Band in North Carolina were awarded our highest military decoration. As we approach Independence Day, it is fitting that we now pass House Resolution 168, considering the critical role that Native Americans have played and will play in protecting our country and the principles Americans have adhered to since our own independence.

Ms. McCOLLUM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding me this time.

Mr. Speaker, as cochair of the Native American Caucus, I am very happy to support this resolution. The American Indian, Native Americans, occupy a unique position in this country and in the Constitution of the United States. You and I have two citizenships: I am a citizen of the United States and a citizen of the State of Michigan. Native Americans under the Constitution and under the Supreme Court decisions have thee citizenships. They are citizens of the United States and they have proven that over and over again in our wars; they are citizens of the sovereign States in which they live; and they are citizens of the sovereign tribes in which they live.

The Constitution says Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes. Those three sovereignties are listed there. John Marshall in 1832 stated in his Supreme Court decision, the Indian nations had always been considered as distinct independent political communities retaining their original natural rights. They are a retained sovereignty.

We have an obligation under the Constitution, under the laws, and under the interpretation of the Supreme Court to make sure we keep our responsibilities to Native Americans.

Ms. McCOLLUM. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, let me recognize the leadership of the gentleman from California (Mr. BACA) on this and also the gentlewoman from Minnesota (Ms. McCOLLUM) for their effort.

I rise today to express my support for H. Res. 168 which sends an unequivocal message that our Nation's schools should honor the Native American men, women, and children of this country for their lasting contributions to American history, culture, and education. It is only fitting that we honor them for their unique contribution which is evident in every aspect of American history and culture.

For centuries, Native Americans have experienced untold hardships and trials at the hands of many. Yet their contributions to the United States and their support for our Nation are without doubt. Native Americans have and continue to share with all Americans a profound love and respect for this great country.

In New Mexico, Native Americans account for 9 percent of the State's population and in my congressional district, 20 percent. I am proud to represent such a large indigenous Native American population.

With the passage of this resolution, I believe this body is taking an important step toward a time when Native American history and culture will be embraced and taught in the schools nationwide. I urge my colleagues to support this resolution.

Ms. McCOLLUM. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. I thank the gentlewoman from Minnesota for yielding me this time.

Mr. Speaker, I want to stand in very strong support of the resolution introduced by the gentleman from California (Mr. BACA) in order for all Americans and schools to learn about the role that Native Americans have played in American history and culture. I too want to associate my remarks to make sure that proper attention is drawn as we celebrate and honor their activities, that we also educate America about the conditions that Native Americans face today.

I also want to take this opportunity to educate my colleagues about other indigenous populations under U.S. jurisdiction. One of the features of this debate, this discussion, is that the term Native American is primarily synonymous with American Indian, but I also want to let the House know that the term Native American, meaning indigenous American, also includes Alaska natives, native Hawaiians, American Samoans, the Chamorro people from Guam and the Northern Marianas and the Carolinian people of the Northern Marianas as well.

Most Americans consider Native Americans to be limited to the term American Indian and Alaska native, but even in Federal legislation we acknowledge that the term Native American is broader than that. In fact, Federal programs like the Native American Programs Act and the Native American Veterans Home Loan Equity Act have included other Native Americans, notably Pacific islanders from the territories and the State of Hawaii.

I think part of the problem may arise from our varying political status, particularly in the case of the territories. It could also stem from the fact that we are geographically so far away from the continental United States that it is easy to forget about the entire panoply of indigenous Americans that exist under the American flag.

I want to take the time to point out that in 1993, the House and Senate passed S. Con. Res. 44 which expressed the sense of Congress that the United States should support the establishment of international standards on the rights of indigenous peoples. These indigenous people referred to in there included all the people that I have mentioned. I stand in strong support of this resolution.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield 30 seconds to the gentleman from Utah (Mr. MATHESON).

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Utah (Mr. MATHESON).

The SPEAKER pro tempore (Mr. SHAW). The gentleman from Utah is recognized for 1 minute.

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I speak in support of H. Res. 168. I would like to take advantage of this time to acknowledge the contributions and history of the Native American population in my State of Utah. Five major tribes have roots in Utah: the Utes for which my State is named, the Dine or Navajo, the Goshute, the Paiute, and the Shoshoni. These great tribes represent very different cultural heritages.

While the Utes and Shoshoni adapted well to the introduction of the horse and lived in the northern plains areas of Utah, the Goshute, Paiute, and Navajo developed a culture in the desert. Though the differences between desert culture and plains culture are great, one thing has bound Utah Native Americans and that is the adversity that they have faced. With the expansion of the West, these tribes have maintained their cultural identity while dealing with great hardship. I commend the leadership of these organizations as they continue to find ways to help their members and to progress despite the difficulties of the past.

Recently, a book entitled "A History of Utah's American Indians" was published detailing the history of these people. I commend the work involved in this project and thank the Utah State Division of Indian Affairs for their leadership in making this book possible.

Ms. MCCOLLUM. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from New Jersey (Mr. PALLONE).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Mr. Speaker, we need to shift our educational focus to the proud Native Americans who have endured a long history of struggles and hardships and at the same time contributed so richly to the United States. In our schools, we can begin to educate children in the elementary and secondary grades about the history, culture, traditions, language and government of America's own indigenous people. Recently setting the pace on the State level is Penobscot Representative Donna Loring from Maine. She celebrated the signing of her bill last week requiring Maine Native American history and culture to be taught in all elementary and secondary schools.

Mr. Speaker, Native Americans have given much to their country. They developed well-tuned techniques for sustainable management of ecosystems. They basically pioneered, Mr. Speaker, star and constellation knowledge through their tribal religions. Their arts and crafts, basketry, pottery, and carving are world renowned. They have made significant contributions and knowledge with regard to fishing, hunting, and agricultural techniques. Their medicinal knowledge is outstanding and is more frequently used today to complement traditional medical treatment.

Mr. Speaker, Native Americans are a proud people who are still here today despite over 500 years of struggle. It is time that we begin to honor and respect Native Americans for their rich history and contributions to the United States, which is what this resolution seeks to accomplish. The best place to begin this is in the elementary and secondary schools of America.

Mr. Speaker, finally I want to say that while we are recognizing the importance of Native American contributions and history and culture, we should also give serious consideration to creating a day of honor for America's indigenous people. Now is the time to create a legal public Native American holiday.

Mr. CASTLE. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Delaware for yielding me this time, and I thank the authors of this resolution for bringing it to the floor.

Mr. Speaker, I am honored to represent the Sixth Congressional District in Arizona, an area in square mileage almost the size of the Commonwealth of Pennsylvania. Nearly one out of every four of my constituents is Native American. I appreciate that designation and that distinction. Ofttimes I call the American Indians the first Americans.

Mr. Speaker, I think for too long, in too many ways, the first Americans have become the forgotten Americans.

It was my privilege early in my time in Congress to welcome a member of the San Carlos Apache tribe to my district. He was a proud veteran of Vietnam. He talked about coming to Washington and seeing the different monuments, retracing the names of those with whom he served in Vietnam who paid the ultimate price, visiting the Mall and seeing the grand memorials to so many different figures in American history. Yet that afternoon when he came to my office, he was troubled because he said to me, "Congressman, where's the Indian?"

Of course to score debating points, I suppose I could have pointed out that Ira Hayes, a Pima Indian, is forever memorialized in that brilliant scene from Iwo Jima that we see, the Marine Memorial, as the flag is raised there on Mount Suribachi. But that was not his point. His point was the first Americans have played a vital role in our Nation. Indeed, Mr. Speaker, as we check, those who now serve in our all-volunteer force, no racial group, no ethnic group answers the call to duty more than the first Americans.

□ 1130

This legislation asks us to help remember people who are too often forgotten. I hope on many days at school, children of the elementary- and secondary-level students will learn of the code talkers from the great Navajo Nation who helped us win the war in the Pacific in World War II.

Yes, Hollywood is prepared to memorialize it in a motion picture called "Wind Talkers," but there needs to be a supplement beyond entertainment in the classroom. Most of us fail to realize that the Navajo Tribal Council, nearly 1 year prior to the Japanese attack on Pearl Harbor, passed a resolution asking the United States of America to enter World War II on the side of the allies because from their vantage point in Window Rock, Arizona, in a sovereign nation that transcends the boundaries of four of our States, remote in the mindset of many Americans but from that distance and from a proud history a sound perspective.

Mr. Speaker, think of the valuable lessons that can be learned from the first Americans. I mentioned only what has transpired within the last century. This is part and parcel of our heritage, and if we are what we learn, if what is passed is prologue, then this is a laudable goal and something this House of Representatives should heartily endorse and pass overwhelmingly because the first Americans should not be forgotten.

Their legacy of honor not only in armed conflict but in so many different endeavors of human experience cannot be treated as some sort of novel concept, something that need be shuttled off on the shelf, to be thought of almost as trivia. It is central to our American experience.

So I am pleased to endorse this legislation and ask all of my colleagues, regardless of political philosophy or partisan dispensation, to support it as well.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I want to express my sincere thanks to the gentleman from Delaware (Mr. CASTLE). I thank him so much for his help in this.

Today we are taking a step forward just on the House floor with providing an educational opportunity for all Americans and for people all over the world who visit our Nation's Capitol today to learn more about our native Americans and our collective Nation, our one Nation, the United States.

I am just going to, in closing, mention a few States besides Minnesota, which I mentioned, that reflect greatly our Native American heritage. Minnesota means the waters that reflect the sky. Iowa is the Dakota word for beautiful land; Wyoming, a Native American word for large prairie; Michigan, a Native American word for great water; Nebraska, the Omaha word for flat or broad river; Connecticut, a word for long river; Ohio, good river; Oregon, beautiful water; Texas, a word for friend; Dakota, the word friend; Missouri, the word for water flowing along. We are one Nation, a beautiful Nation, and our Native American language reflects that in the names that we have chosen for our States.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Minnesota (Ms. MCCOLLUM) for her courtesy in managing this and the gentleman from California (Mr. BACA), who has supported and sponsored it. I obviously urge everybody in the House to support the legislation.

Mr. KIND. Mr. Speaker, I rise today in support of H. Res. 168, a resolution conveying the sense of the House of Representatives that America's schools should honor the contributions of native Americans to our history, culture, and education.

As our Nation enters into the 21st century, it is important that we recognize the elements that have shaped our history and our culture. The contributions made by native Americans represent a significant aspect of American heritage, not only in a cultural sense, but also in the sacrifices, dedication, and patriotism displayed throughout our history. I am a cosponsor of this legislation because our Nation's schools present the most opportune situation for young people to recognize and appreciate the diverse society in which we live, and understand the history that has brought us to where we are.

In my home State of Wisconsin, there are 11 federally recognized tribes representing close to 50,000 American citizens. In addition, a large number of Wisconsin cities, counties, lakes, and rivers hold names representative of the strong native American heritage in the area. To strengthen understanding of the issues relating to native American history in the State, Wisconsin passed language in the 1989–91 biennial budget requiring schools teach students about the culture, history, sovereignty, and treaty rights of Wisconsin Indian Tribes, as well as providing training to teachers on these issues.

This legislation encourages teachers, administrators, and students around the Nation to lead community efforts honoring native American contributions to our national history and culture. As a member of the native American caucus, I appreciate the focus this resolution puts on accomplishments made by schools in teaching social history lessons that recognize the role of native Americans, and I am hopeful such efforts continue.

Mr. CRANE. Mr. Speaker, I would like to voice my support for H. Res. 168. This resolution would show the House of Representative's dedication to respecting the first inhabitants of this great nation by calling on our citizenry to honor native Americans for all of their accomplishments and contributions to society. American Indians have influenced every aspect of American life. It is our duty as Americans to recognize and honor the impact that native Americans have had in the shaping of our nation.

By exploring these lands thousands of years prior to any Europeans, native Americans were able to develop the techniques and strategies necessary to survive on this continent. Without the instruction and aid from neighboring native American communities, the Mayflower pilgrims and original settlers would not have survived the brutal American winters and would have been unable to build the foundation that our country is built upon. The legacy of the native American reaches much further than the original settlers, however. From the fight for independence from Britain to the battlefields of Nazi-occupied Europe, native Americans have proven that they will heed a call to arms to defend the basic American principles of democracy and freedom. The influence of native American culture can be seen throughout America today. Great American cities, states, and rivers are still referred to today by names granted to them by native Americans hundreds of years ago. The proud history of the native American can be found in the classrooms of America and the museums of the world. It is time that the American people honor our native American brethren for the contributions they have provided to our great nation.

As a descendant of the Cherokee nation, I hold deep feelings of love and respect for both the American Indians of the past and the present. I understand the true beauty of the native American and recognize first hand the troubles and turmoil that have plagued these peoples since the introduction of European influence. Unfortunately, the lifestyle of the American Indian did not fit with that of the white man and many natives suffered and died from relocation and disease sparked by the presence of the European. My own ancestors were forced to give up their land and livelihood and march from North Carolina to Oklahoma on the infamous Trail of Tears. Native Americans have dealt with negative stereotypes and stigma for too long. H. Res. 168 is the first step in bringing out awareness of the true beauty of native American culture. In conclusion, I call on all Americans to show respect and honor to all native Americans, as their accomplishments, in all areas, have been major influences in the construction of the complete American culture.

Mr. OSBORNE. Mr. Speaker, I rise in support of H. Res. 101, which recognizes the contributions of Native Americans to American history, culture, and education. I represent the Third District of Nebraska and a number of Native American communities.

The history of my state has deep roots in Native American history. Before Nebraska was settled by Europeans, 40,000 members of the Pawnee, Omaha, Oto, Ponca, Santee Sioux, Dakota Sioux, Oglala Sioux, Cheyenne, Potawatome, Arapahoe, Sac, Comanche, Brule, and Fox tribes lived in what would become the state of Nebraska. Today, there are approximately 9,000 Native Americans living in Nebraska, including those who live on the Santee, Winnebago, and Omaha reservations.

As this resolution suggests, Native Americans have richly enhanced our country culturally and politically. They deserve the recognition this resolution offers. Native Americans have greatly influenced the creation of our government and were among the first to implement the principles upon which democracy is based, such as freedom of speech and separation of church and state.

In addition to recognizing the contributions of Native Americans to American history, culture, and education, today offers an opportunity to voice our support for Native American communities and their causes. We must increase our support for the Impact Aid program, which supports public schools whose tax bases are affected by the presence of the federal government. In my Congressional District, the Santee Public School, located on the Santee Sioux reservation, depends heavily on impact aid funding for general operating expenses. Because Native American communities often lack a strong local tax base from which to raise revenue, support from the federal government is crucial.

In addition, we need to focus on ways to improve the quality of life for Native Americans, particularly for those living on or near reservations. We need to provide support for the Indian Health Service so that more Native Americans can receive adequate and timely health care. Native Americans have high rates of many physical problems ranging from diabetes to alcoholism. In addition, a number of social factors impact their communities. High school dropout rates are high, and truancy in schools is rampant. Native American communities also lack economic resources, and poverty is a serious problem. I don't pretend to have the answers that address the challenges faced by some Native American communities—including many in my Congressional district—but raising awareness of the proud history and culture of Native Americans and looking to Native American leadership are two excellent places to start.

This resolution will raise awareness of the proud traditions of Native American culture, which have contributed much to the success of our country. I am pleased to support this resolution, and I encourage my colleagues to do the same.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H. Res. 168 and commend its sponsors for their work in bringing it to the floor today. This resolution, which recognizes and honors the contributions of Native Americans, is long overdue.

Mr. Speaker, the contributions of Native Americans have been crucial to the history of our nation and of the world and should be recognized. Acknowledging that many values of this nation were already widely held beliefs and practices among Native Americans and that they are not new ideas is an important statement and affirms the fact that Native Americans already had civilized and structured societies before the introduction of western culture.

Traditional Native American legal systems have influenced today's Democratic ideals. Items such as checks and balances and a voting system are overtones of Native American traditional practices of government.

It is only right that we honor and recognize Native American nations because they honor and recognize the United States. Many Native American Nations have long incorporated symbolic American items, such as the American flag, into their traditional ceremonies, but the respect and dedication that Native Americans have for this country goes way beyond the symbols they show consideration for.

Their respect and dedication to this land is prevalent in Native American stories and cultural practices. Native Americans attitude toward the earth and this country's land in particular is highly respectful. Their respect for the earth can be seen today in Native Americans participation in environmental protection and conservation practices. Conservation and land protection practice is important to many Natives, especially because many still survive from the resources that this land provides. In addition, the land is also the location of their origin and the center of many creation stories.

Hopefully this resolution will be a step in the right direction and the history taught in schools will be accurate and complete. In order to honor Native Americans accuracy is key in order to provide a dimension of history that will enrich the education that people of this nation receive. This resolution is a steppingstone for other underrepresented voices to be heard and a chance for other unacknowledged history to become known.

I urge my colleagues to support adoption of this important resolution.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 168.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

M. CALDWELL BUTLER POST OFFICE BUILDING

Mr. WELDON of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1753) to designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the "M. Caldwell Butler Post Office Building".

The Clerk read as follows:

H.R. 1753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. M. CALDWELL BUTLER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, shall be known and designated as the "M. Caldwell Butler Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the M. Caldwell Butler Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. WELDON) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

GENERAL LEAVE

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1753.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WELDON of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1753, introduced by the gentleman from Virginia (Mr. GOODLATTE) on May 8, 2001, designates the facility of the United States Postal Service located at 419 Rutherford Avenue in Roanoke, Virginia, as the M. Caldwell Butler Post Office Building.

Pursuant to the policy of the Committee on Government Reform, all Members of the House delegation of the Commonwealth of Virginia are cosponsors of this measure.

Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a former Member of this institution, M. Caldwell Butler. Like many young men of his generation, Mr. Butler served as an officer in the United States Navy during World War II. After completing his military service, Mr. Butler graduated from the University of Richmond and later received his law degree from the University of Virginia. He began his career in public service in the Virginia House of Delegates, serving from 1962 until 1972, where he served as minority leader.

Mr. Butler was subsequently elected to the United States Congress in 1972, where he served the people of the Sixth District of Virginia for 10 years.

Mr. Butler was a member of both the Judiciary and the Government Operations Committees during his time in the House.

After retiring from Congress, Mr. Butler continued in his service to country and community by serving as a member of the board of directors of the John Marshall Foundation and on the board of trustees of the Virginia Historical Society.

Mr. Speaker, it is a fitting tribute to name a post office in Roanoke, Virginia, after the distinguished gentleman who represented that city and who selflessly served the interests of his constituents in both the State house and in Congress for so many years. I urge our colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to associate myself with the resolution that was just approved in the House. I think it is seriously important and speaks to the development of our country.

Mr. Speaker, as a member of the Committee on Government Reform, I join with my colleagues in the consideration of H.R. 1753, legislation naming the post office located at 419 Rutherford Avenue, Northeast, in Roanoke, Virginia, as the M. Caldwell Butler Post Office Building. This measure was introduced by the gentleman from Virginia (Mr. GOODLATTE) on May 8, 2001, and has the support and cosponsorship of the entire Virginia delegation.

Mr. Butler is a former representative of Congress representing the Sixth Congressional District of Virginia for five terms in the U.S. House of Representatives. Representative Butler served with distinction on the House Judiciary and Government Operations Committee. Upon his retirement, he returned home to Roanoke, Virginia, and practiced law until 1998.

I must note that the sponsor of this measure, the gentleman from Virginia (Mr. GOODLATTE), had the honor of working for Representative Butler as his district director from 1977 to 1979. Obviously, this was, indeed, and always is a tremendous honor.

It also gives one the opportunity to observe firsthand what is taking place, what is happening, and maybe in some instances inspire and motivate them to follow in the same footsteps. It is obvious the kind of feeling, the kind of recognition, the kind of honor that the gentleman from Virginia (Mr. GOODLATTE) has had and must have felt as he has had the opportunity to follow in the footsteps of a predecessor with whom he also had the opportunity to work with and for.

So, Mr. Speaker, I am pleased to support this resolution and would urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. WELDON of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Florida (Mr. WELDON) for his forbearance. I am trying to be too many places at one time today.

Mr. Speaker, it is with great pleasure that I rise today in support of legislation that I have introduced to name the United States Post Office at 419 Rutherford Avenue in Roanoke, Virginia, for my good friend, former Congressman M. Caldwell Butler.

Congressman Butler is a gentleman whom I greatly admire. He served as a United States Naval officer in World War II. He received his undergraduate degree from the University of Richmond in 1948 where he was elected to Phi Beta Kappa and Omicron Delta Kappa. In 1950, he received a law degree from the University of Virginia School of Law where he was elected to the Order of the Coif, and in 1978 he received an honorary degree of Doctor of Laws from my alma mater, Washington and Lee University.

Mr. Butler served with distinction in the Virginia House of Delegates from 1962 until 1972, where he was the minority leader. He practiced law in Roanoke from 1950 until his election to Congress in 1972. He served five full terms in the House of Representatives, representing the Sixth District of Virginia. It was my privilege to serve as Congressman Butler's district director from 1977 until 1979. While in Congress, Mr. Butler was a member of the House Committee on the Judiciary and the Government Operations Committee. His start in Congress was memorable. As a member of the House Committee on the Judiciary, he was part of the panel that conducted impeachment hearings involving President Richard Nixon.

Following his service to our Nation, Mr. Butler returned to his home in Roanoke to practice law as a partner in the firm of Woods, Rogers & Hazelgrove, which he continued to do until his retirement in 1998. In addition, he contributed his expertise on a national level by serving as a member of the National Bankruptcy Review Commission from 1995 until 1997.

Mr. Butler is a pillar of Roanoke's civic organizations, serving as a member of the board of directors of the John Marshall Foundation and the board of trustees of the Virginia Historical Society, a fellow of the American Bar Foundation, a fellow of the American College of Bankruptcy, and a fellow of the Virginia Law Foundation.

Mr. Butler has shown great leadership and personal integrity in his service as a member of the Virginia General Assembly and as a United States Congressman.

□ 1145

It is with great pleasure that I ask my colleagues to join me in honoring a true public servant by supporting legislation that will make Roanoke, Virginia, home to the M. Caldwell Butler Post Office Building.

Mr. HYDE. Mr. Speaker, it is a great pleasure to take the floor today not only to support the naming of a Post Office Building, but to celebrate the public service of a truly dedicated man. Naming the Post Office Building in Roanoke is the least we can do to recognize the public career and contributions to his country that Caldwell Butler has made.

I had the pleasure of serving with Caldwell on the Committee on the Judiciary. As I got to know him during our years together on that committee, I was deeply impressed with his knowledge of the law, and all of the complex issues which came before the committee. Caldwell was a student of public policy during his service as a Member of Congress, and served as a great sounding board for the discussion of ideas for other Members. On many issues, we turned to him for advice and leadership.

His ability to synthesize the legal, practical, and political consequences of legislative proposals served as a model for us all in attempting to understand both our roles as Members of the House, and of the Committee on the Judiciary. He was always gracious in sharing his time and his thoughts with his colleagues.

He was also extremely articulate in explaining what he was doing, and what the ramifications of those actions could be. We could be less concerned about unintended consequences of legislation when we had a chance to talk it over with Caldwell.

It is a pleasure for me to support this resolution, as I often supported the man. He gave a great deal to this House and to me personally, and I want to thank him publicly for that.

I urge all my colleagues to support this resolution.

Mr. WOLF. Mr. Speaker, I rise today to join my Virginia colleague, Representative BOB GOODLATTE, in support of this bill to name the main Roanoke United States Post Office at 419 Rutherford Avenue in Roanoke, Virginia, for our former colleague, Congressman M. Caldwell Butler. I commend Congressman GOODLATTE, who served as Caldwell Butler's district director in the late 1970's for sponsoring this tribute.

I had the pleasure of serving with Caldwell in my freshman term in the House in the 97th Congress. His dedicated public service was an inspiration to me and I will always be grateful to him for his wise counsel during my early days in Congress.

His distinguished career of service began as a United States naval officer during World War II. He received his undergraduate degree from the University of Richmond in 1948 where he was elected to Phi Beta Kappa and Omicron Delta Kappa. In 1950 he received an LL.B degree from the University of Virginia School of Law where he was elected to the Order of the Coif. In 1978, he received an honorary degree of Doctor of Laws from Washington and Lee University.

He practiced law in Roanoke from 1950 until his election to Congress in 1972. His elective office service began in the Virginia House of Delegates where he served from 1962 until 1972, including the position of minority leader. He served five full terms in the House of Representatives, representing the Sixth District of Virginia.

Our colleagues may recall that Congressman Butler was a member of the House Committee on the Judiciary and the Committee on Government Operations. In his first term as a member of the Judiciary Committee, he served with distinction as part of the panel that conducted the Nixon impeachment hearings.

When he retired from the House in 1983, he returned home to Roanoke to practice law which he continued to do until his retirement in 1998. He served as a member of the National Bankruptcy Review Commission from 1995 until 1997.

Caldwell Butler's life epitomizes leadership, integrity and service. To honor this outstanding Virginian and public servant, it is very appropriate that the post office building in his home of Roanoke bear his name. I urge my colleagues to give this legislation a unanimous vote in recognition of the service to his country of M. Caldwell Butler.

Mr. WELDON of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Florida (Mr. WELDON) that the House suspend the rules and pass the bill, H.R. 1753.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DONALD J. PEASE FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 819) to designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building".

The Clerk read as follows:

H.R. 819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 143 West Liberty Street, Medina, Ohio, shall be known and designated as the "Donald J. Pease Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Donald J. Pease Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 819 designates the Federal building at 143 West Liberty Street, Medina, Ohio, as the "Donald J. Pease Federal Building."

Mr. Speaker, I want to commend my colleague the gentleman from Ohio (Mr. BROWN), a neighbor, for reintroducing this legislation this year. I am pleased to be a cosponsor of this important legislation, along with many of our colleagues from the Ohio delegation.

Last year the House passed similar legislation, but, unfortunately, the Senate never had the opportunity to act on it. It is my hope we can get this through the other body and signed into law by President Bush this year.

Congressman Pease was born in Toledo, Ohio, where he attended public schools. He earned his undergraduate and Master's Degrees from the Ohio University in Athens, Ohio, before becoming a Fulbright scholar at Kings College, University of Durham, England.

Congressman Pease served in the United States Army from 1955 until 1957, at which time he returned to Ohio to work at the Oberlin News-Tribune. He was first co-editor and publisher, before becoming its editor. He was editor from 1969 until 1976, during which time Congressman Pease also served on the Oberlin City Council, the Ohio State House of Representatives and in the Ohio State Senate before being elected to the United States House of Representatives in 1976. He served in this House from 1977 until his retirement in 1993.

Congressman Pease began his Congressional career on the Committee on International Relations advocating human rights. He later secured a spot on the Committee on Ways and Means, and, by the 102nd Congress, earned one of three seats on the Committee on the Budget reserved for members of the Committee on Ways and Means. Congressman Pease's determination to work with both sides of the aisle included service on the conference committee for the tax reform bill of 1986.

This is a fitting tribute to a former Member of the House. I support the bill, and urge my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 819 is a bill to designate the Federal building located at 143 West Liberty Street in Medina, Ohio, in honor of our former colleague, Congressman Don Pease. I join my chairman, the gentleman from Ohio (Chairman LATOURETTE), in honoring Don Pease, who served the citizens of northern Ohio with distinction, hard work and diligence for 14 years. I also commend the gentleman from Ohio (Mr. BROWN) for introducing the bill.

Don Pease is a native Ohioan, born in Toledo in 1931. He attended local public schools and in 1953 graduated from the University of Ohio in Athens, Ohio. While at Ohio State University, he was the editor of the student newspaper and the student reporter for the local newspaper, the Athens Messenger. In 1955, he joined the Army and was stationed in Fort Lee, Virginia, before he was honorably discharged in 1957.

Don began his public career in 1961 upon his election to the Oberlin City Council. In 1964 he ran for the State Senate against an incumbent and was elected to a 4-year term. As a State Senator he gained a reputation as an effective legislator, concentrating on education legislation.

In 1976, he set his sights on Congress when the seat in the 13th Congressional District became vacant. During his seven terms in Congress, Don Pease worked hard for tax reform and better tax policy. His record on ensuring human rights through the application of foreign policy is highlighted with numerous success stories. He approached politics as an ethical pursuit and legislation as an intellectual exercise.

Don served on the House Committee on International Relations and the House Committee on Science and Technology. In 1981, he was selected to serve on the House Committee on Ways and Means and was picked as one of the 11 conferees on the landmark Tax Reform Act of 1986.

Don fought for welfare reform and strongly supported sunshine rules for open government. He firmly believed in consensus decision making and worked both sides of the aisle to craft legislation to benefit middle Americans.

I support H.R. 819, and join our colleagues from Ohio in honoring Don Pease with this designation.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend from Illinois for yielding me time, and I especially thank the gentleman from Ohio (Mr. LATOURETTE), the chair of the subcommittee, for his support on this and bipartisan support on many the other issues.

Mr. Speaker, I rise in support of H.R. 819, which recognizes the many terrific achievements of former Congressman Don Pease and honors him by designating the Medina Federal Building as the Donald J. Pease Federal Building.

A native of Oberlin, Ohio, Don Pease graduated, as the gentleman from Illinois (Mr. COSTELLO) said, from Ohio University. He served as editor of the Oberlin News-Tribune, was elected to Oberlin City Council, the Ohio House of Representatives, and served in the Ohio Senate during my first term in the Ohio House in 1975–1976.

In 1976, he was elected to represent Ohio's 13th Congressional District. In his first term, while on the Committee on International Relations, Don Pease spearheaded the fight for human rights protections. Later, as a member of the House Committee on Ways and Means, Don dedicated himself to a variety of tax fairness issues, and he was the first Member of this body to seriously pursue the enforcement of labor standards in developing countries and international trade agreements. His work has come to fruition in the last couple of Congresses as larger and larger numbers of Members of Congress have fought for those kind of labor protections in international trade agreements.

His efforts, as the gentleman from Ohio (Mr. LATOURETTE) said, to work with both sides of the aisle include serving on the conference committee for the hotly debated Tax Reform Act of 1986, mediating between Congressional leaders in the first Bush administration on a variety of tax policy issues, and his work on China's Most Favored Nation status.

After leaving Congress, Don returned home to Ohio. He has served on the board of Amtrak. He currently serves as a Visiting Distinguished Professor at Oberlin College's Department of Politics.

Don Pease was, and still is, committed to Ohio's working families. His efforts to improve education, expand access to health care and support workers have made a profound difference in our lives.

By renaming the Medina Federal Building at 143 West Liberty Street in Medina as the Donald Pease Federal Building, this bill honors his hard work, and is a testament also to the hard work and community commitment of his wife Jeanie and honors the work he did in the district he and Jeanie love so much.

Don was held in high regards as both an ethical and able legislator. He devoted 16 years of service to our district, to the State of Ohio and our country. I am pleased to join my colleagues in Ohio, Democrats and Republicans alike, in recognizing Don Pease's dedication to improving people's lives. I urge my colleagues to vote for H.R. 819.

Mr. OBERSTAR. Mr. Speaker, H.R. 819 designates the federal building in Medina, Ohio, in honor of former Congressman Donald Pease from the 13th district of Ohio. This simple act honors a man whose life embodies the American ideals of hard work, personal sacrifice, and service to others.

Congressman Pease rose from a typical American background to do uncommon things for his fellow Americans. Growing up, Congressman Pease attended public schools and worked as a newsboy. While in college, he was the editor of the school newspaper, worked for the Athens messenger as a student reporter, and was President of his class. During the summers, he worked as a laborer at an oil refinery to help support himself and pay for college. He went on to earn a masters degree in government from Ohio University, and was a Fulbright Scholar. At 24, Congressman Pease entered the U.S. Army and served for two years, achieving the rank of first lieutenant.

Upon leaving the Army, Mr. Pease became co-editor and publisher of the Oberlin News-Tribune, and he remained editor/publisher of the paper until 1972, and as editor until 1976. During that time, the paper received more than 85 awards in journalism, and was voted the best newspaper in Ohio nine times, and the best newspaper in the Nation in its circulation class four times.

Congressman Pease began his career in public service in 1960, first as Chairman of the Oberlin Public Utilities Commission, and then serving on the Oberlin City Council. In the 1960's and 1970's, Congressman Pease served in the Ohio General Assembly and the State Senate, where he focused on education issues and became chairman of the House Education Committee and vice chairman of the Education Review Commission. He also championed tough campaign finance laws long before that issue became the popular mantra of today.

In 1976, Congressman Pease was elected to represent the 13th district of Ohio in the 95th Congress. Despite a successful career that now placed him near the pinnacle of American politics, Congressman Pease remained faithful to helping people, and committed to serving those he represented. He took an immediate leadership role in Congress as chairman of the New Members Caucus, and served on the House International Relations Committee, and the House Science and Technology Committee.

During his service in Congress, Mr. Pease became a champion of human rights throughout the world. He led the drive to get Congress to ban imports of Ugandan coffee to protest the actions of that oppressive regime. He consistently fought for international labor standards and, as a Member of the International Relations Committee, he led the fight to include human rights protections in international trade agreements.

In 1981, Congressman Pease was selected to serve on the House Ways and Means Committee where he continued to focus on human rights and became a key player in trade issues. As an active member of the Trade Subcommittee, Congressman Pease focused on helping Americans who had lost their jobs due to foreign competition, and he fought hard to help the industrial district he represented make it through changing times. Congressman Pease was also one of the architects of the Omnibus Trade and Competitiveness Act of 1988, which was the most comprehensive overhaul of U.S. trade laws in twenty years.

After he retired from Congress, Mr. Pease has continued his dedication to public service by serving as a visiting professor at Oberlin College, and as a Member of the Amtrak Board of Directors.

Throughout his life and service in Congress, Congressman Pease has always demonstrated an uncompromising desire to help others, an unquestioned ability to lead, and an ability to bring people together to get things done to benefit the Nation.

This bill is a modest proposal to honor a man who has given so much to this institution and to the American people. It has bipartisan support, and I commend the Gentleman from Ohio (Mr. BROWN) for sponsoring this bill, together with our distinguished Subcommittee Chairman, Mr. LaTOURETTE, and many other Members of the Ohio delegation.

I urge my colleagues to join me in supporting this bill.

Mr. COSTELLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LaTOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LaTOURETTE) that the House suspend the rules and pass the bill, H.R. 819.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL

Mr. LaTOURETTE. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 41) authorizing the use of the Capitol Grounds for the National Book Festival.

The Clerk read as follows:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR NATIONAL BOOK FESTIVAL.

(a) IN GENERAL.—The Library of Congress (in this resolution referred to as the 'sponsor'), in cooperation with the First Lady, may sponsor the National Book Festival (in this resolution referred to as the 'event') on the Capitol Grounds.

(b) DATE OF EVENT.—The event shall be held on September 8, 2001, or on such other date as the Senate Committee on Rules and Administration and the Speaker of the House of Representatives jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event authorized under section 1 shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may cause to be placed on the Capitol Grounds such stage, seating, booths, sound amplification and video devices, and other related structures and equipment as may be required for the event, including equipment for the broadcast of the event over radio, television, and other media outlets.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board may make any additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LaTOURETTE).

Mr. LaTOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that we are here today to consider this important resolution. Earlier in the House, House Concurrent Resolution 134 was also introduced, which contained similar language to authorize the same event. However, I want to acknowledge that we are considering the Senate version today in the interests of time so that the Library of Congress and the First Lady can begin firming up any remaining details of the event.

Senate Concurrent Resolution 41 authorizes the use of the Capitol Grounds for a National Book Festival to be held on September 8, 2001, or on such date as the Speaker of the House of Representatives and the Senate Committee on Rules and Administration jointly designate.

The resolution authorizes the Library of Congress, the sponsor of the event, to negotiate the necessary arrangements for carrying out the event, in complete compliance with the rules and regulations governing the use of the Capitol Grounds. The event is open to the public and free of charge, and the sponsor will assume full responsibility for all expenses and liabilities related to the event. In addition, sales, advertisements and solicitations are explicitly prohibited on the Capitol Grounds for this event.

The National Book Festival is a 2-day event that will educate promoting the use of libraries and encouraging the joys of reading. On September 7, Friday afternoon, the First Lady will launch the first-ever National Book Festival by connecting with children all across America through satellite hookups, web casting, and/or television. This will be hosted from the Main Reading Room at the Library of Congress for a captivating afternoon reading program.

On September 8, Saturday, the reading celebration continues at the Thomas Jefferson Building and on the Grounds of the United States Capitol. There will be readings by a wide variety of authors, in addition to artists performing American story telling through music, from folk to jazz and blues.

Much of the weekend's festivities are modeled after the First Lady's successfully founded book festival in Texas. The President and the First Lady have been strong advocates of education, especially reading.

I would encourage any of our colleagues who are in town that weekend to attend this event with their young family members, in addition to having Members encourage their constituents who are either visiting Washington or schools in the home district to participate in this important event.

I support the resolution, and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Ohio (Chairman LATOURETTE) in support of S. Con. Res. 41, to authorize use of the Capitol Grounds on September 8 for a National Book Festival.

The event, jointly hosted by the Library of Congress and First Lady Laura Bush, is intended to promote the Nation's libraries and celebrate the joys of reading. The event begins on Friday, September 7, at the Library of Congress. Through a satellite hookup, children across the country will have a front row seat in the Library's Main Reading Room to enjoy an interactive reading program. On Saturday, September 8, on the Capitol Grounds, the event will host special activities promoting reading, which include book signings and book readings. The celebration will culminate with a series of performances by well-known artists and authors.

As with all events on the Capitol Grounds, the National Book Festival is open to the public and is free of charge and has the support of the Joint Committee on the Library. The sponsors of this event will coordinate with the Architect of the Capitol and the Capitol Police.

The Book Festival is a very worthwhile endeavor, and I join the gentleman from Ohio (Chairman LATOURETTE) in supporting the Senate concurrent resolution.

Mr. OBERSTAR. Mr. Speaker, I join Subcommittee Chairman LATOURETTE, Subcommittee Ranking Member COSTELLO, and Chairman YOUNG, in support of this resolution that authorizes use of the Capitol Grounds on Saturday, September 8, for activities associated with the National Book Festival. This is a two-day event hosted jointly by the Library of Congress and First Lady Laura Bush.

On Friday, September 7, children in classrooms and libraries across the country will enjoy an interactive reading session with the First Lady at the Library of Congress through satellite communication. On Friday evening, Members of Congress, recognized authors, publishers, and community leaders will gather in the Library's Thomas Jefferson Building for a performance by leading authors and actors bringing to life memorable American stories.

On Saturday, September 8, on the Capitol Grounds, distinguished authors and actors and national celebrities will treat the public to special readings and book signings. Performances by well-known artists, drawing on the Library's collection of American music, will close the event.

I support the resolution and urge my colleagues to join me in support of the book festival.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of S. Con. Res. 41, and support reading and literacy programs all over this great nation.

Mr. Speaker, I commend the First Lady, Laura Bush and her initiative to get our country reading. Reading is fundamental to the development of the nation's young minds. There is no skill that can be attained like reading. Once you have learned to read, you will never stop.

Mr. Speaker, what better place for a festival of books and reading than on the Capitol grounds, the pinnacle of American freedom and what better person to lead the charge than the First Lady of the United States, Mrs. Laura Bush. As a former teacher, no one understands the importance of reading more than Mrs. Laura Bush.

Mr. Speaker, I urge all of my colleagues to stand in support of Mrs. Bush and reading by voting for S. Con. Res. 41.

Mr. COSTELLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 41.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

☐ 1159

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 41 and H.R. 819, the measures just considered by the House.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Ohio?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at noon), the House stood in recess subject to the call of the Chair.

☐ 1300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 1 p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2216, 2001 SUPPLEMENTAL APPROPRIATIONS ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 171, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 171

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. The amendment printed in part B of the report of the Committee on Rules may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part B of the report are waived. During consideration of the bill for further amendment, the Chairman of the Committee on the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, as amended, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday the Committee on Rules met and granted an open rule for H.R. 2216. The rule waives all points of order against consideration of the bill. It provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule provides that an amendment printed in Part A of the Committee on Rules report accompanying the rule shall be considered as adopted. The rule waives points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in a general appropriations bill.

The rule provides that the bill will be considered for amendment by paragraph. The rule makes in order the amendment printed in part B of the Committee on Rules report, which may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points of order against the amendment printed in part B of the Committee on Rules report. The rule waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. And finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this should not be a controversial rule. It is totally open. Members can offer all of the amendments that they want, as long as the amendments comply with the regular rules of this House.

Meanwhile, the underlying bill provides vital relief to our Nation's Armed Forces and aid to areas that have been devastated by natural disasters; and, unfortunately, we had a lot of that last year.

My friend, the gentleman from Texas (Mr. FROST), who is managing this rule for the minority, has always been a strong advocate for the military; and I am sure that he appreciates the defense items in this bill.

Without help from Congress, our Nation may fall short on its promise to provide adequate health care for our men and women in uniform. So today, we will provide an additional $1.4 billion for Department of Defense health programs.

At the same time, we are providing an additional $6.3 billion largely to help our military maintain its facilities and its top-notch training and equipment. We know we have had a problem with that in the last few years. Interestingly, we will also allocate a small amount of funds to make the U.S.S. *Cole*, which was bombed by terrorists in Yemen, seaworthy again.

We are not only taking care of the emergency needs of our military, though. Several communities in the Midwest have been devastated by floods and tornadoes, so we are giving the Army Corps of Engineers $116 million to mitigate the damages from these natural disasters.

I urge my colleagues to support this open rule and to support the underlying bill. This legislation is a strong step forward, as we work to take care of our military personnel and take care of those who are hurting here at home.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to one of the most unfair, bizarre, and partisan rules reported by the Committee on Rules in a very long time. If the issues were not so serious, this rule would be laughable.

Let us start with the unfair part. Repeatedly during the Presidential campaign last year, then-candidate President Bush told the American public, and especially every man and woman in uniform, "help is on the way" for our military. Many who serve in our armed services as well as many others concerned about our national defense believed what candidate Bush promised. Many other Republicans ran last fall making the same kind of promises. This rule proves those campaign promises were made with a wink.

Last night on a straight party-line vote, the Committee on Rules refused to give our colleague, the gentleman from Missouri (Mr. SKELTON) the ranking Democrat on the Committee on Armed Services, the opportunity to offer an amendment that would increase supplemental funding for the Department of Defense by $2.7 billion. The gentleman from Missouri (Mr. SKELTON) is a strong advocate for our military but he is especially an advocate for the soldiers, sailors, airmen, and Marines who serve their Nation and each and every one of us. The $2.7 billion he included in his amendment is some but certainly not all that the Department of Defense desperately needs for readiness and quality of life issues.

If we do not appropriate the funds the gentleman from Missouri (Mr. SKELTON) is seeking, our armed services will not have the resources they need for training for the rest of the year, nor will there be funds to move forward on improving housing or making other quality of life improvements for our troops.

Mr. Speaker, every single Republican on the Committee on Rules voted against the President's promise that help is on the way. Every single Democrat on the committee voted in favor of the men and women who serve our Nation and to provide them with the help they need to ensure our national defense is second to none.

Now let us examine the bizarre part of the rule. Everyone in this country knows what tropical storm Allison did in Houston, in parts of Texas and Louisiana and now in Pennsylvania. This storm has left a major disaster in its wake. What did the Keystone Cops on the other side of the aisle do on this bill and rule? First, the Committee on Appropriations cut the money for the Federal Emergency Management Administration just after this disaster hit the Gulf Coast and at the very beginning of the hurricane and tornado system. They cut the money for FEMA. The committee cut $389 million out of the money available for the rest of the fiscal year, money that had already been appropriated by this Congress just when the extent of the disaster in Houston has been preliminarily estimated to total $2 billion and will very likely continue to rise.

And that figure, Mr. Speaker, does not even take into account the damage in Louisiana, other areas affected along the Gulf Coast, and what will be needed to clean up in Pennsylvania. So the committee cut $389 million from FEMA. What did the Committee on Rules do? Their solution is even more bizarre than the action taken by the Committee on Appropriations.

Last night the Republicans on the Committee on Rules made in order an amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) which would restore the cuts in FEMA funding, but that comes at a very steep price. The House is being offered the chance to restore the $389 million in FEMA, only if we are willing to make over $1 billion in cuts in nondefense discretionary programs in the current year.

To translate this, that means that we can restore FEMA emergency money only if we are willing to cut Head Start, cut funds for education, $70 million from the Veterans' Administration medical program, cut public safety officers for our schools and neighborhood health centers. What have these people been smoking, Mr. Speaker?

All the Republicans on the Committee on Rules had to do was make in order a bipartisan amendment by the gentleman from North Carolina (Mr. JONES), a Republican; by the gentleman from Texas (Mr. BENTSEN), a Democrat; and the gentleman from Pennsylvania (Mr. HOEFFEL), a Democrat. Their amendment would simply have restored these funds to FEMA, funds which have previously been appropriated by this Congress. Just ask the constituents of the gentleman from North Carolina (Mr. JONES) or the constituents of the gentleman from Texas (Mr. BENTSEN) in Houston or the people outside of Philadelphia represented by the gentleman from Pennsylvania (Mr. HOEFFEL). They know firsthand how important the Federal Government can be, especially when disaster strikes close to home.

It is beyond me, and many Members of this body as well, why it is necessary to cut 2½ times more out of the budget already approved by the Congress in order to restore funds already appropriated by this Congress that helps thousands of Americans who have been affected by this storm.

I cannot find a good reason to justify cutting $70 million out of the medical services for the Veterans' Administration in order to not make cuts in disaster assistance. This move on the part of the Republicans on the Committee on Rules is truly one of the most bizarre and mean-spirited things they have done in a very long time. Let me be very clear what we are talking about.

The Congress appropriated this money for FEMA. That was last year. Appropriated this money. And then the Congress, the Committee on Appropriations, came in and said we want to cut this money that was already appropriated last year, we want to take it away from FEMA so they do not have enough money to help the people down in Houston and Louisiana and Pennsylvania. The Committee on Rules said we should not cut this money, we should not take away the money from FEMA that Congress already appropriated, so let us give it back to FEMA but let us take it out of Head Start and community police officers and veterans' medical care. What a crazy result, Mr. Speaker.

Finally, let us talk about the partisan nature of this rule. West Coast Democrats appeared before the committee to seek permission to offer the Inslee-Pelosi amendment that would require the Federal Energy Regulatory Commission to impose cost-based pricing for electricity in the Western power market. Now on Monday FERC did order some relief for electricity customers on the West Coast. But even though their order is an improvement over the current pricing mechanism, there are many who believe this action will not offer enough relief to consumers and businesses on the West Coast as we move into the hottest summer months.

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Our colleagues, the gentleman from Washington (Mr. INSLEE), the gentlewoman from California (Ms. PELOSI), the gentlewoman from California (Ms. ESHOO), and many, many others asked for the opportunity for the House to at least debate this issue. This supplemental is the only train leaving the station, and it represents the only real opportunity the House will have to debate equitable, just, and reasonable pricing for electricity. This bill represents the only opportunity to debate the issue of refunds for overcharges FERC admits were made but for which it will not provide a remedy.

With the most partisan of intent, the Republicans on the Committee on Rules rejected these requests made by west coast Democrats seeking to find some relief for their constituents. For example, the gentleman from Washington (Mr. BAIRD) also requested that an amendment be made in order that could help local school districts who in the coming months may be forced to lay off teachers, cancel purchases of new books or computers, shut down after-school programs or cancel arts, music or technology classes in order to pay for the rising cost of heating and cooling schools. But instead of putting children first, the Republican majority on the Committee on Rules refused to make this important amendment in order. This is partisan politics at its worst, Mr. Speaker. For that reason, I will oppose the previous question on this rule.

It is my intention to oppose the previous question in order to be able to offer an amendment to this rule that would make it less partisan, less unfair, and certainly a lot less bizarre. The House should have the opportunity to debate adding funds for the Department of Defense to meet its highest priorities in the remaining month of the fiscal year; the House should have an opportunity to restore funds to FEMA without cutting Head Start and veterans' medical care; and the House should debate the energy issues that are so disastrous to so many communities on the west coast.

Therefore, Mr. Speaker, I urge my colleagues to oppose the previous question and oppose the passage of this rule.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

I do want to remind my colleagues that this is an open rule. It is the first I have heard an open rule called bizarre and mean-spirited. It does quite honestly provide $5.5 billion for urgent defense needs. But I want to remind my colleagues, we are waiting on the Rumsfeld report before we do the defense budget; and then we will be dealing with the other needs of the military, as well as we are going to be doing an energy bill, and that is the appropriate time to deal with the energy question that we are facing now.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and the underlying legislation. Today, I would like to focus on the provisions within this bill dealing with nuclear cleanup. As the chairman of the Nuclear Cleanup Caucus, I have expressed clear reservations with the administration's initial budget request for this program. I am very pleased that they now have requested, and the Committee on Appropriations has included, $180 million in supplemental funding for this vital effort. Specifically, over $50 million of this money will provide a necessary bridge at the Hanford site for this fiscal year to prevent layoffs. I would hope that our field managers be provided with the maximum flexibility to mitigate shortfalls and reduce impacts with this money.

The administration should be commended for including this money in their supplemental request. After submitting their initial budget, I have had multiple opportunities to meet with Office of Management and Budget Director Daniels regarding the legal, contractual, and moral obligation the government has to ensure the cleanup program stays on schedule throughout this Nation. Recognizing the shortfall in the administration's request, the congressional budget resolution provides for up to $1 billion in additional money for nuclear cleanup in fiscal year 2002. The inclusion of this money in the supplemental is the first step in fulfillment of that requirement.

I would also like to commend the Committee on Appropriations for their commitment to environmental cleanup. Throughout this process, the Committee on Appropriations, and specifically the gentleman from Alabama (Mr. CALLAHAN), has worked with me and other caucus members to ensure that adequate funding is provided in fiscal year 2002. Yesterday's markup of Energy and Water appropriations to me is a great step in ensuring that this shortfall is eliminated. I look forward to working with the gentleman from Florida (Mr. YOUNG) and the gentleman from Alabama (Mr. CALLAHAN) in the future to ensure that this funding is a reality.

Accordingly, I urge my colleagues to support this open rule and the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to this rule because it blocks critical amendments which would have helped vulnerable Americans with soaring energy bills. My amendment would have provided $600 million this year for emergency low-income heating energy assistance, a funding increase of $300 million. It would have provided $1.4 billion in these emergency low-income energy assistance funds for next year. It would have restored $300 million to the Federal Emergency Management Agency, FEMA's, disaster relief fund. These funds are critical for Americans who are facing skyrocketing energy bills this summer and those communities that have been devastated by Tropical Storm Allison.

Low-income energy funds appropriated for this year have all been released. We have 19 States that have exhausted all of their LIHEAP funds, or they soon will. This amendment would have provided immediate relief for those States that are trying to deal with delinquent energy payments and that are preparing for the scorching temperatures this summer.

This past winter, 3.6 million families in nearly half of the United States risked having their energy cut off because of outrageous energy costs. It really is incredible and it is wrong. Further, the amendment would have provided advance funding for later this year, after September 30. There will be no Labor-HHS bill at that time. That means that people who are going to be struggling with energy costs into the winter are going to have to just suck it up because there will not be funding there until this body makes a decision to deal with low-income energy funds in the future.

Finally, the amendment would have said to FEMA, we will restore $300 million of your resources to deal with Tropical Storm Allison. Today, the director of FEMA has said that it will take not the $2 billion that he thought but now $4 billion to deal with the cleanup and to deal with what is happening with mosquitoes following that storm. And what do we want to do at this juncture? Instead of making that money available for the folks in this Nation, we are rescinding the money, taking back $300 million, in fact, so that the people of this country, people in the South and who are suffering from what happened with Tropical Storm Allison are going to be on their own.

I oppose this rule because it jeopardizes our most vulnerable populations. Vote it down.

Mrs. MYRICK. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I listened with interest to my colleague from Connecticut wanting to offer further amendments to expand LIHEAP, which is the low-income heating assistance program. This bill increases LIHEAP by $300 million, which is twice what the President requested, and the gentlewoman from Connecticut can offer her amendment as long as there is an offset. It is an open rule. I think that is a very reasonable approach to this problem.

There has been some criticism that we are not waiving the rules of the House which are long established here to deal with the problem of electricity and energy in this country.

On Monday, the Federal Energy Regulatory Commission passed an order that extended their price mitigation and price monitoring program in California and across the West. I think that is a wonderful step and will probably ensure that consumers in California and the West are going to be paying reasonable prices for electricity in the West. In fact, in the other body, Senator FEINSTEIN of California, who coauthored the bill on price caps, said yesterday that the FERC action was a giant step forward and they do not intend to move forward and press this issue. It is only a small number of folks in the House that seem to be wanting to move in that direction. The reality is, in the Committee on Energy and Commerce for about a 2-week period, we struggled privately and in a bipartisan way with the issue of what we can do to reduce the cost and the price of electricity in California and the West.

Through that process, I think a lot of us came to realize just how badly we could mess this up if we try to go back to a system of setting prices at the Federal level from the Congress. FERC has a lot more flexibility, a lot more expertise and latitude than we do in this body. We should not set price caps in legislation. Trying to solve the problem with price caps is going to make the supply problem even worse and prolong the crisis. It would probably deny electricity to California because States like New Mexico would not sell on the spot market to California if they were going to be forced to sell below their own cost. As a result, we would see more blackouts, more problems in the State of California, a lack of investment in the real problem, which is a shortage of supply and California's failure to build for the future.

Price caps never produced another kilowatt of electricity. It is unreasonable when we are going to be facing major energy legislation in this Congress, sometime in the next 6 weeks, to ask to put this price cap measure on something completely unrelated and to ask us as a House to waive the longstanding rules of the House to make this up today rather than the context of what we really should be doing, which is a long-term, balanced approach to national energy policy, an approach that includes conservation, that includes increased supply, that fixes our aging infrastructure, and that includes government reform.

I look forward to that debate and to bringing that comprehensive bill to the floor of the House. But today is not the day. I do not think we should be willing to waive the longstanding rules of the House to take this up in a mishmash fashion.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Speaker, I rise to ask Members to oppose the previous question and rule so that we can give people immediate relief with their energy needs. Today, we have an opportunity to do something to help millions of Americans. We should vote to put temporary caps on wholesale electric prices in the western United States and take a commonsense step to give consumers substantial help with low-income energy assistance.

Unfortunately, the Republican majority has been unwilling to take real action on this critical issue. They continue to ignore people's real needs and today will not even let us take a vote on one of the most compelling problems facing America.

In San Francisco last month, one small business owner lost between $3,000 and $4,000 in 1 hour during a rolling blackout. This bill does nothing for him. Thousands of people are on life support machines on the west coast. This bill does nothing for them. Millions of people are paying through the nose for a commodity that is like air and water in their lives. This bill does nothing for them. A large percentage of small businesses in the San Diego area are at or near bankruptcy. This bill does nothing for them. Thousands of families in California and the west coast have seen their residential energy prices go up twice, three times, five times, in some cases 10 times. This bill does nothing for them.

We have an emergency in our country. Yet the Republican leadership treats it as if it does not exist. We are glad that Federal regulators are finally listening and moving in the right direction. But their recent order is still a day late and a dollar short. It lets generators continue to make record profits and does nothing to help those affected by overcharges recover their losses. It opens the door to market manipulation and does nothing to stop the blackouts that are threatening people even this week.

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So the time has come for sensible steps that will actually do something for people. We have been regulating utilities for decades, including wholesale electric prices; and we have one of the best power systems in the world. All we say is that we need temporary relief to this historic model so we can stabilize the market and give people real relief. We recognize this is not a long-term answer to the problem. In California, the Governor has permitted 16 new plants to bring in new supply. Four of them will be online this summer. Help is on the way, but help is needed now. This is a financial emergency. We need to address this emergency in this bill. It is unreasonable to bring a supplemental appropriation out on this floor and not even allow the minority the right to debate and vote on such a measure.

I urge Members to vote against the previous question and vote against the rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, under the President's leadership, the country is beginning to focus on the need to take firm steps to enhance our energy security. The President is putting people over politics. I wish the minority would do the same.

Across the Nation, we are seeing the predictable consequences of allowing regulatory red tape and government intrusions to constrain our ability to produce the energy that we need.

Mr. Speaker, our energy security sustains our quality of life. The amendments offered by the minority threaten our freedom and our energy security, and that is why they should be rejected and not allowed in this rule. We need to solve the shortage of energy with a broad and a balanced plan. We need to encourage initiatives to reduce demand by conserving energy. We need to encourage the introduction of new technology that will allow us to accomplish more with the energy that we use. But there should be no confusion about the unmistakable need to expand the diversity of supply and to increase the production of energy.

Unfortunately, the electricity crisis in California offers an object lesson in the danger of allowing political half measures to be substituted for a successful market-based solution. We are talking about price caps.

Today, politicians in California are demanding additional government regulation as the pathway to relief from the consequences of earlier government regulation. Let us be clear about this. In every place government price controls have been tried, those price controls have failed to achieve the results that their supporters have promised. They failed when Republican Presidents used them; they failed when Democrat Presidents used them. All government price controls can offer California is the specter of longer and more frequent blackouts.

The electricity marketplace in California, as we all know, is severely dysfunctional. The people of California are suffering today because the demand of electricity exceeds the available supply. Until that fundamental imbalance is resolved, their problems will continue. It happened because politicians in California place so much red tape and regulation on the energy sector that energy suppliers could not build the power plants needed to supply California's energy-hungry economy. That is the fundamental problem in California.

Government price controls cannot work because all they do is prolong and exacerbate the problem. California must begin building the capacity it needs to create the additional electricity that its markets demand. That is the only way out. Price controls will not create an additional, not one additional, megawatt of electricity. What they will do is discourage the construction of new power plants and dissuade electricity generators from investing in the improvements and advancements that will actually increase the supply of electricity in California.

Government price controls fly in the face of the most basic laws of economics. They swim against supply and demand. Members should reject that siren song of price caps. Remember this, government price controls will mean more blackouts. I urge the adoption of this rule and reject the opposition.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Texas (Mr. DELAY), has actually made some very interesting points, points that ought to be debated on the floor. What the Committee on Rules is doing is saying, no, we are not going to let the gentleman from Texas (Mr. DELAY) speak at length about his points, or people that believe the way he does; and we are not going to let people from California, the west coast, speak on the other side. They will not even permit this debate to occur; and that is why we object to this rule, and that is why we are going to fight the previous question.

I think the gentleman from Texas (Mr. DELAY) ought to have lots of time to make his arguments, and I think people on the other side ought to have an equal amount of time. Their rule would prevent that from happening.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding this time to me.

Mr. Speaker, I rise in strong opposition to the rule considering the supplemental appropriation bill that is before us. Although many of my colleagues are upset because the rule does not permit various amendments as it relates to the energy crisis or disaster relief, my reason for opposing the rule is quite simple. It does not permit an amendment that would allow us to do more for our American men and women in uniform. This is a serious matter.

At the outset, I want to note that the $5.6 billion included in the bill for the Defense Department by the Committee on Appropriations, which is recommended by the OMB, is helpful but not adequate to address acute funding shortfalls that all the military services are experiencing.

I proposed an amendment to the bill to increase funding for the Department by $2.7 billion. That amendment has not been made in order by the rule and protected against points of order, and that is a shame.

Mr. Speaker, it is no secret to anyone that the armed services are called on to perform a myriad of missions all around the world, many of them on short notice. Whether it is defending against adversaries like Saddam Hussein or protecting our allies in Korea, or building a democracy in the Balkans, our military does a wonderful job, a great job, of protecting our national security interests. We owe it to our servicemen and women to ensure that they are trained and ready to perform those missions, that they have the best equipment we can provide and have adequate compensation and quality of life for their families.

The roofs are leaking on the family housing. The spare-parts bins are empty. The training is being curtailed, and unfortunately this supplemental bill as reported does not go far enough in meeting these goals, and follows the OMB recommendations. My amendment would add $2.74 billion to the bill all for additional defense appropriations. Of this total, the vast majority, about $2 billion, would be for operation and maintenance for flying hours and spare parts and real property maintenance and depot maintenance and uniforms, the unglamorous nuts and bolts, essentials that really make our military work. Another $400 million would fund military personnel and priorities, subsistence allowances, housing allowances, to keep our service members off food stamps, to pay for unbudgeted National Guard and Reserve personnel costs.

My amendment would also add about $300 million for high-priority procurement costs. For example, I would add $65 million to replace the EP–3 that is being cut to pieces on Hainan Island, China, and $49 million in additional funds to expedite the repair of the U.S.S. *Cole*.

Finally, my amendment would appropriate additional funds for ammunition. I oppose this rule.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), our chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the rule, and I rise in support of the previous question and also will be rising in support of the supplemental appropriations bill.

There are 435 of us in this Chamber and if each one of us were to write our own version of this supplemental, there would probably be 435 different versions; and we cannot have that. In our process, that is not the way it works. So the Committee on Appropriations, in an effort to allow Members to make a major contribution to the final product, the Committee on Appropriations asks for an open rule. I have never asked the Committee on Rules to give me a closed rule on any appropriations bill.

This is an open rule, meaning that any Member who has an amendment that is germane to the bill, that is an appropriations item, that they will be able to offer that amendment.

We would possibly agree with some; possibly we will not agree with some. We will make that determination once the debate takes place.

As an announcement to our Members, I wanted to tell them that although we were late getting our numbers, specific numbers, from the administration, we are still well under way. This is the first appropriations bill of the season. However, if we look at it technically, it is the last appropriations because of the fiscal year 2001 season because it is a fiscal year 2001 supplemental. For the benefit of the Members, the Committee on Appropriations has reported out this supplemental, plus three other of the major appropriations bills for fiscal year 2002. The fourth appropriations bill has already been reported by the subcommittee, and next week there will be four additional subcommittee markups. I say this so that Members will know that the Committee on Appropriations is moving expeditiously, despite the fact that we got off to a very, very late start.

I listened with interest to what the gentleman from Missouri (Mr. SKELTON) said on the amendment that he would offer, and I cannot disagree with him. There is a large list of shortfalls in our military services. There are many things that they need that we are not providing. We are anticipating a very substantial budget amendment from the President sometime within the next couple of weeks that will address many of the issues that the amendment of the gentleman from Missouri (Mr. SKELTON) raises. Those of us who work with national defense issues every day of our legislative lives are concerned that there are tremendous shortfalls in the needs of our national defense establishment, shortfalls in the needs of quality-of-life issues for our men and women who serve in uniform, and we are going to address those.

The bill that we provide today has certain budgetary constraints. The budget resolution for fiscal year 2001 sets certain budgetary restraints. The $6.5 billion presented by this bill is the top line in those budgetary constraints. There is not much we can do about that. So we present a bill with the best advice and consent that we could have from the appropriations members to use that $6.5 billion in a cost-effective way.

Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for giving me this opportunity, and I do hope that we can expedite consideration of the previous question, the rule and get right to the bill. This could be a long day.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I asked the Committee on Rules for a rather simple amendment that would have allowed for the House to vote on whether or not to strike the rescission in the supplemental of $389 million from the FEMA disaster account. Now, the distinguished chairman of the committee just spoke, and I know he worked very hard on putting this bill together, and he talked about the budgetary constraints.

I appreciate that fact, but we have to remember some of the budgetary constraints in this bill are self-imposed by the committee because the committee added $273 million in spending in the defense accounts that was not requested by the administration. It added $469 million in nondefense accounts that was not requested by the administration, and then it found the impetus to declare $388 million in spending emergency but in order to meet the constraints it took the money that the Congress had appropriated and been signed into law for emergency relief and rescinded it and then it says, well, that money is not needed; we are not going to need it. If we need it, we will get it later.

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But that is not a real savings. Mathematically, you know we are going to spend that money. But the fact is, FEMA does not have sufficient money. The storm in Harris County is now estimated to cost $4 billion. FEMA has already put out a couple of hundred million dollars, and they expect to put out another $130 million in the next 30 days.

There are storms happening all over the country. The district of the gentleman from Wisconsin (Mr. OBEY) just got hit yesterday with a storm. The gentleman from North Carolina (Mr. JONES), a Republican, was there asking for the same waiver, because FEMA is still paying for Hurricane Floyd that happened 2 years ago.

Now we are playing budget politics with FEMA money. Fifty thousand people in Harris County have either been displaced from their homes or are having to replace their homes. FEMA is estimating that the number of claims is going to rise to 90,000, and the three major hospitals and the largest medical center in the world are effectively shut down. The estimated damage to the Texas Medical Center alone will probably equal $2 billion.

Yet the committee thought it would make sense to cut at least a quarter and ultimately really a third of the available FEMA money in the current fiscal year in order to pay for additional spending on other projects that the White House did not even ask for. Here is a letter from the White House. They agree. They say they are puzzled. They are puzzled by the action taken by the committee.

I know the committee worked very hard. In fact, when the committee did this, Allison had not even occurred yet. But it has occurred now, and we can very simply fix this matter. You were able to declare sufficient funding for projects you thought were important emergencies. Do it for another 39 million, but put back the money that the Congress voted on, that the President signed into law, so it can be spent on disaster assistance, because I assure you we will be back. It will take more. This is like the California earthquake in 1992 and 1993.

Mr. Speaker, I urge my colleagues to defeat the previous question and defeat the rule.

Mr. Speaker, I rise today in opposition to the rule. The Emergency Supplemental is a paradox in its truest of forms. While donning the mask of emergency relief, this bill actually rescinds funding from FEMA's Disaster Recovery Fund in order to finance new and often unrequested projects.

Mr. Speaker, in the wake of Tropical Storm Allison, more than 50,000 Texans from Harris County, are either in temporary housing or working to make their homes livable again. With preliminary damage assessments totaling $4.88 billion in Harris County alone, now is not the time to rescind $389 million from FEMA's Disaster Recovery Fund. According to FEMA's latest estimates, the amount of Disaster Recovery Funds necessary to assist the state of Texas total $1.98 billion. And that cost will certainly rise. This legislation is setting all of us up for another messy supplemental down the road. We are just 19 days into hurricane season, a recision of nearly one-third of FEMA's available assistance funding is unconscionable.

This measure has not garnered the support of the Administration. In fact, OMB Director Daniels said, "this action would preclude prompt assistance" for future disasters. The Disaster Recovery Fund is appropriated for the specific purpose of assisting local communities in the event of unforeseen disasters. The authors of this bill felt this account to be money burning a hole in their pockets. The Disaster Recovery Fund is not a savings account for new projects. This money is critical to the recovery process of hard-working taxpayers in the wake of natural disasters.

To impede or delay FEMA aid in favor of new spending is a desertion of our duty in this body. I urge my colleagues to vote against this rule because it fails to protect the amendment I offered and a similar proposal offered by my colleague from North Carolina, Mr. JONES. Furthermore, it protects an amendment that inexplicably, calls for offsetting previously appropriated disaster funds.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind my colleagues that there is an amendment being offered to replace the FEMA money in this bill.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind my friend from North Carolina that the peculiar amendment that the Committee on Rules made in order to restore the FEMA money takes it out of Head Start and takes it out of Community Policing. We are saying that is a legitimate emergency. There is no reason to do that in the bizarre and peculiar way in which they have put the money back in.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, one would have thought that this emergency supplemental bill coming up when it did right on the heels of the storm damage and flooding to Houston, it would have provided an opportunity for this Congress to speak very clearly to the people in that area that their contract with our country is one that, in time of distress or natural disaster, we are there for them. Instead, we are sending the exact opposite message, a message of no confidence, by reducing the funding in FEMA.

As a person who represents an area beset by earthquakes, I know how important the message from Washington is in the recovery. As a grandmother of grandchildren in Houston seeing the onset of mosquitos following the flood, I know personally the need for the increased funding in the emergency bill, and am bewildered, again from my own experience representing an area that is disaster-prone, that this committee would not rise to the occasion.

So I rise in opposition to the rule on the supplemental appropriations bill because it misses opportunities on many scores. All we were asking for was a legitimate debate on spending priorities that are of an emergency nature for this Congress to address.

We have missed the opportunity because of this rule to have the chance to stabilize the electricity markets in the western United States. We have missed the opportunity to discuss the Eshoo amendment to ensure refunds for electricity charges in the western regions that were not just and reasonable. In fact, there are about $8.9 billion in refunds. We have missed the opportunity to ensure that the DeLauro amendment would be discussed, which would increase the LIHEAP funding so it would be available to low income families throughout the summer and fall. Finally, we have missed the opportunity to provide the leadership required for this country in the fight to treat AIDS and prevent new infections globally.

Mr. Speaker, I urge my colleagues to defeat the rule because it is a gag rule on discussion of issues of an emergency nature.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I am pleased that the Coast Guard is included in the supplemental budget, but I am very concerned about the direction of the 2002 Coast Guard budget. If there are no changes, it is predictable that we will be standing here again this time next year, hat in hand, advocating for the Coast Guard, just as happened last year, when we painted ourselves into the same corner requiring $655 million in supplemental Coast Guard funding.

Now, everyone knows that budget constraints have been so severe and chronic that the Coast Guard can barely keep its fleet in the water and its planes in the air. By the way, the Coast Guard operates the second oldest major naval fleet in the world, 39th out of 40. That is shameful.

We reduce operational funding while cutting back on capital investment; we short-change housing, health coverage and retirement. Then we wonder why retention and training suffer. We admire the rescues, such as depicted in the movie "Perfect Storm," but divert assets away from the core mission of saving lives. And, remember, the Coast Guard saves 5,000 lives each and every year.

The 2002 authorization bill passed by this House just 2 weeks ago responded to these challenges by boosting the Coast Guard's operating budget for next year by $300 million. That promise stands unfulfilled thus far in the appropriations process. The funding bill approved since by the Subcommittee on Appropriations cut that $300 million, as well as an additional $60 million to embark on a program of replacing aging Coast Guard cutters that, on the average, are 27 years old.

The consequences are real, Mr. Speaker. Just this week came reports that the Coast Guard recalled port security forces that were sent overseas to protect U.S. naval units after the Destroyer Cole was attacked. Why? Because we cannot afford it any more.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Federal Energy Regulatory Commission on Monday ruled that they are not going to offer any true relief to California. What they said was that they were going to engage in a faith-based energy policy. They would pray for consumers in California and across the West, but they really would not do anything for them.

In the TV game show, the weakest link gets kicked off the show. But on Monday, the Republican-controlled FERC decided that the weakest link gets to set the prices for the entire western electricity market. This FERC order perpetuates the nonsense of having the least efficient generator of electricity set the benchmark price for all of the other generators.

This is a formula for allowing energy generators to continue to tip consumers across the West upside down and to shake money out of their pockets. While saying we are going to mitigate the size of the windfall, it does not in any way deal with the fact that a windfall will be enjoyed by these energy producers of historic size. Instead, they should have imposed a cost of service time-out on California and the West.

That is why the gentlewoman from California (Ms. PELOSI) and the gentlewoman from California (Ms. ESHOO) and the gentleman from Washington (Mr. INSLEE) wanted to bring amendments out here on the floor to deal with the pricing issues, to deal with the refunds for overcharges. But they have been denied. That is why, in a larger sense, Congresswoman DELAURO wanted to bring out a LIHEAP amendment of an additional $600 million for emergency funding and $1.2 billion for the year 2002. We should reject this proposal.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, my good friend the gentleman from Massachusetts (Mr. MARKEY), and he is my good friend, we work together on privacy issues and telecommunications issues, this is one we agree to disagree on.

The great State of California has buy-cap authority today. If the Governor of California thinks that electricity prices are too high, since the State is buying all the wholesale power, all he has got to do is pick up the phone and call the gentleman who is negotiating these contracts, I do not know if it is on a day-to-day basis, but it is generally a man named David Freeman, a very smart individual, and say do not pay more than $100 a megawatt, or more than $50, or more than $200, whatever it is. The Governor of California has buy-cap authority right now.

What has happened? What has happened is in the last 6 months, as California began to grapple with the fact that they are a part of the real world, they cannot suspend economic laws, they have begun to negotiate contracts, and long-term contracts from 1 year to 5 years to 10 years, some of those contracts are becoming public and they are finding out they are paying above market prices.

Now, I do not think the political leadership in the great State of California started out to pay above market prices. I think just the opposite. But it is fundamental; if you try to pick a political price for any commodity, and, almost by definition, you are going to pick the wrong price, because markets change. Every time we have tried price caps on any commodity in this country for any length of time, the only certainty has been it has led to shortages, disruptions, it has led to unequal distribution of that commodity.

So I think the Committee on Rules was eminently fair. This is a spending supplemental. It is not a policy supplemental. We should not have extraneous amendments on items like price caps that do not make sense in the real world, and I hope we vote for the rule.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding. I want my colleagues to know that the gentleman who chairs the subcommittee, the appropriate subcommittee in this policy arena, has been more than cooperative with those of us from California worried about the challenges that we face in the West. Indeed, he spent hours and hours trying to examine where in the Federal law we might make changes that would improve that condition.

Finally he came to the conclusion that, outside of the FERC taking a temporary action to try to help California, that literally the flexibility was available already. The reality, as the chairman has said, is that over months now, and indeed years now, California has been headed towards a crisis that finally we are bearing the fruit of. I want the chairman to know how much we appreciate his cooperation, his efforts to help us. I want the body to know I very much appreciate the gentleman's efforts to try to cooperate with us, and in turn he has essentially sent the message, you have the flexibility at home; solve the problem at home where it started in the first place.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, I want to thank the gentleman.

Briefly, the recent Federal Energy Regulatory Commission on Friday was unanimous, three Republicans, two Democrats; the old commissioners, the new commissioners. It is a price mitigation strategy that lets the market work, but it does not let any particular supplier manipulate the market.

The partial version of this that was put in back in April has been working. This version, which goes 7 days a week, 24 hours a day, will help California and the West Coast this summer.

☐ 1400

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I am proud to represent the Eighth District of Texas. We have had many homes and businesses destroyed in Tropical Storm Allison. Let me tell the Members, the last thing people in Houston need are politicians trying to score points off our misery. That is exactly what we have heard here today.

I am 100 percent certain, and FEMA is 100 percent certain, that there is today and will continue to be sufficient funding within our Federal aid and FEMA to ensure disaster aid to victims of Tropical Storm Allison. My colleagues in Congress who are using scare tactics to needlessly heap even more misery onto the families and businesses harmed by Allison ought to be ashamed of themselves.

The only debate is whether Congress will fund future FEMA emergencies, future FEMA emergencies out of this bill now, or within the FEMA budget that will be taken up in a few short weeks. I believe that playing petty politics when people's lives have been destroyed is absolutely despicable.

My advice to my friends on the other side is to knock it off. Let us work together for the sake of our State and communities. Let us stop pointing fingers. Let us join hands, Republicans and Democrats alike, to help those in our Houston region, the Texas Medical Center, our families, and our businesses that desperately need help today, and to knock off the politics and stop trying to score points off their misery.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, perhaps the previous speaker was confused. Perhaps he did not realize that this supplemental bill has money in it for this fiscal year. We are talking about the fiscal year that is currently in process, fiscal year 2001, and it is the money that the Republicans sought to strip from this bill. They now have a bizarre scheme to back the money back in, but are taking it out of other domestic programs, like Head Start and community policing.

We are just saying, do the right thing, the rational thing: just permit the money to be restored. It is an emergency. Do not take it out of other programs.

Mr. BENTSEN. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, no one is playing politics with this. This is the White House position, and they are Republicans. On the other side, the junior Senator from our home State, who is a Republican, is talking about adding money to FEMA, not taking money out.

All we are saying is, strike the rescission. The fact is, the committee is the one that added money above what the White House requested. They are using the FEMA money to pay for it.

My colleague knows, even from today's Houston Chronicle, FEMA has already spent about $400 million. FEMA tells us that of the $1.6 billion in the account, there is only about $1.1 billion left. If we have this rescission, that takes the amount of money available down to $700 million. That means the amount of money FEMA has to just do what they are doing right now is going to be reduced. FEMA is going to need money to move quickly while they are still paying for North Carolina, while they are still paying for other things.

There is no politics in this. If politics is standing up for one's constituents to get what they need to get back on their feet, than I am guilty of those kinds of politics, and so is Mr. Bush in the White House, because we are of the same position.

The fact is, we are not pointing fingers at anybody. All we are saying, make in order an amendment so it is not subject to a point of order. They can find the money elsewhere. They made this designation before the storm occurred.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. BRADY of Texas. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Texas.

Mr. BRADY of Texas. Let me state the facts directly from FEMA, those on the ground and working:

"FEMA's disaster account has sufficient funding to ensure disaster aid to those victims of Tropical Storm Allison flooding. FEMA assures those in Texas, Louisiana, Florida, fighting to recover now, that FEMA stands ready and able to help them."

This issue deals with affecting future response efforts and our ability to help them.

The fact of the matter is, the gentleman and I are friends, but the gentleman is playing politics at a time when our community simply cannot afford it. We need to work together.

Mr. TAUZIN. Mr. Speaker, I wanted to quickly address a subject in support of this rule that has arisen on the floor regarding California.

Our committee, led by the gentleman from Texas (Mr. BARTON), did a marvelous job of producing a set of solutions that could help the California problem out that included both demand reduction and supply increases, getting the QS back on, getting the Governor and the President to make some administrative decisions that have helped California, I think, a great deal.

One of the recommendations we made in that bill and passed on to the FERC was the recommendations to do price mitigation on a 24-hour basis 7 days a week. Unanimously, Democrats and Republicans have now endorsed that proposal. It is now the order of the FERC. Senator FEINSTEIN has said with this order in place she is not even asking for the price control bill that she originally sponsored on the Senate side.

This notion of putting price controls into this debate is absolutely ludicrous. The reason California got in trouble was because California had price caps at the retail level, and attempted price caps at the wholesale level. Those price caps did something very remarkable. Those price caps reduced conservation in California by 8 percent, encouraged excessive demand, a 6 percent growth, the highest in the Nation, and put California in a shortage position where it did not have enough power plants to supply the needs of that economy.

This price mitigation plan now adopted by the FERC, as recommended by our committee, together with 17 Members of the Republican California delegation, a plan first suggested to us by the gentleman from California (Mr. OSE), is now in place and will serve to make sure that price spikes do not occur in those periods of time when California is really short.

This has been a rough and tumble negotiated process, but we have produced a solution that does in fact help order that market without doing what California did incorrectly, without putting hard price caps in place that do nothing but shorten supply; increase demand, and dampen the need for conservation.

Since the price caps on rates have been lifted in California, guess what, conservation has increased 13 percent. Now that the Governor has authorized the construction of new plants in California, put old plants back online, put QS back on, there is less of a danger of blackouts; it is not solved yet, but there is much less of a danger of blackouts.

In short, the work done by the subcommittee led by the gentleman from Texas (Mr. BARTON), with the help and counsel of the California Members of the Republican party and with the President and the FERC now following in a bipartisan fashion the adoption of the price mitigation plan, we are well on our way, at least, to beginning to settle the California problem that unfortunately the policymakers in California put the people of California through.

Let me say something else: California is 12 percent of this Nation's economy. We could not afford not to help. California needs to have a good supply of energy. It needs to have prices people can afford. It needs to have a market that is reasonable, like the rest of America, where supply meets demand; where conservation is encouraged, not dampened or weakened; and where new supplies are always brought on board when there is a real and honest demand for those supplies.

Silicon Valley cannot afford to go dark. America cannot afford to have this new economy darken because we have not solved those problems.

I want to thank the gentleman from Texas (Mr. BARTON) for the courageous work he has done. I want to thank the FERC for making I think a very wise decision in this price mitigation plan. I want to thank all of the Members who agree with me that this issue ought to be put to bed.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge the defeat of the previous question.

There is an amendment to the rule that would have been offered if the previous question is defeated.

The amendment would allow for the consideration of two very important amendments to the supplemental.

The first is the amendment proposed by the gentleman from Missouri (Mr. SKELTON). The Skelton amendment would add $2.7 million to the Department of Defense so in the last 3 months of the fiscal year the Armed Forces are not forced to cut back on training and operations and maintenance because of the shortfall in funds.

The second is the amendment offered by the gentleman from Washington (Mr. INSLEE) and the gentlewoman from California (Ms. PELOSI). This amendment would require the Federal Energy Regulatory Commission to impose cost-of-service-based rates on electricity in the West.

Mrs. MYRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to reiterate what the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Commerce said, that this is not about policy. We have done some good things, along with the gentleman from Texas (Chairman BARTON), and we do appreciate very much their hard work.

Mr. BLUMENAUER. Mr. Speaker, the FY 2001 Supplemental Appropriations bill should be an opportunity for Congress to address some important funding shortfalls facing our country. Instead, we are seeing self-fulfilling prophecy played out that is the direct result of the misguided Republican strategy to disconnect spending for tax policy. The $389 million FEMA disaster relief cut in the FY 2001 Supplemental Appropriations bill is the first manifestation of what's wrong with the Republican budget strategy.

Today's rule limits debate on the bill and prevents important Democratic alternatives from being brought to the floor, rather than having an open debate on the trade-offs that Congress has made to cut taxes and limit spending. We are prevented from voting on amendments aimed at restoring funding to assist the thousands of people needing disaster relief, ensuring that low-income families have access to affordable energy and heating, or addressing the energy crisis that is crippling the West Coast.

The FEMA cut, in particular, could not come at a more inopportune time. Earlier this month we witnessed an example of the type of destructive results that may be a result of global climate change. We are seeing an increase in both frequency and intensity of extreme weather incidents. The devastating efforts of Tropical Storm Allison on Texas, Louisiana, and Florida killed almost 60 people, dumped 3 feet of rain in 6 days, and damaged 20,000 homes. Just today, FEMA director Joe Albaugh stated that the damage from Tropical Storm Allison may be as high as $4 billion to deal with clean-up and related health threats associated with storm damage.

Today's Supplemental Appropriations bill illustrates how we in Congress have put ourselves into a tax cut and budget box. The cuts to FEMA's disaster relief program are one of the most egregious aspects of our shortsighted tax and budget policy. For these reasons, I urge Members to vote against the previous question and oppose the rule.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in opposition to the rule for the supplemental appropriations bill because the Rules Committee failed to protect several key amendments—including the Inslee/Pelosi amendment and the Eshoo amendment—and have prevented us from acting on California's emergency needs today.

There is the mistaken belief by some that the recent action by the Federal Energy Regulatory Commission (FERC) has solved California's energy concerns.

But the FERC decision falls far short of what is needed in California. For example, because FERC based the price caps on the most inefficient operators, Californians will continue to pay high energy costs.

Further, FERC does not address the price gouging that has already taken place. Therefore, it has no provisions for the $6 billion in potential illegal overcharges that have been referred to FERC for action.

These two concerns would have been appropriate for the House to consider today, but the Rules Committee has prevented us from taking up two key amendments that would have addressed them.

Essentially, the Republican leadership has decided that the big electric generators can continue to make windfall profits at the expense of business and residential customers across California.

The impact of this price gouging on the jobs and lives of my constituents has already taken a toll.

L.A. Dye & Print Works Incorporated, one of southern California's largest textile firms, employing 700 people, closed its doors at the end of April. There natural gas costs had soared from about $120,000 per month to over $600,000 per month—that's five times higher than their costs at the start of 2000.

Some have argued that this crisis is one of California's making, but California has stepped forward vigorously to meet this challenge.

We were one of the most energy efficient states—now we've cut energy use by 11 percent during this crisis to become the most energy efficient state in the union.

We've acted to bring additional generating capacity on line as quickly as possible, and 16 major power plants with a generation capacity of over 10,000 megawatts have received siting approval.

Ten of these power plants are currently under construction, and four are scheduled to be on line this summer.

But we have immediate problems because as many as 30 days of rolling black-outs have been predicted for this summer.

The impact of black-outs will be severe on families suffering through California's 100+ degree days without air-conditioning.

The impact will also be severe on the senior citizens who have medications that need refrigeration.

Our businesses and manufacturers face unpredictable electricity shortages, requiring them to shut down operations during blackouts and send workers home.

And let's not a forget a black-out's impact on our public safety officials—our police officers, fire fighters and emergency medical personnel—as they try to cope with a community whose stoplights are suddenly out of order, or whose emergency communications system is inoperative.

We are facing an emergency in California, and that is why we wanted the House to consider emergency provisions today during consideration of the supplemental appropriations bill.

This emergency in California is quickly spilling over to other western states and eventually will make its way to states across this nation.

As the 5th largest economy in the world, California's energy crisis is having an enormous detrimental impact on the nation's economy.

Unfortunately, we have heard the message from the Republican leadership to the 33 million citizens in California and Americans across this country loud and clear.

That message is: we won't discuss your emergency, we don't care about its impact on California and the nation, and therefore we will not support relief for your businesses and citizens.

By preventing amendments affecting millions of Americans from even being debated and voted on, the leadership of the House of Representatives turns their back on every American they have sworn to serve.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. FOLEY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed immediately by a 5-minute vote, if ordered, on adoption of the resolution, and a 5-minute vote on the motion to suspend the rules debated earlier today.

The vote was taken by electronic device, and there were—yeas 222, nays 205, not voting 5, as follows:

[Roll No. 169]

YEAS—222

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—205

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui

McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Cox
Dooley
Eshoo
Etheridge
Houghton

☐ 1433

Messrs. JACKSON of Illinois, LANGEVIN, BACA, DAVIS of Illinois, BERRY, RUSH, TAYLOR of Mississippi, and Ms. BROWN of Florida changed their vote from "yea" to "nay."

Mr. PORTMAN changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 205, not voting 5, as follows:

[Roll No. 170]

AYES—223

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—205

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Conyers
Cox
Eshoo
Houghton
Smith (WA)

☐ 1444

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING AND SUPPORTING GOALS AND IDEAS OF AMERICAN YOUTH DAY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 124.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, House Resolution 124, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 171]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement

Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Berkley
Cox
DeLay
Fletcher
Houghton
Kelly
Schiff
Smith (WA)

☐ 1454

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 1594, FOREIGN MILITARY TRAINING RESPONSIBILITY ACT

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent that I might hereafter be considered as first sponsor of H.R. 1594, a bill originally introduced by Representative Moakley of Massachusetts, for the purposes of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 171 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2216.

☐ 1454

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair has been advised that the gentleman from Wisconsin (Mr. OBEY) has a bit of laryngitis and, for that reason, wishes to pass control of his time to the gentleman from Pennsylvania (Mr. MURTHA). Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the House the 2001 Supplemental Appropriations bill. While this is the first appropriations activity on the floor of this Congress, it is actually the last appropriations action for the last Congress because this is a supplemental dealing with fiscal year 2001 funding.

The bill before us represents our best attempt to address funding shortfalls for our military, provide emergency assistance to communities impacted by natural disasters, and secure relief for consumers affected by high energy costs.

We have accomplished this within the funding levels requested by the President and approved by the Congress in the budget resolution. In other words, if we were to go above the $6.5 billion provided in this bill, we would be violating budgetary constraints which would cause serious problems. And in the other body, the chairman of the Committee on Appropriations has said publicly that $6.5 billion is the maximum because if they were to go over that, they would be subject to a 60-vote point of order.

Mr. Chairman, let me briefly discuss the highlights of the bill and after the gentleman from Pennsylvania (Mr. MURTHA) makes his comments, I would yield to several of the subcommittee chairmen who have played a major role in preparation of this bill.

The net funding in this bill is $6.5 billion. However, it provides for $6.75 billion to address these urgent defense needs, including rising fuel costs, military health care, readiness and operations requirements, substandard housing for our troops scattered throughout the world and especially in Korea, repair of damages to the U.S.S. *Cole*, disaster assistance for damage to U.S. military installations, and implementation of the Department of Defense's energy conservation plan in California and the western United States.

Also included is $92 million sum for the Coast Guard operational needs. The bill also includes $380 million for emergency natural disaster assistance to the U.S. Army Corps of Engineers, Fish and Wildlife Service for the Forest Service for the recent midwestern floods, ice storms, earthquakes, and wildfire land management.

Additional energy needs are met by adding $150 million to the President's budget request of $150 million for LIHEAP. We doubled that to $300 million. It provides $161 million to implement last year's conference agreement on title I education for the disadvantaged program, $44.2 million to avert a potential deficit in the House Member's representation allowances, and $115 million to enable the Department of the Treasury to mail out the tax rebate checks that go to almost every American taxpayer.

As I said earlier, the bill includes offsets in order to stay within the 2001 budget, so the $6.75 billion is netted at $6.5 billion. There will be an issue discussed at length today in our offsets. We have a one-for-one offset of unobligated FEMA balances to support nondefense emergency spending needs for natural disasters.

FEMA will still have large carryover balances in excess of $1.6 billion even after this rescission. I would say to the Members who are concerned about the use of the emergency designation, normally and in the past, we have declared emergencies which allowed us to spend money over and above the top line in the bill. That is not the case here. These emergency declarations do not increase any funding because they have been offset. The reason we use the emergency designation is because the funds were rescinded or transferred from a fund that was created by an emergency designation in the last Congress.

□ 1500

And so it is a one-for-one offset. The emergency designation is technical. It does not add any additional money to this bill.

Mr. Chairman, those are the highlights of this bill. There is a lot more detail. We have a point paper that indicates all of the major items included in this bill which is available to any Member that would like to have it.

Mr. Chairman, I am pleased to bring to the House the 2001 Supplemental Appropriations Bill.

The bill before you represents our best attempt to address funding shortfalls in our military, provide emergency assistance to communities impacted by natural disasters, and secure relief for consumers affected by high energy costs. We have accomplished this within the funding levels requested by the President and approved by the Congress in the Budget Resolution.

We made a commitment to stay within the $6.5 billion provided under the Budget Resolution even though we had a number of emergency natural disaster requirements and other non-emergency requirements that were not requested by the Administration. We found offsets for the additional spending. So even with emergencies, the FY 2001 cap provided in the Budget Resolution has not been exceeded. The emergencies are offset.

The bill includes over $6.75 billion to address urgent defense needs, including rising fuel costs, military health care program needs, readiness and operations requirements, substandard housing for our troops stationed in Korea, repair of damages to the U.S.S. *Cole*; disaster assistance for damage to U.S. military installations and implementation of DOD's energy conservation plan in California and the Western United States. Also included is $92 million for Coast Guard operational needs.

The bill also includes $389 million for emergency natural disaster assistance to the U.S. Army Corps of Engineers, Fish and Wildlife Service, and the Forest Service from the recent Midwestern floods, ice storms, and earthquakes and for wildland fire management. Funding is also included for the Bureau of Indian Affairs San Carlos Irrigation Project to avert potential electricity blackouts in rural Arizona.

Additional energy needs are met by $300 million included in the bill for the Low Income Home and Energy Assistance Program (LIHEAP), twice the amount requested by the President and highest level in the program's history.

The bill provides $161 million to implement last year's conference agreement on Title 1, Education for the Disadvantaged program; $44.2 million to avert a potential deficit in House Members Representational Allowances and $115 million to enable the Department of Treasury to mail out tax rebate checks.

As I said earlier, the bill includes offsets in order to stay within the FY 2001 budget cap. We have included a one-for-one offset of unobligated FEMA balances to support non-defense emergency spending needs for natural disasters. We believe FEMA still has large carryover balances in excess of $1.6 billion after this reduction which should be sufficient to meet emerging needs, such as the floods in Texas.

There are many other important issues addressed in this bill. The report provides a more complete description of them.

While I recognize that this bill is not going to please everybody, a lot of people need this bill, including us, because of badly needed funds to operate the House of Representatives.

Now, the bill is before the entire House for consideration. One amendment has been made in order under the rule, but I expect that many more will be offered. We will have a long day, and I urge all members to be brief as the House perfects this bill.

The bill as reported by the Committee is a good bill. I hope that throughout the day we can improve it.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Most of this bill is a bipartisan bill. The defense portion of it, which is the largest section, is bipartisan. But it is late and certainly inadequate. The gentleman from Florida just mentioned the fact that it is inadequate. The chairman of the subcommittee mentions that it is inadequate. In the past normally, we have gone to the emergency side where we were not artificially capped by the legislation and passed an adequate amount of money. But realizing the problems we have not only here but in the other body, we know that it is going to be very difficult to pass anything any larger.

The thing that worries us the most on this side is some of the disaster relief money that is not available and the fact that one of the ways we have found money to fund some of the other programs is take out of FEMA. Yet we have gotten a letter from the OMB Director and also from the FEMA Director that says he estimates demands far in excess of the amount of money that is available. We have nothing in the Federal Highway Administration's emergency relief program. It is out of money completely. Certainly those kind of considerations should have been made. I do not have to say that we always have fires and storms in California or in other places in the Midwest and we always have to fund those programs.

I am disappointed that we do not address the energy crisis, but I know that as we go along, we are getting closer and closer to getting something done. I think public pressure has finally gotten to the point where everybody realizes it. The President has said it is a crisis in California and something needs to be done. All of us recognize that we do not have the answer to it. But as a whole, this bill is in my estimation inadequate. All of us know, though, that voted for the balanced budget amendment that we have to live within the constraints of what we have.

We have room in this bill, and I am hopeful that in the conference we will be able to make some adjustments. I know that in defense, after the review, we have indications there will be more money to take care of things that are so important to our national security. We have a substantial housing shortage, we have a shortage in the amount of money for health care even though we added to health care.

We have some problems with this bill, but ultimately I am going to support the bill. Depending on the amendments that are offered and accepted, hopefully we will have a better bill and a bill that all of us can vote for when it is finished.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, as the gentleman from Pennsylvania (Mr. MURTHA) has indicated, the largest amount of dollars in this bill goes to the Department of Defense. There are many, many more needs than this bill provides for. However, I would like to yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense, to describe in more detail the defense part of this bill.

Mr. LEWIS of California. Mr. Chairman, I thank very much the gentleman for yielding me this time. I must say it is very interesting to be taking up the supplemental and have on the Democratic side the bill actually chaired or being handled by my partner in the Subcommittee on Defense. It is very, very appropriate. There are two things that are appropriate about that: One is the fact that the vast percentage of the dollars within this supplemental involve our national security. And the other is that the ranking member, the gentleman from Wisconsin (Mr. OBEY), is sitting over there taking notes, careful notes, to make sure that the gentleman from Pennsylvania (Mr. MURTHA) and I do not get out of line too much. We very much appreciate the effort of the gentleman from Wisconsin to expedite the process today. I want to thank him personally for his work as well as my chairman.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. This is an interesting thing. The ranking member on our side actually realizes there is a shortage in defense, and it may have something to do with his laryngitis that he cannot get the words out.

Mr. LEWIS of California. I must say he has made an immense contribution today and I appreciate it very much.

Mr. Chairman, the bill, as the gentleman from Florida has indicated, involves supplemental appropriations requirements across the board. With many of the circumstances facing the country but particularly with national defense, this bill addresses the fact that there are shortfalls in a number of areas that essentially are must-pay obligations.

Within the bill there is a total of defense appropriations amounting to some $6.3 billion. With an offset of some $834 million, the net increase is $5.46 billion. The bill reflects a broad cross-section of serious concerns dealing with our military.

I will give just a few examples regarding the elements of this bill and hold back as much as I possibly can on taking time.

An example of high priority on the part of both the President as well as the Chiefs of the various services, the bill includes $550 million to cover the costs associated with military pay and benefits, costs which are being incurred largely because of legislated changes in the pay and benefit package. In addition to that element, there is approximately $1.6 billion for funding shortfalls dealing with defense medical programs, the TRICARE program that helps provide the fundamental medical care available to our military people.

The bill also provides over $3 billion in direct support for ongoing operations and readiness. This includes $670 million to address those increases in energy costs that are being borne by DOD installations across the country. We have had a good deal of discussion already today about the impact of rising energy costs in the West. As our communities are affected, so is the military affected, and this bill attempts to begin to address that subject area.

I might mention, in connection with that, especially to those in the West who are concerned about the energy matter, another component of this appropriations bill as well as the language that goes along with it will attempt to take us in the direction of developing energy independence on our military bases, hopefully moving in the direction of having them have enough capacity to meet their needs but also have supplementary capacity that can help assist in the grid when serious shortfalls take place.

Finally, within the bill, we have provided funds for unexpected costs for a number and variety of immediate challenges and unexpected challenges. For example, the U.S.S. *Cole*, that tragedy that occurred not so long ago, there is a $44 million amount. There is also $40 million for damages at defense facilities resulting from national disasters, but the *Cole* is an obvious illustration of the kind of emergency needs that we are talking about.

We would hope in the months and years ahead to be able to establish guidelines within defense appropriations that will essentially take us to the point of not having to have supplemental appropriations bills. But clearly emergencies do come along. We have illustrations of those in the chairman's statement and mine as well.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

I know we have set up a unanimous-consent request which will give people time on the amendments. I really think we ought to get into the amendment process since we are going to have a late evening, anyway.

Mr. LAFALCE. Mr. Chairman, I rise as Ranking member of the Financial Services Committee to discuss the housing provisions in this bill.

This bill continues the practice in recent years of diverting affordable housing resources to non-housing programs. Specifically, the bill rescinds $114 million in Section 8 funds. There are two problems with this. First, it is not clear that HUD will have sufficient Section 8 budget authority to meet all its obligations in the current fiscal year if this rescission is adopted.

Secondly, even if there is not a problem in the current fiscal year, this rescission takes away over $100 million in budget authority that could otherwise be used to restore a portion of the billions of dollars of cuts in housing programs proposed in the Administration's fiscal year 2002 budget.

The Administration justified these cuts as necessary to offset technical increases in Section 8 authority. It would be totally unjustified if the majority party brings a VA–HUD appropriations bill to the floor next month which cuts housing funding, citing rising Section 8 costs, while it diverts Section 8 funds today that could be used to restore those cuts.

I would also like to point out that this bill adopts the Administration approach to resolving the FHA multi-family loan crisis—raising premiums which will be passed along in the form of higher rents to working families, and supplementing that with $40 million in credit subsidy. While this means that the program will probably be back up again in 30 days or so, it is the wrong solution to the problem.

First, the FHA shutdown was totally unnecessary. The Administration should have used the $40 million Congress appropriated last year to keep the program running. It is unreasonable that the Administration refused to use that $40 million, but is now requesting a new $40 million. Second, instead of raising premiums, we should have used a tiny portion of the billions of dollars in annual FHA profits as credit subsidy to keep the program running, without fee increases.

Finally, I would note that this bill ignores the funding crises in public housing caused by the huge run-up in utility costs, which have not been reimbursed under the federal operating subsidy.

In so many ways, this bill is a disservice to the Nation's housing needs.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot support this bill today.

I am not saying the bill's provisions are all bad. While I think some things in it are questionable, it does include some very good things.

For example, it would add $100 million for essential environmental restoration and waste management at Savannah River, Hanford, and other sites in the DOE complex and to acquire additional containers for shipping wastes to the Waste Isolation Pilot Plant. These are important for Colorado, because our ability to have the Rocky Flats site cleaned up and closed by 2006 depends on the ability of other sites in the complex to play their roles in that process. So, I am very appreciative that the appropriations committee has responded to these needs.

Similarly, the additional $300 million for low-income home energy assistance will enable that important program to provide much needed assistance this year, even if it will not meet all needs.

And the bill includes other good and important provisions as well.

But for me all the good things in the bill are outweighed by one glaring omission—the total absence of any funds to pay already-approved claims under the Radiation Exposure Compensation Act, or "RECA."

RECA provides for payments to individuals who contracted certain cancers and other serious diseases because of exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. Some of my constituents are covered by RECA, as are hundreds of other Coloradans and residents of New Mexico and other states.

Last year, the Congress amended RECA to cover more people and to make other important modifications. I supported those changes.

But there was one needed change that was not made—we did not make the payments automatic. Unless and until we make that change, the RECA payments can only be made when Congress appropriates money for that purpose.

And the undeniable fact is that we in the Congress have not appropriated enough money to pay everyone who is entitled to be paid under RECA. As a result, people who should be getting checks are instead getting letters from the Justice Department.

Those letters—IOUs, you could call them—say that payments must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation. We failed to meet it when we passed the regular appropriations bill for the Justice Department—and we are failing to meet it again today.

In February, along with other Members, I wrote President Bush about the problem of RECA payments. I wanted him to be aware of the problem and hoped that he would ask Congress to promptly provide additional funds so that people would not have to wait much longer for payments. I greatly regret that the President did not see fit to make that request—but I regret even more that the appropriations committee has not stepped up to the challenge and has not included RECA funds in this bill.

We need to do better. We should change the law so that future RECA payments will not depend on annual appropriations, but instead will be paid automatically in the way that we now have provided for payments under the new compensation program for certain nuclear-weapons workers made sick by exposure to radiation, beryllium, and other hazards. I have joined in sponsoring legislation to make that change.

But right now, today, we need to provide all the funds needed to pay the claims that have already been approved and all the ones that will be approved during the rest of the fiscal year. To fail to do that is to continue what the Denver Post has correctly described as a "betrayal" of sick and dying people that is "disgusting and dishonorable."

This bill, as it now stands, would continue that betrayal, and so I cannot support it.

Mr. YOUNG of Florida. Mr. Chairman, I submit the following tables for the RECORD.

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
TITLE I - NATIONAL SECURITY MATTERS			
CHAPTER 1			
DEPARTMENT OF DEFENSE - MILITARY			
Military Personnel			
Military Personnel, Army	164,000	164,000	
Military Personnel, Navy	84,000	84,000	
Military Personnel, Marine Corps	69,000	69,000	
Military Personnel, Air Force	126,000	119,500	-6,500
Reserve Personnel, Army	52,000	52,000	
Reserve Personnel, Air Force	2,000	8,500	+6,500
National Guard Personnel, Army	6,000	6,000	
National Guard Personnel, Air Force	12,000	12,000	
Total, Military Personnel	515,000	515,000	
Operation and Maintenance			
Operation and Maintenance, Army	655,800	659,600	+3,800
Operation and Maintenance, Navy	953,400	948,100	-5,300
Operation and Maintenance, Marine Corps	54,400	54,400	
Operation and Maintenance, Air Force	853,200	840,000	-13,200
Operation and Maintenance, Defense-Wide	93,800	123,100	+29,300
Operation and Maintenance, Army Reserve	20,500	20,500	
Operation and Maintenance, Navy Reserve	12,500	12,500	
Operation and Maintenance, Marine Corps Reserve	1,900	1,900	
Operation and Maintenance, Air Force Reserve	34,000	34,000	
Operation and Maintenance, Army National Guard	42,900	38,900	-4,000
Operation and Maintenance, Air National Guard	119,300	119,300	
Total, Operation and maintenance	2,841,700	2,852,300	+10,600
Procurement			
Other Procurement, Army	3,000	3,000	
Shipbuilding and Conversion, Navy:			
SCN, 1995/2001:			
Carrier Replacement Program	84,000	84,000	
DDG-51 Destroyer Program		300	+300
SCN, 1996/2001:			
DDG-51 Destroyer Program	41,000	14,600	-26,400
LPD-17 Amphibious Transport Dock Ship Program	65,000	65,000	
SCN, 1997/2001:			
DDG-51 Destroyer Program		12,600	+12,600
SCN, 1998/2001:			
NSSN Program	32,000	32,000	
DDG-51 Destroyer Program		13,500	+13,500
Subtotal, SCN	222,000	222,000	
Aircraft Procurement, Air Force	84,000	84,000	
Missile Procurement, Air Force		15,500	+15,500
Procurement of Ammunition, Air Force	73,000	73,000	
Other Procurement, Air Force	162,900	85,400	-77,500
Procurement, Defense-Wide	5,800	5,800	
Total, Procurement	550,700	488,700	-62,000

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Army		5,000	+5,000
Research, Development, Test and Evaluation, Navy	108,000	151,000	+43,000
Research, Development, Test and Evaluation, Air Force	247,500	275,500	+28,000
Research, Development, Test and Evaluation, Defense-Wide	85,000	94,100	+9,100
Total, RDT&E	440,500	525,600	+85,100
Revolving and Management Funds			
Defense Working Capital Funds	178,400	178,400	
Other Department of Defense Programs			
Defense Heath Program:			
Operation and maintenance	1,453,400	1,453,400	
Military treatment facility optimization		200,000	+200,000
Drug Interdiction and Counter-Drug Activities, Defense		1,900	+1,900
Total, Other DoD Programs	1,453,400	1,655,300	+201,900
General Provisions			
O&M, Navy: U.S.S. Cole repair	44,000		-44,000
Emergency appropriations		44,000	+44,000
Aircraft Procurement, Navy (P.L. 106-259) (rescission)	-235,000		+235,000
Aircraft Procurement, Air Force (P.L. 106-259) (rescission)	-270,000		+270,000
Overseas Contingency Operations Transfer Fund (P.L. 106-259) (rescission)	-61,000		+61,000
Rescissions		-834,000	-834,000
Natural disasters (emergency)		39,900	+39,900
Total, chapter 1 (net)	5,457,700	5,465,200	+7,500
Appropriations	(6,023,700)	(6,215,300)	(+191,600)
Rescissions	(-566,000)	(-834,000)	(-268,000)
Emergency appropriations		(83,900)	(+83,900)
CHAPTER 2			
DEPARTMENT OF ENERGY			
National Nuclear Security Administration			
Weapons Activities	140,000	140,000	
Other Defense Related Activities			
Defense Environmental Restoration and Waste Management	100,000	100,000	
Defense Facilities Closure Projects	21,000	21,000	
Defense Environmental Management Privatization	29,600	27,472	-2,128
Total, chapter 2	290,600	288,472	-2,128
CHAPTER 3			
MILITARY CONSTRUCTION			
Military construction, Army		67,400	+67,400
Military construction, Navy		10,500	+10,500
Military construction, Air Force	18,000	8,000	-10,000
Family Housing, Army	27,200	29,480	+2,280
Family Housing, Navy and Marine Corps	20,300	20,300	
Family Housing, Air Force	18,000	18,000	
Base realignment and closure account, part IV	9,000	9,000	

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
General Provisions			
Rescissions		-70,500	-70,500
Total, chapter 3 (net)	92,500	92,180	-320
Appropriations	(92,500)	(162,680)	(+70,180)
Rescissions		(-70,500)	(-70,500)
Total, title I, National Security Matters (net)	5,840,800	5,845,852	+5,052
TITLE II - OTHER SUPPLEMENTAL APPROPRIATIONS			
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Animal and Plant Health Inspection Service			
Salaries and expenses	35,000		-35,000
General Provisions			
Klamath Basin	20,000		-20,000
Total, chapter 1	55,000		-55,000
CHAPTER 2			
DISTRICT OF COLUMBIA FUNDS			
General Fund			
Governmental direction and support (including rescission)	(5,150)	(5,150)	
Economic development and regulation	(1,625)	(1,625)	
Public safety and justice (including rescission)	(8,770)	(8,770)	
Public education system	(1,000)	(1,750)	(+750)
(By transfer)	(250)	(250)	
Human support services	(28,000)	(28,000)	
Public works	(131)	(131)	
Workforce investments	(40,500)	(40,500)	
Wilson Building	(7,100)	(7,100)	
Total, general fund (including transfer)	(92,526)	(93,276)	(+750)
Enterprise and Other Funds			
Water and Sewer Authority and the Washington Aqueduct	(2,151)	(2,151)	
Total, chapter 2 (including transfer)	(94,677)	(95,427)	(+750)
CHAPTER 3			
DEPARTMENT OF DEFENSE - CIVIL			
Department of the Army			
Corps of Engineers - Civil			
Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee (emergency)		18,000	+18,000
Operation and Maintenance, General (emergency)		115,500	+115,500
Flood Control and Coastal Emergencies	50,000		-50,000
Emergency appropriations		50,000	+50,000
DEPARTMENT OF ENERGY			
Energy Programs			
Non-Defense Environmental Management	11,400	11,950	+550
Uranium Facilities Maintenance and Remediation	18,000	18,000	

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
Power Marketing Administrations			
Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administation		1,578	+1,578
Total, chapter 3	79,400	215,028	+135,628
Appropriations	(79,400)	(31,528)	(-47,872)
Emergency appropriations		(183,500)	(+183,500)
CHAPTER 3A			
INTERNATIONAL ASSISTANCE PROGRAMS			
International Security Assistance			
Economic Support Fund (rescission)	-20,000		+20,000
CHAPTER 4			
DEPARTMENT OF THE INTERIOR			
Bureau of Indian Affairs			
Operation of Indian Programs	50,000		-50,000
Emergency appropriations		50,000	+50,000
United States Fish and Wildlife Service			
Construction (emergency)		17,700	+17,700
National Park Service			
United States Park Police		1,700	+1,700
RELATED AGENCY			
DEPARTMENT OF AGRICULTURE			
Forest Service			
State and Private Forestry (emergency)		22,000	+22,000
National Forest System (emergency)		12,000	+12,000
Wildland Fire Management (emergency)		100,000	+100,000
Capital Improvement and Maintenance (emergency)		4,000	+4,000
Total, chapter 4	50,000	207,400	+157,400
Appropriations	(50,000)	(1,700)	(-48,300)
Emergency appropriations		(205,700)	(+205,700)
CHAPTER 5			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Administration for Children and Families			
Low Income Home Energy Assistance Program	150,000	300,000	+150,000
DEPARTMENT OF EDUCATION			
Education for the disadvantaged		161,000	+161,000
Total, chapter 5	150,000	461,000	+311,000

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
CHAPTER 6			
LEGISLATIVE BRANCH			
Congressional Operations			
House of Representatives			
Payments to Widows and Heirs of Deceased Members of Congress			
Gratuities, deceased Members (Sisisky, Moakley)	....	290	+290
Salaries and Expenses			
Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, Allowances and Expenses	47,214	44,214	-3,000
Salaries, Officers and Employees	14,448	17,448	+3,000
Total	61,662	61,662	....
Office of Compliance			
Salaries and expenses	35	35	....
Government Printing Office			
Congressional Printing and Binding	9,900	11,900	+2,000
Government Printing Office Revolving Fund	6,000	6,000	....
Library of Congress			
Salaries and expenses	....	600	+600
General Accounting Office			
Salaries and expenses	2,600	....	-2,600
Total, chapter 6	80,197	80,487	+290
CHAPTER 7			
DEPARTMENT OF TRANSPORTATION			
Federal Aviation Administration			
Grants-in-aid for airports (Airway and Airport Trust Fund) (rescission of contract authorization)	....	-30,000	-30,000
Coast Guard			
Operating Expenses	92,000	92,000	....
Total, chapter 7 (net)	92,000	62,000	-30,000
CHAPTER 8			
DEPARTMENT OF THE TREASURY			
Departmental Offices			
Salaries and Expenses (Winter Olympics security)	60,601	....	-60,601
Tax Rebate Implementation	115,776	....	-115,776
Financial Management Service			
Salaries and expenses	....	49,576	+49,576
Internal Revenue Service			
Processing, assistance, and management	....	66,200	+66,200
Total, chapter 8	176,377	115,776	-60,601

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT FOR FY 2001
(Amounts in thousands)

	Budget request	Recommend in the bill	Bill compared with request
CHAPTER 9			
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Benefits Administration			
Compensation and Pensions	589,413	589,413	....
Readjustment Benefits	347,000	347,000	....
Departmental Administration			
General Operating Expenses (transfer from Medical Care)	(19,000)	(19,000)	....
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Public and Indian Housing			
Housing certificate fund (rescission)	....	-114,300	-114,300
Housing Programs			
Manufactured housing fees trust fund	....	6,100	+6,100
Fees collected	....	-6,100	-6,100
Federal Housing Administration			
FHA--General and Special Risk Program Account	40,000	40,000	....
DEPARTMENT OF DEFENSE - CIVIL			
Cemeterial Expenses, Army			
Salaries and expenses	....	243	+243
Federal Emergency Management Agency			
Disaster relief (rescission of emergency appropriations)	....	-389,200	-389,200
Total, chapter 9 (net)	976,413	473,156	-503,257
Appropriations	(976,413)	(976,656)	(+243)
Rescissions	....	(-503,500)	(-383,540)
Rescission of emergency appropriations	....	(-389,200)	(-389,200)
Total, title II, Other Supplementals (net)	1,639,387	1,614,847	-24,540
Grand total (net)	7,480,187	7,460,699	-19,488
Appropriations	(8,066,187)	(8,425,599)	(+359,412)
Rescissions	(-586,000)	(-1,048,800)	(-462,800)
Rescission of emergency appropriations	....	(-389,200)	(-389,200)
Emergency appropriations	....	(473,100)	(+473,100)
(By transfer)	(19,000)	(19,000)	....

Mr. CROWLEY. Mr. Chairman, I am greatly dismayed to see that desperately needed earthquake assistance to both India and El Salvador are missing from this supplemental appropriations bill. We have shortchanged the many men, women and children who lost their homes, their belongings, their very livelihoods because of these two devastating earthquakes.

We all spoke so eloquently in their aftermath but, to date, have delivered a paltry $13 million from existing funds taken from child survival programs at US AID for Indian assistance.

This is an embarrassment.

The Gujarati Indians in my district in Queens and the Bronx are outraged that the U.S. government has done so very little for friends and family members who are suffering in the aftermath of the January earthquake after the promises made to them by our government.

Until the people of Gujarat, India and El Salvador are provided the opportunity to rebuild their lives and their economy, those that were not lost in the earthquakes of January and February, we should not relent in our calls for assistance.

This is a humanitarian issue.

This is a political issue.

This is an economic issue.

Today's Asia Times notes that India's gross domestic product is likely to slip below 6 percent in the current fiscal year.

This is attributed, in part, to the significant impact of the earthquake in Gujarat.

The people of India and El Salvador must have our help.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendment printed in part A of House Report 107–102 is adopted.

The amendment printed in part B of the report may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, and shall not be subject to amendment or to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF DEFENSE-MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $164,000,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $84,000,000.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I thank the ranking member of both the full committee and the subcommittee and I thank the chairman of the full committee and the subcommittee. I note that the general debate mentioned issues that are of great concern to my community in Houston, Texas, and the surrounding areas. I am pleased that in striking the last word that as this amendment is being discussed, that I am also able to raise these very pertinent issues.

Today as we speak, the FEMA Director, the Governor of my State, the mayor of my city and the county judge are making a second tour and looking at the disaster designation and the terrible pain and impact of Tropical Storm Allison that just a few days ago dropped 36 inches of rain. There is a wide, wide breadth of devastation, from 20,000 homes and displaced residents to the major shutdown of a nationally renowned medical center, to universities being inoperable, schools being inoperable and people out of their homes. I am very disappointed that we could not find the opportunity to be able to put in a mark for Houston or an increased supplemental for FEMA. I am grateful to the Committee on Appropriations for taking note of the devastation in Houston, and I look forward to working with them as we progress.

I would simply say that there is an amendment being put forward that I would be inclined to support. It seems that it is adding back the $389 million to FEMA, if I am correct, but it represents a major across-the-board cut, almost to the extent of asking us to sacrifice many, many national needs for the pain and suffering of Houston.

I have in the RECORD three amendments that I hope to clarify the point of order and may have the opportunity to submit, and, that is, a $50 million increase to FEMA as well as a restoration of the Highway Trust Fund because our roads are in devastation, and additionally one that deals with India disaster.

Mr. Chairman, I am here to say that I appreciate the sensitivity of my colleagues. Many of them have asked about Houston. I appreciate the sensitivity of the Committee on Appropriations, recognizing that we have this terrible, disastrous impact. I would ask that as we proceed in the amendment process, that my amendments may be considered if the point of order has been lifted, but otherwise that we continue to work together so that the community that I represent and surrounding areas along with my colleagues from Texas can have true rehabilitation to be able to get back on their feet.

I thank the Members very much. I thank the gentleman from Pennsylvania (Mr. MURTHA) for the opportunity, the gentleman from Florida (Mr. YOUNG), the gentleman from California (Mr. LEWIS), and the gentleman from Wisconsin (Mr. OBEY) for allowing me to discuss this very important, devastating impact on Houston and the surrounding areas.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2216, a bill providing supplemental appropriations for fiscal year 2001. As the chairman of the Committee on the Budget, I would advise my colleagues that this bill is within the levels established by the budget resolution and complies with the Congressional Budget Act.

H.R. 2216 provides for a net increase in budget authority of $6.5 billion. This amount reflects appropriations of $7.9 billion in new budget authority and a rescission of $1.4 billion. The vast majority of the appropriations provided by this bill is related to national defense.

The Concurrent Resolution on the Budget for Fiscal Year 2002, H. Con. Res. 83, revised the 302(a) allocations to the Committee on Appropriations for fiscal year 2001 to accommodate this supplemental appropriations bill, providing up to $6.5 billion in non-emergency supplemental appropriations.

The bill is within the revised 302(b) allocations to the Committee on Appropriations established by the budget resolution and therefore complies with section 302(f) of the Congressional Budget Act.

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This bill deserves our support. The Committee on Appropriations deserves our commendations for meeting our defense and domestic needs while staying within the levels agreed to by the Congress as part of the budget resolution. I compliment the chairman and the committee on doing so and I rise, as I say, in support of this H.R. 2216.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the Chair of the Subcommittee on Housing and Community Opportunity, I want to speak out on the work that is included here, the $40 million in credit subsidy for FHA multifamily loan guarantee program in this supplemental. It certainly is absolutely necessary, and I want to thank the committee for its insightfulness and for its leadership here in including it.

Now with this $40 million credit subsidy, HUD will be able to resume lending under the FHA multifamily housing insurance program; and it will allow us, the Congress, the committee and the full Congress, the time necessary to determine a solution to future funding and operation of this program. It does need reform, and we have to deal with it in the future in a realistic way.

I will not take up any more of the time here, except to say that I look forward to working with Secretary Martinez. He and I have discussed this. We have gone into some depth about it; and I know that they, they being the Department and Secretary Martinez, have recently issued an interim rule to increase the mortgage insurance premium on this program by 30 basis points. Whether or not this will be the final way to deal with it, we are not quite sure; but we have committed to working together on a bipartisan basis.

I want to commend the President and the committee for including $40 million in credit subsidy for the FHA Multifamily loan guarantee program in the Supplemental Appropriations for FY 2001.

Providing this $40 million in credit subsidy now will allow HUD to resume lending under the FHA Multifamily insurance program and allow us the time necessary to determine a solution to future funding and operation of this program. Congress anticipated the need for this additional $40 million in credit subsidy last year when it was included as part of the Legislative Branch Appropriations Act which passed the House on December 21, 2000.

On May 17, I joined with my Ranking Minority Member on the Housing Subcommittee in asking the Secretary to release the $40 million approved by the House last year, so I am particularly pleased to see the $40 million in this legislation today.

This country is facing a growing affordable housing crisis for low- and moderate-income families. Despite the fact that more and more people are sharing in the American dream of home-ownership, many working families are finding it more difficult to find affordable rental housing. It is estimated that $3.5 billion in federally backed loans to build 51,289 affordable rental apartments are in jeopardy unless we take steps to address the current shutdown of this program. This translates into lost construction jobs, unbuilt rental housing units and a significant economic impact which could ripple across the country.

I am anxious to work with Secretary Martinez and the members of this Committee to determine a long-term funding solution for this program. I know that HUD has recently issued an interim rule to increase the Mortgage Insurance Premium on this program by 30 basis points. The goal of this increase in premium is to provide the funding necessary for this program in the future. It is my understanding that this interim rule will take effect when published and will provide the funds necessary to keep the program running for the remainder of fiscal year 2001 and into 2002. However, this rule is not final and there will be an opportunity for comments and changes to this interim rule if deemed necessary.

While I am anxious to take steps to provide a permanent funding source for this program, I want to make sure that the 30 basis point increase is the appropriate action. In addition, I believe it is important to review the calculations used by OMB in determining the level of credit subsidy necessary for a program like this that appears to have a very low default rate. For this reason, I will be asking OMB to rationalize how it assess the risk of this program to the government.

Mr. YOUNG of Florida. Mr. Chairman, I have a unanimous consent request that has been worked out with the minority, and it has to do with amendments that are subject to a point of order. We are more than willing to allow some debate on those amendments before they are either withdrawn or the point of order pressed.

Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill, and any amendments thereto, be limited to the time specified, equally divided and controlled by the proponent and myself:

Number 1, an amendment to be offered by the gentlewoman from California (Ms. PELOSI) regarding energy price caps for 30 minutes;

Number 2, an amendment to be offered by the gentleman from California (Mr. FARR) regarding the national power grid for 20 minutes;

Number 3, an amendment to be offered by the gentlewoman from Connecticut (Ms. DELAURO) relating to LIHEAP for 20 minutes;

Number 4, an amendment to be offered by the gentleman from Indiana (Mr. VISCLOSKY) relating to dams and hydroelectric power for 20 minutes;

Number 5, an amendment to be offered by the gentleman from Texas (Mr. BENTSEN) relating to FEMA for 20 minutes; and

Number 6, an amendment to be offered by the gentleman from Missouri (Mr. SKELTON) relating to funding for the Department of Defense for 20 minutes; and

that such debate may occur pending the reservation of a point of order on each amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. KUCINICH. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman from Florida (Chairman YOUNG) a question.

Mr. Chairman, would the gentleman from Florida (Mr. YOUNG) read the two bills that were energy related, the two amendments that were energy related, one by the gentlewoman from California (Ms. PELOSI) and the other one by the gentleman from Oregon (Mr. DEFAZIO).

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thought we had one by the gentlewoman from California (Ms. PELOSI), one by the gentleman from California (Mr. FARR), and LIHEAP I would think would be considered an energy issue; the Visclosky amendment relating to dams and hydroelectric is certainly energy related.

Mr. KUCINICH. The one on price caps, is that offered by the gentlewoman from California (Ms. PELOSI)?

Mr. YOUNG of Florida. The Pelosi amendment, yes, regarding energy price caps.

Mr. KUCINICH. I was not here earlier, but does the gentlewoman from California (Ms. PELOSI) agree to that limitation?

Mr. YOUNG of Florida. Yes. The point is that these would be subject to a point of order and there could be no debate if we raised the point of order.

Mr. KUCINICH. I understand.

Mr. YOUNG of Florida. So in our spirit of generosity, bipartisanship and comradeship, we are prepared to allow the debate; and then I expect that the amendments would either be withdrawn or the point of order would be pressed.

Mr. KUCINICH. Indeed, the gentleman is a gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there an objection to the request of the gentleman from Florida?

There was no objection.

Mr. WALDEN of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I want to thank the chairman of the full committee for his assistance and that of the administration for providing upwards of $20 million in disaster relief in this supplemental for the people, the ranchers of Klamath Falls, Oregon, in the Klamath Basin, that includes also over into California. This aid is extraordinarily important.

Saturday, the House Committee on Resources held a hearing in Klamath Falls that had to be moved to the fairgrounds because more than 2,000 people affected by this cutoff of the water turned out to hear what the Federal Government was doing.

Mr. Chairman, as we have discussed, I greatly appreciate all the efforts of the chairman and that of his staff to expedite the delivery of those funds in the form of grants to the farmers that are so affected. As we have talked, however, this is literally a drop in the bucket in terms of the disaster magnitude there. Upwards of $200 million is what they estimate will be the problem.

I wondered, Mr. Chairman, if it might be possible, recognizing this will not be the only vehicle going through this session of Congress, but if possible we could work to increase that disaster aid to these people whose fields are drying out and they are getting foreclosure notices today.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Oregon (Mr. WALDEN) for his comments. On page 18 of the committee report, the gentleman is aware of the language that we put in the report that he had requested; but we are more than willing to cooperate the best we can within whatever budgetary constraint that exists at the time to deal with the gentleman's issues and would like to assure him of that and thank him very much for having discussed this with us well in advance and he gave us an opportunity to actually provide the language that he requested in the report.

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for his consideration. I appreciate, again, the work of his staff and himself and the other committee members for recognizing the extraordinary loss that is occurring here and the dramatic situation we are engaged in.

Mr. WATKINS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the gentleman from Florida (Mr. YOUNG) in a colloquy. I know the gentleman has gone through a tremendous amount of work, his staff and everyone else, trying to meet the emergencies and the disasters and all the problems that we have had in this country this past year. As the gentleman knows from our earlier discussion, a devastating, once-in-a-lifetime ice storm struck southeast Oklahoma, the northeast part of Texas, Arkansas, northern Louisiana on Christmas Day 2000. Approximately $115 million was included in this bill to address the emergency funding needs of the Army Corps of Engineers.

Within this $115 million, may I inquire, does this include approximately the $10 million necessary to restore the Tulsa District of the Corps of Engineers to the levels of operations prior to the December ice storm?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. WATKINS of Oklahoma. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say, yes, the gentlemen is accurate. Approximately $10 million is included within emergency funding for the Tulsa District of the Army Corps of Engineers as aid to combat damages suffered in last winter's ice storm. I would like to add that I really appreciate the gentleman's very persuasive presentation to the committee; and because of that, we did include the $10 million to deal with that issue.

Mr. WATKINS of Oklahoma. Mr. Chairman, I thank the gentleman very much. The Army Corps of Engineers lands and the project areas within the third district of Oklahoma sustained at least $6 million in damages, and I am grateful to the committee for providing funds to address this emergency need. Like I say, it was a once-in-a-lifetime ice storm throughout the Tulsa District of the Corps of Engineers.

Mr. Chairman, I again want to thank the gentleman from Florida (Mr. YOUNG) from the depths of my heart. He and this committee and the staff have done an excellent job of working this, and I support him fully in this effort.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $69,000,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $119,500,000.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $52,000,000.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $8,500,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $6,000,000.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $12,000,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $659,600,000: *Provided*, That of the funds made available under this heading, $6,800,000 shall remain available for obligation until September 30, 2002.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $948,100,000: *Provided*, That of the funds made available under this heading, $7,200,000 shall remain available for obligation until September 30, 2002.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $54,400,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $840,000,000: *Provided*, That of the funds made available under this heading, $3,000,000 shall remain available for obligation until September 30, 2002.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEFAZIO: In chapter 1 of title I, in the paragraph under the heading "Operation and Maintenance, Air Force", after the aggregate dollar amount, insert the following: "(reduced by $24,500,000)".

Mr. DEFAZIO. Mr. Chairman, like many of my colleagues, I am concerned about the readiness of our Nation's military and the quality of life for our men and women in uniform. So of this long list just read, I have no objections; but I do have an objection to something that is buried deep within line 23 of this bill.

As John Donnelly, who I had to find out about this from the private sector, exposed in a recent "Defense Week" article, hidden in this line item under "contractor logistic support" is $24.5 million for a fleet of luxury jets for generals and admirals.

We know there is a very large fleet. In fact, the GAO, through two reports since 1994, has criticized the size of the fleet for far exceeding the wartime requirements, let alone the peacetime requirements, of the generals and admirals at the Pentagon; excessively expensive and excessively large.

Last year, over the objections of the civilians at the Pentagon, a number of generals and admirals requested, and Congress delivered, behind closed doors, eight new jets, 737s, and the special long-range Gulf Streams.

That was just last year. Now suddenly this money is specifically for the eight new jets, not for some of the aging huge fleet the GAO says should be downsized. Perhaps if they did that, they would have the money to maintain the eight new luxury jets for the generals, but this $24.5 million is a specified earmark for the new jets that the Pentagon civilians did not request to add to a fleet that the GAO says is excessively large.

I do not understand how it could cost that much money for new planes, particularly for the few months remaining in this year. I would assume this is not an emergency, unless they do not have money to stock the wet bars or something is wrong in the luxury galleys and they have to upgrade to Jennaire or something like that.

I am not quite sure why it is we suddenly need $24.5 million for eight generals and admirals' luxury jets that the Pentagon civilians did not even ask for, that Congress gave them. If they do not have enough money in this special fleet budget, then they should retire some of the aging high-cost aircraft that the GAO says are superfluous to the wartime needs, let alone the peacetime needs. I am not aware that we are currently at war anywhere in the world, although we certainly do have some extensive deployments overseas, of which I have been critical.

This line item is not an emergency. There are dozens of things in this bill on which the money could be better spent or if we chose not to spend the money we could save it to help bolster up our quickly shrinking surplus so we can move through the regular appropriations process here in the House of

Representatives, without slashing domestic programs and things that the American people want to see funded.

So I suggest to my colleagues strongly that in a budget of $300 billion the Pentagon can find $24.5 million for these new luxury jets to outfit them or do whatever else is necessary, or maybe they are going to wait until next year to use them and ask for the money in their regular budget, or maybe they need to retire some obsolete aircraft from this oversized fleet.

One way or another, this is an expenditure that should not go forward, particularly stealth, an amendment hidden deep in the bill and only discovered by one very diligent reporter who ferreted this out and got some folks at the Pentagon to fess up.

□ 1530

Mr. Chairman, I would urge strongly that my colleagues support this amendment.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is a relatively simple matter to stand and oppose new airplanes that one can designate as "airplanes purchased for generals" and describe them as "luxury jets."

The reality is that we do have a number of aircraft purchased over a number of years that are used by the leaders of all the forces within the Department of Defense and the individual branches. In this case, over the last several years we tried to replace several of those older aircraft. Some of them are as old as 40 years of age. The new aircraft that have been put in as replacements are smaller, they are modern, they are commercial, they allow the senior military leaders within the branches to carry out their very serious responsibilities in providing leadership for our national defense systems.

The Air Force budgeted $6 million in fiscal year 2001 of the President's budget for the C–37A provided for in the Fiscal Year 1999 appropriations. However, total operating costs for that C–37A have exceeded estimates, plus start-up costs for a number of other aircraft put us in a position where the total cost involved for this fiscal year is some $30.5 million. The military had already budgeted some $6 million, leaving us with a shortfall of $24.5 million.

If we were to cancel that funding, essentially we would have new aircraft in place, but no way to effectively use them in the fashion they were designed to be used in the first place.

This appropriation was considered and passed by the Congress in the past. I urge the Members to recognize the reality of this need among the leadership of the branches and urge a "no" vote on the amendment.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I was the one that personally offered the amendment in subcommittee for both these airplanes. I talked to the CINC Central Command who has responsibility for Saudi Arabia, who was flying in an airplane where he had no communications. This is a battlefield commander in a sense. He had no communications at all, he had an antiquated 40-year-old airplane, and he could not take his entire staff to make his decisions.

General Zinni happened to be the CINC at that time. He convinced me, I convinced the subcommittee, and we have, as the chairman just said, two airplanes in place and we need the logistics systems to support those two airplanes. So it would be a mistake, in my estimation, to cut this money, and I would oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Committee on Appropriations, also with my colleague, the ranking member of the Subcommittee on Treasury, Postal Service and General Government, and the gentleman from Utah, who is a representative of the host State of the 2002 Winter Olympics.

Mr. Chairman, the Winter Olympics of 2002 have been designated as a National Special Security Event. That designation was made in August of 1999. Under Presidential Decision Directive 62, and now in statute under Title 18, Section 3056 of the United States Code, the United States Secret Service now has responsibility for planning security and operations for the entire event and the venues of the Winter Olympics to be held in Utah in 2002. In addition, the Secret Service has to concurrently provide for their traditional missions of protection and investigation.

Although almost 2 years has passed, Mr. Chairman, since the designation of this as a National Special Security Event, the President's submitted budget for Fiscal Year 2002 did not include necessary funding set aside for the planning of security and operations of the Treasury law enforcement for the 2002 Winter Olympics, in particular, the Secret Service, as well as related agencies.

In contrast, Mr. Chairman, as you know, the original Fiscal Year 2002 budget did include funding for security-related requirements of other Federal agencies, such as the FBI and the Federal Emergency Management Administration.

I am pleased that the supplemental request sent by the President for 2002 does fund the requirements to meet the security at the Olympics of Treasury law enforcement and, in particular, the United States Secret Service. However, Mr. Chairman, as you know and we have discussed, the committee in this particular bill has not provided that funding, although it was part of the President's request.

This colloquy is for the purpose of explaining why, lest it be misunderstood. Quite simply, the money is not needed in the current fiscal year, which ends September 30. The funds will be required to cover activities that take place during the time period shortly before and during the Olympics in February of 2002. So what I wish to make clear, Mr. Chairman, is that certainly as chairman of the relevant subcommittee for providing this funding, I fully support the President's request to provide the funds for security at the Winter Olympics, and I want to affirm my intention to include the full necessary amount in the regular appropriation bill for fiscal year 2002.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the chairman for yielding, and I want to join him, my colleague from Oklahoma, in underscoring the importance of the funding for the security of the 2002 Winter Olympic games. This primary component of our public safety and anti-terrorism policy is essential to uphold public confidence and to ensure that no situation ever develops that would require the services of the FBI or FEMA.

My friend the gentleman from Utah (Mr. MATHESON) has been talking to me about this, and I know that you, Mr. Chairman, as well as the gentleman from Utah (Mr. HANSEN), who will be next speaking, have expressed great concern about this issue. I share that. I will continue to work with the gentleman from Oklahoma (Chairman ISTOOK) and the gentleman from Florida (Chairman YOUNG) to see that this funding is provided in a timely fashion.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I am pleased to strongly support the funding of the security planning and operations of the 2002 Winter Olympics in my home State of Utah. This funding is essential to ensure that the 2002 Winter Olympic games in Salt Lake City are conducted in safety and openness. I agree that this funding should be included in Fiscal Year 2002 appropriations.

Mr. MATHESON. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Utah.

Mr. MATHESON. Mr. Chairman, I am glad to voice my continued enthusiastic support of this vital program to plan for and implement security operations in our State as we welcome the world to the 2002 Winter Olympic games in Salt Lake City. I greatly appreciate the commitment of the gentleman from Florida (Chairman YOUNG), the gentleman from Oklahoma (Mr. ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), to ensure this effort is funded in a timely fashion.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for recognizing the need for funding the Secret Service, their security, planning and operations role at the 2002 Winter Olympics. I add my voice to the gentlemen from Oklahoma, Maryland and Utah in supporting this funding, and also recommend that it be included in the Fiscal Year 2002 appropriations bills.

The CHAIRMAN. The time of the gentleman from Oklahoma (Mr. ISTOOK) has expired.

(By unanimous consent, Mr. ISTOOK was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield further, I would like to note the spending allocation provided to the Subcommittee on Treasury, Postal Service and General Government, which the gentleman chairs, for fiscal year 2002 assumes full funding of the upcoming Winter Olympics.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I thank the chairman very much, and I appreciate the opportunity through the colloquy to assure everyone involved that full necessary funding for security at the Olympics is forthcoming, as this is certainly a major event attracting so many thousands of people from throughout the world. I thank the chairman for providing the assurances and add my own that we will make sure that these needs are fully met to provide that security.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $123,100,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $20,500,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $12,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $1,900,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $34,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $38,900,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $119,300,000.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $3,000,000.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", $222,000,000, to remain available until September 30, 2001: *Provided*, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2001":

Carrier Replacement Program, $84,000,000;

DDG–51 Destroyer Program, $300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2001":

DDG–51 Destroyer Program, $14,600,000;

LPD–17 Amphibious Transport Dock Ship Program, $65,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

DDG–51 Destroyer Program, $12,600,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2001":

NSSN Program, $32,000,000;

DDG–51 Destroyer Program, $13,500,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $84,000,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $15,500,000.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $73,000,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $85,400,000.

Mr. SANDLIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a brief colloquy with the chairman.

Mr. Chairman, I am pleased that the committee has included assistance for damages incurred by severe southern ice storms last winter. On January 8, 2001, President Clinton issued a major disaster declaration for the State of Texas due to the severity and magnitude of the damage caused by the ice storms. In Texas alone, the United States Department of Agriculture and the Texas Forest Service assessed damages to over 70,000 acres of non-industrialized private forestland with an estimated economic impact of over $46 million.

I want to clarify that the committee recognizes that Texas private and public landowners incurred substantial damage resulting from the ice storms of December 12 to January 8, 2001.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SANDLIN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, the Committee on Appropriations does recognize the impact of last winter's ice storms to private and public landowners in Texas.

Mr. SANDLIN. Mr. Chairman, reclaiming my time, I also want to clarify that the $10 million provided for the U.S. Forest Service, State and private forestry account for emergency activities associated with the ice storm damages includes the States of Arkansas, Oklahoma and Texas. Additionally, I wish to inquire if the omission of the State of Texas from this section of the bill was merely inadvertent?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield further, I would say that it was inadvertent. The committee agrees that the States of Texas, Oklahoma and Arkansas should be eligible for State and private forestry funds contained in this bill. The committee will work with the gentleman from Texas to modify the bill accordingly in a conference between the House and the Senate.

Mr. SANDLIN. Mr. Chairman, I want to thank the gentleman for his leadership and diligence in bringing this bill to the floor. I appreciate the gentleman working on this matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $5,800,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $5,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $151,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $275,500,000.

AMENDMENT NO. 2 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 2 offered by Mr. KUCINICH: In chapter 1 of title I, in the paragraph under the heading "Research, Development, Test and Evaluation, Air Force", after the aggregate dollar amount, insert the following: "(reduced by $55,000,000)".

Mr. KUCINICH. Mr. Chairman, the Air Force's Airborne Laser Program, ABL, seeks to put a laser on a Boeing 747 jet in order to shoot down ballistic missiles. In January 2001 the Air Force claimed the Airborne Laser Program needed $98 million in supplemental appropriations.

□ 1545

This amount is $55 million less than the $153 million currently requested in this supplemental bill.

There have been various congressional requests to the Air Force for an explanation of the extra funding. The Air Force has not provided Congress with a comprehensive answer. According to Air Force officials quoted in the press, some of the money will be used for spares and other equipment to help reduce risk for the overall program and keep it on schedule for its 2003 missile intercept test.

But this 2003 deadline is arbitrary. Moreover, various officials have expressed concern with the ABL's testing program. Last year, the Pentagon's chief tester concluded that the airborne laser program, testing program, is alarmingly short, allows for no technical problems, and "cannot all physically be accomplished in the time allotted." That is the chief tester.

The GAO has stated that an airborne laser design more realistic than the current model "may not be achievable using current state-of-the-art technology." By appropriating the ABL program $55 million more than the Air Force requested, we are helping to accelerate a flawed testing program.

Appropriating $153 million for the airborne laser in the supplemental does not represent good government, it does not represent smart budgeting, and it may not represent common sense. A full $153 million supplemental appropriation would represent a 65 percent increase over the ABL's 2001 budget of $234 million.

The airborne laser has already received an additional $85 million above the administration's request in the 2001 fiscal year defense appropriations bill, so we are already funding the Air Force's airborne laser program at levels above those requested by the executive branch, and now we are prepared to grant this program's budget a massive midyear increase.

If this additional funding is truly necessary, why not include it in the fiscal year 2002 budget? Including the money in the supplemental only makes the money available a few months earlier than it would be if included in the fiscal year 2002 budget.

Mr. Chairman, this extra $55 million for the airborne laser program will do nothing to provide adequate housing for our servicemen and women, it will do nothing to provide them health care, it will not increase their salaries or benefits. Not a penny of this money will be used for the benefit of the men and women who sacrifice so much to serve their country, and whose needs are not being fully met.

I think it is time for this House of Representatives to begin a new debate over what our defense priorities are. I think it is time that we began to put more money into our basic defense, into our Air Force, into our Navy, into our servicemen and women to see that they are well paid, to make sure they have good housing, decent health care.

That ought to be what describes America's defense, not pouring money into technology which does not work, which cannot work, which throws money away, while the men and women who serve this country are left wanting.

This is a good time to start this debate, and this is a good moment for this Congress to start making a statement about where it stands with our servicemen and servicewomen who have to go begging for help while we pour money into these crazy technological missile programs that feeds a missile mania that cannot be described or countenanced anywhere in this world except somewhere in the Department of Defense.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the airborne laser integrates a high power laser on a Boeing 747 aircraft. It is designed to protect our deployed troops from the threat of theater ballistic missiles. The Pentagon requested $153 million to address program shortfalls. The amendment reduces that request by $55 million, leaving an increase of $98 million.

It is true that in the January time frame this year, the Air Force estimated the airborne laser shortfall to be at $98 million. Thirty-four million was part of cost growth, $64 million rephase efforts originally planned for out years.

Since January, the Air Force has identified two additional areas of increased cost which total $55 million as follows: $30 million additional cost growth for the loss of suppliers, technical complexities, et cetera; $25 million additional spares to reduce testing risks.

We have scrutinized these additional costs carefully and have determined that they are necessary to keep the program on track. Failure to fund the additional cost growth could force the contractor to stop work on the program. Failure to fund the additional spares will likely lead to inefficient schedule disruptions that will increase costs further.

The airborne laser already has a very tight schedule for a 2003 lethal demonstration against a theater missile. This is an important program required to protect our troops from weapons of mass destruction. I strongly encourage the Members to vote no on this amendment.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The airborne laser integrates a high-powered laser on a Boeing 747 aircraft. It is designed to protect our deployed troops from the threat of theater ballistic missiles.

The Pentagon requested $153 million to address program shortfalls. The amendment reduces this request by $55 million, leaving an increase of $98 million.

It is true that in the January time frame, the Air Force estimated the airborn laser shortfall only to be $98.5 million, but subsequent to that, as the chairman has pointed out, they have identified two additional areas that need $55 million.

The committee has carefully scrutinized this request, and we believe that the failure to fund the additional cost growth would force the contractor to stop work on the program. Failure to fund the additional spares will likely lead to inefficient schedule disruptions that will increase costs further.

Most importantly, we are pushing to get a real test in 2003 for this program. If we do not fund this supplemental request, that question of being able to get the test to see if this will work to protect our troops when they are deployed in the field will be jeopardized.

I would just say to my colleagues, we may have a lot of debate here in Congress about national missile defense, but I think there is bipartisan consensus that we need theater missile defense in order to protect our deployed troops.

We can give somebody a check, we can take care of their health care, we can take care of their pension, but we also have to take care of protecting their life. What we are talking about here is a system that, if it works as advertised, will protect the lives of young men and women when they are deployed abroad.

I urge a no vote on this amendment.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH). I think it is very important that we know that this reduction would jeopardize all the efforts the Air Force has been putting into play to create an airborne laser program aimed at protecting our troops and interests around the globe.

There are four good points I want to make about why this should be opposed.

Number one, the technology is currently available. It works in the lab. We simply need to complete the project of mounting it on a 747. The technology is there and it works.

Second, this threat is a very real threat. If we just go back 10 years to the Gulf War, the greatest numbers of casualties for our young men and women over in the Gulf area came from a missile that this system is designed to eliminate, a Scud missile that fell on our troops.

Thirdly, the funding for this program, if it is cut, provides an unnecessary delay. It also raises the cost of the program that is inevitable anyway, and it will put in place a stop work situation where contractors will have to literally stop work on this program, send their talent off to other projects, which will make it very difficult to get them back, again resulting in schedule delays and cost delays that are unnecessary.

The fourth thing I think is a more personal note. We ask our young men and women to volunteer to serve our country, to provide for the need that we have as a nation in projecting power. When they do this, they are putting themselves at risk. What we want to do is to make sure that they return home safe and sound to their families. They are volunteers. They are doing our bidding. We must provide them a safe way to get home. This will protect them when they are in a situation of risk.

So Mr. Chairman, it does not have to be this way, with a longer program of higher cost. We are now less than 2 years away from having this speed-of-light theater missile system in place. Congress has the responsibility to field this important system as soon as possible.

The gentleman from Ohio said that this would only delay funding a few months if we push it over to 02. It will stop the program and probably result in a 6-month delay, driving up the costs significantly.

He made a statement that it cannot work. I want to emphasize it has worked in the lab and it will work on the airplane. It is not a crazy missile program, as the gentleman from Ohio stated, it is a commonsense approach to protecting our young men and women who put themselves at risk.

Mr. Chairman, I think there is no doubt that the Kucinich amendment will result in unnecessary delays. I would urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $94,100,000.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $178,400,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,453,400,000 for Operation and maintenance: *Provided*, That such funds may be used to cover increases in TRICARE contract costs associated with the provision of health care services to eligible beneficiaries of all the uniformed services.

For an additional amount for "Defense Health Program", $200,000,000 for Operation and maintenance, to remain available until expended, only for the use of the Army, Navy, and Air Force Surgeons General to improve the quality of care provided at military treatment facilities, of which $50,000,000 shall be available only to optimize health care services at Army military treatment facilities, $50,000,000 shall be available only to optimize health care services at Navy military treatment facilities, $50,000,000 shall be available only to optimize health care services at Air Force military treatment facilities, and $50,000,000 shall be available only to finance advances in medical practices to be equally divided between the services and to be administered solely by the Surgeons General: *Provided*, That none of the funds provided in this paragraph may be made available for optimization projects or activities unless the Surgeon General of the respective service determines that: (1) such project or activity shall be self-financing within not more than three years of its initiation after which time the project or activity will require no net increase in Defense Health Program funds, or (2) that such project or activity is necessary to address a serious health care deficiency at a military treatment facility that could threaten health care outcomes: *Provided further*, That none of the funds provided in this paragraph may be made available to a service unless the Secretary of Defense certifies to the congressional defense committees that all projects or activities to be financed by that service with said funds will be continued and adequately financed in the Department of Defense six year budget plan known as the Program Objective Memorandum.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $1,900,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Except as otherwise specifically provided in this Act, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same period as the amounts appropriated under each such heading in the Department of Defense Appropriations Act, 2001 (Public Law 106–259).

SEC. 1102. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING TRANSFER OF FUNDS)

SEC. 1103. In addition to the amount appropriated in section 308 of Division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(a)(4) of Public Law 106–554 (114 Stat. 2763A–181 and 182), $44,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to remain available until expended: *Provided*, That such amount, and the amount previously appropriated in section 308, shall be for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE, including any costs previously incurred for such purposes: *Provided further*, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(RESCISSIONS)

SEC. 1104. Of the funds made available in Department of Defense Appropriations Acts, the following funds are hereby rescinded, from the following accounts in the specified amounts:

"Procurement, Marine Corps, 2000/2002", $3,000,000;

"Overseas Contingency Operations Transfer Fund, 2001", $81,000,000;

"Aircraft Procurement, Navy 2001/2003", $330,000,000;

"Procurement, Marine Corps, 2001/2003", $5,000,000;

"Aircraft Procurement, Air Force, 2001/2003", $260,000,000;

"Other Procurement, Air Force, 2001/2003", $65,000,000;

"Procurement, Defense-Wide, 2001/2003", $85,000,000; and

"Intelligence Community Management Account, 2001", $5,000,000.

SEC. 1105. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $39,900,000 is hereby appropriated to the Department of Defense, for facilities repair and damages resulting from natural disasters, as follows:

"Operation and Maintenance, Army", $6,500,000;

"Operation and Maintenance, Navy", $23,000,000;

"Operation and Maintenance, Air Force", $8,000,000;

"Operation and Maintenance, Army Reserve", $200,000;

"Operation and Maintenance, Air Force Reserve", $200,000;

"Operation and Maintenance, Army National Guard", $400,000;

"Operation and Maintenance, Air National Guard", $400,000; and

"Defense Health Program", $1,200,000:

Provided; That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced

Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 1106. The authority to purchase or receive services under the demonstration project authorized by section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) may be exercised through January 31, 2002, notwithstanding subsection (c) of that section.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON:

At the end of chapter 1 of title I (page 13, after line 4), insert the following new section:

SEC. 1107. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $2,736,100,000 is hereby appropriated to the Department of Defense, as follows:

"Military Personnel, Army", $30,000,000;

"Military Personnel, Navy", $10,000,000;

"Military Personnel, Air Force", $332,500,000;

"Reserve Personnel, Army", $30,000,000;

"Operation and Maintenance, Army", $916,400,000;

"Operation and Maintenance, Navy", $514,500,000;

"Operation and Maintenance, Marine Corps", $295,700,000;

"Operation and Maintenance, Air Force", $59,600,000;

"Operation and Maintenance, Defense-Wide", $9,000,000;

"Operation and Maintenance, Army Reserve", $30,000,000;

"Operation and Maintenance, Army National Guard", $106,000,000;

"Aircraft Procurement, Army", $50,000,000;

"Procurement of Weapons and Tracked Vehicles, Army", $10,000,000.

"Procurement of Ammunition, Army", $14,000,000;

"Other Procurement, Army", $40,000,000;

"Aircraft Procurement, Navy", $65,000,000;

"Aircraft Procurement, Air Force", $108,100,000;

"Other Procurement, Air Force", $33,300,000;

"Research, Development, Test and Evaluation, Air Force", $33,000,000; and

"USS Cole", $49,000,000:

Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount under this section shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment that I offer unfortunately is not protected against points of order, as I had hoped it would have been, by the Committee on Rules.

☐ 1600

Nevertheless, my amendment would address acute funding shortfalls that all the military services are experiencing. It would increase the funding for the Department of Defense by $2.7 billion.

It is no secret that the armed services are doing a magnificent job protecting the interests of the United States.

This amendment would add $2.7 billion for all additional defense appropriations. Of this total, the vast majority of it, about $2 billion, would be for operations and maintenance and, of course, flying hours and spare parts, real-property maintenance, depot maintenance, uniforms, the unglamorous nuts and bolts essentials that really make our military work.

Another $400 million would fund military personnel priorities, subsistence allowances to keep our service members off food stamps, housing allowances, and to pay for unbudgeted National Guard and Reserve costs.

It would also provide, Mr. Chairman, $300 million for high-priority procurement costs. It would add $65 million to replace the EP–3 that is being cut to pieces on Hainan Island, China; also an additional $49 million to expedite the repair of the U.S.S. *Cole*.

All of these items, plus others, such as rebuild Apache helicopters and for ammunition, are all emergencies. These are high-priority funding, and they are all recommended by the chiefs of staffs of the military services.

Mr. Chairman, last year, during the hearings that we had, request remained of the service chiefs to give us their unfunded requirements to get them through the coming year, and they did so. I reviewed that list, and being conservative, I offered an amendment of merely $2.7 billion which, of course, could have been much more.

It reflects some of the differences between the service chiefs' unfunded requirements lists and the portion of items that we have addressed in this bill today.

These are legitimate needs. I only wish that the amendment could have been fully debated and fully voted on by this House.

I know that my amendment is vulnerable to a point of order, and at the appropriate moment, according to my discussion with the gentleman from Florida (Mr. YOUNG), who has reserved the right to object, I will withdraw it at the appropriate moment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I stand up to support the Skeleton amendment to H.R. 2216, the supplemental appropriations Bill. I think that this amendment is a very responsible amendment. We know that when we go and visit the training areas and the different camps, we know that the planes they fly are older than the pilots that fly those planes; and what happened during the past several years is that we have not kept up with the maintenance.

The military, and the Army alone, has a shortfall of $483 million. If we cannot buy at least new planes now, I think that the responsible thing to do is to have sufficient money so that we can buy parts for these planes, so that we can maintain. Time is running late, my friends.

If we do not come with a responsible supplemental, the training stops, no tanks will be running, no planes will be flying; and I think that this is a very responsible amendment. Therefore, I support the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might add at this point that there is sufficient funding in the contingency fund for this, according to the CBO.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I would like to express my strong support for the amendment offered by the gentleman from Missouri (Mr. SKELTON) to provide an additional $2.7 billion that is needed to meet the critical needs of our men and women in uniform.

I am extremely disappointed that this amendment was not ruled in order. Why would this House not be willing to stand up on behalf of our Nation's military and provide it with the additional resources it needs to do its job?

How can we send men and women into battle without all of the ammunition, spare parts and tools that they need to get the job done? These are the men and women who put their lives on the line each and every day to defend our freedom. This should not be about us saying one thing and then doing another.

This is about the money needed to buy spare parts to repair equipment that can be as much as 30 years old. This is about money needed to buy bullets, ammunition, so our servicemen and women can get the training they need to prepare for battle.

This is about the money needed to ensure that our military families have decent housing and do not have to depend on food stamps.

Mr. Chairman, I urge my colleagues to support the Skelton amendment and to do the right thing, support fully our men and women in uniform.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the Skelton amendment. The underlying bill begins to address the hole that was blown in the side of the U.S.S. *Cole*. The Skelton amendment begins to address the hole that has been blown into the spare parts, the ammunition, the basic-training material that we need for our men and women.

It begins to address the hole that has been blown and the promise of decent housing and decent education we have made to their families. But we cannot address the Skelton amendment because of the hole that has been blown in the budget by the tax cut that this House approved just a few weeks ago.

It is the wrong national priority. The right national priority would be to pass the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in support of the Skelton amendment; and I ask the administration, where is the help? Time and again, the military was told that help is on the way. They waited, and today they are still waiting.

I have a handful of letters from San Diego echoing the same sentiment: help, significant help is required.

Let me share with you this dire situation in California. There are 1,200 highly skilled people all who are vital to the defense, the defense industrial base in San Diego are going to lose their jobs. Why? Why is that?

The Navy requested an additional $375 million for ship-depot maintenance, but political appointees in the Pentagon and at the Office of Management and Budget reduced that amount to $200 million.

Mr. Chairman, $375 million is not an arbitrary amount. It is absolutely essential to complete this year's ship maintenance and overhaul requirements.

This year alone in San Diego, 26 major repairs had to be canceled, and even more were canceled in Hawaii and Washington State and in Virginia. Our sailors deserve vessels that are adequately maintained, ready to go in harm's way and perform their mission.

Mr. Chairman, a continual decline in the condition of our ships is a real emergency. Clearly this funding emergency jeopardizes national security and preparedness, precipitates the rapid decline of the industrial base in this country. National security should not be a partisan issue. It is not a California issue; it is a national issue, and we are trying to help.

I urge my colleagues to support the Skelton amendment. I am sorry that it is not in order. For having moved it forward, we would be showing our troops that help is on the way.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I must express my disappointment over the fact that the Committee on Rules did not make the amendment in order.

Mr. Chairman, I yield the balance of my time to the gentleman from Rhode Island (Mr. LANGEVIN).

The CHAIRMAN. The gentleman from Rhode Island is recognized for 2 minutes.

Mr. LANGEVIN. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague, the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Committee on Armed Services.

As a member of this committee, I am honored to work with the gentleman to ensure our military is provided the necessary funding to protect America and our allies.

I support this amendment because it provides critical funding for basic maintenance costs, as well as personnel needs for each of the services.

Specifically, this amendment would add a total of $2.7 billion to the supplemental appropriations bill for various defense programs. This funding will be used for flying hours, spare parts, maintenance, housing allowances, and subsistence allowances.

It will also be used to repair or replace the EP–3 supply plane on Hainan Island, much-needed repair of the U.S.S. *Cole* and deployment munitions.

These programs desperately need this funding. Let us make no mistake about it. Mr. SKELTON wrote this amendment based on the service chiefs' fiscal year 2001 unfunded requirements list. It is reasonable and in direct response to the expressed needs of our military.

Mr. Chairman, we must pass this amendment. We owe it not only to our hardworking men and women who have dedicated their lives to ensuring freedom and democracy in this great Nation, but we also owe it to all the Americans who are counting on us to ensure that they are safe.

Mr. Chairman, I urge my colleagues to join me and vote for the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I yield myself such time as I may consume.

I regret that I had to reserve the point of order on this good amendment. I am not opposed to this amendment. As a matter of fact, I could identify to the Members of the House far more needs in our national defense than even the Skelton amendment covers.

The problem is we are constrained by the budget resolution for fiscal year 2001 not to go above the number that we are using in this bill. Other than that, I would tell my colleagues that the gentleman from Missouri (Mr. SKELTON) is a stand-up Member on national defense, and he has always been a stand-up Member for national defense.

He understands the needs of those that work in defense every day. He understands their needs.

I would like to give my colleagues an example of the needs that I have identified. For a couple of years, I have made a list, as the gentleman from Missouri (Mr. SKELTON) has, of unfunded requirements. On this list is a substantial number of items that need to be done for the military, for the Army and the Navy and the Air Force and the Marine Corps.

If the Members can see that list, they will see on this list, if the Members can see that, the blue lines. Those are items that we have been able to take care of in the last couple of years; but there are many, many more items on this list that have not been taken care of yet.

The Skelton amendment would take care of a lot of them. The problem is, we are constrained by the budget resolution for fiscal year 2001. Other than that we would be here enthusiastically supporting the Skelton amendment, because, in fact, it is a good amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on Defense.

Mr. LEWIS of California. Mr. Chairman, I thank very much the gentleman from Florida (Mr. YOUNG), my full committee chairman, for yielding me the time. Like the gentleman from Florida, I wish that I were the author of this amendment for, indeed, if it were not for those budget limitations that have been mentioned, there is little question that we would have bipartisan support by way of vote, as well as spirit.

There is little question that one of the complications in this process is that under other circumstances, we might very well have exercised emergency provisions to be able to go by our budgetary cap. On the other hand, we face rather sensitive and complicated circumstances in the other body.

If they should find themselves with difficulty, it would require 60 votes in the other body; and it could slow down this very, very important measure. Nevertheless, as the gentleman from Florida has indicated, there is not a Member in the House who is more concerned and dedicated to doing the work that is necessary for the men and women who make up our armed services than the gentleman from Missouri (Mr. SKELTON).

He is my colleague, the ranking member on the authorizing committee. He works very, very closely with us as we go about the appropriations process. I very enthusiastically support his intent here, but I must reserve my vote when the vote actually occurs. And I appreciate the gentleman from Missouri (Mr. SKELTON).

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, there are a few people in this Chamber that all of us respect and one is the gentleman from Missouri (Mr. SKELTON). I love the gentleman. He is a descendent of Daniel Boone.

I also agree with the gentleman from Florida (Mr. YOUNG) that this is very, very noteworthy.

As a matter of fact, the individuals that spoke in favor of his amendment, I cannot see a one of them that is antidefense, that is not there to help our men and women. We asked for $362 million, which the gentleman helped us get for ship repair. The Navy switched that over to nuclear and carrier refueling and then gave us $171 million shortfall in ship repair.

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So the mismanagement within the services is a problem as well.

If we look at the basics of the things that have been mentioned here today, this does not even scratch it. And if I had the ability to override the other body and the Senator in the other body, I think we would see all of us supporting that. But we do not have the 60 votes in the other body.

Many of us spoke about, including my friend, the gentleman from Ohio (Mr. KUCINICH), not going along with Izetbegovic in Bosnia. When we talk about the U.S.S. *Cole*, it was those Mujahadeen and Hamas that surrounded Izetbegovic in Sarajevo that blew up the U.S.S. *Cole*. And the 124 deployments that have put us into this position, that many of us fought against, including many of my colleagues on the other side, have put us in this hole. Shalikashvili, previous Secretary of Defense, stated that it just wore our equipment out and tore us down.

I do not think there will be supplementals in the future. That tells me that the services better come up with a clean number so that we can fund them, because there may be limited ability to do that. But I laud my friend and I regretfully oppose his amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would admonish Members they are not to characterize the intentions of the other body.

Mr. YOUNG of Florida. Mr. Chairman, I regret I must insist on my point of order, and I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. UNDERWOOD. Mr. Chairman, I rise in support of this much needed supplemental bill that seeks to replenish military accounts drawn down by high fuel costs and other training and military readiness requirements.

For months I have joined my colleagues on both sides of the aisle in advocating for additional funding so our troops can continue training, replace spare parts and fix dilapidated infrastructure. While I support this supplemental bill today, I am concerned that it does not solve the many problems that our military faces this year.

H.R. 2216, appropriates $6.5 billion in supplemental funds, $5.5 billion (85 percent) of which will address military readiness, training and other operations requirements. Specifically, $44 million to repair the damage to the U.S.S. *Cole*, which was damaged by a suicide bomb attack last fall while it was docked in Yemen; $970 million to fully fund the flying-hours requirements of Navy and Air Force pilots; $463 million for increased utility costs, especially in California; $100 million for environmental cleanup and waste management; and $33 million for the Navy and Marine Corps to increase security against terrorist attacks.

I am especially pleased that the committee has included $9.4 million for the construction of an emergency submarine repair facility in Guam. This project provides budgetary support to a renewed focus on Guam and the Pacific by military planners and the Bush administration. This facility will play a vital role in providing much needed support for the three navy attack submarines that are to be homeported in Guam starting in April, 2002. Currently, Guam has a very capable shipyard of providing support and maintenance to the surface fleet and submarines. Moreover, the U.S.S. *Frank Cable* is homeported on Guam, and is the only forward deployed submarine tender in the Pacific. While I strongly support this new facility, it is my hope that this will not instigate competition with the existing shipyard on Guam.

Moreover, I would like to express my strong support for Mr. SKELTON's amendment, which unfortunately is not protected from a point of order. This amendment will provide an additional $2.7 billion and reflects the difference between the Service Chiefs FY 01 unfunded requirements lists and the pieces of those lists included in the Appropriations Committee markup of the supplemental.

Specifically, the Skelton amendment would provide nearly $2 billion towards current operations and maintenance accounts; $320 million in procurement, including funding for a new Navy EP–3E aircraft, which was damaged in regards to the accidental collision with a Chinese fighter jet and currently grounded on China's Hainan Island.

As the Bush administration continues to delay sending a defense budget to Congress, it looks all the more likely that the Defense appropriations bill for FY 02 will be the last of the 13 annual spending bills passed this year. Given this predicament, this supplemental is the only vehicle Congress has to address the needs and requirements of our troops in uniform this year, thus punctuating the importance of the Skelton amendment.

We all support increased military funding, but I call into question where the money will come from given the massive and recently passed $1.35 trillion tax cut. Our military is facing several multifaceted challenges that this Congress must address this year. It is my hope that President Bush will back up his campaign promise of "help is on the way" when he finally submits his defense budget request later this summer.

With that, I urge all Members to support the Skelton amendment and this measure as it will work towards providing immediate relief to our Armed Forces.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment for the aforestated reasons.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment, and I ask unanimous consent that it be considered at this point.

The Clerk read as follows:

Amendment offered by Ms. PELOSI:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) For purposes of this section:

(1) The term "Commission" means the Federal Energy Regulatory Commission.

(2) The term "cost-of-service-based rate" means a rate, charge, or classification for the sale of electric energy that is equal to the sum of the following:

(A) All variable and fixed costs of generating such electric energy.

(B) Either—

(i) a reasonable risk premium, or

(ii) a return on invested capital used to generate and transmit such electric energy that reflects customary returns during the period 1994 through 1999.

(C) Other reasonable costs associated with the acquisition, conservation, and transmission of such electric energy.

(3) The term "new generation facility" means any facility generating electric energy that did not generate electric energy at any time prior to January 1, 2001.

(b) Within 30 days after the enactment of this Act, the Commission shall issue an order establishing cost-of-service-based rates for electric energy sold at wholesale subject to the jurisdiction of the Commission under the Federal Power Act for use in that portion of the United States that is covered by the Western Systems Coordinating Council of the North American Electric Reliability Council.

(c) Subsection (b) shall not apply to sales of electric energy after March 1, 2003.

(d) The rates required under subsection (b) shall not apply to any sale of electric energy generated by any new generation facility.

(e)(1) If a State determines that a wholesale rate applicable to delivery of electricity within the State is not in compliance with subsection (b) or is not just and reasonable, the State may bring an action in the appropriate United States district court. Upon adequate showing that a rate is not in compliance with subsection (b) or is not just and reasonable, the court shall order refunds or other relief as appropriate.

(2) Any person who violates any requirement of this section shall be subject to civil penalties equal to 3 times the value of the amount involved in such violation. The Commission shall assess such penalties, after notice and opportunity for public hearing, in accordance with the same provisions as are applicable under section 31(d) of the Federal Power Act in the case of civil penalties assessed under such section 31.

(f) Nothing in this section shall affect any authority of the Commission existing before the enactment of this section.

(g) Section 202(c) of the Federal Power Act (16 U.S.C. 825(c)) is amended by adding the following at the end thereof: "Except during the continuance of any war, no order may be issued under this subsection unless the payment of compensation or reimbursement to the person subject to such order if fully guaranteed by the United States Government or by a State government.".

(h) If any provision of this section is found to be unenforceable or invalid, no other provision of this section shall be invalidated thereby.

Ms. PELOSI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN. Is there objection to the amendment being considered at this point?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the amendment that we have before us was a product of work done by the gentleman from Washington (Mr. INSLEE) and the gentlewoman from California (Ms. ESHOO) and others in the Committee on Commerce which I was pleased to present to the full committee the other day.

For my colleagues' benefit, the Federal Election Regulatory Commission was established under the Power Act, and under it the FERC, when it determined that power companies, generators, were charging unjust and unreasonable rates, they would reach a threshold whereby they could do something, they could mitigate for that. The gentleman from Washington (Mr. INSLEE) and the gentlewoman from California (Ms. ESHOO) and others have authored this amendment, and I will yield to him to explain the amendment to our colleagues, but first I wish to thank him for his tremendous leadership on behalf of consumers in the western United States.

Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I am pleased to offer this amendment with the gentlewoman from California (Ms. PELOSI) as a real and a meaningful and a truly effective price mitigation strategy for the West Coast. The West Coast is a great place. We do not have hurricanes like the Southeast, but right now we have an economic tornado that is ripping right up and down the coast of California, Oregon, and Washington.

In Washington, our wholesale prices have gone up not twice, not three, not four times, but by a thousand percent. And while those prices have gone up a thousand percent, while people in the State of Washington, 43,000 of them, may lose their jobs this year in the State of Washington due to this economic tornado, what has the Federal Government done for our citizens on the West Coast? Nothing. In January, when we asked FERC to act, they did nothing. In February, in March, in April, they did nothing. In May and today, when we have asked the majority party to join us, nothing has been done.

This amendment would do something meaningful. What it would do is to set a 2-year period of cost-based pricing for wholesale electrical generators. A reasonable thing to do. We would, by this amendment, simply require FERC to order cost-based pricing on the West Coast of the United States for 2 years. That means generators would charge reasonable rates based on their cost. Each generator would get what they have coming to them, which is the cost to generate the electricity, plus a reasonable degree of profit. That is not too much to ask when we have 43,000 people in the State of Washington that may be coming home with no job.

Now, as my colleagues know, finally, after we have drug this administration and my friends across the aisle kicking and screaming to the price mitigation bar, the FERC finally did something 2 days ago. But FERC doing something does not mean that this House should do nothing. Because what FERC did would essentially adopt a price mitigation strategy that may not mitigate anybody's prices.

Look what they did. They said nobody can charge more than a certain price. But the price they picked was the most expensive generator on the whole West Coast, the least efficient generator on the whole West Coast. Mr. Chairman, it would be the equivalent if we had FERC dealing with two high prices in the automobile industry. If we gave them that job, they would pick the cost of a Rolls Royce Silver Cloud as the price for the limit. That would not help any car buyers, and this is unlikely to help consumers on the western coast of the United States. It is likely to be an ineffective proposal.

So what we have done is to do what historically has been done, which is to adopt cost-based pricing. Something meaningful. When we talk about incentives, think about it from this standpoint. If we are going to send a message to the generators of electricity, the message that FERC sent to the generators is they said turn your most expensive, your least efficient, your environmentally dirtiest plants on first. Is that the message that the U.S. Government wants to send to the industry to adopt their dirtiest most expensive generators first? Yet, that is what the FERC order has done.

To those who argue that economics say we should not adopt price mitigation, I want to quote from Dr. Frank Wolak, who studied this effort. He is an economist from Stanford. This scheme, referring to the FERC order, guarantees that consumers pay more for wholesale electricity than they would pay for cost of service pricing. Under the FERC plan, consumers have the potential to pay significantly more than total production costs to receive the same amount of electricity in order to preserve a market clearing price mechanism which provides incentives.

This is not enough. It is time for this U.S. House to act.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, let me give a little history. Price caps in the 1970s were disastrous. Canada controls a large percentage of the energy coming into California. If we put price caps on, there is nothing that controls Canada in resources for selling power. That is why we ended up with gas lines in the 1970s.

My colleagues, look at what Governor Davis has done to stop power generation, yet he is now trying to shift the blame to the White House. The Governor was warned that deregulation and not buying long-term power would be critical to California. He not only rejected it, he killed it. And at the same time the Governor now has millions of dollars from those same energy companies in his personal campaign. I think that is wrong.

The Governor was warned that San Diego Gas & Electric was a private company and they had to buy excess power from public utilities, but they could not because there was no excess power. He rejected it.

The White House offered the California Governor the GE and Caterpillar generators that could produce thousands of megawatts of power. I quote, "We do not need it." The White House offered the Governor help, and each time he rejected it. The White House said if you make a request in writing, we will do a waiver of the California

Clean Air standards just for this emergency period. The Governor would not do that. A year and a half later, he is now thinking about it. We could have turned on 600 generators just for the emergency period, and in the interim worked to clean up those generators.

One generator producer in Los Angeles wanted his license because he cleaned up his system. The Governor said, in response to the gentleman, "If you unionize your shop, I will give you a license." Playing politics. And now the Governor's poll numbers are going down and down and down, and the only thing he can do is try and shift the blame to the White House that was in office 1 week when this hit him.

It has been caused over and over. Some of my critics will say, well, Pete Wilson started it. Gray Davis had the chance to buy long-term power and he did not, and now he is getting campaign money from the very electric companies that are ripping off these folks.

I would say that regardless of what the reason that my colleagues on the other side want price caps, it is detrimental and it will not work, because there is no one that forces those 14 States or Canada to sell power to California. They will sell it elsewhere, and then we will end up with the gas lines like we did in the 1970s.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who was a very critical part of putting this amendment together.

Ms. ESHOO. Mr. Chairman, I thank the gentlewoman from California (Ms. PELOSI) for her great leadership on this issue in the Committee on Appropriations that affects not only her Congressional District, mine, but all Californians.

I rise today as not only the representative of the 14th Congressional District but someone that loves my State. When I hear the word California, I cannot help but smile. It is a great State and we have done and will continue to do great things. But we know that she is a State that is in crisis, and so I join with my colleague from the Committee on Appropriations, the gentlewoman from California (Ms. PELOSI), in the amendment that she offered because it meant and still means relief for California.

□ 1630

Mr. Chairman, all of my colleagues are thinking, Well, the Federal agency did act on Monday. And I salute them for finally ending their sit-down strike because previously they refused to act on behalf of California's energy consumer.

What I rise to speak about today is the issue of refunds. There has been some $8.9 billion which is not penny larceny, by the way, which has been exported out of the State of California, the largest export of dollars since the Civil War from one State to another. What the FERC did in their order was to simply say, in 15 days go before an administrative law judge and somehow settle this.

I think it is the responsibility, and that is why I went to the Committee on Rules last evening to ask for an amendment to be debated on the floor today. They did not make that amendment in order. But what I will be offering is legislation that does deal with a refund. If a consumer goes to Macy's or a restaurant and is overcharged, they are going to seek a refund. Californians deserve it. They have been ripped off, and we seek to have this money returned to the good people of California.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the gentleman for yielding me this time.

This issue of energy in California is perhaps the most critical issue at the moment in California. The gentlewoman from California (Ms. PELOSI) and some of our friends on the Democratic side have come forward with an idea for price caps. I have read the amendment of the gentlewoman from California (Ms. PELOSI). One of the most important things is figuring how do we bring new supply to market, and how do we do it in a manner that is environmentally acceptable.

This week Senator FEINSTEIN has been good enough to speak the truth, and that is perhaps we ought to let FERC's plan work a little bit and see if it actually works, rather than jumping in and imposing another layer of regulatory standards.

Mr. Chairman, I want to enter into the RECORD a letter that I received from Calpine, which is a national company reknowned for its ability to bring efficient, environmentally friendly power to the market.

CALPINE,
Washington, DC, June 18, 2001.

Hon. DOUG OSE,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN OSE: Thank you for your leadership in helping to resolve the severe electricity crisis in California and the West Coast. Your legislation, H.R. 1974, is a responsible attempt to provide the Federal Energy Regulatory Commission (FERC) with the needed tools that will help it in its effort to stabilize Western states electricity markets.

There has been some misguided criticism of your bill as it relates to the price set during certain market conditions. Under your proposal, the price limitations are based on the FERC order of April 26, 2001. These price limitations are set in relation to the least-efficient generation units entering the market at specific times. Some have claimed that this will encourage inefficiency. The reality is just the opposite: by pegging the price to the least-efficient unit entering the market, it rewards those generators who are more efficient. In addition, it allows the power from these less-efficient units to be sent to the grid when it is most needed, thereby preventing additional blackouts. This will be especially important as we enter the summer, which is when peak demand occurs in California and any blackouts could create serious impacts on public health and safety.

By using the least-efficient units for the price limitations, your legislation actually encourages newer and cleaner plants to be construed. Eventually this will lead to the decommissioning of the oldest and dirtiest plants in the state. It should be noted that Calpine's resources are very efficient, as we do not own or operate the types of plants that are the last to enter the market during times of potential shortfalls.

Calpine looks forward to working with you in resolving this crisis. We want a stable market that provides reliable and affordable electricity to all of the citizens in the West. Whenever you need the perspective of a California-based supplier of clean and reliable electricity, we will be pleased to provide it.

Sincerely,

JOE RONAN,
Vice President—Government and Regulatory Affairs.

They clearly state that price caps just are not going to work. They are, in effect, a reward given to the most inefficient, highly polluting plants that can be used.

Mr. Chairman, here is the concept. Under the gentlewoman's bill, we would have generators regardless of their cost basis who would earn a return on their cost. So if they produce at $10 a megawatt, they make a percentage on that. Over here we may have some other producer who can do it for $5, and under the gentlewoman's proposal, they would get a percentage of that. The guy who can bring power to market for $5 is bringing power to California consumers at half the cost of the $10 person.

If we use the technology that is available to us today, we can bring power to the market, we can do it in a way that allows us to use highly efficient conversion of gas to electricity. We can do it in a way that instead of continuing to pollute our environment in California with these traditional sources that the gentlewoman is attempting to protect, we do it with technology that has significantly lower levels of pollution.

That is what we are arguing about here today, whether to protect the dinosaurs using cost-based rates or to move into the 21st century, protect our environment, protect our consumers from price gouging, bring supply to the market and create jobs in California.

Mr. Chairman, I urge my colleagues to reject the gentlewoman from California's amendment.

Ms. PELOSI. Mr. Chairman, I yield myself 15 seconds to comment on the previous speaker's comments.

Mr. Chairman, clearly the gentleman from California (Mr. OSE) does not understand what our amendment does. What he described and its shortcomings is exactly what the FERC did this week, to give standing to the dirtiest and oldest technology and generators, and thereby making the problem that will certainly be skirted by suppliers. My amendment will do exactly what he described we want to happen. If he had an understanding of both of these, he would realize that and support my amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. McDERMOTT), who has been involved in these issues for a long time.

Mr. McDERMOTT. Mr. Chairman, this is not just a California problem. I repeat, it is not just a California problem. We had the Deputy Secretary of Energy before the Committee on the Budget today, and he said in answer to a direct question, this is not only California, it affects the State of Washington.

Mr. Chairman, we are facing 150 percent increases under BPA. We face the loss of 102,000 jobs in Washington State. Electricity that cost $23 a megawatt last year is between $200 and $300 this year. Some of you are feeling fat and sassy in the Midwest or East and saying it is just the Californians arguing about a big problem. The rest of the Nation is also going to get it because there is a grid that connects the whole energy system in the United States. What is happening to us in Washington State, we are only a thousand miles from California, if my colleagues are within a thousand miles, my colleagues ought to be voting for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Energy and Water Development for the Committee on Appropriations.

Mr. CALLAHAN. Mr. Chairman, first of all, I do not know of anyone on either side of the aisle who is opposed to helping California get out of this serious problem they are in, or any of the other Western States as well.

We recognize fully that there is a crisis in the West. We recognize fully that this crisis is going to spread even more nationally. We recognize because of the crisis in California and because of the crisis in the West, that it is causing a domino effect even as low down in the South as Alabama because our rates, too, are increasing simply because of supply and demand.

Let me tell my colleagues, I think this administration is trying to do the right thing. We had this issue that came up in our committee, full committee meeting this past week, and we debated it there and the issue was overwhelmingly defeated in committee. And it was overwhelmingly defeated, I think, because the committee was convinced that the administration is doing everything that they possibly can to eliminate this crisis and to stop those rolling blackouts in California.

Mr. Chairman, we all want to do the same thing. We are all trying to get to the same corner of the room, but I think this is the wrong route to take because if we take this route of price caps, there is no doubt in my mind that we are going to encourage even more problems for California because that eliminates the incentives that are being imposed now by the fact that people recognize there is a shortage. We will eliminate the incentive for conservation if indeed we apply price caps. Indeed, this amendment could ultimately increase the problem in California, and I know that is the last thing the gentlewoman from California wants to do, and it is the last thing that anybody on either side of the aisle wants to do. We want to help.

Mr. Chairman, just this week FERC has imposed some price caps the responsible way of imposing them, for all of the 11 Western States. So the administration is moving very aggressive in this direction to help California. We are going to ultimately provide money for new energy sources that we hope will be developed in California to make this a long-term solution.

We cannot do anything that is going to solve this problem overnight and stop a rolling blackout that is going to take place tomorrow. But we can, by working together, provide the necessary resources and encouragement to California and to the Western States and to the energy providers to eliminate this problem; and that is our long-term goal.

But this, Mr. Chairman, is not the way to do it because this amendment will compound the problems that California currently is undergoing. There has been a lot of talk about blame. Who is at fault? I do not care who is at fault. I do not care that I do not live in California. I know that the people in California are suffering financially because of this and for the inconvenience and the danger in some instances it is causing because of some health problems that cannot be addressed without availability of electricity.

This is something we are going to have to work together, Mr. Chairman, to resolve. And we are going to begin working together to resolve it in the bill that will come to the floor hopefully next week, the energy and water appropriations bill of the Committee on Appropriations. We are going to pump money into this issue. We are going to address some of the other crises that are going to be affecting California, and that is the next crisis of water.

Mr. Chairman, the people in California tell me this is an even more dangerous crisis pending than the electrical crisis. We are going to work together in a bipartisan fashion and try to give California the necessary resources and assistance they need to create a long-term solution and a permanent solution to this crisis that they are in.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I would like to inquire about the time remaining?

The CHAIRMAN. The gentlewoman from California (Ms. PELOSI) has 6¾ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 4½ minutes remaining.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), who is an expert on power generation in our country and has been a tremendous resource to us.

Mr. DEFAZIO. Mr. Chairman, interesting debate; but let us talk about the facts. What the gentlewoman's amendment would do is return us to the system that prevailed in this country for two-thirds of the last century, through the Great Depression, World War II, the oil crisis, and made us the greatest industrial power on Earth. It is cost-based rates, and it goes to every individual generator, unlike the gentleman from California (Mr. OSE) who said this would encourage inefficiency and the dirty plants would operate first and everybody would pay the price. No, that is what the Bush Federal Energy Regulatory Commission did. They said the price will be based on the least-efficient plant, and the most-efficient plant will get that price.

So the gentleman from California (Mr. OSE), now knowing the facts, I am certain, will support the gentlewoman's amendment.

The FERC also found in December that the prices were not just and reasonable. They were violating Federal law. And since that time, we have found wholesale prices 10 times that of 2 years ago. We found Texas-based energy conglomerates whose profits are up 1,000 percent in 1 year. The price of energy has gone from $7 billion to $27 billion in California in 1 year, and that is spreading up into the Pacific Northwest.

Mr. Chairman, the market does not exist. It is being manipulated. There is more and more evidence coming to prove that point. The FERC, by adopting a half-baked proposal, admitted that. It is intervening in a dysfunctional market because of market manipulation and price gouging, but what they have done does not solve the problem.

We need to return to a system of cost-based energy which served our Nation so well for two-thirds of a century. We need full refunds, not the partial, maybe refunds that FERC mandated; and we need something that goes for two seasons in California and two seasons in the Pacific Northwest, not two seasons in California and one season in the Pacific Northwest.

Mr. Chairman, we heard the administration is doing everything. They are doing everything but offending the very powerful and generous contributors who are making money hand over fist from consumers who are experiencing price gouging.

Ms. PELOSI. Mr. Chairman, I yield ¾ minute to the gentleman from Washington (Mr. DICKS).

□ 1645

Mr. DICKS. Mr. Chairman, I rise in very strong support of the Pelosi amendment. This has been a real crisis, not just in California but throughout the West and particularly in the Pacific Northwest. My own utility in Tacoma has increased rates by approximately 50 percent and may be faced with another 50 percent increase because of drought conditions affecting Bonneville Power and its power.

I want to associate myself with the gentleman from Oregon's comments. He is exactly right. The idea that we are going to base the cost of power on the output of the weakest plant and the plant that is the most expensive is an outrage. I think we need to stay with this. We need to get this amendment adopted. I urge the House to support the Pelosi amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding me this time. The assumptions being made in the Pelosi amendment relative to the price caps assumes that one way or another that such price caps are going to make sure that the price of energy in California does not rise. The fact is that the price of energy, our utility bills in California, are rising at this moment and it appears they are going to continue to rise because of a history in California of a considerable lack of leadership in planning in terms of our energy needs and how we might meet those needs.

There is little question that the action taken by FERC this last several days and actually over the last several weeks is a very positive step in the right direction. It was not by accident after the FERC ruling that affects the entire West that my colleague in the Senate, DIANNE FEINSTEIN, made a decision to back off of the approach that she was going to be taking relative to the energy crisis at home. She felt we ought to give it some time to work.

It is very apparent that there is a very real risk that if we impose energy caps, two things will occur. First, we will lay the foundation to undermine the long-range solution, the kind of investment that will allow us to develop energy sources in California that we desperately need. But secondly I would point to a report that came forth today from the Department of Energy that indicates that the proposed wholesale electric price controls in California could double the number of rolling blackouts from 113 to 235 hours and increase the number of households in the dark to about 1,575. Minimizing the number of blackouts ought to be our principal goal because more intense blackouts would greatly imperil the health and safety of California's citizens and would undermine the State's economy at least as much as high prices.

The analysis in this report is that blackouts will be worse and last longer if price controls are established. For those reasons, we should strongly oppose the Pelosi amendment.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

It is very interesting to hear my colleagues from California speak out about this solution to our crisis that we have there. Either they and our colleagues on the Republican side are closing their eyes to a situation which they do not wish to acknowledge, to quote the Music Man, or they refuse to acknowledge the caliber of disaster posed by the exploitation by the power companies who have withheld energy in order to drive up prices to exploit the market and increase costs to the consumers.

This amendment, which is the Inslee amendment, is appropriate to come up on this emergency supplemental because it is an emergency indeed. It does not cost one penny. But what it says is that this body will recognize an emergency. You be the judge. In 1999, Californians spent $7 billion on energy. In 2000, it was $27 billion because of this exploitation. And projected for 2001 is 50 to $60 billion, nearly 10 times.

This is taking a terrible toll on our economy. We will have a revenue bond issue to help cover the cost, to underwrite cost to consumers and businesses, residences and businesses, of about $12 billion, the highest State bond issue ever. What does that mean? It means that our credit rating for our State will be affected by that. And when our State's economy is affected, the economy of the whole country is and certainly that of the western United States as our colleagues from other States in the West have testified to.

We have at this moment homeowners, residences, businesses, which will be driven out of existence. They cannot afford to pay even the cost that is not being underwritten by the State. In some cases their energy bills will go up $400 for a residence and even much more than that for some of the businesses, especially the small businesses will have their very existence threatened. We have 800,000 people who are disabled in California, who depend on energy at all times and will be very affected by not being able to pay their bills and have that source of energy.

So when people want to talk about how we got where we are today, we can have that debate and frankly if we had more time we could have it right here. But the fact is that whatever those reasons, it does not eliminate the fact that power companies withheld energy to drive up the cost, to exploit the market, to have this impact on consumers. So our choice here, Mr. Chairman, is to make a choice between the exploiters and the consumers.

Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Washington (Mr. INSLEE), who with the gentlewoman from California (Ms. ESHOO) and others from this region is the author of this amendment, which as I say I am pleased as an appropriator to offer and thank him again for his leadership.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) is recognized for 1¼ minutes.

Mr. INSLEE. Mr. Chairman, this debate has a bit of an Alice in Wonderland feel to it for this reason: the FERC action of 2 days ago which the administration says they support, which I hear my friends across the aisle say they support, is a price cap. It is a price limitation. It says you cannot spend any more money than this dollar figure of the least efficient, most expensive, dirtiest plant in the whole western United States. It is a cap.

What is wrong with it is it is the wrong cap. It is the wrong limitation. It is like setting the bar at a limbo contest and setting it at the lowest level that Shaquille O'Neal can get through. It is like setting the testing standards for fourth graders, finding the slowest student in America and that is where you set the limitation. It is not going to work, just like the failure of Congress and FERC for the last 6 months. They have not done a darn thing.

I will just close by saying this. There is a famous story, we have heard it, where the grandchild comes to the grandfather's knee and says, "Grandpa, what did you do during the war?" And the grandpa tells his story.

When the majority fail to allow us to offer a refund amendment, when the majority fail to allow us to even vote, even vote on something to do about these absurd, outrageous prices, when the majority insist that we do nothing, when your grandchild asks you what you did in the power crisis of 2001, you can tell them, "Nothing."

Mr. YOUNG of Florida. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I appreciate the gentleman yielding me this time.

Mr. Chairman, I rise again only to say that the history of this is very, very important. Well over a year ago in San Diego, California, as a result of ill-placed policies developed in the State legislature, we found ourselves faced with an energy crisis. Some way, somehow the chairman of our public utilities commission in California advised the Governor that it was not a crisis and as a result of that literally they did nothing. The State legislature and the Governor has done nothing during this last year and a half. Now suddenly they are recognizing the crisis and asking Washington some way to figure out how they got there and how they ought to get out.

The fact is that electrons do not know the limits of San Diego or of California. We are in a regionwide crisis. That crisis is beginning to be dealt with by some actions by FERC, only after long awaiting the Governor and the State legislature to come forth with actions of their own.

Mr. Chairman, there is little question that we face a crisis in the West. But this proposal of price caps will only undermine the short-term efforts that are being made here but could potentially destroy our hope for a long-term solution which involves more and new energy sources in California.

Mr. STARK. Mr. Chairman. California is facing an energy crisis. This problem is not one that California can solve without the help of Federal intervention. The root of the California energy crisis is the soaring wholesale rates for electricity. The spot market price of electricity has increased from $30 per megawatt hour in 1999 to $300 in 2001. Energy prices have soared as high as $1,900 per megawatt hour. For a point of comparison that many of us can better relate to: if the price of a gallon of milk increased at the same rate as California's energy prices, milk that now costs $3 per gallon would cost $190 per gallon. Energy costs are a real problem facing California and our western neighbors. The Inslee-Pelosi amendment can remedy this problem but the Republican leadership will only allow debate on the amendment—they will not allow a vote on the amendment.

Many critics will tell you that price caps hurt the market and will stifle new electrical power generation. However, the Inslee-Pelosi amendment exempts new generating facilities to ensure that the pricing mechanism does not provide a disincentive to new energy generation. The amendment places the Western energy grid under a cost-of-service based rate system. This means that the energy suppliers, most of which are Texas-based friends of the current administration, will be able to recover the cost of producing energy, as well as make a reasonable profit.

The administration realizes that some form of price caps is necessary and allowed the Federal Energy and Regulatory Commission, FERC, to impose a limited price control structure to help mitigate the soaring price spikes. However, more must be done. These energy generators are gaming the deregulated system in order to increase profits, all at the expense of California's families and businesses. FERC has the power to impose effective cost controls now, but they refuse to fulfill their obligation. The recent FERC decision might help California, but price caps are certain to help California's consumers.

Unfortunately, we have a White House that is more sympathetic to the Texas energy producers than to California residents sitting in the dark and the heat, facing skyrocketing electricity rates. The only alternative is congressional action with measures such as the Inslee-Pelosi amendment, since FERC will only provide limited consumer protection.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, as previously announced under my reservation of a point of order, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI. The rule states, in pertinent part, "an amendment to a general appropriations bill shall not be in order if changing existing law." The amendment directly amends existing law. I insist on my point of order.

The CHAIRMAN. The gentleman raises a point of order. Does the gentlewoman wish to be heard on the point of order?

Ms. PELOSI. Mr. Chairman, I do not wish to be heard on the point of order.

The CHAIRMAN. The Chair finds that this amendment directly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to inquire of the distinguished chairman if there are any other authorizations in this supplemental, emergency supplemental bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I would concede to the gentlewoman that there are several that are protected by the rule. This amendment offered by the gentlewoman from California is not protected by the rule and, therefore, is subject to the point of order.

Ms. PELOSI. Would the gentleman be so kind as to inform our colleagues as to how many authorizations are within this bill? Is it something like 30?

Mr. YOUNG of Florida. If the gentlewoman will yield, I will be happy to go through that list and provide that to her in an expeditious time.

Ms. PELOSI. It is my understanding that there are about 30 such authorizations protected by the rule in this emergency supplemental.

Mr. YOUNG of Florida. Any other item that might be considered authorizing on an appropriations bill would have been protected by the rule.

Ms. PELOSI. It is very unfortunate, Mr. Chairman, that while there may be 30 perhaps, the gentleman has not told us an exact figure, but I respect the fact that he will get that information to us, authorizations protected by the rule for this bill, that the majority has chosen to ignore a crisis in California and the western States, our western region as our amendment addresses the West.

This is an emergency for us. Our energy costs have increased 10 times, into the tens of billions of dollars as I mentioned. Hundreds of thousands of disabled people depending on access to energy at all times cannot tolerate rolling blackouts or any other kind, including the high cost of energy. It will have an impact on the credit rating of our State which has now surpassed France as an economy in the world. California has surpassed France as an economy, and we are going to be cavalier about the impact that has on our country and that small businesses and homeowners and residences and all the rest will carry this tremendous burden.

It seems to me our Republican colleagues want to play the blame game instead of trying to find a solution to this problem. No matter how you describe it, the fact is that the suppliers have exploited the market by withholding power to drive up the prices to exploit the consumer. You cannot deny that, as many places as you want to place the blame. The fact is that we have had tremendous growth in our economy in the West. We have also had a real dearth of rainfall and we depend heavily on hydroelectric. There are other reasons why we are in the situation we are in today.

But again I repeat, the remedy that we are suggesting today is for a reasonable cap based on expenses and profit to the suppliers that is just and reasonable. That is what the power law called for. That is what they told and instructed the FERC, the Federal Energy Regulatory Commission, that they could do if there were not just and reasonable rates charged. The FERC determined that the rates were not fair and reasonable. They are almost $9 billion overcharged to consumers in California. With all of that, the FERC has decided to act this week, favoring the dirtiest and oldest technology to make the cap the highest possible cap.

□ 1700

So while they recognize there is a problem, they intervened into the market. They did so in a way that was, as was said earlier by my colleagues, half baked. So for this committee to say that we will object to this on the basis of the fact that it is authorizing on an appropriations bill, when there are at least 30 other authorizations in this bill protected by the rule, but to save the people in the western United States the emergency does not count to us, again we would rather play the blame game than solve the problem, I have serious problems with that, Mr. Chairman. I just wish that the chairman would reconsider his objection on the basis of it being authorizing; but if that is the route the majority chooses to go, as the gentleman from Alabama (Mr. CALLAHAN) said last week, he said the Californians made their bed, then let them lie in it.

The Republicans are making their bed on this issue right now by siding with the exploiters at the expense of the consumers. They are making their bed.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think everybody in this House knows that when I make an agreement, I keep it. As I said, I think everybody in this Chamber knows that if I make a commitment, I keep it. I agreed not to press the point of order at the beginning of the debate so the gentlewoman could have time, and we agreed that each side would have 15 minutes. She had her 15 minutes and then went on to violate the agreement by taking another 5 minutes.

I am not going to respond in kind or rebut this at all; but the point is, the arguments of the gentlewoman from California (Ms. PELOSI) should be made on an authorizing bill. They should not be made on an appropriations bill.

The other authorizing issues she is concerned about are practically meaningless. This is a very significant change of the basic law.

I would suggest to anyone else listening to this conversation that if we are going to violate the agreement that we had earlier in the day, I will press the point of order on everyone at the beginning of the consideration of the amendment, and I will not provide the additional 20 minutes that I have agreed to. If we are going to make a deal, let us keep the deal. Let us do not violate it.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I apologize because I was part of the unanimous consent agreement. I am sure the gentlewoman from California (Ms. PELOSI) did not mean in any way to violate the agreement, but I agree that we should not have violated the agreement.

We have a legitimate agreement to talk about this. As important as it is, I understand the emotion; but I would hope we would be able to continue on with the other agreements that have been made. I apologize that it is such an emotionally charged issue and that we got a little out of hand here.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 2

DEPARTMENT OF ENERGY

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", $140,000,000, to remain available until expended: *Provided*, That funding is authorized for Project 01–D–107, Atlas Relocation and Operations, and Project 01–D–108, Microsystems and Engineering Sciences Application Complex.

AMENDMENT OFFERED BY MR. FARR OF CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR of California:

Page 13, after line 14, insert the following:

ELECTRIC POWER GRID IMPROVEMENT LOANS

The Secretary of Energy is hereby authorized to make direct loans and loan guarantees in an aggregate principal amount not exceeding $350,000,000 for the purpose of improving existing electric power transmission systems within the United States: *Provided*, That such direct loans and loan guarantees may be made only when the Secretary determines that they would maintain or improve electric transmission efficiency, reliability, or capacity necessary to protect public health and safety or to prevent significant economic disruption in regions served by such systems: *Provided further*, That such direct loans and loan guarantees may be made only to States, companies, or other entities according to terms and conditions established by the Secretary: *Provided further*, That such direct loans and loan guarantees may be made only if the Secretary determines that other commercial financial alternatives are not economically feasible: *Provided further*, That, during a period determined by the Secretary that does not exceed 25 years after the date of enactment of this Act, the Department of Energy shall fully recover, and deposit in the general fund of the Treasury, the cost of any direct loan or loan guarantee made under the authority provided in this paragraph in a manner determined by the Secretary: *Provided further*, That no direct loan or loan guarantee may be made under the authority provided in this paragraph until 30 days after the Secretary (1) notifies the Committees on Appropriations in writing of the proposed direct loan or loan guarantee, and (2) certifies that the costs to be borne by the Government are reasonable and that contractual safeguards will be in place to provide reasonable assurance that the Government will be repaid in full on a timely basis: *Provided further*, That nothing in this paragraph may be construed to provide Federal eminent domain over any land acquisition needed to improve existing electric power transmission systems: *Provided further*, That the Secretary may delegate to other Department of Energy officials the administration of direct loans and loan guarantees conducted under the authority provided in this paragraph: *Provided further*, That the total amount provided under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

Mr. FARR of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I wish to make sure that my reservation on a point of order against the Farr amendment is protected.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order on the amendment.

Pursuant to the order of the House today, the gentleman from California (Mr. FARR) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the interesting debate on this emergency supplemental, which appropriates about $6.7 billion to fix emergencies in the United States, I think it is appropriate that it did that; but I want to point out that the debate all session, since we began in January, has been a lot about the California energy problem, and it now recognizes a national energy problem.

If we watch the debate, it has been for 6 months essentially a Washington, White House-led accusation that the problem in California is Californians; that we have not built enough power plants; that we have too many environmental regulations; that it is essentially a State problem.

Californians, on the other hand, have responded that if we look at the facts, we are using the same amount of energy that we used last year, so the demand is not up. If we look at the national facts, California uses less energy per capita than any other State in the United States.

So this debate, it is California's problem on infrastructure and California's response, it is the Federal Government's problem on not being able to control costs.

Well, guess what? Guess what this bill does? This bill recognizes that it is a cost problem. It recognizes that it is a cost problem for our military, our Federal military installations and the men and women in uniform who work for the military bases. They did not say that they have a problem with the way they are conserving energy. They did not say they have a problem with the way they are producing energy. They said, we have a problem with what we are paying for energy. It is a cost problem. So in this bill, we appropriate $6.8 million for the Army to pay its energy bills; and by the way, we waive points of order on that.

We appropriate $7.2 million for the Navy to pay its electrical bills, and we waive the points of order on that; and we appropriate $3 million for the Air Force to pay its electrical bills, for a total of $17 million.

Now, I support that, but I want it to be known that we are being two-faced here when we say we are going to pay for the military and nobody else; nobody else gets any cost reduction.

The last debate was about how a cap is put on those costs, and I think it was an appropriate debate to have.

Now, the amendment that I am presenting is essentially to answer that other accusation. It is, let us fix the infrastructure. Well, Mr. Chairman, in the United States there are about 13 gridlocks. There are places where the power cannot get through the transmission line. There is too much power on one side and a need for power on the other, and it is too tight. It is too old. It is too archaic. This simple amendment would appropriate $350 million nationally to have applications for those funds on the basis that one could not get a loan anywhere else and that the President would have to declare that these, indeed, gridlocks are an emergency.

It is a simple amendment. It has to be paid back in 25 years, and it answers what this accusation is in Washington: let us fix the transmission problems; let us fix the distribution problem.

The reason they need to have a Federal guarantee is because these gridlocks are owned by a whole consortium of companies. No one of them can stand alone and qualify for those loans. It is a complicated ownership. It is so complicated that these transmission gridlocks, which are pointed out in the President's energy report, are a serious problem; so serious that the Secretary of Energy testified that during the summer of 2000 cool weather in the Midwest and hot temperatures in the South created a heavy north-to-south flow of lower-cost energy to serve air conditioning loads. Because the transmission system was unable to accommodate the heavy loads, regions in the South had to rely on inefficient, older generation units at higher prices. Went on to say, high density urban areas such as Chicago, New York and others have also old, inefficient, obsolete power transmission systems. This amendment would fix that.

Mr. Chairman, I suggest that this amendment is exactly putting money where our mouth has been for the last 6 months.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water Development.

Mr. CALLAHAN. Mr. Chairman, I must admit that I am somewhat confused because on the one hand we see a few minutes ago some on the other side accusing the energy companies of price gouging and making excessive profits during this current energy crisis and seeking to impose a cap on those companies and obtain funds for unjust and unreasonable rates, refunds. Now, in the next minute, they want us to feel sorry for these poor energy companies that are so financially strapped that we have to give them a federally guaranteed loan. I know that there are some who think that this might be a good idea, but it certainly makes no sense. Maybe the distinction being proposed is that we should punish those companies and utilities that made successful business decisions and are making a profit and reward those that made bad business decisions by giving them government loans.

We realize that there are some very serious problems with the transmission grid in the West. We know that. I disagree with the Governor of California. When I was out there 2 or 3 weeks ago, I watched television and the only thing I saw the Governor doing in a progressive sense was point his finger at Washington and to tell George W. Bush this is his fault.

What I would like to tell the Governor and the people of California, this is not George W. Bush's fault. It is not the fault of the Congress of the United States. We are the body and he is the President that is going to provide the relief that is absolutely necessary for the crisis that they are in.

So it is not a question of whether or not we are going to help these companies by giving them loan guarantees that admittedly, based on the statement the gentleman has made, these companies are insolvent. So we are going to give them loan guarantees to continue what they are doing now?

No, we are not. We are going to come through, as the President and the Vice President has come through in his energy policy, and give them a reasonable amount of time to develop a coherent and comprehensive plan for the transmission grid.

On the immediate basis, what we have done in this bill and what we are doing, the supplemental before us today takes action on the most obvious transmission grid problem, the bottleneck called Path 15 in California. Our bill provides $1.5 million so the Western Area Power Administration can complete the necessary planning and environmental studies so this project can go forward. So we have done something about the crisis in California. We do it in this bill. We provide for that major bottleneck, an opportunity to do immediate studies so we can help correct them; but we are coming to help.

We are not the enemy. We are friends. George Bush did not create this. The Congress did not, but George W. Bush and the Congress of the United States are going to help our friends and our beloved people of California in that wonderful, beautiful State have the necessary power and the grids to carry that power.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Missouri (Ms. McCARTHY).

Ms. McCARTHY of Missouri. Mr. Chairman, I rise in support of the amendment by the gentleman from California (Mr. FARR). This emergency supplemental is exactly the vehicle that should include measures to address the current energy emergency out West and relieve transmission congestion in the Midwest and avoid similar problems in other parts of the country before we have a repeat of this crisis.

The Committee on Energy and Commerce held several hearings on the electric emergency bill over the past couple of months and identified transmission expansion as vital to California's situation. One of the components of the legislation was expansion of the Path 15 transmission lines that could deliver an additional 1,500 megawatts of power to California from the northwest. That measure identified the need for Path 15 expansion at $220 million. During that hearing, I asked witnesses what stood in the way of getting Path 15 transmission lines expanded and upgraded, and the director of that Western Power Association said, an appropriation.

Mr. Chairman, the Committee on Energy and Commerce did not authorize an appropriation, but the chairman indicated that they felt they had that authorization already. We just need to step up to the plate. So funds to upgrade transmission systems all over our country is the most critical problem we can address today for our Nation's energy future. Besides the efforts to upgrade Path 15, the creation of the loan fund in the Farr amendment will allow for investment in other approaches to upgrade the transmission systems that have lacked commercial support.

I urge adoption of the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we are asked to work in a bipartisan way. The gentlewoman from California (Ms. LOFGREN) has a bill on fusion; my friend, the gentleman from California (Mr. FARR). The President spoke about Path 15 and the inability for us to get power transmission. All the positives that the Members on both sides of the aisle are working together with, if we do not have a way to get that power to our constituents, it is all for naught, whether it is ANWR, whether it is electric, whether it is whatever. That is why I think that this is a good amendment.

My colleagues on my own side of the aisle sought not to support this amendment, but I would say that there are many, many bipartisan supporting activities. The exploration of ANWR, some are against it; some are for. The things that we want to do and look at: clean coal, some are for; some are against. We can take all of these positives that we are working on, and I think people would listen and say we are fighting each other on caps.

□ 1715

I think caps historically are wrong and will be detrimental. But the amendment of the gentleman from California (Mr. FARR) is exactly what the President spoke about in his own power projection plan. That is the reason I rise in support.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman from Alabama said it is not the fault of the Congress. It is the fault of the Congress. It was the 1992 Energy Act, which I opposed, which brought about and enabled the State of California to deregulate and brought about Federal deregulation of wholesale power transmission and generation. It is the fault of the Congress.

They say it is not the fault of the administration. It is the fault of the administration. The buck stops there. The President has appointed a majority of the Federal Energy Regulatory Commission. He appointed the Chair of the Federal Energy Regulatory Commission, who would not do anything, even though his own staff had said they are violating the law, the prices are unjust and unreasonable. So there is plenty of blame to go around on the Federal level.

There should be Federal support to solve this problem. It involves Federal power agencies. The gentleman from another part of the country, he is familiar with TVA. That is a Federal agency. We have WAPA, we have EPA, we have other Federal agencies involved in power transmission in the West. They need funds to enhance that transmission to get us out of this problem and more efficiently use the power west-wide.

What are the jerks at FERC doing? They are proposing a market-based congestion management pricing system which will give us a California every day on the transmission system.

Mr. FARR of California. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes 10 seconds to the gentleman from Washington.

The CHAIRMAN. The gentleman from Washington is recognized for 4 minutes 10 seconds.

Mr. INSLEE. Mr. Chairman, I would like to note the graciousness of the gentleman from Florida (Chairman YOUNG) in allowing us to speak and address this issue in debate today. We appreciate that. But I also want to note that people do not pay us to talk here, although we do that a bit. They pay us for action. And the majority is not allowing a vote by the elected representatives of this Chamber on two or three of the most important issues in the West Coast and that part of the country right now, refunds for consumers and small business people, on inadequate price limitation.

Despite the graciousness on debate of the gentleman from Florida (Mr. YOUNG), which we have had plenty of, we have had plenty of debate, but we are having no votes, and America, in the small democratic tradition, with a small D, ought to have votes.

So I want to yield to the gentleman from Florida (Mr. YOUNG) and ask him a very sincere question: We have many people who have paid literally billions of dollars too much in their electrical bills in the West Coast in the last several months. We have small businesses going out of business because of that.

Does the gentleman join us in asking for a vote on these issues in some bill in the next couple of weeks?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would respond in this way: This is an important subject. This is an important matter. What I am trying to do is to protect the institution, and the institution provides for appropriations bills and for authorization bills. The way to deal with these issues, because they are authorizing in nature, they change the law, is to write a bill, introduce it, take it to the committee of jurisdiction and persuade that committee to bring the bill to the floor.

If we do not do that, what happens is every appropriations bill that comes before the Congress is going to get overburdened with amendments that are not appropriations in nature. At the end of every year, Members complain bitterly sometimes that everything is being held up, we cannot come to a conclusion on this or that. Most of the issues that hold us up at the end of a Congress are legislation on appropriations bills, riders that have no place on appropriations bills. We are trying to protect the integrity of the rules of this institution.

Just one further point: All of these amendments that we are talking about here were presented in the committee, and they were debated at great length in the committee, and in fact there were votes on all of these amendments in the committee. So there have been votes at the Committee on Appropriations level.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I appreciate what the gentleman has to say, but the fact of the matter is we have been trying to get a vote for these through the regular order, through an authorization bill, for over 6 months, while my people are dying on the vine paying these extraordinary bills, and yet the majority has not allowed these bills a vote by this Chamber, the elected representatives.

I want to ask a simple question: I just want to ask the gentleman, will the gentleman help us ask the Republican leadership of this House, bring these bills to the floor for consideration in the next couple of weeks so we can have an up or down vote and see where the votes lie?

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just take the time to advise the gentleman that our leadership knows of the gentleman's concern. As the gentleman has noticed from the debate that has taken place today, there is a strong disagreement as to whether these amendments would actually solve the problem or add to the problem.

Now, this situation deserves hearings, it deserves an opportunity to be investigated by the committee that has jurisdiction and has more knowledge than the Committee on Appropriations.

So, I would be happy to tell the gentleman, the leadership already knows about this debate. I repeat, there is a strong difference of opinion as to what the effect of these amendments would be. Those on our side believe that they would be negative, have the opposite effect of what your side believes. The amendments should be considered by an authorizing committee that has jurisdiction, and they can have hearings and investigate and make the decisions based on what the facts really are.

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for this debate. Let me point out on page 38 of the bill, it says, "The bill includes several appropriations that are not authorized by law and, as such, may be construed as legislative in nature. The bill includes several emergency appropriation designations that may be construed as legislative in nature," and the first three that they list say that language has been included for the Department of Defense, military, in the operation and maintenance, Army, which extends availability of funds for California energy demand reduction, and goes on to repeat that for the Navy and the Air Force. In fact, it goes on and lists 35 waivers.

Now, the point here is that I think that we are all, and this is the problem, we are sort of getting into this blame game, and I hope we can get off the blame game and really help solve the problem.

There has been a suggestion here that in this emergency, which the Secretary of Energy has indicated is a problem, that we ought to appropriate money which the committee of jurisdiction said was an appropriations problem. Here is an appropriations bill that is declared as an emergency that ought to solve that, and points of order have been waived for other provisions recognizing it is an emergency.

That is all that I am trying to point out, is that we have got to deal with the availability of funding. If we are going to talk about infrastructure improvement, let us improve infrastructure. If we are going to talk about cost, let us not just help the military, and I support 100 percent of what we are doing here, but I think we leave it flat by also not helping the civilian community. That is an emergency as well as it is for the military.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as such constitutes legislation in violation of clause 2 of rule XXI.

Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Does the gentleman from California wish to be heard on the point of order?

Mr. FARR of California. No, Mr. Chairman.

The CHAIRMAN. The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

Other Defense Related Activities

Defense Environmental Restoration and Waste Management

For an additional amount for "Defense Environmental Restoration and Waste Management", $100,000,000, to remain available until expended.

Defense Facilities Closure Projects

For an additional amount for "Defense Facilities Closure Projects", $21,000,000, to remain available until expended.

Defense Environmental Management Privatization

For an additional amount for "Defense Environmental Management Privatization", $27,472,000, to remain available until expended.

CHAPTER 3

MILITARY CONSTRUCTION

Military Construction, Army

For an additional amount for "Military Construction, Army", $67,400,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Military Construction, Navy

For an additional amount for "Military Construction, Navy", $10,500,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Military Construction, Air Force

For an additional amount for "Military Construction, Air Force", $8,000,000: *Provided*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

Family Housing, Army

For an additional amount for "Family Housing, Army", $29,480,000 for operation and maintenance.

Family Housing, Navy and Marine Corps

For an additional amount for "Family Housing, Navy and Marine Corps", $20,300,000 for operation and maintenance.

Family Housing, Air Force

For an additional amount for "Family Housing, Air Force", $18,000,000 for operation and maintenance.

Base Realignment and Closure Account, Part IV

For an additional amount for deposit into the "Department of Defense Base Realignment and Closure Account 1990", $9,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 1301. (a) Cadet Physical Development Center.—Notwithstanding section 138 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 524), the Secretary of the Army may expend appropriated funds in excess of the amount specified by such section to construct and renovate the Cadet Physical Development Center at the United States Military Academy, except that—

(1) such additional expenditures may be used only for the purposes of meeting unanticipated price increases and related construction contingency costs and making minor changes to the project to incorporate design features that result in reducing long-term operating costs; and

(2) such additional expenditures may not exceed the difference between the authorized amount for the project and the amount specified in such section.

(b) Limitations and Reports.—No sums may be expended for final phase construction of the project until 15 days after the Secretary of the Army submits a report to the congressional defense committees describing the revised cost estimates referred to in subsection (a), the methodology used in making these cost estimates, and the changes in project costs compared to estimates made in October, 2000. Not later than August 1, 2001, the Secretary of the Army shall submit a report to the congressional defense committees explaining the plan of the Department of the Army to expend privately donated funds for capital improvements at the United States Military Academy between fiscal years 2001 and 2011.

Sec. 1302. Except as otherwise specifically provided in this Chapter, amounts provided to the Department of Defense under each of the headings in this Chapter shall be made available for the same time period as the amounts appropriated under each such heading in Public Law 106–246.

(RESCISSION)

Sec. 1303. Of the funds provided in previous Military Construction Appropriations Acts, $70,500,000 is hereby rescinded as of the date of the enactment of this Act.

TITLE II

OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

GENERAL PROVISION—THIS CHAPTER

Sec. 2101. The paragraph under the heading "Rural Community Advancement Program" in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–17), is amended—

(1) in the third proviso, by striking "ability of" and inserting "ability of low income rural communities and"; and

(2) in the fourth proviso, by striking "assistance to" the first place it appears and inserting "assistance and to".

CHAPTER 2

DISTRICT OF COLUMBIA

District of Columbia Funds

Governmental Direction and Support

(INCLUDING RESCISSION)

For an additional amount for "Governmental Direction and Support", $5,400,000 from local funds for increases in natural gas costs.

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522; 114 Stat. 2447), $250,000 to simplify employee compensation systems is rescinded.

Economic Development and Regulation

For an additional amount for "Economic Development and Regulation", $1,625,000 from local funds to be allocated as follows: $1,000,000 for the implementation of the New E-Conomy Transformation Act of 2000 (D.C. Act 13–543); and $625,000 for the Department of Consumer and Regulatory Affairs to carry out the purposes of D.C. Code, sec. 5–513: *Provided*, That the fees established and collected pursuant to Bill 13–646 shall be identified, and an accounting provided, to the Committee on Consumer and Regulatory Affairs of the Council of the District of Columbia.

Public Safety and Justice

(INCLUDING RESCISSION)

For an additional amount for "Public Safety and Justice", $8,901,000 from local funds to be allocated as follows: $2,800,000 is for the Metropolitan Police Department of which $800,000 is for the speed camera program and $2,000,000 is for the Fraternal Order of Police arbitration award and the Fair Labor Standards Act liability; $5,940,000 is for the Fire and Emergency Medical Services Department of which $5,540,000 is for pre-tax payments for pension, health and life insurance premiums and $400,000 is for the fifth fire fighter on trucks initiative; and $161,000 is for the Child Fatality Review Committee established pursuant to the Child Fatality Review Committee Establishment Emergency

Act of 2001 (D.C. Act 14-40) and the Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Bill 14-165).

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106-522), $131,000 for Taxicab Inspectors is rescinded.

PUBLIC EDUCATION SYSTEM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Education System", $2,000,000, of which $250,000 shall be derived by transfer from the amount provided under the heading "Federal Payment for Plan To Simplify Employee Compensation Systems" in the District of Columbia Appropriations Act, 2001 (Public Law 106-522; 114 Stat. 2444) and $1,750,000 from local funds, to be allocated as follows: $1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school; and $1,000,000, of which $250,000 shall be from the funds transferred earlier in this paragraph and $750,000 from local funds, for the Excel Institute Adult Education Program: *Provided*, That section 108(b) of the District of Columbia Public Education Act, Public Law 89-791 as amended (D.C. Code, sec. 31-1408), is amended by adding at the end of the paragraph the following: "In addition, any proceeds and interest accruing thereon, which remain from the sale of the former radio station WDCU in an escrow account of the District of Columbia Financial Management and Assistance Authority for the benefit of the University of the District of Columbia, shall be used for the University of the District of Columbia's Endowment Fund, and such proceeds may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia."

AMENDMENT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KNOLLENBERG:

Page 19, line 25, strike "$2,000,000" and insert "$14,000,000".

Page 20, line 5, strike "$1,750,000" and insert "$13,750,000".

Page 20, line 6, insert after the colon the following: "$12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school program;".

Mr. KNOLLENBERG. Mr. Chairman, I rise to offer an amendment to allocate $12 million of the District of Columbia's local funds for the city's summer school program. These funds are the city's own money and they are taken from the unobligated surplus funds. This amendment has no cost, no cost, to the Federal Government. Simply put, Federal money is not involved.

I have long held that education is one area that I want to focus on as the chair of the Committee on Appropriations Subcommittee on the District of Columbia. In fact, my first trip into the city to visit some of the local schools and the subcommittee's very first hearing this year was on education.

□ 1730

I am not alone in my attention to the District of Columbia schools. President George Bush and First Lady Laura Bush have visited schools in our Nation's Capital. The First Lady also champions a local initiative that will hire 100 professionals and put them into the city's classrooms.

This amendment is the continuation of this mutual commitment.

For the past few years, the D.C. public school system has received money from the Federal Department of Education, and the officials have been working with them to secure the summer school funds for fiscal year 01. Recently, it has become apparent that the funds will not be forthcoming from the Federal agency for the current fiscal year and local officials have been scrambling to find or address the looming shortfall. After all, if the funds are not available, the summer school doors will remain locked and the kids will not be able to get the education they deserve.

I must confess some disappointment as to how we arrived at this point. The mayor and the city council sent a supplemental package to Congress on May 22, but it contained no money for the summer school program and I think surely someone must have known this was looming.

In fact, I did not receive any notice about the $12 million shortfall until Friday, June 8, nearly 3 weeks after the mayor and the council sent their request to Congress. And I saw no justification or language until the following Wednesday evening, June 13, which was the night before the full committee markup of the supplemental. I know the gentleman from Pennsylvania (Mr. FATTAH) and I were unprepared to address this last Thursday in full committee because details were still coming in at that time and there were remaining questions that had not been answered. Since then, further details have been slow to come, but most arrived just yesterday after some prodding from the gentlewoman from the District of Columbia (Ms. NORTON), and I thank her for that assistance, and now we have what we want. I look forward to working more closely with District officials to ensure that we are provided with materials and answers to questions at the beginning of the process.

Mr. Chairman, if this amendment is not a part of the supplemental bill, then thousands of kids will not be able to attend summer school in the District of Columbia. Regardless of how we got here this evening, it is critical we pass this amendment.

I want to reiterate that the $12 million in the amendment is not Federal money, but merely allocating funds from the unobligated local surplus that the District has accumulated through the careful financial management by Mayor Anthony Williams. There will be no impact on the Federal budget as a result of this amendment.

Mr. Chairman, I urge Members to support the amendment. I yield to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee, for any comments he might wish to make.

Mr. YOUNG of Florida. Mr. Chairman, I want to compliment the gentleman as the new chairman of the Subcommittee on the District of Columbia. He has done an exceptional job in bringing a great communication between the Congress and the District of Columbia.

This is a good amendment. As he said, this is not Federal funds, this is District of Columbia funds. This is a germane amendment, it is an appropriation amendment, and I support the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

I would like to thank the chairman of the full committee for accepting this amendment, along with the ranking member. I brought this up in the committee meeting and with an agreement of the chairman of the subcommittee, we held it back because the chairman assured me and, as is his word, he is here on the floor today, making sure that the 30,000 children in the District of Columbia will be able to participate in summer school.

The District of Columbia has had a renaissance: 4 years of surpluses and upgrades in all of its bond ratings. It has a large cash reserve, and it is really unfortunate that the District even has to come to the Congress to ask to spend its own money on behalf of its own children for summer school. This is the first year, as the chairman mentioned, that it had not received from the Federal Government support for its summer school program, which is disappointing. I am sure that Secretary Paige and the Bush administration, because of their extraordinary commitment to the D.C. schools, next year we will not be in this situation and the Department will provide support for its summer school.

Nonetheless, the District has made a way, and the chairman has made it available through this amendment. I want to thank him.

I also want to say that this would not have been possible without the leadership and support of the gentlewoman from the District of Columbia (Ms. NORTON). I want to thank her for the extraordinary leadership that her office provided.

I wish the superintendent, Paul Vance, well. He is doing a tremendous job. Summer school for these young people will be as important here in the District as it is back home in our districts for the young people there. I want to thank the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, for following through on his commitment made in the committee markup to bring this matter to the floor once we had further information.

Ms. NORTON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I need to rise first to thank the gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member. I thank the gentleman from Michigan for the great attention, for the scrupulous and careful, tough oversight, but always fair oversight he is rendering as subcommittee chair. And I thank the gentleman from Pennsylvania, who brings a profound understanding of the District and its operations, the first big city ranking member we have had in some years now. The chairman and the ranking member have worked so well together, and that is why we are here today.

Let me apologize for taking up the time of the body on whether local jurisdiction can spend its own local money on its own children. I am inclined to think it is pathetic, but this is the procedure that is used here. I hope to have an amendment before this body that will keep this body from spending its time this way.

The superintendent I think held out hope, he is a new superintendent, that Federal funds that have been forthcoming will be forthcoming this year. They were not. Yet, this is the 3rd year of a summer school virtual extension of the school year, and it is extended and expanded because we have so many students who test at basic or below basic and because the first 2 years of this expanded summer school have had such a big payoff in educational achievement. I think the body should commend this pioneering program to other districts, because there is none in the United States that does not need it.

Essentially what it does is to extend the school year here from 5 to 6 weeks with a 20 percent increase from 22,000 to 30,000 students. This means almost half of the school students in the District of Columbia will be in this Summer Stars program. This is a 267 percent increase in the size of the program, with only a 50 percent increase in funds.

The key to the program is a 15-to-1 student-teacher ratio and a 12-to-1 ratio for special education students. The reason the program is expanding is because of the consistent increase in post-test scores over pre-test scores, and in the same significant improvement in the SAT 9 scores. This program is required of every student in the District of Columbia who scored basic or below basic in reading and math. That is the morning program. There is an afternoon program that is optional for children who scored proficient or advanced in reading and math and for all English learners and special education students. Something that works so well and is so well documented I hope will be voted by acclamation. Every child in the United States who needs extended educational opportunities in the summer should have a similar opportunity. I hope Members will look at this program for their own districts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HUMAN SUPPORT SERVICES

For an additional amount for "Human Support Services", $28,000,000 from local funds to be allocated as follows: $15,000,000 for expansion of the Medicaid program; $4,000,000 to increase the local share for Disproportionate Share to Hospitals (DSH) payments; $3,000,000 for the Disability Compensation Fund; $1,000,000 for the Office of Latino Affairs for Latino Community Education grants; and $5,000,000 for the Children Investment Trust.

PUBLIC WORKS

For an additional amount for "Public Works", $131,000 from local funds for Taxicab Inspectors.

WORKFORCE INVESTMENTS

For expenses associated with the workforce investments program, $40,500,000 from local funds.

WILSON BUILDING

For an additional amount for "Wilson Building", $7,100,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For an additional amount for "Water and Sewer Authority and the Washington Aqueduct", $2,151,000 from local funds for the Water and Sewer Authority for initiatives associated with complying with stormwater legislation and proposed right-of-way fees.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", for emergency expenses due to flooding and other natural disasters, $18,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", for emergency expenses due to flooding and other natural disasters, $115,500,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That using $1,900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the project authorized by section 518 of Public Law 106–53, at full Federal expense.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended, $50,000,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For an additional amount for "Non-Defense Environmental Management", $11,950,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For an additional amount for "Uranium Facilities Maintenance and Remediation", $18,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For an additional amount for "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration", $1,578,000, to remain available until expended: *Provided*, That these funds shall be non-reimbursable.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. Of the amounts appropriated under the heading "Operation and Maintenance, General" under title I of the Energy and Water Appropriations Act, 2001 (enacted by Public Law 106–377; 114 Stat. 1441 A–62), the $500,000 made available for the Chickamauga Lock, Tennessee, shall be available for completion of the feasibility study for Chickamauga Lock, Tennessee.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

In title II, at the end of chapter 3, insert the following:

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,000,000, for establishment of a maximum price for wholesale sales of electricity at rates that are unjust, unreasonable, or unduly discriminatory or preferential and to provide for the refund of prices paid in excess of such maximum price, to be derived by transfer from funds made available under title I: *Provided*, That the Director of the Office of Management and Budget shall determine the amount to be transferred from each account in title I: *Provided further*, That the Director shall not transfer any amounts from the funds made available under the headings "Military Personnel", "Defense Health Program", "Family Housing, Army", "Family Housing, Navy and Marine Corps", and "Family Housing, Air Force".

Mr. YOUNG of Florida. Mr. Chairman, I rise to reserve a point of order. Although this amendment was not part of the originally agreed-upon unanimous consent, I will not make the point of order until the gentleman has his 5 minutes, but after he has explained the amendment, I will make the point of order against the amendment.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for his courtesy.

This item, which provides money to the Federal Energy Regulatory Commission for the purpose of establishing cost-base rates in the western region of our electricity grid and to provide for refund of all of the criminal overcharges that California and the West has experienced since last June.

Now, we have debated on this floor amendments similar to this. I would just like to add for my colleagues some information.

I represent San Diego, California, which was at ground zero for the crisis that we are experiencing in the West and, I predict, soon in the rest of the United States. The experience we had in San Diego is that when our retail market was fully deregulated, and I will say to those who say full regulation never occurred in California, it did in San Diego. Both the retail and wholesale prices were fully deregulated, and I will tell my colleagues that within 30 days of deregulation, prices doubled on all businesses and individuals in San Diego County. At the end of 60 days, prices tripled. There was literally a revolution and panic in San Diego. Businesses closed up by the scores. If you were a small business on the margins and you had an $800 bill for your monthly electricity rates, and that bill went up to $1,500 and then to $2,500, there is no way that you can survive.

I will tell the Chairman, a recent report by our San Diego County Chamber of Commerce showed that, and I want my colleagues to listen to this figure, because it is almost unbelievable: Sixty-five percent of small businesses in San Diego County face bankruptcy this year if electricity prices do not come down. Sixty five percent.

Now, I will tell my colleagues when a few percent of businesses are wiped out with an earthquake or a flood or a fire, FEMA and the whole Federal Government is into that area.

□ 1745

Well, where is the Federal government in California and San Diego when this kind of disaster strikes? Not only are we facing business closings, bankruptcies, but individuals on fixed income cannot afford their electricity bills, big businesses cannot afford the uncertainty about the prices.

The biggest employer in my district may close this year, not just because of the potential price increases, but because of blackouts and uncertainty that they cannot keep up their production. This is disaster.

The chairman has in the supplemental bill, and I heard his testimony at the Committee on Rules, the first thing the chairman mentioned was that $750 million of this bill was going for increased energy costs. He recognize that the problem in the West is high prices of electricity.

There were no lectures in this bill about increasing supply or decreasing demand. The chairman reimbursed the military for their high prices. What about the small businesses in San Diego and California? What about the people on fixed income? We need to bring the prices down.

My colleagues on the other side of the aisle and the Vice President and President have said that price controls do not produce a kilowatt of electricity. They do not save a kilowatt of electricity. Hello, we know that, but the Governor of California has a dozen plants online in California to increase capacity. We are now the number one State for energy conservation in this Nation. We are doing our share to increase capacity and bring down demand, but it is the prices that are bleeding us dry. It is the prices.

We paid, Mr. Chairman, $7 billion for all of our electricity 2 years ago. Now last year we paid $27 billion without any increase in demand, though a little increase in cost of production. We have faced bills of between $50 billion and $70 billion this year, a ten-fold increase, a ten-fold increase of prices, with no appreciable increase of demand or increase of cost.

That is the problem, Mr. Chairman. The problem is the prices that are bleeding us dry. They recognize the problem by increasing the military expenditures in this field. We need to bring down the prices for the small business people, for the big business people, for the families on fixed incomes, for all families in San Diego, in California, and in the West, and I will bet soon in the rest of the Nation.

Mr. Chairman, when we brought to the attention of FERC the increase of prices in San Diego, we charged that the electricity cartel was withholding supply. We charged that they were falsifying transmission data to show that there was a problem with supply. We showed that they were laundering electrons.

Do Members know what happened? FERC did an investigation. FERC found, yes, the market was manipulated. The market was manipulated. They found the prices to be unjust, unreasonable, and by Federal power law, illegal. So we have been paying illegal prices, Mr. Chairman, for 1 year. We have been paying illegal prices for 1 year.

When FERC did nothing in November, December, January, February, March, April, or May, what did they tell the electricity cartel? Go and rob the State blind. Go and rob the region blind. Go and rob the country blind. That is exactly what is happening.

I will tell the Members, whether they are in Florida or Pennsylvania, they are going to face this next.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, I insist on the point of order because it proposes to change existing law and constitutes legislation on an appropriation bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part, "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment gives affirmative direction, in effect. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. YOUNG of Florida. Yes, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California (Mr. FILNER) wish to be heard on the point of order?

Mr. FILNER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized on the point of order.

Mr. FILNER. Mr. Chairman, I understand the technical point of order, but my constituents do not understand how a technicality can prevent dealing with this emergency in San Diego and in California.

The chairman knows, and I will not bother to ask, but the chairman knows that there are hundreds if not thousands of provisions that have been on appropriations bills since the gentleman's chairmanship that have been passed through this Congress. The gentleman knows that items which are not authorized are approved.

I heard the gentleman in an earlier statement saying they were meaningless items in this bill. I do not know about that, but certainly in other appropriations bills they have been significant authorizations.

On behalf of my constituents, I would just plead to the gentleman, on a technicality, do not insist on a point of order when we have this emergency that is bleeding us dry. All the small businesses are at risk in San Diego and in California. Please do not send them under.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I will be offering an amendment. We are working with the majority to refine the language.

Mr. Chairman, I ask unanimous consent to be allowed to return to this portion of the bill to offer my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I wonder if the gentleman would speak a little more directly into the microphone and explain what his request is.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, the staffs and Members are conversing about the amendment that I am offering for $23.7 million for dam safety and efficiency improvement. I believe we have reached an agreement, but we do not have the final language prepared. I simply want to preserve the prerogative to return to this point in the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I understand the gentleman's request. He is an important member of the Committee on Appropriations. I certainly hope that the House will accommodate his request.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 24, after line 19, insert the following new chapter:

CHAPTER 3A

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance" for rehabilitation and reconstruction assistance for India, to be derived by transfer from the amount provided in chapter 1 of title I for "Research, Development, Test and Evaluation, Air Force", $100,000,000, to remain available until expended.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Chairman, I do so to reserve a point of order. Although this amendment was not part of the original agreement, I will not make the point of order until the gentlewoman has concluded her 5 minutes on the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. I appreciate the gentleman's statement, Mr. Chairman. Both the chairman and the ranking member are very kind.

Mr. Chairman, as I indicated to the gentleman's staff, I stand here speaking about a disaster that is very far away from Houston, Texas.

It so happened that I began my work with the members of the Indian community, the Indo-American community, in Houston way before the devastation of Tropical Storm Allison appeared in Houston, Texas.

This amendment is responding to the devastation that we are well aware of that occurred some months ago in India, where 18,000 are dead, 166,836 are injured, and 600,000 are homeless.

Although I know a number of my colleagues have been working toward assisting the Nation of India, this is an amendment to add $100 million to the bilateral economic assistance line to provide resources for the rehabilitation of India, after their devastating earthquake last year.

I can only say that it is part of our general attitude in this country of extending our hand of assistance to those who have been devastated. As I indicated to the chairman, I am far away from Houston, Texas, on this particular amendment, but this is a longstanding work that we have been doing.

The Indo-American community has been raising private funds throughout the Nation. They have been trying to independently work to provide resources to their loved ones in India. I am only hoping that, as we proceed through the appropriations process, that we would have the opportunity, though this amendment may be subject to a point of order, that we will have the opportunity to work with the appropriate subcommittee of the Committee on Appropriations to be sure that we provide the necessary resources to help rebuild the devastating part of India that this disaster took place in.

Although today I will come forward again speaking about the devastation in Houston, I would be remiss not to continue the work that I have done with the Indo-American community on trying to assist them and the Nation of India.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. YOUNG of Florida. Mr. Chairman, there will be an appropriate time to consider this amendment. When the authorizing bill is passed, the vehicle will be available.

But at the present time, I must make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. Clause 2 of rule XXI states, in pertinent part, "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment therefore violates clause 2 of rule XXI, and I insist on the point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized for that purpose.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know authorizers and appropriators have to work together. We were hoping this had been authorized and that we could, frankly, find the exchange of funds.

Based upon the chairman's pronouncement, let me say that I will take him at his word that we will work through the appropriating process so that India will be able to have the secured funds that are necessary. Although I would hope that the point of order would be withdrawn, I thank the chairman.

The CHAIRMAN. The Chair is prepared to rule. The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI. The amendment is not in order.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VISCLOSKY:

On page 24, after line 19, insert the following:

SEC. 2302. The amounts otherwise provided by this Act for "National Nuclear Security Administration—Weapons Activities" are reduced by $23,700,000. For an additional amount for "Corps of Engineers—Civil—Operation and Maintenance, General", $23,700,000, to remain available until expended.

Mr. VISCLOSKY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. Mr. Chairman, I essentially would explain the amendment that is for $23.7 million for desperately needed rehabilitation, repair, and safety measures at dams under the jurisdiction of the Army Corps of Engineers.

It is meant to improve the safety, reliability, and efficiency of these facilities that are already in place, and with the recognition that if we can improve efficiency by 1 percent, we can generate an additional $3.3 billion kilowatt hours of electricity without the construction of any additional facilities.

It is my understanding that the majority has agreed to the amendment. I simply want to use my time to thank the gentleman from Florida (Chairman YOUNG), the gentleman from Alabama (Chairman CALLAHAN), and the gentleman from California (Chairman LEWIS), for their deep consideration and approval of this measure.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we have had the opportunity to review the amendment. We find it to be a very positive amendment. For the majority, I accept this amendment.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all my time, but I would like to rise and express opposition concerning the approach that is being taken toward the Federal Emergency Management Administration disaster relief funding.

Already this year we have 27 major disaster declarations across the United States, including the devastating flood in Houston and southeastern Texas caused by Tropical Storm Allison. The damage estimates from this declaration are continuing to go up.

In fact, in today's paper in Houston we see that the estimates now are up to $4.8 billion in losses just from 2 weeks ago in Houston, Texas, and that is not counting the loss in Louisiana and to the southeastern United States, all the way up to Pennsylvania this last weekend.

□ 1800

The provision in this bill to rescind the $389 million in FEMA disaster relief should not be taken lightly, not only to my own constituents in Houston but to all Americans who may suffer natural disasters this year. My colleagues should understand there is an amendment that will make it an across-the-board cut that will restore about $330 million of this; but even with that, there is much to be lost.

In fact, I have a letter from our U.S. Senator, Senator KAY BAILEY HUTCHISON, expressing concern about this cut, but also there is concern that we may be looking at asking for an extra billion dollars for FEMA. Because, again, as of 7:00 a.m. on June 19, yesterday, we had 47,348 claims filed with FEMA in just Houston, Texas, alone.

Again, this is really the early start of it, as my colleagues know who have been through this before. I have not been through it in the Houston area, like some of my colleagues, but the recision funding could hinder FEMA's ability to provide quick and effective disaster assistance, maybe not only in Houston but in future disasters.

Again, the Bush administration expressed concern about this with the Office of Management and Budget in a letter, and I know if we do not do it in this particular emergency spending, because that is what emergency spending bills are about, disaster relief, then we will have to fix it in the appropriations bill, Mr. Chairman; and that is what concerns me.

Mr. Chairman, I have areas in northeast Harris County that literally have been devastated, very urban areas, areas that are very costly to try and even reach some kind of an amount that will help my constituents.

I know there are efforts even now as we stand here tonight that FEMA is offered to try and deal with mosquito control in Houston, because we always have mosquito problems. Now we see that the number of mosquitos is measured by how many landings they have on a person's exposed arm. So anything above 25 is considered dangerous.

If you have your arm outside and 25 mosquitos light on it, and I do not know how many would be willing to take 25, but we have more than that, in fact, four times that rate in Houston, so FEMA has agreed to fund $1.2 million to help spray for the mosquitos. Again, this is just in one area of the loss from Tropical Storm Allison.

Again, I cannot implore to my colleagues, not only on the majority side but on the minority side, to realize that disaster relief is mounting and the recision of the $389 million should not happen; and even the restoration of $330 million with cuts across the board may not be enough.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $50,000,000, to remain available until September 30, 2002, for electric power operations at the San Carlos Irrigation Project, of which such amounts as necessary may be transferred to other appropriations accounts for repayment of advances previously made for such power operations: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $17,700,000, to remain available until expended, to repair damages caused by floods, ice storms, and earthquakes in the States of Washington, Illinois, Iowa, Minnesota, Missouri, Wisconsin, New Mexico, Oklahoma, and Texas: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL PARK SERVICE

UNITED STATES PARK POLICE

For an additional amount for "United States Park Police", $1,700,000, to remain available until September 30, 2002, for unbudgeted increases in pension costs for retired United States Park Police officers.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry", $22,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma, and for emergency pest suppression and prevention on Federal, State and private lands: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $12,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma and to address illegal cultivation of marijuana in California and Kentucky: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for emergency rehabilitation, presuppression due to emergencies, and wildland fire suppression activities: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $4,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Of the funds appropriated to "Operation of the National Park System" in Public Law 106–291, $200,000 for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin, shall remain available until expended.

SEC. 2402. (a) The unobligated balances as of September 30, 2001, of the funds transferred to the Secretary of the Interior pursuant to section 311 of chapter 3 of division A of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115), are rescinded.

(b) Subsection (a) shall be effective on September 30, 2001.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the Secretary of the Interior for the purposes specified in such subsection, to remain available until expended.

SEC. 2403. Section 338 of Public Law 106–291 is amended by striking "105–825" and inserting in lieu thereof: "105–277".

SEC. 2404. Section 2 of Public Law 106–558 is amended by striking subsection (b) in its entirety and inserting in lieu thereof:

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.".

SEC. 2405. Federal Highway Administration emergency relief for federally-owned roads, made available to the Forest Service as Federal-aid highways funds, may be used to reimburse Forest Service accounts for expenditures previously completed only to the extent that such expenditures would otherwise have qualified for the use of Federal-aid highways funds.

CHAPTER 5

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $300,000,000: *Provided*, That these funds are for the home energy assistance needs of one or more States, as authorized by section 2604(e) of that Act and notwithstanding the designation requirement of section 2602(e) of such Act.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; H. Rept. 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Technology Innovation Challenge Grants under the heading "Education Reform", the amount specified for Western Kentucky University to improve teacher preparation programs that help incorporate technology into the school curriculum shall be deemed to be $400,000.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

In chapter 5 of title II, strike the item relating to "LOW INCOME HOME ENERGY ASSISTANCE" and insert the following:

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $600,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

For making payments for "Low Income Home Energy Assistance" under section 2602(b) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(b)), $1,400,000,000, which shall become available on October 1, 2001.

In chapter 9 of title II, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the dollar amount of the rescission, insert the following: "(reduced by $300,000,000)".

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment as agreed to earlier today and that there would be 10 minutes on each side. So, Mr. Chairman, I reserve a point of order until that 10 minutes on each side has been concluded.

The CHAIRMAN. Pursuant to the order of the Committee today, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would provide $600 million in emergency funding for this fiscal year for the Low-Income Heating Energy Assistance Program, the LIHEAP program, and $1.4 billion for fiscal year 2002 in advance funding for the LIHEAP program. Equally critical, it would restore $300 million to the Federal Emergency Management Agency's Disaster Relief Fund.

The LIHEAP program is one of the most critical and successful components of our social safety net. The program provides essential heating and cooling assistance to almost 5 million low-income households, including the working poor, those who are making the transition from welfare to work, disabled persons, elderly and families with young children, the most vulnerable in our society. The price spikes with regard to costs of energy have a disproportionate effect on these vulnerable populations.

They pay 20 percent of their income on energy bills, and that is about four times on average the amount paid by other people. These are folks who are making around $8,000 or less a year.

Mr. Chairman, the $150 million requested by the President and the 300 million included in this bill are inadequate. They do not meet the needs of millions of working families and seniors who are facing unbelievable energy costs, no matter where you go in the United States.

In addition, all of the LIHEAP funds appropriated for this fiscal year have been released and nearly half of the States have already exhausted or nearly exhausted their funding.

Warm weather States facing the prospects of a hot summer will have little relief without immediate emergency LIHEAP funds. The amendment increases assistance to these families by providing this emergency appropriation.

The funds are needed in order to address an immediate problem, an immediate relief for those States who are trying to deal with delinquent energy payments and then preparing for the effects of the summer.

The amendment also provides $1.4 billion for LIHEAP for that appropriation for the year 2002, and we need to do this now so that there is no interruption of benefits for people who are suffering with the high prices.

States need to have the advanced funding so that they can prevent the cuts in benefits, they can determine eligibility levels, and they can enter into contracts when the energy costs are low so that they do not have to pay more when the cold weather hits.

Finally, the amendment would restore $300 million to the Federal Emergency Management Agency's Disaster Relief Fund. These were originally used to offset the $300 million the committee had set aside for LIHEAP assistance.

As my colleagues have said earlier today, most of the South is dealing with the aftermath of Tropical Storm Allison. This storm has caused numerous fatalities and dumped 30 inches of rain in some areas as it has ripped its way from Texas to New England.

Yesterday, FEMA director Joe Allbaugh stated that the costs are now going to exceed $4 billion. They originally talked about $2 billion. As my colleague from Texas pointed out, the Houston Chronicle this morning talked about $4.8 billion, and they are not sure where this number is finally going to land.

This is not the time, not the time to take money away from FEMA; but it is the time when we ought to be strengthening what we are doing here.

If we fail to act now, our most vulnerable population, people who are struggling every single day to pay the high cost of energy, making serious choices in what their lives are about in order to deal with energy costs, they are going to be confronted continually with these skyrocketing costs. We have an opportunity on an emergency basis to do something about it. We should act today.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he might consume to the distinguished gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services and Education.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment. I recognize, of course, that the gentlewoman from Connecticut (Ms. DELAURO), the proponent, is concerned; but let me say that we also recognize there is a need out there.

The President recommended 150 million extra dollars and in the subcommittee action as part of the full committee, we doubled that to $300 million. And effectively, what this means that we have committed for fiscal year 2001 a total of $2.5 billion.

Obviously, you add and add and add; but at some point we have to say this is a reasonable amount, and this recognizes the responsibility of the government and does provide a reserve for the balance of this fiscal year of 300 additional million dollars, plus what was already in the bill.

Last summer, we only used $35 million of the $600 million that was provided in emergency funding, and those remaining funds are carried into 2001, and they are available for this year's program. I think that what we have done is recognize the importance of LIHEAP to those who have fuel problems, and I think in putting in 300 million additional dollars, we understand that and have been very generous in trying to meet those needs.

Mr. Chairman, no one knows exactly what the weather is going to be, but it seems to me that the $300 million represents a very reasonable amount. It is double what the administration recommended. Again, I think it expresses the concern that the members of the Committee on Appropriations have for this program.

I would say to my colleagues that I believe we have been very responsible in providing the $300 million and would reluctantly oppose adding any more to this, because the supplemental is already approaching a large sum of money.

On the issue of advanced appropriations, and that is also part of this amendment, it provides for an advanced appropriation of $2 billion for the LIHEAP program. While I understand there is a desire on the part of the States to have as much advance notice on the funding level as possible for the next fiscal year, I do not think it is a responsible approach to advance appropriate that amount.

Obviously, when we get to the 2002 budget, and I am sure that the gentlewoman understands that, we are going to be as generous as possible in providing for LIHEAP funding for the fiscal year 2002, but I think it is a little premature to put the money out now until we know what the fiscal condition of the government will be; and what happens with the extra money we put in for this year will give us a better feel for what will be needed next year. Fortunately, energy costs are coming down in many areas; and I believe this, too, will be a factor.

We probably will be doing a markup in September, and at that time the Committee would be better able to evaluate the needs of 2002 rather than to start at this point and advance fund the program.

Mr. Chairman, for the reasons I mentioned, I would urge my colleagues to not vote for this particular amendment, because we have already gone the extra mile in putting in the $300 million for this fiscal year.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might just say that the $300 million that was added in is the money that came from the disaster relief account, and we know that that money should not be taken out of the disaster relief account and that the $1.4 billion that is here in my amendment is what the President has requested.

Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I speak in support of the DeLauro amendment. I share her belief that we need to provide additional funding for the LIHEAP program. The State of Maine knows winter very well. Winter in my State has lasted longer than normal. Significant snowfall, colder temperatures, and high heating costs took a toll on many households.

□ 1815

As in other northeastern States, many Mainers rely on oil for their heat. And as we all know, oil prices have been very high. Heating bills were higher than normal, and it was too much for many households to bear. The winter alone, the LIHEAP program served more than 53,000 Maine households, a 20 percent increase over the previous winter. Unfortunately, the benefit was only $432. While appreciated, because of the high energy costs and because of the larger pool of people, we ended up not being able to meet the needs of most Maine families that did qualify.

This is a tremendous social safety program for our Nation's poorest and most vulnerable citizens and it keeps people in their homes, which is something I know we are all committed towards. I think it is unfortunate that we have not given the funding necessary.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time. Obviously, I want to congratulate the gentlewoman from Connecticut for bringing this amendment forward. In Massachusetts, there are 85,000 people who rely on LIHEAP in order to get their fuel. I also want to commend the chairman of both the committee and the subcommittee, because they have taken a look at this and they have increased the numbers somewhat and they are appreciative and sympathetic to the problems that people face.

I think, however, the gentlewoman from Connecticut makes the point that we need more funds than the committee made available. We have large amounts of people that face this problem. One need only talk to the dealers who go out and deliver the oil in the winter to people in my communities to know that time in and time out there are not enough resources there for the people that need these services. So having this money on hand makes an important statement and gives important protection to people.

Mr. Chairman, I would ask that we go forward, approve this amendment both with respect to the LIHEAP monies and also with respect to the FEMA monies that have been asked for, because those situations are upon us, they are real and people suffer otherwise. Again I thank the gentlewoman for bringing forward this particular amendment and urge Members to support it.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise also in support of the DeLauro amendment to double the LIHEAP emergency fund, to increase the non-emergency LIHEAP block grants, and to restore the $300 million to FEMA's disaster relief fund.

LIHEAP is an essential safety net for the millions of low-income families who struggle to heat their homes in the winter and cool their homes in the summer. For these people, this program is a matter of life and death. For these people, many of whom live in my district, they have to choose between putting groceries on their table or heating and cooling their homes. For these people, they have to choose between paying for their prescription drugs and heating and cooling their homes.

We can do much better than this. The President's budget request of $150 million was insulting and dangerous. The $300 million in this bill, while an improvement, we could do so much better. We need the $600 million proposed in this amendment to protect and save those lives that we all say we care about.

Restoration of the FEMA disaster funds also makes sense, especially in light of Tropical Storm Allison. Three months after the President cut vital projects in the FEMA budget, Tropical Storm Allison reminds us all that cutting vital funds for FEMA is a tragic mistake. This is a good amendment. Please support it.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I appreciate her bringing these issues before us.

We are dealing with the two elements of her amendment that actually affect people's lives in the most direct and immediate sense. We are watching, in the aftermath of Hurricane Allison, where we could have up to $4 billion dealing with cleanup and related health costs. The restoration of $300 million I would think would be the minimum that we would do to be able to assure that we have the services that are necessary.

In a time when we are dealing with global climate change, at least the scientific community feels it is not time to study it, we must move for action. Not having adequate energy assistance literally could mean the difference between life and death for poor citizens who choose between air-conditioning and heating and cooling when we have weather extremes as it relates to global climate change. It makes me very nervous.

I appreciate the gentlewoman bringing forth this amendment. I think it can make a huge difference for the people we serve.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I serve as the authorizing subcommittee chairman of the Committee on Energy and Commerce that has jurisdiction over the LIHEAP program. Earlier this year, we were trying to move legislation to help the West Coast with their electricity problem. The gentlewoman from California (Mrs. BONO) offered a LIHEAP amendment authorizing an additional $100 million. The Bush administration later came forward and said they were going to support $150 million. The subcommittee and now the full committee in the supplemental has raised that to $300 million.

If we look at the history of the program and look at the situation both in terms of heating requirements in the colder regions of the country and cooling requirements in the warmer regions of the country for the summer, the amount of additional funding in the pending supplemental should be more than adequate, if we consider the rollover money that is carried forward that the gentleman from Ohio (Mr. REGULA) talked about in his statement several minutes ago.

Also, if we consider that we are going to have a FEMA increase amendment, we think fairly quickly on the floor offered by three Members, which increases FEMA with an offset to the rest of the bill, I think we can handle that part of the amendment of the gentlewoman from Connecticut.

So I know it is well meaning, but I would hope we would follow the committee and reject this amendment and support the Toomey-Tancredo-Flake amendment that should come later and we can act in a responsible fashion. So I would oppose the gentlewoman's amendment.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

Let me just say to my colleagues that this is the emergency supplemental bill. I do not think anyone could deny the whole issue of energy prices, whether someone is from the West Coast, in the middle of the country, or the East Coast; that there has been a severe crisis and an issue with regard to the escalating energy costs.

The fact of the matter is that LIHEAP has proven to be a successful program but always a program that is underfunded, and it does affect the most vulnerable populations in this country. We know firsthand that almost half of the States of these United States are out of money or almost out of money. We have the hot summer months coming up. That we can stand here today and not utilize this vehicle, which is for emergency purposes, to bring some relief to people in this country, I find somewhat mind-boggling.

On the issue of disaster relief, I am not from Texas, I am not from Houston, we got only a piece of what this tropical storm was all about, but I have heard from people on both sides of the aisle, I have been reading and watching the news broadcasts, and the folks in Texas are in trouble. They are in trouble. They keep doubling the costs of what this disaster is going to be. The mosquito problem has just risen, and we have agreed to pay a portion of that. Why do we want to knowingly take money from the program that we know we are going to have to appropriate to help people?

Our job is to represent those folks who send us here, no matter where we are. This is the right thing to do.

Ms. SLAUGHTER. Mr. Chairman, I am proud to join my colleagues in expressing my strong support for an increase in Low-Income Home Energy Assistance Program's (LIHEAP) emergency funding level and advance funding for fiscal year 2002. This advanced funding would allow LIHEAP recipients to purchase home heating oil and natural gas early—during the summertime—when home heating energy prices are lower. Thus, they would get more bang for their buck.

If we have learned nothing over the past year, it should be that short-term thinking does not work. Last winter, I learned about a senior citizen in my district who lives on $515 a month from Social Security. In addition to heavy medical costs, 19.7 percent of her income has to go to paying her energy bills. Unfortunately, I am sure her situation is not unique.

Currently, two-thirds of LIHEAP households have incomes of less than $8,000 per year and even with assistance, the average LIHEAP family already spends over 18 percent of its income on home energy costs, compared with 6.7 percent for all households. Only 19 percent of the households who are eligible receive LIHEAP assistance. At the same time, last winter in my state, forty percent more households were applying for Home Energy Assistance Program grants than the previous year.

I am disappointed that Representative DELAURO's amendment was not made in order. This increase in LIHEAP would be a significant first step toward helping our residents pay for a basic necessity.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order at this point.

The CHAIRMAN. The gentleman is recognized on his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment of the gentlewoman from Connecticut (Ms. DELAURO) because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI.

The Rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and as such constitutes legislation in violation of clause 2 of rule XXI, and I insist on my point of order, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. DELAURO. Just very, very briefly, Mr. Chairman. I say to the Chair of the committee that it is true this additional amount for LIHEAP for this emergency contingency fund is not authorized. However, last year Congress provided a $600 million emergency supplemental for LIHEAP that was also not authorized. If we can overlook the lack of authorization last year, I think when the need is greater this year we can overlook it, particularly because it is of an emergency nature.

I also submit to you, Mr. Chairman, that there are several other provisions in this supplemental that are provisions that have not been authorized and yet they received waivers. I think we could waive the point of order on this issue which affects the American folks so deeply.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill, and any amendments thereto, be limited to the time specified, equally divided and controlled by the proponent and myself as an opponent:

Number one, an amendment to be offered by the gentleman from Pennsylvania (Mr. TOOMEY), as printed in part B of the Rule, for 20 minutes; and an amendment to be offered by the gentleman from Wisconsin (Mr. OBEY) regarding the tax rebate mailing and high-intensity drug trafficking areas, for 30 minutes.

This request has been agreed to by the minority and the majority.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SANDERS: Title II, chapter 5, at the end of the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families Low Income Home Energy Assistance" insert the following:

For "Low Income Home Energy Assistance" under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) for fiscal year 2002, $2,000,000,000.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the Sanders amendment.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes in support of his amendment.

Mr. SANDERS. Mr. Chairman, this tripartisan amendment is cosponsored by the gentlewoman from California (Ms. LEE) and the gentleman from New York (Mr. QUINN). It would provide $2 billion in advance funding for the Low Income Home Energy Assistance Program, LIHEAP, for fiscal year 2002. I understand that the point of order is going to be asked for, and I am very disappointed that this important amendment will not get a chance to be voted upon today.

From California to Vermont, every American knows that energy costs are skyrocketing. LIHEAP is the primary program that provides assistance to help lower-income families pay their energy bills, and there has been no time when more people are going to need LIHEAP assistance than now. According to the National Energy Assistance Directors Association, 19 States have reported that they are either out of LIHEAP funds or have very low balances.

Mr. Chairman, this is simply unacceptable. In the richest country in the world, not one family should go without heat this winter, not one senior citizen should choose between heating their homes or affording their prescription drugs. Not one child should come home to a refrigerator empty of food because the heating bill is too high. But, Mr. Chairman, this is exactly what will happen if we do not substantially increase funding for LIHEAP.

Let me take this opportunity to thank the committee and the chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY) for doubling the President's totally inadequate request for LIHEAP emergency funding, but because of the severe energy crisis that we are in, the committee's number is still far too low.

□ 1830

It should not be acceptable for any Member of Congress or the President that more than 17 million Americans who are eligible to receive LIHEAP have been left behind because of insufficient funding. In fact, since 1985, LIHEAP funding has declined by 70 percent after adjusting for inflation.

Mr. Chairman, at this point I yield to my colleague from California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman may yield to other Members for debate, but may not yield blocks of time under the 5-minute rule. So the gentleman simply has to yield to another Member.

Mr. SANDERS. For approximately 2 minutes.

The CHAIRMAN. The gentleman yields to the gentlewoman for her comments.

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding, and thank the gentleman for pushing forward this Sanders-Lee-Quinn amendment, which would add $2 billion in forward funding for the Low Income Home Energy Assistance Program. The supplemental appropriations bill as written ignores one of our most urgent situations, and that is our Nation's energy crisis which we are experiencing in California, but it is moving nationwide.

We must provide real and meaningful increases for LIHEAP, which help seniors, people with disabilities and low-income individuals and families pay their skyrocketing utility bills. LIHEAP assistance helps people for whom rising energy costs are not an inconvenience, but a real catastrophe.

Currently, only one in three American households that are eligible for LIHEAP assistance receives any support. In California, fewer than 10 percent of the 2.1 million eligible households will receive LIHEAP funding unless funding is increased significantly. State officials assisted as many Californians in the first 5 months of this year than in all of 2000.

Furthermore, at least 19 States have completely exhausted their LIHEAP funds or are almost out of money or in dire need.

We held a meeting in my district in Oakland, California, with the gentleman from Missouri (Mr. GEPHARDT), the minority leader. At our meeting, Members of Congress saw the faces of this crisis. They heard from persons with disabilities, from low-income individuals and families. They heard from people in California who have been paying the price of this crisis for the last year.

Now we have an opportunity to help, help those most vulnerable. Unfortunately, we will not allow, as I understand it, this amendment to come forward. Our Nation needs this. Senior citizens need this. Low-income families and individuals need an additional $2 billion minimum in LIHEAP.

Mr. SANDERS. Mr. Chairman, I thank my colleague from California, and the bottom line is that we appreciate the committee's effort in doubling the President's total inadequate funding. But because energy costs are skyrocketing, let me say in the State of Vermont, the price of propane gas has gone up by 27 percent, kerosene by 47 percent, and heating oil by 56 percent.

When we have these extraordinary increases in the price of fuel, then the LIHEAP program has got to respond. All over this country more people need LIHEAP, and we have to increase funding.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I rise to make a point of order. I make a point of order against the amendment. This amendment is not germane, and as such is a violation of rule XVI, clause 7.

This rule states that: "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

This amendment deals with a proposition different from that being amended; and, therefore, is a violation of rule XVI, clause 7, and I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order. Does the gentleman from Vermont wish to be heard on the point of order?

Mr. SANDERS. Mr. Chairman, yes, I do.

Mr. Chairman, what I wish to say to the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), I hope in conference committee and in my colleague's work with the Senate, can we have some assurance from the gentleman from Florida (Mr. YOUNG), who I know recognizes this problem, when I have some assurance when we go to conference, the gentleman will be representing the House and asking for substantially more LIHEAP funding?

Mr. YOUNG of Florida. I suggest to the gentleman that we will represent the House's position when we go to conference with the other body. During that conference, I expect that LIHEAP would be a subject of consideration.

Mr. SANDERS. Mr. Chairman, I ask the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) to fight as hard as they can for substantially more money for LIHEAP.

The CHAIRMAN. The Chair has heard each gentleman on his own time. Members need to restrict their remarks to the point of order.

The Chair is prepared to rule on the point of order.

The gentleman from Florida raises a point of order that the amendment is not germane. The bill provides supplemental appropriations for various programs for fiscal year 2001. The amendment offered by the gentleman from Vermont provides funding for the Low Income Home Energy Assistance Program for fiscal year 2002. Clause 7 of rule XVI, the germaneness rule, provides that no proposition on subject different from that under consideration shall be admitted under color of amendment. One of the central tenets of the germaneness rule is that the fundamental purpose of an amendment must be germane to the fundamental purposes of the underlying text.

The fundamental purpose of the bill is to provide supplemental funding for programs for the current fiscal year. By contrast, the fundamental purpose of the amendment is to provide an advanced appropriation in the next fiscal year for LIHEAP.

Accordingly, the amendment is not germane, and the point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

EDUCATION FOR THE DISADVANTAGED

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106-554) is amended by striking "$7,332,721,000" and inserting "$7,237,721,000".

For an additional amount (to the corrected amount under this heading) for "Education for the Disadvantaged" to carry out part A of title I of the Elementary and Secondary Education Act of 1965 in accordance with the eighth proviso under that heading, $161,000,000, which shall become available on July 1, 2001, and shall remain available through September 30, 2002.

IMPACT AID

Of the $12,802,000 available under the heading "Impact Aid" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106-554) for construction under section 8007 of the Elementary and Secondary Education Act of 1965, $6,802,000 shall be used as directed in the first proviso under that heading, and the remaining $6,000,000 shall be distributed to eligible local educational agencies under section 8007, as such section was in effect on September 30, 2000.

AMENDMENT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CROWLEY:

In chapter 5 of title II, before the heading of the item relating to "Special Education", insert the following:

SCHOOL IMPROVEMENT PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for "School Improvement Programs" for magnet school assistance, to be derived from amounts provided in title II for "Operation and Maintenance, Army" and to remain available until expended, $25,000,000.

Mr. YOUNG of Florida. Mr. Chairman, I rise to reserve a point of order on the gentleman's amendment; and as a courtesy to the gentleman, I will not exercise that point of order until he has had an opportunity to explain.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Mr. CROWLEY. Mr. Chairman, while I understand that the Parliamentarian will rule this amendment out of order, I would like to take this opportunity to offer my amendment and highlight a key educational issue not only for my district, for the Seventh Congressional District in Queens and the Bronx, but for congressional districts and local educational agencies throughout the U.S.

At the end of my time, Mr. Chairman, I will then withdraw this amendment. My amendment would strike the $25 million under operations and maintenance account of the Army that has been requested for recruiting and advertising for this branch and would transfer this $25 million in badly needed funds to the U.S. Department of Education for the Magnet School Assistance Program.

Magnet schools are specialized theme schools with innovative educational programs, often focusing in specific areas like math and the sciences while also providing some choice to parents and students.

I have become quite familiar with and impressed by the successes of magnet schools after witnessing the students' achievements at Community School District 30 centered in Jackson Heights, Queens, New York in my congressional district.

Community School District 30, which serves the student populations of Astoria, Long Island City, East Elmhurst, Jackson Heights, and parts of Corona and Woodside in Queens, is home to the most diverse ethnic population in the United States, according to the U.S. Census. These communities house over 120 ethnic groups and languages, making the ability to serve all of the educational needs very, very challenging, to say the least.

But Community School District 30 has proven that serving these children is not impossible. They have achieved a number of successes through the operation of magnet schools. In the case of School District 30, they have created an interactive intra- and interschool learning community, employing all of the stakeholders in this issue: teachers, parents, students, and local universities.

My amendment will provide additional funding to increase assistance to School District 30 and other local educational agencies to create and/or expand magnet schools in their communities, whether they be urban, suburban or rural.

It is my hope that as this bill works its way through the process, that this Congress will find an additional $25 million for the Magnet School Assistance Program for the Department of Education.

Mr. Chairman, I yield to my friend and colleague, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding, and I rise in strong support of his amendment. I also rise today with strong concerns about the supplemental appropriations bill. While I agree there are a number of items on the bill that need increased funding, I am disturbed that this funding is at the expense of a very important program, the Workforce Investment Act, which was cut, and that there are other important items that need to be funded, such as education. We all know that nothing is more important to our children's future than education. This amendment would strike $25 million from the operations and maintenance, and transfer these very much needed funds to the Department of Education for the Magnet School Assistance Program.

Many of the students in my district in Astoria, Queens, attend magnet schools, specifically School District 30 which serves a very diverse school body in Queens, had received a magnet grant several years ago; and they were in fact in competition for yet another magnet grant this year.

Because of their high performance, their increased scores in math and English, I am certain that they would have received the grant; yet the Board of Education ran out of money.

So this funding, this $25 million, is needed tremendously. I am also very concerned that this bill cuts the Workforce Investment Act, which provides job training, related services to low-income persons, dislocated workers and other unemployed or underemployed individuals.

This program had trained and helped many of the young people in the district that I have the honor of representing, specifically the Stanley Isaac Neighborhood Center, the Boys and Girls Club of Queens. Both of these programs were funded by WIA, and now I wonder whether or not they will be funded in the future because this very important program trains our young people for jobs. I speak very strongly in support of the $25 million for education, my colleague's amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I rise to make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 19, 2001. That was House Report 107–104. This amendment would provide new budget authority in excess of the subcommittee's suballocation made under section 302(b) and is not permitted under section 302(f) of the act, and I insist on my point of order.

The CHAIRMAN. The gentleman from Florida wishes to pursue his point of order. Does the gentleman from New York wish to be heard on the point of order?

Mr. CROWLEY. Mr. Chairman, no. I withdraw my amendment.

The CHAIRMAN. Without objection the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Special Education

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; H. Rept. 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Special Education Research and Innovation under the heading "Special Education", the provision for training, technical support, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region shall be applied by substituting "Easter Seals—Arkansas" for "the National Easter Seals Society".

Education Research, Statistics, and Improvement

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking "$139,624,000" and inserting "$139,853,000".

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; H. Rept. 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to the Fund for the Improvement of Education under the heading "Education Research, Statistics and Improvement"—

(1) the aggregate amount specified shall be deemed to be $139,853,000;

(2) the amount specified for the National Mentoring Partnership in Washington DC for establishing the National E-Mentoring Clearinghouse shall be deemed to be $461,000; and

(3) the provision specifying $1,275,000 for one-to-one computing shall be deemed to read as follows: "$1,275,000—NetSchools Corporation, to provide one-to-one e-learning pilot programs for Dover Elementary School in San Pablo, California, Belle Haven Elementary School in East Menlo Park, California, East Rock Magnet School in New Haven, Connecticut, Reid Elementary School in Searchlight, Nevada, and McDermitt Combined School in McDermitt, Nevada;".

CHAPTER 6

LEGISLATIVE BRANCH

Congressional Operations

House of Representatives

Payments to Widows and Heirs of Deceased Members of Congress

For payment to Rhonda B. Sisisky, widow of Norman Sisisky, late a Representative from the Commonwealth of Virginia, $145,100.

For payment to Barbara Cheney, heir of John Joseph Moakley, late a Representative from the Commonwealth of Massachusetts, $145,100.

Salaries and Expenses

For an additional amount for salaries and expenses of the House of Representatives, $61,662,000, as follows:

Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, Allowances and Expenses

For an additional amount for Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, and Allowances and Expenses, $44,214,000, with any allocations to such accounts subject to approval by the Committee on Appropriations of the House of Representatives: *Provided*, That $9,776,000 of such amount shall remain available for such salaries and expenses until December 31, 2002.

Salaries, Officers and Employees

For an additional amount for compensation and expenses of officers and employees, as authorized by law, $17,448,000, including: for salaries and expenses of the Office of the Clerk, $3,150,000; and for salaries and expenses of the Office of the Chief Administrative Officer, $14,298,000, of which $11,181,000 shall be for salaries, expenses, and temporary personal services of House Information Resources and $3,000,000 shall be for separate upgrades for committee rooms: *Provided*, That $500,000 of the funds provided to the Office of the Chief Administrative Officer for separate upgrades for committee rooms may be transferred to the Office of the Architect of the Capitol for the same purpose, subject to the approval of the Committee on Appropriations of the House of Representatives: *Provided further*, That all of the funds provided under this heading shall remain available until expended.

OFFICE OF COMPLIANCE

Salaries and Expenses

For an additional amount for salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $35,000.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For an additional amount for authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $11,900,000.

Government Printing Office Revolving Fund

For payment to the Government Printing Office Revolving Fund, $6,000,000, to remain available until expended, for air-conditioning and lighting systems.

LIBRARY OF CONGRESS

Salaries and Expenses

For an additional amount for salaries and expenses, Library of Congress, $600,000, to remain available until expended, for a collaborative Library of Congress telecommunications project with the United States Military Academy.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $30,000,000 are rescinded.

☐ 1845

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Jackson-Lee of Texas:

Page 37, line 14, after "$92,000,000" insert "(reduced by $50,000,000)".

Page 44, line 25, after "$389,200,000" insert "(reduced by $50,000,000)".

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order and advise the gentlewoman as a courtesy to her that I will not raise the point of order until she completes her explanation.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

Ms. JACKSON-LEE of Texas. I thank the chairman very much and again the ranking member.

Mr. Chairman, I do not know how I can capture a visual for this House. So many Members have come to the floor of the House in times of need of their respective communities. I believe that the most potent statement that can be said about what happened in Houston, Texas as we have followed the devastating pathway of Tropical Storm Allison is that nobody knew. It has gone from the heart of Texas in the Houston and surrounding areas east to New Orleans, Louisiana and other places and up the East Coast, even to the extent of matching its wits for the States in the mid-Atlantic and Northeast. We too were unaware of the devastation that occurred.

But let me say to you, Mr. Chairman, we are in need. We really need this House to act. We have got now some $4 billion in damage in Houston, Texas; 32,000 plus homes are devastated and people are out of their homes. We were declared a disaster for personal aid as well as infrastructure. And the FEMA director is back in the community today. He traveled with us about a week ago, and he indicated at that time he thought there was enough money. But I am very glad that he is back again because we are realizing that we do not have enough money and after there is the $300 million plus rescission or money taken out of FEMA, I know we will not have enough money. In fact, we believe that with all FEMA has to do around the Nation, they only have $1.1 billion left, I do not see how in the world they are going to be able to function.

There is an amendment that adds the $300 million plus, $389 million. I do not know where Texans will be primarily because it is devastating to the other parts of the bill, but I have a letter here, Mr. Chairman, and to the chairman from the Senator, United States Senator KAY BAILEY HUTCHISON, who is begging us not to take the money out from the other body, if you will, a letter that I would like to offer into the RECORD.

U.S. SENATE,
Washington, DC, June 20, 2001.

DEAR ——: As we recover from the devastation of Tropical Storm Allison and brace ourselves for the upcoming hurricane season, I am writing to enlist your support for ensuring that the Federal Emergency Management Agency (FEMA) remains ready to respond.

As you may know, the House Appropriations Committee recently approved its Supplemental Appropriations Bill for Fiscal Year 2001. In that bill, the House Appropriations Committee included a $389 million rescission of FEMA's current disaster relief funds. This rescission is opposed by the Bush Administration.

In terms of economic impact, Tropical Storm Allison is proving to be one of the largest natural disasters in U.S. history, with over 50,000 homes and hundreds of businesses destroyed or damaged in Southeast Texas alone. Furthermore, several vital area hospitals and major academic research facilities have been heavily damaged, with some currently closed.

The preliminary overall damage estimate from the storm and the record flooding it caused in Texas is in excess of $4 billion. While at least $2 billion of this amount may be recoverable through FEMA, those payments will likely meet, if not exceed, the amount FEMA currently has in its disaster relief and contingency accounts.

In light of this situation, I ask for your assistance in supporting any efforts on the House floor to eliminate the provisions in the Supplemental Appropriations Bill that rescinds FEMA's disaster relief funds. In addition, as Congress continues to consider the Supplemental Appropriations Bill, I would like your support in going a step further by ensuring that FEMA's disaster relief resources are replenished in order to make up for the substantial costs the agency is now incurring due to Tropical Storm Allison. I am working with Joe Allbaugh to determine an appropriate reserve amount.

Please feel free to contact Natasha Moore of my staff at 224-5922 if you have any questions. Thank you for your consideration.

Sincerely,

KAY BAILEY HUTCHISON,
U.S. Senate

Mr. Chairman, my amendment makes an attempt to add $50 million to deal with the displaced elderly in our community who cannot stay in these shelters much longer. The physically challenged, the young families, the women who are expecting are in shelters and they need to get temporary housing assistance. As was already noted, we have a devastating mosquito problem. The mosquitoes are practically taking over our community. We have houses that have yet to begin to get repaired. It is going to be a long period of time. This is not the time to cut FEMA.

This amendment is a reasonable amendment. Though I may be, I guess, apt to, with the reservation of the point of order, withdraw this amendment, I hope that I have been able to create a visual of the urgency of what we have got to do. And so I would like to yield to common sense, I guess, and to take this amendment now off the table and to be able to yield to the chairman of the Committee on Appropriations for a colloquy.

I hope I have adequately, Mr. Chairman, described the enormous devastation. He noted that I was on the floor previously about India. I told him I had been working on that. I did not want there to be a misunderstanding of the importance of all of these issues. But now I come to him pleading for the people of Houston and surrounding areas regarding this. I rise for the purpose of the colloquy or I am standing here with the gentleman from Florida (Mr. YOUNG) regarding as I have described to him the enormous impact of a tropical storm that was unexpected and certainly not an incident, if you will, or a factual basis of which we in Houston have had much experience. We have had our hurricanes, we know how to get out of the way, but this tropical storm really has devastated our community.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I want to confirm here on the floor our conversation earlier that we have a great deal of sympathy for the enormous relief efforts taking place in Houston as a result of Tropical Storm Allison. I applaud the gentlewoman's efforts in doing everything possible to make sure that the United States House of Representatives helps Houston recover from this disaster. I would add that this Congress has never refused to meet the requirements and obligations to a natural disaster in our country and many other parts of the world. We are working together on this.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much. As I indicated to him, I am questioning whether we have enough money, but I am very hopeful.

Mr. YOUNG of Florida. Mr. Chairman, I rise to strike the last word. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I hope that we can provide adequate funding for the damage done by Tropical Storm Allison to Houston and the surrounding areas. This is critical to the people of the 18th Congressional District that have suffered so immensely as a result of the storm.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentlewoman that there is no doubt in my mind that there are currently adequate resources to provide all appropriate resources and necessary assistance for her constituents. I will work to guarantee that that remains the case. And even after this rescission, there is $1.6 billion remaining in that emergency fund. Should that not be sufficient in the future, we will react quickly to make sure any emergency is dealt with.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the practicality of what we are doing here today is to get help for Houston. Realizing that, I am going to withdraw this amendment because I have received from him and the members of the committee and the ranking members their sincerity about working with us, rolling up our sleeves and trying to bring home to Houston some sense of relief. I want to thank the gentleman for his support and look forward to working with him.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $92,000,000, to remain available until September 30, 2002.

CHAPTER 8

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $49,576,000, to remain available through September 30, 2002.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount for "Processing, Assistance, and Management", $66,200,000, to remain available through September 30, 2002.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of chapter 8 of title II, insert the following new provision:

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "High Intensity Drug Trafficking Areas Program", to be derived by transfer of amounts provided in this chapter for "Internal Revenue Service—Processing, assistance, and management", $30,500,000, as authorized by law (21 U.S.C. 1706).

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. I thank my distinguished colleague, the ranking member on the Committee on Appropriations, for yielding me this time.

Mr. Chairman, we speak often in this body about the need to reduce waste, fraud and abuse, and unnecessary spending. Yet today's bill includes an example that is wasteful, that I believe is an abuse of funds, and that is clearly unnecessary spending.

Included in this bill is a measure that would apparently provide up to 20 to $30 million to send a letter to the American people telling them something they already know for purposes which can only be described as blatantly political; 20 to $30 million to tell the American people that they are pleased to inform them that the United States Congress passed and President George Bush signed into law the Economic Growth and Tax Relief Reconciliation Act which provides long-term tax relief.

The American people know that. I can right here save the American people $29,999,999.75 by telling them take 25 cents, buy a newspaper, read about the tax bill, and you will know everything that you would receive in this letter.

We should not be spending this kind of money on unnecessary political propaganda. It is the worst example of waste and abuse of government spending. The gentleman from Wisconsin (Mr. OBEY), who I want to commend and I wish he did not have laryngitis because I would love to hear what he would have to say were he empowered to speak on this today, but he has correctly identified the problem and he has proposed a much, much better use of these funds.

In my district in southwest Washington, we have got an explosion of methamphetamine labs, literally explosions of those labs, a doubling of meth busts every single year. People are being exposed to the dangerous drug methamphetamine, to black tar heroin, and the gentleman from Wisconsin has correctly recognized that there is a need for additional funding to expand the high intensity drug trafficking areas to help fight these scourges.

Mr. Chairman, if you ask the American people, would you rather put $30 million towards battling the scourge of drug abuse, toward protecting our children and our families and our schools, or would you rather receive a letter telling you something you already know?

□ 1900

I know exactly where the American people would stand. The American people would say, do not waste the $30 million of our taxpayers' money. Put it instead to something productive like high-intensity drug trafficking areas, as the amendment of the gentleman from Wisconsin (Mr. OBEY) would call for.

Mr. Chairman, it is indeed time to stop wasteful and unnecessary spending in government. We can begin today by passing the amendment from the ranking member and the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. SUNUNU), a distinguished member of the Committee on Appropriations and the Committee on the Budget.

Mr. SUNUNU. Mr. Chairman, I appreciate the comments that were provided in offering this amendment, but I think they were at least a little bit misleading. There was reading from the notice itself, and I think that was fair. In point of fact, it was really only the first sentence. The notice includes a lot more information than just the fact that a tax relief bill was passed. What the notice attempts to do is to include helpful, useful information to taxpayers and to ensure that as we go forward mailing out rebate checks, which were supported by dozens of Members on the minority side, that we do not have mass confusion.

The notice informs the taxpayer as to the amount of the rebate check. It informs the taxpayer how this amount was calculated, because every taxpayer is not going to receive an identical check. The rebate will be based on the taxable return that was paid for the year 2000.

The notice includes information as to whether or not the rebate check is reportable as income when they go to next pay their taxes. If one receives a $300 check or a $600 check, unfortunately for a lot of people there will be confusion as to whether or not they have to pay taxes on this rebate.

It also gives information to the taxpayer as to what they should do if they have questions, a phone number, a Web site, so that they can follow up if they need additional information. Providing a taxpayer with this important information is not abusive. Providing a taxpayer with information about how to get their questions answered is not fraud. I certainly do not believe that the employees of the IRS would consider the work that they do to deal with confusion or questions to be fraud, to be abusive, which is exactly why the National Treasury Employees Union has written opposing the kind of cut that is trying to be put through on the floor today.

Is it wasteful? Well, we can go back to the old television commercial, you can pay me now or you can pay me later. If taxpayers are not given information about how this rebate is being calculated, whether or not it is taxable income, how to get their questions answered, then when all of these checks go out the IRS phone lines are going to be flooded, or there are going to be complaints, and there is going to be a significant amount of cost incurred by the customer service representatives at the IRS trying to sort out that confusion.

We can pay for it now to make sure that they have the information that is needed, or we can pay later in the form of much higher calls required, much higher cost of customer service. I think it makes sense. I think it is fair planning to deal with it now, to deal with it in this fiscal year, when the checks are going to be sent out.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SUNUNU. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I would ask the gentleman from New Hampshire (Mr. SUNUNU), he says some of this information, for instance, whether or not it is taxable and the amount, have to be told to people. I would guess most people would be able to tell the amount when they looked at the check. As far as whether or not it is taxable, why could a little thing in the same envelope not be included in the rebate check that said, this is not taxable? Why does there have to be a separate mailing?

Mr. SUNUNU. Mr. Chairman, to address the gentleman's first point, what I said was there is information about how it is calculated, because while the headline in the Washington Post or the New York Times may be $300 a person, $600 a person, that is not technically correct. I know it is a surprise to Members on both sides of the aisle that the New York Times may not have gotten the headline right, but not everyone is going to receive the same check.

So there is information about how it was calculated and information about whether or not it is taxable.

Mr. FRANK. Why could not it be put in that same envelope that the check came in? Do they need a lot of advanced notice to prepare them for it?

Mr. SUNUNU. I think it serves the taxpayer well to have advance information. From the IRS's standpoint, the processing of checks may well be done differently than the processing of a notice like this. Why not give the taxpayer the information ahead of time before they receive the check?

Mr. FRANK. Because it costs $30 million is why.

Mr. SUNUNU. I do not think it is unreasonable.

Mr. OBEY. Mr. Chairman, I yield 4½ minutes to the gentleman from Maryland (MR. HOYER).

Mr. HOYER. Mr. Chairman, I thank my silent ranking member, the gentleman from Wisconsin (Mr. OBEY), for yielding those quiet 4 minutes.

Mr. Chairman, I will not be quite as quiet. First of all, it is interesting that this administration that wants to send out this check did not ask for this money to be sent to the taxpayer this year. This essentially was an initiative on this side of the aisle to make an immediate payment, number one. Of course, the letter does not go into that slight detail. It would be inconvenient to do so, I understand.

Secondly, it is their money. It is their money, and we ought to spend it carefully. So we are sending a letter telling them they are going to get a check. It is not taxable; and by the way, they do not have to do anything. The taxpayer will be overwhelmed with that information, without which think how at sea they would be.

They do not have to do anything. There is no answer, and the gentleman who is extraordinarily bright and able, struggled for an answer to the question of the gentleman from Massachusetts (Mr. FRANK). Why is the check and the information not sent in one envelope and save $30 million of their money?

Now, $30 million is a lot of their money. This amendment is opposed by the NTEU, the National Treasury Employees Union. Do we know why? Because they are fearful that the administration's desire to send out this money, and by the way the conference that included no Democrats, this is not in the statute, they do not have to do this statutorily. They have to do it in the conference report. I guarantee, maybe two people on the House floor knew that was the case when they voted for this bill. Maybe. I do not want to ask the chairman whether he knew or the ranking member whether he knew. I did not know, I will say, and I am the ranking member of the subcommittee.

Nobody knew this. It is in conference report language; and by the way, the conference report does not even direct that it be done. It says, we expect that it will be done.

What the Treasury employees are worried about is, if this money is taken out, the letter will be sent anyway and make the Treasury employees eat it. Cut the costs of the IRS because you want to impose this Dear Taxpayer, George Bush is giving you some money back. In another context, this might be called $30 million of public financing of campaigns which, of course, President Bush and the minority side are very much against; and in my opinion probably most taxpayers are against that as well, but that is what is happening. We are spending $30 million as a campaign letter.

Now, the gentleman from New Hampshire (Mr. SUNUNU) fully knows that 1-800 number could be included in the mailing of the check. Let me say, when they get the check is when it is going to motivate them to call. So if we think we are saving money on calls, we are going to have to look at that when the committee marks up this bill later on, because I guarantee it will not. Why? Because there will be certain people who will look at this letter and say, oh, that is nice; not do anything, not take any action, not really have any knowledge. But when they get the check, that is the operative time that the taxpayer will get interested. If he does not get the $300 or they do not get the $600, they will pick up the phone and say, why not? Hopefully we will answer them.

If they do not and they call and we use this $30 million to mail them this what we believe to be a political notice, if they do that then we are going to have 30 million less dollars that they could use for taxpayer service.

We passed the reform bill, said we wanted to be taxpayer friendly, which meant the ability to answer phones. Sending this money off this way will undermine our ability to serve our taxpayers well. I urge a vote for this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would, in the same tone that my friend, the gentleman from Maryland (Mr. HOYER), just spoke, I would like to say to him and to all the Members that if we wanted to be political about this what we would have done would be to have all the checks delivered to those offices of the Members who voted for the tax cut and let them send out the checks with a little message to their constituents. Now that would have been political.

The way we are doing it now is really not political, and I think it is important that people understand in plain English what this is all about.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate that. The gentleman from Florida (Mr. YOUNG) told me that in private as well. I think that is an interesting observation and option. It is the difference between blatant and subtle, I would suggest to my chairman.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time he may consume to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, in addressing some of the concerns raised, particularly with regard to the employees at the IRS, I think rather than characterize what their motives might be, it is best to go right to the source.

In a letter from the National Treasury Employees Union, it was made clear what the concerns were. Simply put, quote, "the IRS has great difficulty responding to all the telephone calls from taxpayers with questions. The volume of calls will increase dramatically as anticipation of rebate checks grows. Providing taxpayers with a notice in advance will hold down the increase in calls and prevent a significant decrease in the IRS' ability to provide customer service."

It is also stressed in the letter, which comes from the National President of the employees union, that the IRS has indicated, the agency, not Congress but the IRS itself, that it may go forward with a notice on the tax rebate even if the funds to mail it are not provided or are reduced. So this is a decision that the IRS is likely to make of its own accord because the agency understands it is important. The union itself recognizes, and the employees recognize, that if the notices do not go out that the burden on customer service will be significant. In the end that will not be in the best interest of taxpayers because the costs associated with that confusion are just as likely to be greater than what this expenditure calls for.

□ 1915

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I want to start in a spirit of bipartisanship with congratulations. I congratulate the chairman of the Committee on Appropriations on the restraint he says he showed in not having Members individually send out the checks to the constituents. It might have been a violation of the separation of powers. I admire his doing that.

Until he just smiled, I was going to congratulate the gentleman from New Hampshire for keeping a very straight face during this entire proceeding. Were I he, I could not have done so.

I welcome this in some ways. Let us be clear what we are talking about. It is a letter that begins not with telling you that it is not taxable or how it was calculated, but by telling you that this is a present to you from George Bush. It comes to you from George Bush and the Congress.

Now, I in one sense must tell you for self-interests welcome this. For some time I have been distressed that politically self-serving mail is known as "franked" mail. I have been upset to be a synonym with the use of taxpayer money to send out blatantly self-serving mail.

But, from now on, that mail will no longer be thought of primarily as franked mail. It will be "bushed" mail; not bush mill, bushed mail, because the $30 million in this one fell swoop will be a greater exploitation of the taxpayer's money for political purposes than ever before.

Now, I had this question as to why it could not be included, there are two important pieces of information; how it was calculated. By the way, according to the letter, how it is calculated is on the back of the letter, so that none of the things on the front of the letter are relevant to that. Secondly, people need to know it is not taxable.

Well, that could have been put in the same letter, I thought. But then I read what the gentleman said to the New York Times about it, and maybe this explains it.

My question is, why could you not simply put into the same envelope, "this is not taxable," and then include that about how it was calculated? Why do you have to tell them that President Bush did it, and Congress did it, and it is part of the long-term tax relief? There are a number of things in here that have no relevance to that.

The New York Times article is very interesting, because Mr. Keith, a spokesman for the wholly autonomous Internal Revenue Service, which apparently decided on its own to do this favor for the President, and that is a degree of loyalty that he inspires in his employees that is truly inspirational in itself, but he says, "I would point out that the letter contains the information that we believe the taxpayer needs." But then in an indirect quote, "including the size of the check."

Now, I had thought that meant the dollar amount. But, on the other hand, that would be too stupid even to try and pretend, because the way the average person would tell what was the amount of the check would be to look at the amount on the check. It says it right on the check, "amount." Most people would probably be able to figure out when it said amount of the check $300, that the amount of the check was $300. But, no, we have to tell them in advance of the size of the check.

And why can we not put it in the same envelope? Then I suddenly realized, these are going to be really big checks. There will not be room in the envelope. They want to really make an impression. You are getting this from George Bush, and we do not want some little dinky piece of paper that you can read it, $300, that is nice, put it in my pocket, I will spend it, that is good for the economy, which we suggested.

Instead, we are going to send them really big checks, and we have to warn them. We have to warn them, so that people, for instance, may have to widen their mail slots. They may have to empty out their mailboxes, because what we are telling them is, listen, you are going to get a really big check. Now, to some people, $300 would not be a big check in dollars, so it must mean a big physical check.

So we are going to send them such a big check that we have to warn them in advance that it is coming, do not let your kid, if you have got a small child, do not have your child walking under the mail slot when the mail comes. He may get whacked in the head with a really big check, and that is not worth $300.

And, we also then cannot fit it in that envelope, because I cannot think of any other reason. Here is what we are told; the reason for doing this is, one, to tell them the amount of the check. Now, as I said, nobody believes that. Some people have said it; I do not think many people believe it. The fact is that you will see the amount of the check when you get the check.

We are told you should be told it is not taxable. Well, that could be put in the envelope along with the calculation. But I have to say, if this works, why stop here? We know that many older people who live isolated lives like getting mail. They get Social Security checks. Social Security checks are not, for many people, taxable. For some they are. People may not know that.

Why not 2 weeks before the Social Security check comes send them a letter telling them that they are going to get a Social Security check? Why not alert them to the size of the impending Social Security check, and they can be warned about it and they can be told it is not taxable, or that it is, and how it was calculated.

I mean, if we are in fact going to have a policy where we not only provide a benefit to the public, but we tell them in advance who gave them the benefit, I think we should not stop here. I think the gentleman has a policy we ought to extend.

If the gentleman wants me to yield, I will be glad to yield, unless he just was kind of standing up because he was, you know, adjusting something. Does the gentleman want me to yield?

Mr. SUNUNU. I am sorry, is the gentleman distracted by the fact I am standing at the lectern? We have reserved the balance of our time.

Mr. FRANK. I will tell you what, I thought the gentleman, usually when people stand, they want to respond. I will tell you, I will have trouble sleeping tonight, because I am still trying to figure out why they cannot go in the same check, and I thought maybe the gentleman from New Hampshire was going to enlighten me. I thought maybe my neighbor was going to say I am so perplexed, because I tend to think I am of reasonable intelligence.

And here is the issue. We are going to send people a check, and they need to know two things, other than the check itself. They need to know that it is not taxable, and I think that is right; and they need to know how it is calculated, if they are interested. They do not need to know that, but that would be useful. I cannot figure out why that cannot go in the same envelope. I do not understand.

Mr. SUNUNU. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. Mr. Chairman, if the gentleman will yield on that point, the Financial Management Service considered a range of options. They considered including that information in the same envelope.

Mr. FRANK of Massachusetts. Why did they reject that?

Mr. SUNUNU. Well, there are two reasons. One, because the checks are going to go out in a staggered format. They are going to go out in July, they are going to go out in August, and they are going to go out in September. The first people that are going to get the checks will get them in July, and the people that have not received the checks are certainly going to wonder what is going on. It makes sense to notify everybody at the same time.

The second reason is because there are two different systems right now for printing notices and printing checks. Now, we can try to combine the two and manually stuff all the envelopes.

Mr. FRANK. I thank the gentleman, and I am taking back my time.

Mr. SUNUNU. I think it is unreasonable not to allow me to answer the question.

Mr. FRANK. I will take back my time.

The CHAIRMAN. The gentleman from Massachusetts controls the time.

Mr. FRANK. I understand the gentleman has trouble understanding how the mail works, but he should know how the rules of the House work.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, the answer to the gentleman's question is simple why the FMS and others decided they could not do it in one mailing, which seems to make sense to everybody, and that is because the majority in its conference report, which was seen by nobody on the floor when they voted on the bill, said that the majority, who, of course, the President is a part of their party, the President is the Chief Executive of our country, the Chief Executive is the executive officer of the FMS.

Mr. FRANK. Mr. Chairman, reclaiming my time, let me just say, because we are about to run out of all time, that not having heard the explanation, it obviously makes no sense. Apparently people think Americans are consumed with jealousy, and some people are going to get a check in July, and some are getting it in September, and they will have no idea why that happened. Again, we do not think that is a serious argument. And the notion that you cannot consolidate in one check that information, again, is wholly unpersuasive.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, I can understand why some of the gentlemen on the floor are baffled. I am quite sure they were baffled as to why we would want to return some of the taxpayer money in the first place. That really is, I think, the fundamental argument.

Let me say this: This letter simply does not meet the standards of the previous administration. I have to assure you, when you want to notify taxpayers of really important information you ought to look at the Health Care Financing Administration multicolored brochure, which, when you open the first page, had a large color picture of then Secretary of HHS Donna Shalala. Then you turn to the second page, and there was a large color photo of the gentleman who was then the Administrator of HCFA. Then you turn to the next page, and there was another photo. So, for someone trying to find out something about Medicare, they had to go through three large multicolored photos of people who were there not for political reasons.

I can understand why some people are baffled, because actually people learned through the media that Congress was returning some of their tax money. The first assumption would be it is not true. The second assumption would be, if it is true, how much am I getting? The third assumption would be, where do I call to verify?

One of the concerns was that, believe it or not, some people would like to verify that they are getting money. Can you imagine millions of people, a small fraction of the total who are getting the checks, trying to call the IRS to find out, one, if they are getting their money; two, if they are, when are they getting it; and, three, how much is it going to be?

So what you have is a letter that provides that factual information, especially the question of when I am going to get it? Because if you only included the amount and a way to determine how much it was supposed to be and the fact that it was coming, they would still make a phone call to say when am I going to get it?

So I think the real frustration is that this Congress passed and this President signed, one, tax relief for the American taxpayer; and, two, it was done in such a way that we are actually going to return some of the money to the taxpayers.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. THOMAS: I would like to finish my statement. I do not have a lot of time. Then, if I finish, I will yield.

Mr. FRANK. He has 3 extra minutes for you at the end.

Mr. THOMAS. Oh, good. Then I will use it in a minute.

The idea here is to, first of all, ease the bureaucratic burden of trying to respond to millions of people who are inevitably going to call. I know the gentleman from Massachusetts believes he is of average intelligence, and, therefore, most other people would assume all of those things he assumed.

All of us here on the floor know, and I will tell everyone else, the gentleman from Massachusetts is not of average intelligence; he is extremely intelligent and perceptive. And I guess the concern is that if not everyone matches his ability to understand, interpret and relate, that somehow it is a sinister political motive to notify people of the consequences, the time and the amount of the check return.

It is not a rebate. It is money which is a lump sum payment in lieu of withholding adjustment. So people would kind of wonder, what is it that I am getting? And, gee, this letter says that it is in fact not something that you will have to worry about. You will not be required to report the amount of this as taxable income on your Federal tax return. And, by the way, it provides a convenient receipt for you if in fact your State or lesser municipality has tax consequences in terms of Federal money.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. THOMAS. Do I get the 3 minutes? Could I have the 3 minutes? I thought you were going to give me 3 minutes.

Mr. FRANK. The gentleman from Florida has the 3 minutes.

The CHAIRMAN. The gentleman from Florida has time remaining.

Mr. THOMAS. I thought you were going to give me the 3 minutes.

Mr. YOUNG of Florida. Mr. Chairman, would the Chair advise how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 3½ minutes. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMAS.)

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I certainly yield to my friend, the gentleman from Massachusetts.

Mr. FRANK. First, I want to repeat what the gentleman from Maryland said. The notion of the $300 to $600 was not something opposed on this side. The gentleman inaccurately said there were people who were opposed to that. The notion of sending a check out right away was something that was advocated by many on this side.

Mr. THOMAS. Mr. Chairman, I will tell the gentleman I will reclaim my time if he does not have a question of me. He is just debating the point on his side again.

Mr. FRANK. I am correcting him. May I ask a question? May I ask the gentleman a question?

Mr. THOMAS. Mr. Chairman, I will reclaim my time. You had an opportunity.

Mr. FRANK. May I ask a question? May I ask the gentleman a question?

The CHAIRMAN. The gentleman from California controls the time. He may yield to a question if he wishes.

Mr. THOMAS. I thank the Chairman.

Apparently the gentleman from New Hampshire is not the only one who understands the rules on the floor, or there was a willing abuse of the rules. I indicated that I would yield to the gentleman for a question. The gentleman then began continuing to make a statement.

Therefore, in the remainder of my time, I will tell you this is a thinly veiled attempt to stop the Internal Revenue Service from making its job easier in informing taxpayers of money that is coming to them, in which a number of people who are now offering this amendment objected not only in substance, but in style. I understand that.

Our purpose is to vote down this amendment so the American people can find out what they are getting from their government.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think the majority of Members in this body use frank mail to send out information to their constituents. This is information that will help those constituents.

But I understand not wanting to send a letter out. In 1993, my colleagues took all the money, or cut veterans' COLAs. They do not want to send a letter out for that. They cut military COLAs. They increased the tax on Social Security. They spent every single dime of the Social Security trust fund, and I understand why the gentleman did not want to send out a letter for that. But I would say in this case, we believe it is their money, and we would like to let them know that it is coming in a fair manner.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 1½ minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New Hampshire (Mr. SUNUNU).

□ 1930

Mr. SUNUNU. Mr. Chairman, I very much appreciate the spirited nature of the debate. I certainly apologize to my colleague from Massachusetts for attempting to answer his question too specifically and too accurately. I know it is never a comfortable situation for someone who is speaking on the floor.

But I do think that if we look at the scope of what the IRS is trying to do, we look at the number of checks that are going out, a couple of hundred million, I think it is very reasonable to assume that there may be a lot of confusion.

The Financial Management Service looked at a number of different options. I think they had a credible reason for wanting to do an advance notice, considering that the checks would be staggered over time. The IRS employees recognized that being inundated with phone calls could really degrade their level of customer service and that more information was better. We can quibble about the exact wording on the notice and some down at the White House might complain that Congress is mentioned first, Congress might complain that the President is even mentioned in the notice, but at the end of the day, the taxpayers will have information that is helpful to them: how this is being calculated, what the tax implications are for the current year, how they can get additional information.

I do not think there is any surreptitious or are there are any impure motives here. We are just trying to make sure that taxpayers understand the legislation that has been passed and how it is going to affect them, and we are trying to take a little bit of burden off of the employees at the IRS, and I think both of those are appropriate.

Mr. Chairman, I urge my colleagues to vote against the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

CHAPTER 9

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $589,413,000 to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $347,000,000 to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL AND PROSTHETIC RESEARCH

Of the amount provided for "Medical and prosthetic research" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377), up to $3,500,000 may be used for associated travel expenses.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Of the amount provided for "Medical care" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377), up to $19,000,000 may be transferred to "General operating expenses" of which up to $5,000,000 may be used for associated travel expenses.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

In chapter 9 of title II, under the heading relating to "Department of Housing and Urban Development—Public and Indian Housing", insert the following new item:

PUBLIC HOUSING OPERATING FUND

For an additional amount for the "Public housing operating fund" for payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g), $300,000,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment and will not exercise the point of order until the gentleman has had his 5 minutes to explain.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order.

Mr. ENGEL. Mr. Chairman, I thank the chairman of the committee for his courtesy. I do appreciate it.

Mr. Chairman, like my colleagues, I recognize the need to meet the rising energy costs of the Defense Department. This bill contains $734 million for higher fuel costs. As we know, jet fuel, gasoline, even heating price increases are having a dramatic effect on the Defense Department. We all agree that it is no good to have the most advanced jet fighters in the world if they cannot fly. I, therefore, do agree with this portion of the bill.

Yet, the Defense Department is not the only agency that is impacted by these price increases. Public housing is also directly affected. The estimates are that the public housing authorities need about $300 million to make up the shortfall. Now, $300 million in the totality of this bill is not a great amount of money, so that is what my amendment does. It provides the funding for the $300 million. I regret that the Committee on Rules did not provide a waiver. I agree that these are needed funds to DOD, but there are other needs as well.

Because of the budget caps in the recent tax bill, I have been forced to designate this need as emergency spending. I believe with all my heart that this qualifies.

According to the Energy Information Administration, home heating oil prices increased nationally from 88 cents to $1.35, a 53 percent increase from fiscal year 1999 and fiscal year 2000. Natural gas jumped 51 percent, from $6.69 per thousand cubic feet to $10.07. In fact, in New York City, which I represent, the Nation's largest public housing authority, with 160,000 units, has actually had its oil prices rise 82 percent and natural gas prices increase 90 percent.

I could paint a picture of an elderly woman who worked for 45 years living in public housing that has no heat, but we know that, in fact, is not the case. Instead, the elderly woman who worked hard for 45 years is living in an apartment that has a hole in the ceiling, that needs new flooring in the bathroom, and could benefit from energy-saving windows and other energy-efficient things. The fact is that public housing authorities are now diverting funds from capital repairs and improvements to pay utility bills. Obviously, they do not want people to freeze over the winter.

Let me be clear that it gets my goat that we are using money to pay for heat that should be used to pay for insulation which, in the long run, would save a lot of money on heat. We are going to be debating tax policy and we are going to be debating energy policy, and I have some innovative thoughts that I hope we can act upon later on in this session.

Public housing has gotten a bad reputation around here in the past few years. We need to change this. I grew up in public housing. In fact, many of my colleagues in the New York City delegation grew up in public housing; and the people who live in public housing deserve to have quality housing. People move to public housing because it is often the only affordable housing they can find. Most public housing residents work, pay rent, and are just trying to provide a safe, loving home for their families.

So, Mr. Chairman, I believe we have an obligation and a responsibility to public housing, and I would urge the chairman of the committee not to insist on his point of order and allow this amendment to move forward. I do appreciate the courtesy of the chairman of the full committee to yield his point of order so I can make this statement.

Ms. SCHAKOWSKY. I rise to support the amendment offered by the Congressman from New York (Mr. ENGEL) to provide $300 million in emergency funds to help HUD meet increased energy demands in public housing.

My colleagues, like you, I recognize the increased demand on LIHEAP and I support this legislation's $300 million increase in the LIHEAP budget, which doubles the President's request. However, the needs of hundreds of thousands of seniors, families and persons with disabilities are ignored because there is no funding in this supplemental to ensure their well-being during the hot summer months and the bitter winter, ahead. We must provide HUD with enough funding to meet higher energy costs but this bill fails to accomplish that goal.

Public housing authorities across the country are paying higher energy cost to keep public housing families warm in the winter and seniors cool in the summer. Public housing is still catching up with the shortfalls found in the FY 1999, FY 2000, and FY 2001 appropriations bills. According to the Energy Information Administration, home heating oil prices increased nationally from 88 cents to $1.35, a 53% increase, from FY 1999 to FY 2000! Natural Gas jumped 51%—from $6.69 per thousand cubic feet to $10.07. Chicago will need an additional $10 million to pay higher cost in public housing and to provide assistance to families in private housing.

There is no doubt that this is an emergency. We are in the middle of the summer. In 1995, 700 people died in the Chicago area because of a heat wave. There were more deaths all across the country. We can't allow another tragedy like that to happen simply because Congress refused to give HUD enough money to give air conditioning to seniors in public housing.

If Congress doesn't act, what is more likely to happen is that the public housing authorities will divert funds from capital repairs and improvements to pay utility bills. In Chicago, we have a $1.5 billion plan to rebuild public housing, including money to make units more energy efficient. My fear is that such plans in Chicago and across the country will be slowed unless we help address higher energy cost.

So, for public housing authorities struggling to meet the basic energy costs of their tenants, our constituents, I urge my colleagues to vote for the Congressman's amendment to provide HUD with $300 million in emergency energy assistance for public housing energy costs.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore (Mr. PITTS). The gentleman will state his point of order.

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and, as such, constitutes legislation in violation of clause 2 of rule XXI. Therefore, I insist on my point of order.

The CHAIRMAN pro tempore. Does any other Member wish to speak on this point of order?

Mr. ENGEL. No, Mr. Chairman. I stand by my original statement.

The CHAIRMAN pro tempore. The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XIX.

The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

(RESCISSION)

$114,300,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading in fiscal year 2001 or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2000 and prior years: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking "women's and children's hospital" in reference to an appropriation for Hackensack University Medical Center, and inserting "the construction of the Audrey Hepburn Children's House".

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking "$100,000 to Essex County, Massachusetts for cyberdistrict economic development initiatives;" in reference to an appropriation for Essex County, and inserting "$75,000 to improve cyber-districts in Haverhill, Massachusetts and $25,000 to improve cyber-districts in Amesbury, Massachusetts;".

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking "$500,000 for Essex County, Massachusetts for its wastewater and combined sewer overflow program;" in reference to an appropriation for Essex County, and inserting "$500,000 to the following Massachusetts communities for wastewater and combined sewer overflow infrastructure improvements: Beverly ($32,000); Peabody ($32,000); Salem ($32,000); Lynn ($32,000); Newburyport ($32,000); Glouchester ($32,000); Marblehead ($30,000); Danvers ($30,000); Ipswich ($17,305); Amesbury ($17,305); Manchester ($17,305); Essex ($17,305); Rockport ($17,305); and Haverhill ($161,475);".

HOUSING PROGRAMS

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), $6,100,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund (in this heading referred to as "the Fund"): *Provided*, That all balances of fees collected before December 27, 2000, pursuant to such Act shall be transferred to and merged with amounts in the Fund: *Provided further*, That not to exceed the amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than $0.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

Of the amounts available for administrative expenses and administrative contract expenses under the headings, "FHA—mutual mortgage insurance program account", "FHA—general and special risk program account", and "Salaries and expenses, management and administration" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, as enacted by Public Law 106–377, not to exceed $8,000,000 is available to liquidate deficiencies incurred in fiscal year 2000 in the "FHA—mutual mortgage insurance program account".

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $40,000,000, to remain available until expended: *Provided*, That funding under this heading shall be made available only upon implementation of an interim final rule revising the premium structure for programs provided for under this heading.

INDEPENDENT AGENCIES

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $243,059 to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

From the amounts appropriated for Cortland County, New York and Central New York Watersheds under this heading in title III of Public Law 106–377 and in future Acts, the Administrator is authorized to award grants for work on New York watersheds.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words "Limestone County Water and Sewer Authority in Alabama for" in reference to item number 13, and inserting the words "drinking water improvements".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking the words "the City of Hartselle" in reference to item number 11, and inserting the words "Hartselle Utilities".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking the words "Florida Department of Environmental Protection" in reference to item number 48, and inserting the words "Southwest Florida Water Management District".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words "Beloit, Wisconsin" in reference to item number 236, and inserting the words "extension of separate sanitary sewers and extension of separate storm sewers".

Under this heading in title III of Public Law 106–377, strike "$3,628,740,000" and insert "$3,641,341,386".

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

Of the funds made available in the second paragraph under this heading in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), $389,200,000 are hereby rescinded.

PART B AMENDMENT OFFERED BY MR. TOOMEY

Mr. TOOMEY. Mr. Chairman, I offer an amendment. The amendment has been printed in House Report 107–105 and made in order by House Resolution 171.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment printed in House Report 107–105 offered by Mr. TOOMEY:

In chapter 9 of title II, strike the item relating to "Federal Emergency Management Agency".

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . (a) GOVERNMENT-WIDE RESCISSION.—(1) There is hereby rescinded an amount equal to 0.33 percent of the new discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Government.

(2) Paragraph (1) shall not apply to budget accounts included under major functional category 050 (national defense).

(b) RESTRICTIONS.—In carrying out the rescissions made by subsection (a)(1), no program, project, or activity of any department, agency, instrumentality, or entity may be reduced by more than 15 percent (with "programs projects, and activities" as delineated in the appropriation Act or accompanying report for the relevant account, or for accounts and items not included in appropriation Acts, as delineated in the President's most recently submitted budget).

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submission for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Pennsylvania (Mr. TOOMEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I yield myself 3 minutes and 15 seconds.

First let me say that I recognize the need for the additional defense spending that is in this bill and I support that, and this amendment makes no attempt to offset that necessary increase in defense spending. My concern, however, is the $1.2 billion in nondefense, nonveteran, new spending in the supplemental spending bill.

I would point out that last year the Congress and the previous administration increased Federal discretionary spending by more than 8 percent. If we pass this bill in its current form without fully offsetting even the nondefense new spending portion, with sometimes spending reductions elsewhere, then we will have increased spending by approximately 10 percent. In doing so, we will be growing government faster than virtually any other segment of our society. We will be increasing government spending three to four times the rate of inflation. We will be spending away the surplus and that means less money available for tax relief, less money available for debt reduction, a greater chance that soon, perhaps as soon as 2003, we may be dipping back into the Medicare and Social Security funds to pay for all of this spending. To avoid this, we have to draw a line on spending.

In fairness, this supplemental bill does attempt to offset part of this new spending, but it does not offset all of the nondefense portion, and one of the offsets does not seem kosher. So this amendment does two things with respect to offsetting the nondefense, nonveteran portion of the spending bill.

First, it strikes the rescission of the FEMA funds. Many of our colleagues, including many Democratic colleagues, have discussed during the debate on this bill, as well as during the debate on the rule, that they do not believe it is right to concentrate so much of the offsets in the FEMA account, to cut nearly $400 million from FEMA. The White House has announced its opposition to this rescission. Others feel that maybe this is not a true cut. Some have suggested that FEMA has plenty of money and that this money will never be spent. Well, if that is the case, then it is not a real offset. In either case, this amendment restores the FEMA funding.

The second thing is does is it says, let us take all the nondefense, nonveteran spending that is not offset, that is about $1.1 billion, and offset that with an across-the-board ⅓ of 1 percent reduction in all 2001 nondefense discretionary spending.

We provide flexibility for the administration to cut a little more in some cases so that they could cut less or not at all in others. We have done this before in legislation that was signed into law by President Clinton. We leave 100 percent of all defense funding in place, and we leave the 99.67 percent of all nondefense funding in place.

□ 1945

I believe the various bureaucrats of the Federal government can survive on 99.67 percent of a budget that is already more than 8 percent higher than last year.

This amendment does not attempt to reorder the priorities in the supplemental bill. The committee has decided we need to increase funding in non-defense areas, a number of non-defense areas. We are not contesting those items. What we are saying is if we want to increase spending on those items, that is okay, but pay for it with spending reductions elsewhere.

Some opponents of this amendment will say, well, there is no need to do this because it is within the limits of the budget resolution. That is true, but it is beside the point. The fact is, spending is growing too rapidly. We have to draw a line.

Mr. Chairman, this amendment will save taxpayers $1 billion this year. It will provide more in debt reduction. It makes it more likely we will avoid spending Social Security and Medicare surpluses, and it restores the funding to FEMA.

I urge my colleagues to adopt this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition?

Mr. YOUNG of Florida. Mr. Chairman, according to the agreement, I claim time in opposition.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) will be recognized for 10 minutes in opposition.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that I may yield half of my time to the gentleman from Pennsylvania (Mr. MURTHA) to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am reluctantly rising to oppose the gentleman's amendment. He talks about a .33 percent cut across-the-board, but what he does not point out is that 75 percent of the fiscal year is already gone, which means that

75 percent or more of the money allocated to the agencies have already been spent.

Let me give one example. In the event that this amendment were to pass, the aid to Israel, which has already been released and sent to Israel, they would have to give us a refund of $9.5 million.

If we were to pass this amendment, we would be cutting WIC by $13.3 million. We would be hitting the rural rental housing program with a deficit of $2.3 million, and $29 million would have to be cut from the Pell grant program. Furthermore, $25 million would be cut from the special education programs.

LIHEAP, the program that we just doubled from the President's budget in this bill, would have to be reduced by $5 million. Child care, $3 million would be cut from funding to help States provide assistance to families for child care.

On border and port security, both the Customs Service and the INS would have to reduce staffing and overtime hours at ports of entry, likely causing delays and reducing the frequency of inspections along the border.

With the Coast Guard, something we all support, the Coast Guard would lose $11 million because of this amendment, which would further exacerbate the shortages that the Coast Guard already has, something we are trying to improve in this bill.

On VA and medical care, if .33 went out across the board, as the amendment said, VA medical care would be cut by $65 million. I do not think we want to do that.

FEMA, although this is supposedly returning money that was rescinded from FEMA, it would be cut by $5.3 million. That does not make sense to me, when we take it out with one hand and put it back in with the other hand.

These are only a few of the examples. I am sure there are many more, if we had the time to do this. But I just ask our colleagues to oppose the Toomey amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. I could name it, I could give it an acronym, RTC, which means restore the cut. That is what the gentleman from Pennsylvania (Mr. TOOMEY) has done, restored FEMA and then cut it.

I want to thank, Mr. Chairman, the gentleman from Florida (Mr. YOUNG) and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for speaking out in opposition to this amendment. It will have a terrible impact on our programs.

I would just say that the writer of this amendment does not understand. We need FEMA. We need to prove the point to the American public in which Hurricane Andrew, in which I was very much personally involved, $1.8 billion in FEMA's money went for that, and for Hurricane George, $2.4 billion in FEMA dollars to Florida, Alabama, Louisiana, and Mississippi; for Hurricane Hugo, $1.3 billion. I could go on and on. For Virginia, West Virginia, Maryland, north and south, they received funds.

I hope the gentleman understands that the people of this country do not want to resort to some kind of accounting gimmick to see money cut and then restored just because it looks good in Houston. We have to see what happened in Houston, and the devastating things that happened.

FEMA needs money. If we want to find a better way to restore FEMA funds, I do not know where we will go to find the money, because we are cutting Head Start, Pell grants, community policemen, and virtually every other nondefense program.

This Congress should not allow us to do that, in that the gentleman is posing a one-third of 1 percent across-the-board cut in all nondefense programs except the Veterans Administration. This is going to put a big cut in Federal programs. We should not allow an acronym to control our fiscal accountability to the people we serve.

Mr. TOOMEY. Mr. Chairman, I yield myself 15 seconds.

I would respond to some of these allegations, Mr. Chairman.

First, I would remind my colleagues that our amendment gives discretion to the administration as to how much would be reduced in each area, therefore not specifying any particular program requiring a cut.

Secondly, if someone is concerned about restoring funding to FEMA, our amendment restores $384 of the $389 million to FEMA.

Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, the supplemental appropriation bill before us has its genesis in the need to address budget shortfalls for our Nation's defense.

Mr. Chairman, the Constitution is clear that national defense is the first priority of the Federal government. When we as a Congress think about spending taxpayer money, our modus operandi needs to be, defense first.

Mr. Chairman, this has not been the case in recent years. Just 10 years ago, defense made up more than 60 percent of our discretionary spending. Now it is less than 50 percent of discretionary spending. Defense has clearly been a lagging priority, and the readiness and capabilities of our Nation's Armed Forces have suffered as a result. That is why this supplemental is needed.

So when we talk about offsets, it is perfectly appropriate to look at defense through a different lens than we view the rest of spending. That said, there is nearly $1 billion of spending in this bill that had nothing to do with defense, and frankly, it should not be termed an emergency.

When we look at that money, we have to ask ourselves if the pattern that we are setting is appropriate if we are to maintain fiscal discipline as a Congress. Mr. Chairman, not long ago we passed an important piece of legislation to provide tax relief. This was the right thing to do. Americans have had too much of their money taken, and when this happens, it happens because the Federal government is simply spending too much. This bureaucratic monster is out of control, and Congress has simply kept feeding it, feeding it, and feeding it.

There is no program singled out in this amendment. Any program that is deemed vital by the agency directors and department secretaries can be exempted, as the gentleman from Pennsylvania (Mr. TOOMEY) has indicated. We just call for a simple .33 reduction in spending to make up for the increases deemed necessary by the Committee on Appropriations.

Voting for this amendment is a vote for fiscal discipline. It will help set the pattern for the rest of the year. It will help prove to the American people that we can control Federal spending as we look forward to providing more tax relief in the future.

Please support the Toomey-Flake-Tancredo amendment.

Mr. MURTHA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I understand what the gentleman from Pennsylvania is trying to do, and I agree with the idea that FEMA needs to be restored. We got a letter from OMB which says it needs to be restored. We got a letter from FEMA which says it needs to be restored. A member of the other body wrote us a letter and says it needs to be restored. So I do not argue that. Later on, the gentleman from Wisconsin, the ranking member of the committee, is going to offer a recommital motion which will say that we are going to restore the money.

But the problem with this cut, at three-quarters, almost at the end of the fiscal year, we are cutting veterans' medical care. It does not have to be in that area. I know that is what it says. We do not know where it might be. We cut VA claim processing, cut Social Security Administration, and we cut highway funds. If we look at the back of this yellow sheet, we will see the amount of money cut from every State.

Now, there are none of us that travel throughout our State that do not need more money for highways. The money for highways comes from the taxpayer, and we voted this last year, to say that all the money that is collected in taxes is going to go to the highway fund. So it would be a mistake, in my estimation, for us to in any way make this cut in order to restore the FEMA funds.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, to follow up on that point, the gentleman is absolutely correct. The highway cuts are rather severe, such as the $187 million this would cut from the highway construction account, and I would point out that with 75 percent of the fiscal year already expired, these monies are obligated.

The monies being spent, how are we going to get them back if this cut should go through? It would be devastating to every State in the Union on their highway account.

Mr. Chairman, I would appreciate the gentleman's explanation about that if he has anything further on it.

Mr. MURTHA. Yes, I think it would be certainly devastating to Pennsylvania, Mr. Chairman, because the money has already been obligated; I think any other State, also, and there are a whole list of States that would lose money.

I sympathize with what the gentleman is trying to do. I went through a flood in 1977, which had a devastating impact. FEMA was absolutely essential to our recovery. We spent $350 million in Federal money trying to help the area, so we are going to help him at some point. But we cannot afford to take money out of these programs, the highway program in particular, in order to restore the FEMA money.

Mr. ROGERS of Kentucky. If the gentleman will continue to yield, Mr. Chairman, he mentioned cuts in VA medical care, $56 million of cuts. That is likely, is it not, to come from the hospital care portion of VA, and would that not mean that VA would absolutely have to have those hospitals send them money back, and retrieve money from every one of the 172 VA hospitals? Is that not correct?

Mr. MURTHA. The gentleman knows how hard we fought over the years to increase this. Every administration has not had enough money for veterans' affairs, so I would urge the Members to vote against this amendment.

Mr. TOOMEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out to my colleagues that this amendment contemplates $1 billion out of a $1,900 billion budget.

Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I come to the well this evening to support the efforts of my good friends, the gentleman from Pennsylvania (Mr. TOOMEY), the gentleman from Arizona (Mr. FLAKE), and the gentleman from Colorado (Mr. TANCREDO), in their efforts to restore the FEMA rescission and to find suitable offsets for the nonveterans, nondefense-related appropriations found in this supplemental bill.

In the few minutes that I have, Mr. Chairman, let me just say that I believe this measure and this amendment is about putting our house in order. It is not, as some Members have suggested, restoring the cut. It is not even a reduction, Mr. Chairman. It is just a slightly smaller increase.

I think tonight of all nights, in the wake of the largest tax cut in a generation, particularly the members in my party ought to remember not the victory of this time, or the victory of 20 years ago, but we ought to remember the mistakes of 20 years ago.

We ought to remember the last time we cut taxes across-the-board for all Americans that we in this Congress and even in my own party filed to marry that with fiscal restraint, with fiscal responsibility.

Mr. Chairman, I rise in strong support of this amendment, for the sole reason that history is a teacher. We will either learn from it or we will be cursed to repeat it.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to my friend, the gentleman from New Jersey (Mr. FREYLINGHUYSEN).

Mr. FRELINGHUYSEN. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in opposition to this amendment, which would harm the existing Veterans Administration budget in three vital areas that would affect our Nation's veterans.

First, in health care, we have all fought for increased medical care funding on a bipartisan basis. This amendment would cut almost $70 million from veterans' medical care, resulting in furloughs of many employees that look after these very needy and sick veterans.

□ 2000

This amendment would be in addition to the over $45 million that was cut from the VA medical care as a result of the first across-the-board cut.

Secondly, the fiscal year 2001 VA-HUD act delays funds for building repairs and equipment purchases until August 1. This amendment would cut the amount of money available for hospital and clinic repairs, patient safety corrections and new medical equipment for our veterans. In addition, it would cut money from vital VA research accounts.

Lastly, Mr. Chairman, this supplemental provides increased funding of $19 million to expedite claims. These claims would be hurt because they would not be processed.

Mr. TOOMEY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. TOOMEY) for yielding me the time.

The debate on this reminds me of what happens every single time we look at Colorado. I imagine this happens with several other States too when we look at a reduction in budgets for any entity, especially schools. Every time somebody would talk about a potential budget cut for the schools, everybody would stand up and say, if you do this, we will not be able to buy chalk; if you do this, we will not be able to provide transportation to the kids.

They would use every imaginable sort of hot button issue they could think of knowing full well that would never actually come to that point; but they know that people would say, oh, well, of course, if you cannot buy chalk, we cannot do this.

When we talk about all the things that would happen if we pass this .3 percent budget cut and our colleagues suggest that the hospitals have to give money back, all the veterans issues that our colleagues bring up would have to end up being cut.

Remember, of course, that we are not talking about mandatory spending. The mandatory spending that the gentleman refers to, especially in veterans, has absolutely nothing to do with this amendment, talking about discretionary spending.

We cannot possibly stand here and say here are all the things that are going to happen and use the biggest hot buttons issues we can think of to suggest that a .3 percent cut would, in fact, make those things happen. We know that that would not, in fact, occur.

We are looking at a Congress that should continue to fund our Nation's priorities, I understand. But what we are doing tonight in a budget, any budget, is establishing priorities. What we are simply asking our colleagues to do this evening is to think about priorities.

Do you believe that the agencies of this government can do with a .3 percent budget cut? In the meantime, do you think that that money or a good portion of it should better and could better be used by FEMA to address the problems that we all agree are national emergencies?

It seems to me so clear. It seems to me almost incomprehensible that we could suggest that somehow this government which has grown so well, 24 percent in the last 3½ years, I mean, what family budget has grown like that?

Mr. TOOMEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. TOOMEY) is recognized for 1 minute.

Mr. TOOMEY. Mr. Chairman, let me remind my colleagues and put this in some context, we have a $1,900 billion budget, plus or minus. We are contemplating $1 billion of the $1,900 billion that is going to be spent.

Let us keep in mind also that the reduction is all in discretionary spending; it is not in mandatory spending. Veteran benefits is mandatory spending. That would not be touched by this.

Let us bear in mind also that the amendment gives the administration the authority to have some flexibility, so they could choose to cut some more in some places and not cut at all in other places.

Let us also, please, keep in mind we are talking about 1/3 of 1 percent of this Federal budget, meaning that of all of the discretionary spending, 99.67 percent, would go forward.

If our colleagues believe it is important to fund FEMA, and I heard many people come down here and say how important this is, this is the amendment that does this. We restore a net of $384 million out of $389 million to FEMA.

If our colleagues believe it is important to have some spending discipline, this is the amendment that does that. It says we will offset new spending with reductions. If our colleagues believe in honest offsets and debt reduction, I urge support of this amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG), Chairman of the Committee on Appropriations, has 1½ minutes to close.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to correct something that was just said, veterans health care is discretionary. Veterans health care is discretionary and would be affected by this amendment. I mentioned earlier, as have others, 75 percent of the fiscal year has gone by. By the time this bill goes to the other body, gets conferenced, goes to the White House, 80 percent of the year might be gone.

The money is going to be spent. This does not work. The money is obligated, and it is just not going to work. This amendment is not as good as it might sound.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services and Education.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding me the time.

Mr. Chairman, just let me point out a few of the cuts; $67 million on medical research, if there is ever a time in medical research that it is important, it is now.

There is $25 million from special ed. Most of the Members say we should put more in IDEA. Here we are proposing to cut $25 million from the programs for these kids that need special education.

We heard about LIHEAP earlier. There is $5 million cut from LIHEAP when we have an energy crisis. There will be $3.8 million cut from community health centers where people can go instead of loading up and clogging up the emergency rooms, where the poor people can go and get some help; yet we talk about cutting it. A lot of that is done with volunteers.

There is $2 million cut from the immunization program of the Centers for Diseases Control. Many of our colleagues saw the news in my district recently about the meningitis scare. Two young people died; another young lady came close. So as a result, we vaccinated 10,000 students against meningitis. Yet we are talking about cutting it. We remember the shortage of flu shots.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TOOMEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. TOOMEY) will be postponed.

AMENDMENT OFFERED BY MR. BENTSEN

Mr. BENTSEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENTSEN:

In chapter 9 of title II, strike the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF".

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Texas, (Mr. BENTSEN) and a Member opposed each will control 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

THE CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, first let me say on the previous amendment, I hope the House votes down the previous amendment, because that amendment sort of adds insult to injury. What the author did was to take the FEMA money hostage and use it to try and rewrite the budget that the Congress voted on and passed in the last Congress.

Mr. Chairman, I hope that amendment goes down. In addition, that amendment would still cut FEMA; that is the wrong direction.

We have had debates on this today. This amendment is going to be struck in a point of order, because of the Budget Act; but the fact is that there is not enough money in the FEMA accounts to deal with the situation in Texas and Louisiana, not to mention Pennsylvania and other disasters like that, and also the State of Wisconsin.

In fact, in the last 48 hours, FEMA has doubled their estimate of the damage costs that they will incur in Harris County alone from a billion dollars to $2 billion; and it is estimated that that cost will continue to rise, probably to about $4 billion. In fact, the Texas Medical Center, which is in my district, looks like it has incurred about $2 billion of damage on its own.

There are 50,000 people either removed from their homes or their homes are in complete disrepair. This is a major disaster. FEMA only has about $1.1 billion of unobligated funds.

Again, let me say, I understand the committee had to do what it had to do to try and make the numbers work, but they did add funding on and at the time they did it, they did not realize Allison was going to occur; but the President through the Office of Management and Budget is opposed to this recision.

We have one of our Senators from Texas from the other party opposed to this recision. We can correct this situation if there is not a point of order, although I assume there will be a point of order. If that does not work, then I would recommend that Members support the recommittal motion by the gentleman from Wisconsin (Mr. OBEY) that will correct the situation once and for all.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, first, let me remind my colleagues that FEMA, which is also under my committee's jurisdiction, currently has $1.3 billion available in its emergency fund even after the recision goes into effect. I want my colleagues to remember that.

I would like to also say, Mr. Chairman, that we have to understand one thing, I was not here for the Toomey-Flake-Tancredo amendment; but it violates the guaranteed funding levels established in T21 and Air 21 by requiring an across-the-board cut for Federal spending programs.

Every State and every Member's highway transit project and urgently needed airport projects would be subject to reduced fundings. T21 and Air 21 have brought much-needed honesty and protections to those dedicated-user financed trust fund programs. This amendment attempts to thwart the will of Congress.

America's modus and airplane passengers have already paid for these programs in the form of dedicated-user taxes which are established to pay for transportation improvements.

Again, let me restate, FEMA has $1.3 billion available in its emergency fund right today. That amount should be sufficient to cut FEMA's emergency costs for the balance of the fiscal year.

Mr. Chairman, I urge a no vote on both of these amendments.

Mr. BENTSEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from Texas (Mr. BENTSEN) for yielding me the time.

Mr. Chairman, I hope that the gentleman from Alaska (Mr. YOUNG) is right. I hope that FEMA has $1.3 billion. It is going to need every penny of it to respond to Allison; every penny is going to be needed and then some to respond to Allison.

In Upper Moreland Township in my State, 10 inches of rain fell in less than an hour. In a fully developed suburban community with too many parking lots and too many impervious surfaces, these small backyard creeks, the Pennypack, the Mill Creek, Little Neshaminy Creek, usually a couple of inches deep, maybe a couple of feet, Mr. Chairman, became flooded 15 feet and 20 feet deep, stretching out hundreds of yards wide and flooded out whole neighborhoods.

In my district, 1,200 homes were flooded, 200 businesses were flooded. Almost $5 million in damages to public facilities was incurred.

This is a letter from Governor Ridge to President Bush asking for a Federal declaration of disaster to be issued. We have a major disaster in Philadelphia from the same storm that so badly affected Houston, Texas, and so many communities in between.

This bill, which rescinds FEMA money, $389 million, is a terrible mistake. The previous amendment, I believe, will not succeed. It will be voted down, because of the broad across-the-board cuts. The Bentsen amendment is the only vehicle we have to restore this money to FEMA that is so badly needed.

If the Bentsen amendment is ruled out of order, I hope that the House will pass the Obey recommittal. We have to restore this money. We cannot take a chance that FEMA will run short. The Allison bills are just beginning to roll in from Pennsylvania, and they are going to be enormous. We must act now.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WALSH), chairman of the Subcommittee on VA, HUD and Independent Agencies.

Mr. WALSH. Mr. Chairman, I rise in opposition to this amendment offered by the gentleman from Texas (Mr. BENTSEN).

Mr. Chairman, we spent a lot of time trying to determine what funds are available in FEMA. And based on, I think, very accurate information, we know that the White House, that OMB, and the Treasury have $1.1 billion available to them in contingency emergency funds for FEMA.

There is also approximately $900 million in the pipeline from prior years' appropriations. Even with a $389 million revision, there still is $1.6 billion available for the remainder of this year. When I say the remainder of this year, I am saying, July, August, September; three more months, $1.6 billion.

In next year's bill, we intend to appropriate in the neighborhood of another $1.5 billion, which would be available as soon as the President signed the bill, hopefully in September or October. Those funds then become available.

Mr. Chairman, within the very near future, we have got about $3 billion to work with. No one knows exactly what the extent of the damages are due to Allison; but if we can learn anything from history, Hurricane Floyd, which was a very severe hurricane that we all remember, we voted on a supplemental appropriation. Hurricane Floyd affected 14 States all up and down the east coast, into the Carolinas, New Jersey, Florida, all the way up and down; and the total costs to FEMA were about $1.1 billion.

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And it was a massive storm. No one knows yet what the estimates are for Allison, but it is fair to say, Mr. Chairman, that we have at least $1.6 billion available right now in the pipeline ready to go. And if the Congress acts promptly in the fall, we will have another $1.5 billion. So a total of over $3 billion available.

We looked very hard to find funds within existing appropriations for this rescission. I think it is a fair rescission. I have talked with Mr. Allbaugh about it. He is not totally sanguine with it, but he does understand the resources he has, and I think he can live with those until the next fiscal year begins.

So, Mr. Chairman, I would urge a strong opposition to this amendment and urge a "no" vote.

Mr. BENTSEN. Mr. Chairman, I yield myself 10 seconds to say that FEMA's report yesterday afternoon, for Texas alone, is $2 billion. These are their numbers and we know the numbers will go up.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I thank the gentleman for yielding me this time.

Eleven days ago I had a shovel in my hands and I was in my backyard trying to clear drains to save my own house. My neighbors were not as lucky as me. Nine days ago I joined the gentleman from Texas (Mr. BENTSEN) and some of my other colleagues, along with Joe Allbaugh, the Administrator of FEMA, to tour the devastation we saw throughout southeast Texas. We saw lost businesses, lost houses, lost research, wrecked lives, lost lives, and yet today we are having a debate on allocating disaster funds. Unbelievable.

Our question is do we put back into the budget the $339 million the Committee on Appropriations took out. How can any cut be justified in light of the fact that we just had a $4 billion disaster in one part of our country?

My colleagues of the House, please do not turn your backs on these people or anyone else who needs help recovering from a catastrophe. Support the Bentsen amendment or support the Obey recommittal.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I do not believe I am going to need all that time, and I will yield it back to the chairman of the committee.

I do not think anyone here can stand back and not be concerned about the damages that have occurred in Texas and throughout the country. We are all very concerned about it. We would not rescind funds if we did not think that there was sufficient funds available. I want to make that very, very clear, because this is an important emergency that we have to respond to and FEMA needs the resources. As I said, there is about $1.6 billion available.

The gentleman from Texas just pointed out that the FEMA estimates are approximately $2 billion for Texas. I believe that is true, but the fact of the matter is most of those expenses, most of those losses will be covered by private flood and disaster insurance. FEMA is not responsible nor would it ever be responsible for all those losses. Many of those will be covered by private insurance. So the $2 billion figure is not the FEMA requirement.

Mr. BENTSEN. Mr. Chairman, I yield myself 50 seconds.

Let me say to my good friend that I appreciate his sincerity and the sincerity of the chairman of the full committee. But I will tell my colleagues that they estimate, that probably less than a quarter were in the NFIP program; that less than a quarter had flood insurance. They estimate that private insurance will pick up less than a quarter of the costs, and they estimate the cost is going to rise.

I know we will get back to it and get money in there. But my concern is we are going to hamstring FEMA while they are trying to do this. They already have a couple of hundred million allocated to this, and they expect to do much more, to move very quickly. I know the committee did not do this because they were not concerned about

Allison or trying to help, because Allison had not occurred when the committee was looking to do this.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I have a limited time, but I yield to the gentleman from New York for 5 seconds.

Mr. WALSH. Even in that case, FEMA's responsibility is to do the immediate cleanup and then pay for municipal damages, not all private damages.

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, the numbers they are talking about are both the residential and the public disaster assistance.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, as we can see, there is a lot of need in Texas. And I guess the point to my colleagues, as I support this amendment, is this is the right way to do it. This is simply striking the rescission of $389 million, and the reason is because we need the money now.

Disaster after disaster, we do not know what this is going to total. And might I say that the FEMA Director himself analyzed that the total damage is $4 billion. We realize that some of this does not get covered by FEMA, but let me say that most people did not expect this and therefore they are in areas of flooding, covered areas, that did not require flood insurance. This was unexpected.

We already have $771 million that FEMA is going to utilize for temporary grants, but we do not have the remaining dollars that we need to cover what FEMA does not know that it is going to have to pay out. We have 32,000 homes plus and we have the need of the monies now. To take out $389 million does not help us.

I hope this amendment passes and we can waive the point of order. In the alternative, I thank the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Pennsylvania (Mr. MURTHA) for their recommittal and I hope we support that motion at that time.

Mr. YOUNG of Florida. Mr. Chairman, what is the time remaining on each side?

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 5 minutes remaining, and the gentleman from Texas (Mr. BENTSEN) has 3 minutes remaining.

Mr. YOUNG of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. BENTSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think the chairman of the committee is sincere, and I think the chairman of the subcommittee is sincere that they are going to fund this. I have no doubt that ultimately we are going to probably appropriate several billion dollars in disaster assistance to Texas, and Louisiana, probably Pennsylvania, not to mention the other disasters that are going to occur.

The gentleman mentions we only have 3 months left in the fiscal year, although these are the big three months when we have the hurricanes, the forest fires and the like.

The reason why there is a problem with the rescission at all in the FEMA account is because it is being used as a plug figure to make this supplemental fit under the budget caps for purposes of the Budget Act. And I understand, the committee has to do that. I sit on the Committee on the Budget. But to say on the one hand that we are being fiscally responsible by putting this rescission in, and then saying, sort of with a wink and a nod, but we are going to fix it later does not jibe mathematically. It may work for purposes of the Budget Act, but it would not match general accounting principles one iota.

My concern is that the disaster in Texas and in my home county of Harris County is so severe and the amount of money that is going out the door is so rapid that by taking this $400 million out, if it were ever to become law, and quite frankly I do not think the other body is going to go along with it, because one of my Senators from Texas over there is actually trying to add $.5 billion to $1 billion, and I think at the end we are going to have no rescission but I think it is a bad start here, at the end of the day. If we were to do this, I think we would hamstring FEMA, because I do not think they really know how bad this is.

The three main hospitals in Harris County, Texas are effectively shut down. The Level I trauma center is over capacity. The Army had to bring in a Level I trauma center for the fourth largest city in the United States, the third most populous county in the United States, because they do not have the sufficiency in their existing health care facilities, where they have the largest medical center in the world, to deal with it.

I appreciate what the committee is trying to do to meet the Budget Act, to fund the other things that need to be funded, but on this one the committee is just wrong. They are just wrong, and I know they did not intend it when they started out but we can correct it. The chairman could be gracious and not raise his point of order, though I think he is probably going to raise his point of order, but if we do not do that, what we can do is, when the gentleman from Wisconsin (Mr. OBEY) offers his motion to recommit, we can send this bill back to the committee forthwith and have it come straight back to the House with this rescission corrected and move on with our bid.

I predict if we do that, we will get the administration's okay, because they do not agree with this rescission. President Bush does not agree with this rescission. I do not think FEMA likes this rescission, and I do not think our colleagues across the Capitol like this rescission. So we can move forward to make sure FEMA has the resourses to deal with the disaster of Allison.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for that enlightening comment.

Mr. Chairman, I yield myself the balance of my time.

Since we have debated this issue five or six times here this afternoon and this evening, I just want to make the point again that Congress, since in the times that I have been here, has never refused to meet its responsibility when it came to natural disasters, not only in the United States but in many parts of the world, and we will continue to do so.

If the gentleman were to be correct that we are wrong, and I do not think we are, but if he were to be correct, Congress would react quickly to meet any problems that might occur from a natural disaster.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. This Congress may have met its responsibilities to FEMA in the past, but right now it is playing let us pretend with this rescission.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2001 on June 19, 2001. That was House Report 107–104. This amendment would strike a rescission and, therefore, provide in effect a new budget authority in excess of the subcommittee suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

And so, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman advances his point of order. Does the gentleman from Texas (Mr. BENTSEN) wish to be heard on the point of order?

Mr. BENTSEN. Briefly, Mr. Chairman, because of the time agreement that we honored.

As the chairman read the point of order, I think it underscores the point, because he says were this to be allowed, the rescission would result in new budget authority. But, in fact, what the rescission does is it strikes budget authority that was created by the 106th Congress. It really is not new budget authority, but it underscores the nuance of the Budget Act and the fact that additional spending in this supplemental had to be offset both through emergency declaration and then through the rescission of FEMA, which I believe, I truly believe, will hamstring FEMA.

But I appreciate the chairman's sincerity and I will abide by the point of order.

The CHAIRMAN. The Chair is prepared to rule. The Chair is authoritatively guided by an estimate of the Committee on the Budget under section 312 of the Budget Act that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Texas would, by striking a rescission contained in the bill, increase the level of new discretionary budget authority in the bill. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

The last proviso under the heading, "Human space flight", in Public Law 106–74, is deleted. Of the unobligated balances made available pursuant to the preceding sentence, $15,000,000 shall be used only for research to be carried out on the International Space Station.

GENERAL PROVISION—THIS CHAPTER

SEC. 2901. (a) The unobligated balances as of September 30, 2001, of funds appropriated in the first seven undesignated paragraphs under the heading "Community development fund", in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), are rescinded.

(b) Subsection (a) shall be effective on September 30, 2001.

(c) The amount rescinded pursuant to subsection (a) is appropriated for the purposes named in the first seven undesignated paragraphs under the heading "Community development fund", of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–377), to remain available until September 30, 2003.

AMENDMENT OFFERED BY MR. BAIRD

Mr. BAIRD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAIRD:

Page 45, after line 25, insert the following new section:

SEC. 2902. For payments by the Secretary of Energy to States to provide reimbursements to local educational agencies, and schools funded by the Bureau of Indian Affairs, for the purpose of assisting schools severely impacted by rising energy prices, of which $55,000,000 shall be derived by transfer from the amount provided in this Act for "Research, Development, Test and Evaluation, Air Force", $21,000,000 shall be derived by transfer from the amount provided in this Act for "Financial Management Service—Salaries and Expenses", and $24,500,000 shall be derived by transfer from the amount provided in this Act for "Operation and Maintenance, Air Force", $100,500,000, to remain available until expended: *Provided*, That a local educational agency or Bureau funded school shall be eligible for assistance under this paragraph only if (1) it has reduced power consumption on a per capita basis at least 10 percent from the previous academic year, and (2) it has power rates that have increased at least 20 percent over the previous academic year: *Provided further*, That any reimbursement to a local educational agency or Bureau funded school under this paragraph shall be of sufficient size to offset up to 50 percent of the increase in annual energy costs to each participating school.

Mr. BAIRD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against this amendment, but I will not exercise the point of order until the gentleman has had his 5 minutes to explain his amendment.

Mr. BAIRD. Mr. Chairman, I thank the chair of the Committee on Appropriations for his courtesy.

Mr. Chairman, the purpose of a supplemental appropriation is to help out when our planning from last year did not adequately anticipate the needs of this current fiscal year.

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This is a situation we face on the West Coast and elsewhere in the country as we contemplate the tremendous rise in energy prices. In my district alone we are facing million dollar increases for some school districts. The Vancouver School District and Evergreen School District anticipate almost a $1.5 million increase for their energy.

Other school districts are facing similar problems, not because of error or a factor they could control, but largely because of failed government policies.

Mr. Chairman, what I offer today is a $100 million appropriation to provide Federal support for schools which have done several things. First, they must lower their energy consumption by 10 percent on an average per capita basis from the previous year.

Secondly, they must see a power increase of 20 percent over the previous year, so it must be a substantial increase, something they could not normally be expected to absorb. And let me state that schools do not have funding flexibility from year to year. They are based on levies or appropriations from the legislature.

In addition, this bill does not give a full Federal handout to the schools. They must carry half the load, and then the Federal Government would help out.

This is a reasonable and fair bill. We recognize and respect the $6.5 million cap, and we have proposed three cuts. One, the aforementioned $30 million spent on the IRS letter. Secondly, a reduction in funds for repair and maintenance of business jets essentially for top brass in the military. That money was not actually requested by the Department of Defense, but was introduced by the House. In addition, a cut in the unrequested money for the air-based laser program.

We believe if the choice is between letting our children have decent books, warm classrooms, and adequate light, this Committee and Congress should make the proper choice.

Mr. Chairman, I yield to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in strong support of this amendment. Not only is the energy crisis in the Western United States impacting business and consumers, it is already eroding the meager budgets of our schools. The Oregon school administrators recently conducted a survey of school districts around the State to get a better understanding of what is happening.

Mr. Chairman, the results of this survey are staggering. The average cost of electricity has increased by 29.3 percent. My colleagues have to understand, this is going to go up. There is going to be another increase in October. In fact, some of our school districts are facing 100 to 200 percent increase in their utility costs; again with another increase due in October. This is unacceptable.

Mr. Chairman, we already have school districts that are barely making it on their budgets, and this is a horrendous cost to them. One of my schools, in fact the largest school, has budgeted another $850,000 for utility costs. This is money that could be spent on hiring 24 new teachers so they can decrease class size. It could be used to purchase text books or modernize our classrooms or even use it to perform professional development of teachers. School administrators from California to Massachusetts are having to make tough choices. Do we keep teachers on the payroll or pay the electric bill and keep the lights on.

Schools are having to make these tough decisions in the midst of an energy crisis. I am sorry that we can not do this for our schools if we do not accept this amendment. This is a situation none of us foresaw, and that is what an emergency budget is for.

This amendment speaks to what our priorities are in this Congress. I do not relish having to explain to my constituents that we could not do this for our schools.

Mr. BAIRD. Mr. Chairman, these costs were unanticipated. The Federal

Government has a responsibility to help these schools that had no way of paying for these in advance. The reductions elsewhere in the bill we believe are reasonable and sound, and we believe this would go a long way towards helping schools.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill; therefore, it violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment gives affirmative direction in effect, and I insist on my point of order.

The CHAIRMAN. The chairman advances his point of order. Does the gentleman from Washington wish to be heard on the point of order?

Mr. BAIRD. Mr. Chairman, I do.

Mr. Chairman, there are existing programs within the Department of Energy assistance to schools. While we believe this is somewhat different from the exact nature of those programs existing now, we believe it is within the same spirit. The premise here is this: the Department of Energy has within its purview the opportunity to provide money for local schools to help them meet energy costs. We see this more as an extension of that program rather than a new authorization.

Let me reiterate, we have schools that are facing a million dollar shortfall in their energy budget, and that is unacceptable. This Congress has an opportunity to help those schools out. We believe we should do so. We believe the cuts that are offered within this amendment are reasonable and fair. While we respect the budget caps, we believe we should put our children first. If we really want to say, leave no child behind, we should also say leave no child in the dark or in the cold, and make sure that they have adequate teachers. This bill will help ensure that occurs.

Mr. Chairman, should we not approve this amendment today, I would hope my colleagues would consider joining us if we need to seek further authorization in future legislation. I fully intend to introduce legislation to that effect.

The CHAIRMAN. The Chair is prepared to rule, and finds that this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health, Human Services and Education regarding funding for the Pell Grant maximum.

I am happy to see that the bill fixes a technical problem with title I funding with ESEA and the Department of Education, but I am disappointed that we were not able to do the same with the Pell Grant maximum funding. In the final fiscal year 2001 appropriations bill, the Pell Grant maximum was set at $3,750, a $450 increase over fiscal year 2000, an increase that will help millions of low-income students go to college.

However, because of unexpected growth in the number of eligible students, the fiscal year 2001 Pell Grant appropriation was $117 million less than the amount actually needed to support the $3,750 maximum.

Mr. Chairman, I had intended to offer an amendment to fix this problem, but was hesitant to do so without an offset. Furthermore, we had discussed this issue. It is my hope, and I think the gentleman's as well, that we may work together to remedy this situation as soon as possible.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his concern which is shared on this side of the aisle. The Pell Grant program is the bedrock of student aid programs. I am pleased to say that this Congress has increased the Pell Grant program to the highest level in history by providing an increase of 60 percent in the maximum grant from $2,340 in fiscal year 1995 to $3,750 in fiscal year 2001.

Offsets are necessary to keep the overall bill within limits, but should additional funds become available through the supplemental process, we would certainly consider providing extra funds to the Pell Grant program.

Mr. HOYER. I thank the gentleman for his comments. I appreciate his representation, and I look forward to working with him on this issue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

GENERAL PROVISION—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. Within 5 days of the enactment of this Act, the Secretary of State is directed to report to the Committee on Appropriations on the projected uses of the unobligated balances of funds available under the heading "Agency for International Development, International Disaster Assistance", including plans for allocating additional resources to respond to the damage caused by the earthquakes that occurred in El Salvador in January and February of 2001.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

SEC. . No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly know as the "Buy American Act").

Mr. TRAFICANT. Mr. Chairman, Congress has approved building a memorial to our dedicated troops which served our Nation in World War II. One of the contracts awarded was to a subsidiary of a German company which has Nazi roots. They built Nazi war planes; and they have some procurement problems to boot.

Mr. Chairman, I think the amendment is fitting.

Mr. MURTHA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania (Mr. MURTHA), the distinguished ranking member of the Committee on Appropriations.

Mr. MURTHA. Mr. Chairman, we have no problem on this side with the amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment.

Mr. TRAFICANT. Mr. Chairman, I urge an aye vote; and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "2001 Supplemental Appropriations Act".

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 171, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 by the gentleman from Oregon (Mr. DEFAZIO); amendment by the gentleman from Wisconsin (Mr. OBEY); amendment in part B by the gentleman from Pennsylvania (Mr. TOOMEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 50, noes 376, not voting 6, as follows:

[Roll No. 172]

AYES—50

Baird
Baldwin
Barrett
Blumenauer
Bonior
Brown (OH)
Conyers
Davis (IL)
DeFazio
DeGette
Doggett
Duncan
Filner
Frank
Gutierrez
Hinchey
Holt
Honda
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lipinski
Luther
Maloney (NY)
Markey
McDermott
McGovern
McKinney
Miller, George
Nadler
Oberstar
Paul
Payne
Rivers
Rohrabacher
Sanders
Schakowsky
Shays
Slaughter
Solis
Stark
Tierney
Towns
Udall (CO)
Velázquez
Watt (NC)
Woolsey
Wu

NOES—376

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—6

Cox
Flake
Houghton
Jefferson
Kaptur
Rush

□ 2104

Messrs. HAYES, RODRIGUEZ, CROWLEY, SCARBOROUGH, LEACH, SPRATT, WATTS of Oklahoma, GREEN of Texas, COOKSEY, STUPAK, and Ms. McCARTHY of Missouri changed their vote from "aye" to "no."

Mr. BARRETT of Wisconsin and Mr. CONYERS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 216, not voting 4, as follows:

[Roll No. 173]

AYES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)

Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Cox
Houghton
Kaptur
Rush

☐ 2115

Messrs. HERGER, COBLE, GILCHREST, HYDE, COLLINS, and Mrs. WILSON changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT OFFERED BY MR. TOOMEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in part B offered by the gentleman from Pennsylvania (Mr. TOOMEY) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 65, noes 362, not voting 5, as follows:

[Roll No. 174]

AYES—65

Akin
Baker
Bartlett
Barton
Blunt
Burr
Cannon
Cantor
Castle
Chabot
Crane
Cubin
Culberson
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Dunn
Flake
Goode
Goodlatte
Green (WI)
Hall (TX)
Hayworth
Herger
Hoekstra
Horn
Hostettler
Hulshof
Istook
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kingston
Largent
Miller (FL)
Myrick
Nussle
Otter
Paul
Pence
Pitts
Pombo
Portman
Ramstad
Royce
Ryun (KS)
Scarborough
Schaffer
Sessions
Shadegg
Shays
Smith (MI)
Stearns
Tancredo
Tauzin
Thornberry
Tiahrt
Toomey
Vitter
Watts (OK)
Wu

NOES—362

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Cox
Houghton
Kaptur
Rush
Souder

☐ 2126

Messrs. RYAN of Wisconsin, WELLER, KERNS, and BRADY of Texas changed their vote from "aye" to "no."

Messrs. KENNEDY of Minnesota, ROYCE, TIAHRT and GOODLATTE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. FRANK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK. Mr. Chairman, if I heard correctly, no motion to table a motion to reconsider was made after the Obey amendment. Now, I am a great believer in giving people third chances, not just second chances, and, with all of the switching, I thought we could offer one last chance for redemption.

Would it be in order to move to reconsider the vote on the Obey amendment, for Members who did not get their switches in time?

The CHAIRMAN. In the Committee of the Whole, there is no motion to reconsider.

Mr. FRANK. Mr. Chairman, I have a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK. Mr. Chairman, I hate to leave so many Members on the other side dangling over the pit of uncertainty. Would it be in order to make such a motion in the full House?

The CHAIRMAN. A separate vote is possible in the House only on an amendment that has been reported by the Committee of the Whole.

Mr. FRANK. In other words, the Members are off the hook, Mr. Chairman.

The CHAIRMAN. That is not a parliamentary inquiry.

There being no other amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 171, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

□ 2130

The SPEAKER pro tempore (Mr. HANSEN). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 2216, to the Committee on Appropriations with instructions to report the bill back to the House promptly with amendments to strike the rescission of $389,200,000 from the Federal Emergency Management Agency's Disaster Relief Fund while complying with all applicable budget constraints.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, I have two letters in my hand. One letter from Senator KAY BAILEY HUTCHISON which reads as follows: "I ask for your assistance in supporting any efforts on the House Floor to eliminate the provision in the supplemental appropriations bill that rescinds FEMA's disaster relief funds."

I also have in my hand a Statement of Administration Policy from the Bush administration. It says, "The administration strongly opposes the proposed rescission of $389 million in disaster relief funds for FEMA." Enough said.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, first let me compliment the gentleman from Nebraska (Mr. BEREUTER) for a tremendous performance as chairman of the Committee of the Whole. Speaking for the gentleman from Wisconsin (Mr. OBEY), and it is a pleasure. It has been stated many times, says the gentleman from Wisconsin, that this supplemental appropriation bill is deficient in a number of ways. For this reason, he is moving to recommit the bill with instructions to strike the rescission of $389 million to the Federal Emergency Management Agency disaster relief fund.

We have heard from a number of eloquent speakers about the devastation that has occurred as a result of Tropical Storm Allison and the need for disaster assistance. Speaking again for the gentleman from Wisconsin (Mr. OBEY), while there are currently monies in the disaster relief fund, these funds will not be sufficient to cover all previous ongoing or projected disaster requirements.

The Director of the Office of Management and Budget sent a letter prior to the full committee markup on this bill stating he was puzzled by this rescission. The director of FEMA has sent a letter to the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) expressing his concern about this cut.

Finally, yesterday the administration sent up its official position on the supplemental appropriations bill. It stated, "The administration strongly opposes the proposed rescission of $389 million in disaster relief funds for the Federal Emergency Management Agency."

The rescission should eliminate much of the normal FEMA funding needed by the agency to provide quick and effective assistance to disaster-stricken communities and victims. Given the disaster relief need due to the impact of Tropical Storm Allison as well as other disasters, this is not the time to be cutting FEMA. Instead of taking a reduction in disaster relief or making a mindless decision to take on across-the-board cuts to all Federal agencies as an offset, this motion would send the bill back to the Committee on Appropriations where thoughtful deliberations could take place as how best to proceed.

Mr. OBEY. Mr. Speaker, this money will be needed. We might as well admit it now. This amendment does not kill the bill, it simply tells the committee to come back with other actions consistent with House rules to save full funding for FEMA.

The SPEAKER pro tempore. Is the gentleman from Florida (Mr. YOUNG) opposed to the motion of the gentleman from Wisconsin?

Mr. YOUNG of Florida. Definitely and enthusiastically, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. YOUNG of Florida. Mr. Speaker, I yield to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, our community in Houston has been devastated by Tropical Storm Allison. As disheartening as that is, the only thing more disheartening is to hear the demagoguery about it on this floor today. My colleagues in Congress who are using scare tactics to needlessly heap even more misery on to the families and businesses harmed by Allison ought to be ashamed of themselves.

I too have a letter. It is from FEMA, not from politicians, and it says, "FEMA's disaster account has sufficient funding to ensure disaster aid to those victims of Tropical Storm Allison flooding. FEMA assures those in Texas, Louisiana, and Florida fighting to recover now that FEMA stands ready and is able to help them."

The fact of the matter is that over the next 3 months, we cannot spend the $1.5 billion FEMA has. The fact of the matter is that our accounts will be about a billion and a half dollars for that, like Tropical Storm Floyd has done and, the fact of the matter is, even if it is a little more, in the last 5 years, Congress has allocated $17 billion to help communities recover.

Mr. YOUNG of Florida. Mr. Speaker, I rise in opposition to this motion to recommit. Number one, the way the motion is written, it would send this bill back to the committee. The process would start all over again, and that process takes a long time to get back to the floor. In the meantime, the Army and the Navy and the Air Force and the Marine Corps and the United States Coast Guard are doing without money that they really need for operations today, that they need for fuel costs that have been increasing so dramatically, that they need to pay medical expenses that are $1.5 billion in arrears already. We do not want to see this problem being created with our military services. This would kill the bill. We do not want to kill this bill. We spent all day long here getting it ready to pass. I sure do not want to have to do it again.

Let us vote down this motion to recommit, come back here tomorrow, and let us do the Interior Appropriations and get out for the weekend so that we can all go home and see our constituents.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Under clause 9 of rule XX, the vote on passage will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 218, not voting 5, as follows:

[Roll No. 175]

AYES—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—5

Cox
Houghton
Kaptur
Royce
Rush

☐ 2155

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 87, not voting 4, as follows:

[Roll No. 176]

YEAS—341

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee

Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (NM)
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—87

Baldwin
Barrett
Bentsen
Blumenauer
Bonior
Brown (OH)
Capuano
Carson (IN)
Chabot
Conyers
Coyne
Crane
Crowley
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Duncan
Ehlers
Eshoo
Filner
Flake
Frank
Green (TX)
Hall (OH)
Hastings (FL)
Hinchey
Hoekstra
Honda
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kennedy (RI)
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lee
Lofgren
Luther
Manzullo
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Miller, George
Mink
Nadler
Neal
Obey
Olver
Owens
Paul
Payne
Pelosi
Petri
Ramstad
Rivers
Rothman
Royce
Sanders
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Slaughter
Smith (MI)
Solis
Stark
Stupak
Tancredo
Terry
Udall (CO)
Upton
Waters
Watson (CA)
Watt (NC)
Weiner
Woolsey
Wu

NOT VOTING—4

Cox
Houghton
Kaptur
Rush

□ 2203

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2202

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 107–106) on the resolution (H. Res. 174) providing for consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore (Mr. HANSEN) laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC, June 20, 2001.

The Speaker
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: I hereby resign my seat on the Veterans' Affairs Committee effective immediately.

Best regards,

J. D. HAYWORTH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON RESOURCES

Mr. HASTINGS of Washington. Mr. Speaker, I offer a resolution (H. Res. 175) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 175

Resolved, That the following named member be and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Resources: Mr. HAYWORTH.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As reported to the House, H.R. 2216, the bill making supplemental appropriations for fiscal year 2001, increases emergency-designated appropriations for fiscal year 2001 by $84,000,000 in budget authority and $59,000,000 in outlays. Those emergency-designated appropriations also increase fiscal year 2002 outlays by $184,000,000. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

Accordingly, I increase the fiscal year 2001 302(a) allocation to the House Appropriations Committee contained in House Report 107–104 by $84,000,000 in new budget authority and $59,000,000 in new outlays. This changes the fiscal year 2001 302(a) allocation to that Committee to $642,063,000,000 in budget authority and $647,147,000,000 in outlays. I also increase the fiscal year 2002 302(a) allocation to the House Appropriations Committee contained in House Report 107–100 by $184,000,000 in outlays. This increases the outlay allocation to that Committee for fiscal year 2002 to $682,960,000,000.

The increase in the allocations also requires an increase in the budgetary aggregates. For fiscal year 2001, the adjusted levels are $1,653,765,000,000 for budget authority and $1,600,588,000,000 for outlays. For fiscal year 2002, the outlay aggregate is $1,590,658,000,000.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski at 67270.

AMERICA'S ENERGY POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. EHLERS) is recognized for 60 minutes as the designee of the majority leader.

Mr. EHLERS. Mr. Speaker, this evening, several of us want to address an extremely important topic, and that topic is energy. Energy is normally not a high-priority issue for most members of the public, and, in fact, for many Members of this Congress.

Nevertheless, it is one of the most important issues that we deal with, and that becomes apparent every time we have a shortage of energy. Prices rise and then we have a major economic impact.

Mr. Speaker, in fact, energy is so important that the last three recessions that this country has experienced have followed immediately upon shortages of energy and an increase in energy prices, and there is some concern that that might happen if we do not correct the current energy shortage.

There are many aspects to discuss regarding energy, and tonight we will be joined by the gentlewoman from West Virginia (Mrs. CAPITO) and the gentlewoman from New Mexico (Mrs. WILSON).

Mr. Speaker, I yield to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. EHLERS) for yielding to me.

Mr. Speaker, tonight we are going to talk about the energy problem across America, and we are going to talk about some solutions and some ways that I think we can look to the future to try to solve some of the problems.

Mr. Speaker, the energy crisis in California has been devastating communities across the western United States, and its effects are being felt across many industries. Our Nation has been blessed with an abundance of natural resources from which our energy can be produced.

Mr. Speaker, I feel that this unfortunate situation in California is one that need not be repeated, and we must work to ensure this.

At a time when we have the technology to produce energy in a much cleaner, more efficient way, we should be devising the long-term solutions to help prevent situations like the one in California from occurring again.

We are seeing the prices of services rise as the funds to pay for these services are depleting. Today, it costs more to operate businesses, drive our cars; and in West Virginia, the cost of cooling and heating our homes is rising.

Unfortunately, the demand for more energy is not decreasing, and companies are being forced to close, vital members of our Nation's workforce are losing their jobs.

With California's economy representing 13 percent of the total U.S. Gross Domestic Product, it cannot survive under these conditions; and unfortunately, a poorly thought out deregulation plan has severely damaged the world's sixth largest economy.

Mr. Speaker, in my home State of West Virginia, we have an abundance of coal and natural gas; but many of these resources have lain asleep, untapped, due partly in effect of the overly restrictive regulations that have prevented the extraction, the production and transportation of these sources of energy.

Today, many of these resources could serve as a lifeboat to our friends in the West if only we had recognized these sources' potential contributions and had been wise stewards of them.

But a decade of ignoring our domestic sources of energy and stifling energy production has unfortunately left some classrooms in the dark, some businesses offline, and some local infrastructures paralyzed. But this is not a hopeless situation, and that is why we are talking about it tonight.

This country can chart a new course for the history books, one that includes a natural energy policy that utilizes our domestic resources and promotes speedy, efficient, and environmentally-sound production of energy. We can do this at the same time by instituting meaningful means of conservation of our precious energy resources.

I look forward to working with the rest of Congress in developing the smart plan for our future, and I thank the gentleman from Michigan for engaging in this conversation.

Mr. Speaker, I look forward to the role that West Virginia will play in the development of a comprehensive energy plan for our Nation. I think West Virginia's abundant resources can be used effectively, can be burned environmentally in a cleaner fashion; and it can give us, I think, a good baseline of the energy production that we desperately need in this country. I look forward to working with the gentleman to try to solve this problem.

Mr. EHLERS. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for her comments; and obviously, she is referring principally to the sources of coal in West Virginia I assume, and one of the big problems, of course, is clean coal technology.

We have to recognize, although coal has some drawbacks, it also is the largest supply of fossil fuels we have in this country by far; and in fact, that is true worldwide as well.

If we do not do the research and develop clean methods of burning coal or using it in other ways, we are going to be behind the 8-ball fairly soon, because the supplies of oil and natural gas are much shorter; and, furthermore, natural gas is useful for so many other purposes, particularly as a feedstock in the petrochemical industry; and coal is, by far, the better source of energy than natural gas.

Mr. Speaker, I appreciate the comments of the gentlewoman and thank her for taking the time to join us in this Special Order.

Mr. Speaker, I yield to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I thank the gentleman from Michigan, and I was very pleased to be asked by the gentleman from Michigan to join him tonight to talk about America's energy policy and where we need to go and what should be the priorities of this Congress.

I was very pleased that the Federal Energy Regulatory Commission earlier this week put out a new order to a new rule about the way they regulate companies that had a price mitigation strategy in it. And for the West I think it will provide some immediate relief in California and also other western States without putting on price caps which have been called for by some in the House and, before this order came out, some in the Senate.

I think that that order will also help move this Congress away from a discussion of short-term Band-Aid solutions in California, to the long-term issues and solutions and strategies that we need to address our energy future.

Mr. Speaker, I would like to take some time this evening to talk about the current energy crunch and our solutions for the long term for a very broad and balanced approach to energy policy.

Mr. Speaker, the electric bills that all of us have been receiving in the mail for electricity and also for natural gas have been hurting everyone. We need that electricity and that gas to heat our homes, to cook our food; and it is especially hurting folks on low incomes.

I was very pleased also that this House passed additional assistance for the Low-Income Home Energy Assistance Program and cooling needs for those on low incomes. Most of us do not think about energy until it becomes a problem.

We have not had a natural energy policy in this country for over a decade and arguably for 2 decades. We are more dependent on foreign oil today than we were at the height of the energy crisis in the 1970s.

Fifty-five percent of our oil is imported primarily from the Middle East, making us dependent on foreign governments, many of whom are not our friends.

California expanded its consumption of electricity over the last decade by some 10,000 megawatts of power while it only built 800 megawatts of power plants. Now, I do not understand megawatts very well, but think about it this way: if your kids become teenagers and they start drinking 10,000 gallons more milk a year, which is probably about right, and you only bought 800 more gallons to put in the fridge, you would have a problem.

□ 2215

California created for itself a problem. They did not plan. They ignored the growth of California's economy and its population, and Californians are paying a very heavy price.

America needs reliable, affordable, clean energy to support our expanding economy, our growing population, and our rising standard of living. When we flick the switch, the light should go on. When we go to work, we should have the energy to produce the goods and services for our growing economy. When we fill up at the gas station, the price should be reasonable, and it should not be set by a foreign dictator. And when we come home, we should be able to enjoy clean water, clean air, and clean land with our families.

The energy crunch we face today is one made yesterday, and it will not be solved today or even tomorrow. We are not going to be able to fix this in a day. And while there are some things that we can and should do to give ourselves some immediate short-term relief, it is more important to get the long-term policies right so that we never get into this situation again. I do not believe that Band-Aids are answers, and some of the quick fixes that we have heard bandied about in Washington do more harm than good. It is long past time to have a balanced, long-term approach to make sure that we have a safe and stable supply of energy for the long term.

Now, I come from New Mexico. New Mexico is an energy producing State. We produce oil and natural gas, we have some of the country's largest reserves of uranium, and we have coal fields. Last year oil and gas alone produced about $2.6 billion worth of products to light our homes and run our industries. Living in New Mexico, and I know there are some folks in this body that would disagree with me, but I come from the most beautiful State in the Nation. I believe that we can meet America's energy needs in a way that preserves the beauty of the home that I love and the homes that all of my colleagues love.

We have made tremendous progress in the last decade on cleaning up the air and cleaning the water and finding ways of exploring for energy that do less damage to the environment. There is no turning back, and nobody wants to. The good news is that from what I have seen, serving on the Committee on Energy and Commerce, over the last half year of holding hearings and testimony and doing inquiries and gathering evidence, I do not think we have to turn back. I think we can have a balanced energy policy where we have the safe, clean, healthy environment we want and we also have the energy we need for our country. But if we are going to do that, we need to act and we need to act now. If we do not act, we need look no further than California to see the consequences for our futures: rolling blackouts, skyrocketing prices, $2 or even $3 a gallon for gasoline.

So where do we go and what do we do? How can we address this energy need in a way that is comprehensive, that does not look to Band-Aids for solutions? I think that legislation that the House should pass before the August break will have several pieces that are important. We will have conservation, we will have measures to increase the supply of energy, we must address problems with the infrastructure in this country, and we need government reform. We will also pay some special attention to the problem of gasoline prices, and I would like to talk about these things a little bit tonight.

Conservation has to be a pillar of our energy strategy, there is no doubt about that, and I do not think we have any differences in our House about that. Conservation allows us to use less energy to live the lives that we want, to live and do the things that we want to do. Refrigerators today, and I had to buy a new one recently, thank goodness my husband was home to take care of that, the one that we bought just recently uses about a third less energy than one built in 1972. Cars get more miles to the gallon today than they did back in the 1970s, and we are on the verge of breakthroughs in technology that might even double gas mileage without reducing the power and range on our cars.

Contrary to what we sometimes hear, Republicans do want to reduce the use of energy and the waste of precious resources. After all, we are conservative by our very nature. We do not like to waste things. I do not like to waste the half-eaten burrito in my refrigerator that my kids left from Taco Bell, let alone something as precious as our energy. We have home builders, like Artistic Homes in Albuquerque, that are making their businesses strong by making homes more energy efficient. Artistic Homes is unique because it is a first-time buyer home builder. They build homes at the low end of the scale and they are part of the Department of Energy's Building America program, a program that the President strongly supported in his energy plan.

I think we should look here in the Congress at changing the Federal Mortgage Home Loan programs to make it easier for first-time buyers to get an energy efficient home. If they get an energy efficient home, it not only reduces the use of energy, it reduces the monthly utility bills, and that is good for consumers as well as being good for the environment.

We have new possibilities with renewable fuels, like ethanol that is made from corn, cogeneration of electricity and heat, advances in solar power, that all hold potential for reducing our energy use and they have to be part of our national energy policy. But we cannot conserve our way out of this energy crunch any more than I can feed my family with half-eaten burritos. We also cannot drill our way out of this energy crunch. We have to have a balanced approach that addresses both conservation and increasing energy supply.

We have to diverse and increase energy supply while protecting the environment, and that is the second prong, the second strategy we will pursue here in the House. The first is conservation; the second is increased supply. As my colleague from Michigan mentioned, coal generates a little over 50 percent of our electricity in this country. Nuclear is about 20 percent. But the only plants now on the drawing board are for natural gas, and we may create a shortage of natural gas and start having to rely on imported natural gas. I think it would be a real mistake to rely only on one source of electricity generation. We need to have nuclear, hydro, clean coal, natural gas, distributed generation and renewable energy as components of our supply.

I would like to emphasize the need for nuclear energy. For 20 years, nuclear energy has been in the too hard column, almost impossible to get a nuclear plant approved in America, and yet nuclear power is cleaner than other sources of fuel. It is also safer. And the safety record has improved even further over the last 10 years. Research on new designs can change the economics of nuclear power generation.

The energy bills that we are going to work on here in the House I hope will streamline the licensing of hydropower. Most people do not know it in this country, but it takes up to 10 years to get a dam licensed with a turbine, even if the dam is already built and all you are doing is putting a turbine on water that is flowing down the spillway. That does not make any sense when there is a shortage of power in the West and we could have more hydropower without even building any more new dams. I think we will find a way to better balance and allow exploration on public lands and balance the needs of conservation environmental protection and production of new sources. So we need conservation.

We need to produce more energy and get it to the market, but to get it to the market we have got to fix our infrastructure. Now, California's problem was not just that they did not build power plants, but they did not build power lines to get the power to the people who needed it.

We also have a shortage of refineries in this country, We have not built a refinery in over 20 years. Our refineries are working at 95, 97 percent of capacity. Any safety problem or fire at a refinery immediately creates a shortage of supply. We have only one port in our country that can accept liquefied natural gas, so that we are very dependent on that port. And in an age of sophisticated remote sensing, many of our pipelines are still inspected by people who walk the line and look for discoloration in the soil.

We have to modernize and expand the infrastructure, including safe pipelines, adequate transmission and refining capacity, and enough redundancy so that we can reduce the consequences of single point failure. So we will pass conservation measures, we will pass increased production, we will pass bills to make infrastructure stronger in this country, but we also need government reform.

The Federal Government does not integrate well its energy policy, environmental and economic and foreign policy-making so that we can avert energy problems. I am sure it is probably no surprise to anyone in this body that the Federal Government is not exactly one large well-oiled machine that gets everything done efficiently. Right now the Environmental Protection Agency or the State Department or Transportation or Agriculture or Interior can make policy decisions that affect our Nation's energy supply without ever having to think about our energy supply. They can make those decisions based solely on their department's view of what the right thing to do is; their constituency. They do not have to worry about what it does to the price of gas in Belen, New Mexico or how much it costs to heat our homes.

Now in a crunch time, like today, those agencies are forced to consider energy as part of their policy-making; suspend some rules, accelerate some procedures. But when public attention subsides, goes back to business as usual, and bureaucrats do not have to think about energy, I think that we have to integrate Federal policy when it comes to energy so that we can prevent this situation from ever happening again.

We have a national security policy-making apparatus that seems to work. We have had it in place since 1948. We cannot have the Defense Department doing one thing and the State Department doing something else and the intelligence agencies doing something completely different. They must work together toward a common national security end. It is long past time that we do the same for energy and that we have a policy-making process that takes into account America's energy security.

□ 2230

So those are the strategies that will define how this House and how the Republican majority in this House will address the challenges of energy for this country.

We will focus on conservation. We will take measures to increase supply. We will address our crumbling infrastructure, and we will engage in government reform. We will also pay some special attention to gas prices.

Mr. Speaker, I filled up over the weekend in Albuquerque, and it cost me $1.57.9 for a gallon of gas, and that was lower than the last time I filled up which was after a price spike. In May, the Federal Trade Commission completed an investigation into gas prices last summer, and found there was no price gouging, but there were some other problems. For instance, we have 20 different formulas for what gasoline should be and State and local government can set different standards at different times of the year.

When Milwaukee's formula is different from Chicago's, and they change their formula in different weeks of the year with different requirements on whether the gas station has to drain its tanks first and so on, you can easily see where there are local shortages of supply of some kinds of gasoline. In any free market, a shortage of supply means an increase in price.

Mr. Speaker, one of the helpful things that we can do at the Federal level to keep gas prices down is to establish regional formulas for gasoline. It does not mean that we are going to change the result of the standard and the desire for clean air, but just to say that instead of 20 formulas, let us go to some regional formulas and get our formulas aligned so we do not create problems for ourselves and for consumers.

I also mention that we have a problem with refining in this country and that we have not built a new refinery. As I understand it, refining has about a 4 percent profit, and they have a lot of hassle and risk with safety and permitting problems. We need to explore ways, changes to Federal rules or tax policy so we can see an increase in refining capacity so we are not so tight on refining all of the time.

Third, with respect to gas, a third of the oil that we import is for our cars. Making our cars more efficient with more miles to the gallon, alternative fuels and research into hybrid vehicles like combined electric and gasoline motors will reduce the demand in the price of gasoline and reduce our dependence on foreign oil.

We also need to look abroad. We know that much of the known reserves of oil are in the Middle East, but there are also some potential sources of oil in the states of the former Soviet Union. We are going to have to work with those states, looking at the Caspian and in Central and South America and offshore so we can look at developing alternative sources of supplies. It is when the cartel holds all of the cards that we are at the whim of the world's dictators.

I appreciate the gentleman from Michigan's inviting me here. I think the comprehensive energy legislation that we plan to pass in the House this summer is based on some sound thought. It will include conservation, increased production and strengthen our crumbling infrastructure, and it will include government reform.

I think with this comprehensive energy legislation, this broad-based, long-term approach to the challenges we face in America we can have energy security. We can have a safer, cleaner, healthier place to live and meet the growing needs of our prosperous Nation.

Mr. Speaker, I thank the gentleman from Michigan for sharing his time with me.

Mr. EHLERS. Mr. Speaker, it is a delight to yield the gentlewoman the time. I appreciate her very well-said comments.

Picking up on a few items that the gentlewoman mentioned, she mentioned that price caps would not be a good answer. I would like to emphasize that. If we impose a cap on the price of energy, we are simply encouraging people to buy more energy and waste it because the price is so low they can afford to waste it. That furthermore discourages the production of more energy because if the price is capped, a company cannot make money producing more energy. So price caps are doubly a bad idea. They discourage production and encourage waste and make the problem worse.

I also appreciate the gentlewoman's comments about efficiency, and the comment about the refrigerator reminds me of an incident. I remember when my wife and I first married and we lived in apartments, and then we moved into an unfurnished house and had to buy a refrigerator. We shopped around and looked at many models and narrowed it down to two different models, one for $250 and one which cost $500. Remember this was roughly 1962.

So then I did an analysis of the energy use of the two refrigerators, and I said we have to buy the $500 one. That seems strange, why should you buy the $500 one when you can get an identical one for $250. The difference was efficiency of operation. I calculated if we kept the refrigerator 12 years, we would more than pay for the extra $250 we bought and anything beyond that would be an added benefit. In fact, we kept the refrigerator over 23 years. So we essentially got it free compared to the other one given the purchase price and the energy use of the other one.

That is a calculation that not too many Americans are able to make because not all Americans are physicists, as I am, but it was easy to do and that illustrates the importance of labeling energy efficiency. And I think it would be important to have labels which indicate what the pay-back period is for buying a particular model.

Another item which the gentlewoman mentioned is the issue of foreign oil.

I remember the so-called energy crisis of 1973 when we had long gasoline lines, cars lined up for blocks waiting to get gasoline. I remember those days very, very well. At that time we were horrified when the Nation realized that roughly 35 to 40 percent of our oil consumption was imported from abroad, and that these foreign companies were able to Shanghai us literally by saying we are going to cut production in order to raise our prices, and we ran out of oil.

We thought that was terrible. We went into energy conservation mode. We did a lot of good things. We did greater production of energy and so forth. But we have short memories. It was not too many years when we forgot that, and now we are at a situation where we are importing a minimum of 55 percent of our oil from other countries, and it continues to climb.

Furthermore, it is no longer an option really to increase our production the way we did in 1973 because we have used so much of our own resources. At this point only 2 or 3 percent of the known reserves of the world are in our country, and the rest is all foreign oil. So we cannot simply rush out and increase our production because we have used most of the cheap oil in this country. It would be a great cost to produce a good share of our oil from within this country, barring other technical developments. Therefore, we will continue to be at the mercy of foreign oil unless we develop alternative sources of energy, unless we improve the efficiency of using our energy.

Mr. Speaker, I want to thank the gentlewoman for her comments and emphasize those few points because I think they are really extremely important.

Getting back to what I said at the very beginning of this hour, energy is far more important than most people think it is. Part of that I believe is that energy is intangible to us. We cannot see it. We cannot touch it. We cannot feel it. We cannot taste it. The only tangible evidence is the price at the gas pump or the utility bill at the end of the month. That is when we get concerned.

But if energy were only purple, if only we could see energy and we could see what happens in our house where energy would be oozing through the walls and the walls of the house would look purplish, and we could see it streaming out around the windows that are not sealed and we would have this copious amount of purple coming at us. Or we would see the small car with a small amount of purple, and the SUV would go by with a purple cloud so bad we could not even see the vehicle.

If we could see the intrinsic qualities of energy and see when it was being wasted, I think we would change our habits considerably. Unfortunately, we do not have that advantage, so we have to try to educate ourselves about energy and try to make the best possible uses of energy.

There are a lot of ways that we save energy, in terms of buildings, insulation, reducing infiltration of outside air. Improved lighting has a surprising large effect. Light bulbs are only a hundred watts, that is not very much, but in 1974 when I decided to change the lighting in our house and I put fluorescent lights and fluorescent bulbs in every fixture that was used frequently, and I was surprised by the energy saved.

When I sealed the house with insulation, we saved over a third in our energy bills for our house, our natural gas bills. So there is a lot that can be done.

In industry, improving efficiency of electric motors. New electric motors are much more efficient. Also, by using appropriate controls adjusted to the load, we can improve our efficiency and use of electrical energy.

We can also, with automobiles, consider making better use of the diesel engine. I owned two diesel vehicles in the 1980s, and I found them wonderful. The most wonderful part was driving 800 miles between gasoline stops. They are very efficient and operate well.

There are fuel cells on the horizon, and this relates to the whole hydrogen economy. If we can manage to produce hydrogen cheaply enough and transport it, and we develop fuel cells, that will be an advantage.

Hybrid automobiles are also a good answer. So there are many things that we can do to improve energy efficiency and use less energy.

We also have to worry about the pollution effects of energy use as well, and we have tried very hard in this country to clean up our air. We have succeeded to a great extent. We have far less pollution from automobiles than we did in my youth. And a few years back when my daughter was a missionary in Costa Rico with her husband, we were amazed by the pollution there. It made me appreciate more what we have done in this country.

Even so, we still have problem with nitrogen oxides of various sorts getting into the air. And as long as we have sulfur in the fuel, we are going to continue to have problems with sulfur dioxide getting into the air, which of course when it combines with water vapor makes sulfuric acid and leads to what is commonly called acid rain.

Those are pollutants we must clean up and will eventually clean up, either through other means of propulsion, such as fuel cells, or some other way.

In addition to that, we have copious production of carbon dioxide, a greenhouse gas. In addition to that, because we are using a lot of natural gas and we continue to drill wells, there is leakage of methane which is 100 times more of a greenhouse gas than carbon dioxide. That is leading to potential major changes in our global climate.

Mr. Speaker, I do not like to talk about global warming because the real issue is global climate change. That means much more than just warming. It means dramatic changes in rainfall. Some areas that have much rainfall now might become deserts, deserts might become fertile areas, depending on changing patterns. And it also has an effect on violent weather.

These are issues we have to consider. With our copious use of fossil fuels, these are going to become major effects.

I think we have only begun to see the effects of improved means of producing energy. We are so used to our current model we think that is the only way. But I predict because of the difficulties in California, we are going to see a boom in what is called micropower, where small power units are purchased, perhaps sometimes in homes, more frequently perhaps in businesses, especially in manufacturing plants.

□ 2245

The Silicon Valley, which is famous for the work they have done in semiconductor chips, has had some disastrous occurrences of power outages in California. Just shutting the power off for 1 minute at a major plant like that costs them $1 million. If the electricity is off much longer than that, of course, the cost increases. So I suspect many of them will turn to smaller power units, which are kept right in the factory and are totally dependable. If they ever do fail, generally the power lines would still be operating and you could use them as a backup.

We have to also develop many different alternative forms of energy. I could name many that are available. I expect that within a few years, with increases of electricity prices, we will be putting solar shingles on houses, photovoltaic shingles that will provide electricity, perhaps initially crude electricity that would be good only for heating the water and providing heat for the home, perhaps air conditioning; but eventually with proper electronics, it can be sophisticated power and supply all the energy needs of the house.

Everyone, of course, says, What happens when the sun goes away? Well, then you need energy storage devices. Batteries are one form of that; but if you want to, you can get a little more sophisticated. You could electrolyze water into hydrogen and oxygen; when you need energy, you combine them again in a fuel cell, and that would provide electricity for the house, so you could be totally independent of the power grid. These are all things that might be considered in the future.

I always like to, when looking at our energy sources, characterize them in terms of personal finances, because I think you can look at it that way. When we consider our personal finances, first of all we have income from a job, a profession, whatever we have. In addition to that, many of us have savings accounts, where we keep some money for emergencies. And some are fortunate enough to have an inheritance. We have exactly the same situation with energy. We have income, the solar energy which streams onto our planet. The amount that streams on the earth is so immense that the amount contained in all the fossil fuels of the earth is less than a couple of weeks of solar radiation. The problem is that it is so diffuse, it is hard to use. But nevertheless we can develop means of using that. That is our only income, of energy, solar energy. That is the only energy coming into our planet.

In addition to that, we have a savings account. That is the fossil fuels, the oil, natural gas, coal. Those are stored fossil fuels, stored solar energy. They were created from solar energy that came into the earth for a very long time. It formed in plants. The plants then eventually decayed and formed the organic by-products that give us oil, natural gas, and coal. So we have a savings account. That is the fossil fuel that is in the earth.

And then we have what you might call an inheritance. Geothermal energy, for example, the heat that is in the earth and has been there since its creation gradually radiating into space, but there is an immense amount there yet. The core of our planet is molten iron, obviously very warm. So geothermal energy, we can consider an inheritance. We acquired it when we were placed on this planet. Another inheritance is nuclear energy, because that also was present at the creation of the earth, continues to release heat constantly, in fact contributes much of the heat of geothermal. So nuclear energy we can also consider an inheritance.

I think the rule of thumb that we have in our life, as far as our finances are concerned, that we try to live within our income, when necessary we will dip into our savings or our inheritance, is also a good rule to follow in energy use. I think it would be absolutely criminal if we were in a generation or two to burn up all the fossil fuels on this planet without thinking about what our children and grandchildren are going to do.

Now, I do think it is permissible to use a good share of the fossil fuels if we use that energy to develop new sources of energy, to make better use of nuclear energy, of geothermal energy and other sources that we might develop or invent. That is fine, because we are leaving our children and our grandchildren another way of using energy. But we have to always keep that in mind and be very careful of the use of the resources we have.

Two very important factors to remember about energy: number one, energy is a unique resource. It is our only nonrecyclable resource on this planet. Once you use it, it is gone. It is not like iron, copper, other materials that can be recycled over and over. Once you use energy, it is gone. Energy is our only nonrecyclable resource. The other major factor is energy is our most basic natural resource because without it you cannot use any of the other resources. You cannot use iron if you do not have energy because to use iron, you have to first dig the ore out of the ground, that takes energy; you have to transport it to a mill, that takes energy; you have to smelt it, that takes energy; you have to roll it, that takes energy; then transport it to a factory which takes energy; and then fabricate it, which takes energy. And then use more energy to transport the finished product to the consumer. Every step of the way requires energy. If you do not have sufficient energy, you cannot use any of the other resources on the earth.

I think we have spent a lot of time talking about some of the basic nature of energy here and some of the problems we have to face. But I think it is very important to keep all of these factors in mind as we attempt to solve the energy shortages we have. I think the energy resource problem we have is not one that we can solve with a magic stroke of legislation or we can solve through new development; but it is something that is going to involve millions of individual efforts by millions, and in fact billions, of people on this planet to make it come true. The government cannot conserve energy for everyone. We all have to do it. We have to use energy resources wisely. It is not just up to the government. It is up to the people of this planet to do it.

I yield to the gentlewoman from New Mexico for additional comments.

Mrs. WILSON. I thank the gentleman for yielding. I really wanted to emphasize something the gentleman from Michigan said early on in his remarks about price caps. There was some discussion about it here on the floor today. It is amazing to me that even after the Federal Energy Regulatory Commission made its decision on Monday to go after a market-based solution, they call it a price mitigation solution, it takes into account changes in the market day to day, that there are still folks who want to say, Well, prices are too high, so let's have the government set what the price is. That did not work in the 1970s. It has not worked for any kind of commodity. And it would really make things so much worse, would make the pain much longer and much more intense than it is today.

The reasons for that are really pretty simple. First, if something does not cost as much as it really costs, then people are not as careful about not wasting it. I know that is true of me. When you are paying $1.57.9 for a gallon of gas, you start planning the way you are going to do your errands on Saturday so you do one trip instead of two. You tell the kids to turn the lights off. You get smart about the way you use energy and think about things and whether we really need to turn the air conditioner on as much as we do or whether we turn it off when we are going to leave for the weekend.

The second thing that it does is, the real problem in California is they just did not build enough power plants. They grew their economy, they grew the population considerably and figured that they would import the power from other places. If you put on price caps and you create huge uncertainty in the industry, nobody is going to go in and say, Yeah, I'm going to take my savings; I'm going to invest in a new power plant, if you do not know whether you are going to be able to recover your investment. So it does not solve the real problem, which is supply. A price cap does not produce one more kilowatt of electricity.

Then the other thing I think it would cause is the reality now that California is dependent on importing electricity from much of the West, including the State of New Mexico. If you put on price caps, you will not be able to buy some power, because people will not sell it to you if they have to sell it to you at a loss. We could make this so much worse. I do not understand why there are still some in the Congress who think the right answer is for us to legislate the price of power. It would be a disaster for California, for the West.

I am glad the Federal Energy Regulatory Commission took the steps that it did, and in fact I was one of the 17 Members of this House that signed a letter asking them to pursue this strategy, a market-based strategy of price mitigation. But really we need to shift and focus on the long-term policies that we need. I do believe that we need a balanced and long-term policy. It has got to include conservation, both conservation by individuals but also the government in systemic efforts that we need. If I go to Baillio's, which is our appliance store, if I do not have a choice of an energy-efficient refrigerator, then I really cannot conserve in that way. There are some things that government must do to make sure that conservation works and that it is not just my decision to turn on or off my lights, but a decision and an encouragement to invest in efficient lighting systems by industries or, for example, the Building America program I mentioned.

The interesting thing about the Building America program and the way that it has changed the building of homes is it is not just adding another layer of insulation in the attic, which we have done that, too. It is the changing the design of the home, starting from the ground up, on making it energy efficient. The savings are just incredible. That is really important for first-time buyers who are looking at how much can they cover on their mortgage, how much house can they get for their money. If the cost of maintaining that house is maybe 10 or 15 or $20 lower, that can go to a mortgage payment rather than to the electric bill. So building from the ground up is very important.

Those are things that we can encourage and do through government. We have got to increase supply, no question about that, in order to reduce our dependence on foreign oil. The gentleman mentioned it, and I think it is worth repeating, 55 percent of America's oil comes from outside the United States. The fastest growing supplier of oil to America, and the number six supplier to America, is Iraq.

Most folks do not know that Saddam Hussein probably has more impact on American gas prices than any of us would wish to admit. I noticed an article in the paper on Monday, they are reconsidering sanctions on Iraq. And not a surprise, every time they do that at the United Nations, Iraq decides that it is going to turn off its spigot and tell the rest of the world that they have us by the short hairs. I do not want to be by the short hairs with Saddam Hussein, which means we need to reduce our foreign dependence on single sources of supply so that when one individual dictator says, Well, I'm turning off the spigot, we have other sources, we are not over a barrel, that our energy policy is not just going on bended knee to other governments and begging for oil. That is not a policy. That is a plea. We should not put ourselves in that situation.

So we have got to have conservation, we have got to have exploration, we have got to build our infrastructure and take care of some of the infrastructure problems that we have, and we need real government reform. I think that that is the recipe for a stable, long-term policy for energy independence in this country. I appreciate the gentleman's efforts to bring this session to the House.

Mr. EHLERS. That was an excellent summary of what we have been trying to convey this evening. I thank the gentlewoman from New Mexico for her comments.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2216, and that the chairman of the Committee on Appropriations also may insert tabular data and other extraneous material.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from Michigan?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877 AND H.R. 1198

Mr. TOWNS (during the special order of Mr. EHLERS). Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 877 and H.R. 1198.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New York?

There was no objection.

TRIBUTE TO SENATOR ROBERT C. BYRD, WEST VIRGINIAN OF THE CENTURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, I rise today to acknowledge West Virginia Day, at least for the 1 hour left in today, and the West Virginian of the Century, U.S. Senator ROBERT C. BYRD, whose accomplishments will last forever. 138 years ago, on June 20, 1863, West Virginia became the 35th State in the Union. Over those 138 years, our State has been blessed with many great statesmen and women, but last month at the State capitol in Charleston, Senator ROBERT C. BYRD was appropriately honored as West Virginian of the Century by a proclamation from our West Virginia Governor, Bob Wise, and resolutions from the West Virginia House of Delegates and the West Virginia Senate.

Mr. Speaker, I include for the RECORD the remarks of Senator BYRD on that occasion.

REMARKS BY SENATOR ROBERT C. BYRD, "WEST VIRGINIAN OF THE 20TH CENTURY," MAY 31, 2001

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers "FREE!"

Always free! Repeats the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder,
Madly flung from hill to hill,
In a wild reverberation
Makes our hearts with rapture fill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: "I'm free!"

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
"Mountaineers are always free!"

Mr. Speaker, Mr. President, Governor Wise, my fellow West Virginians, ladies and gentlemen:

Now in my 84th year, I look back over the ups and downs of a long and full and active life. I see a vastly changed world from what it was when I walked the dirt roads of Wolf Creek Hollow in Mercer County and studied in a two-room schoolhouse. The nation has grown from 102 million when I was born in 1917 to the burgeoning population of 275 million people today. At the beginning of my life, the nation was still in its horse-and-buggy days. Now we are in the age of instant communications, the Internet, jet-propelled planes, inter-planetary exploration, medical miracles, and the highest standard of living that the world has ever known.

We live in a country whose greatness seems to have been foreordained by her fortunate geography and rich natural resources, her agreeable and temperate climate, and by the hardy and industrious race of men and women who hewed her forests, cultivated her fields, bridged her rivers, built her cities, and created the American Dream that has excited the envy and won the admiration of mankind around the globe. How blessed we are to have inherited this pearl of great price! And how thankful we should be to the provident hand of that Omnipotent Being, who has favored our undertakings from the pre-dawn infancy of the colonial experience to the present-day meridian of the American Republic!

I am grateful for the Divine hand that delivered me, in my infancy to my home in West Virginia. I am grateful for wear-worn shoes; for the callouses of honest labor; and for the challenges of an unforgiving terrain. I am thankful for wrong turns that led to the right paths; for good people who inspired me to strive for great things; and for the rich experiences that taught me the difference between knowledge and wisdom.

I am grateful to the people of West Virginia for placing their trust in this adopted son of a poor coal miner, a mere "scrap boy" who used to go door to door gathering bits of food to fatten up the hogs raised by my foster father in a pen by the railroad tracks.

I am grateful to the people for giving me the opportunity to serve our state and our nation; to stand in the midst of history, among men and women who have changed the course of destiny, at the pinnacle of power in the greatest legislative body ever to grace the Earth.

And I am grateful to the people for their many kindnesses to Erma, my wife of 64 years, to whom I owe so much. She has been God's greatest gift to me.

West Virginians have given so much to me. Without your faith in me, I do not know where I would be today, but one thing I do know: I would not be here.

Never having forgotten my roots, I continue to be aware that my highest duty is to West Virginia and to the people of our state, who have honored me with public office for more than a half century.

My own less-than-modest beginning and the poverty of my state during my boyhood years have never faded from my view, and it has been my constant desire to improve the lives of the people who sent me to Washington. In many ways, I think that I have succeeded, but there is still work to do.

I am blessed to have had at my side a wife who, for 64 years, has been the central pillar of my home and my career. Erma and I grew from childhood to adulthood during the years of the Great Depression and in the coal mining towns of Southern West Virginia. The bottom rungs in our Ladder of Life were missing, but with God's help and by His grace, we have weathered storms of adversity and come through times of sorrow as well as joy to the present moment.

Not least of all, I owe much of my phenomenal success in serving the people of my state and my country to the many extraordinary men and women who have worked on my staff throughout my long career in the U.S. House of Representatives and the U.S. Senate.

As we have now crossed the threshold into a new century, I take this opportunity to urge my fellow West Virginians to build their future on the development of the human mind and the rock of the human spirit. I hope that more and more West Virginians will understand the imperative of education and the value of our schools, and that we will restore education to its rightful position as the primary key that opens doors onto the classic American dream of fulfillment in life as individuals and as a society. I hope that increased numbers of parents will become involved in monitoring their children's learning progress, in encouraging better performance at all levels of their children's schoolwork, and in applauding the achievements of good teachers.

I also hope that increased numbers of children will discover and rediscover the joys of reading, that more and more students will find unfathomed challenges in mathematics and the sciences and in history, and that a new generation of well-educated, keenly interested, and highly dedicated and industrious students will emerge from our schools to assure our State's preeminence in every field of learning, business, industry, and endeavor known to man, and many fields yet unknown but waiting for some blade-sharp West Virginia intellects to invent and open doors to them.

I hope that West Virginians will continue to preserve and honor the old values that guided and sustained our fathers and mothers and more distant ancestors in their daily lives and in the life of our state from its earliest beginnings.

The Biblical proverb admonishes us, "Remove not the ancient landmark which thy fathers have set."

My foster parents on their knees influenced my life from my early beginnings. I am sure that many of you can say the same thing.

Man is a spiritual creature. But if that spirituality is ignored—if man's soul is allowed to starve—the result is spiritual death. And no task of national renewal will be possible unless that effort is also a task of spiritual renewal.

George Washington in his farewell address, made the point succinctly:

> . . . And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

Scientists have long sought the so-called "missing link." The real missing link in our national cultural life is God.

From the depths of my heart, I thank Governor Bob Wise, House Speaker Bob Kiss, Senate President Earl Ray Tomblin, the members of both the House and the Senate, but most of all, I thank the people of West Virginia for the many years in which they have reposed their confidence and their faith in me. I have done my best.

May God always bless the State of West Virginia.

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;

Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that, the passing there
Had worn them really about the same.

And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet, knowing how way leads on to way,
I doubted if I should ever come back.

I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I,
I took the one less traveled by,
And that has made all the difference.

Mr. Speaker, I urge you and my colleagues in the House to join me in congratulating Senator BYRD as "West Virginian of the Century," and in thanking him for his tireless work on behalf of the great State of West Virginia and its millions of residents.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

The following Member (at the request of Mrs. CAPITO) to revise and extend his remarks and include extraneous material:

Mr. NUSSLE, for 5 minutes, today.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 657. An Act to authorize funding for the National 4-H Program Centennial Initiative; to the Committee on Agriculture.

S. Con. Res. 35. Concurrent resolution expressing the sense of Congress that Lebanon, Syria, and Iran should allow representatives of the International Committee of the Red Cross to visit the four Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon; to the Committee on International Relations.

S. Con. Res. 42. Concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes; to the Committee on International Relations.

ADJOURNMENT

Mr. RAHALL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 p.m.), the House adjourned until tomorrow, Thursday, June 21, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2589. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

2590. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2591. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2592. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Inspector General covering the period from October 1, 2000, to March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2593. A letter from the Acting Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2594. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD-046-FOR] received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2595. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Civil Penalties [Docket No. OST 2000-8058] (RIN: 2105-AC92) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2596. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs; Threshold Requirements and Other Technical Revisions [Docket No. OST-2000-7640] (RIN: 2105-AC89) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2597. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30251; Amdt. No. 429] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2598. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Credit Assistance for Surface Transportation Projects [OST Docket No. OST-2000-7401] (RIN: 2105-AC87) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30249; Amdt. No. 2052] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2600. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Annisquam River, Blynman Canal, MA [CGD01-01-076] (RIN: 2115-AE47) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30250; Amdt. No. 2053] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2602. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Gulf of Mexico, Sarasota, Florida [CGD07-01-042] (RIN: 2115-AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Salisbury, MD [Airspace Docket No. 01-AEA-10] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2604. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Harbour Town Fireworks Display, Calibogue Sound, Hilton Head, SC [CGD07-01-040] (RIN: 2115-AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2605. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Sarasota Bay, Sarasota, Florida [CGD07-01-043] (RIN: 2115-AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Phillipsburg, KS [Airspace Docket No. 01-ACE-2] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2607. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Skull Creek, Hilton Head, SC [CGD07-01-046] (RIN: 2115-AE46) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Jackson Hole, WY [Airspace Docket No. 00-ANM-24] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Grosse Pointe Farms, Lake St. Clair, MI [CGD09-01-042] (RIN: 2115-AA97) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bay City, TX [Airspace Docket No. 2001-ASW-05] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ottawa River, Toledo, Ohio [CGD09-01-036] (RIN: 2115-AA97) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace; South Albany, NY [Airspace Docket No. 00-AEA-16FR] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Advanced Qualification Program; Correction [Docket No. FAA-2000-7497; Amendment No. 61-107, 63-30, 65-41, 108-18, 121-280 and 135-79] (RIN: 2120-AH01) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Fireworks Display, Kill Van Kull, Staten Island, NY [CGD01-01-078] (RIN: 2115-AA97) received June 14, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Cost Requirement Permitting the Transfer of Excess Assets of a Defined Benefit Pension Plan to a Retiree Health Account [TD 8948] (RIN: 1545-AY43) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2616. A letter from the Under Secretary, Department of Defense, transmitting a letter updating the status of the President's report pursuant to Section 1402 of the National Defense Authorization Act (NDAA) for FY 2000 which is due on an annual basis through the year 2007; jointly to the Committees on International Relations, Armed Services, and Intelligence (Permanent Select).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 174. Resolution providing for consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-106). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISRAEL (for himself and Mr. Osborne):

H.R. 2246. A bill to prohibit the targeted marketing to minors of adult-rated media as an unfair or deceptive practice, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Mr. Gibbons):

H.R. 2247. A bill to amend title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Ms. BALDWIN (for herself, Mr. McHugh, Mr. Kind, Mr. Obey, Mr. Petri, Mrs. Emerson, Mr. Gutknecht, Mr. Owens, Mr. Larson of Connecticut, Mr. Smith of Michigan, Mr. Hilliard, Mr. Sensenbrenner, Mr. Oberstar, Mrs. Thurman, Mr. Sanders, Mr. Kleczka, and Mr. Barrett):

H.R. 2248. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, and for other purposes; to the Committee on Agriculture.

By Mr. BLUNT (for himself, Mr. Rush, Mr. Hastert, Mr. Shimkus, Mr. Terry, Mr. Lewis of Kentucky, Mr. Rogers of Michigan, Mr. Costello, Mr. Osborne, Mr. Bereuter, Mr. Lipinski, Mrs. Emerson, Mr. Latham, Mr. Boswell, Mr. Johnson of Illinois, Mr. LaHood, Mr. Hulshof, Mr. Kirk, Mr. Barcia, Mr. Peterson of Minnesota, and Mrs. Northup):

H.R. 2249. A bill to amend section 211 of the Clean Air Act to require a more uniform formula for gasoline and diesel fuel so that gasoline and diesel fuel manufactured for one region of the country may be transported to and sold in other regions of the country, and for other purposes; to the Committee on Energy and Commerce.

By Mr. COOKSEY (for himself, Mr. Armey, Mr. Ehrlich, Mr. Fletcher, Mr. English, Ms. Granger, Mr. Jenkins, Mr. Bryant, Mr. Traficant, Mr. Tauzin, Mr. Jones of North Carolina, Mrs. Myrick, Mr. Doolittle, Mr. Sessions, Mr. Shadegg, Mrs. Kelly, Mr. Goode, Mr. Cannon, Mr. Peterson of Pennsylvania, Mr. Linder, Mrs. Cubin, Mrs. Emerson, Mr. Gibbons, Mr. Riley, and Mr. Baker):

H.R. 2250. A bill to amend the Internal Revenue Code of 1986 to allow more equitable and direct tax relief for health insurance and medical care expenses, to give Americans more options for obtaining quality health care, and to expand insurance coverage to the uninsured; to the Committee on Ways and Means.

By Ms. BROWN of Florida (for herself and Mr. Crenshaw):

H.R. 2251. A bill to direct the Administrator of General Services to convey a certain United States Courthouse in Jacksonville, Florida, to the city of Jacksonville, Florida; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself, Mr. Gilman, Mr. Shays, Mr. McHugh, Mr. Horn, Mr. Mica, Mr. Tom Davis of Virginia, Mr. Souder, Mr. Scarborough, Mr. LaTourette, Mr. Barr of Georgia, Mr. Ose, Mr. Putnam, Mr. Schrock, Mr. Goss, Mr. Sensenbrenner, Mr. Spence, Mr. Hall of Texas, Mr. Deal of Georgia, Mr. Radanovich, Mr. Cox, Mr. Hutchinson, Mr. Duncan, Mr. Lewis of Kentucky, Mrs. Myrick, Mr. Sessions, Mr. Vitter, Mr. Gutknecht, Mr. Doolittle, Mr. Walden of Oregon, Mr. Weldon of Florida, Mr. Bass, Mr. Isakson, Mr. Weldon of Pennsylvania, Mr. Terry, and Mr. Otter):

H.R. 2252. A bill to amend the Federal Election Campaign Act of 1971 to increase the penalties imposed for making or accepting contributions in the name of another and to prohibit foreign nationals from making any campaign-related disbursements, and for other purposes; to the Committee on House Administration.

By Mr. CAMP (for himself, Mr. Weller, Mr. Cannon, Mr. Hayworth, Mrs. Bono, and Mr. Rehberg):

H.R. 2253. A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH (for himself, Mr. Rangel, Mr. Green of Wisconsin, Mr. Strickland, and Mrs. Thurman):

H.R. 2254. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself and Mr. Thompson of California):

H.R. 2255. A bill to amend title 10, United States Code, to provide for the appointment of a Chief of the Veterinary Corps of the Army in the grade of brigadier general, and for other purposes; to the Committee on Armed Services.

By Mr. KOLBE:

H.R. 2256. A bill to amend the Public Health Service Act to establish a 5-year pilot program under which health care providers are reimbursed by the Secretary of Health and Human Services for the costs associated with providing emergency medical care to aliens who are not lawfully present in the United States and are not detained by any law enforcement authority, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 2257. A bill to suspend temporarily the duty on certain machines designed for children's education; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mrs. Morella, Ms. Ros-Lehtinen, and Ms. Pelosi):

H.R. 2258. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for the eligibility of certain aliens suffering from domestic abuse for SSI, food stamps, TANF, Medicaid, SSBG, and certain other public benefit programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. Weller, Mr. Rangel, Mr. Stark, Mrs. Thurman, Mr. Lipinski, Mr. Payne, Mr. Owens, Ms. McKinney, Mr. Baldacci, Mr. Jackson of Illinois, Mr. Kind, Mr. Lantos, Mr. Gordon, Mr. McGovern, and Mr. Terry):

H.R. 2259. A bill to amend the Internal Revenue Code of 1986 to expand the enhanced deduction for corporate donations of computer technology to senior centers and community centers; to the Committee on Ways and Means.

By Mr. McCRERY:

H.R. 2260. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Ms. McKINNEY (for herself, Mr. Lewis of Georgia, Mr. Bishop, Mr. Barr of Georgia, Mr. Kingston, Mr. Deal of Georgia, Mr. Collins, Mr. Isakson, Mr. Linder, Mr. Chambliss, and Mr. Norwood):

H.R. 2261. A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office"; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD (for herself, Mrs. Mink of Hawaii, Mr. Faleomavaega, and Mr. Cooksey):

H.R. 2262. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TANNER (for himself, Mr. Boswell, Mr. Moore, Mr. Stenholm, Mr. Carson of Oklahoma, Mr. Lucas of Kentucky, Mr. Baca, Mr. Hill, Mr. Matheson, Mr. Taylor of Mississippi, Mr. John, Mr. Turner, Mr. Shows, Mr. Schiff, and Mr. Sandlin):

H.J. Res. 53. A joint resolution proposing a amendment to the Constitution of the United States requiring a two-thirds vote to pass legislation that would result in a deficit in the budget of the United States for any fiscal period; to the Committee on the Judiciary.

By Mr. KOLBE (for himself, Mr. Davis of Florida, and Mr. Moran of Virginia):

H. Con. Res. 167. Concurrent resolution recognizing the International Olympic Committee for its work to bring about understanding of individuals and different cultures, for its focus on protecting the civil rights of its participants, for its rules of intolerance against discriminatory acts, and for its goal of promoting world peace through sports; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. Smith of New Jersey, Mr. Rohrabacher, Mr. Lantos, Mr. Gilman, Mr. Berman, Mr. Chabot, Mr. Engel, Mr. Leach, Ms. McKinney, Mr. Burton of Indiana, Mr. Ackerman, Mr. Delahunt, Mr. Crowley, and Ms. Lee):

H. Con. Res. 168. Concurrent resolution expressing the sense of Congress in support of victims of torture; to the Committee on International Relations.

By Mr. DAVIS of Illinois (for himself, Ms. Millender-McDonald, Mrs. Maloney of New York, Ms. Norton, Mr. Gonzalez, Mr. McNulty, Ms. Kaptur, Mr. Filner, Mr. Hinchey, Mr. Capuano, Ms. McKinney, Mr. Towns, Mr. Wynn, Mr. Engel, Mr. Jackson of Illinois, Mr. Hastings of Florida, Mr. Nadler, Mr. Payne, Mr. Bishop, Mr. Thompson of Mississippi, Ms. Carson of Indiana, Mr. McIntyre, Mrs. Mink of Hawaii, Mr. Clyburn, Mrs. Clayton, Mr. Lewis of Georgia, Mr. Shimkus, Ms. Jackson-Lee of Texas, Mr. Lantos, Mr. Lampson, Ms. Brown of Florida, Mr. Honda, Mrs. Napolitano, Mr. Serrano, Mr. Rodriguez, Mr. Clement, Mr. Pascrell, Mr. Stark, Ms. Waters, Mrs. Meek of Florida, Ms. Sanchez, Mr. Reyes, Mr. Ross, Mr. Pastor, Mr. Hall of Ohio, Mr. Fattah, Mr. Faleomavaega, Mr. Barrett, Mr. Hinojosa, Mr. Clay, Ms. Slaughter, Mr. Meeks of New York, Mr. Blagojevich, Mr. Kildee, Mrs. Lowey, Mr. McGovern, Mr. Cummings, Mr. Owens, Ms. Schakowsky, Ms. Baldwin, Ms. Roybal-Allard, Ms. Eddie Bernice Johnson of Texas, Ms. McCarthy of Missouri, Mr. Green of Texas, Mr. Frank, Mr. Watt of North Carolina, Mr. Snyder, Mr. Scott, Mr. Bonior, Mrs. Thurman, Mr. Baca, Ms. Pelosi, Mr. Gutierrez, Ms. Solis, Mr. Frost, Mr. Hilliard, Mrs. Morella, Mrs. Roukema, Ms. Kilpatrick, Ms. Woolsey, Mr. Underwood, Ms. Lee, Mr. Pallone, Mr. Langevin, Mr. Abercrombie, and Mr. Traficant):

H. Con. Res. 169. Concurrent resolution directing the Architect of the Capitol to enter into a contract for the design and construction of a monument to commemorate the contributions of minority women to women's suffrage and to the participation of women in public life, and for other purposes; to the Committee on House Administration.

By Mr. GREEN of Wisconsin (for himself, Mr. Blunt, Mr. Hall of Ohio, Mr. Watts of Oklahoma, Mr. Souder, Mr. Hayes, Mr. Tancredo, Mr. Doolittle, Mr. Pence, Mr. Largent, Mr. Jones of North Carolina, Mr. Goode, Mr. DeMint, Mr. Schaffer, Mr. Hoekstra, Mr. Shadegg, Mr. Toomey, Mr. Weldon of Florida, Mr. Ryan of Wisconsin, Mr. Sam Johnson of Texas, Mr. Smith of Michigan, Mr. Vitter, Mr. Hilleary, and Mr. Sununu):

H. Con. Res. 170. Concurrent resolution encouraging corporations to contribute to faith-based organizations; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H. Con. Res. 171. Concurrent resolution expressing the sense of Congress regarding graduated driver's license programs; to the Committee on Transportation and Infrastructure.

By Mr. ISSA (for himself, Mr. Weller, Mr. Smith of Michigan, Mr. Ehrlich, Mr. Dooley of California, Mr. Rush, Mr. Simpson, Mrs. Clayton, Mr. Blagojevich, Mr. Schiff, Mr. Toomey, Mr. Riley, Mr. Cunningham, Mr. Oxley, Mr. Hunter, Mr. Jones of North Carolina, and Mr. Ose):

H. Res. 173. A resolution expressing the sense of the House of Representatives regarding the benefits of biotechnology; to the Committee on Science.

By Mr. HASTINGS of Washington:

H. Res. 175. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. PETERSON of Pennsylvania, Mr. SESSIONS, Mr. SCHROCK, and Mr. GRUCCI.

H.R. 15: Mr. BURTON of Indiana.

H.R. 20: Mr. SMITH of New Jersey and Mr. ENGLISH.

H.R. 31: Mr. PETERSON of Pennsylvania.

H.R. 64: Mr. UDALL of Colorado.

H.R. 91: Mr. CLEMENT.

H.R. 154: Mr. RAHALL.

H.R. 164: Mr. BEREUTER.

H.R. 168: Mr. FROST.

H.R. 175: Mr. NETHERCUTT and Mr. HOSTETTLER.

H.R. 238: Ms. HARMAN.

H.R. 257: Mr. GOODE, Mr. TERRY, and Mr. KELLER.

H.R. 260: Ms. HART.

H.R. 280: Mr. CRAMER.

H.R. 283: Ms. HARMAN.

H.R. 287: Mrs. JONES of Ohio.

H.R. 303: Mr. HOSTETTLER.

H.R. 326: Mr. FLETCHER.

H.R. 361: Ms. LEE.

H.R. 365: Ms. HARMAN.

H.R. 478: Mr. FORD.

H.R. 599: Mr. CLEMENT.

H.R. 600: Mr. HOEFFEL and Mr. WALDEN of Oregon.

H.R. 602: Mr. COOKSEY, Mr. HEFLEY, and Mr. OSBORNE.

H.R. 612: Mr. KENNEDY of Minnesota.

H.R. 635: Mr. TRAFICANT and Mr. STUPAK.

H.R. 648: Mr. HILLEARY.

H.R. 664: Mr. LARSEN of Washington, Mr. ISAKSON, Mr. ACKERMAN, Mr. SPRATT, Mr. BRYANT, and Mr. CLYBURN.

H.R. 701: Mr. PETRI, Mrs. DAVIS of California, Mr. KUCINICH, Mr. CARDIN, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. GILMAN, Mr. JOHNSON of Illinois, Ms. ESHOO, Mr. DIAZ-BALART, Mr. KIND, Mr. HORN, Mrs. MORELLA, Mr. HOUGHTON, Mr. THOMPSON of Mississippi, Mr. SHAW, Ms. BERKLEY, Mr. GREENWOOD, Mr. FLETCHER, Mr. OWENS, Mr. LANTOS, Mr. OBERSTAR, Mr. BLUMENAUER, Mr. EVERETT, Ms. HARMAN, Mr. DOOLEY of California, and Mr. WHITFIELD.

H.R. 746: Mr. GRAHAM.

H.R. 760: Mr. RAMSTAD.

H.R. 794: Mr. BACHUS.

H.R. 839: Ms. HARMAN.

H.R. 843: Mrs. MALONEY of New York.

H.R. 918: Mr. TERRY, Mr. COOKSEY, Mr. BLAGOJEVICH, Mr. SIMMONS, Ms. ROS-LEHTINEN, Mr. BONIOR, Ms. HOOLEY of Oregon, Mr. WELDON of Florida, Ms. ROYBAL-ALLARD, and Mr. FLETCHER.

H.R. 943: Ms. ESHOO and Mr. SCHIFF.

H.R. 945: Mr. PRICE of North Carolina.

H.R. 948: Mr. GEORGE MILLER of California, Mr. MOORE, Mr. SERRANO, Mrs. CAPPS, Mr. DEFAZIO, Mr. WAXMAN, Mr. ACKERMAN, Mr. KUCINICH, Mrs. CAPITO, and Mr. PASCRELL.

H.R. 959: Mrs. CAPITO.

H.R. 1011: Mr. MOLLOHAN and Mr. JENKINS.

H.R. 1021: Mr. HOLT.

H.R. 1090: Mr. BARCIA, Mrs. JONES of Ohio, and Ms. LEE.

H.R. 1111: Mrs. DAVIS of California and Mr. LUTHER.

H.R. 1129: Ms. WOOLSEY and Ms. CARSON of Indiana.

H.R. 1130: Ms. WOOLSEY.

H.R. 1134: Mr. SPRATT.

H.R. 1143: Ms. MCCARTHY of Missouri, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Mr. BOYD, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. KUCINICH, Mr. PASTOR, and Mr. RANGEL.

H.R. 1167: Ms. WATERS, Mr. FRANK, Mr. GONZALEZ, Ms. ESHOO, Ms. BALDWIN, Ms. JACKSON-LEE of Texas, Mr. WOLF, Mr. STARK, Mr. MATHESON, Mr. LARGENT, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. BAIRD, Mr. YOUNG of Alaska, and Mr. PAYNE.

H.R. 1168: Ms. WATERS, Ms. MCCOLLUM, Mr. GONZALEZ, Ms. ESHOO, Ms. RIVERS, Ms. JACKSON-LEE of Texas, Mr. WU, Mr. STARK, Mr. MATHESON, Mr. LARGENT, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. YOUNG of Alaska, Mr. PAYNE, and Mr. LUCAS of Kentucky.

H.R. 1170: Mr. MCNULTY.

H.R. 1186: Mr. BLUMENAUER and Mr. FARR of California.

H.R. 1200: Ms. NORTON.

H.R. 1204: Ms. HARMAN.

H.R. 1262: Mr. BALDACCI and Mr. HINCHEY.

H.R. 1266: Mrs. MINK of Hawaii and Mr. PASCRELL.

H.R. 1302: Mr. PAUL.

H.R. 1303: Mrs. JOHNSON of Connecticut.

H.R. 1310: Mr. SCHIFF and Mr. HOLT.

H.R. 1338: Mr. FROST.

H.R. 1339: Mr. JOHN.

H.R. 1343: Mr. ORTIZ.

H.R. 1344: Mrs. MINK of Hawaii.

H.R. 1357: Mr. ISAKSON.

H.R. 1382: Mr. BLUMENAUER.

H.R. 1401: Mr. MCGOVERN, Mr. UDALL of Colorado, and Mr. GORDON.

H.R. 1406: Mr. HINCHEY.

H.R. 1411: Mr. SMITH of Texas.

H.R. 1462: Mr. SIMPSON.

H.R. 1465: Mr. PAYNE, and Mr. ROTHMAN.

H.R. 1468: Ms. DELAURO.

H.R. 1482: Mr. JACKSON of Illinois.

H.R. 1511: Mr. SIMMONS, Mr. RAHALL, Mr. BACA, Mr. FILNER, and Mr. WOLF.

H.R. 1536: Mr. PALLONE, Mr. BAIRD, and Mr. BORSKI.

H.R. 1545: Ms. LOFGREN.

H.R. 1556: Mrs. MCCARTHY of New York, and Mr. CLEMENT.

H.R. 1568: Mr. FARR of California, Mr. DICKS, and Mr. TIERNEY.

H.R. 1591: Ms. WOOLSEY and Mr. EVANS.

H.R. 1592: Mr. DUNCAN.

H.R. 1604: Mrs. JONES of Ohio.

H.R. 1610: Mr. FLETCHER and Mr. BRYANT.

H.R. 1628: Mr. HINOJOSA.

H.R. 1629: Mr. GORDON, Mr. HOUGHTON, Mr. WAMP, Mr. GONZALEZ, Ms. SANCHEZ, Mr. MENENDEZ, Mrs. TAUSCHER, Mr. MCGOVERN, Mr. CROWLEY, Mr. PASCRELL, Mr. DOYLE, Ms. MCCARTHY of Missouri, and Mr. FARR of California.

H.R. 1645: Mr. UDALL of Colorado and Mr. FILNER.

H.R. 1651: Mr. WALSH.

H.R. 1657: Mr. GANSKE.

H.R. 1679: Mr. SAM JOHNSON of Texas, Ms. HART, Mr. OTTER, Mrs. BIGGERT, AND MR. ROSS.

H.R. 1694: Mr. FLAKE.

H.R. 1711: Mr. WALDEN of Oregon and Mr. BAIRD.

H.R. 1734: Ms. ESHOO, Mr. KUCINICH, and Mr. PALLONE.

H.R. 1759: Mr. DICKS, Mr. BISHOP, and Mr. BLUNT.

H.R. 1760: Mr. LATOURETTE and Mr. WAXMAN.

H.R. 1769: Ms. MCKINNEY, Ms. LOFGREN, and Mr. SCHIFF.

H.R. 1771: Mr. MCGOVERN.

H.R. 1773: Mrs. CLAYTON and Mr. FROST.

H.R. 1774: Mr. BURTON of Indiana, Mr. JONES of North Carolina, Ms. GRANGER, and Mrs. CAPITO.

H.R. 1812: Mr. WAXMAN.

H.R. 1820: Mr. ENGLISH.

H.R. 1856: Mr. BISHOP, Mr. FROST, and Ms. MCKINNEY.

H.R. 1859: Mr. STRICKLAND.

H.R. 1895: Mr. GRAVES.

H.R. 1910: Mr. DIAZ-BALART.

H.R. 1911: Ms. LEE.

H.R. 1923: Ms. HART.

H.R. 1927: Mr. PLATTS and Ms. RIVERS.

H.R. 1944: Mr. GARY G. MILLER of California.

H.R. 1948: Mr. MCGOVERN.

H.R. 1957: Ms. KAPTUR.

H.R. 1962: Mr. SHOWS.

H.R. 1975: Mr. SIMPSON, Mr. STUPAK, Ms. HART, Mr. HAYWORTH, Mr. ROGERS of Michigan, and Mr. SMITH of Washington.

H.R. 1987: Mr. NORWOOD, Mr. KINGSTON, Mr. GORDON, Mr. STARK, Mr. GREEN of Texas, Mr. PASTOR, Mr. CLEMENT, Mr. HILLEARY, Mr. MCNULTY, Mr. RAMSTAD, Ms. ROS-LEHTINEN, Mr. DELAHUNT, Mr. BONILLA, and Mr. HAYWORTH.

H.R. 1988: Mr. REGULA, Mr. QUINN, Mr. EVANS, Mr. MASCARA, and Mr. LATOURETTE.

H.R. 2023: Mr. BRYANT, Mr. GREEN of Texas, Mr. TURNER, Mr. JOHN, Mr. CALVERT, Mr. NEY, Mr. SAXTON, and Mr. EHRLICH.

H.R. 2037: Mr. LEWIS of California, Mr. PUTNAM, Mr. MASCARA, Mr. FLETCHER, Mr. BERRY, Mr. COSTELLO, Mr. HULSHOF, Mr. WAMP, Mr. MOLLOHAN, Mr. TAUZIN, Mr. MCKEON, Mr. TANCREDO, Mrs. CAPITO, Mr. GANSKE, and Mr. HOBSON.

H.R. 2059: Mr. HOEFFEL, Mr. MORAN of Virginia, Mr. BERMAN, Ms. PELOSI, Mr. MCGOVERN, Mr. JEFFERSON, and Mr. DICKS.

H.R. 2095: Ms. CARSON of Indiana, Mr. FALEOMAVAEGA, and Mr. HASTINGS of Florida.

H.R. 2096: Mr. GRAHAM, Mr. PLATTS, and Mr. GOODLATTE.

H.R. 2100: Mr. MEEKS of New York.

H.R. 2104: Mr. PAYNE, Mr. FROST, Mr. DAVIS of Illinois, Mr. RUSH, Mr. CUMMINGS, Mr. RANGEL, Ms. WATSON, Mr. JEFFERSON, Mr. WYNN, Ms. NORTON, Mrs. JONES of Ohio, Mr. OWENS, Ms. KILPATRICK, Mr. BISHOP, Mrs. MEEK of Florida, Mr. THOMPSON of Mississippi, and Mr. LEWIS of Georgia.

H.R. 2114: Mr. WAMP.

H.R. 2118: Mr. MCNULTY.

H.R. 2125: Mrs. JO ANN DAVIS of Virginia and Mr. FILNER.

H.R. 2131: Mr. GALLEGLY.

H.R. 2133: Mr. LEWIS of Georgia, Mr. BURTON of Indiana, Ms. MCKINNEY, Mr. ENGLISH, and Mr. JACKSON of Illinois.

H.R. 2134: Mr. FRANK, Mr. CLAY, and Mr. EVANS.

H.R. 2138: Mr. BERRY.

H.R. 2145: Mr. WHITFIELD, Mr. WALSH, Mr. FROST, Mr. JACKSON of Illinois, Ms. MCKINNEY, Mr. BISHOP, Mr. CLAY, Mrs. CLAYTON, Mr. HILLIARD, Ms. LEE, Mrs. MEEK of Florida, Mr. MEEKS of New York, Mr. OWENS, Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. CROWLEY, Mr. WEINER, Mr. PAYNE, Mr. JEFFERSON, Mr. CUMMINGS, Mr. RUSH, Mr. PALLONE, Mr. PASCRELL, Ms. JACKSON-LEE of Texas, and Mr. TOWNS.

H.R. 2147: Mr. SIMMONS and Mrs. JOHNSON of Connecticut.

H.R. 2149: Mrs. NORTHUP, Mr. SUNUNU, Mr. DEMINT, Mr. CANNON, Mr. LARGENT, Mr. EHRLICH, Mr. HANSEN, and Mr. RYUN of Kansas.

H.R. 2157: Mr. BERRY, Mr. REHBERG, Mr. HERGER, Mr. GILCHREST, Mr. HUTCHINSON, and Mr. BLUNT.

H.R. 2211: Mr. FRANK.

H.R. 2228: Mr. KLECZKA and Mr. BARRETT.

H.R. 2231: Mr. COBLE.

H.J. Res. 20: Mr. BURTON of Indiana.

H.J. Res. 36: Mr. HERGER and Mr. LEWIS of California.

H.J. Res. 40: Mrs. MCCARTHY of New York, Mr. HOLDEN, Mr. PRICE of North Carolina, Mr. THOMPSON of California, and Mr. PHELPS.

H. Con. Res. 60: Mrs. THURMAN, Mr. FARR of California, Mr. PASCRELL, and Mr. PRICE of North Carolina.

H. Con. Res. 97: Mrs. NAPOLITANO, Mrs. KELLY, and Mr. BAIRD.

H. Con. Res. 102: Mr. OBERSTAR, Ms. HOOLEY of Oregon, Ms. PELOSI, Mr. ROTHMAN, Mr. HINCHEY, and Mr. PALLONE.

H. Con. Res. 104: Mr. WALSH.

H. Con. Res. 116: Mr. PORTMAN and Ms. KAPTUR.

H. Con. Res. 160: Mr. HEFLEY.

H. Res. 132: Mr. BONIOR, Mr. HINCHEY, Mr. WELDON of Pennsylvania, and Mrs. MALONEY of New York.

H. Res. 152: Mrs. MEEK of Florida and Mr. GRAHAM.

H. Res. 154: Mr. MCGOVERN, Mr. MCNULTY, Mr. PETERSON of Minnesota, Mr. STRICKLAND, Mr. GREEN of Wisconsin, Mr. PHELPS, Mr. GILMAN, Mr. BORSKI, Mr. DEFAZIO, Mr. BACA, Mrs. MEEK of Florida, Mr. HOLDEN, Mr. COYNE, Mr. CUMMINGS, Mr. CLAY, Mr. EVANS, and Mr. CLYBURN.

H. Res. 159: Ms. HARMAN.

H. Res. 160: Mr. KUCINICH, Mr. TANCREDO, and Mr. HOLT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. TOWNS.

H.R. 1198: Mr. TOWNS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2216

OFFERED BY: MR. BAIRD

AMENDMENT NO. 4: Page 45, after line 25, insert the following:

CHAPTER 10

DEPARTMENT OF ENERGY

EDUCATION ENERGY ASSISTANCE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For payments by the Secretary of Energy to States to provide reimbursements to local educational agencies, and schools funded by the Bureau of Indian Affairs, for the purpose of assisting schools severely impacted by rising energy prices, of which $55,000,000 shall be derived by transfer from the amount provided in this Act for "Research, Development, Test and Evaluation, Air Force", $21,000,000 shall be derived by transfer from the amount provided in this Act for "Financial Management Service—Salaries and Expenses", and $24,500,000 shall be derived by transfer from the amount provided in this Act for "Operation and Maintenance, Air Force", $100,500,000, to remain available until expended: *Provided*, That a local educational agency or Bureau funded school shall be eligible for assistance under this paragraph only if (1) it has reduced power consumption on a per capita basis at least 10 percent from the previous academic year, and (2) it has power rates that have increased at least 20 percent over the previous academic year: *Provided further*, That any reimbursement to a local educational agency or Bureau funded school under this paragraph shall be of sufficient size to offset up to 50 percent of the increase in annual energy costs to each participating school.

H.R. 2216

OFFERED BY: MR. BAIRD

AMENDMENT NO. 5: Page 37, line 21, after the dollar amount, insert the following: "(reduced by $21,000,000)".

H.R. 2216

OFFERED BY: MR. BENTSEN OF TEXAS

AMENDMENT NO. 6: In chapter 9 of title II, strike the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF".

H.R. 2216

OFFERED BY: MR. FILNER

AMENDMENT NO. 7: In title II, at the end of chapter 3, insert the following:

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,000,000, for establishment of a maximum price for wholesale sales of electricity at rates that are unjust, unreasonable, or unduly discriminatory or preferential and to provide for the refund of prices paid in excess of such maximum price, to be derived by transfer from funds made available under title I: *Provided*, That the Director of the Office of Management and Budget shall determine the amount to be transferred from each account in title I: *Provided further*, That the Director shall not transfer any amounts from the funds made available under the headings "Military Personnel", "Defense Health Program", "Family Housing, Army", "Family Housing, Navy and Marine Corps", and "Family Housing, Air Force".

H.R. 2216

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 8: Page 37, line 14, after "$92,000,000" insert "(reduced by $50,000,000)".

Page 44, line 25, after "$389,200,000" insert "(reduced by $50,000,000)".

H.R. 2216

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: Page 37, line 10, after "$30,000,000" insert "(reduced by $30,000,000)".

Page 37, line 14, after "$92,000,000" insert "(reduced by $30,000,000)".

H.R. 2216

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 10: Page 24, after line 19, insert the following new chapter:

CHAPTER 3A

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

INTERNATIONAL DISASTER ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Disaster Assistance" for rehabilitation and reconstruction assistance for India, to be derived by transfer from the amount provided in chapter 1 of title I for "Research, Development, Test and Evaluation, Air Force", $100,000,000, to remain available until expended.

H.R. 2216

OFFERED BY: MR. OBEY

AMENDMENT NO. 11: At the end of chapter 8 of title II, insert the following new provision:

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

FEDERAL DRUG CONTROL PROGRAMS HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "High Intensity Drug Trafficking Areas Program", to be derived by transfer of amounts provided in this chapter for "Internal Revenue Service—Processing, assistance, and management", $30,500,000, as authorized by law (21 U.S.C. 1706).

H.R. 2216

OFFERED BY: MR. SKELTON

AMENDMENT NO. 12: At the end of chapter 1 of title I (page 13, after line 4), insert the following new section:

SEC. 1107. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $2,736,100,000 is hereby appropriated to the Department of Defense, as follows:

"Military Personnel, Army", $30,000,000;

"Military Personnel, Navy", $10,000,000;

"Military Personnel, Air Force", $332,500,000;

"Reserve Personnel, Army", $30,000,000;

"Operation and Maintenance, Army", $916,400,000;

"Operation and Maintenance, Navy", $514,500,000;

"Operation and Maintenance, Marine Corps", $295,700,000;

"Operation and Maintenance, Air Force", $59,600,000;

"Operation and Maintenance, Defense-Wide", $9,000,000;

"Operation and Maintenance, Army Reserve", $30,000,000;

"Operation and Maintenance, Army National Guard", $106,000,000;

"Aircraft Procurement, Army", $50,000,000;

"Procurement of Weapons and Tracked Vehicles, Army", $10,000,000.

"Procurement of Ammunition, Army", $14,000,000;

"Other Procurement, Army", $40,000,000;

"Aircraft Procurement, Navy", $65,000,000;

"Aircraft Procurement, Air Force", $108,100,000;

"Other Procurement, Air Force", $33,300,000;

"Research, Development, Test and Evaluation, Air Force", $33,000,000; and

"USS Cole", $49,000,000:

Provided, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount under this section shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

H.R. 2217

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 1: Page 117, beginning on line 18, strike section 312 (relating to recreational fee demonstration program).

H.R. 2217

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 2: Page 118, line 3, strike "2006" and insert "2003".

Page 118, line 5, strike "2009" and insert "2006".

Page 118, strike lines 6 though 8 (and redesignate the subsequent subsections accordingly).

Page 118, strike line 18 and all that follows through page 119, line 5 (and redesignate the subsequent subsection accordingly).

H.R. 2217

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 3: Page 90, after line 4, insert the following:

EMERGENCY ENERGY INITIATIVE

For an additional amount for high priority energy research initiatives intended to bring to American consumers more efficient transportation and buildings, more plentiful and affordable electrical power, reduced reliance on foreign oil, and new technologies and approaches to deal with global warming, $200,000,000: *Provided*, That such amounts shall be allocated among research priority areas by the Secretary of Energy based on an energy research plan which shall be developed as expeditiously as possible and which shall be submitted to the Congress: *Provided further*, That all amounts made available shall be awarded competitively: *Provided further*, That the entire amount appropriated is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be made available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

H.R. 2217

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 4: Page 36, beginning at line 1, strike "under a comparable royalty-in-value program" and insert "under the existing royalty-in-value program based on spot market prices".

H.R. 2217

OFFERED BY: MR. RAHALL

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

H.R. 2217

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: Page 7, line 11, insert "(increased by $12,000,000)" after "$200,000,000".

Page 87, line 13, insert "(reduced by $52,000,000)" after "$579,000,000".

Page 89, line 5, insert "(increased by $36,000,000)" after "$940,805,000".

Page 89, line 6, insert "(increased by $24,000,000)" after "$311,000,000".

Page 89, line 11, insert "(increased by $24,000,000)" after "$249,000,000".

H.R. 2217

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: Page 87, line 13, insert "(reduced by $52,000,000)" after "$579,000,000".

Page 89, line 5, insert "(increased by $36,000,000)" after "$940,805,000".

Page 89, line 6, insert "(increased by $24,000,000)" after "$311,000,000".

Page 89, line 11, insert "(increased by $24,000,000)" after "$249,000,000".

H.R. 2217

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 8: Page 87, after line 1, insert the following:

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $15,000,000 shall not become available until October 1, 2002: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

Page 109, line 21, after the dollar amount, insert the following: "(increased by $3,000,000, which shall not become available until September 29, 2002)".

Page 110, line 19, after the dollar amount, insert the following: "(increased by $2,000,000, which shall not become available until September 29, 2002)".

Page 110, line 24, after the dollar amount, insert the following: "(increased by $10,000,000, which shall not become available until September 29, 2002)".

H.R. 2217

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 9:

SEC. . No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

EXTENSIONS OF REMARKS

TRIBUTE TO REVEREND DR. WILLIS T. GOODWIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Reverend Dr. Willis T. Goodwin, Pastor of Washington United Methodist Church in Charleston, South Carolina, and New Frances Brown United Methodist Church in North Charleston.

On May 15, Reverend Dr. Goodwin was awarded the prestigious "National Service Award" by the Washington Times Foundation. This "Salute to a National Hero" was presented at the third annual National Service Awards Banquet, here in Washington, DC, and I was honored to be present for the occasion.

Reverend Dr. Goodwin was honored for his outstanding record of humanitarian service. Faith-based community leaders from all 50 states were recognized for the wonderful contributions they have made to our society. Reverend Goodwin has spent a lifetime helping the sick, the disposesssed, and the less fortunate of this world, and I am pleased to see that this kind of commitment is recognized and commended.

Mr. Speaker, please join me in paying tribute to Reverend Dr. Willis T. Goodwin for his many years of unselfish service to God and Country.

RECOGNIZING HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RODRIGUEZ. Madam Speaker, today marks an important date in our Nation's history. Today, the bells of freedom ring in our consciousness and our hearts as we celebrate Juneteenth, the oldest known celebration of the ending of slavery.

On June 19th, 1865, two years following the Emancipation Proclamation issued by President Abraham Lincoln, Major General Gordon Granger of the Union Army read General Order #3 in Galveston, Texas. This order began most significantly with:

> The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.

This profound news inspired immediate jubilation and happiness. African-Americans, previously bonded to their owners in slavery, were now united in their freedom and liberty. Juneteenth, celebrated every June 19th, commemorates this day of emancipation in Texas.

Since 1865, Juneteenth celebrations have taken place throughout the United States. Large celebrations on June 19, 1866 marked the first anniversary of African-American independence day. Many of these events mirrored Fourth of July festivities. In these early days, the celebration included a prayer service, speakers with inspirational messages, reading of the Emancipation Proclamation and stories from former slaves.

Juneteenth festivals spread from Texas to neighboring states as freed African-Americans migrated in search of work and to re-unite families separated by the slave trade. Celebration of Juneteenth revived in 1950 at the Texas State Fair Grounds in Dallas. Legislation passed in the 66th Texas legislature declared June 19 Emancipation Day in Texas, beginning January 1, 1980. Since that time, the celebration of Juneteenth continues across the state of Texas.

Laws can set the stage for change, but actual progress can be slow. As Juneteenth takes on a more national and global perspective, the events in 1865 in Texas cannot be forgotten, for on this fertile soil the inalienable rights of life, liberty and the pursuit of happiness which Jefferson so eloquently crafted and championed in the Declaration of Independence were ultimately made possible—in law though not always in fact—for the former slaves. Today, Juneteenth celebrates African-American freedom while encouraging self-development and respect for all cultures. As we continue to move forward as a nation, we must continue to strive for equality. As Dr. Martin Luther King Jr. states on August 28, 1963 on the steps of the Lincoln memorial:

> This will be the day when all of God's children will be able to sing with a new meaning, "My country, 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring." And if America is to be a great nation, this must become true.

And so today, let us continue to ring the bell of freedom and renew our commitment to the principles of equality and freedom—in fact not just in law—for all.

TRIBUTE TO THE ACADEMIC QUIZ BOWL TEAM FROM NORTHSIDE HIGH SCHOOL IN FORT SMITH, ARKANSAS

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise to pay tribute to the Academic Quiz Bowl Team from Northside High School in Fort Smith, Arkansas, who recently earned the title of National Quiz Bowl Champions. The students defeated a field of 64 teams last month to win the 15th Annual Scholastic Tournament of Champions in Chicago.

The Grizzlies, led by Coach Larry Jones, have dominated the quiz bowl circuit this year—placing first in 10 out of 11 tournament appearances. Bringing home the national title has been a year-long quest for team captain Shawn Standefer and senior members Colin Drolshagen and my son, Seth Hutchinson; juniors, Ryan Marsh, Willie Reyenga and Jill Hoang.

The team had a special chemistry from the very beginning as Shawn, Colin and Seth have been best friends since junior high school. The whole team has dedicated countless hours to studying everything from the classics to history to the latest developments in DNA.

After the team won the state championship, I asked my son, Seth, what the plan was for the national competition. Seth replied that the team members all decided to give something up in order to concentrate on preparation for the national championship. I thought to myself, "What do these teens value the most and are willing to sacrifice?" Mr. Speaker, it wasn't television. It wasn't sports. My son told me they were going to give up their personal reading time!

Like the members of the team, Coach Jones also sacrificed a great deal to bring home the title. Without extra compensation or recognition, Mr. Jones has gone the extra mile for this team. He has given up his afternoons, evenings, days, and weekends to help them train. He is a career-minded, student-oriented teacher who has made a difference in the lives of these young people. This team came to the table with a great deal of talent—but it was Mr. Jones who brought them together and inspired a team capable of competing at the national level.

Mr. Speaker and fellow colleagues, please join me in congratulating the Northside High School Quiz Bowl team as they enjoy their reign as national champions. They have made their school, their town, their state and, especially their parents, proud.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING TOM STEARNS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Tom Stearns for his faithful dedication to improving the lives of others. Mr. Stearns died in a Missoula, Montana hospital on Sunday, May 27, 2001 after suffering a major heart attack.

Tom had an extensive career in public service. Mr. Stearns began his career as a member of the Clovis City Council in 1983 and was named Mayor for two years starting in 1988. In addition to his public service, Mr. Stearns was president of the Clovis Rodeo Association, and represented the city of Clovis on he San Joaquin Valley Air Pollution Control District. Mr. Stearns also served as president of the San Joaquin Division of the League of California Cities from 1991–1992. While dedicating much of his time to public service and private organizations, Mr. Stearns was employed by Pacific Gas & Electric Co. until his retirement in 1993.

Mr. Speaker, I am pleased to honor Tom Stearns for his dedication to improving the lives of others in the local community. I urge my colleagues to join me in honoring the memory of Mr. Stearns.

TRIBUTE TO DR. DAVID W. NELSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to Dr. David W. Nelson from Middleton, Wisconsin. On June 30, 2001, Dr. Nelson will be inducted as the 80th president of the American Optometric Association at its 104th Annual Congress in Boston, Massachusetts. Dr. Nelson's commitment and contributions to his profession have earned him this prestigious recognition.

Dr. Nelson has an impressive record of service at the local, state, and national level showing his dedication and leadership in the field of optometry. He was first elected to the American Optometric Association Board in 1994 and held the elective offices of Secretary-Treasurer and Vice President. He also served as chair of the Membership Development Committee and Computer Network Task Force.

Dr. Nelson is also past president of the Wisconsin Optometric Association (WOA) and the Madison Area Optometric Society. His professional leadership began during his optometric doctorate studies as president of the American Optometric Student Association, a national organization of 5,200 members representing optometry students' interest in their four-year post-graduate programs.

Dr. Nelson has been recognized with the Optometric Recognition Award in 1989 and the Legislative Achievement Award in 1989, 1990, and 1994. He also was named Wisconsin Young Optometrist of the Year in 1995.

In looking at Dr. Nelson's past achievements, it is apparent that his devotion and motivation will meet the leadership demands of the American Optometric Association. I join his many friends and professional colleagues in congratulating him and wishing him well as the new president of the American Optometric Assocation.

PAYING TRIBUTE TO THE MICHIGAN STATE UNIVERSITY CLASS OF 2001

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. ROGERS of Michigan. Mr. Speaker I rise today to pay tribute to the 2001 graduating class of Michigan State University. Due to their hard work and dedication, they are now prepared to make significant contributions to the State of Michigan and the United States of America.

As graduates from the first land grant University in the United States, whatever endeavors the Michigan State class of 2001 may pursue, success is certain to follow.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in recognizing the Michigan State University Class of 2001. May this only be the beginning of the great accomplishments they will achieve in their lifetime.

60TH ANNIVERSARY OF THE FIRST UAW CONTRACT WITH FORD MOTOR COMPANY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. BONIOR. Mr. Speaker, we are fortunate to live in a country which protects our freedoms and liberties—the right to free speech, freedom of assembly, and free association.

The right to safe working conditions, an 8 hour workday, a 40 hour workweek, the weekend . . . are things prior generations fought, bled and even died for—and we should never forget that.

On the 60th Anniversary of the first United Auto Worker contract with Ford Motor Company, we need to recognize the difference the UAW has made in the lives of working families.

Prior to their UAW contract, Ford workers had no health and safety protections, no sickness and accident benefits, no grievance procedures, and no respect.

When Walter Reuther and Richard Frankensteen led UAW workers in the Battle of the Overpass in 1937, where they were beaten repeatedly, they began the process of bringing Ford Motor Company to the table to recognize the importance of a quality union workforce.

The years 1937 to 1940 were full of similar battles where workers fought, and some died, to bring dignity to their workplace and to build a better community.

Back then, every Congress of Industrial Organizations member in the Detroit area was asked to sign up the Ford worker "who lives next door or goes to the same church or is married to your . . . second cousin."

On December 30, 1940, 1,000 men organized a strike in the Rouge River tool-and-die department over rest periods. Ford tried to discharge the UAW leaders, but the National Labor Relations Board ordered 22 of them reinstated. When the union members heard the news, they marched triumphantly back into the plant wearing their CIO buttons . . . something they would not have dared to do just a few weeks earlier.

Then in April, 1941, the company refused to meet with any union committees and followed this up by firing eight committeemen. When word of these discharges passed through the River Rouge plant, one worker shouted "strike!" Another voice took up the cry, "strike!" And soon, louder and bolder, the cries rolled through the plants "strike! strike!" There had never been anything like it in Ford history. Workers left their lathes and benches. Assembly lines ground to a halt. Workers began walking out, first in trickles, then soon in columns, and they marched from the Rouge River plant to a union hall, half a mile away. By nightfall, the hall was filled. The Ford workers couldn't believe what they had done—Ford Motor Company was shut down.

On April 10th, the strike came to an end, as quickly as it had started, it finished. Henry Ford, for the first time in his life, agreed to negotiate with a labor union. On June 20th, the first 24-page contract between the UAW and Ford was signed.

In contract after contract, the UAW has been able to improve upon that original document—in terms of wages, benefits, job protections, pensions, etc.,—to the point where the UAW contract with Ford Motor Company ranks among the best in the world.

Today, we should remember those who fought so hard for that first contract 60 years ago . . . and we should draw strength from their perseverance so that 60 years from now our children will look back and see the exponential progress made by current generations.

HONORING ARMY NATIONAL GUARD COMBAT UNITS DEPLOYED IN SUPPORT OF ARMY OPERATIONS IN BOSNIA

SPEECH OF

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RODRIGUEZ. Madam Speaker, it is with great pleasure that we honor the continued commitment of the Army National Guard in supporting peacekeeping operations in Bosnia, as well as recognize the sacrifices made by these brave men and women who so valiantly serve our country. H. Con. Res. 154 commends the gallantry and dedication of these soldiers who have not only restored peace to the Balkans but have facilitated the recent democratization of the former Yugoslavia.

With such distinguished units as the 49th Armored Division, Texas Army National Guard, and the other National Guard combat units deployed to Bosnia in support of the NATO peacekeeping mission, we have met our obligation to our European allies while serving our national interest in maintaining calm and promoting democracy in this part of the world. We must continue our commitment to providing the necessary resources to ensure the continued readiness of the National Guard and Reserve in the future.

The National Guard and Reserve personnel at home and abroad play an instrumental role in the national security of the United States. I am honored to commemorate their efforts with this resolution.

TRIBUTE TO CARRIE SINKLER-PARKER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dear friend, Carrie Sinkler-Parker upon her appointment to the board of Friends of HelpAged—Ghana International.

Friends of HelpAged—Ghana is a member of HelpAged International, a nongovernmental association established in 1988. Their goal is to assist older persons who are poor, marginalized, or isolated with their daily needs. They seek to promote adequate health care treatment and medicinal availability in rural regions. They work to provide vital services to older persons without care, and enlist volunteers to visit with isolated persons in their homes.

Ms. Sinkler-Parker holds a Graduate Certificate in Gerontology and a Masters in Public Health from the University of South Carolina. Throughout the course of her career, Ms. Sinkler-Parker has focused on eliminating barriers to obtaining quality health care and on addressing social issues that significantly impact older persons. Ms. Sinkler-Parker has been very valuable to me and my staff and I am certain she will use her experiences, dedication, and knowledge to help shape our world views and understanding of the aging population.

Mr. Speaker, please join me in wishing Ms. Carrie Sinkler-Parker good luck and Godspeed in her new position and in honoring her for the incredible service she continues to provide to elderly citizens around the world.

INTRODUCTION OF THE WOMEN IMMIGRANTS SAFE HARBOR ACT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. LEVIN. Mr. Speaker, today we join the world community in the first observance of "World Refugee Day." On this day we express solidarity and support for the world's refugees and recognize the contributions refugees make to their newly adopted countries. Against this backdrop, I am pleased to join with my colleagues CONNIE MORELLA, ILLEANA ROS-LEHTINEN, and NANCY PELOSI in introducing the "Women Immigrants' Safe Harbor Act (WISH)." The WISH Act provides help to women and children who are focused to seek refuge not from an oppressive political regime, but from members of their own families. Victims of domestic violence, like victims of political oppression, are often forced to flee with little other than their children and the clothes on their backs. Battered immigrant women, who are often far from their families and have limited English skills, are particularly alone and vulnerable.

Public benefits have long been a key avenue of escape from family violence. Victims of abuse are generally economically and socially isolated. Many of them believe they cannot leave their abusers because doing so will expose them and their children to economic hardship—in fact, a recent study found that more than two-thirds of battered immigrant women still trapped in abusive relationships said lack of money was the biggest obstacle to leaving. Programs like Medicaid, Food Stamps, and Temporary Assistance to Needy Families help them care for their children until they can get back on their feet. These programs also expand the capacity of our nation's domestic violence shelters and safe houses by providing partial support to their residents.

The economic hardship is compounded because many abuse victims are initially unable to work because they must remain in hiding from their abusers. Congress specifically recognized this barrier in the 1996 welfare reform law, which provided states with a "family violence option" to exempt victims of domestic violence from work requirements. Somewhere between one-third and half of domestic abuse victims are harassed by their abusers while at work. For that reason, some of them have no choice but to avoid the workplace until the abuser is brought justice.

The WISH Act would restore access to critical public programs for a vulnerable group of battered women, many of whom have U.S. citizen children. It would also remove the threat of deportation for those who sought help to protect themselves and their children. Passing the WISH Act would provide these women with a safe harbor from the violence that plagues their families and the kind of fresh start the United States has always offered to refugees of all kinds. I hope my colleagues will join me in celebrating "World Refugee Day" and in supporting an escape route for battered women.

TRIBUTE TO GLORIA FELDT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mrs. LOWEY. Mr. Speaker, I rise today to congratulate Gloria Feldt on five years of remarkable service as the president of the Planned Parenthood Federation of America, the world's largest and most trusted voluntary family planning organization.

Like me, most of my colleagues know Gloria very well. She is a knowledgeable and thoughtful leader who works closely with Members, and has repeatedly testified before Congress in the fight to ensure and protect the health of all women and their families. That is why People magazine called her "the voice of experience" and Vanity Fair named her one of "America's 200 Legends, Leaders, and Trailblazers."

Gloria's work deserves our honor and applause. Since becoming president in 1996, she has led Planned Parenthood Federation through a dramatic revitalization. Under Gloria's direction, the organization kicked off the Responsible Choices Action Agenda, a comprehensive advocacy and service campaign to prevent unintended pregnancy, improve the quality of reproductive health care, and ensure access to safe, legal abortion.

In addition, she has been the driving force behind dynamic public awareness campaigns, which have helped put the issue of insurance coverage for contraception on the map, and brought widespread attention to the need for responsible, medically accurate sexuality education in America's schools.

Gloria is a dedicated leader, an inexhaustible activist, and an inspiring role model for all women. We wish her many more successful years as she continues to advocate for women's health and women's rights.

THANKS, TONY ARMSTRONG, FOR A HEALTHY FUTURE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor my close friend, Anthony W. Armstrong, for a truly outstanding and highly commendable tenure as President and Chief Executive Officer of Bay Health in Bay City, Michigan. Tony has held key leadership positions with Bay Health since 1985 and has been a major force in making it one of the premier medical facilities in the region.

After the merger of four hospitals in the 1970s and 1980s, Bay Health became the pre-eminent full-service medical facility for Bay County and many surrounding communities. Since first joining Bay Health, Tony's guiding hand has continued to shepherd vital expansions in widening the scope of medical services offered to the greater community. In the process, he also has been resolute and careful in those efforts never to sacrifice the quality of care provided to patients.

Today, Tony Armstrong and the dedicated professionals who make up Bay Health can be proud of their great success in providing the best and most affordable health care possible. Organizations such as Bay Health depend upon the direction, talent and dedication of those at the helm and Tony's lead-by-example approach has put Bay Health on the right path for a hale and hearty future.

In addition to Tony's significant successes in health care, it is also noteworthy to mention that his contributions to the whole community have gone far beyond his work-related duties.

His involvement has extended to a wide spectrum of community endeavors, including Past Chairman of the Bay Area Chamber of Commerce and Chairman of the Alliance for Bay County Schools. He also has drawn high praise for his work with the Lake Huron Area Boy Scouts Council, including spearheading an Explorers program to give high school students exposure to the health care profession. Clearly, he has been a tremendous asset to the civic health of his community; efforts that he certainly could not have accomplished without the love and support of his wife, Barbara, their son, Travis, and daughter, Alicia.

Mr. Speaker, I ask my colleagues to join me in congratulating Tony Armstrong for his strong and admirable record of enhancing and encouraging the good health of his community. I am confident that Tony's legacy will ensure that Bay Health will continue for many years to offer a healing hand to those who need care.

LUKE ROBERT WALLACE JACKSON MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Clay and Anna Jackson on the birth of their first child, Master Luke Robert Wallace Jackson. Luke was born on Friday, May 11th, 2001 and he weighed 8 pounds and 7 ounces. My wife Faye and my son Brian join me in wishing Clay and Anna great happiness during this very special time in their lives.

As a father of three, I know the immeasurable pride and rewarding challenge that children bring into your life. The birth of a child changes your perspective on life and opens the world to you a fresh, new way. Their innocence keeps you young-at-heart. A little miracle, a new baby holds all the potential of what human beings can achieve.

With great happiness, I welcome young Luke into the world and wish Clay and Anna all the best as they raise him.

TRIBUTE TO WELDON WILHOIT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Colonel Weldon Wilhoit, former Superintendent of the Missouri State Highway Patrol, for the service he has given to the state of Missouri for over 30 years.

Colonel Wilhoit graduated from Shelbina High School in 1962. He honorably served in the United States Army from 1962 until 1965 and attended Central Missouri State University. In 1969, he began a long and distinguished career with the Missouri State Highway Patrol.

Colonel Wilhoit's first assignment was with Troop H, serving there from 1970 until 1987. Nine years after his first assignment he was promoted to the rank of Corporal and was also designated the Assistant Zone Commander. In 1985, he was promoted to Sergeant and designated Zone Commander. Col. Wilhoit was promoted to Lieutenant and transferred to Troop B in 1987. He attended the FBI National Academy in Quantico, Virginia, from January 1991 through March 1991 and in April of 1992, Col. Wilhoit was promoted, to Captain and designated Commanding Officer of Troop B.

In 1993, Col. Wilhoit was promoted to the rank of Major and was transferred to General Headquarters, Field Operation Bureau. In 1996, he was promoted to Lieutenant Colonel and designated Assistant Superintendent, and in September 1997, Governor Mel Carnahan appointed Col. Wilhoit as Superintendent of the Missouri State Highway Patrol.

Mr. Speaker, Col. Wilhoit has dutifully served for four years as the Superintendent of the Missouri State Highway Patrol.

As he prepares to spend more time with his wife Helen and his children, Mark, Brian, Angela, and Kelly, I know the Members of the House, will join me in expressing appreciation for his dedication to the people of Missouri.

HONORS YALE-NEW HAVEN HOSPITAL ON THEIR 175TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to one of our Nation's oldest and finest medical institutions. Yale-New Haven Hospital. For one hundred and seventy five years, Yale-New Haven has been at the forefront of medical care.

Chartered in 1826 as the General Hospital of Connecticut, it was the first hospital in the State of Connecticut and the fifth in the nation. Throughout its proud history, Yale-New Haven Hospital has enriched the lives of millions of patients and has become a true national landmark. Though we have come a long way from the days of horse-drawn ambulances and physicians carrying little black bags as they made house calls, Yale-New Haven has never lost sight of their original message: to serve those in need.

Over the course of their 175 year history, Yale-New Haven has developed some of the most significant advances in medical research. Their remarkable work has not only made a difference in the New Haven community, but in the lives of millions across the globe. Yale-New Haven Hospital has long been known for its pioneering efforts in medical technology. They were the first hospital in the western hemisphere to use both penicillin and chemotherapy and the first in the nation to offer rooming-in and one of the first to offer natural child-birth. Other firsts have included the first artificial heart pump which is now housed in the Smithsonian Institute and the world's first intensive care unit for newborns. These contributions have changed the course of medical history and made possible the continued advancement of many medical technologies.

More than their contributions to the medical science, Yale-New Haven Hospital has always had a very special relationship with the New Haven community, which I am sure it will work to continue. Their home since the beginning, Yale-New Haven continues to work hard to ensure the growth and development of the New Haven area. Partnering with New Haven schools, they initiated the Partners in Education Program which offers career exploration and volunteer service opportunities for students. In addition, each year the Partners in Education program provides five four-year scholarships to minority students furthering their education in health-related fields. Yale-New Haven also lends its support to a number of local and non-profit organizations. Their numerous contributions to such organizations as the Ronald McDonald House, Habitat for Humanity, the New Haven Public Education Fund, the New Haven Boys & Girls Club, and the Anti-Defamation League have gone a long way in helping them achieve their respective missions in the community.

Yale-New Haven Hospital also offers the New Haven community access to a variety of life-saving tests for cancer. As a cancer survivor myself, I can tell you that these screenings are an invaluable tool in the fight against this devastating disease. The Yale-New Haven Mammography Van has been operating for over a year now, providing mammograms to several under served groups throughout the community. Yale-New Haven is also one of only sixteen sites in Connecticut that offers comprehensive breast and cervical cancer screening programs free of charge to eligible women over age forty. Their consistent commitment and dedication to ensuring service to those most in need has left an indelible mark on our community.

For its invaluable contributions to medicine and to the New Haven community, I am proud to rise today to pay tribute to Yale-New Haven Hospital as they celebrate their 175th Anniversary. It is with sincere thanks and appreciation that I extend my congratulations and best wishes on this very special occasion.

TRIBUTE TO WILLIAM L. PORTEOUS OF REED CITY, MICHIGAN

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to William L. Porteous of Reed City, Michigan, who recently received the Reed City High School Distinguished Alumni Award. Mr. Porteous was recognized with this honor because he embodies the characteristics that school districts would like to instill in young people today: dedication to educational excellence and life-long learning; motivation to success; integrity in one's chosen field; commitment to serve the community one resides in; and recognition by one's peers of abilities far beyond ordinary.

I would like to congratulate Mr. Porteous and draw the attention of my colleagues in the

U.S. House of Representatives and my constituents in the 4th Congressional District to Mr. Porteous' distinguished life and career as well as his extraordinary community involvement.

After graduating from Reed City High School in 1937, Mr. Porteous attended Michigan State University, where he earned a Bachelor of Arts degree in Business Administration. Then in 1941, he joined the United States Army serving during World War II. After he was discharged from the military, he enrolled at the University of Michigan earning a Masters of Business Administration.

In 1948, Mr. Porteous returned to Reed City with his wife Mable and began his 42-year banking career at the Reed City State Bank, where he eventually became the president and Chairman of the Board. Under his leadership, the small community bank grew to one with nearly $60 million in assets which Mr. Porteous successfully merged with the First Michigan Bank of Zeeland.

While Mr. Porteous was a success in his professional life, he also made a significant impact on the Reed City community and its children. Mr. Porteous always took a leading role whenever a new school had to be built or when a school building needed improvements. Not only was he generous with his time and talents, but with his financial resources as well.

Mr. Porteous also must be commended for serving his community by volunteering through numerous organizations, including the Boy Scouts, Reed City VFW Post, Rotary International, Eagle Village, Inc. and other civic organizations.

I am honored today to recognize Mr. Porteous as an outstanding citizen whose admirable qualities make him an outstanding role model for his community.

TRIBUTE TO RABBI JACOB FRIEDMAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. PALLONE. Mr. Speaker, Temple Beth Torah of Ocean Township, New Jersey will be losing a leader, friend, and rabbi of over 36 years to retirement next weekend. Rabbi Jacob Friedman has been with Temple Beth Torah since its establishment and has seen his congregation expand to well over five hundred area families.

Rabbi Jacob Friedman was born in Jersey City, New Jersey on January 14, 1933. After graduating high school, he received his rabbinical education from the Rabbi Jacob Joseph School at Yeshiva University in New York City. After five years of service as Chaplain with the army and army reserves, Rabbi Friedman returned to his birth city to become the youth director and assistant rabbi at the Congregation Sons of Israel. Then, in 1965 he relocated to Ocean Township and has since served as rabbi of Temple Beth Torah.

During his years in Ocean Township, Rabbi Friedman has been the President of the Shore Area Board of Rabbis, a member of the board of the Monmouth Jewish Federation, and Vice President and President of the American Association of Rabbis. As a member of the Jewish War Veterans, he worked his way from Post 125 Chaplain to New Jersey Department Chaplain to National Deputy Chaplain, and finally served as National Chaplain from 1985 to 1986. While never losing sight of the importance of Jewish youth, he served on the Youth Commission, International Youth Commission, and the International Kadime Commission at the United Synagogues of America from 1966 to 1981. Using education as his tool to reach out to young people, he was a founding member of the Solomon Shechter Academy of Monmouth and Ocean Counties and served as dean of the academy from 1971 to 1974.

I ask my colleagues to join me in congratulating Rabbi Jacob Friedman for his hard work and dedication to his community and congregation.

HONORING CAROLINA SOUTHERN RAILROAD

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in honor of the Carolina Southern Railroad for its efforts and achievements in restoring the Blue Bastille drawbridge spanning the Intra Coastal Waterway in the First District of South Carolina. After one and a half decades standing idle, the giant drawbridge, built in 1935, will finally be lowered. Three vintage Pullman cars pulled by a super chief type locomotive at the Historic Carolina Southern Railroad Conway Depot will travel to Myrtle Beach where the bridge will be crossed by the first passenger train since 1953. The train will then continue to the Myrtle Beach Depot that is currently undergoing restoration by the All Aboard Committee. The Carolina Southern connects Myrtle Beach to Conway, Loris, Tabor City, Chadbourn, Whiteville, Mullins and the National railroad network beyond. I commend the Carolina Southern Railroad's Road Master, John Allison Gore, and his 20 man track crew who have been working feverishly to refurbish the abandoned two and a half miles of track into the city. I also recognize the Pippin family for its instrumental role in renovating the track and depot of the Carolina Southern Railroad. I again applaud the historic reopening by the Carolina Southern Railroad and acknowledge the benefits it will provide the citizens of South Carolina.

RECOGNIZING CONTRIBUTIONS, ACHIEVEMENTS, AND DEDICATED WORK OF SHIRLEY ANITA CHISHOLM

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise in strong support of H. Res. 97 honoring Shirley Chisholm, a woman whose self-confidence and faith propelled her to the heights of a pacesetter and trailblazer. She was never afraid to speak out on any issue she felt adverse to. An inspiration to all women, Shirley Chisholm was the first Black woman to be elected to the U.S. House of Representatives as a Democrat in 1968, and was the first Black woman to seek the bid for the Democratic presidential nomination in 1972. Adversity has never been an issue with Ms. Chisholm. Throughout her life she faced diversity, not only for her ethnicity but also for her gender. Undaunted, Shirley Chisholm refused to allow discrimination to deter her mission for equality and justice. In fact, discrimination proved to be a tool she used in motivating her to devote her life to being a civil rights reformer and an ardent equal rights activist.

Ms. Chisholm sought a life of public service primarily to bring an honest and a more vocal servant to her district in Brooklyn, New York. She was such a popular figure among her constituents that she won her seat in each election by substantial margins. Throughout her tenure in Congress Shirley Chisholm was an active member of the Congressional Black Caucus and an outspoken advocate for the interest of the urban poor.

In times of inequality, her persistence led to monumental accomplishments, noteworthy of this historical recognition. She introduced legislation to establish publicly supported daycare centers and to extend unemployment insurance to domestic workers. During the Vietnam War she gained attention as a vocal critic, while most other Members remained quiet. While faced with enormous criticism, she continued to demonstrate strong advocacy of her beliefs.

Mr. Speaker, I'd like to close with an excerpt from "Journey to Justice," the literary work of the late Audre Lorde, an African American woman, saying:

> Remain steadfast in the journey to justice Strip the blindfold from the eyes of justice Let her see the tears that fall because Justice ignores inequities looming in plain sight . . . Remember that we are the seeds of great queens, the Daughters of Teresa of Avila and Nerfertiti Sisters of Rosa and Winnie Mothers and aunts of Nia and Imani—those we love and strive To live the meanings of their names
>
> We can be who we are—Bold to create our own dignity Ready to transform words into action Armed with courage and commitment Steadfast and straight ahead on the—Journey to justice

These words exemplify the strong legacy of Shirley Chisholm. She has given our little girls another role model to emulate and has inspired them and all of us to dream without boundaries.

TRIBUTE TO TOM HUBBARD

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Mr. Tom Hubbard of Limon, Colorado, this year's recipient of the Fred

Steinmark High School Athlete of the Year award. The Steinmark Award honors an individual who makes a positive and lasting difference in the lives of others while at the same time achieving excellence in athletics. The award is a fitting tribute to a young man who has given of himself immeasurably during the course of his young life.

For four years, Tom Hubbard has achieved excellence. Not many can match his drive and dedication. As a student he graduated valedictorian with a 4.0 grade-point average. While Football is Tom's main sport, for which he has earned all-state honors for the past two years, he has also excelled in track, baseball, and basketball being named to the all-state squad for each sport. Even with all his success Tom has remained humble, finding time to do the necessary chores on his family's ranch as well as being a role model in the Limon community.

In the fall, Tom will be attending the University of Colorado where he will surely continue to push for excellence in academics and athletics. "In high school sports and academics I have strived to keep the importance of each in perspective," said Tom in a recent Rocky Mountain News article "My love of competition has helped me to use my God-given talents in a positive way. But talented teammates and classmates, dedicated coaches and teachers have helped me have an unforgettable high school career." In addition to being an excellent student-athlete Tom is also a natural leader. Tom was senior class vice president, a peer counselor, president of the letterman's club, and participated in the Fellowship of Christian Athletes, all the time helping his family host numerous foreign exchange students from around the world.

Mr. Speaker, Tom Hubbard is a role model to which people of all ages can and should look up to. I think that we all owe him a debt of gratitude for his service and dedication to the community.

Tom's community, state and nation are proud of him and grateful for his leadership.

TO HONOR THE NATIONAL HISPANIC JOURNALISTS ASSOCIATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to bring my colleagues' attention to an exciting event that is occurring in my district for the first time ever. On June 20–23, 1,500 members of the National Association of Hispanic Journalists will gather in the Valley of the Sun for the group's 19th Annual Convention: Our Time is Now, Imagenes Y Voces de Nuestro Tiempo.

I'm proud that my district will be the site where hundreds of Hispanic journalists and media professionals will converge to continue to promote the mission of this organization dedicated to the recognition and professional advancement of Hispanics in the news industry. NAHJ endeavors to increase the number of Hispanic journalists in print, broadcast and new media industries. The organization works to improve coverage of Hispanic communities so they are accurately portrayed in the news. The annual convention gives members the opportunity to be revitalized by workshop issues on industry trends and ideas that affect careers and the way news is covered. It also gives members the chance to network, train and encourage journalists of the future.

Some of you may be aware that NAHJ has been a leader in improving the quality of journalism as it is now practiced in the United States. Organizations such as NAHJ have been instrumental in assuring that the media accurately reflect the communities they serve, not only through the hiring of diverse personnel, but through their news coverage. Therefore, NAHJ has been a significant force in assuring that media are practicing good and better quality journalism.

Established in April 1984, NAHJ created a national voice and unified vision for all Hispanic journalists. NAHJ is governed by a 16-member board of directors that consists of executive officers and regional directors who represent geographic areas of the United States and the Caribbean. The national office is located in the National Press Building in Washington, D.C.

NAHJ has approximately 1,500 members, including working journalists, journalism students, other media-related professionals and academic scholars. In addition to employment and career development, NAHJ works to organize and provide mutual support for Hispanic journalists in English, Spanish and bilingual media; encourage the study and practice of journalism and mass communication by Hispanics; promote fair treatment of Hispanics by the news media; and foster greater understanding of the culture, interests and concerns of Hispanic journalists.

Besides the national convention and career expo, the organization has dozens of exciting projects and programs, which include mid-career and professional development programs, an online job bank, journalism awards, internship and fellowship listings, student journalism workshops, a newsletter and scholarships.

As you can see, the National Association of Hispanic Journalists is a strong professional organization that has provided genuine leadership and continues to advocate for Hispanics in the news industry. I congratulate NAHJ on the occasion of its 19th Annual Conference, and I ask my colleagues to please join me in wishing them a successful event and best wishes for the future.

HONORING HOPE NANCARROW FOR HER SERVICE TO THE MENTALLY ILL

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. GEKAS. Mr. Speaker, today I rise to honor Hope Nancarrow of Harrisburg, Pennsylvania, who has dedicated her life to improving the emotional and mental condition of hospital patients. Since the early 1960's, Hope has helped to improve the quality of life for countless patients at the Harrisburg State Hospital. With her innovative therapy methods, she has helped many mentally ill individuals.

As a volunteer at a time when hospitals often ignored the emotional needs of the mentally ill, Hope set out to help those interned at the state hospital. With hymns and Bible readings, Hope lifted the patients' spirits. As the years progressed, Hope found more diverse therapies for dealing with patients.

Her use of pets in the hospital has brought joy to so many patients who yearn for the companionship and love they can only receive from familiar animals. She reached patients who no one else could with her understanding and incredible love for people. In addition to her work at the hospital, Hope helps to enrich the lives of other challenged groups. For example, Hope is a weekly reader at the Tri-County Association of the Blind.

Hope is the epitome of self-sacrifice and devotion to humankind. She has an intense appreciation for the human condition. She strives to personally help as many hospital patients as possible. With her keen insight into the kind of treatment mentally ill individuals need and deserve, she continues to make a difference in the lives of many.

I know that the entire House of Representatives will join me in celebrating the efforts of this outstanding woman for her care of the mentally ill. Hope Nancarrow stands as a guiding light of inspiration for all of us.

A PROCLAMATION RECOGNIZING ROBERT L. DILENSCHNEIDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Robert L. Dilenschneider on the 13th day of May, 2001 was awarded a Doctorate of Public Service, conferred upon him by the Muskingum College Board of Trustees; and

Whereas, Robert Dilenschneider as a foremost expert in the fields of public communications and strategic counseling, has influenced the representation of historic events on the world's stage; and

Whereas, Mr. Dilenschneider provides vital guidance for organizations as they disseminate information to international, national and regional communities; and

Whereas, Mr. Dilenschneider inspires cross-cultural exchanges and facilitates diverse educational opportunities through his leadership in the Institute on International Education, the governing body for the Fulbright Program; and

Whereas, Mr. Dilenschneider has demonstrated a commitment to improving the lives of those around him by serving on the Board of Governors for the American Red Cross and the advisory board for New York Presbyterian Hospital; and

Whereas, Mr. Dilenschneider has maintained a resolute commitment to education through scholarship as reflected in his publication of numerous best-selling books and his willingness to serve as a commentator in the media; and

Therefore, I ask my colleagues to join me in recognizing the impressive accomplishments of Robert Dilenschneider.

A TRIBUTE TO MICHAEL TARIQ MOODY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Michael Tariq Moody for his tremendous dedication to his church and community during his brief life on the occasion of the Mike Moody and Darian Williams Memorial Basketball Game.

Michael attended the New York City Public School System, graduating from Boys and Girls High School in February of 1998. Immediately prior to his death, he had intended to further his education at St. Augustine's College in Raleigh, North Carolina.

"Mike," the younger of two sons born to Harold and Deborah Moody, was often compared to Andrew in the Bible because he professed and put God first in his life starting at a young age. He believed in the commandment "Honor thy Father and Mother" with deep conviction. He always honored, respected and loved his mother. Michael was an active member of Victory Christian Tabernacle Church.

Michael displayed incredible charisma throughout his teenage years. Mike, an extraordinary basketball player, used his skills on the court not only to win the game, but to help others. Playing for teams such as Black Men Who Care, Bethelite Deacons, ABC Metro Basketball Team and the Hydro Tech League, Michael filled his home with trophies and honors awarded to him for his excellence in basketball.

Mr. Speaker, Michael Tariq Moody devoted his short life to serving his community and church. As such, both he and his family are more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in remembering and honoring the life of this remarkable man.

IN MEMORY OF MR. TINO FULIMENI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great man, Mr. Tino Fulimeni, for his years of dedicated service to the Cleveland and world community.

Mr. Fulimeni, originally from Vestaburg, Pennsylvania, hitchhiked to Cleveland after high school and found a job with Republic Steel Corporation. After joining the union he spent some time in the Army and later married Yvonne, another native from his hometown. The two soon settled in Berea, Ohio and he returned to the steel mill to serve on union committees.

In 1977, Mr. Fulimeni became a full-time staff representative for the United Steelworkers of America. He spent a great deal of time working with women and racial minorities to provide and ensure equality for all steelworkers. He represented over 21,000 steelworkers after he became director of the union's District 28. His hard work and dedication to the rights of workers did not go unnoticed. Mr. Fulimeni soon thereafter was appointed special assistant to the union's international president.

Mr. Fulimeni is truly a man of the people. His dedication and loyalty to all steelworkers earned him the respect of all his colleagues. He was known as a tough negotiator, a strong co-worker, and a close friend to many. In addition to his union work, Mr. Fulimeni was active in the American Legion. His strong leadership and patriotism were apparent to his peers who elected him post commander three times.

Mr. Speaker, please join me in honoring and remembering a truly great man, Mr. Tino Fulimeni. He has touched the Cleveland community and helped many steelworkers. He will be greatly missed.

HONORING TOM HAMILTON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Mr. Tom Hamilton, who has been with the Forest Service for the past 37 years. Mr. Hamilton is retiring from federal service after serving as the Director of the Forest Products Laboratory, the nation's leading wood research institute located in Madison, Wisconsin.

Tom has led the Forest Products Laboratory (FPL) in its dedication to solving societal problems related to the forest and its products by using the best scientific resources available. While some may not be aware, FPL is the public side of the public-private partnership needed to create technology for the long-term sustainability of our forests.

Originally from Westfield, Wisconsin, Tom later graduated from UW-Madison, with a B.S., M.S. and Ph.D. from the UW's Department of Agricultural Economics. He spent much of his career with the Forest Service at various forest research stations, and later with the Forest Service Washington Office. In 1994, Tom was appointed Director of FPL.

As Director, Tom has led more than 250 scientists and support staff conduct research on expanded and diverse aspects of wood use, including pulp and paper products, housing and structural uses of wood, wood preservation, wood and fungi identification, and finishing and restoration of wood products. In addition to traditional lines of research, Under Tom's leadership, the Forest Products Laboratory has responded to environmental pressures on forest resources by using cutting-edge techniques to study recycling, developing environmentally friendly technology, and broadening the nation's understanding of ecosystem-based forest management.

Through Tom's initiative, work is now ongoing at FPL towards new recycling technology, creating a new fiber resource, and reducing pressure on our precious forests.

Tom's leadership of this important research resource has been a national treasure, and his many years of service with FPL and the Forest Service are commendable. As he transitions to a new phase of life following his retirement from public service, he will truly be missed.

HONORING LILLIAN TICK ON HER 100TH BIRTHDAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. ACKERMAN. Mr. Speaker, I rise today to ask all my colleagues to join me in honoring Lillian Tick on the occasion of her 100th Birthday.

Lillian Tick was born Lillian Ostrega, the oldest of five children to Isadore (Ichimayer) and Frieda (Frima) Ostrega, in the city of Wyshkov, Poland on the third day of July 1901.

Mr. Speaker, Isadore Ostrega left Poland for the United States in 1908 to search for a better life for himself and his family. In 1912, after years of hard work, he was able to bring his wife, Frieda, to join him. When Frieda left Europe, it was Lillian who obtained and supplied food for her family. It took eight years before Lillian's parents were finally able to save enough money to bring their children to America. Lillian, her three brothers—Louis, David and Hyman—and her sister, Dora, all arrived at Ellis Island in 1920.

Lillian eventually met and married Morris Tick, a landsman emigre from Poland. They had three children: Irving, who passed away in 1988, Theodore (Ted) and Natalie.

Mr. Speaker, Lillian Tick is affectionately called Mama Lilly by all who know her and cherish her. Mama Lilly's many friends and admirers include Rabbi Dr. H. Joseph Simckes, and Cantor Sol Zim and the other congregants and employees of the Hollis Hills Jewish Center, where she is nearly a permanent fixture.

Mama Lilly is a four-foot-nine-inch bundle of energy. To this day, she still cleans and dusts to the level of her own height, maintains her own room, and insists on doing the dishes each evening, as well as the family ironing, despite having fractured both hips and walking with the aid of a quadruped cane.

Mama Lilly reads the newspapers everyday, and attends Shabbat and High Holiday services regularly. When she is able, she observes the various Yahrtzeit memorials in honor of her dear departed.

Mr. Speaker, if you ask Mama Lilly how she feels, the response is invariably, "I'm fine." When you meet Lillian Tick for the first time, you find a universal mother and grandmother. From then on you will always address her as, and you will always have, a "Mama Lilly."

The Hollis Hills Jewish Center is celebrating Lillian's 100th Birthday on June 23, 2001, so that all of Mama's many friends can share in this joyful occasion. She is beloved by all; her search for a new and better life in America, her independent spirit, and her life of hard work is the essence of our great nation: a land of immigrants yearning to breathe free.

Mr. Speaker, I ask all my colleagues in the House of Representatives to rise and join me now in honoring the 100th Birthday of Lillian Tick, who has touched the lives of so many people during her glorious years with us.

IN HONOR OF WALTER J. BRANT, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Officer Walter J. Brant, Jr. for his dedication and devotion to his community.

Walter Brant, born in the Bronx, relocated to Long Island where he graduated from North Babylon High School in 1980. Officer Brant joined the New York City Police Department in August of 1993. Upon completion of the academy he was assigned to Police Service Area #2 where he has served the Cypress Hills Development Community for the last seven years.

While serving as a Community Policing Officer, Walter implemented the C.P.R. Bike Ride, which involved both the community youth, and Officers. Officer Brant has also participated in the 1999 City Wide Recruitment Campaign. He is presently active in the N.Y.P.D. after school program, A.S.P.I.R.E., and is involved with providing protection for the community's senior citizens. In addition, Walter has received the Law Enforcement and Community Achievement Awards and the CPR Award recognizing him for his commitment to the principles of Courtesy, Professionalism, and Respect.

Walter enjoys spending his free time with his friends and family. He devotes himself to the love of his life, Angela and their two children Jaclyn and Christopher. He also enjoys boating, carpentry and coaching his son's Little League baseball team.

Mr. Speaker, Officer Walter J. Brant, Jr. has devoted much of his life to serving his community through his duty as a police officer. He is a very dedicated individual who for many years has devoted himself to the youth of his community. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

"A PROCLAMATION RECOGNIZING JAMES MAHONEY"

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, James Mahoney on the 12th day of May, 2001 was awarded a Doctorate of Public Service, conferred upon him by the Muskingum College Board of Trustees; and

Whereas, Dr. James Mahoney has profoundly influenced the educational experiences of thousands of students in Ohio as an elementary school teacher, a principal, and now as a school superintendent; and

Whereas, Dr. Mahoney successfully orchestrated the merger of three county educational service centers, creating the Muskingum Valley Educational Service Centers for which he serves as superintendent; and

Whereas, Dr. Mahoney was named "Educator of the Year" in January 2001 by the Ohio Association of Superintendents, illustrating his significant impact on the development of more than 25,000 students in his charge; and

Whereas, Dr. Mahoney has maintained a rigorously scholarly agenda during his twenty year career, authoring numerous publications on diverse topics in the educational arena;

Therefore, I ask my colleagues to join with me in recognizing the impressive accomplishments of James Mahoney, an outstanding citizen of Ohio whom I am proud to call a constituent.

HEALTHY SOLUTIONS FOR AMERICA'S HARDWORKING FAMILIES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. SOLIS. Mr. Speaker, for centuries immigrants from all over the world have helped make the United States one of the most powerful and wealthiest nations in the world. I am proud to represent a congressional district that is home to a large and vibrant immigrant community.

I am very concerned about the lack of access to health care for immigrants. A recent study by the Kaiser Family Foundation states that low-income immigrants are twice as likely to be uninsured as low-income citizens. Almost 59 percent of our nation's 9.8 million low-income non-citizens had no health insurance in 1999, and only 15 percent received Medicaid.

We need to do more to ensure that our nation's immigrants obtain quality health care. Preventive measures are much more cost effective than allowing individuals to become seriously ill due to lack of access to adequate healthcare services. We can and must provide better outreach to immigrant communities in their languages in order to reduce the barriers that currently make it difficult for immigrants to access health care.

Immigrants pay millions of dollars in local and state taxes and they deserve some form of health care. In fact, according to the National Academy of Sciences, immigrants pay approximately $1,800 per year more in taxes than they use in services, yet they never access public health services.

I support the "Healthy Solutions for America's Hardworking Families" Agenda which will remedy some of the problems faced by immigrant communities. That agenda includes the Legal Immigrant Children's Health Improvement Act (H.R. 1143), which will give states the option of allowing low-income legal immigrant children and pregnant women access to Medicaid and the State Children's Health Insurance Program (S-CHIP). This bill has wide support in Congress, as well as from the American Medical Association and the National Governors Association. Allowing children and pregnant women access to federal health care programs is simply sound public health policy.

The Women Immigrants Safe Harbor Act is another key piece of legislation. This measure would allow legal immigrants who are victims of domestic violence to apply for critical safety net services such as medical and food assistance. Immigrants who are victims of domestic violence are frequently economically dependent on their abusers and isolated from their support networks. Immigrants are even more dependent and isolated because of restrictions passed in the 1996 welfare reform law, which prevent a battered immigrant from access to the resources she needs to leave the abuser.

I also support the Nutrition Assistance for Working Families and Seniors Act (H.R. 2142) which would restore food stamp eligibility for low-income legal immigrants and improve the food stamp program overall. Many tax-paying legal immigrants work low-wage jobs and they need the additional support that food stamps provide.

We must not leave the immigrant community behind, especially the women, children, and elderly who so desperately need appropriate health care. I encourage my colleagues to support the "Healthy Solutions for America's Hardworking Families" Agenda to help the immigrant community. Our great country, as you might recall, was founded upon the great sacrifices that immigrants made for our democracy and economic prosperity.

SHAME ON MR. NATSIOS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Ms. SCHAKOWSKY. Mr. Speaker, it is a disgrace that a high ranking U.S. government official is still collecting taxpayer dollars after making disparaging, discriminatory, and inaccurate comments about the people of Africa who are suffering from the ravages of HIV/AIDS. President Bush should dismiss Andrew Natsios, the new Administrator of the U.S. Agency for International Development at once.

Instead of offering the United States' assistance to help the infected people of Africa receive the treatment they desperately need, Mr. Natsios stated that our efforts will not work because Africans "don't know what Western time is," and thus cannot take drugs at proper times. He went on to say that if you ask Africans to take medicine at a certain time, they "do not know what you are talking about." How disgraceful. The Administrator of our nation's lead agency for international development and assistance should educate himself about AIDS treatment and about the peoples of the world before he reveals astonishing ignorance as well as prejudice. It's time for Mr. Natsios to go and for the Bush Administration to instead appoint a real leader who will bring honor back to this distinguished agency.

I wish to share with my colleagues an oped, which appeared in the Washington Post on Friday, June 15, 2001 by Amir Attaran, Dr. Kenneth A. Freedberg, and Martin Hirsch, respected experts in the field of AIDS research and international development. They comment on Mr. Natsios' remarks and proposed plans for U.S. funding and involvement in Africa and they make a very persuasive case for Mr. Natsios' immediate dismissal.

[From the Washington Post, June 15, 2001]

DEAD WRONG ON AIDS

(By Amir Attaran, Kenneth A. Freedberg and Martin Hirsch)

Andrew Natsios, the Bush administration's new chief of the U.S. Agency for International Development (USAID), has made a very bad start with regard to one of his agency's primary missions: dealing with the scourge of AIDS in Africa. Natsios has made comments recently on the prevention and treatment of the disease in Africa that are, to say the least, disturbing, if not alarming.

His comments appeared last week in the Boston Globe and in testimony before the House International Relations Committee. On both occasions he argued strenuously against giving antiretroviral drug treatment (the AIDS treatment used in the United States today) to the 25 million Africans infected with HIV.

Although Natsios agrees that AIDS is "decimating entire societies," when it comes to treating Africans, he says that USAID just "cannot get it done." As Natsios sees it, the problem lies not with his agency but with African AIDS patients themselves, who "don't know what Western time is" and thus cannot take antiretroviral drugs on the proper schedule. Ask Africans to take their drugs at a certain time of day, said Natsios, and they "do not know what you are talking about."

In short, he argues that there is not a great deal the agency he leads can do to help HIV-positive Africans. Under his guidance, USAID will not offer antiretroviral treatment but will emphasize "abstinence, faithfulness and the use of condoms" as the essence of HIV prevention. (He also supports distribution of a drug that blocks transmission of the disease from mother to child, and drugs to fight secondary infections.) While this might save some of those not yet infected with the virus, it in effect would condemn 25 million people to death, and their children to orphanhood.

As the administration's man in charge of international assistance, including helping Africans with AIDS, Natsios should know better. His views on AIDS are incorrect and fly in the face of years of detailed clinical experience.

Take the issue of whether AIDS should be dealt with by prevention or treatment. In backing prevention to the total exclusion of treatment, Natsios favors only modest changes in the strategies that USAID has relied on for the past 15 years, which by themselves have clearly failed to stem the pandemic. This is why expert consensus now agrees that prevention and treatment are inseparable—or, in the authoritative words of the UNAIDS expert committee, "their effectiveness is immeasurably increased when they are used together."

The same conclusion has been reached by countless other experts, including 140 Harvard faculty members who recently published a blueprint of how antiretroviral treatment could be accomplished. Harvard physicians are now treating patients in Haiti, and others are achieving similar treatment successes in Cote d'Ivoire, Senegal and Uganda.

It is also disturbing that Natsios chooses to exaggerate the difficulties of AIDS treatment, as if to singlehandedly prove it would be impossible throughout Africa. Whether Africans can tell "Western time" or not is irrelevant; nearly all antiretroviral drugs are taken only twice a day—morning and evening. Sunrise and sunset are just as good as a watch in these circumstances. Nor is Natsios correct when he says the drugs have to be "kept frozen and all that." Not a single antiretroviral drug on the market today needs freezing. In fact, some bear warnings not to freeze them.

Natsios also said that "the problem with [delivering] antiretrovirals . . . is that there are no roads, or the roads are so poor." In fact, millions of AIDS patients live in cities such as Cape Town. Dakar or Lagos, where the streets are teeming with cars.

Natsios says that antiretroviral drugs are "extremely toxic," so that as many as "forty percent of people . . . who are HIV positive do not take the drugs . . . because they get so sick from the drugs that they cannot survive." This is a view shared by no one in the medical establishment today. Clinical and epidemiological studies by the Centers for Disease Control and the National Institutes of Health have shown that these drugs are safe for most people and prolong life by many years.

Two facts are clear.

The first is that, in Abidjan and Johannesburg, as in Manhattan, AIDS prevention and treatment must go hand in hand. And we can accomplish this if the Bush administration contributes adequately to an international trust fund for that purpose (it has so far promised only $200 million, or just 72 cents per American).

The second fact is that Andrew Natsios, by virtue of his unwillingness to acknowledge the first fact and his willingness to distort the true situation in Africa before Congress, is unfit to lead USAID and should resign.

HONORING THE COURAGE OF MELISSA HOLLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor a woman that is the picture of courage, Melissa Holley. Melissa is an inspiration to all, with her determination and desire. She has overcome an enormous obstacle and although the struggle is far from over, Melissa continues to push herself.

On June 25, 2000 Melissa's life was permanently altered. Melissa was involved in a rollover accident on U.S. Highway 550 a mile south of Ridgway, Colorado. The car damaged Melissa's vital spinal nerves and crushed two vertebrae. Melissa lost all feeling below her chest. The doctor's at St. Mary's Hospital in Grand Junction, Colorado said that her paralysis was irreversible. After a 48-hour search, her father, Rob Holley, found a radical new procedure that regenerates nerve cells, It was a long shot at best, but Melissa showed her courage by saying, "Only shot I had, what have I got to lose."

On July 9, 2000, Melissa was flown to the Sheba Medical Center in Tel Aviv, Israel and underwent surgery. The doctors braced her spinal cord, and injected her with microphages to promote healing. Melissa's recovery from surgery has been a slow and painful process. She continues to use a wheelchair, and exercises twice a week in a swimming pool. There has been a visible improvement, and Melissa now stands for an hour each day. This remarkable young lady is returning to college this spring at Harding University in Searcy, Arkansas. Melissa has not only managed to take a long shot and turn it to her advantage, but this year she helped prepare another young man for this procedure.

Throughout this experience Melissa has managed to stay upbeat and determined. She has impressed doctors with her attitude and perseverance, and inspired many with her strength of character. Melissa has shown courage that is rare, and for that, Mr. Speaker, she deserves the praise of Congress.

A TRIBUTE TO DARIAN LEE WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor and tribute to Darian Lee Williams for his devotion to his community during his brief life on the occasion of the Mike Moody and Darian Williams Memorial Basketball Game.

Throughout his entire education, Darian attended public schools within the New York City School System. He graduated from Erasmus High School in 1995. Darian continued his education after high school by pursuing a degree at Manhattan Community College and most recently attended a Technical Computer Institute.

In addition to playing trumpet in the school band, Darian loved playing sports. He played basketball for the Black Men Who Care team in addition to many other out-of-school athletic programs. Darian was also a member of the Erasmus Hall High School Varsity Basketball team. Throughout high school, Darian received numerous awards and trophies for his excellence in both basketball and football.

Through his childhood friend Ernest Glover, Darian was introduced to the Mount Sinai Baptist Church. He became a member and was baptized in 1997.

"Disco" was known by his friends as having lived and enjoyed life to its fullest. He loved to socialize with his many friends and was adored by all the people who met him.

Mr. Speaker, Darian Lee Williams devoted his short life to serving his community and church. As such, both he and his family are more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in remembering and honoring the life of this remarkable young man.

A PROCLAMATION RECOGNIZING MARTHA C. MOORE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Martha C. Moore on the 13th day of May 2001 was awarded a Doctorate of Public Service, conferred upon her by the Muskingum College Board of Trustees; and

Whereas, Ms. Martha Moore has throughout her lifetime, demonstrated a steadfast commitment to teaching and public service across the nation, within the state of Ohio, and in scores of local communities; and

Whereas, Ms. Moore has exerted principled influence on significant policy initiatives through her role as state and national party committee woman with the Republican Party; and

Whereas, Ms. Moore has encouraged young women to assume important roles in the American political process through her work with The Ohio Federation of Republican Women—work that ultimately generated the Martha C. Moore Mentoring Project; and

Whereas, Ms. Moore's devotion to education and civic responsibility resulted in her induction into the Ohio Women's Hall of Fame; and

Therefore, I ask my colleagues to join with me in recognizing the impressive accomplishments of Martha C. Moore, a citizen of Ohio whom I am proud to call a constituent.

PROVIDING FOR CONSIDERATION OF H.R. 2052, SUDAN PEACE ACT

SPEECH OF

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2052) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan:

Mr. PITTS. Mr. Chairman, the people of Sudan have suffered terrible devastation in recent history, and even today as we sit in this Chamber.

One report tells of a woman who asked visitors surveying the destruction in her village, "Why do people in the West care about saving the dolphins, but not about saving us?"

A poignant, sharp statement asked out of great need for help—A good question about why people in the West for so long have ignored the plight of those sold into slavery, those whose villages, hospitals, schools and churches are bombed by the Khartoum regime that says it wants peace, but does not act that way.

Studies have shown that the devastation and destruction of tribes and peoples in Sudan is genocidal.

Statistics show that over 2 million people have died in Sudan—Do we not care?

I care—and that is precisely why I stand in firm support of Congressman TANCREDO and the Sudan Peace Act. I urge other Members to vote for this act to support the people of Southern Sudan, to fight against the destruction of entire tribes of people, and to fight against slavery that exists today.

A TRIBUTE TO JUDGE STANLEY MOSK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I rise today and pay tribute to a dear friend and a legend of the California Supreme Court, Stanley Mosk, who passed away in his San Francisco home yesterday, June 19, 2001.

Justice Mosk, grew up in San Antonio, Texas and attended the University of Chicago as an undergraduate and law student, before receiving his Juris Doctorate from Southwestern University in Los Angeles in 1935. Judge Mosk's long career as a public servant began in 1939 when he was appointed Executive Secretary to California Governor Calbert L. Olson. After serving the Governor for four years, Stanley Mosk was named Justice of the Superior Court at the age of 31, making him the youngest Superior Court Judge in California.

Mr. Speaker, after serving in this position for 15 years, Judge Mosk sought political office, running for California's Attorney General in 1958. He easily won and received more votes than anyone else on the statewide ballot. Judge Mosk's victory was the first for Jewish person on a statewide ballot in California. During his six year tenure as Attorney General, he established a civil rights section, promoted police training and brought landmark anti-trust and consumer actions to trial. He also argued for California water rights before the U.S. Supreme Court. After deciding against running for Senate, Judge Mosk was appointed to the California Supreme Court by Governor Pat Brown. For the past thirty-seven years, he has been a fixture of the state Supreme Court, becoming its longest serving member in the Court's 151 year old history.

Mr. Speaker, Judge Mosk was recently described by the Los Angeles Times as the "the influential, widely acclaimed and contentiously independent senior member of the Court." He was a vigorous advocate of individual liberties and wrote more than 600 opinions that included dozens of landmark rulings that left a unique and far-reaching imprint on both civil and criminal law. Among his most controversial and more famous opinions was the Regents of the University of California vs. Bakke. In this landmark case, Judge Mosk found that race-based university admissions were unconstitutional, a ruling which has influenced public policy for the last twenty-five years. Despite the criticism he received for his ruling Judge Mosk never wavered from his decision.

Mr. Speaker, Judge Stanley Mosk was a true legend of California and he will be sorely missed. I urge all of my colleagues to join me in paying tribute to this outstanding public servant.

IN HONOR OF SPEAKER SHELDON SILVER, ON THE OCCASION OF HIS 25TH YEAR OF SERVICE AS A MEMBER OF THE NEW YORK STATE ASSEMBLY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the Hon. Sheldon Silver. Mr. Silver is one of New York's greatest public servants, representing Manhattan's Lower East Side in the New York State Assembly for 25 years where he currently serves as Speaker. Speaker Silver has worked diligently to improve the lives of his constituents, as well as the lives of all New Yorkers. His outstanding legislative achievements will serve as a model for future members of the New York State Assembly for years to come.

In 1976, Speaker Silver was first elected to the Assembly. In 1985, Speaker Silver was named chair of the Assembly Election Law Committee and served as co-chair of the Temporary State Commission on Voting Machine Equipment and Voter Registration Systems. In 1987 he became chair of the prestigious Assembly Committee on Codes. In 1992 Speaker Silver was appointed chair of the Assembly Ways and Means Committee, and on February 11, 1994 he was elected Speaker of the New York State Assembly. Speaker Silver is dedicated to re-establishing the Assembly as the guardian of New York's middle-class and working families.

During his tenure in office, Speaker Silver has had many significant legislative achievements. He has always made education a priority, and his education initiative, LADDER (Learning, Achievement, Development by Directing Educational Resources), led to the enactment of the first statewide prekindergarten program for all 4-year old children in the nation. In addition, LADDER emphasized educational standards to ensure that all students received proper and complete education. It also focused on reducing class sizes to improve teacher to student ratios and reduces overcrowding. Many of us in Congress continue to advocate for these educational policies, Mr. Speaker, but Sheldon Silver of New York implemented them for our state years ahead of the curve.

Additionally, Speaker Silver has made a strong effort to curb drug usage in New York. Under his leadership, the Safe Streets-Safe Cities Program was enacted, which established harsher penalties for drug-related crimes. It also declared money laundering illegal in order to assist law enforcement in their battle against organized crime.

Speaker Silver has also been a vocal supporter of women's health issues, as well as reducing energy costs. He has also been a national leader in ensuring religious freedom for all people. These are just a few examples of literally hundreds of positive legislative actions that Speaker Silver has taken to improve the lives of all New Yorkers.

Mr. Speaker, I salute the life and work of Speaker Silver, and I ask my fellow Members of Congress to join me in recognizing his extraordinary contributions to the State of New York and to our great nation.

HONORING MARK DICARLO, DELAWARE COUNTY'S FATHER OF THE YEAR

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. WELDON. Mr. Speaker, with Father's Day weekend just behind us, I'd like to take a moment to congratulate one special dad from my congressional district. Mark DiCarlo of Brookhaven, was recently named the Delaware County Daily Times "Father of the Year." Mark DiCarlo has 3 children, Mark Jr. 11 years old, Danielle 8 and Tara 4. He and his wife Joan have been married for 13 years. In reading the letter that his family sent to the Times, it is clear that Mark shows the dedication and the commitment that it takes to raise a loving and caring family.

Mark DiCarlo's family wrote to the Times stating all of the things that he, Mark, never forgets to do. Such as, coming home from work and helping the kids with their homework, playing with them, and making sure that chores around the house are completed. Mark's family also stated that he is always teaching them new things and working to ensure a bright future for all his children.

But the most important thing Mark does comes last every night. Mark always, each and every night, tells his children, "Daddy loves you." As a father of five myself, I know how important it is for children to hear that simple sentence each and every day. Children need to know that they have the full support and love of their parents. Through his simple decency and dedication to his family, Mark DiCarlo has shown us the true meaning of father's day. By his words and deeds, he has given us an example that all dads can follow.

It is an honor to represent someone like Mark DiCarlo. He is an example for others to follow and no matter what, will always be one to his family.

TIMES DAD OF THE YEAR'S A POSITIVE GUY

(By Bette Alburger)

Brookhaven—Who's the happiest person in the DiCarlo household?

It's a toss-up between the father of the family, 44-year-old Mark, his wife and the couple's three young children.

Mark DiCarlo was chosen as this year's "Daily Times Father of the Year," based on the essay his son and two daughters entered in the newspaper's second annual award competition. He said he was "in total shock" when he learned that their entry was judged the best of at least 500 submitted.

He had no idea they'd nominated him for the honor.

His wife of 13 years, Joan, said 11-year-old Mark Jr., 8-year-old Danielle and 4-year-old Tara decided on a different twist for their essay containing the stipulated maximum 300 words.

"Most kids feel their father deserves to be honored because of all the things he does," she said. "But the children said they thought their daddy should be 'Father of the Year' because of all the things he never does."

For instance, the youngsters pointed out in their essay, their dad never says he's too tired to play with them or help with a school project. He never lets their mom do all the housework and he never sits around the house on his day off doing nothing.

He never loses patience with his family, and he never stops teaching them new things. He never stops worrying about their future, either, or how he can make his kids' childhood happy and full of good memories.

But most of all, the children wrote, he never forgets to tell them how much he loves them. Every night when he tucks them in and every morning before their day begins, he says the same thing: "Daddy loves you."

The children ended their essay by noting that "if every daddy were as special as ours, then the world would be a better place."

Their winning effort could be called their love note to their father. "It's pretty flattering," said DiCarlo after reading what they wrote. "I guess they really do love me."

Employed in a family business, Delaware County's Number One Dad is a lifelong county resident. He was born and reared in Chester, graduated from St. James High School in 1975 and from Widener University in 1980.

It's the first time anyone in his family has ever won a contest, he said. And that makes everyone in the family very happy.

As the grand prize winner of the "Father of the Year" contest, DiCarlo receives a gas grill from Boscov's in Granite Run Mall, a barbecue pack from Roy Tweedy's, dinner at O'Flagherty's Restaurant, a $20 gift certificate from Zac's Hamburgers and a massage from Relaxed of Norweek.

He'll throw the first pitch out on the mound at a Wilmington Blue Rocks game, where he and his family will be guests of honor. He'll also get a personal handyman for four hours, courtesy of CountyWide Home Improvement.

First runner-up Garland Johnson of Chester gets a gas grill from Home Depot in Upper Darby. Second runner-up Ken Cilinski of Aldan receives a $100 gift certificate from Granite Run Mall and third runner-up, John Aldins of Media, gets a $100 gift certificate from MacDade Mall.

The runners-up also receive an hour of simulated golf from 3G Golf.

TRIBUTE TO JAMES P. BECKWOURTH MOUNTAIN CLUB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the men and women of the James P. Beckwourth Mountain Club. The James P. Beckwourth Mountain Club is a Denver-based outdoor organization that works with and exposes urban youth to the outdoors through a number of education programs. The group takes inner city children to national parks and wilderness areas to allow them to experience first hand the joys and the challenges of nature. This experience teachers them an appreciation for the natural world that they might not otherwise ever gain.

Those of us fortunate enough to grow up experiencing the outdoors know the invaluable education that can be obtained through these adventures. As director of the Colorado Outward Bound School, I have been fortunate enough to see directly the benefits that young people can take away from their outdoor experiences. The challenges that they face in these types of programs can provide them with the self-respect and sense of accomplishment that are antidotes for much of the anger and frustration that all too often erupts in violence. Groups like the Beckwourth Mountain Club are instrumental in ensuring that our urban youth are exposed to more positive, character-building experiences.

The James P. Beckwourth Mountain Club is part of the Rocky Mountain National Park's Corps of Discovery Program. This program has allowed the group to develop a close, working relationship with the park where numerous youths have participated in hikes, snowshoe walks, and camping trips. As a result of their outstanding work and their ongoing partnership with the national park, the James P. Beckwourth Mountain Club recently was awarded the "Shoulder-to-Shoulder Award" by the National Park Service.

Mr. Speaker, I ask today that my colleagues join me in applauding the efforts of the James P. Beckwourth Mountain Club. At a time when our children are bombarded with images of violence, the James P. Beckwourth Mountain Club strives to replace those images with traits that will allow our children to peacefully coexist with one another. Mr. Speaker, I am attaching a copy of the National Park Service's press materials about this award and the Club.

NATIONAL PARK SERVICE PRESENTS "SHOULDER-TO-SHOULDER AWARD" TO THE JAMES P. BECKWOURTH MOUNTAIN CLUB

DENVER. On May 16, 2001, Ms. Cheryl Armstrong, Executive Director, and Mr. Michael Richardson, Program Director with The James P. Beckwourth Mountain Club, were presented a "Shoulder-to-Shoulder Award" in recognition for their valued partnership with the National Park Service.

The James P. Beckwourth Mountain Club is a Denver-based outdoor organization named in honor of famed 19th century trapper and trader, James P. Beckwourth. Born in 1798 in Virginia, the son of a slavewoman in the early 1800's, Beckwourth was unwilling to accept the confines of slavery. Instead he set out to make a small place in history for himself. Beckwourth went west into the wilderness of the Rocky Mountains and joined a western expedition led by General William H. Ashley. This was the beginning of his fantastic career as an explorer, Indian scout, fur trapper, prospector, and War Chief of the Crow Indian Nation. His name is memorialized in California where he pioneered a trail in the Sierra Nevada range known as Beckwourth Pass.

The James P. Beckwourth Mountain Club works with and exposes urban youth to the outdoors through a number of programs including educational opportunities and field trips. The Club opened The James P. Beckwourth Outdoor Education Center in 1998. As part of Rocky Mountain National Park's Corps of Discovery Program, The James P. Beckwourth Mountain Club has developed and maintained a close working relationship with Rocky Mountain National Park, where a number of youth and adults have participated in numerous field trips, hikes, snowshoe walks, and camping trips in the park. As a result of this program, children of Denver's African American neighborhoods have had the opportunity to enjoy our national parks, and have gained a good understanding of life and history of James P. Beckwourth.

"I am proud to recognize The James P. Beckwourth Mountain Club as a valued partner of the National Park Service as well as for their hard work in breaking new trails for our children and helping us keep national parks meaningful and relevant to a new generation of Americans," stated Regional Director Karen Wade.

The "Shoulder-to-Shoulder Award" was presented to Ms. Cheryl Armstrong and Mr. Michael Richardson, on behalf of The James P. Beckwourth Mountain Club in Keystone, Colorado, where leaders and managers of the National Park Service met with partners, tribal representatives, sister agencies of the federal and state government, cooperating associations, foundation and university representatives, and private citizens during the

Intermountain Region's General Conference entitled "Stewardships: The Art of Collaboration." Awards were presented to a number of individuals and partners who have worked long and hard with the National Park Service towards accomplishing the common goals of preservation and protection of natural and cultural resources within our national parks.

FCC—A BLACK HOLE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. SESSIONS. Mr. Speaker, seven years ago some enterprising Texans came to the FCC seeking approval to deploy their innovative wireless technology. Alas, all these years later, they still await a ruling from the FCC. Once licensed, Northpoint Technology could offer consumers a low-cost service that would provide multi-channel video programming—including all local television stations—and high-speed access to the Internet.

As many of my colleagues know, incumbent DBS operators carry some local channels, but only in the largest television markets, and in no market do they carry all local stations on a must carry basis. My Congressional District, for instance, falls within two local television markets. My constituents in the seventh-ranked Dallas market can get four stations from DBS carriers, but that's less than one-third of the stations in the market. My constituents in the 94th ranked Waco market are unable to get any local stations from DBS carriers. If the FCC would grant licenses to Northpoint, all the stations in the Dallas and Waco markets would become available to consumers.

I would like to submit for the RECORD an editorial that appeared recently in the Wall Street Journal that examines Northpoint's struggle to obtain regulatory approval but raises broader issues. Namely, are our telecom regulators and regulations serving the New Economy or burdening it? At least in the case of Northpoint, I think we can all agree that regulators should not take seven years to approve the entry of a new competitor into the marketplace.

REVIEW & OUTLOOK: SPACE INVADERS

[From the Wall Stree Journal June 5, 2001]

Space, as every Star Trek fan knows, is the final frontier, but Federal regulators behave as though it's already been conquered. All of it.

This behavior takes the form of spectrum allocation, a process by which the Federal Communications Commission decides who gets to use—and even how they must use—the invisible electromagnetic wavelengths that transmit radio, television, satellite and wireless phone signals.

The allocation system may have worked well enough when it was designed 80 years ago to broadcast first radio and later TV. But a proliferation of wireless innovations has led to increased demand for spectrum space, and the current method of doling it out, like all attempts at central planning, has resulted in an artificial shortage.

Wireless technologies, we'll add here, are but another way to sake America's thirst for broadband Internet access, and we suspect that the slothful deployment of broadband has played a significant role in Nasdaq's struggles of late and the dot-com skid in general. In effect, government control of the airwaves has helped to create virtual queues.

One way that industry has responded to the FCC's frequency-hoarding is by developing ways to increase the capacity and efficiency of available spectrum. The idea is to share and reuse bandwidth with existing spectrum occupants, and without drowning out what's already being transmitted over the same frequency.

Northpoint Technology, for example, wants to offer a low-cost alternative to DirecTV and EchoStar, the direct broadcast satellite giants. Northpoint's plan is to use part of its capacity to offer channels like MTV and HBO, while using the other part to offer high-speed Internet and other data services. But before any of this can happen. Northpoint needs access to the spectrum. DirecTV and EchoStar, which already occupy the spectrum and would have to compete with Northpoint, are defending their turf. That's understandable, even if their claim that Northpoint's signal would interfere with theirs is largely bogus. Repeated independent studies and field tests have provided no evidence of anything extraordinary.

What we don't understand is the behavior of the FCC, which says it's still thinking about it. Northpoint first applied for the license in 1994, so the FCC has been thinking about it for seven years.

A provision of the 1996 Telecommunications Act requires the FCC to act on new technology within 12 months, but never mind that. If fundamental reform of the allocation process isn't in the cards right now, the very least that regulators can do is allow the Northpoints out there to make innovative use of the available spectrum.

The larger issue is whether our telecom regulators and our telecom regulations are serving the New Economy or burdening it. How many would-be innovators have looked at Northpoint's ordeal and concluded, why bother? And how much longer must we wait for mass deployment of broadband? Something is in the way of all this happening sooner rather than later, and it's certainly not the technology.

FCC Commissioner Michael Powell has at least signaled an awareness of these problems. Last month, he told House appropriators that spectrum allocation "is on the top of my agenda" and that broadband deployment is a priority. Industry and consumers alike have reason to hope he means it.

WORLD REFUGEE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. COYNE. Mr. Speaker, I am honored today to join in this special order. In honor of this important occasion and to recognize the contributions of hard working immigrants who have formed the backbone of this great country, I would like to take this opportunity to highlight the importance of restoring food stamp benefits for legal immigrants.

For over 30 years, food stamp eligibility was based solely on need. However, due to the 1996 Welfare Reform legislation, people became disqualified for food stamps based on the immigration status. While this was partially repealed in 1998, there are stail many immigrants, which include taxpaying parents working low-income jobs, children, disabled people, and many elderly people who arrived after 1996 and are ineligible for food stamps, In a country as great as the United States and where resources are plentiful, hardworking immigrants should not be denied crucial work supports such as food stamps.

As well, many citizen children of legal immigrants are hurt because of these eligibility restrictions. The vast majority of immigrant families are mixed status families that often include at least one U.S. Citizen, which is typically a child. There is a great deal of confusion about who is eligible for benefits and this deters immigrant families with children who are citizens from applying for food stamps. In fact, participation by these children with legal permanent resident parents declined 70% from 1994 to 1998, from 1.35 million to 350,000, more than twice the overall rate of participation decline for this period. A recent study by the Urban Institute reported that nationwide, 37 percent of all children of immigrants lived in families worried about or encountering difficulties affording food. Children are the future of this country and it is a tragedy that the greatest nation in the world would allow them to go hungry.

Congressman WALSH and Congresswoman CLAYTON recently introduced the Nutrition Assistance for Working Families and Seniors Act, which I fully support. This bill would restore Food Stamp Program eligibility to all legal immigrants and make other modest improvements in the program for working families. This legislation is a step in the right direction in fighting the hunger problem in America and I would urge my colleagues to support this bill.

Our country is a nation of immigrants and we should recognize the important contribution they make to this country by restoring food stamp benefits to them. Mr. Speaker, thanks for allowing me to join with my colleagues to speak on this special order.

A SPECIAL TRIBUTE TO THE 202ND COMBAT ENGINEERS, COMPANY B

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to recognize a group of World War II Veterans who helped change the course of history in Europe. Their contribution to the American war efforts is significant and they should be recognized for their contribution.

The 202nd Combat Engineers, Company B, was a unique group that was made up of young men from Ohio and the American Midwest. Trained as engineers at Camp Shelby in Mississippi, they preceded the infantry, during invasions, to cut roads, blow up pillboxes, remove mines and build bridges so the infantry could advance. The success of the ground forces was directly linked to the success or failure of the engineers.

During their assignment to the European Theater, the 202nd contributed to some of the most notable battles of World War II. Omaha Beach, Normandy, Battle for Brest, the Break Out of St. Lo, Crossing the Rhine, and the Battle of the Bulge, were just a few of the famous battles in which these men served.

In one battle at Carhaix, France, the 202nd constructed a bridge more than 40 miles ahead of the infantry. This bridge is particularly noteworthy because it was the longest treadway pontoon bridge in the world, spanning 1152 feet. They accomplished this feat all while under heavy enemy fire.

This year the members of the 202nd will be awarded the 'Spirit of Liberty Award' from the French government for their efforts in liberating France during the Second World War. The presentation will take place on June 23, 2001, during a reunion of the 202nd in Middletown Ohio.

Mr. Speaker, this great group of men, in part, were responsible for bringing the conflict in Europe to an end. We thank them for the service to their country and to the world.

TRIBUTE TO DICK GORBY AND ROCKY BARKER

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to commend the good works of two of the residents of my district, Dick Gorby and Rocky Barker, who together make up the staff of the Veterans Employment Office in Bend, Oregon. I could not be more pleased that the efforts of these two dedicated public servants have earned their tiny, yet effective, office of the International Association of Personnel in Employment Security award of "Best Veterans Unit" for the year 2000.

Mr. Speaker, the Bend Veterans Employment Office assists local veterans in finding meaningful employment. But of course, it does much more. It reminds the men and women who have worn America's uniform that their nation and community are grateful for their service. The tireless efforts of Dick Gorby and Rocky Barker have sent this message loud and clear to the veterans in and around Bend. Their success has meant the difference between frustrating unemployment and a sense of dignity and purpose for the thousands of veterans they serve. I salute their commitment to Oregon's veterans and thank them for their selfless devotion on behalf of the men and women who have served our nation so honorably.

TRIBUTE TO JOHN WADE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to an environmental champion and respected leader—John Wade. On Thursday, May 17, 2001, John passed away from injuries he sustained from a fall during a hiking trip in the mountains of Colorado. He was 81. All those in Colorado who respect the natural world and our duties to the environment will greatly miss John and his passion for people and the landscape.

John was a Presbyterian pastor and a university counselor. He had a pastorate in Utah and Colorado. During his time as a university counselor in Utah, he provided guidance to young men during the Vietnam War and organized the first Earth Day celebration on the University of Utah campus. After that, John returned to his native state of Colorado where he became director of the San Luis Valley Christian Community Services in Alamosa. He retired to Pueblo, Colorado in 1984 and later moved to Denver. But he never slowed down, not even in retirement.

John carried his strong spirit of public service and his belief in the spiritual component of environmentalism into his retirement. He was the living embodiment of the connection between spiritual growth and caring and respect for the natural environment. He understood that these two concepts and ways of acting are complimentary and in fact work in concert. He made it his mission to help others understand this connection and take action to fulfill man's obligations to the natural world. As a result, he joined local Colorado chapters of the Sierra Club where he volunteered vast amounts of his time and energies. In so doing, he became a leader in conservation work for the Sierra Club in Colorado.

John also was a member of the Presbyterians for Restoring Creation, a national group which, among other things, works to place environmental educators in each of the nation's 175 Presbyterian leadership groups. It was John's goal to see this accomplished. John himself described the importance of this goal, not only for Presbyterians but all faiths, when he said, "Conservation is an integral part of Christian discipleship, and the scriptures teach us to both till and keep the earth." In keeping with these beliefs, John was also chair of the Colorado Council of Churches' Environmental Commission, which continues to help instill greater awareness of the preservation of the environment as a spiritual obligation in denominations throughout Colorado.

In addition to his work with the Sierra Club and religious groups on environmental efforts, John's strong sense of civic responsibility was demonstrated in other ways. He was outspoken on social justice issues through his work on university campuses throughout the Southwest. He jointed marches for labor and human rights—especially as those issues arise in connection with the growing, interconnected global economy. He was concerned about urban sprawl and growth and its attendant impacts to the environment and communities. In addition, he served on a panel, created by Governor Roy Romer in 1994, to address issues related to the grazing of livestock on the federal public lands. His work here, along with the other members of the group, helped steer a new course on these issues and led to the successful creation of public advisory boards which provide input to the U.S. Bureau of Land Management on resource management issues. He did all of this and more in retirement.

Especially impressive was John's energy and vigor. He climbed 32 of Colorado's 54 fourteen thousand-foot peaks. He continued to hike, march and contribute right up until his unfortunate accident. His robust condition and positive outlook clearly helped shape his views and helped inspire many to join his causes.

John died doing what he loved—enjoying the splendor and beauty of the natural world. His legacy rests with those who knew him, shared his beliefs and were influenced by his teachings, inspiration and leadership. In the heated debates over environmental polices and issues, the underlying—and overarching—principle of stewardship and our spiritual relationship to the Earth is too often overlooked. John understood this spiritual connection implicitly. He understood that the health, sustainability and stewardship of the environment not only sustains and enriches our lives, but brings us closer to our obligations under religious teaching to care for and not squander the natural bounty that has been entrusted unto us. John's life stands as a reminder that we cannot forget the importance of our place in the world and our obligations to it and to provide an enhanced environment for future generations to inherit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 21, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 22

9:30 a.m.

Armed Services

To hold hearings on the nomination of Alberto Jose Mora, to be General Counsel and William A. Navas, Jr., to be Assistant Secretary for Manpower and Reserve Affairs, both of Virginia, both of the Department of the Navy; the nomination of Diane K. Morales, of Texas, to be Deputy Under Secretary for Logistics and Materiel Readiness and the nomination of Michael W. Wynne, of Florida, to be Deputy Under Secretary for Acquisition and Technology, both of the Department of Defense; and the nomination of Steven John Morello, Sr., of Michigan, to be General Counsel of the Department of the Army.

SR-222

JUNE 26

10 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine International Democracy Programs.

SD–192

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Donald E. Powell, of Texas, to be a Member and Chairman of the Board of Directors of the Federal Deposit Insurance Corporation.

SD–538

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine federal funding allocated to fight diabetes, the impact of the disease on society and current research opportunities to find a cure.

SH–216

Armed Services

Strategic Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on the Department of Energy's Office of Environmental Management.

SR–222

10:30 a.m.

Indian Affairs

To hold oversight hearings to receive the goals and priorities of the Great Plains Tribes for the 107th Congress.

SR–485

11 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Architect of the Capitol.

SD–124

11:15 a.m.

Foreign Relations

To hold hearings on the nomination of Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues; the nomination of William A. Eaton, of Virginia, to be Assistant Secretary for Administration; and the nomination of Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, all of the Department of State.

SD–419

2:30 p.m.

Foreign Relations

To hold hearings on the nomination of Margaret DeBardeleben Tutwiler, of Alabama, to be Ambassador to the Kingdom of Morocco; the nomination of C. David Welch, of Virginia, to be Ambassador to the Arab Republic of Egypt; the nomination of Robert D. Blackwill, of Kansas, to be Ambassador to India; and the nomination of Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.

SD–419

JUNE 27

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business, to be followed immediately by a hearing on the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; and the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, Department of the Interior.

SD–366

10 a.m.

Judiciary

To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.

SD–226

Budget

To hold hearings to examine the outlook of the U.S. economy.

SD–608

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings on proposed legislation authorizing funding for the Defense Production Act.

SD–538

10:30 a.m.

Rules and Administration

To hold hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general.

SR–301

2:30 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

JUNE 28

10 a.m.

Rules and Administration

To hold hearings to examine election reform issues.

SR–301

CANCELLATIONS

JUNE 26

10 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine concerns of ideology relative to the judicial nominations of 2001.

SD–226

SENATE—*Thursday, June 21, 2001*

The Senate met at 9:15 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be offered by the guest Chaplain, the Reverend Dr. Priscilla Felisky Whitehead of The Church by the Sea, Bal Harbour, FL.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Good and giving God, we come humbly before You on this new day, first with gratitude: for the gift of life itself, and the gift of another day; for the gift of this great country which strives to become all it can be—a beacon of freedom, hope, compassion, peace, and justice for all; for the gift and privilege of Your call to faithful service in this place, and the opportunities to make a lasting difference.

And then we come before You with humility as we prepare for the tasks before us today, for we know we need wisdom and strength and vision from beyond ourselves.

Give us courage to set aside purely personal or partisan political agendas in favor of what is truly the common good; give us ears attuned to the voices of those who fear they have no voice, whose faith in our country, and us, is a reminder of our sacred obligations; and especially give us open hearts, ever attentive to Your presence and still small voice calling us to do what is right and worthy of people who have already been given so much.

Hear our prayer as gratefully and humbly we offer this day, and ourselves, to You for Your guidance and blessing. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 21, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, on behalf of Majority Leader DASCHLE, I announce that the time between now and 9:30 will be evenly divided between the two parties on the motion to proceed to the Patients' Bill of Rights. Following the vote on the motion to proceed, there will be approximately 2 hours for debate equally divided between the two leaders or their designees. At 12 noon, Senator LOTT or his designee will be recognized to offer the first amendment on the Patients' Bill of Rights. We are going to conclude consideration of this bill prior to the Fourth of July recess. We hope we make good progress today. All Senators should expect to work into the evening tonight.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 1052, which the clerk will report.

The legislative clerk read as follows:

> A motion to proceed to the bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The PRESIDING OFFICER. Under the previous order, the time until 9:30 a.m. shall be equally divided between the managers of the bill or their designees.

Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand, the time between 9:20 and 9:30 is evenly divided.

The PRESIDING OFFICER. The Senator is correct. That is the order.

Mr. KENNEDY. I yield myself 5 minutes.

Madam President, this is a very important day in the lives of families across this country. Today we are addressing one of the principal concerns of families from Maine to Florida, from the State of Washington to California, and the heart of the Nation. That is, are we going to make sure that medical decisions, decisions being made by doctors, nurses, and families, are going to be the final decisions in terms of treatment and care for those particular patients? That is what the issue is all about.

As all of us have seen, we have countless examples where those decisions are being overridden by HMOs and bureaucrats and bean counters. They are making medical judgments, effectively practicing medicine, which they are clearly not qualified to do. As we have seen in the Senate with countless illustrations, that just about every Member has shared, they have caused enormous damage to, and sometimes even cost the lives of, these patients.

The protections we stand for are reasonable. They are sensible. They are common sense. When we get to the debate on this issue, we will have a chance to review them.

We have waited 5 long years since this legislation was introduced to come to this day. We have not had the opportunity to the present time. We have had 14 days of hearings. We have the support of more than 800 organizations. There are few, if any, medical organizations which represent children, women, parents, the disabled, or any of the other patients organizations, that do not support the proposal which has been introduced by Senators MCCAIN, EDWARDS, myself, and others. We take heart that we are advocating for the doctors and nurses in America. They have committed themselves to help those in need, and have acquired the skill and training to make a difference in the lives of these patients.

The fact is, this should not be a partisan issue. It is not. It is bipartisan in the Senate, and it is bipartisan in the House. We welcome our friends on the other side to join with us. As was mentioned previously, the essential aspect of this legislation has been supported by 63 Republicans in the House of Representatives. There are important leaders in the Republican Party, including

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Dr. NORWOOD, who have led this crusade in the House and continue to do so.

This bill is bipartisan, and has the virtual unanimity of the medical professions and patient organizations behind it. It comes with a series of recommendations which are common sense in their nature, and effectively holds the HMOs liable if they take action that is going to cause injury. This is an important formula for good quality health care in America.

As we have said so often, when we have effective accountability and effective liability, these provisions are rarely used. We have seen this in recent examples from California and Texas. What they do reflect is additional quality protections when they are included in the law.

That is what we are interested in. Those of us who are supporting this measure know what it is all about: It is for the care and protection of patients. We have had a chance to examine it. This issue has been studied, restudied, and studied again.

I look forward to a strong vote at the appointed hour.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, how much time do we have on this side?

The PRESIDING OFFICER. Five minutes.

Mr. FRIST. Madam President, I rise to support the commitment, the vote we will take in a few minutes, to proceed.

As the Senator from Massachusetts said, America is ready for strong patient protections. America is ready to hold HMOs accountable when they are making medical decisions. The debate that will ensue today and will take some time, I believe, is an important one to the American people because all 170 million people who receive their health care through employer-sponsored plans will be affected. All of them are going to pay more money for their premiums because of the legislation on the floor.

These are new rights, new protections. We will see a bill that will be ultimately signed by the President, I am confident of it, if it is a bill that is balanced, that respects this balance which all Americans deserve—the balance between accountability and patients' rights.

We do need to get the HMOs out of the business of practicing medicine. There is no question the pendulum has swung over the last 10 to 15 years to the point that HMOs have gone too far and gotten away from medical decisionmaking, medical decisionmaking being made locally with the doctor-patient relationship. Now it is time to swing that pendulum back.

We need to hold HMOs accountable for decisions they make that are medical decisions. We need to return that decisionmaking back to the doctor-patient relationship. At the same time, we can't unnecessarily pass mandates that don't add protections, that drive the cost of premiums up, that drive the cost of health care up to all 170 million Americans out there unnecessarily because that does drive people to the ranks of the uninsured.

We know if you don't have insurance, you don't have access to as good quality of care. It is that balance that I am very hopeful we can achieve in the Senate.

As the Senator from Massachusetts said, it is not a partisan issue; it should not be. The President of the United States, a Republican, is leading on this issue with the principles he put forth in February. The lead sponsor of the Kennedy bill is a Republican, Senator McCAIN. The lead sponsor of the Breaux-Frist-Jeffords bill is a Republican. It is a nonpartisan issue, as we reach out to get patients the protections they deserve.

The time element we will be discussing because, although people say we debated this over and over, we have not debated these liability provisions. We did not mark up, so-called mark up, these liability provisions in the Health, Education, Labor, and Pensions Committee. The last hearings we held on patient protection legislation were 2 years ago, and that was on the Jeffords bill that did not have liability or suing HMOs in it at all. What we will have over the next several weeks, for the first time on the floor of the Senate, is a debate on a bill that was introduced last Thursday, beginning the discussion on liability.

Very quickly, let me illustrate what this entails because it is complex, as we go forward.

Madam President, how much time do I have?

The PRESIDING OFFICER. A minute 22 seconds.

Mr. FRIST. This chart is an outline of the McCain-Edwards-Kennedy coverage determination and liability process. I have started to walk through it as it was in the bill introduced last Thursday. As you can see, it is quite complex. We are going to have to go through the internal appeals process, the external appeals process, and march through and see how much liability should be at the Federal level, how much should be at the State level, and should you go back and forth from Federal to State.

Those are the issues we are going to have to debate as we look at how the whole HMO is accountable. I encourage my colleagues to vote in favor of proceeding so we can engage in the debate and improve the underlying bill.

With that, I look forward to the first amendment at about noon today as we go forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. McCONNELL) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. McCONNELL) would vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Inhofe
McConnell

The motion was agreed to.

Mr. REID. I move to reconsider the vote by which the motion was agreed to.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Madam President, on rollcall vote No. 193, I was unavoidably detained and was unable to cast a vote. If I had been present, I would have voted in the affirmative on the motions to proceed.

BIPARTISAN PATIENT PROTECTION ACT

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement

Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be for debate only, with the time to be equally divided between the two leaders or their designees.

Mr. REID. Madam President, this has been cleared with both the managers of the bill and the two leaders: I ask unanimous consent the first half hour be that of the majority, the second half hour be that of the minority, the third half hour be that of the majority, and the fourth half hour be that of the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. That works out almost perfectly. It is almost 10 o'clock now.

Is that order entered?

The PRESIDING OFFICER. The order has been entered.

Who yields time?

Mr. McCAIN. Will the Senator yield?

Mr. KENNEDY. I yield such time as the Senator desires.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, after years of delay—and I want to emphasize years of delay—and blocking of consideration of this legislation, this important issue, the Patients' Bill of Rights, we are now, finally, going to take up this issue. I am very pleased to hear of the new-found commitment on the part of those who had blocked consideration of this legislation to seeing this legislation through to its completion. I point out again, it is long overdue that we address this issue. I am glad we are going to address it in a format where amendments are offered, we have debate, and votes are taken without filibustering and without obfuscation of the issue.

There are important issues, there are important negotiations, and important amendments that need to be discussed and debated. Again, I appreciate the commitment on the part of those who blocked—who blocked—consideration of this legislation for years on the floor of the Senate and am pleased to be bringing this issue to a conclusion. I applaud the majority leader who has stated we will not leave for the Fourth of July recess until we resolve this issue and have a final vote on it. I believe it deserves that attention. I hope all of my colleagues will devote their efforts and good-faith energies towards resolving it.

Our personal health and the health of our loved ones is the most valuable thing we possess. Unfortunately, we often take good health for granted until tragedy strikes and the health or well-being of a family member is jeopardized by disease, accident, or infirmities associated with aging.

When one of us or a loved one becomes ill, the obstacles of daily life become insignificant in comparison to ensuring the best health care services are available to our families.

Unfortunately, too many Americans are powerless when faced with a health care crisis in their personal life. Too many Americans have had important, life-altering medical decisions micromanaged by business people rather than medical professionals. Too many Americans believe they have no access to quality care or cannot receive the necessary medical treatment recommended by their personal physician.

Many Americans work hard and live on strict budgets so they can afford health insurance coverage for their family. But the moment they need it, they are confronted with obstacles limiting which services are available to them. They are confronted by frustrating bureaucratic hoops; and confronted by health plans that provide little, if any, opportunity for patients to redress grievances. This happens too often and can be attributed to several factors.

Our health care system is very complicated and can be attributed to several factors.

Our health care system is very complicated. Its language is comprised of thousands of acronyms and codes. Even its acronyms have acronyms. Our overly complex health insurance system intimidates and confuses many Americans. Many of us fail to fully examine the coverage provided by our health plans until we become ill, and then it is difficult to understand the plan's legalese. Health care has become increasingly depersonalized, focused more on profits than on proper patient care.

I am not embarrassed to admit that I am often overwhelmed by the complexity of the health system. I can certainly relate to the majority of Americans who are overwhelmed by a system which does not meet their basic needs in a simple, efficient and affordable manner.

Over the last few years I had an invaluable opportunity to travel around our great country; meeting and speaking with people from all sectors of life and regions of our nation. No matter how small or large a community I visited or where I held a town hall meeting, I repeatedly heard complaints that people's health plans denied or delayed the appropriate medical care, resulting in injury or even death to a loved one.

This is why I began working with my colleagues on both sides of the aisle over a year ago to craft a bipartisan bill that truly protects the rights of patients in our nation's health care system.

The following are the core principles I insisted be contained in our bipartisan bill:

First, our bill is about getting patients the health care they need and not about promoting lawsuits. We have worked hard to ensure that our bill focuses on getting patients the medical care they need. This is not about promoting frivolous lawsuits that could drive up health care costs and increase the number of uninsured in our country. Our bill provides a fair and independent grievance process in the event an HMO denies or delays medical care. A mother should have options when she is told her son or daughter's cancer treatment is not necessary and will not be covered by her insurance. She must have access to both internal and external appeals processes which are fair and readily available and which use neutral experts who are not selected, or otherwise beholden to the HMO. In life-threatening cases, there must be an expedited process.

Our bipartisan bill puts Americans in charge of their own health care. Patients and their doctors should control health care decisions, not HMOs or Washington bureaucrats. Physicians utilizing the best medical data must make the medical decisions, not insurance companies or trial lawyers. We need to put in place a balanced system that allows managed care companies to reduce costs but also reinvigorates the patient-doctor relationship, the essence of quality health care.

This bill protects employers from liability. We protect employers from being exposed to any liability unless they are directly participating in medical decisions. This bill will not make employers vulnerable for health care decisions they are not directly making and will not cause them to drop health care coverage for their employees out of fear of exposure to frivolous and unlimited liability.

Our bipartisan bill provides all Americans with patient protections. Our compromise includes strong patient protections that will ensure timely access to high quality health care for the millions of Americans with private health insurance coverage either through their employer or through the individual market place. The protections include: access to emergency care, access to specialty care, access to non-formulary drugs, access to clinical trials, direct access to pediatricians and ob-gyns, continuity of care for those with ongoing health care needs, and access to important health plan information. The bill also protects the doctor-patient relationship by ensuring health professionals are free to provide information about a patient's medical treatment options.

Our bipartisan bill empowers states. It allows states to develop their own patient protection laws, and empowers the Governors to certify that they are comparable to federal law. If the State law is comparable to those at the Federal level, the State law will remain in effect. We allow States to enforce their own laws for their citizens while ensuring that a minimum level of protections are available for all Americans.

We want to ensure that a mother in Arizona can take her son directly to a pediatrician in the same way a mom in Texas can.

Our bill allows Americans to seek reasonable relief once all options to receive medical care have been exhausted. I find it incredible that HMOs and their employees are able to avoid responsibility for negligent or harmful medical care. Americans covered by ERISA health plans should have the same right of redress in the courts as those who are enrolled in non-ERISA plans if they are unable to receive a fair resolution through an unbiased appeals process. We must ensure that patients receive the benefits for which they have paid and rightfully deserve. We must also ensure that unscrupulous health plans not go unpunished when they act negligently, resulting in harm or death to a patient.

Out bill protects state laws that allow patients who have been harmed or killed due to the medical decisions of an HMO to seek redress in state court. However, we worked hard to strike a compromise and help employers by allowing contract disputes to be handled in federal court. This will help employers and insurance companies have that offer multi-state plans have uniformity without obviating state laws.

Finally, we must improve access to affordable health care. It is simply disgraceful that 44 million Americans cannot afford health care coverage. This is the largest number of uninsured citizens in over a decade, despite our solid economy and past actions to provide greater access to medical care. We must continue building upon already enacted reforms by expanding medical savings accounts, providing full tax deductibility for self-employed health insurance costs, and allowing tax credits for helping small businesses provide access to health care coverage for their employees.

These provisions continue to be a crucial component of the bipartisan compromise I reached with Senators EDWARDS and KENNEDY. I am working with both of them and my colleagues on both sides of the aisle, including Finance Chairman BAUCUS to ensure that these provisions are addressed as a part of this bill or in the next legislative vehicle that the Senate deliberates.

America has been patiently waiting for far too long for Congress to pass a Patients' Bill of Rights that will grant American families enrolled in health maintenance organizations the health care protections they deserve, including the right to remedy insurance disputes through the courts if all other means are exhausted.

For far too long, this vital reform has been frustrated by political gridlock, principally by trial lawyers who insist on the ability to sue everyone for everything, and by the insurance companies who want to protect their bottom line at the expense of fairness.

If I have ever seen a more living, breathing argument for campaign finance reform, it is in the failure to act on this legislation.

Both sides hope to continue affecting their agenda with "soft money" contributions they hand over to the political parties, while neither represents the hopes, expectations, and best interests of the American people.

I have always found the American people to be reliable counsel when Congress attempts to assess the gravity and urgency of a problem affecting the entire nation. I have listened to countless thousands of Americans demand immediate action on a Patients' Bill of Rights. I have heard countless thousands demand a reasonable standard of accountability for health insurers who have too long and too often escaped virtually all accountability. I have heard countless thousands demand, what any American recognizes as basic fairness, that their most precious possession, their health, not be subordinate to profits for insurers or lawyers, or to political advantage of one part or another.

I have heard from very few people who claim that HMOs should continue to be the sole decisionmakers for who gets decent health care and who does not, for who lives and who dies. I have heard very few people defend an HMO's right to escape all accountability for those decisions. I have heard from very few people except those starring in radio and television ads underwritten by insurers who say HMO reform is unnecessary. I have heard from very few people who have claimed that their health, or their child's health is less important to them than the amount of damages they can recover from negligent health insurers.

But in every reliable public survey, and in every conversation I have had with the American people, in groups of ten or crowds of a thousand, everyone recognizes that a Patients' Bill of Rights is an urgent, necessary improvement if America is to have the kind of health care that befits a great and prosperous nation.

Men and women of good will, on both sides of the aisle, in Congress and in the administration, are working to bridge differences between our different remedies to this problem. I am encouraged by that, and pledge my cooperation in any sincere effort to reach fair compromises on the outstanding issues that still divide us. Whether in the amendment process or in discussions with colleagues and members of the administration, the sponsors of this bill want to reach agreement on genuine reform that will be enacted into law. But we cannot compromise on our resolve to return control of health care to medical professionals, and to hold insurers to the same standard of accountability that doctors and nurses are held to. That is all we seek today and all that the American people expect from us, a fair and effective remedy to a grave national problem. I urge all my colleagues to join us.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise today to speak in support of the Bipartisan Patients' Protection Act. I thank my colleague from Arizona with whom I have worked for many months to help draft this legislation. I also thank my colleague from Massachusetts who has worked on this issue for many years. It is a critically important issue to the American people.

Let me talk a little bit about this issue, what this legislation does, and what this debate is about. We start with a very simple idea. That idea is to put the law on the side of patients, doctors, and health care providers. For many years, the law has given privileged status to HMOs and big health insurance companies in America. They are treated differently than any other group in this country is treated. They can do whatever they want. They can make decisions solely on the basis of cost and money, the bottom line and the profit, and they cannot be held accountable in any way. If they deny coverage for treatment that a child needs, or for a test that someone needs, or a visit to the emergency room by a family who had a true emergency, there is nothing that family can do. There is nothing that child can do. There is nothing that patient can do. They are stuck with whatever decision is made by the HMO. They are privileged citizens.

Not surprisingly, they like their privileged status. They want to stay right where they are. They do not want the law changed. They do not want to be treated like everyone else. They do not want to be treated like others. They do not want to be treated like any other small business or big business in this country.

It is time to change that. It is time to give real rights to patients.

That is what this legislation is about. It is time to put the law on the side of families, patients, and doctors.

We have some very specific protections that are critical in this bill. We start with the simple principle that every American who is covered by health insurance or an HMO is covered by our legislation. If you have HMO coverage, or if you have health insurance coverage in this country, our Bipartisan Patient Protection Act covers you, period.

If a State has a stronger protection law, if a State has a provision that is stronger than the provisions of our bill, that State law will remain in effect. But our law provides the floor below which no State can go. We cover every single American who has health insurance or HMO coverage.

Second, we also provide that women can be seen by an OB/GYN as their primary care provider. Women across this country have had this issue come up over and over where they have to go through a gatekeeper in order to go see the physician who is, in fact, their primary care provider, an OB/GYN. We eliminate that problem. We provide direct access to specialists.

For example, if a child who has developed cancer needs to be seen not by a general cancer doctor—just a general oncologist—but by a child specialist, a pediatric oncologist, we specifically provide that the child can see the specialist the child's family believes their child needs to see.

That is what we mean when we say we provide direct access to specialists so that people can see the specialist they need.

Emergency room care: If a family has an emergency at home, in an automobile—wherever—and needs to go to the emergency room, the last thing in the world they want to be thinking about is, Do I need to call my insurance company? Do I need to call my HMO before I go to the emergency room to get the treatment I need?

We have eliminated that—no 1-800 numbers; no trying to look through the drawers to figure out where your insurance company is and how to call them. If somebody gets hurt, and they need to go to an emergency room, it is very simple. You go to the nearest emergency room, and you are covered. That is the way it ought to be. Unfortunately, it has not been as it should have been. We protect patients in emergency situations.

These rights: Access to specialists, emergency room care, women being able to be seen by an OB/GYN, access to clinical trials—we specifically provide that if a patient participates in a clinical trial, the costs that are not covered by the sponsor of the trial, the attendant costs, the hospital care or other things, in fact will be covered by the HMO and the insurance company.

Clinical trials are critical, not only to patients for whom they are often the last hope, but they are also critical to our Nation in continuing to lead the way in this world in advancements in medicine. We make sure clinical trials are covered.

In the area of specialist care, clinical trials, access to emergency rooms, and access by women to an OB/GYN, we have real substantive patient protection. But those rights are meaningless unless they are enforceable. It is not a Patients' Bill of Rights unless there are enforcement provisions. Without meaningful strong enforcement, it is not a Patients' Bill of Rights. It is a patients' bill of suggestions.

We want a real Patients' Bill of Rights. That is what our bill is. We have real enforcement. The entire bill is designed to get patients the care, the treatment, and the tests they need and should have gotten to begin with from the very outset.

We want the insurance company and the HMOs to know that if they do something wrong, their decision can be reversed.

The first thing we have is what is called an "internal review process" within the HMO. If a child needs a test, and the HMO says they are not paying for it, and the family doctor says the child still needs it and they overrule the doctor—if that occurs, that family has somewhere to go. They go to an internal review process within the HMO. If that is unsuccessful, and for a second time the HMO says no, then the third step is an external independent review. We set up a system, a panel of doctors and experts who have no connection at all with the patient or the doctor involved—no connection at all with the HMO that can then look at the medical facts and determine whether that child needs that test and can reverse the decision of the HMO.

So there are three stages through which the right decision can be made. Hopefully, the HMO will do the right thing to begin with, as on many occasions in the past. If they do not, then they can be reversed by an internal review process. If that is unsuccessful, then you can go to an independent appeal board. This is all before anybody goes to court. You can go to an independent appeal board that can reverse the decision of the HMO.

So we have set up a system designed to make sure the patients get the care they need, and get it as quickly as they possibly can. That is what our whole system is designed for. It is designed to avoid anybody ever having to go to court.

Unfortunately, there will be occasions where that system does not solve the problem—they are rare, but they will occur—and where a patient has been hurt because of some arbitrary or intentional decision by an HMO, where an HMO says: We are not paying for that. We don't care what the doctor said. We don't care what this child needs. We're not paying for it. And a child suffers a serious injury. As a result, those cases can then go to court.

We have heard lots of arguments in the public debates on this issue in relation to the creation of lawsuits. That is not what this legislation is about. This legislation is about real patient protection. It is about a system to reverse a bad decision by an HMO, and then ultimately treating HMOs like everyone else in this country—every other business, every other American.

You and I, when we do something, we are responsible for it. We believe in that in this country. We believe in individual responsibility. When we make a decision or we take some action, we believe we ought to be held accountable for that and we ought to be responsible for it. We believe it all the way down the line.

That is the concept this bill enforces. We take away the special protections HMOs have had in the past, where they can in no way have their decision reversed. If they deny coverage to a family, they are stuck with that decision. It cannot be appealed, cannot be challenged, cannot be taken to court. They are stuck with that decision.

We change all that. Now, under this legislation, they are treated exactly the same. If all the appeals have failed—if an HMO denies coverage, and the internal appeal fails, the external appeal fails, and someone is hurt, then we treat them like anybody else. They have made a medical decision. They have overruled the doctor, who has years of training and experience and who has actually seen the patient. So we put them in the shoes of the doctors. If they want to make medical decisions, they ought to be treated like people who make medical decisions.

For that reason, we send the majority of the cases to State court, which is where doctors and hospitals and businesses go.

Mr. McCAIN. Will the Senator yield for a question?

Mr. EDWARDS. Yes.

Mr. McCAIN. Is it true that we have significant protections for employers with regard to liability, including the self-insured? But isn't it also true—because allegations will be made to the contrary—that we are interested in actively pursuing further agreements with all parties to try to address and tighten this language so we can achieve the goal we seek; and that is, to remove employer liability where the employer had no voice in the medical decision and to make sure the self-insured are able to avoid unnecessary lawsuits and be protected as well?

Mr. EDWARDS. I thank the Senator for his question.

The Senator knows, of course, because he and I have worked on this issue over a period of many months, that we both believe very strongly that we ought to protect employers from liability, period. What we have done in our legislation is we have followed the outline of the President's principle. The President has said, in his principle, that he does not want employers held responsible for liability unless they actually make individual medical judgments, which, of course, is extraordinarily rare. Our bill does exactly the same thing. It specifically protects employers unless they make an individual medical decision.

But the Senator is also correct that we start with the idea that we want employers protected, and to the extent our colleagues have ideas on this subject, we welcome those ideas and are willing to talk about this. The Senator and I have talked about this not only from the outset but over the course of the last several days. So we are more than willing to consider other possible ideas on this subject that will more strongly protect employers from liability.

Basically, the entire legislation is intended to do two things: One, give real rights to patients, so the law does not continue to be just on the side of the big HMOs; and, two, to make those rights enforceable, so that when a patient or family is denied coverage, they can do something about it. It is just about that simple. And it is designed to get the care to the patient as quickly as we possibly can.

My colleague from Arizona just asked a question about employer liability, which we have just talked about. We believe very strongly that employers ought to continue to provide coverage, and we want to protect employers from liability.

Second, there is an argument made that this will result in lots of lawsuits. The truth of the matter is, all we are doing is taking away the shield, the privileged status HMOs have today that makes them different from all the rest of us. We just want them to be treated like every other American, which I think is fair and equitable.

But what we have learned from the three States—Georgia, California, and Texas—that have similar laws, is that almost all claims are resolved either with the internal appeal or the external appeal. In those three States, I think there has been a total of about 17 lawsuits. In the State of Georgia, Senator MILLER indicated yesterday there has been none. And those are three large States.

So the evidence does not support the argument that this is going to result in lots of lawsuits. In fact, we believe that is not true. Senator McCAIN and I have worked very hard to design this bill to avoid that occurrence. But rarely it will occur. And if it does occur, we just want the HMOs treated like everybody else.

There are real differences between our legislation and the competing legislation. I will not go through the details of those differences, but let me just say they begin from the very outset of the bill and flow to the end.

We make it clear that every American is covered, and their language is less clear about that. We allow patients to have direct access to specialists outside the plan. They allow the HMO to make those decisions. We make clear that people have access to clinical trials, including FDA-approved clinical trials. They do not. We have a clearly independent review process where no one, including the HMO, can be involved in who is on the appeal panel. They do not. We send cases to State court, so HMOs are treated just like the doctors and the hospitals and all the rest of us. They give them special, privileged treatment by sending their cases to Federal court, where they are less likely to get hurt and it is harder for the patient to actually have a determination of their case or their claim.

So in every single case where there is a difference, they favor the HMOs, we favor the patients. That is the reason that the American Medical Association and, I think, over 300 or 400 medical groups in this country support our legislation. Virtually every medical group in the Nation supports our legislation—and consumer groups. There are a handful that support both.

But there is a reason that all those groups favor our legislation. There is a reason the HMOs favor their legislation. The reason is very simple. We have real and strong patient protection. And in every case there is a difference, their bill favors the HMOs, our bill favors the patients.

I would like to tell you a quick story about a patient in North Carolina. He is a young man named Michael Gray Whitt, who is shown in this photograph. Today he is a beautiful, happy 2-year-old little boy. He and his family live in Fleetwood, NC. His parents are Marc and Terri. Unfortunately, at the time he was born, he was not as healthy and happy as he is here shown in this picture.

He was born 4 weeks early at Watauga Medical Center in Boone, NC, because of a blood disorder.

The PRESIDING OFFICER. The 30 minutes controlled by the majority has expired.

Mr. EDWARDS. Madam President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, as long as the opponents of the bill get 5 minutes also.

Mr. EDWARDS. Absolutely.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS. I thank my colleagues.

Madam President, when Michael Gray Whitt was born, he suffered from a blood disorder known as RH isoimmunization, which occurs when the mother has one blood type and the baby has another. The mother's body reacts by producing antibodies that attack the baby's blood. It can cause anemia, jaundice, enlargement of the liver and spleen, and it can even cause death.

It is usually prevented by taking a drug, which Michael's mother took, but it did not work in her case.

When baby Michael was born, he was at risk for liver failure, seizures, and brain damage. A newborn medical specialist recommended that he remain in the hospital where he could be watched in case any of these problems developed. He was very much at risk, very much in peril. The doctor specialist who was taking care of him knew he needed to be in the hospital so if anything went wrong they would be able to do something about it. He was right to be worried.

Michael's liver was not working properly, and he was kept in the hospital, in fact, for treatment. You can imagine how his parents Marc and Terri felt when less than 72 hours after he was born the HMO wanted him discharged from the hospital. Luckily for Michael, his doctor refused to follow the HMO's order. But when he showed some marginal, slight signs of improvement after 2 days, the HMO insisted that he be discharged. So he was sent home.

His parents were in shock. Why in the world would their HMO send a sick baby home who everyone knew needed to be watched carefully in case problems developed?

Less than 24 hours after the HMO sent him home, he got sicker than he had ever been. He was lethargic. He had jaundice, and he was eating poorly. Tests showed his liver problems had gotten worse. So less than a day after he was sent home against his doctor's wishes, he was back in the hospital.

I would like to share some words of Michael's dad, Marc Whitt, about his ordeal. This is what he said:

> I could never put into words the amount of stress and anxiety my wife suffered throughout this first week of our child's life.
>
> It was hard to deal with a helpless, sick newborn but impossible to understand and tolerate an insurance company's total disregard for our child's life.
>
> I wonder how many people's lives will be ruined by the actions of an HMO before HMOs are held accountable for their behavior.

That is a good question. How many more children will suffer serious injury or death before we do something about what these HMOs are doing?

A couple of days ago one of the chief spokespeople for the HMOs was quoted in the New York Times as saying: We are prepared to spend whatever is necessary on public relations, on lobbyists, on television ads. But they were not prepared to spend what was necessary for this young child to get the care his doctor knew he needed and his parents knew he needed.

We have a message for the HMOs. Whatever millions of dollars they are willing to spend, whatever the power of their lobbyists here in Washington, we are prepared to stand and fight along with Michael and families like his all around America, as long as is necessary, to ensure that finally in this country HMOs, just like all the rest of us, will be held responsible for what they do.

I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that the last order entered by the Chair be revised to take the 5 minutes or whatever time the

Senator from North Carolina used from our next 30 minutes. That way we will still be able to start the amendment process at noon. Does the Chair understand the request?

The PRESIDING OFFICER. The Chair does understand. Without objection, it is so ordered.

Mr. REID. I thank the Chair. I knew the Chair would understand, if I made sense in explaining. I wanted to make sure I had done that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself 15 minutes.

Madam President, I rise in support of a Patients' Bill of Rights. We need a Patients' Bill of Rights in this country. I spent most of last year working on a conference committee to get a Patients' Bill of Rights. I am told by more senior colleagues that we spent more time meeting as members than on any other bill they could remember. We got that close to having an agreement.

In fact, people could see that we were going to get agreement on a Patients' Bill of Rights. There were some people who chose to have it as an issue instead of a solution. That is why we are back again working on a Patients' Bill of Rights. We do need a Patients' Bill of Rights but not this one, the way it reads.

I will give some rebuttal to a McCain-Kennedy factsheet on protecting employers. The sponsors of the bill distributed a white paper to the Democrat caucus, and I can't let that go unrebutted. This is the assertion: Employers are explicitly protected from liability in almost every case. But that is not what the bill says.

For the record, let me say that you would need a bushel basket of breadcrumbs to weave your way through this bill without getting lost. I tried at first with string, but it got so interwoven I thought it was macrame.

This is going to be extremely hard to follow. It is much easier to give examples, as we just heard of people who have been wronged by the system. We need to clear that up.

It is much more difficult, though, to make sure it reads properly in the details. You will be able to see why the average person is not entirely clear on how this bill fails to meet the assertion that employer-sponsored health care is protected. I am not a lawyer so my explanation may go a little more slowly than the compelling presentation made by my colleagues Senators GREGG and GRAMM on Tuesday. But I can assure you that I will lead you through the language of the McCain-Kennedy bill and show that it clearly sues employers and, therefore, threatens Americans' access to employer-sponsored health care.

I was a small businessman. Small business does not have the experts and specialists to interpret all of this, but they are going to have to abide by this stuff, too. See if you can follow this.

Here's what the bill language in S. 1052 actually says. On page 144 line 18, there is a subparagraph entitled, "Cause of Action Against Employers and Plan Sponsors Precluded." Nice title. This is subparagraph (A). It literally begins with, "Subject to subparagraph (B)." In other words, the provision whose title implies that employers are protected from lawsuits begins with an exception to that protection. As you can probably already guess, subparagraph (B) is entitled, "Certain Causes of Action Permitted," which started out with, "Notwithstanding subparagraph (A)," which means, despite the protection from lawsuits they just said they were giving employers in the preceding paragraph, here's how "a cause of action may arise against an employer." We're still on page 145 still under subparagraph (B). On line 7, there is a reference back to page 140, where you're sent to paragraph (1), subparagraph (A), which is all captured under a new subsection of ERISA, entitled "Cause of Action Relating to Provision of Health Benefits."

This subparagraph first identifies who would be subject to liability, saying: "In any case in which a person who is a fiduciary of a group health plan"—meaning an employer under ERISA—a health insurance issuer offering health insurance coverage in connection with the plan, or an agent of the plan, issuer or plan sponsor." Then the paragraph goes onto page 140 and lists what actions would make that category of employers and health plans liable, saying, "upon consideration of a claim for benefits of a participant or beneficiary under section 102 of the Act, or upon review of a denial of such claim, fails to exercise ordinary care in making a decision." Section 102 captures any consideration of a claim for benefits—whether its written or oral—and section 103 is the entire internal appeals process. Confusing? Intentional?

Then page 140 goes on to list the following actions with respect to making a decision. It reads, "regarding whether an item or service is covered under the terms and conditions of the plan or coverage; regarding whether an individual is a participant or beneficiary who is enrolled under the terms and conditions of the plan or coverage; as to the application of cost sharing requirements or the application of a specific exclusion or express limitation on the amount, duration, or scope of coverage of items or services under the terms and conditions of the plan or coverage; or, otherwise fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan with respect to a participant or beneficiary. Then the employer must prove that none of those actions were the "proximate cause" of the patient's personal injury. If they can't, then the employer is liable for economic and non-economic damages, and punitive damages of $5 million will be awarded, see page 153, line 23, for "bad faith and flagrant disregard for the rights of participants." I am told that is a fairly high legal standard to meet.

But then I remind myself that there is a band of trial lawyers right now trying to sue health plans under Federal racketeering laws. That is what we use to prosecute mobsters. If I were an employer—particularly a small employer—that kind of zeal by lawyers sure would not make me feel any better, and trying to read this bill would not make me feel any better.

I am running a little low on breadcrumbs, but let me skip back for a minute to the "liable actions" listed on page 140. In particular, the last one I mentioned, which refers to "fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan." This phrase, "terms and conditions of the plan," is defined in the bill on page 122, line 14—another page—as "to include, with respect to a group health plan or health insurance coverage, requirements imposed under this title with respect to the plan or coverage."

Well, page 122 falls into title I of the bill. Title I of the bill includes a plan's utilization review activities, which cover everything from disease management to quality-of-care decisions to cost-benefit analysis; all claims-related activity, including internal and external review; all of the patient protections, from allowing patients direct access to the nearest emergency room to paying the cost of an employee's participation in a clinical trial, and on, including nine more separate patient protections; five additional rights for health care providers, including a whistleblower protection provision, which I will take issue with later; and a series of broad new definitions of provider categories and plan functions, coverage of limited scope plans, which are the dental and eye care plans, and a blanket inclusion of any and all new regulations—listen to that; pay attention here because, besides all of the stuff actually in print, you are going to be subject to any and all new regulations that the Secretary, who is completely at will to draft anything in relation to the act.

I would like to note that also included in title I is the overriding of existing State laws that deal with the standards in this bill. I guess that is now also a part of the health plan contract.

Confusing? Intentional? Now, after saying all of that, we need to tie all of these duties, obligations, named functions of the employer which again is voluntarily providing health coverage, back to the original trigger, into the employer liability section of this bill.

If you remember, that is back on page 145. You will notice that it skips around. That is the subpart of subparagraph (B) I mentioned before, starting on line 7, which says the employer is liable to the extent there was direct participation by the employer or other plan sponsor in the decision of the plan under section 102 of the act upon consideration of a claim for benefits or under section 103 of such act upon review of a denial of a claim for benefits, or to the extent there was direct participation by the employer or other plan sponsor in the failure described in clause (ii) of paragraph (1)(A)—paragraph (1)(A), of course, being when a plan "fails to exercise ordinary care in the performance of a duty under the terms and conditions of the plan."

Heard that before? You heard me read that definition a moment ago from page 122, line 14, as being essentially everything under the Sun with which an employer has to comply.

OK, we are almost there. So bear with me. We still have a breadcrumb or two left here.

The employer liability provision in the bill goes on to further define direct participation, found on page 145, line 21, as meaning "in connection with a decision described in clause (i) or a failure described in clause (ii)."

These are the two things I just described to you; remember, it was either the consideration of a claim for benefits or the failure to exercise ordinary care. Direct participation means, "the actual making of a decision"—we all agree on that—"or the actual exercise of control in making such a decision"—we all agree on that—"or in the conduct constituting the failure."

We didn't know they were going to increase the decision so much, though. It sounds to me like every activity in this bill legally requires employers to do that which they are already legally bound to do under the fiduciary obligations of ERISA, which under Federal law businesses have to meet, which is now included in this, and it would constitute direct participation and, therefore, exposure to unlimited new liability.

Now, the sponsors have tried to define what direct participation is not. There are a whopping four things, all of which—and this is important—are conditioned by the clause found on page 146, line 12 and line 16, which reads: "conduct that is merely collateral or precedent to the decision or failure." In other words, this so-called employer protection only applies if any "actual" action by the employer occurred long before or away from the decision. I read that to mean that if an attorney links any employer activity covered in the four exceptions to the lawsuit against the employer, then the "exceptions" do not apply.

But let me tell you what they are anyway. Starting on page 146 and going to 147, they include, an employer's selection of health plan, or third party administrator; an employer engaging in cost-benefit analysis when choosing or maintaining a plan; the employer creation, modification, or termination of the plan; the employer participation in benefit design, and copayments, or limits on benefits. Show me an employer that probably isn't doing all four of those things and I will show you an employer that doesn't have a health plan. You have to do those things; it is a business requirement. If you are going to pick a plan or a third party administrator, you probably have to have some involvement in that. You have to do some cost-benefit analysis. You have to do at least the creation of the health plan, or you don't have a health plan. It sounds like a lot of upfront paperwork as well. That may be what it is all about, too. All other plan administration by an employer is subject to liability. But then so are these functions if we are to apply the "collateral or precedent" limitation on the employer protection I just referenced.

I mentioned this to show you that it isn't quite as easy as some might be trying to purport here. This is seriously complicated, and it appears that around every corner in this bill there is an exception that swallows the rule. And the exceptions purported to protect employers are swallowed, too. There is no way anybody is going to convince the American people this bill doesn't sue employers, and for just about anything.

The PRESIDING OFFICER. The Senator has consumed 15 minutes.

Mr. ENZI. I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 more minute.

Mr. ENZI. Madam President, I am not a lawyer; I am an accountant, and I can tell you that this adds up to employers scaling back, even dropping the coverage they now provide. Is this how we propose to protect patients? The problem, at the end of the day, is that there is no fairy tale for hard-working Americans who currently receive health care from their employer. Instead, they are left with the nightmare of more expensive care, reduced benefits, or, in the worst case, losing access to care altogether. That is unacceptable for insured Americans. The logical question is, How in creation does this address the problem of uninsured working Americans? I leave my colleagues to mull that over.

I yield the floor and reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I yield myself 15 minutes off of the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. BROWNBACK. Thank you, Madam President. I thank my colleagues for presenting this bill on the floor. I appreciate taking up this topic—the key topic facing the United States, the Government, and the health care industry within this country.

I strongly believe and I strongly urge that this should have gone through a committee process so we could have had amendments taking place and could have had this dealt with in depth in a committee. I think that it did not is regretable, particularly on such a large piece of legislation that affects so many people. But that wasn't the choice of the majority that is running the floor. They decided not to go through that process, and so we are here as we are today.

I hope, since this bill did not go through the normal committee process, we can have an extended amendment process to improve the bill in substantial ways as we proceed through this debate and consideration of this key legislation affecting much of health care delivery in this country. Through a good, strong, open amendment process, we can, hopefully, at the end of the day, vote on this bill and have something with which we are all pleased.

Having made those initial comments, I want to point out legitimate and serious concerns I have about the effects of this legislation on people throughout the country.

Make no mistake about it, I shed no tears for the HMOs. My colleagues have brought to the Senate Chamber for consideration some shocking photographs and anecdotal information of treatment at its worst by the HMOs. Like everybody else who has heard these anecdotes and seen the photographs, it offends my sensibilities.

We need to examine the organization of the health maintenance organizations established by the Congress over the past few decades and how they were established and why they were established.

The truth of the matter is, over the past few decades Congress created and charged the health maintenance organizations with keeping down the cost of health care, and the tool with which we have entrusted them is a bureaucracy.

The truth of the matter is, using a bureaucracy to control a system is inefficient, many times difficult, unwieldy, and certainly not very personal.

The truth of the matter is, patients and physicians are sick and tired of dealing with this unresponsive bureaucracy and its difficult system. We need to make changes to provide personalized decisionmaking in health care. We need to change the system Congress has created. We need to make it work better. We need to do it in such a fashion that it does not drive up the cost to the point that we start increasing, again, the number of insured in America.

There has pretty much been an iron rule on health care that as we drive up cost, the number of insured goes down, and that is a policy trend we do not want to cause with this bill. There are ways we can amend it to reduce that overall cost factor to limit the drop in the number of insured.

We want people to get insurance. We want people to be insured. We do not want people to be uninsured in this process. We can change HMOs to make it a more personal decisionmaking process between patient and physician so that they are the ones making the choices rather than a large, unresponsive bureaucracy.

As the blues song goes, "Before you accuse me . . . take a look at yourself." HMOs and private sector insurance are not the only ones who rely on a heavy-handed bureaucracy in the health care field. The truth is Medicare, the health insurance we are responsible for administering, has been one of the most difficult bureaucracies in the Federal Government. If you want to talk about bureaucracy, let's talk about PPSs, DRGs, and NSFs. Let's talk about a system that tells physicians: Provide the care, and then we will tell you whether we are going to pay for it or not.

HCFA is a bureaucracy that has gotten so out of control that this administration has wisely decided they cannot reform it, they have to completely remake it and rename it. This is a bureaucracy unto itself that is unresponsive. I get complaints on a regular basis. HCFA is getting right up there with the IRS on complaints, and that is a bureaucracy, which we run, which manages health care in the country, which clearly needs fixing.

For the past several decades, this Nation has relied almost solely on bureaucracies of one type or another, either ones we run or others, to hold down the cost of health care. That is the heart of what we are debating today: health care costs.

Many of us believe the solutions offered by some of my colleagues do not adequately address this problem. We are going to drive that cost up, and the number of insured is going to go down. That is a genuine concern of a number of people.

Who feels this way? Some of my colleagues have stated that the people are saying: You have a bureaucracy that has been unresponsive. Let's make these changes and drive the cost up, not noting they are driving the number of insured down in that process. We need to avoid that result.

I want to read a letter my office received, as well as a number of other offices, on June 15, regarding who feels this way about health care. This is a quote from this letter:

> We urge Congress to oppose this legislation—

That is, the pending bill—

> and avoid the dire consequences it would have on our employer-based health care system.

The letter went on to say that the Kennedy-McCain Patients' Bill of Rights—

> would discourage employers from offering health care coverage and make coverage more difficult for workers to afford.

Who signed that letter? It is interesting, not a single HMO appeared on that letter. The letter came to my office signed by the National Federation of Independent Businesses, U.S. Chamber of Commerce, Associated Builders and Contractors, Printing Industries of America, Business Roundtable, and 14 other business associations representing virtually everyone in this Nation who voluntarily provides health care coverage to their employees and wants to continue to provide that health care coverage. They are saying: Do not change this in such a way that we cannot afford to make these changes and they are going to drive us out of health care; don't do that.

We do not need to do that; we should not do that. We can amend this bill to make it so that does not happen.

I suggest my colleagues follow the Kansas tradition and take these groups at their word.

The nonpartisan Congressional Budget Office has suggested the Kennedy-McCain-Edwards bill will increase premiums for employer-sponsored health plans by an average of 4.2 percent, with a 1.7-percent increase being passed through to workers.

What about the remaining 2.3 percent? CBO says 60 percent of the increase would be offset by, among other things, "purchasers switching to less expensive plans, cutting back on benefits, or dropping coverage."

Is that the conclusion we want to produce from this legislation? I certainly do not think the directors and people who are putting forward this bill want that conclusion, and yet that is what CBO is citing.

It is not just the CBO or national business organizations that have this grave concern. On June 6, I received a letter from Harvey Young. Harvey owns Young's Welding, a small welding shop that has been in Chanute, KS, since 1934. Harvey wrote this "health care legislation would be a disaster for small employers in the Nation."

In addition, while they do not know it yet, the 3,200 Kansans and nearly 340,000 Americans who could lose some health insurance as a result of this legislation are going to have a big problem with this bill.

We do not need to go there if we amend this legislation to reduce those areas that will drive people from getting health insurance.

I understand it is not the intent of my colleagues to increase the cost of insurance and drive employers and workers out of the health insurance marketplace. My friends are pure in their intentions to address the problems that have arisen from the bureaucratic state of our health care economy.

The cases of denied coverage they bring before the Senate are disturbing to all of us. However, I hope my colleagues will concede that the concerns we raise about the manner in which this bill addresses the problem are just as genuine.

Many are concerned adding new liability and legal cost to an already large cost of health care will create problems in the system. We are worried by reports that 44 insurers have pulled out of Mississippi citing large jury verdicts as the reason. Considering that the cost of health insurance has risen for 7 straight years, and considering that last year the cost of insurance was up a whopping average of 13 percent, I hope supporters of this legislation will understand my concerns.

No Senator has risen in defense of bureaucratic health care either of the United States through HCFA, or health maintenance organizations. None has risen to defend the indefensible actions of some HMOs that have denied necessary coverage to a child; nor shall we, nor should anyone. Rather, we rise to express concern about a bill that could result in more harm than good in driving up the number of uninsureds in America rather than giving more coverage, and actually at the end of the day producing less.

On Tuesday, addressing a rally in front of the Capitol, my colleagues expressed there was room for compromise on this issue. They expressed the hope we could send a bill to the President that the President would be able to sign. I share my colleagues' hope and dream we will be able to do that. Generally, as we saw with the historic education package we passed last week, the bulk of the work reaching compromise is done in the committee process. However, due to the circumstances the Senate now finds itself, the majority has decided that may not be possible. Such is the privilege of the majority. However, it is my hope before we move to final passage, we can work out a bill to address some of the problems our Nation's health care economy is truly facing without wrecking the Nation's health care economy in total, and without driving up the number of uninsureds.

At that point, we will have a bill I can support and I believe the President can sign and, hopefully, we can be proud of in providing more health care coverage to Americans, not less. We are not there yet.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

I listened with great interest to the points made by my friend from Wyoming, Senator ENZI, on the issues regarding employer responsibility. It was a good discussion. I hope he will have an opportunity to read what the President of the United States urged Members to do: Only employers who retain responsibility for making final medical decisions, should be subject to the suit.

I know what he is against; I am not quite sure what he is for.

Here is the principle to which we are committed, and to which the President is committed. If he has some problems, or suggestions on how to achieve it, we welcome that. We strongly support what the President has stated is his objective in terms of employer responsibility. We will have more of an opportunity to address that issue.

I listened to just about every speaker from that side talk about their concern for the growing number of the uninsured. That is mentioned in every speech. I yield to no one in my strong commitment towards getting coverage for the uninsured. However, I remind them of their own priorities. They believe the best way to extend coverage is to try and provide tax credits and tax incentives. I have a real concern about that because the people who don't have that insurance don't pay the level of taxes to benefit from the credits or the deduction.

We can debate that another day. However, 75 to 80 percent of those who do not have insurance will not benefit. It will benefit others who have the insurance, but it will not extend the coverage.

Nonetheless, that is a debatable point. The Republicans had provisions in their budget to extend coverage. They dropped them all. They dropped them all in conference with the House of Representatives. They didn't fight for those provisions. They fought for greater tax breaks for the wealthiest individuals in the country, but they cast those provisions aside. I hope they do not continue raising this issue in the Senate. I wish they had fought for this issue in their conference. They let those provisions go. That bill had anywhere from $60 to $70 billion in provisions to extend coverage when it left, and those provisions were wiped out.

If they were committed to it, we want to know what they intend to do now. It is a nonissue because, as was pointed out yesterday by the Senator from North Carolina and others, when the States have enacted a strong Patient's Bill of Rights, the actual number of the uninsured has gone down. The total number of insured has gone up. That is true in California, that is true in Georgia, and that is true in Texas. They can use whichever argument they want, but they have to get their facts straight. The facts are, even in the States which passed tough HMO bills, there have not been the increases that some expressed concern about. We have seen that expansion of coverage to the uninsured has not been their priority. These are effectively smokestacks. We want to keep focused on the target.

I listened to my good friend, Senator BROWNBACK, talk about the Business Roundtable and their concerns about the legislation. He feels that we ought to heed their concerns. We heard their concerns when we were dealing with the Family and Medical Leave Act. They said it would cost anywhere from $25 to $27 billion; we cannot do it. We will lose; we will have more people laid off; it will be the end of the free enterprise system, they said.

Guess what. It is working. We intend to try and expand it. It has made a big difference. It still has not done all the things many who supported the program desired. There are too many workers who will not take the family and medical leave because they lose their pay. They lose pay because they are always caught between the child who is sick, the parent who is desperately ill, and taking the family and medical leave to tend to that. These are hard-working Americans who need that paycheck every week, and many of them cannot take the leave. Most other industrial nations have paid family and medical leave. We don't.

The Business Roundtable opposed that legislation, but it is working today. I don't hear a single Republican trying to repeal it. They are not out there trying to repeal it. Then we had the Kassebaum-Kennedy bill to provide portability on health insurance for disabled. We heard premiums would go up from 25 percent to 31 percent, and that this would be the end of the employer-based health insurance program. It has not happened. It has gone up 2.7 percent over a 3-year-period, which was the estimate at the time that was used by those who supported the program. The other estimates were widely off base.

Regarding the increase in the minimum wage, the last time we had an increase in the minimum wage they said we would lose 400,000 workers. In the first quarter, we increased employment by 300,000 workers. They were wrong. They said it would add to rates of inflation, and we had the greatest rate of growth in the country. They were wrong. Three for three, they were wrong.

Rather than listening to their theories, look at what is happening in the country today. Look at the States where they have a tough, effective, Patients' Bill of Rights and what has been the result of the employer-based system. We find still that the number of insured or uninsured is not related to this issue. The increase in the numbers covered are primarily a result of the expansion of the CHIP program. It has been a modest change.

Second, there have not been great abuses of employers' liability. The most recent example is the State of California which passed a very good, effective, tough, HMO bill that has been in effect 9 months. There has not been a single case that has actually gone to trial. There have been over 200 cases that have gone to appeal, and they have been decided 65 percent for the HMO, and the rest for the patient. The HMOs, as well as the consumer groups, are incredibly impressed by the way it is working. That is what we want this bill to do.

It is a favored technique around here: If you are opposed, distort it, misrepresent it, exaggerate different provisions on it, draw up all kinds of smokescreens and red herrings. But these distortions won't work because we have practical experiences to draw upon. We can see in the States how this can work, how we can function, and what the impact will be.

I will spend a few minutes talking about what this bill is about. There are efforts to bring the Senate off message on this but it is important to remember what the debate is about. It is not about lawyers. It is not about insurance companies. It is about patients. It is about people who are mothers, daughters, fathers and sons, sisters and brothers. It is about families all over the country who will some day face the challenge of serious illness and deserve the best in health care. They deserve the same care that all Members of the Senate would want for themselves and their loved ones. Too many of those families are denied the care they need and deserve because of the abuses of HMOs and the other insurance companies.

The legislation we are considering today will end those abuses, and, as we enter this debate, I would like to spend a few moments talking about the importance of three of its provisions—access to needed specialty care, access to clinical trials, and access to needed prescription drugs. In each of these areas, needed care has too often been delayed and denied by insurance companies that are more interested in profits than in patients. In each of these areas, the opponents of our bill want to create loopholes that will make these guarantees only an empty promise.

Access to specialty care when serious and complex illnesses strike is a critical element of good health care. Denial of access to needed specialists is also one of the most common abuses in the current system. According to a survey by the University of California School of Public Health, 35,000 patients every day are denied specialty referrals. One of those patients was little Sarah Pederson of San Mateo, California. This is her picture.

Sarah was born with a brain tumor. When she was three, it became clear that she needed aggressive treatment to save her life, including brain biopsies and chemotherapy. Her neurosurgeon knew that Sarah needed to be seen by a doctor specializing in brain tumors in children—and there was no qualified doctor in the plan. When Sarah's mother, Brenda, a nurse, asked to go outside the network, her HMO said, "No." The HMO told her, "We're not giving you second best, we're giving you what's on the list." After months of fighting with the HMO, it finally agreed to let Brenda see someone qualified to treat her condition.

When Sarah finally got to the right doctor, her chemotherapy began. Everyone knows chemotherapy causes severe nausea and vomiting. The HMO denied Sarah's $54 prescription for antinausea medication, because it was "too expensive." Finally, Sarah's family was able to switch insurance companies and get proper care for their child.

So there you have it. Two parents facing one of the worst nightmares a family can have—a child with a cancer—and instead of being able to focus on dealing with the terrible stress and working to give their child all the comfort and assistance they can—they have to spend their energy fighting with an insurance company simply to get the child to an appropriate specialist. Sarah was lucky, in the sense that the HMO's delays did not kill her. But what a burden for her family to face. What a travesty of common decency. Passage of our legislation will assure that every family with a child who has cancer can get the specialty care they need without dangerous delays.

Women with cancer face special burdens. They must cope with a dread—and often deadly—disease. They need prompt specialty care. And often, their best hope for a cure or precious extra months or years of life is participation in a clinical trial. But, too often, both are lacking.

In one of the many forums we held on the issue of access to specialists for cancer patients, we heard from Dr. Mirtha Casimir, a distinguished Texas oncologist. Dr. Casimir talked about the heartbreaking stories of cancer patients whose HMOs delay and deny access to specialty care—often until it is too late. She said that when she gets a patient whose cancer has progressed substantially from initial diagnosis to the time they are allowed to seek needed specialty care, she often flips to the front of the chart—and nine times out of ten the insurer is an HMO. Every centimeter a cancer grows can mean the difference between a good chance at life—and the likelihood of death. Every centimeter represents potentially devastating—and avoidable—pain, suffering, and death for a patient and a family. Dr. Casimir's message was clear: pass the Patients' Bill of Rights so that more cancer patients will not die needlessly.

Mr. President, I see my colleagues who wish to speak.

I think we have about 15 minutes.

The PRESIDING OFFICER. Twelve minutes.

Mr. KENNEDY. Twelve minutes. I yield 6 minutes to the Senator from California and 6 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. I thank the Chair. I thank Senator KENNEDY for his courageous leadership with Senators EDWARDS and MCCAIN, Senator DASCHLE, and others in fighting for this bipartisan bill.

Mr. President, this is a new day in the Senate. We promised a new day when we saw the leadership change and we meant it. We have this bill in front of us because we want to do something to help the American people. There is no more important issue than this one. The American people have been waiting too long to have their grievances addressed.

Our bill offers real protection to those patients. It is in fact bipartisan. The compromises have been made, and when the President says he will veto it, I say to the people in this country: Do not stand by silently. This bill protects you against the abuses of the HMOs. The President stands with the HMOs. We here pushing for this bill stand with you, the people. And I keep coming back to that because the HMOs oppose our bill and they support the Bush principles.

Let me tell you why it is so important to pass this bill. Every day, 35,000 patients do not have access to the specialty care they need. Every day, the delay results in 10,000 patients being denied the diagnostic tests they need.

Let me talk about a couple of cases in the time I have. One such case is that of Joyce Ching from Agoura, CA.

Mr. President, 5 years ago I told her story—5 years ago when we should have passed this bill. I am going to tell her story again.

In the summer of 1994, Joyce got sick. She suffered from severe abdominal pain. She could not get out of bed to play with her son. She goes to her HMO, and the doctor says: we don't need any tests; change your diet; something is wrong with your diet. So Joyce changes her diet. She is in agony. She calls again and again. The doctor says, oh, just give this diet a chance to work. Still, she begged him for tests. She was afraid maybe something would happen, that she would not be able to have another child.

Finally she receives the referral to a gastroenterologist she had asked for months before, but it was too late. Joyce was in the late stages of colon cancer, and there was nothing anyone could do for her. Thirty-four years old. Why did it happen? If you look at the structure of the HMO, what happened was they capped her monthly expenses at $27.94. Why? Because she was only 34; actuarial tables said she was healthy. And the HMO said to her clinic, if you pay any more than that for that patient a month, you will get "fined." You will have to pay for it at the end of the year. So the effort to keep the costs down cost Joyce her life. It took away a mother from a little boy. This bill will stop that because this bill will allow a referral to a specialist. This bill will allow us to make sure you see the doctor that you need.

How about the story of Sarah Pedersen of San Mateo, CA, born with a brain tumor? When she turned 3 years old, the doctor determined that she needed to see a doctor who had expertise in brain tumors in children. Now, I have to say something. I am a little adult. I am only about 5 feet tall. Some even question if that is exactly accurate. I am not a child, though. A child is different. They are little and they are different. Their bodies are changing and growing. Their hormone levels are different and they need specialized care. So her doctor said she needed the expertise of a doctor who specialized in brain tumors in children.

When Sarah's parents tried to get the appropriate referral, here is what they were told by the HMO: What difference does it make? Cancer is cancer.

And by the way, I had the same incident in another case in San Mateo, a little girl who had a Wilms' tumor, which is a tumor of the kidney, and the HMO again said: We don't have a pediatric surgeon who deals with cancer. Just go see the surgeon who deals with adults.

Had they ever operated on a child before? No. So Sarah's parents tried to get the appropriate referral, and they could not do it. Now, finally after too long a period, this little child with a brain tumor was allowed to see a specialist and her chemotherapy began. And as many of you are aware, my friends, chemotherapy causes severe nausea and vomiting, and the little girl suffered greatly. But when her parents tried to get the medicine to quell the nausea and the vomiting, Sarah was denied a $54 prescription because it was "too expensive," says the HMO. A little girl of 3 years old is vomiting; she is nauseous; she is sick; she cannot get a prescription through the HMO.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask unanimous consent that I be given 1 additional minute and Senator NELSON 1 additional minute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We will give 2 additional minutes to the Republicans.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank my friend and I will talk even faster.

This HMO that denied a $54 prescription for a very sick little girl paid its chief executive officer $895 million in a merger.

I ask you, where is the justice and the fairness in this? In her battle with cancer she is denied hope with a $54 prescription.

One time during their battle, Sarah was denied a dose of a common chemotherapy drug, by her HMO because the HMO clerk did not know the computer code for the drug. Do you want people other than doctors making medical decisions about the fate of your loved ones?

Luckily, her parents were able to switch insurance plans in the middle of their daughter's medical crisis. They believe that if they had not had this option that Sarah never would have made it.

Sarah is now eight years old, but she still has a tumor and continues to be monitored.

Or take the story of cancer patient, Ed Mycek of La Quinta, California. In 1997, Ed was diagnosed with prostate cancer. He discussed treatment options with his doctor and together they decided that the best option was a proton and 3-D conformal radiation treatment.

His doctors then contacted the insurer about the treatment. The insurer agreed to pay for the full treatment and said that the authorization was on the way to the facility. But the authorization never arrived. When Ed contacted the insurance company about the delay, he was told that their decision had been reversed because the treatment was experimental.

Patients that undergo this form of radiation treatment have a 98 percent chance of recovery, vs. the 83 percent recovery rate associated with prostate surgery.

After weeks of tossing and turning, Ed decided to pay for the treatment up front in an attempt to save his own life. Ed survived, but he now faces a huge financial burden as a result of his insurance company's unwillingness to pay for his treatment.

The stories I have just relayed to you are just a few examples of the tragedies that my constituents have endured as a result of healthcare in this country. They are strong reminders of why this nation needs a Patients' Bill of Rights now more than ever.

I believe that the McCain-Edwards bill offers the best possible option for preventing these kinds of senseless tragedies from occurring in the future.

The McCain-Edwards bill would provide coverage to 190 million Americans, including those in state and local government-sponsored plans and church plans.

McCain-Edwards provides access to specialists even if such care isn't covered by a patient's plan.

It also provides patients with other essential protections, like access to specialty care, women's health care services, emergency care—including emergency ambulance services, needed drugs, and clinical trials.

The bill bans the use of financial incentives to health care providers to limit medically necessary services.

It also prohibits plans from providing compensation to employees for encouraging denials.

It holds HMOs accountable, and permits a patient to sue in state and federal court without preempting those states with laws regarding caps on damages.

The bill allows a participant to designate a pediatrician as the primary care provider for a child.

It allows a woman to obtain gynecological and pregnancy related care from an OB/GYN without requiring a referral or authorization by a primary care doctor.

McCain-Edwards provides for inpatient hospital care for a patient following a mastectomy, lumpectomy or lymph node dissection for the treatment of breast cancer.

It bans health care plans from prohibiting or restricting medical providers from freely communicating with their patients regarding their medical care and treatment.

The McCain-Edwards bill requires the prompt payment of claims with respect to covered benefits and contains important whistleblower protections.

Nearly every doctors' and nurses' association and patients' rights group in the country supports a strong, enforceable Patients' Bill of Rights.

S. 1052 is supported by some 300 consumer and health care provider advocates.

It has garnered this support precisely because it represents a balanced and even-handed approach and because it will ensure patient safety and health plan accountability without significantly raising employer costs or health plan premiums.

In conclusion, the American people have waited far too long for a Patients' Bill of Rights. We have been debating this issue for 5 years. And far too many of our people are suffering as a result.

I'm all for having a fair and open debate here in the Senate on this issue. The American people expect no less of us.

But what the American people do not deserve and will not tolerate is an unnecessarily protracted debate cluttered with offers of "poison pill" provisions intended to cripple passage of this critically needed legislation. Unfortunately, I fear that this is exactly what will happen—a filibuster by amendment, as amendment after amendment after amendment is offered in an attempt to kill this bill, while its opponents talk about compromise.

In reality, this bill is already a compromise. A balanced and fair compromise. Here's why:

It strengthens protections for employers, ensuring that they are not liable unless they have participated directly in a health plan decision; it increases a state's flexibility, allowing it to maintain or develop its own patient protection laws if they are substantially equivalent to those in S. 1052; and it protects a patient's right to sue for damages in State and federal court, while including key compromises on liability.

The American people not only deserve a strong, enforceable Patient's Bill of Rights. They deserve this bill to be passed as swiftly and as fairly as possible.

Today is truly a new day in the Senate because today we have the opportunity to deliver on a promise—a promise to help our people live longer, healthier lives free from the horrors of red tape and litigation. A promise to make it a little easier for Americans to get the help they need from their doctors at the times when they need it the most.

Today we have a chance not only to deliver on the promise that we have made to our constituents—our promise to take up this bill—but a chance to restore the promise of health care in this country.

I say to my friend in the chair, who is such a fighter, that this is about why we are here, who we are, whom we represent, for whom we fight, and in whom we believe.

Let's pass this bipartisan bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise today in strong support of this bipartisan Patients' Bill of Rights. I rise on behalf of thousands of Florida consumers who would like to see control over their medical care returned to their doctors.

As the former elected insurance commissioner in Florida, I have talked with many of these consumers. And I've seen first-hand what some of the big insurance companies will do to them, if you let them.

For too long, these same insurers have killed efforts in the Congress to hold them accountable.

These lobbying efforts would merely be tiresome, if it were not for the real life horror stories that prove the industry's claims that this is a bad bill are false claims.

Over the last two days, all of us have heard the horror stories from many of these consumers—stories of HMOs denying care to sick patients; stories of accountants, not doctors, making decisions about medical treatment.

Some of these stories involve injury, harm, and even death.

Let me tell you about a couple of examples from Florida.

One 62-year-old south Florida woman began complaining of headaches and was referred to a neurologist, who ordered a CT scan and MRI of her brain.

The HMO refused the request.

The doctor persisted, but to no avail.

The appeals went on for 6 weeks, until the woman was admitted into the hospital paralyzed on her left side.

There, she underwent a CT scan that revealed a tumor the size of an orange. She was immediately taken into surgery. She remains paralyzed. Two days after the surgery, her HMO finally approved the procedures requested by her doctor.

Sadly, current law only allows this patient to sue her HMO for the cost of the scan. She has no other legal recourse.

I will give you another example. A Pensacola woman was told by her HMO that she must see a network physician for a referral to a special hospital that could treat her rare cancer.

After switching to this new doctor, who concurred with the need for treatment, the HMO again denied her coverage.

Her medical bills are expected to reach $180,000. And despite her life-threatening illness, her HMO continues to deny full coverage.

The newspapers are full of such stories. And the common denominator seems to be that none of these patients have any recourse against their HMO.

This is unacceptable.

Medical decisions should be made by doctors, not accountants. HMO accountants are making life-threatening decisions, and the patients are suffering the consequences.

These stories from Florida illustrate the need for Federal legislation.

We must stop the practice of denying care, denying claims and putting profits ahead of patients.

The legislation we are finally debating lets people and their doctors—not HMO accountants—decide on the best medical treatments, not the cheapest.

Sick patients should not have to battle an illness and their HMO at the same time.

The issue before us in this debate is simple: either you are for protecting patients, or you are for maintaining the status quo, which protects HMOs.

I support this legislation because it provides patients with the protections they currently lack. This bill guarantees access to necessary medical care.

It puts the decisionmaking back in the hands of doctors.

Under this legislation, patients can participate more easily in life-saving clinical trials.

Chronically ill patients can receive the care they need because doctors will determine what is necessary medical treatment.

Patients will be able to change doctors without facing delays because they will have more choices.

Under this bill, patients will receive prescription drugs on a timely basis.

Doctors and patients won't be bound by red tape, and patients will get the drugs prescribed by their physicians, not their HMO accountants.

Patients also will be able to designate a specialist as a primary care provider. This means that a cancer patient could use a radiologist as a primary care physician.

For sick patients, this makes sense.

This Patients' Bill of Rights also allows someone to seek emergency room care, without first contacting their health plan.

This bill also addresses another critical issue; that is, financial rewards for doctors.

HMOs will no longer be able to offer financial incentives to doctors who limit care.

This legislation also prevents HMOs from punishing doctors who advocate on behalf of their patients. By putting the medical decisions back in the doctor's hands, this bill protects the doctor-patient relationship.

As expected, insurance companies and managed-care companies are lining up against the proposal that consumers should be able to sue them for harmful treatment.

Insurers say the McCain-Edwards-Kennedy bill will drive up premiums, increase the number of people without insurance and cause employers to drop coverage for their employees.

In Texas, where a right-to-sue law has been in effect since 1997, it's been reported that premiums actually declined last year.

Further, the Congressional Budget Office says that under this reform legislation, litigation costs related to the patients' right to sue would increase less than 1 percent during 5 years.

I ask the assistant Democratic leader if there is any chance for any additional time so I can complete my statement.

Mr. REID. I say to my friend, we need to get to the amendment process. How much more time do you need?

Mr. NELSON of Florida. I think I can conclude in 1½ minutes.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Florida be extended another 2 minutes, and the minority be extended 2 minutes, which will give them an extra 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Democratic leader.

Mr. President, I end by saying our health care delivery system is failing, and it is failing doctors and nurses and providers as well as the patients.

Only recently I learned of a doctor in Boca Raton who has started charging his existing patients a $1,500 annual membership fee in order to continue his patients' medical care. This is outrageous, and it is symptomatic of the need for reform of the entire health insurance system.

Clearly, we need reform. This Patients' Bill of Rights is just a first step, but a necessary step, toward health care reform. We cannot afford to miss the opportunity. We cannot allow the special interests to stall and delay any longer. We must act now. The people deserve no less.

I thank you, Mr. President, for your indulgence, and I thank the Democratic leader very much for the additional time so I could conclude my statement on this very important piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask that I be yielded 10 minutes of the time of the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, we have been involved now all week—and, I am sure, will be involved for some time longer—on the Patients' Bill of Rights. It is an issue that is very broad. Quite frankly, there are different points of view. I cringe a little bit when I constantly hear from the other side of the aisle that special interests are what is guiding it. I have to tell you, if there are special interests on one side, there are special interests on both sides. But I really do not think that.

There are different points of view as to how we best help deliver health services. I am getting a little weary of this special interest idea, when it is perfectly legitimate for us to have different ideas about how we do it. That is what this is all about. I think we ought to maybe go back to some basics and talk about it a little bit.

I do not think it ought to be a political issue. I do not think people on this side, who are concerned about driving up the costs or who are concerned about having an excess of litigation, are driven by special interests. They have views on that. I respect that. And I respect it on both sides.

We have been dealing with a very complicated issue. In fact, this issue has been around the Senate now at least for 3 years. We have passed bills very similar, as a matter of fact, to what we are talking about now. We have tried to put them together with bills over in the House and have not succeeded in doing that.

So there are differences of view in how you do it. It seems to me that it might be useful for us to take a little bit of time to go back to some fairly basic things and, I guess, examine, more than anything else, what our goals are, what it is, when this is over, we want to have accomplished.

I get concerned sometimes that we get so involved in the details of everything, and get argumentative about this and about that, when really the purpose ought to be to achieve certain goals when we are through. I think from time to time we should go back and sort of refresh ourselves as to what our goal is. That would be very important. Everybody in this body wants to promote and provide for better health service. Is there a question about that? Of course not. Everybody wants to do that.

I argue a little bit with the idea that our health care is not good. I think our health care is quite good, as a matter of fact. Could it be better? Of course. Should we have a Patients' Bill of Rights? Of course. We ought to ensure that people receive what they are entitled to receive.

Everybody wants patients to be treated by medical providers and not by accountants. We agree on that, certainly. Everybody wants to pass a bill that will improve the fairness and ensure that patients receive what they are entitled to under their health contract. I say "contract" because I want to remind ourselves that those of us who have insurance buy a service. That service is defined, and what we should expect to receive is the service that we have purchased, the service that is in that contract.

From the conversation that goes on in this Chamber, sometimes I get the notion that if this bill passes everything in health care will be provided. That is not the case. What this does is seek to ensure that what you are entitled to under your insurance is provided, and the definitions are made by medical providers and not by attorneys. I think all of us would support that.

There are quite different views, of course. Indeed, that is legitimate. That is why we have debate. That is why we have discussion.

Yesterday we had a little back and forth on whether we were holding this bill up. I do not think it has been held up at all. It is a very complicated issue. We talked about it all day. We should talk about it. We need to know what is in the bill. The newest bill was only put in the RECORD on Tuesday. So it is quite a healthy bill and, in fact, needs to be reviewed. That is what we are doing. Should we stall it? Of course not. But we should have a thorough discussion about it.

What are our goals? I guess one of the obvious ones, as I mentioned, is to ensure, to the best of our ability, that whatever you are entitled to in your insurance coverage is made available to you. I think, along with that, we ought to say: made available to you as quickly as possible. This idea that somehow you feel as if you are being held up by some other decision, that you have to go to court to figure it out—I can tell you what, it may be a long time before you come to that decision, so there needs to be a method and methodology, of course, for coming to a nonbiased third party decision before you go to court. I think that should be one of them.

What are some of the techniques that we ought to have? That is what we are really talking about. Are we talking about an independent medical appeal? It seems to me that makes a lot of sense. Or do we continue to talk about the fact that you have to go to court? Court is not a very satisfactory remedy for some kind of an argument in terms of health benefits. You usually need those resolved more quickly than would come from that.

I think we have to talk a little about the costs. We talk all the time about the cost of insurance going up. We had what we called a series of 20/20 meetings in Wyoming, trying to get a vision of where we wanted to be over time, so that the decisions we make in the interim could help, hopefully, to get us there.

I recall in one of the meetings—one of the last meetings we had in Casper, WY—the big emphasis was on small employers that couldn't afford insurance. Part of that is insurance. Part of that is the cost of health care, of course.

So I guess my point is, health care can be the best in the world, but if we can't afford it, and it is out of our reach because it is unaffordable, then we have not accomplished a great deal.

One of our goals ought to be to find ways to keep the costs of health care within a manageable range so that people can indeed take advantage and participate. We need to ensure that the insurance coverage used by many people—maybe most people—comes from their employer, that it is part of their job benefits. There are some disadvantages to that, of course. That is one of the reasons we find ourselves where we are with HMOs to some extent. The employees do not normally have much input into what kind of coverage they have. If the coverage is not what they choose, then that is something between them and the employer.

But we need to make sure that we don't price, particularly small businesses, out of that coverage that people have become accustomed to and, indeed, is really a better way to provide it. The more we can bring people together, large employers, makes insurance coverage easier. The idea of health insurance was to bring together a number of people into a group so that those who are healthy and those who are a little less healthy could share the costs.

Again, in my experience, I remember the Farm Bureau in Wyoming started Blue Cross. And after a little bit, we found that generally agricultural people were a little older and the costs that we had were higher. Our least expensive participants were finding cheaper insurance somewhere else and were selecting against us. That didn't work. So you need to have larger groups that employers help provide.

These are some of the things that are part of this. We act like it doesn't matter what the system is, that we can make these changes and they will fix it. We do have to be a little more aware of how this thing is handled and what is going on.

Again, we want employers to continue to provide insurance, but we have to ensure that they are not subject to all kinds of litigation, all kinds of liability. That is not clear in the bill. We hear from one side that it is one way; we hear from the other side that it is another way. What is our goal? Is our goal that we should, to the extent possible, eliminate the liability from employers in terms of them carrying and providing insurance? It seems to me that ought to be one of the results we seek.

There are lots of pretty basic issues that we need to address and then take a look at the details to see if, in fact, those details are going to produce the kinds of a outcomes for which we are looking.

Again, we ought to try to make certain that every patient, every covered person gets those things they are entitled to under their contract. Certainly that is what we need to do. We need to find the simplest, easiest, least expensive technique for ensuring that that is the way that it is done. We need, along with that, to ensure that we do not have an excessive cost which causes people to stop providing insurance and that we have a higher number of uninsureds than we now have.

In order to do that, we have to make sure that unless there is an involvement in that decision with regard to the contract, employers should not be liable.

Those are the kinds of things we hear from the sponsors of each of these bills. I appreciate the opportunity to talk on it. I hope we will move forward. I hope we end up with a bill that will provide the provisions we seek.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Mr. President, the Senate has begun to consider sweeping legislation which, if passed and enacted, will have significant consequences for all Americans and our health care system. This is an unprecedented opportunity to frame the debate for improving the quality of health care in this country.

As most Americans know, we here in America have the best medical care in the world. The question is how to make that excellent care accessible and affordable for all Americans.

We have an excellent health care system in our Nation, yet there are those who are not able to get good care when they need it. And, there are many in our Nation who tax and over-use the system. Somewhere between the excellence of our medical procedures and the demands placed upon them, we have a problem with delivery.

In the debate now underway, we will be grappling with big questions. How do we make that excellent care available to everyone? Who gets the care? Who pays? Who is accountable? Those are the questions that need to be answered. Common sense demands we act reasonably in answering those questions.

The debate is about the American right to have access to the best health care available. It is not a Republican or Democrat issue. It is a national issue as important as any we face, and to keep score now does not address our Nation's best interest.

Let me be very clear: the best thing we can do for Americans is to ensure, and when possible, expand their access to quality, affordable health care. Let's use the debate on the differing proposals pending before us to work toward this goal.

Mr. JOHNSON. Mr. President, this week the Senate began discussion of the Patients' Bill of Rights, a long overdue bill which patient advocates have fought to pass for nearly 5 years. I am disappointed that we were not able to move directly to a full discussion of the bill earlier this week as Majority Leader DASCHLE attempted to do, but I am pleased that we finally began this critically important discussion. I also want to commend the distinguished Senate Majority Leader DASCHLE for his leadership in bringing this crucial legislation to the floor and making this top priority legislation his first directive as Senate Majority Leader.

The Senate begins debate of a bipartisan bill that was introduced in both the House and Senate which covers all Americans and holds HMOs accountable when they make medical decisions. I am proud to be cosponsoring the Senate Bipartisan Patient Protection Act which is sponsored by Senators MCCAIN, EDWARDS, and KENNEDY. Approximately 500 provider and patients' rights groups have endorsed this bipartisan legislation which achieves overwhelming support because it represents a balanced approach to ensuring patient safety and health plan accountability without significantly raising health plan premiums or employer costs.

The last time the Senate debated this legislation was in July of 1999. At that time, the Senate ended up passing a much weaker patient protection bill while the House passed a strong bipartisan patients' bill of rights by a vote of 275 to 151. The McCain-Edwards-Kennedy bill that we will be debating this week and next is a carefully, crafted bipartisan compromise and the only patients' rights legislation currently under consideration that assures patients the protections they need.

Although penetration of HMOs in South Dakota is not all that prevalent as it is in other parts of the country, South Dakotans still deserve the same patient protections as individuals living in New York, Washington or California.

The Bipartisan Patient Protection Act will guarantee access to essential prescription drugs; allow access to needed health care specialists; ensure patients can access emergency room care where and when the need arises; require continuity of care protections so that patients will not have to change doctors in the middle of their treatment; provide access to a fair, unbiased, and timely internal and independent external appeals process to address health plan grievances; assure that doctors and patients can openly discuss treatment options; and includes an enforcement mechanism that ensures these rights are real.

Also, the McCain-Edwards bill ensures that States have flexibility while protecting all Americans in all health plans. This compromise legislation clarifies that in the case of a State that has enacted protections that are "substantially equivalent," the State may seek certification from the Department of Health and Human Services to use its standard rather than the Federal one. The standards for certifying State laws that meet or exceed the Federal minimum standard ensure than only more protective State laws will replace the Federal standards while providing for strong oversight.

The McCain-Edwards-Kennedy bill is a true bipartisan compromise and should not be watered down or weakened before passage. The McCain-Edwards-Kennedy bill builds on the progress made by the Norwood-Dingell bill—which had the votes of approximately 60 Republicans in the House—on a number of key provisions, including strengthening protections for employers to ensure that they are not liable unless they have directly participated in a health plan decision; compromising on liability and placing suits based on administrative plan decisions in Federal court to ensure that insurers have uniform standards; and increasing State flexibility and allowing them to keep their own patient protections if they are substantially equivalent.

I am concerned that opponents of this bill will want to load up the bill with proposals that will weigh down its chances for passage. They will propose inefficient tax credits that do little to expand health insurance coverage, medical savings accounts, and association health plans and include other tax cuts to try and make it a tax-break Christmas tree for the special interests. I hope that we can avoid parliamentary maneuvers that serve only to sink this long-overdue legislation. I believe that Americans deserve a bill that assures them the patient protections they need.

Nearly every doctors' association, every nurses' association, and every patients' rights group in America agrees that we need a strong, enforceable, Patients' Bill of Rights now. Recent polls indicate overwhelming support for this legislation. As the Washington Post reported today, "Patients' Rights Debate Opens On Angry Note," June 20, 2001, a recent Pew Research Center said that 77 percent of those surveyed favored passage of a bill giving patients the right to sue HMOs, with overwhelming support across all party lines. We need to put people's interests ahead of the special interest here on Capitol Hill and move forward with passage of this critical legislation. I am looking forward to an open and fair debate and the passage of a real Patients' Bill of Rights that will truly strengthen our health care system, protect South Dakota families, and enrich our Nation for the 21st century.

Mr. GREGG. Mr. President, I will continue the discussion we have been having over the last few days about some of the concerns relative to the McCain bill in the area of liability, especially as it relates to employers ending up being sued. It is important to put it in context.

We continue to hear a lot of anecdotal stories which are compelling about people who have been maltreated by their HMOs or by their insurers. It is important to remember that there has not yet been a story related on the floor, as compelling as they are, that would not have been addressed not only by the McCain bill but by the Breaux-Frist-Jeffords bill or by the Nickles bill which was on the floor last year.

So those are not the issue. We all intend to introduce a bill that makes sure that people have adequate recourse when they are treated improperly by HMOs or by their health insurer. The problem we have with the McCain bill is that it is essentially a gross expansion of the ability to sue. It is a bill that was designed for the purpose of allowing lawsuits against employers at a rate which has never been conceived of under present law or in other bills being considered.

The bill creates all sorts of new causes of action and new opportunities for these lawsuits. As a result of the expansion and explosion of lawsuits, you are going to see employers dropping insurance and people being left without insurance. So instead of being a Patients' Bill of Rights, it is going to be a bill that creates employees who have no insurance.

It would be just the opposite result that we should be looking toward. In fact, CBO has scored the McCain bill as being a bill that will cost 1.3 million Americans their insurance, because it will be dropped by their employers. The reason is simple: The bill just was written for lawyers by lawyers and of lawyers—trial lawyers.

For example, it allows forum shopping, one of the age-old games that is played in the legal community. I used to be a lawyer and we used to forum shop when I was doing trial work. It allows forum shopping, which is something that should not be allowed and is not allowed today because ERISA controls this area, and the Federal courts are responsible. But under this bill you can go to Federal court or State court, depending on where you think you are going to get the most recovery. Some States have no compensation caps, no liability caps, and punitive damages are available in State courts; sometimes you may pick the State court and other times the Federal court, depending on the judge and the type of jury you expect to get. Forum shopping allows the employer, as I have talked about, to be sued for minor offenses that are administrative. Literally hundreds of new causes of actions are created under this bill—hundreds—where the employer can be sued in private causes of action. It allows employers to be sued for unlimited compensatory damages, and for punitive damages, which is something that cannot occur today under Federal law.

It has a new title—"special assessments," I think, is the term in Federal court—with a $5 million cap. Today, you can't sue for punitive damages. But that is really irrelevant to the cap because you can get around the cap by going to State court with the forum shopping opportunities. So punitive damages are there.

Punitive damages is one of the things that worries employers the most. Most employers accept the risk of punitive damages if it is for a product they produce. If I am an employer and I am making desktops, I accept the risk that I make a good desk top and I sell it. If something goes wrong with that, I accept the risk that I should be subject to liability. But what we are talking about here is making the employer liable for medical treatment that his or her employee gets because the employer presented his or her employee, as part of employment, health insurance.

The employer doesn't have any control over a doctor that acts poorly or an HMO that acts irresponsibly, but under this bill an employer can be subject to punitive liability. That is something most employers find totally unacceptable—and they should. That is why you will have employers walking away from the insurance concepts and from giving insurance if this bill passes. That is why you will have more people uninsured. It permits a lawsuit right out of the box. You do not have to go through the administrative appeals process.

Now, the great strength of both the Frist bill and the Nickles bill is that they try to avoid lawsuits while still giving the person who has been injured redress. The way they do that is through an administrative appeals process that has independent doctors, independent reviewers, people who have nothing to do with the HMO, nothing to do with the employer, reviewing the situation when you think you have been maltreated or poorly treated by your HMO or your doctor, and they are totally independent and you get a fair and honest evaluation. That is called the external appeals process. That is an important reform and an important right for patients—a huge right and an important right for patients.

But what the McCain bill does is say you don't have to go through that stuff. You can go directly to court and bypass the external appeals process. This is a huge loophole for the purpose of creating more lawsuits. Any good lawyer is going to be able to skip the external appeals process and go directly to court and sue not only the HMO and the doctor—potentially, but also sue the employer. Under this bill, the lawyer would be committing malpractice if they didn't sue the employer. So that is another area where you have this huge expansion of lawsuits. Not only that, but you undermine what is true reform. True reform is destroyed by that proposal.

Another area where the plaintiff's trial lawyer language and fingerprints are all over this bill is that there basically is no time limit for when you can bring the action. If, after the 180-day appeals process has expired, you decide you have a cause of injury, you can claim a cause of injury and you toll the statute of limitations. You could be 10 years out under this bill and still energize an action against the HMO, the insurance company, and the employer. It is basically open-ended. It is lawsuits to infinity.

In addition, of course, it allows for simultaneous lawsuits. Not only do you have forum shopping, you can sue in all the forums, all the time, altogether. You might have some employer who is running a small restaurant, with maybe 30, 40 employees, or who has a small startup business, with maybe 20 or 30 employees, or a few gas stations that he operates, or a repair station with 20, 30, 50 employees; they can suddenly find themselves defending a case on literally hundreds of different causes of action in two different forums within one State, in the Federal court and the State court. This could be so multiplied that they would have to hire 16 law firms to defend themselves. And the cost is extraordinary.

The average cost of defending a malpractice issue is $77,000. That is more than the profits of many small businesses in America today. And they all can be drawn into these lawsuits. It won't be the insurance companies they will have to defend—they will, too, but the employer will also have to defend under this bill. So you can have consecutive and simultaneous claims both in State and Federal court. Plus you can have multiple and duplicative class action lawsuits.

Class action lawsuits are not allowed under present law. I do not think they are allowed under the Nickles bill. I am pretty sure they are not allowed under the Frist-Breaux bill, and they are not allowed in present law under ERISA. Under this bill one can have multiple class action suits under ERISA and under RICO for the same violation.

That is why, because of all these different opportunities to sue, I have called it the "Lawyers Who Want to be Millionaires Act." That is why this bill generates such a huge loss of insurance to people. Of course, our goal should be to cause people to be insured, not to become uninsured, but the result of this bill is that the people become uninsured instead of being insured to the tune of at least 1.3 million people, according to CBO's estimate. That is extraordinarily low, by my estimate, but that is still a huge number.

Some want to increase the number of uninsured because they see that as the vehicle of putting more pressure on the Federal Government to step in and insure everyone through some nationalized system. But I think we have seen from the experiences of our neighbors in Canada and our friends in England that a nationalized system is not the solution. It produces a huge penalty, and it means that health care deteriorates, it is rationed, and that research and movement into new types of treatments are significantly limited and severely impaired.

This bill which creates all these new uninsured, creates all these new lawsuits, and which puts the employer at risk, is off in the wrong direction. We have proposals which do address the needs of patients. They have been proposed by Senators JEFFORDS, FRIST, and BREAUX. They have been proposed by Senator NICKLES. They are good proposals, and they address the needs of Americans who interface with their HMOs or their other insurers and do not get fair treatment. We are very strongly supportive of those, but we cannot support a bill which, in the name of patients' rights, actually puts more people out on the street and makes more people uninsured, so actually reduces rates. I believe my time has expired.

The PRESIDING OFFICER (Mr. CARPER). The Senator from New Hampshire has 6½ minutes remaining.

Mr. GREGG. I reserve that time.

The PRESIDING OFFICER. The Senator reserves his time. Who yields time?

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, it is my understanding that amendments are now in order and the Republican side will have the first opportunity. I call up amendment No.——

Mr. GREGG. If the Senator will yield, I yield back the remainder of my time.

The PRESIDING OFFICER. By yielding back the remainder of time, the Senate can now proceed to amendments. The Senator from Arkansas is recognized.

AMENDMENT NO. 807

Mr. HUTCHINSON. Mr. President, I call up amendment No. 807, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] for himself and Mr. BOND, proposes an amendment numbered 807.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide a deduction for 100 percent of health insurance costs of self-employed individuals)

At the end, add the following:

SEC. . DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. HUTCHINSON. Mr. President, earlier this morning as I left the Chamber after the vote to proceed to the Patients' Bill of Rights, I was approached by a reporter who said: Senator HUTCHINSON, what do you have to say about all of these terrible stories, these horror stories that are being presented on the floor of the Senate?

My response was: They are true; they are right. We are all horrified by some of the abuses that have occurred and the need for patient protection.

I went on to say: Whether it is the Nickles bill from last year on which many worked so hard, whether it is the Frist-Jeffords bill this year, or whether it is the Kennedy-McCain bill, all of them have agreed upon basic patient protections; that every one of these stories that have been graphically portrayed in the Senate will have been addressed by these pieces of legislation. Whether it is access to the closest emergency room, whether it is direct access to an OB/GYN, or any of the basic protections, all of these bills address those concerns.

The biggest point of contention, I went on to comment, is on whether or not there is going to be an open-ended right to sue that will cost millions of Americans health insurance coverage. Are we going to have a bill that is so prone to lawsuits that those lawsuits will increase the cost of premiums and, as a result, employers are either going to drop their insurance or increase the copays and, as a result, we are going to see millions more lose their health insurance? That is the debate.

We are talking about people in need. We need not just focus upon those terrible stories where an insurance company may have overruled a medical decision of a doctor. We need to address that, but there is a consensus on that. What we need to remember is we must not in this legislation do such harm to our system that we actually have a cure that is worse than the malady.

We have to keep in mind the whole issue of access, and the amendment that Senator BOND and I offer today addresses specifically how we can decrease the number of uninsured in this country instead of exacerbating a situation that is growing worse year by year.

The Kennedy-McCain bill before us, I am afraid, will, without question, increase premiums. CBO says, by 4.2 percent. That surely is a conservative estimate. But even with the 4.2 percent, we will see 300,000 new uninsured for every percentage point of increase in health care premiums. We are going to see well over a million, 1.3 million, lose their health care benefits. I think it will be far more than that.

This is of deep concern to me. Forty-three million Americans are currently uninsured, and in my home State of Arkansas, there are almost a half million people who do not have health insurance. Twenty-two percent of the State population is uninsured.

We must not, I believe, in our zeal to have new patient protections open the door to increases in premiums that are going to result in hundreds of thousands of people losing their health insurance.

Roughly half of employers, 46 percent, reported "they likely would get out of the business of providing health care coverage if exposed to increased liability." And that is what we are confronted with in the Kennedy-McCain bill: increased liability.

Similarly, 48 percent said expanded liability would hinder care, and 80 percent said it would increase consumer costs.

I know that as the American people become more familiar with the Kennedy-McCain bill and what its liability provisions are, they are going to be less and less enamored by the Kennedy-McCain version of the Patients' Bill of Rights.

We are going to pass, I believe with all my heart, a Patients' Bill of Rights. It is my hope we will pass one that will not add to the ranks of the uninsured.

According to the Urban Institute, medical malpractice claims take an average of 60 months to file, 25 months to resolve, and 5 years to receive payment.

With increased liability, we are not talking about increased health care for patients, we are talking about increased dollars for trial lawyers.

The Kennedy-McCain bill allows unlimited economic damages, unlimited noneconomic damages, unlimited punitive damages, both in State court and Federal court, taking two bites out of the apple. This whole issue of access is what concerns me.

Our amendment will provide an immediate 100-percent deductibility for the self-employed. The Senate has taken a position on this in the past. This bill that Senator BOND has courageously taken the lead on for years had 52 cosponsors in the Senate, so we know where the Senate stands on this issue. It is one of equity, it is one of fairness, it is one of decreasing the number of uninsured in this country.

As current law stands, self-employed individuals are only allowed to deduct 60 percent of their health insurance costs this year, 70 percent next year, and only in the year 2003 will the self-insured be allowed to deduct 100 percent of health insurance costs.

Corporations are allowed 100-percent deduction for their health insurance costs right now. Employees receive 100-percent exclusion for their health insurance paid by their employers right now. However, to the self-employed individual, we have said: We know it is unfair, we know there is a disparity, we know there is an inequity. You wait. You have waited years, wait 2 more years. In 2003 we will finally give you equal treatment.

There is no excuse as we deal with this Patients' Bill of Rights legislation, not to make that 100-percent deductibility immediate. Under this amendment, beginning January 1 of next year, there is a 100-percent deductibility allowed.

This is an appropriate step to take. Self-employed individuals under this amendment are allowed to deduct 100 percent of the costs of health insurance for themselves and their families beginning next year. This is one small step, and a very important and significant step, in turning back the direction of this legislation, which is to increase the number of uninsured.

It also corrects the disparity under current law that prohibits a self-employed individual from deducting his or her health care costs if he or she is simply eligible to participate in another health insurance plan, whether offered through a second job or by a spouse's employer. The Hutchinson-Bond amendment addresses this by disallowing the deduction only if the self-employed individual actually participates in another health insurance plan.

The question might be asked, and should be asked, Who are the self-employed? I received an e-mail from one of our small self-employed businesses in Arkansas. I will read but the pertinent aspect:

> Patrick Burnett, PB& J Creative Communications, Little Rock, Arkansas.
>
> Senator HUTCHINSON: The main issues plaguing those of us who decide to work independently are unaffordable and nontax deductible health insurance. I have no insurance right now because I can't afford it.

The bill before the Senate, unless we address some of these issues, will only make that situation worse. Who are these people? Of the 12.5 million self-employed individuals in this country, 3.1 percent are uninsured. These self-employed, almost one out of four, cannot afford to buy insurance. Almost one out of four of the self-employed in this country could write exactly the e-mail I received in which he said, "I can't afford to buy insurance." One-hundred-percent deductibility helps relieve that.

Who are these people? Nearly 70 percent of these individuals earn less than $50,000 annually. Some might say: Self-employed equates to affluent, high income. Why should we provide 100-percent deductibility for those who can afford it?

The fact is, one out of four self-employed are not insured because they cannot afford it, because 70 percent of these individuals earn less than $50,000 annually. When you count the number of family members a self-employed family has, 21.6 million Americans benefit from the Hutchinson-Bond amendment, including—and I emphasize this to my colleague—including 6.4 million children, of whom 1 million are currently not insured at all.

If we want to talk about caring about people, if we want to display emotional, heart-rending pictures in the Senate that tear at the very heart of all who care about those who are hurting and vulnerable in our society, think about those 1 million children today in the homes of the self-employed who are uninsured because—at least in part—because we have not given them treatment equal to that of the large corporations. We have not given them the 100-percent deductibility.

The purpose of this amendment is simple. Increasing the deductibility of health insurance for the self-employed is an important step toward equalizing the Tax Code treatment of health insurance and increasing its affordability.

What difference will it make? The tax savings will be substantial. If a self-employed individual trying to buy health insurance finds out the premiums are $6,000 per year—not unlikely; it could well be higher than that; perhaps they have insurance and they are paying that $6,000 per year—current law allows the current deduction, 60 percent for the self-employed.

If they are in the 27-percent tax bracket, they currently have tax savings at that 27-percent tax bracket of $972. Under the Hutchinson-Bond amendment, under the 100-percent deduction that we allow, that $3,600 they can deduct currently increases to $6,000 and the $972 in savings increases to $1,620. That means an additional savings from this amendment for that self-employed individual of $648. That is very significant, very meaningful. It may well be the difference for literally millions and whether they have the ability to purchase that insurance or whether they stay in the ranks of the uninsured or join the ranks of the uninsured.

The Joint Committee on Taxation estimates this amendment reduces revenues by $214 million in fiscal year 2002, $642 million in fiscal year 2003, for a total of $856 over 10 years, and that minimal revenue loss is easily accommodated under the budget resolution.

I am very pleased the first amendment on this Patients' Bill of Rights is one that will deal with the issue of access and is going to reduce the number of uninsured and try, in so doing, to improve this bill.

I am pleased to be joined in cosponsoring this amendment with a man who has led this fight for years and deserves enormous credit for the progress that has been made on this issue.

I ask unanimous consent to add Senator COLLINS and Senator ALLEN as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I inquire of the Senators, would they be interested in entering into a time agreement for this amendment?

Mr. HUTCHINSON. This is at the very heart of this bill on access, and I think we need a lot of time to talk about this.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my colleague and neighbor from Arkansas for offering this amendment which will fulfill the promise we have been making to the self-employed in America for a long time.

Small business owners, farmers, and others have suffered. Their families have been denied health insurance because the Tax Code has unfairly discriminated against those who are self-employed.

They say if you work for a large organization, if it is a taxable organization, it deducts all of the health insurance premiums paid by that organization. The recipient, the employee, does not have to report that health insurance as income. Therefore, there is an incentive to provide health care coverage.

I have been involved in debate on health care coverage in this body almost since I came here. We have talked about how we can make sure that every American is covered. What the Senator from Arkansas is doing today in offering this amendment is saying now is the time, we are going to provide 100-percent deductibility for those who are self-employed.

Over the years—and I will talk about it later—we have gradually moved up the deductibility. But when I go home and I talk to a group of farmers or small business owners who have come together to ask what the U.S. Government is doing for them or to them, I say: Well, if you can just hold off until the end of 2003 to get sick, we will allow you to have 100-percent deductibility. They say: Well, I want to ensure that neither I nor my family suffers an illness that requires us to get health care. And what the Senator from Arkansas is doing today is saying if we are going to debate a significant bill on health care that focuses on the patients, let us make sure we cover those who need to be covered.

Access to health care is one of the greatest challenges we face.

Yesterday I discussed a number of serious problems I have with the McCain-Kennedy bill. Today as we start the long and arduous process of actually working on the bill, as we should have in committee—we are going to have to mark up the bill in the Chamber—we all hold in our hearts the high goal, the high hope that we will pass patient protection legislation that works, that gets health care coverage, that provides the patients the protection from health care organizations, HMOs or insurance companies, that want to put their bottom line profits ahead of the well-being of patients.

In its zeal, however, to provide patient protections, the McCain-Kennedy bill adds significantly to the cost of health care. The end result? More than 170 million Americans will pay more for health care. The lucky ones will pay more. The unlucky ones will actually lose their insurance.

The CBO tells us that McCain-Kennedy increases costs on average by 4.2

percent. When you use the general rule of thumb that a 1-percentage-point increase in premiums means a loss of insurance for 300,000 people, this means the McCain-Kennedy bill will cost 1.25 million Americans their health care coverage. But we can be a little more specific.

Yesterday I pointed out that we had had phone calls, faxes, letters from small businesses in Missouri telling us what they would do if they were subjected to the potential liabilities of the McCain-Kennedy bill. Yesterday we had 1,042 Missouri citizens who would stand to lose their coverage. Today I want to read a letter from a woman with a small convenience store in a rural part of Missouri. She says:

> About 2 years ago we started carrying a group health insurance plan for our employees. We currently have 6 employees and 4 dependents on this plan. We pay 100 percent of the employees costs and make payroll deductions for the dependents. None of our employees had any major illnesses or hospital stays in the previous year, but we had a 22 percent increase in our premiums anyway. This year one of our employees was diagnosed with breast cancer. She's had surgery and has completed chemotherapy. She now has to go through radiation therapy for 6 weeks and then reconstruction surgery. She told me that had she not had insurance she would have died because there was no way she could have afforded this treatment and surgery. She is 42 years old. I am very concerned about ever-increasing costs of health care, but I am personally afraid not to carry it. If expanded liability were to pass, we would definitely have to drop our group coverage because we could not financially put ourselves at risk if workers were allowed to sue their employers as well as HMOs, if they felt like they had been denied some coverage.

So today, Mr. President, I give you an update on the numbers. It is now 1,287 people who will lose their health care coverage from the expanded liability of the McCain-Kennedy bill.

I would point out that the woman who wrote me that letter is self-employed. She only gets to deduct a portion of her health care coverage. This amendment offered by the Senator from Arkansas would increase to 100 percent the deductibility of her health care coverage. So it obviously would enhance her ability to continue to pay for herself and her family. But with the expanded liability of the McCain-Kennedy bill, there would be another 10 people denied health care coverage in Missouri.

Apparently the proponents of this piece of legislation before us think that is worth it—enriching trial lawyers is important enough that they place a higher priority on them than on coverage for almost 1.3 million Americans. Is this a Patients' Bill of Rights or a lawyers' bill of rights?

If we are going to do something, however, that threatens to reduce coverage, should we not at least do something that makes sense at the same time to try to increase coverage and access to health insurance? Apparently some on the other side would say no. With this bill, they say we are going to take coverage away from more than 1 million Americans but we are not going to do a single thing to help people who are not covered get the coverage they deserve.

This first amendment offered by the Senator from Arkansas tries to correct this callous approach. I am sure there will be a variety of attempts to increase access to coverage during this debate. This route focuses on the 21.6 million Americans who are self-employed or in families headed by a self-employed individual.

On January 22 of this year I introduced S. 29, the Self-Employed Health Insurance Fairness Act of 2001. I am pleased that the Senator from Illinois, Mr. DURBIN, is the lead cosponsor out of the 52 cosponsors who have joined this bill so far. Obviously, this is important to many Members of this body.

During the time I have served as chairman of the Senate Committee on Small Business—and now as its ranking member—one of my top priorities has been to ensure full deductibility of health insurance for the self-employed, and to provide it now.

Today, while the self-employed can deduct 60 percent of their health insurance costs, they are still not on a level playing field with large businesses which can deduct 100 percent. While the self-employed are slated to have full deductibility in 2003, these small business owners and their families should not have to wait any longer to get sick.

With only partial deductibility, it comes as no surprise that a quarter of the self-employed still do not have health insurance. In fact, 4.8 million Americans live in families headed by a self-employed individual, and those families include more than a million children who lack adequate health insurance coverage due at least in part to our failure to provide full deductibility for their health insurance costs.

Coverage of these self-employed individuals and their children through the self-employed health insurance deduction will enable the private sector to address the health care needs of these individuals rather than an expensive and intrusive Government program.

Full deductibility has been on the must-do list of the national small business groups for too long. I know the farm groups and the Farm Bureau and other groups have long argued for this.

Last year when I convened the National Women's Small Business Summit in Kansas City, having full deductibility of health insurance for the self-employed was one of their top goals. I assured them at the time that we would bring this to the attention of our colleagues in this body, and I do so again today.

In the 107th Congress we have a tremendous opportunity to see this goal achieved in a bipartisan manner to the benefit of all the country's self-employed individuals. We have had bipartisan support for this proposition in the past, and I expect we will do so today.

For some of you who may not remember or may not have been here or probably have just forgotten, this battle has been going on in this body for a long time.

In 1995, I offered an amendment to the Balanced Budget Act which would have increased the health insurance deduction to the self-employed to 50 percent. I thought this was a great start. Unfortunately, President Clinton vetoed it.

In 1996, I worked with Senator Kassebaum to include in the Health Insurance Portability and Accountability Act an increase in the self-employed health insurance deduction incrementally to 80 percent over 10 years.

In 1997, provisions of my Home-Based Business Fairness Act were included in the Taxpayer Relief Act of 1997 to finally increase the deduction to 100 percent, with full deductibility occurring in 2007. The Taxpayer Relief Act also accelerated the phase-in over then existing laws.

In 1998, as part of the omnibus appropriations bill, I worked to see that the phase-in of 100-percent deductibility was accelerated from 2007 to 2003. We also succeeded in substantially increasing the deduction in the intervening years. Under that measure, the deduction was raised to 60 percent for 1999, 2000, and 2001, to 70 percent for 2002, and to 100 percent in 2003. These were increases of 10 to 20 percent.

In 1999, I worked to include in the Taxpayer Refund and Relief Act 100-percent deductibility in 2000. Unfortunately, former President Clinton vetoed that bill. Had he not done so, the self-employed in America would be enjoying full deductibility of health insurance costs today.

In 2000, I worked to provide immediate full deductibility in the minimum wage tax package, the Patients' Bill of Rights legislation, and the year-end small business tax package. There is no surprise to say that the veto threats from the Clinton administration derailed those bills, and, once again, the self-employed were denied full deductibility.

This year, the Finance Committee, on a bipartisan basis, was good enough to provide immediate full deductibility in the package that was brought to the Senate floor and which passed the full Senate. Thank you, leaders of the Finance Committee, Senator GRASSLEY and Senator BAUCUS. Unfortunately, I must tell you that the provision was removed in the conference and did not pass into law with the rest of the President's tax cut package.

The bottom line, immediate full deductibility for the self-employed has overwhelming bipartisan support. It was passed by the Senate Finance Committee and the full Senate multiple times in the past.

As my colleague from Arkansas has pointed out, according to the Joint Committee on Taxation, the amendment is expected to cost $214 million in 2002 and $641 million in 2003.

As a result, the 5- and 10-year costs of the amendment is really only the first 2 years when we get to 100-percent deductibility, and that total cost is $855 million. That is within the budget parameters that we adopted and under which we operate.

In summary, let me say that after waiting for too long we now have another chance to see that self-employed Americans get health insurance by passing this important provision. Our chance to pass it is on a bill that desperately needs to deal with the problem of insurance coverage and insurance access.

As we look to protect patients, we must be expanding—not limiting—access to care. We will have further amendments that deal with some of the problems that could substantially limit access to care, could drive out small businesses—such as the small businesses that have already told me that, without change in the liability provisions of the McCain-Kennedy bill, they will have to cut off health care to 1,287 Missouri citizens.

This is just the beginning, good friends. Wait until you start hearing from small businesses in your State that I believe will tell you they will not be able to continue to provide health care coverage for their employees if they are going to be subjected to liability whenever there is a problem with their health insurance coverage.

We believe more than 1 million Americans will lose their coverage as a result of the increased costs and the expanded liability of the McCain-Kennedy bill.

This amendment offered by my good friend and colleague from Arkansas is our chance to mitigate that approach by trying to help more Americans get coverage.

I urge my colleagues to support the Hutchinson-Bond amendment. I believe it is a most important step for us to take as we begin debate on this bill and work to see that more and not less Americans get the health insurance coverage we want to see all of them have.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. BOND. I am finished and happy to yield.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Is this the tax deductibility amendment that the Senator from Missouri and I cosponsored previously?

Mr. BOND. Mr. President, the Senator from South Carolina has been a very active sponsor. I mentioned Senator DURBIN. During my period in the Senate, I have had great support from the Senator from South Carolina and others on both sides of the aisle.

Mr. HOLLINGS. If the distinguished Senator pleases, I hate to demur at this particular point. But I don't think this particular bill is appropriate on a matter of procedure. So I didn't want to be associated with the amendment on this particular bill. This is not a tax bill, obviously. I wish to withdraw my name as a cosponsor because I have to vote against the amendment.

Mr. BOND. Mr. President, we have not included the distinguished Senator from South Carolina as a cosponsor of the bill. We know his heart is with us. We are sorry his vote is not with us.

I think you will find before this bill is over with that there will be many issues in the jurisdiction of the Finance Committee, and what we should be talking about on this bill is making sure that we protect patients, we protect Americans who must have health care coverage. This bill goes in the wrong direction. We will have an opportunity for all Senators to express themselves on whether they believe the self-employed and their families deserve to have 100-percent deductibility. I hope we will have the same bipartisan support, maybe with one exception that we have had in the past because the self-employed, the farmers, the truck drivers, the daycare operators, the mom-and-pop operations, the 21.2 million Americans who own small businesses who are taxed under individual rates will have full benefits.

Again, the principle is very important. I don't think the American people are going to care much about procedure when this bill really turns into a bill with significant Finance Committee implications. We ought to take a look at what is going to make a difference to the self-employed, and the Hutchinson-Bond amendment will help us get coverage to many who are now not covered.

I thank the Chair.

Mr. GRASSLEY. Mr. President, I want to discuss my vote on the Hutchinson-Bond amendment. I commend Senators HUTCHINSON and BOND for raising the issue of accelerating full deductibility for the self-employed. I support, and have always supported, this important effort and wish to see it realized. I am confident that with the leadership of Senators HUTCHINSON and BOND it will become reality.

However, as the recent experience with the $1.35 trillion tax relief bill has shown, it is critical that tax legislation be first considered by the Finance Committee as part of a tax bill.

I have sought and have received agreement from the chairman of the Finance Committee that this measure and similar health tax related matters will be subject to a markup in the Finance Committee in the near future. I look forward to pursuing this issue at that time.

Mrs. CARNAHAN. Mr. President, I am a cosponsor of the bill by Senator BOND that is identical to this amendment. This proposal will provide a vital acceleration of the phase in of full tax deductibility for the health insurance costs of the self-employed. This is a much-needed change to provide relief and level the playing field for small businesses, farmers, and independent contractors.

I voted for this provision when it was included as part of the Senate's $1.35 trillion tax cut bill and was disappointed that it was not included in the Conference Report.

Although I strongly support Senator BOND's legislation, I regret that I cannot support this amendment to the Patients' Bill of Rights. First, the tax cuts in the amendment are not offset and therefore would increase the national debt. Now that the $1.35 trillion tax cut has been adopted, we need to exercise restraint when considering additional tax cuts. Furthermore, I do not believe the amendment is an appropriate addition to the Patients' Bill of Rights.

We need to pass a Patients' Bill of Rights to improve patient care and hold HMOs accountable for their health care decisions. Reducing the number of Americans that lack health coverage is a vitally important subject, but one that should be addressed separately from the Patients' Bill of Rights.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, may I first express my appreciation to the distinguished Senator from Missouri for his leadership, not only on the issue of 100-percent deductibility for the self-employed but for his strong advocacy for small business. He has been one of the great champions for small business in this country, and he continues to be as the cosponsor of the amendment. I am pleased to be associated with him on this important effort.

If I might say in response to the concerns of my good friend, the distinguished Senator from South Carolina, about the Finance Committee's jurisdiction, in fact, no Senate committee ever reviewed S. 1052 before we proceeded to it on the floor of the Senate.

While it is true that there have been other Patients' Bill of Rights legislation debated in the past, the fact is that this bill contains several provisions within the jurisdiction of the Finance Committee, including customs user fees, Medicare payment shifts, Social Security transfers—all of which come under the jurisdiction of the Finance Committee, which has never marked up this bill.

In fact, this amendment is most appropriate for this bill because the concern of many on this side of the aisle—

and I think many on the other side of the aisle—has been that the Kennedy-McCain version of the Patients' Bill of Rights, because of the liability provisions and some of the other concerns in it, but particularly the liability provisions—the wide open right to sue provisions, the ability to circumvent the internal and external appeals process and go straight to court, and the impact that liability will have upon increasing premiums, increasing costs of health care, and increasing, in fact, the number of uninsured—that dealing with an access amendment is the most appropriate way we could start the amendment process on the Patients' Bill of Rights.

This is the most germane, most appropriate amendment with which we could begin. There are going to be many very important amendments and a lot of important issues addressed, but what could be more important than ensuring that there are going to be literally millions more people who will be able to get insurance because we are giving 100-percent deductibility a year sooner than they would get under current law?

So the Senate has spoken, saying this is a matter of fairness. We have voted in the past in favor of 100-percent deductibility. There is no need for us to phase that in, particularly in light of a bill that promises to increase the number of uninsured.

I want us to put a human face on those people. We talk about a 1-percent increase in premiums. That is 300,000 more uninsured; 4.2 percent. That is 1.3 million more people who lose their insurance. If you think about the number—1.3 million—it becomes very impersonal, but every one is a human being. And those are people who currently have health insurance, currently are covered, currently have the assurance and the confidence each day that when they get up, if something happens—if an illness strikes—they are covered, protected in this employer-based health insurance system. And they are not going to have it when we pass the Kennedy-McCain bill. We need to keep that in mind. We need to keep the focus upon those uninsured.

I would like to share with my colleagues an important statement of administration policy which was just issued today. I have just been handed this. This is a June 21 "Statement of Administration Policy" regarding the Kennedy-McCain Patients' Bill of Rights. All who have followed this issue know the President wants to sign a good Patients' Bill of Rights. He signed a bill in Texas. He campaigned in support of a Patients' Bill of Rights. He outlined his principles. He is on record as not only supporting this, but enthusiastically believing we need to do it. But he has expressed deep concerns about this Kennedy-McCain bill. The "Statement of Administration Policy" reads as follows:

The President strongly supports passage of a patients' bill of rights this year and has been working with members of both parties since the first week of the Administration to forge a compromise. Congress has been divided on this issue for far too long at the expense of patients and their families. The President strongly urges Congress to pass a strong patients' bill of rights this year that provides meaningful protections for patients, not a windfall for trial lawyers or a threat to Americans' ability to obtain and afford quality health care. On February 7, 2001, the President transmitted to Congress his principles for a bipartisan patients' bill of rights and urged Congress to move quickly on this important issue.

The President's principles called for passage of a patients' bill of rights that ensures all Americans enjoy strong patient protections, including: access to emergency room and specialty care; direct access to obstetricians, gynecologists, and pediatricians; access to needed prescription drugs and approved clinical trials; access to health plan information; a prohibition of "gag clauses"; consumer choice provisions; and continuity of care protections. The President also recognizes, however, that many States have passed strong patient protection laws already, some of which have been in force for over a decade. To the extent possible, a Federal patients' bill of rights should give deference to these effective State laws.

The President's principles emphasized the importance of providing patients who have been denied medical care with the right to a fair, prompt, and independent medical review, which will ensure that disputes are resolved quickly and inexpensively and that patients receive the quality care they deserve.

The President stated that only after this independent review decision is rendered should we resort to the costlier, time-consuming remedy of litigation in Federal courts to ensure that health plans are held liable for wrongful decisions.

The President's principles also reminded Congress of the necessity of avoiding unnecessary and frivolous lawsuits, which will only serve to drive up costs and leave more individuals without insurance coverage. S. 1052—

That is the Kennedy-McCain bill.

will significantly increase health insurance premiums and the number of uninsured. According to the Congressional Budget Office, health insurance premiums under S. 1052 as originally drafted would increase by over 4%. If the effects of litigation risk on the practice of medicine and of the reduced ability of health plans to negotiate lower rates were included, CBO's estimated cost impact could be much higher, by 4–5% or more. This is in addition to the estimated 10–12% premium increases employers are already facing in 2001. Further, leading economists have predicted that employers drop coverage for approximately 500,000 individuals when health care premiums increase by 1%. According to these estimates, S. 1052 could cause at least 4–6 million Americans to lose health coverage provided by their employers.

The President is encouraged by efforts in the Senate, Like those of Senators Frist, Breaux, and Jeffords, to develop a common sense compromise that forges a middle ground on this issue and meets the President's principles.

While the President strongly supports a comprehensive and enforceable patients' bill of rights and has been working with members of both parties to enact legislation this year, he believes that S. 1052 would encourage costly and unnecessary litigation that would seriously jeopardize the ability of many Americans to afford health care coverage.

The President objects to the liability provisions of S. 1052. The President will veto the bill unless significant changes are made to address his major concerns. In particular, the serious flaws in S. 1052 include:

S. 1052 circumvents the independent medical review process in favor of litigation. The President believes that patients should be given care first—litigation should be the last resort. Patients should exhaust the medical review process first, allowing doctors, not trial lawyers, to make decisions about medical care.

S. 1052 jeopardizes health care coverage for workers and their families by failing to avoid costly litigation. S. 1052 overturns more than 25 years of Federal law that provides uniformity and certainty for employers who voluntarily offer health care benefits for millions of Americans across the country. The liability provisions of S. 1052 would, for the first time, expose employers and unions to at least 50 different, inconsistent State-law standards. The result will inevitably be that employers and unions will be forced to pay for different benefits from State to State, even within a particular State, based on varying precedents set in State courts and leading to inconsistent standards of care of patients. Further, S. 1052 imposes no limitations on State court damages, and it is not clear whether existing State-law caps would apply to the broad, new causes of action in State courts that S. 1052 creates.

S. 1052 also would allow causes of action in Federal court for a violation of any duty under the plan, creating open-ended and unpredictable lawsuits against employers for administrative errors. These new Federal claims do not have any limitations on the amount of noneconomic damages, creating virtually unrestrained damage awards that are limited only by an excessive $5 million cap on punitive damages.

Moreover, S. 1052 would subject employers and unions to frequent litigation in State and Federal court under a vague "direct participation" standard, which would require employers and unions to defend themselves in court in virtually every case against allegations that they "directly participated" in a denial of benefits decision. Because such determinations are inherently fact-specific, any such allegation will force a costly and time-consuming court process and result in varying State interpretations of "direct participation," forcing employers to adhere to different standards in every State.

S. 1052 fails to provide a fair and comprehensive remedy to all patients. The President believes the new Federal law should establish a comprehensive set of rights and remedies for patients. S. 1052 instead encourages costly litigation by providing no effective limitations on frivolous class action suits and allows trial lawyers to go on fishing expeditions to seek remedies under other Federal statutes.

S. 1052 subjects physicians and all health care professionals to great liability risk. S. 1052 would expand liability for physicians and all health care professionals in State courts well beyond traditional medical malpractice by permitting new, undefined causes of action in State courts for denials of medical benefits. This expanded litigation against physicians and all health professionals will create an opportunity to circumvent State medical malpractice caps that may not apply to these new causes of action.

Extraneous User Fee Provision. The Administration objects to inclusion in S. 1052 of an extraneous revenue-raising provision (section 502), which extends for multiple years Customs charges on transportation, passengers, and merchandise arriving in the country.

PAY-AS-YOU-GO-SCORING

S. 1052 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of the bill is under development.

Just before I yield the floor to our distinguished deputy minority leader, I will re-cite the President's Statement of Administration Policy in which the President says he will veto the bill unless significant changes are made to address his major concerns.

The amendment before us, providing 100-percent deductibility, is one step in addressing the concerns of our President, by increasing the availability and affordability of health insurance to those who have faced an inequitable Tax Code in the past.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my friend and colleague from Arkansas for this amendment. I ask unanimous consent to be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I also thank my colleague, Senator BOND from Missouri. He and I and the Senator from Arkansas have been fighting for this provision for years, and we are going to get it done.

This provision is basic tax equity. Why in the world wouldn't we allow self-employed individuals to deduct 100 percent of their health care premiums if we allow corporations to do so?

I used to be self-employed. I used to run a corporation. Corporations get to deduct 100 percent. Every corporation in the country, if they want to provide health care for their employees, gets to deduct 100 percent of the expense of that health care. They get to deduct it. A self-employed person this year gets to deduct 60 percent. That is not fair. That is not right. It needs to be changed. It can be changed in this bill.

You might ask, why are we changing this bill? There are a lot of reasons. Unfortunately, the bill we have before us, the so-called McCain-Kennedy bill, will increase the number of uninsured in the millions. Some have estimated 1 million, some 2, 3, 4 million. I think it is a higher figure, but millions of people will lose their insurance if we don't improve the bill.

Last year when Congress passed a Patients' Bill of Rights, we called it the Patients' Bill of Rights Plus. Not only did we have patient protections, but we also put in some very positive provisions to help people buy health care. So we would increase access, and we would increase the number of people who have insurance. This amendment was one part of that—a small part but a vital part, an important part.

Some of the people who are going to be hit the hardest under this bill are self-employed individuals, people who own their own business, people who are very small employers from a variety of different businesses. Many of these are new businesses, not the old, established ones that have been around for decades. These are new businesses that were just created. And many of them are asking what kind of compensation package do we have for our employees. They are adding health care or they hope to add health care. Then when they find out they only get to deduct 60 percent of the cost, they realize that is not fair—not when General Motors gets to deduct 100 percent, not when every corporation in America gets to deduct 100 percent. So many times their compensation package for their employees will not include health care.

They might say: We will pay your salary and we hope that you will buy health care. It might be a hope. It might be a wish, but it is not a reality because the Tax Code discriminates against self-employed individuals.

We can change that. The amendment of the Senator from Arkansas would change that. This Congress has passed this amendment. We passed it last year when we passed the Patients' Bill of Rights Plus. We passed it last year when we passed the minimum wage bill. We added this provision as well.

We are going to give everybody a chance to pass it in this bill. I compliment my friend and colleague. If we have a bill that increases the number of uninsured and directly hits a lot of people who are self-employed, let's do something to help the self-employed. If we want to help the self-employed individual, this is one amendment that can do so.

Not only that, it is basic equity. Why in the world would we have a policy where we allow corporations to deduct 100 percent and the self-employed 60 percent, next year 70 percent. It is not right. It is not fair.

Somebody asked, what does this amendment really boil down to? It boils down to the difference in deducting 60 percent versus 100 percent. For an individual who has health care costs of about $6,000, it means deducting $1,600 instead of about $1,000, a difference of $600 savings in taxes for self-employed individuals.

This amendment is a serious amendment. This amendment is an amendment that should be adopted. I hope this amendment will be adopted overwhelmingly.

Other people have said we shouldn't be doing taxes on this bill. This is not a Finance Committee bill. This bill never went through the Finance Committee. That is correct, but it is also correct that the bill never went through the labor committee. This bill never went through the Judiciary Committee. It has a whole new tort section that creates new sections of legal action against employers and medical health care providers, HMOs, and so on, all new legal actions, tort cases, but it didn't go through the Judiciary Committee. This bill never went through the Labor Committee, and it didn't go through the Finance Committee.

This bill also has sections in it that deal with the Finance Committee. I happen to be a member of that committee. I was kind of surprised to find out that there is language in here extending custom user fees for 8 years. What does that have to do with the Patients' Bill of Rights? At least the amendment of the Senator from Arkansas says we want to help people buy health care. We want to help those people who are targeted by this bill. Self-employed people who may not be able to afford insurance because of this bill, let's help them a little bit.

The amendment of the Senator from Arkansas is pretty relevant. I don't know what custom fees have to do with a Patients' Bill of Rights. I don't know what doing some jiggling with Social Security trust funds and Medicare payments—there is a little tinkering going on with those provisions. I am not sure why they are in here. Maybe it is because CBO estimates that there will be billions of dollars less in the Social Security and Medicare trust funds as a result of this bill. Maybe those trust funds have some problems because there is not as much money going into it.

You might ask, why is there less money going into the trust funds. Because CBO says if you greatly increase people's premiums, they are going to get less payment in wages. This is not my estimate. It is CBO's estimate. They estimated $56 billion less in wages over the next 10 years as a result of this bill; a reduction in Social Security payments of about $7 billion less going into the trust fund as a result of this legislation.

Maybe that is what this is. I haven't quite figured out what the purpose is. Maybe I will ask the authors of the legislation who I don't believe are members of the Finance Committee, but I am sure there is a method in their madness. I will not cast any aspersions, but I do know it deals with the Finance Committee. I do know it deals with taxes. I do know we have a tax increase in extending custom user fees. I don't know how relevant those are to patients, but I do know the Hutchinson amendment is very relevant because he is trying to help self-employed people be able to afford insurance.

This bill will greatly increase the cost of insurance for the self-employed and all employers and all employees. I say "all employees" because a lot of employers are going to be passing the additional cost on to their employees.

I have heard some people say: It is only 50 cents. It is only a dollar. It is only a Big Mac. That is being pretty loose with the expenses and costs. Maybe people aren't figuring the cost of health care nationwide is about $7,000 per family. That is the total cost. Employers maybe pay all of it in some cases; maybe they pay half of it in other cases. If they are paying all of it, that means the employee is getting less in wages because the employer is expending that amount.

Maybe it is some kind of copay. More and more employers and employees have cost sharing. Or maybe the employer is picking up 70 or 80 percent, and the employee picks up the balance. Those are all very legitimate ways of paying for health care; the point being, this bill is going to greatly increase health care costs on both the employer and the employee. If they are paying 20 or 30 percent of the health care costs, they are going to be paying more. They may have a higher deductible. They may have a higher copay.

The total cost of the bill will go up. How much will it go up? CBO says 4.2 percent; 4.2 percent on $7,000 is about $300 per family. It is interesting, that is the size of the tax cut for a lot of Americans. Well, we gave Americans a tax cut they will be receiving in July and August and September of this year. That is great. We are going to take it away with this bill.

I think that estimate of 4.2 percent is grossly underestimated. I notice the administration does, too. They said if the effects of litigation risk on the practice of medicine and the reduced ability of health plans to negotiate lower rates were included, CBO's estimated cost impact would be much higher, by 4 or 5 percent more. So instead of increasing the cost of health care by 4 percent, it is probably 8 or 9 percent. Clearly, when you add 8 or 9 percent on health care costs that are already rising at 12 percent in some cases, in most cases, 20 percent, you are looking at astronomical price increases for your health care costs. A lot of people won't be able to afford it. They will drop their health care as a result. Or they will say, employees, you pick up a greater share. Or they will say, employees, we can't provide this with the extended liability we now have on us and, therefore, we will give you the money. We hope you will purchase health care on the individual market.

It might be more expensive for them to do it in the individual market. Some would do it and many would not. So it is this threat of liability that would greatly increase health care costs and greatly increase the number of uninsured—not to mention the fact that it would increase defensive medicine costs because plans would have to go through an appeals process. Employers might say: Wait a minute, it is cheaper to pay for the coverage even though it is not a contractual benefit, and we will do it because it is cheaper than to go through the appeals process. Maybe you will have some situations where people will say: Let's pay for it because we don't want a threat of liability.

So everything is covered whether it is in the contract or not. You would have a lot of defensive medicine and a lot of people, because of the threat or the scare of liability, who would say: Let's just pay for the coverage.

So health care costs will be rising, and rising dramatically—I believe, like the administration, much more so than 4 percent, probably a lot closer to 8 or 10 percent. The net result will be a disaster—a special disaster on the small businessperson. I was a small businessperson. I used to have a janitor service. We didn't provide health care for our employees. It was a business I started in college. If I would have maintained it longer, I probably would have. But I would not—if somebody said, "Oh, Mr. Janitorial Service, you could be liable for anything you have ever gotten or ever will have under a bill that the Congress just passed," I would say, "Hey, I don't have to provide this health care" and, no, I don't think I would.

A lot of people would not be doing it if they knew they could be subject to unlimited punitive damages in State court and unlimited noneconomic damages in State or Federal court. That is in this bill. I have heard some people say that the McCain-Edwards bill has a $5 million cap on damages. It has a $5 million on punitive damages in Federal Court. It doesn't have any cap, any damage limit whatsoever on noneconomic damages, which is pain and suffering. That is where the big jury awards are. We already have jury awards in the millions of dollars. Some want to do class action suits in the billions. This bill encourages class action suits.

Boy, there are trial lawyers just licking their chops just thinking they are going to have a chance to get after that. Who are they going to go after? The big bad HMOs? The people who are going to really get hit are the small, self-employed individuals who want to provide health care to employees and they can't afford it. Those big bad HMOs, are they really going to be hit? Whatever they get hit for, they will pass it on. They won't pay a dime. Maybe their profits will be a little less, but they are going to pass it on in the form of higher rates, and employees and employers are both going to pay for it.

The reason I say "employees" is employers can't pay for it out of nothing, so therefore it comes out of the employee as lost wages, or as the wage increases they might have received, or higher copays.

So employees of America, this is not a bill that is going to be expanding your protection; this is going to be cutting your wages. This is going to be taking money away from employees' paychecks because they won't get the increases they hoped to get because employers will be saddled with exorbitant increases in health care costs.

We can help alleviate that by making some changes in this bill. It is very much my intention to pass a positive Patients' Bill of Rights. This bill we have before us is not that. This bill is a disaster for employers and employees across the country. This bill is a recipe for litigation. This is a trial lawyer's right to bill, not a Patients' Bill of Rights. It is a trial lawyer's right to bill, and the net result is you are going to have a lot of litigation, a lot less health care, and decisions being made in the courtroom instead of by doctors.

We don't have to go this route. We can pass something like we passed last year. We can pass something, as Dr. FRIST proposed, that has a real appeals process—an internal and external review process that is binding. Under this bill, you don't even have to go through the review process; you can bypass it. You need not apply. Don't bother. In 181 days, you can sue for all they have. You don't have to mess with the appeals and have doctors make the decisions. Let's just go to court where you can get big awards.

This bill would be a mistake. Let's not pass this bill. We are going to work over the next number of days to improve this bill. I think the amendment of the Senator from Arkansas is a small step in the right direction. It will make health care more affordable and accessible for self-employed individuals. I congratulate him and compliment him and I am happy to cosponsor his effort. I hope our entire Senate will join in this effort to pass this.

I have consulted with Members in the House of Representatives and they are going to have provisions that are in the Tax Code to encourage individuals to pay for health care, and the Senate should do likewise. Some might say, wait a minute; this is a tax measure. Let's wait for the House. If it has tax measures in it now, let's go ahead and make a good tax measure, not just an increase. Let's do something to help self-employed individuals, as my colleague from Arkansas has advocated.

I urge my colleagues to vote in favor of this amendment. It is a positive amendment and a step in the right direction to improving a bill that, in my opinion, is fatally flawed. We hope to have many improvements by the time this debate is concluded.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I thank the Senator from Oklahoma for his fine statement and, even more, I express my gratitude for the leadership he has demonstrated over the last 2 or 3 years on the issue of the patients' rights legislation. It was a privilege to serve on the conference committee on the Patients' Bill of Rights. I saw the Senator from Oklahoma work day and night as he chaired that conference committee. He worked arduously in trying to forge a compromise that was acceptable to the various interests and factions to ensure that millions and millions of Americans who do not currently have protections under managed care organizations and insurance plans would receive that. I know many of us regret that we didn't achieve that ultimate goal. It is not because of any lack of effort on the part of the distinguished Senator from Oklahoma.

Madam President, previously in my remarks, I quoted from the statement of the administration policy regarding S. 1052, the Kennedy-McCain legislation, and I ask unanimous consent to have that statement of administration policy printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

S. 1052—BIPARTISAN PATIENT PROTECTION ACT

The President strongly supports passage of a patients' bill of rights this year and has been working with members of both parties since the first week of the Administration to forge a compromise. Congress has been divided on this issue for far too long at the expense of patients and their families. The President strongly urges Congress to pass a strong patients' bill of rights this year that provides meaningful protections for patients, not a windfall for trial lawyers or a threat to Americans' ability to obtain and afford quality health care. On February 7, 2001, the President transmitted to Congress his principles for a bipartisan patients' bill of rights and urged Congress to move quickly on this important issue.

The President's principles called for passage of a patients' bill of rights that ensures all Americans enjoy strong patient protections, including: access to emergency room and specialty care; direct access to obstetricians, gynecologists, and pediatricians; access to needed prescription drugs and approved clinical trials; access to health plan information; a prohibition of "gag clauses"; consumer choice provisions; and continuity of care protections. The President also recognizes, however, that many States have passed strong patient protection laws already, some of which have been in force for over a decade. To the extent possible, a Federal patients' bill of rights should give deference to these effective State laws.

The President's principles emphasized the importance of providing patients who have been denied medical care with the right to a fair, prompt, and independent medical review, which will ensure that disputes are resolved quickly and inexpensively and that patients receive the quality care they deserve.

The President stated that only after this independent review decision is rendered should we resort to the costlier, time-consuming remedy of litigation in Federal courts to ensure that health plans are held liable for wrongful decisions.

The President's principles also reminded Congress of the necessity of avoiding unnecessary and frivolous lawsuits, which will only serve to drive up costs and leave more individuals without insurance coverage. S. 1052 will significantly increase health insurance premiums and the number of uninsured. According to the Congressional Budget Office, health insurance premiums under S. 1052 as originally drafted would increase by over 4%. If the effects of litigation risk on the practice of medicine and of the reduced ability of health plans to negotiate lower rates were included, CBO's estimated cost impact could be much higher, by 4–5% or more. This is in addition to the estimated 10–12% premium increases employers are already facing in 2001. Further, leading economists have predicted that employers drop coverage for approximately 500,000 individuals when health care premiums increase by 1%. According to these estimates, S. 1052 could cause at least 4-6 million Americans to lose health coverage provided by their employers.

The President is encouraged by efforts in the Senate, like those of Senators Frist, Breaux, and Jeffords, to develop a common sense compromise that forges a middle ground on this issue and meets the President's principles.

While the President strongly supports a comprehensive and enforceable patients' bill of rights and has been working with members of both parties to enact legislation this year, he believes that S. 1052 would encourage costly and unnecessary litigation that would seriously jeopardize the ability of many American to afford health care coverage.

The President objects to the liability provisions of S. 1052. The President will veto the bill unless significant changes are made to address his major concerns. In particular, the serious flaws in S. 1052 include:

S. 1052 circumvents the independent medical review process in favor of litigation. The President believes that patients should be given care first—litigation should be the last resort. Patients should exhaust the medical review process first, allowing doctors, not trial lawyers, to make decisions about medical care.

S. 1052 jeopardizes health care coverage for workers and their families by failing to avoid costly litigation. S. 1052 overturns more than 25 years of Federal law that provides uniformity and certainty for employers who voluntarily offer health care benefits for millions of Americans across the country. The liability provisions of S. 1052 would, for the first time, expose employers and unions to at least 50 different, inconsistent State-law standards. The result will inevitably be that employers and unions will be forced to pay for different benefits from State to State, even within a particular State, based on varying precedents set in State courts and leading to inconsistent standards of care for patients. Further, S. 1052 imposes no limitations on State court damages, and it is not clear whether existing State-law caps would apply to the broad, new causes of action in State courts that S. 1052 creates.

S. 1052 also would allow causes of action in Federal court for violation of any duty under the plan, creating open-ended and unpredictable lawsuits against employers for administrative errors. These new Federal claims do not have any limitations on the amount of noneconomic damages, creating virtually unrestrained damage awards that are limited only by an excessive $5 million cap on punitive damages.

Moreover, S. 1052 would subject employers and unions to frequent litigation in State and Federal court under a vague "direct participation" standard, which would require employers and unions to defend themselves in court in virtually every case against allegations that they "directly participated" in a denial of benefits decision. Because such determinations are inherently fact-specific, any such allegation will force a costly and time-consuming court process and result in varying State interpretations of "direct participation," forcing employers to adhere to different standards in every State.

S. 1052 fails to provide a fair and comprehensive remedy to all patients. The President believes the new Federal law should establish a comprehensive set of rights and remedies for patients. S. 1052 instead encourages costly litigation by providing no effective limitations on frivolous class action suits and allows trial lawyers to go on fishing expeditions to seek remedies under other Federal statutes.

S. 1052 subjects physicians and all health care professionals to greater liability risk. S. 1052 would expand liability for physicians and all health care professionals in State courts well beyond traditional medical malpractice by permitting new, undefined causes of action in State courts for denials of medical benefits. This expanded litigation against physicians and all health professionals will create an opportunity to circumvent State medical malpractice caps that may not apply to these new causes of action.

Extraneous User Fee Provision. The Administration objects to inclusion in S. 1052 of an extraneous revenue-raising provision (section 502), which extends for multiple years Customs charges on transportation, passengers, and merchandise arriving in the country.

Pay-As-You-Go Scoring. S. 1052 would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of the bill is under development.

Mr. HUTCHINSON. As the Senator from Oklahoma very rightly said, this amendment provides 100-percent deductibility for the self-employed beginning in January of next year, and accelerating that 100-percent deductibility, which the Senate has been on record in support of, is very germane and relevant to this bill.

I think at the heart of this bill is the question of access. At the heart of this bill is, are we doing more damage than we are good? In our efforts to provide patient protection, are we increasing by millions the number who have no patient protections because they have no health insurance? That is, to me, a core fundamental question in this debate. I believe this amendment that I have offered with Senator BOND is a significant step—though far from all that is needed—in improving access. It is something we should do and indeed we must do.

Sometimes, as we deal with the issue of liability, we forget exactly what kind of impact that liability will have. The President, in his statement of administration policy, really homed in on the impact of a wide-open lawsuit provision such as he believes and I believe exists in the Kennedy-McCain bill, what impact it would have on the uninsured. I think he cites very accurate numbers as to the millions of people who could well lose their health insurance were the Kennedy-McCain bill to pass as it currently exists.

One survey found that roughly half of employers reported that they would likely get out of the business of providing health care coverage if exposed to increased liability. Some people say these employers aren't going to do that. How can they do that? This is essential to offer that benefit. You have to offer that to employees if you are going to be competitive.

Well, many small businesses in particular and, for that matter, large corporations who are self-insuring today and are providing good health benefits to employees or their associates, when faced with the prospect of going to Federal court or State court on a host of actions, costly actions, are going to question seriously, understandably, whether they can operate in that kind of environment. Similarly, this study found that 48 percent said that expanded liability would hinder care management, and 80 percent said it would increase consumer costs.

The point is that even those employers who are able to continue to offer health insurance are going to find their costs going up and those costs—they are not going to be able to absorb all of those costs, and they are going to be passed on to employees and consumers. That is going to have a detrimental impact upon, I believe, the health care system in this country.

Sometimes cartoons can simplify a very complex issue down to something that is quite understandable to the average American or to the average Senator. Today, in our statewide newspaper in the State of Arkansas, the Arkansas Democratic Gazette, this cartoon appeared. It is a Vic Harville cartoon. It sums up the concern a lot of us have about the liability provisions in the Kennedy-McCain bill: "Who will benefit the most from a Patients' Bill of Rights?" There is a gleeful, happy attorney with a nameplate: Will Cheat 'Em Attorney At Law.

There are going to be a lot of smiling attorneys, I am afraid, with the Kennedy-McCain bill, as it is currently framed. I have a number of concerns with the liability impact. The McCain-Edwards-Kennedy bill has been called the Trial Lawyers' Bill Of Opportunities. We all want a Patients' Bill of Rights. The President, in the Statement of Administration Policy, outlines specifically the patient protections he believes are essential that we provide millions of Americans. I think we would have a 100–0 vote on those patient protections.

That is not good enough. Instead of finding a consensus bill that will provide patient protections for millions who do not have those kinds of protections today, we have a bill that has a liability provision, a right to sue not at the end of the road where there is an insurance company that has abused their clients, but at any point circumventing the internal-external appeal, the ability to go right into court after 180 days and tie up not only the court system, but spend literally hundreds of millions of dollars in the defense of those suits, whether they are meritorious or not.

This chart expresses some of my concerns with liability. It bypasses external review and brings lawsuits at any time. It allows forum shopping between State courts. So while there is agreement—I certainly believe a right to sue should be included at some point. When an employee believes the insurance company has not treated them properly or has overridden a proper medical decision by that doctor, that individual ought to have a right of appeal. They should have an internal appeal that is accelerated, expedited.

If at that point they are not satisfied, they should be able to go outside the insurance company, have an expert independent review to look at the issue and make a determination. If at that point the insurance company says, we are going to ignore it, we are still not going to comply with the decision of the external reviewer, at that point I think it is certainly appropriate there be a remedy.

The McCain-Edwards-Kennedy bill allows lawsuits in Federal and State courts relating to the same injury; it allows forum shopping; it allows frivolous suits against employers for merely offering health insurance to their employees; that is, an employer is willing to take the risk of providing health insurance, is willing to invest the cost, some 60 percent, some 75 percent, some paying entirely for those premiums. What do they get for their willingness to provide that benefit? They get the possibility of frivolous lawsuits.

Frivolous? Yes, because they need not go through the internal-external appeals process. If they are willing to wait 180 days after they discover the injury, they can go into court and leverage those frivolous suits for some kind of negotiated agreement. Those settlements will benefit trial lawyers. This is a bill of opportunities for trial lawyers. They collect large contingency fees on unlimited noneconomic and punitive damages. There is no limit; the sky is the limit. Whatever a good trial lawyer can convince a jury should be the damages and the sky is the limit on that.

It abuses the class action lawsuits because there is no limit on class action lawsuits in the McCain-Edwards-Kennedy bill. All of these are great concerns to me.

Americans will pay for trial lawyers' opportunities. It is not a Patients' Bill of Rights so much as it is a lawyer's right to sue. At least 1.2 million Americans will lose their health insurance. We have heard that figure 1.2, 1.3. That figure is based upon very conservative estimates by the Congressional Budget Office. Their estimate is that the McCain-Edwards-Kennedy bill will increase premiums by 4.2 percent.

The President in his Statement of Administration Policy said he believes they are overly conservative. I believe they are overly conservative. The impact is going to be far greater.

At least 1.2 million Americans will lose their health insurance at a time the number of uninsured has been increasing. The 43 million number goes up, and that is a huge number of Americans who are uninsured.

Perhaps that is what some want. Maybe some want to increase the uninsured with a separate agenda to come back with radical changes in a health care system that I believe is the envy of the world. The evidence is people from all over the world come here to get the best quality health care. Millions of Americans will lose their health insurance.

The average American family will pay at least $300 more in annual premiums. The Senate, in its wisdom, collectively and on a bipartisan basis, just passed a tax relief bill, only the third time since World War II in the sixties under President Kennedy, the eighties under President Reagan, and now under President George W. Bush we passed tax relief for the American people. We are going to give a rebate check. This $300 increase in the annual premium will quickly eat that up. It will consume that little bit of tax rebate we were able to give in the tax package this year.

Americans will pay $200 billion more in extra premium costs over 10 years. Over half of America's employers will increase health plan deductibles and copays. It is not only that we are going to have 1.2 million or more lose health coverage altogether, but those who are able to stay insured are going to find their copays will increase; they are going to find their premiums will increase; that those are going to be passed on; their deductibles are going to be higher; and then the result of this legislation will be thousands of new lawsuits clogging our already overcrowded courts.

This is often the case. If we have an unlimited, unbridled right to sue, the result will be that creative trial lawyers will find a way to get a case into court.

Our goal should not be to go to court. Our goal should be to ensure patients are protected, forgetting quality health care. We do not have to have a circumvention of the appeals process, the review process to assure that.

The gaping flaw in the Kennedy-McCain bill is that it allows thousands of new lawsuits to be filed in State court and Federal court without an exhaustion of the appeals process. Unlimited liability could bankrupt small businesses or force them to drop health coverage altogether.

Those are, in fact, some of my deep concerns about this legislation, and those concerns should drive us to amendments such as the one Senator BOND and I have proposed. The Hutchinson-Bond amendment provides 100-percent deductibility beginning next year, not in 2003, and will save small employers, self-employed individuals millions of dollars. There is no justification for us continuing to delay what we have recognized in this body on a bipartisan basis is an issue of equity.

The Wall Street Journal sometime back in one of their editorials wrote:

> In the 18th century, doctors believed they could cure patients by bleeding them with cuts or leeches. Modern equipment is politicians who want to improve American health care by unleashing the trial lawyers.

I note that not because anybody would be surprised that the Wall Street Journal editorial page would have this, but the analogy is not far off. My concern is we would pass a Patients' Bill of Rights. Ask the American people that broad question, Do you favor a Patients' Bill of Rights? and you will get an overwhelming yes. Probably three-quarters of Americans would say yes.

Who could be against rights? Who could be against patients? But it's different when asked, If you knew your employer would have to raise your copay, your premium, your deductible, are you still for that Patients' Bill of Rights? if you knew your employer might not be able to continue to provide health insurance coverage, are you still for that Patients' Bill of Rights?

My concern is we would pass a bill they say "cures" the problem of patients in health care plans with their rights not being protected, and the reality is we have made the malady worse. The problem we have created in exacerbating the problem of the uninsured is worse than the problem we are trying to address.

I believe the biggest hoax perpetrated in the course of the debate over the last couple of years on a Patients' Bill of Rights is that a bill such as the Kennedy-McCain bill covers all Americans. To those who have argued most States have enacted patient protection laws and we should provide proper deference to those State patient bills of rights, those States and situations are different. We have argued our proper responsibility is to address the ERISA plans, the self-insured plans that States cannot touch. States cannot provide protections for those. People in those plans are left unprotected unless we do something. The response on the other side has been, you are leaving millions out, you are not protecting them.

The great hoax has been to say that the Kennedy-McCain bill covers all Americans. It doesn't cover all Americans. It surely does not cover the 43 million Americans who do not have insurance today. They don't get a thing out of the Patients' Bill of Rights except less chance they will be able to receive health insurance.

I quoted the Wall Street Journal, and one might expect their sentiments on this subject. But listeners may be interested to know that last month the Washington Post wrote on this subject:

> Our instinct has been and remains that increasing access to the courts should be a last resort, that Congress should first try in this bill to create a credible and mainly medical appellate system short of the courts for adjudicating the denial of care. To the extent it can be avoided, it seems to us not in the national interest to have the practice of medicine governed by the fear of lawsuits. It will add to the cost of care, though how much is in question. It is not clear to us that it will add comparably to the quality. The higher the costs, the larger the number of uninsured.

From the Washington Post to the Wall Street Journal, they are right:

> The liability provisions in the Kennedy-McCain bill will result in thousands of new lawsuits, higher costs on premiums, higher costs on copay and deductibles for consumers, and millions more people in the ranks of the uninsured.

The Washington Post is right, we should have a remedy that is mainly a medical appellate system, short of the courts, for adjudicating denial of care. It is in the national interest to avoid having the practice of medicine governed by the fear of lawsuit.

They go on to say it will add to the cost. They are absolutely right.

Imagine—under the Kennedy-McCain bill one is allowed after 180 days, at the 181st day, to go straight to court. You are not required to appeal internally whatever the question is you are contesting—the decision of the insurance company to not provide coverage. Perhaps the insurance company says the contract is clear and that is not covered, or perhaps the insurance company does say it is not medically justified. As a patient and as an insuree, you object to that. You question that, but you don't bother to appeal it. And you wait. You don't use the internal appeals process, which most managed care companies have already established and which by law we would, under the Patients' Bill of Rights, establish. They never bother to go through the external appeals court, even though under the proposed bills that would be expedited. You would get quick care, a quick decision on the external appeals. They don't do that. Instead, they wait. And they wait.

After 180 days, a very creative, very enterprising lawyer talks to that patient and says: Haven't you just discovered that you were wronged? Without any requirement under this legislation to go through the appeals process, that individual, with his creative, enterprising lawyer, can go straight to court.

One would think if they were wronged, they would have a remedy, even after 6 months, a year, or 10 years, because there is no limit when that individual can file the lawsuit after disregarding the appeals process. One would think perhaps after that long length of time they could have a remedy.

As I have said before, studies indicate medical malpractice claims take an average of 16 months to file. Even after the 6 months of waiting, on the 181st day the lawsuit is processed, you have another long period of time—on average, 16 months—to have the lawsuit filed. On average, it requires 25 months to resolve the lawsuit. That is another 2 years. And then after there is a decision made of a lawsuit, it requires on average another 5 years to receive payment. That is what we are doing in the Kennedy-McCain bill. In the open-ended lawsuit provision, we are in the end going to reward the process and the lawyers.

The tort system returns less than 50 cents on the dollar to the very people it is designed to help and less than 25 cents on the dollar for actual economic loss. Even if one figures 50 cents on the dollar, months, years, you file it, years more to get to court, decisions rendered, years more to collect the payment—what, I ask my colleagues, what does that have to do with quality health care? What does that have to do with ensuring that a patient is getting the best possible health care provision under their insurance policy? I suggest it has very little, if anything. The right to sue should exist. But it should only exist after the appeals process has been exhausted.

When we talk about this being an opportunity for trial lawyers, it is exactly that. It is the trial lawyers who are the big winners.

I offer this amendment today to address this access issue. There will be other amendments that will address more clearly the liability concerns I have expressed. Because the liability alone, we know, and the CBO says, it is the second leading component increasing costs in the Kennedy-McCain legislation. This is the big contributor to increased premium costs, the big contributor to loss of insurance by hundreds of thousands of Americans.

The amendment I have offered providing 100-percent deductibility helps address this access issue and the concern about the uninsured.

I reiterate, because I think it is very important as we look at the amendment and consider how important it is, who are the self-employed? Who are the people to whom we are trying to provide relief? We know there are a lot of them. According to the Employee Benefit Research Institute, there are 12.5

million self-employed individuals in this country and 3.1 million of those self-employed individuals are uninsured. That means they don't have a spouse who is employed somewhere with an insurance plan. It means they aren't working part-time. They are simply uninsured. They are unprotected.

That is almost one out of four in this pool of self-employed individuals. Nearly 70 percent of these individuals earn less than $50,000 annually. I think that is an important point to make because many think of self-employed and equate self-employed with business people, and they are usually. They think of those business people as being affluent, wealthy individuals. According to the Congressional Research Service, based on the 1998 current population survey, 70 percent of these self-employed individuals are hardly high income. They make less than $50,000 a year. So think about those who can't afford the insurance. Think about people who make less than $35,000 a year not receiving equal treatment for what they can deduct on their health care premiums and one out of four of them cannot afford to buy to really get the picture.

To understand the importance of this amendment, you have to look not just at the 3.1 million who are uninsured but you have to look at their family members. When you count the number of family members with self-employed family heads, we are now talking about 21.6 million Americans who would benefit from the Hutchinson-Bond amendment, including 6.4 million children. Now, of those 6.4 million children who are going to benefit because you get 100 percent deductibility, currently 1 million are uninsured.

So I ask my colleagues to think about 1 million children who are without insurance today whose parents would perhaps be able to purchase that insurance under the 100 percent deductibility provision. So I think it is critically important that be adopted.

Madam President, I have one correction to make in my remarks. I referred earlier to a cartoon that appeared in a Statewide newspaper. It was from the Don Rey Media, not the Democratic Gazette. I give a plug for the Gazette, but, in fact, the cartoon was in the Don Rey Media, and it did very well portray what faces us today. If you are paying $6,000 a year in premiums, and you are able to deduct 60 percent of your premiums, that is $3,600, and you will have a savings of $972. If this amendment that is pending before the Senate right now passes, instead of $972, 100 percent deductibility will turn that into $1,620 and that will be an additional savings of $648. At least for the self-employed, that will offset the additional costs that the Kennedy-McCain bill will have upon premiums. So it is worth supporting from the standpoint that it has been a battle fought for years. It has been something recognized for a long time; that we have unfairness; we have a disparity, an inequity in the Tax Code.

Senator BOND, to his credit, and Senator NICKLES worked and worked to clip away at that disparity, and we got 60 percent of the way there. There is no reason, there is no excuse for us not to immediately go to the 100 percent deductibility and in so doing save millions of dollars for those who are out there trying to keep this economy going. I know that there has been broad support for this concept in the past. I believe there will be broad support as this amendment is debated. I talked to a number of my colleagues on the floor about the importance of this amendment.

I believe that access is going to be the center of debate as we go through the Kennedy-McCain bill. If we cannot address the access issue, if we cannot address a wide-open lawsuit issue and put some real restraints in what is currently an unbridled prospect for thousands of new lawsuits, then we will have done a disservice and we really have been disingenuous with the American people. We will have passed a bill saying it is a Patients' Bill of Rights without a real understanding by the American people of what the impact is going to be on their day-to-day lives. Nothing illustrates that more than the kind of push polls that have been done in which the questions have been posed in terms of raising premiums, raising the cost of health insurance, the possibility of losing health insurance and how that affects attitude towards a Patients' Bill of Rights.

So access to emergency rooms, I will agree on that. The President has supported that. The McCain-Kennedy bill has emergency room access provisions. The Nickles bill last year had emergency room access provisions. The Frist legislation covers that concern.

Many of the stories that have been portrayed in this Chamber have dealt with the horrors of those who were denied immediate access to an emergency room. We have heard examples about tragedies that have occurred because of that. These tragedies would be addressed in any one of the patients' bill of rights. That is not the core of the debate before us. Access to pediatricians, access to OB/GYNs—the President listed those commonly agreed upon patient protection provisions.

That is not what is at issue. That is not what is at debate in this Chamber. What is at debate is not access to ERs, access to pediatricians or OB/GYNs. The debate is access to health insurance.

I am determined, and I know my colleagues are as well, that we not lose focus of what an ill-conceived patients' bill of rights is, which is the Kennedy-McCain bill as it is currently constructed, and what it would do to access to health insurance. We are going to keep the focus upon not only the 43 million who do not have it now but the millions more who would lose their health insurance were this bill to pass in its current form.

My colleague from Oklahoma pointed out some of the provisions in this Kennedy-McCain bill that address issues that come before the Finance Committee. The Senator from South Carolina expressed that, while being a previous cosponsor of the 100 percent deductibility, he could not support this amendment because of the jurisdictional issue. Perhaps there are other Senators who share that concern. So I want to remind my colleagues on both sides of the aisle, those who are members of the HELP Committee, as I am, and those who are members of the Finance Committee, that there are a number of provisions within the jurisdiction of the Finance Committee that are already in the bill. The provisions were never debated before the Finance Committee, but they are in the bill. It is kind of disingenuous when you have something that is going to benefit taxpayers, going to provide full deductibility for the self-employed, to say we don't want that in the bill when there are already a horde of provisions in the bill that come under the jurisdiction of the Finance Committee.

I am sure at some point there is going to be an explanation as to why custom user fees is in this Patients' Bill of Rights, why the custom user fees, Medicare payment shifts, and Social Security transfers are included. We talk a lot about the sanctity of the Social Security trust fund. There are some issues regarding Social Security. All of those come under the jurisdiction of the Finance Committee and were never debated by the committee. There were no witnesses, no hearings, no people to come in and explain why they are going to be in this hugely important bill, but they are there.

And so for those who may be concerned that we have a provision that would normally go to the Finance Committee, I say, well, let's take a look at all of these. At least this one is going to increase access, not decrease it; at least this one is going to ensure that more people are going to buy more health insurance and those million people who are currently in households in which the head of the household is self-employed that is not eligible for the 100 percent deductibility is going to be addressed.

Now, the bill reduces revenues. I have alluded to that. And some may question about having those kinds of provisions in the bill. In fact, the McCain-Kennedy bill reduces the Social Security tax revenues by nearly $7 billion over 10 years. So it is going to have a pretty significant impact upon revenues—$7 billion in Social Security.

That is the estimated impact of passing this bill. If you pass this bill, that is the impact it will have upon payments into the Social Security System. It ought to concern us if it is going to have that kind of impact upon employment in this country.

So we have a bill that we have to work on. We are going to have a lot of amendments in the days to come, and we have a good one to start with, one that will provide that 100 percent deductibility and increase accessibility.

I see my colleague from the State of Kentucky has come to the floor, and I know he has expressed interest in this amendment. He has been a long-time supporter of small business and of providing 100 percent deductibility as quickly as is possible for these who have been treated unfairly in our Tax Code. He has expressed interest not only in supporting it but speaking in behalf of the amendment. I yield for the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, first of all, my good friend from Arkansas has been a champion of full deductibility for health care for the uninsured and the self-employed for a long time. I also supported that in the House of Representatives on the Ways and Means Committee, and since I have arrived here in the Senate.

Even more important than just the deductibility for the self-employed, I would like to talk generally on the Patients' Bill of Rights and the two competing bills we have before us today.

Rarely is there a piece of legislation that so directly affects the American people's health and well-being as the debate we are having right now.

It's important right at the start to point out that every Senator here agrees about one thing—patients come first.

We all have the same goals here—making sure that patients get the care they need without interference from their insurers and without driving up costs.

But the competing bills before us take two different approaches.

In writing a Patients' Bill of Rights, we're trying to strike a balance, and the Kennedy-McCain bill fails that test.

As we debate this health care bill, it's important to keep some perspective and to remember how we got to this point because recent congressional health care debates set the stage for the legislation before us today.

Over the past decade, Congress has wrestled with health care insurance legislation a number of times.

In the late 1980s, there was the Medicare catastrophic bill that we passed and then the next year we repealed it.

There was the Clinton health care bill that failed. Then we worked on the Kassebaum portability bill.

Now the latest version of the fight comes on the Patients' Bill of Rights.

Some of my colleagues on the other side of the aisle now say they're interested in "improving" the private employer-provided health care system that we currently enjoy in this country.

But I have to admit that I am more than a little bit skeptical about that. Many of my friends who now claim to want to improve our current system were just a few years ago trying to get rid of it altogether with the Clinton bill.

And many of them still openly admit that their ultimate goal is single-payor, government-run health care—a Washington-mandated, one-size-fits-all health care system.

Now many of us have the same fear that the Kennedy-McCain bill is just the first step down the regulatory path to socialized medicine.

We still remember the nightmare of the Clinton health care bill.

Many of us thought that was a trojan horse that was set up on purpose to fail in order to help make it easier for many of my Democrat friends to reach their final goal—to step in with a government-run, single payor health care program.

The words surrounding the debate about that bill sounded good, just like some of the rhetoric we hear today about Kennedy-McCain.

The Clinton health bill was going to be the best thing since sliced bread. It was going to provide all Americans access to health care at an affordable cost.

But it was a bad bill. It was drafted behind closed doors by a secret task force. There were no hearings. No input from the public, until a federal court ordered it.

In fact, the reason that they were hiding it for so long was that it was just another old-fashioned liberal social program in disguise.

Now we are hearing the claims that the Kennedy-McCain bill is going to do all of these great things for patients—guaranteed treatments, clinical trials for cancer patients, access to specialists.

But the bill before us today hasn't ever been before a Senate committee for a hearing, and it's been two years since the Senate last debated it.

In fact, the latest version of the Kennedy-McCain bill was only introduced last Thursday night. Now we're being told that we have to pass it immediately and that the Democrats think it's so good that it doesn't even need to be amended.

I think I have heard this song before.

Thanks to the good judgment of Congress in 1994, we were able to defeat a national health insurance proposal.

But today I am afraid that many of my friends who support socialized medicine are still trying to reach their goal, just by different means.

So I think we need to take a long hard look at this bill so that every Senator understands exactly what's in it.

From what I have seen so far, it is not very good.

There are a number of problems with the bill.

First we know Kennedy-McCain is going to raise costs. The neutral experts at the Congressional Budget Office tell us its going to increase costs by 4.2 percent above inflation.

Health care experts tell us that for every 1 percent increase in costs, 300,000 Americans will lose their health coverage.

That means that if Kennedy-McCain passes, over 1.2 million Americans are going to lose their health insurance.

I just do no understand why those who support this bill, who usually argue that we need to cover more of the uninsured and hold the line on costs, now are pushing so hard for a bill that does just the opposite.

Another troubling part of the Kennedy-McCain bill is its reliance on lawsuits as a means to promote better health care.

It is just common sense: lawsuits don't lead to better medical care. Getting the lawyers involved isn't going to drive down costs, or deliver care faster.

I can understand in outrageous situations that the threat of a lawsuit might be needed as a last report. But in Kennedy-McCain, they are the first option.

In fact, the most troubling part about Kennedy-McCain is that it could in fact lead to lawsuits by employees against employers over health coverage. That is the last thing we need and could eventually lead to the end of our current employer-based health insurance system.

I know that sounds drastic, but it is just common sense.

If any employee can sue their employer because they are unhappy with their health coverage, the employer is going to do one of two things: drop the coverage and simply give the employee cash to buy their own insurance—or worse just drop the benefit altogether.

Recent news reports tell us what happens to health care when lawsuits flourish. For instance, in Mississippi, where there has recently been a dramatic increase in forum shopping by plaintiffs' lawyers, 44 insurers have left the state.

Recent studies by the General Accounting Office show that the average medical malpractice claim takes 33 months to resolve. Most patients can't wait that long. I don't see how making it easier for them to sue is going to help anyone except the lawyers.

Usually here in Congress we try to make laws simpler, and to cut down on lawsuits, not to encourage more. Making it easier to sue might sound good to those who are angry about their health care, but it's only a knee-jerk, feel-good reaction that isn't going to help anybody get medical care any faster.

Finally, if Kennedy-McCain is so good, why doesn't it apply to everyone? Millions of Americans aren't covered by it. Medicare and Medicaid recipients, and all of those who get coverage from their unions through collective bargaining agreements, they are not covered.

While I admit that I don't want Kennedy-McCain to pass, I have to admit that I am surprised that my friends who support the bill, who tell us what a good effort it is, don't want it to apply to every single American.

Instead of the Kennedy-McCain bill, I hope my colleagues take a good long, hard look at the Breaux-Frist proposal. The heart of Breaux-Frist is a new impartial medical review to make sure that patients get the care they need quickly, without getting bogged down in courts and lawsuits. Patients are guaranteed access to independent medical review to ensure that doctors, not HMOs, are making medical decisions. Breaux-Frist gives States flexibility. While providing new Federal rights. The legislation stays out of the way of States that have already made progress in protecting patients. It creates a floor, not a ceiling, when it comes to protecting patients' rights.

Breaux-Frist also guarantees access to care through comprehensive patient protections. It guarantees emergency room coverage under the prudent layperson standard, and direct access to OB–GYNs for women and pediatricians for children. Best of all, Breaux-Frist ensures that employers are not going to be held liable for health decisions. And Breaux-Frist covers everyone—all 170 million Americans who get their coverage through private health plans.

For health plans that fail to comply with these independent reviews, patients will be able, as a last resort, to sue in Federal court. It provides a clear-cut, sensible process that will help patients get care and hold HMOs accountable.

Most importantly, we know that the President will sign Breaux-Frist into law. He won't sign Kennedy-McCain. If the supporters of Kennedy-McCain really want to pass a bill that becomes law, they will help us to amend it and improve it. If they do not, we will just continue to talk in Congress without getting anything done.

I would like to conclude by telling my colleagues about what will happen if we end up passing Kennedy-McCain. Seven years ago, in Kentucky, we passed a version of the Clinton health bill. It promised better care to patients through increased regulation and lawsuits. But guess what happened. Health care in Kentucky went downhill. For starters, all of the private insurers left the State. We used to have 60. After the Clinton-Lite bill passed, we had two. The number of uninsured Kentuckians rose. Costs increased. Medical care became more expensive and harder to get. Ever since then we have been trying to fix our health care laws, and we have managed to get back to five different insurers who will now offer coverage in Kentucky.

Employer-provided coverage in Kentucky nearly collapsed. Passing McCain-Kennedy could be the first step down this road for the Nation, and I can tell my friends it is a path we don't want to take.

Republicans want a bill. Democrats want a bill. If we work together, I think we can get one. But Kennedy-McCain is not the answer. It has to be changed or nothing else is going to change. And the patients will lose.

Madam President, I yield back my time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I see my friend from Arizona is in the Chamber.

Does the Senator wish to seek recognition?

Mr. McCAIN. For about a minute.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I understand the amendment that is being proposed. It contains provisions, as I understand it, that were dropped in conference on the tax bill we passed not long ago. I think the Senator from Texas would confirm that. Is that right?

Mr. GRAMM. I do not know. I was trying to find out.

Mr. McCAIN. It was, I believe, not accepted in conference. Obviously, we would like to do everything we can to encourage employers and employees to be able to obtain health care plans.

What I am concerned about is the possibility that this would open up other tax provisions that might be added to the bill. Also, there is the blue slip problem that would apply because it is a revenue issue that does not originate in the other body. Again, I think the Senator from Texas would recognize that is a problem that we face in this amendment.

So I wonder if the proponents of the amendment would agree to a unanimous consent request, which I will state now and explain as follows: That the time between now and 5:30 be equally divided between Senator HUTCHINSON and Senator KENNEDY, or their designees, for debate on the pending amendment; that no second-degree amendments be in order to the amendment; and that at 5:30 the amendment be agreed to, and that there be no further revenue or blue slip material amendments in order to this bill; further, that when S. 1052 is read a third time, it be laid aside and the Senate immediately turn to the consideration of Calendar No. 69, H.R. 10; that all after the enacting clause be stricken, and the text of S. 1052 be substituted in lieu thereof; the bill be read a third time, and the Senate proceed to vote on final passage of the bill; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

What I mean by this unanimous consent request is that in order to avoid the so-called "blue slip" problem, that this amendment would be adopted, but when the bill is laid aside for the first time, we would take up a House revenue bill which is pending here in the Senate on the calendar, and add that provision to the bill, thereby avoiding the problem of it being negated.

I note the Senator from Oklahoma is in the Chamber as well. I would be glad to discuss this unanimous consent request with my colleagues to see if they would give it some consideration, so we could discuss getting it done.

Mr. GREGG. Reserving the right to object.

Mr. GRAMM. Reserving the right to object.

The PRESIDING OFFICER. Is the Senator propounding a unanimous consent request?

Mr. McCAIN. I ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, let me first say that obviously Members can only answer for themselves.

I would have no objection to trying to deal with a potential blue slip problem through unanimous consent. The House bill will almost certainly contain a provision related to access to health care, and so the two bills would be conformable in that way. Nor do I have any concern about taking up a House measure which would be a further guarantee against the blue slip problem. If we put in a quorum call and worked this out or had debate while we worked it out, all that could be worked out.

Where I think we might run into problems is that there are two problems in terms of access to health care. One is the self-employed who have to pay both parts of their health care coverage. The other is very low income people who don't get health insurance through their jobs. You then have a very small—and I know the Senator is aware—you have a very small revenue component in medical savings accounts. I would not want to limit our ability to at least debate the other two parts of the problem. But within the constraints of those problems, I think there might be room to debate it. I don't want to preclude our ability to offer, for example, a medical savings account amendment because I think that is very important as part of this access.

I understand this amendment. I very strongly support it. I want to be sure we have a chance, if we fix it for the self-employed, that we fix it for very low income people who don't get health insurance through their jobs. I can assure the Senator that for my part—and I am sure on behalf of every Republican—we are not trying to create a technical "gotcha" problem here. We can work together to fix that problem, if that would make this amendment more acceptable.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I believe the bill already has a blue slip problem. There is already a tax increase in the bill, section 502, that extends customs user fees from the year 2003 to the year 2011. That is blue slip material. It is already there.

Mr. McCAIN. I don't agree. I don't agree. We will be glad to debate that and have a parliamentary decision on it.

Mr. NICKLES. I am informing my colleague, there are revenue measures in the bill right now. I don't think whether there is an additional amendment or not would have any additional impact on blue slip. I am perfectly willing, as the Senator from Texas said, to set up a way of taking up a House-passed bill and substituting the entire text of whatever we pass to avoid that. I am happy to cooperate in doing that at some point. I will be happy to work with my friend from Arizona to do that.

Mr. McCAIN. I thank the Senators.

I guess the Senator from New Hampshire had also a reservation.

Mr. GREGG. The point I was concerned about was, there are parts of this unanimous consent with which I could agree, but the two points the Senator from Texas and the Senator from Oklahoma have made are equally of concern to me. Maybe there is a way to work this out, but in its present form I have a serious reservation about it.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I would object. I would like to also ask that our staffs sit down together to see if we can work these problems out. I reiterate, we are not trying to create a technical problem here. We are worried about people losing their health insurance. We want to be sure we are doing other things to promote it. If the Senator is willing to work with us, we will try to work out the problem he has raised to everybody's satisfaction, and then perhaps later today or tomorrow we could do a unanimous consent request on a bipartisan basis to which we could agree.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona retains the floor.

Mr. McCAIN. Mr. President, I thank my friends from Texas as well as from Oklahoma and New Hampshire. We would like to sit down and see if we can work this out. Whether the Senator from Texas intends there to be a problem or not, there is a problem on passage of this amendment. So I appreciate the intentions of all involved here, but the fact is, there will be a technical problem because of raising revenue. I would like to work that out, and we will sit down and begin conversations about it.

Mr. GREGG. If the Senator will yield on that point.

Mr. McCAIN. I am glad to yield.

Mr. GREGG. I do believe that problem can be worked out. Actually, the language for working it out is in this unanimous consent request. It is just that the unanimous consent request goes significantly further than that. That is where I think we have to sit down and see if we can't reach some accommodation.

Mr. McCAIN. I understand. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, may I proceed for 30 seconds?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, in response to the Senator from Oklahoma, we have been assured, from the Budget Committee, the Finance Committee, and the Ways and Means Committee, that there is no blue slip problem. Anyone can raise this and challenge those authorities, and maybe they will. At least we want to give assurances to the membership that we did anticipate this issue. We have received those assurances from the leaders. I believe we received them in a bipartisan way as well.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we have been on this amendment now for 2 hours. The debate has been good. We are arriving at a point where we might be able to offer a unanimous consent agreement as to when we would terminate this debate.

I say to everyone: We do not intend to arbitrarily cut off debate on any amendments. But we should also understand that it is up to the people who oppose the Patients' Bill of Rights to offer the amendments they believe will improve the bill. We have today; that includes the evening hours. We have part of the day tomorrow. As had been announced by the two leaders some time ago, there will be no activity in the Senate in the way of votes on Monday. There could be some debate taking place. We have Tuesday, Wednesday, and Thursday to finish the bill, if we are going to go to the Fourth of July recess as has been planned. That is to begin on Friday.

Again, Senator DASCHLE, the majority leader, has said if we do not finish this Thursday night, we are going to work Friday, Saturday, Sunday, Monday, Tuesday, take Wednesday off, which is the Fourth of July, and come back on Thursday and begin the bill again. We are going to finish.

Mr. GREGG. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. GREGG. I believe there is a unanimous consent to which this side is agreeable which has been circulated from your side, and we are willing to proceed with that at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time on the pending amendment prior to a vote in relation to the amendment at 5:30 be divided as follows: Senator KENNEDY or his designee to control 30 minutes of debate; Senator HUTCHINSON or his designee to control the remaining time, including the last 15 minutes prior to the vote; that at 5:30 the Senate vote in relation to the Hutchinson amendment; that upon completion of the vote at 5:30, Senator McCAIN be recognized to offer a sense-of-the-Senate amendment regarding clinical trials; the amendment be debated this evening; and then when the Senate resumes consideration of the bill tomorrow at 9:30, the time prior to 11 a.m. be divided between Senator McCAIN and Senator GREGG or their designees; and then a vote in relation to the McCain amendment occur at 11 a.m.; and then following the disposition of the McCain amendment, Senator GREGG or his designee be recognized to offer an amendment; that no second-degree amendments be in order to either the Hutchinson or McCain amendments.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. It is not my intention to object. I haven't seen the McCain amendment. Would it be possible for us to get a copy of that amendment?

Mr. KENNEDY. Yes. While the Senator was asking, we never received the Hutchinson amendment until it was offered either. As we proceed, what we would like to try to do, for the benefit of the Members, is to at least have the two or three amendments on either side so that the Members are familiar with the material and would have knowledge as to what those amendments are. I think that might save a good deal of time in terms of the explanation of the amendments and the disposition of them. We will make every effort to make those available. And we hope—if I may have the Senator's attention—that that would be reciprocal and we might have the amendment you also intend to offer tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. I seek recognition under Senator KENNEDY's time.

Mr. KENNEDY. I yield 10 minutes to the Senator.

Mr. DURBIN. Mr. President, I stand in opposition to the amendment offered by Senators HUTCHINSON and BOND. At the outset, this is an issue I have worked on as long as I have been in Congress—extending the tax deductibility of health insurance premiums for self-employed people in this country.

What we face in this country today is a terrible situation where those in small business and family farms cannot deduct their health insurance premiums as those who work for major corporations can. At a time when more and more people are losing health insurance, this is certainly a policy change that needs to take place.

Yet I rise today in opposition to this amendment. Let me tell you why I do. Only a month ago on this floor of the Senate, I offered an amendment to the tax bill which would have provided the self-employed with a full 100-percent tax deduction. That was a month ago when we were considering a tax bill where we were providing benefits to individuals and families.

What happened to my amendment? Well, my amendment was accepted by my Republican colleagues. They put it in the bill in the Senate, and they killed it in the conference. That is right. They said they accepted it on the floor, and when it went to conference committee on the tax bill, they yanked it out and eliminated it. It is the same provision being offered today on the Republican side as part of this bill that was eliminated by the Republican majority in the conference committee on this tax bill. The tax bill had $1.3 trillion in benefits it could provide over a 10-year period of time, and the Republican majority could not find $2 billion to provide the very tax deduction they are asking for today.

It raises an important question. If this issue was important enough for us to include it in the tax bill, why did they eliminate it when they went to conference committee? Second, why is it being offered today?

The second question, I think, bears some exposition here. That is obvious. This is a Patients' Bill of Rights. This is a bill which the health insurance industry opposes. They oppose it because it will eat into their profits and instead is going to empower families and businesses and individuals across America, when it comes to their health insurance, to finally stand up and say that doctors should make medical decisions, not insurance companies.

On the Republican side, they are offering killer amendments in an effort to scuttle and stop this bill. They know that if they can put a tax amendment on this bill, it is over. So they come in and say they want to offer tax deductibility for the self-employed people when it comes to health insurance premiums—the very position they eliminated when they had a chance to pass it a few weeks ago on the tax bill.

It wasn't good enough for the tax bill, but it is the very first thing they want to offer when it comes to the Patients' Bill of Rights. Excuse me if I question whether or not their strategy reflects their sincerity. If they were sincere about helping self-employed people, they would have included it in a $1.3 trillion tax bill and not put it in the Patients' Bill of Rights in an effort to kill this important legislation.

We have waited 5 years for this bill. We have worked out a bipartisan compromise with Senator JOHN MCCAIN, Senator JOHN EDWARDS of North Carolina and, of course, Senator KENNEDY from Massachusetts, who has been a leader on this issue.

The other side, the opponents, are desperate to kill this bill. They understand that every health professional organization in America that has taken a position has supported the bipartisan legislation we have on the floor. They are desperate to find a strategy and a tactic to stop the bill, nevertheless.

The health insurance industry wants the bill to die, and now they want to kill it with kindness—the kindness of a tax break for the self-employed. Where was that kindness a month ago when the conference committee met on the tax bill? It wasn't there. You could not put it in the bill that really counted. You want to put it on this bill to put an end to the debate.

We are not going to fall for that. Those who have supported this provision throughout our careers are not going to let you kill the Patients' Bill of Rights by putting on a provision which you rejected in your own tax bill just a few weeks ago. I urge my colleagues to join me in continuing to fight for the deductibility of health insurance premiums for the self-employed, but don't do it at the expense of this important legislation that gives individuals and families and businesses across America the protection they deserve when it comes to their health insurance.

Mr. REID. Will the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. REID. I came to Washington with the Senator from Illinois. I can't remember a session of Congress where he didn't promote this issue. The Senator's fingerprints are all over this legislation. The Senator has certainly portrayed what is happening with this bill. They are taking the Senator's amendment and putting their name on it and trying to kill this bill. I am anxious to see what the next one is going to be. It will be someone else's amendment that they have killed in the past to try to kill this Patients' Bill of Rights.

The Senator from Illinois has said it so well. Here is legislation that has been yours for almost 20 years. It was put in a tax bill, and now I read in the paper it is not $1.3 trillion, it is $1.8 trillion—and for a speck of that, they eliminated the Senator's provision. I don't know if they planned that, to come back and do it here, or if it is something they picked up recently. But I know the Senator from Illinois will be forced to vote against his own amendment. I have always joined him in his efforts to pass the legislation. I will join the Senator from Illinois because we cannot fall for, in my words, this cheap trick.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. KENNEDY. How much time does he have left?

The PRESIDING OFFICER. The Senator has 3 minutes 40 seconds remaining.

Mr. KENNEDY. Does the Senator not find this somewhat disingenuous that the administration had made the recommendation on the Durbin amendment for the business community, for the self-employed, and these Republicans dropped it, put it aside; they didn't make it a priority for their tax break? The administration came up with $60 billion to try to help the uncovered with insurance, and they dropped that. And now two of the principal reasons they give from this side are that they are not taking care of business and they are not taking care of the uninsured. I mean, if this was such a big priority on their side, why didn't they fight for it when they had the opportunity? Does that not lead one to believe that rather than being serious about getting these achievements and providing some relief, they basically want to sink this bill?

Mr. DURBIN. The Senator from Massachusetts is correct. The Republicans and those supporting their positions cannot come to this floor and argue, I think, with a straight face that American families don't need protection when it comes to their own health insurance. They are not standing here and arguing that, really, health insurance clerks should make decisions, not doctors.

So they have come in with a new strategy. A month ago, this idea of providing the deductibility of health insurance premiums for the self-employed was good enough to adopt on the Senate floor and kill in conference on their tax bill. Now they are coming back and saying that really is the highest priority. We have to go back to that old argument, to that old position. Well, I think people can see through it.

You had your chance, you had your tax bill. This was the bill that was supposed to help families across America. We know what happened. Forty percent of all the benefits in that tax bill went to people making over $300,000 a year. Instead of finding even $2 billion out of $1.8 trillion to help those small businesses and family farmers, no, the highest priority was the wealthiest 1 percent of America. Well, that was your decision. That was your tax bill. I voted against it. I will vote against it again if you come back with it.

Instead, let's vote for something and say that after 5 years we are going to pass a bipartisan bill that for the first time will hold health insurance companies accountable for their actions like every other business in America. I know that is a dagger in the heart of the health insurance industry. They want to continue to be a special privileged class that never has to answer when they make decisions which deny basic medical treatment to families and individuals. Those days are numbered.

I urge my colleagues in the Senate to reject this amendment for what it is. This is an effort to derail an important piece of legislation. Let us stick with and support the Patients' Bill of Rights. Let us not fall for this ploy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Boy, I have to smile. I am sincere about this, and I resent it being portrayed as, I believe, a "cheap trick." It was called a ploy, an effort to derail. It is none of that. It is a sincere concern about those who are self-employed and who do not get equal treatment. It is a sincere concern that this legislation does not empower anybody but trial lawyers, and that the big issue in this whole debate is access.

I am sincerely trying to address an issue about which I have been concerned, and I know the Senator from Illinois has, but it is no effort to derail. If I had been on the conference committee, I assure the Senator from Illinois I would have fought as hard as I could have with every fiber of my being to ensure this very important provision was included in the tax bill. Unfortunately, I was not on the tax conference committee, and so my alternative was to come to this Chamber and try to do the right thing. I assure the Senator from Illinois that is what I am trying to do.

I also remind him that every Patients' Bill of Rights that has ever passed the House of Representatives has included tax incentives for health care. Every Patients' Bill of Rights that has ever passed the Senate has included tax incentives for health care. The bill the House of Representatives is likely to pass within the next few weeks will undoubtedly, will with a certainty contain tax access provisions, as it should.

If the Senate does not adopt its own tax incentives and access provisions, we will be at a distinct disadvantage as we go into the House conference on this legislation.

If the Senator wants to face the American people and explain that he opposed this on the basis of a blue slip problem, please, I am sure, they are going to appreciate that explanation. This is something that has had broad support in the past. It is without question something we should do. We have an opportunity to do it, and we should.

I yield to the distinguished Senator from Maine who has been such an advocate for small business in this country and has fought hard for full deductibility for the self-employed.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I commend my friend and colleague from Arkansas for offering this important amendment. It will allow self-employed Americans to deduct the full amount of their health insurance premiums.

As we proceed with consideration of legislation to protect patients' rights, legislation I believe every Member of this body, in one form or another, wants to see passed, we should also be considering ways to expand access to health insurance coverage for millions more Americans by making health insurance more affordable.

We know that at a time of almost unprecedented prosperity in this country, we have 43 million Americans who lack health insurance. Just think of the impact of an economic downturn and escalating increases in health insurance costs. It will only expand the number of uninsured or underinsured Americans. That is why I support the amendment that has been offered by the Senator from Arkansas.

As President Clinton's own Advisory Commission on Consumer Protection and Quality noted in its report: "Costs matter—health coverage is the best consumer protection."

Simply put, the biggest single obstacle to expanded health care coverage in the United States is costs. While American employers everywhere are facing huge hikes in their health insurance premiums, these rising costs are particularly problematic for small businesses, and they are most problematic for self-employed individuals who have to purchase health insurance on their own without a subsidy from an employer and without the benefit of a group health plan rate.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed, but the fact is that most uninsured Americans are members of families with at least one full-time worker. Eighty-five percent of Americans who do not have health insurance live in a family with a full-time worker. Most of these uninsured workers are self-employed or they work for very small businesses that simply cannot afford to provide health insurance as much as they would like.

Our amendment will help make health insurance more affordable for these Americans by allowing those who are self-employed to deduct 100 percent of the cost of their health insurance premiums. Since some 35 million Americans are in families headed by self-employed individuals, this will be of enormous help to them. Five million of those 35 million are uninsured.

Establishing parity in the tax treatment of health insurance costs between self-employed individuals and those working for large businesses is also a matter of equity. I have never thought it was fair that a corporation can deduct 100 percent of its share of the health insurance premiums that it pays for its employees, but a person who works for himself or herself can only deduct a portion of that cost.

This is a matter of equity, but it would also help to reduce the number of uninsured but working Americans. Our amendment will help make health insurance more affordable for the 82,000 people in my home State of Maine who are self-employed. They include our lobstermen, fishermen, farmers, hairdressers, electricians, plumbers, and the owners of many of the small shops that dot communities throughout our State.

We are a State of self-reliant people. We are a State where there is a large number of self-employed, and they deserve to deduct the cost of their health insurance premium just as a large corporation can write off that cost.

This is a particularly important amendment when we are looking at a bill that by every estimate is going to drive up the cost of health insurance. This is just a modest effort to provide some assistance to help offset the escalation in health insurance rates that this bill, unfortunately, will produce. This is a reasonable amendment. It deserves bipartisan support.

Finally, I am a bit puzzled by some of the statements that have been made by those on the other side of the aisle. During consideration of the budget resolution earlier this year, I offered an amendment to make sure we set aside funds in the budget resolution to provide for 100-percent deductibility for health insurance for the self-employed and also to help our small businesses that are struggling with the cost of health insurance by giving them a tax credit.

That amendment was opposed by my colleagues on the other side of the aisle. Had it been accepted—it was narrowly defeated by only one vote—we would have had a better chance of holding those important provisions in the tax bill when we went to conference, but it was opposed by my friends from the other side of the aisle.

I find it ironic to hear today the argument that we should have done it earlier, we should have done it on a different bill when, in fact, our attempts to do so were defeated during the course of the budget resolution.

This is an excellent amendment. I am puzzled why there would be any opposition to it. Surely we ought to be able to agree that self-employed individuals, those hard-working men and women across America, should be able to deduct the full cost of their health insurance. It is the right policy, it is the fair policy, and it would help expand access to needed health insurance for millions of American families. I hope there will be a strong bipartisan vote for this very important amendment.

Again, I commend my friend from Arkansas for his leadership in bringing forth this very important amendment on this bill.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the distinguished Senator from Maine for her excellent statement, for her cosponsorship of this amendment, for her leadership in advocacy for small business in this country.

I now yield to the Senator from New Hampshire for such time as he might need.

Mr. SMITH of New Hampshire. Mr. President, I support my colleagues' amendment wholeheartedly and I ask unanimous consent my name be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I compliment my colleague from Maine for the eloquent statement she made regarding those independent business people who do not have the fallback or the luxury of the assets of the giant corporation. There are thousands in Maine and thousands in our neighboring State of New Hampshire. It is hard to see them without the ability to have the 100-percent deduction. It is a struggle to provide those benefits. They do provide them. In spite of the fact they don't have the deductibility, they still provide insurance. It is a tremendous burden.

I hope our colleagues will see how important this amendment is.

I rise today to make a few general comments about health care in America and about this legislation specifically as we move forward in this debate. We have gone full circle on the health care debate. We started in the early 1990s with an attempt to nationalize all health care in America, which would have been a disaster. We then swung over to HMOs, and now we are back somewhere in the middle. This bill is now moving back toward the national trend.

We have a vision for America. This debate is about what vision is accepted. Is the vision you accept one of government control of health care? One of government control of who your doctor is? One of government control of who has access to health care and who does not?

Talk to some of our friends to the north in Canada and ask them how that triple or quadruple-tiered system works there.

The other vision is what I believe our country stands for. That is a vision of America of limited government, an America of individual freedom and choice and personal responsibility. These are the principles that helped make America the greatest Nation in history. When we talk about these principles in other areas—whether it be regarding business or any area regarding individual responsibility where government does not take a peek at your private life—one cannot isolate health care. We have to say health care is very much a part of the whole concept of America of individual freedom, personal responsibility, and choice.

Access to affordable, quality health care is an issue, a health issue that we as a government and society should promote and encourage. It is a shame the Senator from Arkansas has to have an amendment like this. It should be part of the Tax Code to begin with.

We achieve this access to affordable health care using the strengths of our system, not accenting weaknesses. The strength of our system is free market, quality care, consumer choice. All Members agree we need health care reform. The question is, What health care reform? The question is, How do we reach this goal?

I ask my colleagues, is increased regulation more government control over your life? If it is a problem with the HMOs over what doctor to see or over a health procedure to be used, which is a legitimate concern, how would you like the Federal Government making those decisions? How would you like to deal with the bureaucracy of the Federal Government, as constituents have to deal with, calling each day asking to please help them get the Social Security that, after the Government declared them dead 2 months ago, they have not received for 2 months?

Is that who you want to control your access to health care? Is that who you want to go through for a decision on your medical condition, or to see a doctor? Do you want the lawyers in America to run the health care system? That is what is happening in this bill. The trial lawyers will run it.

There are no comments made about the trial lawyers on this side of the aisle. We know the reason: The American people do not want a government-run health care system. We want reforms. We want access to our doctors. We want doctors and patients to make the decisions. That is what we want. We don't want anybody in between. There should not be anybody in between. To have the Federal Government in there is a serious error.

The question should be, Should patients have recourse if they are harmed by a decision made by their HMO? Of course they should. Better yet, let's have a procedure set up so there is nobody getting in the way to begin with, so that the doctor and the patient make the decision about which medical procedure should be used.

I urge both sides to put aside the gamesmanship and partisan rhetoric and work toward real patient protection. We all know this is about politics. We know the political argument: Bash the HMOs, bash the Republicans. The Republicans don't want consumers to have choice. Or the other side: The Federal Government will run the health care system.

That is not the issue. We all should work together to help people who need access to health care. Consumers don't want drastic increases in premiums. I haven't found any yet who want premiums increased. I have not found anybody yet who wants a maze of legal wrangling to achieve benefits they are already owed. Do you want to have to go through ten levels of government bureaucracy to get something owed you? I have not found anybody yet who wants to do that. If they are out there, they have not written to me.

The President is concerned about patient protection. He worked on it hard as a Governor of Texas and showed a willingness to work in a bipartisan way to improve the insurance system. He extended his hand in this way. I hope the other side will take advantage of it. This is an extraordinary opportunity to achieve reform. It will make a real difference for the people of this country. This is what this debate should be about. I am afraid it is not what it is about.

Sure, we can pass a bill right now that bashes the HMO industry, hikes premiums, and delays benefits to patients. Let's look at them one by one.

Bash the HMO: Does that make you feel good? Maybe. Does it help you get better benefits, better access to your doctors? I don't think so.

Hiked premiums: Anyone want to raise the premiums higher, make it more difficult to receive the health care you are now trying to get? Do you want to delay your benefits to the patients? I don't know anybody who wants that. I don't think anyone wants premium hikes or delays, but such a bill would be vetoed and the status quo preserved. If we have a bill that bashes HMOs and raises premiums, President Bush will veto it, as well he should. Why pass it?

President Bush made it clear he will veto this bill in its current form. Why not work here, roll up our sleeves, do what we are paid to do by the taxpayers in this country, and work together to get a bill that will be signed by the President. Why wait for him to veto?

If my colleagues are dissatisfied with the status quo, do not want it to continue, and are concerned about constituents who are patients, they need to understand we need to make improvements in this bill. The Senator from Arkansas has made a very good improvement in this bill. We should not even be talking about it. It should be unanimously approved. Instead, it is debated hotly and unfairly on the Senate floor.

I don't think the current system is perfect. It is the best system in the world, though. For all the criticisms, does anybody want to go to Pakistan to have heart surgery, or North Korea? It is the best system in the world, with all its blemishes. As Winston Churchill used to say about democracy: It is not perfect, but it is the best thing out there. Remember that when we get to the bashing of the health care system in the country. We have the best doctors, the best nurses, the best hospitals in the world, the best pharmaceutical companies that get bashed on the floor day in and day out.

They have made tremendous progress in such diseases as cancer and AIDS and all kinds of disease that impacts us as a people.

We have seen how expensive and inefficient health care programs run by the Federal Government can be. I address my colleagues in the spirit of bipartisanship. I think some of my colleagues can admit that on the Environment and Public Works Committee, which I used to chair, I reached out on a lot of issues, specifically brownfields and Everglades, and we had bipartisan bills, two of them, both big issues that passed overwhelmingly, 99-0 on one, and 85 on the other. It can be done, but it should not be done out here. People on the respective committees ought to roll up their sleeves and accept reality and quit trying to score political points.

You ought to say if President Bush is going to veto this bill, that here are the reasons he is going to veto it. Let's sit down and see if we can address those reasons. If you can't, then fine. We will move forward.

But stop trying to score political points by trying to paint the picture that somehow all of us on this side are somehow opposed to having consumers get good health care. It is not true. It is a cheap shot, frankly, to do it.

We shouldn't let the heavy hand of Government further aggravate the problems that plague our private health care system. We should reform it. We can increase choices for the employers and the individuals and foster innovation with market-driven ideas and competition.

I have tried for a year and a half to get the attention of colleagues on my side of the aisle on a prescription drug plan that reduces premiums and provides more coverage. But I can't get any attention to it—I guess because I am not the guy who is supposed to be bringing it up. I do not know. But I encourage people to take a look at it because it works.

If we are talking about reducing premiums, then here is a way to reduce premiums on just those prescription drugs. We ought to discourage frivolous lawsuits while ensuring that patients who are truly harmed have a recourse. That is what we should be doing. If this legislation passes, it will make lawyers wealthy. They are going to do real well.

We ought to emphasize what works, get rid of what doesn't, and stop bashing what is good in our health care system, as if it is the worst in the world rather than the best.

We ought to cut down on the health insurance fraud. Barry Mawn, head of the FBI in New York, has called health and medical insurance fraud America's No. 1 white-collar crime costing billions of dollars.

We should eliminate the fraud and put those dollars to the consumers—to the people who really could use some help. How much new technology could we put into place? How many new medical breakthroughs could we make, if we could take those billions of dollars that we waste in fraud and put it into cancer research, or AIDS research, or multiple sclerosis, or muscular dystrophy, or any other disease? That would be a good step. We could do that, too, on the floor of the Senate today, if we wanted to do it.

We ought to offer a clear and compelling vision of how patient empowerment in truly free markets can give Americans a better health system.

I ask you: Would we have the breakthroughs that we have in some of the miracle drugs we have on the market today if the Federal Government had been responsible for doing it? I ask anyone to answer that question, other than to say no.

Mr. DURBIN. Mr. President, will the Senator yield on that question?

Mr. SMITH of New Hampshire. Yes. Of course.

Mr. DURBIN. Is the Senator aware of the National Institutes of Health's basic research and medical——

Mr. SMITH of New Hampshire. I think the Senator knows I am aware of that.

Mr. DURBIN. Research that leads to these drugs and this medical equipment funded by American taxpayers?

Mr. SMITH of New Hampshire. Yes. I am very much aware of it. In terms of licensing medicines and doing the research, you know where it is happening. It is happening in the private sector. We can't shut it down.

I want health care for Americans, and my constituents want real choice and control over their own decisions. We should not reform something or change something in the name of reform that causes the Federal Government to get in the way of the doctor providing services to the patient.

My friend from Missouri pointed out earlier that thousands, if not millions, of Americans could lose their insurance under this bill as it is currently drafted. Is that really what the intent is—to have millions of Americans lose their insurance? I hope not.

Over the next few days we could discuss amendments to this bill that will make those badly needed improvements, such as the Senator from Arkansas has just done. I urge my colleagues to cross the partisan divide, enact responsible and reasonable health care, stop the attacks on each other, roll up your sleeves and do something good for the American people. We can do it.

I think if we do that we would get the thanks of the American people, rather than this partisan rhetoric that gets nowhere.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Who yields time? The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, might I inquire as to the time remaining on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 144½ minutes remaining.

Mr. HUTCHINSON. I yield to the Senator from Texas such time as he might require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our dear colleague from Arkansas. I thank him for his leadership on this very important amendment.

I hope all of my colleagues, no matter where they stand on this important issue, will vote for this amendment.

I was asked earlier today: Why should this amendment be the first amendment? This amendment is the first amendment because this is an amendment that is aimed at helping expand coverage in America so more Americans have access to health care.

It is one thing to talk about patients' rights. But what good are these rights if you do not have health insurance? What good are all these rights we are guaranteeing if you do not have access to the system?

This first amendment basically says that for the mom-and-pop little businesses where people have to buy their own health insurance because they work for themselves—they are self-employed—they ought to get the same tax treatment that General Motors gets.

Why is this important in this bill? This is important in this bill because the Congressional Budget Office estimates that, at an absolute minimum, 1.2 million people will lose their health insurance because of the cost of this bill.

It seems to me that it is perfectly logical that our first amendment ought to be trying to do something about that problem to assure people have the most basic freedom, which is freedom to get into the health care market with health insurance. I thank my colleague.

Mr. DURBIN. Mr. President, will the Senator from Texas yield for a question?

Mr. GRAMM. I am not going to yield. I am going to speak. When I am finished, I might be willing to yield.

I wish to begin by thanking our colleague from Arkansas for his leadership on this issue.

I want to cover a lot of issues today. I would like to begin with the issue of finishing the bill. Let me say that I believe we have the capacity in the Senate to reach a compromise.

I believe we can write a Patients' Bill of Rights that will not cause millions of people to lose their health insurance. I believe we can write a Patients' Bill of Rights that will keep the sanctity of contracts. I think we can write a Patients' Bill of Rights that doesn't trample States that already have good, viable, working programs. I think we can write a Patients' Bill of Rights that will do for people who are under employer-sponsored plans what States such as Texas and other States have done for people who have their health insurance purchased directly through private health insurance.

I don't know whether we will do that or not, but I believe we have the capacity to do it. One of the issues that has been raised here is the implicit threat that we are going to have to finish this bill by certain dates or that we are going to call off the Fourth of July, or we are going to call off Christmas, or whatever these threats may be.

I would like to say this: I don't have any interest in preventing us from making decisions on substantive issues. But as people hear what I have to say on this bill, they are going to hear that I feel very strongly about this bill. I believe the future of health care in America, the quality of care in America, and the freedom we have to choose our own doctors and our own hospitals—all of those things—are threatened by this bill, if we do it wrong.

I am willing to work with the majority leader and with the majority, but we are not going to be stampeded. We may very well be here over the Fourth of July, and we may be here over the Christmas holidays. But being here is one thing and being stampeded is another. And that is not going to happen.

Let me start sort of at the beginning. Why are we so concerned on this side of the aisle—and I hope some people on the other side of the aisle—about people losing their health insurance? Part of the reason we are concerned is that national polls show, in overwhelming numbers, that small businesspeople say if they can be sued—and they can be sued under the bill that is before us—they are going to drop their health insurance.

We do not have a law that requires your employer to provide health insurance. That is a decision the employer makes based on negotiating with the employee and what the employer believes is in his best interest.

The great majority of employers try to provide health insurance because, they care about their employees. They want to keep good employees. But there is no law that says your employer, large or small, has to provide health insurance. They can cancel it.

In national poll after national poll, we know that businesses, in overwhelming numbers—especially small businesses—say that if you expand this liability, and if they can be sued, or if the contract can be rewritten, causing costs to explode, they are going to cancel their insurance policies. What that means is, millions of people who have health insurance today will not have health insurance.

Why are we so concerned about it? Let me talk about a little history because I think it is important for people who are coming in, in the middle of this debate to understand how we got here. I want to begin with 1989.

In 1989, we had 33 million Americans who did not have private health insurance. When President Clinton was elected, he sent to Congress a bill, which I have at my desk, the Clinton health care bill. The argument of that bill was very simple, and that was that the problem America faced, with about 34 million people who did not have private health insurance was so overwhelming that we had to take extraordinary action. And that extraordinary action was contained in this bill which came to the Congress in 1993.

What the bill said was: Covering these 34 million-plus people was more important than patients' rights, so that what we ought to do was make every person join an HMO that would be established as a Government monopoly in each part of the country, and it would be run by a panel of local leaders and local citizens and local health care providers, and that panel would set a policy for that region, and there would be national coordination.

In this context, there was not talk of a patients' rights such as we are debating today. The bill before us today requires that even an employer who has two employees has to provide an option, what is called a point-of-service option, to people who may not want to go to an HMO. That is provided in this bill.

I want to remind my colleagues that in 1993 President Clinton, and those who supported him, were so concerned about 34 million people not having health insurance that they gave no point-of-service option. In fact, their bill, that was in this Senate Chamber in 1993 and 1994, said that if a physician in this health care purchasing collective provided medical care that the Federal Government and these local commissions believed was inappropriate, that physician could be fined $10,000. And if the physician took a payment from the person receiving the health care, for care they thought they needed and their doctor thought they needed, the physician could be sent to prison for 5 years.

We talk about liability in this bill. This bill has, for all practical purposes, unlimited ability to sue in State and Federal court. The only limit in the bill—which I do not think the media has ever gotten right in anything written—is a limit on contract disputes in Federal courts on punitive damages of $5 million.

I am not aware of punitive damages being granted on any kind of regular basis in a contract dispute anywhere in any State in the Union. This bill has unlimited liability in the name of patients' rights.

I remind my colleagues, and the American people, that in 1993 and in 1994, many of the same people who are for this bill had severe limits on the ability to sue, had caps on lawyers' fees, because they were worried about 34 million people not having health insurance.

We are now 7 years later. What has happened in the ensuing 7 years? What has happened is that now 42.6 million people do not have private health insurance. Yet today we have before us a bill that, even by the Congressional Budget Office estimates, will drive up the cost of health care by over 4 percent and will cost 1.2 million people private health insurance.

So why am I concerned about people not having health insurance? I am concerned really for two reasons. No. 1, the number of people keeps growing. This bill, if it is adopted, will make the problem far worse. No. 2, if many of the people for this bill 7 years ago were willing to argue the Government ought to take over the health care system, and deny health care freedom to everybody because 34 million people did not have health insurance—when 42.6 million do not have it now, and we are looking at at least 44 million or so not having it after this bill passes—does anybody doubt that some of these same people are going to be back here next year, or the next year, saying: My God, we have a crisis in the number of people who do not have health insurance? Maybe we ought to get back out the old Clinton health care bill and have the Government take over and run the health care system. I do not believe that this is an idle concern.

I ask my colleagues, and anybody trying to follow this debate, to look at this chart because, to me, this chart is startling and frightening.

What this chart does is, it shows the right people have to make health care decisions. This chart basically takes the seven richest and most developed countries in the world, and it asks the question: What percentage of the population get their health care from Government-run programs? And what percentage of the population get their health care through programs they control and they purchased and they negotiated?

These seven developed countries are Canada, Italy, Japan, the United Kingdom, France, Germany, and the United States. As you can see by looking at this chart, by far the freest country in the world, in terms of the right of a free people to choose their own health care, is the United States of America.

Sixty-seven percent of health care in America is controlled by private citizens; 33 percent of health care in America is controlled by Government.

The point I want to make is the following: What is the second freest country in the world in terms of people having the ability to choose their own health care? The next freest developed country in the world is Germany, where Government controls 92 percent of the health care purchased.

So I think, when you look at every other developed country in the world, that one of the things you have to be concerned about is America, by far and away, has the freest health care system in the world, where people make decisions for themselves, and the next freest country in the world has Government running 92 percent of their health care.

With the exploding cost of health insurance through the proliferation of lawsuits and frivolous litigation and through rising health care costs costing people their health insurance, there is every reason in the world to be concerned about it because we have a lot of freedom to lose. And we, quite frankly, are unique among all the developed countries in the world in that we have a private health care system. Of all the other developed countries in the world, Canada, Italy, Japan, and the United Kingdom have a 100-percent government system. In the United Kingdom, you can go outside the system and you have to pay for health care twice. In France, government dominates 99 percent; in Germany, 92 percent; in the United States, 67 percent of health care decisions are private.

I am worried about this bill and its cost, the litigation and the trampling on States that already have workable programs, because I don't want to live in a country where government controls 92 or 99 or 100 percent of health care.

As I said when we debated the Clinton health care bill 7 years ago, when my momma is sick, I want her to talk to a doctor and not some government bureaucrat. I still want that.

Now let me talk about this bill and the problems it has. Let me make it clear to begin with that I believe these problems can be fixed if we work in good will. I will pick out several problems with this bill, and I want to go through them in detail because I don't want there to be any doubt about what I am talking about.

What I think we have in this bill is a tremendous amount of what I call "bait and switch" provisions. What do I mean by that? I mean that where the bill says one thing in one place, where it appears that a policy is set, and yet when you look further, you find that in fact that policy is not set and the bill does exactly what it claims it does not do.

I will give you three examples. I have blown it up because I want to be sure everybody is just looking at the language of the bill. The first has to do with something that is very hotly debated in America, where, as the public listens to both sides of the debate, they get the idea that both sides are on their side. I want to start with the issue of whether or not you can sue an employer.

What is the role of the employer here? The role of the employer has to do with buying health insurance. Sometimes the employer buys it. Sometimes the employer enters into a partnership with the employee and they buy it together. But the question is, Should you be able to sue an employer whose role in the process is buying health insurance?

Many of our colleagues here who support the bill that is before us, the McCain-Kennedy-Edwards bill, say it is like Texas. This bill is like Texas. Let me read to you what Texas law says on this issue. Texas law says:

> This chapter does not create any liability on the part of an employer, an employer group purchasing organization, or a pharmacy licensed by the State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees.

In other words, the Texas law, which proponents of this bill say that they think is wonderful and they want at the Federal level, has an outright total exemption of employers under the Texas law. Under no circumstance can you sue the employer.

Why did Texas do this? Texas did this because they did not want employers, especially small employers, to cancel health insurance. What does the bill before us do? If you listen to the proponents, it is just like the Texas bill. And if you listen to them, you can't sue employers. Let's just go through the language.

This is the language on page 144: "Exclusion of employers and other plan sponsors." Boy, that sounds good. And then it says: "Causes of action against employers and plan sponsors precluded." Great. Great. They have precluded causes of action against employers and plan sponsors. Read on.

> Subject to subparagraph (B)—

That ought to make you suspicious right there—

> paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment).

Hallelujah. Just like the Texas plan. There is only one problem. It does not stop there. It goes on to the next paragraph. You get to this paragraph (B), on which I said you had better watch out because there is already a caveat. What does paragraph (B) say? Paragraph (B) says:

> Certain causes of action permitted—Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . .

And then it goes on for several pages talking about when you can and can't sue an employer.

Compare that with what is done in Texas. In Texas you can't sue the employer. Here we have a classic case of bait and switch. The bait is, they say you can't sue the employer. And then they say, notwithstanding that you can't sue the employer, you can sue the employer. This bill is full of these bait-and-switch provisions.

Let me give another example. I want to make it clear this is not just an outlier where I just found one little provision of the bill that looks very suspicious. The next one has to do with exhaustion of external review.

What is the question here? The question is, Have you ever seen anybody get healed in a courthouse? I have seen people healed in hospitals, doctors' offices, clinics. I have even seen people healed in tent revivals. But I have never, ever seen anybody healed in a courthouse. I have never seen a lawyer heal anybody. I am sure they have. They may have become a doctor and done it.

But what is this issue about? This issue is the following: We have set up in both bills—everybody agrees, or they say they agree—that you ought to have an external appeal where you say, No, I think I need this service; and then your doctor looks at it and says yes or no; and then if you don't agree, you get to go before a doctor panel that is made up of doctors who are independent of the HMO, and then they make a decision; and if you are still dissatisfied, then you can go to the courthouse.

But everybody claims that they want to have you go through this appeals process at the hospital before you go to try to get cured at the courthouse. And we have all kinds of provisions that say, if you are really sick, this external review process has to occur, in some cases, immediately.

Now the proponents of this bill say you have to go through external review. That is what they say. And sure enough, if you look at their bill on page 150, it sure looks as if they say it.

They say "Requirement of Exhaustion"—sounds like exhaustion. You have to go through the process. "In General"—notice right away you get the key:

> In General.—Except as provided in this paragraph, a cause of action may not be brought under paragraph (1) in connection with any denial of a claim for benefits of any individual until all administrative processes under sections 102 and 103 of the Bipartisan Patient Protection Act of 2001 (if applicable) have been exhausted.

In other words, they are saying here on page 150 that you have to go through internal and external review; no ifs, ands, or buts about it. Right? Well, no, it is not right. It is right on page 150. But then on page 151, they say:

> In General.—The requirements of subparagraph (A)—

That is this exhaustion paragraph—

> shall not apply in any case . . .

And then they go on and set up a circumstance whereby you do not have to go through external review. Now, I raised this a week ago and they changed it, but they still didn't fix it.

Here is the point. I understand part of what we do here is score points in debating, but how do you defend a bill that, on page 150, says you have to go through external review before you go to the courthouse; and then on page 151 it says the requirements of subparagraph (A) shall not apply, and then it goes into the circumstance whereby you can go to court and make various claims?

Now, it doesn't end there. Here is another one. Boy, this is as fundamental as you can be in health care. The question is a simple question. I have a standard option Blue Cross/Blue Shield policy, and 40 million people have the same policy I have. I could have gotten a better policy. I could have gotten the upscale Blue Cross/Blue Shield, but I and my family are pretty healthy, and I looked at the cost of the Blue Cross/Blue Shield premium policy, and I looked at the standard option policy, and I looked at the low option policy, and I decided standard option is what I want. That is what I paid for, and Blue Cross/Blue Shield gave me a contract. Now, that contract is binding today.

But there is a question here. Is the contract binding in the bill that is before us? If you have listened to our colleagues who are for this bill, they say it is binding. Contracts are binding in court—binding under law. When you sign a contract, the contract is binding. Sure enough, if you look at their bill on page 35, it sure looks like contracts are binding. It says: "No Coverage For Excluded Benefits."

In other words, if your contract says we only pay for 60 days in the hospital for mental illness, then if you are in the hospital the 61st day, you have to pay for it. I have all kinds of provisions like that in my Blue Cross/Blue Shield standard option plan.

Then under this wonderful headline, you read:

> No Coverage For Excluded Benefits.—Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited under the plan or coverage in the plain language of the plan document.

That sounds about as clear as it can be. If your plan says you only get 60 days for mental illness in the hospital, or if your plan says we don't cover heart and lung transplants, then this language is as clear as the morning sun that they are not covered. But read on. After having said:

> Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited . . .

It then goes on to say:

> . . . except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).

Where is paragraph (2)? Paragraph (2), as it turns out, is 2 pages back. In fact, I want to be sure the Presiding Officer, among others, hears this. Let me do it one more time. On page 35 of this bill, it says in language as clear as the morning sun: "No coverage for excluded benefits." In other words, your contract excludes more than 60 days in the hospital for mental illness, or it says it doesn't cover heart and lung transplants. It is excluded. It goes down here and says:

> Nothing in this subsection shall be construed to permit an independent medical reviewer to require that a group health plan, or health insurance issuer offering health insurance coverage, provide coverage for items or services for which benefits are specifically excluded or expressly limited under the plan or coverage in plain language of the plan document . . .

Then it has the big word, "except".

> . . . except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2).

Where is paragraph (2)? As it turns out, paragraph (2) is on page 33. Paragraph (2), on page 33, has "Medically Reviewable Decisions." So you can't require them to provide services beyond those enumerated in the contract, except where you have got a medically reviewable decision.

The second part of paragraph (2) is "Denials Based On Medical Necessity and Appropriateness." In other words, what this bill does, in the clearest possible way, is a bait and switch. The bait and switch is on line 14 of page 35, where it tells you contracts are binding. And then you get to the "except." When you go to look at the exception, it is anything that is medically reviewable and anything that the panel decides is medically necessary.

Now, why does that matter? Don't we really want people to be in the hospital longer than 60 days if they need to be? Or if they need a heart or long transplant, don't we want them to have it? Here is the point. When I negotiated my standard option Blue Cross/Blue Shield, I got the policy that I thought best suited me based on my family's needs and my ability to pay.

Now, if you are going to come back and say that Blue Cross/Blue Shield has to provide me services even if they are excluded in the contract and if a medical reviewer decides that I need them, what is that going to do to the cost of the standard option Blue Cross/Blue Shield policy?

The cost of health insurance is going to explode in America because contracts do not mean anything, and when contracts do not mean anything we all have to pay higher prices, and some people lose their health insurance. I am not going to lose my health insurance. I am a Senator. My wife is successful and works. I am not going to have to give up my health insurance. So when my policy goes up $1,000 or $2,000, I am not going to lose my health insurance. But how many people working in America are going to lose their health insurance? What happens to cost when contracts are not binding, when medical reviewers can say: I know your contract said that you have only 60 days for mental care, but this patient needs more. And so they have to provide it. That is wonderful for that patient, but what it means is we all have to pay higher prices, and some people lose their health insurance.

I do not want to stretch the analogy too far. This is not the Clinton health care bill that is before us. I personally believe we can work these things out and fix them, but there is one element where this bill is like the Kennedy health care bill we debated 7 years ago.

The Kennedy health care bill was immensely popular. There were 77 cosponsors. It looked about as certain as Christmas was going to come or we were going to be off for the Fourth of July recess that the Clinton health care bill was going to become law. Guess what happened. We debated it about 2 weeks and people discovered what was in it, and they decided they did not want it.

This bill is full of provisions that were written by clever lawyers that appear to do things they do not do. We could go a long way toward working out a compromise by simply saying: Do we mean contracts to be binding or not? If we do, take all that language out and say contracts are binding. If we mean you ought to be able to sue employers, say you can sue employers. If you do not think you ought to sue them, say you should not be able to sue them, but do not try to have it both ways.

I want to talk now about preempting States. I have never been one who believed States were perfect. People have this habit of thinking because I am from Texas and Texas was involved in the Civil War on what some people call a States rights issue—there were a lot of other issues involved, several of which we were just flat wrong on. There were some elements of States rights, but, look, just because I am from Texas and from the South does not mean I believe States are right on everything and the Federal Government is wrong on everything. I pick and choose based on what I think works best.

There is something in this bill that is terribly unworkable and egotistical. This bill says it does not matter if Arkansas, Nevada, Nebraska, and Texas have written programs for a Patients' Bill of Rights, and most States have. It does not matter how well their system is working. It does not matter how happy they are with it. In fact, proponents of this bill constantly say look how great the program is working in Texas. It is just great. Then they say their bill is the same. I think I have demonstrated it is not the same. Even if it was, they then would say: Wait a minute. We think it is great, but we want our program to override it. This is my point: Do we really believe we know what is better for Texas than they know for themselves?

What I want to do is, if States have adopted their own program and it is working well for them, their legislature, and their Governor, look at our program and look at theirs and say: Ours is working well; we like our provision to guarantee people, for example, on the right to sue employers; we like our provision that says you cannot sue them instead of your provision that says you cannot but you can.

What I want to do somewhere during this debate is say if the States are happy, if they have adopted a plan—it does not have to be exactly the same as the Federal Government as long as it is a comprehensive program and they are satisfied with it—why can't Texas say to the Federal Government, why can't Nebraska say to the Federal Government: We really appreciate you looking out after us, but we have already done it ourselves. We want to do our plan. Our plan is different in three of the 10 different areas, but it is a comprehensive plan and we want to have our own plan.

Why can't Nebraska do that? Why can't Texas do it? Why does there have to be one size fits all? I do not think there has to be, but if you look at this bill, they claim in this bill that States can operate their own program, but the only way they can operate their own program is for the legislature to go back and adopt this bill as State law. So is that their program? I do not think so.

This is forcing States to do it our way when, quite frankly, in my State—I cannot speak for Nebraska or Arkansas—but in my State, I know in my State our plan is better than the bill that is before us. I want States to have the right to opt to do it themselves, to opt out. That is very important.

There are a lot of other issues in here, and I am afraid there has been so much focus on liability, so much focus on lawsuits and, boy, there is reason to be concerned about them, that people forget all these other issues.

I want to pick out one more. I have spoken a long time, but this is an important bill. I want to talk about something that just does not look too bad on the surface, but when you get right down to it, it is bad.

There is a provision in this bill which has been in every Patients' Bill of Rights that has been considered in Congress, and that is a provision that is a prudent layperson standard. If I believe I am sick and I might die or I might be permanently hurt, I have the right to go to the hospital, and they have to treat me and my HMO has to pay for it.

Needless to say, since these bills started passing in the States, what do you think has happened with the willingness of hospitals to negotiate in advance with HMOs about paying for emergency care? Do you think they have negotiated more or less?

This headline is from an article from the American Medical Association, Medical News, "Patients Bypassing Primary Doctors for Emergency Care."

The article says:

> With the growth of prudent layperson laws and other pressures, health plans are backing off from strict limits on visits to emergency departments.

It goes on to explain it is six times as expensive to provide health care in the emergency room as it is in the doctors office, outpatient clinic, or hospital, and that we are having an explosion of the use of emergency rooms.

In this bill, not only do we have the prudent layperson standard which no one opposes, but we have a brand new provision which has been pushed by emergency room physicians who have lobbied for this provision, and in a bill that is supposed to be about patients, we have a great big special interest provision.

The provision basically says that if I, as a prudent layperson, go to the emergency room, I have to be treated. These hospitals have stopped negotiating in advance with HMOs because they know they will get paid whatever they charge.

But this bill goes one step further. It is living proof of how everything ultimately gets infected with special interests. In addition to treating the patient for the emergency room problem, this bill has a provision that allows the emergency room to give poststabilization care. Then it has a trigger that says, if, within an hour, the HMO does not get back to the emergency room to give the direction as to whether the person having now been treated for the emergency problem should go to the doctor's office, go to the hospital, go to outpatient care, or go back into their HMO, then the emergency room poststabilization care can be provided.

Why in the world would we want to put poststabilization care into the emergency room when costs are skyrocketing and it is six times as expensive in the emergency room as it is anywhere else? Why would such a provision be in a bill? It is in the bill because emergency room doctors wanted it in the bill.

When we debated the Clinton health care bill, one of the big arguments was they were going to get medical care out of the emergency room. So they got all kinds of restrictions where the health care purchasing collectives are going to decide what is really emergency room care. That was then.

Now we have a requirement that says an HMO or a health plan has to pay not just for emergency care but poststabilization care potentially in the emergency room. That provision ought to come out. That makes no sense. That is not in the public interest.

To sum up, we want an opportunity, and we will insist on an opportunity to debate every one of these issues. It may be we decide we want to put more health care in the emergency room and drive up health insurance costs and let the chips fall where they may and let millions of people lose health insurance. But we are going to vote on it. It may be that we decide we want to be able to force people to provide health care that is specifically excluded, enumerated, in their contract that is not covered. But we are going to debate it and we are going to vote on it. It may be we decide we want to sue employers—I cannot imagine why we would want to do that, and this bill does it—and we may decide we want to do it, but we are going to vote on it.

Everybody who says they think the Texas plan is so great, we will give them a chance to vote on the Texas plan of exempting employers and doing it in a lot of different ways.

I believe if we asked the American people if they were for a Patient's Bill of Rights, they would say yes. In fact, they have them in most States in the Union in an overwhelming number. If we asked, in my State, would they rather stay under the Texas plan or come under the national plan. I think the great majority of our people would say: We are doing great; leave us alone.

If people knew what was in this bill, I think they would not be for it. There was a reason the Founding Fathers established the Senate under the rules they did. Some may remember when the Constitution was written. Jefferson was in France. He was Minister to France. When he came back, he went to Mount Vernon. The Constitution had been written. He came home from France and went to Mount Vernon and he met with Washington. He asked Washington: What is the Senate for?

The purpose of the House was clear. But why two bodies? Washington used the example of pouring tea into the cup and pouring it into the saucer to cool and pouring it back in the cup and drinking. He said there will be the heat of passion that will catch up the House of Representatives, and under their structure, elected every 2 years, that passion will react to the public passion. But the Senate will be the saucer in which the cold logic of reason will prevail.

One of the reasons we are not going to be stampeded is that I am absolutely convinced, when examined in the cold light of day, when people look at the logic of this bill, they are going to decide this bill needs to be improved. The good news is it can be improved. The good news is we could write a bill for which 90 Members of the Senate could vote. But we are not going to write such a bill until we get every part of it out in the open, until people understand it, until we know these provisions mean exactly what they say. And we are going to have to make fundamental decisions. There will be a lot of heartburn.

Some people are going to want to sue employers, but they will want people to think they are exempting employers. We are not going to have it both ways. Members have to decide. There will be some who want to say in Texas, Nebraska—we will let you have your own program; on the other hand, they want to vote for a bill that makes you go under the government program. You cannot do it both ways. We will have a vote. Members have to make that fundamental decision.

That is what this debate is about.

Mr. DURBIN. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. DURBIN. I thank the Senator for his statement.

The Senator is speaking on behalf of the Hutchinson-Bond amendment which allows deductibility of health insurance premiums for self-employed people. I ask the Senator if the CONGRESSIONAL RECORD is correct, the RECORD of May 23, 2001, in which it announces the Senator from Texas, Mr. PHIL GRAMM, is one of the conferees on the tax bill that was recently considered and passed, the conference committee which removed the same provision we are now debating from the bill? In other words, the amendment the Senator has spoken on, you were on the conference that removed that protection from the tax bill. For the record, was the Senator one of those conferees who removed that?

Mr. GRAMM. Let me reclaim my time and say not only, for the record, was I one of the people who put the provision into the bill, I was a conferee. I was for the House provision that lowered the marginal rate to 33 percent. One might ask why I voted for a bill that lowered it only to 35 percent? I was for numerous provisions that did not get into the final bill. How did that happen? How that happened was we had $1.35 trillion. The House had a bill, $1.6 trillion. I wanted $1.6 trillion. The Senator from Illinois voted against it. As a result, we had to make decisions about how to live within the budget we had.

Now, I am for this provision. I can show the Senator on record a dozen times I voted for it.

The point is, are we for it or are we against it? I will state right now, unless God pauses my hand, I will vote for it. If I am a conferee, I will vote to keep it in this bill.

I don't know how the Senator will vote on this amendment. How is the Senator going to vote?

Mr. DURBIN. I thank the Senator for asking that question because my amendment that was offered to the tax bill, adopted in the Senate, and then the conference committee the Senator from Texas sat on, removed my amendment, the same one being offered today on the bill.

When the bill was $1.3 trillion in tax relief, as a member of the conference, you couldn't find $2 billion to help the people we are talking about today. Instead, you are offering a Patients' Bill of Rights.

I think that raises an interesting question.

Mr. GRAMM. How is the Senator going to vote on this amendment?

Mr. DURBIN. I will vote on the Patients' Bill of Rights. And we know this amendment should not be in it because it is a tax provision.

Mr. GRAMM. Mr. President, I am a little bit confused listening to the Senator. He sound as if he is for the provision. It is kind of bait and switch. He seems to be chiding me in that I was not the dictator of the conference and I couldn't do everything exactly as I wanted. Thank God, we are going to have another chance at 5:30 to make this right. I am going to vote on the right side. I want everybody to know I am for this amendment. We need this amendment because the bill before us is one that costs, at a minimum, 1.2 million people their health insurance. Shouldn't we be trying to help more people get health insurance?

One final point, and then I will stop.

We use this cost figure of 4.2 percent that the bill before us is going to impose on everybody who owns health insurance. Where does that number come from? The plain truth is, that number is made up by the Congressional Budget Office. Here is what they assumed.

They assumed that 60 percent of the cost of health care going up will be borne by the employer; that they will just pay it, absorb it, and will not respond to it. Then 40 percent will be borne by the employees, who will end up getting lower wages. In fact, in this bill receipts to Social Security fall off because wages fall off by $55 billion.

The plain truth is the Congressional Budget Office, in adding up the cost of this bill, basically assumed that no employer will cancel health insurance because of this rising cost.

When you ask the Congressional Budget Office, When you were doing this estimate, did you happen to see this language where actually things that are excluded in the contract could be covered and the insurance company could be forced to pay for it, did you note that? guess what. They didn't see it.

When you ask them, On the question of excluding employers, you probably saw the big headline that said they couldn't be sued, but did you read on and see, "Notwithstanding subparagraph A, a cause of action may arise against an employer"? guess what? Nowhere in their estimate did they show that they caught the bait and switch.

Here is my point. We are talking about a 4.2-percent increase in costs. We are taking a national figure—not from the Congressional Budget Office—that 300,000 people per 1 percent are losing their health insurance. But all of that is assuming that businesses—especially small businesses—don't just cancel their health insurance because they are worried about being sued.

One of the things I am fearful of—and it never does you much good around here to say I told you so, and, quite frankly, I don't like to do it—but I am afraid that 3 or 4 years from now millions of people will have lost their health insurance because of this bill if we don't fix it.

One of the ways to start fixing it is this amendment by the Senator from Arkansas. If you are for it, if you think self-employed people ought to be able to buy their insurance with pretax dollars just as General Motors does, then you are going to vote for this amendment. If you do not think so, you are going to vote against it. I think so. And I am for it.

I thank the Chair for the Chair's tolerance.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the amendment.

I asked the Senator from Texas if he was on the conference because it raises an interesting point. The amendment which has been filed on the floor today would allow individuals to deduct the cost of their health insurance if they are self-employed—small businesses and family farmers—100-percent deductibility. It is something that is not only right and fair, but it is something that is already available if you work for a corporation.

It is a position I have supported throughout my congressional career in the House and in the Senate. It is a provision I feel so strongly about that I offered it as an amendment to the tax bill a month ago at a time when we had $1.3 trillion to give away in tax breaks. I said, For goodness' sake, let's do something about health insurance for the self-employed, for small businesses, and for farmers. It was adopted on the floor of the Senate. It then went into this misty world of a conference committee, of which the Senator from Texas was a nominal conferee. I don't know if he was at this meeting when it got into the room and was controlled by the Republicans. This same provision was removed from the tax bill.

The Senator from Texas said there just wasn't enough money to go around. The tax bill gave 40 percent of its benefits to people making over $300,000 a year. They are arguing today that they didn't have enough money to help a small businessman trying to pay for insurance for himself and his spouse and for his employees. They did not have enough money to take care of every family farmer struggling to pay their health insurance.

It raises a question of credibility, for you see what happened was this: This amendment before us today has been filed in the Senate. This is the amendment which was filed on the tax bill. It is identical. What did the Republican majority do with this amendment on the tax bill? They filed it as well. That was the end of that amendment.

Now they come to us today and say this is what health care is really all about. A month ago they weren't for it. A month ago, when they were in control of the situation with $1.3 trillion, they couldn't find $2 billion to take care of this problem. But today they have religion. Today they bring us the amendment. Why this conversion? Why this newfound faith in this issue?

Let's get down to the bottom line. What is this debate really about?

This Patients' Bill of Rights has been buried in a committee by the health insurance industry. They do not want it to come to the floor. They don't want it to pass. They do not want to say that doctors and nurses and hospitals make medical decisions. The health insurance industry wants to continue to make the decisions. And it was buried in committee until 2 weeks ago when control of the Senate Chamber changed.

When TOM DASCHLE became majority leader, he announced that the first item on the agenda for the Democrats was to bring this bill out of committee, put it on the floor, debate it, and vote on it. That wasn't even on the Republican agenda. Now it is before us, and they are trying to find everything under God's heaven to stop this bill. So they have come up with this.

They want to put a tax provision in this bill—a provision which they canned in conference just a month ago. Now they want to revive it and stick it on this bill, hoping it will bog down with budgetary objections and bog down in the Finance Committee and in the Ways and Means Committee which has jurisdiction. They want to stop this bill. They cannot stand the thought that these health insurance companies might lose. They are arguing that it really isn't about the rights of individuals under health insurance, it is really about deductibility of health insurance premiums on our taxes. Well, it isn't.

That is an important issue. It is one I have believed in for as long as I have been in Congress.

This debate is equally if not more important. It is a question about whether or not your doctor can make medical decisions for you and your family or whether his or her decision will be overridden by an insurance company clerk with a high school education 1,000 miles away.

That is the real world, my friends. That is what is happening across America. I can give you chapter and verse in Illinois. Every one of my colleagues can join me.

The second issue is one that really strikes at the heart of it. The Republicans can't stand the thought and the possibility that health insurance companies will be held accountable for their misconduct. We are held accountable. Individuals, families, businesses, and corporations in America can be brought into court if they are guilty of wrongdoing. But there is one privileged class in America. There is one special royalty in America—that business, HMOs and health insurance.

When they deny you coverage under your health insurance policy, when they do not let you in the hospital and they are wrong, and you come away permanently disabled, or someone in your family dies, they cannot be hauled into court and held accountable.

This bipartisan bill which we support would bring them to court and hold them accountable, as every other business in America is held accountable. And the Republicans can't stand it. So they have come with this amendment to the floor. They want to divert our attention from things they forgot about a month ago. They know better.

We ought to defeat this amendment and pass this legislation.

Mr. REID. Mr. President, how much time is left under Senator KENNEDY's designation?

The PRESIDING OFFICER. Fifteen minutes.

Mr. REID. Mr. President, I ask unanimous consent that the vote in the morning be scheduled at 10:30 a.m. rather than 11 a.m. pursuant to the previous unanimous consent agreement.

Mr. President, I further ask unanimous consent—Senator HUTCHINSON has the last 15 minutes of the debate—that Senator MCCAIN have 7 minutes prior to his 15 minutes prior to the 5:30 vote.

The PRESIDING OFFICER. Is that time to come from Senator MCCAIN's time or Senator KENNEDY's time?

Mr. REID. The time controlled by Senator DASCHLE.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I think it is unfortunate if we allow the debate—legitimate debate on legitimate issues—on this bill to degenerate into finger pointing and partisan accusations that one party or another does not favor patients' rights, does not care about people, that there is some insidious plot to bury a Patients' Bill of Rights.

The reality is, over the last 2 years there have been over 20 votes in this Senate Chamber on versions of the Patients' Bill of Rights. There has been plenty of debate and scores of votes.

So to say that somehow this Patients' Bill of Rights legislation has been hidden, buried in a committee and not been allowed to have free and open debate on it and to be amended and debated in this Senate Chamber is simply to mislead the American people and to mislead the Senate.

We have debated this. I have spent a year myself on the conference committee trying diligently to reach a consensus, at least a compromise, so we could have a Patients' Bill of Rights that would serve the American people.

I think it is very unfortunate when we start judging motivations and judging individuals as to what they want to do. I know the Presiding Officer has his own concerns about portions of the Kennedy-McCain bill. Those are legitimate concerns. People may agree or disagree on various aspects, but to point the finger and say that there is some kind of partisan plot to bury a bill or to be the ally of any particular industry—I will speak for one Senator; and I think I speak for a lot on my side of the aisle—I want a Patients' Bill of Rights. I want a good one. I want one that will provide protections for those who do not have those protections today. I want to have respect for States that have already acted upon it, but I believe we have a responsibility to act on the Federal level.

I hope we have a bill, but I do not want to pass a bill that, in the words of the Senator from Texas, plays a bait-and-switch game, where it says it is doing one thing and then has an exception, where it says here is the rule and then comes back with an exception to the rule that consumes the rule itself. So let's have an honest debate. Let's avoid judging one another's motivations. At least I hope that will characterize more of the remaining debate.

My colleagues seem to equate accountability with getting to court, that the only way an insurance company can be held accountable is if you have the right to sue them, and sue them immediately. There are those of us who think—and I am one of them—lawsuits are not necessarily the best way to resolve a dispute. That is why an internal appeal is an appropriate step, an external appeal is a right process, and that only at the point that those appeals are exhausted should there be a right to go to court to redress a wrong. I think if we have that kind of restrained appeals process, we will minimize the amount of lawsuits that are necessary.

This is a legitimate debate, but we need not say that anyone is using cheap tricks, ploys, or that there is some kind of insidious effort to derail the Patients' Bill of Rights.

One of the critical issues in this bill is how much we are going to increase costs and how many people are going to lose their insurance. How many small businesses are going to say: I can't afford to do it anymore? Exactly how many people are going to join the ranks of the uninsured? What kind of impact is it going to have? Those are real questions.

So there can be no amendment more relevant than the amendment that is before us; and that is one that, most assuredly, by all who assess its impact, will decrease the number of the uninsured, will take those who are currently in the ranks of the self-employed who cannot afford to buy insurance and enable them to do it.

This is very relevant. This whole blue slip statement, in my opinion, is a red herring. You are either for it or not. You are either for giving 100-percent deductibility or you are not. You say we should have done it in the tax bill. I would have liked us to have done a lot more things in that tax bill.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HUTCHINSON. No. I am giving a statement right now. I ask the Senator, is this for a UC?

Mr. KENNEDY. No, just for a question.

Mr. HUTCHINSON. I am glad to yield.

Mr. KENNEDY. I listened to the Senator talk about the increased costs and how that would translate——

Mr. HUTCHINSON. Mr. President, I yield on the Senator's time.

Mr. KENNEDY. I yield myself 1½ minutes.

You say with the increased costs there is an increasing number of people who will lose their health insurance.

Last year there was a 9-percent increase in premiums. I would like to ask the Senator: Where was the decrease in the number of the uninsured? To the contrary, the figures show there are more people who are uninsured. So I have difficulty in accepting that.

This year the HMOs have already said the premiums are going up 10 percent, even without this. So under that assumption, that would mean 5 million more people who will be uninsured. There were 4 million last year; 5 million now.

I do not see where the facts are to support your position.

Mr. HUTCHINSON. Reclaiming my time, I say to Senator KENNEDY, you are not arguing with me; you are arguing with objective studies that indicate that with every 1 percent——

Mr. KENNEDY. Not CBO.

Mr. HUTCHINSON. Every 1-percent increase in insurance premium costs equates to about 300,000 people losing their insurance.

Mr. KENNEDY. If I could have 15 seconds of my own time, that is not what CBO or OMB have said. In fact, in specifically studying the costs of this, they have indicated, where you are going to have these kinds of protections, you might have greater numbers of people covered, rather than less.

Now, you may be able to find some economist someplace who can cook some numbers, but according to OMB and CBO—which we use around here—they do not support the Senator's statement.

Mr. HUTCHINSON. Mr. President, reclaiming my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. It is the Lewin study that came out with those statistics. I think it has been borne out over time that, in fact, as premiums go up, the rates of the uninsured go up. While you may find a slight blip of it going down over the past year, if you look back over the course of the last 5 years, the last 10 years, the number of uninsured have dramatically increased in this country as premiums have increased.

I think it defies logic—I do not believe it is going to sell with the American people—that increased costs are not going to result in more people being in the ranks of the uninsured. That, to me, not only is borne out by studies, but is borne out by practical experience. As costs go up, more people are unable to afford insurance. And it is the Congressional Budget Office that has said the Kennedy-McCain bill will, at the least, increase premiums by an additional 4.2 percent, in addition to premium increases that are occurring naturally with medical care inflation.

So I will leave that to my colleagues to make their own conclusions as to whether higher prices on premiums, higher prices on insurance, will not, in fact, result in more people going into the ranks of the uninsured.

Mr. President, I ask unanimous consent to add Senator CONRAD BURNS as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. HUTCHINSON. I am glad to yield.

Mr. REID. Since we entered the agreement, I have had a number of requests on this side. We have 13½ minutes left on this side prior to the debate that will begin with your final remarks.

So I ask unanimous consent that the 13½ minutes, rather than the 7 minutes, prior to your 15 minutes, be the time that the Democrats will use to close their phase of this debate.

Mr. HUTCHINSON. I have no objection.

The PRESIDING OFFICER. The Senator from Massachusetts has 13 minutes 13 seconds.

Mr. REID. But he was given 1½ minutes. So 15 minutes, minus 1½ minutes, is 13½ minutes. But anyway, whatever, we would give Senator KENNEDY that final time. We would go 2 minutes to Senator KENNEDY, 2 to Senator DURBIN, and 2½ minutes, or whatever is remaining, for Senator EDWARDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Thank you, Mr. President. I thank Senator HUTCHINSON.

Mr. HUTCHINSON. Mr. President, I know on our side we have a number of other Senators who want to speak on this amendment. I will be glad to yield to them as they come to the floor. I believe Senator VOINOVICH will be in the Chamber in a few moments.

But let me just pick up on a few points that Mr. GRAMM, the Senator from Texas, made during his speech. I think what we need, during the course of the debate on this bill, is the kind of careful analysis that Professor GRAMM brings to this issue. I think as Members of the Senate actually read this bill, as the American people hear the contents of the bill and hear the kind of passionate expression and concern for a Patients' Bill of Rights in general, it will give way to concern about the impact that the bill itself would have.

So the Senator from Texas called it bait and switch. It could also be called the exceptions swallow the rule.

Let me review some of those examples where the exception swallows the rule. On page 35 of the bill, paragraph (C), "No coverage for excluded benefits." The point in that very plain statement is that the contract is to be sacred. It is to be honored. The contract means what it says. That statement, though, doesn't mean what it says, "no coverage for excluded benefits." If you turn to page 36, at the top of the page, it says, "except to the extent that the application or interpretation of the exclusion or limitation involves a determination described in paragraph (2)." So this is one of the examples in the area of excluded benefits.

Paragraph (2) on page 33 includes anything that is a medically reviewable decision. So, in fact, the exception does swallow up the rule. Anything that is a medically reviewable decision—in other words, when you go to the independent review panel, they have virtually carte blanche in overturning the very provisions of the contract. If you don't have a binding contract, how in the world can you make projections, how in the world can anybody provide health care plans with any assurance of what costs are going to be?

Another example is on page 144 in this rather lengthy Patients' Bill of Rights legislation. On line 16, it says: "Exclusion of employers and other plan sponsors. Causes of action against employers and plan sponsors precluded." That sounds good. That is a concern a lot of us who have questions about this legislation have raised. Are you going to be able to sue your employer? Are employees going to have a means by which they can sue their employer? What impact is that going to have on an employer's willingness and ability to provide health insurance? The statement sounds good: "Causes of action against employers and plan sponsors precluded."

But if you turn over to the next page, you find in section (B) and (C), "Certain causes of action permitted." Then it goes on and talks about direct participation, another example of exceptions swallowing the rule. You can't sue your employer, except there are some suits that are permitted.

Then another example of the exception swallowing the rule is on page 122. On line 19 of page 122, it says: "Preemption; State flexibility. Continued applicability of State law with respect to health insurance issuers."

That sounds good. At least it sounds good to me. I know a lot of States have done very good work in the area of patient protections. So the clear statement is: State law with respect to health insurance issuers will be continued and will be applicable. That sounds very good until you find that the rule is, once again, swallowed up by the exception. That was page 122.

Turn to page 123. On line 4 it says: "Except to the extent that such standard or requirement prevents the application of a requirement of this title."

In other words, it is going to be the Federal patient prescriptions that are going to supersede any State laws, and to the extent they are not in compliance with and follow very prescriptively the Federal standard, they then will be null and void. They will be superseded by Federal.

"Application of substantially equivalent State laws"—that is a standard that undermines what the States have already done in this area. So we find, once again, that the exception swallows up the rule.

The same thing is true on the appeals process. The rule claims all appeals must be exhausted. It is very clear the way it states that. Those procedures that are put in place on internal/external must be honored. You must exhaust those. But then you find exceptions that allow going straight to court for dollars even if the appeal has not been filed, if the injury first appears after the time has elapsed for filing an appeal. Go straight to court for dollars if immediate irreparable harm prior to completion of appeals process, if you allege that, allow the 180 days to run and go straight to court without having used the appeals process. You really don't have an exhaustion of appeals.

I find example after example of where there is a bait-and-switch occurring. There is a rule that is being swallowed up by the exception to the rule.

Another point the distinguished Senator from Texas made—a point that needs to be thoroughly debated on the Kennedy-McCain bill—is the area of scope. I read that wonderful title where it says State laws will apply and then, unfortunately, there is the clear exception that really swallows up that rule.

The Kennedy-McCain bill would allow the Federal Government to overturn patient protection laws in every State. The States have done, quite frankly, a lot. Here is all of our 50 States, various areas of patient protections, emergency medical care. You can see Arkansas has that, Arizona, State after State. Very few States have not acted upon emergency medical care. They may do it in a different way than we would do it. Are they less concerned than we are? Are we the only ones who can establish the precise standard for emergency medical care?

These patient protections have been enacted by State legislatures all over the country. Access to OB/GYNs, once again, you can see overwhelmingly the States have already acted. They have already provided patient protections. Continuity of care, gag provisions, almost every State in the Union, with the exception of Mississippi, have acted upon the gag provisions. Formulary exceptions, clinical trials, a number of States have decided they are not going to mandate clinical trials. They have legitimate reasons why that should or should not be included in a State action on a Patients' Bill of Rights.

On the internal appeals, virtually every State in the Nation, all 50 of them, now have an internal appeals process that has been mandated in State patient protections. Forty-one States have an external appeals requirement. Why should we have the right to go beyond what is clearly our responsibility on the ERISA plans, the federally unprotected plans right now, but to go beyond that and go back to all of the States that have, through their own legislatures, enacted patient protection laws and overrule them? I think that is an error.

In the State of Arkansas, the following protection laws would be superseded by this Patients' Bill of Rights: the emergency room provision, the point-of-service provision, the access to OB/GYNs, continuity of care, the gag prohibition, drug formulary exceptions, patient information, all of those would be preempted by this Federal legislation. That is why the National Association of Insurance Commissioners have written us as a Congress expressing their opposition to what we are about to do if we enact this McCain-Kennedy bill as currently drafted.

They wrote to us:

> States have faced the challenges and have produced laws that balance the two-part objectives of protecting consumer rights and preserving the availability and affordability of coverage. For the federal government to unilaterally impose its one-size-fits-all standards on the states could be devastating to state insurance markets.

That is a very legitimate concern they have expressed. And the President, in his statement from the administration on their position on this bill, expressed similar concern about not showing proper deference to what States have already done.

Under Kennedy-McCain, at least 297 patient protection laws that are already on the books would be potentially erased leaving millions of patients unprotected as the States have enacted them. Forty-four ER laws, 20 point-of-service laws, 37 OB/GYN laws, 48 gag clause laws, 26 drug formulary laws, 12 clinical trial laws, 47 prompt payment laws, 30 financial incentive laws, all of these potentially would be erased by the one sweeping action in the Kennedy-McCain bill.

Kennedy-McCain would further force States with minimal or no managed care penetration to adopt Federal standards, or else HCFA would come into those States and take over the regulation of health insurance. Managed care penetration in a number of States is minimal. Alaska is 0 percent. In Wyoming, my good friend from Wyoming, Senator ENZI, has been concerned about this kind of blanket takeover, when there is only 1.2 percent penetration in Wyoming. In Arkansas, it is 11.8 percent. In Idaho, it is 6.3 percent.

The point is that these States vary. They are widely different in the impact of managed care. For us to have a one-size-fits-all approach, I think, is ill-conceived and is something that we need to reconsider. Of the six States which haven't enacted emergency room legislation, five of these have less than 10-percent managed care penetration.

So there is a reason why they have not acted upon them. I think we should show proper respect for the wisdom of some of these State legislatures for having real reasons for not acting on some of these patient protections.

At least 11 States have rejected clinical trial mandates, California being one of them, with Florida, Indiana, Massachusetts. At least five States have rejected access to specialist mandates. At least eight States have rejected drug formulary exception mandates, including Florida, Hawaii, Illinois, Massachusetts, Minnesota, North Dakota, Utah, and West Virginia. Kennedy-McCain would force these States to adopt these provisions even if they rejected them in their State legislatures for good reason. I hope my colleagues will think about what we are doing in this preemption of State laws in this very important area.

The amendment that I have offered is a small step in expanding access. My concern about Kennedy-McCain is that it is going to shrink access to insurance, that we are going to have an awful lot of people, families and children, who are not going to be able to access health care insurance because of the impact of this legislation on premium costs. I have offered this amendment that would provide 100-percent deductibility for the self-employed. I think apart from raising extraneous issues that are really germane to the value of this amendment and to what it will do, this amendment has support. Support has been indicated in the past in this body. This is an opportunity for us to do it. And to say it should have been in the tax bill—every time the House of Representatives produced a Patients' Bill of Rights—they passed one that had access provisions, to expand access, and they are going to do that again when this passes in a few weeks, or sooner, and I hope they will. We can be as certain as you can be that it will have tax provisions in it.

It is a red herring to say we are not going to pass this—because we believe it is equitable, it is going to right a wrong—because of a blue-slip potential. I think that is going to be hard to explain to people.

One of my constituents in Arkansas wrote me and my colleague in Arkansas. I think this really expresses why this amendment is important. It says:

> I am a small business owner in Springdale, AR.
>
> Our company has always made an effort to provide, at no expense to our employees, full family health insurance coverage.

Again, they have made the effort to provide it at no expense to employees. So they are paying 100 percent of the health insurance premiums for their employees for full family health insurance coverage—and not just for the employee, but the family receives the benefits. That is something we ought to encourage, something that is good. He goes on:

> A couple of months ago, we were forced to begin sharing some of the cost of the health plan with the employees because of 40 percent plus increases.

Those who would argue that somehow there is no relationship between increased insurance premiums and availability of insurance to people in this country, that somehow increasing premiums is not going to increase the number of uninsured—we have seen a lot of examples on the floor. We have heard stories and anecdotes told. Here is a prime case in my State:

> . . . we were forced to begin sharing some of the cost of the health plan with the employees because of 40 percent plus increases. The monthly cost climbed to over $4,000 a month for our relatively young group. I fear passing [Kennedy-McCain] because it will not only cause greater increases, but subject our company to possible legal actions because of our offering health insurance. We could be at the mercy of whoever decides to pay a claim or not—and open the door for the company to be liable.
>
> I think this bill has a lot of danger in it.

I take that concern very seriously. I think this person who took time to e-mail us from Springdale, AR, is typical of a lot of small businesses that are struggling, that have a few employees, that are trying to pay insurance for those employees and are facing a very large increase in premiums. We are going to exacerbate that, I believe, if we have this bill with all of its liability provisions included in it. This is one small thing we can do to make it a little easier for the self-employed—give them 100-percent deductibility, and give it to them now, not wait until 2003.

I ask unanimous consent to have this e-mail printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> SPRINGDALE, AZ.
>
> DEAR ARKANSAS SENATORS LINCOLN AND HUTCHINSON: I am a small business owner in Springdale, AZ. Our company employs 8 very fine people.
>
> Our company has always made an effort to provide, at no expense to our employees, full family health insurance coverage.
>
> A couple of months ago we were forced to begin sharing some of the cost of the health plan with the employees because of 40% plus increases. The monthly cost climbed to over $4,000.00 a month for our relatively young group. I fear passing the S–238 bill will not only cause greater increases but subject our company to possible legal actions because of our offering health insurance. We could be at the mercy of whoever decides to pay a claim or not—and open the door for the company to be liable.
>
> I think this bill has a lot of danger in it. I urge both of our Arkansas Senators to do all in your power to defeat this bill. I urge you to vote against "cloture" thus limiting the truth to be brought out on the floor.
>
> On behalf of myself, my partner and our employees, thank you in advance for lodging this request.
>
> JOHN W. HAYES,
>
> P.S. Your voting records are the proof of your loyalty to the people of the Great State of Arkansas.

Mr. HUTCHINSON. Then I received this letter from a different kind of employer. This is McKee Foods Corporation, a large company that is not headquartered in Arkansas. It is in Tennessee, I think, but they are a large employer in Arkansas, in Gentry, AR. I think they employ about 1,400. It is not an insignificant employer.

They write:

> Dear Senator HUTCHINSON: The Senate will soon consider a proposal that will give Americans the right to use their insurance provider in state and federal court for coverage decisions. As a business owner, this prospect has me worried. McKee Foods has voluntarily sponsored its own health plan for more than 30 years. All of our employees and their families have the option to take part in our group coverage, including the 1,420 employees who work at our Gentry, Ark., manufacturing facility. In 2000, McKee Foods and its employees spent $25 million to provide health care benefits for all 6,100 of our employees and their families. The company directly paid for more than 75 percent of this amount.
>
> Over the last two years our group insurance benefit costs are up about 26 percent and our prescription drug benefit cost has nearly doubled. The company has absorbed most of the cost increases, but employee premiums have also risen by 10 percent.

That is what the employees are paying and we are going to make that worse if we open this to unbridled lawsuits.

> It's important to note that none of the proposals presently under consideration have protections in place to protect the health care purchaser, whether individual or company, from the increased cost of coverage due to insurer liability. A health care bill containing additional costs will simply compound the problem of rising costs.
>
> Our health plan, which is governed by ERISA, is self-insured, self-funded, and self-administered. Maintaining an ERISA plan allows McKee Foods to provide uniform health care benefits to our employees in all contiguous 48 states. We've reviewed the various proposals put forth by both the Senate and the House of Representatives and have come to conclusion that McKee Foods can be sued for voluntary providing health care benefits. Each of the major bills under consideration contains language that defines the liability trigger as "direct participation" or "discretionary authority" over the decision. This standard directly implicates ERISA's fiduciary responsibility duty. For employers who offer a health plan governed by ERISA, liability is real.
>
> I believe that legislation containing liability for companies will certainly lead to more uninsured Americans. I also believe that many employers want to offer health care benefits because this type of benefit helps us attract and retain high quality employees. Please remember that the voluntary employer-based health care system in our country provides coverage for more than 172 million Americans.
>
> I'm asking you to support a health care bill that sets up a strong system for binding external review instead of lawsuits. Let's get patients the medical treatment they need, when they need it. Reaching a conclusion later in a court only benefits the attorneys.

Then he asks for opposition to this bill.

Are they greedy? Are they an uncaring company; they do not care about their employees and their welfare? I suggest that 30 years have put the lie to any such allegation. This company for 30 years has paid 75 percent of the premiums for their employees and their families, and they write not out of a spirit of greed or lost profits. I suspect it will not affect their profit line. What this legislation will affect is their ability to provide affordable health insurance for their employees.

So many times we do the right thing in the wrong way when we pass legislation in the Senate. We have the greatest motivations. Patients' Bill of Rights—we hear these heartrending stories. They are real and there is a need for legislation, but then trial lawyers get into it, the clever attorneys who can write a rule and write an exception bigger than the rule, and the goal of providing legitimate patients protection suddenly is lost and its impact raises insurance premiums, causing employers to question whether they can even afford to offer that benefit to their employees.

I hope as we continue to debate we will address these issues and we will also adopt this amendment which will help provide greater access.

I did not realize Senator VOINOVICH has been patiently waiting. I could not see behind this chart. I extend my apology for going over the time. I thank Senator VOINOVICH, the distinguished Senator from Ohio, for his strong commitment to better health care in this country, for patient protections, and for also ensuring access is there and that it is affordable. I appreciate his support of this amendment.

I yield such time as he might require.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the Senator from Arkansas. He does have my support for his amendment. It is well taken, and it will go a long way to help provide more health care for the citizens of our country.

The quality of health care in the United States has long been the envy of the world. If I happen to fall ill when I am home in Cleveland, I know that I can go to any of the hospitals in the community and receive quality care unparalleled around the globe.

However, I also think that more can be done to improve the overall status of health care in America. In fact, I believe Congress must do more to expand health care coverage for more individuals, keep health care costs down and maintain the rights of each individual patient to make decisions affecting their own health.

Five years ago, Congress realized that one arena in which the Federal Government has an obligation is protection for those Americans covered under self-insured ERISA plans because the Federal Government has the sole authority to do so.

There are 56 million Americans who are in health care plans that are self-insured, which are regulated under Federal law. The Federal Government, unfortunately, has been slow in creating consumer protection standards for these 56 million Americans, and I agree with my colleagues that patient protections should be established for these ERISA plans.

In 1999 and 2000, this body passed patient protections legislation that filled the hole in ERISA protections. These absolute and comprehensive patient protections, included:

Access to emergency care;

A point-of-service option;

A continuity of care provision;

Access to prescription drugs that are not covered in plan formularies;

Access to specialist;

A prohibition of gag rules;

Access to clinical trials;

Provider nondiscrimination;

A strong internal and external review process;

A genetic nondiscrimination provision; and

Provisions that would increase access to health insurance, such as increasing the availability of medical savings accounts, full deduction of health insurance for the self-employed and long term care insurance.

I am encouraged that the McCain-Kennedy bill, in spirit, has the same core patient protections that the Senate passed in 1999 and again in 2000. However, while the McCain-Kennedy bill contains these provisions, I cannot support the McCain-Kennedy bill as currently written for two significant reasons.

First, the bill represents an inappropriate preemption of state law. Ohio and the vast majority of other states have already enacted strong patient protection laws that provide their citizens with quality health care.

My colleagues on the other side of this debate want the public to believe that all Americans need to be covered under a Federal patient protections bill or else the quality of their health care will come under jeopardy. The fact of the matter is that the majority of Americans are already covered under very good, very comprehensive State health care laws.

The proponents of this legislation believe we need to pass a bill that will wipe clean the hard work the States have done.

I could not disagree more.

A Federal Patient's Bill of Rights should not preempt the work that has already been done by the States. State regulation of the insurance industry has been very effective for more than 50 years. There are more than 117 million Americans who are covered under fully insured plans, governmental plans and individual policies, which are all regulated under State law.

My colleagues supporting the McCain-Kennedy legislation believe that the Federal mandates in the bill should apply not only to ERISA plans, but also to those 117 million Americans in State-regulated health plans. Apparently, they do not think that the states, which have already acted and are already protecting millions of Americans, are competent enough to do the job. Instead, they think that the Federal Government will do a much better job.

Mr. President, do you know to whom the Federal Government will turn to enforce the law? The Health Care Financing Administration.

The fact is, HCFA already has its hands full. Administering and regulating Medicare, Medicaid and the SCHIP program has already overburdened this administration. Think about it. HCFA already has under its purview over 70 million Americans through these Federal programs. Now my colleagues want to place the health care of an additional 170 million Americans on HCFA's shoulders.

Under the McCain-Kennedy bill, States will now have to report to HCFA on the status of the health care plans in their States. It has been pointed out to me numerous times that the regulations that only govern Medicare are three times what the Federal Tax Code is.

Imagine the regulatory nightmare that will occur when Congress hands over regulation of the private insurance market to the Federal Government. The simple fact of the matter is that HCFA cannot handle the burden this bill would bestow.

However, even if HCFA had the ability to enforce uniform consumer protection standards across the country, it would still not be the right decision. Different regions have different problems against which they need to guard. A "one-size-fits-all" approach from Washington will not work any better for health regulation than for other centralized approaches to problems, such as education. All wisdom does not reside in Washington—local people understand their own local needs, and they elect representatives to serve those needs.

On the Federal level, if we in Congress want to mandate certain health care changes with respect to Federal coverage, then it is well within our ability to do so. And in certain instances, it may be necessary to do so.

But why should Congress intrude on the States and mandate sweeping, across-the-board changes on how they regulate the health care industry in their States? We should let the States decide what is best for their citizens, but there seems to be a feeling here in this town that the States just will not do the right thing.

If you observe what the States have accomplished, you will see that the States have been and will continue to be at the forefront of the nation's efforts to improve the quality and efficiency of our health care system.

In fact, the States have been on the vanguard of health care services, and because of this, many ERISA plans have followed suit voluntarily.

It should be pointed out that the majority of ERISA plans have already taken upon themselves to provide quality patient protections, taking notice from what their States have done. They have mirrored in their insurance plans what the States have already done. However, by seizing and usurping the great works the States have accomplished, the Federal Government is once again stating a one-size-fits-all approach.

It will not work. The majority of States, including Ohio, have moved aggressively, certainly more quickly than the Federal Government, to reduce health care inflation, expand access for the working poor, enhance consumer protections, and bring greater accountability to the system. In fact, if the States waited for the Federal Government to step up to the plate to provide patient protections, 117 million Americans would not have the patient protections they currently enjoy. The simple truth is, the States have been in front of the Federal Government in providing sound protections for their citizens.

The following facts prove it: 50 States have mandated strong patient information provisions; 50 States already have internal appeals processes, and 41 States have included external processes; 48 States already enforce consumer protections regarding gag clauses on doctor-patient communications; 47 States have regulations regarding prompt payment; 42 States have already enacted a comprehensive Patients' Bill of Rights; and 44 States have already enforced consumer protections for access to emergency care services.

As a former Governor of Ohio, I have been on the front lines in the fight to give working men and women in Ohio real health care choices. As Governor, I signed into law five legislative measures and pushed through several administrative improvements to protect families who relied on State-regulated plans for their health care coverage. Now I am in the Senate to try to give those Ohioans who are covered by the Federal ERISA law those same benefits.

I believe the legislation the Senate approved in 1999 and 2000 went a long way to ensuring that Ohioans covered under ERISA are given the health care protections they deserve. The bills passed in this body are nearly identical to those protections passed in Ohio for State-regulated plans, many of which I fought for as Governor. The bills passed by the Senate in 1999 and 2000 extend emergency care coverage under the prudent layperson standard. Ohio enacted that protection in 1997. The Senate passed bills included a ban on gag clauses. Ohio enacted that protection in 1997. The Senate passed bills included strong internal and independent external appeals. Ohio enacted those provisions in 1999. The Senate passed bills allowed a woman to designate an OB/GYN as her primary care provider. Ohio enacted a standing referral provision in 1997, and then direct access in 1999.

The Senate passed bills provide patients the right to accurate, easy-to-understand information about their health plan. Ohio's law requires that all beneficiaries have an I.D. card and access to health care information on a 24-hour, 7-day-a-week basis via a toll-free number. The Senate passed bills ensure that patients may go out of a network if the plan does not have an appropriate provider within its network. That is already Ohio law.

Additionally, Ohio already has enacted a prompt payment provision and a prescription drug formulary exception. Ohio has already put into place a mandatory 48-hour maternity hospital stay benefit for new mothers. We were the first State to eliminate the drive-through baby, 24-hour situation we had several years ago. Prior to the State's action, in a number of instances, women were being discharged sometimes within hours of giving birth. Now all women in Ohio know that when they give birth, they will have the peace of mind that they and their baby will have access to medical care, if only for observation, for at least 48 hours.

In Ohio, we also allowed for the creation of insurance pools for companies who wanted to be able to provide insurance for their employees but could not afford to do it by themselves. Now, Ohio has one of the most successful examples of an insurance pool in the entire country—the Council of Smaller Enterprises, COSE. COSE provides health insurance to more than 200,000 people and represents more than 16,000 small businesses in Ohio. Without the ability to pool together, many of these businesses would not be able to offer their employees health insurance, and therefore, many more Ohioans would be uninsured.

The second reason that I cannot support McCain-Kennedy as it is currently written is because the bill will encourage frivolous lawsuits, leading employers to question whether or not providing health insurance is worth the cost. A great deal has been said about the options available to a patient who has somehow been wronged by a particular health care plan.

Proponents of the McCain-Kennedy legislation have indicated that the only way patients can ensure that they will be able to obtain relief from being denied benefits is if they maintain the ability to sue their health plans.

They further contend that if they can sue their health plans, it should follow that they can sue their employers. They base this on the belief that employers maintain a fiduciary responsibility to monitor health plan quality, making it impossible to completely delegate responsibility for the health benefit plan's decisions.

I believe such a provision would open a virtual Pandora's box of potential lawsuits and would force any employer who provides health insurance to cover every health claim or risk being sued over those that are not.

Proponents of the McCain-Kennedy legislation believe they have carved out employers, stating only those employers that "directly participate" in medically reviewable decisions can be held liable.

However, for all these claims of employer carve-outs, the fact remains, employers can still be sued. Lawsuits can still be brought against the employer for a number of reasons. For instance, the phrase "actual exercise of control" broadens the avenue for a lawsuit to come against an employer, although the employer had no "direct participation" in a medically reviewable decision. If, during negotiations with a health plan, an employer agrees to the definition of a certain contractual phrase used by the plan for a decisionmaking process, this could be a cause of action for a lawsuit.

Additionally, although proponents of McCain-Kennedy believe they have properly excluded employers, the phrase "conduct constituting failure" to perform plan terms and conditions provides a clean sheet for any personal injury lawyer to claw at any alleged failure of an employer. This could be as minor as a simple administrative error in notifying individuals about the availability of continued health coverage after they leave employment.

And as a practical matter, do my colleagues think a personal injury lawyer will not attempt to test the defense of the "no direct participation" standard? If I were a savvy personal injury lawyer and saw before my eyes unlimited punitive damages and a new Federal cause of action with a cap of $5 million, I certainly would test the defense laid out in the McCain-Kennedy bill. Unfortunately, this is what it has come down to: the ability of personal injury lawyers to dictate health care in America.

Whom will this ultimately hurt? It will hurt those individuals and families at the margins who are working hard to take responsibility for themselves. I am thinking about the families to whom that employer protection is provided. The fact is, health insurance is a benefit that employers have provided. It is a voluntary benefit they provide because they care about their workers. Approximately two-thirds of insured Americans under 65 receive their health insurance through employer-sponsored plans.

I point out for senior citizens who are retired, half of their Medicare Supplemental for Part B is paid for under the employer plan—half of it. We want employers to stay in this business. It is important to the country.

According to a Gallup poll conducted last September, the vast majority of Americans, 70 percent, are satisfied with their health insurance provided by their employer. If the McCain-Kennedy bill passes with its current liability provision, I cannot honestly see employers continuing this benefit. As a matter of fact, employers have already told me they will drop their health care insurance.

These liability provisions, the unlimited punitive damages in state courts on top of the $5 million damages that can be awarded in Federal court, will hang like a cloud over employers. Even if a lawsuit was never filed, a prudent employer would place in his budget the possibility of this occurrence.

Therefore, the costs associated with retaining legal counsel, as well as the insurance premium paid against the possibility of a large award would be budgeted annually, which of course, would be passed along in higher premiums to the employees.

Employers, if they decide to continue providing coverage, will then place on employees a higher participation of the financial burden for health insurance.

And what if one state jury finds an employer liable and grants a multimillion dollar award? Well, I can tell you what will happen. Employer-based insurance will tumble like a house of cards. Employers will see the writing on the wall and say, Good-bye! Although I care a great deal about each and every one of you, my employees, I cannot afford to be subjugated to this kind of liability. Here's my contribution of what I pay for your health insurance: good luck finding the same coverage at a fraction what you had previously paid.

The proponents of McCain-Kennedy say that the State of Texas has enacted a similar bill that has not caused the collapse of employer based insurance in Texas. What my colleagues are not saying is that Texas specifically carved-out all employer liability.

The provision in Texas law reads as follows, and I quote, "This chapter does not create any liability on the part of an employer, an employer group purchasing organization, or a pharmacy licensed by the State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees."

That is what any Federal law ought to state.

It really is amazing to me that the United States Senate is contemplating opening up employers to lawsuits. Through these actions, we are sending a mixed signal to the American people.

Out of one side of our mouth, we say there are too many uninsured people in the United States. And, in fact, I think there are.

However, out of the other side of our mouth, we say that the United States Senate may allow legislation to move forward that will increase health care premiums by at least 4.2 percent. This is on top of the hyper health care inflation that the country's employers are currently facing—between 18 to 22 percent increases in the State of Ohio over the past year alone.

Indeed, it is estimated that if the McCain-Kennedy bill went into effect as is, over 1.4 million Americans will lose their health coverage—nearly 30,000 in my state of Ohio. (Based on CBO numbers).

What's more, according to a study conducted by the U.S. Chamber of Commerce, 57 percent of small employers said they would likely drop health benefits for their employees if the McCain-Kennedy liability provision was the law of the land.

In addition, at least 1,000 larger employers across the nation—including many Fortune 500 companies—have expressed opposition to the McCain-Kennedy liability provision.

The implementation of a liability standard would not only have a devastating impact on many families in America, but I don't believe it will have the intended purpose of providing restitution to patients.

Most Americans don't realize that 70 percent of all health care liability claims filed in our courts are resolved with absolutely no payment to the patient. Zero dollars.

In cases where a payment is made to a patient who sues, the patient receives, on average, only 43 percent of the damage award. Forty-three percent! The other 57 percent goes right into the pockets of the personal injury lawyers and their expert witnesses.

In addition, achieving a final resolution to these claims is not a speedy process. The average medical malpractice case takes over 2 years, 25 months, to resolve. In many instances, that is long after the patient has suffered permanent damage, or even death.

What we need to do is focus our attention on getting patients treated quickly and accurately and not concentrating on getting them a pay-out that may never come.

I would like to have an opportunity to support a bill that truly utilizes the internal and independent external review process. Towards that goal, I believe we should revisit the legislation that the Senate passed in 2000.

In the Senate-passed bill for which I voted last year, if the group health plan makes a determination to deny coverage and notifies the enrollee and health care professional, the enrollee or the doctor would be able to request an internal review of the coverage decision. That review must be completed within 30 days for a routine determination, or 72 hours for an expedited determination.

If an enrollee is denied after an internal review, he or she can request an independent, external review. An independent medical expert, utilizing valid, relevant scientific and clinical evidence, including peer reviewed medical literature, would then make an objective determination based on the medical exigencies of the case, within 30 days. The decision of the external reviewer would be binding on the plan.

If the external reviewer rules in favor of the enrollee, the plan must notify the enrollee of their decision to cover the benefit with ordinary care. If the plan refuses to follow the decision of the expert reviewer, the enrollee could then sue in Federal court for unlimited economic damages and capped non-economic damages.

If the court ruled for the enrollee, then the court: one, would require the plan to cover the service; two, assess a $10,000 penalty for failing to comply with the agreed upon time frame; three, additionally assess a penalty of $10,000, payable to the enrollee, for failure to comply with the decision of the medical reviewer; four, award attorneys' fees; and five, provide non-economic damages of up to $350,000.

I think we should offer patients an opportunity to obtain timely coverage of legitimate health services before permanent damage is done to them. Unfortunately, the McCain-Kennedy bill offers patients faint hope that, well into the future, after the damage is already done, they may recover less than half of a damage award.

Our main goal in this debate must be to provide quality health consumer protections while maintaining the ability for America's families to obtain their insurance through their employers. We should not enact massive changes to our health care system which will irreparably harm the ability of millions of Americans to obtain affordable, quality health care.

I hope that my colleagues and I can work to pass a real Patients' Bill of Rights: one that will not impede on the progress the states have made, and one that provides health care to patients, not money to personal injury lawyers.

Regrettably, I do not believe that the McCain-Kennedy bill will accomplish these goals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator from Ohio for his work in the State of Ohio and for his work in the U.S. Senate.

I yield to my cosponsor, Mr. BOND, the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my lead sponsor of this amendment.

I say to my good friend from Ohio, and a fellow former Governor, that I recognize the work he did as Governor to assure access to the working men and women of Ohio. I think his comments and his views are very important in this debate. We appreciate the good judgment he brought based on his experience.

I want to take just a couple of minutes before we get into the closing to respond to a couple of points that have been made on the other side.

Some who are proponents of this bill and who are opponents of this amendment have offered two arguments.

First, they say if we—meaning Republicans—somehow wanted employee-supported deductibility for the self-employed, it would have been included in the final tax package that was passed a month ago.

Second, they contend that this issue is unrelated to patients' rights and that we are trying to kill the patients' protection bill.

Let me deal with those two points.

First, regarding the tax bill, it is regrettable and, in my view, very regrettable that the conference committee did not include this provision in the final package. This provision reflected an amendment that I offered and an amendment that the Senator from Illinois, Mr. DURBIN, offered. We both offered amendments.

As I mentioned in my earlier statements on this measure, I had provided over the last 6 or 7 years a continuing string of amendments to achieve 100-percent deductibility. Senator DURBIN in recent years has joined.

When the bill went to the conference committee, there were a lot of interests that had to be accommodated. The Senate had a much lower figure than the House had originally. They had to accommodate as many interests as possible. The House of Representatives had a very important voice in what the final package included.

As a matter of fact, Democrats on the conference had a voice. I wasn't at the conference. I have talked to some Members who were there. They tell me that the Democrats did not raise objection to excluding the full deductibility. This was a conference committee of Republicans and Democrats from both the Senate and the House.

I regret that they did not get the job done. Is that an argument that we should not do it now? Obviously not.

When you ask the American people—the men and women, the farm families, the families of people who own a restaurant, a mom-and-pop grocery store, or who operate a daycare center—do they really care whether full deductibility is in a tax package or whether it is in the Patients' Bill of Rights, I can tell you that overwhelmingly they are going to say we just need the full deductibility for our health insurance costs. They want to see the job done. They are not much impressed with the argument that it didn't stay in an earlier bill we passed. They want us to pass it. We want to see it passed. That is what Senator HUTCHINSON and I are doing. To blame us for the failure of a conference to include it I believe is a bit of a stretch.

Second, they are saying that this amendment is being used to kill the patients' protection bill. If we wanted to kill a bill completely, why would we put something on that is so important to the people in our States and the people in America? I think that is laughable. It would be laughable, if it weren't such a serious, unwarranted charge.

Every patient protection bill that has passed either the House or the Senate in the last few years has included tax incentives for health care of some kind or another.

The House patient protection bill that we expect to see passed in the next 2 or 3 weeks will almost certainly include tax provisions as well. As a matter of fact, I notice that in the statement of administration policy they are objecting to a user fee provision. They call it an extraneous user fee provision that is already included in S. 1052, extending for multiple years customs charges on transportation, passengers, and merchandise. It has a little tax measure in there already. This is a tax reduction or tax deductibility.

Contrary to what our colleagues who are supporting the measure and opposing this amendment say, if there are no tax provisions in this bill when it finally comes out, it will be an absolute first. I will buy somebody a soda if they pass a bill that has no tax provisions in it.

Including tax provisions in the bill does not hinder its passage. Frankly, I think it makes it better because this amendment is not about killing the bill. I want to vote for a bill that helps all Americans have good health care coverage. That means getting rid of the bait-and-switch provisions in this bill. That means taking out the provisions that force employers to drop their plans because of employer liability. That means taking out the provisions that rewrite the contracts that HMOs, insurers, write with those they wish to cover.

I just want to mention very briefly an article by Mort Kondracke in today's Roll Call. In it he says:

> A debilitating civil war is under way in the American health care industry and Congress will make it worse by passing the Kennedy-McCain patients' rights bill and inviting trial lawyers to enter the fray.
>
> Kennedy-McCain is the medical profession's effort to counterattack its enemy, the insurance industry, using expensive lawsuits as a weapon. But innocent "civilians," i.e. patients, will pay the ultimate price.

He goes on to say:

> Doctors surely should have more say in medical decisions than insurance clerks. . . .

He says: The Breaux-Frist bill does it.

He says:

> Instead of increasing the ranks of the uninsured, Congress and Bush should be helping lower-income workers afford health insurance.

That is what we are trying to do.

He concludes by saying:

> . . . Congress should observe the famous rule: First do no harm. Kennedy-McCain violates that maxim.

I urge my colleagues to support the Hutchinson-Bond amendment.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I thank my colleague from Missouri for his excellent statement.

I yield such time as we have remaining to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, may I inquire as to the amount of time left on our side?

The PRESIDING OFFICER. Twenty-four minutes thirty seconds, of which fifteen is reserved for the Senator from Arkansas.

Mr. ENSIGN. Mr. President, I want to start by talking on this amendment, and then I want to conclude my remarks by speaking on the underlying bill in general.

Deductibility for the self-employed is absolutely critical to anybody who has ever been in business on their own. My brother-in-law is a tile contractor in Las Vegas, NV. When he first started his business, he was in his late twenties. I remember talking to him about having health insurance.

He said: I'm young. I'm healthy. I'm not going to get sick.

He said: Besides, I really can't afford it. When I am looking at my monthly expenses, I look around, and it just doesn't pencil out for me.

That is the kind of person we want to be covered under health insurance.

The way health insurance works is if we spread the risk out, especially amongst the younger, healthier people, it costs all of us less money. So what we want to do is have people, like my brother-in-law, to buy health insurance. If we give the self-employed—which he is—full deductibility, it will make financial sense for more of them to purchase health insurance.

It does not matter what vehicle—whether it is a tax plan or whether it is the Patients' Bill of Rights—we use to provide this deductibility. We have been talking about it for years, and we ought to finally make this policy a reality.

Let me shift now and talk about the Patients' Bill of Rights. If you listen to the media, it almost sounds like the Democrats and Senator MCCAIN are for a Patients' Bill of Rights and the Republicans are against one. That is not so. Almost everybody in this Chamber is for a Patients' Bill of Rights. As a matter of fact, the two major competing bills are 90 percent the same.

Another 5 percent of each bill I think we agree, conceptually, on the language; and then on the other 5 percent there is true disagreement.

Let me go through these divisions just briefly. The 90 percent where there is agreement has to do with things that we have heard about for the last several years that most of the States have already enacted. They have to do with emergency room access, no gag clauses for doctors, and allowing OB/GYNs and pediatricians to be considered primary care doctors. There is a whole list of things that both bills address and to which everybody agrees.

The place where we have conceptual agreement—and I want to applaud Senator McCAIN for his willingness to work with us to try to come up with some language that will work for both sides—deals with, how are we actually going to protect employers from getting sued? Everybody I have heard from agrees that the employer should not be sued for this very simple fact: If you allow employers to be sued, they will look at this risk and say that they cannot afford it. Consequently, they will give their employees a voucher, calculating, for example, that it would cost $5,000 to $6,000 per employee per year for health coverage, and the employee will go out and buy their own health insurance.

However, a lot of employees who are young and healthy will say: I'm healthy. I'm young. I would rather have this $6,000 to do something else with.

As a result, those people will not have health insurance. And because those people are no longer in the overall insurance pool, everybody else's insurance rates will go up. Consequently, when those insurance rates go up, more people become uninsured because they can no longer afford coverage.

One of the biggest problems we have in this country is the number of uninsured. This is the reason why it is so critical that we come together on this language to protect the employers.

As I have learned—I was only in the House of Representatives for 4 years; and I have only been in the Senate for 6 months—the devil truly is in the details. When we are looking at the legal language, lawyers from one side can say the employers are protected, and the lawyers for the employer groups can say absolutely under the McCain-Kennedy bill they are not protected. A good lawyer, I think, can take the language in the McCain-Kennedy bill and absolutely get lawsuits against employers.

That is why it is important for us, if we agree on the concept—which we seem to do—to come together with tight language that does not allow employers to be sued, especially if they are not involved in actually denying health care that they did not pay for in the first place.

The other thing that I think is conceptual language that we agree on is that the appeals process is important for us to go through first. All of us agree this whole thing is about getting health care to the patient. Do we really want just access to a courtroom? Or do we want access to the emergency room and to the hospital and to health care providers?

The appeals process is set up with a short time frame to guarantee that people will get the health care they have paid for in a timely fashion. That is really what this whole debate should be about—getting people the health care they deserve.

We all know the movie, "As Good As It Gets," where everybody cheered when the HMOs—I cannot use the language the way they described the HMOs—were described in not so favorable terms when they denied health care to the child that had asthma. That is a perfect example of what we are trying to fix with a Patients' Bill of Rights—greater access to quality health care.

The appeals process will help us get children like that the health care they need. That is really a lot of what this debate is supposed to be about.

On the 5 percent where we truly have disagreement is where we are going to have to sit down and compromise. This has to do with whether a person goes to State court or goes to Federal court with their health care liability suit. Neither side is going to get, I think, everything they want in this. We are going to have to come down to some kind of compromise.

The second area of major disagreement deals with the liability provisions. Basically, it has to do with whether we are going to cap punitive damages and noneconomic damages. Are we going to put some reasonable limits on some of the liability provisions so we do not end up with these outrageous lawsuits?

The two sides are going to have to come together and realize that a compromise is going to be the only way we can get a bill passed through the Senate, passed through the House, and signed into law by the President. Otherwise, we are just making political hay. Otherwise, all this exercise is about is: Can we use this in the 2002 elections?

If that is what we are about, then I don't believe we should be here as United States Senators. We should be here to do the right thing for the American people. We were sent here by our individual States to stand up and do what is right. If people want to make political hay, then they can do that on a purely individual level. If they truly want to get a good Patients' Bill of Rights passed, then we have to sit down behind the scenes where the cameras aren't, where the news media isn't, and say: Let's compromise on some of these things that we disagree on and come up with language that protects employers, makes sure the appeals process is exhausted, and then shake hands on the parts we agree to.

If we can do those procedures, I truly believe this Senate will pass a very good Patients' Bill of Rights which will help the type of kid that was in "As Good As It Gets" get the kind of health care he or she deserves.

I thank the sponsor of the amendment for helping out the self-employed. I think it is an important amendment that I will be voting for and encourage all of the rest of the Senators to do the same. I look forward to working with the authors of the Patients' Bill of Rights, Senators EDWARDS, KENNEDY, and McCAIN. Hopefully, we can come up with some compromise on the rest of this language.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the Senator from Nevada for his excellent statement, that spirit of cooperation that will ensure we really can get a good Patients' Bill of Rights passed and enacted into law this year.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, on the first day of debate on the floor of the Senate on the Bipartisan Patient Protection Act, supported by a majority of the Senate, a majority of the House of Representatives, and virtually every health care group in America, what was the response of the President of the United States? A written veto threat on patient protection legislation. In fact, this written veto threat could very easily have been written by the big HMOs. It duplicates what we have been hearing from the big HMOs from the very outset of the fight for patients and doctors to give them real and meaningful rights.

It reminds me a great deal of what was said to the New York Times by a consultant for the big HMOs. When brought to his attention that they were spending millions of dollars to fight against patients and against doctors, millions of dollars on lobbyists, broadcast television ads and public relations, this was his response:

> We'll spend whatever it takes.

The HMOs of America are prepared to do whatever is necessary and to spend whatever it takes to make sure that the patients of this country and the families of this country never get the protection they deserve.

We have a message for the big HMOs of this country. We are prepared to fight as long and as hard as is necessary to ensure that finally the big HMOs no longer have their privileged status, that the families and patients of America are protected. That is what this debate is about.

We welcome the participation of the President. We would love to have his involvement in standing with patients and doctors instead of standing with the big HMOs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, throughout this debate we have heard the same tired old refrain. It is the same refrain we hear whenever we confront a powerful vested interest on behalf of the American people: Costs will go through the roof; people will lose their jobs or their health insurance; gloom and doom will envelop the Nation.

We heard it on the minimum wage. We heard it on the family and medical leave bill. We heard it on the Kennedy-Kassebaum insurance reform bill. Every time the special interests launched a massive disinformation campaign, and every time they were wrong.

Six hundred organizations of doctors, nurses, patients, from the American Medical Association to the American Nurses Association to the American Cancer Society, support our bill—virtually the entire medical and patient community. Do the opponents really expect the American people to believe that doctors, nurses, and patients would support legislation that would cause people to lose their insurance? Do they?

We heard an eloquent statement this morning from Senator ZELL MILLER. All these claims were made in Georgia and all of them proved to be false. I hope we can move beyond these false charges and get back to the business of protecting patients.

On this amendment, I support providing full deductibility for the self-employed. This can pass the Senate any time. It has passed the Senate before. But on this bill, it is a poison pill. It kills the bill. Anyone who votes for this amendment is voting against patient protections. I urge its rejection.

During the course of the afternoon, we heard those on the other side talking about the importance of the premium. It was pointed out that the increase over 5 years will be 4.2 percent, a little less than under the bill of the President, which is 2.9, a point difference.

Look what the CEO of United Health Group received last year: $54 million in annual compensation and $357 million in stock options. That particular payment amounts to $4.31 a month. Ours is $1.19 a month. If you want to do something, there are 7 million employees here. This one individual raises the cost of the premium by $4.13. Ours, in order to protect and grant greater patient protections, is $1.19.

Let's get serious about these facts. Let's get serious about the figures. Let's not just read the HMO script sheets. Let's debate the real issues and protect American patients.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, according to an article in Business Week on February 19, 2001:

> So far, though, Texans have filed only about 15 suits under the new law, and few are predicting a barrage of cases, according to the State Attorney General John Cornyn, a Republican. Similarly, experts say that at most only a couple of suits have been filed in the other six states with such laws. The reason: Appeals procedures settle most cases before they get to the lawsuit stage. Except for Maine, all states with right-to-sue laws require patients to complete an external review before going to court.

That is exactly what this legislation calls for.

We heard from a number of people, not about the pending amendment, which is unfortunate, but with a lot of very strong allegations.

Senator ZELL MILLER is a former and rather successful Governor of the State of Georgia where the law was passed. According to a media report:

> Miller took the Senate floor and quoted from the president's "principles" for patients rights, released in February.
>
> "Only employers who retain responsibility for and make final medical decisions should be subject to suit," Miller read from the White House letter to Congress which became a favorite quotation during the day.
>
> Miller also said that a Georgia patients' protection law passed two years ago should answer any concerns about a flood of lawsuits.
>
> "When the Georgia Legislature debated this law, there were critics, critics who made the same arguments we're hearing in Washington today," Miller said.
>
> "In Georgia, they paid for ads saying the law would drive up premiums and cause more people to lose coverage," he said. "The critics paid for ads claiming employers would be held liable for HMO mistakes.

Sound familiar, Mr. President?

> They paid for ads predicting—

I love this alliteration—

> a flurry of frivolous lawsuits.
>
> Oh, there was hissing and moaning. But you know what? None of those dire predictions has come true."
>
> Miller said that the law is "working well" and that no patient has filed a lawsuit yet.

That comes from the former Governor of the State of Georgia who strongly supports this legislation.

Mr. President, I have tried very hard—how much time remains?

The PRESIDING OFFICER. Five minutes 5 seconds.

Mr. MCCAIN. Mr. President, I have tried very hard to negotiate a unanimous consent agreement concerning this pending amendment. I think it is a good amendment. Yes, it was passed before and it was dropped in conference by the Republican leadership as they negotiated the tax bill out. That is a fact. But it is still a good amendment and it is still a good thing to have deductibility for people who have to pay for health care insurance. I think it is a good one.

So in my negotiations with the opponents of this bill, I asked that we go ahead and accept this, and maybe even two others, as long as it stayed under the window of money that is available under this legislation, which is called for in order to pay for the cost of this legislation. Unfortunately, we were unable to get an agreement. I am very disappointed because I think we could have included this. But we had to do it in a constitutional fashion. In other words, I called for an agreement that we would accept the amendment, and perhaps even two others, and then we would, under unanimous consent, call up a revenue bill that would be pending at the desk from the other body so as to satisfy the blue slip concerns.

Look, if this amendment is passed and it goes to the House, the bill is immediately killed. That may be the intent of the opponents of our legislation; I don't know. But let the RECORD be clear that I want this amendment accepted, and I want us to accept even others that could reduce the cost of health care to American citizens. But we have to do it in a constitutional fashion because we all know that a revenue-raising amendment can only originate in the other body. So I will repeat my unanimous consent request as follows:

I ask unanimous consent that at 5:30 today the amendment be agreed to and that there be no further revenue or blue slip material amendments in order to this bill; further, that when S. 1052 is read a third time, it be laid aside and the Senate immediately turn to the consideration of Calendar No. 69, H.R. 10; that all after the enacting clause be stricken and the text of S. 1052 be substituted in lieu thereof, the bill be read the third time, and the Senate proceed to vote on final passage of the bill; and that the Senate request a conference with the House and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object——

Mr. MCCAIN. I ask unanimous consent that my time not be used by this reservation.

Mr. GREGG. Then I will simply object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. Obviously, that is objected to.

I ask unanimous consent that at 5:30 today the amendment be agreed to and that there be no further revenue or blue slip material amendments in order to this bill, except for three revenue amendments to be offered by each leader or his designee and that each be considered under the regular order with no points of order being waived; further, that when S. 1052 is read the third time, it be laid aside and the Senate immediately turn to the consideration of Calendar No. 69, H.R. 10; that all after the enacting clause be stricken and the text of S. 1052 be substituted in lieu thereof, the bill be read a third time, and the Senate proceed to vote on final passage of the bill; that the Senate request a conference with the House, and the Chair be authorized to appoint conferees.

Mr. GREGG. Reserving the right to object, I will take 30 seconds off our time to make my reservation.

Regarding the unanimous consent request, as he knows, we said we are willing to talk about this. Due to the timing, we are not going to be able to resolve it. I would be willing to suggest that we take out the first part of that unanimous consent request and go with the language which at least cleans this amendment up relative to blue slip language, so that the unanimous consent would instead read as follows: That when S. 1052 is read the third time, it be laid aside and the Senate immediately proceed to the consideration of Calendar No. 69, H.R. 10, and that all after the enacting clause be stricken, and the text of S. 1052, as amended, be substituted in lieu thereof, and the bill then be read the third time, and the Senate proceed to a vote on final passage of the bill.

The practical effect of that would be that at least as to this amendment, until we can clear the other issues, we would have avoided the blue slip matter. Would the Senator accept that as an amendment to the request?

Mr. MCCAIN. Mr. President, of course not, because we——

Mr. GREGG. This is not on my time anymore.

Mr. MCCAIN. We would not know how many bills—I think three revenue bills is reasonable. This is not a revenue bill, Mr. President. This is not a tax bill. This is a Patients' Bill of Rights bill. I think it is perfectly reasonable to say that three, as long as they fit under the window, would be appropriate. I went from one to three.

I kept asking the Senator from New Hampshire if we could reach agreement on numbers of amendments. No. We have a lot of amendments. Well, that is not what the bill is all about. I am willing to agree to three. I think that is reasonable. So, obviously, I cannot agree to something which is basically open ended.

Mr. GREGG. Reserving the right to object, off my time, I say that we are willing to talk about the number and, unfortunately, in the timeframe to get to the vote we were not able to reach a conclusion because there are a lot of Members who have issues that at least marginally affect this question.

I do think if blue slip is an issue, we can correct it right here with the language I have proposed. I can understand that the Senator will not accept that. I cannot accept his amendment in its present context. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I thank the Senator. I hope we can reach agreement. In the meantime, so this doesn't become just a tax bill, I hope we can agree on three and they would fit under the window of the revenue that is generated according to this legislation, and, by the way, the Frist-Breaux proposal has no way of raising the money in their legislation for that. So I hope we can work this out because I think it is a worthwhile amendment that would be very helpful to low-income Americans.

Mr. President, I ask unanimous consent that all first-degree amendments be filed by 2 p.m. this Monday.

Mr. GREGG. Reserving the right to object, again, that would be very difficult to do at this time. Obviously, there are a large number of Members who have first-degree amendments. It is fairly late in the week, and some are actually on the move, as I understand it. We would have to object to that.

The PRESIDING OFFICER. Objection is heard.

The time of the Senator from Arizona has expired.

Mr. HUTCHINSON. I yield such time as he might require to the Senator from New Hampshire. How much time remains?

The PRESIDING OFFICER. The Senator has 13 minutes 28 seconds.

Mr. GREGG. Mr. President, I ask unanimous consent that the unanimous consent I propounded earlier be accepted. I will review it:

That when S. 1052 is read a third time, it be laid aside and the Senate immediately proceed to the consideration of Calendar No. 69, H.R. 10, and that all after the enacting clause be stricken and the text of S. 1052, as amended, if amended, be substituted in lieu thereof, and the bill then be read the third time, and the Senate proceed to a vote on final passage of the bill.

The purpose of this amendment is to make it absolutely clear that if we want to, there is no blue slip issue relative to this bill, this amendment, because there is a bill sitting at the desk that can be dealt with now by this unanimous consent, or at the end of the day, or when we get to the end of the bill.

The fact is that the blue slip issue is truly not an issue because we have a vehicle available to us. I ask unanimous consent for that request to be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Objection.

Mr. MCCAIN. Reserving the right to object.

Mr. BAUCUS. I will withdraw the objection if the Senator from Arizona wishes to speak.

Mr. MCCAIN. Reserving the right to object.

Mr. GREGG. On what time is the Senator speaking?

The PRESIDING OFFICER. The time of the Senator from New Hampshire.

Mr. MCCAIN. I will not make my reservation long in deference to the Senator from New Hampshire.

Mr. President, I will object. The point is, we need to have a finite number of amendments that we can accept, and we need to have it under the window of revenue that would be allowed according to the legislation. I hope we can work that out. But we cannot allow this simply to turn into a tax bill. We have already spent time on that. So I will object.

Mr. GREGG. Mr. President, it is clear from this last exchange that the blue slip issue is a red herring to throw a few more colors on the table. The fact is, if we want to address the blue slip issue as a Senate, we can clearly do that. This amendment should not be defeated on the basis of a technicality which is clearly correctable.

This is a good amendment. This is an amendment which gets to one of the core issues in this bill, which is the fact the bill, as proposed by Senator MCCAIN and Senator KENNEDY, is a bill that will create more uninsured individuals. I still do not understand how we can call it a Patients' Bill of Rights when this bill creates 1.3 million people who will not have insurance. To me it is not giving rights but taking away their capacity to get health insurance.

At least if this type of bill is going to pass, we ought to expand access to health insurance in other ways. What the Senator from Arkansas has proposed is a very appropriate way to do it. It is something that passed the Senate a number of times before and should be passed at this time.

I want to make a couple of points because there were a couple points made as we have come down to the line. There was a representation made that we are representing the special interests. Let me tell my colleagues, those 1.3 million people are going to lose their insurance are the people I am representing. The small employer who runs a restaurant or a gas station or a little business starting out is going to have to drop health insurance because of this bill. Those are the people I am representing.

We can make the representation on our side when you look at the drafting of this bill that it was put together with certain interests, such as trial lawyers, because it so grossly expands the opportunity for lawsuits, creating new causes of action, creating multiple forum choices, creating no punitive damage caps, creating no noneconomic damage caps, allowing people to escape the external appeals process at will.

We have not said that. It is really inappropriate for the other side to be making these types of representations.

The fact is, as has been represented on the other side that this bill costs 4.2

percent over 5 years—this bill costs 4.2 percent every year in added costs, and that point should be made because that is a lot of new money that is going to have to be borne by the employers.

Those two points needed to be cleared up. I reserve the remainder of time for the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Eight minutes forty-one seconds.

Mr. HUTCHINSON. I thank the Chair, and I thank the Senator from New Hampshire for his good statement regarding the blue slip issue. He called it a red herring. It is a red herring. It is clear, if we want to adopt this, we can. If we want to enact this, we can. The whole blue slip smokescreen is a distraction from the reality.

This is something we should do. Most of us know we should do it. It is something we can do. It is not an effort to subvert or derail this bill. It is an effort to improve it. It is most definitely relevant to this legislation because this legislation will increase the uninsured. It is going to do that. I do not think there is any doubt about that.

The CBO says it is going to increase costs and, as a result of that 4.2 percent increase in cost in premiums, at least on top of the inflation that is already occurring in the health care industry, we are going to see at least 1.3 million more uninsured.

Any effort we can make in this legislation to reduce the uninsured is most relevant. This legislation will do that.

The National Association of Manufacturers is going to key vote this. I do not blame them. This is a key vote. This is an important vote. This is one that deals directly with access to health care.

I remind my colleagues as well, every bill the House of Representatives has passed dealing with a Patients' Bill of Rights has had a tax provision. This is a figleaf that is being held up on a blue slip, and I do not believe the American people will buy that.

Current law discriminates against the self-employed. Corporations are allowed 100-percent deduction. Employees receive 100-percent exclusion for health insurance paid by their employers, but self-employed individuals still are not treated equally.

We can, with a very modest expense, very low expense, move this up a year, give them 100-percent deductibility beginning January of next year. We should do so.

We heard a lot about the liability concerns in this legislation. They are very legitimate concerns. These are not special interests talking:

Chicago Tribune:

> Better to put teeth in administrative review than allow malpractice lawyers to tear the entire health insurance system to shreds.

The Arizona Republic:

> The cost of these reforms is uncertain, but it will be borne by businesses that provide health care coverage perhaps by their employees in the form of higher deductibles or copayments and by employees who may find themselves uninsured if their employer no longer provides coverage as a result of increasing costs.

The Washington Post:

> The threat of a lawsuit should not be what governs health care in this country. To the extent Congress can avoid or contain that awful possibility, we think it should.

Those are not special interests. Those are legitimate concerns about what this bill will do to lawsuits and litigation across the board.

Who are the self-employed we want to help? There are 12.5 million self-employed, and 3.1 million of them are uninsured. We want to minimize the impact on the insured. This is one way we can do it. One out of four of those self-employed in this country are uninsured, almost one out of four. This will make insurance closer to a reality for those people. Seventy percent of these individuals earn less than $50,000. More than two-thirds of those who are self-employed are not affluent, are not rich. They are making less than $50,000 a year.

Then I want my colleagues to think as they vote on this amendment not just about the 3.1 million who are uninsured, who are self-employed, but I want them to think about their children, those who are family heads.

The Hutchinson-Bond amendment will provide the possibility of insurance not only for 6.4 million children who are going to have their situation made better, but for the 1 million children absolutely uninsured right now. That I know is a concern of every Member of this body. This is a means by which we can help that situation. I ask my colleagues to join in an overwhelming vote in support of this amendment. Do not pretend that a technicality somehow justifies a "no" vote. This is a sincere effort to access more people to insurance.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HUTCHINSON. I yield back any time.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Montana, the chairman of the Finance Committee, be recognized for 2 minutes, and the Senator from New Hampshire be recognized for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana.

Mr. BAUCUS. Mr. President, I oppose the pending amendment for several reasons. One, the bill before us is a Patients' Bill of Rights; it is not a tax bill. We have already passed a tax bill. It was a big one, $1.35 trillion, just a short while ago. There could be an opportunity later to examine tax issues, but this is not the time to do it nor do I submit this is the place to do it.

I oppose this amendment on jurisdictional grounds because the Finance Committee is the committee responsible for tax issues, and we will take up similar legislation at a later date, but this is not the time or the place for a tax provision.

Also, Senator GRASSLEY, the ranking member of the committee, agrees—I have discussed this with him—this is not the time and place to include this legislation. The place is in the Finance Committee. That is the committee of jurisdiction over tax legislation. Senator GRASSLEY, as do I, has a strong interest in addressing health care-related tax cuts, but rather in the context of the Finance Committee. He and I strongly urge the Senate to reject this amendment. This is not the time and place to offer tax amendments.

When all time expires, I will make a point of order against the pending amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I am going to yield our time to the Senator from Missouri, but I want to make the point very clear. If my colleagues vote for the point of order against the amendment, they will be voting against people's ability to fully deduct their health insurance.

I yield to Senator BOND.

Mr. BOND. Mr. President, I thank my colleague from Arkansas, Senator HUTCHINSON, for making this the first amendment. My thanks to the Senator from New Hampshire for explaining very carefully. We can talk about the procedure we want, but very simply stated, this has been agreed to by the Finance Committee before. This is a bill that will have tax-related provisions in it. This is a bill that already does. We have heard from both the Senator from Arizona, one of the principal sponsors, and the Senator from New Hampshire, how we assure that this bill is not blue-slipped.

I urge colleagues to support this amendment regardless of the procedural basis on which it is challenged. The underlying purpose is to assure every self-employed businessperson in this Nation and their families that they will get full deductibility of health care. We want to do something good for patients. This is a first step.

I urge my colleagues to support the Hutchinson-Bond amendment and help take a positive step to begin what will be a very important and significant debate on how we protect patients. Cut through the procedure. The question before my colleagues is: Do you want to see self-employed individuals have full deductibility for health care?

Mr. BAUCUS. I make a constitutional point of order against the Hutchinson amendment on the grounds that the amendment would affect revenues on a bill that is not a House-originated revenue bill.

I urge Senators to vote aye on the point of order.

Mr. GREGG. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. If I wish to support allowing people to deduct their health insurance, do I vote no on this amendment?

Mr. REID. Yes, you vote no.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. It takes an affirmative vote to sustain the point of order.

Is there a sufficient second on the request for the yeas and nays? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate. Is the point of order well taken?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SESSIONS) is necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

[Rollcall Vote No. 194 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Grassley
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—45

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—3

Jeffords
Miller
Sessions

The PRESIDING OFFICER. On this vote the yeas are 52, the nays are 45. The point of order is sustained and the amendment falls.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I voted to sustain the Constitutional Point of Order made against the Hutchinson-Bond amendment to the Patients' Bill of Rights legislation. While I have in the past supported and continue to support full deductibility of health insurance for the self-employed, I oppose this amendment to this bill for several reasons. Firstly, the Constitution states that tax legislation must originate in the House of Representatives. Attaching this amendment to this bill would create parliamentary burdens for the Patients' Bill of Rights legislation which would be very difficult to overcome. This is precisely the reason that opponents of this bipartisan legislation are proposing to attach this amendment at this time and why Senator MCCAIN, Senator KENNEDY, and Senator EDWARDS, the authors of the bipartisan Patients' Bill of Rights oppose this amendment. Secondly, the full phase-in of premium deductibility is already scheduled to occur in 2003. Congress has already speeded up the phase-in twice since passing the 1996 Health Insurance Portability and Accountability Act. Because I strongly support the Patients' Bill of Rights, I do not want to see language added to the bill which will interfere with its becoming law.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I think, under the previous agreement, there is going to be recognition of the Senator from Arizona. We have a very important amendment now that will be offered by the Senator from Arizona. We will only have an hour of debate time in the morning. We will come in at 9:30. There will be a half hour on each side to debate this. But this is very important.

I hope our colleagues will pay close attention to the Senator and those who address this issue tonight. We look forward to having a good debate and discussion on this measure.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized to offer an amendment.

AMENDMENT NO. 809

(Purpose: To express the sense of the Senate with respect to the opportunity to participate in approved clinical trials and access to specialty care)

Mr. MCCAIN. Madam President, on behalf of myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 809.

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE WITH RESPECT TO PARTICIPATION IN CLINICAL TRIALS AND ACCESS TO SPECIALTY CARE.

(a) FINDINGS.—The Senate finds the following:

(1) Breast cancer is the most common form of cancer among women, excluding skin cancers.

(2) During 2001, 182,800 new cases of female invasive breast cancer will be diagnosed, and 40,800 women will die from the disease.

(3) In addition, 1,400 male breast cancer cases are projected to be diagnosed, and 400 men will die from the disease.

(4) Breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55.

(5) This year 8,600 children are expected to be diagnosed with cancer.

(6) 1,500 children are expected to die from cancer this year.

(7) There are approximately 333,000 people diagnosed with multiple sclerosis in the United States and 200 more cases are diagnosed each week.

(8) Parkinson's disease is a progressive disorder of the central nervous system affecting 1,000,000 in the United States.

(9) An estimated 198,100 men will be diagnosed with prostate cancer this year.

(10) 31,500 men will die from prostate cancer this year. It is the second leading cause of cancer in men.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) men and women battling life-threatening, deadly diseases, including advanced breast or ovarian cancer, should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician;

(2) an individual should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician if—

(A) that individual—

(i) has a life-threatening or serious illness for which no standard treatment is effective;

(ii) is eligible to participate in a Federally approved or funded clinical trial according to the trial protocol with respect to treatment of the illness;

(B) that individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual; and

(C) either—

(i) the referring physician is a participating health care professional and has concluded that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A); or

(ii) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A);

(3) a child with a life-threatening illness, including cancer, should be allowed to participate in a Federally approved or funded clinical trial if that participation meets the requirement of paragraph 2;

(4) a child with a rare cancer should be allowed to go to a cancer center capable of providing high quality care for that disease; and

(5) a health maintenance organization's decision that an in-network physician without the necessary expertise can provide care for a seriously ill patient, including a woman battling cancer, should be appealable to an independent, impartial body, and that this same right should be available to all Americans in need of access to high quality specialty care.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arizona.

Mr. McCAIN. Mr. President, this amendment is not a complicated one. In fact, it is very simple and straightforward. It simply reiterates the Senate's strong support for providing strong patient protections to Americans who are battling deadly and life-threatening illnesses.

The reason I offer this sense-of-the-Senate amendment is that there has been a great deal of discussion about the difference, according to the Congressional Budget Office, between the cost of the so-called Breaux-Frist proposal and the pending legislation.

At the outset, so there is no misunderstanding, this sense of the Senate does not in any way tell the HMOs what they should cover and what they should not cover. That is not the point. The point is that when these are covered, there are obviously increased costs, but the reasons for covering them are compelling. The reason I just had the resolution read is the really compelling statistics: 182,800 women this year will be diagnosed with invasive breast cancer; 40,800 women will die from the disease; 1,500 children are expected to die from cancer this year; an estimated 198,100 American men will be diagnosed with prostate cancer; 31,500 men will die from prostate cancer this year.

What I am trying to say is that we think there are additional costs associated with coverage for a disease that affects literally millions of Americans.

The CBO, the Congressional Budget Office, scored the Frist-Breaux proposal as increasing premiums by 2.9 percent. They scored our proposal as being a 4.2-percent increase in premium cost. This is the estimated ultimate effect of the Bipartisan Patients' Bill of Rights on premiums for employer-sponsored health insurance in percent.

I point out that the Congressional Budget Office costs out in lawsuits and damages an increase in premiums under the Breaux-Frist bill of .4 percent; our bill, .8 percent. So there is a .4 percent difference in their estimate—and we argue with that estimate—in costs associated with the provisions for litigation or remedies, lawsuits and damages, in this bill. I want to emphasize, .4 percent.

The overall difference, according to CBO, is 1.3 percent, the difference between 2.9 and 4.2. But the difference associated with lawsuits and damages is .4 percent.

Where do the other differences, according to CBO, occur? Well, timely access to specialists. They believe it would increase premiums by .1 percent and ours .3 percent. On charges for individuals participating in approved clinical trials, they say it would increase costs by .5 percent and ours by .8 percent. The right to hold health plans accountable—that is, the review of health care plans—the Breaux-Frist bill increases cost by .8 percent and ours by 1.2 percent, which is a difference of .4 percent—adding up to an overall additional cost in premiums, the Breaux-Frist proposal of 2.9 percent, and ours, the pending legislation, of 4.2 percent.

My point is, as we have already seen, the majority of the debate has been centered around the allegation that there will be an explosion of litigation and lawsuits. That is not according to our view nor that of the former Governor, Senator ZELL MILLER, who spoke this morning of his experience as Governor of the State of Georgia, nor is it true in the CBO estimates.

I happen to personally believe that clinical trials are important and should be part of health maintenance organization coverage, but that is up to the HMO. I happen to believe that treatment for breast cancer should be part of an HMO's coverage, but I also believe that that is up to the health maintenance organization.

What I am trying to do here is put the Senate on record of being in favor of trying to address these illnesses which affect so many Americans, and it is our view, as a body, that these causes of death—breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55—that there are protections that all Americans should receive under HMOs.

I stress again, we are not in any way mandating that those should be covered. We are entitled, as a body, to express our opinion and our sense. That is why it is a sense-of-the-Senate resolution and not any mandate that would be in the form of another amendment.

This does not encourage excessive new mandates for health plans. It simply says that if the plan provides certain benefits, such as cancer care, then that plan cannot stop a qualified patient from participating in an approved or funded clinical trial.

So I hope my colleagues will agree on this amendment.

I have a letter from the American Cancer Society in support of increased access to clinical trials, prompt and direct access to medical specialists, and strong, independent, and timely external grievance and appeals procedures.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CANCER SOCIETY,
Washington, DC, June 13, 2001.
Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the American Cancer Society and its 28 million supporters, I am writing to respectfully request that you allow debate on the Patients' Bill of Rights to move forward and that you support S. 283/S. 872, the "Bipartisan Patient Protection Act of 2001." As the largest voluntary health organization dedicated to improving cancer care, the Society has set the enactment of a patients' bill of rights that provides strong, comprehensive protections to all patients in managed care plans as one of its top legislative priorities for this session of Congress.

While the Society does not have a position on health plan liability, we have identified several other provisions that are critical to cancer patients. Specifically, we advocate patient protection legislation that provides all insured patients with:

Increased access to clinical trials—assuring that cancer patients who need access to the often lift-saving treatments provided in both federally and privately-funded or approved high-quality, peer-reviewed clinical trials have the same coverage for routine patient care costs (e.g., physician visits, blood work, etc.) as patients receiving standard care.

Prompt and direct access to medical specialists. Patients facing serious or life threatening illnesses, such as cancer, need continuity of care, the option of designating their specialist as their primary care provider, and the ability to have a standing referral to their specialist for ongoing care.

Strong, independent, and timely external grievance and appeals procedures.

As of today, the "Bipartisan Patient Protection Act of 2001" (S. 283/S. 872) is the only bill under consideration by the Senate that fully meets these criteria.

We are particularly pleased that S. 283/S. 872 includes a strong clinical trials provision that provides access for cancer patients and others with serious and life threatening diseases to both federally and privately-sponsored high-quality, peer-reviewed trials. Clinical trials are a critical treatment option for current cancer patients and are also essential in our nation's efforts to win the War Against Cancer. Without clinical trials, new or improved treatments would languish in the laboratory, never reaching the patients who need them. Unfortunately, only three percent of cancer patients currently enroll in clinical trials. Part of the problem is that many health insurers refuse coverage for a patient's routine care costs if the patient enrolls in a clinical trial—effectively denying access to possibly life-saving treatment.

S. 283/S. 872 would remove this financial barrier by requiring health insurance plans to cover the same routine patient care costs that they would cover if the patient were receiving standard therapy. It is important to note that the legislation would not require the health plans to cover new costs—they would not be required to cover the research-related costs or even the cost of the actual drug.

The Society also strongly supports the clinical trials provision because it offers patients access to a broad range of clinical trials—including new drug trials approved by the Food & Drug Administration (FDA)—helping to ensure that no one is left behind as we march forward in our fight against cancer. The recently FDA-approved oral anti-cancer drug Gleevec is a prime example of the important role privately-funded trials play in our War Against Cancer. This revolutionary new drug, developed by the pharmaceutical industry, has offered hope to many patients suffering from chronic myelogenous leukemia (CML). Just as the Society believes that health insurance plans should cover the same routine patient care costs that they would cover if the patient were receiving standard therapy, we also believe that this requirement should be the same regardless of who is funding the trial. Patients continue to pay premiums for this care and should not be forced to go through burdensome administrative hurdles solely because their best treatment option is being developed by the private instead of the public sector. As a result, the Society feels very strongly that any clinical trials provision adopted by Congress must include the innovative treatments being developed in FDA-approved trials.

While we appreciate the efforts of Senators Frist and Breaux to include a clinical trials provision in their alternative bill, S. 889, the provision falls far short of the protections needed by cancer patients. Specifically, the Frist-Breaux proposal would exclude many new drug trials that are approved by the FDA—trials that are essential to providing quality cancer care. S. 889 would also create a negotiated rulemaking procedure to develop a new definition of routine patient care costs instead of relying on the existing Medicare definition already in use. It is important to note that this definition has already been vetted through a federal rulemaking procedure. Further, managed care plans who participate in Medicare + Choice are already following the Medicare definition. Duplicating this effort would be a waste of scarce federal resources and subject patients to a needless waiting game that could be the difference between life and death for some cancer patients.

The diagnosis of cancer is devastating—patients must not only confront an array of medical decisions, they must cope with the financial and emotional burdens as well. We strongly believe that cancer patients in managed care plans must be assured of access to clinical trials this year and hope to continue to work with you to achieve our mutual goals.

Cancer patients have been waiting for enactment of a strong, comprehensive Patients' Bill of Rights for several years. For many current and future cancer patients, enactment of this legislation is a life-or-death issue. Please do your part and support S. 283/S. 872, the "Bipartisan Patient Protection Act of 2001." If you or your staff have any additional questions, please contact Megan Gordon, Manager of Federal Government Relations (202-661-5716).

Sincerely,

DANIEL E. SMITH,
National Vice President,
Federal and State Government Relations.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleague from Arizona for the sense-of-the-Senate resolution. I think it is important to bring this up early in the debate.

The Senator from Arizona, in his resolution, spells out the grim statistics about the fatal diseases which Americans and their families fight every single day. He notes the fact regarding breast cancer, the most common form of cancer among women, excluding skin cancer, that during the year 2001, 182,800 new cases of female invasive breast cancer will be diagnosed and 40,800 women will die from the disease. Fourteen hundred male breast cancer cases are projected to be diagnosed, 400 to die from the disease. Breast cancer is the second leading cause of cancer death among all women. The leading cause, of course, is lung cancer. This year, 8,600 children are expected to be diagnosed with cancer; 500 will die from that disease. Three hundred thirty-three thousand people in our country are diagnosed with multiple sclerosis; 200 more cases each week. Parkinson's disease is a progressive disorder of the central nervous system affecting a million in the United States, and the numbers are growing. An estimated 198,000 men will be diagnosed with prostate cancer this year; 31,500 will die from this disease. It is the second leading cause of cancer among men.

The reason these statistics are important and the sense-of-the-Senate resolution is so important is that Senator McCAIN, as well as this bipartisan legislation, addresses the hope that we have to deal with this scourge of disease and all the pain and sorrow and suffering it brings to so many people.

What we are talking about are clinical trials. Clinical trials are an attempt by the medical profession to find new therapies and new approaches that may be promising and may create breakthroughs for people who have lost hope.

HMOs, the health insurance companies, many times deny access to these clinical trials.

Think about that for a moment: You visit your doctor and he says there is a suspicion that there may be a serious problem. You come back for a final diagnosis and you learn it is, in fact, a very serious disease; in fact, it is so serious that there is no known cure. But there is a clinical trial on the way at a hospital or a university that is trying a new approach, something that may have a significant impact on your disease. You ask how much it costs. Of course, it could be very expensive. Can you pay for it personally? Some people can, but most can't. So you call your health insurance company and say to the health insurance company: I have this bad diagnosis, but I have a chance. There is a clinical trial.

Sadly, too many health insurance companies say: No, we are not going to cover it. We can't afford it.

Clinical trials represent the gold standard of care for cancer patients across the United States. Yet only 3 percent of the eligible adults are enrolled in clinical trials for the treatment of cancer.

The General Accounting Office has found that patient participation in clinical trials is often dependent on this approval by the insurance company. They found that, increasingly, HMOs and health insurance companies are saying no to these clinical trials.

Yesterday, I had a very interesting visit in my office, unplanned, when a young lady from Chicago came in and asked at the last minute to see me. She was in town to testify at a committee on which I don't serve. Her name is Liz Cohen. She was here with her husband Richard. Liz is a cancer survivor. She was testifying before a subcommittee about clinical trials and medical research. Liz was diagnosed with lymphoma about 6 years ago. Luckily for her, she told me that she was willing to put up a fight with the insurance company to make sure she got into the clinical trial. She said—and I certainly agree with her—that many people are not so fortunate. How could anybody afford the thousands of dollars it would cost to go through one of those clinical trials? We talked about one of the new miracle drugs for cancer that has just come on the market. It is known as Gleevac. The pharmaceutical industry developed this revolutionary drug for chronic myelogenous leukemia and it has now been approved by the FDA in a record 2-month period of time. That may have been one of the fastest approvals ever.

The trials for this groundbreaking new treatment were privately funded, but approved by the FDA. Why is that important in this debate? Many people on the Republican side of the aisle tell you there is very little difference between the Breaux-Frist bill and the one being offered on our side, the Kennedy-Edwards-McCain bill.

Listen to the situation that faced Liz Cohen, where this breakthrough drug came about as a result of a clinical trial approved by the FDA. Under the McCain-Edwards bill, the one I support, the bipartisan bill, this type of clinical trial approved by the FDA would be covered. The Frist bill would not cover the trial for patients with this form of leukemia because they don't require coverage for FDA approved trials. They make a distinction which, frankly, from the point of view of a patient makes no difference whatsoever. If you are talking about a clinical trial and a breakthrough drug, how important is it for you to know whether it is FDA approved or not? If it is approved, why would your health insurance company not cover it?

It seems unfair for Congress to limit treatment options based on who is funding the clinical trial. That is exactly what the bills do. The bill offered on the Republican side by Senator

FRIST and Senator BREAUX is a bill that would have denied her the access to that clinical trial. Our bill would have given her that access.

There are other major problems with the Frist bill, not the least of which is the fact that it imposes a lengthy rulemaking process in terms of this whole clinical trial issue. It is estimated that they would not be able to decide the rules relative to these clinical trials before fiscal year 2004, maybe as late as 2007. Can you think about that for a moment—that we would wait 5, 6, or 7 years for rulemaking under the Frist bill on clinical trials? Would you like to try to explain that in a doctor's office to someone desperate for a breakthrough so that they can live?

That is what is at stake here. The clock is not just running on rulemaking; the clock is running on life or death. That is the difference between the bills.

The Frist bill also provides the HMO with an opportunity to refuse to cover unanticipated patient care costs as a result of a clinical trial. So even if you get access to a clinical trial and pay with your own money, you have to hope you won't suffer side effects, or you might be on your own paying for the bills out of your own pocket.

Clinical trials are sometimes the only hope that a family has. The Frist and Breaux bill, sadly, would extinguish that hope. In an effort to protect the insurance company's bottom line, their bill would rob cancer patients sometimes of their last chance.

I hope when we look at clinical trials, there will be honest information given on the Senate floor. The Mayo Clinic and the Memorial Sloan-Kettering Cancer Center have done studies. They have concluded that the cost of a clinical trial is usually comparable to the cost of other treatment. But the clinical trials are important because they try to push the envelope and find new approaches, new therapies, new drugs, things that could be used for everybody's good benefit later on. They give an example. They went to the Mayo Clinic, to the National Cancer Institute, and found that after one year the cost for a cancer chemotherapy trial was $24,645. For those under standard care, it was $23,964. The difference is not significant. For a person desperate to find a cure, the difference makes the importance of this debate come through very clearly.

Another study at Memorial Sloan-Kettering Cancer Center found that clinical trial patients spend less time in the hospital, lower costs for radiation therapy, fewer drugs and supplies, and fewer operating room procedures. Overall costs for clinical trial patients were 20 percent less than those patients in standard care.

Why do the insurance companies say no? It is not a matter of cost. It is a question about how far they will go if you leave them alone. The reason for this Patients' Bill of Rights is to make sure that families across America have these rights and guarantees and protections.

What we are seeking to do with the amendment offered by the Senator from Arizona is to put the Senate on record, to stand up for clinical trials, stand up for the bipartisan bill that guarantees access to these important life-or-death clinical trials. I am happy to stand in support of the Senator's amendment. I hope all of my colleagues, regardless of their party affiliation, will understand that the diseases that affect Americans don't know any party label. They affect everybody—Republican, Democrat, or Independent. I hope all my colleagues will join in supporting this amendment. I thank the Senator for bringing it to the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank my friend from Illinois for the eloquent statement. I want to make a brief comment about the last vote.

I believe we made a good-faith effort in order to see that we could circumscribe the number of tax amendments that would be on this bill. I thought it was a good-faith effort. Obviously, that offer was not accepted. I want to continue to work to see if we can work that out.

In a larger sense, we had some pretty strong rhetoric on the floor after our first day of debate on this issue. But time after time, I hear the statement made by my colleagues on both sides of this legislation that we want a Patients' Bill of Rights. There is acknowledgement that we are in agreement on 90 percent of this issue. Well, then, let's really get serious about negotiating. Let's sit down together.

I know I speak for the supporters of this legislation when I say there is nothing that we feel is not negotiable. We cannot betray principle, but it is interesting that we go over the President's principles and we find that we are not in any disagreement with the message that was sent over from the White House as far as the President's principles are concerned. If we are in agreement on the principles, then it seems to me there should be no reason why we can't reason together—whether it be on employer liability, or whether it be on the external appeals process, or whether it be in other areas that divide us.

So I hope that we will take this opportunity after the vote tomorrow to contemplate it over the weekend, recognizing that the majority leader has stated that we will be on this bill until its conclusion, and take the opportunity to engage in serious negotiations because I don't think that we are that far apart on this issue.

It is not our desire in any way, shape, or form to incur a veto. I was somewhat disappointed at the President's message today concerning the threat of veto because given the reasons listed, frankly, we believe that we are in compliance.

So I hope that we can, tomorrow, and in the week ahead, have some meaningful negotiations and discussions so that we can reach an outcome that meets the goal that all of us state over and over and over again on the floor of the Senate, that we want an HMO Patients' Bill of Rights.

I believe we can achieve it, and I hope today's debate—5 hours on an amendment that has to do with revenue—will not be the practice we continue here. Otherwise, it will be a long time before we complete consideration of this legislation. I, like 99 of my colleagues, do have plans for the Fourth of July. So I hope we can, not only because of the virtues and merits of the issues, but also for less noble reasons, try to get this issue resolved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I too, join my colleagues in commending the Senator from Arizona for bringing this to our attention. It brings focus to two very important protections of this legislation. It is appropriate we bring focus to these two protections. Many of the other protections are essential as well, but I think these two are of special importance and concern because the clinical trials part of this legislation is the key, the basis of translating the breakthrough drugs to American families. If we do not have the clinical trials, that is not going to happen, and we are in the century of life science.

Specialty care is of enormous importance. We may have challenges in our health care system, but we have well-trained, highly skilled professionals. Specialization has brought a quality of instruction, comprehension, and experience to so many of our medical professionals that their knowledge in areas of specialization every single day makes extraordinary differences to families. The Senator from Arizona has brought special focus to both of these areas.

I want to mention a few points about why I think this amendment is needed and why I support it. I will explain the reason why this amendment is important.

Two of the biggest loopholes in the bill sponsored by our opponents are in the sections providing access to clinical trials and specialty care. Under their bill, the patients do not have access to critical FDA-approved clinical trials. Access to trials is potentially delayed for years because of a cumbersome administrative process.

Their proposal for access to speciality care is not a right because it lets the HMO decide whether the child needs specialty care, but the decision is not appealable.

Do my colleagues understand that? If you have a situation where a child has cancer, as my own son did—we went to our general pediatrician, and he was able to tell us very quickly about the importance of going to a pediatric oncologist.

He visited an oncologist and received recommendations and supervision. There are about 2,000 of these cases each year. He was admitted into a clinical trial in which 22 children at that time had actually survived. But that particular clinical trial was breathtaking in its success. There are still a number of fatalities, but it changed from about a 10 or 15 percent chance of survival to only a 10 or 15 percent chance of mortality. I have seen the importance of this in a very important way.

A "yes" vote on this amendment will effectively take this issue off the table and put the Senate on record as saying that women and children with cancer, and any American with a dreadful disease, should have the opportunity to see a specialist qualified to treat the disease. They should have the opportunity to participate in a potentially lifesaving clinical trial.

Earlier today, I was talking about the importance of specialty care when serious and complex illnesses strike. It is critical to get the best specialty care that is needed. Denial of access to needed specialists is also one of the most common abuses in the current system.

According to a survey at the University of California School of Public Health, 35,000 patients every day are denied specialty referrals. One of those patients was little Sarah Pedersen of San Mateo, CA.

Sarah was born with a brain tumor. When she was 3, it became clear she needed aggressive treatment to save her life, including brain biopsies and chemotherapy. Her neurosurgeon knew that Sarah needed to be seen by a doctor specializing in brain tumors in children, and there was no qualified doctor in her family's health plan. When Sarah's mother, Brenda, a nurse, asked to go outside the network, her HMO said no. The HMO said: We are not giving you second best, we are giving you what is on the list.

After months of fighting with the HMO, it finally agreed to let Sarah see someone qualified to treat her condition. Her chemotherapy began. Everyone knows chemotherapy causes severe nausea and vomiting. The HMO denied Sarah's $54 prescription for antinausea medication because it was too expensive. Finally, Sarah's family was able to switch insurance companies and get proper care for their child.

There you have it, two parents facing one of the worst nightmares a family can have: a child with cancer. Instead of being able to focus on dealing with that terrible stress and working to give their child the comfort and assistance they can, they have to spend their energy fighting with an insurance company simply to get the child access to an appropriate specialist.

Sarah was lucky in the sense that the HMO's delays did not kill her, but what a burden for her family to face and what a travesty of common decency. Passage of our legislation will assure that every family with a child who has cancer can get the specialty care they need without the dangerous delays.

Women with cancer face special burdens. They must cope with a dreaded and often deadly disease. They need prompt specialty care. Often their best hope for a cure or precious extra months or years of life is participation in a clinical trial, but too often both are lacking.

When a woman with advanced breast or cervical cancer reaches a qualified specialist, the best—and sometimes the only—therapeutic choice is participation in a clinical trial. But too often, women with cancer and their physicians must fight HMOs to take advantage of this opportunity. Diane Bergin, a wife and mother of three children, suffered from ovarian cancer. Participation in clinical trials has prolonged her life, gave her hope, and offered the prospect of better care for future women suffering from this terrible disease. She was allowed to participate in clinical trials—but she had to fight every step of the way—and she knows that other women were not so fortunate. Here is what she said, "No one facing a serious illness should be denied access to care because that treatment is being provided through a clinical trial. Sometimes, it is the only hope we have. And the benefit to me, whether short or long-term, will surely help those women who come after me seeking a cure, a chance to prolong their life for just a little while, just so that they can attend a graduation, or a wedding, or the birth of a grandchild."

Traditionally, the insurance companies have paid the routine doctor and hospital costs associated with clinical trials.

According to the CBO, 90 percent of the cost of such trials is paid by the insurance companies. But managed care is reversing that policy, with devastating effects on patients and researchers alike.

Diane Bergen was a patient at the Lombardi Cancer Center in Washington. Karen Steckley, a nurse, is director of clinical operations at the center. She has eight full-time master level nurses on her staff who spend virtually all of their time, not in patient care, but in arguing with managed care companies. These companies do not want to pay for clinical trials, even when it is clearly the best treatment available for a patient. Often Ms. Steckley's team is able to get patients into trials. But sometimes they fail and patients suffer or die needlessly as a result.

Our legislation will end this abuse. That is one reason it has been endorsed by virtually every organization in the country representing cancer patients.

We have heard moving testimony on the subject. In one of the many forums we held on access to specialists for cancer patients, we heard from Dr. Mirtha Casimir, a distinguished Texas oncologist. Dr. Casimir talked about the heartbreaking stories of cancer patients whose HMOs delay and deny access to specialty care—often until it is too late. When Dr. Casimir gets a patient whose cancer has progressed substantially from the initial diagnosis to the time they are allowed to seek needed specialty care, she often flips to the front of the chart. Nine times out of ten, the insurer is an HMO. Every centimeter a cancer grows can mean the difference between a good chance at life and the likelihood of death. Every centimeter represents potentially devastating and avoidable pain, suffering, and death for a patient and a family.

Dr. Casimir's message was clear: Pass the Patients' Bill of Rights so more cancer patients will not die needlessly. That is exactly what the McCain amendment will accomplish, something which the underlying amendment on clinical trials fails to do.

Congress took action last year in the area of the Medicare and Medicare Plus by establishing the protocol for shared costs between the industry and clinical trials. All of that was worked out. The basic agreement is completely consistent with the Institute of Medicine's recommendation. It is working and working well. Yet under their proposal, they have to go through the whole administrative process once again to try to determine the costs. The best estimates would take 5 to 6 years. That kind of delay is not acceptable.

The opponent's bill also excludes FDA trials which, as we have mentioned previously, are a source of enormous importance. So many of these trials involve pharmaceutical companies on the cutting edge of breakthrough drugs, drugs that offer enormous opportunities. A patient cannot even gain entrance into the clinical trial unless the doctor makes the determination that there is a reasonable chance of success. Still, under the Frist-Breaux proposal, the clinical trials provision does not give the clear guarantees that are in the McCain amendment.

I ask unanimous consent that two letters be printed in the RECORD at the conclusion of my remarks, one from the American Cancer Society and another from the Cancer Leadership Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. KENNEDY. From the Cancer Leadership Council:

On behalf of cancer patient advocates, health care professionals and research organizations, the undersigned organizations thank you for your vital leadership in introducing a Patients' Bill of Rights that provides comprehensive coverage for routine patient care costs in clinical trials. Notably, your legislation covers ALL high quality clinical trials, not just those sponsored by government funding agencies. As cancer drug development is increasingly undertaken by the pharmaceutical and biotechnology industries, it is essential that their trials be accessible to cancer patients, and your legislation will achieve this result. In addition, your bill provides a workable definition of "routine patient care costs" that will enable implementation to proceed expeditiously.

That is what the McCain amendment is all about.

The American Cancer Society talks about increased access and about assuring that the cancer patients who need access get access to clinical trials. Access must be available to trials that involve lifesaving treatments provided in both federally and privately funded trials. Approved high-quality peer reviews are an essential component of this process. Clinical trials should have the same coverage for routine patient care costs as patients receiving standard care.

This is an enormously important protection for the American people. We should embrace it, endorse it, and ensure this kind of patient protection is included in any successful Patients' Bill of Rights legislation.

Exhibit No. 1

American Cancer Society,
Washington, DC, June 13, 2001.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: On behalf of the American Cancer Society and its 28 million supporters, I am writing to respectfully request that you allow debate on the Patients' Bill of Rights to move forward and that you support S. 283/S. 872, the "Bipartisan Patient Protection Act of 2001." As the largest voluntary health organization dedicated to improving cancer care, the Society has set the enactment of a patients' bill of rights that provides strong, comprehensive protections to all patients in managed care plans as one of its top legislative priorities for this session of Congress.

While the Society does not have a position on health plan liability, we have identified several other provisions that are critical to cancer patients. Specifically, we advocate patient protection legislation that provides all insured patients with:

Increased access to clinical trials—assuring that cancer patients who need access to the often life-saving treatments provided in both federally and privately-funded or approved high-quality, peer-reviewed clinical trails have the same coverage for routine patient care costs (e.g., physician visits, blood work, etc.) as patients receiving standard care.

Prompt and direct access to medical specialists. Patients facing serious or life threatening illnesses, such as cancer, need continuity of care, the option of designating their specialist as their primary care provider, and the ability to have a standing referral to their specialist for ongoing care.

Strong, independent, and timely external grievance and appeals procedures.

As of today, the "Bipartisan Patient Protection Act of 2001" (S. 283/S. 872) is the only bill under consideration by the Senate that fully meets these criteria.

We are particularly pleased that S. 283/S. 872 includes a strong clinical trials provision that provides access for cancer patients and others with serious and life threatening diseases to both federally and privately-sponsored high-quality, peer-reviewed trials. Clinical trials are a critical treatment option for current cancer patients and are also essential in our nation's efforts to win the War Against Cancer. Without clinical trials, new or improved treatments would languish in the laboratory, never reaching the patients who need them. Unfortunately, only three percent of cancer patients currently enroll in clinical trials. Part of the problem is that many health insurers refuse coverage for a patient's routine care costs if the patient enrolls in a clinical trial—effectively denying access to possibly life-saving treatment.

S. 283/S. 872 would remove this financial barrier by requiring health insurance plans to cover the same routine patients care costs that they would cover if the patient were receiving standard therapy. It is important to note that the legislation would not require the health plans to cover new costs—they would not be required to cover research-related costs or even the cost of the actual drug.

The Society also strongly supports the clinical trials provision because it offers patients access to a broad range of clinical trials—including new drug trials approved by the Food and Drug Administration (FDA)—helping to ensure that no one is left behind as we march forward in our fight against cancer. The recently FDA-approved oral anti-cancer drug Gleevec is a prime example of the important role privately-funded trials play in our War Against Cancer. This revolutionary new drug, developed by the pharmaceutical industry, has offered hope to many patients suffering from chronic myelogenous leukemia (CML). Just as the Society believes that health insurance plans should cover the same routine patient care costs that they would cover if the patient were receiving standard therapy, we also believe that this requirement should be the same regardless of who is funding the trial. Patients continue to pay premiums for this care and should not be forced to go through burdensome administrative hurdles solely because their best treatment option is being developed by the private instead of the public sector. As a result, the Society feels very strongly that any clinical trials provision adopted by Congress must include the innovative treatments being developed in FDA-approved trials.

While we appreciate the efforts of Senators Frist and Breaux to include a clinical trials provision in their alternative bill, S. 889, the provision falls far short of the protections needed by cancer patients. Specifically, the Frist-Breaux proposal would exclude many new drug trials that are approved by the FDA—trials that are essential to providing quality cancer care. S. 889 would also create a negotiated rulemaking procedure to develop a new definition of routine patient care instead of relying on the existing Medicare definition already in use. It is important to note that this definition has already been vetted through a federal rulemaking procedure. Further, managed care plans who participate in MedicareChoice are already following the Medicare definition. Duplicating this effort would be a waste of scarce federal resources and subject patients to a needless waiting game that could be the difference between life and death for some cancer patients.

The diagnosis of cancer is devastating—patients must not only confront an array of medical decisions, they must cope with the financial and emotional burdens as well. We strongly believe that cancer patients in managed care plans must be assured of access to clinical trials this year and hope to continue to work with you to achieve our mutual goals.

Cancer patients have been waiting for enactment of a strong, comprehensive Patients' Bill of Rights for several years. For many current and future cancer patients, enactment of this legislation is a life-or-death issue. Please do your part and support S. 283/S. 872, the "Bipartisan Patient Protection Act of 2001." If you or your staff have any additional questions, please contact Megan Gordon, Manager of Federal Government Relations (202-661-5716).

Sincerely,
Daniel E. Smith,
National Vice President,
Federal and State Government Relations.

Cancer Leadership Council,
Washington, DC, June 13, 2001.
Hon. John McCain,
Senate Russell Office Building,
Washington, DC.
Hon. Edward Kennedy,
Senate Russell Office Building,
Washington, DC.
Hon. John Edwards,
Senate Dirksen Office Building,
Washington, DC.

Dear Senators McCain, Kennedy and Edwards: On behalf of cancer patient advocates, health care professionals and research organizations, the undersigned organizations thank you for your vital leadership in introducing a Patients' Bill of Rights that provides comprehensive coverage for routine patient care costs in clinical trials. Notably, your legislation covers all high quality clinical trials, not just those sponsored by government funding agencies. As cancer drug development is increasingly undertaken by the pharmaceutical and biotechnology industries, it is essential that their trials be accessible to cancer patients, and your legislation will achieve this result. In addition, your bill provides a workable definition of "routine patient care costs" that will enable implementation to proceed expeditiously.

One of the primary objectives of advocacy by the cancer community over the past decade has been assured coverage of routine patient care costs in clinical trials. Last year, the Medicare program acted pursuant to executive memorandum to extend coverage to all trials conducted under the auspices of either government funding agencies like the National Institutes of Health (NIH) or the regulatory oversight of the Food and Drug Administration (FDA). If such a policy is appropriate for the Medicare program, surely it should be a guaranteed right for patients under private health plans.

Recent reports in the scientific and popular press have highlighted the impressive advances in development of cancer drugs that are both more effective and less toxic than traditional treatments. People with cancer should have early access to these investigational drugs, as well as investigational devices, in the context of high quality clinical trials. Without a comprehensive coverage provision, patients will continue to be at the mercy of health plans' inconsistent approach to this issue. For this reason, we strongly support the clinical trials provisions contained in S. 283 and look forward to their eventual enactment.

THE CANCER LEADERSHIP COUNCIL.

MEMBERS

Alliance for Lung Cancer Advocacy, Support, and Education.
American Cancer Society.
American Society of Clinical Oncology.
American Society for Therapeutic Radiology & Oncology, Inc.
Association of American Cancer Institutes.
Cancer Care, Inc.
Cancer Research Foundation of America.
The Children's Cause, Inc.
Coalition of National Cancer Cooperative Groups, Inc.
Colorectal Cancer Network.
Cure for Lymphoma Foundation.
Kidney Cancer Association.
International Myeloma Foundation.
The Leukemia & Lymphoma Society.
Multiple Myeloma Research Foundation.
National Alliance of Breast Cancer Organizations.
National Coalition for Cancer Survivorship.
National Patient Advocate Foundation.
National Prostate Cancer Coalition.
North American Brain Tumor Coalition.
Ovarian Cancer National Alliance.
Pancreatic Cancer Action Network.
Susan G. Komen Breast Cancer Foundation.
US TOO! International, Inc.
The Wellness Community.
Y-ME National Breast Cancer Organizations.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I rise in response to the amendment of the Senator from Arizona on clinical trials. I will spend the next few minutes reflecting on what clinical trials are and how many clinical trials are out there, the tremendous benefit and the power of clinical trials to translate basic science, basic knowledge to the patient, to the clinical application to that patient, and then that transfer or discovery and creation and investment in research at the basic level, that transition through clinical trials in order to have practical application in terms of curing cancer or heart disease or lung disease or kidney disease or Parkinson's disease, a neurological disease. It can't be done without the transition through clinical trials.

I have participated in a number of clinical trials as a scientist and as a surgeon. I have participated in clinical trials as an investigator of artificial hearts. I have participated in clinical trials in heart valves that have been inserted to see whether or not those heart valves would work, whether they would last. I have participated in clinical trials in prescription drugs and in immunosuppressive drugs, drugs given to transplant patients to fight infections and to suppress the immune system so a transplanted heart could survive short term, mid term, and long term.

In this role as a physician and as a scientist and as a clinician, what is called a clinical investigator, I have seen the good things and the great benefits of trials, but I have also seen the inevitable failures. That is why you do an experiment, that is why you do experiments on humans. That is what a clinical trial is. You don't really know whether that basic science or early clinical discovery can be applied practically in a safe and effective way, so you do the clinical trial.

I say that because it is clear that there is a real lack of understanding of the rich value, coupled with the potential adverse effects that are inherent in this process, of basic science to clinical science to application.

Clinical trials are just that. They are trials. They are investigations. They are experiments.

I want to spend a little bit of time talking about that both the good and the bad. I also want to give some sort of feel for this for my colleagues, because as I talked to my colleagues and we heard this amendment was going to come up (We had the chance to look at the amendment about 20 minutes ago for the first time), my colleagues would come up to me and ask: How many clinical trials are there today? Are we talking about 100 clinical trials? Are we talking about 200 clinical trials, or 300 clinical trials, or 100 clinical trials, or 1,000 clinical trials, or 10,000 clinical trials, or 100,000 clinical trials?

Right now, as I talk about those numbers, I wonder what my colleagues are thinking. Is it 5,000, or is it 10,000? Because clinical trials cost something. Everybody listening to me in this Chamber today and everybody around the country is going to have to bear the burden of that cost. Again, there is tremendous benefit, but it has an increased cost. We should know at least how many trials there are. How else can you know what the cost, or the incremental cost, is going to be? We know that the incremental cost is ultimately going to come from an increase in premiums. How much will the 170 million people out there who get their health care from their employer have to pay?

I ask my colleagues, is it 1,000 trials, or is it 5,000, or is it 10,000? I will come back to that as people are trying to figure out how many trials there are.

What is the nature of these trials? There is a pill and a placebo given to an individual to take for a period of time. That pill could do any number of things. It could, hopefully, stop heart disease. Hopefully, it could slow down a malignant cancer. Hopefully, it could reverse what might otherwise be intractable deterioration of the kidneys. But you don't know. Otherwise, it wouldn't be a clinical trial. You just do not know how that experiment will turn out. You hear the good things. You hear the positive things. You hear the hope, and you know the innovation will capture the dreams. Members will show pictures and talk about individuals. It is all there. But ultimately we have to translate that down into policy.

It is done one way in the Kennedy-McCain-Edwards bill. It is done differently in the Frist-Breaux-Jeffords bill. It has been done differently in bills that have passed in the Senate and in the last Congress. We discussed and debated for hours on the floor different approaches, different costs, and, yes, different benefits, because it is unlimited; there is no stopping in terms of what the scope could potentially be.

But this bill is about balance. It should be about balance. It should be about balance—introducing new patient protections, new patient rights, but doing it in a way that you don't drive up the cost unnecessarily so high that the working poor have to drop their insurance because they cannot afford it.

Intuitively and practically speaking, we know that the more you load onto a bill in terms of real costs—and all these things in health care are expensive today—that the increased costs are passed on to the person paying the premium. At some point, if that person is just scraping by, that person is going to say: I just can't afford health insurance anymore. I can't afford to pay for the 25,000 clinical trials for people all across the country because I don't have the money. I have to take care of my children and put food on the table.

That is why we have to again and again keep coming back to balance in this particular bill.

I have been blessed in the last 20 years to be a scientist and an active clinical investigator, and to be someone who is both trained to participate and watch these thoughts, the creativity, and the innovation come alive.

I was blessed in my own clinical practice to be in the field of heart and lung transplantation. When I first started doing heart transplants, we thought heart-lung transplants would never be done successfully. Five years later, we were doing heart-lung transplants. At that time, lung transplants had never been done successfully. Then we were doing lung transplants. And we started transplanting little babies at 5 and 6 days of age.

Again, a lot of investigational drugs were being used to immunosuppress the patients. In fact, most of the drugs were investigational in clinical trials at the time because it was a new field.

There was a 6-day-old child I was able to transplant who had a 100-percent mortality and would die, but because of the great innovation and the breakthrough in drugs I was able to give that child its heart that I transplanted, that little 6-day-old baby, whose heart was about the size of my thumbnail, would be alive 6 months later, a year later, or 5 years later, or 7 years later, or 10 years later, or 12 years later.

That is the blessing I have seen. I have seen the clinical trials, and I have seen the benefits of clinical trials. There have been dramatic advancements.

This Senate has contributed tremendously to that process I just described—to the innovation, to the advances in science, to the clinical applications, and taking basic science and getting it to the field as quickly as possible. How? By supporting basic research.

Yes, I am proud that, under Republican leadership, we are doubling the National Institutes of Health funding. We started about 3 years ago. Connie Mack sat right behind me and said day in and day out that we were going to double NIH funding.

As I sat where the President is sitting right now and listened, I thought it would be tremendous to be able to double the funding. I was not sure it could be done in this day and time, but indeed we are about three-quarters of the way through the process of doubling basic science research.

The NIH also funds clinical trials and basic science. This body has contributed tremendously to investing in clinical trials and basic science research. We have done a pretty good job in creating and fostering an environment of innovation where breakthroughs occur—not as I described when I started doing heart transplants. We were doing heart-lung transplants. We started doing single lung transplants and then pediatric heart-lung transplants. That was during the period of years that I was able to participate. Now we are seeing clinical breakthroughs because of investment in clinical trials. That is how important they are.

I was thinking about this acceleration and explosion of innovation. It requires those clinical trials as we walk through that process of understanding disease.

The human genome project: 15 years ago we didn't know 3 billion bits of information. What we now know we didn't know 12 years ago. Those 3 billion bits of information ultimately are going to be organized in such a way, through improved understanding of clinical research and eventually clinical trials, that we will be able to take that new information and translate it in breakthrough ways for cures—yes, cures of diseases that 12 or 15 years ago we would have said were impossible—we would never see that cure.

Let me start on some of the issues. The first point I need to make is that clinical trials, by definition, are experiments. We try to minimize the adverse reactions. But there are adverse reactions. People can be hurt by those experiments. We minimize that.

I want to talk a little bit about the patient protections because that is very important as we go forward. Right now, our patient projections are inadequate. We are holding hearings on a regular basis in the Public Health Subcommittee. I will mention several shortly.

Mr. President, the point I wish to begin with is this whole point that clinical trials are clinical investigations. They are experimentation on humans. Therefore, you have the positive, which is huge, which I have described, but you do have the adverse reactions. I say that because when we say we are either going to invest in or encourage clinical trials, we basically will, I believe, encourage people to participate in clinical trials. I think that is a good thing. I think it is a critical thing if we are going to really handle this explosion in knowledge.

In addition, as public servants, we in this body need to be prepared to make sure that each of those patients or individuals who comes into clinical trials comes in with the full trust that their safety is first and foremost. Based on hearings Senator KENNEDY and I have had in the Public Health Subcommittee, it seems clear that today we are failing miserably in terms of what is called human subject protections in clinical trials. I say that because, again, we are on a Patients' Bill of Rights and we all want to focus on the patients and helping the patients as much as possible.

In doing that, we at least need to be aware of the positive and the negative, and the potential of doing harm unless we have a system that is sufficiently developed, with sufficient safeguards, to make sure it can handle this increase in the numbers of people participating as we go forward.

It was about a year ago, a year and a half ago, that I had the opportunity to meet the family of Jesse Gelsinger, who died in a clinical trial in 1999. I mention that because the Public Health Subcommittee addressed this issue of oversight structures that we have in our Government. Whether it is the National Institutes of Health or the FDA, there are certain oversight mechanisms we have built in to assure that human subjects are protected. It became clear in those hearings that there had been at that time—we have had some improvement, but not nearly enough—a systemic breakdown of oversight. That ranged from the clinical investigators conducting the clinical trials all the way to the institutional review boards. It included the Federal agencies that are responsible for ensuring the safety of patients.

We have made real progress. Individual researchers, research institutions, and Federal agencies have all come together and have worked to address the specific problem that had to do with gene therapy. Again, you heard me just a few minutes ago speaking of my excitement in relation to the 3 billion bits of information in one of the most successful Government investments ever. We probably spent $12, $13 billion over a 10-year period for the human genome project. It came in under-budget, in a shorter period of time. That is rare for Government.

But as public oversight officials, you see one of the downsides: The fact that basic science, as it was, rushed to the clinical arena, resulted in death.

Again, people do not generally hear that we have to be careful. We have to address the good and the bad and the difficult. There is much to be done. I continue to hear stories about problems in our system for protecting human research subjects.

Secondly, I want to mention this whole idea of access to clinical trials. I appreciate the amendment the Senator from Arizona has offered because it does bring attention to the importance of these clinical trials. The language that is used, the findings, the recommendations that are made in the sense-of-the-Senate amendment, I think, are very positive in terms of what is set out as fact and what the underlying bill tries to do. It is a sense of the Senate that we will be voting on tomorrow.

I mentioned before in my remarks the various bills that are now before the Senate. Right now we are debating the McCain-Kennedy-Edwards bill on clinical trials. This is a provision that is different from the provision that is in my bill, the Frist-Breaux-Jeffords bill. It is different from the amendment that was adopted in this Senate Chamber last year.

The bill we debated in this Chamber, and passed with a majority vote, required private sector, self-insured, employer-sponsored health benefit plans to provide coverage for routine patient costs associated with one type of clinical trial, and that is cancer.

We have progressed since that debate a year and a half ago. At that point in time, my question was—and Senator DODD and I had an exchange back and forth—how much do these cancer trials cost? This is cancer. Cancer is the one that is the most studied of all the clinical trials.

We will talk about how many clinical trials there are out there. There are thousands of cancer clinical trials. They have been studied and studied because it is pretty easy to study them, for the most part.

You have a patient who has cancer. It can be in the early, mid, or late stages of cancer. You have an intervention. You compare two interventions. Sometimes it is just a pill, some type of medicine, versus a placebo. You see actually which of those works. And you go ahead. You have a clinical trial that is double blinded; which is, you do not know which medicine the patient is getting. You have to have enough patients and statistically analyze those patients in such a way that you determine what the medicine you are testing actually does versus not doing anything. That is what a clinical trial is. People say: No. We thought everybody gets the experimental medicine. No, that is not the way it is; otherwise, you are not going to know incrementally what the impact is. You have to give one the intervention, the other not the intervention in these clinical trials.

Most clinical trials are double blinded; maybe 95 percent of them. They should be, because otherwise you inject bias into it, so there is a 50-percent chance you are not getting the intervention you think you might be getting. Again, that is appropriate. I am not being critical. That is the only way to find out what the incremental difference is as you go forward.

For cancer clinical trials, the data is a little bit mixed, but there is pretty good evidence that if the cancer clinical trials are conducted well, and they are in appropriate centers—centers of excellence that do a lot of cancer studies—you can actually save some money in terms of having somebody in a protocol versus treating them outside of protocol, having them in a clinical trial. There is some data—mixed data—from some very good institutions that demonstrates that, again, for cancer. There is some anecdotal data for noncancer, for some heart disease, but again it is very mixed.

Some might say: In my study it costs a lot more to test artificial hearts for heart disease and kidney disease. If you start looking more in the device arena, there have not been very many studies of how much the costs of those trials are going to be. Somebody might have a cardiomyopathy, a big dilated heart, and you might give one set of patients drugs to try to reduce the size of that heart. That is pretty inexpensive. You do not have to go into the hospital to do that. And the other arm—to compare the two—is you would make an incision down the sternum, and you would open up the manubrium and the sternum, open up the paracardial sac, take the heart, put an artificial heart around it, close everything up, and the patient would be in the hospital for maybe 2 weeks, maybe 3 weeks. That hospitalization would be very expensive, and you are comparing it to somebody giving pills to someone on the outside.

The question is, What are the routine costs? Because that is what we are talking about reimbursing. Then it gets pretty hard because in relation to what are the routine costs, do the routine costs include the hospitalization? You might say, yes, an artificial heart can be paid for by the company studying it. The clinical trial could be reimbursed by the National Institutes of Health. But what about the hospitalization in that arm? Or is it just the testing when you put in the artificial heart, is that the routine cost? Nobody can answer the question. Why? Because nobody really thought about it because the studies had been for the pills, studying cancers, and hadn't been for cardiomyopathy and the human heart, major surgery.

I use that as sort of the extreme example with the understanding that you have big technology, expensive, hundreds of thousands of dollars out here, and you have some inexpensive therapy in the other arm. And you are asking a managed care company or insurance company to pay for the routine cost of both of those and the thousands of other trials that are in the middle.

No. 1, you don't know or nobody in this body has been able to tell me how many clinical trials are out there. People will scurry around tomorrow. But today, in asking how many of these clinical trials are out there, nobody in this body can tell me how much the average clinical trial is going to cost. Yet we want to make a commitment that we will cover essentially all clinical trials in the United States of America, however many there may be, however much they may cost, and the HMOs are going to pay for it, the bad HMOs. Again and again we have heard how bad those HMOs are, and therefore, they pay for it.

It doesn't work that way. What happens, whatever those costs are, which nobody can answer—nobody can answer—we will come to what the CBO says. The CBO can't give us an accurate answer. We give it maybe to the HMO because rhetorically we can sock it to them. What is the HMO going to do? Just raise your premiums, employer-sponsored premiums.

One hundred seventy million people are getting health insurance through these insurance plans, and what we are saying in this bill is that if you are going to be in the insurance business, there is a Federal law that we are going to pass where all trials, in essence, all trials—we don't know how many or how much they are going to cost—are going to be paid for. Health insurance premiums go up, and what happens to the working poor who are barely scraping by, again, to pay their health insurance? Everybody, employer after employer, employee after employee, comes in and says: We can barely make these insurance premiums, whether it is $200 a month or $300 a month or, for a family, $4 to $5,000 a year, or $6,000 a year. We just simply can't tolerate increased costs. We are going to drop that insurance.

I say that because the cost issue was brought up on the floor earlier tonight, the Frist-Breaux-Jeffords approach versus the Kennedy-McCain-Edwards approach. There is a difference in cost and that difference in cost is about 60 percent. What is defined in my bill—I will talk a little bit about that—is about 60 percent, according to the Congressional Budget Office, of what is in their bill. I didn't believe it when I saw it because I know nobody can answer this question, how many trials there are today, because there is no database of all these trials. You certainly can't figure out the cost.

So through conversations, talking to people who participate with the Congressional Budget Office, basically saying, how do you come up with these numbers, the answer that was received again reinforces the fact that we don't really know what the costs are. We do know that the cost under the Frist-Breaux-Jeffords is only 60 percent of the cost estimated using the same sort of guesses as the Kennedy bill.

Knowing what I know, having participated in clinical trials from artificial hearts—personally, I put the artificial hearts in; I have gotten the consent; they are in clinical trials approved by our Government—to immunosuppressive agents or drugs that I have given to patients to keep them alive in clinical trials, gotten the consent to do that. I can tell you we don't know what the costs are. Therefore, yes, maybe 60 percent on paper, that is what you hear about. In truth, we don't know.

We don't know. As we look ahead, not knowing by definition, we are going to basically say those costs are going to be paid for by people through their insurance policies. When you get an insurance policy, you expect that insurance policy in part to be for your benefit, and that is why I think having access to clinical trials is important because clinical trials can be very beneficial to patients. I mentioned the adverse effects, but clinical trials can be very beneficial to individual patients. For that patient who gets that artificial heart, it becomes very beneficial.

I mentioned the bill that passed on the floor of the Senate. Let me note very quickly, because I just talked about the cost of the two bills, what is the difference between the Frist-Breaux-Jeffords bill and the Kennedy-McCain-Edwards bill. The Frist-Breaux-Jeffords bill, part of the Bipartisan Patient Bill of Rights Act, S. 889, is not the bill on the floor right now. I wish it was on the floor, but it is not right now. It applies to all private plans and insurance issuers offering coverage in the group and individual markets. So it applies to people broadly. It expands coverage not to just where we were last year. We have expanded coverage not to just cancer, but it is expanded to all diseases. You don't limit it to one disease group.

I do that because I think that it is important to reach out and give more equal access to people who have kidney disease or heart disease or lung disease or emphysema or neurological disease or some type of mental illness. You need to have access broadly.

We expand it to clinical trials and we include the clinical trials of the National Institutes of Health, the veterans hospitals I work in, and we include the Department of Defense. I will talk a little bit more about others. It is true that we stopped short in our bill of including the FDA. (Although, as I will mention later, previous versions of the Kennedy bill did not include the FDA.) I will mention a little bit about why we stopped short of including the FDA, but it is because nobody can tell me how many FDA trials there are. FDA looks at the devices, the artificial hearts, the valves, the lasers, the expensive technology. That is the device part of it, of the Food and Drug Administration, the device part of what the FDA examines. Therefore, we cover all of the others, but we do stop short of the FDA. The cost difference between the clinical trials provisions of the Kennedy bill and our bill is principally just that.

Several Members on the other side commented on the fact that in our bill we have what is called a negotiated rulemaking process in order to determine what routine costs are. The other side said: We don't need that. We can just take what Medicare has looked at. Medicare, about a year ago, September—I have to go back and look—did come out with guidelines for Medicare for coverage of seniors and for individuals with disabilities, did come out with guidelines and coverage. But in reading through that, it doesn't answer to my satisfaction what a routine patient cost truly is.

Thus, I think that, since we don't really know and the implications are so huge, since people all across the country are going to be paying for this new benefit, that we ought to bring the very smartest people around the table. We ought to propose rules based on the discussion of people who are in clinical trials. We ought to get input from other people around the country. All that is part of the negotiated rulemaking process that I think is the best way to define routine medical cost.

If we are going to say: HMOs, indirectly all the beneficiaries, all the patients out there, all the 170 million people who are getting care from their insurance company, are going to be paying for it, we need to be able to look them in the eye and say, this is how we define routine cost. We have studied it and talked through it. We have applied it not just to seniors. We have applied it not just to the Medicare population, but we have designed a definition that applies to all Americans—to children, to babies, to adolescents, to adults. That is the negotiated rulemaking process. Earlier, the comment was made that it would take 6 years to do that. That is just not true. In fact, in the amendment that passed on the floor last year we set time guidelines in there and we said January 10, 2001, was when it was supposed to convene and a final report was going to be issued 6 months later on June 30, 2001. That just shows it can be done in 6 months—to do it right and responsibly and define what routine medical costs are.

Since you are making people pay for it, that makes sense to me. It comes back to the idea of having balance in this bill.

I don't think you are going to hear people on our side of the aisle or Senator BREAUX or Senator JEFFORDS promise everything to everybody because it has a cost. It has to cost. We talk about the field of liability, why don't you have unlimited lawsuits running through the system, and allow lawsuits to go to court early on because the court system is good. The answer is, do you want balance? Yes, you want to be able to go to courts, but not first. You want to exhaust internal and external appeals and have an independent physician make the decision before you go to court.

Why? Because you want to protect the patient, but you don't want to subject the system to the incentives that are going to drive health care costs sky high, make premiums go through the roof, skyrocket, with no limit. By definition, liability has no limit to it whatsoever, and the working poor are the first to be punished.

So that is our bill, the Frist-Breaux-Jeffords bill. It basically covers all clinical trials. We go through the list and stop short of the FDA trials. The McCain-Edwards-Kennedy bill on the floor has all private sector plans offering coverage in the individual markets—sounds pretty familiar, sounds the same—to provide coverage for routine patient costs associated with all clinical trials. They do NIH, we do NIH—National Institutes of Health—about $20 billion a year. It is a tremendous national resource. About 70 percent of that money, so people will understand, is not spent out here in Washington. About 70 percent of the grants go to universities and academic health centers all across America, and capture again the creativity and the sharp minds of academics, clinicians, doctors and nurses.

They include Department of Defense clinical trials. Frist-Breaux-Jeffords includes all the clinical trials for the Department of Defense. The Veterans' Administration—I mentioned that one of the privileges I had as a practicing physician was every week I would be able to operate on and take care of and treat our veterans. Actually, even during my residency and chief residency, every week after I finished my training, cardiothoracic training, every week I had the opportunity of spending a day taking care of veterans and administering care to them and participating in the great research programs in thoracic surgery that is made possible through this body's investment in our veterans affairs.

They include clinical trials through the VA. Frist-Breaux-Jeffords includes all clinical trials through the Veterans Affairs. The difference is between FDA, and I will come back to that. The definition of routine costs that they use is the routine cost definition developed by the Clinton administration for cancer clinical trials. If there is one thing—the reason I am taking time to do this is because it sounds so simple—cancer clinical trials. I have gone through this process, that cancer clinical trials are very different than clinical trials for hypertension or high blood pressure or for ischemic cardiomyopathy or laser therapy or removing obstruction from the windpipe itself. These clinical trials are different. Therefore, I am a little uncomfortable taking a definition that was worked out for a certain segment of the population—that is, our seniors—that started and was based on one disease entity—cancer—and applying that broadly to all clinical trials. Why? Because we have to achieve balance and do what is responsible if we are going to make 170 million Americans—and we are by definition—pay more once we pass a Patients' Bill of Rights.

The 170 million people are going to pay more whether it is our bill or their bill. They are going to pay a whole lot more under the Kennedy bill than under the Frist-Breaux-Jeffords bill.

The fourth point I want to make is, who is paying? I implied it a few minutes ago when I said it is easy to say these bad HMOs out there are going to be paying for these costs. Each of the patient protections we go through—we are starting with clinical trials, and I am glad because both sides feel very positively and the amendment by the Senator from Arizona is, I believe, very positive because it speaks to the positive aspect of these clinical trials. But it allows me to show how complex each one of these patient protections is and the potential, even though CBO gives us a figure there, for that being blown out of the water as we go next year, or 2 years later, or 3 years later.

Much of what we have tried to do—Senators BREAUX, JEFFORDS and myself—in crafting our bill is to give patient protection, give the access to clinical trials, but do it in a way that is responsible—responsible to the 170 million people who are going to be paying the bill, responsible so that we don't have a million people—which is what will happen under the Kennedy bill—a million people are going to lose their health insurance or would lose it if that bill were to pass as written. Thankfully, the President made it very clear today that he, as the leader of the free world, the leader of this country, is not going to allow the Kennedy bill to pass. He is not going to allow 1.2 million people to go to the ranks of the uninsured when you can pass an alternative bill that gives patient protections that will not drive 1.2 million people to the ranks of the uninsured and will not involve frivolous lawsuits. This says, yes, it makes sense to go through an appeals process and have an external review, an independent physician making a decision before going over to the trial lawyer.

The trial lawyers have an incentive. You know, we keep coming back to the trial lawyers, in part, because it kind of blows away the potential for these runaway lawsuits, and the potential is in their bill, and it is a little in ours, but not so much because we tried to restrain it and give it balance, recognizing that we have to have balance as we go forward.

If we are going to ask 170 million people to pay more under passage of a Patients' Bill of Rights, we need to be able to tell them why they are paying more. I think the argument for clinical trials is so positive, they will understand that there is some downside. Some people die because of clinical trials, and there are adverse effects; but the overwhelming benefit for clinical trials means we need to make them more available to people, and that is why in the Frist-Breaux-Jeffords bill, clinical trials are one of the 12 main basic patient protections we want out there in our bill of rights.

The 170 million people are going to be paying for this added benefit, so we want to make sure it is good and the human protection is there, and that safety is put first and foremost. We are failing in that category, as I have said—not miserably, but we are failing. I will demonstrate how I can say that with such assurance. In addition, taxpayers, for much of this research, clinical research, are already paying. I say that because with the $20 billion that the National Institutes of Health is getting, the NIH will turn around and subsidize many of these clinical trials, in terms of the clinical trials themselves as we go forward. So the 170 million people out there working, who are working with insurance that we want to keep—make sure they keep their insurance—are already investing in these clinical trials by supporting Department of Defense with their taxpayer dollars, by supporting the Veterans Affairs with their taxpayers' dollars, and by supporting the National Institutes of Health with their taxpayers' dollars.

Clinical trials are vital, critical, and make all the innovation and clinical applications a reality when they start with basic science.

Do all the clinical trials work? Some do. I do not know if I can say most do. In other words, are there positive results from clinical trials?

The assumption is clinical trials always have a breakthrough drug. Again, what my colleagues do not understand—and I want to state it more publicly instead of sitting in the Cloakroom explaining it—is that a high percentage of clinical trials do not work. That is good because they have to figure out whether or not the breakthrough drug works. It may have worked in a mouse, and it may have worked in an animal model, or it may have worked in a test tube, but they have to see whether it works in a human being.

That is what a clinical trial is: an experiment with a human being. Not all of them work after it worked in a test tube or a mouse.

It is important that my colleagues understand that. Clinical trials are necessary. There is a reason for them: to figure out what does and does not work. What does not work can be harmful, and it comes back to the fact they have to have adequate consent, what is called informed consent, for those participants who come into clinical trials to make sure they understand that in every one of these clinical trials there is a risk of harm and there is a potential for gain.

Yes, in our bill, and I believe in their bill and in this amendment, there is this concept of talking about clinical trials where there is potential for gain. That is a little hard to define. We all write it into the bill, and, obviously, we would not do a clinical trial if we did not think there was some potential for gain, but, again, there is some risk or they would not be doing a clinical trial.

A clinical trial is an investigation. A clinical trial is human experimentation. It is all the same. "Clinical trial" sounds very positive. "Investigation" sounds—well, I am not quite sure. "You mean experimenting in humans?" That is what it is. It just depends on which words one uses.

I want to move to one other point which many of my colleagues, in talking with them, had not thought about. I am thinking about it because we have a bill with patient protections. In the underlying Kennedy bill, there are 18 or so patient protections. There are a few less in my bill. Prompt payment is in the Kennedy bill as a patient protection. Prompt payment is good for the doctor, for a doctor's bill of rights; you have to pay a doctor—I have forgotten; I need to go back and look—in *x* number of days, and that is a patient protection, I guess. It is not clear to me.

I understand why many of the doctors like their bill because they have prompt payment as a patient protection, which means you should pay your doctor on time. You should pay your doctor on time. I am not sure you need a Federal law passed in what is billed as a Patients' Bill of Rights. That is in the Kennedy bill as one of the patient protections.

This patient protection on clinical trials is one in which I believe strongly. We have given a price to it which is significantly higher in their bill than my bill, and I have already argued that price to me is inaccurate. I will not really know how true that is until 5 years from now, but I do not want to be sitting at my desk 5 years from now looking back to today and saying: You mean to tell me we bought into this fact that we could cover clinical trials when we did not know how many there are and we did not know how much they cost? We made 170 million taxpayers pay for it, and some of them lost their insurance? Why weren't we smarter than that?

I want it to be a part of the RECORD as we walk through the complexity of what clinical trials are all about. We can make promises, and the promises sound good, but is it truly responsible to make these huge promises at huge costs when there is a very real potential that we are hurting, not thousands, but millions of people? The answer to me is no. I do not want that to happen.

My colleagues are going to hear me say again and again this is where we were last year and this is where Senator KENNEDY's bill is, and I think we can be in a more balanced position by being in the middle rather than either extreme. That is what we tried to achieve, and clinical trials are a good example.

Why am I so convinced that the underestimate in their bill is real and not so much in our bill? It is because we have patient protections. We have internal appeals and external appeals if there is some sort of disagreement on what the HMO or insurance company has decided. In their bill, one can opt out; they do not have to go through internal and external appeals. One can go to the courtroom before exhausting the appeals process. Hopefully, we can debate that tomorrow or next week.

One can go to the court system, Federal court, State court, or shop from one State court to another State court. One can pick a State. If the insurance company covers Tennessee, Alabama, and Georgia, you can go down to Alabama. I do not know what their caps are, but I hear about these exorbitant lawsuits. The trial lawyer gets 30, 40 percent, whatever it is. Whatever a patient settles for goes in the trial lawyer's pocket, not to the patient. If you settle for $2.5 million, $1 million goes to the trial lawyer and only $1.5 million goes to the patient. I do not understand that. I hope we will come back to that.

My point is, we have patient protections, and we cannot look at them in isolation from what happens with liability. I just built the case or just told my colleagues that not everything goes perfectly all the time when you have human experimentation, clinical trials, clinical investigations.

By definition not everything is going to work. There is going to be damage. When they are studying Parkinson's disease, there is going to be sometimes a worsening of the disease in the experiment. There sometimes is going to be death, not intended death, but in clinical trials people are going to die. I just mentioned one patient, and there are hundreds of patients who die in clinical trials.

We have a trial lawyer out here, and because we passed this bill, we cannot separate what we are doing over here. What we are saying is: HMO, you are responsible for paying for these clinical trials now; you have not in the past, and you have a lawyer out here with unlimited lawsuits; who are you going to go after? Who has the deepest pocket? Is it the doctor who maybe made a mistake, or is it the HMO, the big bad HMO that has assets of $½ billion or $400 million?

If you are the trial lawyer and you are going to walk away with 40 percent, 30 percent, 20 percent or 10 percent—10 percent of $1 billion is a lot. Who are you going to go after? Maybe the doctor, but you will be able to go after the HMO.

Adverse events, by definition, in clinical trials are going to occur. Trial lawyers are part of this overall system. There is no cap. They have an incentive to sue. They are going to get the HMO because we are making the HMO pay for the trial.

Was that even part of the reasoning? Did CBO put all that together in terms of saying clinical trials are going to cost this much in their bill and in my bill this much?

I have talked with a lot of people involved in these estimates, and I have talked with a lot of people in this body, and not one person had thought about that.

If there is an adverse reaction in a clinical trial, if a person participated, there is a risk of losing your arm or of dying. All the consents say death, or any serious life-threatening condition. That is what the Kennedy bill used as their baseline for trials. Ninety-five percent say there is risk of death. A large majority say there is a risk of death in the consent form you sign.

Is that protection in a court of law? There is no protection in a court of law. In the hearings Senator KENNEDY and I have held on human subjects, protections are inadequate today given the type of research we are doing. They were OK 15 years ago. There are all sorts of reasons, including inadequacy of explanation of the clinical trial in consent forms, or conflict of interest in certain cases. There is what is called the common rule that is supposed to apply to all Federally sponsored or regulated research, but that does not apply equally to everybody. These are all very specific issues and technical issues, but if we will force 170 million ratepayers to pay for all clinical trials, we need to know the implications. We will probably never talk about it. This is just one little item from the 179-page bill.

These estimates of how much clinical trials cost may be approximately right. I don't think they are. I know they were not calculated on a peer-reviewed study. Maybe a little bit on cancer, but it did not include the range of diseases that the FDA approves, or safety and efficacy regarding the devices out there, all the high technology out there. That is different from Veterans Affairs or the Department of Defense, which is mainly breast cancer and breast disease. It is very different from the National Institutes of Health.

When people say: Why not FDA? Was it arbitrary? No, it is because that is the most balanced. You cover the clinical trials for all diseases out there. Thousands of clinical trials are being covered. We will stop short of FDA because we do not know what we are covering in terms of numbers or how much it costs for each trial.

It's interesting that the earlier versions of the Kennedy bill did not cover the FDA. I am not sure why or why this was changed. It may be that it makes us feel good to say we are covering everybody, in all trials. It is irresponsible to say we will cover something that will increase liability and that we will introduce the liability equation on HMOs as part of the bill without knowing the impact.

If there is one death and a trial lawyer goes to that person's family, or say they lost an arm with an injection of a medicine to treat cancer and the veins shut down and they lost an arm, that is a tragedy. That trial was paid for by the big bad insurance company. The trial lawyer says: Let's go after the doctor for malpractice; why not go after the HMO? When you are a trial lawyer, it will be tempting on go after the HMO.

Then we hear people say: How can you cap it? If you lose an arm, is that worth $1 million? Is it worth $5 million? Is it worth $10 million? Is it worth $100 million? Is it worth $1 billion? There is no answer. It is rhetorical. No amount of money can satisfy the loss of an arm.

If you allow that sort of lawsuit, $20 million or $30 million, but you allow it and incentivize a lawyer to have it and you create adverse reactions, that is just one little clinical trial. What about the other 1,000, 5,000, 10,000 clinical trials?

I don't want to drive that point home too much that I think we made. However, it is important for my colleagues to understand and at least to think about and recognize the complexity in the bill. We cannot rush through this bill. I am here and the Presiding Officer is kind enough to be here tonight. The majority leader said we will finish this bill in 6 or 7 days. This is probably 1 page out of 179 pages.

On clinical trials, taking the flip side, not covering all clinical trials but stopping just short of covering all clinical trials, why are you doing that? The answer is that clinical trials have such value to society that I believe we have an obligation to make the clinical trials available, coupled with the obligation to make sure there are adequate human subject protections.

The GAO, at the request of Senator JEFFORDS, who is the cosponsor of the Frist-Breaux-Jeffords bill, conducted a review of patient access to clinical trials sponsored by the National Institutes of Health, for which I, obviously, have tremendous respect. Senator JEFFORDS asked the GAO the following questions.

No. 1, to examine how the health insurers' coverage policy and practices affect patient participation in clinical trials.

This is before we passed the bill.

No. 2, to examine researchers' experience in enrolling patients for trials sponsored by the National Cancer Institute.

No. 3, whether NIH has evidence of recent difficulties in enrolling patients in clinical trials. Determine if there are enough patients. We have a huge amount of basic science information and, if you cannot get patients into the trials, you are not going to be able to have a clinical application, you will not get to a practical application. You need sufficient patients in the clinical trials.

The GAO report found, even though many policies exclude coverage for clinical trials, nearly all insurers interviewed allow for exceptions, following case-by-case reviews by the insurer's medical personnel. For approved coverage, insurers generally agree to pay the standard nonexperimental cost associated with the trial. However, since there is little agreement on what constitutes "standard care," payments vary from insurer to insurer.

That, says the GAO, agrees with the idea of what is standard care. There is a lot of disagreement. I argue that is why we go to a standard rulemaking process.

The same report—and that is why I believe clinical trials should be part of the Patient's Bill of Rights—concluded that generally health insurance policies exclude coverage of clinical trials, but most do allow exceptions to be made after a case-by-case review. Denials generally are based on the grounds that health insurers consider clinical trials to be investigational and experimental care, and, as such, are excluded from coverage. Again, that is why we need to include clinical trials in our Patient's Bill of Rights.

Typically, insurers prefer to review requests for clinical trial coverage individually because of the perception that trial costs and quality vary greatly. The most common consideration during case-by-case reviews was the scientific merit of the trial and the anticipated cost, although none of the insurers had data on the cost of covering clinical trials—again, it just shows we do not have the data, even insurance companies that have been putting money into the clinical trials.

I will go back.

These perceived trials could be somewhat more costly than standard treatment. The GAO report continues.

> There is little agreement on the definition of standard care which causes payment for service to vary widely. Insurers stated that it is often difficult to distinguish expenses that constitute standard care from strictly research related services.

Again, that is a good reason to have negotiated rulemaking—to determine what routine care or standard care is.

This is from the GAO report.

> The GAO did not find evidence of widespread limitations on patient access to clinical trials. Most health insurers said they allow for coverage of trials in some circumstances. Most cancer centers reported no shortage of payments for trials and the NIH did not document significant trial enrollment problems. Information on the extent to which insurers cover clinical trials is not clear-cut.

To me, looking at that report—again, Senator JEFFORDS was chairman of the Health, Education, Labor, and Pensions Committee—it basically comes to the conclusion that there is not a shortage of patients for clinical trials now but that we don't have data as to the costs or participation. The insurance companies don't have it. We don't have a good or adequate definition of standard or routine care. All that means is that we need to know more before promising everything to everybody.

Since we don't have the answers, why don't we address the issue in a balanced way and in a step-wise way? Why? Because unknowns could expose us to exploding costs of premiums, which would drive people to the ranks of the uninsured. What I would like to do is go in a deliberate, thoughtful, and balanced way.

I mentioned earlier the numbers of clinical trials. We don't know how many trials there are.

Let me quote Susan Okie who was actually a classmate of mine in medical school and who writes for the Washington Post. On May 16, 2001, she wrote an article for the Post entitled "U.S. Oversight Urged for Human Research". It says:

> No figures are available on how many studies on humans are conducted annually in this country.

Again, I just want to make the point that nobody knows how many studies there are.

She continues:

> However, data on biomedical research show explosive growth in the last two decades. Federal spending for health research increased from $6.9 billion to $13.4 billion between 1986 and 1995, and industry spending tripled from $6.2 billion to $18.6 billion during the same period. Between 40,000 and 50,000 U.S. researchers are thought to participate in conducting clinical studies in humans.

I went to the FDA. Since the Congressional Budget Office does not know, since none of my colleagues knows, since in the hearings people did not know, I asked, What about the FDA? The FDA does not track the number of clinical trials being conducted as a part of their protocol. Yet the extension of the Kennedy bill is going to cover these trials. The FDA doesn't even track the number of clinical trials. They do track the number of investigational new drugs and investigational device exemptions.

There are roughly 11,800 trials by the Center for Drug Evaluation. There are about 2,800 trials by the Center for Biologic Evaluation and Research. And there are about 1,000 trials by the Center for Devices and Radiological Health. That is the FDA.

The Kennedy-McCain-Edwards bill says they will pay for the increment in the number of trials, but they do not know how much those trials are going to cost. At least that data has not been present, and it has not been presented in the hearings. When I have looked for it, I have not been able to find the incremental cost.

If you go back to the Congressional Budget Office, it says that is the difference between the CBO estimate and yours. That is working backwards, because the Congressional Budget Office does not know.

In the NIH, for the record, in terms of clinical trials, there are about 4,200 clinical trials, that are called extramural and intramural—outside of the institution and inside of the institution.

The Department of Defense: I have not been able to determine how many clinical trials we are going to cover.

The Veterans' Administration: About 162 clinical trials and 729 extramural VA-funded clinical trials.

The FDA was supposed to create a database of clinical trials last year. It is up and running, but it is not complete, to the best of my knowledge. I will try to look into that to see if we can find out how many they have on that particular database.

Let me close with one last point that I implied earlier and talked about a little bit earlier. It has to do with protection of human subjects.

Our goal should be to protect individuals who voluntarily participate in research and clinical trials. This is very important for my colleagues to understand. Right now, there are inadequate safety protections, if we look in the global sense at these thousands of clinical trials.

I mentioned the death of Jesse Gelsinger in gene therapy in a clinical trial in 1999. Following that, the Subcommittee on Public Health held two hearings. We found a systemic breakdown of oversight, ranging from investigators to institutional review boards in the Federal agencies specifically responsible for ensuring the safety of patients.

Since we came to this conclusion that we are inadequately protecting human subjects, we must act. As we go into this field of further subsidizing clinical trials, I am very hopeful that on both sides of the aisle we can work together and put forth the appropriate protections.

The underlying amendment put forth by Senator MCCAIN is a sense of the Senate that we will be voting on tomorrow morning. From my reading of it, it appears to be a very positive amendment that endorses the importance of clinical trials. On the last page it says: A health maintenance organization's decision that an in-network physician without the necessary expertise can provide care for a seriously ill patient, including someone battling cancer, should be appealable to an independent, impartial body, and the right should be available to all Americans in need of access to high-quality specialty care.

Again, it goes to the internal and external appeals. That is something that would be taken care of in the underlying bill—both the Frist-Breaux-Jeffords bill as well as the Kennedy-McCain-Edwards bill.

As I understand, it, the debate will continue tomorrow morning. I believe there are 30 minutes for each side, and then we will vote at that point in time.

Mr. President, I yield the floor. I appreciate your patience and the patience of my colleagues for allowing me to address this issue.

THE NEXT ROUND OF NATO ENLARGEMENT

Mr. BIDEN. Mr. President, I rise today to congratulate President Bush for his unequivocal support for the next round of enlargement of the North Atlantic Treaty Organization, which he voiced during his recent trip to Europe.

Several months ago I made clear my opposition to a so-called "zero option" of not admitting any new country to membership at next year's NATO Summit in Prague. Largely at the administration's urging, the alliance last week formally laid the "zero option" to rest. At least one country will be invited to membership in Prague.

In addition, in several venues I have declared that no country outside of

NATO has any veto right over which country or countries the alliance will invite to membership.

Most particularly this statement applies to the three Baltic states—Lithuania, Latvia, and Estonia—and Russia's evident opposition to their joining NATO.

It would be totally unacceptable to grant Russia any such veto. Let us not forget the history of the last 61 years.

In 1940, Moscow rigged bogus "invitations" from the three independent Baltic states to be incorporated by the Soviet Union. I am proud as an American that this country for more than 50 years never recognized this illegal annexation.

Following annexation, and during the ensuing 5 years, the Soviets murdered thousands of Baltic citizens and deported thousands more to deepest Siberia. Guerilla warfare against the occupiers erupted in the forests of all three countries, with the last anti-Soviet partisan in Lithuania not surrendering until the 1960s.

Despite their heroic struggle, the Baltic peoples had to endure the iron repression of Soviet communism for half a century. Now, in the wake of the collapse of the Soviet Union, all three Baltic countries are full-fledged democracies that are developing their civil societies and free-market economies.

After Lithuania, Latvia, and Estonia suffered the 51 years of Soviet-inflicted brutalities, it would be morally grotesque to deny them the fundamental right to choose their own system of security that is accorded to every other European country. This would be the ultimate "double whammy," in essence saying, "since you suffered so much, you may not ensure your safety in the future!"

No, Mr. President, we must never repeat, even by inference, the infamous Molotov-Ribbentrop Pact of 1939, which carved up northeastern Europe between Stalin and Hitler: There must be no more "red lines" in Europe.

Russia, with which I sincerely hope we can develop a harmonious and productive relationship, must understand that NATO enlargement in general, and a Baltic dimension to enlargement in particular, pose absolutely no threat whatsoever to Russia. With several of its high-ranking military officers permanently attached to NATO and SHAPE, Russia must know that the old Soviet propaganda was a deliberate lie. NATO is, and always was, a purely defensive alliance.

I believe that President Bush and Secretary of State Powell are correct in saying that it is premature at this time to "name names" of countries to be invited to NATO membership at the Prague Summit. The Alliance has laid out a detailed procedure for qualifying for membership. Most importantly, in the spring of 2002 NATO must make a third evaluation of each country's membership action plan or "MAP."

But it is no secret that some countries are making significant progress militarily, politically, economically, and socially. Slovenia, I believe, is already eminently qualified for NATO membership. Unless it lapses into overconfidence during the next year, it should be a shoo-in in Prague.

Lithuania has apparently done remarkably well in fulfilling its MAP, and its neighbors, Latvia and Estonia, are also coming on strong. The legal status and treatment of the Russian minority in all three countries now is in full compliance with international standards. As long as lingering remnants of bigotry in the Baltic states continue to be erased by democratic education and practice, the political requirements for NATO membership should be met.

Slovakia, after having lost precious time under the populist administration of Vladimir Meciar, now has a democratic government that is also making giant strides toward membership. Its national elections in the fall of 2002 will be decisive in proving to NATO that this progress is permanent.

The southern Balkans, of course, are strategically the most important area for NATO enlargement. Romania and Bulgaria are potentially vital members for the Alliance. Both countries have overcome various kinds of misrule and are also making progress. Other aspirant countries in the southern Balkans are more long-term candidates.

In 1998, I had the privilege of being floor manager for the successful Senate ratification of the legislation admitting Poland, Hungary, and the Czech Republic to NATO. I look forward to playing the same role in 2003 for the admission of one or more of the current candidate countries.

THE GROWING WEB OF SUSPICION OF ASIAN AMERICANS

Mrs. FEINSTEIN. Mr. President, I would like to take this opportunity to indicate my deep concern about what I perceive to be increasing bias in the United States toward Asian Americans and Chinese Americans in particular.

In recent years, we have seen those on the far right and the far left of the political spectrum raise allegations without proof, distort facts, and make it impossible to refute insinuations. Thus, a web of suspicion is woven about the loyalties of Asian Americans to the United States.

This has created an atmosphere of anti-Asian American and anti-Chinese American sentiment: a House Select Committee report on National Security (although widely debunked as without foundation); the botched Wen Ho Lee investigation; the recent incident with Representative David Wu; the attacks against U.S. Secretary of Labor Elaine Chao; hate crimes against Asian Americans; and the attacks against former California State Treasurer Matt Fong.

These examples—and others—have contributed to a troubling and negative stereotyping of Asian-Americans.

Evidence of this comes from a recent Yankelovich survey which asserts: 68 percent of Americans now have a somewhat negative or very negative attitude toward Chinese Americans; one in three now believe that Chinese Americans are more loyal to China than to the United States; nearly half of all Americans—or 46 percent—now believe that Chinese-Americans passing secrets to China is a problem; and 34 percent believe that Chinese Americans now "have too much influence" in the U.S. high technology sector.

Tragically, the unfounded suspicions about the loyalties of Asian Americans has itself created a sense of unease among the Asian American community.

According to Asian American focus groups conducted for the Committee of 100 during January 2001, Asian Americans believe that too many Americans see them as foreigners or as "permanent aliens."

Increasingly, Chinese-Americans with contacts, family, friendships or business connections in China are labeled disloyal to the United States simply because of their ethnic background and heritage.

The sentiment seems to be that you can't be both Chinese-American and a loyal American as well.

Now that is not what America is all about.

Sadly, our Nation has a long history of discrimination against Americans of Asian and Pacific Island ancestry. Without a doubt, Asian Americans have suffered from unfounded and demagogic accusations of disloyalty.

Americans of Asian and Pacific Island descent have been subjected to discriminatory laws that have prevented their right to become, and be seen as, Americans:

The Chinese Exclusionary Act of 1882 barred the immigration of Chinese laborers.

In 1907, the "Gentleman's Agreement" between the United States and Japan limited Japanese immigration to the United States.

A 1913 California law erected barriers to prevent Asian Americans from becoming land-owners.

The Immigration Act of 1917 prohibited immigration from nearly the entire Asia-Pacific region.

The National Origins Act of 1924 banned immigration of persons ineligible for citizenship.

Asian Americans were not able to become citizens of the United States for over 160 years and the Supreme Court consistently upheld laws prohibiting citizenship for Asians and Pacific Islanders with the last of these laws not repealed until 1952.

The Tydings-McDuffie Act of 1934 limited the number of Filipino immigrants to 50 per year.

During World War II, we witnessed one the worst acts of discrimination against any group of Americans, the internment of 120,000 patriotic and loyal Americans of Japanese ancestry.

Despite the fact that their family members were being denied their basic rights as Americans, many young Japanese Americans volunteered to fight for their country and they did so with bravery, honor, and valor.

The record of the U.S. Army's 100th Battalion and 442nd Infantry Combat Group speaks for itself and is without equal: 18,000 individual decorations awarded including 52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts.

The record of the 442nd Combat Group made up of Japanese American soldiers, including our esteemed colleague Senator DANIEL INOUYE is unusual: They were the most decorated unit of its size in the Army during World War II, yet only one member until last year received the Medal of Honor when Senator INOUYE finally received his long overdue recognition.

Throughout U.S. history Asian Americans have been subjected to discriminatory actions, including the prohibition of individuals from owning property, voting, testifying in court or attending school with other people in the United States.

It is long past time to turn the page on this chapter of our Nation's history.

And I am appalled that in recent years some have resorted to negative stereotypes to question the integrity of an entire community.

Tragically, this rising tide in discrimination has contributed to a growing number of crimes; hate crimes against Asian Americans.

According to the National Asian Pacific American Legal Consortium, there were 486 reported incidents of violence against Asian Americans in the latest figures available for 1999, an increase from the 429 incidents in 1998.

This upward trend is even more troubling because it is contrary to the finding reported by the Department of Justice's 1999 crime victimization report that violent crime rates had fallen by 10 percent during this same period.

Who can forget the harrowing photos in August of 1999 of pre-school children holding hands while fleeing the North Valley Jewish Community center when a white supremacist walked into their school and opened fire?

Later that day, the perpetrator shot and killed Joseph Ileto, a Filipino-American postal worker. Ileto was a kind hearted and unselfish man who was simply in the wrong place at the wrong time and slain because of his skin color.

In May 1999, a Japanese American store owner was shot in Chicago, Illinois by a gunmen seeking out ethnic targets.

In July 1999, Benjamin Smith, a 21-year-old college student, went on a three day shooting rampage in Illinois and Indiana, killing one Korean American, one African American, and injuring nine others—Jews, Asian Americans, and African Americans.

These examples are just the tip of the iceberg when it comes to hate crimes against Asian Americans.

And make no mistake about it, these attacks are in part fueled by the anti-Asian sentiment that lingers in our society today.

Even with the strides we have made in combating hate crimes thus far, Asian American groups report that these crimes are still frequently underreported and therefore the "real" numbers of these incidents is unclear.

According to the Asian Law Caucus's Interim Executive Director Frank Tse:

> The invisibility of Asian Pacific Americans has real detrimental effects. If law enforcement does not perceive that we are susceptible to hate crimes, then they are more likely to overlook the red flags at a crime scene. We have seen this firsthand. The result is that perpetrators are not prosecuted, victims do not receive appropriate assistance and the under reporting continues.

The rising tide of anti-Asian American attitudes that can lead to these sorts of tragic incidents are all too often aided and abetted by those in government and the media who ought to know and act better.

Many Chinese-Americans, for example, feel that the Report of the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China promoted an atmosphere of suspicion about the loyalty of Chinese Americans to their country.

The House Committee report asserted that:

> Threats to national security can come from PRC scientists, students, business people, or bureaucrats, in addition to professional civilian and military intelligence operations.
>
> The PRC also tries to identify ethnic Chinese in the United States who have access to sensitive information, and sometimes is able to enlist their cooperation in illegal technology or information transfers.
>
> It is estimated that at any given time there are over 100,000 PRC nationals who are either attending U.S. universities or have remained in the United States after graduating from a U.S. university. These PRC nationals provide a ready target for PRC intelligence officers and PRC Government controlled organizations, both while they are in the United States and when they return to the PRC.
>
> In light of the number of interactions taking place between PRC and U.S. citizens and organizations over the last decade as trade and other forms of cooperation have bloomed, the opportunities for the PRC to attempt to acquire information and technology, including sensitive national security secrets, are immense.

Although it is true that the Chinese Intelligence sources utilize these techniques, many Chinese-Americans feel that these sorts of broad-brush allegations create an atmosphere where all Asian Americans fall under a cloud of suspicion.

The report seems to suggest, for example, that because the PRC may try to recruit some ethnically Chinese scientists in the U.S., all ethnic Chinese are under suspicion.

A review of the Report by Stanford University's Center for International Security and Cooperation concluded that the Report was inflammatory, inaccurate, and damaging to U.S.-China Relations.

Its principal editor, Dr. Michael May, argued that the Report alleged that "essentially all Chinese visitors to the United States are potential spies. This has cast a cloud of suspicion over both foreign and Asian-born U.S. staff members of U.S. companies."

Many Chinese and Asian American groups have written to me to express their concerns about the impact the insinuations and unfounded allegations of the Report have had on Chinese and Asian Americans. In a May 21st letter to the Editor and Chief of the Los Angeles Times, John Fugh, a retired Chinese-American Major General with 33 years of service in the U.S. Army and its former Judge Advocate General, wrote:

> The impact of this inflammatory report has created an environment in which many Chinese and Asian Americans have had their loyalty questioned based on their ethnicity, especially in the defense sector.

The Asian Law Alliance of San Jose noted that the allegations of the Report "led to a broad-based hysteria that detrimentally impacted Asian American scientists working to support U.S. research and development."

The Organization of Chinese Americans argued that the "report and the false impression it gave the American public had serious repercussions on the careers of Chinese Americans at some government agencies and in some instances, private industry."

Now I would like to speak about some people who may well have been targeted because they are Asian Americans.

Dr. Wen Ho Lee, an American citizen and nuclear scientist, formerly employed at the Los Alamos National Laboratory, was arrested in 1999 on 59 charges ranging from violating the Atomic Energy Act of 1954 to mishandling classified data and held in solitary confinement for nine months before all charges were dropped except for one—downloading classified data onto his personal computer. I have been told that others at the lab also downloaded information but were not charged.

Media reports and government information portrayed him as a Chinese spy.

After reviewing the facts of the case, I am convinced that whatever else may have been involved the case also had serious undertones of racial stereotyping that need to be examined closely.

This is a man who had been held under the most extraordinary security conditions. Dr. Lee, a sixty-year old scientist at the time, was prohibited from outside contact, except for his immediate family, and shackled at the wrists, waist and ankles on the occasions in which he was allowed to leave his cell.

In an impassioned letter about the Wen Ho Lee case, one of my constituents expressed:

> As a Chinese American . . . I ask no more than what is due to every citizen of this country, namely, to be treated with respect and dignity. I resent those who would question the loyalty of Chinese Americans any time a particular Chinese American is suspected of an egregious act. In their haste to decry the alleged espionage by an individual, not only are these public officials and said media guilty of a rush to judgment but of tarring with a broad brush other American citizens who are guilty of nothing else other than having the same ethnicity of the suspect.

Instances like the Wen Ho Lee case engender a sense of disunity and division within the community, which undermines the basic tenets on which this nation was founded.

In another instance of how poisoned this atmosphere has become, Oregon U.S. Representative DAVID WU was recently nearly denied entry into the Department of Energy building in Washington, DC because guards questioned whether he was an American citizen.

After Representative WU and an aide arrived, a guard refused to recognize his Congressional identification and asked three times whether the two were U.S. citizens.

Eventually, the two were allowed entry by a supervisor but this incident indicates the web of suspicion surrounding all Asian Americans, and even those that are elected to Congress.

Following the incident, Representative WU wrote U.S. Energy Secretary Spencer Abraham:

> I am disturbed that yesterday's incident is the tip of an iceberg, an indicator of a much larger problem at DOE which maybe damaging our national security.

Representative WU has asked Secretary Abraham to review employment practices and operating procedures to prevent future discrimination against employees of Asian descent. I join with Representative WU in this important request.

Lastly, in recent months, a distinguished public servant currently the Secretary of Labor, has been harshly and unfairly attacked and her loyalty questioned because, as a Chinese-American, she has knowledge of China, has met with Chinese business people, citizens, and leaders.

This is yet another case in which ethnic background appears to be sufficient grounds to question someone's patriotism, someone's business activities, and in this case, even the conduct of Elaine Chao's husband as a U.S. Senator.

Another troubling incident involves the case of Matt Fong, a former Treasurer of the State of California and a former Lieutenant colonel in the U.S. Air Force, who has been nominated as Under Secretary of the Army and has had his loyalty to our nation questioned.

As it transpires, Mr. Fong unknowingly accepted some funds which he should not have in order to retire debt from his 1994 campaign for California treasurer from Ted Sioeng, an Indonesian businessman.

But when Mr. Fong discovered that some of these funds came from Sioeng's personal account, he immediately returned the money. There were legitimate questions raised about the Sioeng donation but Matt Fong did the right thing when he found out: He returned the money.

I am sad to say that questionable campaign contributions of this sort occur more often than they should, from people of all ethnicities and backgrounds. That is one of the reasons why campaign finance reform is so essential.

So why in this case are there some who still raise questions about Mr. Fong's loyalty, suggesting that because of this contribution, which some believe may have originated with the Chinese government, Mr. Fong may represent a security risk?

There is no evidence that the funds to Mr. Fong originated with the Chinese government, or that the contribution represents an effort by the Chinese government to "buy" Mr. Fong. But because of Mr. Fong's ethnicity, just leveling the allegation creates an environment of suspicion which by its nature is difficult to refute.

All is insinuation, and I am loath to say that it appears that it can only be for one reason why these questions have been raised: Mr. Fong's ethnicity.

As Karen Narasaki, President and Executive Director of the National Asian Pacific American Legal Consortium put it:

> Fong's mother served as California Secretary of State for many years and Fong himself has served his country, both in the Air Force and as California State Treasurer. To question his loyalty to the U.S. is the worst sort of racial profiling.

I am disappointed that there are many who appear to believe that it is still acceptable to attack Asian Americans. This is completely unacceptable in America.

All Americans should be highly offended by the negative stereotypes and media coverage of Asian-Americans who have made profound contributions to our nation.

How can we question the loyalty of any American because of his or her race or ethnic background? To put it simply, this is un-American and must be stopped.

We all need to work together to raise awareness about the positive contributions all Asian Americans have made to every aspect of life here in the United States, and of the sacrifices they have made in defense of this country.

We must redouble our efforts to eliminate racial stereotypes that strike at the heart of American values and shame us all.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 28, 1994 in Las Vegas, NV. A gay man, Scott Grundy, 30, was shot to death. Aaron Vandaele, 19, was charged with murder, robbery, burglary, and grand larceny after he allegedly said he planned to visit a gay bar to rob a homosexual.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 20, 2001, the Federal debt stood at $5,641,023,159,870.17, five trillion, six hundred forty-one billion, twenty-three million, one hundred fifty-nine thousand, eight hundred seventy dollars and seventeen cents.

One year ago, June 20, 2000, the Federal debt stood at $5,653,560,000,000, five trillion, six hundred fifty-three billion, five hundred sixty million.

Five years ago, June 20, 1996, the Federal debt stood at $5,108,536,000,000, five trillion, one hundred eight billion, five hundred thirty-six million.

Ten years ago, June 20, 1991, the Federal debt stood at $3,493,082,000,000, three trillion, four hundred ninety-three billion, eighty-two million.

Fifteen years ago, June 20, 1986, the Federal debt stood at $2,039,809,000,000, Two trillion, thirty-nine billion, eight hundred nine million, which reflects a debt increase of more than $3.5 trillion, $3,601,214,159,870.17, three trillion, six hundred one billion, two hundred fourteen million, one hundred fifty-nine thousand, eight hundred seventy dollars and seventeen cents during the past 15 years.

ADDITIONAL STATEMENTS

REVEREND LEON SULLIVAN

• Mr. SPECTER. Mr. President, I have sought recognition to pay tribute to Reverend Leon Sullivan who was not only a great American but a great citizen of the world. He was called the "Lion of Zion," a reference to the Zion Baptist Church where he was a fixture at the pulpit for 38 years. His accomplishments carried him beyond the city of Philadelphia to nationwide acclaim and then to worldwide leadership. From founding the Opportunities Industrialization Center, OIC, to America's most prestigious corporate boards where he brought recognition for minority employment to initiatives on education and health care in Africa, Dr. Sullivan was a global leader in successfully striving to improve the quality of life for those in need of assistance.

I first met Dr. Sullivan in the late 1950s when I was an Assistant District Attorney prosecuting cases in a magistrate's court at 19th and Oxford Streets in the heart of the city's African American community. Dr. Sullivan reclaimed that shambled police court and made it into OIC's first job training school. From that modest start, Dr. Sullivan went on to establish 56 centers nationally and another 46 centers internationally.

Standing 6 feet 5 inches, Dr. Sullivan was a powerful orator in the Zion Baptist Church on Sundays and an even more powerful social innovator the other 6 days of the week. His towering strength gained national recognition when he was asked to serve on the board of directors of General Motors, Mellon Bank, Boy Scouts of America, and the Southern African Development Fund.

With unparalleled accomplishments in the United States, Dr. Sullivan then turned his attention to Africa, where he initiated the Sullivan Principles. The Sullivan Principles are a code of conduct for businesses operating in South Africa which is acknowledged to be one of the most effective efforts in combating discrimination in the workplace. On April 12, 2000, I introduced a resolution along with Senator FEINGOLD that called on companies large and small in every part of the world to support and adhere to the Global Sullivan Principles of Corporate Social Responsibility wherever they have operations.

Dr. Sullivan also founded the International Foundation for Education and Self-Help, IFESH. IFESH was established to train people around the world in various disciplines including farming, teaching, healthcare, banking and economics.

As an Assistant District Attorney in Philadelphia in the early 1960s and as District Attorney through the mid-1970s, I worked with Dr. Sullivan on a wide variety of projects to combat juvenile delinquency, reform prison abuses and provide for realistic rehabilitation for many convicted in Philadelphia's courts. For two decades in the U.S. Senate, I continued to work with Dr. Sullivan. As a member of the Senate Foreign Operations Appropriations Subcommittee, I worked with the Subcommittee to secure a total of $38 million in funding since 1984 to support the work of Opportunities Industrialization Centers, OIC, International. Since its founding in 1970, OIC International has trained and provided jobs for thousands of poverty stricken people in Africa, Europe, and Asia. Also, I have worked with the Department of Housing and Urban Development to assist Reverend Sullivan build Opportunities Towers, which provides affordable housing for seniors and retirees in Philadelphia and other major cities.

When Dr. Sullivan passed away on Tuesday, April 24, 2001, the United States and the world had lost a great humanitarian, an acclaimed theologian, an extraordinary social activist and a great world leader.•

DEATH OF JUSTICE STANLEY MOSK

• Mrs. FEINSTEIN. Mr. President, on Tuesday, California lost one of its greatest jurists, Justice Stanley Mosk.

For more than a half century, and for 37 years on the bench of the State Supreme Court, Stanley Mosk served California with thoughtfulness, with honor, and indeed, with wisdom.

He was the longest-serving member in the court's 151-year history, issuing a total of 1,688 opinions over his career, including 727 majority rulings, 570 dissents, and 391 concurrences.

I knew Stanley Mosk well, and I respected him greatly. He's been a giant on the Supreme Court, and he will be missed deeply.

Justice Mosk began his political career as executive secretary to Governor Culbert L. Olson in 1938.

Following that, he was appointed to the Los Angeles Superior Court, where he served for 15 years.

And beginning in 1958, Mosk was elected California attorney-general, becoming the first Jewish man or woman to be elected to statewide office in the State.

Finally in 1964, weary of politics, Justice Mosk was appointed to the supreme court by Governor Pat Brown.

In this career which spanned more than 53 years, Justice Mosk broke new ground in the areas of the environment, the right to sue, and, perhaps most notably, in race discrimination, where he protected the right of all individuals, regardless of race, to be equally protected by the law.

As early as 1947, while on the superior court, Mosk issued his first ruling dealing with race, holding that whites-only restrictions on property were unenforceable.

Then in 1961, when serving as attorney-general, he persuaded the Professional Golfers Association to admit black golfers.

Later, on the supreme court, Mosk wrote perhaps his most famous decision of his career on the case of Allan Bakke, a white student who challenged racial quotas in the University of California admissions program.

Writing for the majority, Mosk held that the University's quota-based admissions program, that favored minorities over whites, was unconstitutional.

In each of these decisions, Mosk favored the right of the individual to be treated as an equal, with complete disregard to his or her race. It is a formulation which has stood the test of time.

In addition, Mosk wrote hundreds of decisions that have deeply impacted the State. Some of those include: An opinion written in 1980 allowing victims of the drug DES to sue all makers of the drug, on the basis of their market share, when the specific manufacturer was unknown to the victims; A 1972 decision that extended the restrictions of the California Environmental Quality Act to private developers; and A 1979 decision that held that a disabled parent could not be denied custody of a child solely because of a physical handicap.

Moreover, many of Mosk's opinions reflected his belief in the doctrine of "independent state grounds," which holds that the Federal Constitution provides a minimum standard of individual rights upon which States can build.

Stanley Mosk's life was devoted to the law and to the State of California. His prolific careers illustrated his deep commitment to equality, and he leaves a legacy that will last for years to come.

He is survived by his wife, Kaygey Kash Mosk, and son Richard M. Mosk.•

CONGRATULATIONS TO BOB AND ORLENE THOMAS

• Mr. BROWNBACK. Mr. President, I rise today to offer congratulations to two great Kansans, Bob and Orlene Thomas. On May 18, 1961 Bob and Orlene met in a chapel in Kansas and joined each other in Holy matrimony. In the 40 years that have followed, their little family has grown to include three children, who have grown to bless Bob and Orlene with five beautiful grandchildren. It is my understanding that the happy couple will be joined this weekend by their family to celebrate their 40th anniversary.

It is no secret to my colleagues that I believe marriage is the most sacred and important institution in society today. Bob and Orlene's marriage marks an example for all of how to preserve that institution. They have lived through richer and poorer. They have had good times and bad. They have witnessed both sickness and health. Through all of it, armed with their love for one another and the support of their family, Bob and Orlene have persisted.

I congratulate this great Kansas couple on their 40th wedding anniversary and wish them continued happiness for many years to come.•

TRIBUTE TO JACK McCONNELL, M.D.

• Mr. HOLLINGS. Mr. President, people who fuss about doctors should read this article from the June 18, 2001 issue of Newsweek magazine. I know of no other profession that has banded together as well as the doctors mentioned in order to continue to serve. South Carolina is proud of Jack McConnell. For launching this effort and inspiring others to do likewise, he deserves the Congressional Gold Medal.

The article follows:

"AND WHAT DID YOU DO FOR SOMEONE TODAY?"

(By Jack McConnell, M.D.)

When I was a child, we observed Father's Day by walking to the local Methodist church and listening to my father preach. We didn't have a car—my dad believed he could not "support Mr. Ford" on a minister's salary and still see that all of his seven children went to college. While we understood it was a special day—my mother would have something exceptional like a roast or a turkey cooking in the oven—in many ways it was not all that different from any other day. As soon as my brothers and sisters and I got home, we'd all gather around the dining-room table, where we took turns answering our father's daily question: "And what did you do for someone today?"

While that voice and those words always stuck in my mind, they often got pushed aside by more immediate concerns: long hours in medical school, building a career in medical research, getting married, raising children and acquiring the material accouterments every father wants for his family. All the hallmarks of a "successful" life, according to today's standards. When these goals were met and that busy time of life was over, retirement followed on Hilton Head Island, S.C.

My wife and I built our home in a gated community surrounded by yacht clubs and golf courses. But when I left the compound and its luxurious buffer zone for the other side of the island, I was traveling on unpaved roads lined with leaky bungalows. The "lifestyle" of many of the native islanders stood in jarring contrast to my cozy existence. I was stunned by the disparity.

By means of a lifelong habit of mine of giving rides to hitchhikers—remember, I grew up without a car—I got to talking to some of these local folks. And I discovered that the vast majority of the maids, gardeners, waitresses and construction workers who make this island work had little or no access to medical care. It seemed outrageous to me. I wondered why someone didn't do something about that. Then my father's words, which had at times receded to a whisper, rang in my head again: "What did you do for someone today?"

Even though my father had died several years before, I guess I still didn't want to disappoint him. So I started working on a solution. The island was full of retired doctors. If I could persuade them to spend a few hours a week volunteering their services, we could provide free primary health care to those so desperately in need of it. Most of the doctors I approached liked the idea, so long as their life savings wouldn't be put at risk by malpractice suits. They also wanted to be relicensed without a long, bureaucratic hassle. It took one year and plenty of persistence, but I was able to persuade the state legislature to create a special license for doctors volunteering in not-for-profit clinics, and got full malpractice coverage for everyone from South Carolina's Joint Underwriting Association for only $5,000 a year.

The town donated land, local residents contributed office and medical equipment and some of the potential patients volunteered their weekends stuccoing the building that would become the clinic. We named it Volunteers in Medicine and we opened its doors in 1994, fully staffed by retired physicians, nurses, dentists and chiropractors as well as nearly 150 lay volunteers. That year we had 5,000 patient visits; last year we had 16,000.

Somehow word of what we were doing got around. Soon we were fielding phone calls from retired physicians all over the country, asking for help in starting VIM clinics in their communities. We did the best we could—there are now 15 other clinics operating—but we couldn't keep up with the need. Yet last month I think my father's words found their way up north, to McNeil Consumer Healthcare, the maker of Tylenol. A major grant from McNeil will allow us to respond to these requests and help establish other free clinics in communities around the country.

According to statistics, there are 150,000 retired doctors and 400,000 retired nurses somewhere out there, many of them itching to practice medicine again. Since I heeded my dad's words, my golf handicap has risen from a 16 to a 26 and my leisure time has evaporated into 60-hour weeks of unpaid work, but my energy level has increased and there is a satisfaction in my life that wasn't there before. In one of those paradoxes of life, I have benefited more from Volunteers in Medicine than my patients have.

This Father's Day, of course, my dad is not around. And my children are all grown and out on their own. But now I remind them the best way to celebrate this holiday is by listening and responding to their grandfather's question: "What did you do for someone today?" That's my father's most valuable legacy—to me and my children.•

IN RECOGNITION OF JACOB MELLINGER

• Mr. TORRICELLI. Mr. President, I rise today to recognize Jacob Mellinger of New Jersey, who will soon be celebrating his 100th birthday. Mr. Mellinger will reach this momentous milestone on July 5th of this year, and I would like to acknowledge this special moment.

Jacob Mellinger emigrated to the United States at the tender age of six, from Remenyia, Austria-Hungary. Since then, Mr. Mellinger has lived a life full of accomplishment, compassion and service. Upon graduating from the New Jersey Law School in 1927, he went on to build a successful law practice that lasted for 60 years. During that time, he established himself as an outstanding practitioner of the law and he also earned the right to argue cases before the U.S. Supreme Court. However, he has also used his success to serve his community. He has demonstrated his generous nature by distinguishing himself as a strong supporter of several prominent charities, including the United Jewish Appeal and Hadassah.

I wish Mr. Mellinger the best on his 100th birthday. As he and his family reflect on this joyous occasion it is my sincere hope that he will continue to share his wisdom from the last century with his family and friends for many more years to come.•

THE REVEREND PHILIP BRANON

• Mr. LEAHY. Mr. President, Vermont is a very small State with special people. For those of us who live there we have the opportunity to get to know many within our State. One who has given his life to the people of his community and parish is Father Philip Branon and I would like my colleagues to have the opportunity to read this recent article about him that was in *the Burlington Free Press* on April 8, 2001.

The article follows:

VT. PRIEST CELEBRATES 50 YEARS ON THE JOB

(By Sally Pollak)

SOUTH HERO—Philip Branon was a teenager when the priest at his local church, St. Patrick in Fairfield, called him into the rectory and suggested he consider the priesthood.

"It must be because I was a pious child," the Rev. Branon said, laughing at the thought, "Or maybe my mother told him to. I don't know."

If it were his mother's idea it was a sound one, the right choice for the sixth of 10 Branon children—a Fairfield farmboy who still associates Sunday Mass with morning chores.

Branon, 74, will mark the 50th anniversary of his ordination into the priesthood Wednesday. He has spent more than half that time—30 years—serving the Catholic community of Grand Isle County, celebrating Mass, comforting the dying, baptizing babies. He joins one other Vermont priest, the Rev. George Dupuis of Arlington, who is still active after half a century.

If Branon anticipated 50 years of anything, it was nothing more than living.

"I'm just very grateful that I have lived for the 50 years, and that I have good health," Branon said. "I also have the wonderful privilege of being brought up in a good family with a lot of help and warmth from my brothers and sisters."

Branon celebrated his first Mass on April 15, 1951, reciting the service in Latin in St. Patrick Church, his childhood parish. The Rev. William Tennien, the pastor who suggested Branon's priesthood, shepherded Burlington drivers who couldn't get through the muddy Franklin County roads to the event.

OVER THE YEARS

Since that first service, Branon has celebrated more than 17,000 Masses, an average of seven a week. He will say once again this morning, at St. Joseph Church in Grand Isle, one of three churches in his parish. The service will be followed by a celebration of his priesthood.

Alice Toth, a South Hero teacher, plans to attend. She has been a parishioner at St. Rose in South Hero, Branon's home church, for 33 years. Toth appreciates his "special gift" for reaching the elderly and ill.

"He's a very caring pastor," she said. "And he's a true Vermonter in the sense that he's really close to nature in his sermon and his message."

Branon's first church was St. Paul in Barton. Then Mass was in Latin and his sermons were delivered in French and English.

He had no choice: He was informed by the Bishop that he would not be ordained if he didn't learn French.

He picked up sufficient French in conversation with other students at St. John's Seminary in Boston, "I got along well in Barton," he said. "Even though I didn't always know what I was saying."

Branon became the pastor at the University of Vermont's Newman Center in 1957, and served there for 14 years. He called it "the best place a priest could be" when the changes of Vatican II were introduced.

At UVM, bringing together his two loves—family and the Church—he asked a woodworker from the Fairfield hills, Frank Moran, to carve a crucifix from a piece of black cherry that belonged to Branon's father. It remains at the chapel today.

GOOD VERMONT STOCK

Thirty years ago, Branon moved to the Champlain Islands, where he lives in South Hero and serves three island churches. He has chosen to stay because he loves where he lives, has firm roots in the community, and is not far from family and his childhood home.

"His contributions to the islands cannot be overestimated," said Max Reader, the retired pastor of the Congregational Church in South Hero.

"He's down to earth." Reader said, "He's quite honest and he's very understanding. He's of good old Vermont stock and he's just got all these good qualities that make him a very, very fine priest."

Branon feels that perhaps his most important contributions are made at funerals. He estimates that he has presided over 15 to 20 during each of the last 30 years.

"I'd rather do funerals than weddings anytime," he said Thursday morning after Mass. "At a funeral, it's all honest. It's really and truly a teachable moment, the best chance for a priest to talk to a number of people who don't go to church."

He considers the most important part of his job bringing Communion and comfort to the elderly and ill who can't get to church. Thursday after Mass, Branon—a slow walker and deliberate talker—placed a bible and some bread in his Chevy Corsica and prepared for a dozen Communion house calls.

"It comes down to the purpose of our ministry," he said. "The purpose of the priesthood is to help people go to heaven. When you're dealing with sick people and old people, you're pretty apt to be dealing with people who are close to it.

"Over the years, you find out that sick people know they're sick. You try to help people understand it, help them face death."

The deaths are not only a time for comfort and compassion, but a chance to learn about the families who live on the islands. "If I had written down two or three lines about every person I buried," Branon said, "I'd have a wonderful history of the islands."

FARMING FAMILY

The history of the Church and his family are of great importance to Branon. His family has been farming in Fairfield for about 130 years, working a farm that was started by his great-grandmother, Mary O'Neill Branon.

She was widowed in the 1860s when her blacksmith husband, Irish immigrant Anthony Branon, was killed by the kick of a horse. Mary Branon took her two children and walked 17 miles from Swanton to Fairfield, driving cattle as she went.

Branon and his nine siblings—seven brothers and two sisters—grew up on the nearby farm settled by Mary O'Neill Branon's son, Edward. He fondly recalls the Sunday mornings of his childhood, a satisfying mix of chores, Mass and fox hunting.

His mother was devout, but it is his father's definition of sin that has stayed with the priest: "He said, 'I was brought up to figure you can't commit a sin unless you want to,'" Branon recalled.

And it was his father, brother of a priest and a nun, who took the time to fall to his knees and pray before going to the barn to care for a sick horse.

These stories of family and faith nourish Branon as he approaches 75, as he makes his rounds to comfort the elderly and ill.

He has no plans to retire, no plans to leave South Hero. "I owe it to God and the people to keep going as long as I'm worth anything," he said.

In his parish home, alone at night, Branon thinks of his own mortality and finds comfort in these words: "May the all powerful Lord grant me a happy life and a peaceful death."

Maybe not the exact words of the night prayers, concedes the priest with 50 years' experience. But close enough.

BRANON FILE

Who: The Rev. Phillip J. Branon

Occupation: Catholic priest ordained 50 years ago, April 11, 1951.

Age: 74.

Family: Branon is the sixth of 10 children of E. Frank and Mary Branon. He grew up on a farm in Fairfield.

Education: St. Mary's High School in St. Albans, graduated 1943; St. John's Seminary in Boston, ordained in 1951.

Career: St. Paul's Parish, Barton, 1951–1953; Cathedral of the Immaculate Conception, Burlington, 1953–1955; Vermont Catholic Charities, Burlington, 1955–1957; Newman Center, the University of Vermont, 1957–1971. Since 1971 he has been serving at St. Rose de Lima, South Hero; St. Benedict Labre, North Hero; and St. Joseph, Grand Isle.

Open House: An open house in his honor will be held today at St. Joseph Church from 10 a.m. to 1 p.m., after Branon celebrates Mass.

VERMONT PRIEST FACTS

Full-time priests in Vermont: 101.

Active priests with 50 years of service or more: two.

Vermont priests ordained 50 years ago or more: 24. Of those, two are active and 22 are retired. Eight of the retirees fill in as substitutes.

50th anniversary: Wednesday is the 50th anniversary of the ordination of the Rev. Phillip J. Branon, a priest at three parishes in Grand Isle County. Two other Vermont priests celebrate half a century or ordination on Wednesday, though they have retired: Monsignor Raymond Adams of Essex Junction and the Rev. Robert Whalen of Poultney and Steamboat Springs, Colo.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2052. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

S. 1077. An original bill making appropriations for the fiscal year ending September 30, 2001, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2553. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Rev. Proc. 97–13" (Rev. Proc. 2001–19) received on June 19, 2001; to the Committee on Finance.

EC–2554. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—July 2001" (Rev. Rul. 2001–34) received on June 18, 2001; to the Committee on Finance.

EC–2555. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulation: Sweden" (22 CFR Parts 124, 125, 126) received on June 18, 2001; to the Committee on Foreign Relations.

EC–2556. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Israel and the Arab League countries; to the Committee on Foreign Relations.

EC–2557. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mesotrione; Pesticide Tolerance" (FRL6787–7) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2558. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "L-Glutamic Acid and Gamma Aminobutyric Acid; Exemptions from the Requirement of a Tolerance" (FRL6785–6) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2559. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isoxadifen-ethyl; Time-Limited Pesticide Tolerance" (FRL6786–1) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2560. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "West Indian Fruit Fly; Removal of Quarantined Area" (Doc. No. 00–110–3) received on June 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2561. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56–2, –2B, –3, –5B, –5C, and –7B Series Turbofan Engines; request for comments" ((RIN2120–AA64)(2001–0260)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2562. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Advanced Qualification Program; Docket No. FAA–2000–7497; Correction" ((RIN2120–AH01)(2001–0001)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2563. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (17); Amdt. No. 429" ((RIN2120–AA63)(2001–0004)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2564. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (39); Amdt. No. 2053" ((RIN2120–AA65)(2001–0035)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2565. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (26); Amdt. No. 2052" ((RIN2120–AA65)(2001–0036)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2566. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Jackson Hole, WY; Docket No. 00–ANM–24" ((RIN2120–AA66)(2001–0097)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2567. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Phillipsburg, KS; confirmation of effective date" ((RIN2120–AA66)(2001–0098)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2568. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Bay City, TX; confirmation of effective date" ((RIN2120–AA66)(2001–0100)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2569. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; South Albany, NY" ((RIN2120–AA66)(2001–0101)) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2570. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Linden, White Oak, Lufkin, Corrigan, Mount Enterprise, and Pineland, Texas and Zwolle, Louisiana" (Doc. No. 00–228) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2571. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Exmore and Cheriton, Virginia and Fuitland, Maryland" (Doc. No. 99–347) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2572. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 733.202(b), Table of Allotments, FM Broadcast Stations; Hewitt, Texas" (Doc. No. 01–24) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2573. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of a Low Power Radio Service, Second Report and Order" (Doc. No. 99–25, FCC 01–100) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2574. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Mountain View, AR" (Doc. No. 01–45) received on June 20, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2575. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States" (RIN1018–AH46) received on June 19, 2001; to the Committee on Environment and Public Works.

EC–2576. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions" (FRL6998–6) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2577. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans North Carolina: Approval and Revision to Miscellaneous Volatile Organic Compounds Regulations Within the North Carolina State Implementation Plan" (FRL6993–9) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2578. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; States of Illinois and Missouri; 1-Hour Ozone Attainment Demonstrations, Motor Vehicle Emissions Budgets, Reasonably Available Control Measures, Contingency Measures, Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification" (FRL7001–7) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2579. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Maintenance Plan Revisions; Ohio" (FRL7001–6) received on June 20, 2001; to the Committee on Environment and Public Works.

EC–2580. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standards for Metropolitan Denver; State of Colorado" (FRL7000–7) received on June 20, 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 1077: An original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 107–33).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Allocation To Subcommittees Of Budget Totals from the Concurrent Resolution for Fiscal Year 2002" (Rept. No. 107–34).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 1076. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the agriculture industry, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD:

S. 1077. An original bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, and Mr. DAYTON):

S. 1078. A bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, Mr. SARBANES, and Mr. DAYTON):

S. 1079. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Environment and Public Works.

By Mr. CLELAND:

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide that employees who retire as registered nurses under the Federal Employees Retirement System shall have unused sick leave used in the computation of annuities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1081. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1082. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. BINGAMAN, Mrs. MURRAY, and Mr. INOUYE):

S. 1083. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 1084. A bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1085. A bill to provide for the revitalization of Olympic sports in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1086. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the Outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. SARBANES, Mr. REED, Mr. CARPER, Mr. SCHUMER, Ms. STABENOW, Mr. DODD, Mr. JOHNSON, Mr. BAYH, Mr. ROCKEFELLER, Ms. COLLINS, Mrs. CLINTON, Ms. SNOWE, Mr. CLELAND, Ms. CANTWELL, Mr. WELLSTONE, Mr. FEINGOLD, Mr. TORRICELLI, and Mr. KERRY):

S. Con. Res. 52. Concurrent resolution expressing the sense of Congress that reducing crime in public housing should be a priority, and that the successful Public Housing Drug Elimination Program should be fully funded; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HAGEL (for himself, Mr. LEAHY, and Mr. LEVIN):

S. Con. Res. 53. Concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 131

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 131, a bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 234

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 234, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 242

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 242, a bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006.

S. 313

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 313, a bill to amend the Internal Revenue Code of 1986 to provide for Farm, Fishing, and Ranch Risk Management Accounts, and for other purposes.

S. 351

At the request of Ms. COLLINS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 351, a bill to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting use of mercury fever thermometers and improving collection, recycling, and disposal of mercury, and for other purposes.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 570

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 570, a bill to establish a permanent Violence Against Women Office at the Department of Justice.

S. 627

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 677

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 706

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 721

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 721, a bill to amend the Public Health Service Act to establish a Nurse Corps and recruitment and retention strategies to address the nursing shortage, and for other purposes.

S. 731

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 731, a bill to ensure that military personnel do not lose the right to cast votes in elections in their domicile as a result of their service away from the domicile, to amend the Uniformed and Overseas Citizens absentee Voting Act to extend the voter registration and absentee ballot protections for absent uniformed services personnel under such Act to State and local elections, and for other purposes.

S. 755

At the request of Mrs. MURRAY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 755, a bill to continue State management of the West Coast Dungeness Crab fishery.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 936

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 936, a bill to amend the Internal Revenue Code of 1986 to expand S corporation eligibility for banks, and for other purposes.

S. 992

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1017

At the request of Mr. DODD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1021

At the request of Mr. LUGAR, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1021, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004.

S. 1037

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1058

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1058, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and the producers of biodiesel, and for other purposes.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY.

S. 1076. A bill to provide for the review of agriculture mergers and acquisitions by the Department of Agriculture and to outlaw unfair practices in the agriculture industry, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, as most of my colleagues know, agriculture is a crucial industry for Iowa. The small, independent family farmer is an important thread which holds together my State's cultural, economic and social fabric. In fact, the family farmer is one of the best things about Iowa's heritage. My colleagues are well aware that I'm committed to preserving and supporting this valuable member of Iowa's communities.

Agriculture is a risky business. I know that from personal experience, I've lived and worked on a farm all my life. But these days, farmers feel especially vulnerable. "Merger-mania" has been running rampant, with large companies joining forces to create new business giants in every sector of the economy, including agriculture.

The agriculture sector has witnessed a number of mega-mergers and alliances affecting grain and livestock. And the independent producer is seeing fewer choices of who to buy from and who to sell to. More and more family farmers and independent producers are feeling the pressure and impact of concentration in agriculture. Good men and women who have farmed for years and years are going out of business. Yet, the independent farmer is one of the most efficient businessman in our Nation's economy. That's why the United States can feed itself and a good portion of the world.

I've said before that I am not of the belief that all mergers are in and of themselves wrong or unfair to family farmers. But we need to make sure that open and fair access to the marketplace is preserved for everyone. We need to make sure that large businesses are not acting in a predatory or anti-competitive manner. We need to make sure that family farmers and independent producers can compete on a level playing field. That's how we can keep our economy strong, our agricultural community vibrant and competitive, and our consumers happy.

Now we've heard that a Delaware Court has ordered Tyson Foods and IBP to resume their merger discussions, because Tyson Foods did not have a contractually permissible reason to terminate its merger agreement with IBP when it announced in March that it was rescinding the transaction. While I do not want to take issue with the court's findings, I am concerned about the fact that this merger looks like it will go through and, consequently, the meat industry will consolidate even further. Beginning last September when Donaldson, Lufkin & Jenrette/Rawhide Holdings Corporation, then Smithfield Foods, and finally Tyson Foods started a bidding war for IBP, I pushed the Justice Department to carefully scrutinize each possible business combination. In January, I wrote the Justice Department urging it to vigorously review the Tyson-IBP transaction from all angles, and to consult with the Agriculture Department to better ascertain the ramifications of such a merger on family farmers and independent producers. I would have thought that a combination of the Nation's largest poultry producer with the world's largest producer of beef and pork products would result in significantly reduced market opportunities, as well as increased the possibility of anti-competitive business practices. I shared the concerns of many farmers and producers that this transaction would adversely impact their ability to obtain fair prices for their products. I was also concerned that a combined IBP-Tyson presence in the retail market would negatively affect product choice and the prices consumers pay at the meat counter.

But the Justice Department determined earlier this year that the potential negative impact on competition was insufficient to sustain an injunction against the merger under the antitrust laws. Because the Justice Department completed its antitrust review in January, I understand that there is nothing further for the Department to do in terms of an antitrust review if the parties re-engage their merger talks in due course and without changes to the transaction. But I remain seriously concerned about the impact this merger will have on our farm community and I hope that, if this merger is ultimately completed, the Justice Department will carefully monitor whether a merged IBP-Tyson will have unintended consequences on competition in the meat economy and, if it does, take appropriate action.

Nevertheless, this development re-energizes my gut feeling that we need to somehow change the way ag mergers are reviewed and approved. So, today I'm re-introducing a bill I authored last year, the "Agriculture Competition Enhancement Act," to help address some of the competition concerns of America's family farmers and independent producers. My bill will refocus the merger review process as it pertains to agri-business, and will enhance the Department of Agriculture's ability to address anti-competitive activity in agriculture. I believe that bringing to the table a greater understanding of ag producers' needs when ag mergers are reviewed is the biggest missing element to making the merger review process as fair as possible. Closing this gap is the heart of my proposal.

Several provisions in the "Agriculture Competition Enhancement Act" are based on proposals by the American Farm Bureau, the largest organization representing producers of agricultural commodities. However, I'd like to briefly discuss what I believe to be the most important components of this bill: the enhancement of the Department of Agriculture's role in the Hart-Scott-Rodino review process, the creation of a new "impact on family farmers and independent producers" standard of review by the Department of Agriculture for ag mergers, and the expansion of the Department of Agriculture's ability to take regulatory and enforcement action with respect to anti-competitive and unfair practices in the agricultural sector.

Far more than the Justice Department or the Federal Trade Commission, the Department of Agriculture has extraordinary knowledge and expertise in agricultural matters. The Department of Agriculture formulates ag policy for the Nation, and works closely with the farm community about their various concerns. So, I believe that the Department of Agriculture is the office that can best assess the true impact of ag mergers and other business transactions on farmers, ranchers and independent producers. That is why my bill seeks to expand and enhance the role that the Department of Agriculture plays in the antitrust review of ag mergers.

Currently, when the Justice Department or the Federal Trade Commission assesses a proposed merger, the focus of their analysis is weighted heavily toward the impact of the transaction on consumers. However, agriculture is unique. The antitrust laws already recognize this with the ag cooperative exception. But I believe we need to go further by requiring the Justice Department and Federal Trade Commission to specifically take into account the effect ag mergers have on family farmers and producers. The "Agriculture Competition Enhancement Act" would do just that by requiring the Department of Agriculture to conduct an assessment of how a proposed ag transaction will affect family farmers and independent producers and their access to the market.

I realize that presently the Justice Department and Federal Trade Commission informally consult with the Department of Agriculture when they consider ag mergers. But I believe that the current process does not sufficiently ensure that the farm community's concerns are being adequately addressed. The approach I advocate will ensure that producers' concerns and needs are fully discussed when federal agencies examine proposed ag business mergers. By guaranteeing inclusion and openness for family farmers and independent producers, we can go a long way toward alleviating their understandable anxiety about an increasingly concentrated industry.

So my bill requires the Department of Agriculture to do a merger review that focuses on the needs of producers by examining whether the transaction would cause substantial harm to farmers' ability to compete in the marketplace. This review would be conducted simultaneously with the Justice Department's antitrust review, in order to minimize disruption to the current merger review process. Further, my bill encourages the parties and the Department of Agriculture to resolve concerns about the proposed merger during this timeframe. If its concerns are not satisfied, the Department of Agriculture has the ability to challenge the merger in federal court to either stop the merger, or to impose appropriate conditions or limitations on the proposed transaction.

Recognizing that the Department of Agriculture needs to have an individual who will perform this new antitrust responsibility, my bill calls for the creation of a Special Counsel for Competition Matters at the Department of Agriculture. My bill also provides for increased funding for competition matters, and authorizes additional specialized staff—including antitrust attorneys and economists—at the Justice Department and Department of Agriculture, to ensure that these agencies have the appropriate resources to accomplish the goals of this legislation.

Furthermore, under my bill, the competition protection authorities of the Department of Agriculture's Packers and Stockyards Division are extended to include anti-competitive practices by dealers, processors and commission merchants of all ag commodities. This expanded authority, based on provisions in the current Packers and Stockyards Act, will give the Department of Agriculture an increased ability to look at unfair, deceptive and predatory business practices by all ag businesses, not just packers and poultry farmers.

As my colleagues from rural States know, ag concentration is one of the most important issues in agriculture today. Other members here in Congress have introduced bills or are presently working to craft their own legislative proposals to respond to the concerns of America's farmers. I want it to be clearly understood that it is my desire to work with my colleagues on both sides of the aisle, as well as the Bush Administration, so that we can make meaningful progress on this issue. I know that my proposal has its critics, but I am willing and ready to listen to their concerns and work on constructive changes to my bill. But I truly hope that we can achieve a bipartisan compromise sooner rather than later on this issue, so we can calm farmers' fears about high levels of ag concentration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agriculture Competition Enhancement Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL COOPERATIVE.—The term "agricultural cooperative" means an association of persons that meets the requirements of the Capper-Volstead Act (7 U.S.C. 291 et seq.; 42 Stat. 388).

(3) AGRICULTURAL INPUT SUPPLIER.—The term "agricultural input supplier" means any person (excluding agricultural cooperatives) engaged in the business of selling in commerce, any product to be used as an input (including seed, germ plasm, hormones, antibiotics, fertilizer, and chemicals, but excluding farm machinery) for the production of any agricultural commodity.

(4) ASSISTANT ATTORNEY GENERAL.—The term "Assistant Attorney General" means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

(5) BROKER.—The term "broker" means any person (excluding agricultural cooperatives) engaged in the business of negotiating sales and purchases of any agricultural commodity in commerce for or on behalf of the vendor or the purchaser.

(6) COMMISSION MERCHANT.—The term "commission merchant" means any person (excluding agricultural cooperatives) engaged in the business of receiving in commerce any agricultural commodity for sale, on commission, or for or on behalf of another.

(7) DEALER.—The term "dealer" means any person (excluding agricultural cooperatives) engaged in the business of buying, selling, or marketing agricultural commodities in commerce, except that no person shall be considered a dealer with respect to sales or marketing of any agricultural commodity of that person's own raising.

(8) PROCESSOR.—The term "processor" means any person (excluding agricultural cooperatives) engaged in the business of handling, preparing, or manufacturing (including slaughtering) of an agricultural commodity, or the products of such agricultural commodity, for sale or marketing in commerce for human consumption but not with respect to sale or marketing at the retail level.

(9) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(10) SPECIAL COUNSEL.—The term "Special Counsel" means the Special Counsel for Competition Matters at the Department of Agriculture.

SEC. 3. SPECIAL COUNSEL FOR COMPETITION MATTERS.

(a) IN GENERAL.—There shall be established within the Department of Agriculture a Special Counsel for Competition Matters whose primary responsibilities shall be to—

(1) analyze mergers within the food and agricultural sectors, in consultation with the Chief Economist of the Department of Agriculture, as required by section 4; and

(2) assure that section 5, and the Packers and Stockyards Act and related authorities, are enforced appropriately.

(b) APPOINTMENT.—The Special Counsel for Competition Matters shall be appointed by the President subject to the advice and consent of the Senate.

(c) PROSECUTORIAL AUTHORITY.—The Special Counsel for Competition Matters shall have the authority to bring any civil action authorized pursuant to this Act on behalf of the United States.

SEC. 4. AGRIBUSINESS MERGER REVIEW AND ENFORCEMENT BY THE DEPARTMENT OF AGRICULTURE.

(a) NOTICE OF FILING.—The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall notify the Secretary of Agriculture of any filing pursuant to section 7A of the Clayton Act (15 U.S.C. 18a) involving a merger or acquisition described in subsection (b)(1), and shall give the Secretary of Agriculture the opportunity to participate in the review proceedings.

(b) SPECIAL COUNSEL REVIEW.—

(1) IN GENERAL.—In addition to the antitrust review conducted by the Federal Trade Commission or Assistant Attorney General pursuant to section 7A of the Clayton Act (15 U.S.C. 18a), and notwithstanding any participation in those antitrust review proceedings, the Special Counsel for Competition Matters, in consultation with the Chief Economist of the Department of Agriculture, shall, contemporaneously, observing the time period limitations provided under the antitrust laws and the Department of Justice merger guidelines, and utilizing the factors set forth in subsection (d), review, to determine whether the proposed transaction would cause substantial harm to the ability of independent producers and family farmers to compete in the marketplace, any merger or acquisition involving—

(A) a dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 merging or acquiring, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000; or

(B) a dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $10,000,000 merging or acquiring, directly or indirectly, any voting securities or assets of any other dealer, processor, commission merchant, agricultural input supplier, broker, or operator of a warehouse of agricultural commodities with annual net sales or total assets of more than $100,000,000 if the acquiring person would hold—

(i) 15 percent or more of the voting securities or assets of the acquired person; or

(ii) an aggregate total amount of the voting securities and assets of the acquired person in excess of $15,000,000.

(2) EXCEPTION.—The Special Counsel for Competition Matters, at his or her discretion, may also request that the Assistant Attorney General or the Federal Trade Commission require section 7A of the Clayton Act (15 U.S.C. 18a) notification of an agriculture merger or acquisition of a size smaller than is required under paragraph (1), if the Special Counsel for Competition Matters believes that such transaction will cause substantial harm to the ability of independent producers and family farmers to compete in the market.

(c) NOTIFICATION ON FAILURE TO PROCEED.—If the Assistant Attorney General or the Federal Trade Commission determines not to proceed against the parties of an agriculture merger or acquisition under the antitrust laws, the Assistant Attorney General or the Federal Trade Commission immediately shall notify the Special Counsel for Competition Matters of such decision.

(d) STANDARD OF REVIEW.—

(1) IN GENERAL.—The Special Counsel for Competition Matters, in consultation with the Chief Economist of the Department of Agriculture, shall review, and may challenge, a merger or acquisition described in subsection (b) based on whether the merger or acquisition would cause substantial harm to the ability of independent producers and family farmers to compete in the marketplace.

(2) FACTORS.—The review shall consider, among other factors—

(A) the effect of the acquisition or merger on prices paid to producers who sell to, buy from, or bargain with, one or more of the parties involved in the merger or acquisition;

(B) the likelihood that the acquisition or merger will result in significantly increased market power for the new or surviving entity;

(C) the likelihood that the acquisition or merger will increase the potential for anticompetitive or predatory conduct by the new or surviving entity; and

(D) whether the acquisition or merger will adversely affect producers in a particular regional area, including an area as small as a single State.

(e) EVIDENTIARY POWERS.—The Special Counsel for Competition Matters shall have the same powers as possessed by the Assistant Attorney General and the Federal Trade Commission under the antitrust laws, to obtain evidence necessary to make determinations for the review described in subsection (b).

(f) ACCESS TO ATTORNEY GENERAL AND FEDERAL TRADE COMMISSION INFORMATION.—The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall make available to the Special Counsel for Competition Matters any information, including any testimony, documentary material, or related information relevant to the review conducted by the Special Counsel under this section which is under the control of the Assistant Attorney General or the Federal Trade Commission. Each agency will share information, consistent with applicable confidentiality restrictions, in order to provide the others with information believed to be potentially relevant and useful to the others' enforcement responsibilities. Such information may include legal, economic, and technical assistance.

(g) TRANSMITTAL OF FINDINGS OF SPECIAL COUNSEL FOR COMPETITION MATTERS.—After receiving notice pursuant to subsection (a) and conducting the review required in subsection (b), the Secretary of Agriculture shall report to the Assistant Attorney General or the Federal Trade Commission, as appropriate, and the parties, the findings of the review, including any recommended conditions on the merger or suggested remedies.

(h) RESPONSE TO SPECIAL COUNSEL FINDINGS.—

(1) ANTITRUST AGENCY RESPONSE TO FINDINGS.—The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall provide the Special Counsel for Competition Matters a response, including the rationale as to why such findings and recommendations are accepted or rejected.

(2) PARTY OPPORTUNITY TO ADDRESS FINDINGS.—The parties to the merger or acquisition affected by such findings shall have the opportunity to make changes to their operations or structure, and to negotiate with the Special Counsel for Competition Matters an acceptable resolution to any concerns raised in the findings.

(i) ENFORCEMENT.—

(1) JUDICIAL ACTION.—Not later than 30 days after notification by the Assistant Attorney General or the Federal Trade Commission of their determination not to proceed against the parties, the Special Counsel for Competition Matters, if he or she is not satisfied with the review of, or the conditions placed on, the merger or acquisition by the Assistant Attorney General or the Federal Trade Commission, may challenge the transaction in Federal court based on the findings conducted in the review under this section.

(2) ENFORCEMENT AND DAMAGES.—The enforcement and damage provisions of the antitrust laws shall apply with respect to a violation of the substantial harm to producers and family farmers standard of subsection (d) in the same manner as such sections apply with respect to a violation of the antitrust laws.

(j) CONFORMING AMENDMENTS TO ANTITRUST LAWS.—Section 7A of the Clayton Act (15 U.S.C. 18a) is amended by inserting at the end the following:

"(k)(1) Notwithstanding the threshold requirements of sections 1, 2, and 3, the Federal Trade Commission and the Assistant Attorney General may require, at the request of the Secretary of Agriculture, notification pursuant to the rules under subsection (d)(1) from the parties to a proposed merger or acquisition in the agriculture industry.

"(2) The Assistant Attorney General or the Federal Trade Commission, as appropriate, shall give the Secretary of Agriculture the opportunity to participate in the review under the antitrust laws of any proposed merger or acquisition involving the agriculture industry.".

SEC. 5. PROHIBITIONS AGAINST UNFAIR PRACTICES IN TRANSACTIONS INVOLVING AGRICULTURAL COMMODITIES AND ENFORCEMENT.

(a) UNLAWFUL PRACTICES.—It shall be unlawful for any dealer, processor, commission merchant, or broker of any agricultural commodity to—

(1) engage in or use any unfair, unjustly discriminatory, or deceptive practice or device;

(2) make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage;

(3) sell or otherwise transfer to or for any other dealer, processor, commission merchant, or broker, or buy or otherwise receive from or for any other dealer, processor, commission merchant, or broker, any article for the purpose or with the effect of apportioning the supply between any such persons, if such apportionment has the tendency or effect of restraining commerce or of creating a monopoly;

(4) sell or otherwise transfer to or for any other person, or buy or otherwise receive from or for any other person, any article for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;

(5) engage in any course of business or do any act for the purpose or with the effect of manipulating or controlling prices, or of creating a monopoly in the acquisition of, buying, selling, or dealing in, any article, or of restraining commerce;

(6) conspire, combine, agree, or arrange with any other person—

(A) to apportion territory for carrying on business;

(B) to apportion purchases or sales of any article; or

(C) to manipulate or control prices; or

(7) conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by paragraph (1), (2), (3), (4), or (5).

(b) PROCEDURE BEFORE SECRETARY FOR VIOLATIONS.—

(1) COMPLAINT; HEARING; INTERVENTION.—If the Secretary has reason to believe that any dealer, processor, commission merchant, or broker, has violated or is violating any provision of this section, the Secretary shall cause a complaint in writing to be served upon the dealer, processor, commission merchant, or broker, stating the charges in that respect, and requiring the dealer, processor, commission merchant, or broker, to attend and testify at a hearing at a time and place designated therein, at least 30 days after the service of such complaint; and at such time and place there shall be afforded the dealer, processor, commission merchant, or broker, a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may on application be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the dealer, processor, commission merchant, or broker, be adjourned for a period not exceeding 15 days.

(2) REPORT AND ORDER; PENALTY.—If, after such hearing, the Secretary finds that the dealer, processor, commission merchant, or broker, has violated or is violating any provisions of this section covered by the charges, the Secretary shall make a report in writing in which the Secretary shall state his findings as to the facts, and shall issue and cause to be served on the dealer, processor, commission merchant, or broker, an order requiring such dealer, processor, commission merchant, or broker, to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture. The Secretary may also assess a civil penalty of not more than $10,000 for each such violation. In determining the amount of the civil penalty to be assessed under this section, the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the person's ability to continue in business. If, after the lapse of the period allowed for appeal or after the affirmance of such penalty, the person against whom the civil penalty is assessed fails to pay such penalty, the Secretary may proceed to recover such penalty by an action in the appropriate district court of the United States.

(3) AMENDMENT OF REPORT OR ORDER.—Until the record in such hearing has been filed in a court of appeals of the United States, as provided in subsection (c), the Secretary at any time, upon such notice and in such manner as the Secretary deems proper, but only after reasonable opportunity to the dealer, processor, commission merchant, or broker, to be heard, may amend or set aside the report or order, in whole or in part.

(4) SERVICE OF PROCESS.—Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) CONCLUSIVENESS OF ORDER; APPEAL AND REVIEW.—

(1) FILING OF PETITION; BOND.—An order made under subsection (b) shall be final and conclusive unless within 30 days after service the dealer, processor, commission merchant, or broker, appeals to the court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such dealer, processor, commission merchant, or broker, will pay the costs of the proceedings if the court so directs.

(2) FILING OF RECORD BY SECRETARY.—The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(3) TEMPORARY INJUNCTION.—At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary injunction, restraining, to the extent it deems proper, the dealer, processor, commission merchant, or broker, and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(4) EVIDENCE.—The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case.

(5) ACTION BY THE COURT.—The court may affirm, modify, or set aside the order of the Secretary.

(6) ADDITIONAL EVIDENCE.—If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and the Secretary shall file such modified or new findings and his recommendations, if any, for the modifications or setting aside of his order, with the return of such additional evidence.

(7) INJUNCTION.—If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the dealer, processor, commission merchant, or broker, and his officers, directors, agents, and employees from violating the provisions of such order or such order as modified.

(8) FINALITY.—The court of appeals shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, United States Code, if such writ is duly applied for within 60 days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the court of appeals, insofar

as such decree operates as an injunction unless so ordered by the Supreme Court.

(d) PUNISHMENT FOR VIOLATION OF ORDER.—Any dealer, processor, commission merchant, or broker, or any officer, director, agent, or employee of a dealer, processor, commission merchant, or broker, who fails to obey any order of the Secretary issued under the provisions of subsection (b), or such order as modified—

(1) after the expiration of the time allowed for filing a petition in the court of appeals to set aside or modify such order, if no such petition has been filed within such time;

(2) after the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the court of appeals and no such writ has been applied for within such time; or

(3) after such order, or such order as modified, has been sustained by the courts as provided in subsection (c);

shall on conviction be fined not less than $500 nor more than $10,000, or imprisoned for not less than 6 months nor more than 5 years, or both. Each day during which such failure continues shall be deemed a separate offense.

SEC. 6. REPORT ON CORPORATE STRUCTURE.

A dealer, processor, commission merchant, or broker with annual sales in excess of $100,000,000 shall annually file with the Secretary a report which describes, with respect to both domestic and foreign activities, the strategic alliances, ownership in other agribusiness firms or agribusiness-related firms, joint ventures, subsidiaries, and brand names, interlocking boards of directors with other corporations, representatives, and agents that lobby Congress on behalf of such dealer, processor, commission merchant, or broker, as determined by the Secretary.

SEC. 7. PROHIBITION ON CONFIDENTIALITY CLAUSES IN LIVESTOCK AND POULTRY PRODUCTION CONTRACTS.

Confidentiality clauses barring a party to a contract from sharing terms of such contract for the purposes of obtaining legal or financial advice, are prohibited in livestock production contracts and grain production contracts (except to the extent a legitimate trade secret (as applied in the Freedom of Information Act, 5 U.S.C. 552 et seq.) is being protected).

SEC. 8. PROTECTIONS FOR CONTRACT POULTRY GROWERS.

(a) REMOVAL OF POULTRY SLAUGHTER REQUIREMENT FROM DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182) is amended—

(1) by striking paragraph (8) and inserting the following new paragraph:

"(8) the term 'poultry grower' means any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, whether the poultry is owned by such person or by another person;";

(2) in paragraph (9), by striking "and cares for live poultry for delivery, in accord with another's instructions, for slaughter" and inserting "or cares for live poultry in accord with another person's instructions"; and

(3) in paragraph (10), by striking "for the purpose of either slaughtering it or selling it for slaughter by another".

(b) ADMINISTRATIVE ENFORCEMENT AUTHORITY OVER LIVE POULTRY DEALERS.—Sections 203, 204, and 205 of such Act (7 U.S.C. 193, 194, 195) are amended by inserting "or live poultry dealer" after "packer" each place it appears.

(c) AUTHORITY TO REQUEST TEMPORARY INJUNCTION OR RESTRAINING ORDER.—Section 408 of such Act (7 U.S.C. 229) is amended by striking "on account of poultry" and inserting "on account of poultry or poultry care".

(d) VIOLATIONS BY LIVE POULTRY DEALERS.—Section 411 of such Act (7 U.S.C. 228b-2) is amended—

(1) in subsection (a), by striking "any provision of section 207 or section 410 of"; and

(2) in subsection (b), by striking "any provisions of section 207 or section 410" and inserting "any provision".

SEC. 9. AUTHORITY TO MAKE BUSINESS AND INDUSTRY GUARANTEED LOANS FOR FARMER-OWNED PROJECTS THAT ADD VALUE TO OR PROCESS AGRICULTURAL PRODUCTS.

Section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)) is amended by inserting "(and in areas other than rural communities, in the case of insured loans, if a majority of the project involved is owned by individuals who reside and have farming operations in rural communities, and the project adds value to or processes agricultural commodities)" after "rural communities".

SEC. 10. AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR AGRICULTURE COMPETITION ENFORCEMENT.

(a) ADDITIONAL STAFF.—The Secretary of Agriculture shall hire sufficient staff, including antitrust and litigation attorneys, economists, and investigators, to appropriately carry out the agribusiness merger review and prohibition against unfair practices responsibilities, described in sections 4 and 5.

(b) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to hire the staff referenced in subsection (a) to implement this Act.

SEC. 11. AUTHORIZATION FOR ADDITIONAL STAFF AND FUNDING FOR THE GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION.

There are authorized to be appropriated such sums as are necessary to enhance the capability of the Grain Inspection, Packers and Stockyards Administration to monitor, investigate, and pursue the competitive implications of structural changes in the meat packing industry. Sums are specifically earmarked to hire litigating attorneys to allow the Grain Inspection, Packers and Stockyards Administration to more comprehensively and effectively pursue its enforcement activities.

SEC. 12. ASSISTANT ATTORNEY GENERAL FOR AGRICULTURAL ANTITRUST MATTERS.

(a) IN GENERAL.—There shall be established within the Antitrust Division of the Department of Justice an Assistant Attorney General for Agricultural Antitrust Matters, who shall be responsible for oversight and coordination of antitrust and related matters which affect agriculture, directly or indirectly.

(b) APPOINTMENT.—The Assistant Attorney General for Agricultural Antitrust Matters shall be appointed by the President subject to the advice and consent of the Senate.

SEC. 13. INCREASE IN HART-SCOTT-RODINO FILING FEES.

(a) IN GENERAL.—The filing fee the Federal Trade Commission assesses on a person acquiring voting securities or assets who is required to file premerger notifications under section 7A of the Clayton Act (15 U.S.C. 18a) for mergers and acquisitions satisfying the $15,000,000 size-of-transaction requirement is increased to $100,000 for those transactions valued at more than $100,000,000.

(b) FEES EARMARKED.—The filing fee increase described in subsection (a) is partially earmarked to pay for the costs of staff increases at the Transportation, Energy and Agriculture section at the Department of Justice, as considered necessary by the Assistant Attorney General, to enhance their review of agriculture transactions.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, and Mr. DAYTON):

S. 1078. A bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN (for himself, Mr. JEFFORDS, Mr. BAUCUS, Mr. KENNEDY, Ms. STABENOW, Mr. REID, Mr. SCHUMER, Mr. LEAHY, Mr. CORZINE, Mr. SARBANES, and Mr. DAYTON):

S. 1079. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, I am introducing today, along with Senator JEFFORDS, as co-chairmen of the Senate Smart Growth Task Force, two bills to help communities expedite the economic redevelopment of brownfields. These bills are complementary to S. 350 which we strongly support. Brownfields are abandoned, idled, or under-used industrial and commercial properties where expansion or redevelopment is complicated by real or perceived environmental contamination. More than 450,000 of these sites taint our nation's landscape, inhibiting economic development and posing a threat to human health and the environment. Undeveloped, or underdeveloped, brownfields blight communities forcing development onto greenfields. But redeveloped, these sites offer new opportunities for businesses, housing and green space. Brownfields redevelopment is a fiscally-sound way to bring investment back to neglected neighborhoods, cleanup the environment, reuse existing infrastructure that is already paid for, utilize existing markets and labor pools, and relieve development pressure on our urban fringe and farmlands.

My home State of Michigan is a national leader in brownfields redevelopment. Michigan communities are reclaiming brownfields in urban centers, towns and villages, ensuring that natural areas and greenspaces are less likely to succumb to sprawl when there are brownfield properties available to meet development needs. The City of Kalamazoo has leveraged $28 million in private investment and created over 200 jobs through its brownfields redevelopment program. The city has fully completed development of 4 sites and played a role in the redevelopment of 16 properties, creating new opportunities for commercial and industrial development. The City of St. Ignace, a small community in the Upper Peninsula of Michigan, successfully redeveloped a former railroad property into a community recreation building and conference center. The project, built jointly by the Sault Ste. Marie Chippewa Indian Tribe and the City of St. Ignace, created jobs and has the potential of stimulating additional year-round tourist activities where seasonal unemployment rates range between 20–25 percent during the winter months.

At the Federal level, we need to support local communities and States in their efforts to reclaim brownfields by providing economic development resources to revitalize these sites. The two bills I am introducing today will aid cities like Kalamazoo and St. Ignace in their efforts to promote social well-being and create economic vitality by redeveloping brownfields.

The first bill, the Brownfield Site Redevelopment Assistance Act of 2001, creates a new program within the Department of Commerce's Economic Development Administration, EDA, to provide targeted assistance for projects that redevelop brownfield sites. The Act would provide EDA with a dedicated source of funding for brownfields redevelopment and increased funding flexibility to help States, local communities, Indian tribes and nonprofit organizations restore these sites to productive use. This bill would provide EDA with the authority to facilitate effective economic development planning for reuse; develop the infrastructure necessary to prepare brownfield sites for re-entry into the market; and, provide the capital necessary to support new business development on brownfields. The bill provides $60 million each year for FY2002 to FY2006.

The second bill, the Brownfields Economic Development Act of 2001, would allow the Department of Housing and Urban Development, HUD, to make existing Brownfields Economic Development Initiative, BEDI, grants more easily available to units of general local government and federally-recognized Indian tribes by permitting the Department to make these grants independent of economic development loan guarantees. The bill also provides funding for small communities, known as nonentitlement areas, and federally-recognized Indian tribes.

BEDI grants can help communities redevelop brownfields by providing local governments with a flexible source of funding to pursue brownfields redevelopment through land acquisition, site preparation, economic development and other activities. Currently, BEDI grants are required to support economic development loan guarantees known as Section 108 loan guarantees. To be eligible for these funds, a local community or State must pledge Community Development Block Grant, CDBG, funds as partial collateral for the loan guarantee. This requirement is a significant barrier to many local communities that need assistance to revitalize brownfields, but are unable to pledge these funds. This bill would allow HUD to make BEDI grants independent of economic development loan guarantees, providing critical financial assistance to leverage private sector investment in brownfields.

Many organizations support these bills, including: (1) the Council for Urban Economic Development, (2) Enterprise Foundation, (3) National Association of Business Incubators, (4) National Association of Counties, (5) National Association of Development Organizations, (6) National Association of Installation Developers, (7) National Association of Regional Councils, (8) National Association of Towns and Townships, (9) National Congress for Community Economic Development, (10) National League of Cities, (11) Smart Growth America, and (12) United States Conference of Mayors. Brownfields affect urban, rural and Native American communities. In urban areas, the U.S. Conference of Mayors, USCM, estimates that brownfields redevelopment could generate more than 550,000 additional jobs and up to $2.4 billion in new tax revenues in over one hundred cities surveyed. The cities surveyed by the USCM reported that lack of funding for redevelopment and liability problems arising from Superfund are the major obstacles to reuse. In rural areas it is easy to "leap frog" over brownfields to abundant open space. The National Association of Development Organizations, NADO, in a report on reclaiming rural America's brownfields found that Federal agencies are not reaching rural areas through existing brownfields programs, and rural communities need financial and technical assistance to include brownfields in economic development strategies. Indian tribes face a legacy of contamination from former agricultural, industrial and commercial facilities. The Environmental Protection Agency estimates that nationwide there are 1,645 facilities located on tribal lands and 6,982 facilities located within three miles of tribal lands. Nationally, State brownfields programs have facilitated reuse of more than 40,000 sites, but this is less than 10 percent of the estimated 450,000 brownfields nationwide. A report of the National Governors Association stated that assessment and cleanup of brownfields are only part of the process, equally important is physical development of these sites. These two bills would provide the financial resources to help communities and states realize new private investment and tax revenues from the redevelopment of brownfields, and would assist EDA and HUD to reach rural towns and Indian tribes to support their reuse efforts.

The two bills that Senator JEFFORDS and I are introducing will complement the resources and liability clarifications provided in S. 350, and together these three bills will provide communities with the financial assistance needed to leverage private investment in brownfields and accelerate reuse. Providing economic development resources through HUD and EDA can stimulate brownfields economic development by leveraging private investment into communities, and can give communities the financial resources and technical assistance they need to turn brownfield environmental liabilities into economic assets.

I ask unanimous consent that the text of the two bills and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1078

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Brownfields Economic Development Act of 2001".

SEC. 2. ECONOMIC DEVELOPMENT GRANTS.

Section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)) is amended—

(1) in paragraph (2), by striking "Assistance" and inserting "Except as provided in paragraph (5), assistance";

(2) in paragraph (3), by striking "Eligible" and inserting "Except as provided in paragraph (5), eligible"; and

(3) by adding at the end the following:

"(5) BROWNFIELDS REDEVELOPMENT GRANTS.—

"(A) GRANT AUTHORITY.—Notwithstanding paragraph (1), of amounts made available to carry out this subsection, the Secretary may make grants, on a competitive basis, to eligible public entities and federally recognized Indian tribes for the redevelopment of brownfield sites, independent of any note or other obligation guaranteed under subsection (a).

"(B) SET-ASIDE.—Of the amounts made available for grants under this paragraph, the Secretary shall set aside not less than 10 percent and not more than 30 percent, which shall be used for brownfield site redevelopment in nonentitlement areas and by federally recognized Indian tribes.

"(C) BROWNFIELD SITE DEFINITION.—

"(i) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of—

"(I) a hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); or

"(II) any other pollutant or contaminant, as determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.

"(ii) EXCLUSIONS.—Except as provided in clause (iii), the term 'brownfield site' does not include—

"(I) a facility that is the subject of a planned or ongoing removal action under the

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

"(II) a facility that is listed on the National Priorities List, or is proposed for listing, under that Act;

"(III) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties under that Act;

"(IV) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent or judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State under—

"(aa) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(bb) the Federal Water Pollution Control Act (33 U.S.C. 1321);

"(cc) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(dd) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(V) a facility that—

"(aa) is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

"(bb) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(VI) a land disposal unit with respect to which—

"(aa) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(bb) closure requirements have been specified in a closure plan or permit;

"(VII) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

"(VIII) a portion of a facility—

"(aa) at which there has been a release of polychlorinated biphenyls; and

"(bb) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(IX) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(iii) SITE-BY-SITE INCLUSIONS.—The term 'brownfield site', with respect to the provision of financial assistance, includes a site referred to in subclause (I), (IV), (V), (VI), (VIII), or (IX) of clause (ii), if, on a site-by-site basis, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines that use of the financial assistance at the site will—

"(I) protect human health and the environment; and

"(II)(aa) promote economic development; or

"(bb) enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

"(D) ADDITIONAL INCLUSIONS.—For purposes of subparagraph (C), the term 'brownfield site' includes a site that meets the definition of 'brownfield site' under clauses (i) through (iii) of subparagraph (C) that—

"(i) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(ii)(I) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); and

"(II) is a site determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to be—

"(aa) of relatively low risk, as compared with other petroleum-only sites in the State in which the site is located; and

"(bb) a site for which there is no viable responsible party and that will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

"(III) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

"(iii) is mine-scarred land.".

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownfield Site Redevelopment Assistance Act of 2001".

SEC. 2. PURPOSES.

Consistent with section 2 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121), the purposes of this Act are—

(1) to provide targeted assistance, including planning assistance, for projects that promote the redevelopment, restoration, and economic recovery of brownfield sites; and

(2) through such assistance, to further the goals of restoring the employment and tax bases of, and bringing new income and private investment to, distressed communities that have not participated fully in the economic growth of the United States because of a lack of an adequate private sector tax base to support essential public services and facilities.

SEC. 3. DEFINITIONS.

Section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122) is amended—

(1) by redesignating paragraphs (1) through (10) as paragraphs (2) through (11), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) BROWNFIELD SITE.—

"(A) IN GENERAL.—The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of—

"(i) a hazardous substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)); or

"(ii) any other pollutant or contaminant, as determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency.

"(B) EXCLUSIONS.—Except as provided in subparagraph (C), the term 'brownfield site' does not include—

"(i) a facility that is the subject of a planned or ongoing removal action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

"(ii) a facility that is listed on the National Priorities List, or is proposed for listing on that list, under that Act;

"(iii) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent, or a judicial consent decree that has been issued to or entered into by the parties under that Act;

"(iv) a facility that is the subject of a unilateral administrative order, a court order, an administrative order on consent, or a judicial consent decree that has been issued to or entered into by the parties, or a facility to which a permit has been issued by the United States or an authorized State, under—

"(I) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(III) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(IV) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(v) a facility—

"(I) that is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u), 6928(h)); and

"(II) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

"(vi) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit;

"(vii) a facility that is subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for an Indian tribe;

"(viii) a portion of a facility—

"(I) at which there has been a release of polychlorinated biphenyls; and

"(II) that is subject to remediation under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(ix) a portion of a facility, for which portion, assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established by section 9508 of the Internal Revenue Code of 1986.

"(C) SITE-BY-SITE INCLUSIONS.—The term 'brownfield site' includes a site referred to in clause (i), (iv), (v), (vi), (viii), or (ix) of subparagraph (B), if, on a site-by-site basis, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, determines that use of the financial assistance at the site will—

"(i) protect human health and the environment; and

"(ii)(I) promote economic development; or

"(II) enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes.

"(D) ADDITIONAL INCLUSIONS.—The term 'brownfield site' includes a site that meets the definition of 'brownfield site' under subparagraphs (A) through (C) that—

"(i) is contaminated by a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(ii)(I) is contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance' under section

101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601); and

"(II) is a site determined by the Secretary, in consultation with the Administrator of the Environmental Protection Agency, to be—

"(aa) of relatively low risk, as compared with other petroleum-only sites in the State in which the site is located; and

"(bb) a site for which there is no viable responsible party and that will be assessed, investigated, or cleaned up by a person that is not potentially liable for cleaning up the site; and

"(III) is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)); or

"(iii) is mine-scarred land."; and

(3) by adding at the end the following:

"(12) UNUSED LAND.—The term 'unused land' means any publicly-owned or privately-owned unused, underused, or abandoned land that is not contributing to the quality of life or economic well-being of the community in which the land is located.".

SEC. 4. COORDINATION.

Section 103 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3132) is amended—

(1) by inserting "(a) COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGIES.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) BROWNFIELD SITE REDEVELOPMENT.—The Secretary shall coordinate activities relating to the redevelopment of brownfield sites under this Act with other Federal agencies, States, local governments, consortia of local governments, Indian tribes, nonprofit organizations, and public-private partnerships.".

SEC. 5. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended—

(1) by redesignating sections 210 through 213 as sections 211 through 214, respectively; and

(2) by inserting after section 209 the following:

"SEC. 210. GRANTS FOR BROWNFIELD SITE REDEVELOPMENT.

"(a) IN GENERAL.—On the application of an eligible recipient, the Secretary may make grants for projects to alleviate or prevent conditions of excessive unemployment, underemployment, blight, and infrastructure deterioration associated with brownfield sites, including projects consisting of—

"(1) development of public facilities;

"(2) development of public services;

"(3) business development (including funding of a revolving loan fund);

"(4) planning;

"(5) technical assistance; and

"(6) training.

"(b) CRITERIA FOR GRANTS.—The Secretary may provide a grant for a project under this section only if—

"(1) the Secretary determines that the project will assist the area where the project is or will be located to meet, directly or indirectly, a special need arising from—

"(A) a high level of unemployment or underemployment, or a high proportion of low-income households;

"(B) the existence of blight and infrastructure deterioration;

"(C) dislocations resulting from commercial or industrial restructuring;

"(D) outmigration and population loss, as indicated by—

"(i)(I) depletion of human capital (including young, skilled, or educated populations);

"(II) depletion of financial capital (including firms and investment); or

"(III) a shrinking tax base; and

"(ii) resulting—

"(I) fiscal pressure;

"(II) restricted access to markets; and

"(III) constrained local development potential; or

"(E) the closure or realignment of—

"(i) a military or Department of Energy installation; or

"(ii) any other Federal facility; and

"(2) except in the case of a project consisting of planning or technical assistance—

"(A) the Secretary has approved a comprehensive economic development strategy for the area where the project is or will be located; and

"(B) the project is consistent with the comprehensive economic development strategy.

"(c) PARTICULAR COMMUNITY ASSISTANCE.—Assistance under this section may include assistance provided for activities identified by a community, the economy of which is injured by the existence of 1 or more brownfield sites, to assist the community in—

"(1) revitalizing affected areas by—

"(A) diversifying the economy of the community; or

"(B) carrying out industrial or commercial (including mixed use) redevelopment projects on brownfield sites or sites adjacent to brownfield sites;

"(2) carrying out development that conserves environmental and agricultural resources by—

"(A) reusing existing facilities and infrastructure;

"(B) reclaiming unused land and abandoned buildings; or

"(C) creating publicly owned parks, playgrounds, recreational facilities, or cultural centers that contribute to the economic revitalization of a community; or

"(3) carrying out a collaborative economic development planning process, developed with broad-based and diverse community participation, that addresses the economic repercussions and opportunities posed by the existence of brownfield sites in an area.

"(d) DIRECT EXPENDITURE OR REDISTRIBUTION BY ELIGIBLE RECIPIENT.—

"(1) IN GENERAL.—Subject to paragraph (2), an eligible recipient of a grant under this section may directly expend the grant funds or may redistribute the funds to public and private entities in the form of a grant, loan, loan guarantee, payment to reduce interest on a loan guarantee, or other appropriate assistance.

"(2) LIMITATION.—Under paragraph (1), an eligible recipient may not provide any grant to a private for-profit entity.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. prec. 3121) is amended by striking the items relating to sections 210 through 213 and inserting the following:

"Sec. 210. Grants for brownfield site redevelopment.
"Sec. 211. Changed project circumstances.
"Sec. 212. Use of funds in projects constructed under projected cost.
"Sec. 213. Reports by recipients.
"Sec. 214. Prohibition on use of funds for attorney's and consultant's fees.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Title VII of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231 et seq.) is amended by adding at the end the following:

"SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR BROWNFIELD SITE REDEVELOPMENT.

"(a) IN GENERAL.—In addition to amounts made available under section 701, there is authorized to be appropriated to carry out section 210 $60,000,000 for each of fiscal years 2002 through 2006, to remain available until expended.

"(b) FEDERAL SHARE.—Notwithstanding section 204, subject to section 205, the Federal share of the cost of activities funded with amounts made available under subsection (a) shall be not more than 75 percent.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Public Works and Economic Development Act of 1965 (42 U.S.C. prec. 3121) is amended by adding at the end of the items relating to title VII the following:

"Sec. 704. Authorization of appropriations for brownfield site redevelopment.".

THE ENTERPRISE FOUNDATION,
Columbia, MD, June 6, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN: The Enterprise Foundation commends you for introducing with Senator Jeffords the "Brownfield Site Redevelopment Assistance Act of 2001" and the "Brownfields Economic Development Act of 2001." Enterprise strongly support these two bills.

Enterprise is a national nonprofit organization that raises resources and channels them to grassroots at the local level for affordable housing, economic development and other community revitalization initiatives in distressed urban and rural neighborhoods nationwide. Central to our mission is generating investment in areas suffering from blight, neglect and disinvestment. Brownfields are prime examples of such areas.

Enterprise is engaged in several large-scale brownfield redevelopment efforts around the country. Targeted incentives such as your bills provide would enable Enterprise and others in the private sector to convert more brownfields to productive uses.

By spurring brownfields redevelopment, your bills direct limited public resources to places that already benefit from existing infrastructure and promote economic investment where it is needed most. The bills epitomize smart growth and comprehensive community development principles.

Thank you for your leadership on this important issue.

Sincerely,

F. BARTON HARVEY III,
Chairman and Chief Executive Officer.

NATIONAL ASSOCIATION OF COUNTIES,
March 15, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.
Hon. JAMES JEFFORDS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN AND SENATOR JEFFORDS: The National Association of Counties (NACo) commends both of your efforts in offering bipartisan legislation to address the redevelopment of brownfields.

NACo advocates for the redevelopment of these sites, in both urban and rural counties.

as a component of a county's broader interest in achieving sustainable development on a regional basis. Redevelopment of abandoned or underutilized sites can stimulate economic revitalization in the surrounding areas, and preserve green space by providing an alternative to unchecked urban sprawl. Therefore, NACo strongly supports language mandating the development of a comprehensive economic development strategy.

We applaud your efforts to provide assistance for redevelopment projects that promote the redevelopment, restoration and economic recovery of brownfield sites. Furthermore, NACo supports the legislative objective of bringing new income and private investment to distressed communities that have not fully participated in the nationwide economic expansion. This legislation is closely aligned with NACo policy objectives, and we offer our support during the legislative process.

Thank you for your leadership on this important issue. Please feel free to contact Cassandra Matthews, Associate Legislative Director, at (202) 942-4204 if you need additional information or assistance.

Sincerely,

LARRY E. NAAKE,
Executive Director.

NATIONAL ASSOCIATION OF
DEVELOPMENT ORGANIZATIONS,
Washington, DC, March 9, 2001.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the National Association of Development Organizations (NADO), I am writing to express our strong support for your efforts to enhance and support the Economic Development Administration's (EDA's) brownfields redevelopment activities.

As a national association representing regional planning and development organizations that provide valuable professional and technical assistance to over 1,800 counties and 15,000 small cities and towns, we recognize the value and benefits of returning former commercial and industrial sites to productive use. This includes targeting sites in small metropolitan and rural America, as well as our urban centers.

In addition to being encouraged and supportive of congressional efforts to strengthen the Environmental Protection Agency's (EPA's) brownfields portfolio, we also recognize the unique tools and experience that EDA has to offer local communities. While EPA has implemented effective assessment and clean up programs, there is a tremendous need for federal programs focused on redeveloping and transforming the former brownfields sites into productive facilities.

Over the past 35 years, EDA has developed a successful track record in partnering with local communities to revitalize, upgrade and expand former commercial sites into industrial facilities that help create quality jobs, expand the local tax base and improve the quality of life in the area. This includes making the necessary investments in infrastructure, as well as providing essential planning and technical assistance.

EDA has also proven to be an effective federal partner for EPA, with the two federal agencies leveraging their funding and particular expertise to assist communities. Therefore, we strongly support your efforts to provide EDA with the resources and program tools needed to help small metropolitan and rural communities convert brownfields into economic development opportunities.

Sincerely,

ALICEANN WOHLBRUCK,
Executive Director.

SMART GROWTH AMERICA,
Washington, DC, April 4, 2001.

Hon. JAMES JEFFORDS,
Co-Chair, Senate Smart Growth Task Force, U.S. Senate, Washington, DC.

Hon. CARL LEVIN,
Co-Chair, Senate Smart Growth Task Force, U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS AND SENATOR LEVIN: Smart Growth America would like to thank you for your leadership on the introduction of the Brownfields Economic Development Act of 2001 and the Brownfields Site Redevelopment Assistance Act of 2001. We strongly support these bills and your efforts to complement the Brownfields Revitalization and Environmental Restoration Act of 2001 by focusing on the physical redevelopment of brownfields.

S. 350 provides needed liability relief and funding to inventory, assess and remediate brownfield sites. These two new bills build upon S. 350 by providing communities with additional economic development resources to return brownfields to productive use.

Economic development of brownfield sites is an essential element of smart growth—growth that revitalizes neighborhoods, creates and preserves affordable housing, promotes transportation choice, and preserves open space and farmland. And, it makes economic sense. The U.S. Conference of Mayors found that as much as $2.4 billion annually could be generated in new tax revenues by fully tapping into the potential of our nation's brownfields. This economic development could create more than 550,000 new jobs.

The Brownfields Economic Development Act and the Brownfield Site Redevelopment Assistance Act improve the ability of the Department of Housing and Urban Development (HUD) and the Department of Commerce's Economic Development Administration to fund and assist communities in their efforts to develop their brownfields and return them to productive use. We applaud your efforts and look forward to working with you to see the timely passage of these measures.

Sincerely,

DON CHEN,
Director.

COALITION FOR ECONOMIC DEVELOPMENT,
March 16, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
Washington, DC.

Hon. JAMES JEFFORDS,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LEVIN AND SENATOR JEFFORDS: The organizations that comprise the Coalition for Economic Development commend both of you for proposing legislation that will address much-needed redevelopment of brownfields.

The establishment within the Economic Development Administration of a revolving loan fund especially devoted to brownfields will quickly increase the amount of money "on the street" for redevelopment. EDA has a highly successful track record in operating a revolving loan fund that has put millions of dollars into business development in low-income urban and rural areas and has leveraged millions more.

The requirement to develop a comprehensive economic development strategy will guarantee that different constituents within a community are given a voice in redevelopment planning.

The changes you propose in the Department of House and Urban Development's Section 108 will encourage greater use of this program since it does not tie up future Community Development Block Grant funding that is equally needed for other purposes.

Together, the EDA revolving fund and the HUD grant program will provide local governments, regional councils and non-profits with excellent programs to help redevelop these unutilized and underutilized areas that have become eye-sores that have hindered revitalization in many urban and rural areas. Brownfields redevelopment helps turn those eye-sores into homes, businesses, parks and active commercial districts.

Please feel free to contact any members of the coalition. A list of contacts is attached.

CONTACT LIST

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Dinah Atkins, President and CEO, National Business Incubator Association, (740) 593-4331, e-mail: *datkins@nbia.org.*

Mr. JEFFORDS. Mr. President, I rise today to join my colleague, Senator LEVIN, in introducing two legislative initiatives that will expand upon the resources available for brownfields revitalization.

The first bill, the Brownfields Site Redevelopment Assistance Act of 2001, provides the Department of Commerce's Economic Development Administration (EDA) with a dedicated source of funding for brownfields. EDA can currently assist communities with brownfields redevelopment when these projects involve infrastructure development or economic adjustment activities, however there is no specific authority or funding for brownfields revitalization.

The second bill, the Brownfields Economic Development Act of 2001, addresses requirements on the Department of Housing and Urban Development's, HUD, Brownfields Economic Development Initiative, BEDI, grant program that are hampering small city brownfields revitalization efforts.

BEDI's required link to Section 108 loan guarantees demands that future Community Development Block Grant, CDBG, allocations be pledged as collateral. BEDI's required link to Section 108 serves as a deterrent to many small towns in Vermont and throughout the nation, who do not have the resources to commit to brownfields. Our bill would permit HUD to make grants available independent of economic development loan guarantees. The legislation also provides a 30 percent set aside for small communities and federally-recognized Indian tribes.

This legislation would help communities in Vermont reclaim their older underutilized sites. A prime example is an old mill in the heart of Ludlow, VT which occupies 30,000 square feet of prime downtown land. It is next to residential properties and again, ripe for redevelopment. There are currently Environmental Protection Agency, EPA, funds for assessment to investigate what is in the ground and how much it will cost to clean up. But the owner, the bank and the town are reluctant to act if the site is contaminated. These bills will assist many small towns such as Ludlow access the clean up funding they need to revitalize contaminated sites.

Since the inception of the Senate Smart Growth Task Force in 1999, Senator Levin and I as co-chairs, have been working to expand funding sources for brownfields. This legislation is just one component of the overall effort to restore brownfield sites to productive use in our cities and towns. By advancing this legislation, we will address a critical gap in brownfields' funding for site assessment and clean up, while promoting economic development as well as preservation of farmland and open space.

Mr. BAUCUS. Mr. President, I rise to join my colleagues—Senator JEFFORDS, Senator LEVIN and others—in co-sponsoring the Brownfields Site Redevelopment Assistance Act and the Brownfields Economic Development Act.

These two Acts are important complements to S. 350, the Brownfields Revitalization and Environmental Restoration Act of 2001 that the Senate passed unanimously earlier this year. S. 350 encourages the remediation of brownfield sites by reducing financial and legal barriers to clean-up. The Brownfields Site Redevelopment Assistance Act and the Brownfields Economic Development Act expand the abilities of the Economic Development Administration and the Department of Housing and Urban Development to help local communities physically develop and restore brownfield sites to productive use. Taken together, these three bills make up a complete brownfields redevelopment package.

The two Acts introduced today will provide critical economic and technical assistance to communities during all stages of the brownfields redevelopment process—from an initial site assessment to putting the finishing touches on a new apartment building or city park. These bills have enormous potential to enhance and revitalize communities and their economies, to turn neglected wastelands into productive developments, and to create more parks and open spaces. This in turn will create great opportunities for new jobs and economic development. This is particularly true in my State of Montana where we've been working hard to jump start our economy. Montana's industrial past has left the State with its share of brownfield sites—wood treatment facilities, railroad yards, sawmills. Hopefully, this legislation will provide communities with the tools they need to put these sites to productive uses.

The Brownfields Site Redevelopment Assistance Act of 2001 will provide the Economic Development Administration with authority and funding for grants to States, local communities, Indian tribes and non-profit organizations for brownfield redevelopment projects. The Brownfields Economic Development Act of 2001 will make HUD Brownfields Economic Development Initiative grants available to local governments and Indian tribes for community development projects. The bill will also provide a 30 percent set-aside for small communities and tribes, a provision that is very important to a rural State like Montana. The National Association of Development Organizations reports that Federal agencies are not reaching rural areas through existing brownfields programs. Rural communities and tribes in Montana and elsewhere need financial and technical assistance to include brownfields in economic development strategies.

Getting brownfield sites cleaned-up makes good sense in Montana and throughout the nation. That, again, is good for the environment, good for communities, good for our economy, and good for the country. I wholeheartedly support this legislation, and I hope both bills will enjoy swift passage through the Senate.

By Mr. CLELAND:

S. 1080. A bill to amend chapter 84 of title 5, United States Code, to provide that employees who retire as registered nurses under the Federal Employees Retirement System shall have unused sick leave used in the computation of annuities, and for other purposes; to the Committee on Governmental Affairs.

Mr. CLELAND. Mr. President, statistics from the National League of Nursing and the American Nurses' Association demonstrate the nursing workforce is shrinking. The Federal health sector, employing approximately 45,000 nurses, may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement in the year 2004. Current and anticipated nursing vacancies in Federal health care agencies are particularly alarming with the increased nursing care needs of an aging America. The Journal of the American Medical Association published a study last year which found the average age of the nursing workforce rose by 4.5 years between 1983 and 1998, mostly because fewer younger people are joining the profession.

It is imperative that the Federal Health Care System recruit and retain nurses in such crucial areas as the Veterans Affairs Health Administration, Department of Defense, Public Health Service, Indian Health Service, and Federal Bureau of Prisons. Nursing shortages will result in major changes in the quality and type of care these agencies can provide to their beneficiaries. There are no quick fixes to recruiting and retaining registered nurses, but Congress must act now on identified problem areas. One identified measure which would help recruit and retain Federal nurses is to address employee benefits. Title 38 currently excludes nurses employed by the Federal health care system after 1983 from including unused sick leave in computation of retirement. Approximately 68 percent of the Federal nurses are enrolled in the Federal Employees Retirement System (FERS). My proposal would allow registered nurses under FERS to include unused sick leave in the same manner as nurses enrolled in the Civilian Retirement System, (CRS), for computation of retirement benefits. Under CRS regulations, unused sick leave time is added after all of the required retirement criteria are met. With my proposal, registered nurses who have accrued the needed increments of sick leave will retain their hard earned benefit as part of their retirement package.

Nurses played a crucial role in my recovery from injuries incurred in Vietnam. I can not imagine how much more difficult that recovery would have been without the skill and compassion of nurses. I urge my Senate colleagues to support this measure as we continue to look at strategies to prevent the looming Federal nurse shortage.

Mr. President. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNUSED SICK LEAVE INCLUDED IN ANNUITY COMPUTATION OF REGISTERED NURSES.

(a) SHORT TITLE.—This Act may be cited as the "Federal Registered Nurse Retirement Adjustment Act of 2001".

(b) ANNUITY COMPUTATION.—Section 8415 of title 5, United States Code, is amended by adding at the end the following:

"(i) In computing an annuity under this subchapter, the total service of an employee who retires from the position of a registered nurse on an immediate annuity or dies while employed in that position leaving any survivor entitled to an annuity includes the days of unused sick leave to the credit of that employee under a formal leave system, except that such days shall not be counted in determining average pay or annuity eligibility under this subchapter.".

(c) DEPOSIT NOT REQUIRED.—Section 8422(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" before "Under such regulations"; and

(2) by adding at the end the following:

"(2) Deposit may not be required for days of unused sick leave credited under section 8415(i).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act and apply to individuals who separate from service on or after that effective date.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1081. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for the development of low-to-moderate income housing for home ownership, and for other purposes; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise today to introduce a bill which builds on the most well received provisions of the highly successful Low to Moderate Income Housing Tax Credit bill, LIHTC, of 1986. The evidence is clear that the entrepreneurial spirit that has been harnessed over the last 15 years in favor of aggressively addressing the Nation's need for rental housing can and should be channeled in response to the dire need for affordable single family hosing in urban America.

Although the economic prosperity enjoyed by this country for a decade led to a home ownership rate that has reached levels of nearly 70 percent, sadly the rate for central cities is 52 percent. One unfortunate reality is that having a good job does not guarantee a family a decent place to live at an affordable rate. According to one report; "More than 220,000 teachers, police and public safety officers across the country spend more than half their incomes for housing and the problem is, in fact, getting worse."

Housing experts continually tell us that low homeownership in our urban communities is a result of the lack of quality homes to purchase and not the lack of potential homeowners. Developers have expressed that the high costs associated with building homes in urban areas have acted as a disincentive to developing or redeveloping communities. If supply drives demand as it often does in the case of other commodities then the key to revitalizing neighborhoods that were once jewels is the entrepreneurial spirit to build homes.

The use of tax credits to provide a source of capital to dramatically increase the rental housing stock has been a wonderful success. In recent meetings with developers and community development officials in my State of New Jersey, a consistent answer to the question of "what can we do to spur the development of single family homes" has been "just build on the success of the low income housing tax credit program". Using tax incentives for such critical economic development purposes, such as overcoming capital market shortages is a proven method. In that regard, inclusion of certain industry practice development costs in the "eligible costs" basis of the property for computing tax credits and exclusion of the first $10,000 would quite often be just enough to keep developers out of the "red" in many urban communities.

In many respects it is only proper that we begin this century recapturing space that once served as home of vibrant neighborhoods and bustling businesses since the middle of the 19th century. Certainly, effective development of space at the core of our urban centers requires building on the pride of ownership, rehabilitating classic structures that are found in all of our older cities and reclaiming land that has served us well.

As we move ahead as a nation it is critical that we not leave many of our urban communities behind. AHEAD, (Affordable Housing and Environmental Action through Development), is a sound approach that cannot be implemented too soon. I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Low-to-Moderate Income Home Ownership Tax Credit Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Credit for low-to-moderate income housing for home ownership.
Sec. 3. Partial exclusion of gain from sale of low-to-moderate income housing.
Sec. 4. Expansion of rehabilitation credit.

SEC. 2. CREDIT FOR LOW-TO-MODERATE INCOME HOUSING FOR HOME OWNERSHIP.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following:

"SEC. 42A. LOW-TO-MODERATE INCOME HOME OWNERSHIP CREDIT.

"(a) IN GENERAL.—For purposes of section 38, the amount of the home ownership credit determined under this section for any taxable year in the credit period shall be an amount equal to the applicable percentage of the qualified basis of each qualified low-to-moderate income building.

"(b) APPLICABLE PERCENTAGE: 70 PERCENT PRESENT VALUE CREDIT FOR NEW BUILDINGS; 30 PERCENT PRESENT VALUE CREDIT FOR EXISTING BUILDINGS.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means the appropriate percentage prescribed by the Secretary for the earlier of—

"(A) the first month of the credit period with respect to a low-to-moderate income building, or

"(B) at the election of the taxpayer, the month in which the taxpayer and the housing credit agency enter into an agreement with respect to such building (which is binding on such agency, the taxpayer, and all successors in interest) as to the housing credit dollar amount to be allocated to such building.

A month may be elected under subparagraph (B) only if the election is made not later than the 5th day after the close of such month. Such an election, once made, shall be irrevocable.

"(2) METHOD OF PRESCRIBING PERCENTAGES.—The percentages prescribed by the Secretary for any month shall be percentages which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to—

"(A) 70 percent of the qualified basis of a new building, and

"(B) 30 percent of the qualified basis of an existing building.

"(3) METHOD OF DISCOUNTING.—The present value under paragraph (2) shall be determined—

"(A) as of the last day of the 1st year of the 10-year period referred to in paragraph (2),

"(B) by using a discount rate equal to 72 percent of the average of the annual Federal mid-term rate and the annual Federal long-term rate applicable under section 1274(d)(1) to the month applicable under subparagraph (A) or (B) of paragraph (1) and compounded annually, and

"(C) by assuming that the credit allowable under this section for any year is received on the last day of such year.

"(c) QUALIFIED BASIS; ELIGIBLE BASIS; QUALIFIED LOW-TO-MODERATE INCOME BUILDING.—For purposes of this section—

"(1) QUALIFIED BASIS.—

"(A) DETERMINATION.—The qualified basis of any qualified low-to-moderate income building for any taxable year is an amount equal to—

"(i) the applicable fraction (determined as of the close of such taxable year) of

"(ii) the eligible basis of such building.

"(B) APPLICABLE FRACTION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the term 'applicable fraction' means the smaller of the unit fraction or the floor space fraction.

"(ii) UNIT FRACTION.—For purposes of clause (i), the term 'unit fraction' means the fraction—

"(I) the numerator of which is the number of low-to-moderate income units in the building, and

"(II) the denominator of which is the number of all units (whether or not occupied) in such building.

"(iii) FLOOR SPACE FRACTION.—For purposes of clause (i), the term 'floor space fraction' means the fraction—

"(I) the numerator of which is the total floor space of the low-to-moderate income units in such building, and

“(II) the denominator of which is the total floor space of all units (whether or not occupied) in such building.

“(C) ELIGIBLE BASIS.—

“(i) IN GENERAL.—The eligible basis of any qualified low-to-moderate income building for any taxable year shall be determined under rules similar to the rules under section 42(d), except that—

“(I) the determination of the adjusted basis of any building shall be made as of the beginning of the credit period, and

“(II) such basis shall include development costs properly attributable to such building.

“(ii) DEVELOPMENT COSTS.—For purposes of clause (i)(II), the term ‘development costs’ includes—

“(I) site preparation costs,

“(II) State and local impact fees,

“(III) reasonable development costs,

“(IV) professional fees related to basis items,

“(V) construction financing costs related to basis items other than land, and

“(VI) on-site and adjacent improvements required by State and local governments.

“(2) QUALIFIED LOW-TO-MODERATE INCOME BUILDING.—The term ‘qualified low-to-moderate income building’ means any building which is part of a qualified low-to-moderate income development project at all times during the period—

“(A) beginning on the 1st day in the compliance period on which such building is part of such a development project, and

“(B) ending on the last day of the compliance period with respect to such building.

“(d) REHABILITATION EXPENDITURES TREATED AS SEPARATE NEW BUILDING.—Rehabilitation expenditures paid or incurred by the taxpayer with respect to any building shall be treated for purposes of this section as a separate new building under the rules of section 42(e).

“(e) DEFINITION AND SPECIAL RULES RELATING TO CREDIT PERIOD.—

“(1) CREDIT PERIOD DEFINED.—For purposes of this section, the term ‘credit period’ means, with respect to any building, the period of 10 taxable years beginning with the taxable year in which the building (or a low-to-moderate income unit in such building) is first sold by the taxpayer to a low-to moderate income individual after being placed in service.

“(2) SPECIAL RULE FOR 1ST YEAR OF CREDIT PERIOD.—

“(A) IN GENERAL.—The credit allowable under subsection (a) with respect to any building for the 1st taxable year of the credit period shall be determined by substituting for the applicable fraction under subsection (c)(1) the fraction—

“(i) the numerator of which is the sum of the applicable fractions determined under subsection (c)(1) as of the close of each full month of such year during which such building was in service, and

“(ii) the denominator of which is 12.

“(B) DISALLOWED 1ST YEAR CREDIT ALLOWED IN 11TH YEAR.—Any reduction by reason of subparagraph (A) in the credit allowable (without regard to subparagraph (A)) for the 1st taxable year of the credit period shall be allowable under subsection (a) for the 1st taxable year following the credit period.

“(3) CREDIT PERIOD FOR EXISTING BUILDINGS NOT TO BEGIN BEFORE REHABILITATION CREDIT ALLOWED.—The credit period for an existing building shall not begin before the 1st taxable year of the credit period for rehabilitation expenditures with respect to the building.

“(f) QUALIFIED LOW-TO-MODERATE INCOME DEVELOPMENT PROJECT.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified low-to-moderate income development project’ means any development project of 1 or more for qualified low-to-moderate income buildings located in an area if 40 percent or more of the residential units in such development project are occupied and owned by individuals whose income is 100 percent or less of area median gross income.

“(2) TREATMENT OF UNITS OCCUPIED BY INDIVIDUALS WHOSE INCOMES RISE ABOVE LIMIT.—Notwithstanding an increase in the income of the occupants of a low-to-moderate income unit above the income limitation applicable under paragraph (2) or (3), such unit shall continue to be treated as a low-to-moderate income unit if the income of such occupants initially met such income limitation and such unit continues to be so restricted.

“(3) CERTAIN RULES MADE APPLICABLE.—Paragraphs (3), (5), (7), and (8) of section 42(g) shall apply for purposes of determining whether any development project is a qualified low-to-moderate income development project.

“(g) LIMITATION ON AGGREGATE CREDIT ALLOWABLE WITH RESPECT TO DEVELOPMENT PROJECTS LOCATED IN A STATE.—

“(1) CREDIT MAY NOT EXCEED CREDIT AMOUNT ALLOCATED TO BUILDING.—The amount of the credit determined under this section for any taxable year with respect to any building shall not exceed the housing credit dollar amount allocated to such building under rules similar to the rules of section 42(h)(1) (determined without regard to subparagraph (D) thereof).

“(2) ALLOCATED CREDIT AMOUNT TO APPLY TO ALL TAXABLE YEARS ENDING DURING OR AFTER CREDIT ALLOCATION YEAR.—Any housing credit dollar amount allocated to any building for any calendar year—

“(A) shall apply to such building for all taxable years in the credit period ending during or after such calendar year, and

“(B) shall reduce the aggregate housing credit dollar amount of the allocating agency only for such calendar year.

“(3) HOUSING CREDIT DOLLAR AMOUNT FOR AGENCIES.—

“(A) IN GENERAL.—The aggregate housing credit dollar amount which a housing credit agency may allocate for any calendar year is the portion of the State housing credit ceiling allocated under this paragraph for such calendar year to such agency.

“(B) STATE CEILING INITIALLY ALLOCATED TO STATE HOUSING CREDIT AGENCIES.—Except as provided in subparagraphs (D) and (E), the State housing credit ceiling for each calendar year shall be allocated to the housing credit agency of such State. If there is more than 1 housing credit agency of a State, all such agencies shall be treated as a single agency.

“(C) STATE HOUSING CREDIT CEILING.—The State housing credit ceiling applicable to any State and any calendar year shall be an amount equal to the sum of—

“(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

“(ii) the greater of—

“(I) $1.75 multiplied by the State population, or

“(II) $2,000,000,

“(iii) the amount of State housing credit ceiling returned in the calendar year, plus

“(iv) the amount (if any) allocated under subparagraph (D) to such State by the Secretary.

For purposes of clause (i), the unused State housing credit ceiling for any calendar year is the excess (if any) of the sum of the amounts described in clauses (ii) through (iv) over the aggregate housing credit dollar amount allocated for such year. For purposes of clause (iii), the amount of State housing credit ceiling returned in the calendar year equals the housing credit dollar amount previously allocated within the State to any development project which fails to meet the 10 percent test under section 42(h)(1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which does not become a qualified low-to-moderate income development project within the period required by this section or the terms of the allocation or to any development project with respect to which an allocation is canceled by mutual consent of the housing credit agency and the allocation recipient.

“(D) UNUSED HOUSING CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

“(i) IN GENERAL.—The unused housing credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

“(ii) UNUSED HOUSING CREDIT CARRYOVER.—For purposes of this subparagraph, the unused housing credit carryover of a State for any calendar year is the excess (if any) of the unused State housing credit ceiling for such year (as defined in subparagraph (C)(i)) over the excess (if any) of —

“(I) the unused State housing credit ceiling for the year preceding such year, over

“(II) the aggregate housing credit dollar amount allocated for such year.

“(iii) FORMULA FOR ALLOCATION OF UNUSED HOUSING CREDIT CARRYOVERS AMONG QUALIFIED STATES.—The amount allocated under this subparagraph to a qualified State for any calendar year shall be the amount determined by the Secretary to bear the same ratio to the aggregate unused housing credit carryovers of all States for the preceding calendar year as such State's population for the calendar year bears to the population of all qualified States for the calendar year. For purposes of the preceding sentence, population shall be determined in accordance with section 146(j).

“(iv) QUALIFIED STATE.—For purposes of this subparagraph, the term ‘qualified State’ means, with respect to a calendar year, any State—

“(I) which allocated its entire State housing credit ceiling for the preceding calendar year, and

“(II) for which a request is made (not later than May 1 of the calendar year) to receive an allocation under clause (iii).

“(E) SPECIAL RULE FOR STATES WITH CONSTITUTIONAL HOME RULE CITIES.—For purposes of this subsection—

“(i) IN GENERAL.—The aggregate housing credit dollar amount for any constitutional home rule city for any calendar year shall be an amount which bears the same ratio to the State housing credit ceiling for such calendar year as—

“(I) the population of such city, bears to

“(II) the population of the entire State.

“(ii) COORDINATION WITH OTHER ALLOCATIONS.—In the case of any State which contains 1 or more constitutional home rule cities, for purposes of applying this paragraph with respect to housing credit agencies in such State other than constitutional home rule cities, the State housing credit ceiling for any calendar year shall be reduced by the aggregate housing credit dollar amounts determined for such year for all constitutional home rule cities in such State.

"(iii) CONSTITUTIONAL HOME RULE CITY.—For purposes of this paragraph, the term 'constitutional home rule city' has the meaning given such term by section 146(d)(3)(C).

"(F) STATE MAY PROVIDE FOR DIFFERENT ALLOCATION.—Rules similar to the rules of section 146(e) (other than paragraph (2)(B) thereof) shall apply for purposes of this paragraph.

"(G) POPULATION.—For purposes of this paragraph, population shall be determined in accordance with section 146(j).

"(H) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2002, the $2,000,000 and $1.75 amounts in subparagraph (C) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—

"(I) In the case of the $2,000,000 amount, any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the $1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.

"(4) PORTION OF STATE CEILING SET-ASIDE FOR CERTAIN DEVELOPMENT PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—

"(A) IN GENERAL.—Not more than 90 percent of the State housing credit ceiling for any State for any calendar year shall be allocated to development projects other than qualified low-to-moderate income development projects described in subparagraph (B).

"(B) DEVELOPMENT PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.—For purposes of subparagraph (A), a qualified low-to-moderate income development project is described in this subparagraph if a qualified nonprofit organization is to materially participate (within the meaning of section 469(h)) in the development and operation of the development project throughout the compliance period.

"(C) QUALIFIED NONPROFIT ORGANIZATION.—For purposes of this paragraph, the term 'qualified nonprofit organization' means any organization if—

"(i) such organization is described in paragraph (3) or (4) of section 501(c) and is exempt from tax under section 501(a),

"(ii) such organization is determined by the State housing credit agency not to be affiliated with or controlled by a for-profit organization; and

"(iii) 1 of the exempt purposes of such organization includes the fostering of low-to-moderate income housing.

"(D) TREATMENT OF CERTAIN SUBSIDIARIES.—

"(i) IN GENERAL.—For purposes of this paragraph, a qualified nonprofit organization shall be treated as satisfying the ownership and material participation test of subparagraph (B) if any qualified corporation in which such organization holds stock satisfies such test.

"(ii) QUALIFIED CORPORATION.—For purposes of clause (i), the term 'qualified corporation' means any corporation if 100 percent of the stock of such corporation is held by 1 or more qualified nonprofit organizations at all times during the period such corporation is in existence.

"(E) STATE MAY NOT OVERRIDE SET-ASIDE.—Nothing in subparagraph (F) of paragraph (3) shall be construed to permit a State not to comply with subparagraph (A) of this paragraph.

"(5) BUILDINGS ELIGIBLE FOR CREDIT ONLY IF MINIMUM LONG-TERM COMMITMENT TO LOW-TO-MODERATE INCOME HOUSING.—

"(A) IN GENERAL.—No credit shall be allowed by reason of this section with respect to any building for the taxable year unless a low-to-moderate income housing commitment is in effect as of the end of such taxable year.

"(B) LOW-TO-MODERATE INCOME HOUSING COMMITMENT.—For purposes of this paragraph, the term 'low-to-moderate income housing commitment' means any agreement between the taxpayer and the housing credit agency—

"(i) which requires that the applicable fraction (as defined in subsection (c)(1)(B)) for the building for each taxable year in the compliance period will not be less than the applicable fraction specified in such agreement,

"(ii) which allows individuals who meet the income limitation applicable to the building under subsection (f) (whether prospective, present, or former occupants of the building) the right to enforce in any State court the requirement of clause (i),

"(iii) which allows the taxpayer the right of first refusal to purchase the building from the low-or-moderate income individual to whom the taxpayer first sold the building,

"(iv) which is binding on all successors of the taxpayer, and

"(v) which, with respect to the property, is recorded pursuant to State law as a restrictive covenant.

"(C) ALLOCATION OF CREDIT MAY NOT EXCEED AMOUNT NECESSARY TO SUPPORT COMMITMENT.—The housing credit dollar amount allocated to any building may not exceed the amount necessary to support the applicable fraction specified in the low-to-moderate income housing commitment for such building.

"(D) EFFECT OF NONCOMPLIANCE.—If, during a taxable year, there is a determination that a low-to-moderate income housing agreement was not in effect as of the beginning of such year, such determination shall not apply to any period before such year and subparagraph (A) shall be applied without regard to such determination if the failure is corrected within 1 year from the date of the determination.

"(E) DEVELOPMENT PROJECTS WHICH CONSIST OF MORE THAN 1 BUILDING.—The application of this paragraph to development projects which consist of more than 1 building shall be made under regulations prescribed by the Secretary.

"(6) SPECIAL RULES.—

"(A) BUILDING MUST BE LOCATED WITHIN JURISDICTION OF CREDIT AGENCY.—A housing credit agency may allocate its aggregate housing credit dollar amount only to buildings located in the jurisdiction of the governmental unit of which such agency is a part.

"(B) AGENCY ALLOCATIONS IN EXCESS OF LIMIT.—If the aggregate housing credit dollar amounts allocated by a housing credit agency for any calendar year exceed the portion of the State housing credit ceiling allocated to such agency for such calendar year, the housing credit dollar amounts so allocated shall be reduced (to the extent of such excess) for buildings in the reverse of the order in which the allocations of such amounts were made.

"(C) CREDIT REDUCED IF ALLOCATED CREDIT DOLLAR AMOUNT IS LESS THAN CREDIT WHICH WOULD BE ALLOWABLE WITHOUT REGARD TO SALES CONVENTION, ETC.—

"(i) IN GENERAL.—The amount of the credit determined under this section with respect to any building shall not exceed the clause (ii) percentage of the amount of the credit which would (but for this subparagraph) be determined under this section with respect to such building.

"(ii) DETERMINATION OF PERCENTAGE.—For purposes of clause (i), the clause (ii) percentage with respect to any building is the percentage which—

"(I) the housing credit dollar amount allocated to such building bears to

"(II) the credit amount determined in accordance with clause (iii).

"(iii) DETERMINATION OF CREDIT AMOUNT.—The credit amount determined in accordance with this clause is the amount of the credit which would (but for this subparagraph) be determined under this section with respect to the building if this section were applied without regard to paragraph (2)(A) of subsection (e).

"(D) HOUSING CREDIT AGENCY TO SPECIFY APPLICABLE PERCENTAGE AND MAXIMUM QUALIFIED BASIS.—In allocating a housing credit dollar amount to any building, the housing credit agency shall specify the applicable percentage and the maximum qualified basis which may be taken into account under this section with respect to such building. The applicable percentage and maximum qualified basis so specified shall not exceed the applicable percentage and qualified basis determined under this section without regard to this subsection.

"(7) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) HOUSING CREDIT AGENCY.—The term 'housing credit agency' means any agency authorized to carry out this subsection.

"(B) POSSESSIONS TREATED AS STATES.—The term 'State' includes a possession of the United States.

"(h) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) COMPLIANCE PERIOD.—The term 'compliance period' means, with respect to any building, the period of 5 taxable years beginning with the 1st taxable year of the credit period with respect thereto.

"(2) NEW BUILDING.—The term 'new building' means a building the original use of which begins with the taxpayer.

"(3) EXISTING BUILDING.—The term 'existing building' means any building which is not a new building.

"(4) APPLICATION TO ESTATES AND TRUSTS.—In the case of an estate or trust, the amount of the credit determined under subsection (a) and any increase in tax under subsection (j) shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each.

"(i) RECAPTURE OF CREDIT.—If—

"(1) as of the close of any taxable year in the compliance period, the amount of the qualified basis of any building with respect to the taxpayer is less than

"(2) the amount of such basis as of the close of the preceding taxable year,

then the taxpayer's tax under this chapter for the taxable year shall be increased by the credit recapture amount determined under rules similar to the rules of section 42(j).

"(j) APPLICATION OF AT-RISK RULES.—For purposes of this section, rules similar to the rules of section 42(k) shall apply.

"(k) CERTIFICATIONS AND OTHER REPORTS TO SECRETARY.—

"(1) CERTIFICATION WITH RESPECT TO 1ST YEAR OF CREDIT PERIOD.—Following the close of the 1st taxable year in the credit period with respect to any qualified low-to-moderate income building, the taxpayer shall certify to the Secretary (at such time and in such form and in such manner as the Secretary prescribes)—

“(A) the taxable year, and calendar year, in which such building was first sold after being placed in service,

“(B) the adjusted basis and eligible basis of such building as of the beginning of the credit period,

“(C) the maximum applicable percentage and qualified basis permitted to be taken into account by the appropriate housing credit agency under subsection (g),

“(D) the election made under subsection (f) with respect to the qualified low-to-moderate income housing development project of which such building is a part, and

“(E) such other information as the Secretary may require.

In the case of a failure to make the certification required by the preceding sentence on the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, no credit shall be allowable by reason of subsection (a) with respect to such building for any taxable year ending before such certification is made.

“(2) Annual reports to the Secretary.—The Secretary may require taxpayers to submit an information return (at such time and in such form and manner as the Secretary prescribes) for each taxable year setting forth—

“(A) the qualified basis for the taxable year of each qualified low-to-moderate income building of the taxpayer,

“(B) the information described in paragraph (1)(C) for the taxable year, and

“(C) such other information as the Secretary may require.

The penalty under section 6652(j) shall apply to any failure to submit the return required by the Secretary under the preceding sentence on the date prescribed therefor.

“(3) Annual reports from housing credit agencies.—Each agency which allocates any housing credit amount to any building for any calendar year shall submit to the Secretary (at such time and in such manner as the Secretary shall prescribe) an annual report specifying—

“(A) the amount of housing credit amount allocated to each building for such year,

“(B) sufficient information to identify each such building and the taxpayer with respect thereto, and

“(C) such other information as the Secretary may require.

The penalty under section 6652(j) shall apply to any failure to submit the report required by the preceding sentence on the date prescribed therefor.

“(l) Responsibilities of housing credit agencies.—

“(1) Plans for allocation of credit among development projects.—

“(A) In general.—Notwithstanding any other provision of this section, the housing credit dollar amount with respect to any building shall be zero unless—

“(i) such amount was allocated pursuant to a qualified allocation plan of the housing credit agency which is approved by the governmental unit (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) of which such agency is a part,

“(ii) such agency notifies the chief executive officer (or the equivalent) of the local jurisdiction within which the building is located of such development project and provides such individual a reasonable opportunity to comment on the development project,

“(iii) a comprehensive market study of the housing needs of low- and moderate-income individuals in the area to be served by the development project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

“(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.

“(B) Qualified allocation plan.—For purposes of this paragraph, the term ‘qualified allocation plan’ means any plan—

“(i) which sets forth selection criteria to be used to determine housing priorities of the housing credit agency which are appropriate to local conditions,

“(ii) which also gives preference in allocating housing credit dollar amounts among selected development projects to—

“(I) development projects serving the lowest income owners, and

“(II) development projects which are located in qualified census tracts (as defined in section 42(d)(5)(C)) and the development of which contributes to a concerted community revitalization plan, and

“(iii) which provides a procedure that the agency (or an agent or other private contractor of such agency) will follow in monitoring for noncompliance with the provisions of this section and in notifying the Internal Revenue Service of such noncompliance which such agency becomes aware of and in monitoring for noncompliance with habitability standards through regular site visits.

“(C) Certain selection criteria must be used.—The selection criteria set forth in a qualified allocation plan must include—

“(i) development project location,

“(ii) housing needs characteristics,

“(iii) development project characteristics, including whether the development project includes the use of existing housing as part of a community revitalization plan,

“(iv) populations with special housing needs,

“‘(v) low-to-moderate income housing waiting lists, and

“(vi) populations of individuals with children.

“(2) Credit allocated to building not to exceed amount necessary to assure development project feasibility.—

“(A) In general.—The housing credit dollar amount allocated to a development project shall not exceed the amount the housing credit agency determines is necessary for the financial feasibility of the development project and its viability as a qualified low-to-moderate income development project throughout the compliance period.

“(B) Agency evaluation.—In making the determination under subparagraph (A), the housing credit agency shall consider—

“(i) the sources and uses of funds and the total financing planned for the development project,

“(ii) any proceeds or receipts expected to be generated by reason of tax benefits,

“(iii) the percentage of the housing credit dollar amount used for development project costs other than the cost of intermediaries, and

“(iv) the reasonableness of the developmental and operational costs of the development project.

Clause (iii) shall not be applied so as to impede the development of development projects in hard-to-develop areas.

“(C) Determination made when credit amount applied for and when building sold.—

“(i) In general.—A determination under subparagraph (A) shall be made as of each of the following times:

“(I) The application for the housing credit dollar amount.

“(II) The allocation of the housing credit dollar amount.

“(III) The date the building is first sold after having been placed in service.

“(ii) Certification as to amount of other subsidies.—Prior to each determination under clause (i), the taxpayer shall certify to the housing credit agency the full extent of all Federal, State, and local subsidies which apply (or which the taxpayer expects to apply) with respect to the building.

“(m) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

“(1) dealing with—

“(A) development projects which include more than 1 building or only a portion of a building,

“(B) buildings which are sold in portions,

“(2) providing for the application of this section to short taxable years,

“(3) preventing the avoidance of the rules of this section, and

“(4) providing the opportunity for housing credit agencies to correct administrative errors and omissions with respect to allocations and record keeping within a reasonable period after their discovery, taking into account the availability of regulations and other administrative guidance from the Secretary.

“(n) Termination.—Clause (ii) of subsection (g)(3)(C) shall not apply to any amount allocated after December 31, 2004.”.

(b) Current Year Business Credit Calculation.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking “plus” at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting “, plus”, and by adding at the end the following:

“(14) the home ownership credit determined under section 42A(a).”.

(c) Limitation on Carryback.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

“(10) No carryback of home ownership credit before effective date.—No amount of unused business credit available under section 42A may be carried back to a taxable year beginning on or before the date of the enactment of this paragraph.”.

(d) Conforming Amendments.—

(1) Section 55(c)(1) of the Internal Revenue Code of 1986 is amended by inserting “or subsection (i) or (j) of section 42A” after “section 42”.

(2) Subsections (i)(c)(3), (i)(c)(6)(B)(i), and (k)(1) of section 469 of such Code are each amended by inserting “or 42A” after “section 42”.

(3) Section 772(a) of such Code is amended by striking “and” at the end of paragraph (10), by redesignating paragraph (11) as paragraph (12), and by inserting after paragraph (10) the following:

“(11) the home ownership credit determined under section 42A, and”.

(4) Section 774(b)(4) of such Code is amended by inserting ", 42A(i)," after "section 42(j)".

(e) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 42 the following:

"Sec. 42A. Low-to-moderate income home ownership credit.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures made in taxable years beginning after the date of the enactment of this Act.

SEC. 3. PARTIAL EXCLUSION OF GAIN FROM SALE OF LOW-TO-MODERATE INCOME HOUSING.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and inserting after section 138 the following new section:

"SEC. 139. CERTAIN GAIN FROM SALE OF LOW-TO-MODERATE INCOME HOUSING.

"(a) IN GENERAL.—Gross income shall not include the gain from the sale of any low-to-moderate income building made during the taxable year and with respect to which the taxpayer is allowed a credit under section 42A.

"(b) LIMITATION.—The amount of gain which may be taken into account under subsection (a) with respect to the sale of a low-to-moderate income building shall not exceed $10,000 for each low-to-moderate income unit in such building.".

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 139 and inserting the following new items:

"Sec. 139. Certain gain from sale of low-to-moderate income housing.

"Sec. 140. Cross references to other Acts.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply sales in taxable years beginning after the date of the enactment of this Act.

SEC. 4. EXPANSION OF REHABILITATION CREDIT.

(a) CREDIT APPLICABLE TO BUILDINGS AT LEAST 50 Years Old.—Subparagraph (B) of section 47(c)(1) of the Internal Revenue Code of 1986 (relating to qualified rehabilitated building is amended to read as follows:

"(B) BUILDING MUST BE AT LEAST 50 YEARS OLD.—In the case of a building other than a certified historic structure, a building shall not be a qualified rehabilitated building unless the building was first placed in service before the date which is at least 50 years before the date such building is placed in service for purposes of the credit under this section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. TORRICELLI (for himself and Mr. DAYTON):

S. 1082. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Finance.

Mr. TORRICELLI. Mr. President, I rise to introduce a bill that is intended to build upon a bi-partisan effort that has spanned over a decade culminating with the passage of S. 350. In August of 1997, this body approved a potentially significant brownfield tax incentive. This tax incentive referred to as the "expensing" provision allowed new owners of these contaminated sites to write off clean-up costs from their taxes in the year they are deducted. Despite this stride forward there have been issues pertaining to the provision that have represented barriers to re-development efforts.

The barriers which have thwarted redevelopment efforts have been: (1) the sunset of the bill contributed to uncertainty associated with the time needed to clean-up, obtain financing and re-develop these properties; (2) the exclusion of petroleum related products and pesticides from the definition of "hazardous substances" which required that the treatment of these clean up costs as (non-deductable) capital expenditures rather than expenses; and (3) the recapturing as ordinary income, at the time of sale, qualified environmental remediation expenses that have received exemptions.

My bill will eliminate the sunset provision. Eliminating the sunset for this expensing provision would be a major stride forward. Obtaining sufficient financing for brownfield re-development is generally difficult enough without the specter of a looming sunset.

Petroleum products in the form of fuel oil, heating oil or gasoline and pesticides are quite often found at these brownfield sites. Unfortunately, "hazardous substance" as it relates to brownfields does not include these particular substances. Therefore, the exclusion of substances commonly found at brownfields increases the costs of brownfield re-development significantly. This bill will expand the definition of hazardous items to include petroleum and pesticides.

In an effort to give true value to brownfields tax incentives, this bill will repeal the recapture provision related to brownfield tax incentives, section 193 e. Currently, any qualified environmental remediation expenditure which has been deducted is subject to recapture as ordinary income when sold or otherwise disposed. Because the tax liability for ordinary income is taxed higher, there is no incentive to redevelop contaminated sites and then sell the property for beneficial use. The repeal of this exclusion will give developers an opportunity to realize their tax incentives if they intend to sell property shortly after redevelopment.

The passage of the expensing provisions and the recently passed S. 350 represent critical steps in enhancing the public/private partnership in brownfield re-development but more must be done. An effective partnership will utilize tax incentives to help attract affordable private investment. Using tax incentives to overcome capital shortages, in the marketplace, to achieve greater public benefits, is a proven formula for success. This can reverse negative trends and start new constructive trends.

By Ms. MIKULSKI (for herself, Mr. BINGAMAN, Mrs. MURRAY, and Mr. INOUYE):

S. 1083. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Clinical Social Work Medicare Equity Act of 2001. I am proud to sponsor this legislation that will ensure that clinical social workers can receive Medicare reimbursement for the mental health services they provide in skilled nursing facilities. This bill will give clinical social workers parity with other mental health providers who are exempted from the Medicare Part B Prospective Payment System.

Since my first days in Congress, I have been fighting to protect and strengthen the safety net for our Nation's seniors. Making sure that seniors have access to quality, affordable mental health care is an important part of this fight. I know that millions of seniors are not receiving the mental health services they need. For example, depression effects nearly 6 million seniors, but only one-tenth ever get treated. This is unacceptable. Protecting seniors' access to clinical social workers can help make sure that our most vulnerable citizens get the quality, affordable mental health care they need.

Clinical social workers, much like psychologists and psychiatrists, treat and diagnose mental illnesses. In fact, clinical social workers are the primary mental health providers for many nursing home residents. But unlike other mental health providers, clinical social workers often cannot bill directly for the important services they provide to their patients. This bill will correct this inequity and make sure clinical social workers are paid for the valuable services they provide.

Before the Balanced Budget Act of 1997, clinical social workers billed Medicare Part B directly for mental health services provided in nursing facilities to each patient they served. Under the new Prospective Payment System, services provided by clinical social workers are lumped, or "bundled," along with the services of other health care providers for the purposes of billing and payments. Psychologists and psychiatrists, however, were exempted from this new system and continue to bill Medicare directly. This bill would exempt clinical social workers, like their mental health colleagues, from the Prospective Payment System, and would make sure that clinical social workers are paid for the services they provide to patients in skilled nursing facilities. The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act addressed some of these concerns, but this legislation would remove the final barrier to ensuring that clinical social workers are treated fairly and equitably for the care they provide.

This bill is about more than paperwork and payment procedures. This bill is about equal access to Medicare payments for the equal and important work done by clinical social workers. And it is about making sure our Nation's most vulnerable citizens have access to quality, affordable mental health care. Without clinical social workers, many nursing home residents may never get the counseling they need when faced with illness or the loss of a loved one. I think we can do better by our Nation's seniors, and I'm fighting to make sure we do.

The Clinical Social Work Medicare Equity Act of 2001 is strongly supported by the National Association of Social Workers and the Clinical Social Work Federation. I look forward to the Senate's support of this important legislation.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 1084. A bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I am introducing a bill today, along with Senator DEWINE and Senator FEINGOLD, to cut off the source of income that is fueling horrendous conflicts in Sierra Leone, Angola, and the Democratic Republic of Congo, the illicit trade in conflict diamonds.

The brutal wars in these African Nations may be thousands of miles away, but the source of the funds that buy the weapons may be as close as your ring finger. Our legislation says, if you can't prove to U.S. Customs agents that your diamonds are legitimate, take your business and your diamonds somewhere else.

I am pleased that the diamond industry and the human rights community are united in their support for this bill. They met many times with our staffs to work out a compromise that everyone is enthusiastically supporting.

We can and must do more than look with horror at the pictures of children with missing hands, arms or legs. We must take a strong stand that says to the world that this nation, which purchases 65 percent of the world's diamonds, will not buy the diamonds that fund rebels and terrorists.

American consumers who purchase diamonds for some happy milestone in their lives, like an engagement, wedding, or anniversary, must be assured that they are buying a diamond from a legitimate, legal, and responsible source.

Setting up a system that would allow American consumers to have confidence that they are buying "clean" diamonds would also serve our local jewelers and diamond retailers.

It is hard to imagine today that diamonds could become unfashionable, but if consumers associate diamonds with guerrillas who hack off the arms of children, instead of the joyous life events that are now associated with the gemstones, the diamond industry in our country could suffer a sharp decline.

The jewelers in our local malls and downtown shops do not want to support rebels and terrorists in Africa any more than consumers do. This legislation aims to protect our local merchants, as well as cut off funds to African rebels.

I heard from a jeweler in my hometown of Springfield, Illinois, Bruce Lauer, President of the Illinois Jewelers Association, who wrote:

> The use of diamond profits to fund warfare and atrocities in parts of Africa is abhorrent to all of us. The system created by your bill to bar U.S. imports of conflict stones will allow retail jewelers to be confident that the diamonds and diamond jewelry they sell have no part in the violence and suffering that are prevalent in Sierra Leone, Angola, or other conflict areas.
>
> As the owner of Stout & Lauer Jewelers in Springfield, I know first hand the importance of diamonds to my customers. A diamond is a very special purchase symbolizing love, commitment and joy. It should not be tarnished with doubt. . ..We want to be able to assure our customers unequivocally that the diamonds in our stores come from legitimate sources.

What carnage are these conflicts in Africa causing? The photos of maimed and mutilated men, women, and children in Sierra Leone are the most visible results of the terror tactics by the Revolutionary United Front, RUF. This rebel group has also used murder and rape, pressed children into becoming soldiers, and caused a mass movements of refugees as people flee the terror. The Congressional Research Service has released some conflict-related statistics for the Sierra Leone, Angola, and the Democratic Republic of Congo. I would like to repeat some of them for the Record: Out of a population of more than 5 million people, there are approximately 490,000 refugees from Sierra Leone in neighboring countries and anywhere from 500,000 to 1.3 million internally displaced people. Estimates of the numbers of people who have died in the conflict range from 20,000 to 50,000. More than 5,000 children have fought in direct combat roles, with 5,000 more used in supporting roles. There are no figures on how many people lost limbs or were otherwise mutilated, but World Vision reports that there are 2,000 amputees in just one camp in Freetown.

In the long conflicts in Angola and Democratic Republic of Congo, DRC, diamonds have been a contributing factor. The United Nations recently issued a report showing that the conflict in the DRC has become increasingly resource driven, as parties illegally exploit diamonds and other mineral wealth, including tantilite, the mineral now in high demands for cell phones and other electronic devices.

Last year the United States worked with the international community and the diamond industry to stem the flow of conflict diamonds. The United Nations has taken action to ban the conflict diamond trade and recommended that a "simple and workable international certification scheme for rough diamonds be created."

The United States also participated in May 2000 in the Technical Forum on Diamonds, which became known as the "Kimberley Process" after the city in South Africa where the group met, along with representatives from other countries, the diamond industry, and non-governmental organization. The group recommended the establishment of an international export regime like the one set up in the bill I introduce today. However, since that time negotiations on setting up such a system have slowed. I believe that this bill will help spur action to complete negotiations and set up a system to track and certify diamond exports.

The bill that I am introducing today with Senator DEWINE and Senator FEINGOLD is similar to H.R. 918, introduced by Congressman TONY HALL and Congressman FRANK WOLF in the House. But our bill also incorporates some changes that represent a compromise that the diamond industry and the human rights community were able to come together to support. The bill was also written to be compliant with US obligations in the World Trade Organization, WTO.

Among other provisions, the bill does the following: The bill requires diamond imports—including rough, polished, and jewelry—to come from a "clean stream" and spells out the details of this system (which may be superceded by an international agreement if the United States is a party to it). Implementation of any system shall be monitored by US agencies and a presidential advisory commission, which include human rights advocates and representatives of the diamond industry.

Violators will be subject to civil and criminal penalties, including confiscation of contraband. Significant violators' US assets may be blocked. Proceeds from penalties and the sale of diamonds seized as contraband shall be used to help war victims, through humanitarian relief and micro-credit development projects.

Diamond-sector projects in countries that fail to adopt a system of controls shall not be eligible for loan guarantees or other assistance of the US Export-Import Bank or OPIC.

The bill provides waiver authority to the President under limited circumstances, and spells out the process for determining them under what limited conditions, the President may delay applicability of the law to a "cooperating" country. In issuing such a waiver, the President must report to Congress on that country's progress toward establishing a system of controls and concluding an international agreement. Criteria for determining whether a country is cooperating must be developed with public input.

The bill requires no action by the Treasury Secretary or Customs Service that would contradict the United States' obligations to the World Trade Organization, as it finds in a dispute proceeding. If another country successfully challenges the United States at the WTO, Congress intends for the United States to bring its actions into conformity with its WTO obligations.

Both the President and the General Accounting Office are to report as to the system's effectiveness and on which countries are implementing it.

The bill encourages the diamond industry to contribute to financially-strapped African countries that may have difficulty bearing the costs of setting up a system of controls, and authorizes $5 million of assistance from the United States to do the same.

I ask my colleagues to join with us in cosponsoring the bill we introduce today and take a positive step in ending the bloody violence fueled by the sale of conflict diamonds.

By Mr. WELLSTONE:

S. 1085. A bill to provide for the revitalization of Olympic sports in the United States; to the Committee on Commerce, Science, and Transportation.

Mr. WELLSTONE. Mr. President, the foremost responsibility given to the United States Olympic Committee when it was created by Congress is to obtain for this country "the most competent representation possible in each event of the Olympic Games." However, in too many sports, the USOC is decidedly disadvantaged in achieving that goal. A key reason for the USOC's difficulty is that our colleges and universities are eliminating many of their teams in those sports each year. Colleges and universities have been the traditional route to participation in the Olympic Games in these non-revenue sports, but many of America's prospective participants in the Olympic Games are having opportunities blocked as these programs disappear.

As a former college wrestler and someone who continues to follow that sport closely at the high school and college levels, I have noticed as wrestling programs have been discontinued by colleges and universities at a high rate in recent years. Too often, this occurs through a process that leaves student-athletes with few options if they want to continue wrestling at another institution. As a result of my concerns about wrestling, the sport I know best, I worked with now-Speaker of the House DENNIS HASTERT to include in the 1998 reauthorization of the Higher Education Act a study by the General Accounting Office on patterns in the addition and discontinuation of athletic teams at 4-year colleges and universities. The study investigated the forces that lead to team additions and discontinuations, as well as the processes through which discontinuations have occurred. The report from that GAO study was recently released. It both reaffirms what Speaker HASTERT and I already knew about the state of college-level wrestling. And it demonstrates that wrestling, where 40 percent of teams have been discontinued during the past two decades, is not alone. A number of men's and women's sports have experienced a significant net decline in the number of programs during the same period. There has been a 53-percent decline in the number of women's gymnastics teams, a 10-percent reduction in the number of women's field hockey teams and a 68-percent decline in the number of men's gymnastics programs. Most pertinent is the following fact: 16 of the sports that have lost teams during that period, which is nearly all the sports that have lost teams, are Olympic sports. In light of the Congressional directive contained in USOC's authorizing legislation, a federal response is warranted.

Guided by the findings of the recent GAO report, the bill that I introduce today, the Olympic Sports Revitalization Act, seeks to counteract the problems faced by these 16 sports, plus three emerging women's sports. The first group of 16 sports consists of the following: women's gymnastics, women's and men's fencing, women's field hockey, women's and men's archery, women's badminton, men's wrestling, men's tennis, men's gymnastics, men's rifle/shooting men's outdoor track, men's swimming, men's skiing, men's ice hockey, and men's water polo. Also covered are the three emerging women's sports: synchronized swimming, team handball, and equestrian. The bill would assist in developing a competitive American Olympics program that spans the spectrum of high- and low-profile sports. Because there is no single, shared reason that each of these sports has faced difficulty in recent years, the bill has four sections, each of which seeks to address an obstacle to their vitality in the United States.

First, the GAO report indicates that in some cases, declining interest in the sports is a key factor in decisions by colleges and universities to eliminate their programs. We know that those who will go on to become Olympians realize their talent and passion for their sport at any early age which means they need to become interested at an early age. Therefore, this bill establishes a grant program to assist local community-based athletic programs in providing opportunities for youngsters to participate in these sports. The bill authorizes funds for the USOC itself and the national governing bodies in the sports covered by the Act to award grants to community athletic organizations to initiate and expand youth sporting opportunities. In particular, it encourages a focus on providing such opportunities in communities where the sport has not traditionally been available as an option for young persons so that the pool of participants in the sport will expand.

Of course, relatively few of the young people that will participant in these programs will ever become Olympians. But aside from building interest in otherwise declining sports, these programs will provide additional benefits for young men and women. My colleague from Alaska, Senator STEVENS, for whom the existing Olympic and Amateur Sport Act is rightly named, has an ongoing commitment to enhancing the physical fitness of Americans. This program offers fitness outlets that can put young people on a path toward lifelong commitment to exercise and all its physical and mental health benefits.

As someone who was given the opportunity to develop personally through the challenge of wrestling, I also know how important involvement in athletics is at an early age in building character. Sports help youngsters develop some of the most important skills for success in life: the ability to think strategically, the courage to overcome fears, and the tact of being a good winner and, yes, a good loser.

I encourage my colleagues to learn more about two existing community sports programs that are exactly the type of locally-controlled endeavors that this grant program is meant to promote. Peter Westbrook grew up in the projects of Newark, New Jersey. He was lucky enough to be introduced to fencing at an early age and by focusing on that sport, he escaped the desperation of the environment in which he came of age. Peter pursued the sport as he became older and he went on to win the Bronze Medal in Men's Sabre at the 1984 Olympics in Los Angeles. Seven years later, he began a non-profit program in New York City dedicated to helping kids in the five boroughs of New York gain access to the benefits that he has as a youngster in fencing. Over the past decade, hundreds of inner-city kids have participated in the program.

Like the Peter Westbrook Foundation, the "Beat the Streets" program begun in 1999 in inner-city Chicago is a model for the grant program to be established by this legislation. "Beat the Streets," a program with which Speaker HASTERT has been involved, focuses on mentoring youngsters who typically would not have access to wrestling training. The youngsters are coached in a number of wrestling techniques, conditioning and nutrition. The program also focuses on developing social and intellectual skills that go beyond the mat. "Beat the Streets" has grown throughout Chicago and, working in coalition with the YMCA, its advisory board recently began planning the expansion of that program to other cities around the country. I hope that this legislation can plan a role in the expansion of such an outstanding program.

As I mentioned earlier, three women's emerging sports, that is, Olympic sports that have not traditionally been an option for women in this country—are also covered by the pertinent sections of this Act. That makes sense because the fact that they are not fully established sports means that the USOC faces a particular challenge in developing the most competitive team possible in those sports.

The second section of the Olympic Sports Revitalization Act more direct focuses on ensuring participation in the covered sports during college. It does so by providing funding for scholarships in those sports. College and university athletic programs that have discontinued the non-revenue sports covered by this Act also cite budgetary strains as a frequent reason for those decisions. While the GAO report cites numerous cases where colleagues and universites have successfully maintained existing sports while adding new sports to meet the interests and needs of women athlete, it is important to realize that colleges and universities do face real financial contraints. This portion of the Act would help protect existing non-revenue sports that might otherwise be eliminated. Through this section's provision, the USOC would be authorized to provide 4-year grants of between $25,000 and $50,000 annually to college athletic programs to provide scholarships to student-athletes participating in the sports covered by the Act. At any one school, a limit of three covered program could be grant recipients at any one time. Schools would be required to maintain the sport to continue to receive the grant money. This Olympic Revitalization Scholarship grant program will reinforce the already existing Bart Stupak Olympic Scholarship Program, also in the Higher Education Act, which provides financial assistance to athletes who are actually in training for the Olympic Games.

The bill also seeks to ensure that, as they decide where they will attend college, prospective student-athletes will be able accurately to gauge the relative health of the sports programs at different schools they may be considering. Present law requires that all 4-year colleges and universities with athletic programs report to the Department of Education the number of participants and coaches in all sports, as well as further information regarding funding for their teams. This data, particularly when examined over time, gives an excellent picture of the health of the sport at that college. It also provides insight into the continued vitality of the program during the period that the prospective student-athlete would hope to participate in the sport. The problem is that, while the Department of Education has collected this required data, it is not readily available to the general public. The Olympic Sports Revitalization Act would authorize funds and require that the data over a several year period be posted on the Internet in a usable format so that the student-athletes and those involved in their college decision can have easy access to that information.

Finally, one of the most troubling findings in the GAO report is that student-athletes are, quite often, given no forewarning that their sport is being discontinued by the athletic program. They also have no mechanism by which to appeal that decision. Generally, such decisions by athletic programs go into effect immediately. In addition to defying fairness, this reality means that student-athletes often have their college athletic careers disrupted in a manner that makes it difficult to stay on track for post-college amateur competition. The data in the GAO report indicates that the stories I have heard about the termination of wrestling programs in my home State of Minnesota and around the country are part of a pattern in other similarly situated sports. Therefore, the fourth section of the bill requires that colleges and universities provide written justification for a decision to discontinue a sport to team members. It also requires that a process for appealing the team's termination be established.

We have a responsibility to field "the most competent representation" possible in the Olympic games. Just as important, we should do all we can to promote the continued vitality of a set of sports that have proud traditions in our country and that have provided health and character-development benefits for thousands of participants through the years. To quote Pat Zilverberg, a constant guardian of the sport of wrestling in my home state, from his letter supporting this legislation: "The opportunities to develop athletes and, subsequently, good citizens, are at risk." This legislation would play a key role in revitalizing these sports and I strongly encourage its adoption.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 1086. A bill to amend the Outer Continental Shelf Lands Act to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf in the Mid-Atlantic and North Atlantic planning areas; to the Committee on Energy and Natural Resources.

Mr. CORZINE. Mr. President, today, along with Senator TORRICELLI, I am introducing legislation, the Clean Ocean and Safe Tourism, COAST, Anti-Drilling Act, to ban oil and gas drilling off the Mid-Atlantic and Northern Atlantic coast.

The people of New Jersey, and other residents of States along the Atlantic Coast, do not want oil or gas rigs anywhere near their treasured beaches and fishing grounds. Such drilling poses serious threats not to our environment, but to our economy, which depends heavily on tourism along our shore.

Until recently, there was no reason to suspect that drilling was even a remote possibility. Since 1982, a statutory moratorium on leasing activities in most Outer Continental Shelf, OCS, areas has been included annually in Interior Appropriations acts. In addition, President George H.W. Bush declared a leasing moratorium on many OCS areas on June 26, 1990 under section 12 of the OCS Lands Act. On June 12, 1998, President Clinton used the same authority to issue a memorandum to the Secretary of the Interior that extended the moratorium through 2012 and included additional OCS areas.

Given the long-standing consensus against drilling in these areas, I was deeply disturbed to discover that on May 31, 2001, the Minerals Management Service released a request for proposals, RFP, to conduct a study of the environmental impacts of drilling in the Mid- and North-Atlantic. The RFP noted that "there are areas with some reservoir potential, for example off the coast of New Jersey." In addition, the RFP explained that the study would be conducted "in anticipation of managing the exploitation of potential and proven reserves."

I believe that the RFP was not only inappropriate, but probably illegal, and I was pleased when it was rescinded yesterday. However, I remain concerned about the Administration's policy with respect to offshore drilling. Although some Administration officials have indicated that they support the existing moratoria on offshore drilling, the President's energy plan and this recent proposed study call the Administration's position into question. I have asked the President to clarify his position on this issue, and I hope that he will use his authority to endorse the existing moratoria.

In my view, however, it is time for Congress to act to resolve this question once and for all. That is why I am introducing the COAST Anti-Drilling Act. This bill would permanently ban drilling for oil, gas and other minerals in the Mid- and North-Atlantic.

I look forward to working with my colleagues to enact this important legislation. Doing so would ensure that the people of New Jersey and neighboring States that they need not fear the specter of oil rigs off their beaches.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Ocean and Safe Tourism Anti-Drilling Act" or the "COAST Anti-Drilling Act".

SEC. 2. PROHIBITION OF OIL AND GAS LEASING IN CERTAIN AREAS OF THE OUTER CONTINENTAL SHELF.

Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(p) Prohibition of Oil and Gas Leasing in Certain Areas of the Outer Continental Shelf.—Notwithstanding any other provision of this section or any other law, the Secretary of the Interior shall not issue a lease for the exploration, development, or production of oil, natural gas, or any other mineral in—

"(1) the Mid-Atlantic planning area; or

"(2) the North Atlantic planning area.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 52—EXPRESSING THE SENSE OF CONGRESS THAT REDUCING CRIME IN PUBLIC HOUSING SHOULD BE A PRIORITY, AND THAT THE SUCCESSFUL PUBLIC HOUSING DRUG ELIMINATION PROGRAM SHOULD BE FULLY FUNDED

Mr. CORZINE (for himself, Mr. Sarbanes, Mr. Reed, Mr. Carper, Mr. Schumer, Ms. Stabenow, Mr. Dodd, Mr. Johnson, Mr. Bayh, Mr. Rockefeller, Ms. Collins, Mrs. Clinton, Ms. Snowe, Mr. Cleland, Ms. Cantwell, Mr. Wellstone, Mr. Feingold, Mr. Torricelli, and Mr. Kerry) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Con. Res. 52

Whereas while various public housing developments suffer from serious crime problems, many have made significant progress in reducing crime through initiatives funded by the Public Housing Drug Elimination Program (PHDEP);

Whereas PHDEP was first established in 1988 under former President George Bush and the former Secretary of the Department of Housing and Urban Development, Jack Kemp, and has enjoyed strong bipartisan support since its inception;

Whereas PHDEP funds a wide variety of anticrime initiatives, that include—

(1) the employment of security personnel and investigators;

(2) the reimbursement of local law enforcement agencies for additional security;

(3) drug education and prevention, intervention, and treatment programs;

(4) voluntary resident patrols; and

(5) physical improvements designed to enhance security, including fences and cameras;

Whereas PHDEP has successfully enabled housing authorities to work cooperatively with residents, local officials, police departments, community groups, Boys and Girls Clubs, drug counseling centers, and other community-based organizations to develop locally-supported anticrime initiatives;

Whereas the Internet web site of the Department of Housing and Urban Development has stated that the program's "success is rooted in the fact that the people respond better and become more involved in something they have helped to build";

Whereas in addition to providing direct funding for anticrime initiatives, PHDEP has helped housing authorities leverage funding from other sources that might otherwise be unavailable, such as funding from local banks, Rotary and Kiwanis Clubs, and private foundations;

Whereas a portion of funding allocated to the PHDEP is also used to reduce crime in privately-owned, publicly assisted housing, and assisted housing on Indian reservations, which also can suffer from serious crime problems;

Whereas the Internet web site of the Department of Housing and Urban Development has pointed out that "in several of the Nation's largest public housing authorities—largest in terms of unit size—the rate of crime has fallen since the mid-1990's, even though the crime rate in the respective surrounding communities increased. And we know that crime levels in many housing authorities are dropping, in both absolute and percentage terms. These are merely the successes that we can measure. There are many more that are simply immeasurable.";

Whereas Congress has recognized the success of the PHDEP by increasing program funding from $8,200,000 in fiscal year 1989 to $310,000,000 in fiscal year 2001;

Whereas evicting residents who engage in unlawful activity can help reduce crime, but much of the crime in public housing is perpetrated by nonresidents, and evictions must be supplemented by the more comprehensive anticrime approach supported by the PHDEP;

Whereas public housing authorities could use operating subsidies to fund some anticrime initiatives under applicable law, but those subsidies are based on a formula that does not account for PHDEP eligible activities and are inadequate to fund most of the anticrime initiatives supported by the program, and PHDEP has the added advantage of requiring public housing authorities to develop and implement anticrime plans with the support and participation of residents and local communities, which has proved critical in ensuring the effectiveness of such plans;

Whereas while, as with any program of its size, there have been reports of isolated problems, PHDEP generally has been well run and free of the widespread abuses that have plagued other housing programs in the past, in part because of the broad participation of residents and local communities, and because the program has required housing authorities to provide comprehensive plans before receiving funds, and complete reports on their progress;

Whereas during the process leading to his confirmation, the Secretary of the Department of Housing and Urban Development, Mel Martinez, stated in a written response to a question posed by Senator Jon S. Corzine that, "HUD's Public Housing Drug Elimination Program, PHDEP, supports a wide variety of efforts by public and Indian housing authorities to reduce or eliminate drug-related crime in public housing developments. Based on this core purpose, I certainly support the program.";

Whereas PHDEP is critical not only to millions of public and assisted housing residents, most of whom are hard working, law abiding citizens, but also to surrounding communities, residents of which also suffer if neighboring housing developments are plagued with high rates of crime; and

Whereas continued funding of PHDEP would demonstrate that the Nation is serious about maintaining its commitment to reducing the problem of crime in public housing: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) reducing crime in public housing should be a priority; and

(2) the successful Public Housing Drug Elimination Program should be fully funded.

SENATE CONCURRENT RESOLUTION 53—ENCOURAGING THE DEVELOPMENT OF STRATEGIES TO REDUCE HUNGER AND POVERTY, AND TO PROMOTE FREE MARKET ECONOMIES AND DEMOCRATIC INSTITUTIONS, IN SUB-SAHARAN AFRICA

Mr. HAGEL (for himself, Mr. Leahy, and Mr. Levin) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 53

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "Hunger to Harvest: Decade of Support for Sub-Saharan Africa Resolution".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Despite some progress in recent years, sub-Saharan Africa enters the new millennium with many of the world's poorest countries and is the one region of the world where hunger is both pervasive and increasing.

(2) Thirty-three of the world's 41 poorest debtor countries are in sub-Saharan Africa and an estimated 291,000,000 people, nearly one-half of sub-Saharan Africa's total population, currently live in extreme poverty on less than $1 a day.

(3) One in three people in sub-Saharan Africa is chronically undernourished, double the number of three decades ago. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition.

(4) Sub-Saharan Africa is the region in the world most affected by infectious disease, accounting for one-half of the deaths worldwide from HIV/AIDS, tuberculosis, malaria, cholera, and several other diseases.

(5) Sub-Saharan Africa is home to 70 percent of adults, and 80 percent of children, living with the HIV virus, and 75 percent of the people worldwide who have died of AIDS lived in Africa.

(6) The HIV/AIDS pandemic has erased many of the development gains of the past generation in sub-Saharan Africa and now threatens to undermine economic and social progress for the next generation, with life expectancy in parts of sub-Saharan Africa having already decreased by 10–20 years as a result of AIDS.

(7) Despite these immense challenges, the number of sub-Saharan African countries that are moving toward open economies and more accountable governments has increased, and these countries are beginning to achieve local solutions to their common problems.

(8) To make lasting improvements in the lives of their people, sub-Saharan Africa governments need support as they act to solve conflicts, make critical investments in human capacity and infrastructure, combat corruption, reform their economies, stimulate trade and equitable economic growth, and build democracy.

(9) Despite sub-Saharan Africa's enormous development challenges, United States companies hold approximately $12,800,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation. This economic relationship could be put at risk unless additional public and private resources are provided to combat poverty and promote equitable economic growth in sub-Saharan Africa.

(10) Bread for the World Institute calculates that the goal of reducing world hunger by one-half by 2015 is achievable through an increase of $4,000,000,000 in annual funding from all donors for poverty-focused development. If the United States were to shoulder one-fourth of this aid burden—approximately $1,000,000,000 a year—the cost to each United States citizen would be one penny per day.

(11) Failure to effectively address sub-Saharan Africa's development needs could result in greater conflict and increased poverty, heightening the prospect of humanitarian intervention and potentially threatening a wide range of United States interests in sub-Saharan Africa.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the years 2002 through 2012 should be declared "A Decade of Support for Sub-Saharan Africa";

(2) not later than 90 days after the date of adoption of this concurrent resolution, the President should submit a report to Congress setting forth a five-year strategy, and a ten-year strategy, to achieve a reversal of current levels of hunger and poverty in sub-Saharan Africa, including a commitment to contribute an appropriate United States share of increased bilateral and multilateral poverty-focused resources for sub-Saharan Africa, with an emphasis on—

(A) health, including efforts to prevent, treat, and control HIV/AIDS, tuberculosis, malaria, and other diseases that contribute to malnutrition and hunger, and to promote maternal health and child survival;

(B) education, with an emphasis on equal access to learning for girls and women;

(C) agriculture, including strengthening subsistence agriculture as well as the ability to compete in global agricultural markets, and investment in infrastructure and rural development;

(D) private sector and free market development, to bring sub-Saharan Africa into the global ecomony, enable people to purchase food, and make health and education investments sustainable;

(E) democratic institutions and the rule of law, including strengthening civil society and independent judiciaries;

(F) micro-finance development; and

(G) debt relief that provides incentives for sub-Saharan African countries to invest in poverty-focused development, and to expand democratic participation, free markets, trade, and investment;

(3) the President should work with the heads of other donor countries and sub-Saharan African countries, and with United States and sub-Saharan African private and voluntary organizations and other civic organizations, including faith-based organizations, to implement the strategies described in paragraph (2);

(4) Congress should undertake a multi-year commitment to provide the resources to implement those strategies; and

(5) 120 days after the date of adoption of this concurrent resolution, and every year thereafter, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate Federal departments and agencies, should submit to Congress a report on the implementation of those strategies, including the action taken under paragraph (3), describing—

(A) the results of the implementation of those strategies as of the date of the report, including the progress made and any setbacks suffered;

(B) impediments to, and opportunities for, future progress;

(C) proposed changes to those strategies, if any; and

(D) the role and extent of cooperation of the governments of sub-Saharan countries and other donors, both public and private, in combating poverty and promoting equitable economic development.

Mr. HAGEL. Mr. President, today I am submitting a resolution that expresses the sense of the Senate that the United States should commit itself to fighting hunger and poverty in sub-Saharan Africa, and should demonstrate this commitment through increased financial assistance until the continent's current hunger trends are reversed.

Hunger, poverty and disease are widespread in sub-Saharan Africa. Approximately 291 million individuals in the region, nearly half of the total population, live on less than $1 a day. Thirty-three of the world's 41 heavily indebted poor countries, HIPCs, are in sub-Saharan Africa. The United States and other developed countries can help. We must invest in poverty-focused development, directed towards investments that have proven to be effective in reducing hunger, in the areas of agriculture, health, education, micro-finance, and debt relief. We must support sub-Saharan African countries as they are becoming more democratic and are shaping locally based solutions to hunger and poverty with the participation of civil society and nongovernmental organizations.

The urgency and tragedy of the AIDS pandemic has drawn important attention to the continent of sub-Saharan Africa. As we address the HIV/AIDS pandemic, we must also address hunger. Hunger and health are closely linked: poor people cannot feed themselves adequately, and the resulting malnourishment weakens their bodies' defense against AIDS and other infectious diseases. Poor communities cannot build clinics for AIDS-related education, diagnosis, or treatment, and even if clinics exist, poor and hungry people cannot afford fees for care or medicine. To address HIV/AIDS in sub-Saharan Africa, we must also address the context that promotes this pandemic's spread.

Mr. LEAHY. Mr. President, I am pleased to join with my friend from Nebraska, Senator HAGEL, in submitting this resolution, entitled "Hunger to Harvest: A Decade of Support for sub-Saharan Africa." The Resolution speaks for itself, but I want to make a couple of brief points.

Sub-Saharan Africa today is a region suffering from immense problems, and none more catastrophic than AIDS. Over 25 million people are infected with the AIDS virus, and almost 4 million more people are infected each year. The disease is destroying whole societies in a region that was already the poorest in the world.

Another million people, mostly in sub-Saharan Africa and mostly children, die from malaria each year. Many of these deaths could be prevented with mosquito bed nets that cost a few dollars a piece.

An estimated 2 million people have died from hunger and disease in the Democratic Republic of the Congo during the civil war there, and hardly anyone noticed. There is similar suffering in southern Sudan.

Hunger and poverty are endemic in sub-Saharan Africa, as are violence and corruption. It is beyond tragic that a region with such great potential has been so devastated by corrupt leaders who have robbed their countries' wealth, and fought wars for no other reason than to amass riches and power, wars that have spanned decades and wreaked havoc on their own people.

Yet despite this terrible legacy there are signs of hope. Some countries have emerged from chaos and are beginning to recover. Nigeria is an example. Namibia is another. Still others, like the Democratic Republic of the Congo, are showing tentative but encouraging signs. It is also noteworthy that American companies are increasingly investing in sub-Saharan Africa, investments which today total some $12.8 billion.

These are positive changes that deserve our support, but United States assistance to sub-Saharan Africa is a mere $2 per person per year. We cannot solve Africa's problems, but Bread for the World Institute calculates that great progress could be made in reducing hunger and poverty in Africa with relatively modest increases in international assistance.

This Resolution seeks to focus attention on the urgent needs in sub-Saharan Africa. But it goes further, by requesting the Administration to develop five and ten year strategies for helping to address those needs, in health, education and agriculture, and for promoting free market economies, trade and investment, democracy and the rule of law. With clear strategies, specific goals, the resources to implement them, and benchmarks for measuring results, we can make a difference. We also request the Administration to report on progress in implementing these strategies.

It is my hope that this resolution will lead to a new U.S. approach toward sub-Saharan Africa. As the world's richest, most powerful Nation I believe we can and should do far more to assist the world's poor. But the leaders of the sub-Saharan countries also have a responsibility to support policies that benefit and provide incentives to their people. Those who do, deserve our support.

Finally, I want to thank Bread for the World for its help on the Resolution, and for its life-saving work in sub-Saharan Africa and around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 807. Mr. HUTCHINSON (for himself, Mr. Bond, Ms. Collins, Mr. Allen, Mr. Nickles, Mr. Burns, and Mr. Smith, of New Hampshire) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

SA 808. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1052, supra; which was ordered to lie on the table.

SA 809. Mr. McCAIN proposed an amendment to the bill S. 1052, supra.

TEXT OF AMENDMENTS

SA 807. Mr. HUTCHINSON (for himself, Mr. Bond, Ms. Collins, Mr. Allen, Mr. Nickles, Mr. Burns, and Mr. Smith of New Hampshire) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the end, add the following:

SEC. . DEDUCTION FOR 100 PERCENT OF HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) In General.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) Allowance of deduction.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to 100 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer and the taxpayer's spouse and dependents.".

(b) Clarification of Limitations on Other Coverage.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 808. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

On page 97, between lines 13 and 14, add the following:

SEC. . PROMOTING GOOD MEDICAL PRACTICE.

(a) Prohibiting Arbitrary Limitations or Conditions for the Provision of Services.—

(1) In general.—A group health plan, or a health insurance issuer that is providing health insurance coverage, may not arbitrarily interfere with or alter the decision of the treating physician regarding the manner or setting in which particular services are delivered if the services are medically necessary or appropriate for treatment or diagnosis to the extent that such treatment or diagnosis is otherwise a covered benefit.

(2) Construction.—Paragraph (1) shall not be construed as prohibiting a plan or issuer from limiting the delivery of services to one or more health care providers within a network of such providers.

(3) Manner or setting defined.—In paragraph (1), the term "manner or setting" means the location of treatment, such as whether treatment is provided on an inpatient or outpatient basis, and the duration of treatment, such as the number of days in a hospital. Such term does not include the coverage of a particular service or treatment.

(b) No Change in Coverage.—Subsection (a) shall not be construed as requiring coverage of particular services the coverage of which is otherwise not covered under the terms of the plan or coverage or from conducting utilization review activities consistent with this subsection.

(c) Medical Necessity or Appropriateness Defined.—In subsection (a), the term "medically necessary or appropriate" means, with respect to a service or benefit, a service or benefit which is consistent with generally accepted principles of professional medical practice.

(d) Application of Section.—This section shall supersede any other provision of this title that conflicts with a provision of this section.

(e) Review.—Failure to meet the requirements of this section shall constitute an appealable decision under subtitle A and a cause of action relating to such shall be deemed to arise by reason of a medically reviewable decision for purposes of section 514(d) of the Employee Retirement Income Security Act of 1974 (as added by section 302(b)).

SA 809. Mr. McCAIN proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE WITH RESPECT TO PARTICIPATION IN CLINICAL TRIALS AND ACCESS TO SPECIALTY CARE.

(a) Findings.—The Senate finds the following:

(1) Breast cancer is the most common form of cancer among women, excluding skin cancers.

(2) During 2001, 182,800 new cases of female invasive breast cancer will be diagnosed, and 40,800 women will die from the disease.

(3) In addition, 1,400 male breast cancer cases are projected to be diagnosed, and 400 men will die from the disease.

(4) Breast cancer is the second leading cause of cancer death among all women and the leading cause of cancer death among women between ages 40 and 55.

(5) This year 8,600 children are expected to be diagnosed with cancer.

(6) 1,500 children are expected to die from cancer this year.

(7) There are approximately 333,000 people diagnosed with multiple sclerosis in the United States and 200 more cases are diagnosed each week.

(8) Parkinson's disease is a progressive disorder of the central nervous system affecting 1,000,000 in the United States.

(9) An estimated 198,100 men will be diagnosed with prostate cancer this year.

(10) 31,500 men will die from prostate cancer this year. It is the second leading cause of cancer in men.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) men and women battling life-threatening, deadly diseases, including advanced breast or ovarian cancer, should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician;

(2) an individual should have the opportunity to participate in a Federally approved or funded clinical trial recommended by their physician if—

(A) that individual—

(i) has a life-threatening or serious illness for which no standard treatment is effective;

(ii) is eligible to participate in a Federally approved or funded clinical trial according to the trial protocol with respect to treatment of the illness;

(B) that individual's participation in the trial offers meaningful potential for significant clinical benefit for the individual; and

(C) either—

(i) the referring physician is a participating health care professional and has concluded that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A); or

(ii) the participant, beneficiary, or enrollee provides medical and scientific information establishing that the individual's participation in the trial would be appropriate, based upon the individual meeting the conditions described in subparagraph (A);

(3) a child with a life-threatening illness, including cancer, should be allowed to participate in a Federally approved or funded clinical trial if that participation meets the requirement of paragraph 2;

(4) a child with a rare cancer should be allowed to go to a cancer center capable of providing high quality care for that disease; and

(5) a health maintenance organization's decision that an in-network physician without the necessary expertise can provide care for a seriously ill patient, including a woman battling cancer, should be appealable to an independent, impartial body, and that this same right should be available to all Americans in need of access to high quality specialty care.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on June 28, 2001, in SD-106 at 9 a.m. The purpose of this hearing will be to discuss the next Federal farm bill.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on proposed amendments to the Price-Anderson Act (Subtitle A of Title IV of S. 388; Subtitle A of Title I of S. 472; Title IX of S. 597) and nuclear energy production and efficiency incentives (Subtitle C of Title IV of S. 388; and Section 124 of S. 472).

The hearing will take place on Tuesday, June 26, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

For further information, please call Sam Fowler at 202/224–7571.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled a hearing on science and technology studies on climate change.

The hearing will take place on Tuesday, June 28, at 9:30 a.m. in Room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510.

For further information, please call Shirley Neff at 202/224–6689 or Jonathan Black at 202/224–6722.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, June 27, at 10:30 a.m., in SR–301, Russell Senate Office Building, to receive testimony from the U.S. Commission on Civil Rights regarding its latest report on the November 2000 election and from other witnesses on election reform in general.

For further information regarding this hearing, please contact Kennie Gill at the Rules Committee on 224–6352.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, June 28, at 10 a.m., in SR–301, Russell Senate Office Building, to receive testimony from Members of the House of Representatives on election reform.

For further information regarding this hearing, please contact Kennie Gill at the Rules Committee on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 21, 2001, at 9 a.m., in open session to receive testimony on the defense strategy review.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 21, 2001, to conduct a hearing on the nomination of Ms. Angela M. Antonelli, of Virginia, to be Chief Financial Officer of the Department of Housing and Urban Development; Ms. Jennifer Dorn, of Nebraska, to be Federal Transit Administrator; and Mr. Ronald A. Rosenfeld, of Maryland, to be President of the Government National Mortgage Association.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Commerce, Science,and Transportation be authorized to meet on Thursday, June 21, 2001, at 10:00 a.m. on International Trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. EDWARDS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized meet during the session of the Senate on Thursday, June 21 at 9:00 a.m. to conduct an oversight hearing. The committee will receive testimony to consider national energy policy with respect to fuel specifications and infrastructure constraints and their impacts on energy supply and price, (Part II).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Finance be authorized to meet during the Session of the Senate on Thursday, June 21, 2001, to hear testimony regarding the nominations of William Henry Lash, III, to be Assistant Secretary, Department of Commerce; Allen Frederick Johnson, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, Executive Office of the President; Brian Carlton Roseboro, to be Assistant, Department of the Treasury; Kevin Keane, to be Assistant Secretary, Department of Health and Human Services; Wade F. Horn, to be Assistant Secretary, Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. EDWARDS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, June 2,1 2001, to hear testimony regarding Trade Promotion Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Governmental Affairs be authorized to meet on Thursday, June 21, 2001 at 2:30 p.m. for a hearing to consider the nominations of Kay C. James to be Director of the Office of Personnel Management and Othoniel Armendariz to be a Member of the Federal Labor Relations Authority.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Indian Affairs be authorized to meet on June 21, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a hearing to receive testimony on the goals and priorities of the member tribes of the Midwest Alliance of Sovereign Tribes for the 107th session of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the committee on Small Business be authorized to meet during the session of the Senate for a hearing entitled "S. 856, Small Business Technology Transfer Program Reauthorization Act of 2001" on Thursday, June 21, 2001, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. EDWARDS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Thursday, June 21, 2001 at 9:30 a.m. to hold a nomination hearing as follows:

Nominees:

Mr. William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Mr. Howard H. Leach, of California, to be Ambassador to France.

The Honorable Alexander Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador to the Russian Federation.

Additional nominee:

Mr. Anthony Horace Gioia, of New York, to be Ambassador to the Republic of Malta.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. EDWARDS. Mr. President, I ask unanimous consent that Dan Munoz, Mahdu Chugh, Elizabeth Field, Beth Cameron, and David Bowen, fellows in Senator KENNEDY's office, be granted the privilege of the floor for the duration of the debate on the Bipartisan Patient Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Dorothy Walsh of Senator BILL NELSON's staff be granted the privilege of the floor during consideration of the bill now before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Christie Onoda, a Health fellow, and Geoff Moore, an intern in Senator DODD's office, be granted floor privileges for the duration of the debate of the Bipartisan Patients' Protection Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the privilege of the floor be given to Kelly O'Brien Yehl, a detailee on my staff, for the pendency of the debate on S. 1052, the Bipartisan Patient Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JUNE 22, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, June 22. I further ask unanimous consent that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1052, the Patients' Bill of Rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the Senate will convene at 9:30 a.m. tomorrow. There will be 1 hour of closing debate on the McCain clinical trials amendment prior to 10:30, when there will be a vote on or in relation to that amendment. As we have said before, we are going to conclude this important legislation prior to the Fourth of July recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. LIEBERMAN). Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:47 p.m., adjourned until tomorrow, June 22, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 21, 2001:

DEPARTMENT OF AGRICULTURE

HILDA GAY LEGG, OF KENTUCKY, TO BE ADMINISTRATOR, RURAL UTILITIES SERVICE, DEPARTMENT OF AGRICULTURE, VICE CHRISTOPHER A. MCLEAN, RESIGNED.

MARK EDWARD REY, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT, VICE JAMES R. LYONS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MICHAEL MINORU FAWN LIU, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE HAROLD LUCAS, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JON M. HUNTSMAN, JR., OF UTAH, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE SUSAN G. ESSERMAN, RESIGNED.

DEPARTMENT OF EDUCATION

ROBERT PASTERNACK, OF NEW MEXICO, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE JUDITH HEUMANN, RESIGNED.

JOANNE M. WILSON, OF LOUISIANA, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION, VICE FREDERIC K. SCHROEDER, RESIGNED.

THE JUDICIARY

HARRIS L. HARTZ, OF NEW MEXICO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE BOBBY RAY BALDOCK, RETIRED.

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE SARAH L. WILSON.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DE) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 3064:

To be major

HADASSAH E AARONSON, 4667 MC
JACOB W AARONSON, 4660 MC
DONALD W ALGEO, 0557 MC
JOHN A ALLEN, 3199 MC
MARY S ALVARADO, 2170 MC
NANNETTE ALVARADO, 8044 MC
FELIX ANDARSIO, 6789 MC
WILLIAM P ARCHER JR., 3154 MC
CLETUS A ARCIERO, 7732 MC
RACHEL L BAILEY, 7277 MC
TIKI BAKHSHI, 8382 MC
JEANNIE A BAQUERO, 4788 MC
DANIEL R BARNES, 4541 MC
MARY J BARNES, 6536 MC
SUE E BAUM, 9264 MC
ALEC C BEEKLEY, 3021 MC
HENRY H BELL JR., 3629 MC
MICHAEL J BENSON, 6323 MC
GREGORY M BERNSTEIN, 4196 MC
JAMES D BISE, 8304 MC
PAUL A BLACKWOOD, 1250 MC
JOHN A BOJESCUL, 1812 MC
QUILES M BONET I, 0014 MC
THOMAS P BOYER, 0505 MC
JAMES B BRANCH, 2917 MC
MIGUEL A BRIZUELA, 5401 MC
SCOTT R BROADWELL, 6233 MC
MARK C BROWN, 3375 MC
MICHAEL L BRYANT, 2619 MC
PETER J BUCKLEY, 4915 MC
CHARLES R BURK, 8349 MC
JENNIFER A BURMAN, 2740 MC
CLAUDE A BURNETTE, 9320 MC
GRANT M BUSSEY, 7045 MC
RAJ C BUTANI, 1134 MC
BENJAMIN B CABLE, 3112 MC
JEFFREY S CAIN, 6772 MC
TERRY E CALLISON, 9774 DE
DAVID P CAPELLI, 9835 MC
MICHELLE A CARR, 7393 MC
WARNER W CARR, 9434 MC
KIMMIE L CASS, 0258 MC
PAMELA W CASSON, 9565 MC
RONALD P CERUTI, 6162 MC
ANNE L CHAMPEAUX, 7913 MC
AUSTIN H CHHOEU, 0591 MC
DEEPTI S CHITNIS, 5042 DE
CHRISTINE M CHOI, 3821 MC
YONG U CHOI, 2880 MC
BRYAN L CHRISTENSEN, 2213 MC
CHARLES L CLARK, 9721 DE
MICHAEL E CLICK, 8992 MC
JOHN J COAKLEY, 2375 MC
MICHAEL I COHEN, 2676 MC
CHARLES A COLE, 1668 MC
MARTHA E COLGAN, 7441 MC
KYLE O COLLE, 1103 MC
JOHN D COMPLETO, 3535 MC
BRANDON A CONKLING, 8817 MC
JIMMY L COOPER, 4161 MC
MARK J COSSENTINO, 7484 MC
CORY N COSTELLO, 3344 MC
DANIEL J COSTIGAN, 9680 MC
MICHEL A COURTINES, 5836 MC
EUGENE D COX, 1276 MC
JEFFREY C CRAIG, 8374 MC
JEFFREY G CROWELL, 1012 MC
WILLIAM P CRUM, 4696 MC
KEVIN J CUCCINELLI, 3027 MC
KWAN D DANCE, 0146 MC
VANESSA D DANCE, 1572 MC
ALAN W DAVIS, 2189 MC
KELLY L DAWSON, 1695 MC
MICHAEL DEGAETANO V, 6126 MC
WILLIAM S DEITCHE, 1050 MC
NANCY C DEVINE, 9065 MC
VICTOR A DEWYEA, 7264 MC
ART M DIAZ, 4618 MC
RENEE L DODGE, 4797 MC
CHRISTOPHER B DOEHRING, 5005 MC
KEVIN M DOUGLAS, 8429 MC
TIMOTHY J DOWNEY, 5611 MC
GARY J DROUILLARD, 8130 MC
TIM D DUFFY, 3040 MC
PETER M DUNAWAY, 7010 MC
DANIEL D DUNHAM, 1738 DE
SHERRI L DUNKELBERGER, 2495 MC
THOMAS E DYKES, 3495 MC
JOHN T EANES II, 7397 MC
RANDY L ECCLES, 4812 MC
THOMAS G ECCLES III, 3705 MC
JOHN A EDWARDS, 3543 MC
KURT D EDWARDS, 8291 MC
ALEX EKE, 2238 DE
ERIC E ELGIN, 9438 MC
CHRISTOPHER J EMERY, 5571 MC
EDWARD I ENGLE, 2703 MC
THOMAS P ENYART, 5982 MC
MARK W FAGAN, 8355 DE
VIRGINIA M FARROW, 6847 DE
KEVIN M FEBER, 3036 MC
MINELA FERNANDEZ, 3731 MC
CHRISTOPHER A FINCKE, 7088 MC
KURT B FLECKENSTEIN, 7070 DE
JOSEPH M FLYNN, 5443 MC
ANDREW C FORGAY, 6714 MC
DANIEL W FRANKS, 2875 MC
JASON A FRIEDMAN, 8865 MC
GEOFFREY M GABRIEL, 7504 MC
MANUEL J GALVEZ, 7545 MC
GEORGE D GARCIA, 3312 MC
DANIEL G GATES, 6668 MC
RENATO A GERALDE, 4568 MC
THOMAS L GILLESPIE, 7742 MC
CHRISTINA M GIRARD, 6873 MC
STEPHEN P GIRDLESTONE, 5997 DE
GEORGE R GOODWIN JR., 3247 MC
GEOFFREY G GRAMMER, 6805 MC
MARIA L GRAPILON, 5086 MC

SHARETTE K GRAY, 7860 MC
JEFFERY P GREENE, 1714 MC
TIMOTHY J GREGORY, 5139 MC
BRIAN C GRIFFITH, 7613 MC
TIMOTHY F HALEY, 4385 MC
DANIEL J HALL, 0595 MC
ABDOOL R HAMID, 1386 MC
NAOMI R HARMAN, 9543 MC
NANCY A HARPOLD, 8605 MC
JAMES D HARROVER III, 8780 MC
BONNIE H HARTSTEIN, 5224 MC
MATTHEW J HEPBURN, 2551 MC
DAVID S HEPPNER, 0584 MC
JEFFREY M HERMANN, 2246 MC
SHANNON A HEROUX, 7016 MC
MICHAEL A HELWIG, 2546 MC
CHRISTOPHER C HIGHLEY, 7845 MC
MICHAEL W HILLIARD, 2265 MC
JEFFREY D HIRSCH, 6186 MC
MICHAEL C HIRSIG, 1787 MC
PIO P HOCATE, 8803 MC
DARRYL S HODSON, 9024 MC
JEFFREY D HOEFLE, 2917 MC
DEAN H HOMMER, 2186 MC
GARRETT N HOOVER, 0600 MC
DANIEL P HSU, 0077 MC
MATTHEW E HUGHES, 9652 MC
HAROLD E HUNT, 4155 MC
MARC E HUNT, 6684 MC
MEHTAB HUSAIN, 7442 DE
ROBERT E JESCHKE, 9456 MC
DONG L JI, 7479 MC
KARIN A JOHNSON, 9445 MC
BONITA L JONES, 1864 MC
DAVID P JONES, 2586 MC
THOMAS K JOSEPH, 3426 MC
BASIM M KAHLEIFEH, 9523 MC
CHRISTOPHER S KANG, 7925 MC
KEITH J KAPLAN, 4695 MC
NINA J KARLIN, 7100 MC
DAVID E KATZ, 5875 MC
JEFFREY A KAZAGLIS, 8951 MC
DAVID M KEADLE, 5378 MC
RAY D KELLEY, 7985 MC
WILLIAM F KELLY, 0563 MC
DAVID J KERSBERGEN, 7436 MC
TODD S KESSLER, 2654 MC
AYESHA S KHAN, 8278 DE
JAMES Y KIM, 6125 MC
TODD S KIMURA, 2687 DE
BOOKER T KING, 2991 MC
KEVIN KIRK, 1121 MC
ALLAN K KIRKLAND, 9226 MC
JON F KNICKREHM, 0985 MC
BERNARD J KOPCHINSKI, 9213 MC
JOSEPH F KOSINSKI, 3891 MC
TONYA M KRATOVIL, 7801 MC
STEVEN W KRAUSE, 4601 MC
GREGORY T KRIEBEL, 1754 MC
TIMOTHY A KUHLMAN, 4848 DE
KEVIN J KULWICKI, 4405 MC
DOUGLAS D LANCASTER, 5345 DE
ANDREW L LANDERS, 7133 MC
KIMBERELYN J LANGLEY, 9254 MC
CHERYL L LEDFORD, 5657 MC
WILLIAM LEFKOWITZ, 5519 MC
ERIC J LESCAULT, 9049 MC
ROBERT B LIM, 7112 MC
CHRISTOPHER T LITTELL, 9928 MC
CRAIG A LOERZEL, 7660 MC
WILLIAM H LOGAN III, 0070 DE
JAMIE P LOGGINS, 0583 MC
VINH D LUU, 1837 MC
EMMANUEL C MADUAKOR, 7730 MC
CHRISTOPHER B MAHNKE, 1871 MC
RICHARD G MALISH, 3704 MC
WILLIAM T MANGANARO, 0131 DE
UMESH S MARATHE, 0973 MC
KENNETH L MARQUARDT, 3633 DE
CHRISTOPHER R MARTIN, 3946 MC
CHRISTOPHER J MATHEWS, 1603 MC
CARLA MAXWELL, 7926 DE
BRYCE C MAYS, 0368 MC
JOHN P MAZA, 9658 MC
JAMES S MCCLELLAN JR., 6052 MC
GERALD MCFADDEN JR., 7827 DE
MICHAEL H MCGHEE, 1978 MC
ROBERT E MCKITTRICK, 7040 MC
SHEILLA D MCNEAL, 9638 MC
RENE F MELENDEZ, 1993 MC
MARSHALL C MENDENHALL, 4706 MC
DAVID E MENDOZA, 6853 MC
RANDALL M MEREDITH, 8321 MC
JERRY A MICHEL, 7185 MC
CURT A MISKO, 7152 MC
TIMOTHY W MOON, 7307 MC
VINCENT P MOORE, 8985 MC
BROOKS G MORELOCK, 0988 MC
ZAMORA T MORRIS, 6891 DE
DAN S MOSELY III, 8759 MC
ERIC R MUELLER, 7980 MC
BRIAN P MULHALL, 3134 MC
CLINTON K MURRAY, 3640 MC
ANGELA G MYSLIWIEC, 5999 MC
VINCENT MYSLIWIEC, 6454 MC
JOHN J NAPIERKOWSKI, 6225 MC
BRIAN L NESS, 9187 MC
TERRY D NEVILLE, 4641 MC
NATALIE Y NEWMAN, 1673 MC
ROBERT J NEWSOM, 1466 MC
CHRISTOPHER J NILES, 2400 MC
ROBERT E NOLAND, 4297 MC
JOHN J OCONNELL III, 6756 MC
KATHRYN R ODONNELL, 7221 MC
FELIX O ODUWA, 6402 MC
RICHARD W OH, 1459 MC
JUAN E PALACIO, 4815 MC
MARK P PALLIS, 8815 MC
NICHOLE A PARDO, 9230 MC
JASON D PARKER, 0303 MC
STEVE E PARKER, 1744 MC
GARRETT H PEARD, 3138 MC
MICHAEL A PELZNER, 9917 MC
JODI L PETERSON, 7412 MC
SHEAN E PHELPS, 8322 MC
BEN K PHILLIPS, 6043 MC
JUAN S PICO, 4167 MC
ROBERT C PIOTROWSKI, 1799 MC
AARON C PITNEY, 4177 MC
DASH M PORTER, 7196 MC
MARK B POTTER, 2810 MC
THOMAS L POULTON, 5290 MC
MICHELE A PURVIS, 8535 MC
REAGAN W QUAN, 8864 MC
KRISTOFER A RADCLIFFE, 6214 MC
JOHN P REINSCHMIDT, 9780 MC
JENNIFER B REYNARD, 0143 MC
LEONARD O RICE, 2080 MC
STEPHEN K RITTENHOUSE, 9488 MC
TZVI ROBBINS, 8606 MC
ACEVEDO F ROBLES, 5438 MC
SARAH A RODRIGUEZ, 6747 MC
JONATHAN D ROEBUCK, 4695 MC
RICHARD ROLLER, 2144 MC
CHRISTOPHER J SALGADO, 9187 MC
PAUL C SAMUNDSEN, 2420 MC
VERONICA SANTEE, 7898 MC
SAMUAL W SAUER, 0711 MC
ALAN D SBAR, 7303 MC
DAVID C SCHLENKER, 4210 DE
STEPHEN J SCHUERMANN, 3401 MC
HARRIETT E SEARCY, 1857 MC
MICHAEL J SEBESTA, 3353 MC
HYET L SETTLEMOIR, 3708 MC
AMOL J SHAH, 3905 MC
KEVIN J SHAW, 9730 MC
DAWN R SHEPPARD, 3187 MC
CATHERINE A SHERIDAN, 7258 MC
ERIC A SHRY, 3720 MC
DANIEL K SHUMAN, 2440 MC
DAVID P SIMON, 3135 MC
NITEN N SINGH, 7451 MC
CHAD M SISK, 0552 MC
JAMES F SLAUGHENHAUPT I, 6580 MC
ERIC L SMITH, 3260 MC
MARSHALL H SMITH, 4838 MC
HARLAN L SOUTH, 9939 MC
CHRISTOPHER R SPENCE, 7984 MC
DENNIS R SPENCER, 3572 MC
TRISTANNE SPOTTSWOOD, 5285 DE
JULIAN T ST, 1016 MC
TRENT D STERENCHOCK, 0908 MC
TRACY K STEVENS, 3850 MC
DEREK J STOCKER, 8914 MC
KENNETH E STONE, 7223 MC
RICK L STRICKROOT, 5951 MC
PHILIP S SUH, 6613 MC
RYUNG SUH, 1681 MC
KEITH D SUMEY, 2970 MC
MARK A SUMMERS, 5899 MC
GLENN P SWANEY, 1960 MC
CHRISTOPHER W SWIECKI, 3413 MC
JOEL T TANAKA, 7971 MC
JONATHAN B TAYLOR, 8352 MC
DARRYL B THOMAS, 8908 MC
STEPHEN J THOMAS, 3976 MC
MARCEL D THOMPSON, 0173 MC
GERARD R TIFFAULT, 4393 MC
ROCK G TIFFAULT, 2817 MC
MARK TRAWINSKI, 3185 MC
DANIEL L TREBUS, 8927 DE
JULIE A TULLBERG, 5444 MC
STEVEN R TURNER, 9751 DE
JOHN M TYLER, 3271 MC
JOHN R TYLER, 7691 MC
WALTER Y UYESUGI, 9940 MC
NELSON G UZQUIANO JR., 2822 MC
DAVID T VANSON, 5643 MC
VERONICA L VENTURA, 7364 MC
BRIAN K VICKARYOUS, 6443 MC
NICHOLAS J VIETRI, 8656 MC
SALVADOR E VILLANUEVA, 6149 MC
MATTHEW J VREELAND, 1771 MC
CHARLES D WADSWORTH, 4495 MC
ROXANNE E WALLACE, 8250 MC
MATTHEW G WEEKS, 3961 MC
STEVEN Y WEI, 2654 MC
ERIC D WEICHEL, 4877 MC
MICHELLE D WELCH, 8442 MC
LORYKAY W WHEELER, 6039 MC
KEVIN R WHITNEY, 2927 MC
MARK A WIECZOREK, 5954 DE
ROBERT J WILLARD, 4154 MC
DENNIS T WILLIAMS, 9741 MC
KAREN A WILLIAMS, 4567 MC
MYREON WILLIAMS, 4922 MC
CARLOS R WISE, 7429 MC
DAVID W WOLKEN, 7953 MC
JASON T WURTH, 8816 MC
JOHN R YELTON, 6135 MC
GIA K YI, 5162 DE
DAVID A YOUNG, 1014 MC
SANG W YUM, 6497 DE

HOUSE OF REPRESENTATIVES—*Thursday, June 21, 2001*

The House met at 10 a.m.

The Reverend Paul A. Stoot, Sr., Pastor, Greater Trinity Missionary Baptist Church, Everett, Washington, offered the following prayer:

O Lord our God, if ever we needed Thy wisdom and Thy guidance, it is now as this honorable body of great men and women begin a new day, a day that will hold many opportunities and many possibilities.

We pray that You will bless these men and these women who have been chosen by the great people of this great Nation, for You know them and You know their needs, You know their motives and their hopes and their fears. Lord Jesus, put Your arms around them and give them strength and speak to them to give them wisdom greater than their own. May they hear Your voice as You speak to them and as they seek to hear from You and Your guidance.

May they remember that You are concerned about what is said and what is done here and may they ever have a clear conscience before Thee, that they need fear no man. Bless us each according to our deepest needs as we are here today to use us to Your honor and to Your glory, we humbly ask. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO REVEREND PAUL A. STOOT, SR.

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, it is with great pride today that I would like to welcome Pastor Paul Allen Stoop to the House floor and to thank him for that moving prayer.

Providing dynamic leadership, Pastor Stoot founded the Greater Trinity Missionary Baptist Church in Everett, Washington. In this capacity, Pastor Stoot gives much of himself to Everett and to his community each and every day.

Pastor Stoot is not only concerned with those who are presently within the church, but also the well-being of everyone in our community. He does more than preach his faith, he lives it through precept and example. He is always reaching out to those in need, providing spiritual advice and support. When he is not directly serving members of his own church or running Operation Latchkey to help children be averted from dangerous behaviors, he volunteers his time as chaplain for the Everett Police Department for emergency services.

His service to people does not end there. He serves the members of our community with dedication and even remembers the many crew members at the Everett Naval Home Port, who call Everett home for only a short period of time. The men and women stationed there know Pastor Stoot as one of the first faces crew members can count on to welcome them to their new home.

Everett, Washington is indebted to Pastor Stoot for his services and I am honored to have him here today.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LaHOOD). The Chair announces that we will have 1 minutes at the end of the day.

PROVIDING FOR CONSIDERATION OF H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 174

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "*Provided further*," on page 89, line 13, through "participant:" on line 18. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 174 is an open rule providing for the consideration of H.R. 2217, the Department of Interior and Related Agencies Appropriations Act. The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Appropriations. The rule waives all points of order against the bill and waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, except as specified in the rule.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The rule provides that the bill shall be considered for amendment by paragraph; it waives points of order during consideration of the bill against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting nonemergency designated amendments to be offered on an appropriations bill containing an emergency designation.

Finally, the rule authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2217 provides regular annual appropriations for the Department of the Interior, except for the Bureau of Reclamation, and for other related agencies, including the Forest Service, the Department of Energy, the Indian Health Service, the Smithsonian Institution, and the National Foundation for the Arts and the Humanities.

President Bush requested $18.1 billion for the fiscal year, $700 million less than last year's enacted level. The Subcommittee on Interior has allocated $18.9 billion.

I am particularly pleased that the bill includes $200 million for the payment in lieu of taxes, the same level as last year, and $50 million above the President's request. I am also pleased that the committee has increased the level of funding for maintenance and operation of existing Federal facilities, an effort that should receive at least as high a priority as the acquisition of land; at least that is from this Member's perspective.

Mr. Speaker, H.R. 2217 was reported by a voice vote on June 13, 2001, and the Committee on Rules is pleased to report an open rule requested by the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations. I urge my colleagues to support both the rule and the underlying bill, H.R. 2217.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, this is an open rule that I will not oppose. The underlying bill has the support of many from both sides of the aisle and, moreover, the minority was consulted throughout the process of developing this legislation, something all too rare in much of the legislation moving through this body.

I strongly commend the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, and the gentleman from Washington (Mr. DICKS), the ranking member, for their success in funding of the new Conservation Trust Fund created last year. By including the $1.3 billion authorized for conservation, Congress has kept a promise to expand funding for land acquisition, wildlife protection, and other preservation and conservation programs. My constituents in upstate New York will also be pleased by the committee's inclusion of a $120 million increase for weatherization and State energy programs to insulate homes, schools, and hospitals, money that is sorely needed.

But yesterday, the Committee on Rules, in what is becoming an annual act of hubris, failed to allow for restoration of some of the unwise cuts made 6 years ago in funding for the agencies responsible for the country's small but critically important arts and humanities education and preservation efforts.

The bill funds the National Endowment for the Arts at $105 million, a level still 40 percent below the 1995 funding level. The National Endowment for the Humanities, NEH, is funded at $120 million, 30 percent below the level of 1995, and these levels fundamentally ignore the successful efforts by both NEA and NEH to broaden the reach of their programs and eliminate controversial programs, the two "reforms" that were requested by the majority when they reduced funding in 1995. It is time to recognize the success of these reforms and give these agencies the resources they need to meet this critical need.

This is penny-wise and pound-foolish. The National Endowment for the Arts is essential as part of the important link between education and the arts. The economic benefits we receive are enormous compared to our small investment in the NEA.

□ 1015

Moreover, the public supports continued funding for the NEA because NEA grants affect every congressional district. The NEA's budget represents less than one-hundredth of one percent of the Federal budget, and returns $3.4 billion annually to the Federal treasury.

The arts support at least 1.3 million jobs, and the nonprofit arts industry alone generates $36.8 billion annually in economic activity, a large return for our small investment, not what we usually get. In addition, the arts produce $790 million in local government revenue, and $1.2 billion in State revenue.

Members may recall our efforts last year on the floor to increase funding for the arts and humanities. Members voted to increase the funding for the arts, but a few minutes later the vote was essentially overturned when the savings were diverted to another account which came up earlier in the reading of the bill.

Yesterday, the Committee on Rules could easily have prevented similar gamesmanship by allowing me to move forward with these amendments under an en bloc procedure. This would have provided Members with an up-or-down vote on arts funding. Instead, I will be compelled to offer offsets and amendments that run the risk of procedural attacks by opponents of the arts and humanities.

The minority members of the Committee on Rules, as well as my colleagues and the majority of the American people who support funding for the arts and humanities, deserve far better.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I would like to enter into a colloquy with the distinguished chairman of the subcommittee.

First, let me thank the chairman for his attention and detail to salmon recovery efforts and hatchery reform efforts included in the fiscal year 2002 appropriations bill.

While these items are terribly important for the entire Pacific Northwest, there are a couple of additional items important to central Washington in my district, and I hope to see them addressed in the conference. One issue involves noxious weed funding in the Forest Service budget, and the other is related to ground water research in the USGS agency in regards to the Methow Valley.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I appreciate the gentleman's kind words, and recognize his support for the projects in the legislation.

I assure the gentleman that the subcommittee will work to address his concerns regarding these projects in conference.

Mr. HASTINGS. Again, Mr. Chairman, I want to thank the chairman for his efforts on this in his very first Interior appropriations bill. I will certainly provide any assistance I can give and additional information necessary to help him in conference on these two projects.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in strong support of this bill and rule.

I want to say to my colleague, the gentleman from Washington, I will help him in the conference on the measures that he just mentioned.

I also want to say that I want to applaud the chairman of this committee and the majority and the minority for working to keep the commitment last year in our substitute for CARA. This bill carries with it $1,320 million in conservation spending. I think it is a dramatic step in the right direction.

If Members will remember, last year over 300 House Members voted for CARA, which would have been a 15-year $3 billion program. I offered an amendment with the gentleman from Wisconsin (Mr. OBEY) that was accepted by the majority that would keep this within the purview of the Committee on Appropriations, and to create a trust fund to make sure that these important programs were funded. The majority is working with the minority. We have funded it in the Interior bill, and we hope it will be also funded in the State, Justice, and Commerce bill.

I agree with the gentlewoman from New York (Ms. SLAUGHTER) that we would have hoped that the Committee on Rules might have helped us on a couple of these amendments, but I want to say to my colleagues, we are going to offer an amendment to increase funding for the cultural institutions, $10 million for the National Endowment for the Arts, $3 million for the National Endowment for the Humanities, and $2 million for museum services.

We are taking the money out of administrative expenses. I am confident that if the amendment is approved, we will be able to protect that in conference. So I am enthusiastically supporting this bill. I think we should move ahead and pass the rule on a voice vote and get to the bill.

Mr. Speaker, I rise today in support of the rule providing for consideration of the Fiscal Year 2002 Appropriations bill for the Department of Interior and Related Agencies, despite a denied request to make two amendments in order that were proposed yesterday to the Committee on Rules.

The Minority has been consulted throughout the process of developing this legislation and we believe our views are reflected in many aspects of the bill. While we do not agree with every recommendation and continue to work for improvements in several areas, in balance we believe that this Interior bill is one which Members from both parties can support.

The Minority is particularly pleased with the recommendation for funding of the new Conservation Trust Fund created last year. By including the full $1,320 million authorized for conservation, Congress has kept faith with last year's commitment to significantly expand funding for land acquisition, wildlife protection and other preservation and conservation programs. We are also pleased by the Committee's inclusion of a $120 million increase for weatherization and State energy programs to insulate homes, schools and hospitals. These funds are critical to low income families.

We applaud the Committee's decision to restore many of the unwise cuts proposed by the President in a number of critical areas. This includes approximately $300 million to the Energy Conservation and Fossil Energy research accounts. These funds can significantly ameliorate the energy crisis identified in the President's National Energy Policy. It made no sense to cut these programs when current gasoline prices and electricity problems remind us daily of the need for energy conservation and alternative energy programs.

Although the Committee did not make in order the amendment proposed yesterday, Congresswoman SLAUGHTER and I plan to offer a new amendment today to increase funding for our cultural agencies. The amendment would provide $10 million for the National Endowment for the Arts, $3 million for the National Endowment for the Humanities, and $2 million for the Institute for Museum and Library Services offset by small reductions in administrative costs at the Department of the Interior and the Department of Agriculture. We had originally planned to offset these amounts through a deferral of excess clean coal funds as we did last year. Unfortunately the Rules Committee did not waive the rule to allow this. Instead this amendment makes a very small reduction of less than .3 percent in administrative costs.

Mr. Speaker, I support the rule protecting the bill as reported. It is a clean bill which I intend to support.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2217, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 174 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2217.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from Georgia (Mr. ISAKSON) to assume the chair temporarily.

□ 1021

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Interior bill that was reported out of the committee provides a total of $18.9 billion, $86 million above fiscal year 2001. The increase is less than one-half of 1 percent above 2001.

I want to say a few things about this bill. This is a good, bipartisan bill. The committee members worked to put together a good bill for this Congress, and this is a good bill for our States and counties and our programs, with money that will help States, counties, and cities to solve their problems.

This is a good bill for our parks. The bill fulfills President Bush's commitment to our parks, and continues efforts of my good friend and former chairman of the committee, the gentleman from Ohio, Mr. Regula, to the parks.

This is a good bill for wildlife stock and endangered species. There is money for President Bush's landowner incentive program, there is money for critters in this bill. This is a good bill for Indian schools and Indian medical facilities. New hospitals, new clinics, and new schools are funded in this bill. This is a good bill for weatherization programs across the Nation.

Mr. Chairman, this is a good and responsible bill in responding to our Nation's wildfire needs. This is a great bill for those who want to save and bring back the Everglades. This is a good bill for needed energy research.

This bill is also a good bill for those who want to limit the riders on appropriation bills, and this is a good bill for Members who want to pass a noncontroversial bill. Yes, this is basically an Interior bill free from the normal controversies.

I just want to add a few more things. This bill is $791 million above the President's request, but only $86 million above this year's budget. This increase is easy to explain. We have put back $164 million for critical wildfire needs. We put back $87 million in cuts for the U.S. Geological Survey. We put back $15 million for the payment in lieu of taxes, known as PILT, the PILT program that goes to our counties. We have put back $294 million to restore energy research programs requested by over 200 Members in the House.

We put in $64 million in the conservation category to fulfill the promises we made in last year's appropriation bill.

We put in a $50 million increase for Indian hospitals and clinics, and construction and maintenance needs.

I want to take a minute to express my sincere and lasting thanks to the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY), for his help on this bill, and the help of the ranking subcommittee member, my good friend, the gentleman from Washington (Mr. DICKS). They have all worked with me boldly and in the spirit of bipartisan cooperation.

I thank their staff also, especially Mike Stephens and Leslie Turner, who spent countless hours with the majority's staff working out problems.

I thank, Mr. Chairman, the gentleman from Florida (Mr. YOUNG), for his support in the first year of my chairmanship of this committee.

I also want to thank the majority staff, who have stepped up to help me during this transition period as a new chairman. Deborah Weatherly, Loretta Beaumont, Joel Kaplan, Chris Topik, Casey Stealer, and Andria Oliver have all chipped in to help me through this first year. Also to Jim Hughes, from my personal staff, a special thanks. Their knowledge and ability to work with both sides of the aisle and their professionalism is a credit to the House of Representatives.

Mr. Chairman, I include for the RECORD a table detailing the various accounts in the bill.

The table referred to is as follows:

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	733,116	734,312	739,711	+6,595	+5,399
Emergency appropriations	17,134			-17,134	
Conservation		26,000	29,000	+29,000	+3,000
Total, Management of lands and resources	750,250	760,312	768,711	+18,461	+8,399
Wildland fire management:					
Preparedness	314,712	280,807	280,807	-33,905	
Fire suppression operations	109,865	161,424	161,424	+51,559	
Other operations	9,978	216,190	258,575	+248,597	+42,385
Contingent emergency appropriations	542,544			-542,544	
Total, Wildland fire management	977,099	658,421	700,806	-276,293	+42,385
Central hazardous materials fund	9,978	9,978	9,978		
Construction	16,823	10,976	11,076	-5,747	+100
Payments in lieu of taxes	199,560	150,000	150,000	-49,560	
Conservation			50,000	+50,000	+50,000
Total, Payments in lieu of taxes	199,560	150,000	200,000	+440	+50,000
Land acquisition	56,545			-56,545	
Conservation		47,686	47,686	+47,686	
Oregon and California grant lands	104,038	105,165	105,165	+1,127	
Range improvements (indefinite)	10,000	10,000	10,000		
Service charges, deposits, and forfeitures (indefinite)	7,484	8,000	8,000	+516	
Miscellaneous trust funds (indefinite)	12,405	11,000	11,000	-1,405	
Total, Bureau of Land Management	2,144,182	1,771,538	1,872,422	-271,760	+100,884
Appropriations	(1,584,504)	(1,697,852)	(1,745,736)	(+161,232)	(+47,884)
Conservation		(73,686)	(126,686)	(+126,686)	(+53,000)
Emergency appropriations	(17,134)			(-17,134)	
Contingent emergency appropriations	(542,544)			(-542,544)	
United States Fish and Wildlife Service					
Resource management	800,330	779,752	809,852	+9,522	+30,100
Emergency appropriations	6,486			-6,486	
Conservation		27,000	30,000	+30,000	+3,000
Total, Resource management	806,816	806,752	839,852	+33,036	+33,100
Construction	62,877	35,849	48,849	-14,028	+13,000
Emergency appropriations	8,481			-8,481	
Land acquisition	121,188			-121,188	
Conservation		164,401	104,401	+104,401	-60,000
Landowner incentive program (conservation)			50,000	+50,000	+50,000
Private stewardship grants program (conservation)			10,000	+10,000	+10,000
Cooperative endangered species conservation fund	104,694			-104,694	
Conservation		54,694	107,000	+107,000	+52,306
National wildlife refuge fund	11,414	11,414	11,414		
Conservation			5,000	+5,000	+5,000
Total, National wildlife refuge fund	11,414	11,414	16,414	+5,000	+5,000
North American wetlands conservation fund	39,912			-39,912	
Conservation		14,912	45,000	+45,000	+30,088
Neotropical migratory birds conservation (conservation)			5,000	+5,000	+5,000
Wildlife conservation and appreciation fund	795			-795	
Multinational species conservation fund	3,243	3,243	4,000	+757	+757
State wildlife grants fund	49,890			-49,890	
Conservation			100,000	+100,000	+100,000
Tribal wildlife grants (conservation)			5,000	+5,000	+5,000
Total, United States Fish and Wildlife Service	1,209,310	1,091,265	1,335,516	+126,206	+244,251
Appropriations	(1,194,343)	(830,258)	(874,115)	(-320,228)	(+43,857)
Conservation		(261,007)	(461,401)	(+461,401)	(+200,394)
Emergency appropriations	(14,967)			(-14,967)	
National Park Service					
Operation of the national park system	1,386,190	1,468,499	1,478,336	+92,146	+9,837
Conservation		2,000	2,000	+2,000	
Total, Operation of the national park system	1,386,190	1,470,499	1,480,336	+94,146	+9,837
United States Park Police	77,876	65,260	65,260	-12,616	
National recreation and preservation	59,827	48,039	51,804	-8,023	+3,765
Urban park and recreation fund	29,934			-29,934	
Conservation			30,000	+30,000	+30,000
Historic preservation fund	94,239			-94,239	
Conservation		67,055	77,000	+77,000	+9,945
Construction	295,024	289,802	299,249	+4,225	+9,447
Emergency appropriations	5,288			-5,288	
Conservation		50,000	50,000	+50,000	
Total, Construction	300,312	339,802	349,249	+48,937	+9,447

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000		
Land acquisition and state assistance	215,141			-215,141	
Conservation		557,036	261,036	+261,036	-296,000
Total, National Park Service (net)	2,133,519	2,517,691	2,284,685	+151,166	-233,006
Appropriations	(2,158,231)	(1,871,600)	(1,894,649)	(-263,582)	(+23,049)
Rescission	(-30,000)	(-30,000)	(-30,000)		
Conservation		(676,091)	(420,036)	(+420,036)	(-256,055)
Emergency appropriations	(5,288)			(-5,288)	
United States Geological Survey					
Surveys, investigations, and research	880,106	813,376	875,489	-4,617	+62,113
Emergency appropriations	2,694			-2,694	
Conservation			25,000	+25,000	+25,000
Total, United States Geological Survey	882,800	813,376	900,489	+17,689	+87,113
Minerals Management Service					
Royalty and offshore minerals management	240,526	252,098	252,597	+12,071	+499
Use of receipts	-107,410	-102,730	-102,730	+4,680	
Oil spill research	6,105	6,105	6,105		
Total, Minerals Management Service	139,221	155,473	155,972	+16,751	+499
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	100,580	101,900	102,900	+2,320	+1,000
Receipts from performance bond forfeitures (indefinite)	274	275	275	+1	
Subtotal	100,854	102,175	103,175	+2,321	+1,000
Abandoned mine reclamation fund (definite, trust fund)	201,992	166,783	203,554	+1,562	+36,771
Total, Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,729	+3,883	+37,771
Bureau of Indian Affairs					
Operation of Indian programs	1,737,378	1,780,486	1,790,781	+53,403	+10,295
Emergency appropriations	1,197			-1,197	
Construction	356,618	357,132	357,132	+514	
Indian land and water claim settlements and miscellaneous payments to Indians	37,443	60,949	60,949	+23,506	
Indian guaranteed loan program account	4,977	4,986	4,986	+9	
(Limitation on guaranteed loans)	(59,551)	(75,000)		(-59,551)	(-75,000)
Total, Bureau of Indian Affairs	2,137,613	2,203,553	2,213,848	+76,235	+10,295
Departmental Offices					
Insular Affairs:					
Assistance to Territories	47,646	41,730	44,569	-3,077	+2,839
Northern Marianas	27,720	27,720	27,720		
Subtotal, Assistance to Territories	75,366	69,450	72,289	-3,077	+2,839
Compact of Free Association	8,726	8,745	8,745	+19	
Mandatory payments	12,000	14,500	14,500	+2,500	
Subtotal, Compact of Free Association	20,726	23,245	23,245	+2,519	
Total, Insular Affairs	96,092	92,695	95,534	-558	+2,839
Departmental management	64,178	64,177	64,177	-1	
Office of the Solicitor	40,108	42,207	45,000	+4,892	+2,793
Office of Inspector General	27,785	30,490	30,490	+2,705	
Office of the Special Trustee for American Indians	82,446	99,224	99,224	+16,778	
Emergency appropriations	27,539			-27,539	
Indian land consolidation pilot	8,980	10,980	10,980	+2,000	
Natural resource damage assessment fund	5,391	5,497	5,497	+106	
Total, Departmental Offices	352,519	345,270	350,902	-1,617	+5,632
General Provisions, Department of the Interior					
Abandoned mine/acid mine drainage (PA)	12,572			-12,572	
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,314,582	9,167,124	9,420,563	+105,981	+253,439
Appropriations	(8,733,219)	(8,186,340)	(8,417,440)	(-315,779)	(+231,100)
Conservation		(1,010,784)	(1,033,123)	(+1,033,123)	(+22,339)
Rescissions	(-30,000)	(-30,000)	(-30,000)		
Emergency appropriations	(68,819)			(-68,819)	
Contingent emergency appropriations	(542,544)			(-542,544)	
(Limitation on guaranteed loans)	(59,551)	(75,000)		(-59,551)	(-75,000)
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	229,111	234,979	236,979	+7,868	+2,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
State and private forestry	271,854	176,244	173,771	-98,083	-2,473
Conservation	....	61,585	104,000	+104,000	+42,415
Contingent emergency appropriations	12,473	....	....	-12,473	....
Emergency appropriations	11,269	....	....	-11,269	....
Total, State and private forestry	295,596	237,829	277,771	-17,825	+39,942
National forest system	1,297,832	1,314,191	1,326,445	+28,613	+12,254
Emergency appropriations	7,233	....	....	-7,233	....
Wildland fire management:					
Preparedness	611,143	622,618	616,618	+5,475	-6,000
Fire suppression operations	226,140	321,321	321,321	+95,181	....
Other operations	....	336,410	464,366	+464,366	+127,956
Contingent emergency appropriations	1,042,975	....	....	-1,042,975	....
Total, Wildland fire management	1,880,258	1,280,349	1,402,305	-477,953	+121,956
Capital improvement and maintenance	517,427	473,230	485,513	-31,914	+12,283
Conservation	....	50,497	50,000	+50,000	-497
Land acquisition	150,872	....	....	-150,872	....
Conservation	....	130,877	130,877	+130,877	....
Acquisition of lands for national forests, special acts	1,067	1,069	1,069	+2	....
Acquisition of lands to complete land exchanges (indefinite)	233	234	234	+1	....
Range betterment fund (indefinite)	3,293	3,290	3,290	-3	....
Gifts, donations and bequests for forest and rangeland research	92	92	92	....	....
Management of national forest lands for subsistence uses	5,488	5,488	5,488	....	....
Southeast Alaska economic disaster fund	4,989	....	....	-4,989	....
Reduction for non-conservation funding	....	-2,000	-2,000	-2,000	....
Conservation (Youth Conservation Corps)	....	2,000	2,000	+2,000	....
Total, Forest Service	4,393,491	3,732,125	3,920,063	-473,428	+187,938
Appropriations	(3,319,541)	(3,487,166)	(3,633,186)	(+313,645)	(+146,020)
Conservation	....	(244,959)	(286,877)	(+286,877)	(+41,918)
Emergency appropriations	(18,502)	....	....	(-18,502)	....
Contingent emergency appropriations	(1,055,448)	....	....	(-1,055,448)	....
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-67,000	....	....	+67,000	....
Fossil energy research and development	432,464	449,000	579,000	+146,536	+130,000
Strategic petroleum account (by transfer)	(12,000)	....	....	(-12,000)	....
Clean coal technology (by transfer)	(95,000)	....	....	(-95,000)	....
Alternative fuels production (rescission)	-1,000	-2,000	....	+1,000	+2,000
Naval petroleum and oil shale reserves	1,596	17,371	17,371	+15,775	....
Elk Hills School lands fund	36,000	36,000	....	-36,000	-36,000
(By transfer)	....	....	(36,000)	(+36,000)	(+36,000)
Energy conservation	813,442	755,805	940,805	+127,363	+185,000
Biomass energy development (by transfer)	(2,000)	....	....	(-2,000)	....
Economic regulation	1,996	1,996	1,996	....	....
Strategic petroleum reserve	160,637	169,009	179,009	+18,372	+10,000
(By transfer)	(4,000)	....	....	(-4,000)	....
Energy Information Administration	75,509	75,499	78,499	+2,990	+3,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,453,644	1,502,680	1,796,680	+343,036	+294,000
Appropriations	(1,485,644)	(1,468,680)	(1,796,680)	(+311,036)	(+328,000)
Advance appropriations	(36,000)	(36,000)	....	(-36,000)	(-36,000)
Rescissions	(-1,000)	(-2,000)	....	(+1,000)	(+2,000)
Deferral	(-67,000)	....	....	(+67,000)	....
(By transfer)	(113,000)	....	(36,000)	(-77,000)	(+36,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	2,265,663	2,387,014	2,390,014	+124,351	+3,000
Indian health facilities	363,103	319,795	369,795	+6,692	+50,000
Total, Indian Health Service	2,628,766	2,706,809	2,759,809	+131,043	+53,000
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	14,967	15,148	15,148	+181	....
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	4,116	4,490	4,490	+374	....
Smithsonian Institution					
Salaries and expenses	386,902	396,200	396,200	+9,298	....
Repair, restoration and alteration of facilities	57,473	67,900	67,900	+10,427	....
Construction	9,479	30,000	30,000	+20,521	....
Total, Smithsonian Institution	453,854	494,100	494,100	+40,246	....

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Gallery of Art					
Salaries and expenses	64,638	66,229	68,967	+4,329	+2,738
Repair, restoration and renovation of buildings	10,847	14,220	14,220	+3,373	....
Total, National Gallery of Art	75,485	80,449	83,187	+7,702	+2,738
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	13,969	15,000	15,000	+1,031	....
Construction	19,956	19,000	19,000	-956	....
Total, John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	+75	....
Woodrow Wilson International Center for Scholars					
Salaries and expenses	12,283	7,796	7,796	-4,487	....
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	97,785	98,234	98,234	+449	....
National Endowment for the Humanities					
Grants and administration	104,373	104,882	104,882	+509	....
Matching grants	15,621	15,622	15,622	+1	....
Total, National Endowment for the Humanities	119,994	120,504	120,504	+510	....
Institute of Museum and Library Services/ Office of Museum Services					
Grants and administration	24,852	24,899	24,899	+47	....
Challenge America Arts Fund					
Challenge America grants	6,985	6,985	7,000	+15	+15
Total, National Foundation on the Arts and the Humanities	249,616	250,622	250,637	+1,021	+15
Commission of Fine Arts					
Salaries and expenses	1,076	1,274	1,274	+198	....
National Capital Arts and Cultural Affairs					
Grants	6,985	7,000	7,000	+15	....
Advisory Council on Historic Preservation					
Salaries and expenses	3,182	3,310	3,400	+218	+90
National Capital Planning Commission					
Salaries and expenses	6,486	7,253	7,253	+767	....
United States Holocaust Memorial Council					
Holocaust Memorial Museum	34,363	36,028	36,028	+1,665	....
Presidio Trust					
Presidio trust fund	33,327	22,427	22,427	-10,900	....
Total, title II, related agencies:					
New budget (obligational) authority (net)	9,405,566	8,905,511	9,443,292	+37,726	+537,781
Appropriations	(8,363,616)	(8,626,552)	(9,156,415)	(+792,799)	(+529,863)
Conservation	....	(244,959)	(286,877)	(+286,877)	(+41,918)
Advance appropriations	(36,000)	(36,000)	....	(-36,000)	(-36,000)
Emergency appropriations	(18,502)	....	....	(-18,502)	....
Contingent emergency appropriations	(1,055,448)	....	....	(-1,055,448)	....
Rescissions	(-1,000)	(-2,000)	....	(+1,000)	(+2,000)
Deferral	(-67,000)	....	....	(+67,000)	....
(By transfer)	(113,000)	....	(36,000)	(-77,000)	(+36,000)
TITLE VII					
United Mine Workers of America combined benefits fund	57,872	....	....	-57,872	....
Grand total:					
New budget (obligational) authority (net)	18,778,020	18,072,635	18,863,855	+85,835	+791,220
Appropriations	(17,154,707)	(16,812,892)	(17,573,855)	(+419,148)	(+760,963)
Conservation	....	(1,255,743)	(1,320,000)	(+1,320,000)	(+64,257)
Advance appropriations	(36,000)	(36,000)	....	(-36,000)	(-36,000)
Emergency appropriations	(87,321)	....	....	(-87,321)	....
Contingent emergency appropriations	(1,597,992)	....	....	(-1,597,992)	....
Rescissions	(-31,000)	(-32,000)	(-30,000)	(+1,000)	(+2,000)
Deferral	(-67,000)	....	....	(+67,000)	....
(By transfer)	(113,000)	....	(36,000)	(-77,000)	(+36,000)
(Limitation on guaranteed loans)	(59,551)	(75,000)	....	(-59,551)	(-75,000)
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	2,144,182	1,771,538	1,872,422	-271,760	+100,884
United States Fish and Wildlife Service	1,209,310	1,091,265	1,335,516	+126,206	+244,251
National Park Service	2,133,519	2,517,691	2,284,685	+151,166	-233,006
United States Geological Survey	882,800	813,376	900,489	+17,689	+87,113
Minerals Management Service	139,221	155,473	155,972	+16,751	+499
Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,729	+3,883	+37,771
Bureau of Indian Affairs	2,137,613	2,203,553	2,213,848	+76,235	+10,295

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2217)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Departmental Offices	352,519	345,270	350,902	-1,617	+5,632
General Provisions	12,572			-12,572	
Total, Title I - Department of the Interior	9,314,582	9,167,124	9,420,563	+105,981	+253,439
TITLE II - RELATED AGENCIES					
Forest Service	4,393,491	3,732,125	3,920,063	-473,428	+187,938
Department of Energy	1,453,644	1,502,680	1,796,680	+343,036	+294,000
Indian Health Service	2,628,766	2,706,809	2,759,809	+131,043	+53,000
Office of Navajo and Hopi Indian Relocation	14,987	15,148	15,148	+161	
Institute of American Indian and Alaska Native Culture and Arts Development	4,116	4,490	4,490	+374	
Smithsonian Institution	453,854	494,100	494,100	+40,246	
National Gallery of Art	75,485	80,449	83,187	+7,702	+2,738
John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	+75	
Woodrow Wilson International Center for Scholars	12,283	7,796	7,796	-4,487	
National Endowment for the Arts	97,785	98,234	98,234	+449	
National Endowment for the Humanities	119,994	120,504	120,504	+510	
Institute of Museum and Library Services	24,852	24,899	24,899	+47	
Challenge America Arts Fund	6,985	6,985	7,000	+15	+15
Commission of Fine Arts	1,076	1,274	1,274	+198	
National Capital Arts and Cultural Affairs	6,985	7,000	7,000	+15	
Advisory Council on Historic Preservation	3,182	3,310	3,400	+218	+90
National Capital Planning Commission	6,486	7,253	7,253	+767	
Holocaust Memorial Council	34,363	36,028	36,028	+1,665	
Presidio Trust	33,327	22,427	22,427	-10,900	
Total, Title II - Related Agencies	9,405,566	8,905,511	9,443,292	+37,726	+537,781
TITLE VII					
United Mine Workers of America combined benefits fund	57,872			-57,872	
Grand total	18,778,020	18,072,635	18,863,855	+85,835	+791,220

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to congratulate our new chairman, the gentleman from New Mexico (Mr. SKEEN), on his first bill. He has done an outstanding job. As he has suggested, there has been real collaboration between the majority and minority, both the Members and the staff.

I want to applaud the staff members of the Committee, both the majority and minority, particularly Debbie Weatherly and Mike Stephens and Lesley Turner on my staff. They have worked very hard on this bill, and I think it is an extraordinary bill.

I rise in support of the FY 02 Interior appropriations act. I congratulate again the staff for producing a bill that I think we all can support. The subcommittee bill represents a significant improvement over the President's budget request. Most of the cuts have been restored, and a few very important programs received small increases.

I want to also compliment our majority on the cooperative way the bill was crafted. The minority, as I suggested, was consulted extensively, and the majority went to great lengths to see that most of our concerns were addressed throughout the process.

The most important thing to me in this bill, and to many of my colleagues, is the commitment to the Conservation Trust Fund which was negotiated last year. Under the agreement, conservation spending was nearly doubled in fiscal year 2001 and would gradually increase to fiscal year 2006. This year contains the full $1.32 billion called for under the agreement, but is not a new entitlement. This funding structure enables the committee to prioritize specific conservation programs, such as land acquisition, endangered species recovery, historic preservation, as well as provide grants to States for conservation activities and urban recreation.

This agreement was a careful compromise last year during the final negotiation on this bill when it became apparent that the CARA legislation, which created mandatory spending, was not going to pass the Congress. The conservation spending category is a victory for the country.

I am extremely pleased that this bill fully honors our commitment on a bipartisan basis. While I plan to support the bill today, I do plan to support an amendment that would increase funding to both the National Endowment for the Arts and the National Endowment for the Humanities, and would also give a small increase of funding for the Institute for Museum and Library Services.

The chairman should be commended for his efforts to restore nearly all the cuts to energy research and conservation programs that were proposed by the President. These cuts were unwise, especially given the current energy situation we are facing out West. My State of Washington has seen the impacts of this energy crisis firsthand, and many more States are next.

If the President is as concerned as his public statements suggest, he would welcome this committee's increase in these critical areas.

Aside from some specific program levels, this is a very good bill. The total in the chairman's mark is $18.941 million. This is $814 million over the President's request, and essentially the same level as 2001.

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After adjusting for one-time fire money in 2001, however, the bill provides an increase over the current year of $803 million or 5 percent. This is on top of a 15 percent increase last year for nonfire programs.

There is a $60 million increase for Stateside Land and Water Conservation Fund grants as well as $60 million included for the President's two new private landowner incentive programs, taking that up to about $150 million. This is one of the President's important programs.

We also funded two new private landowner incentive programs proposed by the administration.

Both of the President's two highest priorities in the Department of Energy, the weatherization program, an increase of $120 million, and the Clean Coal Initiative, an increase of $150 million, were provided. This bill also rightly continues the National Park's Services' Save America's Treasures program. This program, started by Mrs. CLINTON during the last administration, has been a success, and has helped restore many historic structures.

I am also pleased that the bill does not contain any objectionable riders like the ones that have threatened the bill in past years.

Again, I compliment the gentleman from New Mexico (Mr. SKEEN) on his first Interior bill. It is a pleasure to work with him and his staff, and I look forward to passing this bill today which I think we can all support.

Mr. Chairman, I see that the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, is here, and the gentleman from Wisconsin (Mr. OBEY); and I want to thank them for their help in helping us move this bill forward.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I want to take a couple of minutes, and I do not want to delay the consideration of this bill, but I want to advise the Members of the good work that was done by the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee.

This was a new assignment for the gentleman because of our term limit situation in the House. He did a really outstanding job, and he had a great partner in the gentleman from Washington (Mr. DICKS), the ranking member of the subcommittee. They worked closely together. They shared information all of the way through the process.

The gentleman from Wisconsin (Mr. OBEY) can speak for himself, but I think we were both pleased when we attended the subcommittee markup and saw what a good bipartisan bill this was.

Mr. Chairman, I urge the Members to help us expedite the consideration of this bill today. It is a good bill. There will be some debate and discussion on a few issues that might stir up some controversy but, all in all, it is a good bill. It is a very good bipartisan bill, and the gentleman from New Mexico and the gentleman from Washington are to be congratulated for the work that they have done.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I still am experiencing some laryngitis, but I want to take a moment to comment on this bill.

It is certainly not a perfect bill. And I believe it needs more funding for both arts and energy research and several other programs, but I intend to vote for it.

Mr. Chairman, I want to congratulate the gentleman from New Mexico (Mr. SKEEN) and his staff for handling this bill in the way in which every appropriation bill ought to be handled. Information was made fully available to the minority, and strong efforts were made to work out virtually all differences on the bill. In contrast to nominal bipartisanship, this was a truly bipartisan approach. I think it needs to be recognized in this House when that happens because it does not happen nearly enough, as evidenced by the many bills which come to the floor in a state of high controversy.

Let me also congratulate the committee for adhering to an agreement made last year when the gentleman from Ohio (Mr. REGULA) was chairman.

As Members will recall, a number of groups wanted us to pass a new entitlement for land acquisition called CARA. I strongly favor added funding for land acquisition, but I could see no reason why we should create an additional entitlement which made land acquisition a higher priority than education or health care, for instance. Those are my top priorities.

So the gentleman from Washington (Mr. DICKS) and I worked out with the gentleman from Ohio (Mr. REGULA) and with the other body on a new agreement under which we essentially doubled conservation funding for a 6-year period, raising what would have been a spending level of about $6 billion over that period to about $12 billion as part of that agreement. We agreed that there would be a $120 million annual ratcheting up of the total amount in the portion of the bill under the jurisdiction of this subcommittee.

That was our way of demonstrating that we could make land acquisition a very high priority, make these conservation items a very high priority without abusing the budget process by creating another entitlement.

Mr. Chairman, I think the committee was extremely wise in rejecting the White House's efforts to change that agreement. We have found the middle ground. We have found common ground on this issue; and if we stick together, we can accomplish a good and noble public purpose without abusing the processes of this Congress. I would hope that as this bill moves through the process, it retains the spirit of this agreement.

I appreciate very much the fact that the committee rejected some of the funding reductions that the White House proposed in parts of these programs and returned to the agreement that was reached last year because that can be sustained, in my view, over a long period of time.

I would also like to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), if I could.

As the gentleman knows, there was confusion regarding the Arctic National Wildlife Refuge when this matter came up in committee last week, and I believe that confusion has been cleared up.

As I understand it, both the majority and the minority agree that this bill provides no funding to facilitate seismic studies or other predevelopment activities within the Arctic National Wildlife Refuge and that there is no authority in law for those purposes.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. That is correct.

Mr. OBEY. I thank the gentleman. That is my understanding also.

As the gentleman knows, concern has also been expressed regarding language on page 2 of the bill which authorizes $2.250 million for the assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96-487, the Alaska National Interest Lands Conservation Act. Is it the gentleman's understanding that section 1010 provides no authority to undertake the activities in the Arctic Refuge that we all agree are not intended to be funded by this bill?

Mr. SKEEN. That is correct.

Mr. OBEY. That is my interpretation as well, but the language of section 1010 and its cross-reference to section 1001 are sufficiently convoluted, that it has been helpful to make this clarification at this time. I appreciate the gentleman making the clarification. I think it makes quite clear that there is no such authority, and I appreciate the gentleman's comments.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to stand in support of this bill. It is a balanced bill. A bill which has been worked through with the chairman and the gentleman from New Mexico (Mr. SKEEN), who has done a marvelous job, and my dear friend, the gentleman from Washington (Mr. DICKS) on the minority side, to try to reach a balanced and commonsense approach to the management of our public lands. This bill speaks to the needs of our national treasures in the public lands area and certainly speaks to the needs of Indian peoples. It has an Indian health care measure in it, and Indian education assistance.

It funds appropriately institutions like the Smithsonian and our museums and arts and humanities and other interests in our country.

By and large it is a very good bill, spending adequate amounts of money for adequate resources within the various agencies that are funded by this appropriations measure.

Mr. Chairman, I thank the staff which has worked very hard on both sides of the aisle to present a balanced bill. This bill went through our subcommittee in record time because it was balanced and bipartisan. It went through the full committee in adequate and fair time because it was balanced and bipartisan.

There will be amendments today that will be presented, as is our process, but I would urge Members to reject many of those amendments because they would upset the delicate balance that is in this bill.

Mr. Chairman, I thank my friends, the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS), who worked so hard to make this a balanced and sensible bill. I urge that the leadership's example be followed and that my colleagues in the House will support this measure, pass it through the House, and move it on through the legislative process so it can be enacted and it can meet the natural resources needs of our country.

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the Interior Appropriations Committee bringing their bill for fiscal year 2002 appropriations to the floor for consideration today. H.R. 2217 has programs which address many of the health, education, lands, law enforcement, conservation and roads needs of American Indians and Alaska Natives.

I appreciate the Interior Appropriations Committee's increase of the Indian Health Service (IHS) budget of $3,000,000 over the budget request and $124,351,000 above the fiscal year 2001 level. This increase is justified and will provide much needed additional program services to American Indians and Alaska Natives.

However, I am concerned with language that is in both the House bill and Committee Report regarding Contract Support Costs (CSC) for Indian Health Service (IHS) programs. While I appreciate the Interior Appropriations Committee's increases in the last few years for CSC shortfalls, the current bill contains some provisions harmful to the tribal health delivery system. The bill would limit IHS' authority to enter into new and expanded contracts which is directly contrary to the federal policy of Indian self-determination. It would also limit payment of the direct costs portion of CSC; further, the Committee Report appears to advocate for their eventual elimination.

In 1999, the House Committee on Resources held several hearings to address the shortfalls of CSC and received several recommendations from the General Accounting Office (GAO) to correct and meet the true need of CSC. One of GAO's recommendations stated that the IHS and the BIA should remain consistent with their payment of CSC for tribally contracted and compacted run programs. I agreed with the GAO recommendation that both programs should be consistent with their CSC payments. However, while the IHS pays both indirect and direct contract support costs, the BIA does not pay for any direct costs, a policy it (the BIA) now, according to its February 24, 1999, testimony before the House Committee on Resources, has under review. Given the fact that the Indian Self-Determination and Education Assistance Act (ISDEA) and its regulations provide that CSC include direct costs, it is appropriate that the BIA review its policy. In fact, the GAO report (Indian Self-Determination Act: Shortfalls on Indian Contract Support Costs Needs To Be Addressed (GAO/RCED-99-150, June 30, 1999) criticized the BIA for not paying direct costs as part of CSC.

The FY 2002 Interior Appropriations bill states: "no existing self-determination contract, grant, self-governance compact or annual funding agreement shall receive direct contract support costs in excess of the amount received in fiscal year 2001 for such costs. . . ." This language would unfairly prohibit tribes from negotiating an increase in their direct costs.

The Committee Report language appears to question the propriety of paying direct CSC, indicating that capping direct CSC at the FY 2001 level would be the beginning of a process to eliminate direct CSC payments. Further, the report instructs IHS to seek Office of Management and Budget (OMB) approval on the payment of direct CSC for any new and expanded contracts in FY 2002. This violates the ISDEA by capping the portion of the direct costs portion of CSC payments. The Committee Report goes even further, suggesting that IHS should not pay the direct costs portion of CSC, an amount which is close to 20% of CSC and requiring OMB approval of direct costs for new and expanded contracts. The ISDEA clearly includes direct costs as a part of CSC payments. Elimination of the direct costs portion of CSC payments would be devastating to tribal health care providers. We need to address this important Interior Appropriations issue in the Senate and in conference. Tribal health care providers should not be penalized because the IHS and BIA have inconsistent CSC payment systems. I look forward to working with my colleagues to find a reasonable and just resolution to the CSC issue for our American Indian and Alaska Native constituency.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 2217, the Interior Appropriations bill for fiscal year 2002. In this bill, we make clear our historic commitment to protecting and maintaining our nation's parks and wildlife refuges, and to preserving more open space.

Let me start by offering my thanks to Chairman SKEEN, ranking member DICKS and the Interior Subcommittee staff, specifically Debbie Weatherly and Chris Topik, for their hard work in putting this important piece of legislation together and working to satisfy so many demands!

Overall, this bill provides $1.32 billion for the Title VIII Conservation Trust Fund that was established in last year's Interior Appropriations bill. As some may remember, last year's agreement created a separate budget category to support these efforts. This funding will help our states and the Federal government to protect and preserve our nation's forests, fields and wetlands—green spaces that, especially those of us from the Northeast know only too well, are disappearing much too quickly.

I want to particularly congratulate President Bush for fully funding the Land and Water Conservation Fund at $900 million in his Fiscal Year 2002 Budget Request, a critical component of the conservation trust fund.

This bill maintains and improves our stewardship of America's greatest natural resources, our national parks and wildlife refuges. Each year, 285 million of our constituents will visit and enjoy our national parks and experience the beauty of over 83 million acres of preserved open lands. And it just two years, we will celebrate the centennial of our wildlife refuges—535 national treasures that exist in communities across the country.

Mr. Chairman, in my home state of New Jersey, the most densely populated state in the nation, the preservation of open space is a top priority. That is why I am especially grateful for the support of my colleagues for a number of key New Jersey priorities.

At my request, H.R. 2217 contains continued funding for the preservation of New Jersey's Highlands, one of our state's most threatened, and most important watersheds. This bill provides critical funding for land purchases within the Highlands; in fact, it is the most significant Federal commitments ever to preserving this area.

Equally as important, the bill directs the Department of Interior and Agriculture to work in partnership with state and local resources, already in place, to protect the Highlands. The Federal government should be a major partner in this preservation effort, as we were when Congress successfully preserved Sterling Forest in the same region.

This bill also builds on our past successes in Congress to expand New Jersey's national parks and wildlife refuges.

In my own Congressional District, there is funding to further expand our nation's oldest historic park, the Morristown National Historical Park, and to protect a huge collection of artifacts and Revolutionary War material related to George Washington. There is also money to allow for additional land purchases at the Great Swamp National Wildlife Refuge. Our delegation also appreciates your support fo the Cape May, E.B. Forsythe and Walkill National Wildlife Refuges and the Delaware Water Gap National Recreation Park.

Finally, it is important to note that we meet these national priorities, and do so within the confines of our budget agreement.

Mr. Chairman, let there be no doubt about it: with passage of this bill, this House is fully committed to maintaining and improving our nation's treasured national parks and wildlife refuges.

Mrs. CAPPS. Mr. Chairman, I rise in support of some key amendments to the Interior Appropriations bill.

I am pleased to join my colleague, Representative DEFAZIO, in our continued efforts to stop the extension of the misguided Recreational Fee Demonstration Program. Last year, I was successful in limiting an extension to only one year. But the bill before us irresponsibly extends the RFDP for four years. And it does it by circumventing the normal process for extending Federal programs and just tacks the extension on to a "must-pass" spending bill. This is irrresponsible and a disservice to those of us who would like to find alternative and more appropriate ways to support our National Forests.

In my district the RFDP is known as the Adventure Pass and it requires my constituents to pay just to visit the Los Padres National Forest. This is a form of double taxation. We already pay taxes to maintain our National Parks, Forests and other publicly owned lands. We should not have to pay again just to see a sunset or have a picnic in our own backyard.

I agree that our parks and forests have a backlog of maintenance and need more funding to address these needs. That's why I have introduced legislation that would end the subsidies to timber companies that reduce funding for our National Forests. My bill would end the Adventure Pass but ensure that Forest Service have enough funding to preserve and protect these precious lands.

I am also pleased to join my colleague, Representative RAHALL, on an amendment to ban new oil and gas drilling in National Monuments.

My district is home to the new Carrizo Plain National Monument, located almost entirely in San Luis Obispo County. The Carrizo Plain contains one of the last remnants of the California Central Valley's wildflowers and is home to a host of wildlife, including the endangered San Joaquin Kit Fox and the California Condor. Carrizo contains significant Native American cultural sites, such as the Chumash "Painted Rock," and geological phenomena, including the most visible portion of the San Andreas Fault. In addition, Carrizo is the location of an important study on livestock grazing and how it might be used as an effective tool to benefit wildlife and sensitive species dependent on indigenous habitats.

The protections afforded to this precious area by the Monument designation—including no new mineral leasing within the Monument—have been met with widespread support in San Luis Obispo County. My constituents support protection of their environment and cultural heritage, and understand it is a vital component of the local economy, of which tourism is a major element. And new oil and gas drilling does not play into that picture.

Mr. Chairman, I have received letters supporting the new designation and its restriction on new oil and gas leasing from a broad swath of the community, including the 1200 member San Luis Obispo Chamber of Commerce, local environmental groups and ranchers, and the Chumash Council. I have advised both Resources Committee Chairman HANSEN and Interior Secretary Norton of these sentiments and urged that they support my community's wishes to protect its environment and economy by allowing no new drilling in Carrizo Plain.

The Tribune, San Luis Obispo County's major newspapers, correctly calls Carrizo "a real treasure" and notes approvingly that because of the Monument designation "it will stay as it is forever." Our amendment would ensure that this prediction comes true.

I urge my colleagues to support both of these common sense measures.

Ms. PELOSI. Mr. Chairman, I would like to thank the distinguished Chairman, Mr. SKEEN, and ranking member Mr. DICKS, for their excellent work on this bill. It provides funding for many programs that will benefit both the natural and urban environments in our country, although I would support further increases in several critical areas, including energy research and the arts.

Mr. Chairman, with California and the West in the midst of an energy crisis, the last thing we should do is cut funding for energy research, particularly research on clean energy sources and technologies. I am proud that the state of California now leads the country for its efficient use of energy. California and the country should press forward to increase our energy efficiency and shift toward clean, sustainable energy sources. Yet the President's budget proposed a 30% cut in energy efficiency research and development. Although the Committee wisely disregarded this proposal, we should be doing much more in this area.

An important element in this bill is funding for the arts and humanities. The arts and humanities enrich our culture, boost our economy, and promote creativity and self-confidence in our youth. I support the Slaughter-Dicks amendment on increase funding for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum and Library Services.

The Interior bill recognizes the need to reduce the backlog of maintenance needs in our national parks. But it is also important to ensure that our parks have the operating funds they need to provide stewardship of wild lands and historic buildings and run informational programs. The bill also takes a step in the right direction providing a modest increase in operating funds, although the need is much greater.

The Interior bill contains a commendable increase in funding for conservation programs. While the President's budget called for full funding for the Land and Water Conservation Fund at $900 million, that increase would have been funded by cutting a number of other important conservation programs. The Committee chose instead to provide $709 million for the Land and Water Conservation Fund, while maintaining valuable existing conservation programs, including the Urban Park and Recreation Fund and "Save America's Treasures." I applaud the decision of the Committee to omit funding for studies concerning oil drilling in the Arctic National Wildlife Refuge.

Mr. Chairman, this is a good bill, but we could do so much more for our natural and cultural heritage with additional resources. Unfortunately, the tax cuts make it difficult to fund many of these valuable programs. Hopefully the President and the Congress will place a higher priority on the arts, recreation, and the environment in the future.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the Interior appropriations bill.

This Member is pleased that the funding requested by the Bush Administration for construction of the Indian Health Service (IHS) hospital located in Winnebago, Nebraska, is included in this measure.

It appears an amendment will be offered to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. The National Endowment of the Humanities serves my constituents and the state of Nebraska through the programs of the Nebraska Humanities Council. The Nebraska Humanities Council consistently provides high-quality humanities programming at very little cost to citizens of all walks of life in my state.

The Nebraska Council has been quite active in promoting the commemoration of the bicentennial of the Lewis and Clark Corps of Discovery expedition. For example, the Nebraska Council has instituted a six-year Lewis and Clark Educational Initiative. The Council held the first of several Lewis and Clark Teacher Institutes earlier this month. Each institute will be taught by a leading Lewis and Clark scholar. There were almost 200 applicants for 25 available slots. The teachers attending the first institute sincerely appreciated the opportunity and are exited about sharing what they learned with their students, schools, and communities. The Nebraska Council uses the Federal dollars to leverage private grants and funds.

These efforts to promote the Lewis and Clark expedition will greatly enrich the lives of Nebraskans and certainly go to the heart of the mission of the state councils of the National Endowment of the Humanities.

Mr. LARGENT. Mr. Chairman, on behalf of the Pawnee Nation in Pawnee Oklahoma, I respectfully request increased construction phase funding for the Pawnee Replacement Health Center be included in the Indian Health Service (IHS) Budget. This funding was initially included in the IHS FY 2002 Budget Preparation, but was omitted from H.R. 2217 in its current form.

The replacement facility has been on the IHS Health Facility priority list for many years. The need for a replacement building was originally assessed in 1981, but not until last year was the 73-year-old clinic, the oldest in the nation, selected for funding. However, these funds only covered the design phase of the replacement facility, leaving construction funds to be appropriated for fiscal year 2002.

As this bill goes to conference with the Senate, I ask that Conferees fulfill the promise Congress made to the Pawnee Nation in 1981 by funding the remaining construction costs in the FY 2002 Department of the Interior and Related Agencies Appropriations Act. Thank you for considering this request.

Mr. DAVIS of Florida. Mr. Chairman, I rise today to commend Chairman SKEEN, Ranking Member DICKS and the Interior Appropriations Subcommittee on their efforts to draft a difficult bill this year and balance difficult priorities. I sincerely appreciate the subcommittee's efforts in assisting the State of Florida's program for the development of electrochromic technology. This program is an excellent example of successful technology transfer from a national laboratory as well as an example of a successful public/private partnership. Electrochromic technology provides a flexible means of controlling the amount of heat and light that pass through a glass surface providing significant energy conservation opportunities in the building and automotive markets.

The Department of Energy estimates that placing this technology on all building windows in the United States would produce yearly energy savings of up to $28 billion per year. The technology also has application within the Vehicle Technology/Auxiliary Load Reduction R&D accounts. In recognition of the importance of this technology, the State of Florida has provided over $2.3 million toward the advancement of this Program.

The Program is being undertaken in conjunction with the University of South Florida and the National Renewable Energy Laboratory (NREL) in Colorado through a Cooperative Research and Development Agreement (CRADA), and utilizes a patented technology developed at NREL. This is a superb energy savings opportunity important to the Nation and is consistent with the priorities of the industry within the U.S. and the goals of the Department of Energy's windows program.

Electrochromic research is provide for within the building and materials section of the energy conservation division of the Interior Appropriations Bill for Fiscal Year 2002. The researchers are now working cooperatively with DOE on the program and we hope to expand that cooperation in the future. This will require a recognition by the Agency of the value of Florida's development of Plasma Enhanced Chemical Vapor Deposition (PECVD) techniques for electrochromic technology.

Mr. KILDEE. Mr. Chairman, as cochairman of the congressional Native American Caucus, I rise to express my gratitude to the Interior Subcommittee Chairman JOE SKEEN and senior Democratic Member NORM DICKS for their work on increasing the overall funding levels of the Bureau of Indian Affairs and the Indian Health Service in the fiscal year 2002 Interior appropriations bill.

I must, however, voice my concern about language in the Indian Health Service portion of the bill and the accompanying report concerning contract support costs. As you know, contract support costs are the necessary administrative and overhead costs borne by Indian tribal contractors when operating a Federal program.

The language in the bill would undermine tribal self-determination rights by prohibiting tribes from including in renegotiations of contract support costs any increase in the direct costs portion of those payments, by imposing a partial moratorium on new and expanded contracts, and by attempting to cap the portion of negotiated contract support costs which can be paid in any one year. The bill also cuts the President's budget request for contract support costs by half and provides only $20 million for that category. The ongoing shortfall for existing contracts far exceeds that amount.

The committee report questions the propriety of direct contract costs and directs the Indian Health Service to secure the approval of OMB on any direct contract support costs payments for new and expanded contracts. Negotiation of contracts is a matter between the tribes and the Federal agency—the committee's directive would put tribes in the position of having to negotiate with OMB regarding their contract support payments.

The Indian Self-Determination Act specifically provides that contract support costs include both direct and indirect costs.

As this bill proceeds through the legislative process, I hope that we can all work together on a better resolution for dealing with contract support costs and increasing the funding for contract support costs.

Mr. Chairman, I want to express my concern about the funding levels of two elements of the Bureau of Indian Affairs (BIA) education budget—student transportation and administrative cost grants.

The student transportation item supplies funding for the operation of BIA school buses. This account has been underfunded for many years and this bill will continue that trend by providing essentially no increase in funding.

Elevated fuel costs have had a devastating impact on BIA school bus programs. For the just completed school year, BIA schools received only $2.30/mile for their student transportation needs. By contrast, the average rate per-mile spent on student transportation by public school systems throughout the country was $3.21/mile. BIA estimates show that its school bus system is underfunded by $11 million.

We must fund the BIA school transportation programs so that the BIA schools can continue to provide adequate transportation needs to their students.

Mr. Chairman, I am also concerned that bill fails to increase funding for administrative cost grants which is a vital program that supports the administrative needs of tribally-operated schools.

Tribes and tribal school boards have taken on the responsibility for direct operation of two-thirds of the 185 BIA-funded schools, but Congress has not supplied them with the funding required to run their fiscal and management affairs in a prudent manner.

The chronic shortfalls in administrative cost grants severely compromise the ability of tribal school boards to maintain proper internal management controls, to prepare for and pay for annual audits, and to discharge the numerous policymaking, supervision, program planning, procurement, personnel and management activities for which these tribal school boards are responsible. No educational institution can succeed if it is required to do more with less year after year.

Mr. Chairman, unlike children in the public school system, Indian children in the BIA system depend 100% on funding from Congress. We should fulfill our responsibility to properly support these Federal schools and meet our obligations to the Indian students they educate. It is my hope that we can work together as the bill proceeds to through the legislative process so that we can increase the funding for these two very important Indian education programs.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. ISAKSON). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will read.

The Clerk read as follows:

H.R. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $768,711,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $2,225,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $768,711,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: *Provided further,* That of the amount provided, $28,000,000 is for "Federal Infrastructure Improvement", defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further,* That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the remainder of title I is as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $700,806,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: *Provided,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: *Provided further,* That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further,* That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further,* That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further,* That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,076,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $200,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xiii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $47,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,165,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards, *Provided further*, That sections 28f and 28g of title 30, United States Code, are amended:

(1) In section 28f(a), by striking the first sentence and inserting, "The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1, 2002, a claim maintenance fee of $100 per claim or site."; and

(2) In section 28g, by striking "and before September 30, 2001" and inserting in lieu thereof "and before September 30, 2002".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $839,852,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $28,000,000 is for "Federal Infrastructure Improvement", defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the United States Fish and Wildlife Service shall be transferred to and merged with this appropriation, and shall remain available until expended: *Provided further*, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further*, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps defined in section 250(c)(4)(E) (xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That not to exceed $8,476,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further*, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $48,849,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $104,401,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, for the purposes of such Act: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That, hereafter, "Fish and Wildlife Service Landowner Incentive Program" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits; *Provided*, That hereafter, "Fish and Wildlife Service Stewardship Grants" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $107,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $16,414,000, of which $5,000,000 is for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That, hereafter, "Fish and Wildlife Service National Wildlife Refuge Fund" shall be considered to be within the "Payments in Lieu of Taxes sub-category" in section 250(c)(4)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $45,000,000, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $5,000,000, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That, hereafter, "Fish and Wildlife Service Neotropical Migratory Bird Conservation" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual approprations acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(vii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: 30 percent based on the ratio to which the land area of such State bears to the total land area of all such States; and 70 percent based on the ratio to which the population of such State bears to the total population of the United States, based on the 2000 U.S. Census; and the amounts so apportioned shall be adjusted equitably so that no State shall be apportioned a sum which is less than one percent of the total amount available for apportionment or more than 10 percent: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $5,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: *Provided*, That, hereafter, "Fish and Wildlife Service Tribal Wildlife Grants" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,480,336,000, of which $10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which $75,349,000, to remain available until expended, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures and those funds needed to maintain and repair United States Park Police administrative facilities: *Provided further*, That park areas may reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Partnerships.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $65,260,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis, for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act, to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: *Provided*, That hereafter, appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $51,804,000.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $30,000,000, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(x) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $77,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, of the amount provided herein, $5,000,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U:S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: *Provided further*, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: *Provided further*, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service 2003.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $349,249,000, of which $50,000,000 is for "Federal Infrastructure Improvement", defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $261,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iii) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which $154,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program: *Provided*, That of the amounts provided under this heading, $16,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $20,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act: *Provided further*, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $900,489,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $18,942,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $163,461,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(viii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $149,867,000, of which $83,344,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,900,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,554,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2002: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402 (g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $500,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,790,781,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,394,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $357,132,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): *Provided further*, That notwithstanding any other provision of law, not to exceed $450,000 in collections from settlements between the United States and contractors concerning the Dunseith Day School are to be made available for school construction in fiscal year 2002 and thereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $486,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $72,289,000, of which: (1) $67,761,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the funds provided herein for American Samoa government operations, the Secretary is directed to use up to $20,000 to increase compensation of the American Samoa High Court Justices: *Provided further*, That of the amounts provided for technical assistance, not to exceed $1,339,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): *Provided further*, That to the extent that the cost of forgiving the repayment obligation exceeds the $1,339,000 provided in this Act, the Secretary of the Interior shall transfer up to $2,161,000 of unexpended appropriations for U.S. Virgin Islands construction grants provided pursuant to Public Law 102–154 to the Federal Emergency Management Agency to meet the full costs associated with forgiveness of the Hurricane Hugo Community Disaster Loan: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure (with territorial participation and cost sharing to be determined by the Secretary based on the grantees commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,245,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $64,177,000, of which not to exceed $8,500 may be for official reception and representation expenses, of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $45,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $30,490,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,497,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within thirty days: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 118. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 119. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery, and (2) as a burial ground.

SEC. 120. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 121. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 122. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking "2001" and inserting "2002".

SEC. 123. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term "construction", with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term "tribally controlled school" has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term "Department" means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term "demonstration program" means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction of replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the "Administrator") shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the "Mine").

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.
(2) Sewage Treatment Building.
(3) Electrical Switchgear Building.
(4) Water Treatment Building/Plant.
(5) Ventilation/Fan Building.
(6) Water Storage Tanks.
(7) Mine Hoist Cage and Headframe.
(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the "White River Oil Shale Mine" and described as follows:

(1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

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AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. POMBO:

Page 17, line 24, insert before the period the following: : *Provided*, That, of such funds, $1,000,000 shall be for the Banta-Carbona Irrigation District Fish Screen Project in Tracy, California.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. ISAKSON). The gentleman reserves a point of order.

Mr. POMBO. Mr. Chairman, I rise to offer this amendment after which I plan to withdraw it.

Mr. Chairman, my amendment would redirect $1 million from the Cooperative Endangered Species Conservation Fund to the Banta-Carbona Irrigation District in Tracy, California, for a fish screen project located at the entrance to the Banta-Carbona Irrigation District intake channel on the San Joaquin River.

This is a very simple amendment which would provide much needed financial assistance to help defray the construction, operating and maintenance costs of this fish screen.

Let me point out that the Banta-Carbona Irrigation District is required by the U.S. Fish and Wildlife Service to put in a fish screen facility on the San Joaquin River to protect the delta smelt, the steelhead, the fall run chinook salmon and the splittail. All of these fish are either endangered or threatened species and fall under the authority of U.S. Fish and Wildlife Service or the National Marine Fisheries Service. Without the fish screen project, the Banta-Carbona Irrigation District's agricultural water diversions could be shut down by these Federal agencies.

Mr. Chairman, the Banta-Carbona Irrigation District is facing a reduced allocation of water from the Central Valley Project. To make matters worse, high energy costs in California coupled with low agricultural commodity prices have made it nearly impossible for the water users to pay for the capital, operating and maintenance costs of a fish screen facility.

The bottom line is, Mr. Chairman, the Federal Government has required the Banta-Carbona Irrigation District to facilitate the funding, design, and construction of this fish barrier screen facility with little or no assistance.

Under the ESA, the Federal Government continues to require farmers, ranchers, landowners, irrigation districts, and local government and communities to spend millions of dollars to protect endangered species. In fact, let me point out to my colleagues the millions of dollars that the county hospital in Riverside, California, had to spend to protect a fly. And how about the millions of dollars homebuilders and ranchers in my district are spending to protect the fairy shrimp, a quarter-inch crustacean that lives in pools of water which we normally call mud puddles.

Mr. Chairman, this is real money that could be used to help individuals offset the costs of their high utility bills. Further, this is real money that is being diverted away from the State and local government's education, infrastructure, and health care budgets. I am convinced that the only species that is benefiting from this process is the cash cow, being milked by the agencies and environmental lawyers. The truth is, contrary to claims made by the green conflict industry, people who own property do care about the survival of valued species and the health of our environment.

Quite frankly, Mr. Chairman, this is another example of why the Endangered Species Act is not working. The act has failed to save species; it has caused acrimony and gridlock, generated endless litigation; it has cost the American taxpayer and private-property owner hundreds of billions of dollars in wasted effort; and it has misappropriated property and lost production.

All of these problems, Mr. Chairman, and the act has not even been authorized for nearly a decade. I simply cannot stand by quietly as farmers and ranchers, families and businesses, especially those in the West who depend on natural resources for a living, suffer for no constructive purpose. The time has come to make human species as important as the Endangered Species Act equation.

Mr. Chairman, it is time to take back our economic and constitutional rights. Ensuring that the Banta-Carbona Irrigation District receives Federal assistance for the fish screen project will do such a thing by holding the Federal Government accountable for its actions. I urge my colleagues to do the right thing to correct this injustice.

I have worked with the gentleman from New Mexico in the past several years on these issues. I intend to continue working with him. I know that if it were up to him totally that we would take care of these problems posthaste; but in light of the situation we are in right now, I respectfully withdraw my amendment at this point.

The CHAIRMAN pro tempore. Without objection, the amendment offered by the gentleman from California (Mr. POMBO) is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment, pursuant to clause 2(f) of rule XXI.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

On page 49, line 22 after the number "$64,177,000" insert "(reduced by $9,000,000)".

On page 69, line 12 after the number "$1,326,445,000" insert "(reduced by $6,000,000)".

On page 109, line 21 strike "$104,882,000" and insert "$107,882,000".

On page 110, line 19 strike "$24,899,000" and insert "$26,899,000".

On page 110, line 24 strike "$7,000,000" and insert "$17,000,000".

Ms. SLAUGHTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, these amendments would provide a funding increase to three agencies that most certainly deserve it: the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

In fiscal year 1996, the arts and humanities sustained massive funding cuts. The budgets of NEA and NEH were slashed by 40 percent. The Congressional Arts Caucus waged a successful battle to save both of them from annihilation, but neither one has fully recovered from the cuts. Last year, we won the first budget increase for the agencies in nearly a decade. The fiscal year 2001 budget contained an additional $7 million for the NEA's Challenge America initiative, as well as increases of $5 million and $2 million for NEH and IMLS respectively. It is time to reaffirm our Nation's commitment to the arts by providing another modest funding increase for NEA, NEH, and IMLS.

Supporting the arts is not merely a matter of being high-minded. The arts produce very real benefits for individuals, for communities and for the Nation as a whole, with the greatest positive impact on our children. For example, data from the college entrance exam board shows that students who took 4 years or more of art and music classes outscored their peers on the SAT by more than 80 points in 1995, 1996 and 1997. The arts are an economic boon to communities. More tickets are sold for art performances than all sports events put together and no community is ever required for an art project to build and sustain and subsidize an expensive stadium.

Some of our Members in this House have expressed concern that the arts and humanities programs are not funded in their districts. In fact, even though the budget has been depleted, I should state again that NEA regularly reaches between 290 and 300 congressional districts and is providing a wider range of grants thanks to programs like ArtsREACH. Last year, Congress targeted $7 million to the NEA's Challenge America initiative which strengthens NEA activity in the 20 States with the fewest NEA grants. That is very important that we continue.

I would like to pay a tribute here to the present chairman of the NEA, Mr. Bill Ivey, who has instituted these and many other programs and is staying on at the NEA to make sure that his successor can have an increase in budget so that he can increase these important program. I also want to recognize the President of the United States, George Bush, who said recently at Ford's Theater that the arts are extremely important to the United States and deserve government support. I thank him for that.

Similarly, the National Endowment for the Humanities is playing a crucial role in collecting, preserving, and sharing the Nation's history. Just last year, NEH grants went to projects like restoration of Federal War Department records which had been partially destroyed by fire covering 1784 to 1800; the collection of papers of suffragists Elizabeth Cady Stanton and Susan B. Anthony; an analysis of artifacts from Chickasaw archaeological sites; and many, many more. An increase in their funding would permit this agency to expand its already tremendous impact on the Nation's K to 12 humanities curriculum by offering more seminars for teachers and exploring greater possibilities to use technology in the classroom sorely needed.

The Institute of Museum and Library Services oversees America's 8,000 museums and connects schools, libraries, and other institutions with the many wonderful resources within those museums. In its April round of conservation project support grants, they funded proposals ranging from the preservation of sculptures by African American folk artist Felix "Fox" Harris in Beaumont, Texas, to a survey of objects important to the local history of Valdez, Alaska. With additional funding, they could expand that reach to many worthy grant applications.

The amendments, as I said, would add $10 million to the NEA, $3 million to the NEH, and $2 million to IMLS. It does so by making a minor corresponding reduction in the administrative budgets of the Department of the Interior and U.S. Forest Service. My colleagues may not be aware that the underlying bill includes more than $4 billion for salaries and many billions more for other administrative costs such as travel, contracting and so on. The offset would reduce that budget by less than three-tenths of 1 percent. It is expected that this reduction will be absorbed through savings in travel, in printing, and normal vacancy rates in staffing levels. We have worked extremely hard to find an offset that would be reasonable and responsible. It is my firm belief that this offset should be acceptable to every Member of Congress.

When we think about the great civilizations of the past, what comes to mind? The pyramids of Egypt, a spectacular architectural achievement; the sculptures of ancient Rome; the epic poetry of ancient Greece; the cliff art and cave paintings of Native Americans. As opera singer Beverly Sills noted, "Art is the signature of civilizations."

Let us reaffirm Congress' commitment to our Nation's artistic and cultural legacy by passing these amendments.

Mr. SKEEN. Mr. Chairman, I appreciate the position of the Member on this amendment, but I oppose this amendment.

The committee-approved bill includes the President's request for the NEA and NEH. This is a fair amount of funding. This level sustains the increases the endowments received last year, and there is a small increase for fixed costs.

We should not cut the Interior Department and Forest Service operations accounts. We have held these operations accounts down and not even fully funded them for inflation. Further cuts would be very harmful to the administration of the national parks, forests, refuges, and other programs.

The Interior bill has many responsibilities. We have a documented backlog in repairs of over $12 billion. We have tried to make prudent investments in our land management agencies, in Indian programs, and in energy research. I ask my colleagues to join me and oppose this amendment.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment would provide an additional $10 million for the National Endowment for the Arts, bringing their funding up to $115 million. I might point out that in 1995 we funded the arts at approximately $170 million, so there has been a dramatic reduction in funding for the arts. I would say that the National Endowment has done a great job, but it certainly needs this modest increase. We would also increase the National Endowment for the Humanities by $3 million, taking it up to $123 million. It was funded at about $170 million in 1995 as well, so this is another one that needs help. And, of course, the Museum and Library Services, we would increase this by $2 million, taking it up to $26.8 million.

Since 1996, the Endowments have been woefully underfunded, as I have stated. The National Endowment for the Arts, to be precise, received $162 million in 1995 and was level funded at $98 million until their small increase last year. The Humanities were funded at $172 million in 1995, yet only received $120 million in the fiscal year 2001 bill. Even with requests from the previous administration of $150 million for both agencies, we were not able to achieve more than a nominal increase. I believe it is time that these programs receive at least a portion of this request because of the value they add to our country.

The National Endowment for Humanities supports programs that matter most, enriching classroom teaching, developing programs for public television, supporting some of the country's finest museum exhibits, preserving invaluable historical materials from our past, supporting new research by scholars, and partnering with State humanities councils across the Nation. A small grant from either the National Endowment for Humanities or the National Endowment for the Arts spurs nearly four times that amount of funding in the private sector.

But without additional funding, important programs supported by the NEH will not be available. Additional funding would also be used to preserve endangered recordings of folk music, jazz and blues. The National Endowment for Humanities works directly with each of the State humanities organizations and regional centers to support critical cultural programs. They also help ensure that this information is widely distributed into communities through technology like the Internet and CD-roms.

The National Endowment for the Arts also receives an increase for the work that it does. As I mentioned, the NEA received $162 million in 1995, but only $105 million last year. This is simply inadequate.

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I was extremely pleased that we were able to reach agreement to provide this small increase for the NEA last year, adding an additional $7 million for the NEA's Challenge America program.

The NEA should be commended for its work to address criticism and concerns over their funding of controversial grants and for not distributing grants in a more geographically even-handed way throughout the country. They have addressed those issues and I think have solved them, and much of the credit belongs to our subcommittee, particularly the work of our former chairman, the gentleman from Ohio (Mr. REGULA), who was insistent that we emphasize quality in awarding these grants.

The Institute for Museum and Library Services also deserves this small increase. Each year our Nation's 15,000 museums host 865 million visits, a 50 percent increase from only a decade ago. For the last 25 years, the Institute of Museum and Library Services has used its modest Federal funds to strengthen museum operations, improve care of collections, increase professional development opportunities, and enhance the community service role of museums.

An additional $2 million for the Institute of Museum and Library Services will have a real impact in our communities, and I hope my colleagues will join me in supporting this increase. It is my hope that a favorable vote on this amendment will send a message to the administration that these three areas are greatly deserving of these small increases, and we want to say that we are pleased that the administration was at least willing to support last year's efforts.

I compliment the gentlewoman from New York (Ms. SLAUGHTER) for her leadership and her leadership of the Arts Caucus. We are going to continue this fight. We think it is a worthy one. We received some considerable support in the other body. I think it is time for this House to take a stand in favor of support for these three important cultural institutions.

Mr. Chairman, I rise in support of the amendment offered by Ms. SLAUGHTER of New York and myself. The amendment seeks to raise the level of funding for the National Endowment for the Arts, the National Endowment of the Humanities and the Institute for Museums and Library Services. The increases we are seeking for the Endowments and the IMLS would be offset by small reductions in administrative costs at the Department of the Interior and the Department of Agriculture.

We had originally planned to offset these amounts through a deferral of excess clean coal funds as we did last year. Unfortunately the Rules Committee did not waive the rule to allow this. Instead this amendment makes a very small reduction of less than .3 percent in administrative costs. We believe these can be absorbed with no programmatic impact on these agencies. The President's budget was generous in funding administrative costs including more than $160 million for the cost of the Federal pay raise and the committee has added additional funds. This amendment requires that approximately 10 percent of the cost of the pay raise be absorbed through management efficiencies. Historically the amount of pay costs which agencies were asked to absorb has averaged in excess of 25 percent. We believe that most of the cost will come from a higher than expected lapse rate, the savings which occur when positions which are assumed to be funded for all of the year are inevitably filled more slowly with substantial savings. This lapse savings is inevitably higher than expected when there is a new Administration which fills vacancies slowly as is the current case. In addition there may be some small reductions required in travel, printing and administrative contracts costs. In no case should there be any impact on existing staff.

The amendment would: Provide an additional $10 million for the NEA, bringing them up to $115 million; provide an additional $3 million for the NEH, bringing them up to $123 million; and provide an additional $2 million for the Institute for Museums and Library Services (IMLS), bringing them up to $26.8 million.

Since 1996, the Endowments have been woefully underfunded. The National Endowment for the Arts received $162 million in fiscal year 1995, and was level funded at $98 million until their small increase last year. The Humanities were funded at $172 million in fiscal year 1995, yet only received $120 million in the fiscal 2001 bill. Even with requests from the previous Administration of $150 million for both agencies, we were not able to achieve more than a nominal increase. I believe it is time that these programs received at least a portion of this request because of the value they add to our country.

The National Endowment for Humanities supports programs that matter most—enriching classroom teaching, developing programs for public television, supporting some of the country's finest museum exhibits, preserving invaluable historical materials from our past, supporting new research by scholars and partnering with state humanities councils across the Nation.

A small grant from either the NEH or the NEA spurs nearly four times that amount in the private sector.

But without additional funding, important programs supported by the NEH will not be available. Additional funding would also be used to preserve endangered recordings of folk music, jazz, and blues. The NEH works directly with each of the state humanities organizations and regional centers to support critical cultural programs. They also help ensure that this information is widely distributed into communities through technology like the internet and CD-Roms.

The NEA also deserves an increase for the work that it does. As I mentioned, the NEA received $162 million in 1995, but only $105 million last year. This simply is inadequate.

I was extremely pleased that we were able to reach agreement to provide the small increase for the NEA last year, adding an additional $7 million for the NEA's Challenge American Program. The NEA should be commended for its work to address criticisms and concerns over their funding of controversial grants and for distributing grants in a more geographically even-handed way throughout the country.

The Institute for Museums and Library Services also deserves this small increase. Each year our Nation's 15,000 museums host 865 million visits—a 50 percent increase from only a decade ago. For the last 25 years IMLS has used its modest Federal funds to strengthen museum operations, improve care of collections, increase professional development opportunities and enhance the community service role of museums. An additional $2 million for the IMLS will have a real impact in our communities, and I hope my colleagues will join me in supporting this increase.

It is my hope that a favorable vote on this amendment will send a message to the President that these three areas are greatly deserving of these small increases.

I urge support of the amendment.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2217, the Interior appropriations bill for fiscal year 2002. It is consistent with the budget resolution as required under the Congressional Budget Act.

Mr. Chairman, I rise in support of H.R. 2217, the Interior appropriations bill for fiscal year 2002. This bill is consistent with the budget resolution as required under the Congressional Budget Act.

This is the first of 13 appropriations bills that the House will consider under the 302(a) allocation set forth in the concurrent resolution on the budget for fiscal year 2002.

In accordance with the Budget Act, the Committee on Appropriations subdivided this allocation among its 13 subcommittees earlier this week.

I am confident that the 302(b) allocations represent a good faith effort by the Appropriations Committee and its distinguished chairman to comply with the overall discretionary levels agreed to as part of the budget resolution.

As reported, H.R. 2217 provides $18.9 billion in new budget authority and $17.8 billion in outlays for fiscal year 2002.

The bill does not designate any of the new budget authority it provides as an emergency, nor does it rescind previously enacted budget authority.

The bill is within the subcommittee on the Interior 302(b) allocation and therefore complies with section 302(f) of the Budget Act, which prohibits the consideration of appropriation measures that exceed the appropriate subcommittee's 302(b) allocation.

I would note, however, that the bill changes the classification of four fairly small programs under the separate spending cap that was adopted last year.

Both the caps and the classification of programs under those caps is under the jurisdiction of the Budget Committee. Accordingly, the bill violates section 306 of the Budget Act, which prohibits the consideration of legislation within the jurisdiction of the Budget Committee.

I would ask the subcommittee to work with the Budget Committee on the appropriate classification of these programs in conference and on comparable measures in the future.

In summary, this bill is consistent with the budget resolution agreed by the Congress and, on this basis, I support the bill.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Slaughter amendment, not because I do not support the arts and the humanities or museum services, but because I think we need to ask the fundamental question in this case of this amendment, which is, how much is enough?

The subcommittee and the full committee made a conscious decision to increase the NEA and NEH and Museum Services accounts for the first time I think that I have been in the House at the committee level, the subcommittee level. Albeit small increases, they are in fact increases.

I hear my colleagues who are in support of this amendment make the comment that $105,234,000 for NEA is not enough; that $120,504,000 for NEH is not enough; and that $24,899,000 for the Museum Services is not enough. I would urge my colleagues and the chairman that it is enough. Notwithstanding the fact that there has been a higher amount in past years, it is enough as we think about balancing this spending amount with other spending priorities that we have in this bill, and they are many.

My concern with the Slaughter amendment, with all due respect to her and her commitment to the arts and the humanities, the offsets come from the operations of the Department of the Interior and the Forest Service.

These accounts, in my humble opinion, cannot afford a reduction because we have already streamlined their administrative expenses in the bill. I come from the Pacific Northwest. The Pacific Northwest was devastated in Montana and Idaho, luckily not so much in Washington State, by forest fires last year. We are expecting another hot summer. We need the personnel and the administrative assistants to meet not only the fire needs of the region but the other needs of the region, to have a healthy forest service system; to have an adequate protection of our public lands in the Interior Department. Those are priorities as well.

I just urge my colleagues to think carefully about where our priorities are. Why is $105 million for NEA not enough? Mr. Ivey has done a fabulous job. Why is $120 million not enough for NEH? There can never be enough if we advocate in this body only for the priorities that one sees as very important.

I happened last year to be the person involved in making sure that Indian health service funding and adequate health service for our Native American populations was provided in the bill. That is controversial. It was controversial last year. It may be controversial this year. The point is, the President's request was $105 million, $120 million, and $24 million for these three respective agencies. We have met the President's request. It is an increase in all three accounts.

So, therefore, I just think we have to be careful that we do not go overboard with respect to a balance that exists in the accounts of the Department of the Interior agencies. The arts and the humanities do have very important values in our country. I have been concerned that the arts industry has not stepped up to privately try to help the NEA raise funds. It is a $9 billion industry, and we see the highest advocates in the entertainment industry coming and asking for more Federal Government assistance, when I would urge that the actors and the artists of the world and the music folks who have done so well through the entertainment industry step up and assist on the private side, put $1 million or $2 million or $5 million, or $10 million and $3 million and $2 million in this case of their own money in to try to help the NEA and the NEH and the Institute of Library Services.

So we have strived mightily in the subcommittee and the full committee to be fair to the NEA, the NEH, and the IMLS. We have done that. We have reached a balance, Mr. Chairman, that I think meets the needs of the community.

Can we do more next year? Maybe we can, but for this year in this bill in these accounts that we want to keep control over, that is balancing this Federal budget and making all the programs that have value fit within that budget, we have done a very good job. I urge a no on the Slaughter amendment.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to urge my colleagues to vote in favor of the modest increase in the arts and the funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services. During the past 5 years, our cultural agencies have experienced significant cuts in their budgets due to concerns that objectionable projects were being funded with taxpayer money and that the grants were not accessible to all communities.

Today, the National Endowment for the Arts is a new institution that has undergone significant restructuring to address the problems that concern us all, and the Endowment has introduced new initiatives to strengthen existing programs.

For example, the Endowment has been incredibly successful in implementing Challenge America, a program which ensures that people who live in small rural towns or underserved urban areas gain access to the arts by specifically targeting arts education for at-risk youth.

Cultural preservation of our national heritage and community partnerships to help individuals gain access to the arts, Challenge America is achieving its goals.

Furthermore, tighter reporting requirements for grantees have been implemented and subgranting and direct funding to individual artists has been eliminated to increase accountability.

The National Endowment for the Humanities plays a crucial role in the education and cultural exposure of America's children.

Specifically, the National Endowment for the Humanities provides training for the Nation's teachers through seminars and institutes; protects our Nation's heritage through preservation projects; supports scholarship in the humanities and facilitates the flow of research through books, articles, educational television, such as the Public Broadcasting System and radio programs of quality.

This year, the National Endowment for the Humanities funding would continue to focus on helping educators incorporate technological resources into the learning process and would target hard-to-reach communities in both rural and urban America. I grew up in urban America and rural America.

Lastly, the Institute of Museum and Library Services supports the educational role of various museums, aquariums and zoos, by funding hands-on opportunities for learning. These types of experiences are often the most effective and memorable because they allow students to view rare manuscripts, see marvelous paintings and exotic animals firsthand.

Institute of Museum and Library Services will focus new funding on increasing technological access to museum and library resources for all Americans, building community partnerships by funding after-school programs and building institutional expertise in local museums and libraries.

The National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services work to educate, empower and provide enrichment to communities across America. Without these crucial agencies, many would miss the opportunity to experience the delights of an opera, a symphony, a ballet, or a museum. These types of opportunities foster imagination, spark creativity, and broaden future ambitions.

We urge support of the Slaughter-Dicks-Horn-Johnson amendment that increases funding for the National Endowment for the Arts by $10 million, the Endowment for the Humanities by $3 million, the Institute of Museums and Library Services by $2 million. This modest, yet effective, increase in the Interior appropriations bill will help continue our commitment to cultural and educational importance of the arts. Vote for that amendment and with the small amount I cannot see anyone would be voting against it. The children of the world in K through 12, elementary and high school students see new opportunities and even in colleges, they can see the rotating exhibits. Let us vote "aye" on this amendment and educate individuals to be part of our culture and our great history as well.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentlewoman from New York (Ms. SLAUGHTER), and any amendments thereto, be limited to 50 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from New Mexico?

Mr. DICKS. Mr. Chairman, reserving the right to object, I would ask the gentleman from New Mexico (Mr. SKEEN), it is 50 minutes, 25 on each side. The gentleman will control 25 and our side will control 25?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, that is correct.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. The unanimous consent request was that the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from New York (Ms. SLAUGHTER) would each control 25 minutes.

Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, what an embarrassment. Once again, the House of Representatives is considering an appropriations bill that includes level funding for the arts, the humanities, museums and libraries, programs that teach us to think; programs that encourage us to feel and to see in a new way; to speak. The arts and the humanities help us to grow. The Slaughter-Dicks-Horn amendment to increase funds for the National Endowment for the Arts and the other programs is a small investment with a return as vast as one's imagination.

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Last year, we increased funding for the National Endowment for the first time since 1992, and this year we must increase the funding again.

Anyone who has ever managed a budget knows that level funding means a decrease in funds. Opponents of the NEA cry "fiscal discipline," as if the richest nation in the world need be the most culturally impoverished. The dollars we invest in the NEA leverage matching grants and multiply many, many times over.

The nonprofit arts industry generates more than $3 billion annually. It supports more than 1 million jobs. In fact, the arts industry is a money maker, not a money taker.

In addition, funding for the NEA supports programs like Challenge America, which brings art projects to underserved areas across our Nation. It funds programs like Positive Alternatives for Youth, which lowers the rate of juvenile crime by creating artist-led after school programs for our youth.

When we deprive the NEA, the NEH, our museums and libraries of adequate funding, we deprive this entire Nation of an active cultural community. It is a battle as old as the stockades in Puritan times, and it is just wrong-headed.

Mr. Chairman, I encourage my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank Representative SKEEN for yielding me time, and I appreciate the support that the subcommittee has shown for the NEA, the NEH and the IMLS. But I do rise in support of this amendment, because I think we as a Nation need to support the Challenge America initiative that the NEA has led.

The Challenge America initiative has two primary goals: One, to literally press arts dollars down to the small communities. This is extraordinarily important, because these communities are far more conscious of their cultural life than they used to be. There are many more small theater groups developing, many more chamber groups, many more instrumentalist groups and choruses developing, and they need the help that small dollars can give them to organize, to publicize their concerts and to grow their position in the cultural life of our small communities. That is where the arts take on their greatest vitality.

The second thing that these dollars do is to help their communities begin to record and cherish and revitalize their own knowledge of their heritage and to use that revitalization of their cultural heritage and the revitalization of current cultural institutions to develop the economy of rural areas, small cities, and those kinds of sectors of America that too long have had no support in developing the arts on a local and neighborhood and community basis.

The third thing that Challenge America tries to do is to try to press these dollars down into our schools. If you have never stood in a school and had some kid tell you what a HOT school is, a Higher Order of Thinking school is, you really cannot get it, how important the arts are to developing our children's understanding of knowledge and how powerful knowledge is in our lives.

Math can teach you certain logical truths; the arts can help you develop a level of intuitive thinking that is equally important.

So I urge support of this amendment. I am proud to be a cosponsor of it. But I thank the committee for their general recognition of the importance of these institutions in our Nation's lives.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in support of the Slaughter amendment to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Museum Services. Frankly, this amendment is just a drop in the bucket compared to the increase these cultural agencies need and deserve. But it is finally a step in the right direction.

I hope that the senseless battles over Federal funding for the arts is finally behind us. We have debated the proper role of government in supporting the arts time and again, and the facts are clear, the NEA is a good investment for our country.

I will not rehash all the arguments in favor of Federal funding, from the economic stimulus it provides, to the private and local public money it leverages. We know about the broad geographic reach of the NEA, with grants to all 50 States. The Challenge America initiative is touching hundreds of rural communities across the country. We know that NEA supports numerous educational projects for young children and lifelong learners alike.

And then there are the intangible benefits of the arts, their ability to lift our spirits and forge a sense of community. We need only think of the stirring presentation by Peter Yarrow of Peter, Paul and Mary at the Republican and Democratic Caucuses this week to understand the power that music has to bring people together.

So the debate is over. The question is no longer should the government subsidize the arts; the question is how much. With this amendment, we take a very modest step forward, but we must do much more. We must fund the NEA at a level that enables it to carry out its mission.

Today, the NEA is nearly 40 percent below where it was before the drastic cut of 1995, and resources are stretched too thin to adequately fund worthy projects. The average grant size has dropped by half and will drop even further without sufficient funding. When we limit funding, we also hamper the ability of the NEA to continue reaching out to underserved areas.

Mr. Chairman, last year the NEA closed a dark chapter in our history when Congress approved the first budget increase in nearly a decade. Today we must build on that important victory and pass the Slaughter amendment. It is a minimal increase, a very minimal increase, but it is the very least we can do. Let us begin a new era in which we respect and support the arts and humanities and the contribution they make to our society, and back up that respect with some real resources.

Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA), the former chairman and a current valued member of the Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, first of all, I want to compliment Mr. Ivey and Mr. Ferris. I think both Mr. Ivey and Mr. Ferris, and they will be leaving in the next several months, have done a great job of administering these agencies. The fact that we are here debating the amount of money is indicative that we have had a good administration. We are not talking about egregious projects. It is just a matter of priorities in the expenditure of Federal funds.

What I am somewhat concerned about here is the fact that we still have a $5 billion backlog of maintenance in the national parks. Art takes on many forms. Art is also to go out in a national park, such as the Grand Canyon, and look down in that enormous landscape in terms of the beauty of it, or to go to Yosemite.

So I think we have to make priority judgments, and it is not a matter of one art against the other. You have the visual art, but you also have the natural art that is part of our national parks, national forests, all these wonderful resources.

When we have a $5 billion backlog of maintenance, when people will necessarily have to be RIFed in the Park Service because there is not enough money here to give them an adequate pay raise, I think probably priority-wise that we are not in a position to be spending more money on these projects now. As we all know, we did increase art funding in the past year, and I think the gentlemen who have led these two agencies have done a good job of using the money very wisely.

But I think in terms of the priorities of this Nation, that our first priority has to be to take care of what we have in our parks and forests, to ensure that future generations will have the same pleasures that we do in visiting these facilities.

It seems to me that before we start adding to the expenditures, and I think the committee did a balanced job in making the priority choices, that we ought to weigh carefully whether we want to limit the amount of pay increase for our people that serve us in the national parks and forests, whether we want to continue addressing the backlog of maintenance. When we are talking about maintenance, it is trails, it is roads, it is camp facilities, and I think probably priority-wise we should leave this bill as it is as far as the numbers for the humanities and for the arts and address some of these other needs, because a beautiful vista in a national park or a national forest is every bit as important as a piece of art.

I hope prospectively that the resources will be enough that we can make the priority judgments to do both. I think there is an opportunity to expand the arts and humanities. But in terms of our priorities, I believe the committee made the right judgment in saying, to start with, we need to emphasize the maintenance of the facilities we have; we need to give these people who serve us in the national parks and forests an adequate pay raise, because they are very selfless to begin with.

If you visit the parks and some of the facilities that people have to live in and housing and so on, you realize that those that are public servants in parks and forests are truly dedicated, that they do this as a labor of love, and, therefore, I think it is important that we adequately compensate them.

I do not have any quarrel with the need to have more money, but it is a priority choice, and I believe today we should stay with the committee's numbers.

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind the previous speaker that we are talking about three-tenths of 1 percent, it does not touch salaries, and it is not very much. It comes out of a cushion inserted in the bill.

Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Horn-Johnson amendment. We need to increase the funding for the National Endowment for the Arts, the National Endowment for the Humanities and the Institute of Museum and Library Sciences. These are the agencies that are charged with bringing the history, the beauty, the wisdom of our culture into the lives of all Americans, young and old, rich and poor, urban and rural.

We in the Congress have said that preserving our national heritage and bringing the arts into the lives of more Americans is a goal that is worthy to support. Last year we made an important investment in the NEA's new Challenge America program. This program focuses on arts education and enrichment, after school arts programs for young people, access to the arts for underserved communities and community arts development initiatives.

Many years ago I spent several years as chair of the Greater New Haven Arts Council in Connecticut, and I know firsthand that the arts not only enrich lives, but they contribute to the economic growth of our communities.

The Federal investment in the arts is not the only means of support for this endeavor. Rather, our dollars, which represent only a small fraction of our annual budget, are used to leverage private funding and fuel what is really an arts industry. The industry creates jobs, increases travel and tourism and generates thousands of dollars for a State's economy.

Arts have a real value in restoring civility to our society, providing children and our communities with real alternatives. Participation in the arts programs helps children to learn to express anger appropriately and enhance their communication skills with adults and peers. Youngsters who have benefited from these programs show better self-esteem, an improved ability to finish their tasks, less delinquent behavior, and a more positive attitude towards school.

We know that arts build our economy, enrich our culture, and feed the minds of adults and children alike. We need to increase the opportunity through these organizations, to help them to fulfill their missions, and it is time that we gave them this support.

Vote for this amendment, preserve our heritage, make it accessible to all.

Mr. SKEEN. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to commend the gentleman from New Mexico (Chairman SKEEN) and the gentleman from Washington (Mr. DICKS) for the great job they have done on this Interior appropriation. There is one exception, however, and that is why I am rising in strong support of an amendment that is currently being discussed, the Slaughter-Dicks-Horn-Johnson amendment, which would increase funding for the National Endowment for the Arts, for the National Endowment for the Humanities, and also for the Institute of Museum and Library Services, not by very much money, altogether $15 million.

□ 1130

It is critical that we support Federal funding for these programs. These programs serve to broaden public access to the arts and humanities for all Americans to participate in and enjoy. The value of these programs lie in their ability to nurture artistic excellence of thousands of arts organizations and artists in every corner of the country. The NEA alone awards more than 1,000 grants to nonprofit arts organizations for projects in every State.

These programs also are a great investment in our Nation's economic growth. The nonprofit arts industry alone generates more than $36.8 billion annually in economic activity. It supports 1.3 million jobs and returns more than $3.4 billion to the Federal Government in income taxes.

I know that each of us in Congress can point to numerous worthwhile projects in our districts that are aided by the NEA, by the NEH, by the Institute of Museum and Library Services.

For instance, in my district of Montgomery County, Maryland the NEA provides a grant to the Bethesda Academy of Performing Arts to support their Arts Access Program. This inspirational program exists to offer introductory and integrated performing arts to children, teens and young adults who have physical, emotional, learning or developmental disabilities. Through Arts Access, BAPA witnesses firsthand the incredible amount of growth and development that occurs when the arts are incorporated into lives of students who have special needs.

The NET and the Maryland Humanities Council, in turn, have aided institutes and individuals in Maryland by providing over $18.2 million of seed funds over the last 5 years for projects that help preserve the Nation's cultural heritage, foster lifelong learning, and encourage civic involvement.

On just March 24 of this year, I spoke at the awards ceremony for the Maryland History Day district contest in Montgomery County, Maryland. The Maryland Humanities Council conducts History Day in partnership with the Montgomery County Historical Society and other cultural and educational organizations throughout the State. It was made possible with funds from the National Endowment for the Humanities.

By supporting the arts and humanities, the Federal Government has an opportunity to partner with State and local communities for the betterment of our Nation with all kinds of programs.

I also want to point out something I think is significant. Students who engage in arts and humanities programs over a period of time show a tremendous increase in their SAT scores, so it helps them also intellectually. Both the arts and humanities teach us who we were, who we are and who we might be, and both are critical to a free and democratic society.

So I urge a "yes" vote on the Slaughter-Dicks-Horn-Johnson amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I rise in support of this amendment proposing a modest increase in America's arts budget. I represent a district in California that lost thousands and thousands of jobs in the defense industry with the defense contractor downsizings of the last couple of decades, but we were fortunate. We gained these jobs back and many more in the high-tech and entertainment industries.

In those industries, artistic skill and the creative thinking skills that are developed through arts education are essential, and support for the arts and support for arts education is as much a part of the economic infrastructure of States like California and many communities around the country as any other industry and, indeed, more than many other industries. We thought nothing of developing the infrastructure of other industries through focused educational efforts. We should do no less in this critical high-tech industry throughout the country.

Objection is made that if this is so important to the entertainment industry or the high-tech community, why do they not fund it? The answer is, they do. They do. In thousands of communities around America, the high-tech community and the entertainment industry do fund local theaters and symphonies and ballet companies, et cetera, but they cannot do it alone. They cannot do it alone.

Mr. Chairman, this modest increase in America's arts budget will allow not only the development of this industry and this economic infrastructure, but also support the cultural well-being of all of our communities by helping struggling theaters to survive and struggling ballet companies and museums and artists.

NEA grants have gone to things as varied as, for example, the Vietnam Veterans Memorial here in Washington. So it is not simply for our own economic well-being that we should strengthen our arts infrastructure in this country, but our cultural well-being and richness as well. It is the reason many of us live in the communities we live in. It is deserving of our support, and it is good for the heart and soul of America. I urge the continued support of my colleagues.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a valued member of the Subcommittee on the Interior.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to oppose this amendment. I am not going to argue that the spending is wrong, but the cuts are wrong. We heard that it was just coming from the cushion. There is no cushion in the Forest Service. There is no cushion in the Forest Service. This is an agency that has not been adequately funded for many years. Backlogs exist. Mr. Chairman, 250 million people a year visit the Forest Service lands, 250 million, almost equal to the Park Service.

These people depend on facilities to be maintained, trails to be maintained, wildlife to be managed. These are the accounts that we are going to be taking this money from: recreational facilities that are badly in need of maintenance; law enforcement so that it is safe and secure for our families who are touring these facilities. This money is being taken from the wrong accounts.

The Interior budget has a $12 billion backlog in maintenance on the facilities that are publicly visited in the Park Service and in the Forest Service and on BLM lands. I say to my colleagues, this is not taking from a cushion. There is no cushion. There is inadequate funding in these departments historically. The backlog is huge. We are taking money away from where hundreds of millions of Americans depend and will tour this summer and expect facilities to be in shape, expect trails to be in shape, expect wildlife to be adequately managed and expect law enforcement to be adequately funded; and we are taking the money away from the heart and soul of the Forest Service and the Department of the Interior.

Mr. Chairman, this amendment is wrong. There was a good balance in this bill, and I urge the defeat of this amendment. It is not taking from a cushion, it is being taken right out of the heart.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in allowing me to speak in support of her amendment.

I wish to just add one point to the discussion here today. The funding trend that we have had ultimately moving upward is one that needs to be continued, and it needs to be continued because of the massive ripple effect that this has throughout the country.

In Oregon, communities like mine have had difficulty of late, but the Federal resources have enabled them to bootstrap. Portland arts groups have obtained a 68 percent rate of return at the box office, far ahead of the national average. It has encouraged private sector business to step forward doubling their investment in the first 5 years of the last decade alone. If we were to rely solely on public support, we would be cutting off access to people in our communities who need and deserve these opportunities.

Mr. Chairman, I hope that we will join together and support the gentlewoman's amendment. It is going to be very critical to promoting communities that are livable where our families are safe, healthy and more economically secure.

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of her amendment to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services. The arts and humanities are important both socially and economically to our Nation as a whole.

Studies have shown students benefit from exposure to both the arts and humanities. These students have a better chance to increase their SAT scores, develop increased self-confidence and are more likely to create multiple solutions to problems and work collaboratively with one another. These skills are essential for their future in the American workforce.

Arts and humanities funding are increasingly allocated to State agencies for grant programs that reach out to underprivileged and smaller suburban and rural areas that do not have the benefits of big city arts programs. In correlation, 79 percent of businesses believe it is important to have an active cultural community in the locale in which they operate. For instance, the Delaware Art Museum offers educational programs which are supported by corporate giants, the Delaware Division of the Arts and the NEA.

I have seen firsthand the impact cultural agencies have on communities producing results that benefit all. For example, the Delaware Theater Company, through grants provided by the NEA, has created a partnership with Ferris School, a maximum security facility for improvisational play-writing residencies that incorporate writing skills and art for incarcerated boys between the ages of 14 and 18. The NET has also supported projects at the University of Delaware that have both local and national impact, including preservation and access funds for education and the conservation of material cultural collections.

It is important for us to remember as a body the collective benefits that this does, not only for our districts, but for the country as a whole. I urge all of my colleagues to support this amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Ms. McCARTHY).

Ms. McCARTHY of Missouri. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise today in strong support of the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Washington (Mr. DICKS) and the gentleman from California (Mr. HORN) to increase by $15 million dollars funding for our national arts agencies: the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museums and Library Services. These additional funds will enable children, youth, and adults to create, produce, learn from, and enjoy our Nation's arts and humanities.

Mr. Chairman, H.R. 1, the Elementary and Secondary Education Reauthorization Act which we approved in the House by a bipartisan vote authorized numerous structural changes to assure our children would be well read, well educated, and well adjusted. As a former educator, I value all that we did in H.R. 1.

But we must do more for our children than structural changes alone. We must also provide opportunities for their creativity to flourish and for them to gain a sense of our Nation's rich culture so that they may be the best leaders for the future.

Even more significant, we know that exposure to and participation in the arts reduces youth violence. H.R. 1 also authorized increased funding for arts education. This amendment, using NEA and NEH funds, provides such opportunities for our children.

For example, the NET is helping to fund a new project in my district, the Lewis and Clark Centennial Celebration. This project will be inclusive of Native American populations living in the region during this historic period of exploration, and will employ experts from Science City at Kansas City's Union Station to discuss the scientific methods employed by Lewis and Clark to map our frontier. This project will make history come alive through experiential learning and historic representations.

NEA also grants help to The Writer's Place to produce the Poets at Large event where critically acclaimed poets from across the United States inspire children and adults to embrace the written word as an art form. NEA funding enables children around the country to explore and appreciate our individual and collective identities as both Americans and global citizens, helping children to nurture their own love of reading, writing poetry, creating song lyrics, and drama.

Mr. Chairman, I urge adoption of this amendment to increase support for this funding. This support sends a message that art and music in the classroom and the community expand and enrich our lives and make our Nation a better place.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

□ 1145

Mr. MORAN of Virginia. Mr. Chairman, I wanted to respond to the previous gentleman who spoke about the cut to the National Forest Service.

If we leave the forests alone, our national forests, they are going to grow just fine, but if the most prosperous nation in the history of western civilization does not make an investment in the arts in this country, then a whole lot of cultural initiatives are going to die on the vine. We cannot let that happen.

Mr. Chairman, we have been beating up and gutting the National Endowment for the Arts now for the last several years. Of 117,000 grants that have been awarded by the NEA, fewer than 20 have been controversial. That is a much lower percentage than any of the other arts granting agencies: the Pulitzer prizes, the National Book Awards, you name it. There ought to be some controversy in the arts.

But the strongest argument for supporting this increase is our own experience in our own communities. Last week I went to a performance of the Classica Theater in Arlington. Here are a group of Russian emigrés who brought with them an invaluable experience in the classical Russian theatrical tradition.

What they are doing with a very small grant from the NEA is extraordinarily impressive. The NEA grant gave them the credibility to go out and raise substantially more money. Then they went to the school system, and they found about 100 immigrant kids from Somalia, Bosnia, and Afghanistan, who were suffering from the same kind of language and cultural barriers that they had. These kids were not succeeding in school. They taught them how to succeed through their theatrical tradition. They brought the history of Virginia to life in a play that employed their vocal and dramatic talents.

That theater was crowded and not just with their parents. They got a sustained ovation, but most importantly, every one of those kids saw their lives transformed. They were proud of themselves. For a few thousand bucks, we had a wonderful artistic expression by people who now know that they have tremendous potential for the rest of their lives. That is happening in communities all over the country.

Mr. Chairman, this is good money. It is a good investment. We ought to be increasing the NEA, not bashing it. The fact is the NEA, the NEH, and our museums are something we ought to be proud of all over the world. The rest of the world is proud. This Congress ought to be proud and support it.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

A previous speaker from the podium a few moments ago decried the fact that this bill funds inadequately the National Park Service, and that this amendment takes money away from that very much needed program.

This is true. It is true. But the fact of the matter is that there are many things that are underfunded in this overall budgetary program. The reason for that is that the majority party insisted on a $3 trillion tax cut earlier this year, and that is why we do not have enough money to do the kinds of things that we really ought to be doing.

We are here today to talk about giving a little bit more money to the National Endowment for the Arts and the National Endowment for the Humanities, one of the tiniest programs in the Federal budget, I would say much to our chagrin, much to our shame. It ought to be much bigger.

But where is that program today? In this budget, it is funded at $105 million for the National Endowment for the Arts and $120 million for the National Endowment for the Humanities. In 1995, NEA was funded at $57 million higher than it is today. NEH was funded at $52 million, higher than it is today in this budget.

One of the most shameful things that the majority party did when it came into power here in 1995 was to dramatically slash funding for the arts and the humanities. Programs in schools all across our country and museums all across our country were slashed.

Now, to their credit, our previous subcommittee chairman and our present subcommittee chairman, the gentleman from New Mexico (Mr. SKEEN), have worked to try to bring the funding level back up. I applaud them for it. But we are still woefully below where we ought to be, $57 million lower than in 1995 for the arts, $52 million lower than this 1995 for the humanities.

We have got to fund these programs adequately. It is shameful the way we have treated these programs in the Congress. That is why this amendment is so important, because it moves these funding levels up slightly, and brings them back in the right direction.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I thank the gentlewoman for yielding me time to speak here.

Mr. Chairman, many critics for the national endowments believe funding given to the NEA goes only to museums in big cities. As a former member of the National Council, I can assure the Members that rural communities receive more funding than ever through Challenge America and arts education programs.

Challenge America is a major NEA initiative that was newly funded by Congress in fiscal year 2001. The legislation provided $7 million for arts education and public outreach activities.

One of the challenges of the Challenge America program is to target areas of this country that have been underrepresented among NEA grant recipients. This year, 400 small grants will be provided for these underserved communities. Of the funding appropriated for NEA by Congress, more than 40 percent is directed to State and regional art agencies, which in turn make grants and offer services to community-based arts organizations in our communities.

I urge my colleagues to support this amendment. I think everybody here could get a map. This is a map of North Carolina, with all of the direct grants and indirect grants that are applied using the National Endowment. Each State can have this map.

In North Carolina. We had ten direct grants and 75 indirect grants. One of the really important ones, as far as I was concerned, is that we brought into Hickory, North Carolina, a thing called a Fry Street Quartet. It was helped paid for by the NEA.

The Hickory school system had a spring program founded by a teacher there named Dellinger, currently the director of an orchestra at the Hickory school. Chamber music study has always been part of the program at Hickory, North Carolina. It has been expanded. Currently the program has 198 students in grades six to twelve.

It is unbelievable what has been used by our community to attract new industry and new jobs by the outstanding effort by the community in developing the National Endowment. It is hard to say how many industries and jobs we have brought into our community because of its support of the arts.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, there is no reason, other than an ideological one, to oppose this amendment. As has been already pointed out, the Endowment for the Arts as recently as 1995 was funded at $170 million level. This amendment simply seeks to fund it at $115 million.

For those people who live in big cities or for those Members of Congress who regularly frequent Washington, D.C., any time they want they can go to the Kennedy Center, they can go to the Folger Library, they can go to the Corcoran, they can go to many of the cultural institutions in this town.

It is a lot different if your are a child in small town America. Very often the endowment is the only thing that will introduce children in smaller communities in this country to the fine arts and to many other experiences that come under the rubric of the arts and humanities.

I think of one entertainer in my district, for instance, who goes into schools, who helps schoolchildren to write down their thoughts about life and then put those thoughts to music. Then he turns that into CDs for those local schools. The value in that kind of an effort is immeasurable.

As far as I am concerned, the Endowment for the Arts is one of those tiny facilities of government that helps children from all over this country dig much more deeply into their own souls than they even know is possible. I think that to oppose this amendment for ideological grounds or on ideological grounds is shortsighted. I think it neglects the fact that the Endowment helps children to grow in many, many ways.

I would urge support for the amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I am so proud to join with many of my colleagues on both sides of the aisle to support her amendment.

Economically, support for the arts and humanities just makes sense. The arts industry contributes nearly $4 billion into our economy, and provides more than $1.3 million full-time jobs. Furthermore, the arts industry returns $3.4 billion to the Federal Government in taxes, and arts education improves life skills, including self-esteem. It costs each American the equivalent of a postage stamp to support the National Endowment for the Arts.

In turn, last year the NEA awarded over $83 million in grants nationwide, and over $1.7 million in my home State of Illinois. There we have the Illinois Arts Council and the Illinois Humanities Council providing critical leadership and support and development of programs that touch the lives of thousands and thousands of Illinoisans.

For example, there is the Lyra Ensemble in Chicago, the only professional performing arts company specializing in the performance, research, and preservation of Polish music, song, and dance. Another project is the Beacon Street Gallery Theater, a program that supports the uptown youth and cultural heritage preservation program.

This initiative promotes cross-cultural understanding, strengthens intergenerational ties, enhances literacy, and builds job readiness.

These kinds of programs deserve our support.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill and any amendment thereto be limited to the time specified, equally divided and controlled by the proponent and an opponent: one, an amendment to be offered by the gentleman from Vermont (Mr. SANDERS) related to payment in lieu of taxes for 30 minutes; and two, an amendment to be offered by the gentleman from West Virginia (Mr. RAHALL) regarding the Mineral Leasing Act for 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. DICKS. Reserving the right to object, Mr. Chairman, as I understand it, there would be 15 minutes on each side for both amendments?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentleman is correct.

Mr. DICKS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the vice-chairman of the subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand in opposition to this amendment, but I want to say I am a supporter of art. I support, and have every year since I have been in Congress, the Congressional Art Award in my district. My father is a docent at an art museum. I have two children who are artists, and one who would like to continue being one in the form of acting for a career.

But Mr. Chairman, I think we in Congress always fall in a trap that the NEA is the arts statement for America. I would like to speak about that.

First of all, I want to say to the proponents of this that I am glad that the NEA has reformed somewhat. They have eliminated a lot of the art that was so controversial, the Mapplethorpe exhibits, the watermelon women, and the things that caused so much controversy. I am glad that they have reduced that.

I will point out that they did it very reluctantly. It was a Supreme Court decision that said if the Federal government is funding art, then the artist does give up some freedom of expression and has to work as a contractor for the taxpayers. So there has been progress made, for whatever reason.

One area they have not made any progress in, as so many of the proponents have pointed out, is that in 1975, the funding for the arts was about $150 million. It has been reduced, and that vacuum, that void, should have been replaced by private dollars. We have done this in lots of other Federal Government programs, and it was the job of the NEA to go out and seek alternative funds. I think they have done a little bit of that, but they certainly have a long way to go.

□ 1200

Does the Federal Government support art beyond the NEA, which every year we hear, oh, this is what sophisticated countries do? They take the money out of the people who work in paper mills. They take the paycheck from the guy who works in the chicken factory.

They take the paycheck from the guy who is out there driving a long-haul truck right now and spend it on art and that is the sign of a sophisticated and compassionate country.

Mr. Chairman, we, in America, spend a lot of money on art education on our State level and on our Federal levels, teaching kids in all levels of school about art. We also have tremendous tax advantages, billions of dollars for write-offs if you donate to art museums or give generously.

In my town, in Savannah, Georgia, we have one of the largest private art colleges in the country, the Savannah College of Art and Design. It is not only one of the largest ones, but it is privately funded and one of the most successful ones, turning out hundreds of artists into our society from all over the country every year.

And, thirdly, our Federal Government does a lot of art purchasing. We buy objects of arts to put on the walls in Federal buildings and to put on the plazas, and we are major purchasers of arts and there is no ban against that.

Fourth, we fund lots of art beyond this and lots of museums.

I will give my colleagues an example. The Smithsonian alone gets nearly $500 million from this bill, and people should realize that we are very committed to cultural history.

Finally, let me talk about art versus nature. It is as the gentleman from Ohio (Mr. REGULA) has said, art and beauty is in the eye of the beholder. If we look at the Grand Canyon or if we look at the forest, is it not art, maybe made by God versus made by man, but it certainly is art.

What we are doing here is we are taking money out of one resource and putting it into this man-made resource. I have to say there are some provincial politics driving this. It is interesting the disproportion of speakers who have spoken today who are from New York. Well, there is a reason for that. For the NEA, 70 percent of their money is spent in New York.

I know that is where lots of the art and theater companies are, but they come down South or they come down to the heartland of America, dusting off their halo and they put on an exhibition during the summertime and they feel good about themselves and then they go back home and we appreciate the visit. The reality is, 70 percent of the money for the NEA goes to New York.

Where are they getting the money from? They are getting it from fire. Is there anybody in the U.S. Congress that does not know about the fires that we suffered throughout the West? This money comes out of fire suppression accounts.

It comes from hazardous fuel accounts, facility backlogs, rehabilitation and restoration accounts, joint fire science so that we can prevent forest fire and volunteer fire services so that people in small rural areas can fight forest fires. That is where this money comes from.

Let us talk about needs versus wants. In my opinion, we need firefighting. We might want NEA, but we do not need to have it; and we certainly do not need to have this increase.

Mr. Chairman, lots of Members of this Congress would eliminate the NEA if it was up to them, but we are not on the committee doing that. We are keeping the funding level, and it is odd that a friend on the other side of the aisle has said that level funding in Washington means a cut. Well, maybe it is time to go back home and bounce that off your kid, because my daughter, Ann, who is 13 years old, she gets $3 a week allowance if she does her chores. I do not consider myself cutting her allowance 1 week to the next when I give her $3 on one Sunday and $3 on the next Sunday.

That is what we have been told. Level funding is a cut; go sell that to the taxpayers back home. Again, these are the people who drive trucks, who work in paper mills, who work in farms, who work in chicken factories. They are the ones who are paying for this. This is not Congress' money. This is not Washington's money. This is not government's money.

This is hard-earned taxpayers' money, and we need to be very careful how we spend it. It is 12 o'clock in the Eastern Standard Time zone. That means that there are a bunch of folks right now who are wearing hardhats who will be taking them off for 30 minutes to eat a lunch out of a lunch pail, and then at 12:30 they will be back, they will punch the timeclock and they will be back.

Mr. Chairman, they are the ones paying for this, not Washington, not the Department of the Interior; and I suggest, Mr. Chairman, we should pay them the honor that they deserve for the hard work that they are doing, and we should reject this amendment and stick with what the committee has worked out under a careful compromise.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentleman from Washington State (Mr. DICKS), the ranking member of the Subcommittee on Interior.

Mr. DICKS. Mr. Chairman, I want to compliment all of our speakers here today. They have done an outstanding job of presenting a strong case for a very modest amendment.

Mr. Chairman, what we are talking about is increasing the funding for the National Endowment for the Arts by $10 million, $3 million for the National Endowment for the Humanities, and $2 million for library services.

I have served on this subcommittee for 25 years, and I can remember when I was first on this committee we had two significant challenge grants for the State of Washington, and we saw our Pacific Northwest Ballet grow into a major institution.

We saw our symphony grow. We saw the theaters in Seattle grow, and people talk about this all being New York and Chicago. I can tell my colleagues that the work of the Endowment has helped spread the arts throughout the country. Sometimes we have to accept a win.

The committee has insisted that the Endowments emphasize quality; they do. The grants that are going out today are for the best art, the best humanities in this country.

Mr. Chairman, I would just say, I think it helps our country to have this diversity. I bet a lot of people go down to Georgia to attend the performing arts just like they do in the Northwest or for the Shakespeare Festival in Oregon.

Each community is proud of its art institutions, and I can tell my colleagues that the young people in my district enjoy being in the symphony, enjoy being members of their theater group; and I think for our children giving them a chance to have something to do after school, to be involved, like the kids are at the Middle School in Tacoma that help develop "Chihuly's Glass."

These are the kind of important things that will help our kids throughout their entire lives. Let us vote for this amendment. If there is any difficulty with the offset, we will work that out in the conference. Everybody knows that. This is a chance to support the arts, the humanities, and our museums.

The CHAIRMAN. The gentlewoman from New York (Mrs. SLAUGHTER) has 30 seconds remaining and the gentleman from New Mexico (Mr. SKEEN) has the right to close.

Ms. SLAUGHTER. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, I just want to say to my colleagues who just simply love art but do not want to fund any of it, see how important it would be, I would like to challenge them to go back into their districts and talk to the art programs that are there, see how many of them are seed money from the National Endowment for the Arts and see when those troops come through and buy tickets in their areas, how much that adds to the local economy.

Mr. Chairman, if they want to make these programs available to more people in the country then pass this small amount of money, the truck drivers on the long hauls who enjoy the good music at night, then, will be grateful as will the country.

The vast majority of Americans approve of this and want it, and I urge the adoption of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON) the balance of my time.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for the time, and I wanted to also join with the gentleman from Washington (Mr. DICKS) in complimenting everybody who has participated in this debate.

Mr. Chairman, I do want to say to the gentlewoman from New York (Ms. SLAUGHTER), my good friend, that that is one of the problems with the NEA and the rest of the country. As I go around to my art community, Savannah, Georgia, is blessed with a great and a very strong active art community; but there is no NEA presence there whatsoever.

I would just say, again, if I was from New York.

Ms. SLAUGHTER. Would the gentleman yield?

Mr. KINGSTON. Actually, I have not yielded to the gentlewoman from New York, but I did overhear the statement. Let me say this: again, that is one of the situations with the NEA that it is disproportionately spent in New York.

Mr. KINGSTON. Mr. Chairman, I would say that this is one of the problems, and I would urge the NEA in their own distribution to go out to the rest of the country and make the their presence known. I can say this, we do not get any letters. Yes, let us do something for the NEA back home, because they are invisible.

We get lots of art, locally State-funded stuff, privately funded. We have a great symphony. We have a great art museum, a huge fund-raiser and lots of good things going on.

But one of the big vision differences here, Mr. Chairman, is that there are those who believe that government has to be the only funder and the only provider of things. Then there are others who think that funding as much as possible whenever possible should be driven by the private sector and locally.

I am going to support NEA funding, and I will support the committee mark, as I did at the subcommittee and the full committee level; but I will not support an increase.

Mr. LARSEN of Washington. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks Amendment and to highlight the importance of NEA and IMLS funding for the smaller towns in my own district.

Last year's NEA funding increase created the Challenge America program, to help smaller communities gain access to the arts. The Arts Council of Snohomish Country in my home district was one of the first organizations to receive this grant. This organization offers weekly art classes to juvenile offenders, many of which have no adult role models in their lives, and provides them with opportunities to express creatively and interact in a forum outside of a detention center. Without this grant, the program would have had to cut back drastically or even be eliminated. That would be truly unfortunate, Mr. Chairman, because it is programs like these where the arts can provide hope and opportunity for troubled youth. Challenge America is doing great things for youth in my district, yet this program would not exist if the NEA did not receive increased funding last Congress.

I would also like to offer my support for IMLS, which also funds key services in my district. The Museum of Northwest Art in La Conner—a town of 900—received a key grant from the IMLS to help attract more tourists to the Skagit Valley region in my district. Because of the IMLS grant, La Conner brings in many more visitors who come to experience the Skagit Valley, thereby boosting their economy. Unfortunately, other museums in my district do not receive funding because of the lack of IMLS funding. The executive director of the Whatcom Museum contacted me earlier this year to share his frustration that the Whatcom Museum and Bellingham Library were denied important funding, not because of their qualifications, but because of the lack of funding for the IMLS. The Slaughter/Dicks amendment will provide key funding increases for the IMLS, and help small libraries and museums in districts like mine continue to flourish and reach out to the community.

Mr. Chairman, let's continue to show our support for the arts, the humanities and our museums and libraries by supporting the Slaughter/Dicks amendment. Thank you.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Slaughter-Dicks-Horn-Johnson Amendment, to make important increases to the NEA, NEH, and the Institute of Museum and Library Services.

We know that the arts are crucial to the development of our culture and our economy, and beneficial to all our citizens. As a recent member of the National Council on the Arts, I have seen first-hand the grant selection process, and I applaud the NEA for successfully increasing all Americans' access to the arts, through programs such as "Challenge America."

I was very proud last year, when for the first time since 1992, we increased funding year after year, and had repeatedly battled threats to the very existence of this important program.

We must recognize, however, that last year's funding increase was not the conclusion of a struggle, but rather, a first step toward funding the arts and humanities at levels appropriate for the importance we place on them in our society. A $10 million increase to the NEA budget would not only support extraordinary artistic work, but would also generate federal revenue and foster local economic activity.

Let's use this opportunity to continue providing a level of resources to the NEA and the NEH of which we can all be proud.

My colleagues, I urge you to support the Slaughter-Dicks-Horn-Johnson amendment.

Mr. FARR of California. Mr. Chairman, I would like to express my strong support for the Slaughter/Dicks amendment to the FY02 Department of the Interior Appropriations bill (HR 2217) to increase funding for the National Endowments for the Arts and the Humanities and the Institute of Museum and Library Services (IMLS).

A small investment in these agencies will provide our nation with limitless cultural, educational, and economic returns. Yet, each has been subject to massive budget cuts over the past six years, with the NEA receiving its first budget increase last year since 1992. The modest increases proposed by this amendment represent a step in the right direction toward ensuring that the arts and humanities have the increased funding they richly need and deserve.

The mission of these agencies is to provide access to the arts for all Americans, thus nurturing our nation's diversity and creativity, fostering community spirit, educating our citizens, and helping our struggling youth. The arts teach us to think, encourage us to feel, challenge us to see the world from different perspectives, and help us to grow. They improve the critical thinking skills and raise the self-esteem of our children through highly successful arts in schools and after-school arts programs. They reach into underserved areas, exposing smaller communities to the many intangible benefits the arts have to offer. That is why when we deprive our arts, humanities, and museums agencies of necessary funding, we are really depriving the heart and soul of this entire nation.

And investment in the arts and humanities just makes "cents." The NEA budget represents less than one-hundreth of one percent (0.01%) of the Federal budget and costs each American the equivalent of one postage stamp per year. Each year, the nonprofit arts industry returns $3.4 billion to the federal treasury, generates $36.8 billion in economic activity, and supports at least 1.3 million jobs. Without a doubt, the arts contribute to the economic health and growth both of our communities and of the nation as a whole.

The Central Coast of California has a vibrant arts community, and I want to ensure that our well-loved cultural traditions—like the Monterey Jazz Festival, the Cabrillo Music Festival, and the Kuumbwa Jazz Society—continue to thrive and are accessible to all. We must increase funding for the NEA, NEH and IMLS and ensure that they have the resources to help our diverse local arts community continue to shine.

Mr. HOLT. Mr. Chairman, I strongly support this amendment to add much-needed funds to the National Endowment of the Arts, the National Endowment for the Humanities and the Institute for Museum Services.

The National Endowment for the Arts and the National Endowment for the Humanities play crucial roles in American cultural life. Since 1965, the NEA has provided over 111,000 grants for projects ranging from theater and film festivals, to poetry readings and workshops, to radio and TV broadcasts, to museum exhibitions, to city design and downtown renewal. NEA funds often help to bring excellent performances and exhibitions beyond big cities to small towns and rural areas throughout the United States. Also, together with the state arts agencies, the NEA provides some $30 million in annual support for more than 7,800 arts education projects in more than 2,400 communities.

The NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their wonderful American heritage.

The IMLS supports museums, including art, history, science, as well as zoos and aquariums. Increased funding in this area would help reinforce museum's educational role, encourage public access, and enable museums to care for our national treasures.

In central New Jersey, the NEA has supported arts opportunities for local residents in places like Lambertville, where a grant is helping support the annual New Jersey Teen Arts Festival and in New Brunswick where the NEA is helping the George Street Playhouse stage writing workshops for seventh to 12th grade students in local schools. The NEH and the Institute for Museum Services help support other important cultural opportunities for citizens throughout the state of New Jersey.

As a former teacher, I can tell you, arts education helps children be better students and helps them learn critical thinking skills. This is a long overdue, modest funding increase to build programs that use the strength of the arts and our nation's cultural life to enhance communities in every state of America.

I urge my colleagues to join me in support the Slaughter amendment.

Mr. CLEMENT. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks/Horn/Johnson amendment. I believe that the NEA funds extremely valuable and important educational programs and worthwhile events. The NEA provides funding for many programs in Tennessee, including the Nashville Symphony

Association, Fisk University, and the Tennessee Arts Commission. I believe it is important to ensure that adequate funding for these programs continues.

NEH has also funded numerous worthwhile programs in my district and across the state—from Vanderbilt University's Robert Penn Warren Center for the Humanities to the Tennessee Performing Arts Center's Humanities Outreach programs to the Southern Festival of Books. NEH funding has allowed outstanding K–12 humanities teachers to conduct research that enhance their classroom lessons. And NEH grants have permitted the Tennessee Literacy Coalition to promote their adult education classes.

Mr. Chairman, this is just a small sampling of what NEA and NEH have done in my state. But the need is so much larger than the funds available. For every worthwhile request that receives funding, many other equally worthwhile proposals are rejected simply for a lack of available funds. I urge my colleagues to support the cultural events that these agencies support. These programs preserve and provide access to cultural and educational resources to our citizens. They provide opportunities for lifelong learning in arts and humanities. And they strengthen teaching and learning in history, literature, language and arts in schools, colleges and the surrounding communities.

Just as we need to continue to fund scientific research, we must continue to fund the arts and humanities. A world without the arts and humanities would be devoid of cultural meaning. Research shows that the arts and humanities benefit our nation's young people by improving reading, writing, speaking and listening skills and by helping to develop problem-solving and decision-making abilities essential in today's global marketplace.

I urge my colleagues to support this amendment and enhance the arts and humanities across our great country.

Mr. GILMAN. Mr. Chairman, I rise in support of the Slaughter-Dicks-Johnson-Horn amendment which calls for increases of $10 million for the National Endowment for the Arts, $3 million for the National Endowment for the Humanities, and $2 million for the Institute for Museums and Library Services. Over the past 30 years, our quality of life has been improved by the arts. Support for the arts and federal funding for the NEA illustrates our Nation's commitment to freedom of expression, one of the basic principles on which our nation is founded. Cutting funding for the arts will deny citizens this freedom, and detract from the quality of life in our nation as a whole.

Recent reports have made several recommendations about the need to strengthen support for culture in our country. In addition to applauding our American spirit, and observing that an energetic cultural life contributes to a strong democracy, these reports also highlighted the United States' unique tradition of philantrophy. However, it was also noted that the "Baby-Boomer" generation, and new American corporations, are not fulfilling this standard of giving. It saddens me that something as important as the Arts, which has been so integral to our American heritage, is being cast aside by our younger generations as something of little value.

By eliminating funding for the Arts, our nation would be the first among cultured nations to eliminate the Arts from our priorities. As Chairman Emeritus of the International Relations Committee, I recognize the importance of the Arts internationally, as they help foster a common appreciation of history and culture that are so essential to our humanity. If we eliminate the NEA, we would be erasing part of our civilization.

Moreover, let us consider the importance of the Arts on our nation's children. Whether it is music or drama or dance, children are drawn to the Arts. Many after school programs give children the opportunity to express themselves in a positive venue, away from the temptations of drugs and violence. By giving children something to be proud of and passionate about, they can make good choices and avoid following the crowd down dark paths. However, many children are not able to enjoy the feeling of pride that comes with performing or creating because their schools are cutting arts programming or not offering it altogether. We need to ensure that this does not continue to happen. I am doing my part by introducing legislation to encourage the development of after school programs at schools around the country that not only offer sports and academic programming, but also music and arts activities. Increasing children's access to the Arts will benefit this country as a whole.

It is our responsibility to ensure that our children have access to the Arts. I strongly support increased funding for the NEA and I urge my colleagues to oppose any amendments which seek to decrease NEA funding and I support the Slaughter-Dick-Johnson-Horn amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Slaughter/Dicks amendment which calls for increased funding for the NEA/NEH and IMLS.

I commend Mr. DICKS, the ranking Member of the Interior Subcommittee, for his support of this important priority and Ms. SLAUGHTER for her leadership as Chair of the Arts Caucus. We owe a debt of gratitude to LOUISE for the time and energy she has given to promoting the arts on behalf of her colleagues and on behalf of the citizens of this country and to NORM for his continued steadfast support.

National Endowment for the Arts Chairman Bill Ivey envisions "An America where the arts play a central role in the lives of all Americans," and the NEA has indeed had great success in bringing the arts to the center of community life. Through its Challenge America initiative, the NEA has been focusing on access to the arts, cultural heritage preservation and alternatives for at-risk youth. An increase in funding is critical for ensuring access to the arts for citizens of all economic backgrounds and in all regions of the country. The NEA has substantially increased arts activity in every state in the country but it is imperative that we do more to ensure that art is reaching all Americans in communities across the nation.

The arts are important for our economy and yield major economic benefits: the industry generates $3.86 billion annually, supports $1.3 million jobs and returns $3.4 billion in income taxes to the federal government. The NEA represents less than one-hundredth of one percent of the federal budget and costs each American the equivalent of one postage stamp per year.

More importantly, the arts are important for our children. Research continues to show that students exposed to the arts often perform better in school. The confidence children find through the arts better equips them to face both academic and other life challenges more effectively.

But the founding fathers of our country knew this without the benefit of research. In a letter written to Abigail Adams, our second President, John Adams, wrote:

> "I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain."

Let's fund the arts so that we can guarantee our children the right to develop their creativity and imagination in order to express themselves freely while gaining confidence.

The Poet Shelley once wrote that "the greatest force for moral good is imagination." With all the challenges facing our nation's children, it is clear that we need all of the imagination they can muster. We must encourage a child's creativity for its own sake and for the confidence it engenders in the child.

Support creativity, support imagination, support the Slaughter/Dicks amendment.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from New York, and Representatives HORN, JOHNSON and DICKS.

I am a strong supporter of the NEA, the NEH and the IMLS. This amendment provides for a very modest increase in funding for these important programs.

Yesterday we found several billion dollars to increase funding for the Pentagon.

Today, we need to support our school, libraries, museums, and artistic programs, programs that make our communities more livable and our children more likely to succeed.

I would like to point out that schools in my congressional district, in Attleboro, Foxboro, Worcester, Wrentham and Fall River, have all benefited from NEA grants and NEA-funded programs just in this last year.

The NEA brought performing artists and companies to communities across the country, including Worcester and Fall River, Massachusetts.

I have spoken before on this floor about the programs funded by the NEH and the Institute for Museum and Library Services program that have helped preserve history and protect important collections in my district. The arts, scholarship, research, collaboration—these are the fundamental services provided by these programs.

I believe it is important to protect and promote our artistic and historical heritage. I believe it is a fundamental obligation for government at all levels—federal, state and municipal—to support these efforts.

I fully support this amendment and urge my colleagues to vote in support of this modest increase.

Mrs. MALONEY of New York. Mr. Chairman, I would like to voice my strong support for this amendment which will add additional funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services.

Mr. Chairman, the NEA serves a vital role in benefitting our communities, our children, and our economy. By providing grants to local communities, millions of children are exposed to the rich rewards of the arts. Studies have shown that children who experience the arts develop improved reading, writing, speaking, and listening skills, and are more likely to stay out of trouble.

Aside from the benefits to young people, we cannot overlook the tremendous economic value that the arts provide.

The creative industries reap more than $60 billion annually in overseas sales, and represent our nation's leading export.

Additionally, the arts employ millions of Americans who depend upon this critical federal funding for their livelihoods.

The Congress took an important step last year in approving a $7 million increase for the NEA, the first increase since 1992. We must continue this trend, and I urge all of my colleagues to support the Slaughter-Dicks-Horn-Johnson amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the amendment offered by the distinguished gentlelady from New York (Ms. SLAUGHTER) and the distinguished gentleman from Washington (Mr. DICKS). The amendment would increase funding for the National Endowment for the Arts (NEA) by $10 million, the National Endowment for the Humanities (NEH) by $3 million and the Institute for Museums and Library Services by $2 million. The funds would be taken from the Clean Coal Technology Program and which would not be available until September 29, 2002.

Nebraska is extremely well-served by the Nebraska Arts Council. For FY2001, the Council received a total of $522,600, from the formula NEA grant and additional competitive grants. This Member has been particularly supportive of the Nebraska Arts Council efforts to provide arts education and artists visits to rural schools, where there would be little or no access to arts education without the Council's involvement. Additionally, as part of a statewide effort, the Nebraska Arts Council is hoping to have sufficient resources to provide funding for a series of murals in Nebraska City to commemorate the bicentennial of the Lewis and Clark Corps of Discovery expedition. This effort will contribute to the success of the Lewis and Clark events scheduled in Nebraska City and will enhance the experience of those visiting for the Lewis and Clark bicentennial.

Federal funding for the arts allows small towns and communities across Nebraska to bring dancers and poets to schools, and lectures on Impressionist painting to town halls in the Sandhills. Federal support of the arts means that Lincoln, Nebraska, has a Civic Symphony and Omaha, Nebraska, a children's theater. These programs and institutions enrich all Nebraskans and are deserving of our wholehearted and enthusiastic support.

In addition, this Member is strongly supportive of the excellent work done by the Nebraska Council on the Humanities. In an earlier statement today, this Member mentioned, as an example, the Humanities involvement in the Lewis and Clark bicentennial.

In addition to the Teacher Institute, which will be held over the next few years, the Nebraska Humanities Council has many other programs that are related to the Lewis and Clark commemorations in Nebraska. There is a scholar-in-residence program, in which a nationally known expert share his knowledge and enthusiasm with students in six to ten schools over several years. Several annual Chautauquas will be devoted to the Lewis and Clark bicentennial through 2005. There will be teacher seminars and lectures in addition to the continuing availability of the existing speakers bureau.

In closing, Mr. Chairman, this Member urges his colleagues to support the Slaughter/Dicks amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I urge you today to vote in favor of the bi-partisan amendment introduced by Representatives SLAUGHTER, HORN, DICKS and JOHNSON. The amendment will increase funding for the National Endowment for the Arts, the National Humanities Council and the Office of Museum Services by $15 million, of which $10 million will go to the NEA.

This increase would take the NEA budget to $120 million. Though not the $150 million the agency requested to fully support the Challenge America initiative, it makes important inroads into funding the arts in parts of our country which have not received NEA support before. In a community like my own, these new monies will reach out to community organizations and cultural groups, previously unfunded, working to bring the arts to our children in after school programs.

Challenge America is designed to strengthen communities through the creation of partnerships that support arts programs. This program funds projects serving arts education, access for underserved areas, youth-at-risk, cultural heritage preservation and community arts partnerships. These partnerships represent what the arts do so well. Arts organizations working with schools, libraries, local businesses to make the arts available for everyone.

There are numerous studies that point to the benefits of art experience and instruction. The arts increase the ability of students to perform better in all areas of education. There are numerous studies that point out the economic impact of the arts in communities small and large. And we all know that quality of life is enhanced when the arts are a central part of a community's life.

The NEA has for over 30 years been a partner in those partnerships. Challenge America will being federal dollars into more communities to help more children and families. I urge you to support the Slaughter amendment and increase the budget of the federal cultural agencies by $15 million.

Mr. SKEEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 193, answered "present" 1, not voting 18, as follows:

[Roll No. 177]

AYES—221

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Foley
Ford
Fossella
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rothman
Roukema
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—193

Akin
Armey
Baker
Barr
Bartlett
Barton
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr

Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McIntyre
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—18

Aderholt
Baca
Bachus
Callahan
Cox
Cramer
Cubin
Dingell
Everett
Fattah
Houghton
Kaptur
Kilpatrick
McInnis
Riley
Rohrabacher
Roybal-Allard
Rush

□ 1234

Messrs. HUNTER, SHUSTER, HUTCHINSON, HILLEARY and GUTKNECHT changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BACA. Mr. Chairman, I regret that due to a physician's appointment I was unable to cast a vote on the Slaughter amendment to H.R. 2217 (Roll 177), to increase funding for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services by $15 million.

Had I been present, I would have voted "aye."

Mr. FARR of California. Mr. Chairman, I move to strike the last word. I would like to engage the distinguished chairman of the subcommittee in a colloquy.

Mr. Chairman, I want to thank the gentleman from New Mexico for his hard work and leadership on the interior appropriations bill and mention that it is not the same on the agriculture appropriations bill without the gentleman's presence.

Mr. Chairman, I want to address an issue concerning a devastating disease. It is called the sudden oak death syndrome; and as the gentleman knows, sudden oak death has left miles of dead tanoaks and oaks in woodlands across California. In addition to its forest impacts, this disease has a potential impact on interstate and international trade. Both Canada and the State of Oregon have issued emergency quarantines banning the importation of nursery stock such as rhododendrons, azaleas and huckleberries.

Mr. Chairman, I am concerned that this bill does not include the resources necessary to address the lack of fundamental knowledge and tools for effective eradication or containment of sudden oak death.

I am prepared to offer an amendment to increase the funding for the Forest Service and Range Land Research Account. However, I am encouraged to hear by the gentleman's efforts that he has agreed to work with me; and will, therefore, withhold offering my amendment at this time.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for his kind words, and I assure the gentleman that I will work in conference to address his concerns regarding the search for funds for sudden oak death.

Mr. FARR of California. Mr. Chairman, I thank the gentleman. I look forward to working with him in solving this problem in much of the West.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word. I rise to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), the chairman of the subcommittee, as well as the gentleman from Washington (Mr. DICKS), the ranking member.

Mr. Chairman, it was my initial intention to offer an amendment to increase funding for the Indian Health Services Loan Repayment Program by $17 million. The Indian Loan Repayment Program is designed as a recruitment and retention tool for health care professionals who are willing to serve in the American Indian and Alaskan Native communities in exchange for relief from their substantial loan burdens.

As my colleagues from New Mexico and Washington know, the state of health care in Indian country is far from ideal. American Indians and Alaskan Natives have incidences that are 950 percent higher for diabetes, 630 percent higher with respect to tuberculosis, and 350 percent higher when it comes to diabetes when compared to their non-Native counterparts.

In the area of mental health, the incidence of suicide among Native Americans is 72 percent higher, and greater than the rate for all other races in the United States.

As a new member of the Committee on Appropriations, let me commend the gentleman from New Mexico (Mr. SKEEN) and the gentleman from Washington (Mr. DICKS) for increasing the overall Indian Health Services budget by $124 million, for a total of almost $2.4 billion. I have been witness to the difficult budget decisions that the gentlemen must have made; and given the accounts in this bill, I appreciate their consideration on this issue. I think we all can agree that historical funding levels for IHS have represented only a fraction of the resources necessary to equalize the health care between Native and non-Native communities.

I believe that the subcommittee has approached the pressing need of Indian health with the utmost sincerity, and to this point has made the most of what has been allocated. For this reason I have decided not to offer my amendment, instead opting to ask that the gentleman from New Mexico and the gentleman from Washington proceed to conference with the United States Senate so they can consider increasing the allocation for the loan repayment program.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman for his comments. As a strong proponent for programs of American Indians and Alaskan Native people, I share his concerns about the condition of health care in Indian country. I want to assure the gentleman that funding for the Indian Health Service remains a top priority. I look forward to working with the gentleman to try and increase IHS funding as the process moves forward.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I join my colleagues in their assertion that the IHS needs more resources to address the health care disparities within Indian country. The health care needs of many American Indian and Alaskan Natives are not being met. Clearly it is our responsibility to address these health disparities. I appreciate the gentleman's efforts, and look forward to working with him as we complete the fiscal year 2002 budget process. I appreciate his leadership on this issue.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the ranking member and the subcommittee chairman.

Mr. ALLEN. Mr. Chairman, I move to strike the last word. I would like to enter into a colloquy with the chairman of the Subcommittee On Interior of the Committee On Appropriations.

Much of the land within the Rachel Carson National Wildlife Refuge in Maine is protected today. However, several in-holdings and other areas of critical concern are not. The Rachel Carson Wildlife Refuge consists of tidal creeks, coastal uplands, sandy dunes, salt ponds, and various types of wetlands that provide precious nesting and feeding habitat for a variety of migratory waterfowl, and a nursery for many shellfish and fin fish.

The refuge also serves our communities by providing countless individuals and school groups the opportunity to gain firsthand knowledge of the critical and unusual nature of Maine's coastal habitats.

Mr. Chairman, there is an opportunity in fiscal year 2002 to purchase properties for the Rachel Carson National Wildlife Refuge. Southern Maine is witnessing rapid development. Without preservation, coastal and wetland habitats are at great risk. I ask for the gentleman's assistance to identify funding for a $3 million appropriation from the Land and Water Conservation Fund. This would ensure that the opportunity to protect these properties is not lost.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for bringing this project to the committee's attention; and we will give his request serious consideration as we move to conference.

Mr. ALLEN. Mr. Chairman, I thank the gentleman.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Chairman, last night I should have voted "yes" as opposed to "no" on the final passage of the supplemental appropriations bill.

The CHAIRMAN. The gentleman needs to make his unanimous consent request when the body sits in the House, not the Committee of the Whole.

AMENDMENT NO. 6 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SANDERS:

Page 7, line 11, insert "(increased by $12,000,000)" after "$200,000,000".

Page 87, line 13, insert "(reduced by $52,000,000)" after "$579,000,000".

Page 89, line 5, insert "(increased by $36,000,000)" after "$940,805,000".

Page 89, line 6, insert "(increased by $24,000,000)" after "$311,000,000".

Page 89, line 11, insert "(increased by $24,000,000)" after "$249,000,000".

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to offer this tripartisan amendment which is cosponsored by the gentleman from New York (Mr. QUINN), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. GILMAN), the gentleman from Oregon (Mr. BLUMENAUER), and the gentleman from Wisconsin (Mr. KIND).

This amendment is similar in many ways to an amendment that was passed by voice vote last year, and that passed with 248 votes 2 years ago. This amendment is also supported by a broad coalition of environmental and public interest groups, including the League of Conservation Voters, the Sierra Club, the Natural Resources Defense Council, Public Citizen, U.S. Public Interest Research Group, and the National Association of State Energy Officials.

□ 1245

This amendment accomplishes three primary goals. First, in the midst of the worst energy crisis that this country has faced in 25 years, this amendment adds $24 million to the very successful weatherization program. All over this country, lower income people and senior citizens are wasting huge amounts of energy because their homes are inadequately insulated. While I appreciate the good work of Ranking Members OBEY and DICKS and Chairmen YOUNG and SKEEN to increase funding for this program from last year, it is still not enough. In fact, the $249 million provided in this bill for weatherization is $24 million less than the President's budget request. In other words, all that we are doing here is funding the weatherization program at the same level the President has requested. I should tell Members that I have been very critical of the President's funding for energy in general.

In addition, Mr. Chairman, this amendment provides an additional $12 million for a number of other energy conservation programs. The various programs have been highly successful in leveraging State and private funds in terms of reducing the energy used by homeowners, schools, hospitals, farmers and others. No one denies that our country can do much more in a wide range of energy conservation efforts, and this additional funding will provide some help in that direction.

Lastly, Mr. Chairman, this amendment also increases the payments in lieu of taxes program by $12 million, something that I and many other Members have been deeply interested in for a number of years. Mr. Chairman, the PILT program was established to address the fact that the Federal Government does not pay taxes on the land that it owns. These Federal lands can include national forests, national parks, fish and wildlife refuges and land owned by the Bureau of Land Management. Like local property taxes, PILT payments are used to pay for school budgets, law enforcement, search and rescue, fire fighting, parks and recreation and other municipal expenses. The PILT program benefits 1,789 counties in 49 States throughout the country. I appreciate the committee's increasing funding for this program. They have. But once again because of woefully inadequate funding in recent years, we have got a long way to go. We cannot talk about respect for local government and then not pay them the amounts of money that we have to.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Sanders-Quinn-Kind amendment. This amendment to the fiscal year 2002 Interior appropriations bill increases funding to provide $48 million for the weatherization assistance program, for PILT and for energy conservation. The weatherization assistance program has been highly successful and helped so many of our constituents. Increasing the weatherization assistance program by $24 million raises funding to the level that President Bush has requested in his fiscal year 2002 budget, as the gentleman from Vermont has pointed out.

Mr. Chairman, weatherization does work. It is a vital program that improves the energy efficiency for low-income families throughout our great Nation. These programs assist those most in need, those least able to afford the high cost of energy. This beneficial program saves our low-income constituents about $200 a year in heating costs. That is $200 more that our hard-working families can now spend on food, clothing, housing costs and for other necessities.

Mr. Chairman, in this energy crisis, energy conservation is and should be on everyone's mind. The energy conservation program has a proven track record. This program assists our hospitals, our farmers, our homeowners, our schools and others to be able to reduce their cost of energy. The savings on energy allow our hospitals and schools to use the funds that would have gone towards energy costs to go towards education and medical care.

One reason for the success of the energy conservation program is the effective leveraging of significant amounts of State and private funds.

Mr. Chairman, the exorbitant costs of gasoline and other sources of energy have been devastating to our small businesses, to our truckers and so many of our constituents. In order to remedy this energy crisis and to mitigate its effects on the future, we need to invest in energy efficient technologies. We need these technologies now. We must invest in our future and in the future of our children.

Mr. Chairman, another important provision of the Sanders-Quinn-Kind weatherization/PILT amendment is the $12 million allocated towards payments in lieu of taxes which provides our counties and towns with welcome relief from the burden of supporting nontaxable Federal lands. I have a good portion of those lands in my district. In addition, through PILT, the Federal Government has the opportunity to give back to the communities for the services they provide to the lands. My congressional district is among the 1,789 counties throughout 49 States that benefit from PILT.

In closing, Mr. Chairman, in the face of this energy crisis, we need to be proactive in order to combat the high prices for energy and to create energy-saving and energy-efficient technologies. The Sanders-Kind-Quinn amendment is proactive and laudable. Accordingly, I urge my colleagues to support this amendment.

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia will be recognized for 15 minutes.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, no one in this House has been a more longstanding supporter of the weatherization program than I have, but this amendment deserves to be defeated. I oppose it on two grounds: First of all, we had a major victory in the committee on the issue of weatherization. This bill includes $311 million. That is a 63 percent increase over last year. The committee's original number was $60 million lower. We negotiated it up to double that amount.

The gentleman mentions the $24 million by which it is below the President. That is only because that $24 million was used to insulate schools and hospitals which is an equally deserving requirement. None of us should be ashamed of doing that.

Secondly, I would point out that this amendment actually reduces funds for fossil energy research. We need a balanced research program in all areas of energy research. That includes research on more efficient power plants and distributed generation technologies which are part of the fossil energy program that this amendment seeks to cut. In fact, the Democratic minority in the committee supported an amendment by the gentleman from New York (Mr. HINCHEY) to increase fossil fuel energy research along with energy conservation by $200 million. I think it would be foolish for us to support an amendment today which reduces funding for any energy research program.

This amendment seeks to increase a fund which we have already increased by 63 percent by cutting further a fund which is already $4 million below last year. That makes no sense if we are trying to achieve a balanced program.

I urge a "no" vote on this amendment.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in opposition to the gentleman's amendment. No one in the House is a bigger supporter of the weatherization program than this Member. Weatherization funds are critical to lower income families who look for long-term savings in the cost of home energy through conservation, in particular insulating their homes.

I oppose this amendment, however, for two important reasons. First, the chairman and the committee have been extremely generous, as the gentleman from Wisconsin (Mr. OBEY) has pointed out, to the weatherization program in the committee bill. The bill includes $311 million for weatherization and State energy assistance. This is a $120 million, 63 percent increase over last year. Yes, the gentleman is correct, the committee has allocated $24 million of this increase to programs to insulate schools and hospitals. I personally believe that this is a reasonable accommodation given the energy use of these facilities. The bottom line is that I want to support the chairman in his overall generosity to these programs.

Second and equally important, I cannot support an amendment which reduces funding for fossil energy research. I believe that the lesson of the current energy crisis is that we need a larger and a balanced research program in all areas of energy research. This includes research on more efficient power plants and distributed generation technologies, which are part of the fossil energy program. The minority supported an amendment by the gentleman from New York (Mr. HINCHEY) in committee to increase fossil energy along with energy conservation research by $200 million. I do not think we should support an amendment today which reduces funding for energy research programs. Therefore, I rise in very strong opposition to this amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

My friends, of course, are right. We do take money from the fossil fuel energy research and development program in order to fund weatherization, in order to fund energy conservation, in order to fund the long overdue efforts to bring PILT payments to where they should be.

Mr. Chairman, regarding the fossil fuel energy research and development program, let me quote from the report of the fiscal year 1997 Republican budget resolution:

"The Department of Energy has spent billions of dollars on research and development since the oil crisis in 1973 triggered this activity. Returns on this investment have not been cost effective, particularly for applied research and development which industry has ample incentive to undertake. Some of this activity is simply corporate welfare for the oil, gas and utility industries. Much of it duplicates what industry is already doing. Some has gone to fund technology in which the market has no interest."

That is the Republican budget resolution of 1997, not BERNIE SANDERS.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of this amendment. First of all, we appreciate the work that is being done in the Committee on Appropriations between the chairman and the ranking member and the subcommittee chairman and ranking member, but the fight is not here with this amendment. The fight is with an administration that submitted a budget that drastically reduced energy research programs by between 48 and 52 percent across the board, whether it was alternative or renewable energy sources. It is also an administration that claims that they will restore funding to these programs but only after they collect oil royalties from drilling up in the Arctic National Wildlife Refuge. If there is a skewing of priorities here, I would submit it is with the administration in their energy plan and the budget that they had submitted.

This weatherization program is important to people across the country, not only in my district in western Wisconsin but throughout the United States. In light of the fact that we just passed a large tax cut about a month ago which disproportionately benefits the wealthiest of the wealthy in this country, this weatherization program assists low-income families in order to weatherize their homes and businesses so that they can better deal with the rising energy costs that are sweeping across the country right now.

Just a couple of short months after the Vice President's now infamous statement that conservation may be a noble value but it is not any real underpinning of a sensible energy policy, the State of California has reduced their energy consumption by 11 percent, which shows you the value of conservation and increased energy efficiency in this country.

That is all this amendment is trying to do, bolster those types of programs in energy conservation, in energy efficiency for low-income families, as well as provide some much needed revenue relief back to local districts with the PILT program who are financing the nontaxable Federal property that exists in their local communities. That is why we feel that this amendment is eminently fair, why we need to make this investment. I appreciate my friend from Vermont highlighting some of the difficulties a lot of analysts have revealed in regard to the coal research program, which I think needs further exploration.

Mr. Chairman, much of the focus on our current energy crisis has been the rising price of gasoline. But in my district and throughout the country, the price of heating oil has risen as much as 40 percent in the past year. Conservation efforts such as the Weatherization Assistance Program go a long way to helping us become less dependent on foreign oil.

The Weatherization Assistance Program helps correct the disproportionate energy burden faced by low-income Americans. The program has helped make over five million homes more energy efficient and the average home has seen heating savings of 23 percent. With many low-income households spending over $1,100 on energy costs annually, this energy efficiency savings can further help these families afford the basic necessities of life. Mr. Chairman, we do not want any of our citizens having to make the difficult choice between food and fuel. I urge my colleagues to support this measure.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. REGULA), the past chairman of the subcommittee and an active and current member.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time. I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS). I do not want to be repetitive, they had it exactly right.

There are a couple of other things I would like to point out and, that is, this takes money from research on pipelines. Last year, in connection with the Northeast heating oil program, we put tanks in New York Harbor because there are not enough pipelines in the Northeast to deliver fuel. Here we have a chance to do research on putting these pipelines in without disturbing the surface. That program of research is cut.

Something else I want to point out, and that is that in the LIHEAP program, which is in the Labor, Health, Human Services and Education bill, 15 percent of the LIHEAP money goes to weatherization. So the effect of the $300 million that we added in the supplemental this week actually provides 45 million additional dollars for weatherization.

What we are talking about here today in effect is a double dip. I think this is a bad amendment. It takes money from research that is vitally important for fuel cells and for other forms of alternative fuels.

□ 1300

As we face an energy crisis, one of the great hopes we have is to develop alternative ways of providing fuel rather than to just scatter this in other programs. For all the reasons, and particularly as they were outlined by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS), it is a bad amendment in terms of our overall energy policy; and I urge a strong "no" vote on this.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Vermont (Mr. SANDERS) for yielding me this time.

Mr. Chairman, it is true, this would take some money from fossil energy. For instance, Chevron, whose profits last year were $5.2 billion, up from $2 billion in 1999, that is a $3 billion 1-year increase, they will get $5 million or more under this bill as they did last year. The Phillips Petroleum, profits 1999 only $700 million, last year $1.9 billion. They got $7 million from this program last year.

Am I being told that Phillips Petroleum and Chevron will not make these investments themselves, and they cannot afford to make it themselves? That is not true. There are millions of Americans who cannot afford to make even more cost-effective investments themselves in weatherization. We can get three or four times as many kilowatts with weatherization for the price in today's market. We can get three or four times more with conservation programs than we can in the most efficient fossil-fired fuel plants in this country.

This amendment makes sense for individual Americans and for residential ratepayers; but it does not, I must admit my colleagues are right, it does not make sense for Westinghouse, Phillips Petroleum, GE, and other companies that just cannot afford to make these investments on their own.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, we have 600 years of coal reserves underneath the ground. Even in my district people want to burn coal cleanly, and in order to burn coal cleanly we have to have research to do that. It is absolutely essential to my district, as well as western Pennsylvania.

We have lost 10,000 or 12,000 coal miners in western Pennsylvania in the last 20 years. The thing that worries us is that if we do not do the research, in the end we will not be able to burn the coal cleanly.

Every year, we try to balance in this bill all the agencies that need money. We increased weatherization. We increased fossil research. The gentleman from New York (Mr. HINCHEY) offered the amendment. We supported the amendment. Now that we are going through an energy crisis, when 52 percent of our electricity is produced by coal production, it would be foolish for us to eliminate this resource.

So I would urge all the Members in the House to vote against this amendment. It is essential to the future of this country to have a consistent, low-cost energy resource. So I would hope that we would vote against this amendment and get on with the bill.

Mr. SANDERS. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. NETHERCUTT), a member of the committee.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from Georgia (Mr. KINGSTON) very much for yielding me this time.

Mr. Chairman, I rise in opposition to the Sanders amendment. I want to offer a little different perspective. Certainly we can acknowledge that the increase in the weatherization has been substantial, 64 percent I think it is in the committee, and yet we have reduced the energy research account as well; but now the gentleman from Vermont (Mr. SANDERS) wants to reduce it even more. I think that is a mistake.

My perspective is this: energy research on fossil fuels, oil and gas and coal in this country, is conducted primarily by small outfits, small independent companies that have either family owned or small entrepreneurial operations that have small numbers of employees. So this is not a big oil-and-gas reduction attempt. This is going to hurt small companies and jobs in smaller communities that will add to the research that we need to make sure that we do achieve greater independence in the years ahead on fossil fuels. Whether we like it or not, we are dependent on fossil fuels in this country; 52 percent coal dependent, substantial oil and gas dependence.

What we do not want to do is be dependent for our national security interests on foreign imports from countries around the world. That is dangerous for our country. This energy fossil fuel research and technology development will allow us to be more independent in the coming years, and it is critically important that we do that research to become more independent and become technologically adept at meeting the challenges of energy supply.

I am one who favors PILT, increase in the PILT account; but I think under this circumstance it is a balanced approach that we have adopted, and I urge a rejection of the amendment.

Mr. SANDERS. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Vermont (Mr. SANDERS). At a time when the entire country's attention is focused on the need for a national energy policy which is comprehensive, balanced and improves the overall national security by reducing our dependency on foreign sources, I believe a move to slash $52 million from energy R&D will produce unwarranted and detrimental effects that will only make the current situation worse. Now is not the time to be short-sighted in making our funding decisions.

We have heard the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) speak eloquently to the fact that both of these programs, which we all support, PILT and weatherization, have been adequately funded in this bill. The gentleman from Vermont (Mr. SANDERS) talks about the benefit of energy R&D research. If Members do take time to do a brief cost-benefit analysis, they will find that supporting energy R&D efforts is the most efficient, effective, and timely investment we can make; and for those Members who think that slashing $52 million from fossil energy research, that they are somehow going to improve the environment, they should think again about that disjointed logic of such a conclusion.

Consider the following that has occurred as a result of energy R&D: we now see the possibility of zero-emission power plants using coal, natural gas, municipal waste and biomass; and research is under way to capture and sequester carbon dioxide. DOE's FE research program has a solid record of success. We have over $9 billion of commercial sales, of fluidized bed combustors that have been made, a commercial return of over $9 for every $1 of DOE investment. More than 200 commercial fuel cells operate in the United States and overseas and the most efficient, cleanest gas turbine in the world has "Made in America" stamped on it.

Without question, FE R&D is a lot more than just coal and fossil energy research, and development does more than one might have imagined to help all of our constituents meet their needs when it comes to paying their energy needs. Please defeat this amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, my friends talk about slashing fossil fuel research. If our amendment passes, it would represent an increase of $58 million more than the President wanted and $75 million more than fiscal year 2001. That is not exactly slashing.

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of this amendment, and I do so with the full understanding and appreciation for the increase in the weatherization program. I appreciate that, but the realty is that if there is not enough in the pot to begin with, we cannot get out of it what is not there.

I come from an environment where it is always too hot or too cold, always. I have more than 165,000 low-income consumers who live at or below the poverty level in a high-priced economic market. All of the time, every day of their lives, they are always moaning, groaning, crying about the inability to have a comfortable environment in which to live.

While I appreciate research, am a strong proponent of it, we know that weatherization works. We know that it works. I support this amendment and would urge its passage to give relief to those individuals who need it now because we know that weatherization does work.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOLDEN).

Mr. HOLDEN. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Vermont (Mr. SANDERS), not because of the programs that he wishes to fund, but from where he is taking the money from.

We are in an energy crisis, and we need to take full advantage of all of our own natural resources. We should be increasing investment in research and development, not decreasing it.

I represent the androcyte coal fields of Pennsylvania, and there is a DOE-funded program there taking advantage of a decades' old technology of converting coal and waste coal into gasoline.

We need to do that. We are too dependent upon foreign oil.

I had the opportunity to visit Penn State University a few months ago and look at the noncombustible applications that are being done there in their research and development, where they can convert coal and waste coal again into graphite, which is strong and light; and the automobile industry and the aircraft industry are looking at it for applications there because of its strength and how light it is.

We need to up our investment in research and development of fossil fuels, not decrease it. I urge all of my colleagues to vote against this amendment.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, let me just make a couple of points. According to the Republican Committee on the Budget, the fossil fuel research program is largely corporate welfare and ineffective. According to the CBO, let me quote, "The appropriateness of Federal Government funding for such research and development is questionable," CBO.

Mr. Chairman, I can understand why some of my good friends want to see this research, fossil fuel research, expanded. Thirty-eight percent of the money goes to two States. Weatherization goes to 50 States. The bottom line, Mr. Chairman, is that we are increasing funding for weatherization desperately needed. Hundreds of thousands of Americans cannot get into a program which saves them money and protects the environment. We are expanding money for other energy conservation programs, and we are putting more money in to programs that compensate local governments when the Federal Government is using their property, the PILT program.

Mr. Chairman, we are in the midst of a major energy crisis, the worst crisis this country has experienced in over 25 years. Let us stand with lower-income people all over this country. Let us help them weatherize the homes in which they are living. Let us stand with small communities all over this country who deserve fair PILT funding. Let us stand with those people who say we are doing nowhere near enough in terms of energy conservation.

This is a good amendment, and I urge its passage.

Mr. Chairman, I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY), because I know he had some points he wanted to make.

Mr. OBEY. Mr. Chairman, I thank the gentleman from Georgia (Mr. KINGSTON) for yielding me this time.

Mr. Chairman, let me repeat again, this amendment increases a program which we have already increased by 63 percent. It cuts fossil fuels which we have already cut by 4 percent. There is nothing wrong with research for more efficient power plants or distributed generation technologies or pipeline improvement. Those are some of the programs this amendment would cut. This amendment is well meaning but it is ill advised and ill targeted.

I have defended weatherization longer than any other person in this Chamber, and I stand here today urging a no vote on this amendment.

Mr. KINGSTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I wanted to say this, again summarizing our bipartisan opposition to this amendment, that PILT is funded at the historically high level in this bill of $200 million. That is $50 million above the budget request.

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Weatherization programs receive a 70 percent increase in funding above last year.

Here we are in an energy crisis, and energy conservation research funding has been restored to last year's historically high level, which is a good increase. But we need to continue that research. We need to keep the commitment. Fossil energy research after deducting the President's clean coal power initiative is below last year's level. Further cuts would be foolhardy.

This amendment is bad for our energy security, bad for the consumer who purchases energy, and bad for the economy. We need to continue our research. We need to vote no on this amendment.

Mr. QUINN. Mr. Chairman, I rise in strong support of the Sanders-Quinn-Kind amendment to increase funding for low-income weatherization and energy efficiency.

What we do in this amendment is fairly simple. Most significantly, we increase weatherization by $24 million which would bring overall funding up to the Bush administration requested level of $273 million. Weatherization is a program that is proven and really works to increase energy conservation.

Through this program, low income families save $200 a year in heating costs, and these modest savings can be used for other important family needs such as food, clothing, housing and other basic necessities of life.

In addition, we increase overall state conservation programs by $12 million, and increases the Payments in Lieu of Taxes (PILT) program by $12 million.

We would offset these increases by cutting the Fossil Fuel R&D program by $52 million.

Last year's amendment on this issue passed by a voice vote, and I hope that this year we will have a similar level of support from this Body. I urge Members to pass the Sanders-Quinn amendment.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

Page 36, beginning at line 1, strike "under a comparable royalty-in-value program" and insert "under the existing royalty-in-value program, including the royalty valuation procedures established by the final rule published by the Minerals Management Service on March 15, 2000 (65 Fed. Reg. 14022 et seq.)".

Mr. Chairman, I would like to thank the ranking member and the Chair for working with me on this amendment.

Mr. Chairman, I offer this amendment in an attempt to stop giving corporate welfare to America's oil companies. This amendment simply clarifies that royalty-in-kind must earn at least as much money for the Federal Government as a royalty-in-value program operating under the new rules put in effect last year.

For too long, major oil companies were paying fees to the Federal Government based on prices that were lower than market value. Basically the oil companies kept two sets of books; one which they paid each other based on market value, and one which was much lower that they paid to the Federal Government and the American taxpayers. Now, it is one thing for oil to be slick; it is quite another for oil companies to be slick at the expense of the American taxpayer.

In a bipartisan way, the gentleman from California (Mr. HORN) and I held hearings to investigate money that major oil companies owed the Federal Government. Our hearings showed that many of these companies were underpaying fees, costing the American taxpayer nearly $100 million a year.

Many companies were sued by the Federal Government for deliberate underpayment of fees. Most have elected to settle, and to date over $425 million has been collected. Combined with State and private lawsuits, the oil industry has reluctantly paid to the government close to $5 billion to settle these underpayment claims.

The Interior Department's new oil valuation rule, which was announced last year, will save taxpayers at least $67 million each year by ensuring that oil companies pay the fair market value for the oil that is taken from Federal lands.

Now that we have finally put a stop to the industry's secret scheme and are collecting a fair amount for fees for the American taxpayer, we are now being asked to examine an entirely new system of fee collection. Now the oil industry is telling us that they do not want to pay in money, they want to pay in oil.

The last I heard, money was still the currency of the United States, and the American taxpayer should demand no less. The oil companies call it a new way to pay; I call it a new way to stiff America's taxpayers.

Today I offer an amendment to guarantee that the industry fees, the so-called royalty-in-kind program, earns at least fair market value or more. Why the need for this amendment? Independent analysis shows that in almost all cases, the government, under the oil industry plan, would have lost revenue compared to actual market prices. In fact, the government actually lost almost $3 million when you compare what was received via royalty-in-kind with what would have been collected with fair market value.

Mr. Chairman, the royalty-in-kind program puts the Federal Government into the oil business; not because it will save taxpayers money. It will actually cost them more. Not because it is more efficient; that has not been shown. No, we are asking the Federal Government to enter into the oil business because big oil can no longer get away with cheating taxpayers out of their fair share of royalties received for value. That is the only reason that I have seen to support this particular program.

Today, all we are asking is that if you are going to move ahead with this program, we should make sure that it is not costing taxpayers money, that it in fact is tied to fair market value.

I hope that my colleagues will support in a bipartisan way this amendment.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I have no objection to the gentlewoman's amendment. My reading of the amendment is it just codifies the current program.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentleman from New Mexico (Chairman SKEEN) that we appreciate his willingness to accept the amendment, and compliment the gentlewoman for her hard work on this issue.

Mrs. MALONEY of New York. Mr. Chairman, reclaiming my time, I thank the gentleman from New Mexico (Chairman SKEEN) and the gentleman from Washington (Mr. DICKS).

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of title II is as follows:

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $236,979,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $277,771,000, to remain available until expended, as authorized by law, of which $60,000,000 is for the Forest Legacy Program, $8,000,000 is for the Stewardship Incentives Program, and $36,000,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That, hereafter, "Forest Service State and Private Forestry, Stewardship Incentives Program" shall be considered to be within the "State and Other Conservation sub-category" in section 250(c)(4)(G) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretary, in writing, a list of specific acquisitions to be undertaken with such funds.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided, for management, protection, improvement, and utilization of the National Forest System, $1,326,445,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2002 shall be displayed by budget line item in the fiscal year 2003 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,402,305,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2000 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $227,010,000 is for hazardous fuel treatment, $81,000,000 is for rehabilitation and restoration, $38,000,000 is for capital improvement and maintenance of fire facilities, $27,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,262,000 is for volunteer fire assistance, $11,974,000 is for forest health activities on state, private, and federal lands, and $12,472,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", "Forest and Rangeland Research", and "Capital Improvement and Maintenance" accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: *Provided further*, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: *Provided further*, That:

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $535,513,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which $50,000,000 is for "Federal Infrastructure Improvement", defined in section 250(c)(4)(E)(xiv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: *Provided*, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation, and shall remain available until expended: *Provided further*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $130,877,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (5) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (6) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Secretary may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $300,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the "National Forest System" and "Capital Improvement and Maintenance" accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: *Provided*, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided*, That during fiscal year 2002 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $750,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $579,000,000, to remain available until expended, of which $150,000,000 is to be available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development and demonstration of commercial scale technologies to reduce the barriers to continued and expanded coal use: *Provided*, That all awards shall be cost-shared with industry participants: *Provided further*, That in order to enhance the return to the taxpayer, provisions for royalties from commercialization of funded technologies shall be included in the program solicitation, including provisions for reasonable royalties from sale or licensing of technologies from both domestic and foreign transactions: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out engineering studies to determine thecost of development, the predicted rate and quantity of petroleum recovery, the methodology, and the equipment specifications for development of Shannon Formation at Naval Petroleum Reserve Numbered 3, utilizing a below-the-reservoir production method, $17,371,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to be derived by transfer from funds appropriated in prior years under the heading "Clean Coal Technology".

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $940,805,000 to remain available until expended: *Provided*, That $311,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $249,000,000 for weatherization assistance grants and $62,000,000 for State energy conservation grants: *Provided further*, That notwithstanding any other provision of law, in fiscal year 2002 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a non-Federal cost share of 25 percent by each participating State or other qualified participant: *Provided further*, That the Secretary of Energy may waive up to fifty percent of the cost-sharing requirement for weatherization assistance for a State which he finds to be experiencing fiscal hardship or major changes in energy markets or suppliers or other temporary limitations on its ability to provide matching funds, provided that the State is demonstrably engaged in continuing activities to secure non-Federal resources and that such waiver is limited to one fiscal year and that no State may be granted such waiver more than twice: *Provided further*, That, hereafter, Indian tribal direct grantees of weatherization assistance shall not be required to provide matching funds.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $179,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $78,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,390,014,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $445,776,000 for contract medical care shall remain available for obligation until September 30, 2003: *Provided further*, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which not to exceed $20,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That such costs should be paid at a rate commensurate with existing contracts and no new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements shall be entered into once the $20,000,000 has been committed: *Provided further*, That no existing self-determination contract, grant, self-governance compact or annual funding agreement shall receive direct contract support costs in excess of the amount received in fiscal year 2001 for such costs: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $369,795,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to start a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, subject to a negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: *Provided further*, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: *Provided further*, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: *Provided further*, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: *Provided further*, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian

Sanitation Facilities Act) and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

Office of Navajo and Hopi Indian Relocation

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, $15,148,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

Institute of American Indian and Alaska Native Culture and Arts Development

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), $4,490,000.

Smithsonian Institution

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $396,200,000, of which not to exceed $53,030,000 is for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, Latino programming, and outreach, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W., building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $30,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.

National Gallery of Art

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,220,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account may be transferred to and merged with this account.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $104,882,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,622,000, to remain available until expended, of which $11,622,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

Institute of Museum and Library Services

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,899,000, to remain available until expended.

Challenge America Arts Fund

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $7,000,000, for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,274,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,400,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: *Provided*, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

United States Holocaust Memorial Council

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

Presidio Trust

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $22,427,000, shall be available to the Presidio Trust, to remain available until expended.

The CHAIRMAN pro tempore. Are there any points of order against the provisions of title II?

POINT OF ORDER

Mr. BURR of North Carolina. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BURR of North Carolina. Mr. Chairman, I raise a point of order that the language beginning with the words "provided further" appearing on page 89, line 13, and following through the words "qualified participants" on line 18 violates clause 2 of rule XXI of the rules of the House of Representatives prohibiting legislation on an appropriations bill.

The language in question directly contradicts current law by making weatherization assistance grants contingent on a 25 percent matching share from recipients. The Energy, Conservation and Production Act imposes no such requirement. Accordingly, the language changes current laws and constitutes a violation of clause 2 of rule XXI, and I must regrettably insist on my point of order.

The CHAIRMAN pro tempore. Does any other Member wish to speak on the point of order?

Mr. SKEEN. Mr. Chairman, I concede the point of order.

The CHAIRMAN pro tempore. The gentleman concedes the point of order.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order of the gentleman from North Carolina is sustained, and the provision is stricken from the bill.

Mr. LUCAS of Oklahoma. Mr. Chairman, I move to strike the last word for the purpose of engaging the gentleman from New Mexico (Mr. SKEEN) in a colloquy.

Mr. Chairman, last March the U.S. Fish and Wildlife Service published a rule designating critical habitat for the Arkansas River shiner. The designated areas include 300 feet on either side of more than 1,100 miles of river in four States, including Oklahoma. This critical habitat for the Arkansas River shiner was designated as a result of a lawsuit filed by the Center for Biological Diversity.

Recently, the Tenth Circuit Court of Appeals ruled that the way the Fish and Wildlife Service conducts economic analysis for critical habitat designations does not comply with the Endangered Species Act and the court set aside the designation for critical habitat for the Southwestern willow flycatcher. The same type of analysis invalidated in that case was used in the Arkansas River shiner habitat designation.

This recent court decision casts a shadow of doubt on all recent critical habitat designations. The original intent of the Endangered Species Act has been lost as designations of critical habitat have gotten completely out of hand, while true endangered species recovery efforts are ignored.

Mr. Chairman, if I had my way, we would prohibit any finding in this bill to be used for the implementation of the critical habitat for the Arkansas River shiner. However, I know this debate is greater than just one species.

I would challenge my colleagues to join me in calling for much needed reform of the Endangered Species Act. If we do not do something soon, then it will be our farmers and landowners impacted by these designations that will become extinct.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LUCAS of Oklahoma. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I empathize fully with the gentleman's frustration with the Endangered Species Act and critical habitat designation requirements. The gentleman is exactly right in calling for reform of the act, and I look forward to working with him and the legislative committee of jurisdiction to see if we can address this problem in the 107th Congress.

Mr. UNDERWOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to bring attention to an issue that is of concern to the people of Guam and within this Interior appropriations bill.

I believe an increase in funding for Compact Impact to Guam can be accomplished through an overall increase in funding for the Office of Insular Affairs. This issue is basically one of fairness for the people of Guam. In the past couple of years we have received funding, in fiscal year 2000 for $7.58 million, and in fiscal year 2001, the current year, we are receiving $9.58 million. The President's request is $4.58 million. I appreciate the subcommittee adding $800,000 to that.

However, the government of Guam has indicated that this kind of assistance, which is assistance that is given to the people of Guam as recompense, as reimbursement for the unrestricted migration from the Compacts of Free Association, is actually costing the government of Guam anywhere between $15 million and $25 million annually to provide educational and social services for these migrants.

I must point out to the House and to the American people that these are the only citizens of foreign countries that are allowed to freely migrate into the United States unmonitored and without restriction, and, by and large, the vast majority of them end up in Guam.

Even the Department of Interior acknowledges that best estimates are that annually the people of Guam spend at least $12.8 million for Compact Impact costs to Guam directly, and we have, for the record, a letter from Secretary of Interior Gale Norton detailing how the Department of Interior arrived at this calculation.

Regardless of the differences between the government of Guam and the Department of Interior, it is clear that the current funding level of $5.38 million, as recommended by the committee, is inadequate. We will continue to work on this in conference, and hopefully Members of both the majority and the minority, as well as Members in the other body, will see fit to increase the amounts for Compact Impact Aid assistance to Guam.

This is an issue of fairness, it is doable, and the people of Guam deserve it.

The CHAIRMAN pro tempore. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 309. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 310. Notwithstanding any other provision of law, amounts appropriated to or earmarked in Committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 311. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Subsection (f) of section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking "commence on October 1, 1995, and end on September 30, 2002" and inserting "end on September 30, 2006"; and

(2) by striking "September 30, 2005" and inserting "September 30, 2009".

(b) EXPANSION OF PROGRAM.—Subsection (b) of such section is amended by striking "no fewer than 10, but as many as 100,".

(c) REVENUE SHARING.—Subsection (d)(1) of such section is amended by inserting "the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note)," before "and any other provision".

(d) DISCOUNTED FEES.—Subsection (b)(2) of such section is amended by inserting after "testing" the following: ", including the provision of discounted or free admission or use as the Secretary considers appropriate".

(e) SPECIAL USE PERMITS.—Subsection (b) of such section is amended—

(1) in paragraph (4), by striking "and" at the end of the paragraph;

(2) in paragraph (5), by striking the period at the end of the paragraph and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) in fiscal year 2003 and thereafter may retain, for distribution and use as provided in subsection (c), fees imposed by the Forest Service for the issuance of recreation special use authorizations not exceeding one year under any provision of law.".

(f) CAPITAL PROJECTS.—Subsection (c)(2) of such section is amended by adding at the end the following new subparagraph:

"(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate if the estimated total cost of the structure exceeds $500,000.".

□ 1330

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. DEFAZIO:

Page 118, line 3, strike "2006" and insert "2003".

Page 118, line 5, strike "2009" and insert "2006".

Page 118, strike lines 6 though 8 (and redesignate the subsequent subsections accordingly).

Page 118, strike line 18 and all that follows through page 119, line 5 (and redesignate the subsequent subsection accordingly).

Mr. DEFAZIO. Mr. Chairman, I am attempting here to craft what I would see as a reasonable compromise on the contentious issue of the continued authorization of the so-called Recreation Fee Demonstration Program without any consideration, without one moment's consideration, by the authorizing committee on which I sit.

Now, this is a tax on the American people, plain and simple. We all agree that for years we have been charging to access parks, to access developed camp grounds, special fee use areas; those things have ongoing maintenance costs that are directly attributable to the users. There is no issue over that and my amendment does not touch that authority.

However, the special new authority in the Recreation Fee Demonstration Program allows the United States Forest Service and the Bureau of Land Management to charge people to drive on Forest Service logging roads paid for by tax dollars to roadside areas, pull-offs, or the end of the road and have to pay a fee to do that.

Now, I represent many communities that are surrounded by national forests and for the people in those communities to recreate, they have to buy a pass to go out and hunt or picnic with their kids, drive the roads and park the car if they want to get out. Now, that is by any measure a tax on Americans, on average Americans who use our public lands. We essentially have created a new king's domain here: you can use the lands if you pay your fee.

Now, the rationale is we do not have enough money in the budget to pay for recreation use on these lands, even though these people may not be incurring any costs since they are using already developed Forest Service roads, turnouts, parking areas, whatever. These are already there; they do not require any maintenance that is paid for out of this program. So the question becomes, should we continue to assess this fee without having a deliberation and a consideration.

Now, on October 1 of this year, the GAO will render a new, updated report on the Recreation Fee Demo Program. I believe that that will point to a direction for some changes that are sorely needed. It will also point out how the money is being spent or has been spent.

In their first report, we find out that it generated $31.9 million on Forest Service lands. It cost almost $5 billion to collect that $31.9 million, so 18 percent of the revenue went to collection on the Forest Service, 18 percent went to administration over and above that. For the whole program, 21 percent went to collection costs. In addition to that, there is a general fund appropriation to subsidize the collection costs of $1.5 million, not a very efficient way to raise funds and, obviously, a very small amount of money, a tiny fraction of many of the giveaways in the recent tax bill.

So the question would be, why are we assessing this tax on tens of thousands of individual Americans, many of modest means, many of whom will be eligible for nothing in the tax bill because their incomes are so low, they are retired, they are not paying Federal income taxes; they may only be paying FICA taxes if they are still working, they are going to have to pay more than they are going to get back because we are saying we cannot afford to pay for these services.

So the compromise I offer is, since the then-subcommittee chairman, the now full committee chairman assured me 2 years ago when I did not ask for a recorded vote on this amendment that it would go through the proper authorizing process. It would actually have, God forbid, hearings; we would actually, God forbid, invite in the public; we might even go to some of the areas affected and hold a hearing, although that might be going a little far, and then we would actually act to authorize any future extension in the shape of this program and the levying of this tax on the American people.

This bill, without a single hearing, without a moment's hearing, will extend it for 4 years. My compromise would be to extend it for 1 year, receive the GAO report, and give the authorizing committee the opportunity to hold hearings and mark up a proper authorization. If we want a long-term authorization, I believe it should go through the authorizing committee and the proper process. If the committee cannot accept that amendment, we will then move on to my amendment to strike this provision all together. But in the interests of comity and time of the body, I would be willing, after we hear from at least one other speaker in support, to offer this as a compromise. If the committee is unwilling to accept it, we will then proceed to the debate and a recorded vote on a total repeal of this program.

Mr. SKEEN. Mr. Chairman, I rise in opposition to this amendment.

The Recreation Fee Demonstration Program has come a long way and it is improving. Through fiscal year 2002, it will have raised over $900 million to help fix the huge backlog in deferred maintenance in our national parks, forests, refuges, and public lands. Yes, there have been a few problems along the way, but we have provided congressional oversight and have improved the program every year.

The President has requested a 4-year extension and that is what I support as well. Similar amendments have been soundly defeated by the House in the past, and I ask the Members to defeat this amendment as well.

Mrs. BONO. Mr. Chairman, I move to strike the last word.

I rise today in support of the DeFazio amendment. For centuries, our forests have remained free and open to the public. So when Congress decided to start charging families for the right to park their car on the side of the road in order just to walk their dog or catch a sunset, it did not seem right. When I am told that the fee is not much, I cannot help but think of the families struggling to make it by month to month. Our public lands are a way they can share valued time off without the worries of being able to afford it.

Mr. Chairman, I am a great supporter of the national forest system and its personnel. The U.S. Forest Service staff are dedicated individuals for whom I have the utmost amount of respect, and I realize they do not operate with enough resources. However, I believe that the forests are for the entire Nation and should be supported through the traditional funding processes like most all other Federal Government programs.

This amendment seeks to extend the Adventure Pass program for only a year, because that would give Congress an opportunity to review the GAO report on this issue due out this fall. The more facts we have about this program, the better we are able to address it. Let us give ourselves a chance to learn more and maybe even improve on this program without making our constituents pay for it.

Mr. Chairman, I urge my colleagues to support the DeFazio amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 1 offered by Mr. DEFAZIO: Page 117, beginning on line 18, strike section 312 (relating to recreational fee demonstration program).

Mr. DEFAZIO. Mr. Chairman, here we are again. We are about to extend a tax which nicks the American people least able to afford it, people living in rural areas; certainly, some people who recreate on Federal lands can afford the $35, but many whom I represent in depressed logging communities and former mill communities cannot. To say that somehow we should extract $35 from each family so they can take the kids out, park the car by the side of a logging road and swim in their favorite stream that they have been swimming in for generations, or to go hunting for rocks or go hunting in the fall.

This is extraordinary to me. These are public lands. These are not developed areas. These do not require recurring costs to the Federal Government. We are creating a new king's domain. I mean let us be straight about it here. Let us admit we are charging the American people for something they have already paid for in their tax dollars. We are charging them to use logging roads and turnouts that were subsidized by their tax dollars. We are charging them to drive on public lands and park their car, public lands that are paid for and maintained out of the general fund of the United States in terms of forest firefighting and other issues.

Should those people be charged and be caused to bear those costs? I think not. This is not a fair fee or a fair tax.

The amendment I am offering, since the committee has turned down a reasonable proposal; I suppose perhaps there is something to hide here. Perhaps we do not want to go through the regular authorizing process as the subcommittee chairman promised me we would do 2 years ago; perhaps we do not want to hold hearings in areas that are affected by this tax. Perhaps we are worried about the outcome. Perhaps the people on the Committee on Resources on which I sit, who represent people in the areas which are most affected, might not be totally receptive to this. Perhaps it would be a risk. Perhaps the program would be modified, changed, or maybe it would not even get through. That would be a true legislative process. Instead, buried deep in an appropriations bill without a single hearing is a 4-year extension of a new tax created in 1996. That is not right. It is not fair.

If my colleagues have confidence in this, because I heard in the debate last year, oh, people love this program. Of course, the Forest Service says something different. The people who are trying to enforce it are being abused and threatened. They have had more vandalism of the signs for this program than anything else. A lot of people do not even know where to pay the fee. The sign does not tell you. You get to the end of the logging road, this has happened to me, and there is a sign there saying, you must pay a fee to use the site. It is too far from anywhere for them to put one of those dead-man kind of collection things because someone will pull it out and take the money out of it. So it just says, you have to pay this fee somewhere, somehow, some time, or you are going to get a ticket if you park here. People do not even know where to go.

Yes, the program has been slightly simplified. No longer do you have to have 50 or 60 different passes to drive throughout forests in the Western U.S. In the Northwest, you can get away with just a couple. That is $70. Seventy bucks is a lot of money for an average working family. I know it does not nick people in this place too much, but it certainly does the people who I represent.

It is not fair to do this and it is not right to do this without going through the authorizing process, without holding hearings, without taking public testimony, without assessing the next GAO report on how much of this is going to administrative costs and collection costs because in the first cut, almost 40 percent of this program was going to administration costs and collection costs. Forty percent of a new tax. So every American family paying $35 is contributing 40 percent of that for bureaucracy and maybe the other 60 percent goes to something they care about. Since this money is not centrally controlled or not spent according to any plan, it is up to the discretion of the local forests. Some forests have done better than others in spending these excess funds out of this new tax. Others have not. They spend it in ways that the people who paid it do not want to see it happen.

So I urge my colleagues to support this amendment, to strike this section from the bill. It would still run for 1 year from next October, even if this is struck from the bill, and that would give the Committee on Resources a year to read and digest the GAO report, report an authorization, and take it up before the entire House. That is the way we normally do things around here, except when we have something to hide, and I guess in this case we have something to hide: an unfair tax on the American people that has never been properly authorized or commented upon.

☐ 1345

Mr. RAHALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the DeFazio amendment on recreation fees. At the height of summer recreation season when tens of millions of Americans most enjoy their national parks and other public lands, the bill before us expands the recreation fees that are financially unfair to seniors, families, and children.

After just passing a tax cut, there are those who want to give money with the one hand and take it back with the other.

I am concerned with the scope and nature of the recreation fees being charged, and the fees' impact on senior citizens, families, and other recreational users. I am especially disturbed by the fact that while recreational trail users of our Federal lands are being asked to bear an increased financial burden for the management of these lands, the same is not being asked of many subsidized individuals, businesses, and industries whose consumptive use of Federal lands have far more impact.

It is unfortunate, Mr. Chairman, that proponents propose substantial increases in recreation fees at the height of the summer recreation season, yet have been unwilling to reduce the generous subsidy corporations receive from the use of public resources.

It is regrettable that proponents apparently believe that only private citizens, not the corporations that profit from the resources of this Nation, should be called upon to pay more. How much additional revenue can the majority expect to squeeze out of families and senior citizens?

Our national shrines and the national heritage embodied in our public lands provide an exceptional and unique place in which to instill a solid value system in our children. We should be encouraging this family value, not hindering it. It will be a sad day when families and other visitors have to look in their wallets to see if they can afford to use our great system of national parks, forests, and public lands in which they, the public, share ownership.

Mr. Chairman, I support the DeFazio amendment. I do not believe it is right that our constituents should have to pay to simply walk in our national forests or watch a sunset on our public lands.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the elimination of this amendment. The fee program has worked extremely well. It has raised about $400 million that has been used to improve campsites, repair sanitation facilities, roads, bridges, and safety.

I heard this characterized as a tax. It is a user fee, and the people that pay the fee get the benefit. If one does not use the facilities, they are not paying for them.

We know that the backlog of maintenance in the national parks is about $5 billion, maybe $10 billion, no one knows for sure. But when we do not have maintenance, this means that the visitors do not have an opportunity to enjoy these facilities, as has been described.

By having a very modest fee, and usually the fee for a whole carload of people is about the price of one ticket to Disneyland, or maybe even less than that, they have the benefit of the trails, the campsites, the sanitation facilities, the enhancement of visitor locations.

Thus far, we have raised over $600 million. Under the language, this money has to be on top of the base support of the park program in the bill. This is not a substitute for what we would be normally spending. Therefore, the money is used to enhance the visitors' experience.

When I talk to the superintendents, they say that the vast majority, the vast majority of the people are happy to pay a fee. In fact, oftentimes they will contribute extra if they have a box for contributions. People appreciate the parks and forests and the recreational opportunities afforded to them, and they are perfectly willing in most cases to pay a very modest fee.

This program over the next year or year and a half will produce a total of over $900 million. Members can imagine what that means in fixing up rundown campgrounds and picnic sites, and fixing cultural parks that are part of our great parks and forest system.

Sometimes campgrounds are closed because they do not have the money to maintain them. By having the fee program, they have an opportunity to open these campgrounds and give more visitors a chance to use the facilities.

One other thing I am told by park and forest superintendents is that vandalism is substantially reduced, because when people pay a certain small fee they have a greater appreciation of the facility, plus the fact that they do not go in there in a careless way.

I still remember visiting the Angelos National Forest, where they built a beautiful picnic area with slides and charcoal burners and picnic tables. Obviously, what had happened the night before we were there, someone with one of these vehicles with huge tires had come into this facility and just drove over it, drove over the gate, smashed everything in sight. Had they paid a fee they would not have done that, because they would have known that somebody at the gate knew they were in there. But at that time, there was no fee program.

This is just one example of how vandalism would be reduced under this program.

I think if we talk to park and forest superintendents, if we talk to the vast majority of people who use the parks and forests for recreation, they will be very supportive of this program. It has worked well. A lot of the facilities are in far better condition than they would be otherwise, had there not been the program of modest fees.

I think this is a bad thing, this amendment, it is a bad thing for the parks and forests. It would take away from them an opportunity to work with the visitors in improving their experience when they do use our parks and recreation facilities.

Mr. Chairman, I urge a strong no vote on this amendment.

Mr. DeFAZIO. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oregon.

Mr. DeFAZIO. Mr. Chairman, the gentleman has always been gracious in dealing with our disagreements over this, and I appreciate it.

I would just like to clarify, the gentleman kept saying parks and park superintendents. This amendment applies only to the Forest Service and the BLM, so the parks and park superintendents are not at issue here. They would still be allowed to go there.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. REGULA) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. REGULA was allowed to proceed for 1 additional minute.)

Mr. REGULA. Mr. Chairman, in the mind of the public, the forests and parks are oftentimes indistinguishable.

I might say, the forests are a very rapidly growing source of recreation. In fact, what used to a source of wood fiber is now a source of recreation, and I think the gentleman will find in this bill a lot of commitment of money to enhancing the recreation dimension of the national forests. So obviously the fee program works there as effectively, and will, as it does in the parks.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oregon.

Mr.
efAZIO. Mr. Chairman, the gentleman admits this will not affect the Park Service, it is only the Forest Service and the BLM.

Mr. REGULA. The committee in their wisdom chose to structure it that way.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment of my friend, the gentleman from Oregon (Mr. DEFAZIO). I frankly believe, based on my own visits to the parks, that the American people are delighted. Not everyone is delighted, obviously, but the vast majority are willing to make a small contribution for the maintenance of the parks, which, as we all know, is something that has been underfunded.

Last year, when I offered the conservation amendment with the gentleman from Wisconsin (Mr. OBEY), one of the things we had in it was a lot of additional money for maintenance. We recognized that our parks, our national forests, our recreation areas, need additional maintenance.

Under this program, 80 percent of the money that is collected stays at that local park, and when people see the signs about the improvements that are being made on the trails, in the housing for the workers, in the facilities, we have all kind of these facilities that are very, very old that need to have their sewers repaired, that need to have their septic tanks repaired, need to have work done on the water systems, many of which are old. People I think are willing to make this contribution.

The authorizing committees have had a lot of time here. This has been in place now for several years. They have time to have acted, and they have not acted. I think one of the reasons they have not acted is because they basically believe, as I do, that this program is working.

I want to commend the gentleman from Ohio (Mr. REGULA). He put this together. I supported him. I think it is working. We are doing better on maintenance, we are keeping these facilities in better condition, and the other 20 percent goes to the lesser parks, the lesser facilities. I think that also makes sense.

We are not substituting the money. Where in the past the money was sent back to Washington and then they would get the 80 percent locally but they would cut the amount of money that goes to that park, they are not doing that.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I ask the gentleman to consider this.

Mr. DICKS. Mr. Chairman, I have tried to help the gentleman with meetings with the Forest Service to try to clear up the problems in the gentleman's area.

Mr. DEFAZIO. I appreciate that the program is better than when it started, and we do not need 15 different forest passes in Oregon again.

But the gentleman from Washington and the gentleman from Ohio keep referring to parks. There is a huge infrastructure backlog in the parks. This amendment does not go to the parks, it goes to undeveloped recreation sites, off-logging roads, in the national forests and on BLM land.

If I could, one further point, the gentleman who preceded the gentleman, I would disagree with what he said, that people do not differentiate between parks and Forest Service land.

I am certain that the people in Oregon, as they do in Washington, discriminate between the parks and the forest lands. No one is contesting charging park fees. We are talking about a new fee on using Forest Service lands and BLM lands.

Mr. DICKS. I appreciate that, Mr. Chairman.

I would point out to the gentleman, however, that in terms of recreational opportunity, that our National Forest lands have more recreational opportunity than do our national parks. We have to keep and maintain those National Forest campgrounds and hiking sites.

I look forward to continuing to work with the gentleman from Oregon, but I think we should defeat his amendment here today and keep this bill moving forward to final passage before we have to leave today.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose this amendment. A statement was made a few moments ago of the poverty in sawmill towns. That is one part of the statement from a previous speaker that I will agree with. He has been successful at helping create a lot of poverty in sawmill towns.

But when we go beyond that, we own one-third of America. The backlog on the Forest Service, the Fish and Wildlife Service, and the BLM is $12 billion to $15 billion, forgetting the Park Service, $12 billion to $15 billion.

Hearings were held. There were many chances to be heard. Let us look at the program and how it has worked. Visitors to the Forest Service and BLM are up. Why are they up? When we have the funds to maintain the trails, get the old logs out of there where trees have fallen, to maintain the facilities, to maintain and open new parking areas so people can come in, that is good.

I hear complaints where sometimes there are not enough parking areas, places to park and access our public land. It costs money for water and sewer and buildings and trails and roads. It costs a lot of money. Have we adequately put the money behind all of the land we purchased? No, we have not. In fact, we have taken money that should go to maintenance and we keep buying more land in all of these jurisdictions.

Trails have been reopened and improved with the demonstration fee money. Facilities have been updated. Boating areas have been expanded. Roads have been improved. Parking areas have been improved, and water and sewer made available. These are the things that the people need when they are out there.

Yes, the poor people of America use our parks, the working people of America use our parks. A little bit ago we had an amendment that took that money away and gave it to some of the richest in America, the arts folks. Those are the richest people in America. The working people of America use our parks, and the vast majority support this program. There will be some that will not, but the vast majority of the people support this program because it works. They see what is happening. They see better roads. They see better facilities. They see better boating areas. The proof is in the pudding.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Oregon.

Mr. DEFAZIO. So I would ask the gentleman, Mr. Chairman, he wants to charge for users of public lands?

Mr. PETERSON of Pennsylvania. Only in limited areas.

Mr. DEFAZIO. If the gentleman will continue to yield, Mr. Chairman, I would ask him, how about oil, gas, mining, and mineral extraction? Would the gentleman be agreeable to a fee for mineral extraction from Federal lands?

Mr. PETERSON of Pennsylvania. Mineral extraction is big, it is paid for.

Mr. DEFAZIO. Mineral extraction is not paid for, there is no royalty. It is $3.50 cents an acre under the 1872 mining law.

I am glad the gentleman will support a fee on mining. I will have a bill to him in the near future.

□ 1400

Mr. PETERSON of Pennsylvania. Mr. Chairman, reclaiming my time, this program has benefited the people of America. Our facilities, we own a third of it, it ought to be accessible. Our facilities ought to be good. Our roads ought to be decent and safe. Our water and sewer facilities ought to be there.

We ought to make it accessible and a fun experience for all of those who want to use it. Mr. Chairman, I urge the continuation. If it needs altering, we will alter it. It has been a demonstration project. It is only on selected sites.

I have the Allegheny National Forest in my district, and they have some fees. I have not had complaints on those fees. People want to see those areas more accessible, brought up to date and where the experience is a good experience.

We, as a Congress, have historically not been willing to invest the money in the investment we have made in owning a third of America. This helps us do that. I urge a continuation. Should we alter it down the road? Probably.

But let us let this project move forward. It is the only hope of the public land having good facilities, well maintained, is having a fee schedule that helps us do that, because this Congress has been unwilling to put the dollars where their land is.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The text of the remainder of title III is as follows:

SEC. 313. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust, hereafter shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 314. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 315. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided

through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 318. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 319. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 322. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2001, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2001, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 324. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 325. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 326. For fiscal years 2002 and 2003, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 327. EXPEDITIOUS TREATMENT OF FOREST PLAN REVISIONS.—The Secretary of Agriculture shall complete revisions to all land and resource management plans to manage a unit of the National Forest System pursuant to Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) as expeditiously as practicable using the funds provided for that purpose by this Act.

SEC. 328. Until September 30, 2003, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 329. (a) PILOT PROGRAM AUTHORIZING CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—The Secretary of Agriculture may convey, by sale or exchange, any or all right, title, and interest of the United States in and to excess buildings and other structures located on National Forest System lands and under the jurisdiction of the Forest Service. The conveyance may include the land on which the building or other structure is located and such other land immediately adjacent to the building or structure as the Secretary considers necessary.

(b) LIMITATION.—Not more than 10 conveyances may be made under the authority of this section, and the Secretary of Agriculture shall obtain the concurrence of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate in advance of each conveyance.

(c) USE OF PROCEEDS.—The proceeds derived from the sale of a building or other structure under this section shall be retained by the Secretary of Agriculture and shall be available to the Secretary, without further appropriation until expended, for maintenance and rehabilitation activities within the Forest Service Region in which the building or structure is located.

(d) DURATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2005.

SEC. 330. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking "2002" and inserting "2004".

SEC. 331. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Div. A, section 101(e) is amended by inserting "and fiscal years 2002 through 2005," before "to the extent funds are otherwise available".

AMENDMENT NO. 9 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TRAFICANT:

SEC. . No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

Mr. TRAFICANT. Mr. Chairman, this is standard "buy American" language that has been placed on appropriation bills.

Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN), the distinguished chairman of the Subcommittee on the Interior.

Mr. SKEEN. Mr. Chairman, I accept the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I accept the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I would just hope that we continue to focus on buying American goods and products wherever we can. I appreciate the fine work of the gentleman from New Mexico (Chairman SKEEN), his consideration, and the gentleman from Washington (Mr. DICKS), ranking member of the Subcommittee on the Interior. Mr. Chairman, I ask for an aye vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on the Interior.

Mr. Chairman, the administration included a land acquisition request for several tracts of land along the Chattahoochee River within the Chattahoochee National Forest in my Ninth Congressional District of Georgia.

This particular acquisition ranked third on the Forest Service's fiscal year 2002 national land acquisition priority list. Recently, I was informed that the owners of these tracts have delayed their decision to sell their properties.

Fortunately, there are other landowners in the area with similarly important tracts of land who wish to convey them to the Forest Service. The land now available will provide habitat and watershed protection, as well as recreation opportunities.

The committee report provides $1 million for the Forest Service to acquire lands along the Chattahoochee River within the Chattahoochee National Forest.

Given the recent changes with land availability, I ask that the gentleman work with me in conference to remove the report language in the Forest Service land acquisition table referring to the Chattahoochee River and simply appropriate the $1 million to the Chattahoochee National Forest so they may purchase the key tracts now available.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from New Mexico.

Mr. SKEEN. We have consulted with the Forest Service and the gentleman from Georgia (Mr. DEAL) is correct that the original tracts of land requested by the administration are no longer available. However, new tracts of land have become available that will help the forest to meet its management objectives.

Mr. Chairman, I will be happy to work with the gentleman as this bill moves forward to conference.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that the gentleman from New Mexico (Chairman SKEEN) earlier was referring to the Maloney amendment and it was accepted, but I have some concerns with it; and I hope that in conference committee, the gentleman will consider these concerns.

The amendment wrongfully substitutes the use of "spot" prices as an index for the oil and gas value for royalty purposes in all cases.

The Clinton administration, when publishing the final oil valuation rule in March 2000, agreed with the Rocky Mountain producers that the use of spot prices was not an appropriate measure of the value. In fact, the current rule allows the use of comparable arm's-length sales of crude oil in the field to establish that value.

What the Maloney amendment really does is have Congress endorse the "duty-to-market" concept in the oil and gas valuation rules. It wrongfully requires lessees to pay royalties based on downstream value-added system, rather than the "wellhead" value which is required by existing leases and current mineral leases statutes.

This amendment seeks to prevent further royalty-in-kind crude oil pilot projects like in Wyoming, despite the analysis by the Minerals Management Service and the State of Wyoming, that the government received 45 cents per barrel more in revenue than it had received under the original or the current royalty-in-value system.

Saved administrative costs should not be ignored as a policy matter, and the royalty-in-kind involves far less administration by the Department of the Interior than the royalty in value.

The materials management service pilot project increasingly shows that the royalty-in-kind works. And in my home State of Texas, we have had a successful royalty-in-kind program for a number of years, and it can and does work very well.

The minerals management service recently completed its evaluation of the Wyoming royalty-in-kind pilot project and published that report in the Federal Register for public comment, and yet there were no objections submitted by the public.

The minerals management service based its Wyoming pilot on the criteria that to be successful the pilot must provide simplicity, accuracy, and certainty for leases and the government.

The revenue should be revenue neutral or better for the government and must reduce the administrative burden for leases and the government.

The Wyoming pilot met these criteria. Royalty-in-kind receipts exceeded comparable in-value royalties by approximately $810,000. In addition, the royalty-in-kind streamlined processes have established a foundation for administrative savings for the minerals management service and also the industry.

Mr. Chairman, I hope the minerals management has made it clear that they would not force any Federal lands into the royalty-in-kind and States where the State is not a partner, and there is no mandatory royalty-in-kind program or mandatory expansion.

The minerals management service should be allowed to manage the minerals and have the choice to use royalty-in-value or royalty-in-kind as allowed by the lease conditions, the market and the Federal statutes.

At this critical point, we need to address our Nation's energy needs. We should not restrict or limit the government's ability to conduct programs that benefit us all, particularly the taxpayers.

Mr. Chairman, I urge my colleagues to look at this amendment in conference committee, so it will benefit the taxpayers and also the producers.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I understand the gentleman's concerns, and we will definitely take a look at this during the conference with the House and the Senate.

Mr. OTTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from New Mexico (Chairman SKEEN). The land acquisition that I would like to bring to the gentleman's attention today is 5,988 acres which is in-holding called Thunder Mountain. Thunder Mountain is located in the Payette National Forest in West Central Idaho and is located in the heart of the Frank Church-River of No Return Wilderness area.

This area is home to five listed species and large populations of game, large game including elk, deer, moose, and bighorn sheep. The purchase of this land would allow the Forest Service to protect the critical areas that are necessary for generations to come.

I offer my appreciation to the gentleman from New Mexico (Mr. SKEEN) in advance for the gentleman's sincere consideration of this effort.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. OTTER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman for bringing this land acquisition request to our attention and for making his interests known. There were many worthy land acquisition projects requested for fiscal year 2002.

We tried to fund as many as we could; nevertheless, we will closely examine this request should the opportunity arise in conference.

Mr. OTTER. I thank the gentleman for his comments.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OTTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I have been in that area that the gentleman is talking about, and I think it is something we ought to look at very closely.

We appreciate the concern of the gentleman from Idaho for endangered species. That is kind of a new thing from Idaho, and we appreciate it.

Mr. OTTER. Reclaiming my time, Mr. Chairman, I want to say to the gentleman from Washington (Mr. DICKS) I appreciate his concern for those of us in Idaho who are becoming more endangered every year.

AMENDMENT NO. 5 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 5 offered by Mr. RAHALL:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Mr. CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America's national monuments are under siege. Under the guise of an energy crisis, both the President and his Interior Secretary have publicly suggested that some of our national monuments might be pretty nice places for oil and gas drilling or perhaps even a coal mine.

In my view, this is not what America is about. Americans are rightfully concerned about energy security, but I do not think that the majority of Americans believe that we are in such a sorry state of affairs that we must unleash big oil onto some of our most cherished and sacred public lands.

Make no mistake about it, some of the oil and gas companies have been hankering to get into these areas for years. They are salivating over the thought that these monuments might be opened.

Mr. Chairman, I maintain that our national monuments, our national heritage must not be sacrificed on the altar of greed and profit.

Mr. Chairman, my amendment would simply prohibit the issuance of new energy leases in designated national monuments.

It would not, it would not vanquish any valid existing right, nor would it prevent leasing in any situation where that activity was authorized when the monument was established. Establishment of a national monument is an authority vested with the President under what is known as the Antiquities Act.

Beginning with that great Republican conservative Teddy Roosevelt, 14 of the 17 Presidents who served since 1906 have used this power. In all, they have established 122 national monuments, with Congress subsequently redesignating 30 of them as national parks.

We are talking about places like the California Coastal National Monument and the Giant Sequoia National Monument in California. The Craters of the Moon National Monument in Idaho and Vermillion Cliffs National Monument in Arizona.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to ask the gentleman from West Virginia (Mr. RAHALL) a question. I did not want to interrupt the gentleman, and I will be glad to give him some additional time.

I say to the gentleman, is it not true that before these became monuments, these were all Federal lands? Mr. Chairman, sometimes people think that Presidents go out and create just out of whole cloth wilderness or whatever area, but the monument has to have been Federal land before it became a monument; is that not correct?

Mr. RAHALL. Reclaiming my time, the gentleman from Washington (Mr. DICKS), the distinguished ranking member, is exactly right.

Mr. Chairman, I yield further to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I just wanted to point that out to my colleagues.

Mr. Chairman, I ask that the gentleman from West Virginia be granted an additional minute due to my interruption.

The CHAIRMAN. The Chair is unable to grant that request unless there is a unanimous consent request that each side get an additional minute, because this is a controlled-time debate.

Mr. RAHALL. Mr. Chairman, reclaiming my time, these places I just mentioned, they are incredible treasures. They are incredible treasures; from the Atlantic to the Pacific, historic sites, glacial fjords, towering mountains and fragile deserts. Indeed, they are a lasting legacy that we as Americans can hand down for generations to come.

Are we really that desperate that we will allow coal mining or oil and gas drilling in these national monuments? I do not believe so. Yet there are some, there are some who see things differently.

Under the Bush administration, the Interior Department has conducted a new analysis of the energy potential of national monument lands, not all monuments, mind you, not an analysis of all monuments, just those it so happened were designated by President Clinton.

What a surprise. This new analysis found that a number of our national monuments may contain some oil and gas and coal resources. These areas apparently now represent the administration's monument hit list. So the question comes down to this: 95 percent of BLM lands in the western energy-producing States are already open to oil, gas and coal leasing; 95 percent BLM lands are already open to oil, gas and coal leasing.

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Must we now sacrifice the remaining 5 percent of protected areas, our wilderness, our historic sites, our wildlife preserves? Must they now be subjected to exploitation and speculation? I say no, and I sincerely hope that this body says no as well.

Vote for our heritage. Vote for our legacy. Vote for our future generations. Vote for American values. And vote for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

This amendment would put in place a moratorium, stopping any new energy development within the current boundaries of the newly created national monuments without regard to the energy needs of the Nation. Passage of this amendment would limit the Department's capability to consider actions through the land planning process that could be in our Nation's interest. If after extensive consultation with all parties the President determines that it is in the best interest of the American people to modify a monument boundary, while still maintaining the integrity of our precious national monuments, he should not be prohibited from doing so.

Members have been rightfully concerned about the electricity situation in California and the rest of the West right now, and about supply and price problems of various energy fuels. This amendment sends the wrong message. It says regardless of the energy situation, we are going to place certain lands off limits, even if the President determines that leasing of those lands will not interfere with their national monument significance.

Therefore, I must ask for my colleagues' support in defeating this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. RADANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the House Committee on Education and the Workforce and a former ranking member of the Committee on Resources.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and we must support this amendment. We must support this amendment so the energy crisis in California and the West Coast is not allowed to be used as a battering ram by this administration to batter down the designation of national monuments and some of the most valuable and most prized and most beautiful and sacred lands in this entire country.

This administration now wants to come in, after all the effort was made to delineate and to make determinations about the values of these lands in terms of their cultural and historic significance, and after the designation of the monument has been given in the name of the people of the United States of America, this administration would try to batter down those designations at the very time when millions of Americans are taking their children and other members of their family and traveling across this country visiting monuments of this country, recognizing the historical importance of these, the cultural importance of these lands, the Craters of the Moon, the Effigy Mounds, the Little Bighorn Battlefield, Scotts Bluff, the Statute of Liberty, Bandelier National Monument, Gila Cliff Dwellings, White Sands, Governor's Island, Oregon Caves. These are all different. In the West we have some monuments, in the East we have different monuments, but this is about the culture of this Nation.

You tried to use the energy crisis in California to batter the California consumers, Mr. President, and that did not work. And now we see finally you are taking some actions to help those consumers. You should not use this energy crisis to batter down the designation of these lands. These lands belong to the people of the United States. And when your Secretary of the Interior sends a letter suggesting to consult with just local officials, these are not local parks, these are not local districts, these are national monuments. Why are we not consulting with all the people of this Nation? That is what President Clinton did before he made the designation. There were public hearings, there was a process, because we knew the significance and the importance of a monument designation.

We should not cower behind our energy problems in California to try to change the status of these great public lands.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members that remarks during debate should be directed to the Chair.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, first of all, the amendment is nothing more than an attempt by the Democrats to congressionally legitimize those actions taken by President Clinton during the last hours, without adequate public input, in the dead of night.

These proclamations, of course, clearly abused the letter and the spirit of the Antiquities Act of 1906, when they knew what they were doing. The Antiquities Act, among other things, mandates that when a President declares a monument it "shall be confined to the smallest area available, compatible with the proper care and management of the objects to be protected." Now, I know that that means we must question ourselves as to what we mean by objects or what we might mean by protected. However, as we all know, President Clinton blatantly used this act solely for political purposes like no other before him.

Mr. Chairman, passing this amendment would in effect put a congressional rubber stamp on those actions and those boundaries taken by these ill-considered proclamations. Secondly, if the boundaries of the national monuments do change, this amendment to the bill today is totally unnecessary. Most, if not all, the proclamations withdraw the lands from all forms of mineral entry, including oil and gas leasing, except when subject to valid and existing rights. This amendment keeps the exemption for valid and existing rights, thus actually does nothing at all, Mr. Chairman, for the monument boundaries if they are never adjusted.

Lastly, and however very important, by agreeing to this amendment we also prevent future oil and gas leasing in these areas that would not be withdrawn as a national monument if the boundaries ever did change. If the boundaries are to be adjusted to meet the real intent of the 1906 Antiquities Act and the real intent of protecting the object of significance contained in those monuments, then the areas withdrawn, which would not contain any significant objects, could be open to gas and oil and other exploration.

Eliminating future options for our country's resources is simply not acceptable, and I submit that the other side cannot have it both ways. You cannot suck and blow in the same breath, and, Mr. Chairman, that is precisely what they are doing.

Mr. RAHALL. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), a valued member of our committee and the ranking member on the Subcommittee Committee on Energy and Mineral Resources.

Mr. KIND. Mr. Chairman, I thank the ranking member of the Committee on Resources for yielding me this time. As ranking member on the Subcommittee on Energy and Mineral Resources, I rise in strong support of the Rahall amendment that prohibits funding for new leasing for oil and gas exploration in our national monuments.

Mr. Chairman, Teddy Roosevelt must be rolling in his grave right now. A great Republican conservationist, he was the first President to use his powers of the Antiquities Act to designate national monuments throughout the country. Now, 100 years later, a Republican President is suggesting opening up these same very precious lands to oil and gas exploration. Our national monuments should be the last place open for energy development, not the first. We should instead be focusing on effectively managing the millions of acres of Federal land that are already available for energy development.

In fact, the work we have been doing in the Subcommittee on Energy and Mineral Resources, the gentlewoman from Wyoming (Mrs. CUBIN) and I have demonstrated that 95 percent of the available Federal lands are already accessible to oil and gas exploration. We should be keeping our focus on that rather than the remaining 5 percent that is not. Granted, there may be some permitting problems that have come out during the course of these hearings that we need to work through, but there is sufficient Federal lands already for the oil and gas energy needs that this country faces.

Rather than opening our national monuments to oil drilling, we should instead bring balance to our national energy policy by developing renewable and alternative energy sources, such as solar, wind, and biomass. We should be increasing our funding for those programs instead of cutting them, as the administration now proposes.

We should also be encouraging the development of hybrid cars in this country. The big three in this country have fallen behind the competitive scale when it comes to developing these hybrids, which are more energy efficient and more environmentally friendly. We have waiting lines across the country of consumers wanting to buy the foreign-made hybrid cars. So there is a market demand for this, Mr. Chairman.

Clearly, the American people would like to see more fuel efficient, environmentally friendly vehicles, not more drilling in the national monuments, and so I would encourage my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on the following specified amendments to the bill, and any amendments thereto, be limited to the time specified, equally divided and controlled by the proponent and an opponent.

An amendment to be offered by the gentleman from Florida (Mr. DAVIS) related to oil and gas leasing in Florida for 30 minutes; an amendment to be offered by the gentleman from Washington (Mr. INSLEE) regarding hardrock mining for 30 minutes; an amendment offered by the gentleman from Florida (Mr. DEUTSCH) regarding Biscayne National Park for 10 minutes; and an amendment offered by the gentleman from Florida (Mr. STEARNS) regarding the National Endowment for the Arts for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. DICKS. Mr. Chairman, reserving the right to object, I want to make certain on the Stearns amendment that I would have the 5 minutes in opposition; if we could just have that understanding.

Mr. SKEEN. I will yield that.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The unanimous consent agreement is agreed to.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, this is a very interesting debate we are in. My good friend from West Virginia, I am afraid I am going to have to go to the other side on this one, and I want to explain why, because I have great respect for him and the ability he has.

I noticed when I read his statement this morning, he talked about the crown jewels that we were going to protect under this amendment. I would agree with that, if they were the crown jewels. If we go back to the 1906 Antiquities Law and carry it out and find out where we are going, those original ones truly did fit that category, the Grand Canyon, the Zion, the Bryce, and the others, they are the crown jewels, and we compliment Teddy Roosevelt for taking the time, the initiative, and having the enlightenment to come up with the idea of taking care of those crown jewels.

But now we find ourselves in an entirely different situation today. What do we have on these crown jewels? Let me point out, Mr. Chairman, that we have a whole group of energy problems. I do not think there is any intelligent person in America that does not realize we are going to have a tremendous energy problem. It is going to be coal, it is going to be natural gas. We are talking about alternative sources, and we get 2 percent, that huge amount of 2 percent of alternative sources that everybody is talking about, and then we have got coal at 52 percent.

Now let me talk about one of these crown jewels my good friend from West Virginia talked about. On September 16, 1996, standing safely on the south rim of the Grand Canyon, President Clinton got up and he declared that he was going to put 1.7 million acres into one of these crown jewels. The interesting thing about it is that President Clinton had never been there. When he was asked where it was, he put it in Nevada, though that is immaterial. That is a little different than someone like Teddy Roosevelt, who had lived on the ground, who had been to the Grand Canyon, who had hunted in the Grand Canyon, had floated in the river, had hiked those canyons. He knew it from one inch to the other.

Now, do my colleagues know what the law says? I thought we were bound by the law. I thought it was necessary we follow the law. We are a Nation of laws. Yet this President comes along and he talks about the three things we are supposed to name in the 1906 Antiquities Law.

□ 1430

What are they? One is a scientific site. Another is an archeological site like Rainbow Bridge, obviously one. Another one is an historic site where the two trains came together. That is obviously an historic site.

This is the first President, and I have sat on this committee and chaired the Subcommittee on Parks and Lands, and now I am the chairman of the Committee on Resources, I cannot find a President who has violated that up to this point. This President did not state any one of the three. Not one.

What is the next thing that the law says, the law that we put our hand to the square and said, we will uphold this law. And the next part says this. It says, and he shall use the smallest acreage available to protect that site. In the first place, my colleagues, President Clinton did not name the site. In the second place, he gives us 1.7 million acres.

Mr. Chairman, let me go back to the idea of energy. What is in this area? I asked John Leshy, the solicitor for the Department of Interior, explain this beautiful area that President Clinton is taking care of. He did not know what he was talking about, and I say that respectfully, because he said where there is 1 trillion tons, get that word "trillion," 1 trillion tons of low sulfur coal, the best in the world, right in the Kaiparowits Plateau.

Mr. Chairman, have any of my colleagues been there? It amazes me, we are so good about talking about places, but often my colleagues have never been there. Well, I have been there. My dad had mines on it. As a private pilot, I put airplanes down in the craziest places, I repent for doing that, but all through that area, and I can tell my colleagues without any equivocation, if my colleagues like rolling hills of sagebrush and nothing else but hot, dry land with bugs flying around, that is two-thirds of the Grand Staircase Escalante. Two-thirds of it is nothing but sagebrush. But there is a trillion tons of low sulfur coal.

Now we are talking about President Carter who says our ace in the hole is coal; and yet we say we cannot do that under the gentleman's amendment. We cannot take care of that.

What I have heard on some of these other 18 crown jewels that came about: fossil fuels, natural gas. All of these things, and these are not, my friends, the crown jewels that my good friend of West Virginia talked about. These are areas put in there, obviously abusing the 1906 antiquity law, obviously there for political reasons. In fact, we subpoenaed the papers and we wrote a pamphlet called "Behind Closed Doors." I do not have the quotes here, I was at another meeting and just ran over, and so I quote from memory, "These grounds do not deserve protection." Kathleen McGinty, working for President Clinton and Al Gore, "These grounds do not deserve protection," yet we say they are crown jewels. Give me a break.

Why are we doing this anyway? Another thing between the Department of Interior and the White House, another statement, "These grounds do not deserve that kind of protection." Yet today, we are here saying we have an energy crisis on our hands and we cannot handle it, so let us close up areas of rolling sagebrush.

The Grand Staircase Escalante does not deserve that protection.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in allowing me to speak in support of his amendment.

Mr. Chairman, I disagree with my colleague from Idaho who talked about sneaking this in the last hours in the dead of night. I am speaking just to one monument in the State of Oregon, the Cascade-Siskiyous, where approximately a year ago 52,000 acres were protected. I would suggest that there is significant support in our State, and the notion that this would be an area where we should open up to mineral exploration, energy exploration, is something that would be opposed by the people in our community.

Mr. Chairman, we may disagree over issues that deal with energy. I am sure we will have spirited debate, but I would hope that this is one area where we could step back and recognize that these are areas that deserve protection.

If the Congress wants to overturn the Presidential designation, if there is one that is inappropriate, by all means come forward and we will have the debate, have Members vote them up or down. But unless and until my colleagues are willing to step forward and show where they think it is not worthy of protection, I think we ought to support the gentleman's amendment, and I know that the people in Oregon appreciate it.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I have been in my office listening to the debate on the gentleman's amendment, and I have never heard so much energy wasted on an amendment that very frankly does damage to this Nation and not to the monuments. When I hear people talk about the Statue of Liberty and the Grand Canyon, they are full of it. That is really, in fact, not what this is all about.

Mr. Chairman, if my colleagues want to know what it is about, read this report called "A Monumental Abuse: The Clinton Administration's Campaign of Misinformation in the Establishment of the Grand Staircase Escalante National Monument." I have it right here. This was passed by the Committee on Resources. Read it. It is the greatest blatant political piece of trash that administration did. There was no danger to that area of the Escalante, but because the environmentalists wanted it and Kathleen McGinty wanted it, they set this vast area of land, without consulting with the governor and without consulting with the local representative, and by the way he lost, because there was a huge coal deposit there and they did not want that coal deposit developed. Read your RECORD. Do not vote for this amendment. It is nothing but a bunch of hot air.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, as far as the debate earlier on the recreation fee demo amendments, they are something that should be subject to the Committee on Resources, on which I serve, which is a tax on the average American people. It is hidden in this bill to avoid accountability and responsibility.

Now here hidden in this bill is the authority to go into and drill on national monuments. If my colleagues want to undo the national monuments, have the courage of their convictions. Introduce legislation. Hold hearings. Have a debate. Bring it to the floor. Have a vote. See if it can be gotten out of the House of Representatives.

Mr. Chairman, I do not think that is going to happen. I do not believe this body is going to undo formally any monuments. So do not have this subterranean subterfuge of drilling. Be honest. If my colleagues want to undo the monuments, introduce the legislation and let us have a vote on it up or down.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I could not agree more with the last speaker when he says introduce legislation if Members want to change it, do not do it through a rider.

Mr. Chairman, I had a hearing in Lewistown, Montana a couple of weeks ago. I had just short of 300 people there. It took 8 hours. There is not consensus on this.

When I came to Congress, I made the determination I would try and change the rhetoric when it came to natural resources policy so we do not dig ourselves into corners and then have to litigate our way back out.

The President dropped a bad piece in our laps. We are trying to pick up the pieces. We will do the best we can. We want full disclosure and full debate, but let us not close the door to a reasonable conclusion to something that is very emotional in my State of Montana.

Over 80,000 acres of private property were included in this monument. What reasonable President, if he had gone through the appropriate process of debate and consideration, would have allowed that to happen?

Secretary Norton recently sent out a letter to over 200 local officials asking their opinion. She has stated the position that she will not make changes without adequate consideration and due process. There is only one reason this amendment has been introduced, and that is to shut the door further on what we believe the President did in the first place.

Mr. Chairman, I hope my colleagues will vote against this amendment.

Mr. RAHALL. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

Mr. Chairman, this amendment will prohibit oil and gas leasing and preleasing in our national monuments. Without this amendment, we may have to rename some of our national monuments to reflect their new status. The Statue of Liberty National Monument, for example, could become the "Statue of Fossil Fuels Production National Monument," with an actual flame burning at the top of the torch. Of course, we will have to change the inscription to read:

Give me your drill bits, your rigs,
Your huddled oil companies yearning to drill free,
To dump their wretched refuse on our pristine shores,
Send these, your well-heeled executives to me:
I lift my lamp besides their golden doors.

Of course, there are other types of national monuments in our country. Here is a photograph from the Upper Missouri River Breaks National Monument. It is beautiful. But perhaps the oil industry could improve upon the view? Bam. Oil rigs in the national monument. How much oil would we retrieve from the Upper Missouri River Breaks? One hour's worth of our national consumption. One hour. What this amendment says is that one hour of our oil use in the United States is worth despoiling this pristine view forever.

Mr. Chairman, we cannot condone this wanton disregard of our responsibilities to succeeding generations. Our national monuments represent the most unique, most irreplaceable, the most breathtaking of all of the natural wonders in this great land. All we are asking is that we meet our energy needs outside the boundaries of these special treasures, not on top of them.

Mr. Chairman, I urge the committee to adopt the Rahall amendment. First, let us make SUVs and air conditioners and refrigerators more efficient before we tell every succeeding generation of Americans that we had no other option but to take the national monuments and to despoil them for one hour's worth of energy, and to damage them permanently.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, after listening to the last few speakers, I have to tell my colleagues, if rhetoric were fast food, Members would have to walk through golden arches to enter this floor, because I have never heard so much rhetoric as I have just heard from the gentleman from Massachusetts who just spoke. He talks about the beauty of these things, and many are beautiful.

But some of them, my colleagues ought to come to Idaho and look at the expansion of the Craters of the Moon. It is a bunch of lava rock. And we are still trying to figure out what the imminent threat was to the Craters of the Moon when they designated it as a national monument, yet they decided they had to do it. It was under no imminent threat. That is the reality.

Mr. Chairman, clearly my colleagues on the other side of the aisle are passionate about national monuments. So am I; and so is anybody on this side of the aisle. We all love our public lands and want to protect them, but look at what this amendment does. What this amendment does is say that we cannot have any preleasing, any leasing, or any related activities on a national monument as it existed prior to January 20, 2001.

Now, the gentleman from Oregon that spoke said we are not going to change any of those things. If Members want to change any of those things, bring them to the floor. We have done that in this Congress. Many of my colleagues voted for it because it went by suspension. We changed a national monument in Idaho to a national preserve, so we do change them occasionally and we need to look at that.

Mr. Chairman, the reality is the real purpose of the Rahall amendment is to freeze the dozens of monuments that President Clinton declared during the waning days of his administration and prohibit mineral leasing activities in these areas. That is the intent of this amendment. This would occur even if Congress enacted a law which adjusted a boundary to a national monument or if President Bush reduced the size of a monument by administrative order.

□ 1445

The effect of the Rahall amendment will be to lock up acres of coal, gas, oil and other much needed energy resources at a time the United States needs these domestic resources to avert a further energy crisis. The House of Representatives, as I have said, has already changed one to a national preserve, so the reality is we do look at them, we do change them, we do change the boundaries. But under current law, 30 United States Code section 181, mineral leasing cannot take place on national monuments. If you look at most of the national monument designations that have been made, they prevent mineral leasing in the designation.

I would bet the gentleman from Oregon that spoke earlier about the beauty of the national monument in his State if he would look at the designation would see that it is prevented in the designation of that national monument. So we are not going to go out and drill in these areas, Mr. Chairman. We should not tie Congress' hands and the President's hands with this ill-advised, unnecessary, silly amendment.

Mr. Chairman, the people on this side of the aisle care as much about our public lands and our national monuments as they do. That is why we live there, because we love the beauty of our rivers and mountains and streams. That is what we want to preserve. But yes, there are legitimate reasons to look at our national monuments for other purposes.

Mr. Chairman, I urge my colleagues to not adopt this amendment. It is silly and unnecessary.

Mr. RAHALL. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman for yielding time. As a Rocky Mountain westerner, I rise in support of this amendment and I share the sentiments of the gentleman from Idaho (Mr. SIMPSON) that we do love these lands in the West. I have been dismayed, though, to some extent to hear my colleagues describe these lands as sagebrush and rolling hills and nothing but black lava rock. But as we know, those lands provide us with solitude and great viewscapes, clean air, and clean water. They are God's creation. We should set them aside in perpetuity as President Clinton had the wisdom to do.

In our State, rapid population growth is putting increased pressure on all our Federal lands. We have become aware of the need to preserve and protect those lands. That is simply what President Clinton has done. But President Bush seems to be going the other way. In fact, I am tempted to borrow an old phrase and suggest that maybe we are on the verge of a "war on the West."

Unless we restore some balance, this energy policy will be a war on wilderness, a war on wildlife, a war on our open spaces, and ultimately a war on our economy which is dependent now on these open spaces and the clean air and the clean water.

This amendment will limit the potential of that potential attack. I hope it will be unnecessary. I hope that the President will pull back and not open our national monuments to drilling, but let us be safe rather than sorry. I urge support of this important amendment by the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, I yield myself the balance of my time.

Secretary Norton has written a series of letters to various State and local officials encouraging reassessments of existing national monuments. I would like to quote directly from the Secretary's March 28 letter to the Governor of Arizona:

> I would like to hear from you about what role these monuments should play in Arizona. Are there boundary adjustments that the Department of Interior should consider recommending? Are there existing uses inside these monuments that we should accommodate?

Mr. Chairman, I think this clearly shows that our monuments are under threat. The President, on March 13, additionally said, and I quote, "there are parts of monuments where we can explore."

Vote for this amendment. Protect our heritage. Protect our national monuments.

Mr HOLT. Mr. Chairman, I support the amendment offered by my colleague from the state of West Virginia, Congressman RAHALL, to protect National Monuments from energy and mineral development. National monument status designation has been used to protect some of our most unique and significant natural and historic areas. In the last 95 years, 122 national monuments have been designated through the use of the Antiquities Act. Clearly, presidents from the time of Theodore Roosevelt have realized the wisdom of protecting sensitive public lands, already owned by the public, from natural resource exploitation.

The designation of national monuments follows a serious and deliberate process, including extensive study and involvement by the public. The process relies heavily on the input of local officials and citizens, those who will be most directly affected by the designations. Impacts are weighed in light of the benefits that will be enjoyed by the American public and the fact that a natural resources legacy has been created for future generations.

Some coal, natural gas, and oil does underlie a number of our national monument lands. However, the significance of these resources when compared to our overall energy supply was part of the consideration before the monument status was bestowed. Ninety-five percent of the public land managed by the Bureau of Land Management already is open to energy leasing. This amounts to millions of acres of federal land. We should be focused on doing a better job managing and developing fuels from the lands already available for leasing rather than looking at the remaining five percent for further exploitation.

The high cost of electricity and the rising costs of gasoline and home heating oil will not be reduced by drilling on national monument lands. The amount of energy resources on these lands is only a small fraction of what is available elsewhere. Our monuments must be protected against the forces of commercialization that would use them to enrich a few at the expense of the many by sacrificing our most spectacular and prized natural landscapes and historical sites. I urge you to join me and support the Rahall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia (Mr. RAHALL) will be postponed.

Mr. CASTLE. Mr. Chairman, I move to strike the last word for the purpose of entering into a very brief colloquy with the chairman on a matter of importance to my State.

As chairman of the House Interior appropriations subcommittee, I know the gentleman from New Mexico is faced with many funding requests and faces a difficult task in balancing competing demands.

As the gentleman may know, Delaware has a rich heritage in the underground railroad. There are 18 underground railroad sites in Delaware, including the Governor's house at Woodburn where I lived, the courthouse where abolitionist Thomas Garrett was tried, and numerous other sites utilized by the principal underground railroad conductor Harriet Tubman.

Sadly, there is more information about Delaware's role in the underground railroad in the museum shop at Ford's Theater in Washington, D.C. than in Delaware's museums. Delaware is rallying to correct this oversight by filming a documentary about the underground railroad and sponsoring a lecture series at Delaware State University.

Pursuant to the National Underground Railroad Network to Freedom Act of 1998, the Delaware Underground Railroad Coalition is seeking $250,000 to develop a heritage plan to highlight Delaware's role in the underground railroad.

I seek the gentleman's support in working to provide funding for this heritage plan as the fiscal year 2002 Interior appropriations bill moves forward.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New Mexico.

Mr. SKEEN. It is true the committee views funding the National Underground Railroad Network to Freedom Act of 1998 as a priority. I pledge to work with the gentleman from Delaware as this legislation moves forward to accommodate this request if the opportunity for additional funding arises.

Mr. CASTLE. I thank the gentleman and I appreciate his support.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from Vermont (Mr. SANDERS); amendment No. 1 offered by the gentleman from Oregon (Mr. DEFAZIO); and amendment No. 5 offered by the gentleman from West Virginia (Mr. RAHALL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 262, not voting 17, as follows:

[Roll No. 178]

AYES—153

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Barrett
Bass
Becerra
Bereuter
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Boswell
Brown (OH)
Cannon
Capuano
Carson (IN)
Castle
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Emerson
Engel
Eshoo
Etheridge
Farr
Ferguson
Filner
Ford
Frank
Ganske
Gephardt
Gilman
Green (WI)
Grucci
Gutierrez
Hall (OH)
Hansen
Harman
Hinojosa
Holt
Honda
Hooley
Hulshof
Inslee
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Jones (OH)
Kelly
Kennedy (MN)
Kildee
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Nussle
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Petri
Platts
Quinn
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Ryan (WI)
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Sensenbrenner
Shays
Sherwood
Simmons
Slaughter
Smith (NJ)
Solis
Stark
Sununu
Sweeney
Tanner
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Woolsey
Wu

NOES—262

Akin
Allen
Armey
Baca
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bentsen
Berkley
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Cardin
Carson (OK)
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Crane
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Evans
Fattah
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Gutknecht
Hall (TX)

Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kennedy (RI)
Kerns
Kilpatrick
Kingston
Kirk
Knollenberg
Kolbe
Lampson
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson

McCrery
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryun (KS)
Sabo
Sandlin
Schaffer
Schiff
Schrock

Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Bachus
Callahan
Cox
Cramer
Cubin

Everett
Herger
Houghton
Israel
Kaptur
Lewis (GA)

McInnis
Neal
Riley
Rush
Serrano

□ 1514

Mr. CALVERT, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Ms. GRANGER and Mrs. TAUSCHER changed their vote from "aye" to "no."

Messrs. QUINN, SHAYS, HONDA, BERRY, KING, ROTHMAN, WELDON of Pennsylvania, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon and Ms. MILLENDER-McDONALD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The **CHAIRMAN**. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 1 OFFERED BY MR. DEFAZIO

The **CHAIRMAN**. The pending business is the demand for a recorded vote on amendment No. 1 offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The **CHAIRMAN**. A recorded vote has been demanded.

A recorded vote was ordered.

The **CHAIRMAN**. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 287, not voting 16, as follows:

[Roll No. 179]

AYES—129

Ackerman
Allen
Baldacci
Barcia
Bass
Becerra
Berkley
Blagojevich
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Capps
Capuano
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Conyers
Coyne
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Deutsch
Doggett
Doolittle
Dreier
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Gallegly
Gephardt
Graves

Gutierrez
Hall (OH)
Hall (TX)
Hayworth
Herger
Hill
Hinchey
Holt
Honda
Hooley
Hulshof
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Jones (NC)
Jones (OH)
Kildee
Kucinich
LaFalce
Langevin
Larsen (WA)
Lee
Lewis (CA)
Lipinski
LoBiondo
Luther
Maloney (NY)
Manzullo
Markey
McCollum
McDermott
McGovern
McKinney
McNulty
Meeks (NY)
Menendez
Mink
Moran (KS)
Nadler
Napolitano

Ney
Owens
Pallone
Pascrell
Paul
Payne
Peterson (MN)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Sanders
Saxton
Schakowsky
Schiff
Sessions
Shadegg
Sherman
Shows
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stump
Sununu
Tancredo
Taylor (MS)
Terry
Thompson (CA)
Towns
Udall (CO)
Udall (NM)
Velázquez
Walden
Waters
Watt (NC)
Wexler
Woolsey
Wu
Wynn

NOES—287

Abercrombie
Akin
Andrews
Armey
Baca
Baird
Baker
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis

Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon

Cantor
Capito
Cardin
Castle
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)

Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kilpatrick

Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg

Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Scarborough
Schaffer
Schrock
Scott
Sensenbrenner
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Aderholt
Bachus
Callahan
Cox
Cramer
Cubin

Everett
Houghton
Israel
Kaptur
Lewis (GA)
McInnis

Neal
Riley
Rush
Serrano

□ 1523

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. RAHALL

The **CHAIRMAN**. The pending business is the demand for a recorded vote on Amendment No. 5 offered by the gentleman from West Virginia (Mr. RAHALL) on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 173, not voting 17, as follows:

[Roll No. 180]

AYES—242

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Bentsen
Berkley
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—173

Akin
Armey
Baker
Ballenger
Barr
Barton
Bereuter
Berry
Biggert
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Flake
Fletcher
Foley
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kerns
Kingston
Knollenberg
Kolbe
Largent
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Bachus
Becerra
Callahan
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Neal
Riley
Rush
Serrano

□ 1532

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1530

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee and with the ranking member with respect to what I believe to be an oversight in this legislation.

Years ago, in 1986, the Compact of Free Association was entered into between various entities in Micronesia, the Marshall Islands, and with Palau. It provided citizens of the Freely Associated States certain rights and privileges. One of the rights and privileges was free access to the United States. The 1986 Compact allowed citizens of the Free Associated States from the Marshalls, Micronesia, Palau and other places, unrestricted entry into the United States and access to residence, education, employment and all of the various services. Hawaii was always a major destination for these migrants.

Congress provided, in the legislation at that time, that beginning from September 30, 1985, such sums as may be necessary to cover the costs incurred by the State of Hawaii, the Territories of Guam and American Samoa resulting from the increased demand; the problem was the increased entry from these entities into Hawaii and Guam that has caused very serious additional expenses upon my State and Guam specifically. The costs to Hawaii since 1986 exceeds $64 million, $10 million just in the year 2000. Many of the Compact migrants who come to Hawaii have significant health problems, including Hansen's Disease, hepatitis, tuberculosis and so forth, and they increase the costs of my State.

The intent of Congress and the legislation was to compensate the State of Hawaii and Guam and others for these additional expenses. So we had hoped that the committee would take this into consideration. All of us from the State of Hawaii and from Guam wrote the committee.

My purpose in raising this issue today, because this was not covered in the legislation, is to ask the chairman and the ranking member if they would comment on the reasons for noninclusion. Is there a legal restriction from being able to qualify for the monies that were intended to come to our State? But since the very beginning, in 1986, we have not been considered at all for compensation under this legislation. I would hope that I might get a very encouraging response from either the ranking member or the chairman of this committee. I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentlewoman for yielding, and let me just say this. We appreciate the gentlewoman's concern on it, and we will see if there is anything, but it is a question of funding and just a limited bill and lots of choices. But we are early in the process and the gentlewoman is showing a lot of concern, and we will just have to see. I am sorry I cannot be more specific.

Mrs. MINK of Hawaii. Mr. Chairman, I yield to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I appreciate the gentlewoman's hard work on this issue. I know this is a major concern. I want to work with the gentlewoman on this, and hopefully we can have a meeting before the conference and go through the details of this and try to work with our friends in the other body who now are chairmen of major committees that might be able to help us find some solutions to this.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for his words of encouragement. There is every indication that the Senate will comply with this request, and I am hopeful that the conferees from this body will agree to those additions to the legislation.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Florida:

On page 131 after line 4 insert the following new section:

SEC. .None of the funds in this Act may be used to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181 prior to April 1, 2002.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

I am offering this amendment today with the gentleman from Florida (Mr. SCARBOROUGH). The effect of the amendment, which has been read in its entirety, is to prohibit the Secretary of Interior from signing any new leases off the coast of Florida that would allow oil and gas drilling to proceed for the first 6 months of the next fiscal year.

The reason the amendment is necessary is because the Interior Secretary has expressed her intention to continue with a process which could well result in the issuance of oil and gas leases within 30 miles of Pensacola, with some of the most pristine beaches, not just in the State of Florida, but I would submit in the United States and the world, and 200 miles off the coast of the Tampa Bay area, my home.

I remember as a small child what happened when the last oil spill occurred in Tampa Bay. It took us years to recover from that. We in Florida do not want to see that happen again. This amendment will assure that what occurred in Tampa Bay some years ago and, unfortunately, has happened in other parts of the United States, does not happen to our precious coastline.

Our coastline is not just something that is precious to Floridians, because we cherish our environment and it is integral to our economy. This is truly a national treasure. I would urge all of my colleagues, Democrats and Republicans, to think about where their constituents are headed this summer. They are headed south. They are headed to our beaches, because they are beautiful beaches. We want to protect those beaches.

We are against quick fixes to solve our energy problems. We do not want to see oil drilling right off the coast of Florida at the expense of Floridians.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this sale was included in the Mineral Management Service's 5-year plan, and the Congress has voted specifically to exclude sale 181 from the current leasing moratorium for the past 6 years. More importantly, it is necessary that the sale of 181 may hold as much as 7.8 trillion cubic feet of natural gas. This is enough natural gas to supply 4.6 million households for 20 years. This sale represents one of the Nation's best short-term hopes for increasing much-needed natural gas supplies.

Energy issues have dominated the debate lately, especially as they relate to both prices and supply of energy fuels. This amendment sends the wrong message. It says, regardless of the energy situation, we are going to place certain lands off limits. We cannot continue to lock up the Nation's energy resources and then expect to let our energy problems simply solve themselves. That is why we ask for our colleagues' support in opposing this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH), the cosponsor of this amendment,

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman from Florida, and I would like to stand beside him and other Members from Florida and across the country who support the Davis-Scarborough amendment.

As the gentleman from Florida said, we do have some of the most pristine beaches, not only in Florida or the United States, but, in fact, they are recognized as some of the most pristine beaches across the world, and are consistently rated at the top of every list that comes out. Yet, lease sale 181 would allow drilling and exploration less than 20 miles off of our shores.

We certainly do welcome tourists from across the country, across the world, and I disagree that this amendment sends the wrong message. I think it sends the right message. It recognizes that the people of the State of Florida, the Republicans and Democrats alike, the Republican Governor Jeb Bush, and all of us oppose oil and gas exploration less than 20 miles off the shore.

I applaud the gentleman from Florida (Mr. YOUNG) and the gentleman from Florida (Mr. GOSS) and other people that have led on this issue year in and year out. It is important to remember that this amendment will simply prohibit the Minerals Management Service from finalizing the lease sale on area 181, which is less than 17 miles off the coast of my district.

The gentleman from Florida (Mr. YOUNG) once again spearheaded the amendment that has kept Florida's waters rig-free for the past decade. This amendment builds on the chairman's language to include the 181 lease sale, and I commend the gentleman from Florida (Mr. GOSS) and the gentleman from Florida (Mr. DAVIS) and several others for supporting it. It is important. It is important not only to northwest Florida, it is important to the State and it is important that the country recognize, recognize the desires of the people of the State of Florida. In my home district, we do not want exploration less than 20 miles off of our shores.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER) a member of the committee.

□ 1545

Mr. WICKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I have a map which I think will be helpful to our colleagues. Mr. Chairman, I rise in strong opposition to the amendment offered by my friend, the gentleman from Florida, and supported by many of my friends from Florida.

I would think that we would realize we are now in an energy crisis in the United States of America. We are increasingly dependent on foreign sources of oil, but the one product in abundance we have here in the United States in North America is natural gas. That is what we are talking about primarily here, natural gas in lease sale 181.

This amendment would cripple one of the largest sources of natural gas we have in North America. As the chairman said, it is $7.8 trillion cubic feet of natural gas. My friend, the gentleman from Florida, when he introduced this amendment, said we do not need a quick fix in this area. My goodness gracious, this has been under review for 5 years, Mr. Chairman, an exhaustive review process. It began in 1996. For 5 years, sale 181 has been subjected to careful review and study to ensure all concerns are addressed.

In fact, then Governor Lawton Chiles expressed his appreciation to the Department of the Interior for recognizing his request to exclude any tracts within 100 miles of the Florida coast.

What are we talking about here? If my friends can look at the map, and those on the other side, I would appreciate it if they would come over here, we are talking about an area here that is 213 miles from Tampa, 108 miles from the coastline near Panama City. This little part that goes up near Pensacola, that is Alabama territory. Alabama gets to make the choice there. That is why it comes so close to Pensacola, because it is Alabama offshore territory.

It is true that the previous administration called for a moratorium on the exploration and drilling in the eastern Gulf of Members, but not for lease sale 181, not even the previous administration. Even this Congress took action to impose a moratorium on drilling in the eastern Gulf, except for lease area 181.

The last administration and this Congress have both recognized the critical importance of lease sale 181 in meeting our natural gas demand. I repeat, we are talking about 7.8 trillion cubic feet of sale of natural gas, one of the cleanest types of energy we could produce, during the time of an energy crisis.

With production declining over here in the western area and in the central area of the Gulf of Mexico, this part of the eastern section, just sale 181, hundreds of miles out in the Gulf of Mexico, is crucial to meeting our national energy needs. The sale of 181 is critical to that effort.

Mr. Chairman, with the current energy crisis, you would think our politicians might have learned their lesson about restricting the production of needed and environmentally-friendly energy sources.

I urge the defeat of this amendment. This may be one of the most important votes we take this summer.

Mr. DAVIS of Florida. Mr. Chairman, I yield 45 seconds to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding time to me.

The gentleman from Mississippi is correct, it may be a couple hundreds miles away from Tampa, but it is only about 15 miles away from the beaches of northwest Florida, where the gentleman from Mississippi and his family come to vacation every summer.

Mr. DAVIS of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

I thank the gentleman for bringing this issue to the forefront, and for his continued efforts on behalf of Florida.

I would say to the gentleman from Mississippi, 181, it does not matter, it could be down in the Keys next, it could be someplace near Tampa. It is just the fact and idea that we do not want this open at all in Florida. I would say to the gentleman that this amendment is about Floridians and their wants; or, in this case, what they do not want. They do not want drilling off the coast of Florida.

Governor Jeb Bush has said that he, and I would say that 94 percent of the people who have contacted me from the nature coast, oppose further oil and gas drilling off the coast of Florida. Florida's economy and general welfare depend on a healthy marine environment, including clean beaches. An offshore accident of any size seriously threatens not only our shoreline, but it also will hurt our seafood and fishing beds. Clearly we must do all we can to protect Florida's sensitive seacoast.

What Floridians do want, though, what I have advocated, and so have many others on this floor, is a prudent, responsible energy policy that includes safe, clean supplies and reduced demand through conservation and energy efficiency.

Up to now, we have done too little in these areas. Renewable resources, such as solar and wind, I have to tell the Members, these energies could be providing energy today if we would just use the technology. We could be well down the road to a sensible energy policy if the majority had only considered in 1999 or 2000 the energy tax credit bill that my Democratic colleagues and I supported.

Instead of funding and using sources we now have, we again are debating issues that should have been settled by now. Years ago Congress first imposed the moratorium on expanded drilling in the Gulf. The past administration accepted the ban on drilling. The current administration does not.

If the administration forgets about oil drilling near Florida and if Congress would restore Bush budget cuts for energy efficiency and renewable energy programs, we can move forward to an energy policy that serves all Americans and does not include drilling off the coast of Florida. I support the Davis amendment.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in these times this amendment makes no sense, and it is the height of irresponsibility. This lease is not off the coast of Florida, it is in the Gulf of Mexico. It is off the coast of Louisiana and Mississippi. This amendment makes about as much sense as shutting down all exploration in the Gulf of Mexico. It weakens our energy security.

Our long-term energy security, particularly at this time, requires us to seek out new sources of oil and natural gas. America is growing increasingly dependent on foreign sources of oil. That trend endangers our national security. When the proportion of oil we import from a volatile region rises, average Americans grow more vulnerable to supply interruptions and international conflicts.

When we have an opportunity to reverse this trend, we need to seize upon it. We need to take responsible steps to decrease our dependence on foreign sources, and when we discover a promising domestic reserve of natural gas and oil, we need to move forward by opening that area to safe exploration.

Lease sale 181 has the potential to play a very important role in strengthening our energy security. It could hold trillions of cubic feet of natural gas and billions of barrels of oil. Natural gas and oil produced at home lowers the sway that potentially hostile foreign leaders would hold over average Americans.

Recently we have seen fluctuations in the price of natural gas because supplies have run short. This clean-burning fuel is becoming an increasingly important source of energy. Each additional source adds to the supply and can offset new demand for natural gas. Lease sale 181 can make natural gas prices lower and more stable.

Now, some Members oppose exploration in this area because they are concerned about environmental risks. That is a radical notion, because what we think is a reasonable and understandable concern is not a concern at all. We do not face an either/or proposition. Lease sale 181 can be explored safely. Today advances in technology let drilling platforms probe much larger areas. Sophisticated new drilling devices provide multiple protections against oil spills.

We can add these resources to our energy supply without compromising environmental standards. I say to the gentlewoman from Florida, the best fishing in the world is around these platforms, if the gentlewoman has ever taken the time to visit one. Over the past 20 years, oil exploration firms operating in the Gulf have built a solid track record of environmental stewardship.

Defeat this amendment.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would say respectfully to my dear friend, the gentleman from Texas, that perhaps the people of Florida would much rather have artificial reefs around which their fishing can be improved instead of oil platforms.

In addition to that, while we might say that it is radical to protect our environment, perhaps more and more Americans are becoming radical because, to look at the polls in this country, the American people strongly defend their environment. I do not think the American people want drilling off the coast of one of the most pristine areas in this country, because it belongs not only to Florida, it belongs to the people of my State in Ohio, it belongs to the people all over this country.

There are people who want to drill in the Great Lakes, which represent 20 percent of the fresh water supply of America. When do we stop trying to trade the treasure of this Nation to industries which are gouging the public, which are raising prices to unconscionable levels, which are withholding supplies?

We are going to put our trust in the gas and oil industry and forfeit our natural treasures? I think not. Support Scarborough-Davis.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, section 181 is located 64 miles from my district. It is much closer to my district in Louisiana, and much closer, by the way, to Alabama and Mississippi than it is to Florida. That is point number one.

Point number two, right adjacent to section 181 BP just discovered 1.5 billion barrels of oil. There are huge reserves there, 7.8 trillion feet of natural gas probably in section 181. Section 181 is under a 5-year plan approved by President Clinton in his executive order 98, signed off by Florida and the other States of the area, that in fact respects the rights of Florida not to have drilling within 100 miles of its coast.

Section 181 can help us through a terrible crisis we are about to face. It is not moratorium, it is in the 5-year leasing plan, and it needs to be developed.

Ninety-two percent of the new electric power plants that are planned to be built in this country are being planned to be built with natural gas. Yet, we produce 14 percent less natural gas in this country than we did in 1973.

Section 181 is critical. It has, on best estimates, 7.8 trillion cubic feet of natural gas available for this country. We are not going to drill it? We are not talking about moratoriumed areas, we are not talking about monuments, we are talking about an area in the Gulf of Mexico right next to an area in Louisiana that is currently being drilled, currently being processed, for oil and gas for our country. It is an area rich in oil and gas for a nation that desperately need natural gas.

Seven out of twelve fertilizer plants in Louisiana were shut down this year because we could not afford the natural gas to process fertilizer for the rest of this country. Do Members want to see more problems? Shut down section 181 and we will begin to shut down America's farm belt. We will begin to shut down clean power for America. We literally predict a crisis that will come true.

Defeat this amendment for the good of the country.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Orlando, Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise today in strong support of the Davis amendment. We need oil rigs off the Florida beaches about as much as we need crackhouses next to our churches.

Florida is home to this Nation's finest beaches. We have a tourism-based economy. The last thing we need is oil drilling 17 miles off the shores of our Pensacola beaches in north Florida.

I represented the world's number one vacation destination. I get to meet thousands of tourists every year. I have never yet heard a child to me say, "I want to see Mickey Mouse, Shamu, and wouldn't it be great to see a couple oil rigs off the beaches?"

Reasonable people surely can differ on this issue. It genuinely is a risk-versus-benefits analysis, but in the case of Florida, in light of our economy, the risks outweigh the benefits.

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To the extent we need more energy supply, and we do, let us start with places that actually want the oil drillings and not the Florida beaches.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee of the Interior, for yielding me the time.

I am proud to follow some of my colleagues. As a country, we cannot enjoy a growing and cleaner economy without more domestic production of natural gas. It is clear that our Nation's demand for natural gas is growing significantly.

If our Nation is to meet its growing demand, then we have to have access to gas-prone areas like Sale 181, which is really closer to other States than it is to Florida.

We cannot set aside Florida. I wonder about my colleagues who want to have a vacation destination. People will not be able to drive there to enjoy Mickey Mouse unless we have production domestically.

We cannot have it both ways. We cannot demand lower energy prices and continued reliability and at the same time discourage domestic production. Exploration and production of domestic energy sources are keys to staying in front of our energy needs.

Sure, we need to conserve. Sure, we need to have alternatives, but conservation and alternatives will not satisfy the demands of the American people. We have to have production, particularly from natural gas, to fuel all of these cleaner-burning power plants that are on the drawing boards and actually being built.

Mr. Chairman, Sale 181 actually during the last administration was left out of President Clinton's executive order in 1998 because it was agreed to by all the States, including Florida. In fact, the sale was specifically excluded from the current leasing moratorium language.

Key stakeholders including Alabama, Florida and the Department of Defense were consulted on the 5-year plan. The sale of the area was drawn to ensure it was consistent with Florida's request for no oil and gas activities within 100 miles, but what we are talking about is within the Alabama border, and that is why we need this production.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Miami, Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, when are people going to get it in their minds that the people of Florida do not want oil and gas drilling in the sea bed of the Gulf of Mexico? It does not take a Ph.D. to figure that out. It is simple. Why is it my colleagues cannot figure that out?

Our Governor, Jeb Bush, has made it explicitly clear even to his brother that he does not want this to happen. Why can we not listen to those people who know what the deleterious effects will be of this in Florida? Within 30 miles of Perdido Key you want to drill. Sixteen million Americans residing in the State of Florida do not want it.

Mr. Chairman, I will repeat it again, I do not have much time, the people of Florida do not want it. The Governor does not wanted it. So do not push the President into wanting it. Please remember we do not want it. Do my colleagues want to ruin our beaches? My colleagues want to turn us into another Planet of the Apes.

We do not want it, the toxic pollution, offshore oil drillings, air pollution, spills. These things will happen. Why would we want to put our natural system at risk? We have Everglades here. We have the beauty that God has given us. Let us keep it. It is not that important.

We are not going to stand for it. We are not going to allow it to happen. We will not allow Bush I or II and their best friends to destroy this beautiful natural system. Let us protect Florida's coastline and beaches. Support the Davis amendment.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, we face a real energy crisis in this country which is only going to grow; and to meet that crisis, we need a balanced long-term approach.

We are not going to drill our way out of the crisis, nor are we going to conserve our way out of the crisis, nor are we going to work our way out of the crisis through pure energy efficiency.

The bottom line is that clearly we have to do all of these things. The problem with this amendment is it takes safe, clear opportunity for domestic oil and gas production off the table, and we have been doing that for 30 years, taking more and more off the table.

That is exactly the sort of not-in-my-backyard mentality which has us where we are today. That is exactly what we have to get beyond if we are going to have a balanced comprehensive approach to meeting our Nation's energy needs.

The most ironic thing about this not-in-my-backyard argument, it is not even in their backyard. In fact, it is in Federal territory, and it is more in the backyards of Alabama and Mississippi and Louisiana than it is in their backyard.

Mr. Chairman, if my colleagues want to be so parochial in their approach, then maybe we could make a deal with them: I will not go to Florida beaches for a while. I will just go to Gulf Shores in Alabama, but my colleagues should not demand that and should not use energy from the rest of the country including everything that we explore and drill for and produce in Louisiana.

Obviously, we need to get beyond that narrow-mindedness and that parochialism and have a balanced approach, including producing this clean, safe energy.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Palm Beach, Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I want people to focus a little bit on the debate for a moment. It is very, very simple. We have heard people from other States, Texas, Louisiana, all say they are for oil drilling. You can have all you want. You can do it in your home State. You can do it off your shores.

Florida is making a very simple and specific request, leave us out of your dialogue and leave us out of your drawings. We believe strongly in having a cohesive environmental policy. In fact, in the 1970s I worked in a Shell gas station, and I remember having people antagonized over the fact they could not fill their tanks; but since the 1970s we have done very little to have a comprehensive energy policy. But just suggesting that we start putting pipes in the ground is not a solution.

A lot of people are paying attention and wanting to know when can we set the rigs. Florida is simply saying not in our backyard. We are delighted to say it and proud to say it.

Democrats and Republicans in the delegation joined together trying to urge Congress to leave us out of this. Have it in Alabama. Have it in Louisiana. Go to Texas. Go to California, and even in Alaska if you want. Yes, it may be controversial, but the sovereign right of that State should be heard. Our sovereign right is expressing opposition, and I urge my colleagues to join us in this initiative.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, actually, this would be a lot more fun if it was real. It is the phoniest debate I have heard in a long, long time.

If we look at the amendment, this significant move on the part of Florida is going to last until April 1, 2002; maybe April 2001 is more appropriate than 2002. The fact of the matter is if they were serious, they would have made it permanent. They did not make it permanent because it costs money.

We have heard about this particular area. It is in the Gulf of Mexico. The area looks like this. Why does it have this long neck? Because Florida said they did not want any drilling over there within 100 miles of their coastline. Frankly, most of the natural gas is probably in this area. So there was an agreement between Florida and the other States.

Mr. Chairman, this literally is 200 miles from Florida there and 100 miles from Florida there. But here is the dirty little secret that no one in Florida will tell you. Guess what this line is right across the gulf? That is an already-agreed-upon pipeline 740 miles to supply oil and gas to Florida. No, they do not want to drill near you, but they want the oil and gas to use.

How hypocritical can you be? How far is 100 miles? It is from New York City to Scranton, Pennsylvania. It is from Madison, Wisconsin, to Waterloo, Iowa. And if we cannot drill in an already-approved area in which the State of Florida was a negotiator and the lines were drawn to fit them, it really will be our Waterloo when we are trying to be self-sufficient for energy.

Here is the question, Members, when my colleagues vote: If it was worth fighting for oil and gas in the Persian Gulf, why is it not worth looking for in the gulf near America?

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from Miami, Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to strongly support the Scarborough-Davis amendment that would prohibit the Secretary of the Interior from executing a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181.

The beaches on the gulf coast of Florida are comprised of some of the most pristine and beautiful areas that would be devastated by an oil spill in the Gulf of Mexico. Our tourism and fishing industries would also be devastated by such a spill.

Many of my congressional colleagues have told me recently that they will be visiting this area of Florida during the July 4th holiday.

People come to Florida for the beaches. So please join the citizens of the State of Florida who overwhelmingly and in a bipartisan way oppose drilling off of our waters.

We are talking about 17 miles off of Pensacola Florida. Florida's white sand, clear waters, and gorgeous sunsets have truly not only become a treasure for our State, but they are a treasure for our Nation and the millions of tourists who visit Florida's beaches every year.

Please join the State of Florida in protecting our beaches and crystal blue waters by opposing offshore drilling. All of our constituents will thank you for it.

Mr. DAVIS of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida (Mr. DAVIS), the bipartisan amendment. Certainly, Members from Louisiana and Texas and Florida and even Indiana and Ohio have every right to speak on this amendment.

Sixteen million Floridians do not want drilling off their shore. Tens of thousands of people from Indiana and Ohio and Illinois that go down to Fort Lauderdale, Long Key, Sanibel Island, also enjoy the tourism, the fishing, the environmental areas down there; and we want to see that protected.

There is an old saying that you cannot have it both ways. The problem with the Bush administration's energy policy is in energy you need to have it both ways. You need to have production and conservation. They only emphasize production and drilling and more drilling and drilling in Alaska.

We need to make sure we have a balanced approach to protect our environment. We need to make sure we enhance the new technologies out there to drill in prior areas and get more out of those areas rather than going into pristine environmental areas.

Support the Davis amendment. Support bipartisan environmental concerns and support going toward a balanced energy policy.

Mr. DAVIS of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from Florida (Mr. SCARBOROUGH), a cosponsor of the amendment.

Mr. SCARBOROUGH. Mr. Chairman, I just wanted to give another point of reference to the gentleman from California (Mr. THOMAS), who was talking about 100 miles or 200 miles from Waterloo to whatever. We are talking about 17 miles which will not get you from the United States capitol to the airport. Seventeen miles is what we are talking about, that will not even get you to Washington's airport at Dulles so you can fly home to California.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to some of the statements that were made. Let us go back to the facts. Nobody has questioned the statement of the gentleman from Florida (Mr. SCARBOROUGH) that this is 17 miles from the coast of Florida.

Let us be perfectly clear. This is drilling for oil, crude oil, as well as gas; and there are 21 days of crude oil in Sale 181. If we raise fuel efficiency standards by 16 miles per hour, that achieves 10 times more result than proceeding with Sale 181.

Mr. Chairman, with the exception of the gentleman from California (Mr. THOMAS), every Member of Congress that told Florida that we should put our coastline at risk is from an oil-producing State, and they do not have to apologize for protecting jobs in their States. But our tourists do not wash up on their beaches, and we do not want their oil washing up on ours.

Let me just further say, with respect to the gentleman from Texas (Mr. DELAY), if being against the risk of oil spills in Florida makes us radical by Texas' environmental standards, then we proudly wear that label.

The point is, as the gentleman from Indiana (Mr. ROEMER) said, we need a balance here; and we support solutions to our energy problem. But let us have a thoughtful debate. Let us not engage in quick fixes at the expense of Floridians. We have suffered oil spills before. I saw one when I was a small child in Tampa Bay. I do not want my children or grandchildren to see that again.

□ 1615

This is in Florida's waters. This is something we are entitled to protect. We can do better. Let us adopt this amendment. Let us slow this down for 6 months and find a balanced solution to the energy challenges that face our country and not do so at the expense of Florida and its coastline.

The CHAIRMAN. The gentleman yields back the balance of his time.

The gentleman from New Mexico (Mr. SKEEN) has 45 seconds remaining.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, the entire Alabama delegation is on record supporting Sale 181. Unfortunately, the delegation is in Alabama with the President of the United States and will be unable to vote. I submit for the RECORD herewith the delegation letters in support of Sale 181.

UNITED STATES SENATE,
Washington, DC, April 9, 2001.

Hon. George W. Bush,
President of the United States, The White House, Washington, DC.

DEAR PRESIDENT BUSH: We are writing to endorse the State of Alabama's strong support for Outer Continental Shelf (OCS) Lease Sale 181 scheduled for December 2001. H.J. Res. 13, as passed by the Alabama Legislature and signed by Governor Siegelman unequivocally recognizes the positive benefits of Sale 181. We agree with the Governor's stated position supporting the proposed sale so long as no blocks are leased within 15 miles of the Alabama coast and safety measures are ensured.

We agree this sale is a crucial component of a strategy to develop new, diverse supplies of oil and natural gas to meet the ever-increasing energy demands of our nation's new economy. As production declines in the western and central portions of the Gulf of Mexico, there is a growing recognition of the need for the vast resources contained in this eastern segment of the Gulf. Importantly, all of Sale 181's tracts are outside the areas that are off-limits to exploration and production under the mandated federal moratorium area. The Gulf Of Mexico now provides about 24% of U.S. oil production and about 26% of U.S. natural gas production. The resources contained in this sale area are estimated to hold approximately 7.8 trillion cubic feet of gas and 1.9 billion barrels of oil.

The oil and natural gas industry has been good for Alabama, providing fuel and employment, to thousands of our state's residents, contributing to our economy and depositing millions of dollars into our state's treasury. It is estimated the oil and gas industry spends over $50 million annually on Alabama and Mississippi products and services. State funds derived from lease agreements in the Gulf of Mexico are utilized to improve our environment and protect unique coastal and estuarine habitats. The successful and timely continuation of Sale 181 would only further enhance these benefits to our state.

Alabama and the offshore industry have coexisted to the mutual benefit of both for decades. As you know, the oil and natural gas industry has an outstanding record for operating safety on the more than 3,800 offshore platform, which are subject to extremely rigorous environment standards. It is anticipated this excellent record will continue to improve as new technology allows the extraction of more oil and gas from wider areas using fewer wells and platform protecting seabeds and marine life.

Like other Gulf of Mexico states, Alabama has a thriving and expanding tourism business. The oil and natural gas activities offshore have not discouraged visitors to our beaches and other recreational areas along our coast.

We urge you to continue your support of responsible development of our domestic resources, including the Sale 181 area. Alabama is proud of our contribution to national energy security and economic growth through the prudent and environmentally sound development of our offshore energy resources.

With kind regards, we are
Sincerely,
Richard Shelby, U.S.S., Sonny Callahan, M.C., Spencer Bachus, M.C., Terry Everett, M.C., Bob Riley, M.C., Jeff Sessions, U.S.S., Robert Aderholt, M.C. Robert E. "Bud" Cramer, M.C., Earl Hilliard, M.C.

PROPOSED LEASE SALE 181,
DON SIEGELMAN, GOVERNOR,
April 24, 2001.

President Bush asked me to help with this proposed lease sale and I am pleased to lend my support as long as there are no blocks sold within 15 miles of the Alabama coast and safety measures are ensured. I believe this is in the country's and Alabama's best long-term interest. Because Alabama is an energy producing state, this proposed lease sale will help Alabama propel its economic development effort. It is my hope that this would help increase supply and reduce prices for consumers. At my request, we will meet with the Mineral Management Service on May 7th, to ensure that all safety measures are in place before moving forward with the lease sale. If I am satisfied that the necessary precautions are in place, I look forward to proceeding with proposed lease sale 181.

DON SIEGELMAN, GOVERNOR,
State of Alabama, January 24, 2001.

DEAR MR. OYNES: With respect to your letter of December 1, 2000, concerning the draft environmental Impact Statement for proposed Eastern Gulf of Mexico Lease Sale 181, we offer the following comments.

I am pleased the Minerals Management Service is not offering any blocks in proposed Lease Sale 181 within 15 miles of the Alabama coast. The Interior secretary's decision to delete blocks within 15 miles offshore Baldwin County in the eastern Gulf of Mexico serves to mitigate the concerns of Alabama's residents regarding visual impacts from new natural gas structures in the areas of Gulf Shores and Orange Beach. In the future, I will continue to oppose the leasing of any unleased blocks southward and within 15 miles of the Baldwin County coast. We recognize that new natural gas structures may be installed on currently leased federal blocks, and we support and appreciate MMS's efforts to work cooperatively with the industry and the state of Alabama to minimize the visual impacts of new natural gas structures offshore Baldwin County. I request that you continue to work with the Geological Survey/State Oil and Gas Board of Alabama to find realistic methods for addressing this viewshed issue.

As you are aware, the state of Alabama consistently has supported protection for live bottoms, pinnacle reefs, chemosynthetic communities and other sensitive environments of offshore Alabama in the Central Gulf of Mexico Planning Area. We certainly support these same types of protection for Lease Sale 181 in the Eastern Gulf of Mexico Planning Area.

We continue to support MMS's nonenergy minerals program. It is important that MMS continue to gather geological and environmental information regarding Outer Continental Shelf sand resources that may be required for coastal erosion management. We appreciate MMS's interaction with the state of Alabama to identify these resources which may have both short- and long-term utility.

We have concerns regarding statements on page IV–128 of the DEIS which indicate that coastal Alabama has the highest probability of contact if a large offshore spill occurred in the area for proposed Lease Sale 181. In addition, we have concerns regarding the number of new pipeline landfalls (page IV–221), new gas processing plants (page IV–238), new oil pipeline shore facilities (page IV–238), and adverse impacts to air quality (page IV–287). These matters are of particular concern, given that the vast majority of blocks available for lease in proposed Lease Sale 181 are located offshore Florida. It would appear that the coastal Alabama area could be significantly impacted by OCS activities occurring offshore Florida as a result of the proposed sale. I request that MMS meet with representatives of the Geological Survey/State Oil and Gas Board of Alabama and discuss all of these matters in detail in the near future.

The state of Alabama supports a balanced and reasonable Outer Continental Shelf (OCS) leasing program that leads to exploration, development and production, with the stipulation that all OCS activities be carried out in full compliance with relevant Alabama laws, rules, and regulations, and be consistent with our Coastal Zone Management Program.

We appreciate the opportunity to comment on the Draft Environmental Impact Statement for proposed Eastern Gulf of Mexico Lease Sale 181 and look forward to working cooperatively with MMS in the successful and safe development of the hydrocarbon resources located offshore Alabama and in sharing in the benefits of OCS leasing and production activities.

Sincerely,

Don Siegelman, Governor.

HOUSE JOINT RESOLUTION

Whereas, Alabama annual natural gas production from onshore and offshore wells, combined, is 433 billion cubic feet, of which 217 billion cubic feet come from offshore wells; and

Whereas, Alabama Gulf Coast and Dauphin Island tourism economy co-exist in harmony through mutual use of Alabama's natural resources with Alabama offshore natural gas production operations; and

Whereas, Alabama's recreational fishing and commercial fishing industry co-exist in harmony through mutual use of Alabama's natural resources with Alabama offshore natural gas production operations; and

Whereas, Alabama benefits from offshore natural gas operations in many ways, including, but not limited to, local and state revenues from severance taxes, and state revenues from Trust Fund interest, including royalty state payments, federal 8(g) royalties, and lease sale proceeds; and

Whereas, Alabama jobs, income taxes, and other positive economic benefits have been created by Alabama's offshore natural gas developments, including exploration and drilling, platform fabrication and installation, pipeline contracting and construction, onshore gas treatment plant construction, operation, and maintenance, and goods, services, and supplies purchased; and

Whereas, Additional positive economic benefits related to Alabama offshore natural gas developments include direct effects such as direct purchases, indirect effects such as purchases by contractors and suppliers, and induced effects such as the re-circulation of wages, salaries, and profits; and

Whereas, Alabama offshore natural gas developments and operations have performed in a safe and environmentally-sensitive manner, with benefits to Alabama citizens far outweighing any/all perceived risks; and

Whereas, Alabama citizens and industries, and individual natural gas consumers and industries outside Alabama continue to use and need more clean-burning natural gas supplies; and

Whereas, areas in the Eastern Gulf of Mexico Outer Continental Shelf (OCS) 25 miles and further south of Alabama's and Florida's coastlines represent a major prospect for drilling and producing future supplies of clean-burning natural gas; and

Whereas, two eastern Gulf of Mexico Outer Continental Shelf (OCS) areas, specifically an area known as the Destin Dome and Federal Lease Sale 181 Area, if drilled in a safe and environmentally-sensitive manner, are predicted to hold large natural gas reserves; and

Whereas, Coastal Alabama is the likely natural gas infrastructure area to take new reserves to market, increasing Alabama's economic benefits directly related to new natural gas production from the Eastern Gulf of Mexico; now therefore, be it

Resolved by the legislature of Alabama, both houses thereof Concurring, That we express our support for natural gas drilling and development in the federal Outer Continental shelf (OCS) Eastern Gulf of Mexico areas of the Destin Dome and Federal Lease Sale 181 Area. Be it further

Resolved, That copies of this resolution be sent to each member of Alabama's U.S. Congressional Delegation and to President Clinton, Secretary of Commerce William Daley, The Minerals Management Service, the National Oceanic and Atmospheric Administration, the Department of Energy, and the environmental Protection Agency.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. PETERSON), a valued member of the Subcommittee on Interior.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I tell my friends briefly, in terms of a response, it is only 6 months, and the lines that are on the map are the lines that the Floridians agreed to. It is 100 miles from the Florida border, as agreed to by Florida's governor. So I understand my colleagues' concern, but as a matter of fact, what is going to be put in that pipeline? It is going to be some other State's gas. Come on.

Mr. PETERSON of Pennsylvania. Reclaiming my time, Mr. Chairman, in conclusion, gas prices last year doubled. We have put a huge amount of electric generation on this year, all natural gas. Next year home heating natural gas costs could double again and our energy sensitive businesses are going to be priced right out of business.

When my colleagues' seniors cannot afford to heat their homes next year, when they get the second year in a row with high natural gas prices, and look at any of the curves, the natural gas uses for electric generation exceeds any new gas coming out of the ground, My colleagues' seniors are going to be very angry with this decision.

Mr. HOLT. Mr. Chairman, I would like to express my support for an amendment offered by my colleagues from Florida, Representatives DAVIS and SCARBOROUGH, to prohibit oil and gas exploration and development off the coast of Florida. The issue at hand is the sale of Lease Sale 181 in the Gulf of Mexico, although offshore drilling threatens all coastal communities, including those of New Jersey. We in New Jersey thought we had put to rest the idea of drilling off the New Jersey coast, but recently we have begun to wonder.

Sale 181 contains 5.9 million acres of an offshore area in the Gulf, in water ranging from 108 to over 10,000 feet deep. The sale is scheduled for December, 2001. Although both the past administration and the present governor of Florida support a ban on oil and gas development within 100 miles of the coast of Florida, part of Sale 181 come to within 15 miles of the Alabama coast.

I see this sale as a potential threat to the economy and environment of the gulf states. Although cleaner than in the past, oil and gas exploration cannot be done without threatening our natural resources, commercial fishing industries, tourism, and marine ecology. Nearly 90 percent of the reef fish resources of the Gulf of Mexico are caught on the West Florida Shelf. Oil and gas development would threaten the shallow, clean water marine communities found on the Florida outer continental shelf. Ecology and environment are central to the economy of Florida. Damage to the environment would threaten the tourism industry upon which much of their economy is based.

Furthermore, there is no evidence that drilling in Lease 181 would have a significant impact on our energy supply. Increased conservation and efficiency would do more to meet our country's energy needs than drilling off of the coast of Florida, and the impact of conservation would be immediate with little environmental cost.

I endorse this amendment as a strong message to Secretary Norton to maintain the moratorium on offshore drilling and not to sacrifice our marine ecosystem in an attempt to satisfy our energy demands. I strongly support this amendment to prohibit the sale of the Sale 181 area and I urge my colleagues, particularly those who represent coastal states, to join me.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended part 3809 of title 43, Code of Federal Regulations.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that, notwithstanding the unanimous consent agreement that was previously reached, we limit this amendment to 20 minutes, 10 minutes on each side.

The CHAIRMAN. And all amendments thereto?

Mr. DICKS. And all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SKEEN. We approve.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

This is a bipartisan amendment offered by the gentleman from California (Mr. HORN) and myself. It is a bipartisan amendment intended to maintain, maintain, existing environmental protections. It is about arsenic, it is about cyanide, it is about sulfuric acid, it is about making sure that we do not roll back existing rules in place today that have been implemented to prevent the discharge of arsenic and cyanide and other toxics into our streams and rivers.

Mr. Chairman, here is why this amendment is necessary. Before the adoption of these rules, we had a scandalous situation in mining and release of toxics. Twelve thousand miles of streams in the West are polluted from mining tailings, 40 percent of streams in the West. Ninety-six percent of all of the arsenic compounds artificially released in the environment have been from the mining industry, without these rules that have now been implemented; 600 million pounds of arsenic and arsenic compounds a year from the mining industry.

Mr. Chairman, we need to make sure in this appropriation bill that no hand is taken to reduce the effectiveness or repeal these rules that have been adopted after 4 years and 35,000 pieces of input from the American public.

Now, let me tell my colleagues, there are three things at risk here: Number one, the existing rules adopted by rule. Number one has environmental performance standards, standards that every mining operation has to meet to prevent the discharge of cyanide. And because of the implementation of cyanide heap leach mining, this is extremely important.

Number two, we have got to have a way for local communities to have input in these decisions of siting, and we do not want to allow any hand to remove the ability to have local communities where there is substantial irreparable harm to a local community. This is a local control issue.

Number three, we want to make sure the mines put up adequate bonding capability. Under this rule, the administration, to its credit, has said they will keep this part, this one-third of the bill, and this is the part we want to make sure we keep the administration policy in hand.

So, Mr. Chairman, this is a bipartisan bill, and so we seek bipartisan support. It is a strong problem that deserves that we keep the status quo for the environment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New Mexico seek time in opposition?

Mr. SKEEN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot support the gentleman's amendment. I see nothing wrong with the Department of Interior reevaluating regulations that were finalized in the last days of the past administration. In fact, it is my understanding that this type of review is commonplace during the changes of administration.

We should allow the rulemaking process to continue and not preempt the process by establishing yet another moratorium on this bill. The Interior bill is not the appropriate place to address the changes in the Mining Law of 1872. This is best left to the authorizing committee which has jurisdiction over this issue.

After reviewing the National Research Council report on hardrock mining on Federal lands, it is obvious to me that the previous administration went too far in amending the mining regulations. It is my opinion that these rules will have a significant economic impact on the mining sector. However, while I personally would like to limit any changes to these regulations to the regulatory gaps identified by the National Research Council, I have refrained from doing so because we have an appropriate rulemaking process in place to address this issue.

I therefore ask for my colleagues' support in opposing this amendment. Amen.

Mr. INSLEE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HORN), the cosponsor of this amendment.

Mr. HORN. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today to urge my colleagues to support this amendment, which seeks to continue our commitment to responsible public land management. Environmental mining rules, also known as 3809 regulations, provide critical Federal oversight specifically for hardrock mining on lands managed by the Bureau of Land Management.

The current regulations were enacted because the old regulations failed to keep pace with modern mining techniques. The current rule is critical because it requires mining companies to pay for the full cost of environmental cleanup rather than being able to shift those costs to taxpayers. Right now, because of the old mining rules, taxpayers are on the hook for $1 billion in cleanup costs just at currently operating mines.

The current rule puts strong environmental standards in place to protect water supplies from excessive contamination of arsenic and other heavy metals by directing mining operators to protect surface and groundwater resources. As of the year 2000, the Environmental Protection Agency estimated that 40 percent of the headwaters of all the western watersheds are polluted by mining. This is due in part to the fact that the old mining rules had no environmental performance standards.

This amendment simply states that no funds shall be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000. This will ensure the protection of our waters from arsenic, cyanide and other toxic pollutants and give certainty that the taxpayers are protected as well.

I again urge my colleagues to support this amendment and keep the current rule in place.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from New Mexico, the chairman of the subcommittee.

Mr. Chairman, I rise in strong opposition to this rider on an appropriation bill. I listened with interest, Mr. Chairman, to my good friend from Washington State, because in a previous Congress, both on October 4 of 1999 and October 21 of 1999, he told us how horrible it was to have riders added to appropriation bills. In fact, he likened them to fleas.

Well, I will tell my colleague what is going to flee. With the passage of some of these anti-mining and anti-jobs riders, say good-bye to the jobs. If my colleagues care about endangered species, I wish we cared one whit about the people of America who earn a solid, decent, honest living from mining. But we can laugh and watch the other countries put up help wanted signs and kiss off another industry, when the fact is that already on the books there is effective regulation that has ended the scourge of environmental harm. The industry has changed.

Look, all we are saying is let the current administration have the same courtesy the previous administration did. Let a reexamination of section 3809 take place, rules that took effect in the last nanosecond of the previous administration on January 20. Why not have a situation where we can review them?

This body has twice directed the Department of the Interior to not promulgate rules inconsistent with the recommendations of a congressionally mandated study of hardrock mining on Federal lands by the National Research Council of the National Academy of Sciences. We hear so much about the NAS and its studies, we hear so much lip service paid to science, yet when we have a provision here that says let us stand up for sound science, we want to abandon it, and with it the jobs of this industry, to make headlines in terms of what some deem to be politically correct.

What this amendment will do is set the precedent my friend from Washington State was so concerned about in 1999. This will unfurl a cascade of riders for the remainder of this appropriations process. And what again this will do, and this is the tragedy of the situation, Mr. Chairman, we will add more regulation and cost more jobs. For my friend from California, who is interested in high-tech, I wonder how his computers are going to work when we do not have the copper wiring any more.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume to respond that we seek to maintain the existing regulation, which is fully consistent with the NAS study that concluded we needed better regulations against arsenic and cyanide in our waters.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise in support of the amendment by my esteemed colleague, the gentleman from Washington, (Mr. INSLEE), to keep standards in place that protect our water resources from mining pollution.

Clean water is the most fundamental quality of life issue we have in this country. That is why I support funding the U.S. Geological Survey's water science programs and its 54 State Water Institutes in the amount recommended by the Subcommittee on Interior.

□ 1630

We cannot live without clean water. This amendment will strengthen the committee's wise decision to fund the USGS water programs by adding environmental safeguards to protect our water resources from pollution caused by mining. The USGS mission from its inception has focused on water resources. They must remain focused on our water resources in order to preserve the health of every American.

In New Jersey alone, our percentage of impaired waters have worsened from 50 percent of our streams and rivers in 1993 to 65 percent today. Changing the USGS focus away from these crucial water programs in order to protect any industry is the very last thing we should be allowing.

Mr. Chairman, I ask for total support of this amendment.

Mr. Chairman, I rise in support of the amendment by my esteemed colleague from Washington, Mr. INSLEE, to keep standards in place that protect our water resources from mining pollution.

Clear water is the most fundamental quality-of-life issue we have in this country. That is why I support funding the US Geological Survey's water science programs and its 54 State Water Institutes in the amount recommended by the Interior Subcommittee of Appropriations—We cannot live without clean water!

Mr. Chairman, this amendment will strengthen the Committee's wise decision to fund the USGS water programs, by adding environmental safeguards to protect our water resources from pollution caused by mining.

The Department of the Interior proposes to change the mission of the US Geological Services away from water in order to focus more on mining. But focusing on mining at the expense of our water science and clean water protection is the wrong approach!

The USGS mission, from its inception, has correctly focused on water resources—and it must remain focused on our water resources, in order to preserve the health of very American!

Without the US Geological Survey's water programs and USGS State University Institutes—including our own Rugers Institute—we cannot assess the quality of our water, or train our future water professionals. These programs are the core of the USGS! The Geological Survey must remain much more than simple mining protection!

The USGS ability to track and map problems with our water is a vital component in helping our state environmental agencies, so we can visualize problems while solutions are still doable and still cost effective.

In New Jersey alone, our percentage of "impaired" waters has worsened from 50% of our streams and rivers in 1993, to 65% today, according to the most recent study.

In our state, data from USGS has helped us see that worsening pollution follows our "sprawl line"—and I know that in every state the causes of pollution may differ, whether it is sprawl, or acid rain, or mining, or some combination of pollutants.

But Mr. Chairman, it is only with these important USGS tolls that we can learn about these pollutants, and learn what does not work in the way we manage our water resources and land use! Changing the USGS focus away from these crucial water programs, in order to protect the mining industry, is the very last thing we should allow, if we want to continue preserving our water and our health!

Mr. INSLEE's amendment is exactly what is needed to help protect these threatened resources, by allowing our communities and land management agencies to protect our water from pollution.

Our communities already struggle to keep our fragile watersheds pure—as we well know in New Jersey. So I want to commend the Chair and Ranking Member of the Interior Subcommittee, and all of my Appropriations colleagues, for supporting our water science programs, and voting unanimously to restore more than $90 million in funding to the USGS.

And I want to thank my many colleagues on both sides of the aisle for helping me to champion the USGS water science programs—the Honorable ASA HUTCHINSON, and MICHAEL BILIRAKIS; and my colleagues Mr. GIBBONS, and Mr. GREEN and Mr. BOEHLERT, as well as many of my Republican colleagues.

I also want to thank my esteemed colleagues form this side of the aisle—Mr. KIND, Mrs. NAPOLITANO and Mrs. MALONEY; Mr. BLUMENAUER and Mr. PAYNE, Mrs. MINK and Mr. PALLONE—and many, many others of you who have recognized—as I do—the importance of the USGS water programs to our nation's health.

Mr. Chairman, I know, and my esteemed colleagues know that the USGS is our "early warning system" in the battle against deadly toxins and pollution in our water. We must not tolerate the dismantling of these vital programs or a change in the USGS mission away from water, to focus on mining.

I urge all of my colleagues to support the full funding that was appropriated for all U.S. Geological Survey water programs, and to support Mr. INSLEE's amendment protecting our water resources from deadly mining pollution.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I want to respond, and I want to oppose the amendment of the gentleman from Washington (Mr. INSLEE).

Mr. Chairman, the National Academy of Sciences indicated prior to the issuance of the regulations that we are questioning today, the 3809 changes by the Clinton administration, the National Academy of Sciences issued a report prior to the existence of those regulations that the current 3809 regulations on hardrock mining on public lands, stated that the "existing array of Federal and State laws regulating mining is effective in protecting the environment." They did not say we needed additional regulations for that. They said the existing array of regulations are effective in protecting the environment.

What we have here, Mr. Chairman, is an attack on the mining industry. I am proud to say that America's mining industry is the world's most modern, technically advanced and environmentally responsible mining industry, and I am proud as an American to have the mining industry especially in our State, the State of Nevada.

Mr. Chairman, this regulatory change that is being attempted here obviously goes to addressing the issue of whether or not this administration has the right to address regulations. We are going about it by saying if legislative fiat is what we are after to change and stop an administrative ability to change regulations, then that is what we should be doing. But then let us do it in all cases as well, and let us take away the administrative power for making changes to regulatory action, which is in the realm and the authority of the administration.

Let me say that the mining industry today is already responsible for and applicable to the Clean Water Act. It cannot pollute the water and not be responsible for it. That is a myth that is being propagated out there. It is already responsible for the Clean Air Act. It cannot pollute the air and not be responsible for it.

Mr. Chairman, I oppose this gentleman's amendment.

Mr. INSLEE. Mr. Chairman, if I may inquire as to the time remaining?

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has 4¼ minutes remaining. The gentleman from New Mexico (Mr. SKEEN) has 4 minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I note that the argument just propounded essentially was rejected in a lawsuit which refused to stay implementation of these rules several weeks ago.

Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I thank the cosponsor of this amendment, the gentleman from Washington (Mr. INSLEE) for yielding me this time.

Mr. Chairman, normally I would have offered this type of amendment, being the usual suspect, because I have a long history on the issue that it touches upon. I have invested a great deal of time, indeed years, in an effort to reform the Mining Law of 1872.

To be clear, I fully support this amendment. It represents a type of policy that should be in place. At the same time, it is far past time to be doing piecemeal reform of the Mining Law of 1872. The solution is, without a doubt, comprehensive reform, not this piecemeal fashion that we have been doing. I have stood on this floor with amendments and bills on this issue, yet the hard heads in the hardrock mining industry just do not get it. They have not gotten it yet. Their allies in this body, although in a minority, are in a position to block comprehensive reform measures from being considered in committee; so we are forced to come to the floor with amendments of this nature or amendments that I have offered in the past on efforts to stop the patenting of mining claims and to uphold the millsite decision. This will continue until the mining industry comes to the table.

Mr. Chairman, I say to the industry, come to the table. Negotiate. Compromise. My door is open. We will find common ground. Not ground sold for $2.50 an acre under a 19th century law. No, not that common ground. Not ground from the public's gold and silver that is mined with no royalty paid to the true owners of the land, the American people.

I believe we can reach a sensible agreement on how to address issues which swirl around this industry and plague this industry in its investment decisions, and I understand the need for stability and certainty before making those types of investment in large equipment that is needed to mine our Nation's resources.

Mr. Chairman, there is new leadership at the National Mining Association. I have told them my door is open. Let us work together to restore the public faith and interest in this matter.

In the meantime, I urge a "yes" vote on the Inslee amendment. I say to my colleague, the gentleman from Arizona, who described these regulations as promulgated by the last administration in the last nanosecond, that is because a Republican Congress for five times has delayed through appropriations riders these regulations.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just to expand on the comments of the gentleman from West Virginia (Mr. RAHALL), for 4–5 years, the administration could not act even though 35,000 people had impact on this decision. Now it is time for us.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I strongly support the Inslee amendment. The gentleman from Arizona said let the law stand. That is what we are trying to do here. We are trying to let section 3809, which was the law, the regulations properly adopted, we would like to see those sustained. The Bush administration has suspended the 3809 rule and intends to revise the rule. Remember, this is just on BLM lands. The Clinton administration also granted BLM the authority to deny permits to irresponsible mines in places where they would cause substantial, irreparable harm to environmental and cultural resources. The mining industry opposed both of those provisions.

Mr. Chairman, I think the Inslee amendment is called for; and I intend to support it.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, this is not a rollback of environmental laws. Critics of the mining industry charge that reviewing the Clinton-Babbitt 3809 regulations constitutes a rollback of environmental laws. This is not true. The industry is not fighting to lessen any necessary environmental regulations governing hardrock mining on Federal lands. In fact, it supports and complies with all existing environmental statutes and supports the addition of any new rules consistent with the recommendations of the study on hardrock mining on Federal lands completed for Congress by the National Academy of Sciences.

The new 3809 regulations are extremely burdensome, complex and counterproductive, and contradict the NAS report. They go far beyond filling the narrow regulatory gaps identified by the report and add onerous regulatory burdens that will deter mineral exploration in mining activity in the western United States.

Unnecessarily strict new performance standards and expanded liabilities are created under the new regulations that the amendment before the House would keep in place. This would greatly disrupt the preexisting coordination between the Bureau of Land Management and the western States regarding the environmental regulations of mining. A number of new performance standards are prescriptive, one-size-fits-all requirements which are inconsistent with the Academy's recommendations that mining regulations should be based on site-specific performance standards.

There are strong environmental laws in effect that will not be rolled back or lessened in any way by suspending the new 3809 regulations. For instance, the disposal of mining wastes is strictly regulated on Federal, State and private lands through the Resource Conservation and Recovery Act and the Clean Water Act, as well as numerous State laws and regulations protecting groundwater resources. All facets of mining are covered by equally comprehensive legal frameworks.

The mining industry pays millions of dollars each year to comply with laws to ensure the protection of the environment. That is hardly the mark of an industry trying to flout its responsibility by fighting to roll back environmental laws.

The CHAIRMAN. The gentleman from Washington (Mr. INSLEE) has 1 minute remaining. The gentleman from New Mexico (Mr. SKEEN) has 2 minutes remaining, and the right to close.

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when there was a discussion about rolling back arsenic standards some time ago, the American people went into basic revulsion. If we reject this amendment today, we will be heading in the same direction, rolling back standards designed to keep arsenic out of our streams and rivers, cyanide out of our streams and rivers, sulfuric acid out of our streams and rivers.

I believe the American public made their position very clear on this during the last several months while people in this town were discussing going backwards on the environment. I stand here today to say that in this appropriation process, we should not go backwards on arsenic. We should not go backwards on cyanide. That history has given us 12,000 miles of polluted rivers and a problem with arsenic in our water. That is why the League of Conservation Voters is so keenly interested in this vote. That is why I hope we stand together on a bipartisan basis and make sure that we adhere to the existing standards on arsenic.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, we have heard much about how old this law is and how unnecessary it is in this day and age. I suspect that is consistent with what we have heard today for quite awhile. Mr. Chairman, it seems we forget that there was also a law written in the late 1700s. We call it the Constitution today; yet that law has sustained us pretty well because, for the most part, we have tried to adhere to it.

Mr. Chairman, that law written in 1872 was written in the best of times for mining because it was one of the most important economies to the United States. But I would also remind my colleagues, consistent, I suspect with the inconsistency that we hear here that one day it is a good idea to put a rider on the bill and the next day it is not.

I am confused by all of this admittedly, Mr. Chairman, and I have only been here 165 days, but I am beginning to learn; and I am beginning to learn that what the people feel about Congress being out of touch, Americans out in the country that feel that Congress is no longer representative of them, now I understand.

There is no need to be consistent up here, Mr. Chairman. I have seen it happen. I have seen it happen to my colleagues that have been here far beyond my days and far beyond my years. Because not only do they not remember what they said yesterday, they do not remember that it is the very government that they now want to completely entrust in this day and age with the safeguards of our environment, was the very government that went to the Coeur d'Alene mining district during World War I and World War II and said forget about what you might do to the rivers and lakes, we need those minerals for the defense of that very Constitution, and we need these minerals for the very defense of this country.

So if I cannot ask for anything else, I would ask my more learned colleagues who maybe are more learned because they have been here longer to be consistent, if nothing else, and be representative of the law that was written in the 1700s as well as 1872.

Mr. HOLT. Mr. Chairman. I would like to express my support for an amendment offered by my two colleagues, Representatives INSLEE and HORN, regarding the Bureau of Land Management hard rock mining rules. New mining regulations were put into place at the end of the Clinton Administration, after a four-year period of intense public comment, hearings, and Congressional input. These new regulations are a vast improvement over the old BLM rules under the 1872 Mining Law. The old rules did not protect the public from the financial burden of failed mining ventures—leaving a legacy of thousands of abandoned mines, and the risk of a further billion dollars for potential cleanup of ongoing operations. Furthermore, the old regulations did not protect the public from the massive pollution potential at modern large-scale mines.

The new mining regulations provide these protections, and I believe that they ought to be preserved. They require mining companies to pay the full cost of environmental cleanup, rather than shifting the cost to the taxpayer. The new rules put into place standards to protect surface and ground water from harmful mine drainage. EPA estimates that 40 percent of the western watersheds are polluted from mine drainage and leaching. Finally, the new rules prevent mining companies from staking a claim on public lands without regard to environmental and archeological resources or consideration of local communities.

The Inslee/Horn amendment will protect public lands and local communities by ensuring that the new mining regulations are kept in place. We cannot afford to retreat on environmental and public health safeguards by weakening protective standards. The values of the 1800s no longer apply to the mining industry of today and the old rules do not offer the protection that is needed. Too much is at stake for us to allow mining companies to contaminate our water supply or lands. This amendment is the best way we have to protect our communities from outdated and harmful practices. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

□ 1645

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH:

Insert before the short title at the end the following new section:

SEC. . (a) LIMITATION.—None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries or expenses of personnel of the Department of the Interior to extend the leases, any standstill agreement, or the terms of the settlement agreement that took effect March 30, 2001, concerning the holders of interests in seven campsite leases in Biscayne National Park, Florida, identified as campsite leases 2173A, 2146A, 2167A, 2159A, 2213A, 2157A, and 2303A and collectively known as "Stiltsville".

The CHAIRMAN. Pursuant to the previous order of the Committee of today, the gentleman from Florida (Mr. DEUTSCH) and the gentleman from New Mexico (Mr. SKEEN) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a limiting amendment to prevent the implementation of rules that the Secretary of Interior has overturned of the previous administration dealing with seven leasehold parcels in Biscayne National Park, parcels whose leases ran out 3 years ago, six of whom were subsequent leaseholders who purchased those leases from the original leaseholders at fair market value. So we have seven leaseholders who have not paid rent for 3 years.

Under the prior administration, regulations were in place to develop a management plan. The Secretary of the Interior overturned that regulation upon her assumption of that office. This is really not just an issue about these seven leaseholders. This is really an issue about private use of a national park or public lands. That is what this issue is about. This happened in my district, in my area. I represent 90 percent of Biscayne National Park. But this could happen tomorrow in any of the national parks, the 400 national parks in the United States of America.

I urge my colleagues to overwhelmingly and sincerely support this amendment to prevent this from happening.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong opposition to the Deutsch amendment introduced at the 11th hour affecting a very important area in my congressional district. Stiltsville is in my congressional district, miles away from the district of the gentleman from Florida (Mr. DEUTSCH). Stiltsville is a group of seven homes located south of Key Biscayne in my district that has been part of the landscape and seascape of our young community since the 1930s.

This amendment prevents the Secretary of the Interior from extending any further standstill agreements. After much negotiation between Stiltsville homeowners and the Park Service, a standstill agreement was reached earlier this year that expires on March 31, 2002. This agreement is crucial because it prevents both parties from acting against each other and allows time for constructive negotiations and prevents the houses from being unfairly torn down. The Deutsch amendment ties the Secretary's hands and allows the clock to run out on further talks, putting Stiltsville owners at a negotiating disadvantage.

The Deutsch amendment is an underhanded attempt at tearing down these historic homes without coming out and saying so. The houses that make up Stiltsville are internationally known as the place that has that little village in the middle of the bay.

And who supports Stiltsville? Governor Jeb Bush. Who else supports Stiltsville? The Florida House of Representatives that passed a unanimous resolution in support of preserving

Stiltsville. The Miami-Dade County Commission supports Stiltsville. The city of Miami. Let me tell my colleagues the cities that have said we want to support these homes: the City of Miami; the City of Miami Beach; the City of Coral Gables; the City of Hialeah Gardens; Homestead; Miami Springs; South Miami; West Miami; Key Biscayne, Key Biscayne that is just miles from these beautiful homes; Sweetwater; Virginia Gardens. I could go on and on.

It is incredible that the gentleman from Florida (Mr. DEUTSCH) would come here and present this amendment when literally thousands of homeowners support the preservation of Stiltsville.

Mr. DEUTSCH. Mr. Chairman, I yield myself 30 seconds just to respond to some specific points.

First of all, I represent 90 percent of Biscayne National Park. My district is literally feet, not miles, from Stiltsville. My colleague represents 10 percent of the park. It so happens these structures are there. But I think the critical distinction that we need to make, number one, I support Stiltsville. This is not about Stiltsville. What this is about is freeloaders in a national park. My colleague said owners. These people are not owners. These are leaseholders. The people that own that property are us, the people of the United States of America, not the seven leaseholders. There is a difference between leaseholders and owners. We, as the owners, deserve to do what we want, which is to keep Stiltsville, but use it for public purpose, not private gain.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I talked to my son Danny today. He is 16 years old. He is no owner of one of these houses. He and his friends, however, through the generosity and the courtesy of the folks that lease here, they go out there and they fish and they swim. I talked to Danny today. I said, "Danny, there is going to be an amendment to, in effect, knock these houses down. What should I tell my colleagues?"

He said, "Dad, that's a Florida tradition. Nature is taking care of that."

So why should now Congress intervene and knock down these homes? This is a really unfortunate amendment that our colleague from the other side of the aisle has brought forward. Let the kids go out there and swim and fish.

Mr. DEUTSCH. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, in 1980 this Congress created Biscayne National Park, a park for all the people of the entire country. At that time there were seven leaseholders in the park who held campsites by lease. They were given a period of time to remove themselves from the national park. In 1990, they asked for an extension. That extension was given to them, and they had until 1999. They have had 20 years now for these leaseholders to get out of a national park. They are denying access to the public by holding these leases. This is a park that has been designated by the Congress for the enjoyment of all the people of the country. Anyone should be able to go there. They should not be able to be stopped by people who have illegal leaseholds. That is precisely what this is.

The issue here is a very simple one. In a national park, are we going to allow private people who are intruders, who are violating the law, who have overstayed their welcome, to continue to be there and prevent the rest of the public from using that public land appropriately as the Congress has designated? That is the issue.

I think that most people here would say no to that. We want the national parks to be used for the right purpose, to be used by all people, not by a few who have special interests, who have the ear of the Governor, or who have the ear of one of us Members of the Congress. I do not think any of us want to uphold that kind of a policy for public lands. A national park is there for all the people of the country. Let us make sure that this national park, Biscayne National Park, finally achieves that status and these people who have overstayed their welcome can finally leave quietly so that the rest of the public can enjoy that national park appropriately.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. HANSEN), the distinguished chairman of the Committee on Resources.

Mr. HANSEN. Mr. Chairman, I think this is a very interesting debate. I find this interesting because I took the time to go down there. I held a hearing on it as chairman of the Subcommittee on National Parks and Public Lands a few years back. We could not find any problems at all with any of the scientists we brought up of hurting any of the environment.

A lot of people have said they have overstayed their welcome. I find that very interesting because these homes were there 50 years before the park. Who overstayed their welcome? Who was there first?

Another thing my colleagues may find interesting on this, I come from Utah. We do not have big pieces of Biscayne Bay. But what we do have, we have these beautiful cabins that are scattered all over the Forest Service and BLM and they are leased to those areas. What do those folks do with them? They go up there, they hold Boy Scout things, they teach young kids how to be good Americans, they use them and they take awfully good care of them. I wondered, what can they do in Florida with that old flat land down there? I cannot believe it.

Then I went down with the gentlewoman. What did I find down there? I found that exactly the same thing was going on. They take Boy Scouts out there. I got in this power boat with some guys and we went out and looked at that thing. They have Boy Scouts, people go out, they enjoy it. It turns out to be one of the things that they are very proud of.

Now, my colleagues worry about that. I think a few hurricanes may take care of it but right now it is one of the beautiful things they have got in that area. This is part of their heritage. This is part of something they love and believe in. I did not talk to a soul and when we held the hearings everybody that came up there said we love this area, we like Stiltsville.

What this amendment would do, Mr. Chairman, is in effect say, the heck with Stiltsville, it is gone. And one of the best parts that America can have in Florida will go with it. Why do you want to go away with that heritage? Why do we want to take away the things that people have built? Why, this would be like taking Temple Square out of Salt Lake City.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Florida.

Mr. SHAW. I would like to congratulate the gentleman on his statement and also express the appreciation of those who have lived in south Florida, I for my entire life, in going down and seeing that unique little village that we have, and it is not even a village anymore. It is not doing any harm. It is part of our heritage. Let us leave it alone. Some day a hurricane will take it out, but until then let us leave it alone and let us let it continue as it is.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I think my colleagues on the other side of the aisle have made the case for this amendment. This is a great area, everybody loves it, everybody uses it, everybody likes it the way it is, except that it is not open to the public. That is the agreement that we made with the people that had these leases. They got a 25-year lease, the lease is now at the end, and now we have had some political intervention so they do not have to vacate the leasehold so that in fact all of the public can use it.

I will grant that one of the people leasing these properties let a Congressman's son come go fishing there, but what about other people that want to go fishing there? It is nice that they let some Boy Scouts in. The whole purpose of this is open up these leaseholds for public uses and public purposes so that whether it is the Boy Scouts or other organizations can come and use these facilities. There is a planning process that is going on so that this in fact can be a public facility of which it is. Because the original leaseholders made a decision, they have sold their interest, they entered into those leases, those leases have expired, and now it is just a question of whether you are going to use the power and the might of the United States Congress or the Secretary of Interior's office so she can close out the public so that seven entities get to continue to control what everybody says here is a wonderful asset that the public would love to use.

We ought to support the Deutsch-Hinchey amendment on this and open it up in fact to the public like all national parks.

Mr. DEUTSCH. Mr. Chairman, I yield myself the balance of my time.

I support Stiltsville. I think Stiltsville is a wonderful part of our community of south Florida. I live in south Florida. My family was raised there. I want to stay there for the rest of my life and hopefully for generations after. But again this is literally private use of public lands. These are leaseholds that ran out 3 years ago. Six of the seven people bought those leases at fair market value from the original leaseholders. They ran out 3 years, they have not paid anything, on us the owners. They have not paid anything to us as the owners, the people of the United States of America, for the last 3 years. They have been freeloading. If it can happen in Biscayne National Park, it can happen anywhere. Let us stop this policy of the Secretary of the Interior.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEUTSCH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DEUTSCH) will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill, preceding the short title, insert the following:

SEC. . The amounts otherwise provided by this Act—

(1) for "CHALLENGE AMERICAN ARTS FUND—CHALLENGE AMERICA GRANTS" are hereby reduced by, and

(2) for "DEPARTMENT OF ENERGY—ENERGY CONSERVATION" are hereby supplemented by an additional appropriation for energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) in the amount of, $10,000,000 each.

Mr. STEARNS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Pursuant to the previous order of the Committee of today, the gentleman from Florida (Mr. STEARNS) and the gentleman from Washington (Mr. DICKS) each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I ask my colleague, is there any way we can get more time than that?

Mr. DICKS. No. This is the end of this bill. The gentleman is having the second shot at this.

Mr. STEARNS. By unanimous consent, Mr. Chairman, I request 10 minutes apiece.

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment which would basically do something very simple. As many of my colleagues know, this morning we passed an increase for the National Endowment for the Arts by another, I believe it was $10 million. All my amendment does is quite simple, is reduce that $10 million back to level funding.

□ 1700

So it is not a cut. So a lot of people who come on the floor who will be voting for my amendment should realize this is not about cutting the National Endowment for the Arts. This is basically keeping level funding for this program and, in fact, taking the $10 million which was added on to this program and using it for the Department of Energy; more specifically, for energy conservation for grant programs to help across this Nation for people who need increased amount of energy and in a larger sense to help low-income people in weatherization of their homes.

So I ask my colleagues to consider the priority of the two, increasing $10 million for the National Endowment for the Arts or increasing the Department of Energy's energy conservation program.

Now, this debate used to be about reducing or, as that side would say, cutting the NEA; but this is not a debate about that. So I want to take that off the table, and I hope that side will realize that the debate and focus has changed.

Mr. Ivey, who is head of the department of National Endowment for the Arts, has made a great effort to change the image of the National Endowment for the Arts, and I applaud him for his efforts. I think at this point he has been successful so that our debate today is more about should we increase that program at the expense of energy conservation.

Now let me just take my colleagues on a little, small journey on what we could do with this money. Items funded under this program include research and development projects that develop new and improved existing technologies; Federal energy management; low-income weatherization assistance; and State energy program grants.

Through these projects and research, we can continue to sustain future economic growth while at the same time, Mr. Chairman, increasing America's awareness of new energy efficiency.

In my home State of Florida we expect to need about 10,000 to 15,000 megawatts of new generation to keep pace with demand. Florida is one of the foremost populous States, increasing by over 20 percent last year since 1990 in population. In addition, we are the sixth highest in energy consumption.

The need for energy conservation is clear. We need to focus funds where the need is. We are not in a position where we can say we are not in a crisis, because we are. We could have rolling blackouts across this country. Arts is important, I know it is, but energy is also important. So surely, Mr. Chairman, the money provided for energy conservation under this amendment will serve the taxpayers, I believe, in a much more satisfactory manner.

Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York (Ms. SLAUGHTER), in opposition to the amendment.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time.

Mr. Chairman, this amendment is being offered for one purpose and one purpose only: to squash a fair and hard-fought victory that we had 4 hours ago to increase funds for the National Endowment for the Arts and other cultural agencies.

Similar to our debate last year, some Members have resorted to last minute shenanigans to reverse support for arts funding and to wrongfully deny the NEA, a most worthy agency, from receiving the funds it justly deserves.

At the last minute, without warning, the gentleman from Florida (Mr. STEARNS) has designed an amendment to eliminate the entire amount that we had granted the NEA, a modest boost of $10 million. The amendment is an obvious attempt to sabotage this, the first clean, overwhelming positive vote that we have had on NEA in years.

Witnessing our amendment win fair and square, some Members have gotten nervous and put forth yet another cheap tactic to deny this agency the small pot of money that it deserves. With today's vote of 221 to 193 in favor of increasing funds for the cultural agencies, the House has taken its stand in support of them.

It is ludicrous and unconscionable to consider this amendment on the heels of this victory and a great disservice to those Members and the constituents they represent to go back on their word. I urge a no vote.

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Florida (Mr. STEARNS) for yielding me this time.

Mr. Chairman, I stand in strong support of this. This amendment simply puts the NEA back to the funding level that it should be at, and the funding level that was passed on a bipartisan level by the committee. More importantly than that, it invests the money in energy conservation.

Here are some of the things that the NEA does: promotes poetry, promotes puppetry, promotes jazz. All these things are very important. These are things they do in my area; and frankly, my folks can do this without the NEA's help. Given the choice between a puppet show and gas selling at $1.50 a gallon versus $1.20 a gallon, we would rather have gas at $1.20 a gallon, and then we would write our own checks to promote art locally.

I believe we need heat for hospitals, light for learning and gas for going places; and that is what the Stearns amendment does. It puts money into energy conservation so there will be more energy, more source of energy for all of us; and I believe that this is a far more needed expenditure than spending additional money on the NEA at this time.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this amendment has as much to do with energy as it has to do with my dead dog. All it is is an effort to try to get a second kick at the cat and thereby eliminate a fairly won decision to increase funding for the arts.

For those of you who are interested in seeing this bill completed today, I simply want to remind you, if this double-backed maneuver were to succeed, and I do not believe it will, but if it were to succeed, and if this amendment would be adopted, that would require yet another revolt in the full House, again further delaying the adjournment of this House tonight.

I do not think you want to do that. I also do not think that you want to have to explain another vote reversal. So I think for the good of all concerned, I would advise you to stick with your final vote. It is consistent; it is fair; and it is a whole lot easier to explain to the folks back home.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. HINCHEY), a member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, what we have learned this afternoon is that some Members in the majority party here hate the National Endowment for the Arts more than they hate energy conservation. If they really liked energy conservation, they had an opportunity to pass some responsible amendments to this bill, both in the Committee on Appropriations where it was defeated by a party line vote and out here on the full floor where they denied us the opportunity to have a vote on a bill that would have brought about $200 million in energy conservation.

We are talking real energy conservation, not this little bit that the gentleman is talking about here. The gentleman does not want any energy conservation. He just cannot stand the National Endowment for the Arts more than he cannot stand energy conservation. He says it is not a cut. His bill gives us $57 million less for the National Endowment for the Arts than we had for it in 1995, and now we have a $10 million increase making us still $47 million lower than we had in 1995; and the gentleman wants to take that $10 million away. He ought to be ashamed of himself.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

Mr. DICKS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HORN), a cosponsor of our amendment.

Mr. HORN. Mr. Chairman, I thank the gentleman from Washington (Mr. DICKS) for yielding me this time.

Mr. Chairman, I must say I am disappointed with this further attack on the NEA and the NEH and the Institute of Museums and Libraries. I cannot believe that. When little kids in rural America and urban America need to get this type of culture and music and this great history of this Nation, I cannot believe it when individuals start and say let us get rid of people that study history or everything else. It is just plain wrong.

Mr. STEARNS. Mr. Chairman, I yield 25 seconds to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, when George Bush became President, he promised the American people fiscal discipline; that he would limit the size of government; that they would get some of their money back in tax cuts and we would pay down the public debt. So far Congress has kept faith with the President, and we want to limit the size of government. Why are we getting such a huge increase to NEA? This controversial agency has not had a funding increase that big in almost 20 years. This is $10 million more than the President asked for. I urge my colleagues to do the right thing for fiscal restraint and support this amendment.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I conclude by just saying this is not about cutting the NEA. This is continuing the level of funding and moving the money that we increased to energy conservation, a priority between energy conservation and increasing the NEA.

Mr. DICKS. Mr. Chairman, I yield myself 1 minute to close.

Mr. Chairman, I would hope that my colleagues would not do what we did last year when we reversed this vote. I would ask everyone to use good common sense. This amendment was offered. We had a good hour debate. Everybody had a chance to present their point of view and clearly the people of this House, by a good majority, 221 to 193, voted to give modest increases to the National Endowment for the Arts, for the Humanities and Museum Services. Now the gentleman from Florida (Mr. STEARNS) comes in and tries to reverse that decision. We increased the budget for energy programs by over $300 million. So the budget is not lacking in funding for energy conservation, where the gentleman tries to add the money. So this is done strictly for a political purpose. I would say let us stay with this. This is a good decision. It is a modest increase. This House has sent a strong message to the NEA and they have responded. They are now making grants that are quality grants, and so I think this is a vote that we do not want to have to repeat in the House. Let us just vote no and sustain the position in the committee.

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

Are there further amendments to the bill?

The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2002".

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment by the gentleman from Florida (Mr.

DAVIS); an amendment by the gentleman from Washington (Mr. INSLEE); an amendment by the gentleman from Florida (Mr. DEUTSCH); and an amendment by the gentleman from Florida (Mr. STEARNS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. DAVIS OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 164, not voting 21, as follows:

[Roll No. 181]

AYES—247

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Berkley
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crenshaw
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Doyle
Dunn
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gilchrest
Gilman
Gordon
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Ney
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Platts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—164

Akin
Armey
Baker
Ballenger
Barr
Barton
Bass
Bentsen
Bereuter
Biggert
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Cannon
Cantor
Carson (OK)
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Edwards
Emerson
Flake
Fletcher
Gekas
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (TX)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson, Sam
Kennedy (MN)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas (OK)
McCrery
McKeon
Mica
Miller, Gary
Mollohan
Moran (KS)
Nethercutt
Northup
Norwood
Nussle
Ortiz
Osborne
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rohrabacher
Royce
Ryun (KS)
Sandlin
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stenholm
Stump
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—21

Aderholt
Bachus
Berman
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
Linder
McInnis
Meehan
Meeks (NY)
Neal
Riley
Rush
Serrano

☐ 1736

Messrs. ENGLISH, SWEENEY, HUTCHINSON, NEY and STRICKLAND changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XXVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 216 noes 194, not voting 22, as follows:

[Roll No. 182]

AYES—216

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Frost
Ganske
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Shays
Sherman
Shows
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn

NOES—194

Akin
Armey
Ballenger
Barr
Bartlett
Barton
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blunt
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Flake
Fletcher
Foley
Fossella
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Aderholt
Bachus
Baker
Berman
Boehner
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Meehan
Neal
Riley
Roukema
Rush
Serrano

□ 1744

Ms. BROWN of Florida. Mr. ENGLISH and Mr. SHOWS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DEUTSCH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DEUTSCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 222, not voting 23, as follows:

[Roll No. 183]

AYES—187

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Shays
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—222

Abercrombie
Akin
Armey
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ferguson
Flake
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (NY)
Manzullo
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—23

Aderholt
Bachus
Baker
Berman
Callahan
Calvert

Cox
Cramer
Cubin
Everett
Graham
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Meehan
Neal
Pitts
Riley
Roukema
Rush
Serrano

□ 1751

Mr. DAVIS of Illinois changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 264, not voting 23, as follows:

[Roll No. 184]

AYES—145

Akin
Armey
Barr
Bartlett
Barton
Bilirakis
Blunt
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Emerson
Flake
Fletcher
Ganske
Gibbons
Goode
Goodlatte
Graham
Graves
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Largent
Latham
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McIntyre
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Pombo
Putnam
Radanovich
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Harman
Hart
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Shaw
Shays
Sherman
Sherwood
Simmons
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn

NOT VOTING—23

Aderholt
Bachus
Baker
Berman
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Houghton
Israel
Kaptur
Lewis (GA)
McCarthy (NY)
McInnis
Meehan
Neal
Peterson (PA)
Riley
Roukema
Rush
Serrano

□ 1759

Messrs. TAUZIN, BONILLA, and MORAN of Kansas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 174, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 376, nays 32, not voting 24, as follows:

[Roll No. 185]

YEAS—376

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch

Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Barr
Berry
Cannon
Crane
Culberson
Emerson
Flake
Gibbons
Goode
Goodlatte
Green (WI)
Hefley
Hostettler
Johnson, Sam
Jones (NC)
Moran (KS)
Otter
Paul
Petri
Rohrabacher
Royce
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (MI)
Stearns
Thornberry
Toomey
Whitfield

NOT VOTING—24

Aderholt
Bachus
Baker
Berman
Callahan
Calvert
Cox
Cramer
Cubin
Everett
Ford
Houghton
Israel
Kaptur
Lewis (GA)
McInnis
Meehan
Neal
Riley
Roukema
Rush
Scarborough
Serrano
Watson (CA)

□ 1819

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT FRIDAY, JUNE 22, 2001, TO FILE REPORT ON DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight tomorrow, June 22, to file a privileged report making appropriations for the Department of Transportation and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved on the bill.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, I was unavoidably detained on rollcall number 177, the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER). Please let the RECORD show that had I been present I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2172

Mr. GILLMOR. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2172.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I wish to inquire of the distinguished majority leader the schedule for the remainder of the week and next week, and I yield to the majority leader.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. I should mention, however, that many Members of the House have moved their business to their field of dreams.

Mr. BONIOR. Dreams is the important word there, Mr. Speaker.

Mr. ARMEY. Dreams is the important word. It is the annual charity baseball game between the Democrat and Republican Members of the House, with a beautiful trophy at stake and bragging rights for at least a year. I am sure our champions of the diamond will acquit themselves well on our behalf. Nevertheless, we will have no further business on this floor until the crowing begins next week.

The first opportunity for that, for one side or the other, will be when the House next meets for legislative business on Monday, June 25, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday, no recorded votes are expected before 6 p.m.

On Tuesday and the balance of the week, the House will consider the following measures:

H.R. 2213, the 2001 Crop Year Economic Assistance Act;

The Transportation Appropriations Act for fiscal year 2002;

The Agriculture Appropriations Act for fiscal year 2002;

And the Energy and Water Appropriations Act for fiscal year 2002.

I thank the gentleman for yielding.

Mr. BONIOR. If I could just inquire of my colleague on a couple of points.

Can the gentleman tell us or does the gentleman know which days the appropriation bills will be brought up on transportation, agriculture, and energy? Do we have a day for those yet, or what order they will be in?

Mr. ARMEY. I thank the gentleman for asking. The transportation bill will be up on Tuesday. We would expect to do agriculture on Wednesday and Thursday and energy and water on Thursday and Friday, if necessary.

Mr. BONIOR. I thank my colleague for that. We definitely think we will be in on Friday next week; is that where we are going with this at this point?

Mr. ARMEY. Mr. Speaker, I appreciate the gentleman's inquiry; and yes, I think it is the last week before a major recess period and the schedule has announced that since January. We would, of course, hope to have expeditious work on these appropriation bills. Since some Members would like to have a break on that, if at all possible we would hope to see it turn out that way. But all Members should, I think in the better part of prudence, be prepared to be here at work on Friday of next week.

Mr. BONIOR. The gentleman is correct, he has notified us way in advance that we would be working this next Friday. I understand the need to finish the bills; and hopefully, we will do it expeditiously and perhaps maybe not have that Friday session.

Mr. Leader, may I also ask this question: the Tauzin-Dingell bill on telecommunications and broad band, can you give us any sense of when that may be brought to the floor? Next week perhaps or, if not then, when?

Mr. ARMEY. Again, if the gentleman will continue to yield, I thank the gentleman for asking. This bill is very important legislation dealing with a major sector of the American economy. The Committee on the Judiciary, as the gentleman knows, also has exercised jurisdiction on that, and I think at this point what we would prefer to do is examine the work of the Committee on the Judiciary.

There is nothing planned at this time with respect to scheduling that bill for floor debate. Certainly I would not see it next week, and I could not tell the gentleman at what time we might expect it following the recess.

Mr. BONIOR. And on H.R. 7, the Charitable Choice bill, might the gentleman give us any indication when that would be brought to the floor.

Mr. ARMEY. Again, I thank the gentleman for his inquiry. The committees are marking up on that bill. They expect to have a markup on Tuesday. It is my anticipation that that bill also would, while it may be reported by the committees, would probably not be available to the floor until after the recess.

Mr. BONIOR. Finally, let me ask this: Is the HMO bill coming to the floor before the July 4 recess?

Mr. ARMEY. Again, I appreciate the gentleman's inquiry. That is a very important subject, and we are working feverishly on it; but again I do not expect it before the recess.

Mr. BONIOR. How about the campaign finance bill coming to the floor the first week when we come back from recess?

Mr. ARMEY. Again, if the gentleman will continue to yield, the committee is working on that. The committee will have a markup next week. It is our very fervent hope that we can have the committee report the bill next week and it be available to the floor on the week we return.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his responses.

RANKING OF MEMBER ON COMMITTEE ON RESOURCES

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 176) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 176

Resolved, That on the Committee on Resources, Mr. Hayworth shall rank after Mr. Tancredo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, JUNE 25, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL 5 P.M. FRIDAY, JUNE 22, 2001, TO FILE REPORT ON H.R. 1954, ILSA EXTENSION ACT OF 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until 5 p.m. tomorrow, June 22, to file a report on H.R. 1954.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

WISHING BASEBALL GAME PARTICIPANTS GOOD HEALTH AND FELLOWSHIP

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that all Members of this body join me in a fervent prayer that all our happy warriors tonight from both sides of the aisle complete their evening's activities without mortal damage to any of our participants and that they all walk away happy and in good fellowship.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (Mr. KIRK). The Chair will entertain 1-minute requests.

CURRENT ENERGY PROBLEM

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I would like to discuss our current energy problem. It has taken more than 20 years to develop; and obviously, there is no quick solution. But I guess the good news is that we have a plan, where before we had none. It provides for the conservation of energy, exploration and development of new energy sources; and it presents a plan for alternative fuels.

I would like to just briefly mention the Gasoline Access and Stability Act, which has recently been introduced and I think can be part of the solution. This has been sponsored by the House leadership and the entire Nebraska delegation has signed on. This act reduces 45 blends of gasoline to 3.

Currently, our refineries have to shut down totally when a new blend is introduced, and they have to clear their pipes. This is very time consuming and expensive. This bill would require 2 percent oxygenated fuel in the summer and 2.7 percent oxygenated fuel in the winter. The benefits would reduce green house gas emissions by 25 to 30 percent, save motorists up to 12 cents per gallon of gasoline, protect consumers from price spikes, and certainly reduce our independence on foreign oil.

NUCLEAR ENGINEERING EDUCATION

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I rise today to urge support for H.R. 2126, the Department of Energy University Nuclear Science and Engineering Act, which was introduced by the gentlewoman from Illinois (Mrs. BIGGERT), and I am proud to be an original cosponsor.

The crisis in California has awakened our Nation to the lack of energy supply that confronts us. Nuclear power currently provides 20 percent of America's electricity. Interestingly, it provides 30 percent of California's electricity; and it is an obvious answer, I believe, to our energy needs.

The nuclear science and engineering programs in our universities are crucial to this research in that they provide the critical foundation for our nuclear industry.

□ 1830

Currently support for nuclear science and engineering programs is at a 35-year low. H.R. 2126 authorizes a critical investment of roughly $240 million over 5 years from the Department of Energy.

Mr. Speaker, this modest investment will ensure that nuclear power will be able to meet California's needs and this Nation's demands. It is imperative that this crucial piece of legislation receives our support.

CONGRESS NEEDS TO PASS BUSH ENERGY PLAN

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, we have been hearing a lot about how big oil and big energy companies are picking on California. We are told they are gouging their citizens and only price controls can stop this. Has anyone asked the question, Why California? Why are the big oil and energy companies not picking on Illinois, Pennsylvania, Ohio or New York?

Maybe it is because they are not picking on anyone at all. Energy costs are high across the country, but energy prices are higher in California because that State has prevented through burdensome regulations the construction of new power plants for the last 10 years. The prices that the rest of the country is paying are high because we are trying to meet today's needs with yesterday's energy infrastructure, and it is not working.

Our energy demands have increased 47 percent over the past 30 years, and yet we have half as many oil refineries, static pipeline capacity and 20 times as many mandated gasoline blends.

Low prices throughout the 1980s and 1990s have lulled American consumers and producers into a belief that low prices will always be here. But we know now that is not true.

President Bush has proposed the first comprehensive energy plan in a decade that will increase efficiency, improve how our energy is delivered, diversify our energy sources, protect the environment and assist low-income Americans through these current price increases.

I suggest we get off the rhetorical high horse and get to work passing this energy plan.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TROPICAL STORM ALLISON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise to share some more stories on the devastation left in my hometown of Houston by Tropical Storm Allison. From Tuesday, June 5, when landfall was made through Sunday, June 10, when the rains began to taper off and the water began to recede, it is now estimated that over $4 billion of damage was done by this seemingly minor tropical storm. It also cost 23 lives in the Houston area. Of course this storm not only damaged Houston, but also Louisiana, Mississippi; and it dumped a great deal of water in Pennsylvania this past weekend.

For my colleagues not from coastal areas, this was just a tropical storm. Damage was exclusively from flooding. There was no damage from high winds, tornadoes or other weather events had it been a full-blown hurricane.

While many areas of Houston had significant flooding, the 29th district was particularly hard hit. Many of the city's bayous run through my district. Bayous such as Hunting and Greens, overflowed their banks, causing widespread flooding in businesses and residential areas.

Over 10,000 residents were forced from their homes by Greens Bayou alone, as flooding reached the 1,000-year flood level. Even those who were not flooded out of their residences suffered thousands of dollars worth of damage to their homes and personal belongings.

Damage estimates for homes have not yet been completed, but the total is significant. 303 homes totally destroyed; 12,451 with major damage and are uninhabitable; and 20,491 homes have minor damage, with families able to at least partially begin the process of moving back in.

I would like to thank the Federal Energy Management Agency, FEMA, for their prompt response in the Houston area. Almost as soon as the rains stopped, FEMA personnel were establishing a command center in the Greens Point area and setting up disaster relief centers where victims could register for home inspections, SBA loans, or temporary housing assistance and other Federal benefits, along with State agencies in these centers.

As of 6 p.m. last night, 47,000 people had registered with FEMA on their toll-free hot line; over 41,000 have registered for the disaster housing program; and $17 million in funding has been approved. For individual and family grant programs, almost 17,500 registrations have been received; and nearly $13 million in funding has been approved.

I would like to recognize the thousands of volunteers from the American Red Cross and the Salvation Army in their role in the recovery process. These organizations quickly opened shelters for those driven from their homes. They have provided more than 800,000 meals to victims of this disaster and currently are offering additional aid so that individuals can begin to replace clothing and other belongings that were ruined or swept away during the floods. Also our Army, Air Force and National Guard, and AmeriCorps, and numerous other government agencies have contributed to helping Houstonians and people who live in Harris County clean up and begin the long process of rebuilding their lives.

The task ahead of us, though, is going to be long and arduous. For example, the damage to our hospitals will place a heavy burden on our health care infrastructure for the near future. Let me share some of the numbers: in my district, East Houston Medical Center, complete evacuation for 2 or 3 months before reopening; maybe 1 year for complete restoration.

Hermann Memorial Hospital, one of our two Tier I trauma centers in Houston, evacuated and closed for an estimated 6 to 8 weeks.

Methodist Hospital closed due to extensive damage, potential partial reopening this week, but 6 months to restore completely.

St. Luke's Hospital, their emergency room suffered extensive damage. Six months to 1 year for complete restoration.

St. Joseph's Hospital, emergency room closed for extensive damage, 3 to 6 months before reopening, and 1 year before complete restoration.

Northwest Columbia Hospital, closed and unable to operate possibly for 1 year due to extensive damage.

Ben Taub, one of our public hospitals, full to capacity; emergency room on diversion status except for extreme cases.

LBJ Hospital, damaged but still operating, another one of our public hospitals, full to capacity with emergency room operators up 260 percent compared to prestorm level.

Park Plaza, emergency room operations up 440 percent compared to prestorm levels.

Even though classes were out and summer school had not yet begun, our public schools were not spared. 155 of the 300 schools in Houston ISD suffered flood damage, with 13 of those sustaining substantial damage.

Other districts were not spared, either. North Forest ISD's schools and administration building suffered severe damage, especially for office equipment and computers. They were also forced to postpone their summer school program.

Additionally, the Sheldon Independent School District suffered severe flooding in all but two of their schools, and they have been forced to cancel part of their summer school program.

There is a great deal of work to do, Mr. Speaker, but we will continue to rebuild our homes and schools and our business. I thank the agencies that helped us.

EAST SIDE ACCESS AND SECOND AVENUE SUBWAY CRUCIAL NEW YORK CITY TRANSPORTATION PROJECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, in New York City there are two crucial transportation projects: the East Side Access and the Second Avenue Subway. These two projects would provide the New York region with the first significant expansion of transit capacity in over half a century.

The MTA is moving forward with both projects on a fast track. Because they will be intersecting benefits and impacts, they need to advance together. The New York delegation is united in wanting to provide support to these projects in this year's title III appropriations bill. We have joined the MTA in requesting $149 million for the East Side Access and $20.5 million for the Second Avenue Subway.

The Committee on Appropriations had made a very serious mistake by providing only $10 million for the East Side Access and absolutely no funding for the Second Avenue Subway. This is a terrible decision that seriously undermines New York's ability to meet its transportation needs for the 21st century.

The New York City region is the largest transit market in the United States with nearly 8 million daily trips. Our subways and railroads have twice the ridership of the rest of the Nation's rail system combined.

At the same time, the MTA is the most efficient transit system in the country, covering over 60 percent of its operating cost from the fare box. New York City is serious about the need to continue investment in our transit system. The MTA expects to fund over 70 percent of its 2000–2004 capital program with city, State and internal resources, a commitment of over $12 billion.

New York State has included $1.05 billion for the Second Avenue Subway and its MTA 5-year capital plan and $1.5 billion for the East Side Access. The MTA is committed to funding 50 percent of the cost for the Second Avenue Subway and East Side Access.

The Second Avenue Subway, which will run from East Harlem to the tip of Manhattan and provide for eventual extensions into the Bronx, Brooklyn, and Queens, is the most important project to the MTA's agenda. It will bring subway service to underserved areas of Manhattan, enable East Side Access passengers to travel to their jobs, and provide relief to passengers on the Lexington Avenue Subway, which is the most overcrowded subway in the entire country. The east side of Manhattan is one of the most densely populated areas in the country. We are continuing to grow in population, but our communities are served by only one subway line. We have neighborhoods with over 200,000 residents per square mile, and many must walk 15 or 20 minutes to reach the nearest subway. The project is vitally important to the economic health of the New York region.

The East Side Access will connect the Long Island Railroad to Manhattan's East Side, enabling over 70,000 Long Island and Queens residents to reach their jobs in the Grand Central terminal area, the most densely populated business district in the United States.

70,000 East Side Access riders cannot fit on the Lexington Avenue line, which already carries thousands of riders more than it was designed for. They need the Second Avenue line. Unless these new riders have another transportation option, they will overwhelm the Lex, and reduce the capacity with disastrous results for people who live in my district and Manhattan and Queens, as well as those who live in the Bronx and Brooklyn.

The Second Avenue Subway, which will provide an alternative route to hundreds of thousands of riders, is the only solution to this problem. The Second Avenue Subway and East Side Access have the support of the New York delegation, the MTA, the governor, and the mayor. What is more, the Second Avenue Subway has had the financial support, serious support from the City, the State, and the Federal Government.

It makes absolutely no sense for Congress to stop funding the Second Avenue Subway now that it is underway by providing only $10 million for the East Side Access and no money for the Second Avenue Subway. This transportation appropriations bill gravely shortchanges the New York metropolitan region and undermines our financial future.

Mr. Speaker, I urge my colleagues and particularly the New York delegation to vote against the transportation bill when it comes to the floor because the Second Avenue Subway was not continued in its funding. It is a safety hazard, a transportation hazard and it is just plain wrong, particularly when the State has committed over $1 billion to fund this project.

Mr. Speaker, in New York City there are two crucial transportation projects—East Side Access and Second Avenue Subway.

These two projects would provide the New York Region with the first significant expansion of transit capacity in over half a century.

The MTA is moving both projects forward on a fast track.

Because they will have intersecting benefits and impacts, they need to advance together.

The New York delegation is united in wanting to provide support to these projects in this year's Title III appropriation.

We have joined the Metropolitan Transportation Authority in requesting $149.5 million for East Side Access and $20.5 million for the Second Avenue subway.

The Appropriations Committee has made a serious mistake by providing only $10 million for East Side Access and no funding for the Second Avenue Subway.

This is a terrible decision that seriously undermines New York's ability to meet its transportation needs for the 21st Century.

The New York City Region is the largest transit market in the United States; with nearly 8 million daily trips.

Our subways and railroads have twice the ridership of the rest of the nation's rail systems combined.

At the same time the MTA is the most efficient transit system in the country, covering over 60 percent of its operating costs from the farebox.

New York is serious about the need to continue investment in our transit system.

The MTA expects to fund over 70 percent of its 2000–2004 Capital program with City, State, and internal resources, a commitment of over $12 billion dollars.

It has included $1.05 billion dollars for the Second Avenue Subway and $1.5 billion dollars for East Side Access in its Capital Plan.

The MTA is committed to funding 50 percent of the cost for the Second Avenue subway and East Side Access.

The Second Avenue subway, which will run from East Harlem to the tip of Lower Manhattan, and provide for eventual extensions into The Bronx, Brooklyn, and Queens, is the most important project on the MTA's agenda.

It will bring subway service to underserved areas of Manhattan, enable East Side Access passengers to travel to their jobs and provide relief to passengers on the Lexington Avenue line, which is the most overcrowded subway line in the country.

The East Side of Manhattan is one of the most densely populated areas of the country.

We are continuing to grow in population, but our communities are served by only one subway line.

We have neighborhoods with over 200,000 residents per square mile, where many must walk 15 or 20 minutes to reach the nearest subway.

This project is vitally important to the economic health of the New York region.

The MTA is moving forward quickly with its plans to build the subway.

It has completed a Draft Environmental Impact Statement for the upper portion of the line and is working on a Supplemental DEIS for the remainder of the project.

Additionally, the MTA has completed a screening of qualifications and developed a short list of three consultant teams for the engineering and design consultant for this project.

It is currently preparing a request for proposals and it will award a contract and begin work on preliminary engineering this year.

East Side Access will connect the Long Island Rail Road to Manhattan's East Side, enabling over 70,000 Long Island and Queens residents to reach their jobs in the Grand Central Terminal area, the most densely developed business district in the United States.

Each of these riders will see their daily journey to work reduced by over 30 minutes.

The Final DEIS has been completed.

East Side Access received $8 million from Congress last year and $370.6 million from the State under the MTA Capital Plan.

The MTA has awarded contracts for engineering for tunnels in November 1998 and for the rest of the project in February 1999. They are awaiting a record of decision from the FTA.

It is the consensus opinion of most elected leaders in New York that these two projects must be completed together.

Seventy thousand East Side Access riders cannot fit onto the Lexington Avenue line which already carries thousands of riders more than it is designed for—they need the Second Avenue Subway.

Unless these new riders have another transportation option, they will overwhelm the Lex and actually reduce its capacity, with disastrous results for people who live in my district in Manhattan and Queens, as well as those who live in The Bronx and Brooklyn.

The Second Avenue subway, which will provide an alternative route to hundreds of thousands of riders, is the only solution to this problem.

The Second Avenue Subway and East Side Access have the support of the New York delegation, the MTA, the Governor and the Mayor.

What's more, the Second Avenue Subway has had the financial support of the City, the State and the Federal government.

. The Speaker of the Assembly, Sheldon Silver, held up the MTA Capital Plan until he received a commitment for a full-length Second Avenue Subway. As a result $1.05 billion is budgeted for the Subway in the MTA's five year.

The Manhattan Borough President, C. Virginia Fields, committed $1 million from her budget for the Subway. The Second Avenue Subway was authorized under TEA–21 and last year, Congress provided $3 million in new start funds.

It makes no sense for Congress to stop funding the Second Avenue Subway now that it is underway.

By providing only $10 million for East Side Access and no money for the Second Avenue Subway, this Transportation Appropriations bill gravely short-changes the New York Metropolitan region and undermines our financial future.

I urge my colleagues, and particularly the New York delegation, to vote against this Transportation Appropriations bill.

□ 1845

AMERICA'S ENERGY CRISIS

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Montana (Mr. REHBERG) is recognized for 5 minutes.

Mr. REHBERG. Mr. Speaker, I rise today because I wish to speak to America about our current energy crisis. While prices rise at the pump to over $2 a gallon in some places and Californians are forced to contend with blackouts, this Nation is still in a position to extricate ourselves from this crisis and once and for all prevent future energy and fuel shortages.

There is no quick fix or one-stop-shop solution to this problem. Through a balanced approach combining research and development, capital investment and conservation measures, we can once and for all provide our Nation with clean, abundant energy.

We must commit ourselves to developing cheaper and more efficient ways of harnessing renewable sources of energy. We can now only meet a fraction of our energy needs with solar, hydro and wind powers. If we invest in developing these clean, unending energy sources, we will in time be able to satisfy much of our demand without using a drop of oil or a lump of coal.

While research and development will take time to show their benefits, there are things we can do now to ameliorate our situation. Building new power plants will start us on the road to providing energy for the near future. Improving our energy infrastructure will deliver what energy we have to homes, businesses and industries in a more efficient manner.

Finally, we must face the reality that energy is wasted. Eliminating this waste will not be easy, but a small sacrifice now will avoid the necessity of even greater sacrifices later. Fellow citizens, by turning your lights out at night, buying energy-efficient appliances and taking public transportation, you can reduce our collective energy need drastically. Every time you turn off a light you will be brightening the light of America's future.

I have confidence in American solutions to America's energy problems. Ingenuity, self-sacrifice and faith in science and the future will deliver us into an era in which we will no longer have to worry about our energy needs.

ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GRUCCI) is recognized for 5 minutes.

Mr. GRUCCI. Mr. Speaker, I rise today to address a crucial issue to this country, an issue that many Members have taken to the floor to highlight, an issue that is incredibly important to not only my district but to the entire Nation. That issue is energy.

America in the year 2001 faces the most serious energy shortage since the 1970s, and the effects are being felt in the homes of all Americans. For years, the White House ignored this crucial matter and did not act. Now, with new leadership, we have a new beginning. We have started a much needed dialogue on a viable new energy policy.

My district, the First Congressional District of New York, is at the east end of Long Island. As we are isolated from many large power sources, I am here to stress the importance of improving the distribution of power. Distribution constraints are resulting in high prices for consumers. Energy is the entity that knows no boundaries and we should work to get power across the Nation safely, efficiently and productively.

My State, New York, has worked successfully with the State of Connecticut in developing environmentally safe delivery alternatives such as a power cable beneath the Long Island Sound. It is with this spirit of collaboration that we can work as a region to remedy this growing problem. In order to move ahead with a feasible energy policy, we must continue to highlight and support the use of renewable energy sources. Such sources as wind, solar and hydroelectric power are crucial to producing clean and environmentally sound energy.

I applaud President Bush and his energy task force for recognizing the need for renewable and alternative sources of energy. The Energy Policy Development Group has suggested tax incentives for electricity generated by renewable energy sources, which is a step in the right direction. We must support these technologies and the research that makes these discoveries possible. As we continue to expend our precious oil, coal and gas reserves, we must be proactive in finding ways to make renewable energy technology affordable, effective and abundant.

While renewable energy is crucial to the future, we must work in the present to find a cleaner and more environmentally friendly way to use conventional fuels. We need to update our decades-old power plants so we can continue to produce affordable energy while protecting the environment for future generations. We must also continue to invest in clean coal technology, allowing us to burn coal cleaner and more efficiently.

Nowhere is the crunch of the energy crisis felt more than at the pump. In some areas of my district, people are paying over $2 a gallon for gasoline. Hardworking, middle-class American families need relief from high gas prices. By reducing our country's reliance on oil for power needs, we can hopefully see some relief from skyrocketing gas prices.

Mr. Speaker, I urge my colleagues to come to the table and work together in a bipartisan manner to curb this looming energy crisis.

HONORING DR. MARTIN OF GREAT BLACKS IN WAX MUSEUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to pay tribute to Dr. Elmer Martin, cofounder and president of the Great Blacks in Wax Museum located in my district of Baltimore.

Dr. Martin can very well be described as an educator and historian. In fact, he was well-educated, earning a Bachelor's Degree in sociology from Lincoln University in Jefferson City, Missouri in 1968, a Master's Degree from Atlanta University in 1971, and a doctorate in social welfare from Case Western Reserve University in Cleveland, Ohio, in 1975. Dr. Martin was a professor at Morgan State University and also an author of several books dealing with the African American community.

The adjectives that I believe most aptly describe Dr. Martin's spirit are "visionary" and "dreamer." Dr. Martin had a vision of how to breathe life into African American history. He envisioned a museum that would tell the story of a people stripped of their culture, language, families and religion and brought to a foreign land to survive as slaves; the story of a people that, despite this injustice and years of continued racial strife, has still triumphed. Dr. Martin's dream was to instill pride in African Americans while at the same time educating this Nation about our history and culture.

His dream became reality in early 1980 when he bought a store front with $30,000 he had saved to purchase a home and opened the Great Blacks in Wax Museum, the first wax museum dedicated to African American history. He initially commissioned four wax figures—Frederick Douglass, Mary McLeod Bethune, Harriet Tubman, and Nat Turner—which were hauled to schools, churches and malls for history lessons. The figures were popular at the museum and the museum was on its way.

What better way to memorialize the story of African Americans than through life size wax figures and scenes of historic events. From slave ships to enslavement, through reconstruction and Jim Crow, before and after segregation and throughout the present civil rights era, every period of African American history is presented. The museum honors African Americans that played key roles during each of these periods, slaves, abolitionists, educators, religious leaders, politicians, civil rights activists and inventors.

Not only did he found a museum, but Dr. Martin's mission included youth advocacy, classroom and cultural awareness programs. Further, employment and job training programs are sponsored to encourage at-risk youth to develop their entrepreneurial skills. Community service is also a focus, providing citizens the opportunity to improve their neighborhoods while taking part in cultural activities.

Today, the museum is a 10,000 square foot facility located in a community rich with its own African American history and attracts about 275,000 visitors annually. It is a tribute not only to African Americans but now to its founder, Dr. Martin. Sadly, last week Dr. Martin passed. However, his dream still lives on.

Every person that visits the Great Blacks in Wax Museum will get an education not only in African American history but the history of this Nation, for our history is this Nation's history. Every person that visits the museum will feel the aura that exudes from the realistic figures of those persons that made significant contributions to the African American community and this Nation. And every person that visits the museum will leave with an understanding of how a race of people turned strife and struggle into victory. Yes, Dr. Martin's dream of educating us about African Americans will live on.

In paying tribute to this great dreamer and visionary and his family, I encourage all Members of this body to visit the Great Blacks in Wax Museum and personally experience Dr. Martin's dream. Finally, I say thank you to a great dreamer. And, as he stated, "Thank you to that higher power that grants all dreamers the courage to dream."

STANDARD TRADE NEGOTIATING AUTHORITY, LABOR AND ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, during the last 2 weeks, I have introduced the House to my Standard Trade Negotiating Authority Act that I have introduced which in my view offers a new approach to trade promotion authority.

I have highlighted the portion of the bill which provides for a congressional preauthorization process, increasing accountability and transparency in trade policy. Beyond that, H.R. 1446 allows for full and appropriate consideration of labor and environmental issues as important trade agreements are negotiated.

We know that not every trade agreement raises blue and green concerns. For example, labor and environmental provisions are not appropriate to append to financial services or competition policy agreements. However, where serious disparities exist between America and a potential trading partner in the scope or enforcement of workplace protections, labor rights or environmental regulation, so much so that normal social costs become a significant competitive disadvantage in attracting or retaining jobs, under these circumstances, Mr. Speaker, our trade negotiators should be allowed to encompass basic labor and environmental standards as part of an enforceable agreement.

Most Americans recognize that some of our trading partners do not give workers the right to strike or the right to organize. Some do not give workers livable working conditions or guarantee workplace safety. We need to be able to establish a level playing field for our workers competing in the global marketplace through agreements that will protect the environment and workers and promote a healthy economic competition that strengthens and promotes and expands American values.

My bill ensures that no country could engage in a race to the bottom in order to lure jobs by sacrificing the environment or debasing the common rights of its citizens. This bill provides for an assessment of labor and environmental issues with every potential trading partner when the President indicates to Congress he would like to begin negotiations. By establishing a commission made up of representatives of government and private agencies with real expertise in these areas, my bill addresses blue and green concerns at the start of the process instead of as an afterthought.

The commission, once created, will assess the labor and environmental standards of the countries involved, the enforcement and implementation of those standards, and make recommendations on how to comply with the objectives set forth by Congress. Congress and the President would then review the commission's findings and include applicable language in the preauthorization that as a part of its scope would address specific labor and environmental concerns with that country.

Mr. Speaker, this fundamental reform of fast track brings labor and environmental issues into the appropriate focus in trade policy. It represents a conceptual compromise on how to incorporate these very real issues into trade policy. We should be confident that a voluntary exchange of goods and services will buttress our values and strengthen the rights of workers in countries that do business in our market and create an economy that in the long run financially supports environmental challenges.

I urge my colleagues to think about trade policy reform outside of the box, avoiding a debate of sterile extremes that all too often has blighted fast track proposals in the past. I call on every one of my colleagues to step back from partisan posturing and ideological preconceptions and consider how we can unite in defense of our national economic interest.

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THE INCREDIBLE TRAVESTY OCCURRING IN KLAMATH BASIN IN OREGON

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALDEN of Oregon. Mr. Speaker, I rise tonight to address my colleagues in this House about the incredible travesty that is occurring in the Klamath Basin in Oregon.

What I will do tonight is talk about the background of the Klamath Project, which also includes the Tulelake area of Northern California, and about the devastation that has occurred there because of the Federal Government's decision to overappropriate the water and basically tell the farmers they cannot have a drop this year.

That is the first time since this project was created back in 1905 that the Federal Government has failed to keep its word to the people that it enticed, indeed lured, to this basin.

You may be able to see to my left here information from the family that sent me this. After each world war, the Federal Government enticed veterans to settle the Klamath Basin with a promise of water for life. You can see an application for permanent water rights. This is a picture of Jack and his wife Helen and their family in Tulelake, California. They were promised this. They were invited out as veterans to settle the reclaimed lake beds of the Klamath Basin, the Tulelake, California, area and to grow food to feed the world, indeed feed the country, indeed settle the West.

Let me talk about this basin for a moment, and then I will talk about the science that has gone into these decisions, the disputes that exist about that science, and really why the Klamath Basin has become ground zero in the battle over the Endangered Species Act.

First let me give some history. The U.S. Bureau of Reclamation, Klamath Irrigation Project, lies within three counties along the Oregon and California borders: Klamath County in Southern Oregon; Modoc and Siskiyou Counties in Northern California.

Under the 1902 Reclamation Act, the States of California and Oregon ceded lake and wetland areas of the Klamath Basin to the Federal Government for the purpose of draining and reclaiming land for agricultural homesteading. The United States declared that it would appropriate all unappropriated water use rights in the basin for use by the Klamath Project.

So under section 8 of the Reclamation Act, these water use rights would attach to the land irrigated as an appurtenance or appendage to that land.

During the mid-1940s, 214 World War II veterans were lured to the area by the United States Government with promises of homesteads and irrigated farmland and guaranteed water rights.

Established in 1905 as one of the reclamation's first projects, the project provides water for 1,400, that is right, 1,400 small family farms and ranch operations on approximately 200,000 acres. Municipal and industrial water comes from this project, and water for three national wildlife refuges.

Together, farmers and wildlife refuges need about 350,000 acre feet of water.

Now, in 1957, the two States formed the Klamath Compact, to which the Federal Government consented. The compact set the precedence for use in the following order: domestic use, irrigation use, recreation use, including use for fish and wildlife, industrial use and generation of hydroelectric power.

Now producers grow 40 percent of California's fresh potatoes, 35 percent of America's horseradish and wheat and barley. Water users claim that they use less than 5 percent of the water generated in the basin. Yet they generate in excess of $250 million in economic activity every year. Now I want you to think about that number: $250 million annually of economic activity in this basin.

On April 6 of this year, the Federal Government said, none of that is going to happen. We are not giving you a drop of water.

In 1988, the U.S. Fish and Wildlife Service listed the short-nosed and the lost river sucker fish as endangered under the Endangered Species Act. In the drought year of 1992, the U.S. Fish and Wildlife Service recommended that Upper Klamath Lake be kept above a minimum elevation of 4,139 feet during summer months, although it allowed that the lake could drop to as low as 4,137 feet in 4 of 10 years.

For the first time in Klamath Reclamation Project's history, irrigation deliveries were curtailed at the end of the growing season to meet minimum lake levels. That was in 1992, a year of a large drought.

In 1996, the Bureau of Reclamation agreed to meet certain minimum instream flows below Iron Gate Dam to protect habitat for tribal trust resources in anadromous fishruns. In 1997, Southern Oregon and Northern California coastal Coho salmon were listed under the Endangered Species Act as threatened. A 1999 biological opinion from the National Marine Fishery Service concludes Klamath Project operations would affect, but not likely jeopardize, the Coho; and then in the year 2000 a study that some consider to have used controversial experimental technology, to say the least, by Dr. Thomas Hardy, a Utah State University hydrologist, and it called for instream flows to protect the fish far higher than those set by the Federal Energy Regulatory Commission or those agreed by the reclamation in 1996.

Suits have been filed by environmental, tribal and fishing groups to enjoin the Bureau of Reclamation from operating the project without a current biological opinion for the Coho salmon.

Judge Sandra Armstrong subsequently ruled the project may not be operated without adequate flows sent downstream to the salmon.

Following a declaration of severe drought for the Klamath Basin in this year, 2001, a new biological opinion from the U.S. Fish and Wildlife Service for the suckers called for a minimum elevation in Klamath Lake to be raised to 4,140 feet. That is a foot higher than the minimum elevation required during the last drought in 1992, and that was allowed to drop to as low as 4,137. So you are really looking at a 3-foot difference in lake levels all of a sudden that are required, with no tolerance for lower elevations in drought years; no tolerance for lower elevations in drought years.

Then a new biological opinion based on this Hardy flow study called for increased flows below Iron Gate Dam to protect the Coho salmon habitat. On the one hand, you have a Fish and Wildlife biological opinion saying you must maintain a lake level of 4,140 feet with no exception to protect a bottom mud living sucker fish, and then you also have to have a whole bunch more water flowing down the river out of that lake for the Coho salmon.

Analysis of the studies underlying these opinions showed that requirements for the two species appropriate all, all, of the water available in a normal precipitation year; all of the water available in the normal precipitation year to take care of the suckers in the lake and the Coho salmon in the river, according to these new biological opinions. Yet there is incredible discussion, debate, frustration about these two biological opinions, how they were crafted, what they contain, the conclusions that they draw; and I will get into that in some detail soon.

In fact, in a study of historical flow data taken from the past 36 years, now this is important, Mr. Speaker, in the last 36 years annual flow targets were met in only 13 of those years and monthly targets were never achieved. So think about what this means for the people in this basin. Our veterans from World War I and World War II lured there to settle the lands with the promise of water forever, now have the spigots turned off. The canals are dry, as are their fields.

Operations consistent with these biological opinions would rarely provide water for irrigation or, and this is important, wildlife refuges. Perhaps farming could occur 3 years out of 11; 3 years out of 11.

This is a very complex water system in this basin. They reclaimed lake beds, they built canals. They built diversions. They built sumps. They have added irrigation from pumps. They have moved the water around in this basin to accommodate the wildlife, to provide for the farmers and for the fish. Yet every year we seem to get a new set of biological opinions that say we need more water in the lake, more water in the river. Sorry, if you are a farmer, you are not going to get a drop.

So on April 6, 2001, the Klamath Project Water Allocation decision was announced stating that based on biological opinions and the requirements of the Endangered Species Act there would be no water available from Upper Klamath Lake to supply the farmers of the Klamath Project. Only a small area over in the Langell Valley and Bonanza would receive water from a different system in Clear Lake and Gerber Reservoirs.

Last Saturday, six Members of this House of Representatives, including four members of the House Committee on Resources, participated in a field hearing in Klamath Falls. So many people in that basin wanted to turn out to observe this hearing, and this was not a town meeting but this was an official hearing of the full Committee on Resources, that we had to move the hearing from the Ragland Theater that seats 750 or so people to the Klamath County Fairgrounds where more than 2,000, some have said as high as 3,000, people turned out. For 5½ hours, the grandstands in that fairgrounds contained people concerned about the future of that basin. They sat there with us as we took testimony and heard about the problems.

Somewhere here on one of these posters, I want to show what happened before the hearing started. I think this speaks to the magnitude of the problem, Mr. Speaker. What we see here is a semi-truck, a semi-truck loaded with food. In 5 days, we organized a food drive in Oregon, thanks to the Oregon Grocers Association, with most, if not all, of the grocery stores in the State participating. Eight semi-truck loads of food came down to replenish the food in the Klamath food bank. The number of people accessing that bank is up 1,400. Now, we are talking about a small rural community; 1,400 more people, I think was the number, of what they would normally have at this time of year, 1,400.

Think about this sad irony, Mr. Speaker. We have truckloads of food from all over Oregon from grocery stores that often compete but today were united, bringing food to a food bank to feed farmers, farmers going to a food bank. Think how they feel and how the people that work for them feel.

I thank the grocery industry in Oregon for their generosity. This will get us through the middle of August. That is all, the middle of August. Then we will be back looking for more help, and we can use it.

I said that science is always at issue in debate here, and I want to get into why I believe the Endangered Species Act needs to be revised to deal with the issue of science. In this case again we are dealing with two biological opinions, one from the Fish and Wildlife Service and one from the National Marine Fisheries Service.

The one from the Fish and Wildlife Service, I am told, was originally put together, the science there as part of the tribal trust obligations of the Department of Interior through the Bureau of Indian Affairs, to be used as data in water adjudication issues for the Klamath tribes, a legitimate purpose. It all makes sense, but those data and the analysis then came over to the other part of the Department of the Interior, the Fish and Wildlife Service, and used there to set the lake level, not part of the adjudication now but to set the lake levels they believed, these scientists believed, necessary to improve the lives of the suckers.

One of the things the Endangered Species Act does not require is that that data, those analyses, those data not be made public. I think it ought to require that, because I think each of us in this Chamber and those elsewhere should have an opportunity to review this science. I do not see what would be wrong with saying, you ought to have that opportunity and that ability and the law to specify that.

The law under the Endangered Species Act does not require that that science be independently reviewed, peer reviewed. It does not require that.

In this case, the Fish and Wildlife Service, to their credit, went to one of the great establishments in Oregon, educational institutions, Oregon State University, and asked for a review of their pre-decisional draft professional scientific review. They went to these outside scientists; said, you take a look at this and tell us what you think.

I want to read what the scientists at Oregon State University said in response to the biology that had been put together to make this decision. Now, again, this is the pre-decisional draft. This is not what they ended up with, but I just want to say what we started with.

Here is what they wrote. This review of the BO, the biological opinion, will address both the key scientific issues related to the opinion and editorial problems with the document. The editorial problems are of such magnitude that they severely influence this review. The misspelled words, incomplete sentences, apparent word omissions, missing or incomplete citations, repetitious statements, vagueness, illogical conclusions, inconsistent and contradictory statements, often back-to-back, factual inaccuracies, lack of rigor, rampant speculation, format content and organizational structure make it very difficult to evaluate this biological opinion.

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We urge in the strongest possible way that the Service revisit every single sentence for importance, applicability, grammar, spelling, content and internal consistency with other parts of the document. The document is excessively long. The problems are not, quote-unquote, window dressing. Rather, they obscure the data and make it very difficult to find validity in the claims. This document has the potential to have a severe negative impact on the Service's public credibility.

Now, as I said, in this case the biologists went for outside consultation, peer review, and they got it. They got it.

Now, it is important to understand this document was dated 6 March, 2001. The decision that set the new lake level came down 6 April, 2001, a month later. Now, to their credit, the folks at Oregon State reviewed the final decision of the Biological Opinion and said it is reasonable. They cleaned it up, they fixed it, and you could come to the conclusions they came to based on the data that is there.

Now, I have also seen an e-mail from one of the scientists that did this review who said he also thinks it errs on the side of the fish, and that you could reach a different conclusion. So the science is still being debated out there. But the one thing that is not debated out there is that there is no water for the farmers.

Now, take a look at this. Normally this would be a green field this time of year. Normally this would be a green field. This is a wheel line. You can see the wheel is mired down here in the dust of what should be a green field. The winds are kicking up the dust. And I realize it may not be the highest definition picture here, but suffice it to say, in many areas, this is what we are beginning to see happen. Farms that would be producing wheat or horseradish or alfalfa or other pasture or other grains, look like this. Some farmers tried to do their best to put a cover crop on so that it would not blow away. Most of them have succeeded in that. But as the summer sun bakes on this land and the winds kick up, we are seeing more and more of this problem. They have no water.

Now, I say the science is being questioned. In our Committee on Resources hearing on Saturday, David A. Vogel testified, and he is a biologist with all the kind of background you would want, a Master of Science Degree in natural resources and fisheries from the University of Michigan, Bachelor of Science in biology from Bowling Green State University, worked in the Fishery Research and Fishery Resources Division of the Fish and Wildlife Service for 14 years, in the National Marine Fishery Service for a year, received numerous superior and outstanding achievement awards and commendations, on and on and on, has done a lot of research on the Klamath Basin.

Let me tell you what he said about what has happened here. I am quoting from his testimony before our committee.

"In my entire professional career, I have never been involved in a decision-making process that was as closed, segregated and poor as we now have in the Klamath Basin. The constructive science-based processes I have been involved in elsewhere have involved an honest and open dialogue among people having scientific expertise. Hypotheses are developed and rigorously developed against empirical evidence."

That is pretty harsh stuff.

"None of those elements of good science characterize the decision making process for the Klamath project."

Now, I would say as a disclaimer, the Klamath water users have hired his firm to evaluate this science. But if this was the fate of your farm, would you not be hiring well-qualified scientists to question the data that a month before it is put into use is ripped apart in a stern indictment. Now, again, they cleaned it up, but I got to tell you when no water is flowing and the only thing that is coming your way is a foreclosure notice, you ought to look at the science and hire quality people to do that. I believe they have done that here.

Some other things I want to point out, because I think it is important. Again from Mr. Vogel, who has credentials in this area:

"It is now very evident that the Upper Klamath Lake sucker populations have experienced substantial recruitment in recent years, and also exhibit recruitment every year. Only 3 years after the sucker listing, it also became apparent that the assumptions concerning the status of short-nosed suckers and Lost River suckers in the Lost River-Clear Lake watershed were in error. Surveys performed just after the sucker listing found substantial populations of suckers in Clear Lake reported as common, exhibiting a biologically desirable diverse age distribution. Within California, the U.S. Fish and Wildlife surveys considered populations of both species as relatively abundant, particularly short-nosed, and exist in mixed-age populations, indicating successful reproduction. Recent population estimates for suckers in the Lost River-Clear Lake watershed indicated their populations are substantial and that hybridization is no longer considered as rampant, as portrayed in the U.S. Fish and Wildlife Service study in 1988. Tens of thousands of short-nosed suckers exhibiting good recruitment are now known to exist in Gerber Reservoir.

"In 1994, the Clear Lake populations of Lost River suckers and the short-nosed suckers were estimated at 22,000 and 70,000 respectively, with both populations increasing in recent years exhibiting good recruitment and a diverse age distribution. Unlike the information provided by the U.S. Fish and Wildlife Service in the 1988 ESA listing, it is now obvious that the species' habitats were sufficiently good to provide suitable conditions for these populations. Additionally, the geographic range in which the suckers are found in the watershed is now known to be much larger than believed at the time of the listing."

He goes on to say, "I believe the U.S. Fish and Wildlife Service's recent biological opinion on the operations of the Klamath project has artificially created a regulatory crisis that did not have to occur." That did not have to occur.

He goes on, and I think this is very important, "This circumstance was caused by the Fish and Wildlife Service focus on Upper Klamath Lake elevation and is a major step in the wrong direction for practical natural resource management. The U.S. Fish and Wildlife Service rationale for imposing high reservoir levels ranges from keeping the levels high early in the season to allow suckers spawning access to one small lakeshore spring, to keeping the lake high for presumed water quality improvements. This measure of artificially maintaining higher than historical lake elevations is likely to be detrimental, not beneficial, for sucker populations. These data do not show a relationship between lake elevations and sucker populations."

Listen to that again. The data do not show a relationship between lake levels and sucker populations, "and to maintain higher than normal lake elevations can actually promote fish kills in water bodies such as Klamath Lake."

So which scientist do you believe? Which scientist do you believe? The problem is when it comes to the Endangered Species Act, the only ones that are believed are the ones that issued this biological opinion that resulted in no water for the farmers.

Mr. Vogel goes on to write, "During the mid-1990s, I predicted that fish kills would occur if Upper Klamath Lake elevations were maintained at higher than historical levels. Subsequently, those fish kills did occur. The U.S. Fish and Wildlife Service recent biological opinion dismissed or ignored the biological lessons from fish kills that occurred in 1971, 1986, 1995, 1996 and 1997, and instead selectively reported only information to support the agency's concept of higher lake levels. All the empirical evidence and material demonstrate that huge fish kills have occurred when Upper Klamath Lake was near average or above average elevations, but not at low elevations. This is not an opinion, but a fact, extensively documented in the administrative record and subsequently ignored by U.S. Fish and Wildlife Service."

So that is Mr. Vogel's comments.

Now I would like to share with my colleagues comments from another very learned individual, Mr. Harry Carlson, Superintendent, Farm Adviser, on the letterhead of the University of California. I will find his credentials here, because they are very solid.

He says, three degrees from the University of California at Davis, BS in wildlife and fisheries biology, MS in agronomy, and a PhD in ecology. Superintendent at the University of California Intermountain Research and Extension Center in Tulelake, California. He is also the university farm adviser for field and vegetable crops in Modoc and Siskiyou Counties. So in these roles he collaborates with many university researchers on issues of importance regarding agriculture in the Klamath Basin. Obviously a gentleman with incredible credentials and very capable of commenting on this science.

He says, "Serious gaps and errors in logic in the 2001 NMFS Biological Opinion on Coho salmon severely damage the credibility of the report in demanding huge increases in flows for the protection of the species. The legal basis for issuing this opinion lies solely on the threatened status of Coho salmon in the greater southern Oregon-northern California region. Yet, the NMFS Biological Opinion is almost solely based upon Chinook salmon, not on threatened Coho species. Further, there is almost no discussion on the explicit effects of Klamath project operation on Coho populations in this area. Most of the discussion is centered on Chinook populations and life stages, while acknowledging that Coho life histories and the use of the river resource are very different from Chinook. This leads to serious errors in logic and invalid conclusions."

He goes on to say, "The report acknowledges that very little is known about the status of Coho in the Klamath River, but at the same time, ignores the detailed hatchery return data that are available. Full analysis of these data probably would show that there is very poor correlation between Iron Gate flow regimens, Coho survival and spawning returns."

He writes, "My overall conclusions are these: The salmon Biological Opinion never comes close to making a case that proposed project operations and resultant flows in any way jeopardize the continued existence of Coho in the Klamath River. Science and logic dictate that the increased flow requirements demanded in the Biological Opinion will most likely have little impact on the continued existence of Coho salmon in southern Oregon and northern California. Similarly, the high lake levels demanded in the sucker fish Biological Opinion are not supported by logic or available data. Indeed, high lake levels may be part of the problem. An independent, unbiased review of the Biological Opinions would lead to the almost inescapable conclusion that the maintenance of high Klamath Lake levels and the increased demand for flows in the river will have little or no impact on the recovery of the threatened and endangered fish."

Again, the University of California, Harry L. Carlson, Superintendent, Farm Adviser, PhD ecology, BS in wildlife and fisheries biology. Learned individuals who have also looked at these data and come up with much different conclusions.

Yet, again, the only conclusion these folks have who want to farm in this basin and were promised water is that there is nothing in the A Canal and nothing in their fields. I want to tell their story now. You heard about the conflict over the biology and the science.

Before I get to their story, I think it is important to again say, does this not speak volumes about the need for independent, blind, peer review of the data? Why should we not change the Endangered Species Act to require that? Should we not know that at the foundation of a decision that affects 1,400 farm families, ruins a $200 million economy, and threatens the survivability of bald eagles in the refuge that holds the most of them in the winter of anywhere in the lower 48 and is a major stopping point on the Pacific flyway, where 70 percent of the food is raised on farms like this. Where are those birds going to eat? They can eat dirt, and the bald eagles are going to suffer. The environmental organizations are threatening to sue over all of these decisions, because there is not water adequate enough for the refuge.

Let me share some of the stories of some of the people I represent in the Klamath Basin. Reading from boxes of testimony, you probably cannot see them, colleagues, but two full boxes of testimony over here that we picked up at the hearing from individuals who wanted their thoughts heard, so we have gone through that. I want to share some, because they are heart-wrenching and they speak to the problem.

This is entitled "Proud to be an American." "When my daughter, who was raised here in the Basin, left to go to college, eager to live in a bigger city, I told her one day she would be back. I was right. She did come back, and married a wonderful, hard-working, caring and intelligent man. He happened to be a farmer. I felt blessed to be able to live near them. Soon they gave our family two more precious people to love, my grandchildren. Life seemed good. I was and am a proud grandparent, and I was a proud American. And I don't feel that now.

"My daughter spent her birthday this January in the hospital receiving the news her 5-year-old son has Type I diabetes. Our families were shocked and scared. As you can imagine, it has changed all of our lives forever. Then this. No water for farmers, no farming, no money, no health insurance for their son. I wake every night unable to sleep, tossing and turning with constant thoughts of all this mess. Driving to and from Merrill to Klamath Falls, I look at the fields, the sheep, the cattle, the horses, and all the types of birds soaring in the sky. It is hard to imagine that this will all be gone.

□ 1930

"The other grandparents and farmers are too and were in the process of retiring. Imagine trying to start a new career at the age you are supposed to be thinking of retirement. This is just one family. Some may be a little better off, some a little worse, only time will tell. I will never feel the same about our country or our flag that I was always so proud of. The men who fought for what it was supposed to represent have my pride, but it ends there. I would never have believed America would turn its back on its own. What a joke.

"My soon-to-be six-year-old-grandson can go by any field around here and he can tell you who it belongs to, what they are growing and knows all the equipment names and how they are used. No one can ever tell me that the love of farming was not born in this young boy.

"This is not about a drought, it is about destroying a way of life, taking away freedom, crushing hopes and dreams and changing forever the lives of generations to come. When this all started, I decided to make a scrapbook for my grandson, thinking it would be something he would be proud of: the farmers fighting for their rights and winning. I never dreamed I would be putting together a book that would show him how he lost his heritage as a fifth generation farmer. My heart breaks for my daughter and her family and all the other farmers facing the demise of their honorable profession. Proud to be an American? Not anymore." Signed, Susan Morin.

Jeffrey Boyd writes, "This water crisis has the potential to destroy everything my grandfather, my father, and my family have worked to build. My grandfather is 92 years old and is confined to a bed in a rest home in Klamath Falls, Oregon. He may not be able to move, but he is aware of what is going on and he cannot believe what is happening to the Klamath project. My father will be 60 years old this year and this will be the first time in his 40-plus years of farming that no water will be delivered to the Klamath project, to the Tulelake irrigation district. His land values have fallen and he is worried that the bank will foreclose.

"As for myself, my family and I are determined to stay and fight for what we know is right. However, I am not able to get financing because of no water; and other than a minor amount of well water, I am not able to irrigate my crops. My father, out of the goodness of his heart, can employ me until October, and then my job is gone. To top all of that off, the potato packing shed that my wife works for will probably have to lay off people because the growers that run potatoes through the shed have no water and can raise no potatoes. I hope this sounds bad, because it is."

It is bad. It is tragic, and it does not have to happen.

For Mary Lou Clark, she writes, "As an educator, I am alarmed that the loss of hundreds of millions of dollars in property taxes and farm production will devastate our schools as well as all public services in the Klamath Basin. All sectors of our community are beginning to feel the devastation as farmers go bankrupt. Laborers go hungry and businesses supporting farmers are forced to close their doors. I urge you to help us right this terrible wrong. We are more than willing to participate in solutions, but the people of the Klamath Basin should not have to bear the brunt of the consequences of the Endangered Species Act and water shortages alone. Common sense has to prevail."

This one from Richard and Nicola Biehn. "It is crucial that the economic hardships of the people are considered. For us, the slowdown of the asphalt construction, my husband has lost days of work, as paved streets and driveways are not priorities when people are worried about mortgages and grocery bills. The construction trade is grinding to a halt. Thus, there will be less work in the future for local small companies."

And from Deep Creek Ranch in Merrill, Oregon, Don and Connie and Julie Dean write, "At 60 years of age and a lifetime effort expended maintaining a livestock and farming heritage established by my parents, how do I attempt to explain the heartache and the stress factor created by the complete loss of a year's production? Granted, we are not a large operation, but it provides for my mother, my wife, and myself and, I thought, future for my daughter, my sister-in-law and their children who are the next generation taking over this operation. What reassurance can there be for the younger generation of a country that will blind side its citizens with such economic devastation? The initial loss of $150,000 in sales for 2001 together with approximately $125,000 of capital expenses for establishing an irrigation well and replanting the alfalfa acreage destroyed by the man-made drought erodes the financial stability of this family farm.

The passage of time used to be a comforting asset in the growing of crops, but under the present situation, time has become a mortal enemy, slowly moving many families in the Basin closer to total financial collapse. As we approach fall, the thoughts of thousands of farm families and town businesses finding themselves with their backs against the wall could make for a desperate group to deal with. It is with utmost sincerity that I request this honorable committee to take urgent action and the $221 million aid package being considered to rectify the taking of our contractual irrigation water."

Indeed, this administration stepped forward immediately with a $20 million package in the supplemental appropriations that we approved yesterday in this House Chamber. Twenty million of a $250 million problem. I thank them for the initial help. Obviously, much more needs to happen.

Unfortunately, the others in the other body today, they worked on language to remove that $20 million. How heartless. How senseless. How wrongheaded. Hopefully, my colleagues will come to their senses and restore it, because if we cannot get $20 million, what are we really telling these people? We do not care at all? It is wrong. It has to change.

Mr. Speaker, the other sad irony in all of this, these people who have not had the water turned on at canal, who fought for our country in World War I and World War II and settled this land at the asking of the government, who are now having to go to food banks and beg with their banks not to foreclose on them and explain to their kids and workers who have worked the fields for them for 30 years that the future is bleak. They are also getting bills from the Federal Government to pay for the operations and management of a project that delivers no water to them; delivers no water. They get a bill for it.

We are going to try and change that too. I am going to call on the Department of Interior, the Bureau of Reclamation to take pity and mercy on these people and at least waive those fees for this year. If they are not going to get water, why should they have to pay when they have had another promise broken to them.

Here is another letter I received, and it is amazing how many people also send photos of themselves and when they settled here and what it was like and what it has become for them.

"The day of April 6, 2001 was as infamous to the people in this Valley of Tulelake as December 7, Pearl Harbor Day, was to the citizens of the United States." This from retired staff sergeant Fred Robison, I believe, U.S. Air Force, 1942 to 1946. He sent a picture here, my colleagues probably, I am sure, cannot see, but I will read the caption because it was on the front cover of Reclamation Era Magazine, February 1947.

"Fortune smiled on Fred and Velma Robison because we wanted our readers to see that others shared their joy." Here is the full picture from which the cover was made. Fred had to wait until number 61 was drawn before hearing the good news. You can tell by those big grins that it was well worth it. He was one of the Tulelake homestead winners, 1947. No water today. He fought for his country. They turn off the spigot.

A letter to the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources from Darla Parks, a 40th generation farm family teacher and mother. She said the day they cut off the water was one of the worst days of her life. It says, "Instead, I feel that I was naive and betrayed by a government that I knew was imperfect, but a government that I trusted not to breach contracts, a government that could use common sense and look at the real facts and would surely put entire communities before fish and find an equitable solution where both fish and farmers could survive."

That is the argument I am trying to make tonight, is both can survive. They have, they can. These decisions are based on science that is in dispute, by certified, smart people. I read their credentials. They have looked at the same science and said, I get a different conclusion. But under the Endangered Species Act, there is only one conclusion that prevails, and that is the one that comes from the agency, and that is not right.

I have a lot of other letters here. I want to share a few comments and then I will yield my time back to the Chair. A couple of these I just feel like I have to share.

Bob and Lynn Baley, and Kylee and Allie and Bradlyn. "I, Bob Baley and my wife Lynn are both third generation farmers in the Tulelake area. We have both worked to live in this community all of our lives. When we planned our family of three wonderful girls, it was our dream and intentions to raise them in the same town, attending the same schools, church, 4-H and FFA programs that we have had the experience and pleasure enjoying in this drug-free, nonviolent, rural community. Grandfather Baley raised his first commercial table stock potato crop in 1929 on this family farm. The Baleys have provided potatoes every year from then until this devastating water cutoff year of 2001. Along with commercial potatoes, this family farm has worked very hard to build itself into a very diversified family farming operation of 3,000 acres consisting of contracted Frito Lay potatoes for the past 32 years, contracted dehydrated onions for the past 41 years, contracted peppermint for oil, along with alfalfa for hay, barleys, wheat and peas, all of which are water-dependent crops. One year without fulfilling our contracts, we have a very high chance of never achieving them again, and that will financially destroy this operation."

So I say to my colleagues, as we pick up a bag of Frito Lay potato chips, think about the Baleys, the fact that for years they have had contracts with companies like Frito Lay, to provide for the potatoes that go into those bags. I have to laugh, some people think you get milk from a carton and potato chips from a bag and you forget they are grown by men and women who take the risks, who work long days and in some cases long nights, who fight against Mother Nature's freezing temperatures and yes, droughts, and now our government who says they cannot have water.

And then they go up against some radical environmentalists. We had one that testified, who actually I have worked with and worked out some solutions with, but I was really disturbed by his comments to the committee because he said "Locally, potatoes are being raised more for the government subsidies than the market." Totally erroneous. Factually in error. Sure, there are some potato growers here that probably have crop insurance, just like you and I have auto insurance, to protect us against the unexpected. It is a prudent business practice. But growing for subsidies? The Baleys do not grow for subsidies, they grow for Frito Lay. There are no subsidies for these crops.

This person also said, first it is marginal farmland. You put water on this land like they have since 1905 and it produces some of the best yields in America. I do not know many crops in the garden at my house if I fail to water it, if I do not go home this weekend and the water system does not work, they are not going to look very good on a summer weekend. Without water, we do not grow things in this country. I grew up on a cherry orchard. We did not water often, but the trees would not have survived if we did not water at all. That is what we have happening. We are getting dust bowl where we used to have a Basin that was so very productive and farmers who were successful.

Mr. Speaker, I want to close with just two other comments. This is from one of the outstanding commissioners, county commissioners; and we have some really great county commissioners in these counties. I am most familiar, of course, with the Klamath

County commissioners, Steve West, John Elliott, and Al Switzer, who have worked day and night with me on trying to do everything we can to get help. But I think Commissioner West who was asked to testify said it well. He said, "In passing the Endangered Species Act legislation, the people's elected Federal representatives said that these species were important enough to the people of the United States to pass a powerful law.

The Endangered Species Act is the Federal law for all of the people of the United States. Therefore, all of the people of the United States should have to shoulder the cost of implementing this law, not just those that make the upper Klamath Basin their home. The people of Klamath County and the upper Klamath Basin cannot be asked to pay the entire costs of the Endangered Species Act for the entire Klamath River watershed. All of the problems of water quality, quantity and endangered species in the Klamath River system cannot be solved on the backs of the upper Klamath irrigation project, the people of Klamath county and the people of the upper Klamath Basin alone."

These people want to work together with environmentalists, they want to respect the tribal rights of the Yuroks and the Klamath and others who have legitimate claims here that we need to respect and not trample their rights, but we do not need to trample the rights of the other people in this Basin.

So in closing, I want to thank the gentleman from Utah (Mr. HANSEN) for his willingness to allow us to have this full Committee on Resources hearing in my district. I want to thank the gentleman from California (Mr. HERGER) who has been tireless at my side and I at his as we work to find solutions. Sue Ellen Waldbridge over at the Department of Interior for agreeing to come out and testify but, moreover, for spending 82 hours on the ground out there trying to learn about every angle of this problem and look and work with us for solutions.

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I want to thank the gentleman from Washington (Mr. HASTINGS), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Idaho (Mr. SIMPSON), and especially the gentleman from California (Mr. POMBO), who joined me on the dais, and who participated for 5½ hours on Father's Day weekend to take testimony and hear about the problem. He pledged to work with me as we tried to find solutions so we do not have a dust bowl, so we do not have farmers going to food banks, so we have an Endangered Species Act that works for the species that does not pit one against the other, bald eagles against suckerfish, but one which works for all.

This reform is definitely needed.

ISSUES AFFECTING SOUTH DAKOTA AND THE UNITED STATES

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Dakota (Mr. THUNE) is recognized for 14 minutes, the remainder of the leadership hour, as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I appreciate the opportunity to visit about some of the issues that are impacting not only my State of South Dakota but the entire country.

As most Members know, I represent the entire State of South Dakota, a State that consists of 77,000 square miles and about 750,000 people, which means there is a lot of real estate out there, and which makes us as a State very dependent upon energy.

Our number one industry is agriculture, a very energy-intensive sector of the economy. We rely heavily upon travel in our State during the summer months. People come to the Black Hills and Mt. Rushmore and many other sites in South Dakota. In order to make sure that that tourism industry thrives and prospers, we have to have an affordable supply of gasoline.

Of course, since people live in small towns, just to get back and forth to the doctor, to take advantage of many of the services that are provided in the more populated areas of my State, it requires sometimes driving great distances. So this energy crisis is a very real one.

Mr. Speaker, I would simply say, as well, that as I have looked at the farm economy in the last few years, and we have seen how we have had this chronic cycle of depressed agricultural commodity prices, and we see now increasing energy costs and input costs going up, the bridge, the gap between what it takes to run an operation and what a farmer or rancher can derive from income in that farm or ranch operation, the gap continues to grow or widen. It is increasingly difficult for our producers to make a living on the land.

This energy crisis, Mr. Speaker, I would argue has particular ramifications for areas like South Dakota and other rural areas across the country. In fact, last week at the elevator in South Dakota, one of the elevators I was looking at, the price for a bushel of corn was $1.45 a bushel. The price for gasoline in that same town was $1.59 a gallon, actually down about 20 cents from a couple of weeks previous. So they cannot even, as a farmer today, get for a bushel of corn what it costs to purchase a gallon of gasoline. There is something seriously wrong with that picture.

Mr. Speaker, we are in the process right now of writing a new farm bill in the Committee on Agriculture in hopes that we will be able to have that on the floor sometime before the end of this year, so we can put in place a new program that will enable our producers to make decisions about their future, hopefully with a bill that provides more stability, more predictability, more certainty about what the incomes and the costs and everything else are going to be associated with agriculture as we move into the future.

The one thing they cannot control is the cost of energy. Mr. Speaker, it is important that this Congress begin to focus and to zero in like a laser beam on this issue. It is our responsibility.

We can argue, and we have, about who is at fault for this. Frankly, we have not had an energy policy in this country for the past 8 years. That is one of the things we have all talked about. Republicans blame Democrats and Democrats blame Republicans, but the fact of the matter is, this is not a Republican or a Democrat problem, this is an an American problem, an American challenge. We need to work together across political aisles to find a solution.

Mr. Speaker, I believe that we have a good starting point. The President and his Commission on Energy came out with a report about a month ago. It is 170 pages or thereabouts long. It has 105 specific recommendations, many of which can be implemented by executive order, many of which are directives to agencies, and many of which require legislation by this Congress.

I think this Congress has a responsibility, Mr. Speaker, to take this report, to take those recommendations for legislation, and to act upon them, because we do not have any alternative.

The farmers and ranchers in South Dakota and the farmers and ranchers in Montana and North Dakota and all across the country, and the people who rely day in and day out upon energy, they do not have any choice or any alternative. They have to pay what they have to pay when they go get a gallon of gas. They have to pay whatever the utility company says it is going to cost them for electricity. There are people who are hurt and hurt deeply if we fail to act.

Mr. Speaker, I would hope, as we begin to debate this issue over the course of the next several weeks and months, that we will focus on a couple of key issues. One of the things that has been said is that the President's proposal is short or lacks somehow in the area of conservation and emphasis on alternative sources of energy.

If we read this carefully, nothing could be further from the truth. There are extensive incentives for alternative sources of energy. There is a great discussion on conservation, things we can all do to decrease the demand for energy in this country. Really, Mr. Speaker, we ought to be looking at one or two things. That is, what can we do that, one, will increase supply of energy, or two, decrease demand? The rest is conversation.

But I believe we ought to be looking at what we can do in terms of legislative action, administrative action, that will increase supply or decrease demand for energy in this country so we can close the gap and lessen our dependence upon foreign sources of energy. We cannot afford as a nation to have Saddam Hussein dictating energy policy in America.

The fact of the matter is that today we are even more dependent upon foreign sources of energy than we were 25, 30 years ago. Back in the early 1970s, at the time of the Arab oil embargo, the big discussion was that America is 35 percent dependent upon energy sources outside the United States. We talked about what a travesty that was and how something had to be done.

Yet today, we are more than 50 percent dependent upon energy sources that come from outside the United States of America, primarily the OPEC nations. That trend will only continue. Twenty years from now, the expectation is that two-thirds of our entire oil supply will come from outside the United States.

Mr. Speaker, we cannot afford to be in a situation where we are held hostage to countries around the world who have unstable political regimes and are very unreliable in terms of the supply that is coming into this country.

I believe we have to look at what we can do to generate more supply. That means environmentally-friendly supply, looking for new sources of oil, doing it in a way with technology that will allow us to capture and get at those oil reserves in a way that protects the environment, that minimizes any disruption. I believe that technology exists, Mr. Speaker. It is our responsibility to take the steps that are necessary to access the domestic oil reserves that we have here in America.

I also believe profoundly that we have to support alternative sources of energy. We have one in my State of South Dakota. It is corn. It is used to produce ethanol. We have an industry that is beginning to flourish, and with the President's recent action with respect to the California waiver, the Midwest has an opportunity to ramp up the supply of ethanol to meet the increasing and growing demand in this country.

Mr. Speaker, I do not think it is just California, but we ought to have an energy strategy that puts in place a demand for ethanol all across this country, because it helps clean up the environment. It helps lessen our dependence upon foreign sources of energy. It helps support American agriculture.

We have an economic crisis in agriculture today. We have an energy crisis in America. We can use renewable sources of energy to help meet the demand for energy. Mr. Speaker, I believe we need to put incentives in place through legislation that would encourage and stimulate more and more development of renewable sources of energy.

How about wind? How about nuclear, things that we have not perhaps talked about in the past becoming more economical in the present? Technology continues to advance. We have opportunities that we did not fathom possible a few years ago. But we need to be looking at alternative sources of energy, and supporting and encouraging and providing incentives for their development and expansion.

We need to be looking at what we can do to access the supplies of oil in this country and natural gas, doing it in an environmentally friendly way. Then, Mr. Speaker, of course we need to look at what we can do to lessen and to decrease the demand that we have for energy.

All of us in our daily lives can make decisions that will help preserve those sources of energy and lessen and decrease the demand for them in this country. There is not a family, I daresay, across America who could not do a better job of becoming more efficient.

We now have appliances that are more efficient and less energy-intensive. We have opportunities to turn the lights off when we leave the room, or to turn the computer off. We are much more reliant and dependent upon energy today than we were 20 years ago.

Look at the appliances in our very homes: microwaves, VCRs, DVDs, computers, all those things that perhaps 20, 25 years ago did not exist. Yet, we do not do a very good job of teaching the next generation about the importance of conservation of many of our natural resources.

So as we begin this debate, Mr. Speaker, I hope we can take some of the partisan vitriol out of that debate, some of the political attacks and accusations that occur oftentimes here on the floor of this House, and have an honest dialogue about what we can do as a country to increase the supply of energy, to decrease the demand, and to diversify our energy mix so that we are less reliant upon fossil fuels, on hydrocarbons, and more dependent upon alternative sources of energy that come from wind, from some of our renewable sources like corn and biomass.

Mr. Speaker, this is a crisis for America. It is something that becomes progressively worse over time if we do not act now. Yes, we need a short-term solution, but we need to put in place a long-term energy policy for America's future that recognizes the importance in a growing and expanding economy of having an affordable source of energy that powers our homes, powers our businesses, allows this economy to expand and grow and enhance and improve the quality of life for all Americans.

I am anxious to engage in that debate. It matters profoundly to the future of American agriculture, to the people that I represent, in the great State of South Dakota and all across the country.

Mr. Speaker, I encourage my colleagues, as we begin this debate, to not engage in partisan blasting and bashing, but to take what I think is a very thoughtful and meaningful starting point, which is the President's energy proposal, and work from this to develop an energy policy, an energy strategy that will serve this country well, not only in the immediate future but in the long term future.

It is critical to our children and to our grandchildren that we not deprive them of the opportunities that many of us have enjoyed because we do not have and have not put in place a coherent energy strategy and energy policy for America's future.

Mr. Speaker, I look forward to that debate. I encourage my colleagues to work together in a bipartisan and cooperative way to put in place many of the incentives that are going to be necessary to see that we have alternative sources of energy into the future, and to talk honestly, not in emotion but in a science-based, factual way, about getting at those sources, those resources we have here domestically here in this country in a technologically and environmentally friendly way for America's future.

LIVABILITY IN AMERICA'S COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure this evening to address this Chamber dealing with issues, as I have often done on this floor, of livability: what the Federal government can do to be a better partner helping American families to be safe, healthy, and more economically secure.

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And as we approach the notion of how to structure that partnership, there are those that suggest that there are areas of new rules or regulations, tax, fees, new government programs, and they all have their place, I suppose, in the toolkit towards enhancing liveability.

Mr. Speaker, I am of the opinion that the single most important factor that enters into the Federal Government being a better partner with our local communities is simply to lead by example. For the Federal Government to model the behavior that we expect of other entities, corporations, individuals, and governments, for the Federal Government to walk the talk, there is nothing that is more powerful, more compelling, that is going to cost less and be more effective.

For instance, I have worked with many in this Chamber on a simple piece of legislation that would require the United States Post Office to obey local land-use laws, zoning codes, environmental regulations, to engage the American public in a constructive fashion on decisions that affect communities large and small in over 40,000 locations around the country.

It is not particularly revolutionary. It is not going to cost the taxpayer any money. It is not going to be in the long term more difficult for the post office. There is no real difference than their competitors like UPS, for instance, or FedEx. It will help change, however, the relationship that we have with the post office and local communities.

Mr. Speaker, as we reflect on ways that the Federal Government can lead by example, I am struck by how key the decisions that we make regarding the United States Department of Defense for our military which is the largest manager of infrastructure in the world, over $500 billion worth of roads, bridges, hospitals, docks, classrooms and apartments.

The military, however, is stuck in this struggle in terms of how it is going to promote liveability for enlisted personnel and for the communities in which we are surrounded. In fact, there is all the discussion we have in the United States about the consequences of unplanned growth, the consequences of sprawl; but I think we can make the argument that it is the United States military that is affected the most by the consequences of sprawl and unplanned growth.

Think for a moment about the controversies that are facing the military from Hawaii to Puerto Rico, where there is growing resistance to the areas in which the military is conducting its training exercises, people are trying to stop the use of live ammunition and equipment in Hawaii. And as we have seen, the Bush administration has recently announced that in 3 years we are going to stop these activities in Puerto Rico.

Mr. Speaker, the question arises where is the military, in fact, going to undertake these activities that are still essential to maintaining military readiness for the men and women who serve in the Armed Forces?

We are facing a question with this administration, as we did with the Clinton administration before us, what are we going to do with the inventory of military bases and other facilities that are in excess of what are necessary to maintain our fighting forces? Indeed, we have an inventory of military bases that basically reflects a tremendous overhang from World War I and World War II.

We have more inventory than we need for today's military bases. But as is well known to Members of this Chamber that when you try attempting to close them, there is a great storm of controversy.

There are some communities that are, frankly, very apprehensive about the consequences of losing the employment base in their community, but there are others who frankly are more concerned about what is going to be left once you shut down this base of operation. After you have recycled the jobs elsewhere, will there be an opportunity to use this land for productive purposes?

We look at Fort Ord 10 years after the BRAC process closed that base, we have yet to be able to fully transition all of that land to productive private sector uses. As we approach a new round of BRAC decisions, uncertainty about what is going to happen to communities and an unwillingness of the Federal Government to act in a prompt and thoughtful fashion, to clean it up and turn it over adds to the uncertainty.

It is going to make it more difficult for this administration politically, economically, and environmentally to do what is right for right-sizing the scale of American military operations.

It is going to end up costing us more money, and it is going to delay the use of these lands for more productive uses. There is another serious problem that is associated with it. Today we have an all-volunteer Army; and increasingly, we find that the skill level that is required for the men and women who are in uniform is rising ever higher, retaining these highly qualified men and women, the best and brightest of whom can transition into the private sector, have more certainty in their life, higher quality of life, earn more money, and have more career advancement.

In order for the military to retain the highly qualified, technically proficient men and women who make the modern military work we give to them a high quality of life.

If we are facing a situation where military housing is substandard, and I have seen reports that suggest half or more of a third of a million military housing units is substandard, it is very difficult to retain the men and women in uniform and their family members, because increasingly, these people are, in fact, more mature. They have their own families, and they care about quality of life.

Finally, Mr. Speaker, I would reference the difficulty the military faces with the exposure to liability for not having cleaned up after itself. Dealing with the environmental problems that are the legacy of military operations for over a century has the consequence, not only of denying productive use of this land to the community, but it is a distinct liability that the United States Government and the Department of Defense cannot escape. Ultimately, we are responsible for cleaning up after ourselves.

The bill is going to come due for the Department of Defense. The longer we evade, the longer we delay in cleaning it up in a forthright fashion, the more expensive it is going to be for the taxpayer, the more damage to the environment.

We are looking at what is happening in the State of Massachusetts with the Massachusetts military reservation where there is a toxic plume that is poisoning the aquifer on Martha's Vineyard, the source of drinking water for some of the exclusive properties in this pristine and valuable land. It has historic significance. It is very significant to some of the best and brightest around the country.

That is slowly being poisoned because we have not been able to move quickly with the Department of Defense to clean up after itself. The liability in Massachusetts on Martha's Vineyard is not going to get smaller over time; indeed, it is going to escalate. More environmental damage, a larger bill for the taxpayer.

One of the areas that I am most concerned about deals with the legacy of unexploded ordnance. We have across the country in over 1,000 sites with potential contamination of 20, 30, 40, maybe 50 million acres or more where we have the legacy of unexploded ordnance from past military activities.

We have had this visited upon people, burst on the scene in unexpected ways. My colleague, the gentlewoman from New York (Mrs. KELLY), had this occur in her district where on Storm King Mountain State Park, overlooking the Hudson River, the park actually was not a military range, but it was near West Point, and as effective and well trained and talented as the men and women are at West Point, often the targeted were missed.

The shells that they were using were lodged in the land in and around the Storm King Mountain State Park.

We had a situation here a couple of years ago where there was a serious forest fire and the firefighters were out to try to stop the blaze; and all of a sudden, there were a series of explosions where these shells that had been buried, in some cases for up to a century or more, started exploding due to the heat of the forest fire; and we were forced to close Storm King Mountain State Park, one of the examples of where the unexploded ordnance has returned to haunt the American public and the military.

Earlier this spring, Mr. Speaker, I led a group to the campus of American University and to Spring Valley, one of the most exclusive residential districts in the District of Columbia.

I am not talking about some far-flung area in the wilderness that had been used for military operations. I am talking about a location that is about a 25-minute bicycle ride from where I am speaking this evening.

I have here a map, an aerial map that dates from 1922. It seems that the land adjacent to and surrounding American University, in fact, some of the land on the American University campus during World War I was the location of the American testing for chemical weapons.

We have here an aerial view that shows the location of test pits where they had goats and rabbits and hamsters, where they would inflict nerve gas, mustard gas on these animals, where we would manufacture it, where we had over a thousand structures and almost 2,000 men and women working during World War II.

Mr. Speaker, it was one of the most toxic sites in America. Some of the facilities were so contaminated they could not even tear the sheds down. They ended up burning a number of them and burying the residue, burying the leftover chemicals and weapons.

Now what we see, 83 years after World War I, we still have a toxic legacy here in the United States capital. In fact, Mr. Speaker, we had a situation in the mid-1990s after we had gone in with the work of the Corps of Engineers spending over $30 million, removing contaminated soils and materials and bombs.

There were working people out on this site escavating a foundation for one of the multimillion dollar homes for the Spring Valley Development, most of them are between $1 million to $5 million or more, and the workmen were busy with the backhoe.

It hit something, broke something and the work people were sent to the hospital because they had discovered a container of a toxic chemical.

□ 2015

As they went to the site and started working around it, they found a container of phosphorus where the steel container had rusted away and left the ceramic shell. And when they broke the shell open, the phosphorus came in contact with the oxygen in the air and burst into flames. The question occurs to a thoughtful person, what would have happened if it was a child who had been playing on a construction site who had found this waste from World War I?

Farfetched? Well, as I speak, we are spending another $40 million to try and decontaminate the site. As I speak, one can go out to this exclusive residential neighborhood and find little flags in various and sundry properties in the neighborhood where they are taking samples to try and find out where the contaminants are. If any of my colleagues were to go to a cocktail reception at the home of the Korean Ambassador, who lives in a little $10 million bungalow just off this site that I mentioned here, the Korean Ambassador to the United States, I would suggest they not go in his back yard, because they will find that it is all dug away as they are trying to remove the contaminants in his back yard.

Just up the hill and across the road from the Ambassador is the child care center from American University. It is a modern child care center. The playground equipment is visible in the yard. But it is vacant because the levels of arsenic in the soil upon which this child care center is built is 20, 40, 50 times the level that is regarded as safe.

There are young women who were on the rugby team, the girls that played on the girls intramural field at American University, who wondered why the rashes that they suffered when they were playing on that field did not heal properly, and questions have been raised as to whether or not the contamination on that field was a part of it.

I mention Spring Valley not because it is the worst site in America, I mention it because it is here, literally in the shadow of the American Capitol, and it is 83 years after World War I has concluded, after we have spent over $30 million cleaning it up, and we still have not been able to tell the residents around Spring Valley and the university community at American University that we have taken care of the problem.

It is not farfetched to speculate what might happen with children who come across unexploded ordnance in over a thousand locations around America. There was a tragic situation that occurred in San Diego where there were three junior high students, young boys, playing in a field in a subdivision that had been built on a formerly used defense site. They came across a shell. Now, 10-, 11-year-old boys will do what children will do. They were playing with it, trying to figure out what to do with it, if it was real, and seeing if they could open it up. It exploded. It killed two of them.

I have been able to identify 65 Americans who have been killed as a result of unexploded ordnance. And I suspect on America's military reservations, bases, bombing ranges, that if we had full access to all the information, that, in fact, we have probably had far more than these 65 that I have been able to identify.

In Portland, Oregon, just across the river from us, a half-hour's drive, there is a 3,800-acre military reservation, Camp Bonneville. No longer used for military purposes, it has been used for the better part of the last century. It is separated from the public, for most of the 3,800 acres, by three strands of barbed wire. No way we are going to keep out the public. People have been using these 3,800 acres for years. Children have played on it, people have ridden horseback, there are people who have hunted, folks who have used it just for a day hike, even though we attempt to post signs and keep people off it.

The military personnel who are responsible for it advise there is no way to secure it and people continue to use it. We do not yet know what all is on the site of Camp Bonneville. We have had situations where they have found 105-millimeter shells on the surface. Now, these are the shells that are about like this, that have seven and a half pounds that serve to detonate the shells.

There are ambitious plans to return these 3,800 acres to public use, for a wildlife refuge, for a park, and the people of Vancouver and Clark County, Washington, are excited about the prospect, but we have not yet been able to analyze what is on the site. We have not been able yet to understand what we need to make sure that it is clear and that we can turn it back over.

Mr. Speaker, I could go on and spend the remainder of the hour that has been allocated to me just talking about these examples. As I work with the men and women in this Chamber, virtually everybody I work with has a problem like this in their community or near it, my colleague, the gentleman from California (Mr. FARR), with Fort Ord in California. Ten years after Fort Ord has been closed, we still have not been able to turn over the 28,000-acre former home to the 30,000 men and women who were there.

We have a situation with my colleague, the gentleman from Colorado (Mr. UDALL), with Rocky Flats, Colorado, a former nuclear weapons production facility that they are attempting to be able to make the transition for.

We have situations with the Aberdeen Proving Ground, affecting the district of the gentleman from Maryland (Mr. EHRLICH) and the gentleman from Maryland (Mr. GILCHREST), that contains a number of closed ranges with unexploded ordnance and chemical weapons materials. Now, this is a problem not just for what is on the land there, but the potential of exposing the Chesapeake Bay and its tributaries and the potential contaminants in a plume that threatens Harford County's drinking water supply.

We have Savannah Army Depot, which concerns the gentleman from Illinois (Mr. EVANS) and the gentleman from Illinois (Mr. MANZULLO), some 9,000 to 10,000 acres that we would like to transfer to the Fish and Wildlife Service, but much of the acreage along the Mississippi River is not suitable for transfer or reuse because of UXO.

I could continue on and on and on this evening. I will not. Suffice it to say this is representative of over 1,000 locations around the country where we have these problems. It is something that knows no geographic limits because it is east and west, north and south, and indeed it is the islands that the United States is responsible for off our territorial boundaries in Hawaii, in Guam, and in Puerto Rico. It is a situation where we are today, at today's rate of cleanup, looking at this problem continuing for one century, two centuries, 500 years, perhaps 1,000 years or more given the current rate of cleanup.

It is a situation where we do not even know what the dollar amount is. What we do know is that the estimates that have been provided by the Department of Defense are completely inaccurate. They are unreliable. They understate the problem in a dramatic sense. The most recent numbers are like $13 billion. It is off by an order of magnitude not just tenfold but it could be $200, $300, $400 billion or more to clean this up. But the notion that it is $13 billion is absolutely laughable.

Well, what needs to be done? It seems to me that first and foremost people in the United States Congress need to report to the game. Congress is missing in action in a battle that is still claiming casualties 141 years after some of these materials were deposited during the Civil War, 83 years after World War I, 56 years after World War II, and 25 years after Vietnam. We still have casualties, and not just in the United States.

Frankly, the technology that we should be developing to clean up military waste and contamination, unexploded ordnance, the technology that will help us determine whether it is a hubcap or an unexploded land mine will make a difference, and not just in the United States. Sadly, unexploded ordnance, bombs, shells, and land mines are found in former battlefields and current battlefields all across the world, in Kosovo, in the Balkans, and in sub-Saharan Africa. In Southeast Asia, on a trip with President Clinton this last fall, I looked at the children who were blind, maimed, missing limbs as a result of unexploded ordnance and land mines detonating. There are people in Vietnam, Cambodia, Laos, as we speak, every single week, who are being maimed and being killed.

We have a situation where there are some people who are so desperate economically that they are mining these fields trying to recover the military hardware at the risk of their lives. If the United States is able to develop the technology to more efficiently decontaminate, decommission, identify and remove, it will not only return tens of millions of acres to the public for reuse, for wildlife, for open space, for housing and parks, but it will help save lives around the world.

I suggest that what we need to do first and foremost is for the United States Congress to no longer be missing in action. I will be proposing legislation in this session of Congress to first of all put one person in charge. Right now the administration, Members of Congress, the public, the media cannot find out exactly what this problem is. There is nobody who is responsible for putting the pieces together. This is unconscionable. And by simply designating somebody in the Department of Defense, in EPA, or an independent agency to be responsible for monitoring, collecting the data, being in charge of the tens of millions of dollars of work that is going on right now to make a dent in it, this will help us in significant, significant ways.

□ 2030

Second, we need to put more money into cleaning up after ourselves. At a time when this administration can propose spending $100 billion or $150 billion or more on unproven technology for an unproven threat of a missile attack from a so-called rogue nation like North Korea sometime in the next 10 years, with no expectation that after the $130 billion we have already spent on Star Wars, that it is going to be any more successful.

Put aside for the moment that military experts, and I think every Member of this Chamber will acknowledge that if a rogue nation really wanted to inflict damage on the United States, rather than spending a lot of time and money trying to put together a missile that may or may not hit us 10 years from now, which we could track, know who it is and bomb into the Stone Age, it would be much more simple for them to simply float a biological, chemical, or nuclear device into the New York harbor, into San Francisco Bay, into Seattle. They could bring it right here into our Nation's capitol. That is a much more real threat. It poses more danger and could happen tomorrow.

But put aside for a moment the logic, think about the numbers. If we are going to invest $100 billion or more on something that is unproven, against a threat that although unproven, will likely have destabilizing effects diplomatically, should we not put a few billion dollars a year into fixing something that threatens the health and safety and environment of American families all across the country? Absolutely, we should. The amount of money that I am talking about to double or triple what we are doing today is literally rounding error in the Pentagon's $350 billion budget.

The United States Congress should step to the plate and put $500 million, a billion dollars extra into accelerating the cleanup.

Second, they should put more money into research. I mentioned earlier a problem we have got. We have highly sophisticated techniques to detect metal way under the surface. But as I said, we do not know if that is a 105 millimeter Howitzer shell, a hub cap, or a land mine. If my colleagues meet with people in industry, as I have, they will tell my colleagues that with more concentrated research money, we can develop the technology to make it much more efficient and cost effective to know what is there and to move forward with the decontamination.

Finally, we need to make a long-term commitment to solve this problem.

When it is driven by political considerations, when something like Spring Valley happens, and it happens in the backyard of the rich and the famous in the shadow of the United States Capitol, then we can find $40 million extra to try to clean it up right, 83 years after we made the mess in the first place. But this is taking away from other problems around the country.

Mr. Speaker, we are just shifting from serious problem to serious problem based on what has the most media cache, what has the most political pressure. It should not be that way, and it is not the fault of the Corps of Engineers or the Department of Defense. They should not be in a situation where they are making these tradeoffs. It is the responsibility of the United States Congress to adequately fund the cleanup.

I would hope that before we recess for the summer we have stepped up and made a significant financial contribution to the research and the cleanup and we have put somebody in charge. What will happen if we do that? Again, if my colleagues talk to the firms that are involved with the military cleanup right now, they will tell my colleagues that if they make a concerted effort with adequate funding and a commitment for multiple years, you are going to see the private sector leap into action. They will invest more themselves.

We are going to have the research. They are going to develop their own techniques, and in fact we can issue contracts that enable them to do the research and to retain some rights in terms of developing the patent, the techniques, so they profit by helping us solve the problem. What that will do is it will bring more competition. It will drive down the per unit costs. We will have more momentum, and we will be able to decontaminate far more acreage than if we were sitting around doing this in fits and starts, bits and pieces.

Once we do that, the savings to the public multiply. As I mentioned, the liability for the Federal Government cleaning up after itself as the largest polluter of superfund sites in the United States, it is the Department of Defense. It is the Federal Government itself.

We cannot evade that responsibility by just putting up fences and pretending that it does not exist. And by going faster and being more efficient, what we have done is not only lower the per unit cost, we eliminate long-term responsibilities.

If we do not pollute the aquifers in suburban Maryland that threaten the

Chesapeake Bay or Martha's Vineyard, we are going to save the Federal Government a huge bill in the future.

Once we decontaminate that land, we are creating value. Right now these abandoned bases, the contaminated areas, are a liability. We spend money trying to keep people away. The trail in West Virginia that has a sign on it that says stay on the path, it is safe on the path. If you go off, they warn of explosions. Or the grade school children in Hope, Arkansas who take home flyers every year describing to children what the potential military waste looks like and that they should not touch it.

We are spending a lot of money now trying to keep people away from these destructive forces. If we are able to return the land to productive use, we are going to strengthen the environment. We are going to improve wildlife habitat. We will have more recreational opportunities in communities around the country where open space is a premium. We see unplanned growth and sprawl, and being able to turn these facilities back to the public, back to local government, back to park and recreational districts, which add value and quality of life.

Many of these facilities, abandoned bases and bombing ranges and military maneuvers, when they are returned have opportunities to be turned into commercial and housing uses, but they must be safe. Once we certify it is safe and we can turn it over, there are opportunities for colleges to be built and airports to be constructed, for parks and recreation, opportunities for commercial activities. These have tremendous, tremendous value.

In a nutshell, we will be adding value to communities, saving money and meeting our responsibilities for the environment.

Mr. Speaker, I am convinced that the American public is often ahead of the Federal Government and Members of this Chamber. In the energy debate of late it is interesting to note despite some of what I think is misleading information which has been presented by some in the Federal Government, the American public has a pretty good idea of what they want to have happen as far as energy is concerned. They want wise stewardship. They want conservation. They want us to have more fuel-efficient vehicles. The last thing they want to do is spoil the environment, drill in the Arctic Refuge and build massive numbers of power plants.

The same way when it comes to making our communities livable. Citizens would like us to do our job for the Federal Government to be a better partner with them. In over 500 referenda on the State and local level across America, the public has voted at the ballot box to purchase open space, to clean up contamination, to protect watersheds, to provide more transportation choices, to fight against sprawl.

The Federal Government has an opportunity to work with the citizens to kind of run to catch up with them, maybe not lead the charge, but to be a full partner. There is nothing that the Federal Government can do that will make more of a difference for improving the livability back home than for us to take these sites, whether it is Spring Valley near the American University campus here in Washington, D.C., Camp Bonneville near Portland, Oregon, the Massachusetts Military Reservation, or any of the other 1,000 sites across the country, clean up after ourselves and enter into a partnership with the American public.

Mr. Speaker, I am hopeful during this session of Congress we will no longer be missing in action. We will put the structure in place so somebody is in charge. We will put more money into research so we can do this job better. We will fund adequately over a specific period of time so the private sector can do its job, and we can make it easier to promote the livability of America's communities and make our families safe, healthy and more economically secure.

FAITH-BASED INITIATIVES

The SPEAKER pro tempore (Mr. REHBERG). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, the subject I want to address tonight is one that has been in the news a lot lately, and a lot of people are confused and many Members of Congress are confused. I want to review some of the basics, and that is about the faith-based initiative or the so-called Community Solutions Act that will be marked up presumably next week in the Committee on the Judiciary and the Committee on Ways and Means, as well as hopefully brought to the House floor right after the July 4th break.

This is an area that has, as I said, a lot of controversy in it, a lot of conflict in it, and at the same time is so basic to how we are going to deliver social services and how we might address the problems of the United States that it is absolutely essential.

I would like to go into a little bit of overview as to what all of the fuss is about and why so many people are talking about faith. One would think from some of the media coverage this is a brand new idea discovered by President Bush and it was never talked about before in American history. In fact, it has been part of the United States from the very beginning. It has just been in recent years that we have tended to deny this.

The Pilgrims came here because they wanted to practice freedom of their faith. The Catholics in Maryland came because they wanted freedom for their faith.

The Quakers in Pennsylvania came to the United States because they wanted freedom to practice their faith. We have seen multiple revivals in American history, when George Whitfield came through and it swept through America right through the American Revolution, the Wesley brothers came and settled in south Georgia and then moved up the United States, and there was another evangelical revival.

On Monday on the House floor there is a proposal to build a memorial to John Adams and John Quincy Adams and Abigail Adams, but particularly focusing on John Adams.

The current second best-selling book in the United States by David McCullough, if you read that book, at the very beginning, it talks about how John Adams was raised in a religious family, and his father was a minister, and how John Adams initially started as a schoolteacher, and his dad wanted to be a minister. And it was only after deciding to become an attorney that he decided not to become a minister himself.

At the very end of that book when John Adams is giving advice, he says, "Walk humbly and serve God." John Adams, from the beginning, the middle, and the end was a very religious man.

But it was not just John Adams. John Quincy Adams' son who died in Statutory Hall, which used to be the old House Chamber, his last words were that he was ready to meet his maker and he was ready to go to heaven. He wrote a special book for his son giving him advice from the Bible and telling him how to avoid all of the perils of the European culture when he was over in Europe.

□ 2045

But it was not just the Adams family. Even those who were the least religious in the founding of our American Republic, arguably Thomas Jefferson and Ben Franklin, Thomas Jefferson was concerned enough about it that he did his own, in my belief, a phony Bible; but he took many of the teachings of the Bible with it because he believed it was a historic and important document for America's faith.

Ben Franklin repeatedly called on Congress at the very time when we were supposedly debating about the separation of church and state, right after they passed the religious liberty amendment Ben Franklin was among those who called and passed a resolution saying Jesus Christ was the one and only son of God and was the saviour of mankind.

Ben Franklin also had George Whitfield, probably the greatest evangelist ever to come to America, at his home; and Ben Franklin was not, in my terms, a particularly religious man, but he understood the power and importance of faith to America and how it was so integrated in our culture, and he at least understood the power of faith.

We also saw that evolve. If Jefferson and Franklin were kind of the least religious of our Founding Fathers, we had the founders of the America Bible Society in our early Continental Congress, in our early Congresses. Most of the people in those Congresses were divinity school graduates.

Even when you look here in the House Chambers, and it will not be able to be seen on C–SPAN, but there are lawgivers all around this Chamber from Rome, from Greece and so on. All their heads on this side are turned that direction. On this side, they are turned that direction. There is only one facing towards Congress. It is Moses, Moses of Bible fame, who looks straight down on the chairman. Behind the chairman, it says, "In God We Trust."

So when we talk about separation of church and state, let us do not get too cute here. We have Moses looking down on us every time we debate this, with "In God We Trust" behind us.

What does this have to do with what we are talking about in public? It is because we have increasingly in America tried to deny this heritage and separate and act as though somehow we are not rooted in that and the people are not rooted in that, whereas the people in America are still a religious people; but the government has in effect tried to impose a secular alternative on this.

Let me look at the role of faith in social services. In fact, if religious organizations had not stepped in in the education field, all of our major universities were religious universities to begin with. They are not now, but Harvard and Princeton and Yale, all of these universities were founded as religious universities. All the major social organizations, hospitals, child abuse, juvenile centers, all of these things in America were religiously founded.

The book "Tragedy of American Compassion," by Dr. Marvin Olasky, is a brilliant exposition of how we went from a basic religious-based provider of social services to the government taking over most of those options.

Now we had a terrible Depression. There were other things that were occurring as well, but he highlights how some of it has been a substitution of character mixing with private charity and helping others to a government takeover of social services initiatives.

I commend all of Dr. Olasky's books to us. He has a great book on compassionate conservatism that is probably the best single book out on that subject right now. He has several books on leadership and some of the American heritage to understand the mixing of how faith was so important in our country.

Going back to the social service providers, what has happened is government has taken over more of the social service providing. They do not have the character mix. I am not saying government employees are not committed, but they are not going to stay there in the evening. They often will move back to their suburbs rather than live and work in the communities where the problems actually are. It is a different type of commitment. It is not leveraged with private funds.

On top of that, what it has done it has absolved the rest of us from our obligations to help those who are hurting and those who have problems. We say now it is the government's business. It is partly because our Tax Code is high and partly because we see all of these billions of dollars being spent in the social programs; therefore we do not have to do it. But let us not kid ourselves. Part of this is an excuse. It covers our selfishness, and we have allowed the government to step in and provide social services that are really our responsibility as well.

I am not saying there is not a government role. Obviously, a safety net is needed; but it can be a supplemental role. President Bush is not proposing to have government replaced. He is proposing to have an additional add-on and to add the hearts and compassion of the America people on top of our tax money that is going to this. That is what we are trying to do with this, is to expand the base of how we do social services.

I want to read a couple of examples from World Magazine of which Dr. Olasky, who I referred to earlier, was one of the original founders. World Magazine is probably the best of the evangelical publications now. It is kind of like a Time Magazine for Christians, for lack of a better word. This week's issue, June 16, has a feature on compassionate conservatism and particularly looking at a lot of things related to this initiative of President Bush.

One of the articles is on Teen Challenge, and let me read a little bit about this. Then I am going to relate these into the larger question of how faith-based organizations and community solutions work. Quote, "Just tell them it is a spiritual bootcamp," responds the man who runs the Teen Challenge. It is a 4-month induction phase to the 12-month Teen Challenge program. The New Orleans center serves as the ground level, weed-out program that grabs drug users off the street and incubates them in Biblical teaching. Those who stay off drugs and complete daily Bible lessons receive gold stamp certificates and a bus ticket to another 8-month training center that offers intensive Bible study and job skill training. Only 20 percent of the residents who enter the Teen Challenge program graduate after 12 months. Of those graduates, 86 percent remain drug-free 7 years after graduation, according to a study done by the National Institute of Drug Abuse in 1975 and later confirmed by university studies in 1994 and 1999.

"At this place, we deal with the problem of sin, not its effects," says Mr. Pallitta. The only way to change sin is through the deliverance power of Jesus Christ.

We had Teen Challenge at one of our committee hearings. They are one of the only programs that have been steadily audited by different groups who cannot believe their success rate because we are told, you mean clean for 7 years? That is amazing compared to our drug programs.

It is a difficult question because it is clearly an overtly Christian program. How do we deal with that in this Community Solutions Act and the faith-based initiative? That is part of what I am going to talk about as I develop tonight's Special Order.

Now here is another story. This one is in Dallas, a crime-infested area in Dallas. It says, "We use Biblical principles to help children develop leadership skills," he said, explaining that there are no neighborhoods or parks in the area; just 10,000 apartment units that often host drug gangs and prostitution rings. These children are exposed to so much. Everything you would not want your child to see is right outside in the parking lot. It says that these children participate in community service programs, in a youth choir that performs at local nursing homes and malls. David Pruessner, a 45-year-old lawyer volunteer who teaches chess, quote, "You have to learn to develop a strategy and think ahead." During the summer, he gives group lessons to 20 students at a time using ten game boards and hand-made wall charts but teaching about God is at the center of the program, for Mr. Gaddis states that the gospel is the only thing that really changes lives.

Now here is another story in this same issue of World Magazine on the Good Samaritan Center, actually Good Samaritan House in Orlando, or actually Sarasota, Florida. It says, at the Good Samaritan House, "The right direction begins with a set of simple, nonnegotiable rules." Residents must remain alcohol and drug free and accompany Mr. Cooley to church and Bible study weekly. They must secure a full-time job or work as day laborers at a local temporary agency until they find permanent employment.

GSH residents must pay rent, $6 a night after their fifth free night of shelter. While they may spend a little money on personal needs, the men must save much of their earnings with the goal of becoming economically independent of this house. The rules include: in bed by 10:00; no foul language; no fighting; and no women, presumably at least outside of marriage.

I wanted to illustrate some of these examples because you can see that many of these groups are effective. How does this relate to the government and how do we work through this question of religious liberty in America, because it is illegal to use taxpayer dollars to do proselytization or to do direct, overt funding of Christian activities or any other religious activities with taxpayer dollars. It is unconstitutional.

So how do we work through these? What you would think, from many people's criticism of this program, is that this is the type of thing that we are directly funding and we are directly funding the proselytization, but that is not the case.

Let me walk through a little bit first some of the legal questions. David Ackerman at the Congressional Research Service has probably done the most work on this subject. His most recent is April 18, 2001, analyzing this charitable choice part of the debate. There are three parts to this that I want to illustrate in this section.

The first is what is happening now. As he says in this document, that in the past, because contrary to public impression many faith-based organizations, hundreds and thousands of them, currently are involved in government. So what is this debate about? Well, the debate is that, as he says, these organizations have in the past generally required programs operated by religious organizations that receive public funding in the form of grants or contracts to be essentially secular in nature, essentially secular in nature. That means, for example, religious symbols and art had to be removed; religious worship instruction and proselytizing have been forbidden. Therefore, they are not really when they are doing these religious organizations anymore. So many religious organizations do not even apply to do social service work in any government grant program because they basically have to become, as is stated here, essentially secular in nature.

So what is the President proposing to do, and what are we going to look at here in the House? People think of it as just this charitable choice, but it is to help States set up their own versions of faith-based and community initiatives. It is to help implement the charitable choice measures. It is to help pilot programs in this, but it is also a whole series of tax initiatives including giving nonitemizers the right to claim charitable deductions; to permit tax-free withdrawals from IRAs; to have individual development accounts; to encourage States to adopt charitable gift tax credits; to increase the charitable donation from corporations to 10 to 15 percent. It is a series of tax incentives as well, and then also technical assistance to small community and faith-based organizations.

So are those things unconstitutional?

Now what David Ackerman writes, and this is the fundamental kind of guts of the argument, he says, more particularly, the Supreme Court now appears to interpret the establishment clause in a manner that does not automatically disqualify pervasively sectarian institutions from participating in direct aid programs and perceives them as able to honor restrictions to secular use even without intrusive government monitoring. But the court's revised interpretation still requires that direct aid be limited to secular use by recipient organizations and the court has left open the possibility that other limitations may apply as well. Moreover, all of the justices have expressed doubt that direct money grants to pervasively religious entities can pass constitutional muster.

The standards governing indirect aid, however, do not appear to have changed. Some aspects of the charitable choice proposals that have been enacted seem to satisfy these requirements. The provisions do not give religious institutions any special entitlement public aid but simply require that they be considered eligible on the same basis as nonreligious institutions.

In addition, they all bar the use of public aid for sectarian worship, instruction and proselytization; i.e. they require that the aid be used only for secular purposes. Then it is constitutional.

What we have been working through the last week in particular is some concerns regarding the original drafting of the bill and whether it met these constitutional questions.

Now let me illustrate some of the types of things that we are working with. To give you an example, there was a report that an official of the Department of Housing and Urban Development wrote to the bishop in charge of the St. Vincent de Paul Housing Center in San Francisco asking them to rename the building the Mr. Vincent de Paul Center because they got a government grant. That is how ridiculous some of this is getting.

In another case that was reported in the Washington Post January 28, 2001, in a George Will column, a city agency notified the local branch of the Salvation Army that it could be awarded a contract to help the homeless only on the condition that the organization remove the word "salvation" from its name.

Now those are extreme cases, but more generally the problem has become, as Dr. Amy Sherman has said, charitable choice, most important effect thus far, is that it made the collaboration plausible for those within government and the faith community who had previously assumed such partnering was somehow outside the bounds of constitutionality under their misguided interpretation of the first amendment.

In other words, much of this has not been unconstitutional. It is that people did not realize it was constitutional. So that was kind of attempting to address some of the constitutional questions.

Now let me explain and review again this mix of what we are trying to do with the Community Solutions Act.

First, and this is first because it is the most dollars and the most important, it is not government. It is the private sector.

Secondly, it is tax incentives, because the best way to help the private sector is to encourage more charitable giving. Then we do not have the debate about whether or not government is involved or not, and there are more dollars than the government will have in it.

□ 2100

Thirdly, it is technical assistance for small communities and churches. There are lots of Hispanic and black churches in urban America that have 15 to 50 people in them. They do not have CPAs and accountants in their churches. They do not know how and when the government grants are coming. They need technical assistance, so, one, they do not get sued, and, secondly, so they can figure out how to be eligible for the grants.

Then we come to charitable choice. Let me go through each of those a little bit in particular here. First let me deal with the question of corporate philanthropy. This has become highlighted because of a speech that President Bush gave at the University of Notre Dame, as a graduate I would have to say arguably the best university in the United States.

But he chose that to address the question of why corporations have not been allowing, they do not allow their corporations to give to faith-based. In other words, we can complain about government, but Dr. Michael Joyce, who has been a leader in a lot of these things, Michael Joyce was with the Bradley Foundation and is now working with the Capital Research Center and other groups, and he is the person who called this to the attention of President Bush.

Listen to some of our biggest corporations in America and their standard for corporate giving, and then we can talk about the problem of faith-based, but let us first look at what is happening in the private sector. When the government starts to separate faith, but it is even the private sector that separates.

General Motors, number one in corporate giving, declares contributions are "generally not provided to religious organizations."

The Ford Motor Company fund, the number three corporation, "as a general policy does not support the following religious or sectarian programs for religious purposes. That is in the same undesirable category as animal rights organizations or beauty or talent contests."

So Ford and General Motors do not allow their funding to go to faith-based organizations.

The fourth largest, Exxon-Mobil, explains, "we do not provide funds for political or religious causes." That is not exactly true, since the company touts its support of environmentalists, advocacy groups for women and groups performing "public research." But no money for faith-based organizations.

But IBM, the number six corporation, "does not make corporate donations or grants from corporate philanthropic fund to individuals, political, labor religious or fraternal organizations or sports groups," and many faith-based groups also have trouble with the last two words of IBM's ban which says that they will not give any money to organizations that discriminate, for example, on gender and sexual orientation, which means faith-based organizations like the Catholic church that do not allow female priests or any religion, which is most major religions, including Christianity, traditional orthodox Judaism, Muslims, on homosexuality. So they are ruled out because they have "discrimination."

So we have General Motors, Ford, Exxon-Mobil, IBM, saying no donations to faith-based groups. No wonder we are having a problem with faith-based groups getting funded. As Michael Joyce told the President, according to this article, "I said the President is both the President of the government, but also President of the Nation. There is a huge private sector that spends billions emulating what the government does." So our lack and kind of our trying to separate ourselves from faith has resulted in the private sector also separating themselves from faith.

Now one of our colleagues here, the gentleman from Wisconsin (Mr. GREEN), has developed legislation which I am thrilled to cosponsor, and I praise him for his initiative, to try to have Congress go on record saying this is wrong out of the private sector. We need the private sector and the corporate sector leading in the effort to try to get more money to the people who are effective at the grassroots or actually changing people's lives.

Now, the second part of this is the tax incentives. I was in an earlier life in the eighties the Republican staff director of the House Committee on Children, Youth and Families, when Dan Coats was the ranking member, former Congressman and Senator.

We came to the conclusion after looking at so many of the problems in the United States that there was going to be a limitation on how far the Federal Government and even state governments and local governments are going to be able to go in assisting in solving our tremendous problems in this country, and that the best way to achieve this was going to be through faith-based organizations and the best way to achieve that was going to be through assisting in the Tax Code.

Let me give you an illustration. It does not matter whether the state has a Republican Governor or a Democratic Governor or who controls this Congress. We have not increased funds outside of education for most of the social problems in America to keep up with the problems of child abuse, with runaways.

There is not a probation department in America that does not realize that their caseload per probation officer is increasing. In Indiana, we are now entering, I think it is our 13th year of Democratic governors, and we have seen more money for education, but not for rehabilitation, not for a lot of the family services, not for child abuse, not for how we deal with the people when they are in prisons and try to help them; that no matter which party you are at the state level, we are a little slow here in Washington, you are saying the only way we are going to be able to address these problems is if we can extend the government dollars and get the faith-based groups involved.

The most direct way to do that, I have an act that we call the Give Act to try to increase the value of the charitable deduction. When I worked for Senator Coats, we developed the charitable tax credit. Senator SANTORUM and Senator LIEBERMAN in the Senate have introduced this Community Solutions Act as a tax bill, and as I mentioned earlier, it is part of our Community Solutions Act in the House. Arguably the most important.

Now, I am disappointed that we have cut back the President's proposal so much than the non-itemizers, but I understand we are under tremendous budget pressures. I am still enthusiastic about the bill. I will take whatever we can get.

But I am disappointed that we were able to come up with tax cuts for other groups, but not where we really need it in a lot of the social programs where the people are hurting the most, and I hope we can continue to increase that over the number of years, and I hope the President will keep the pressure on in the Senate, and in the next few years to increase that if our surplus continues to come in the way it is.

But the tax incentives and the private sector philanthropy, plus the efforts of Steve Goldsmith and now Les Linkowsky in a lot of everything, from AmeriCorps to a lot of the other public service things, in addition to the President's proposals in each department to see if the departments can look at how they can extend staff to help on faith-based, those are actually the biggest part and the most important part of the Community Solutions Act.

The next part is this technical assistance question. We have $25 million I believe in the bill to go to HHS. The President is also, I believe next week, having mayors in to talk about what they can do at the local level. We are encouraging states to set up initiatives.

It does not all have to come out of Washington. Most of the best execution and the better ideas do not come out of Washington, they come up towards Washington. Part of this is how are we going to help? The fundamental thing we are trying to address here really is how do we help those who need the help most and what is the gap?

One of the gaps is that we see at the grassroots level, even in the worst cases, as my friend Bob Woodson always points out, all you guys down there seem to do is focus on the failures. Why do you not focus on the successes?

When you look at the successes, in the worst places, I got challenged once by Bob when I first came in as a staff director and he said, "Don't be a typical white guy who sits on your duff and pronounces what is wrong in our urban centers. Go in and talk to people who are successful and figure out what is working."

When I have been into Harlem and Brooklyn and inner-city L.A. and in Detroit and Washington and Baltimore and most of the major cities of the United States over the last 15 years as a staffer and Member and talked to people, in the worst places possible, there is always a success story there. There is always somebody who is not failing, who is succeeding. At least 40 percent, even in the worst cases, are succeeding.

I remember one study by, I think it was David Farrington out of England, that if your parents are not married, one of them is gone from your home, they both have been in prison, they are both abusing drugs, neither are employed, and the chances of that child getting caught up in the juvenile delinquency system are only 33 percent. What happened to the other 67 percent?

Well, usually they got involved in some sort of a mentoring and faith-based hook. The fact is that success stories are when there are two parents involved, or when there a faith-based mentor involved, or a church involved, and there is work. We know what the keys to success are. We have to build on those successes, rather than trying to reinforce the failures.

Now, part of this is how do we help those little organizations? Pastor River's organization in Boston, they talk about how they have helped reduce the number of killings on the streets and so on, and you hear all these government programs bragging about it. But most government programs abandon that area and their neighborhoods in downtown Boston and the inner-city areas about 5:30 or 5 o'clock, maybe even at 4:30. The people who are left there are the people in the community and the churches.

But they do not get the grants. How do they know between June 15 and June 30 there is a grant on juvenile delinquency? How do they have the time or knowledge to write out the grant proposals? What we do in small business? For example, when I was in my 2-year MBA program at Notre Dame, one of the things we did in small business was we went out as students, and part of our requirement was to go out and help people prepare the grant requests.

We have microenterprise centers to help small businesses and start-up businesses get started in a lot of these communities to do that. Why do not we have that in social services? That is partly what the President is talking about in his compassion fund. That is partly what the President is talking about when he says the agencies need to help that.

We need to have the creativity and the entrepreneurship and the reinforcement in the social areas if we are really serious about addressing the problems, like we do in trying to provide jobs for people. The two things go hand-in-hand. Part of the solutions are economic and part of them are in here.

Broken families, you cannot educate somebody or you cannot educate a child if they are being beaten at home. If they are worried about whether their parents are going to get divorced, if they do not know where they are going to get their evening meal, it is pretty tough to educate them. It is a social problem and an economic problem, and we have to address both of themselves.

I hope our universities, one of my dreams is that some of the universities would say, look, we are going to work with some tech centers, we are going to have our students spend some volunteer times in the communities helping these small groups figure out how to apply for some of the grants, how to raise the private money from the philanthropic groups as they become more sensitive to the need for faith-based organizations.

So that is the technical assistance questions, because we have to come up with some creative ways to address that.

Now let me move to the most controversial part, which is charitable choice. So the basic question is, if someone chooses to attend a faith-based program, why should that be denied? That is really the fundamental question here. If you want to go in a drug treatment program and go to a faith-based program, why should that be denied?

For example, if you want to go to Salvation Army center for the homeless, why should you be denied that, if you want to go to the rescue mission. If you have a child care program and you want to go to a Catholic sponsored child care center, this include a hospice for the elderly, respite care, housing for people dying or trying to recover from AIDS, programs for juvenile delinquents.

If you want to go to a faith-based programs, why should you not be able to go to a faith-based program? Faith is a big part of most American's lives, whether it is Christian, Jewish, Muslim, Buddhist, whatever it is, why should you be denied, particularly at the time of your greatest crisis, any access to faith if you so desire?

Let me go through some of the difficulties with this. As I said before, one of the questions is, can you use my money, for example, I am a committed evangelical Christian, can you use my money to fund a Muslim program? Quite frankly, I do not want to fund the teaching of the Koran, but the money cannot be used for proselytization, and if we are trying to figure out how to help somebody who is dying from AIDS and provide a hospice shelter for them or recovery center when other people will not care for them, and they are Muslim and they want to go to a faith-based organization, and I am not being forced into that, and they cannot use my money for proselytization, why should I care, if that is what is going to be most effective and what that person wants?

Now, a key part of that, which is one of the things we have been battling about in this bill, is you have to have a choice. Let me give you a couple of illustrations with this.

I have a son, Zachary, who is 7th grade moving into 8th grade. Let us say his junior high has an after-school program, and so many of us are used to thinking of it in a different way, so let me phrase it this way. Let us say that the group that wins the bid for the after-school program is Muslim.

He comes home at night and tells me, hey, after we got started with the program we bowed down to Allah and had a prayer to Allah, and then a little later we had a study on the Koran.

I call up the school and say, what in the world are you doing, putting my son in an after-school program where they are bowing down to Allah and studying the Koran? They say, oh, that part was done with private money, not with Federal money.

Ha, I do not care. My son was in the middle of the program. You mean, he would have had to step out and have a big mess so he did not get up and embarrass himself in front of his friends? Look, if this is an after-school program and everybody is in there, you cannot mix it that way.

But now what if there were two after-school programs? What if he had the option of which one he wanted to go to, and there was a secular option, why should not those kids who wanted a Muslim program be able to go to a Muslim program? Not really a very good reason why they cannot, but you do have to have the option or clearly it is unconstitutional in my opinion.

Let me give you another illustration. A nutrition site, say, in Fort Wayne Indiana, not one of the more international cities of the world, but changing like the rest of the country. We have had a lot of influx of immigrants. Most people think, oh, Mexican and Central American Spanish-speaking people.

No, we have a problem, because in some of our areas, a problem in the sense the fire department talked to me about language problems, but it was not about the Spanish language. It was about the fact we have had the largest population of dissident Burmese in the United States in Fort Wayne, and one of the housing complexes on the north side of town is about half Burmese. Interestingly, what Chief Davey was talking to me about was the other half roughly of this complex, which are Bosnian.

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Now, if we put a nutrition site in Fort Wayne, Indiana; admittedly, a mostly Anglo, mostly Protestant and Catholic city, but in that area, if you do a nutrition site and it was faith-based it would probably either be Buddhist or Muslim. Now let us say you are a Christian in that neighborhood and the only nutrition site is either Buddhist or Muslim, you have a problem. But if you have a choice, which is critical to the faith-based option here, it is not a problem. If the Bosnians who come to Fort Wayne organize themselves, and I am not saying they do, but if they organize themselves around a Muslim church, or if the Buddhists are more comfortable with their faith in having something, say a respite care center that teaches the pacifistic and relaxing attributes of Buddhism and that is what they want for hospice care, and there is an alternative for the other people in the neighborhood, why is that wrong? It is part of their institutional strength of what a community builds upon. Faith cannot be separated from life for most people, regardless of what their faith is, somewhere around 80 to 90 percent of Americans of all types and all heritages and all religions.

So one of the things is we clearly have to have a choice, but we have to understand, those of us who are in the majority, that we are not always going to be in the majority in a given neighborhood and that religious liberty means religious liberty. Now, one problem that some conservatives are having with this is that say, what do you mean a Buddhist group can be funded? Hey, that is what religious liberty is. If this organization is the best to address the problems of that community and people want to choose that, that means it can be Buddhist or Muslim. It does not just mean that Christian organizations are going to be funded in this bill;

it means that any religious organization, as long as there is another provider, has the flexibility to do that, because faith means faith. It does not mean one kind of sectarian faith over another kind of sectarian faith. It has to be balanced. There has to be equal opportunity. And that goes in both directions.

If I am saying that if you want to have a Christian program or a Jewish program or a Muslim program or a Buddhist program, and you have to have a secular alternative, you ought to also have the opportunity, if there is a secular program, to be able to opt out and choose a faith-based program. It goes in both directions. We keep hearing here how you cannot have people forced into a faith-based program. Well, they should not be forced into a secular program either if they want to opt out and take that choice, for example, in drug treatment.

Now, one other thing that we have been debating here, and this is another very ticklish situation, is should the grants go directly to the church or should we set up 501(c)(3)s, meaning an independent entity much like Catholic charities or Catholic social services, Lutheran social services. Those are big churches, big denominational setups. Okay. Now, let us take an African American church in inner city Philadelphia like one of our witnesses was that is small, maybe 70 people. How do they set up a 501(c)(3)? That is our technical assistance question, and this is a very difficult question, because we need to help them set up a 501(c)(3), and what I have become aware of as I have worked more with this issue and I have carried charitable choice bills to the floor now about four times, is we have to be very careful we do not suck the church into a very ill-defined and increasingly changing court decision-making process on what constitutes the flexibility of religious freedom.

Now, for example, the bottom line is I do not want to sink the church in the name of faith, and that could happen here if we are not careful, because there are very difficult questions. Would the church be covered by minimum wage laws? Some say of course it should be covered by minimum wage laws, but what does that mean? We have run into this with a number of religious children's homes. What it means is you get paid for 40 hours and if there is a problem at your home and the kids need help and your 40 hours is up and the church does not have more money to pay you, you have to leave, regardless of what the problem is, because you are not allowed to volunteer. That was meant to protect workers in the United States from corporations taking advantage of them and saying, okay, your 40 hours is done, now I need you to stay a little bit of overtime and we are not going to count it because we are not going to pay you. It was meant to protect workers, but it has never applied to churches, because many people in the churches are volunteers and working for the church. Probably there are very few church secretaries, very few church staffers who do not both get paid for a certain number of hours and then volunteer when there is a revival, volunteer to take kids to an amusement park. You cannot do that if you lose your religious exemption.

Another tough question. As I mentioned earlier, some religions, some major religions, both in Protestant and in Catholic faiths and big parishes and churches believe in a very tough thing to say today, but in sex discrimination, they believe that in certain positions, there should not be male nuns, for example, and do they have the right to maintain their religious freedom. If the church gets sucked into that and gets government money, this is a tough, tough question.

One of the most hotly debated subjects in America today is homosexuality, and many, many, if not most faiths, still believe that that is morally wrong. They have the right in America as a church to have that view. If we put government money directly into the church, we endanger them, depending on where the court moves, on this subject, if they have a 501(c)(3) as a separate entity that receives it. The clarity is still being sorted through, but the church mission itself will not be at risk.

Now, the closer the 501(c)(3) is to a direct faith initiative; for example, Catholic schools basically are exempt also for the most part because of the religious exemption, because the mission of the school is very faith based. But the degree you move, for example, to an exercise class or if a church moves to say a Pepsi bottling plant, the farther they move away from their basic mission, the more they are covered by sex discrimination laws, minimum wage laws, and a very difficult one, hate crimes laws, because how we define that in America has become increasingly flexible and puts those who have strong views on certain moral issues in potential risk. These are crucial matters of religious freedom and how we draft this bill and move through is very important, because we do not want to destroy the church.

Now, a fundamental question here is, and I would suspect that many churches will not apply. Nobody has to apply for a government grant. If any church is fearful that they could be drawn in, then do not apply. It is very simple. You do not have to get caught up in this. But I believe, as in multiple votes here generally speaking with a margin of about 290 Members supporting, it has ranged from probably 240 to 300 and some, have supported charitable choice, because we believe that ultimately, it is going to be impossible to address the problems in this country without the help of faith-based initiatives, and I commend the President for his Community Solutions Act.

Let me finish with two things. One is a further quote from Michael Joyce. It is an article about him, and I will insert the full article from World Magazine into the RECORD at the end of my remarks.

Joyce says, "Ordinary people understand this really well. We take human nature into account. We understand humans as they were wrought by God. These people wish to remake them," he means the government, "and rearrange them. It is like that line in a Bob Marley song: 'Don't let them rearrange you. That is why they fail.' ".

They are not accounting for the basic human emotions and needs and beliefs of the American people in many of these government programs.

One of the most moving things that I have had happen to me in my life was the first time I visited Freddie Garcia and Juan Rivera at the Victory Life Temple program for drug addicts that they operate in San Antonio and now throughout Texas. Admittedly, this illustrates several things. This program would not be eligible for a direct government grant, period, because it is overtly faith. They would benefit from corporate philanthropy, they would benefit from the tax exemptions, but this is why so many of us feel that faith-based things have to be involved in any programs.

I have just visited Johns Hopkins where they told me you could not go off crack cocaine without tremendous effort. I met in one day at least 150 former addicts who went cold turkey because they gave their lives to Jesus Christ. I met them in housing complexes. I met them in churches. I met them in neighborhoods. It was extraordinary. They told me over and over, we were dealers. Generally speaking, when I would come into the different housing complexes or places where they were, they would say, can we get you a drink of water, and I would say either yes or no, depending on if it was a hot day in San Antonio, and they would say, can I tell you how I met Jesus Christ? I was lost and he turned my life around. They do not operate a drug treatment program, they operate a turn-your-life-around program which gets people off drugs. Nobody disputes that they have the best success record.

Later that evening, after having met, like I say, 150 to 200 people, I was with Juan Rivera who was telling me his story, how he went cold turkey, and we were in this little building with the sandy streets around it, he talked about this tree where he first read the Bible and he was in his backyard, at the backyard of that, and I pictured kind of a woods and it was just one barren tree with sand everywhere, a little different than the Midwest, and he said how he just is so thankful because he was on multiple drugs, how his life was a mess, like many of the others had told me, and he said, I was going to be a dead man. He said, now my life has changed. And I said, I am really embarrassed, because I have had a great life and I am not thankful enough. And he said, you should be ashamed and I said, well, I really am ashamed. He said, my dream is that some day my kids can have the opportunity that you have.

When we see people who are hurting in drug abuse and we see people who do not have opportunities; part of the reason we started government programs was in the area of AIDS because many people would not help people with AIDS because they thought they could catch it and only the churches went out because they were confident of their souls, so they were willing to take the risk, so they reached out, and that is partly how the government got involved in faith-based organizations, because only the Christians and the Buddhists were early on too, in the area of AIDS.

Then in the area of the homeless. We do not have enough dollars for the homeless. Organizations like the Salvation Army and the rescue missions and churches reached out to the homeless. We are going to tell these people, because faith is mixed in, you do not even get the option of going to faith based?

This has been a tragedy to watch how America went from Founding Fathers, from Congresses where we put Moses there and "In God We Trust" behind us, to the point where our major corporations in America will not even let their contributions go to faith based; where we have to fight about the Tax Code, where we have to try to get help for faith based and people object. If there is a guarantee you have another option, and if there is a protection, that people would still oppose faith-based groups getting in. You either care about people and want to help them in every way possible.

Mr. Speaker, I support the government programs that try to reach people, but we also need to strengthen our private sector. I hope that we can pass soon, and I am thrilled that President Bush has made this such a key part of his agenda, and I hope the House and Senate will have the courage to move forward with this.

[From World, June 16, 2001]

FRONT-LINE REPORTS

(By Marvin Olasky)

One journalism newsletter complained recently that reporters have overquoted me during this year's debate about President Bush's faith-based initiative. I agree. Reporters shouldn't be basing their stories on what Barry Lynn of Americans United for Separation of Church and State says. They shouldn't be basing their stories on what I say. They should be going out into the field and talking with people fighting poverty at the front lines.

That's what WORLD is trying to do this year with stories of four kinds—and over the next 22 pages you'll see examples of each. The first kind illuminates the debates going on within religious anti-poverty groups as they think through how to respond to the faith-based initiative. As the following story about Teen Challenge shows, evangelicals are not easily led, and the questioning is intense and good.

The second kind documents the perseverance of some social entrepreneurs. Journalists not familiar with their activities sometimes assume that the poor must wait on the lords of government. The articles beginning on p. 76 show how individuals—Mo Leverett in New Orleans, Ray and Carolyn Cooley in Sarasota, and Vincent Gaddis in Dallas—have created programs that inspire both those in need and volunteers willing to help.

The third variety extends the boundaries of compassionate conservatism to areas sometimes seem as apart from it. The day-to-day work of crisis pregnancy centers is probably the clearest example of compassionate conservatism around: Counselors suffer with individuals in need, working to save bodies and souls. Our story on p. 84 tells more about the major technological boost those counselors are now receiving.

While we roam the countryside we try through a fourth kind of story to cover the debate inside the Beltway, but even there we want to go beyond the usual suspect themes. In that vein we conclude this section with a look at visionary Mike Joyce's battle to get corporate and foundation givers to drop their frequent discrimination against religious groups.

[From World, June 16, 2001]

TEEN CHALLENGE'S NEWEST CHALLENGE

(By Candi Cushman)

"If all you're looking for is an oil change, this isn't the place. Because the oil will get dirty again," says dark-haired Enzo Pallitta, speaking with a thick New Jersey accent and dramatic hand mannerisms. "Listen closely," he says, leaning over his desk and staring at his listener. "This is not just about getting clean. This is about changing your lifestyle."

Mr. Pallitta isn't selling cars. But as an ex-heroin addict turned Christian counselor, he doesn't mind high-pressuring the addicts who walk through his door. "I don't like to give them time. I've seen so many guys walk out the door, get shot, or pop a pill and overdose. I'm trying to reach them before the cycle begins again."

After drifting through six secular treatment centers, Mr. Pallitta broke his own cycle in 1995 by checking into Teen Challenge, a Christian drug-rehabilitation program. Founded 40 years ago by a Pentecostal minister, Teen Challenge has over 300 worldwide affiliates, including 147 U.S. chapters. At the New Orleans affiliate, Mr. Pallitta and six other ex-addicts run a street-front operation in the heart of the Ninth Ward ghetto. Their office—a weathered, two-story clapboard home—faces a grungy concrete bar called Paradise Lounge and rows of dilapidated wooden homes whose occupants sit in metal chairs beneath brightly striped awnings.

This morning's walk-in—a thin blond man in his late 20s with long sideburns and bleary eyes—slumps in a chair across from Mr. Pallitta and stares at the wall. He can't seem to kick his six-year heroin habit, he says, and his parents don't know how to help him. "I stayed away from it for five days, but I crashed this weekend. . . . I need help, but I'm worried my dad won't like this place. He wanted me to go to a boot camp."

"Just tell him it's a spiritual boot camp," responds Mr. Pallitta. As the four-month "induction phase" to the 12-month Teen Challenge program, the New Orleans center serves as a ground-level, weed-out program that grabs drug users off the street and incubates them in biblical teaching. Those who stay off drugs and complete daily Bible lessons receive gold-stamped certificates and a bus ticket to another eight-month "training center" that offers intensive Bible study and job-skills training.

Only 20 percent of residents who enter the Teen Challenge program graduate after 12 months. Of those graduates, 86 percent remain drug free seven years after graduation, according to a study done by the National Institute of Drug Abuse in 1975 and later confirmed by university studies in 1994 and 1999. "At this place we deal with the problem—sin—not its effect," says Mr. Pallitta. "And the only way to change sin is through the deliverance power of Jesus Christ."

Drug addicts aren't the only ones undergoing change at Teen Challenge. As a poster child for President Bush's faith-based initiative, the organization has received unprecedented media attention in recent months, and as name recognition increases so does scrutiny. Critics note that many staff members are ex-addicts whose only degree is a Teen Challenge certificate. That, worries the liberal group People for the American Way, "could nullify state regulations for substance abuse professionals by requiring states to recognize religious education as equivalent to any secular course work."

The complaint marks the latest round of volleys fired at President Bush's efforts to allow faith-based social-service programs to compete for federal funding. At first, left-wing groups argued that putting Chris-drenched programs like Teen Challenge on a level playing field with secular programs amounted to state-funded "proselytism." John DiIulio, head of the White House faith-based office, placated them in February and March by guaranteeing that programs like Teen Challenge wouldn't be eligible for grants. But after conservative pressure forced him to reverse that policy, opponents discovered another buzzword, quality control. At issue is how much oversight Uncle Sam should have over Christian groups that accept funding.

As a preemptive strike, Teen Challenge leaders have pushed voucher-style funding and prodded their own centers to adopt higher standards. The question is, can Teen Challenge accept more regulations without diminishing the grassroots flavor that makes it so effective?

All Teen Challenge affiliates currently follow 80 standards outlined in a 28-page manual published by the organization's national office in Missouri. Affiliates must keep written job descriptions and evaluations of each staff member, maintain student files for at least five years, and record each discipline "incident" and individual counseling session. They must also adhere to their own states' health and safety codes and pay for annual independent audits. To guarantee adherence, the national office collects monthly financial reports and conducts on-site inspections every four years.

This self-regulation is burdensome enough without adding onerous oversight from Uncle Sam, says Greg Dill, the New Orleans director. "I'm already struggling to pay for the audit, which costs me $3,000 each year," he said. "If they throw in another 10 regulations, that would be fine. But if they throw another manual on the table, that's another matter."

Mr. Dill's center is cramped but clean. A tiny reception area doubles as a dining room filled with plastic round tables, fish tanks, and maroon couches. At the door, two parakeets greet visitors with cat calls they learned from the residents. Upstairs, 14 men wait in line for three showers and share three bedrooms, but each has his own bunk and closet space. Residents begin their day at 7:00 a.m. with group prayer, breakfast, and household chores followed by eight hours of mandatory Bible study, chapel, and choir practice, even if they can't sing. ("They have to learn to praise God instead of just asking Him to fix their problems," says one employee.)

At 8:30 a.m., they squeeze around an upstairs conference table covered with Bibles and spiral notebooks. Behind a small wooden podium stands Brother David Sampson, a 6-foot-2, 220-pounder with lots of gold rings on his fingers and a heavy silver cross hanging from his neck. "Some of you guys figure, OK, this is Christian and that's good as long as I'm getting out of jail," says Brother Sampson, "but the real jail is not a place; it's your mind. And if your spirit doesn't change, then your mind won't change." Brother Sampson ends his lesson with a commentary on the book of Romans: "That guy Paul, he knew something," he concludes. "He knew that no one becomes a Christian by accident. God never tricked a person into becoming his follower. This isn't a Burger King, 'have-it-your-way' religion."

As the on-site "dean of students," Brother Sampson teaches and counsels drug addicts eight hours a day. But he doesn't have a college degree. His qualifications are 15 years of street experience as a homeless crack addict and three years of Bible classes. After graduating from Florida's Teen Challenge training institute in 1995, he became a certified teacher making $50 a week. ("It's not that we're opposed to hiring MSWs [master of social work], it's just that most MSWs didn't go to school to make $50 a week," said Mr. Dill, who also graduated from the program. "This is a ministry, not an occupation.")

Mr. Dill and his colleagues are what national Teen Challenge leaders call "street fighters"—ground troops working on the front lines to rescue prisoners from enemy territory. Street fighters aren't concerned with national strategy or whether the battalions are appropriately equipped; they simply want to save lives at any cost. "Without them this organization would just be another institution. They are the only ones who can reach the people we want to reach," said Dave Scotch, the Teen Challenge accreditator. Problem is, most feisty street fighters tend to resist outside mandates. "We're still trying to resist outside mandates. "We're still trying to get them to wear our national logo," sighed Mr. Scotch.

And now he wants to convince them to accept more regulations so Teen Challenge can compete for faith-based funding. Texas became the first testing ground recently as some 40 Teen Challenge directors met for a southwest regional conference at the gleaming white Calvary Temple building in Irving, a Dallas suburb. "If Teen Challenge is going to climb the mountain, we've got to learn to live with change," insisted Teen Challenge's president, John Castellini: "Say, change." Some 40 directors mumbled, "Change."

A balding minister with bushy eyebrows and round cheeks, Mr. Castellini was trying to unite the independent-minded street fighters in a willingness to apply for government funds in order to expand their programs. He started out treading lightly, first telling a few introductory jokes about his grandchildren and reading a news article about how hotels earn five-star ratings. Then he levied the final punchline: "You just think you've been inspected now. But just wait until this faith-based initiative takes off," he said, adding that some centers might need the pressure: "The parents are the real inspectors. Can I be very honest? I would not drop off my son or daughter at some Teen Challenges."

That comment irritated some directors, who still have fresh memories of their less-than-glamorous beginnings. "When we first started, our place was dirty and run down, and all of our staff were wearing 15 different hats. But you know what? People got saved, delivered, and set free," argued Jim Heurich, director of the San Antonio affiliate. "My concern is that we are going to be so evaluated that we are evaluated out of business."

"Go Jim," whispered someone across the room. Mr. Castellini remained unfazed. "We should treat the government like any other private donor and be accountable," he said. "The government consists of taxpayers." Mr. Castellini believes the extra funding and added legal protection provided by faith-based legislation will outweigh the cost of conformance to regulations as long as those regulations don't change the Christian emphasis. But local affiliates remain skeptical.

Mr. Heurich has good reason to feel skittish. In 1995, state officials tried to shut down his San Antonio center, even though it was not state licensed, did not receive government funding, and defined itself as a "discipleship program." After a much-publicized rally at the Alamo (see WORLD, July 29, 1995), then-Gov. Bush came to the rescue, pushing through a state law exempting faith-based social programs from state interference. That was the beginning of his compassionate conservative campaign.

So far, that campaign hasn't helped other Teen Challenge centers. Florida director Jerry Nance received food stamps for 17 centers and 650 residents every year until officials suddenly withdrew assistance in 1999, announcing that unlicensed facilities no longer qualified. Here's the catch: To obtain the license, Mr. Nance had to replace Bible lessons with group psychotherapy sessions and hire state-approved counselors. Explaining that his program was a "discipleship model, not a medical model," he refused and lost $100,000.

"Does this make sense to you?" Mr. Nance asked a White House drug abuse committee last year. "Individuals can live in the streets, use drugs, rob people, and still get food stamps. But if they decide to get help and come into a faith -based program, they lose their stamps."

At the heart of the dilemma is a difference in diagnosis: State-funded groups treat drug addiction as a disease, prescribing medical treatments and psychotherapy. But Teen Challenge says the disease began with a condition of the heart and prescribes a relationship with Jesus Christ. That difference threatens some people: "This [faith-based funding] will roll us back 60 years, right back to when people thought you were an alcoholic merely because you didn't accept Jesus as your personal savior," fretted Bill McColl, spokesman for the National Association of Drug and Alcohol Counselors.

But Mr. Castellini says he just wants the right to offer his solution alongside others: "We're not asking for a handout. We just want a level playing field so we can take care of people's basic needs." With that in mind, he is also offering his own ground troops a compromise: In exchange for federal vouchers for food stamps, emergency medical assistance, and lodging, Teen Challenge will accept reasonable government safety, health, and accountability standards. ("Just because you're saying the name Jesus doesn't mean you should build fire traps," he said.)

Mr. Castellini, however, emphasized that Teen Challenge will not accept extra regulations—like teacher education requirements or required psychotherapy sessions—that ultimately undercut faith-based initiative by eliminating differences between religious and secular entities. Ultimately, he said, the street fighters will have the final say: "We will only lead those who want to be led."

[From World, June 16, 2001]

LEADING YOUNG LEADERS

(By Candi Cushman)

Crowded with nondescript business buildings, dingy low-income apartments, and well-lit liquor stores, the northeast Dallas business district hardly seems a place for children. But every day at 3:30 p.m., back-pack-laden children fill the sidewalks and weave their way through condemned apartment buildings and asphalt parking lots.

Like an urban deliverer, 42-year-old Vincent Gaddis stands on a street corner welcoming them into the tree-lined courtyard of the Fellowship Bible Church of Dallas. Wearing a navy cap and matching dress slacks, he escorts them into an office decorated with red and green round tables and wooden bookshelves full of Bible videos and Dr. Seuss books. Through his Youth Believing in Change ministry, Mr. Gaddis provides tutoring, Bible studies, and free meals for some 150 inner-city kids a year.

"We use biblical principles to help these children develop leadership skills," he said, explaining that there are no neighborhoods or parks in the area—just 10,000 apartment units that often host drug gangs and prostitution rings. "These children are exposed to so much. Everything you wouldn't want your child to see is right outside in the parking lot."

Mr. Gaddis, who is black, works with Hispanic children in a predominantly white church. But God was the original Deliverer, he insits—and he first heard the tune 12 years ago while pointing a revolver to his head. Mr. Gaddis at first made the Dean's List every semester at his college in Tennessee, but then his mother unexpectedly died of a brain hemorrhage during his second year there. Grieving and angry with God, he turned to drugs as an escape. Nine years later, a long-time drug dealer, he planned his final act of rebellion—suicide. But as he cocked the trigger, a Bible verse floated through his mind: What does it profit a man, if he shall gain the whole world but lose his own soul? His mother had taught him that.

"In spite of everything I had done, all of the Scriptures I learned as a child were still with me," Mr. Gaddis said, and instead of killing himself, he turned himself into local police. After serving a five-year prison sentence, he came to Dallas as a homeless man, found a church to attend, and earned enough money to attend college and seminary. He graduated from Dallas Theological Seminary in April 2000, with a master's degree in Christian education.

Now he identifies with the children who walk the city sidewalks. "I want them to understand how the Scriptures apply practically to their life, not just memorize them. I didn't have that understanding growing up," said Mr. Gaddis. To accomplish his mission, he recruited the help of Fellowship

Bible Church, which supplies free office space and weekly volunteers. With a $240,000 annual budget, the program is funded by donations from individuals and churches.

Three nights a week, volunteers donate their time tutoring children, who mostly come from single-parent families that speak little or no English. Tonight's tutoring session begins with cheese cracker snacks and peer-led singing. The children hold hands in a circle as a fourth-grade boy named Bryan stands in the middle and loudly recites several Bible verses. With his hands raised in the air, he then leads his playmates in a boisterous chorus of "Lord, I Lift Your Name on High." Afterward, the children go to their assigned tutors, including a college librarian in a starched yellow dress shirt, a bilingual businessman wearing khaki shorts and Birkenstock sandals, and a housewife in a long flowing broom skirt.

During the summers, YBC takes the place of the public school, providing free lunches for poor children and a refuge for latchkey kids stuck in crime-ridden apartments. Children who attend regularly can go to a riverside Bible camp in the Ozarks.

YBC children participate in community service projects and a youth choir that performs at local nursing homes and malls. Volunteer David Pruessner, a 45-year-old lawyer, teaches chess, where "you have to learn to develop a strategy and think ahead," During the summer, he gives group lessons to 20 students at a time using 10 game boards and handmade wall charts. But teaching about God is at the center of the program, for Mr. Gaddis states that, "The gospel is the only thing that really changes lives. When I sat in the car with a gun to my head and when I went to prison, I already had a good education. But that didn't help me. What really changed my life was the word of God. And that's what's going to save these kids."

[From World, June 16, 2001]

THE GOOD SARASOTAN

(By Barbara Souders)

"The nerve!" huffed Carolyn Cooley, hustling her two young daughters past the unkempt man who lay surrounded by beer cans, sprawled against a palm tree on church property. A battered hat shielded the man's eyes, but holes in the soles of his shoes seemed to watch church-goers' reactions. Mrs. Cooley's indignation dissolved into tears when, within the hour, she learned the man's identity. The "bum" was actually her pastor, Neville E. Gritt. He'd stationed himself outside the church that Sunday morning to awaken his congregation to needs he'd seen while driving through Sarasota, Fla.

Heartsick, Ray and Carolyn Cooley prayed that day in 1985 that they could begin to show Christ's love to such people. Feeling God's call, they spent the evening pruning their tight budget and gauging their financial ability to rent a house that would serve homeless men. They followed through, and during the past 16 years almost 2,000 men have found refuge at Good Samaritan House (GSH), honored this year with a Florida "Points of Light" award—and some have found hope. The home provides emergency housing for homeless men recovering from traumas (such as surgery, a mental breakdown, or a prison term) and a longer transitional program for those ready to try to get back on their feet.

Andrew Cunningham is one of the people helped. At age 22, he was on and off drugs, on and off the streets, and on and off in his relationship with God. Initial stints at Good Samaritan House and a Sarasota Salvation Army shelter didn't change him. But a stay in an abandoned house where he and a friend stayed "strung out on crack cocaine" convinced him to return to GSH. At 25, he emerged clean and sober. Now 13 years after that emergence, Mr. Cunningham is married with twin daughters, works as a certified nursing assistant, owns a home, and is an active church member. "Ray set my feet in the right direction," he says.

At GSH, the right direction begins with a set of simple, nonnegotiable rules: Residents must remain alcohol- and drug-free, and accompany Mr. Cooley to church and Bible study weekly. They must secure a full-time job, or work as day laborers at a local temporary agency until they find permanent employment. GSH residents must pay rent: six dollars per night after their fifth free night of shelter. While they may spend a little money on personal needs, the men must save much of their earnings, with the goal of becoming economically independent of GSH. The rules include: In bed by 10:00 p.m., no foul language, no fighting, and no women.

The rules echo those of 19th-century Christian workhouses. While neighbors and church members in American towns generally cared for people made suddenly poor by calamity or death, townspeople built workhouses for men made poor by alcoholism or sloth. Residents of such homes were expected both to work and pursue virtue in exchange for their keep. At the Chelmsford workhouse in Massachusetts, for example, the "master" of the house could at his discretion reward faithful and industrious men, while punishing "the idle, stubborn, disorderly and disobedient." Use of "spirituous liquors" was prohibited, and house rules demanded every man "diligently to work and labor."

Although the Cooley's efforts at GSH were grounded in such history, and in Scripture, many Sarasota Christians didn't support their efforts to help homeless individuals in the area.

The house in which the Cooleys launched GSH stood on the property of a small Sarasota church; the church's leadership agreed to let the Cooleys rent it and start the shelter there. "But the church became upset with what we were doing," Mrs. Cooley said, "and the numerous needy and homeless [on the property] giving the church a bad image." After 11 months, the church asked the Cooleys to leave. That's when they bought the 1920s-era home that is now Good Samaritan House.

The Cooleys don't hold fundraisers. Today, two churches regularly donate money and in-kind gifts to support GSH, but from the beginning, the couple financed—and still finance—the shelter largely with their own cash. That means Mr. Cooley, 61, continues to work five days a week as a zone technician for Verizon Wireless. After work he goes home to spend time with his family; at about 8 p.m., he heads for GSH. There, he spends most evenings talking and watching television with the men who pile in after their own day's work to sink into sofas and chairs that crowd the paneled living room. Mornings, the aroma of brewing coffee lures residents downstairs to grab a cup before biking or busing to work. Mr. Cooley also leaves, going home to his family (if his wife and son—his daughters are grown—haven't spent the night at GSH) before heading off to his day job again.

Mr. Cooley himself had struggled with alcoholism until a pastor's life inspired him to change. Today, he says his aim is "to live his faith in front of the men, to plant seeds." During each man's stay at GHS, Mr. Cooley guides him through a substance-abuse recovery program that emphasizes Christ as the basis of healing and renewal. Mrs. Cooley supports her husband, spending time at the house with him and the men, attending church with them. Wednesday and Sunday evenings, and distributing free clothing to GSH residents and other Sarasota homeless people.

The Cooleys say they rarely hear again from men who leave GSH: "They're embarrassed and don't want to be reminded" of things like job loss, mental illness, or substance abuse that led them there in the first place. But some, like Everett Reid, 36, maintain contact. He learned of GSH through Sarasota agencies that appreciate the Cooleys' no-nonsense biblical approach to helping homeless men become self-sufficient. "It's a good place for them to go. They have rules to follow," said Robert P. Kyllonen, executive director of Resurrection House, a day resource center for the homeless. Eleven months after showing up on GSH's oak-shaded front porch and starting to follow the rules, Mr. Reid moved to Jacksonville. He has completed the first year of a four-year sheet-metal apprenticeship.

In February, the Community Foundation of Sarasota County recognized GSH with its Unsung Hero Award and commended the Cooley for funding the program themselves, rather than waiting for outside assistance. With George W. Bush's offer to make faith-based programs eligible for federal grants, will the Cooleys now seek outside help? Mr. Cooley thinks not. He fears the Feds might tamper with GSH's staunchly biblical program. Still, he may seek funding for the Clothes Closet, a GSH clothing-distribution program that he sees as less vulnerable to government strings.

[From World, June 16, 2001]

A DAY IN THE LIFE . . .

(By Candi Cushman)

Richard Scarry has won fame for children's books with titles like What Do People Do All Day? Few people understand what New Orleans minister Mo Leverett does all day, and what he has done most days for the past 10 years. As founder of Desire Street Ministries (DSM), an outreach program that uses Christian principles to disciple youth and foster economic renewal, he is a white man who has dedicated his life to mentoring black kids in New Orleans' worst ghetto. Here's what he and two people he has inspired do on a typical day:

10 A.M. On a rainy summer morning, Mr. Leverett winds his car through narrow New Orleans streets named Pleasure and Abundance, showing a reporter the gutted warehouses, crumbling brick housing projects, and razor-wire fences of his neighborhood. On Desire Street, three miles north of the French Quarter, rows of graffiti-covered housing projects sit amid piles of dirt and broken glass. Behind thick metal doors, project residents stare like frightened prisoners through rectangular window slats.

This is the Ninth Ward, an area whose daily drug shoot-outs garnered it a reputation as "New Orleans' murder capital." With 10,000 units in the center of the ward, the Desire projects gained notoriety during the 1950s as the second-largest (and one of the most dangerous) housing projects in the nation. Although city officials recently demolished most of the units, some 1,000 people still live inside the rat-infested rubble. Over half are children under the age of 17 whose single mothers live below the poverty level.

In 1991, Mr. Leverett moved into a tiny duplex home near the projects, his family of four becoming the only white family in the Ninth Ward. For the next nine years, he volunteered as an assistant football coach at the public high school and led locker-room Bible studies. He remembers how his passion for cross-cultural outreach began during high school years in Macon, Ga., where he felt forced to live a double life: Friday nights on the football field, with white and black teammate pursuing victory together, and Sunday mornings at all-white churches where racial jokes brought laughs.

"On the football field there were two cultures working together toward a common goal," he says, but at other times "I had the heart-wrenching experience of discovering that the people who most resisted the struggle for freedom were white evangelical Southern men like me." After a broken hip dashed his dreams of a football career, he enrolled in Reformed Theological Seminary in Jackson, Miss., studied faith-based models for urban renewal, and became an ordained minister within the theologically conservative Presbyterian Church in America.

11 A.M. Wearing tube socks, khaki shorts, and a navy polo shirt, Mr. Leverett is standing before an office blackboard in the $3 million outreach center he opened last year across from the housing projects. With a slickly polished gymnasium, 10 classrooms, and 13 new computers, the 36,000-square-foot building built with private donations, doubles as a youth recreation center and a church.

Today he is training three of his 20 full-time employees. Like a coach explaining play-by-play strategy, he draws lots of little arrows and circles. But the game plan starts with a phrase: "incarnational ministry." Mr. Leverett tells his students, "Like Christ, you have to enter into their lives and suffer redemptively for them. Part of that suffering is just demonstrating a willingness, a willingness to hear gun shots at night, to feel insecure, unsafe, and exposed."

In addition to offering weekly tutoring, Bible studies, and sports leagues, Mr. Leverett helps students start for-profit businesses, including the "Brothers Realty" housing renovation program. He's also planning for next year, when the outreach center will host the area's first private school—Desire Street Academy.

2 P.M. While Mr. Leverett does more mentoring, staff members like 25-year-old Heather Holdsworth are working the neighborhood. As DSM education director, Miss Holdsworth every afternoon visits Carver Washington High School, located three blocks from the projects and with the look of a giant warehouse. Outside are gray bricks and chain-link fences. Inside, the classroom doors have deadlocks, and the hallways are bare except for signs touting the school health clinic and day-care center.

Sporting tattooed arms and baseball caps turned backwards, the students have crowded into a small gymnasium for a school basketball game. Miss Holdsworth is there, sitting amid hundreds of shouting students in the gymnasium bleachers, greeting them and inviting them to after-school tutoring. When she first arrived three years ago, none of the students would speak to her. Even local police officers stopped her, asking if she had come to buy drugs. "She was a white girl who came out of nowhere. So it took me a good three months to speak to her," said Dwana, a 17-year-old student.

Now, though, Dwana prays twice a week with Heather and attends DSM Bible studies and tutoring classes. Carrying a pink diaper bag, she leaves the basketball game at 3 p.m. to retrieve her 8-month-old baby. This June, Dwana will marry the baby's 18-year-old father inside the Desire Street Ministries building. "I want my baby to grow up reading the Bible and doing the right things," she said.

Each year, Miss Holdsworth helps some 30 students like Dwana pass their ACT college admission tests and apply for financial aid. That's a noteworthy accomplishment considering that Carver students average a dismal 14 out of a possible 36 points on the ACT test. The welfare mentality that pervades the projects provides a formidable obstacle to her efforts, says Miss Holdsworth. While tutoring seniors, for instance, she discovered that several parents allowed their kids to apply for disability certificates instead of diplomas so the family could receive federal aid. That decision automatically disqualified them from college scholarships.

3:30 p.m. Mo Leverett is doing his best to break the underachieving mentality by emphasizing the second part of his game plan: indigenous leadership. Inside the DSM classrooms, students peruse books including the Westminster Confession of Faith. They are pupils in Mr. Leverett's first Urban Theological Institute, a school designed to create indigenous spiritual leaders.

Institute student Richard Johnson, one of Mr. Leverett's first disciples, says a lesson on the "Noetic principle" (man's blindness to sin) caught his attention: "The principle applies to the projects: There's no family foundation for children to see here. All we had were guys and women just having sex and selling drugs. That's all our kids see and they don't see any wrong in it. In our community you are respected if you are a great athlete, a big drug dealer, or a murderer."

During high school, Mr. Johnson says, he respected his older cousin, a drug user who eventually shot his mother seven times. Mr. Johnson believes he was destined for similar destruction until "Coach Mo" became his new role model: "When he first walked on the field, we were like, man, somebody's going to jail. Because a lot of the guys on the team were selling drugs and we thought he was a cop. Coach Mo wasn't just another fly-by-night white dude. He stood firm and he coached, he preached and he loved."

6 P.M. Dressed in baggy jean shorts and a black jacket, Mr. Johnson stands behind a wooden podium as some 100 high-school students file into the gym for a Tuesday night Bible study. Boys with spray-painted nylons tied around their heads and girls wearing lots of gold jewelry chat noisily. But the audience grows quiet as Mr. Johnson explains the concepts of original sin and undeserved grace.

"We can't overcome sin on our own because there is nothing in us that is spiritual," he tells them. "If you are watching porno flicks or doing drugs, the only way to overcome those things is to let Christ rule in your heart." Later, Mr. Johnson confides that he feels a sense of urgency at every Bible study. Too often, unresponsive students walk out the door only to become victims of drive-by shootings or drug overdoses: "Sometimes I feel like they aren't listening, but I keep preaching anyway. Knowing that Christ paid a debt I couldn't repay keeps me going."

As Mr. Johnson teaches Bible study, "Coach Mo" squeezes in some family time at his 9-year-old daughter's softball game. Watching her play, he remembers other children he watched today, especially those who came to the Bible study to escape the drugs or physical abuse that pervade their own homes. "I feel many different emotions as I think about that," says Mr. Leverett. "I want to shelter my own children, but I also want to teach them the heart of Christ." Although his children attend a school outside the ward, Mr. Leverett encourages them to interact with playmates from the housing projects during after-school programs and Sunday school.

Some people have called Mr. Leverett's decision to move his family into the ghetto a foolhardy sacrifice. But sacrifice is just his point, he says: "I want my children to see the incarnate gospel."

[From World, June 16, 2001]

When a Picture Is Worth 1,000 Lives

(By Leah Driggers)

Amber, 17, sits on a chair in an ultrasound room swinging sneaker-clad feet back and forth. Nearby, an embroidered pink quilt hangs on the wall proclaiming: "God's love always forgives." A door swings open and ultrasound nurse Kay Morton strides in, white lab coat fluttering.

"How are you doing?" asks Mrs. Morton, 50, smiling over multicolored reading glasses as she pages through the girl's medical file. The answer is sad: "My fiancé just passed away," says Amber, her hands trembling. Amber's boyfriend hanged himself two weeks before, and Amber found the body, dangling. Now she is faced with a crisis pregnancy, and is in the process of choosing whether to carry or abort her child. The Dallas Pregnancy Resource Center is offering a free sonogram to help Amber decide.

"OK, just lie back," Mrs. Morton says in a soothing voice, laying a white blanket across Amber's legs. Amber holds her cotton T-shirt in place and pulls down black overalls to reveal a slightly rounded belly. Mrs. Morton squeezes a bottle that spits clear, blue gel on Amber's stomach. "Oh!" laughs Amber: "That's cold!" The room grows dim, and the jittery high-school senior freezes as Mrs. Morton presses a handheld transducer into her abdomen. A few feet from Amber's wide eyes, an image jumps on a small computer screen.

"See that flickering spot?" Mrs. Morton asks, using a mouse to point a virtual arrow at a light that pulsates on-screen. "That's your baby's heartbeat." A huge grim spreads across Amber's face. Mrs. Morton clicks the mouse again and an electronic line appears that she uses to measure the tiny image from head to toe. "It looks like your baby's about seven weeks," she tells Amber. The girl nods slowly, eyes glued on the black-and-white monitor, her body stone-still. Mrs. Morton points out the baby's legs, arms, and the head; Amber clutches the top of her T-shirt, motionless.

Mrs. Morton types and two words appear on the screen: "HI, MOM!" The image shakes as Amber giggles. "Isn't it incredible that your baby already has developed brain waves, a heartbeat, and individual fingers?" Mrs. Morton asks. "When I was in college studying to be a nurse, I didn't believe in God. But when I studied the development of the embryo, that's when I said there must be a God. Isn't your baby amazing?" Amber nods, still staring at her sleeping child. Mrs. Morton prints a still shot from the sonogram while Amber wipes tears from her eyes. "I can't wait for my Mom to see this," she murmurs, fingering the photo. "Now it is real."

Amber chose to keep her unborn baby alive, and many more moms are making similar decisions as crisis pregnancy centers

(CPCs) and support organizations nationwide discover the power of ultrasound to affect hearts and minds. Heartbeat International, one of the largest national CPC organizations, recently surveyed 114 CPCs that use ultrasound. CPC directors reported that 60 to 90 percent of abortion-minded clients decide to keep their babies after seeing live pictures of them.

"Ultrasound connects a woman with reality—what she's actually carrying in the womb," said Tom Glessner, president of the National Institute of Family and Life Advocates. "It's no longer a 'condition' when the mother sees her moving child. A bonding takes place."

Ultrasound also helps other people in a pregnant woman's life see a problem pregnancy as a person. Often, women choose abortion because of unsupportive boyfriends or parents. So centers strongly encourage clients to return with doubting friends and family. Technicians nationwide relate stories of bored boyfriends who shuffle in with arms crossed, but later break down in tears or exclaim something like, "My son! That's my son!" Grandparents, too, point at the screen in shock, demanding, "'Are you kidding me? Is that what's going on in her? Is that my granddaughter?'"

The military first used ultrasound to locate submarines. But it wasn't until the early 1980s—at least a decade after *Roe* v. *Wade* opened the abortion floodgates in 1973—that CPCs began using ultrasound in their clinics. At least 200 CPCs nationwide now provide the service, and other among the estimated 3,000 CPCs across the country are converting themselves into medical clinics that offer ultrasound and other diagnostic pregnancy-related services. CPC directors say medical clinics draw more clients—especially abortion-minded ones—than nonmedical counseling centers.

Too bad ultrasound is so expensive: A machine costs about $30,000. But some manufacturers offer discounts for pro-life organizations, cutting the price tag to around $18,000. Support supplies like gloves, gel, and film run around $1,000 annually, but medical professionals are the major cost. Some CPCs that can't afford to buy a machine or employ a technican are networking with other ultrasound clinics. Such links save lives: When a counselor at a non-CPC clinic senses that her client will choose abortion, she can call a local ultrasound-CPC for an emergency visit.

To broaden the reach of ultrasound, some sonographers independently contract services with local CPCs, toting their own machines from center to center. Some OB/GYN doctors also offer ultrasound services in their offices. Dr. Wendell Ashby has offered sonography in his Amarillo, Texas, office for the past nine years. "We are a visual society," he said. "[Mothers] can't handle their conscience saying, 'You're killing your baby.' When they see little arms and legs kicking and moving, a heart beating, a brain, stomach, bladder, spine, and babies sucking their thumbs, it's no longer just tissue. [These women] say they had no idea—they thought it was just a little tadpole in there."

Shari Richards believes it's never too early to detonate the tadpole myth. The founder of Sound Wave Images, an international ultrasound education group in West Bloomfield, Mich., has turned her attention to the next generation by developing an ultrasound video shown in over 5,000 classrooms worldwide. Schools using the ultrasound video as part of abstinence curricula report declines in teen pregnancy of up to 25 percent, Ms. Richards said.

After seeing the Sound Wave video, one student wrote, "I've always thought abortion was a choice each woman should make. But after seeing the babies, I know that abortion is wrong."

[From World, June 16, 2001]

My Baby Wouldn't Be Here

(By Leah Driggers)

Tessa Malaspina was 22 years old when the cheap pregnancy test she bought turned positive. "I was going to have an abortion," remembers Ms. Malaspina, a blonde club dancer who once was heavily into drinking and drugs: "I was having way too much fun partying." When her mom convinced Ms. Malaspina to stop by the Dallas Pregnancy Resource Center, Ms. Malaspina warned her: "It will not change my mind." She'd already had one abortion; three months pregnant, she climbed the stairs to the CPC's ultrasound room, determined to have another one.

"I didn't want to see it, but at the same time I didn't think it would matter," she says of the pending sonogram. "But once I saw it was a moving person with a heartbeat, I couldn't do it," Ms. Malaspina told WORLD. "I couldn't even think about [abortion] again. I never realized how advanced they were so early. . . . They give you information in school and stuff, but never enough. If I hadn't have seen it, I wouldn't have changed my mind. I don't know how anyone could go through with an abortion after seeing an ultrasound."

The day she decided to keep her second child, she quit dancing, smoking, and taking drugs. "It totally changed my life around," she says, pausing to tend blue-eyed son Riley, 6 months old. Ms. Malaspina, who now works full-time as a bill collector, says her mom helps her with the baby: "It's hard," she says of being a single mom, "but I wouldn't have it any other way."

Beverly Wright, 29, was five months pregnant when she stepped through the glass door to Dallas Pregnancy Resource Center, seeking a free pregnancy test "to make sure." She had just lost her job and her car, and was also behind on her rent. "I had an option to pay my rent or get an abortion," she remembers. After the pregnancy test confirmed her pregnancy, Ms. Wright's CPC counselor asked if she would also like an ultrasound. "I didn't know what to expect," Ms. Wright confesses. "But my No. 1 choice was abortion, so I wasn't scared."

When the picture popped up on the screen, Ms. Wright began crying. "I was shocked," she says. "They were all telling me, 'Look at her move! She's so pretty! Do you see the hand?' That's what did it. I saw what it really was—my baby. It gave me a change of heart."

Ms. Wright took home the black-and-white sonogram photos and kept them on her dresser in a white envelope marked simply "Baby."

"It made me accept that I had her. And it made me fall in love with her," says Ms. Wright, now the proud mother of smiling 14-month-old Tia. "I still have those pictures. If I had never seen the ultrasound, my baby wouldn't be here," she says, shuddering. "From the bottom of my heart, she's the best thing that ever happened to me."

Now Ms. Wright spends every day with Tia working as a live-in employee in a health care home. What would she say to other abortion-minded clients? "Come get a sonogram, and see what you've got inside. It'll change everything."

[From World, June 16, 2001]

Separation of Church and Business

(By Tim Graham)

The White House faith-based initiative is opening up a new front, and some of its guns are aimed squarely at big business.

"Faith-based organizations receive only a tiny percentage of overall corporate giving," President Bush announced late last month. "Currently, six of the 10 largest corporate givers in America explicitly rule out or restrict donations to faith-based groups, regardless of their effectiveness. The federal government will not discriminate against faith-based organizations, and neither should corporate America."

The president's numbers came from a study soon to be released by the Washington-based Capital Research Center, which has issued an annual guide to "Patterns of Corporate Philanthropy" since the mid-1980s. CRC's Christopher Yablonski has noted that policies posted on the websites of these top corporate givers often include rules to discriminate against charities that see a connection between material problems and spiritual problems. For instance:

General Motors (No. 1 in corporate giving) declares contributions "are generally not provided to . . . religious organizations."

The Ford Motor Company Fund (No. 3), "as a general policy, does not support the following: religious or sectarian programs for religious purposes." That's in the same undesirable category as "animal rights organizations" and "beauty or talent contests."

ExxonMobil (No. 4) explains, "We do not provide funds for political or religious causes." That's not exactly true, since the company also touts its support of environmentalists, advocacy groups for women and minorities, and groups performing "public research."

IBM (No. 6) "does not make equipment donations or grants from corporate philanthropic funds to . . . individuals, political, labor, religious, or fraternal organizations or sports groups." Many faith-based groups might also have trouble with the last two words of IBM's ban on "organizations that discriminate in any way against race, gender, ethnicity, or sexual orientation."

The Citigroup Foundation (No. 7) declares: "It is not our policy to make grants to . . . religious, veteran, or fraternal organizations, unless they are engaged in a significant project benefiting the entire community."

AT&T (No. 8) will only fund groups that are "nonsectarian and nondenominational."

Wal-Mart, the No. 2 corporate benefactor, was the main contrarian. Mr. Yablonski said the company awards a lot of small grants, and on previous donation lists, it looked like "every other grant" was to a faith-based charity. And the other companies' policies don't always completely bar donations to religious groups. CRC found that in contributions of $10,000 or more, some bans were complete (IBM zero percent, AT&T 0.06 percent), but some let a little sunshine in (GM 2.2 percent, Ford 3.2 percent, Citigroup 3.9 percent). One top-10 giver without an explicit ban, Boeing McDonnell, still only gave 4.6 percent of its grant money to faith-based organizations.

Corporations today often view their contributions as a business expense. The CRC regularly finds liberal women's and minority groups at the top of the corporate donation list, which is a handy inoculation device against discrimination lawsuits. But faith-based groups barely register on the typical corporate radar screen. "I was on a panel with a corporate officer who said the First Amendment didn't allow them to give to religious groups," said conservative philanthropy executive Michael Joyce, commenting on the corporate mindset. "Corporate leaders are working with some intellectual rot, or some pure ignorance."

At a meeting at the White House in late January, Mr. Joyce took his turn to speak about corporate discrimination against faith-based groups: "I said the president is both president of the government, but also president of the nation. There's huge private sector that spends billions emulating what government does. A few well-placed words from the president could have a profound effect. He could call in top CEOs and ask 'what's going on here?' The president picked up on that right away."

This month, at age 58, Mr. Joyce is stepping down from the helm of the Milwaukee-based Lynde and Harry Bradley Foundation to lead two new nonprofit groups at the crossroads of business, politics, and faith-based initiatives. The first, based in Washington, will take on the "short-term game" of lobbying members of Congress and other Washington elites about the virtues of President Bush's plan, as summarized in the "Community Solutions Act" before the House of Representatives. The second, based in Phoenix, is a "larger project, educating the culture, and private donors in particular, for the long haul."

But how will Mr. Joyce's new groups deal with campaign-finance conspiracy theorists and follow-the-money investigative journalists in the major media? They may quickly insinuate that the groups are a clever way for Bush donors to puff up the presidential legacy without any troublesome contribution limits. Mr. Joyce thinks such a brouhaha would be a waste of breath. "Barry Lynn [of Americans United for Separation of Church and State] and his crowd have a lot of resources. It isn't who funds anything. It's what they actually do." He plans on keeping in touch with the White House, but "what we cannot do is carry out their wishes. We will have to operate independently. It's just that simple."

Tom Riley, director of research at the Philanthropy Roundtable (which Mr. Joyce had a major role in creating decades ago) says Mr. Joyce was an atypical foundation executive during his 15 years at Bradley. Most program offices at large foundations are incredibly risk-averse, and since there's no risk of financial ruin, the biggest risk is bad press. Many corporations and foundations try to avoid controversy by avoiding charities that might be unpopular with the press. "Michael Joyce took those risks, and he was strategic rather than reactive. He had a vision, a long-term approach of building a movement, an infrastructure."

Mr. Joyce brings a similarly unorthodox approach to his new calling. Whenever the subject is the success of conservative philanthropy, Mr. Joyce sees no big secret. "Ordinary people understand this really well," he said. "We take human nature into account. We understand humans as they were wrought by God. These people wish to remake them and rearrange them. It's like that line in a Bob Marley song, 'don't let them rearrange you.' That's why they fail."

BRADLEY'S FIGHTING VEHICLE

Neal Freeman of the Foundation Management Institute called Michael Joyce "the chief operating officer of the conservative movement. . . . Over the period of his Bradley service, it's difficult to recall a single, serious thrust against incumbent liberalism that did not begin or end with Mike Joyce."

From his perch at the top of the John Olin Foundation, another conservative heavyweight, Mr. Joyce took over the brand-new Bradley Foundation in 1985 when it began with $280 million from the sale of Milwaukee electronics giant Allen-Bradley to Rockwell. Despite giving away almost $300 million in grants, Mr. Joyce is turning over the keys to a foundation that now lists assets of $700 million. It's the 68th largest foundation in America, and Mr. Joyce oversaw $44 million in grants last year.

"I had no immediate offers or opportunities" upon retirement, he said, but "I did place my trust in providence." Just then along came Paul Fleming, the Phoenix magnate of P.F. Chang's Chinese Bistro, a 25-state restaurant chain. "From his many years seeing faith heal in the center city of Phoenix, he was enriched in his own faith by what can be done." Together, they decided to form a tax-deductible group to educate corporations on faith-based charities. "I talked him out of putting it in Washington," Mr. Joyce said. "I visit Washington often, but when I leave, I always say, 'I'm going back to America.' I told him, be proud of your city."

Mr. Joyce continues to apply his vision of keeping the country from becoming a "prisoner to a hopeless progressivism" with his new enterprise. "At the end of the 19th century, liberals considered themselves the new Founding Fathers," he said. "They had their 100 years, and they made a mess of things. At the start of a new millennium, they are out gas."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of attending a funeral.

Mrs. CUBIN (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. ENGLISH, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. MCHUGH, for 5 minutes, on June 28.

Mr. THUNE, for 5 minutes, today.

Mr. GRUCCI, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, on June 25.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. REHBERG, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, June 25, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2617. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-P-7602] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2618. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7763] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2619. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2620. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Tobacco Control Activities in the United States, 1994–1999: Report to Congress," in accordance with Section 3(c) of the Comprehensive Smoking Education Act of 1984, Public Law 98–474; to the Committee on Energy and Commerce.

2621. A letter from the Deputy Director, Department of Defense, Defense Security Cooperation Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for United Arab Emirates (Transmittal No. 01–0B), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2622. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–76, "DNA Sample Collection Act of 2001" received June 21, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2623. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2624. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2625. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-

230-FOR] received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2626. A letter from the Division Chief, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation Of Offshore Oil and Gas Facilities in the Beaufort Sea [Docket No. 990901241-0116-02; I.D. 123198B] (RIN: 0648-AM09) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2627. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS); NOAA Information Collection Requirements; Regulatory Adjustments [Docket No. 010530142-1142-01; I.D. 040601J] (RIN: 0648-AP23) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2628. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Regulatory Adjustments [Docket No. 010523137-1137-01; I.D. 051501C] (RIN: 0648-AP29) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2629. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Groundfish Fisheries off Alaska [Docket No. 010112013-1139-04; I.D. 011101B] (RIN: 0648-AO82) received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2630. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 2 Period [Docket No. 001121328-1041-02; I.D. 060501A] received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2631. A letter from the Acting, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 010112013-1013-01; I.D. 060801A] received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN:

H.R. 2263. A bill to require that ten percent of the motor vehicles purchased by Executive agencies be hybrid electric vehicles or high-efficiency vehicles; to the Committee on Government Reform.

By Mr. WELLER (for himself, Mr. Coyne, and Mrs. Johnson of Connecticut):

H.R. 2264. A bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. DeFazio, Mr. Hostettler, and Mr. Stump):

H.R. 2265. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow consumers greater access to information regarding the health benefits of foods and dietary supplements; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself and Mr. Baldacci):

H.R. 2266. A bill to reduce the risk of the accidental release of mercury into the environment by providing for the temporary storage of private sector supplies of mercury at facilities of the Department of Defense currently used for mercury storage, to require the Administrator of the Environmental Protection Agency to appoint a task force to develop a plan for the safe disposal of mercury, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARGENT:

H.R. 2267. A bill to amend the Internal Revenue Code of 1986 to encourage energy production; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 2268. A bill to enforce the guarantees of the first, fourteenth, and fifteenth amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. BOEHNER (for himself, Mr. Armey, Mr. Sam Johnson of Texas, Mr. Tancredo, Mr. Baird, Mr. Lucas of Kentucky, Mr. McInnis, Mr. Foley, Mr. Smith of Washington, Mr. Oxley, Mr. Dicks, Mrs. Roukema, Mr. Baker, Mr. Camp, Mr. English, Mr. Gutknecht, Mr. Kirk, Mrs. Tauscher, and Mr. Holt):

H.R. 2269. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Ms. Eshoo, Mr. Condit, Mr. Cox, Mr. Baca, Mr. Becerra, Mr. Berman, Mrs. Bono, Mr. Calvert, Mrs. Capps, Mr. Cunningham, Mrs. Davis of California, Mr. Dooley of California, Mr. Doolittle, Mr. Dreier, Mr. Farr of California, Mr. Filner, Mr. Gallegly, Ms. Harman, Mr. Herger, Mr. Honda, Mr. Horn, Mr. Hunter, Mr. Lantos, Ms. Lee, Mr. Lewis of California, Ms. Lofgren, Mr. McKeon, Mr. Matsui, Ms. Millender-McDonald, Mr. Gary G. Miller of California, Mr. George Miller of California, Mrs. Napolitano, Mr. Ose, Ms. Pelosi, Mr. Pombo, Mr. Radanovich, Mr. Rohrabacher, Ms. Roybal-Allard, Mr. Royce, Ms. Sanchez, Mr. Schiff, Mr. Sherman, Ms. Solis, Mr. Stark, Mrs. Tauscher, Mr. Thomas, Mr. Thompson of California, Ms. Waters, Ms. Watson, Mr. Waxman, and Ms. Woolsey):

H.R. 2270. A bill to amend the Clean Air Act to permit the exclusive application of California State regulations regarding reformulated gas in certain areas within the State; to the Committee on Energy and Commerce.

By Mr. COLLINS:

H.R. 2271. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets to be 10-year property; to the Committee on Ways and Means.

By Mr. KIRK (for himself, Mrs. Johnson of Connecticut, Mr. Castle, Mr. Boehlert, Mr. Hobson, Mrs. Kelly, Mr. Maloney of Connecticut, Mr. Gilman, Mr. Smith of New Jersey, Mr. Boucher, Mr. Portman, Mr. Faleomavaega, Mr. Hastings of Florida, and Mr. Greenwood):

H.R. 2272. A bill to amend the Foreign Assistance Act of 1961 to provide for debt relief to developing countries who take action to protect critical coral reef habitats; to the Committee on International Relations.

By Mr. CONYERS:

H.R. 2273. A bill to amend banking laws with respect to offshore activities, investments, and affiliations of national banks, and for other purposes; to the Committee on Financial Services.

By Ms. ESHOO (for herself, Ms. Pelosi, Mrs. Capps, Mr. Becerra, Mr. Lantos, Mr. Stark, Mr. George Miller of California, Mrs. Tauscher, Mr. Honda, Mrs. Napolitano, Ms. Lee, Ms. Harman, Ms. Roybal-Allard, Ms. Woolsey, Mr. Larsen of Washington, Mr. Thompson of California, Ms. Lofgren, Mr. Berman, Ms. Solis, Mrs. Davis of California, Mr. Filner, Mr. Baird, Mr. Issa, Mr. Baca, Mr. Matsui, Mr. Farr of California, Mr. Condit, Ms. Millender-McDonald, Mr. Schiff, Ms. Sanchez, Mr. Gephardt, Mr. Hunter, Mr. Waxman, Ms. Watson, Mr. Sherman, and Ms. Waters):

H.R. 2274. A bill to require the refund of unjust or unreasonable rates and charges for certain sales of electric energy after June 1, 2000, in the Western United States; to the Committee on Energy and Commerce.

By Mr. EHLERS (for himself and Mr. Barcia):

H.R. 2275. A bill to amend the National Institute of Standards and Technology Act to ensure the usability, accuracy, integrity, and security of United States voting products and systems through the development of voluntary consensus standards, the provision of technical assistance, and laboratory accreditation, and for other purposes; to the Committee on Science.

By Mr. GEKAS:

H.R. 2276. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the deadline for aliens to present a border crossing card that contains a biometric identifier matching the appropriate biometric characteristic of the alien; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 2277. A bill to provide for work authorization for nonimmigrant spouses of treaty traders and treaty investors; to the Committee on the Judiciary.

By Mr. GEKAS (for himself, Ms. Lofgren, Mr. Smith of Texas, Ms. Jackson-Lee of Texas, Mr. Cannon, Mr. Dooley of California, Ms. Dunn, and Mr. Dreier):

H.R. 2278. A bill to provide for work authorization for nonimmigrant spouses of intracompany transferees, and to reduce the period of time during which certain intracompany transferees have to be continuously employed before applying for admission to the United States; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 2279. A bill to amend the Internal Revenue Code of 1986 to provide special rules for the charitable deduction for conservation contributions of land by eligible farmers and ranchers, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. English, Mr. Hayworth, Mr. Ramstad, Mrs. Thurman, Mr. Pomeroy, and Mr. Stark):

H.R. 2280. A bill to amend the Internal Revenue Code of 1986 to permit cooperatives to pay dividends on preferred stock without reducing patronage dividends; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. English, Mr. Cummings, Mrs. Jones of Ohio, Mr. Israel, Mr. Fattah, Mr. Upton, Mr. Berman, Mr. Moore, Mrs. Clayton, Ms. Carson of Indiana, Mr. Rodriguez, Ms. Slaughter, Mr. Kucinich, Mr. Wexler, Mr. McGovern, Ms. McKinney, Mr. Frost, Mrs. Christensen, Mr. Payne, Ms. Jackson-Lee of Texas, Mr. Lewis of Georgia, Mr. Meeks of New York, Mr. Owens, Ms. Lee, and Mr. Clement):

H.R. 2281. A bill to amend the Internal Revenue Code of 1986 to extend and expand the enhanced deduction for charitable contributions of computers to provide greater public access to computers, including access by the poor; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. Frank, Mr. Conyers, Mr. Nadler, Ms. Waters, Ms. Lee, Ms. McKinney, Mr. Owens, Mr. Sanders, Mr. DeFazio, Mr. George Miller of California, Mr. Davis of Illinois, Ms. Solis, Ms. Carson of Indiana, Mr. Olver, Mr. Stark, Mr. Lewis of Georgia, Mr. Jackson of Illinois, Ms. Schakowsky, Mr. Serrano, Mr. Waxman, Ms. Norton, Mr. Abercrombie, Mr. Hilliard, Mr. Clay, Mr. Filner, Mr. McGovern, Mr. Hinchey, Ms. Kaptur, Mr. Brown of Ohio, Ms. Pelosi, Mr. Evans, Ms. Velázquez, Ms. Brown of Florida, Mr. Andrews, Mr. Markey, and Ms. Roybal-Allard):

H.R. 2282. A bill to amend title 9 of the United States Code to exclude all employment contracts from the arbitration provisions of chapter 1 of such title, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. Baldacci, Ms. Berkley, Mr. Bishop, Mr. Blagojevich, Mr. Bonior, Ms. Brown of Florida, Mr. Brown of Ohio, Ms. Carson of Indiana, Mrs. Christensen, Mrs. Clayton, Mr. Conyers, Mrs. Davis of California, Mr. DeFazio, Ms. DeLauro, Mr. Evans, Mr. Fattah, Mr. Filner, Mr. Frank, Mr. Frost, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hinchey, Mr. Honda, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Kucinich, Mr. Lantos, Mr. McGovern, Ms. McKinney, Mr. Menendez, Ms. Millender-McDonald, Mr. George Miller of California, Mrs. Morella, Mr. Nadler, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Rangel, Ms. Roybal-Allard, Mr. Rush, Mr. Sanders, Ms. Schakowsky, Mr. Stark, Mr. Thompson of Mississippi, Mr. Towns, Ms. Waters, and Mr. Wexler):

H.R. 2283. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and the Workforce.

By Mr. LEWIS of Georgia:

H.R. 2284. A bill to amend title XVIII of the Social Security Act to provide for payment of certain chiropractic examination procedures, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LoBIONDO (for himself, Mr. Saxton, Mrs. Roukema, Mr. Frelinghuysen, Mr. Smith of New Jersey, and Mr. Ferguson):

H.R. 2285. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on portions of the Outer Continental Shelf located off the coast of New Jersey; to the Committee on Resources.

By Mrs. LOWEY (for herself and Mr. Hinchey):

H.R. 2286. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and principals; to the Committee on Education and the Workforce.

By Mrs. MALONEY of New York:

H.R. 2287. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a domestic partner, parent-in-law, adult child, sibling, or grandparent if the domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself and Mr. Stearns):

H.R. 2288. A bill to authorize the Secretary of Health and Human Services to carry out programs regarding the prevention and management of asthma, allergies, and related respiratory problems, to establish a tax credit regarding pest control and indoor air quality and climate control services for multifamily residential housing in low-income communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2289. A bill to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. Matsui, Mr. Bachus, Mr. Tanner, Mr. Bass, Mr. Udall of Colorado, Mr. McHugh, and Mr. Sununu):

H.R. 2290. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes; to the Committee on Ways and Means.

By Mr. PORTMAN (for himself, Mr. Levin, Mr. Cummings, Mr. Oxley, Mr. Rangel, Mr. Herger, Mr. Wynn, Mr. LaTourette, Mr. Stupak, Mr. Lewis of Kentucky, Ms. Carson of Indiana, Mr. Isakson, Mr. Kildee, Mr. Cunningham, Mr. Reyes, Mr. Watkins, Mr. McNulty, Mr. Sessions, Mr. Abercrombie, and Mr. Barrett):

H.R. 2291. A bill to extend the authorization of the Drug-Free Communities Support Program for an additional 5 years, to authorize a National Community Antidrug Coalition Institute, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN (for himself and Mr. Menendez):

H.R. 2292. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon Joanne Chesimard and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on International Relations.

By Mr. RYAN of Wisconsin:

H.R. 2293. A bill to amend the Internal Revenue Code of 1986 to provide a temporary reduction in the maximum capital gains rate from 20 percent to 15 percent; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Leach, Ms. Lee, and Mr. Towns):

H.R. 2294. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SUNUNU:

H.R. 2295. A bill to amend title 23, United States Code, to authorize the Secretary of Transportation to make grants to States to carry out innovative projects to promote increased seat belt use rates; to the Committee on Transportation and Infrastructure.

By Mr. WU:

H.R. 2296. A bill to terminate the price support and marketing quota programs for peanuts; to the Committee on Agriculture.

By Mr. WU:

H.R. 2297. A bill to require that the level of long-range nuclear forces of the Department of Defense be reduced to 3,500 warheads consistent with the provisions of the START II treaty; to the Committee on Armed Services.

By Mr. WU:

H.R. 2298. A bill to eliminate the use of the Savannah River nuclear waste separation facilities in South Carolina; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. RAHALL, Mr. HALL of Texas, Mr. ENGLISH, Mr. TANCREDO, Mr. HILLEARY, Mr. BARR of Georgia, Mr. SOUDER, Mr. SMITH of New Jersey, and Mr. BUYER):

H.J. Res. 54. A joint resolution recognizing the authority of public schools to allow students to exercise their constitutional rights by establishing a period of time for silent prayer or meditation or reflection, encouraging the recitation of the Pledge of Allegiance, and refusing to discriminate against individuals or groups on account of their religious character or speech; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. HUNTER, and Ms. SANCHEZ):

H.J. Res. 55. A joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; to the Committee on Ways and Means.

By Mr. ARMEY:

H. Res. 176. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. EVANS (for himself, Mr. CLEMENT, Mr. PHELPS, Ms. SCHAKOWSKY, Mr. FILNER, Ms. KILPATRICK, Mr. FROST, Mr. RUSH, Mr. JACKSON of Illinois, Mr. DEFAZIO, Mr. BLAGOJEVICH, and Mr. LIPINSKI):

H. Res. 177. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. KINGSTON.

H.R. 52: Mr. CALVERT.

H.R. 85: Mr. SKELTON and Mrs. JONES of Ohio.

H.R. 91: Mr. WELDON of Pennsylvania.

H.R. 97: Mr. PHELPS, Mr. SMITH of New Jersey, Mr. VITTER, Mr. BACA, and Mr. PLATTS.

H.R. 123: Mr. TAYLOR of North Carolina, Mr. SCHROCK, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, and Mr. PLATTS.

H.R. 134: Ms. HOOLEY of Oregon.

H.R. 147: Ms. SANCHEZ and Ms. LOFGREN.

H.R. 162: Ms. DEGETTE and Ms. ROYBAL-ALLARD.

H.R. 168: Ms. LOFGREN.

H.R. 189: Mr. PITTS.

H.R. 218: Mr. LANGEVIN, Mr. SCHROCK, Mr. TIAHRT, Mr. GRUCCI, and Mr. PASCRELL.

H.R. 239: Mr. THOMPSON of Mississippi, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. TIERNEY, Ms. KAPTUR, Ms. SCHAKOWSKY, and Ms. WOOLSEY.

H.R. 267: Mr. SESSIONS.

H.R. 287: Mr. MCDERMOTT and Mr. BOSWELL.

H.R. 303: Mr. UPTON.

H.R. 321: Mr. NADLER, Mr. HALL of Ohio, Mr. OBERSTAR, and Mr. FARR of California.

H.R. 326: Mr. KENNEDY of Rhode Island.

H.R. 389: Mr. HINCHEY.

H.R. 415: Ms. ROYBAL-ALLARD.

H.R. 507: Mr. GOODLATTE.

H.R. 534: Mr. HALL of Texas and Mr. KERNS.

H.R. 570: Mr. LEWIS of Kentucky and Mr. TERRY.

H.R. 572: Mr. RAHALL.

H.R. 583: Mr. ADERHOLT and Mr. RYAN of Wisconsin.

H.R. 638: Mr. ROTHMAN.

H.R. 639: Mr. BRADY of Pennsylvania, Mr. MASCARA, Mr. ANDREWS, Mr. RAHALL, and Mr. PETERSON of Pennsylvania.

H.R. 662: Mr. THOMPSON of California and Mr. OTTER.

H.R. 668: Mr. PRICE of North Carolina, Mr. WU, and Mr. KIRK.

H.R. 671: Mr. LANGEVIN.

H.R. 690: Ms. SOLIS.

H.R. 709: Mr. HOYER, Mrs. THURMAN, Mr. DOOLEY of California, Mr. FILNER, and Mr. BAIRD.

H.R. 778: Mr. YOUNG of Alaska, and Mr. LARSEN of Washington.

H.R. 785: Mrs. CHRISTENSEN.

H.R. 822: Mr. SHAW.

H.R. 826: Mr. SHADEGG.

H.R. 828: Mr. SIMMONS, Mr. ISRAEL, and Mr. ROGERS of Michigan.

H.R. 868: Mr. ROGERS of Kentucky, Mr. BISHOP, Mr. SUNUNU, Ms. CARSON of Indiana, Mr. ISRAEL, Mr. HOBSON, Mr. HOLT, Mr. DOYLE, Mr. HOUGHTON, Mr. MCNULTY, Mr. CUMMINGS, Mr. RAHALL, Mrs. JONES of Ohio, and Mr. FATTAH.

H.R. 869: Mr. LANGEVIN, Mr. HORN, Mr. HINCHEY, Mr. FRANK, Mrs. ROUKEMA, and Mr. ENGLISH.

H.R. 875: Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. SERRANO, Mr. FROST, Mr. STARK, and Mr. MCDERMOTT.

H.R. 876: Ms. MCCOLLUM, Mr. HOEFFEL, Mr. WEINER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIRK, Mr. OSBORNE, and Mr. MORAN of Kansas.

H.R. 877: Mr. ANDREWS and Mr. RILEY.

H.R. 912: Mr. GILMAN.

H.R. 917: Mrs. MALONEY of New York.

H.R. 936: Mr. MATHESON.

H.R. 943: Mr. WAXMAN and Mr. BROWN of Ohio.

H.R. 950: Mr. PETERSON of Pennsylvania and Mr. PENCE.

H.R. 951: Ms. SCHAKOWSKY, Mr. ROEMER, Mr. HAYES, Mr. BACHUS, Mrs. NORTHUP, Mr. HILLIARD, Mr. PASCRELL, Mr. MCINTYRE, Mr. THUNE, Mr. ANDREWS, Mr. MARKEY, Mr. STUPAK, Mr. CASTLE, Mr. MASCARA, Mr. ROSS, and Mr. BURR of . North Carolina.

H.R. 1007: Mr. TAYLOR of Mississippi.

H.R. 1008: Mrs. EMERSON and Mr. MANZULLO.

H.R. 1021: Mr. MANZULLO.

H.R. 1024: Ms. HART and Mr. HOUGHTON.

H.R. 1030: Ms. HART, Mr. DIAZ-BALART, Mr. HONDA, Mr. BEREUTER, Mr. LANTOS, Mr. SHADEGG, Mr. BARR of Georgia, Mr. MCKEON, Mr. PORTMAN, Mrs. BIGGERT, and Mr. CLYBURN.

H.R. 1036: Mr. ACKERMAN, Mr. FILNER, Mr. DEUTSCH, Mr. DOGGETT, Mr. SHOWS, Mr. GUTIERREZ, Mr. MARKEY, Mr. HALL of Texas, Mr. JEFFERSON, Mr. STRICKLAND, Mr. HONDA, Mr. BAIRD, and Mrs. THURMAN.

H.R. 1038: Mr. OBERSTAR, Mr. BARRETT, Mr. NADLER, and Mr. HALL of Ohio.

H.R. 1076: Mr. FORD, Ms. HARMAN, Mr. FALEOMAVAEGA, Ms. KILPATRICK, Mrs. CHRISTENSEN, and Mr. HILLIARD.

H.R. 1136: Mr. WHITFIELD, Mr. MEEKS of New York, and Mr. KIRK.

H.R. 1145: Mr. NEY.

H.R. 1149: Mr. FROST, Mr. WU, Ms. HARMAN, and Mr. BOUCHER.

H.R. 1165: Mr. HALL of Texas and Mr. EHLERS.

H.R. 1170: Mr. DICKS and Ms. WATSON.

H.R. 1172: Mr. HULSHOF, Mr. SWEENEY, Ms. ROS-LEHTINEN, Mr. PORTMAN, and Mr. HALL of Texas.

H.R. 1187: Mr. COYNE and Mr. CLYBURN.

H.R. 1192: Mr. MURTHA.

H.R. 1198: Mr. DEFAZIO, Mr. MCGOVERN, Mr. FRANK, Mr. BROWN of South Carolina, Mr. GALLEGLY, Mr. HUNTER, Mr. BROWN of Ohio, Mr. FALEOMAVAEGA, Mr. THOMPSON of Mississippi, Mr. GONZALEZ, Ms. LOFGREN, Ms. BROWN of Florida, Mr. SANDERS, Mrs. THURMAN, Mrs. CLAYTON, Mr. SCHIFF, Mrs. MALONEY of New York, Ms. HART, Mr. SMITH of New Jersey, Mrs. JOE ANN DAVIS of Virginia, Mr. DUNCAN, and Mr. BURTON of Indiana.

H.R. 1201: Ms. HARMAN.

H.R. 1230: Mr. EVANS and Mr. KIND.

H.R. 1238: Mr. TAYLOR of Mississippi and Mr. JACKSON of Illinois.

H.R. 1255: Ms. LEE and Mr. BALDACCI.,

H.R. 1269: Mr. PRICE of North Carolina, Mr. MORAN of Virginia, Ms. NORTON, Mr. BERMAN, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. MCCARTHY of Missouri, Mr. TIERNEY, Mr. CAPUANO, and Ms. LOFGREN.,

H.R. 1296: Ms. HOOLEY of Oregon, Mr. WU, Mr. LAMPSON, and Mr. PAYNE.

H.R. 1304: Mr. DOOLEY of California.

H.R. 1305: Mr. GIBBONS and Mrs. TAUSCHER.

H.R. 1310: Mr. SANDERS.

H.R. 1316: Mr. PHELPS and Mr. WAMP.

H.R. 1329: Mr. HORN and Mrs. NORTHUP.

H.R. 1340: Mr. KIRK.

H.R. 1401: Ms. SLAUGHTER.

H.R. 1410: Mr. HILLEARY.

H.R. 1421: Mr. LANGEVIN, Mr. OWENS, Mr. GUTIERREZ, Mr. BECERRA, and Mr. Simmons.

H.R. 1433: Mr. STUPAK.

H.R. 1462: Mr. MCINNIS.

H.R. 1477: Mr. HINOJOSA.

H.R. 1487: Mrs. THURMAN.

H.R. 1488: Mr. GEORGE MILLER of California and Mr. BLUMENSUER.

H.R. 1508: Mr. PLATTS.

H.R. 1522: Mr. HINCHEY and Mr. ANDREWS.

H.R. 1541: Mr. HINCHEY.

H.R. 1556: Mrs. EMERSON, Mr. KENNEDY of Rhode Island, and Mr. SMITH of New Jersey.

H.R. 1596: Ms. MCKINNEY, Mr. BARTLETT of Maryland, Mr. SAXTON, Mr. FROST, Mr. WOLF, and Mr. KING.

H.R. 1598: Mr. SIMMONS.

H.R. 1600: Ms. ESHOO and Mr. CALVERT.

H.R. 1605: Mr. ROSS.

H.R. 1609: Mr. CLEMENT and Mrs. CHRISTENSEN.

H.R. 1636: Mr. BEREUTER and Mr. LEWIS of Kentucky.

H.R. 1644: Mr. FOSSELLA, Mr. PETERSON of Pennsylvania, Mr. COLLINS, and Mr. SCHROCK.

H.R. 1657: Mr. GUTKNECHT.

H.R. 1668: Mr. HOLT, Mr. TIBERI, Mr. SHAW, and Mr. HORN.

H.R. 1682: Mr. GREEN of Texas, Mr. MCGOVERN, Mr. GONZALEZ, Mr. HILLIARD, and Mr. REYES.

H.R. 1723: Ms. LOFGREN and Mr. DINGELL.

H.R. 1733: Ms. MCKINNEY and Mr. ALLEN.

H.R. 1754: Mr. SIMPSON and Mr. HINCHEY.

H.R. 1773: Mr. CANTOR, Mr. BACA, Ms. HART, and Mr. FILNER.

H.R. 1786: Mr. DEAL of Georgia and Mr. PETERSON of Pennsylvania.

H.R. 1805: Mr. PENCE.

H.R. 1808: Mr. GILLMOR, Mr. PASCRELL, and Mrs. MCCARTHY of New York.

H.R. 1827: Mr. FILNER.

H.R. 1839: Mr. GONZALEZ.

H.R. 1841: Mr. HILL and Mr. HOSTETTLER.

H.R. 1859: Mrs. JONES of Ohio.

H.R. 1873: Mr. HILLIARD and Mr. HONDA.

H.R. 1881: Mr. PENCE.

H.R. 1919: Mr. BUYER, Ms. HART, Mr. GEKAS, Mr. HULSHOF, Mr. GILLMOR, Mrs. NORTHUP, Mr. BACHUS, Mr. PASCRELL, Mr. WALSH, Mr. OSBORNE, Mr. HOLDEN, and Mr. NEY.

H.R. 1928: Mr. KENNEDY of Rhode Island.

H.R. 1935: Mr. MCNULTY, Mr. BARTLETT of Maryland, Mr. THORNBERRY, Mr. MCGOVERN, Ms. MCCARTHY of Missouri, Mr. SAXTON, Ms. BALDWIN, Mr. FOLEY, and Mr. KUCINICH.

H.R. 1945: Mr. HINCHEY.

H.R. 1949: Mr. FARR of California, Mr. MURTHA, Mr. BALDACCI, Mr. MCHUGH, Mrs. THURMAN, Mr. EVANS, Mr. ALLEN, Mr. BROWN of Ohio, and Mr. PASCRELL.

H.R. 1950: Mr. SHAW.

H.R. 1954: Mr. TIAHRT, Mr. UPTON, Mr. YOUNG of Florida, and Mr. SHAYS.

H.R. 1958: Mr. ANDREWS, Mr. RODRIGUEZ, and Mr. BRADY of Texas.

H.R. 1983: Mr. SHAYS, Mrs. MCCARTHY of New York, Mr. CANTOR, Mr. MCKEON, Mr. Saxton, Mr. MEEKS of New York, Mr. FOLEY, Mr. PETERSON of Minnesota, Mr. GOODE, and Mr. KING.

H.R. 1988: Mrs. JONES of Ohio, Mr. COYNE, and Mr. SHOWS.

H.R. 2001: Mr. GUTKNECHT.

H.R. 2012: Mr. SANDERS, Ms. KAPTUR, Mr. LAHOOD, Mr. ALLEN, Mr. STUPAK, Ms. MCCOLLUM, Mrs. MORELLA, Mr. HANSEN, and Mr. HOLDEN.

H.R. 2027: Mr. PETERSON of Pennsylvania.

H.R. 2038: Mr. PETERSON of Minnesota.

H.R. 2055: Mr. FLAKE, Mr. BONILLA, Mr. SHAW, and Mr. OTTER.

H.R. 2073: Mr. PASTOR, Mr. FROST, Mr. FALEOMAVAEGA, Mr. ISAKSON, Mr. BALDACCI, Mr. JONES of North Carolina, Ms. WOOLSEY, Mr. HINCHEY, and Mr. BOUCHER.

H.R. 2074: Mr. FORD.

H.R. 2076: Mr. TOM DAVIS of Virginia.

H.R. 2095: Ms. HART.

H.R. 2096: Mr. ARMEY.

H.R. 2097: Ms. CARSON of Indiana, Mr. FATTAH, Ms. NORTON, Ms. MCKINNEY, Mr. CLYBURN, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. WATERS, Mr. PAYNE, Mr. FORD, and Mr. CLAY.

H.R. 2101: Mr. OTTER and Mr. THORNBERRY.

H.R. 2102: Mrs. MEEK of Florida, Mr. HILLEARY, Mr. FALEOMAVAEGA, Mr. PRICE of North Carolina, Mr. BOUCHER, and Mr. STUPAK.

H.R. 2116: Mr. GRAHAM and Mr. BALLENGER.

H.R. 2123: Mr. BLUNT.

H.R. 2125: Mr. ALLEN, Mr. ISAKSON, Mrs. THURMAN, Mr. PALLONE, and Mr. BOUCHER.

H.R. 2131: Mr. MCGOVERN.

H.R. 2143: Mr. KIRK, Mrs. NORTHUP, Mr. OTTER, Mr. CANTOR, Mr. TIAHRT, and Mr. OXLEY.

H.R. 2149: Mrs. CUBIN, Mr. MCKEON, Mrs. BONO, and Mr. THORNBERRY.

H.R. 2154: Mr. LANTOS and Ms. VELÁZQUEZ.

H.R. 2157: Mr. ENGLISH, Mr: SESSIONS, and Mr. JOHNSON of Illinois.

H.R. 2158: Mr. CONYERS and Mr. FILNER.

H.R. 2161: Mr. DOOLITTLE.

H.R. 2164: Mrs. TAUSCHER.

H.R. 2172: Mr. DREIER.

H.R. 2175: Mr. GRAHAM, Mr. RAHALL, Mr. HEFLEY, Mr. HOEKSTRA, Mr. BARTON of Texas, and Mr. PETRI.

H.R. 2176: Mr. MCDERMOTT.

H.R. 2177: Mr. WATKINS and Mr. HINOJOSA.

H.R. 2178: Mr. NEAL of Massachusetts.

H.R. 2182: Mr. MEEHAN.

H.R. 2200: Mr. BAKER.

H.R. 2212: Mr. OXLEY, Mr. LARGENT, Mr. TANCREDO, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. CANTOR, Mr. SENSENBRENNER, Mr. SUNUNU, and Mr. BALLENGER.

H.R. 2219: Mr. NEAL of Massachusetts.

H.R. 2235: Mr. HOLT.

H.R. 2244: Mr. BACHUS and Mr. RYUN of Kansas.

H.R. 2252: Mrs. JO ANN DAVIS of Virginia.

H.R. 2258: Ms. LEE.

H.J. Res. 13: Mr. PASCRELL.

H.J. Res. 36: Mr. YOUNG of Florida, Mr. ANDREWS, Mr. WELDON of Pennsylvania, Mr. CANNON, and Mrs. NAPOLITANO.

H. Con. Res. 45: Mr. DIAZ-BALART and Mr. GREEN of Texas.

H. Con. Res. 161: Mr. NORWOOD, Mr. JOHNSON of Illinois, Mr. MILLER of Florida, Mr. OSE, Mr. CHAMBLISS, Mrs. TAUSCHER, Mr. BAKER, Ms. MCKINNEY, Mr. KING, Mr. JOHN, Mr. THUNE, Mr. DIAZ-BALART, Mr. ROHRABACHER, Mr. SHAW, Mr. MCNULTY, Mr. RAHALL, Mr. SUNUNU, Mr. PETRI, Mr. CALVERT, and Mr. DEAL of Georgia.

H. Con. Res. 164: Mr. ENGLISH.

H. Res. 49: Mr. RANGEL.

H. Res. 117: Mr. WEINER.

H. Res. 152: Mrs. TAUSCHER, Mr. CLAY, Mr. HINCHEY, and Mr. ALLEN.

H. Res. 172: Mrs. KELLY, Mr. RANGELL, Mr. NADLER, Mr. MCNULTY, Mr. ENGEL, Mr. BOEHLERT, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. CAPUANO, Mr. SERRANO, Mr. HOUGHTON, Mrs. LOWEY, Mr. TIERNEY, Mr. QUINN, Mr. LAFALCE, Mr. WEINER, Mr. OWENS, Mr. TOWNS, Mr. BLUMENAUER, Mr. HOYER, Mr. MCGOVERN, Mr. TERRY, and Ms. VELÁZQUEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2172: Mr. GILLMOR.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 1 by Mr. CARSON on House Resolution 146: Eddie Bernice Johnson and Alan B. Mollohan.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2217

OFFERED BY MR. INSLEE

AMENDMENT NO. 10: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. None of the funds made available in this Act may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended part 3809 of title 43, Code of Federal Regulations.

H.R. 2217

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 11: At the end of the bill, add the following section:

SEC. 332. None of the funds appropriated or otherwise made available by this Act may be used to fund the National Endowment of the Arts.

EXTENSION OF REMARKS

IN HONOR OF DOCTOR LORRAINE MONROE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Doctor Lorraine Monroe for her dedication to her community through her love of education.

Doctor Monroe earned her Bachelor of Arts as well as her Master of Arts from Hunter College in English Literature. She continued with her education, obtaining a Master of Science in Administration and Supervision from Bank Street College of Education. Lorraine holds a Master in Education degree from Columbia University in addition to the Doctorate in Education that Doctor Monroe earned from Teachers College at Columbia University. In addition, she has also been the recipient of six Honorary Doctorates, including ones from Brown University and Hunter College.

Lorraine takes the education that she receives and uses her knowledge in her many various capacities as an educator which she has filled. Her professional experience includes serving as the Executive Director of the School Leadership Academy at the Center for Educational Innovation to teaching graduate courses in school administration at Bank Street College Principals' Institute to teaching English in the New York City public schools. Additionally, Doctor Monroe is the Co-Director of the Women's Group at the Bank Street College as well as the Chief Executive for Instruction at the New York City Board of Education.

Due to her vast experience as an administrator, Lorraine has served as a consultant on educational issues to over 44 states in the United States. Additionally, she consults in other countries, including, but not limited to Germany, Brazil, Canada, Japan, Singapore, and Sweden. She can often be found traveling to far and distant places as a keynote speaker. Lorraine also is a distinguished member of the Board of Trustees for Columbia University's Teachers College.

Mr. Speaker, Doctor Lorraine Monroe has devoted her life to serving her community as an educator. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

HONORING JUNIOR ACHIEVEMENT HIGH SCHOOL VOLUNTEER JERRY RICE OF ROCKFORD, ILLINOIS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. MANZULLO. Mr. Speaker, I rise to speak today about a distinguished member of my district who is being honored by an organization, which has had an immeasurable impact on America. Jerry Rice, a retired engineer for Broaster Corporation, is Junior Achievement's National High School Volunteer of the Year. In his ten years as a volunteer for Junior Achievement, Mr. Rice has taught approximately 90 classes. Throughout those ten years, Mr. Rice has served as a classroom volunteer for several of Junior Achievement's programs. Mr. Rice's continually goes above and beyond the call of the average volunteer. He also serves as a confidant to many students and has helped them to increase their understanding of economics, which in turn increases their desire to learn. His dedication to the young people of his community stands as an inspiration to us all.

The history of Junior Achievement is a true testament to the indelible human spirit and American ingenuity. Junior Achievement was founded in 1919 by Horace Moses, Theodore Vail, and Senator Murray Crane of Massachusetts, as a collection of small, after-school business clubs for students in Springfield, Massachusetts.

As the rural-to-city exodus of the populace accelerated in the early 1900s, so too did the demand for workforce preparation and entrepreneurship. Junior Achievement students were taught how to think and plan for a business, acquire supplies and talent, build their own products, advertise, and sell. With the financial support of companies and individuals, Junior Achievement recruited numerous sponsoring agencies such as the New England Rotarians, Boy Scouts, Girl Scouts, Boys & Girls Clubs, the YMCA, local churches, playground associations and schools to provide meeting places for its growing ranks of interested students.

In a few short years JA students were competing in regional expositions and trade fairs and rubbing elbows with top business leaders. In 1925, President Calvin Coolidge hosted a reception on the White House lawn to kick off a national fundraising drive for Junior Achievement's expansion. By the late 1920s, there were nearly 800 JA Clubs with some 9,000 Achievers in 13 cities in Massachusetts, New York, Rhode Island, and Connecticut.

During World War II, enterprising students in JA business clubs used their ingenuity to find new and different products for the war effort. In Chicago, JA students won a contract to manufacture 10,000 pants hangers for the U.S. Army. In Pittsburgh, JA students developed and made a specially lined box to carry off incendiary devices, which was approved by the Civil Defense and sold locally. Elsewhere, JA students made baby incubators and used acetylene torches in abandoned locomotive yards to obtain badly needed scrap iron.

In the 1940s, leading executives of the day such as S. Bayard Colgate, James Cash Penney, Joseph Sprang of Gillette and others helped the organization grow rapidly. Stories of Junior Achievement's accomplishments and of its students soon appeared in national magazines of the day such as TIME, Young America, Colliers, LIFE, the Ladies Home Journal and Liberty.

In the 1950s, Junior Achievement began working more closely with schools and saw its growth increase five-fold. In 1955, President Eisenhower declared the week of January 30 to February 5 as "National Junior Achievement Week." At this point, Junior Achievement was operating in 139 cities and in most of the 50 states. During its first 45 years of existence, Junior Achievement enjoyed an average annual growth rate of 45 percent.

To further connect students to influential figures in business, economics, and history, Junior Achievement started the Junior Achievement National Business Hall of Fame in 1975 to recognize outstanding leaders. Each year, a number of business leaders are recognized for their contribution to the business industry and for their dedication to the Junior Achievement experience. Today, there are 200 laureates from a variety of businesses and industries that grace the Hall of Fame.

By 1982, Junior Achievement's formal curricula offering had expanded to Applied Economics (now called JA Economics), Project Business, and Business Basics. In 1988, more than one million students per year were estimated to take part in Junior Achievement programs. In the early 1990s, a sequential curriculum for grades K–6 was launched, catapulting the organization into the classrooms of another one million elementary school students.

Today, through the efforts of more than 100,000 volunteers in the classrooms of America, Junior Achievement reaches more than four million students in grades K–12 per year. JA International takes the free enterprise message of hope and opportunity even further . . . to more than 1.5 million students in 111 countries. Junior Achievement has been an influential part of many of today's successful entrepreneurs and business leaders. Junior Achievement's success is truly the story of America—the fact that one idea can influence and benefit many lives.

Mr. Speaker, I wish to extend my heartfelt congratulations to Jerry Rice of Rockford for his outstanding service to Junior Achievement and the students of Illinois. I am proud to have him as a member of my district and proud of his accomplishment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF THE RETIREMENT OF MS. EVELYN B. NEPTUNE

HON. EVA M. CLAYTON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mrs. CLAYTON. Mr. Speaker, I rise today to pay tribute to a very special person, my constituent, Mrs. Evelyn B. Neptune. I extend my sincere congratulations to Mrs. Neptune on her retirement after having served the Washington County Public Schools System, the Pettigrew Regional Library System and the Washington County Health Department for more than 32 years.

Mr. Speaker, a resounding expression of appreciation is indeed in order and is extended to Mrs. Neptune on behalf of the many citizens across Eastern, North Carolina whose lives have been touched by her dedication, compassion, and generosity. Mrs. Neptune has given so much of herself to make the burdens of life more manageable for so many.

Mr. Speaker, Mrs. Neptune is an exception to the idea that "it takes a village to raise a child." In 1965 she moved to her hometown of Plymouth, North Carolina with her children ages 3, 4, 5, and 6 as a single parent. She began working as a teaching assistant in the local elementary school where she started reading to her students during recess and after school simply because the children needed the extra help. This activity led to a recommendation for Mrs. Neptune to take a job as a library assistant with the Pettigrew Regional Library. Once there, Mrs. Neptune began reading to visiting classes of pre-school and elementary school students as a means of occupying them and introducing them to new books. This activity led to more formal reading sessions that were eventually expanded to the famous "Story Hour" programs that Mrs. Neptune began hosting, not only in all four of the public libraries in the region, but also in local senior citizen homes. Mrs. Neptune's stories which included elaborate puppet shows that she made up, became legendary throughout the region. In 1994, Mrs. Neptune accepted a position in the Washington Country Health Department where she worked with the Maternity/Pre-Natal program and finally their Breast Cancer Screening program before retiring in 1997. In addition to this amazing career, Mrs. Neptune served on the Washington County School Board for eight years.

As a parent, Mr. Speaker, I am convinced that Mrs. Neptune's greatest accomplishment as a single parent is the fact that she sent all five of her children to college, and in some cases, beyond, including to Harvard Medical School, Harvard Business School, North Carolina Central University, University of South Carolina, Duke University and Princeton. Today, Mr. Speaker, Mrs. Neptune is the proud parent of a physician and researcher who practices at Johns Hopkins Hospital, and two Vice Presidents, one who is employed with Bank of America and the other with the Washington Post Newspaper. The remaining two have enjoyed successful careers as a design engineer and an insurance administrator.

Mrs. Neptune is a true treasure; a gift beyond words. Her most enduring personal quality is her boundless humility. Mr. Speaker, I ask my colleagues to rise and join me in paying tribute to one of the "world's best kept secrets", Mrs. Evelyn Neptune, with all of her noteworthy accomplishments. Thank you for this opportunity, Mr. Speaker.

INTERNATIONAL TERRORISM STILL A REAL THREAT FOR AMERICANS ABROAD

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. GILMAN. Mr. Speaker, I rise to bring my Colleagues' attention to several recent events that once again highlight the threat of international terrorism faced by Americans around the world. On May 27, radical Muslim separatists in the Philippines kidnaped a group of twenty persons from a luxury resort, including three Americans. Reports indicate that one of these Americans was selected for execution by beheading to emphasize the rebel group's displeasure with government negotiations for the hostage's release. Though this barbaric act has not been confirmed, evidence is growing that the rebels' claim may be accurate.

In Yemen, FBI and Naval Criminal Investigative Service agents investigating the earlier terrorist attack last year on the American warship U.S.S. *Cole* were withdrawn after receiving a "specific and credible" threat against them. At the same time, some non-essential personnel have been withdrawn from the American embassy, and the U.S. embassy in Yemen has been put on a limited operations status.

Though the motivations behind these acts are complex, one thread ties them together. Some of these targets have been selected because they are Americans. We must not stand by idly while this threat exists. We should continue to work cooperatively with other nations around the globe to contain it, and at the same time, non-cooperative nations must be pressed to respect international laws and not support or encourage terrorism.

For several months now, the government of the People's Republic of China has been holding hostage about half a dozen U.S. citizens and permanent residents. Let's be perfectly clear about this. Government sponsored kidnaping is terrorism. It is no less dramatic or evil than what is happening in the Philippines or anywhere else that Americans or our residents or anybody else is being held against their will for political purposes.

The People's Republic of China has previously engaged in similar action. One year it was activist Harry Wu. Another time it was Wei Jingsheng. For years the Chinese dictatorship have been holding and releasing, and then holding and releasing Catholic clergy loyal to Pope John Paul II. Some of these hostages are eventually released, some permanently, some temporarily after they are leveraged on MFN, WTO, Taiwan or some other significant issue.

Let us also be clear that our State Department is on notice that we want our people back immediately and unconditionally. It should be made perfectly clear that the President has put on hold any consideration about his meeting with Chinese leaders until this happens. The Chinese government must understand that our people are not pawns for trade. First return our people and then we will talk about other things, such as trade.

A TRIBUTE TO MONIQUE GREENWOOD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Monique Greenwood for her boundless spirit that has allowed her to become a successful businesswoman and give back to her community.

Monique, a native of Washington, D.C., is a magna cum laude graduate of Howard University. She is also an alumna of the Program for Developing Managers at Simmons Graduate School of Business.

Greenwood was recently appointed Editor-in-Chief of Essence Magazine, the country's leading magazine for African-American women. Since joining Essence in 1996, Monique has done stints as Executive Editor, Lifestyle Director, and Style Director. Prior to joining Essence, she held several senior positions with Fairchild Publications. Working for Fairchild, Monique started and headed Children's Business, the industry publication for children's fashion.

Monique has also been met with terrific success as a successful restaurateur. In 1995, she launched Akwaaba Mansion, an elegant bed-and-breakfast in the historic Bedford Stuyvesant Brooklyn community. Three years later, Monique and her husband, Glenn Pogue, opened Akwaaba Café, an elegant restaurant located just down the road from the inn. During the summer of 2000, Monique and Glenn unveiled their revitalization plan of a commercial block that they own in the Bedford Stuyvesant neighborhood. Among the many stores lining the street is the quaint coffee house, Mirrors, which the couple own and operate.

In addition to being the author of a book with another set to be published soon, Monique co-founded and serves as national president of Go On Girl! Book Club, a literary society for African-American women.

Monique devotes much of her spare time to serving her community. She serves on several boards including the New York Urban League and Community Planning Board #3. She is the recipient of numerous honors, including a Points of Light Award from President George Bush.

Being a wife and mother is what Greenwood considers her most important and most rewarding role. She and Glenn have a nine-year-old daughter.

Mr. Speaker, Monique Greenwood has devoted her life to serving her community through entrepreneurship. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

BATAAN DEATH MARCH VETERANS SURVIVAL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. GALLEGLY. Mr. Speaker, I rise in strong support of our veterans, but in particular a group of them from World War II. These heroes survived the Bataan Death March only to be transported to Japan in the infamous Death Ships and were forced to work for private Japanese companies under the most horrendous conditions. Private employees of these companies repeatedly and systematically tortured and physically abused these American GI's. Not only did these corporations refuse to pay our former GI's their wages (as required by international law), they also withheld essential medical care and even the most minimal amounts of food. The brutality suffered by our POWs was truly staggering. During the Second World War, more than 11,000 died in the hands of their Japanese corporate employers, among the worst records of physical abuse of POWs in recorded history.

After the War, approximately 16,000 returned—all battered and nearly starved, many permanently disabled, all changed forever. To serve U.S. policy, the U.S. and Japanese governments joined together to keep their ordeal from public attention. Now, like many other victims of World War II-era atrocities, the remaining survivors and the estates of those who have since passed away are seeking justice and historical recognition of their ordeal. They do not seek any redress from the Japanese Government or by the Japanese people. Rather, they seek compensation from the multinationals that withheld food and medicine for more than three years so that they could increase their profits.

Representatives MIKE HONDA and DANA ROHRABACHER have introduced legislation, H.R. 1198, which will allow these veterans a day in court. I am a strong supporter and a cosponsor of the bill.

In addition, at the end of the month the new Japanese Prime Minister will visit the United States. I urge him and President Bush to directly address this issue. It is my hope that this opportunity will be used to reach a historic agreement that will address the concerns of our veterans who suffered inhumane treatment at the hands of Japanese companies during World War II.

HONORING DR. CHARLES SACHATELLO FOR HIS 50 YEARS OF DEDICATED SERVICE TO THE SCIENCE OF MEDICINE

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FLETCHER. Mr. Speaker, I rise today to acknowledge and thank a community leader for his 50 years of dedicated service to medicine, many of those years spent serving and impacting lives in Central Kentucky.

Dr. Charles Sachatello has been a member of the Lexington Community since 1970 and has dutifully served as a surgeon, neighbor and friend. He has recently retired and it is my honor to tell you about his life and accomplishments.

Born in Connecticut, Dr. Sachatello received his undergraduate degree from Yale University and medical degree from Yale Medical School before attending Vanderbilt University to receive his surgical training. While at Vanderbilt, Dr. Sachatello published several papers regarding a new surgical treatment detailing techniques to remove blood clots.

After attending Vanderbilt University, Dr. Sachatello joined the staff of the Roswell Park Memorial Institute in Buffalo, NY. During his tenure, he recognized the Juvenile Polyposis of Infancy syndrome and established a working classification of intestinal polyps.

Dr. Sachatello became a Professor of Surgery at the University of Kentucky, Chandler Medical Center in 1970 and was actively involved in teaching, patient care and surgical research until his departure in 1985. During his tenure, he conducted detailed studies of patients with intra-abdominal injuries and helped popularize the technique of diagnostic peritoneal lavage. Additionally, Dr. Sachatello worked with Arrow International Inc. to develop a Diagnostic Peritoneal Lavage Kit, which has been used in tens of thousands of patients and is still widely used today.

In 1985, Dr. Sachatello left the University of Kentucky and entered into private practice. He established the Bluegrass Surgical Group and was instrumental to the group's merger with the United Surgical Associates in 1998, which is one of the largest surgical groups in the nation.

Over the years, Dr. Sachatello has authored over 80 papers and several chapters in surgery textbooks. He also established the Charles and Suzanne Sachatello Endowment Fund at the University of Kentucky to purchase books on trauma. He was also instrumental is establishing the Grove Memorial AOA lectureship endowment.

Today, I rise to salute Dr. Sachatello for his commitment to medicine, to the Lexington Community and to me personally. Throughout his lifetime, he has touched thousands of lives as a teacher, physician, friend and neighbor improving the lives of people throughout Kentucky.

INTRODUCTION OF OUTER CONTINENTAL SHELF OIL AND GAS LEASING LEGISLATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. LoBIONDO. Mr. Speaker, Today I am introducing legislation which would make permanent the long-standing moratorium on leasing for the exploration or extraction of oil or gas on the Outer Continental Shelf near the New Jersey coast. I understand the need to find new energy sources, but I fear that future price spikes may cause some officials to make rash decisions based on political expediency instead of sound policy. If a permanent moratorium is not enacted, the New Jersey coastline will forever be in danger of oil development. In fact, recent articles in the Newark Star-Ledger and the Atlantic City Press outline a proposed Interior Department plan to study the effects of resuming offshore drilling on the Atlantic coast from Canada to North Carolina. Obviously, such a study would be the first step to the resumption of oil and gas leasing.

The Exxon Valdez oil spill is still far too fresh in my mind, and in the minds of my constituents. We remember the television footage of oil-stained beaches and dying plants and animals. None of us ever wants to see this happen in New Jersey. A large oil spill on our coastline would have a devastating effect on the health and economy of my state. The tourism and fishing industries provide thousands of jobs in New Jersey, and they would all be thrown into jeopardy if an accident were to occur. I thank my colleagues, Representatives JIM SAXTON, MARGE ROUKEMA, RODNEY FRELINGHUYSEN, MIKE FERGUSON and CHRIS SMITH for agreeing to cosponsor this important bill, and I urge Congress to enact my legislation as quickly as possible.

IN HONOR OF THE HON. BETTY J. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of the Honorable Betty J. Williams for her dedication to the study of law and her devotion to her community.

Betty Williams became a Civil Court Judge in Brooklyn, New York upon her election to the office in November of 2000. Prior to her election, she served as Director and Chief Hearing Officer at the Board of Education of the City of New York for the Special Education Suspension Hearing Office.

Judge Williams is a graduate of North Carolina Agricultural and Technical State University. She holds her law degree from New York Law School and also earned a Master of Science from Columbia University. Betty is a member of many law associations including the National Bar Association, New York State, the Southern and Eastern District's Friends. She is able to practice law in New York State, the Southern and Eastern District's Federal Courts, and before the United States Supreme Court. Judge Williams holds the distinction of having been the first African-American and first woman to be honored by receiving the New York State Bar Association Worker's Compensation Division Award.

Through her community service, Betty has demonstrated her devotion to both the law and public. Betty has served as an arbitrator at the Civil Court of New York. She is also a member of numerous organizations including the Children and the Law Committee, the New York City Bar Association, the Brooklyn Bar Association, and the Brooklyn Women's Political Caucus. In addition to her expertise in the field of law, Betty is a New York State Certified Social Worker and a member of the

Academy of Certified Social Workers. She is a founding member of the World Community of Social Workers.

Mr. Speaker, the Honorable Betty J. Williams has devoted her life to serving her community through her excellent knowledge of the law. As such, she is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable woman.

SPECIAL TRIBUTE IN RECOGNITION OF JOHN W. CLARK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. UPTON. Mr. Speaker, I am pleased to recognize the outstanding career of John W. Clark, who, after 16 years of service to CMS Energy Corporation, will retire as Senior Vice President of Governmental and Public Affairs.

As a result of his hard work, expertise and character, Mr. Clark has earned the respect and admiration of his colleagues and of countless individuals who have benefited from his capabilities.

The success Mr. Clark has attained throughout the years will stand as a testimony to his integrity, dedication and loyalty.

Mr. Clark's efforts and achievements have established him as an invaluable asset to Consumers Energy and will reflect positively for many years to come—his talents will certainly be missed.

It is with great pride and respect that I join with John Clark's friends and colleagues in paying tribute to his many years of service to CMS Energy Corporation, and in wishing him the very best that retirement has to offer.

PAYING TRIBUTE TO MATTHEW McNENLY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate Matthew McNenly of Lansing, Michigan on being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

The Computational Science Graduate fellowship is a rigorous, highly competitive program that provides numerous benefits to the fellows in return for a complete casework in a scientific or engineering discipline, computer science, and applied mathematics.

McNenly graduated from Howell High School in 1994 and is currently attending the University of Michigan pursuing his Ph.D. in Aerospace engineering.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to Matthew McNenly for being awarded a Computational Science Graduate Fellowship from the U.S. Department of Energy.

HONORING THE YALE ALUMNI CHORUS FOR OUTSTANDING ACHIEVEMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. DELAURO. Mr. Speaker, it is my great pleasure to rise today to extend my deep congratulations and best wishes to the members and friends of the Yale Alumni Chorus as they gather to begin their Tercentenary Tour celebrating the 300th Anniversary of the founding of Yale University and the 140th anniversary of the founding of the Yale Glee Club. Today marks the beginning of their journey to Russia, Wales, and England where they will continue in their mission as "ambassadors of song," promoting international goodwill and choral singing at its finest.

The world-renowned Yale Glee Club was first established 140 years ago and has traveled extensively throughout the United States, Europe, Latin America and Asia. The Yale Alumni Chorus was established by the Yale Glee Club Associates, an alumni association founded by Prescott S. Bush, father of former President George Herbert W. Bush and grandfather to President George W. Bush. Created only four years ago, this group enables the loyal alumni of the Yale Glee Club to carry on its legacy of harmony, friendship, and goodwill. Their inaugural tour of China only three years ago included performances with the principal orchestras of Beijing, Xi'an, and Shanghai and earned them a first-prize award at the China International Chorus Festival.

This Tercentenary Tour will bring the over four hundred participants to Russia where they will perform at the White Nights Festival with the Mariinsky Orchestra and later with the Moscow Chamber Orchestra. The group will provide the opening concert for the International Eisteddfod Festival in Wales and will end their tour at St. Paul's Cathedral in London where they will sing with the Royal Philharmonic Orchestra at a gala celebrating Yale University's 300th birthday. Throughout their tour, the group will be preforming classic American folk music as well as several works composed by Yale University Alumni. Perhaps the most moving and meaningful however, will be the group's performance in Wrexham, Wales where they will participate in a memorial tribute to Elihu Yale, the university's namesake.

Comprised of three generations of Yale alumni representing sixty different graduating classes and hailing from thirty three states and six additional countries, they are a truly remarkable group. It is my honor and privilege to stand today and extend my best wishes to the Yale Alumni Chorus as they begin their Tercentenary Tour. With their passion for music and unquestionable dedication to their alma mater, I am confident that they will represent Yale University, the State of Connecticut, and the United States with dignity and integrity.

CALLING ATTENTION TO UPCOMING ALBANIAN ELECTIONS

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. WAMP. Mr. Speaker, I would like to call the Congress' attention to the electoral campaign currently underway in Albania. Albania overthrew its communist government in the early 1990's. Sadly, the current socialist government seems to be repeating the authoritarian actions of the communists.

Albanians will go to the polls on June 24th to cast their votes for parliament. Recently, the Washington-based National Democratic Institute for International Affairs sent an observer team to Albania. In their report, the delegation wrote that many citizens are not fully aware of the voter roll verification procedures and some voters may ultimately be unable to exercise their right to vote.

The democratic opposition coalition, the Union for Victory, has made numerous appeals to the election commission and the ruling party to correct the many flaws in the voter rolls. To this day, those appeals have gone unanswered. The election commission, comprised of socialist party appointees has turned a deaf ear to democracy. The Albanian people deserve better.

I hope my colleagues will join me in watching carefully the unfolding events in Albania.

IN HONOR OF THE REVEREND AL SHARPTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. TOWNS. Mr. Speaker, I rise to honor the Reverend Al Sharpton, one of America's foremost civil rights leader, in recognition of his contribution to the ongoing battle against economic injustice, political inequity, and for his continuous service to his church and his community.

Reverend Sharpton began his career in the ministry not long after his birth in 1954 in Brooklyn, New York. Beginning his ministry at the young age of four, he delivered his first sermon to hundreds of listeners in Brooklyn. Mentored by Bishop F.D. Washington, Reverend Sharpton was licensed and ordained by Bishop Washington at the age of 9 and appointed Junior Pastor of the 5,000 member Washington Temple congregation.

His career in politics started shortly after his interest in the ministry. In his 1996 autobiography, Go and Tell Pharoah, Reverend Sharpton retells how his interest in politics grew as Congressman Adam Clayton Powell, Jr. mesmerized him. In 1971, Al Sharpton entered the public arena with the founding of the National Youth Movement. Throughout his 17-year leadership of the National Youth Movement, Al Sharpton registered thousands of young voters and led the fight to put the first black on the New York State Metropolitan Transit Authority Board. He also spearheaded a political campaign which resulted in the first minority School Chancellor of the New York City Board of Education. Reverend Sharpton also led the now famous marches against "crack" houses, exposing them to law enforcement agencies.

Reverend Sharpton, as founder and president of the National Action Network, fights for progressive, people-based policies. Al Sharpton has risen as a pivotal spokesman against police brutality in America. Together with Martin Luther King, II, Sharpton led the "Redeem the Dream" March to address the issues of racial profiling and police brutality. His most recent political actions include protesting the U.S. bombing on Vieques, Puerto Rico, an action for which he received a 90 day jail sentence.

Al Sharpton has been married to singer Kathy Jordan for almost twenty years. Together they have two daughters, Dominique and Ashley.

Mr. Speaker, Reverend Al Sharpton has devoted his life to serving his community, his church, and all people. As such, he is more than worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

INTERNATIONAL CHILDREN'S DAY

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FERGUSON. Mr. Speaker, I rise to honor young people around the world today, as a supporter of the International Children's Day.

Our children are our greatest natural resource, and they embody the very spirit of our nation's future. Our children are wonderful symbols of the infinite promise of tomorrow. The incredible potential that these children hold in their minds and in their hearts knows no bounds. I feel it is essential that we recognize children so that we may instill in them a sense of self-worth and self-esteem. Through our efforts, we may guide them along a successful path in life.

Now, more than ever, our children need our support, as they are faced with many challenges that our generations could have never imagined. School violence has become a terrible epidemic, and we must exhaust all possible avenues as we try to reach a solution to this problem. Our children deserve our utmost attention as they grow and take on new responsibilities. Children deserve a day in which we honor them for the lives they touch and the joy they bring to the world.

While first celebration of Children's Day took place in San Francisco in 1925, the United States no longer acknowledges this holiday. Today, over twenty-five countries—including England, Scotland, Sweden, Poland, and Norway—all consider this day to be worthy of honor. We too, should recognize International Children's Day and bring back this day to the country in which it originated.

I would like to recognize Margareta Paslaru-Sencovici of Summit, New Jersey, who has worked tirelessly to establish June 1st of each year as International Children's Day. After emigrating from Russia, Margareta has spent 18 years living in Summit and received an honorary award and membership to UNICEF for her protection of children. Margareta continues to return to Bucharest where she visits orphanages to entertain the children with stories and song, as well as delivering toys and clothing, which she has collected through donations here in America.

I commend Margareta for bringing international recognition to a day we can all agree on regardless of political affiliation, religious preference, or race because, after all, there is no dispute that our children are our future.

DEMOCRACY IN ALBANIA

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FLAKE. Mr. Speaker, I rise today to discuss the events currently underway in the country of Albania. You may recall that ten years ago this Eastern European nation cast off the heavy burden of communism. Since its first elections in 1991, Albanian elections have been marked with partisan manipulation, which has resulted in the disillusionment of the Albanian people.

The upcoming June 24th national elections are a significant opportunity for Albania to move towards establishing a transparent democratic government.

While there is reason the be hopeful that these elections will be better than previous Albanian elections, there also remains cause for continued concern that they will fall short of the free and fair standard that not only we but the Albanian people themselves would want to see. It is my hope the upcoming elections will mean another step forward and not a step backwards in Albania's quest to establish a strong democracy in this troubled region.

I call upon all my colleagues to join me in carefully watching the unfolding events in Albania.

INTRODUCTION OF THE CLINICAL SOCIAL WORK MEDICARE EQUITY ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. STARK. Mr. Speaker, today I join with Rep. LEACH and Sen. MILKULSKI to introduce the Clinical Social Work Medicare Equity Act of 2001. This bipartisan legislation would fix a technical error created by the Balanced Budget Act of 1997 (BBA'97) and help residents of skilled nursing facilities (SNFs) better access needed mental health care. It does this by allowing clinical social workers to bill Medicare directly when they provide mental health services to SNF residents.

Clinical social workers are highly trained mental health professionals who have participated in the Medicare program since 1987. They constitute the single largest group—roughly 60 percent—of mental health providers in the nation. In rural and other medically underserved areas, clinical social workers are often the only mental health providers.

Until BBA'97, clinical social workers were able to bill Medicare directly for providing mental health services to SNF residents, just like clinical psychologists and psychiatrists. But a drafting error in BBA'97 unintentionally stripped clinical social workers of this ability and created an inequity that ultimately harms beneficiaries who need mental health care.

In order to contain rising healthcare costs, Section 4432 of BBA'97 authorized a prospective payment system for Medicare SNFs. For each day a beneficiary spends in a SNF, the facility receives a fixed payment that essentially bundles together the range of services a typical resident requires. Yet Congress recognized that some ancillary services, including mental health services, are better provided on an individually arranged basis. Mental health providers, including clinical psychologists and psychiatrists, were therefore excluded from the SNF prospective payment system.

Unfortunately, clinical social workers were not placed on this exclusion list. This was an unintended oversight arising from a failure to recognize that all social workers are not alike.

Some social workers are specifically trained to provide medical-social services, such as discharge planning from inpatient or long-term care settings. Because SNF residents often require this type of medical-social service, it makes sense to bundle it into the SNF prospective payment system.

Clinical social workers, however, are specifically trained to provide mental health services. Clearly Congress never intended mental health services to be part of the SNF prospective payment system. Therefore, the failure to exclude clinical social workers, who are Medicare-authorized mental health providers, makes no sense.

If Congress does not fix this oversight in the law, many clinical social workers will be forced to stop serving Medicare beneficiaries in SNFs. The ultimate victims are vulnerable seniors who need mental health care.

We must not allow this to happen. According to the 2001 DHHS report, "Older Americans and Mental Health: Issues and Opportunities," mental illness is highly prevalent in nursing homes. In fact, some studies have found that up to 88 percent of nursing home residents have mental health problems, ranging from major depression to Alzheimer's disease. The 1999 Surgeon General report on mental health further indicates that older people have the highest rate of suicide of any age group—accounting for 20 percent of all suicide deaths.

Mental health treatment works. Alzheimer's patients and their families can benefit enormously from psychoeducation and counseling around how to cope and manage behavior problems. Research trials have repeatedly demonstrated that psychotherapy can be as effective as anti-depressants in treating major depression. Clinical social workers provide these important services and do so at a fraction of the cost of clinical psychologists and psychiatrists.

This legislation is strongly endorsed by the National Association of Social Workers and the Clinical Social Work Federation and is included in a larger omnibus Medicare mental health modernization bill (H.R. 1522) endorsed by over 30 mental health and senior citizen organizations.

Again, our legislation would exclude clinical social workers from the prospective payment system. This small fix corrects what we believe to be a serious error created by BBA'97. It is time to act quickly and decisively to preserve access to needed mental health services for residents in thousands of our nation's skilled nursing facilities.

INTRODUCTION OF FOODS ARE NOT DRUGS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Foods are not Drugs Act, a constitutional and common sense piece of legislation. This bill stops the Food and Drug Administration (FDA) from interfering with consumers' access to truthful information about foods and dietary supplements in order to make informed choices about their health.

The Foods are not Drugs Act accomplishes its goal by simply adding the six words "other than foods, including dietary supplements" to the statutory definition of "drug." This allows food and dietary supplement producers to provide consumers with more information regarding the health benefits of their products, without having to go through the time-consuming and costly process of getting FDA approval. This bill does not affect the FDA's jurisdiction over those who make false claims about their products.

Scientific research in nutrition over the past few years has demonstrated how various foods and other dietary supplements are safe and effective in preventing or mitigating many diseases. Currently, however, disclosure of these well-documented statements triggers more extensive drug-like FDA regulation. The result is consumers cannot learn about simple and inexpensive ways to improve their health. For example, in 1998, the FDA dragged manufacturers of Cholestin, a dietary supplement containing lovastatin, which is helpful in lowering cholesterol, into court. The FDA did not dispute the benefits of Cholestin, rather the FDA attempted to deny consumers access to this helpul product simply because the manufacturers did not submit Cholestin to the FDA's drug approval process!

The FDA's treatment of the manufacturers of Cholestin is not an isolated example of how current FDA policy harms consumers. Even though coronary heart disease is the nation's number-one killer, the FDA waited nine years until it allowed consumers to learn about how consumption of foods and dietary supplements containing soluble fiber from the husk of psyllium seeds can reduce the risk of coronary heart disease! The Foods are not Drugs Act ends this breakfast table censorship.

The FDA is so fanatical about censoring truthful information regarding dietary supplements it even defies federal courts! For example, in the case of *Pearson* v. *Shalala*, 154 F.3d 650 (DC Cir. 1999), rehg denied en banc, 172 F.3d 72 (DC Cir. 1999), the United States Court of Appeals for the DC Circuit Court ruled that the FDA violated consumers' first amendment rights by denying certain health claims. However, the FDA has dragged its feet for over two years in complying with the *Pearson* decision while wasting taxpayer money on frivolous appeals. It is clear that even after Pearson the FDA will continue to deny legitimate health claims and force dietary supplement manufacturers to waste money on litigation unless Congress acts to rein in this rogue agency.

Allowing American consumers access to information about the benefits of foods and dietary supplements will help America's consumers improve their health. However, this bill is about more than physical health, it is about freedom. The first amendment forbids Congress from abridging freedom of all speech, including commercial speech.

In a free society, the federal government must not be allowed to prevent people from receiving information enabling them to make informed decisions about whether or not to use dietary supplements or eat certain foods. I, therefore, urge my colleagues to take a step toward restoring freedom by cosponsoring the Foods are not Drugs Act.

RECOGNIZING THE SPEAKER OF THE PUNJAB STATE ASSEMBLY HONORABLE SARDAR CHARANJIT SINGH ATWAL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the Honorable Sardar Charanjit Singh Atwal, Speaker of the Punjab State Assembly. Mr. Atwal has been a respected member in the Parliament of India for over 20 years.

Mr. Atwal visited the California Central Valley last year to attend the Commonwealth Speakers Convention, which includes Speakers from all over the world. In the fall of last year, Mr. Atwal also visited the Central Valley to meet with the local Sikh community. Mr. Atwal has been in the field of politics since 1957 and was first elected to the Punjab State Assembly in 1977. Sardar Atwal is a Dalit (Mazhabi Sikh) and a refugee from Pakistan who has risen from the grassroot worker's level to the top hierarchy of the Shiromani Akali Dal (Badal).

Mr. Speaker, I rise to recognize the Honorable Sardar Charanjit Singh Atwal and his achievements for the Sikh community. I urge my colleagues to join me in praising Mr. Atwal's more than 40 years of service to the people of India.

DISTURBING TRENDS REGARDING RELIGIOUS FREEDOM IN KAZAKHSTAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. PITTS. Mr. Speaker, I am deeply concerned about the recent pattern of human rights violations in Kazakhstan. Since last autumn, but particularly since January 2001, the Kazakh government has shown a troubling trend in its treatment of American citizens living in Kazakhstan and Kazakh citizens who hold religious beliefs. I have received numerous reports in my office detailing the intense harassment of a number of different American families and their friends in Kazakhstan.

In one instance, officials called three families into the police station and told them they had to leave the country. The families made the arrangements to leave, then, after all of the adults, children and their luggage had been processed through the airport and the family was ready to board the airplane, security officials pulled everyone out of the airport and would not allow them to depart. In another situation, a member of the local secret police came to the family's home and threateningly said that he was staying in their apartment that night and escorting them to the airport to leave the next morning—basically putting the family, including a one-year-old little girl, under house arrest.

Security and court officials also harassed the families of those working at an education center, punished them because of their refusal to pay bribes to local officials, and forced them to pay a $240 per person fine for trumped-up charges—all apparently because of the peaceful practice of their religious beliefs.

Unfortunately, I have numerous other examples of the negative treatment of religious believing Americans by Kazakh officials. However, not all Americans are treated this way, only the ones who hold religious beliefs. The Americans who were harassed all attended church services, just as they would do anywhere they lived and worked, and made friends with people in that religious community. Sadly, government officials somehow saw something sinister in their peaceful religious practices. Even further, of great concern is the fact that each person or family with whom these Americans were friends has since been harassed by police and state security officials.

Disturbingly, these situations are not mere misunderstandings or random actions by local officials. The pattern of harassment is occurring throughout the country, not just in isolated incidents. Furthermore, Kazakh Evangelical Baptists have reported that security officials have interrupted church services, confiscated literature in the church, recorded all attendees at the service, even arresting participants, and severely beat the pastor in the head, neck and stomach. Then, at the police station, officials threatened the Christians saying things like, "During the Soviet times, believers like you were shot. Now you are feeling at peace, but we will show you."

Correcting the injustices against Americans and Kazakhs is an important step in reflecting the Kazakh government's desire to establish rule of law in Kazakhstan.

Kazakhstan has been the nation that people point to in Central Asia where there has been freedom to peacefully practice one's religious beliefs and freely meet with one's faith community. The Constitution protects religious freedom and the government previously has upheld its commitments as a party to the Helsinki Accords and a member of the Organization for Security and Cooperation in Europe. The recent trend, however, seems to belie previous optimism about religious freedom. Further cause for concern lies with new legislation that restricts religious freedom. The concerns cited by the government regarding wanting to ensure that no criminal activity occurs among people who adhere to certain religious beliefs can be accommodated under criminal law. There is no need for a law to restrict freedom of conscience, freedom of association, and freedom of speech.

Kazakhstan can be a leader in Central Asia and can forge a new path for democracy in that region. There are many people in the United States who desire to increase our friendship with Kazakhstan. However, recent trends of increased human rights violations in Kazakhstan can slow that relationship people desire to build.

Mr. Speaker, I urge the government of Kazakhstan to correct the injustices perpetrated by security, police, and court officials, and forge a new path as a key leader in Central Asia and the international community.

RECOGNIZING HISTORICAL SIGNIFICANCE OF JUNETEENTH INDEPENDENCE DAY

SPEECH OF

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. CANTOR. Madam Speaker, I rise to offer my support for H. Con. Res. 163, entitled "Recognizing the historical significance of Juneteenth Independence Day and expressing the sense of Congress that history be regarded as a means of understanding the past and solving the challenges of the future" introduced by Mr. WATTS of Oklahoma and Mr. DAVIS of Illinois.

For two and a half years, Texas slaves were held in bondage after the Emancipation Proclamation became official. Only after Major General Gordon Granger and his soldiers arrived in Galveston, Texas on June 19, 1865, were African-American slaves set free. Juneteenth celebrates this triumphant occasion, when Major General Granger read the Emancipation Proclamation and began to enforce President Abraham Lincoln's executive order.

We must never forget how precious our freedom is to all Americans; the thousands of men and women who died fighting for our freedom; or the struggles of past generations as they demanded a true equality, regardless of their race, sex, or religion.

I can think of no better way to move forward than to celebrate the defeat of slavery. Juneteenth Independence Day is a celebration where all Americans, of all races, can join together to celebrate our independence and our freedom.

Just this past weekend, Richmond, Virginia, celebrated "Juneteenth, an Emancipation Celebration." Festivities took place at the Manchester Dock, which served as a port of entry for Africans being brought into America to be sold as slaves. Later in the evening, individuals walked along the same trail marched by slaves from Manchester Dock. I would like to thank the City of Richmond Slave Trail Commission, Senator Henry Marsh's Unity Day Committee, and the Elegba Folklore Society for hosting "Juneteenth, an Emancipation Celebration."

Madam Speaker, I hope you join me in reflecting upon the struggles of our African-American brothers and sisters and celebrate with me and Americans all across the United States the Emancipation Proclamation. Madam Speaker, please support H. Con. Res. 163. Thank you.

STAND UP FOR OUR VETS

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. DOOLITTLE. Mr. Speaker, later this month, the Prime Minister of Japan will meet President Bush. I urge the President to address the issue of compensation of American veterans who were sent to forced labor camps during the war.

Obtaining justice for Americans who suffered at the hands of Japanese companies is an issue that must be addressed during the upcoming summit.

It is unfortunate that the State Department has taken the mistaken and regrettable position that the Peace Treaty with Japan somehow bars private legal actions by our veterans against private Japanese corporations to whom they were forced to work with no pay and horrendous conditions.

The legal experts who have aligned themselves with these American heroes in their actions against immensely profitable private Japanese companies make a number of solid arguments to the effect that the waiver provisions of the 1951 Treaty do not cover these national-against-national claims. It is far from obvious that under our constitutional system, the federal government even has the authority to compromise or to waive claims of private citizens, which, after all, do not belong to the government. Nor is it obvious that the negotiators of the Treaty—including John Foster Dulles—contemplated, much less preemptively resolved, private claims of this kind.

Article 14 of the Treaty does not even purport to waive all claims howsoever arising, having to do with misconduct by Japanese companies during the War years. It is limited, even by its own terms, to claims based on "actions taken . . . in the course of the prosecution of the War." Acts that were illegal under international law as it existed in the 1940s are not, and should not be, protected under the waiver according to the principle of law, morality, and common sense that one should not be permitted to profit from his own wrong.

Using slave labor to assist in the War effort was illegal in the years 1939–45, as it is today. Thus mistreatment of prisoners of war cannot have been undertaken "in the course of the prosecution of the War," unless the companies that accepted the benefit of these captives' work are now to confess that they are guilty of war crimes: allegations they have vehemently resisted for nearly five decades.

These men do not seek, nor does the outcome they are attempting to achieve require, abrogation of the Treaty. They believe that as a matter both of law and of fairness, the Treaty and the peaceful Pacific that it heralds are consistent with a measure of compensation for their suffering. A legal victory for our vets would be another indication that the United States legal system is founded not on empty ideals but on the real rights of real people. That would be an outcome in which all Americans should rejoice.

But make no mistake about it, while I hope that the Bush Administration and the government of Japan will assist our veterans through diplomacy, failure to do so would not put an end to this issue. Rep. MICHAEL HONDA and DANA ROHRABACHER have introduced legislation to overcome the State Department's twisted interpretation. I support this bill and will push for its passage into law if the U.S./Japanese Summit does not produce justice for our veterans.

A TRIBUTE TO G. LOUIS FLETCHER, SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to the 35-year public service career of G. Louis Fletcher, the General Manager of the San Bernardino Valley Municipal Water District, located in my Congressional District in Southern California. From his start as an engineer, General Manager Fletcher has provided leadership at every level of the agency. He will retire at the end of this month.

Louis Fletcher is one of the unsung men of vision who have ensured that the booming communities of the San Bernardino and Yucaipa Valleys have never faced a water supply problem. Starting with the agency in 1966, Mr. Fletcher was responsible for the design and construction of a major aqueduct system that presently delivers imported water from the California State Water Project to the San Bernardino and Yucaipa Valleys.

Mr. Fletcher has championed the needs of constituents in the 40th Congressional District for decades, including leading the fight to convince the Army Corps of Engineers to agree to a flood-control dam that would be much more aesthetic—and more effective—than what was planned for the town of Mentone. The completed Seven Oaks Dam on the upper Santa Ana River provides flood control relief for millions and blends wonderfully with the surrounding hills.

The principal accomplishment of Mr. Fletcher's career has been the design and construction of a water supply system for hundreds of thousands of people. He is known throughout California for his innovative work in groundwater management, water quality and quantity computer models, mortar lining of steel water pipelines, and improved methods of wastewater management.

Mr. Speaker, I ask my colleagues to join with me in honoring G. Louis Fletcher for his lifelong work in providing clean and reliable water to so many people. It is fitting that all of us join with his family and friends in recognizing his service and dedication to the San Bernardino Valley Municipal Water District. We wish him well in his future endeavors.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. ESHOO. Mr. Speaker, I was not able to vote during consideration of rollcall No. 169 and 170. I would have voted: "nay" on both these rollcall votes.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in support of the DeLauro Amendment, which would increase funding for the Low Income Home Energy Assistance Program (LIHEAP).

My colleagues, LIHEAP is the safety net that protects our most vulnerable from making a choice between food and heat or air conditioning. Many LIHEAP families receive a small amount of support, but it's a difference that helps them maintain their dignity.

Nearly 80 percent of LIHEAP participants receiving heating assistance earn less than the federal poverty level. Unfortunately, nearly half of the states have exhausted or nearly exhausted available funding.

In New York—where energy prices increased by more than 20 percent over the last year, and this summer they are expected to be higher than ever—our LIHEAP funding balance is only $23 million. Last year at this time the balance was $35 million.

Unless we provide added funds to the LIHEAP program, an increase in energy prices will force millions of families to chose between food and utilities. We cannot stand by and watch people have to make that choice.

Many have predicted that this summer will be one of the warmest in recent memory. And if this week is any indication, we're in for a long hot summer. I strongly believe that government should have a role in ensuring the safety and health of the elderly by keeping them cool.

Today, we have an opportunity to provide millions of dollars more for our neediest families. Let's pass this amendment—it deserves our support—to help our states be better prepared for extreme weather and have the resources available for those who need it most.

TRIBUTE TO THE LATE HONORABLE JOHN JOSEPH MOAKLEY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to take this opportunity today to enter into the CONGRESSIONAL RECORD the eloquent remarks delivered on June 1, 2001 in Boston by William M. Bulger, President of the University of Massachusetts, at the funeral of our colleague, the Honorable John Joseph Moakley.

These brief remarks speak volumes about the quality of the life of our friend Joe, and I submit them for the RECORD so that they may be forever be a part of our nation's history.

REMARKS DELIVERED AT THE FUNERAL OF U.S. REPRESENTATIVE JOHN JOSEPH MOAKLEY BY UNIVERSITY OF MASSACHUSETTS PRESIDENT WILLIAM M. BULGER

It is of surpassing significance, isn't it, that Joe was summoned to the joy of eternity on Memorial Day? A day set apart for reflection and tribute in grateful memory of all who have given their lives for the strength and durability of the country we love.

Joe's spirit enlivens Memorial Day for us: patriotism, gratitude, remembrance. Long years of unselfish devotion to bringing the ordinary blessings of compassion to those most needy among us stand as silent sentinels to his inherent goodness, to his desire to make a difference in the quality of life for less fortunate friends and neighbors.

His helping hand was always extended in genuine recognition of the responsibility he believed was his to make things better for those in need of encouragement and inspiration. To him the ideal of brotherhood was not simply something to be preached but, more importantly, he was challenged by his soul to exemplify this ideal in positive advancement of the common good.

Everyone knows the facts of Joseph Moakley's background and career. They are impressive and worth knowing, but they reveal little about the man himself, little of who he was, of what he was, and of why.

He lived his entire life on this peninsula, and it was here in this place that his character was shaped. It was, and it still is, a place where roots run deep, where traditions are cherished, a place of strong faith, of strong values, deeply held: commitment to the efficacy of work, to personal courage, to the importance of good reputation—and withal, to an almost fierce sense of loyalty.

No one spent much time talking of such things, but they were inculcated.

And no one absorbed those values more thoroughly than did Joseph Moakley. To understand them is to understand him.

In recent months Joe Moakley would reassure his friends in private conversation that he slept well, ate three meals easily, and was not afraid.

He had a little bit of the spirit of the Irish poet (Oliver St. John Gogarty), who said on the subject of death:

> Enough! Why should a man bemoan A fate that leads a natural way? Or think himself worthier than Those who braved it in their day?
>
> If only gladiators died or heroes Then death would be their pride; But have not little maidens gone And Lesbia's sparrow—all alone?

The virtue of courage was his in abundance. But Joe had, during his lifetime, become the personification of all that was best in his hometown.

And he was a man of memory; he recognized the danger of forgetting what it was to be hungry once we are fed . . . and he would, in a pensive moment, speak of that tendency to forget as a dangerous fault.

Joe exemplified the words of Seneca: You must live for your neighbor, if you would live for yourself.

And he abided by the words of Leviticus in the Old Testament and St. Matthew in the New Testament, "Thou shalt love they neighbor as thyself." These are words that he would have absorbed at home, at St. Monica's, St. Augustine's and at St. Brigid's.

And Joe brought his competence, dedication, his lofty principle to the public purpose that he saw as most worthwhile. His steady determination in his various public offices, and as a member of Congress, earned him the respect of his colleagues and the confidence of his party's leadership. It also explains the overwhelming support he received from a truly grateful constituency as expressed in their many votes for him solidifying his position of public responsibility.

His devotion to justice and imbedded sense of humanity moved him to investigate the Jesuit murders and the ravishing of innocent women in El Salvador. He volunteered for a task most unusual for him. But he, guided by his aide, Jim McGovern, brought to bear his own deep commitment and those old solid working principles that had become a cornerstone in his lifetime quest for fairness and equity. The success of his effort is recognized by all, especially by an appreciative Jesuit community that had suffered from a sense of abandonment.

When I saw how he thought about that particular achievement in his life, it brought to mind the wonderful words of Pericles: "It is by honor, and not by gold, that the helpless end of life is cheered."

Joe, dear friend and neighbor through these many eventful years, we are stuck, as we think about it, by your startling contradiction: humility and pride. You were never pompous seeking the applause of the grandstand. You diligently shunned the glare of the spotlight. You did not expend your energy in search of preening acclaim. You were too self-effacing for that. Humble, indeed.

On the other hand you were a proud, proud person: proud of your religious faith, proud of your family, proud of your South Boston roots and neighborhood, proud to proclaim the ideals that animated your public service—ideals that have been expressed in the unsought torrent of tribute that has flooded the press and airwaves in recent sad days. Humility and pride, seemingly contradictory trait, coalesced in your admirable character, commanding abiding recognition, respect and, yes, affection.

Joe, the dramatic focus on you during the President's recent appearance before the

Congress highlighted your humility and pride. During the course of his address, our eminent President Bush paused for a moment to digress. He singled you out Joe, for special recognition. He described you as "a good man." Whereupon, as you stood in your place, spontaneous bipartisan applause shook the Congress. This episode also reverberated in thrilling dimensions throughout your Congressional District. Thank you President Bush for this tribute to a good man and for other manifestations of your respect for our Joe and his services to his country.

Joe, you were good enough, as one neighbor to another, to ask me to participate in this liturgy of sacrifice, sorrow and remembrance. With many another heavy heart it is wrenching to say goodbye. God is with you, I'm sure Joe, as you now join your beloved Evelyn and your parents in the saintly joy of eternity. We pray He may look favorably on us who lament your loss and who are challenged to follow your example of integrity and justice and useful service.

Fair forward, good friend.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO INCREASE THE FEDERAL SHARE OF THE COST OF CONSTRUCTING TREATMENT WORKS IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. NORTON. Mr. Speaker, today we introduce a bill to make permanent an 80–20 match for the District of Columbia Water and Sewer Authority (WASA), which serves jurisdictions in Virginia, Maryland, and the District of Columbia through its facility at Blue Plains. In fiscal years 1998 and 2000, the 80–20 match was included in appropriations bills. Because the Fiscal Year 2000 provision expires at the end of Fiscal Year 2001, this legislation to make the 80–20 match permanent is necessary.

The Blue Plains facility operated by WASA is the largest advanced waste water treatment plant in the world, serving two million users in the Maryland and Virginia suburbs was well as the District of Columbia. The financial and operational health of this facility is vital to the efforts to clean up the Chesapeake Bay as well as water that serve the City of Vienna, and the counties of Fairfax, Loudoun, Montgomery, and Prince George's. Blue Plains is responsible for the largest reductions of nitrogen into the Bay of any facility in the entire Bay Watershed.

WASA has only been able to undertake major facility improvements—including biosolids digestion and handling facilities, major renovations to preliminary treatment facilities, new chemical feed operations, and additional electrical system enhancements—because of the 80–20 formula.

We also seek this change as a matter of fairness. In enacting the National Capital Revitalization and Self-Government Improvement Act of 1997 (Act), Congress recognized that the District, a city without a state, shoulders an unfair financial obligation in programs in which municipalities normally have state financial assistance. The Act provided for federal support for the state share of several such programs. The region has been unable to take advantage of the usual combination of state and city matches only because this facility, which serves regional partners, happens to be located in the District of Columbia.

A permanent 80–20 federal-local match would place the District on a par with other municipalities and states in the United States. The 20 percent that the District would continue to assume is equivalent to the burden borne by many other cities in the country. Of course, local rate payers in the region would continue to bear their share.

We urge our colleagues to join us in supporting this important provision that would provide tangible benefits to regional residents and to the Potomac and Anacostia rivers, as well as the Chesapeake Bay, a national treasure.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT WORKS IN DISTRICT OF COLUMBIA.

Section 202(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1282(a)(1)) is amended by adding at the end the following: "Notwithstanding the first sentence of this paragraph, in the case of a project for a publicly owned treatment works in the District of Columbia, such project shall be eligible for grants at 80 percent of the cost of construction thereof.".

Original Cosponsors: TOM DAVIS; WAYNE T. GILCHREST; STENY H. HOYER; JAMES P. MORAN; CONSTANCE A. MORELLA; FRANK WOLF; and ALBERT RUSSELL WYNN.

CONFLICT DIAMONDS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. HALL of Ohio. Mr. Speaker, I rise today to advise our colleagues about progress made in recent days in building the consensus needed to end the trade in conflict diamonds. Today, Senators DICK DURBIN, MIKE DEWINE and RUSS FEINGOLD introduced a companion to H.R. 918, the Clean Diamonds Act, that incorporates a compromise among American jewelers and the legitimate global diamond industry on the one hand, and Senators, Members of Congress, and the 100-plus-member human-rights organization dedicated to eliminating the trade in conflict diamonds, on the other hand.

This compromise brings together elected representatives of the nation that is world's largest consumer of diamonds, the industry that markets those gems, and the respected human rights advocates who have brought the role that conflict diamonds play in the legitimate trade to American's attention.

These diverse groups united in supporting this bill in the hope that leaders of the global initiative, under way for the past year, will see in our unity a call to move beyond debating this problem, and actually devise a system capable of ending the trade in conflict diamonds—a system that many of us here today have been calling for since early 2000.

I think we all have great respect for the 30-plus countries working through the African-led "Kimberley Process" to end this blood trade; their task is a challenging one. The compromise legislation aims to spur to action those who want to continue exporting diamonds to our market, but the road they take must be one charted by the Kimberley Process. However, the time for more talk, more meetings of this august body, and more delay is past.

Seven months ago, the United Nations General Assembly voted unanimously to act to eradicate this scourge. Coming together was not easy for all of the world's nations. It has not been easy for those of us here today. And it won't be easy for participants at July's meetings. But a coordinated, global approach offers the only real hope of ending a trade that has fueled the wars devastating countries that are home to 70 million Africans—and that surely will spark more violence if this problem is left to fester. Today, some of the most significant stakeholders in the Kimberly Process' work banded together to call for swift follow-through on December's unanimous directive from the United Nations.

I hope history will judge this to be a turning point—the moment that Americans' representatives in the faith, humanitarian and human rights communities, as well as their elected officials, joined hands with the industry that brings us one of the many African resources that make our lives sweet; the point at which we began working together on an issue of life-or-death importance to African people and communities.

This work entails more than introduction or a passage of the legislation, and more than implementation of a global regulatory scheme. To achieve lasting success, this work requires us to find a way to not merely break the curse that diamonds too often have been—but to transform diamonds into a blessing for all of the communities that mine them.

Diamonds are the most concentrated form of wealth mankind has ever known—so it is an intolerable irony that they do precious little to enrich many of the communities where they are mined: places which are located atop diamond-rich soil but nevertheless rank among the poorest and most miserable in the world, places like Kenema in Sierra Leone, where nearly one child in three dies before his first birthday, even in years that see little fighting for control of its diamonds. As long as conditions like this persist, as long as there are few alternatives for Kenema's people to careers begun as child soldiers, as long as diamond mines are an easy target for criminal takeovers, it is doubtful that stricter customs laws alone will be capable of holding back the violence bred of this despair.

I am heartened that the Diamond Dealers Club of New York is continuing an initiative launched by my friend, Mayer Herz. It will directly link Sierra Leone miners with American retailers, and reinvest more of the dollars American spend on diamonds in the African communities that produce them. I would like to see more joint ventures like that, and I encourage other responsible members of the legitimate diamond industry to follow this example.

I want to express my appreciation for the work that today's compromise represents to the Senate leaders, who bring tremendous energy and capabilities to this work, to the diamond industry, and to the non-governmental organizations.

Matthew Runci, of Jewelers of America, and Eli Izhakoff, of the World Diamond Council have done superb work bringing together the very different members of the

As valuable as the industry's efforts have been, the Campaign to Eliminate Conflict Diamonds is the real father of this success. The human rights activists and members of the humanitarian and faith communities who launched that campaign, along with the organizations they represent, have done heroic work that has brought us to this point.

First, they have catapulted this issue into the consciousness of Americans who never give Africans a thought otherwise—and made many people think for the first time about what our sparkly tokens of love and commitment symbolize to many people at the other end of the supply chain.

Second, they have worked with the industry at every level to convince jewelers and industry leaders alike of the urgent need for an effective and immediate solution. That required standing up to a powerful industry while simultaneously remaining flexible enough to work with it when the situation warranted that.

Third, they have persuaded a quarter of our nation's elected representatives, one by one, to support this call for clean diamonds—a call that until today put Members of Congress on the side of faraway African victims and at odds with jewelers in every Congressional district.

And last, they have done all this without resorting to the easy answers and hype that could destroy consumer confidence in diamonds and devastate the economies of the countries they benefit.

It took too long to get to this day, but it would not have come without these organizations and individuals, particularly Holly Burkhalter, Adotei Akwei, Amanda Blair, Rory Anderson, Bernice Romero, Ann Wang and Danielle Hirsch. They are a dedicated and tireless group, and I commend their commitment to this compelling human rights cause.

It is with pleasure that I submit for inclusion in the Congressional Record the joint statement by the World Diamond Council and the steering committee of the Campaign to Eliminate Conflict Diamonds. It calls on Congress to pass the Clean Diamonds Act this year, and on President Bush to sign it into law, and I commend it to my colleagues' attention.

If we heed this call, we can make today the milestone it has the potential to be, the moment history marks as the beginning of diamonds' transformation, from a curse on too many Africans, to a blessing for all the people whose lives they touch. I urge my colleagues to give this call the serious consideration it deserves, and to seize this historic opportunity.

JOINT STATEMENT BY THE WORLD DIAMOND COUNCIL AND THE STEERING COMMITTEE OF THE CAMPAIGN TO ELIMINATE CONFLICT DIAMONDS

The World Diamond Council and the non-governmental community represented by Physicians for Human Rights, Amnesty International, OxfamAmerica, World Vision, World Relief and the Commission on Social Action of Reform Judaism support the Clean Diamonds Act being introduced today in the Senate. This legislation will create a system to prohibit the U.S. import of conflict diamonds and impose serious penalties on those who trade in them.

Our collaboration represents the shared commitment of the NGO community and the diamond industry to work together to secure passage of this legislation sponsored by Senators Dick Durbin, D-Ill., Russ Feingold, D-Wis., and Michael DeWine, R-Ohio. We thank the Senators for introducing this bill, which accommodates the concerns of both the diamond industry and the NGO community. We also wish to thank Reps. Tony Hall, D-Ohio, and Frank Wolf, R-Va., for their commitment to ending the conflict diamond trade.

We are determined to work together to secure rapid enactment of this legislation, which represents the best efforts of the NGO community and diamond industry to develop a workable system for keeping conflict stones out of the United States.

The conditions placed on the importation of diamonds and diamond jewelry in the legislation are designed to support and encourage the work of the 38 countries that are part of the Kimberley Process, which is developing an international system to stop trade in conflict diamonds. The standards being developed by participants in the Kimberley Process, which includes governments, NGOs and the diamond industry, are expected to be presented in final form to the United Nations General Assembly by the end of this year.

Passage of this legislation also will enhance the confidence of U.S. jewelers and consumers that American purchases of diamonds and diamond jewelry are not unwittingly benefiting abusive insurgencies in Africa.

We collectively call upon the U.S. Congress to pass the Clean Diamonds Act in this session of Congress and urge President Bush to sign it into law.

POEM BY ANASTASIA HAYES-STOKER

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. FROST. Mr. Speaker, I rise to submit a remarkable poem written by Anastasia Hayes-Stoker, a young student at Shakelford Junior High School in Arlington, Texas. Anastasia's poem was the overall winner of the "Do the Write Thing" Challenge. This contest, sponsored by the National Campaign to Stop Violence and partnered with the Arlington Jaycees, challenges middle school students to write an essay about the negative impact of violence in their lives and offer possible solutions to the problems they face today.

Anastasia's poem speaks to the truths of the challenges our youth face in coping with violence. In my role as Co-Chair of the Bipartisan Working Group on Youth Violence, I listened to teachers, law enforcement, counselors, parents, and students. Over and over again, I heard about the need to mentor our youth and provide a safe haven for them to go. However, it is often only when we hear our children's voice, that our attention is grabbed. Anastasia has managed to convey, in a beautiful way, how she, and others in her generation, feel about the violence in her school, her appreciation for community involvement, and a child's need for family and love.

Drug dealing, students stealing All around the campus
Tempers flaring, kids are swearing All around the campus
Fist to cuff, fights are a must All around the campus
Backed to the wall, who do you call? All around the campus
Punches thrown, lives are blown All around the campus
Guns and knives, someone dies All around the campus
Families shrinking, parents drinking Children are abandoned
Marriage ending, no time for spending Children are abandoned
Domestic violence, kept in silence Children are abandoned
Learned aggression, whose oppression? Children are abandoned
Repeat behavior, where's your savior? Children are abandoned
Fight or flight, who sleeps at night Children are abandoned
Crime prevention, good intention Community united
Neighborhoods watched, gang fights botched Community united
Security in the hall, protects us all Community united
Mentors handy, hope feels dandy Community united
Cops on the street, don't miss a beat Community united
My home, safety zone Strong parental influence
Curfews made, allowance paid Strong parental influence
Loving brother, like no other Strong parental influence
Self-respect, family honor to protect Strong parental influence
Lead by example, self worth is ample Strong parental influence
Loving silence, no need for violence Strong parental influence

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RECOGNIZING AND SUPPORTING GOALS AND IDEAS OF AMERICAN YOUTH DAY

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

Mrs. MORELLA. Mr. Speaker, I rise in support of H.R. 124 to celebrate our youth as the future of the United States and to support the goals and ideas of America's Youth Day.

It is our ultimate priority and our duty to fulfill the five promises established by the Alliance for Youth organizations. The first promise holds adults accountable for reaching out to the young people in our community. By mentoring, participating in a big brother/big sister program, through peer counseling and even through daily contact with our youth, we can communicate that we care. The majority of schools and communities across the country are safe places for children to thrive. By recognizing the people and organizations in our communities, we show our appreciation for living up to the "promise" of being caring adults and treating our youth with respect.

No matter what the subject, education is the best hope for any child's success. Education comes from all aspects of a child's life—at home, at school, in the playground and from every person they know. All communities can participate in building a circle of love and responsibility around every child.

Young people are faced with issues today that were unheard of a generation ago. In the past, 21 school-related, violent deaths occurred in the United States. No child is untouched by challenges and hardships that we may not even understand and all children need, more than ever, to have caring adults who will listen and support them.

Children are our future teachers, doctors, farmers, industry workers, and political candidates. Celebrating American Youth Day, encourages our young people to stand at the helm of their own destiny. As leaders, teachers, parents and as friends we can guide children to practice safe and respectful behavior, allowing young people to create their own identity and character.

As a former educator, I believe the cooperative effort of parents, students, teachers and the community are all necessary to combat the current violence is our schools. It is a fact that students with attentive and involved parents are less likely to be more successful in school while avoiding drugs and violence.

I support the passage of H. Res. 124, to recognize the importance of children and to recognize America's Youth Day and I thank Secretary of State Colin Powell for his leadership in creating "America's Promise to Youth." Fulfilling the Promises celebrates our youth and the strength of all of our communities to provide for a strong future.

FEDERAL EFFICIENT MOTOR-VEHICLE FLEET ACT, H.R. 2263

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. GILMAN. Mr. Speaker, our Nation is plagued by an energy crisis that is only becoming worse. The Bush Administration has taken a pro-active stance on energy through the release of its National Energy Policy in May, 2001. For the past eight years, our Nation was subjected to the last Administration's 'wait and see' energy policy that was reactive rather than pro-active.

Mr. Speaker, there is a saying in the military that "the best leaders, lead by example." That trait must be adopted by the Federal Government, it must lead by example. That is why I am sponsoring the Federal Motor-Vehicle Fleet Lead By Example Act of 2001. The Act mandates that ten-percent of the vehicle fleet purchased by the Federal Government must be comprised of hybrid-Electric vehicles (HEV) and other high-efficiency vehicles, which are vehicles that are powered by alternative sources of energy (sources other than gasoline and diesel). Hybrid-Electric Vehicles are motor-vehicles with fuel-efficient gasoline engines assisted by an electric motor.

These Hybrid-Electric Vehicles' motors and their engines work more efficiently than the standard internal combustion engine. The upside of these engines is that they do not have the driving limitations that all-electric cars have. While the technology seems new to us, the global automobile manufacturers have been experimenting with fuel-efficient technology since the 1970's.

These vehicles boast increased gas mileage that in some cases is exceeding conventional vehicle gas mileage by as much as 25%. Toyota's Prius, a four-seater, averages 52 miles per gallon in stop and go city traffic and 45 miles per gallon on the highway. The braking system recharges its batteries and that is why city driving gets better mpg. In 2002 and 2003 Ford and DaimlerChrysler will release, respectively, a hybrid version of its popular Escape and the Durango. These manufacturers are expecting the hybrid SUV's (sport utility vehicles) to deliver twenty-percent better gas mileage than comparable nonhybrid models.

The Federal Fleet Report (FFR) for FY 1999, reports that the Federal fleet has increased 1.32% with an operating cost of 2.10 billion dollars. Mr. Speaker, by mandating that 10% of the Federal fleet be comprised of hybrid-electric or high-efficiency vehicles powered by alternative sources of energy (sources other than gasoline and diesel), will, not only lower our overall consumption of gasoline, but will save the tax-payers of our great Nation millions of dollars in the cost of gasoline. Additionally, these hybrid and high-efficiency vehicles are reported to be more environmentally friendly than our conventional vehicles.

Our colleagues, on both sides of the aisle, are promoting the use of alternative sources of energy to power our vehicles, heat our homes, and to run our lights. Now we have the opportunity to lead by example starting with the Federal vehicle fleet. The Federal Government must seize this opportunity to conserve our resources and to promote environmentally friendly vehicles, and we should do it today.

H.R. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT REGARDING PURCHASE OF MOTOR VEHICLES BY EXECUTIVE AGENCIES.

(a) IN GENERAL.—At least ten percent of the motor vehicles purchased by an Executive agency in any fiscal year shall be comprised of high-efficiency vehicles or hybrid electric vehicles.

(b) DEFINITIONS.—In this Act:

(1) The term "Executive agency" has the meaning given that term in section 105 of title 5, United States Code, but also includes Amtrak, the Smithsonian Institution, and the United States Postal Service.

(2) The term "high-efficiency vehicle" means a motor vehicle that uses a fuel other than gasoline or diesel fuel.

(3) The term "hybrid electric vehicle" means a motor vehicle with a fuel-efficient gasoline engine assisted by an electric motor.

(4) The term "motor vehicle" has the meaning given that term in section 3(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(1)).

(c) PRO-RATED APPLICABILITY IN YEAR OF ENACTMENT.—In the fiscal year in which this Act is enacted, the requirement in subsection (a) shall only apply with respect to motor vehicles purchased after the date of the enactment of this Act in such fiscal year.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. MANZULLO. Mr. Speaker, last night I should have voted "yes" as opposed to "no" on final passage of the supplemental appropriations bill.

FINANCIAL STATEMENT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2001, a matter of public record. I have filed similar statements for each of the twenty-two preceding years I have served in the Congress.

Assets

Real property	Dollars
Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at $689,400). Ratio of assessed to market value: 100% (Encumbered)	$689,400.00
Condominium at N76 W14726 North Point Drive, Village of Memomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered)	107,600.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $746,400	424,090.90
Total Real Property	1,221,090.90

2001 DISCLOSURE

Common & Preferred Stock	No. of shares	Dollars per share	Value
Abbott Laboratories, Inc	12200	$47.19	$575,718.00
Allstate Corporation	370	41.94	15,517.80
American Telephone & Telegraph	1286.276	21.30	27,397.68
Avaya, Inc	58	13.00	754.00
Bank One Corp	3439	36.18	124,423.02
Bell South Corp	1256.6319	25.95	32,609.60
Benton County Mining Company	333	0.00	0.00
BP Amoco	3604	49.62	178,830.48
Chenequa Country Club Realty Co	1	0.00	0.00
Cognizant Corp	2500	30.06	75,150.00
Convanta Energy (Ogden)	910	16.80	15,288.00
Darden Restaurants, Inc	1440	23.75	34,200.00
Delphi Automotive	212	14.17	3,004.04
Dunn & Bradstreet, Inc	2500	23.56	58,900.00
E.I. DuPont de Nemours Corp	1200	40.70	48,840.00
Eastman Chemical Co	270	49.22	13,289.40
Eastman Kodak	1080	39.89	43,081.20
El Paso Energy	150	65.30	9,795.00
Exxon Mobile Corp	4864	81.00	393,984.00
Gartner Group	651	6.74	4,387.74
General Electric Co	15600	41.88	653,328.00
General Mills, Inc	2280	43.01	98,062.80
General Motors Corp	304	51.85	15,762.40
Halliburton Company	2000	36.75	73,500.00
Highlands Insurance Group, Inc	100	3.30	330.00
Imation Corp	99	22.43	2,220.57
IMS Health	5000	24.90	124,500.00
Kellogg Corp	3200	27.03	86,496.00
Kimberly-Clark Corp	27478	67.83	1,863,832.74
Lucent Technologies	696	9.97	6,939.12
Merck & Co., Inc	34078	75.90	2,586,520.20
Minnesota Mining & Manufacturing	1000	103.90	103,900.00
Monsanto Corporation	8360	35.46	296,445.60
Moody's	2500	27.56	68,900.00
Morgan Stanley/Dean Whitter	312	53.50	16,692.00
NCR Corp	34	39.03	1,327.02

2001 DISCLOSURE—Continued

Common & Preferred Stock	No. of shares	Dollars per share	Value
Newell Rubbermaid	1676	26.50	44,414.00
Newport News Shipbuilding	165.72	48.90	8,103.71
Pactive Corp	200	12.11	2,422.00
PG&E Corp	175	12.45	2,178.75
Pfizer (Warner Lambert)	18711	40.95	766,215.45
Qwest (U.S. West)	571	35.05	20,013.55
Raytheon Co	19	29.20	554.80
Reliant Energy	300	45.25	13,575.00
RR Donnelly Corp	500	29.00	14,500.00
Sandusky Voting Trust	26	85.00	2,210.00
SBC Communications	2191.755	44.63	97,818.03
Sears Roebuck & Co	200	35.27	7,054.00
Solutia	1672	12.20	20,398.40
Synavant	250	4.50	1,125.00
Tenneco Automotive	182	2.80	509.60
Unisys, Inc	167	14.00	2,338.00
US Bank Corp. (Firstar)	3081	23.20	71,479.20
Verizon (Bell Atlantic)	1072.9608	49.30	52,896.97
Vodaphone Airtouch	370	27.15	10,045.50
Wisconsin Energy Corp	1022	21.58	22,054.76
Total Common & Preferred Stocks and Bonds			8,238,115.12

2001 DISCLOSURE

Life insurance policies	Face dollar	Surrender dollar
Northwestern Mutual #4378000	$12,000.00	$47,846.21
Northwestern Mutual #4574061	30,000.00	114,752.49
Massachusetts Mutual #4116575	10,000.00	8,375.20
Massachusetts Mutual #4228344	100,000.00	193,970.90
Old Line Life Ins. #5-1607059L	175,000.00	34,737.00
Total Life Insurance Policies		399,681.80

2001 DISCLOSURE

Bank & savings & loan accounts	Balance
Bank One, Milwaukee, N.A., checking account	$6,203.80
Bank One, Milwaukee, N.A., preferred savings	28,213.01
M&I Lake Country Bank, Hartland, WI, checking account	5,099.97
M&I Lake Country Bank, Hartland, WI, savings	354.68
Burke & Herbert Bank, Alexandria, VA, checking account	3,334.31
Firstar, FSB, Butler, WI, IRA accounts	79,188.29
Total Bank & Savings & Loan Accounts	122,394.06

2001 DISCLOSURE

Miscellaneous	Value
1994 Cadillac Deville	$11,800.00
1991 Buick Century automobile—blue book retail value	3,625.00
1996 Buick Regal—blue book retail value	9,175.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	160,000.00
Stamp collection (estimated)	60,800.00
Interest in Wisconsin retirement fund	256,719.35
Deposits in Congressional Retirement Fund	131,583.53
Deposits in Federal Thrift Savings Plan	137,030.71
Traveller's checks	7,418.96
20 ft. Manitou pontoon boat & 40 hp Yamaha outboard motor (estimated)	4,250.00
17 ft. Boston Whaler boat & 75 hp Mercury outboard motor (estimated)	8,000.00
Total Miscellaneous	791,402.55
Total Assets	10,772,684.43

2000 DISCLOSURE

Liabilities	Dollars
Bank of America Mortgage Company, Louisville, KY, on Alexandria, VA residence—Loan #39758-77	$46,581.25
Miscellaneous charge accounts (estimated)	0.00
Total Liabilities	46,581.25
Net worth	10,726,103.18

2001 DISCLOSURE

Statement of 2000 taxes paid	Dollars
Federal income tax	$141,493.00
Wisconsin income tax	28,157.00
Menomonee Falls, WI property tax	2,120.00
Chenequa, WI property tax	16,657.00
Alexandria, VA property tax	7,489.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trust, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gift to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

IN HONOR OF PAUL LEVENTHAL AND THE 20TH ANNIVERSARY OF THE NUCLEAR CONTROL INSTITUTE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. MARKEY. Mr. Speaker, I rise today in order to honor Paul Leventhal and the Nuclear Control Institute (NCI) which he founded 20 years ago. On June 21, 1981, a full-page ad in The New York Times entitled "Will Tomorrow's Terrorist Have an Atom Bomb?" announced the launching of NCI (then known as "The Nuclear Club Inc."). Over the past two decades, Paul and NCI have been working to safeguard us from the dangers of irresponsible and malicious use of nuclear materials. And for years prior to forming NCI, Paul played an absolutely crucial role as a Senate staff member, helping to abolish the Atomic Energy Commission and split its roles between the Nuclear Regulatory Commission and the Department of Energy, produce the Nuclear Nonproliferation Act, and direct the investigations of the Three Mile Island accident.

On April 9, 2001, Paul and NCI, in close collaboration with Marvin Miller of MIT, hosted an excellent 20th Anniversary Conference, "Nuclear Power and the Spread of Nuclear Weapons: Can we have one without the other?" That is, does the proliferation of nuclear power encourage the proliferation of nuclear weapons? Did it make sense to supply the Indian government with nuclear fuel for their power plant at Tarapur? Does supplying the North Korean government with 2,000 megawatts of power from light water reactors encourage or discourage their acquisition of nuclear weapons?

But the issue of nuclear power is not only on the international scale. To solve our current "energy crisis", we find that the Bush administration has called for an increased reliance on nuclear power in our country. While NCI is not a priori averse to nuclear power, they are concerned that it be used properly. And the United States has an obligation to set a good example. If we want to discourage other nations from using plutonium, then the United States should not regard MOX fuel as a viable source of power.

At the conference on April 9, a number of experts spoke to the gathering about nuclear power and nuclear weapons. The website www.nci.org/conference.htm contains the text of the addresses as well as brief interviews with a number of the speakers. I will highlight here only a couple of the notable participants in that forum.

Amory Lovins of the Rocky Mountain Institute presented energy conservation and efficiency measures that could save the United States three-quarters of its electric use—equivalent to four times current nuclear output and cheaper to install that current nuclear operating costs. These retrofits of the best existing technologies, he said, would offset any need for continuation or expansion of nuclear power.

Robert Williams of Princeton University, an expert on renewable and other non-carbon, alternative energy systems, underscored the fact that two-thirds of carbon-dioxide emissions, a major contributor to global warming, come from non-electric sources, mainly transport. He pointed out that the replacement of all coal-fired electricity with nuclear capacity over the next century would only make a dent in global warming by reducing carbon emissions by just 20 per cent. Such an expansion of nuclear power, however, would generate plutonium flows of millions of kilograms a year for breeder reactors, which could prove an unmanageable proliferation danger.

The conference was an excellent opportunity to review the connections between nuclear power and weapons and to question the necessity for turning to nuclear power when the risks might outweigh the benefits. The conference was a testament to NCI's persistent dedication to the cause of keeping us safe from the potential dangers of nuclear materials.

Finally, Mr. Speaker, I would like to submit for the record a summary of the history and accomplishments of NCI over the last 20 years.

NUCLEAR CONTROL INSTITUTE

1981–2001; HISTORY AND ACCOMPLISHMENTS

Nuclear Control Institute was established in 1981 by its president, Paul Leventhal, as an independent oversight organization. It continues work he began on U.S. Senate staff to draw attention to the spread of nuclear weapons and to strengthen controls over U.S. nuclear exports and U.S.-origin fissile materials. His work contributed to the demise of the Joint Committee on Atomic Energy and to enactment of the Nuclear Non-Proliferation Act of 1978.

NCI was the first non-profit organized to work exclusively on the problem of nuclear proliferation. NCI's focus was then and remains today prevention, not simply management, of the spread of nuclear weapons. NCI works to eliminate civilian uses of atom-bomb materials, plutonium and highly enriched uranium (HEU), by calling attention to the dangers these fuels pose in advanced industrial countries as well as in the developing world. NCI seeks to break the linkages between civilian and military nuclear applications and to build linkages between nuclear disarmament and nuclear non-proliferation.

In a policy environment that often puts diplomatic and trade interests ahead of long-term security concerns, NCI works to promote bilateral and multi-lateral initiatives to make the world safe from plutonium. NCI, although small in size, has effectively pursued initiatives against plutonium and HEU commerce in a number of countries, including Japan, Germany, Great Britain, Argentina, Brazil, and in en-route states like Panama.

In 1982, NCI proposed and won enactment of a ban on the use of U.S. civilian spent fuel from civilian nuclear power plants as a source of plutonium for weapons (the Hart-Simpson-Mitchell Amendment).

In 1983, NCI commissioned a study, "World Inventories of Civilian Plutonium and the Spread of Nuclear Weapons" by David Albright, the first definitive analysis of the amounts of civilian plutonium accumulating in the world.

In 1985, NCI convened an international conference on the threat of nuclear terrorism, and then established the International Task Force on Prevention of Nuclear Terrorism. The Task Force's findings in 1986 contributed to enactment of a law to combat nuclear terrorism (the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986). Two books that emerged from that project remain the definitive, non-classified work on the subject.

In 1987, NCI helped win enactment of the Murkowski Amendment, which blocked air shipments of plutonium from Europe to Japan after NCI disclosed the secret failure of a test to prove a crash-worthy plutonium shipping cask.

In 1988, NCI assembled a group of world-class scientists to promote the "Tritium Factor" approach to nuclear disarmament, using tritium's relatively fast decay to pace U.S.-Soviet arms reductions and thereby facilitate the shutdown of all military production reactors—the situation that effectively prevails in the United States today.

In 1989, NCI convened a Montevideo conference of Argentine, Brazilian and U.S. nuclear officials and experts that developed proposals which were incorporated into the treaty signed the following year to end the Argentine-Brazilian nuclear arms race.

In 1990, NCI commissioned a study by a former U.S. nuclear-weapons designer (the late Carson Mark) that resulted in the first formal acknowledgement by the head of the International Atomic Energy Agency that nuclear weapons could be made from civilian "rector-grade" plutonium.

In 1991, NCI correctly predicted that Iraq would violate IAEA safeguards and divert civilian nuclear research reactor fuel for the purpose of making nuclear weapons.

In 1992, NCI helped win enactment of export controls (the Schumer Amendment) barring U.S. transfers of highly enriched, bomb-grade uranium (HEU) to research reactors that could make use of newly developed, low-enriched uranium (LEU) fuel unsuitable for weapons. As a result, U.S. exports of HEU have been nearly eliminated, and most of the hold-out reactors in Europe have agreed to convert to LEU fuel.

In 1993, NCI, in collaboration with the California-based Committee to Bridge the Gap, succeeded in a 10-year effort to persuade the Nuclear Regulatory Commission to promulgate a rule to protect nuclear power plants against truck bombs. The truck-bomb rule took effect the following year, and NCI has since been petitioning NRC to upgrade this rule as well as upgrade protection against other forms of terrorist attack and sabotage.

In 1994, NCI forced a $100 million cleanout and audit of a plutonium fuel fabrication plant in Japan after disclosing a 70-kilogram discrepancy, equivalent to a dozen nuclear weapons. NCI also prepared a detailed economic analysis showing that Japan could guarantee its energy security by establishing a strategic reserve of non-weapons-usable uranium at a fraction of the cost of their plutonium fuel and breeder program.

In 1996, NCI was invited to make exert technical and legal presentations before the International Maritime Organization in London on safety and security shortcomings in the sea transport of radioactive materials. Since then, NCI has worked closely with coastal states in opposition to plutonium and radioactive waste shipments from Europe to Japan.

Also in 1996, NCI uncovered a secret dispute within the U.S. Executive Branch over the Department of Energy's plan to turn most surplus military plutonium into mixed-oxide (MOX) fuel for nuclear power plants and drew nationwide attention to this dangerous program.

Today, NCI continues to advocate disposal of military plutonium directly as waste and to oppose its use as civilian reactor fuel. NCI also pursues stronger security over transport, storage and use of civilian plutonium and bomb-grade uranium, while pressing for elimination of these dangerous civilian nuclear fuels.

TRIBUTE TO BETTY HEADTKE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. LIPINSKI. Mr. Speaker, I rise today in recognition of an amazing woman, my friends and neighbor Betty Headtke, who has recently been named St. Richard's Council of Catholic Women "Women Of the Year" for 2001.

Throughout her life, Betty has been very involved in the community in which she lives. She has been married to her husband Ray for the past 47 years, and they have raised five wonderful children. Betty has worked for Holy Cross Hospital in the accounting office, and then as a secretary for Neo Product; the latter company for whom she worked 25 years before retiring just a few short years ago. During this time, she found the time and energy to act as a lunch monitor and a school chaperone for seventh and eighth grade dances.

Over the past several years, Betty's community involvement has increased. Following her retirement, she has been the Vice President of the Council of Catholic Women, and the Membership Chairperson of the same organization. While she is no longer the vice president, she retains her post of the latter, as well as expanding her duties to include the Treasurer of the Golden Agers and an auxiliary minister for her church.

Her role is not merely limited to being a member of the Council of Catholic Women. She also volunteers as a carnival worker and supports many other functions that St. Richard's provides. Further, Betty plays the role of caregiver towards her immediate family, and baby-sits any number of her 11 grandchildren whenever she has the time to do so.

While a banquet is being held on her behalf, I feel a great need to honor this pillar of my community among my fellow representatives. Betty is an incredible, warm-hearted person who deserves our gratitude for the lives that she has touched over the past half-century. I whole-heartedly congratulate Betty and wish her all the best in the future.

MARLETTE COMMUNITY HOSPITAL: HOMETOWN CARING AT ITS BEST

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. BARCIA. Mr. Speaker, I rise today to honor Marlette Community Hospital upon celebration of the 50th anniversary of the opening of its doors in Marlette, Michigan. The hospital's founders, its excellent staff and leaders such as Administrator David McEwen and Board President Gordon Miller deserve high praise for the initiation and sustaining of first-rate health care to generations of friends and neighbors in the Thumb region of Michigan.

Located in a rural community with about 2,000 residents, the 91-bed facility was founded in 1951 to provide quality medical care close to home after community leaders decided it was time to build a hospital in their town. As the story goes, the need was identified after a young man with a broken leg had to climb several stairs to a doctor's office to receive treatment. An initial downpayment of $10,000 by the Fred Willis family served as seed money to begin construction of the new hospital, but planners ran into a snag in securing federal grant money because Marlette was considered too small to warrant such expenditures. During a trip to Washington, DC, community leaders persuaded lawmakers to adopt the so-called Marlette Amendment, which allowed the grants to go to smaller communities.

Since its inception, the hospital has consistently provided superior elective and emergency care to patients and offered a wide variety of services to residents in the three-county area. Today, the thousands of residents who live in Marlette and surrounding communities depend upon the top-noted physicians, nurses and other professionals who attend to their health needs.

In addition, a $162,000 donation by Guerdon T. Wolfe allowed the hospital to build a 24-bed retirement complex in 1969 to serve the residential needs of seniors. In recent years, the hospital also has reached out by offering many important new services, including establishing a network of primary care offices for the convenience of residents who don't live nearby. Also a partnership with Saint Mary's Medical Center in Saginaw has allowed the hospital to build a new facility that will provide chemotherapy and radiation therapy services for cancer patients in the Thumb area.

Finally, Mr. Speaker, I ask my colleagues to join me in wishing the wonderful staff of Marlette Community Hospital the very best wishes on their 50th Anniversary and hopes for many more years of serving the health care needs of the Thumb.

H.R. 2275, VOTING TECHNOLOGY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. EHLERS. Mr. Speaker, today I'm introducing H.R. 2275, along with my colleague and neighbor from Michigan, Congressman BARCIA. This bill deals with a very important problem: ensuring that voting technologies are accurate, secure, reliable and easy to use.

Last November, as the world placed Florida under a microscope to scrutinize its election, we saw just how vulnerable our nation's voting systems are to error. And in the months since, we've discovered that the problems that plagued Florida are rampant among many other states, but went unnoticed because the elections in those states were not nearly as close as in Florida.

In the months since last November, we've also had the chance to explore solutions to the problem. We've discovered that we need to develop updated standards for voting systems to make sure that they perform reliably on election day. Updated standards can ensure that voting machines are accurate in tallying the ballots voter cast. And they can help reduce voter error by improving the usability of new voting technologies.

And more importantly, as our voting systems begin to rely increasingly on computers to record, count and archive ballots and to transmit elections results over computer networks, we need standards to ensure that these systems meet the highest standards for computer security, so we can prevent hidden voter fraud by clever computer hackers.

The Ehlers-Barcia bill addresses each of these concerns. It directs the National Institute of Standards and Technology (NIST), the nation's foremost experts on technology, computer security, and technical standards, to help develop updated standards to ensure the usability, accuracy, integrity, and security of our country's voting systems.

NIST is the federal agency with the technical expertise needed to help create the technical standards necessary to improve our nation's voting systems. NIST is a tremendous technical resource that we must enlist to help solve this problem. It has a strong record of working cooperatively with diverse groups to develop standards by consensus. These groups would certainly include state and local elections officials, among others.

Mr. Speaker, this is a complex problem, with complex solutions. I am proud to introduce this bipartisan bill today with my colleagues from Michigan because I believe it is an important part of the solution. I urge my colleagues to support the Ehlers-Barcia bill and work together with us to pass this important legislation.

TRIBUTE TO JOSEPH AND VICTORIA COTCHETT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. ESHOO. Mr. Speaker, I rise to pay tribute today to two distinguished Californians, Victoria and Joseph Cotchett, who are being honored as Volunteers of the Year by the Volunteer Center of San Mateo County, California.

Victoria and Joe Cotchett have provided years of extraordinary public service to our community and our country. The Cotchetts give so generously of their time, their talents and their resources and are widely known and deeply respected within our community for their extraordinary contributions to many worthy organizations and causes. They are driven by their passion for the arts, for the average person, and for justice.

Long an advocate of women and children, Victoria Cotchett is an avid supporter of the arts and a community leader in animal care issues. She has distinguished herself as a writer and has served on the boards of many organizations, including Poplar Recare and the Kennedy Center for the Performing Arts.

Joe Cotchett is a noted trial attorney with a distinguished record of campaigning for equal justice as well as his many years of professional and civic involvement. For the past ten years, Joe has been named one of the 100 most influential lawyers in the country, earning the highest esteem of colleagues and clients alike. Joe has been described by the National Law Journal as "one of the best trial lawyers; a clear champion of underdogs."

Victoria and Joe Cotchett are the proud parents of two beautiful daughters. The Cotchetts have opened their hearts to another family, a group of refugees fleeing political oppression in Eastern Europe. Joe and Victoria did everything within their power to facilitate this family's transition to the United States, providing them with shelter, assistance, and above all, the warmth and kindness of a loving family.

Mr. Speaker, I ask my colleagues to join me in paying tribute to two extraordinary people who I'm exceedingly proud to call my friends. We are a better community, a better country and a better people because of Victoria and Joe Cotchett.

A BILL TO PERMIT COOPERATIVES TO PAY DIVIDENDS ON PREFERRED STOCK WITHOUT REDUCING PATRONAGE DIVIDENDS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. HERGER. Mr. Speaker, today I rise to introduce the Cooperative Dividend Equity Act. This legislation will help to end an unfair tax on cooperatives and their members.

As those of us from agricultural and rural areas can attest, cooperatives play a vital role in many Americans' lives. Whether it be farmers pooling their resources in order to survive in the global marketplace, consumers maximizing their buying power through volume purchasing, or healthcare facilities providing community-based services—cooperatives facilitate people working together for a common good.

One of the greatest challenges facing cooperatives today is access to capital. In order to raise much needed capital and avoid further debt, many cooperatives are considering issuing preferred stock. However, under the current tax laws, stock dividends paid to stockholders are taxed three times: (1) when they are earned by the cooperative; (2) when received by the stockholder; and (3) at the corporate level when earnings are distributed. Three levels of tax on the earnings of a cooperative! Here is how it works.

Members of cooperatives are taxed on income generated by the cooperative. The cooperative itself, however, is not taxed so long as any "patronage income" is distributed to its members. Cooperatives frequently earn at least some non-member, or "nonpatronage," income. Much like a corporation, a cooperative must pay taxes on such non-patronage income, just as the stockholder (whether a member or non-member) must also pay tax on that income when it is distributed as a dividend. Unlike a corporation, however, cooperatives must then pay what amounts to a third tax due to the operation of an obscure IRS rule.

The "dividend allocation rule" imposes a third level of taxation on the cooperative by reducing the amount of patronage dividends paid to cooperative members. Cooperatives, such as a typical farming cooperative, may deduct dividends paid to patrons from taxable income. IRS regulations, however, provide that net earnings eligible for the patronage dividend deduction are reduced by dividends paid on capital stock. This requirement has been interpreted to mean that even dividends paid out of nonpatronage earnings will be "allocated" to a cooperative's patronage and nonpatronage earnings in proportion to the relative amount of patronage/nonpatronage business done by the cooperative. This "allocation" significantly reduces the amount of net earnings from the patronage operation that may be claimed as a deduction, thus increasing the cooperative's level of taxation.

Put more simply, the "dividend allocation rule" allocates income already taxed against what would have otherwise been a deduction. As a result, cooperatives pay more taxes on income used to pay a dividend on stock than would a non-cooperative corporation.

It is time to end the triple taxation on cooperative income and give farmers, consumers, hospitals, and other coop members the flexibility they deserve in structuring their affairs. It is time to eliminate the dividend allocation rule and pass the Cooperative Dividend Equity Act of 2001.

HONORING THE MEMORY OF MAJOR GENERAL DANIEL F. CALLAHAN

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. HILLEARY. Mr. Speaker, I rise today to honor the memory of Major General Daniel F. Callahan for his honorable and faithful service to our country.

General Callahan, who passed away June 10, 2001, was born in Zenda, Kansas, on June 8, 1910. Following his graduation from the U.S. Military Academy in 1931, he served the next thirty-two years in the U.S. Air Force. His military career was devoted to flying and working in maintenance, engineering and supply. During World War II, he was assigned to the China-Burma-India theatre, where he saw action flying the "Hump". Following the war, he attended the Air War College, served in NATO as head of the US Defense Production Staff in London, and was Chief, Military Assistance Advisory Group, United Kingdom.

In June 1957, he was assigned as Commander, Mobile Air Material Area and followed this assignment with a two-year tour at the Pentagon where he was Director of Logistics for the Joint Chiefs of Staff. The Cuban Missile Crisis highlighted this tour, where General Callahan oversaw the massive movement and positioning of personnel and equipment to deal with this crisis.

Following his retirement in 1963, General Callahan spent five years with Chrysler Corporation in their Defense-Space Group, and in 1968, he joined NASA at the Kennedy Space Center as the Director of Administration. He was there for five years, which included the Lunar landing program and man's first steps on the moon.

After retiring from NASA, Gen. Callahan devoted most of his time to the Air Force Association, serving as Chapter President in both Florida and Tennessee and state President in Florida. He was a permanent Member of the National Board of Directors and in 1979, he was elected as National Chairman of the Board. Gen. Callahan was chosen as the Air Force Association's Man of the Year in 1981.

General Callahan received a master's in Engineering from the University of Michigan and an Honorary Doctorate in Law from the University of Alabama. A Command Pilot with 10,200 hours flying time, General Callahan was awarded many military and civilian awards, including the Distinguished Service Medal and legion of merit with two Bronze Oak Leak Clusters.

Mr. Speaker, General Callahan was a great success in each duty he held, and his country is the better for it. You know, there's a song that virtually every graduate of General Callahan's alma mater, West Point, knows the worlds to and tries to live up to. Its last verse includes the solemn words,

> "And when our work is done, Our course on earth is run, May it be said 'Well Done,' Be thou at peace."

Mr. Speaker, General Callahan certainly lived up to those words. I think I speak for all of General Callahan's countrymen when I say, "Well done, sir. Be thou at peace."

CORAL REEF AND COASTAL MARINE CONSERVATION ACT OF 2001

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Mr. KIRK. Mr. Speaker, today I introduced bipartisan legislation, H.R. 2272 the "Coral Reef and Coastal Marine Conservation Act of 2001," to help developing countries reduce foreign debt and provide for the creation of comprehensive environmental preservation programs to protect endangered marine habitats around the world. I have been joined by thirteen of my colleagues who are committed to creatively addressing two problematic issues of foreign policy.

The burden of foreign debt falls especially hard on the smallest of nations, such as island nations in the Carribean and Pacific. With few natural resources, these nations often resort to harvesting or otherwise exploiting coral reefs and other marine habitats to earn hard currency to service foreign debt.

The Coral Reef and Coastal Marine Conservation Act of 2001 will essentially credit qualified developing nations for each dollar spent on a comprehensive reef preservation or management program designed to protect these unique ecosystems from degradation.

This legislation will make available resources for environmental stewardship that would otherwise be of the lowest priority in a developing country. It will reduce debt by investing locally in programs that will strengthen indigenous economies by creating long-term management policies that will preserve the natural resources upon which local commerce is based.

This concept has been successfully used by the United States to encourage environmental stewardship that would otherwise prove cost-prohibitive to developing countries. Resources are reinvested in local economic growth and our planet as a whole reaps the benefit.

I urge my colleagues to join myself and my cosponsors in support of this legislation.

TRIBUTE TO ANN DAWSON TORREY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished American, and long-time constituent of California's 14th Congressional District—Ann Dawson Torrey, who passed away on May 25, 2001.

A lifelong Democrat and a staunch defender of women's rights, Ann Torrey was born in Hollywood, California on December 1, 1911. As a child she learned an early and important lesson—the power of civic activism. While still an infant, Ann's mother pushed her in a baby carriage during the historic marches for women's suffrage.

Ann Torrey also understood the power of an education—she devoted much of her adult life to teaching young women and men to succeed in their societies. Between 1937 and 1949, Ann Torrey taught students in Monterey, California, Shanghai, China and Menlo Park, California. From 1949 to 1976 she distinguished herself as an elementary school teacher in the Redwood City School District. Ann Torrey was proud to be a teacher and believed firmly in the value of an education for all.

A graduate of the University of California at Berkeley, Ann Torrey received her teaching credential from San Jose State University. In 1966, she went back to school to earn her Master's in Education at Stanford University. A long-time resident of Redwood City, California, Ann Torrey moved to State College, Pennsylvania in 1998 in order to be closer to her grandchildren.

Mr. Speaker, our nation's children lost an important role model and a selfless teacher with the passing of Ann Torrey. I ask my colleagues to join me in paying tribute to a great and good woman, and offer the condolences of the entire House of Representatives to her family.

A SALUTE TO BERKELEY CITY COUNCILMEMBER AND VICE MAYOR MAUDELLE SHIREK IN HONOR OF HER 90TH BIRTHDAY CELEBRATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

Ms. LEE. Mr. Speaker, I rise in honor today to salute and celebrate the 90th birthday of a Berkeley legend, City Councilmember and Vice Mayor Maudelle Shirek.

Maudelle was born the grandchild of slaves in Jefferson, Arkansas. Having been raised to be socially conscious and responsible, upon her arrival in the San Francisco Bay Area more than 50 years ago, she immediately plunged into the civil rights struggles of the day.

One of the main issues of the post-WWII era was fair housing. Landlords often refused to rent to African Americans and new housing was built with discriminatory covenants not allowing Blacks to buy houses in certain areas. Maudelle was a key leader in the struggle for fair housing that culminated in California Assemblyman Rumford's Fair Housing Act.

Maudelle also helped shape the political future of this country by persuading a young University of California graduate student named Ron Dellums to run for Congress. I worked with and was mentored and trained by Congressman Dellums. Without Maudelle's influence on Ron, I may not be in Congress today.

Wherever she has worked, Maudelle has been an organizer. Serving as Director of the West Berkeley Senior Center, she simultaneously was on the State Executive Board of Service Employees International Union, Local 535. When Berkeley bureaucrats claimed she was too old to run the senior center, she ran for City Council and won. She is now serving her seventh term on the Council and has been re-elected by larger margins with each progressive election.

Maudelle was the first Berkeley City Councilmember, and one of the first elected officials in the state, to take action against the AIDS pandemic by sponsoring educational materials, needle-exchange programs and housing for AIDS patients. When the county hospital tried to close its facilities serving AIDS patients, she chained herself to the doors to call attention to the plight of AIDS victims. As a result of her efforts, that facility remains open today.

Maudelle has been an incredible influence in my life. Maudelle taught me that I was not only a citizen of the United States but a citizen of the world. While a student at Mills College, Maudelle helped me organize the Black Student Union's study mission trip to Ghana, Africa where she spent one month with the students. Her insight and counsel greatly enriched their experience.

As a leader of the peace movement, Maudelle introduced me to the movement and shared with me her valuable and critical insight into United States foreign policy and international affairs. I have travelled with Maudelle to many countries and witnessed first hand her interaction with world leaders. They are inspired by her brilliance and her clarity of the issues affecting the global community.

Maudelle continues to be persistent in the fight to reorder our national priorities. Reducing the military budget in order to improve the quality of life for people has been the cornerstone of her work for social, political and economic justice.

Maudelle is a role model and a tireless worker for civil and human rights, peace and justice. I proudly join her many friends and colleagues in honoring Maudelle for 90 years of service and commitment to bettering the lives of her fellow citizens, community members and constituents.

Congratulations Maudelle and thank you for your wonderful example and inspiration.

SENATE—*Friday, June 22, 2001*

The Senate met at 9:30 a.m. and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, and Your Spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Bless the Senators as they continue to sort out the crucial issues of providing patients' rights. Give them a perfect blend of humility and hope, so that they will know that You have given them all that they have and are and have chosen to bless them this day. We join with them in responding and committing ourselves to You. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 22, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, on behalf of Senator DASCHLE, the Senate is advised that we will have debate, the time equally divided between the two managers of the bill, on the McCain amendment. Following a vote on that amendment, we will turn to an amendment offered by the Senator from New Hampshire, Mr. GREGG, the manager of the bill. That matter will be debated this afternoon. We are going to be in session Monday afternoon for purposes of debating this matter, with further action on this bill Tuesday and the rest of the week until we complete this legislation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1052, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

Pending:

> McCain amendment No. 809, to express the sense of the Senate with respect to the opportunity to participate in approved clinical trials and access to specialty care.

AMENDMENT NO. 809

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 a.m. will be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from New Hampshire, Mr. GREGG, or their designees.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I intend to speak again shortly before the vote, but I would like to discuss the President's threat to veto the Patients' Bill of Rights, the letter that was sent over yesterday.

I am disappointed that the President issued a veto threat yesterday regarding our bipartisan bill protecting America's patients. However, I continue to pledge my cooperation in any sincere effort to reach fair compromises on the outstanding issues that still divide us. Negotiations continue. We will continue over the weekend, and into next week, in the continued hopes we can reach agreement.

I repeat, we are in agreement on the vast majority of issues. It would be a terrible shame for us to not be able to resolve those remaining differences.

But we cannot compromise on our resolve to return control of health care to medical professionals, and to hold insurers to the same standard of accountability to which doctors and nurses are held. That is all we are seeking and all that the American people expect from us, a fair and effective remedy to a grave national problem.

Following are some concerns that were raised in the veto threat regarding our bipartisan bill that do not accurately represent our legislation.

In the President's threatened veto message, he said that the legislation will only serve to drive up costs and leave more individuals without health insurance coverage.

The reality is, the year after Texas passed its liability protections, premiums actually decreased; and last year the number of people with insurance increased by over 200,000. In their annual report, the Census Bureau attributed a large portion of the increase in the number of insured Americans to the increase in employer-sponsored coverage.

As the Congressional Budget Office has stated:

> [A] reliable estimate of the coverage declines associated with a mandate can only be determined by analyzing the specific legislative proposal.

No such analysis on the bill before the Senate has been produced.

In the Presidential statement, it said that our legislation circumvents the independent medical review process in favor of litigation.

The reality is, no patient and no physician wants to go to court just to seek the care they need or to avoid being harmed. Under our legislation, patients must exhaust internal and external appeals before going to court. That is why the legislation requires that all appeals be exhausted. The sole exception is when death or irreparable injury is incurred as a result of the denial. Even in that case, either party can request the appeals process continue and the results of the process be considered in court.

In the Presidential statement, it said this legislation overturns more than 25 years of Federal law, and in so doing, would not ensure that "existing state law caps would apply to the broad, new causes of action in state courts."

The reality is, the legislation corrects the unintended consequences of the 25-year-old loophole contained in ERISA, the Employee Retirement Income Security Act, which gives HMOs

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

special legal protections—not enjoyed by any other industry—from legal recourse if they make medical decisions that result in injury or death. Our legislation merely accepts Chief Justice Rehnquist's recommendation adopting the policy of the Federal Judicial Conference that "in any managed care legislation, the state courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits, should Congress determine that such legal recourse is warranted."

I hope my friends on this side of the aisle will pay attention to Chief Justice Rehnquist's words.

In so doing, this legislation simply returns to how this Nation has overseen disputes in the courts over the last 200 years and applied the same standards with which all other industries comply.

Finally, by deferring explicitly to State courts on medical decision disputes, this legislation specifically accepts tort reform and caps that States have adopted, all of which exceed any Federal tort reform currently in place.

The President's statement goes on to say this legislation would allow causes of action in Federal court for violation of any duty under the plan, creating open-ended and unpredictable lawsuits against employers for administrative errors.

In reality, there would be no open-ended, unpredictable lawsuits as a consequence of this legislation. Plans would be free of any liability if they followed their own plan rules and did not make decisions that explicitly caused injury or death. Moreover, if they follow the internal appeals process provided for in this legislation, it is extremely unlikely that any business or plan would be exposed to any liability risk at the Federal level.

The President's statement said that the legislation would subject employers and unions to frequent litigation in State and Federal court under a vague standard of direct participation. The reality is, this legislation related to direct participation is neither vague nor would it subject employers to frequent litigation in State and Federal court. The bill language specifically states that direct participation is defined as "the actual working of [the] decision or the actual exercise of control in making [the] decision or in the [wrongful] conduct."

This legislation specifically exempts businesses from liability of every type of action except specific actions that are the direct cause of harm to a patient.

We are having continuing negotiations to try to tighten further language to prevent employer liability.

Finally, the President's statement says this legislation subjects physicians and all health care professionals to greater liability risk. My only answer to that: Read the bill. Section 302(a)(1) states that physicians, other health care professionals, insurance agents, and health care record keepers have explicitly been exempted from any new liability exposure. In fact, by extending accountability provisions to HMOs, this legislation will actually serve to protect physicians and other health care professionals from unwarranted, unnecessary liability exposure.

Once again, the critics need to read the bill before inaccurate charges are made.

Madam President, there is either a misunderstanding or a failure to comprehend what this legislation is all about in the message that was sent over and the threatened veto. Again, I urge all of our friends and adversaries of this bill to continue to negotiate, to continue to resolve the issues that exist between us so that we can come to closure on this.

I repeat, we cannot sacrifice the principles upon which this legislation is based, but we certainly can discuss and perfect this legislation. That is something we want to continue to do. As we speak, there are groups who are discussing ways of improving the legislation. We are open to it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, how much time is remaining now?

The ACTING PRESIDENT pro tempore. The sponsor has 19 minutes, and the opposition has 28 minutes.

Mr. KENNEDY. I yield myself 7 minutes.

The ACTING PRESIDENT pro tempore. From the sponsor's time?

Mr. KENNEDY. Yes, from the sponsor's time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, the sense-of-the-Senate we will vote on soon is a critical one. It puts the Senate on record as supporting patients in two critical areas covered by our bill: Access to clinical trials and access to specialty care.

The reason this vote is critical is that adoption of this sense-of-the-Senate language effectively endorses the solid protections contained in the McCain-Edwards-Kennedy bill and rejects the inadequate protections contained in the alternative legislation.

Our friends on the other side of the aisle started out rejecting the idea that managed care companies should be required to cover the routine doctor and hospital costs of quality clinical trials. Then they said they would support coverage of clinical trials, but only for cancer. Now they have finally endorsed the idea of covering clinical trials, but they continue to offer the American people coverage that is unconscionably delayed and that bars patients from some of the most crucial clinical trials—studies carried on in the private sector that are not funded by the Government but are approved by the Food and Drug Administration.

Of course, this, too, represents a shift in position. Last year they were for coverage of FDA trials, but only for cancer patients. This sense-of-the-Senate makes clear that managed care companies should cover the routine doctor and hospital costs of all clinical trials that offer a meaningful opportunity for cure or improvement. It also makes clear that coverage should be provided without further delays—no ifs, ands, or buts. If someone can benefit from a clinical trial, if their doctor recommends it, and if they want to participate in it, their insurance company should pay the routine doctor and hospital costs associated with the trial.

I reviewed the comments my good friend Senator FRIST made last night, and the sum and substance of it was that clinical trials are a wonderful thing but it might cost too much if insurance companies have to pay for routine doctor and hospital costs. So he was willing to cover some of the trials but not all of the trials.

Now of course this specter he has raised of the vast unknown mass of clinical trials out there ignores some fundamental facts. First, most studies have not found much difference between the cost of clinical trials and the cost of conventional care. Obviously, there are cases where a clinical trial can cost more, but there are also cases where it can cost less.

Second, Senator FRIST talks as if we are proposing something novel and dangerous. The fact is that CBO found several years ago that insurance companies routinely pay these costs. They pay them 90 percent of the time. But managed care is cutting back on that wise policy and patients are being left to bear the burden.

So we are not talking about imposing something new. We are talking about preserving and restoring what is already there. We are simply extending to the private sector a policy that works well under Medicare.

One of the most fundamental parts of quality medical care is access to an appropriate, qualified specialist to treat serious complex conditions. This is also one of the areas in which the abuses of managed care have been most serious and widespread. Our legislation provides patients the opportunity to see a specialist outside the managed care network at no additional cost if no one in the network can meet their needs.

The competing legislation offered by Senator FRIST purports to afford the same rights, but it essentially makes the plan the judge and jury of whether or not a non-network specialist is needed. The plan's judgment is not appealable.

Senator MCCAIN's sense-of-the-Senate simply affirms the right to see a specialist outside of the network, if needed. It also affirms the right to appeal to an independent third party if the plan disagrees about the need to go outside the plan.

These rights are especially critical to cancer patients. That is why cancer patients are specifically mentioned in the McCain sense-of-the-Senate. It is also why so many organizations representing cancer patients and their families have spoken out so strongly in support of our legislation.

The story of the following patient illustrates why these rights are so precious and why the passage of the McCain amendment is so critical. The family of Carly Christie was horrified when their 9-year-old daughter was diagnosed with a Wilms' tumor, a rare and aggressive form of kidney cancer. They were relieved to learn that a facility close to their home in Woodside, CA, the Lucile Packard Children's Hospital at Stanford University, was world renowned for its expertise and success in treating this type of cancer. The Christie family's relief turned to shock when their HMO told them it could not cover Carly's treatment by the children's hospital. Instead, they insisted that the treatment be provided by a doctor in their network, an adult urologist with no expertise in treating this rare and dangerous childhood cancer.

The Christies managed to scrape together the $50,000 they needed to pay for the operation themselves. Today, Carly is a cancer-free, healthy, happy teenager.

If the Christies had been less tenacious or had been unable to come up with the $50,000, there is a good chance Carly would be dead today. The Christies had faithfully paid their premiums to their HMO, but their HMO was not faithful to them when their daughter's life was in jeopardy. The protections in our legislation would have avoided that situation.

No family should have to go through what the Christies did. No child should face a possible death sentence because an HMO thinks profits are more important than patients. The McCain amendment puts the Senate on record as saying that families such as the Christies should have the right to a speedy, fair appeal to an independent review agency to get the care their daughter needed.

The ACTING PRESIDENT pro tempore. The Senator has used 7 minutes.

Mr. KENNEDY. Madam President, I withhold the rest of the time and hope the McCain amendment will be approved.

How much time remains on either side, Madam President?

The ACTING PRESIDENT pro tempore. The proponents have 12 minutes. The opponents have 28 minutes.

Who yields time? If neither side yields time——

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from North Carolina.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. EDWARDS. Madam President, I rise today in support of the McCain amendment.

Before I get to that, I want to say a few words about a patient in North Carolina who has had problems with HMO health insurance coverage. Ethan Bedrick was a young boy who was born in 1992 in Charlotte, NC. Because of the circumstances surrounding his birth, unfortunately, Ethan was born with cerebral palsy. As a young child, he was treated by a wide variety of health care providers—many specialists, doctors, pediatric specialists who tried to help Ethan and his family with Ethan's problems.

Among the things they prescribed was therapy on a regular basis—physical therapy and other kinds of therapy—to help prevent the kinds of problems we often see with older persons who have cerebral palsy of becoming constricted, tightened up, and not able to use his limbs properly.

Every medical provider who made these recommendations to Ethan suggested that he needed this therapy and that it was medically necessary for his ongoing care. All of the doctors who treated him, and there were a multitude of them, believed he needed this therapy. The only one who disagreed was his insurance company. That decision was made by someone sitting behind a desk somewhere many miles and many States away from Ethan.

This is a photograph of young Ethan. As a result, it was necessary for Ethan's case to be taken first to Federal district court, and then to be taken through an appeal that lasted a long time—2, 3 years, approximately.

After all that time and effort, Ethan was finally able to get the care he needed when a U.S. Circuit Court of Appeals in Richmond, VA, the fourth circuit, said the decision made by the insurance company was arbitrary, ridiculous, and completely inconsistent with any kind of medical standards because it was obvious that Ethan needed the therapy that all of his health care providers said he needed. In fact, the insurance company said: We don't want Ethan to get this therapy. He is never going to walk. It is not going to do him any good. We are not paying for it.

Well, the Fourth Circuit Court of Appeals found, not surprisingly, that Ethan's doctors, with training and experience in treating children in his condition, knew better than some insurance company clerk sitting behind a desk somewhere. Unfortunately, it took years to get this accomplished—years of being in court and years of effort by Ethan's family.

Young Ethan, under our Bipartisan Patient Protection Act, would have had a right to an immediate internal review within the insurance company and, had that been unsuccessful, to an external independent review, where the odds are almost 100 percent that he would have been successful since every single doctor in all areas of specialty treating Ethan said he needed this daily therapy to keep him from becoming bound up and constricted.

This is a perfect example of why we have to do something about what health insurance companies and HMOs are doing to people in this country.

Now, specifically to the amendment offered by my friend from Arizona. It is critically important that patients have access to all clinical trials, including FDA-approved clinical trials. The FDA-approved clinical trials are where much of the cutting edge research is being done in the area of cancer. For many patients around this country—I spoke of one yesterday—that is the place of last resort. They have nowhere else to go. When chemotherapy, surgery, all these other cancer treatments are not successful, they are left with one option, which is to participate in a cutting edge clinical trial.

Unfortunately, if that is not paid for by their HMO or the insurance company, many times they have nowhere to go. Our bill specifically covers these clinical trials. We think it is very important that HMOs and insurance companies cover them. The competing bill does not. This amendment specifically covers that provision.

Second, access to specialty care. We simply want patients to be able to go outside the HMO when that is their only option. We support the amendment, and I urge my colleagues to vote for it.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Madam President, I understand we have 5 minutes left?

The ACTING PRESIDENT pro tempore. Six-and-a-half minutes.

Mr. KENNEDY. The other side has 28 minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. FRIST. Madam President, I will speak for about 5 minutes and then I will be happy to yield the floor. I want to reserve our time in the event someone else wants to speak. Right now, I will plan to only speak for 5 minutes of our time.

For those who are just beginning to pay attention, about 35 minutes from now we will be going to a vote on the amendment by the Senator from Arizona which addresses issues of clinical trials, coverage of clinical trials as one of the patient protections in the Patients' Bill of Rights, and also access to specialists.

On the floor last night, we spent about an hour and a half walking through the very critical importance of access to clinical trials for the individual patients who can potentially benefit. Remember, clinical trials are investigations and experiments. We don't know if you can benefit from a trial, but it is cutting edge. We want to expand access to these clinical trials as much as is reasonable.

In addition, access to clinical trials is critically important from a societal standpoint, because without an adequate number of people participating in clinical trials, there is no way to translate the tremendous investment that we put into research and basic science. We must learn through clinical trials, clinical experiments, and investigations. Ultimately, the knowledge ends up in clinical application to benefit people who have heart disease, lung disease, myasthenia gravis, mental health problems, or who are recovering from stroke. So it is critically important in terms of benefitting individual patients and society at large that we can do this transformation or translation of basic science into clinical application.

I have been blessed to be able to participate in that process as a physician and clinical investigator. I have been personally involved in a number of clinical trials. I obtained consent for those trials and have given the interventions, whether it was an artificial heart or pharmaceutical agent. As a physician and investigator, I have participated and seen the great value in those clinical trials.

In the Frist-Breaux-Jeffords bill, we include clinical trials as one of the major patient protections. We feel strongly about this particular right.

The Senator from Massachusetts, in responding to my comments, mentioned two things. One, studies show these clinical trials do not cost very much. I have two points in response. First, we do not know how much it is going to cost. I made that case on the floor last night. Second, there have been several studies in one field—the field of cancer. However, what we are putting into the Frist-Breaux-Jeffords bill goes much beyond cancer.

The McCain-Edwards-Kennedy bill goes beyond cancer as well. The cost of those blinded, prospective peer-reviewed studies—when you look at artificial hearts and lasers and expensive technology—all of which are part of FDA, simply have not been calculated. We do not know how much it is going to cost. Some studies have examined the cost for cancer, and many of those are cost effective because the trials are done in centers of excellence, with the best physicians in the world, investigators who know the literature, and the best practices. There is no way you can extrapolate what we know about cancer and its good studies to those that have been done on heart disease and lung disease. It cannot be done.

Two, the point by the Senator from Massachusetts was made as a criticism—but I take it more as a compliment—that we have expanded coverage in the Frist-Breaux-Jeffords versus the bill which passed on the floor of the Senate last year.

The following passed the Senate a year and a half ago with regard to clinical trials: Plans would cover routine patient costs in NIH, FDA, VA, or DOD approved or funded cancer clinical trials. Why did it pass in the Senate? Because there was good data as to how much cancer clinical trials would cost. We thought it most prudent to pass legislation only for cancer trials.

In the Frist-Breaux-Jeffords bill, we said we are going to expand it beyond cancer; we are going to expand it to all other diseases.

Madam President, I yield myself another 10 minutes.

The PRESIDING OFFICER (Ms. STABENOW). The Senator has that right.

Mr. FRIST. Madam President, what we have done in the balanced Frist-Breaux-Jeffords bill is expand what passed in the Senate last year and take the position we were going to cover all diseases in clinical trials. I do not take that expansion as a point of criticism; I take it as a compliment. It shows we are not entrenched; we are willing to move and do what is right for the American people, given what we know at this point.

Three years ago, we did not have these studies. We are getting them as we go forward. We do not have studies on medical devices and, yes, we may have those studies 2, 3, 4 years from now.

It comes back to the approach in the McCain-Edwards-Kennedy bill which, again, is going to drive health care costs up for all 170 million people who get health insurance from their employers. Everybody listening to me is not on Medicare and Medicaid. If someone has insurance, they are most likely getting it through their employer. Your premiums are going to go up. How much? It depends on how much we add to this bill and how far we go. Therefore, the prudent thing is to add what is balanced, reasonable, and in the best interest of the patients.

The Senator from North Carolina showed a picture of a family. We have seen lots of families. Republicans and Democrats have shown them. What is important is, when we look at the appeals process and access to patient protections, those patients would, under both bills, have access to patient protections—access to a timely appeals process, access to independent physicians in the external appeals process, and the right to sue the HMO.

We will keep coming back to the differences. In their bill, one is not required to exhaust the internal/external appeals process. One can go right to court. We say, no, you have to exhaust the internal appeals process. The Senator from Arizona said that his bill states you do have to exhaust the appeals process. Our reading does not come to that conclusion. Hopefully, next week we can have a debate on exhaustion of the appeals process. We have to read the language and debate the language.

We know what our bill does. We do not have an exception to opt out of the external/internal appeals process. At the end of the day, in the Frist-Breaux-Jeffords bill, we clearly allow suing HMOs, and the McCain bill allows one to sue the HMOs. We will continue to argue that they also allow you to sue the employer. We will have an amendment offered at some point so we can go head-to-head arguing whether or not their language protects the employer. Again, an amendment will be coming.

It is important for my colleagues to understand that when we see these pictures of individuals, the Frist-Breaux-Jeffords bill adds the same protections: internal appeals, external appeals, access to suing the HMO at the end of the day.

The cost issue: When we see pictures of individuals—I hate to keep coming back to cost, but every time I mention cost, I want my colleagues to understand that when we drive up the cost of premiums for the 170 million getting insurance, that means they pay more. However, if you are the working poor, there is some limit as to how much more you can pay. Therefore, we need to balance how far we can go in expanding rights to sue and new coverage with providing necessary patient protections. We have to come back with that balance.

What do we cover in the clinical trials in our bill? We cover all the clinical trials for all diseases for the National Institutes of Health. We have made tremendous progress in this country in increased funding for the National Institutes of Health, in large part because of the leadership of Republicans in this body and in a bipartisan way.

There are about 4,200 clinical trials in NIH, and about 1,800 of those are cancer trials. Yes, we have expanded coverage compared to what passed 2 years ago. Two years ago, there was a universe of 1,800 trials at NIH. Now it is up to 4,200. All clinical trials in the Department of Defense are covered also in our bill. Additionally, all clinical trials in the Veterans' Administration are covered under our bill. There is somewhere around 40,000, 50,000, 60,000 U.S. researchers, clinical investigators doing the investigations like I was doing before I came to the Senate, participating in those trials.

Last night, I mentioned an issue which we have not really talked much about in this Chamber, and that is when there is a clinical trial, there can be an adverse reaction. We know that. We have held hearings in oversight on human subject protection.

Last night, I mentioned the fact that there are adverse reactions by definition when you are experimenting on human beings, which clinical trials are. You have good reactions and bad reactions. Bad reactions can result in the loss of an arm, or it can result in death. Clinical trials can result, unfortunately, in adverse reactions. We need to minimize that over time.

Now, under the McCain-Edwards-Kennedy bill, they can sue with unlimited damages and on the basis of that adverse reaction. The trial lawyer will sue the physician for sure, but now, under this new cause of action in their bill, we open the door to suing or potentially suing the HMO because we are forcing them or encouraging them to pay for these clinical trials. I would like to see some modification in the language so we do not open that door.

The amendment by the Senator from Arizona, which I think is a very good amendment addressing the importance of clinical trials, also addresses access to specialists. In the Frist-Breaux-Jeffords bill, we feel strongly that you do need to make sure people in managed care, HMOs, have appropriate access to specialists.

We require timely coverage for access to appropriate specialists when such care is covered by the plan. If the plan determines there is no participating specialist that is available to provide that care, the plan is required to provide coverage for such care by a nonparticipating or an out-of-plan specialist at no additional cost.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. FRIST. I will be happy to yield.

Mr. KENNEDY. The plan makes the decision that specialty care is necessary. However, if the plan says no and the patient believes that it is necessary, what rights does the patient have to question the decision that is made?

Mr. FRIST. I appreciate the question from the Senator from Massachusetts. That circumstance is going to happen. We know the HMOs, at least historically, will do anything they can to restrain care and narrow it down. That is the importance of having—it is in your bill and in my bill—a very quick, rapid internal appeals process.

Then the response is: What if the internal appeals process says no? Then you can go to the external appeals process. Who is in that external appeals process? We will come back and debate that later, I am sure, as well. The patient goes through the external appeals process under our bill in a rapid, timely way. He or she makes the case, and the person who makes the final decision, looking at all the data and all the information is an independent—not just a clerk, not a bureaucrat, not somebody back at the plan—but an independent—that is the word used. An unbiased physician makes that final decision.

Mr. KENNEDY. If I understand, and we will have a chance to talk about the appeals process——

Mr. FRIST. Madam President, let's take this time off——

Mr. KENNEDY. We only have 6 minutes.

Mr. FRIST. If we can take the time we use appropriately off each side.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I only have 6 minutes left.

The PRESIDING OFFICER. The Senator from Massachusetts has 6½ minutes.

Mr. KENNEDY. I will take half a minute. Can the Senator show me where the appeals provisions are in his bill with regard to speciality care? Can he refer me to that in his proposal? My understanding is that there is no appeal by the patient. Once the judgment is made to reject the speciality care, there is no appeals provision. The Senator from Tennessee has given us an assurance that there is. I ask—not right now—if he can give us the parts of his legislation that indicate that because we have not been able to see that.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, in response, any of these medically reviewable decisions—any of them—can go to the appeals process, and speciality care would be one of those. When you are talking about care and access to speciality care for a particular problem, you can go through our appeals system very specifically.

I will close because there are other people, and I would like to reserve the remainder of my time.

We have not talked much about access to specialists. It is critically important. In the Frist-Breaux-Jeffords bill, we have a separate provision for access to a specialist, especially access to an obstetrician and gynecologist. We require plans to cover OB/GYN care under the designation of a primary care provider. Thus, providing direct access to a participating physician who specializes in obstetrics and gynecology. Additionally, access to specialists should also take into account age appropriateness by providing access to pediatricians.

I believe strongly this amendment by the Senator from Arizona should be supported. It addresses, in a sense of the Senate, support for clinical trials, support for breast cancer treatment, and support for access to specialists.

I yield the floor.

Mr. KENNEDY. If I could have the attention of the Senator from Arizona, he has 5 minutes remaining. The Senator from New York has been active and involved in the clinical trial issue and will address it.

May I yield the remaining time to the Senator from New York?

Mr. MCCAIN. Could you yield 2 minutes so we could have 3 minutes at the end?

Mrs. CLINTON. That is fine.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. I rise in support of this important sense of the Senate. I have a question to address to the Senator from Arizona who has done so much to bring this issue of clinical trials to the forefront. We heard yesterday important testimony from the head of the National Cancer Institute, Dr. Richard Klausner, who testified that clinical trials are not more expensive than standard therapies and that we need to make them even more accessible. This is what the sense of the Senate provides, what the underlying bill provides.

Probably the premier institutions in our country that deal with cancer, the large cancer centers, are the source of so much of the research done that translates into therapies, treatments and cures, for people suffering from cancer.

I ask the Senator from Arizona, I am sure his sense of the Senate as the underlying bill includes these cancer centers, places such as MD Anderson in Texas, Sloan Kettering in New York, or Dana-Farber in New York. Is my understanding correct that the cancer centers and the research they do as qualified research entities are included in the sense of the Senate?

Mr. MCCAIN. I say to the Senator from New York, she is absolutely right. That is the intent of this legislation. I appreciate the fact she is bringing it to the attention of the Senate to make clear the sense-of-the-Senate resolution.

Mrs. CLINTON. I thank the Senator from Arizona. I congratulate him on his leadership on the underlying bill and on this important sense of the Senate which clarifies that clinical trials are an essential part of modern medical practice and providing the opportunity for physicians to refer patients for these lifesaving treatments. Although they are experimental, it is a way we make advances in medicine which eventually help everyone.

I yield the remaining time.

The PRESIDING OFFICER. If neither side yields time, time will be charged equally to both sides.

Mr. FRIST. How much time remains?

The PRESIDING OFFICER. The Senator has 13½ minutes.

Mr. FRIST. I rise to speak about the amendment on the floor which is the amendment by the Senator from Arizona which addresses the issue of access to clinical trials and access to specialists.

There is a section on access to appropriate care for women and men in terms of breast cancer. For our colleagues, these are issues in the Frist-Breaux-Jeffords bill. My bill is not on the floor of the Senate. We are introducing amendments to the Kennedy-McCain-Edwards bill, and we are contrasting the two to say: Should we amend their bill? Should we pull back in areas they have greatly expanded over the last several months? Or should we modify?

This amendment is a sense of the Senate expressing the importance of clinical trials. As someone who has been engaged in clinical trials testing as to whether or not certain drugs work to suppress an immune system, I was part of a trial as an investigator. When you perform a heart transplant, the first 2 weeks there is higher incidence of rejection. We used to give powerful drugs and drive the system down, and when we did that, people would become susceptible to infections.

Science led to the field of monoclonal antibodies, more targeted ways of going after rejection. You do a heart transplant, and the first 2 weeks you investigate the new drug. The new drug might work or might not work. If it does work and is more targeted, you get fewer infections and it is a benefit. If not, you figure out the side effects. There could be harm, there may be injury; indeed, in some trials there is death. That is why last night I talked about the need for human subject protections. We need to address that in hearings in the Subcommittee on Public Health and on health education. That needs to be fixed. It is inadequate today. I talked about that last night.

Access to specialists, from personal experience, is very important. We need appropriate access to specialists. This is where balance is important. If we have anybody at any time going to any specialist or any physician, it is inefficient use of dollars, which we know are limited in health care today.

I was not in this Senate when this body designed HMOs. I think the idea was to have more efficient use of the health care dollar for better outcome. That is translated to better coordination. The pendulum has swung too far that HMOs are in the medical decision-making process, moving the doctors out. We are trying to correct this in the Frist-Breaux-Jeffords bill and the McCain-Edwards-Kennedy bill also, but it goes too far.

If I do a heart transplant, the next day someone hears about it, and it is in the newspaper. In the early days, everybody called my office if they had a problem with a chest pain. I was a heart transplant specialist, trained to fix hearts, but people came in with heart murmur, with sore ribs, and they came directly to me. It doesn't really make sense to use my time, and I am not set up to make a diagnosis whether it is esophagus pain or rib-cartilage pain. That coordination we need to have. That is part of managed care. That is why we can't, in our effort to beat up on the HMOs, destroy managed care coordinated aspects of health care today. That is where we can go too far. If we destroy coordinated care and destroy all managed care and destroy all HMOs, the people we hurt are those individuals whose pictures we have seen all around because they lose their insurance.

Then they don't have access to get into this system where we are guaranteeing the rights they deserve.

Again, it comes back to the balance of going as far as we can but not going overboard and promising everybody everything in a disorganized way.

I mentioned access to specialists. It is a little bit of a fine line because we want to be able to coordinate people so they can get the care when they need it without going through hoop after hoop, which HMOs have an incentive to do—because the more hoops people go through, the more of a backup there is, and people will say, I am not going to fool with this anymore, I give up—as a way of rationing care.

That is what we are trying to eliminate. The Frist-Breaux-Jeffords bill I believe does that. The McCain-Kennedy bill attempts to do that and in some ways goes too far and moves too much in the direction of destroying coordinated care. Again, this is going to come out in the debate as we go forward.

We went through costs last night. How far do you go in terms of promising access to investigations and clinical trials? You can go keep enlarging and enlarging. I talked about it being enlarged in our bill, from cancer to all diseases. You can keep going further. But there is a cost.

The CBO, I think, has done a very poor job in estimating the clinical trial aspect—again, because I have looked to see what their assumptions were, and they just weren't based on factual data. They have to do the best they can. People have not done the studies to do the cost estimates. It grossly underestimates. The difference between the Kennedy-McCain bill and the Frist-Breaux-Jeffords bill is significant. It is about 50 percent. I don't know the exact figures, but ours is about a little over 50 percent of what their cost is.

The Congressional Budget Office estimates raise their premiums by a factor of .08. If you agree with what most economists tell us, a 1 percentage point in premium increase results in the loss of insurance for 200,000 to 300,000 people. That means the difference between my bill and their bill is that it costs about 180,000 people their insurance, they become uninsured, if you agree with that assumption.

I mentioned that because that is a tiny piece of this bill—180,000 people become uninsured who do not become uninsured in my bill. It is a little piece of the bill. Remember that this is one of many patient protections. And you have the appeals process—internal external. Then we have the lawsuits. With this one little part, you have 180,000 people losing their insurance that you might not otherwise have. But my bill causes people to lose insurance as well. It is just not as much as they do. I think that cost factor again comes down to balance.

Susan Miller, who is the office manager of Miller Equipment Company in Heiskell, TN, that has 19 employees, wrote to me:

> At the present time we offer health care coverage to our 19 employees. We pay the employee's coverage and they have the option to cover their dependents. We have had some health problems among our employees in the last few years, so our options in looking at new insurers have been limited. We received a 30% increase in our premium last April when we renewed and, from what I'm hearing, I can expect as much next year. I do not know how long we will be able to absorb these increased costs and still be able to give our employees at least a cost of living raise. We already have a $1000 deductible of which the company covers $750. The company cannot afford to cover any more.

She closes:

> I am just afraid that if we have to reduce coverage or require the employee to pay part of the premium they will just drop the insurance altogether.

Robby Esch from the Knoxville Computer Corporation, Knoxville, TN, with about 29 or 30 employees, again tells the story in an attempt to explain how we just can't keep driving those cost of premiums up.

He says:

> This request is for you to take into consideration, Senator Kennedy's Patients Bill of Rights Bill and what kind of devastation this could have on small businesses. As the cost of health care rises (roughly 12%-year), it places great stress, on a small-business, to provide benefits of this type. All too many businesses are unable to provide health care coverage for their employees for no other reason than the cost. If costs keep rising at the current rate, many companies will have to make the same sacrifice in order to survive.
>
> As increased pressure is placed on small businesses such as increasing tax burdens and this proposed Patient's Bill of Rights, it brings more job losses and devastation into the realm of possibility.

I have letter after letter after letter.

Again, I am not arguing that we should not pay for these new rights, but we need to understand that these are rights we are guaranteeing. Where we have the opportunity to inject some balance, we must do so because we are guaranteeing these rights at a true cost—a true cost that translates down to uninsurance or loss of insurance and down to the faces of the families we have seen on this floor again and again over the last several days.

The Senator from Arizona commented on the statement of administration policy. The President issued a statement yesterday. I am sure it has already been made part of the RECORD. I don't think we need to do that at this point in time. But, again, the President of the United States made it very clear. It says:

> The President objects to the liability provisions of S. 1052.

The President will veto the bill unless significant changes are made to address his major concerns—in particular, the serious flaws. The Senator from Arizona listed a number of those.

I don't think we need to delay the debate because the President in his analysis says one thing, and the Senator from Arizona says their analysis is incorrect. That is why these amendments need to come to the floor so we can debate them.

I think in the Frist-Breaux-Jeffords bill we have shown a willingness to move to where we are compared to where we were last year. A good example is the clinical trials.

I look forward to working with the Senator from Arizona again as we go forward to come to a strong Patients' Bill of Rights. We have demonstrated a willingness to do so.

Two years ago, suing HMOs was basically a liability. For the most part, we said, No, we can't do it; it drives the cost too high. We have been willing to shift to that standpoint. I think we have demonstrated that. We made proposals for changes in language of this sense of the Senate, and I am very hopeful we will be able to do that as we go forward.

I am happy to yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

MODIFICATION TO AMENDMENT NO. 809

Mr. MCCAIN. Madam President, I have a modification at the desk. I ask unanimous consent that it be made a part of the sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The modification to amendment No. 809 is as follows:

> Add the following to the "Findings" section:
>
> (11) While information obtained from clinical trials is essential to finding cures for diseases, it is still research which carries the risk of fatal results. Future efforts should be taken to protect the health and safety of adults and children who enroll in clinical trials.
>
> (12) While employers and health plans should be responsible for covering the routine costs associated with Federally approved or funded clinical trials, such employers and health plans should not be held legally responsible for the design, implementation, or outcome of such clinical trials, consistent with any applicable state or Federal liability statutes.

Mr. MCCAIN. Madam President, I ask unanimous consent to be allowed to speak for 2 minutes on my modification.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, how much time is left?

The PRESIDING OFFICER. The sponsor has 1 minute, and the opposition 1 minute 20 seconds.

Mr. MCCAIN. Madam President, in discussions with the Senator from Tennessee on the issue of clinical trials, the Senator from Tennessee brought forward some legitimate concerns, in our view, about increased liability or increased costs associated with clinical trials. He has asked, and we have agreed, to additional language in the findings section of this sense-of-the-Senate resolution which basically states that research still carries the risk of fatal results and future efforts should be taken to protect the health and safety of adults and children, and, also, while employers and health plans should be responsible for covering routine costs associated with federally approved or funded clinical trials, such employers and health plans should not be held legally responsible for the design, implementation, or outcome of such clinical trials consistent with any applicable State or Federal liability statutes.

I appreciate the input of the Senator from Tennessee. I am glad we are able to come to agreement on this. I hope we can all support the sense-of-the-Senate resolution.

Mr. FRIST. Madam President, my colleague and friend from Arizona and I are in agreement that, No. 1, we need to address the problems in the human subject research today. Second, we don't intend for the bill that we are debating or anything that we might pass to hold employers and plans legally liable for the design, implementation, or bad outcomes of trials.

I very much appreciate being able to work with the Senator from Arizona on these modifications to the underlying amendment. I believe it is important for us to continue to work together as we go forward and address this bill.

I know that we can pass a strong, enforceable Patients' Bill of Rights, with the appropriate modifications, that will be signed by the President of the United States. That would be a great service to the American people, as we go forward.

Madam President, I look forward to supporting the amendment and urge my colleagues to do so.

The PRESIDING OFFICER. The Senate majority leader.

Mr. DASCHLE. Madam President, I will use my leader time just to make a brief announcement.

For the information of all Senators, this will be the last vote of the day and of the week. We anticipate another Republican amendment, after the vote on this amendment, and amendments to be considered today and on Monday. There will be votes Tuesday morning on the amendments to be considered today and on Monday. Should we complete our work on the supplemental and on the Patients' Bill of Rights, as well as the organizing resolution, by Thursday night, I do not anticipate a session or votes on Friday, a week from today. So there will be no votes this coming Friday, a week from today, if we are able to complete our work on those three matters by Thursday night. So the next vote will be cast on Tuesday morning. Consideration of amendments will take place between now and then.

I yield the floor.

VOTE ON AMENDMENT NO. 809, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now vote on or in relation to the McCain amendment No. 809, as modified.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment No. 809, as modified. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS), the Senator from Georgia (Mr. MILLER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent attending a funeral.

I further announce that, if present and voting the Senator from Delaware (Mr. BIDEN) would vote "aye."

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAIG), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Hampshire (Mr. GREGG), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—89

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy

Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Enzi

NOT VOTING—10

Biden
Craig
Domenici
Gregg
Jeffords
Miller
Sessions
Smith (OR)
Thomas
Torricelli

The amendment (No. 809), as modified, was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I ask unanimous consent that I be recognized to offer a motion to commit——

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. FRIST. Madam President, I ask unanimous consent that I be recognized to offer a motion to commit on behalf of Senator GRASSLEY, and following the reporting by the clerk, the motion be laid aside to recur after the concurrence of the two managers, and Senator GRAMM then be recognized to offer his amendment pursuant to the unanimous consent agreement of yesterday evening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO COMMIT

Mr. FRIST. Mr. President, I send the motion to commit to the desk.

The PRESIDING OFFICER (Mr. DORGAN). The clerk will report.

The assistant legislative clerk read as follows:

A motion to commit the bill S. 1052, as amended, to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate not later than that date that is 14 (fourteen) days after the date on which this motion is adopted.

The PRESIDING OFFICER. Under the order, the motion is set aside.

Mr. FRIST. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 810

Mr. GRAMM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM], for himself and Mrs. HUTCHISON, proposes an amendment numbered 810.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exempt employers from causes of action under the Act)

On page 140, lines 11 and 12, strike "issuer, or plan sponsor—" and insert "or issuer—".

Beginning on page 144, strike line 16 and all that follows through line 23 on page 148, and insert the following:

"(5) EXCLUSION OF EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—In addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of an employer or other plan sponsor (or on the part of an employee of such an employer or sponsor acting within the scope of employment).

"(B) DEFINITION.—In subparagraph (A), the term "employer" means an employer maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

"(i) an employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

"(ii) one or more employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

Beginning on page 160, strike line 21 and all that follows through line 14 on page 164, and insert the following:

"(3) EXCLUSION OF EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—Paragraph (1) does not—

"(i) create any liability on the part of an employer or other plan sponsor (or on the part of an employee of such an employer or sponsor acting within the scope of employment), or

"(ii) apply with respect to a right of recovery, indemnity, or contribution by a person against an employer or other plan sponsor (or such an employee), for damages assessed against the person pursuant to a cause of action to which paragraph (1) applies.

"(B) DEFINITION.—In subparagraph (A), the term "employer" means an employer maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

"(i) an employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

"(ii) one or more employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. GRAMM. I am happy to.

Mr. KENNEDY. Would the Senator give us some idea as to the time the Senator from Texas wants to consider this amendment?

Mr. GRAMM. The time I want to consider it?

Mr. KENNEDY. How much time would he like on this amendment?

Mr. GRAMM. I don't have any idea. I don't have any idea how many people want to speak. I don't have any idea how many want to speak in opposition or in favor of it. It was my understanding that the amendment would be voted on on Tuesday. So I assume people can stay here today and speak as long as they would like to, and people could speak Monday as long as they would like to. But I do not know how many people want to be heard.

Mr. KENNEDY. That is fine. I thank the Senator. I think there was the hope and desire—I don't think there was the expectation that we would vote later in the afternoon today, but there was hope that we could perhaps get a time definite for a vote on that Tuesday morning. I will let the leaders work that out with the Senator from Texas later on.

Mr. GRAMM. Mr. President, I am always amenable to try to work things out. Whatever the leaders work out on it, I am sure I will be happy with it.

May we have order.

The PRESIDING OFFICER. The Senate will come to order. Senators are asked to take their seats or take their conversations elsewhere.

Mr. GRAMM. Mr. President, probably no other issue has created as much concern in this bill as the issue of whether or not an employer can be sued in a dispute arising out of the liability sections of this bill. I think people can understand that concern. In America today, we don't require any employer to provide health insurance for their employees, either to pay for it or to pay for it on a cost-sharing basis, or to buy it as part of a plan where the employers pay all of it or part of it. Millions of families—over 100 million families—in America are covered by decisions that employers make out of what, for them, is a good business decision, in terms of trying to appeal to people to work for them in having a competitive benefits package, and out of the concern and love they have for their employees.

All over America, big companies and little companies enter into voluntary arrangements whereby they help buy health insurance for their employees. So, obviously, a big concern in the bill before us is that if a company cares enough about its employees so that it is willing to spend its money in joining them to help buy their health insurance, or help them get health coverage, by this act of voluntarily providing a benefit, can they be dragged into State or Federal court and sued under this bill? From the very beginning of this discussion, a relevant issue has been: Can Dicky Flatt, a printer in Mexia with 10 employees, be sued because he made the sacrifice, along with his wife Linda, in helping to set up a health plan so his employees can have access to health care?

Why is this question so important? It is important because there are literally millions of small businesses all over America, and some businesses that are not so small, that have made it very clear in national poll after national poll that if we write a law where they can be sued as a result of a dispute between one of their employees and the medical plan that they helped their employee buy into, they are going to drop their health coverage.

They are either going to drop it or they are going to say to their employees: You take my money or your money or some combination thereof and go out and try to buy the best insurance you can buy, but this small business cannot afford the risk of the kinds of liability claims that are being granted by courts all over America which could put this business into bankruptcy and destroy everything that mom-and-pop businesses, such as Flatt Stationery in Mexia, TX, have worked two or three generations to build.

That is the issue. As we have talked about this bill, over and over the question has been raised: Are employers exempt from lawsuits? Can they be sued as a result of their decision to provide insurance? What proponents of the bill have consistently said is: No, you cannot sue employers.

What I would like to do is begin by explaining that is not so. I would like to then talk about my State, Texas, which has a prototype plan—in fact, the proponents of the bill before us often talk about how much their bill is like the Texas bill—and I want to talk about the debate Texas had about suing employers. I want to talk about their decision not to let employers be sued, the language they used, and then I want to talk about the amendment I have submitted and how that amendment does not allow employers to be sued and how it settles this issue once and for all.

First, as we have all heard, seen on television, and read in the newspaper as this debate has evolved, proponents of this bill have said over and over again that employers cannot be sued. When you look at the language of the bill, basically it appears they are right.

In fact, on page 144 of the bill—I know my colleagues in the Chamber can see these words. I do not know if other people watching the debate can, but I am going to read part of it anyway so you will hear it.

On page 144 of S. 1052, which is the McCain-Edwards-Kennedy bill, there is a very bold headline that says: "Exclusion of Employers and Other Plan Sponsors." Obviously, that headline is promising. Then it says:

> (A) Causes of Action Against Employers and Plan Sponsors Precluded.—

Then it goes down and sure enough says: "Subject to subparagraph (B)" and, obviously, that should be an immediate warning because what they are about to say is relevant only in the context of a paragraph you have yet to read:

> Subject to subparagraph (B), paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment.)

When the proponents of this bill say you cannot sue employers, they are obviously talking about paragraph (A). In fact, if the provision related to employers ended right there, then we would be in agreement on this issue that you could not sue employers. But unfortunately, as is true in so many cases of this bill, it does not end right there. What happens is it goes on to the paragraph (B), which is mentioned above, and it says: "(B) Certain Causes of Action Permitted.—"

Then it goes on to say:

> Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . .

The bill goes on for several pages talking about circumstances in which an employer can be sued. Then it excludes in this section suits against physicians and it excludes in this section suits against hospitals, but it does not exclude suits against the employer that bought the health insurance to begin with. That is the problem.

The question is, How do we fix it? This is where it gets to be very difficult. There were many efforts in the Texas Legislature in deciding what to do about suing employers, and they tried to come up with all kinds of ways where you could sue under some circumstances, you could not sue under others, and they finally decided that if they wanted to be sure that businesses did not drop health insurance out of fear that they would be sued simply because they bought health insurance for their employees, that the simplest and safest—because they were very worried about people losing their health insurance and given that we have 43 million Americans today who do not have private health insurance or do not have health insurance coverage of any kind—they decided that the safest route was to have an outright carve-out where they said:

> This chapter does not create any liability on the part of an employer, an employer group purchasing organization . . .

And this language is right out of their HMO reform bill, their Patients' Bill of Rights. They also talk about licensed pharmacy and State boards being exempt but that is not at issue here. And they go on to say that an employer, an employer group that purchases coverage or assumes risk on behalf of its employees is not liable under their legislation.

Many people have claimed the bill before the Senate is virtually a mirror image of the Texas law. In fact, the bill before the Senate allows employers to be sued, whereas the Texas Legislature, out of their deep concern especially about small businesses canceling their health insurance if they could be sued under any circumstance, decided to do an outright carve-out, where they excluded employers so there were no ifs, ands, or buts about it. You cannot sue an employer in Texas that provides health insurance for its employees.

Many of our colleagues have talked in glowing terms about how great the Texas program is because businesses have not canceled health insurance. One of the big reasons employee health insurance has not been canceled is because employers are exempt under the Texas law. No ifs, ands, or buts about it.

I am sure we will hear from people who say they don't want to sue employers but are not willing to exempt them. We will be hearing arguments why they should not be exempt. The human mind is a very fertile device. We can come up with all kinds of possibilities, many of which have no relevance whatsoever to anything on this planet, and you can almost always come up with some convoluted situation in which something that generally is nonsense might make sense.

When the Texas Legislature looked at this issue, they looked at a lot of possibilities. One of the problems they had, however, when they took each of the possibilities and worked it out, they could not figure out how to let employers be sued for anything without opening up a floodgate of unintended consequences.

Let me give the most damning example. What if the employer calls the health plan and tries to tell them how to run the health plan. None of us are for that. Here are relevant points. First, the health plan can be sued if they act in an arbitrary and capricious manner in responding to the employer, so there is still a party standing there that can be taken to court and be held accountable. Why would a health plan put itself in a position of being sued by doing something that violates the structure that has been established in Texas law, and with the passage of a Patient's Bill of Rights will be established in national law because an employer puts pressure on them?

Second, under both Texas law and the national law as proposed by Republicans, Democrats, and all the variants of all the bills proposed, the hallmark of each of those bills is external review. If I have a problem and I don't feel I have gotten the treatment I need, I can go before a panel of specialists, that is doctors who specialize in this area of medicine. They are independent of the health plan and, therefore, by definition, independent of any employer that bought coverage under the health plan. If they agree with me, I get the health care; if they disagree with me, I can go to Federal court and sue for the health care or go into court somewhere depending on the bill we are talking about.

In the context of this bill, health plans are not final decisionmakers. A panel of independent physicians takes the role of final decisionmaker. When people say, let us sue the employer, if the employer is the final decisionmaker, the plain truth is, when we look at the bill before the Senate or any bill proposed, who is the final decisionmaker? Not the employer, not the plan, not the physician treating the patient. The final decisionmaker is the external review process.

Here is the problem, and this is something those who were working on the Texas law, which is our prototype that has been in effect and which has worked relatively well, discovered in trying to write the law where you could sue the employer only if the employer was a final decisionmaker or intervened in any way. They found every time they tried to do that, you got unintended consequences. For example, many health care plans will appoint one or two of the employees of the employer to interface with the health care plan as part of their looking at new benefits or looking at the cost of relative add-ons or a grievance process. Any time you have that interfacing, which many employee groups demand, want, and deserve, and employers are eager for them to have because they want them to be happy with the plan, then you get them involved as a decisionmaker, and potentially, in a lawsuit—even in negotiating and putting the plan together. To what extent are you making a final decision when you decide something can be covered or can't be covered?

Basically, while the Texas legislature recognized it may very well be you might have one bad employer who tries to intervene in the health care system, there were a lot of checks and balances to protect from that. First, you could sue the health care plan if they allowed the employer to do it. Second, the final decisionmaker is not the health care plan, but an independent panel of physicians. Finally, whatever avenue for lawsuit you opened up against the employer created more problems than it solved. It created numerous unintended consequences where a very effective plaintiff's attorney in a sympathetic court might be able to argue that something we would agree on the floor of the Senate was perfectly reasonable behavior in negotiating a plan or negotiating grievances with a plan that the firm's employees might do and in doing so they would be the agent of the employer, that could end up bringing a small mom-and-pop business into court and a judgment be rendered against them because they cared enough to buy health insurance and in the process are driven into bankruptcy.

The problem is, and what will happen is, small businesses—and some large businesses—will look at the provisions of the Federal law and say under this law, notwithstanding the fact that supposedly employers are exempt, a cause of action may arise against employers or other plan sponsors, and they will look at all this language that goes on and on and on until it finally, interestingly enough, and amazingly, after going on for several pages, describing conditions under which the entity that bought the health insurance can be sued, which is the employer, it then concludes that you can't sue the physician and you can't sue the hospitals under this section of the bill, but you can sue the employer.

Now, here is the point. If there is any ambiguity with regard to suing employers, what is going to happen all over America is employers are going to get out of the business of buying health insurance. What was decided in Texas, I think, was the correct decision and therefore I have proposed it as an amendment to the Federal bill.

What was not decided was that there were no possibilities for abuse by employers. That was not decided by the Texas Legislature. It doesn't take much imagination to figure out how an employer's behavior might be bad, or why an employer might try to influence a plan.

The Texas Legislature concluded that there are all kinds of provisions in the bill to protect against that, including that anything a plan does that an employer or anybody else tries to get them to do that is harmful, they can be sued for.

Another Senator here on the floor is a great prosecutor. He understands health plans can be sued because if some bad actor employer wants them to do something wrong, but they are not going to be eager to step into the courthouse.

Second, the legislature concluded that ultimately the final decisionmaker was the external appeals process, which was totally independent of both the health plan and the employer.

So they concluded, wisely in my opinion, that they would not create any liability on the part of the employer or the employer group's purchasing organization.

This amendment is very straightforward and very simple. It does not say that there could never be a circumstance where employers could misbehave. But it concludes that the law of unintended consequences is such, and the protections in all of our Patients' Bill of Rights are strong enough that the most prudent avenue to follow is to exempt the employer because if we don't, we are going to have millions of Americans losing their health insurance.

I urge my colleagues to look at both sides of the argument. Obviously, with a fertile mind you can come up with some hypothetical examples where employers might do bad things. But you can also come up with far more examples where they might be doing good and proper things. Yet under this bill, and under any language you could write letting employers be sued, or where they would be in danger of being sued, and, therefore, would drop health insurance, the prudent action for America is a prudent action that the most successful plan in America followed when it became basically the blueprint. That was the action that the Texas Legislature followed when they decided looking at the whole picture, the pros and the cons, that the safest thing to do was to totally exempt people who care enough to buy the health insurance—the employers.

Under the Texas plan you can sue the HMO. You can sue the insurance company, but you cannot sue your employer who has joined with you in a partnership in buying your health insurance.

I think this is prudent policy. I believe if we adopt this amendment that we will dramatically minimize the number of people who will lose their health insurance as a result of this bill.

But I am absolutely confident that if we do not adopt this bill, and if we make it possible in any shape, form, or fashion to sue employers who are helping people buy health insurance all over America, small and large employers are going to cancel their health insurance.

We all say we don't want that to happen. We all say we don't want to sue employers. Yet the bill before us allows employers to be sued.

I urge my colleagues to look at both sides of this argument and to take a prudent course by adopting this amendment.

I know several of my other colleagues wanted to speak. If I can, my dear colleague from Texas, who is the cosponsor of the measure, has to catch a plane. With the indulgence of those who are on the floor, I would like to yield the floor and allow her to be recognized.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank those who are waiting to speak for allowing me to talk on this amendment of which I am a cosponsor because I am very familiar with the Texas law, as one would hope. I know about the success it has had since it was enacted in Texas.

I have heard many people around the country talking about the Texas law, and that it would be a model for what we would want to do for every State in America that doesn't already have laws. I think it is an important point that we are not trying to preempt State laws in the Frist-Breaux-Jeffords plan. I support that. I think it is a very important point.

The Kennedy-McCain-Edwards bill preempts the States that have already acted. I don't think we need to do that. The Texas law is serving very well in Texas. Yes. We can cover the plans that are not covered by State law in the Federal plan. But there is no reason to preempt a State law that is already working in a particular State. We all know that every State has different needs. People have different ways to look at things. Oregon has been a leader in many health care issues which might not work in Texas. That goes across all the State lines.

I will make the point about this amendment as it would apply to the Federal parts of the law. It has worked in Texas.

The No. 1 thing that we want to do in this country is encourage more people to have health care coverage. We want them to have good quality health care coverage, which is why we are passing a Patients' Bill of Rights.

There have been some concerns raised about patients' rights with an HMO. I have heard many stories that are very sad, such as an HMO failing to respond to a patient.

That is why all of us want to pass a Patients' Bill of Rights. It is why we want a woman to be able to go see an OB/GYN without going through a gatekeeper. We want pediatricians to be able to be seen without going through a gatekeeper. We want every American who has an HMO to be able to go directly to an emergency room.

These are very important rights about which we are speaking. But I think it is most important that we also encourage employers to give health coverage options to their employees. We want to make sure that everything we are doing will be an encouragement—not a discouragement—for employees to get health care coverage because generally the best plans are those that are based on an employer relationship.

Keeping that in mind, the Texas law says:

> This chapter does not create any liability on the part of an employer, an employer group purchasing organization, or a pharmacy licensed by the State Board of Pharmacy that purchases coverage or assumes risk on behalf of its employees.

Specifically, in Texas law we have a prohibition against suing an employer because we want to make sure that an employer is encouraged to continue to offer health care options for employees.

I want to give a couple of statistics that talk about the importance of this and how fragile it might be.

In looking at some of the reasons that people give for not having health care coverage, we have some interesting statistics.

According to the Employee Benefits Research Institute, a 5-percent increase in premiums would cause 5 percent of small businesses to drop coverage. A 10-percent increase in premiums would cause 14 percent to drop coverage.

There is also some good news in these figures; that is, if you have a 10-percent decrease in premiums, 43 percent of small businesses would be more likely to offer coverage.

I have talked to small business owners. I can tell you that they would like to offer coverage even when they can't. Even when they can't, they have found that it is too expensive, but they feel badly about it. They would really like to do that.

But the other statistic we have seen is that the number of people who are uncovered are actually people employed. They do not take health care coverage because it is too expensive even though the employer pays part of the premiums. That is the No. 1 reason given by an employee who is not covered, even though they have access to health care coverage.

This is an employee who says: I need that money in my paycheck more than I need the health care coverage for myself or my family. That is an astounding thing to say because most employees would rather have health care coverage even more than higher wages because they know the importance of that for themselves and their families.

So I do think when we look at the bill that is before us today that one of the key components should be that we try to keep the costs to employers down. That is why we want to specifically say in the bill that employers will not be able to be sued.

We have had some debates here where it seems that some of the people who are supporting the McCain-Kennedy-Edwards bill think employers cannot be sued. What we want to do is clarify that. Whatever language it takes, we want to do that. But we know the Texas language has worked. We know it has been referred to. So we want to put the Texas language on suing employers in the bill to assure that costs will not be raised, and to assure that employers will be encouraged—not discouraged—from offering their employees health care benefits.

Last point—and then I will turn this over to the others who are waiting to speak—I have talked to big employers and small employers who now offer health care coverage who say, unequivocally, if it is not very specifically clear that you cannot sue an employer for offering health care coverage to employees, they will drop the coverage. They will just give the employee a certain amount and say: You find health care coverage with this amount of money the best way you can. I can't be connected with it because I can't afford to take the risk that I might be liable in the millions of dollars that are provided for in the Kennedy-McCain-Edwards bill. That would be too costly, so I can't do it.

Even really big employers would drop their coverage. We could wreck the health care system and the stability of the coverage that people have if we do not explicitly keep employers from being able to be sued for giving their employees this very important option as a perk of employment.

This is the basis of coverage in our country. We cannot take a chance that we would mess it up for the people who are covered in our country, and those we hope will be covered, if we encourage employers to act. I hope we can adopt this very clear language that came right out of the Texas law where it has worked very well to make sure that we encourage employers to continue to offer health care coverage for their employees.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, it is important to remember that what underlies today's debate are the lives of real people. This is about healthy new babies entering the world, parents worrying in the middle of the night when their child has a fever, and families coping with a terminal illness. It is about the quality of life.

When your family is dealing with a medical crisis, it is time to come together in love and support. It is not the time to have to argue with an HMO over whether they will allow your child to go to an emergency room or whether your elderly parent is allowed to see a specialist.

Physicians should not have to ask permission from HMOs to provide patients with the care they need. There is something fundamentally wrong with our health care system when medical decisions are not made by doctors, but by HMOs.

One year ago this month, a comprehensive Patients' Bill of Rights came before the Senate. It was a strong bill that protected all Americans. It was designed to put patients before profits. It held managed care organizations accountable for their actions. It would have made a difference. What happened to this legislation? It failed by one vote—one vote.

My late husband, Mel Carnahan, understood the power of one vote in the Senate. He ran for the Senate because he believed that his one vote would make a difference. I am in this Chamber today because I share that belief. That is why I support the McCain-Edwards-Kennedy Bipartisan Patient Protection Act.

Many Missourians know from firsthand experience the power that a patient protection law can have. In 1997, Governor Mel Carnahan signed into law one of the most comprehensive HMO consumer protection laws in the country.

What happened in Missouri during that time took real political courage. Legislators such as Tim Harlan and Joe Maxwell stood up to the powerful HMOs and said: Enough is enough.

Those who opposed the Missouri HMO reform law—like those who oppose the

McCain-Edwards-Kennedy bill—said that costs would increase significantly, employers would drop coverage, and patients would crowd the courts with lawsuits.

How many of these dire predictions came true? None; absolutely none.

The insurance lobby predicted costs would increase by 24 percent. After the law was passed, insurers, business groups, professional medical societies, and health systems called for a review of how much the new law would cost. Do you know what the report concluded? That the average price increase would only be about 2 or 3 percent.

I have not heard a single complaint from an employer that they have had to drop health care coverage for their employees or that they have experienced an unacceptable increase in premiums.

The insurance lobby predicted people would lose their health insurance. Wrong again. Rates of insurance went from 87.4 percent in 1997 to 91.4 percent in 1999.

The insurance lobby predicted there would be a flood of lawsuits. There has been only one lawsuit—that's right, one law suit. The problem is that State laws can only go so far. Federal laws require that thousands of Missourians be covered by Federal—not State—law. I stand in this Chamber today in support of the bipartisan McCain-Edwards-Kennedy bill because it is the only bill before the Senate that protects all Missourians and all Americans.

Recently, my office received a call from Peggy Koch, who lives in Winona, MO. A year ago, in February, Peggy's daughter Kim began having migraine headaches every day. Her headaches became debilitating. She could not work. She stopped attending college. She slept all the time and was in constant, severe pain.

Kim needed to be admitted to the Saper Clinic in Michigan, which had the ability to give her the specialized care she needed. She had a referral to receive the care, but her insurance company would not approve it.

When Kim's mother called my office for help to get Kim's insurance company to cover this needed treatment, there was nothing I could do to help her since current Federal law does not protect her.

I can do something now. I can fight for a law that protects her and other families in similar situations.

In the end, after weeks of continuous wrangling and extreme stress, the insurance company paid for 7 of the 15 days of needed treatment.

Mrs. Koch decided that Kim's health was more important than bills and told the hospital to keep her daughter until she completed the 15-day program. The treatment worked and Kim has shown remarkable improvement since completing the program. Now they have no idea how they will pay the bills.

The Kochs have always been diligent about paying their bills. They don't know how they will be able to make it with the medical bills that will hit them in the next few weeks and months.

As a mother, I understand what Kim's mother went through. When your child is in such pain, you will do whatever you have to in order to help your child.

What is sometimes forgotten in this debate is that Kim had paid for the insurance. But Kim had no way to force the insurance company to pay for the critical services directed by her physician. That is why we are here—to make sure that HMOs and insurance companies fulfill their commitment to do what is in the best interests of patients. No family should have to make this type of decision.

Today many Missourians currently have the right to access emergency room services without prior authorization from their HMO. I would like to share with you a story that happened 5 years ago before Missouri passed its law.

Doug Bouldin is a registered professional nurse and family nurse practitioner in Troy, MO with over 12 years of experience in emergency medicine and critical care. He told me this story several years ago, and I will never forget it.

Doug was working at a large metropolitan St. Louis emergency department. A husband and wife drove into the garage of his department, but the husband was in cardiac arrest. His team pulled him from the car and began resuscitation efforts immediately.

Doug showed the wife to the family room and began collecting her husband's health history. She said her husband had been suffering chest pain for several days, and when they called their health plan, they were told to drive to a hospital approximately 50 miles from their home instead of going to the closest facility. They passed by four major facilities that could have more than adequately handled his care.

They ended up in Doug's emergency department after he slumped over unconscious in the passenger seat on the highway less than half way to their destination. The doctors were unsuccessful in resuscitating him, and when the physician and Doug went to tell her, the first words out of her mouth were, "Why did they tell us to drive so far?"

Why did they tell us to drive so far?

There is no way to answer that question.

I received a letter from Dr. Alan Weaver who works at the Tri-County Medical Clinic in Sturgeon, MO. He wrote to me about the problems he experiences trying to provide emergency care to patients who get their insurance through self-funded plans. Access to emergency room care is a particular problem when people suffer an injury outside of their health plan's network.

Two years ago, a worker who was covered by a self-insured plan through his employer was admitted for a heart attack into the hospital where Dr. Weaver was Working. His insurance company demanded that he be transferred to a hospital in St. Louis, which is 3½ hours by road, before he was stable. they refused to pay for in patient care. The patient had no choice and transferred to the other hospital.

This patient is the exact reason why we are here today. We need to pass a Federal law to protect these individuals and give them access to emergency room care.

Not all of the problems associated with HMOs involve coverage denials. In many instances, the structure of the current HMO health care system puts up so many barriers for patients to access care that they might as well be denying care. Women are particularly affected by these barriers when they need OB/GYN care.

The McCain-Edwards-Kennedy bill provides women direct access to their OB/GYN doctors. Now, women have to go through a gatekeeper—their primary care physician—whenever they have a healthcare problem separate from their annual exams.

When a women is experiencing a health problem and needs to see her OB/GYN, it is deeply personal. For a woman to share the full extent of her health problems, she needs to feel comfortable. If she does not feel comfortable, she may not choose to seek the care she needs.

Let's think for a minute about the steps a woman takes just to see her doctor. After entering the OB/GYN's office, she goes to the front desk to check in and explain her health concern to a stranger. If she doesn't have a referral from her primary care physician, she is shown to a telephone.

Now she must call and discuss again what her health problem is with her HMO. Remember, it took courage just to make it into the office, just to walk into the door. Imagine how odd it must feel to be directed to a cold telephone.

After this phone call and hearing that the HMO has denied her request to see a specialist—her OB/GYN, I'm sure you can understand how traumatic this experience can be and how unappealing it becomes to try the process again. All she has sought to do is get the care she feels she needs.

Dr. Gary Wasserman, an OB/GYN in St. Louis, so eloquently sums up this situation stating: "We have created a system that isolates women and infringes on their privacy and dignity."

One final point: I think it is important for everyone to understand that right now, HMOs are totally unaccountable for their actions. No other institution or profession in America enjoys this status.

Is there anyone in this Chamber that would vote to make lawyers, or doctors, or any manufacturer totally unaccountable if they make a mistake that causes an injury?

I don't think there is.

The status quo is unacceptable. Of course, there will be great debate on how to structure this bill. But the bottom line is that a vote against the Patients' Bill of rights is a vote to keep HMOs totally unaccountable.

I don't think this is good policy, and I don't believe that this is what the American people want.

It is time for the Senate to pass the McCain-Edwards-Kennedy bill. As Missouri has seen, HMOs will provide better care when they are forced to step up to the plate.

Federal legislation will allow us to strengthen patient protections for everyone in Missouri as well as in the Nation. We can and should ensure that doctors, not bureaucrats, are making medical decisions. We must ensure that patients are put ahead of profits. We must ensure that it begins today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we have heard several anecdotes concerning individuals who are having a problem with their coverage. We must ask yourselves, would those individuals have been any better off if they had no coverage at all? And should an employer be penalized for making the decision to have insurance coverage which may or may not present problems from time to time?

That is what we are trying to resolve, and we will be discussing that issue for several days as to how best to resolve it. But we need to remember the front end of the process. It is always set up because some employer, either a large employer or a small employer, chooses to have insurance and set up an insurance plan for his employees.

That is what we are dealing with here with regard to the amendment offered by the Senator from Texas. This is a very important amendment. I think this is fundamental. This is what we will be discussing today and Monday and Tuesday. It is the fundamental question of whether or not we want to sue not only HMOs for their transgressions, but whether or not we want to sue employers, whether or not we want to sue the people who do not have to set up these insurance plans and can walk away from them if they want to, can have no insurance if they want to for their employees, or they can give employees a certain amount of money and say you go take the headaches. I am talking about those individuals. Do we want to subject them to unlimited liability in lawsuits, too?

We, of course, are focusing on the HMOs. We will have a chance to discuss how far we can go in penalizing these health care providers without driving up the costs so that we uninsure a bunch of people. As heartrending as some of these stories we hear are, I hope in a couple of years we don't have heartrending stories of people whose employers walked away from insurance, leaving them with no insurance, and stories of people dying in emergency rooms awaiting treatment because they had no insurance at all. Those could be logical outcomes of what we do if we go too far.

We are going to deal with that issue—with what to do with HMOs. But in the process, the sponsors of the bill on the floor have tried to make it clear, I think, that that is the focus, and they are not after the ability to sue, for example, attending physicians. They have been carved out of this bill. They are not interested in suing attending hospitals. They have been carved out of this bill. They are not interested in applying ordinary liability to the external review people and the medical reviewers who are set up in this bill to make objective determinations on coverage and what-not; they only have liability if they engage in gross misconduct.

So all along the way, whether or not you are talking about people who are set up to review these matters, whether you are talking about attending physicians, or whether you are talking about hospitals, the sponsors of this bill have either totally or partially carved them out of the process and said we are not after them, we want to hold the HMOs accountable.

They also say they are not after employers, but they are not willing to carve them out. That is what we are here to discuss today. This basically goes to the heart of the amendment that has been proposed.

As I understand the sponsors of the bill, they say they are not interested in suing employers. Finally, they get down to the other parts of the bill and say, well, there are some instances where employers can be sued if they are directly participating in the decision, for example, to deny coverage, or if they fail to perform any other duty under this act—whatever that might be.

Then they go on for 2, 3, or 4 pages in the bill to describe what direct participation means and what it does not mean—leading one to believe right off the bat that it obviously is not crystal clear as to when an employer might be subject to liability.

What does direct participation mean? My understanding is that in the front end of the process that has been set up to handle claims under this bill, the internal claims in the initial stage of the game, oftentimes in some of these plans you have representatives of employers involved that would be agents, from a legal standpoint, of the employer involved in the front end of this making decisions on coverage issues. If that is the case, we have built in exposure from the very beginning with regard to this bill. That may or may not be a good thing.

But on the issue of whether or not employers are exposed, I think the answer under this bill is undoubtedly yes. Even if they do the right thing, they don't engage in any willful misconduct, do their best, have some of their employees perhaps involved in the initial stage, and it goes on up through the appeals process, the internal appeal and the external review, and you bring in the independent folks and medical people to analyze it and everybody does their best, still at the end of the day they are subject to being sued, as I read the bill as currently drafted.

I believe everyone who has any experience either on the giving end or the receiving end of lawsuits in this country realizes that if there is any potential exposure at all for the employer, whether or not he is ultimately found liable after a long trial, perhaps, or a motion to dismiss, or a summary judgment motion, he is going to be sued initially. Why in the world would they sue the HMO, and maybe someone else, for punitive damages, let's say, for gross misconduct, for the medical review, or anyone else in the process, and not bring in the employer to take discovery to see the extent to which he may have directly participated?

How much would it cost that employer, who ultimately was exonerated, who didn't do anything wrong? How much would it cost him to buy his way out of that lawsuit, settle his way out of it, or go through the process of a trial and win at the end of the day? That is what employers are faced with—employers who have chosen to set up a medical system to cover these employees to avoid some of these stories we have heard concerning people who are being denied coverage.

This is the result at the end of the day. If you are an employer, you have to ask yourself—and we are not talking about General Motors here alone, we are talking about not only large employers, we are talking about small employers. If you are looking at that kind of a possibility, if this bill is passed as it is, where everybody else besides the HMOs are exempted out except them, and you are looking at that kind of expense, what is going to be your natural reaction to that? I am afraid many people are going to opt out.

There is no question that health care costs have gone up; they are going up already. We are already in double-digit increases in terms of health care costs in this country. That is the reason we set up managed care. We obviously want the best of both worlds. Health care, once upon a time, was going up astronomically. We said, we can't have health care for everybody on demand, or it will drive us all bankrupt and we will leave a shambles for the next generation. One of the things we did was set up managed care.

We talk about managed care now as if it were some kind of evil enterprise. We set it up; Government set it up. We encouraged it in many different ways in order to bring some cost control to the process because we wanted more people to be covered with insurance. So some of the HMOs that engaged in egregious activities got caught doing things they should not have been doing. States responded to much of that. The State of Tennessee has more coverage now for many of these things than the bill that is on the floor does.

Most States have their own system they have set up. This bill comes along and totally wipes all that out and says there is only so much the States can do. Tell me what it is that needs to be done that the States can't do if they choose to do it.

So now we are at the point—after having gone through the high health costs and the response to that of setting up managed care, the response to managed care abuses by the States—that health costs are now going back up. So what do we do? We come along and nationalize the rest of the system, which, under the most conservative estimates, will throw more than a million people off insurance.

More than 1 million people will not have these problems, these terrible situations they find themselves in about choosing hospitals, the nearest hospital, and all that. What hospital are they going to choose if they have no insurance at all?

We cannot fool the American people into believing we can always have all of our cake and always eat it all at the same time. There are costs connected with everything. What we are trying to do is achieve a rational balance so people have reasonable protections, reasonable coverage at a cost that is affordable and will not drive people out of the market and leave more and more people uninsured. That is what we are struggling for.

In that sense, does it make sense to hold employers who may or may not choose to set up these plans, especially small employers, liable?

I am sure some will say: Why not make an employer liable because of some kind of egregious activity? As my friend from Texas said, we can all come up with some kind of potential egregious activity. Suppose an employer called up somebody connected with the plan that he controlled who worked for him, let's say, at the front end of the process when they were processing a claim, and gave them some instructions. It would be a bad thing to do.

I could ask the same question with regard to a treating physician. What if a treating physician, because he has not been paid on time or otherwise, was negligent, sloppy, or just angry, decided not to supply all the medical records for his patients to the plan in order for them to properly consider coverage? That would be a deliberate act, too. They have been carved out of this process. One can come up with deliberate acts of misconduct for other entities already carved out because we are not primarily looking at them. We do not want to drive them out of the system or place undue burdens on them.

If something such as that happened, the person on the receiving end of the phone call is definitely liable. The HMO would be liable under a situation such as that. As Senator GRAMM pointed out, the final decision is not with anyone who is subject to being influenced by an employer.

This bill spends 12 pages under the original version setting up this independent review process and qualified external review entity to make sure he is qualified, to make sure he is independent, to make sure he cannot be swayed by anyone, to make sure the Secretary is looking over his shoulder at all times and having to report back to look at statistics to make sure he is not going too far with the employer in too many cases. He is the guy who will be making the final decisions in most of these cases, not someone the employer is going to be able to call up.

Incidentally, it raises another interesting question in this bill. It is not directly related to the employer issue, but they will be caught up in it like anyone else.

There is an excellent review process that is set up by this bill. It has the internal claims process, and then it has an internal review process. Then it goes to this qualified external review entity, which is set up as I just described—high qualifications, high degree of independence, high degree of supervision.

They take a look to decide whether or not there is coverage in this case. We could pass a law that says everybody is covered in every case. That would be the logical extension of some of the rhetoric we hear around here, but everybody knows we cannot do that for obvious reasons. But we have this entity set up to make that decision.

If he makes that decision totally objectively, not subject to corruption, then a person can go to court and totally ignore everything that has happened up to that point. Not only is that process I just described not binding, it is not even relevant to the court lawsuit.

Let's take it a step further. Let's say this independent reviewer who I just described decides it is a medically reviewable question. This bill sets up an independent medical reviewer, and he or she is independent also. The bill goes to great lengths to make sure this is a qualified medical independent person. It describes how their compensation is set up, it puts in all these safeguards so we know we have somebody who is a qualified professional doing the best he can to make an objective determination on questions such as whether or not this is really an experimental operation for which they are asking coverage, whether or not it is medically appropriate under these circumstances—issues such as that.

Then let's say he answers no. So you are going through the internal claims process, the internal appeal process, the qualified external review entity has gone through his process. Then it has been handed over to the independent medical reviewer, and he goes through his process. If it goes through all of that and everybody looking at all the relevant documentation and listening to all the experts concludes there is no coverage, the claimant can still go to Federal court and not only is all this process not binding on the court, it is not even relevant to the court. As best I can tell from this legislation, it is not even admissible. The defendant in that lawsuit cannot even bring in the fact that they spent the last year in this review process with all these independent, objective, qualified experts looking at it. And we won, the defendant says, but then you can set it all aside.

Even if we want to subject an HMO to that process because they are all evil, is this a process we want to subject an employer to? Is a small employer going to take a look at that kind of deal and say: This is something of which I want to be a part?

We are going to be asking ourselves that question because we can do some good with this legislation and at the same time do some bad through some unintended consequences in a very complex area where people do not sit still when Congress passes broad, sweeping legislation.

People react to the laws that are on the books at the time. People look at their own self-interests, and they figure out ways to protect themselves. One of the easiest ways for a small business to protect itself from a process such as that is to get out of it.

As I said, as I have seen so far, the most conservative estimate says that, under this bill, over 1 million people will lose their insurance because prices will go up so much further on top of the increases we are already seeing even before this legislation is passed. Medical prices are going to go up even further, and a lot of people are going to say: I do not need this kind of aggravation.

Mr. President, I conclude by reiterating what I said in the beginning. This is a very important amendment. We have heard about the salutary effects of the Texas law. Next week I want to talk about lawsuits in Texas.

But Texas has been held up as an example, obviously, because that is the President's home State and people get a kick out of using Texas as an example.

Let's use it as an example in this case. If the sponsors of this bill really are not interested in targeting employers and including small employers, then why do what Texas did? Let's just carve them out the way we did attending physicians, the way we did hospitals, the way we did partially with qualified external reviewers, the way we did partially with independent medical reviewers, carving them out partially or totally. If we are really not after employers, let's carve them out, too.

This is going to be an interesting debate and an important one not only for the future of this legislation, but I think for the future of the country. I yield the floor.

The PRESIDING OFFICER (Mr. REED). The Senator from Wyoming.

Mr. ENZI. Mr. President, listening to this debate it probably sounds like the Democrats have coined a good phrase, the Patients' Bill of Rights, and they are the only ones in favor of it. It is a good phrase. What we are doing is legislating. Legislating means fixing the bill so that it does what the title says.

We want to have a Patients' Bill of Rights. Both sides want a Patients' Bill of Rights. That is the fundamental issue before the Senate. The fundamental issue is getting patients the care they need when they need it. The lawsuits are peripheral. They are not the main issue.

I have listened to my Republican colleagues discuss this matter for 2 days; likewise, my Democratic colleagues continue to raise specific examples of patients whose care was not appropriately delivered. They have cited the need for their version of a Patients' Bill of Rights to curb such abuses by HMOs. The Democrats know full well it is not a new right to sue that will address the cases they keep raising. They know it is the immediate medical review of the claim for benefits that will get people care and prevent more horrible injuries from occurring.

Here is the interesting part. We all agree on this point. Eighty percent of what is being talked about in the Patients' Bill of Rights we agree on. Eighty percent of it will take care of the patients. That is the part on which we agree. It has been reflected in every version of the bill that has ever been introduced. Speaking on specific examples of HMO wrongdoing is certainly relevant to this debate and likely reinforces what the American people need for a bill.

However, the message the Democrats are trumpeting is misleading. I hear them saying they are the only ones who want a bill. I say again for the fourth day and for the fourth year, I want to pass a Patients' Bill of Rights and see it signed into law by the President. Patients are foremost in this debate. That should remain our focus. In our effort to meet that, we do need to make a number of modifications to the underlying bill. The other 20 percent of the bill needs to be fixed. I believe we can do that and subsequently enact into law a strong bill.

I don't know that it is universal that everybody wants a bill. I think some people want an issue. I was involved in the Patients' Bill of Rights conference committee last year. Some of my more senior colleagues tell me Members spent more time working that bill than any bill they can ever remember. We came that close to a solution. In fact, I know everybody realized we could have the solution, and we were about to get agreement on the entire package. Some decided that an issue was better than a solution, that the issue would resonate during the elections. So we don't have a Patients' Bill of Rights today. People bailed out of that conference committee, came out to this floor and introduced a package that was clear back at the beginning of the negotiations. It didn't contain a single issue we had resolved. They wanted an issue, not a solution.

We are all trying to get a Patients' Bill of Rights. We are all concerned. Right now what we are doing is writing laws. Laws have to have the right wording. I congratulate the Senators from Texas for providing wording that is extremely important in this debate. I ask that they make me a cosponsor on this amendment.

This is going to be extremely important to everybody who gets insurance. It will be more important, of course, to the businesses that participate in providing that insurance. I watch out for the little guy. I was a small businessman. My wife and I started a family shoe store in Gillette, WY. We saw what government regulation does to people's job. Most of that government regulation is not bad for big business because they can afford the specialist to do it.

The small businesses, who have to be experts in all of these areas we see as grand solutions for everybody, don't have the experts. They have to handle all of these things on their own. I have been there and done that and I will watch out for those small businesses.

One thing I will say about small business, those small business employees recognize how tenuous the business is and consequently how tenuous their jobs are. They understand it is not a gold mine out there, that it is a lot of hard work that provides people with services, and consequently, people with jobs. They do understand, also, that insurance is voluntary. They know their employer does not have to give them insurance. The businesses want to provide the insurance. They recognize it is a benefit that helps them keep the employee, but it is not clear cut how that is provided.

As the insurance prices have gone up, more and more businesses have dropped insurance. As the price has gone up, more and more businesses have shared the cost. They have said this is all we can afford, we will have to share on the cost. Some businesses do not provide insurance and individuals have to buy it themselves.

If costs go up, fewer and fewer of those businesses that are voluntarily providing that, or are at least providing a portion of the insurance, will continue. They are going to get out. One of the things that will cause that to happen is the employer liability contained in this bill. We are told there is no liability. I spent about 20 minutes yesterday discussing that there is liability here. On page 148 is the beginning of the exclusions for physicians and other health care professionals. It is very straightforward. It covers one page of the text. It says they can't be sued. Now, that is not an outright exclusion. It is pretty close to an outright exclusion. There are other ways to be sued other than what is in the bill. This is found on page 148, with the title at the bottom, but technically, the details are on the next page, one page, double-spaced.

Page 150, exclusion of hospitals: Same deal, very straightforward. It takes a page and a half for hospitals. Physicians only take one page for exclusion, and hospitals take a page and a half. There are still ways hospitals can be sued, as there are ways physicians can be sued.

I explained yesterday how the employer liability works. Page 144 says causes of action against employers and plan sponsors precluded. It sounds about as straightforward as the others, doesn't it? The way I counted, there are two dozen pages providing exceptions. It is not just like you can begin reading at the beginning and see what the exceptions are. I mentioned yesterday, you better have a bushel basket of bread crumbs to follow the trail as you go backwards and forwards looking at the exceptions in the bill. Remember, this applies to small businesses. They have to be able to understand this. The easy way out for them, if they don't understand it, is to drop it and say, I am not going to be sued. If I don't carry the insurance, I can't be sued. It is that easy.

So they say, here is money I used to put into your insurance. I know you participated in it and had to put some in, too. I know that is not deductible. That is another sore point that ought to be cleared up while we are doing the bill. We had that opportunity the other night to allow deductibility for the insurance premiums for the self-employed.

That is another one of those small business issues that ought to be cleared up in this bill. The big corporations get deductibility for their insurance. The self-employed don't. Is that fair? I guess they do not have good lobbyists. It is something we could get cleared up in this bill, but we have already chosen not to do that. How did we choose not to do that? Not by saying we are not going to allow the deductibility by the small employer. None would have voted for that. Instead, we said there is this little parliamentary tactic that we can use. We can say that, since the House didn't send us this tax provision, we can confuse everybody and vote against it and keep those self-employed people from getting their insurance and never have to say that is really what we are doing. Fifty-two Members—two more than needed—said they weren't going to give the self-employed the same right to deduct insurance that we give to the big corporations.

Small businesses come under the self-employed category—the single proprietor that hires four or five people. That is the small businesses about which we are talking. We wonder why they do not provide insurance. We wonder why those in that group that do are a little bit concerned about the liability that is involved in this bill. If they really intended to include employers and plan sponsors, why didn't they do it like they did for physicians? Why didn't they do it like they did for hospitals? The wording can be just as easy. That is what this amendment is about.

The bill is purported to follow the Texas plan. I congratulate the Texas Senators for kind of making them put their writing where their mouth is. The amendment we have here is the Texas version. It is a Texas version that says the employer can't be sued. With physicians and just as with hospitals, it isn't quite as straightforward as that. They can still be sued, but not specifically because of the way this bill is written. Bad drafting produces bad legislation. I hope it was just written this way as a result of speed, but I have to tell you I think it was intentional.

I sat through all of those discussions about liability before and all of the unusual cases that can happen from it and all of the strange exceptions. Those will affect a few people in this country. But most of them who will be losing their health insurance will never come into a single exception that applies to the employer, to the physician, or to the hospital. They just want to be well. When you are sick, that is what you want. When you are sick, you are not trying to figure out who to sue and how to sue. When you are well, that can be taken care of.

I congratulate them on coming up with this amendment that will clear it up. I have to tell you I was a little disappointed when we spent a couple of days talking about problems in this bill, and problems that would make this bill acceptable. We have talked about those before, negotiated them, and have had some success on that. I was really disappointed when the first amendment by the proponents of this bill was a sense of the Senate.

I hope everybody understands what a sense of the Senate is. A sense of the Senate is merely a political statement that takes up a lot of floor time and results in a vote that is almost always unanimous. They just pick something that everybody is going to agree to. And we take time debating it when we could be debating corrections that need to be made to allow people to keep insurance. It is no surprise to anybody that those wind up with a huge vote. I have to tell you that this one was 89–1. Usually they are 99–1. I will also tell you that I am usually the one. I vote against any sense of the Senate that comes here, unless it gives direct instructions to the Senators themselves. That is what the sense of the Senate was designed for. It wasn't designed to tell the House, or the President, or anybody else what to do. It was designed to give very specific instruction to us. But we have gotten away from that tradition.

Now if there is something that is peripherally related, we want to make a big deal out of it, such as running an ad to the country. Then we propose a sense of the Senate. There have been some fascinating ones around here—ones that nobody could understand how anybody could vote against. I do not understand how anybody could vote against them either because they don't achieve anything. But they make this great political ad.

I thought that during some of this discussion there would have been an amendment that corrected a few things in this bill—maybe not even major things, but at least made a correction.

I was disappointed to hear the leader before this discussion say he thought they had compromised as much as they could. That is not how we do legislation around here. You can't have this great smile and talk about bipartisanship and then say you compromised as much as you can before the debate starts. That is not how we do legislation.

I told you that we agree on 80 percent of what is in the bill. That is the 80 percent that deals with the patients. Health insurance is voluntary in this country. I know there are a lot of people who prefer that were not the case, but we had that as another tax bill in the bureaucracy to provide inadequate care, as Canada is purported to do. At least I assume they do, since most of their people come down here for care. But we have a system where business pays, or business pays part and the employees pay part, or the individuals buy it on their own, or, in the worst of all worlds, there is no insurance in any combination from anybody.

We have to make sure this Patients' Bill of Rights doesn't became a patient bill by driving up the costs, which, of course, will make some others decide that since they have been paying for their own insurance they can no longer afford it, or it will make businesses decide they will have to pass along a bigger share to their employees, or that they won't be able to afford insurance either.

That would be a patient's bill—not a Patients' Bill of Rights.

One of the great things about this bill, and one of the things we worked hard on in conference, and one of the things that was agreed to was an internal and external review process. If you need the care, there is a way to get it reviewed by doctors. If you do not like the decision, there is a way to get it reviewed by doctors outside of the situation so there isn't a conflict of interest.

Those approaches get care to the patient, and can even be expedited, if there is a dramatic health care problem. It can be expedited. There is the internal review and the external review, which will get you the care and which makes the external review the final decisionmaker, as the Senator from Texas said.

This bill ought to be written in a straightforward way. I was hoping that the proponents of the bill would see the error, listen to the comments that have been made, and make the changes. But they haven't. Instead, they purported that this is the Texas version, and since the Texas version and President's version is there, we ought to accept it. We are pointing out that is not the Texas version. But we are willing to do the Texas version. Then it makes it just as straightforward for physicians and for hospitals and for employers. It puts them all in the same category. We say: Look, we know mistakes are made sometimes. But we want to have health care, and we want to get everybody on board who is getting health care.

I have a few quotes that I want to share with you on this ability to sue and how effective it is of getting health care.

Dr. Richard Corlin, who is the president-elect of the American Medical Association, says:

> We are for medical malpractice reform because we have seen the consequences of what happens when it gets enacted and what happens when it doesn't get enacted. . . . Premiums drive people out of practice, they do not provide anything in the way of added patient safety. . . . It's not just physicians. The costs go up inordinately and they are passed along to everyone.

He is talking about the propensity to sue in the United States, which is what we are talking about in the convoluted writing of this first provision which first says we are going to exclude the providers, the businesses, from liability, and then weaves this nasty little web which shows that the intent is to sue them.

Another thing on lawsuits by the American Medical Association:

> The AMA is strongly committed to legislation that would (1) strengthen states' rights to govern the healthcare of their clients, (2) shield employers from frivolous lawsuits, and (3) not open the courts to a wide array of new lawsuits.

A member of the AMA board of trustees says:

> Some opponents of patient protection legislation have spuriously alleged that employers will be held liable for simply selecting the plans, under this scenario. We therefore believe that the bill should explicitly state that employers and other plan sponsors cannot be held liable for fulfilling their traditional roles as employers and plan sponsors.

That is from a member of the American Medical Association board of trustees.

Another quote by the American Medical Association:

> Although patients, physicians, and health care providers are most directly harmed by the present liability system, society as a whole is harmed. The spiraling costs generated by our nation's dysfunctional liability system are borne by everyone.

Remember, these are quotes from the people who are specifically excluded in the bill, not the ones on the macrame string trail of not being excluded. And they still feel that strongly.

Another one from the American Medical Association:

> In the testimony, the AMA indicated its concerns about "enterprise liability," a proposed policy change included in the Clinton Administration's health reform, that would have made health plans liable for physicians' malpractice. At the time, the AMA stated, "Enterprise liability may also increase the frequency and magnitude of medical liability claims as individuals become more willing to sue an anonymous "deep pocket."

Everything isn't from the American Medical Association, and should not be. I have a quote from the vice president of government affairs of the Associated Builders and Contractors, Inc. He says:

> Many of ABC's—

That is the Associated Builders and Contractors—

> member companies are small businesses and thus the prospect of facing a $5 million liability cap on "civil assessments" is daunting. The financial reality is that if faced with such a large claim, many of our members could be forced to drop employee health insurance coverage rather than face the potential liability or possibly even shut their business down.

The Corporate Health Care Coalition says:

> Enactment of this bill (McCain-Kennedy) would unleash a flood of state court cases aimed at pushing the limits on coverage of tested and often questionable medical treatments. Cases that have been brought in state courts against state employee plans have produced huge punitive damage awards ($120 million in a recent California case) that have reshaped health plan coverage in the plans. . . . Uncapped liability exposure driven by aggressive personal injury lawyers will raise health care costs for employees and make health insurance increasingly unaffordable to individuals. Patient rights begin with coverage.

Once again, we are trying to give people a Patients' Bill of Rights, not a patient's bill.

I have to also quote the American Association of Health Plans:

> Employers who voluntarily provide health care benefits to their employees can be pulled into lawsuits under the Kennedy-McCain bill. Under Kennedy-McCain, businesses could be forced to pay unlimited economic and non-economic damages, plus unlimited damages under state law and up to $5 million of unprecedented punitive damages under federal law. One lawsuit could easily bankrupt a small business.

The cost of pursuing it alone could undoubtedly bankrupt some of the small businesses with which I am familiar.

Also the American Association of Health Plans says:

> According to a recent survey of 600 national employers by Hewitt Associates, 46 percent of employers would be likely to drop health care coverage for their workers if they are exposed to new health care lawsuits.

Finally, from the American Health Care Partnership, the founder and chief medical officer says:

> Employers, especially small and medium sized ones, operating under tight profit margins, cannot afford to place themselves at the risk imposed by onerous punitive damages. . . . Companies will mitigate the risk by either dropping health coverage altogether, or make health care a defined contribution, which, due to adverse risk selection, will make health care insurance unaffordable for most of the sick.

Again, yesterday, we passed up the opportunity to help small businesses. We used a parliamentary procedure, technique, to remove some of the liability for Members of this body, so they could vote against having deductibility for insurance for the self-employed; that is, for the self-employed and their employees.

Now we are saying it is OK if we have good, clear, concise language in this bill that exempts physicians from lawsuits, and it is OK if we have clear, concise language in here that exempts hospitals, but it is not OK to exempt the people paying the bill, the people providing voluntary health insurance in this country.

So I ask that my colleagues pay careful attention to this, make a correction in the bill, so it will make sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, this is such an important issue. I think it is important to start with the facts in the underlying bill. With all respect to my colleagues on the other side of the aisle, I feel compelled today—after listening to the debate—to rise and to specifically speak to the language in our Patients' Bill of Rights, to state what it specifically says, not what has been talked about, not what the HMOs and the insurance companies are telling employers that it says, but what it actually says.

Unfortunately, the biggest myth that has been perpetrated about this legislation is in relation to businesses being sued. The reality is—and I take it from the relevant section of the bill; and I welcome anyone listening today, rather than listening to us going back and forth and debating the language in the bill, to go to the Congress.gov Web site and look up the language themselves. I would encourage them to do that. In this kind of debate that is very helpful to do, as people are interpreting and misinterpreting language.

In this bill—and I am proud to be a cosponsor of this bill—we have specific language in section (5): "Exclusion of Employers and Other Plan Sponsors." Then there is another subsection: "Causes of Action Against Employers and Plan Sponsors Precluded." And other than a couple of exceptions that I will speak to in terms of direct decisionmaking, it says:

> . . . does not authorize a cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment).

It does go on to talk about certain causes of action that are permitted, and it indicates that a cause of action may arise against an employer to the extent there was direct participation by the employer or other plan sponsor in the decision of the plan—this would apply to very few, if any; I don't know employers that directly make medical decisions—if, in fact, the employer was making a direct decision, directly participating. And this goes on to talk about the fact that this shall not be construed to be engaged in direct participation because of any form of decisionmaking or other conduct that is merely collateral. It defines what that is.

This is not about those employers who hire someone to manage their plan, whether they hire an insurance company, they have coverage for their employees, or whether they themselves are self-insured and hire someone to administer their plan for them. The only way an employer would be held accountable is if they had direct participation in the decision, if the employer denied the test, if the employer was the one making the medical decision; we would all agree in that small number of occasions. I don't know anyone directly providing and making medical decisions—possibly a group of physicians together in a business or some other medical group. The employers I know either have their insurance through an insurance company or they pay someone to administer the plan. In those cases, you cannot come back against the employer.

We make it extremely specific. I would not want to have the HMO or the insurance company be able to come back against an employer.

It is extremely important that we make it clear what is going on. It is very unfortunate that we have seen so much misinformation in order to scare small businesses and other employers about what this does.

I will speak about a small business owner—this is someone about whom I have spoken before—and how he feels about this. Sam Yamin from Birmingham, MI, owned a tree trimming business, had insurance, and thought he had health insurance and care available through that insurance for himself and his family and employees. He had an accident. He had a severe accident with a chain saw.

He was rushed to the nearest emergency room. The surgeons came in to do emergency surgery on his leg to save the nerves. They called the HMO, and the HMO said: Sorry, you are at the wrong emergency room. We are not going to OK this emergency surgery to save this man's leg. You have to pack him up and take him across town.

That is what they did. And this small businessman who had insurance, who paid the premiums, who believed that he had cared for himself, his employees, his family, was packed up, taken across town, where he sat on a gurney for 9 hours before he literally pulled a phone out of the wall in desperation and pain to get attention to receive care.

In that situation, instead of the surgery the doctors had said needed to be performed in order to save the nerve endings in his leg, he was sewn up. The least amount of procedure was done. He was sent home.

Today this small business owner no longer has his small business. Today this gentleman does not have the use of his leg. This gentleman is disabled. Sam and Susan Yamin described this situation as having gone through "health care hell." This small businessman would gladly pay what is 23 cents a month per person for the accountability provisions in this bill—23 cents a month, according to the Congressional Budget Office—in order to have his leg functioning, in order to have his business back, in order to have his family out of the incredible debt that resulted from this situation.

Was the HMO held accountable for this decision? They can be held accountable for the cost of the test he didn't receive or the cost of the procedure, but they cannot be held accountable for the loss of this man's business, for his life dramatically changing, his and his family's, for the permanent disability and the ongoing pain he tells me he has and the medical costs he now has. He cannot hold the HMO accountable for the consequences of the medical decisions they made.

That is the debate, plain and simple. There are only two categories of people—and this has been said by colleagues of mine over and over again on the floor, but we should all understand—in the United States of America who cannot be held accountable for their decisions: foreign diplomats and HMOs. That is pretty shocking.

This bill says that HMOs, insurance companies, have to be held accountable for the medical decisions they make that affect our families. People are paying the bill. Businesses are paying the bill. I know they want their employees to have the health care they are assuming they will receive because they are paying for it.

If we ask and if we are factual about what this bill entails, if people understand the truth about this bill and that they are not held accountable unless the medical decision is made by the business and that the difference in cost is 23 cents a month and you ask them: Would you add 23 cents a month per employee to make sure that when you get done, the health care is really there and that there are good medical decisions and accountability if there is a problem? I know the people of Michigan say yes.

That is what this is about: 23 cents a month per person. We know that when this provision has been put in, in other States, when patients' rights have been put in, in the State of Texas—almost the same language—they have averaged, I think it is five lawsuits a year. California has put in this language; so far, zero lawsuits. These are scare tactics being put forward by the people who control the decisions today—the HMOs and the insurance companies.

I appreciate from their perspective, they have a good thing going. They control the decisions. They can't be held accountable. That is a great deal, if you can get it. But it is a terrible deal if you are a mom or a dad who cares about your kids, if you are a business that cares about your employees, if you are a family farmer worried about what is going to happen on the farm, if you are anyone needing care or if you are anyone providing care. The frustration of doctors and nurses and dentists and other providers in this country is unbelievable because they see every day what happens.

This is not about lawsuits. We have protected employers. This is about good medical decisions. There is no evidence whatsoever that good medical decisions will not be made and that instead we will just be increasing lawsuits. There is no evidence anywhere beyond rhetoric that says that that is true.

I urge that we proceed with the language in the bill which is very clear: There is no ability to proceed to sue a business unless they participate directly in the medical decisions. It seems only right to be able to have that happen.

One other point I will make. It is true that we need to provide more support for small businesses to provide insurance. I support that. It is true that we should be allowing someone who is self-employed to deduct 100 percent of their cost. In fact, during the tax bill, we put an amendment up and colleagues on this side of the aisle—Senator DURBIN took the lead with others, and we passed a provision to help small businesses and the self-employed. It was taken out in the conference committee.

So it didn't pass, even though we tried to pass it. I support it and I will support it again. But this is about making sure that people who pay for insurance get the care they think they are buying.

One other point, there is no question that insurance costs have gone up. I believe it is 10 percent last year. There is no relationship to what we are debating now. When I talk to employers, hospitals, and physicians, they say what has a lot to do with the uncontrollable rise in health care costs is prescription drugs. That is the No. 1 uncontrollable cost in the health care system today.

I am anxious to work with colleagues on both sides of the aisle in order to address that and, hopefully, very soon after passing the Patients' Bill of Rights we will address the access and cost of prescription drugs. There is no question that we have high costs. We have rising costs of health care. But when I talk to my doctors, my hospital administrators, and businesses, they tell me the insurance companies tell them it is going up because of the cost of prescription drugs.

We are talking about a difference of 23 cents a month per employee for the accountability provision in this bill. I go back to Sam Yamin from Birmingham, MI, an employer himself who today sits at home in pain with high, mounting health care bills because of the lack of accountability. I know that Mr. Yamin and the business community and the families I support think that this bill is worth it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I think maybe the distinguished majority whip has a unanimous consent request.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 1052 on Monday, June 25, at 2 p.m. and that it be in order on Monday to debate concurrently both the Grassley motion and the Gramm amendment No. 810; further, that on Monday, Senator McCAIN or his designee be recognized to offer an amendment; further, when the Senate resumes consideration of S. 1052 on Tuesday, June 26, at 9:30 a.m. there be 2 hours for debate in relation to the Grassley motion and the Gramm amendment with the time for debate equally divided in the usual form; further, at 11:30 on Tuesday, the Senate vote in relation to the Grassley motion, followed by a vote in relation to the Gramm amendment, with 2 minutes of closing debate prior to each rollcall vote, divided in the usual form, with no second-degree amendments or motions in order prior to the votes; further, that upon disposition of the McCain, or designee, amendment, Senator GREGG, the manager of the bill, or designee, would be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Thank you, Mr. President. I appreciate my friend's courtesy in yielding the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I am not going to get into a fight with our dear new colleague from Michigan. She has always been very sweet to me. I want to make a couple points that I think are very relevant to the issue before us. Let me make one thing clear. The bill that I cosponsored on the Patients' Bill of Rights last year with Senator NICKLES, Senator FRIST, and others, which passed the Senate by one vote, required that every HMO in America apply a prudent layperson standard in admitting people to emergency rooms. It is exactly the same language that is in the Democrat bill that is before us today. Basically, it says that if you are experiencing something that to a reasonable layperson would convince you that something bad is happening to you and it might hurt you or kill you, you can go to the emergency room.

So the issue before us has had absolutely nothing to do with the right of people to go to the emergency room. In the bill before us, that right is guaranteed. In the Republican bill that we passed last year, that right was guaranteed, and it was guaranteed in exactly the same language. Also, as good as it sounds to say that an employer might call the emergency room and say don't admit this employee of mine, A, I am not aware that any employer has ever done it; secondly, the emergency room doesn't work for the HMO. And in virtually every State in the Union it is illegal for them not to admit the patient and the HMO is going to pay for the care.

So it sounds like a good example, but it makes no sense, nor would an emergency room ever, based on an employer calling and saying "don't admit this person," fail to admit them when the emergency room is guaranteed that they are going to get paid and that the HMO is required by law to pay for the service they are going to provide.

Now, let me go back to the central issue here, which is not people being abused and not being admitted to the emergency room—that has never been an issue in this debate. Both parties agree on that. That is part of about 90 percent of the provisions in both bills that are identical. What we are not debating here or what the majority side of the aisle, the Democrats, don't want to debate is suing employers. That is the issue that is before us.

The amendment that I proposed is an amendment from the Texas law, and we chose it because the proponents of this bill hold the Texas law up as an example of what they want to do. The Texas law is the result of the Texas Legislature looking at this problem and concluding that they wanted people to be able to sue their medical plan, they wanted people to be able to sue HMOs; but because your employer helped you buy health insurance, they didn't want to put the employer in harm's way, where your employer could be sued.

Why didn't they? For two reasons, really: One, the employer is the good guy here. Nobody makes them help you buy health insurance. They choose to do it. We didn't want them to choose not to do it. Secondly, we knew if we made it so you could sue employers for the simple act of doing something good for their employees that especially small businesses without deep pockets would be forced to cancel their health insurance.

So the Texas Legislature wrote their law, which proponents of this bill say is almost identical to the bill before us, which, as I will show, is not true. But the Texas Legislature basically said that this chapter, the provision of the bill, does not create any liability on the part of an employer or an employer group purchasing organization that purchases coverage or assumes risk on behalf of its employees. We are trying to exempt employers from lawsuits.

Mr. FRIST. Will the Senator yield on that?

Mr. GRAMM. I am happy to.

Mr. FRIST. It is clear that this whole issue of suing employers is critically important.

In debates, again and again we hear that the Kennedy bill does not allow employers to be sued. Yet if you read their bill, there are all these pages and pages of exceptions. I want to clarify, for my own use, the law in Texas. It says "does not create any liability on the part of an employer" and then there is a period. Does the Texas law have many exceptions after that?

Mr. GRAMM. The Texas law has no exceptions after that. There are no ifs, ands, or buts in the Texas law. You cannot sue an employer. They chose not to for two reasons. One, the employer is the guy helping buy the health insurance. Why would we sue the employer? And, two, they were very much afraid that if you let people sue their employer when they are in a dispute with their HMO, and not with their employer, that the employer, who is not required to buy health insurance, might stop offering health insurance.

Our colleagues who are for the bill before us say: In Texas, there have not been these rash of lawsuits. Part of the reason is, in Texas, you cannot sue the employer.

Let me explain what is different between the Texas law and the bill that is before us. Sure enough, the distinguished Senator from Michigan, as have many supporters of the bill, read us paragraph (A); in fact, the heading before paragraph (A) is very clear. It is a little tedious, but bear with me a second.

Their bill says in title (5):

> Exclusion of Employers and Other Plan Sponsors.—

That sounds like they are excluding employers, right? Then they say in paragraph (A):

> Causes of Action Against Employers and Plan Sponsors Precluded.—

If it had ended there, they would have been precluded, but they come down and say:

> Subject to subparagraph (B)—

Remember that; it is always a dead give-away that things are not exactly as they say:

> Subject to subparagraph (B), paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan (or against an employee of such an employer or sponsor acting within the scope of employment).

If they stopped right there, this would have been the equivalent of the Texas law.

When Democrats defend this bill and say we do not allow suing employers, that is generally where they stop, but their bill does not stop there. Their bill goes on to say in paragraph (B), which was already referred to previously, that:

> Certain Causes of Action Permitted.—Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor. . . .

Then for 7 pages, they have all kinds of ifs, ands, or buts. Then they have little provisions that have little hooks in them. I want to explain one of them. There are a bunch of them, but I want to explain one of them.

They are saying conditions under which an employer can be sued, and then they use the following term. They say: "Failure described in . . . such paragraph, the actual making of such decision or the actual exercise of control in making such decision. . . ."

That does not sound too perilous until you realize that under ERISA, a Federal statute which governs all employee benefits in America, that the employer is always assumed to be exercising control. In fact, ERISA assumes or requires that the employer be bound to be 100-percent responsible and deemed to be in control of employee benefits.

The point I am making is, they have seven and a half pages of conditions under which employers can be sued, including these little provisions that people reading it do not know refers back to law where the employer on employee benefits are always assumed to be in control. But the tell-tale sign comes at the end of the seven and a half pages. Here is what they do.

At the end of the seven and a half pages, they exclude physicians from being sued. They exclude hospitals from being sued, but then if you had any doubt in your mind, any question in your heart as to whether they intend to sue employers, look at the last little sentence in this seven and a half pages of ifs, ands, or buts, gobbledygook, legal reference. Let me just read it. They are talking about physicians:

> (8) Rules of Construction Relating to Exclusion from Liability of Physicians, Health Care Professionals, and Hospitals.—

The heading sounds like it has nothing to do with employers, does it? But then it says:

> Nothing in paragraph (6)—

And Paragraph (6) is the paragraph that says you cannot sue a physician—

> and nothing in paragraph (7)—

Which is the paragraph that says you cannot sue a hospital—

> shall be construed to limit the liability (whether direct or vicarious) of the plan, the plan sponsor—

And who is the plan sponsor as required under ERISA? The plan sponsor is the employer.

> or any health insurance issuer offering health insurance coverage in connection with a plan.

In other words, after seven and a half pages of conditions under which employers can be sued, including where they are deemed to be in control of employer benefits where ERISA requires they always be treated as in control, they then exempt doctors and hospitals. But just to be absolutely sure that employers were not exempt, they add the language that nothing in exempting the doctors and the hospitals would be construed as limiting the liability of the plan sponsor, which is the employer.

The plain truth is that this is confusing, but it is a classic bait and switch. It is a classic bait and switch when they say you cannot sue them, and then notwithstanding the paragraph that says you cannot sue them, which is subparagraph (A), they then go on to have a cause of action that may arise against an employer or other plan sponsor, and then they go on for seven and a half pages of where you can sue the employer. Then they decide: Gosh, it probably would be good politics right now to exclude physicians and hospitals who are involved in health care. And then so there is no doubt whatsoever, they come back and say: But in excluding doctors and hospitals, we are not excluding employers from being sued.

To suggest that in any shape, form, or fashion this language is equivalent to the language in Texas, which says you cannot sue an employer, is invalid. What does our amendment do?

Mr. FRIST. May I ask one more question? It really has to do with this subject. Madam President, may I address a question to the Senator from Texas?

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator may ask a question.

Mr. FRIST. This is the Texas law. I want to make it clear, because the answer to my first question was that there are not five or six pages of exceptions in Texas law.

Mr. GRAMM. There are no exceptions in Texas.

Mr. FRIST. We have to make it clear because again and again during this debate the statement is being made that what the Kennedy bill does in terms of employers is exactly what the Texas law does. But with what the Senator from Texas has just gone through, that is simply not true.

Mr. GRAMM. That is right, there is no question about that. When the distinguished Senator from Michigan—and others have done it as well—say what if the employer called up the emergency room and said: Do not provide treatment to my employee, let my employee die—first, under all of the bills people are guaranteed admission to the emergency room. The first thing the attending physician—and the Senator from Tennessee has been there—the first thing the attending physician says to the employer is drop dead because the law guarantees the emergency room is going to be paid by the HMO.

In Texas, they didn't conclude that there may not be employers that try to do bad things. What they concluded was the following: First, there are checks and balances. If an employer tries to interfere in anybody getting health care, how does this bill work? How does the Texas plan work? If I think I need health care and I don't get it, I can ask for internal review. There is an internal review. If I don't believe I have been treated fairly, I can ask for an external review. That is guaranteed. The external review is made up of a panel of physicians who don't work for the HMO and who are not hired by the employer. How does the employer exert any control over this final decisionmaker, which is this external review panel? The employer can exert no control over the external review panel.

Now what our Democrat colleagues have said is, there may be some circumstance where employers could do something bad. The point is, not that there might not be an employer that tried to do something bad, but the whole bill is set up to produce checks and balances.

When the Texas Legislature decided to exempt employers, they were not assuming employers were all well intended. They were not assuming that something bad couldn't happen because of something an employer did. They simply looked at the cost and the benefits. They concluded, with all the checks and balances they had in their bill, which are in the bill before the Senate, we are pretty well protected from employers doing bad things because of internal and external review and the right to go to court. You can always sue the HMO.

They decided if you get into these provisions, as this bill does, of when you can sue the employer, that you are going to create so much uncertainty, so many unintended consequences where maybe your objective was good but you are going to create unintended consequences where an employer could be sued when they were not trying to do anything wrong, that the Texas Legislature was deathly afraid of people losing their health insurance because you are not required to provide health insurance as an employer.

So they decided, looking at the whole picture, that thanks to the checks and balances of internal and external review, the safest thing to do if you don't want people to lose their health insurance, is exempt the employer. You can say there is something to be gained by not exempting the employer, by having seven pages of ifs, ands, or buts, but if that induces the employer to drop your health issue, what good does it do you?

Let me conclude with the following two charts.

Mr. FRIST. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. FRIST. Please state what your amendment does. Clearly, you can sue your employer. The McCain-Edwards-Kennedy bill says you can sue the employer. How do you fix this? We clearly have to fix it. The trial lawyer makes 40 cents on the dollar and, in a $1 million suit, that puts $400,000 in their pocket. Only 33 percent goes to the patient and the rest to the lawyer and the system. Clearly, the lawyer has incentive to sue.

You can sue the HMO, the doctor, the hospital, the plan administrator, and the employer. They tried to take care of the doctor and the hospital. You can sue the HMO. How do you fix this? Clearly, the lawyer will go for the employer. How will it be fixed by your amendment?

Mr. GRAMM. The amendment mirrors Texas law that says nothing in the bill creates any liability on the part of the employer or an employer group purchasing organization, that purchases coverage or assumes risk on behalf of its employees. No ifs, ands, or buts, no modifying clauses, no seven and a half pages of exceptions. You simply cannot sue the employer.

Those who support S. 1052 unamended, despite all their efforts to the contrary, are creating numerous loopholes that will force small businesses in your hometown and my hometown to look at this and say, I don't know if I can be sued. They will go to lawyers, and the lawyers will say it will depend on a jury, it will depend on the court, it will depend on how good that plaintiff's attorney is.

You need to recognize there are seven and a half pages in this bill of circumstances under which you can be sued. When you relate this language to other laws like ERISA, it sure looks as if you can be sued.

I am afraid for little employers in Arkansas, Tennessee, Texas, and everywhere else. I often talk about my friend Dicky Flatt who has 10 employees. I can envision Dicky Flatt getting together with his employees and saying: Look, with this new law, I cannot be sure that I can't be sued if you have a bad experience in our health plan. While I love you all and while we built this business together, I can't let the work of my foreman, my work, my mother's, my wife's work, and our children's work be put in jeopardy. So I will have to stop providing health coverage.

That is what will happen. The only way to guarantee it will not happen is to do what the Texas Legislature did.

The proponents of this bill say: Look at how great it has worked in Texas. If you want it to work as it has worked in Texas, do it the way they did it in Texas. Exempt the employer. So for every small business in Arkansas, every small business in Tennessee, every Dicky Flatt, there will be things they are uncertain about in the bill, but the one thing they know is: You cannot sue me because I cared enough about my employees to buy them health insurance. You cannot do it. You can sue the HMO. You can sue the health care provider if they didn't do a good job. But you can't sue me because I negotiated the plan, because I am responsible for it under ERISA, because I picked two employees to represent all of us in interfacing with this HMO, with this insurance company. You cannot sue me for that.

Why is that so important? There are a lot of Americans who still don't have health insurance and who are losing health insurance every day. When we debated the Clinton health care bill, there were 33 million Americans who didn't have health insurance. Today, there are 42.6 million Americans who don't have health insurance. Shouldn't we be concerned about a bill that could add millions to this number?

I remind my colleagues, the Congressional Budget Office, in looking at this bill, concluded it would drive up insurance by more than 4 percentage points in cost. The estimate that is normally used is 300,000 people lose their health insurance for every 1 percent increase in cost. So at a minimum, we are looking at 1.2 million people losing their health insurance.

But there is one other thing. In looking at that number, did CBO look at the fact that employers could be sued? Or did they just look at the first paragraph that said they couldn't be sued? Nothing in CBO's estimate seems to take into account that employers can be sued under this bill.

The final reason that goes beyond health insurance goes to something more important to your health than whether you have health insurance or not.

What is that? It is the right to choose your freedom because we are the only developed country in the world where people still have freedom to choose their own health care and their own health care providers.

It is pretty startling when you think about it. I have listed the richest, most developed countries in the world. These are the so-called G–7 countries. Every time we have a meeting of the G–7, these are the countries that are at that meeting. They are the countries that are rich, like we are—Canada, Italy, Japan, the United Kingdom, France, Germany, and the United States of America. Those are the richest countries in the world.

In Canada, 100 percent of health care is dominated by the Government. In Canada, a famous cancer doctor said as he left the system a week or so ago, that I have patients dying of cancer in Canada who could be treated. But they have a Government-run system. They have lost something more important than their health insurance in Canada. They have lost their freedom.

In Italy, a 100-percent Government system;

In Japan, a 100-percent Government system;

In the United Kingdom, everybody has to be a member of the Government system. They have a loophole for very rich people. They can go outside the system and get treatment from the doctor independently of the system. They have to pay for it twice. But only rich people can afford to pay for it twice.

In France, 99 percent of health care is controlled by Government; in Germany, 92 percent.

Then we come to the United States of America. Sixty-seven percent of Americans have the right to choose. They are free to choose their health care. Obviously, they are concerned about losing their health insurance. That is why I don't want people to sue employers. But there is something bigger you can lose. You can lose your freedom.

I know my Democrat colleagues get mad when I keep going back to the Clinton debate, but it is relevant on this one point. I will make it and then stop.

In 1994, when President Clinton proposed we take everybody out of private health care and force everybody to buy health care through the Government, in that plan, if your doctor thought you needed health care that was not prescribed by the health care purchasing cooperative in your region, and your doctor went ahead and gave it to you anyway, your doctor could be fined $10,000.

If you thought your baby was dying, and you went to the doctor and said, look, I know this treatment is not prescribed by this health care purchasing cooperative, and I know the Government won't pay for it, but I will pay for it; can you provide the care, under the Clinton bill, the doctor would be sent to prison for 5 years for providing the care.

What was the argument for this bill? The argument for this bill was that 33 million people were uninsured and that was the price we had to pay to cover them.

Today we have 42.6 million people uninsured. If we pass a bill letting people sue employers and employers dropped their health coverage, won't the same people who were for this plan 7 years ago be back here saying now it is not 33 million who are uninsured, but it is 50 million? They are not going to tell you their plan produced the 50 million. They are not going to tell you that suing employers caused small and medium sized and large businesses to drop health insurance. They are just going to say: Look. The time has come to now have the Government take over health care. Look. Shouldn't we be doing it? Everybody else in the developed world is doing it, and America is out of step. And what we need to do to get people coverage is to have one Government plan.

My colleagues, I simply urge that before we do something as harmful—such as letting people sue the employer for helping them buy health insurance—let's think about what that is going to do to employers dropping health insurance.

I hope everybody understands that you don't have to provide health insurance. No employer is required by law to provide health insurance. They do it because they think it is good business, and they do it because they love the people who work for them. But if you put the business at risk, they will stop providing health insurance. This number is going to go up and then we are going to start having a system such as Canada, Italy, Japan, the United Kingdom, France, and Germany.

If anyone wants to know why I am so concerned about this bill, it is because I am not going to lose my health insurance. I have the standard option Blue Cross/Blue Shield. In fact, under this plan, if I needed some health care, this external review process can deem that Blue Cross/Blue Shield has to give it to me, even if they specifically preclude it in the contract. I bought the standard option, but I am going to get the high option under this bill.

What is going to happen to my health insurance costs? It is going to go up. I am not going to lose my health insurance, but there are a lot of Americans who may. If they lose their health insurance, the people who are blessed, such as I and every Member of the Senate is, may not lose our health insurance. But we could ultimately lose our freedom. I want to ask people to think about that as we cast this vote.

The Texas Legislature did not conclude that every employer was the same. They did not conclude that there might not be bad actors out there. They concluded that this bill, as our bill, gives real protections against that, but, in the end, they concluded that if you let people sue the employer because of a dispute with an HMO or health care provider, you are going to end up having people drop their health insurance.

We need to do the right thing in this bill. There are too many ifs, ands, and buts. There are 7½ pages of exceptions. If you want to be able to go home and say to the small mom-and-pop businesses, under the bill I voted for you cannot sue an employer, then you are going to have to vote for this amendment, or else you are not going it be able to say it.

I thank Senator and Dr. FRIST for his great leadership on this issue. The amazing thing is we agree on 90 percent of this bill. The amazing thing is if we could take about six or seven issues, and fix them, we would get 90 votes, maybe 100 votes on this bill. One of those has to be you can't sue the employer. Another has to be that when Blue Cross/Blue Shield signs a contract with me, I can't come back after the fact and say: Well, now I only paid for 60 days in the hospital for mental care, but I need more. If I needed it, I should have bought the high option. If they give it to me, they are going to have to charge me for what the high option would have been. This has to be fixed.

We also have to have some reason and responsibility on lawsuits. When is the last time anybody was healed in a courtroom? I have seen people healed in the emergency room, in doctor's offices, outpatient clinics, hospitals, and even as a little boy with my grandmother, I have seen people healed in revival tents. But I have never seen anybody healed in a courtroom.

Our Democrat colleagues say: Look. We have these rights to sue. Great. But if my child is sick, I don't want to sue. I want health care. After my baby is dead, I am not interested in going to the courthouse and suing somebody. I want my child to have health care.

We have agreed on internal and external reviews. We have said that anybody can go to the emergency room. We have set up systems on which we agree. But we don't agree on these endless lawsuits that can destroy access to health care. What good is the right to sue a plan if I am not a member of the plan because I lost my health insurance?

If we could work out those five or six issues, we would have a bill that everybody could be for. But don't think for a minute that those issues are not critical to health care and critical to America. That is what this fight is about.

I ask my colleagues on the Democrat side of the aisle and some of my colleagues over here that are for this bill: Do you really believe that this matches what Moses brought down from Mount Sinai?

Is this really the embodiment of perfection? Do you have every good idea that was ever had in history? Could it be that it could be improved? Could it be that some reason and compromise might actually make the bill better? My guess is it could be; and I hope they will consider it possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Madam President, I thank the Senator from Texas because the discussion over the last 20 minutes makes it crystal clear—walking step by step through the bill—that employers, under the Kennedy bill, can be sued. The amendment of the Senator from Texas basically says: Let's take the words of the Texas law and pass them in this Senate Chamber. It will make it crystal clear, with no exceptions, that employers cannot be sued.

The chart that has been shown by the Senator from Texas is the Texas law verbatim. It is interesting. The Senator from Texas took the exact words in the Texas law and put them in his amendment.

I have just asked to have the chart brought down a little bit closer so I can walk through it because this chart is a little bit different than the one we showed earlier. It is the actual picture of the page of the Texas law.

The amendment of the Senator from Texas is several pages in terms of the explanation and the definition, but the words that are actually used in the amendment are "does not create any liability on the part of an employer or other plan sponsor (or on the part of an employee of such an employer or sponsor acting within the scope of employment)."

He took the words exactly from the Texas law, which are: "does not create any liability on the part of an employer." That is crystal clear. In the rest of it there are no exceptions. In the McCain-Edwards-Kennedy bill, there is page after page of exceptions.

I am very glad this amendment is being considered in this Chamber today because we have an opportunity—through this afternoon, and tomorrow, and the next day—for our colleagues to go back and actually read the bill. We can debate in this Chamber and on the television shows and we can read in the newspapers about the question of whether or not you can sue an employer. Now I believe it is crystal clear, after the debate, that you can sue employers under the Kennedy bill. Therefore, all the employers of the 170 million people in this country who voluntarily receive their insurance through their employers—that is just about everybody in the gallery and those watching on C-SPAN and everyone else who does not have Medicare or Medicaid—can be sued under the McCain-Edwards-Kennedy bill.

When you go around the water fountain on Monday—or if you are working on the weekend, or have a shift later tonight—turn to your employer and say: Do you mean to say, if this McCain-Edwards-Kennedy bill passes, you can be sued for voluntarily providing health insurance? This applies to unions as well. I want to talk about that because that is actually addressed, and the Senator from Texas did not mention it. All the union members should listen to this.

You cannot right now. You cannot under the proposal of the Senator from Texas. You cannot under the Frist-Breaux-Jeffords plan. Under the McCain-Edwards-Kennedy plan, you can be sued. If this bill were passed tomorrow, your employer could be sued the next day.

I hope those 170 million people are listening and do pay attention to this amendment. Again, the Gramm amendment says: This bill "does not create any liability on the part of an employer. . . ."

Let me show, first, what the Texas law is. This is an actual picture of the page itself. It says:

> This chapter does not create any liability on the part of an employer—

Do those words sound familiar? They should. What I am showing you is a blown up picture of the law Texas passed in 1997 that has been very successful. Again, this is from the State of our current President of the United States, who, as Governor, signed this law. The words: "does not create any liability on the part of an employer"—if that sounds familiar, it should, because those are the exacts words that are in the Gramm amendment: "does not create any liability on the part of an employer". But those words are not in the underlying McCain-Edwards-Kennedy bill.

I posed the question to the Senator from Texas: Are there exceptions in here? As you look through it, no there are not exceptions. There is a period. There is a period under the Texas law. As you look at the amendment by the Senator from Texas, there is a period after "employment." Again, there are no exceptions.

If you look at the McCain-Edwards-Kennedy bill—I do not have it right in front of me—but there are pages and pages of exceptions. The Senator from Texas very eloquently went through those exceptions.

So that is the amendment—a simple amendment—which crystallizes, for me, many of the arguments. I am glad we got to that amendment because it is important to address the big issues of the bill. The Senator from Texas again outlined very well years of work—and the Senator from Massachusetts has been involved for years and has initiated much of the discussion on Patients' Bill of Rights. I think he needs to be commended for that. The Senator from Massachusetts and I, and the Senator from Texas, spent much of last year debating these same issues around a table, in this Chamber, and also in what we call a markup in committee in a room back behind this Chamber.

So we have come to this general agreement on, say, 90 percent of the bill; but the 10 percent we do not agree on has the potential for threatening the health care of millions and millions and millions and millions of people who get their health care through union-sponsored plans and employer-sponsored plans.

So, yes, we have come to all this agreement on 90 percent of it. It is this little 10 percent we have to address. We have to address it as we are doing, up front, with debate. We need to hear from people around the country. Is it real? Is it bad to allow employers to be sued? In a little bit I will refer to some of the people in Tennessee in relation to what they have told me about this risk of being sued, what it means to them, what it means to their employees.

Much of the debate on the Kennedy bill does come to this issue of opening the floodgates to a wave of frivolous lawsuits, lawsuits that are uncapped, subject to runaway costs, because that does translate, ultimately, down to the 170 million people paying a lot more for their health care insurance. It translates to the working poor not being able to afford insurance and thus having to say: I just can't afford my insurance anymore. I have to put food on the table. I have to put clothes on my children. I just can't afford putting money into frivolous lawsuits and the pockets of trial lawyers. That does nothing, as the Senator from Texas said, to address the issue of getting the care to people when they need it.

A lot of people do not realize that the average malpractice case is not settled for 3 years. If you need care, you deserve that care. We have to fix the system with patient protection, strong internal appeals, strong external appeals, and strong patient protections. That is what you do to fix the system to get the care when you need it; it is not to run to a courtroom and wait, on average, 3 years for a malpractice case. If you take your child to the emergency room, or go for a referral for appendicitis, or treatment of heart disease, 3 years later means very little.

We talked a little bit about the lawyers. We rely on the legal system again in terms of holding plans accountable. If there is a wrong or an injury, we hold HMOs accountable. We hold them accountable.

For economic damages, that can be millions and millions of dollars. Under the Frist-Breaux-Jeffords proposal, the trial lawyers can sue for millions and millions of dollars of economic damages. We do not allow you to sue for punitive damages. Suing for punitive damages does not fix the system. We say let's save the millions of dollars on punitive damages. Let's invest in the system through internal and external appeals and strong patient protections. That is the way you fix the system. You do not want money that should be spent taking care of patients and delivering care put it into the courts and into the trial lawyers' pockets. This takes money out of the system, away from the delivery of health care, and away from the doctor-patient relationship.

Nobody has unlimited money. This money is not just going to fall from the sky. You are taking money out of the system through increased premiums paid from the pockets of the union workers and the employees enrolled in these plans, and you put it into the pockets of the trial lawyers.

I mention all this because where are the trial lawyers going to go? You can sue a doctor. You should, if there is malpractice. You should. If there are economic damages and noneconomic damages, that is the right thing to do. If a hospital was involved in the injury, you should be able to sue a hospital, if that hospital really did commit malpractice. HMOs, you should be able to sue. You have to be able to hold them accountable if there is harm or injury.

What about an agent of the plan? The McCain-Edwards-Kennedy bill says you can sue an agent of the plan, an agent of the HMO. Who is that?

It was interesting. I talked to doctors, to members of the AMA. I asked: How can you support a bill when you are for tort reform? The American Medical Association for years has been in favor of tort reform, malpractice reform, modernizing the system. How can you support a bill that has the opportunity for unlimited runaway lawsuits, multiple causes of action, travel from State court to Federal court, back and forth forum shopping—how can you do that? And they say: because we can be sued. If we can be sued, we ought to be able to sue everybody.

I am not sure that is the correct answer. Several of my colleagues and I sent a letter to the medical profession asking, what if we reform the overall system, have tort reform on the doctors as well as adequate tort reform and construction of a common ground between suing doctors as well as suing HMOs? We haven't heard back yet. Reform of the overall system is one way to address the issue.

The trial lawyer will go after the doctor, the hospital, the agent of the plan, the plan, or the employer. He or she will go after whoever he or she can, if there is injury or harm.

It is interesting because for the last three years the bill that Senator KENNEDY has been on and has proposed—or at least the first few months of this year—said that you can sue the plan or you can sue an agent of the plan. I think it was in last year's bill. The physicians hadn't caught that. Then they caught it a few days ago and said: You shouldn't be going after doctors. You should go after the HMO, the plan.

For the first time, in the rewrite of the bill submitted last Thursday there is the exclusion that the Senator from Texas just explained. You can sue the plan and you can sue an agent of the plan, but you can't sue the treating doctor. That little loophole was closed.

Also in this new McCain-Edwards-Kennedy bill from last Thursday, unlike the bill from last Wednesday and the one from months before, it appeared you can not sue the hospital. The trial lawyer must be sitting back: I could sue everybody before. Now I can't sue the doctor or the hospital. Now whom can I go after? The HMO, which is appropriate. I can go after an agent of the HMO. Is that the clerk, is that the secretary who called to arrange the plan? I am not sure. We have to look at that loophole. There is a huge loophole right now that the trial lawyer can examine.

Where are the deep pockets? The HMO, appropriately so; the agent of the plan, I am not sure. No, you cannot sue the doctors anymore. That was rewritten and taken out of the bill introduced last Thursday. You cannot sue the hospital because that was taken out of the bill last Thursday. You have the employer. In the McCain-Edwards-Kennedy bill the trial lawyer, who has a financial incentive for personal gain—I am not questioning the ethics of the trial lawyers, I am saying there is a financial incentive there—if there is an injury, is going to go after all the pockets of money out there. Potentially, the biggest pocket, in terms of assets, is the employer.

We just walked through the bill that says you can sue the employer. If you are a trial lawyer worth your salt, you will say: OK, you have gone down the aisle and the sponsors of the McCain-Edwards-Kennedy bill changed the bill, in a positive direction, and took the doctors and hospitals out. What they have not done is take out the employers. The Gramm amendment does this in crystal-clear terms it takes out the employers. It leaves the HMO.

The employers are out there voluntarily trying to do what is best for their employees. If you are running a business and you have a product and you are dependent upon your workforce, you want to pay them as well as you can. You want to give them all the benefits you can. And the benefit that is most challenging today is health care, because of escalating costs across the board and because today people need health insurance in order to access the system. Having this huge loophole where you can sue employers means that employers are going to drop that health care coverage. They are not going to be able to afford that exposure.

If you are sitting there with a small business of 25 employees and a group of 18 or 19 convenience stores, making margins of 2 or 3 percent, and you are not subjected to lawsuits today, and tomorrow you are going to be subjected to this unlimited liability when all you are doing is trying to help your employees by paying for part of their premiums and voluntarily giving them their health insurance, you will simply say: I can't do it anymore. I will walk away.

What do those employees do? Well, they will probably say: Give me some money, the money you are spending, and I will go out and try to find a policy. They may not be able to find a policy. One hundred seventy million people are in union plans and in employer-sponsored plans today. As we uncover what is in this bill, they have to be asking themselves: Can I afford to keep offering health insurance for my employees? Unfortunately, the answer in many cases is going to be, no, I simply cannot.

I know this is the case because when I got home the other day from one of the television shows my wife said: This sure is confusing to me. You say you cannot sue employers. Your colleague, your good friend who favors the McCain-Edwards-Kennedy bill, says very specifically you cannot sue employers. It is confusing to everybody in this room.

I know it has to be confusing to the millions of people who are out there. Whom do you believe? What does the bill really say? That is why I have so much respect for the Senator from Texas, because he really does go back and read every line of these bills. It is something that I both admire and I try to do, and that is what it is going to take to really settle this question of what is in the bill.

What does "direct participation" actually mean?—the words in the bill.

A number of people have gone out and looked at the very specific language in the bill outside of this body. I would like to enter into the RECORD shortly, but first let me quote from, a letter sent to the Honorable TOM DASCHLE, our majority leader, and to the Honorable TRENT LOTT, minority leader, dated June 15, 2001. I will quote from the letter just what their interpretation is on this whole issue of employers. A lot of points are made in the letter. I think in a very concise way, these people, who represent millions of people, state their interpretation of this issue of being able to sue the employer.

Before I read it, let me tell you who these groups of people in the letter are.

I ask unanimous consent to print in the RECORD this letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 15, 2001.

Hon. THOMAS DASCHLE,
Majority Leader, U.S. Senate, Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR LOTT: With the Senate poised to consider the Kennedy-McCain patients' bill of rights, we are writing to express our serious concerns with this dangerous and extreme legislation. This bill would allow costly and unlimited lawsuits against employers, would add to already skyrocketing health care costs, and would put at risk the health insurance of millions of Americans. For these reasons, we urge Congress to oppose this legislation and avoid the dire consequences it would have on our employer-based health care system.

Employers are not protected from liability under the Kennedy-McCain bill, and lawsuits are allowed in both state and federal courts for the same incident under different causes of action. Further, the legislation's $5 million dollar cap on punitive damages in federal court is really no cap at all. Employers would still be subject to unlimited liability in at least five other ways in state and federal courts. Finally, lawsuits could be filed against employers before an independent external review is completed. If faced with such liability, many employers—especially small employers—will have no choice but to stop offering coverage altogether.

Employers today are already struggling to cope with skyrocketing health care costs, especially in the midst of a dramatically slowing economy. This year, costs are up an average 13 percent—the seventh annual increase in a row. Health care costs for many small employers are even higher, up more than 20 percent. The Kennedy-McCain bill will make health care coverage even more expensive. The Congressional Budget Office found the bill would increase costs an additional 4.2 percent. With many employers already being forced to pass these rising costs on to their workers, even more employees will be unable to afford coverage. Especially vulnerable will be America's working poor, many of whom can barely afford coverage now.

More than 172 million Americans rely on health care coverage voluntarily offered to them by their employers, but the unlimited liability and higher costs that would result from the Kennedy-McCain patients' bill of rights would undoubtedly put their coverage at risk. We firmly believe you can't sue your way to better health care, and a recent poll shows voters agree. Only 19 percent of those polled supported the kind of unlimited liability found in the Kennedy-McCain bill. In today's slowing economy, the last thing Congress should do is consider legislation that would discourage employers from offering health care coverage and make coverage more difficult for workers to afford.

Sincerely,

National Federation of Independent Business.
National Association of Manufacturers.
U.S. Chamber of Commerce.
National Retail Federation.
Printing Industries of America.
Rubber Manufacturers Association.
The ERISA Industry Committee.
National Employee Benefits Institute.
Food Marketing Institute.
Food Distributors International.
The Business Roundtable.
American Benefits Council.
National Association of Wholesaler-Distributors.
National Restaurant Association.
Associated Builders and Contractors.
International Mass Retail Association.
National Association of Convenience Stores.
Society for Human Resource Management.
Associated General Contractors of America.

Mr. FRIST. I thank the Chair.

The groups I will quote from have examined the legislation. It is in their interest to really read through the bill and not just the rhetoric. They include the National Federation of Independent Business, the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Retail Federation, the Printing Industries of America, the Rubber Manufacturers Association, the National Employee Benefits Institute—the whole institute—the Food Marketing Institute, the Food Distributors International, the American Benefits Council, the National Association of Wholesalers Distributors, the National Restaurant Association, the Associated Builders and Contractors, the International Mass Retail Association, the National Association of Convenience Stores, the Society for Human Resource Management, the Associated General Contractors of America. All of those associations and others are on here; but you get the message when you are talking about hundreds of millions of people. They wrote, after looking at the specifics of the legislation, the following:

> Employers are not protected from liability—

As an aside, those six words are underlined in the letter by the authors, referring to the McCain-Edwards-Kennedy Patients' Bill of Rights in the first paragraph. They are talking about skyrocketing health costs.

> Employers are not protected from liability under the McCain-Edwards-Kennedy bill, and lawsuits are allowed in both State and Federal courts for the same incident under different causes of action. Employers would still be subject to unlimited liability in at least five other ways in State and Federal courts.

Finally, lawsuits could be filed against employers before an independent external review is complete. If faced with such liability, many employers, especially small employers, would have no choice but to stop offering coverage altogether.

That captures it. Again, this is not a Senator who has a vested interest because he, with Senators JEFFORDS and

BREAUX, wrote a bill—it is not me or the Republicans or the Democrats. These are the associations that represent scores of millions of people—I don't know exactly how many. You heard the list. That is their interpretation of what is written in this bill. This simple amendment put forth by Senator GRAMM addresses the issue of whether or not you can sue your employer in the most direct, clear-cut way, taking the exact language out of the Texas State law and putting it into Federal law, using the exact same words.

It is hard to say the other side of the aisle because Senator MCCAIN is a Republican on their bill, and on our bill we have a Republican, a Democrat and an Independent. But, for the most part, their bill is the Democratic bill and our bill is supported and endorsed by the President of the United States and is consistent with his principles.

The President has said that he will veto the McCain-Edwards-Kennedy bill unless it is substantially altered. This is one of the areas I know. I have some correspondence from the President and the opportunity to sue employers is one of the things that has to be changed in that bill. You just can't go out and sue employers in an indiscriminate way, as you can in their bill. From the other side of the aisle, they have said, "First of all, we specifically protect employers from lawsuits." I think, clearly, we have just debunked that in the last hour and a half.

Another quote taken from one of the Sunday shows last week is:

> The President, during his campaign, looked the American people in the eye in the third debate and said, "I will fight for a Patients' Bill of Rights [referencing the Texas bill]. Our bill is almost identical to Texas law."

"Our bill," meaning the McCain-Edwards-Kennedy bill, "is almost identical to Texas law," they said. We need to settle that. I have not addressed it, but some of my colleagues have addressed it. That is absolutely not true. The Kennedy bill is not similar to, not identical to, not even consistent with Texas law, period. So when we hear it rhetorically, it sounds good because they are trying to jab the President a little, saying, why do we not federalize the Texas law and make it the law of the land; that is what our bill does and therefore the President has to come on board or there is incongruity to the argument. Well, it is incongruous because the assumption that McCain-Edwards-Kennedy is consistent with Texas law is totally false. The McCain-Edwards-Kennedy bill is inconsistent with Texas law.

How? Right here. Right here is where you can start. Texas law explicitly does not create any liability on the part of an employer, and there are no exceptions. That is the No. 1 difference. S. 1052, the McCain-Edwards-Kennedy bill, explicitly authorizes lawsuits against employers. Again, Senator GRAMM from Texas went through the bill line by line.

The second difference is that the Texas law caps damages in State lawsuits. S. 1052 does not. Texas law does not authorize lawsuits for nonmedically reviewable coverage decisions. The Kennedy bill does. That is the third difference. Let me explain that, because it will help with the understanding of the overall bill.

The sort of decisions that you can sue for can be broken down into two categories. One is treatment decisions and the other is coverage decisions. The McCain-Edwards-Kennedy bill applies to both treatment decisions as well as coverage decisions. Texas law has a much narrower scope. Texas law applies only to treatment decisions and does not apply to coverage decisions.

Again, when people say there are so few lawsuits at the end of the appeals process in Texas and our bill is like the Texas bill, therefore, we are not going to see lawsuits, go back to the basic assumption. The other side of the aisle is basically saying we are going to be like Texas, you are not going to see any lawsuits. They are not like Texas. No. 1, Employers can be sued. No. 2, they have caps in Texas. No. 3, this whole issue of Texas scope is much narrower than the scope in the Kennedy bill.

The McCain-Edwards-Kennedy bill involves treatment decisions. What are they? They are quality-of-care issues, malpractice, holding a plan accountable in a vicarious liability way. Those treatment decisions Texas applies to also. What Texas does not include that the Kennedy bill does are the coverage decisions. If you listen to the debate on the floor, that has been what most of the debate has been all about. If you are an individual, the question is, Did your plan cover your cardiac catheterization? If they say they did not and you were hurt because you did not get a catheterization so you could be treated, you could go through an internal and external appeals process and sue. All that decisionmaking is addressed in the McCain-Edwards-Kennedy bill—and inadequately, I might say. It is addressed in our bill, I believe, in a much more responsible way.

The point is that Texas does not involve any coverage decisions. That is way beyond the scope. So when people say there are so few lawsuits in Texas, therefore, we will make Texas law Federal law and we are not going to see the lawsuits, that may or may not be true. But the McCain-Edwards-Kennedy bill does not make Texas law the law of the land because of the employers' lawsuits and the caps.

What has the President of the United States said? We have been through some of the statements. Again, I think it is important to see how other people are viewing the underlying legislation, other than just Senators coming to the floor engaging in debate. I went through and circled several of the areas where employers are mentioned in the Statement of Administration Policy, issued June 21, 2001, a statement that came from the Executive Office of the President. Again, it is pertinent to the underlying amendment. First of all, in a paragraph on page 2 it says:

> The President will veto the bill unless significant changes are made to address his major concerns.

Then under that, where he mentions employers, it says:

> S. 1052 jeopardizes health care coverage for workers and their families by failing to avoid costly litigation. S. 1052 overturns more than 25 years of Federal law that provides uniformity and certainty for employers who voluntarily offer health care benefits for millions of Americans across the country. The liability provisions of S. 1052 would, for the first time, expose employers and unions to at least 50 different inconsistent State law standards.

Further down in this Statement of Administration Policy it says:

> S. 1052 also would allow causes of action in Federal court for a violation of any duty under the plan, creating open-ended and unpredictable lawsuits against employers for administrative errors.

A little bit later in this statement from the administration it says:

> Moreover, S. 1052 would subject employers and unions to frequent litigation in State and Federal court under a vague "direct participation" standard, which would require employers and unions to defend themselves in court in virtually every case against allegations that they "directly participated" in a denial of benefits decision.

These statements are from the administration and the attorneys who have advised them.

What about people back home? Again, a number of people have recited remarks from people across the country. I will quote from a couple of letters from Tennessee.

I ask unanimous consent that three letters from which I will read be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BILLY ROGERS PLGB, HTG, & A/C, INC.,
Dyersburg, Tennessee, June 7, 2001.

Senator FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: I am writing you in regards to the proposed Patients' Bill of Rights being proposed by Senator Kennedy. I am very much opposed to S. 283.

Our Company provides Health Coverage to all of our employees that wish or can afford to enroll. We presently have (6) families enrolled and (3) individuals at an astronomical annual cost of $55,000.00.

Our Company pays approximately 80% of the total cost of the annual premiums. Our Company, this year, experienced an increase of approximately 35% in which was totally absorbed by the Company. If we are confronted with an increase of this magnitude in the upcoming new year, I strongly believe that our Company will have to pass on tremendous increases to our employees or even drop our program altogether. Please do what ever is necessary to see that this Bill does not pass.

Sincerely,

BILLY G. ROGERS, JR. (VP)

DILLARD DOOR & SPECIALTY CO., INC.,
Memphis, TN, June 7, 2001.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: As the president of a small business with 17 employees, I am concerned over the cost of our company's medical insurance. Under our medical plan, we pay the premiums for our employees, and they pay for their dependents. Our carrier increased the charges over 15% this year, and did approximately the same last year. Our company absorbed these additional costs, but we did raise our deductibles (if we hadn't, the increase would have been much greater). Should premiums continue to increase in such a manner, we will be forced to discontinue or drastically alter our plan. Being such a small company, we are at a disadvantage when it comes to rates, and current laws do not allow us to seek coverage through any of the associations to which we belong.

We also are concerned over any aspects of a future Patients' Bill of Rights that would allow employees to sue our company for alleged deficiencies in coverage. If such suits were allowed, we would most certainly discontinue coverage for our employees, as I'm sure almost all small business owners would. What would probably happen is that we would raise our employees' salaries enough to cover their medical coverage at our current rate, and they would purchase coverage personally (if they could). Such wage increases would, of course, be taxable, so they would have even less to pay for a plan.

The situation is already a most serious one, and if any more burdens are placed on the backs of small businesses for medical costs than currently exist, I believe the rolls of the non-insured will swell beyond belief. Your efforts in doing anything to not only improve the situation, but also to prevent any future changes that would have a burdensome effect would be greatly appreciated.

Sincerely yours,

JOHN W. DILLARD, Jr.,
President.

HERNDON & MERRY, INC.,
Nashville, TN, June 7, 2001.

Senator BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: My letter today is to share with you my concerns about the potential of a "Patients' Bill of Rights" coming out of a newly Democratic controlled senate.

Our company has been in business for 42 years and over that time we have been able to provide, at differing levels, health care coverage to our employees. This experience gives me some footing to address this issue. We currently have 22 employees and most of these participate in our insurance program of which the corporation pays 85%. In past years we paid 100% of the premium and paid for family coverage. However, due to cost increases that in some years were 30 to 40% we were unable to continue to either absorb this cost or to pass it on in price increases to our customers. So, we scaled back coverage and required employees to pay a portion of the premium. The real question is why such dramatic increase in the first place? I think the answer is painfully clear-government meddling. The more government meddles in the free market, no matter what kind of market, the greater the cost. Just ask Californians what government price controls have done for the availability and the REAL cost of power. While all of the increase in the cost of health care cannot be laid at the feet of both state and federal mandates, it is surely at the root of those increases. The proof lies in how both the federal government and the state of Tennessee exempt themselves from most of the mandates because they know how expensive they really are.

I urge you to fight to the last man against S. 283. If my employees will have the right to sue me because I am paying a portion of their health care then you can be assured they will no longer receive this benefit from my company. They will be left out in the cold. But I fear that that is exactly what Senator Kennedy and those on the left would like. Then they can reintroduce Hilliary care and come to the "rescue"

Your Friend,

BILL MERRY, Jr.

Mr. FRIST. The first one is from Billy Rogers. He is in Dyersburg, TN. He is a small businessperson:

> DEAR SENATOR FRIST: Our Company provides Health Coverage to all our employees that wish or can afford to enroll. . . .
>
> Our Company pays approximately 80 percent of the total cost of the annual premiums. . . .
>
> I strongly believe that our Company will have to pass on tremendous increases to our employees or even drop our program altogether. Please do whatever is necessary to see that this Bill does not pass.

The second letter is from John Dillard, who is president of Dillard Door, a door speciality company in Memphis, TN:

> DEAR SENATOR FRIST: We also are concerned over any aspects of a future Patients' Bill of Rights that would allow employees to sue our company for alleged deficiencies in coverage. If such suits were allowed, we would most certainly discontinue coverage for our employees, as I'm sure almost all small business owners would. What would probably happen is that we would raise our employees' salaries enough to cover the medical coverage at our current rate, and they would purchase coverage personally (if they could). Such wage increases would, of course, be taxable, so they would have even less to pay for a plan.

The last letter I entered into the RECORD is from Herndon & Merry, Inc., in Nashville, TN. The last paragraph says:

> I urge you to fight to the last man against S. 283.

Which is the predecessor Kennedy bill.

> If my employees will have the right to sue me because I am paying a portion of their health care, then you can be assured they will no longer receive this benefit from my company. They will be left out in the cold. But I fear this is exactly what Senator Kennedy and those on the left would like. Then they can reintroduce Hillary care and come to the "rescue."
>
> Your friend, Bill Merry.

I wanted to give some perspective from outside the Senate and the White House.

I ask unanimous consent that a four-page letter that was just sent today from Margaret LaMontagne be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, June 22, 2001.

DEAR MR. LEADER: Thank you for your inquiry regarding the Texas Patients' Bill of Rights. Numerous questions have been raised about the substance of that legislation. I am happy for the opportunity to clear up any confusion. As you may know, I was a policy advisor to then Governor Bush during his tenure as Governor and currently serve as Assistant to the President for Domestic Policy. I would be delighted to provide any additional information that would be helpful to Congress during this important debate.

History of Texas Patients' Bill of Rights

As Governor, President Bush signed five patient protection bills and allowed a sixth to become law without his signature. Throughout the legislative debate, he strongly supported efforts to provide patients with comprehensive patient protections and access to a strong independent review procedure. Governor Bush focused on the goal of providing quality care to patients by ensuring timely and independent medical review of HMO decisions. He stressed that legislation should focus on protecting patients, not trial lawyers. And he emphasized that, while patients should be able to hold HMOs liable in court, liability provisions should be drawn narrowly to ensure that they do not cause large increases in premiums or raise the number of uninsured.

When, in 1995, the Texas Legislature sent Governor Bush a Patients' Bill of Rights that created loopholes and exempted a major HMO from its provisions, Governor Bush vetoed the legislation, stating that he would not sign a bill that favored special interests over patients. He then worked with the Texas Commissioner of Insurance to draft strong patient protection regulations that formed the model for the bills he signed into law the next biennial legislative session.

The Patients' Bill of Rights Governor Bush signed in Texas in 1997 has been widely regarded as among the strongest in the country. Patients in Texas now have comprehensive patient protections, and Texas independent review organizations have considered claims by roughly 1400 patients, approximately half of which have resulted in partial or complete reversals of the health plan's decision. Perhaps because of the success of the Texas legislation, some of the Congressional sponsors of legislation have insisted that their bills most closely resemble, and give the greatest deference to, the Texas Patients' Bill of Rights. In particular, some supporters of the bill offered by Senators McCain, Kennedy and Edwards have argued that their bill, S. 1052, would adopt, roughly, Texas law. We strongly disagree.

S. 1052 departs fundamentally from the model adopted in Texas. S. 1052 would threaten to preempt the strong patient protections adopted in states like Texas, would allow causes of action in state and federal court much broader than those authorized in Texas, and would threaten to upset the careful safeguards imposed by the Texas legislature regarding employer protections and caps on liability.

Preempting Texas Patient Protections

The bill sponsored by Senators McCain, Kennedy and Edwards, far from protecting good state laws like those in Texas, threatens to override them by imposing a preemption standard that gives virtually no deference to states. The bill does not allow states to apply their own strong patient protections even when the protections they offer are consistent with federal law. Rather, S. 1052 would require that each state requirement be "at least substantially equivalent to and as effective as" each federal requirement, without requiring the Department of Health and Human Services to give deference to the need for flexibility or the state's determination that its standards best protect its citizens. We believe that this provision in S. 1052 would give the federal government too much latitude to override state law and undo the good work of states like Texas.

Cause of Action

Another key difference between Texas law and S. 1052 relates to the breadth of the cause of action. The legislation enacted in Texas created a narrow cause of action against HMOs for any wrongful "health care treatment decision," defined by the Texas legislature as "a determination made when medical services are actually provided by the health care plan and a decision which affects the quality of the diagnosis, care, or treatment provided to the plan's insureds or enrollees." Tex. Civ. Prac. & Rem. Code §88.001. This language has been interpreted to apply only to claims alleging wrongful delivery of medical care, as opposed to decisions by an HMO regarding benefit determinations. As the United States Court of Appeals for the Fifth Circuit stated last year, the Texas liability provisions: "impose liability for a limited universe of events. The provisions do not encompass claims based on a managed care entity's denial of coverage for a medical service recommended by the treating physician: that dispute is one over coverage, specifically excluded by the Act. Rather, the Act would allow suit for claims that a treating physician was negligent in delivering medical services, and it imposes vicarious liability on managed care entities for that negligence." Corporate Health Inc., Inc. v. Tex. Dept. of Ins., 215 F.3d 526, 534 (5th Cir. 2000).

Unlike the narrow cause of action provided in Texas, S. 1052 allows expansive causes of action in both state and federal court. Under S. 1052, state courts would consider sweeping lawsuits related to denials of claims for benefits, while federal courts would hear cases related to violations of administrative duties under the plan. Neither cause of action is currently available in Texas state court. And, as drafted, both are excessively broad and would invite frequent and costly litigation.

Employer Protections

Another fundamental difference between Texas law and S. 1052 relates to the treatment of employers. When the Patients' Bill of Rights was debated in Texas, the legislature acted decisively to protect employers—and their employees—from costly litigation by prohibiting lawsuits against employers. The Texas statute clearly states: "This chapter does not create any liability on the part of an employer." Tex. Civ. Prac. & Rem. Code §88.002(e). This protection was considered essential, by the Texas legislature and by Governor Bush, to ensuring that the new liability provisions did not create an incentive for employers to drop health coverage altogether.

Conversely, S. 1052 invites frequent litigation against employers by subjecting them to liability under a vague "direct participation" standard. Under this standard, employers can be held liable for "the actual making of [a] decision or the actual exercise of control in making [a] decision." Because the question whether an employer "exercised control" in a decision is inherently fact-based, employers will be forced to defend at trial in virtually every case alleging a wrongful denial decision. Moreover, the interpretation of "direct participation" will differ in the various state courts, forcing employers to comply with different standards throughout the country.

This treatment of employers is a radical departure from the approach adopted in Texas and will create incentives for employers to drop employee health coverage entirely, further increasing the number of uninsured.

Additional Protections

Texas adopted numerous other protections to ensure that lawsuits benefit patients and not trial lawyers. For example, as Governor, President Bush signed legislation that limits punitive damages to the greater of $200,000 or two times economic damages plus non-economic damages of no more than $750,000. Tex. Civ Prac. and Remedies 41,007. S. 1052, conversely, allows for unlimited non-economic and punitive damages in state courts, imposes no limitation on non-economic damages in federal court, and limits punitive damages in federal court to the excessively high figure of $5 million. Further, it is not clear that the new state causes of action under S. 1052, which will no doubt include physicians in many cases, would be subject to the various state medical malpractice caps.

Finally, Texas law discourages patients from bringing frivolous claims by requiring that when a patient files suit he must submit either a written report by a medical expert that supports his case or must file a bond. Tex. Civ. Prac. & Rem. Code §88.002. S. 1052 has no procedural requirements to ensure that patients bring only medically meritorious claims to court. Indeed, that legislation would allow a patient to bring suit even if a panel of independent medical experts concludes that his claim is meritless.

Summary

Supporters of S. 1052 have made much of the fact that few lawsuits have been filed under the Texas Patients' Bill of Rights. We believe that this fact is attributable to the emphasis in Texas on quality of care and strong independent review, the careful drafting of the Texas liability provisions, the protections provided to employers, the exhaustion requirement, and the imposition of caps and other limitations to discourage frivolous suits. We strongly believe that the success in Texas will not be mirrored on the federal level unless substantial changes are made to the liability provisions of S. 1052.

We urge Congress to send a strong and effective Patients' Bill of Rights—one that meets the President's principles—to the President's desk.

Sincerely,

MARGARET LAMONTAGNE,
Assistant to the President for Domestic Policy.

Mr. FRIST. This is a letter that I hope will be distributed and read, but I will read what this letter says about employer protections. It is talking about the difference between the Texas law and the proposal by Senator KENNEDY before us.

Under employer protections:

Another fundamental difference between Texas law and S. 1052 relates to the treatment of employers. When the Patients' Bill of Rights was debated in Texas, the legislature acted decisively to protect employers—and their employees—from costly litigation by prohibiting lawsuits against employers. . . .

Conversely, S. 1052 invites frequent litigation against employers by subjecting them to liability under a vague "direct participation" standard. Under this standard, employers can be held liable for "the actual making of [a] decision or the actual exercise of control in making [a] decision." Because the question whether an employer "exercised control" in a decision is inherently fact-based, employers will be forced to defend at trial in virtually every case alleging a wrongful denial decision. Moreover, the interpretation of "direct participation" will differ in the various state courts, forcing employers to comply with different standards throughout the country.

This treatment of employers is a radical departure from the approach adopted in Texas and will create incentives for employers to drop employee health coverage entirely, further increasing the number of uninsured.

Again, people can read this letter from Margaret LaMontagne in the RECORD. She was policy adviser to then-Governor Bush during his tenure as Governor and currently serves as Assistant to the President for Domestic Policy. She clearly was involved in the formulation of the Texas legislation and has had the opportunity to examine the legislation introduced by Senator KENNEDY.

I close by saying I am delighted to support the amendment as proposed by the Senator from Texas. It makes it crystal clear that you cannot sue employers, and it will eliminate this potentially huge source of funding for litigators. But, it will do absolutely nothing for patients to get the care they need in a timely way, in a way of high quality, and in a way that can be respected.

I yield the floor.

The PRESIDING OFFICER (Mr. MURKOWSKI). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been closely listening to the debate this morning. I presided over the Senate for an hour this morning and was listening for that time to the debate with respect to the Patients' Bill of Rights. It reminded me of a story about the great debates between Lincoln and Douglas. I have mentioned this story on a previous occasion.

Apparently during those debates, Lincoln and Douglas were having difficulty understanding each other's point. Lincoln finally said to Douglas: Well, tell me, how many legs does a cow have?

Douglas said: Why, four, of course.

Lincoln said: Well, now, if you call a tail a leg, how many legs would a cow have?

Douglas said: Five.

Lincoln said: No, that is where you are wrong. Just because you call a tail a leg doesn't make it a leg.

What I have seen today is interesting. They have taken a tail, called it a leg, and spent 4 hours describing this new leg. There is nothing in the Patients' Bill of Rights or the Patient Protection Act that is designed to subject employers to lawsuits or to liability. In fact, this act, as described, specifically protects employers from the kind of suits that have been described for the last 4 hours.

It is, I suppose, a classic response to something you do not like to try to change the subject, and that is what this amendment is all about, changing the subject.

The central feature of the patient protection legislation is very simple. This legislation is about empowering patients who are confronted with a challenge too often in this country. That challenge is of large managed care organizations that in too many cases will not provide the treatment patients expect to have covered under their health plan. Under this act managed care organizations would be required to provide that treatment.

We believe a patient has a right to know all of their medical options for treatment, not just the cheapest option. We believe a patient has that right.

We believe a patient has the right to go to an emergency room and get emergency treatment if they have an emergency. Do you think every patient has that opportunity now? The answer is no. We believe a patient ought to have the right to see a specialist when they need to. That is not a right that exists today.

Yes, we believe a patient ought to be able to hold their HMO or managed care plan accountable. Does that mean being able to sue? We are not interested in lawsuits. We are interested in accountability.

If an HMO decides it is not going to provide the treatment that is necessary, then should someone be able to hold them accountable and take them to court? The answer is, you bet. I have spoken about Christopher Roe on a couple of occasions. Let me do it again because it is important in the context of the patient rights we talk about. Christopher died on his 16th birthday. He fought cancer and had to fight his managed care organization at the same time. That is not a fair fight. This young boy, according to his mother who testified at a hearing I chaired, waged a courageous fight against cancer but didn't get the care he needed or the treatment he needed to give him a shot at beating his cancer. He looked up from his bed and asked his mother: "Mom, how can they do this to a kid?" He died on his 16th birthday.

It shouldn't happen. It need not happen. All too often in this country, for-profit managed care organizations have viewed a patient's care through the lens of how that care will affect their profit and loss. Is this something we are willing to stand for? No. We believe it is important to put into law a set of patient protections or patient rights to change that.

It is interesting to listen to discussions about Dicky Flatt. It is interesting to hear letters from people who say if employees are allowed to sue employers, they will no longer have health care. The fact is, this legislation will not allow employees to sue employers. It is a classic opportunity to divert attention. That is what is happening with the current amendment on the Floor, offered by Senator GRAMM. There are people who have never wanted a Patient's Bill of Rights enacted. When it comes time to answer the question of who they stand with, these people stand with the insurance companies and managed care organizations. They do not stand with nurses and doctors, all of whom support this legislation. They say they stand on the other side because they don't like this legislation.

That is fine. That is all right. Everyone has a right to oppose this legislation. But there is not an inherent right to misrepresent what this legislation does. And this legislation does not allow wholesale opportunity for people to sue their employers who offer health insurance to their employees. That is not what this legislation is about. This legislation contains specific protections against that very thing.

My hope is we will find substantial common ground in the coming week or so and be able to pass a Patient's Bill of Rights by a week from today. This bipartisan legislation has been 4 years in the making. I find it interesting to hear people say this has not been the subject of hearings. My Lord, we have had this piece of legislation or legislation like it on the floor of the Senate time after time after time. It has been around for 4 years. If one cannot read that fast, one can employ someone else to read that fast. This is not new legislation. The only problem is we have people who dig their heels in and do not want to deal with it.

That is a classic response that has come to all changes that have made this a better and better country. Every single thing we have done to advance interests in this country has been opposed by those who do not want to do something for the first time. I understand that.

There is the story of the old codger, 85, 90 years old, interviewed by the radio station announcer, who said: You must have seen a lot of changes.

He said: Yep, and I've been against every one of them.

We have people like that who serve in public life, too. That is just fine, except this change is necessary. This change is important. This change empowers patients and does not injure employers. It contains protections to make sure employers are not going to be subject to lawsuits.

We will have more discussion about the protections for employers in the coming days, especially next week. I hope we can keep our eye on the ball and pass a patient protection act that offers protections that I think are needed and should be offered in this country.

I yield the floor.

Mr. NICKLES. Mr. President, I compliment the Senator from Texas, Mr. GRAMM, for offering this amendment, as well as Senator THOMPSON. I compliment Senator FRIST for his comments and work and leadership on this bill in general, as well as Senator GREGG. People are becoming more familiar with the bill before the Senate, S. 1052, the McCain-Edwards-Kennedy bill.

I have heard sponsors of the bill say employers cannot be sued under this bill. I believe that is a direct quote. That is not factually correct. Under this bill, on page 144, is language that deals with this. It says:

> (A) Causes Of Action Against Employers And Plan Sponsors Precluded.

That sounds really good. But that is paragraph (A).

Paragraph (B) on page 145 says:

> Certain Causes Of Action Permitted.—Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor.

(A) says you cannot sue an employer and (B) says notwithstanding (A) you can sue an employer.

It goes on for several pages, whether an employer had direct participation or not. But as an employer, if you have to comply with ERISA, you do a lot of things other than the exemptions provided in the legislation. In other words, under this bill, you can be sued.

Some say that is not true, that is not what we meant. If it is there, we will fix it.

We have a chance to fix it and we can adopt this language. This is language that says employers shall not be held liable under this law. We ought to pass it.

Some have said liability is not such a problem because Texas has not had many claims—other States have not had many claims.

We are looking at the Texas law which says employers shall not be liable. If we are going to say it on the floor, if we say employers are not going to be hit, let's protect them. We protected doctors in this bill, we protected hospitals in this bill. That was a change made last Thursday night. This bill has evolved and changed significantly from the bill we were considering. The original bill was Senate bill 872 and did not have that fix. We fixed it for doctors and some hospitals. Now we have a new bill S. 1052 and it did not fix it for employers.

As a matter of fact, employers get more than "fixed" in this bill. Employers, beware. If we don't pass this amendment or something close to it, employers, beware. The majority leader says to pass it next week. I would love to conclude this debate by next week. But if you make all employers liable for unlimited damages, there are a lot of employers that would rather have Members stay and debate a bill than pass a bill that says we are sorry you provide health care for your employees. You don't have to provide your employees with healthcare, but for doing that good service for your employees, you can be sued for everything you have, maybe for everything you ever will have. There is no limit on damages.

Somebody said under McCain-Kennedy there is a $5 million cap on punitive damages. There should not be punitive damages in this bill in the first place. I thought the purpose of this bill was to protect patients, not to enrich attorneys. Why are punitive damages in if you are trying to protect patients? They don't belong. That $5 million cap on punitive damages is a cap in Federal court, not in State court.

There is no cap on noneconomic damages. What are those? That is pain and suffering. You get in front of a sympathetic jury, get a good trial lawyer—if you have a great big company, why not just sue for the world? If you are going to sue for a million dollars, why not make it $100 million, or make it hundreds of millions of dollars? If you do a real job on the jury, you might win. It is a little bit of a lottery. You might win the golden jackpot. You might win several hundred millions of dollars. We have seen cases recently from some juries that are in the billions of dollars.

Now we are flirting with the survival of big companies. I am not so worried about the big companies, but I am worried about a lot of small companies that are struggling to survive who are providing health care for their employees because they want to—not, frankly, because it is appreciated. I will tell you as a former employer that most employers pay a lot more for health care than their employees realize. Even though you might tell them every once in a while, they don't appreciate the money being spent. If you gave employees the option, they would probably rather have the cash and risk not buying health insurance so they could have more disposable income. Those are just the facts. That is the case in many areas.

Why not just do that? If we pass the McCain-Kennedy bill that is what a lot of employers will do. They will say, I don't have to provide this benefit. It is not appreciated as much as it probably should be. And now, now not only do I have to pay thousands of dollars per year to provide health care, but I can be sued for everything. Maybe this company has been going for 40, 50, or 60 years. It may be a bank. It may be a manufacturing company. A good attorney will say: Wow, no limit on pain and suffering. We had a problem. I know you didn't really have anything to do with it. But you hired this big insurance company, and they hired their doctor. That doctor wasn't very competent. Something bad happened. Somebody died. Therefore, we are going to sue you for what you have because you hired the company that hired the doctor. You are liable. You are involved. You had a direct participation. Therefore, you are liable.

All of a sudden, you are going to go bankrupt. Not only do you lose health care and your health care costs go up, but you may lose your company. The employees may lose their jobs.

That could easily happen under this bill.

Again, I know, I have heard the sponsors of this legislation say, oh, no; that is not our intention. We are not going after employers. We are going after those big bad HMOs.

If we are not going after employers, let's exempt them. We have exempted physicians and hospitals. Let's exempt employers. That is what Texas did. That probably enabled them to pass their bill. Let's exempt employers under this bill. That is one clear-cut way of not trying to define if they participated in the decision.

I challenge anyone. Start reading through the definition of direct participation. Then tell me if an employer in carrying out their fiduciary duties in providing health care for their employees—including plan determinations, reporting, enrolling people, choosing plans, maybe an optional plan, and so on—tell me they do not do more than what the exemptions are here. They are not complying with the law.

This list is written basically saying, employers, you are covered. You can be sued. You can be held liable.

It says Patients' Bill of Rights. It should say beware, employers. We are getting ready to come after you. Trial lawyers are looking out for themselves—not for patients. If you want to look out for patients, we could pass a bill tomorrow that will give every patient in America—external and internal review—a place where they can get a benefit determination. If they were denied, it could be overturned. At least, it could be reviewed by medical doctors—an independent panel. That could be binding. We can do that. We can pass that overnight. They would have new, needed additional protections.

No; we want to go a lot further than that. We want to be able to take not only the HMOs but also take employers to court and be able to sue them for everything they have with no limit, and no caps. As a matter of fact, we want to be able to choose under this bill between Federal court and State court, whichever is best, with no caps. We might be able to do pretty well.

I urge people and employers, if you are concerned about this bill, please contact Members of the Senate because we will be voting on this amendment sometime Tuesday. There is a chance that we can fix employer liability once and for all—very clean, no exemptions, no exceptions.

There is one other comment I wanted to make. I heard our colleague, the junior Senator from Missouri, say, well, Missouri passed a good patients' bill of rights. She was very proud of that. I compliment Missouri. I don't know what is in Missouri's law. But I compliment the State of Missouri for passing a good patients' bill of rights.

I do not know if Senators are aware, but in the bill that we are passing, the patient protections are going to supersede whatever the State of Missouri did—as a matter of fact, whatever any State has done. There are over 1,100 patient protections that different States have passed. No matter what your State has done, we are getting ready to pass a bill which says that may not be good enough because if the State of Missouri or Oklahoma or Alaska didn't pass patient protection that is substantially equivalent and as effective as we have proposed under this bill, then you are in trouble. It doesn't qualify. It is not good enough. It is going to be replaced with this.

As a matter of fact, you almost have to have identical language in this bill for the State protections to apply.

Another way of saying it is the State has to adopt what we are passing. You might say that is fine. I am sure we are passing good protections here. Maybe we are. Maybe they are better. Maybe they are not.

Who will be determining if these protections are better, or if the State protections are better than these? The Government is. Somebody elected? No, It would be a bureaucrat over at the offices of the Health Care Finance Administration, HCFA. They will determine whether or not State law which was probably negotiated with the State legislature and with the Governor, or maybe the State insurance commissioner, possibly with a lot of input from the participants, beneficiaries, plans, possibly with years of experience—hey, in this plan, does this benefit work? Is this excessive in cost? Is it overutilized or underutilized? They have experience. They determine if they can afford this patient protection or they can't. They made modifications. We say we don't care what your case history is, or what your State history is. We are going to replace your patient protections with one that Senator KENNEDY, Senator MCCAIN, and Senator EDWARDS have decided is in your best interests.

I negotiated with Senator KENNEDY on patient protections last year. But I refused to go along with saying that what we have done is better than what the States have done. I don't think that these protections should supersede what the States have done.

That is what we are doing in this bill. This language says you have to have substantially equivalent patient protections that are at least as effective as what we have. Nobody knows how effective these are. These are not law. They have never been tried. They have never been tested. They have never been analyzed. They have never been in the real market. No one really has any idea about how much they really cost.

We are saying to the State, whatever you have, it has to be as effective as these, even though we don't know if these are effective or not.

Talk about a bad example of government knows best, that is exactly what we are doing in this bill. We will have an amendment that addresses that in the course of the debate next week.

One other comment I want to make deals with the issue of coverage. I have kind of alluded to it. This bill says it covers all Americans. I have heard several people say that. But if they say that this bill covers all Americans, I assume they are not very knowledgeable about the bill. This bill doesn't cover all Americans. We had a conference this morning. One of my colleagues hit his head. I said: Be careful. You can't sue. You can't sue the Federal Government.

We are getting ready to mandate on the private sector rights and privileges that we don't have as Senators or as Federal employees.

If we took a poll amongst Federal employees and asked "Do you believe your health care is pretty good?"—my guess is most people would say yes. We get to choose from a lot of health plans.

Guess what. You can't sue your employer. This bill doesn't say the Federal Government can be sued by employees. Fine. Private sector, go out and sue your employer. Sue your HMO. Can you sue your HMO if you are a Federal employee? No. You cannot. You can sue to get a covered benefit. You can do that in the private sector right now. Some people say you can't sue your HMO. But you can sue to get a covered benefit.

What people want is to get into a lawsuit lottery where they can go for millions of dollars of excess covered benefits. You can say, I sue. If you want to have coverage for a benefit that you think you are rightly entitled to, you can sue for that today. This bill doesn't cover Federal employees.

This bill doesn't cover the lowest income Americans. What did you say? I said this bill that we have before us doesn't cover the lowest income Americans. It doesn't cover Medicaid.

Think about that. We have a Federal insurance program called Medicaid. This bill doesn't apply to Medicaid. We don't care about low-income Americans with all of these patient protections that we are saying are so magnificent. We are giving these to the private sector, and they won't cost anything? So we are going to have this mandate on the private sector, including liability, but we do not have it for low-income people? Does that make sense?

We love seniors, so I am sure this benefit applies to seniors. I read through the bill and, much to my chagrin, this bill does not apply to Medicare. Wow. I know I heard President Clinton say we are going to make these patient protections apply to Medicare. These protections do not apply to Medicare. Somebody in Medicare cannot sue the Federal Government. Somebody in Medicare cannot sue for unlimited damages through their employer.

I know I heard President Clinton say I already instituted an executive order that applies these patient protections to Federal employees in Medicare, but it did not happen. He did a little something, but it did not apply anything like this bill. It was not nearly as extensive or expensive.

So if we are trying to apply these patient protections to all Americans, we sort of left out a few people. We left out Federal employees. That is interesting. Employees in the State of Alaska, the Governor of Alaska, the State legislature, they have to comply. These benefits must apply to State employees in every State of the Union but not to Federal employees. Wow. We have a heck of a deal.

And, oh, yes, they have to apply to every health care plan in America, every private-sector health care plan in America but not the VA. These benefits do not apply to veterans in our hospitals. These benefits do not apply to Indians in the Indian Health Service. These benefits do not apply to Federal employees. They do not apply to Medicare. They do not apply to Medicaid, to low-income people. So when my colleagues say we want these to apply to all Americans, they have not read their bill.

Guess what. They do not apply to union members either, not for the duration of their contract. If you renegotiate your contract by next summer—and it could be a 10-year contract—you would not be covered in this bill for 11 years. We are going to apply it to everybody else in the private sector, but we are going to have an exemption for our friends in the unions. Wow. That is interesting. So I just make that comment.

I think this bill is aimed, like a gun, at the heads of employers. Private sector, look out. Trial lawyers are after you. They are not just after the HMOs, they are after employers as well. We can fix that by adopting the Gramm amendment. We can exempt employers and make it nice, clean, and straightforward. If you want to exempt employers, vote for this amendment.

Employers, if you want your Members of the Senate to exempt you, if you do not want to be strapped with this unlimited liability, I would urge you to contact your Senators between now and Tuesday and say: Please pass the Gramm amendment. It will have a real effect. It will duplicate the Texas law that exempts employers. So we can make a difference.

Also, if seniors think all these great patient protections we are lauding so much are very good things, you might ask them: Why are you left out of this bill? If this is so good for the private sector, why don't we do it for the public sector as well? It seems like we have a little habit around here, every once in a while, of saying: It is just fine to sue the private sector. We can put all kinds of mandates on them. So what. Oh, but we will not do that to us. I am not sure I agree with that. We may have to have an amendment to clarify that as well.

This bill, in my opinion, is fatally flawed. We are going to try to amend it to improve it. I very much want to put a bill on the President's desk in the not-too-distant future that he can sign and that we will be proud of. Maybe Senator KENNEDY and I can be shaking hands behind him saying we have a good bill that really does protect patients but in the process does not threaten and scare employers.

I think that is possible. I do not think it is in this bill. I think President Bush is exactly right in saying this bill would cost too much. The cost of this bill could increase health care costs 8 or 9 percent over and above inflation in health care, which right now is 13 percent nationally. That is about 22 percent for small business. Businesses and employees cannot afford another 8 or 9 percent on top of already very high medical costs.

So this bill needs to be fixed. It needs to be improved. One giant step toward doing that would be the approval of the pending amendment that we will be voting on some time Tuesday.

So I urge my colleagues to support the underlying amendment. We will come up with additional amendments to improve this bill in relation to liability and scope and contracts. This bill just happens to have a section that says you shall not be bound by the contract. That is interesting. It means it is totally unlimited in what this bill may cover, what somebody may have to pay for, whether it is contractual or not. We will try to fix that as well.

Hopefully, we will improve this bill to the extent that it will be a good bill worthy of the President's signature and one where we can say we did a good job and passed a real bipartisan bill that will improve patient protections for all Americans.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). Will the Senator withhold that request?

Mr. NICKLES. I withhold it.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I would like to follow on the comments made by my good friend, the senior Senator from Oklahoma, relative to the bill before this body.

I come to this Chamber as a Senator that represents a State that does not have a single HMO. As a consequence, with our small population, spread over a large land mass, I do not expect to see many HMOs moving into Alaska anytime soon. But I think this fact has led me to perhaps have an objective view, to look at this legislation with more neutral eyes. And what I see troubles me. I think it should trouble all Americans.

We do have a crisis in our health care system. Right now, there are 42.6 million Americans who are uninsured. These individuals lack even the most basic coverage and must continually worry about how they will pay for health care services.

Will they become sick and fall into a situation where they fail to receive proper medical attention? Will they become hospitalized but have their hospital bills drive them into bankruptcy? Should they pay their doctor bills or pay their rent? Which is it? These are the real concerns facing 1 out of every 6 Americans.

With such a staggering number of uninsured, and such real difficulties they could face, why have the proponents of the bill so cavalierly shrugged off the additional costs of this Patients' Bill of Rights? For every 1 percent increase in premiums, 300,000 more Americans will be faced with the reality of being uninsured. That is 300,000. The Congressional Budget Office has estimated that the McCain-Kennedy bill will increase health care premiums by 4.2 percent.

I think Americans need to know more about this matter. Further, more than 1 million people will lose their health care coverage because of this pending bill. Who is going to protect their right to even be a patient? Who will ensure that they will even have access to a doctor? How are they going to have direct access to a hospital or, for that matter, an emergency room? What new rights will 1 million newly uninsured individuals have in this country?

That is the real problem. And there is real concern for all of us. And don't think there won't be a cost for those who are still lucky enough to retain health care insurance. There would be a cost.

Last year, the average family spent $6,351 on health care expenses. That payment is expected to now go up 13 percent to more than $7,000, even without the McCain-Kennedy bill. If it is enacted as it is currently drafted, those families would have to take on even more financial burdens. Newly uninsured individuals will still receive some modest level of care through expensive emergency room visits or hospitalizations. If they are unable to pay, however, this bad debt will be passed on to those among us, and, as a consequence, the Federal Government will also pick up a significant share. We will all pay more when more and more care is delivered to uninsured individuals.

I have talked to some of my constituents in Alaska. One thing is perfectly clear. They want quality health care for their families, not a prime slot on the local court's docket.

Let's not be coy about who is really pushing this legislation. It is the trial lawyers, and the trial lawyers smell blood in the water.

I applaud Senator FRIST and Senator BREAUX, and others, for putting forward a more well-thought-out Patients' Bill of Rights. They have this part right: Americans want to see their doctor and their specialist in a timely and appropriate manner; they do not want to see their employer, who has gone the extra mile to offer health care benefits, dragged into court.

Under the McCain-Kennedy bill, an employer could be subjected to unlimited economic damages, unlimited noneconomic damages, and up to $5 million in punitive damages.

I have served in this body for a little over 20 years. During that time, I have worked to strengthen and support America's small businesses.

I firmly believe that small businesses are the backbone of our economy and represent the ideals that form this great Nation. Those are the folks who take the real risks. The individuals who start a small business are the risk takers. Obviously, it is a very tough process. They have to be the bookkeeper, the timekeeper. They have to be the first aid master. Anything imaginable you have to do yourself in a small business. You don't have a clinic to go to. You don't have all the assets that a large corporation has almost within house.

That any American could work hard, open a business, create hope and opportunity for their families is what small businesses are all about. When they succeed, of course, they hire employees and eventually offer health care benefits. We should not punish them just because they offer these benefits.

The bottom line effect of this legislation is to force employers to either drastically rewrite their health insurance plans or drop coverage altogether. Whose rights are served then?

While McCain-Kennedy may claim to have a copyright on the so-called Patients' Bill of Rights, I think nothing could be further from the truth. Rather, I think we must all understand that the Frist-Breaux package contains comprehensive patient protections, all without threatening employers. These include:

Guaranteed access to emergency care: As such, a patient can go to the nearest hospital emergency room regardless of whether the emergency room is in their health care plan network or not;

Direct access to OB/GYN care: If OB/GYN care is offered, women can directly access that care;

Direct access to pediatricians: All Americans can choose a pediatrician as their child's primary care doctor;

Access to valuable and beneficial prescription drugs: Physicians and pharmacists will work to develop appropriate drug formulas;

Timely access to specialty care: If a plan lacks a specialist, the patient can go outside the network for no additional cost.

What better protections and rights than access to quality care? Quality care that the more than a million newly uninsured individuals will never, ever receive?

I am grateful that we are debating this bill. I am also grateful that this bill will be subjected to an amendment process. We have a lot of work to do. The first thing we should do is to make sure that employers are not subject to liability simply because they want to care for their employees. Together we can make this a true Patients' Bill of Rights bill. I am committed to having a solid piece of legislation sent to our President for his signature.

NOMINATION OF J. STEVEN GRILES

Mr. MURKOWSKI. Mr. President, I am very concerned. The Energy and Natural Resources Committee has oversight of the Department of the Interior. As a consequence, we have had the responsibility of holding hearings on the nomination of various individuals for the Department of the Interior.

It is rather ironic that the only individual at the Department of the Interior who has been cleared by the Senate in its entirety is Secretary of the Interior Gale Norton. We have had a situation with regard to the Deputy Secretary, Mr. Steven Griles, that deserves some examination by this body.

Mr. Griles was nominated on March 9 by our President. Hearings were held on May 16, as I chaired the Energy and Natural Resources Committee. He was reported favorably out of the committee by a vote of 18–4 on May 23 of this year. All this was prior to the switch by Senator JEFFORDS who made his announcement on May 24. At that time, we immediately began to try to move the nomination. The minority also tried to get a time agreement.

According to the information we have from the floor staff, Griles was cleared on the Republican side on May 23. In an executive session on May 23, we did move one nomination. On May 24, we moved 19 nominations. On May 25, we moved 33 nominations. On May 26, we moved 8 nominations. In each case, Griles was cleared by the Republican side but objected to by the Democratic side. I wonder why.

During this period, a unanimous consent agreement was offered to allow for 2 hours of debate and a vote—the Democratic side said they needed 2 hours—with consideration the week we were to return from the Memorial Day recess.

That was again rejected by the Democrats, as was a modification that deleted the time certain and only included the time limitation. At that point, it was clear that the Democrats would control the floor and the timing on our return.

Yet in executive session on June 14, we cleared three additional nominations, but the Democrats would not clear Mr. Griles. Why?

As of today, Friday, June 22, Mr. Griles has been pending for 30 days without even a time agreement. Even if the majority leader wants to hold consideration of further nominations hostage in the sense of organizing resolutions, an agreement on time for debate has nothing to do with the resolution and the actual scheduling of the debate.

Who suffers by this politicizing? Obviously, the Department of the Interior as a functioning body, and the public whom the Department of the Interior serves. We have a new Secretary, again, the only person down there who is confirmed. She needs help. I encourage the leadership on the Democratic side to let this nominee go. He has not been nor is he a part of the general holdup on the other nominees because action was taken on him prior to the change in the leadership in the Senate.

I am kind of amused by some of the comments of my colleagues on the other side who indicate a puzzlement, saying there have been no attacks on Griles. They simply have said all the nominations are on hold while the Senate reorganizes because of the switch of the Senator from Vermont.

I think the explanation I have given is not only accurate but gives thought to some of the excuses we have heard from the other side as to their justification. There is no justification.

ENERGY

Mr. MURKOWSKI. Mr. President, I rise to discuss a matter I know is very close to the interests and the heart of my colleague who occupies the chair. That is the issue of energy.

As we look at energy in view of the calendar, it is quite obvious that while energy appears to be the No. 1 issue in the minds of most Americans today, it certainly is not on the minds of the leadership in the Senate body. Energy is not even on the calendar.

It is my understanding, after the Patients' Bill of Rights, we will probably go to a supplemental. We may have the minimum wage, any number of things. Energy is not on the list.

I can only allude to what I assume is a political evaluation that somehow the Democrats are better off not working in a bipartisan manner to address the corrections that are going to be needed to bring about relief from this energy crisis but would rather object to any action being taken as they blame our President and his association with the energy industry as the cause of some of the problems associated with energy in this country.

When you think about it, you might say the Democrats are waging a war against the prosperity and freedoms associated with the character of this country.

The character of this country, to a large degree, is directly associated with a standard of living. That standard of living is based on affordable energy and a plentiful supply. Energy really powers our Nation's freedom, our national security. It gives us the flexibility to live our lives as we choose, to pursue our hopes and our goals. Energy powers the workplace, moves the economy, moving it forward and bringing all of us along with it.

As we know, as evidenced by the polls, the energy supply and price of energy are all part of the energy crisis in this country. Supplies are threatened, costs are rising, and the resulting crisis is undermining our economy.

When an issue of this magnitude touches so many families in so many ways, Congress simply must act. We must do what we can to help provide solutions to the crisis. But now with the change of leadership, what we seem to have on the other side is a lack of interest in even including energy on the agenda. We have asked the Democratic leadership time and time again to schedule on the calendar time so we can debate the comprehensive energy bills that have been introduced. These bills are pending in the Committee on Energy and Natural Resources, where I am now the ranking member. But the reality is we can't seem to move or get any time agreement or any priority in this body.

It is amazing that the emphasis seems to be blaming our President—a President who has proposed a methodology to fix it. He has developed from his energy task force report specific recommendations. One of the more interesting things is the manner in which some in the media are coming to the general assumption that there really isn't a shortage at all, and that this is something that has been trumped up by the oil industry, big oil, with the knowledge and support of the President.

How ridiculous, Mr. President. I have a chart here that shows why things are different, why this crisis exists. Anybody who suggests there is no crisis is not being realistic.

This is America's energy crisis today. It starts with our increased dependence on foreign oil. We are importing 56 percent of the total oil we consume in this country. In 1973, when we had gas lines around the block, when we had the Arab oil embargo, as a consequence of that, we were 37-percent dependent. We created a Strategic Petroleum Reserve. We felt that we never wanted to exceed 50 percent in imports because it would affect national security. Now we are 56-percent dependent and the Department of Energy says that it will be 66 percent by 2010.

Secondly, natural gas—which we have taken for granted for a long, long time—was about $2.16 per thousand cubic feet 14 months ago. Today it is $4, $5, $6. It has quadrupled. We are looking for electric energy from the resource of gas. So that has changed.

The nuclear industry—well, we haven't built a new nuclear plant in more than 10 years—nearly 20 years. We licensed a plant approximately 10 years ago. We are not doing anything in nuclear.

We are concerned about air quality and emissions and we are concerned about Kyoto, global warming, climate change. What particular source of energy contributes more relief and does not emit any emissions of any consequence? Nuclear energy. The nuclear industry contributes 22 percent of the power generated in this country. We haven't done a thing in that area.

When we talk about gasoline prices, why are they so high? Obviously, it is the law of supply and demand. Even Congress can't change that. We haven't built a new refinery in 25 years. The last new one was built in my State of Alaska. The demand is up and we have more people driving.

An interesting thing to notice, while we have other sources of energy for power generation, is that America moves on oil. I wish we had another alternative, but we don't. Our ships, our trains, trucks, cars, airplanes—we don't fly in and out of Washington, DC, on hot air. Somebody has to drill the oil and refine it and transport it and put it in the airplanes, and so forth.

My point is clear. We don't have any other alternative for energy to move America, other than oil at this time. The technology simply doesn't exist.

We haven't built a new coal-fired plant in this country since 1995. Suddenly, we find that our electric transmission lines haven't been expanded, our natural gas transmission lines haven't been expanded. That is why we have an energy crisis. That is why it is different than ever before. It has all kind of come together like the "perfect storm." Everything has come together because we haven't had a policy. We haven't acted and now the American public is saying: What's going on? Why can't Congress fix it? Congress is pointing the finger at everybody and everything, blaming each other instead of moving ahead in a bipartisan manner.

The Democratic leadership refuses to put energy on the priority calendar for this body. I find that unconscionable. America's No. 1 priority is nowhere on the Democrats' list. I think, by holding up this process, they are holding up the prosperity of this Nation. One of our freedoms is to have plentiful and affordable supplies of energy. Our standard of living, to a large degree, is dependent upon that. Do we want to change that standard of living? Clearly, we do not. We want to advance that standard of living by bringing on affordable energy, alternative energy.

A lot of people say, well, conservation is the answer. Conservation is important. We can do a better job, but it will not make up the deficiency that exists. Some say alternatives. Some say renewables. But they constitute a very small percentage, even if you include hydroelectric, which is a renewable. Renewables constitute less than 4 percent of the total energy mix in this country. I wish they contributed more.

I am just afraid the Democrats would rather see this energy issue as a partisan issue, as opposed to a bipartisan victory for both Republicans and Democrats. I can only reach the conclusion that the Democrats are pulling the plug on the energy solution, figuring they are better off to attack the President, the White House, big oil, than to address the problem. If they do, we are all going to be left in the dark.

I thank the Chair, and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INVESTING IN COMMUNITIES DAY

Mr. DASCHLE. Madam President, the vast majority of cities throughout our Nation are small cities, many of which are fewer than 50,000 people. It is in these communities that our Nation's citizens nurture their families, develop their work ethic, cultivate their values, and live with their neighbors. Millions of Americans live better lives because small cities provide services and programs that meet the needs of their citizens. But small cities cannot meet these needs alone.

Businesses, civic organizations and citizens across the Nation continue to develop partnerships in an effort to improve the quality of life in their communities. The Federal Government, too, must continue to be a good partner by supporting important efforts, such as the COPS program, Community Development Block grants, disaster assistance and infrastructure assistance, that enable small communities to become better places in which to live.

The National League of Cities has designated this day, June 22, 2001, as National Small Cities "Investing in Communities Day" in an effort to highlight the many ways in which Federal, State, and local governments work together. We must continue that work and look for ways to improve our communities through continued cooperative efforts.

I join the National League of Cities and the Small Cities Council in encouraging President Bush, my congressional colleagues, State governments, community organizations, businesses and citizens to recognize this event, honor the efforts of "small town America," and renew our commitment to work together on this day and in the future to improve the lives of all citizens throughout the Nation.

SURVIVOR'S TALMUD DEDICATION CEREMONY

Mr. WARNER. Mr. President, I rise today to share with my colleagues an historical event which took place at the Chrysler Museum in Norfolk, VA on May 22, 2001. The event memorializes a remarkable chapter in Army history that occurred after Word War II.

The event was the dedication of the Survivor's Talmud Exhibit which was done in honor of a truly great man, Leonard Strelitz, by his close friends. The story of the Survivor's Talmud speaks to the strength and resolve of a very determined people of Jewish faith some 54 years ago; and, to the resourcefulness and caring of a handful of U.S. Army soldiers.

Today, I place in the CONGRESSIONAL RECORD excerpts from the ceremony that convey the historical and spiritual splendidness of this extraordinary tale to include: the Invocation, by Rabbi Dr. Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach; Remarks and Benediction by Major General Gaylord T. Gunhus, Chief of Chaplains, U.S. Army; and Remarks by Mr. Marvin Simon and Mr. Walter Segaloff, hosts of the evening's events.

Due to Senate business on the day of the ceremony, I was not able to attend so I am also placing in the RECORD a copy of a letter I wrote to be read during the ceremony.

As this magnificent exhibit tours throughout the country, I hope it will instill in younger generations the critical importance of preserving human rights, individual dignity, and freedom. It will remind future generations of the incomprehensible sacrifices of the World War II generation and their need to always remain alert to prevent a reoccurrence in the future.

I ask unanimous consent to print the material to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF RABBI DR. ISRAEL ZOBERMAN

Mekor Hachaim, Source of All Life, Our God, Goodness' Guide, Dear and Distinguished Friends and Guests:

We have gathered on a momentous occasion at this enchanting setting of the Chrysler Museum of Art, dedicated to civilization's creative celebration of life, mindful that our Norfolk and Hampton Roads are home to the military might for sacred freedom's sake of the world's sole superpower, allowing the human enterprise to flourish into a blessing. Here from whence our heroic sons and daughters sailed to brave history's harshest storm of World War II, we recall with lasting gratitude and devotion our proud nation's sacrificial contribution in blood and spirit to ending the threat to creation of the Nazi kingdom of death, with its genocidal destruction of a third of the Jewish people and untold suffering to humanity.

I stand before you, profoundly awed, son of Polish Holocaust survivors who spent from 1947 to 1949 with my family in the Displaced Persons Camp of Wetzlar at Frankfurt, benefiting from a much appreciated reassuring embrace at a trying time of turmoil and transition. The printing for us of the Talmud on German soil facilitated by the U.S. Army, to save the Jewish soul, was an act of enduring love we shall always cherish. We knew that our miraculous physical perseverance was ultimately rooted in preserving our unique spiritual heritage that was Hitler's final target, seeking to eradicate from the planet Earth the essential Judeo-Christian values and ideals.

Honoring our U.S. Army and government through affirming by special friends the blessed memory of beloved Leonard Strelitz with acquiring a full 19 volume edition of that legendary Babylonian Talmud publication is most appropriate indeed, along with this being the beginning of the traveling treasured exhibit sponsored by the American Jewish Historical Society. Leonard's towering stature propelled him to rise to new heights of commitment, caring and compassion. A great American, the prophetic vision was fulfilled in him with both the lion and lamb dwelling in his big heart of a true leader with commanding presence. He singularly served the surviving remnant of his Jewish people as a tough lion, national chairman of the United Jewish Appeal aiding the embattled State of Israel, as well as a tender lamb in support of all worthy causes with the crown jewel of the Leonard R. Strelitz Diabetes Institutes at Eastern Virginia Medical School, placing personal success to serve the public agenda, most ably prodding others to follow suit, for none could refuse him.

To him, his dear wife Joyce who nourished and sustained him and the entire family, our heartfelt thanks. Leonard's inspiring legacy is forever intertwined with out tradition's best impulse and the noblest in our nation's character, shining testimony to his faith's abiding message to all of shalom's promise, purpose and peace. Let us say Amen.

[Rabbi Dr. Israel Zoberman, spiritual leader of Congregation Beth Chaverim in Virginia Beach, is President of the Hampton Roads Board of Rabbis and Chairman of the Community Relations Council of the United Jewish Federation of Tidewater. He was born in Kazakhstan in 1945.]

SPEECH AND BENEDICTION BY MAJOR GENERAL GAYLORD T. GUNHUS

On behalf of the United States Army, it is with great pleasure that I accept this plaque. Thank you for this symbol, of your gracious recognition for the service our Army rendered to the Jewish community in post War Germany. It is an honor to be here today to acknowledge the events that led to the printing of the Survivors Army Talmud and to acknowledge the role United States Army leaders had in making the Talmud printing possible.

Most Americans are unaware of the history and story, which we have heard and celebrate today.

Europe in the mid 20th century, a site of the worst carnage and evil in the modern period, was freed at great cost—a cost few of us here were able to witness first hand.

This Great War of liberation against the forces of totalitarianism, posed for the entire world, then and now, an open question. Can mankind find the goodness within the soul to defend against the impulses of tyranny and hatred? This is a question we must answer daily for ourselves, and for the sake of our children, the heirs of the future.

It is with great pride in the values, which our nation represents, that I stand here today. This pride, which we share in common, is tempered by the knowledge of the sacrifice and courage of those, who in times past, gave their lives for our fondest hopes of liberty.

We know that a free nation must rise above the simple pride bestowed by victory in war. A free nation, if it desires to be great, must be the servant of freedom and the defender of dignity for every man and woman. The Army of our nation in post war Europe, was then, and is today, more than a mighty physical force.

Similarly, the printing of the Talmud in Post War Germany is more than simply the printing of books. The event for which we gather today to commemorate and honor, the restoration of the Jewish religious and cultural life in Germany after the defeat of Nazi forces, is the result of many individuals' labor and courage. Some of these leaders were men in uniform, some were not, some were religious leaders, some were not, but each was connected by a common commitment to turn back the tide of darkness that had spilled across the continent.

For me, this event signifies the values and principles of our nation and the institution that I serve, the United States Army.

It would be my hope that every citizen could witness this exhibit and read the history that helped bring back the light to those that may otherwise have lost hope. May the words of the Scriptures ever be heard, "Hear O Israel: The Lord our God, the Lord is one."

On behalf of (Army Chief of Staff) General (Eric) Shinseki, and all the members of the Army, past and present, thank you for your gift of gratitude and this symbol of appreciation.

BENEDICTION

As we conclude today's ceremony honoring the many participants, including the 3rd U.S. Army for bringing the light of the Torah to the victims of persecution, we are ever grateful, as Americans and men and women of faith, for the blessings of freedom and privilege of living in this great land. We ask, Lord, that you watch and protect our brave soldiers who stand guard over the nation throughout the world.

May this magnificent Army Talmud Exhibit serve as a poignant reminder that Your Word, is the "tree of life for those who grasp it, and all who upheld it are blessed. Its ways are pleasantness and all its paths are peace." And, as we read, in Proverbs (6:22–23) "When you walk, it will lead you; When you lie down, it will watch over you; And when you are awake it will talk with you. For these commands are a lamp, this teaching a light."

Let us, as people of God, work together to build a world free from intolerance and prejudice. All this we ask in Your name. Amen.

EXCERPTS FROM REMARKS OF WALTER SEGALOFF

Good Evening everyone. I am Walter Segaloff and I want to thank you for joining us for this very historic occasion.

This evening is special for two reasons—

First, we deal with a forgotten chapter in our history, that is "The Story of the Jewish—Displaced Persons—From 1945 thru 1949"—and the unique part that the United States Army played in that tragedy.

Secondly, we honor Leonard Strelitz through the dedication of the Army Talmud Exhibit to him. Many of us knew Leonard as "our leader" or affectionately as "the Don of the Southern Mafia." He was the one who energized so many of us, the one who solicited us, and by way of example through his and his brother Buddy's and their family's extraordinary level of giving set an example that we willingly and in many cases "unwillingly" followed. Most of the time we felt better about our giving, we felt prouder, for we knew we were making vital contributions to the birth of a nation and the gathering in of the remnants of the Holocaust—the displaced persons of Europe.

I would like to recognize a number of people who are in the audience tonight for this occasion:

TRADOC Chief of Chaplains, COL Douglas McLeroy and his wife, Dana;

Dr. William Hennessey, Director of the Chrysler Museum of Art in Norfolk;

Dr. Michael Feldberg, Director of the American Jewish Historical Society in New York City;

Dr. Arthur Kaplan, chairman, of the Tidewater Jewish Foundation and his wife Phyllis;

Philip S. Rovner, Executive Director of the Tidewater Jewish Federation;

Ms. Annabel Sacks, President United Jewish Federation of Tidewater;

Mark Goldstein, Executive Vice President of the United Jewish Federation of Tidewater;

Rabbi Michael Panitz of Temple Israel who prepared a pamphlet on the Talmud that is available at the exhibit;

Joel R. Rubin, President, Rubin Cawley and Associates;

U.S. Senator John Warner.

We are privileged to have with us a truly unique group of people who honor us with their presence—Local Holocaust Survivors:

Esther Goldman;
Alfred Dreyfus;
David and Brinia Hendler;
David Katz;
Bronia Drucker;
Hanns Loewenbach;
Kitty and Abbott Saks;
Aron Weintraub who lived in a DP camp after World War II in Germany.

Tonight the Jewish Community in Hampton Roads Virginia representing Jewish people everywhere is pleased to dedicate an exhibit commemorating the decision by the United States Army 54 years ago. in post war Germany to print complete sets of the Babylonian Talmud for the survivors of the Holocaust.

It was a remarkable humanitarian gesture and was evidence of the great spirit of our nation and its kindness to people who have been beset by human tragedy that defied comparison or imagination.

Later in the program you will hear from Marvin Simon how this exhibit and program came about.

In preparing this exhibit, Dr. Michael Feldberg from the American Jewish Historical Society expressed his enthusiasm for the project and noted: ". . . I understand that Leonard's Hebrew name is R–YEA (aryon), which means lion, and that his family name Strelitz in Russian means steel. We would all agree Leonard was truly a man with a lion's heart and a will of steel. His leadership and personal example inspired countless others throughout the country—through them—through us—his work continues to this day. . . ."

A brief overview of the primary reason we are here tonight which is to thank the U.S. Army for their role . . . During these historic times.

During 1945 and 1946, American Jewish organizations such as ORT and the Joint Distribution Committee lobbied to improve the Jewish DP's living conditions. At their urging, President Harry S Truman appointed the Harrison Commission to investigate the treatment of Jewish DP's. The commission reported, "As matters now stand, we appear to be treating the Jews as the Nazis treated them except we do not exterminate them. They are in concentration camps in large numbers under our military guard instead of S.S. troops. One is led to wonder whether the German people, seeing this, are not supposing that we are following or at least condoning Nazi policy."

Truman ordered General Dwight D. Eisenhower, commander of U.S. forces in Europe, to "get these people out of camps and into decent housing until they can be repatriated or evacuated . . . I know you will agree with me that we have a particular responsibility toward these victims of persecution and tyranny who are in our zone . . . We have no better opportunity to demonstrate this than by the manner in which we ourselves actually treat the survivors remaining in Germany."

Part of restoring their lives meant reinvigorating Judaism. Remember, along with humans, the Nazi's burned Jewish books, synagogues and schools. By 1945, not one complete set of the Talmud could be found in Europe.

After Truman's memo to Eisenhower, conditions got much better followed by a high level mission of American Jewish leaders including Rabbi Stephen Wise who visited the camps in a show of support for the DPs and Rabbi Wise thanked the U.S. Army and General McNarnary when he said "At its highest levels, the U.S. Army has become sincerely and deeply involved in the effort to make camp life bearable, restoring freedom and dignity to the survivors of the Holocaust."

The Army was showing the very best side of American humanitarianism in its handling of a civilian refugee situation, a task for which it was not trained.

With the U.S. Army's encouragement, a "Charter of Recognition" was written. The U.S. Army was saying something that no other arm of any allied government was yet willing to say—that the Jewish DP's must be recognized as different. All other DP's could be repatriated to a homeland; only the Jews were without one.

The difference could be remedied by a political decision beyond the Army's capability. But in the meantime, the Army would declare, in effect, that Palestine had to be recognized someday as the DP's homeland. Thus, the most important military arm of the United States was accepting the basic premises of the Zionist movement. How remarkable!

I quote from part of Rabbi Herbert Friedman's book "Roots of the Future".

He writes "No matter which camp in Germany I visited, I kept hearing the name of Babenhausen. It became a symbol for restlessness, for the huge problem of being stuck in camps without a solution for the future. The question grew more persistent: "When will we get to Palestine?"

About two months later, I was able to help supply an answer. David Ben-Gurion, chairman of the Jewish Agency, was in Paris, en route to Switzerland. He wanted to visit a refugee camp—not a model operation, but one in which he could see the true, rough fiber of DP life. I took him to Babenhausen.

Ben Gurion was the clear and undisputed leader of the Jewish population of Palestine (about 600,000 at that time) and the leader of world Jewry's thrust toward a sovereign state. He was a fighter—the small, cocky, bantam rooster—the charismatic, world famous symbol of the Zionist force.

For the occasion, we utilized the camp's largest stable, with a small stage at one end and standing room for thousands of people. Ben-Gurion's presence did indeed produce an electric wave of excitement. So many DP's crowded in that it seemed almost all of the camp's 5,000 residents were pressed into that area. They knew that this dynamic, white-haired man was their link with a history they thought had forgotten them.

For the first time, there were smiles inside the gates of Babenhausen, and then came the inevitable question—poignant, pleading, uncertain, wavering, but persistent: "When, Mr. Ben-Gurion? When will we go to Palestine?"

As Ben-Gurion listened to those questions, he began to weep, the only time in my long relationship with him I saw that happen. The tears fell slowly. He spoke through them, quietly but firmly. I remember his words almost exactly:

"I come to you with empty pockets. I have no British entry certificates to give you. I can only tell you that you are not abandoned, you are not alone, you will not live endlessly in camps like this. All of you who wish to come to Palestine will be brought there as soon as is humanly possible. I bring you no certificates—only hope. Let us sing our national anthem—Hatikvah which means Hope."

In that way, the people of Babenhausen understood that their unloved camp was not the end of the line but a way station on the road to freedom.

After the apparent absence of God during the maniacal years of their torment, the survivors were not strong in religious faith. But they were fierce in their ethnicity; they clung to each other desperately and were loyal to their peoplehood. And, thus the reason we are here tonight—to honor the U.S. Army for their understanding, sympathy, and the morality of their conduct and their help in providing books of traditional significance.

The rest of this remarkable story which 54 years later brings us to tonight is left to Marvin Simon, Senator John Warner, and our guest speaker—Lucian Truscott IV and to Major General Gaylord T. Gunhus, Chief of the U.S. Army Chaplains.

I now call on another giant of our community who was the lead benefactor of this project—the man who made tonight possible. He has worked closely with the American Jewish Historical Society to make sure the exhibit tells the story, both of the Survivor's Talmud and of Leonard Strelitz. Please welcome Marvin Simon.

INTRODUCTION OF SPONSORS BY MARVIN SIMON

Please welcome our guest Senator Chuck Robb—a friend of many of you—a long time proven friend of Israel and the Jewish people—Senator Robb

INTRODUCTION OF SENATOR JOHN WARNER

In 1946, a delegation of DP rabbis approached General Joseph McNarney, commander of the American Zone of Occupied Germany, asking that the Army publish a Talmud. McNarney understood the symbolic significance of their request and received assistance from General Lucian Truscott who had succeeded General George Patton as commander of the 3rd Army.

The grandson of General Lucian Truscott is Historian Lucian Truscott IV and we are pleased that he is with us this evening as our keynote speaker.

Mr. Truscott, whose father was a West Point graduate and Colonel in the Army, is the oldest of five children. Mr. Truscott graduated from West Point in 1969, then made a name for himself by revealing a serious problem with heroin abuse that existed in the service, a revelation that at first did not sit well with the Army and led to his discharge.

Lucian Truscott subsequently became a investigative reporter for the Village Voice, then the best author of Dress Gray, considered one of the best novels ever written about West Point. It became a television mini-series. Mr. Truscott then wrote Dress Blue, a riveting novel about Vietnam. He has also written screenplays and today lives in Los Angeles.

Please welcome Lucian Truscott IV.

INTRODUCTION OF JOYCE STRELITZ

It is my pleasure now to bring you someone who needs no introduction to this audience. Joyce Strelitz. Tonight the benefactors would like to thank the following for tonight would not have been possible without their invaluable participation, work and support in the coordination of the Survivors' Talmud exhibit and dedication.

Thank you to:

American Jewish Historical Society, Executive Director, Dr. Michael Feldberg;

Chrysler Museum of Art, Director Dr. William T. Hennessey and a truly wonderful staff;

Rubin Cawley and Associates, President Joel R. Rubin;

Rabbi Michael Panitz, Temple Israel in Norfolk;

Headquarters TRADOC, Ft. Monroe;

Ft. Eustis Public Affairs;

Ft. Story Public Affairs;

Mr. Mark Goldstein, Executive Director of the Tidewater Jewish Federation and Ms. AnnaBelle Sacks, President of the Tidewater Jewish Federation;

Dr. Arthur Kaplan—President of Tidewater Jewish Foundation;

And last Philip Rover, Executive Director of the Tidewater Jewish Foundation who did a truly wonderful job in a leadership role, his organizational skills, follow through and support, made doing this project a pleasure. Thank you Philip, Beth Jacobsen, and Ellen Anitai and the rest of your staff.

U.S. SENATE,
Washington, DC, May 22, 2001.

To the Special Participants and Guests of the Survivors' Talmud Dedication Ceremony and members of the Strelitz Family:

It is with extreme disappointment that I pen this note to be read in my stead at today's ceremony. I had planned until one hour ago to be with you but the only thing senators must do is to vote, so here I must remain—voting—on legislation to provide federal tax relief.

My thoughts, however, are truly with you as the Survivors' Talmud Exhibit is dedicated and a long awaited 'Thank you' is delivered to the U.S. Army. This extraordinary story speaks to the strength and resolve of a determined people and it is in honor of a great man, Leonard Strelitz.

In a war ravaged Europe, Army soldiers managed to gather scarce resources, that "officially" did not exist, in order to publish the Talmud. By the end of 1948, 100 copies had been published and a brave people had renewed hope for their future.

That is the historic past; now we look to the future. The citizens of this community have joined in this commemorative event to preserve a unique chapter of history for future generations to more fully understand the sacrifices, losses, and the courage of the World War II generation.

With great humility I mention that I was a young sailor in the closing months of World War II, and today, I experience stunning disbelief of how few of this generation have any remembrance of that period of history. Future generations must always remain alert to prevent abuses of human rights, individual dignity, and freedom. I thank those present tonight for their vigilance and recognition of the initiatives of the citizen soldiers of World War II.

With kind regards, I am

Sincerely,

JOHN WARNER.

QUESTIONS ON CONCEALED WEAPONS LAW

Mr. LEVIN. Mr. President, last Wednesday the Michigan Supreme Court heard oral arguments on whether or not the State should allow a new concealed weapon law to go into effect without being put before the voters in a referendum. I oppose the law because it would undermine the authority of local gun boards and explode the number of concealed weapons on Michigan's streets. As the Justices deliberate this issue, recent press reports have raised a number of disturbing questions about the law.

For example, how will the corner drug store deal with a suspected shoplifter knowing that every person could be legally armed? Will emergency rooms and board rooms be filled with armed citizens? If so, what will that mean for public safety? Think about it. One Michigan employment expert perhaps described it best: "How many times have people seen others react to situations or stress in the workplace, or react to a situation and think, if they had a gun?"

A recent article from the Oakland Press in Michigan refers to a bumper sticker that says, "An armed society is a polite society." While I am all for improving civility, I don't believe that arming our citizens is the best way to achieve it. And, I hope that I don't have the opportunity to be proven correct.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 26, 1990 in New York City. A gang of men shouting anti-gay slurs attacked three men. Seven men were arrested in the attack. One victim was slashed on the face and another was cut. The assailants picked up the third and threatened to throw him in the Hudson River.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

THE BOSTON CELTICS' "HEROES AMONG US" AWARD

• Mr. KENNEDY. Mr. President, today I have the special privilege of acknowledging forty-seven extraordinary individuals who have received this year's "Heroes Among Us" Award from the Boston Celtics.

This past season was the fourth consecutive season that the Celtics have honored these heroes at home games in recognition of the selfless contributions they have made to their communities. Over the last four years, the Celtics have honored over one hundred and fifty men and women with this prestigious award, which is one of the leading community-outreach programs that the Boston Celtics Charitable Foundation has initiated.

The Foundation was established to improve the lives and opportunities of young people in New England through local outreach programs. Members of the Celtics are actively involved in these initiatives and I commend their leadership and dedication to this worthwhile activity. The Celtics deserve great credit for all they have done to promote community service programs which have benefited Boston's public schools, raised funds for local neighborhoods, and have given the area's youth the opportunities they need and deserve in order to become active and responsible members of society.

These heroes are men and women who represent the great potential of Massachusetts. Their common tie is the commitment to community service that exemplifies the best of our country. The forty-seven heroes honored by the Celtics this year are role models for all of us, and they are living proof that one person can make a difference in the lives of others. These extraordinary individuals saw the opportunity to improve the lives of their fellow citizens, and their leadership has helped brighten the lives of countless others in our community.

I commend the Celtics and all of these "Heroes Among Us" for their contributions and achievements. I ask that the names of this year's 47 "Heroes Among Us" may be printed in the CONGRESSIONAL RECORD.

The list follows:

1. Michael Obel-Omia.
2. Matthew & Miriam Gannon.
3. Betsy & Danny Nally.
4. Greg Zaff.
5. Dr. Stephan Ross.
6. Jane Alexander.
7. Ira Kittrell.
8. Reverend Ross Lilley.
9. Peter Needham.
10. John Burke.
11. Mark Friedman.
12. Deb Berman.
13. Rick Hobish.
14. Anna Ling Pierce.
15. Matthew Kinel.
16. Officer Bill Baxter.
17. Gene Guinasso.
18. Rocky Nelson.
19. Monsignor Thomas McDonnell.
20. Marianne Moran.
21. Ron Adams.
22. Robin & Caitlin Phelan.
23. Janet Lopez.
24. Sergeant Tavares.
25. George Greenidge, Jr.
26. Maria Contreras.
27. Lieutenant Paul Anastasia.
28. David Waters.
29. Barbara Whelan.
30. Judge Reginald Lindsay.
31. Dennis Fekay.
32. Sarah-Ann Shaw.
33. John Engdahl.
34. Anne Carrabino.
35. Deborah Re.
36. Officer Scott Provost.
37. John Iovieno.
38. Dan Doyle.
39. John Rosenthal.
40. Pam Fernandes.
41. Al Whaley.
42. Matthew Pohl.
43. Anna Faith Jones.
44. Billy Starr.
45. Jetta Bernier.
46. Laura Goldstein.
47. Nikki Flionis.•

IN MEMORY OF CALIFORNIA SUPREME COURT JUSTICE STANLEY MOSK

• Mrs. BOXER. Mr. President, today I reflect on the career of one of the most respected and influential members of the California Supreme Court, Justice Stanley Mosk.

Before his death at the age of 88, on June 19, 2001 at his home in San Francisco, Justice Mosk was the longest-serving member in the Court's 151-year history. He leaves an exceptional legacy that will be felt for many years in California and beyond. Among his many contributions he continuously worked, from the beginning of his career to the very end, to protect the civil rights and liberties of Californians and all Americans. He will be remembered for his integrity, his intellect and for his unwavering commitment to assuring that our courts and laws are based on the principles of justice and equality for all.

Stanley Mosk was appointed to the California Supreme Court by Governor Edmund G. "Pat" Brown on August 8, 1964. He served on the Court for nearly 37 years.

He began his career in the law during the Depression. Not many years after graduating from law school he rose to become executive secretary and legal advisor to California Governor Culbert Olson. He was appointed to the State Superior Court bench in 1942. At the time of his appointment, he was 31 years old, the State's youngest Superior Court judge. He served on the Superior Court bench for some 16 years, a tenure interrupted only by military service during World War II. He went on to win statewide election as California Attorney General, a position in which he served for 6 years, and was the first practicing Jew to be elected to that office. As attorney general, he fought for civil rights reforms and to strengthen antitrust laws.

During his tenure on the Supreme Court, Justice Mosk wrote over 1,600 opinions, many of which had a profound influence on California law, and were later echoed in opinions of other States' courts and the U.S. Supreme Court. He was often a man ahead of his time. As one example, in 1978 he wrote an opinion which outlawed racial discrimination in jury selection. The U.S. Supreme Court upheld the same principle 8 years later. Justice Mosk also worked to promote the State constitution as an independent document, guaranteeing essential rights, distinct from the U.S. Constitution. Many States followed his lead.

To quote current California Supreme Court Chief Justice Ronald George, "Stanley Mosk was a giant in the law." Although he is no longer with us, his passion for justice will live through his rulings for years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2217. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2217. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2581. A communication from the Acting Assistant General Counsel for Regulations, Office of Educational Research and Improvement, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Notice of Final Priority: American Indian and Alaska Native Education Research Grant Program" received on June 20, 2001; to the Committee on Indian Affairs.

EC-2582. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Solicitation for Proposals: To Promote the Use of Market Based Mechanisms to Address Environmental Issues" received on June 21, 2001; to the Committee on Environment and Public Works.

EC-2583. A communication from the Chief Executive Officer of the Federal Loan Bank of Chicago, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls for 2000; to the Committee on Governmental Affairs.

EC-2584. A communication from the Clerk of the United States Court of Federal Claims, transmitting, the Report of the Review Panal relative to S. Res. 129, 105th Congress., 1st Session referred S. 1168; to the Committee on the Judiciary.

EC-2585. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Filing an Application for a Tentative Carryback Adjustment in a Consolidated Return Context" (RIN1545-AY58) received on June 21, 2001; to the Committee on Finance.

EC-2586. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Aggregate Stock Ownership Rules" (RIN1545-AY80) received on June 18, 2001; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-111. A resolution adopted by the Board of Director of the Colorado River Water Users Association relative to the nomination for the position of Assistant Secretary of Fish, Wildlife and Parks, Department of the Interior; to the Committee on Environment and Public Works.

POM-112. A petition presented by the Council on Administrative Rights entitled "Full Circle"; to the Committee on Environment and Public Works.

POM-113. A petition presented by the State of Maryland General Assembly relative to Senate Bill 85; to the Committee on the Judiciary.

POM-114. A petition presented by a Member of the General Assembly of the State of Missouri relative to energy; to the Committee on Energy and Natural Resources.

POM-115. A joint resolution adopted by the Legislature of the State of Maine relative to Medicare supplement insurance policies; to the Committee on Finance.

JOINT RESOLUTION

Whereas, prescription drugs provide essential treatment to all our citizens in this country; and

Whereas, retail expenditures on prescription drugs in most states have approximately doubled over the past 6 years; and

Whereas, citizens in the United States often pay the highest prices in the world for prescription drugs, and due to these excessive prescription drug prices, access to such prescription drugs is often unobtainable to certain people confronting serious illnesses; and

Whereas, federal rules currently regulate uniform Medicare supplement insurance policies that are available for sale to people eligible for Medicare coverage; and

Whereas, coverage for prescription drugs through the federally regulated Medicare supplement insurance uniform A-J policies is very limited; now, therefore, be it

Resolved, That, We, your Memorialists, request that the United States Congress make a change to federal rules and regulations to allow the development of Medicare supplement insurance policies offering greater prescription drug coverage than is currently available; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives of the United States and to each Member of the Maine Congressional Delegation.

POM-116. A resolution adopted by the Senate of the Legislature of the State of Pennsylvania relative to domestic violence; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, Between 2 and 4 million women each year are victims of domestic violence nationally; and

Whereas, At least 800,000 Pennsylvanians are victims of domestic violence each year; and

Whereas, Domestic violence is a health care problem of epidemic proportions; and

Whereas, Medical professionals have a unique opportunity to intervene in domestic violence as they are often the first resource a battered victim seeks for help; and

Whereas, Health care providers can be a critical link to safety by offering support, information, education, resources and follow-up services to patients who are identified as victims of domestic violence; and

Whereas, Approximately only 10% of primary care physicians across the nation routinely screen for partner abuse when a patient is not currently injured; and

Whereas, The General Assembly recognized the importance of screening patients for symptoms of domestic violence in enacting Act 115 of 1998, which established the Domestic Health Care Response Program; and

Whereas, Act 115 of 1998 made Pennsylvania the first state in the nation to establish patient screening and advocacy programs in hospitals and health care systems; and

Whereas, The Family Violence Prevention Fund recognized Pennsylvania as the only state to receive an "A" grade for laws regarding health care response to domestic violence; and

Whereas, A team from Pennsylvania has joined teams from 14 other states and tribes and the Family Violence Prevention Fund to create innovative and sustainable health care responses to domestic violence on a national level through the National Health Care Standards Campaign; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania recognize June 12, 2001, as "National Domestic Violence Health Care Standards Campaign Kick-Off Day" in Pennsylvania; and be it further

Resolved, That the Senate encourage Pennsylvanians and health care professionals in this Commonwealth to learn more about the causes, signs, prevention and treatment for domestic violence; and be it further

Resolved, That the Senate urge the Congress of the United States to recognize the "National Domestic Violence Health Care Standards Campaign and to promote the screening of patients for domestic violence by health care professionals across the nation; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–117. A resolution adopted by the Senate of the Legislature of the State of Pennsylvania relative to water pollution; to the Committee on Appropriations.

SENATE RESOLUTION

Whereas, The biggest water pollution problem facing the Commonwealth of Pennsylvania today is polluted water draining from abandoned coal mines; and

Whereas, More than half the streams that do not meet water quality standards in this Commonwealth are affected by mine drainage; and

Whereas, This Commonwealth has more than 250,000 acres of abandoned mine lands, refuse banks and old mine shafts in 45 of the 67 counties, more than any other state in the nation; and

Whereas, The Department of Environmental Protection estimates it will cost more than $15 billion to reclaim and restore abandoned mine lands; and

Whereas, The Commonwealth now receives about $20 million a year from the Federal Government to do reclamation projects; and

Whereas, There is now a $1.5 billion balance in the Federal Abandoned Mine Reclamation Trust Fund that is set aside by law to take care of pollution and safety problems caused by old coal mines; and

Whereas, Pennsylvania is the fourth largest coal-producing state in the nation, and coal operators contribute significantly to the fund by paying a special fee for each ton of coal they mine; and

Whereas, The Department of Environmental Protection and 39 county conservation districts through the Western and Eastern Pennsylvania Coalitions for Abandoned Mine Reclamation have worked as partners to improve the effectiveness of mine reclamation programs; and

Whereas, Pennsylvania is not seeking to rely on the Federal appropriation to solve the abandoned mine lands problem in this Commonwealth and has enacted the Growing Greener program which has provided additional money for mine reclamation activities; and

Whereas, Pennsylvania has been working with the Interstate Mining Compact Commission, the National Association of Abandoned Mine Land Programs and other states to free more of these funds to clean up abandoned mine lands; and

Whereas, Making more funds available to states for abandoned mine reclamation should preserve the interest revenues now being made available for the United Mine Workers Combined Benefit Fund; and

Whereas, The Federal Office of Surface Mining, the United States Environmental Protection Agency and the Congress have not agreed to make more funds available to states for abandoned mine reclamation; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the President and Congress of the United States to make the $1.5 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–118. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the Estuary Restoration Act of 2000; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 167

Whereas, the estuaries and coastal wetlands are vital to the ecological, cultural, and economic well-being of the state of Louisiana as well as many other states; and

Whereas, the estuaries and wetlands have been deteriorating and action must be taken to restore and protect these important resources if they are to survive; and

Whereas, the state of Louisiana, in cooperation with its federal and local partners, has developed the Coast 2050 plan which provides a blueprint for restoring its coast; and

Whereas, the Congress of the United States has enacted the Estuary Restoration Act of 2000 to provide resources and assistance for coastal and estuary restoration; and

Whereas, the Estuary Restoration Act of 2000 also empowers communities, volunteers, businesses, landowners, and public interest groups to become stewards of coastal and wetland restoration; and

Whereas, the Estuary Restoration Act currently authorizes up to fifty million dollars in this fiscal year for coastal restoration: Therefore, be it

Resolved that the Legislature of Louisiana does hereby memorialize the Congress of the United States to fully fund the Estuary Restoration Act of 2000; and be it further

Resolved that a copy of this Concurrent Resolution be transmitted to the presiding officers of the House of Representatives and the Senate of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–119. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the Gulf Hypoxia Action Plan; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 129

Whereas, the Gulf of Mexico and the coast of Louisiana are important natural resources of the state of Louisiana and the nation; and

Whereas, by House Concurrent Resolution No. 47 of the 2000 Regular Session, the Louisiana Legislature expressed its concern about the hypoxic zone in the Gulf of Mexico, its biological and economic impacts, and the risk that it poses to the ecology, economy, and culture and way of life of Louisiana; and

Whereas, House Concurrent Resolution No. 47 memorialized the Gulf of Mexico/Mississippi River Watershed Nutrient Task Force to find timely, effective, and workable solutions to the hypoxia problem; and

Whereas, the task force, composed of representatives from key federal agencies and states along the Mississippi River, has reached consensus on an Action Plan for Controlling, Mitigating, and Reducing Gulf Hypoxia; and

Whereas, the Action Plan provides for incentive-based, voluntary actions for nonpoint sources of nitrogen loading into the river, and for enforcement of existing laws and regulations for point sources throughout the watershed, as well as expanded monitoring and research into the Gulf hypoxia issue; and

Whereas, in addition to the restoration and protection of the waters of the Gulf of Mexico and the states and tribal lands within the Mississippi River Watershed, the Action Plan seeks to improve the quality of life and economic conditions for communities across the watershed; and

Whereas, implementation of the Action Plan will not only protect the health and productivity of Louisiana's Gulf fisheries, but will also aid other important goals of the state, including coastal restoration and farm support: Therefore, be it

Resolved that the Legislature of Louisiana does hereby urge and request the President of the United States and memorialize the Congress of the United States to fully implement the Gulf Hypoxia Action Plan in cooperation with the Gulf of Mexico/Mississippi River Watershed Nutrient Task Force; and be it further

Resolved that a copy of this Resolution be transmitted to the White House and to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each of the members of the Louisiana congressional delegation.

POM–120. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the Southern Dairy Compact; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 93

Whereas, a dairy compact is an entity by which state delegations consisting of dairy farmers and other interested parties band together to help the dairy industries in member states; and

Whereas, the purpose of a dairy compact is to provide a safety net to dairy farmers by maintaining stable milk prices; and

Whereas, having stable milk prices is important because the volatility in fluid milk prices in the past few years has dealt a severe blow to the Louisiana dairy industry; and

Whereas, under current conditions, Louisiana is losing one to two dairies per week; and

Whereas, a Northern Dairy Compact was started approximately two years ago and has been very successful in aiding the dairy industry in that region of the United States; and

Whereas, a resolution is pending before congress to ratify a Southern Dairy Compact of which Louisiana hopes to become a member; and

Whereas, dairy compacts operate at no government expense and are funded by the farmers and processors of the dairy compact region; Therefore, be it

Resolved that the Legislature of Louisiana does hereby memorialize the United States Congress to ratify the Southern Dairy Compact; and be it further

Resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–121. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the United States Army Corps of Engineers; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 24

Whereas, the United States Army Corps of Engineers is proposing the construction of the Inner Harbor Navigation Canal Lock Replacement Project; and

Whereas, the project will increase the size and number of vessels using this waterway; and

Whereas, given the data supplied by the Corps of Engineers, New Orleans District, the project will result in longer and more frequent bridge openings at St. Claude Avenue (LA 49) and Claiborne Avenue (LA 39) exacerbating existing traffic flow problems and delays for emergency medical transportation to the primary trauma care center in New Orleans, Louisiana; and

Whereas, the new Inner Harbor Navigation Canal lock proposed by the Corps of Engineers will be located on the north side of Claiborne Avenue; and

Whereas, considering that this new lock will accommodate fifteen large river barges or a nine hundred to twelve hundred foot-long, deep-draft ocean vessel as compared to the existing lock, which can hold only four barges or a deep-draft vessel of six hundred feet or less; and

Whereas, the longer tows and deep-draft vessels will require that both the St. Claude and Claiborne Avenue bridges remain open for longer periods to permit passage and that the Claiborne Avenue Bridge must be opened much more frequently than at present because of the location of the new lock; and

Whereas, the tows and larger deep-draft vessels must be moved at slower speeds, as compared to vessels currently using the lock, which will further extend the required bridge openings; and

Whereas, after analysis, it appears that such required bridge openings will occur six times per day and each will cause at least a three-mile long traffic jam which will create grave hardships for the St. Bernard Parish and Orleans Parish residents as well as all others who are among the eighty-five thousand motorists who use these bridges each day; and

Whereas, the United States Corps of Engineers' traffic study included in the project evaluation report appears to be based upon data which might lead to serious incorrect conclusions and that said study was used as the basis for the selection of the new bridge for St. Claude Avenue and the revisions now proposed for the Claiborne Avenue Bridge; and

Whereas, the magnitude of the traffic problem and the possibility that an erroneous selection of bridges may one day require the state of Louisiana to completely fund necessary corrections to this federal project are concerns of the legislature. Therefore be it

Resolved, that the Louisiana Legislature does hereby memorialize the United States Congress to take all steps necessary to replace the proposed St. Claude Avenue Bridge (LA 49) and the Claiborne Avenue Bridge (LA 39), in conjunction with the Inner Harbor Navigation Canal Lock Replacement Project, with tunnels or fixed, high-rise bridges to benefit residents of St. Bernard, Orleans, and Plaquemines parishes and the maritime industry and to withhold all future funding of the lock replacement project until the matter is reviewed and resolved by qualified members of the Louisiana Department of Transportation and Development, the United States Coast Guard, and local representatives of the barge transportation industry; and be it further

Resolved, that the Louisiana Legislature requests our federal elected officials to request the United States Army Corps of Engineers to consider tunnels or fixed high-rise bridges, which are the canal crossing solutions preferred for this project by both the shipping industry and state motorists because either would eliminate the need for bridge curfews and provide for the uninterrupted flow of marine and vehicular traffic; and be it further

Resolved, that the Louisiana Legislature memorializes the United States Congress to make resumption of federal funding for this project contingent on the completion of a traffic study and that the project evaluation report be rewritten to include such crossings if warranted by the traffic study review; and be it further

Resolved, that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-122. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to Maurepas Swamp diversion from the Mississippi River; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 86

Whereas, many of the swamps, marshes, and estuarine ecosystems of the southeastern part of Louisiana were created by the Mississippi River and were nourished by the freshwater sediment and nutrients from the river; and

Whereas, these ecosystems have been declining since the river was levied for flood control and navigation which deprived them of the river's nourishment; and

Whereas, freshwater, diversion has become an important tool in restoring coastal wetlands and combating erosion and saltwater intrusion; and

Whereas, a river, diversion into the Maurepas Swamp and Lake Maurepas has been proposed which would introduce fresh water and sediment directly into the swamp, an area where the forests are ailing from lack of nutrients and sediments; and

Whereas, such a river diversion into the Maurepas Swamp would also combat saltwater intrusion on the fringes of the area and help sustain and restore marshes that are now dying, subsiding, and breaking up; and

Whereas, a diversion located at the Hope Canal near Garyville could be designed to encourage water to fan out over a very broad area allowing the swamp to assimilate the river's nutrients and sediments, therefore minimizing the threat of algal blooms in lake Maurepas; and

Whereas, on occasion of heavy local rains, the diversion structure could be closed and the canal would then help to convey storm water runoff which is an aspect of the project that is very appealing to St. John the Baptist Parish officials concerned about flood control; and

Whereas, the issues that have been encountered in the operation of other diversion projects, such as dramatic changes in salinity that have concerned oyster growers and commercial fishermen, should not be a problem with the Maurepas Swamp diversion because the area directly influenced by the diversion is essentially a freshwater estuarine system: Therefore, be it

Resolved that the Legislature of Louisiana does hereby memorialize the United States Congress to support, with funding, the expeditious implementation of the proposed Maurepas Swamp diversion from the Mississippi River; and be it further

Resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CONRAD (for himself, Mr. Nickles, Mr. Breaux, Mr. Dorgan, Mr. Fitzgerald, Mr. Hatch, Mr. Helms, Mr. Hutchinson, Mr. Johnson, Mr. Kyl, Mr. Schumer, Mr. Torricelli, and Mrs. Lincoln):

S. 1087. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. Specter):

S. 1088. A bill to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER:

S. 1089. A bill to amend section 7253 of title 38, United States Code, to expand temporarily the United States Court of Appeals for Veterans Claims in order to further facilitate staggered terms for judges on that court, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself and Mr. Specter):

S. 1090. A bill to increase, effective as of December 1, 2001, the rates of compensation for veterans with service-connected disabilities and the rates dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mr. Daschle, and Mr. Specter):

S. 1091. A bill to amend section 1116 of title 38, United States Code, to modify and extend authorities on the presumption of service-connection for herbicide-related disabilities of Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAMM:

S. 1092. A bill to amend the Internal Revenue Code of 1986 to exempt feed truck chassis from excise tax on heavy trucks and trailers; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1093. A bill to amend title 38, United States Code, to exclude certain income from annual income determinations for pension purposes, to limit provision of benefits for fugitive and incarcerated veterans, to increase the home loan guaranty amount for construction and purchase of homes, to modify and enhance other authorities relating to veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. HUTCHISON (for herself, Ms. Mikulski, Mrs. Murray, and Mr. Inouye):

S. 1094. A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. Reid):

S.J. Res. 17. A joint resolution providing for congressional disapproval of the rule submitted by the President relating to the restoration of the Mexico City Policy; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL:

S. Res. 114. A resolution commemorating the 125th anniversary of the Battle at Little Bighorn; to the Committee on the Judiciary.

By Mr. McCONNELL (for himself, Mr. LEAHY, and Mr. BIDEN):

S. Res. 115. Resolution encouraging a lasting cease-fire in Macedonia, commending the parties for seeking a political solution, and for other purposes; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. LOTT):

S. Con. Res. 54. A concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers; considered and agreed to.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 270

At the request of Mr. BINGAMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 535

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 626

At the request of Mr. JEFFORDS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to permanently extend the work opportunity credit and the welfare-to-work credit, and for other purposes.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 726

At the request of Mr. BREAUX, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 726, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of prepayments for natural gas.

S. 860

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 860, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1016

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1016, a bill to amend titles XIX and XXI of the Social Security Act to improve the health benefits coverage of infants and children under the medicaid and State children's health insurance program, and for other purposes.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. RES. 72

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. Res. 72, a resolution designating the month of April as "National Sexual Assault Awareness Month."

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 42

At the request of Mr. BROWNBACK, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 42, a concurrent resolution condemning the Taleban for their discriminatory policies and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINTS RESOLUTIONS

By Mr. CONRAD (for himself, Mr. NICKLES, Mr. BREAUX, Mr. DORGAN, Mr. FITZGERALD, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. JOHNSON, Mr. KYL, Mr. SCHUMER, Mr. TORRICELLI, and Mrs. LINCOLN):

S. 1087. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today, joined by my colleagues Mr. NICKLES, Mr. BREAUX, Mr. DORGAN, Mr. FITZGERALD, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON of Arkansas, Mr. JOHNSON, Mr. KYL, Mr. SCHUMER, and Mr. TORRICELLI, to introduce important legislation to provide for a 10-year depreciation life for leasehold improvements. Leasehold improvements are the alterations to leased space made by a building owner as part of the lease agreement with a tenant.

This is a common sense move that will help bring economic development to cities and towns around the country that want to revitalize their business districts. It will allow owners of commercial property to remodel their buildings to better meet the business needs of their communities—whether it's new computer ports and data lines for high-tech entrepreneurs, or better lighting and sales space for retailers.

In actual commercial use, leasehold improvements typically last as long as the lease—an average of 5 to 10 years. However, the Internal Revenue Code requires leasehold improvements to be depreciated over 39 years—the life of the building itself.

Economically, this makes no sense. The owner receives taxable income over the life of the lease, yet can only recover the costs of the improvements associated with that lease over 39 years—a rate nearly four times slower. This preposterous mismatch of income and expenses causes the owner to incur an artificially high tax cost on these improvements.

The bill we are introducing today will correct this irrational and uneconomic tax treatment by shortening the cost recovery period for certain leasehold improvements from 39 years to a more realistic 10 years. If enacted, this legislation would more closely align the expenses incurred to construct improvements with the income they generate over the term of the lease.

By reducing the cost recovery period, the expense of making these improvements could fall more into line with the economics of a commercial lease transaction, and more building owners would be able to adapt their buildings to fit the needs of today's business tenant.

We have an interest in keeping existing buildings commercially viable. When older buildings can serve tenants who need modern, efficient commercial space, there is less pressure for developing greenfields in outlying areas. Americans are concerned about preserving open space, natural resources, and a sense of neighborhood. The current law 39-year cost recovery period for leasehold improvements is an impediment to reinvesting in existing properties and communities.

Shortening the recovery period will make renovation and revitalization of business properties more attractive. That will be good not just for property owners, but also for the economic development professionals who are working hard every day to attract new businesses to empty downtown storefronts or aging strip malls. And it will be good for the architects and contractors who carry out the renovations.

The broad appeal of this proposal is reflected in the roster of supporters we have attracted. The proposal has been endorsed by Building and Office Managers Association International; International Council of Shopping Centers; National Association of Industrial and Office Properties; National Association of Real Estate Investment Trusts; National Association of Realtors; American Institute of Architects; Real Estate Roundtable; Associated General Contractors; National Retail Federation; and International Franchise Association.

I urge all Senators to join us in supporting this legislation to provide rational depreciation treatment for leasehold improvements.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Property Economic Revitalization Act of 2001".

SEC. 2. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 10-YEAR RECOVERY PERIOD.—Subparagraph (D) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 10-year property) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", and", and by adding at the end the following new clause:

"(iii) any qualified leasehold improvement property.".

(b) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Subsection (e) of section 168 of such Code is amended by adding at the end the following new paragraph:

"(6) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

"(D) IMPROVEMENTS MADE BY LESSOR.—

"(i) IN GENERAL.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

"(ii) EXCEPTION FOR CHANGES IN FORM OF BUSINESS.—Property shall not cease to be qualified leasehold improvement property under clause (i) by reason of—

"(I) death,

"(II) a transaction to which section 381(a) applies,

"(III) a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business,

"(IV) the acquisition of such property in an exchange described in section 1031, 1033, 1038, or 1039 to the extent that the basis of such property includes an amount representing the adjusted basis of other property owned by the taxpayer or a related person, or

"(V) the acquisition of such property by the taxpayer in a transaction described in section 332, 351, 361, 721, or 731 (or the acquisition of such property by the taxpayer from the transferee or acquiring corporation in a transaction described in such section), to the extent that the basis of the property in the hands of the taxpayer is determined by reference to its basis in the hands of the transferor or distributor.

"(iii) RELATED PERSON.—For purposes of this subparagraph, a person (hereafter in this clause referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).".

(c) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Paragraph (3) of section 168(b) of such Code is amended by adding at the end the following new subparagraph:

"(G) Qualified leasehold improvement property described in subsection (e)(6).".

(d) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) of such Code is amended by inserting after the item relating to subparagraph (D)(ii) the following new item:

"(D)(iii) .... 10".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself and Mr. SPECTER):

S. 1088. A bill to amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI bill for education leading to employment in high technology industry, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am tremendously pleased to introduce today legislation that would allow veterans to use their Montgomery GI bill educational benefits to pay for short-term, high technology courses that lead to lucrative careers. I am pleased to be joined by my colleague on the Veterans' Affairs Committee, Ranking Minority Member Senator ARLEN SPECTER.

The GI bill allowed a generation of soldiers returning from World War II to create the booming post-war economy, and, in fact, the prosperity that we enjoy today. Today's Montgomery GI bill, MGIB, modeled after the original GI bill, provides a valuable recruitment and retention tool for the Armed Services and begins to repay veterans for the service they have given to our Nation. As a transition benefit, it allows veterans to gain the skills they need to adjust productively to civilian life.

Currently, the MGIB provides a basic monthly benefit of $650 for 36 months of education. This payment structure is designed to assist veterans pursuing traditional four-year degrees at universities. However, in today's fast paced, high-tech economy, traditional degrees may not always be the best option. Many veterans are pursuing forms of nontraditional training, short-term courses often leading to certification in a technical field. In certain fields, these certifications are a prerequisite to employment.

These courses, such as Microsoft or Cisco systems training, may be offered through training centers, private contractors to community colleges, or the companies themselves. They often last just a few weeks or months, and can cost many thousands of dollars. The way MGIB is paid out in monthly disbursements is not suited to this course structure. For example, MGIB would pay, at most, $1300 for a two-month course that potentially costs $10,000.

Even if veterans claimed this small benefit, providers must be approved by VA as an educational institution in every State in which they operate in order for MGIB benefits to be paid for coursework. Because veterans would only recoup a small portion of the course cost from VA, many of the course providers do not undertake the onerous processing of becoming VA-approved. Therefore, many veterans with MGIB eligibility are forced to bear the entire costs of these courses. Many borrow the funds to pay for them, incurring significant interest charges.

I note that last year, in Public Law 106–419, Congress extended MGIB benefits to cover the costs of certification exams that these courses prepare veterans to take. I believe that we should take the next logical step and pay for the courses themselves.

The percentage of veterans who actually use the MGIB benefits that they have earned and paid for is startlingly low, despite almost full enrollment in the program by servicemembers. By increasing the flexibility of the MGIB program, we will permit more veterans to take advantage of these benefits. We should give veterans the right to choose what kind of educational program will be best for them.

This legislation would modify the payment method to accommodate the compressed schedule of the courses. Specifically, Section 1 would allow veterans to receive an accelerated payment equal to 60 percent of the cost of the program. This is comparable to VA's MGIB benefit for flight training, for which VA reimburses 60 percent of the costs. The dollar value of the accelerated payment would then be deducted from the veteran's remaining entitlement. Section 2 would allow courses offered by these providers to be covered by MGIB.

In closing, I note that many servicemembers leave the military with skills that place them in demand for careers in the technology sector. But even these veterans may require coursework to convert their military skills to civilian careers. The MGIB must continue to evolve to keep pace with the careers and education that today's veterans require. I urge my colleagues to join me in recognizing the changing needs of our veterans, and to maintain this investment in our veterans and our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.

(a) IN GENERAL.—(1) Chapter 30 of title 38, United States Code, is amended by inserting after section 3014 the following new section:

“§ 3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry

“(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

“(b) An individual described in this subsection is an individual who is—

“(1) enrolled in an approved program of education that leads to employment in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

“(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

“(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

“(A) the amount equal to 60 percent of the established charges for the program of education; or

“(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

“(2) In this subsection, the term ‘established charges’, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

“(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

“(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

“(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

“(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution providing the program of education of the individual's enrollment in and pursuit of the program of education.

“(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

“(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by computing the portion of the accelerated payment attributable to each monthly rate that would have payable for the enrollment, dividing each such portion by the applicable monthly rate, and adding the results together.

“(f) The Secretary may, pursuant to such regulations as the Secretary shall prescribe, recover overpayments of basic educational assistance under this chapter resulting from accelerated payments of basic educational assistance under this section.

“(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for electing and using accelerated payments of basic educational assistance under this section and for the recovery of overpayments of basic educational assistance under this chapter resulting from accelerated payments of basic educational assistance under this section.”.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 3014 the following new item:

“3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry.”.

(b) RESTATEMENT AND EXPANSION OF CERTAIN ADMINISTRATIVE AUTHORITIES.—Subsection (g) of section 3680 of title 38, United States Code, is amended to read as follows:

"(g)(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

"(A) Enrollment in a course or a program of education or training.

"(B) Pursuit of a course or program of education or training.

"(C) Attendance at a course or program of education and training.

"(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

"(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

"(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect eight months after the date of the enactment of this Act, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

SEC. 2. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) of title 38, United States Code, are each amended by adding at the end the following new sentence: "Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in courses occurring on or after the date of the enactment of this Act.

By Mr. ROCKEFELLER:

S. 1089. A bill to amend section 7253 of title 38, United States Code, to expand temporarily the United States Court of Appeals for Veterans Claims in order to further facilitate staggered terms for judges on that court, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am today introducing this legislation which attempts to ensure there will be a sufficient number of judges on the U.S. Court of Appeals for Veterans Claims so as to decide the appeals of our Nation's veterans for disability claims. In addition, this bill would terminate the Notice of Disagreement requirement in the current law which acts as a bar to appealing cases to the court.

The U.S. Court of Appeals for Veterans Claims, CAVC, originally named the Court of Veterans' Appeals, was created in 1988 in the Veterans Judicial Review Act, VJRA, to provide judicial review to veterans' claims for benefits from the Department of Veterans Affairs. It is comprised of one chief judge and six associate judges.

At the court's inception, the terms for judges on the court were not staggered. The original chief judge and six associate judges were appointed to 15-year terms within 16 months of one another from 1989 to 1991. A new judge was appointed in 1997 to fill a vacancy created by the death of one of the originally appointed judges. The chief judge retired in 2000 and his seat has not yet been filled. By 2005, the terms of five of the remaining judges will end.

Because the judges' terms were not staggered, it is very likely that there will be simultaneous vacant seats.

In 1998, Congress attempted to preemptively avoid the crisis of having only two sitting judges, and the resulting backlog of cases, by offering some of the original judges an opportunity to retire early. However, no judges accepted the offer. Therefore, we must again make the effort to solve this problem. The legislation I am introducing proposes to do so by allowing two additional judges to be appointed to full terms, in order to bridge the retirement of the original judges.

Specifically, this bill would temporarily expand the membership of the court by two judgeships until August 2005, when the last of the seven original judges' terms will expire. This expansion should give ample time for the President to nominate and the Senate to confirm judges for the court, and avoid the potentially damaging effects of a court with only two judges.

In addition, this bill would terminate the Notice of Disagreement, NOD, as a jurisdictional requirement for review at the court. The NOD begins the appellate process within the VA. The veteran usually sends the NOD to a regional office of the VA, telling the regional office that he disagrees with the regional office's decision, in whole or part. This constitutes notice that the veteran is appealing his case to the Board of Veterans' Appeals. When Congress created the court in 1988, it required claims to have an NOD filed after November 18, 1988, the date of enactment of the VJRA, in order to be appealed to the CAVC. This explicit rule was enacted to keep the new court from becoming overwhelmed with appeals.

However, many difficulties have arisen with this jurisdictional requirement, due to the complexity of the VA appellate process. Problems mainly arise in determining what is the applicable NOD when there are multiple agency decisions and extensive correspondence by the claimants. Also, many cases originated before November 18, 1988, adding to the difficulty of determining which NOD confers jurisdiction to the court. In addition, much litigation has occurred to determine what type of writing constitutes an NOD, and the type of language that must be used to construe disagreement over the VA's decision.

While there has been favorable response to the court, the anticipated floodgates have not opened. Last year the court decided 1,556 claims. This legislation does not confer jurisdiction upon the court on any matter not currently within its jurisdiction. Instead, it is meant to free up the court to determine appeals on the merits. The appellate process for veterans' claims is long enough without a veteran being additionally burdened to argue over NODs.

In closing, I urge my colleagues to join me in supporting this bill. Veterans appeals already take years, sometimes decades. We must do what we can to avoid increasing the length of the process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY EXPANSION OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS TO FACILITATE STAGGERED TERMS OF JUDGES.

(a) IN GENERAL.—(1) Section 7253 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(h) TEMPORARY EXPANSION OF COURT.—(1) Notwithstanding subsection (a) and subject to the provisions of this subsection, the authorized number of judges of the Court from the date of the enactment of this subsection until August 15, 2005, is nine judges.

"(2) Of the two additional judges authorized by this subsection—

"(A) not more than one judge may be appointed pursuant to a nomination made in 2001 or 2002;

"(B) not more than one judge may be appointed pursuant to a nomination made in 2003; and

"(C) if a judge is not appointed pursuant to a nomination made in 2001 or 2002, a nomination made in 2003, or both, the number of judges not appointed pursuant to either such nomination, or both, may be appointed pursuant to a nomination made in 2004, but only if such nomination is made before September 30, 2004.

"(3) The term of office and eligibility for retirement of a judge appointed under this subsection, other than a judge described in paragraph (4), shall be governed by the provisions of section 1012 of the Court of Appeals for Veterans Claims Amendments of 1999 (title X of Public Law 106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge is one of the first two judges appointed to the Court after November 30, 1999.

"(4) A judge of the Court as of the date of the enactment of this subsection who was appointed before 1991 may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section.".

(2) No appointment may be made under section 7253 of title 38, United States Code, as amended by paragraph (1), if the appointment would provide for a number of judges (other than judges serving in recall status under section 7257 of title 38, United States Code) who could serve a complete term on the Court as of August 15, 2005, in excess of seven judges.

(b) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting "APPOINTMENT.—" before "The judges";

(2) in subsection (c), by inserting "TERM OF OFFICE.—" before "The terms";

(3) in subsection (f), by striking "(f)(1)" and inserting "(f) REMOVAL.—(1)"; and

(4) in subsection (g), by inserting "RULES.—" before "The Court".

SEC. 2. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

Section 7296(b)(2) of title 38, United States Code, is amended by striking the second sentence.

SEC. 3. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) TERMINATION.—Section 402 of the Veterans' Judicial Review Act (division A of Public Law 100–687; 102 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

(b) ATTORNEY FEES.—Section 403 of the Veterans' Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (a) may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

(d) APPLICABILITY.—The repeals made by subsections (a) and (b) shall apply to—

(1) any appeal filed with the United States Court of Appeals for Veterans Claims on or after the date of the enactment of this Act; and

(2) any appeal pending before the Court on that date, other than an appeal in which the Court has made a final disposition under section 7267 of title 38, United States Code, even though such appeal is not yet final under section 7291(a) of title 38, United States Code.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, and Mr. SPECTER):

S. 1091. A bill to amend section 1116 of title 38, United States Code, to modify and extend authorities on the presumption of service-connection for herbicide-related disabilities of Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce today legislation that would continue to respond to at least some of the concerns of Vietnam veterans exposed to Agent Orange during their service to this Nation. I am pleased to be joined by my colleague on the Veterans' Affairs Committee, Ranking Minority Member Senator ARLEN SPECTER, and my good friend, Senator TOM DASCHLE, the Senate majority leader and a true champion of Vietnam veterans.

In passing the Agent Orange Act of 1991, Congress demonstrated its commitment to securing fair treatment for veterans enduring long-term health consequences following their service during the Vietnam war. The bill before us would continue the systematic scientific reviews that help us understand these consequences. Provisions in this bill also would extend the presumptive period for Vietnam veterans suffering from respiratory cancers and ease the burden on veterans in proving exposure to Agent Orange.

The Agent Orange Act of 1991 directed the National Academy of Sciences, NAS, to review scientific evidence on the health effects of exposure to dioxin and other chemicals found in herbicides used in Vietnam. The scientific reviews, there have been four thus far, have found evidence of connections between exposure to dioxin and diseases such as respiratory cancers, Type 2 diabetes, and the birth defect spina bifida, all currently compensated by the VA as service connected.

These reviews will end after 2002 unless we act now. We simply do not know enough about the long-term effects of dioxin exposure to say that the body of scientific evidence is complete. The bill before us would direct the Secretary of Veterans Affairs to extend the existing agreement with NAS to provide five more biennial reports.

Currently, title 38 of the United States Code allows Vietnam veterans with respiratory cancers to claim benefits for this disease as a service-connected disability, but only if the disease manifested within 30 years of their service in Vietnam. The most recent NAS report confirmed that there is no scientific basis for assuming that cancers linked to dioxin exposure would occur within a specific window of time.

The bill that I am introducing would remove this arbitrary limit, and would restore eligibility for benefits to any Vietnam veterans with respiratory cancers previously denied due to the cutoff. I recently learned of the tragic story of Jerry Slusher from Huntington, WV, a decorated combat veteran of the Vietnam war. While dying of respiratory cancer in 1999, Jerry filed for benefits and learned that he might have been eligible, if only he had been diagnosed just a few months earlier. The men and women who served this Nation, and who struggle with the consequences of that service so many years later, deserve better.

Lastly, this bill would give all Vietnam veterans the benefit of the doubt regarding their exposure in Vietnam when claiming benefits for diseases related to Agent Orange exposure. Due to the difficulties in determining who might have been exposed to Agent Orange, Congress determined in 1991 that the Secretary of Veterans Affairs should concede exposure to veterans whose military records indicated that they served in Vietnam during the Vietnam era. This presumption eased a veteran's burden in qualifying for service-connected benefits.

VA subsequently interpreted this law to mean that, if a veteran had served in Vietnam during the war, it should be presumed that the veteran was exposed to Agent Orange. However, the United States Court of Appeals for Veterans Claims ruled in McCartt v. West (12 Vet. App. 164[1999]) that VA had interpreted the statute too broadly. This ruling limited the presumption of exposure to Vietnam veterans diagnosed with one or more of the diseases listed by the Secretary of Veterans Affairs, rather than to any disease claimed by a veteran.

As a result, veterans who suffer from diseases not on this list must go about the difficult task of proving exposure to Agent Orange while serving in Vietnam, and that the disease resulted from that exposure. This legislation would restore the presumption of exposure for all veterans who served in Vietnam during the war.

This bill ensures that the system of scientific review and determinations for presumptive compensation already in place for Vietnam veterans will continue. We must address these issues promptly to continue to assist veterans who have already waited too long for answers. I urge my colleagues in the Senate to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed the RECORD as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION AND EXTENSION OF AUTHORITIES ON THE PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM ERA VETERANS.

(a) REPEAL OF 30-YEAR LIMITATION ON MANIFESTATION OF RESPIRATORY CANCERS.—Subsection (a)(2)(F) of section 1116 of title 38, United States Code, is amended by striking "within 30 years" and all that follows through "May 7, 1975".

(b) TREATMENT OF CLAIMS DENIED UNDER LIMITATION ON MANIFESTATION.—(1) The Secretary of Veterans Affairs shall treat each claim for disability compensation under section 1116 of title 38, United States Code, for a disease covered by subsection (a)(2)(F) of that section that was denied by reason of the

30-year limitation on manifestation specified in that subsection (as that subsection was in effect on the day before the date of the enactment of this Act) as having been submitted under that section as amended by subsection (a).

(2) In the case of an award of compensation with respect to a claim described in paragraph (1)—

(A) the effective date of the award shall be the date on which the claim would otherwise have been granted had the limitation referred to in that paragraph not applied to the claim when originally submitted; and

(B) the amount of compensation payable for the claim for any month before the date of the enactment of this Act shall be the amount of disability compensation provided for under chapter 11 of title 38, United States Code, for that month.

(c) Presumption of Exposure to Herbicide Agents in Vietnam During Vietnam Era.—(1) Section 1116 of title 38, United States Code, is further amended—

(A) by transferring paragraph (3) of subsection (a) to the end of the section and redesignating such paragraph, as so transferred, as subsection (f); and

(B) in subsection (f), as so transferred and redesignated—

(i) by striking "For the purposes of this subsection, a veteran" and inserting "For purposes of establishing a service connection for a disability resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran"; and

(ii) by striking "and has a disease referred to in paragraph (1)(B) of this subsection".

(2)(A) The section heading of that section is amended to read as follows:

"§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure".

(B) The table of section at the beginning of chapter 11 of that title is amended by striking the item relating to section 1116 and inserting the following new item:

"1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure.".

(d) Extension of Authority To Presume Service-Connection for Additional Diseases.—(1) Subsection (e) of section 1116 of title 38, United States Code, is amended by striking "10 years" and inserting "20 years".

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking "10 years" and inserting "20 years".

(e) Technical Amendment.—Subsection (a)(2)(F) of section 1116 of title 38, United States Code, as amended by subsection (a) of this section, is further amended by inserting "of disability" after "manifest to a degree".

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. MURRAY, and Mr. INOUYE):

S. 1094. A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HUTCHISON. Mr. President, I am pleased to be joined by Senator MIKULSKI and Senator MURRAY to offer legislation on a critical health research issue. When I first started looking into the Federal commitment to these deadly blood cancers, leukemia, lymphoma, and multiple myeloma, I was frankly astonished to learn that, despite the fact that these cancers account for 11 percent of all cancer deaths in the U.S., they receive less than 5 percent of the research funding from the National Cancer Institute.

That is why I would like to offer legislation today that would authorize an additional $250 million in research at the National Institutes of Health next year, and at least that amount in subsequent years. The bill also contains the specific authorization of $25 million next year to expand public education, outreach, and early detection programs for three of these deadly blood cancers.

It is my hope and my expectation that this legislation will serve to focus additional resources on these diseases, as well as to help expand the public's awareness of how deadly and pervasive they can be.

I commend the Senators from Maryland and Washington for their support on this issue and urge other Senators to join us in this effort.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hematological Cancer Research Investment and Education Act of 2001".

SEC. 2. FINDINGS.

Congress finds that:

(1) An estimated 109,500 people in the United States will be diagnosed with leukemia, lymphoma, and multiple myeloma in 2001.

(2) New cases of the blood cancers described in paragraph (1) account for 8.6 percent of new cancer cases.

(3) Those devastating blood cancers will cause the deaths of an estimated 60,300 persons in the United States in 2001. Every 9 minutes, a person in the United States dies from leukemia, lymphoma, or multiple myeloma.

(4) While less than 5 percent of Federal funds for cancer research are spent on those blood cancers, those blood cancers cause 11 percent of all cancer deaths in the United States.

(5) Increased Federal support of research into leukemia, lymphoma, and multiple myeloma has resulted and will continue to result in significant advances in the early detection, the treatment, and ultimately the cure of those blood cancers.

SEC. 3. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

(a) Research.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"SEC. 409I. RESEARCH, INFORMATION, AND EDUCATION WITH RESPECT TO BLOOD CANCER.

"(a) Research.—

"(1) Subject.—The Director of the National Institutes of Health shall establish and carry out a program for the conduct and support of research with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

"(2) Administration.—The Director of the National Institutes of Health shall carry out this subsection through the Director of the National Cancer Institute and in collaboration with any other agencies that the Director of the National Institutes of Health determines to be appropriate.

"(3) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $250,000,000 for fiscal year 2002 and each subsequent fiscal year.

"(b) Information and Education.—

"(1) Subject.—The Director of the Centers for Disease Control and Prevention shall establish and carry out a program to provide information and education for the general public with respect to blood cancer, and particularly with respect to leukemia, lymphoma, and multiple myeloma.

"(2) Authorization of Appropriations.—There is authorized to be appropriated to carry out this subsection $25,000,000 for fiscal year 2002 and each subsequent fiscal year.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 114—COMMEMORATING THE 125TH ANNIVERSARY OF THE BATTLE AT LITTLE BIGHORN

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 114

Whereas, On June 25, 1876, the 7th Cavalry of the United States Army, led by Lieutenant Colonel George Armstrong Custer, fought with a group of Sioux, Cheyenne and Arapaho Indians camped on the shores of the Little Bighorn River.

Whereas, this battle was the result of increasing hostility between the United States and Sioux and Cheyenne tribes over Sioux ownership of the Black Hills and the trespass of non-Indians into the area;

Whereas, the Sioux believed the Black Hills, or Paha Sapa, as they called them, to be sacred, a place they traveled to in order to have visions and pray;

Whereas, the United States and Sioux leaders agreed to the Treaty of Fort Laramie in 1868, securing to the Sioux the ownership of the Black Hills forever, and pledging to aid and assist in keeping trespassers away from the Black Hills;

Whereas, the United States violated the Treaty of Fort Laramie in 1874 by sending, without the permission of the Sioux, a reconnaissance mission to the Black Hills, led by General George Armstrong Custer;

Whereas, tensions were rising in Sioux Country, where the tribes were becoming increasingly unsettled, and feared the loss of Sioux Country and their way of life;

Whereas, the Battle at Little Bighorn was preceded by two military engagements, occurring on March 17, 1876, and June 17, 1876;

Whereas, after the second engagement, now known as the Battle at Rosebud, the Sioux and Cheyenne moved their encampment from the Rosebud River to the Little Bighorn River;

Whereas, Lieutenant Colonel Custer, along with 650 soldiers and scouts, was dispatched to scout for the Indians along the Rosebud and Little Bighorn Rivers;

Whereas, on the morning of June 25, 1876, Lieutenant Colonel Custer discovered the Indian encampment of approximately 10,000 on the shore of the Little Bighorn River and determined to engage in a battle with them;

Whereas, Lieutenant Colonel Custer's forces, upon attempting to engage the Indian warriors at the shore of the Little Bighorn River, were forced back up the ridge from which they attacked and forced west, and were overwhelmed by Indian forces;

Whereas, the 201 men under the command of Lieutenant Colonel Custer were killed and the total losses suffered by the U.S. Army numbered 258;

Whereas, the Sioux and Cheyenne, led by Sitting Bull, Crazy Horse, and Gall, suffered losses of approximately 58;

Whereas, the Battle of Little Bighorn occupies a legendary place in American history, a tragic clash of two cultures leading to the demise of the traditional Indian way of life, and the end of the era known in American history as the "Indian Wars";

Resolved, that the Senate,

(1) honors the memory of those who died in the battle, the Indians fighting for a way of life that they believed in, the cavalry troops fighting for a young nation in which they believed;

(2) recognizes June 25th, 2001 as the 125th Anniversary of the Battle of Little Bighorn;

(3) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL: Mr. President, next Monday, June 25th, marks the 125 anniversary of the Battle of Little Bighorn, an event which occupies near-mythical significance in the American psyche and one that is representative of an era past in the American West.

In 1990, I introduced legislation which changed the American perspective of the Battle of Little Bighorn. The bill, which latter became Public Law 102-201, achieved two key goals: First, it changed the name of the Custer Battlefield National Monument to Little Bighorn Battlefield National Monument. Additionally, it directed that a monument be designed and built which commemorated the American Indian individuals who died in the Battle of Little Bighorn.

When I began the process for changing the name of the Little Bighorn Battlefield National Monument, my purpose was not to scour and rewrite history but to provide a small measure of justice to the American Indians who died there, protecting their families, their property, and their way of life. Ultimately, the name change signified a shift in attitude about the way our Nation views the Battle of Little Bighorn.

Now, instead of the scene of a bloody battle in which U.S. troops were entirely decimated while "fighting brutal savages who stood in the way of westward progress" as some early reports described it, the name now represents what really happened 125 years ago, the inevitable and tragic clash of two cultures and the end of an era.

The Battle of the Little Bighorn, while known as the greatest victory of a group of American Indians over the U.S. Army during the period known as the Indian Wars, also marks the beginning of the demise of the western American Indian peoples in the United States, their loss of freedom, and the end of their traditional way of life.

Today I submit a resolution that would commemorate the 125th anniversary of the battle and honor the memory of all who died in that epic battle, Indian and non-Indian alike, for they all believed in what they fought for and they all made the ultimate sacrifice for their respective cause.

SENATE RESOLUTION 115—RESOLUTION ENCOURAGING A LASTING CEASE-FIRE IN MACEDONIA, COMMENDING THE PARTIES FOR SEEKING A POLITICAL SOLUTION, AND FOR OTHER PURPOSES

Mr. McCONNELL (for himself, Mr. LEAHY, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 115

Whereas, the political, economic, and social situation in Macedonia has steadily deteriorated since February 2001;

Whereas, ongoing fighting between the National Liberation Army and the Government of Macedonia presents a clear and present danger to the viability of Macedonia;

Whereas, a Macedonian civil war exacerbates tensions in the region and could trigger additional incidents of violence in the Balkans;

Whereas, the ongoing fighting has displaced at least 18,000 people inside Macedonia, and forced another 40,000 people to flee into neighboring countries;

Whereas, political parties in Macedonia are negotiating a political solution to the current crisis;

Whereas, a cease-fire and dialogue between the parties are essential to preventing full scale inter-ethnic warfare in Macedonia; and

Whereas, a unified and independent Macedonia is in United States national security interests: Now, therefore, be it

Resolved, That the Senate—

(1) encourages a lasting cease-fire, and calls upon the Government of Macedonia to ensure the protection of the lives and property of all citizens of Macedonia;

(2) commends the political parties in Macedonia for seeking a political solution to the current crisis, and encourages a continued commitment to dialogue by those parties;

(3) calls upon the Government of Macedonia to address the concerns of all citizens of Macedonia in a fair and equitable manner;

(4) recognizes that the United States and other countries must assume a more pro-active role in aiding the Government of Macedonia and the political parties in Macedonia to secure and maintain a lasting solution to the conflict; and

(5) pledges its support for additional United States assistance for programs and activities that contribute to reconstruction in Macedonia and a resolution of inter-ethnic tensions in that country.

Mr. McCONNELL. Mr. President, Senator LEAHY, Senator BIDEN, and I submit this resolution as an indication of our support and encouragement for continued negotiations between ethnic-Albanian and Macedonian political parties. A unified and independent Macedonia is in the best interests of all the citizens of Macedonia, neighboring countries, and the United States.

The news this morning of renewed fighting in the wake of stalled talks is deeply troubling. Continued armed conflict serves only to exacerbate an already difficult and tense situation. American leadership and engagement is essential in resolving the current crisis. We must be clear: a lasting cease-fire and peace can only be secured through dialogue and disarmament.

Frustrations on both sides of the negotiating table are growing daily. However difficult and dire the situation may seem today, it will only get worse if the talks completely collapse. The stakes are indeed high, and call for cooler heads and responsible, and responsive, leadership.

Make no mistake, the long standing and legitimate grievances of ethnic-Albanians must be on the table for discussion, and successful resolution. While the rights and lives of all Macedonian citizens must be protected and guaranteed, Macedonian officials must be particularly vigilant in ensuring that ethnic-Albanians are not targeted for retribution, as has unfortunately been the case in the past. The foundation of peace and stability is nothing less than equality for all citizens of Macedonia under the law and genuine respect for democratic processes, institutions, and the rule of law.

We hope that all parties at the negotiation table in Skopje understand that in their hands rests the fate of the country. We stand ready to support U.S.-funded programs and activities that contribute to the reconstruction and a resolution of inter-ethnic tensions in Macedonia.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this resolution on Macedonia, with my friend from Kentucky, Senator McCONNELL.

Macedonia stands out as the country in the Balkans which, until recently, avoided the bloodshed and destruction that engulfed the rest of the former Yugoslavia throughout much of the past decade. In Macedonia, ethnic Macedonians and Albanians have lived peacefully together.

But recently, a small number of Albanian fighters have resorted to violence. Some have demanded a separate Albanian state. Others are interested in nothing more than control over smuggling routes in and out of Macedonia. Still others are from Kosovo, and are using Macedonia as a staging ground to focus international attention on their grievances in Kosovo.

But there are others who have taken up arms who represent the aspirations of the larger community of ethnic Albanians in Macedonia, who have been the victims of discrimination in their own country, or what is now Macedonia, for generations.

Albanians comprise approximately one third of the population of Macedonia, but they hold only a fraction of government positions. There are no public institutions of higher learning where Albanian language is taught or spoken. Albanians are not recognized in Macedonia's Constitution.

The ethnic Albanian's grievances are legitimate, and must be addressed. The ethnic Macedonians also have rights, which must be respected.

Recently, the leaders of a coalition government, representing ethnic Macedonian and Albanian political parties, have met to try to find a political settlement of the conflict. Both sides have acknowledged that there is no military solution, and that a civil war would be devastating for the country. But after a week of negotiations they have made little progress, and the talks have reportedly reached an impasse. That is unacceptable. There is no other way to avoid a wider war than through dialogue. The United States has offered support, but not as vigorously as I believe it should. The leaders of the European Union have also invested considerable time and energy in search of peace.

NATO is prepared to assist in implementing a peace agreement, as it should, but the parties in Macedonia need to recognize that the United States will not intervene militarily, nor will we finance a war on behalf of either side. To think otherwise would be both unrealistic and pointless. The United States would support a political settlement that upholds the rights of all citizens of Macedonia, regardless of ethnicity, and which preserves the political and geographical integrity of the country.

This resolution calls attention to the importance of the situation in Macedonia, for the Balkans region, for Europe, and for the United States. This is a solvable problem, and it would be unforgivable if, what is still a relatively low intensity, localized conflict, erupted into full-scale civil war. The administration needs to give this precarious situation far more attention than it has thus far. We have an ambassador there who is doing his best, but it is not enough. Higher level diplomacy is needed, and it is needed urgently.

SENATE CONCURRENT RESOLUTION 54—AUTHORIZING THE ROTUNDA OF THE CAPITOL TO BE USED ON JULY 26, 2001, FOR A CEREMONY TO PRESENT CONGRESSIONAL GOLD MEDALS TO THE ORIGINAL 29 NAVAJO CODE TALKERS

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 54

Resolved by the Senate (the House of Representatives concurring), That the Rotunda of the Capitol is authorized to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 810. Mr. GRAMM (for himself, and Mrs. HUTCHISON) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

TEXT OF AMENDMENTS

SA 810. Mr. GRAMM (for himself, and Mrs. HUTCHISON) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

On page 140, lines 11 and 12, strike "issuer, or plan sponsor—" and insert "or issuer—".

Beginning on page 144, strike line 16 and all that follows through line 23 on page 148, and insert the following:

"(5) EXCLUSION OF EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—In addition to excluding certain physicians, other health care professionals, and certain hospitals from liability under paragraph (1), paragraph (1)(A) does not create any liability on the part of an employer or other plan sponsor (or on the part of an employee of such an employer or sponsor acting within the scope of employment).

"(B) DEFINITION.—In subparagraph (A), the term "employer" means an employer maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

"(i) an employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

"(ii) one or more employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan.

Beginning on page 160, strike line 21 and all that follows through line 14 on page 164, and insert the following:

"(3) EXCLUSION OF EMPLOYERS AND OTHER PLAN SPONSORS.—

"(A) IN GENERAL.—Paragraph (1) does not—

"(i) create any liability on the part of an employer or other plan sponsor (or on the part of an employee of such an employer or sponsor acting within the scope of employment), or

"(ii) apply with respect to a right of recovery, indemnity, or contribution by a person against an employer or other plan sponsor (or such an employee), for damages assessed against the person pursuant to a cause of action to which paragraph (1) applies.

"(B) DEFINITION.—In subparagraph (A), the term "employer" means an employer maintaining the plan involved that is acting, serving, or functioning as a fiduciary, trustee or plan administrator, including—

"(i) an employer described in section 3(16)(B)(i) with respect to a plan maintained by a single employer; and

"(ii) one or more employers or employee organizations described in section 3(16)(B)(iii) in the case of a multi-employer plan."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, June 22, 2001, at 9:30 a.m., in open session to consider the following nominations: Alberto Jose Mora to be General Counsel of the Department of the Navy; Diane K. Morales to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness; Steven John Morello, Sr. to be General Counsel of the Department of the Army; William A. Navas, Jr. to be Assistant Secretary of the Navy for Manpower and Reserve Affairs; and Michael W. Wynne to be Deputy Under Secretary of Defense for Acquisition and Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. FRIST. Madam President, I ask unanimous consent that an intern in my office, Caroline Smith, be granted floor privileges for the duration of today's debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELEMENTARY AND SECONDARY EDUCATION ACT AUTHORIZATION

On June 14, 2001, the Senate amended and passed H.R. 1, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1) entitled "An Act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Better Education for Students and Teachers Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Elementary and Secondary Education Act of 1965: Short title; purpose; definitions; uniform provisions.

TITLE I—BETTER RESULTS FOR DISADVANTAGED CHILDREN

Sec. 101. Policy and purpose.
Sec. 102. Authorization of appropriations.
Sec. 103. Reservation and allocation for school improvement.

PART A—BETTER RESULTS FOR DISADVANTAGED CHILDREN

Sec. 111. State plans.

Sec. 112. Local educational agency plans.
Sec. 113. Eligible school attendance areas.
Sec. 114. Schoolwide programs.
Sec. 115. Targeted assistance schools.
Sec. 116. Pupil safety and family school choice.
Sec. 117. Assessment and local educational agency and school improvement.
Sec. 118. Assistance for school support and improvement.
Sec. 118A. Grants for enhanced assessment instruments.
Sec. 119. Parental involvement.
Sec. 120. Professional development.
Sec. 120A. Participation of children enrolled in private schools.
Sec. 120B. Early childhood education.
Sec. 120C. Limitations on funds.
Sec. 120D. Allocations.
Sec. 120E. School year extension activities.
Sec. 120F. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.

PART B—LITERACY FOR CHILDREN AND FAMILIES

Sec. 121. Reading first.
Sec. 122. Early reading initiative.

PART C—EDUCATION OF MIGRATORY CHILDREN

Sec. 131. Program purpose.
Sec. 132. State application.
Sec. 133. Comprehensive plan.
Sec. 134. Coordination.

PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH

Sec. 141. Initiatives for neglected, delinquent, or at risk youth.

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TITLE XII—NATIVE AMERICAN EDUCATION IMPROVEMENT

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TITLE XIII—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

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Sec. 1302. Equal access.
Sec. 1303. Effective date.

TITLE XIV—INDIVIDUALS WITH DISABILITIES

Sec. 1401. Discipline.
Sec. 1402. Procedural safeguards.
Sec. 1403. Alternative education for children with disabilities.

TITLE XV—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

Sec. 1501. Short title.
Sec. 1502. Equal access.

TITLE XVI—EDUCATION PROGRAMS OF NATIONAL SIGNIFICANCE

Sec. 1601. Amendment to the Elementary and Secondary Education Act of 1965.

TITLE XVII—JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT

Sec. 1701. Short title.
Sec. 1702. Office of Environmental Education.
Sec. 1703. Environmental education grants.
Sec. 1704. John H. Chafee Memorial Fellowship Program.
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Sec. 1706. Environmental Education Advisory Council and Task Force.
Sec. 1707. National Environmental Learning Foundation.
Sec. 1708. Theodore Roosevelt Environmental Stewardship Grant Program.
Sec. 1709. Information standards.
Sec. 1710. Authorization of appropriations.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference *shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).*

SEC. 3. ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965: SHORT TITLE; PURPOSE; DEFINITIONS; UNIFORM PROVISIONS.

The Act (20 U.S.C. 6301 et seq.) is amended—

*(1) in the heading for section 1, by striking "***TABLE OF CONTENTS***" and inserting "***SHORT TITLE***"; and*

(2) by adding after section 1 the following:

"SEC. 2. PURPOSE.

"It is the purpose of this Act to support programs and activities that will improve the Nation's schools and enable all children to achieve high standards.

"SEC. 3. DEFINITIONS.

"Except as otherwise provided, in this Act:

"(1) AVERAGE DAILY ATTENDANCE.—

"(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term 'average daily attendance' means—

"(i) the aggregate number of days of attendance of all students during a school year; divided by

"(ii) the number of days school is in session during such school year.

"(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership or such other data.

"(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for purposes of this Act—

"(i) consider the child to be in attendance at a school of the agency making such payment; and

"(ii) not consider the child to be in attendance at a school of the agency receiving such payment.

"(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purposes of this Act, consider such child to be in attendance at a school of the agency making such payment.

"(2) AVERAGE PER-PUPIL EXPENDITURE.—The term 'average per-pupil expenditure' means, in the case of a State or of the United States—

"(A) without regard to the source of funds—

"(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

"(ii) any direct current expenditures by the State for the operation of such agencies; divided by

"(B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

"(3) CHILD.—The term 'child' means any person within the age limits for which the State provides free public education.

"(4) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a public or private nonprofit organization of demonstrated effectiveness that—

"(A) is representative of a community or significant segments of a community; and

"(B) provides educational or related services to individuals in the community.

"(5) CONSOLIDATED LOCAL APPLICATION.—The term 'consolidated local application' means an application submitted by a local educational agency pursuant to section 5505.

"(6) CONSOLIDATED LOCAL PLAN.—The term 'consolidated local plan' means a plan submitted by a local educational agency pursuant to section 5505.

"(7) CONSOLIDATED STATE APPLICATION.—The term 'consolidated State application' means an application submitted by a State educational agency after consultation with the Governor pursuant to section 5502.

"(8) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency after consultation with the Governor pursuant to section 5502.

"(9) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(10) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

"(A) part A of title I;

"(B) part C of title I;

"(C) part C of title II;

"(D) part A of title IV (other than section 4114); and

"(E) subpart 4 of part B of title V.

"(11) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under subpart 4 of part B of title V.

"(12) DEPARTMENT.—The term 'Department' means the Department of Education.

"(13) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(14) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

"(15) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is provided—

"(A) at public expense, under public supervision and direction, and without tuition charge; and

"(B) as elementary school or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

"(16) GIFTED AND TALENTED.—The term 'gifted and talented', when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

"(17) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965.

"(18) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for such combination of school districts or counties as are recognized in a State as an administrative agency for the State's public elementary or secondary schools.

"(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

"(C) BIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that such inclusion makes such school eligible for programs for which specific eligibility is not provided to such school in another provision of law and such school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that such school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

"(19) MENTORING.—The term 'mentoring', when used with respect to mentoring other than teacher mentoring, means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth's ability to excel in school and become a responsible citizen.

"(20) OTHER STAFF.—The term 'other staff' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

"(21) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(22) PARENT.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(23) PARENTAL INVOLVEMENT.—The term 'parental involvement' means the participation of parents in regular, two-way, and meaningful communication, including ensuring—

"(A) that parenting skills are promoted and supported;

"(B) that parents play an integral role in assisting student learning;

"(C) that parents are welcome in the schools;

"(D) that parents are included in decision-making and advisory committees; and

"(E) the carrying out of other activities described in section 1118.

"(24) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunication entity' has the same meaning given to such term in section 397 of the Communications Act of 1934.

"(25) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) PUPIL SERVICES PERSONNEL.—The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602 of the Individuals with Disabilities Education Act) as part

of a comprehensive program to meet student needs.

"(B) PUPIL SERVICES.—The term 'pupil services' means the services provided by pupil services personnel.

"(26) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' used with respect to an activity or a program, means an activity based on specific strategies and implementation of such strategies that, based on theory, research and evaluation, are effective in improving student achievement and performance and other program objectives.

"(27) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

"(28) SECRETARY.—The term 'Secretary' means the Secretary of Education.

"(29) STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(30) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

"(31) TEACHER MENTORING.—The term 'teacher mentoring' means activities that—

"(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

"(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

"(ii) as part of a multiyear, developmental induction process—

"(I) involve the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

"(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

"(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

"(32) TECHNOLOGY.—The term 'technology' means state-of-the-art technology products and services, such as closed circuit television systems, educational television and radio programs and services, cable television, satellite, copper and fiber optic transmission, computer hardware and software, servers and storage devices, video and audio laser and CD-ROM discs, video and audio tapes, web-based and other digital learning resources, including online classes, interactive tutorials, and interactive tools and virtual learning environments, hand-held devices, wireless technology, voice recognition systems, and high-quality digital video, distance learning networks, visualization, modeling, and simulation software, and learning focused digital libraries and information retrieval systems.

"SEC. 4. MAINTENANCE OF EFFORT.

"(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of such agency and the State with respect to the provision of free public education by such agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

"(b) REDUCTION IN CASE OF FAILURE TO MEET.—

"(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion to which a local educational agency fails to meet the requirement of subsection (a) by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to such local agency).

"(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

"(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that such a waiver would be equitable due to—

"(1) exceptional or uncontrollable circumstances such as a natural disaster; or

"(2) a precipitous decline in the financial resources of the local educational agency.

"SEC. 5. PROHIBITION REGARDING STATE AID.

"A State shall not take into consideration payments under this Act (other than under title VIII) in determining the eligibility of any local educational agency in such State for State aid, or the amount of State aid, with respect to free public education of children.

"SEC. 6. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

"(a) PRIVATE SCHOOL PARTICIPATION.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in a State educational agency, local educational agency, or educational service agency or consortium of such agencies receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary and secondary schools in such agency or consortium, such agency or consortium shall, after timely and meaningful consultation with appropriate private school officials provide, on an equitable basis, such children special educational services or other benefits under such program, and provide their teachers and other education personnel serving such children training and professional development services under such program.

"(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

"(3) SPECIAL RULE.—Educational services and other benefits provided under this section for such private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in such program.

"(4) EXPENDITURES.—Expenditures for educational services and other benefits provided under this section to eligible private school children, their teachers, and other educational personnel serving such children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

"(5) PROVISION OF SERVICES.—Such agency or consortium described in subsection (a)(1) may provide such services directly or through contracts with public and private agencies, organizations, and institutions.

"(b) APPLICABILITY.—

"(1) IN GENERAL.—This section applies to programs under—

"(A) subpart 2 of part B of title I;

"(B) part C of title I (migrant education);

"(C) parts A, (B) and C of title II;

"(D) title III; and

"(E) part A of title IV (other than section 4114).

"(2) DEFINITION.—For the purposes of this section, the term "eligible children" means children eligible for services under a program described in paragraph (1).

"(c) CONSULTATION.—

"(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency or consortium of such agencies shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as—

"(A) how the children's needs will be identified;

"(B) what services will be offered;

"(C) how and where the services will be provided; and

"(D) how the services will be assessed.

"(2) TIMING.—Such consultation shall occur before the agency or consortium makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act.

"(3) DISCUSSION REQUIRED.—Such consultation shall include a discussion of service delivery mechanisms that the agency or consortium could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

"(d) PUBLIC CONTROL OF FUNDS.—

"(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—(A) The provision of services under this section shall be provided—

"(i) by employees of a public agency; or

"(ii) through contract by such public agency with an individual, association, agency, or organization.

"(B) In the provision of such services, such employee, person, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

"(C) Funds used to provide services under this section shall not be commingled with non-Federal funds.

"SEC. 7. STANDARDS FOR BY-PASS.

"If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency or consortium of such agencies is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary and secondary schools, on an equitable basis, or if the Secretary determines that such agency or consortium has substantially failed or is unwilling to provide for such participation, as required by section 6, the Secretary shall—

"(1) waive the requirements of that section for such agency or consortium; and

"(2) arrange for the provision of equitable services to such children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 6, 8, and 9.

"SEC. 8. COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

"(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 6 by a State educational agency, local educational agency, educational service

agency, or consortium of such agencies. Such individual or organization shall submit such complaint to the State educational agency for a written resolution by the State educational agency within a reasonable period of time.

"(b) Appeals to the Secretary.—Such resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within a reasonable period of time. Such appeal shall be accompanied by a copy of the State educational agency's resolution, and a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve each such appeal not later than 120 days after receipt of the appeal.

"SEC. 9. BY-PASS DETERMINATION PROCESS.

"(a) Review.—

"(1) In general.—(A) The Secretary shall not take any final action under section 7 until the State educational agency, local educational agency, educational service agency, or consortium of such agencies affected by such action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

"(B) Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

"(2) Petition for review.—(A) If such affected agency or consortium is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency or consortium may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action.

"(B) A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

"(C) The Secretary upon receipt of the copy of the petition shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

"(3) Findings of fact.—(A) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

"(B) Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(4) Jurisdiction.—(A) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part.

"(B) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(b) Determination.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with such agency or consortium and representatives of the affected private school children, teachers, or other educational personnel that there will no longer be any failure or inability on the part of such agency or consortium to meet the applicable requirements of section 6 or any other provision of this Act.

"(c) Payment From State Allotment.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

"(d) Prior Determination.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994 shall remain in effect to the extent the Secretary determines that such determination is consistent with the purpose of this section.

"SEC. 10. PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

"Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

"SEC. 11. APPLICABILITY TO HOME SCHOOLS.

"Nothing in this Act shall be construed to affect home schools.

"SEC. 12. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 13. SCHOOL PRAYER.

"Any State or local educational agency that is adjudged by a Federal court of competent jurisdiction to have willfully violated a Federal court order mandating that such local educational agency remedy a violation of the constitutional right of any student with respect to prayer in public schools, in addition to any other judicial remedies, shall be ineligible to receive Federal funds under this Act until such time as the local educational agency complies with such order. Funds that are withheld under this section shall not be reimbursed for the period during which the local educational agency was in willful noncompliance.

"SEC. 14. GENERAL PROHIBITIONS.

"(a) Prohibition.—None of the funds authorized under this Act shall be used—

"(1) to develop or distribute materials, or operate programs or courses of instruction directed at youth that are designed to promote or encourage, sexual activity, whether homosexual or heterosexual;

"(2) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;

"(3) to provide sex education or HIV prevention education in schools unless such instruction is age appropriate and includes the health benefits of abstinence; or

"(4) to operate a program of condom distribution in schools.

"(b) Local Control.—Nothing in this section shall be construed to—

"(1) authorize an officer or employee of the Federal Government to mandate, direct, review, or control a State, local educational agency, or schools' instructional content, curriculum, and related activities;

"(2) limit the application of the General Education Provisions Act;

"(3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) create any legally enforceable right.

"SEC. 15. PROHIBITION ON FEDERAL MANDATES, DIRECTION, AND CONTROL.

"Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"SEC. 16. ADDITIONAL LIMITATIONS ON NATIONAL TESTING.

"(a) National Testing.—

"(1) In general.—Notwithstanding any other provision of this Act or any other provision of law, and except as provided in paragraph (2), no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a nationwide test in reading, mathematics, or any other subject, including test development, pilot testing, field testing, test implementation, test administration, test distribution, or any other purpose.

"(2) Exception.—Paragraph (1) shall not apply to the following:

"(A) The National Assessment of Educational Progress carried out under sections 411 through 413 of the Improving America's Schools Act of 1994 (20 U.S.C. 9010–9012).

"(B) The Third International Math and Science Study (TIMSS).

"(b) Mandatory National Testing or Certification of Teachers.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers or education paraprofessionals, including any planning, development, implementation, or administration of such test or certification.

"(c) Development of Database of Personally Identifiable Information.—Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.

"SEC. 17. ADDITIONAL LIMITATIONS AND PROTECTIONS REGARDING PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

"(a) Applicability to Home Schools.—(1) Nothing in this Act shall be construed to affect home schools, whether or not a home school is treated as a home school or a private school under State law or to require any home schooled student to participate in any assessment referenced in this Act.

"(2) Construction of Superseded Provision.—Section 11 shall have no force or effect.

"(b) Appilicability to Private Schools.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, or to require any student who attends a private school that does not receive funds or services under this Act to participate in any assessment referenced in this Act.

"(c) Applicability to Private, Religions, and Home Schools of General Provision Regarding Recipient Nonpublic Schools.—

"(1) In general.—Nothing in this Act or any other Act administered by the Secretary shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, and home schools from participation in programs and services under this Act.

"(2) Construction of Superseded Provision.—Section 12 shall have no force or effect.

"(d) Applicability of Gun-Free School Provisions to Home Schools.—Notwithstanding any provision of part B of title IV, for purposes of that part, the term 'school' shall not include a home school, regardless of whether or not a home school is treated as a private school or home school under State law.

"(e) STATE AND LOCAL EDUCATIONAL AGENCY MANDATES REGARDING PRIVATE AND HOME SCHOOL CURRICULA.—Nothing in this Act shall be construed to require any State or local educational agency that receives funds under this Act from mandating, directing, or controlling the curriculum of a private or home school, regardless of whether or not a home school is treated as a private school or home school under State law, nor shall any funds under this Act be used for this purpose.

"SEC. 18. PROHIBITION ON DISCRIMINATION.

"Nothing in this Act shall be construed to require, authorize, or permit, the Secretary, or a State, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.".

TITLE I—BETTER RESULTS FOR DISADVANTAGED CHILDREN

SEC. 101. POLICY AND PURPOSE.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

"SEC. 1001. STATEMENT OF PURPOSE.

"The purpose of this title is to enable schools to provide opportunities for children served under this title to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State student performance standards developed for all children. This purpose should be accomplished by—

"(1) ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards;

"(2) providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time so that children served under this title receive at least the classroom instruction that other children receive;

"(3) promoting schoolwide reform and ensuring access of children (from the earliest grades, including prekindergarten) to effective instructional strategies and challenging academic content that includes intensive complex thinking and problem-solving experiences;

"(4) significantly elevating the quality of instruction by providing staff in participating schools with substantial opportunities for professional development;

"(5) coordinating services under all parts of this title with each other, with other educational services, and to the extent feasible, with other agencies providing services to youth, children, and families that are funded from other sources;

"(6) affording parents substantial and meaningful opportunities to participate in the education of their children at home and at school;

"(7) distributing resources in amounts sufficient to make a difference to local educational agencies and schools where needs are greatest;

"(8) improving and strengthening accountability, teaching, and learning by using State assessment systems designed to measure how well children served under this title are achieving challenging State student performance standards expected of all children; and

"(9) providing greater decisionmaking authority and flexibility to schools and teachers in exchange for greater responsibility for student performance.".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 1002 (20 U.S.C. 6302) is amended to read as follows:

"SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

"(a) LOCAL EDUCATIONAL AGENCY GRANTS.—

"(1) SHORT TITLE.—This subsection may be cited as the 'Equal Educational Opportunity Act'.

"(2) AUTHORIZATION.—For the purpose of carrying out part A, other than section 1120(e), there are authorized to be appropriated—

"(A) $15,000,000,000 for fiscal year 2002;

"(B) $18,240,000,000 for fiscal year 2003;

"(C) $21,480,000,000 for fiscal year 2004;

"(D) $24,720,000,000 for fiscal year 2005;

"(E) $27,960,000,000 for fiscal year 2006;

"(F) $31,200,000,000 for fiscal year 2007;

"(G) $34,440,000,000 for fiscal year 2008;

"(H) $37,680,000,000 for fiscal year 2009;

"(I) $40,920,000,000 for fiscal year 2010; and

"(J) $44,164,000,000 for fiscal year 2011.

"(b) READING FIRST.—

"(1) EVEN START.—For the purpose of carrying out subpart 1 of part B, there are authorized to be appropriated $250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(2) READING FIRST.—For the purpose of carrying out subpart 2 of part B, there are authorized to be appropriated $900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(3) EARLY READING FIRST.—For the purpose of carrying out subpart 3 of part B, there are authorized to be appropriated $75,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(c) EDUCATION OF MIGRATORY CHILDREN.—For the purpose of carrying out part C, there are authorized to be appropriated $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(d) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—For the purpose of carrying out part D, there are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2002, $15,000,000 for fiscal year 2003, and $5,000,000 for fiscal year 2004.

"(f) FEDERAL ACTIVITIES.—

"(1) SECTION 1501.—For the purpose of carrying out section 1501, there are authorized to be appropriated $10,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(2) SECTION 1502.—For the purpose of carrying out section 1502, there are authorized to be appropriated $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(g) 21ST CENTURY LEARNING CENTERS.—For the purpose of carrying out part F, there are authorized to be appropriated $1,500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(h) COMPREHENSIVE SCHOOL REFORM.—For the purpose of carrying out part G, there are authorized to be appropriated $250,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(i) SCHOOL DROPOUT PREVENTION.—For the purpose of carrying out part H, there are authorized to be appropriated $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years, of which—

"(1) 10 percent shall be available to carry out subpart 1 of part H for each fiscal year; and

"(2) 90 percent shall be available to carry out subpart 2 of part H for each fiscal year.".

SEC. 103. RESERVATION AND ALLOCATION FOR SCHOOL IMPROVEMENT.

Section 1003 (20 U.S.C. 6303) is amended to read as follows:

"SEC. 1003. RESERVATION FOR SCHOOL IMPROVEMENT.

"(a) STATE RESERVATION.—Each State educational agency shall reserve 3.5 percent of the amount the State educational agency receives under subpart 2 of part A for each of the fiscal years 2002 and 2003, and 5 percent of that amount for each of the fiscal years 2004 through 2008, to carry out subsection (b) and to carry out the State educational agency's responsibilities under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.

"(b) USES.—Of the amount reserved under subsection (a) for any fiscal year, the State educational agency shall make available not less than 50 percent of that amount directly to local educational agencies for schools identified for school improvement, corrective action, or reconstitution under section 1116(c).

"(c) STATE PLAN.—Each State educational agency, in consultation with the Governor, shall prepare a plan to carry out the responsibilities of the State under sections 1116 and 1117, including carrying out the State educational agency's statewide system of technical assistance and support for local educational agencies.".

PART A—BETTER RESULTS FOR DISADVANTAGED CHILDREN

SEC. 111. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

"SEC. 1111. STATE PLANS.

"(a) PLANS REQUIRED.—

"(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary, by March 1, 2002, a plan prepared by the chief State school official, in consultation with the Governor, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and the Head Start Act.

"(2) CONSOLIDATION PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidation plan under section 5506.

"(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—

"(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

"(B) The standards required by subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.

"(C) The State shall have the standards described in subparagraph (A) for all public elementary school and secondary school children in subjects determined by the State, but including at least mathematics, reading or language arts, history, and science, except that—

"(i) any State which does not have standards in mathematics or reading or language arts, for public elementary school and secondary school children who are not served under this part, on the date of enactment of the Better Education for Students and Teachers Act shall apply the standards described in subparagraph (A) to such students not later than the beginning of the school year 2002–2003; and

"(ii) no State shall be required to meet the requirements under this part relating to history or *science standards until the beginning of the 2005–2006 school year.*

“(D) Standards under this paragraph shall include—

“(i) challenging content standards in academic subjects that—

“(I) specify what children are expected to know and be able to do;

“(II) contain coherent and rigorous content; and

“(III) encourage the teaching of advanced skills; and

“(ii) challenging student performance standards that—

“(I) are aligned with the State's content standards; and

“(II) describe 2 levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards.

“(E) For the subjects in which students served under this part will be taught, but for which a State is not required by subparagraphs (A), (B), and (C) to develop standards, and has not otherwise developed standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

“(2) ACCOUNTABILITY.—(A) Each State plan shall demonstrate that the State has developed and is implementing a single, statewide State accountability system that has been or will be effective in ensuring that all local educational agencies, elementary schools, and secondary schools make adequate yearly progress as defined under subparagraphs (B) and (D). Each State accountability system shall—

“(i) be based on the standards and assessments adopted under paragraphs (1) and (3) and take into account the performance of all students;

“(ii) be used for all schools or all local educational agencies in the State, except that schools and local educational agencies not participating under this part are not subject to the requirements of section 1116(c);

“(iii) include performance indicators for local educational agencies and schools to measure student performance consistent with subparagraph (B); and

“(iv) include sanctions and rewards, such as bonuses or recognition, the State will use to hold local educational agencies and schools accountable for student achievement and performance and for ensuring that the agencies and schools make adequate yearly progress in accordance with the State's definition under subparagraph (B).

“(B) Adequate yearly progress shall be defined in accordance with subparagraph (D) and in a manner that—

“(i) applies the same high standards of academic performance to all students in the State;

“(ii) is statistically valid and reliable;

“(iii) results in continuous and substantial academic improvement for all students;

“(iv) measures the progress of schools and local educational agencies based primarily on the assessments described in paragraph (3);

“(v) includes annual measurable objectives for continuing and significant improvement in—

“(I) the achievement of all students; and

“(II) the achievement of economically disadvantaged students, students with disabilities, students with limited English proficiency, migrant students, students by racial and ethnic group, and students by gender, except that such disaggregation shall not be required in any case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student;

“(vi) includes a timeline for meeting the goal that each group of students described in clause (v) will meet or exceed the State's proficient level of performance on the State assessment used for the purposes of this section and section 1116 not later than 10 years after the date of enactment of the Better Education for Students and Teachers Act; and

“(vii) includes school completion or graduation rates for secondary school students and at least 1 other academic indicator, as determined by the State, for elementary school students, except that inclusion of such indicators shall not decrease the number of schools or local educational agencies that would otherwise be subject to identification for improvement or corrective action if the indicators were not included.

“(C)(i) Each State plan shall include a detailed description of an objective system or formula that incorporates and gives appropriate weight to each of the elements described in subparagraph (B), including the progress of each of the groups of students described in subparagraph (B)(v)(II), in meeting the State's annual measurable objectives for continuing and significant improvement under subparagraph (B)(v) and in making progress toward the 10-year goal described in subparagraph (B)(vi), and that is primarily based on academic progress as demonstrated by the assessments described in paragraph (3) in subjects for which assessments are required under this section, except that the State shall give greater weight to the groups—

“(I) performing at a level furthest from the proficient level; and

“(II) that make the greatest improvement.

“(ii) The system or formula shall be subject to peer review and approval by the Secretary under subsection (e). The Secretary shall not approve the system or formula unless the Secretary determines that the system or formula is sufficiently rigorous and reliable to ensure continuous and significant progress toward the goal of having all students proficient within 10 years.

“(D) A State shall define adequate yearly progress for the purpose of making determinations under this Act so that—

“(i) a school, local educational agency, or State, respectively, has failed to make adequate yearly progress if the school, local educational agency, or State, respectively, has not—

“(I) made adequate progress as determined by the system or formula described in subparagraph (C); or

“(II) for each group of students described in subparagraph (B)(v)(II) (other than those groups formed by gender and migrant status), achieved an increase of not less than 1 percent, in the percentage of students served by the school, local educational agency, or State, respectively, meeting the State's proficient level of performance in reading or language arts and mathematics, for a school year compared to the preceding school year; and

“(ii) for the purpose of making determinations under clause (i) (I) or (II), the State may establish a uniform procedure for averaging data from the school year for which the determination is made and 1 or 2 school years preceding such school year.

“(E) Each State shall ensure that in developing its plan, the State diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and performance, including parents, teachers, local educational agencies, pupil services personnel, administrators (including those described in other parts of this title), and other staff, and that the State will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.

“(F) If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt content and student performance standards, and assessments aligned with such standards, which will be applicable to all students enrolled in the State's public schools, the State educational agency may meet the requirements of this subsection by—

“(i) adopting standards and assessments that meet the requirements of this subsection, on a statewide basis, and limiting the applicability of the standards and assessments to students served under this part; or

“(ii) adopting and implementing policies that ensure that each local educational agency in the State which receives a grant under this part will adopt content and student performance standards, and assessments aligned with such standards, which meet all of the criteria of this subsection.

“(G) Each State plan shall provide that in order for a school to make adequate yearly progress under subparagraph (B), not less than 95 percent of each group of students described in subparagraph (B)(v)(II), who are enrolled in the school at the time of the administration of the assessments, shall take the assessments (in accordance with paragraphs (3)(H)(ii) and (3)(I), and with accommodations, guidelines and alternate assessments provided in the same manner as they are provided under section 612(a)(17)(A) of the Individuals with Disabilities Education Act) on which adequate yearly progress is based, except that nothing in this subparagraph shall be construed to limit the requirement under paragraph (3)(H)(i) to assess all students.

“(H) Each State plan shall provide an assurance that the State's accountability requirements for charter schools (as defined in section 5120), such as requirements established under the State's charter school law and overseen by the State's authorized chartering agencies for such schools, are at least as rigorous as the accountability requirements established under this Act, such as the requirements regarding standards, assessments, adequate yearly progress, school identification, receipt of technical assistance, and corrective action, that are applicable to other schools in the State under this Act.

“(3) ASSESSMENTS.—Each State plan shall demonstrate that the State, in consultation with local educational agencies, has a system of high-quality, yearly student assessments in subjects that include, at a minimum, mathematics, reading or language arts, and science that will be used as the primary means of determining the yearly performance of each local educational agency and school in enabling all children to meet the State's student performance standards, except that no State shall be required to meet the requirements of this part relating to science assessments until the beginning of the 2007–2008 school year. Such assessments shall—

“(A) be the same assessments used to measure the performance of all children;

“(B) be aligned with the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

“(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments developed and used by national experts on educational testing;

“(D) be used only if the State provides to the Secretary evidence from the test publisher or

other relevant sources that the assessment used is of adequate technical quality for each purpose required under this Act, and such evidence is made public by the Secretary upon request;

"(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

"(F)(i) beginning not later than school year 2001–2002, measure the proficiency of students served under this part in mathematics and reading or language arts and be administered not less than one time during—

"(I) grades 3 through 5;

"(II) grades 6 through 9; and

"(III) grades 10 through 12;

"(ii) beginning not later than school year 2002–2003, measure the proficiency of all students in mathematics and reading or language arts and be administered not less than one time during—

"(I) grades 3 through 5;

"(II) grades 6 through 9; and

"(III) grades 10 through 12;

"(iii) beginning not later than school year 2007–2008, measure the proficiency of all students in science and be administered not less than one time during—

"(I) grades 3 through 5;

"(II) grades 6 through 9; and

"(III) grades 10 through 12;

"(G) beginning not later than school year 2005–2006, measure the performance of students against the challenging State content and student performance standards annually in grades 3 through 8, and at least once in grades 10 through 12, in at least mathematics and reading or language arts, if the tests are aligned with State standards, except that—

"(i) a State may defer the commencement, or suspend the administration, of the assessments described in this paragraph, that were not required prior to the date of enactment of the Better Education for Students and Teachers Act, for 1 year, for each year for which the amount appropriated for grants under section 6204(c) is less than—

"(I) $370,000,000 for fiscal year 2002;

"(II) $380,000,000 for fiscal year 2003;

"(III) $390,000,000 for fiscal year 2004;

"(IV) $400,000,000 for fiscal year 2005;

"(V) $410,000,000 for fiscal year 2006;

"(VI) $420,000,000 for fiscal year 2007; and

"(VII) $430,000,000 for fiscal year 2008; and

"(ii) the Secretary may permit a State to commence the assessments, that were required by amendments made to this paragraph by the Better Education for Students and Teachers Act, in school year 2006–2007, if the State demonstrates to the Secretary that exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous or unforeseen decline in the financial resources of the local educational agency or school, prevent full implementation of the assessments in school year 2005–2006 and that the State will administer such assessments during school year 2006–2007;

"(H) at the discretion of the State, measure the proficiency of students in academic subjects not described in subparagraphs (E), (F), and (G) in which the State has adopted challenging content and student performance standards;

"(I) provide for—

"(i) the participation in such assessments of all students;

"(ii) the reasonable adaptations and accommodations for students with disabilities defined under section 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and State student performance standards;

"(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas; and

"(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (excluding the Commonwealth of Puerto Rico) for 3 or more consecutive years, except that if a local educational agency demonstrates to the State educational agency that assessments in another language and form is likely to yield more accurate and reliable information on what such a student knows and can do, then the State educational agency, on a case-by-case basis, may waive the requirement to use tests written in English for those students and permit those students to be assessed in the appropriate language for one or more additional years, but only if the total number of students so assessed does not exceed one-third of the number of students in the State who were not required to be assessed using tests written in English in the previous year because the students were in the third year of the 3-year period described in this clause;

"(J) beginning not later than school year 2002–2003, provide for the annual assessment of the development of English proficiency (appropriate to students' oral language, reading, and writing skills in English) of students with limited English proficiency who are served under this part or under title III and who do not participate in the assessment described in clause (iv) of subparagraph (I);

"(K) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than 1 school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

"(L) produce individual student interpretive and descriptive reports to be provided to parents of all students, which shall include performance on assessments aligned with State standards, and other information on the attainment of student performance standards, such as measures of student course work over time, student attendance rates, student dropout rates, and student participation in advanced level courses;

"(M) enable results to be disaggregated within each State, local educational agency, and school by gender, by racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that in the case of a local educational agency or a school such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student; and

"(N) enable itemized score analyses to be reported to schools and local educational agencies in a way that parents, teachers, schools, and local educational agencies can interpret and address the specific academic needs of individual students as indicated by the students' performance on assessment items.

"(4) SPECIAL RULES.—(A) Additional measures that do not meet the requirements of paragraph (3)(C) may be included in the assessments if a State includes in the State plan information regarding the State's efforts to validate such measures, but such measures shall not be the primary or sole indicator of student progress toward meeting State standards.

"(B) Consistent with section 1112(b)(1)(D) States may measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards 1 or more times during grades kindergarten through 2.

"(5) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages but shall not mandate a specific assessment or mode of instruction.

"(6) REQUIREMENT.—Each State plan shall describe—

"(A) how the State educational agency will help each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(4), 1114(b), and 1115(c) that is applicable to such agency or school;

"(B) the specific steps the State educational agency will take to ensure that both schoolwide programs and targeted assistance schools provide instruction by highly qualified instructional staff as required by sections 1114(b)(1)(C) and 1115(c)(1)(F), including steps that the State educational agency will take to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out of field teachers, and the measures that the State educational agency will use to evaluate and publicly report the progress of the State educational agency with respect to such steps;

"(C) how the State educational agency will develop or identify high quality effective curriculum models aligned with State standards and how the State educational agency will disseminate such models to each local educational agency and school within the State; and

"(D) such other factors the State deems appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

"(7) ED-FLEX.—A State shall not be eligible for designation under the Ed-Flex Partnership Act of 1999 until the State develops assessments aligned with the State's content standards in at least mathematics and reading or language arts.

"(8) FACTORS IMPACTING STUDENT ACHIEVEMENT.—Each State plan shall include a description of the process that will be used with respect to any school within the State that is identified for school improvement or corrective action under section 1116 to identify the academic and other factors that have significantly impacted student achievement at the school.

"(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

"(1) the State will meet the requirements of subsection (j)(1) and, beginning with the 2002–2003 school year, will produce the annual State report cards described in such subsection;

"(2) the State will, beginning in school year 2002–2003, participate in annual State assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under section 411(b)(2) of the National Education Statistics Act of 1994 if the Secretary pays the costs of administering such assessments, except that a State in which less than 0.25 percent of the total number of poor, school-aged children in the United States is located shall be required to comply with the requirement of this paragraph on a biennial basis;

"(3) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119, technical assistance under section 1117, and parental involvement under section 1118;

"(4)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

"(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

"(5) the State educational agency will notify local educational agencies and the public of the content and student performance standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

"(6) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

"(7) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

"(8) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

"(9) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

"(10) the State educational agency has involved the committee of practitioners established under section 1903(b) in developing the plan and monitoring its implementation;

"(11) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under subpart 3 of part B of title V and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

"(12) the State will coordinate activities funded under this part with other Federal activities as appropriate.

"(d) Parental Involvement.—Each State plan shall describe how the State will support the collection and dissemination to local educational agencies and schools of effective parental involvement practices. Such practices shall—

"(1) be based on the most current research on effective parental involvement that fosters achievement to high standards for all children; and

"(2) be geared toward lowering barriers to greater participation in school planning, review, and improvement experienced by parents.

"(e) Peer Review and Secretarial Approval.—

"(1) Secretarial duties.—The Secretary shall—

"(A) establish a peer review process to assist in the review of State plans;

"(B) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, local educational agencies, and who are familiar with educational standards, assessments, accountability, and other diverse educational needs of students;

"(C) approve a State plan within 120 days of its submission unless the Secretary determines that the plan does not meet the requirements of this section;

"(D) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

"(E) not decline to approve a State's plan before—

"(i) offering the State an opportunity to revise its plan;

"(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

"(iii) providing a hearing; and

"(F) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan 1 or more specific elements of the State's content standards or to use specific assessment instruments or items.

"(2) State revisions.—States shall revise their plans if necessary to satisfy the requirements of this section.

"(f) Provision of Testing Results to Parents and Teachers.—Each State plan shall demonstrate how the State educational agency will assist local educational agencies in assuring that results from the assessments required under this section will be provided to parents and teachers as soon as is practicably possible after the test is taken, in a manner and form that is understandable and easily accessible to parents and teachers.

"(g) Duration of the Plan.—

"(1) In general.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this part; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

"(2) Additional information.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate progress, the State shall submit such information to the Secretary.

"(h) Limitation on Conditions.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

"(i) Penalty.—If a State fails to meet the statutory deadlines for demonstrating that it has in place challenging content standards and student performance standards, a set of high quality annual student assessments aligned to the standards, and a system for measuring and monitoring adequate yearly progress, the Secretary shall withhold funds for State administration and activities under section 1117 and take such other steps as are needed to assist the State in coming into compliance with this section until the Secretary determines that the State plan meets the requirements of this section.

"(j) Reports.—

"(1) Annual state report card.—

"(A) In general.—Not later than the beginning of the 2002–2003 school year, a State that receives assistance under this Act shall prepare and disseminate an annual State report card.

"(B) Implementation.—The State report card shall be—

"(i) concise; and

"(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.

"(C) Public dissemination.—The State shall widely disseminate the information described in subparagraph (D) to all schools and local educational agencies in the State and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies.

"(D) Required information.—The State shall include in its annual State report card—

"(i) information, in the aggregate, on student achievement and performance at each proficiency level on the State assessments described in subsection (b)(3)(G) (disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and socioeconomic status);

"(ii) the percentage of students not tested (disaggregated by the same categories described in clause (i));

"(iii) the most recent 2-year trend in student performance in each subject area, and for each grade level, for which assessments under section 1111 are required;

"(iv) aggregate information included in all other indicators used by the State to determine the adequate yearly progress of students in achieving State content and student performance standards;

"(v) average 4-year graduation rates and annual school dropout rates disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and socioeconomic status, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student;

"(vi) the percentage of teachers teaching with emergency or provisional credentials (disaggregated by high poverty and low poverty schools which for purposes of this clause means schools in which 50 percent or more, or less than 50 percent, respectively, of the students are from low-income families), and the percentage of classes not taught by highly qualified teachers in such high poverty schools;

"(vii) the number and names of each school identified for school improvement, including schools identified under section 1116(c); and

"(viii) information on the performance of local educational agencies in the State regarding making adequate yearly progress, including the number and percentage of schools in the State that did not make adequate yearly progress.

"(E) Permissive information.—The State may include in its annual State report card such other information as the State believes will best provide parents, students, and other members of the public with information regarding the progress of each of the State's public elementary schools and secondary schools. Such information may include information regarding—

"(i) school attendance rates;

"(ii) average class size in each grade;

"(iii) academic achievement and gains in English proficiency of limited English proficient students;

"(iv) the incidence of school violence, drug abuse, alcohol abuse, student suspensions, and student expulsions;

"(v) the extent of parental participation in the schools;

"(vi) parental involvement activities;

"(vii) extended learning time programs such as after-school and summer programs;

"(viii) the percentage of students completing advanced placement courses;

"(ix) the percentage of students completing college preparatory curricula; and

"(x) student access to technology in school.

"(F) PROTECTION OF PUPIL RIGHTS.—In meeting the requirements of this section, States, local educational agencies, and schools shall comply with the provisions of section 445 of the General Education Provisions Act.

"(2) ANNUAL LOCAL EDUCATIONAL AGENCY REPORT CARDS.—

"(A) IN GENERAL.—Not later than the beginning of the 2002–2003 school year, a local educational agency that receives assistance under this Act shall prepare and disseminate an annual local educational agency report card.

"(B) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency collects appropriate data and includes in the local educational agency's annual report the information described in paragraph (1)(D) as applied to the local educational agency and each school served by the local educational agency, and—

"(i) in the case of a local educational agency—

"(I) the number and percentage of schools identified for school improvement and how long they have been so identified, including schools identified under section 1116(c); and

"(II) information that shows how students served by the local educational agency perform on the statewide assessment compared to students in the State as a whole; and

"(ii) in the case of a school—

"(I) whether the school has been identified for school improvement; and

"(II) information that shows how the school's students performed on the statewide assessment compared to students in the local educational agency and the State as a whole.

"(C) OTHER INFORMATION.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.

"(D) DATA.—A local educational agency or school shall only include in its annual local educational agency report card data that is sufficient to yield statistically reliable information, as determined by the State, and does not reveal individually identifiable information about an individual student.

"(E) PUBLIC DISSEMINATION.—The local educational agency shall, not later than the beginning of the 2002–2003 school year, publicly disseminate the information described in this paragraph to all schools in the school district and to all parents of students attending those schools, and make the information broadly available through public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

"(3) PREEXISTING REPORT CARDS.—A State or local educational agency that was providing public report cards on the performance of students, schools, local educational agencies, or the State, may continue to use those reports for the purpose of this subsection, if such report is modified, as may be necessary, to contain the information required by this subsection.

"(4) ANNUAL STATE REPORT TO THE SECRETARY.—Each State receiving assistance under this Act shall report annually to the Secretary, and make widely available within the State—

"(A) beginning with school year 2001–2002, information on the State's progress in developing and implementing the assessments described in subsection (b)(3);

"(B) beginning not later than school year 2004–2005, information on the achievement of students on the assessments required by that section, including the disaggregated results for the categories of students identified in subsection (b)(2)(B)(v)(II);

"(C) the number and names of each school identified for school improvement, including schools identified under section 1116(c), the reason why each school was so identified, and the measures taken to address the performance problems of such schools; and

"(D) in any year before the State begins to provide the information described in subparagraph (B), information on the results of student assessments (including disaggregated results) required under this section.

"(5) PARENTS RIGHT-TO-KNOW.—

"(A) QUALIFICATIONS.—A local educational agency that receives funds under this part shall provide and notify the parents of each student attending any school receiving funds under this part that the parents may request, and will be provided on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

"(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

"(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

"(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

"(iv) Whether the child is provided services by a paraprofessional and the qualifications of such paraprofessional.

"(B) ADDITIONAL INFORMATION.—A school that receives funds under this part shall provide to parents information on the level of performance of the individual student for whom they are the parent, in each of the State assessments as required under this part.

"(C) FORMAT.—The notice and information provided to parents shall be in an understandable and uniform format.

"(6) REPORT TO CONGRESS.—The Secretary shall report annually to Congress—

"(A) beginning with school year 2001–2002, information on the State's progress in developing and implementing the assessments described in subsection (b)(3);

"(B) beginning not later than school year 2004–2005, information on the achievement of students on the assessments described in subsection (b)(3), including the disaggregated results for the categories of students described in subsection (b)(2)(B)(v)(II);

"(C) in any year before the States begin to provide the information described in paragraph (B) to the Secretary, information on the results of student assessments (including disaggregated results) required under this section.

"(k) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.

"(l) TECHNICAL ASSISTANCE.—The Secretary shall provide a State educational agency, at the State educational agency's request, technical assistance in meeting the requirements of this section, including the provision of advice by experts in the development of high-quality assessments, the setting of State performance standards, the development of measures of adequate yearly progress that are valid and reliable, and other relevant areas.

"(m) VOLUNTARY PARTNERSHIPS.—A State may enter into a voluntary partnership with another State to develop and implement the assessments and standards required under this section.".

SEC. 112. LOCAL EDUCATIONAL AGENCY PLANS.

Section 1112 (20 U.S.C. 6312) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "the Goals" and all that follows through "section 14306" and inserting "the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate"; and

(B) in paragraph (2), by striking "14304" and inserting "5504";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" after the semicolon;

(ii) in subparagraph (C), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(D) determine the literacy levels of first graders and their needs for interventions, including a description of how the agency will ensure that any such assessments—

"(i) are developmentally appropriate;

"(ii) use multiple measures to provide information about the variety of skills that research has identified as leading to early reading; and

"(iii) are administered to students in the language most likely to yield valid results;";

(B) in paragraph (3), by inserting ", which strategy shall be coordinated with activities under title II if the local educational agency receives funds under title II" before the semicolon;

(C) in paragraph (4)—

(i) in subparagraph (A)—

(I) by striking "programs, vocational" and inserting "programs and vocational"; and

(II) by striking ", and school-to-work transition programs"; and

(ii) in subparagraph (B)—

(I) by striking "served under part C" and all that follows through "1994"; and

(II) by striking "served under part D"; and

(D) by striking paragraph (9) and inserting the following:

"(9) where appropriate, a description of how the local educational agency will use funds under this part to support early childhood education programs under section 1120B;

"(10) a description of the strategy the local educational agency will use to implement effective parental involvement under section 1118;

"(11) a description of the process that will be used with respect to any school identified for school improvement or corrective action that is served by the local educational agency to determine the academic and other factors that have significantly impacted student achievement at the school; and

"(12) where appropriate, a description of how the local educational agency will use funds under this part to support school year extension programs under section 1120C for low-performing schools.";

(3) by amending subsection (c) to read as follows:

"(c) ASSURANCES.—Each local educational agency plan shall provide assurances that the local educational agency will—

"(1) inform eligible schools and parents of schoolwide project authority;

"(2) provide technical assistance and support to schoolwide programs;

"(3) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State content standards and State student performance standards;

"(4) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(c)(5);

"(5) work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119;

"(6) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families, including health and social services;

"(7) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

"(8) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

"(9) comply with the requirements of section 1119 regarding professional development;

"(10) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under subpart 3 of part B of title V, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999;

"(11) ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers;

"(12) use the results of the student assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this title to determine whether or not all of the schools are making the annual progress necessary to ensure that all students will meet the State's proficient level of performance on the State assessments described in section 1111(b)(3) within 10 years of the date of enactment of the Better Education for Students and Teachers Act;

"(13) ensure that the results from the assessments required under section 1111 will be provided to parents and teachers as soon as is practicably possible after the test is taken, in a manner and form that is understandable and easily accessible to parents and teachers; and

"(14) make available to each school served by the agency and assisted under this part models of high quality, effective curriculum that are aligned with the State's standards and developed or identified by the State."; and

(4) in subsection (e)—

(A) in paragraph (1), by striking ", except that" and all that follows through "finally approved by the State educational agency"; and

(B) in paragraph (3)—

(i) by striking "professional development"; and

(ii) by striking "section 1119" and inserting "sections 1118 and 1119".

SEC. 113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113(b)(1) (20 U.S.C. 6313(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" after the semicolon;

(2) in subparagraph (C)(iii), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(D) designate and serve a school attendance area or school that is not an eligible school attendance area under subsection (a)(2), but that was an eligible school attendance area and was served in the fiscal year preceding the fiscal year for which the determination is made, but only for 1 additional fiscal year.".

SEC. 114. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A local educational agency may use funds under this part, together with other Federal, State, and local funds, to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families, for the initial year of the schoolwide program."; and

(B) in paragraph (4)—

(i) by amending the heading to read as follows: "EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—"; and

(ii) by adding at the end the following:

"(C) A school that chooses to use funds from such other programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as the school maintains records that demonstrate that the schoolwide program, considered as a whole, addresses the intent and purposes of each of the programs that were consolidated to support the schoolwide program."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)(vii), by striking ", if any, approved under title III of the Goals 2000: Educate America Act";

(ii) in subparagraph (E), by striking ", such as family literacy services" and inserting "(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams."; and

(iii) by adding at the end the following:

"(I) Coordination and integration of Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training."; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "Improving America's Schools Act of 1994" and inserting "Better Education for Students and Teachers Act";

(II) in clause (iv), by inserting "in a language the family can understand" after "assessment results";

(III) in clause (vi), by striking "and" after the semicolon;

(IV) in clause (vii), by striking the period and inserting "; and"; and

(V) by adding at the end the following:

"(viii) describes how the school will coordinate and collaborate with other agencies providing services to children and families, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training."; and

(ii) in subparagraph (C)—

(I) in clause (i)(II), by striking "Improving America's Schools Act of 1994" and inserting "Better Education for Students and Teachers Act"; and

(II) in clause (v), by striking "the School-to-Work Opportunities Act of 1994".

SEC. 115. TARGETED ASSISTANCE SCHOOLS.

Section 1115 (20 U.S.C. 6315) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(ii), by striking ", yet" and all that follows through "setting"; and

(B) in paragraph (2)—

(i) in subparagraph (B), insert "or in early childhood education services under this title," after "program,"; and

(ii) in subparagraph (C)(i), by striking "under part D (or its predecessor authority)"; and

(2) in subsection (c)(1)—

(A) by amending subparagraph (G) to read as follows:

"(G) provide opportunities for professional development with resources provided under this part, and to the extent practicable, from other sources, for teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents, who work with participating children in programs under this section or in the regular education program;";

(B) in subparagraph (H), by striking ", such as family literacy services" and inserting "(including activities described in section 1118), such as family literacy services, in-school volunteer opportunities, or parent membership on school-based leadership or management teams; and"; and

(C) by adding at the end the following:

"(I) coordinate and integrate Federal, State, and local services and programs, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training.".

SEC. 116. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent unless allowing such transfer is prohibited—

"(A) under the provisions of a State or local law; or

"(B) by a local educational agency policy that is approved by a local school board; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to transfer to another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) Transportation Costs.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

"(d) Special Rule.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) Part B of the Individuals With Disabilities Education Act.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).".

SEC. 117. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

Section 1116 (20 U.S.C. 6317) is amended to read as follows:

"SEC. 1116. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

"(a) Local Review.—Each local educational agency receiving funds under this part shall—

"(1) use the State assessments described in the State plan;

"(2) use any additional measures or indicators described in the local educational agency's plan to review annually the progress of each school served under this part to determine whether the school is meeting, or making adequate progress as defined in sections 1111(b)(2) (B) and (D) toward enabling its students to meet the State's student performance standards described in the State plan;

"(3) provide the results of the local annual review to schools so that the schools, principals, teachers, and other staff in an instructionally useful manner can continually refine the program of instruction to help all children served under this part in those schools meet the State's student performance standards; and

"(4) annually review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement activities under section 1118, professional development activities under section 1119, and other activities assisted under this Act.

"(b) Designation of Distinguished Schools.—Each State educational agency and local educational agency receiving funds under this part shall designate distinguished schools in accordance with section 1117.

"(c) School Improvement.—

"(1) School improvement.—(A) Subject to subparagraph (B), a local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for any year, to make adequate yearly progress as defined in the State's plan under sections 1111(b)(2) (B) and (D).

"(B) Subparagraph (A) shall not apply to a school if almost every student in such school is meeting the State's proficient level of performance.

"(C) To determine if an elementary school or a secondary school that is conducting a targeted assistance program under section 1115 should be identified for school improvement under this subsection, a local educational agency may choose to review the progress of only the students in the school who are served, or are eligible for services, under this part.

"(2) Opportunity to review and present evidence; time limit.—(A) Before identifying an elementary school or a secondary school for school improvement under paragraph (1), for corrective action under paragraph (7), or for reconstitution under paragraph (8), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which such identification is based.

"(B) If the principal of a school proposed for identification under paragraph (1), (7), or (8) believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which shall consider that evidence before making a final determination.

"(C) Not later than 30 days after a local educational agency makes an initial determination concerning identifying a school under paragraph (1), (7), or (8), the local educational agency shall make public a final determination on the status of the school.

"(3) School plan.—(A) Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency serving the school, the local school board, and other outside experts, for approval by such local educational agency. The school plan shall cover a 2-year period and—

"(i) incorporate scientifically based research strategies that strengthen the core academic subjects in the school and address the specific academic issues that caused the school to be identified for school improvement and may include a strategy for the implementation of a comprehensive school reform model that meets each of the components described in section 1706(a);

"(ii) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all groups of students specified in section 1111(b)(2)(B)(v)(II) and enrolled in the school will meet the State's proficient level of performance on the State assessment described in section 1111(b)(3) within 10 years after the date of enactment of the Better Education for Students and Teachers Act;

"(iii) provide an assurance that the school will reserve not less than 10 percent of the funds made available to the school under this part for each fiscal year that the school is in school improvement status, for the purpose of providing to the school's teachers and principal high-quality professional development that—

"(I) directly addresses the academic performance problem that caused the school to be identified for school improvement; and

"(II) meets the requirements for professional development activities under section 1119;

"(iv) specify how the funds described in clause (iii) will be used to remove the school from school improvement status;

"(v) establish specific annual, objective goals for continuous and significant progress by each group of students specified in section 1111 (b)(2)(B)(v)(II) and enrolled in the school that will ensure that all such groups of students will make continuous and significant progress towards meeting the goal of all students reaching the State's proficient level of performance on the State assessment described in section 1111(b)(3) within 10 years after the date of enactment of the Better Education for Students and Teachers Act;

"(vi) identify how the school will provide written notification about the identification to the parents of each student enrolled in such school, in a format and, to the extent practicable, in a language the parents can understand;

"(vii) specify the responsibilities of the school, the local educational agency, and the State educational agency serving the school under the plan, including the technical assistance to be provided by the local educational agency under paragraph (4); and

"(viii) include strategies to promote effective parental involvement in the school.

"(B) The local educational agency may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (7)(D)(ii).

"(C) A school shall implement the school plan (including a revised plan) expeditiously, but not later than the beginning of the school year following the school year in which the school was identified for school improvement.

"(D) The local educational agency, within 45 days after receiving a school plan, shall—

"(i) establish a peer-review process to assist with review of a school plan prepared by a school served by the local educational agency; and

"(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.

"(4) Technical assistance.—(A) For each school identified for school improvement under paragraph (1), the local educational agency serving the school shall provide technical assistance as the school develops and implements the school plan.

"(B) Such technical assistance—

"(i) shall include assistance in analyzing data from the assessments required under section 1111(b)(3), and other samples of student work, to identify and address instructional problems including problems, if any, in implementing the parental involvement requirements described in section 1118, the professional development requirements described in section 1119, and the responsibilities of the school and local educational agency under the school plan and solutions;

"(ii) shall include assistance in identifying and implementing instructional strategies and methods that are tied to scientifically based research and that have proven effective in addressing the specific instructional issues that caused the school to be identified for school improvement;

"(iii) shall include assistance in analyzing and revising the school's budget so that the school resources are more effectively allocated for the activities most likely to increase student performance and to remove the school from school improvement status; and

"(iv) may be provided—

"(I) by the local educational agency, through mechanisms authorized under section 1117; or

"(II) by the State educational agency, an institution of higher education (in full compliance with all the reporting provisions of title II of the Higher Education Act of 1965), a private not-for-profit organization or for-profit organization, an educational service agency, or another entity with experience in helping schools improve performance.

"(C) Technical assistance provided under this section by a local educational agency or an entity approved by that agency shall be based on scientifically based research.

"(5) Failure to make adequate yearly progress after identification.—In the case of *any school served under this part that fails to make adequate yearly progress, as defined by the State under sections 1111(b)(2) (B) and (D), at the end of the first year after the school year for which the school was identified under paragraph (1), the local educational agency serving such school—*

"(A) shall provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1), unless—

"(i) such an option is prohibited by State law or local law, which includes school board approved local educational agency policy; or

"(ii) the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide that option to all students in the school who request the option, in which case the local educational agency shall permit as many students as possible (selected by the agency on an equitable basis and giving priority to the lowest achieving students) to make such a transfer, after giving notice to the parents of affected children that it is not possible, consistent with State and local law, to accommodate the transfer request of every student;

"(B) may identify the school for, and take, corrective action under paragraph (7); and

"(C) shall continue to provide technical assistance while instituting any corrective action.

"(6) NOTIFICATION TO PARENTS.—A local educational agency shall promptly provide (in a format and, to the extent practicable, in a language the parents can understand) the parents of each student in an elementary school or a secondary school identified for school improvement under paragraph (1), for corrective action under paragraph (7), or for reconstitution under paragraph (8)—

"(A) an explanation of what the identification means, and how the school compares in terms of academic performance to other elementary schools or secondary schools served by the State educational agency and the local educational agency involved;

"(B) the reasons for the identification;

"(C) an explanation of what the school is doing to address the problem of low performance;

"(D) an explanation of what the State educational agency or local educational agency is doing to help the school address the performance problem;

"(E) an explanation of how parents described in this paragraph can become involved in addressing the academic issues that caused the school to be identified; and

"(F) when the school is identified for corrective action under paragraph (7) or for reconstitution under paragraph (8), an explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental services for the child, in accordance with those paragraphs.

"(7) CORRECTIVE ACTION.—(A) In this subsection, the term 'corrective action' means action, consistent with State and local law, that—

"(i) substantially and directly responds to—

"(I) the consistent academic failure of a school that caused the local educational agency to take such action; and

"(II) any underlying staffing, curriculum, or other problem in the school; and

"(ii) is designed to increase substantially the likelihood that students enrolled in the school identified for corrective action will perform at the State's proficient and advanced levels of performance on the State assessment described in section 1111(b)(3).

"(B) In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with subparagraphs (C) through (F) and paragraph (8).

"(C) In the case of any school served by the local educational agency under this part that fails to make adequate yearly progress, as defined by the State under sections 1111(b)(2) (B) and (D), at the end of the second year after the school year for which the school was identified under paragraph (1), the local educational agency shall—

"(i)(I) provide all students enrolled in the school with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under paragraph (1); and

"(II) if all public schools in the local educational agency to which children may transfer are identified under paragraph (1) or this paragraph, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer of as many of those children as possible, selected by the agency on an equitable basis;

"(ii) make supplemental educational services available, in accordance with subsection (f), to children who remain in the school;

"(iii) identify the school for corrective action and take at least one of the following corrective actions:

"(I) Make alternative governance arrangements, such as reopening the school as a public charter school.

"(II) Replace the relevant school staff.

"(III) Institute and fully implement a new curriculum, including providing appropriate professional development for all relevant staff, that is tied to scientifically based research and offers substantial promise of improving educational performance for low-performing students; and

"(iv) continue to provide technical assistance to the school.

"(D) A local educational agency may delay, for a period not to exceed one year, implementation of corrective action only if the school's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

"(E) The local educational agency shall publish and disseminate information regarding any corrective action the local educational agency takes under this paragraph at a school to the public through such means as the Internet, the media, and public agencies.

"(8) RECONSTITUTION.—(A) If, after one year of corrective action under paragraph (7), a school subject to such corrective action continues to fail to make adequate yearly progress then the local educational agency shall—

"(i) provide all students enrolled in the school with the option to transfer to another public school in accordance with paragraph (7)(C)(i);

"(ii) make supplemental educational services available, in accordance with subsection (f), to children who remain in the school; and

"(iii) prepare a plan and make necessary arrangements to carry out subparagraph (B).

"(B)(i) Not later than the beginning of the school year following the year in which the local educational agency implements subparagraph (A), the local educational agency shall implement at least one of the following alternative governance arrangements for the school, consistent with State law:

"(I) Reopening the school as a public charter school.

"(II) Replacing all or most of the school staff.

"(III) Turning the operation of the school over to another entity, such as a private contractor, with a demonstrated record of success.

"(IV) Turning the operation of the school over to the State, if agreed to by the State.

"(V) Any other major restructuring of the school's governance arrangement.

"(ii) A rural local agency, as described in section 5231(b), may apply to the Secretary for a waiver of the requirements of this subparagraph if the agency submits to the Secretary an alternative plan for making significant changes to improve student performance in the school, such as providing an academically focused after school program for all students, changing school administration, or implementing a research based, proven effective, whole school reform program. The Secretary shall approve or reject an application for a waiver under this subparagraph not later than 30 days after the submission of information required by the Secretary to apply for the waiver. If the Secretary fails to make a determination with respect to the waiver application within such 30 days, the application shall be considered approved by the Secretary.

"(C) The local educational agency shall provide prompt notice to teachers and parents whenever subparagraph (A) or (B) applies, shall provide the teachers and parents an adequate opportunity to comment before taking any action under those subparagraphs and to participate in developing any plan under subparagraph (A)(iii).

"(9) TRANSPORTATION.—In any case described in paragraph (7)(C), the local educational agency—

"(A) shall provide, or shall pay for the provision of, transportation for the student to the school the child attends, notwithstanding subsection (f)(1)(C)(ii); and

"(B) may use not more than a total of 15 percent of the local educational agency's allocation under this part for a fiscal year for that transportation or for supplemental services under subsection (f).

"(10) DURATION OF RECONSTITUTION.—If any school identified for reconstitution under paragraph (8) makes adequate yearly progress for two consecutive years, the local educational agency need no longer subject the school to corrective action or identify the school as in need of improvement for the succeeding school year.

"(11) SPECIAL RULES.—A local educational agency shall permit a child who transferred to another school under this subsection to remain in that school, and shall continue to provide or provide for transportation for the child to attend that school to the extent required by paragraph (9)(B) until the child leaves that school.

"(12) SCHOOLS PREVIOUSLY IDENTIFIED FOR SCHOOL IMPROVEMENT OR CORRECTIVE ACTION.—

"(A) SCHOOL IMPROVEMENT.—(i) Except as provided in clauses (ii) and (iii), any school that was in school improvement status under this subsection on the day preceding the date of enactment of the Better Education for Students and Teachers Act shall be treated by the local educational agency, at the beginning of the next school year following such day, as a school that is in the first year of school improvement under paragraph (1).

"(ii) Any school that was in school improvement status under this subsection for the two school years preceding the date of enactment of the Better Education for Students and Teachers Act shall be treated by the local educational agency, at the beginning of the next school year following such day, as a school described in paragraph (5).

"(iii) Any school described in clause (ii) that fails to make adequate yearly progress for the first full school year following the date of enactment of the Better Education for Students and

Teachers Act shall be subject to paragraph (7)(C) at the beginning of the next school year.

"(iv) Any school described in clause (iii) that fails to make adequate yearly progress for the second full school year following the date of enactment of the Better Education for Students and Teachers Act shall be subject to paragraph (8) at the beginning of the next school year.

"(B) CORRECTIVE ACTION.—(i) Any school that was in corrective action status under this subsection on the day preceding the date of enactment of the Better Education for Students and Teachers Act, and that fails to make adequate yearly progress for the school year following such date, shall be subject to paragraph (7)(C) at the beginning of the next school year.

"(ii) Any school described in clause (i) that fails to make adequate yearly progress for the second school year following such date shall be subject to paragraph (8) at the beginning of the next school year.

"(13) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—The State educational agency shall—

"(A) make technical assistance under section 1117 available to all schools identified for school improvement and corrective action under this subsection, to the extent possible with funds reserved under section 1003;

"(B) if the State educational agency determines that a local educational agency failed to carry out its responsibilities under this subsection, take such corrective actions as the State educational agency determines appropriate and in compliance with State law;

"(C) for each school in the State that is identified for school improvement or corrective action, notify the Secretary of academic and other factors that were determined by the State educational agency under section 1111(b)(8) as significantly impacting student achievement; and

"(D) if a school in the State is identified for school improvement or corrective action, encourage appropriate State and local agencies and community groups to develop a consensus plan to address any factors that significantly impacted student achievement.

"(d) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

"(1) IN GENERAL.—A State educational agency shall review annually—

"(A) the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate progress as defined in sections 1111(b)(2) (B) and (D) toward meeting the State's student performance standards and to determine whether each local educational agency is carrying out its responsibilities under section 1116 and section 1117; and

"(B) the effectiveness of the activities carried out under this part by each local educational agency that receives funds under this part and is served by the State educational agency with respect to parental involvement, professional development, and other activities assisted under this part.

"(2) REWARDS.—In the case of a local educational agency that for 3 consecutive years has met or exceeded the State's definition of adequate progress as defined in sections 1111(b)(2) (B) and (D), the State may make institutional and individual rewards of the kinds described for individual schools in paragraph (2) of section 1117(c).

"(3) IDENTIFICATION.—(A) A State educational agency shall identify for improvement any local educational agency that for 2 consecutive years, is not making adequate progress as defined in sections 1111(b)(2) (B) and (D) in schools served under this part toward meeting the State's student performance standards, except that schools served by the local educational agency that are operating targeted assistance programs may be reviewed on the basis of the progress of only those students served under this part.

"(B) Before identifying a local educational agency for improvement under this paragraph, the State educational agency shall provide the local educational agency with an opportunity to review the school-level data, including assessment data, on which such identification is based. If the local educational agency believes that such identification for improvement is in error due to statistical or other substantive reasons, such local educational agency may provide evidence to the State educational agency to support such belief.

"(C) Not later than 30 days after a State educational agency makes an initial determination under subparagraph (A), the State educational agency shall make public a final determination regarding the improvement status of the local educational agency.

"(4) LOCAL EDUCATIONAL AGENCY REVISIONS.—(A) Each local educational agency identified under paragraph (3) shall, not later than 3 months after being so identified, revise and implement a local educational agency plan as described under section 1112. The plan shall—

"(i) include specific State-determined yearly progress requirements in subjects and grades to ensure that all students will make continuous and significant progress towards meeting the goal of all students reaching the proficient level of performance within 10 years;

"(ii) address the fundamental teaching and learning needs in the schools of that agency, and the specific academic problems of low-performing students including a determination of why the local educational agency's prior plan failed to bring about increased student achievement and performance;

"(iii) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

"(iv) address the professional development needs of the instructional staff by committing to spend not less than 10 percent of the funds received by the local educational agency under this part during 1 fiscal year for professional development (including funds reserved for professional development under subsection (c)(3)(A)(iii)), which funds shall supplement and not supplant professional development that instructional staff would otherwise receive, and which professional development shall increase the content knowledge of teachers and build the capacity of the teachers to align classroom instruction with challenging content standards and to bring all students to proficient or advanced levels of performance as determined by the State;

"(v) identify specific goals and objectives the local educational agency will undertake for making adequate yearly progress, which goals and objectives shall be consistent with State standards;

"(vi) identify how the local educational agency will provide written notification regarding the identification to parents of students enrolled in elementary schools and secondary schools served by the local educational agency in a format, and to the extent practicable, in a language that the parents can understand;

"(vii) specify the responsibilities of the State educational agency and the local educational agency under the plan, including technical assistance to be provided by the State educational agency under paragraph (5); and

"(viii) include strategies to promote effective parental involvement in the school.

"(5) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—(A) For each local educational agency identified under paragraph (3), the State educational agency shall provide technical or other assistance, as authorized under section 1117, to better enable the local educational agency to—

"(i) develop and implement the local educational agency's revised plan; and

"(ii) work with schools needing improvement.

"(B) Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be supported by effective methods and instructional strategies tied to scientifically based research. Such technical assistance shall address problems, if any, in implementing the parental involvement activities described in section 1118 and the professional development activities described in section 1119.";

"(6) CORRECTIVE ACTION.—(A)(i) Except as provided in subparagraph (E), after providing technical assistance pursuant to paragraph (5) and taking other remediation measures, the State educational agency may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (3), but shall take such action, consistent with State and local law, with respect to any local educational agency that continues to fail to make adequate progress at the end of the second year following identification under paragraph (3).

"(ii) The State educational agency shall continue to provide technical assistance while implementing any corrective action.

"(B) Consistent with State and local law, in the case of a local educational agency subject to corrective action under this paragraph, the State educational agency shall not take less than 1 of the following corrective actions:

"(i) Instituting and fully implementing a new curriculum that is based on State and local standards, including appropriate professional development tied to scientifically based research for all relevant staff that offers substantial promise of improving educational achievement for low-performing students.

"(ii) Restructuring or abolishing the local educational agency.

"(iii) Reconstituting school district personnel.

"(iv) Removal of particular schools from the jurisdiction of the local educational agency and establishment of alternative arrangements for public governance and supervision of such schools.

"(v) Appointment by the State educational agency of a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

"(vi) Deferring, reducing, or withholding funds.

"(C) HEARING.—Prior to implementing any corrective action under this paragraph, the State educational agency shall provide notice and a hearing to the affected local educational agency, if State law provides for such notice and hearing. The hearing shall take place not later than 45 days following the decision to implement corrective action.

"(D) NOTIFICATION TO PARENTS.—The State educational agency shall publish, and disseminate to parents and the public, any corrective action the State educational agency takes under this paragraph through a widely read or distributed medium.

"(E) DELAY.—A State educational agency may delay, for a period not to exceed one year, implementation of corrective action under this paragraph only if the local educational agency's failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency.

"(F) WAIVERS.—The State educational agency shall review any waivers approved prior to the date of enactment of the Better Education for Students and Teachers Act for a local educational agency designated for improvement or *corrective action and shall terminate any waiver approved by the State under the Educational Flexibility Partnership Act of 1999 if the State determines, after notice and an opportunity for a hearing, that the waiver is not helping the local educational agency make yearly progress to meet the objectives and specific goals described in the local educational agency's improvement plan.*

"(7) SPECIAL RULES.—If a local educational agency makes adequate progress toward meeting the State's standards for two consecutive years following identification under paragraph (6), the State educational agency need no longer subject the local educational agency to corrective action for the succeeding school year.

"(e) CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded school or school district employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

"(f) SUPPLEMENTAL SERVICES.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—In the case of any school described in subsection (c)(7)(C) or (c)(8)(A), the local educational agency serving such school shall, subject to subparagraphs (B) through (E), arrange for the provision of supplemental educational services to children in the school whose parents request those services, from providers approved for that purpose by the State educational agency and selected by the parents.

"(B) MAXIMUM ALLOCATION.—The amount that a local educational agency shall make available for supplemental educational services for each child receiving those services under this subsection is equal to the lesser of—

"(i) the amount of the agency's allocation under subpart 2 of this part, divided by the number of children from low-income families enrolled in the agency's schools; or

"(ii) the actual costs of the supplemental educational services received by the child.

"(C) FINANCIAL OBLIGATION OF LEA.—The local educational agency shall enter into agreements with such approved providers to provide services under this subsection to all children whose parents request the services, except that—

"(i) the local educational agency may use not more than a total of 15 percent of its allocation under this part for any fiscal year to pay for services under this subsection or to provide or provide for transportation under subsection (c)(9); and

"(ii) the total amount described in clause (i) is the maximum amount the local educational agency is required to spend under this part on those services.

"(D) INSUFFICIENT FUNDS.—If the amount of funds described in subparagraph (C) available to provide services under this subsection is insufficient to provide those services to each child whose parents request the services, then the local educational agency shall give priority to providing the services to the lowest-achieving children.

"(E) PROHIBITION.—A local educational agency shall not, as a result of the application of this paragraph, reduce by more than 15 percent the total amount made available under this part to a school described in subsection (c)(7)(C) or (c)(8)(A).

"(2) ADDITIONAL LOCAL EDUCATIONAL AGENCY RESPONSIBILITIES.—Each local educational agency subject to this subsection shall—

"(A) provide annual notice to parents (in a format and, to the extent practicable, in a language the parents can understand) of—

"(i) the availability of services under this subsection;

"(ii) the eligible providers of those services that are within the school district served by the agency or whose services are reasonably available in neighboring school districts; and

"(iii) a brief description of the services, qualifications, and demonstrated effectiveness of each such provider;

"(B) provide annual notice to potential providers of supplemental services in the school district of the agency of the opportunity to provide services under this subsection and of the applicable procedures for obtaining approval from the State educational agency to be a provider of those services;

"(C) if requested, assist parents to choose a provider from the list of approved providers maintained by the State;

"(D) apply fair and equitable procedures for serving students if spaces at eligible providers are not sufficient to serve all students;

"(E) enter into an agreement with each selected provider that includes a statement for each child, developed with the parents of the child and the provider, of specific performance goals for the student, how the student's progress will be measured, and how the parents and the child's teachers will be regularly informed of the child's progress and that, in the case of a child with disabilities, is consistent with the child's individualized education program under section 614(d) of the Individuals with Disabilities Education Act; and

"(F) not disclose to the public the identity of any child eligible for, or receiving, supplemental services under this subsection without the written permission of the parents of the child.

"(3) ADDITIONAL STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—Each State educational agency shall, in consultation with local educational agencies, parents, teachers, and other interested members of the public—

"(A) promote maximum participation under this subsection by service providers to ensure, to the extent practicable, that parents have as many choices of those providers as possible;

"(B) develop and apply objective criteria to potential service providers that are based on demonstrated effectiveness in increasing the academic proficiency of students in subjects relevant to meeting the State content and student performance standards adopted under section 1111(b)(1);

"(C) maintain an updated list of approved service providers in school districts served by local educational agencies subject to this subsection, from which parents may select;

"(D) develop and implement standards and techniques for monitoring, and publicly reporting on, the quality and effectiveness of the services offered by service providers, and for withdrawing approval from providers that fail, for two consecutive years, to contribute to increasing the academic proficiency of students served under this subsection as described in subparagraph (B); and

"(E) ensure that all approved providers meet applicable health and safety codes.

"(4) WAIVER.—A State educational agency may waive the requirements of this subsection for a local educational agency that demonstrates to the State educational agency's satisfaction that its list of approved service providers does not include any providers whose services are reasonably available geographically to children in that local educational agency.

"(5) SPECIAL RULE.—If State law prohibits a State educational agency from carrying out any of its responsibilities under this subsection, each local educational agency in the State shall carry out those prohibited responsibilities with respect to those who provide, or seek approval to provide, services to students who attend schools served by the local educational agency.

"(6) DEFINITION.—In this subsection, the term 'supplemental educational services' means tutoring and other supplemental academic enrichment services that—

"(A) are of high quality, research-based, focused on academic content, and directed exclusively at raising student proficiency in meeting the State's challenging content and student performance standards; and

"(B) are provided outside of regular school hours.

"(g) OTHER AGENCIES.—If a school is identified for school improvement, the Secretary may notify other relevant Federal agencies regarding the academic and other factors determined by the State educational agency under section 1111(b)(8) as significantly impacting student performance.".

SEC. 118. ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended—

(1) in subsection (a), by adding at the end the following:

"(3) PRIORITIES.—In carrying out this section, a State educational agency shall—

"(A) first, provide support and assistance to local educational agencies subject to corrective action described in section 1116 and assist schools, in accordance with section 1116, for which a local educational agency has failed to carry out its responsibilities under section 1116;

"(B) second, provide support and assistance to other local educational agencies and schools identified as in need of improvement under section 1116; and

"(C) third, provide support and assistance to other local educational agencies and schools participating under this part that need support and assistance in order to achieve the purpose of this part.";

(2) in subsection (b), by striking "the comprehensive regional technical assistance centers under part A of title XIII and" and inserting "comprehensive regional technical assistance centers, and"; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) APPROACHES.—

"(A) IN GENERAL.—In order to achieve the purpose described in subsection (a), each such system shall give priority to using funds made available to carry out this section—

"(i) to establish school support teams for assignment to and working in schools in the State that are described in subsection (a)(3)(A); and

"(ii) to provide such support as the State educational agency determines to be necessary and available to assure the effectiveness of such teams.

"(B) COMPOSITION.—Each school support team shall be composed of persons knowledgeable about successful schoolwide projects, school reform, and improving educational opportunities for low-achieving students, including—

"(i) teachers;

"(ii) pupil services personnel;

"(iii) parents;

"(iv) distinguished teachers or principals;

"(v) representatives of institutions of higher education;

"(vi) regional educational laboratories or research centers;

"(vii) outside consultant groups; or

"(viii) other individuals as the State educational agency, in consultation with the local educational agency, may determine appropriate.

"(C) FUNCTIONS.—Each school support team assigned to a school under this section shall—

"(i) review and analyze all facets of the school's operation, including the design and operation of the instructional program, and assist the school in developing recommendations for improving student performances in that school;

"(ii) collaborate, with school staff and the local educational agency serving the school, in

the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to improve student performance and help the school meet its goals for improvement, including adequate yearly progress under section 1111(b)(2)(B);

"(iii) evaluate, at least semiannually, the effectiveness of school personnel assigned to the school, including identifying outstanding teachers and principals, and make findings and recommendations (including the need for additional resources, professional development, or compensation) to the school, the local educational agency, and, where appropriate, the State educational agency; and

"(iv) make additional recommendations as the school implements the plan described in clause (ii) to the local educational agency and the State educational agency concerning additional assistance and resources that are needed by the school or the school support team.

"(D) CONTINUATION OF ASSISTANCE.—After 1 school year, the school support team may recommend that the school support team continue to provide assistance to the school, or that the local educational agency or the State educational agency, as appropriate, take alternative actions with regard to the school.";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "part which" and all that follows through the period and inserting "part."; and

(ii) in subparagraph (C)—

(I) by striking "and may" and inserting "(and may"; and

(II) by striking "exemplary performance" and inserting "exemplary performance)"; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "EDUCATORS" and inserting "TEACHERS AND PRINCIPALS";

(ii) by amending subparagraph (A) to read as follows:

"(A) The State may also recognize and provide financial awards to teachers or principals in a school described in paragraph (2) whose students consistently make significant gains in academic achievement.";

(iii) in subparagraph (B), by striking "educators" and inserting "teachers or principals"; and

(iv) by striking subparagraph (C).

SEC. 118A. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

Part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1117 (20 U.S.C. 6318) the following:

"SEC. 1117A. GRANTS FOR ENHANCED ASSESSMENT INSTRUMENTS.

"(a) PURPOSE.—The purpose of this section is to—

"(1) enable States (or consortia or States) and local educational agencies (or consortia of local educational agencies) to collaborate with institutions of higher education, other research institutions, and other organizations to improve the quality and fairness of State assessment systems beyond the basic requirements for assessment systems described in section 1111(b)(3);

"(2) characterize student achievement in terms of multiple aspects of proficiency;

"(3) chart student progress over time;

"(4) closely track curriculum and instruction; and

"(5) monitor and improve judgments based on informed evaluations of student performance.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(c) GRANTS AUTHORIZED.—The Secretary is authorized to award grants to States and local educational agencies to enable the States and local educational agencies to carry out the purpose described in subsection (a).

"(d) APPLICATION.—In order to receive a grant under this section for any fiscal year, a State or local educational agency shall submit an application to the Secretary at such time and containing such information as the Secretary may require.

"(e) AUTHORIZED USE OF FUNDS.—A State or local educational agency having an application approved under subsection (d) shall use the grant funds received under this section to collaborate with institutions of higher education or other research institutions, experts on curriculum, teachers, administrators, parents, and assessment developers for the purpose of developing enhanced assessments that are aligned with standards and curriculum, are valid and reliable for the purposes for which the assessments are to be used, are grade-appropriate, include multiple measures of student achievement from multiple sources, and otherwise meet the requirements of section 1111(b)(3). Such assessments shall strive to better measure higher order thinking skills, understanding, analytical ability, and learning over time through the development of assessment tools that include techniques such as performance, curriculum-, and technology-based assessments.

"(f) ANNUAL REPORTS.—Each State or local educational agency receiving a grant under this section shall report to the Secretary at the end of the fiscal year for which the State or local educational agency received the grant on the progress of the State or local educational agency in improving the quality and fairness of assessments with respect to the purpose described in subsection (a).".

SEC. 119. PARENTAL INVOLVEMENT.

(a) IN GENERAL.—Section 1118 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)(B), by inserting "activities to improve student achievement and student and school performance" after "involvement";

(2) in subsection (b)(1)—

(A) in the first sentence, by inserting "(in a language parents can understand)" after "distribute"; and

(B) in the second sentence, insert "shall be made available to the local community and" after "Such policy";

(3) in subsection (e)—

(A) in paragraph (1), by striking "participating parents in such areas as understanding the National Education Goals," and inserting "parents of children served by the school or local educational agency, as appropriate, in understanding";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(C) using technology, as appropriate, to foster parental involvement;";

(C) in paragraph (14), by striking "and" after the semicolon;

(D) by amending paragraph (15) to read as follows:

"(15) may establish a school district wide parent advisory council to advise the school and local educational agency on all matters related to parental involvement in programs supported under this section; and"; and

(E) by adding at the end the following:

"(16) shall provide such other reasonable support for parental involvement activities under this section as parents may request, which may include emerging technologies.";

(4) in subsection (f), by striking "or with" and inserting ", parents of migratory children, or parents with"; and

(5) by striking subsection (g) and inserting the following:

"(g) INFORMATION FROM PARENTAL INFORMATION AND RESOURCE CENTERS.—In a State where a parental information and resource center is established to provide training, information, and support to parents and individuals who work with local parents, local educational agencies, and schools receiving assistance under this part, each school or local educational agency that receives assistance under this part and is located in the State, shall assist parents and parental organizations by informing such parents and organizations of the existence and purpose of such centers, providing such parents and organizations with a description of the services and programs provided by such centers, advising parents on how to use such centers, and helping parents to contact such centers.

"(h) REVIEW.—The State educational agency shall review the local educational agency's parental involvement policies and practices to determine if the policies and practices meet the requirements of this section.".

(b) GRANTS.—Section 1118(a)(3) (20 U.S.C. 6319(a)(3)) is amended by adding at the end the following:

"(C)(i)(I) The Secretary is authorized to award grants to local educational agencies to enable the local educational agencies to supplement the implementation of the provisions of this section and to allow for the expansion of other recognized and proven initiatives and policies to improve student achievement through the involvement of parents.

"(II) Each local educational agency desiring a grant under this subparagraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(ii) Each application submitted under clause (i)(II) shall describe the activities to be undertaken using funds received under this subparagraph, shall set forth the process by which the local educational agency will annually evaluate the effectiveness of the agency's activities in improving student achievement and increasing parental involvement shall include an assurance that the local educational agency will notify parents of the option to transfer their child to another public school under section 1116(c)(7) or to obtain supplemental services for their child under section 1116(c)(8), in accordance with those sections.

"(iii) Each grant under this subparagraph shall be awarded for a 5-year period.

"(iv) The Secretary shall conduct a review of the activities carried out by each local educational agency using funds received under this subparagraph to determine whether the local educational agency demonstrates improvement in student achievement and an increase in parental involvement.

"(v) The Secretary shall terminate grants to a local educational agency under this subparagraph after the fourth year if the Secretary determines that the evaluations conducted by such agency and the reviews conducted by the Secretary show no improvement in the local educational agency's student achievement and no increase in such agency's parental involvement.

"(vi) There are authorized to be appropriated to carry out this subparagraph $100,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.".

SEC. 120. PROFESSIONAL DEVELOPMENT.

Section 1119 (20 U.S.C. 6320) is amended—

(1) in subsection (b)(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) support professional development activities that give teachers, principals, administrators, paraprofessionals, pupil services personnel, and parents the knowledge and skills to provide *students with the opportunity to meet challenging State or local content standards and student performance standards;'';*

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (D) through (G), respectively;

(C) by inserting after subparagraph (A) the following:

''(B) advance teacher understanding of effective instructional strategies, based on research for improving student achievement, at a minimum in reading or language arts and mathematics;

''(C) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this subparagraph shall not apply to an activity if such activity is 1 component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of the needs of the teacher, the needs of students, and the needs of the local educational agency;'';

(D) in subparagraph (E) (as so redesignated), by striking ''title III of the Goals 2000: Educate America Act,'';

(E) in subparagraph (F) (as so redesignated), by striking ''and'' after the semicolon;

(F) in subparagraph (G) (as so redesignated), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

''(H) to the extent appropriate, provide training for teachers in the use of technology and the applications of technology that are effectively used—

''(i) in the classroom to improve teaching and learning in the curriculum; and

''(ii) in academic content areas in which the teachers provide instruction;

''(I) be regularly evaluated for their impact on increased teacher effectiveness and improved student performance and achievement, with the findings of such evaluations used to improve the quality of professional development; and

''(J) provide assistance to teachers for the purpose of meeting certification, licensing, or other requirements needed to become highly qualified as defined in section 2102(4).'';

(2) in subsection (g), by striking ''title III of the Goals 2000: Educate America Act,'' and inserting ''other Acts''; and

(3) by adding at the end the following:

''(j) REQUIREMENT.—Each local educational agency that receives funds under this part and serves a school in which 50 percent or more of the children are from low income families shall use not less than 5 percent of the funds for each of fiscal years 2002 and fiscal year 2003, and not less than 10 percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified within 4 years.''.

SEC. 120A. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) AMENDMENTS.—Section 1120 (20 U.S.C. 6321) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''that address their needs, and shall ensure that teachers and families of such children participate, on an equitable basis, in services and activities under sections 1118 and 1119'' before the period;

(B) in paragraph (3), by inserting ''and shall be provided in a timely manner'' before the period; and

(C) in paragraph (4), insert ''as determined by the local educational agency each year or every 2 years'' before the period;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking ''and where'' and inserting '', where, and by whom'';

(ii) by amending subparagraph (D) to read as follows:

''(D) how the services will be assessed and how the results of that assessment will be used to improve those services;'';

(iii) in subparagraph (E), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(F) how and when the local educational agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of private school officials regarding the provision of contract services through potential third party providers, and if the local educational agency disagrees with the views of the private school officials on such provision of services, the local educational agency shall provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to so provide such services.''; and

(B) by adding at the end the following:

''(4) CONSULTATION.—Each local educational agency shall provide to the State educational agency, and maintain in the local educational agency's records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred. If a private school declines in writing to have eligible children in the private school participate in services provided under this section, the local educational agency is not required to further consult with the private school officials or to document the local educational agency's consultation with the private school officials until the private school officials request in writing such consultation. The local educational agency shall inform the private school each year of the opportunity for eligible children to participate in services provided under this section.

''(5) COMPLIANCE.—A private school official shall have the right to appeal to the State educational agency the decision of a local educational agency as to whether consultation provided for in this section was meaningful and timely; and whether due consideration was given to the views of the private school official. If the private school official wishes to appeal the decision, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.'';

(3) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(4) by inserting after subsection (b) the following:

''(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

''(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of private school children, ages 5 through 17, who are low-income by—

''(A) using the same measure of low-income used to count public school children;

''(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; or

''(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area.

''(2) COMPLAINT PROCESS.—Any dispute regarding low-income data for private school students shall be subject to the complaint process authorized in section 8.'';

(5) in subsection (e) (as so redesignated),

(A) in paragraph (2), by striking ''14505 and 14506'' and inserting ''8 and 9'';

(B) by redesignating paragraphs (1) and (2) (as so amended) as subparagraphs (A) and (B), respectively;

(C) by striking ''If a'' and inserting the following:

''(1) IN GENERAL.—If a''; and

(D) by adding at the end the following:

''(2) DETERMINATION.—In making the determination under paragraph (1), the Secretary shall consider 1 or more factors, including the quality, size, scope, or location of the program, or the opportunity of eligible children to participate in the program.''; and

(6) by repealing subsection (f) (as so redesignated).

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(4) shall take effect on September 30, 2003.

(c) CONFORMING AMENDMENT.—Section 1120A(a) (20 U.S.C. 6322(a)) is amended by striking ''14501 of this Act'' and inserting ''4''.

SEC. 120B. EARLY CHILDHOOD EDUCATION.

Section 1120B (20 U.S.C. 6321) is amended—

(1) by amending the section heading to read as follows:

''SEC. 1120B. COORDINATION REQUIREMENTS; EARLY CHILDHOOD EDUCATION SERVICES.'';

(2) in subsection (c), by striking ''Head Start Act Amendments of 1994'' and inserting ''Head Start Amendments of 1998''; and

(3) by adding at the end the following:

''(d) EARLY CHILDHOOD SERVICES.—A local educational agency may use funds received under this part to provide preschool services—

''(1) directly to eligible preschool children in all or part of its school district;

''(2) through any school participating in the local educational agency's program under this part; or

''(3) through a contract with a local Head Start agency, an eligible entity operating an Even Start program, a State-funded preschool program, or a comparable public early childhood development program.

''(e) EARLY CHILDHOOD EDUCATION PROGRAMS.—Early childhood education programs operated with funds provided under this part may be operated and funded jointly with Even Start programs under part B of this title, Head Start programs, or State-funded preschool programs. Early childhood education programs funded under this part shall—

''(1) focus on the developmental needs of participating children, including their social, cognitive, and language-development needs, and use scientifically based research approaches that build on competencies that lead to school success, particularly in language and literacy development and in reading;

''(2) teach children to understand and use language in order to communicate for various purposes;

''(3) enable children to develop and demonstrate an appreciation of books; and

''(4) in the case of children with limited English proficiency, enable the children to progress toward acquisition of the English language.''.

SEC. 120C. LIMITATIONS ON FUNDS.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1120B (20 U.S.C. 6323) the following:

''SEC. 1120C. LIMITATION ON FUNDS.

''A local educational agency may not use funds received under this subpart for—

''(1) purchase or lease of privately owned facilities;

''(2) purchase or provision of facilities maintenance, gardening, landscaping, or janitorial services, or the payment of utility costs;

"(3) the construction of facilities;

"(4) the acquisition of real property;

"(5) the payment of travel and attendance costs at conferences or other meetings other than travel and attendance necessary for professional development; or

"(6) the purchase or lease of vehicles.".

SEC. 120D. ALLOCATIONS.

Subpart 2 of part A of title I (20 U.S.C. 6331 et seq.) is amended to read as follows:

"Subpart 2—Allocations

"SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

"(a) RESERVATION OF FUNDS.—From the amount appropriated for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

"(1) the outlying areas on the basis of their respective need for such assistance according to such criteria as the Secretary determines will best carry out the purpose of this part; and

"(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (c).

"(b) ASSISTANCE TO THE OUTLYING AREAS.—

"(1) IN GENERAL.—From amounts made available under subsection (a)(1) in each fiscal year the Secretary shall make grants to local educational agencies in the outlying areas.

"(2) COMPETITIVE GRANTS.—

"(A) IN GENERAL.—For fiscal year 2002 and each of the 6 succeeding fiscal years, the Secretary shall reserve $5,000,000 from the amounts made available under subsection (a)(1) to award grants, on a competitive basis, to local educational agencies in the Freely Associated States. The Secretary shall award such grants taking into consideration the recommendations of the Pacific Region Educational Laboratory which shall conduct a competition for such grants.

"(B) USES.—Except as provided in subparagraph (C), grant funds awarded under this paragraph only may be used—

"(i) for programs described in this Act, including teacher training, curriculum development, instructional materials, or general school improvement and reform; and

"(ii) to provide direct educational services.

"(C) ADMINISTRATIVE COSTS.—The Secretary may provide 5 percent of the amount made available for grants under this paragraph to the Pacific Region Educational Laboratory to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this paragraph.

"(c) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

"(1) IN GENERAL.—The amount reserved for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

"(A) Indian children on reservations served by elementary schools and secondary schools for Indian children operated or supported by the Department of the Interior; and

"(B) out-of-State Indian children in elementary schools and secondary schools in local educational agencies under special contracts with the Department of the Interior.

"(2) PAYMENTS.—From the amount reserved for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1)(B). The amount of such payment may not exceed, for each such child, the greater of—

"(A) 40 percent of the average per-pupil expenditure in the State in which the agency is located; or

"(B) 48 percent of such expenditure in the United States.

"SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

"(a) IN GENERAL.—For each of the fiscal years 2002 through 2008—

"(1) the amount appropriated to carry out this part that is less than or equal to the amount appropriated to carry out section 1124 for fiscal year 2001, shall be allocated in accordance with section 1124;

"(2) the amount appropriated to carry out this part that is not used under paragraph (1) that equals the amount appropriated to carry out section 1124A for fiscal year 2001, shall be allocated in accordance with section 1124A; and

"(3) any amount appropriated to carry out this part for the fiscal year for which the determination is made that is not used to carry out paragraphs (1) and (2) shall be allocated in accordance with section 1125.

"(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d).

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as the allocations were reduced.

"(c) HOLD-HARMLESS AMOUNTS.—

"(1) IN GENERAL.—For each fiscal year the amount made available to each local educational agency under each of sections 1124, 1124A, and 1125 shall be not less than:

"(A) IN GENERAL.—Notwithstanding any other provision of this Act, the amount made available for each local educational agency under sections 1124 and 1124A for the fiscal year shall not be less than the greater of—

"(i) 100 percent of the amount the local educational agency received for fiscal year 2001 under sections 1124 and 1124A, respectively; or

"(ii) 100 percent of the amount calculated for the local educational agency for the fiscal year under sections 1124 and 1124A, respectively, determined without applying the hold harmless provisions of this subparagraph.

"(B) APPLICABILITY.—Notwithstanding any other provision of law, the Secretary shall not take into consideration the hold harmless provisions of this subsection for any fiscal year for purposes of calculating State or local allocations for the fiscal year under any program administered by the Secretary other than a program authorized under this part.

"(C) POPULATION UPDATES.—

"(i) IN GENERAL.—Notwithstanding paragraph (4), in fiscal year 2001 and each subsequent year, the Secretary shall use updated data, for purposes of carrying out section 1124, on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable.

"(ii) INAPPROPRIATE OR UNRELIABLE DATA.—If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this subparagraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall—

"(I) publicly disclose their reasons;

"(II) provide an opportunity for States to submit updated data on the number of children described in clause (i); and

"(III) review the data and, if the data are appropriate and reliable, use the data, for the purposes of section 1124, to determine the number of children described in clause (i).

"(iii) CRITERIA OF POVERTY.—In determining the families that are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, as the criteria have been updated by increases in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics.

"(iv) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for each fiscal year such sums as may be necessary to update the data described in clause (i).

"(2) SPECIAL RULES.—If sufficient funds are appropriated, the hold-harmless amounts described in paragraph (1) shall be paid to all local educational agencies that received grants under section 1124, 1124A, or 1125 for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria provided in section 1124(b), 1124A(a)(1)(A), or 1125(a), respectively, except that a local educational agency that does not meet such minimum eligibility criteria for 5 consecutive years shall no longer be eligible to receive a hold-harmless amount under this subsection.

"(3) COUNTY CALCULATION BASIS.—For any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold-homeless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, then the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that receive funds for the fiscal year in excess of the hold-harmless amounts specified in this paragraph.

"(d) RATABLE REDUCTIONS.—

"(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

"(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

"SEC. 1123. DEFINITIONS.

"In this subpart:

"(1) FREELY ASSOCIATED STATES.—The term 'Freely Associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"(2) OUTLYING AREAS.—The term 'outlying areas' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) AMOUNT OF GRANTS.—

"(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

"(A) the number of children counted under subsection (c); and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount

determined under this subparagraph shall not be less than 32 percent, and not more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) CALCULATION OF GRANTS.—

"(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

"(i) the Secretary and the Secretary of Commerce shall publicly disclose the reasons for their determination in detail; and

"(ii) paragraph (3) shall apply.

"(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—

"(i) LARGE LOCAL EDUCATIONAL AGENCIES.—In the case of an allocation under this section to a large local educational agency, the amount of the grant under this section for the large local educational agency shall be the amount determined under paragraph (1).

"(ii) SMALL LOCAL EDUCATIONAL AGENCIES.—

"(I) IN GENERAL.—In the case of an allocation under this section to a small local educational agency the State educational agency may—

"(aa) distribute grants under this section in amounts determined by the Secretary under paragraph (1); or

"(bb) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small local educational agencies.

"(II) ALTERNATIVE METHOD.—An alternative method under subclause (I)(bb) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the minimum number of children to qualify described in subsection (b).

"(III) APPEAL.—If a small local educational agency is dissatisfied with the determination of the amount of its grant by the State educational agency under subclause (I)(bb), the small local educational agency may appeal the determination to the Secretary, who shall respond within 45 days of receiving the appeal.

"(iii) DEFINITIONS.—In this subparagraph—

"(I) the term 'large local educational agency' means a local educational agency serving a school district with a total population of 20,000 or more; and

"(II) the term 'small local educational agency' means a local educational agency serving a school district with a total population of less than 20,000.

"(3) ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall allocate county amounts to local educational agencies, in accordance with regulations promulgated by the Secretary.

"(B) APPLICATION.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes the State has data that would better target funds than allocating the funds by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

"(C) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—If the Secretary approves its application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that the allocations will be made—

"(i) using precisely the same factors for determining a grant as are used under this section; or

"(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

"(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that a procedure is or will be established through which local educational agencies that are dissatisfied with determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

"(4) PUERTO RICO.—For each fiscal year, the Secretary shall determine the percentage which the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States. The grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

"(A) the percentage determined under the preceding sentence; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is—

"(1) 10 or more; and

"(2) more than 2 percent of the total school-age population in the school district of the local educational agency.

"(c) CHILDREN TO BE COUNTED.—

"(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

"(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraphs (2) and (3);

"(B) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4); and

"(C) the number of children determined under paragraph (4) for the preceding year (as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children and youth (other than such institutions operated by the United States), but not counted pursuant to chapter 1 of subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

"(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains 2 or more counties in their entirety, then each county shall be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

"(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for counties or local educational agencies, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, the Secretary and the Secretary of Commerce shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

"(4) OTHER CHILDREN TO BE COUNTED.—For purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act. In making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics. The Secretary shall determine the number of such children and the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

"(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (2)) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

"(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

"(1) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

"(2) the average of—

"(A) 0.25 percent of the total amount made available to carry out this section for such fiscal year; and

"(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

"SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

"(1) ELIGIBILITY.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, each local educational agency in a State that is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) who are served by the agency exceeds—

"(i) 6,500; or

"(ii) 15 percent of the total number of children aged 5 through 17 served by the agency.

"(B) MINIMUM.—Notwithstanding section 1122, no State shall receive under this section an amount that is less than the lesser of—

"(i) 0.25 percent of the total amount made available to carry out this section for such fiscal year; or

"(ii) the average of—

"(I) 0.25 percent of the sums available to carry out this section for such fiscal year; and

"(II) the greater of—

"(aa) $340,000; or

"(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per-pupil payment made with funds available under this section for that fiscal year.

"(2) DETERMINATION.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

"(A) the number of children counted under section 1124(c) for that fiscal year; and

"(B) the amount in section 1124(a)(1)(B) for all States except the Commonwealth of Puerto Rico, and the amount in section 1124(a)(3) for the Commonwealth of Puerto Rico.

"(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount that bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

"(4) LOCAL ALLOCATIONS.—

"(A) IN GENERAL.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

"(B) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of the amount made available to the State under this section for any fiscal year to make grants to local educational agencies that meet the criteria in paragraph (1)(A) (i) or (ii) but that are in ineligible counties.

"(b) RATABLE REDUCTION RULE.—If the sums available under subsection (a) for any fiscal year for making payments under this section are not sufficient to pay in full the total amounts which all States are eligible to receive under subsection (a) for such fiscal year, the maximum amounts that all States are eligible to receive under subsection (a) for such fiscal year shall be ratably reduced. In the case that additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(c) STATES RECEIVING 0.25 PERCENT OR LESS.—In States that receive 0.25 percent or less of the total amount made available to carry out this section for a fiscal year, the State educational agency shall allocate such funds among the local educational agencies in the State—

"(1) in accordance with paragraphs (2) and (4) of subsection (a); or

"(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.

"SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if—

"(A) the number of children in the local educational agency counted under section 1124(c), before application of the weighted child count described in subsection (c), is at least 10; and

"(B) if the number of children counted for grants under section 1124(c), before application of the weighted child count described in subsection (c), is at least 5 percent of the total number of children aged 5 to 17 years, inclusive, in the school district of the local educational agency.

"(2) SPECIAL RULE.—For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

"(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND THE COMMONWEALTH OF PUERTO RICO.—

"(1) IN GENERAL.—The amount of the grant that a local educational agency in a State (other than the Commonwealth of Puerto Rico) is eligible to receive under this section for any fiscal year shall be the product of—

"(A) the weighted child count determined under subsection (c); and

"(B) the amount determined under section 1124(a)(1)(B).

"(2) PUERTO RICO.—For each fiscal year, the amount of the grant the Commonwealth of Puerto Rico is eligible to receive under this section shall be equal to the number of children counted under subsection (c) for the Commonwealth of Puerto Rico, multiplied by the amount determined in section 1124(a)(4) for the Commonwealth of Puerto Rico.

"(c) WEIGHTED CHILD COUNT.—

"(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

"(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) for that county who constitute not more than 15.00 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children who constitute more than 15.00 percent, but not more than 19.00 percent, of such population, multiplied by 1.75;

"(iii) the number of such children who constitute more than 19.00 percent, but not more than 24.20 percent, of such population, multiplied by 2.5;

"(iv) the number of such children who constitute more than 24.20 percent, but not more than 29.20 percent, of such population, multiplied by 3.25; and

"(v) the number of such children who constitute more than 29.20 percent of such population, multiplied by 4.0.

"(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) who constitute not more than 2,311, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children between 2,312 and 7,913, inclusive, in such population, multiplied by 1.5;

"(iii) the number of such children between 7,914 and 23,917, inclusive, in such population, multiplied by 2.0;

"(iv) the number of such children between 23,918 and 93,810, inclusive, in such population, multiplied by 2.5; and

"(v) the number of such children in excess of 93,811 in such population, multiplied by 3.0.

"(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

"(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the 2 amounts determined under subparagraphs (B) and (C).

"(B) BY PERCENTAGE OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) for that local educational agency who constitute not more than 15.233 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children who constitute more than 15.233 percent, but not more than 22.706 percent, of such population, multiplied by 1.75;

"(iii) the number of such children who constitute more than 22.706 percent, but not more than 32.213 percent, of such population, multiplied by 2.5;

"(iv) the number of such children who constitute more than 32.213 percent, but not more than 41.452 percent, of such population, multiplied by 3.25; and

"(v) the number of such children who constitute more than 41.452 percent of such population, multiplied by 4.0.

"(C) BY NUMBER OF CHILDREN.—The amount referred to in subparagraph (A) is determined by adding—

"(i) the number of children determined under section 1124(c) who constitute not more than 710, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

"(ii) the number of such children between 711 and 2,384, inclusive, in such population, multiplied by 1.5;

"(iii) the number of such children between 2,385 and 9,645, inclusive, in such population, multiplied by 2.0;

“(iv) the number of such children between 9,646 and 54,600, inclusive, in such population, multiplied by 2.5; and

“(v) the number of such children in excess of 54,600 in such population, multiplied by 3.0.

“(D) PUERTO RICO.—Notwithstanding subparagraph (A), the weighting factor for the Commonwealth of Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

“(d) CALCULATION OF GRANT AMOUNTS.—Grant amounts under this section shall be calculated in the same manner as grant amounts are calculated under section 1124(a) (2) and (3).

“(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted not less than 0.5 percent of the total amount made available to carry out this section for such fiscal year.

“SEC. 1125A. EDUCATION FINANCE INCENTIVE PROGRAM.

“(a) GRANTS.—From funds appropriated under subsection (e) the Secretary is authorized to make grants to States, from allotments under subsection (b), to carry out the purposes of this part.

“(b) DISTRIBUTION BASED UPON FISCAL EFFORT AND EQUITY.—

“(1) IN GENERAL.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds appropriated pursuant to subsection (e) shall be allotted to each State based upon the number of children counted under section 1124(c) in such State multiplied by the product of—

“(i) such State's effort factor described in paragraph (2); multiplied by

“(ii) 1.30 minus such State's equity factor described in paragraph (3).

“(B) MINIMUM.—For each fiscal year no State shall receive under this section less than 0.5 percent of the total amount appropriated under subsection (e) for the fiscal year.

“(2) EFFORT FACTOR.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the effort factor for a State shall be determined in accordance with the succeeding sentence, except that such factor shall not be less than 0.95 nor greater than 1.05. The effort factor determined under this sentence shall be a fraction the numerator of which is the product of the 3-year average per-pupil expenditure in the State multiplied by the 3-year average per capita income in the United States and the denominator of which is the product of the 3-year average per capita income in such State multiplied by the 3-year average per-pupil expenditure in the United States.

“(B) COMMONWEALTH OF PUERTO RICO.—The effort factor for the Commonwealth of Puerto Rico shall be equal to the lowest effort factor calculated under subparagraph (A) for any State.

“(3) EQUITY FACTOR.—

“(A) DETERMINATION.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall determine the equity factor under this section for each State in accordance with clause (ii).

“(ii) COMPUTATION.—

“(I) IN GENERAL.—For each State, the Secretary shall compute a weighted coefficient of variation for the per-pupil expenditures of local educational agencies in accordance with subclauses (II), (III), and (IV).

“(II) VARIATION.—In computing coefficients of variation, the Secretary shall weigh the variation between per-pupil expenditures in each local educational agency and the average per-pupil expenditures in the State according to the number of pupils served by the local educational agency.

“(III) NUMBER OF PUPILS.—In determining the number of pupils under this paragraph served by each local educational agency and in each State, the Secretary shall multiply the number of children from low-income families by a factor of 1.4.

“(IV) ENROLLMENT REQUIREMENT.—In computing coefficients of variation, the Secretary shall include only those local educational agencies with an enrollment of more than 200 students.

“(B) SPECIAL RULE.—The equity factor for a State that meets the disparity standard described in section 222.162 of title 34, Code of Federal Regulations (as such section was in effect on the day preceding the date of enactment of the Better Education for Students and Teachers Act) or a State with only 1 local educational agency shall be not greater than 0.10.

“(C) REVISIONS.—The Secretary may revise each State's equity factor as necessary based on the advice of independent education finance scholars to reflect other need-based costs of local educational agencies in addition to low-income student enrollment, such as differing geographic costs, costs associated with students with disabilities, children with limited English-proficiency or other meaningful educational needs, which deserve additional support. In addition, after obtaining the advice of independent education finance scholars, the Secretary may revise each State's equity factor to incorporate other valid and accepted methods to achieve adequacy of educational opportunity that may not be reflected in a coefficient of variation method.

“(c) USE OF FUNDS.—All funds awarded to each State under this section shall be allocated to local educational agencies and schools on a basis consistent with the distribution of other funds to such agencies and schools under sections 1124, 1124A, and 1125 to carry out activities under this part.

“(d) MAINTENANCE OF EFFORT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allotment of funds under this section for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

“(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of funds awarded to any State under this section in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

“(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this subsection if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

“(f) STUDY, EVALUATION AND REPORT OF SCHOOL FINANCE EQUALIZATION.—(1) The Secretary shall conduct a study to evaluate and report to the Congress on the degree of disparity in expenditures per pupil among local educational agencies within and across each of the fifty States and the District of Columbia. The Secretary shall also analyze the trends in State school finance legislation and judicial action requiring that States equalize resources. The Secretary shall evaluate and report to the Congress whether or not it can be determined if these actions have resulted in an improvement in student performance.

“(2) In preparing this report, the Secretary may also consider the following: Various measures of determining disparity; the relationship between education expenditures and student performance; the effect of Federal education assistance programs on the equalization of school finance resources; and the effects of school finance equalization on local and State tax burdens.

“(3) Such reports shall be submitted to the Congress not later than one year after the date of enactment of the Better Education for Students and Teachers Act.

“SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

“(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

“(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected or delinquent children as described in section 1124(c)(1)(C), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

“(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

“(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

“(1) if 2 or more local educational agencies serve, in whole or in part, the same geographical area;

“(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

“(3) to reflect the merger, creation, or change of boundaries of 1 or more local educational agencies.

“(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local educational agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.

“SEC. 1127. CARRYOVER AND WAIVER.

“(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421 of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.

“(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—

“(1) the agency determines that the request of a local educational agency is reasonable and necessary; or

"(2) supplemental appropriations for this subpart become available.

"(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.".

SEC. 120E. SCHOOL YEAR EXTENSION ACTIVITIES.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. SCHOOL YEAR EXTENSION ACTIVITIES.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—A local educational agency may use funds received under this part to—

"(A) to extend the length of the school year to 210 days, including necessary increases in compensation to employees;

"(B) conduct outreach to and consult with community members, including parents, students, and other stakeholders, to develop a plan to extend learning time within or beyond the school day or year; and

"(C) research, develop, and implement strategies, including changes in curriculum and instruction.

"(b) APPLICATION.—A local educational agency desiring to use funds under this section shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the agency may require. Each application shall describe—

"(1) the activities to be carried out under this section;

"(2) any study or other information-gathering project for which funds will be used;

"(3) the strategies and methods the applicant will use to enrich and extend learning time for all students and to maximize high quality instruction in the core academic areas during the school day, such as block scheduling, team teaching, longer school days or years, and extending learning time through new distance-learning technologies;

"(4) the strategies and methods the applicant will use, including changes in curriculum and instruction, to challenge and engage students and to maximize the productiveness of common core learning time, as well as the total time students spend in school and in school-related enrichment activities;

"(5) the strategies and methods the applicant intends to employ to provide continuing financial support for the implementation of any extended school day or school year;

"(6) with respect to any application to carry out activities described in subsection (b)(1)(A), a description of any feasibility or other studies demonstrating the sustainability of a longer school year;

"(7) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the activities assisted under this section;

"(8) the process to be used for involving parents and other stakeholders in the development and implementation of the activities assistance under this section;

"(9) any cooperation or collaboration among public housing authorities, libraries, businesses, museums, community-based organizations, and other community groups and organizations to extend engaging, high-quality, standards-based learning time outside of the school day or year, at the school or at some other site;

"(10) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this section;

"(11) the goals and objectives of the activities assisted under this section, including a description of how such activities will assist all students to reach State standards;

"(12) the methods by which the applicant will assess progress in meeting such goals and objectives; and

"(13) how the applicant will use funds provided under this section in coordination with funds provided under other Federal laws.

SEC. 120F. ADEQUACY OF FUNDING OF TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES IN FISCAL YEARS AFTER FISCAL YEAR 2001.

(a) FINDINGS.—Congress makes the following findings:

(1) The current Basic Grant Formula for the distribution of funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), often does not provide funds for the economically disadvantaged students for which such funds are targeted.

(2) Any school district in which at least two percent of the students live below the poverty level qualifies for funding under the Basic Grant Formula. As a result, 9 out of every 10 school districts in the country receive some form of aid under the Formula.

(3) Fifty-eight percent of all schools receive at least some funding under title I of the Elementary and Secondary Education Act of 1965, including many suburban schools with predominantly well-off students.

(4) One out of every 5 schools with concentrations of poor students between 50 and 75 percent receive no funding at all under title I of the Elementary and Secondary Education Act of 1965.

(5) In passing the Improving America's Schools Act in 1994, Congress declared that grants under title I of the Elementary and Secondary Education Act of 1965 would more sharply target high poverty schools by using the Targeted Grant Formula, but annual appropriation Acts have prevented the use of that Formula.

(6) The advantage of the Targeted Grant Formula over other funding formulas under title I of the Elementary and Secondary Education Act of 1965 is that the Targeted Grant Formula provides increased grants per poor child as the percentage of economically disadvantaged children in a school district increases.

(7) Studies have found that the poverty of a child's family is much more likely to be associated with educational disadvantage if the family lives in an area with large concentrations of poor families.

(8) States with large populations of high poverty students would receive significantly more funding if more funds under title I of the Elementary and Secondary Education Act of 1965 were allocated through the Targeted Grant Formula.

(9) Congress has an obligation to allocate funds under title I of the Elementary and Secondary Education Act of 1965 so that such funds will positively affect the largest number of economically disadvantaged students.

(b) LIMITATION ON ALLOCATION OF TITLE I FUNDS CONTINGENT ON ADEQUATE FUNDING OF TARGETED GRANTS.—Notwithstanding any other provision of law, the total amount allocated in any fiscal year after fiscal year 2001 for programs and activities under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) may not exceed the amount allocated in fiscal year 2001 for such programs and activities unless the amount available for targeted grants to local educational agencies under section 1125 of that Act (20 U.S.C. 6335) in the applicable fiscal year is sufficient to meet the purposes of grants under that section.

PART B—LITERACY FOR CHILDREN AND FAMILIES

SEC. 121. READING FIRST.

Part B of title I (20 U.S.C. 6361 et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART B—LITERACY FOR CHILDREN AND FAMILIES";

(2) by inserting after the part heading the following:

"Subpart 1—William F. Goodling Even Start Family Literacy Programs";

(3) in sections 1201 through 1212, by striking "this part" each place such term appears and inserting "this subpart"; and

(4) by adding at the end the following:

"Subpart 2—Reading First"

"SEC. 1221. PURPOSES.

"The purposes of this subpart are as follows:

"(1) To provide assistance to States and local educational agencies in establishing reading programs for students in grades kindergarten through 3 that are grounded in scientifically based reading research, in order to ensure that every student can read at grade level or above by the end of the third grade.

"(2) To provide assistance to States and local educational agencies in preparing teachers, through professional development and other support, so the teachers can identify specific reading barriers facing their students and so the teachers have the tools effectively to help their student to learn to read.

"(3) To provide assistance to States and local educational agencies in selecting or developing screening instruments, rigorous diagnostic reading assessments, and classroom-based instructional assessments.

"(4) To provide assistance to States and local educational agencies in selecting or developing effective instructional materials, programs, and strategies to implement methods that have been proven to prevent or remediate reading failure within a State or States.

"(5) To strengthen coordination among schools, early literacy programs, and family literacy programs in order to improve reading achievement for all children.

"SEC. 1222. FORMULA GRANTS TO STATES; COMPETITIVE SUBGRANTS TO LOCAL AGENCIES.

"(a) IN GENERAL.—In the case of each State educational agency that in accordance with section 1224 submits to the Secretary an application for a 5-year period, the Secretary, subject to the application's approval, shall make a grant to the State educational agency for the uses specified in subsections (c) and (d). The grant shall consist of the allotment determined for the State under subsection (b).

"(b) DETERMINATION OF AMOUNT OF ALLOTMENT.—

"(1) IN GENERAL.—From the total amount made available to carry out this subpart for any fiscal year and not reserved under section 1226, the Secretary shall allot among each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, in accordance with paragraph (2)—

"(A) 100 percent of such remaining amount for each of the fiscal years 2002 and 2003; and

"(B) 75 percent of such remaining amount for each of the fiscal years 2004 through 2008.

"(2) STATE ALLOTMENTS.—The Secretary shall allot the amount made available under paragraph (1) for a fiscal year among the States in proportion to the amount all local educational agencies in a State would receive under section 1124.

"(3) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, or if the State's application is not approved, the Secretary shall reallot such amount to the remaining States in accordance with paragraph (2).

"(4) RESERVATION FROM APPROPRIATIONS.—From the amounts appropriated under section 1002(b)(2) to carry out this subpart for a fiscal year, the Secretary shall—

"(A) reserve ½ of 1 percent for allotments for the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands, to be distributed among these outlying areas on the basis of their relative need, as determined by the Secretary in accordance with the purposes of this subpart; and

"(B) reserve ½ of 1 percent for allotments for the Secretary of the Interior for programs under this subpart in schools operated or funded by the Bureau of Indian Affairs.

"(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) DISTRIBUTION OF SUBGRANTS.—The Secretary may make a grant to a State under this section only if the State agrees to expend at least 80 percent of the amount of the funds provided under the grant for the purpose of making, in accordance with this subsection, competitive subgrants to eligible local educational agencies.

"(2) NOTICE.—A State receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

"(3) LOCAL APPLICATION.—To be eligible to receive a subgrant under this subsection, an eligible local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

"(4) DEFINITION OF ELIGIBLE LOCAL EDUCATIONAL AGENCY.—In this subpart the term 'eligible local educational agency' means a local educational agency that—

"(A) has a high number or percentage of students in grades kindergarten through 3 reading below grade level; and

"(B) has—

"(i) jurisdiction over a geographic area that includes an area designated as an empowerment zone, or an enterprise community, under part I of subchapter U of chapter 1 of the Internal Revenue Code of 1986;

"(ii) jurisdiction over at least 1 school that is identified for school improvement under section 1116(c); or

"(iii) a high number or percentage of children who are counted under section 1124(c), in comparison to other local educational agencies in the State.

"(5) STATE REQUIREMENT.—In distributing subgrant funds to local educational agencies, a State shall—

"(A) provide the funds in sufficient amounts to enable the local educational agencies to improve reading; and

"(B) provide the funds in amounts related to the number or percentage of students in kindergarten through grade 3 who are reading below grade level.

"(6) LOCAL ELIGIBILITY.—In distributing subgrant funds under this subsection, a local educational agency shall provide funds only to schools that—

"(A) have a high percentage of students in grades kindergarten through 3 reading below grade level;

"(B) are identified for school improvement under section 1116(c); or

"(C) have a high percentage of children counted under section 1124(c).

"(7) LOCAL USES OF FUNDS.—Subject to paragraph (8), a local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the following activities:

"(A) Selecting or developing, and administering, screening instruments, rigorous diagnostic reading assessments, and classroom-based instructional assessments.

"(B) Selecting or developing, and implementing, a program or programs of reading instruction grounded on scientifically based reading research that—

"(i) includes the major components of reading instruction; and

"(ii) provides such instruction to all children, including children who—

"(I) may have reading difficulties;

"(II) are at risk of being referred to special education based on these difficulties;

"(III) have been evaluated under section 614 of the Individuals with Disabilities Education Act but, in accordance with section 614(b)(5) of such Act, and have not been identified as being a child with a disability (as defined in section 602 of such Act);

"(IV) are being served under such Act primarily due to being identified as being a child with a specific learning disability (as defined in section 602 of such Act) related to reading; or

"(V) are identified as having limited English proficiency (as defined in section 3501).

"(C) Procuring and implementing instructional materials, including education technology such as software and other digital curricula, grounded on scientifically based reading research.

"(D) Providing professional development for teachers of grades kindergarten through 3 that—

"(i) will prepare these teachers in all of the major components of reading instruction;

"(ii) shall include—

"(I) information on instructional materials, programs, strategies, and approaches grounded on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

"(II) instruction in the use of rigorous diagnostic reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

"(iii) shall be provided by eligible professional development providers.

"(E) Promoting reading and library programs that provide access to engaging reading material.

"(F) Providing training to individuals who volunteer to be reading tutors for students to enable the volunteers to support instructional practices that are based on scientific reading research and being used by the student's teacher.

"(G) Assisting parents, through the use of materials, programs, strategies and approaches (including family literacy services), that are based on scientific reading research, to help support their children's reading development.

"(H) Collecting and summarizing data—

"(i) to document the effectiveness of this subpart in individual schools and in the local educational agency as a whole; and

"(ii) to stimulate and accelerate improvement by identifying the schools that produce significant gains in reading achievement.

"(I) Reporting data for all students and categories of students identified under section 1111(b)(2)(B)(v).

"(9) LOCAL PLANNING AND ADMINISTRATION.—A local educational agency that receives a subgrant under this subsection may use not more than 5 percent of the funds provided under the subgrant for planning and administration.

"(d) OTHER STATE USES OF FUNDS.—

"(1) IN GENERAL.—A State educational agency that receives a grant under this section may expend not more than a total of 20 percent of the grant funds to carry out the activities described in paragraphs (3), (4), and (5).

"(2) PRIORITY.—A State shall give priority to carrying out the activities described in paragraphs (3), (4), and (5) for schools described in subsection (c)(6).

"(3) PROFESSIONAL DEVELOPMENT.—A State may expend not more than 100 percent of the amount of the funds made available under paragraph (1) to develop and implement a program of professional development for teachers of grades kindergarten through 3 that—

"(A) will prepare these teachers in all of the major components of reading instruction;

"(B) shall include—

"(i) information on instructional materials, programs, strategies, and approaches grounded on scientifically based reading research, including early intervention and reading remediation materials, programs, and approaches; and

"(ii) instruction in the use of rigorous diagnostic reading assessments and other procedures that effectively identify students who may be at risk for reading failure or who are having difficulty reading; and

"(C) shall be provided by eligible professional development providers.

"(4) TECHNICAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES AND SCHOOLS.—A State may expend not more than 25 percent of the amount of the funds made available under paragraph (1) for one or more of the following authorized State activities:

"(A) Assisting local educational agencies in accomplishing the tasks required to design and implement a program under this subpart, including—

"(i) selecting and implementing a program or programs of reading instruction grounded on scientifically based reading research;

"(ii) selecting or developing rigorous diagnostic reading assessments; and

"(iii) identifying eligible professional development providers to help prepare reading teachers to teach students using the programs and assessments described in subparagraphs (A) and (B).

"(B) Providing expanded opportunities to students in grades kindergarten through 3 within eligible local educational agencies for receiving reading assistance from alternative providers that includes—

"(i) a rigorous diagnostic reading assessment; and

"(ii) instruction in the major components of reading that is based on scientific reading research.

"(5) PLANNING, ADMINISTRATION, AND REPORTING.—

"(A) IN GENERAL.—A State may expend not more than 25 percent of the amount of the funds made available under paragraph (1) for the activities described in this paragraph.

"(B) PLANNING AND ADMINISTRATION.—A State that receives a grant under this section may expend funds made available under subparagraph (A) for planning and administration relating to the State uses of funds authorized under this subpart, including the following:

"(i) Administering the distribution of competitive subgrants to local educational agencies under sections 1222 and 1223.

"(ii) Collecting and summarizing data—

"(I) to document the effectiveness of this subpart in individual local educational agencies and in the State as a whole; and

"(II) to stimulate and accelerate improvement by identifying the local educational agencies that produce significant gains in reading achievement.

"(C) ANNUAL REPORTING.—

"(i) IN GENERAL.—A State that receives a grant under this section shall expend funds provided under the grant to provide the Secretary annually with a report on the implementation of this subpart. The report shall include evidence that the State is fulfilling its obligations under this subpart. The report shall also include the data required under subsections (c)(7) (H) and (I) to be reported to the State by local educational agencies. The report shall include a specific identification of those local educational

agencies that report significant gains in reading achievement overall and such gains based on disaggregated data, reported in the same manner as data is reported under subsection (c)(7)(I).

"(ii) PRIVACY PROTECTION.—Data in the report shall be reported in a manner that protects the privacy of individuals.

"(iii) CONTRACT.—To the extent practicable, a State shall enter into a contract with an entity that conducts scientifically based reading research, under which contract the entity will assist the State in producing the reports required to be submitted under this subparagraph.

"(6) PRIME TIME FAMILY READING TIME.—A State that receives a grant under this section may expend funds provided under the grant for a humanities-based family literacy program which bonds families around the acts of reading and using public libraries.

"SEC. 1223. COMPETITIVE GRANTS TO STATES; COMPETITIVE SUBGRANTS TO LOCAL AGENCIES.

"(a) IN GENERAL.—For fiscal year 2004 and each succeeding fiscal year the Secretary is authorized to award grants, on a competitive basis according to the criteria described in subsection (b) (2) or (3), to any State educational agency that received a grant under section 1222, for the use specified in subsection (c).

"(b) AMOUNT AVAILABLE FOR GRANTS; CRITERIA FOR GRANTS.—

"(1) AMOUNT.—From the total amount made available to carry out this subpart for fiscal year 2004 or any succeeding fiscal year that is not used under section 1222 or reserved under section 1226, the Secretary shall award grants under this section according to the criteria described in paragraph (2) or (3).

"(2) CRITERIA FOR AWARDING COMPETITIVE GRANTS TO STATES.—In carrying out this section, the Secretary shall award grants to those State educational agencies that—

"(A) for 2 consecutive years, make or exceed adequate yearly progress in reading for all third graders, in the aggregate, who attend schools served by the local educational agencies receiving funding under this subpart;

"(B) for each of the same such consecutive 2 years, demonstrate that an increasing percentage of third graders in each of the groups described in section 1111(b)(2)(B)(v)(II) in the schools served by the local educational agencies receiving funds under this subpart are reaching the proficient level in reading; and

"(C) for each of the same such consecutive 2 years, demonstrate that schools receiving funds under this subpart are improving the reading skills of students in the first and second grades based on screening, diagnostic, or classroom-based instructional assessments.

"(3) INTERIM CRITERIA FOR AWARDING COMPETITIVE GRANTS TO STATES.—If a State has not defined adequate yearly progress and implemented an assessment of reading in grade 3 as required under subsection 1111(b), then the Secretary shall award grants to such State educational agency on the basis of evidence supplied by the State that, for 2 consecutive years, increasing percentages of students are reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

"(4) CONTINUATION OF PERFORMANCE AWARDS.—For any State that receives a competitive grant under this section, the Secretary shall make an award for each of the following, consecutive years that the State demonstrates it is continuing to meet the criteria described in paragraph (2) or (3).

"(5) DISTRIBUTION OF PERFORMANCE GRANTS.—

"(A) IN GENERAL.—The Secretary shall make a grant to each State with an application approved under this section in proportion to the number of poor children determined under section 1124(c)(1)(A) for the State as compared to the number of such poor children in all States with applications approved in that year.

"(B) APPLICATION CONTENTS.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

"(i) Evidence that the State has carried out its obligations under this subpart.

"(ii) Evidence that the State has met the criteria described in paragraph (2) or (3).

"(iii) The amount of funds being requested by the State and a description of the criteria the State intends to use in distributing subgrants to local educational agencies under this section to continue or expand activities under this subpart.

"(iv) Any additional evidence that demonstrates success in the implementation of this subpart.

"(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—The Secretary may make a grant to a State under this section only if the State agrees to expend 100 percent of the amount of the funds provided under the grant for the purpose of making competitive subgrants in accordance with this subsection to local educational agencies.

"(2) NOTICE.—A State receiving a grant under this section shall provide notice to all eligible local educational agencies in the State of the availability of competitive subgrants under this subsection and of the requirements for applying for the subgrants.

"(3) APPLICATION.—To apply for a subgrant under this subsection, an eligible local educational agency shall submit an application to the State at such time, in such manner, and containing such information as the State may reasonably require.

"(4) DISTRIBUTION.—A State shall distribute funds under this section, on a competitive basis, based on the following criteria:

"(A) Evidence that a local educational agency has carried out its obligations under this subpart.

"(B) Evidence that a local educational agency has, for 2 consecutive years, made or exceeded adequate yearly progress in reading for all third graders, in the aggregate, who attend schools receiving funds under this subpart.

"(C) Evidence that a local educational agency has, for each of the same such consecutive 2 years, demonstrated that an increasing percentage of the third graders in each of the groups described in section 1111(b)(2)(B)(v)(II) in schools receiving funds under this subpart are reaching the proficient level in reading.

"(D) Evidence that a local educational agency has, for each of the same such consecutive 2 years, demonstrated that schools receiving funds under this subpart are improving the reading skills of students in the first and second grades based on screening, diagnostic, or classroom-based instructional assessments.

"(E) The amount of funds being requested by a local educational agency in its application under paragraph (3) and the description in such application of how such funds will be used to support the continuation or expansion of the agency's programs under this subpart.

"(F) Evidence that the local educational agency will work with other eligible local educational agencies in the State who have not received a subgrant under this subsection to assist such nonreceiving agencies in increasing the reading achievement of students.

"(G) Any additional evidence in a local educational agency's application under paragraph (3) that demonstrates success in the implementation of this subpart.

"(5) INTERIM CRITERIA FOR DISTRIBUTING FUNDS.—If a State has not defined adequate yearly progress or implemented an assessment of reading in grade 3 as required under subsection 1111(b), then such State shall award grants, on a competitive basis according to the criteria described in paragraphs (4) (A), (E), (F), and (G), to local educational agencies that for 2 consecutive years increased the percentage of students reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

"(6) LOCAL USES OF FUNDS.—A local educational agency that receives a subgrant under this subsection shall use the funds provided under the subgrant to carry out the activities described in subparagraphs (A) through (G) of section 1222(c)(7).

"SEC. 1224. STATE APPLICATIONS.

"(a) APPLICATIONS.—

"(1) IN GENERAL.—A State educational agency that desires to receive a grant under section 1222 shall submit an application to the Secretary at such time and in such form as the Secretary may require. The application shall contain the information described in subsection (b).

"(2) SPECIAL APPLICATION PROVISIONS.—For those States that have received a grant under part C of title II (as such part was in effect on the day preceding the date of enactment of the Better Education for Students and Teachers Act), the Secretary shall establish a modified set of requirements for an application under this section that takes into account the information already submitted and approved under that program and minimizes the duplication of effort on the part of such States.

"(b) CONTENTS.—An application under this section shall contain the following:

"(1) An assurance that the Governor of the State, in consultation with the State educational agency, has established a reading and literacy partnership described in subsection (d), and a description of how such partnership—

"(A) coordinated the development of the application; and

"(B) will assist in the oversight and evaluation of the State's activities under this subpart.

"(2) A description of a strategy to expand, continue, or modify activities commenced under part C of title II of this Act (as such part was in effect on the day before the date of the enactment of the Better Education for Students and Teachers Act).

"(3) An assurance that the State will submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, a State plan containing a description of the following:

"(A) How the State will assist local educational agencies in identifying rigorous diagnostic reading assessments.

"(B) How the State will assist local educational agencies in identifying instructional materials, programs, strategies, and approaches, grounded on scientifically based reading research, including early intervention and reading remediation materials, programs and approaches.

"(C) How the State educational agency will ensure that professional development activities related to reading instruction and provided under this subpart are—

"(i) coordinated with other Federal, State and local level funds and used effectively to improve instructional practices for reading; and

"(ii) based on scientifically based reading research.

"(D) How the activities assisted under this subpart will address the needs of teachers and other instructional staff in schools receiving assistance under this subpart and will effectively teach students to read.

"(E) The extent to which the activities will prepare teachers in all the major components of reading instruction.

"(F) How subgrants made by the State educational agency under this subpart will meet the requirements of this subpart, including how the State educational agency will ensure that local educational agencies receiving subgrants under this subpart will use practices based on scientifically based reading research.

"(G) How the State educational agency will, to the extent practicable, make grants to subgrantees in both rural and urban areas.

"(H) How the State educational agency—

"(i) will build on, and promote coordination among, literacy programs in the State (including federally funded programs such as the Adult Education and Family Literacy Act and the Individuals with Disabilities Education Act), in order to increase the effectiveness of the programs in improving reading for adults and children and to avoid duplication of the efforts of the program; and

"(ii) will assess and evaluate, on a regular basis, local educational agency activities assisted under this subpart, with respect to whether they have been effective in achieving the purposes of this subpart.

"(c) APPROVAL OF APPLICATIONS.—

"(1) IN GENERAL.—The Secretary shall approve an application of a State under this section only if such application meets the requirement of this section.

"(2) PEER REVIEW.—

"(A) IN GENERAL.—The Secretary, in consultation with the National Institute for Literacy, shall convene a panel to evaluate applications under this section. At a minimum, the panel shall include—

"(i) 3 individuals selected by the Secretary;

"(ii) 3 individuals selected by the National Institute for Literacy;

"(iii) 3 individuals selected by the National Research Council of the National Academy of Sciences; and

"(iv) 3 individuals selected by the National Institute of Child Health and Human Development.

"(B) EXPERTS.—The panel shall include experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications under this section, and experts who provide professional development to teachers of reading to children and adults, and experts who provide professional development to other instructional staff, based on scientifically based reading research.

"(C) RECOMMENDATIONS.—The panel shall recommend grant applications from States under this section to the Secretary for funding or for disapproval.

"(d) READING AND LITERACY PARTNERSHIPS.—

"(1) REQUIRED PARTICIPANTS.—In order for a State to receive a grant under this subpart, the Governor of the State, in consultation with the State educational agency, shall establish a reading and literacy partnership consisting of at least the following participants:

"(A) The Governor of the State.

"(B) The chief State school officer.

"(C) The chairman and the ranking member of each committee of the State legislature that is responsible for education policy.

"(D) A representative, selected jointly by the Governor and the chief State school officer, of at least one local educational agency that is eligible to receive a subgrant under section 1222.

"(E) A representative, selected jointly by the Governor and the chief State school officer, of a community-based organization working with children to improve their reading skills, particularly a community-based organization using tutors and scientifically based reading research.

"(F) State directors of appropriate Federal or State programs with a strong reading component.

"(G) A parent of a public or private school student or a parent who educates their child or children in their home, selected jointly by the Governor and the chief State school officer.

"(H) A teacher who successfully teaches reading and an instructional staff member, selected jointly by the Governor and the chief State school officer.

"(I) A family literacy service provider selected jointly by the Governor and the chief State school officer.

"(2) OPTIONAL PARTICIPANTS.—A reading and literacy partnership may include additional participants, who shall be selected jointly by the Governor and the chief State school officer, and who may include a representative of—

"(A) an institution of higher education operating a program of teacher preparation based on scientifically based reading research in the State;

"(B) a local educational agency;

"(C) a private nonprofit or for-profit eligible professional development provider providing instruction based on scientifically based reading research;

"(D) an adult education provider;

"(E) a volunteer organization that is involved in reading programs; or

"(F) a school library or a public library that offers reading or literacy programs for children or families.

"(3) PREEXISTING PARTNERSHIP.—If, before the date of the enactment of the Better Education for Students and Teachers Act, a State established a consortium, partnership, or any other similar body that was considered a reading and literacy partnership for purposes of part C of title II of this Act (as such part was in effect on the day before the date of the enactment of the Better Education for Students and Teachers Act), that consortium, partnership, or body may be considered a reading and literacy partnership for purposes of this subpart notwithstanding that it does not satisfy the requirements of paragraph (1).

"SEC. 1225. ACCOUNTABILITY FOR RESULTS.

"(a) STATE ACCOUNTABILITY.—

"(1) REDUCTIONS.—If the Secretary makes the determination described in paragraphs (2) or (3) for 2 consecutive years, then the Secretary shall reduce the size of a State's grant under this subpart for the subsequent fiscal year.

"(2) DETERMINATION.—The determination referred to in paragraph (1) is the determination, made on the basis of data from the State assessment system described in section 1111, that a State—

"(A) failed to make adequate yearly progress in reading (as defined in the State's plan under section 1111) for all third graders, in the aggregate, who attend schools receiving funds under this subpart; and

"(B) failed to increase the percentage of third graders within each of the groups described in section 1111(b)(2)(B)(v)(II) who attend schools receiving funds under this subpart in reaching the proficient level in reading as compared to the previous school year.

"(3) INTERIM CRITERIA FOR DETERMINATION.—If a State has not defined adequate yearly progress and implemented an assessment of reading in grade 3 as required under subsection 1111(b), then the determination referred to in paragraph (1) is the determination that such State failed to increase the percentage of students reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

"(4) CONTINUED REDUCTIONS.—If the Secretary makes the determination described in paragraph (2) or (3) for a third or subsequent consecutive year, then the Secretary shall continue to reduce a States's grant under this subpart in each such consecutive year.

"(b) LOCAL EDUCATIONAL AGENCY ACCOUNTABILITY.—

"(1) REDUCTIONS.—If the State educational agency makes the determination described in paragraph (2) or (3) for a local educational agency receiving funds under this subpart for 2 consecutive years, then the State shall make that local educational agency a priority for professional development and technical assistance provided under section 1222(d) (3) and (4).

"(2) DETERMINATION.—The determination referred to in paragraph (1) is the determination, made on the basis of data from the State assessment system described in section 1111, that a local educational agency—

"(A) failed to make adequate yearly progress in reading (as defined in the State plan under section 1111) for all third graders, in the aggregate, who attend schools that are served by the agency and receive funds under this subpart; and

"(B) failed to increase the percentage of third graders, within each of the groups described in section 1111(b)(2)(B)(v)(II), who attend schools that are served by the agency and receive funds under this subpart, reaching the proficient level in reading as compared to the previous school year.

"(3) INTERIM CRITERIA FOR DETERMINATION.—If a State has not defined adequate yearly progress and implemented an assessment of reading in grade 3 as required under subsection 1111(b), then the determination referred to in paragraph (1) is the determination that a local educational agency failed to increase the percentage of students reading at grade level or above in grades 1 through 3 in schools receiving funds under this subpart.

"(4) CONTINUED REDUCTIONS.—If the State makes the determination described in paragraph (2) for a third or subsequent consecutive year, then the State shall continue to provide professional development and technical assistance and may require the local educational agency to institute a new reading curriculum that has demonstrated success in improving the reading skills of students in kindergarten through third grade, replace school district or school staff involved in the planning or implementation of the reading curriculum, or take some other action or actions to address the cause or causes for such failure to demonstrate progress. If the local educational agency refuses to take such action, then the State may reduce or eliminate the grant to that local educational agency.

"SEC. 1226. RESERVATIONS FROM APPROPRIATIONS.

"From the amounts appropriated to carry out this subpart for a fiscal year, the Secretary—

"(1) may reserve not more than 1 percent to carry out section 1227 (relating to national activities); and

"(2) shall reserve $5,000,000 to carry out section 1228 (relating to information dissemination).

"SEC. 1227. NATIONAL ACTIVITIES.

"(a) IN GENERAL.—From funds reserved under section 1226, the Secretary—

"(1) shall contract with an independent outside organization for a 5-year, rigorous, scientifically valid, quantitative evaluation of this subpart;

"(2) may provide technical assistance in achieving the purposes of this subpart to States, local educational agencies, and schools requesting such assistance; and

"(3) shall, at a minimum, evaluate the impact of services provided to children under this subpart with respect to their referral to and eligibility for special education services under the Individuals with Disabilities Education Act (based on their difficulties learning to read).

"(b) PROCESS.—Such evaluation shall be conducted by an organization outside of the Department that is capable of designing and carrying out an independent evaluation that identifies the effects of specific activities carried out by States and local educational agencies under this subpart on improving reading instruction. Such evaluation shall use only data relating to students served under this subpart and shall take into account factors influencing student performance that are not controlled by teachers or education administrators.

"(c) ANALYSIS.—Such evaluation shall include the following:

"(1) An analysis of the relationship between each of the essential components of reading instruction and overall reading proficiency.

"(2) An analysis of whether assessment tools used by States and local educational agencies measure the essential components of reading instruction.

"(3) An analysis of how State reading standards correlate with the essential components of reading instruction.

"(4) An analysis of whether the receipt of a discretionary grant under this subpart results in an increase in the number of children who read proficiently.

"(5) A measurement of the extent to which specific instructional materials improve reading proficiency.

"(6) A measurement of the extent to which specific rigorous diagnostic reading and screening assessment tools assist teachers in identifying specific reading deficiencies.

"(7) A measurement of the extent to which professional development programs implemented by States using funds received under this subpart improve reading instruction.

"(8) A measurement of how well students preparing to enter the teaching profession are prepared to teach the essential components of reading instruction.

"(9) An analysis of changes in students' interest in reading and time spent reading outside of school.

"(10) Any other analysis or measurement pertinent to this subpart that is determined to be appropriate by the Secretary.

"(d) PROGRAM IMPROVEMENT.—The findings of the evaluation conducted under this section shall be provided to States and local educational agencies on a periodic basis for use in program improvement.

"SEC. 1228. INFORMATION DISSEMINATION.

"(a) IN GENERAL.—From funds reserved under section 1226(2), the National Institute for Literacy, in collaboration with the Departments of Education and Health and Human Services, including the National Institute for Child Health and Human Development, shall—

"(1) disseminate information on scientifically based reading research pertaining to children, youth, and adults;

"(2) identify and disseminate information about schools, local educational agencies, and States that effectively developed and implemented reading programs that meet the requirements of this subpart, including those effective States, local educational agencies, and schools identified through the evaluation and peer review provisions of this subpart; and

"(3) support the continued identification of scientifically based reading research that can lead to improved reading outcomes for children, youth, and adults through evidenced-based assessments of the scientific research literature.

"(b) DISSEMINATION AND COORDINATION.—At a minimum, the National Institute for Literacy shall disseminate such information to recipients of Federal financial assistance under titles I and III, the Head Start Act, the Individuals With Disabilities Education Act, and the Adult Education and Family Literacy Act. In carrying out this section, the National Institute for Literacy shall, to the extent practicable, utilize existing information and dissemination networks developed and maintained through other public and private entities including through the Department and the National Center for Family Literacy.

"(c) USE OF FUNDS.—The National Institute for Literacy may use not more than 5 percent of the funds made available under section 1226(2) for administrative purposes directly related to carrying out of activities authorized by this section.

"SEC. 1229. IMPROVING LITERACY THROUGH SCHOOL LIBRARIES.

"(a) IN GENERAL.—From funds made available under subsection (d) for a fiscal year, the Secretary shall allot to each State educational agency having an application approved under subsection (c)(1) an amount that bears the same relation to the funds as the amount the State educational agency received under part A for the preceding fiscal year bears to the amount all such State educational agencies received under part A for the preceding fiscal year, to increase literacy and reading skills by improving school libraries.

"(b) WITHIN-STATE ALLOCATIONS.—Each State educational agency receiving an allotment under subsection (a) for a fiscal year—

"(1) may reserve not more than 3 percent to provide technical assistance, disseminate information about school library media programs that are effective and based on scientifically based research, and pay administrative costs, related to activities under this section; and

"(2) shall allocate the allotted funds that remain after making the reservation under paragraph (1) to each local educational agency in the State having an application approved under subsection (c)(2) (for activities described in subsection (f)) in an amount that bears the same relation to such remainder as the amount the local educational agency received under part A for the fiscal year bears to the amount received by all such local educational agencies in the State for the fiscal year.

"(c) APPLICATIONS.—

"(1) STATE EDUCATIONAL AGENCY.—Each State educational agency desiring assistance under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require. The application shall contain a description of—

"(A) how the State educational agency will assist local educational agencies in meeting the requirements of this section and in using scientifically based research to implement effective school library media programs; and

"(B) the standards and techniques the State educational agency will use to evaluate the quality and impact of activities carried out under this section by local educational agencies to determine the need for technical assistance and whether to continue funding the agencies under this section.

"(2) LOCAL EDUCATIONAL AGENCY.—Each local educational agency desiring assistance under this section shall submit to the State educational agency an application at such time, in such manner, and containing such information as the State educational agency shall require. The application shall contain a description of—

"(A) a needs assessment relating to the need for school library media improvement, based on the age and condition of school library media resources, including book collections, access of school library media centers to advanced technology, and the availability of well-trained, professionally certified school library media specialists, in schools served by the local educational agency;

"(B) how the local educational agency will extensively involve school library media specialists, teachers, administrators, and parents in the activities assisted under this section, and the manner in which the local educational agency will carry out the activities described in subsection (f) using programs and materials that are grounded in scientifically based research;

"(C) the manner in which the local educational agency will effectively coordinate the funds and activities provided under this section with Federal, State, and local funds and activities under this subpart and other literacy, library, technology, and professional development funds and activities; and

"(D) the manner in which the local educational agency will collect and analyze data on the quality and impact of activities carried out under this section by schools served by the local educational agency.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(e) WITHIN-LEA DISTRIBUTION.—Each local educational agency receiving funds under this section shall distribute—

"(1) 50 percent of the funds to schools served by the local educational agency that are in the top quartile in terms of percentage of students enrolled from families with incomes below the poverty line; and

"(2) 50 percent of the funds to schools that have the greatest need for school library media improvement based on the needs assessment described in subsection (c)(2)(A).

"(f) LOCAL ACTIVITIES.—Funds under this section may be used to—

"(1) acquire up-to-date school library media resources, including books;

"(2) acquire and utilize advanced technology, incorporated into the curricula of the school, to develop and enhance the information literacy, information retrieval, and critical thinking skills of students;

"(3) facilitate Internet links and other resource-sharing networks among schools and school library media centers, and public and academic libraries, where possible;

"(4) provide professional development described in 1222(c)(7)(D) for school library media specialists, and activities that foster increased collaboration between school library media specialists, teachers, and administrators; and

"(5) provide students with access to school libraries during nonschool hours, including the hours before and after school, during weekends, and during summer vacation periods.

"(g) ACCOUNTABILITY AND CONTINUATION OF FUNDS.—Each local educational agency that receives funding under this section for a fiscal year shall be eligible to continue to receive the funding for a third or subsequent fiscal year only if the local educational agency demonstrates to the State educational agency that the local educational agency has increased—

"(1) the availability of, and the access to, up-to-date school library media resources in the elementary schools and secondary schools served by the local educational agency; and

"(2) the number of well-trained, professionally certified school library media specialists in those schools.

"(h) APPLICABILITY.—The provisions of this subpart (other than this section) shall not apply to this section.

"(i) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to carry out activities relating to library, technology, or professional development activities.

"(j) NATIONAL ACTIVITIES.—From the total amount made available under subsection (d) for each fiscal year, the Secretary shall reserve not *more than 1 percent for annual, independent, national evaluations of the activities assisted under this section. The evaluations shall be conducted not later than 3 years after the date of enactment of the Better Education for Students and Teachers Act, and each year thereafter.*

"SEC. 1230. DEFINITIONS.

''For purposes of this subpart:

''(1) ELIGIBLE PROFESSIONAL DEVELOPMENT PROVIDER.—The term 'eligible professional development provider' means a provider of professional development in reading instruction to teachers that is based on scientifically based reading research.

''(2) INSTRUCTIONAL STAFF.—The term 'instructional staff'—

''(A) means individuals who have responsibility for teaching children to read; and

''(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

''(3) MAJOR COMPONENTS OF READING INSTRUCTION.—The term 'major components of reading instruction' means systematic instruction that includes—

''(A) phonemic awareness;

''(B) phonics;

''(C) vocabulary development;

''(D) reading fluency; and

''(E) reading comprehension strategies.

''(4) READING.—The term 'reading' means a complex system of deriving meaning from print that requires all of the following:

''(A) The skills and knowledge to understand how phonemes, or speech sounds, are connected to print.

''(B) The ability to decode unfamiliar words.

''(C) The ability to read fluently.

''(D) Sufficient background information and vocabulary to foster reading comprehension.

''(E) The development of appropriate active strategies to construct meaning from print.

''(F) The development and maintenance of a motivation to read.

''(5) RIGOROUS DIAGNOSTIC READING ASSESSMENT.—The term 'rigorous diagnostic reading assessment' means a diagnostic reading assessment that—

''(A) is valid, reliable, and grounded in scientifically based reading research;

''(B) measures progress in phonemic awareness and phonics, vocabulary development, reading fluency, or reading comprehension; and

''(C) identifies students who may be at risk for reading failure or who are having difficulty reading.

''(6) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research'—

''(A) means research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties; and

''(B) shall include research that—

''(i) employs systematic, empirical methods that draw on observation or experiment;

''(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

''(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

''(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.''.

SEC. 122. EARLY READING INITIATIVE.

Part B of title I (20 U.S.C. 6361 et seq.) is amended further by adding at the end the following:

"Subpart 3—Early Reading First

"SEC. 1241. PURPOSES.

''The purposes of this subpart are as follows:

''(1) To support local efforts to enhance the early language, literacy, and prereading development of preschool age children, particularly those from low-income families, through strategies and professional development that are based on scientifically based research.

''(2) To provide preschool age children with cognitive learning opportunities in high-quality language and literature-rich environments, so that the children can attain the fundamental knowledge and skills necessary for optimal reading development in kindergarten and beyond.

''(3) To demonstrate language and literacy activities based on scientifically based research that support the age-appropriate development of—

''(A) spoken language and oral comprehension abilities;

''(B) understanding that spoken language can be analyzed into discrete words, and awareness that words can be broken into sequences of syllables and phonemes;

''(C) automatic recognition of letters of the alphabet and understanding that letters or groups of letters systematically represent the component sounds of the language; and

''(D) knowledge of the purposes and conventions of print.

''(4) To integrate these learning opportunities with learning opportunities at preschools, child care agencies, and Head Start agencies, and with family literacy services.

"SEC. 1242. LOCAL EARLY READING FIRST GRANTS.

''(a) PROGRAM AUTHORIZED.—From amounts appropriated under section 1002(b)(3), the Secretary shall award grants, on a competitive basis, for periods of not more than 5 years, to eligible applicants to enable the eligible applicants to carry out the authorized activities described in subsection (e).

''(b) DEFINITION OF ELIGIBLE APPLICANT.—In this subpart the term 'eligible applicant' means—

''(1) one or more local educational agencies that are eligible to receive a subgrant under subpart 2;

''(2) one or more public or private organizations or agencies, acting on behalf of 1 or more programs that serve preschool age children (such as a program at a Head Start center, a child care program, or a family literacy program), which organizations or agencies shall be located in a community served by a local educational agency described in paragraph (1); or

''(3) one or more local educational agencies described in paragraph (1) in collaboration with one or more organizations or agencies described in paragraph (2).

''(c) APPLICATIONS.—An eligible applicant that desires to receive a grant under this section shall submit an application to the Secretary which shall include a description of—

''(1) the programs to be served by the proposed project, including demographic and socioeconomic information on the preschool age children enrolled in the programs;

''(2) how the proposed project will prepare and provide ongoing assistance to staff in the programs, through professional development and other support, to provide high-quality language, literacy and prereading activities using scientifically based research, for preschool age children;

''(3) how the proposed project will provide services and utilize materials that are based on scientifically based research on early language acquisition, prereading activities, and the development of spoken language skills;

''(4) how the proposed project will help staff in the programs to meet the diverse needs of preschool age children in the community better, including such children with limited English proficiency, disabilities, or other special needs;

''(5) how the proposed project will help preschool age children, particularly such children experiencing difficulty with spoken language, prereading, and literacy skills, to make the transition from preschool to formal classroom instruction in school;

''(6) if the eligible applicant has received a subgrant under subpart 2, how the activities conducted under this subpart will be coordinated with the eligible applicant's activities under subpart 2 at the kindergarten through third-grade level;

''(7) how the proposed project will evaluate the success of the activities supported under this subpart in enhancing the early language, literacy, and prereading development of preschool age children served by the project; and

''(8) such other information as the Secretary may require.

''(d) APPROVAL OF APPLICATIONS.—The Secretary shall select applicants for funding under this subpart on the basis of the quality of the applications, in consultation with the National Institute for Child Health and Human Development, the National Institute for Literacy, and the National Academy of Sciences. The Secretary shall select applications for approval under this subpart on the basis of a peer review process.

''(e) AUTHORIZED ACTIVITIES.— An eligible applicant that receives a grant under this subpart shall use the funds provided under the grant to carry out the following activities:

''(A) Providing preschool age children with high-quality oral language and literature-rich environments in which to acquire language and prereading skills.

''(B) Providing professional development that is based on scientifically based research knowledge of early language and reading development for the staff of the eligible applicant and that will assist in developing the preschool age children's—

''(i) spoken language (including vocabulary, the contextual use of speech, and syntax) and oral comprehension abilities;

''(ii) understanding that spoken language can be analyzed into discrete words, and awareness that words can be broken into sequences of syllables and phonemes;

''(iii) automatic recognition of letters of the alphabet and understanding that letters or groups of letters systematically represent the component sounds of the language; and

''(iv) knowledge of the purposes and conventions of print.

''(C) Identifying and providing activities and instructional materials that are based on scientifically based research for use in developing the skills and abilities described in subparagraph (B).

''(D) Acquiring, providing training for, and implementing screening tools or other appropriate measures that are based on scientifically based research to determine whether preschool age children are developing the skills described in this subsection.

''(E) Integrating such instructional materials, activities, tools, and measures into the programs offered by the eligible applicant.

''(f) AWARD AMOUNTS.—The Secretary may establish a maximum award amount, or ranges of award amounts, for grants under this subpart.

"SEC. 1243. FEDERAL ADMINISTRATION.

''The Secretary shall consult with the Secretary of Health and Human Services in order to coordinate the activities undertaken under this subpart with preschool age programs administered by the Department of Health and Human Services.

"SEC. 1244. INFORMATION DISSEMINATION.

"From the funds the National Institute for Literacy receives under section 1228, the National Institute for Literacy, in consultation with the Secretary, shall disseminate information regarding projects assisted under this subpart that have proven effective.

"SEC. 1245. REPORTING REQUIREMENTS.

"Each eligible applicant receiving a grant under this subpart shall report annually to the Secretary regarding the eligible applicant's progress in addressing the purposes of this subpart. Such report shall include, at a minimum, a description of—

"(1) the activities, materials, tools, and measures used by the eligible applicant;

"(2) the professional development activities offered to the staff of the eligible applicant who serve preschool age children and the amount of such professional development;

"(3) the types of programs and ages of children served; and

"(4) the results of the evaluation described in section 1242(c)(7).

"SEC. 1246. EVALUATIONS.

"From the total amount appropriated under section 1002(b)(3) for the period beginning October 1, 2002 and ending September 30, 2008, the Secretary shall reserve not more than $5,000,000 to conduct an independent evaluation of the effectiveness of this subpart.

"SEC. 1247. ADDITIONAL RESEARCH.

"From the amount appropriated under section 1002(b)(3) for each of the fiscal years 2002 through 2006, the Secretary shall reserve not more than $3,000,000 to conduct, in consultation with National Institute for Child Health and Human Development, the National Institute for Literacy, and the Department of Health and Human Services, additional research on language and literacy development for preschool age children.".

PART C—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. PROGRAM PURPOSE.

Section 1301 (20 U.S.C. 6391) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (7), respectively;

(2) by inserting after paragraph (1) the following:

"(2) ensure that migratory children who move among the States are not penalized in any manner by disparities among the States in curriculum, graduation requirements, and State student performance and content standards;";

(3) in paragraph (5) (as so redesignated), by striking "and" after the semicolon;

(4) in paragraph (6) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(7) ensure that migratory children receive full and appropriate opportunities to meet the same challenging State content and student performance standards that all children are expected to meet.".

SEC. 132. STATE APPLICATION.

Section 1304 (20 U.S.C. 6394) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "a comprehensive" and all that follows through "1306;" and inserting "the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;";

(B) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) a description of joint planning efforts that will be made with respect to programs assisted under this Act, local, State, and Federal programs, and bilingual education programs under subpart 1 of part A of title III;"; and

(2) in subsection (c), by amending paragraph (3) to read as follows:

"(3) in the planning and operation of programs and projects at both the State and local agency operating level there is consultation with parent advisory councils for programs of one school year in duration, and that all such programs and projects are carried out—

"(A) in a manner consistent with section 1118 unless extraordinary circumstances make implementation with such section impractical; and

"(B) in a format and language understandable to the parents;".

SEC. 133. COMPREHENSIVE PLAN.

(a) Comprehensive Plan.—Section 1306(a)(1) (20 U.S.C. 6396(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "the Goals 2000: Educate America Act,"; and

(B) by striking "14306" and inserting "5506"; and

(2) in subparagraph (B), by striking "14302;" and inserting "5502, if—

"(i) the special needs of migratory children are specifically addressed in the comprehensive State plan;

"(ii) the comprehensive State plan is developed in collaboration with parents of migratory children; and

"(iii) the comprehensive State planning is not used to supplant State efforts regarding, or administrative funding for, this part;".

(b) Authorized Activities.—Section 1306(b)(3) (20 U.S.C. 6396(b)(3)) is amended by inserting ", and shall meet the special educational needs of migrant children before using funds under this part for schoolwide programs under section 1114" before the period.

SEC. 134. COORDINATION.

Section 1308 (20 U.S.C. 6398) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Access to Information on Migrant Students.—

"(1) Information system.—(A) The Secretary shall establish an information system for electronically exchanging, among the States, health and educational information regarding all students served under this part. Such information may include—

"(i) immunization records and other health information;

"(ii) elementary and secondary academic history (including partial credit), credit accrual, and results from State assessments required under this title;

"(iii) other academic information essential to ensuring that migrant children achieve to high standards; and

"(iv) eligibility for services under the Individuals with Disabilities Education Act.

"(B) The Secretary shall publish, not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, a notice in the Federal Register seeking public comment on the proposed data elements that each State receiving funds under this part shall be required to collect for purposes of electronic transfer of migrant student information, the requirements for immediate electronic access to such information, and the educational agencies eligible to access such information.

"(C) Such system of electronic access to migrant student information shall be operational not later than 1 year after the date of enactment of the Better Education for Students and Teachers Act.

"(D) For the purpose of carrying out this subsection in any fiscal year, the Secretary shall reserve not more than $10,000,000 of the amount appropriated to carry out this part for such year.

"(2) Report to congress.—(A) Not later than April 30, 2003, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives the Secretary's findings and recommendations regarding services under this part, and shall include in this report, recommendations for the interim measures that may be taken to ensure continuity of services under this part.

"(B) The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of students or full-time equivalent students in each State if such interim measures are required.".

(2) in subsection (c), by striking "$6,000,000" and inserting "$10,000,000";

(3) in subsection (d)(1), by striking "$1,500,000" and inserting "$3,000,000"; and

(4) by adding at the end the following:

"(e) Data Collection.—The Secretary shall direct the National Center for Education Statistics to collect data on migratory children.".

PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH

SEC. 141. INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK YOUTH.

Part D of title I (20 U.S.C. 6421 et seq.) is amended to read as follows:

"PART D—INITIATIVES FOR NEGLECTED, DELINQUENT, OR AT RISK STUDENTS

"Subpart 1—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or at Risk of Dropping Out

"SEC. 1401. PURPOSE; PROGRAM AUTHORIZED.

"(a) Purpose.—It is the purpose of this subpart—

"(1) to improve educational services for children in local and State institutions for neglected or delinquent children and youth so that such children and youth have the opportunity to meet the same challenging State content standards and challenging State student performance standards that all children in the State are expected to meet;

"(2) to provide such children and youth with the services needed to make a successful transition from institutionalization to further schooling or employment; and

"(3) to prevent at-risk youth from dropping out of school and to provide dropouts and youth returning from institutions with a support system to ensure their continued education.

"(b) Program Authorized.—In order to carry out the purpose of this subpart the Secretary shall make grants to State educational agencies to enable such agencies to award subgrants to State agencies and local educational agencies to establish or improve programs of education for neglected or delinquent children and youth at risk of dropping out of school before graduation.

"SEC. 1402. PAYMENTS FOR PROGRAMS UNDER THIS SUBPART.

"(a) Agency Subgrants.—Based on the allocation amount computed under section 1412, the Secretary shall allocate to each State educational agency amounts necessary to make subgrants to State agencies under chapter 1.

"(b) Local Subgrants.—Each State shall retain, for purposes of carrying out chapter 2, funds generated throughout the State under part A of title I based on youth residing in local correctional facilities, or attending community day programs for delinquent children and youth.

"Chapter 1—State Agency Programs

"SEC. 1411. ELIGIBILITY.

"A State agency is eligible for assistance under this chapter if such State agency is responsible for providing free public education for children—

"(1) in institutions for neglected or delinquent children and youth;

"(2) attending community day programs for neglected or delinquent children and youth; or

"(3) in adult correctional institutions.

"SEC. 1412. ALLOCATION OF FUNDS.

"(a) SUBGRANTS TO STATE AGENCIES.—

"(1) IN GENERAL.—Each State agency described in section 1411 (other than an agency in the Commonwealth of Puerto Rico) is eligible to receive a subgrant under this chapter, for each fiscal year, an amount equal to the product of—

"(A) the number of neglected or delinquent children and youth described in section 1411 who—

"(i) are enrolled for at least 15 hours per week in education programs in adult correctional institutions; and

"(ii) are enrolled for at least 20 hours per week—

"(I) in education programs in institutions for neglected or delinquent children and youth; or

"(II) in community day programs for neglected or delinquent children and youth; and

"(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent, nor more than 48 percent, of the average per-pupil expenditure in the United States.

"(2) SPECIAL RULE.—The number of neglected or delinquent children and youth determined under paragraph (1) shall—

"(A) be determined by the State agency by a deadline set by the Secretary, except that no State agency shall be required to determine the number of such children and youth on a specific date set by the Secretary; and

"(B) be adjusted, as the Secretary determines is appropriate, to reflect the relative length of such agency's annual programs.

"(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico is eligible under this chapter shall be equal to—

"(1) the number of children and youth counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico; multiplied by

"(2) the product of—

"(A) the percentage that the average per-pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per-pupil expenditure of any of the 50 States; and

"(B) 32 percent of the average per-pupil expenditure in the United States.

"(c) RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.—If the amount appropriated for any fiscal year for subgrants under subsections (a) and (b) is insufficient to pay the full amount for which all State agencies are eligible under such subsections, the Secretary shall ratably reduce each such amount.

"SEC. 1413. STATE REALLOCATION OF FUNDS.

"If a State educational agency determines that a State agency does not need the full amount of the subgrant for which such State agency is eligible under this chapter for any fiscal year, the State educational agency may reallocate the amount that will not be needed to other eligible State agencies that need additional funds to carry out the purpose of this subpart, in such amounts as the State educational agency shall determine.

"SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

"(a) STATE PLAN.—

"(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this chapter shall submit, for approval by the Secretary, a plan for meeting the needs of neglected and delinquent children and youth and, where applicable, children and youth at risk of dropping out of school, that is integrated with other programs under this Act, or other Acts, as appropriate, consistent with section 5506.

"(2) CONTENTS.—Each such State plan shall—

"(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational skills of children in the program;

"(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

"(C) contain assurances that the State educational agency will—

"(i) ensure that programs assisted under this subpart will be carried out in accordance with the State plan described in this subsection;

"(ii) carry out the evaluation requirements of section 1431;

"(iii) ensure that the State agencies receiving subgrants under this chapter comply with all applicable statutory and regulatory requirements; and

"(iv) provide such other information as the Secretary may reasonably require.

"(3) DURATION OF THE PLAN.—Each State plan shall—

"(A) remain in effect for the duration of the State's participation under this subpart; and

"(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this subpart.

"(b) SECRETARIAL APPROVAL; PEER REVIEW.—

"(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

"(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

"(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this chapter shall submit an application to the State educational agency that—

"(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

"(2) provides assurances that in making services available to youth in adult correctional institutions, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

"(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

"(4) describes how the program will meet the goals and objectives of the State plan;

"(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

"(6) describes how the agency will carry out evaluation activities and how the results of the most recent evaluation are used to plan and improve the program;

"(7) includes data showing that the agency has maintained the fiscal effort required of a local educational agency, in accordance with section 4;

"(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under title I of the Workforce Investment Act of 1998, vocational education programs, State and local dropout prevention programs, and special education programs;

"(9) describes how appropriate professional development will be provided to teachers and other staff;

"(10) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

"(11) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating children and youth;

"(12) provides assurances that the agency will assist in locating alternative programs through which students can continue their education if students are not returning to school after leaving the correctional facility;

"(13) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

"(14) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if the youth—

"(A) is identified as in need of special education services while the youth is in the facility; and

"(B) intends to return to the local school;

"(15) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or its recognized equivalent if the youth does not intend to return to school;

"(16) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

"(17) describes any additional services provided to children and youth, such as career counseling, and assistance in securing student loans and grants; and

"(18) provides assurances that the program under this chapter will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.

"SEC. 1415. USE OF FUNDS.

"(a) USES.—

"(1) IN GENERAL.—A State agency shall use funds received under this chapter only for programs and projects that—

"(A) are consistent with the State plan under section 1414(a); and

"(B) concentrate on providing participants with the knowledge and skills needed to make a successful transition to secondary school completion, further education, or employment.

"(2) PROGRAMS AND PROJECTS.—Such programs and projects—

"(A) may include the acquisition of equipment;

"(B) shall be designed to support educational services that—

"(i) except for institution-wide projects under section 1416, are provided to children and youth identified by the State agency as failing, or most at risk of failing, to meet the State's challenging State content standards and challenging State student performance standards;

"(ii) supplement and improve the quality of the educational services provided to such children and youth by the State agency; and

"(iii) afford such children and youth an opportunity to learn to such challenging State standards;

"(C) shall be carried out in a manner consistent with section 1120A and part H of title I; and

"(D) may include the costs of evaluation activities.

"(b) SUPPLEMENT, NOT SUPPLANT.—A program under this chapter that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the supplement, not supplant requirement of section 1120A without regard to the subject areas in which instruction is given during those hours.

"SEC. 1416. INSTITUTION-WIDE PROJECTS.

"A State agency that provides free public education for children and youth in an institution for neglected or delinquent children and youth (other than an adult correctional institution) or attending a community-day program for such children may use funds received under this part to serve all children in, and upgrade the entire educational effort of, that institution or program if the State agency has developed, and the State educational agency has approved, a comprehensive plan for that institution or program that—

"(1) provides for a comprehensive assessment of the educational needs of all youth in the institution or program serving juveniles;

"(2) provides for a comprehensive assessment of the educational needs of youth aged 20 and younger in adult facilities who are expected to complete incarceration within a two-year period;

"(3) describes the steps the State agency has taken, or will take, to provide all youth under age 21 with the opportunity to meet challenging State content standards and challenging State student performance standards in order to improve the likelihood that the youths will complete secondary school, attain a secondary diploma or its recognized equivalent, or find employment after leaving the institution;

"(4) describes the instructional program, pupil services, and procedures that will be used to meet the needs described in paragraph (1), including, to the extent feasible, the provision of mentors for students;

"(5) specifically describes how such funds will be used;

"(6) describes the measures and procedures that will be used to assess student progress;

"(7) describes how the agency has planned, and will implement and evaluate, the institution-wide or program-wide project in consultation with personnel providing direct instructional services and support services in institutions or community-day programs for neglected or delinquent children and personnel from the State educational agency; and

"(8) includes an assurance that the State agency has provided for appropriate training for teachers and other instructional and administrative personnel to enable such teachers and personnel to carry out the project effectively.

"SEC. 1417. THREE-YEAR PROGRAMS OR PROJECTS.

"If a State agency operates a program or project under this chapter in which individual children are likely to participate for more than 1 year, the State educational agency may approve the State agency's application for a subgrant under this chapter for a period of not more than 3 years.

"SEC. 1418. TRANSITION SERVICES.

"(a) TRANSITION SERVICES.—Each State agency shall reserve not less than 5 percent and not more than 30 percent of the amount such agency receives under this chapter for any fiscal year to support—

"(1) projects that facilitate the transition of children and youth from State-operated institutions to local educational agencies; or

"(2) the successful reentry of youth offenders, who are age 20 or younger and have received a secondary school diploma or its recognized equivalent, into postsecondary education and vocational training programs through strategies designed to expose the youth to, and prepare the youth for, postsecondary education and vocational training programs, such as—

"(A) preplacement programs that allow adjudicated or incarcerated students to audit or attend courses on college, university, or community college campuses, or through programs provided in institutional settings;

"(B) worksite schools, in which institutions of higher education and private or public employers partner to create programs to help students make a successful transition to postsecondary education and employment;

"(C) essential support services to ensure the success of the youth, such as—

"(i) personal, vocational, and academic counseling;

"(ii) placement services designed to place the youth in a university, college, or junior college program;

"(iii) health services;

"(iv) information concerning, and assistance in obtaining, available student financial aid;

"(v) exposure to cultural events; and

"(vi) job placement services.

"(b) CONDUCT OF PROJECTS.—A project supported under this section may be conducted directly by the State agency, or through a contract or other arrangement with one or more local educational agencies, other public agencies, or private nonprofit organizations.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a school that receives funds under subsection (a) from serving neglected and delinquent children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 1419. EVALUATION; TECHNICAL ASSISTANCE; ANNUAL MODEL PROGRAM.

"The Secretary shall reserve not more than 5 percent of the amount made available to carry out this chapter for a fiscal year—

"(1) to develop a uniform model to evaluate the effectiveness of programs assisted under this chapter;

"(2) to provide technical assistance to and support the capacity building of State agency programs assisted under this chapter; and

"(3) to create an annual model correctional youthful offender program event under which a national award is given to programs assisted under this chapter which demonstrate program excellence in—

"(A) transition services for reentry in and completion of regular or other education programs operated by a local educational agency;

"(B) transition services to job training programs and employment, utilizing existing support programs such as One Stop Career Centers;

"(C) transition services for participation in postsecondary education programs;

"(D) the successful reentry into the community; and

"(E) the impact on recidivism reduction for juvenile and adult programs.

"Chapter 2—Local Agency Programs

"SEC. 1421. PURPOSE.

"The purpose of this chapter is to support the operation of local educational agency programs that involve collaboration with locally operated correctional facilities to—

"(1) carry out high quality education programs to prepare youth for secondary school completion, training, and employment, or further education;

"(2) provide activities to facilitate the transition of such youth from the correctional program to further education or employment; and

"(3) operate dropout prevention programs in local schools for youth at risk of dropping out of school and youth returning from correctional facilities.

"SEC. 1422. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

"(a) LOCAL SUBGRANTS.—With funds made available under section 1412(b), the State educational agency shall award subgrants to local educational agencies with high numbers or percentages of youth residing in locally operated (including county operated) correctional facilities for youth (including facilities involved in community day programs).

"(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a dropout prevention program if more than 30 percent of the youth attending such facility will reside outside the boundaries of the local educational agency upon leaving such facility.

"(c) NOTIFICATION.—A State educational agency shall notify local educational agencies within the State of the eligibility of such agencies to receive a subgrant under this chapter.

"SEC. 1423. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

"Eligible local educational agencies desiring assistance under this chapter shall submit an application to the State educational agency, containing such information as the State educational agency may require. Each such application shall include—

"(1) a description of the program to be assisted;

"(2) a description of formal agreements between—

"(A) the local educational agency; and

"(B) correctional facilities and alternative school programs serving youth involved with the juvenile justice system to operate programs for delinquent youth;

"(3) as appropriate, a description of how participating schools will coordinate with facilities working with delinquent youth to ensure that such youth are participating in an education program comparable to one operating in the local school such youth would attend;

"(4) as appropriate, a description of the dropout prevention program operated by participating schools and the types of services such schools will provide to at-risk youth in participating schools and youth returning from correctional facilities;

"(5) as appropriate, a description of the youth expected to be served by the dropout prevention program and how the school will coordinate existing educational programs to meet unique education needs;

"(6) as appropriate, a description of how schools will coordinate with existing social and health services to meet the needs of students at risk of dropping out of school and other participating students, including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility;

"(7) as appropriate, a description of any partnerships with local businesses to develop training and mentoring services for participating students;

"(8) as appropriate, a description of how the program will involve parents in efforts to improve the educational achievement of their children, assist in dropout prevention activities, and prevent the involvement of their children in delinquent activities;

"(9) a description of how the program under this chapter will be coordinated with other Federal, State, and local programs, such as programs under title I of the Workforce Investment Act of 1998 and vocational education programs serving at-risk youth;

"(10) a description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable;

"(11) as appropriate, a description of how schools will work with probation officers to assist in meeting the needs of youth returning from correctional facilities;

“(12) a description of efforts participating schools will make to ensure correctional facilities working with youth are aware of a child's existing individualized education program; and

“(13) as appropriate, a description of the steps participating schools will take to find alternative placements for youth interested in continuing their education but unable to participate in a regular public school program.

“SEC. 1424. USES OF FUNDS.

“Funds provided to local educational agencies under this chapter may be used, where appropriate, for—

“(1) dropout prevention programs which serve youth at educational risk, including pregnant and parenting teens, youth who have come in contact with the juvenile justice system, youth at least one year behind their expected grade level, migrant youth, immigrant youth, students with limited-English proficiency and gang members;

“(2) the coordination of health and social services for such individuals if there is a likelihood that the provision of such services, including day care and drug and alcohol counseling, will improve the likelihood such individuals will complete their education; and

“(3) programs to meet the unique education needs of youth at risk of dropping out of school, which may include vocational education, special education, career counseling, and assistance in securing student loans or grants.

“SEC. 1425. PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SECTION.

“Each correctional facility having an agreement with a local educational agency under section 1423(2) to provide services to youth under this chapter shall—

“(1) where feasible, ensure educational programs in juvenile facilities are coordinated with the student's home school, particularly with respect to special education students with an individualized education program;

“(2) notify the local school of a youth if the youth is identified as in need of special education services while in the facility;

“(3) where feasible, provide transition assistance to help the youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

“(4) provide support programs which encourage youth who have dropped out of school to reenter school once their term has been completed or provide such youth with the skills necessary for such youth to gain employment or seek a secondary school diploma or its recognized equivalent;

“(5) work to ensure such facilities are staffed with teachers and other qualified staff who are trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such children and students;

“(6) ensure educational programs in correctional facilities are related to assisting students to meet high educational standards;

“(7) use, to the extent possible, technology to assist in coordinating educational programs between the juvenile facility and the community school;

“(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

“(9) coordinate funds received under this program with other local, State, and Federal funds available to provide services to participating youth, such as funds made available under title I of the Workforce Investment Act of 1998, and vocational education funds;

“(10) coordinate programs operated under this chapter with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

“(11) if appropriate, work with local businesses to develop training and mentoring programs for participating youth.

“SEC. 1426. ACCOUNTABILITY.

“The State educational agency may—

“(1) reduce or terminate funding for projects under this chapter if a local educational agency does not show progress in reducing dropout rates for male students and for female students over a 3-year period; and

“(2) require juvenile facilities to demonstrate, after receiving assistance under this chapter for 3 years, that there has been an increase in the number of youth returning to school, obtaining a secondary school diploma or its recognized equivalent, or obtaining employment after such youth are released.

“Chapter 3—General Provisions

“SEC. 1431. PROGRAM EVALUATIONS.

“(a) SCOPE OF EVALUATION.—Each State agency or local educational agency that conducts a program under chapter 1 or 2 shall evaluate the program, disaggregating data on participation by sex, and if feasible, by race, ethnicity, and age, not less than once every 3 years to determine the program's impact on the ability of participants to—

“(1) maintain and improve educational achievement;

“(2) accrue school credits that meet State requirements for grade promotion and secondary school graduation;

“(3) make the transition to a regular program or other education program operated by a local educational agency;

“(4) complete secondary school (or secondary school equivalency requirements) and obtain employment after leaving the institution; and

“(5) participate in postsecondary education and job training programs.

“(b) EVALUATION MEASURES.—In conducting each evaluation under subsection (a), a State agency or local educational agency shall use multiple and appropriate measures of student progress.

“(c) EVALUATION RESULTS.—Each State agency and local educational agency shall—

“(1) submit evaluation results to the State educational agency and the Secretary; and

“(2) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

“SEC. 1432. DEFINITIONS.

“In this subpart:

“(1) ADULT CORRECTIONAL INSTITUTION.—The term ‘adult correctional institution’ means a facility in which persons are confined as a result of a conviction for a criminal offense, including persons under 21 years of age.

“(2) AT-RISK YOUTH.—The term ‘at-risk youth’ means school aged youth who are at risk of academic failure, have drug or alcohol problems, are pregnant or are parents, have come into contact with the juvenile justice system in the past, are at least one year behind the expected grade level for the age of the youth, have limited-English proficiency, are gang members, have dropped out of school in the past, or have high absenteeism rates at school.

“(3) COMMUNITY DAY PROGRAM.—The term ‘community day program’ means a regular program of instruction provided by a State agency at a community day school operated specifically for neglected or delinquent children and youth.

“(4) INSTITUTION FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH.—The term ‘institution for neglected or delinquent children and youth’ means—

“(A) a public or private residential facility, other than a foster home, that is operated for the care of children who have been committed to the institution or voluntarily placed in the institution under applicable State law, due to abandonment, neglect, or death of their parents or guardians; or

“(B) a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.”.

PART E—NATIONAL ASSESSMENT OF TITLE I

SEC. 151. NATIONAL ASSESSMENT OF TITLE I.

Section 1501 (20 U.S.C. 6491) is deleted and replaced with the following:

“SEC. 1501. NATIONAL ASSESSMENT OF TITLE I.

“(a) NATIONAL ASSESSMENT.—The Secretary shall conduct a national assessment of the impact of the policies enacted into law under title I of the Better Education for Students and Teachers Act on States, local educational agencies, schools, and students.

“(1) Such assessment shall be planned, reviewed, and conducted in consultation with an independent panel of researchers, State practitioners, local practitioners, and other appropriate individuals.

“(2) The assessment shall examine, at a minimum, how schools, local educational agencies, and States have—

“(A) made progress towards the goal of all students reaching the proficient level in at least reading and math based on a State's content and performance standards and the State assessments required under section 1111 and on the National Assessment of Educational Progress;

“(B) implemented scientifically-based reading instruction;

“(C) implemented the requirements for the development of assessments for students in grades 3–8 and administered such assessments, including the time and cost required for their development and how well they meet the requirements for assessments described in this title;

“(D) defined adequate yearly progress and what has been the impact of applying this standard for adequacy to schools, local educational agencies, and the State in terms of the numbers not meeting the standard and the year to year changes in such identification for individual schools and local educational agencies;

“(E) publicized and disseminated the local educational agencies report cards to teachers, school staff, students, and the community;

“(F) implemented the school improvement requirements described in section 1116, including—

“(i) the number of schools identified for school improvement and how many years schools remain in this status;

“(ii) the types of support provided by the State and local educational agencies to schools and local educational agencies identified as in need of improvement and the impact of such support on student achievement;

“(iii) the number of parents who take advantage of the public school choice provisions of this title, the costs associated with implementing these provisions, and the impact of attending another school on student achievement;

“(iv) the number of parents who choose to take advantage of the supplemental services option, the criteria used by the States to determine the quality of providers, the kinds of services that are available and utilized, the costs associated with implementing this option, and the impact of receiving supplemental services on student achievement; and

“(v) the kinds of actions that are taken with regards to schools and local educational agencies identified for reconstitution.

“(G) used funds under this title to improve student achievement, including how schools have provided either schoolwide improvement or targeted assistance and provided professional development to school personnel;

"(H) used funds made available under this title to provide preschool and family literacy services and the impact of these services on students' school readiness;

"(I) afforded parents meaningful opportunities to be involved in the education of their children at school and at home;

"(J) distributed resources, including the State reservation of funds for school improvement, to target local educational agencies and schools with the greatest need;

"(K) used State and local educational agency funds and resources to support schools and provide technical assistance to turn around failing schools; and,

"(L) used State and local educational agency funds and resources to help schools with 50 percent or more students living in families below the poverty line meet the requirement of having all teachers fully qualified in four years.

"(b) STUDENT ACHIEVEMENT.—As part of the national assessment, the Secretary shall evaluate the effectiveness of the programs and services carried out under this title, especially part A, in improving student achievement. Such evaluation shall—

"(1) provide information on what types of programs and services are most likely to help students reach the States' performance standards for proficient and advanced;

"(2) examine the effectiveness of comprehensive school reform and improvement strategies for raising student achievement;

"(3) to the extent possible, have a longitudinal design that tracks a representative sample of students over time; and

"(4) to the extent possible, report on the achievement of the groups of students described in section 1111(b)(2)(B)(v)(II).

"(c) DEVELOPMENTALLY APPROPRIATE MEASURES.—In conducting the national assessment, the Secretary shall use developmentally appropriate measures to assess student performance.

"(d) STUDIES AND DATA COLLECTION.—The Secretary may conduct studies and evaluations and collect such data as is necessary to carry out this section either directly or through grants and contracts to—

"(1) assess the implementation and effectiveness of programs under this title;

"(2) collect the data necessary to comply with the Government Performance and Results Act of 1993.

"(e) REPORTING.—The Secretary shall provide to the relevant committees of the Senate and House—

"(1) by December 30, 2004, an interim report on the progress and any interim results of the national assessment of title I; and

"(2) by December 30, 2007, a final report of the results of the assessment.".

PART F—21st CENTURY LEARNING CENTERS; COMPREHENSIVE SCHOOL REFORM; SCHOOL DROPOUT PREVENTION

SEC. 161. 21st CENTURY LEARNING CENTERS; COMPREHENSIVE SCHOOL REFORM.

Title I (20 U.S.C. 6301 et seq.) is amended—

(1) by redesignating part F as part I;

(2) by redesignating sections 1601 through 1604 as sections 1901 through 1904, respectively; and

(3) by inserting after part E the following:

"PART F—21st CENTURY COMMUNITY LEARNING CENTERS

"Subpart 1—21st Century Community Learning Centers

"SEC. 1601. SHORT TITLE.

"This subpart may be cited as the '21st Century Community Learning Centers Act'.

"SEC. 1602. PURPOSE.

"The purpose of this subpart is to provide opportunities to communities to establish or expand activities in community learning centers that—

"(1) provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student performance standards in core academic subjects, such as reading and mathematics;

"(2) offer students a broad array of additional services, programs, and activities, such as youth development activities, drug and violence prevention programs, art, music, and recreation programs, technology education programs, and character education programs, that are designed to reinforce and complement the regular academic program of participating students; and

"(3) offer families of students enrolled in community learning centers opportunities for lifelong learning and literacy development.

"SEC. 1603. DEFINITIONS.

"In this subpart:

"(1) COMMUNITY LEARNING CENTER.—The term 'community learning center' is an entity that—

"(A)(i) assists students to meet State content and student performance standards in core academic subjects, such as reading and mathematics, by primarily providing to the students, during non-school hours or periods when school is not in session, tutorial and other academic enrichment services in addition to other activities (such as youth development activities, drug and violence prevention programs, art, music, and recreation programs, technology education programs, and character education programs) that reinforce and complement the regular academic program of the students; and

"(ii) offers families of students enrolled in such center opportunities for lifelong learning and literacy development; and

"(B) is operated by 1 or more local educational agencies, community-based organizations, units of general purpose local government, or other public or private entities.

"(2) COVERED PROGRAM.—The term 'covered program' means a program for which—

"(A) the Secretary made a grant under part I of title X (as in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(B) the grant period had not ended on that date of enactment.

"(3) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means—

"(A) a local educational agency, a community-based organization, a unit of general purpose local government, or another public or private entity; or

"(B) a consortium of entities described in subparagraph (A).

"(4) STATE.—The term 'State' means the State educational agency of a State (as defined in section 3).

"(5) UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT.—The term 'unit of general purpose local government' means any city, town, township, parish, village, or other general purpose political subdivision.

"SEC. 1604. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to States to make awards to eligible organizations to plan, implement, or expand community learning centers that serve—

"(1) students who primarily attend—

"(A) schools eligible for schoolwide programs under section 1114; or

"(B) schools that serve a high percentage of students from low-income families; and

"(2) the families of students described in paragraph (1).

"SEC. 1605. ALLOTMENTS TO STATES.

"(a) RESERVATION.—From the funds appropriated under section 1002(g) for any fiscal year, the Secretary shall reserve—

"(1) such amount as may be necessary to make continuation awards for covered programs to grant recipients under part I of title X (under the terms of those grants), as in effect on the day before the effective date of the Better Education for Students and Teachers Act;

"(2) not more than 1 percent for national activities, which the Secretary may carry out directly or through grants and contracts, such as providing technical assistance to organizations carrying out programs under this subpart or conducting a national evaluation; and

"(3) not more than 1 percent for payments to the outlying areas and the Bureau of Indian Affairs, to be allotted in accordance with their respective needs for assistance under this subpart, as determined by the Secretary, to enable the areas and the Bureau to carry out the objectives of this subpart.

"(b) STATE ALLOTMENTS.—

"(1) DETERMINATION.—

"(A) BASIS.—From the funds appropriated under section 1002(g) for any fiscal year and remaining after the Secretary makes reservations under subsection (a), the Secretary shall allot to each State for the fiscal year an amount that bears the same relationship to the remainder as the amount the State received under subpart 2 of part A for the preceding fiscal year bears to the amount all States received under that subpart for the preceding fiscal year, except as provided in subparagraph (B).

"(B) EXCEPTION.—No State receiving an allotment under subparagraph (A) may receive less than ½ of 1 percent of the total amount allotted under subparagraph (A) for a fiscal year.

"(2) DEFINITION.—In this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 1606. STATE PLANS.

"Each State seeking a grant under this subpart shall submit to the Secretary a plan, which may be submitted as part of a State's consolidated plan under section 5502, at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, the plan shall—

"(1) describe how the State will use funds received under this subpart, including funds reserved for State-level activities;

"(2) contain an assurance that the State will make awards under this subpart for eligible organizations only to eligible organizations that propose to serve—

"(A) students who primarily attend—

"(i) schools eligible for schoolwide programs under section 1114; or

"(ii) schools that serve a high percentage of students from low-income families; and

"(B) the families of students described in subparagraph (A);

"(3) describe the procedures and criteria the State will use for reviewing applications and awarding funds to eligible organizations on a competitive basis, which shall include procedures and criteria that take into consideration the likelihood that a proposed center will help participating students meet local content and performance standards by increasing their academic performance and achievement;

"(4) describe how the State will ensure that awards made under this subpart are—

"(A) of sufficient size and scope to support high-quality, effective programs that are consistent with the purpose of this subpart; and

"(B) in amounts that are consistent with section 1608(b);

"(5) contain an assurance that the State—

"(A) will not make awards for programs that exceed 4 years;

"(B) will ensure an equitable distribution of awards among urban and rural areas of the State; and

"(C) will require each eligible organization seeking such an award to submit a plan describing how the center to be funded through the

award will continue after funding under this subpart ends;

"(6) describe the State's performance measures for programs carried out under this subpart, including measures relating to increased academic performance and achievement, and how the State will evaluate the effectiveness of those programs;

"(7) contain an assurance that funds appropriated to carry out this subpart will be used to supplement, and not supplant, other Federal, State, and local public funds expended to provide programs and activities authorized under this subpart; and

"(8) contain an assurance that the State will require eligible organizations to describe in their applications under section 1609 how the transportation needs of participating students will be addressed.

"SEC. 1607. STATE-LEVEL ACTIVITIES.

"(a) IN GENERAL.—A State that receives an allotment under section 1605 for a fiscal year shall use not more than 6 percent of the funds made available through the allotment for State-level activities described in paragraphs (1) and (2) of subsection (b).

"(b) ACTIVITIES.—

"(1) PLANNING, PEER REVIEW, AND SUPERVISION.—The State may use not more than 3 percent of the funds made available through the allotment to pay for the costs of—

"(A) establishing and implementing a peer review process for applications described in section 1609 (including consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities);

"(B) supervising the awarding of funds to eligible organizations (in consultation with the Governor and other State agencies responsible for administering youth development programs and adult learning activities);

"(C) planning and supervising the use of funds made available under this subpart, and processing the funds; and

"(D) monitoring activities.

"(2) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—The State may use not more than 3 percent of the funds made available through the allotment to pay for the costs of—

"(A) comprehensive evaluation (directly, or through a grant or contract) of the effectiveness of programs and activities provided under this subpart; and

"(B) providing training and technical assistance to eligible organizations who are applicants or recipients of awards under this subpart.

"SEC. 1608. AWARDS TO ELIGIBLE ORGANIZATIONS.

"(a) AWARDS.—A State that receives an allotment under section 1605 for a fiscal year shall use not less than 94 percent of the funds made available through the allotment to make awards on a competitive basis to eligible organizations (including organizations and entities that carry out projects described in section 1609(d)).

"(b) AMOUNTS.—The State shall make the awards in amounts of not less than $50,000.

"SEC. 1609. LOCAL APPLICATION.

"(a) APPLICATION.—To be eligible to receive an award under this subpart, an eligible organization shall submit an application to the State at such time, in such manner, and including such information as the State may reasonably require. Each such application shall include—

"(1) an evaluation of the needs, available resources, and goals and objectives for the proposed community learning center and a description of how the program proposed to be carried out in the center will address those needs (including the needs of working families); and

"(2) a description of the proposed community learning center, including—

"(A) a description of how the eligible organization will ensure that the program proposed to be carried out at the center will reinforce and complement the instructional programs of the schools that students served by the program attend;

"(B) an identification of Federal, State, and local programs that will be combined or coordinated with the proposed program in order to make the most effective use of public resources;

"(C) an assurance that the proposed program was developed, and will be carried out, in active collaboration with the schools the students attend;

"(D) evidence that the eligible organization has experience, or demonstrates promise of success, in providing educational and related activities that will complement and enhance the students' academic performance and achievement and positive youth development;

"(E) an assurance that the program will take place in a safe and easily accessible school or other facility;

"(F) a description of how students participating in the program carried out by the center will travel safely to and from the center and home;

"(G) a description of how the eligible organization will disseminate information about the program to the community in a manner that is understandable and accessible;

"(H) a description of a preliminary plan for how the center will continue after funding under this subpart ends; and

"(I) an assurance that the eligible organization will, to the maximum extent practicable, carry out the proposed program with community-based organizations that have experience in providing before and after school programs, such as the Young Men's Christian Association (YMCA), the Police Athletic and Activities Leagues, Boys and Girls Clubs, and Big Brothers/Big Sisters of America.

"(b) PRIORITY.—In making awards under this subpart, the State shall give equal priority to applications—

"(1) submitted jointly by schools receiving funding under part A and community-based organizations or other eligible organizations;

"(2) submitted by such schools or consortia of such schools; and

"(3) submitted by community-based organizations or other eligible organizations serving communities in which such schools are located.

"(c) APPROVAL OF CERTAIN APPLICATIONS.—The State may approve an application under this subpart for a program to be located in a facility other than an elementary school or secondary school, only if the program—

"(1) will be accessible to the students proposed in the application to be served; and

"(2) will be as effective as the program would be if the program were located in such a school.

"(d) AFTER SCHOOL SERVICES.—Grant funds awarded under this subpart may be used by organizations or entities to implement programs to provide after school services for limited English proficient students that emphasize language and life skills.

"Subpart 2—Community Technology Centers

"SEC. 1611. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this subpart to assist eligible applicants to—

"(1) create or expand community technology centers that will provide disadvantaged residents of economically distressed urban and rural communities with access to information technology and related training; and

"(2) provide technical assistance and support to community technology centers.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary is authorized, through the Office of Educational Technology, to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to assist such applicants in—

"(A) creating or expanding community technology centers; or

"(B) providing technical assistance and support to community technology centers.

"(2) PERIOD OF AWARD.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 3 years.

"(3) SERVICE OF AMERICORPS PARTICIPANTS.—The Secretary may collaborate with the Chief Executive Officer of the Corporation for National and Community Service on the use of participants in National Service programs carried out under subtitle C of title I of the National and Community Service Act of 1990 in community technology centers.

"SEC. 1612. ELIGIBILITY AND APPLICATION REQUIREMENTS.

"(a) ELIGIBLE APPLICANTS.—In order to be eligible to receive an award under this subpart, an applicant shall—

"(1) have the capacity to expand significantly access to computers and related services for disadvantaged residents of economically distressed urban and rural communities (who would otherwise be denied such access); and

"(2) be—

"(A) an entity such as a foundation, museum, library, for-profit business, public or private nonprofit organization, or community-based organization;

"(B) an institution of higher education;

"(C) a State educational agency;

"(D) a local education agency; or

"(E) a consortium of entities described in subparagraphs (A), (B), (C), or (D).

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, and containing such information, as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including a description of the magnitude of the need for the services and how the project would expand access to information technology and related services to disadvantaged residents of an economically distressed urban or rural community;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of entities such as institutions, organizations, business and other groups in the community that will provide support for the creation, expansion, and continuation of the proposed project; and

"(B) the extent to which the proposed project establishes linkages with other appropriate agencies, efforts, and organizations providing services to disadvantaged residents of an economically distressed urban or rural community;

"(3) a description of how the proposed project would be sustained once the Federal funds awarded under this subpart end; and

"(4) a plan for the evaluation of the program, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. The non-Federal share of such project may be in cash or in kind, fairly evaluated, including services.

"SEC. 1613. USES OF FUNDS.

"(a) REQUIRED USES.—A recipient shall use funds under this subpart for—

"(1) creating or expanding community technology centers that expand access to information technology and related training for disadvantaged residents of distressed urban or rural communities; and

"(2) evaluating the effectiveness of the project.

"(b) Permissible Uses.—A recipient may use funds under this subpart for activities, described in its application, that carry out the purposes of this subpart, such as—

"(1) supporting a center coordinator, and staff, to supervise instruction and build community partnerships;

"(2) acquiring equipment, networking capabilities, and infrastructure to carry out the project; and

"(3) developing and providing services and activities for community residents that provide access to computers, information technology, and the use of such technology in support of preschool preparation, academic achievement, lifelong learning, and workforce development, such as the following:

"(A) After-school activities in which children and youths use software that provides academic enrichment and assistance with homework, develop their technical skills, explore the Internet, and participate in multimedia activities, including web page design and creation.

"(B) Adult education and family literacy activities through technology and the Internet, including—

"(i) General Education Development, English as a Second Language, and adult basic education classes or programs;

"(ii) introduction to computers;

"(iii) intergenerational activities; and

"(iv) lifelong learning opportunities.

"(C) Career development and job preparation activities, such as—

"(i) training in basic and advanced computer skills;

"(ii) resume writing workshops; and

"(iii) access to databases of employment opportunities, career information, and other online materials.

"(D) Small business activities, such as—

"(i) computer-based training for basic entrepreneurial skills and electronic commerce; and

"(ii) access to information on business start-up programs that is available online, or from other sources.

"(E) Activities that provide home access to computers and technology, such as assistance and services to promote the acquisition, installation, and use of information technology in the home through low-cost solutions such as networked computers, web-based television devices, and other technology.

"SEC. 1614. AUTHORIZATION OF APPROPRIATIONS.

"For purposes of carrying out this subpart, there is authorized to be appropriated $100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART G—COMPREHENSIVE SCHOOL REFORM

"SEC. 1701. PURPOSE.

"The purpose of this part is to provide financial incentives for schools to develop comprehensive school reforms based upon promising and effective practices and scientifically based research programs that emphasize basic academics and parental involvement so that all children can meet challenging State content and student performance standards.

"SEC. 1702. PROGRAM AUTHORIZATION.

"(a) Program Authorized.—

"(1) In general.—The Secretary is authorized to award grants to State educational agencies, from allotments under paragraph (2), to enable the State educational agencies to award subgrants to local educational agencies to carry out the purpose described in section 1701.

"(2) Allotments.—

"(A) Reservations.—Of the amount appropriated under section 1002(h) for a fiscal year, the Secretary may reserve—

"(i) not more than 1 percent to provide assistance to schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands according to their respective needs for assistance under this part;

"(ii) not more than 1 percent to conduct national evaluation activities described in section 1707; and

"(iii) 3 percent to promote quality initiatives described in section 1708.

"(B) In general.—Of the amount appropriated under section 1002(h) that remains after making the reservation under subparagraph (A) for a fiscal year, the Secretary shall allot to each State for the fiscal year an amount that bears the same ratio to the remainder for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount made available under section 1124 to all States for that year.

"(C) Reallotment.—If a State does not apply for funds under this section, the Secretary shall reallot such funds to other States that do not apply in proportion to the amount allotted to such other States under subparagraph (B).

"SEC. 1703. STATE APPLICATIONS.

"(a) In General.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) Contents.—Each such application shall describe—

"(1) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section;

"(2) how the State educational agency will ensure that funds under this part are limited to comprehensive school reform programs that—

"(A) include each of the components described in section 1706(a);

"(B) have the capacity to improve the academic achievement of all students in core academic subjects within participating schools; and

"(C) are supported by technical assistance providers that have a successful track record and the capacity to deliver high quality materials, professional development for school personnel and on-site support during the full implementation period of the reforms;

"(3) how the State educational agency will disseminate information on comprehensive school reforms that are based on promising and effective practices and scientifically based research programs;

"(4) how the State educational agency will annually evaluate the implementation of such reforms and measure the extent to which the reforms have resulted in increased student academic performance; and

"(5) how the State educational agency will make available technical assistance to a local educational agency or consortia of local educational agencies in evaluating, developing, and implementing comprehensive school reform.

"SEC. 1704. STATE USE OF FUNDS.

"(a) In General.—Except as provided in subsection (e), a State educational agency that receives a grant under this part shall use the grant funds to award subgrants, on a competitive basis, to local educational agencies or consortia of local educational agencies in the State that receive funds under part A to support comprehensive school reforms in schools that are eligible for funds under part A.

"(b) Subgrant Requirements.—A subgrant to a local educational agency or consortium shall be—

"(1) of sufficient size and scope to support the initial costs of comprehensive school reforms selected or designed by each school identified in the application of the local educational agency or consortium;

"(2) in an amount not less than $50,000 for each participating school; and

"(3) renewable for 2 additional 1-year periods after the initial 1-year grant is made if the school is making substantial progress in the implementation of reforms.

"(c) Priority.—A State educational agency, in awarding subgrants under this part, shall give priority to local educational agencies or consortia that—

"(1) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

"(2) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

"(d) Grant Consideration.—In awarding subgrants under this part, the State educational agency shall take into consideration the equitable distribution of subgrants to different geographic regions within the State, including urban and rural areas, and to schools serving elementary school and secondary students.

"(e) Administrative Costs.—A State educational agency that receives a grant under this part may reserve not more than 5 percent of the grant funds for administrative, evaluation, and technical assistance expenses.

"(f) Supplement.—Funds made available under this part shall be used to supplement, and not supplant, any other Federal, State, or local funds that would otherwise be available to carry out the activities assisted under this part.

"(g) Reporting.—Each State educational agency that receives a grant under this part shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools receiving assistance under this part, the amount of the assistance, a description of the comprehensive school reforms selected and used, and a copy of the State's evaluation of the implementation of comprehensive school reforms supported under this part and the student results achieved.

"SEC. 1705. LOCAL APPLICATIONS.

"(a) In General.—Each local educational agency or consortium of local educational agencies desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

"(b) Contents.—Each such application shall—

"(1) identify the schools, that are eligible for assistance under part A, that plan to implement a comprehensive school reform program, including the projected costs of such a program;

"(2) describe the comprehensive school reforms based on scientifically-based research and effective practices that such schools will implement;

"(3) describe how the local educational agency or consortium will provide technical assistance and support for the effective implementation of the promising and effective practices and scientifically based research school reforms selected by such schools; and

"(4) describe how the local educational agency or consortium will evaluate the implementation of such comprehensive reforms and measure the results achieved in improving student academic performance.

"SEC. 1706. LOCAL USE OF FUNDS.

"(a) Uses of Funds.—A local educational agency or consortium that receives a subgrant under this section shall provide the subgrant funds to schools, that are eligible for assistance

under part A and served by the agency, to enable the schools to implement a comprehensive school reform program for—

“(1) employing proven strategies for student learning, teaching, and school management that are based on promising and effective practices and scientifically based research programs and have been replicated successfully in schools;

“(2) integrating a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and student performance standards and addresses needs identified through a school needs assessment;

“(3) providing high quality and continuous teacher and staff professional development;

“(4) the inclusion of measurable goals for student performance;

“(5) support for teachers, principals, administrators, and other school personnel staff;

“(6) meaningful community and parental involvement initiatives that will strengthen school improvement activities;

“(7) using high quality external technical support and assistance from an entity that has experience and expertise in schoolwide reform and improvement, which may include an institution of higher education;

“(8) evaluating school reform implementation and student performance; and

“(9) identification of other resources, including Federal, State, local, and private resources, that shall be used to coordinate services that will support and sustain the comprehensive school reform effort.

“(b) Special Rule.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using nationally available approaches, but may develop the school's own comprehensive school reform program for schoolwide change as described in subsection (a).

“SEC. 1707. NATIONAL EVALUATION AND REPORTS.

“(a) In General.—The Secretary shall develop a plan for a national evaluation of the programs assisted under this part.

“(b) Evaluation.—The national evaluation shall—

“(1) evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms; and

“(2) assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

“(c) Reports.—Prior to the completion of the national evaluation, the Secretary shall submit an interim report describing implementation activities for the Comprehensive School Reform Program, which began in 1998, to the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate.

“SEC. 1708. QUALITY INITIATIVES.

“The Secretary, through grants or contracts, shall promote—

“(1) a public-private effort, in which funds are matched by the private sector, to assist States, local educational agencies, and schools, in making informed decisions upon approving or selecting providers of comprehensive school reform, consistent with the requirements described in section 1706(a); and

“(2) activities to foster the development of comprehensive school reform models and to provide effective capacity building for comprehensive school reform providers to expand their work in more schools, assure quality, and promote financial stability.

“PART H—SCHOOL DROPOUT PREVENTION

“SEC. 1801. SHORT TITLE.

“This part may be cited as the ‘Dropout Prevention Act’.

“SEC. 1802. PURPOSE.

“The purpose of this part is to provide for school dropout prevention and reentry and to raise academic achievement levels by providing grants, to schools through State educational agencies, that—

“(1) challenge all children to attain their highest academic potential; and

“(2) ensure that all students have substantial and ongoing opportunities to do so through schoolwide programs proven effective in school dropout prevention.

“Subpart 1—Coordinated National Strategy

“SEC. 1811. NATIONAL ACTIVITIES.

“(a) In General.—The Secretary is authorized—

“(1) to collect systematic data on the participation in the programs described in paragraph (2)(C) of individuals disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged;

“(2) to establish and to consult with an interagency working group that shall—

“(A) address inter- and intra-agency program coordination issues at the Federal level with respect to school dropout prevention and middle school and secondary school reentry, and assess the targeting of existing Federal services to students who are most at risk of dropping out of school, and the cost-effectiveness of various programs and approaches used to address school dropout prevention;

“(B) describe the ways in which State and local agencies can implement effective school dropout prevention programs using funds from a variety of Federal programs, including the programs under this title; and

“(C) address all Federal programs with school dropout prevention or school reentry elements or objectives, including programs under this title, programs under subtitle C of title I of the Workforce Investment Act of 1998, and other programs; and

“(3) carry out a national recognition program in accordance with subsection (b) that recognizes schools that have made extraordinary progress in lowering school dropout rates under which a public middle school or secondary school from each State will be recognized.

“(b) Recognition Program.—

“(1) National guidelines.—The Secretary shall develop uniform national guidelines for the recognition program that shall be used to recognize schools from nominations submitted by State educational agencies.

“(2) Eligible schools.—The Secretary may recognize under the recognition program any public middle school or secondary school (including a charter school) that has implemented comprehensive reforms regarding the lowering of school dropout rates for all students at that school.

“(3) Support.—The Secretary may make monetary awards to schools recognized under the recognition program in amounts determined by the Secretary. Amounts received under this section shall be used for dissemination activities within the school district or nationally.

“(c) Capacity Building.—

“(1) In general.—The Secretary, through a contract with a non-Federal entity, may conduct a capacity building and design initiative in order to increase the types of proven strategies for dropout prevention and reentry that address the needs of an entire school population rather than a subset of students.

“(2) Number and duration.—

“(A) Number.—The Secretary may award not more than 5 contracts under this subsection.

“(B) Duration.—The Secretary may award a contract under this subsection for a period of not more than 5 years.

“(d) Support for Existing Reform Networks.—

“(1) In general.—The Secretary may provide appropriate support to eligible entities to enable the eligible entities to provide training, materials, development, and staff assistance to schools assisted under this chapter.

“(2) Definition of eligible entity.—In this subsection, the term ‘eligible entity’ means an entity that, prior to the date of enactment of the Dropout Prevention Act—

“(A) provided training, technical assistance, and materials to 100 or more elementary schools or secondary schools; and

“(B) developed and published a specific educational program or design for use by the schools.

“Subpart 2—National School Dropout Prevention Initiative

“SEC. 1821. PROGRAM AUTHORIZED.

“(a) Grants.—

“(1) Discretionary grants.—If the sum appropriated under section 1002(i) for a fiscal year is less than $250,000,000, then the Secretary shall use such sum to award grants, on a competitive basis, to State educational agencies to enable the State educational agencies to award grants under subsection (b).

“(2) Formula.—If the sum appropriated under section 1002(i) for a fiscal year equals or exceeds $250,000,000, then the Secretary shall use such sum to make an allotment to each State in an amount that bears the same relation to the sum as the amount the State received under part A for the preceding fiscal year bears to the amount received by all States under such part for the preceding fiscal year.

“(3) Definition of state.—In this subpart, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, Republic of Palau, and Bureau of Indian Affairs for purposes of serving schools funded by the Bureau.

“(b) Grants.—From amounts made available to a State under subsection (a), the State educational agency may award grants to public middle schools or secondary schools that serve students in grades 6 through 12, that have school dropout rates that are the highest of all school dropout rates in the State, to enable the schools to pay only the startup and implementation costs of effective, sustainable, coordinated, and whole school dropout prevention programs that involve activities such as—

“(1) professional development;

“(2) obtaining curricular materials;

“(3) release time for professional staff;

“(4) planning and research;

“(5) remedial education;

“(6) reduction in pupil-to-teacher ratios;

“(7) efforts to meet State student achievement standards;

“(8) counseling and mentoring for at-risk students; and

“(9) comprehensive school reform models.

“(c) Amount.—

“(1) In general.—Subject to subsection (d) and except as provided in paragraph (2), a grant under this subpart shall be awarded—

"(A) in the first year that a school receives a grant payment under this subpart, based on factors such as—

"(i) school size;

"(ii) costs of the model or set of prevention and reentry strategies being implemented; and

"(iii) local cost factors such as poverty rates;

"(B) in the second such year, in an amount that is not less than 75 percent of the amount the school received under this subpart in the first such year;

"(C) in the third year, in an amount that is not less than 50 percent of the amount the school received under this subpart in the first such year; and

"(D) in each succeeding year in an amount that is not less than 30 percent of the amount the school received under this subpart in the first such year.

"(2) INCREASES.—The Secretary shall increase the amount awarded to a school under this subpart by 10 percent if the school creates smaller learning communities within the school and the creation is certified by the State educational agency.

"(d) DURATION.—A grant under this subpart shall be awarded for a period of 3 years, and may be continued for a period of 2 additional years if the State educational agency determines, based on the annual reports described in section 1827(a), that significant progress has been made in lowering the school dropout rate for students participating in the program assisted under this subpart compared to students at similar schools who are not participating in the program.

"SEC. 1822. STRATEGIES AND CAPACITY BUILDING.

"Each school receiving a grant under this subpart shall implement scientifically based research, sustainable, and widely replicated strategies for school dropout prevention and reentry that address the needs of an entire school population rather than a subset of students. The strategies may include—

"(1) specific strategies for targeted purposes, such as—

"(A) effective early intervention programs designed to identify at-risk students;

"(B) effective programs encompassing traditionally underserved students, including racial and ethnic minorities and pregnant and parenting teenagers, designed to prevent such students from dropping out of school; and

"(C) effective programs to identify and encourage youth who have already dropped out of school to reenter school and complete their secondary education; and

"(2) approaches such as breaking larger schools down into smaller learning communities and other comprehensive reform approaches, creating alternative school programs, developing clear linkages to career skills and employment, and addressing specific gatekeeper hurdles that often limit student retention and academic success.

"SEC. 1823. SELECTION OF SCHOOLS.

"(a) SCHOOL APPLICATION.—

"(1) IN GENERAL.—Each school desiring a grant under this subpart shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) contain a certification from the local educational agency serving the school that—

"(i) the school has the highest number or rates of school dropouts in the age group served by the local educational agency;

"(ii) the local educational agency is committed to providing ongoing operational support, for the school's comprehensive reform plan to address the problem of school dropouts, for a period of 5 years; and

"(iii) the local educational agency will support the plan, including—

"(I) release time for teacher training;

"(II) efforts to coordinate activities for feeder schools; and

"(III) encouraging other schools served by the local educational agency to participate in the plan;

"(B) demonstrate that the faculty and administration of the school have agreed to apply for assistance under this subpart, and provide evidence of the school's willingness and ability to use the funds under this subpart, including providing an assurance of the support of 80 percent or more of the professional staff at the school;

"(C) describe the instructional strategies to be implemented, how the strategies will serve all students, and the effectiveness of the strategies;

"(D) describe a budget and timeline for implementing the strategies;

"(E) contain evidence of coordination with existing resources;

"(F) provide an assurance that funds provided under this subpart will supplement and not supplant other Federal, State, and local funds available for dropout prevention programs;

"(G) describe how the activities to be assisted conform with scientifically based research knowledge about school dropout prevention and reentry; and

"(H) demonstrate that the school and local educational agency have agreed to conduct a schoolwide program under section 1114.

"(b) STATE AGENCY REVIEW AND AWARD.—The State educational agency shall review applications and award grants to schools under subsection (a) according to a review by a panel of experts on school dropout prevention.

"(c) ELIGIBILITY.—A school is eligible to receive a grant under this subpart if the school is—

"(1) a public school (including a public alternative school)—

"(A) that is eligible to receive assistance under part A, including a comprehensive secondary school, a vocational or technical secondary school, or a charter school; and

"(B)(i) that serves students 50 percent or more of whom are low-income individuals; or

"(ii) with respect to which the feeder schools that provide the majority of the incoming students to the school serve students 50 percent or more of whom are low-income individuals; or

"(2) participating in a schoolwide program under section 1114 during the grant period.

"(d) COMMUNITY-BASED ORGANIZATIONS.—A school that receives a grant under this subpart may use the grant funds to secure necessary services from a community-based organization, including private sector entities, if—

"(1) the school approves the use;

"(2) the funds are used to provide school dropout prevention and reentry activities related to schoolwide efforts; and

"(3) the community-based organization has demonstrated the organization's ability to provide effective services as described in section 122 of the Workforce Investment Act of 1998.

"(e) COORDINATION.—Each school that receives a grant under this subpart shall coordinate the activities assisted under this subpart with other Federal programs, such as programs assisted under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965.

"SEC. 1824. DISSEMINATION ACTIVITIES.

"Each school that receives a grant under this part shall provide information and technical assistance to other schools within the school district, including presentations, document-sharing, and joint staff development.

"SEC. 1825. PROGRESS INCENTIVES.

"Notwithstanding any other provision of law, each local educational agency that receives funds under this title shall use such funds to provide assistance to schools served by the agency that have not made progress toward lowering school dropout rates after receiving assistance under this subpart for 2 fiscal years.

"SEC. 1826. SCHOOL DROPOUT RATE CALCULATION.

"For purposes of calculating a school dropout rate under this subpart, a school shall use—

"(1) the annual event school dropout rate for students leaving a school in a single year determined in accordance with the National Center for Education Statistics' Common Core of Data, if available; or

"(2) in other cases, a standard method for calculating the school dropout rate as determined by the State educational agency.

"SEC. 1827. REPORTING AND ACCOUNTABILITY.

"(a) REPORTING.—To receive funds under this subpart for a fiscal year after the first fiscal year that a school receives funds under this subpart, the school shall provide, on an annual basis, to the Secretary and the State educational agency a report regarding the status of the implementation of activities funded under this subpart, the outcome data for students at schools assisted under this subpart disaggregated in the same manner as information under section 1811(a) (such as dropout rates), and a certification of progress from the eligible entity whose strategies the school is implementing.

"(b) ACCOUNTABILITY.—On the basis of the reports submitted under subsection (a), the Secretary shall evaluate the effect of the activities assisted under this subpart on school dropout prevention compared to a control group.

"SEC. 1828. STATE RESPONSIBILITIES.

"(a) UNIFORM DATA COLLECTION.—Within 1 year after the date of enactment of the Dropout Prevention Act, a State educational agency that receives funds under this subpart shall report to the Secretary and statewide, all school district and school data regarding school dropout rates in the State disaggregated in the same manner as information under section 1811(a), according to procedures that conform with the National Center for Education Statistics' Common Core of Data.

"(b) ATTENDANCE-NEUTRAL FUNDING POLICIES.—Within 2 years after the date of enactment of the Dropout Prevention Act, a State educational agency that receives funds under this subpart shall develop and implement education funding formula policies for public schools that provide appropriate incentives to retain students in school throughout the school year, such as—

"(1) a student count methodology that does not determine annual budgets based on attendance on a single day early in the academic year; and

"(2) specific incentives for retaining enrolled students throughout each year.

"(c) SUSPENSION AND EXPULSION POLICIES.—Within 2 years after the date of enactment of the Dropout Prevention Act, a State educational agency that receives funds under this subpart shall develop uniform, long-term suspension and expulsion policies (that in the case of a child with a disability are consistent with the suspension and expulsion policies under the Individuals with Disabilities Education Act) for serious infractions resulting in more than 10 days of exclusion from school per academic year so that similar violations result in similar penalties.

"(d) REGULATIONS.—The Secretary shall promulgate regulations implementing subsections (a) through (c).

"Subpart 3—Definitions; Authorization of Appropriations

"SEC. 1831. DEFINITIONS.

"In this part:

"(1) LOW-INCOME.—The term 'low-income', used with respect to an individual, means an individual determined to be low-income in accordance with measures described in section 1113(a)(5).

"(2) SCHOOL DROPOUT.—The term 'school dropout' means a youth who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.".

PART G—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

SEC. 171. STATEMENT OF POLICY.

Section 721(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431(3)) is amended by striking "should not be" and inserting "is not".

SEC. 172. GRANTS FOR STATE AND LOCAL ACTIVITIES.

Section 722 of such Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by inserting "and" after "Samoa,"; and

(ii) by striking ", and Palau" and all that follows through "Palau)"; and

(B) in paragraph (3)—

(i) by inserting "or" after "Samoa,"; and

(ii) by striking ", or Palau";

(2) in subsection (e), by adding at the end the following:

"(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), paragraphs (1)(H) and (3) of subsection (g), section 723(a)(2), and any other provision of this subtitle relating to the placement of homeless children or youth in schools, a State that has a separate school for homeless children or youth that was operated in fiscal year 2000 in a covered county shall be eligible to receive funds under this subtitle for programs carried out in such school if—

"(i) the school meets the requirements of subparagraph (C);

"(ii) any local educational agency serving a school that the homeless children and youth enrolled in the separate school are eligible to attend meets the requirements of subparagraph (E); and

"(iii) the State is otherwise eligible to receive funds under this subtitle.

"(C) SCHOOL REQUIREMENTS.—For the State to be eligible to receive the funds, the school shall—

"(i) provide written notice, at the time any child or youth seeks enrollment in such school, and at least twice annually while the child or youth is enrolled in such school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that—

"(I) shall be signed by the parent or guardian (or, in the case of an unaccompanied youth, the youth);

"(II) reviews the general rights provided under this subtitle; and

"(III) specifically states—

"(aa) the choice of schools homeless children and youth are eligible to attend, as provided in subsection (g)(3)(A);

"(bb) that no homeless child or youth is required to attend a separate school for homeless children or youth;

"(cc) that homeless children and youth shall be provided comparable services described in subsection (g)(4), including transportation services, educational services, and meals through school meals programs;

"(dd) that homeless children and youth should not be stigmatized by school personnel; and

"(ee) contact information for the local liaison for homeless children and youth and State Coordinator for Education of Homeless Children and Youth;

"(ii)(aa) provide assistance to the parent or guardian of each homeless child or youth (or, in the case of an unaccompanied youth, the youth) to exercise the right to attend the parent's or guardian's (or youth's) choice of schools, as provided in subsection (g)(3)(A); and

"(bb) coordinate with the local educational agency with jurisdiction for the school selected by the parent or guardian (or youth), to provide transportation and other necessary services;

"(iii) ensure that the parent or guardian (or youth) shall receive the information required by this subparagraph in a manner and form understandable to such parent or guardian (or youth), including, if necessary and to the extent feasible, in the native language of such parent or guardian (or youth); and

"(iv) demonstrate in the school's application for funds under this subtitle that such school—

"(I) is complying with clauses (i) and (ii); and

"(II) is meeting (as of the date of submission of the application) the same Federal and State standards, regulations, and mandates as other public schools in the State (such as complying with sections 1111 and 1116 of the Elementary and Secondary Education Act of 1965 and providing a full range of education and related services, including services applicable to students with disabilities).

"(D) SCHOOL INELIGIBILITY.—A separate school described in subparagraph (B) that fails to meet the standards, regulations, and mandates described in subparagraph (C)(iv)(II) shall not be eligible to receive funds under this subtitle for programs carried out in such school after the first date of such failure.

"(E) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—For the State to be eligible to receive the funds described in subparagraph (B), the local educational agency described in subparagraph (B) shall—

"(i) implement a coordinated system for ensuring that homeless children and youth—

"(I) are advised of the choice of schools provided in subsection (g)(3)(A);

"(II) are immediately enrolled in the school selected in accordance with subsection (g)(3)(C); and

"(III) are provided necessary services, including transportation, promptly to allow homeless children and youth to exercise their choices of schools in accordance with subsection (g)(4);

"(ii) document that written notice has been provided—

"(I) in accordance with subparagraph (C)(i) for each child or youth enrolled in a separate school described in subparagraph (B); and

"(II) in accordance with subsection (g)(1)(H)(ii);

"(iii) prohibit schools within the agency's jurisdiction from referring homeless children or youth to, or requiring homeless children and youth to enroll in or attend, a separate school described in subparagraph (B);

"(iv) identify and remove any barriers that exist in schools within the agency's jurisdiction that may have contributed to the creation or existence of separate schools described in subparagraph (B); and

"(v) not use funds received under this subtitle to establish—

"(I) new or additional separate schools for homeless children or youth, other than schools described in subparagraph (B); or

"(II) new or additional sites for separate schools for homeless children or youth, other than the sites occupied by the schools described in subparagraph (B) in fiscal year 2000.

"(F) REPORT.—

"(i) PREPARATION.—

"(I) IN GENERAL.—The Secretary shall prepare a report on the separate schools and local educational agencies described in subparagraph (B) that receive funds under this subtitle in accordance with this paragraph.

"(II) CONTENTS.—The report shall contain, at a minimum, information on—

"(aa) compliance with all requirements of this paragraph;

"(bb) barriers to school access in the school districts served by the local educational agencies; and

"(cc) the progress the separate schools are making in integrating homeless children and youth into the mainstream school environment, including the average length of student enrollment in such schools.

"(ii) COMPLIANCE WITH INFORMATION REQUESTS.—For purposes of enabling the Secretary to prepare the report, the separate schools and local educational agencies shall cooperate with the Secretary and the State Coordinators for the Education of Homeless Children and Youth, and shall comply with any requests for information by the Secretary and State Coordinators.

"(iii) SUBMISSION.—Not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall submit the report described in clause (i) to—

"(I) the President;

"(II) the Committee on Education and the Workforce of the House of Representatives; and

"(III) the Committee on Health, Education, Labor, and Pensions of the Senate.

"(G) DEFINITION.—In this paragraph, the term 'covered county' means—

"(i) San Joaquin County, CA;

"(ii) Orange County, CA;

"(iii) San Diego County, CA; and

"(iv) Maricopa County, AZ.";

(3) by amending subsection (f) to read as follows:

"(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

"(1) gather reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary schools and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

"(2) develop and carry out the State plan described in subsection (g);

"(3) collect and transmit to the Secretary, at such time and in such manner as the Secretary may require, such information as the Secretary deems necessary to assess the educational needs of homeless children and youth within the State;

"(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth;

"(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

''(A) educators, including child development and preschool program personnel;

''(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

''(C) local educational agency liaisons for homeless children and youth; and

''(D) community organizations and groups representing homeless children and youth and their families; and

''(6) provide technical assistance to local educational agencies in coordination with local liaisons established under this subtitle, to ensure that local educational agencies comply with the requirements of section 722(e)(3).''; and

(4) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) by striking ''the report'' and inserting ''the information''; and

(II) by striking ''(f)(4)'' and inserting ''(f)(3)''; and

(ii) by amending subparagraph (H) to read as follows:

''(H) contain assurances that—

''(i) the State educational agency and local educational agencies in the State will adopt policies and practices to ensure that homeless children and youth are not segregated on the basis of their status as homeless or stigmatized; and

''(ii) local educational agencies serving school districts in which homeless children and youth reside or attend school will—

''(I) post public notice of the educational rights of such children and youth where such children and youth receive services under this Act (such as family shelters and soup kitchens); and

''(II) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.'';

(B) by amending paragraph (3) to read as follows:

''(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle shall, according to the child's or youth's best interest—

''(i) continue the child's or youth's education in the school of origin—

''(I) for the duration of their homelessness;

''(II) if the child becomes permanently housed, for the remainder of the academic year; or

''(III) in any case in which a family becomes homeless between academic years, for the following academic year; or

''(ii) enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall—

''(i) to the extent feasible, keep a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian, or in the case of an unaccompanied youth, doing so is contrary to the youth's wish; and

''(ii) provide a written explanation to the homeless child's or youth's parent or guardian when the local educational agency sends such child or youth to a school other than the school of origin or a school requested by the parent or guardian.

''(C) ENROLLMENT.—

''(i) DOCUMENTATION.—The school selected in accordance with this paragraph shall immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

''(ii) SPECIAL RULE.—The enrolling school immediately shall contact the school last attended by the child or youth to obtain relevant academic and other records. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer the child or youth to the appropriate authorities for such immunizations.

''(iii) DISPUTES.—If a dispute arises over school selection or enrollment in a school, the child or youth shall be admitted immediately to the school in which the parent or guardian (or in the case of an unaccompanied youth, the youth) seeks enrollment pending resolution of the dispute.

''(D) DEFINITION OF SCHOOL OF ORIGIN.—For purposes of this paragraph, the term 'school of origin' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

''(E) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.'';

(C) by amending paragraph (6) to read as follows:

''(6) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.).

''(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that homeless children and youth have access to available education and related support services; and

''(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in shelters and other challenges associated with homeless children and youth.'';

(D) by amending paragraph (7) to read as follows:

''(7) LIAISON.—

''(A) IN GENERAL.—Each local liaison for homeless children and youth designated pursuant to paragraph (1)(H)(ii)(II) shall ensure that—

''(i) homeless children and youth enroll, and have a full and equal opportunity to succeed, in the schools of the local educational agency;

''(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

''(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

''(iv) public notice of the educational rights of homeless children and youth is posted where such children and youth receive services under this Act (such as family shelters and soup kitchens).

''(B) INFORMATION.—State coordinators in States receiving assistance under this subtitle and local educational agencies receiving assistance under this subtitle shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons for homeless children and youth.

''(C) LOCAL AND STATE COORDINATION.—Liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

''(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local liaison for homeless children and youth shall provide resource information and assist in resolving a dispute under this subtitle if such a dispute arises.''; and

(E) by striking paragraph (9).

SEC. 173. LOCAL EDUCATIONAL AGENCY GRANTS.

Section 723 of such Act (42 U.S.C. 11433) is amended—

(1) in subsection (a), by amending paragraph (2) to read as follows:

''(2) SERVICES.—

''(A) IN GENERAL.—Services provided under paragraph (1)—

''(i) may be provided through programs on school grounds or at other facilities;

''(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless individuals with nonhomeless individuals; and

''(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

''(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

''(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to clause (ii); and

''(ii) shall not provide services in settings within a school that segregates homeless children and youth from other children and youth, except as is necessary for short periods of time—

''(I) for health and safety emergencies; or

''(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

''(1) an assessment of the educational and related needs of homeless children and youth in the school district (which may be undertaken as a part of needs assessments for other disadvantaged groups);''; and

(C) in paragraph (4) (as so redesignated), by striking ''(9)'' and inserting ''(8)''; and

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—The State educational agency, in accordance with the requirements of this subtitle and from amounts made available to the State educational agency under section

726, shall award grants, on a competitive basis, to local educational agencies that submit applications under subsection (b). Such grants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

"(A) the local educational agency's needs assessment under subsection (b)(1) and the likelihood that the program to be assisted will meet the needs;

"(B) the types, intensity, and coordination of services to be assisted under the program;

"(C) the involvement of parents or guardians;

"(D) the extent to which homeless children and youth will be integrated within the regular education program;

"(E) the quality of the local educational agency's evaluation plan for the program;

"(F) the extent to which services provided under this subtitle will be coordinated with other available services;

"(G) the extent to which the local educational agency provides case management or related services to homeless children and youth who are unaccompanied by a parent or guardian; and

"(H) such other measures as the State educational agency determines indicative of a high-quality program.".

SEC. 174. SECRETARIAL RESPONSIBILITIES.

Section 724 of such Act (42 U.S.C. 11434) is amended—

(1) in subsection (a), by striking "the State educational" and inserting "State educational";

(2) by striking subsection (f);

(3) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(4) by inserting after subsection (b) the following:

"(c) GUIDELINES.—The Secretary shall develop, issue, and publish in the Federal Register, not later than 60 days after the date of enactment of the Better Education for Students and Teachers Act, school enrollment guidelines for States with respect to homeless children and youth. The guidelines shall describe—

"(1) successful ways in which a State may assist local educational agencies to enroll immediately homeless children and youth in school; and

"(2) how a State can review the State's requirements regarding immunization and medical or school records and make revisions to the requirements as are appropriate and necessary in order to enroll homeless children and youth in school more quickly."; and

(5) by adding at the end the following:

"(g) INFORMATION.—

"(1) IN GENERAL.—From funds appropriated under section 726, the Secretary, directly or through grants, contracts, or cooperative agreements, shall periodically collect and disseminate data and information regarding—

"(A) the number and location of homeless children and youth;

"(B) the education and related services homeless children and youth receive;

"(C) the extent to which the needs of homeless children and youth are met; and

"(D) such other data and information as the Secretary determines necessary and relevant to carry out this subtitle.

"(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

"(h) REPORT.—Not later than 4 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall prepare and submit to the President and the appropriate committees of the House of Representatives and the Senate a report on the status of the education of homeless children and youth, which shall include information regarding—

"(1) the education of homeless children and youth; and

"(2) the actions of the Department of Education and the effectiveness of the programs supported under this subtitle.".

SEC. 175. DEFINITIONS.

Section 725 of such Act (42 U.S.C. 11434a) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5), respectively;

(2) by inserting before paragraph (4) (as so redesignated) the following:

"(1) the term 'homeless children and youth'—

"(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

"(B) includes—

"(i) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations, are living in emergency or transitional shelters, are abandoned in hospitals, or are awaiting foster care placement;

"(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C)); and

"(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

"(C) migratory children (as such term is defined in section 1309(2) of the Elementary and Secondary Education Act of 1965) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in this paragraph;

"(2) the terms 'enroll' and 'enrollment' include attending classes and participating fully in school activities;

"(3) the terms 'local educational agency' and 'State educational agency' have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965;";

(3) in paragraph (4) (as so redesignated), by striking "and" after the semicolon;

(4) in paragraph (5) (as so redesignated), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(6) the term 'unaccompanied youth' includes a youth not in the physical custody of a parent or guardian.".

SEC. 176. AUTHORIZATION OF APPROPRIATIONS.

Section 726 of such Act (42 U.S.C. 11435) is amended to read as follows:

"SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subtitle, there are authorized to be appropriated $70,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.".

SEC. 177. CONFORMING AMENDMENTS.

(a) GRANTS FOR STATE AND LOCAL ACTIVITIES.—Section 722 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432) is amended—

(1) in subsection (c)(1), by striking "section 724(c)" and inserting "section 724(d)"; and

(2) in subsection (g)(2), by striking "paragraphs (3) through (9)" and inserting "paragraphs (3) through (8)".

(b) LOCAL EDUCATIONAL AGENCY GRANTS.—Section 723(b)(3) of such Act (42 U.S.C. 11433(b)(3)) is amended by striking "paragraphs (3) through (9) of section 722(g)" and inserting "paragraphs (3) through (8) of section 722(g)".

(c) SECRETARIAL RESPONSIBILITIES.—Section 724(f) of such Act (as amended by section 174(3)) is amended by striking "subsection (d)" and inserting "subsection (e)".

SEC. 178. LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.

(a) AUDITS.—The Office of the Inspector General of the Department of Education shall conduct not less than 6 audits of local education agencies that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 in each fiscal year to more clearly determine specifically how local education agencies are expending such funds. Such audits shall be conducted in 6 local educational agencies that represent the size, ethnic, economic and geographic diversity of local educational agencies and shall examine the extent to which funds have been expended for academic instruction in the core curriculum and activities unrelated to academic instruction in the core curriculum, such as the payment of janitorial, utility and other maintenance services, the purchase and lease of vehicles, and the payment for travel and attendance costs at conferences.

(b) REPORT.—Not later than 3 months after the completion of the audits under subsection (a) in each year, the Office of the Inspector General of the Department of Education shall submit a report on each audit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

TITLE II—TEACHERS

SEC. 201. TEACHER QUALITY.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

"TITLE II—TEACHERS

"PART A—TEACHER QUALITY

"SEC. 2101. PURPOSE.

"The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

"(1) increase student academic achievement and student performance through such strategies as improving teacher quality and increasing the number of highly qualified teachers in the classroom;

"(2) hold local educational agencies and schools accountable so that all teachers teaching core academic subjects in public elementary schools and secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified; and

"(3) hold local educational agencies and schools accountable for improvements in student academic achievement and student performance.

"SEC. 2102. DEFINITIONS.

"In this part:

"(1) ALL STUDENTS.—The term 'all students' means students from a broad range of backgrounds and circumstances, including economically disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, and academically talented students.

"(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given the term in section 5120.

"(3) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means English, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

"(4) HIGHLY QUALIFIED.—The term 'highly qualified' means—

"(A) with respect to an elementary school teacher, a teacher—

"(i)(I) with an academic major in the arts and sciences; or

"(II) who can demonstrate competence through a high level of performance in core academic subjects; and

"(ii) who is certified or licensed by the State involved, except for a teacher in a charter school in a State that has a charter school law that exempts such a teacher from State certification and licensing requirements;

"(B) with respect to a secondary school teacher hired before the date of enactment of the Better Education for Students and Teachers Act, a teacher—

"(i)(I) with an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the teacher teaches or a related field;

"(II) who can demonstrate a high level of competence through rigorous academic subject tests and achievement of a high level of competence as described in subclause (III); or

"(III) who can demonstrate a high level of competence through a high level of performance in the academic subjects that the teacher teaches, based on a high and objective uniform standard that is—

"(aa) set by the State for both grade appropriate academic subject knowledge and teaching skills;

"(bb) the same for all teachers in the same academic subject and same grade level throughout the State; and

"(cc) a written standard that is developed in consultation with teachers, parents, principals, and school administrators and made available to the public upon request; and

"(ii) who is certified or licensed by the State, except for a teacher in a charter school in a State that has a charter school law that exempts such a teacher from State certification and licensing requirements; and

"(C) with respect to a secondary school teacher hired after the date of enactment of the Better Education for Students and Teachers Act, a teacher that meets the requirements of subclause (I) or (II) of subparagraph (B)(i).

"(5) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965.

"(7) OUT-OF-FIELD TEACHER.—The term 'out-of-field teacher' means a secondary school teacher who is teaching an academic subject for which the teacher is not highly qualified.

"(8) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

"(9) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means activities that—

"(A) are an integral part of broad schoolwide and districtwide educational improvement plans;

"(B) enhance the ability of teachers and other staff to—

"(i) help all students meet challenging State and local content and student performance standards;

"(ii) improve understanding and use of student assessments by the teachers and staff;

"(iii) improve classroom management skills;

"(iv) as appropriate, integrate technology into the curriculum; and

"(v) encourage and provide instruction on how to work with and involve parents to foster student achievement;

"(C) are sustained, intensive, and school-embedded;

"(D) are aligned with—

"(i) State content standards, student performance standards, and assessments; and

"(ii) the curricula and programs tied to the standards described in clause (i);

"(E) are of high quality and sufficient duration to have a positive and lasting impact on classroom instruction, and are not one-time workshops; and

"(F) are based on the best available research on teaching and learning.

"(10) TEACHER MENTORING.—The term 'teacher mentoring' means activities that—

"(A) consist of structured guidance and regular and ongoing support for beginning teachers, that—

"(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

"(ii) as part of a multiyear, developmental induction process—

"(I) involve the assistance of a mentor teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

"(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

"(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

"SEC. 2103. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.—There are authorized to be appropriated to carry out this part (other than subpart 5) $3,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) NATIONAL PROGRAMS.—There are authorized to be appropriated to carry out subpart 5 (other than subsections (b), (e), and (f)) $100,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"Subpart 1—Grants to States

"SEC. 2111. ALLOTMENTS TO STATES.

"(a) IN GENERAL.—The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

"(b) DETERMINATION OF ALLOTMENTS.—

"(1) RESERVATION OF FUNDS.—

"(A) IN GENERAL.—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—

"(i) ½ of 1 percent for payments to the outlying areas, to be distributed among the outlying areas on the basis of their relative need, as determined by the Secretary, for activities authorized under this part relating to teacher quality, including professional development and teacher hiring; and

"(ii) ½ of 1 percent for payments to the Secretary of the Interior for activities described in clause (i) in schools operated or funded by the Bureau of Indian Affairs.

"(B) LIMITATION.—In reserving an amount for the purposes described in clauses (i) and (ii) of subparagraph (A) for a fiscal year, the Secretary shall not reserve more than the total amount the outlying areas and the schools operated or funded by the Bureau of Indian Affairs received for fiscal year 2001 under—

"(i) section 2202(b) of this Act (as in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

"(2) STATE ALLOTMENTS.—

"(A) HOLD HARMLESS.—

"(i) IN GENERAL.—Subject to subparagraph (B), from the total amount appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under the authorities described in paragraph (1)(B).

"(ii) RATABLE REDUCTION.—If the total amount appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1) is insufficient to pay the full amounts that all States are eligible to receive under clause (i) for the fiscal year, the Secretary shall ratably reduce such amounts for the fiscal year.

"(B) ALLOTMENT OF ADDITIONAL FUNDS.—

"(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the total amount appropriated under section 2103(a) and not reserved under paragraph (1) exceeds the total amount made available to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico for fiscal year 2001 under the authorities described in paragraph (1)(B), the Secretary shall allot to each of those States the sum of—

"(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

"(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

"(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than ½ of 1 percent of the total excess amount allotted under clause (i) for a fiscal year.

"(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallot the amount of the allotment to the remaining States in accordance with this subsection.

"SEC. 2112. STATE APPLICATIONS.

"(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall include the following:

"(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

"(2) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with State content standards, student performance standards, and assessments.

"(3) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

"(4) A description of how the State educational agency will use funds made available under this part to improve the quality of the

State's teaching force and the educational opportunities for students.

“(5) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs, including those authorized under—

“(A) title I, part C of this title, part A of title III, and title IV; and

“(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

“(6) A description of how the activities to be carried out by the State educational agency under this subpart will be developed collaboratively based on the input of teachers, principals, paraprofessionals, administrators, other school personnel, and parents.

“(7) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

“(8) A description of the State educational agency's annual measurable performance objectives under section 2141.

“(9) A plan to ensure that all local educational agencies in the State are meeting the performance objectives established by the State under section 2142(a)(1) so that all teachers in the State who are teaching core academic subjects in public elementary schools and secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified not later than the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act).

“(10) An assurance that the State educational agency will consistently monitor the progress of each local educational agency and school in the State in achieving the purpose of this part and meeting the performance objectives described in section 2142.

“(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, a description of the basis for the exemption.

“(12) An assurance that the State educational agency will comply with section 6 (regarding participation by private school children and teachers).

“(c) APPROVAL.—The Secretary shall approve a State application submitted to the Secretary under this section unless the Secretary makes a written determination, within 90 days after receiving the application, that the application does not meet the requirements of this Act.

“SEC. 2113. STATE USE OF FUNDS.

“(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

“(1) reserve 2 percent of the funds made available through the grant for State activities described in subsection (b);

“(2) reserve 95 percent of the funds to make subgrants to local educational agencies as described in subpart 2; and

“(3) reserve 3 percent of the funds to make subgrants to local partnerships as described in subpart 3.

“(b) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds reserved under subsection (a)(1) to carry out 1 or more of the following activities, including through a grant or contract with a for-profit or nonprofit entity:

“(1) Reforming teacher certification (including recertification) or licensing requirements to ensure that—

“(A) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach;

“(B) the requirements are aligned with challenging State content standards; and

“(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, necessary to help students meet challenging State student performance standards.

“(2) Carrying out programs that provide support during the initial teaching experience, such as programs that provide teacher mentoring, team teaching, reduced schedules, and intensive professional development.

“(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers for highly qualified individuals with a baccalaureate degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers.

“(4) Providing assistance to teachers to enable teachers to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year described in section 2112(b)(9).

“(5) Developing and implementing effective mechanisms to assist local education agencies and schools in effectively recruiting and retaining highly qualified teachers and principals, and in cases in which a State deems appropriate, pupil services personnel.

“(6) Developing and implementing effective mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified and effective teachers and principals, including teaching specialists in core academic subjects.

“(7) Funding projects to promote reciprocity of teacher certification or licensure between or among States.

“(8) Testing new teachers for subject matter knowledge, and testing the teachers for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

“(9) Supporting activities that ensure that teachers are able to use State content standards, student performance standards, and assessments to improve instructional practices and improve student achievement and student performance.

“(10) Establishing teacher compensation systems based on merit and proven performance.

“(11) Reforming tenure systems.

“(12) Funding projects and carrying out programs to encourage men to become elementary school teachers.

“(13) Establishing and operating a center that—

“(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

“(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

“(14) Supporting the activities of education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of—

“(A) preparing out-of-field teachers to be qualified to teach all of the classes that the teachers are assigned to teach;

“(B) preparing paraprofessionals to become fully qualified teachers in areas served by high need local educational agencies;

“(C) supporting teams of master teachers and student teacher interns as a part of an extended teacher education program; and

“(D) supporting teams of master teachers to serve in low-performing schools.

“(15) Providing professional development for teachers and pupil services personnel.

“(16) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including the ability to collect, manage, and analyze data to improve teaching, decision making and school improvement efforts and accountability.

“(17) Developing or supporting programs that encourage or expand the use of technology to provide professional development, including through Internet-based distance education and peer networks.

“(18) Fulfilling the State's responsibilities concerning proper and efficient administration of the program carried out under this part.

“(c) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 202.

“Subpart 2—Subgrants to Local Educational Agencies

“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

“(a) IN GENERAL.—A State that receives a grant under section 2111 shall use the funds reserved under section 2113(a)(2) to make subgrants to eligible local educational agencies to carry out the activities specified in section 2123. Each subgrant shall consist of the allocation determined for a local educational agency under subsection (b).

“(b) DETERMINATION OF ALLOCATIONS.—From the total amount made available through the grant, the State shall allocate to each of the eligible local educational agencies the sum of—

“(1) an amount that bears the same relationship to 20 percent of the total amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

“(2) an amount that bears the same relationship to 80 percent of the total amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

“SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

“(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

“(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

“(i) State content standards, performance standards, and assessments; and

“(ii) the curricula and programs tied to the standards described in clause (i).

“(B) A description of how the activities will be based on a review of relevant research and an explanation of why the activities are expected to improve student performance and outcomes.

“(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and student performance and how the activities will be used as part of a broader strategy to eliminate

the achievement gap that separates low-income and minority students from other students.

“(3) An assurance that the local educational agency will target funds to schools served by the local educational agency that—

“(A) have the lowest proportions of highly qualified teachers;

“(B) are identified for school improvement under section 1116(c); or

“(C) are identified for school improvement in accordance with other measures of school quality as determined and documented by the local educational agency.

“(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided under other Federal, State, and local programs, including those authorized under—

“(A) title I, part C of this title, part A of title III, and title IV; and

“(B) where applicable, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and title II of the Higher Education Act of 1965.

“(5) A description of how the local educational agency will ensure that the professional development (including teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

“(6) A description of the professional development (including teacher mentoring) activities that will be made available to teachers under this subpart.

“(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

“(8) A description of the results of the needs assessment described in subsection (c).

“(9) A description of how the local educational agency will address the ongoing professional development (including teacher mentoring) needs of teachers, principals, and administrators.

“(10) A description of local performance objectives established under section 2142(a)(2).

“(11) A description of how the local educational agency will provide training to enable teachers to—

“(A) address the needs of students with disabilities, students with limited English proficiency, and other students with special needs;

“(B) involve parents in their child's education; and

“(C) understand and use data and assessments to improve classroom practice and student learning.

“(12) An assurance that the local educational agency will comply with section 6 (regarding participation by private school children and teachers).

“(c) NEEDS ASSESSMENT.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

“(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers, including teachers receiving assistance under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers and, where appropriate, administrators, the means, including subject matter knowledge and teaching skills, to provide students with the opportunity to meet challenging State and local student performance standards.

“SEC. 2123. LOCAL USE OF FUNDS.

“(a) SPECIAL RULE.—

“(1) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 may use the amount described in paragraph (2), of the funds made available through the subgrant, to carry out activities described in section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106–554).

“(2) AMOUNT.—The amount referred to in paragraph (1) is the amount received by the agency under that section 306.

“(b) LOCAL USE OF FUNDS.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out 1 or more of the following activities, including through a grant or contract with a for-profit or nonprofit entity:

“(1) Providing professional development activities that improve the knowledge of teachers and principals concerning—

“(A) 1 or more of the core academic subjects that the teachers and principals teach;

“(B) effective instructional strategies, methods, and skills for improving student academic achievement and student performance, including strategies to implement a year-round school schedule that will allow the local educational agency to increase pay for veteran teachers;

“(C) effective use of State content standards, student performance standards, and assessments to improve instructional practices and improve student achievement and student performance;

“(D) effective integration of technology into curricula and instruction to enhance the learning environment and improve student academic achievement, performance, and technology literacy;

“(E) ability to collect, manage, and analyze data, including through use of technology, to inform teaching;

“(F) effective instructional practices that involve collaborative groups of teachers and administrators, using such strategies as—

“(i) provision of dedicated time for collaborative lesson planning and curriculum development meetings;

“(ii) consultation with exemplary teachers;

“(iii) team teaching, peer observation, and coaching;

“(iv) provision of short-term and long-term visits to classrooms and schools;

“(v) establishment and maintenance of local professional development networks that provide a forum for interaction among teachers and administrators about content knowledge and teaching and leadership skills; and

“(vi) the provision of release time as needed for the activities; and

“(G) teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as career teacher, mentor teacher, and master teacher career paths) and pay differentiation.

“(2) Teacher mentoring.

“(3) Providing teachers, principals, and, in cases in which a local education agency deems appropriate, pupil services personnel with opportunities for professional development through institutions of higher education, other for profit or nonprofit entities, and through distance education.

“(4) Providing induction and support for teachers during their first 3 years of teaching.

“(5) Recruiting (including recruiting through the use of scholarships, signing bonuses, or other financial incentives, as well as accelerated paraprofessional-to-teacher training programs and programs that attract mid-career professionals from other professions), hiring, and training regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children, and may include recruiting and hiring certified or licensed teachers to reduce class size), and teachers of special needs children, who are highly qualified as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students served by the local educational agency participating in the eligible partnership.

“(6) Carrying out programs and activities related to—

“(A) reform of teacher tenure systems;

“(B) provision of merit pay for teachers; and

“(C) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

“(7) Carrying out programs and activities related to master teachers:

“(A) MASTER TEACHER.—The term ‘master teacher’ means a teacher who—

“(i) is licensed or credentialed under State law in the subject or grade in which the teacher teaches;

“(ii) has been teaching for at least 5 years in a public or private school or institution of higher education;

“(iii) is selected upon application, is judged to be an excellent teacher, and is recommended by administrators and other teachers who are knowledgeable of the individual's performance;

“(iv) at the time of submission of such application, is teaching and based in a public school;

“(v) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs mentoring, develops curriculum, and offers other professional development; and

“(vi) enters into a contract with the local educational agency to continue to teach and serve as a master teacher for at least 5 additional years.

A contract described in clause (vi) shall include stipends, employee benefits, a description of duties and work schedule, and other terms of employment.

“(B) STUDY AND REPORT.—

“(i) IN GENERAL.—Not later than July 1, 2005, the Secretary shall conduct a study and transmit a report to Congress pertaining to the utilization of funds under section 2123 for master teachers.

“(ii) CONTENTS OF REPORT.—The report shall include—

“(I) an analysis of—

“(aa) the recruitment and retention of experienced teachers;

“(bb) the effect of master teachers on teaching by less experienced teachers;

“(cc) the impact of mentoring new teachers by master teachers;

“(dd) the impact of master teachers on student achievement; and

“(ee) the reduction in the rate of attrition of beginning teachers; and

“(II) recommendations regarding establishing activities to expand the project to additional local educational agencies and school districts.

“(8) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals, and, in cases in which a local education agency deems appropriate, pupil services personnel.

“Subpart 3—Subgrants to Eligible Partnerships

“SEC. 2131. SUBGRANTS.

“(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate) shall use the funds reserved under section 2113(a)(3) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2133.

"(b) DISTRIBUTION.—The State agency for higher education shall ensure that—

"(1) such subgrants are equitably distributed by geographic area within a State; or

"(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

"(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

"SEC. 2132. APPLICATIONS.

"To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

"SEC. 2133. USE OF FUNDS.

"(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2131 shall use the funds made available through the subgrant for—

"(1) professional development activities in core academic subjects to ensure that teachers, paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

"(2) developing and providing assistance to local educational agencies and individuals who are teachers, paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

"(A) ensure that the individuals are able to use State content standards, performance standards, and assessments to improve instructional practices and improve student academic achievement and student performance;

"(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

"(C) may include activities carried out jointly with education councils and professional development schools, involving partnerships described in paragraphs (1) and (3) of subsection (c), respectively, for the purpose of improving teaching and learning at low-performing schools.

"(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.

"(c) DEFINITIONS.—In this section:

"(1) EDUCATION COUNCIL.—The term 'education council' means a partnership that—

"(A) is established between—

"(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

"(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.); and

"(B) provides professional development to teachers to ensure that the teachers are prepared and meet high standards for teaching, particularly by educating and preparing prospective teachers in a classroom setting and enhancing the knowledge of in-service teachers while improving the education of the classroom students.

"(2) LOW-PERFORMING SCHOOL.—The term 'low-performing school' means an elementary school or secondary school that is identified for school improvement under section 1116(c).

"(3) PROFESSIONAL DEVELOPMENT SCHOOL.—The term 'professional development school' means a partnership that—

"(A) is established between—

"(i) 1 or more local educational agencies, acting on behalf of elementary schools or secondary schools served by the agencies; and

"(ii) 1 or more institutions of higher education, including community colleges, that meet the requirements applicable to the institutions under title II of the Higher Education Act of 1965; and

"(B)(i) provides sustained and high quality preservice clinical experience, including the mentoring of prospective teachers by veteran teachers;

"(ii) substantially increases interaction between faculty at institutions of higher education described in subparagraph (A) and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools; and

"(iii) provides support, including preparation time, for such interaction.

"SEC. 2134. DEFINITION.

"In this subpart, the term 'eligible partnership' means an entity that—

"(1) shall include—

"(A) a private or State institution of higher education and the division of the institution that prepares teachers;

"(B) a school of arts and sciences; and

"(C) a high need local educational agency; and

"(2) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, or a business.

"Subpart 4—Accountability

"SEC. 2141. STATE PERFORMANCE OBJECTIVES AND ACCOUNTABILITY.

"(a) REQUIRED ACTIVITIES.—Each State educational agency receiving a grant under this part shall establish for the State annual measurable performance objectives, with respect to teachers teaching in the State, that, at a minimum—

"(1) shall include an annual increase in the percentage of highly qualified teachers, to ensure that all teachers teaching core academic subjects in public elementary schools and secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified not later than the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act);

"(2) shall include an annual increase in the percentage of teachers who are receiving high-quality professional development (including teacher mentoring); and

"(3) may include incremental increases in teacher performance.

"(b) RULE OF APPLICATION.—For purposes of determining whether teachers in a State meet the criteria specified in the performance objectives referred to in subsection (a), the requirements of subsection (a) shall not apply to teachers in charter schools in the State if the State has a charter school law that exempts such teachers from State certification and licensing requirements.

"(c) REPORTS.—

"(1) INITIAL REPORTS.—Not later than the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act), each State educational agency receiving a grant under this part shall prepare and submit to the Secretary an initial report describing the State's progress with respect to the performance objectives described in this section.

"(2) SUBSEQUENT REPORTS.—

"(A) STATES SUBJECT TO SANCTIONS.—The State educational agency for a State that has received sanctions under subsection (d) shall annually prepare and submit to the Secretary a report describing such progress, until the State is no longer subject to the sanctions.

"(B) STATES NOT SUBJECT TO SANCTIONS.—A State educational agency that is not required to submit annual reports under subparagraph (A) shall periodically prepare and submit to the Secretary a report describing such progress, to ensure that the State is in compliance with the requirements of this section.

"(d) ACCOUNTABILITY.—

"(1) REDUCTION OF FUNDS.—

"(A) FOURTH YEAR.—If the Secretary determines that the State educational agency has failed to meet the performance objectives established under subsection (a), and has failed to make adequate yearly progress as described under section 1111(b)(2), by the end of the fourth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act), the Secretary shall withhold 15 percent of the amount of funds that the State may reserve for State administration under this part for the fifth year for which the State receives such funds.

"(B) FIFTH OR SIXTH YEAR.—If the Secretary determines that the State educational agency has failed to meet the performance objectives established under subsection (a), and has failed to make adequate yearly progress as described under section 1111(b)(2), by the end of the fifth or sixth year for which the State receives funds under this part (as amended by the Better Education for Students and Teachers Act), the Secretary shall withhold 20 percent of the amount of funds that the State may reserve for State administration under this part for the sixth or seventh year, respectively, for which the State receives such funds.

"(2) EXEMPTION.—After making a determination for a year under paragraph (1), the Secretary may provide the State 1 additional year to meet the performance objectives described in subsection (a) or make such adequate yearly progress, before using a sanction described in paragraph (1), if the State demonstrates that exceptional or uncontrollable circumstances have occurred, such as—

"(A) a natural disaster; or

"(B) a situation in which—

"(i) a significant number of teachers has resigned, with insufficient notice, from employment with a local educational agency in the State that has historically had difficulty recruiting and hiring teachers; and

"(ii) the remaining local educational agencies in the State, collectively, have met the performance objectives described in subsection (a) and have made such adequate yearly progress by the end of the year for which the Secretary makes the determination.

"SEC. 2142. LOCAL PERFORMANCE OBJECTIVES AND ACCOUNTABILITY.

"(a) REQUIRED ACTIVITIES.—

"(1) ESTABLISHMENT BY STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this part shall establish for local educational agencies in the State annual measurable performance objectives, with respect to teachers serving the local educational agencies, that, at a minimum—

"(A) shall include the increases described in paragraphs (1) and (2) of section 2141(a); and

"(B) may include the increases described in section 2141(a)(3).

"(2) ESTABLISHMENT BY LOCAL EDUCATIONAL AGENCIES.—Each local educational agency receiving a subgrant under this part—

"(A) shall establish for the local educational agency an annual measurable performance objective for increasing teacher retention among teachers in the first 3 years of their teaching careers; and

"(B) may establish other annual measurable performance objectives.

"(b) REPORTS.—Each local educational agency receiving a subgrant under this part shall annually prepare and submit to the State educational agency a report describing the progress of the local educational agency toward achieving the purpose of this part and meeting the performance objectives described in subsection (a).

"(c) TECHNICAL ASSISTANCE.—If a State educational agency determines that a local educational agency in the State has failed to make substantial progress toward achieving the purpose and meeting the performance objectives described in subsection (a) and has failed to make adequate yearly progress as described under section 1111(b)(2) for 2 consecutive years for which the local educational agency receives funds under this part (as amended by the Better Education for Students and Teachers Act), the State educational agency shall provide technical assistance—

"(1) to the local educational agency; and

"(2) if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to achieve the purpose and meet the performance objectives.

"(d) ACCOUNTABILITY.—If the State educational agency determines that the local educational agency has failed to make substantial progress toward achieving the purpose and meeting the performance objectives described in subsection (a), and has failed to make adequate yearly progress as described under section 1111(b)(2), for 3 consecutive years for which the local educational agency receives funds under this part (as amended by the Better Education for Students and Teachers Act), the State educational agency shall—

"(1) withhold the allocation described in section 2121(b) from the local educational agency for 2 fiscal years; and

"(2) use the funds to carry out programs to assist the local educational agency to achieve the purpose and meet the performance objectives

"SEC. 2143. GENERAL ACCOUNTING OFFICE STUDY.

"Not later than January 1, 2005, the Comptroller General of the United States shall prepare and submit to Congress a report setting forth information regarding—

"(1) the progress of the States in achieving compliance concerning increasing the percentage of highly qualified teachers, for fiscal years 2001 through 2003, so that, not later than the end of the fourth year for which the States receive funds under this part (as amended by the Better Education for Students and Teachers Act), all teachers teaching core academic subjects in public elementary schools or secondary schools, in which not less than 50 percent of the students are from low-income families, are highly qualified;

"(2) any significant obstacles that States face in achieving that compliance, such as teacher shortages in particular academic subjects, grade levels, or geographic areas, district-to-district pay differentials, and particular provisions of collective bargaining agreements; and

"(3) the approximate percentage of Federal, State, and local resources being expended to carry out activities to provide professional development for teachers, and recruit and retain highly qualified teachers, especially in geographic areas and core academic subjects in which a shortage of such teachers exists, so that, not later than the end of the fourth year for which the States receive funds under this part (as amended by the Better Education for Students and Teachers Act), all teachers teaching core academic subjects in public elementary schools or secondary schools, in which not less than 50 percent of the students qualify for free or reduced price lunches under the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), are highly qualified.

"Subpart 5—National Programs

"SEC. 2151. NATIONAL PROGRAMS OF DEMONSTRATED EFFECTIVENESS.

"(a) IN GENERAL.—The Secretary shall use funds made available under section 2103(b) to carry out each of the activities described in subsections (c) through (d).

"(b) SCHOOL LEADERSHIP.—

"(1) DEFINITIONS.—

"(A) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency for which more than 30 percent of the students served by the local educational agency are students in poverty.

"(B) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"(C) STUDENT IN POVERTY.—The term 'student in poverty' means a student from a family with an income below the poverty line.

"(2) PROGRAM.—The Secretary shall establish and carry out a national principal recruitment program.

"(3) GRANTS.—

"(A) IN GENERAL.—In carrying out the program, the Secretary shall make grants, on a competitive basis, to high-need local educational agencies that seek to recruit and train principals (including assistant principals).

"(B) USE OF FUNDS.—An agency that receives a grant under subparagraph (A) may use the funds made available through the grant to carry out principal recruitment and training activities that may include—

"(i) providing stipends for master principals who mentor new principals;

"(ii) using funds innovatively to recruit new principals, including recruiting the principals by providing pay incentives or bonuses;

"(iii) developing career mentorship and professional development ladders for teachers who want to become principals; and

"(iv) developing incentives, and professional development and instructional leadership training programs, to attract individuals from other fields, including business and law, to serve as principals.

"(C) APPLICATION AND PLAN.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall include—

"(i) a needs assessment concerning the shortage of qualified principals in the school district involved and an assessment of the potential for recruiting and retaining prospective and aspiring leaders, including teachers who are interested in becoming principals; and

"(ii) a comprehensive plan for recruitment and training of principals, including plans for mentorship programs, ongoing professional development, and instructional leadership training, for high-need schools served by the agency.

"(D) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to local educational agencies that demonstrate that the agencies will carry out the activities described in subparagraph (B) in partnership with nonprofit organizations and institutions of higher education.

"(E) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this subsection shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide principal recruitment and retention activities.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for fiscal year 2002 and each subsequent fiscal year.

"(c) ADVANCED CERTIFICATION OR ADVANCED CREDENTIALING.—

"(1) IN GENERAL.—The Secretary shall support activities to encourage and support teachers seeking advanced certification or advanced credentialing through high quality professional teacher enhancement programs designed to improve teaching and learning.

"(2) IMPLEMENTATION.—In carrying out paragraph (1), the Secretary shall make grants to the National Board for Professional Teaching Standards, State educational agencies, local educational agencies, or other recognized entities, to promote outreach, teacher recruitment, teacher subsidy, or teacher support programs related to teacher certification by the National Board for Professional Teaching Standards and other nationally recognized certification organizations.

"(d) TRANSITION TO TEACHING.—The Secretary shall provide assistance for activities to support the development and implementation of national or regional programs to—

"(1) recruit, prepare, place, and support mid-career professionals who have knowledge and experience that will help the professionals become highly qualified teachers, through alternative routes to certification, for high need local educational agencies; and

"(2) help retain the professionals as classroom teachers serving the local educational agencies for more than 3 years.

"(e) CAREERS TO CLASSROOMS.—

"(1) PURPOSES.—The purposes of this subsection are—

"(A) to establish a program to recruit and retain highly qualified mid-career professionals, recent graduates from an institution of higher education, and certain paraprofessionals, as teachers in high need schools, including recruiting teachers through alternative routes to certification; and

"(B) to encourage the development and expansion of alternative routes to certification under State-approved programs that enable individuals to be eligible for teacher certification within a reduced period of time, relying on the experience, expertise, and academic qualifications of an individual, or other factors in lieu of traditional course work in the field of education.

"(2) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means—

"(i) an individual with substantial, demonstrable career experience and competence in a field for which there is a significant shortage of qualified teachers, such as mathematics, natural science, technology, engineering, and special education;

"(ii) an individual who is a graduate of an institution of higher education who—

"(I) has graduated not later than 3 years before applying to an agency or consortium to teach under this subsection;

"(II) in the case of an individual wishing to teach in a secondary school, has completed an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the individual will teach;

"(III) has graduated in the top 50 percent of the individual's undergraduate or graduate class;

“(IV) can demonstrate a high level of competence through a high level of performance in the academic subject that the individual will teach; and

“(V) meets any additional academic or other standards or qualifications established by the State; or

“(iii) a paraprofessional who—

“(I) has been working as a paraprofessional in an instructional role in an elementary school or secondary school for at least 2 years;

“(II) can demonstrate that the paraprofessional is capable of completing a bachelor's degree in not more than 2 years and is in the top 50 percent of the individual's undergraduate class;

“(III) will work toward completion of an academic major (or courses totaling an equivalent number of credit hours) in the academic subject that the paraprofessional will teach; and

“(IV) can demonstrate a high level of competence through a high level of performance in the academic subject that the paraprofessional will teach.

“(B) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high need local educational agency’ means a local educational agency that serves—

“(i) a high need school district; and

“(ii) a high need school.

“(C) HIGH NEED SCHOOL.—The term ‘high need school’ means a school that—

“(i)(I) is located in an area in which the percentage of students from families with incomes below the poverty line is 30 percent or more; or

“(II) is located in an area, other than a metropolitan statistical area, that the State determines has a high percentage of students from families with incomes below the poverty line or that has experienced greater than normal difficulty in recruiting or retaining teachers; and

“(ii) is located in an area in which there is a high percentage of secondary school teachers not teaching in the content area in which teachers were trained to teach, is within the top quartile of schools statewide, as ranked by the number of unfilled, available teacher positions at the schools, is located in an area in which there is a high teacher turnover rate, or is located in an area in which there is a high percentage of teachers who are not certified or licensed.

“(D) HIGH NEED SCHOOL DISTRICT.—The term ‘high need school district’ means a school district in which there is—

“(i)(I) a high need school; and

“(II) a high percentage of individuals from families with incomes below the poverty line; and

“(ii)(I) a high percentage of secondary school teachers not teaching in the content area in which the teachers were trained to teach; or

“(II) a high teacher turnover rate.

“(E) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

“(3) GRANT PROGRAM.—

“(A) IN GENERAL.—The Secretary shall establish a program to make grants on a competitive basis to State educational agencies, regional consortia of State educational agencies, high need local educational agencies, and consortia of high need local educational agencies, to develop State and local teacher corps or other programs to establish, expand, or enhance teacher recruitment and retention efforts.

“(B) PRIORITY.—In making such a grant, the Secretary shall give priority to an agency or consortium of agencies that applies for the grant in collaboration with an institution of higher education or a nonprofit organization that has a proven record of effectively recruiting and retaining highly qualified teachers in high need school districts.

“(4) APPLICATION.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, an agency or consortium described in paragraph (3) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(B) CONTENTS.—The application shall—

“(i) describe how the agency or consortium will use funds received under this subsection to develop a teacher corps or other program to recruit and retain highly qualified mid-career professionals, recent graduates from an institution of higher education, and paraprofessionals as teachers in high need schools;

“(ii) explain how the agency or consortium will determine that teacher candidates seeking to participate in a program under this section are eligible participants;

“(iii) explain how the program will meet the relevant State laws (including regulations) related to teacher certification and licensing;

“(iv) explain how the agency or consortium will ensure that no paraprofessional will be hired through the program as a teacher until the paraprofessional has obtained a bachelor's degree and meets the requirements of subclauses (II) through (V) of paragraph (2)(A)(ii);

“(v) include a determination of the high need academic subjects in the jurisdiction served by the agency or consortium and how the agency or consortium will recruit teachers for those subjects;

“(vi) describe how the grant will increase the number of highly qualified teachers in high need schools in high need school districts that are urban or rural school districts;

“(vii) describe how the agency or consortium described in paragraph (3) has met the requirements of subparagraph (C);

“(viii) describe how the agency or consortium will coordinate the activities carried out with the funds with activities carried out with other Federal, State, and local funds for teacher recruitment and retention;

“(ix) describe the plan of the agency or consortium described in paragraph (3) to recruit and retain highly qualified teachers in the high need academic subjects and high need schools and facilitate the certification or licensing of such teachers; and

“(x) describe how the agency or consortium described in paragraph (3) will meet the requirements of paragraph (7)(A).

“(C) COLLABORATION.—In developing the application, the agency or consortium shall consult with and seek input from—

“(i) in the case of a partnership established by a State educational agency or consortium of such agencies, representatives of local educational agencies, including teachers, principals, superintendents, and school board members (including representatives of their professional organizations if appropriate);

“(ii) in the case of a partnership established by a local educational agency or a consortium of such agencies, representatives of a State educational agency;

“(iii) elementary school and secondary school teachers, including representatives of their professional organizations;

“(iv) institutions of higher education;

“(v) parents; and

“(vi) other interested individuals and organizations, such as businesses, experts in curriculum development, and nonprofit organizations with a proven record of effectively recruiting and retaining highly qualified teachers in high need school districts.

“(5) DURATION OF GRANTS.—The Secretary may make grants under this subsection for periods of 5 years. At the end of the 5-year period for such a grant, the grant recipient may apply for an additional grant under this subsection.

“(6) EQUITABLE DISTRIBUTION.—The Secretary shall ensure an equitable geographic distribution of grants among the regions of the United States.

“(7) REQUIREMENTS.—

“(A) TARGETING.—An agency or consortium that receives a grant under this subsection to carry out a program shall ensure that participants in the program recruited with funds made available under this subsection are placed in high need schools, within high need school districts. In placing the participants in the schools, the agency or consortium shall give priority to the schools that are located in areas with the highest percentage of students from families with incomes below the poverty line.

“(B) SUPPLEMENT NOT SUPPLANT.—Funds made available under this subsection shall be used to supplement and not supplant State and local public funds expended for teacher recruitment and retention programs, including programs to recruit the teachers through alternative routes to certification.

“(C) PARTNERSHIPS ESTABLISHED BY LOCAL EDUCATIONAL AGENCIES.—In the case of a partnership established by a local educational agency or a consortium of such agencies to carry out a program under this section the local educational agency or consortium shall not be eligible to receive funds through a State program under this section.

“(8) USES OF FUNDS.—

“(A) IN GENERAL.—An agency or consortium that receives a grant under this subsection shall use the funds made available through the grant to develop a teacher corps or other program in order to establish, expand, or enhance a teacher recruitment and retention program for highly qualified mid-career professionals, graduates of institutions of higher education, and paraprofessionals, who are eligible participants, including activities that provide alternative routes to teacher certification.

“(B) SPECIFIC ACTIVITIES.—The agency or consortium shall use the funds to carry out a teacher corps or other program that includes 2 or more activities that consist of—

“(i)(I) providing loans, scholarships, stipends, bonuses, and other financial incentives, that are linked to participation in activities that have proven effective in retaining teachers in higher need school districts, to all eligible participants (in an amount of not more than the lesser of $5,000 per eligible participant) who—

“(aa) are enrolled in a program under this section located in a State; and

“(bb) agree to seek certification through alternative routes to certification in that State; and

“(II) giving a preference, in awarding the loans, scholarships, stipends, bonuses, and other financial incentives, to individuals who the State determines have financial need for such loans, scholarships, stipends, bonuses, and other financial incentives;

“(ii) making payments (in an amount of not more than $5,000 per eligible participant) to schools to pay for costs associated with accepting teachers recruited under this subsection from among eligible participants or to provide financial incentives to prospective teachers who are eligible participants;

“(iii) providing mentoring;

“(iv) providing internships;

“(v) carrying out co-teaching arrangements;

“(vi) providing high quality, sustained inservice professional development opportunities;

“(vii) offering opportunities for teacher candidates to participate in preservice, high quality course work;

“(viii) collaboration with institutions of higher education in developing and implementing

programs to facilitate teacher recruitment (including teacher credentialing) and teacher retention programs;

"(ix) providing accelerated paraprofessional-to-teacher programs that provide a paraprofessional with sufficient training and development to enable the paraprofessional to complete a bachelor's degree and fulfill other State certification or licensing requirements and that provide full pay and leave from paraprofessional duties for the period necessary to complete the degree and become certified or licensed; and

"(x) carrying out other programs, projects, and activities that—

"(I) are designed and have proven to be effective in recruiting and retaining teachers; and

"(II) the Secretary determines to be appropriate.

"(C) DEVELOPMENT OF LONG-TERM RECRUITMENT AND RETENTION STRATEGIES.—In addition to the activities authorized under subparagraph (B), an agency or consortium that receives a grant under this subsection may use the funds made available through the grant for—

"(i) the establishment and operation, or expansion and improvement, of a statewide or regionwide clearinghouse for the recruitment and placement of preschool, elementary school, secondary school, and vocational and technical school teachers (which shall not be subject to the targeting requirements under paragraph (7)(A));

"(ii) the establishment of administrative structures necessary for the development and implementation of programs to provide alternative routes to certification;

"(iii) the development of reciprocity agreements between or among States for the certification or licensure of teachers; and

"(iv) the implementation of other activities designed to ensure the use of long-term teacher recruitment and retention strategies.

"(D) EFFECTIVE ACTIVITIES.—The agency or consortium shall use the funds only for activities that have proven effective in both recruiting and retaining teachers.

"(9) REPAYMENT.—The recipient of a loan under this subsection shall immediately repay amounts received under such loan, and the recipient of a scholarship, stipend, bonus, or other financial incentive under this subsection shall repay amounts received under such scholarship, stipend, bonus, or other financial incentive, to the agency or consortium from which the loan, scholarship, stipend, bonus, or other financial incentive was received if—

"(A) the recipient involved fails to complete the applicable program providing alternative routes to certification;

"(B) the recipient rejects a bona fide offer of employment at a high need school served by that agency or consortium during the 1-year period beginning on the date on which the recipient completes such a program; or

"(C) the recipient fails to teach for at least 2 years in a high need school served by that agency or consortium during the 5-year period beginning on the date on which the individual completes such a program.

"(10) ADMINISTRATIVE FUNDS.—No agency or consortium that receives a grant under this subsection shall use more than 5 percent of the funds made available through the grant for the administration of a program under this section carried out under the grant.

"(11) EVALUATION AND ACCOUNTABILITY FOR RECRUITING AND RETAINING TEACHERS.—

"(A) EVALUATION.—Each agency or consortium that receives a grant under this subsection shall conduct—

"(i) an interim evaluation of the program funded under the grant at the end of the third year of the grant period; and

"(ii) a final evaluation of the program at the end of the fifth year of the grant period.

"(B) CONTENTS.—In conducting the evaluation, the agency or consortium shall describe the extent to which local educational agencies that received funds through the grant have met those goals relating to teacher recruitment and retention described in the application.

"(C) REPORTS.—The agency or consortium shall prepare and submit to the Secretary and to Congress interim and final reports containing the results of the interim and final evaluations, respectively.

"(D) REVOCATION.—If the Secretary determines that the recipient of a grant under this subsection has not made substantial progress in meeting the goals and objectives of the grant by the end of the third year of the grant period, the Secretary—

"(i) shall revoke the payment made for the fourth year of the grant period; and

"(ii) shall not make a payment for the fifth year of the grant period.

"(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(f) NATIONAL TEACHER RECRUITMENT CAMPAIGN.—

"(1) GRANT.—The Secretary shall award a grant, on a competitive basis, to a single national coalition of teacher and media organizations, including the National Teacher Recruitment Clearinghouse, to enable such organizations to jointly conduct a national public service campaign as described in paragraph (2).

"(2) USE OF FUNDS.—A coalition that receives a grant under paragraph (1) shall use amounts made available under the grant to conduct a national public service campaign concerning the resources for and routes to entering the field of teaching. In conducting the campaign, the coalition shall focus on providing information both to a national audience and in specific media markets, and shall specifically expand on, promote, and link the coalition's outreach efforts to, the information referral activities and resources of the National Teacher Recruitment Clearinghouse.

"(3) APPLICATION.—To be eligible to receive a grant under this subsection, a coalition shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal year 2002 and each of the 6 succeeding fiscal years.

"PART B—MATHEMATICS AND SCIENCE PARTNERSHIPS

"SEC. 2201. PURPOSE.

"The purpose of this part is to improve the performance of students in the areas of mathematics and science by encouraging States, institutions of higher education, elementary schools, and secondary schools to participate in programs that—

"(1) upgrade the status and stature of mathematics and science teaching by encouraging institutions of higher education to assume greater responsibility for improving mathematics and science teacher education through the establishment of a comprehensive, integrated system of recruiting and advising such teachers;

"(2) focus on education of mathematics and science teachers as a career-long process that should continuously stimulate teachers' intellectual growth and upgrade teachers' knowledge and skills;

"(3) bring mathematics and science teachers in elementary schools and secondary schools together with scientists, mathematicians, and engineers to increase the subject matter knowledge and improve the teaching skills of teachers through the use of more sophisticated laboratory equipment and space, computing facilities, libraries, and other resources that institutions of higher education are better able to provide than the schools;

"(4) develop more rigorous mathematics and science curricula that are aligned with State and local standards and with the standards expected for postsecondary study in engineering, mathematics and science, respectively; and

"(5) improve and expand training of math and science teachers, including in the effective integration of technology into curricula and instruction.

"SEC. 2202. DEFINITIONS.

"In this part:

"(1) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) a State educational agency;

"(ii) an engineering, mathematics or science department of an institution of higher education; and

"(iii) a local educational agency; and

"(B) may include—

"(i) another engineering, mathematics, science, or teacher training department of an institution of higher education;

"(ii) another local educational agency, or an elementary school or secondary school;

"(iii) a business; or

"(iv) a nonprofit organization of demonstrated effectiveness, including a museum or high-impact public coalition composed of leaders from business, kindergarten through grade 12 education, institutions of higher education, and public policy organizations.

"(2) HIGH NEED LOCAL EDUCATIONAL AGENCY.—The term 'high need local educational agency' has the meaning given the term in section 201(b) of the Higher Education Act of 1965.

"(3) SUMMER WORKSHOP OR INSTITUTE.— The term 'summer workshop or institute' means a workshop or institute, conducted during the summer, that—

"(A) is conducted during a period of not less than 2 weeks;

"(B) provides for a program that provides direct interaction between students and faculty; and

"(C) provides for followup training during the academic year that—

"(i) except as provided in clause (ii) or (iii), shall be conducted in the classroom for a period of not less than 3 days, which may or may not be consecutive;

"(ii) if the program described in subparagraph (B) is for a period of not more than 2 weeks, shall be conducted for a period of more than 3 days; or

"(iii) if the program is for teachers in rural school districts, may be conducted through distance education.

"Subpart 1—Grants to Partnerships

"SEC. 2211. GRANTS AUTHORIZED.

"(a) IN GENERAL.—The Secretary is authorized to award grants, on a competitive basis, to eligible partnerships to enable the eligible partnerships to pay the Federal share of the costs of carrying out the authorized activities described in section 2213.

"(b) DURATION.—The Secretary shall award grants under this section for a period of 5 years.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the costs of the activities assisted under this subpart shall be—

"(A) 75 percent of the costs for the first year an eligible partnership receives a grant payment under this subpart;

"(B) 65 percent of the costs for the second such year; and

"(C) 50 percent of the costs for each of the third, fourth, and fifth such years.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the costs may be provided in cash or in kind, fairly evaluated.

"(d) PRIORITY.—In awarding grants under this subpart the Secretary shall give priority to partnerships that include high need local educational agencies or a consortium of local educational agencies that include a high need local education agency.

"SEC. 2212. APPLICATION REQUIREMENTS.

"(a) IN GENERAL.—Each eligible partnership desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(b) CONTENTS.—Each such application shall include—

"(1) the results of a comprehensive assessment of the teacher quality and professional development needs of all the schools and agencies participating in the eligible partnership with respect to the teaching and learning of mathematics and science, and such assessment may include, but not be limited to, data that accurately represents—

"(A) the participation of students in advanced courses in mathematics and science,

"(B) the percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively,

"(C) the number and percentage of mathematics and science teachers who participate in content-based professional development activities, and

"(D) the extent to which elementary teachers have the necessary content knowledge to teach mathematics and science;

"(2) a description of how the activities to be carried out by the eligible partnership will be aligned with State and local standards and with other educational reform activities that promote student achievement in mathematics and science;

"(3) a description of how the activities to be carried out by the eligible partnership will be based on a review of relevant research, and an explanation of why the activities are expected to improve student performance and to strengthen the quality of mathematics and science instruction;

"(4) a description of—

"(A) how the eligible partnership will carry out the authorized activities described in section 2213; and

"(B) the eligible partnership's evaluation and accountability plan described in section 2214; and

"(5) a description of how the State educational agency and local educational agency in the eligible partnership will comply with section 6 (regarding participation by private school children and teachers).

"SEC. 2213. AUTHORIZED ACTIVITIES.

"An eligible partnership shall use the grant funds provided under this subpart for 1 or more of the following activities related to elementary schools or secondary schools:

"(1) Developing or redesigning more rigorous mathematics and science curricula that are aligned with State and local standards and with the standards expected for postsecondary study in mathematics and science, respectively.

"(2) Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of mathematics and science teachers.

"(3) Recruiting mathematics and science majors to teaching through the use of—

"(A) recruiting individuals with demonstrated professional experience in mathematics or science through the use of signing incentives and performance incentives for mathematics and science teachers as long as those incentives are linked to activities proven effective in retaining teachers;

"(B) stipends to mathematics teachers and science teachers for certification through alternative routes;

"(C) scholarships for teachers to pursue advanced course work in mathematics or science; and

"(D) carrying out any other program that the State believes to be effective in recruiting into and retaining individuals with strong mathematics or science backgrounds in the teaching field.

"(4) Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable scientifically based research teaching methods and technology-based teaching methods into the curriculum.

"(5) Establishing mathematics and science summer workshops or institutes (including followup training) for teachers, using curricula that are experiment-oriented, content-based, and grounded in research that is current as of the date of the workshop or institute involved.

"(6) Establishing distance learning programs for mathematics and science teachers using curricula that are innovative, content-based, and grounded in research that is current as of the date of the program involved.

"(7) Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school, including (if applicable) a mechanism to integrate experiences from a summer workshop or institute.

"(8) Designing programs to bring teachers into contact with working engineers and scientists.

"(9) Designing programs to identify and develop mathematics and science master teachers in the kindergarten through grade 8 classrooms.

"(10) Performing a statewide systemic needs assessment of mathematics, science, and technology education, analyzing the assessment, developing a strategic plan based on the assessment and its analysis, and engaging in activities to implement the strategic plan consistent with the authorized activities in this section.

"(11) Establishing a mastery incentive system for elementary school or secondary school mathematics or science teachers under which—

"(A) experienced mathematics or science teachers who are licensed or certified to teach in the State demonstrate their mathematics or science knowledge and teaching expertise, through objective means such as an advanced examination or professional evaluation of teaching performance and classroom skill including a professional video;

"(B) incentives shall be awarded to teachers making the demonstration described in subparagraph (A);

"(C) priority for such incentives shall be provided to teachers who teach in high need and local educational agencies; and

"(D) the partnership shall devise a plan to ensure that recipients of incentives under this paragraph remain in the teaching profession.

"(12) Training teachers and developing programs to encourage girls and young women to pursue postsecondary degrees and careers in mathematics and science, including engineering and technology.

"SEC. 2214. EVALUATION AND ACCOUNTABILITY PLAN.

"Each eligible partnership receiving a grant under this subpart shall develop an evaluation and accountability plan for activities assisted under this subpart that includes strong performance objectives. The plan shall include objectives and measures for—

"(1) improved student performance on State mathematics and science assessments or the Third International Math and Science Study assessment;

"(2) increased participation by students in advanced courses in mathematics and science;

"(3) increased percentages of secondary school classes in mathematics and science taught by teachers with academic majors in mathematics and science, respectively; and

"(4) increased numbers of mathematics and science teachers who participate in content-based professional development activities.

"SEC. 2215. REPORT; REVOCATION OF GRANT.

"(a) REPORT.—Each eligible partnership receiving a grant under this subpart annually shall report to the Secretary regarding the eligible partnership's progress in meeting the performance objectives described in section 2214.

"(b) REVOCATION.—If the Secretary determines that an eligible partnership is not making substantial progress in meeting the performance objectives described in section 2214 by the end of the third year of a grant under this subpart, the grant payments shall not be made for the fourth and fifth year of the grant.

"Subpart 2—Eisenhower Clearinghouse for Mathematics and Science Education

"SEC. 2221. CLEARINGHOUSE.

"(a) GRANT OR CONTRACT.—

"(1) IN GENERAL.—The Secretary, in consultation with the Director of the National Science Foundation, may award a grant or contract to an entity to continue the operation of the Eisenhower National Clearinghouse for Mathematics and Science Education (referred to in this section as the 'Clearinghouse'). The Secretary shall award the grant or contract on a competitive basis, on the basis of merit.

"(2) DURATION.—The grant or contract awarded under paragraph (1) shall be awarded for a period of 5 years.

"(b) CLEARINGHOUSE.—

"(1) USE OF FUNDS.—An entity that receives a grant or contract under subsection (a) shall use the funds made available through the grant or contract to—

"(A) maintain a permanent repository of mathematics and science education instructional materials and programs for elementary schools and secondary schools, including middle schools;

"(B) compile information on all mathematics and science education programs administered by each Federal agency or department;

"(C) disseminate instructional materials, programs, and information to the public and dissemination networks, including information on model engineering, science, technology, and mathematics teacher mentoring programs;

"(D) coordinate activities with entities operating identifiable databases containing mathematics and science instructional materials and programs, including Federal, non-Federal, and, where feasible, international, databases;

"(E) gather qualitative and evaluative data on submissions to the Clearinghouse;

"(F)(i) solicit and gather (in consultation with the Department, national teacher associations, professional associations, and other reviewers and developers of instructional materials and programs) qualitative and evaluative materials and programs, including full text and graphics, for the Clearinghouse;

"(ii) review the evaluation of the materials and programs, and rank the effectiveness of the materials and programs on the basis of the evaluations, except that nothing in this subparagraph shall be construed to permit the Clearinghouse to directly conduct an evaluation of the materials or programs; and

"(iii) distribute to teachers, in an easily accessible manner, the results of the reviews (in a short, standardized, and electronic format that contains electronic links to an electronic version of the qualitative and evaluative materials and programs described in clause (i)), excerpts of the materials and programs, links to Internet-based

sites, and information regarding on-line communities of persons who use the materials and programs; and

"(G) develop and establish an Internet-based site offering a search mechanism to assist site visitors in identifying information available through the Clearinghouse on engineering, science, technology, and mathematics education instructional materials and programs, including electronic links to information on classroom demonstrations and experiments, to teachers who have used materials or participated in programs, to vendors, to curricula, and to textbooks.

"(2) SUBMISSION TO CLEARINGHOUSE.—Each Federal agency or department that develops mathematics or science education instructional materials or programs, including the National Science Foundation and the Department, shall submit to the Clearinghouse copies of such materials or programs.

"(3) STEERING COMMITTEE.—The Secretary may appoint a steering committee to recommend policies and activities for the Clearinghouse.

"(4) APPLICATION OF COPYRIGHT LAWS.—Nothing in this section shall be construed to allow the use or copying, in any medium, of any material collected by the Clearinghouse that is protected under the copyright laws of the United States unless the Clearinghouse obtains the permission of the owner of the copyright. The Clearinghouse, in carrying out this subsection, shall ensure compliance with title 17, United States Code.

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant or contract under subsection (a) to operate the Clearinghouse, an entity shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) PEER REVIEW.—The Secretary shall establish a peer review process to review the applications and select the recipient of the award under subsection (a).

"(d) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information concerning the grant or contract awarded under this section to State educational agencies, local educational agencies, and institutions of higher education. The information disseminated shall include examples of exemplary national programs in mathematics and science instruction and information on necessary technical assistance for the establishment of similar programs.

"(e) REPORT.—Not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act, the National Academy of Sciences, in conjunction with appropriate related associations and organizations, shall—

"(1) conduct a study on the Clearinghouse to evaluate the effectiveness of the Clearinghouse in conducting the activities described in subsection (b)(1); and

"(2) submit to Congress a report on the results of the study, including any recommendations of the Academy regarding the Clearinghouse.

"Subpart 3—Preparing Tomorrow's Teachers To Use Technology

"SEC. 2231. PURPOSE; PROGRAM AUTHORITY.

"(a) PURPOSE.—It is the purpose of this subpart to assist consortia of public and private entities in carrying out programs that prepare prospective teachers to use advanced technology to foster learning environments conducive to preparing all students to meet challenging State and local content and student performance standards, and to improve the ability of institutions of higher education to carry out such programs.

"(b) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Office of Educational Technology, is authorized to award grants, contracts, or cooperative agreements on a competitive basis to eligible applicants in order to pay for the Federal share of the cost of assisting applicants in carrying out projects to develop or redesign teacher preparation programs to enable prospective teachers to use advanced technology effectively in their classrooms.

"(2) PERIOD OF AWARDS.—The Secretary may award grants, contracts, or cooperative agreements under this subpart for a period of not more than 5 years.

"SEC. 2232. ELIGIBILITY.

"(a) ELIGIBLE APPLICANTS.—In order to receive an award under this subpart, an applicant shall be a consortium that includes—

"(1) at least 1 institution of higher education that offers a baccalaureate degree and prepares teachers for their initial entry into teaching;

"(2) at least 1 State educational agency or local educational agency; and

"(3) 1 or more entities consisting of—

"(A) an institution of higher education (other than the institution described in paragraph (1));

"(B) a school or department of education at an institution of higher education;

"(C) a school or college of arts and sciences at an institution of higher education;

"(D) a professional association, foundation, museum, library, for-profit business, public or private nonprofit organization, community-based organization, or other entity, with the capacity to contribute to the technology-related reform of teacher preparation programs..

"(b) APPLICATION REQUIREMENTS.—In order to receive an award under this subpart, an eligible applicant shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(1) a description of the proposed project, including how the project would both ensure that individuals participating in the project would be prepared to use advanced technology to create learning environments conducive to preparing all students, including girls and students who have economic and educational disadvantages, to meet challenging State and local content and student performance standards and to improve the ability of at least 1 participating institution of higher education as described in section 2232(a)(1) to ensure such preparation;

"(2) a demonstration of—

"(A) the commitment, including the financial commitment, of each of the members of the consortium for the proposed project; and

"(B) the active support of the leadership of each organization that is a member of the consortium for the proposed project;

"(3) a description of how each member of the consortium will be included in project activities;

"(4) a description of how the proposed project will be continued after Federal funds are no longer awarded under this subpart; and

"(5) a plan for the evaluation of the project, which shall include benchmarks to monitor progress toward specific project objectives.

"(c) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—The Federal share of the cost of any project funded under this subpart shall not exceed 50 percent. Except as provided in paragraph (2), the non-Federal share of the cost of such project may be provided in cash or in kind, fairly evaluated, including services.

"(2) ACQUISITION OF EQUIPMENT.—Not more than 10 percent of the funds awarded for a project under this subpart may be used to acquire equipment, networking capabilities, or infrastructure, and the non-Federal share of the cost of any such acquisition shall be provided in cash.

"SEC. 2233. USE OF FUNDS.

"(a) REQUIRED USES.—A recipient of an award under this subpart shall use funds made available under this subpart for—

"(1) a project that creates programs that enable prospective teachers to use advanced technology to create learning environments conducive to preparing all students, including girls and students who have economic and educational disadvantages, to meet challenging State and local content and student performance standards; and

"(2) evaluating the effectiveness of the project.

"(b) PERMISSIBLE USES.—The recipient may use funds made available under this subpart for activities, described in the application submitted by the recipient under this subpart, that carry out the purpose of this subpart, such as—

"(1) developing and implementing high-quality teacher preparation programs that enable educators to—

"(A) learn the full range of resources that can be accessed through the use of technology;

"(B) integrate a variety of technologies into the curricula and instruction in order to expand students' knowledge;

"(C) evaluate educational technologies and their potential for use in instruction;

"(D) help students develop their technical skills; and

"(E) use technology to collect, manage and analyze data to inform their teaching and decision-making;

"(2) developing alternative teacher development paths that provide elementary schools and secondary schools with well-prepared, technology-proficient educators;

"(3) developing performance-based standards and assessments aligned with the standards to measure the capacity of prospective teachers to use technology effectively in their classrooms;

"(4) providing technical assistance to entities carrying out other teacher preparation programs;

"(5) developing and disseminating resources and information in order to assist institutions of higher education to prepare teachers to use technology effectively in their classrooms; and

"(6) subject to section 2232(c)(2), acquiring technology equipment, networking capabilities, infrastructure and software and digital curriculum to carry out the project.

"Subpart 4—General Provisions

"SEC. 2241. CONSULTATION WITH NATIONAL SCIENCE FOUNDATION.

"In carrying out the activities authorized by this part, the Secretary shall consult and coordinate activities with the Director of the National Science Foundation, particularly with respect to the appropriate roles for the Department and the Foundation in the conduct of summer workshops or institutes provided by the eligible partnerships to improve mathematics and science teaching in elementary schools and secondary schools.

"SEC. 2242. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—There are authorized to be appropriated to carry out subpart 1 $900,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) CLEARINGHOUSE.—There are authorized to be appropriated to carry out subpart 2 $5,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(c) TECHNOLOGY PREPARATION.—There are authorized to be appropriated to carry out subpart 3 $150,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART C—STATE AND LOCAL PROGRAMS FOR TECHNOLOGY USE IN CLASSROOMS

"SEC. 2301. PURPOSE; GOAL.

"(a) PURPOSE.—The purpose of this part is to support a comprehensive system to effectively use technology in elementary and secondary schools to improve student academic achievement and performance.

"(b) GOAL.—A goal of this part shall also be to assist every student in crossing the digital divide by ensuring that every child is technologically literate by the time the child finishes the 8th grade, regardless of the child's race, ethnicity, gender, income, geography, or disability. It shall be a further goal of this part to encourage the effective integration of technology resources and systems with teacher training and curriculum development to establish research-based methods that can be widely implemented into best practices by State and local educational agencies.

"SEC. 2302. DEFINITIONS.

"In this part:

"(1) ADULT EDUCATION.—The term 'adult education' has the meaning given the term in section 312(2) of the Adult Education Act (20 U.S.C. 1201a(2)).

"(2) ALL STUDENTS.—The term 'all students' means students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, and academically talented students.

"(3) CHILD IN POVERTY.—The term 'child in poverty' means a child from a family with a family income below the poverty line (as defined in section 2102).

"(4) INFORMATION INFRASTRUCTURE.—The term 'information infrastructure' means a network of communication systems designed to exchange information among all citizens and residents of the United States.

"(5) INTEROPERABLE; INTEROPERABILITY.—The terms 'interoperable' and 'interoperability' mean the ability to exchange data easily with, and connect to, other hardware and software in order to provide the greatest accessibility for all students and other users.

"(6) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunications entity' has the meaning given the term in section 397(12) of the Communications Act of 1934 (47 U.S.C. 397(12)).

"(7) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' includes the Bureau of Indian Affairs for purposes of serving schools funded by the Bureau of Indian Affairs in accordance with this part.

"(8) STATE LIBRARY ADMINISTRATIVE AGENCY.—The term 'State library administrative agency' has the meaning given the term in section 213(5) of the Library Services and Technology Act (20 U.S.C. 9122(5)).

"SEC. 2303. ALLOTMENT AND REALLOTMENT.

"(a) LIMITATION.—

"(1) IN GENERAL.—From funds appropriated under this part, the Secretary shall reserve such sums as may be necessary for grants awarded under section 3136 and teacher training in technology under section 3122 prior to the date of enactment of the Better Education for Students and Teacher Act.

"(2) BUREAU OF INDIAN AFFAIRS FUNDED SCHOOLS.—From funds appropriated under this part, the Secretary shall reserve 0.75 percent of such funds for Bureau of Indian Affairs funded schools. Not later than 6 months after the date of enactment of the Better Education for Students and Teacher Act, the Secretary of the Interior shall establish rules for distributing such funds in accordance with a formula developed by the Secretary of the Interior, in consultation with school boards of Bureau of Indian Affairs funded schools taking into consideration whether a minimum amount is needed to ensure small schools can utilize funding effectively.

"(b) ALLOTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each State educational agency shall be eligible to receive a grant under this part for a fiscal year in an amount which bears the same relationship to the amount made available under section 2312 for such year as the amount such State received under part A of title I for such year bears to the amount received for such year under such part by all States.

"(2) MINIMUM.—No State educational agency shall be eligible to receive a grant under paragraph (1) in any fiscal year in an amount which is less than $\frac{1}{2}$ of 1 percent of the amount made available under section 2312 for such year.

"(c) REALLOTMENT OF UNUSED FUNDS.—

"(1) IN GENERAL.—The amount of any State educational agency's allotment under subsection (b) for any fiscal year which the State determines will not be required for such fiscal year to carry out this part shall be available for reallotment from time to time, on such dates during such year as the Secretary may determine, to other State educational agencies in proportion to the original allotments to such State educational agencies under subsection (b) for such year, but with such proportionate amount for any of such other State educational agencies being reduced to the extent such amount exceeds the sum the State estimates such State needs and will be able to use for such year.

"(2) OTHER REALLOTMENTS.—The total of reductions under paragraph (1) shall be similarly reallotted among the State educational agencies whose proportionate amounts were not so reduced. Any amounts reallotted to a State educational agency under this subsection during a year shall be deemed a subpart of such agency's allotment under subsection (b) for such year.

"SEC. 2304. TECHNOLOGY GRANTS.

"(a) GRANTS TO STATES.—

"(1) IN GENERAL.—From amounts made available under section 2303, the Secretary, through the Office of Educational Technology, shall award grants to State educational agencies having applications approved under section 2305. The Secretary shall give priority when awarding grants under this paragraph to State educational agencies whose applications submitted under section 2305 outline a strategy to carry out part E.

"(2) USE OF GRANTS.—

"(A) AWARD TO AGENCIES.—Each State educational agency receiving a grant under paragraph (1) shall use such grant funds to award grants, on a competitive basis, to local educational agencies to enable such local educational agencies to carry out the activities described in section 2306.

"(B) SUFFICIENCY.—In awarding grants under subparagraph (A), each State educational agency shall ensure that each such grant is of sufficient duration, and of sufficient size, scope, and quality, to carry out the purposes of this part effectively.

"(C) PRIORITY.—In awarding the grants, each State educational agency shall give priority to the local educational agencies serving the school districts that have the highest number or percentage of children in poverty and have a substantial demonstrated need for assistance in acquiring and integrating technology.

"(D) DISTRIBUTION.—In awarding the grants, each State educational agency shall assure an equitable distribution of assistance under this part among urban and rural areas of the State, according to the demonstrated need of the local educational agencies serving the areas.

"(b) TECHNICAL ASSISTANCE.—Each State educational agency receiving a grant under subsection (a) shall—

"(1) identify the local educational agencies served by the State educational agency that—

"(A) have the highest number or percentage of children in poverty; and

"(B) demonstrate to such State educational agency the greatest need for technical assistance in developing the application under 2307; and

"(2) offer such technical assistance to such local educational agencies.

"SEC. 2305. STATE APPLICATION.

"To receive a grant under this part, each State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, including a systemic statewide educational technology plan that—

"(1) outlines the long-term strategies for improving student performance, academic achievement, and technology literacy, through the effective use of technology in classrooms throughout the State, including through improving the capacity of teachers to effectively integrate technology into the curricula and instruction;

"(2) outlines how the plan incorporates—

"(A) teacher education and professional development;

"(B) curricular development; and

"(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by State and local educational agencies;

"(3) outlines the strategies for increasing parental involvement in schools through the effective use of technology;

"(4) outlines long-term strategies for financing technology education in the State to ensure all students, teachers, and classrooms will have access to technology, describes how the State will use funds provided under this part to help ensure such access, and describes how business, industry, and other public and private agencies, including libraries, library literacy programs, and institutions of higher education, can participate in the implementation, ongoing planning, and support of the plan;

"(5) contains an assurance that the State educational agency will comply with section 6 (regarding participation by private school children and teachers);

"(6) provides assurance that financial assistance provided under this part shall supplement, not supplant, State and local funds;

"(7) meets such other criteria as the Secretary may establish in order to enable such agency to provide assistance to local educational agencies that have the highest numbers or percentages of children in poverty and demonstrate the greatest need for technology, in order to enable such local educational agencies, for the benefit of school sites served by such local educational agencies, to improve student academic achievement and student performance; and

"(8) outlines how the plan incorporates—

"(A) teacher education and professional development;

"(B) curricular development; and

"(C) technology resources and systems for the purpose of establishing best practices that can be widely implemented by the State and local educational agencies.

"SEC. 2306. LOCAL USES OF FUNDS.

"(a) IN GENERAL.—Each local educational agency, to the extent possible, shall use the funds made available under section 2304(a)(2) for—

"(1) acquiring, adapting, expanding, implementing and maintaining existing and new applications of technology, to support the school reform effort, improve student academic achievement, performance, and technology literacy;

"(2) providing ongoing professional development in the integration of quality educational technologies into school curriculum;

"(3) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in *school library media centers, in order to improve student academic achievement and student performance;*

"(4) acquiring connectivity with wide area networks for purposes of accessing information, educational programming sources and professional development, particularly with institutions of higher education and public libraries;

"(5) providing educational services for adults and families;

"(6) repairing and maintaining school technology equipment;

"(7) acquiring, expanding, and implementing technology to collect, manage, and analyze data, including student achievement data, to inform teaching, decision-making, and school improvement efforts, including the training of teachers and administrators;

"(8) using technology to promote parent and family involvement and support communications between parents, teachers, and students; and

"(9) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students, academic counselors, and school library media personnel in the classroom, in academic and college counseling centers, or in school library media centers, in order to improve student academic achievement and student performance.

"(b) ALLOWABLE USES OF FUNDS.—Each local educational agency may use the funds made available under section 2304(a)(2) for—

"(1) utilizing technology to develop or expand efforts to connect schools and teachers with parents to promote meaningful parental involvement and foster increased communication about curriculum, assignments, and assessments; and

"(2) providing support to help parents understand the technology being applied in their child's education so that parents are able to reinforce their child's learning.

"(c) SPECIAL RULE.—A local educational agency receiving a grant under this part shall use at least 30 percent of allocated funds for professional development.

"SEC. 2307. LOCAL APPLICATION.

"(a) APPLICATION.—Each local educational agency desiring assistance from a State educational agency under section 2304(a)(2) shall submit an application, consistent with the objectives of the systemic statewide plan, to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require. Such application, at a minimum, shall include an updated version of a strategic, long-range plan (3 to 5 years) that includes—

"(1) a description of how the activities to be carried out by the local educational agency under this part will be based on a review of relevant research and an explanation of why the activities are expected to improve student achievement, and technology literacy;

"(2) an explanation of how the acquired technologies will be integrated into the curriculum to help the local educational agency improve student academic achievement, student performance, and teaching;

"(3) a description of how the local educational agency will ensure the effective use of technology to promote parental involvement and increase communication with parents;

"(4) a description of how parents will be informed of the use of technologies so that the parents are able to reinforce at home the instruction their child receives at school;

"(5) a description of the type of technologies to be acquired, including services, software, and digital curricula, including specific provisions for interoperability among components of such technologies;

"(6) a description of how the local educational agency will ensure ongoing, sustained professional development for teachers, administrators, and school library media personnel served by the local educational agency to further the effective use of technology in the classroom or library media center, including a list of those entities that will partner with the local educational agency in providing ongoing sustained professional development;

"(7) the projected cost of technologies to be acquired and related expenses needed to implement the plan;

"(8) a description of how the local educational agency will coordinate the technology provided pursuant to this part with other grant funds available for technology from other Federal, State, and local sources;

"(9) a description of a process for the ongoing evaluation of how technologies acquired under this part will be integrated into the school curriculum and will affect technology literacy, student academic achievement, and performance, as related to challenging State content standards and State student performance standards in all subjects;

"(10) a description of how the local educational agency will comply with section 6 (regarding participation by private school children and teachers); and

"(11) a description of the evaluation plan that the local educational agency will carry out pursuant to section 2308(a).

"(b) FORMATION OF CONSORTIA.—A local educational agency for any fiscal year may apply for financial assistance as part of a consortium with other local educational agencies, institutions of higher education, intermediate educational units, libraries, or other educational entities appropriate to provide local programs. The State educational agency may assist in the formation of consortia among local educational agencies, providers of educational services for adults and families, institutions of higher education, intermediate educational units, libraries, or other appropriate educational entities to provide services for the teachers and students in a local educational agency at the request of such local educational agency.

"(c) COORDINATION OF APPLICATION REQUIREMENTS.—If a local educational agency submitting an application for assistance under this section has developed a comprehensive education improvement plan, the State educational agency may approve such plan, or a component of such plan if the State educational agency determines that such approval would further the purposes of this part.

"SEC. 2308. ACCOUNTABILITY.

"(a) EVALUATION PLAN.—Each local educational agency receiving funds under this part shall establish and include in the agency's application submitted under section 2307 an evaluation plan that requires evaluation of the agency and the schools served by the agency with respect to strong performance objectives and other measures concerning—

"(1) increased professional development and increased effective use of technology in educating students;

"(2) increased technology literacy;

"(3) increased access to technology in the classroom, especially in low-income schools; and

"(4) other indicators reflecting increased student academic achievement or student performance, as a result of technology.

"(b) REPORT.—Each local educational agency receiving a grant under this part shall annually prepare and submit to the State educational agency a report regarding the progress of the local educational agency and the schools served by the local educational agency toward achieving the purposes of this part and meeting the performance objectives and measures described in this section.

"(c) SANCTION.—If after 3 years, the local educational agency does not show measurable improvements, the local educational agency shall not receive funds for the remaining grant years.

"(d) ASSISTANCE.—The State educational agency shall provide technical assistance to the local educational agency to assist them in meeting the performance objectives and measures described in this section.

"SEC. 2309. NATIONAL EVALUATION OF TECHNOLOGY PLANS.

"Not later than 36 months after the date of enactment of this title, the Secretary, in consultation with other Federal departments or agencies, State and local educational practitioners, and policy makers, including teachers, principals and superintendents, and experts in technology and the application of technology to education, shall report to Congress on best practices in implementing technology effectively consistent with the provisions of section 2305(2). The report shall include recommendations for revisions to the National Education Technology Plan for the purpose of establishing best practices that can be widely implemented by State and local educational agencies.

"SEC. 2310. NATIONAL EDUCATION TECHNOLOGY PLAN.

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Secretary shall prepare the national long-range plan that supports the overall national technology policy. The Secretary shall update such plan periodically when appropriate.

"(b) CONSULTATION.—In preparing the plan described in subsection (a), the Secretary shall consult with other Federal departments or agencies, State and local education practitioners, and policymakers, including teachers, principals, and superintendents, experts in technology and the applications of technology to education, representatives of distance learning consortia, representatives of telecommunications partnerships receiving assistance under the Star Schools Act or the Technology Challenge Fund program, and providers of technology services and products.

"(c) SUBMISSION; PUBLICATION.—Upon completion of the plan described in subsection (a), the Secretary shall—

"(1) submit such plan to the President and to the appropriate committees of Congress; and

"(2) publish such plan in a form that is readily accessible to the public, including on the Internet.

"(d) CONTENT OF THE PLAN.—The plan described in subsection (a) shall describe the following:

"(1) EFFECTIVE USE.—The plan shall describe the manner in which the Secretary will encourage the effective use of technology to provide all students the opportunity to achieve challenging State academic content standards and challenging State student performance standards, especially through programs administered by the Department.

"(2) JOINT ACTIVITIES.—The plan shall describe joint activities in support of the overall national technology policy to be carried out with other Federal departments or agencies, such as the Office of Science and Technology Policy, the National Endowment for the Humanities, the National Endowment for the Arts, the National Institute for Literacy, the National Aeronautics and Space Administration, the National Science Foundation, the Bureau of Indian Affairs, and the Departments of Commerce, Energy, Health and Human Services, and Labor—

"(A) to promote the use of technology in education, training, and lifelong learning, including plans for the educational uses of a national information infrastructure; and

"(B) to ensure that the policies and programs of such departments or agencies facilitate the

use of technology for educational purposes, to the extent feasible.

"(3) COLLABORATION.—The plan shall describe the manner in which the Secretary will work with educators, State and local educational agencies, and appropriate representatives of the private sector, including the Universal Service Administrative Company, to facilitate the effective use of technology in education.

"(4) PROMOTING ACCESS.—The plan shall describe the manner in which the Secretary will promote—

"(A) higher academic achievement and performance of all students through the integration of technology into the curriculum;

"(B) increased access to the benefits of technology for teaching and learning for schools with a high number or percentage of children from low-income families;

"(C) the use of technology to assist in the implementation of State systemic reform strategies;

"(D) the application of technological advances to use in improving educational opportunities;

"(E) increased access to high quality adult and family education services through the use of technology for instruction and professional development;

"(F) increased parental involvement in schools through the use of technology; and

"(G) increased opportunities for the professional development of teachers in the use of new technologies.

"(5) EXCHANGE.—The plan shall describe the manner in which the Secretary will promote the exchange of information among States, local educational agencies, schools, consortia, and other entities concerning the conditions and practices that support effective use of technology in improving teaching and student educational opportunities, academic achievement, and technology literacy.

"(6) GOALS.—The plan shall describe the Secretary's long-range measurable goals and objectives relating to the purposes of this part.

"SEC. 2311. NATIONAL TECHNOLOGY INITIATIVES.

"(a) IN GENERAL.—The Secretary shall establish a program to identify and disseminate the practices under which technology is effectively integrated into education to enhance teaching and learning and to improve student achievement, performance and technology literacy.

"(b) USE OF FUNDS.—In carrying out the program established under subsection (a), the Secretary shall—

"(1) conduct, through the Office of Educational Research and Improvement, in consultation with the Office of Educational Technology, an independent, longitudinal study on—

"(A) the conditions and practices under which educational technology is effective in increasing student academic achievement; and

"(B) the conditions and practices that increase the ability of teachers to effectively integrate technology into the curricula and instruction, enhance the learning environment and opportunities, and increase student performance, technology literacy, and related 21st century skills; and

"(2) make widely available, including through dissemination on the Internet and to all State educational agencies and other grantees under this section, the findings identified through the activities of this section regarding the conditions and practices under which education technology is effective.

"SEC. 2312. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) LIMITATION.—Not more than 5 percent of the funds made available to a recipient under this part for any fiscal year may be used by such recipient for administrative costs or technical assistance.

"(c) FUNDING FOR NATIONAL TECHNOLOGY INITIATIVES.—Not more than .5 percent of the funds appropriated under subsection (a) may be used for the activities of the Secretary under section 2311.".

SEC. 202. TEACHER MOBILITY.

(a) SHORT TITLE.—This section may be cited as the "Teacher Mobility Act".

(b) MOBILITY OF TEACHERS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 201, is further amended by adding at the end the following:

"PART D—TEACHER MOBILITY

"SEC. 2401. NATIONAL PANEL ON TEACHER MOBILITY.

"(a) ESTABLISHMENT.—There is established a panel to be known as the National Panel on Teacher Mobility (referred to in this section as the 'panel').

"(b) MEMBERSHIP.—The panel shall be composed of 9 members appointed by the Secretary. The Secretary shall appoint the members from among practitioners and experts with experience relating to teacher mobility, such as teachers, members of teacher certification or licensing bodies, faculty of institutions of higher education that prepare teachers, and State policymakers with such experience.

"(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall not affect the powers of the panel, but shall be filled in the same manner as the original appointment.

"(d) DUTIES.—

"(1) STUDY.—

"(A) IN GENERAL.—The panel shall study strategies for increasing mobility and employment opportunities for high quality teachers, especially for States with teacher shortages and States with districts or schools that are difficult to staff.

"(B) DATA AND ANALYSIS.—As part of the study, the panel shall evaluate the desirability and feasibility of State initiatives that support teacher mobility by collecting data and conducting effective analysis on—

"(i) teacher supply and demand;

"(ii) the development of recruitment and hiring strategies that support teachers; and

"(iii) increasing reciprocity of licenses across States.

"(2) REPORT.—Not later than 1 year after the date on which all members of the panel have been appointed, the panel shall submit to the Secretary and to the appropriate committees of Congress a report containing the results of the study.

"(e) POWERS.—

"(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers advisable to carry out the objectives of this section.

"(2) INFORMATION FROM FEDERAL AGENCIES.—The panel may secure directly from any Federal department or agency such information as the panel considers necessary to carry out the provisions of this section. Upon request of a majority of the members of the panel, the head of such department or agency shall furnish such information to the panel.

"(3) POSTAL SERVICES.—The panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

"(f) PERSONNEL.—

"(1) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

"(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

"(g) PERMANENT COMMITTEE.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002.

"(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.".

SEC. 203. MODIFICATION OF TROOPS-TO-TEACHERS PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000).

(b) DEFINITIONS.—Section 1701 of the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "means" and all that follows and inserting "means the Secretary of Education";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4), as paragraphs (2) and (3), respectively; and

(D) in paragraph (2) (as so redesignated), by inserting before the period the following: "and active and former members of the Coast Guard"; and

(2) by adding at the end the following:

"(c) ADMINISTRATION.—To the extent that funds are made available under this title, the administering Secretary shall use such funds to enter into a memorandum of agreement with the Defense Activity for Non-Traditional Education Support (referred to in this subsection as 'DANTES'), of the Department of Defense. DANTES shall use amounts made available under the memorandum of agreement to administer the Troops-to-Teachers Program, including the selection of participants in the Program in accordance with section 1704. The administering Secretary may retain a portion of the funds to identify local educational agencies with concentrations of children from low-income families or with teacher shortages and States with alternative certification or licensure requirements, as required by section 1702.".

(c) AUTHORIZATION.—Section 1702 of the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9302) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "after their discharge or release, or retirement," and insert "who retire"; and

(ii) by striking "and" at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1), the following:

"(2) to assist members of the active reserve forces to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and"; and

(2) by adding at the end the following:

"(e) FUNDING.—The administering Secretary shall provide appropriate funds to the Secretary of Defense to enable the Secretary of Defense to manage and operate the Troops-to-Teachers Program.".

(d) ELIGIBLE MEMBERS.—Section 1703 of the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9303) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) ELIGIBLE MEMBERS.—Subject to subsection (c), any member of the Armed Forces who, during the period beginning on October 1, 2000, and ending on September 30, 2006, retired from the active duty or who is a member of the active reserve and who satisfies such other criteria for the selection as the administering Secretary may require, shall be eligible for selection to participate in the Troops-to-Teachers Program."; and

(2) in subsection (d)—

(A) by striking "(1) The administering Secretary" and inserting "Secretary of Defense"; and

(B) by striking paragraph (2); and

(3) by adding at the end the following:

"(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The administering Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who separated from active duty under honorable circumstances. Such members shall meet education qualification requirements under subsection (b). Such members shall not be eligible for financial assistance under subsections (a) and (b) of section 1705.".

(e) SELECTION OF PARTICIPANTS.—Section 1704 of the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9304) is amended—

(1) in subsection (a), by striking "on a timely basis";

(2) by striking subsection (b);

(3) in subsection (e)—

(A) in the matter preceding paragraph (1), by inserting "and receives financial assistance" after "Program"; and

(B) in paragraph (2), by striking "four school" and all that follows and inserting "three school years with a local educational agency, except that the Secretary of Defense may waive the 3 year commitment if the Secretary determines such waiver to be appropriate.";

(4) in subsection (f), by striking "subsection (e)" and inserting "subsection (d)"; and

(5) by redesignating subsections (c) through (f) as subsection (b) through (e), respectively.

(f) STIPENDS AND BONUSES.—Section 1705 of the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9305) is amended—

(1) in subsection (a)—

(A) by striking "(1) Subject" and inserting "Subject"; and

(B) by striking paragraph (2);

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (3)—

(i) by striking subparagraphs (A) through (D) and inserting the following:

"(A) The school is in a low-income school district as defined by the administering Secretary."; and

(ii) by redesignating subparagraphs (E) and (F), as subparagraphs (B) and (C), respectively; and

(C) by redesignating paragraph (3) as paragraph (2); and

(3) in subsection (d)—

(A) by striking "four years" each place that such appears and inserting "three years"; and

(B) in paragraph (2), by striking "1704(e)" and inserting "1704(d)".

(g) PARTICIPATION BY STATES.—Section 1706(b) of the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9306(b)) is amended—

(1) by striking "(1) Subject to paragraph (2), the" and inserting "The"; and

(2) by striking paragraph (2).

(h) SUPPORT OF TEACHER CERTIFICATION PROGRAMS.—The Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.) is amended by striking 1707 through 1709 and inserting the following:

"SEC. 1707. SUPPORT OF INNOVATIVE, PRE-RETIREMENT TEACHER CERTIFICATION PROGRAMS.

"(a) IN GENERAL.—The administering Secretary may enter into a memorandum of agreements with institutions of higher education to develop, implement, and demonstrate teacher certification programs for pre-retirement military personnel for the purpose of preparing such personnel to transition to teaching as a second career. Such program shall—

"(1) provide for the recognition of military experience and training as related to licensure or certification requirements;

"(2) provide courses of instruction that may be provided at military installations;

"(3) incorporate alternative approaches to achieve teacher certification such as innovative methods to gaining field based teaching experiences, and assessments of background and experience as related to skills, knowledge and abilities required of elementary or secondary school teachers; and

"(4) provide for the delivery of courses through distance education methods.

"(b) APPLICATIONS PROCEDURES.—

"(1) IN GENERAL.—An institution of higher education, or a consortia of such institutions, that desires to enter into an memorandum under subsection (a) shall prepare and submit to the administering Secretary a proposal, at such time, in such manner, and containing such information as the administering Secretary may require, including an assurance that the institution is operating one or more programs that lead to State approved teacher certification.

"(2) PREFERENCE.—The administering Secretary shall give a preference to institutions (or consortia) submitting proposals that provide for cost sharing with respect to the program involved.

"(c) CONTINUATION OF PROGRAM.—An institution of higher education that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.

"SEC. 1708. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title, $50,000,000 in fiscal year 2002, and such sums as may be necessary in each subsequent fiscal year.".

SEC. 204. PROFESSIONAL DEVELOPMENT.

Section 3141(b)(2)(A) (20 U.S.C. 6861(b)(2)(A)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)(V), by adding "and" after the semicolon; and

(3) by adding at the end the following:

"(iii) the provision of incentives, including bonus payments, to recognized educators who achieve an information technology certification that is directly related to the curriculum or content area in which the teacher provides instruction;".

SEC. 205. CLOSE UP FELLOWSHIP PROGRAM AND NATIONAL STUDENT/PARENT MOCK ELECTION.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

"PART E—CLOSE UP FELLOWSHIP PROGRAM

"SEC. 2501. FINDINGS.

"Congress makes the following findings:

"(1) The strength of our democracy rests with the willingness of our citizens to be active participants in their governance. For young people to be such active participants, it is essential that they develop a strong sense of responsibility toward ensuring the common good and general welfare of their local communities, States and the Nation.

"(2) For the young people of our country to develop a sense of responsibility for their fellow citizens, communities and country, our educational system must assist them in the development of strong moral character and values.

"(3) Civic education about our Federal Government is an integral component in the process of educating young people to be active and productive citizens who contribute to strengthening and promoting our democratic form of government.

"(4) There are enormous pressures on teachers to develop creative ways to stimulate the development of strong moral character and appropriate value systems among young people, and to educate young people about their responsibilities and rights as citizens.

"(5) Young people who have economically disadvantaged backgrounds, or who are from other under-served constituencies, have a special need for educational programs that develop a strong a sense of community and educate them about their rights and responsibilities as citizens of the United States. Under-served constituencies include those such as economically disadvantaged young people in large metropolitan areas, ethnic minorities, who are members of recently immigrated or migrant families, Native Americans or the physically disabled.

"(6) The Close Up Foundation has thirty years of experience in providing economically disadvantaged young people and teachers with a unique and highly educational experience with how our federal system of government functions through its programs that bring young people and teachers to Washington, D.C. for a first-hand view of our government in action.

"(7) It is a worthwhile goal to ensure that economically disadvantaged young people and teachers have the opportunity to participate in Close Up's highly effective civic education program. Therefore, it is fitting and appropriate to provide fellowships to students of limited economic means and the teachers who work with such students so that the students and teachers may participate in the programs supported by the Close Up Foundation. It is equally fitting and appropriate to support the Close Up Foundation's 'Great American Cities' program that focuses on character and leadership development among economically disadvantaged young people who reside in our Nation's large metropolitan areas.

"Subpart 1—Program for Middle and Secondary School Students

"SEC. 2511. ESTABLISHMENT.

"(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants in accordance with provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged middle and secondary school students.

"(b) USE OF FUNDS.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be know as the Close Up Fellowships.

"SEC. 2512. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Content of Application.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged middle and secondary school students;

"(2) that every effort shall be made to ensure the participation of students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged students, special consideration will be given to the participation of students with special educational needs, including students with disabilities, students with migrant parents and ethnic minority students; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 2—Program for Middle and Secondary School Teachers

"SEC. 2521. ESTABLISHMENT.

"(a) General Authority.—The Secretary is authorized to make grants in accordance with provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of teaching skills enhancement for middle and secondary school teachers.

"(b) Use of Funds.—Grants under this subpart shall be used only to provide financial assistance to teachers who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be know as the Close Up Teacher Fellowships.

"SEC. 2522. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Content of Application.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made only to teachers who have worked with at least one student from such teacher's school who participates in the program described in section 2521(a);

"(2) that no teacher in each school participating in the programs provided for in section (a) may receive more than one fellowship in any fiscal year; and

"(3) the proper disbursement of the funds received under this subpart.

"Subpart 3—Program for New Americans

"SEC. 2531. ESTABLISHMENT.

"(a) General Authority.—The Secretary is authorized to make grants in accordance with provisions of this subpart to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its programs of increasing understanding of the Federal Government among economically disadvantaged secondary school students who are recent immigrants.

"(b) Definition.—For purposes of this subpart, the term 'recent immigrant student' means a student of a family that immigrated to the United states within five years of the students participation in the program.

"(c) Use of Funds.—Grants under this subpart shall be used only to provide financial assistance to economically disadvantaged recent immigrant students who participate in the program described in subsection (a). Financial assistance received pursuant to this subpart by such students shall be know as the Close Up Fellowships for New Americans.

"SEC. 2532. APPLICATIONS.

"(a) Application Required.—No grant under this subpart may be made except upon an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(b) Content of Application.—Each such application shall contain provisions to assure—

"(1) that fellowship grants are made to economically disadvantaged secondary school students;

"(2) that every effort shall be made to ensure the participation of recent immigrant students from rural and small town areas, as well as from urban areas, and that in awarding fellowships to economically disadvantaged recent immigrant students, special consideration will be given to the participation of those students with special educational needs, including students with disabilities, students with migrant parents and ethnic minority students;

"(3) that activities permitted by subsection (a) are fully described; and

"(4) the proper disbursement of the funds received under this subpart.

"Subpart 4—General Provisions

"SEC. 2541. ADMINISTRATIVE PROVISIONS.

"(a) Accountability.—In consultation with the Secretary, the Close Up Foundation will devise and implement procedures to measure the efficacy of the programs authorized in subparts 1, 2, and 3 in attaining objectives that include: providing young people with an increased understanding of the Federal Government; heightening a sense of civic responsibility among young people; and enhancing the skills of educators in teaching young people about civic virtue, citizenship competencies and the Federal Government.

"(b) General Rule.—Payments under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments.

"(c) Audit Rule.—The Comptroller General of the United States or any of the Comptroller General's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this part.

"SEC. 2542. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out the provisions of subparts 1, 2, and 3 of this part $6,000,000 for fiscal year 2002 and such sums as may be necessary for each of the four succeeding fiscal years.

"(b) Special Rule.—Of the funds appropriated pursuant to subsection (a), not more than 30 percent may be used for teachers associated with students participating in the programs described in sections 2511, 2521 and 2531.

"PART F—NATIONAL STUDENT/PARENT MOCK ELECTION

"SEC. 2601. NATIONAL STUDENT/PARENT MOCK ELECTION.

"(a) In General.—The Secretary is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

"(1) include simulated national elections at least five days before the actual election that permit participation by students and parents from all 50 States in the United States and its territories, Washington, DC and American schools overseas; and

"(2) consist of—

"(A) school forums and local cable call-in shows on the national issues to be voted upon in an 'issues forum';

"(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

"(C) quiz team competitions, mock press conferences and speech writing competitions;

"(D) weekly meetings to follow the course of the campaign; or

"(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

"(b) Requirement.—The National Student/Parent Mock Elections shall present awards to outstanding student and parent mock election projects.

"SEC. 2602. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out the provisions of this part $650,000 for fiscal year 2002 and such sums as may be necessary for each of the six succeeding fiscal years.".

SEC. 206. RURAL TECHNOLOGY EDUCATION ACADEMIES AND EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT.

Title II (20 U.S.C. 6601 et seq.), as amended by section 202, is further amended by adding at the end the following:

"PART G—RURAL TECHNOLOGY EDUCATION ACADEMIES

"SEC. 2701. SHORT TITLE.

This part may be cited as the 'Rural Technology Education Academies Act'.

"SEC. 2702. FINDINGS AND PURPOSE.

"(a) Findings.—Congress makes the following findings:

"(1) Rural areas offer technology programs in existing public schools, such as those in career and technical education programs, but they are limited in numbers and are not adequately funded. Further, rural areas often cannot support specialized schools, such as magnet or charter schools.

"(2) Technology can offer rural students educational and employment opportunities that they otherwise would not have.

"(3) Schools in rural and small towns receive disproportionately less funding than their urban counterparts, necessitating that such schools receive additional assistance to implement technology curriculum.

"(4) In the future, workers without technology skills run the risk of being excluded from the new global, technological economy.

"(5) Teaching technology in rural schools is vitally important because it creates an employee pool for employers sorely in need of information technology specialists.

"(6) A qualified workforce can attract information technology employers to rural areas and help bridge the digital divide between rural and urban American that is evidenced by the out-migration and economic decline typical of many rural areas.

"(b) Purpose.—It is the purpose of this part to give rural schools comprehensive assistance to train the technology literate workforce needed to bridge the rural-urban digital divide.

"SEC. 2703. GRANTS TO STATES.

"(a) In General.—The Secretary shall use amounts made available under section 2312(a) to carry out this part to make grants to eligible States for the development and implementation of technology curriculum.

"(b) State Eligibility.—

"(1) In general.—To be eligible for a grant under subsection (a), a State shall—

"(A) have in place a statewide educational technology plan developed in consultation with *the State agency responsible for administering programs under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and*

''(B) include eligible local educational agencies (as defined in paragraph (2)) under the plan.

''(2) DEFINITION.—In this part, the term 'eligible local educational agency' means a local educational agency—

''(A) with less than 600 total students in average daily attendance at the schools served by such agency; and

''(B) with respect to which all of the schools served by the agency have a School Locale Code of 7 or 8, as determined by the Secretary.

''(c) AMOUNT OF GRANT.—Of the amount made available under section 2312(a) to carry out this part for a fiscal year and reduced by amounts used under section 2704, the Secretary shall provide to each State under a grant under subsection (a) an amount the bears that same ratio to such appropriated amount as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State bears to the number of all such students at the schools served by eligible local educational agencies in all States in such fiscal year.

''(d) USE OF AMOUNTS.—

''(1) IN GENERAL.—A State that receives a grant under subsection (a) shall use—

''(A) not less than 85 percent of the amounts received under the grant to provide funds to eligible local educational agencies in the State for use as provided for in paragraph (2); and

''(B) not to exceed 15 percent of the amounts received under the grant to carry out activities to develop or enhance and further the implementation of technology curriculum, including—

''(i) the development or enhancement of technology courses in areas including computer network technology, computer engineering technology, computer design and repair, software engineering, and programming;

''(ii) the development or enhancement of high quality technology standards;

''(iii) the examination of the utility of web-based technology courses, including college-level courses and instruction for both students and teachers;

''(iv) the development or enhancement of State advisory councils on technology teacher training;

''(v) the addition of high-quality technology courses to teacher certification programs;

''(vi) the provision of financial resources and incentives to eligible local educational agencies to enable such agencies to implement a technology curriculum;

''(vii) the implementation of a centralized web-site for educators to exchange computer-related curriculum and lesson plans; and

''(viii) the provision of technical assistance to local educational agencies.

''(2) LOCAL USE OF FUNDS.—Amounts received by an eligible local educational agency under paragraph (1)(A) shall be used for—

''(A) the implementation of a technology curriculum that is based on standards developed by the State, if applicable;

''(B) professional development in the area of technology, including for the certification of teachers in information technology;

''(C) teacher-to-teacher technology mentoring programs;

''(D) the provision of incentives to teachers teaching in technology-related fields to persuade such teachers to remain in rural areas;

''(E) the purchase of equipment needed to implement a technology curriculum;

''(F) the provision of technology courses through distance learning;

''(G) the development of, or entering into a, consortium with other local educational agencies, institutions of higher education, or for-profit businesses, nonprofit organizations, community-based organizations or other entities with the capacity to contribute to technology training for the purposes of subparagraphs (A) through (F); or

''(H) other activities consistent with the purposes of this part.

''(3) AMOUNT OF ASSISTANCE.—In providing assistance to eligible local educational agencies under this section, a State shall ensure that the amount provided to any eligible agency reflects the size and financial need of the agency as evidenced by the number or percentage of children served by the agency who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

"SEC. 2704. TECHNICAL ASSISTANCE.

''From amounts made available for a fiscal year under section 2312(a) to carry out this part, the Secretary may use not to exceed 5 percent of such amounts to—

''(1) establish a position within the Office of Educational Technology of the Department of Education for a specialist in rural schools;

''(2) identify and disseminate throughout the United States information on best practices concerning technology curricula; and

''(3) conduct seminars in rural areas on technology education.

"PART H—EARLY CHILDHOOD EDUCATOR PROFESSIONAL DEVELOPMENT

"SEC. 2801. PURPOSE.

''In support of the national effort to attain the first of America's Education Goals, the purpose of this part is to enhance the school readiness of young children, particularly disadvantaged young children, and to prevent them from encountering difficulties once they enter school, by improving the knowledge and skills of early childhood educators who work in communities that have high concentrations of children living in poverty.

"SEC. 2802. PROGRAM AUTHORIZED.

''(a) GRANTS TO PARTNERSHIPS.—The Secretary shall carry out the purpose of this part by awarding grants, on a competitive basis, to partnerships consisting of—

''(1)(A) one or more institutions of higher education that provide professional development for early childhood educators who work with children from low-income families in high-need communities; or

''(B) another public or private entity that provides such professional development;

''(2) one or more public agencies (including local educational agencies, State educational agencies, State human services agencies, and State and local agencies administering programs under the Child Care and Development Block Grant Act of 1990), Head Start agencies, or private organizations; and

''(3) to the extent feasible, an entity with demonstrated experience in providing training to educators in early childhood education programs in identifying and preventing behavior problems or working with children identified or suspected to be victims of abuse.

''(b) DURATION AND NUMBER OF GRANTS.—

''(1) DURATION.—Each grant under this part shall be awarded for not more than 4 years.

''(2) NUMBER.—No partnership may receive more than 1 grant under this part.

"SEC. 2803. APPLICATIONS.

''(a) APPLICATIONS REQUIRED.—Any partnership that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(b) CONTENTS.—Each such application shall include—

''(1) a description of the high-need community to be served by the project, including such demographic and socioeconomic information as the Secretary may request;

''(2) information on the quality of the early childhood educator professional development program currently conducted by the institution of higher education or other provider in the partnership;

''(3) the results of the needs assessment that the entities in the partnership have undertaken to determine the most critical professional development needs of the early childhood educators to be served by the partnership and in the broader community, and a description of how the proposed project will address those needs;

''(4) a description of how the proposed project will be carried out, including—

''(A) how individuals will be selected to participate;

''(B) the types of research-based professional development activities that will be carried out;

''(C) how research on effective professional development and on adult learning will be used to design and deliver project activities;

''(D) how the project will coordinate with and build on, and will not supplant or duplicate, early childhood education professional development activities that exist in the community;

''(E) how the project will train early childhood educators to provide services that are based on developmentally appropriate practices and the best available research on child social, emotional, physical and cognitive development and on early childhood pedagogy;

''(F) how the program will train early childhood educators to meet the diverse educational needs of children in the community, including children who have limited English proficiency, disabilities, or other special needs; and

''(G) how the project will train early childhood educators in identifying and preventing behavioral problems or working with children identified as or suspected to be victims of abuse;

''(5) a description of—

''(A) the specific objectives that the partnership will seek to attain through the project, and how the partnership will measure progress toward attainment of those objectives; and

''(B) how the objectives and the measurement activities align with the performance indicators established by the Secretary under section 2806(a);

''(6) a description of the partnership's plan for continuing the activities carried out under the project, so that the activities continue once Federal funding ceases;

''(7) an assurance that, where applicable, the project will provide appropriate professional development to volunteers working directly with young children, as well as to paid staff; and

''(8) an assurance that, in developing its application and in carrying out its project, the partnership has consulted with, and will consult with, relevant agencies, early childhood educator organizations, and early childhood providers that are not members of the partnership.

"SEC. 2804. SELECTION OF GRANTEES.

''(a) CRITERIA.—The Secretary shall select partnerships to receive funding on the basis of the community's need for assistance and the quality of the applications.

''(b) GEOGRAPHIC DISTRIBUTION.—In selecting partnerships, the Secretary shall seek to ensure that communities in different regions of the Nation, as well as both urban and rural communities, are served.

"SEC. 2805. USES OF FUNDS.

''(a) IN GENERAL.—Each partnership receiving a grant under this part shall use the grant

funds to carry out activities that will improve the knowledge and skills of early childhood educators who are working in early childhood programs that are located in high-need communities and serve concentrations of children from low-income families.

"(b) ALLOWABLE ACTIVITIES.—Such activities may include—

"(1) professional development for individuals working as early childhood educators, particularly to familiarize those individuals with the application of recent research on child, language, and literacy development and on early childhood pedagogy;

"(2) professional development for early childhood educators in working with parents, based on the best current research on child social, emotional, physical and cognitive development and parent involvement, so that the educators can prepare their children to succeed in school;

"(3) professional development for early childhood educators to work with children who have limited English proficiency, disabilities, and other special needs;

"(4) professional development to train early childhood educators in identifying and preventing behavioral problems in children or working with children identified or suspected to be victims of abuse;

"(5) activities that assist and support early childhood educators during their first three years in the field;

"(6) development and implementation of early childhood educator professional development programs that make use of distance learning and other technologies;

"(7) professional development activities related to the selection and use of screening and diagnostic assessments to improve teaching and learning; and

"(8) data collection, evaluation, and reporting needed to meet the requirements of this part relating to accountability.

"SEC. 2806. ACCOUNTABILITY.

"(a) PERFORMANCE INDICATORS.—Simultaneously with the publication of any application notice for grants under this part, the Secretary shall announce performance indicators for this part, which shall be designed to measure—

"(1) the quality and accessibility of the professional development provided;

"(2) the impact of that professional development on the early childhood education provided by the individuals who are trained; and

"(3) such other measures of program impact as the Secretary determines appropriate.

"(b) ANNUAL REPORTS; TERMINATION.—

"(1) ANNUAL REPORTS.—Each partnership receiving a grant under this part shall report annually to the Secretary on the partnership's progress against the performance indicators.

"(2) TERMINATION.—The Secretary may terminate a grant under this part at any time if the Secretary determines that the partnership is not making satisfactory progress against the indicators.

"SEC. 2807. COST-SHARING.

"(a) IN GENERAL.—Each partnership shall provide, from other sources, which may include other Federal sources—

"(1) at least 50 percent of the total cost of its project for the grant period; and

"(2) at least 20 percent of the project cost in each year.

"(b) ACCEPTABLE CONTRIBUTIONS.—A partnership may meet the requirement of subsection (a) through cash or in-kind contributions, fairly valued.

"(c) WAIVERS.—The Secretary may waive or modify the requirements of subsection (a) in cases of demonstrated financial hardship.

"SEC. 2808. DEFINITIONS.

"In this part:

"(1) HIGH-NEED COMMUNITY.—

"(A) IN GENERAL.—The term 'high-need community' means—

"(i) a municipality, or a portion of a municipality, in which at least 50 percent of the children are from low-income families; or

"(ii) a municipality that is one of the 10 percent of municipalities within the State having the greatest numbers of such children.

"(B) DETERMINATION.—In determining which communities are described in subparagraph (A), the Secretary shall use such data as the Secretary determines are most accurate and appropriate.

"(2) LOW-INCOME FAMILY.—The term 'low-income family' means a family with an income below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available.

"(3) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means a person providing or employed by a provider of non-residential child care services (including center-based, family-based, and in-home child care services) that is legally operating under State law, and that complies with applicable State and local requirements for the provision of child care services to children at any age from birth through kindergarten.

"SEC. 2809. FEDERAL COORDINATION.

"The Secretary and the Secretary of Health and Human Services shall coordinate activities under this part and other early childhood programs administered by the two Secretaries.

"SEC. 2810. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.".

SEC. 207. TEACHERS AND PRINCIPALS.

Part A of title II (as amended in section 201) is further amended—

(1) by striking the title heading and all that follows through the part heading for part A and inserting the following:

"TITLE II—TEACHERS AND PRINCIPALS

"PART A—TEACHER AND PRINCIPAL QUALITY";

(2) in section 2101(1)—

(A) by striking "teacher quality" and inserting "teacher and principal quality"; and

(B) by inserting before the semicolon "and highly qualified principals and assistant principals in schools";

(3) in section 2102—

(A) in paragraph (4)—

(i) in subparagraph (B)(ii), by striking "and";

(ii) in subparagraph (C), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(D) with respect to an elementary school or secondary school principal, a principal—

"(i)(I) with at least a master's degree in educational administration and at least 3 years of classroom teaching experience; or

"(II) who has completed a rigorous alternative certification program that includes instructional leadership courses, an internship under the guidance of an accomplished principal, and classroom teaching experience; and

"(ii) who is certified or licensed as a principal by the State involved; and

"(iii) who can demonstrate a high level of competence as an instructional leader with knowledge of theories of learning, curricula design, supervision and evaluation of teaching and learning, assessment design and application, child and adolescent development, and public reporting and accountability."; and

(B) in paragraph (9)(B), by striking "teachers" each place it appears and inserting "teachers, principals, and assistant principals,";

(4) in section 2112(b)(4), by striking "teaching force" and inserting "teachers, principals, and assistant principals";

(5) in section 2113(b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "teacher" and inserting "teacher and principal";

(ii) in subparagraph (A)—

(I) by inserting "(i)" after "(A)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following:

"(ii) principals have the instructional leadership skills to help teachers teach and students learn;"; and

(iii) in subparagraph (C), by inserting ", and principals have the instructional leadership skills," before "necessary";

(B) in paragraph (2), by striking "the initial teaching experience" and inserting "an initial experience as a teacher, principal, or an assistant principal";

(C) in paragraph (3)—

(i) by striking "of teachers" and inserting "of teachers and principals";

(ii) by striking "degree" and inserting "or master's degree"; and

(iii) by striking "teachers." and inserting "teachers or principals."; and

(D) in paragraph (7), by striking "teacher" and inserting "teacher and principal";

(6) in section 2122(c)(2)—

(A) by striking "and, where appropriate, administrators,"; and

(B) by inserting "and to give principals and assistant principals the instructional leadership skills to help teachers," after "skills,";

(7) in section 2123(b)—

(A) in paragraph (2), by inserting "and principal" before "mentoring";

(B) in paragraph (3), striking the period and inserting ", nonprofit organizations, local educational agencies, or consortia of appropriate educational entities."; and

(C) in paragraph (4)—

(i) by striking "teachers" and inserting "teachers, principals, and assistant principals"; and

(ii) by striking "teaching" and inserting "employment as teachers, principals, or assistant principals, respectively";

(8) in section 2133(a)(1)—

(A) by striking ", paraprofessionals, and, if appropriate, principals" and inserting "and paraprofessionals"; and

(B) by striking the semicolon and inserting the following: "and that principals and assistant principals have the instructional leadership skills that will help such principals and assistant principals work most effectively with teachers to help students master core academic subjects;";

(9) in section 2134—

(A) in paragraph (1), by striking "teachers" and inserting "teachers and principals"; and

(B) in paragraph (2)—

(i) by striking "teachers" and inserting "teachers and principals"; and

(ii) by inserting "a principal organization," after "teacher organization,"; and

(10) in section 2142(a)(2), by striking subparagraph (A) and inserting the following:

"(A) shall establish for the local educational agency an annual measurable performance objective for increasing retention of teachers, principals, and assistant principals in the first 3 years of their careers as teachers, principals, and assistant principals respectively; and".

TITLE III—MOVING LIMITED ENGLISH PROFICIENT STUDENTS TO ENGLISH FLUENCY

SEC. 301. BILINGUAL EDUCATION.

Title III (20 U.S.C. 6511 et seq.) is amended to read as follows:

"TITLE III—BILINGUAL EDUCATION, LANGUAGE ENHANCEMENT, AND LANGUAGE ACQUISITION PROGRAMS

"PART A—BILINGUAL EDUCATION

"SEC. 3001. SHORT TITLE.

"This part may be cited as the 'Bilingual Education Act'.

"SEC. 3002. PURPOSE.

"The purpose of this part is to help ensure that limited English proficient students master English and meet the same rigorous standards for academic performance as all children and youth are expected to meet, including meeting challenging State content standards and challenging State student performance standards in academic subjects by—

"(1) promoting systemic improvement and reform of, and developing accountability systems for, educational programs serving limited English proficient students;

"(2) developing bilingual skills and multicultural understanding;

"(3) developing the English of limited English proficient children and youth and, to the extent possible, the native language skills of such children and youth;

"(4) providing similar assistance to Native Americans with certain modifications relative to the unique status of Native American languages under Federal law;

"(5) developing data collection and dissemination, research, materials, and technical assistance that are focused on school improvement for limited English proficient students; and

"(6) developing programs that strengthen and improve the professional training of educational personnel who work with limited English proficient students.

"SEC. 3003. AUTHORIZATION OF APPROPRIATIONS.

"(a) Bilingual Education.—There are authorized to be appropriated to carry out this part $700,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) State and Local Grants.—Notwithstanding subsection (a), for any fiscal year for which the amount of funds appropriated under subsection (a) is not less than $700,000,000, the funds shall be used to carry out part D.

"SEC. 3004. NATIVE AMERICAN CHILDREN IN SCHOOL.

"(a) Eligible Entities.—

"(1) In general.—For the purpose of carrying out programs under this part for individuals served by elementary schools, secondary schools, and postsecondary schools operated predominately for Native American (including Alaska Native) children and youth, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary school or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency.

"(2) Definitions.—In this section:

"(A) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(B) Tribally sanctioned educational authority.—The term 'tribally sanctioned educational authority' means—

"(i) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(ii) any nonprofit institution or organization that is—

"(I) chartered by the governing body of an Indian tribe to operate any school operated predominately for Indian children and youth or otherwise to oversee the delivery of educational services to members of that tribe; and

"(II) approved by the Secretary for the purpose of this section.

"(b) Eligible Entity Application.—Notwithstanding any other provision of this part, each eligible entity described in subsection (a) shall submit any application for assistance under this part directly to the Secretary along with timely comments on the need for the program proposed in the application.

"SEC. 3005. RESIDENTS OF THE TERRITORIES AND FREELY ASSOCIATED STATES.

"For the purpose of carrying out programs under this part in the outlying areas, the term 'local educational agency' includes public institutions or agencies whose mission is the preservation and maintenance of native languages.

"Subpart 1—Bilingual Education Capacity and Demonstration Grants

"SEC. 3101. FINANCIAL ASSISTANCE FOR BILINGUAL EDUCATION.

"The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under sections 3102 and 3103, to—

"(1) develop and enhance their capacity to provide high-quality instruction through bilingual education or special alternative instruction programs to children and youth of limited English proficiency; and

"(2) help such children and youth—

"(A) develop proficiency in English, and to the extent possible, their native language; and

"(B) meet the same challenging State content standards and challenging State student performance standards as all children and youth are expected to meet under section 1111(b).

"SEC. 3102. PROGRAM ENHANCEMENT PROJECTS.

"(a) Purpose.—The purpose of this section is to—

"(1) provide grants to eligible entities to provide innovative, locally designed, high quality instruction to children and youth of limited English proficiency;

"(2) help children and youth develop proficiency in the English language by expanding or strengthening instructional programs; and

"(3) help children and youth attain the standards established under section 1111(b).

"(b) Program Authorized.—

"(1) Authority.—

"(A) In general.—The Secretary is authorized to award grants to eligible entities having applications approved under section 3104 to enable such entities to carry out activities described in paragraph (2).

"(B) Period.—Each grant awarded under this section shall be awarded for a period of 3 years.

"(2) Authorized activities.—

"(A) Mandatory activities.—Grants awarded under this section shall be used for—

"(i) developing, implementing, expanding, or enhancing comprehensive preschool, elementary, or secondary education programs for limited English proficient children and youth, that are—

"(I) aligned with State and local content and student performance standards, and local school reform efforts; and

"(II) coordinated with related services for children and youth;

"(ii) providing high quality professional development to classroom teachers, administrators, and other school or community-based organization personnel to improve the instruction and assessment of limited English proficient students; and

"(iii) annually assessing the English proficiency of all limited English proficient students served by activities carried out under this section.

"(B) Permissible activities.—Grants awarded under this section may be used for—

"(i) implementing programs to upgrade the reading and other academic skills of limited English proficient students;

"(ii) developing accountability systems to monitor the academic progress of limited English proficient and formerly limited English proficient students;

"(iii) implementing family education programs and parent outreach and training activities designed to assist parents to become active participants in the education of their children;

"(iv) improving the instructional programs for limited English proficient students by identifying, acquiring, and applying effective curricula, instructional materials (including materials provided through technology), and assessments that are all aligned with State and local standards;

"(v) providing intensified instruction, including tutorials and academic or career counseling, for children and youth who are limited English proficient;

"(vi) adapting best practice models for meeting the needs of limited English proficient students;

"(vii) assisting limited English proficient students with disabilities;

"(viii) implementing applied learning activities such as service learning to enhance and support comprehensive elementary and secondary bilingual education programs; and

"(ix) carrying out such other activities related to the purpose of this part as the Secretary may approve.

"(c) Priority.—In awarding grants under this section, the Secretary may give priority to an entity that—

"(1) serves a school district—

"(A) that has a total district enrollment that is less than 10,000 students; or

"(B) with a large percentage or number of limited English proficient students; and

"(2) has limited or no experience in serving limited English proficient students.

"(d) Eligible Entity.—In this section, the term 'eligible entity' means—

"(1) 1 or more local educational agencies;

"(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or State educational agency; or

"(3) a community-based organization or an institution of higher education that has an application approved by the local educational agency to participate in programs carried out under this subpart by enhancing early childhood education or family education programs or conducting instructional programs that supplement the educational services provided by a local educational agency.

"SEC. 3103. COMPREHENSIVE SCHOOL AND SYSTEMWIDE IMPROVEMENT GRANTS.

"(a) Purposes.—The purposes of this section are—

"(1) to provide financial assistance to schools and local educational agencies for implementing bilingual education programs, in coordination with programs carried out under this title, for children and youth of limited English proficiency;

"(2) to assist limited English proficient students to meet the standards established under section 1111(b); and

"(3) to improve, reform, and upgrade relevant instructional programs and operations, carried out by schools and local educational agencies, that serve significant percentages of students of limited English proficiency or significant numbers of such students.

“(b) AUTHORIZED ACTIVITIES.—

“(1) AUTHORITY.—The Secretary may award grants to eligible entities having applications approved under section 3104 to enable such entities to carry out activities described in paragraphs (2) and (3).

“(2) MANDATORY ACTIVITIES.—Grants awarded under this section shall be used for—

“(A) improving instructional programs for limited English proficient students by acquiring and upgrading curricula and related instructional materials;

“(B) aligning the activities carried out under this section with State and local school reform efforts;

“(C) providing training, aligned with State and local standards, to school personnel and participating community-based organization personnel to improve the instruction and assessment of limited English proficient students;

“(D) developing and implementing plans, coordinated with plans for programs carried out under title II of the Higher Education Act of 1965 (where applicable), and title II of this Act (where applicable), to recruit teachers trained to serve limited English proficient students;

“(E) implementing culturally and linguistically appropriate family education programs, or parent outreach and training activities, that are designed to assist parents to become active participants in the education of their children;

“(F) coordinating the activities carried out under this section with other programs, such as programs carried out under this title;

“(G) providing services to meet the full range of the educational needs of limited English proficient students;

“(H) annually assessing the English proficiency of all limited English proficient students served by the activities carried out under this section; and

“(I) developing or improving accountability systems to monitor the academic progress of limited English proficient students.

“(3) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used for—

“(A) implementing programs to upgrade reading and other academic skills of limited English proficient students;

“(B) developing and using educational technology to improve learning, assessments, and accountability to meet the needs of limited English proficient students;

“(C) implementing scientifically based research programs to meet the needs of limited English proficient students;

“(D) providing tutorials and academic or career counseling for limited English proficient children and youth;

“(E) developing and implementing State and local content and student performance standards for learning English as a second language, as well as for learning other languages;

“(F) developing and implementing programs for limited English proficient students to meet the needs of changing populations of such students;

“(G) implementing policies to ensure that limited English proficient students have access to other education programs (other than programs designed to address limited English proficiency), such as gifted and talented, vocational education, and special education programs;

“(H) assisting limited English proficient students with disabilities;

“(I) developing and implementing programs to help all students become proficient in more than 1 language; and

“(J) carrying out such other activities related to the purpose of this part as the Secretary may approve.

“(4) SPECIAL RULE.—A recipient of a grant under this section, before carrying out activities under this section, shall plan, train personnel, develop curricula, and acquire or develop materials, but shall not use funds made available under this section for planning purposes for more than 90 days. The recipient shall commence carrying out activities under this section not later than 90 days after the date of receipt of the grant.

“(c) AVAILABILITY OF APPROPRIATIONS.—

“(1) RESERVATION OF FUNDS FOR CONTINUED PAYMENTS.—

“(A) COVERED GRANT.—In this paragraph, the term ‘covered grant’ means a grant—

“(i) that was awarded under section 7114 or 7115 (as such sections were in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

“(ii) for which the grant period has not ended.

“(B) RESERVATION.—For any fiscal year that is part of the grant period of a covered grant, the Secretary shall reserve funds for the payments described in subparagraph (C) from the amount appropriated for the fiscal year under section 3003 and made available for carrying out this section.

“(C) PAYMENTS.—The Secretary shall continue to make grant payments to each entity that received a covered grant, for the duration of the grant period of the grant, to carry out activities in accordance with the appropriate section described in subparagraph (A)(i).

“(2) AVAILABILITY.—Of the amount appropriated for a fiscal year under section 3003 that is made available for carrying out this section, and that remains after the Secretary reserves funds for payments under paragraph (1)—

“(A) not less than ⅓ of the remainder shall be used to award grants for activities carried out within an entire school district; and

“(B) not less than ⅔ of the remainder shall be used to award grants for activities carried out within individual schools.

“(d) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means—

“(1) 1 or more local educational agencies; or

“(2) 1 or more local educational agencies, in collaboration with an institution of higher education, community-based organization, or State educational agency.

“SEC. 3104. APPLICATIONS.

“(a) IN GENERAL.—

“(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

“(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of the application submitted by the entity under this section to the State educational agency.

“(b) STATE REVIEW AND COMMENTS.—

“(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of an application under this section, shall review the application and submit the written comments of the agency regarding the application to the Secretary.

“(2) COMMENTS.—

“(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

“(i) submit to the Secretary written comments regarding all such applications; and

“(ii) submit to each eligible entity the comments that pertain to such entity.

“(B) SUBJECT.—For purposes of this subpart, such comments shall address—

“(i) how the activities to be carried out under the grant will further the academic achievement and English proficiency of limited English proficient students served under the grant; and

“(ii) how the grant application is consistent with the State plan required under section 1111.

“(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

“(d) COMMENT CONSIDERATION.—In making grants under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

“(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3124, particularly such agency's ability to carry out data collection efforts and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

“(f) REQUIRED DOCUMENTATION.—Such application shall include documentation that—

“(1) the applicant has the qualified personnel required to develop, administer, and implement the program proposed in the application; and

“(2) the leadership personnel of each school participating in the program have been involved in the development and planning of the program in the school.

“(g) CONTENTS.—

“(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

“(A) A description of the need for the proposed program, including—

“(i) data on the number of limited English proficient students in the school or school district to be served;

“(ii) information on the characteristics of such students, including—

“(I) the native languages of the students;

“(II) the proficiency of the students in English and their native language;

“(III) achievement data (current as of the date of submission of the application) for the limited English proficient students in—

“(aa) reading or language arts (in English and in the native language, if applicable); and

“(bb) mathematics;

“(IV) a comparison of that data for the students with that data for the English proficient peers of the students; and

“(V) the previous schooling experiences of the students;

“(iii) the professional development needs of the instructional personnel who will provide services for the limited English proficient students under the proposed program; and

“(iv) how the services provided through the grant will supplement the basic services provided to limited English proficient students.

“(B) A description of the program to be implemented and how such program's design—

“(i) relates to the linguistic and academic needs of the children and youth of limited English proficiency to be served;

“(ii) will ensure that the services provided through the program will supplement the basic services the applicant provides to limited English proficient students;

“(iii) will ensure that the program is coordinated with other programs under this Act and other Acts;

“(iv) involves the parents of the children and youth of limited English proficiency to be served;

“(v) ensures accountability in achieving high academic standards; and

“(vi) promotes coordination of services for the children and youth of limited English proficiency to be served and their families.

“(C) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local educational agencies or State

educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

"(D) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for bilingual education or special alternative instruction programs if the applicant receives an award under this subpart.

"(E) An assurance that the applicant will employ teachers in the proposed program who, individually or in combination, are proficient in—

"(i) English, with respect to written, as well as oral, communication skills; and

"(ii) the native language of the majority of the students that the teachers teach, if instruction in the program is in the native language as well as English.

"(F) A budget for the grant funds.

"(2) ADDITIONAL INFORMATION.—Each application for a grant under section 3103 shall—

"(A) describe—

"(i) current services (as of the date of submission of the application) the applicant provides to children and youth of limited English proficiency;

"(ii) what services children and youth of limited English proficiency will receive under the grant that such children or youth will not otherwise receive;

"(iii) how funds received under this subpart will be integrated with all other Federal, State, local, and private resources that may be used to serve children and youth of limited English proficiency;

"(iv) specific achievement and school retention goals for the children and youth to be served by the proposed program and how progress toward achieving such goals will be measured; and

"(v) the current family education programs (as of the date of submission of the application) of the eligible entity, if applicable; and

"(B) provide assurances that—

"(i) the program funded with the grant will be integrated with the overall educational program of the students served through the proposed program; and

"(ii) the application has been developed in consultation with an advisory council, the majority of whose members are parents and other representatives of the children and youth to be served in such program.

"(h) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

"(1) the program proposed in the application will use qualified personnel, including personnel who are proficient in the language or languages used for instruction;

"(2) in designing the program, the eligible entity has, after consultation with appropriate private school officials—

"(A) taken into account the needs of children in nonprofit private elementary schools and secondary schools; and

"(B) in a manner consistent with the number of such children enrolled in such schools in the area to be served, whose educational needs are of the type and whose language, and grade levels are of a similar type to the needs, language, and grade levels that the program is intended to address, provided for the participation of such children on a basis comparable to the basis on which public school children participate;

"(3)(A) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students; and

"(B) limited English proficient students with disabilities will be identified and served through the program in accordance with the requirements of the Individuals with Disabilities Education Act;

"(4) Federal funds made available for the program will be used to supplement the State and local funds that, in the absence of such Federal funds, would be expended for special programs for children of limited English proficient individuals, and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds made available under this subpart—

"(A) for activities carried out under an order of a Federal or State court respecting services to be provided to such children; or

"(B) to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided to such children;

"(5)(A) the assistance provided through the grant will contribute toward building the capacity of the eligible entity to provide a program on a regular basis, similar to the proposed program, that will be of sufficient size, scope, and quality to promise significant improvement in the education of limited English proficient students; and

"(B) the eligible entity will have the resources and commitment to continue the program of sufficient size, scope, and quality when assistance under this subpart is reduced or no longer available; and

"(6) the eligible entity will use State and national dissemination sources for program design and dissemination of results and products.

"(i) PRIORITIES AND SPECIAL RULES.—

"(1) PRIORITY.—In approving applications for grants for programs under this subpart, the Secretary shall give priority to an applicant who—

"(A) experiences a dramatic increase in the number or percentage of limited English proficient students enrolled in the applicant's programs and has limited or no experience in serving limited English proficient students;

"(B) is a local educational agency that serves a school district that has a total district enrollment that is less than 10,000 students;

"(C) demonstrates that the applicant has a proven record of success in helping limited English proficient children and youth learn English and meet high academic standards;

"(D) proposes programs that provide for the development of bilingual proficiency both in English and another language for all participating students; or

"(E) serves a school district with a large number or percentage of limited English proficient students.

"(2) CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local educational agency and State educational agency, or businesses.

"(3) DUE CONSIDERATION.—In determining whether to approve an application under this subpart, the Secretary shall give due consideration to an application that—

"(A) provides for training for personnel participating in or preparing to participate in the program that will assist such personnel in meeting State and local certification requirements; and

"(B) to the extent possible, describes how credit at an institution of higher education will be awarded for such training.

"SEC. 3105. CAPACITY BUILDING.

"Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality bilingual and special alternative education programs and services to children and youth of limited English proficiency after Federal assistance is reduced or eliminated.

"SEC. 3106. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

"Programs authorized under this subpart that serve Native American children (including Native American Pacific Islander children), and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this subpart, may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children and youth learning and studying Native American languages and children and youth of limited Spanish proficiency, except that 1 outcome of such programs serving Native American children shall be increased English proficiency among such children.

"SEC. 3107. EVALUATIONS.

"(a) EVALUATION.—Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report concerning the evaluation, in the form prescribed by the Secretary.

"(b) USE OF EVALUATION.—Such evaluation shall be used by the grant recipient—

"(1) for program improvement;

"(2) to further define the program's goals and objectives; and

"(3) to determine program effectiveness.

"(c) EVALUATION REPORT COMPONENTS.—In preparing the evaluation reports, the recipient shall—

"(1) use the data provided in the application submitted by the recipient under section 3104 as baseline data against which to report academic achievement and gains in English proficiency for students in the program;

"(2) disaggregate the results of the evaluation by gender, language groups, and whether the students have disabilities;

"(3) include data on the progress of the recipient in achieving the objectives of the program, including data demonstrating the extent to which students served by the program are meeting the State's student performance standards, and including data comparing limited English proficient students with English proficient students with regard to school retention and academic achievement concerning—

"(A) reading and language arts;

"(B) English proficiency;

"(C) mathematics; and

"(D) the native language of the students if the program develops native language proficiency;

"(4) include information on the extent that professional development activities carried out through the program have resulted in improved classroom practices and improved student performance;

"(5) include a description of how the activities carried out through the program are coordinated and integrated with the other Federal, State, or local programs serving limited English proficient children and youth; and

"(6) include such other information as the Secretary may require.

"SEC. 3108. CONSTRUCTION.

"Nothing in this subpart shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"Subpart 2—Research, Evaluation, and Dissemination

"SEC. 3121. AUTHORITY.

"(a) IN GENERAL.—The Secretary is authorized to conduct data collection, dissemination, research, and ongoing program evaluation activities in accordance with the provisions of this subpart for the purpose of improving bilingual education and special alternative instruction

programs for children and youth of limited English proficiency.

"(b) COMPETITIVE AWARDS.—Research and program evaluation activities carried out under this subpart shall be supported through competitive grants, contracts and cooperative agreements awarded to institutions of higher education, nonprofit organizations, State educational agencies, and local educational agencies.

"(c) ADMINISTRATION.—The Secretary shall conduct data collection, dissemination, and ongoing program evaluation activities authorized by this subpart through the Office of Bilingual Education and Minority Language Affairs.

"SEC. 3122. RESEARCH.

"(a) ADMINISTRATION.—The Secretary shall conduct research activities authorized by this subpart through the Office of Educational Research and Improvement in coordination and collaboration with the Office of Bilingual Education and Minority Language Affairs.

"(b) REQUIREMENTS.—Such research activities—

"(1) shall have a practical application to teachers, counselors, paraprofessionals, school administrators, parents, and others involved in improving the education of limited English proficient students and their families;

"(2) may include research on effective instructional practices for multilingual classes, and on effective instruction strategies to be used by a teacher or other staff member who does not know the native language of a limited English proficient child or youth in the teacher's or staff member's classroom;

"(3) may include establishing (through the National Center for Education Statistics in consultation with experts in bilingual education, second language acquisition, and English-as-a-second-language) a common definition of 'limited English proficient student' for purposes of national data collection; and

"(4) shall be administered by individuals with expertise in bilingual education and the needs of limited English proficient students and their families.

"(c) FIELD-INITIATED RESEARCH.—

"(1) IN GENERAL.—The Secretary shall reserve not less than 5 percent of the funds made available to carry out this section for field-initiated research conducted by recipients of grants under subpart 1 or this subpart who have received such grants within the previous 5 years. Such research may provide for longitudinal studies of students or teachers into bilingual education, monitoring the education of such students from entry into bilingual education through secondary school completion.

"(2) APPLICATIONS.—An applicant for assistance under this subsection may submit an application for such assistance to the Secretary at the same time as the applicant submits another application under subpart 1 or this subpart. The Secretary shall complete a review of such applications on a timely basis to allow the activities carried out under research and program grants to be coordinated when recipients are awarded 2 or more of such grants.

"(d) CONSULTATION.—The Secretary shall consult with agencies and organizations that are engaged in bilingual education research and practice, or related research, and bilingual education researchers and practitioners, to identify areas of study and activities to be funded under this section.

"(e) DATA COLLECTION.—The Secretary shall provide for the collection of data on limited English proficient students as part of the data systems operated by the Department.

"SEC. 3123. ACADEMIC EXCELLENCE AWARDS.

"(a) AUTHORITY.—The Secretary may make grants to State educational agencies to assist the agencies in recognizing local educational agencies and other public and nonprofit entities whose programs have—

"(1) demonstrated significant progress in assisting limited English proficient students to learn English according to age appropriate and developmentally appropriate standards; and

"(2) demonstrated significant progress in assisting limited English proficient children and youth to meet, according to age appropriate and developmentally appropriate standards, the same challenging State content standards as all children and youth are expected to meet.

"(b) APPLICATIONS.—A State educational agency desiring a grant under this section shall include an application for such grant in the application submitted by the agency under section 3124(e).

"SEC. 3124. STATE GRANT PROGRAM.

"(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's programs and other Federal education programs, effectively provides for the education of children and youth of limited English proficiency within the State.

"(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies and entities within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $200,000.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—A State educational agency shall use funds awarded under this section to—

"(A) assist local educational agencies in the State with activities that—

"(i) consist of program design, capacity building, assessment of student performance, program evaluation, and development of data collection and accountability systems for limited English proficient students; and

"(ii) are aligned with State reform efforts; and

"(B) collect data on the State's limited English proficient populations and document the services available to all such populations.

"(2) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children and youth.

"(3) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

"(d) STATE CONSULTATION.—A State educational agency receiving funds under this section shall consult with recipients of grants under this subpart and other individuals or organizations involved in the development or operation of programs serving limited English proficient children or youth to ensure that such funds are used in a manner consistent with the requirements of this subpart.

"(e) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(f) SUPPLEMENT NOT SUPPLANT.—Federal funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase the State funds that, in the absence of such Federal funds, would be made available for the purposes described in this section, and in no case to supplant such State funds.

"(g) REPORT TO THE SECRETARY.—A State educational agency receiving an award under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of the funds made available through the award.

"SEC. 3125. NATIONAL CLEARINGHOUSE FOR BILINGUAL EDUCATION.

"(a) ESTABLISHMENT.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about bilingual education and related programs.

"(b) FUNCTIONS.—The National Clearinghouse for Bilingual Education shall—

"(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system of clearinghouses supported by the Office of Educational Research and Improvement;

"(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

"(3) develop a database management and monitoring system for improving the operation and effectiveness of federally funded bilingual education programs;

"(4) develop, maintain, and disseminate a listing, by geographical area, of education professionals, parents, teachers, administrators, community members, and others, who are native speakers of languages other than English, for use as a resource by local educational agencies and schools in the development and implementation of bilingual education programs; and

"(5) publish, on an annual basis, a list of grant recipients under this subpart.

"SEC. 3126. INSTRUCTIONAL MATERIALS DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants for the development, publication, and dissemination of high-quality instructional materials—

"(1) in Native American languages (including Native Hawaiian languages and the language of Native American Pacific Islanders), and the language of natives of the outlying areas, for which instructional materials are not readily available; and

"(2) in other low-incidence languages in the United States for which instructional materials are not readily available.

"(b) PRIORITY.—In making the grants, the Secretary shall give priority to applicants for the grants who propose—

"(1) to develop instructional materials in languages indigenous to the United States or the outlying areas; and

"(2) to develop and evaluate materials, in collaboration with entities carrying out activities assisted under subpart 1 and this subpart, that are consistent with voluntary national content standards and challenging State content standards.

"Subpart 3—Professional Development

"SEC. 3131. PURPOSE.

"The purpose of this subpart is to assist in preparing educators to improve the educational services for limited English proficient children and youth by supporting professional development programs and the dissemination of information on appropriate instructional practices for such children and youth.

"SEC. 3132. TRAINING FOR ALL TEACHERS PROGRAM.

"(a) PURPOSE.—The purpose of this section is to provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into preservice and inservice professional development programs for individuals who are teachers, pupil services personnel, *administrators, or other education personnel in order to prepare such individuals to provide effective services to limited English proficient students.*

"(b) AUTHORIZATION.—

"(1) AUTHORITY.—The Secretary may award grants under this section to—

"(A) local educational agencies; or

"(B) 1 or more local educational agencies in a consortium with 1 or more State educational agencies, institutions of higher education, or nonprofit organizations.

"(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

"(c) AUTHORIZED ACTIVITIES.—

"(1) PROFESSIONAL DEVELOPMENT ACTIVITIES.—Grants awarded under this section shall be used to conduct high-quality, long-term professional development activities relating to meeting the needs of limited English proficient students, which may include—

"(A) developing and implementing induction programs for new teachers, including programs that provide mentoring and coaching by trained teachers, and team teaching with experienced teachers;

"(B) implementing school-based collaborative efforts among teachers to improve instruction in core academic areas, including reading, for students of limited English proficiency;

"(C) coordinating activities with entities carrying out other programs, such as other programs carried out under this title, title II, and the Head Start Act;

"(D) implementing programs that support effective teacher use of education technologies to improve instruction and assessment;

"(E) establishing and maintaining local professional networks;

"(F) developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served; and

"(G) carrying out such other activities as are consistent with the purpose of this section.

"(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used to conduct activities that include the development of training programs in collaboration with entities carrying out other programs, such as other programs authorized under this title, title II, and the Head Start Act.

"SEC. 3133. BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS.

"(a) PURPOSE.—The purpose of this section is to provide for—

"(1) preservice and inservice professional development for bilingual education teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency; and

"(2) national professional development institutes that assist schools or departments of education in institutions of higher education to improve the quality of professional development programs for personnel serving, preparing to serve, or who may serve, children and youth of limited English proficiency.

"(b) PROGRAM AUTHORIZED.—

"(1) GRANTS TO INSTITUTIONS OF HIGHER EDUCATION.—The Secretary is authorized to award grants for a period of not more than 5 years to institutions of higher education, in consortia with State educational agencies or local educational agencies, to achieve the purpose of this section.

"(2) GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES.—The Secretary is authorized to award grants for a period of not more than 5 years to State educational agencies and local educational agencies, for inservice professional development programs.

"(c) PRIORITY.—The Secretary shall give priority in awarding grants under this section to institutions of higher education, in consortia with State educational agencies or local educational agencies, that offer degree programs that prepare new bilingual education teachers for teaching in order to increase the availability of teachers to provide high-quality education to limited English proficient students.

"SEC. 3134. BILINGUAL EDUCATION CAREER LADDER PROGRAM.

"(a) PURPOSE.—The purpose of this section is—

"(1) to upgrade the qualifications and skills of noncertified educational personnel, especially educational paraprofessionals, to enable the personnel to meet high professional standards, including standards for certification and licensure as bilingual education teachers or for other types of educational personnel who serve limited English proficient students, through collaborative training programs operated by institutions of higher education and State educational agencies and local educational agencies; and

"(2) to help recruit and train secondary school students as bilingual education teachers and other types of educational personnel to serve limited English proficient students.

"(b) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary is authorized to award grants for bilingual education career ladder programs to institutions of higher education, in consortia with State educational agencies or local educational agencies, which consortia may include community-based organizations or professional education organizations.

"(2) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

"(c) PERMISSIBLE ACTIVITIES.—Grants awarded under this section may be used—

"(1) for the development of bilingual education career ladder program curricula appropriate to the needs of the consortium participants involved;

"(2) to provide assistance for stipends and costs related to tuition, fees, and books for enrolling in courses required to complete the degree, and certification or licensing requirements for bilingual education teachers; and

"(3) for programs to introduce secondary school students to careers in bilingual education teaching that are coordinated with other activities assisted under this section.

"(d) SPECIAL CONSIDERATION.—In awarding the grants, the Secretary shall give special consideration to an applicant proposing a program that provides for—

"(1) participant completion of teacher education programs for a baccalaureate or master's degree, and certification requirements, which programs may include effective employment placement activities;

"(2) development of teacher proficiency in English as a second language, including developing proficiency in the instructional use of English and, as appropriate, a second language in classroom contexts;

"(3) coordination with the Federal TRIO programs under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965, programs under title I of the National and Community Service Act of 1990, and other programs for the recruitment and retention of bilingual students in secondary and postsecondary programs to train the students to become bilingual educators; and

"(4) the applicant's contribution of additional student financial aid to participating students.

"SEC. 3135. GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM.

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—The Secretary may award fellowships for master's, doctoral, and post-doctoral study related to instruction of children and youth of limited English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to such study.

"(2) INFORMATION.—The Secretary shall include information on the operation of, and the number of fellowships awarded under, the fellowship program in the evaluation required under section 3138.

"(b) FELLOWSHIP REQUIREMENTS.—

"(1) IN GENERAL.—Any person receiving a fellowship under this section shall agree to—

"(A) work in an activity related to the program or in an activity such as an activity authorized under this part, including work as a bilingual education teacher, for a period of time equivalent to the period of time during which such person receives assistance under this section; or

"(B) repay such assistance.

"(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for such agreement as the Secretary determines to be reasonable and necessary and may waive the requirement of paragraph (1) in extraordinary circumstances.

"(c) PRIORITY.—In awarding fellowships under this section the Secretary may give priority to institutions of higher education that demonstrate experience in assisting fellowship recipients to find employment in the field of bilingual education.

"SEC. 3136. APPLICATION.

"(a) IN GENERAL.—

"(1) SECRETARY.—To receive an award under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

"(2) CONSULTATION AND ASSESSMENT.—Each such application shall contain a description of how the applicant has consulted with, and assessed the needs of, public and private schools serving children and youth of limited English proficiency to determine such schools' need for, and the design of, the program for which funds are sought.

"(3) SPECIAL RULE.—

"(A) TRAINING PRACTICUM.—An eligible entity who proposes to conduct a master's- or doctoral-level program with funds received under this subpart shall submit an application under this section that contains an assurance that such program will include, as a part of the program, a training practicum in a local school program serving children and youth of limited English proficiency.

"(B) WAIVER.—A recipient of a grant under this subpart for a program may waive the requirement that a participant in the program participate in the training practicum, for a degree candidate with significant experience in a local school program serving children and youth of limited English proficiency.

"(4) STATE EDUCATIONAL AGENCY.—An eligible entity that submits an application under this section, with the exception of a school funded by the Bureau of Indian Affairs, shall submit a copy of the application to the appropriate State educational agency.

"(b) STATE REVIEW AND COMMENTS.—

"(1) DEADLINE.—The State educational agency, not later than 45 days after receipt of such application, shall review the application and transmit such application to the Secretary.

"(2) COMMENTS.—

"(A) SUBMISSION OF COMMENTS.—Regarding applications submitted under this subpart, the State educational agency shall—

"(i) submit to the Secretary written comments regarding all such applications; and

"(ii) submit to each eligible entity the comments that pertain to such entity.

"(B) SUBJECT.—For purposes of this subpart, comments shall address—

"(i) how the activities to be carried out under the award will further the academic achievement and English proficiency of limited English proficient students served under the award; and

"(ii) how the application is consistent with the State plan required under section 1111.

"(c) ELIGIBLE ENTITY COMMENTS.—An eligible entity may submit to the Secretary comments that address the comments submitted by the State educational agency.

"(d) COMMENT CONSIDERATION.—In making awards under this subpart, the Secretary shall take into consideration comments made by State educational agencies.

"(e) WAIVER.—Notwithstanding subsection (b), the Secretary is authorized to waive the review requirement specified in subsection (b) if a State educational agency can demonstrate that such review requirement may impede such agency's ability to fulfill the requirements of participation in the program authorized in section 3124, particularly such agency's ability to carry out data collection efforts, and such agency's ability to provide technical assistance to local educational agencies not receiving funds under this Act.

"(f) SPECIAL RULE.—

"(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under title III of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions in activities under this subpart.

"(2) DISTRIBUTION RULE.—In making awards under this subpart, the Secretary, consistent with subsection (d), shall ensure adequate representation of Hispanic-serving institutions that demonstrate competence and experience concerning the programs and activities authorized under this subpart and are otherwise qualified.

"SEC. 3137. STIPENDS.

"The Secretary shall provide, for persons participating in training programs under this subpart, for the payment of such stipends (including allowances for subsistence and other expenses for such persons and their dependents), as the Secretary determines to be appropriate.

"SEC. 3138. PROGRAM EVALUATIONS.

"Each recipient of funds under this subpart for a program shall annually conduct an evaluation of the program and submit to the Secretary a report containing the evaluation. Such report shall include information on—

"(1) the number of participants served through the program, the number of participants who completed program requirements, and the number of participants who took positions in an instructional setting with limited English proficient students;

"(2) the effectiveness of the program in imparting the professional skills necessary for participants to achieve the objectives of the program; and

"(3) the teaching effectiveness of graduates of the program or other participants who have completed the program.

"SEC. 3139. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

"Awards under this subpart may be used to develop a program participant's competence in a second language for use in instructional programs.

"PART B—FOREIGN LANGUAGE ASSISTANCE PROGRAM

"SEC. 3201. SHORT TITLE.

"This part may be cited as the 'Foreign Language Assistance Act of 1994'.

"SEC. 3202. PROGRAM AUTHORIZED.

"(a) PROGRAM AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make grants, on a competitive basis, to State educational agencies or local educational agencies to pay the Federal share of the cost of innovative model programs providing for the establishment, improvement or expansion of foreign language study for elementary school and secondary school students.

"(2) DURATION.—Each grant under paragraph (1) shall be awarded for a period of 3 years.

"(b) REQUIREMENTS.—

"(1) GRANTS TO STATE EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a State educational agency, the Secretary shall support programs that promote systemic approaches to improving foreign language learning in the State.

"(2) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—In awarding a grant under subsection (a) to a local educational agency, the Secretary shall support programs that—

"(A) show the promise of being continued beyond the grant period;

"(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

"(C) may include a professional development component.

"(c) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share for each fiscal year shall be 50 percent.

"(2) WAIVER.—The Secretary may waive the requirement of paragraph (1) for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part.

"(3) SPECIAL RULE.—Not less than ¾ of the funds appropriated under section 3205 shall be used for the expansion of foreign language learning in the elementary grades.

"(4) RESERVATION.—The Secretary may reserve not more than 5 percent of funds appropriated under section 3205 to evaluate the efficacy of programs under this part.

"SEC. 3203. APPLICATIONS.

"(a) IN GENERAL.—Any State educational agency or local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such form, and containing such information and assurances as the Secretary may require.

"(b) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications describing programs that—

"(1) include intensive summer foreign language programs for professional development;

"(2) link non-native English speakers in the community with the schools in order to promote two-way language learning;

"(3) promote the sequential study of a foreign language for students, beginning in elementary schools;

"(4) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote foreign language study;

"(5) promote innovative activities such as foreign language immersion, partial foreign language immersion, or content-based instruction; and

"(6) are carried out through a consortium comprised of the agency receiving the grant and an elementary school or secondary school.

"SEC. 3204. ELEMENTARY SCHOOL FOREIGN LANGUAGE INCENTIVE PROGRAM.

"(a) INCENTIVE PAYMENTS.—From amounts appropriated under section 3205 the Secretary shall make an incentive payment for each fiscal year to each public elementary school that provides to students attending such school a program designed to lead to communicative competency in a foreign language.

"(b) AMOUNT.—The Secretary shall determine the amount of the incentive payment under subsection (a) for each public elementary school for each fiscal year on the basis of the number of students participating in a program described in such subsection at such school for such year compared to the total number of such students at all such schools in the United States for such year.

"(c) REQUIREMENT.—The Secretary shall consider a program to be designed to lead to communicative competency in a foreign language if such program is comparable to a program that provides not less than 45 minutes of instruction in a foreign language not less than 4 days per week throughout an academic year.

"SEC. 3205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $35,000,000 for the fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out this part, of which not more than $20,000,000 may be used in each fiscal year to carry out section 3204.

"PART C—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 3301. PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) the education of our Nation's children and youth is 1 of the most sacred government responsibilities;

"(2) local educational agencies have struggled to fund adequately education services;

"(3) in the case of Plyler v. Doe, 457 U.S. 202 (1982), the Supreme Court held that States have a responsibility under the Equal Protection Clause of the Constitution to educate all children, regardless of immigration status; and

"(4) immigration policy is solely a responsibility of the Federal Government.

"(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

"(1) provide high-quality instruction to immigrant children and youth; and

"(2) help such children and youth—

"(A) with their transition into American society; and

"(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 3302. STATE ADMINISTRATIVE COSTS.

"For any fiscal year, a State educational agency may reserve not more than 1.5 percent (2 percent if the State educational agency distributes funds received under this part to local educational agencies on a competitive basis) of the amount allocated to such agency under section 3304 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 3303. WITHHOLDING.

"Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 3304. STATE ALLOCATIONS.

"(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section,

make payments to State educational agencies for each of the fiscal years 2002 through 2008 for the purpose set forth in section 3301.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary schools or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

“(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary schools or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary schools or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

“(A) at least 500; or

“(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever is less.

“(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

“(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

“(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

“(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to 1 or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

“(e) RESERVATION OF FUNDS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

“(A) AGENCIES WITH IMMIGRANT CHILDREN AND YOUTH.—At least ½ of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

“(B) AGENCIES WITH A SUDDEN INFLUX OF CHILDREN AND YOUTH.—Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

“(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 3307.

“(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

“SEC. 3305. STATE APPLICATIONS.

“(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

“(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

“(2) provide assurances that payments under this part will be used for purposes set forth in sections 3301 and 3307, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act, and other Acts as appropriate;

“(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

“(4) provide assurances that such payments, with the exception of payments reserved under section 3304(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 3304(b)(1);

“(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

“(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

“(7) provide assurances—

“(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary schools or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

“(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purpose provided in this part, and a public agency shall administer such funds and property; and

“(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary school or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

“(8) provide that funds reserved under section 3304(e) be awarded on a competitive basis based on merit and need in accordance with such section; and

“(9) provide an assurance that State educational agencies and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

“(b) APPLICATION REVIEW.—

“(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

“(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

“(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

“SEC. 3306. ADMINISTRATIVE PROVISIONS.

“(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 3305 of the amount of such agency's allocation under section 3304 for the succeeding year.

“(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in nonpublic elementary schools and secondary schools, as required by section 3305(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

“SEC. 3307. USES OF FUNDS.

“(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

“(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

“(5) basic instructional services which are directly attributable to the presence in the school

district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

"(6) such other activities, related to the purpose of this part, as the Secretary may authorize.

"(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with 1 or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

"(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

"(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 3308. REPORTS.

"(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

"(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part.

"SEC. 3309. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated $200,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART D—STATE AND LOCAL GRANTS FOR LANGUAGE MINORITY STUDENTS

"SEC. 3321. POLICY AND PURPOSE.

"(a) POLICY.—It is the policy of the United States that, in order to ensure equal educational opportunity for all children and youth, and to promote educational excellence, the Federal Government should—

"(1) assist States and, through the States, local educational agencies and schools to build their capacity to establish, implement, and sustain programs of instruction and English language development for limited English proficient students;

"(2) hold States and, through the States, local educational agencies and schools accountable for increases in English proficiency and core content knowledge among limited English proficient students; and

"(3) promote parental and community participation in programs for limited English proficient students.

"(b) PURPOSES.—The purposes of this part are—

"(1) to assist all limited English proficient students, including recent immigrant students, to attain English proficiency as quickly and as effectively as possible;

"(2) to assist all limited English proficient students, including recent immigrant students, to achieve at high levels in the core academic subjects so that those students can meet the same challenging State content and student performance standards as all students are expected to meet, as required by section 1111(b)(1); and

"(3) to provide the assistance described in paragraphs (1) and (2) by—

"(A) streamlining language instruction educational programs into a program carried out through performance-based grants for State and local educational agencies to help limited English proficient students, including recent immigrant students, develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

"(B) requiring States and, through the States, local educational agencies and schools to—

"(i) demonstrate improvements in the English proficiency of limited English proficient students each fiscal year; and

"(ii) make adequate yearly progress with limited English proficient students, including recent immigrant students, as described in section 1111(b)(2); and

"(C) providing State educational agencies and local educational agencies with the flexibility to implement the instructional programs, tied to scientifically based research, that the agencies believe to be the most effective for teaching English.

"SEC. 3322. DEFINITIONS.

"Except as otherwise provided, in this part:

"(1) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' has the meaning given the term in section 2102.

"(2) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not been attending 1 or more schools in any 1 or more States for more than 3 full academic years.

"(3) LANGUAGE INSTRUCTION EDUCATIONAL PROGRAM.—The term 'language instruction educational program' means an instructional course—

"(A) in which a limited English proficient student is placed for the purpose of developing proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1); and

"(B) which may make instructional use of both English and a student's native language to develop English proficiency as quickly and as effectively as possible, and may include the participation of English proficient students if such course is designed to enable all participating students to become proficient in English and a second language.

"(4) LIMITED ENGLISH PROFICIENT STUDENT.—The term 'limited English proficient student' means an individual—

"(A) who is aged 3 through 21;

"(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

"(C)(i) who was not born in the United States or whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

"(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

"(II) who comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

"(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(D) who has sufficient difficulty speaking, reading, writing, or understanding the English language, and whose difficulties may deny the individual—

"(i) the ability to meet the State's proficient level of performance on State assessments described in section 1111(b)(3);

"(ii) the opportunity to learn successfully in classrooms where the language of instruction is English; or

"(iii) the opportunity to participate fully in society.

"(5) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes a consortium of such agencies.

"(6) NATIVE LANGUAGE.—The term 'native language', used with reference to a limited English proficient student, means the language normally used by the parents of the student.

"(7) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research', used with respect to an activity or program authorized under this part, means an activity or program based on specific strategies and implementation of such strategies that, based on sound educational theory, research, and an evaluation (including a comparison of program characteristics), are effective in improving student achievement and performance and other program objectives.

"(8) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means a local educational agency in a State that does not participate in a program under this part for a fiscal year.

"(9) STATE.—The term 'State' means each of the 50 States of the United States and the District of Columbia.

"SEC. 3323. PROGRAM AUTHORIZED.

"(a) GRANTS AUTHORIZED.—The Secretary shall award grants, from allotments under subsection (b), to each State having a State plan approved under section 3325(c), to enable the State to help limited English proficient students become proficient in English.

"(b) RESERVATIONS AND ALLOTMENTS.—

"(1) RESERVATIONS.—From the amount appropriated under 3003(b) to carry out this part for each fiscal year, the Secretary shall reserve—

"(A) ½ of 1 percent of such amount for payments to the Secretary of the Interior for activities approved by the Secretary of Education, consistent with this part, in schools operated or supported by the Bureau of Indian Affairs, on the basis of their respective needs;

"(B) ½ of 1 percent of such amount for payments to outlying areas, to be allotted in accordance with their respective needs for assistance under this part as determined by the Secretary, for activities, approved by the Secretary, consistent with this part;

"(C) ½ of 1 percent of such amount for payments to the Commonwealth of Puerto Rico, for activities, approved by the Secretary, consistent with this part;

"(D) 6 percent of such amount to carry out national activities under section 3332; and

"(E) such sums as may be necessary to make continuation awards under paragraph (4).

"(2) STATE ALLOTMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), from the amount appropriated under 3003(b) for any fiscal year that remains after making reservations under paragraph (1), the Secretary shall allot to each State having a State plan approved under section 3325(c)—

"(i) an amount that bears the same relationship to 67 percent of the remainder as the number of limited English proficient students in the State bears to the number of such students in all States; and

"(ii) an amount that bears the same relationship to 33 percent of the remainder as the number of immigrant children and youth in the State bears to the number of such children and youth in all States.

“(B) MINIMUM ALLOTMENTS.—No State shall receive an allotment under this paragraph that is less than ½ of 1 percent of the amount available for allotments under this paragraph.

“(3) DATA.—For purposes of paragraph (2), for the purpose of determining the number of limited English proficient students in a State and in all States, and the number of immigrant children and youth in a State and in all States, for each fiscal year, the Secretary shall use data that will yield the most accurate, up-to-date numbers of such students, which may include—

“(A) data available from the Bureau of the Census; or

“(B) data submitted to the Secretary by the States.

“(4) CONTINUATION AWARDS.—

“(A) IN GENERAL.—Before making allotments to States under paragraph (2) for any fiscal year, the Secretary shall use the sums reserved under paragraph (1)(E) to make continuation awards to recipients who received grants or fellowships for the fiscal year before the first fiscal year described in section 3003(b) under—

“(i) subparts 1 and 3 of part A of title VII (as in effect on the day before the effective date of the Better Education for Students and Teachers Act); or

“(ii) subparts 1 and 3 of part A.

“(B) USE OF FUNDS.—The Secretary shall make the grants in order to allow such recipients to receive awards for the complete period of their grants or fellowships under the appropriate subparts.

“(c) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

“(1) NONPARTICIPATING STATE.—If a State educational agency chooses not to participate in a program under this part for a fiscal year, or fails to submit an approvable application under section 3325 for a fiscal year, a specially qualified agency in such State desiring a grant under this part for the fiscal year shall apply directly to the Secretary to receive a grant under this subsection.

“(2) DIRECT AWARDS.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (b)(2) directly to specially qualified agencies in the State desiring a grant under this part and having an application approved under section 3325(c).

“(3) ADMINISTRATIVE FUNDS.—A specially qualified agency that receives a direct grant under this subsection may use not more than 1 percent of the grant funds for a fiscal year for the administrative costs of carrying out this part.

“(d) REALLOTMENT.—Whenever the Secretary determines that any amount of a payment made to a State or specially qualified agency under this part for a fiscal year will not be used by the State or agency for the purpose for which the payment was made, the Secretary shall, in accordance with such rules as the Secretary determines to be appropriate, make such amount available to other States or specially qualified agencies for carrying out that purpose.

“SEC. 3324. WITHIN-STATE ALLOCATIONS.

“(a) GRANT AWARDS.—Each State educational agency receiving a grant under this part for a fiscal year shall use a portion equal to at least 95 percent of the agency's allotment under section 3323(b)(2)—

“(1) to award grants, from allocations under subsection (b), to local educational agencies in the State to carry out the activities described in section 3327(b); and

“(2) to make grants under subsection (c) to local educational agencies in the State that are described in that subsection to carry out the activities described in section 3327(c).

“(b) ALLOCATION FORMULA.—

“(1) IN GENERAL.—After making the reservations under subsection (c), each State educational agency receiving a grant under section 3323(b)(2) shall award grants for a fiscal year by allocating to each local educational agency in the State having a plan approved under section 3326 an amount that bears the same relationship to the portion described in subsection (a)(1) and remaining after the reservations as the population of limited English proficient students in schools served by the local educational agency bears to the population of limited English proficient students in schools served by all local educational agencies in the State.

“(2) AMOUNT OF GRANTS.—A State shall not award a grant from an allocation made under this subsection in an amount of less than $10,000.

“(c) RESERVATIONS.—

“(1) GRANTS TO LOCAL EDUCATIONAL AGENCIES THAT EXPERIENCE SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—

“(A) IN GENERAL.—A State educational agency receiving a grant under this part for a fiscal year shall reserve a portion equal to not more than 15 percent of the agency's allotment under section 3323(b)(2) to award grants to local educational agencies in the State that experience a substantial increase in the number of immigrant children and youth enrolled in public elementary schools and secondary schools under the jurisdiction of the agencies.

“(B) SUBSTANTIAL INCREASE.—For the purpose of this paragraph, the term ‘substantial increase’, used with respect to the number of immigrant children and youth enrolled in schools for a fiscal year, means—

“(i) an increase of not less than 20 percent, or of not fewer than 50 individuals, in the number of such children and youth so enrolled, relative to the preceding year; or

“(ii) an increase of not less than 20 percent in such number, relative to the preceding year, in the case of a local educational agency that has limited or no experience in serving limited English proficient students.

“(2) STATE ACTIVITIES.—Each State educational agency receiving a grant under this part may reserve not more than 5 percent of the agency's allotment under section 3323(b)(2) to carry out State activities described in the State plan submitted under section 3325.

“(3) ADMINISTRATIVE EXPENSES.—From the amount reserved under paragraph (2), a State educational agency may use not more than 2 percent for the planning costs and administrative costs of carrying out the State activities described in the State plan and providing grants to local educational agencies.

“SEC. 3325. STATE AND SPECIALLY QUALIFIED AGENCY PLANS.

“(a) PLAN REQUIRED.—Each State educational agency and specially qualified agency desiring a grant under this part shall submit a plan to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(b) CONTENTS.—Each plan submitted under subsection (a) shall—

“(1) describe how the State or specially qualified agency will establish standards and benchmarks for English language proficiency that are derived from the 4 recognized domains of speaking, listening, reading, and writing, and that are aligned with achievement of the State content and student performance standards described in section 1111(b)(1);

“(2) contain an assurance that the—

“(A) State educational agency consulted with local educational agencies, education-related community groups and nonprofit organizations, parents, teachers, school administrators, and second language acquisition specialists, in setting the performance objectives; or

“(B) specially qualified agency consulted with education-related community groups and nonprofit organizations, parents, teachers, and second language acquisition specialists, in setting the performance objectives described in section 3329;

“(3) describe how—

“(A) in the case of a State educational agency, the State educational agency will hold local educational agencies and elementary schools and secondary schools accountable for—

“(i) meeting all performance objectives described in section 3329;

“(ii) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

“(iii) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this part develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1); and

“(B) in the case of a specially qualified agency, the agency will hold elementary schools and secondary schools accountable for—

“(i) meeting all performance objectives described in section 3329;

“(ii) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

“(iii) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this part develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(4) in the case of a specially qualified agency, describe the activities for which assistance is sought, and how the activities will increase the effectiveness with which students develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(5) in the case of a State educational agency, describe how local educational agencies in the State will be given the flexibility to teach limited English proficient students—

“(A) using a language instruction curriculum that is tied to scientifically based research and has been demonstrated to be effective; and

“(B) in the manner the local educational agencies determine to be the most effective; and

“(6) describe how—

“(A) in the case of a State educational agency, the State educational agency will, if requested—

“(i) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of identifying and implementing language instruction educational programs and curricula that are tied to scientifically based research;

“(ii) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of helping limited English proficient students meet the same challenging State content standards and challenging State student performance standards as all students are expected to meet;

“(iii) provide technical assistance to local educational agencies and elementary schools and secondary schools to identify or develop and implement measures of English language proficiency; and

“(iv) provide technical assistance to local educational agencies and elementary schools and secondary schools for the purposes of promoting parental and community participation in programs that serve limited English proficient students; and

“(B) in the case of a specially qualified agency, the specially qualified agency will—

“(i) provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes of identifying and implementing programs and curricula that are tied to scientifically based research; and

“(ii) provide technical assistance to elementary schools and secondary schools served by the specially qualified agency for the purposes described in clauses (ii), (iii), and (iv) of subparagraph (A).

“(c) APPROVAL.—The Secretary, after using a peer review process, shall approve a State plan or a specially qualified agency plan if the plan meets the requirements of this section, and holds reasonable promise of achieving the purposes described in section 3321(b).

“(d) DURATION OF THE PLAN.—

“(1) IN GENERAL.—Each State plan or specially qualified agency plan shall—

“(A) remain in effect for the duration of the State educational agency's or specially qualified agency's participation under this part; and

“(B) be periodically reviewed and revised by the State educational agency or specially qualified agency, as necessary, to reflect changes to the State's or specially qualified agency's strategies and programs carried out under this part.

“(2) ADDITIONAL INFORMATION.—

“(A) SIGNIFICANT CHANGES.—If the State educational agency or specially qualified agency makes significant changes to the plan, such as the adoption of new performance objectives or assessment measures, the State educational agency or specially qualified agency shall submit information regarding the significant changes to the Secretary.

“(B) APPROVAL.—The Secretary shall approve such changes to an approved plan, unless the Secretary determines that the changes will not result in the State or specially qualified agency meeting the requirements, or fulfilling the purposes, of this part.

“(e) CONSOLIDATED PLAN.—A State plan submitted under subsection (a) may be submitted as part of a consolidated plan under section 5502.

“(f) SECRETARY ASSISTANCE.—The Secretary shall provide technical assistance, if requested, in the development of English language development standards and English language proficiency assessments.

“SEC. 3326. LOCAL PLANS.

“(a) PLAN REQUIRED.—Each local educational agency desiring a grant from the State educational agency under section 3324 shall submit a plan to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require.

“(b) CONTENTS.—Each plan submitted under subsection (a) shall—

“(1) describe how the local educational agency will use the grant funds to meet all performance objectives described in section 3329;

“(2) describe how the local educational agency will hold elementary schools and secondary schools accountable for—

“(A) meeting the performance objectives;

“(B) making adequate yearly progress with limited English proficient students as described in section 1111(b)(2); and

“(C) annually measuring the English language proficiency of limited English proficient students, so that such students served by the programs carried out under this part develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1);

“(3) describe how the local educational agency will promote parental and community participation in programs for limited English proficient students;

“(4) contain an assurance that the local educational agency consulted with teachers (including second language acquisition specialists), school administrators, and parents, and, if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education, in developing the local educational agency plan;

“(5) describe how the local educational agency will use the disaggregated results of the student assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency under this part and under title I to determine whether the schools are making the adequate yearly progress necessary to ensure that limited English proficient students attending the schools will meet the State's proficient level of performance on the State assessment described in section 1111(b)(3) within 10 years after the date of enactment of the Better Education for Students and Teachers Act; and

“(6) describe how language instruction educational programs will ensure that limited English proficient students being served by the programs develop English language proficiency as quickly and as effectively as possible.

“SEC. 3327. USES OF FUNDS.

“(a) ADMINISTRATIVE EXPENSES.—Each local educational agency receiving grant funds under section 3324(b) for a fiscal year may use, from those grant funds, not more than 1 percent of the grant funds the agency receives under section 3324 for the fiscal year for the cost of administering this part.

“(b) ACTIVITIES.—Each local educational agency receiving grant funds under section 3324(b)—

“(1) shall use the grant funds that are not used under subsection (a)—

“(A) to increase limited English proficient students' proficiency in English by providing high-quality language instruction educational programs that are—

“(i) tied to scientifically based research demonstrating the effectiveness of the programs in increasing English proficiency; and

“(ii) tied to scientifically based research demonstrating the effectiveness of the programs in increasing student performance in the core academic subjects; and

“(B) to provide high-quality professional development activities for teachers of limited English proficient students, including teachers in classroom settings that are not the settings of language instruction educational programs, that are—

“(i) designed to enhance the ability of the teachers to understand and use curricula, assessment measures, and instructional strategies for limited English proficient students;

“(ii) tied to scientifically based research demonstrating the effectiveness of those activities in increasing students' English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of those teachers; and

“(iii) of sufficient intensity and duration (not to include activities such as 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teachers' performance in the classroom, except that this clause shall not apply to an activity that is 1 component described in a long-term, comprehensive professional development plan established by a teacher and the teacher's supervisor based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and the local educational agency; and

“(2) may use the grant funds that are not used under subsection (a) to provide parental and community participation programs that are designed to improve language instruction educational programs for limited English proficient students, and to assist parents to become active participants in the education of their children.

“(c) ACTIVITIES BY AGENCIES EXPERIENCING SUBSTANTIAL INCREASES IN IMMIGRANT CHILDREN AND YOUTH.—Each local educational agency receiving grant funds under section 3324(c)(1) shall use the grant funds to pay for activities that provide enhanced instructional opportunities for such children and youth, which may include—

“(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

“(2) payment of salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

“(3) provision of tutorials, mentoring, and academic or career counseling for immigrant children and youth;

“(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program carried out with the grant involved;

“(5) basic instructional services that are directly attributable to the presence in the school district involved of immigrant children and youth, including the payment of costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition, or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services;

“(6) other instructional services that are designed to assist immigrant students to achieve in elementary and secondary schools in the United States, such as literacy programs, programs of introduction to the educational system, and civics education; and

“(7) activities, coordinated with community-based organizations, institutions of higher education, private sector entities, or other entities with expertise in working with immigrants, to assist parents of immigrant students by offering comprehensive community social services, such as English as a second language courses, health care, job training, child care, and transportation services.

“(d) SUPPLEMENT NOT SUPPLANT.—Funds appropriated to carry out this part shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

“SEC. 3328. PROGRAM REQUIREMENTS.

“(a) PROHIBITION.—In carrying out this part, the Secretary shall neither mandate nor preclude the use of a particular curricular or pedagogical approach to educating limited English proficient students.

“(b) TEACHER ENGLISH FLUENCY.—Each local educational agency receiving grant funds under section 3324 shall certify to the State educational agency that all teachers in any language instruction educational program for limited English proficient students funded under this part are fluent in English and any other language used for instruction.

“SEC. 3329. PERFORMANCE OBJECTIVES.

“(a) IN GENERAL.—Each State educational agency or specially qualified agency receiving a grant under this part shall develop annual measurable performance objectives that are research-based, and age- and developmentally appropriate, with respect to helping limited English proficient students develop proficiency in English as quickly and as effectively as possible, while meeting State content and student performance standards as required by section 1111(b)(1). For each annual measurable performance objective, the agency shall specify an incremental percentage increase for the objective to be attained for each of the fiscal years (after the first fiscal year) for which the agency receives a grant under this part, relative to the preceding fiscal year, including increases in the

number of limited English proficient students demonstrating an increase in performance on annual assessments.

"(b) ACCOUNTABILITY.—

"(1) FOR STATES.—Each State educational agency receiving a grant under this part shall be held accountable for meeting the annual measurable performance objectives under this part and the adequate yearly progress levels for limited English proficient students under section 1111(b)(2)(B). Any State educational agency that fails to meet the annual performance objectives shall be subject to sanctions under section 6202.

"(2) FOR SPECIALLY QUALIFIED AGENCIES.—Each specially qualified agency receiving a grant under this part shall be held accountable for meeting annual measurable performance objectives, be held accountable for making yearly progress, and be subject to sanctions, in a manner that the Secretary determines is appropriate and comparable to the manner used for State educational agencies specified in paragraph (1).

"SEC. 3330. REGULATIONS AND NOTIFICATION.

"(a) REGULATION RULE.—In developing regulations under this part, the Secretary shall consult with State educational agencies, local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in the education of limited English proficient students.

"(b) PARENTAL NOTIFICATION.—

"(1) IN GENERAL.—Each local educational agency participating in a language instruction educational program under this part shall notify parents of a student participating in the program of—

"(A) the student's level of English proficiency, how that level was assessed, the status of the student's academic achievement, and the implications of the student's educational strengths and needs for age- and grade-appropriate academic attainment, grade promotion, and graduation;

"(B)(i) the programs that are available to meet the student's educational strengths and needs, and how those programs differ in content and instructional goals from other language instruction educational programs that serve limited English proficient students; and

"(ii) in the case of a student with a disability who participates in the language instruction educational program, how the program meets the objectives of the individualized education program of the student;

"(C)(i) the instructional goals of the language instruction educational program in which the student participates, and how the program will specifically help the limited English proficient student learn English and meet age-appropriate standards for grade promotion and graduation;

"(ii) the characteristics, benefits, and past academic results of the language instruction educational program and of instructional alternatives; and

"(iii) the reasons the student was identified as being in need of a language instruction educational program; and

"(D) how parents can participate and be involved in the language instruction educational program in order to help their children achieve.

"(2) OPTION TO DECLINE.—

"(A) IN GENERAL.—Each parent described in paragraph (1) shall also be informed that the parent has the option of declining the enrollment of the student in a language instruction educational program, and shall be given an opportunity to decline that enrollment if the parent so chooses.

"(B) OBLIGATIONS.—A local educational agency shall not be relieved of any of the agency's obligations under title VI of the Civil Rights Act of 1964 because a parent chooses not to enroll a student in a language instruction educational program.

"(3) RECEIPT OF INFORMATION.—A parent described in paragraph (1) shall receive the information required by this subsection in a manner and form understandable to the parent including, if necessary and to the extent feasible, receiving the information in the language normally used by the parent. The parent shall receive—

"(A) timely information about programs funded under this part; and

"(B) notice of opportunities, if applicable, for regular meetings for the purpose of formulating and responding to recommendations from parents of students assisted under this part.

"(4) SPECIAL RULE.—A student shall not be admitted to, or excluded from, any federally assisted language instruction educational program solely on the basis of a surname or language-minority status.

"(5) LIMITATIONS ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State's, local educational agency's, elementary school's, or secondary school's specific challenging English language development standards or assessments, curriculum, or program of instruction, as a condition of eligibility to receive grant funds under this part.

"SEC. 3331. ADMINISTRATION.

"(a) STATE AND LOCAL PROGRAMS.—This part shall be in effect only in a fiscal year described in section 3003(b).

"(b) OTHER LAW.—In such a fiscal year—

"(1) parts A, C, E (other than section 3405), and F shall not be in effect; and

"(2) section 3404 shall apply only with respect to grants provided and activities carried out under part B and this part.

"(c) REFERENCES.—In such a fiscal year, references in Federal law to part A shall be considered to be references to this part.

"SEC. 3332. NATIONAL LEADERSHIP ACTIVITIES TO ENSURE EDUCATIONAL EXCELLENCE FOR LIMITED ENGLISH PROFICIENT STUDENTS.

"(a) IN GENERAL.—The Secretary shall use funds made available under section 3323(b)(1)(D) to carry out each of the activities described in subsections (b) and (c).

"(b) NATIONAL PROFESSIONAL DEVELOPMENT PROJECT.—The Secretary shall award grants on a competitive basis, for a period of not more than 5 years, to institutions of higher education (in consortia with State educational agencies or local educational agencies) to provide for professional development activities that will improve classroom instruction for limited English proficient students and assist educational personnel working with such students to meet high professional standards, including standards for certification and licensure as bilingual education teachers. Grants awarded under this subsection may be used—

"(1) for inservice professional development programs that serve teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, a language instruction educational program;

"(2) for preservice professional development programs that will assist local schools and institutions of higher education to upgrade the qualifications and skills of educational personnel who are not certified or licensed, especially educational paraprofessionals;

"(3) for the development of curricula appropriate to the needs of the consortia participants involved; and

"(4) for financial assistance and costs related to tuition, fees, and books for enrolling in courses required to complete the degree involved, and meet certification or licensing requirements for bilingual education teachers.

"(c) NATIONAL CLEARINGHOUSE.—The Secretary shall establish and support the operation of a National Clearinghouse for Bilingual Education, which shall collect, analyze, synthesize, and disseminate information about second language acquisition programs for limited English proficient students, and related programs. The National Clearinghouse shall—

"(1) be administered as an adjunct clearinghouse of the Educational Resources Information Center Clearinghouses system supported by the Office of Educational Research and Improvement;

"(2) coordinate activities with Federal data and information clearinghouses and entities operating Federal dissemination networks and systems;

"(3) develop a database management and monitoring system for improving the operation and effectiveness of federally funded language instruction educational programs;

"(4) disseminate information on best practices related to—

"(A) the development of accountability systems that monitor the academic progress of limited English proficient students in language instruction educational programs; and

"(B) the development of standards and English language proficiency assessments for language instruction educational programs;

"(5) develop, maintain, and disseminate a listing, by geographical area, of education professionals, parents, teachers, administrators, community members, and others, who are native speakers of languages other than English, for use as a resource by local educational agencies and schools in the development and implementation of language instruction educational programs; and

"(6) publish, on an annual basis, a list of grant recipients under this section.

"PART E—ADMINISTRATION

"SEC. 3401. RELEASE TIME.

"The Secretary shall allow entities carrying out professional development programs funded under part A to use funds provided under part A for professional release time to enable individuals to participate in programs assisted under part A.

"SEC. 3402. EDUCATION TECHNOLOGY.

"Funds made available under part A may be used to provide for the acquisition or development of education technology or instructional materials, including authentic materials in languages other than English, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs such as those funded under this title.

"SEC. 3403. NOTIFICATION.

"The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under part A is made to an eligible entity within the State.

"SEC. 3404. CONTINUED ELIGIBILITY.

"Entities receiving grants under this title shall remain eligible for grants for subsequent activities which extend or expand and do not duplicate those activities supported by a previous grant under this title. In considering applications for grants under this title, the Secretary shall take into consideration the applicant's record of accomplishments under previous grants under this title.

"SEC. 3405. COORDINATION AND REPORTING REQUIREMENTS.

"(a) COORDINATION WITH RELATED PROGRAMS.—In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency,

the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies. The Secretary shall consult with the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Agriculture, the Attorney General and the heads of other relevant agencies to identify and eliminate barriers to appropriate coordination of programs that affect language-minority and limited English proficient students and their families. The Secretary shall provide for continuing consultation and collaboration, between the Office and relevant programs operated by the Department, including programs under this title and other programs under this Act, in planning, contracts, providing joint technical assistance, providing joint field monitoring activities and in other relevant activities to ensure effective program coordination to provide high quality education opportunities to all language-minority and limited English proficient students.

“(b) DATA.—The Secretary shall, to the extent feasible, ensure that all data collected by the Department shall include the collection and reporting of data on limited English proficient students.

“(c) PUBLICATION OF PROPOSALS.—The Secretary shall publish and disseminate all requests for proposals for programs funded under part A.

“(d) REPORT.—The Director shall prepare and, not later than February 1 of every other year, shall submit to the Secretary and to the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and the Workforce of the House of Representatives a report on—

“(1) the activities carried out under this title and the effectiveness of such activities in improving the education provided to limited English proficient children and youth;

“(2) a critical synthesis of data reported by the States pursuant to section 3124;

“(3) an estimate of the number of certified bilingual education personnel in the field and an estimate of the number of bilingual education teachers which will be needed for the succeeding 5 fiscal years;

“(4) the major findings of research carried out under this title; and

“(5) recommendations for further developing the capacity of our Nation's schools to educate effectively limited English proficient students.

“PART F—GENERAL PROVISIONS

“SEC. 3501. DEFINITIONS.

“Except as otherwise provided, in this title:

“(1) BILINGUAL EDUCATION PROGRAM.—The term ‘bilingual education program’ means an educational program for limited English proficient students that—

“(A) makes instructional use of both English and a student's native language;

“(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards;

“(C) may also develop the native language skills of limited English proficient students, or ancestral language skills of American Indians (within the meaning of part A of title VII), Alaska Natives (as defined in section 7306), Native Hawaiians (as defined in section 7207), and native residents of the outlying areas; and

“(D) may include the participation of English proficient students if such program is designed to enable all enrolled students to become proficient in English and a second language.

“(2) CHILDREN AND YOUTH.—The term ‘children and youth’ means individuals aged 3 through 21.

“(3) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority (as such terms are defined in section 3004) that is representative of a community or significant segments of a community and that provides educational or related services to individuals in the community. Such term includes Native Hawaiian organizations including Native Hawaiian Educational Organizations as such term is defined in section 4009 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994.

“(4) COMMUNITY COLLEGE.—The term ‘community college’ means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 that provides not less than a 2-year program that is acceptable for full credit toward a bachelor's degree, including institutions receiving assistance under the Tribally Controlled College or University Assistance Act of 1978.

“(5) DIRECTOR.—The term ‘Director’ means the Director of the Office of Bilingual Education and Minority Languages Affairs established under section 209 of the Department of Education Organization Act.

“(6) FAMILY EDUCATION PROGRAM.—

“(A) IN GENERAL.—The term ‘family education program’ means a bilingual education or special alternative instructional program that—

“(i) is designed—

“(I) to help limited English proficient adults and out-of-school youths achieve proficiency in the English language; and

“(II) to provide instruction on how parents and family members can facilitate the educational achievement of their children;

“(ii) when feasible, uses instructional programs such as the models developed under the Even Start Family Literacy Programs, which promote adult literacy and train parents to support the educational growth of their children, the Parents as Teachers Program, and the Home Instruction Program for Preschool Youngsters; and

“(iii) gives preference to participation by parents and immediate family members of children attending school.

“(B) INSTRUCTION FOR HIGHER EDUCATION AND EMPLOYMENT.—Such term may include programs that provide instruction to facilitate higher education and employment outcomes.

“(7) IMMIGRANT CHILDREN AND YOUTH.—The term ‘immigrant children and youth’ means individuals who—

“(A) are aged 3 through 21;

“(B) were not born in any State; and

“(C) have not been attending 1 or more schools in any 1 or more States for more than 3 full academic years.

“(8) LIMITED ENGLISH PROFICIENCY AND LIMITED ENGLISH PROFICIENT.—The terms ‘limited English proficiency’ and ‘limited English proficient’, when used with reference to an individual, mean an individual—

“(A)(i) who was not born in the United States, or whose native language is a language other than English, and who comes from an environment where a language other than English is dominant;

“(ii) who is a Native American or Alaska Native, or is a native resident of the outlying areas, and comes from an environment where a language other than English has had a significant impact on such individual's level of English language proficiency; or

“(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

“(B) who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in society.

“(9) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ‘Native American’ and ‘Native American language’ shall have the meanings given such terms in section 103 of the Native American Languages Act.

“(10) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term ‘Native Hawaiian or Native American Pacific Islander native language educational organization’ means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in the organization's educational programs and with not less than 5 years successful experience in providing educational services in traditional Native American languages.

“(11) NATIVE LANGUAGE.—The term ‘native language’, when used with reference to an individual of limited English proficiency, means the language normally used by such individual, or in the case of a child or youth, the language normally used by the parents of the child or youth.

“(12) OFFICE.—The term ‘Office’ means the Office of Bilingual Education and Minority Languages Affairs.

“(13) OTHER PROGRAMS FOR PERSONS OF LIMITED ENGLISH PROFICIENCY.—The term ‘other programs for persons of limited English proficiency’ means any other programs administered by the Secretary that serve persons of limited English proficiency.

“(14) PARAPROFESSIONAL.—The term ‘paraprofessional’ means an individual who is employed in a preschool, elementary school, or secondary school under the supervision of a certified or licensed teacher, including individuals employed in bilingual education, special education and migrant education.

“(15) SPECIAL ALTERNATIVE INSTRUCTIONAL PROGRAM.—The term ‘special alternative instructional program’ means an educational program for limited English proficient students that—

“(A) utilizes specially designed English language curricula and services but does not use the student's native language for instructional purposes;

“(B) enables limited English proficient students to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, so as to meet age-appropriate grade-promotion and graduation standards; and

“(C) is particularly appropriate for schools where the diversity of the limited English proficient students' native languages and the small number of students speaking each respective language makes bilingual education impractical and where there is a critical shortage of bilingual education teachers.

“SEC. 3502. REGULATIONS AND NOTIFICATION.

“(a) REGULATION RULE.—In developing regulations under this title, the Secretary shall consult with State educational agencies and local educational agencies, organizations representing limited English proficient individuals, and organizations representing teachers and other personnel involved in bilingual education.

“(b) PARENTAL NOTIFICATION.—

“(1) IN GENERAL.—Parents of children and youth participating in programs assisted under part A shall be informed of—

“(A) a student's level of English proficiency, how such level was assessed, the status of a student's academic achievement, and the implications of a student's educational strengths and

needs for age and grade appropriate academic attainment, promotion, and graduation;

"(B) what programs are available to meet the student's educational strengths and needs and how the programs differ in content and instructional goals, and in the case of a student with a disability, how the program meets the objectives of a student's individualized education program; and

"(C) the instructional goals of the bilingual education or special alternative instructional program, and how the program will specifically help the limited English proficient student acquire English and meet age-appropriate standards for grade promotion and graduation, including—

"(i) the benefits, nature, and past academic results of the bilingual educational program and of the instructional alternatives; and

"(ii) the reasons for the selection of their child as being in need of bilingual education.

"(2) OPTION TO DECLINE.—

"(A) IN GENERAL.—Such parents shall also be informed that such parents have the option of declining enrollment of their children and youth in such programs and shall be given an opportunity to so decline if such parents so choose.

"(B) CIVIL RIGHTS OBLIGATIONS.—A local educational agency shall not be relieved of any of its obligations under title VI of the Civil Rights Act of 1964 because parents choose not to enroll their children in programs carried out under part A.

"(3) RECEIPT OF INFORMATION.—Such parents shall receive, in a manner and form understandable to such parents, including, if necessary and to the extent feasible, in the native language of such parents, the information required by this subsection. At a minimum, such parents shall receive—

"(A) timely information about projects funded under part A; and

"(B) if the parents of participating children so desire, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(4) SPECIAL RULE.—Students shall not be admitted to or excluded from any federally assisted education program merely on the basis of a surname or language-minority status.".

TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

SEC. 401. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Title IV (20 U.S.C. 7101 et seq.) is amended to read as follows:

"TITLE IV—SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES

"PART A—STATE GRANTS

"SEC. 4001. SHORT TITLE.

"This part may be cited as the 'Safe and Drug-Free Schools and Communities Act of 1994'.

"SEC. 4002. FINDINGS.

"Congress makes the following findings:

"(1) Every student should attend a school in a drug- and violence-free learning environment.

"(2) The widespread illegal use of alcohol and drugs among the Nation's secondary school students, and increasingly by students in elementary schools as well, constitutes a grave threat to such students' physical and mental well-being, and significantly impedes the learning process. For example, data show that students who drink tend to receive lower grades and are more likely to miss school because of illness than students who do not drink.

"(3) Drug and violence prevention programs are essential components of a comprehensive strategy to promote school safety, youth development, positive school outcomes, and to reduce the demand for and illegal use of alcohol, tobacco and drugs throughout the Nation. Schools, local organizations, parents, students, and communities throughout the Nation have a special responsibility to work together to combat the continuing epidemic of violence and illegal drug use and should measure the success of their programs against clearly defined goals and objectives.

"(4) Drug and violence prevention programs are most effective when implemented within a scientifically based research, drug and violence prevention framework of proven effectiveness.

"(5) Research clearly shows that community contexts contribute to substance abuse and violence.

"(6) Substance abuse and violence are intricately related and must be dealt with in a holistic manner.

"(7) Research has documented that parental behavior and environment directly influence a child's inclination to use alcohol, tobacco or drugs.

"SEC. 4003. PURPOSE.

"The purpose of this part is to support programs that prevent violence in and around schools and prevent the illegal use of alcohol, tobacco, and drugs, involve parents, and are coordinated with related Federal, State, school, and community efforts and resources, through the provision of Federal assistance to—

"(1) States for grants to local educational agencies and educational service agencies and consortia of such agencies to establish, operate, and improve local programs of school drug and violence prevention, early intervention, high quality alternative education for chronically disruptive, drug-abusing, and violent students that includes drug and violence prevention programs, rehabilitation referral, and education in elementary and secondary schools for the development and implementation of policies that set clear and appropriate standards regarding the illegal use of alcohol, tobacco and drugs, and for violent behavior (including intermediate and junior high schools);

"(2) States for grants to, and contracts with, community-based organizations and public and private enties for programs of drug and violence prevention including community mobilization, early intervention, rehabilitation referral, and education;

"(3) States for development, training, technical assistance, and coordination activities; and

"(4) public and private entities to provide technical assistance, conduct training, demonstrations, and evaluation, and to provide supplementary services and community mobilization activities for the prevention of drug use and violence among students and youth.

"SEC. 4004. FUNDING.

"There are authorized to be appropriated—

"(1) $700,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, for State grants under subpart 1;

"(2) $150,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, for national programs under subpart 2;

"(3) $75,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, for the National Coordinator Initiative under section 4122;

"(4) $5,000,000 for each of fiscal years 2002 through 2004 to carry out section 4125; and

"(5) $25,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years to carry out section 4126.

"Subpart 1—State Grants for Drug and Violence Prevention Programs

"SEC. 4111. RESERVATIONS AND ALLOTMENTS.

"(a) RESERVATIONS.—From the amount made available under section 4004(1) to carry out this subpart for each fiscal year, the Secretary—

"(1) shall reserve 1 percent of such amount for grants under this subpart to Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with the Secretary's determination of their respective needs;

"(2) shall reserve 1 percent of such amount for the Secretary of the Interior to carry out programs under this part for Indian youth;

"(3) may reserve not more than $2,000,000 for the national impact evaluation required by section 4117(a); and

"(4) shall reserve 0.2 percent of such amount for programs for Native Hawaiians under section 4118.

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall, for each fiscal year, allocate among the States—

"(A) one-half of the remainder not reserved under subsection (a) according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

"(B) one-half of such remainder according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

"(2) MINIMUM.—For any fiscal year, no State shall be allotted under this subsection an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this subsection.

"(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under paragraph (1).

"(4) DEFINITIONS.—In this subsection:

"(A) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' includes educational service agencies and consortia of such agencies.

"(c) LIMITATION.—Amounts appropriated under section 4004(2) for a fiscal year may not be increased above the amounts appropriated under such section for the previous fiscal year unless the amounts appropriated under section 4004(1) for the fiscal year involved are at least 10 percent greater that the amounts appropriated under such section 4004(1) for the previous fiscal year.

"SEC. 4112. STATE APPLICATIONS.

"(a) IN GENERAL.—In order to receive an allotment under section 4111 for any fiscal year, a State shall submit to the Secretary, at such time as the Secretary may require, an application that—

"(1) contains a comprehensive plan for the use of funds by the State educational agency and the chief executive officer to provide safe, orderly, and drug-free schools and communities;

"(2) contains the results of the State's needs assessment for drug and violence prevention programs, which shall be based on the results of on-going State evaluation activities, including data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities and the prevalence of risk or protective factors, buffers or assets or other scientifically based research variables in the school and community;

“(3) contains assurances that the sections of the application concerning the funds provided to the chief executive officer and the State educational agency were developed together, with each such officer or State representative, in consultation and coordination with appropriate State officials and others, including the chief State school officer, the chief executive officer, the head of the State alcohol and drug abuse agency, the heads of the State health and mental health agencies, the head of the State criminal justice planning agency, the head of the State child welfare agency, the head of the State board of education, or their designees, and representatives of parents, students, and community-based organizations;

“(4) contains an assurance that the State will cooperate with, and assist, the Secretary in conducting a national impact evaluation of programs required by section 4117(a);

“(5) contains assurances that the State education agency and the Governor will develop their respective applications in consultation with an advisory council that includes, to the extent practicable, representatives from school districts, businesses, parents, youth, teachers, administrators, pupil services personnel, private schools, appropriate State agencies, community-based organizations, the medical profession, law enforcement, the faith-based community and other groups with interest and expertise in alcohol, tobacco, drug, and violence prevention;

“(6) contains assurances that the State education agency and the Governor involve the representatives described in paragraph (5), on an ongoing basis, to review program evaluations and other relevant material and make recommendations to the State education agency and the Governor on how to improve their respective alcohol, tobacco, drug, and violence prevention programs;

“(7) contains a list of the State's results-based performance measures for drug and violence prevention, that shall—

“(A) be focused on student behavior and attitudes and be derived from the needs assessment;

“(B) include targets and due dates for the attainment of such performance measures; and

“(C) include a description of the procedures that the State will use to inform local educational agencies of such performance measures for assessing and publicly reporting progress toward meeting such measures or revising them as needed; and

“(8) includes any other information the Secretary may require.

“(b) STATE EDUCATIONAL AGENCY FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4113(a) by the State educational agency that includes—

“(1) a plan for monitoring the implementation of, and providing technical assistance regarding, the drug and violence prevention programs conducted by local educational agencies in accordance with section 4116;

“(2) a description of how the State educational agency will use funds under section 4113(b), including how the agency will receive input from parents regarding the use of such funds;

“(3) a description of how the State educational agency will coordinate such agency's activities under this subpart with the chief executive officer's drug and violence prevention programs under this subpart and with the prevention efforts of other State agencies; and

“(4) a description of the procedures the State educational agency will use to review applications from and allocate funding to local educational agencies under section 4115 and how such review will receive input from parents.

“(c) GOVERNOR'S FUNDS.—A State's application under this section shall also contain a comprehensive plan for the use of funds under section 4114(a) by the chief executive officer that includes, with respect to each activity to be carried out by the State—

“(1) a description of how the chief executive officer will coordinate such officer's activities under this part with the State educational agency and other State agencies and organizations involved with drug and violence prevention efforts;

“(2) a description of how funds reserved under section 4114(a) will be used so as not to duplicate the efforts of the State educational agency and local educational agencies with regard to the provision of school-based prevention efforts and services and how those funds will be used to serve populations not normally served by the State educational agency, such as school dropouts, suspended and expelled students, and youth in detention centers;

“(3) a description of how the chief executive officer will award funds under section 4114(a) and a plan for monitoring the performance of, and providing technical assistance to, recipients of such funds;

“(4) a description of the special outreach activities that will be carried out to maximize the participation of community-based nonprofit organizations of demonstrated effectiveness which provide services in low-income communities, such as mentoring programs;

“(5) a description of how funds will be used to support community-wide comprehensive drug and violence prevention planning and community mobilization activities; and

“(6) a specific description of how input from parents will be sought regarding the use of funds under section 4114(a).

“(d) PEER REVIEW.—The Secretary shall use a peer review process in reviewing State applications under this section.

“(e) INTERIM APPLICATION.—Notwithstanding any other provisions of this section, a State may submit for fiscal year 2002 a 1-year interim application and plan for the use of funds under this subpart that are consistent with the requirements of this section and contain such information as the Secretary may specify in regulations. The purpose of such interim application and plan shall be to afford the State the opportunity to fully develop and review such State's application and comprehensive plan otherwise required by this section. A State may not receive a grant under this subpart for a fiscal year subsequent to fiscal year 2002 unless the Secretary has approved such State's application and comprehensive plan in accordance with this subpart.

“SEC. 4113. STATE AND LOCAL EDUCATIONAL AGENCY PROGRAMS.

“(a) USE OF FUNDS.—An amount equal to 80 percent of the total amount allocated to a State under section 4111 for each fiscal year shall be used by the State educational agency and its local educational agencies for drug and violence prevention activities in accordance with this section.

“(b) STATE LEVEL PROGRAMS.—

“(1) IN GENERAL.—A State educational agency shall use not more than 5 percent of the amount available under subsection (a) for activities such as—

“(A) voluntary training and technical assistance concerning drug and viplence prevention for local educational agencies and educational service agencies, including teachers, administrators, coaches and athletic directors, other staff, parents, students, community leaders, health service providers, mentoring providers, local law enforcement officials, and judicial officials;

“(B) the development, identification, dissemination, and evaluation of the most readily available, accurate, and up-to-date drug and violence prevention curriculum materials (including videotapes, software, and other technology-based learning resources), for consideration by local educational agencies;

“(C) making available to local educational agencies cost effective scientifically based research programs for youth violence and drug abuse prevention;

“(D) demonstration projects in drug and violence prevention, including service-learning projects and mentoring programs;

“(E) training, technical assistance, and demonstration projects to address violence associated with prejudice and intolerance;

“(F) training, technical assistance and demonstration projects to address the impact of family violence on school violence and substance abuse;

“(G) financial assistance to enhance resources available for drug and violence prevention in areas serving large numbers of economically disadvantaged children or sparsely populated areas, or to meet other special needs consistent with the purposes of this subpart;

“(H) the evaluation of activities carried out within the State under this part; and

“(I) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

“(2) SPECIAL RULE.—A State educational agency may carry out activities under this subsection directly, or through grants or contracts.

“(c) STATE ADMINISTRATION.—

“(1) IN GENERAL.—A State educational agency may use not more than 5 percent of the amount reserved under subsection (a) for the administrative costs of carrying out its responsibilities under this part.

“(2) UNIFORM MANAGEMENT INFORMATION AND REPORTING SYSTEM.—In carrying out its responsibilities under this part, a State shall implement a uniform management information and reporting system that includes information on the types of curricula, programs and services provided by the State, Governor, local education agencies, and other recipients of funds under this title.

“(d) LOCAL EDUCATIONAL AGENCY PROGRAMS.—

“(1) IN GENERAL.—A State educational agency shall distribute not less than 91 percent of the amount made available under subsection (a) for each fiscal year to local educational agencies in accordance with this subsection.

“(2) DISTRIBUTION.—A State educational agency shall distribute amounts under paragraph (1) in accordance with any one of the following subparagraphs:

“(A) ENROLLMENT AND COMBINATION APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute—

“(i) at least 70 percent of such amount to local educational agencies, based on the relative enrollments in public and private nonprofit elementary and secondary schools within the boundaries of such agencies; and

“(ii) not to exceed 30 percent of any amounts remaining after amounts are distributed under clause (i)—

“(I) to each local educational agency in an amount determined appropriate by the State educational agency; or

“(II) to local educational agencies that the State education agency determines have the greatest need for additional funds to carry out drug and violence prevention programs authorized by this subpart.

“(B) COMPETITIVE AND NEED APPROACH.—Of the amount distributed under paragraph (1), a State educational agency shall distribute—

“(i) not to exceed 70 percent of such amount to local educational agencies that the State agency determines, through a competitive process, have the greatest need for funds to carry

out drug and violence prevention programs based on criteria established by the State agency and authorized under this subpart; and

"(ii) at least 30 percent of any amounts remaining after amounts are distributed under clause (i) to local educational agencies that the State agency determines have a need for additional funds to carry out the program authorized under this subpart.

"(3) CONSIDERATION OF OBJECTIVE DATA.—For purposes of paragraph (2), in determining which local educational agencies have the greatest need for funds, the State educational agency shall consider objective data which may include—

"(A) high or increasing rates of alcohol or drug use among youth;

"(B) high or increasing rates of victimization of youth by violence and crime;

"(C) high or increasing rates of arrests and convictions of youth for violent or drug- or alcohol-related crime;

"(D) the extent of illegal gang activity;

"(E) high or increasing incidence of violence associated with prejudice and intolerance;

"(F) high or increasing rates of referrals of youths to drug and alcohol abuse treatment and rehabilitation programs;

"(G) high or increasing rates of referrals of youths to juvenile court;

"(H) high or increasing rates of expulsions and suspensions of stvdents from schools;

"(I) high or increasing rates of reported cases of child abuse and domestic violence; and

"(J) high or increasing rates of drug related emergencies or deaths.

"(e) REALLOCATION OF FUNDS.—If a local educational agency chooses not to apply to receive the amount allocated to such agency under subsection (d), or if such agency's application under section 4115 is disapproved by the State educational agency, the State educational agency shall reallocate such amount to one or more of its other local educational agencies.

"(f) RETURN OF FUNDS TO STATE EDUCATIONAL AGENCY; REALLOCATION.—

"(1) RETURN.—Except as provided in paragraph (2), upon the expiration of the 1-year period beginning on the date that a local educational agency or educational service agency under this title receives its allocation under this title—

"(A) such agency shall return to the State educational agency any funds from such allocation that remain unobligated; and

"(B) the State educational agency shall reallocate any such amount to local educational agencies or educational service agencies that have plans for using such amount for programs or activities on a timely basis.

"(2) REALLOCATION.—In any fiscal year, a local educational agency, may retain for obligation in the succeeding fiscal year—

"(A) an amount equal to not more than 25 percent of the allocation it receives under this title for such fiscal year; or

"(B) upon a demonstration of good cause by such agency or consortium, a greater amount approved by the State educational agency.

"SEC. 4114. GOVERNOR'S PROGRAMS.

"(a) USE OF FUNDS.—

"(1) IN GENERAL.—An amount equal to 20 percent of the total amount allocated to a State under section 4111(b)(1) for each fiscal year shall be used by the chief executive officer of such State for drug and violence prevention programs and activities in accordance with this section.

"(2) ADMINISTRATIVE COSTS.—A chief executive officer may use not more than 5 percent of the 20 percent described in paragraph (1) for the administrative costs incurred in carrying out the duties of such officer under this section. The chief executive officer of a State may use amounts under this paragraph to award grants to State, county, or local law enforcement agencies, including district attorneys, in consultation with local education agencies or community-based agencies, for the purposes of carrying out drug abuse and violence prevention activities.

"(b) STATE PLAN.—Amounts shall be used under this section in accordance with a State plan submitted by the chief executive office of the State. Such State plan shall contain—

"(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend schools in the State (including private school students who participate in the States's drug and violence prevention programs) that is based on ongoing local assessment or evaluation activities including administrative incident reports, anonymous surveys of students or teachers, and focus groups;

"(2) an analysis, based on data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence, or protective factors, buffers or assets or other scientifically based research variables in schools and communities in the State;

"(3) a description of the scientifically based research strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

"(A) a specification of the objectively measurable goals, objectives, and activities for the program;

"(B) a specification for how risk factors, if any, which have been identified will be targeted through scientifically based research programs; and

"(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through scientifically based research programs;

"(4) a specification for the method or methods by which measurements of program goals will be achieved; and

"(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program.

"(c) PROGRAMS AUTHORIZED.—

"(1) IN GENERAL.—A chief executive officer shall use funds made available under subsection (a)(1) directly for grants to or contracts with parent groups, schools, community action and job training agencies, community-based organizations, community anti-drug coalitions, law enforcement education partnerships, and public and private entities and consortia thereof. In making such grants and contracts, a chief executive officer shall give priority to programs and activities described in subsection (d) for—

"(A) children and youth who are not normally served by State or local educational agencies; or

"(B) populations that need special services or additional resources (such as preschoolers, youth in juvenile detention facilities, runaway or homeless children and youth, pregnant and parenting teenagers, and school dropouts).

"(2) PEER REVIEW.—Grants or contracts awarded under this subsection shall be subject to a peer review process.

"(d) AUTHORIZED ACTIVITIES.—Grants and contracts under subsection (c) shall be used to carry out the comprehensive State plan as required under section 4112(a)(1) through programs and activities such as—

"(1) disseminating information about drug and violence prevention;

"(2) the voluntary training of parents, law enforcement officials, judicial officials, social service providers, health service providers and community leaders about drug and violence prevention, health education (as it relates to drug and violence prevention), domestic violence and child abuse education (as it relates to drug and violence prevention), early intervention, pupil services, or rehabilitation referral;

"(3) developing and implementing comprehensive, community-based drug and violence prevention programs that link community resources with schools and integrate services involving education, vocational and job skills training and placement, law enforcement, health, mental health, family violence prevention, community service, service-learning, mentoring, and other appropriate services;

"(4) planning and implementing drug and violence prevention activities that coordinate the efforts of State agencies with efforts of the State educational agency and its local educational agencies;

"(5) activities to protect students traveling to and from school;

"(6) before-and-after school recreational, instructional, cultural, and artistic programs that encourage drug- and violence-free lifestyles;

"(7) activities that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(8) developing and implementing activities to prevent and reduce violence associated with prejudice and intolerance;

"(9) developing and implementing activities to prevent and reduce dating violence;

"(10) developing and implementing strategies to prevent illegal gang activity;

"(11) coordinating and conducting school and community-wide violence and safety and drug abuse assessments and surveys;

"(12) service-learning projects that encourage drug- and violence-free lifestyles;

"(13) evaluating programs and activities assisted under this section;

"(14) developing and implementing community mobilization activities to undertake environmental change strategies related to substance abuse and violence;

"(15) developing, establishing, or improving alternative educational opportunities for chronically disruptive, drug-abusing, and violent students that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;

"(16) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with chronically disruptive, drug-abusing, and violent students;

"(17) partnerships between local law enforcement agencies, including district attorneys, and local education agencies or community-based agencies; and

"(18) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention.

"SEC. 4115. LOCAL APPLICATIONS.

"(a) APPLICATION REQUIRED.—

"(1) IN GENERAL.—In order to be eligible to receive a distribution under section 4113(d) for any fiscal year, a local educational agency shall submit, at such time as the State educational agency requires, an application to the State educational agency for approval. Such an application shall be amended, as necessary, to reflect changes in the local educational agency's program.

"(2) DEVELOPMENT.—

"(A) CONSULTATION.—A local educational agency shall develop its application under subsection (a)(1) in consultation with a local or

substate regional advisory council that includes, to the extent possible, representatives of local government, business, parents, students, teachers, pupil services personnel, appropriate State agencies, private schools, the medical profession, law enforcement, community-based organizations, and other groups with interest and expertise in drug and violence prevention.

"(B) DUTIES OF ADVISORY COUNCIL.—In addition to assisting the local educational agency to develop an application under this section, the advisory council established or designated under subparagraph (A) shall, on an ongoing basis—

"(i) disseminate information about scientifically based research drug and violence prevention programs, projects, and activities conducted within the boundaries of the local educational agency;

"(ii) advise the local educational agency regarding how best to coordinate such agency's activities under this subpart with other related programs, projects, and activities;

"(iii) ensure that a mechanism is in place to enable local educational agencies to have access to up-to-date information concerning the agencies that administer related programs, projects, and activities and any changes in the law that alter the duties of the local educational agencies with respect to activities conducted under this subpart; and

"(iv) review program evaluations and other relevant material and make recommendations on an active and ongoing basis to the local educational agency on how to improve such agency's drug and violence prevention programs.

"(b) CONTENTS OF APPLICATIONS.—An application under this section shall contain—

"(1) an objective analysis of the current use (and consequences of such use) of alcohol, tobacco, and controlled, illegal, addictive or harmful substances as well as the violence, safety, and discipline problems among students who attend the schools of the applicant (including private school students who participate in the applicant's drug and violence prevention program) that is based on ongoing local assessment or evaluation activities;

"(2) an analysis, based on data reasonably available at the time, of the prevalence of risk factors, including high or increasing rates of reported cases of child abuse and domestic violence, or protective factors, buffers or assets or other scientifically based research variables in the school and community;

"(3) a description of the scientifically based research strategies and programs, which shall be used to prevent or reduce drug use, violence, or disruptive behavior, which shall include—

"(A) a specification of the objectively measurable goals, objectives, and activities for the program, which shall include—

"(i) reductions in the use of alcohol, tobacco, and illicit drugs and violence by youth;

"(ii) specific reductions in the prevalence of identified risk factors;

"(iii) specific increases in the prevalence of protective factors, buffers, or assets if any have been identified; or

"(iv) other scientifically based research goals, objectives, and activities that are identified as part of the application that are not otherwise covered under clauses (i) through (iii);

"(B) a specification for how risk factors, if any, which have been identified will be targeted through scientifically based research programs; and

"(C) a specification for how protective factors, buffers, or assets, if any, will be targeted through scientifically based research programs;

"(4) a specification for the method or methods by which measurements of program goals will be achieved;

"(5) a specification for how the evaluation of the effectiveness of the prevention program will be assessed and how the results will be used to refine, improve, and strengthen the program;

"(6) an assurance that the applicant has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes—

"(A) appropriate and effective discipline policies that prohibit disorderly conduct, the possession of firearms and other weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

"(B) security procedures at school and while students are on the way to and from school;

"(C) prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments; and

"(D) a crisis management plan for responding to violent or traumatic incidents on school grounds; and

"(7) such other information and assurances as the State educational agency may reasonably require.

"(c) REVIEW OF APPLICATION.—

"(1) IN GENERAL.—In reviewing local applications under this section, a State educational agency shall use a peer review process or other methods of assuring the quality of such applications.

"(2) CONSIDERATIONS.—

"(A) IN GENERAL.—In determining whether to approve the application of a local educational agency under this section, a State educational agency shall consider the quality of the local educational agency's comprehensive plan under subsection (b)(6) and the extent to which the proposed plan provides a thorough assessment of the substance abuse and violence problem, uses objective data and the knowledge of a wide range of community members, develops measurable goals and objectives, and implements scientifically based research programs that have been shown to be effective and meet identified needs.

"(B) DISAPPROVAL.—A State educational agency may disapprove a local educational agency application under this section in whole or in part and may withhold, limit, or place restrictions on the use of funds allotted to such a local educational agency in a manner the State educational agency determines will best promote the purposes of this part, except that a local educational agency shall be afforded an opportunity to appeal any such disapproval.

"SEC. 4116. LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.

"(a) PROGRAM REQUIREMENTS.—A local educational agency shall use funds received under this subpart to adopt and carry out a comprehensive drug and violence prevention program which shall—

"(1) be designed, for all students and school employees, to—

"(A) prevent the use, possession, and distribution of tobacco, alcohol, and illegal drugs by students and to prevent the illegal use, possession, and distribution of such substances by school employees;

"(B) prevent violence and promote school safety; and

"(C) create a disciplined environment conducive to learning;

"(2) include activities to promote the involvement of parents and coordination with community groups and agencies, including the distribution of information about the local educational agency's needs, goals, and programs under this subpart;

"(3) implement activities which shall include—

"(A) a thorough assessment of the substance abuse and violence problems, using objective data and the knowledge of a wide range of community members;

"(B) the development of measurable goals and objectives;

"(C) the implementation of scientifically based research programs that have been shown to be effective and meet identified goals; and

"(D) an evaluation of program activities; and

"(4) implement prevention programming activities within the context of a scientifically based research prevention framework.

"(b) USE OF FUNDS.—A comprehensive, age-appropriate, developmentally-, and scientifically based research drug and violence prevention program carried out under this subpart may include—

"(1) drug or violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, social, personal and health consequences of the use of illegal drugs or violence, promote a sense of individual responsibility, and provide information about effective techniques for resisting peer pressure to use illegal drugs;

"(2) programs of drug or violence prevention, health education (as it relates to drug and violence prevention), domestic violence and child abuse education (as it relates to drug and violence prevention), early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include—

"(A) the dissemination of information about drug or violence prevention;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services, mentoring or rehabilitation referral; and

"(C) the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, and violence such as—

"(i) family counseling; and

"(ii) activities, such as community service and service-learning projects, that are designed to increase students' sense of community;

"(3) age-appropriate, developmentally based violence prevention and education programs for all students, from the preschool level through grade 12, that address the legal, health, personal, and social consequences of violent and disruptive behavior, including sexual harassment and abuse, domestic violence and child abuse, and victimization associated with prejudice and intolerance, and that include activities designed to help students develop a sense of individual responsibility and respect for the rights of others, and to resolve conflicts without violence, or otherwise decrease the prevalence of risk factors or increase the prevalence of protective factors, buffers, or assets in the community;

"(4) violence prevention programs for school-aged youth, which emphasize students' sense of individual responsibility and may include—

"(A) the dissemination of information about school safety and discipline;

"(B) the professional development or voluntary training of school personnel, parents, students, law enforcement officials, judicial officials, and community leaders in designing and implementing strategies to prevent school violence;

"(C) the implementation of strategies, such as conflict resolution and peer mediation, student outreach efforts against violence, anti-crime youth councils (which work with school and community-based organizations to discuss and develop crime prevention strategies), and the use of mentoring programs, to combat school violence and other forms of disruptive behavior, such as sexual harassment and abuse; and

"(D) the development and implementation of character education programs, as a component of a comprehensive drug or violence prevention

program, that are tailored by communities, parents and schools;

"(E) alternative programs for the education and discipline of chronically violent and disruptive students as it relates to drug and violence prevention; and

"(F) comprehensive, community-wide strategies to prevent or reduce illegal gang activities and drug use;

"(5) supporting 'safe zones of passage' for students between home and school through such measures as Drug- and Weapon-Free School Zones, enhanced law enforcement, and neighborhood patrols;

"(6) administrative approaches to promote school safety, including professional development for principals and administrators to promote effectiveness and innovation, implementing a school disciplinary code, and effective communication of the school disciplinary code to both students and parents at the beginning of the school year;

"(7) the acquisition or hiring of school security equipment, technologies, personnel, or services such as—

"(A) metal detectors;

"(B) electronic locks;

"(C) surveillance cameras; and

"(D) other drug and violence prevention-related equipment and technologies;

"(8) professional development for teachers and other staff and curricula that promote the awareness of and sensitivity to alternatives to violence through courses of study that include related issues of intolerance and hatred in history;

"(9) the promotion of before-and-after school recreational, instructional, cultural, and artistic programs in supervised community settings;

"(10) other scientifically based research prevention programming that is—

"(A) effective in reducing the prevalence of alcohol, tobacco or drug use, and violence in youth;

"(B) effective in reducing the prevalence of risk factors predictive of increased alcohol, tobacco or drug use, and violence; or

"(C) effective in increasing the prevalence of protective factors, buffers, and assets predictive of decreased alcohol, tobacco or drug use and violence among youth;

"(11) the collection of objective data used to assess program needs, program implementation, or program success in achieving program goals and objectives;

"(12) community involvement activities including community mobilization;

"(13) voluntary parental involvement and training;

"(14) the evaluation of any of the activities authorized under this subsection;

"(15) the provision of mental health counseling (by qualified counselors) to students for drug or violence related problems;

"(16) the provision of educational supports, services, and programs, including drug and violence prevention and intervention programs, using trained and qualified staff, for students who have been suspended or expelled so such students make continuing progress toward meeting the State's challenging academic standards and to enable students to return to the regular classroom as soon as possible;

"(17) training teachers, pupil services personnel, and other appropriate school staff on effective strategies for dealing with disruptive students;

"(18) consistent with the fourth amendment to the Constitution of the United States, the testing of a student for illegal drug use or inspecting a student's locker for guns, explosives, other weapons, or illegal drugs, including at the request of or with the consent of a parent or legal guardian of the student, if the local educational agency elects to so test or inspect; and

"(19) the conduct of a nationwide background check of each local educational agency employee (regardless of when hired) and prospective employees for the purpose of determining whether the employee or prospective employee has been convicted of a crime that bears upon the employee's or prospective employee's fitness—

"(A) to have responsibility for the safety or well-being of children;

"(B) to serve in the particular capacity in which the employee or prospective employee is or will be employed; or

"(C) to otherwise be employed at all by the local educational agency.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—Not more than 20 percent of the funds made available to a local educational agency under this subpart may be used to carry out the activities described in paragraphs (5) and (6) of subsection (b).

"(2) SPECIAL RULE.—A local educational agency shall only use funds received under this subpart for activities described in paragraphs (5) and (6) of subsection (b) if funding for such activities is not received from other Federal agencies.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the use of funds under this part by any local educational agency or school for the establishment or implementation of a school uniform policy so long as such policy is part of the overall comprehensive drug and violence prevention plan of the State involved and is supported by the State's needs assessment and other scientifically based research information.

"SEC. 4117. EVALUATION AND REPORTING.

"(a) IMPACT EVALUATION.—

"(1) BIENNIAL EVALUATION.—The Secretary, in consultation with the National Advisory Committee, shall conduct an independent biennial evaluation of the impact of programs assisted under this subpart and of other recent and new initiatives to combat violence in schools. The evaluation shall report on—

"(A) whether funded community and local education agency programs—

"(i) provided a thorough assessment of the substance abuse and violence problem;

"(ii) used objective data and the knowledge of a wide range of community members;

"(iii) developed measurable goals and objectives;

"(iv) implemented scientifically based research programs that have been shown to be effective and meet identified needs; and

"(v) conducted periodic program evaluations to assess progress made towards achieving program goals and objectives and whether they used evaluations to improve program goals, objectives and activities;

"(B) whether funded community and local education agency programs have been designed and implemented in a manner that specifically targets, if relevant to the program—

"(i) scientifically based research variables that are predictive of drug use or violence;

"(ii) risk factors that are predictive of an increased likelihood that young people will use drugs, alcohol or tobacco or engage in violence or drop out of school; or

"(iii) protective factors, buffers, or assets that are known to protect children and youth from exposure to risk, either by reducing the exposure to risk factors or by changing the way the young person responds to risk, and to increase the likelihood of positive youth development;

"(C) whether funded community and local education agency programs have appreciably reduced the level of drug, alcohol and tobacco use and school violence and the presence of firearms at schools; and

"(D) whether funded community and local educational agency programs have conducted effective parent involvement and voluntary training programs.

"(2) DATA COLLECTION.—The National Center for Education Statistics shall collect data, that is subject to independent review, to determine the incidence and prevalence of drug use and violence in elementary and secondary schools in the States. The collected data shall include incident reports by schools officials, anonymous student surveys, and anonymous teacher surveys.

"(3) BIENNIAL REPORT.—Not later than January 1, 2003, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under paragraph (1) together with the data collected under paragraph (2) and data available from other sources on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use in elementary and secondary schools in the States. The Secretary shall include data submitted by the States pursuant to subsection (b)(2)(B).

"(b) STATE REPORT.—

"(1) IN GENERAL.—By December 1, 2002, and every 2 years thereafter, the chief executive officer of the State, in cooperation with the State educational agency, shall submit to the Secretary a report—

"(A) on the implementation and outcomes of State programs under section 4114 and section 4113(b) and local educational agency programs under section 4113(d), as well as an assessment of their effectiveness;

"(B) on the State's progress toward attaining its goals for drug and violence prevention under subsections (b)(1) and (c)(1) of section 4112; and

"(C) on the State's efforts to inform parents of, and include parents in, violence and drug prevention efforts.

"(2) SPECIAL RULE.—The report required by this subsection shall be—

"(A) in the form specified by the Secretary;

"(B) based on the State's ongoing evaluation activities, and shall include data on the incidence and prevalence, age of onset, perception of health risk, and perception of social disapproval of drug use and violence by youth in schools and communities; and

"(C) made readily available to the public.

"(c) LOCAL EDUCATIONAL AGENCY REPORT.—

"(1) IN GENERAL.—Each local educational agency receiving funds under this subpart shall submit to the State educational agency such information that the State requires to complete the State report required by subsection (b), including a description of how parents were informed of, and participated in, violence and drug prevention efforts.

"(2) AVAILABILITY.—Information under paragraph (1) shall be made readily available to the public.

"(3) PROVISION OF DOCUMENTATION.—Not later than January 1 of each year that a State is required to report under subsection (b), the Secretary shall provide to the State education agency all of the necessary documentation required for compliance with this section.

"SEC. 4118. PROGRAMS FOR NATIVE HAWAIIANS.

"(a) GENERAL AUTHORITY.—From the funds made available pursuant to section 4111(a)(4) to carry out this section, the Secretary shall make grants to or enter into cooperative agreements or contracts with organizations primarily serving and representing Native Hawaiians to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this title for the benefit of Native Hawaiians.

"(b) DEFINITION OF NATIVE HAWAIIAN.—For the purposes of this section, the term 'Native Hawaiian' means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

"Subpart 2—National Programs

"SEC. 4121. FEDERAL ACTIVITIES.

"(a) Program Authorized.—From funds made available to carry out this subpart under section 4004(2), the Secretary, in consultation with the Secretary of Health and Human Services, the Director of the Office of National Drug Control Policy, and the Attorney General, shall carry out programs to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students at all educational levels from preschool through the post-secondary level. The Secretary shall carry out such programs directly, or through grants, contracts, or cooperative agreements with public and private entities and individuals, or through agreements with other Federal agencies, and shall coordinate such programs with other appropriate Federal activities. Such programs may include—

"(1) the development and demonstration of innovative strategies for the voluntary training of school personnel, parents, and members of the community, including the demonstration of model preservice training programs for prospective school personnel;

"(2) demonstrations and rigorous evaluations of innovative approaches to drug and violence prevention;

"(3) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act;

"(4) the provision of information on violence prevention and education and school safety to the Department of Justice, for dissemination by the National Resource Center for Safe Schools as a national clearinghouse on violence and school safety information;

"(5) the development of curricula related to child abuse prevention and education and the training of personnel to teach child abuse education and prevention to elementary and secondary schoolchildren;

"(6) program evaluations that address issues not addressed under section 4117(a);

"(7) direct services to schools and school systems afflicted with especially severe drug and violence problems or to support crisis situations and appropriate response efforts;

"(8) activities in communities designated as empowerment zones or enterprise communities that will connect schools to community-wide efforts to reduce drug and violence problems;

"(9) developing and disseminating drug and violence prevention materials, including video-based projects and model curricula;

"(10) developing and implementing a comprehensive violence prevention strategy for schools and communities, that may include administrative approaches, security services, conflict resolution, peer mediation, mentoring, the teaching of law and legal concepts, and other activities designed to stop violence;

"(11) the development of professional development programs necessary for teachers, other educators, and pupil services personnel to implement alternative education supports, services, and programs for chronically disruptive, drug-abusing, and violent students;

"(12) the development, establishment, or improvement of alternative education models, either established within a school or separate and apart from an existing school, that are designed to promote drug and violence prevention, reduce disruptive behavior, to reduce the need for repeat suspensions and expulsions, to enable students to meet challenging State academic standards, and to enable students to return to the regular classroom as soon as possible;

"(13) the implementation of innovative activities; such as community service and service-learning projects, designed to rebuild safe and healthy neighborhoods and increase students' sense of individual responsibility;

"(14) grants to noncommercial telecommunications entities for the production and distribution of national video-based projects that provide young people with models for conflict resolution and responsible decisionmaking;

"(15) the development of education and training programs, curricula, instructional materials, and professional training and development for preventing and reducing the incidence of crimes and conflicts motivated by hate in localities most directly affected by hate crimes; and

"(16) other activities that meet unmet national needs related to the purposes of this title.

"(b) Peer Review.—The Secretary shall use a peer review process in reviewing applications for funds under this section.

"SEC. 4122. NATIONAL COORDINATOR PROGRAM.

"(a) In General.—From amounts available to carry out this section under section 4004(3), the Secretary shall provide for the establishment of a National Coordinator Program under which the Secretary shall award grants to local educational agencies for the hiring of drug prevention and school safety program coordinators.

"(b) Use of Funds.—Amounts received under a grant under subsection (a) shall be used by local educational agencies to recruit, hire, and train individuals to serve as drug prevention and school safety program coordinators in schools with significant drug and school safety problems. Such coordinators shall be responsible for developing, conducting, and analyzing assessments of drug and crime problems at their schools, and administering the safe and drug free grant program at such schools.

"SEC. 4123. SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES ADVISORY COMMITTEE.

"(a) Establishment.—

"(1) In general.—There is hereby established an advisory committee to be known as the 'Safe and Drug Free Schools and Communities Advisory Committee' (referred to in this section as the 'Advisory Committee') to—

"(A) consult with the Secretary under subsection (b);

"(B) coordinate Federal school- and community-based substance abuse and violence prevention programs and reduce duplicative research or services;

"(C) develop core data sets and evaluation protocols for safe and drug free school- and community-based programs;

"(D) provide technical assistance and training for safe and drug free school- and community-based programs;

"(E) provide for the diffusion of scientifically based research to safe and drug free school- and community-based programs; and

"(F) review other regulations and standards developed under this title.

"(2) Composition.—The Advisory Committee shall be composed of representatives from—

"(A) the Department of Education;

"(B) the Centers for Disease Control and Prevention;

"(C) the National Institute on Drug Abuse;

"(D) the National Institute on Alcoholism and Alcohol Abuse;

"(E) the Center for Substance Abuse Prevention;

"(F) the Center for Mental Health Services;

"(G) the Office of Juvenile Justice and Delinquency Prevention;

"(H) the Office of National Drug Control Policy;

"(I) State and local governments, including education agencies; and

"(J) researchers and expert practitioners.

"(3) Consultation.—In carrying out its duties under this section, the Advisory Committee shall annually consult with interested State and local coordinators of school- and community-based substance abuse and violence prevention programs and other interested groups.

"(b) Programs.—

"(1) In general.—From amounts made available under section 4004(2) to carry out this subpart, the Secretary, in consultation with the Advisory Committee, shall carry out scientifically based research programs to strengthen the accountability and effectiveness of the State, Governor's, and national programs under this title.

"(2) Grants, contracts or cooperative agreements.—The Secretary shall carry out paragraph (1) directly or through grants, contracts, or cooperative agreements with public and private entities and individuals or through agreements with other Federal agencies.

"(3) Coordination.—The Secretary shall coordinate programs under this section with other appropriate Federal activities.

"(4) Activities.—Activities that may be carried out under programs funded under this section may include—

"(A) the provision of technical assistance and training, in collaboration with other Federal agencies utilizing their expertise and national and regional training systems, for Governors, State educational agencies and local educational agencies to support high quality, effective programs that—

"(i) provide a thorough assessment of the substance abuse and violence problem;

"(ii) utilize objective data and the knowledge of a wide range of community members;

"(iii) develop measurable goals and objectives; and

"(iv) implement scientifically based research activities that have been shown to be effective and that meet identified needs;

"(B) the provision of technical assistance and training to foster program accountability;

"(C) the diffusion and dissemination of best practices and programs;

"(D) the development of core data sets and evaluation tools;

"(E) program evaluations;

"(F) the provision of information on drug abuse education and prevention to the Secretary of Health and Human Services for dissemination by the clearinghouse for alcohol and drug abuse information established under section 501(d)(16) of the Public Health Service Act; and

"(G) other activities that meet unmet needs related to the purposes of this title and that are undertaken in consultation with the Advisory Committee.

"SEC. 4124. HATE CRIME PREVENTION.

"(a) Grant Authorization.—From funds made available to carry out this subpart under section 4004(2) the Secretary may make grants to local educational agencies and community-based organizations for the purpose of providing assistance to localities most directly affected by hate crimes.

"(b) Use of Funds.—

"(1) Program development.—Grants under this section may be used to improve elementary and secondary educational efforts, including—

"(A) development of education and training programs designed to prevent and to reduce the incidence of crimes and conflicts motivated by hate;

"(B) development of curricula for the purpose of improving conflict or dispute resolution skills of students, teachers, and administrators;

"(C) development and acquisition of equipment and instructional materials to meet the needs of, or otherwise be part of, hate crime or conflict programs; and

"(D) professional training and development for teachers and administrators on the causes, effects, and resolutions of hate crimes or hate-based conflicts.

"(2) In general.—In order to be eligible to receive a grant under this section for any fiscal *year, a local educational agency, or a local educational agency in conjunction with a community-based organization, shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.*

"(3) REQUIREMENTS.—Each application under paragraph (2) shall include—

"(A) a request for funds for the purposes described in this section;

"(B) a description of the schools and communities to be served by the grants; and

"(C) assurances that Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds.

"(4) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan that contains—

"(A) a description of the hate crime or conflict problems within the schools or the community targeted for assistance;

"(B) a description of the program to be developed or augmented by such Federal and matching funds;

"(C) assurances that such program or activity shall be administered by or under the supervision of the applicant;

"(D) procedures for the proper and efficient administration of such program; and

"(E) fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this section.

"(c) AWARD OF GRANTS.—

"(1) SELECTION OF RECIPIENTS.—The Secretary shall consider the incidence of crimes and conflicts motivated by bias in the targeted schools and communities in awarding grants under this section.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"(3) DISSEMINATION OF INFORMATION.—The Secretary shall attempt, to the extent practicable, to make available information regarding successful hate crime prevention programs, including programs established or expanded with grants under this section.

"(d) REPORTS.—The Secretary shall submit to the Congress a report every two years which shall contain a detailed statement regarding grants and awards, activities of grant recipients, and an evaluation of programs established under this section.

"SEC. 4125. GRANTS TO COMBAT THE IMPACT OF EXPERIENCING OR WITNESSING DOMESTIC VIOLENCE ON ELEMENTARY AND SECONDARY SCHOOL CHILDREN.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools that work with experts to enable the elementary schools and secondary schools—

"(A) to provide training to school administrators, faculty, and staff, with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children;

"(B) to provide educational programming to students regarding domestic violence and the impact of experiencing or witnessing domestic violence on children;

"(C) to provide support services for students and school personnel for the purpose of developing and strengthening effective prevention and intervention strategies with respect to issues concerning children experiencing domestic violence in dating relationships and witnessing domestic violence, and the impact of the violence described in this subparagraph on children; and

"(D) to develop and implement school system policies regarding appropriate, safe responses identification and referral procedures for students who are experiencing or witnessing domestic violence.

"(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

"(A) on a competitive basis; and

"(B) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

"(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of domestic violence and the impact of experiencing or witnessing domestic violence on children.

"(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) To provide training for elementary school and secondary school administrators, faculty, and staff that addresses issues concerning elementary school and secondary school students who experience domestic violence in dating relationships or witness or experience family violence, and the impact of such violence on the students.

"(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

"(3) To develop and implement elementary school and secondary school system policies regarding appropriate, safe responses, identification and referral procedures for students who are experiencing or witnessing domestic violence and to develop and implement policies on reporting and referral procedures for these students.

"(4) To provide the necessary human resources to respond to the needs of elementary school and secondary school students and personnel who are faced with the issue of domestic violence, such as a resource person who is either on-site or on-call, and who is an expert.

"(5) To provide media center materials and educational materials to elementary schools and secondary schools that address issues concerning children who experience domestic violence in dating relationships and witness domestic violence, and the impact of the violence described in this paragraph on the children.

"(6) To conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

"(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of safety and confidentiality for the victim and the victim's family in a manner consistent with applicable Federal and State laws.

"(d) APPLICATION.—

"(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school, in consultation with an expert, shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall—

"(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

"(B) describe how the experts shall work in consultation and collaboration with the elementary school or secondary school;

"(C) provide measurable goals for and expected results from the use of the funds provided under the grant or contract; and

"(D) incorporate appropriate remuneration for collaborating partners.

"(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

"(f) DEFINITIONS.—In this section:

"(1) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given that term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2)).

"(2) EXPERTS.—The term 'experts' means—

"(A) experts on domestic violence, sexual assault, and child abuse from the educational, legal, youth, mental health, substance abuse, and victim advocacy fields; and

"(B) State and local domestic violence coalitions and community-based youth organizations.

"(3) WITNESS DOMESTIC VIOLENCE.—

"(A) IN GENERAL.—The term 'witness domestic violence' means to witness—

"(i) an act of domestic violence that constitutes actual or attempted physical assault; or

"(ii) a threat or other action that places the victim in fear of domestic violence.

"(B) WITNESS.—In subparagraph (A), the term 'witness' means to—

"(i) directly observe an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action; or

"(ii) be within earshot of an act, threat, or action described in subparagraph (A), or the aftermath of that act, threat, or action.

"SEC. 4126. SUICIDE PREVENTION PROGRAMS.

"(a) GRANTS AUTHORIZED.—

"(1) AUTHORITY.—The Secretary is authorized to award grants and contracts to elementary schools and secondary schools for the purpose of—

"(A) developing and implementing suicide prevention programs; and

"(B) to provide training to school administrators, faculty, and staff, with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

"(2) AWARD BASIS.—The Secretary shall award grants and contracts under this section—

"(A) on a competitive basis;

"(B) in a manner that complies with the requirements under subsection (c) of section 520E of the Public Health Service Act; and

"(C) in a manner that ensures that such grants and contracts are equitably distributed throughout a State among elementary schools and secondary schools located in rural, urban, and suburban areas in the State.

"(3) POLICY DISSEMINATION.—The Secretary shall disseminate to elementary schools and secondary schools any Department of Education policy guidance regarding the prevention of suicide.

"(b) USES OF FUNDS.—Funds provided under this section may be used for the following purposes:

"(1) To provide training for elementary school and secondary school administrators, faculty, and staff with respect to identifying the warning signs of suicide and creating a plan of action for helping those at risk.

"(2) To provide education programs for elementary school and secondary school students that are developmentally appropriate for the students' grade levels and are designed to meet any unique cultural and language needs of the particular student populations.

"(3) To conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

"(c) CONFIDENTIALITY.—Policies, programs, training materials, and evaluations developed and implemented under subsection (b) shall address issues of safety and confidentiality for the

victim and the victim's family in a manner consistent with applicable Federal and State laws.

“(d) APPLICATION.—

“(1) IN GENERAL.—To be eligible to be awarded a grant or contract under this section for any fiscal year, an elementary school or secondary school shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall—

“(A) describe the need for funds provided under the grant or contract and the plan for implementation of any of the activities described in subsection (b);

“(B) provide measurable goals for and expected results from the use of the funds provided under the grant or contract; and

“(C) incorporate appropriate remuneration for collaborating partners.

“(e) APPLICABILITY.—The provisions of this part (other than this section) shall not apply to this section.

“SEC. 4127. GRANTS FOR THE INTEGRATION OF SCHOOLS AND MENTAL HEALTH SYSTEMS.

“(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to State educational agencies, local educational agencies, or Indian tribes, for the purpose of increasing student access to quality mental health care by developing innovative programs to link local school systems with the local mental health system.

“(b) DURATION.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

“(c) INTERAGENCY AGREEMENTS.—

“(1) DESIGNATION OF LEAD AGENCY.—The recipient of each grant, contract, or cooperative agreement shall designate a lead agency to direct the establishment of an interagency agreement among local educational agencies, juvenile justice authorities, mental health agencies, and other relevant entities in the State, in collaboration with local entities and parents and guardians of students.

“(2) CONTENTS.—The interagency agreement shall ensure the provision of the services to a student described in subsection (e) specifying with respect to each agency, authority or entity—

“(A) the financial responsibility for the services;

“(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

“(C) the conditions and terms of reimbursement among the agencies, authorities or entities that are parties to the interagency agreement, including procedures for dispute resolution.

“(d) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, a State educational agency, local educational agency, or Indian tribe shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(2) CONTENT.—An application submitted under this section shall—

“(A) describe the program to be funded under the grant, contract, or cooperative agreement;

“(B) explain how such program will increase access to quality mental health services for students;

“(C) explain how the applicant will establish a crisis intervention program to provide immediate mental health services to the school community when necessary;

“(D) provide assurances that—

“(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services;

“(ii) the services will be provided in accordance with subsection (e); and

“(iii) teachers, principal administrators, and other school personnel are aware of the program;

“(E) explain how the applicant will support and integrate existing school-based services with the program to provide appropriate mental health services for students; and

“(F) explain how the applicant will establish a program that will support students and the school in maintaining an environment conducive to learning.

“(e) USE OF FUNDS.—A State educational agency, local educational agency, or Indian tribe, that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract or cooperative agreement to—

“(1) enhance, improve, or develop collaborative efforts between school-based service systems and mental health service systems to provide, enhance, or improve prevention, diagnosis, and treatment services to students;

“(2) enhance the availability of crisis intervention services, appropriate referrals for students potentially in need of mental health services and on going mental health services;

“(3) provide training for the school personnel and mental health professionals who will participate in the program carried out under this section;

“(4) provide technical assistance and consultation to school systems and mental health agencies and families participating in the program carried out under this section;

“(5) provide linguistically appropriate and culturally competent services; and

“(6) evaluate the effectiveness of the program carried out under this section in increasing student access to quality mental health services, and make recommendations to the Secretary about sustainability of the program.

“(f) DISTRIBUTION OF AWARDS.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

“(g) OTHER SERVICES.—Any services provided through programs established under this section must supplement and not supplant existing Mental Health Services, including any services required to be provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(h) EVALUATION.—The Secretary shall evaluate each program carried out by a State educational agency, local educational agency, or Indian tribe, under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(i) REPORTING.—Nothing in Federal law shall be construed—

“(1) to prohibit an entity involved with the program from reporting a crime that is committed by a student, to appropriate authorities; or

“(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a student.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002, and such sums as may be necessary for fiscal years 2003 through 2005.

“Subpart 3—General Provisions

“SEC. 4131. DEFINITIONS.

“In this part:

“(1) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a private nonprofit organization which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community.

“(2) DRUG AND VIOLENCE PREVENTION.—The term ‘drug and violence prevention’ means—

“(A) with respect to drugs, prevention, early intervention, rehabilitation referral, or education related to the illegal use of alcohol and the use of controlled, illegal, addictive, or harmful substances, including inhalants and anabolic steroids;

“(B) prevention, early intervention, smoking cessation activities, or education, related to the use of tobacco by children and youth eligible for services under this title; and

“(C) with respect to violence, the promotion of school safety, such that students and school personnel are free from violent and disruptive acts, including sexual harassment and abuse, and victimization associated with prejudice and intolerance, on school premises, going to and from school, and at school-sponsored activities, through the creation and maintenance of a school environment that is free of weapons and fosters individual responsibility and respect for the rights of others.

“(3) HATE CRIME.—The term ‘hate crime’ means a crime as described in section 1(b) of the Hate Crime Statistics Act of 1990.

“(4) NONPROFIT.—The term ‘nonprofit’, as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(5) OBJECTIVELY MEASURABLE GOALS.—The term ‘objectively measurable goals’ means prevention programming goals defined through use of quantitative epidemiological data measuring the prevalence of alcohol, tobacco, and other drug use, violence, and the prevalence of risk and protective factors predictive of these behaviors, collected through a variety of methods and sources known to provide high quality data.

“(6) PROTECTIVE FACTOR, BUFFER, OR ASSET.—The terms ‘protective factor’, ‘buffer’, and ‘asset’ mean any one of a number of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, or which are grounded in a well-established theoretical model of prevention, and have been shown to prevent alcohol, tobacco, or illicit drug use, as well as violent behavior, by youth in the community, and which promote positive youth development.

“(7) RISK FACTOR.—The term ‘risk factor’ means any one of a number of characteristics of the community, school, family, or peer-individual domains that are known, through prospective, longitudinal research efforts, to be predictive of alcohol, tobacco, and illicit drug use, as well as violent behavior, by youth in the school and community.

“(8) SCHOOL-AGED POPULATION.—The term ‘school-aged population’ means the population aged five through 17, as determined by the Secretary on the basis of the most recent satisfactory data available from the Department of Commerce.

“(9) SCHOOL PERSONNEL.—The term ‘school personnel’ includes teachers, administrators, counselors, social workers, psychologists, therapists, nurses, librarians, and other support staff who are employed by a school or who perform services for the school on a contractual basis.

“SEC. 4132. MATERIALS.

“(a) ‘ILLEGAL AND HARMFUL’ MESSAGE.—Drug prevention programs supported under this part shall convey a clear and consistent message that the illegal use of alcohol and other drugs is illegal and harmful.

''(b) CURRICULUM.—The Secretary shall not prescribe the use of specific curricula for programs supported under this part, but may evaluate the effectiveness of such curricula and other strategies in drug and violence prevention.

“SEC. 4133. PROHIBITED USES OF FUNDS.

''No funds under this part may be used for—

''(1) construction (except for minor remodeling needed to accomplish the purposes of this part); and

''(2) medical services, drug treatment or rehabilitation, except for pupil services or referral to treatment for students who are victims of or witnesses to crime or who use alcohol, tobacco, or drugs.

“SEC. 4134. QUALITY RATING.

''(a) IN GENERAL.—The chief executive officer of each State, or in the case of a State in which the constitution or law of such State designates another individual, entity, or agency in the State to be responsible for education activities, such individual, entity, or agency, is authorized and encouraged—

''(1) to establish a standard of quality for drug, alcohol, and tobacco prevention programs implemented in public elementary schools and secondary schools in the State in accordance with subsection (b); and

''(2) to identify and designate, upon application by a public elementary school or secondary school, any such school that achieves such standard as a quality program school.

''(b) CRITERIA.—The standard referred to in subsection (a) shall address, at a minimum—

''(1) a comparison of the rate of illegal use of drugs, alcohol, and tobacco by students enrolled in the school for a period of time to be determined by the chief executive officer of the State;

''(2) the rate of suspensions or expulsions of students enrolled in the school for drug, alcohol, or tobacco-related offenses;

''(3) the effectiveness of the drug, alcohol, or tobacco prevention program as proven by research;

''(4) the involvement of parents and community members in the design of the drug, alcohol, and tobacco prevention program; and

''(5) the extent of review of existing community drug, alcohol, and tobacco prevention programs before implementation of the public school program.

''(c) REQUEST FOR QUALITY PROGRAM SCHOOL DESIGNATION.—A school that wishes to receive a quality program school designation shall submit a request and documentation of compliance with this section to the chief executive officer of the State or the individual, entity, or agency described in subsection (a), as the case may be.

''(d) PUBLIC NOTIFICATION.—Not less than once a year, the chief executive officer of each State or the individual, entity, or agency described in subsection (a), as the case may be, shall make available to the public a list of the names of each public school in the State that has received a quality program school designation in accordance with this section.

“Subpart 4—State Grants To Encourage Community Service by Expelled and Suspended Students

“SEC. 4141. AUTHORIZATION OF APPROPRIATIONS.

''In addition to amounts authorized to be appropriated under section 4004, there are authorized to be appropriated $50,000,000 for fiscal year 2002 for State grants to encourage States to carry out programs under which students expelled or suspended from schools in the States are required to perform community service.

“SEC. 4142. ALLOTMENTS.

''(a) IN GENERAL.—From the amount made available under section 4141, the Secretary shall allocate among the States—

''(1) one-half according to the ratio between the school-aged population of each State and the school-aged population of all the States; and

''(2) one-half according to the ratio between the amount each State received under section 1124A for the preceding year and the sum of such amounts received by all the States.

''(b) MINIMUM.—For any fiscal year, no State shall be allotted under this section an amount that is less than one-half of 1 percent of the total amount allotted to all the States under this section.

''(c) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (a).

''(d) DEFINITION.—In this section, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 402. GUN-FREE REQUIREMENTS.

Title IV (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

“PART B—GUN POSSESSION

“SEC. 4201. GUN-FREE REQUIREMENTS.

''(a) SHORT TITLE.—This part may be cited as the ''Gun-Free Schools Act of 1994''.

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—Each State receiving Federal funds under this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school, or to have possessed a weapon at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

''(2) CONSTRUCTION.—Nothing in this part shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

''(3) DEFINITION.—For the purpose of this section, the term 'weapon' means a firearm as such term is defined in section 921(a) of title 18, United States Code.

''(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

''(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act shall provide to the State, in the application requesting such assistance—

''(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

''(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

''(A) the name of the school concerned;

''(B) the number of students expelled from such school; and

''(C) the type of weapons concerned.

''(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

''(f) DEFINITION.—In this section, the term 'school' means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

''(g) EXCEPTION.—Nothing in this section shall apply to a weapon that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

“SEC. 4202. POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.

''(a) IN GENERAL.—No funds shall be made available under this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a weapon to a school, or is found to have possessed a weapon at a school, served by such agency.

''(b) DEFINITIONS.—For the purpose of this section:

''(1) SCHOOL.—The term 'school' has the meaning given to such term by section 921(a) of title 18, United States Code.

''(2) WEAPON.—The term 'weapon' has the meaning given such term in section 4101(b)(3).''.

SEC. 403. SCHOOL SAFETY AND VIOLENCE PREVENTION.

(a) IN GENERAL.—Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

“PART C—SCHOOL SAFETY AND VIOLENCE PREVENTION

“SEC. 4301. SCHOOL SAFETY AND VIOLENCE PREVENTION.

''Subject to this title, and subpart 4 of part B of title V, funds made available under this title and such subpart may be used for—

''(1) training, including in-service training, for school personnel (including custodians and bus drivers), with respect to—

''(A) the identification of potential threats, such as illegal weapons and explosive devices;

''(B) crisis preparedness and intervention procedures; and

''(C) emergency response;

''(2) training for parents, teachers, school personnel and other interested members of the community regarding the identification and responses to early warning signs of troubled and violent youth;

''(3) innovative scientifically based research delinquency and violence prevention programs, including—

''(A) school antiviolence programs; and

''(B) mentoring programs;

''(4) comprehensive security assessments;

''(5) in accordance with section 4116(c), the purchase of school security equipment and technologies such as—

''(A) metal detectors;

''(B) electronic locks; and

''(C) surveillance cameras;

''(6) collaborative efforts with community-based organizations, including faith-based organizations, statewide consortia, and law enforcement agencies, that have demonstrated expertise in providing effective, scientifically based research violence prevention and intervention programs for school-aged children;

''(7) providing assistance to States, local education agencies, or schools to establish school uniform policies;

''(8) school resource officers, including community policing officers; and

''(9) other innovative, local responses that are consistent with reducing incidents of school violence and improving the educational atmosphere of the classroom.

“SEC. 4302. SCHOOL UNIFORMS.

''(a) CONSTRUCTION.—Nothing in this part shall be construed to prohibit any State, local education agency, or school from establishing a school uniform policy.

''(b) FUNDING.—Subject to this title and subpart 4 of part B of title V, funds provided under this title and such subpart may be used for establishing a uniform policy.

“SEC. 4303. TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

''(a) NONAPPLICATION OF PROVISIONS.—This section shall not apply to any disciplinary

records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

"(b) Disciplinary Records.—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.

"SEC. 4304. CONFIDENTIAL REPORTING OF INDIVIDUALS SUSPECTED OF IMMINENT SCHOOL VIOLENCE.

"Subject to the provisions of this title and subpart 4 of part B of title V, funds made available under such titles may be used to—

"(1) support the independent State development and operation of confidential, toll-free telephone hotlines that will operate 7 days per week, 24 hours per day, in order to provide students, school officials, and other individuals with the opportunity to report specific threats of imminent school violence or to report other suspicious or criminal conduct by juveniles to appropriate State and local law enforcement entities for investigation;

"(2) ensure proper State training of personnel to answer and respond to telephone calls to hotlines described in paragraph (1);

"(3) assist in the acquisition of technology necessary to enhance the effectiveness of hotlines described in paragraph (1), including the utilization of Internet web-pages or resources;

"(4) enhance State efforts to offer appropriate counseling services to individuals who call hotlines described in paragraph (1) threatening to do harm to themselves or others; and

"(5) further State effort to publicize services offered by the hotlines described in paragraph (1) and to encourage individuals to utilize those services.

"SEC. 4305. SCHOOL SECURITY TECHNOLOGY AND RESOURCE CENTER.

"(a) Center.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories, in partnership with the National Law Enforcement and Corrections Technology Center—Southeast and the National Center for Rural Law Enforcement in Little Rock, Arkansas, of a center to be known as the 'School Security Technology and Resource Center'.

"(b) Administration.—The center established under subsection (a) shall be administered by the Attorney General.

"(c) Functions.—The center established under subsection (a) shall be a resource to local educational agencies for school security assessments, security technology development, evaluation and implementation, and technical assistance relating to improving school security. The center will also conduct and publish school violence research, coalesce data from victim communities, and monitor and report on schools that implement school security strategies.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $4,750,000 for each of the fiscal years 2002, 2003, and 2004, of which $2,000,000 shall be for Sandia National Laboratories in each fiscal year, $2,000,000 shall be for the National Center for Rural Law Enforcement in each fiscal year, and $750,000 shall be for the National Law Enforcement and Corrections Technology Center—Southeast in each fiscal year.

"SEC. 4306. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) In General.—

"(1) Grants authorized.—From amounts appropriated under subsection (c), the Secretary shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology for, or carry out activities related to improving security at, the middle and secondary schools served by the agencies, including obtaining school security assessments, and technical assistance, for the development of a comprehensive school security plan from the School Security Technology and Resource Center.

"(2) Application.—To be eligible to receive a grant under this section, a local educational agency shall submit to the Secretary an application in such form and containing such information as the Secretary may require, including information relating to the security needs of the agency.

"(3) Priority.—In awarding grants under this section, the Secretary shall give priority to local educational agencies that demonstrate the highest security needs, as reported by the agency in the application submitted under paragraph (2).

"(b) Applicability.—The provisions of this part (other than this section) shall not apply to this section.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002, 2003, and 2004.

"SEC. 4307. SAFE AND SECURE SCHOOL ADVISORY REPORT.

"Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Education and the Secretary of Energy, or their designees, shall—

"(1) develop a proposal to further improve school security; and

"(2) submit that proposal to Congress.".

(b) Background Checks.—Section 5(9) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(9)) is amended—

(1) in subparagraph (A)(i), by inserting "(including an individual who is employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon; and

(2) in subparagraph (B)(i), by inserting "(including an individual who seeks to be employed by a school in any capacity, including as a child care provider, a teacher, or another member of school personnel)" before the semicolon.

SEC. 404. SCHOOL SAFETY ENHANCEMENT.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART D—SCHOOL SAFETY ENHANCEMENT

"SEC. 4401. SHORT TITLE.

"This part may be cited as the 'School Safety Enhancement Act of 2001'.

"SEC. 4402. FINDINGS.

"Congress makes the following findings:

"(1) While our Nation's schools are still relatively safe, it is imperative that schools be provided with adequate resources to prevent incidents of violence.

"(2) Approximately 10 percent of all public schools reported at least 1 serious violent crime to a law enforcement agency over the course of the 1996–1997 school year.

"(3) In 1996, approximately 225,000 students between the ages of 12 and 18 were victims of nonfatal violent crime in schools in the United States.

"(4) From 1992 through 1994, 76 students and 29 non-students were victims of murders or suicides that were committed in schools in the United States.

"(5) The school violence incidents in several States across the Nation in 1998 and 1999 caused enormous damage to schools, families, and whole communities.

"(6) Because of escalating school violence, the children of the United States are increasingly afraid that they will be attacked or harmed at school.

"(7) A report issued by the Department of Education in August, 1998, entitled 'Early Warning, Early Response' concluded that the reduction and prevention of school violence is best achieved through safety plans which involve the entire community, policies which emphasize both prevention and intervention, training school personnel, parents, students, and community members to recognize the early warning signs of potential violent behavior and to share their concerns or observations with trained personnel, establishing procedures which allow rapid response and intervention when early warning signs of violent behavior are identified, and providing adequate support and access to services for troubled students.

"SEC. 4403. NATIONAL CENTER FOR SCHOOL AND YOUTH SAFETY.

"(a) Establishment.—The Secretary of Education and the Attorney General shall jointly establish a National Center for School and Youth Safety (in this section referred to as the 'Center'). The Secretary of Education and the Attorney General may establish the Center at an existing facility, if the facility has a history of performing two or more of the duties described in subsection (b). The Secretary of Education and the Attorney General shall jointly appoint a Director of the Center to oversee the operation of the Center.

"(b) Duties.—The Center shall carry out emergency response, anonymous student hotline, consultation, and information and outreach activities with respect to elementary and secondary school safety, including the following:

"(1) Emergency response.—The staff of the Center, and such temporary contract employees as the Director of the Center shall determine necessary, shall offer emergency assistance to local communities to respond to school safety crises. Such assistance shall include counseling for victims and the community, assistance to law enforcement to address short-term security concerns, and advice on how to enhance school safety, prevent future incidents, and respond to future incidents.

"(2) Anonymous student hotline.—The Center shall establish a toll-free telephone number for students to report criminal activity, threats of criminal activity, and other high-risk behaviors such as substance abuse, gang or cult affiliation, depression, or other warning signs of potentially violent behavior. The Center shall relay the reports, without attribution, to local law enforcement or appropriate school hotlines. The Director of the Center shall work with the Attorney General to establish guidelines for Center staff to work with law enforcement around the Nation to relay information reported through the hotline.

"(3) Consultation.—The Center shall establish a toll-free number for the public to contact staff of the Center for consultation regarding school safety. The Director of the Center shall hire administrative staff and individuals with expertise in enhancing school safety, including individuals with backgrounds in counseling and psychology, education, law enforcement and criminal justice, and community development to assist in the consultation.

"(4) Information and outreach.—The Center shall compile information about the best practices in school violence prevention, intervention, and crisis management, and shall serve as a clearinghouse for model school safety program information. The staff of the Center shall work to ensure local governments, school officials, parents, students, and law enforcement officials and agencies are aware of the resources, grants, and expertise available to enhance school safety and prevent school crime. The staff of the Center shall give special attention to providing outreach to rural and impoverished communities.

"(c) FUNDING.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2005.".

"SEC. 4404. SAFE COMMUNITIES, SAFE SCHOOLS.

"(a) GRANTS AUTHORIZED.—Using funds made available under subsection (c), the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General shall award grants, on a competitive basis, to help communities develop community-wide safety programs involving students, parents, educators, guidance counselors, psychologists, law enforcement officials or agencies, civic leaders, and other organizations serving the community.

"(b) AUTHORIZED ACTIVITIES.—Funds provided under this section may be used for activities that may include efforts to—

"(1) increase early intervention strategies;

"(2) expand parental involvement;

"(3) increase students' awareness of warning signs of violent behavior;

"(4) promote students' responsibility to report the warning signs to appropriate persons;

"(5) promote conflict resolution and peer mediation programs;

"(6) increase the number of after-school programs;

"(7) expand the use of safety-related equipment and technology; and

"(8) expand students' access to mental health services.

"(c) FUNDING.—There is authorized to be appropriated to carry out this section, $24,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2005.".

SEC. 405. AMENDMENTS TO THE NATIONAL CHILD PROTECTION ACT OF 1993.

Section 5(10) of the National Child Protection Act of 1993 (42 U.S.C. 5119c(10)) is amended to read as follows:

"(10) the term 'qualified entity' means—

"(A) a business or organization, whether public, private, for-profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services; or

"(B) an elementary or secondary school.".

SEC. 406. ENVIRONMENTAL TOBACCO SMOKE.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

"PART E—ENVIRONMENTAL TOBACCO SMOKE

"SEC. 4501. SHORT TITLE.

"This part may be cited as the 'Pro-Children Act of 2001'.

"SEC. 4502. DEFINITIONS.

"As used in this part:

"(1) CHILDREN.—The term 'children' means individuals who have not attained the age of 18.

"(2) CHILDREN'S SERVICES.—The term 'children's services' means the provision on a routine or regular basis of health, day care, education, or library services—

"(A) that are funded, after the date of enactment of the Better Education for Students and Teachers Act, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

"(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act); or

"(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

"(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

"(3) INDOOR FACILITY.—The term 'indoor facility' means a building that is enclosed.

"(4) PERSON.—The term 'person' means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"SEC. 4503. NONSMOKING POLICY FOR CHILDREN'S SERVICES.

"(a) PROHIBITION.—After the date of enactment of the Better Education for Students and Teachers Act, no person receiving funds pursuant to this Act, shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

"(b) ADDITIONAL PROHIBITION.—

"(1) IN GENERAL.—After the date of enactment of the Better Education for Students and Teachers Act, no person receiving funds pursuant to this Act, shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood development (Head Start) services.

"(2) EXCEPTION.—Paragraph (1) shall not apply to—

"(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(B) any private residence.

"(c) FEDERAL AGENCIES.—

"(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the Better Education for Students and Teachers Act, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

"(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD DEVELOPMENT SERVICES.—

"(A) IN GENERAL.—After the date of enactment of the Better Education for Students and Teachers Act, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to—

"(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

"(ii) any private residence.

"(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

"(d) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the Better Education for Students and Teachers Act, whichever occurs first.

"(e) CIVIL PENALTIES.—

"(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed $1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed fifty percent of the amount of Federal funds received under the Better Education for Students and Teachers Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term 'person', as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

"(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

"(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

"(A) the nature, circumstances, extent, and gravity of the violation;

"(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

‘‘(C) such other matters as justice may require.

‘‘(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

‘‘(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

‘‘(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

“SEC. 4504. PREEMPTION.

‘‘Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.''.

SEC. 407. GRANTS TO REDUCE ALCOHOL ABUSE.

Title IV (20 U.S.C. 7101 et seq.) is further amended by adding at the end the following:

“PART F—GRANTS TO REDUCE ALCOHOL ABUSE

“SEC. 4601. GRANTS TO REDUCE ALCOHOL ABUSE.

‘‘(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants, on a competitive basis, to local educational agencies to enable such agencies to develop and implement innovative and effective programs to reduce alcohol abuse in secondary schools.

‘‘(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a local educational agency shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

‘‘(1) a description of the activities to be carried out under the grant;

‘‘(2) an assurance that such activities will include 1 or more of the proven strategies for reducing underage alcohol abuse as determined by the Substance Abuse and Mental Health Services Administration;

‘‘(3) an explanation of how activities to be carried under the grant that are not described in paragraph (2) will be effective in reducing underage alcohol abuse, including references to the past effectiveness of such activities;

‘‘(4) an assurance that the applicant will submit to the Secretary an annual report concerning the effectiveness of the programs and activities funded under the grant; and

‘‘(5) such other information as the Secretary determines appropriate.

‘‘(c) STREAMLINING OF PROCESS FOR LOW-INCOME AND RURAL LEAS.—The Secretary, in consultation with the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop procedures to make the application process for grants under this section more user-friendly, particularly for low-income and rural local educational agencies.

‘‘(d) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2002, and such sums as may be necessary in each of the 6 subsequent fiscal years.

‘‘(2) RESERVATIONS.—

‘‘(A) SAMHSA.—The Secretary shall reserve 20 percent of the amount appropriated for each fiscal year under paragraph (1) to enable the Administrator of the Substance Abuse and Mental Health Services Administration to provide alcohol abuse resources and start-up assistance to local educational agencies receiving grants under this section.

‘‘(B) LOW-INCOME AND RURAL AREAS.—The Secretary shall reserve 25 percent of the amount appropriated for each fiscal year under paragraph (1) to award grants under this section to low-income and rural local educational agencies.''.

SEC. 408. MENTORING PROGRAMS.

(a) IN GENERAL.—Title IV of Elementary and Secondary Education Act of 1965 is further amended by adding at the end the following:

“PART G—MENTORING PROGRAMS

“SEC. 4701. DEFINITIONS.

‘‘In this part:

‘‘(1) CHILD WITH GREATEST NEED.—The term ‘child with greatest need’ means a child at risk of educational failure, dropping out of school, or involvement in criminal or delinquent activities, or that has lack of strong positive adult role models.

‘‘(2) MENTOR.—The term ‘mentor’ means an individual who works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

‘‘(3) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“SEC. 4702. PURPOSES.

‘‘The purposes of this part are to make assistance available to promote mentoring programs for children with greatest need—

‘‘(1) to assist such children in receiving support and guidance from a caring adult;

‘‘(2) to improve the academic performance of such children;

‘‘(3) to improve interpersonal relationships between such children and their peers, teachers, other adults, and family members;

‘‘(4) to reduce the dropout rate of such children; and

‘‘(5) to reduce juvenile delinquency and involvement in gangs by such children.

“SEC. 4703. GRANT PROGRAM.

‘‘(a) IN GENERAL.—In accordance with this section, the Secretary may make grants to eligible entities to assist such entities in establishing and supporting mentoring programs and activities that—

‘‘(1) are designed to link children with greatest need (particularly such children living in rural areas, high crime areas, or troubled home environments, or such children experiencing educational failure) with responsible adults, who—

‘‘(A) have received training and support in mentoring;

‘‘(B) have been screened using appropriate reference checks, child and domestic abuse record checks, and criminal background checks; and

‘‘(C) are interested in working with youth; and

‘‘(2) are intended to achieve 1 or more of the following goals:

‘‘(A) Provide general guidance to children with greatest need.

‘‘(B) Promote personal and social responsibility among children with greatest need.

‘‘(C) Increase participation by children with greatest need in, and enhance their ability to benefit from, elementary and secondary education.

‘‘(D) Discourage illegal use of drugs and alcohol, violence, use of dangerous weapons, promiscuous behavior, and other criminal, harmful, or potentially harmful activity by children with greatest need.

‘‘(E) Encourage children with greatest need to participate in community service and community activities.

‘‘(F) Encourage children with greatest need to set goals for themselves or to plan for their futures, including encouraging such children to make graduation from secondary school a goal and to make plans for postsecondary education or training.

‘‘(G) Discourage involvement of children with greatest need in gangs.

‘‘(b) ELIGIBLE ENTITIES.—Each of the following is an entity eligible to receive a grant under subsection (a):

‘‘(1) A local educational agency.

‘‘(2) A nonprofit, community-based organization.

‘‘(3) A partnership between an agency referred to in paragraph (1) and an organization referred to in paragraph (2).

‘‘(c) USE OF FUNDS.—

‘‘(1) IN GENERAL.—Each entity receiving a grant under this section shall use the grant funds for activities that establish or implement a mentoring program, including—

‘‘(A) hiring of mentoring coordinators and support staff;

‘‘(B) providing for the professional development of mentoring coordinators and support staff;

‘‘(C) recruitment, screening, and training of adult mentors;

‘‘(D) reimbursement of schools, if appropriate, for the use of school materials or supplies in carrying out the program;

‘‘(E) dissemination of outreach materials;

‘‘(F) evaluation of the program using scientifically based methods; and

‘‘(G) such other activities as the Secretary may reasonably prescribe by rule.

‘‘(2) PROHIBITED USES.—Notwithstanding paragraph (1), an entity receiving a grant under this section may not use the grant funds—

‘‘(A) to directly compensate mentors;

‘‘(B) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the entity's operations;

‘‘(C) to support litigation of any kind; or

‘‘(D) for any other purpose reasonably prohibited by the Secretary by rule.

‘‘(d) TERM OF GRANT.—Each grant made under this section shall be available for expenditure for a period of 3 years.

‘‘(e) APPLICATION.—Each eligible entity seeking a grant under this section shall submit to the Secretary an application that includes—

‘‘(1) a description of the mentoring plan the applicant proposes to carry out with such grant;

‘‘(2) information on the children expected to be served by the mentoring program for which such grant is sought;

"(3) a description of the mechanism that applicant will use to match children with mentors based on the needs of the children;

"(4) an assurance that no mentor will be assigned to mentor so many children that the assignment would undermine either the mentor's ability to be an effective mentor or the mentor's ability to establish a close relationship (a one-on-one relationship, where practicable) with each mentored child;

"(5) an assurance that mentoring programs will provide children with a variety of experiences and support, including—

"(A) emotional support;

"(B) academic assistance; and

"(C) exposure to experiences that children might not otherwise encounter on their own;

"(6) an assurance that mentoring programs will be monitored to ensure that each child assigned a mentor benefits from that assignment and that there will be a provision for the assignment of a new mentor if the relationship between the original mentor is not beneficial to the child;

"(7) information on the method by which mentors and children will be recruited to the mentor program;

"(8) information on the method by which prospective mentors will be screened;

"(9) information on the training that will be provided to mentors; and

"(10) information on the system that the applicant will use to manage and monitor information relating to the program's reference checks, child and domestic abuse record checks, and criminal background checks and to its procedure for matching children with mentors.

"(f) SELECTION.—

"(1) COMPETITIVE BASIS.—In accordance with this subsection, the Secretary shall select grant recipients from among qualified applicants on a competitive basis.

"(2) PRIORITY.—In selecting grant recipients under paragraph (1), the Secretary shall give priority to each applicant that—

"(A) serves children with greatest need living in rural areas, high crime areas, or troubled home environments, or who attend schools with violence problems;

"(B) provides background screening of mentors, training of mentors, and technical assistance in carrying out mentoring programs;

"(C) proposes a mentoring program under which each mentor will be assigned to not more children than the mentor can serve effectively; or

"(D) proposes a school-based mentoring program.

"(3) OTHER CONSIDERATIONS.—In selecting grant recipients under paragraph (1), the Secretary shall also consider—

"(A) the degree to which the location of the programs proposed by each applicant contributes to a fair distribution of programs with respect to urban and rural locations;

"(B) the quality of the mentoring programs proposed by each applicant, including—

"(i) the resources, if any, the applicant will dedicate to providing children with opportunities for job training or postsecondary education;

"(ii) the degree to which parents, teachers, community-based organizations, and the local community have participated, or will participate, in the design and implementation of the applicant's mentoring program;

"(iii) the degree to which the applicant can ensure that mentors will develop longstanding relationships with the children they mentor;

"(iv) the degree to which the applicant will serve children with greatest need in the 4th, 5th, 6th, 7th, and 8th grades; and

"(v) the degree to which the program will continue to serve children from the 4th grade through graduation from secondary school; and

"(C) the capability of each applicant to effectively implement its mentoring program.

"(4) GRANT TO EACH STATE.—Notwithstanding any other provision of this subsection, in selecting grant recipients under paragraph (1), the Secretary shall select not less than 1 grant recipient from each State for which there is a qualified applicant.

"(g) MODEL SCREENING GUIDELINES.—

"(1) IN GENERAL.—Based on model screening guidelines developed by the Office of Juvenile Programs of the Department of Justice, the Secretary shall develop and distribute to program participants specific model guidelines for the screening of mentors who seek to participate in programs to be assisted under this part.

"(2) BACKGROUND CHECKS.—The guidelines developed under this subsection shall include, at a minimum, a requirement that potential mentors be subject to reference checks, child and domestic abuse record checks, and criminal background checks.

"SEC. 4704. STUDY BY GENERAL ACCOUNTING OFFICE.

"(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify successful school-based mentoring programs, and the elements, policies, or procedures of such programs that can be replicated.

"(b) REPORT.—Not later than 3 years after the date of the enactment of this part, the Comptroller General shall submit a report to the Secretary and Congress containing the results of the study conducted under this section.

"(c) USE OF INFORMATION.—The Secretary shall use information contained in the report referred to in subsection (b)—

"(1) to improve the quality of existing mentoring programs assisted under this part and other mentoring programs assisted under this Act; and

"(2) to develop models for new programs to be assisted or carried out under this Act.

"SEC. 4705. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out section 4703 $50,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) GRANT FOR TRAINING AND TECHNICAL SUPPORT.—

(1) IN GENERAL.—The Secretary of Education shall make a grant, in such amount as the Secretary considers appropriate, to Big Brothers Big Sisters of America for the purpose of providing training and technical support to grant recipients under part E of title IV of the Elementary and Secondary Education Act of 1965, as added by subsection (a), through the existing system regional mentoring development centers specified in paragraph (2).

(2) REGIONAL MENTORING DEVELOPMENT CENTERS.—The regional mentoring development centers referred to in this paragraph are regional mentoring development centers located as follows:

(A) In Phoenix, Arizona.

(B) In Atlanta, Georgia.

(C) In Boston, Massachusetts.

(D) In St. Louis, Missouri.

(E) In Columbus, Ohio.

(F) In Philadelphia, Pennsylvania.

(G) In Dallas, Texas.

(H) In Seattle, Washington.

(3) PURPOSE.—The purpose of the training and technical support provided through the grant under this subsection is to enable grant recipients to design, develop, and implement quality mentoring programs with the capacity to be sustained beyond the term of the grant.

(4) SERVICES.—The training and technical support provided through the grant under this subsection shall include—

(A) professional training for staff;

(B) program development and management;

(C) strategic fund development;

(D) mentor development; and

(E) marketing and communications.

(5) FUNDING.—Amounts the grant under this subsection shall be derived from the amount authorized to be appropriated by section 4705 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), for fiscal year 2002.

SEC. 409. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF DILAPIDATED OR ENVIRONMENTALLY UNHEALTHY PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN AND THE HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

Title IV, as amended by this title, is further amended by adding at the end the following:

"PART H—MISCELLANEOUS PROVISIONS

"SEC. 4801. STUDY CONCERNING THE HEALTH AND LEARNING IMPACTS OF DILAPIDATED OR ENVIRONMENTALLY UNHEALTHY PUBLIC SCHOOL BUILDINGS ON AMERICA'S CHILDREN.

"(a) STUDY AUTHORIZED.—The Secretary of Education, in conjunction with the Director of the Centers for Disease Control and Prevention and in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall conduct a study on the health and learning impacts of dilapidated or environmentally unhealthy public school buildings on children that have attended or are attending such schools.

"(b) STUDY SPECIFICATIONS.—The following information shall be included in the study conducted under subsection (a):

"(1) The characteristics of public elementary and secondary school buildings that contribute to unhealthy school environments, including the prevalence of such characteristics in public elementary and secondary school buildings. Such characteristics may include school buildings that—

"(A) have been built on contaminated property;

"(B) have poor in-door air quality;

"(C) have high occurrences of mold;

"(D) have ineffective ventilation, heating or cooling systems, inadequate lighting, drinking water that does not meet health-based standards, infestations of rodents, insects, or other animals that may carry or cause disease;

"(E) have dust or debris from crumbling structures or construction efforts; and

"(F) have been subjected to use of pesticides, insecticides, chemicals, or cleaners, lead-based paint, or asbestos or have radon or other hazardous substances prohibited by Federal or State codes.

"(2) The health and learning impacts of dilapidated or environmental unhealthy public school buildings on students that are attending or that have attended a school described in subsection (a), including information on the rates of such impacts where available. Such health impacts may include higher than expected incidence of injury, infectious disease, or chronic disease, such as asthma, allergies, elevated blood lead levels, behavioral disorders, or ultimately cancer. Such learning impacts may include lower levels of student achievement, inability of students to concentrate, and other educational indicators.

"(3) Recommendations to Congress on how to assist schools that are out of compliance with Federal or State codes or in need of assistance to achieve healthy and safe school environments, how to improve the overall monitoring of public school building health, and a cost estimate of bringing all public schools up to such standards.

"(4) The identification of the existing gaps in information regarding the health of public elementary and secondary school buildings and the

health and learning impacts on students that attend dilapidated or environmentally unhealthy public schools, including recommendations for obtaining such information.

"(5) The capacity (such as the district bonded indebtedness or the indebtedness authorized by the district electorate and payable from the general property taxes levied by the district) of public schools that are dilapidated or environmentally unhealthy to provide additional funds to meet some or all of the school's renovation, repair, or construction needs.

"(6) The degree to which funds expended by public schools to implement improvements or to address the conditions examined under this study are, or have been, appropriately managed by the legally responsible entities.

"(c) STUDY COMPLETION.—The study under subsection (a) shall be completed by the earlier of—

"(1) not later than 18 months after the date of enactment of this Act; or

"(2) not later than December 31, 2002.

"(d) PUBLIC DISSEMINATION.—The Secretary shall make the study under this section available for public consumption through the Educational Resources Information Center National Clearinghouse for Educational Facilities of the Department of Education.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 for fiscal year 2002 for the conduct of the study under subsection (a).

"SEC. 4802. HEALTHY AND HIGH PERFORMANCE SCHOOLS PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the 'Healthy and High Performance Schools Act of 2001'.

"(b) PURPOSE.—It is the purpose of this section to assist local educational agencies in the production of high performance elementary school and secondary school buildings that are energy-efficient, and environmentally healthy.

"(c) PROGRAM ESTABLISHMENT AND ADMINISTRATION.—

"(1) PROGRAM.—There is established in the Department of Education the High Performance Schools Program (in this section referred to as the 'Program').

"(2) GRANTS.—The Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, may, through the Program, award grants to State educational agencies to permit such State educational agencies to carry out paragraph (3).

"(3) STATE USE OF FUNDS.—

"(A) SUBGRANTS.—

"(i) IN GENERAL.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(A) to award subgrants to local educational agencies to permit such local educational agencies to carry out the activities described in paragraph (4).

"(ii) LIMITATION.—A State educational agency shall award subgrants under clause (i) to the neediest local educational agencies as determined by the State and that have made a commitment to use the subgrant funds to develop healthy, high performance school buildings in accordance with the plan developed and approved pursuant to clause (iii)(I).

"(iii) IMPLEMENTATION.—

"(I) PLANS.—A State educational agency shall award subgrants under subparagraph (A) only to local educational agencies that, in consultation with the State educational agency and State offices with responsibilities relating to energy and health, have developed plans that the State educational agency determines to be feasible and appropriate in order to achieve the purposes for which such subgrants are made.

"(II) SUPPLEMENTING GRANT FUNDS.—The State educational agency shall encourage qualifying local educational agencies to supplement their subgrant funds with funds from other sources in the implementation of their plans.

"(B) ADMINISTRATION.—A State educational agency receiving a grant under this section shall use the grant funds made available under subsection (d)(1)(B)—

"(i) to evaluate compliance by local educational agencies with the requirements of this section;

"(ii) to distribute information and materials on healthy, high performance school buildings for both new and existing facilities;

"(iii) to organize and conduct programs for school board members, school district personnel, and others to disseminate information on healthy, high performance school buildings;

"(iv) to obtain technical services and assistance in planning and designing healthy, high performance school buildings; and

"(v) to collect and monitor information pertaining to the healthy, high performance school building projects funded under this section.

"(4) LOCAL USE OF FUNDS.—

"(A) IN GENERAL.—A subgrant received by a local educational agency under paragraph (3)(A) shall be used for renovation projects that—

"(i) achieve energy-efficiency performance that reduces energy use to at least 30 percent below that of a school constructed in compliance with standards prescribed in Chapter 8 of the 2000 International Energy Conservation Code, or a similar State code intended to achieve substantially equivalent results; and

"(ii) achieve environmentally healthy schools in compliance with Federal and State codes intended to achieve healthy and safe school environments.

"(B) EXISTING BUILDINGS.—A local educational agency receiving a subgrant under paragraph (3)(A) for renovation of existing school buildings shall use such subgrant funds—

"(i) to achieve energy efficiency performance that reduces energy use below the school's baseline consumption, assuming a 3-year, weather-normalized average for calculating such baseline; and

"(ii) to help bring schools into compliance with Federal and State health and safety standards.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—A State receiving a grant under this section shall use—

"(A) not less than 70 percent of such grant funds to carry out subsection (c)(3)(A); and

"(B) not less than 15 percent of such grant funds to carry out subsection (c)(3)(B).

"(2) RESERVATION.—The Secretary may reserve up to 1 percent per year from amounts appropriated under subsection (f) to assist State educational agencies in coordinating and implementing the Program.

"(e) REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall conduct a biennial review of State actions implementing this section, and shall report to Congress on the results of such reviews.

"(2) REVIEWS.—In conducting such reviews, the Secretary shall assess the effectiveness of the calculation procedures used by State educational agencies in establishing eligibility of local educational agencies for subgrants under this section, and may assess other aspects of the Program to determine whether the aspects have been effectively implemented.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section—

"(1) $50,000,000 for fiscal year 2002; and

"(2) such sums as may be necessary for each of fiscal years 2003 through 2011.

"(g) DEFINITIONS.—In this section:

"(1) HEALTHY, HIGH PERFORMANCE SCHOOL BUILDING.—The term 'healthy, high performance school building' means a school building which, in its design, construction, operation, and maintenance, maximizes use of renewable energy and energy-efficient practices, is cost-effective, uses affordable, environmentally preferable, durable materials, enhances indoor environmental quality, and protects and conserves water.

"(2) RENEWABLE ENERGY.—The term 'renewable energy' means energy produced by solar, wind, geothermal, hydroelectric, or biomass power.

"(h) LIMITATIONS.—No funds received under this section may be used for—

"(1) payment of maintenance of costs in connection with any projects constructed in whole or in part with Federal funds provided under this Act;

"(2) the construction of new school facilities;

"(3) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 410. AMENDMENT TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) is amended by adding at the end the following:

"Chapter 3—Improving Early Intervention, Educational, and Transitional Services and Results for Children with Disabilities Through the Provision of Certain Services

"SEC. 691. FINDINGS.

"Congress makes the following findings:

"(1) Approximately 1,000,000 children and youth in the United States have low-incidence disabilities which affects the hearing, vision, movement, emotional, and intellectual capabilities of such children and youth.

"(2) There are 15 States that do not offer or maintain teacher training programs for any of the 3 categories of low-incidence disabilities. The 3 categories are deafness, blindness, and severe disabilities.

"(3) There are 38 States in which teacher training programs are not offered or maintained for 1 or more of the 3 categories of low-incidence disabilities.

"(4) The University of Northern Colorado is in a unique position to provide expertise, materials, and equipment to other schools and educators across the Nation to train current and future teachers to educate individuals that are challenged by low-incidence disabilities.

"SEC. 692. NATIONAL CENTER FOR LOW-INCIDENCE DISABILITIES.

"In order to fill the national need for teachers trained to educate children who are challenged with low-incidence disabilities, the University of Northern Colorado shall be designated as a National Center for Low-Incidence Disabilities.

"SEC. 693. SPECIAL EDUCATION TEACHER TRAINING PROGRAMS.

"(a) GRANT.—The Secretary shall award a grant to the University of Northern Colorado to enable such university to provide to institutions of higher education across the Nation such services that are offered under the special education teacher training program carried out by such university, such as providing educational materials or other information necessary in order to aid in such teacher training.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for fiscal year 2002, and $1,000,000 for each of the fiscal years 2003 through 2005.".

TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

SEC. 501. PUBLIC SCHOOL CHOICE AND FLEXIBILITY.

Title V (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE V—PUBLIC SCHOOL CHOICE AND FLEXIBILITY

"PART A—PUBLIC SCHOOL CHOICE

"Subpart 1—Charter Schools

"SEC. 5111. PURPOSE.

"It is the purpose of this subpart to increase national understanding of the charter schools model by—

"(1) providing financial assistance for the planning, program design and initial implementation of charter schools;

"(2) evaluating the effects of such schools, including the effects on students, student achievement, staff, and parents; and

"(3) expanding the number of high-quality charter schools available to students across the Nation.

"SEC. 5112. PROGRAM AUTHORIZED.

"(a) In General.—The Secretary may award grants to State educational agencies having applications approved pursuant to section 5113 to enable such agencies to conduct a charter school grant program in accordance with this subpart.

"(b) Special Rule.—If a State educational agency elects not to participate in the program authorized by this subpart or does not have an application approved under section 5113, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 5113(c).

"(c) Program Periods.—

"(1) Grants to states.—Grants awarded to State educational agencies under this subpart shall be awarded for a period of not more than 3 years.

"(2) Grants to eligible applicants.—Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this subpart shall be awarded for a period of not more than 3 years, of which the eligible applicant may use—

"(A) not more than 18 months for planning and program design;

"(B) not more than 2 years for the initial implementation of a charter school; and

"(C) not more than 2 years to carry out dissemination activities described in section 5114(f)(6)(B).

"(d) Limitation.—A charter school may not receive—

"(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

"(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

"(e) Priority Treatment.—

"(1) In general.—In awarding grants under this subpart for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 5121, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

"(2) Review and evaluation priority criteria.—The criteria referred to in paragraph (1) is that the State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

"(3) Priority criteria.—The criteria referred to in paragraph (1) are the following:

"(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this subpart.

"(B) The State—

"(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or

"(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

"(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

"(f) Amount Criteria.—In determining the amount of a grant to be awarded under this subpart to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.

"SEC. 5113. APPLICATIONS.

"(a) Applications From State Agencies.—Each State educational agency desiring a grant from the Secretary under this subpart shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

"(b) Contents of a State Educational Agency Application.—Each application submitted pursuant to subsection (a) shall—

"(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program; and

"(2) describe how the State educational agency—

"(A) will inform each charter school in the State regarding—

"(i) Federal funds that the charter school is eligible to receive; and

"(ii) Federal programs in which the charter school may participate;

"(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

"(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

"(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing—

"(A) a description of the educational program to be implemented by the proposed charter school, including—

"(i) how the program will enable all students to meet challenging State student performance standards;

"(ii) the grade levels or ages of children to be served; and

"(iii) the curriculum and instructional practices to be used;

"(B) a description of how the charter school will be managed;

"(C) a description of—

"(i) the objectives of the charter school; and

"(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

"(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

"(E) a description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;

"(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

"(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

"(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

"(I) a description of how students in the community will be—

"(i) informed about the charter school; and

"(ii) given an equal opportunity to attend the charter school;

"(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

"(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this subpart;

"(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

"(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 5112(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

"(N) such other information and assurances as the Secretary and the State educational agency may require.

"(c) Contents of Eligible Applicant Application.—Each eligible applicant desiring a grant pursuant to section 5112(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

"(d) Contents of Application.—Each application submitted pursuant to subsection (c) shall contain—

"(1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking 'and the State educational agency' each place such term appears; and

"(2) assurances that the State educational agency—

"(A) will grant, or will obtain, waivers of State statutory or regulatory requirements; and

"(B) will assist each subgrantee in the State in receiving a waiver under section 5114(e).

"SEC. 5114. ADMINISTRATION.

"(a) Selection Criteria for State Educational Agencies.—The Secretary shall award grants to State educational agencies under this subpart on the basis of the quality of the applications submitted under section 5113(b), after taking into consideration such factors as—

“(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

“(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

“(3) the ambitiousness of the objectives for the State charter school grant program;

“(4) the quality of the strategy for assessing achievement of those objectives;

“(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;

“(6) the number of high quality charter schools created under this subpart in the State; and

“(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 5112(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

“(b) SELECTION CRITERIA FOR ELIGIBLE APPLICANTS.—The Secretary shall award grants to eligible applicants under this subpart on the basis of the quality of the applications submitted under section 5113(c), after taking into consideration such factors as—

“(1) the quality of the proposed curriculum and instructional practices;

“(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

“(3) the extent of community support for the application;

“(4) the ambitiousness of the objectives for the charter school;

“(5) the quality of the strategy for assessing achievement of those objectives;

“(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and

“(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 5112(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

“(c) PEER REVIEW.—The Secretary, and each State educational agency receiving a grant under this subpart, shall use a peer review process to review applications for assistance under this subpart.

“(d) DIVERSITY OF PROJECTS.—The Secretary and each State educational agency receiving a grant under this subpart, shall award subgrants under this subpart in a manner that, to the extent possible, ensures that such grants and subgrants—

“(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

“(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

“(e) WAIVERS.—The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 5120(1), if—

“(1) the waiver is requested in an approved application under this subpart; and

“(2) the Secretary determines that granting such a waiver will promote the purpose of this subpart.

“(f) USE OF FUNDS.—

“(1) STATE EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under this subpart shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this subpart, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

“(2) ELIGIBLE APPLICANTS.—Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this subpart.

“(3) ALLOWABLE ACTIVITIES.—An eligible applicant receiving a grant or subgrant under this subpart may use the grant or subgrant funds only for—

(A) post-award planning and design of the educational program, which may include—

“(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

“(ii) professional development of teachers and other staff who will work in the charter school; and

“(B) initial implementation of the charter school, which may include—

“(i) informing the community about the school;

“(ii) acquiring necessary equipment and educational materials and supplies;

“(iii) acquiring or developing curriculum materials; and

“(iv) other initial operational costs that cannot be met from State or local sources.

“(4) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this subpart.

“(5) REVOLVING LOAN FUNDS.—Each State educational agency receiving a grant pursuant to this subpart may reserve not more than 10 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this subpart, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

“(6) DISSEMINATION.—

“(A) IN GENERAL.—A charter school may apply for funds under this subpart, whether or not the charter school has applied for or received funds under this subpart for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including—

“(i) substantial progress in improving student achievement;

“(ii) high levels of parent satisfaction; and

“(iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

“(B) ACTIVITIES.—A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as—

“(i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;

“(ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;

“(iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and

“(iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

“(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this subpart and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

“(1) the eligibility of the school to receive any other Federal, State, or local aid; or

“(2) the amount of such aid.

“SEC. 5115. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—The Secretary shall reserve for each fiscal year the greater of 5 percent or $5,000,000 of the amount appropriated to carry out this subpart, except that in no fiscal year shall the total amount so reserved exceed $8,000,000, to carry out the following activities:

“(1) To provide charter schools, either directly or through State educational agencies, with—

“(A) information regarding—

“(i) Federal funds that charter schools are eligible to receive; and

“(ii) other Federal programs in which charter schools may participate; and

“(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

“(2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

“(3) To provide for other evaluations or studies that include the evaluation of the impact of charter schools on student achievement, including information regarding—

“(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

“(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

“(4) To provide—

“(A) information to applicants for assistance under this subpart;

“(B) assistance to applicants for assistance under this subpart with the preparation of applications under section 5113;

“(C) assistance in the planning and startup of charter schools;

“(D) training and technical assistance to existing charter schools; and

“(E) for the dissemination to other public schools of best or promising practices in charter schools.

“(5) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model descriptions of successful programs.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

“SEC. 5116. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.

“(a) IN GENERAL.—For purposes of the allocation to schools by the States or their agencies of

funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the enactment of the Charter School Expansion Act of 1998 as are necessary to ensure that every charter school receives the Federal funding for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in that charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

"(b) ADJUSTMENT AND LATE OPENINGS.—

"(1) IN GENERAL.—The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

"(2) RULE.—For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection (a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

"SEC. 5117. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.

"To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this subpart, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.

"SEC. 5118. RECORDS TRANSFER.

"State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act, are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

"SEC. 5119. PAPERWORK REDUCTION.

"To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that implementation of this subpart results in a minimum of paperwork for any eligible applicant or charter school.

"SEC. 5120. DEFINITIONS.

"In this subpart:

"(1) CHARTER SCHOOL.—The term 'charter school' means a public school that—

"(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

"(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

"(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

"(D) provides a program of elementary or secondary education, or both;

"(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

"(F) does not charge tuition;

"(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

"(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

"(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

"(J) meets all applicable Federal, State, and local health and safety requirements;

"(K) operates in accordance with State law; and

"(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

"(2) DEVELOPER.—The term 'developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

"(3) ELIGIBLE APPLICANT.—The term 'eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this subpart.

"(4) AUTHORIZED PUBLIC CHARTERING AGENCY.—The term 'authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

"SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $190,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"Subpart 2—Magnet Schools Assistance

"SEC. 5131. FINDINGS AND STATEMENT OF PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation of our Nation's schools.

"(2) It is in the national interest to continue the Federal Government's support of school districts that are implementing court-ordered desegregation plans and school districts that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds.

"(3) Desegregation can help ensure that all students have equitable access to high-quality education that will prepare them to function well in a technologically oriented and highly competitive society comprised of people from many different racial and ethnic backgrounds.

"(4) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and non-minority students as well as among students of different minority groups.

"(b) STATEMENT OF PURPOSE.—The purpose of this subpart is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

"(1) the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students which shall assist in the efforts of the United States to achieve voluntary desegregation in public schools;

"(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards;

"(3) the development and design of innovative educational methods and practices;

"(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational, technological and career skills of students attending such schools;

"(5) improving the capacity of local educational agencies, including through professional development, to continue operating magnet schools at a high performance level after Federal funding is terminated; and

"(6) ensuring that all students enrolled in the magnet school program have equitable access to high quality education that will enable the students to succeed academically and continue with post secondary education or productive employment.

"SEC. 5132. PROGRAM AUTHORIZED.

"The Secretary, in accordance with this subpart, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this subpart for magnet schools that are—

"(1) part of an approved desegregation plan; and

"(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

"SEC. 5133. DEFINITION.

"For the purpose of this subpart, the term 'magnet school' means a public elementary school or secondary school or a public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

"SEC. 5134. ELIGIBILITY.

"A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this subpart to carry out the purposes of this subpart if such agency or consortium—

"(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary schools and secondary schools of such agency; or

"(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this subpart, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

"SEC. 5135. APPLICATIONS AND REQUIREMENTS.

"(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(b) INFORMATION AND ASSURANCES.—Each such application shall include—

"(1) a description of—

"(A) how assistance made available under this subpart will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

"(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

"(C) how an applicant will continue the magnet school project after assistance under this subpart is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this subpart cannot be continued without the use of funds under this subpart;

"(D) how funds under this subpart will be used to implement services and activities that are consistent with other programs under this Act, and other Acts, as appropriate, in accordance with the provisions of section 5506; and

"(E) the criteria to be used in selecting students to attend the proposed magnet school project; and

"(2) assurances that the applicant will—

"(A) use funds under this subpart for the purposes specified in section 5131(b);

"(B) employ State certified or licensed teachers in the courses of instruction assisted under this subpart to teach or supervise others who are teaching the subject matter of the courses of instruction;

"(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

"(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

"(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

"(iii) designing or operating extracurricular activities for students;

"(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

"(E) give students residing in the local attendance area of the proposed magnet school project equitable consideration for placement in the project, consistent with desegregation guidelines and the capacity of the project to accommodate these students.

"(c) SPECIAL RULE.—No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances described in subsection (b)(2)(C) will be met.

"SEC. 5136. PRIORITY.

"In approving applications under this subpart, the Secretary shall give priority to applicants that—

"(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

"(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects;

"(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination;

"(4) propose to implement innovative educational approaches that are consistent with the State and local content and student performance standards; and

"(5) propose activities, which may include professional development, that will build local capacity to operate the magnet school program once Federal assistance has terminated.

"SEC. 5137. USE OF FUNDS.

"(a) IN GENERAL.—Grant funds made available under this subpart may be used by an eligible local educational agency or consortium of such agencies—

"(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

"(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

"(3) for the payment, or subsidization of the compensation, of elementary school and secondary school teachers who are certified or licensed by the State, and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

"(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

"(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

"(B) further the purposes of this subpart;

"(5) to include professional development, which professional development shall build the agency's or consortium's capacity to operate the magnet school once Federal assistance has terminated;

"(6) to enable the local educational agency or consortium to have more flexibility in the administration of a magnet school program in order to serve students attending a school who are not enrolled in a magnet school program; and

"(7) to enable the local educational agency or consortium to have flexibility in designing magnet schools for students at all grades.

"(b) SPECIAL RULE.—Grant funds under this subpart may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational, technological and career skills.

"SEC. 5138. PROHIBITION.

"Grants under this subpart may not be used for transportation or any activity that does not augment academic improvement.

"SEC. 5139. LIMITATIONS.

"(a) DURATION OF AWARDS.—A grant under this subpart shall be awarded for a period that shall not exceed 3 fiscal years.

"(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning (professional development shall not be considered as planning for purposes of this subsection) not more than 50 percent of the funds received under this subpart for the first year of the project, 25 percent of such funds for the second such year, and 15 percent of such funds for the third such year.

"(c) AMOUNT.—No local educational agency or consortium awarded a grant under this subpart shall receive more than $4,000,000 under this subpart in any 1 fiscal year.

"(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this subpart not later than June 1 of the applicable fiscal year.

"SEC. 5140. INNOVATIVE PROGRAMS.

"(a) IN GENERAL.—From amounts reserved under subsection (d) for each fiscal year, the Secretary shall award grants to local educational agencies or consortia of such agencies described in section 5134 to enable such agencies or consortia to conduct innovative programs that—

"(1) involve innovative strategies other than magnet schools, such as neighborhood or community model schools, to support desegregation of schools and to reduce achievement gaps;

"(2) assist in achieving systemic reforms and providing all students the opportunity to meet challenging State and local content standards and challenging State and local student performance standards; and

"(3) include innovative educational methods and practices that—

"(A) are organized around a special emphasis, theme, or concept; and

"(B) involve extensive parent and community involvement.

"(b) APPLICABILITY.—Sections 5131(b), 5132, 5135, 5136, and 5137, shall not apply to grants awarded under subsection (a).

"(c) APPLICATIONS.—Each local educational agency or consortia of such agencies desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

"(d) INNOVATIVE PROGRAMS.—The Secretary shall reserve not more than 5 percent of the funds appropriated under section 5142(a) for each fiscal year to award grants under this section.

"SEC. 5141. EVALUATIONS.

"(a) RESERVATION.—The Secretary may reserve not more than 2 percent of the funds appropriated under section 5142(a) for any fiscal year to carry out evaluations of projects assisted under this subpart and to provide technical assistance for grant recipients under this subpart.

"(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

"(1) how and the extent to which magnet school programs lead to educational quality and improvement;

"(2) the extent to which magnet school programs enhance student access to quality education;

"(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary schools and secondary schools with substantial proportions of minority students;

"(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs; and

"(5) the extent to which magnet school programs continue once grant assistance under this subpart is terminated.

"(c) DISSEMINATION.—The Secretary shall collect and disseminate to the general public information on successful magnet school programs.

"SEC. 5142. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

"(a) AUTHORIZATION.—For the purpose of carrying out this subpart, there are authorized to

be appropriated $125,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this subpart in the preceding fiscal year.

"Subpart 3—Public School Choice

"SEC. 5151. PUBLIC SCHOOL CHOICE.

"(a) ALLOTMENT TO STATE.—From the amount appropriated under subsection (e) for a fiscal year, the Secretary shall allot to each State an amount that bears the same relation to the amount as the amount the State received under section 1122 for the preceding year bears to the amount received by all States under section 1122 for the preceding year.

"(b) STATE USE OF FUNDS.—Each State receiving an allotment under subsection (a) shall use 100 percent of the allotted funds for allocations to local educational agencies to enable the local educational agencies to carry out school improvement under section 1116(c).

"(c) PUBLIC SCHOOL CHOICE.—Subject to subsection (d), each local educational agency receiving an allocation under subsection (b), and each local educational agency that is within a State that receives funds under part A of title I (other than a local educational agency within a State that receives a minimum grant under section 1124(d) or 1124A(a)(1)(B) of such Act), shall provide all students enrolled in a school identified under section 1116(c) and served by the local educational agency with the option to transfer to another public school within the school district served by the local educational agency, including a public charter school, that has not been identified for school improvement under section 1116(c), unless such option to transfer is prohibited by State law or local law (which includes school board-approved local educational agency policy).

"(d) SPECIAL RULE.—If a local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide all students with the option to transfer to another public school within the school district served by the local educational agency in accordance with subsection (c), and gives notice (consistent with State and local law) to the parents of children affected that it is not possible to accommodate the transfer request of every student, then the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school within such school district that has not been identified for school improvement under section 1116(c).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $225,000,000 for fiscal year 2002 and each of the 6 succeeding fiscal years.".

"PART B—FLEXIBILITY

"Subpart 1—Education Flexibility Partnerships

"SEC. 5201. SHORT TITLE.

"This subpart may be cited as the 'Education Flexibility Partnership Act of 2001'.

"SEC. 5202. DEFINITIONS.

"In this subpart:

"(1) ELIGIBLE SCHOOL ATTENDANCE AREA; SCHOOL ATTENDANCE AREA.—The terms 'eligible school attendance area' and 'school attendance area' have the meanings given the terms in section 1113(a)(2).

"(2) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

"SEC. 5203. EDUCATION FLEXIBILITY PARTNERSHIP.

"(a) EDUCATIONAL FLEXIBILITY PROGRAM.—

"(1) PROGRAM AUTHORIZED.—

"(A) IN GENERAL.—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

"(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an 'Ed-Flex Partnership State'.

"(2) ELIGIBLE STATE.—For the purpose of this section the term 'eligible State' means a State that—

"(A) has—

"(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b), and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3); or

"(ii)(I) developed and implemented the content standards described in clause (i);

"(II) developed and implemented interim assessments; and

"(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local educational agencies in the State produce the profiles described in clause (i);

"(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4), and for engaging in technical assistance and corrective actions consistent with section 1116, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2); and

"(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

"(3) STATE APPLICATION.—

"(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

"(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

"(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

"(II) State statutory or regulatory requirements relating to education;

"(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

"(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

"(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b);

"(v) a description of how the State educational agency will evaluate, consistent with the requirements of title I, the performance of students in the schools and local educational agencies affected by the waivers; and

"(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

"(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

"(i) the eligibility of the State as described in paragraph (2);

"(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

"(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

"(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

"(I) are clear and have the ability to be assessed; and

"(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

"(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

"(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

"(4) LOCAL APPLICATION.—

"(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

"(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

"(ii) describe the purposes and overall expected results of waiving each such requirement;

"(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

"(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

"(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

"(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

"(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

"(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

"(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

"(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

"(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

"(i) has been inadequate to justify continuation of such waiver; or

"(ii) has decreased for two consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

"(5) OVERSIGHT AND REPORTING.—

"(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

"(B) STATE REPORTS.—

"(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

"(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

"(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including the number of waivers granted for each type of waiver;

"(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

"(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

"(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

"(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of enactment of the Education Flexibility Partnership Act of 1999 and annually thereafter, shall—

"(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

"(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

"(6) DURATION OF FEDERAL WAIVERS.—

"(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

"(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

"(ii) has improved student performance.

"(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

"(C) RENEWAL.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

"(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

"(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

"(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 2002 through 2008.

"(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

"(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

"(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

"(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

"(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

"(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs carried out under the following provisions:

"(1) Title I (other than subsections (a) and (c) of section 1116, subpart 2 of part B, and part F).

"(2) Subparts 1, 2, and 3 of part A of title II.

"(3) Part C of title II.

"(4) Part C of title III.

"(5) Part A of title IV.

"(6) Subpart 4 of this part.

"(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

"(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

"(1) relating to—

"(A) maintenance of effort;

"(B) comparability of services;

"(C) equitable participation of students and professional staff in private schools;

"(D) parental participation and involvement;

"(E) distribution of funds to States or to local educational agencies;

"(F) serving eligible school attendance areas in rank order under section 1113(a)(3);

"(G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);

"(H) use of Federal funds to supplement, not supplant, non-Federal funds; and

"(I) applicable civil rights requirements; and

"(2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.

"(d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—

"(1) IN GENERAL.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) (as such provisions were in effect on the day before the date of enactment of the Better Education for Students and Teachers Act) for the duration of the waiver authority.

"(2) APPLICABLE PROVISIONS.—The provisions of law referred to in paragraph (1) are as follows:

"(A) Section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Better Education for Students and Teachers Act).

"(B) The proviso referring to such section 311(e) under the heading 'EDUCATION REFORM' in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321-229).

"(3) SPECIAL RULE.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—

"(A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act (as such section was in effect on the day before the date of enactment of the Better Education for Students and Teachers Act); and

"(B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.

"(4) TECHNOLOGY.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall *permit a State educational agency to expand, on or after the date of enactment of the Better Education for Students and Teachers Act, the waiver authority to include programs under part C of title II.*

“(e) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

“Subpart 2—Rural Education Initiative

“SEC. 5221. SHORT TITLE.

“This subpart may be cited as the ‘Rural Education Achievement Program’.

“SEC. 5222. PURPOSE.

“It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

“(1) lack the personnel and resources needed to compete for Federal competitive grants; and

“(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

“SEC. 5223. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart—

“(1) to carry out chapter 1—

“(A) $150,000,000 for fiscal year 2002; and

“(B) such sums as may be necessary for each of the 6 succeeding fiscal years; and

“(2) to carry out chapter 2—

“(A) $150,000,000 for fiscal year 2002; and

“(B) such sums as may be necessary for each of the 6 succeeding fiscal years.

“Chapter 1—Small, Rural School Achievement Program

“SEC. 5231. FORMULA GRANT PROGRAM AUTHORIZED.

“(a) ALTERNATIVE USES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out activities described in section 1114, 1115, 1116, 2123, 4116, or 5331(b).

“(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

“(b) ELIGIBILITY.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(1)(A) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; or

“(B) each county in which a school served by the local educational agency is located has a total population density of less than 10 persons per square mile; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary, except that the Secretary may waive the School Locale Code requirement of this paragraph if the Secretary determines, based on certification provided by the local educational agency or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

“(c) APPLICABLE FUNDING.—In this section, the term ‘applicable funding’ means funds provided under each of titles II and IV, and subpart 4 of this part.

“(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

“(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

“(g) CONSTRUCTION.—Nothing in this chapter shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

“SEC. 5232. COMPETITIVE GRANT PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out activities described in section 1114, 1115, 1116, 2123, 2213, 2306, 4116, or 5331(b).

“(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if—

“(1)(A) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; or

“(B) each county in which a school served by the local educational agency is located has a total population density of less than 10 persons per square mile; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary, except that the Secretary may waive the School Locale Code requirement of this paragraph if the Secretary determines, based on certification provided by the local educational agency or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

“(c) AMOUNT.—

“(1) IN GENERAL.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 5231(c) for the fiscal year.

“(2) DETERMINATION.—The amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

“(3) CENSUS DETERMINATION.—

“(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

“(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

“(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

“(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State, or local education funds.

“(f) CONSTRUCTION.—Nothing in this chapter shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this section.

“SEC. 5233. ACCOUNTABILITY.

“(a) ACADEMIC ACHIEVEMENT.—

“(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 5231 or 5232 for a fiscal year shall—

“(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

“(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

“(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 5231 or 5232 shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under such section.

“(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 5231(c) shall—

“(1) after the 3rd year that a local educational agency in the State participates in a program authorized under section 5231 or 5232 and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the 3rd year of the participation than the students performed on the assessments or tests after the 1st year of the participation;

“(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

“(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1),

from participating in the program, for a period of 3 years from the date of the determination.

"SEC. 5234. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

"(a) IN GENERAL.—If the amount appropriated for any fiscal year and made available for grants under this chapter is insufficient to pay the full amount for which all agencies are eligible under this chapter, the Secretary shall ratably reduce each such amount.

"(b) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

"Chapter 2—Low-Income and Rural School Program

"SEC. 5241. DEFINITIONS.

"In this chapter:

"(1) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(2) SPECIALLY QUALIFIED AGENCY.—The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a program carried out under this chapter for a fiscal year, which may apply directly to the Secretary for a grant for such year in accordance with section 5242(b).

"SEC. 5242. PROGRAM AUTHORIZED.

"(a) GRANTS TO STATES.—

"(1) IN GENERAL.—From the sum appropriated under section 5223 for a fiscal year and made available to carry out this chapter, the Secretary shall award grants, from allotments made under paragraph (2), to State educational agencies that have applications approved under section 5244 to enable the State educational agencies to award grants to eligible local educational agencies for innovative assistance activities described in section 5331(b).

"(2) ALLOTMENT.—From the sum appropriated under section 5223 for a fiscal year and made available to carry out this chapter, the Secretary shall allot to each State educational agency an amount that bears the same ratio to the sum as the number of students in average daily attendance at the schools served by eligible local educational agencies in the State for that fiscal year bears to the number of all such students at the schools served by eligible local educational agencies in all States for that fiscal year.

"(b) DIRECT GRANTS TO SPECIALLY QUALIFIED AGENCIES.—

"(1) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program carried out under this chapter or does not have an application approved under section 5244, a specially qualified agency in such State desiring a grant under this chapter shall apply directly to the Secretary under section 5244 to receive a grant under this chapter.

"(2) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under subsection (a)(2) directly to specially qualified agencies in the State.

"(c) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant under this chapter may not use more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 5243. STATE DISTRIBUTION OF FUNDS.

"(a). IN GENERAL.—A State educational agency that receives a grant under this chapter may use the funds made available through the grant to award grants to eligible local educational agencies to enable the local educational agencies to carry out innovative assistance activities described in section 5331(b).

"(b) LOCAL AWARDS.—

"(1) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this chapter if—

"(A) 20 percent or more of the children age 5 through 17 that are served by the local educational agency are from families with incomes below the poverty line; and

"(B) all of the schools served by the agency are located in a community with a Locale Code of 6, 7, or 8, as determined by the Secretary of Education.

"(c) AWARD BASIS.—The State educational agency shall award the grants to eligible local educational agencies—

"(1) on a competitive basis; or

"(2) according to a formula based on the number of students in average daily attendance at schools served by the eligible local educational agencies.

"SEC. 5244. APPLICATIONS.

"(a) IN GENERAL.—Each State educational agency and specially qualified agency desiring to receive a grant under this chapter shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(b) CONTENTS.—At a minimum, such application shall include information on specific measurable goals and objectives to be achieved through the activities carried out through the grant, which may include specific educational goals and objectives relating to—

"(1) increased student academic achievement;

"(2) decreased student dropout rates; or

"(3) such other factors as the State educational agency or specially qualified agency may choose to measure.

"SEC. 5245. ACCOUNTABILITY.

"(a) STATE REPORTS.—Each State educational agency that receives a grant under this chapter shall prepare and submit to the Secretary an annual report. The report shall describe—

"(1) the method the State educational agency used to award grants to eligible local educational agencies under this chapter;

"(2) how the local educational agencies used the funds provided under this chapter; and

"(3) the degree to which the State made progress toward meeting the goals and objectives described in the application submitted under section 5244.

"(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this chapter shall prepare and submit to the Secretary an annual report. The report shall describe—

"(1) how such agency used the funds provided under this chapter; and

"(2) the degree to which the agency made progress toward meeting the goals and objectives described in the application submitted under section 5244.

"(c) ACADEMIC ACHIEVEMENT.—

"(1) IN GENERAL.—Each local educational agency that receives a grant under this chapter for a fiscal year shall—

"(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

"(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

"(2) SPECIAL RULE.—Each local educational agency that receives a grant under this chapter shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under this chapter.

"(d) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives a grant under this chapter shall—

"(1) after the 3rd year that a local educational agency in the State participates in the program authorized under this chapter and on the basis of the results of the assessments or tests described in subsection (c), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the 3rd year of the participation than the students performed on the assessments or tests after the 1st year of the participation;

"(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

"(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program for a period of 3 years from the date of the determination.

"SEC. 5246. SUPPLEMENT NOT SUPPLANT.

"Funds made available under this chapter shall be used to supplement and not supplant any other Federal, State, or local education funds.

"SEC. 5247. SPECIAL RULE.

"No local educational agency may concurrently participate in activities carried out under chapter 1 and activities carried out under this chapter.

"Subpart 3—Waivers

"SEC. 5251. WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

"(a) IN GENERAL.—Except as provided in subsection (c), the Secretary may waive any statutory or regulatory requirement of this Act for a State educational agency, local educational agency, Indian tribe, or school through a local educational agency, that—

"(1) receives funds under a program authorized by this Act; and

"(2) requests a waiver under subsection (b).

"(b) REQUEST FOR WAIVER.—

"(1) IN GENERAL.—A State educational agency, local educational agency, or Indian tribe which desires a waiver shall submit a waiver request to the Secretary that—

"(A) identifies the Federal programs affected by such requested waiver;

"(B) describes which Federal requirements are to be waived and how the waiving of such requirements will—

"(i) increase the quality of instruction for students; or

"(ii) improve the academic performance of students;

"(C) if applicable, describes which similar State and local requirements will be waived and how the waiving of such requirements will assist the local educational agencies, Indian tribes or schools, as appropriate, to achieve the objectives described in clauses (i) and (ii) of subparagraph (B);

"(D) describes specific, measurable educational improvement goals and expected outcomes for all affected students;

"(E) describes the methods to be used to measure progress in meeting such goals and outcomes; and

"(F) describes how schools will continue to provide assistance to the same populations served by programs for which waivers are requested.

"(2) ADDITIONAL INFORMATION.—Such requests—

"(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) shall be developed and submitted—

"(i)(I) by local educational agencies (on behalf of such agencies and schools) to State educational agencies; and

"(II) by State educational agencies (on behalf of, and based upon the requests of, local educational agencies) to the Secretary; or

"(ii) by Indian tribes (on behalf of schools operated by such tribes) to the Secretary.

"(3) GENERAL REQUIREMENTS.—

"(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting in its own behalf, the State educational agency shall—

"(i) provide all interested local educational agencies in the State with notice and a reasonable opportunity to comment on the request;

"(ii) submit the comments to the Secretary; and

"(iii) provide notice and information to the public regarding the waiver request in the manner that the applying agency customarily provides similar notices and information to the public.

"(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

"(i) such request shall be reviewed by the State educational agency and be accompanied by the comments, if any, of such State educational agency; and

"(ii) notice and information regarding the waiver request shall be provided to the public by the agency requesting the waiver in the manner that such agency customarily provides similar notices and information to the public.

"(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

"(1) the allocation or distribution of funds to States, local educational agencies, or other recipients of funds under this Act;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) use of Federal funds to supplement, not supplant, non-Federal funds;

"(5) equitable participation of private school students and teachers;

"(6) parental participation and involvement;

"(7) applicable civil rights requirements;

"(8) the requirement for a charter school under subpart 1 of part A;

"(9) the prohibitions regarding—

"(A) State aid in section 5; or

"(B) use of funds for religious worship or instruction in section 10; or

"(10) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b).

"(d) DURATION AND EXTENSION OF WAIVER.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of a waiver approved by the Secretary under this section may be for a period not to exceed 3 years.

"(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the Secretary determines that—

"(A) the waiver has been effective in enabling the State or affected recipients to carry out the activities for which the waiver was requested and the waiver has contributed to improved student performance; and

"(B) such extension is in the public interest.

"(e) REPORTS.—

"(1) LOCAL WAIVER.—A local educational agency that receives a waiver under this section shall at the end of the second year for which a waiver is received under this section, and each subsequent year, submit a report to the State educational agency that—

"(A) describes the uses of such waiver by such agency or by schools;

"(B) describes how schools continued to provide assistance to the same populations served by the programs for which waivers are requested; and

"(C) evaluates the progress of such agency and of schools in improving the quality of instruction or the academic performance of students.

"(2) STATE WAIVER.—A State educational agency that receives reports required under paragraph (1) shall annually submit a report to the Secretary that is based on such reports and contains such information as the Secretary may require.

"(3) INDIAN TRIBE WAIVER.—An Indian tribe that receives a waiver under this section shall annually submit a report to the Secretary that—

"(A) describes the uses of such waiver by schools operated by such tribe; and

"(B) evaluates the progress of such schools in improving the quality of instruction or the academic performance of students.

"(4) REPORT TO CONGRESS.—Beginning in fiscal year 2002 and each subsequent year, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report—

"(A) summarizing the uses of waivers by State educational agencies, local educational agencies, Indian tribes, and schools; and

"(B) describing whether such waivers—

"(i) increased the quality of instruction to students; or

"(ii) improved the academic performance of students.

"(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if the Secretary determines that the performance of the State or other recipient affected by the waiver has been inadequate to justify a continuation of the waiver or if the waiver is no longer necessary to achieve its original purposes.

"(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

"Subpart 4—Innovative Education Program Strategies

"SEC. 5301. PURPOSE; STATE AND LOCAL RESPONSIBILITY.

"(a) PURPOSE.—The purpose of this subpart is—

"(1) to support local education reform efforts that are consistent with and support statewide education reform efforts;

"(2) to provide funding to enable State and local educational agencies to implement promising educational reform strategies;

"(3) to provide a continuing source of innovation and educational improvement, including support for library services and instructional and media materials; and

"(4) to develop and implement education programs to improve school, student, and teacher performance, including professional development activities and class size reduction programs.

"(b) STATE AND LOCAL RESPONSIBILITY.—The basic responsibility for the administration of funds made available under this subpart is within the State educational agencies, but it is the intent of Congress that the responsibility be carried out with a minimum of paperwork and that the responsibility for the design and implementation of programs assisted under this subpart will be mainly that of local educational agencies, school superintendents and principals, and classroom teachers and supporting personnel, because such agencies and individuals have the most direct contact with students and are most likely to be able to design programs to meet the educational needs of students in their own school districts.

"SEC. 5302. AUTHORIZATION OF APPROPRIATIONS; DURATION OF ASSISTANCE.

"(a) AUTHORIZATION.—To carry out the purposes of this subpart, there are authorized to be appropriated $850,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) DURATION OF ASSISTANCE.—During the period beginning October 1, 2002, and ending September 30, 2008, the Secretary, in accordance with the provisions of this subpart, shall make payments to State educational agencies for the purpose of this subpart.

"SEC. 5303. DEFINITION OF EFFECTIVE SCHOOLS PROGRAM.

"In this subpart the term 'effective schools program' means a school-based program that—

"(1) may encompass preschool through secondary school levels; and

"(2) has the objectives of—

"(A) promoting school-level planning, instructional improvement, and staff development for all personnel;

"(B) increasing the academic performance levels of all children and particularly educationally disadvantaged children; and

"(C) achieving as an ongoing condition in the school the following factors identified through effective schools research:

"(i) Strong and effective administrative and instructional leadership.

"(ii) A safe and orderly school environment that enables teachers and students to focus on academic performance.

"(iii) Continuous assessment of students and initiatives to evaluate instructional techniques.

"Chapter 1—State and Local Programs

"SEC. 5311. ALLOTMENT TO STATES.

"(a) RESERVATIONS.—From the sums appropriated to carry out this subpart in any fiscal year, the Secretary shall reserve not more than 1 percent for payments to outlying areas to be allotted in accordance with their respective needs.

"(b) ALLOTMENT.—From the remainder of such sums, the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to ½ of 1 percent of such remainder.

"(c) DEFINITIONS.—In this chapter:

"(1) SCHOOL-AGE POPULATION.—The term 'school-age population' means the population aged 5 through 17.

"(2) STATE.—The term 'State' includes the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 5312. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

"(a) FORMULA.—From the sums made available each year to carry out this subpart, the

State educational agency shall distribute not less than 85 percent to local educational agencies within such State according to the relative enrollments in public and private elementary schools and secondary schools within the school districts of such agencies, adjusted, in accordance with criteria approved by the Secretary, to provide higher per pupil allocations to local educational agencies serving the greatest numbers or percentages of children whose education imposes a higher than average cost per child, such as—

“(1) children living in areas with high concentrations of low-income families;

“(2) children from low-income families; and

“(3) children living in sparsely populated areas.

“(b) CALCULATION OF ENROLLMENTS.—

“(1) IN GENERAL.—The calculation of relative enrollments under subsection (a) shall be on the basis of the total of—

“(A) the number of children enrolled in public schools; and

“(B) the number of children enrolled in private nonprofit schools that desire that their children participate in programs or projects assisted under this subpart, for the fiscal year preceding the fiscal year for which the determination is made.

“(2) CONSTRUCTION.—Nothing in this subsection shall diminish the responsibility of local educational agencies to contact, on an annual basis, appropriate officials from private nonprofit schools within the areas served by such agencies in order to determine whether such schools desire that their children participate in programs assisted under this subpart.

“(3) ADJUSTMENTS.—

“(A) IN GENERAL.—Relative enrollments under subsection (a) shall be adjusted, in accordance with criteria approved by the Secretary under subparagraph (B), to provide higher per pupil allocations only to local educational agencies which serve the greatest numbers or percentages of—

“(i) children living in areas with high concentrations of low-income families;

“(ii) children from low-income families; or

“(iii) children living in sparsely populated areas.

“(B) CRITERIA.—The Secretary shall review criteria submitted by a State educational agency for adjusting allocations under subparagraph (A) and shall approve such criteria only if the Secretary determines that such criteria are reasonably calculated to produce an adjusted allocation that reflects the relative needs within the State's local educational agencies based on the factors set forth in subparagraph (A).

“(c) PAYMENT OF ALLOCATIONS.—

“(1) DISTRIBUTION.—From the funds paid to a State educational agency pursuant to section 5311 for a fiscal year, a State educational agency shall distribute to each eligible local educational agency which has submitted an application as required in section 5333 the amount of such local educational agency's allocation as determined under subsection (a).

“(2) ADDITIONAL FUNDS.—

“(A) IN GENERAL.—Additional funds resulting from higher per pupil allocations provided to a local educational agency on the basis of adjusted enrollments of children described in subsection (a), may, at the discretion of the local educational agency, be allocated for expenditures to provide services for children enrolled in public and private nonprofit schools in direct proportion to the number of children described in subsection (a) and enrolled in such schools within the local educational agency.

“(B) REQUIREMENT.—In any fiscal year, any local educational agency that elects to allocate such additional funds in the manner described in subparagraph (A) shall allocate all additional funds to schools within the local educational agency in such manner.

“(C) CONSTRUCTION.—The provisions of subparagraphs (A) and (B) may not be construed to require any school to limit the use of such additional funds to the provision of services to specific students or categories of students.

“Chapter 2—State Programs

“SEC. 5321. STATE USES OF FUNDS.

“(a) AUTHORIZED ACTIVITIES.—A State educational agency may use funds made available for State use under this subpart only for—

“(1) State administration of programs under this subpart, including—

“(A) supervision of the allocation of funds to local educational agencies;

“(B) planning, supervision, and processing of State funds; and

“(C) monitoring and evaluation of programs and activities under this subpart;

“(2) support for planning, designing, and initial implementation of charter schools as described in subpart 1 of part A;

“(3) support for designing and implementation of high-quality yearly student assessments;

“(4) support for implementation of State and local standards;

“(5) technical assistance and direct grants to local educational agencies, and statewide education reform activities, including effective schools programs which assist local educational agencies to provide targeted assistance; and

“(6) support for arrangements that provide for independent analysis to measure and report on school district achievement.

“(b) LIMITATIONS AND REQUIREMENTS.—Not more than 15 percent of funds available for State programs under this subpart in any fiscal year may be used for State administration under subsection (a)(1).

“SEC. 5322. STATE APPLICATIONS.

“(a) APPLICATION REQUIREMENTS.—Any State which desires to receive assistance under this subpart shall submit to the Secretary an application which—

“(1) designates the State educational agency as the State agency responsible for administration and supervision of programs assisted under this subpart;

“(2) provides for a biennial submission of data on the use of funds, the types of services furnished, and the students served under this subpart;

“(3) sets forth the allocation of such funds required to implement section 5342;

“(4) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation (consistent with the responsibilities of the Secretary under this section);

“(5) provides assurances that, apart from technical and advisory assistance and monitoring compliance with this subpart, the State educational agency has not exercised and will not exercise any influence in the decisionmaking processes of local educational agencies as to the expenditure made pursuant to an application under section 5333;

“(6) contains assurances that there is compliance with the specific requirements of this subpart; and

“(7) provides for timely public notice and public dissemination of the information provided pursuant to paragraph (2).

“(b) PERIOD OF APPLICATION.—An application filed by the State under subsection (a) shall be for a period not to exceed 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

“(c) AUDIT RULE.—A local educational agency that receives less than an average of $10,000 under this subpart for 3 fiscal years shall not be audited more frequently than once every 5 years.

“Chapter 3—Local Innovative Education Programs

“SEC. 5331. TARGETED USE OF FUNDS.

“(a) GENERAL RULE.—Funds made available to local educational agencies under section 5312 shall be used for innovative assistance described in subsection (b).

“(b) INNOVATIVE ASSISTANCE.—

“(1) IN GENERAL.—The innovative assistance programs referred to in subsection (a) include—

“(A) programs for the acquisition and use of instructional and educational materials, including library services and materials (including media materials), assessments, and other curricular materials;

“(B) programs to improve teaching and learning, including professional development activities, that are consistent with comprehensive State and local systemic education reform efforts;

“(C) activities that encourage and expand improvements throughout the local educational agency that are designed to advance student performance;

“(D) initiatives to generate, maintain, and strengthen parental and community involvement, including initiatives creating activities for school-age children and activities to meet the educational needs of children aged birth through 5;

“(E) programs to recruit, hire, and train certified teachers (including teachers certified through State and local alternative routes) in order to reduce class size;

“(F) programs to improve the academic performance of educationally disadvantaged elementary school and secondary school students, including activities to prevent students from dropping out of school;

“(G) programs and activities that expand learning opportunities through best practice models designed to improve classroom learning and teaching;

“(H) programs to improve the literacy skills of adults, especially the parents of children served by the local educational agency, including adult education and family literacy programs;

“(I) technology activities related to the implementation of school-based reform efforts, including professional development to assist teachers and other school personnel (including school library media personnel) regarding how to effectively use technology in the classrooms and the school library media centers involved;

“(J) school improvement programs or activities under section 1116 or 1117;

“(K) programs to provide for the educational needs of gifted and talented children;

“(L) programs to provide same gender schools and classrooms, consistent with applicable law;

“(M) service learning activities;

“(N) school safety programs;

“(O) activities to promote consumer, economic, and personal finance education, such as disseminating and encouraging the use of the best practices for teaching the basic principles of economics and promoting the concept of achieving financial literacy through the teaching of personal financial management skills (including the basic principles involved in earning, spending, saving, and investing);

“(P) programs that employ research-based cognitive and perceptual development approaches and rely on a diagnostic-prescriptive model to improve students' learning of academic content at the preschool, elementary, and secondary levels; and

“(Q) supplemental educational services as defined in section 1116(f)(6).

“(2) REQUIREMENTS.—The innovative assistance programs referred to in subsection (a) shall be—

“(A) tied to promoting high academic standards;

"(B) used to improve student performance; and

"(C) part of an overall education reform strategy.

"(c) AWARD CRITERIA AND OTHER GUIDELINES.—Not later than 120 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall issue specific award criteria and other guidelines for local educational agencies seeking funding for activities under subsection (b)(1)(L).

"SEC. 5332. ADMINISTRATIVE AUTHORITY.

"In order to conduct the activities authorized by this subpart, each State or local educational agency may use funds made available under this subpart to make grants to and to enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private nonprofit agencies, organizations, and institutions.

"SEC. 5333. LOCAL APPLICATIONS.

"(a) CONTENTS OF APPLICATION.—A local educational agency or consortium of such agencies may receive an allocation of funds under this subpart for any year for which an application is submitted to the State educational agency and such application is certified to meet the requirements of this section. The State educational agency shall certify any such application if such application—

"(1)(A) sets forth the planned allocation of funds among innovative assistance programs described in section 5331 and describes the programs, projects, and activities designed to carry out such innovative assistance which the local educational agency intends to support, together with the reasons for the selection of such programs, projects, and activities; and

"(B) sets forth the allocation of such funds required to implement section 5342;

"(2) describes how assistance under this subpart will contribute to improving student achievement or improving the quality of education for students;

"(3) provides assurances of compliance with the provisions of this subpart, including the participation of children enrolled in private, nonprofit schools in accordance with section 5342;

"(4) provides an assurance that the local educational agency will keep such records, and provide such information to the State educational agency, as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State educational agency under this subpart; and

"(5) provides in the allocation of funds for the assistance authorized by this subpart, and in the design, planning, and implementation of such programs, for systematic consultation with parents of children attending elementary schools and secondary schools in the area served by the local educational agency, with teachers and administrative personnel in such schools, and with other groups involved in the implementation of this subpart (such as librarians, school counselors, and other pupil services personnel) as may be considered appropriate by the local educational agency.

"(b) PERIOD OF APPLICATION.—An application filed by a local educational agency under subsection (a) shall be for a period not to exceed 3 fiscal years, may provide for the allocation of funds to programs for a period of 3 years, and may be amended annually as may be necessary to reflect changes without filing a new application.

"(c) LOCAL EDUCATIONAL AGENCY DISCRETION.—Subject to the limitations and requirements of this subpart, a local educational agency shall have complete discretion in determining how funds under this chapter shall be divided among the areas of targeted assistance. In exercising such discretion, a local educational agency shall ensure that expenditures under this chapter carry out the purposes of this subpart and are used to meet the educational needs within the schools of such local educational agency.

"Chapter 4—General Administrative Provisions

"SEC. 5341. MAINTENANCE OF EFFORT; FEDERAL FUNDS SUPPLEMENTARY.

"(a) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State is entitled to receive its full allocation of funds under this subpart for any fiscal year if the Secretary finds that either the combined fiscal effort per student or the aggregate expenditures within the State with respect to the provision of free public education for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made.

"(2) REDUCTION OF FUNDS.—The Secretary shall reduce the amount of the allocation of funds under this subpart in any fiscal year in the exact proportion to which the State fails to meet the requirements of paragraph (1) by falling below 90 percent of both the fiscal effort per student and aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under paragraph (1) for subsequent years.

"(3) WAIVERS.—The Secretary may waive, for 1 fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"(b) FEDERAL FUNDS SUPPLEMENTARY.—A State or local educational agency may use and allocate funds received under this subpart only so as to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds made available under this subpart, be made available from non-Federal sources, and in no case may such funds be used so as to supplant funds from non-Federal sources.

"SEC. 5342. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

"(a) PARTICIPATION ON EQUITABLE BASIS.—

"(1) IN GENERAL.—To the extent consistent with the number of children in the school district of a local educational agency which is eligible to receive funds under this subpart or which serves the area in which a program or project assisted under this subpart is located who are enrolled in private nonprofit elementary and secondary schools, or with respect to instructional or personnel training programs funded by the State educational agency from funds made available for State use, such agency, after consultation with appropriate private school officials, shall provide for the benefit of such children in such schools secular, neutral, and nonideological services, materials, and equipment, including the participation of the teachers of such children (and other educational personnel serving such children) in training programs, and the repair, minor remodeling, or construction of public facilities as may be necessary for their provision (consistent with subsection (c) of this section), or, if such services, materials, and equipment are not feasible or necessary in one or more such private schools as determined by the local educational agency after consultation with the appropriate private school officials, shall provide such other arrangements as will assure equitable participation of such children in the purposes and benefits of this subpart.

"(2) OTHER PROVISIONS FOR SERVICES.—If no program or project is carried out under paragraph (1) in the school district of a local educational agency, the State educational agency shall make arrangements, such as through contracts with nonprofit agencies or organizations, under which children in private schools in such district are provided with services and materials to the extent that would have occurred if the local educational agency had received funds under this subpart.

"(3) APPLICATION OF REQUIREMENTS.—The requirements of this section relating to the participation of children, teachers, and other personnel serving such children shall apply to programs and projects carried out under this subpart by a State or local educational agency, whether directly or through grants to or contracts with other public or private agencies, institutions, or organizations.

"(b) EQUAL EXPENDITURES.—Expenditures for programs pursuant to subsection (a) shall be equal (consistent with the number of children to be served) to expenditures for programs under this subpart for children enrolled in the public schools of the local educational agency, taking into account the needs of the individual children and other factors which relate to such expenditures, and when funds available to a local educational agency under this subpart are used to concentrate programs or projects on a particular group, attendance area, or grade or age level, children enrolled in private schools who are included within the group, attendance area, or grade or age level selected for such concentration shall, after consultation with the appropriate private school officials, be assured equitable participation in the purposes and benefits of such programs or projects.

"(c) FUNDS.—

"(1) ADMINISTRATION OF FUNDS AND PROPERTY.—The control of funds provided under this subpart, and title to materials, equipment, and property repaired, remodeled, or constructed with such funds, shall be in a public agency for the uses and purposes provided in this subpart, and a public agency shall administer such funds and property.

"(2) PROVISION OF SERVICES.—The provision of services pursuant to this subpart shall be provided by employees of a public agency or through contract by such public agency with a person, an association, agency, or corporation who or which, in the provision of such services, is independent of such private school and of any religious organizations, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this subpart shall not be commingled with State or local funds.

"(d) STATE PROHIBITION WAIVER.—If by reason of any provision of law a State or local educational agency is prohibited from providing for the participation in programs of children enrolled in private elementary schools and secondary schools, as required by this section, the Secretary shall waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

"(e) WAIVER AND PROVISION OF SERVICES.—

"(1) FAILURE TO COMPLY.—If the Secretary determines that a State or a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in private elementary schools and secondary schools as required by this section, the Secretary may waive such requirements and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

“(2) WITHHOLDING OF ALLOCATION.—Pending final resolution of any investigation or complaint that could result in a determination under this subsection or subsection (d), the Secretary may withhold from the allocation of the affected State or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

“(f) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines that there will no longer be any failure or inability on the part of the State or local educational agency to meet the requirements of subsections (a) and (b).

“(g) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of such services, including the administrative costs of arranging for those services, from the appropriate allotment of the State under this subpart.

“(h) REVIEW.—

“(1) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under this section until the State educational agency and the local educational agency affected by such action have had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary or the Secretary's designee to show cause why that action should not be taken.

“(2) COURT ACTION.—If a State or local educational agency is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), such agency may, not later than 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based this action, as provided in section 2112 of title 28, United States Code.

“(3) REMAND TO SECRETARY.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(4) COURT REVIEW.—Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set such action aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(i) PRIOR DETERMINATION.—Any bypass determination by the Secretary under chapter 2 of part I of this Act (as such chapter was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) shall, to the extent consistent with the purposes of this subpart, apply to programs under this subpart.

“SEC. 5343. FEDERAL ADMINISTRATION.

“(a) TECHNICAL ASSISTANCE.—The Secretary, upon request, shall provide technical assistance to State and local educational agencies under this subpart.

“(b) RULEMAKING.—The Secretary shall issue regulations under this subpart to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this subpart.

“(c) AVAILABILITY OF APPROPRIATIONS.—Notwithstanding any other provision of law, unless expressly in limitation of this subsection, funds appropriated in any fiscal year to carry out activities under this subpart shall become available for obligation on July 1 of such fiscal year and shall remain available for obligation until the end of the subsequent fiscal year.

“Chapter 5—School Construction

“SEC. 5351. DEFINITIONS.

“In this chapter:

“(1) CONSTRUCTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘construction’ means—

“(i) preparation of drawings and specifications for school facilities;

“(ii) building new school facilities, or acquiring, remodeling, demolishing, renovating, improving, or repairing facilities to establish new school facilities; and

“(iii) inspection and supervision of the construction of new school facilities.

“(B) RULE.—An activity described in subparagraph (A) shall be considered to be construction only if the labor standards described in section 439 of the General Education Provisions Act (20 U.S.C. 1232b) are applied with respect to such activity.

“(2) SCHOOL FACILITY.—The term ‘school facility’ means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility the primary purpose of which is the instruction of public elementary school or secondary school students. The term does not include an athletic stadium or any other structure or facility intended primarily for athletic exhibitions, contests, or games for which admission is charged to the general public.

“SEC. 5352. PROGRAM AUTHORIZED.

“(a) IN GENERAL.—Funds made available to local educational agencies under section 5312 may, notwithstanding section 5331(a), be used to enable the local educational agencies to carry out the construction of new public elementary school and secondary school facilities.

“(b) NONAPPLICATION OF PROVISIONS.—The provisions of chapter 4 shall not apply to this chapter.

“SEC. 5353. CONDITIONS FOR USE OF FUNDS.

“In order to use funds for construction under this chapter a local educational agency shall meet the following requirements:

“(1) Reduce school sizes for public elementary schools and secondary schools served by the local educational agency to—

“(A) not more than 500 students in the case of a school serving kindergarten through grade 5 students;

“(B) not more than 750 students in the case of a school serving grade 6 through grade 8 students; and

“(C) not more than 1,000 students in the case of a school serving grade 9 through grade 12 students.

“(2) Provide matching funds, with respect to the cost to be incurred in carrying out the activities for which the grant is awarded, from non-Federal sources in an amount equal to the Federal funds provided under the grant.

“SEC. 5354. APPLICATIONS.

“(a) IN GENERAL.—Each local educational agency desiring to use funds under this chapter shall submit an application to the State educational agency at such time and in such manner as the State educational agency may require.

“(b) CONTENTS.—Each application shall contain—

“(1) an assurance that the grant funds will be used in accordance with this chapter;

“(2) a brief description of the construction to be conducted;

“(3) a cost estimate of the activities to be conducted; and

“(4) a description of available non-Federal matching funds.

“PART C—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

“SEC. 5401. CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

“(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

“(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to such agency for State administration under one or more of the programs specified under paragraph (2) if such State educational agency can demonstrate that the majority of such agency's resources come from non-Federal sources.

“(2) APPLICABILITY.—This section applies to programs under title I, those covered programs described in subparagraphs (C), (D), (E), and (F) of section 3(10).

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

“(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under the programs included in the consolidation under subsection (a), such as—

“(A) the coordination of such programs with other Federal and non-Federal programs;

“(B) the establishment and operation of peer-review mechanisms under this Act;

“(C) the administration of this part, part D, and sections 3 through 17;

“(D) the dissemination of information regarding model programs and practices; and

“(E) technical assistance under programs specified in subsection (a)(2).

“(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

“(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of such administration.

“(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to such agency under this section for administration, such agency may use such funds during the applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

“(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop challenging State standards and assessments, a State educational agency may consolidate the amounts made available to such agency for such purposes under title I of this Act.

“SEC. 5402. SINGLE LOCAL EDUCATIONAL AGENCY STATES.

“A State educational agency that also serves as a local educational agency, in such agency's applications or plans under this Act, shall describe how such agency will eliminate duplication in the conduct of administrative functions.

"SEC. 5403. CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

"(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more covered programs for any fiscal year not more than the percentage, established in each covered program, of the total amount available to the local educational agency under such covered programs.

"(b) STATE PROCEDURES.—Within one year from the date of enactment of the Improving America's Schools Act of 1994, a State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under covered programs that may be used for administration on a consolidated basis.

"(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

"(d) USES OF ADMINISTRATIVE FUNDS.—A local educational agency that consolidates administrative funds under this section may use such consolidated funds for the administration of covered programs and for the uses described in section 5401(b)(2).

"(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual covered program, to account for costs relating to the administration of covered programs included in the consolidation.

"SEC. 5404. ADMINISTRATIVE FUNDS STUDIES.

"(a) FEDERAL FUNDS STUDY.—

"(1) IN GENERAL.—The Secretary shall conduct a study of the use of funds under this Act for the administration, by State and local educational agencies, of all covered programs, including the percentage of grant funds used for such purpose in all covered programs.

"(2) STATE DATA.—Beginning in fiscal year 1995 and each succeeding fiscal year thereafter, each State educational agency which receives funds under title I shall submit to the Secretary a report on the use of title I funds for the State administration of activities assisted under title I. Such report shall include the proportion of State administrative funds provided under section 1903 that are expended for—

"(A) basic program operation and compliance monitoring;

"(B) statewide program services such as development of standards and assessments, curriculum development, and program evaluation; and

"(C) technical assistance and other direct support to local educational agencies and schools.

"(3) FEDERAL FUNDS REPORT.—The Secretary shall complete the study conducted under this section not later than July 1, 1997, and shall submit to the President and the appropriate committees of the Congress a report regarding such study within 30 days of the completion of such study.

"(4) RESULTS.—Based on the results of the study described in subsection (a)(1), which may include collection and analysis of the data under paragraph (2) and section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall—

"(A) develop a definition of what types of activities constitute the administration of programs under this Act by State and local educational agencies; and

"(B) within one year of the completion of such study, promulgate final regulations or guidelines regarding the use of funds for administration under all programs, including the use of such funds on a consolidated basis and limitations on the amount of such funds that may be used for administration where such limitation is not otherwise specified in law.

"(b) GENERAL ADMINISTRATIVE FUNDS STUDY AND REPORT.—Upon the date of completion of the pilot model data system described in section 410(b) of the Improving America's Schools Act of 1994, the Secretary shall study the information obtained through the use of such data system and other relevant information, as well as any other data systems which are in use on such date that account for administrative expenses at the school, local educational agency, and State educational agency level, and shall report to the Congress not later than July 1, 1997, regarding—

"(1) the potential for the reduction of administrative expenses at the school, local educational agency, and State educational agency levels;

"(2) the potential usefulness of such data system to reduce such administrative expenses;

"(3) any other methods which may be employed by schools, local educational agencies or State educational agencies to reduce administrative expenses and maximize the use of funds for functions directly affecting student learning; and

"(4) if appropriate, steps which may be taken to assist schools, local educational agencies and State educational agencies to account for and reduce administrative expenses.

"SEC. 5405. CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

"(a) GENERAL AUTHORITY.—

"(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VII of this Act, and the education for homeless children and youth program under subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

"(2) AGREEMENT.—(A) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

"(B) The agreement shall—

"(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred, and set forth performance measures to assess program effectiveness, including measurable goals and objectives; and

"(ii) be developed in consultation with Indian tribes.

"(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for such department's costs related to the administration of the funds transferred under this section.

"SEC. 5406. AVAILABILITY OF UNNEEDED PROGRAM FUNDS.

"With the approval of its State educational agency, a local educational agency that determines for any fiscal year that funds under a covered program (other than part A of title I) are not needed for the purpose of that covered program, may use such funds, not to exceed five percent of the total amount of such local educational agency's funds under that covered program, for the purpose of another covered program.

"PART D—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

"SEC. 5501. PURPOSE.

"It is the purpose of this part to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery under this Act and enhanced integration of programs under this Act with educational activities carried out with State and local funds.

"SEC. 5502. OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—

"(1) SIMPLIFICATION.—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

"(A) each of the covered programs in which the State participates; and

"(B) the additional programs described in paragraph (2).

"(2) ADDITIONAL PROGRAMS.—After consultation with the Governor, a State educational agency may also include in its consolidated State plan or consolidated State application—

"(A) the Even Start program under part B of title I;

"(B) the Prevention and Intervention Programs for Youth Who Are Neglected, Delinquent, or At-Risk of Dropping Out under part D of title I; and

"(C) such other programs as the Secretary may designate.

"(3) CONSOLIDATED APPLICATIONS AND PLANS.—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

"(b) COLLABORATION.—

"(1) IN GENERAL.—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private nonprofit agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

"(2) CONTENTS.—Through the collaborative process described in subsection (b)(1), the Secretary shall establish, for each program under the Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

"(3) NECESSARY MATERIALS.—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

"SEC. 5503. GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

"(a) ASSURANCES.—A State educational agency that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 5502, shall have on file with the Secretary a single set of assurances, applicable to each program for which such plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, in a nonprofit private agency, institution, or organization, or in an Indian tribe if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing law;

"(3) the State will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

"(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of such programs;

"(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

"(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

"(6) the State will—

"(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

"(B) maintain such records, provide such information to the Secretary, and afford access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

"(7) before the plan or application was submitted to the Secretary, the State has afforded a reasonable opportunity for public comment on the plan or application and has considered such comment.

"(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

"SEC. 5504. ADDITIONAL COORDINATION.

"(a) ADDITIONAL COORDINATION.—In order to explore ways for State educational agencies to reduce administrative burdens and promote the coordination of the education services of this Act with other health and social service programs administered by such agencies, the Secretary is directed to seek agreements with other Federal agencies (including the Departments of Health and Human Services, Justice, Labor and Agriculture) for the purpose of establishing procedures and criteria under which a State educational agency would submit a consolidated State plan or consolidated State application that meets the requirements of the covered programs.

"(b) REPORT.—The Secretary shall report to the relevant committees 6 months after the date of enactment of the Improving America's Schools Act of 1994.

"SEC. 5505. CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

"(a) GENERAL AUTHORITY.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under such programs on a consolidated basis.

"(b) REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.—A State educational agency that has submitted and had approved a consolidated State plan or application under section 5502 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under such programs.

"(c) COLLABORATION.—A State educational agency shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

"(d) NECESSARY MATERIALS.—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

"SEC. 5506. OTHER GENERAL ASSURANCES.

"(a) ASSURANCES.—Any applicant other than a State educational agency that submits a plan or application under this Act, whether separately or pursuant to section 5504, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

"(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

"(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities; and

"(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes;

"(3) the applicant will adopt and use proper methods of administering each such program, including—

"(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

"(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

"(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary or other Federal officials;

"(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to such applicant under each such program;

"(6) the applicant will—

"(A) make reports to the State educational agency and the Secretary as may be necessary to enable such agency and the Secretary to perform their duties under each such program; and

"(B) maintain such records, provide such information, and afford access to the records as the State educational agency or the Secretary may find necessary to carry out the State educational agency's or the Secretary's duties; and

"(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.

"(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act does not apply to programs under this Act.

"PART E—ADVANCED PLACEMENT PROGRAMS

"SEC. 5601. SHORT TITLE.

"This part may be cited as the 'Access to High Standards Act'.

"SEC. 5602. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) far too many students are not being provided sufficient academic preparation in secondary school, which results in limited employment opportunities, college dropout rates of over 25 percent for the first year of college, and remediation for almost one-third of incoming college freshmen;

"(2) there is a growing consensus that raising academic standards, establishing high academic expectations, and showing concrete results are at the core of improving public education;

"(3) modeling academic standards on the well-known program of advanced placement courses is an approach that many education leaders and almost half of all States have endorsed;

"(4) advanced placement programs already are providing 30 different college-level courses, serving almost 60 percent of all secondary schools, reaching over 1,000,000 students (of whom 80 percent attend public schools, 55 percent are females, and 30 percent are minorities), and providing test scores that are accepted for college credit at over 3,000 colleges and universities, every university in Germany, France, and Austria, and most institutions in Canada and the United Kingdom;

"(5) 24 States are now funding programs to increase participation in advanced placement programs, including 19 States that provide funds for advanced placement teacher professional development, 3 States that require that all public secondary schools offer advanced placement courses, 10 States that pay the fees for advanced placement tests for some or all students, and 4 States that require that their public universities grant uniform academic credit for scores of 3 or better on advanced placement tests; and

"(6) the State programs described in paragraph (5) have shown the responsiveness of schools and students to such programs, raised the academic standards both for students participating in such programs and for other children taught by teachers who are involved in advanced placement courses, and have shown tremendous success in increasing enrollment, achievement, and minority participation in advanced placement programs.

"(b) PURPOSES.—The purposes of this part are—

"(1) to encourage more of the 600,000 students who take advanced placement courses but do not take advanced placement exams each year to demonstrate their achievements through taking the exams;

"(2) to build on the many benefits of advanced placement programs for students, which benefits may include the acquisition of skills that are important to many employers, Scholastic Aptitude Tests (SAT) scores that are 100 points above the national averages, and the achievement of better grades in secondary school and in college than the grades of students who have not participated in the programs;

"(3) to support State and local efforts to raise academic standards through advanced placement programs, and thus further increase the number of students who participate and succeed in advanced placement programs;

"(4) to increase the availability and broaden the range of schools that have advanced placement programs, which programs are still often distributed unevenly among regions, States, and even secondary schools within the same school district, while also increasing and diversifying student participation in the programs;

"(5) to build on the State programs described in subsection (a)(5) and demonstrate that larger and more diverse groups of students can participate and succeed in advanced placement programs;

"(6) to provide greater access to advanced placement courses for low-income and other disadvantaged students;

"(7) to provide access to advanced placement courses for secondary school juniors at schools that do not offer advanced placement programs, increase the rate of secondary school juniors and seniors who participate in advanced placement courses to 25 percent of the secondary school student population, and increase the numbers of students who receive advanced placement test scores for which college academic credit is awarded; and

"(8) to increase the participation of low-income individuals in taking advanced placement tests through the payment or partial payment of the costs of the advanced placement test fees.

"SEC. 5603. FUNDING DISTRIBUTION RULE.

"From amounts appropriated under section 5608 for a fiscal year, the Secretary shall give first priority to funding activities under section 5606, and shall distribute any remaining funds not so applied according to the following ratio:

"(1) Seventy percent of the remaining funds shall be available to carry out section 5604.

"(2) Thirty percent of the remaining funds shall be available to carry out section 5605.

"SEC. 5604. ADVANCED PLACEMENT PROGRAM GRANTS.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under section 5608 and made available under section 5603(1) for a fiscal year, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the eligible entities to carry out the authorized activities described in subsection (c).

"(2) DURATION AND PAYMENTS.—

"(A) DURATION.—The Secretary shall award a grant under this section for a period of 3 years.

"(B) PAYMENTS.—The Secretary shall make grant payments under this section on an annual basis.

"(3) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a State educational agency or a local educational agency in the State.

"(b) PRIORITY.—In awarding grants under this section the Secretary shall give priority to eligible entities submitting applications under subsection (d) that demonstrate—

"(1) a pervasive need for access to advanced placement incentive programs;

"(2) the involvement of business and community organizations in the activities to be assisted;

"(3) the availability of matching funds from State or local sources to pay for the cost of activities to be assisted;

"(4) a focus on developing or expanding advanced placement programs and participation in the core academic areas of English, mathematics, and science; and

"(5)(A) in the case of an eligible entity that is a State educational agency, the State educational agency carries out programs in the State that target—

"(i) local educational agencies serving schools with a high concentration of low-income students; or

"(ii) schools with a high concentration of low-income students; or

"(B) in the case of an eligible entity that is a local educational agency, the local educational agency serves schools with a high concentration of low-income students.

"(c) AUTHORIZED ACTIVITIES.—An eligible entity may use grant funds under this section to expand access for low-income individuals to advanced placement incentive programs that involve—

"(1) teacher training;

"(2) preadvanced placement course development;

"(3) curriculum coordination and articulation between grade levels that prepare students for advanced placement courses;

"(4) curriculum development;

"(5) books and supplies; and

"(6) any other activity directly related to expanding access to and participation in advanced placement incentive programs particularly for low-income individuals.

"(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(e) DATA COLLECTION AND REPORTING.—

"(1) DATA COLLECTION.—Each eligible entity receiving a grant under this section shall annually report to the Secretary—

"(A) the number of students taking advanced placement courses who are served by the eligible entity;

"(B) the number of advanced placement tests taken by students served by the eligible entity;

"(C) the scores on the advanced placement tests; and

"(D) demographic information regarding individuals taking the advanced placement courses and tests disaggregated by race, ethnicity, sex, English proficiency status, and socioeconomic status.

"(2) REPORT.—The Secretary shall annually compile the information received from each eligible entity under paragraph (1) and report to Congress regarding the information.

"SEC. 5605. ONLINE ADVANCED PLACEMENT COURSES.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 5608 and made available under section 5603(2) for a fiscal year, the Secretary shall award grants to State educational agencies to enable such agencies to award grants to local educational agencies to provide students with online advanced placement courses.

"(b) STATE EDUCATIONAL AGENCY APPLICATIONS.—

"(1) APPLICATION REQUIRED.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) AWARD BASIS.—The Secretary shall award grants under this section on a competitive basis.

"(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State educational agency receiving a grant under subsection (b) shall award grants to local educational agencies within the State to carry out activities described in subsection (e). In awarding grants under this subsection, the State educational agency shall give priority to local educational agencies that—

"(1) serve high concentrations of low-income students;

"(2) serve rural areas; and

"(3) the State educational agency determines will not have access to online advanced placement courses without assistance provided under this section.

"(d) CONTRACTS.—A local educational agency that receives a grant under this section may enter into a contract with a nonprofit or for-profit organization to provide the online advanced placement courses, including contracting for necessary support services.

"(e) USES.—Grant funds provided under this section may be used to purchase the online curriculum, to train teachers with respect to the use of online curriculum, and to purchase course materials.

"SEC. 5606. ADVANCED PLACEMENT INCENTIVE PROGRAM.

"(a) GRANTS AUTHORIZED.—From amounts appropriated under section 5608 and made available under section 5603 for a fiscal year, the Secretary shall award grants to State educational agencies having applications approved under subsection (c) to enable the State educational agencies to reimburse low-income individuals to cover part or all of the costs of advanced placement test fees, if the low-income individuals—

"(1) are enrolled in an advanced placement class; and

"(2) plan to take an advanced placement test.

"(b) AWARD BASIS.—In determining the amount of the grant awarded to each State educational agency under this section for a fiscal year, the Secretary shall consider the number of children eligible to be counted under section 1124(c) in the State in relation to the number of such children so counted in all the States.

"(c) INFORMATION DISSEMINATION.—A State educational agency shall disseminate information regarding the availability of advanced placement test fee payments under this section to eligible individuals through secondary school teachers and guidance counselors.

"(d) APPLICATIONS.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. At a minimum, each State educational agency application shall—

"(1) describe the advanced placement test fees the State educational agency will pay on behalf of low-income individuals in the State from grant funds made available under this section;

"(2) provide an assurance that any grant funds received under this section, other than funds used in accordance with subsection (e), shall be used only to pay for advanced placement test fees; and

"(3) contain such information as the Secretary may require to demonstrate that the State will ensure that a student is eligible for payments under this section, including documentation required under chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965.

"(e) ADDITIONAL USES OF FUNDS.—If each eligible low-income individual in a State pays not more than a nominal fee to take an advanced placement test in a core subject, then a State educational agency may use grant funds made available under this section that remain after advanced placement test fees have been paid on behalf of all eligible low-income individuals in the State, for activities directly related to increasing—

"(1) the enrollment of low-income individuals in advanced placement courses;

"(2) the participation of low-income individuals in advanced placement courses; and

"(3) the availability of advanced placement courses in schools serving high-poverty areas.

"(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds provided under this section shall supplement, and not supplant, other non-federal funds that are available to assist low-income individuals in paying for the cost of advanced placement test fees.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.

"(h) REPORT.—Each State educational agency annually shall report to the Secretary information regarding—

"(1) the number of low-income individuals in the State who received assistance under this section; and

"(2) any activities carried out pursuant to subsection (e).

"(i) DEFINITIONS.—In this section:

"(1) ADVANCED PLACEMENT TEST.—The term 'advanced placement test' includes only an advanced placement test approved by the Secretary for the purposes of this section.

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given the

term in section 402A(g)(2) of the Higher Education Act of 1965.

“SEC. 5607. DEFINITIONS.

“In this part:

“(1) ADVANCED PLACEMENT INCENTIVE PROGRAM.—The term ‘advanced placement incentive program’ means a program that provides advanced placement activities and services to low-income individuals.

“(2) ADVANCED PLACEMENT TEST.—The term ‘advanced placement test’ means an advanced placement test administered by the College Board or approved by the Secretary.

“(3) HIGH CONCENTRATION OF LOW-INCOME STUDENTS.—The term ‘high concentration of low-income students’, used with respect to a State educational agency, local educational agency or school, means an agency or school, as the case may be, that serves a student population 40 percent or more of whom are from families with incomes below the poverty level, as determined in the same manner as the determination is made under section 1124(c)(2).

“(4) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ means, other than for purposes of section 5606, a low-income individual (as defined in section 402A(g)(2) of the Higher Education Act of 1965) who is academically prepared to take successfully an advanced placement test as determined by a school teacher or advanced placement coordinator taking into consideration factors such as enrollment and performance in an advanced placement course or superior academic ability.

“(5) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101(a) of the Higher Education Act of 1965.

“(6) STATE.—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this part $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

“PART F—PERFORMANCE AGREEMENTS

“SEC. 5701. SHORT TITLE.

“This part may be cited as the ‘Performance Agreements Act’.

“SEC. 5702. PURPOSE.

“The purpose of this part is to create options for selected State educational agencies and local educational agencies—

“(1) to improve the academic achievement of all students served by State educational agencies and local educational agencies, and to focus the resources of the Federal Government on that achievement;

“(2) to better empower parents, educators, administrators, and schools to effectively address the needs of their children and students;

“(3) to give participating State educational agencies and local educational agencies greater flexibility in determining how to increase their students' academic achievement and implement education reforms in their schools;

“(4) to eliminate barriers to implementing effective State and local education reform, while preserving the goals of equality of opportunity for all students and accountability for student progress;

“(5) to hold participating State educational agencies and local educational agencies accountable for increasing the academic achievement of all students, especially disadvantaged students; and

“(6) to narrow achievement gaps between the lowest and highest performing groups of students, particularly low-income and minority students, so that no child is left behind.

“SEC. 5703. PROGRAM AUTHORITY; SELECTION OF STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES.

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—Except as otherwise provided in this part, the Secretary shall enter into performance agreements—

“(A) with State educational agencies and local educational agencies that submit approvable performance agreement proposals and are selected under paragraph (2); and

“(B) under which the agencies may consolidate and use funds as described in section 5705.

“(2) SELECTION OF STATE EDUCATIONAL AGENCIES AND LOCAL EDUCATIONAL AGENCIES FOR PARTICIPATION.—

“(A) IN GENERAL.—Subject to subparagraphs (C) and (D), the Secretary shall select not more than 7 State educational agencies and 25 local educational agencies to enter into performance agreements under this part. The State educational agencies and local educational agencies shall be selected from among those State educational agencies and local educational agencies that—

“(i) demonstrate, to the satisfaction of the Secretary, that the proposed performance agreement of the agency—

“(I) has substantial promise of meeting the requirements of this part; and

“(II) describes a plan to combine and use funds (as described in section 5705(a)(1)) under the agreement to exceed, by a statistically significant amount, the State's definition of adequate yearly progress (as described in subparagraph (B)) while meeting the requirements of sections 1111 and 1116;

“(ii) have developed, and are administering, the assessments described in section 1111(b)(3);

“(iii) provide information in the proposed performance agreement regarding how the State educational agency—

“(I) has notified the local educational agencies within the State of the State educational agency's intent to submit a proposed performance agreement; and

“(II) consulted with the Governor of the State about the terms of the proposed performance agreement;

“(iv) consulted and involved parents and educators in the development of the proposal; and

“(v) provide such other information, at such time and in such manner, as the Secretary may reasonably require.

“(B) DEFINITION OF ADEQUATE YEARLY PROGRESS.—In this part the term ‘adequate yearly progress’ means the adequate yearly progress determined by the State pursuant to section 1111(b)(2)(B).

“(C) GEOGRAPHIC DISTRIBUTION.—If more than 7 State educational agencies or 25 local educational agencies submit approvable performance agreements under this part, then the Secretary shall select agencies for performance agreements under this part in a manner that ensures, to the greatest extent possible, an equitable geographic distribution of such agencies selected for performance agreements. In addition, if more than 25 local educational agencies submit approvable performance agreements under this part, then the Secretary shall select local educational agencies for performance agreements under this part in a manner that ensures an equitable distribution of such agencies selected for performance agreements among such agencies serving urban and rural areas.

“(D) LOCAL EDUCATIONAL AGENCY PARTICIPATION.—

“(i) IN GENERAL.—If a local educational agency is located in a State that does not enter into a performance agreement under subparagraph (A), then the local educational agency may be selected to enter into a performance agreement with the Secretary under subparagraph (A), but only if the local educational agency—

“(I) meets the requirements of this part that are applicable to the local educational agency pursuant to clause (iii), except as provided under clause (v);

“(II) notifies the State educational agency of the local educational agency's intent to enter into a performance agreement under this part; and

“(III) notifies the Governor of the State regarding the terms of the proposed performance agreement.

“(ii) PROHIBITION.—In the event that a local educational agency enters into a performance agreement under this part, the State educational agency serving the State in which the local educational agency is located may not enter into a performance agreement under this part unless—

“(I) the State educational agency has consulted the local educational agency; and

“(II) the term of the local educational agency's original performance agreement has ended.

“(iii) APPLICABILITY.—Except as provided in clauses (iv) and (v), each requirement and limitation under this part that is applicable to a State educational agency with respect to a performance agreement under this part shall be applicable to a local educational agency with respect to a performance agreement under this section, to the extent the Secretary determines appropriate.

“(iv) LOCAL EDUCATIONAL AGENCY WAIVER.—

“(I) WAIVER.—If a local educational agency does not wish to participate in the State educational agency's performance agreement, then the local educational agency shall apply to the State educational agency for a waiver within 45 days of notification from the State educational agency of the State educational agency's desire to participate in a performance agreement.

“(II) RESPONSE.—A State educational agency that receives a waiver application under subclause (I) shall respond to the waiver application within 45 days of receipt of the application. In order to obtain the waiver, the local educational agency shall reasonably demonstrate to the State educational agency that the local educational agency would be better able to exceed adequate yearly progress by opting out of the performance agreement and remaining subject to the requirements of the affected Federal programs. If the State educational agency denies the waiver, the State educational agency shall explain to the local educational agency the State educational agency's reasons for the denial.

“(III) APPLICABILITY.—If a local educational agency receives a waiver under this clause, then the agency shall receive funds and be subject to the provisions of Federal law governing each Federal program included in the State educational agency's performance agreement.

“(v) INAPPLICABILITY.—The following provisions shall not apply to a local educational agency with respect to a performance agreement under this part:

“(I) The provisions of section 5703(a)(2)(A)(iii) relating to State educational agency information.

“(II) The provisions of section 5704(a)(3)(B) limiting the use of funds other than those funds provided under part A of title I.

“(III) The provisions of section 5705(b), to the extent that those provisions permit the consolidation of funds that are awarded by a State on a competitive basis.

“(IV) The provisions relating to distribution of funds under section 5706.

“(V) The provisions limiting State use of funds for administrative purposes under section 5708(a).

“(VI) The provisions of section 5709(e)(1) regarding State sanctions.

“(b) ED-FLEX PROHIBITION.—Each State or local educational agency that enters into a performance agreement under this part shall be ineligible to receive a waiver under part B for the term of the performance agreement.

“SEC. 5704. PERFORMANCE AGREEMENT.

“(a) TERMS OF PERFORMANCE AGREEMENT.—

“(1) REQUIRED PROVISIONS.—Each performance agreement entered into by the Secretary and a State educational agency or a local educational agency under this part shall—

“(A) be for a term of 5 years, except as provided in section 5709(a);

“(B) provide that no requirements of any program described in section 5705(b) and included in the scope of the agreement shall apply, except as otherwise provided in this part;

“(C) list which of the programs described in section 5705(b) are included in the scope of the performance agreement;

“(D) contain a 5-year plan describing how the State educational agency will—

“(i) ensure compliance with sections 1003, 1111 (other than subsections (c) (3) and (10)), 1112 (other than subsections (b) (3) and (9), (c) (5), (7), and (9), and (d)(3)), 1114, 1115, 1116, 1117, and 1118 (c), (d), and (e) (1), (3), and (7), except that section 1114(a)(1) shall be applied substituting ‘35 percent’ for ‘40 percent’;

“(ii) address professional development under the performance agreement;

“(iii) combine and use the funds from programs included in the scope of the performance agreement to exceed, by a statistically significant amount, the State’s definition of adequate yearly progress;

“(iv) if title II is included in the performance agreement, ensure compliance with sections 2141(a) and 2142(a), as applicable; and

“(v) if title III is included in the performance agreement, ensure compliance with section 3329;

“(E) contain an assurance that the State educational agency has provided parents, teachers, schools, and local educational agencies in the State, with notice and an opportunity to comment on the proposed terms of the performance agreement, including the distribution and use of funds to be consolidated, in accordance with State law;

“(F) provide that the State educational agency will use fiscal control and fund-accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds consolidated and used under the performance agreement;

“(G) contain an assurance that the State educational agency will meet the requirements of all applicable Federal civil rights laws in carrying out the performance agreement and in consolidating and using the funds under the performance agreement;

“(H) require that, in consolidating and using funds under the performance agreement, the State educational agency will comply with the equitable participation requirements described in section 5705(c);

“(I) provide that the State educational agency will, for the duration of the performance agreement, use funds consolidated and used under section 5705 only to supplement the amount of funds that would, in the absence of those Federal funds, be made available from non-Federal sources for the education of students participating in programs assisted with the consolidated funds and used under section 5705, and not to supplant those funds;

“(J) contain an assurance that the State educational agency will comply with the maintenance of effort requirements of paragraph (2);

“(K) provide that, not later than 1 year after the date on which the Secretary and the State educational agency enter into the performance agreement, and annually thereafter during the term of the agreement, the State educational agency will disseminate widely to parents (in a format and, to the extent practicable, in a language the parents can understand) and the general public, transmit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

“(i) the data as described in section 1111(j);

“(ii) a detailed description of how the State educational agency used the funds consolidated under the performance agreement to exceed, by a statistically significant amount, its definition of adequate yearly progress; and

“(iii) whether the State educational agency has met the teacher quality goals established under title II; and

“(L) in the case of an agency that includes subpart 1 of part A of title IV in its performance agreement, contain an assurance that—

“(i) the agency will not diminish its ability to provide a drug and violence free learning environment as a result of entering into the performance agreement, except that nothing in this clause shall be construed to limit the ability of the agency to participate in a program under title IV due to an unforeseen event involving drugs or violence;

“(ii) the agency will prepare the needs assessment described in section 4112(a)(2) and the report described in section 4117 (b) and (c), as appropriate, for each school year; and

“(iii) the agency will use the information in the assessment and report described in clause (ii) to ensure compliance with clause (i).

“(2) MAINTENANCE OF STATE FINANCIAL SUPPORT.—

“(A) IN GENERAL.—Each State entering into a performance agreement under this part shall not reduce the amount of State financial support for education for a fiscal year below the amount of such support for the preceding fiscal year.

“(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN EFFORT.—The Secretary shall reduce the allotment of funds to a State pursuant to the terms of the performance agreement for any fiscal year following a fiscal year in which the State fails to comply with subparagraph (A) by the same amount by which the State fails to meet the requirements of subparagraph (A).

“(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a State, for one fiscal year at a time, if the Secretary determines that granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(D) SUBSEQUENT YEARS.—If, for any year, a State fails to meet the requirement of subparagraph (A), including any year for which the State is granted a waiver under subparagraph (C), then the financial support required of the State in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the State’s support.

“(3) MAINTENANCE OF LOCAL FINANCIAL SUPPORT.—

“(A) IN GENERAL.—Each local educational agency entering into a performance agreement under this part shall not reduce the amount of local educational agency financial support for education for a fiscal year below 90 percent of the amount of that support for the preceding fiscal year.

“(B) REDUCTION OF FUNDS FOR FAILURE TO MAINTAIN SUPPORT.—The Secretary shall reduce the amount made available to a local educational agency under a performance agreement under this part for any fiscal year following the fiscal year in which the local educational agency fails to comply with subparagraph (A) by the same amount by which the local educational agency fails to meet the requirements of subparagraph (A).

“(C) WAIVERS FOR EXCEPTIONAL OR UNCONTROLLABLE CIRCUMSTANCES.—The Secretary may waive the requirement of subparagraph (A) for a local educational agency if the Secretary determines that granting a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency, or to permit the local educational agency to adjust for changes in student population within the schools served by the local educational agency.

“(D) SUBSEQUENT YEARS.—If, for any year, a local educational agency fails to meet the requirement of subparagraph (A), including any year for which the local educational agency is granted a waiver under subparagraph (C), then the financial support required of the local educational agency in future years under subparagraph (A) shall be the amount that would have been required in the absence of that failure and not the reduced level of the local educational agency’s support.

“(4) PROGRAM-SPECIFIC PROVISIONS.—

“(A) PART A OF TITLE I FUNDS.—If part A of title I is included in the scope of the performance agreement, the performance agreement shall provide that sections 1113, and 1124 through 1127, shall apply to the allocation of funds under such part, unless the State educational agency demonstrates, to the satisfaction of the Secretary and prior to approval of the performance agreement, that the State educational agency will use an alternative allocation method that will better target poverty or educational need. Any alternative method shall result in the percentage of such funds allocated to each local educational agency served by the State educational agency that meets the eligibility criteria for a concentration grant according to section 1124A exceeding the percentage of such funds allocated to such local educational agency under part A of title I. Such alternative allocation methods may include implementation of a State’s weighted formula, use of a State’s most current census data to better target poor children, or a State setting higher thresholds for poverty so that funding is more targeted to schools with higher concentrations of poverty.

“(B) NONTITLE I FUNDS.—The performance agreement shall provide that, for funds other than those under part A of title I that are consolidated and used under section 5705(b), the State educational agency will demonstrate, to the satisfaction of the Secretary and prior to approval of the performance agreement, that the State educational agency will allocate the funds in a manner that, each year, allocates funds to serve high concentrations of children from low-income families at a level proportional to or higher than the level that would occur without such consolidation or use.

“(b) APPROVAL OF PERFORMANCE AGREEMENT.—

“(1) IN GENERAL.—Subject to section 5703(a), not later than 90 days after the deadline established by the Secretary for receipt of a complete proposed performance agreement, the Secretary shall approve the performance agreement, or provide the State educational agency with a written explanation for not approving the performance agreement.

“(2) PEER REVIEW.—The Secretary shall—

“(A) establish a peer review process to assist in the review of proposed performance agreements under this part; and

“(B) appoint individuals to the peer review process who are representative of parents, teachers, State educational agencies, and local educational agencies, and who are familiar with

educational standards, assessments, accountability, curriculum, instruction and staff development, and other diverse educational needs of students.

“(c) Amendment to Performance Agreement.—

“(1) In general.—Not later than 1 year after entering into a performance agreement under this part, a State educational agency may amend its agreement to—

“(A) remove from the scope of the agreement any program described in section 5705(b); or

“(B) include in the scope of the agreement any additional program described in section 5705(b), or any additional achievement indicators for which the State educational agency will be held accountable.

“(2) Approval of amendment.—

“(A) In general.—Not later than 90 days after the receipt of a complete proposed amendment described in paragraph (1), the Secretary shall approve the amendment unless the Secretary, by that deadline, provides the State educational agency with a written determination that the plan, as amended, would no longer have substantial promise of meeting the requirements of this part and meeting the State educational agency's objective to exceed adequate yearly progress.

“(B) Treatment as approved.—Each amendment for which the Secretary fails to take the action required under subparagraph (A) in the time period described in that subparagraph shall be considered to be approved.

“(3) Additional amendments.—In addition to the amendments described in paragraph (1), the State educational agency, at any time, may amend its performance agreement if the State educational agency demonstrates, to the satisfaction of the Secretary, that—

“(A) the plan, as amended, will continue to have substantial promise of meeting the requirements of this part; and

“(B) the amendment sought by the State will not substantially alter the original agreement.

“(4) Treatment of program funds withdrawn from agreement.—The addition, or removal, of a program to or from the scope of a performance agreement under paragraph (1) shall take effect with respect to the participating agency's use of funds made available under that program beginning on the first day of the first full academic year following the approval of the amendment.

“SEC. 5705. CONSOLIDATION AND USE OF FUNDS.

“(a) In General.—

“(1) Authority.—Under a performance agreement entered into under this part, a State educational agency may consolidate, subject to subsection (c), Federal funds made available to the State educational agency under the provisions listed in subsection (b) and use those funds for any purpose or use permitted under any of the eligible programs listed in section 5705(b), subject to paragraph (3).

“(2) Program requirements.—Except as otherwise provided in this part, a State educational agency may use funds under paragraph (1) notwithstanding the requirements of the program under which the funds were made available to the State educational agency.

“(3) Continuation awards.—A State educational agency shall make continuation awards for the duration of the grants to recipients of multiyear competitive grants under any of the programs described in subsection (b) that were initially awarded prior to entering into the performance agreement, and shall not consolidate any funds under subsection (b) for any year until after those continuation awards are made.

“(b) Eligible Programs.—Only funds made available for fiscal year 2002 or any succeeding fiscal year to State educational agencies under programs under any of the following provisions of law may be consolidated and used under subsection (a):

“(1) Part A (other than section 1003), subpart 1 of part B, part F or G, or subpart 2 of part H (but only if appropriations for such subpart exceed $250,000,000 and the program becomes a State formula grant program), of title I.

“(2) Subpart 1 or 2 of part A, or part C, of title II.

“(3) Part A or D, as appropriate, of title III (other than grant funds made available under section 3324(c)(1)).

“(4) Subpart 1 of part A of title IV.

“(5) Subpart 3 of part A, or subpart 4 of part B, of title V.

“(6) Any appropriation subsequent to fiscal year 2001 for the purposes described in section 310 of the Department of Education Appropriations Act, 2000.

“(7) Any appropriation subsequent to fiscal year 2001 for the purposes described in section 321(b)(2) of the Department of Education Appropriations Act, 2001.

“(8) Any other program under this Act that is enacted after the date of enactment of the Better Education for Students and Teachers Act under which the Secretary provides grants to State educational agencies to assist elementary and secondary education on the basis of a formula.

“(c) Equitable Participation Requirements.—If a State educational agency or local educational agency includes in the scope of its performance agreement programs described in subsection (b) that have requirements relating to the equitable participation of private schools, then—

“(1) each local educational agency in the State, or the local educational agency, as appropriate, shall determine the amount of consolidated funds to be used for services and benefits for private school students and teachers by—

“(A) calculating separately the amount of funds for services and benefits for private school students and teachers under each program that is consolidated and to which those requirements apply; and

“(B) totaling the amounts calculated under subparagraph (A);

“(2) except as described in paragraph (3), all equitable participation requirements, including any bypass requirements, applicable to the program that is consolidated shall continue to apply to the funds consolidated under the agreement from that program; and

“(3) the agency may use the amount of funds determined under paragraph (1) only for those services and benefits for private school students and teachers in accordance with any of the consolidated programs to which the equitable participation requirements apply, but may not provide any additional benefits or services beyond those allowable under the applicable equitable participation requirements under this Act.

“SEC. 5706. STATE RESERVATION FOR STATE-LEVEL ACTIVITIES.

“(a) State-level activities.—In order to carry out State-level activities under the purposes described in section 5705(a)(1) to exceed, by a statistically significant amount, the State's definition of adequate yearly progress, a State educational agency that—

“(1) includes part A of title I in the scope of its performance agreement, may reserve not more than 5 percent of the funds under that part to carry out such activities; and

“(2) includes programs other than part A of title I in the scope of its performance agreement, may reserve not more than 10 percent of the funds under those other programs to carry out such activities.

“(b) Distribution of Remainder.—A State educational agency shall distribute the consolidated funds not used under subsection (a) to local educational agencies in the State in a manner determined by the State educational agency in accordance with section 5707.

“SEC. 5707. DISTRIBUTION OF FUNDS UNDER AGREEMENT.

“The distribution of funds consolidated under a performance agreement shall be determined by the State educational agency in consultation with the Governor of the State, subject to the requirements of this part.

“SEC. 5708. LIMITATIONS ON ADMINISTRATIVE EXPENDITURES.

“(a) State Educational Agency.—Subject to section 5709(e)(1), each State educational agency that has entered into a performance agreement under this part may reserve for administrative purposes not more than 1 percent of the total amount of funds made available to the State educational agency under the programs included in the scope of the performance agreement.

“(b) Local Educational Agency.—Subject to section 5709(e)(2), each local educational agency that has entered into a performance agreement with the Secretary under this part may use for administrative purposes not more than 4 percent of the total amount of funds made available to the local educational agency under the programs included in the scope of the performance agreement.

“SEC. 5709. PERFORMANCE REVIEW AND PENALTIES.

“(a) Early Termination of Agreement.—

“(1) Performance goal failure.—Beginning with the first full academic year after a State educational agency enters into a performance agreement under this part, and after providing the State educational agency with notice and an opportunity for a hearing (including the opportunity to provide information as provided in paragraph (3)), if the State educational agency fails to meet its definition of adequate yearly progress for 2 consecutive years, or fails to exceed, by a statistically significant amount, its definition of adequate yearly progress for 3 consecutive years, then the Secretary shall terminate promptly the performance agreement.

“(2) Noncompliance.—The Secretary may, after providing notice and an opportunity for a hearing (including the opportunity to provide information as provided in paragraph (3)), terminate a performance agreement if there is evidence that the State educational agency has failed to comply with the terms of the performance agreement.

“(3) Information.—If a State educational agency believes that the Secretary's determination under this subsection is in error for statistical or other substantive reasons, the State educational agency may provide supporting evidence to the Secretary, and the Secretary shall consider that evidence before making a final early termination determination.

“(b) No Renewal if Performance Unsatisfactory.—If, at the end of the 5-year term of a performance agreement entered into under this part, a State educational agency has not substantially met the State's definition of adequate yearly progress, then the Secretary shall not renew the agreement under section 5710.

“(c) Two-Year Wait-Out Period.—A State educational agency whose performance agreement was terminated under subsection (a), or was not renewed in accordance with subsection (b), may not enter into another performance agreement under this part until after the State educational agency meets its definition of adequate yearly progress for 2 consecutive years following the termination or nonrenewal.

“(d) Program Requirements in Effect After Termination or Nonrenewal of the Agreement.—Beginning on the first day of the first full academic year following the end of a

performance agreement under this part (including through termination under subsection (a)) the State educational agency shall comply with each of the program requirements in effect on that date for each program included in the performance agreement.

“(e) SANCTIONS.—

“(1) STATE SANCTIONS.—If, beginning with the first full academic year after a State educational agency enters into a performance agreement under this part—

“(A) the Secretary determines, on the basis of data from the State assessment system described in section 1111 and data from State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills, for 2 consecutive years, that—

“(i) the State educational agency has failed to exceed, by a statistically significant amount, the State's definition of adequate yearly progress; and

“(ii) students who are racial and ethnic minorities, and economically disadvantaged students, in the State failed to make statistically significant progress in the academic subjects for which the State has developed State content and student performance standards,

then the amount that the State educational agency may use for administrative expenses in accordance with section 5708 shall be reduced by 30 percent;

“(B) the Secretary determines that a State educational agency which included title II in its performance agreement failed to comply with section 2141(a), then the Secretary shall withhold funds as described in section 2141(d); and

“(C) the Secretary determines that a State educational agency which included title III in its performance agreement failed to comply with section 3329, then the Secretary shall withhold funds as described in section 3329(b).

“(2) LOCAL EDUCATIONAL AGENCIES.—If, beginning with the first full academic year after a local educational agency enters into a performance agreement under this part, the Secretary determines, on the basis of data from the State assessment system described in section 1111 that a local educational agency failed to exceed, by a statistically significant amount, the State's definition of adequate yearly progress for 2 consecutive years, then the amount that the local educational agency may use for administrative expenses in accordance with section 5708 shall be reduced by 30 percent.

“SEC. 5710. RENEWAL OF PERFORMANCE AGREEMENT.

“(a) IN GENERAL.—Except as provided in section 5709 (a) and (b), and in accordance with this section, the Secretary shall renew for 1 additional 5-year term a performance agreement under this part if the Secretary determines, on the basis of the information reported under section 5704(a)(1)(K), that the adequate yearly progress described in the performance agreement has been exceeded by a statistically significant amount.

“(b) NOTIFICATION.—The Secretary shall not renew a performance agreement under this part unless the State educational agency seeking the renewal notifies the Secretary of the agency's intention to renew the performance agreement not less than 6 months prior to the end of the original term of the performance agreement.

“(c) EFFECTIVE DATE.—A renewal under this section shall be effective at the end of the original term of the performance agreement or on the date on which the State educational agency provides to the Secretary all data and information required under the performance agreement, whichever is later, except that in no case may there be a renewal under this section unless that data and information is provided to the Secretary not later than 60 days after the end of the original term of the performance agreement.

“SEC. 5711. EVALUATION.

“(a) STUDY.—The Secretary is authorized to award a grant to the Comptroller General to conduct a study examining the effectiveness of the demonstration program under this part. The study shall examine—

“(1) the performance of the disaggregated groups of students described in section 1111(b)(3)(K) prior to entering into the performance agreement as compared to the performance of such groups after completion of the performance agreement on State assessments and the National Assessment of Educational Progress;

“(2) the dropout data (as required by section 1111(j)) prior to entering into the performance agreement as compared to the dropout data after completion of the performance agreement;

“(3) the ways in which the State educational agencies and local educational agencies entering into performance agreements distributed and used Federal education resources as compared to the ways in which such agencies distributed and used Federal education resources prior to entering the performance agreement;

“(4) a comparison of the data described in paragraphs (1), (2), and (3) between State educational agencies and local educational agencies entering into performance agreements compared to other State educational agencies and local educational agencies to determine the effectiveness of the program; and

“(5) any other factors that are relevant to evaluating the effectiveness of the program.

“(b) REPORT.—The Secretary shall make public the results of the evaluation carried out under subsection (a) and shall report the results of the study to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.

“SEC. 5712. TRANSMITTAL OF REPORTS TO CONGRESS.

“Not later than 60 days after the Secretary receives an annual report described in section 5704(a)(1)(K), the Secretary shall make the report available to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.”.

SEC. 502. EMPOWERING PARENTS.

(a) SHORT TITLE.—This section may be cited as the “Empowering Parents Act of 2001”.

(b) PUBLIC SCHOOL CHOICE.—

(1) SHORT TITLE OF SUBSECTION.—This subsection may be referred to as the “Enhancing Public Education Through Choice Act”.

(2) PURPOSES.—The purposes of this subsection are—

(A) to prevent children from being consigned to, or left trapped in, failing schools;

(B) to ensure that parents of children in failing public schools have the choice to send their children to higher performing public schools, including public charter schools;

(C) to support and stimulate improved public school performance through increased public school competition and increased Federal financial assistance;

(D) to provide parents with more choices among public school options; and

(E) to assist local educational agencies with low-performing schools to implement districtwide public school choice programs or enter into partnerships with other local educational agencies to offer students interdistrict or statewide public school choice programs.

(3) PUBLIC SCHOOL CHOICE PROGRAMS.—Part A of title V, as amended in section 501, is further amended by adding at the end the following:

“Subpart 4—Voluntary Public School Choice Programs

“SEC. 5161. DEFINITIONS.

“In this subpart:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given such term in section 5120.

“(2) LOWEST PERFORMING SCHOOL.—The term ‘lowest performing school’ means a public school that has failed to make adequate yearly progress, as described in section 1111, for 2 or more years.

“(3) POVERTY LINE.—The term ‘poverty line’ means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, for the most recent fiscal year for which satisfactory data are available.

“(4) PUBLIC SCHOOL.—The term ‘public school’ means a charter school, a public elementary school, and a public secondary school.

“(5) STUDENT IN POVERTY.—The term ‘student in poverty’ means a student from a family with an income below the poverty line.

“SEC. 5162. GRANTS.

“The Secretary shall make grants, on a competitive basis, to State educational agencies and local educational agencies, to enable the agencies, including the agencies serving the lowest performing schools, to implement programs of universal public school choice.

“SEC. 5163. USE OF FUNDS.

“(a) IN GENERAL.—An agency that receives a grant under this subpart shall use the funds made available through the grant to pay for the expenses of implementing a public school choice program, including—

“(1) the expenses of providing transportation services or the cost of transportation to eligible children;

“(2) the cost of making tuition transfer payments to public schools to which students transfer under the program;

“(3) the cost of capacity-enhancing activities that enable high-demand public schools to accommodate transfer requests under the program;

“(4) the cost of carrying out public education campaigns to inform students and parents about the program;

“(5) administrative costs; and

“(6) other costs reasonably necessary to implement the program.

“(b) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall supplement, and not supplant, State and local public funds expended to provide public school choice programs for eligible individuals.

“SEC. 5164. REQUIREMENTS.

“(a) INCLUSION IN PROGRAM.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall—

“(1) allow all students attending public schools within the State or school district involved to attend the public school of their choice within the State or school district, respectively;

“(2) provide all eligible students in all grade levels equal access to the program;

“(3) include in the program charter schools and any other public school in the State or school district, respectively; and

“(4) develop the program with the involvement of parents and others in the community to be served, and individuals who will carry out the program, including administrators, teachers, principals, and other staff.

“(b) NOTICE.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall give parents of eligible students prompt notice of the existence of the program and the program's availability to such parents, and a clear explanation of how the program will operate.

“(c) TRANSPORTATION.—In carrying out a public school choice program under this subpart, a State educational agency or local educational agency shall provide eligible students

with transportation services or the cost of transportation to and from the public schools, including charter schools, that the students choose to attend under this program.

"(d) NONDISCRIMINATION.—Notwithstanding subsection (a)(3), no public school may discriminate on the basis of race, color, religion, sex, national origin, sexual orientation, or disability in providing programs and activities under this subpart.

"(e) PARALLEL ACCOUNTABILITY.—Each State educational agency or local educational agency receiving a grant under this subpart for a program through which a charter school receives assistance shall hold the school accountable for adequate yearly progress in improving student performance as described in title I and as established in the school's charter, including the use of the standards and assessments established under title I.

"SEC. 5165. APPLICATIONS.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency or local educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(b) CONTENTS.—Each application for a grant under this subpart shall include—

"(1) a description of the program for which the agency seeks funds and the goals for such program;

"(2) a description of how the program will be coordinated with, and will complement and enhance, other related Federal and non-Federal projects;

"(3) if the program is carried out by a partnership, the name of each partner and a description of the partner's responsibilities;

"(4) a description of the policies and procedures the agency will use to ensure—

"(A) accountability for results, including goals and performance indicators; and

"(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

"(5) such other information as the Secretary may require.

"SEC. 5166. PRIORITIES.

"In making grants under this subpart, the Secretary shall give priority to—

"(1) first, those State educational agencies and local educational agencies serving the lowest performing schools;

"(2) second, those State educational agencies and local educational agencies serving the highest percentage of students in poverty; and

"(3) third, those State educational agencies or local educational agencies forming a partnership that seeks to implement an interdistrict approach to carrying out a public school choice program.

"SEC. 5167. EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.

"(a) IN GENERAL.—From the amount made available to carry out this subpart for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations, to provide technical assistance, and to disseminate information.

"(b) EVALUATIONS.—In carrying out evaluations under subsection (a), the Secretary may use the amount reserved under subsection (a) to carry out 1 or more evaluations of State and local programs assisted under this subpart, which shall, at a minimum, address—

"(1) how, and the extent to which, the programs promote educational equity and excellence; and

"(2) the extent to which public schools carrying out the programs are—

"(A) held accountable to the public;

"(B) effective in improving public education; and

"(C) open and accessible to all students.

"SEC. 5168. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subpart $125,000,000 for fiscal year 2002 and each subsequent fiscal year.".

(c) PUBLIC CHARTER SCHOOL FACILITIES FINANCING.—

(1) SHORT TITLE OF SUBSECTION.—This subsection may be cited as the "Charter Schools Equity Act".

(2) PURPOSES.—The purposes of this subsection are—

(A) to help eliminate the barriers that prevent charter school developers from accessing the credit markets, by encouraging lending institutions to lend funds to charter schools on terms more similar to the terms typically extended to traditional public schools; and

(B) to encourage the States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount the States have typically provided for traditional public schools.

(3) CHARTER SCHOOLS.—

(A) CONFORMING AMENDMENT.—Section 5112(e)(1), as amended in section 501, is further amended by inserting "(other than funds reserved to carry out section 5115(b))" after "section 5121".

(B) MATCHING GRANTS TO STATES.—Section 5115, as amended in section 501, is further amended—

(i) in subsection (a), by inserting "(other than funds reserved to carry out subsection (b))" after "this subpart";

(ii) by redesignating subsection (b) as subsection (c); and

(iii) by inserting after subsection (a) the following:

"(b) PER-PUPIL FACILITIES AID PROGRAMS.—

"(1) GRANTS.—

"(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary shall make grants, on a competitive basis, to States to pay for the Federal share of the cost of establishing or enhancing, and administering, programs in which the States make payments, on a per-pupil basis, to charter schools to assist the schools in financing school facilities (referred to in this subsection as 'per-pupil facilities aid programs').

"(B) PERIOD.—The Secretary shall award grants under this subsection for periods of not more than 5 years.

"(C) FEDERAL SHARE.—The Federal share of the cost described in subparagraph (A) for a per-pupil facilities aid program shall be not more than—

"(i) 90 percent of the cost, for the first fiscal year for which the program receives assistance under this subsection or its predecessor authority;

"(ii) 80 percent in the second such year;

"(iii) 60 percent in the third such year;

"(iv) 40 percent in the fourth such year; and

"(v) 20 percent in the fifth such year.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—A State that receives a grant under this subsection shall use the funds made available through the grant to establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State.

"(B) EVALUATIONS; TECHNICAL ASSISTANCE; DISSEMINATION.—From the amount made available to a State through a grant under this subsection for a fiscal year, the State may reserve not more than 5 percent of the amount to carry out evaluations, to provide technical assistance, and to disseminate information.

"(C) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subsection shall supplement, and not supplant, State and local public funds expended to provide per-pupil facilities aid programs, operations financing programs, or other programs, for charter schools.

"(3) REQUIREMENTS.—

"(A) VOLUNTARY PARTICIPATION.—No State may be required to participate in a program carried out under this subsection.

"(B) STATE LAW.—To be eligible to receive a grant under this subsection, a State shall establish or enhance, and administer, a per-pupil facilities aid program for charter schools in the State, that—

"(i) is specified in State law;

"(ii) provides annual financing, on a per-pupil basis, for charter school facilities; and

"(iii) provides financing that is dedicated solely for funding the facilities.

"(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(5) PRIORITIES.—In making grants under this subsection, the Secretary shall give priority to States that meet the criteria described in paragraph (2), and subparagraphs (A), (B), and (C) of paragraph (3), of section 5112(e).

"(6) EVALUATIONS, TECHNICAL ASSISTANCE, AND DISSEMINATION.—

"(A) IN GENERAL.—From the amount made available to carry out this subsection under section 5121 for any fiscal year, the Secretary may carry out evaluations, provide technical assistance, and disseminate information.

"(B) EVALUATIONS.—In carrying out evaluations under subparagraph (A), the Secretary may carry out 1 or more evaluations of State programs assisted under this subsection, which shall, at a minimum, address—

"(i) how, and the extent to which, the programs promote educational equity and excellence; and

"(ii) the extent to which charter schools supported through the programs are—

"(I) held accountable to the public;

"(II) effective in improving public education; and

"(III) open and accessible to all students.".

(C) AUTHORIZATION OF APPROPRIATIONS.—Section 5121, as amended in section 501, is further amended to read as follows:

"SEC. 5121. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart $400,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) RESERVATION.—For fiscal year 2002, the Secretary shall reserve, from the amount appropriated under subsection (a)—

"(1) $200,000,000 to carry out this subpart, other than section 5115(b); and

"(2) the remainder to carry out section 5115(b).".

(4) CREDIT ENHANCEMENT INITIATIVES.—Subpart 1 of part A of title V, as amended in section 501, is further amended—

(A) by inserting after the subpart heading the following:

"CHAPTER I—CHARTER SCHOOL PROGRAMS";

(B) by striking "this subpart" each place it appears and inserting "this chapter"; and

(C) by adding at the end the following:

"CHAPTER II—CREDIT ENHANCEMENT INITIATIVES TO PROMOTE CHARTER SCHOOL FACILITY ACQUISITION, CONSTRUCTION, AND RENOVATION

"SEC. 5126. PURPOSE.

"The purpose of this chapter is to provide grants to eligible entities to permit the entities to establish or improve innovative credit enhancement initiatives that assist charter schools to

address the cost of acquiring, constructing, and renovating facilities.

"SEC. 5126A. GRANTS TO ELIGIBLE ENTITIES.

"(a) GRANTS FOR INITIATIVES.—

"(1) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this chapter to eligible entities having applications approved under this chapter to carry out innovative initiatives for assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

"(2) NUMBER OF GRANTS.—The Secretary shall award not fewer than 3 of the grants.

"(b) GRANTEE SELECTION.—

"(1) DETERMINATION.—The Secretary shall evaluate each application submitted, and shall determine which applications are of sufficient quality to merit approval and which are not.

"(2) MINIMUM GRANTS.—The Secretary shall award at least—

"(A) 1 grant to an eligible entity described in section 5126I(2)(A);

"(B) 1 grant to an eligible entity described in section 5126I(2)(B); and

"(C) 1 grant to an eligible entity described in section 5126I(2)(C),

if applications are submitted that permit the Secretary to award the grants without approving an application that is not of sufficient quality to merit approval.

"(c) GRANT CHARACTERISTICS.—Grants under this chapter shall be in sufficient amounts, and for initiatives of sufficient scope and quality, so as to effectively enhance credit for the financing of charter school acquisition, construction, or renovation.

"(d) SPECIAL RULE.—In the event the Secretary determines that the funds available to carry out this chapter are insufficient to permit the Secretary to award not fewer than 3 grants in accordance with subsections (a) through (c)—

"(1) subsections (a)(2) and (b)(2) shall not apply; and

"(2) the Secretary may determine the appropriate number of grants to be awarded in accordance with subsections (a)(1), (b)(1), and (c).

"SEC. 5126B. APPLICATIONS.

"(a) IN GENERAL.—To receive a grant under this chapter, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

"(b) CONTENTS.—An application submitted under subsection (a) shall contain—

"(1) a statement identifying the activities proposed to be undertaken with funds received under this chapter, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance the charter schools will receive;

"(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

"(3) a description of the applicant's expertise in capital market financing;

"(4) a description of how the proposed activities will—

"(A) leverage private sector financing capital, to obtain the maximum amount of private sector financing capital, relative to the amount of government funding used, to assist charter schools; and

"(B) otherwise enhance credit available to charter schools;

"(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

"(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding the schools need to have adequate facilities; and

"(7) such other information as the Secretary may reasonably require.

"SEC. 5126C. CHARTER SCHOOL OBJECTIVES.

"An eligible entity receiving a grant under this chapter shall use the funds received through the grant, and deposited in the reserve account established under section 5126D(a), to assist 1 or more charter schools to access private sector capital to accomplish 1 or more of the following objectives:

"(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

"(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

"(3) The payment of start-up costs, including the costs of training teachers and purchasing materials and equipment, including instructional materials and computers, for a charter school.

"SEC. 5126D. RESERVE ACCOUNT.

"(a) IN GENERAL.—For the purpose of assisting charter schools to accomplish the objectives described in section 5126C, an eligible entity receiving a grant under this chapter shall deposit the funds received through the grant (other than funds used for administrative costs in accordance with section 5126E) in a reserve account established and maintained by the entity for that purpose. The entity shall make the deposit in accordance with State and local law and may make the deposit directly or indirectly, and alone or in collaboration with others.

"(b) USE OF FUNDS.—Amounts deposited in such account shall be used by the entity for 1 or more of the following purposes:

"(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 5126C.

"(2) Guaranteeing and insuring leases of personal and real property for such an objective.

"(3) Facilitating financing for such an objective by identifying potential lending sources, encouraging private lending, and carrying out other similar activities that directly promote lending to, or for the benefit of, charter schools.

"(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, for such an objective, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

"(c) INVESTMENT.—Funds received under this chapter and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(d) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this chapter shall be deposited in the reserve account established under subsection (a) and used in accordance with subsection (b).

"SEC. 5126E. LIMITATION ON ADMINISTRATIVE COSTS.

"An eligible entity that receives a grant under this chapter may use not more than 0.25 percent of the funds received through the grant for the administrative costs of carrying out the entity's responsibilities under this chapter.

"SEC. 5126F. AUDITS AND REPORTS.

"(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this chapter shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(b) REPORTS.—

"(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this chapter annually shall submit to the Secretary a report of the entity's operations and activities under this chapter.

"(2) CONTENTS.—Each such annual report shall include—

"(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant auditing the financial records of the eligible entity;

"(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

"(C) an evaluation by the eligible entity of the effectiveness of the entity's use of the Federal funds provided under this chapter in leveraging private funds;

"(D) a listing and description of the charter schools served by the entity with such Federal funds during the reporting period;

"(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 5126C; and

"(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this chapter during the reporting period.

"(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to Congress on the activities conducted under this chapter.

"SEC. 5126G. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

"No financial obligation of an eligible entity entered into pursuant to this chapter (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds that may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this chapter.

"SEC. 5126H. RECOVERY OF FUNDS.

"(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(1) all of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this chapter, that the entity has failed to make substantial progress in carrying out the purposes described in section 5126D(b); or

"(2) all or a portion of the funds in a reserve account established by an eligible entity under section 5126D(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 5126D(b).

"(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve 1 or more of the purposes described in section 5126D(b).

"(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

"(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of

the General Education Provisions Act (20 U.S.C. 1234 et seq.).

"SEC. 5126I. DEFINITIONS.

"In this chapter:

"(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given such term in section 5120.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"SEC. 5126J. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $200,000,000 for fiscal year 2002 and each subsequent fiscal year.".

TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

SEC. 601. PARENTAL INVOLVEMENT AND ACCOUNTABILITY.

Title VI (20 U.S.C. 7301 et seq.) is amended to read as follows:

"TITLE VI—PARENTAL INVOLVEMENT AND ACCOUNTABILITY

"PART A—PARENTAL ASSISTANCE

"SEC. 6101. PARENTAL INFORMATION AND RESOURCE CENTERS.

"(a) PURPOSE.—The purpose of this part is—

"(1) to provide leadership, technical assistance, and financial support to nonprofit organizations (including statewide nonprofit organizations) and local educational agencies to help the organizations and agencies implement successful and effective parental involvement policies, programs, and activities that lead to improvements in student performance;

"(2) to strengthen partnerships among parents (including parents of children from birth through age 5), teachers, principals, administrators, and other school personnel in meeting the educational needs of children;

"(3) to develop and strengthen the relationship between parents and the school;

"(4) to further the developmental progress primarily of children assisted under this part;

"(5) to coordinate activities funded under this part with parental involvement initiatives funded under section 1118 and other provisions of this Act; and

"(6) to provide a comprehensive approach to improving student learning through coordination and integration of Federal, State, and local services and programs.

"(b) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants in each fiscal year to nonprofit organizations (including statewide nonprofit organizations), and nonprofit organizations in consortia with local educational agencies, to establish school-linked or school-based parental information and resource centers that provide comprehensive training, information, and support to—

"(A) parents of children enrolled in elementary schools and secondary schools;

"(B) individuals who work with the parents described in subparagraph (A);

"(C) State educational agencies, local educational agencies, schools, organizations that support family-school partnerships (such as parent-teacher associations and Parents as Teachers organizations), and other organizations that carry out parent education and family involvement programs; and

"(D) parents of children from birth through age 5.

"(2) AWARD RULE.—In awarding grants under this part, the Secretary shall ensure that such grants are distributed in all geographic regions of the United States.

"(c) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a parental information and resource center from—

"(1) having its employees or agents meet with a parent at a site that is not on school grounds; or

"(2) working with another agency that serves children.

"SEC. 6102. APPLICATIONS.

"(a) GRANTS APPLICATIONS.—

"(1) IN GENERAL.—Each nonprofit organization (including a statewide nonprofit organization) or nonprofit organization in consortium with a local educational agency that desires a grant under this part shall submit an application to the Secretary at such time and in such manner as the Secretary shall require.

"(2) CONTENTS.—Each application submitted under paragraph (1), at a minimum, shall include assurances that the organization or consortium will—

"(A)(i) be governed by a board of directors the membership of which includes parents; or

"(ii) be an organization or consortium that represents the interests of parents;

"(B) establish a special advisory committee the membership of which includes—

"(i) parents described in section 6101(b)(1)(A), who shall constitute a majority of the members of the special advisory committee;

"(ii) representatives of education professionals with expertise in improving services for disadvantaged children; and

"(iii) representatives of local elementary schools and secondary schools who may include students and representatives from local youth organizations;

"(C) use at least ½ of the funds provided under this part in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

"(D) operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

"(E) serve both urban and rural areas;

"(F) design a center that meets the unique training, information, and support needs of parents described in section 6101(b)(1)(A), particularly such parents who are educationally or economically disadvantaged;

"(G) demonstrate the capacity and expertise to conduct the effective training, information and support activities for which assistance is sought;

"(H) network with—

"(i) local educational agencies and schools;

"(ii) parents of children enrolled in elementary schools and secondary schools;

"(iii) parent training and information centers assisted under section 682 of the Individuals with Disabilities Education Act;

"(iv) clearinghouses; and

"(v) other organizations and agencies;

"(I) focus on serving parents described in section 6101(b)(1)(A) who are parents of low-income, minority, and limited English proficient, children;

"(J) use at least ½ of the funds received under this part to establish, expand, or operate Parents as Teachers programs or Home Instruction for Preschool Youngsters programs or other early childhood parent education programs;

"(K) provide assistance to parents in such areas as understanding State and local standards and measures of student and school performance;

"(L) work with State and local educational agencies to determine parental needs and delivery of services;

"(M) identify and coordinate Federal, State, and local services and programs that support improved student learning, including programs supported under this Act, violence prevention programs, nutrition programs, housing programs, Head Start, adult education, and job training; and

"(N) work with and foster partnerships with other agencies that provide programs and deliver services described in subparagraph (M) to make such programs and services more accessible to children and families.

"(b) GRANT RENEWAL.—For each fiscal year after the first fiscal year an organization or consortium receives assistance under this part, the organization or consortium shall demonstrate in the application submitted for such fiscal year after the first fiscal year that a portion of the services provided by the organization or consortium is supported through non-Federal contributions, which contributions may be in cash or in kind.

"SEC. 6103. USES OF FUNDS.

"(a) IN GENERAL.—Grant funds received under this part shall be used—

"(1) to assist parents in participating effectively in their children's education and to help their children meet State and local standards, such as assisting parents—

"(A) to engage in activities that will improve student performance, including understanding the accountability systems in place within their State educational agency and local educational agency and understanding their children's educational performance in comparison to State and local standards;

"(B) to provide followup support for their children's educational achievement;

"(C) to communicate effectively with teachers, principals, counselors, administrators, and other school personnel;

"(D) to become active participants in the development, implementation, and review of school-parent compacts, parent involvement policies, and school planning and improvement;

"(E) to participate in the design and provision of assistance to students who are not making adequate educational progress;

"(F) to participate in State and local decisionmaking; and

"(G) to train other parents (such as training related to Parents as Teachers activities);

"(2) to obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents and school personnel who work with parents;

"(3) to help the parents learn and use the technology applied in their children's education;

"(4) to plan, implement, and fund activities for parents that coordinate the education of their children with other Federal, State, and local services and programs that serve their children or their families;

"(5) to provide support for State or local educational personnel if the participation of such personnel will further the activities assisted under the grant; and

"(6) to coordinate and integrate early childhood programs with school age programs.

"(b) PERMISSIVE ACTIVITIES.—Grant funds received under this part may be used to assist schools with activities such as—

"(1) developing and implementing their plans or activities under sections 1118 and 1119; and

"(2) developing and implementing school improvement plans, including addressing problems that develop in the implementation of sections 1118 and 1119.

"(3) providing information about assessment and individual results to parents in a manner and a language the family can understand;

"(4) coordinating the efforts of Federal, State, and local parent education and family involvement initiatives; and

"(5) providing training, information, and support to—

"(A) State educational agencies;

"(B) local educational agencies and schools, especially those local educational agencies and schools that are low performing; and

"(C) organizations that support family-school partnerships.

"(c) GRANDFATHER CLAUSE.—The Secretary shall use funds made available under this part to continue to make grant or contract payments to each entity that was awarded a multiyear grant or contract under title IV of the Goals 2000: Educate America Act (as such title was in effect on the day before the date of enactment of the Better Education for Students and Teachers Act) for the duration of the grant or contract award.

"SEC. 6104. TECHNICAL ASSISTANCE.

"The Secretary shall provide technical assistance, by grant or contract, for the establishment, development, and coordination of parent training, information, and support programs and parental information and resource centers.

"SEC. 6105. REPORTS.

"(a) INFORMATION.—Each organization or consortium receiving assistance under this part shall submit to the Secretary, on an annual basis, information concerning the parental information and resource centers assisted under this part, including—

"(1) the number of parents (including the number of minority and limited English proficient parents) who receive information and training;

"(2) the types and modes of training, information, and support provided under this part;

"(3) the strategies used to reach and serve parents of minority and limited English proficient children, parents with limited literacy skills, and other parents in need of the services provided under this part;

"(4) the parental involvement policies and practices used by the center and an evaluation of whether such policies and practices are effective in improving home-school communication, student achievement, student and school performance, and parental involvement in school planning, review, and improvement; and

"(5) the effectiveness of the activities that local educational agencies and schools are carrying out with regard to parental involvement and other activities assisted under this Act that lead to improved student achievement and improved student and school performance.

"(b) DISSEMINATION.—The Secretary annually shall disseminate, widely to the public and to Congress, the information that each organization or consortium submits under subsection (a) to the Secretary.

"SEC. 6106. GENERAL PROVISIONS.

"Notwithstanding any other provision of this part—

"(1) no person, including a parent who educates a child at home, a public school parent, or a private school parent, shall be required to participate in any program of parent education or developmental screening pursuant to the provisions of this part; and

"(2) no program or center assisted under this part shall take any action that infringes in any manner on the right of a parent to direct the education of their children.

"SEC. 6106A. LOCAL FAMILY INFORMATION CENTERS.

"(a) CENTERS AUTHORIZED.—The Secretary shall award grants to, and enter into contracts and cooperative agreements with, local nonprofit parent organizations to enable the organizations to support local family information centers that help ensure that parents of students in schools assisted under this part have the training, information, and support the parents need to enable the parents to participate effectively in their children's early childhood education, in their children's elementary and secondary education and in helping their children to meet challenging State standards.

"(b) DEFINITION OF LOCAL NONPROFIT PARENT ORGANIZATION.—In this section, the term 'local nonprofit parent organization' means a private nonprofit organization (other than an institution of higher education) that—

"(1) has a demonstrated record of working with low-income individuals and parents;

"(2)(A) has a board of directors the majority of whom are parents of students in schools that are assisted under this part and located in the geographic area to be served by the center; or

"(B) has a special governing committee to direct and implement the center, a majority of the members of whom are parents of students in schools assisted under this part; and

"(3) is located in a community with schools that receive funds under this part, and is accessible to the families of students in those schools.

"SEC. 6107. PARENTAL ASSISTANCE AND LOCAL FAMILY INFORMATION CENTERS.

"(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $80,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) RESERVATION.—Of the amount appropriated under subsection (a) for a fiscal year—

"(1) the Secretary shall reserve $50,000,000 to carry out this part, other than section 6106A; and

"(2) in the case of any amounts appropriated in excess of $50,000,000 for such fiscal year, the Secretary shall allocate an amount equal to—

"(A) 50 percent of such excess to carry out section 6106A; and

"(B) 50 percent of such excess to carry out parent information and resource centers under this part.

"PART B—IMPROVING ACADEMIC ACHIEVEMENT

"SEC. 6201. EDUCATION AWARDS.

"(a) ACHIEVEMENT IN EDUCATION AWARDS.—

"(1) IN GENERAL.—The Secretary may make awards, to be known as 'Achievement in Education Awards', using a peer review process, to the States that, beginning with the 2002–2003 school year, make the most progress in improving educational achievement.

"(2) CRITERIA.—

"(A) IN GENERAL.—The Secretary shall make the awards on the basis of criteria consisting of—

"(i) the progress of each of the categories of students described in section 1111(b)(2)(B)(v)(II)—

"(I) towards the goal of all such students reaching the proficient level of performance; and

"(II) beginning with the 2nd year for which data are available for all States, on State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills;

"(ii) the progress of all students in the State towards the goal of all students reaching the proficient level of performance, and (beginning with the 2nd year for which data are available for all States) the progress of all students on the assessments described in clause (i)(II);

"(iii) the progress of the State in improving the English proficiency of students who enter school with limited English proficiency;

"(iv) the progress of the State in increasing the percentage of students who graduate from secondary school; and

"(v) the progress of the State in increasing the percentage of students who take advanced coursework, such as advanced placement and international baccalaureate courses, and who pass advanced placement and international baccalaureate tests.

"(B) WEIGHT.—In applying the criteria described in subparagraph (A), the Secretary shall give the greatest weight to the criterion described in subparagraph (A)(i).

"(b) ASSESSMENT COMPLETION BONUSES.—

"(1) IN GENERAL.—At the end of school year 2006–2007, the Secretary shall make 1-time bonus payments to States that develop State assessments by the deadline established under section 1111(b)(3)(F) and as required under section 1111(b)(3)(F) that are of particularly high quality in terms of assessing the performance of students in grades 3 through 8. The Secretary shall make the awards to States that develop assessments that most successfully assess the range and depth of student knowledge and proficiency in meeting State performance standards, in each academic subject in which the State is required to conduct the assessments.

"(2) PEER REVIEW.—In making awards under paragraph (1), the Secretary shall use a peer review process.

"(c) NO CHILD LEFT BEHIND AWARDS.—The Secretary may make awards, to be known as 'No Child Left Behind Awards' to the schools that—

"(1) are nominated by the States in which the schools are located or, in the case of a Bureau of Indian Affairs funded school, by the Secretary of the Interior; and

"(2) have made the greatest progress in improving the educational achievement of economically disadvantaged students.

"(d) FUND TO IMPROVE EDUCATION ACHIEVEMENT.—The Secretary may make awards for activities other than the activities described in subsections (a) through (c), such as character education and the identification and recognition of exemplary schools and programs such as Blue Ribbon Schools, that are designed to promote the improvement of elementary and secondary education nationally.

"(e) BLUE RIBBON SCHOOLS DISSEMINATION DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary shall conduct demonstration projects to evaluate the effectiveness of using the best practices of Blue Ribbon Schools to improve the educational outcomes of elementary and secondary schools that fail to make adequate yearly progress, as defined in the plan of the State under section 1111(b)(2)(B).

"(2) REPORT TO CONGRESS.—Not later than 3 years after the date on which the Secretary implements the initial demonstration projects under subsection (a), the Secretary shall submit to Congress a report regarding the effectiveness of the demonstration projects.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $7,500,000 for fiscal year 2002, and such sums as may be necessary in each of the 7 fiscal years thereafter.

"SEC. 6202. LOSS OF ADMINISTRATIVE FUNDS.

"(a) 2 YEARS OF INSUFFICIENT PROGRESS.—

"(1) REDUCTION.—If the Secretary makes the determinations described in paragraph (2) for 2 consecutive years, the Secretary shall reduce, by not more than 30 percent, the amount of funds that the State may reserve for the subsequent fiscal year for State administration under the programs authorized by this Act that the Secretary determines are formula grant programs.

"(2) DETERMINATIONS.—The determinations referred to in paragraph (1) are determinations, made primarily on the basis of data from the State assessment system described in section 1111 and data from State assessments under the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics skills, that—

"(A) the State has failed to make adequate yearly progress as defined under section 1111(b)(2) (B) and (D) for all students and for each of the categories of students described in section 1111(b)(2)(B)(v)(II);

"(B) beginning with the 2nd year for which data are available on State assessments under *the National Assessment of Educational Progress of 4th and 8th grade reading and mathematics, the State has failed to demonstrate an increase in the achievement of each of the categories of students described in section 1111(b)(2)(B)(v)(II); and*

"(C) the State has failed to meet its annual measurable performance objectives, for helping limited English proficient students develop proficiency in English, that are required to be developed under section 3329.

"(b) Three or More Years of Insufficient Progress.—If the Secretary makes the determinations described in subsection (a)(2) for a third or subsequent consecutive year, the Secretary shall reduce, by not more than 75 percent, the amount of funds that the State may reserve for the subsequent fiscal year for State administration under the programs authorized by this Act that the Secretary determines are formula grant programs.

"(c) Small States.—For the purpose of carrying out subsection (a)(2) and section 6201(a)(2)(A)(i)(II), with respect to any year for which a small State described in section 1111(c)(2) does not participate in the assessments described in section 1111(c)(2), the Secretary shall use the most recent data from those assessments for that State.

"SEC. 6203. STUDY OF ASSESSMENT COSTS.

"(a) Study.—

"(1) In general.—The Comptroller General of the United States shall conduct a study of the costs of conducting student assessments under section 1111.

"(2) Contents.—In conducting the study, the Comptroller General of the United States shall—

"(A) draw on and use the best available data, including cost data from each State that has developed or administered statewide student assessments under section 1111 and cost or pricing data from companies that develop student assessments described in such section;

"(B) determine the aggregate cost for all States to develop the student assessments required under section 1111, and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008;

"(C) determine the aggregate cost for all States to administer the student assessments required under section 1111 and the portion of that cost that is expected to be incurred in each of fiscal years 2002 through 2008; and

"(D) determine the costs and portions described in subparagraphs (B) and (C) for each State, and the factors that may explain variations in the costs and portions among States.

"(b) Report.—

"(1) In general.—The Comptroller General of the United States shall, not later than May 31, 2002, submit a report containing the results of the study described in subsection (a) to—

"(A) the Committee on Appropriations of the House of Representatives and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

"(B) the Committee on Appropriations of the Senate and the Subcommittee on Labor, Health and Human Services, and Education of that Committee;

"(C) the Committee on Education and the Workforce of the House of Representatives; and

"(D) the Committee on Health, Education, Labor, and Pensions of the Senate.

"(2) Contents.—The report shall include—

"(A) a thorough description of the methodology employed in conducting the study; and

"(B) the determinations of costs and portions described in subparagraphs (B) through (D) of subsection (a)(2).

"(c) Definition.—In this section, the term 'State' means 1 of the several States of the United States.

"SEC. 6204. GRANTS FOR STATE ASSESSMENTS AND RELATED ACTIVITIES.

"(a) State Grants Authorized.—From amounts appropriated under subsection (c) the Secretary shall award grants to States to enable the States to pay the costs of—

"(1) developing assessments and standards required by amendments made to this Act by the Better Education for Students and Teachers Act;

"(2) working in voluntary partnerships with other States to develop such assessments and standards; and

"(3) other activities described in this part or related to ensuring accountability for results in the State's public elementary schools or secondary schools, and local educational agencies, such as—

"(A) developing content and performance standards, and aligned assessments, in subjects other than those assessments that were required by amendments made to section 1111 by the Better Education for Students and Teachers Act; and

"(B) administering the assessments required by amendments made to section 1111 by the Better Education for Students and Teachers Act.

"(b) Allocations to States.—

"(1) In general.—From the amount appropriated to carry out this section for any fiscal year, the Secretary first shall allocate $3,000,000 to each State.

"(2) Remainder.—The Secretary shall allocate any remaining funds among the States on the basis of their respective numbers of children enrolled in grades 3 through 8 in public elementary schools and secondary schools.

"(3) Definition of state.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(c) Authorization of Appropriations.—For the purposes of carrying out this section, there are authorized to be appropriated $400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

"SEC. 6205. AUTHORIZATION OF APPROPRIATIONS.

"(a) Grants for State Assessments and Related Activities.—

"(1) State Grants Authorized.—From amounts appropriated under paragraph (3) the Secretary shall award grants to States to enable the States to pay the costs of—

"(A) developing assessments and standards required by amendments made to this Act by the Better Education for Students and Teachers Act; and

"(B) other activities described in this part or related to ensuring accountability for results in the State's public elementary schools or secondary schools, and local educational agencies, such as—

"(i) developing content and performance standards, and aligned assessments, in subjects other than those assessments that were required by amendments made to section 1111 by the Better Education for Students and Teachers Act; and

"(ii) administering the assessments required by amendments made to section 1111 by the Better Education for Students and Teachers Act.

"(2) Allocations to States.—

"(A) In general.—From the amount appropriated to carry out this subsection for any fiscal year, the Secretary shall first allocate $3,000,000 to each State.

"(B) Remainder.—The Secretary shall allocate any remaining funds among the States on the basis of their respective numbers of children enrolled in grades 3 through 8 in public elementary schools and secondary schools.

"(C) Definition of state.—For the purpose of this subsection, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(3) Authorization of Appropriations.—For the purposes of carrying out paragraph (1), there are authorized to be appropriated $400,000,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

"(b) National Assessment of Educational Progress.—For the purpose of administering the State assessments under the National Assessment of Educational Progress, there are authorized to be appropriated $110,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(c) Education Awards.—For the purpose of carrying out section 6201, there are authorized to be appropriated $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART C—STUDENT EDUCATION ENRICHMENT

"SEC. 6301. SHORT TITLE.

"This part may be cited as the 'Student Education Enrichment Demonstration Act'.

"SEC. 6302. PURPOSE.

"The purpose of this part is to establish a demonstration program that provides Federal support to States and local educational agencies to provide high quality summer academic enrichment programs, for public school students who are struggling academically, that are implemented as part of statewide education accountability programs.

"SEC. 6303. DEFINITION.

"In this part, the term 'student' means an elementary school or secondary school student.

"SEC. 6304. GRANTS TO STATES.

"(a) In General.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to State educational agencies, on a competitive basis, to enable the agencies to assist local educational agencies in carrying out high quality summer academic enrichment programs as part of statewide education accountability programs.

"(b) Eligibility.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

"(1) have in effect all standards and assessments required under section 1111; and

"(2) compile and annually distribute to parents a public school report card that, at a minimum, includes information on student and school performance for each of the assessments required under section 1111.

"(c) Application.—

"(1) In general.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) Contents.—Such application shall include—

"(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this part, which may include specific measurable annual educational goals and objectives relating to—

"(i) increased student academic achievement;

"(ii) decreased student dropout rates; or

"(iii) such other factors as the State educational agency may choose to measure; and

"(B) information on criteria, established or adopted by the State, that—

"(i) the State will use to select local educational agencies for participation in the summer academic enrichment programs carried out under this part; and

"(ii) at a minimum, will assure that grants provided under this part are provided to—

"(I) the local educational agencies in the State that—

"(aa) are serving more than 1 school identified for school improvement under section 1116(c); and

"(bb) have the highest percentages of students not achieving a proficient level of performance on State assessments required under section 1111;

"(II) local educational agencies that submit grant applications under section 6305 describing programs that the State determines would be both highly successful and replicable; and

"(III) an assortment of local educational agencies serving urban, suburban, and rural areas.

"SEC. 6305. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—

"(1) FIRST YEAR.—

"(A) IN GENERAL.—For the first year that a State educational agency receives a grant under this part, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in planning activities to be carried out under this part.

"(2) SUCCEEDING YEARS.—

"(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this part, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

"(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

"(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;.

"(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

"(iii) to assist the agencies in evaluating activities carried out under this part.

"(b) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing by such information as the Secretary or the State may require.

"(2) CONTENTS.—The State shall require that such an application shall include, to the greatest extent practicable—

"(A) information that—

"(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section—

"(I) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

"(II) that focuses on accelerated learning so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under section 1111;

"(III) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

"(IV) that has a proposed curriculum that is directly aligned with State content and student performance standards;

"(V) for which only teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the program;

"(VI) that offers to staff in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

"(VII) that incorporates a parental involvement component that seeks to involve parents in the program's topics and students' daily activities;

"(ii) may include—

"(I) the proposed curriculum for the summer academic enrichment program;

"(II) the local educational agency's plan for recruiting highly qualified and highly effective teachers to participate in the program; and

"(III) a schedule for the program that indicates that the program is of sufficient duration and intensity to achieve the State's goals and objectives described in section 6304(c)(2)(A); and

"(iii) shall include an explanation of how the local educational agency will develop and utilize individualized learning plans that outline the steps to be taken to help each student successfully meet that State's academic standards upon completion of the summer academic enrichment program;

"(B) an outline indicating how the local educational agency will utilize other applicable Federal, State, local, or other funds, other than funds made available through the grant, to support the program;

"(C) an explanation of how the local educational agency will ensure that only highly qualified personnel who volunteer to work with the type of student targeted for the program will work with the program and that the instruction provided through the program will be provided by qualified teachers;

"(D) an explanation of the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided for staff of the program;

"(E) an explanation of the facilities to be used for the program;

"(F) an explanation regarding the duration of the periods of time that students and teachers in the program will have contact for instructional purposes (such as the hours per day and days per week of that contact, and the total length of the program);

"(G) an explanation of the proposed student/teacher ratio for the program, analyzed by grade level;

"(H) an explanation of the grade levels that will be served by the program;

"(I) an explanation of the approximate cost per student for the program;

"(J) an explanation of the salary costs for teachers in the program;

"(K) a description of a method for evaluating the effectiveness of the program at the local level;

"(L) information describing specific measurable goals and objectives, for each academic subject in which the program will provide instruction, that are consistent with, or more rigorous than, the annual measurable objectives for adequate yearly progress established by the State under section 1111;

"(M) a description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement;

"(N) a description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, from the State educational agency or other entities with demonstrated success in using the curriculum; and

"(O) a description of the supplemental educational and related services that the local educational agency will provide to students not meeting State academic standards and a description of the additional or alternative programs (other than summer academic enrichment programs) that the local educational agency will provide to students who continue to fail to meet State academic standards, after participating in such programs.

"(c) PRIORITY.—In making grants under this section, the State educational agency shall give priority to applicants who demonstrate a high level of need for the summer academic enrichment programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost described in subsection (a) is 50 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the cost may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

"SEC. 6306. SUPPLEMENT NOT SUPPLANT.

"Funds appropriated pursuant to the authority of this part shall be used to supplement and not supplant other Federal, State, and local public or private funds expended to provide academic enrichment programs.

"SEC. 6307. REPORTS.

"(a) STATE REPORTS.—Each State educational agency that receives a grant under this part shall annually prepare and submit to the Secretary a report. The report shall describe—

"(1) the method the State educational agency used to make grants to eligible local educational agencies and to provide assistance to schools under this part;

"(2) the specific measurable goals and objectives described in section 6304(c)(2)(A) for the State as a whole and the extent to which the State met each of the goals and objectives in the year preceding the submission of the report;

"(3) the specific measurable goals and objectives described in section 6305(b)(2)(L) for each of the local educational agencies receiving a grant under this part in the State and the extent to which each of the agencies met each of the goals and objectives in that preceding year;

"(4) the steps that the State will take to ensure that any such local educational agency who did not meet the goals and objectives in that year will meet the goals and objectives in the year following the submission of the report or the plan that the State has for revoking the grant of such an agency and redistributing the grant funds to existing or new programs;

"(5) how eligible local educational agencies and schools used funds provided by the State educational agency under this part; and

"(6) the degree to which progress has been made toward meeting the goals and objectives described in section 6304(c)(2)(A).

"(b) REPORT TO CONGRESS.—The Secretary shall annually prepare and submit to Congress a report. The report shall describe—

"(1) the methods the State educational agencies used to make grants to eligible local educational agencies and to provide assistance to schools under this part;

"(2) how eligible local educational agencies and schools used funds provided under this part; and

"(3) the degree to which progress has been made toward meeting the goals and objectives

described in sections 6304(c)(2)(A) and 6305(b)(2)(L).

"(c) GOVERNMENT ACCOUNTING OFFICE REPORT TO CONGRESS.—The Comptroller General of the United States shall conduct a study regarding the demonstration program carried out under this part and the impact of the program on student achievement. The Comptroller General shall prepare and submit to Congress a report containing the results of the study.

"SEC. 6308. ADMINISTRATION.

"The Secretary shall develop program guidelines for and oversee the demonstration program carried out under this part.

"SEC. 6309. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $25,000,000 for each of fiscal years 2002 through 2004.

"SEC. 6310. TERMINATION.

"The authority provided by this part terminates 3 years after the date of enactment of the Better Education for Students and Teachers Act.

"PART D—INCREASING PARENTAL INVOLVEMENT AND PROTECTING STUDENT PRIVACY

"SEC. 6401. INTENT.

"It is the purpose of this part to provide parents with notice of and opportunity to make informed decisions regarding the collection of information for commercial purposes occurring in their children's classrooms.

"SEC. 6402. COMMERCIALIZATION POLICIES AND PRIVACY FOR STUDENTS.

"(a) PROHIBITION.—Except as provided in subsection (b), no State educational agency or local educational agency that is a recipient of funds under this Act may—

"(1) disclose data or information the agency gathered from a student to a person or entity that seeks disclosure of the data or information for the purpose of benefiting the person or entity's commercial interests; or

"(2) permit a person or entity to gather from a student, or assist a person or entity in gathering from a student, data or information, if the purpose of gathering the data or information is to benefit the commercial interests of the person or entity.

"(b) PARENTAL CONSENT.—

"(1) DISCLOSURE.—A State educational agency or local educational agency that is a recipient of funds under this Act may disclose data or information under subsection (a)(1) if the agency, prior to the disclosure—

"(A) explains to the student's parent, in writing, what data or information will be disclosed, to which person or entity the data or information will be disclosed, the amount of class time, if any, that will be consumed by the disclosure, and how the person or entity will use the data or information; and

"(B) obtains the parent's written permission for the disclosure.

"(2) GATHERING.—A State educational agency or local educational agency that is a recipient of funds under this Act may permit or assist a person or entity with the gathering of data or information under subsection (a)(2) if the agency, prior to the gathering—

"(A) explains to the student's parent, in writing, what data or information will be gathered including whether any of the information is personally identifiable, which person or entity will gather the data or information, the amount of class time if any, that will be consumed by the gathering, and how the person or entity will use the data or information; and

"(B) obtains the parent's written permission for the gathering.

"(c) DEFINITIONS.—In this part:

"(1) STUDENT.—The term 'student' means a student under the age of 18.

"(2) COMMERCIAL INTEREST.—The term 'commercial interest' does not include the interest of a person or entity in developing, evaluating, or providing educational products or services for or to students or educational institutions, such as—

"(A) college and other post-secondary education recruiting;

"(B) book clubs and other programs providing access to low cost books or other related literary products;

"(C) curriculum and instructional materials used by elementary and secondary schools to teach if—

"(i) the information is not used to sell or advertise another product;

"(ii) the information is not used to develop another product that is not covered by the exemption from commercial interest in this paragraph; and

"(iii) the curriculum and instructional materials are used in accordance with applicable Federal, State, and local policies, if any; and

"(D) the development and administration of tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of aggregate data if—

"(i) the information is not used to sell or advertise another product;

"(ii) the information is not used to develop another product that is not covered by the exemption from commercial interest in this paragraph; and

"(iii) the tests are conducted in accordance with applicable Federal, State, and local policies, if any.

"(d) LOCALLY DEVELOPED EXCEPTIONS.—A local educational agency, in consultation with parents, may develop appropriate exceptions to the consent requirements contained in this part if—

"(1) the information to be collected is not personally identifiable;

"(2) the local educational agency provides written notice to all parents of its policy regarding data or information collection activities for commercial purposes; and

"(3) with respect to any particular data or information gathering or disclosure, the agency provides written notice to all parents of—

"(A) the data or information to be collected;

"(B) the person or entity to whom the data or information will be disclosed;

"(C) the amount of class time, if any, that will be consumed by the collection activities; and

"(D) the manner in which the person or entity will use the data or information.

"(e) FUNDING.—A State educational agency or local educational agency may use funds provided under subpart 4 of part B of title V to enhance parental involvement in areas affecting children's in-school privacy.

"(f) TECHNICAL ASSISTANCE.—Upon the request of a State educational agency or local educational agency, the Secretary shall provide technical assistance to such an agency concerning compliance with this part.

"(g) ENFORCEMENT.—The Secretary shall take appropriate actions to enforce, and address violations of, this section, in accordance with this chapter.

"(h) OFFICE, FUNCTIONS.—The Secretary shall designate an office to enforce this section and to provide technical assistance.

"(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede the Family Educational Rights and Privacy Act (20 U.S.C. 1232g).".

SEC. 602. GUIDELINES FOR STUDENT PRIVACY.

(a) DEVELOPMENT OF STUDENT PRIVACY GUIDELINES.—A State or local educational agency that receives funds under this Act shall develop and adopt guidelines regarding arrangements to protect student privacy that are entered into by the agency with public and private entities that are not schools.

(b) NOTIFICATION OF PARENTS OF PRIVACY GUIDELINES.—The guidelines developed by an educational agency under subsection (a) shall provide for a reasonable notice of the adoption of such guidelines to be given, by the agency or a school under the agency's supervision, to the parents and guardians of students under the jurisdiction of such agency or school. Such notice shall be provided at least annually and within a reasonable period of time after any change in such guidelines.

(c) EXCEPTIONS.—This section shall not apply to the development, evaluation, or provision of educational products or services for or to students or educational institutions, such as the following:

(1) College or other post-secondary education recruitment or military recruitment.

(2) Book clubs, magazines, and programs providing access to other literary products.

(3) Curriculum and instructional materials used by elementary and secondary schools to teach.

(4) The development and administration of tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of aggregate data.

(5) The sale by students of products or services to raise funds for school- or education-related activities.

(6) Student recognition programs.

(d) INFORMATION ACTIVITIES BY THE SECRETARY.—Once each year, the Secretary shall inform each State educational agency and each local educational agency of the educational agency's obligations under section 438 of the General Education Provisions Act (added by the Family Educational Rights and Privacy Act of 1974; 20 U.S.C. 1232g) and the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.).

(e) FUNDING.—A State educational agency or local educational agency may use funds provided under subpart 4 of part B of title V of the Elementary and Secondary Education Act of 1965 to enhance parental involvement in areas affecting children's in-school privacy.

(f) DEFINITIONS.—In this section, the terms "elementary school", "local educational agency", "secondary school", "Secretary", and "State educational agency" have the meanings given those terms in section 3 of the Elementary and Secondary Education Act of 1965.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

SEC. 701. PROGRAMS.

Title VII (20 U.S.C. 7401 et seq.) is amended to read as follows:

"TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

"PART A—INDIAN EDUCATION

"SEC. 7101. FINDINGS.

"Congress finds that—

"(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

"(A) are based on high-quality, internationally competitive content standards and student performance standards, and build on Indian culture and the Indian community;

"(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to *achieve the standards described in subparagraph (A); and*

"(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

"(2) since the date of enactment of the Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

"(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

"(4) the dropout rate for Indian students is unacceptably high: 9 percent of Indian students who were eighth graders in 1988 had already dropped out of school by 1990;

"(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

"(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

"SEC. 7102. PURPOSE.

"(a) Purpose.—The purpose of this part is to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indian and Alaska Native students, so that such students can meet the same challenging State performance standards as are expected for all students.

"(b) Programs.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

"(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

"(2) the education of Indian children and adults;

"(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

"(4) research, evaluation, data collection, and technical assistance.

"Subpart 1—Formula Grants to Local Educational Agencies

"SEC. 7111. PURPOSE.

"The purpose of this subpart is to support local educational agencies in their efforts to reform elementary school and secondary school programs that serve Indian students in order to ensure that such programs—

"(1) are based on challenging State content standards and State student performance standards that are used for all students; and

"(2) are designed to assist Indian students to meet those standards.

"SEC. 7112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

"(a) In General.—The Secretary may make grants to local educational agencies and Indian tribes in accordance with this section.

"(b) Local Educational Agencies.—

"(1) Enrollment requirements.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children who are eligible under section 7117, and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

"(A) was at least 10; or

"(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

"(2) Exclusion.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

"(c) Indian Tribes.—

"(1) In general.—If a local educational agency that is otherwise eligible for a grant under this subpart does not establish a parent committee under section 7114(c)(4), an Indian tribe that represents not less than ½ of the eligible Indian children who are served by such local educational agency may apply for such grant by submitting an application in accordance with section 7114.

"(2) Special rule.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe shall not be subject to section 7114(c)(4) (relating to a parent committee), section 7118(c) (relating to maintenance of effort), or section 7119 (relating to State review of applications).

"SEC. 7113. AMOUNT OF GRANTS.

"(a) Amount of Grant Awards.—

"(1) In general.—Except as provided in subsections (c) and (d), for purposes of making grants under this subpart the Secretary shall allocate to each local educational agency that has an approved application under this subpart an amount equal to the product of—

"(A) the number of Indian children who are eligible under section 7117 and served by such agency; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which such agency is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) Reduction.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) or subsection (b) in accordance with subsection (c).

"(b) Schools Operated or Supported by the Bureau of Indian Affairs.—

"(1) In general.—In addition to the grants awarded under subsection (a), and subject to paragraph (2), for purposes of making grants under this subpart the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

"(A) the total number of Indian children enrolled in schools that are operated by—

"(i) the Bureau of Indian Affairs; or

"(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of such tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

"(B) the greater of—

"(i) the average per-pupil expenditure of the State in which the school is located; or

"(ii) 80 percent of the average per-pupil expenditure of all the States.

"(2) Special rule.—Any school described in paragraph (1) may apply for an allocation under this subpart by submitting an application in accordance with section 7114. The Secretary shall treat the school as if the school were a local educational agency for purposes of this subpart, except that any such school shall not be subject to section 7114(c)(4), 7118(c), or 7119.

"(c) Ratable Reductions.—If the sums appropriated for any fiscal year under section 7162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a) and for the Secretary of the Interior under subsection (b), each of those amounts shall be ratably reduced.

"(d) Minimum Grant.—

"(1) In general.—Notwithstanding subsection (c), a local educational agency (including an Indian tribe as authorized under section 7112(b)) that is eligible for a grant under section 7112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (b), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

"(2) Consortia.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

"(3) Increase.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grant recipients if the Secretary determines such increase is necessary to ensure quality programs.

"(e) Definition.—In this section, the term 'average per-pupil expenditure', for a State, means an amount equal to—

"(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

"(2) the aggregate number of children who were included in average daily attendance and for whom such agencies provided free public education during such preceding fiscal year.

"SEC. 7114. APPLICATIONS.

"(a) Application Required.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) Comprehensive Program Required.—Each application submitted under subsection (a) shall include a description of a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

"(1) describes how the comprehensive program will offer programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

"(2)(A) is consistent with the State and local plans submitted under other provisions of this Act; and

"(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards adopted under title I for all children;

"(3) explains how Federal, State, and local programs, especially programs carried out under title I, will meet the needs of such students;

"(4) demonstrates how funds made available under this subpart will be used for activities described in section 7115;

"(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

"(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

"(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

"(6) describes how the local educational agency—

"(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

"(B) will provide the results of each assessment referred to in subparagraph (A) to—

"(i) the committee of parents described in subsection (c)(4); and

"(ii) the community served by the local educational agency; and

"(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

"(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

"(1) the local educational agency will use funds received under this subpart only to supplement the funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

"(2) the local educational agency will prepare and submit to the Secretary such reports, in such form and containing such information, as the Secretary may require to—

"(A) carry out the functions of the Secretary under this subpart; and

"(B) determine the extent to which activities carried out with funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

"(3) the program for which assistance is sought—

"(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students for whom the local educational agency is providing an education;

"(B) will use the best available talents and resources, including individuals from the Indian community; and

"(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including through public hearings held by such agency to provide to the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

"(4) the local educational agency developed the program with the participation and written approval of a committee—

"(A) that is composed of, and selected by—

"(i) parents of Indian children in the local educational agency's schools and teachers in the schools; and

"(ii) if appropriate, Indian students attending secondary schools of the agency;

"(B) a majority of whose members are parents of Indian children;

"(C) that has set forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

"(D) with respect to an application describing a schoolwide program carried out in accordance with section 7115(c), that has—

"(i) reviewed in a timely fashion the program; and

"(ii) determined that the program will enhance the availability of culturally related activities for American Indian and Alaska Native students; and

"(E) that has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

"SEC. 7115. AUTHORIZED SERVICES AND ACTIVITIES.

"(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 7111, for services and activities that—

"(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 7114;

"(2) are designed with special regard for the language and cultural needs of the Indian students; and

"(3) supplement and enrich the regular school program of such agency.

"(b) PARTICULAR SERVICES AND ACTIVITIES.—The services and activities referred to in subsection (a) may include—

"(1) culturally related activities that support the program described in the application submitted by the local educational agency;

"(2) early childhood and family programs that emphasize school readiness;

"(3) enrichment programs that focus on problem-solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

"(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

"(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by Public Law 103–239 and Public Law 88–210, including programs for tech-prep, mentoring, and apprenticeship activities;

"(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

"(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purpose described in section 7111;

"(8) activities that promote the incorporation of culturally responsive teaching and learning strategies into the educational program of the local educational agency;

"(9) activities that incorporate American Indian and Alaska Native specific curriculum content, consistent with State standards, into the curriculum used by the local educational agency;

"(10) activities to promote coordination and collaboration between tribal, Federal, and State public schools in areas that will improve American Indian and Alaska Native student achievement; and

"(11) family literacy services.

"(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

"(1) the committee composed of parents established pursuant to section 7114(c)(4) approves the use of the funds for the schoolwide program; and

"(2) the schoolwide program is consistent with the purpose described in section 7111.

"(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to a local educational agency through a grant made under this subpart for a fiscal year may be used to pay for administrative costs.

"SEC. 7116. INTEGRATION OF SERVICES AUTHORIZED.

"(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for a demonstration project for the integration of education and related services provided to Indian students.

"(b) CONSOLIDATION OF PROGRAMS.—Upon the receipt of an acceptable plan under subsection (a), the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to consolidate, in accordance with such plan, the federally funded education and related services programs of the applicant and the agencies, or portions of the programs, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

"(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include funds for any Federal program exclusively serving Indian children, or the funds reserved exclusively to serve Indian children under any program, for which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services for Indian students.

"(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), the plan shall—

"(1) identify the programs or funding sources to be consolidated;

"(2) be consistent with the objectives of this section authorizing the program services to be integrated in a demonstration project;

"(3) describe a comprehensive strategy that identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the objectives set forth in this subpart;

"(4) describe the way in which the services are to be integrated and delivered and the results expected from the plan;

"(5) identify the projected expenditures under the plan in a single budget;

"(6) identify the State, tribal, or local agencies to be involved in the delivery of the services integrated under the plan;

"(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement the plan;

"(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time for activities provided under the plan; and

"(9) be approved by a parent committee formed in accordance with section 7114(c)(4), if such a committee exists, in consultation with the Committee on Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

"(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the head of each Federal agency providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal regulations, policies, or procedures necessary to enable the applicant to implement the plan. Notwithstanding any other provision of law, the Secretary of the affected agency shall have the authority to waive, for the applicant, any regulation, policy, or procedure promulgated by that agency that has been so identified by the applicant or agency, unless the head of the affected agency determines that such a waiver is inconsistent with the objectives of this subpart or the provisions of the statute from which the program involved derives authority that are specifically applicable to Indian students.

"(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary under subsection (a), the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend the plan or to petition the Secretary to reconsider such disapproval.

"(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Better Education for Students and Teachers Act, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal agency identified by the Secretary of Education, shall enter into an interagency memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency for a demonstration project authorized under this section shall be—

"(1) the Department of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Department of Education, in the case of any other applicant.

"(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency for a demonstration project shall include—

"(1) the use of a single report format related to the plan for the individual project, which shall be used by an eligible entity to report on the activities undertaken under the project;

"(2) the use of a single report format related to the projected expenditures for the individual project, which shall be used by an eligible entity to report on all project expenditures;

"(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

"(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

"(i) REPORT REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall develop, consistent with the requirements of this section, a single report format for the reports described in subsection (h).

"(2) REPORT INFORMATION.—Such report format shall require that the reports shall—

"(A) contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in the entity's approved plan, including the demonstration of student achievement; and

"(B) provide assurances to the Secretary of Education and the Secretary of the Interior that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements that have not been waived.

"(3) RECORD INFORMATION.—The Secretary shall require that records maintained at the local level on the programs consolidated for the project shall contain the information and provide the assurances described in paragraph (2).

"(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

"(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the objectives of this section.

"(l) ADMINISTRATION OF FUNDS.—

"(1) IN GENERAL.—An eligible entity shall administer the program funds for the consolidated programs in such a manner as to allow for a determination that funds from a specific program are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds that shall be allocated to such program.

"(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under the approved plan to the individual programs under which funds were authorized for the services or activities, nor shall the eligible entity be required to allocate expenditures among such individual programs.

"(m) OVERAGE.—The eligible entity may commingle all administrative funds from the consolidated programs and shall be entitled to the full amount of such funds (under each program's or agency's regulations). The overage (defined as the difference between the amount of the commingled funds and the actual administrative cost of the programs) shall be considered to be properly spent for Federal audit purposes, if the overage is used for the purposes provided for under this section.

"(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill responsibilities for safeguarding Federal funds pursuant to chapter 75 of title 31, United States Code.

"(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

"(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary of Education shall submit a preliminary report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the status of the implementation of the demonstration projects authorized under this section.

"(2) FINAL REPORT.—Not later than 5 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary of Education shall submit a report to the Committee on Education and the Workforce and the Committee on Resources of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate on the results of the implementation of the demonstration projects authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the objectives of this section.

"(p) DEFINITION.—In this section, the term 'Secretary' means—

"(1) the Secretary of the Interior, in the case of an applicant that is a contract or grant school, as defined in section 1146 of the Education Amendments of 1978; or

"(2) the Secretary of Education, in the case of any other applicant.

"SEC. 7117. STUDENT ELIGIBILITY FORMS.

"(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart, and that otherwise meets the requirements of subsection (b).

"(b) FORMS.—The form described in subsection (a) shall include—

"(1) either—

"(A)(i) the name of the tribe or band of Indians (as defined in section 7161(3)) with respect to which the child claims membership;

"(ii) the enrollment number establishing the membership of the child (if readily available); and

"(iii) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

"(B) if the child is not a member of the tribe or band of Indians (as so defined), the name, the enrollment number (if readily available), and the name and address of the organization responsible for maintaining updated and accurate membership rolls, of any parent or grandparent of the child from whom the child claims eligibility under this subpart;

"(2) a statement of whether the tribe or band of Indians (as so defined) with respect to which the child, or parent or grandparent of the child, claims membership is federally recognized;

"(3) the name and address of the parent or legal guardian of the child;

"(4) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

"(5) any other information that the Secretary considers necessary to provide an accurate program profile.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 7161.

"(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–86 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

"(1) to establish eligibility under this subpart; and

"(2) to meet the requirements of subsection (a).

"(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant award under section 7113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians (as so defined) may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band.

"(f) MONITORING AND EVALUATION REVIEW.—

"(1) IN GENERAL.—

"(A) REVIEW.—For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the local educational agencies that are recipients of grants under this subpart. The sampling conducted under this paragraph shall take into account the size of such a local educational agency and the geographic location of such agency.

"(B) EXCEPTION.—A local educational agency may not be held liable to the United States or be subject to any penalty by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

"(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

"(A) be ineligible to apply for any other grant under this subpart; and

"(B) be liable to the United States for any funds from the grant that have not been expended.

"(3) EXCLUDED CHILDREN.—A student who provides false information for the form required *under subsection (a) shall not be counted for the purpose of computing the amount of a grant award under section 7113.*

''(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—*Notwithstanding any other provision of this section, the Secretary, in computing the amount of a grant award under section 7113 to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, shall use only 1 of the following, as selected by the school:*

''*(1) A count, certified by the Bureau, of the number of students in the school.*

''*(2) A count of the number of students for whom the school has eligibility forms that comply with this section.*

''(h) TIMING OF CHILD COUNTS.—*For purposes of determining the number of children to be counted in computing the amount of a local educational agency's grant award under section 7113 (other than in the case described in subsection (g)(1)), the local educational agency shall—*

''*(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, if that date or period occurs before the deadline established by the Secretary for submitting an application under section 7114; and*

''*(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.*

''SEC. 7118. PAYMENTS.

''(a) IN GENERAL.—*Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount computed under section 7113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.*

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—*The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.*

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

''(1) IN GENERAL.—*The Secretary may not pay a local educational agency in a State the full amount of a grant award computed under section 7113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines, that with respect to the provision of free public education by the local educational agency for the preceding fiscal year, that the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.*

''(2) FAILURE.—*If, for any fiscal year, the Secretary determines that a local educational agency and State failed to maintain the combined fiscal effort at the level specified in paragraph (1), the Secretary shall—*

''*(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of the failure to maintain the fiscal effort at such level; and*

''*(B) not use the reduced amount of the combined fiscal effort for the year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) during the fiscal year for which the determination is made.*

''(3) WAIVER.—

''(A) IN GENERAL.—*The Secretary may waive the requirement of paragraph (1) for a local educational agency, for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.*

''(B) FUTURE DETERMINATIONS.—*The Secretary shall not use the reduced amount of the combined fiscal effort for the year for which the waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver during the fiscal year for which the waiver is granted.*

''(d) REALLOCATIONS.—*The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—*

''*(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or*

''*(2) otherwise become available for reallocation under this subpart.*

''SEC. 7119. STATE EDUCATIONAL AGENCY REVIEW.

''*Before submitting an application to the Secretary under section 7114, a local educational agency shall submit the application to the State educational agency, which may comment on the application. If the State educational agency comments on the application, the agency shall comment on each such application submitted by a local educational agency in the State and shall provide the comment to the appropriate local educational agency, with an opportunity to respond.*

''Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

''SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

''(a) PURPOSE.—

''(1) IN GENERAL.—*The purpose of this section is to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.*

''(2) COORDINATION.—*The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—*

''*(A) other programs funded under this Act; and*

''*(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.*

''(b) ELIGIBLE ENTITIES.—*In this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary school or secondary school for Indian students, Indian institution (including an Indian institution of higher education) or a consortium of such entities.*

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—*The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—*

''*(A) innovative programs related to the educational needs of educationally disadvantaged children;*

''*(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in 1 or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;*

''*(C) bilingual and bicultural programs and projects;*

''*(D) special health and nutrition services, and other related activities, that address the special health, social, and psychological problems of Indian children;*

''*(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation for Indian children;*

''*(F) comprehensive guidance, counseling, and testing services;*

''*(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;*

''*(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;*

''*(I) partnership projects between schools and local businesses for school-to-work transition programs designed to provide Indian youth with the knowledge and skills the youth need to make an effective transition from school to a first job in a high-skill, high-wage career;*

''*(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;*

''*(K) family literacy services; or*

''*(L) other services that meet the purpose described in subsection (a)(1).*

''(2) PRE-SERVICE OR IN-SERVICE TRAINING.—*Pre-service or in-service training of professional and paraprofessional personnel may be a part of any program assisted under this section.*

''(d) GRANT REQUIREMENTS AND APPLICATIONS.—

''(1) GRANT REQUIREMENTS.—

''(A) IN GENERAL.—*The Secretary may make multiyear grants under subsection (c) for the planning, development, pilot operation, or demonstration of any activity described in subsection (c). The Secretary shall make the grants for periods of not more than 5 years.*

''(B) PRIORITY.—*In making multiyear grants described in this paragraph, the Secretary shall give priority to entities submitting applications that present a plan for combining 2 or more of the activities described in subsection (c) over a period of more than 1 year.*

''(C) PROGRESS.—*The Secretary shall make a payment for a grant described in this paragraph to an eligible entity after the initial year of the multiyear grant period only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (3) and any subsequent modifications to such application.*

''(2) DISSEMINATION GRANTS.—

''(A) IN GENERAL.—*In addition to awarding the multiyear grants described in paragraph (1), the Secretary may award grants under subsection (c) to eligible entities for the dissemination of exemplary materials or programs assisted under this section.*

''(B) DETERMINATION.—*The Secretary may award a dissemination grant described in this paragraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated—*

''*(i) has been adequately reviewed;*

"(ii) has demonstrated educational merit; and

"(iii) can be replicated.

"(3) APPLICATION.—

"(A) IN GENERAL.—Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(B) CONTENTS.—Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (2), shall contain—

"(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

"(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

"(iii) information demonstrating that the proposed program for the activities is a scientifically based research program, which may include a program that has been modified to be culturally appropriate for students who will be served;

"(iv) a description of how the applicant will incorporate the proposed activities into the ongoing school program involved once the grant period is over; and

"(v) such other assurances and information as the Secretary may reasonably require.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grant recipient under this subpart for any fiscal year may be used to pay for administrative costs.

"SEC. 7122. PROFESSIONAL DEVELOPMENT.

"(a) PURPOSES.—The purposes of this section are—

"(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

"(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

"(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

"(b) ELIGIBLE ENTITIES.—In this section, the term 'eligible entity' means a consortium of—

"(1) a State or local educational agency; and

"(2) an institution of higher education (including an Indian institution of higher education) or an Indian tribe or organization.

"(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities with applications approved under subsection (e) to enable such entities to carry out the activities described in subsection (d).

"(d) AUTHORIZED ACTIVITIES.—

"(1) IN GENERAL.—Grant funds made available under subsection (c) shall be used for activities to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include continuing programs, symposia, workshops, conferences, and direct financial support.

"(2) SPECIAL RULES.—

"(A) TYPE OF TRAINING.—For education personnel, the training received pursuant to a grant awarded under subsection (c) may be inservice or pre-service training.

"(B) PROGRAM.—For individuals who are being trained to enter any field other than education, the training received pursuant to a grant awarded under subsection (c) shall be in a program that results in a graduate degree.

"(e) APPLICATION.—Each eligible entity desiring a grant under subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

"(f) SPECIAL RULE.—In awarding grants under subsection (c), the Secretary—

"(1) shall consider the prior performance of an eligible entity; and

"(2) may not limit eligibility to receive a grant under subsection (c) on the basis of—

"(A) the number of previous grants the Secretary has awarded such entity; or

"(B) the length of any period during which such entity received such grants.

"(g) GRANT PERIOD.—Each grant awarded under subsection (c) shall be awarded for a program of activities of not more than 5 years.

"(h) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives pre-service training pursuant to a grant awarded under subsection (c)—

"(A) perform work—

"(i) related to the training received under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated part of the assistance received for the training.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of the pre-service training shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(i) INSERVICE TRAINING FOR TEACHERS OF INDIAN CHILDREN.—

"(1) GRANTS AUTHORIZED.—In addition to the grants authorized by subsection (c), the Secretary may make grants to eligible consortia for the provision of high quality in-service training. The Secretary may make such a grant to—

"(A) a consortium of a tribal college and an institution of higher education that awards a degree in education; or

"(B) a consortium of—

"(i) a tribal college;

"(ii) an institution of higher education that awards a degree in education; and

"(iii) 1 or more elementary schools or secondary schools operated by the Bureau of Indian Affairs, local educational agencies serving Indian children, or tribal educational agencies.

"(2) USE OF FUNDS.—

"(A) IN-SERVICE TRAINING.—A consortium that receives a grant under paragraph (1) shall use the grant funds only to provide high quality in-service training to teachers, including teachers who are not Indians, in schools of local educational agencies with substantial numbers of Indian children enrolled in their schools, in order to better meet the needs of those children.

"(B) COMPONENTS.—The training described in subparagraph (A) shall include such activities as preparing teachers to use the best available scientifically based research practices and learning strategies, and to make the most effective use of curricula and materials, to respond to the unique needs of Indian children in their classrooms.

"(3) PREFERENCE FOR INDIAN APPLICANTS.—In applying section 7153 to this subsection, the Secretary shall give a preference to any consortium that includes 1 or more of the entities described in that section.

"SEC. 7123. FELLOWSHIPS FOR INDIAN STUDENTS.

"(a) FELLOWSHIPS.—

"(1) AUTHORITY.—The Secretary is authorized to award fellowships to Indian students to enable such students to study in graduate and professional programs at institutions of higher education.

"(2) REQUIREMENTS.—The fellowships described in paragraph (1) shall be awarded to Indian students to enable such students to pursue a course of study—

"(A) of not more than 4 academic years; and

"(B) that leads—

"(i) toward a postbaccalaureate degree in medicine, clinical psychology, psychology, law, education, or a related field; or

"(ii) to an undergraduate or graduate degree in engineering, business administration, natural resources, or a related field.

"(b) STIPENDS.—The Secretary shall pay to Indian students awarded fellowships under subsection (a) such stipends (including allowances for subsistence of such students and dependents of such students) as the Secretary determines to be consistent with prevailing practices under comparable federally supported programs.

"(c) PAYMENTS TO INSTITUTIONS IN LIEU OF TUITION.—The Secretary shall pay to the institution of higher education at which such a fellowship recipient is pursuing a course of study, in lieu of tuition charged to such recipient, such amounts as the Secretary may determine to be necessary to cover the cost of education provided to such recipient.

"(d) SPECIAL RULES.—

"(1) IN GENERAL.—If a fellowship awarded under subsection (a) is vacated prior to the end of the period for which the fellowship is awarded, the Secretary may award an additional fellowship for the unexpired portion of the period of the first fellowship.

"(2) WRITTEN NOTICE.—Not later than 45 days before the commencement of an academic term, the Secretary shall provide to each individual who is awarded a fellowship under subsection (a) for such academic term written notice of—

"(A) the amount of the funding for the fellowship; and

"(B) any stipends or other payments that will be made under this section to, or for the benefit of, the individual for the academic term.

"(3) PRIORITY.—Not more than 10 percent of the fellowships awarded under subsection (a) shall be awarded, on a priority basis, to persons receiving training in guidance counseling with a specialty in the area of alcohol and substance abuse counseling and education.

"(e) SERVICE OBLIGATION.—

"(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives financial assistance under this section—

"(A) perform work—

"(i) related to the training for which the individual receives the assistance under this section; and

"(ii) that benefits Indian people; or

"(B) repay all or a prorated portion of such assistance.

"(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a recipient of assistance under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement described in paragraph (1).

"(f) ADMINISTRATION OF FELLOWSHIPS.—The Secretary may administer the fellowships authorized under this section through a grant to, or contract or cooperative agreement with, an Indian organization with demonstrated qualifications to administer all facets of the program assisted under this section.

"SEC. 7124. GIFTED AND TALENTED INDIAN STUDENTS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to—

"(1) establish 2 centers for gifted and talented Indian students at tribally controlled community colleges in accordance with this section; and

"(2) support demonstration projects described in subsection (c).

''(b) ELIGIBLE ENTITIES.—The Secretary shall make grants, or enter into contracts, for the activities described in subsection (a), to or with—

''(1) 2 tribally controlled community colleges that—

''(A) are eligible for funding under the Tribally Controlled College or University Assistance Act of 1978; and

''(B) are fully accredited; or

''(2) if the Secretary does not receive applications that the Secretary determines to be approvable from 2 colleges that meet the requirements of paragraph (1), the American Indian Higher Education Consortium.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds made available through the grants made, or contracts entered into, by the Secretary under subsection (b) shall be used for—

''(A) the establishment of centers described in subsection (a); and

''(B) carrying out demonstration projects designed to—

''(i) address the special needs of Indian students in elementary schools and secondary schools who are gifted and talented; and

''(ii) provide such support services to the families of the students described in clause (i) as are needed to enable such students to benefit from the projects.

''(2) SUBCONTRACTS.—Each recipient of a grant or contract under subsection (b) to carry out a demonstration project under subsection (a) may enter into a contract with any other entity, including the Children's Television Workshop, to carry out the demonstration project.

''(3) DEMONSTRATION PROJECTS.—Demonstration projects assisted under subsection (b) may include—

''(A) the identification of the special needs of gifted and talented Indian students, particularly at the elementary school level, giving attention to—

''(i) identifying the emotional and psychosocial needs of such students; and

''(ii) providing such support services to the families of such students as are needed to enable such students to benefit from the project;

''(B) the conduct of educational, psychosocial, and developmental activities that the Secretary determines hold a reasonable promise of resulting in substantial progress toward meeting the educational needs of such gifted and talented children, including—

''(i) demonstrating and exploring the use of Indian languages and exposure to Indian cultural traditions; and

''(ii) carrying out mentoring and apprenticeship programs;

''(C) the provision of technical assistance and the coordination of activities at schools that receive grants under subsection (d) with respect to the activities assisted under such grants, the evaluation of programs assisted under such grants, or the dissemination of such evaluations;

''(D) the use of public television in meeting the special educational needs of such gifted and talented children;

''(E) leadership programs designed to replicate programs for such children throughout the United States, including disseminating information derived from the demonstration projects conducted under subsection (a); and

''(F) appropriate research, evaluation, and related activities pertaining to the needs of such children and to the provision of such support services to the families of such children as are needed to enable such children to benefit from the project.

''(4) APPLICATION.—Each entity desiring a grant or contract under subsection (b) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(d) ADDITIONAL GRANTS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall award 5 grants to schools funded by the Bureau of Indian Affairs (referred to individually in this section as a 'Bureau school') for program research and development and the development and dissemination of curriculum and teacher training material, regarding—

''(A) gifted and talented students;

''(B) college preparatory studies (including programs for Indian students with an interest in pursuing teaching careers);

''(C) students with special culturally related academic needs, including students with social, lingual, and cultural needs; or

''(D) mathematics and science education.

''(2) APPLICATIONS.—Each Bureau school desiring a grant to conduct 1 or more of the activities described in paragraph (1) shall submit an application to the Secretary at such time and in such manner as the Secretary may prescribe.

''(3) SPECIAL RULE.—Each application described in paragraph (2) shall be developed, and each grant under this subsection shall be administered, jointly by the supervisor of the Bureau school and the local educational agency serving such school.

''(4) REQUIREMENTS.—In awarding grants under paragraph (1), the Secretary shall achieve a mixture of the programs described in paragraph (1) that ensures that Indian students at all grade levels and in all geographic areas of the United States are able to participate in a program assisted under this subsection.

''(5) GRANT PERIOD.—Subject to the availability of appropriations, a grant awarded under paragraph (1) shall be awarded for a 3-year period and may be renewed by the Secretary for additional 3-year periods if the Secretary determines that the performance of the grant recipient has been satisfactory.

''(6) DISSEMINATION.—

''(A) COOPERATIVE EFFORTS.—The dissemination of any materials developed from activities assisted under paragraph (1) shall be carried out in cooperation with entities that receive funds pursuant to subsection (b).

''(B) REPORT.—The Secretary shall prepare and submit to the Secretary of the Interior and to Congress a report concerning any results from activities described in this subsection.

''(7) EVALUATION COSTS.—

''(A) DIVISION.—The costs of evaluating any activities assisted under paragraph (1) shall be divided between the Bureau schools conducting such activities and the recipients of grants or contracts under subsection (b) who conduct demonstration projects under subsection (a).

''(B) GRANTS AND CONTRACTS.—If no funds are provided under subsection (b) for—

''(i) the evaluation of activities assisted under paragraph (1);

''(ii) technical assistance and coordination with respect to such activities; or

''(iii) the dissemination of the evaluations referred to in clause (i),

the Secretary shall make such grants, or enter into such contracts, as are necessary to provide for the evaluations, technical assistance, and coordination of such activities, and the dissemination of the evaluations.

''(e) INFORMATION NETWORK.—The Secretary shall encourage each recipient of a grant or contract under this section to work cooperatively as part of a national network to ensure that the information developed by the grant or contract recipient is readily available to the entire educational community.

"SEC. 7125. GRANTS TO TRIBES FOR EDUCATION ADMINISTRATIVE PLANNING AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary may make grants to Indian tribes, and tribal organizations approved by Indian tribes, to plan and develop a centralized tribal administrative entity to—

''(1) coordinate all education programs operated by the tribe or within the territorial jurisdiction of the tribe;

''(2) develop education codes for schools within the territorial jurisdiction of the tribe;

''(3) provide support services and technical assistance to schools serving children of the tribe; and

''(4) perform child-find screening services for the preschool-aged children of the tribe to—

''(A) ensure placement in appropriate educational facilities; and

''(B) coordinate the provision of any needed special services for conditions such as disabilities and English language skill deficiencies.

''(b) PERIOD OF GRANT.—Each grant awarded under this section may be awarded for a period of not more than 3 years. Such grant may be renewed upon the termination of the initial period of the grant if the grant recipient demonstrates to the satisfaction of the Secretary that renewing the grant for an additional 3-year period is necessary to carry out the objectives of the grant described in subsection (c)(2)(A).

''(c) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Each Indian tribe and tribal organization desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

''(2) CONTENTS.—Each application described in paragraph (1) shall contain—

''(A) a statement describing the activities to be conducted, and the objectives to be achieved, under the grant; and

''(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and for determining whether such objectives are achieved.

''(3) APPROVAL.—The Secretary may approve an application submitted by a tribe or tribal organization pursuant to this section only if the Secretary is satisfied that such application, including any documentation submitted with the application—

''(A) demonstrates that the applicant has consulted with other education entities, if any, within the territorial jurisdiction of the applicant who will be affected by the activities to be conducted under the grant;

''(B) provides for consultation with such other education entities in the operation and evaluation of the activities conducted under the grant; and

''(C) demonstrates that there will be adequate resources provided under this section or from other sources to complete the activities for which assistance is sought, except that the availability of such other resources shall not be a basis for disapproval of such application.

''(d) RESTRICTION.—A tribe may not receive funds under this section if such tribe receives funds under section 1144 of the Education Amendments of 1978.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Education to carry out this section $3,000,000 for each of fiscal years 2002 through 2008.

"Subpart 3—Special Programs Relating to Adult Education for Indians

"SEC. 7131. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR ADULT INDIANS.

''(a) IN GENERAL.—The Secretary shall make grants to State and local educational agencies and to Indian tribes, institutions, and organizations—

''(1) to support planning, pilot, and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving employment and educational opportunities for adult Indians;

"(2) to assist in the establishment and operation of programs that are designed to stimulate—

"(A) the provision of basic literacy opportunities for all nonliterate Indian adults; and

"(B) the provision of opportunities to all Indian adults to qualify for a secondary school diploma, or its recognized equivalent, in the shortest period of time feasible;

"(3) to support a major research and development program to develop more innovative and effective techniques for achieving literacy and secondary school equivalency for Indians;

"(4) to provide for basic surveys and evaluations to define accurately the extent of the problems of illiteracy and lack of secondary school completion among Indians; and

"(5) to encourage the dissemination of information and materials relating to, and the evaluation of, the effectiveness of education programs that may offer educational opportunities to Indian adults.

"(b) EDUCATIONAL SERVICES.—The Secretary may make grants to Indian tribes, institutions, and organizations to develop and establish educational services and programs specifically designed to improve educational opportunities for Indian adults.

"(c) INFORMATION AND EVALUATION.—The Secretary may make grants to, and enter into contracts with, public agencies and institutions and Indian tribes, institutions, and organizations, for—

"(1) the dissemination of information concerning educational programs, services, and resources available to Indian adults, including evaluations of the programs, services, and resources; and

"(2) the evaluation of federally assisted programs in which Indian adults may participate to determine the effectiveness of the programs in achieving the purposes of the programs with respect to Indian adults.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each entity desiring a grant or contract under this section shall submit to the Secretary an application at such time, in such manner, containing such information, and consistent with such criteria, as the Secretary may prescribe in regulations.

"(2) CONTENTS.—Each application described in paragraph (1) shall contain—

"(A) a statement describing the activities to be conducted and the objectives to be achieved under the grant or contract; and

"(B) a description of the method to be used for evaluating the effectiveness of the activities for which assistance is sought and determining whether the objectives of the grant or contract are achieved.

"(3) APPROVAL.—The Secretary shall not approve an application described in paragraph (1) unless the Secretary determines that such application, including any documentation submitted with the application, indicates that—

"(A) there has been adequate participation, by the individuals to be served and the appropriate tribal communities, in the planning and development of the activities to be assisted; and

"(B) the individuals and tribal communities referred to in subparagraph (A) will participate in the operation and evaluation of the activities to be assisted.

"(4) PRIORITY.—In approving applications under paragraph (1), the Secretary shall give priority to applications from Indian educational agencies, organizations, and institutions.

"(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant or contract made or entered into under this section for a fiscal year may be used to pay for administrative costs.

"Subpart 4—National Research Activities

"SEC. 7141. NATIONAL ACTIVITIES.

"(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 7162(b) for each fiscal year to—

"(1) conduct research related to effective approaches for the education of Indian children and adults;

"(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

"(3) collect and analyze data on the educational status and needs of Indians; and

"(4) carry out other activities that are consistent with the purpose of this part.

"(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with, Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

"(c) COORDINATION.—Research activities supported under this section—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office of Educational Research and Improvement; and

"(2) may include collaborative research activities that are jointly funded and carried out by the Office of Indian Education and the Office of Educational Research and Improvement.

"(d) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available to an entity through a grant, contract, or agreement made or entered into under this subpart for a fiscal year may be used to pay for administrative costs.

"Subpart 5—Federal Administration

"SEC. 7151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

"(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (referred to in this section as the 'Council'), which shall—

"(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and Indian organizations; and

"(2) represent different geographic areas of the United States.

"(b) DUTIES.—The Council shall—

"(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

"(A) with respect to which the Secretary has jurisdiction; and

"(B)(i) that includes Indian children or adults as participants; or

"(ii) that may benefit Indian children or adults;

"(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

"(3) prepare and submit to Congress, not later than June 30 of each year, a report on the activities of the Council, including—

"(A) any recommendations that the Council considers to be appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

"(B) recommendations concerning the funding of any program described in subparagraph (A).

"SEC. 7152. PEER REVIEW.

"The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2, 3, or 4.

"SEC. 7153. PREFERENCE FOR INDIAN APPLICANTS.

"In making grants and entering into contracts or cooperative agreements under subpart 2, 3, or 4, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants, contracts, or cooperative agreements.

"SEC. 7154. MINIMUM GRANT CRITERIA.

"The Secretary may not approve an application for a grant, contract, or cooperative agreement under subpart 2 or 3 unless the application is for a grant, contract, or cooperative agreement that is—

"(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant, contract, or cooperative agreement; and

"(2) based on relevant research findings.

"Subpart 6—Definitions; Authorizations of Appropriations

"SEC. 7161. DEFINITIONS.

"In this part:

"(1) ADULT.—The term 'adult' means an individual who—

"(A) has attained age 16; or

"(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

"(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

"(A) provided at public expense, under public supervision and direction, and without tuition charge; and

"(B) provided as elementary or secondary education in the applicable State or to preschool children.

"(3) INDIAN.—The term 'Indian' means an individual who is—

"(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

"(i) any tribe or band terminated since 1940; and

"(ii) any tribe or band recognized by the State in which the tribe or band resides;

"(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

"(C) an individual who is considered by the Secretary of the Interior to be an Indian for any purpose;

"(D) an Eskimo, Aleut, or other Alaska Native (as defined in section 7306); or

"(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as in effect the day preceding the date of enactment of the 'Improving America's Schools Act of 1994' (108 Stat. 3518).

"SEC. 7162. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) SUBPART 1.—There are authorized to be appropriated to the Secretary of Education to carry out subpart 1 $93,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) SUBPARTS 2 THROUGH 4.—There are authorized to be appropriated to the Secretary of Education to carry out subparts 2, 3, and 4 $20,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART B—NATIVE HAWAIIAN EDUCATION

"SEC. 7201. SHORT TITLE.

"This part may be cited as the 'Native Hawaiian Education Act'.

"SEC. 7202. FINDINGS.

"Congress finds the following:

"(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as

a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

"(2) At the time of the arrival of the first nonindigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

"(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

"(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

"(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

"(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

"(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

"(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

"(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

"(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

"(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawai'i into the Union', the United States also ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

"(12) The United States has recognized and reaffirmed that—

"(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

"(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

"(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawai'i;

"(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

"(E) the aboriginal, indigenous people of the United States have—

"(i) a continuing right to autonomy in their internal affairs; and

"(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

"(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

"(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

"(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

"(H) the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

"(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

"(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

"(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

"(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

"(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

"(i) late or no prenatal care;

"(ii) high rates of births by Native Hawaiian women who are unmarried; and

"(iii) high rates of births to teenage parents;

"(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

"(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

"(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

"(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

"(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

"(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

"(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

"(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai'i; and

"(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

"(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

"(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

"(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

"(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

"(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

"(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

"(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language;

"(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system; and

"(C) promotes the study of the Hawaiian culture, language, and history by providing a Hawaiian education program and using community expertise as a suitable and essential means to further the program.

"SEC. 7203. PURPOSES.

"The purposes of this part are to—

"(1) authorize and develop innovative educational programs to assist Native Hawaiians;

"(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

"(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

"(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

"SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

"(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

"(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

"(c) CONDITIONS AND TERMS.—

"(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

"(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

"(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

"(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

"(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

"(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

"(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

"(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

"(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

"(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

"(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

"(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

"(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

"(f) ESTABLISHMENT OF ISLAND COUNCILS.—

"(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

"(A) Hawai'i.
"(B) Maui.
"(C) Moloka'i.
"(D) Lana'i.
"(E) O'ahu.
"(F) Kaua'i.
"(G) Ni'ihau.

"(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

"(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

"(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

"(i) REPORT.—Not later than 4 years after the date of enactment of the Better Education for Students and Teachers Act, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

"SEC. 7205. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—

"(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

"(A) Native Hawaiian educational organizations;

"(B) Native Hawaiian community-based organizations;

"(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

"(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

"(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

"(A) beginning reading and literacy among students in kindergarten through third grade;

"(B) the needs of at-risk children and youth;

"(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

"(D) the use of the Hawaiian language in instruction.

"(3) AUTHORIZED ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

"(B) the operation of family-based education centers that provide such services as—

"(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

"(ii) preschool programs for Native Hawaiians; and

"(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

"(C) activities that enhance beginning reading and literacy in either the Hawaiian or the English language among Native Hawaiian students in kindergarten through third grade and assistance in addressing the distinct features of combined English and Hawaiian literacy for Hawaiian speakers in fifth and sixth grade;

"(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

‘‘(i) the identification of such students and their needs;

‘‘(ii) the provision of support services to the families of those students; and

‘‘(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

‘‘(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

‘‘(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

‘‘(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

‘‘(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

‘‘(G) professional development activities for educators, including—

‘‘(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

‘‘(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

‘‘(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

‘‘(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

‘‘(i) preschool programs;

‘‘(ii) after-school programs; and

‘‘(iii) vocational and adult education programs;

‘‘(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

‘‘(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

‘‘(ii) family literacy services;

‘‘(iii) counseling and support services for students receiving scholarship assistance;

‘‘(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

‘‘(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

‘‘(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

‘‘(K) other research and evaluation activities related to programs carried out under this part;

‘‘(L) construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body; and

‘‘(M) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

‘‘(4) SPECIAL RULE AND CONDITIONS.—

‘‘(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a scholarship pursuant to paragraph (3)(I).

‘‘(B) SCHOLARSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a scholarship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a scholarship enter into a contract to provide professional services, either during the scholarship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

‘‘(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

‘‘(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

“SEC. 7206. ADMINISTRATIVE PROVISIONS.

‘‘(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

‘‘(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

“SEC. 7207. DEFINITIONS.

‘‘In this part:

‘‘(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

‘‘(A) a citizen of the United States; and

‘‘(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

‘‘(i) genealogical records;

‘‘(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

‘‘(iii) certified birth records.

‘‘(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

‘‘(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

‘‘(A) serves the interests of Native Hawaiians;

‘‘(B) has Native Hawaiians in substantive and policymaking positions within the organization;

‘‘(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

‘‘(D) has demonstrated expertise in the education of Native Hawaiian youth; and

‘‘(E) has demonstrated expertise in research and program development.

‘‘(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

‘‘(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

‘‘(A) serves the interests of Native Hawaiians;

‘‘(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

‘‘(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

‘‘(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.

“PART C—ALASKA NATIVE EDUCATION

“SEC. 7301. SHORT TITLE.

‘‘This part may be cited as the 'Alaska Native Educational Equity, Support, and Assistance Act'.

“SEC. 7302. FINDINGS.

‘‘Congress finds the following:

‘‘(1) The attainment of educational success is critical to the betterment of the conditions, long-term well-being, and preservation of the culture of Alaska Natives.

‘‘(2) It is the policy of the Federal Government to encourage the maximum participation by Alaska Natives in the planning and the management of Alaska Native education programs.

‘‘(3) Alaska Native children enter and exit school with serious educational handicaps.

‘‘(4) The educational achievement of Alaska Native children is far below national norms. Native performance on standardized tests is low, Native student dropout rates are high, and Natives are significantly underrepresented among holders of baccalaureate degrees in the State of Alaska. As a result, Native students are being denied their opportunity to become full participants in society by grade school and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

‘‘(5) The programs authorized in this title, combined with expanded Head Start, infant learning and early childhood education programs, and parent education programs are essential if educational handicaps are to be overcome.

‘‘(6) The sheer magnitude of the geographic barriers to be overcome in delivering educational services in rural Alaska and Alaska villages should be addressed through the development and implementation of innovative, model programs in a variety of areas.

‘‘(7) Congress finds that Native children should be afforded the opportunity to begin their formal education on a par with their non-Native peers. The Federal Government should lend support to efforts developed by and undertaken within the Alaska Native community to improve educational opportunity for all students.

“SEC. 7303. PURPOSES.

‘‘The purposes of this part are to—

‘‘(1) recognize the unique educational needs of Alaska Natives;

‘‘(2) authorize the development of supplemental educational programs to benefit Alaska Natives;

‘‘(3) supplement programs and authorities in the area of education to further the objectives of this part; and

‘‘(4) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on meeting the educational needs of Alaska Natives.

“SEC. 7304. PROGRAM AUTHORIZED.

‘‘(a) GENERAL AUTHORITY.—

‘‘(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or *programs of instruction conducted in Alaska Native languages, cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives, and consortia of organizations and entities described in this paragraph to carry out programs that meet the purposes of this part.*

"(2) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

"(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

"(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

"(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

"(ii) instructional programs that make use of Native Alaskan languages; and

"(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

"(C) professional development activities for educators, including—

"(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

"(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

"(iii) recruitment and preparation of teachers who are Alaska Native, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction in Alaska;

"(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

"(E) family literacy services;

"(F) the development and operation of student enrichment programs in science and mathematics that—

"(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter secondary school, to excel in science and math; and

"(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the programs;

"(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

"(H) other research and evaluation activities related to programs carried out under this part;

"(I) remedial and enrichment programs to assist Alaska Native students in performing at a high level on standardized tests;

"(J) education and training of Alaska Native students enrolled in a degree program that will lead to certification or licensing as teachers;

"(K) parenting education for parents and caregivers of Alaska Native children to improve parenting and caregiving skills (including skills relating to discipline and cognitive development), including parenting education provided through in-home visitation of new mothers;

"(L) cultural education programs operated by the Alaska Native Heritage Center and designed to share the Alaska Native culture with students;

"(M) a cultural exchange program operated by the Alaska Humanities Forum and designed to share Alaska Native culture with urban students in a rural setting, which shall be known as the Rose Cultural Exchange Program;

"(N) activities carried out through Even Start programs carried out under subpart 1 of part B of title I and Head Start programs carried out under the Head Start Act, including the training of teachers for programs described in this subparagraph;

"(O) other early learning and preschool programs;

"(P) dropout prevention programs such as the Cook Inlet Tribal Council's Partners for Success program;

"(Q) an Alaska Initiative for Community Engagement program;

"(R) career preparation activities to enable Alaska Native children and adults to prepare for meaningful employment, including programs providing tech-prep, mentoring, training, and apprenticeship activities;

"(S) provision of operational support and construction funding, and purchasing of equipment, to develop regional vocational schools in rural areas of Alaska, including boarding schools, for Alaska Native students in grades 9 to 12, and higher levels of education, to provide the students with necessary resources to prepare for skilled employment opportunities; and

"(T) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

"(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children carried out under paragraph (2)(D) may include—

"(A) programs for parents and their infants, from the prenatal period of the infant through age 3;

"(B) preschool programs; and

"(C) training, education, and support for parents in such areas as reading readiness, observation, story telling, and critical thinking.

"(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

"(c) PRIORITIES.—In awarding grants or contracts to carry out activities described in subsection (a)(2), except for activities listed in subsection (d)(2), the Secretary shall give priority to applications from Alaska Native regional nonprofit organizations, or consortia that include at least 1 Alaska Native regional nonprofit organization.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For fiscal year 2002 and each of the 6 succeeding fiscal years, there is authorized to be appropriated to carry out this section the same amount as is authorized to be appropriated under section 7205 for activities under that section for that fiscal year.

"(2) AVAILABILITY OF FUNDS.—Of the funds appropriated and made available under this section for a fiscal year, the Secretary shall make available—

"(A) not less than $1,000,000 to support activities described in subsection (a)(2)(K);

"(B) not less than $1,000,000 to support activities described in subsection (a)(2)(L);

"(C) not less than $1,000,000 to support activities described in subsection (a)(2)(M);

"(D) not less than $2,000,000 to support activities described in subsection (a)(2)(P); and

"(E) not less than $2,000,000 to support activities described in subsection (a)(2)(Q).

"SEC. 7305. ADMINISTRATIVE PROVISIONS.

"(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

"(b) APPLICATIONS.—A State educational agency or local educational agency may apply for a grant or contract under this part only as part of a consortium involving an Alaska Native organization. The consortium may include other eligible applicants.

"(c) CONSULTATION REQUIRED.—Each applicant for a grant or contract under this part shall provide for ongoing advice from and consultation with representatives of the Alaska Native community.

"(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for a grant or contract under this part shall inform each local educational agency serving students who will participate in the program to be carried out under the grant or contract about the application.

"(e) REPORTING REQUIREMENTS.—Each recipient of a grant or contract under this part shall, not later than March 15 of each fiscal year in which the organization expends funds under the grant or contract, prepare and submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, summary reports, of not more than 2 pages in length. Such reports shall describe activities undertaken under the grant or contract, and progress made toward the overall objectives of the activities to be carried out under the grant or contract.

"SEC. 7306. DEFINITIONS.

"In this part:

"(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act.

"(2) ALASKA NATIVE ORGANIZATION.—The term 'Alaska Native organization' means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, or another organization that—

"(A) has or commits to acquire expertise in the education of Alaska Natives; and

"(B) has Alaska Natives in substantive and policymaking positions within the organization.

SEC. 702. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)) is amended—

(1) in paragraph (1), by striking "section 9308" and inserting "section 7306"; and

(2) in paragraph (3), by striking "section 9212" and inserting "section 7207".

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

(c) CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.—Section 116(a)(5) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2326(a)(5)) is amended by striking "section 9212" and all that follows and inserting "section 7207 of the Native Hawaiian Education Act".

(d) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

(e) ACT OF APRIL 16, 1934.—Section 5 of the Act of April 16, 1934 (commonly known as the "Johnson-O'Malley Act") (88 Stat. 2213; 25 U.S.C. 456) is amended by striking "section 9104(c)(4)" and inserting "section 7114(c)(4)".

(f) NATIVE AMERICAN LANGUAGES ACT.—Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking "section 9161(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881(4))" and inserting "section 7161(3) of the Elementary and Secondary Education Act of 1965"; and

(2) in paragraph (3), by striking "section 9212(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912(1))" and inserting "section 7207 of the Elementary and Secondary Education Act of 1965".

(g) Workforce Investment Act of 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking "paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

(h) Assets for Independence Act.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)" and inserting "section 7207 of the Native Hawaiian Education Act".

TITLE VIII—IMPACT AID

SEC. 801. ELIGIBILITY UNDER SECTION 8003 FOR CERTAIN HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) Eligibility.—Section 8003(b)(2)(C) (20 U.S.C. 7703(b)(2)(C)) is amended—

(1) in clauses (i) and (ii) by inserting after "Federal military installation" each place it appears the following: "(or the agency is a qualified local educational agency as described in clause (iv))"; and

(2) by adding at the end the following:

"(iv) Qualified local educational agency.—A qualified local educational agency described in this clause is an agency that meets the following requirements:

"(I) The boundaries are the same as island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government.

"(II) The agency has no taxing authority.

"(III) The agency received a payment under paragraph (1) for fiscal year 2001.".

(b) Effective Date.—The Secretary shall consider an application for a payment under section 8003(b)(2) for fiscal year 2002 from a qualified local educational agency described in section 8003(b)(2)(C)(iv), as added by subsection (a), as meeting the requirements of section 8003(b)(2)(C)(iii), and shall provide a payment under section 8003(b)(2) for fiscal year 2002, if the agency submits to the Secretary an application for payment under such section not later than 60 days after the date of enactment of this Act.

TITLE IX—REPEALS

SEC. 901. REPEALS.

(a) Elementary and Secondary Education Act of 1965.—Titles IX through XIV (20 U.S.C. 7801 et seq., 8801 et seq.) are repealed.

(b) Goals 2000: Educate America Act.—The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is repealed.

TITLE X—MISCELLANEOUS PROVISIONS

SEC. 1001. INDEPENDENT EVALUATION.

The Act (20 U.S.C. 6301 et seq.) (as amended by section 901(a)) is amended further by adding at the end the following:

"TITLE IX—MISCELLANEOUS PROVISIONS

"PART A—INDEPENDENT EVALUATION

"SEC. 9101. IN GENERAL.

"The Secretary is authorized to award a grant to the Board on Testing and Assessment of the National Research Council of the National Academy of Sciences to enable the Board to conduct, in consultation with the Department (and others that the Board determines appropriate), an ongoing evaluation, not to exceed 4 years in duration, of a representative sample of State and local educational agencies regarding high stakes assessments used by the State and local educational agencies. The evaluation shall be based on a research design determined by the Board, in consultation with others, that includes existing data, and the development of new data as feasible and advisable. The evaluation shall address, at a minimum, the 3 components described in section 9102.

"SEC. 9102. COMPONENTS EVALUATED.

"The 3 components of the evaluation described in section 9101 are as follows:

"(1) Students, teachers, parents, families, schools, and school districts.—The intended and unintended consequences of the assessments on individual students, teachers, parents, families, schools, and school districts, including—

"(A) overall improvement or decline in what students are learning based on independent measures;

"(B) changes in course offerings, teaching practices, course content, and instructional material;

"(C) measures of teacher satisfaction with the assessments;

"(D) changes in rates of teacher and administrator turnover;

"(E) changes in dropout, grade retention, and graduation rates for students;

"(F) the relationship of student performance on the assessments to school resources, teacher and instructional quality, or such factors as language barriers or construct-irrelevant disabilities;

"(G) changes in the frequency of referrals for enrichment opportunities, remedial measures, and other consequences;

"(H) changes in student post-graduation outcomes, including admission to, and signs of success (such as reduced need for remediation services) at, colleges, community colleges, or technical school training programs;

"(I) cost of preparing for, conducting, and grading the assessments in terms of dollars expended by the school district and time expended by students and teachers;

"(J) changes in funding levels and distribution of instructional and staffing resources for schools based on the results of the assessments;

"(K) purposes for which the assessments or components of the assessments are used beyond what is required under part A of title I, and the consequences for students and teachers because of those uses;

"(L) differences in the areas studied under this section between high poverty and high concentration minority schools and school districts, and schools and school districts with lower rates of poverty and minority students; and

"(M) the level of involvement of parents and families in the development and implementation of the assessments and the extent to which the parents and families are informed of assessment results and consequences.

"(2) Students with disabilities.—The intended and unintended consequences of the assessments for students with disabilities, including—

"(A) the overall improvement or decline in academic achievement for students with disabilities;

"(B) the numbers and characteristics of students with disabilities who are excluded from the assessments, and the number and type of modifications and accommodations extended;

"(C) changes in the rate of referral of students to special education;

"(D) changes in attendance patterns and dropout, retention, and graduation rates for students with disabilities;

"(E) changes in rates at which students with disabilities are retained in grade level;

"(F) changes in rates of transfers of students with disabilities to other schools or institutions; and

"(G) the level of involvement of parents and families of students with disabilities in the development and implementation of the assessments and the extent to which the parents and families are informed of assessment results and consequences.

"(3) Low socio-economic students, limited English proficient students, and minority students.—The intended and unintended consequences of the assessments for low socio-economic status students, limited English proficient students, and racial and ethnic minority students, independently and as compared to middle or high socio-economic status students, nonlimited English proficient students, and white students, including—

"(A) the overall improvement or decline in academic achievement for such students;

"(B) the numbers and characteristics of such students excused from taking the assessments, and the number and type of modifications and accommodations extended to such students;

"(C) changes in the rate of referral of such students to special education;

"(D) changes in attendance patterns and dropout and graduation rates for such students;

"(E) changes in rates at which such students are retained in grade level;

"(F) changes in rates of transfer of such students to other schools or institutions; and

"(G) the level of involvement of parents and families of low socio-economic students, limited English proficient students, and racial and ethnic minority students in the development and implementation of the assessments and the extent to which the parents and families are informed of assessment results and consequences.

"SEC. 9103. REPORTING.

"The Secretary shall make public annually the results of the evaluation carried out under this part and shall report the findings of the evaluation to Congress and to the States not later than 2 months after the completion of the evaluation.

"SEC. 9104. DEFINITIONS.

"In this part:

"(1) High stakes assessment.—The term 'high stakes assessment' means a standardized test that is one of the mandated determining factors in making decisions concerning a student's promotion, graduation, or tracking.

"(2) Standardized test.—The term 'standardized test' means a test that is administered and scored under conditions uniform to all students so that the test scores are comparable across individuals.

"SEC. 9105. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $4,000,000 for fiscal year 2002. Such funds shall remain available until expended.".

"PART B—TRANSITION PROVISION

"SEC. 9201. CERTAIN MULTIYEAR GRANTS AND CONTRACTS.

"(a) In General.—Notwithstanding any other provision of this Act, from funds appropriated under subsection (b) the Secretary shall continue to fund any multiyear grant or contract awarded under section 3141 or part A or C of title XIII (as such section or part was in effect on the day preceding the date of the enactment of the Better Education for Students and Teachers Act) for the duration of the multiyear award.

"(b) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out subsection (a).

"(c) Repeal.—This section is repealed on the date of enactment of a law that—

"(1) reauthorizes a provision of the Educational Research, Development, Dissemination, and Improvement Act of 1994; and

"(2) is enacted after the date of enactment of the Better Education for Students and Teachers Act.".

SEC. 1002. HELPING CHILDREN SUCCEED BY FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA).

(a) Findings.—Congress makes the following findings:

(1) All children deserve a quality education.

(2) In Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania (334 F. Supp. 1247)(E. Dist. Pa. 1971), and Mills vs. Board of Education of the District of Columbia (348 F. Supp. 866)(Dist. D.C. 1972), the courts found that children with disabilities are entitled to an equal opportunity to an education under the 14th amendment of the Constitution.

(3) In 1975, Congress passed what is now known as the Individuals with Disabilities Education Act (referred to in this section as "IDEA") (20 U.S.C. 1400 et seq.) to help States provide all children with disabilities a free, appropriate public education in the least restrictive environment. At full funding, Congress contributes 40 percent of the average per pupil expenditure for each child with a disability served.

(4) Before 1975, only ⅕ of the children with disabilities received a formal education. At that time, many States had laws that specifically excluded many children with disabilities, including children who were blind, deaf, or emotionally disturbed, from receiving such an education.

(5) IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age.

(6) IDEA enables children with disabilities to be educated in their communities, and thus, has assisted in dramatically reducing the number of children with disabilities who must live in State institutions away from their families.

(7) The number of children with disabilities who complete high school has grown significantly since the enactment of IDEA.

(8) The number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA.

(9) The overall effectiveness of IDEA depends upon well trained special education and general education teachers, related services personnel, and other school personnel. Congress recognizes concerns about the nationwide shortage of personnel serving students with disabilities and the need for improvement in the qualifications of such personnel.

(10) IDEA has raised the Nation's awareness about the abilities and capabilities of children with disabilities.

(11) Improvements to IDEA in the 1997 amendments increased the academic achievement of children with disabilities and helped them to lead productive, independent lives.

(12) Changes made in 1997 also addressed the needs of those children whose behavior impedes learning by implementing behavioral assessments and intervention strategies to ensure that they receive appropriate supports in order to receive a quality education.

(13) IDEA requires a full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities.

(14) While the Federal Government has more than doubled funding for part B of IDEA since 1995, the Federal Government has never provided more than 15 percent of the maximum State grant allocation for educating children with disabilities.

(15) By fully funding IDEA, Congress will strengthen the ability of States and localities to implement the requirements of IDEA.

(b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—Clauses (i) and (ii) of section 613(a)(2)(C) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(C)) is amended to read as follows:

"(i) Notwithstanding clauses (ii) and (iii) of subparagraph (A), for any fiscal year for which amounts appropriated to carry out section 611 exceeds $4,100,000,000, a local educational agency may treat as local funds, for the purpose of such clauses, up to 55 percent of the amount of funds it receives under this part that exceeds the amount it received under this part for fiscal year 2001, except where a local educational agency shows that it is meeting the requirements of this part, the local educational agency may petition the State to waive, in whole or in part, the 55 percent cap under this clause.

"(ii) Notwithstanding clause (i), if the Secretary determines that a local educational agency is not meeting the requirements of this part, the Secretary may prohibit the local educational agency from treating funds received under this part as local funds under clause (i) for any fiscal year, and may redirect the use of those funds to other educational programs within the local educational agency.".

(c) FUNDING.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated, and there are appropriated—

"(1) $8,823,685,000 for fiscal year 2002;

"(2) $11,323,685,000 for fiscal year 2003;

"(3) $13,823,685,000 for fiscal year 2004;

"(4) $16,323,685,000 for fiscal year 2005;

"(5) $18,823,685,000 for fiscal year 2006;

"(6) not more than $21,067,600,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2007;

"(7) not more than $21,742,019,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2008;

"(8) not more than $22,423,068,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2009;

"(9) not more than $23,095,622,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2010; and

"(10) not more than $23,751,456,000, or the sum of the maximum amount that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011.".

SEC. 1003. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS FOR TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate $3,000,000,000 for fiscal year 2002 to carry out part A of title II of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to put a highly qualified teacher in every classroom in each school in which 50 percent or more of the children are from low income families, over the next 4 years;

(2) provide 125,000 new teachers with mentors and year-long supervised internships; and

(3) provide high quality pedagogical training for every teacher in every school.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part A of title II of the Elementary and Secondary Education Act of 1965—

(1) $3,500,000,000 for fiscal year 2003;

(2) $4,000,000,000 for fiscal year 2004;

(3) $4,500,000,000 for fiscal year 2005;

(4) $5,000,000,000 for fiscal year 2006;

(5) $5,500,000,000 for fiscal year 2007; and

(6) $6,000,000,000 for fiscal year 2008.

SEC. 1004. SENSE OF THE SENATE REGARDING EDUCATION OPPORTUNITY TAX RELIEF.

(a) FINDINGS.—The Senate finds the following:

(1) Improving the education of our children is an essential and important responsibility facing this country.

(2) Strong parental involvement is a cornerstone for academic success; it is parents who know and understand the special, individual needs of their own children.

(3) Advanced technology has fueled unprecedented economic growth and positively transformed the way Americans conduct business and communicate with each other.

(4) Families will need ready access to the technical tools and skills necessary for their school age children to succeed in the classroom and the increasingly competitive international marketplace.

(5) Studies have shown that the presence of a computer in the home has a positive impact on a student's level of academic achievement and performance in school.

(6) Tax relief, enabling the purchase of technology and tutorial services for K–12 education purposes, would significantly help defray the cost of education expenses by: Empowering families financially and increasing education spending; allowing families to provide their children access to a far greater range of educational opportunities suited to their individual needs; and bridging the digital divide.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress and the President should—

(1) act expeditiously to pass legislation in the First Session of the One Hundred Seventh Congress that provides tax relief to parents of K–12 students for the cost of their children's education-related expenses, specifically, computers, peripherals and computer-related technology, educational software, Internet access and tutoring services; and

(2) that such tax relief would not apply toward the cost of private school tuition.

SEC. 1005. SENSE OF THE SENATE REGARDING TAX RELIEF FOR ELEMENTARY AND SECONDARY EDUCATORS.

(a) FINDINGS.—The Senate finds the following:

(1) The average salary for an elementary and secondary school teacher in the United States with a Master's degree and 16 years of experience is approximately $40,582.

(2) The average starting salary for teachers in the United States is $26,000.

(3) Our educators make many personal and financial sacrifices to educate our youth.

(4) Teachers spend on average $408 a year, out of their own money, to bring educational supplies into their classrooms.

(5) Educators spend significant money out of their own pocket every year on professional development expenses so they can better educate our youth.

(6) Many educators accrue significant higher education student loans that must be repaid and whereas these loans are accrued by educators in order for them to obtain degrees necessary to become qualified to serve in our Nation's schools.

(7) As a result of these numerous out of pocket expenses that our teachers spend every year, and other factors, 6 percent of the Nation's teaching force leaves the profession every year, and 20 percent of all new hires leave the teaching profession within three years.

(8) This country is in the midst of a teacher shortage, with estimates that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement, and increased student enrollment.

(9) The Federal Government can and should play a role to help alleviate the Nation's teaching shortage.

(10) The current tax code provides little recognition of the fact that our educators spend significant money out of their own pocket to better the education of our children.

(11) President Bush has recognized the importance of providing teachers with additional tax relief, in recognition of the many financial sacrifices our teachers make.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should pass legislation providing elementary and secondary level educators with additional tax relief in recognition of the many out of pocket, unreimbursed expenses educators incur to improve the education of our Nation's students.

SEC. 1006. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS FOR TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should appropriate $750,000,000 for fiscal year 2002 to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965 and thereby—

(1) provide that schools, local educational agencies, and States have the resources they need to assist all limited English proficient students in attaining proficiency in the English language, and meeting the same challenging State content and student performance standards that all students are expected to meet in core academic subjects;

(2) provide for the development and implementation of bilingual education programs and language instruction educational programs that are tied to scientifically based research, and that effectively serve limited English proficient students; and

(3) provide for the development of programs that strengthen and improve the professional training of educational personnel who work with limited English proficient students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part A and part D of title III of the Elementary and Secondary Education Act of 1965—

(1) $1,100,000,000 for fiscal year 2003;
(2) $1,400,000,000 for fiscal year 2004;
(3) $1,700,000,000 for fiscal year 2005;
(4) $2,100,000,000 for fiscal year 2006;
(5) $2,400,000,000 for fiscal year 2007; and
(6) $2,800,000,000 for fiscal year 2008.

SEC. 1007. GRANTS FOR THE TEACHING OF TRADITIONAL AMERICAN HISTORY AS A SEPARATE SUBJECT.

Title IX (as added by section 1001) is amended by adding at the end the following:

"PART C—TEACHING OF TRADITIONAL AMERICAN HISTORY

"SEC. 9301. GRANTS FOR THE TEACHING OF TRADITIONAL AMERICAN HISTORY AS A SEPARATE SUBJECT.

"(a) IN GENERAL.—There are authorized to be appropriated $100,000,000 to enable the Secretary to establish and implement a program to be known as the 'Teaching American History Grant Program' under which the Secretary shall award grants on a competitive basis to local educational agencies—

"(1) to carry out activities to promote the teaching of traditional American history in schools as a separate subject; and

"(2) for the development, implementation, and strengthening of programs to teach American history as a separate subject (not as a component of social studies) within the school curricula, including the implementation of activities to improve the quality of instruction and to provide professional development and teacher education activities with respect to American history.

"(b) REQUIRED PARTNERSHIP.—A local educational agency that receives a grant under subsection (a) shall carry out activities under the grant in partnership with 1 or more of the following:

"(1) An institution of higher education.

"(2) A non-profit history or humanities organization.

"(3) A library or museum.".

SEC. 1008. STUDY AND INFORMATION.

(a) STUDY.—

(1) IN GENERAL.—The Director of the National Institutes of Health and the Secretary of Education jointly shall—

(A) conduct a study regarding how exposure to violent entertainment (such as movies, music, television, Internet content, video games, and arcade games) affects children's cognitive development and educational achievement; and

(B) submit a final report to Congress regarding the study.

(2) PLAN.—The Director and the Secretary jointly shall submit to Congress, not later than 6 months after the date of enactment of this Act, a plan for the conduct of the study.

(3) INTERIM REPORTS.—The Director and the Secretary jointly shall submit to Congress annual interim reports regarding the study until the final report is submitted under paragraph (1)(B).

(b) INFORMATION.—Section 411(b)(3) of the National Education Statistics Act of 1994 (20 U.S.C. 9010(b)(3) et seq.) is amended by adding at the end the following: "Notwithstanding the preceding sentence, in carrying out the National Assessment the Commissioner shall gather data regarding how much time children spend on various forms of entertainment, such as movies, music, television, Internet content, video games, and arcade games.".

SEC. 1009. SENSE OF THE SENATE REGARDING TRANSMITTAL OF S. 27 TO HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—The Senate finds that—

(1) on April 2, 2001, the Senate of the United States passed S. 27, the Bipartisan Campaign Reform Act of 2001, by a vote of 59 to 41;

(2) it has been over 30 days since the Senate moved to third reading and final passage of S. 27;

(3) it was then in order for the bill to be engrossed and officially delivered to the House of Representatives of the United States;

(4) the precedents and traditions of the Senate dictate that bills passed by the Senate are routinely sent in a timely manner to the House of Representatives;

(5) the will of the majority of the Senate, having voted in favor of campaign finance reform is being unduly thwarted;

(6) the American people are taught that when a bill passes one body of Congress, it is routinely sent to the other body for consideration; and

(7) the delay in sending S. 27 to the House of Representatives appears to be an arbitrary action taken to deliberately thwart the will of the majority of the Senate.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of the Senate should properly engross and deliver S. 27 to the House of Representatives without any intervening delay.

SEC. 1010. SENSE OF THE SENATE; AUTHORIZATION OF APPROPRIATIONS FOR TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

(a) SENSE OF THE SENATE.—Congress finds that—

(1) Congress should continue toward the goal of providing the necessary funding for afterschool programs by appropriating the authorized level of $1,500,000,000 for fiscal year 2002 to carry out part F of title I of the Elementary and Secondary Education Act of 1965;

(2) this funding should be the benchmark for future years in order to reach the goal of providing academically enriched activities during after school hours for the 7,000,000 children in need.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out part F of title I of the Elementary and Secondary Education Act of 1965—

(1) $2,000,000,000 for fiscal year 2003;
(2) $2,500,000,000 for fiscal year 2004;
(3) $3,000,000,000 for fiscal year 2005;
(4) $3,500,000,000 for fiscal year 2006;
(5) $4,000,000,000 for fiscal year 2007; and
(6) $4,500,000,000 for fiscal year 2008.

SEC. 1011. EXCELLENCE IN ECONOMIC EDUCATION.

Title IX, as amended by section 1001, is further amended by adding at the end the following:

"PART D—EXCELLENCE IN ECONOMIC EDUCATION

"SEC. 9401. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the "Excellence in Economic Education Act of 2001".

"(b) FINDINGS.—Congress makes the following findings:

"(1) The need for economic literacy in the United States has grown exponentially in the 1990's as a result of rapid technological advancements and increasing globalization, giving individuals in the United States more numerous and complex economic and financial choices than ever before as members of the workforce, managers of their families' resources, and voting citizens.

"(2) Studies show that many individuals in the United States lack essential knowledge in personal finance and economic literacy.

"(3) A 1998-1999 test conducted by the National Council on Economic Education pointed out that many individuals in the United States believe that there is a need for our Nation's youth to possess an understanding of personal finance and economic principles, with 96 percent of adults tested believing that basic economics should be taught in secondary school.

"SEC. 9402. EXCELLENCE IN ECONOMIC EDUCATION.

"(a) PURPOSE.—The purpose of this part is to promote economic and financial literacy among all United States students in kindergarten through grade 12 by awarding a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics.

"(b) GOALS.—The goals of this part are—

"(1) to increase students' knowledge of and achievement in economics to enable the students to become more productive and informed citizens;

"(2) to strengthen teachers' understanding of and competency in economics to enable the teachers to increase student mastery of economic principles and their practical application;

"(3) to encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy;

"(4) to assist States in measuring the impact of education in economics, which is 1 of 9 national core content areas described in section 306(c) of the Goals 2000: Educate America Act (20 U.S.C. 5886(c)); and

"(5) to leverage and expand private and public support for economic education partnerships at national, State, and local levels.

"SEC. 9403. GRANT PROGRAM AUTHORIZED.

"(a) COMPETITIVE GRANT PROGRAM FOR EXCELLENCE IN ECONOMIC EDUCATION.—

"(1) IN GENERAL.—The Secretary is authorized to award a competitive grant to a national nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of personal finance and economics through effective teaching of economics in the Nation's classrooms (referred to in this section as the 'grantee').

"(2) USE OF GRANT FUNDS.—

"(A) ONE-QUARTER.—The grantee shall use ¼ of the funds made available through the grant *and not reserved under subsection (f) for a fiscal year—*

“(i) to strengthen and expand the grantee's relationships with State and local personal finance, entrepreneurial, and economic education organizations;

“(ii) to support and promote training, of teachers who teach a grade from kindergarten through grade 12, regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

“(iii) to support research on effective teaching practices and the development of assessment instruments to document student performance; and

“(iv) to develop and disseminate appropriate materials to foster economic literacy.

“(B) THREE-QUARTERS.—The grantee shall use ¾ of the funds made available through the grant for a fiscal year to award grants to State or local school boards, and State or local economic, personal finance, or entrepreneurial education organizations (which shall be referred to in this section as a ‘recipient’). The grantee shall award such a grant to pay for the Federal share of the cost of enabling the recipient to work in partnership with 1 or more of the entities described in paragraph (3) for 1 or more of the following purposes:

“(i) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics, personal finance, and entrepreneurship.

“(ii) Providing resources to school districts that want to incorporate economics and personal finance into the curricula of the schools in the districts.

“(iii) Conducting evaluations of the impact of economic and financial literacy education on students.

“(iv) Conducting economic and financial literacy education research.

“(v) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education, and to encourage awareness and student achievement in economics.

“(vi) Encouraging replication of best practices to encourage economic and financial literacy.

“(C) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

“(i) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

“(ii) provide such technical assistance as may be necessary to carry out this section.

“(3) PARTNERSHIP ENTITIES.—The entities referred to in paragraph (2)(B) are the following:

“(A) A private sector entity.

“(B) A State educational agency.

“(C) A local educational agency.

“(D) An institution of higher education.

“(E) Another organization promoting economic development.

“(F) Another organization promoting educational excellence.

“(G) Another organization promoting personal finance or entrepreneurial education.

“(4) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a grant under this section for a fiscal year may use not more than 25 percent of the funds made available through the grant for administrative costs.

“(b) TEACHER TRAINING PROGRAMS.—In carrying out the teacher training programs described in subsection (a)(2)(B) a recipient shall—

“(1) train teachers who teach a grade from kindergarten through grade 12; and

“(2) encourage teachers from disciplines other than economics and financial literacy to participate in such teacher training programs, if the training will promote the economic and financial literacy of their students.

“(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this part the grantee and recipients are strongly encouraged to—

“(1) include interactions with the local business community to the fullest extent possible, to reinforce the connection between economic and financial literacy and economic development; and

“(2) work with private businesses to obtain matching contributions for Federal funds and assist recipients in working toward self-sufficiency.

“(d) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the cost described in subsection (a)(2)(B) shall be 50 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(e) APPLICATIONS.—

“(1) GRANTEE.—To be eligible to receive a grant under this section, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

“(2) RECIPIENTS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

“(B) REVIEW.—The grantee shall invite the individuals described in subparagraph (C) to review all applications from recipients for a grant under this section and to make recommendations to the grantee regarding the funding of the applications.

“(C) INDIVIDUALS.—The individuals referred to in subparagraph (B) are the following:

“(i) Leaders in the fields of economics and education.

“(ii) Such other individuals as the grantee determines to be necessary, especially members of the State and local business, banking, and finance community.

“(f) SUPPLEMENT AND NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local funds expended for the purpose described in section 9302(a).

“(g) REPORT.—The Secretary shall prepare and submit to the appropriate committees of Congress a report regarding activities assisted under this section not later than 2 years after the date funds are first appropriated under subsection (h) and every 2 years thereafter.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 4 succeeding fiscal years.”.

SEC. 1012. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the “Loan Forgiveness for Head Start Teachers Act of 2001”.

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C 1078–10) is amended—

(1) in subsection (b), by amending paragraph (1) to read as follows:

“(1)(A) has been employed—

“(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

“(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

“(B)(i) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

“(ii) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

“(iii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and”;

(2) in subsection (g), by adding at the end the following:

“(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001.”; and

(3) by adding at the end the following:

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).”.

(c) CONFORMING AMENDMENTS.—Section 428J of such Act (20 U.S.C. 1078–10) is amended—

(1) in subsection (c)(1), by inserting “or fifth complete program year” after “fifth complete school year of teaching”;

(2) in subsection (f), by striking “subsection (b)” and inserting “subsection (b)(1)(A)(i)”;

(3) in subsection (g)(1)(A), by striking “subsection (b)(1)(A)” and inserting “subsection (b)(1)(A)(i)”; and

(4) in subsection (h), by inserting “except as part of the term ‘program year’,” before “where”.

(d) DIRECT STUDENT LOAN FORGIVENESS.—

(1) IN GENERAL.—Section 460 of the Higher Education Act of 1965 (20 U.S.C 1087j) is amended—

(A) in subsection (b)(1), by amending subparagraph (A) to read as follows:

“(A)(i) has been employed—

“(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

“(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

“(ii)(I) if employed as a secondary school teacher, is teaching a subject area that is relevant to the borrower's academic major as certified by the chief administrative officer of the public or nonprofit private secondary school in which the borrower is employed;

“(II) if employed as an elementary school teacher, has demonstrated, as certified by the chief administrative officer of the public or nonprofit private elementary school in which the borrower is employed, knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; and

“(III) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and”;

(B) in subsection (g), by adding at the end the following:

"(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2001."; and

(C) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2007 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).".

(2) CONFORMING AMENDMENTS.—Section 460 of such Act (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(B) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)(I)";

(C) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)(I)"; and

(D) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

SEC. 1013. SENSE OF THE SENATE REGARDING THE BENEFITS OF MUSIC AND ARTS EDUCATION.

(a) FINDINGS.—The Senate finds that—

(1) there is a growing body of scientific research demonstrating that children who receive music instruction perform better on spatial-temporal reasoning tests and proportional math problems;

(2) music education grounded in rigorous academic instruction is an important component of a well-rounded academic program;

(3) opportunities in music and the arts have enabled children with disabilities to participate more fully in school and community activities;

(4) music and the arts can motive at-risk students to stay in school and become active participants in the educational process;

(5) according to the College Board, college-bound high school seniors in 1998 who received music or arts instruction scored 57 points higher on the verbal portion of the Scholastic Aptitude test and 43 points higher on the math portion of the test than college-bound seniors without any music or arts instruction;

(6) a 1999 report by the Texas Commission on Drug and Alcohol Abuse states that individuals who participated in band, choir, or orchestra reported the lowest levels of current and lifelong use of alcohol, tobacco, and illicit drugs; and

(7) comprehensive sequential music education instruction enhances early brain development and improves cognitive and communicative skills, self-discipline, and creativity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) music and arts education enhances intellectual development and enriches the academic environment for children of all ages; and

(2) music and arts educators greatly contribute to the artistic, intellectual, and social development of the children of our Nation, and play a key role in helping children to succeed in school.

SEC. 1014. SENSE OF THE SENATE CONCERNING POSTAL RATES FOR EDUCATIONAL MATERIALS.

(a) FINDINGS.—The Senate finds that—

(1) the President and Congress both agree that education is of the highest domestic priority;

(2) access to education is a basic right for all Americans regardless of age, race, economic status or geographic boundary;

(3) reading is the foundation of all educational pursuits;

(4) the objective of schools, libraries, literacy programs, and early childhood development programs is to promote reading skills and prepare individuals for a productive role in our society;

(5) individuals involved in the activities described in paragraph (4) are less likely to be drawn into negative social behavior such as alcohol and drug abuse and criminal activity;

(6) a highly educated workforce in America is directly tied to a strong economy and our national security;

(7) the increase in postal rates by the United States Postal Service in the year 2000 for such reading materials sent for these purposes was substantially more than the increase for any other class of mail and threatens the affordability and future distribution of such materials;

(8) failure to provide affordable access to reading materials would seriously limit the fair and universal distribution of books and classroom publications to schools, libraries, literacy programs and early childhood development programs; and

(9) the Postal Service has the discretionary authority to set postal rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, since educational materials sent to schools, libraries, literacy programs, and early childhood development programs received the highest postal rate increase in the year 2000 rate case, the United States Postal Service should freeze the rates for those materials.

SEC. 1015. THE STUDY OF THE DECLARATION OF INDEPENDENCE, UNITED STATES CONSTITUTION, AND THE FEDERALIST PAPERS.

It is the sense of Congress that—

(1) State and local governments and local educational agencies are encouraged to dedicate at least 1 day of learning to the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers; and

(2) State and local governments and local educational agencies are encouraged to include a requirement that, before receiving a certificate or diploma of graduation from secondary school, students be tested on the competency in understanding the Declaration of Independence, the United States Constitution, and the Federalist Papers.

SEC. 1016. STUDY AND RECOMMENDATION WITH RESPECT TO SEXUAL ABUSE IN SCHOOLS.

(a) FINDINGS.—Congress finds that—

(1) sexual abuse in schools between a student and a member of the school staff or a student and another student is a cause for concern in the United States;

(2) relatively few studies have been conducted on sexual abuse in schools and the extent of this problem is unknown;

(3) according to the Child Abuse and Neglect Reporting Act, a school administrator is required to report any allegation of sexual abuse to the appropriate authorities;

(4) an individual who is falsely accused of sexual misconduct with a student deserves appropriate legal and professional protections;

(5) it is estimated that many cases of sexual abuse in schools are not reported; and

(6) many of the accused staff quietly resign at their present school district and are then rehired at a new district which has no knowledge of their alleged abuse.

(b) STUDY AND RECOMMENDATIONS.—The Secretary of Education in conjunction with the Attorney General shall provide for the conduct of a comprehensive study of the prevalence of sexual abuse in schools. Not later than May 1, 2002, the Secretary and the Attorney General shall prepare and submit to the appropriate committees of Congress and to State and local governments, a report concerning the study conducted under this subsection, including recommendations and legislative remedies for the problem of sexual abuse in schools.

SEC. 1017. SENSE OF SENATE ON THE PERCENTAGE OF FEDERAL EDUCATION FUNDING THAT IS SPENT IN THE CLASSROOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) Effective and meaningful teaching begins by helping children master basic academics, holding children to high academic standards, using sound research based methods of instruction in the classroom, engaging and involving parents, establishing and maintaining safe and orderly classrooms, and getting funds to the classroom.

(2) America's children deserve an educational system that provides them with numerous opportunities to excel.

(3) States and localities spend a significant amount of education tax dollars on bureaucratic red tape by applying for and administering Federal education dollars.

(4) Several States have reported that although they receive less than 10 percent of their education funding from the Federal Government, more than 50 percent of their education paperwork and administration efforts are associated with those Federal funds.

(5) According to the Department of Education, in 1998, 84 percent of the funds allocated by the Department for elementary and secondary education were allocated to local educational agencies and used for instruction and instructional support.

(6) The remainder of the funds allocated by the Department of Education for elementary and secondary education in 1998 was allocated to States, universities, national programs, and other service providers.

(7) The total spent by the Department of Education for elementary and secondary education does not take into account what States spend to receive Federal funds and comply with Federal requirements for elementary and secondary education, nor does it reflect the percentage of Federal funds allocated to school districts that is spent on students in the classroom.

(8) American students are not performing up to their full academic potential, despite significant Federal education initiatives and funding from a variety of Federal agencies.

(9) According to the Digest of Education Statistics, only 54 percent of $278,965,657,000 spent on elementary and secondary education during the 1995–96 school year was spent on "instruction".

(10) According to the National Center for Education Statistics, only 52 percent of staff employed in public elementary and secondary school systems in 1996 were teachers, and, according to the General Accounting Office, Federal education dollars funded 13,397 full-time equivalent positions in State educational agencies in fiscal year 1993.

(11) In fiscal year 1998, the paperwork and data reporting requirements of the Department of Education amounted to 40,000,000 so-called "burden hours", which is equivalent to nearly 20,000 people working 40 hours a week for one full year, time and energy which would be better spent teaching children in the classroom.

(12) Too large a percentage of Federal education funds is spent on bureaucracy, special interests, and ineffective programs, and too little is effectively and efficiently spent on our America's youth.

(13) Requiring an allocation of 95 percent of all Federal elementary and secondary education funds to classrooms would provide substantial additional funding per classroom across the United States.

(14) More education funding should be put in the hands of someone in a classroom who knows the children personally and frequently interacts with the children.

(15) Burdensome regulations, requirements, and mandates should be refined, consolidated or

removed so that school districts can devote more resources to educating children in classrooms.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Department of Education, the States, and local educational agencies to work together to ensure that not less than 95 percent of all funds appropriated for carrying out elementary and secondary education programs administered by the Department be spent to improve the academic achievement of our children in their classrooms.

SEC. 1018. SENSE OF THE SENATE REGARDING BIBLE TEACHING IN PUBLIC SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) the Bible is the best selling, most widely read, and most influential book in history;

(2) familiarity with the nature of religious beliefs is necessary to understanding history and contemporary events;

(3) the Bible is worthy of study for its literary and historic qualities;

(4) many public schools throughout America are currently teaching the Bible as literature and/or history.

(b) SENSE OF SENATE.—It is the sense of the Senate that nothing in this Act or any provision of law shall discourage the teaching of the Bible in any public school.

SEC. 1019. SENIOR OPPORTUNITIES.

(a) TWENTY-FIRST CENTURY COMMUNITY LEARNING CENTERS.—Section 1609(a)(2) (as amended in section 161) is further amended—

(1) in subparagraph (G), by striking "and" after the semicolon;

(2) in subparagraph (H), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(I) if the organization plans to use seniors as volunteers in activities carried out through the center, a description of how the organization will encourage and use appropriately qualified seniors to serve as the volunteers.".

(b) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; GOVERNOR'S PROGRAMS.—Section 4114(d) (as amended in section 401) is further amended—

(1) in paragraph (14), by striking "and" after the semicolon;

(2) in paragraph (15), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(16) drug and violence prevention activities that use the services of appropriately qualified seniors.".

(c) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; LOCAL DRUG AND VIOLENCE PREVENTION PROGRAMS.—Section 4116(b) (as amended in section 401) is further amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring"; and

(B) in subparagraph (C)—

(i) in clause (i), by striking "and" after the semicolon;

(ii) in clause (ii), by inserting "and" after the semicolon; and

(iii) by adding at the end the following:

"(iii) drug and violence prevention activities that use the services of appropriately qualified seniors;";

(2) in paragraph (4)(C), by inserting "(including mentoring by appropriately qualified seniors)" after "mentoring programs"; and

(3) in paragraph (8), by inserting ", which may involve appropriately qualified seniors working with students" after "settings".

(d) SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES; FEDERAL ACTIVITIES.—Section 4121(a) (as amended in section 401) is further amended—

(1) in paragraph (10), by inserting ", including projects and activities that promote the interaction of youth and appropriately qualified seniors" after "responsibility"; and

(2) in paragraph (13), by inserting ", including activities that integrate appropriately qualified seniors in activities" after "title".

(e) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; FORMULA GRANTS.—Section 7115(b) (as amended in section 701) is further amended—

(1) in paragraph (10), by striking "and" after the semicolon;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors.".

(f) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; SPECIAL PROGRAMS AND PROJECTS.—Section 7121(c)(1) (as amended in section 701) is further amended—

(1) in subparagraph (K), by striking "or" after the semicolon;

(2) in subparagraph (L), by striking "(L)" and inserting "(M)"; and

(3) by inserting after subparagraph (K) the following:

"(L) activities that recognize and support the unique cultural and educational needs of Indian children, and incorporate appropriately qualified tribal elders and seniors; or".

(g) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; PROFESSIONAL DEVELOPMENT.—The second sentence of section 7122(d)(1) (as amended in section 701) is further amended by striking the period and inserting ", and may include programs designed to train tribal elders and seniors.".

(h) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; NATIVE HAWAIIAN PROGRAMS.—Section 7205(a)(3)(H) (as amended in section 701) is further amended—

(1) in clause (ii), by striking "and" after the semicolon;

(2) in clause (iii), by inserting "and" at the end; and

(3) by adding at the end the following:

"(iv) programs that recognize and support the unique cultural and educational needs of Native Hawaiian children, and incorporate appropriately qualified Native Hawaiian elders and seniors;".

(i) INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION; ALASKA NATIVE PROGRAMS.—Section 7304(a)(2)(F) (as amended in section 701) is further amended—

(1) in clause (i), by striking "and" after the semicolon;

(2) in clause (ii), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(iii) may include activities that recognize and support the unique cultural and educational needs of Alaskan Native children, and incorporate appropriately qualified Alaskan Native elders and seniors;".

SEC. 1020. IMPACT AID PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

Section 8002 (20 U.S.C. 7702), as amended by section 1803 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398), is amended—

(1) in subsection (h)(4), by striking subparagraph (B) and inserting the following:

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (as determined by dividing the maximum amount that such agency is eligible to receive under subsection (b) by the total maximum amounts that all such local educational agencies are eligible to receive under such subsection) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for purposes of calculating a local educational agency's maximum payment under subsection (b), data from the most current fiscal year shall be used."; and

(2) by adding at the end the following:

"(n) LOSS OF ELIGIBILITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary shall make a minimum payment to a local educational agency described in paragraph (2), for the first fiscal year that the agency loses eligibility for assistance under this section as a result of property located within the school district served by the agency failing to meet the definition of Federal property under section 8013(5)(C)(iii), in an amount equal to 90 percent of the amount received by the agency under this section in the preceding year.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency described in this paragraph is an agency that—

"(A) was eligible for, and received, a payment under this section for fiscal year 2002; and

"(B) beginning in fiscal year 2003 or a subsequent fiscal year, is no longer eligible for payments under this section as provided for in subsection (a)(1)(C) as a result of the transfer of the Federal property involved to a non-Federal entity.".

SEC. 1021. IMPACT AID TECHNICAL AMENDMENTS.

(a) FEDERAL PROPERTY PAYMENTS.—Section 8002(h) (20 U.S.C. 7702(h)) (as amended by section 1803(c) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and was eligible to receive a payment under section 2 of the Act of September 30, 1950" and inserting "and that filed, or has been determined pursuant to law to have filed, a timely application and met, or has been determined pursuant to law to meet, the eligibility requirements of section 2(a)(1)(C) of the Act of September 30, 1950"; and

(B) in subparagraph (B), by striking "(or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994," and inserting "(or if the local educational agency did not meet, or has not been determined pursuant to law to meet, the eligibility requirements under section 2(a)(1)(C) of the Act Of September 20, 1950, for fiscal year 1994,".

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting before the period the following: ", or whose application for fiscal year 1995 was deemed by law to be timely filed for the purpose of payments for later years"; and

(B) in subparagraph (B)(ii), by striking "for each local educational agency that received a payment under this section for fiscal year 1995" and inserting "for each local educational agency described in subparagraph (A)"; and

(3) in paragraph (4)(B)—

(A) by striking "(in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii)" and inserting "(by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies"; and

(B) by striking ", except that for the purpose of calculating a local educational agency's assessed value of the Federal property," and inserting ", except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b),".

(b) Calculation of Payment Under Section 8003 for Small Local Educational Agencies.—Section 8003(b)(3)(B)(iv) (20 U.S.C. 7703(b)(3)(B)(iv)) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after "of the State in which the agency is located" the following: "or less than the average per pupil expenditure of all the States".

(c) State Consideration of Payments in Providing State Aid.—Section 8009(b)(1) (20 U.S.C. 7709 (b)(1)) (as amended by section 1812(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended by inserting after "section 8003(a)(2)(B))" the following: "and, with respect to a local educational agency that receives a payment under section 8003(b)(2), the amount in excess of the amount that the agency would receive if the agency were deemed to be an agency eligible to receive a payment under paragraph (1) of section 8003(b)".

(d) Extension of Authorization of Appropriations.—Section 8014 (20 U.S.C. 7714) (as amended by section 1817(b)(1) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended—

(1) in subsection (a), by striking "three succeeding" and inserting "six succeeding"';

(2) in subsection (b), by striking "three succeeding" and inserting '""six succeeding";

(3) in subsection (c), by striking "three succeeding" and inserting "six succeeding";

(4) in subsection (e), by striking "three succeeding" and inserting "six succeeding";

(5) in subsection (f), by striking "three succeeding" and inserting "six succeeding"; and

(6) in subsection (g), by striking "three succeeding" and inserting "six succeeding".

SEC. 1022. SENSE OF THE SENATE REGARDING SCIENCE EDUCATION.

It is the sense of the Senate that—

(1) good science education should prepare students to distinguish the data or testable theories of science from philosophical or religious claims that are made in the name of science; and

(2) where biological evolution is taught, the curriculum should help students to understand why this subject generates so much continuing controversy, and should prepare the students to be informed participants in public discussions regarding the subject.

SEC. 1023. SCHOOL FACILITY MODERNIZATION GRANTS.

Subsection (b) of section 8007 (20 U.S.C. 7707(b)) (as amended by section 1811 of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106-398)) is amended to read as follows:

"(b) School Facility Modernization Grants Authorized.—

"(1) Funding and allocation.—

"(A) Funding.—From 60 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall award grants in accordance with this subsection to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(B) Allocation.—From amounts made available for a fiscal year under subparagraph (A), the Secretary shall allocate—

"(i) 10 percent of such amount for grants to local educational agencies described in paragraph (2)(A);

"(ii) 45 percent of such amount for grants to local educational agencies described in paragraph (2)(B), of which, 10 percent shall be available for emergency grants that shall not be subject to the requirements of subparagraphs (A) and (B) of paragraph (4); and

"(iii) 45 percent of such amount for grants to local educational agencies described in paragraph (2)(C), of which, 10 percent shall be available for emergency grants that shall not be subject to the requirements of subparagraphs (A) and (B) of paragraph (4).

"(C) Special rule.—A local educational agency described in clauses (ii) and (iii) of subparagraph (B) may use grant funds made available under this subsection for a school facility located on or near Federal property only if the school facility is located at a school where not less than 25 percent of the children in average daily attendance in the school for the preceding school year are children for which a determination is made under section 8003(a)(1).

"(2) Eligibility requirements.—A local educational agency is eligible to receive funds under this subsection only if—

"(A) such agency received assistance under section 8002(a) for the fiscal year and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located;

"(B) such agency had an enrollment of children determined under section 8003(a)(1)(C) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made; or

"(C) such agency had an enrollment of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) which constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made.

"(3) Award criteria.—In awarding grants under this subsection, the Secretary shall review applications submitted with respect to each type of agency represented by local educational agencies that qualify under each of subparagraphs (A), (B), and (C) of paragraph (2). In evaluating an application, the Secretary shall consider the following criteria:

"(A) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(B) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(C) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(D) The need for modernization to meet—

"(i) the threat that the condition of the school facility poses to the health, safety, and well-being of students;

"(ii) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(iii) facility needs resulting from actions of the Federal Government.

"(E) The age of the school facility to be modernized.

"(4) Other award provisions.—

"(A) Amount.—In determining the amount of a grant awarded under this subsection; the Secretary shall consider the cost of the modernization and the ability of the local educational agency to produce sufficient funds to carry out the activities for which assistance is sought.

"(B) Federal share.—The Federal funds provided under this subsection to a local educational agency shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions, excluding land contributions, to meet the matching requirement of the preceding sentence.

"(C) Maximum grant.—A local educational agency described in this subsection may not receive a grant under this subsection in an amount that exceeds $5,000,000 during any 2-year period.

"(5) Applications.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary, at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(A) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(B) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

"(C) a description of how the local educational agency meets the award criteria under paragraph (3);

"(D) a description of the modernization to be supported with funds provided under this subsection;

"(E) a cost estimate of the proposed modernization; and

"(F) such other information and assurances as the Secretary may reasonably require.

"(6) Emergency grants.—

"(A) Applications.—Each local educational agency applying for a grant under paragraph (1)(B)(ii) or (1)(b)(iii) that desires a grant under this subsection shall include in the application submitted under paragraph (5) a signed statement from an appropriate local official certifying that a health or safety emergency exists.

"(B) Special rules.—The Secretary shall make every effort to meet fully the school facility needs of local educational agencies applying for a grant under paragraph (1)(B)(ii) or (1)(B)(iii).

"(C) Priority.—If the Secretary receives more than one application from local educational agencies described in paragraph (1)(B)(ii) or (1)(B)(iii) for grants under this subsection for any fiscal year, the Secretary shall give priority to local educational agencies based on the severity of the emergency, as determined by the peer review group and the Secretary, and when the application was received.

"(D) Consideration for following year.—A local educational agency described in paragraph (2) that applies for a grant under this subsection for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in subparagraph (C).

"(7) General limitations.—

"(A) Real property.—No grant funds awarded under this subsection shall be used for the acquisition of any interest in real property.

"(B) Maintenance.—Nothing in this subsection shall be construed to authorize the payment of maintenance costs in connection with any school facility modernized in whole or in part with Federal funds provided under this subsection.

"(C) Environmental safeguards.—All projects carried out with Federal funds provided under this subsection shall comply with all relevant Federal, State, and local environmental laws and regulations.

"(D) Athletic and similar school facilities.—No Federal funds received under this subsection shall be used for outdoor stadiums or

other school facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

"(8) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.".

SEC. 1024. DEPARTMENT OF EDUCATION CAMPAIGN TO PROMOTE ACCESS OF ARMED FORCES RECRUITERS TO STUDENT DIRECTORY INFORMATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Service in the Armed Forces of the United States is voluntary.

(2) Recruiting quality persons in the numbers necessary to maintain the strengths of the Armed Forces authorized by Congress is vital to the United States national defense.

(3) Recruiting quality servicemembers is very challenging, and as a result, Armed Forces recruiters must devote extraordinary time and effort to their work in order to fill monthly requirements for immediate accessions.

(4) In meeting goals for recruiting high quality men and women, each of the Armed Forces faces intense competition from the other Armed Forces, from the private sector, and from institutions offering postsecondary education.

(5) Despite a variety of innovative approaches taken by recruiters, and the extensive benefits that are available to those who join the Armed Forces, it is becoming increasingly difficult for the Armed Forces to meet recruiting goals.

(6) A number of high schools across the country have denied recruiters access to students or to student directory information.

(7) In 1999, the Army was denied access to students or student directories on 4,515 occasions, the Navy was denied access to students or student directories on 4,364 occasions, the Marine Corps was denied access to students or student directories on 4,884 occasions, and the Air Force was denied access to students or student directories on 5,465 occasions.

(8) As of the beginning of 2000, nearly 25 percent of all high schools in the United States did not release student directory information requested by Armed Forces recruiters.

(9) In testimony presented to the Committee on Armed Services of the Senate, recruiters stated that the single biggest obstacle to carrying out the recruiting mission was denial of access to student directory information, as the student directory is the basic tool of the recruiter.

(10) Denying recruiters direct access to students and to student directory information unfairly hurts the youth of the United States, as it prevents students from receiving important information on the education and training benefits offered by the Armed Forces and impairs students' decisionmaking on careers by limiting the information on the options available to them.

(11) Denying recruiters direct access to students and to student directory information undermines United States national defense, and makes it more difficult to recruit high quality young Americans in numbers sufficient to maintain the readiness of the Armed Forces and to provide for the national security.

(12) Section 503 of title 10, United States Code, requires local educational agencies, as of July 1, 2002, to provide recruiters access to secondary schools on the same basis that those agencies provide access to representatives of colleges, universities, and private sector employers.

(b) CAMPAIGN TO PROMOTE ACCESS.—

(1) REPORT.—Not later than 30 days after the date of enactment of this Act, each State shall transmit to the Secretary of Education a list of each school, if any, in that State that—

(A) during the 12 months preceding the date of enactment of this Act, has denied access to students or to student directory information to a military recruiter; or

(B) has in effect a policy to deny access to students or to student directory information to military recruiters.

(2) EDUCATION PROGRAM.—

(A) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Defense, shall, not later than 90 days after the date of enactment of this Act, make awards to States and schools using no more than $3,000,000 of funds available under section 6205(c) of the Elementary and Secondary Education Act to educate principals, school administrators, and other educators regarding career opportunities in the Armed Forces, and the access standard required under section 503 of title 10, United States Code.

(B) TARGETED SCHOOLS.—In selecting schools for awards required under subparagraph (A), the Secretary shall give priority to selecting schools that are included on the lists transmitted to Congress under paragraph (1).

SEC. 1025. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—

(1) PROHIBITION.—No funds available to the Department of Defense may be provided by grant or contract to any institution of higher education (including any school of law, whether or not accredited by the American Bar Association) that has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) EXEMPTION.—Institutions in paragraph (1) shall be exempt if they have a long-standing policy of pacifism based on historical religious affiliation.

(3) COVERED STUDENTS.—Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) DEFINITION.—For purposes of this section, the term "directory information" means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

SEC. 1026. MAINTAINING FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

Section 611 of the Individuals with Disabilities Education Act is amended to add the following new subsection:

"(k) CONTINUATION OF AUTHORIZATION.—For fiscal year 2012 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this part, other than section 619.".

SEC. 1027. SCHOOL RESOURCE OFFICER PROJECTS.

(a) COPS PROGRAM.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (7) by inserting "school officials," after "enforcement officers"; and

(2) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;".

(b) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(2) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(3) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended by adding at the end the following:

"(C) There are authorized to be appropriated to carry out school resource officer activities under sections 1701(d)(8) and 1709(4), to remain available until expended $180,000,000 for each of fiscal year 2002 through 2007.".

SEC. 1028. BOYS AND GIRLS CLUBS OF AMERICA.

Section 401 of the Economic Espionage Act of 1966 (42 U.S.C. 13751 note) is amended—

(1) in subsection (a)(2)—

(A) by striking "1,000" and inserting "1,200";

(B) by striking "2,500" and inserting "4,000"; and

(C) by striking "December 31, 1999" and inserting "December 31, 2006, serving not less than 6,000,000 young people";

(2) in subsection (c)—

(A) in paragraph (1), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "2002, 2003, 2004, 2005, and 2006"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "90 days" and inserting "30 days";

(ii) in subparagraph (A), by striking "1,000" and inserting "1,200"; and

(iii) in subparagraph (B), by striking "2,500 Boys and Girls Clubs of America facilities in operation before January 1, 2000" and inserting "4,000 Boys and Girls Clubs of America facilities in operation before January 1, 2007"; and

(3) in subsection (e), by striking paragraph (1) and inserting the following:

"(1) In general.—There are authorized to be appropriated to carry out this section—

"(A) $60,000,000 for fiscal year 2002;

"(B) $60,000,000 for fiscal year 2003;

"(C) $60,000,000 for fiscal year 2004;

"(D) $60,000,000 for fiscal year 2005; and

"(E) $60,000,000 for fiscal year 2006.".

SEC. 1029. FEDERAL INCOME TAX INCENTIVE STUDY.

(a) In General.—The Secretary of Education shall provide for the conduct of a study to examine whether Federal income tax incentives that provide education assistance affect higher education tuition rates.

(b) Date.—The study described in subsection (a) shall be conducted not later than 6 months after the date of enactment of this Act and every 4 years thereafter.

(c) Report.—The Secretary shall report to Congress the results of each study conducted under this section.

SEC. 1030. CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998.

(a) In General.—Section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327) is amended—

(1) in subsection (a), by inserting "that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)" after "institutions";

(2) in subsection (b), by adding "institutional support of" after "for";

(3) in subsection (d), by inserting "that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)" after "institution"; and

(4) in subsection (e)(1)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) institutional support of vocational and technical education.".

(b) Effective Date.—

(1) In general.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) Application.—The amendments made by subsection (a) shall apply to grants made for fiscal year 2001 only if this Act is enacted before September 30, 2001.

SEC. 1031. SENSE OF CONGRESS ON ENHANCING AWARENESS OF THE CONTRIBUTIONS OF VETERANS TO THE NATION.

(a) Findings.—Congress makes the following findings

(1) Tens of millions of Americans have served in the Armed Forces of the United States during the past century.

(2) Hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century.

(3) The contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life.

(4) The advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces.

(5) This reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations.

(6) Our system of civilian control of the Armed Forces makes it essential that the Nation's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions.

(7) Senate Resolution 304 of the 106th Congress, adopted on September 25, 2000, designated the week that includes Veterans Day as "National Veterans Awareness Week" to focus attention on educating elementary and secondary school students about the contributions of veterans to the Nation.

(b) Sense of Congress.—It is the sense of the Congress that the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens.

SEC. 1032. TECHNICAL AMENDMENT TO THE KIDS 2000 ACT.

Amounts appropriated pursuant to section 112(f)(1) of the Kids 2000 Act (42 U.S.C. 13751 note) and the initiative to be carried out under such Act shall be administered by the Secretary of Education.

SEC. 1033. PEST MANAGEMENT IN SCHOOLS.

(a) Short Title.—This section may be cited as the "School Environment Protection Act of 2001".

(b) Pest Management.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w–7) the following:

"SEC. 33. PEST MANAGEMENT IN SCHOOLS.

"(a) Definitions.—In this section:

"(1) Bait.—The term 'bait' means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

"(2) Contact person.—The term 'contact person' means an individual who is—

"(A) knowledgeable about school pest management plans; and

"(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

"(3) Emergency.—The term 'emergency' means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

"(4) Local educational agency.—The term 'local educational agency' has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

"(5) School.—

"(A) In general.—The term 'school' means a public—

"(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

"(ii) secondary school (as defined in section 3 of the Act);

"(iii) kindergarten or nursery school that is part of an elementary school or secondary school; or

"(iv) tribally-funded school.

"(B) Inclusions.—The term 'school' includes any school building, and any area outside of a school building (including a lawn, playground, sports field, and any other property or facility), that is controlled, managed, or owned by the school or school district.

"(6) School pest management plan.—The term 'school pest management plan' means a pest management plan developed under subsection (b).

"(7) Staff member.—

"(A) In general.—The term 'staff member' means a person employed at a school or local educational agency.

"(B) Exclusions.—The term 'staff member' does not include—

"(i) a person hired by a school, local educational agency, or State to apply a pesticide; or

"(ii) a person assisting in the application of a pesticide.

"(8) State agency.—The term 'State agency' means the an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that exercises primary jurisdiction over matters relating to pesticide regulation.

"(9) Universal notification.—The term 'universal notification' means notice provided by a local educational agency or school to—

"(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school; and

"(B) staff members of the school.

"(b) School Pest Management Plans.—

"(1) State plans.—

"(A) Guidance.—As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2001, the Administrator shall develop, in accordance with this section—

"(i) guidance for a school pest management plan; and

"(ii) a sample school pest management plan.

"(B) Plan.—As soon as practicable (but not later than 1 year) after the date of enactment of the School Environment Protection Act of 2001, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement under section 23, a school pest management plan for local educational agencies in the State.

"(C) Components.—A school pest management plan developed under subparagraph (B) shall, at a minimum—

"(i) implement a system that—

"(I) eliminates or mitigates health risks, or economic or aesthetic damage, caused by pests;

"(II) employs—

"(aa) integrated methods;

"(bb) site or pest inspection;

"(cc) pest population monitoring; and

"(dd) an evaluation of the need for pest management; and

"(III) is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks;

"(ii) require, for pesticide applications at the school, universal notification to be provided—

"(I) at the beginning of the school year;

"(II) at the midpoint of the school year; and

"(III) at the beginning of any summer session, as determined by the school;

"(iii) establish a registry of staff members of a school, and of parents, legal guardians, or other persons with legal standing as parents of each child attending the school, that have requested to be notified in advance of any pesticide application at the school;

"(iv) establish guidelines that are consistent with the definition of a school pest management plan under subsection (a);

"(v) require that each local educational agency use a certified applicator or a person authorized by the State agency to implement the school pest management plans;

"(vi) be consistent with the State cooperative agreement under section 23; and

"(vii) require the posting of signs in accordance with paragraph (4)(G).

"(D) APPROVAL BY ADMINISTRATOR.—Not later than 90 days after receiving a school pest management plan submitted by a State agency under subparagraph (B), the Administrator shall—

"(i) determine whether the school pest management plan, at a minimum, meets the requirements of subparagraph (C); and

"(ii)(I) if the Administrator determines that the school pest management plan meets the requirements, approve the school pest management plan as part of the State cooperative agreement; or

"(II) if the Administrator determines that the school pest management plan does not meet the requirements—

"(aa) disapprove the school pest management plan;

"(bb) provide the State agency with recommendations for and assistance in revising the school pest management plan to meet the requirements; and

"(cc) provide a 90-day deadline by which the State agency shall resubmit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement.

"(E) DISTRIBUTION OF STATE PLAN TO SCHOOLS.—On approval of the school pest management plan of a State agency, the State agency shall make the school pest management plan available to each local educational agency in the State.

"(F) EXCEPTION FOR EXISTING STATE PLANS.—If, on the date of enactment of the School Environment Protection Act of 2001, a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may maintain the school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

"(2) IMPLEMENTATION BY LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(E), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

"(B) EXCEPTION FOR EXISTING PLANS.—If, on the date of enactment of the School Environment Protection Act of 2001, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the State school pest management plan, the local educational agency may maintain the school pest management plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

"(C) APPLICATION OF PESTICIDES AT SCHOOLS.—A school pest management plan shall prohibit—

"(i) the application of a pesticide to any area or room at a school while the area or room is occupied or in use by students or staff members (except students and staff participating in regular or vocational agricultural instruction involving the use of pesticides); and

"(ii) the use by students or staff members of an area or room treated with a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging during—

"(I) the period specified on the label of the pesticide during which a treated area or room should remain unoccupied; or

"(II) if there is no period specified on the label, the 24-hour period beginning at the end of the treatment.

"(3) CONTACT PERSON.—

"(A) IN GENERAL.—Each local educational agency shall designate a contact person to carry out a school pest management plan in schools under the jurisdiction of the local educational agency.

"(B) DUTIES.—The contact person of a local educational agency shall—

"(i) maintain information about the scheduling of pesticide applications in each school under the jurisdiction of the local educational agency;

"(ii) act as a contact for inquiries, and disseminate information requested by parents or guardians, about the school pest management plan;

"(iii) maintain and make available to parents, legal guardians, or other persons with legal standing as parents of each child attending the school, before and during the notice period and after application—

"(I) copies of material safety data sheet for pesticides applied at the school, or copies of material safety data sheets for end-use dilutions of pesticides applied at the school, if data sheets are available;

"(II) labels and fact sheets approved by the Administrator for all pesticides that may be used by the local educational agency; and

"(III) any final official information related to the pesticide, as provided to the local educational agency by the State agency; and

"(iv) for each school, maintain all pesticide use data for each pesticide used at the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A))) for at least 3 years after the date on which the pesticide is applied; and

"(v) make that data available for inspection on request by any person.

"(4) NOTIFICATION.—

"(A) UNIVERSAL NOTIFICATION.—At the beginning of each school year, at the midpoint of each school year, and at the beginning of any summer session (as determined by the school), a local educational agency or school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

"(i) a summary of the requirements and procedures under the school pest management plan;

"(ii) a description of any potential pest problems that the school may experience (including a description of the procedures that may be used to address those problems);

"(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(iv) the following statement (including information to be supplied by the school as indicated in brackets):

'As part of a school pest management plan, ________ (insert school name) may use pesticides to control pests. The Environmental Protection Agency (EPA) and ________ (insert name of State agency exercising jurisdiction over pesticide registration and use) registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school. Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school, contact ________ (insert name and phone number of contact person)'.

"(B) NOTIFICATION TO PERSONS ON REGISTRY.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (5)—

"(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

"(II) the application of a pesticide for which a notice is given under subclause (I) shall not commence before the end of the business day.

"(ii) NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA.—If pesticides are used as part of a regular vocational agricultural curriculum of the school, a notice containing the information described in subclauses (I), (IV), (VI), and (VII) of clause (iii) for all pesticides that may be used as a part of that curriculum shall be provided to persons on the registry only once at the beginning of each academic term of the school.

"(iii) CONTENTS OF NOTICE.—A notice under clause (i) shall contain—

"(I) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide to be applied;

"(II) a description of each location at the school at which a pesticide is to be applied;

"(III) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;

"(IV) all information supplied to the local educational agency by the State agency, including a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied based on—

"(aa) a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;

"(bb) information derived from the material safety data sheet for the end-use dilution of the pesticide to be applied (if available) or the material safety data sheets; and

"(cc) final, official information related to the pesticide prepared by the Administrator and provided to the local educational agency by the State agency;

"(V) a description of the purpose of the application of the pesticide;

"(VI) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(VII) the statement described in subparagraph (A)(iv) (other than the ninth sentence of that statement).

"(C) NOTIFICATION AND POSTING EXEMPTION.—A notice or posting of a sign under subparagraph (A), (B), or (G) shall not be required for the application at a school of—

"(i) an antimicrobial pesticide;

"(ii) a bait, gel, or paste that is placed—

"(I) out of reach of children or in an area that is not accessible to children; or

"(II) in a tamper-resistant or child-resistant container or station; and

"(iii) any pesticide that, as of the date of enactment of the School Environment Protection Act of 2001, is exempt from the requirements of this Act under section 25(b) (including regulations promulgated at section 152 of title 40, Code of Federal Regulations (or any successor regulation)).

"(D) NEW STAFF MEMBERS AND STUDENTS.—After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each notice required under subparagraph (A) to—

"(i) each new staff member who is employed during the school year; and

"(ii) the parent or guardian of each new student enrolled during the school year.

"(E) METHOD OF NOTIFICATION.—A local educational agency or school may provide a notice under this subsection, using information described in paragraph (4), in the form of—

"(i) a written notice sent home with the students and provided to staff members;

"(ii) a telephone call;

"(iii) direct contact;

"(iv) a written notice mailed at least 1 week before the application; or

"(v) a notice delivered electronically (such as through electronic mail or facsimile).

"(F) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall issue a notice containing only the new date and location of application.

"(G) POSTING OF SIGNS.—

"(i) IN GENERAL.—Except as provided in paragraph (5)—

"(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and

"(II) the application for which a sign is posted under subclause (I) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.

"(ii) LOCATION.—A sign shall be posted under clause (i)—

"(I) at a central location noticeable to individuals entering the building; and

"(II) at the proposed site of application.

"(iii) ADMINISTRATION.—A sign required to be posted under clause (i) shall—

"(I) remain posted for at least 24 hours after the end of the application;

"(II) be—

"(aa) at least 8½ inches by 11 inches for signs posted inside the school; and

"(bb) at least 4 inches by 5 inches for signs posted outside the school; and

"(III) contain—

"(aa) information about the pest problem for which the application is necessary;

"(bb) the name of each pesticide to be used;

"(cc) the date of application;

"(dd) the name and telephone number of the designated contact person; and

"(ee) the statement contained in subparagraph (A)(iv).

"(iv) OUTDOOR PESTICIDE APPLICATIONS.—

"(I) IN GENERAL.—In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.

"(II) DURATION OF POSTING.—A sign described in subclause (I) shall be posted after an outdoor pesticide application in accordance with clauses (ii) and (iii).

"(5) EMERGENCIES.—

"(A) IN GENERAL.—A school may apply a pesticide at the school without complying with this part in an emergency, subject to subparagraph (B).

"(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, notice of the application of the pesticide in an emergency that includes—

"(i) the information required for a notice under paragraph (4)(G); and

"(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.

"(C) METHOD OF NOTIFICATION.—The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (4)(E).

"(D) POSTING OF SIGNS.—Immediately after the application of a pesticide under this paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B).

"(c) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—Nothing in this section (including regulations promulgated under this section)—

"(1) precludes a State or political subdivision of a State from imposing on local educational agencies and schools any requirement under State or local law (including regulations) that is more stringent than the requirements imposed under this section; or

"(2) establishes any exception under, or affects in any other way, section 24(b).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 30 through 32 and inserting the following:

"Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.

"Sec. 31. Environmental Protection Agency minor use program.

"Sec. 32. Department of Agriculture minor use program.

  "(a) In general.

  "(b)(1) Minor use pesticide data.

  "(2) Minor Use Pesticide Data Revolving Fund.

"Sec. 33. Pest management in schools.

  "(a) Definitions.

    "(1) Bait.

    "(2) Contact person.

    "(3) Emergency.

    "(4) Local educational agency.

    "(5) School.

    "(6) Staff member.

    "(7) State agency.

    "(8) Universal notification.

  "(b) School pest management plans.

    "(1) State plans.

    "(2) Implementation by local educational agencies.

    "(3) Contact person.

    "(4) Notification.

    "(5) Emergencies.

  "(c) Relationship to State and local requirements.

  "(d) Authorization of appropriations.

"Sec. 34. Severability.

"Sec. 35. Authorization of appropriations.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2001.

TITLE XI—TEACHER PROTECTION

SEC. 1101. TEACHER PROTECTION.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

"TITLE X—TEACHER PROTECTION

"SEC. 10001. SHORT TITLE.

"This title may be cited as the 'Paul D. Coverdell Teacher Protection Act of 2001'.

"SEC. 10002. FINDINGS AND PURPOSE.

"(a) FINDINGS.—Congress makes the following findings:

"(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

"(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

"(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

"(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities, which are critical for the continued economic development of the United States.

"(5) Frivolous lawsuits against teachers maintaining order in the classroom impose significant financial burdens on local educational agencies, and deprive the agencies of funds that would best be used for educating students.

"(6) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

"(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

"(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

"(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

"SEC. 10003. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

"(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

"(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

"(1) citing the authority of this subsection;

"(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

"(3) containing no other provisions.

"SEC. 10004. LIMITATION ON LIABILITY FOR TEACHERS.

"(a) Liability Protection for Teachers.—Except as provided in subsections (b) through (d), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

"(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

"(2) the actions of the teacher were carried out in conformity with local, State, and Federal laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

"(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

"(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

"(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

"(A) possess an operator's license; or

"(B) maintain insurance.

"(b) Concerning Responsibility of Teachers to Schools and Governmental Entities.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

"(c) Rule of Construction.—Nothing in this section shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

"(d) Exceptions to Teacher Liability Protection.—If the laws of a State limit teacher liability subject to 1 or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

"(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

"(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

"(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

"(e) Limitation on Punitive Damages Based on the Actions of Teachers.—

"(1) General rule.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action or omission of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

"(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

"(f) Exceptions to Limitations on Liability.—

"(1) In general.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

"(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

"(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

"(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil righis law; or

"(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

"(2) Hiring.—The limitations on the liability of a teacher under this title shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

"SEC. 10005. LIABILITY FOR NONECONOMIC LOSS.

"(a) General Rule.—In any civil action against a teacher, based on an action or omission of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

"(b) Amount of Liability.—

"(1) In general.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

"(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

"(c) Rule of Construction.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

"SEC. 10006. DEFINITIONS.

"For purposes of this title:

"(1) Economic loss.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(2) Harm.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(3) Noneconomic losses.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

"(4) School.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

"(5) State.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

"(6) Teacher.—The term 'teacher' means a teacher, instructor, principal, administrator, other educational professional that works in a school, or an individual member of a school board (as distinct from the board itself).

"SEC. 10007. EFFECTIVE DATE.

"(a) In General.—This title shall take effect 90 days after the date of the enactment of the Paul D. Coverdell Teacher Protection Act of 2001.

"(b) Application.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Paul D. Coverdell Teacher Protection Act of 2001, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.".

TITLE XII—NATIVE AMERICAN EDUCATION IMPROVEMENT

SEC. 1201. SHORT TITLE.

This title may be cited as the "Native American Education Improvement Act of 2001".

Subtitle A—Amendments to the Education Amendments of 1978

SEC. 1211. AMENDMENTS TO THE EDUCATION AMENDMENTS OF 1978.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

"PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

"SEC. 1120. FINDING AND POLICY.

"(a) Finding.—Congress finds and recognizes that—

"(1) the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people includes the education of Indian children; and

"(2) the Federal Government has the responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that the Federal Government has established on or near reservations and Indian trust lands throughout the Nation for Indian children.

"(b) Policy.—It is the policy of the United States to work in full cooperation with tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded school system are of the highest quality and provide for the basic elementary and secondary educational needs of Indian children, including meeting the unique educational and cultural needs of these children.

"SEC. 1121. ACCREDITATION FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

"(a) Purpose; Declarations of Purpose.—

"(1) Purpose.—The purpose of the accreditation required under this section shall be to ensure that Indian students being served by a school funded by the Bureau of Indian Affairs are provided with educational opportunities that equal or exceed those for all other students in the United States.

"(2) Declarations of purpose.—

"(A) In general.—Local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with the appropriate tribal governing bodies and their communities, are encouraged to adopt declarations of purpose for education for their communities, taking into account the implications of

such declarations on education in their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect the declarations may have on the motivation of students and faculties.

"(B) CONTENTS.—A declaration of purpose for a community shall—

"(i) represent the aspirations of the community for the kinds of people the community would like the community's children to become; and

"(ii) contain an expression of the community's desires that all students in the community shall—

"(I) become accomplished in things and ways important to the students and respected by their parents and community;

"(II) shape worthwhile and satisfying lives for themselves;

"(III) exemplify the best values of the community and humankind; and

"(IV) become increasingly effective in shaping the character and quality of the world all students share.

"(b) ACCREDITATION.—

"(1) DEADLINE.—

"(A) IN GENERAL.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, each Bureau funded school shall, to the extent that necessary funds are provided, be a candidate for accreditation or be accredited—

"(i) by a tribal department of education if such accreditation is accepted by a generally recognized State certification or regional accrediting agency;

"(ii) by a regional accreditation agency;

"(iii) in accordance with State accreditation standards for the State in which the school is located; or

"(iv) in the case of a school that is located on a reservation that is located in more than 1 State, in accordance with the State accreditation standards of 1 State as selected by the tribal government.

"(B) FEASIBILITY STUDY.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary of the Interior and the Secretary of Education shall, in conjunction with Indian tribes, Indian education organizations, and accrediting agencies, develop and submit to the appropriate Committees of Congress a report on the desirability and feasibility of establishing a National Tribal Accreditation Agency that would serve as an accrediting body for Bureau funded schools.

"(2) DETERMINATION OF ACCREDITATION TO BE APPLIED.—The accreditation type applied for each school shall be determined by the tribal governing body, or the school board, if authorized by the tribal governing body.

"(3) ASSISTANCE TO SCHOOL BOARDS.—The Secretary, through contracts and grants, shall provide technical and financial assistance to Bureau funded schools, to the extent that necessary amounts are made available, to enable such schools to obtain the accreditation required under this subsection, if the school boards request that such assistance, in part or in whole, be provided. The Secretary may provide such assistance directly or through the Department of Education, an institution of higher education, a private not-for profit organization or for-profit organization, an educational service agency, or another entity with demonstrated experience in assisting schools in obtaining accreditation.

"(4) APPLICATION OF CURRENT STANDARDS DURING ACCREDITATION.—A Bureau funded school that is seeking accreditation shall remain subject to the standards issued under section 1121 of the Education Amendments of 1978 and in effect on the date of enactment of the Native American Education Improvement Act of 2001 until such time as the school is accredited, except that if any of such standards are in conflict with the standards of the accrediting agency, the standards of such agency shall apply in such case.

"(5) ANNUAL REPORT ON UNACCREDITED SCHOOLS.—Not later than 90 days after the end of each school year, the Secretary shall prepare and submit to the Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committees on Appropriations and the Committee on Indian Affairs of the Senate, a report concerning unaccredited Bureau funded schools that—

"(A) identifies those Bureau funded schools that fail to be accredited or to be candidates for accreditation within the period provided for in paragraph (1);

"(B) with respect to each Bureau funded school identified under subparagraph (A), identifies the reasons that each such school is not accredited or a candidate for accreditation, as determined by the appropriate accreditation agency, and a description of any possible way in which to remedy such nonaccreditation; and

"(C) with respect to each Bureau funded school for which the reported reasons for the lack of accreditation under subparagraph (B) are a result of the school's inadequate basic resources, contains information and funding requests for the full funding needed to provide such schools with accreditation, such funds if provided shall be applied to such unaccredited school under this paragraph.

"(6) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

"(A) IN GENERAL.—Prior to including a Bureau funded school in an annual report required under paragraph (5), the Secretary shall—

"(i) ensure that the school has exhausted all administrative remedies provided by the accreditation agency; and

"(ii) provide the school with an opportunity to review the data on which such inclusion is based.

"(B) PROVISION OF ADDITIONAL INFORMATION.—If the school board of a school that the Secretary has proposed for inclusion in an annual report under paragraph (5) believes that such inclusion is in error, the school board may provide to the Secretary such information as the board believes is in conflict with the information and conclusions of the Secretary with respect to the determination to include the school in such annual report. The Secretary shall consider such information provided by the school board before making a final determination concerning the inclusion of the school in any such report.

"(C) PUBLICATION OF ACCREDITATION STATUS.—Not later than 30 days after making an initial determination to include a school in an annual report under paragraph (5), the Secretary shall make public the final determination on the accreditation status of the school.

"(7) SCHOOL PLAN.—

"(A) IN GENERAL.—Not later than 120 days after the date on which a school is included in an annual report under paragraph (5), the school shall develop a school plan, in consultation with interested parties including parents, school staff, the school board, and other outside experts (if appropriate), that shall be submitted to the Secretary for approval. The school plan shall cover a 3-year period and shall—

"(i) incorporate strategies that address the specific issues that caused the school to fail to be accredited or fail to be a candidate for accreditation;

"(ii) incorporate policies and practices concerning the school that have the greatest likelihood of ensuring that the school will obtain accreditation during the 3 year-period beginning on the date on which the plan is implemented;

"(iii) contain an assurance that the school will reserve the necessary funds, from the funds described in paragraph (3), for each fiscal year for the purpose of obtaining accreditation;

"(iv) specify how the funds described in clause (iii) will be used to obtain accreditation;

"(v) establish specific annual, objective goals for measuring continuous and significant progress made by the school in a manner that will ensure the accreditation of the school within the 3-year period described in clause (ii);

"(vi) identify how the school will provide written notification about the lack of accreditation to the parents of each student enrolled in such school, in a format and, to the extent practicable, in a language the parents can understand; and

"(vii) specify the responsibilities of the school board and any assistance to be provided by the Secretary under paragraph (3).

"(B) IMPLEMENTATION.—A school shall implement the school plan under subparagraph (A) expeditiously, but in no event later than the beginning of the school year following the school year in which the school was included in the annual report under paragraph (5) so long as the necessary resources have been provided to the school.

"(C) REVIEW OF PLAN.—Not later than 45 days after receiving a school plan, the Secretary shall—

"(i) establish a peer-review process to assist with the review of the plan; and

"(ii) promptly review the school plan, work with the school as necessary, and approve the school plan if the plan meets the requirements of this paragraph.

"(8) CORRECTIVE ACTION.—

"(A) DEFINITION.—In this subsection, the term 'corrective action' means action that—

"(i) substantially and directly responds to—

"(I) the failure of a school to achieve accreditation; and

"(II) any underlying staffing, curriculum, or other programmatic problem in the school that contributed to the lack of accreditation; and

"(ii) is designed to increase substantially the likelihood that the school will be accredited.

"(B) CORRECTIVE ACTION INAPPLICABLE.—The Secretary shall grant a waiver to any school that fails to be accredited for reasons that are beyond the control of the school board, as determined by the Secretary, including a significant decline in financial resources, the poor condition of facilities, vehicles or other property, or a natural disaster. Such a waiver shall exempt such school from any or all of the requirements of this paragraph and paragraph (7), but such school shall be required to comply with the standards contained in part 36 of title 25, Code of Federal Register, as in effect on the date of enactment of the Native American Education Improvement Act of 2001.

"(C) DUTIES OF SECRETARY.—After providing assistance to a school under paragraph (3), the Secretary shall—

"(i) annually review the progress of the school under the applicable school plan, to determine whether the school is meeting, or making adequate progress towards, achieving the goals described in paragraph (7)(A)(v) with respect to reaccreditation or becoming a candidate for accreditation;

"(ii) except as provided in subparagraph (B), continue to provide assistance while implementing the school's plan, and, if determined appropriate by the Secretary, take corrective action with respect to the school if it fails to be accredited at the end of the third year of the school's plan;

"(iii) promptly notify the parents of children enrolled in the school of the option to transfer their child to another school;

"(iv) provide all students enrolled in the school with the option to transfer to another school, including a public or charter school, that is accredited; and

"(v) provide, or pay for the provision of, transportation for each student described in clause (iv) to the school to which the student elects to be transferred.

"(D) FAILURE OF SCHOOL PLAN.—With respect to a Bureau operated school that fails to be accredited at the end of the 3-year period during which the school's plan is in effect under paragraph (7), the Secretary may take 1 or more of the following corrective actions:

"(i) Institute and fully implement actions suggested by the accrediting agency.

"(ii) Consult with the tribe involved to determine the causes for the lack of accreditation including potential staffing and administrative changes that are or may be necessary.

"(iii) Set aside a certain amount of funds that may only be used by the school to obtain accreditation.

"(iv)(I) Provide the tribe with a 60-day period in which to determine whether the tribe desires to operate the school as a contract or grant school, before meeting the accreditation requirements in section 5207 of the Tribally Controlled Schools Act, at the beginning of the next school year following the determination to take corrective action. If the tribe agrees to operate the school as a contract or grant school, the tribe shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7), to achieve accreditation.

"(II) If the tribe declines to assume control of the school, the Secretary, in consultation with the tribe, may contract with an outside entity, consistent with applicable law, or appoint a receiver or trustee to operate and administer the affairs of the school until the school is accredited. The outside entity, receiver or trustee shall prepare a plan, pursuant to paragraph (7), for approval by the Secretary in accordance with paragraph (7).

"(III) Upon accreditation of the school, the Secretary shall allow the tribe to continue to operate the school as a grant or contract school, or if being controlled by an outside entity, provide the tribe with the option to assume operation of the school as a contract school, in accordance with the Indian Self Determination Act, or as a grant school in accordance with the Tribally Controlled Schools Act, at the beginning of the school year following the school year in which the school obtains accreditation. If the tribe declines, the Secretary may allow the outside entity, receiver or trustee to continue the operation of the school or reassume control of the school.

"(v)(I) With respect to—

"(aa) a school that is a grant school, comply with section 5207 of the Tribally Controlled Schools Act;

"(bb) a school that is a contract school, comply with the Indian Self Determination Act;

"(cc) a school described in item (aa) or (bb), take any corrective actions described in clauses (i) through (iii); or

"(dd) a school described in item (aa) or (bb), the Secretary, after complying with the notice and hearing requirements of the reassumption provisions of the Indian Self Determination Act, may assume the operation and administration of the school at the beginning of the school year following the revocation of the school's determination of eligibility and shall adopt a plan in accordance with paragraph (7).

"(II) With respect to a school described in subclause (I), if, at the end of the 3-year period during which the school's plan is in effect under paragraph (7), the school is still not accredited, the Secretary in consultation with the tribe may contract with an outside entity or appoint a receiver or trustee, which shall adopt a plan in accordance with paragraph (7), to operate and administer the affairs of the school until the school is accredited.

"(III) Upon accreditation of the school, the tribe shall have the option to assume the operation and administration of the school as a contract school after complying with the Indian Self Determination Act, or as a grant school, after complying with the Tribally Controlled Schools Act, at the beginning of the school year following the year in which the school obtains accreditation.

"(IV) The provisions of this clause shall be construed consistent with the provisions of the Tribally Controlled Schools Act and the Indian Self Determination Act as in effect on the date of enactment of the Native American Education Improvement Act of 2001, and shall not be construed as expanding the authority of the Secretary under any other law.

"(E) HEARING.—With respect to a school that is operated pursuant to a grant, or a school that is operated under a contract under the Indian Self Determination Act, prior to implementing any corrective action under this paragraph, the Secretary shall provide notice and an opportunity for a hearing to the affected school pursuant to section 5207 of the Tribally Controlled Schools Act.

"(9) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school employees under applicable law (including applicable regulations or court orders) or under the terms of any collective bargaining agreement, memorandum of understanding, or other agreement between such employees and their employers.

"(c) ANNUAL PLAN.—

"(1) IN GENERAL.—Except as provided in subsection (b), the Secretary shall implement the Bureau standards in effect on the date of enactment of the Native American Education Improvement Act of 2001.

"(2) PLAN.—On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools a detailed plan to ensure that all Bureau funded school's are accredited, or if such school's are in the process of obtaining accreditation that such school's meet the Bureau standards in effect on the date of enactment of the Native American Education Improvement Act of 2001 to the extent that such standards do not conflict with the standards of the accrediting agency. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school up to the level required by such standards.

"(d) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

"(1) IN GENERAL.—Except as specifically required by law, no Bureau funded school or dormitory operated on or after January 1, 1992, may be closed, consolidated, or transferred to another authority and no program of such a school may be substantially curtailed except in accordance with the requirements of this subsection.

"(2) EXCEPTIONS.—This subsection (other than this paragraph) shall not apply—

"(A) in those cases in which the tribal governing body for a school, or the local school board concerned (if designated by the tribal governing body to act under this paragraph), requests the closure, consolidation, or substantial curtailment; or

"(B) if a temporary closure, consolidation, or substantial curtailment is required by facility conditions that constitute an immediate hazard to health and safety.

"(3) REGULATIONS.—The Secretary shall, by regulation, promulgate standards and procedures for the closure, transfer to another authority, consolidation, or substantial curtailment of school programs of Bureau schools, in accordance with the requirements of this subsection.

"(4) NOTIFICATION.—

"(A) CONSIDERATION.—Whenever closure, transfer to another authority, consolidation, or substantial curtailment of a school program of a Bureau school is under active consideration or review by any division of the Bureau or the Department of the Interior, the head of the division or the Secretary shall ensure that the affected tribe, tribal governing body, and local school board, are notified (in writing) immediately, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review.

"(B) FORMAL DECISION.—When the head of any division of the Bureau or the Secretary makes a formal decision to close, transfer to another authority, consolidate, or substantially curtail a school program of a Bureau school, the head of the division or the Secretary shall notify (in writing) the affected tribes, tribal governing body, and local school board at least 6 months prior to the end of the academic year preceding the date of the proposed action.

"(C) COPIES OF NOTIFICATIONS AND INFORMATION.—The Secretary shall transmit copies of the notifications described in this paragraph promptly to the appropriate committees of Congress and publish such notifications copies in the Federal Register.

"(5) REPORT.—

"(A) IN GENERAL.—The Secretary shall submit a report to the appropriate committees of Congress, the affected tribal governing body and the designated local school board, describing the process of the active consideration or review referred to in paragraph (4).

"(B) CONTENTS.—The report shall include the results of a study of the impact of the action under consideration or review on the student population of the school involved, identify those students at the school with particular educational and social needs, and ensure that alternative services are available to such students. Such report shall include a description of consultation conducted between the potential service provider and current service provider of such services, parents, tribal representatives, the tribe involved, and the Director regarding such students.

"(6) LIMITATION ON CERTAIN ACTIONS.—No irreversible action may be taken to further any proposed school closure, transfer to another authority, consolidation, or substantial curtailment described in this subsection concerning a school (including any action that would prejudice the personnel or programs of such school) prior to the end of the first full academic year after the report described in paragraph (5) is submitted.

"(7) TRIBAL GOVERNING BODY APPROVAL REQUIRED FOR CERTAIN ACTIONS.—The Secretary may terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

"(A) any Bureau funded school that is operated on or after January 1, 1999;

"(B) any program of such a school that is operated on or after January 1, 1999; or

"(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,

only if the tribal governing body for the school involved approves such action.

"(e) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BUREAU FUNDED SCHOOLS.—

"(1) IN GENERAL.—

"(A) APPLICATIONS.—

"(i) TRIBES; SCHOOL BOARDS.—The Secretary shall only consider the factors described in subparagraph (B) in reviewing—

"(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

"(II) applications from any tribe or school board associated with any Bureau funded school for the awarding of a contract or grant for the expansion of a Bureau funded school that would increase the amount of funds received by the tribe or school board under section 1126.

"(ii) Limitation.—With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable public education.

"(B) Factors.—With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

"(i) The adequacy of existing facilities to support the proposed program and services or the applicant's ability to obtain or provide adequate facilities.

"(ii) Geographic and demographic factors in the affected areas.

"(iii) The adequacy of the applicant's program plans or, in the case of a Bureau funded school, of a projected needs analysis conducted either by the tribe or the Bureau.

"(iv) Geographic proximity of comparable public education.

"(v) The stated needs of all affected parties, including students, families, tribal governing bodies at both the central and local levels, and school organizations.

"(vi) Adequacy and comparability of programs and services already available.

"(vii) Consistency of the proposed program and services with tribal educational codes or tribal legislation on education.

"(viii) The history and success of these services for the proposed population to be served, as determined from all factors, including standardized examination performance.

"(2) Determination on application.—

"(A) Period.—The Secretary shall make a determination concerning whether to approve any application described in paragraph (1)(A) not later than 180 days after the date such application is submitted to the Secretary.

"(B) Failure to make determination.—If the Secretary fails to make the determination with respect to an application by the date described in subparagraph (A), the application shall be treated as having been approved by the Secretary.

"(3) Requirements for applications.—

"(A) Approval.—Notwithstanding paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—

"(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application; and

"(ii) the tribe or designated school board involved submits written evidence of such approval with the application.

"(B) Information.—Each application described in paragraph (1)(A) shall contain information discussing each of the factors described in paragraph (1)(B).

"(4) Denial of applications.—If the Secretary denies an application described in paragraph (1)(A), the Secretary shall—

"(A) state the objections to the application in writing to the applicant not later than 180 days after the date the application is submitted to the Secretary;

"(B) provide assistance to the applicant to overcome the stated objections;

"(C) provide to the applicant a hearing on the record regarding the denial, under the same rules and regulations as apply under the Indian Self-Determination and Education Assistance Act; and

"(D) provide to the applicant a notice of the applicant's appeals rights and an opportunity to appeal the decision resulting from the hearing under subparagraph (D).

"(5) Effective date of a subject application.—

"(A) In general.—Except as otherwise provided in this paragraph, the action that is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective—

"(i) on the first day of the academic year following the fiscal year in which the application is approved; or

"(ii) on an earlier date determined by the Secretary.

"(B) Application treated as approved.—If an application is treated as having been approved by the Secretary under paragraph (2)(B), the action that is the subject of the application shall become effective—

"(i) on the date that is 18 months after the date on which the application is submitted to the Secretary; or

"(ii) on an earlier date determined by the Secretary.

"(6) Statutory construction.—Nothing in this section, or any other provision of law, shall be construed to preclude the expansion of grades and related facilities at a Bureau funded school, if such expansion is paid for with non-Bureau funds.

"(f) Joint administration.—Administrative, transportation, and program cost funds received by Bureau funded schools, and any program from the Department of Education or any other Federal agency for the purpose of providing education or related services, and other funds received for such education and related services from non-Federally funded programs, shall be apportioned and the funds shall be retained at the school.

"(g) General Use of Funds.—Funds received by Bureau funded schools from the Bureau of Indian Affairs and under any program from the Department of Education or any other Federal agency for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program of the schools for all Indian students.

"(h) Study on Adequacy of Funds and Formulas.—

"(1) Study.—The Comptroller General of the United States shall conduct a study to include an analysis of the information contained in the General Accounting Office study evaluating and comparing school systems of the Department of Defense and the Bureau of Indian Affairs, in consultation with tribes and local school boards, to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools.

"(2) Findings.—On completion of the study under paragraph (1), the Secretary shall take such action as may be necessary to ensure distribution of the findings of the study to the appropriate authorizing and appropriating committees of Congress, all affected tribes, local school boards, and associations of local school boards.

"SEC. 1122. NATIONAL STANDARDS FOR HOME LIVING SITUATIONS.

"(a) In General.—The Secretary, in accordance with section 1136, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, need for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau schools. Any subsequent revisions shall also be in accordance with such section 1136.

"(b) Implementation.—The Secretary shall implement the revised standards established under this section immediately upon their issuance.

"(c) Plan.—

"(1) In general.—Upon the submission of each annual budget request for Bureau educational services (as contained in the President's annual budget request under section 1105 of title 31, United States Code), the Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that have dormitories or provide home-living (dormitory) situations into compliance with the standards established under this section.

"(2) Contents.—Each plan under paragraph (1) shall include—

"(A) a statement of the relative needs of each of the home-living schools and projected future needs of each of the home-living schools;

"(B) detailed information on the status of each of the schools in relation to the standards established under this section;

"(C) specific cost estimates for meeting each standard for each such school;

"(D) aggregate cost estimates for bringing all such schools into compliance with the standards established under this section; and

"(E) specific timelines for bringing each school into compliance with such standards.

"(d) Waiver.—

"(1) In general.—A tribal governing body or local school board may, in accordance with this subsection, waive the standards established under this section for a school described in subsection (a).

"(2) Inappropriate standards.—

"(A) In general.—A tribal governing body, or the local school board so designated by the tribal governing body, may waive, in whole or in part, the standards established under this section if such standards are determined by such body or board to be inappropriate for the needs of students from that tribe.

"(B) Alternative standards.—The tribal governing body or school board involved shall, not later than 60 days after providing a waiver under subparagraph (A) for a school, submit to the Director a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Director for the school involved unless specifically rejected by the Director for good cause and in writing provided to the affected tribes or local school board.

"(e) Closure for Failure To Meet Standards Prohibited.—No school in operation on or before July 1, 1999 (regardless of compliance or noncompliance with the standards established under this section), may be closed, transferred to another authority, or consolidated, and no program of such a school may be substantially curtailed, because the school failed to meet such standards.

"SEC. 1123. SCHOOL BOUNDARIES.

"(a) Establishment by Secretary.—Except as described in subsection (b), the Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.

"(b) Establishment by Tribal Body.—In any case in which there is more than 1 Bureau funded school located on a reservation of a tribe, at the direction of the tribal governing body, the relevant school boards of the Bureau *funded schools on the reservation may, by mutual consent, establish the boundaries of the relevant geographical attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.*

“(c) BOUNDARY REVISIONS.—

“(1) IN GENERAL.—Effective on July 1, 1999, the Secretary may not establish or revise boundaries of a geographical attendance area with respect to any Bureau funded school unless the tribal governing body concerned and the school board concerned has been afforded—

“(A) at least 6 months notice of the intention of the Secretary to establish or revise such boundaries, and

“(B) the opportunity to propose alternative boundaries.

“(2) PETITIONS.—Any tribe may submit a petition to the Secretary requesting a revision of the geographical attendance area boundaries referred to in paragraph (1).

“(3) BOUNDARIES.—The Secretary shall accept proposed alternative boundaries described in paragraph (1)(B) or revised boundaries described in a petition submitted under paragraph (2) unless the Secretary finds, after consultation with the affected tribe, that such alternative or revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. On accepting the boundaries, the Secretary shall publish information describing the boundaries in the Federal Register.

“(4) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents a choice of the Bureau funded school their child may attend, regardless of the geographical attendance area boundaries established under this section.

“(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student's home or domicile is outside of the boundaries of the geographical attendance area established for that school under this section. No funding shall be made available for transportation without tribal authorization to enable the school to provide transportation for any student to or from the school and a location outside the approved attendance area of the school.

“(e) RESERVATION AS BOUNDARY.—In any case in which there is only 1 Bureau funded school located on a reservation, the boundaries of the geographical attendance area for the school shall be the boundaries (as established by treaty, agreement, legislation, court decision, or executive decision and as accepted by the tribe involved) of the reservation served, and those students residing near the reservation shall also receive services from such school.

“(f) OFF-RESERVATION HOME-LIVING SCHOOLS.—Notwithstanding the boundaries of the geographical attendance areas established under this section, each Bureau funded school that is an off-reservation home-living school shall implement special emphasis programs and permit the attendance of students requiring the programs. The programs provided for such students shall be coordinated among education line officers, the families of the students, the schools, and the entities operating programs that referred the students to the schools.

“SEC. 1124. FACILITIES CONSTRUCTION.

“(a) NATIONAL SURVEY OF FACILITIES CONDITIONS.—

“(1) IN GENERAL.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the General Accounting Office shall compile, collect, and secure the data that is needed to prepare a national survey of the physical conditions of all Bureau funded school facilities.

“(2) DATA AND METHODOLOGIES.—In preparing the national survey required under paragraph (1), the General Accounting Office shall use the following data and methodologies:

“(A) The existing Department of Defense formula for determining the condition and adequacy of Department of Defense facilities.

“(B) Data related to conditions of Bureau funded schools that has previously been compiled, collected, or secured from whatever source derived so long as the data is relevant, timely, and necessary to the survey.

“(C) The methodologies of the American Institute of Architects, or other accredited and reputable architecture or engineering associations.

“(3) CONSULTATIONS.—

“(A) IN GENERAL.—In carrying out the survey required under paragraph (1), the General Accounting Office shall, to the maximum extent practicable, consult (and if necessary contract) with national, regional, and tribal Indian education organizations to ensure that a complete and accurate national survey is achieved.

“(B) REQUESTS FOR INFORMATION.—All Bureau funded schools shall comply with reasonable requests for information by the General Accounting Office and shall respond to such requests in a timely fashion.

“(4) SUBMISSION TO CONGRESS.—Not later than 24 months after the date of enactment of the Native American Education Improvement Act of 2001, the General Accounting Office shall submit the results of the national survey conducted under paragraph (1) to the Committee on Indian Affairs and Committee on Appropriations of the Senate, and the Committee on Resources, Committee on Education and the Workforce, and Committee on Appropriations of the House and to the Secretary, who, in turn shall submit the results of the national survey to school boards of Bureau-funded schools and their respective Tribes.

“(5) NEGOTIATED RULEMAKING COMMITTEE.—

“(A) IN GENERAL.—Not later than 6 months after the date on which the submission is made under paragraph (4), the Secretary shall establish a negotiated rule making committee pursuant to section 1136(c). The negotiated rulemaking committee shall prepare and submit to the Secretary the following:

“(i) A catalogue of the condition of school facilities at all Bureau funded schools that—

“(I) incorporates the findings from the General Accounting Office study evaluating and comparing school systems of the Department of Defense and the Bureau of Indian Affairs;

“(II) rates such facilities with respect to the rate of deterioration and useful life of structures and major systems;

“(III) establishes a routine maintenance schedule for each facility;

“(IV) identifies the complementary educational facilities that do not exist but that are needed; and

“(V) makes projections on the amount of funds needed to keep each school viable, consistent with the accreditation standards required pursuant to this Act.

“(ii) A school replacement and new construction report that determines replacement and new construction need, and a formula for the equitable distribution of funds to address such need, for Bureau funded schools. Such formula shall utilize necessary factors in determining an equitable distribution of funds, including—

“(I) the size of school;

“(II) school enrollment;

“(III) the age of the school;

“(IV) the condition of the school;

“(V) environmental factors at the school; and

“(VI) school isolation.

“(iii) A renovation repairs report that determines renovation need (major and minor), and a formula for the equitable distribution of funds to address such need, for Bureau funded schools. Such report shall identify needed repairs or renovations with respect to a facility, or a part of a facility, or the grounds of the facility, to remedy a need based on disabilities access or health and safety changes to a facility. The formula developed shall utilize necessary factors in determining an equitable distribution of funds, including the factors described in subparagraph (B).

“(B) SUBMISSION OF REPORTS.—Not later than 24 months after the negotiated rulemaking committee is established under subparagraph (A), the reports described in clauses (ii) and (iii) of subparagraph (A) shall be submitted to the committees of Congress referred to in paragraph (4), the national and regional Indian education organizations, and to all school boards of Bureau-funded schools and their respective Tribes.

“(6) FACILITIES INFORMATION SYSTEMS SUPPORT DATABASE.—The Secretary shall develop a Facilities Information Systems Support Database to maintain and update the information contained in the reports under clauses (ii) and (iii) of paragraph (5)(A) and the information contained in the survey conducted under paragraph (1). The system shall be updated every 3 years by the Bureau of Indian Affairs and monitored by General Accounting Office, and shall be made available to school boards of Bureau-funded schools and their respective Tribes, and Congress.

“(b) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990. Nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of the enactment of the Native American Education Improvement Act of 2001.

“(c) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (b) of this section into compliance with the standards referred to in subsection (b). Such plan shall include detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.

“(d) CONSTRUCTION PRIORITIES.—

“(1) SYSTEM TO ESTABLISH PRIORITIES.—The Secretary shall annually prepare and submit to the appropriate committees of Congress, and publish in the Federal Register, information describing the system used by the Secretary to establish priorities for replacement and construction projects for Bureau funded schools and home-living schools, including boarding schools, and dormitories. On making each budget request described in subsection (c), the Secretary shall publish in the Federal Register and submit with the budget request a list of all of the Bureau funded school construction priorities, as described in paragraph (2).

“(2) LONG-TERM CONSTRUCTION AND REPLACEMENT LIST.—In addition to submitting the plan described in subsection (c), the Secretary shall—

“(A) not later than 18 months after the date of enactment of the Native American Education

Improvement Act of 2001, establish a long-term construction and replacement priority list for all Bureau funded schools;

"(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau funded education-related facilities over a period of 40 years to facilitate planning and scheduling of budget requests;

"(C) publish the list prepared under subparagraph (B) in the Federal Register and allow a period of not less than 120 days for public comment;

"(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received; and

"(E) publish a final list in the Federal Register.

"(3) EFFECT ON OTHER LIST.—Nothing in this section shall be construed as interfering with or changing in any way the construction and replacement priority list established by the Secretary, as the list exists on the date of enactment of the Native American Education Improvement Act of 2001.

"(e) HAZARDOUS CONDITION AT BUREAU FUNDED SCHOOL.—

"(1) CLOSURE, CONSOLIDATION, OR CURTAILMENT.—

"(A) IN GENERAL.—A Bureau funded school may be closed or consolidated, and the programs of a Bureau funded school may be substantially curtailed by reason of facility conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau and an individual designated by the tribe involved under subparagraph (B), determine that such conditions exist at a facility of the Bureau funded school.

"(B) DESIGNATION OF INDIVIDUAL BY TRIBE.—To be designated by a tribe for purposes of subparagraph (A), an individual shall—

"(i) be a licensed or certified facilities safety inspector;

"(ii) have demonstrated experience in the inspection of facilities for health and safety purposes with respect to occupancy; or

"(iii) have a significant educational background in the health and safety of facilities with respect to occupancy.

"(C) INSPECTION.—In making a determination described in subparagraph (A), the Bureau health and safety officer and the individual designated by the tribe shall conduct an inspection of the conditions of such facility in order to determine whether conditions at such facility constitute an immediate hazard to health and safety.

"(D) FAILURE TO CONCUR.—If the Bureau health and safety officer, and the individual designated by the tribe, conducting the inspection of a facility required under subparagraph (A) do not concur that conditions at the facility constitute an immediate hazard to health and safety, such officer and individual shall immediately notify the tribal governing body and provide written information related to their determinations.

"(E) CONSIDERATION BY TRIBAL GOVERNING BODY.—Not later than 10 days after a tribal governing body received notice under subparagraph (D), the tribal governing body shall consider all information related to the determinations of the Bureau health and safety officer and the individual designated by the tribe and make a determination regarding the closure, consolidation, or curtailment involved.

"(F) AGREEMENT TO CLOSE, CONSOLIDATE, OR CURTAIL.—If the Bureau health and safety officer, and the individual designated by the tribe, conducting the inspection of a facility required under subparagraph (A), concur that conditions at the facility constitute an immediate hazard to health and safety, or if the tribal governing body makes such a determination under subparagraph (E) the facility involved shall be closed immediately.

"(G) GENERAL CLOSURE REPORT.—If a Bureau funded school is temporarily closed or consolidated or the programs of a Bureau funded school are temporarily substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the appropriate committees of Congress, the affected tribe, and the local school board, not later than 3 months after the date on which the closure, consolidation, or curtailment was initiated, a report that specifies—

"(i) the reasons for such temporary action;

"(ii) the actions the Secretary is taking to eliminate the conditions that constitute the hazard;

"(iii) an estimated date by which the actions described in clause (ii) will be concluded; and

"(iv) a plan for providing alternate education services for students enrolled at the school that is to be closed.

"(2) NONAPPLICATION OF CERTAIN STANDARDS FOR TEMPORARY FACILITY USE.—

"(A) CLASSROOM ACTIVITIES.—The Secretary shall permit the local school board to temporarily utilize facilities adjacent to the school, or satellite facilities, if such facilities are suitable for conducting classroom activities. In permitting the use of facilities under the preceding sentence, the Secretary may waive applicable minor standards under section 1121 relating to such facilities (such as the required number of exit lights or configuration of restrooms) so long as such waivers do not result in the creation of an environment that constitutes an immediate and substantial threat to the health, safety, and life of students and staff.

"(B) ADMINISTRATIVE ACTIVITIES.—The provisions of subparagraph (A) shall apply with respect to administrative personnel if the facilities involved are suitable for activities performed by such personnel.

"(C) TEMPORARY.—In this paragraph, the term 'temporary' means—

"(i) with respect to a school that is to be closed for not more than 1 year, 3 months or less; and

"(ii) with respect to a school that is to be closed for not less than 1 year, a time period determined appropriate by the Bureau.

"(3) TREATMENT OF CLOSURE.—Any closure of a Bureau funded school under this subsection for a period that exceeds 1 month but is less than 1 year, shall be treated by the Bureau as an emergency facility improvement and repair project.

"(4) USE OF FUNDS.—With respect to a Bureau funded school that is closed under this subsection, the tribal governing body, or the designated local school board of each Bureau funded school, involved may authorize the use of funds allocated pursuant to section 1126, to abate the hazardous conditions without further action by Congress.

"(f) FUNDING REQUIREMENT.—

"(1) DISTRIBUTION OF FUNDS.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, all funds appropriated to the budget accounts for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from these accounts may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, at any level of the Bureau.

"(2) REQUIREMENTS FOR CERTAIN USES.—

"(A) AGREEMENT.—The Secretary shall not withhold funds that would be distributed under paragraph (1) to any grant or contract school, in order to use the funds for maintenance or any other facilities or road-related purposes, unless such school—

"(i) has consented to the withholding of such funds, including the amount of the funds, the purpose for which the funds will be used, and the timeline for the services to be provided with the funds; and

"(ii) has provided the consent by entering into an agreement that is—

"(I) a modification to the contract; and

"(II) in writing (in the case of a school that receives a grant).

"(B) CANCELLATION.—The school may, at the end of any fiscal year, cancel an agreement entered into under this paragraph, on giving the Bureau 30 days notice of the intent of the school to cancel the agreement.

"(g) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to reduce any Federal funding for a school because the school received funding for facilities improvement or construction from a State or any other source.

"SEC. 1125. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

"(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure, and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

"(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—

"(1) IN GENERAL.—Not later than 6 months after the date of the enactment of the Native American Education Improvement Act of 2001, the Director of the Office shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education program services by the Bureau, including school or institution custodial or maintenance personnel, and personnel responsible for contracting, a procurement, and finance functions connected with school operation programs.

"(2) TRANSFERS.—The Assistant Secretary for Indian Affairs shall, not later than 6 months after the date of enactment of the Native American Education Improvement Act of 2001, coordinate the transfer of functions relating to procurements for, contracts of, operation of, and maintenance of schools and other support functions to the Director.

"(c) INHERENT FEDERAL FUNCTION.—For purposes of this Act, all functions relating to education that are located at the Area or Agency level and performed by an education line officer shall be subject to contract under the Indian Self-Determination and Education Assistance Act, unless determined by the Secretary to be inherently Federal functions as defined in section 1139(9).

"(d) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATION ASSISTANCE.—Education personnel who are under the direction and supervision of the Director of the Office in accordance with subsection (b)(1) shall—

"(1) monitor and evaluate Bureau education programs;

"(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and

"(3) provide technical and coordination assistance in areas such as procurement, contracting, budgeting, personnel, curricula, and operation and maintenance of school facilities.

"(e) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.—

"(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary for Indian Affairs shall submit as part

of the annual budget request for educational services (as contained in the President's annual budget request under section 1105 of title 31, United States Code) a plan—

"(A) for the construction of school facilities in accordance with section 1124(d);

"(B) for the improvement and repair of education facilities and for establishing priorities among the improvement and repair projects involved, which together shall form the basis for the distribution of appropriated funds; and

"(C) for capital improvements to education facilities to be made over the 5 years succeeding the year covered by the plan.

"(2) PROGRAM FOR OPERATION AND MAINTENANCE.—

"(A) IN GENERAL.—

"(i) PROGRAM.—The Assistant Secretary shall establish a program, including a program for the distribution of funds appropriated under this part, for the operation and maintenance of education facilities. Such program shall include—

"(I) a method of computing the amount necessary for the operation and maintenance of each education facility;

"(II) a requirement of similar treatment of all Bureau funded schools;

"(III) a notice of an allocation of the appropriated funds from the Director of the Office directly to the appropriate education line officers and school officials;

"(IV) a method for determining the need for, and priority of, facilities improvement and repair projects, both major and minor; and

"(V) a system for conducting routine preventive maintenance.

"(ii) MEETINGS.—In making the determination referred to in clause (i)(IV), the Assistant Secretary shall cause a series of meetings to be conducted at the area and agency level with representatives of the Bureau funded schools in the corresponding areas and served by corresponding agencies, to receive comment on the projects described in clause (i)(IV) and prioritization of such projects.

"(B) MAINTENANCE.—The appropriate education line officers shall make arrangements for the maintenance of the education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers. No funds made available under this part may be authorized for expenditure for maintenance of such an education facility unless the appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

"(3) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of enactment of the Native American Education Improvement Act of 2001.

"(f) ACCEPTANCE OF GIFTS AND BEQUESTS.—

"(1) GUIDELINES.—Notwithstanding any other provision of law, the Director of the Office shall promulgate guidelines for the establishment and administration of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, in appropriate cases, the establishment and administration of trust funds.

"(2) MONITORING AND REPORTS.—Except as provided in paragraph (3), in a case in which a Bureau operated education program is the beneficiary of such a gift or bequest, the Director shall—

"(A) make provisions for monitoring use of the gift or bequest; and

"(B) submit a report to the appropriate committees of Congress that describes the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such use.

"(3) EXCEPTION.—The requirements of paragraph (2) shall not apply in the case of a gift or bequest that is valued at $5,000 or less.

"(g) FUNCTIONS CLARIFIED.—In this section, the term 'functions' includes powers and duties.

"SEC. 1126. ALLOTMENT FORMULA.

"(a) FACTORS CONSIDERED; REVISION TO REFLECT STANDARDS.—

"(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1136, a formula for determining the minimum annual amount of funds necessary to operate each Bureau funded school. In establishing such formula, the Secretary shall consider—

"(A) the number of eligible Indian students served by the school and the total student population of the school;

"(B) special cost factors, such as—

"(i) the isolation of the school;

"(ii) the need for special staffing, transportation, or educational programs;

"(iii) food and housing costs;

"(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

"(v) special transportation and other costs of an isolated or small school;

"(vi) the costs of home-living (dormitory) arrangements, where determined necessary by a tribal governing body or designated school board;

"(vii) costs associated with greater lengths of service by education personnel;

"(viii) the costs of therapeutic programs for students requiring such programs; and

"(ix) special costs for gifted and talented students;

"(C) the costs of providing academic services that are at least equivalent to the services provided by public schools in the State in which the school is located;

"(D) whether the available funding will enable the school involved to comply with the accreditation standards applicable to the school under section 1121; and

"(E) such other relevant factors as the Secretary determines are appropriate including the information contained in the General Accounting Office study evaluating and comparing school systems of the Department of Defense and the Bureau of Indian Affairs.

"(2) REVISION OF FORMULA.—On the establishment of the standards required in section 1122, the Secretary shall—

"(A) revise the formula established under paragraph (1) to reflect the cost of compliance with such standards; and

"(B)(i) after the formula has been established under paragraph (1), take such action as may be necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-living schools and other Bureau operated residential facilities; and

"(ii) concurrently with any actions taken under clause (i), review the standards established under section 1122 to ensure that such standards adequately provide for parental notification regarding, and consent for, such counseling and therapeutic programs.

"(b) PRO RATA ALLOTMENT.—Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted on a pro rata basis in accordance with the formula established under subsection (a).

"(c) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

"(1) ANNUAL ADJUSTMENT.—

"(A) IN GENERAL.—For fiscal year 2002, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

"(i) use a weighted factor of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

"(ii) consider a school with an enrollment of fewer than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools;

"(iii) take into account the provision of residential services on less than a 9-month basis at a school in a case in which the school board and supervisor of the school determine that the school will provide the services for fewer than 9 months for the academic year involved;

"(iv) use a weighted factor of 2.0 for each eligible Indian student that—

"(I) is gifted and talented; and

"(II) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school; and

"(v) use a weighted factor of 0.25 for each eligible Indian student who is enrolled in a year long credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

"(B) TIMING.—The Secretary shall make the adjustment required under subparagraph (A)(v) for such school after—

"(i) the school board of such school provides a certification of the Indian or Native language curriculum of the school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second academic year after the academic year for which the certification is made; and

"(ii) the funds appropriated for allotments under this section are designated, in the appropriations Act appropriating such funds, as the funds necessary to implement such adjustment at such school without reducing an allotment made under this section to any school by virtue of such adjustment.

"(2) RESERVATION OF AMOUNT.—

"(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

"(i) $8,000; or

"(ii) the lesser of—

"(I) $15,000; or

"(II) 1 percent of such allotted funds,

for school board activities for such school, including (notwithstanding any other provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

"(B) TRAINING.—Each local school board, and any agency school board that serves as a local school board for any grant or contract school, shall ensure that each individual who is a new member of the school board receives, within 12 months after the individual becomes a member of the school board, 40 hours of training relevant to that individual's service on the board. Such training may include training concerning legal issues pertaining to Bureau funded schools, legal issues pertaining to school boards, ethics, and other topics determined to be appropriate by the school board. The training described in this subparagraph shall not be required but is recommended for a tribal governing body that serves in the capacity of a school board.

"(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—

"(1) IN GENERAL.—The Secretary shall reserve from the funds available for allotment for each fiscal year under this section an amount that, in

the aggregate, equals 1 percent of the funds available for allotment for that fiscal year.

“(2) USE OF FUNDS.—Amounts reserved under paragraph (1) shall be used, at the discretion of the Director of the Office, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of education facilities, at a school site (as defined in section 5204(c)(2) of the Tribally Controlled Schools Act of 1988).

“(3) FUNDS REMAINING AVAILABLE.—Funds reserved under this subsection shall remain available without fiscal year limitation until expended. The aggregate amount of such funds, from all fiscal years, that is available for expenditure in a fiscal year may not exceed an amount equal to 1 percent of the funds available for allotment under this section for that fiscal year.

“(4) REPORTS.—If the Secretary makes funds available under this subsection, the Secretary shall submit a report describing such action to the appropriate committees of Congress as part of the President's next annual budget request under section 1105 of title 31, United States Code.

“(e) SUPPLEMENTAL APPROPRIATIONS.—Any funds provided in a supplemental appropriations Act to meet increased pay costs attributable to school level personnel of Bureau funded schools shall be allotted under this section.

“(f) ELIGIBLE INDIAN STUDENT DEFINED.—In this section, the term ‘eligible Indian student’ means a student who—

“(1) is a member of, or is at least ¼ degree Indian blood descendant of a member of, a tribe that is eligible for the special programs and services provided by the United States through the Bureau to Indians because of their status as Indians;

“(2) resides on or near a reservation or meets the criteria for attendance at a Bureau off-reservation home-living school; and

“(3) is enrolled in a Bureau funded school.

“(g) TUITION.—

“(1) IN GENERAL.—A Bureau school or contract or grant school may not charge an eligible Indian student tuition for attendance at the school. A Bureau school may not charge a student attending the school under the circumstances described in paragraph (2)(B) tuition for attendance at the school.

“(2) ATTENDANCE OF NON-INDIAN STUDENTS AT BUREAU SCHOOLS.—The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

“(A)(i) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards or accreditation requirements; and

“(ii) the local school board consents; and

“(B)(i) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site; or

“(ii) tuition is paid for the student in an amount that is not more than the amount of tuition charged by the nearest public school district for out-of-district students, and is paid in addition to the school's allotment under this section.

“(3) ATTENDANCE OF NON-INDIAN STUDENTS AT CONTRACT AND GRANT SCHOOLS.—The school board of a contract or grant school may permit students who are not eligible Indian students to attend the contract or grant school. Any tuition collected for those students shall be in addition to the amount the school received under this section.

“(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, at the election of the local school board of a Bureau school made at any time during a fiscal year, a portion equal to not more than 15 percent of the funds allotted for the school under this section for the fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary for Indian Affairs shall take such steps as may be necessary to implement this subsection.

“(i) STUDENTS AT RICHFIELD DORMITORY, RICHFIELD, UTAH.—Tuition for the instruction of each out-of-State Indian student in a home-living situation at the Richfield dormitory in Richfield, Utah, who attends Sevier County high schools in Richfield, Utah, for an academic year, shall be paid from Indian school equalization program funds authorized in this section and section 1129, at a rate not to exceed the weighted amount provided for under subsection (b) for a student for that year. No additional administrative cost funds shall be provided under this part to pay for administrative costs relating to the instruction of the students.

“SEC. 1127. ADMINISTRATIVE COST GRANTS.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE COST.—

“(A) IN GENERAL.—The term ‘administrative cost’ means the cost of necessary administrative functions which—

“(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

“(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds; and

“(iii) are either—

“(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or

“(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

“(B) INCLUSIONS.—The term ‘administrative cost’ may include—

“(i) contract or grant (or other agreement) administration;

“(ii) executive, policy, and corporate leadership and decisionmaking;

“(iii) program planning, development, and management;

“(iv) fiscal, personnel, property, and procurement management;

“(v) related office services and record keeping; and

“(vi) costs of necessary insurance, auditing, legal, safety and security services.

“(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term ‘Bureau elementary and secondary functions’ means—

“(A) all functions funded at Bureau schools by the Office;

“(B) all programs—

“(i) funds for which are appropriated to other agencies of the Federal Government; and

“(ii) which are administered for the benefit of Indians through Bureau schools; and

“(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

“(3) DIRECT COST BASE.—

“(A) IN GENERAL.—Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

“(i) the second fiscal year preceding such fiscal year; or

“(ii) if such programs have not been operated by the tribe or tribal organization during the two preceding fiscal years, the first fiscal year preceding such fiscal year.

“(B) FUNCTIONS NOT PREVIOUSLY OPERATED.—In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

“(4) MAXIMUM BASE RATE.—The term ‘maximum base rate’ means 50 percent.

“(5) MINIMUM BASE RATE.—The term ‘minimum base rate’ means 11 percent.

“(6) STANDARD DIRECT COST BASE.—The term ‘standard direct cost base’ means $600,000.

“(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term ‘tribal elementary or secondary educational programs’ means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

“(b) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—

“(1) GRANTS.—

“(A) IN GENERAL.—The Secretary shall provide a grant to each tribe or tribal organization operating a contract or grant school, in an amount determined under this section, for the purpose of paying the administrative and indirect costs incurred in operating the contract or grant school, in order to—

“(i) enable the tribe or tribal organization operating the school, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and

“(ii) carry out other necessary support functions that would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

“(B) AMOUNT.—No school operated as a stand-alone institution shall receive less than $200,000 per year under this paragraph.

“(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided for under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

“(c) DETERMINATION OF GRANT AMOUNT.—

“(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate determined under subsection (d) of the tribe or tribal organization to the aggregate cost of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate does not apply to programs not relating to such functions that are operated by the tribe or tribal organization.

“(2) DIRECT COST BASE FUNDS.—The Secretary shall—

“(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually

received by a tribe or tribal organization under any Federal education program that is included in the direct cost base of the tribe or tribal organization; and

"(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government (other than the Department of the Interior) for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

"(3) REDUCTIONS.—If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under paragraph (1) and (2) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under this subsection for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under this subsection bears to the total of all grants determined under this subsection for all tribes and tribal organizations for such fiscal year.

"(d) ADMINISTRATIVE COST PERCENTAGE RATE.—

"(1) IN GENERAL.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

"(A) the sum of—

"(i) the amount equal to—

"(I) the direct cost base of the tribe or tribal organization for the fiscal year; multiplied by

"(II) the minimum base rate; plus

"(ii) the amount equal to—

"(I) the standard direct cost base; multiplied by

"(II) the maximum base rate; by

"(B) the sum of—

"(i) the direct cost base of the tribe or tribal organization for the fiscal year; and

"(ii) the standard direct cost base.

"(2) ROUNDING.—The administrative cost percentage rate shall be determined to $1/100$ of a percent.

"(e) COMBINING FUNDS.—

"(1) IN GENERAL.—Funds received by a tribe, tribal organization, or contract or grant school through grants made under this section for tribal elementary or secondary educational programs may be combined by the tribe, tribal organization, or contract or grant school and placed into a single administrative cost account without the necessity of maintaining separate funding source accounting.

"(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school that share common administrative services with the tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).

"(f) AVAILABILITY OF FUNDS.—Funds received through a grant made under this section with respect to tribal elementary or secondary educational programs at a contract or grant school shall remain available to the contract or grant school—

"(1) without fiscal year limitation; and

"(2) without reducing the amount of any grants otherwise payable to the school under this section for any fiscal year after the fiscal year for which the grant is provided.

"(g) TREATMENT OF FUNDS.—Funds received through a grant made under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or grant shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

"(h) TREATMENT OF ENTITY OPERATING OTHER PROGRAMS.—In applying this section and section 106 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

"(1) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988; and

"(2) operates one or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act,

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs that are associated with operating the contract or grant school, and of the indirect costs, that are associated with all of such other programs, except that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

"(i) APPLICABILITY TO SCHOOLS OPERATING UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The provisions of this section that apply to contract or grant schools shall also apply to those schools receiving assistance under the Tribally Controlled Schools Act of 1988.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

"(k) ADMINISTRATIVE COST GRANT BUDGET REQUESTS.—

"(1) IN GENERAL.—Beginning with President's annual budget request under section 1105 of title 31, United States Code for fiscal year 2002, and with respect to each succeeding budget request, the Secretary shall submit to the appropriate committees of Congress information and funding requests for the full funding of administrative costs grants required to be paid under this section.

"(2) REQUIREMENTS.—

"(A) FUNDING FOR NEW CONVERSIONS TO CONTRACT OR GRANT SCHOOL OPERATIONS.—With respect to a budget request under paragraph (1), the amount required to provide full funding for an administrative cost grant for each tribe or tribal organization expected to begin operation of a Bureau-funded school as contract or grant school in the academic year funded by such annual budget request, the amount so required shall not be less than 10 percent of the amount required for subparagraph (B).

"(B) FUNDING FOR CONTINUING CONTRACT AND GRANT SCHOOL OPERATIONS.—With respect to a budget request under paragraph (1), the amount required to provide full funding for an administrative cost grant for each tribe or tribal organization operating a contract or grant school at the time the annual budget request is submitted, which amount shall include the amount of funds required to provide full funding for an administrative cost grant for each tribe or tribal organization which began operation of a contract or grant school with administrative cost grant funds supplied from the amount described in subparagraph (A).

"SEC. 1128. DIVISION OF BUDGET ANALYSIS.

"(a) ESTABLISHMENT.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (referred to in this section as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

"(b) FUNCTIONS.—In consultation with the tribal governing bodies and local school boards the Director of the Office, through the head of the Division, shall conduct studies, surveys, or other activities to gather demographic information on Bureau funded schools and project the amounts necessary to provide to Indian students in such schools the educational program set forth in this part.

"(c) ANNUAL REPORTS.—Not later than the date that the Assistant Secretary for Indian Affairs submits the annual budget request as part of the President's annual budget request under section 1105 of title 31, United States Code for each fiscal year after the date of enactment of the Native American Education Improvement Act of 2001, the Director of the Office shall submit to the appropriate committees of Congress (including the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate), all Bureau funded schools, and the tribal governing bodies relating to such schools, a report that shall contain—

"(1) projections, based on the information gathered pursuant to subsection (b) and any other relevant information, of amounts necessary to provide to Indian students in Bureau funded schools the educational program set forth in this part;

"(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and

"(3) such other information as the Director of the Office considers to be appropriate.

"(d) USE OF REPORTS.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the information contained in the annual report required by subsection (c) in preparing their annual budget requests.

"SEC. 1129. UNIFORM DIRECT FUNDING AND SUPPORT.

"(a) ESTABLISHMENT OF SYSTEM AND FORWARD FUNDING.—

"(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1136, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1126. All amounts appropriated for distribution in accordance with this section shall be made available in accordance with paragraph (2).

"(2) TIMING FOR USE OF FUNDS.—

"(A) AVAILABILITY.—For the purposes of affording adequate notice of funding available pursuant to the allotments made under section 1126 and the allotments of funds for operation and maintenance of facilities, amounts appropriated in an appropriations Act for any fiscal year for such allotments shall become available for obligation by the affected schools on July 1 of the fiscal year for which such allotments are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

"(B) PUBLICATIONS.—The Secretary shall, on the basis of the amounts appropriated as described in this paragraph—

"(i) publish, not later than July 1 of the fiscal year for which the amounts are appropriated, information indicating the amount of the allotments to be made to each affected school under section 1126, of 80 percent of such appropriated amounts; and

"(ii) publish, not later than September 30 of such fiscal year, information indicating the amount of the allotments to be made under section 1126, from the remaining 20 percent of such appropriated amounts, adjusted to reflect the actual student attendance.

Any overpayments made to tribal schools shall be returned to the Secretary not later than 30 days after the final determination that the school was overpaid pursuant to this section.

"(3) LIMITATION.—

"(A) EXPENDITURES.—Notwithstanding any other provision of law (including a regulation), the supervisor of a Bureau school may expend an aggregate of not more than $50,000 of the amount allotted to the school under section 1126 to acquire materials, supplies, equipment, operation services, maintenance services, and other services for the school, and amounts received as operations and maintenance funds, funds received from the Department of Education, or funds received from other Federal sources, without competitive bidding if—

“(i) the cost for any single item acquired does not exceed $15,000;

“(ii) the school board approves the acquisition;

“(iii) the supervisor certifies that the cost is fair and reasonable;

“(iv) the documents relating to the acquisition executed by the supervisor of the school or other school staff cite this paragraph as authority for the acquisition; and

“(v) the acquisition transaction is documented in a journal maintained at the school that clearly identifies when the transaction occurred, the item that was acquired and from whom, the price paid, the quantities acquired, and any other information the supervisor or the school board considers to be relevant.

“(B) NOTICE.—Not later than 6 months after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall send notice of the provisions of this paragraph to each supervisor of a Bureau school and associated school board chairperson, the education line officer of each agency and area, and the Bureau division in charge of procurement, at both the local and national levels.

“(C) APPLICATION AND GUIDELINES.—The Director of the Office shall be responsible for—

“(i) determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph;

“(ii) ensuring that there is at least 1 such individual at each Bureau facility; and

“(iii) the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

“(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE OF FUNDS.—

“(1) PLAN REQUIRED.—

“(A) IN GENERAL.—Each Bureau school that receives an allotment under section 1126 shall prepare a local financial plan that specifies the manner in which the school will expend the funds made available under the allotment and ensures that the school will meet the accreditation requirements or standards for the school pursuant to section 1121.

“(B) REQUIREMENT.—A local financial plan under subparagraph (A) shall comply with all applicable Federal and tribal laws.

“(C) PREPARATION AND REVISION.—The financial plan for a school under subparagraph (A) shall be prepared by the supervisor of the school in active consultation with the local school board for the school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan and, at the initiative of the local school board or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.

“(D) ROLE OF SUPERVISOR.—The supervisor of the school—

“(i) shall put into effect the decisions of the school board relating to the financial plan under subparagraph (A); and

“(ii) shall provide the appropriate local union representative of the education employees of the school with copies of proposed financial plans relating to the school and all modifications and proposed modifications to the plans, and at the same time submit such copies to the local school board.

“(iii) may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned.

A copy of the statement under clause (iii) shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

“(2) REQUIREMENT.—A Bureau school shall expend amounts received under an allotment under section 1126 in accordance with the local financial plan prepared under paragraph (1).

“(c) TRIBAL DIVISION OF EDUCATION, SELF-DETERMINATION GRANT AND CONTRACT FUNDS.—The Secretary may approve applications for funding tribal divisions of education and developing tribal codes of education, from funds made available pursuant to section 103(a) of the Indian Self-Determination and Education Assistance Act.

“(d) TECHNICAL ASSISTANCE AND TRAINING.—A local school board may, in the exercise of the authority of the school board under this section, request technical assistance and training from the Secretary. The Secretary shall, to the greatest extent possible, provide such assistance and training, and make appropriate provision in the budget of the Office for such assistance and training.

“(e) SUMMER PROGRAM OF ACADEMIC AND SUPPORT SERVICES.—

“(1) IN GENERAL.—A financial plan prepared under subsection (b) for a school may include, at the discretion of the supervisor and the local school board of such school, a provision for funding a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary for Indian Affairs shall provide for the utilization of facilities of the school for such program during any summer in which such utilization is requested.

“(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934 (commonly known as the ‘Johnson-O'Malley Act’; 48 Stat. 596, chapter 147) and this Act may be used to augment the services provided in each summer program referred to in paragraph (1) at the option of the tribe or school receiving such funds. The augmented services shall be under the control of the tribe or school.

“(3) TECHNICAL ASSISTANCE AND PROGRAM COORDINATION.—The Assistant Secretary for Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination of activities for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of such programs.

“(f) COOPERATIVE AGREEMENTS.—

“(1) IN GENERAL.—From funds allotted to a Bureau school under section 1126, the Secretary shall, if specifically requested by the appropriate tribal governing body, implement a cooperative agreement that is entered into between the tribe, the Bureau, the local school board, and a local public school district that meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau, the school board, and the local public school district shall determine the terms of the agreement.

“(2) COORDINATION PROVISIONS.—An agreement under paragraph (1) may, with respect to the Bureau school and schools in the school district involved, encompass coordination of all or any part of the following:

“(A) The academic program and curriculum, unless the Bureau school is accredited by a State or regional accrediting entity and would not continue to be so accredited if the agreement encompassed the program and curriculum.

“(B) Support services, including procurement and facilities maintenance.

“(C) Transportation.

“(3) EQUAL BENEFIT AND BURDEN.—

“(A) IN GENERAL.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed by the school.

“(B) LIMITATION.—Subparagraph (A) shall not be construed to require equal expenditures, or an exchange of similar services, by the Bureau school and schools in the school district.

“(g) PRODUCT OR RESULT OF STUDENT PROJECTS.—Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

“(h) MATCHING FUND REQUIREMENTS.—

“(1) NOT CONSIDERED FEDERAL FUNDS.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this title for education-related activities (not including funds for construction, maintenance, and facilities improvement or repair) shall not be considered Federal funds for the purposes of a matching funds requirement for any Federal program.

“(2) NONAPPLICATION OF REQUIREMENTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, no requirement relating to the provision of matching funds or the provision of services or in-kind activity as a condition of participation in a program or project or receipt of a grant, shall apply to a Bureau funded school unless the provision of law authorizing such requirement specifies that such requirement applies to such a school.

“(B) LIMITATION.—In considering an application from a Bureau funded school for participation in a program or project that has a requirement described in subparagraph (A), the entity administering such program or project or awarding such grant shall not give positive or negative weight to such application based solely on the provisions of this paragraph. Such an application shall be considered as if it fully met any matching requirement.

“SEC. 1130. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

“(a) FACILITATION OF INDIAN CONTROL.—It shall be the policy of the United States acting through the Secretary, in carrying out the functions of the Bureau, to facilitate Indian control of Indian affairs in all matters relating to education.

“(b) CONSULTATION WITH TRIBES.—

“(1) IN GENERAL.—All actions under this Act shall be done with active consultation with tribes. The United States acting through the Secretary, and tribes shall work in a government-to-government relationship to ensure quality education for all tribal members.

“(2) REQUIREMENTS.—The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals *regarding changes in current practices or programs which will be considered for future action by the Secretary. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information available from or presented by the interested parties during one or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.*

"SEC. 1131. INDIAN EDUCATION PERSONNEL.

"(a) DEFINITIONS.—In this section:

"(1) EDUCATION POSITION.—The term 'education position' means a position in the Bureau the duties and responsibilities of which—

"(A) are performed on a school-year basis principally in a Bureau school and involve—

"(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

"(ii) any activity (other than teaching) that requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

"(iii) any activity in or related to the field of education, whether or not academic credits in educational theory and practice are a formal requirement for the conduct of such activity; or

"(iv) provision of support services at, or associated with, the site of the school; or

"(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs, other than the position of agency superintendent for education.

"(2) EDUCATOR.—The term 'educator' means an individual whose services are required, or who is employed, in an education position.

"(b) CIVIL SERVICE AUTHORITIES INAPPLICABLE.—Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay, and leave, respectively, and the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions.

"(c) REGULATIONS.—Not later than 60 days after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions relating to—

"(1) the establishment of education positions;

"(2) the establishment of qualifications for educators and education personnel;

"(3) the fixing of basic compensation for educators and education positions;

"(4) the appointment of educators;

"(5) the discharge of educators;

"(6) the entitlement of educators to compensation;

"(7) the payment of compensation to educators;

"(8) the conditions of employment of educators;

"(9) the leave system for educators;

"(10) the length of the school year applicable to education positions described in subsection (a)(1)(A); and

"(11) such matters as may be appropriate.

"(d) QUALIFICATIONS OF EDUCATORS.—

"(1) REQUIREMENTS.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

"(A) that lists of qualified and interviewed applicants for education positions be maintained in the appropriate agency or area office of the Bureau or, in the case of individuals applying at the national level, the Office;

"(B)(i) that a local school board have the authority to waive, on a case-by-case basis, any formal education or degree qualification established by regulation, in order for a tribal member to be hired in an education position to teach courses on tribal culture and language; and

"(ii) that a determination by a local school board that such a tribal member be hired shall be instituted by the supervisor of the school involved; and

"(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level—

"(i) that such individual's name appear on a list maintained pursuant to subparagraph (A); or

"(ii) that such individual have applied at the national level for an education position.

"(2) EXCEPTION FOR CERTAIN TEMPORARY EMPLOYMENT.—The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to authorize the employment would result in that position remaining vacant.

"(e) HIRING OF EDUCATORS.—

"(1) REQUIREMENTS.—In prescribing regulations to govern the appointment of educators, the Secretary shall require—

"(A)(i)(I) that educators employed in a Bureau school (other than the supervisor of the school) shall be hired by the supervisor of the school; and

"(II) that, in a case in which there are no qualified applicants available to fill a vacancy at a Bureau school, the supervisor may consult a list maintained pursuant to subsection (d)(1)(A);

"(ii) each supervisor of a Bureau school shall be hired by the education line officer of the agency office of the Bureau for the jurisdiction in which the school is located;

"(iii) each educator employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office; and

"(iv) each education line officer and educator employed in the office of the Director of the Office shall be hired by the Director;

"(B)(i) that, before an individual is employed in an education position in a Bureau school by the supervisor of the school (or, with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted; and

"(ii) that a determination by such school board, as evidenced by school board records, that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the superintendent for education of the agency office);

"(C)(i) that, before an individual is employed in an education position in an agency or area office of the Bureau, the appropriate agency school board shall be consulted; and

"(ii) that a determination by such school board, as evidenced by school board records, that such individual should or should not be employed shall be instituted by the superintendent for education of the agency office; and

"(D) that all employment decisions or actions be in compliance with all applicable Federal, State and tribal laws.

"(2) INFORMATION REGARDING APPLICATION AT NATIONAL LEVEL.—

"(A) IN GENERAL.—Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position.

"(B) EFFECT OF INACCURATE STATEMENT.—If an individual described in subparagraph (A) is employed at the local level, such individual's name shall be immediately forwarded to the Secretary by the local employer. The Secretary shall, as soon as practicable but in no event later than 30 days after the receipt of the name, ascertain the accuracy of the statement made by such individual pursuant to subparagraph (A). Notwithstanding subsection (g), if the Secretary finds that the individual's statement was false, such individual, at the Secretary's discretion, may be disciplined or discharged.

"(C) EFFECT OF APPLICATION AT NATIONAL LEVEL.—If an individual described in subparagraph (A) has applied at the national level for an education position, the appointment of such individual at the local level shall be conditional for a period of 90 days. During that period, the Secretary may appoint a more qualified individual (as determined by the Secretary) from a list maintained pursuant to subsection (e)(1)(A) to the position to which such individual was appointed.

"(3) STATUTORY CONSTRUCTION.—Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards authority over, or control of, educators at Bureau funded schools or the authority to issue management decisions.

"(4) APPEALS.—

"(A) BY SUPERVISOR.—The supervisor of a school may appeal to the appropriate agency education line officer any determination by the local school board for the school that an individual be employed, or not be employed, in an education position in the school (other than that of supervisor) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, overturn the determination of the local school board. The education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such determination.

"(B) BY EDUCATION LINE OFFICER.—The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the local school board for the school that an individual be employed, or not be employed, as the supervisor of a school by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded. an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the local school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

"(5) OTHER APPEALS.—The education line officer of an agency office of the Bureau may appeal to the Director of the Office any determination by the agency school board that an individual be employed, or not be employed, in an education position in such agency office by filing a written statement describing the determination and the reasons the supervisor believes such determination should be overturned. A copy of such statement shall be submitted to the

agency school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the Director may, for good cause, overturn the determination of the agency school board. The Director shall transmit the determination of such appeal in the form of a written opinion to such board and to such education line officer identifying the reasons for overturning such determination.

''(f) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—

''(1) REGULATIONS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

''(A) that procedures shall be established for the rapid and equitable resolution of grievances of educators;

''(B) that no educator may be discharged without notice of the reasons for the discharge and an opportunity for a hearing under procedures that comport with the requirements of due process; and

''(C) that each educator employed in a Bureau school shall be notified 30 days prior to the end of an academic year whether the employment contract of the individual will be renewed for the following year.

''(2) PROCEDURES FOR DISCHARGE.—

''(A) DETERMINATIONS.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. On giving notice to an educator of the supervisor's intention to discharge the educator, the supervisor shall immediately notify the local school board of the proposed discharge. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor.

''(B) APPEALS.—The supervisor shall have the right to appeal a determination by a local school board under subparagraph (A), as evidenced by school board records, not to discharge an educator to the education line officer of the appropriate agency office of the Bureau. Upon hearing such an appeal, the agency education line officer may, for good cause, issue a decision overturning the determination of the local school board with respect to the employment of such individual. The education line officer shall make the decision in writing and submit the decision to the local school board.

''(3) RECOMMENDATIONS OF SCHOOL BOARDS FOR DISCHARGE.—Each local school board for a Bureau school shall have the right—

''(A) to recommend to the supervisor that an educator employed in the school be discharged; and

''(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

''(g) APPLICABILITY OF INDIAN PREFERENCE LAWS.—

''(1) IN GENERAL.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action carried out under this section with respect to an applicant or employee not entitled to an Indian preference if each tribal organization concerned grants a written waiver of the application of such laws with respect to such personnel action and states that such waiver is necessary. This paragraph shall not be construed to relieve the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

''(2) DEFINITIONS.—In this subsection:

''(A) INDIAN PREFERENCE LAWS.—The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 (48 Stat. 986, chapter 576) or any other provision of law granting a preference to Indians in promotions and other personnel actions. Such term shall not include section 7(b) of the Indian Self-Determination and Education Assistance Act.

''(B) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

''(i) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act); or

''(ii) in connection with any personnel action referred to in this subsection, any local school board to which the governing body has delegated the authority to grant a waiver under this subsection with respect to a personnel action.

''(h) COMPENSATION OR ANNUAL SALARY.—

''(1) IN GENERAL.—

''(A) COMPENSATION FOR EDUCATORS AND EDUCATION POSITIONS.—Except as otherwise provided in this section, the Secretary shall establish the compensation or annual salary rate for educators and education positions—

''(i) at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable; or

''(ii) on the basis of the Federal Wage System schedule in effect for the locality involved, and for the comparable positions, at the rates of compensation in effect for the senior executive service.

''(B) COMPENSATION OR SALARY FOR TEACHERS AND COUNSELORS.—The Secretary shall establish the rate of compensation, or annual salary rate, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rate of compensation applicable (on the date of enactment of the Native American Education Improvement Act of 2001 and thereafter) for comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay and Personnel Practices Act. The Secretary shall allow the local school boards involved authority to implement only the aspects of the Defense Department Overseas Teachers Pay and Personnel Practices Act pay provisions that are considered essential for recruitment and retention of teachers and counselors. Implementation of such provisions shall not be construed to require the implementation of that entire Act.

''(C) RATES FOR NEW HIRES.—

''(i) IN GENERAL.—Beginning with the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, each local school board of a Bureau school may establish a rate of compensation or annual salary rate described in clause (ii) for teachers and counselors (including academic counselors) who are new hires at the school and who had not worked at the school, as of the first day of such fiscal year.

''(ii) CONSISTENT RATES.—The rates established under clause (i) shall be consistent with the rates paid for individuals in the same positions, with the same tenure and training, as the teachers and counselors, in any other school within whose boundaries the Bureau school is located.

''(iii) DECREASES.—In an instance in which the establishment of rates under clause (i) causes a reduction in compensation at a school from the rate of compensation that was in effect for the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, the new rates of compensation may be applied to the compensation of employees of the school who worked at the school as of such date of enactment by applying those rates at each contract renewal for the employees so that the reduction takes effect in 3 equal installments.

''(iv) INCREASES.—In an instance in which the establishment of such rates at a school causes an increase in compensation from the rate of compensation that was in effect for the first fiscal year following the date of enactment of the Native American Education Improvement Act of 2001, the school board may apply the new rates at the next contract renewal so that either—

''(I) the entire increase occurs on 1 date; or

''(II) the increase takes effect in 3 equal installments.

''(D) ESTABLISHED REGULATIONS, PROCEDURES, AND ARRANGEMENTS.—

''(i) PROMOTIONS AND ADVANCEMENTS.—The establishment of rates of compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on the merit, education, experience, or tenure of an educator.

''(ii) CONTINUED EMPLOYMENT OR COMPENSATION.—The establishment of rates of compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (o), as in effect on January 1, 1990.

''(2) POST DIFFERENTIAL RATES.—

''(A) IN GENERAL.—The Secretary may pay a post differential rate not to exceed 25 percent of the rate of compensation, for educators or education positions, on the basis of conditions of environment or work that warrant additional pay, as a recruitment and retention incentive.

''(B) SUPERVISOR'S AUTHORITY.—

''(i) IN GENERAL.—Except as provided in clause (ii) on the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post differential rates under subparagraph (A).

''(ii) EXCEPTION.—The Secretary shall disapprove, or approve with a modification, a request for authorization to provide a post differential rate if the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that the rate should be disapproved or decreased because the disparity of compensation between the appropriate educators or positions in the Bureau school, and the comparable educators or positions at the nearest public school, is—

''(I)(aa) at least 5 percent; or

''(bb) less than 5 percent; and

''(II) does not affect the recruitment or retention of employees at the school.

''(iii) APPROVAL OF REQUESTS.—A request made under clause (i) shall be considered to be approved at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with a modification, or disapproved by the Secretary.

''(iv) DISCONTINUATION OF OR DECREASE IN RATES.—The Secretary or the supervisor of a Bureau school may discontinue or decrease a post differential rate provided for under this paragraph at the beginning of an academic year if—

''(I) the local school board requests that such differential be discontinued or decreased; or

''(II) the Secretary or the supervisor, respectively, determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

"(v) REPORTS.—On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and approvals of authorization made under this paragraph during the previous year and listing the positions receiving post differential rates under contracts entered into under those authorizations.

"(i) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (c)(9) shall not be so liquidated.

"(j) TRANSFER OF REMAINING LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any educator who—

"(1) is transferred, promoted, or reappointed, without a break in service, to a position in the Federal Government under a different leave system than the system for leave described in subsection (c)(9); and

"(2) earned or was credited with leave under the regulations prescribed under subsection (c)(9) and has such leave remaining to the credit of such educator;

such leave shall be transferred to such educator's credit in the employing agency for the position on an adjusted basis in accordance with regulations that shall be prescribed by the Director of the Office of Personnel Management.

"(k) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment under an employment contract with the Bureau before the expiration of the employment contract shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

"(l) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (a)(1)(A) who—

"(1) is employed at the end of an academic year;

"(2) agrees in writing to serve in such position for the next academic year; and

"(3) is employed in another position during the recess period immediately preceding such next academic year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation;

such section 5533 shall not apply to such educator by reason of any such employment during the recess period with respect to any receipt of additional compensation.

"(m) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school boards concerned, accept voluntary services on behalf of Bureau schools. Nothing in this part shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section shall be considered to be a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

"(n) PRORATION OF PAY.—

"(1) ELECTION OF EMPLOYEE.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of an educator, shall prorate the salary of the educator for an academic year over a 12-month period. Each educator employed for the academic year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

"(2) CHANGE OF ELECTION.—During the course of such academic year, the employee may change the election made under paragraph (1) once.

"(3) LUMP-SUM PAYMENT.—That portion of the employee's pay that would be paid between academic years may be paid in a lump sum at the election of the employee.

"(4) APPLICATION.—This subsection applies to educators, whether employed under this section or title 5, United States Code.

"(o) EXTRACURRICULAR ACTIVITIES.—

"(1) STIPEND.—Notwithstanding any other provision of law, the Secretary may provide, for Bureau employees in each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off for overtime work. Any employee of the Bureau who performs overtime work that consists of additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

"(2) ELECTION NOT TO RECEIVE STIPEND.—If an employee elects not to be compensated through the stipend established by this subsection, the appropriate provisions of title 5, United States Code, shall apply with respect to the work involved.

"(3) APPLICATION.—This subsection applies to Bureau employees, whether employed under this section or title 5, United States Code.

"(p) COVERED INDIVIDUALS; ELECTION.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected to be covered under this section or a corresponding provision after November 1, 1979) and to the position in which such educator is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

"(q) FURLOUGH WITHOUT CONSENT.—

"(1) IN GENERAL.—An educator who was employed in an education position on October 31, 1979, who was eligible to make an election under subsection (p) at that time, and who did not make the election under such subsection, may not be placed on furlough (within the meaning of section 7511(a)(5) of title 5, United States Code, without the consent of such educator for an aggregate of more than 4 weeks within the same calendar year, unless—

"(A) the supervisor, with the approval of the local school board (or of the education line officer upon appeal under paragraph (2)), of the Bureau school at which such educator provides services determines that a longer period of furlough is necessary due to an insufficient amount of funds available for personnel compensation at such school, as determined under the financial plan process as determined under section 1129(b); and

"(B) all educators (other than principals and clerical employees) providing services at such Bureau school are placed on furloughs of equal length, except that the supervisor, with the approval of the local school board (or of the agency education line officer upon appeal under paragraph (2)), may continue 1 or more educators in pay status if—

"(i) such educators are needed to operate summer programs, attend summer training sessions, or participate in special activities including curriculum development committees; and

"(ii) such educators are selected based upon such educator's qualifications after public notice of the minimum qualifications reasonably necessary and without discrimination as to supervisory, nonsupervisory, or other status of the educators who apply.

"(2) APPEALS.—The supervisor of a Bureau school may appeal to the appropriate agency education line officer any refusal by the local school board to approve any determination of the supervisor that is described in paragraph (1)(A) by filing a written statement describing the determination and the reasons the supervisor believes such determination should be approved. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the education line officer may, for good cause, approve the determination of the supervisor. The educational line officer shall transmit the determination of such appeal in the form of a written opinion to such local school board and to the supervisor identifying the reasons for approving such determination.

"(r) STIPENDS.—The Secretary is authorized to provide annual stipends to teachers who become certified by the National Board of Professional Teaching Standards.

"SEC. 1132. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of the Native American Education Improvement Act of 2001, the Secretary shall update the computerized management information system within the Office. The information to be updated shall include information regarding—

"(1) student enrollment;

"(2) curricula;

"(3) staffing;

"(4) facilities;

"(5) community demographics;

"(6) student assessment information;

"(7) information on the administrative and program costs attributable to each Bureau program, divided into discrete elements;

"(8) relevant reports;

"(9) personnel records;

"(10) finance and payroll; and

"(11) such other items as the Secretary determines to be appropriate.

"(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1 2003, the Secretary shall complete the implementation of the updated computerized management information system at each Bureau field office and Bureau funded school.

"SEC. 1133. RECRUITMENT OF INDIAN EDUCATORS.

"The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include provisions for opportunities for acquiring work experience prior to receiving an actual work assignment.

"SEC. 1134. ANNUAL REPORT; AUDITS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to each appropriate committee of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed annual report on the state of education within the Bureau and any problems encountered in Indian education during the period covered by the report. Such report shall contain suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system. Such report shall also include information on the status of tribally controlled community colleges.

"(b) BUDGET REQUEST.—The annual budget request for the Bureau's education programs, as submitted as part of the President's next annual budget request under section 1105 of title 31, United States Code shall include the plans required by sections 1121(c), 1122(c), and 1124(c).

"(c) FINANCIAL AND COMPLIANCE AUDITS.—The Inspector General of the Department of the

Interior shall establish a system to ensure that financial and compliance audits are conducted for each Bureau school at least once in every 3 years. Such an audit of a Bureau school shall examine the extent to which such school has complied with the local financial plan prepared by the school under section 1129(b).

"(d) ADMINISTRATIVE EVALUATION OF SCHOOLS.—The Director shall, at least once every 3 to 5 years, conduct a comprehensive evaluation of Bureau operated schools. Such evaluation shall be in addition to any other program review or evaluation that may be required under Federal law.

"SEC. 1135. RIGHTS OF INDIAN STUDENTS.

"The Secretary shall prescribe such rules and regulations as may be necessary to ensure the protection of the constitutional and civil rights of Indian students attending Bureau funded schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression, and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 1136. REGULATIONS.

"(a) IN GENERAL.—The Secretary may issue only such regulations as may be necessary to ensure compliance with the specific provisions of this part and only such regulations as the Secretary is authorized to issue pursuant to section 5211 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2510). In issuing the regulations, the Secretary shall publish proposed regulations in the Federal Register, and shall provide a period of not less than 120 days for public comment and consultation on the regulations. The regulations shall contain, immediately following each regulatory section, a citation to any statutory provision providing authority to issue such regulatory section.

"(b) REGIONAL MEETINGS.—Prior to publishing any proposed regulations under subsection (a) and prior to establishing the negotiated rulemaking committee under subsection (c), the Secretary shall convene regional meetings to consult with personnel of the Office of Indian Education Programs, educators at Bureau schools, and tribal officials, parents, teachers, administrators, and school board members of tribes served by Bureau funded schools to provide guidance to the Secretary on the content of regulations authorized to be issued under this part and the Tribally Controlled Schools Act of 1988.

"(c) NEGOTIATED RULEMAKING.—

"(1) IN GENERAL.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, the Secretary shall promulgate regulations authorized under subsection (a) and under the Tribally Controlled Schools Act of 1988, in accordance with the negotiated rulemaking procedures provided for under subchapter III of chapter 5 of title 5, United States Code, and shall publish final regulations in the Federal Register.

"(2) EXPIRATION OF AUTHORITY.—The authority of the Secretary to promulgate regulations under this part and under the Tribally Controlled Schools Act of 1988, shall expire on the date that is 18 months after the date of enactment of this part. If the Secretary determines that an extension of the deadline under this paragraph is appropriate, the Secretary may submit proposed legislation to Congress for an extension of such deadline.

"(3) RULEMAKING COMMITTEE.—The Secretary shall establish a negotiated rulemaking committee to carry out this subsection. In establishing such committee, the Secretary shall—

"(A) apply the procedures provided for under subchapter III of chapter 5 of title 5, United States Code, in a manner that reflects the unique government-to-government relationship between Indian tribes and the United States;

"(B) ensure that the membership of the committee includes only representatives of the Federal Government and of tribes served by Bureau-funded schools;

"(C) select the tribal representatives of the committee from among individuals nominated by the representatives of the tribal and tribally-operated schools;

"(D) ensure, to the maximum extent possible, that the tribal representative membership on the committee reflects the proportionate share of students from tribes served by the Bureau funded school system; and

"(E) comply with the Federal Advisory Committee Act (5 U.S.C. App. 2).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as necessary to carry out the negotiated rulemaking provided for under this section. In the absence of a specific appropriation to carry out this subsection, the Secretary shall pay the costs of the negotiated rulemaking proceedings from the general administrative funds of the Department of the Interior.

"(d) APPLICATION OF SECTION.—

"(1) SUPREMACY OF PROVISIONS.—The provisions of this section shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this part, and the Secretary may repeal any regulation that is inconsistent with the provisions of this part.

"(2) MODIFICATIONS.—The Secretary may modify regulations promulgated under this section or the Tribally Controlled Schools Act of 1988, only in accordance with this section.

"SEC. 1137. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

"(a) GRANTS.—The Secretary shall make grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

"(b) AMOUNT OF GRANTS.—

"(1) IN GENERAL.—The amount of the grant made under subsection (a) to each eligible tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount that bears the same relationship to the total amount appropriated under subsection (g) for such fiscal year (other than amounts reserved under subsection (f)) as—

"(A) the total number of children under age 6 who are members of—

"(i) such tribe;

"(ii) the tribe that authorized such tribal organization; or

"(iii) any tribe that—

"(I) is a member of such consortium; or

"(II) so authorizes any tribal organization that is a member of such consortium; bears to

"(B) the total number of all children under age 6 who are members of any tribe that—

"(i) is eligible to receive funds under subsection (a);

"(ii) is a member of a consortium that is eligible to receive such funds; or

"(iii) is authorized by any tribal organization that is eligible to receive such funds.

"(2) LIMITATION.—No grant may be made under subsection (a)—

"(A) to any tribe that has fewer than 500 members;

"(B) to any tribal organization that is authorized to act—

"(i) on behalf of only 1 tribe that has fewer than 500 members; or

"(ii) on behalf of 1 or more tribes that have a combined total membership of fewer than 500 members; or

"(C) to any consortium composed of tribes, or tribal organizations authorized by tribes to act on behalf of the tribes, that have a combined total tribal membership of fewer than 500 members.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a tribe, tribal organization, or consortium shall submit to the Secretary an application for the grant at such time, in such manner, and containing such information as the Secretary shall prescribe.

"(2) CONTENTS.—An application submitted under paragraph (1) shall describe the early childhood development program that the applicant desires to operate.

"(d) REQUIREMENT OF PROGRAMS FUNDED.—In operating an early childhood development program that is funded through a grant made under subsection (a), a tribe, tribal organization, or consortium—

"(1) shall coordinate the program with other childhood development programs and may provide services that meet identified needs of parents, and children under age 6, that are not being met by the programs, including needs for—

"(A) prenatal care;

"(B) nutrition education;

"(C) health education and screening;

"(D) family literacy services;

"(E) educational testing; and

"(F) other educational services;

"(2) may include, in the early childhood development program funded through the grant, instruction in the language, art, and culture of the tribe served by the program; and

"(3) shall provide for periodic assessments of the program.

"(e) COORDINATION OF FAMILY LITERACY PROGRAMS.—An entity that operates a family literacy program under this section or another similar program funded by the Bureau shall coordinate the program involved with family literacy programs for Indian children carried out under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.

"(f) ADMINISTRATIVE COSTS.—The Secretary shall reserve funds appropriated under subsection (g) to include in each grant made under subsection (a) an amount for administrative costs incurred by the tribe, tribal organization, or consortium involved in establishing and maintaining the early childhood development program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002, 2003, 2004, 2005, and 2006.

"SEC. 1138. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall make grants and provide technical assistance to tribes for the development and operation of tribal departments or divisions of education for the purpose of planning and coordinating all educational programs of the tribe.

"(b) APPLICATIONS.—For a tribe to be eligible to receive a grant under this section, the governing body of the tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) DIVERSITY.—The Secretary shall award grants under this section in a manner that fosters geographic and population diversity.

"(d) USE.—Tribes that receive grants under this section shall use the funds made available through the grants—

"(1) to facilitate tribal control in all matters relating to the education of Indian children on reservations (and on former Indian reservations in Oklahoma);

"(2) to provide for the development of coordinated educational programs (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) on reservations (and on former Indian reservations in Oklahoma) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with entities carrying out all educational programs receiving financial support from other Federal agencies, State agencies, or private entities; and

"(3) to provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs.

"(e) PRIORITIES.—In making grants under this section, the Secretary shall give priority to any application that—

"(1) includes—

"(A) assurances that the applicant serves 3 or more separate Bureau funded schools; and

"(B) assurances from the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools; and

"(2) includes assurances that all education programs for which funds are provided by such a contract or grant will be monitored and audited, by or through the tribal department of education, to ensure that the programs meet the requirements of law; and

"(3) provides a plan and schedule that—

"(A) provides for—

"(i) the assumption, by the tribal department of education, of all assets and functions of the Bureau agency office associated with the tribe, to the extent the assets and functions relate to education; and

"(ii) the termination by the Bureau of such functions and office at the time of such assumption; and

"(B) provides that the assumption shall occur over the term of the grant made under this section, except that, when mutually agreeable to the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

"(e) TIME PERIOD OF GRANT.—Subject to the availability of appropriated funds, a grant provided under this section shall be provided for a period of 3 years. If the performance of the grant recipient is satisfactory to the Secretary, the grant may be renewed for additional 3-year terms.

"(f) TERMS, CONDITIONS, OR REQUIREMENTS.—A tribe that receives a grant under this section shall comply with regulations relating to grants made under section 103(a) of the Indian Self-Determination and Education Assistance Act that are in effect on the date that the tribal governing body submits the application for the grant under subsection (c). The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2002 and such sums as may be necessary for each of fiscal years 2003, 2004, 2005, and 2006.

"SEC. 1139. DEFINITIONS.

"In this part, unless otherwise specified:

"(1) AGENCY SCHOOL BOARD.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'agency school board' means a body, for which—

"(i) the members are appointed by all of the school boards of the schools located within an agency, including schools operated under contracts or grants; and

"(ii) the number of such members shall be determined by the Secretary in consultation with the affected tribes.

"(B) EXCEPTIONS.—In the case of an agency serving a single school, the school board of such school shall be considered to be the agency school board. In the case of an agency serving a school or schools operated under a contract or grant, at least 1 member of the body described in subparagraph (A) shall be from such a school.

"(2) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(3) BUREAU FUNDED SCHOOL.—The term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract or grant school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

"(4) BUREAU SCHOOL.—The term 'Bureau school' means—

"(A) a Bureau operated elementary school or secondary school that is a day or boarding school; or

"(B) a Bureau operated dormitory for students attending a school other than a Bureau school.

"(5) COMPLEMENTARY EDUCATIONAL FACILITIES.—The term 'complementary educational facilities' means educational program functional spaces including a library, gymnasium, and cafeteria.

"(6) CONTRACT OR GRANT SCHOOL.—The term 'contract or grant school' means an elementary school, secondary school, or dormitory that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

"(7) DIRECTOR.—The term 'Director' means the Director of the Office of Indian Education Programs.

"(8) EDUCATION LINE OFFICER.—The term 'education line officer' means a member of the education personnel under the supervision of the Director of the Office, whether located in a central, area, or agency office.

"(9) FINANCIAL PLAN.—The term 'financial plan' means a plan of services provided by each Bureau school.

"(10) INDIAN ORGANIZATION.—The term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

"(11) INHERENTLY FEDERAL FUNCTIONS.—The term 'inherently Federal functions' means functions and responsibilities which, under section 1125(c), are non-contractible, including—

"(A) the allocation and obligation of Federal funds and determinations as to the amounts of expenditures;

"(B) the administration of Federal personnel laws for Federal employees;

"(C) the administration of Federal contracting and grant laws, including the monitoring and auditing of contracts and grants in order to maintain the continuing trust, programmatic, and fiscal responsibilities of the Secretary;

"(D) the conducting of administrative hearings and deciding of administrative appeals;

"(E) the determination of the Secretary's views and recommendations concerning administrative appeals or litigation and the representation of the Secretary in administrative appeals and litigation;

"(F) the issuance of Federal regulations and policies as well as any documents published in the Federal Register;

"(G) reporting to Congress and the President;

"(H) the formulation of the Secretary's and the President's policies and their budgetary and legislative recommendations and views; and

"(I) the non-delegable statutory duties of the Secretary relating to trust resources.

"(12) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, or independent or other school district located within a State, and includes any State agency that directly operates and maintains facilities for providing free public education.

"(13) LOCAL SCHOOL BOARD.—The term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that, for a school serving a substantial number of students from different tribes—

"(A) the members of the body shall be appointed by the tribal governing bodies of the tribes affected; and

"(B) the number of such members shall be determined by the Secretary in consultation with the affected tribes.

"(14) OFFICE.—The term 'Office' means the Office of Indian Education Programs within the Bureau.

"(15) REGULATION.—The term "regulation" means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this Act.

"(16) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(17) SUPERVISOR.—The term 'supervisor' means the individual in the position of ultimate authority at a Bureau school.

"(18) TRIBAL GOVERNING BODY.—The term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

"(19) TRIBE.—The term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Regional Corporation or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

Subtitle B—Tribally Controlled Schools Act of 1988

SEC. 1221. TRIBALLY CONTROLLED SCHOOLS.

Sections 5202 through 5213 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) are amended to read as follows:

"SEC. 5202. FINDINGS.

"Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

"(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

"(2) because of the Bureau of Indian Affairs' administration and domination of the contracting process under such Act, Indians have not been provided with the full opportunity to develop leadership skills crucial to the realization of self-government and have been denied an effective voice in the planning and implementation of programs for the benefit of Indians that are responsive to the true needs of Indian communities;

“(3) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons;

“(4) true self-determination in any society of people is dependent upon an educational process that will ensure the development of qualified people to fulfill meaningful leadership roles;

“(5) the Federal administration of education for Indian children have not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction that education can and should provide;

“(6) true local control requires the least possible Federal interference; and

“(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

“SEC. 5203. DECLARATION OF POLICY.

“(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities.

“(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education that will deter further perpetuation of Federal bureaucratic domination of programs.

“(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure that will enable tribes and local communities to obtain the quantity and quality of educational services and opportunities that will permit Indian children—

“(1) to compete and excel in the life areas of their choice; and

“(2) to achieve the measure of self-determination essential to their social and economic well-being.

“(d) EDUCATIONAL NEEDS.—Congress affirms—

“(1) the reality of the special and unique educational needs of Indian people, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities; and

“(2) that the needs may best be met through a grant process.

“(e) FEDERAL RELATIONS.—Congress declares a commitment to the policies described in this section and support, to the full extent of congressional responsibility, for Federal relations with the Indian nations.

“(f) TERMINATION.—Congress repudiates and rejects House Concurrent Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

“SEC. 5204. GRANTS AUTHORIZED.

“(a) IN GENERAL.—

“(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes and tribal organizations that—

“(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing to operate such schools as contract schools under such title;

“(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

“(C) elect to assume operation of Bureau funded schools with the assistance provided under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

“(2) DEPOSIT OF FUNDS.—Funds made available through a grant provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

“(3) USE OF FUNDS.—

“(A) EDUCATION RELATED ACTIVITIES.—Except as otherwise provided in this paragraph, funds made available through a grant provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which the grant may be used under the laws described in section 5205(a), or any similar activities, including expenditures for—

“(i) school operations, and academic, educational, residential, guidance and counseling, and administrative purposes; and

“(ii) support services for the school, including transportation.

“(B) OPERATIONS AND MAINTENANCE EXPENDITURES.—Funds made available through a grant provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

“(4) WAIVER OF FEDERAL TORT CLAIMS ACT.—Notwithstanding section 314 of the Department of Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512), the Federal Tort Claims Act shall not apply to a program operated by a tribally controlled school if the program is not funded by the Federal agency. Nothing in the preceding sentence shall be construed to apply to—

“(A) the employees of the school involved; and

“(B) any entity that enters into a contract with a grantee under this section.

“(b) LIMITATIONS.—

“(1) 1 GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—Not more than 1 grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

“(2) NONSECTARIAN USE.—Funds made available through any grant provided under this part may not be used in connection with religious worship or sectarian instruction.

“(3) ADMINISTRATIVE COSTS LIMITATION.—Funds made available through any grant provided under this part may not be expended for administrative cost (as defined in section 1127(a) of the Education Amendments of 1978) in excess of the amount generated for such cost under the formula established in section 1127 of such Act.

“(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOL SITES.—

“(1) IN GENERAL.—In the case of a recipient of a grant under this part that operates schools at more than 1 school site, the grant recipient may expend not more than the lesser of—

“(A) 10 percent of the funds allocated for such school site, under section 1126 of the Education Amendments of 1978; or

“(B) $400,000 of such funds;

at any other school site.

“(2) DEFINITION OF SCHOOL SITE.—In this subsection, the term ‘school site’ means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discrete student count is identified under the funding formula established under section 1126 of the Education Amendments of 1978.

“(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

“(1) to require a tribe or tribal organization to apply for or accept; or

“(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. The submission of such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring the grant recipient to make any grant under this part to any other entity.

“(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide an educational program.

“(f) RETROCESSION.—

“(1) IN GENERAL.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective on a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

“(2) STATUS AFTER RETROCESSION.—The tribe requesting retrocession shall specify whether the retrocession relates to status as a Bureau operated school or as a school operated under a contract under the Indian Self-Determination Act.

“(g) TRANSFER OF EQUIPMENT AND MATERIALS.—Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded shall transfer to the Secretary (or to the tribe or tribal organization that will operate the program as a contract school) the existing property and equipment that were acquired—

“(1) with assistance under this part; or

“(2) upon assumption of operation of the program under this part if the school was a Bureau funded school before receiving assistance under this part.

“(h) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this part may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.

“SEC. 5205. COMPOSITION OF GRANTS.

“(a) IN GENERAL.—The funds made available through a grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

“(1) the total amount of funds allocated for such fiscal year under sections 1126 and 1127 of the Education Amendments of 1978 with respect to the tribally controlled school eligible for assistance under this part that is operated by such Indian tribe or tribal organization, including funds provided under such sections, or under any other provision of law, for transportation costs for such school;

“(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination and Education Assistance Act or any other provision of law, other facilities accounts for such school for such fiscal year (including accounts for facilities referred to in section 1125(e) of the Education Amendments of 1978 or any other law); and

"(3) the total amount of funds that are allocated to such school for such fiscal year under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law.

"(b) SPECIAL RULES.—

"(1) IN GENERAL.—

"(A) APPLICABLE PROVISIONS.—Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) of subsection (a) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or limitation that is imposed by the Bureau with respect to funds provided under—

"(i) title I of the Elementary and Secondary Education Act of 1965;

"(ii) the Individuals with Disabilities Education Act; or

"(iii) any Federal education law other than title XI of the Education Amendments of 1978.

"(B) OTHER BUREAU REQUIREMENTS.—Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii) or (iii) of subparagraph (A).

"(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1125(e), 1126, and 1127 of the Education Amendments of 1978.

"(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as Bureau schools for the purposes of allocation of funds provided under—

"(A) title I of the Elementary and Secondary Education Act of 1965;

"(B) the Individuals with Disabilities Education Act; and

"(C) any other Federal education law, that are distributed through the Bureau.

"(4) ACCOUNTS; USE OF CERTAIN FUNDS.—

"(A) SEPARATE ACCOUNT.—Notwithstanding section 5204(a)(2), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant provided under section 5204(a), the grant recipient shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grant recipient shall submit to the Secretary a separate accounting of the work done and the funds expended. Funds received from those accounts may only be used for the purpose for which the funds were appropriated and for the work encompassed by the application or submission for which the funds were received.

"(B) REQUIREMENTS FOR PROJECTS.—

"(i) REGULATORY REQUIREMENTS.—With respect to a grant to a tribally controlled school under this part for new construction or facilities improvements and repair in excess of $100,000, such grant shall be subject to the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in part 12 of title 43, Code of Federal Regulations.

"(ii) EXCEPTION.—Notwithstanding clause (i), grants described in such clause shall not be subject to section 12.61 of title 43, Code of Federal Regulations. The Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed.

"(iii) APPLICATIONS.—In considering applications for a grant described in clause (i), the Secretary shall consider whether the Indian tribe or tribal organization involved would be deficient in assuring that the construction projects under the proposed grant conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required under section 1124 of the Education Amendments of 1978 (25 U.S.C. 2005(a)) with respect to organizational and financial management capabilities.

"(iv) DISPUTES.—Any disputes between the Secretary and any grantee concerning a grant described in clause (i) shall be subject to the dispute provisions contained in section 5209(e).

"(C) NEW CONSTRUCTION.—Notwithstanding subparagraph (A), a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal governing body or tribal organization that submits the application for the grant provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.

"(D) PERIOD.—Where the appropriations measure under which the funds described in subparagraph (A) are made available or the application submitted for the funds does not stipulate a period for the work covered by the funds, the Secretary and the grant recipient shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grant recipient.

"(5) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—

"(A) IN GENERAL.—If the Secretary fails to carry out a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant under this part the funds described in subsection (a)(2) within 180 days after the filing of the request, the Secretary shall—

"(i) be deemed to have approved such request; and

"(ii) immediately upon the expiration of such 180-day period amend the grant accordingly.

"(B) RIGHTS.—A tribe or organization described in subparagraph (A) may enforce its rights under subsection (a)(2) and this paragraph, including rights relating to any denial or failure to act on such tribe's or organization's request, pursuant to the dispute authority described in section 5209(e).

"SEC. 5206. ELIGIBILITY FOR GRANTS.

"(a) RULES.—

"(1) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—

"(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;

"(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);

"(C) is not a Bureau funded school, but has met the requirements of subsection (c); or

"(D) is a school with respect to which an election has been made under paragraph (2) and that has met the requirements of subsection (b).

"(2) NEW SCHOOLS.—Notwithstanding paragraph (1), for purposes of determining eligibility for assistance under this part, any application that has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe or tribal organization for a school that is not in operation on the date of enactment of the Native American Education Improvement Act of 2001 shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

"(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

"(1) BUREAU FUNDED SCHOOLS.—A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on the date of enactment of the Native American Education Improvement Act of 2001, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

"(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school; and

"(ii) make a determination as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that the school is eligible for assistance under this part.

"(2) CERTAIN ELECTING SCHOOLS.—

"(A) DETERMINATION.—By not later than 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

"(i) in the case of a school that is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization; and

"(ii) whether the school is eligible for assistance under this part.

"(B) CONSIDERATION; TRANSFERS AND ELIGIBILITY.—In considering applications submitted under paragraph (1)(A), the Secretary—

"(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the tribe or tribal organization is not already operating the school; and

"(ii) shall determine that the school is eligible for assistance under this part, unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school and will not carry out the purposes of this Act.

"(C) CONSIDERATION; POSSIBLE DEFICIENCIES.—In considering applications submitted under paragraph (1)(A), the Secretary shall only consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

"(i) equipment;

"(ii) bookkeeping and accounting procedures;

"(iii) ability to adequately manage a school; or

"(iv) adequately trained personnel.

"(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL THAT IS NOT A BUREAU FUNDED SCHOOL.—

"(1) IN GENERAL.—A school that is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—

"(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and

"(B) the Secretary makes a determination that the school is eligible for assistance under this part.

"(2) DEADLINE FOR DETERMINATION BY SECRETARY.—

"(A) DETERMINATION.—By not later than 180 days after the date on which an application is *submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.*

“(B) FACTORS.—In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

“(i) With respect to the applicant's proposal—

“(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

“(II) geographic and demographic factors in the affected areas;

“(III) adequacy of the applicant's program plans;

“(IV) geographic proximity of comparable public education; and

“(V) the needs to be met by the school, as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations.

“(ii) With respect to all education services already available—

“(I) geographic and demographic factors in the affected areas;

“(II) adequacy and comparability of programs already available;

“(III) consistency of available programs with tribal education codes or tribal legislation on education; and

“(IV) the history and success of those services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.

“(C) EXCEPTION REGARDING PROXIMITY.—The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

“(D) INFORMATION ON FACTORS.—An application submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers to be appropriate.

“(E) TREATMENT OF LACK OF DETERMINATION.—If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application—

“(i) the Secretary shall be deemed to have made a determination that the tribally controlled school is eligible for assistance under this part; and

“(ii) the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.

“(d) FILING OF APPLICATIONS AND REPORTS.—

“(1) IN GENERAL.—Each application or report submitted to the Secretary under this part, and any amendment to such application or report, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which the filing occurs shall, for purposes of this part, be treated as the date on which the application, report, or amendment was submitted to the Secretary.

“(2) SUPPORTING DOCUMENTATION.—

“(A) IN GENERAL.—Any application that is submitted under this part shall be accompanied by a document indicating the action taken by the appropriate tribal governing body concerning authorizing such application.

“(B) AUTHORIZATION ACTION.—The Secretary shall administer the requirement of subparagraph (A) in a manner so as to ensure that the tribe involved, through the official action of the tribal governing body, has approved of the application for the grant.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as making a tribal governing body (or tribe) that takes an action described in subparagraph (A) a party to the grant (unless the tribal governing body or the tribe is the grantee) or as making the tribal governing body or tribe financially or programmatically responsible for the actions of the grantee.

“(3) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as making a tribe act as a surety for the performance of a grantee under a grant under this part.

“(4) CLARIFICATION.—The provisions of paragraphs (2) and (3) shall be construed as a clarification of policy in existence on the date of enactment of the Native American Education Improvement Act of 2001 with respect to grants under this part and shall not be construed as altering such policy or as a new policy.

“(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided in subsection (c)(2)(E), a grant provided under this part shall be made, and any transfer of the operation of a Bureau school made under subsection (b) shall become effective, beginning on the first day of the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or on an earlier date determined by the Secretary.

“(f) DENIAL OF APPLICATIONS.—

“(1) IN GENERAL.—If the Secretary disapproves a grant under this part, disapproves the transfer of operations of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

“(A) state the objections in writing to the tribe or tribal organization involved within the allotted time;

“(B) provide assistance to the tribe or tribal organization to cure all stated objections;

“(C) at the request of the tribe or tribal organization, provide to the tribe or tribal organization a hearing on the record regarding the refusal or determination involved, under the same rules and regulations as apply under the Indian Self-Determination and Education Assistance Act; and

“(D) provide to the tribe or tribal organization an opportunity to appeal the decision resulting from the hearing.

“(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary and shall submit the determinations of the Secretary with respect to such reconsideration to the tribe or the tribal organization.

“(g) REPORT.—The Bureau shall prepare and submit to Congress an annual report on all applications received, and actions taken (including the costs associated with such actions), under this section on the same date as the date on which the President is required to submit to Congress a budget of the United States Government under section 1105 of title 31, United States Code.

“SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.

“(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

“(b) ANNUAL REPORTS.—

“(1) IN GENERAL.—Each recipient of a grant provided under this part for a school shall prepare an annual report concerning the school involved, the contents of which shall be limited to—

“(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting standards established by the grant recipient;

“(B) an annual financial audit conducted pursuant to the standards of chapter 71 of title 31, United States Code;

“(C) a biennial compliance audit of the procurement of personal property during the period for which the report is being prepared that shall be in compliance with written procurement standards that are developed by the local school board;

“(D) an annual submission to the Secretary containing information on the number of students served and a brief description of programs offered through the grant; and

“(E) a program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

“(2) EVALUATION REVIEW TEAMS.—In appropriate cases, representatives of other tribally controlled schools and representatives of tribally controlled community colleges shall be members of the evaluation review teams.

“(3) EVALUATIONS.—In the case of a school that is accredited, the evaluations required under this subsection shall be conducted at intervals under the terms of the accreditation.

“(4) SUBMISSION OF REPORT.—

“(A) TO TRIBAL GOVERNING BODY.—Upon completion of the annual report required under paragraph (1), the recipient of the grant shall send (via first class mail, return receipt requested) a copy of such annual report to the tribal governing body.

“(B) TO SECRETARY.—Not later than 30 days after receiving written confirmation that the tribal governing body has received the report sent pursuant to subparagraph (A), the recipient of the grant shall send a copy of the report to the Secretary.

“(c) REVOCATION OF ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary may not revoke a determination that a school is eligible for assistance under this part if—

“(A) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school; and

“(B) at least 1 of the following conditions applies with respect to the school:

“(i) The school is certified or accredited by a State certification or regional accrediting association or is a candidate in good standing for such certification or accreditation under the rules of the State certification or regional accrediting association, showing that credits achieved by the students within the education programs of the school are, or will be, accepted at grade level by a State certified or regionally accredited institution.

“(ii) The Secretary determines that there is a reasonable expectation that the certification or accreditation described in clause (i), or candidacy in good standing for such certification or accreditation, will be achieved by the school within 3 years. The school seeking accreditation shall remain under the standards of the Bureau in effect on the date of enactment of the Native American Education Improvement Act of 2001 until such time as the school is accredited, except that if the Bureau standards are in conflict with the standards of the accrediting agency, the standards of such agency shall apply in such case.

“(iii) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized State certification or regional accrediting agency.

“(iv)(I) With respect to a school that lacks accreditation, or that is not a candidate for accreditation, based on circumstances that are not

beyond the control of the school board, every 3 years an impartial evaluator agreed upon by the Secretary and the grant recipient conducts evaluations of the school, and the school receives a positive assessment under such evaluations. The evaluations are conducted under standards adopted by a contractor under a contract for the school entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grant recipient) prior to the date of enactment of the Native American Education Improvement Act of 2001.

"(II) If the Secretary and a grant recipient other than a tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grant recipient that is a tribal governing body fail to agree on such an evaluator, subclause (I) shall not apply.

"(III) A positive assessment by an impartial evaluator under this clause shall not affect the revocation of a determination of eligibility by the Secretary where such revocation is based on circumstances that were within the control of the school board.

"(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary may not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A), until the Secretary—

"(A) provides notice, to the tribally controlled school involved and the appropriate tribal governing body (within the meaning of section 1139 of the Education Amendments of 1978) for the tribally controlled school, which notice identifies—

"(i) the specific deficiencies that led to the revocation or reassumption determination; and

"(ii) the specific actions that are needed to remedy such deficiencies; and

"(B) affords such school and governing body an opportunity to implement the remedial actions.

"(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance to enable the school and governing body to carry out such remedial actions.

"(4) HEARING AND APPEAL.—In addition to notice and technical assistance under this subsection, the Secretary shall provide to the school and governing body—

"(A) at the request of the school or governing body, a hearing on the record regarding the revocation or reassumption determination, to be conducted under the rules and regulations described in section 5206(f)(1)(C); and

"(B) an opportunity to appeal the decision resulting from the hearing.

"(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school that receives assistance under this part pursuant to an election made under section 5209(b)—

"(1) subsection (b) shall apply; and

"(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c).

"SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS; STATE PAYMENTS TO SCHOOLS.

"(a) PAYMENTS.—

"(1) MANNER OF PAYMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall make payments to grant recipients under this part in 2 payments, of which—

"(i) the first payment shall be made not later than July 1 of each year in an amount equal to 80 percent of the amount that the grant recipient was entitled to receive during the preceding academic year; and

"(ii) the second payment, consisting of the remainder to which the grant recipient was entitled for the academic year, shall be made not later than December 1 of each year.

"(B) EXCESS FUNDING.—In a case in which the amount provided to a grant recipient under subparagraph (A)(i) is in excess of the amount that the recipient is entitled to receive for the academic year involved, the recipient shall return to the Secretary such excess amount not later than 30 days after the final determination that the school was overpaid pursuant to this section. The amount returned to the Secretary under this subparagraph shall be distributed equally to all schools in the system.

"(2) NEWLY FUNDED SCHOOLS.—For any school for which no payment under this part was made from Bureau funds in the academic year preceding the year for which the payments are being made, full payment of the amount computed for the school for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

"(3) LATE FUNDING.—With regard to funds for grant recipients under this part that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to the grant recipients not later than December 1 of the fiscal year.

"(4) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of title 31, United States Code, shall apply to the payments required to be made under paragraphs (1), (2), and (3).

"(5) RESTRICTIONS.—Payments made under paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that is imposed by a continuing resolution or other Act appropriating the funds involved.

"(b) INVESTMENT OF FUNDS.—

"(1) TREATMENT OF INTEREST AND INVESTMENT INCOME.—Notwithstanding any other provision of law, any interest or investment income that accrues on or is derived from any funds provided under this part for a school after such funds are paid to an Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization. The interest or income shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance to be provided, under any provision of Federal law.

"(2) PERMISSIBLE INVESTMENTS.—Funds provided under this part may be invested by an Indian tribe or tribal organization, as approved by the grantee, before such funds are expended for the objectives of this part if such funds are—

"(A) invested by the Indian tribe or tribal organization only—

"(i) in obligations of the United States;

"(ii) in obligations or securities that are guaranteed or insured by the United States; or

"(iii) in mutual (or other) funds that are registered with the Securities and Exchange Commission and that only invest in obligations of the United States, or securities that are guaranteed or insured by the United States; or

"(B) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully supported by collateral to ensure protection of the funds, even in the event of a bank failure.

"(c) RECOVERIES.—Funds received under this part shall not be taken into consideration by any Federal agency for the purposes of making underrecovery and overrecovery determinations for any other funds, from whatever source derived.

"(d) PAYMENTS BY STATES.—

"(1) IN GENERAL.—With respect to a school that receives assistance under this part, a State shall not—

"(A) take into account the amount of such assistance in determining the amount of funds that such school is eligible to receive under applicable State law; or

"(B) reduce any State payments that such school is eligible to receive under applicable State law because of the assistance received by the school under this part.

"(2) VIOLATIONS.—

"(A) IN GENERAL.—Upon receipt of any information from any source that a State is in violation of paragraph (1), the Secretary shall immediately, but in no case later than 90 days after the receipt of such information, conduct an investigation and make a determination of whether such violation has occurred.

"(B) DETERMINATION.—If the Secretary makes a determination under subparagraph (A) that a State has violated paragraph (1), the Secretary shall inform the Secretary of Education of such determination and the basis for the determination. The Secretary of Education shall, in an expedient manner, pursue penalties under paragraph (3) with respect to the State.

"(3) PENALTIES.—A State determined to have violated paragraph (1) shall be subject to penalties similar to the penalties described in section 8809(e) of the Elementary and Secondary Education Act of 1965 for a violation of title VIII of such Act.

"SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

"(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part and the schools funded under such grants:

"(1) Section 5(f) (relating to single agency audits).

"(2) Section 6 (relating to criminal activities; penalties).

"(3) Section 7 (relating to wage and labor standards).

"(4) Section 104 (relating to retention of Federal employee coverage).

"(5) Section 105(f) (relating to Federal property).

"(6) Section 105(k) (relating to access to Federal sources of supply).

"(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).

"(8) Section 106(f) (relating to limitation on remedies relating to cost disallowances).

"(9) Section 106(j) (relating to use of funds for matching or cost participation requirements).

"(10) Section 106(k) (relating to allowable uses of funds).

"(11) The portions of section 108(c) that consist of model agreements provisions 1(b)(5) (relating to limitations of costs), 1(b)(7) (relating to records and monitoring), 1(b)(8) (relating to property), and 1(b)(9) (relating to availability of funds).

"(12) Section 109 (relating to reassumption).

"(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).

"(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

"(1) IN GENERAL.—A contractor that carries out an activity to which this part applies and who has entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect on the date of enactment of the Native American Education Improvement Act of 2001 may, by giving notice to the Secretary, elect to receive a grant under this part in lieu of such contract and to have the provisions of this part apply to such activity.

"(2) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the first day of July immediately following the date of such election.

"(3) EXCEPTION.—In any case in which the first day of July immediately following the date of an election under paragraph (1) is less than 60 days after such election, such election shall not take effect until the first day of July of year following the year in which the election is made.

"(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

"(d) TRANSFERS AND CARRYOVERS.—

"(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—A tribe or tribal organization assuming the operation of—

"(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if the tribe or tribal organization were contracting under the Indian Self-Determination and Education Assistance Act; or

"(B) a contract school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials that were used in the operation of the contract school to the same extent as if the tribe or tribal organization were contracting under such Act.

"(2) FUNDS.—Any tribe or tribal organization that assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization that elects to operate a school with assistance under this part rather than to continue to operate the school as a contract school shall be entitled to any funds that would remain available from the previous fiscal year if such school remained a Bureau school or was operated as a contract school, respectively.

"(3) FUNDING FOR SCHOOL IMPROVEMENT.—Any tribe or tribal organization that assumes operation of a Bureau school or a contract school with assistance under this part shall be eligible for funding for the improvement, alteration, replacement, and repair of facilities to the same extent as a Bureau school.

"(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—

"(1) IN GENERAL.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(1)(B), any dispute regarding a grant authorized to be made pursuant to this part or any modification of such grant, and any dispute involving an administrative cost grant under section 1127 of the Education Amendments of 1978, shall be administered under the provisions governing such exceptions, problems, or disputes described in this paragraph in the case of contracts under the Indian Self-Determination and Education Assistance Act.

"(2) ADMINISTRATIVE APPEALS.—The Equal Access to Justice Act (as amended) and the amendments made by such Act, including section 504 of title 5, and section 2412 of title 28, United States Code, shall apply to an administrative appeal filed after September 8, 1988, by a grant recipient regarding a grant provided under this part, including an administrative cost grant.

"SEC. 5210. ROLE OF THE DIRECTOR.

"Applications for grants under this part, and all modifications to the applications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Reports required under this part shall be submitted to education personnel under the direction and control of the Director of such Office.

"SEC. 5211. REGULATIONS.

"The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary in this part. For all other matters relating to the details of planning, developing, implementing, and evaluating grants under this part, the Secretary shall not issue regulations.

"SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—Each school receiving a grant under this part may establish, at a federally insured financial institution, a trust fund for the purposes of this section.

"(2) DEPOSITS AND USE.—The school may provide—

"(A) for deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants provided under this part may be used for that purpose;

"(B) for deposit into the trust fund, any earnings on funds deposited in the fund; and

"(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, which may at any time be used, sold, or otherwise disposed of.

"(b) INTEREST.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school consistent with the purposes of this Act.

"SEC. 5213. DEFINITIONS.

"In this part:

"(1) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

"(2) ELIGIBLE INDIAN STUDENT.—The term 'eligible Indian student' has the meaning given such term in section 1126(f) of the Education Amendments of 1978.

"(3) INDIAN.—The term 'Indian' means a member of an Indian tribe, and includes individuals who are eligible for membership in a tribe, and the child or grandchild of such an individual.

"(4) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including an Alaska Native Village Corporation or Regional Corporation (as defined in or established pursuant to the Alaskan Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(5) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for the State's public elementary schools or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

"(6) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(7) TRIBAL GOVERNING BODY.—The term 'tribal governing body' means, with respect to any school that receives assistance under this Act, the recognized governing body of the Indian tribe involved.

"(8) TRIBAL ORGANIZATION.—

"(A) IN GENERAL.—The term 'tribal organization' means—

"(i) the recognized governing body of any Indian tribe; or

"(ii) any legally established organization of Indians that—

"(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

"(II) includes the maximum participation of Indians in all phases of the organization's activities.

"(B) AUTHORIZATION.—In any case in which a grant is provided under this part to an organization to provide services through a tribally controlled school benefiting more than 1 Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of the students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

"(9) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that—

"(A) is operated by an Indian tribe or a tribal organization, enrolling students in kindergarten through grade 12, including a preschool;

"(B) is not a local educational agency; and

"(C) is not directly administered by the Bureau of Indian Affairs.".

SEC. 1222. LEASE PAYMENTS BY THE OJIBWA INDIAN SCHOOL.

(a) IN GENERAL.—Notwithstanding the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), or the regulations promulgated under such Act, the Ojibwa Indian School located in Belcourt, North Dakota, may use amounts received under such Act to enter into, and make payments under, a lease described in subsection (b).

(b) LEASE.—A lease described in this subsection is a lease that—

(1) is entered into by the Ojibwa Indian School for the use of facilities owned by St. Ann's Catholic Church located in Belcourt, North Dakota;

(2) is entered into in the 2001-2002 school year, or any other school year in which the Ojibwa Indian School will use such facilities for school purposes;

(3) requires lease payments in an amount determined appropriate by an independent lease appraiser that is selected by the parties to the lease, except that such amount may not exceed the maximum amount per square foot that is being paid by the Bureau of Indian Affairs for other similarly situated Indian schools under the Indian Self-Determination and Education Assistance Act (Public Law 93–638); and

(4) contains a waiver of the right of St. Ann's Catholic Church to bring an action against the Ojibwa Indian School, the Turtle Mountain Band of Chippewa, or the Federal Government for the recovery of any amounts remaining unpaid under leases entered into prior to the date of enactment of this Act.

(c) METHOD OF FUNDING.—Amounts shall be made available by the Bureau of Indian Affairs to make lease payments under this section in the same manner as amounts are made available to make payments under leases entered into by Indian schools under the Indian Self-Determination and Education Assistance Act (Public Law 93–638).

(d) OPERATION AND MAINTENANCE FUNDING.—The Bureau of Indian Affairs shall provide funding for the operation and maintenance of the facilities and property used by the Ojibwa Indian School under the lease entered into under subsection (a) so long as such facilities and property are being used by the School for educational purposes.

SEC. 1223. ENROLLMENT AND GENERAL ASSISTANCE PAYMENTS.

Section 5404(a) of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments Act of 1988 (25 U.S.C. 13d–2(a)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

"(a) IN GENERAL.—The Secretary of the Interior shall not disqualify from continued receipt of general assistance payments from the Bureau of Indian Affairs an otherwise eligible Indian for whom the Bureau is making or may make general assistance payments (or exclude such an individual from continued consideration in determining the amount of general assistance payments for a household) because the individual is enrolled (and is making satisfactory progress toward completion of a program or training that can reasonably be expected to lead to gainful employment) for at least half-time study or training in—"; and

(2) by striking paragraph (4), and inserting the following:

"(4) other programs or training approved by the Secretary or by tribal education, employment or training programs.".

TITLE XIII—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the "Boy Scouts of America Equal Access Act".

SEC. 1302. EQUAL ACCESS.

(a) In General.—Notwithstanding any other provision of law, no funds made available through the Department of Education shall be provided to any public elementary school, public secondary school, local educational agency, or State educational agency, if the school or a school served by the agency—

(1) has a designated open forum; and

(2) denies equal access or a fair opportunity to meet to, or discriminates against, any group affiliated with the Boy Scouts of America or any other youth group listed in title 36 of the United States Code as a patriotic society, that wishes to conduct a meeting within that designated open forum, on the basis of the membership or leadership criteria of the Boy Scouts of America or of the youth group that prohibit the acceptance of homosexuals, or individuals who reject the Boy Scouts' or the youth group's oath of allegiance to God and country, as members or leaders.

(b) Termination of Assistance and Other Action.—

(1) Departmental action.—The Secretary is authorized and directed to effectuate subsection (a) by issuing, and securing compliance with, rules or orders with respect to a public school or agency that receives funds made available through the Department of Education and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (a).

(2) Procedure.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1).

(3) Judicial review.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of that Act (42 U.S.C. 2000d–2). Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of that Act.

(c) Definitions and Rule.—

(1) Definitions.—In this section:

(A) Elementary school; local educational agency; secondary school; State educational agency.—The terms "elementary school", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 3 of the Elementary and Secondary Education Act of 1965.

(B) Secretary.—The term "Secretary" means the Secretary of Education, acting through the Assistant Secretary for Civil Rights of the Department of Education.

(C) Youth group.—The term "youth group" means any group or organization intended to serve young people under the age of 21 and which is listed in title 36 of the United States Code as a patriotic society.

(2) Rule.—For purposes of this section, an elementary school or secondary school has a designated open forum whenever the school involved grants an offering to or opportunity for 1 or more youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SEC. 1303. EFFECTIVE DATE.

This title takes effect 1 day after the date of enactment of this Act.

TITLE XIV—INDIVIDUALS WITH DISABILITIES

SEC. 1401. DISCIPLINE.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(n) Uniform Policies.—

"(1) In general.—Subject to paragraph (2), and notwithstanding any other provision of this Act, a State educational agency or local educational agency may establish and implement uniform policies regarding discipline and order applicable to all children under the jurisdiction of the agency to ensure the safety of such children and an appropriate educational atmosphere in the schools under the jurisdiction of the agency.

"(2) Limitation.—

"(A) In general.—A child with a disability who is removed from the child's regular educational placement under paragraph (1) shall receive a free appropriate public education which may be provided in an alternative educational setting if the behavior that led to the child's removal is a manifestation of the child's disability, as determined under subparagraphs (B) and (C) of subsection (k)(4).

"(B) Manifestation determination.—The manifestation determination shall be made immediately, if possible, but in no case later than 10 school days after school personnel decide to remove the child with a disability from the child's regular educational placement.

"(C) Determination that behavior was not manifestation of disability.—If the result of the manifestation review is a determination that the behavior of the child with a disability was not a manifestation of the child's disability, appropriate school personnel may apply to the child the same relevant disciplinary procedures as would apply to children without a disability." .

SEC. 1402. PROCEDURAL SAFEGUARDS.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) (as amended by section 1401) is amended by adding at the end the following:

"(o) Discipline Determinations by Local Authority.—

"(1) Individual determinations.—In carrying out any disciplinary policy described in subsection (n)(1), school personnel shall have discretion to consider all germane factors in each individual case and modify any disciplinary action on a case-by-case basis.

"(2) Defense.—Nothing in subsection (n) precludes a child with a disability who is disciplined under such subsection from asserting a defense that the alleged act was unintentional or innocent.

"(3) Limitation.—

"(A) Review of manifestation determination.—If the parents or the local educational agency disagree with a manifestation determination under subsection (n)(2), the parents or the agency may request a review of that determination through the procedures described in subsections (f) through (i).

"(B) Placement during review.—During the course of any review proceedings under subparagraph (A), the child shall receive a free appropriate public education which may be provided in an alternative educational placement.".

SEC. 1403. ALTERNATIVE EDUCATION FOR CHILDREN WITH DISABILITIES.

(a) In General.—At the written request of a parent (as defined in section 602(19)(A) of the Individuals with Disabilities Education Act) of a child with a disability (as defined in section 602(3) of such Act), a local educational agency in which the child resides, or a State educational agency that is responsible for educating the child, may transfer the child to any accredited school that—

(1) is specifically designed to serve children with disabilities;

(2) is selected by the child's parents;

(3) agrees to accept the child; and

(4) carries out a program that the local educational agency, or State educational agency, if appropriate, determines will benefit the child.

(b) Payment to School; Limitation on Further Responsibility.—

(1) In general.—For each year for which a child with a disability attends a school pursuant to subsection (a), the local educational agency or State educational agency shall pay the school, from amounts available to the agency under part B of the Individuals with Disabilities Education Act, an amount equal to the per-pupil expenditure for all children in its public elementary and secondary schools, or, in the case of a State educational agency, the average per-pupil expenditure for the State, as defined in section 3(2) of the Elementary and Secondary Education Act of 1965.

(2) Transfer.—Notwithstanding any other provision of law, a local educational agency or State educational agency that transfers a child with a disability to a school under subsection (a) shall have no other responsibility for the education of the child while the child attends that school.

(c) Use of Funds; Additional Charges to Parents.—A school receiving funds under subsection (b)(1)—

(1) shall use the funds only to meet the costs of the child's attendance at the school; and

(2) may, notwithstanding any other provision of law, charge the child's parents for the costs of the child's attendance at the school that exceed the amount of those funds.

TITLE XV—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES

SEC. 1501. SHORT TITLE.

This title may be cited as the "Equal Access to Public School Facilities Act".

SEC. 1502. EQUAL ACCESS.

No public elementary school, public secondary school, local educational agency, or State educational agency may deny equal access or a fair opportunity to meet after school in a designated open forum to any youth group listed in title 36 of the United States Code as a patriotic society, including the Boy Scouts of America, based on that group's favorable or unfavorable position concerning sexual orientation.

TITLE XVI—EDUCATION PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 1601. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The Act (20 U.S.C. 6301 et seq.) is amended by adding at the end the following:

"TITLE XI—EDUCATION PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—READING IS FUNDAMENTAL—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

"SEC. 11101. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

"(a) Purpose.—The purpose of this section is to establish and implement a model partnership *between a governmental entity and a private entity, to help prepare young children for reading and motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources, and shall assign the highest priority to serving the youngest and neediest children in the United States.*

''(b) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading Is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to young and school age children, that motivate children to read.

''(c) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (b) shall—

''(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age, including those in family literacy programs;

''(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

''(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

''(A) low-income children, particularly in high-poverty areas;

''(B) children at risk of school failure;

''(C) children with disabilities;

''(D) foster children;

''(E) homeless children;

''(F) migrant children;

''(G) children without access to libraries;

''(H) institutionalized or incarcerated children; and

''(I) children whose parents are institutionalized or incarcerated;

''(4) provide that the contractor will provide such training and technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

''(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

''(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

''(d) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

''(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

''(1) FUNDS FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

''(2) WAIVER AUTHORITY.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

''(f) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

''(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

''(2) the subcontract does not undermine the finances of the national program.

''(g) DEFINITION OF FEDERAL SHARE.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

"PART B—NATIONAL WRITING PROJECT

"SEC. 11151. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds that—

''(1) the United States faces a continuing crisis in writing in schools and in the workplace;

''(2) the writing problem has been magnified by the rapidly changing student population, the growing number of at-risk students due to limited English proficiency, the shortage of adequately trained teachers, and the specialized knowledge required of teachers to teach students with special needs who are now part of mainstream classrooms;

''(3) nationwide reports from universities and colleges show that entering students are unable to meet the demands of college level writing, almost all 2-year institutions of higher education offer remedial writing courses, and three-quarters of public 4-year institutions of higher education and half of all private 4-year institutions of higher education must provide remedial courses in writing;

''(4) American businesses and corporations are concerned about the limited writing skills of both entry-level workers and executives whose promotions are denied due to inadequate writing abilities;

''(5) writing is fundamental to learning, including learning to read, yet writing has been neglected historically in schools and in teacher training institutions;

''(6) writing is a central feature in State and school district education standards in all disciplines;

''(7) since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs, the goals of which are to improve student achievement in writing and student learning through improving the teaching and uses of writing at all grade levels and in all disciplines;

''(8) the National Writing Project is a nationally recognized and honored nonprofit organization that improves the quality of teaching and teachers through developing teacher-leaders who teach other teachers in summer and school year programs;

''(9) evaluations of the National Writing Project document the positive impact the project has had on improving the teaching of writing, student performance in writing, and student learning;

''(10) the National Writing Project has become a model for programs to improve teaching in such other fields as mathematics, science, history, reading and literature, performing arts, and foreign languages;

''(11) each year, over 150,000 participants benefit from National Writing Project programs in 1 of 156 United States sites located in 46 States and the Commonwealth of Puerto Rico; and

''(12) the National Writing Project is a cost-effective program and leverages over 6 dollars for every 1 Federal dollar.

''(b) PURPOSE.—It is the purpose of this part—

''(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

''(2) to ensure the consistent high quality of the sites through ongoing review, evaluation and technical assistance;

''(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

''(4) to coordinate activities assisted under this part with activities assisted under this Act.

"SEC. 11152. NATIONAL WRITING PROJECT.

''(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the 'grantee') to improve the teaching of writing and the use of writing as a part of the learning process in our Nation's classrooms.

''(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

''(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

''(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

''(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

''(c) TEACHER TRAINING PROGRAMS.—The teacher training programs authorized in subsection (a) shall—

''(1) be conducted during the school year and during the summer months;

''(2) train teachers who teach grades kindergarten through college;

''(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

''(4) encourage teachers from all disciplines to participate in such teacher training programs.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (a), the term 'Federal share' means, with respect to the costs of teacher training programs authorized in subsection (a), 50 percent of such costs to the contractor.

“(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

“(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (a) may not exceed $100,000 for any one contractor, or $200,000 for a statewide program administered by any one contractor in at least 5 sites throughout the State.

“(e) NATIONAL ADVISORY BOARD.—

“(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

“(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

“(A) national educational leaders;

“(B) leaders in the field of writing; and

“(C) such other individuals as the National Writing Project determines necessary.

“(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

“(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

“(B) review the activities and programs of the National Writing Project; and

“(C) support the continued development of the National Writing Project.

“(f) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this part. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

“(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2002 and the 6 succeeding fiscal years to conduct the evaluation described in paragraph (1).

“(g) APPLICATION REVIEW.—

“(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

“(A) leaders in the field of research in writing; and

“(B) such other individuals as the National Writing Project deems necessary.

“(2) DUTIES.—The National Review Board shall—

“(A) review all applications for assistance under this subsection; and

“(B) recommend applications for assistance under this subsection for funding by the National Writing Project.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the grant to the National Writing Project, $15,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years, to carry out the provisions of this section.

“PART C—READY TO LEARN; READY TO TEACH

“Subpart 1—Ready to Learn

“SEC. 11201. SHORT TITLE; FINDINGS.

“(a) SHORT TITLE.—This part may be cited as the ‘Ready to Learn, Ready to Teach Act of 2001’.

“(b) FINDINGS.—Congress makes the following findings:

“(1) In 1994, Congress and the Department collaborated to make a long-term, meaningful and public investment in the principle that high quality preschool television programming will help children be ready to learn by the time the children entered first grade.

“(2) The Ready to Learn Television Program through the Public Broadcasting Service (PBS) and local public television stations has proven to be an extremely cost-effective national response to improving early childhood cognitive development and helping parents, caregivers, and professional child care providers learn how to use television as a means to help children learn and develop social skills and values.

“(3) Independent research shows that parents who participate in Ready to Learn workshops are more selective of the programs that they choose for their children, limit the number of hours of television viewing of their children, and use the television programs as a catalyst for learning.

“(4) The Ready to Learn (RTL) Television Program is supporting and creating commercial-free broadcast programs for young children that are of the highest possible educational quality.

“(5) Through the Nation's 350 local public television stations, these programs and other programming elements reach tens of millions of children, their parents, and caregivers without regard to their economic circumstances, location, or access to cable. Public television is a partner with Federal policy to make television an instrument of preschool children's education and early development.

“(6) The Ready to Learn Television Program supports thousands of local workshops organized and run by local public television stations, child care service providers, Head Start Centers, Even Start family literacy centers and schools. These workshops have trained 630,587 parents and professionals who, in turn, serve and support over 6,312,000 children across the Nation.

“(7) The Ready to Learn Television Program has published and distributed a periodic magazine entitled ‘PBS Families’ that contains developmentally appropriate material to strengthen reading skills and enhance family literacy.

“(8) Ready to Learn Television stations also have distributed millions of age-appropriate books in their communities. Each station receives a minimum of 300 books each month for free local distribution. Some stations are now distributing more than 1,000 books per month. Nationwide, more than 653,494 books have been distributed in low-income and disadvantaged neighborhoods free of charge.

“(9) Demand for Ready To Learn Television Program outreach and training has increased from 10 Public Broadcasting Service stations to 133 stations in 5 years. This growth has put a strain on available resources resulting in an inability to meet the demand for the service and to reach all the children who would benefit from the service.

“(10) Federal policy played a crucial role in the evolution of analog television by funding the television program entitled ‘Sesame Street’ in the 1960's. Federal policy should continue to play an equally crucial role for children in the digital television age.

“SEC. 11202. READY TO LEARN.

“(a) IN GENERAL.—The Secretary is authorized to award grants to eligible entities described in section 11203(b) to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate the achievement of the National Education Goals.

“(b) AVAILABILITY.—In making such grants, the Secretary shall ensure that eligible entities make programming widely available, with support materials as appropriate, to young children, their parents, child care workers, and Head Start providers to increase the effective use of such programming.

“SEC. 11203. EDUCATIONAL PROGRAMMING.

“(a) AWARDS.—The Secretary shall award grants under section 11202 to eligible entities to—

“(1) facilitate the development directly, or through contracts with producers of children and family educational television programming, of—

“(A) educational programming for preschool and elementary school children; and

“(B) accompanying support materials and services that promote the effective use of such programming;

“(2) facilitate the development of programming and digital content especially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet, containing Ready to Learn-based children's programming and resources for parents and caregivers; and

“(3) enable eligible entities to contract with entities (such as public telecommunications entities) so that programs developed under this section are disseminated and distributed—

(A) to the widest possible audience appropriate to be served by the programming; and

(B) by the most appropriate distribution technologies.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall be—

“(1) a public telecommunications entity that is able to demonstrate a capacity for the development and national distribution of educational and instructional television programming of high quality for preschool and elementary school children;

“(2) able to demonstrate a capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality for preschool and elementary school children; and

“(3) able to demonstrate a capacity to localize programming and materials to meet specific State and local needs and provide educational outreach at the local level.

“(c) CULTURAL EXPERIENCES.—Programming developed under this section shall reflect the recognition of rural and urban cultural and ethnic diversity of the Nation's children and the needs of both boys and girls in preparing young children for success in school.

“SEC. 11204. DUTIES OF SECRETARY.

“The Secretary is authorized—

“(1) to award grants to eligible entities described in section 11203(b), local public television stations, or such public television stations that are part of a consortium with 1 or more State educational agencies, local educational agencies, local schools, institutions of higher education, or community-based organizations of demonstrated effectiveness, for the purpose of—

“(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and television programming to foster the school readiness of such children;

“(B) developing programming and support materials to increase family literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

“(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness;

“(D) developing and disseminating education and training materials, including—

“(i) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions;

“(ii) teacher training and professional development to ensure qualified caregivers; and

“(iii) support materials to promote the effective use of materials developed under subparagraph (B) among parents, Head Start providers,

in-home and center-based daycare providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children; and

"(E) distributing books to low-income individuals to leverage high-quality television programming;

"(2) to establish within the Department a clearinghouse to compile and provide information, referrals, and model program materials and programming obtained or developed under this subpart to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this subpart; and

"(3) to coordinate activities assisted under this subpart with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to recipients of funds under Federal programs that have major training components for early childhood development, including programs under the Head Start Act and Even Start, and State training activities funded under the Child Care Development Block Grant Act of 1990, regarding the availability and utilization of materials developed under paragraph (1)(D) to enhance parent and child care provider skills in early childhood development and education.

"SEC. 11205. APPLICATIONS.

"Each entity desiring a grant under section 11202 or 11204 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 11206. REPORTS AND EVALUATION.

"(a) ANNUAL REPORT TO SECRETARY.—An eligible entity receiving funds under section 11202 shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall describe the program activities undertaken with funds received under section 11202, including—

"(1) the programming that has been developed directly or indirectly by the eligible entity, and the target population of the programs developed;

"(2) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(3) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(4) the initiatives undertaken by the eligible entity to develop public-private partnerships to secure non-Federal support for the development, distribution, and broadcast of educational and instructional programming.

"(b) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report which includes—

"(1) a summary of activities assisted under section 11203(a); and

"(2) a description of the training materials made available under section 11204(1)(D), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such section.

"SEC. 11207. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 11203, eligible entities receiving a grant from the Secretary may use not more than 5 percent of the amounts received under such section for the normal and customary expenses of administering the grant.

"SEC. 11208. DEFINITION.

"For the purposes of this subpart, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"SEC. 11209. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subpart, $50,000,000 for fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) FUNDING RULE.—Not less than 60 percent of the amounts appropriated under subsection (a) for each fiscal year shall be used to carry out section 11203.

"Subpart 2—Ready to Teach

"SEC. 11251. FINDINGS.

"Congress makes the following findings:

"(1) Since 1995, the Telecommunications Demonstration Project for Mathematics (as established under this part pursuant to the Improving America's Schools Act of 1994) has allowed the Public Broadcasting Service to pioneer and refine a new model of teacher professional development for kindergarten through grade 12 teachers. Video modeling of standards-based lessons, combined with professionally facilitated online learning communities of teachers has been proven to help mathematics teachers adopt and implement standards-based practices. This integrated, self-paced approach breaks down the isolation of classroom teaching while making standards-based best practices available to all participants.

"(2) More than 5,800 teachers have participated over the last 3 years in the demonstration. These teachers have taught more than 1,500,000 students cumulatively.

"(3) Independent evaluations indicate that teaching improves and students benefit as a result of the program.

"(4) The demonstration program should be expanded to reach more teachers in more subject areas under the title of Teacherline. The Teacherline Program will link the digitized public broadcasting infrastructure with education networks by working with the program's digital membership, and Federal and State agencies, to expand and build upon the successful model and take advantage of greatly expanded access to the Internet and technology in schools, including digital television. The Teacherline Program will leverage the Public Broadcasting Service's historic relationships with higher education to improve preservice teacher training.

"(5) Over the past several years tremendous progress has been made in wiring classrooms, equipping the classrooms with multimedia computers, and connecting the classrooms to the Internet.

"(6) There is a great need for high quality, curriculum-based digital content for teachers and students to easily access and use in order to meet State and local standards for student performance.

"(7) The congressionally appointed Web-based Education Commission called for the development of high quality public-private online educational content that meets the highest standards of educational excellence.

"(8) Most local public television stations and State networks provide high-quality video programs, and teacher professional development, as a part of their mission to serve local schools. Programs distributed by public broadcast stations are used by more classroom teachers than any other because of their high quality and relevance to the curriculum.

"(9) Digital broadcasting can dramatically increase and improve the types of services public broadcasting stations can offer kindergarten through grade 12 schools.

"SEC. 11252. PROJECT AUTHORIZED.

"(a) GRANTS AUTHORIZED.—The Secretary is authorized to make grants to a nonprofit telecommunications entity, or partnership of such entities, for the purpose of carrying out a national telecommunications-based program to improve teaching in core curriculum areas. The program shall be designed to assist elementary school and secondary school teachers in preparing all students for achieving State and local content standards in core curriculum areas.

"(b) PROGRAMMING.—The Secretary is also authorized to award grants to eligible entities described in section 11254(b) to develop, produce, and distribute innovative educational and instructional video programming that is designed for use by kindergarten through grade 12 schools and based on State and local standards. In making the grants, the Secretary shall ensure that eligible entities enter into multiyear content development collaborative arrangements with State educational agencies, local educational agencies, institutions of higher education, businesses, or other agencies and organizations.

"SEC. 11253. APPLICATION REQUIRED.

"(a) IN GENERAL.—Each nonprofit telecommunications entity, or partnership of such entities, desiring a grant under section 11252(a) shall submit an application to the Secretary. Each such application shall—

"(1) demonstrate that the applicant will use the public broadcasting infrastructure and school digital networks, where available, to deliver video and data in an integrated service to train teachers in the use of standards-based curricula materials and learning technologies;

"(2) ensure that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, national, State or local nonprofit public telecommunications entities, and national education professional associations that have developed content standards in the subject areas;

"(3) ensure that a significant portion of the benefits available for elementary schools and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I; and

"(4) contain such additional assurances as the Secretary may reasonably require.

"(b) SITES.—In approving applications under section 11252(a), the Secretary shall ensure that the program authorized by section 11252(a) is conducted at elementary school and secondary school sites across the Nation.

"(c) APPLICATION.—Each eligible entity desiring a grant under section 11252(b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"SEC. 11254. REPORTS AND EVALUATION.

"An eligible entity receiving funds under section 11252(a) shall prepare and submit to the Secretary an annual report which contains such information as the Secretary may require. At a minimum, the report shall described the program activities undertaken with funds received under section 11252(a), including—

"(1) the core curriculum areas for which program activities have been undertaken and the number of teachers using the program in each core curriculum area; and

"(2) the States in which teachers using the program are located.

"SEC. 11255. EDUCATIONAL PROGRAMMING.

"(a) AWARDS.—The Secretary shall award grants under section 11252(b) to eligible entities

to facilitate the development of educational programming that shall—

"(1) include student assessment tools to give feedback on student performance;

"(2) include built-in teacher utilization and support components to ensure that teachers understand and can easily use the content of the programming with group instruction or for individual student use;

"(3) be created for, or adaptable to, State and local content standards; and

"(4) be capable of distribution through digital broadcasting and school digital networks.

"(b) Eligible Entities.—To be eligible to receive a grant under section 11252(b), an entity shall be a local public telecommunications entity as defined by section 397(12) of the Communications Act of 1934 that is able to demonstrate a capacity for the development and distribution of educational and instructional television programming of high quality.

"(c) Competitive Basis.—Grants under section 11252(b) shall be awarded on a competitive basis as determined by the Secretary.

"(d) Duration.—Each grant under section 11252(b) shall be awarded for a period of 3 years in order to allow time for the creation of a substantial body of significant content.

"SEC. 11256. MATCHING REQUIREMENT.

"Each eligible entity desiring a grant under section 11252(b) shall contribute to the activities assisted under section 11252(b) non-Federal matching funds equal to not less than 100 percent of the amount of the grant. Matching funds may include funds provided for the transition to digital broadcasting, as well as in-kind contributions.

"SEC. 11257. ADMINISTRATIVE COSTS.

"With respect to the implementation of section 11252(b), entities receiving a grant from the Secretary may use not more than 5 percent of the amounts received under the grant for the normal and customary expenses of administering the grant.

"SEC. 11258. AUTHORIZATION OF APPROPRIATIONS; FUNDING RULES.

"(a) In General.—There are authorized to be appropriated to carry out this subpart, $45,000,000 for the fiscal year 2002, and such sums as may be necessary for each of the 6 succeeding fiscal years.

"(b) Funding Rule.—For any fiscal year in which appropriations for section 11252 exceed the amount appropriated for such section for the preceding fiscal year, the Secretary shall only award the amount of such excess minus at least $500,000 to applicants under section 11252(b).

"PART D—EDUCATION FOR DEMOCRACY

"SEC. 11301. SHORT TITLE.

"This part may be cited as the 'Education for Democracy Act'.

"SEC. 11302. FINDINGS.

"Congress finds that—

"(1) college freshmen surveyed in 1999 by the Higher Education Research Institute at the University of California at Los Angeles demonstrated higher levels of disengagement, both academically and politically, than any previous entering class of students;

"(2) college freshmen in 1999 demonstrated the lowest levels of political interest in the 20-year history of surveys conducted by the Higher Education Research Institute at the University of California at Los Angeles;

"(3) United States secondary school students expressed relatively low levels of interest in politics and economics in a 1999 Harris survey;

"(4) the 32d Annual Phi Delta Kappa/Gallup Poll of 2000 indicated that preparing students to become responsible citizens was the most important purpose of public schools;

"(5) Americans surveyed by the Organization of Economic Cooperation and Development indicated that only 59 percent had confidence that schools have a major effect on the development of good citizenship;

"(6) teachers too often do not have sufficient expertise in the subjects that they teach, and half of all secondary school history students in America are being taught by teachers with neither a major nor a minor in history;

"(7) secondary school students correctly answered less than half of the questions on a national test of economic knowledge in a 1999 Harris survey;

"(8) the 1998 National Assessment of Educational Progress indicated that students have only superficial knowledge of, and lacked a depth of understanding regarding, civics;

"(9) civic and economic education are important not only to developing citizenship competencies in the United States but also are critical to supporting political stability and economic health in other democracies, particularly emerging democratic market economies;

"(10) more than three quarters of Americans surveyed by the National Constitution Center in 1997 admitted that they knew only some or very little about the Constitution of the United States; and

"(11) the Constitution of the United States is too often viewed within the context of history and not as a living document that shapes current events.

"SEC. 11303. PURPOSE.

"It is the purpose of this part—

"(1) to improve the quality of civics and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights;

"(2) to foster civic competence and responsibility; and

"(3) to improve the quality of civic education and economic education through cooperative civic education and economic education exchange programs with emerging democracies.

"SEC. 11304. GENERAL AUTHORITY.

"(a) Grants and Contracts.—

"(1) In general.—The Secretary is authorized to award grants to or enter into contracts with—

"(A) the Center for Civic Education to carry out civic education activities under sections 11305 and 11306; and

"(B) the National Council on Economic Education to carry out economic education activities under section 11306.

"(2) Consultation.—The Secretary shall award the grants and contracts under this part in consultation with the Secretary of State.

"(b) Distribution.—The Secretary shall use not more than 50 percent of the amount appropriated under section 11307(b) for each fiscal year to carry out economic education activities under section 11306.

"SEC. 11305. WE THE PEOPLE PROGRAM.

"(a) The Citizen and the Constitution.—

"(1) In general.—The Center for Civic Education shall use funds awarded under section 11304(a)(1)(A) to carry out The Citizen and the Constitution program in accordance with this subsection.

"(2) Educational activities.—The Citizen and the Constitution program—

"(A) shall continue and expand the educational activities of the 'We the People . . . The Citizen and the Constitution' program administered by the Center for Civic Education;

"(B) shall enhance student attainment of challenging content standards in civics and government;

"(C) shall provide a course of instruction on the basic principles of our Nation's constitutional democracy and the history of the Constitution of the United States and the Bill of Rights;

"(D) shall provide, at the request of a participating school, school and community simulated congressional hearings following the course of study;

"(E) shall provide an annual national competition of simulated congressional hearings for secondary school students who wish to participate in such a program; and

"(F) shall provide—

"(i) advanced sustained and ongoing training of teachers about the Constitution of the United States and the political system the United States created;

"(ii) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

"(iii) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

"(3) Availability of program.—The education program authorized under this subsection shall be made available to public and private elementary schools and secondary schools, including Bureau funded schools, in the 435 congressional districts, and in the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(b) Project Citizen.—

"(1) In general.—The Center for Civic Education shall use funds awarded under section 11304(a)(1)(A) to carry out The Project Citizen program in accordance with this subsection.

"(2) Educational activities.—The Project Citizen program—

"(A) shall continue and expand the educational activities of the 'We the People . . . Project Citizen' program administered by the Center for Civic Education;

"(B) shall enhance student attainment of challenging content standards in civics and government;

"(C) shall provide a course of instruction at the middle school level on the roles of State and local governments in the Federal system established by the Constitution of the United States;

"(D) shall provide an annual national showcase or competition; and

"(E) shall provide—

"(i) optional school and community simulated State legislative hearings;

"(ii) advanced sustained and ongoing training of teachers on the roles of State and local governments in the Federal system established by the Constitution of the United States;

"(iii) materials and methods of instruction, including teacher training, that utilize the latest advancements in educational technology; and

"(iv) civic education materials and services to address specific problems such as the prevention of school violence and the abuse of drugs and alcohol.

"(3) Availability of program.—The education program authorized under this subsection shall be made available to public and private middle schools, including Bureau funded schools, in the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(c) Definition of Bureau Funded School.—In this section, the term 'Bureau funded school' has the meaning given the term in section 1146 of the Education Amendments of 1978.

"SEC. 11306. COOPERATIVE CIVIC EDUCATION AND ECONOMIC EDUCATION EXCHANGE PROGRAMS.

"(a) Cooperative Education Exchange Programs.—The Center for Civic Education and the National Council on Economic Education shall use funds awarded under section

11304(a)(1) to carry out Cooperative Education Exchange programs in accordance with this section.

"(b) PURPOSE.—The purpose of the Cooperative Education Exchange programs provided under this section shall be to—

"(1) make available to educators from eligible countries exemplary curriculum and teacher training programs in civics and government education, and economics education, developed in the United States;

"(2) assist eligible countries in the adaptation, implementation, and institutionalization of such programs;

"(3) create and implement civics and government education, and economic education, programs for students that draw upon the experiences of the participating eligible countries;

"(4) provide a means for the exchange of ideas and experiences in civics and government education, and economic education, among political, educational, governmental, and private sector leaders of participating eligible countries; and

"(5) provide support for—

"(A) independent research and evaluation to determine the effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(B) effective participation in and the preservation and improvement of an efficient market economy.

"(c) AVOIDANCE OF DUPLICATION.—The Secretary shall consult with the Secretary of State to ensure that—

"(1) activities under this section are not duplicative of other efforts in the eligible countries; and

"(2) partner institutions in the eligible countries are creditable.

"(d) ACTIVITIES.—The Cooperative Education Exchange programs shall—

"(1) provide eligible countries with—

"(A) seminars on the basic principles of United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

"(B) visits to school systems, institutions of higher education, and nonprofit organizations conducting exemplary programs in civics and government education, and economic education, in the United States;

"(C) translations and adaptations regarding United States civic and government education, and economic education, curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas; and

"(D) independent research and evaluation assistance to determine—

"(i) the effects of the Cooperative Education Exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(ii) effective participation in and the preservation and improvement of an efficient market economy;

"(2) provide United States participants with—

"(A) seminars on the histories, economies, and systems of government of eligible countries;

"(B) visits to school systems, institutions of higher education, and organizations conducting exemplary programs in civics and government education, and economic education, located in eligible countries;

"(C) assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economy of such countries that are useful in United States classrooms;

"(D) opportunities to provide onsite demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

"(E) independent research and evaluation assistance to determine—

"(i) the effects of the Cooperative Education Exchange programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

"(ii) effective participation in and improvement of an efficient market economy; and

"(3) assist participants from eligible countries and the United States to participate in conferences on civics and government education, and economic education, for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers.

"(e) PARTICIPANTS.—The primary participants in the Cooperative Education Exchange programs assisted under this section shall be educational leaders in the areas of civics and government education, and economic education, including teachers, curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, and government and private sector leaders from the United States and eligible countries.

"(f) DEFINITION OF ELIGIBLE COUNTRY.—For the purpose of this section, the term 'eligible country' means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, the independent states of the former Soviet Union as defined in section 3 of the FREEDOM Support Act (22 U.S.C. 5801), and may include the Republic of Ireland, the province of Northern Ireland in the United Kingdom, and any developing country, as defined in section 209(d) of the Education for the Deaf Act, that has a democratic form of government as determined by the Secretary in consultation with the Secretary of State.

"SEC. 11307. AUTHORIZATION OF APPROPRIATIONS.

"(a) SECTION 11304.—There are authorized to be appropriated to carry out section 11304, $15,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2008.

"(b) SECTION 11305.—There are authorized to be appropriated to carry out section 11305, $12,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2008.

"PART E—GIFTED AND TALENTED CHILDREN

"SEC. 11401. SHORT TITLE.

"This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 2001'.

"SEC. 11402. FINDINGS.

"Congress finds the following:

"(1) While the families or communities of some gifted students can provide private programs with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.

"(2) Due to the wide dispersal of students who are gifted and talented and the national interest in a well-educated populace, the Federal Government can most effectively and appropriately conduct research and development to provide an infrastructure for, and to ensure that there is, a national capacity to educate students who are gifted and talented to meet the needs of the 21st century.

"(3) State and local educational agencies often lack the specialized resources and trained personnel to consistently plan and implement effective programs for the identification of gifted and talented students and for the provision of educational services and programs appropriate for their needs.

"(4) Because gifted and talented students generally are more advanced academically, are able to learn more quickly, and study in more depth and complexity than others their age, their educational needs require opportunities and experiences that are different from those generally available in regular education programs.

"(5) Typical elementary school students who are academically gifted and talented already have mastered 35 to 50 percent of the school year's content in several subject areas before the year begins. Without an advanced and challenging curriculum, they often lose their motivation and develop poor study habits that are difficult to break.

"(6) Elementary school and secondary school teachers have students in their classrooms with a wide variety of traits, characteristics, and needs. Most teachers receive some training to meet the needs of these students, such as students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds. However, most teachers do not receive training on meeting the needs of students who are gifted and talented.

"SEC. 11403. CONDITIONS ON EFFECTIVENESS OF SUBPART 2.

"(a) IN GENERAL.—Subpart 2 shall be in effect only for—

"(1) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $50,000,000; and

"(2) all succeeding fiscal years.

"Subpart 1—National Research Program

"SEC. 11411. PURPOSE.

"The purpose of this subpart is to initiate a coordinated program of research, demonstration projects, innovative strategies, and similar activities designed to build a nationwide capability in elementary schools and secondary schools to meet the special educational needs of gifted and talented students.

"SEC. 11412. GRANTS TO MEET EDUCATIONAL NEEDS OF GIFTED AND TALENTED STUDENTS.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Subject to section 11403, from the sums available to carry out this subpart in any fiscal year, the Secretary shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

"(2) APPLICATION.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

"(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

"(B) the proposed programs can be evaluated.

"(b) Uses of Funds.—Programs and projects assisted under this subpart may include the following:

"(1) Carrying out—

"(A) research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

"(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

"(2) Professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

"(3) Establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, including summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education.

"(4) Implementing innovative strategies, such as cooperative learning, peer tutoring, and service learning.

"(5) Programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

"SEC. 11413. PROGRAM PRIORITIES.

"(a) General Priority.—In the administration of this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

"(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

"(2) assists schools in the identification of, and provision of services to, gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities).

"(b) Service Priority.—In approving applications for assistance under section 11412(a)(2), the Secretary shall ensure that in each fiscal year at least ½ of the applications approved under such section address the priority described in subsection (a)(2).

"SEC. 11414. CENTER FOR RESEARCH AND DEVELOPMENT.

"(a) In General.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Research Center in the Education of Gifted and Talented Children and Youth through grants to or contracts with 1 or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in section 11412.

"(b) Director.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(c) Funding.—The Secretary may use not more than 30 percent of the funds made available under this subpart for any fiscal year to carry out this section.

"SEC. 11415. GENERAL PROVISIONS FOR SUBPART.

"(a) Review, Dissemination, and Evaluation.—The Secretary—

"(1) shall use a peer review process in reviewing applications under sections 11415(d) and 11412;

"(2) shall ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State and local educational agencies and other appropriate organizations, including nonprofit private organizations; and

"(3) shall evaluate the effectiveness of programs under this subpart, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to Congress not later than 2 years after the date of enactment of the Better Education for Students and Teachers Act.

"(b) Program Operations.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who—

"(1) shall serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs;

"(2) shall assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students; and

"(3) shall disseminate and consult on the information developed under this subpart with other offices within the Department.

"(c) Coordination.—Research activities supported under this subpart—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with such Office.

"(d) Grants to State Educational Agencies for Authorized Activities.—

"(1) In general.—For fiscal year 2002 and succeeding fiscal years, the Secretary shall use the excess amount of funds under subpart 1 to award grants, on a competitive basis, to State educational agencies to begin implementing activities described in section 11422(b).

"(2) Excess amount.—For purposes of paragraph (1), the excess amount described in this subsection is the amount (if any) by which the funds appropriated to carry out this subpart for the fiscal year exceed such funds appropriated for fiscal year 2001.

"(3) Application.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary that contains the assurances described in section 11424(b), with respect to the implementing activities.

"Subpart 2—Formula Grant Program

"SEC. 11421. PURPOSE.

"The purpose of this subpart is to provide grants to States to support programs, teacher preparation, and other services designed to meet the needs of the Nation's gifted and talented students in elementary schools and secondary schools.

"SEC. 11422. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.

"(a) In General.—In the case of each State that in accordance with section 11424 submits to the Secretary an application for a fiscal year, subject to section 11403, the Secretary shall make a grant for the fiscal year to the State for the uses specified in subsection (b). The grant shall consist of the allotment determined for the State under section 11423.

"(b) Authorized Activities.—Each State receiving a grant under this subpart shall use the funds provided under the grant to assist local educational agencies in the State to develop or expand gifted and talented education programs through 1 or more of the following activities:

"(1) Development and implementation of programs to address State and local needs for inservice training programs for general educators, specialists in gifted and talented education, administrators, or other personnel at the elementary school and secondary school levels.

"(2) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

"(3) Supporting innovative approaches and curricula used by local educational agencies (or consortia of such agencies) or schools (or consortia of schools).

"(4) Providing funds for challenging, high-level course work, disseminated through new and emerging technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that do not have the resources otherwise to provide such course work.

"(c) Competitive Process.—Funds provided under this subpart shall be distributed to local educational agencies through a competitive process that results in an equitable distribution by geographic area within the State.

"(d) Limitations on Use of Funds.—

"(1) Course work provided through emerging technologies.—Activities under subsection (b)(4) may include development of curriculum packages, compensation of distance-learning educators, or other relevant activities, but funds provided under this subpart may not be used for the purchase or upgrading of technological hardware.

"(2) State use of funds.—

"(A) In general.—A State educational agency receiving a grant under this subpart may not use more than 10 percent of the grant funds for—

"(i) dissemination of general program information;

"(ii) providing technical assistance under this subpart;

"(iii) monitoring and evaluation of programs and activities assisted under this subpart;

"(iv) providing support for parental education; and

"(v) creating a State gifted education advisory board.

"(B) Administrative costs.—A State educational agency may use not more than 50 percent of the funds made available to the State educational agency under subparagraph (A) for administrative costs.

"(C) Education, information, and support.—A State educational agency receiving a grant under this subpart may use not more than 2 percent of the grant funds to provide information, education, and support to parents and caregivers of gifted and talented children to enhance their ability to participate in decisions regarding their children's educational programs. Such education, information, and support shall be developed and carried out by parents and caregivers or by parents and caregivers in partnership with the State.

"SEC. 11423. ALLOTMENTS TO STATES.

"(a) Reservation of Funds.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) State Allotments.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this subpart for any fiscal year and not reserved under subsection (a) to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

''(2) MINIMUM GRANT AMOUNT.—No State receiving an allotment under paragraph (1) may receive less than ½ of 1 percent of the total amount allotted under such paragraph.

''(c) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this section.

"SEC. 11424. STATE APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) CONTENTS.—Each application under this section shall include assurances that—

''(1) funds received under this subpart will be used to support gifted and talented students in public schools and public charter schools, including students from all economic, ethnic, and racial backgrounds, students of limited English proficiency, students with disabilities, and highly gifted students;

''(2) the funds not retained by the State educational agency shall be used for the purpose of making, in accordance with this subpart and on a competitive basis, grants to local educational agencies;

''(3) funds received under this subpart shall be used only to supplement, but not supplant, the amount of State and local funds expended for specialized education and related services provided for the education of gifted and talented students;

''(4) the State educational agency will provide matching funds for the activities to be assisted under this subpart in an amount equal to not less than 20 percent of the grant funds to be received; and

''(5) the State educational agency shall develop and implement program assessment models to ensure program accountability and to evaluate educational effectiveness.

''(c) APPROVAL.—To the extent funds are made available for this subpart, the Secretary shall approve an application of a State if such application meets the requirements of this section.

"SEC. 11425. DISTRIBUTION TO LOCAL EDUCATIONAL AGENCIES.

''(a) GRANT COMPETITION.—A State educational agency shall use not less than 88 percent of the funds made available to the State educational agency under this subpart to award grants, on a competitive basis, to local educational agencies (including consortia of local educational agencies) to support programs, classes, and other services designed to meet the needs of gifted and talented students.

''(b) SIZE OF GRANT.—A State educational agency shall award a grant under subsection (a) for any fiscal year in an amount sufficient to meet the needs of the students to be served under the grant.

"SEC. 11426. LOCAL APPLICATIONS.

''(a) APPLICATION.—To be eligible to receive a grant under this subpart, a local educational agency (including a consortium of local educational agencies) shall submit an application to the State educational agency.

''(b) CONTENTS.—Each such application shall include—

''(1) an assurance that the funds received under this subpart will be used to identify and support gifted and talented students, including gifted and talented students from all economic, ethnic, and racial backgrounds, such students of limited English proficiency, and such students with disabilities;

''(2) a description of how the local educational agency will meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students; and

''(3) an assurance that funds received under this subpart will be used to supplement, not supplant, the amount of funds the local educational agency expends for the education of, and related services for, gifted and talented students.

"SEC. 11427. ANNUAL REPORTING.

''Beginning 1 year after the date of enactment of the Better Education for Students and Teachers Act and for each subsequent year thereafter, the State educational agency shall submit an annual report to the Secretary that describes the number of students served and the activities supported with funds provided under this subpart. The report shall include a description of the measures taken to comply with paragraphs (1) and (4) of section 11424(b).

"Subpart 3—General Provisions

"SEC. 11431. CONSTRUCTION.

''Nothing in this subpart shall be construed to prohibit a recipient of funds under this subpart from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 11432. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

''In making grants and entering into contracts under this subpart, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary schools and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 11433. DEFINITIONS.

''For purposes of this subpart:

''(1) GIFTED AND TALENTED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'gifted and talented' when used with respect to a person or program—

''(i) has the meaning given the term under applicable State law; or

''(ii) in the case of a State that does not have a State law defining the term, has the meaning given such term by definition of the State educational agency or local educational agency involved.

''(B) SPECIAL RULE.—In the case of a State that does not have a State law that defines the term, and the State educational agency or local educational agency has not defined the term, the term has the meaning given the term in section 3.

''(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 11434. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart $170,000,000 for each of fiscal years 2002 through 2008.

"PART F—LOCAL INNOVATIONS FOR EDUCATION (LIFE) FUND

"Subpart 1—Fund for the Improvement of Education

"SEC. 11501. FUND FOR THE IMPROVEMENT OF EDUCATION.

''(a) FUNDS AUTHORIZED.—From funds appropriated under subpart 9, the Secretary is authorized to support nationally significant programs and projects to improve the quality of education, assist all students to meet challenging State content standards and challenging State student performance standards, and carry out activities to raise standards and expectations for academic achievement among all students, especially disadvantaged students traditionally underserved in schools. The Secretary is authorized to carry out such programs and projects directly or through grants to, or contracts with, State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, and institutions.

''(b) USES OF FUNDS.—Funds under this section may be used for—

''(1) joint efforts with other agencies and community organizations, including activities related to improving the transition from preschool to school and from school to work, as well as activities related to the integration of educational, recreational, cultural, health and social services programs within a local community;

''(2) activities to promote and evaluate counseling and mentoring for students, including intergenerational mentoring;

''(3) activities to promote and evaluate coordinated student support services;

''(4) activities to promote comprehensive health education;

''(5) activities to promote environmental education;

''(6) activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education;

''(7) studies and evaluation of various education reform strategies and innovations being pursued by the Federal Government, States, and local educational agencies;

''(8) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools;

''(9) programs designed to promote gender equity in education by evaluating and eliminating gender bias in instruction and educational materials, identifying, and analyzing gender inequities in educational practices, and implementing and evaluating educational policies and practices designed to achieve gender equity;

''(10) programs designed to encourage parents to participate in school activities;

''(11) experiential-based learning, such as service-learning;

''(12) developing, adapting, or expanding existing and new applications of technology to support the school reform effort;

''(13) acquiring connectivity linkages, resources, and services, including the acquisition of hardware and software, for use by teachers, students and school library media personnel in the classroom or in school library media centers, in order to improve student learning to ensure that students in schools will have meaningful access on a regular basis to such linkages, resources and services;

''(14) providing ongoing professional development in the integration of quality educational technologies into school curriculum and long-term planning for implementing educational technologies;

''(15) acquiring connectivity with wide area networks for purposes of accessing information and educational programming sources, particularly with institutions of higher education and public libraries;

''(16) providing educational services for adults and families;

''(17) demonstrations relating to the planning and evaluations of the effectiveness of projects under which local educational agencies or schools contract with private management organizations to reform a school or schools; and

''(18) other programs and projects that meet the purposes of this section.

"(c) AWARDS.—

"(1) IN GENERAL.—The Secretary may—

"(A) make awards under this section on the basis of competitions announced by the Secretary; and

"(B) support meritorious unsolicited proposals.

"(2) SPECIAL RULE.—The Secretary shall ensure that programs, projects, and activities supported under this section are designed so that the effectiveness of such programs, projects, and activities is readily ascertainable.

"(3) PEER REVIEW.—The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under section 11801 for the cost of such peer review.

"SEC. 11502. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

"(a) IN GENERAL.—The Secretary is authorized to award a grant to a nonprofit organization to reimburse such organization for the costs of conducting scholar-athlete games.

"(b) PRIORITY.—In awarding the grant under subsection (a), the Secretary shall give priority to a nonprofit organization that—

"(1) is described in section 501(c)(3) of, and exempt from taxation under section 501(a) of, the Internal Revenue Code of 1986, and is affiliated with a university capable of hosting a large educational, cultural, and athletic event that will serve as a national model;

"(2) has the capability and experience in administering federally funded scholar-athlete games;

"(3) has the ability to provide matching funds, on a dollar-for-dollar basis, from foundations and the private sector for the purpose of conducting a scholar-athlete program;

"(4) has the organizational structure and capability to administer a model scholar-athlete program; and

"(5) has the organizational structure and expertise to replicate the scholar-athlete program in various venues throughout the United States internationally.

"Subpart 2—Star Schools Program

"SEC. 11551. SHORT TITLE.

"This subpart may be cited as the 'Star Schools Act'.

"SEC. 11552. FINDINGS.

"Congress finds that—

"(1) the Star Schools program has helped to encourage the use of distance learning strategies to serve multistate regions primarily by means of satellite and broadcast television;

"(2) in general, distance learning programs have been used effectively to provide students in small, rural, and isolated schools with courses and instruction, such as science and foreign language instruction, that the local educational agency is not otherwise able to provide; and

"(3) distance learning programs may also be used to—

"(A) provide students of all ages in all types of schools and educational settings with greater access to high-quality instruction in the full range of core academic subjects that will enable such students to meet challenging, internationally competitive, educational standards;

"(B) expand professional development opportunities for teachers;

"(C) contribute to achievement of the National Education Goals; and

"(D) expand learning opportunities for everyone.

"SEC. 11553. PURPOSE.

"It is the purpose of this subpart to encourage improved instruction in mathematics, science, and foreign languages as well as other subjects, such as literacy skills and vocational education, and to serve underserved populations, including the disadvantaged, illiterate, limited English proficient, and individuals with disabilities, through a Star Schools program under which grants are made to eligible telecommunication partnerships to enable such partnerships to—

"(1) develop, construct, acquire, maintain, and operate telecommunications audio and visual facilities and equipment;

"(2) develop and acquire educational and instructional programming; and

"(3) obtain technical assistance for the use of such facilities and instructional programming.

"SEC. 11554. GRANTS AUTHORIZED.

"(a) AUTHORITY.—The Secretary, through the Office of Educational Technology, is authorized to make grants, in accordance with the provisions of this subpart, to eligible entities to pay the Federal share of the cost of—

"(1) the development, construction, acquisition, maintenance, and operation of telecommunications facilities and equipment;

"(2) the development and acquisition of live, interactive instructional programming;

"(3) the development and acquisition of preservice and inservice teacher training programs based on established research regarding teacher-to-teacher mentoring, effective skill transfer, and ongoing, in-class instruction;

"(4) the establishment of teleconferencing facilities and resources for making interactive training available to teachers;

"(5) obtaining technical assistance; and

"(6) the coordination of the design and connectivity of telecommunications networks to reach the greatest number of schools.

"(b) DURATION.—

"(1) IN GENERAL.—The Secretary shall award grants pursuant to subsection (a) for a period of 5 years.

"(2) RENEWAL.—Grants awarded pursuant to subsection (a) may be renewed for 1 additional 3-year period.

"(c) AVAILABILITY OF FUNDS.—Funds made available to carry out this subpart shall remain available until expended.

"(d) LIMITATIONS.—

"(1) IN GENERAL.—A grant under this section shall not exceed—

(A) 5 years in duration; or

(B) $10,000,000 in any 1 fiscal year.

"(2) INSTRUCTIONAL PROGRAMMING.—Not less than 25 percent of the funds available to the Secretary in any fiscal year under this subpart shall be used for the cost of instructional programming.

"(3) SPECIAL RULE.—Not less than 50 percent of the funds available in any fiscal year under this subpart shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under part A of title I.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of projects funded under this section shall not exceed—

"(A) 75 percent for the first and second years for which an eligible telecommunications partnership receives a grant under this subpart;

"(B) 60 percent for the third and fourth such years; and

"(C) 50 percent for the fifth such year.

"(2) REDUCTION OR WAIVER.—The Secretary may reduce or waive the requirement of the non-Federal share under paragraph (1) upon a showing of financial hardship.

"(f) AUTHORITY TO ACCEPT FUNDS FROM OTHER AGENCIES.—The Secretary is authorized to accept funds from other Federal departments or agencies to carry out the purposes of this section, including funds for the purchase of equipment.

"(g) COORDINATION.—The Department, the National Science Foundation, the Department of Agriculture, the Department of Commerce, and any other Federal department or agency operating a telecommunications network for educational purposes, shall coordinate the activities assisted under this subpart with the activities of such department or agency relating to a telecommunications network for educational purposes.

"(h) CLOSED CAPTIONING AND DESCRIPTIVE VIDEO.—Each entity receiving funds under this subpart is encouraged to provide—

"(1) closed captioning of the verbal content of such program, where appropriate, to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies; and

"(2) descriptive video of the visual content of such program, as appropriate.

"SEC. 11555. ELIGIBLE ENTITIES.

"(a) ELIGIBLE ENTITIES.—

"(1) REQUIRED PARTICIPATION.—The Secretary may make a grant under section 11554 to any eligible entity, if at least 1 local educational agency is participating in the proposed project.

"(2) ELIGIBLE ENTITY.—For the purpose of this subpart, the term 'eligible entity' may include—

"(A) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, and other entities, except that any such agency or corporation shall represent the interests of elementary schools and secondary schools that are eligible to participate in the program under part A of title I; or

"(B) a partnership that will provide telecommunications services and which includes 3 or more of the following entities, at least 1 of which shall be an agency described in clause (i) or (ii):

"(i) a local educational agency that serves a significant number of elementary schools and secondary schools that are eligible for assistance under part A of title I, or elementary schools and secondary schools operated or funded for Indian children by the Department of the Interior eligible under section 1121(c)(1)(A);

"(ii) a State educational agency;

"(iii) adult and family education programs;

"(iv) an institution of higher education or a State higher education agency;

"(v) a teacher training center or academy that—

"(I) provides teacher preservice and inservice training; and

"(II) receives Federal financial assistance or has been approved by a State agency;

"(vi)(I) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or

"(II) a public broadcasting entity with such experience; or

"(vii) a public or private elementary school or secondary school.

"(b) SPECIAL RULE.—An eligible entity receiving assistance under this subpart shall be organized on a statewide or multistate basis.

"SEC. 11556. APPLICATIONS.

"(a) APPLICATIONS REQUIRED.—Each eligible entity which desires to receive a grant under section 11554 shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) STAR SCHOOL AWARD APPLICATION.—Each application submitted pursuant to subsection (a) shall—

"(1) describe how the proposed project will assist in achieving the National Education Goals, how such project will assist all students to have *an opportunity to learn to challenging State standards, how such project will assist State and local educational reform efforts, and how such project will contribute to creating a high-quality system of lifelong learning;*

"(2) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought, which may include—

"(A) the design, development, construction, acquisition, maintenance, and operation of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment or any combination thereof;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to instructors who will be using the facilities and equipment for which assistance is sought, including training in using such facilities and equipment and training in integrating programs into the classroom curriculum; and

"(H) the development of educational and related programming for use on a telecommunications network;

"(3) in the case of an application for assistance for instructional programming, describe the types of programming which will be developed to enhance instruction and training and provide assurances that such programming will be designed in consultation with professionals (including classroom teachers) who are experts in the applicable subject matter and grade level;

"(4) describe how the eligible entity has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the eligible entity will increase the availability of courses of instruction in English, mathematics, science, foreign languages, arts, history, geography, or other disciplines;

"(5) describe the professional development policies for teachers and other school personnel to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(6) describe the manner in which historically underserved students (such as students from low-income families, limited English proficient students, students with disabilities, or students who have low literacy skills) and their families, will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this subpart;

"(7) describe how existing telecommunications equipment, facilities, and services, where available, will be used;

"(8) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(9) provide assurances that a significant portion of any facilities and equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools or local educational agencies that have a high number or percentage of children eligible to be counted under part A of title I;

"(10) provide assurances that the applicant will use the funds provided under this subpart to supplement and not supplant funds otherwise available for the purposes of this subpart;

"(11) describe how funds received under this subpart will be coordinated with funds received for educational technology in the classroom;

"(12) describe the activities or services for which assistance is sought, such as—

"(A) providing facilities, equipment, training services, and technical assistance;

"(B) making programs accessible to students with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks around issues of national importance (such as elections) or to provide information about employment opportunities, job training, or student and other social service programs;

"(D) sharing curriculum resources between networks and development of program guides which demonstrate cooperative, cross-network listing of programs for specific curriculum areas;

"(E) providing teacher and student support services including classroom and training support materials which permit student and teacher involvement in the live interactive distance learning telecasts;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing professional development for teachers, including, as appropriate, training to early childhood development and Head Start teachers and staff and vocational education teachers and staff, and adult and family educators;

"(H) providing programs for adults to maximize the use of telecommunications facilities and equipment;

"(I) providing teacher training on proposed or established voluntary national content standards in mathematics and science and other disciplines as such standards are developed; and

"(J) providing parent education programs during and after the regular school day which reinforce a student's course of study and actively involve parents in the learning process;

"(13) describe how the proposed project as a whole will be financed and how arrangements for future financing will be developed before the project expires;

"(14) provide an assurance that a significant portion of any facilities, equipment, technical assistance, and programming for which assistance is sought for elementary schools and secondary schools will be made available to schools in local educational agencies that have a high percentage of children counted for the purpose of part A of title I;

"(15) provide an assurance that the applicant will provide such information and cooperate in any evaluation that the Secretary may conduct under this subpart; and

"(16) include such additional assurances as the Secretary may reasonably require.

"(c) PRIORITIES.—The Secretary, in approving applications for grants authorized under section 11554, shall give priority to applications describing projects that—

"(1) propose high-quality plans to assist in achieving 1 or more of the National Education Goals, will provide instruction consistent with State content standards, or will otherwise provide significant and specific assistance to States and local educational agencies undertaking systemic education reform;

"(2) will provide services to programs serving adults, especially parents, with low levels of literacy;

"(3) will serve schools with significant numbers of children counted for the purposes of part A of title I;

"(4) ensure that the eligible entity will—

"(A) serve the broadest range of institutions, programs providing instruction outside of the school setting, programs serving adults, especially parents, with low levels of literacy, institutions of higher education, teacher training centers, research institutes, and private industry;

"(B) have substantial academic and teaching capabilities, including the capability of training, retraining, and inservice upgrading of teaching skills and the capability to provide professional development;

"(C) provide a comprehensive range of courses for educators to teach instructional strategies for students with different skill levels;

"(D) provide training to participating educators in ways to integrate telecommunications courses into existing school curriculum;

"(E) provide instruction for students, teachers, and parents;

"(F) serve a multistate area; and

"(G) give priority to the provision of equipment and linkages to isolated areas; and

"(5) involve a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television stations) participating in the eligible entity and donating equipment or in-kind services for telecommunications linkages.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications for grants authorized under section 11554, the Secretary shall, to the extent feasible, ensure an equitable geographic distribution of services provided under this subpart.

"SEC. 11557. LEADERSHIP AND EVALUATION.

"(a) RESERVATION.—From the amount made available to carry out this subpart in each fiscal year, the Secretary may reserve not more than 5 percent of such amount for national leadership, evaluation, and peer review activities.

"(b) METHOD OF FUNDING.—The Secretary may fund the activities described in subsection (a) directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—

"(1) LEADERSHIP.—Funds reserved for leadership activities under subsection (a) may be used for—

"(A) disseminating information, including lists and descriptions of services available from grant recipients under this subpart; and

"(B) other activities designed to enhance the quality of distance learning activities nationwide.

"(2) EVALUATION.—Funds reserved for evaluation activities unaer subsection (a) may be used to conduct independent evaluations of the activities assisted under this subpart and of distance learning in general, including—

"(A) analyses of distance learning efforts, including such efforts that are assisted under this subpart and such efforts that are not assisted under this subpart; and

"(B) comparisons of the effects, including student outcomes, of different technologies in distance learning efforts.

"(3) PEER REVIEW.—Funds reserved for peer review activities under subsection (a) may be used for peer review of—

"(A) applications for grants under this subpart; and

"(B) activities assisted under this subpart.

"SEC. 11558. DEFINITIONS.

"In this subpart:

"(1) EDUCATIONAL INSTITUTION.—The term 'educational institution' means an institution of higher education, a local educational agency, or a State educational agency.

"(2) INSTRUCTIONAL PROGRAMMING.—The term 'instructional programming' means courses of instruction and training courses for elementary and secondary students, teachers, and others, and materials for use in such instruction and training that have been prepared in audio and visual form on tape, disc, film, or live, and presented by means of telecommunications devices.

"(3) PUBLIC BROADCASTING ENTITY.—The term 'public broadcasting entity' has the same meaning given such term in section 397 of the Communications Act of 1934.

"SEC. 11559. ADMINISTRATIVE PROVISIONS.

"(a) CONTINUING ELIGIBILITY.—

"(1) In general.—In order to be eligible to receive a grant under section 11554 for a second 3-year grant period an eligible entity shall demonstrate in the application submitted pursuant to section 11556 that such partnership shall—

"(A) continue to provide services in the subject areas and geographic areas assisted with funds received under this subpart for the previous 5-year grant period; and

"(B) use all grant funds received under this subpart for the second 3-year grant period to provide expanded services by—

"(i) increasing the number of students, schools, or school districts served by the courses of instruction assisted under this part in the previous fiscal year;

"(ii) providing new courses of instruction; and

"(iii) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited English proficiency, are individuals with disabilities, are illiterate, or lack secondary school diplomas or their recognized equivalent.

"(2) Special rule.—Grant funds received pursuant to paragraph (1) shall be used to supplement and not supplant services provided by the grant recipient under this subpart in the previous fiscal year.

"(b) Federal Activities.—The Secretary may assist grant recipients under section 11554 in acquiring satellite time, where appropriate, as economically as possible.

"SEC. 11560. OTHER ASSISTANCE.

"(a) Special Statewide Network.—

"(1) In general.—The Secretary, through the Office of Educational Technology, may provide assistance to a statewide telecommunications network under this subsection if such network—

"(A) provides 2-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) State contribution.—A statewide telecommunications network assisted under paragraph (1) shall contribute, either directly or through private contributions, non-Federal funds equal to not less than 50 percent of the cost of such network.

"(b) Special Local Network.—

"(1) In general.—The Secretary may provide assistance, on a competitive basis, to a local educational agency or consortium thereof to enable such agency or consortium to establish a high technology demonstration program.

"(2) Program requirements.—A high technology demonstration program assisted under paragraph (1) shall—

"(A) include 2-way full motion interactive video, audio, and text communications;

"(B) link together elementary schools and secondary schools, colleges, and universities;

"(C) provide parent participation and family programs;

"(D) include a staff development program; and

"(E) have a significant contribution and participation from business and industry.

"(3) Matching requirement.—A local educational agency or consortium receiving a grant under paragraph (1) shall provide, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the grant.

"(c) Telecommunications Programs for Continuing Education.—

"(1) Authority.—The Secretary is authorized to award grants, on a competitive basis, to eligible entities to develop and operate 1 or more programs which provide online access to educational resources in support of continuing education and curriculum requirements relevant to achieving a secondary school diploma or its recognized equivalent. The program authorized by this section shall be designed to advance adult literacy, secondary school completion, and the acquisition of specified competency by the end of the 12th grade.

"(2) Application.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary. Each such application shall—

"(A) demonstrate that the applicant will use publicly funded or free public telecommunications infrastructure to deliver video, voice, and data in an integrated service to support and assist in the acquisition of a secondary school diploma or its recognized equivalent;

"(B) assure that the content of the materials to be delivered is consistent with the accreditation requirements of the State for which such materials are used;

"(C) incorporate, to the extent feasible, materials developed in the Federal departments and agencies and under appropriate federally funded projects and programs;

"(D) assure that the applicant has the technological and substantive experience to carry out the program; and

"(E) contain such additional assurances as the Secretary may reasonably require.

"Subpart 3—Arts in Education

"SEC. 11571. FINDINGS AND PURPOSE.

"(a) Findings.—Congress finds that—

"(1) the arts are forms of understanding and ways of knowing that are fundamentally important to education;

"(2) the arts are important to excellent education and to effective school reform;

"(3) the most significant contribution of the arts to education reform is the transformation of teaching and learning;

"(4) such transformation is best realized in the context of comprehensive, systemic education reform;

"(5) a growing body of research indicates that arts education provides significant cognitive benefits and can bolster academic achievement for all students;

"(6) participation in performing arts activities has proven to be an effective strategy for promoting the inclusion of persons with disabilities in mainstream settings;

"(7) opportunities in the arts have enabled persons of all ages with disabilities to participate more fully in school and community activities;

"(8) the arts can motivate at-risk students to stay in school and become active participants in the educational process; and

"(9) arts education should be an integral part of the elementary school and secondary school curriculum.

"(b) Purposes.—The purposes of this section are to—

"(1) support systemic education reform by strengthening arts education as an integral part of the elementary school and secondary school curriculum;

"(2) help ensure that all students have the opportunity to learn to challenging State content standards and challenging State student performance standards in the arts; and

"(3) support the national effort to enable all students to demonstrate competence in the arts.

"(c) Eligible Recipients.—In order to carry out the purposes of this section, the Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with—

"(1) State educational agencies;

"(2) local educational agencies;

"(3) institutions of higher education;

"(4) museums and other cultural institutions; and

"(5) other public and private agencies, institutions, and organizations.

"(d) Authorized Activities.—Funds under this section may be used for—

"(1) research on arts education;

"(2) the development of, and dissemination of information about, model arts education programs;

"(3) the development of model arts education assessments based on high standards;

"(4) the development and implementation of curriculum frameworks for arts education;

"(5) the development of model preservice and inservice professional development programs for arts educators and other instructional staff;

"(6) supporting collaborative activities with other Federal agencies or institutions involved in arts education, such as the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art;

"(7) supporting model projects and programs in the performing arts for children and youth through arrangements made with the John F. Kennedy Center for the Performing Arts;

"(8) supporting model projects and programs by VSA Arts which assure the participation in mainstream settings in arts and education programs of individuals with disabilities;

"(9) supporting model projects and programs to integrate arts education into the regular elementary school and secondary school curriculum; and

"(10) other activities that further the purposes of this section.

"(e) Coordination.—

"(1) In general.—A recipient of funds under this section shall, to the extent possible, coordinate projects assisted under this section with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

"(2) Special rule.—In carrying out this section, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

"(f) Special Rule.—If the amount made available to the Secretary to carry out this subpart for any fiscal year is $15,000,000 or less, then such amount shall only be available to carry out the activities described in paragraphs (7) and (8) of subsection (d).

"Subpart 4—School Counseling

"SEC. 11601. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

"(a) Counseling Demonstration.—

"(1) In general.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school and secondary school counseling programs.

"(2) Priority.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

"(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

"(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

"(C) show the greatest potential for replication and dissemination.

"(3) Equitable distribution.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

"(4) Duration.—A grant under this section shall be awarded for a period not to exceed three years.

"(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

"(b) APPLICATIONS.—

"(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application for a grant under this section shall—

"(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

"(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

"(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

"(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

"(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

"(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

"(G) describe how any diverse cultural populations, if applicable, would be served through the program;

"(H) assure that the funds made available under this subpart for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

"(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—From amounts made available to carry out this section, the Secretary shall award grants to local education agencies to be used to initiate or expand elementary or secondary school counseling programs that comply with the requirements of paragraph (2).

"(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

"(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

"(B) use a developmental, preventive approach to counseling;

"(C) increase the range, availability, quantity, and quality of counseling services in the schools of the local educational agency;

"(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

"(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, or academic and career planning, or to improve social functioning;

"(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

"(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

"(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

"(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

"(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section.

"(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subpart at the end of each grant period.

"(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

"(5) LIMIT ON ADMINISTRATION.—Not more than 5 percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

"(d) DEFINITIONS.—For purposes of this section:

"(1) SCHOOL COUNSELOR.—The term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

"(A) possesses State licensure or certification granted by an independent professional regulatory authority;

"(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

"(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent.

"(2) SCHOOL PSYCHOLOGIST.—The term 'school psychologist' means an individual who—

"(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

"(B) possesses State licensure or certification in the State in which the individual works; or

"(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board.

"(3) SCHOOL SOCIAL WORKER.—The term 'school social worker' means an individual who—

"(A)(i) holds a master's degree in social work from a program accredited by the Council on Social Work Education; and

"(ii) is licensed or certified by the State in which services are provided; or

"(B) in the absence of such licensure or certification, possesses a national certification or credential as a school social work specialist that has been awarded by an independent professional organization.

"(4) SUPERVISOR.—The term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

"SEC. 11602. SPECIAL RULE.

"For any fiscal year in which the amount made available to carry out this subpart is at least $60,000,000, then at least $60,000,000 shall be made available in such fiscal year to establish or expand elementary school counseling programs.

"Subpart 5—Partnerships in Character Education

"SEC. 11651. SHORT TITLE.

"This subpart may be cited as the 'Strong Character for Strong Schools Act'.

"SEC. 11652. PARTNERSHIPS IN CHARACTER EDUCATION PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary is authorized to award grants to eligible entities for the design and implementation of character education programs that may incorporate the elements of character described in subsection (d).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a State educational agency in partnership with 1 or more local educational agencies;

"(B) a State educational agency in partnership with—

"(i) one or more local educational agencies; and

"(ii) one or more nonprofit organizations or entities, including institutions of higher education;

"(C) a local educational agency or consortium of local educational agencies; or

"(D) a local educational agency in partnership with another nonprofit organization or entity, including institutions of higher education.

"(3) DURATION.—Each grant under this section shall be awarded for a period not to exceed 3 years, of which the eligible entity shall not use more than 1 year for planning and program design.

"(4) AMOUNT OF GRANTS FOR STATE EDUCATIONAL AGENCIES.—Subject to the availability of appropriations, the amount of grant made by the Secretary to a State educational agency in a partnership described in subparagraph (A) or (B) of paragraph (2), that submits an application under subsection (b) and that meets such requirements as the Secretary may establish under this section, shall not be less than $500,000.

"(b) APPLICATIONS.—

"(1) REQUIREMENT.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(2) CONTENTS OF APPLICATION.—Each application submitted under this section shall include—

"(A) a description of any partnerships or collaborative efforts among the organizations and entities of the eligible entity;

"(B) a description of the goals and objectives of the program proposed by the eligible entity;

"(C) a description of activities that will be pursued and how those activities will contribute to meeting the goals and objectives described in subparagraph (B), including—

"(i) how parents, students (including students with physical and mental disabilities), and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program and how the eligible entity will work with the larger community to increase the reach and promise of the program;

"(ii) curriculum and instructional practices that will be used or developed;

"(iii) methods of teacher training and parent education that will be used or developed; and

"(iv) how the program will be linked to other efforts in the schools to improve student performance;

"(D) in the case of an eligible entity that is a State educational agency—

"(i) a description of how the State educational agency will provide technical and professional assistance to its local educational agency partners in the development and implementation of character education programs; and

"(ii) a description of how the State educational agency will assist other interested local educational agencies that are not members of the original partnership in designing and establishing character education programs;

"(E) a description of how the eligible entity will evaluate the success of its program—

"(i) based on the goals and objectives described in subparagraph (B); and

"(ii) in cooperation with the national evaluation conducted pursuant to subsection (c)(2)(B)(iii);

"(F) an assurance that the eligible entity annually will provide to the Secretary such information as may be required to determine the effectiveness of the program; and

"(G) any other information that the Secretary may require.

"(c) EVALUATION AND PROGRAM DEVELOPMENT.—

"(1) EVALUATION AND REPORTING.—

"(A) STATE AND LOCAL REPORTING AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the program assisted under this section, including the impact on students (including students with physical and mental disabilities), teachers, administrators, parents, and others—

"(i) by the second year of the program; and

"(ii) not later than 1 year after completion of the grant period.

"(B) CONTRACTS FOR EVALUATION.—Each eligible entity receiving a grant under this section may contract with outside sources, including institutions of higher education, and private and nonprofit organizations, for purposes of evaluating its program and measuring the success of the program toward fostering character in students.

"(2) NATIONAL RESEARCH, DISSEMINATION, AND EVALUATION.—

"(A) IN GENERAL.—The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, tribal organizations, or other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform State and local character education programs. The Secretary shall reserve not more than 5 percent of the funds made available under this section to carry out this paragraph.

"(B) USES.—Funds made available under subparagraph (A) may be used—

"(i) to conduct research and development activities that focus on matters such as—

"(I) the effectiveness of instructional models for all students, including students with physical and mental disabilities;

"(II) materials and curricula that can be used by programs in character education;

"(III) models of professional development in character education; and

"(IV) the development of measures of effectiveness for character education programs which may include the factors described in paragraph (3);

"(ii) to provide technical assistance to State and local programs, particularly on matters of program evaluation;

"(iii) to conduct a national evaluation of State and local programs receiving funding under this section; and

"(iv) to compile and disseminate, through various approaches (such as a national clearinghouse)—

"(I) information on model character education programs;

"(II) character education materials and curricula;

"(III) research findings in the area of character education and character development; and

"(IV) any other information that will be useful to character education program participants, educators, parents, administrators, and others nationwide.

"(C) PRIORITY.—In carrying out national activities under this paragraph related to development, dissemination, and technical assistance, the Secretary shall seek to enter into partnerships with national, nonprofit character education organizations with expertise and successful experience in implementing local character education programs that have had an effective impact on schools, students (including students with disabilities), and teachers.

"(3) FACTORS.—Factors which may be considered in evaluating the success of programs funded under this section may include—

"(A) discipline issues;

"(B) student performance;

"(C) participation in extracurricular activities;

"(D) parental and community involvement;

"(E) faculty and administration involvement;

"(F) student and staff morale; and

"(G) overall improvements in school climate for all students, including students with physical and mental disabilities.

"(d) ELEMENTS OF CHARACTER.—Each eligible entity desiring funding under this section shall develop character education programs that may incorporate elements of character such as—

"(1) caring;

"(2) civic virtue and citizenship;

"(3) justice and fairness;

"(4) respect;

"(5) responsibility;

"(6) trustworthiness; and

"(7) any other elements deemed appropriate by the members of the eligible entity.

"(e) USE OF FUNDS BY STATE EDUCATIONAL AGENCY RECIPIENTS.—Of the total funds received in any fiscal year under this section by an eligible entity that is a State educational agency—

"(1) not more than 10 percent of such funds may be used for administrative purposes; and

"(2) the remainder of such funds may be used for—

"(A) collaborative initiatives with and between local educational agencies and schools;

"(B) the preparation or purchase of materials, and teacher training;

"(C) grants to local educational agencies, schools, or institutions of higher education; and

"(D) technical assistance and evaluation.

"(f) SELECTION OF GRANTEES.—

"(1) CRITERIA.—The Secretary shall select, through peer review, eligible entities to receive grants under this section on the basis of the quality of the applications submitted under subsection (b), taking into consideration such factors as—

"(A) the quality of the activities proposed to be conducted;

"(B) the extent to which the program fosters character in students and the potential for improved student performance;

"(C) the extent and ongoing nature of parental, student, and community involvement;

"(D) the quality of the plan for measuring and assessing success; and

"(E) the likelihood that the goals of the program will be realistically achieved.

"(2) DIVERSITY OF PROJECTS.—The Secretary shall approve applications under this section in a manner that ensures, to the extent practicable, that programs assisted under this section—

"(A) serve different areas of the Nation, including urban, suburban, and rural areas; and

"(B) serve schools that serve minorities, Native Americans, students of limited-English proficiency, disadvantaged students, and students with disabilities.

"(g) PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.—Grantees under this section shall provide, to the extent feasible and appropriate, for the participation of students and teachers in private elementary and secondary schools in programs and activities under this section.

"Subpart 6—Women's Educational Equity Act

"SEC. 11701. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This subpart may be cited as the 'Women's Educational Equity Act of 2001'.

"(b) FINDINGS.—Congress finds that—

"(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

"(2) because of funding provided under the Women's Educational Equity Act, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

"(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

"(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

"(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

"(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

"(D) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

"(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

"(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

"(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

"(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

"SEC. 11702. STATEMENT OF PURPOSES.

"It is the purpose of this subpart—

"(1) to promote gender equity in education in the United States;

"(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

“(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited English proficiency, disability, or age.

“SEC. 11703. PROGRAMS AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized—

“(1) to promote, coordinate, and evaluate gender equity policies, programs, activities, and initiatives in all Federal education programs and offices;

“(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

“(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

“(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

“(5) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

“(6) to perform any other activities consistent with achieving the purposes of this subpart.

“(b) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed 4 years, to—

“(A) provide grants to develop model equity programs; and

“(B) provide funds for the implementation of equity programs in schools throughout the Nation.

“(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this subpart, the Secretary is authorized to provide support and technical assistance—

“(A) to implement effective gender-equity policies and programs at all educational levels, including—

“(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

“(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

“(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

“(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

“(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex, and on race, ethnic origin, limited English proficiency, disability, socioeconomic status, or age;

“(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

“(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

“(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

“(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

“(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

“(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

“(xii) programs to improve representation of women in educational administration at all levels; and

“(xiii) planning, development, and initial implementation of—

“(I) comprehensive institutionwide or districtwide evaluation to assess the presence or absence of gender equity in educational settings;

“(II) comprehensive plans for implementation of equity programs in State and local educational agencies and institutions of higher education, including community colleges; and

“(III) innovative approaches to school-community partnerships for educational equity;

“(B) for research and development, which shall be coordinated with each of the research institutes of the Office of Educational Research and Improvement to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

“(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

“(ii) the development of high-quality and challenging assessment instruments that are nondiscriminatory;

“(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

“(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

“(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

“(vi) updating high-quality educational materials previously developed through awards made under this subpart;

“(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

“(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

“(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

“SEC. 11704. APPLICATIONS.

“An application under this subpart shall—

“(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this subpart, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

“(2) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

“(3) for applications for assistance under section 11703(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses, or other recipients of Federal educational funding which may include State literacy resource centers;

“(4) for applications for assistance under section 11703(b)(1), demonstrate how parental involvement in the project will be encouraged; and

“(5) for applications for assistance under section 11703(b)(1), describe plans for continuation of the activities assisted under this subpart with local support following completion of the grant period and termination of Federal support under this subpart.

“SEC. 11705. CRITERIA AND PRIORITIES.

“(a) CRITERIA AND PRIORITIES.—

“(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 11703(b) to ensure that funds under this subpart are used for programs that most effectively will achieve the purposes of this part.

“(2) CRITERIA.—The criteria described in subsection (a) may include the extent to which the activities assisted under this part—

“(A) address the needs of women and girls of color and women and girls with disabilities;

“(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

“(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

“(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated.

“(b) PRIORITIES.—In approving applications under this subpart, the Secretary may give special consideration to applications—

“(1) submitted by applicants that have not received assistance under this subpart or this subpart's predecessor authorities;

“(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

“(3) for projects that will—

“(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

“(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

“(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this subpart has terminated;

“(D) address issues of national significance that can be duplicated; and

“(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

“(c) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this subpart for each fiscal year address—

"(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

"(2) all regions of the United States; and

"(3) urban, rural, and suburban educational institutions.

"(d) COORDINATION.—Research activities supported under this subpart—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

"(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

"(e) LIMITATION.—Nothing in this subpart shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this subpart.

"SEC. 11706. REPORT.

"The Secretary, not later than January 1, 2007, shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.

"SEC. 11707. ADMINISTRATION.

"(a) EVALUATION AND DISSEMINATION.—The Secretary shall evaluate and disseminate materials and programs developed under this subpart and shall report to Congress regarding such evaluation materials and programs not later than January 1, 2006.

"(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.

"SEC. 11708. AMOUNT.

"From amounts made available to carry out this subpart for a fiscal year, not less than ⅔ of such amount shall be used to carry out the activities described in section 11703(b)(1).

"Subpart 7—Physical Education for Progress

"SEC. 11751. SHORT TITLE.

"This subpart may be cited as the 'Physical Education for Progress Act'.

"SEC. 11752. PURPOSE.

"The purpose of this subpart is to award grants and contracts to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

"SEC. 11753. FINDINGS.

"Congress makes the following findings:

"(1) Physical education is essential to the development of growing children.

"(2) Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

"(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

"(4) Children who participate in high quality daily physical education programs tend to be more healthy and physically fit.

"(5) The percentage of young people who are overweight has more than doubled in the 30 years preceding 1999.

"(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.

"(7) Obesity related diseases cost the United States economy more than $100,000,000,000 every year.

"(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

"(9) Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

"(10) Children are not as active as they should be and fewer than one in four children get 20 minutes of vigorous activity every day of the week.

"(11) The Surgeon General's 1996 Report on Physical Activity and Health, and the Centers for Disease Control and Prevention, recommend daily physical education for all students in kindergarten through grade 12.

"(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, agreed to December 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

"(13) Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

"SEC. 11754. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies and community based organizations such as Boys and Girls Clubs, Boy Scouts and Girl Scouts, and YMCA and YWCA, to pay the Federal share of the costs of initiating, expanding, and improving physical education programs, including after school programs for kindergarten through grade 12 students by—

"(1) providing equipment and support to enable students to actively participate in physical education activities; and

"(2) providing funds for staff and teacher training and education.

"SEC. 11755. APPLICATIONS; PROGRAM ELEMENTS.

"(a) APPLICATIONS.—Each local educational agency and community based organization desiring a grant or contract under this subpart shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in order to make progress toward meeting State standards for physical education.

"(b) PROGRAM ELEMENTS.—A physical education program described in any application submitted under subsection (a) may provide—

"(1) fitness education and assessment to help children understand, improve, or maintain their physical well-being;

"(2) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

"(3) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

"(4) opportunities to develop positive social and cooperative skills through physical activity participation;

"(5) instruction in healthy eating habits and good nutrition; and

"(6) teachers of physical education the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.

"(c) SPECIAL RULE.—For the purpose of this subpart, extracurricular activities such as team sports and Reserve Officers' Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this subpart.

"SEC. 11756. PROPORTIONALITY.

"The Secretary shall ensure that grants awarded and contracts entered into under this subpart shall be equitably distributed between local educational agencies and community based organizations serving urban and rural areas, and between local educational agencies and community based organizations serving large and small numbers of students.

"SEC. 11757. PRIVATE SCHOOL STUDENTS AND HOME-SCHOOLED STUDENTS.

"An application for funds under this subpart may provide for the participation, in the activities funded under this subpart, of—

"(1) home-schooled children, and their parents and teachers; or

"(2) children enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers.

"SEC. 11758. REPORT REQUIRED FOR CONTINUED FUNDING.

"As a condition to continue to receive grant or contract funding after the first year of a multiyear grant or contract under this subpart, the administrator of the grant or contract for the local educational agency or community based organization shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward meeting State standards for physical education.

"SEC. 11759. REPORT TO CONGRESS.

"The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this subpart, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this subpart.

"SEC. 11760. ADMINISTRATIVE COSTS.

"Not more than 5 percent of the grant or contract funds made available to a local educational agency or community based organization under this subpart for any fiscal year may be used for administrative costs.

"SEC. 11761. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.

"(a) FEDERAL SHARE.—The Federal share under this subpart may not exceed—

"(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this subpart; and

"(2) 75 percent of such cost for the second and each subsequent such year.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds made available under this subpart shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

"SEC. 11762. AVAILABILITY OF AMOUNTS.

"Amounts made available to the Secretary to carry out this subpart shall remain available until expended.

"Subpart 8—Smaller Learning Communities

"SEC. 11801. SMALLER LEARNING COMMUNITIES.

"(a) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall describe—

"(1) strategies and methods the applicant will use to create the smaller learning community or communities;

"(2) curriculum and instructional practices, including any particular themes or emphases, to be used in the learning environment;

"(3) the extent of involvement of teachers and other school personnel in investigating, designing, implementing and sustaining the smaller learning community or communities;

"(4) the process to be used for involving students, parents and other stakeholders in the development and implementation of the smaller learning community or communities;

"(5) any cooperation or collaboration among community agencies, organizations, businesses, and others to develop or implement a plan to create the smaller learning community or communities;

"(6) the training and professional development activities that will be offered to teachers and others involved in the activities assisted under this part;

"(7) the goals and objectives of the activities assisted under this part, including a description of how such activities will better enable all students to reach challenging State content standards and State student performance standards;

"(8) the methods by which the applicant will assess progress in meeting such goals and objectives;

"(9) if the smaller learning community or communities exist as a school-within-a-school, the relationship, including governance and administration, of the smaller learning community to the rest of the school;

"(10) a description of the administrative and managerial relationship between the local educational agency and the smaller learning community or communities, including how such agency will demonstrate a commitment to the continuity of the smaller learning community or communities, including the continuity of student and teacher assignment to a particular learning community;

"(11) how the applicant will coordinate or use funds provided under this part with other funds provided under this Act or other Federal laws;

"(12) grade levels or ages of students who will participate in the smaller learning community or communities; and

"(13) the method of placing students in the smaller learning community or communities, such that students are not placed according to ability, performance or any other measure, so that students are placed at random or by their own choice, not pursuant to testing or other judgments.

"(b) AUTHORIZED ACTIVITIES.—Funds under this section may be used—

"(1) to study the feasibility of creating the smaller learning community or communities as well as effective and innovative organizational and instructional strategies that will be used in the smaller learning community or communities;

"(2) to research, develop and implement strategies for creating the smaller learning community or communities, as well as effective and innovative changes in curriculum and instruction, geared to high State content standards and State student performance standards;

"(3) to provide professional development for school staff in innovative teaching methods that challenge and engage students to be used in the smaller learning community or communities; and

"(4) to develop and implement strategies to include parents, business representatives, local institutions of higher education, community-based organizations, and other community members in the smaller learning communities, as facilitators of activities that enable teachers to participate in professional development activities, as well as to provide links between students and their community.

"Subpart 9—Authorization of Appropriations

"SEC. 11901. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and for each of the 6 succeeding fiscal years.".

TITLE XVII—JOHN H. CHAFEE ENVIRONMENTAL EDUCATION ACT

SEC. 1701. SHORT TITLE.

(a) THIS TITLE.—This title may be cited as the "John H. Chafee Environmental Education Act of 2001".

(b) NATIONAL ENVIRONMENTAL EDUCATION ACT.—Section 1(a) of the National Environmental Education Act (20 U.S.C. 5501 note) is amended by striking "National Environmental Education Act" and inserting "John H. Chafee Environmental Education Act".

SEC. 1702. OFFICE OF ENVIRONMENTAL EDUCATION.

Section 4 of the John H. Chafee Environmental Education Act (20 U.S.C. 5503) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting "objective and scientifically sound" after "support";

(B) by striking paragraph (6);

(C) by redesignating paragraphs (7) through (13) as paragraphs (6) through (12), respectively; and

(D) in paragraph (12) (as so redesignated), by inserting before the period at the end the following: "through the headquarters and the regional offices of the Agency"; and

(2) by striking subsection (c) and inserting the following:

"(c) STAFF.—The Office of Environmental Education shall—

"(1) include a headquarters staff of not more than 10 full-time equivalent employees; and

"(2) be supported by 1 full-time equivalent employee in each regional office of the Agency.

"(d) ACTIVITIES.—The Administrator may carry out the activities described in subsection (b) directly or through awards of grants, cooperative agreements, or contracts.".

SEC. 1703. ENVIRONMENTAL EDUCATION GRANTS.

Section 6 of the John H. Chafee Environmental Education Act (20 U.S.C. 5505) is amended—

(1) in the second sentence of subsection (i), by striking "25 percent" and inserting "15 percent"; and

(2) by adding at the end the following:

"(j) LOBBYING ACTIVITIES.—A grant under this section may not be used to support a lobbying activity (as described in the documents issued by the Office of Management and Budget and designated as OMB Circulars No. A–21 and No. A–122).

"(k) GUIDANCE REVIEW.—Before the Administrator issues any guidance to grant applicants, the guidance shall be reviewed and approved by the Science Advisory Board of the Agency established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).".

SEC. 1704. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 7 of the John H. Chafee Environmental Education Act (20 U.S.C. 5506) is amended to read as follows:

"SEC. 7. JOHN H. CHAFEE MEMORIAL FELLOWSHIP PROGRAM.

"(a) ESTABLISHMENT.—There is established the John H. Chafee Memorial Fellowship Program for the award and administration of 5 annual 1-year higher education fellowships in environmental sciences and public policy, to be known as 'John H. Chafee Fellowships'.

"(b) PURPOSE.—The purpose of the John H. Chafee Memorial Fellowship Program is to stimulate innovative graduate level study and the development of expertise in complex, relevant, and important environmental issues and effective approaches to addressing those issues through organized programs of guided independent study and environmental research.

"(c) AWARD.—Each John H. Chafee Fellowship shall—

"(1) be made available to individual candidates through a sponsoring institution and in accordance with an annual competitive selection process established under subsection (f)(3); and

"(2) be in the amount of $25,000.

"(d) FOCUS.—Each John H. Chafee Fellowship shall focus on an environmental, natural resource, or public health protection issue that a sponsoring institution determines to be appropriate.

"(e) SPONSORING INSTITUTIONS.—The John H. Chafee Fellowships may be applied for through any sponsoring institution.

"(f) PANEL.—

"(1) IN GENERAL.—The National Environmental Education Advisory Council established by section 9(a) shall administer the John H. Chafee Fellowship Panel.

"(2) MEMBERSHIP.—The Panel shall consist of 5 members, appointed by a majority vote of members of the National Environmental Education Advisory Council, of whom—

"(A) 2 members shall be professional educators in higher education;

"(B) 2 members shall be environmental scientists; and

"(C) 1 member shall be a public environmental policy analyst.

"(3) DUTIES.—The Panel shall—

"(A) establish criteria for a competitive selection process for recipients of John H. Chafee Fellowships;

"(B) receive applications for John H. Chafee Fellowships; and

"(C) annually review applications and select recipients of John H. Chafee Fellowships.

"(g) DISTRIBUTION OF FUNDS.—The amount of each John H. Chafee Fellowship shall be provided directly to each recipient selected by the Panel upon receipt of a certification from the recipient that the recipient will adhere to a specific and detailed plan of study and research.

"(h) FUNDING.—From amounts made available under section 13(b)(1)(C) for each fiscal year, the Office of Environmental Education shall make available—

"(1) $125,000 for John H. Chafee Memorial Fellowships; and

"(2) $12,500 to pay administrative expenses incurred in carrying out the John H. Chafee Memorial Fellowship Program.".

(b) DEFINITIONS.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) is amended—

(1) in paragraph (12), by striking "and" at the end;

(2) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(14) 'Panel' means the John H. Chafee Fellowship Panel established under section 7(f);

"(15) 'sponsoring institution' means an institution of higher education;".

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 7 and inserting the following:

"Sec. 7. John H. Chafee Memorial Fellowship Program.".

SEC. 1705. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.

(a) IN GENERAL.—Section 8 of the John H. Chafee Environmental Education Act (20 U.S.C. 5507) is amended to read as follows:

"SEC. 8. NATIONAL ENVIRONMENTAL EDUCATION AWARDS.

"(a) PRESIDENT'S ENVIRONMENTAL YOUTH AWARDS.—The Administrator may establish a program for the granting and administration of awards, to be known as 'President's Environmental Youth Awards', to young people in grades kindergarten through 12 to recognize outstanding projects to promote local environmental awareness.

"(b) TEACHERS' AWARDS.—

"(1) IN GENERAL.—The Chairman of the Council on Environmental Quality, on behalf of the President, may establish a program for the

granting and administration of awards to recognize—

"(A) teachers in elementary schools and secondary schools who demonstrate excellence in advancing objective and scientifically sound environmental education through innovative approaches; and

"(B) the local educational agencies of the recognized teachers.

"(2) ELIGIBILITY.—One teacher, and the local education agency employing the teacher, from each State, the District of Columbia, and the Commonwealth of Puerto Rico, shall be eligible to be selected for an award under this subsection.

"(3) AUTHORIZATION.—The Chairman is authorized to provide a cash award of up to $2,500 to each teacher selected to receive an award pursuant to this section, which shall be used to further the recipient's professional development in environmental education. The Chairman is also authorized to provide a cash award of up to $2,500 to the local educational agency employing any teacher selected to receive an award pursuant to this section, which shall be used to fund environmental educational activities and programs. Such awards may not be used for construction costs, general expenses, salaries, bonuses, or other administrative expenses.

"(4) ADMINISTRATION.—The Chairman of the Council on Environmental Quality may administer this awards program through a cooperative agreement with the National Environmental Learning Foundation.".

(b) DEFINITIONS.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 1704(b)) is amended by adding at the end the following:

"(16) 'elementary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

"(17) 'secondary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);".

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 8 and inserting the following:

"Sec. 8. National environmental education awards.".

SEC. 1706. ENVIRONMENTAL EDUCATION ADVISORY COUNCIL AND TASK FORCE.

Section 9 of the John H. Chafee Environmental Education Act (20 U.S.C. 5508) is amended—

(1) in subsection (b)(2)—

(A) by striking "(2) The" and all that follows through the end of the second sentence and inserting the following:

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Advisory Council shall consist of not more than 11 members appointed by the Administrator after consultation with the Secretary.

"(B) REPRESENTATIVES OF SECTORS.—To the maximum extent practicable, the Administrator shall appoint to the Advisory Council at least 2 members to represent each of—

"(i) elementary schools and secondary schools;

"(ii) colleges and universities;

"(iii) not-for-profit organizations involved in environmental education;

"(iv) State departments of education and natural resources; and

"(v) business and industry.";

(B) in the third sentence, by striking "A representative" and inserting the following:

"(C) REPRESENTATIVE OF THE SECRETARY.—A representative"; and

(C) in the last sentence, by striking "The conflict" and inserting the following:

"(D) CONFLICTS OF INTEREST.—The conflict";

(2) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) MEMBERSHIP.—Membership on the Task Force shall be open to representatives of any Federal agency actively engaged in environmental education."; and

(3) in subsection (d), by striking "(d)(1)" and all that follows through "(2) The" and inserting the following:

"(d) MEETINGS AND REPORTS.—

"(1) IN GENERAL.—The Advisory Council shall—

"(A) hold biennial meetings on timely issues regarding environmental education; and

"(B) issue a report describing the proceedings of each meeting and recommendations resulting from the meeting.

"(2) REVIEW AND COMMENT ON DRAFT REPORTS.—The".

SEC. 1707. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.

(a) CHANGE IN NAME.—

(1) IN GENERAL.—Section 10 of the John H. Chafee Environmental Education Act (20 U.S.C. 5509) is amended—

(A) by striking the section heading and inserting the following:

"SEC. 10. NATIONAL ENVIRONMENTAL LEARNING FOUNDATION.";

and

(B) in the first sentence of subsection (a)(1)(A), by striking "National Environmental Education and Training Foundation" and inserting "National Environmental Learning Foundation".

(2) CONFORMING AMENDMENTS.—

(A) The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 10 and inserting the following:

"Sec. 10. National Environmental Learning Foundation.".

(B) Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 1704(b)) is amended—

(i) by striking paragraph (12) and inserting the following:

"(12) 'Foundation' means the National Environmental Learning Foundation established by section 10;"; and

(ii) in paragraph (13), by striking "National Environmental Education and Training Foundation" and inserting "Foundation".

(b) NUMBER OF DIRECTORS.—Section 10(b)(1)(A) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(b)(1)(A)) is amended in the first sentence by striking "13" and inserting "19".

(c) ACKNOWLEDGMENT OF DONORS.—Section 10(d) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(d)) is amended by striking paragraph (3) and inserting the following:

"(3) ACKNOWLEDGMENT OF DONORS.—The Foundation may acknowledge receipt of donations by means of a listing of the names of donors in materials distributed by the Foundation, except that any such acknowledgment—

"(A) shall not appear in educational material presented to students; and

"(B) shall not identify a donor by means of a logo, letterhead, or other corporate commercial symbol, slogan, or product.".

(d) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 10(e) of the John H. Chafee Environmental Education Act (20 U.S.C. 5509(e)) is amended in the first sentence by striking "for a period of up to 4 years from the date of enactment of this Act,".

SEC. 1708. THEODORE ROOSEVELT ENVIRONMENTAL STEWARDSHIP GRANT PROGRAM.

(a) IN GENERAL.—The John H. Chafee Environmental Education Act is amended—

(1) by redesignating section 11 (20 U.S.C. 5510) as section 13; and

(2) by inserting after section 10 the following:

"SEC. 11. THEODORE ROOSEVELT ENVIRONMENTAL STEWARDSHIP GRANT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a grant program to be known as the 'Theodore Roosevelt Environmental Stewardship Grant Program' (referred to in this section as the 'Program') for the award and administration of grants to consortia of institutions of higher education to pay the Federal share of the cost of carrying out collaborative student, campus, and community-based environmental stewardship activities.

"(2) FEDERAL SHARE.—The Federal share shall be 75 percent.

"(b) PURPOSE.—The purpose of the Program is to build awareness of, encourage commitment to, and promote participation in environmental stewardship—

"(1) among students at institutions of higher education; and

"(2) in the relationship between—

"(A) such students and campuses; and

"(B) the communities in which the students and campuses are located.

"(c) AWARD.—Grants under the Program shall be made available to consortia of institutions of higher education in accordance with an annual competitive selection process established under subsection (d)(2)(A).

"(d) ADMINISTRATION.—

"(1) IN GENERAL.—The Office of Environmental Education established under section 4 shall administer the Program.

"(2) DUTIES.—The Office of Environmental Education shall—

"(A) establish criteria for a competitive selection process for recipients of grants under the Program;

"(B) receive applications for grants under the Program; and

"(C) annually review applications and select recipients of grants under the Program.

"(3) CRITERIA.—In establishing criteria for a competitive selection process for recipients of grants under the Program, the Office of Environmental Education shall include, at a minimum, as criteria, the extent to which a grant will—

"(A) directly facilitate environmental stewardship activities, including environmental protection, preservation, or improvement activities; and

"(B) stimulate the availability of other funds for those activities.

"(e) CONDITIONS ON USE OF FUNDS.—With respect to the funds made available to carry out this section under section 13(a)(1)—

"(1) not fewer than 6 grants each year shall be awarded using those funds; and

"(2) no grant made using those funds shall be in an amount that exceeds $500,000.".

(b) DEFINITIONS.—Section 3 of the John H. Chafee Environmental Education Act (20 U.S.C. 5502) (as amended by section 1705(b)) is amended by adding at the end the following:

"(18) 'consortium of institutions of higher education' means a cooperative arrangement among 2 or more institutions of higher education; and

"(19) 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).".

SEC. 1709. INFORMATION STANDARDS.

(a) IN GENERAL.—The John H. Chafee Environmental Education Act is amended by inserting after section 11 (as added by section 1708(a)(2)) the following:

"SEC. 12. INFORMATION STANDARDS.

"In disseminating information under this Act, the Office of Environmental Education shall comply with the guidelines issued by the Administrator under section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note; 114 Stat. 2763A–153).".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the John H. Chafee Environmental Education Act (20 U.S.C. prec. 5501) is amended by striking the item relating to section 11 and inserting the following:

"Sec. 11. Theodore Roosevelt Environmental Stewardship Grant Program.
"Sec. 12. Information standards.
"Sec. 13. Authorization of appropriations.".

SEC. 1710. AUTHORIZATION OF APPROPRIATIONS.

Section 13 of the John H. Chafee Environmental Education Act (20 U.S.C. 5510) (as redesignated by section 1708(a)(1)) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by striking the section heading and subsections (a) and (b) and inserting the following:

"SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to the Environmental Protection Agency to carry out this Act $13,000,000 for each of fiscal years 2002 through 2007, of which—

"(1) $3,000,000 for each fiscal year shall be used to carry out section 11; and

"(2) $10,000,000 for each fiscal year shall be allocated in accordance with subsection (5).

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), of the amounts made available under subsection (a)(2) for each fiscal year—

"(A) not more than 25 percent may be used for the activities of the Office of Environmental Education established under section 4;

"(B) not more than 25 percent may be used for the operation of the environmental education and training program under section 5;

"(C) not less than 38 percent shall be used for environmental education grants under section 6 and for the John H. Chafee Memorial Fellowship Program under section 7; and

"(D) 10 percent shall be used for the activities of the Foundation under section 10; and

"(E) not less than 2 percent shall be available to support Teachers' Awards under section 8(b).

"(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1)(A) for each fiscal year, not more than 10 percent may be used for administrative expenses of the Office of Environmental Education.

"(c) EXPENSE REPORT.—As soon as practicable after the end of each fiscal year, the Administrator shall submit to Congress a report describing in detail the activities for which funds appropriated for the fiscal year were expended."; and

(3) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "National Environmental Education and Training Foundation" and inserting "Foundation"; and

(B) in paragraph (2), by striking "section 10(d) of this Act" and inserting "section 10(e)".

AUTHORIZING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 54, submitted earlier today by Senators BINGAMAN, DASCHLE, and LOTT.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 54) authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 54) was agreed to.

(The text of the concurrent resolution is located in today's RECORD under "Statements on Submitted Resolutions.")

ORDERS FOR MONDAY, JUNE 25, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 p.m., Monday, June 25. I further ask consent that on Monday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Patients' Bill of Rights.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I announce that the Senate will convene at 2 p.m. and resume consideration of the Patients' Bill of Rights. The leader has already announced there will be no rollcall votes on Monday, with the next rollcall votes beginning on Tuesday at 11:30 a.m. The bill will be concluded, the majority leader has indicated, prior to the Fourth of July recess. If it is not completed, the Fourth of July recess, of course, is in jeopardy.

ADJOURNMENT UNTIL 2 P.M., MONDAY, JUNE 25, 2001

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:05 p.m., adjourned until Monday, June 25, 2001, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 2001:

DEPARTMENT OF STATE

PETER R. CHAVEAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

RICHARD HENRY JONES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

THE JUDICIARY

RICHARD R. CLIFTON, OF HAWAII, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE CYNTHIA HOLCOMB HALL, RETIRED.

CAROLYN B. KUHL, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JAMES R. BROWNING, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DAVID L ABBOTT, 3336
BRUCE D ADAMS, 0103
JAMES W ADAMS, 0609
ELIZABETH R AGATHER, 7275
TIMOTHY C AGAZIO, 1033
ALFONSO J AHUJA, 1427
MICHAEL C AID, 5323
ELTON D AKINS, 2943
GARY D ALEXANDER, 2919
JEFFERY R ALEXANDER, 8018
ROBERT E ALI, 9009
JOHN W ALLEN, 8154
KIRK T ALLEN, 9558
MICHAEL C ALLEN, 1321
MICHAEL J ALLEN, 8430
REGINALD E ALLEN, 6887
PAUL JAMES AMBROSE, 2889
FRANZ J AMANN, 4414
CURTIS A ANDERSON JR., 1895
DAVID E ANDERSON, 5809
JOSEPH A ANDERSON, 4869
RANDAL S ANDERSON, 0183
RICHARD J ANDERSON, 4328
ZELMA A ANDERSON, 1180
SR D ANDREWS, 1361
PATRICK M ANTONIETTI, 5976
ARTHUR J ARAGON JR., 0218
DENISE A ARCHULETA, 0511
DAVID C ARE, 1209
MICHAEL A ARMSTEAD, 1669
MARK R ARN, 1815
HENRY A ARNOLD III, 3063
JOHN K ARNOLD IV, 3666
JOHN C ASHBAUGH, 5552
REGGIE L AUSTIN, 2303
CALVIN D BAILEY, 9143
CHRISTOPHER J BAILEY, 6425
*CASEY E BAIN, 6447
MICHAEL K BAISDEN, 7747
DOUGLAS L BAKER, 3171
GREGORY P BAKER, 2024
JOHN W BAKER, 7021
TERRY L BALDWIN, 2161
WILLIAM E BALES, 4092
SHAWN D BALL, 2610
CHRISTOPHER S BALLARD, 4913
JEFFERY A BALLMER, 0976
WILLIAM P BANKER, 3621
JAMES B BANKSTON, 6271
ROBERT BANNON, 0375
JUNIO O BARBER, 4912
ROBERT E BARINOWSKI III, 6193
MARVIN BARKER III, 8401
MARK S BARNES, 2160
PHILIP S BASILE, 0333
DAVID E BASSETT, 6361
JEROLD D BASTIAN, 1241
MICHAEL A BAUMANN, 0874
EARNEST A BAZEMORE, 7207
BRYAN S BEAN, 9635
MARK R BEAN, 8370
MICHAEL D BEAN, 8224
JAMES E BEASLEY, 8052
JONATHAN D BEASLEY, 7779
CRAIG I BELL, 7632
SHELBY E BELL, 8168
GREGORY S BENDA, 9953
LEITH A BENEDICT, 6315
JOSEPH A BENNETT, 4291
LISA C BENNETT, 4813
JOHN G BENNIS, 8513
GUS BENTON II, 8163
RANDALL M BENTZ, 7619
BRUCE V BERARDINI, 8106
JACOB L BERLIN, 2563
TIMOTHY B BERNSTEIN, 4432
JOHN E BESSLER, 8694
RICHARD A BEZOLD, 4781
CLINTON R BIGGER, 0055
MARTIN G BINDER, 5002
CARL D BIRD III, 2510

GARRY P BISHOP, 4663
ROBERT G BLACK JR., 4225
BOBBY F BLACKWELL, 7136
MARLON D BLOCKER, 5320
KENNETH L BOEHME, 1066
JOHN E BOKOR, 9317
MICHAEL D BOLLUYT, 6333
STEVEN S BONK, 3427
BRADLEY W BOOTH, 1172
*JOHN J BOREK, 9631
KEVIN J BOSTICK, 5165
RICHARD F BOWYER, 6703
ALLAN S BOYCE, 2641
CRIS J BOYD, 3292
ALLEN D BOZARTH, 2445
WILLIE L BRADLEY JR., 3733
CARL J BRADSHAW, 3112
FRANCIS A BRANCH, 9498
JAMES M BRANDON, 1632
PORTIA BRANDONMCCRAW, 3167
STEVEN BRATINA, 2431
DARCY A BREWER, 8538
DANIEL T BRICK, 3934
DAVID D BRIGGS, 8785
RICHARD H BRISBON, 4228
ALFRED L BROOKS, 8714
SCOTT A BROSCH, 5407
JAMES M BROSKY, 1105
DAVID J BROST, 1625
CHARLES R BROWN, 7461
*CHRISTOPHER E BROWN, 7708
FREDRICK BROWN, 7941
PAUL D BROWN, 1462
RONALD E BROWN, 9196
TIMOTHY J BROWN, 4495
TODD A BROWNE, 1285
STEVEN P BROWNING, 5172
NORMAN E BRUBAKER, 7589
VINCENT D BRYANT, 4365
TIMOTHY K BUENNEMEYER, 5683
ANDREW F BURCH, 2044
RENE G BURGESS, 2540
STEPHEN T BURNS, 0811
PAUL S BURTON, 5157
HANS E BUSH, 4586
MATTHEW C BUTLER, 6099
GREGORY K BUTTS, 5112
BRADLEY R BYLER, 3587
RICHARD M CABREY, 5978
SAMUEL M CACCAMO, 8074
GRETCHEN A CADWALLADER, 0800
ANITA M CAIN, 5474
PAUL L CAL, 1165
ELIZABETH G CALDWELL, 7261
DEAN C CALONDER, 4123
LUIS A CAMACHO, 5259
ROBERT K CAMPBELL, 6783
SCOTT A CAMPBELL, 8014
LORRAINE L CANTOLINA, 0536
SUE CANTU, 6920
MAUREEN C CANTWELL, 8149
CHRISTOPHER R CARLSON, 6975
DAVID H CARLTON, 0735
DWAYNE CARMAN JR., 0943
MARK D CARMODY, 4942
STEVEN E CARRIGAN, 2928
CRAIG H CARSON, 3015
ALFRED D CARTER, 3835
FLORENTINO L CARTER, 1477
GLORIA J CARTER, 6960
ROSEMARY M CARTER, 4654
MARK A CARUSO, 0228
JERRY CASHION, 6064
JAMES P CASSELLA, 5467
THOMAS P CASSIDY III, 9983
NICHOLAS L CASTRINOS, 2673
MICHAEL P CAVALIER, 1836
MICHAEL A CEROLI, 8218
JOSEPH L CHACON, 7038
KENNETH A CHANCE, 7581
CHRISTOPHER CHANDLER, 4417
MICHAEL R CHANDLER, 1470
DAVID A CHAPMAN, 1727
JAMES J CHAPMAN, 2052
ALLEN M CHAPPELL III, 8187
STEVEN M CHARBONNEAU, 8345
WELTON CHASE JR., 8012
TRACY E CHAVIS, 2658
ROBERT G CHEATHAM JR., 2353
JAMES S CHILDRESS, 8285
PAUL CHLEBO JR., 9268
*ANTONIO S CHOW, 4284
CONRAD D CHRISTMAN, 3690
STEVEN M CHRISTY, 4333
WILLIAM M CHURCHWELL, 2991
THOMAS M CIOPPA, 2976
ROBERT A CLAFLIN, 6310
WILLIAM P CLAPPIN, 0871
FREDERICK S CLARKE, 7783
MATTHEW T CLARKE, 5959
DANIEL C CLEMONS, 3143
MARK B COATS, 9000
MARCUS A COCHRAN, 0299
WILLIAM J COJOCAR, 0605
MARYLEE COLE, 1208
RICHARD D COLLEY, 5561
BRUCE D COLLIER, 1165
THOMAS W COLLINS, 9982
DARRYL J COLVIN, 5941
RAY A COMBS II, 1958
GEORGE E CONE JR., 2063
DARYL L CONKLIN, 3810
JOSEPH R CONNELL, 3736
MARK W CONNELLY, 9405
MARCO C CONNERS, 9072
LYNN S CONNORS, 4337
ANDRES CONTRERAS, 9828
JAMES L COOK, 4587
JULIA C COOK, 1646
STEPHEN B COOK, 0704
STEPHEN J COONEN, 3081
MICHAEL COOPER, 6590
GEORGE R COPELAND, 8593
JEFFREY C CORBETT, 1630
ROBERT E CORNELIUS JR., 3364
BLAISE CORNELLDECHERT JR., 0579
LEONARD A COSBY, 7830
EDWIN T COTTON JR., 9085
PETER L COUGHLIN, 7066
*STEVE J COUNTOURIOTIS, 8845
JAMES A COX, 3511
JAMES E CRAFT, 5647
MICHAEL P CRALL, 2044
LISA K CRAMER, 9414
PAUL D CRAMER, 5457
ANTHONY K CRAWFORD, 9795
BOBBY G CRAWFORD, 7943
LINDA L CRAWFORD, 7594
WAYNE M CRAWFORD II, 9072
LUIS B CRESPO, 4694
MARK S CREVISTON III, 8624
JANE E CRICHTON, 0440
DAVID W CRITICS, 0397
MAUREEN W CROSS, 0269
KEVIN D CROUCH, 7346
DAVID A CROWE, 3398
ROBERT M CUMBIE, 9945
ANGELA M CUMMINGS, 3900
ELLIOUTT M CUNNINGHAM, 6878
JEFFRY E CUNNINGHAM, 8403
KEIR K CURRY, 4310
MICHAEL J CURRY, 2329
DEBORAH M CUSIMANO, 2877
TRENT R CUTHBERT, 1135
ERIK O DAIGA, 8894
LYNNE A DALEY, 8549
* AUSTIN L DALTON JR., 0922
EDWARD M DALY, 0285
MARK C DARDEN, 0222
KEITH R DARROW, 3434
CHRISTOPHER E DASH, 5152
ANNE R DAUGHERTY, 0788
* DAVID L DAVENPORT IV, 3695
JACKIE W DAVID, 6683
JEFFREY L DAVIDSON, 7784
MARK C DAVIDSON, 0620
SUSAN A DAVIDSON, 0347
JEFFREY S DAVIES, 5192
DAWNE M DAVIS, 8187
* KEVIN I DAVIS, 4690
ROBERT T DAVIS, 5147
STEVAN A DAVIS, 5269
MATTHEW Q DAWSON, 7542
MAURICE DAWSON, 4722
JEFFREY E DAY, 8006
ANTHONY E DEANE, 3019
STEVEN W DECATO, 9778
ANGELO L DECECCO JR., 1901
CRAIG A DEDECKER, 4069
DENISE A DELAWTER, 9465
JOHN E DELLAGIUSTINA, 3288
ARTURO DELOSSANTOS JR., 6510
KATHERINE R DERRICK, 5683
BRIAN M DETOY, 2550
BRIAN J DIAZ, 9499
JAMES F DICKENS, 3577
SHANE DIETRICH, 2253
JEFFREY W DILL, 2571
KENNETH J DILLER, 1131
PAUL ALFRED DINKEL, 9741
TODD L DODSON, 0012
ROBERT C DOERER, 7898
KATHLEEN M DORAN, 4591
JOHN P DORMAN, 1433
BRIAN L DOSA, 8716
DAVID A DOUGHERTY, 5710
WILLIAM D DOUGLASS, 0508
STEVEN G DRAKE, 0219
BRIAN M DRINKWINE, 2528
EDWIN M DROSE JR., 0130
JOHN W DRUCE, 3540
ROBERT W DUGGLEBY, 5596
JOHN R DUKE, 2143
JAMES J DULLAGHAN, 6044
JOHN R DUNDAS, 1200
JEFFERY G DUNN, 1660
WILLIAM L DUPONT, 0046
DAVID P DVORAK, 9235
KENNETH C DYER, 5767
PATRICK J EBERHART, 0350
EDWARD E ECHOLS, 9044
JEFFREY R ECKSTEIN, 3040
RODNEY D EDGE, 3301
PETER B EDMONDS, 5585
JOSEPH K EDWARDS, 0945
* AMY L EHMANN, 4575
EDWARD H EIDSON, 2153
SCOTT A EISENHAUER, 2776
RACHEL M ELKINS, 3635
JOHN A ELLIS, 7831
JEFFREY D ELLISON, 1004
BRIAN E ENG, 8036
CRAIG A ENGEL, 4564
ANTHONY J ENGLISH, 8422
DANIEL MITCHELL ENOCH, 7081
OSWALD ENRIQUEZ, 4349
ROBERT H EPPERSON, 5429
PAUL J ERNST SR., 0296
RAUL E ESCRIBANO, 3679
CHARLES D EUBANKS JR., 7962
BOYCE H EVANS, 7586
JOHN R EVANS, 7301
THOMAS P EVANS, 2500
MATTHEW J FADDIS, 9821
JOHN S FANT, 1656
ANTHONY FEAGIN, 4167
PHILIP T FEIR, 1207
ALAN W FEISTNER, 4163
JEFFREY L FELDMAN, 3484
LUIS A FELICIANO, 8913
KEVIN M FELIX, 5810
SCOTT M FELLOWS, 9782
MICHAEL D FENNELL, 4743
GREGORY P FENTON, 5438
BRUCE H FERRI JR., 1860
MARK A FERRIS, 5176
MARLENE S FEY, 2284
GREGORY M FIELDS, 0472
DENNIS D FIEMEYER, 1716
ANTHONY J FIORE, 9119
EDWARD J FISH, 0951
*CASEY CHARLES FLAGG, 3577
STEVEN D FLEMING, 7731
SCOTT N FLETCHER, 6589
DOUGLAS L FLOHR, 3445
BRETT T FLORO, 3509
JACK D FLOWERS, 7718
JAY G FLOWERS, 5329
KARL S FLYNN, 7999
MICHAEL J FLYNN, 9348
PETER J FORMICA JR., 7745
JAMES S FOSTER, 5253
AUGUSTUS W FOUNTAIN III, 6348
ANDREW H FOWLER, 8388
PATRICK M FOWLER, 7415
CYNTHIA L FOX, 6045
DANIEL T FOX, 9290
KIRK D FRADY, 9959
PATRICK F FRAKES, 9515
ANDREW J FRANK, 9970
CHRISTOPHER C FRANKS, 1056
MICHAEL J FRANKS, 6030
ALFONSO FRANQUI, 8431
MICHAEL E FRANTZ, 4652
JEFFREY D FREELAND, 1222
SHERYL P FRENCH, 7772
DONALD G FRYC, 9865
DAVID E FUNK, 4121
ANTHONY C FUNKHOUSER, 0447
CHARLES E FURTADO, 5411
JEFFREY A GABBERT, 9984
DONALD L GABEL II, 2263
CHARLES H GABRIELSON, 2526
PAUL A GALLO, 7031
ERIN J GALLOGLYSTAVER, 6927
THOMAS P GALVIN, 6566
AUBREY L GARNER II, 6737
ALBERT GARRICK II, 7335
JAMES P GARRISON, 1321
JOHN F GARRITY, 4787
PATRICK B GASTON, 3951
MARK S GAVULA, 6595
FREDERICK J GELLERT, 1272
JAMES D GEORGE JR., 8730
MARK T GERGES, 1356
JAMES R GIERLACH, 6613
JAMES SALVADOR GIGRICH, 5847
MARY A GILGALLON, 1652
JOHN W GILLETTE, 3800
JAY N GILLIS, 7179
MARY K GILMARTIN, 0161
ROBERT F GILMARTIN, 1578
KARL GINTER, 4171
COREY Z GIPSON, 7906
JEFFREY T GIRARD, 9929
GERALD L GLADNEY, 6064
DAVID P GLASER, 3842
TIMOTHY R GOBIN, 3630
JEFFREY J GOBLE, 3645
MICHELE L GODDETTE, 9999
MICHAEL GODFREY, 7548
MICHAEL K GODFREY, 1363
TIMOTHY C GOFF, 0714
ROOSEVELT GOLIDAY, 7332
SALVADOR E GOMEZ, 5472
ROBERT F GOODRICH JR., 2600
JON P GOODSMITH, 5856
MICHAEL L GOODWIN, 6708
LARRY GORDON, 4289
DARYL GORE, 9511
GLEN A GRADY, 2601
GLENN T GRAHAM JR., 6926
REGINA M GRANT, 7366
RUSSELL A GRANT, 3037
JOSEPH A GREBE, 1281
HARRY E GREEN IV, 9608
JAN W GREER, 9704
* EDWARD DAVID GREKOSKI, 2655
JONATHAN N GRIFFIN, 6155
DANIEL C GRIFFITH, 5480
GARRETT C GRIMM, 5868
DAVID P GROGAN JR., 2970
DAVID L GRUENWALD, 7359
NICKOLAS P GUARINO, 1576
JUSTIN C GUBLER, 3435
PAUL E GUELLE, 6191

NICHOLAS C GUERRA, 3825
GINNI L GUITON, 8490
GALE E GUNDERSDORFF, 0465
KENT R GUTHRIE, 4061
GORDON B HACKETT III, 1119
BRIAN ROBERT HAEBIG III, 9985
MARSHALL A HAGEN, 8154
WILLIAM T HAGER, 8056
MICHAEL K HAIDER, 1282
JOHN F HALEY, 8632
BRETT R HALL, 0096
DELBERT M HALL, 8420
FRANK R HALL, 8602
MICHAEL J HALL, 9551
OSCAR J HALL IV, 3202
RANDY R HALL, 4571
CHARLOTTE HALLENGREN, 1752
SEAN B HALLINAN, 3050
LARRY M HAMILTON, 5305
REGINA J HAMILTON, 1465
RHONDA E HAMILTON, 9015
JOSEPH T HAND, 1232
EARNEST E HANSLEY, 2954
AUGUST G HARDER, 4847
RICHARD A HARFST, 4363
JOHN G HARGITT, 6497
EMMETT C HARLESTON, 8691
MARK C HARMON, 8641
DENNIS J HARRINGTON, 1912
KEITH R HARRINGTON, 8558
BARRY HARRIS, 4160
BOBBY HARRIS, 2915
MARC D HARRIS, 9857
STEVEN D HARRIS, 2085
WENDELL C HARRIS, 4354
RICHARD C HARTMAN, 8737
CHRISTOPHER J HARVEY, 1692
ROLAND C HAUN, 4300
MICHAEL D HAUSER, 7793
JEROME K HAWKINS, 3208
*CHARLES H HAYDEN JR., 4166
CORNELIUS L HAYES, 1370
JEFFERY W HAYMAN, 3745
RONALD N HAYNES, 3225
ERIC F HAZAS, 5849
FREDERICK A HEAGGANS SR., 0887
PATRICK J HEALY, 4886
CHRISTIAN E HEIBEL, 6080
KARL J HEINEMAN, 7849
GERALD D HENDERSON JR., 3140
JAMES H HENDERSON, 4957
JAMES L HENDERSON, 0653
DAVID N HENDRICKSON, 3164
DOUGLAS F HENRY, 7777
HENRY J HENRY, 9717
TODD W HENSHAW, 4290
DEXTER Q HENSON, 6245
LINDA R HERBERT, 3872
ANDREW L HERGENROTHER, 7949
ALEJANDRO D HERNANDEZ, 8536
DOUGLAS A HERSH, 5429
HENRY M HESTER JR., 0178
RICHARD S HICKENBOTTOM, 9234
CHRISTOPHER M HICKEY, 2586
HAROLD J HICKS JR., 4870
MATTHEW T HIGGINBOTHAM, 5175
BRETHARD S HILL, 9709
DAVID C HILL, 4196
LUKE L HILL, 4019
MYRNA L HILTON, 2954
RUSSELL A HINDS, 2539
JOHN C HINKLEY, 8814
DANIEL R HIRSCH, 7867
GARY R HISLE JR., 6658
JEFFREY K HOADLEY, 6427
BRIAN K HOBSON, 5275
CARL A HOFFMAN JR., 2320
CHRISTOPHER K HOFFMAN, 6926
DAVID E HOLLIDAY, 7406
THOMAS S HOLLIS, 4518
VINCENT M HOLLOWAY, 9823
MICHELLE J HOLTERY, 8042
SIMON L HOLZMAN, 9566
KATHY L HOOD, 3682
WILLIAM L HOOKER, 1019
JOHN M HORN, 9092
BRENT J HORROCKS, 7446
JOHN R HORTON, 0711
JOSEPH R HOSACK, 0043
STEPHEN T HOUSTON, 8881
LONNIE P HOWARD, 5620
MICHAEL LAMAR HOWARD, 6246
RHONDA P HOWARD, 6693
STEVEN R HOWARD, 4182
DONALD ERNEST HOWELL, 9637
HENRY K HOWERTON, 4677
ANITA L HOYE, 6893
FRANCIS J HUBER, 3948
MICHAEL R HUBER, 6996
MELVIN D HULL, 0165
MARK A HURON, 5762
KENNETH J HURST, 8757
KEVIN A HYDE, 1951
DAVID B IRVIN, 2195
DARREN L IRVINE, 3311
STEPHEN K IWICKI, 1858
MCCLANEY S J, 7577
ANNA L JACKSON, 3667
JOSEPH D JACKY, 8154
SCOTT A JACOBSEN, 1595
GRANT A JACOBY, 6742
LEON G JAMES II, 0292
WILLIAM T JAMES JR., 1282
BERNARD J JANSEN, 9395
THOMAS J JARDINE, 4971
ANDREW V JASAITIS, 1359
WILLIAM JEFFERS V, 2170
WESLEY J JENNINGS, 2408
MICHEL J JIMERSON, 7256
VALERIE T JIRCITANOTORRES, 0714
STEVEN ANTHONY JOHNS, 4877
TERRANCE J JOHNS, 9041
DANIEL W JOHNSON, 9425
JAMES H JOHNSON III, 4394
*JOHN E JOHNSON, 7757
JOHN PETER JOHNSON, 2556
KIRK V JOHNSON, 4064
LOREN A JOHNSON, 9801
MARK A JOHNSON, 9783
MARK D JOHNSON, 4910
MATTHEW A JOHNSON, 4666
NORMAN E JOHNSON, 7888
PRESTON E JOHNSON II, 3058
REGINALD P JOHNSON, 2745
TIMOTHY M JOHNSON, 3586
JEFFERY K JOLES, 5618
DAVID A JONES, 7240
LAWRENCE D JONES, 7851
LYDIA E JONES, 9980
PETER L JONES, 6677
SHANNON E JONES, 0608
THOMAS M JOYCE, 1677
RICHARD A JUERGENS JR., 6316
GREGORY S JULIAN, 0387
DANIEL N JUSTIS JR., 8154
DANIEL L KARBLER, 0523
STEVEN V KARL, 9526
RICHARD J KARLSSON, 7085
DEAN T KATSIYIANNIS, 5197
JOHN A KEARNEY, 8822
KARL L KEARNEY, 4091
JAMES M KEARNS, 2559
MARK A KEENE, 4678
DOUGLAS M KEEPPER, 0877
JEFFREY P KELLEY, 5564
OLEN L KELLEY, 1187
ROBERT E KELLEY, 4258
JOHN S KEM, 8485
MICHAEL J KERIS, 8051
WILLIAM P KEYES, 5811
*ERIC B KEYS, 7115
WARREN F KIMBALL, 9907
GRADY S KING, 8176
RICKY T KING, 2922
ROBERT K KING II, 7956
TOMI D KING, 4901
JOSEPH F KINNALLY, 9526
RICARDO M KINSEY, 4214
SCOTT J KIRKLIGHTER, 6973
ROBERT E KIRKPATRICK, 8815
MICHAEL L KIRKTON, 3068
DAVID PAUL KITE, 3126
RONALD J KLUBER, 5330
ROBERT J KMIECIK, 7337
THOMAS T KOESTERS, 9947
TERRI S KOHLER, 6764
ROBERT F KOLTERMAN, 8063
TIMOTHY L KOPRA, 1414
RICHARD J KOUCHERAVY, 3400
ANDREW J KOWAL JR., 8146
PAUL C KRAJESKI, 9129
DENNIS A KRINGS, 2184
KENNETH J KROUPA, 1532
ROBERT W KUBLER, 4553
MICHAEL C KUNZ, 4073
MICHAEL J KWINN JR., 9536
RAYMOND P LACEY, 5571
MICHAEL A LACHANCE, 9269
RUSSELL P LACHANCE, 7016
PAUL W LADUE, 1138
*TIMOTHY L LAKE, 7772
MORGAN M LAMB, 5524
ANDY L LAMBERT, 3651
BEATRICE L LAMBERT, 3059
MICHAEL J LANDERS, 1586
KEITH A LANDRY, 0285
RANDALL C LANE, 8784
JAMES C LARSEN, 8590
JOHN A LATULIP, 2158
MARK H LAUBER, 1270
PAUL J LAUGHLIN II, 3183
ANTHONY A LAYTON, 8347
FRANCIS D LEACH, 6737
ALVIN B LEE, 7832
DAVID A LEE, 3147
GILBERT R LEE III, 8412
JAMES D LEE, 2441
KEVIN C LEE, 7949
NATALIE G LEE, 0659
STEPHEN H LEE JR., 6019
SUNG H LEE, 0787
FLEMING M LEGG, 2114
JOHN K LEIGHOW, 4298
LOUIS C LEONE, 7312
EUGENE J LESINSKI, 4769
RONALD F LEWIS, 1136
ROBERT A LEY, 1237
ROGER J LINDER, 9976
MICHAEL A LINDSAY, 6846
MICHAEL E LINICK, 0176
ANTHONY L LISANO, 4830
MELINDA C LITMAN, 9747
JOHN R LIZAR, 0468
LARRY LOCK, 2971
JON M LOCKEY, 5991
JOHN W LOFFERT JR., 0106
LAURA C LOFTUS, 8759
ARLEN W LOGAN, 3421
JOHN E LONG III, 9131
RONNIE W LONG JR., 2252
EDWARD S LOOMIS, 6721
ORLANDO LOPEZ, 7824
ANDREW M LOTWIN, 2792
MATTIE M LOVE, 6877
MARCO LOVELL, 8563
CARL W LOWE, 1555
ANDREW J LUCAS III, 1694
GARY E LUCK JR., 4250
ANDREW B LUCKE, 3491
SANDRA E LUFF, 1428
*CHRIS E LUKASIEWICZ, 6220
MICHAEL D LUNDY, 4427
ROBERT H LUNN, 0693
STEVEN M LYNCH, 8028
PATRICK M LYONS, 7551
MARK J MABRY, 4817
THOMAS D MACDONALD, 6820
WILLIAM H MACDONALD, 0280
CHRISTOPHER J MACFARLAND, 8418
LORENZO MACK SR, 5672
RODERICK Q MACK, 1303
SCOT D MACKENZIE, 7050
PAUL M MACNAMARA, 6702
ALAN D MAHAN, 9920
GENE A MAISANO, 7711
HOWARD L MALONE, 2810
TIMOTHY W MANGO, 0144
ARA S MANJIKIAN, 7729
SAMUEL P MANSBERGER, 6335
MARTIN J MANSIR, 8419
JOHN S MANTA, 7386
DAVID T MANTIPLY, 8636
ELMER D MARCOS, 5862
ROGER S MARIN, 3222
GREGORY V MARINICH, 3200
KENT S MARQUARDT, 6134
JEFFREY A MARQUEZ, 8731
VALRICA J MARSHALLQUINONES, 3854
JEREMY M MARTIN, 9490
JOSEPH M MARTIN, 2416
MICKY J MARTIN, 4441
TED F MARTIN, 9298
KIM J MARTINI, 0591
DIANE L MARTINO, 3963
JOHN C MASON, 7170
PAUL E MASON, 9229
CHARLES A MATEYKA, 0907
STEVEN D MATHIAS, 8154
GREGORY C MAXTON, 4562
PHILLIP N MAXWELL, 2391
STEPHEN J MAYHEW, 9702
WILLIAM A MAYO, 8544
JAMES J MCARDLE, 5620
JOHN M MCCARTHY, 0584
JOHN N MCCARTHY, 0021
CYNTHIA S MCCLELLAND, 7547
KYLE M MCCLELLAND, 8003
*JOHN T MCCOMB JR., 8210
JAMES L MCCORVEY, 5473
JOSEPH M MCCOY, 7841
WILLIAM K MCCURRY, 2576
LARRY D MCDANIEL, 3282
DEBORAH J MCDONALD, 6486
KENNETH W MCDONALD, 6124
JEFFREY K MCGEE, 8213
JAMES L MCGINNIS JR., 2787
GEORGE R MCGUIRE III, 9717
MICHAEL S MCGURK, 1952
THOMAS F MCKENNA, 8270
TERRENCE J MCKENRICK, 7389
BRIAN J MCKIERNAN, 1021
ERIC M MCKSYMICK, 4907
TRACY E MCLEAN, 6098
MICHAEL J MCMAHON, 5853
GREGORY J MCMILLAN, 4057
ROBERT A MCNAMARA, 1913
CHRISTOPHER P MCPADDEN, 7153
ANTHONY J MEGOFNA, 3067
DAVID P MEISTER, 3376
JEFFREY R MEISTER, 3326
*PAUL F MELCHER II, 5491
*WILLIAM MELENDEZ II, 2697
JOAN B MERCIER, 1381
STEVEN M MERKEL, 2187
JENNIFER E MERKLE, 4198
LAYNE B MERRITT, 3972
ERIC W METZGER, 0828
ROBERT S MIKALOFF, 7868
STEVEN R MILES, 3868
DOUGLAS J MILLER, 5369
FRANK A MILLER, 5214
GERALD H MILLER, 2662
KEVIN J MILLER, 6752
KURT F MILLER, 4437
LEE D MILLER, 2523
MICHAEL A MILLER, 0960
THOMAS LEE MILLER, 9694
STEVEN P MILLIRON, 7394
GARY L MILNER, 2459
MARK A MINES, 4178
JIMMIE MISTER JR., 2053
CHRISTOPHER R MITCHELL, 4679
LAURENCE M MIXON, 1380
TOMMY R MIZE, 9225
JEFFREY J MOCKENSTURM, 1491
KEITH D MOFFETT, 3914

JAMES H MOLLER, 1413
ALEXANDER E MONTEITH, 2334
BRUCE M MOODY, 6568
WILLIAM K MOONEY JR., 4137
JOSEPH P MOORE, 2973
ROGER A MOORE, 0124
AVIEON C MORGAN, 3412
HURMAYONNE W MORGAN, 4989
VINCE A MORIKAWA, 2037
DONALD W MORRIS, 1729
EDWARD J MORRIS JR., 1505
JOHN B MORRISON JR., 5065
SHAWN M MORRISSEY, 5134
ANDREW J MORROW, 3049
MICHAEL G MORROW, 7483
DWAYNE A MORTON, 7275
LUCIOUS B MORTON, 2504
CYNTHIA A MOSLEY, 3188
DAVID J MOTZ, 5076
ANDREW J MUELLER, 0630
DOUGLAS S MULBURY, 9285
WILLIAM S MULLIS, 6248
DANIEL M MUNOZ, 8208
PATRICK M MUNSTER, 3025
MICHAEL J MURPHY, 0500
JOHN E MURRAY, 2042
MARK A MURRAY, 8239
PAUL J MURRAY, 8556
DONALD H MYERS, 0276
JAMES M MYERS, 1921
PAUL N NASI, 1146
TIMOTHY J NEELY, 8774
GREGORY T NELL, 7724
ANDREW B NELSON, 5161
JOHN W NEWCOMER, 2500
PETER A NEWELL, 2674
ANTHONY J NIETO, 4165
CHARLES E NILES V, 7099
EARL D NOBLE, 8789
FREDERICK J NOHMER, 5364
JOSEPH M NOLAN, 8915
DOUGLAS H NOMURA, 4210
KURT E NORBY, 8271
JOHN C NORDRUM JR., 0623
LEE J NORMAN SR, 3488
JAMES W NORRIS, 3326
JAMES E NORWOOD, 5450
ROXANNE M NOSAL, 2601
SEAN P OATMEYER, 3754
DANIEL M OBRIEN, 5830
JOHN A OBRIEN, 2896
THOMAS P OCKENFELS, 7773
MARY A OCONNOR, 4142
RICHARD B OCONNOR II, 6607
WARREN N ODONELL, 6186
VERNON E ODONNELL, 2517
JAMES P OGRADY JR., 6972
THOMAS E OHARA JR., 8040
CHRISTOPHER M OLIVER, 2747
LEE B OLIVER, 8469
THOMAS M OLSON, 3016
*DAVID L ONEAL, 3742
MARK JOSEPH ONEIL, 9639
SHANE T OPENSHAW, 8530
DOUGLAS R ORR, 2977
CARLOS ORTIZ, 0327
JOSEPH E OSBORNE, 1145
PAUL A OSTROWSKI, 6906
PATRICK M OSULLIVAN, 9366
STACY A OVERBY, 3074
JOHN T OWENS III, 8458
JOSEPH M OZOROSKI, 5801
CHARLES J PACKARD, 0148
GREGORY A PALKA, 2811
THOMAS H PALMATIER, 9969
PAUL G PALMER, 7418
BRUCE D PARKER, 4858
RICHARD B PARKER, 6950
ROBERT M PASTORELLI, 5807
RALPH A PATELLI, 4227
JEFFERY C PATTEN, 5499
DOUGLAS J PAVEK, 4646
ANTHONY S PELCZYNSKI, 1764
JEFF PERKINS, 9760
JEFFORY A PERKINS, 0279
BRETT T PERRY, 3787
KEVIN B PETERSON, 7075
ROBERT D PETERSON, 5137
GREGORY D PETRIK, 4312
MICHAEL C PETTIGREW, 0573
JERALD L PHIFER, 3741
WILLIAM H PHILBRICK, 6579
CARL E PHILLIPS, 0246
DAVID D PHILLIPS, 6621
WALTER E PIATT, 6963
JOSEPH J PIEK, 7217
JEFFREY A PIKE, 7337
SAMUEL T PIPER III, 8301
DOUGLAS J PITCAIRN, 5811
WILLIAM G PITTS, 9533
LOUIS J PLEVELL, 1857
MATTHEW D POE, 7253
TRACY A POHL, 2976
ROBERT B POLK, 2310
MICHAEL B POND, 1578
BASIL K POOLE JR., 5733
CLIFTON H POOLE, 5565
LAWRENCE W POOLE, 8849
MARK A PORTER, 8987
*RANDALL E POTTER, 6174
ANTHONY W POTTS, 9887
THOMAS C POWELL, 4897
MICHAEL S POWERS, 5358
BRIAN J PRELER, 0535
JACK K PRITCHARD, 0556
ROBERT G PROTOSEVICH, 7464
LAVON R PURNELL, 2528
JIM N PUTMAN JR., 8084
WILLIAM J QUIGLEY, 8995
ROBERT C QUINN, 9248
LEOPOLDO A QUINTAS JR., 9566
ROGER A RABIEGO, 7482
MARK A RADO, 8241
ANITA M RAINES, 7893
THOMAS A RAMSAY, 8524
GARY J RAMSDELL, 1940
JAIMY S RAND, 7483
JAMES W RANDAZZO, 2017
LEE F RANSDELL, 7000
MICHAEL J RAPAVI, 0910
JEROME T RAYBURN JR., 4299
JOSEPH B READ, 3998
ALLEN D REECE, 8530
KARL D REED, 3265
MARK L REEDER, 3780
CATHERINE A REESE, 0099
JAMES P REEVES, 8841
*TERENCE W REEVES, 4023
HEIDI A REID, 6985
RICHARD J REID JR., 4066
THEODORE C REIHMER, 0411
GREGORY D REILLY, 8575
RICHARD D REIMERS II, 5400
JONATHAN T REINEBOLD, 2038
EDWARD J REINFURT, 7645
RANDALL L REINISCH, 6122
*DARYL S REY, 6578
FRANK E REYNOLDS III, 5365
ROBERT F REYNOLDS, 1902
WILLIAM B RHODES, 5748
CEDRIC T RICE, 9050
JAMES E RICE, 2934
PATRICK M RICE, 3622
ROBERT J RICE, 5931
ALBERT E RICHARD, 9288
TIMOTHY J RICHARDS, 1228
CHRISTINE M RICHARDSON, 0578
MARK D RICHARDSON, 0314
RANSON J RICKS, 4579
RICKEY J RIDDLEY, 1623
SUSAN A RIFE, 7117
KENNETH J RIGGINS, 2897
CRAIG A RILEY, 7039
THOMAS PATRICK RILEY, 1155
ROBERT H RISBERG, 4414
JENELLE B ROBERTS, 4302
JOEL E ROBERTS, 2116
DOUGLAS C ROBERTSON, 1072
EDWARD J ROBILLARD, 6121
LARNCE L ROBINSON, 7384
WILLARD L ROBINSON, 1813
CHRISTOPHER E RODNEY, 8358
THOMAS H ROE, 0958
DARSIE D ROGERS JR., 8306
DOUGLAS H ROMBOUGH, 6602
RALPH F ROOME, 3856
FRANK ROSE, 2770
RANDOLPH E ROSIN, 4365
BYRON L ROSS, 6797
STEPHEN M ROSS, 0308
DOMENICO ROSSI, 3738
DANIEL C ROSSO, 0619
ROBERT M ROTH, 8738
RANDOLPH R ROTTE JR., 1437
KIMM A ROWE, 6724
WILFRED G ROWLETT JR., 8586
CHARLES M RUCKER, 0361
GABRIEL RUIZ, 0292
ALISA M RUNYAN, 0434
EDWARD J RUSH JR., 5441
ROBERT E RUSHING, 4132
TAMMY S RUSHING, 7690
JACQUELYN L RUSSELL, 9811
STEVEN D RUSSELL, 4741
TIMOTHY J RUSSELL, 0125
JOHN T RYAN, 6867
JEFFERSON M RYSCAVAGE, 8210
LARRY L SADD JR., 1590
ROBERT W SADOWSKI, 5560
MICHAEL J SAGE, 8246
JAMES R SAGEN, 1933
KREWASKY A SALTER, 2185
CHARLES B SALVO, 7730
ROCKY G SAMEK, 8215
BOBBIE H SANDERS, 5443
FREDRICK D SANDERS, 7497
GARY S SANDERS, 2308
MICHAEL J SANDERS, 1691
*ROBERT E SANDERS JR., 8199
ROGER N SANGVIC, 9547
MARK C SANSING, 2048
MICKEY A SANZOTTA, 9825
SHERRY H SARGENT, 5018
NATHAN M SASSAMAN, 1163
BARTLETT F SAUTER, 4047
DAVID P SAVOLD, 8459
WALTER S SAVOY JR., 6916
KENT D SAVRE, 2630
CHRISTOPHER D SCALIA, 1654
WILLIAM J SCHAFER, 4392
THEODORE E SCHILLER, 7214
MICHAEL V SCHLEICHER, 9692
BERND F SCHLIEMANN, 1355
MICHAEL L SCHODOWSKI, 2288
JOHN F SCHRADER, 1034
KATHRYN J SCHRAMM, 4638
CHARLES R SCHRANKEL, 7898
STEVEN ERICH SCHULER, 6502
HENRY J SCHUMACHER II, 6516
ROBERT W SCHUMITZ, 4522
JEWEL A SCOTT, 0810
RANDY D SCOTT, 2157
DAVID M SEITZ, 2346
CHARLES E SEXTON, 9957
WAYNE M SHANKS, 9966
CAROLYN R SHARPE, 8267
MARY E SHAW, 7806
WILLIAM H SHAW III, 5085
LINDA K SHEIMO, 2849
DAVID T SHEPHERD, 1002
STEVEN K SHERIDAN, 2333
CHANDLER C SHERRELL, 7900
JAMES J SHIVERS, 3839
BARTHOLOMEW U SHREVE, 4305
ROBERT L SHUMAR, 9131
JOHN DAVID SICILIA, 4156
LAWRENCE S SILAS, 8540
GERALD R SIMMONS, 8016
ROGER R SIMMONS, 6382
DENNIS H SIMON, 2518
JAMES E SIMPSON, 4439
ROBERT L SIMPSON, 6563
WILLIAM P SIMRIL JR., 5136
MICHAEL J SINATRA, 9042
JEFFREY A SINCLAIR, 9808
*KERRY T SKELTON, 4104
ANTHONY R SKINNER, 9030
KELLY E SLAVEN, 3412
TIMOTHY S SLEMP, 3993
RALPH M SLIWICKI, 3638
VALERIE E SLOAN, 3577
CHRISTOPHER F SMITH, 1144
DEREK S SMITH, 6339
DOUGLAS P SMITH, 9713
GINA SMITH, 7574
JANICE E SMITH, 4047
JOHN T SMITH, 3413
PEYTON E SMITH, 3863
PHILIP G SMITH, 8171
STANLEY O SMITH, 6891
TRACY O SMITH, 8116
WILLIAM M SOLMS, 3281
EDWARD R SOTELO, 6211
SCOTT A SPELLMON, 9011
CHRISTOPHER L SPILLMAN, 2509
NICHOLAS J SPIRIDIGLIOZZI, 6286
WILLARD S SQUIRE III, 0028
LUCIE M STAGG, 9486
MICHAEL J STAVER, 7950
ROBERT P STAVNES, 4312
THOMAS C STEFFENS, 4905
GEORGE E STEIGER, 8933
SHELLY L STELLWAGEN, 7525
EDWARD C STEPANCHUK, 7756
JERRY D STEVENSON, 9869
MICHAEL R STEVES, 6419
DEANNA M STEWART, 5710
JAMES E STEWART, 4958
MONTIETH H STEWART, 6514
NAPOLEON W STEWART, 1833
MICHAEL F STOLLENWERK, 0602
JANICE MARIE STONE, 2054
MICHAEL P STONEHAM, 6573
CURT E STOVER, 3795
TERRY L STREETON, 6249
JACK E STURGEON, 7738
KEITH A STURGESS, 1021
FRANK W STYLES JR., 3162
TIMOTHY S SUGHRUE, 9524
ROBERT P SULLIVAN, 3406
BRIAN P SUNDIN, 0313
THOMAS B SUPPLEE, 9568
JOHN R SURDU, 6106
JEFFREY L SUTTON, 9848
MICHAEL J SWANSON, 5118
WILLIAM D SWOPE, 8576
ZSOLT I SZENTKIRALYI, 5572
ARPAD J SZOBOSZLAY, 4789
IVAR S TAIT, 6370
HUGH B TALLEY JR., 7980
DOUGLAS A TAMILIO, 8108
KENNETH R TARCZA, 3528
JEROME M TARUTANI, 0631
BRENDA F TATE, 4557
KIP P TAYLOR, 6799
KURT L TAYLOR, 4732
ROGER M TAYLOR, 5050
SCOTT R TAYLOR, 8011
MICHAEL J TEAGUE, 0424
RORY K TEGTMEIER, 9943
*NEAL R THIBAULT, 5799
PHILIP R THIELER, 7451
BRYAN K THOMAS, 3215
DANIEL L THOMAS, 5749
JOCHEN ADAM THOMAS, 3216
NELLO A THOMAS III, 6032
CHRISTOPHER R THOMPSON, 1370
LARRY M THOMPSON, 9916
PRESTON THOMPSON, 3548
ROBERT L THOMPSON, 5481
JOHN C THOMSON III, 5475
LEO R THORNE JR., 8770
LEON N THURGOOD, 3986
JOHN K TIEN JR., 9490
PATRICK E TIERNEY, 8605
DAVID E TIGHE, 5964

JOSEPH A TIRONE, 0550
WILLIAM E TOLSON, 2256
KAREN D TOMLIN, 1525
DANIEL W TOMLINSON, 4682
GARY W TONEY, 1937
SHERI L TONNER, 3527
CHARLES M TOROK, 8450
FERNANDO L TORRENT, 2958
DOUGLAS M TOSTRUD, 6540
TOMMY J TRACY, 7923
FRANCIS F TRENTLEY, 5234
ARTHUR N TULAK, 2860
AMY F TURLUCK, 8131
ALISSA D TURNER, 4399
CURTIS W TURNER, 1335
MARK A TURNER, 1002
RANDY L TURNER, 7680
RICHARD J TURNER, 4189
FRANCIS J TWAROG, 5862
STEVEN C ULLOM, 2275
IRELAND S UPCHURCH, 4322
GREGG UPSHAW, 9490
LENNIE R UPSHAW, 2217
CHRISTOPHER S UPSON, 0272
ROBERT S VANBEUGE, 8596
DIANE M VANDERPOT, 6749
ROBERTO L VAZQUEZ, 8057
ALEJANDRO J VEGA IV, 1810
DAVID VELAZQUEZ IV, 2861
BRUCE C VERDE, 1224
FRANCISCO B VILLANUEVA, 4753
JAMES A VIOLA, 7303
BERNARD S VISHNESKI, 2886
LOUIS A VOGLER, 1673
TIMOTHY A VUONO, 4440
SCOTT T WAGGONER, 3743
ERIC C WAGNER, 3951
MARC A WAGNER, 9191
DOUGLAS L WAHLERT, 1918
FLEM B WALKER JR., 8319
GLENN R WALKER JR., 9652
LISA A WALL, 1100
ERIC A WALTERS, 1559
DARRELL A WARD, 7712
DARRYL E WARD, 3028
DAVID L WARD, 8344
JESSE S WARD, 6465
MICHAEL J WARMACK, 8964
MICHAEL V WARREN, 1329
THOMAS F WASHER II, 0571
ANDRE WASHINGTON II, 8251
VERSALLE F WASHINGTON, 4379
JOHN D WASON, 7397
SCOTT T WATERMAN, 3135
CHARLES D WATTS JR., 0283
MICHAEL S WEAVER, 2688
CHARLES B WEBBER, 1330
MICHAEL C WEHR, 5881
WILLIAM R WEIGESHOFF, 8857
HOWARD L WEINSTOCK, 5935
SCOTT C WELIVER, 6603
*CRAIG A WELLS, 0826
PAUL D WELSCH, 8979
JOHN M WENDEL, 6200
ANTHONY N WENGER, 4322
BRIAN C WEPKING, 5740
ERIC J WESLEY, 6512
MICHAEL F WESOLOWSKI, 5594
BRIAN F WEST, 3384
JEFFREY H WESTON, 6690
BRIAN R WHALEN, 4591
ROBERT P WHALEN JR., 6837
DAVID W WHIPPLE, 8287
MARVIN S WHITAKER, 9191
ANDREW P WHITE, 0354
CLIFFORD T WHITE, 4715
DAVID J WHITE, 0727
ROBERT L WHITE JR., 0020
STEVEN C WICAL, 8068
CHRISTOPHER J WICKER, 3972
TRACY L WICKHAM, 3124
KARL B WIEDEMANN, 7880
ROBERT F WIELER JR., 3474
MARK H WIGGINS, 1447
DAVID L WILCOX, 3970
PHILIP G WILKER, 1783
BRIAN L WILLIAMS, 1755
CHARLES A WILLIAMS, 1611
ERIC L WILLIAMS, 4442
GERALD E WILLIAMS, 2277
RICHARD G WILLIAMS, 3713
THEODORE C WILLIAMS IV, 8507
JEFFREY D WILLIAMSON, 3992
MICHAEL D WILLS, 9864
DONALD G WILSEY, 6360
BELFORD S WILSON, 3214
JEFFREY S WILSON, 5694
JOHN S WILSON III, 9264
MARK L WILSON, 0628
THOMAS M WILSON, 6684
JEFFREY S WILTSE, 4314
WILLIAM L WIMBISH JR., 8060
LOUIS B WINGATE, 8542
KARL E WINGENBACH, 6319
CEDRIC T WINS, 3387
NATHALIE M WISNESKI, 4930
DAVID M WITTY, 5147
DOUGLAS J WOLFE, 3940
BRADLEY J WOOD, 3329
TODD R WOOD, 8251
JAMES E WOODARD SR, 7503
JOHN I WOODBERY, 7528
KENNETH C WOODBURN, 3842
ANTHONY O WRIGHT, 5148
CHRISTOPHER D WRIGHT, 4802
GEORGE G WRIGHT, 1568
WILLIAM D WUNDERLE, 5010
PHILLIP B WYLLIE, 7630
DAVID M WYRICK, 6038
OLIVER K WYRTKI, 1468
TIMOTHY R YANTIS, 2577
LAWRENCE Y YAP JR., 9290
MICHAEL J YORK, 1847
KRISTINA A YOUNG, 3040
ROBERT G YOUNG, 2927
KATHRYN M YURKANIN, 0936
STEPHEN D ZACHARCZYK, 7620
WILLIAM J ZAHARIS, 0820
MICHAEL T ZARYCZNY, 4636
*MICHAEL V ZIEBA, 5188
ADAM C ZIEGLER, 2930
NEAL O ZIMMERMAN, 9895
RANDAL J ZIMMERMAN, 8598
X1344
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X8012

SENATE—*Monday, June 25, 2001*

The Senate met at 2 p.m. and was called to order by the Honorable JOHN W. WARNER, a Senator from the State of Virginia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, without whom we can do nothing of lasting value, but with whom there is no limit to what we can accomplish, we ask You to infuse us with fresh strength and determination as we press forward to the goal of finishing the work which needs to be done before the upcoming recess. Help the Senators to do all they can, in every way they can, and as best they can to finish well. Inspire us to follow the cadence of Your drumbeat.

Strengthen the Senators in the week ahead. Replace any weariness with the second wind of Your Spirit. Rejuvenate those whose vision is blurred by stress, and deliver those who may be discouraged. In the quiet of this moment, we return to You, recommit our lives to You, and receive Your revitalizing energy.

Dear Father, we thank You for the life of Oliver Powers of the Recording Studio. We pray for his family as they and we grieve his physical death. We accept the psalmist's reorienting admonition, "Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!"—Psalm 27:14. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN W. WARNER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, June 25, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN W. WARNER, a Senator from the State of Virginia, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished assistant majority leader.

SCHEDULE

Mr. REID. On behalf of Senator DASCHLE, I announce to the Senate that we are going to resume consideration of the Patients' Bill of Rights. We were on it all last week. There will be no rollcall votes today. We have rollcall votes scheduled tomorrow at 11:30 a.m. in relation to the Grassley motion to commit and the Gramm amendment regarding employers. We are still scheduled to finish this bill by the end of this week.

Senator DASCHLE has also indicated he wants to give every consideration to the supplemental appropriations bill. The way Senator STEVENS and Senator BYRD have been working, it should not take too long to do that. We have pending the organizational resolution.

The main item we wish to complete this week, however, is the legislative matter we are now considering, the Patients' Bill of Rights. The prayer given by our fine Chaplain indicated we should all join together and complete the work that is at hand. The work at hand is the Patients' Bill of Rights.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN PATIENT PROTECTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1052, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1052) to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans, and other health coverage.

Pending:

> Frist (for Grassley) motion to commit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions with instructions to report back not later than that date that is 14 days after the date on which this motion is adopted.
>
> Gramm amendment No. 810, to exempt employers from certain causes of action.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mr. EDWARDS. Mr. President, we come back today to resume debate on a very important bill to the people of this country, the Bipartisan Patient Protection Act, which we spent the better part of last week debating. It is an issue about which we have talked a great deal over the course of the last few years in the Senate. Let me discuss what the McCain-Edwards-Kennedy bill does and the reason it is important.

Fundamentally, the reason we need this bill is that the law needs to be taken from being on the side of the HMOs and put on the side of patients and doctors so health care decisions in this country are, in fact, being made by people who are trained and have the experience to make them, those being the doctors, the health care providers, for the families who are so dramatically affected by those decisions.

The purpose of this legislation is to provide certain substantive and enforceable rights to families and to children who need quality health care. For example, we provide specifically that if a member of a family or child needs to see a specialist, particularly outside the HMO plan, they can have access to that specialist.

Second, we ensure that patients who need access to clinical trials will have access to those clinical trials. Clinical trials are often the places of last resort, places where the cutting edge of medicine is being researched, and we want to be sure patients who have exhausted alternatives and need access to clinical trials—all federally approved clinical trials, including FDA clinical trials—will have access. We specifically provide that benefit in this bill.

Third, women should have access to an OB/GYN as their primary care provider. Many women rely on OB/GYNs as their primary care providers. We provide that right in our legislation.

Fourth, we want to make sure patients have access to emergency room care. If a family suffers an emergency crisis and needs to go directly to the hospital, the nearest hospital, we don't want people to first have to call the HMO, call the 1-800 number and get permission to go to the nearest emergency room. There have been many horror stories of families that could not go to the nearest emergency room because they couldn't afford it and the HMO would not pay for it. We want to be sure families have that right.

With this group of rights we wish to provide for patients and families across the country, we want to make sure every individual and family who is covered by health insurance, covered by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HMO coverage, is in fact covered by this legislation. Our bill does that.

These rights do not mean anything unless they are enforceable, unless they have the force of law behind them. Without the force of law behind them, they are not a Patients' Bill of Rights; they are a patients' bill of suggestions. We want to provide a meaningful way for patients to receive the rights we are giving.

We provide several stages. If the HMO overrules the doctor and says, whatever your doctor says, I don't believe that treatment, that care, is needed, the first step is that the patient can then go through an internal review within the HMO to try to get that decision reversed, hopefully finding a group of people within the HMO who are willing to be more objective and support the decision the doctor has provided. If that is unsuccessful, the second stage is an independent review process, a panel of physicians with expertise who can look at the medical situation and decide whether or not that care should have been provided in the first instance. Last, if the patient has been injured and if these other areas have been tried, including the appeals process, the patient can take the HMO to court.

There are several stages: First, the HMO hopefully will make the right decision, in which case none of this will be necessary; second, if they don't, an internal review within the HMO to reverse the decision that has already been made; third, if that is unsuccessful, to go to an independent group of doctors who can reverse the decision of the HMO. That is independent, meaning not connected to the patient, not connected to the treating doctor, not connected to the HMO. So you have an impartial group that can reverse the decision. All of that occurs before a case goes to court.

If in fact it becomes necessary for the case to go to court, we simply want the HMOs—that for many years now have been privileged citizens that, like diplomats, get a kind of immunity in this country—we want the HMOs treated just as everybody else.

If they are going to reverse or overrule decisions that are being made by doctors, we want them to be treated exactly the way the doctors are treated; that is, if they make a medical judgment, reverse the decision of a doctor, their case will go to the same court as the doctor's case. Their case would be subject to the same State court limitations on recoveries as is the doctor's. So we leave that issue to State law.

But the bottom line principle is, No. 1, HMOs should not continue to be privileged citizens. They ought to be treated as all the rest of us. There is no reason in the world that they are entitled to be treated better than everybody else.

No. 2, if they are going to be in the business of reversing doctors, overruling doctors, making health care decisions, then they ought to be treated exactly the same way the doctors are treated.

Our legislation providing real and meaningful rights, providing a way to enforce those rights, and as a matter of last resort providing for patients to go to court if in fact they have been hurt and they have no other choice, is supported, we believe, by a majority of this body, we believe a majority of the House of Representatives, and importantly, by the American Medical Association, and virtually every health care group in America.

There is a reason for that. It is because the people who have been fighting for patient protection, the people who have been fighting for HMO reform to change this system we have in this country and to give patients more power to put the law on their side, are supporting our bill because we have real rights that are enforceable. It is a bill where the patient, along with the patient's doctor, gets to make most health care decisions. They have more control over their health care decisions. If the HMO does not do the right thing in the beginning, they have a way to do something about it to get those decisions overruled or changed.

There has been some discussion over the course of the last 2 days on the pending amendment, the issue of employer liability. We start, I think, in principle, in agreement with the President of the United States. The President said in his written principles that he did not want employers to be held responsible in litigation—I am paraphrasing now—unless they actually made individual health care decisions. That is what our bill does.

The reason for that is very simple. No. 1, we want to protect employers. In principle, we agree about that. No. 2, if an employer, in fact, overrules an HMO and stands in its shoes, or overrules a doctor, then and only then under our bill can they be held responsible, or if they overrule the HMO with respect to how the plan applies. Basically, what we have done is we have put a wall around employers unless they step into the shoes of HMOs and start making health care decisions.

Issues have been raised. They have been raised in this debate by Senator GRAMM with his amendment. Issues have been raised by employers around the country with whom we have been talking and with whom we will continue to talk. As a result of those discussions, consistent with the principle that both the President of the United States and we have established, we have worked and we have had meetings, I will tell my colleagues, over the last few days. On Friday, for example, I met with a number of Senators from both sides of the aisle, Democrat and Republican, to try to address the language, to try to craft language that will deal with concerns that people have about this issue—a bipartisan compromise on this issue. We are continuing to work on that compromise. There are a number of Senators involved. We will continue to work on it.

But the amendment that is pending is at the extreme. It is inconsistent with the principles established by the President of the United States; it is inconsistent with our legislation, which is supported by virtually every health care group and consumer group in America. It is more extreme than the Norwood-Dingell bill that passed the House of Representatives last year. It is out there at an extreme.

We believe there is a better, more reasonable middle-of-the-road approach that will provide maximum protection to employers and at the same time not completely eliminate patients' rights. That is what we are working on. We are working on crafting language.

This is one of the issues on which we agree in principle with the President; that is, we start with the idea we would like to see employers protected unless they are overruling doctors and making individual health care decisions. Of course, the vast majority of employers in this country never do that. They turn over the handling of the day-to-day operation of their health care plan to the people they are paying and leave it in their hands. When they do that, they will not be exposed to responsibility.

The bottom line is, what we have done in our legislation is consistent with what the President's principle provides. Even with that, since additional concerns have been raised about employers, since it is an issue about which we agree as a matter of principle, we are continuing to work with both Republican and Democratic Senators to craft a compromise which we hope a vast majority of the Members of this Senate will be able to support when we propose it.

That issue, the issue of employer liability, as I indicated, is an issue on which I think we have substantial agreement. It is an issue I think we can resolve to the satisfaction of a majority of the Senate. We believe our bill as presently constructed does that. But in the spirit of trying to have strong bipartisan support for this bill, we have continued to work on it, and we will continue to do so.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Carolina has outlined and characterized the situation. I would like to speak to some of the points he made and then specifically speak to a variety of issues.

To begin with, much of what the Senator said we agree with, I agree with, and I think everybody agrees. There is no issue over access to emergency rooms. There is no issue over access to OB/GYNs. All those issues have been agreed to. They were agreed to last year. They were agreed to this year.

There is no issue about the need to make sure that when someone is injured by their HMO or their provider or their insurer, they have recourse. There is no issue about that. Everybody is in agreement.

The issues come down in the classic way, in the classic line, to "The devil is in the details." The bill as brought forth by Senator MCCAIN, Senator EDWARDS, and Senator KENNEDY is essentially a "let's go to court" bill. It is not a Patients' Bill of Rights bill. I have referred to it as a "lawyers who want to be millionaires bill," and I have referred to it in other terms, but essentially it is a lawyers' rights bill. It creates an incredible number of new opportunities to bring lawsuits.

We just happened to go through and outline some of these and this chart shows them. First, you can sue your employer. Under this proposal as it is structured. That should not be our goal. Our goal should not be to create lawsuits against the employers in the country. I noticed my colleague always used the term "health maintenance" organization, HMO. It is a pejorative—or it has become pejorative. I never heard him use the word "employer." Yet for the 56 million people who are covered by self-insured plans—plans where the employer is the one who gets sued—the fact is, you can sue the employer. What is the practical effect of that? We know the practical effect is a lot of employers are going to drop their insurance so the people who have insurance today will not have it tomorrow if this bill is passed because the employers are going to say: Hey, I am not in the business of being sued for health care problems. If a doctor makes a mistake, I don't want to be sued. If I make a product and make a mistake, I understand I will be sued, but I don't want to be sued if a doctor or nurse or pharmacist or hospital makes a mistake. I don't want to be put out of business for that.

We are talking about mom-and-pop employers. We are talking about employers who have 10, 15, 20 employees.

The average cost of a malpractice suit is $77,000. So you have a situation where their whole profit for the year may be wiped out. Maybe you are running a small grocery store or a restaurant or a gas station. You will be wiped out because you will have to defend the suit even though you had nothing to do with it as an employer.

This bill as structured has massive liability for employers. They can be sued in the Federal court or in the State court, which is really ironic.

Brand new causes of action: There are almost 200 new causes of action under this bill for ministerial activities under which an employer may make a mistake. The damages are unlimited under those causes of action. It is not $100 or $200. It is not a fine from the Labor Department as it is under present law or a fine from HHS as is under present law. There is a new private cause of action that accrues against the employer for not sending the proper forms or for not informing you or for not sending you the right magazine. For anything that is under HIPAA or anything under COBRA or anything that is under ERISA, they are suddenly liable as the employer under this bill. They are brought in under this bill, and they are liable. There are 200 new causes of action.

The damages under this bill are unbelievable. Obviously, it is a bill written by the trial lawyers because there are no limitations on economic, noneconomic, or punitive damages. By putting on a new title, they are trying to go around with this classy, misty, "special assessment" In Federal court, there is a limit of $100 million in punitive damages. Of course, they do not tell you that you can go to State courts, and in most States there is no limit on damages. This new "special assessment" is just window dressing.

Punitive damages are uncapped, economic damages are uncapped, and noneconomic damages are uncapped.

This is a lawyer's fantasy world. It is similar to a lawyer walking into Disney World to pick their forum, their most interesting forum, State or Federal. They can pick hundreds of suits. They can pick unlimited damages—economic, noneconomic.

You are going to see employers dropping their health insurance like hotcakes as a result of this; you can go straight to court.

I heard the Senator from North Carolina say: Internal appeal process, you have an external appeal process. Then, under very similar certain circumstances you can go to court. Hey, with this bill you can go straight to court.

There isn't a good lawyer in this country who would not skip the external appeals process the way this bill is structured. This is probably the single biggest problem this bill has because it is the external appeals that will settle most of the differences a patient has with their employer—whether it is an employer or an HMO—because, if you have a good external appeals process with medical expertise and independent resources, and if you require the two parties to pursue that external appeal, then at the end of the external appeal the odds are very good that the resolution is going to be fair, the parties are going to accept it, and you won't have a court action. I suspect court actions would be rare with a good external appeals process.

A good external appeals process is one such as in the Nickles bill last year or such as is in the Frist-Jeffords bipartisan bill. It is a tripartisan bill. It is tripartisan because there is an independent, a Republican, and a Democrat on the Frist-Breaux-Jeffords bill, which essentially says you can skip the external appeals and go to court. But all you get when you do that is an opportunity to get your problem taken care of. You don't get awards. You don't get awards for going to court. You essentially get taken care of, which is appropriate if you have a situation where the injury is immediate and the harm is continuing. You should be able to go to court during the external appeals process and get that taken care of, if it is necessary. That is the way the Frist-Breaux bill is written.

The way their bill is structured, you go to court, period. You don't even bother with external appeals. You allege your harm. They claim it is not alleged anymore. But, essentially, it is alleged, and you are in court. You get your damage claim going; you start suing like crazy. You pick the forum that is best, the jury that is the best, the courts that are best, and the best States, and you are off and running in the court system.

That is the way this bill is intentionally structured. It is not an unintentional event. This bill is intentionally structured in order to get more lawsuits, and in order to get more opportunities to create lawsuits. It couldn't be done for any other reason.

When you look at this list, "statute of limitation"—what statute of limitation? For all intents and purposes, they have no statute of limitation under this bill because you can essentially bring a cause of action after 180 days. The external appeals process is eliminated. All you have to do is claim that you have just found the injury and you are off and running again. Ten years after the event, the statute of limitation is almost irrelevant under this bill.

As I mentioned, forum shopping, picking your forum, is a classic lovefest for plaintiff's lawyers.

The first thing you are taught in the trial practice courses when you go to law school is forum shopping. That is black letter education in law school. I was there. I know. I even passed that course. I think I put down "forum shopping" on every answer.

This bill puts it right at the top of the list, as you might expect. Two bites at the apple: You can sue in both courts. They are not happy enough with forum shopping.

The avarice of the trial bar in designing this bill is almost humorous it is so aggressive. They weren't happy to just put in forum shopping, which doesn't exist today. They had to go with simultaneous forums. You can bring the lawsuit in both courts. You can go to State and Federal at the same time. It is lawsuit Disney World.

Of course, you can bring multiple lawsuits. I sue, you sue, and everybody sues under this bill.

You can have class action suits, which is something you can't have under present law. There is a very good reason for that under federal law.

What is the practical effect? This is the bottom line. With all of these lawsuits, you end up with a bill that, if it were to pass, according to OMB's estimates, would cause 4 million to 5 million people to become uninsured. According to the CBO estimate, it is 1.3 million. Either way, it is a huge number of people.

They don't get patients' rights under this bill. They get no insurance under this bill because their employers are not going to be able to afford or justify giving that benefit in exchange for all the lawsuits to which they would be subjected.

What is going to happen in the real world? The bigger employers will say: All right, I know you need health insurance, but we can't manage it anymore because we just can't take the adverse risk of all of these lawsuits. So we are going to give you some money as one of your compensation functions, and you can take that money and go into the market and buy your insurance.

The only problem is that the employer's insurance plan is inevitably going to have been much better—much better for the employees than what they can go out and buy with the dollars or the voucher they are given by the employer because the employees will be out there with one voucher trying to buy their insurance in an open market, and they won't have a whole lot of market force behind them. But an employer that maybe employs 50, 100, or even 15,000, 20,000, or maybe even 50,000 people, has huge market clout. They can get better rates, and therefore they can get better options. They can maybe get eyeglass options or drug options or a variety of other options that the employees can't get with the voucher they are going to be given by large employers.

A lot of people may not lose their insurance altogether, but the quality of their insurance under this bill is going to drop radically.

Then there are the other people who do not use employers. They are self-insurers who do not have a lot of employees. There are 100, 50, 35, or 20 people. These employers are going to say to their employees: We are sorry; we can't afford it at all. We can't afford it at all.

You are going to have a lot of people without any insurance, period.

That is the practical effect of this. There are negotiations going on. There are ways to fix this. They are not radical. They are not reactionary. They are reasonable. In fact, they are so reasonable that they have been put forward by Senators FRIST, BREAUX, and JEFFORDS. As I said, it is a tripartisan bill. They have a liability section which makes sense. It is not just limited to designated decisionmakers. It is a much broader term than that. It goes to this whole issue of external appeal. It goes to the issue of punitive damages and to the issue of forum shopping. It goes to the issue of bringing in all these causative causes of actions under COBRA, ERISA, and HIPAA which are not appropriate in this bill.

So if you want to fix this bill—I hear the other side saying that on occasion; I am not sure if they really mean it. But if they want to really fix the bill, just take the Frist-Breaux-Jeffords language en bloc in the area of liability and put it in the bill. The bill would be fixed in the area of liability and external appeals. Do we see them doing that? No.

There was some discussion in this Chamber earlier about this pending amendment by the Senator from Texas, who I see is in the Chamber. The discussion from the other side essentially was: OK, you say you don't want employers to be liable. Texas law does not allow employers to be liable, so let's adopt the Texas law.

Why was that amendment offered? Because the other side of the aisle specifically said they wanted to have a bill that was almost identical to Texas law. In fact, the Senator from North Carolina used those terms. He said: This bill, as structured, is almost identical to the Texas law. So the Senator from Texas said: If it is almost identical to Texas law, let's just put the Texas law language in, which is what his amendment does; it puts the Texas law language in. And it is pretty reasonable. It is the Texas language. So now the bill would not be almost identical; it would be identical.

Since a number of the Members on the other side of the aisle said: We want the Texas law, we want what President Bush had in Texas, the Texas law is acceptable and what President Bush had in Texas, the Senator from Texas said: OK, we will put the Texas law in as an amendment. If the two are the same—and the two are the same—everybody will vote for this. We will not have to have a rollcall vote on it; we can have a voice vote.

I think you will find it is opposed by Senators on the other side of the aisle. The simple fact is, their law does not exempt employers, as does the Texas law. Their law does not exempt the lawyers. Theirs makes the employers, carte blanche, liable and opens up all kinds of opportunities to sue them, without caps, with punitive damages, and in whatever form they want to choose. The Texas law does not allow that to happen. The Texas law does protect the employer and does limit damages.

So I look forward to the vote on this amendment. I think it will test whether or not the statements coming from the other side of the aisle—that they want the Texas law—are backed up by a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The distinguished Senator from North Carolina.

Mr. EDWARDS. Let me respond briefly to some of the comments made by my colleague from New Hampshire.

This is the same tired old rhetoric the HMOs have been trotting out for years now to keep any kind of reform from occurring. They are now, by the way, spending many millions of dollars on lobbyists and public relations campaigns, and on television, to try to defeat any kind of reform.

These are the same arguments we have heard before. We need to get past that. We need to get to talking about providing real protections and real rights for patients. That is what Senator MCCAIN and I did. We worked for many months on this legislation to address many of the issues about which my colleague has just talked but nothing ever changes. No matter what we bring to this Chamber by way of patient protection, we hear these same arguments made. Let me speak to just a couple of those arguments briefly.

First, on the issue of forum shopping, cases going to State court, I say to my colleague from New Hampshire, he should see what the Chief Justice of the U.S. Supreme Court, by way of the Judicial Conference of the United States, which the Chief Justice heads, said about this issue. He specifically said in a written letter dated March 3, 2000:

> The Judicial Conference urges Congress to provide that, in any managed care legislation agreed upon, the state courts be the primary forum for the resolution of personal injury claims arising from the denial of health care benefits. . . .

What we have done in our bill is exactly what the Judicial Conference of the United States has said should be done. We have done what the American Bar Association says should be done; we have done what the Attorneys General of the United States say should be done; and we have done what the U.S. Supreme Court said, in the Pegram decision, should be done.

I know it is a wild idea that Senator MCCAIN and I have decided to adopt the consensus of every objective group in America on this subject, including the U.S. Supreme Court. I am telling you, they would complain no matter what we did, because this is the rhetoric of antireform. That is what this argument is about.

Ultimately, this debate evolves into a very simple question: Are we going to do something about this problem or are we going to continue to kill reform legislation? We have to make a decision about whether we are going to make progress or whether we are going to obstruct progress.

Another issue my colleague raises is the issue of caps and whether there are limitations on recovery. He had his chart, which is not here anymore, that had lots of information about unlimited lawsuits and that there were to limitations. I sy to my colleague, what we have done, that he does not like, is we have treated HMOs exactly the same way as every doctor, every hospital, and everybody else in America is treated.

All of the rest of us, everyone listening to this debate, whether on television or in person, is treated exactly the way we treat HMOs in this bill. They do not like that. HMOs, I am sure, would like to maintain their privileged status. That is why they are spending millions of dollars to try to defeat our legislation with respect to the specific issue of employers.

I say to my colleague, the President of the United States—the Republican President of the United States—and I am reading from his written principle—says:

> Only employers who retain responsibility for and make final medical decisions should be subject to suit.

Mr. WARNER. Mr. President, will the Senator entertain a question on that point?

Mr. EDWARDS. I will, yes.

Mr. WARNER. Having had some modest comparison to my distinguished colleague in the trial courtroom, I know that is a key phrase. I am not sure just how it is going to end up, or not end up, in the legislation, depending on the amendments, but I think it would be helpful to have some legislative history on what the meaning is of an employer participating in the medical decisions of an employee.

Let's take the example of a small employer. Most often, that employer has a great deal of personal contact with his employees, has a great deal of empathy for the employee or his family stricken with some type of problem.

Suppose I were an employer, and my longtime secretary appears to be ill, and I say: I think we had better go to the hospital. So I drive her to the hospital. Maybe some other employee in the firm drives her. Then, while in the hospital, I went to call on her, and somehow I am involved in the discussion as to whether or not an operation should be performed.

What are the circumstances by which the employer could be drawn into this type of litigation? Depending on how the bill is finally written and the law is enacted, it could well be that an employer henceforth just almost has to sever all personal relationships with employees for fear of getting drawn into a legal case.

I say to the Senator, it would be helpful, based on his experience, if he would elaborate on that issue and, indeed, point to other references in the debate or elsewhere so that we might have a legislative history to guide those who are going to follow this law in the future.

Mr. EDWARDS. I thank the Senator for his question. I think the Senator is concerned about some of the same issues others have raised and on which we have been working. I think it is a legitimate question.

I say to the Senator, what we did in our bill is have language that was intended to protect employers unless they stepped into the shoes of the HMO and actually made a medical decision essentially overruling the HMO. That was conceptually what we did in our bill, and that is conceptually what the President says in his principle.

But the practical question which the Senator asked is a legitimate question. That is the reason, I say to the Senator, we are working with our colleagues across the aisle—Republicans and Democrats—to try to craft appropriate language, because we do not want to create a disincentive. We want to protect employers, particularly the small business employers about which the Senator is talking. But I say to the Senator, it is not just the small employers.

Although they are a very small part of the population of employers in this country, we also have self-insured, self-administered plans where basically the employer is the only entity managing the health care of its employees.

What we want to do is try to find a way to provide some protection also for those employers. Those are the kinds of issues—the question the Senator asked, which is a very fair question, and the issue I just raised of the self-employed, self administered plan—those are the kinds of issues we are trying to address without leaving the patient or the employee completely out in the cold.

I do believe there is a way to do that. It requires some work and creativity, but it can be done. Our goal in this process is the same. We want employers to be protected; we want to provide maximum protection actually for the employers without completely leaving the employee out, for example.

The problem with completely carving out the employer, as this amendment does, is that in some cases you may have an employer, a large employer, where they are a self-insured and a self-administered plan. Let's say a bookkeeper says, we are not paying for the test for the child of an employee; that child suffers some serious consequence from that. Under this carveout, there is nowhere that child could go because there is no HMO. It is a self-insured, self-administered plan. Under the President's language, which says "only employers who retain responsibility for and make final medical decisions should be subject to suit," there would be somewhere for that child of that employee to go.

What we are trying to do—and I think it can be done—is to fashion language that provides maximum protection for the employer but at the same time doesn't leave that small group of employees that would be impacted by it completely out in the cold.

Mr. WARNER. Mr. President, I thank my colleague

Let's talk about a large employer. I am simply the manager of a section with maybe seven or eight employees, but they are good friends. They have worked with me for a very long time. One suddenly becomes ill. Were I to drive that person to the hospital and in any other way participate in trying to alleviate the pain and suffering of the moment, would that then subject my overall firm to liability by virtue of my actions, say, as a good Samaritan?

Mr. EDWARDS. That kind of unintended consequence is exactly what we want to avoid. The issues the Senator from Virginia is discussing in this colloquy are the same kinds of issues that have been addressed by employers to us and my colleagues who are working to try to fashion language to solve the problem the Senator raises and the problem raised in the earlier example and to make sure, for an employer that has improperly been brought into a case—if they have been brought into a case and they don't belong in the case, we provide a mechanism, a procedural mechanism that they can get out of the case so they don't get dragged through a court proceeding when they don't belong there.

Those are the kinds of issues that need to be addressed, that we are attempting to address, and I believe we will find a solution to, consistent with the principle the President has laid out and the principle in which we believe.

Mr. WARNER. I thank my colleague.

Mr. EDWARDS. Mr. President, what we have done in the McCain-Edwards-Kennedy bill is structured a system that, unlike my colleague describes, is actually intended to avoid cases going to court. If we didn't want to avoid cases going to court, we would not first have an internal appeal and then have an independent external appeal. What we have learned from experience is the majority of cases get resolved. In Texas, California, and in Georgia, for the three examples, when that system is in place, most cases get decided by that system. I think in Georgia and California there actually hasn't been a single lawsuit filed. That is good because the purpose is to get treatment to patients.

But there will be rare cases where the HMO does something inappropriate, wrongful, and, as a result, somebody gets hurt. It is not right, under our system of justice, for a family to be responsible for the rest of their lives to pay for that. If the HMO is responsible, they should be held accountable, just as all the rest of us.

That is the reason we have set up this system the way it is.

What we have ultimately is real rights that are enforceable through an internal review, then an external review, and then, if necessary, if someone gets hurt, the case can go to court. And the cases that go to State court, where the HMO is treated just as everybody else, are subject to whatever State laws and caps apply to those kinds of cases. So there are, in fact, limitations. The rhetoric that there are no limitations is, in fact, not true.

The majority of States in this country have limitations on recoveries. And as the judicial conference suggested, as the American Bar Association suggested, as the State attorneys general suggested, we have sent those cases to State court, to a place where there are limitations on recovery but where we treat the HMOs not as privileged citizens anymore but just as all the rest of us. To Senator McCain and me, as we worked on this, it seemed the fair, right, and just thing to do—that HMOs get treated the same as everybody else. If they are going to make medical decisions, they ought to be treated as the doctors whom they are overruling. That is exactly what the structure of this bill is.

My colleague said something that was incorrect a few minutes ago. He said that all you had to do to avoid the appeals process and go straight to court was to allege that you had irreparable harm. That is not the case. That word does not appear in our legislation. But if, in fact, someone has died as a result of what an HMO has done to them, we thought it was a little unreasonable to make the family of someone who has already died go through an appeal before they could go to court. There is not much reason for them to be exhausting administrative remedies. We think we have a commonsense approach, one that works.

The model of California, Georgia, and Texas, and other States shows that these laws work. They give patients rights. They don't result in a lot of litigation. In fact, in those three States, in spite of the rhetorical arguments being made that people will lose their health insurance, in those three States, while those laws have been in place with real patient protection, the number of uninsured has gone down, not up. So at least the evidence, according to the three models we have used, is that people think this system works. Lawsuits are not created by it. In fact, they are avoided.

Third, the number of uninsured, at least in those three jurisdictions, has not gone up. In fact, it has gone down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to say that when I listen to the Senator from North Carolina, I almost always agree with what he says, but when I read his bill, A, I never find it does what he says, and, B, I never agree with it.

First of all, when the Senator chastised some for saying his bill simply required that there be an allegation in order to escape the external review process, that was not a figment of the imagination of critics or paid lobbyists or special interest groups, as if special interest groups and the trial lawyers don't also support the Senator's bill, as if only special interests oppose it and none supports it. But no one made that up. That is a word on page 149 of the previous version of their bill.

In fact, I raised this very issue over and over again, and the Senator and his cosponsors changed their bill to drop the word. This was not a word made up by anybody. This was a word that appeared in the original bill.

Now as for treating HMOs like everybody else, I find it a strange assertion that they are treated like doctors and hospitals. Let me explain why. First of all, I refer to the bill that is before us, the McCain-Edwards-Kennedy bill, and specifically to the section related to suing employers: "Cause of action against employers."

I begin with the assertion that this bill treats doctors and hospitals exactly the way it does HMOs.

In fact, the Senator says, by putting these cases back in State court, they are treated the same. Surely, the Senator must be aware that under State law, for example, in Texas and in California there are limits on liability for doctors and for hospitals, but there are no limited liabilities for health plans or employers under State law either in Texas or in California.

So to assert that by putting these cases that arise under Federal law—ERISA is a Federal law—by putting them back into the States they are being treated exactly the same as doctors and hospitals is factually inaccurate, because State laws often do impose liability limits on doctors and hospitals, but almost never do they impose liability limits on employers, or insurance companies, or HMOs.

Finally, so I can get on to my point, let me say that when the Senator says his bill treats doctors and hospitals exactly the same as it treats HMOs, I find that an interesting assertion. I turn to page 148 of his bill and I see an exclusion. In fact, on line 12, 148, it says: "Exclusion of Physicians and Other Health Care Professionals." This is in the section on liability for employers. I will go into that in some detail.

I want to make this point. At the end of this section on liability for employers, it has two specific carve-outs where entities are treated very differently from employers. The first entity on line 12 is physicians: "No treating physician or other treating health care professional of the participant or beneficiary, and no person acting under the direction of such a physician or health care professional, shall be liable under paragraph (1)," which is the paragraph related to employer liability.

And then on page 149, there is an exclusion for hospitals. It says: "No treating hospital of the participant or beneficiary shall be liable under paragraph (1)."

So on page 148 it exempts the treating physician. On page 149, it exempts the hospital from the same liability section for the employer. But then, to just be absolutely certain that no one is confused, let's come down to the bottom of page 149 and see if employers are treated the same and HMOs are treated the same as doctors and hospitals. It says: "Nothing in paragraph (6)," which is the exclusion for physicians, "or (7)," which is the exclusion for hospitals, "shall be construed to limit the liability . . . of the plan, the plan sponsor, or any health insurance issuer," and the plan sponsor, of course, is the employer.

So to say that this bill treats doctors and hospitals the same way it does insurance companies, HMOs, and employers, sounds very good and reassuring. The problem is that it is not true.

Now let me begin and make the point I want to make. First of all, I send three letters to the desk and ask they be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Federation
of Independent Business,
Washington, DC, June 22, 2001.

Hon. Phil Gramm,
U.S. Senate,
Washington, DC.

Dear Senator Gramm: On behalf of the 600,000 small-business owners who are members of the National Federation of Independent Business (NFIB), I am writing to express our strong support for your amendment to provide an employer liability exemption modeled after the Texas managed care legislation. As you are well aware, groups on both sides of the issue agree that under Texas law, employers are explicitly exempt from liability. We will work diligently to ensure that members on both sides of the aisle support your amendment—especially those who specifically stated that they do not want employers to be held liable for voluntarily offering health care to their employees.

Small-business owners are already being forced to drop health-care as a result of the high cost of premiums; of the 43 million uninsured Americans, 26 million (61%) are small business owners and their employees. The most recent Kennedy/McCain/Edwards proposal actually increases the likelihood that more small employers and their families will join the ranks of the uninsured. For the first time, it would authorize several new bases for lawsuits that could be initiated under federal law for unlimited damages. Employers could be sued in both state and federal courts. Their proposal does not preclude any employer from being named as a defendant in the growing number of cases that are now being filed as class action lawsuits.

If Congress enacts any legislation that exposes employers to unfair lawsuits, many small-business owners would stop offering health insurance altogether for fear that one lawsuit could wipe out their business. Even if employers are shielded from lawsuits, imposing liability on health plans would lead to higher premiums, which would then be passed on to employers and their families. Small-business owners and their employees simply cannot afford to supplement the income of wealthy trial attorneys. Fifty-seven percent of small businesses said in a recent poll that they would drop coverage rather than risk a suit that will undoubtedly threaten the livelihood of their business. It's easy to see why, given the fact that the average cost for a business to defend itself from a lawsuit is $100,000.

Again, I commend you for your continued support on behalf of small-business owners and their employees. We look forward to working with you to ensure that employers are not penalized for voluntarily offering health-care benefits to their employees.

Sincerely,

DAN DANNER,
Senior Vice President.

U.S. CHAMBER OF COMMERCE,
CONGRESSIONAL & PUBLIC AFFAIRS,
Washington, DC, June 22, 2001.

To the Members of the U.S. Senate:

As the world's largest business federation representing more than three million employers and organizations of every size, sector and region, the U.S. Chamber of Commerce is greatly concerned about the liability provisions of S. 1052, the Kennedy-McCain "Patient Protection Act of 2001", that expose employers to lawsuits and unlimited damage awards.

The U.S. Chamber of Commerce strongly supports the amendment offered by Senators Phil Gramm and Kay Bailey Hutchison to S. 1052 that would exclude employers from lawsuits for the actions of the health plans they sponsor. It should be noted, however, that this amendment, on its own, does not address other fundamental flaws in the underlying legislation, nor will it protect employers from the huge liability costs imposed on health plans by this proposal.

Employers voluntarily provide health coverage to 172 million Americans, at an average cost of $6,351 per working family. While this amendment exempts employers from being party to a lawsuit, the cost of open-ended liability on health plans will ultimately be borne by businesses and working families. Furthermore, self-insured health plans directly pay the cost of damages and litigation out of their bottom line, even if they use a third-party administrator to make claims decisions.

Given our sluggish economy, employers will not be able to bear the passed-on costs of litigation and unlimited damage awards. Much of those costs will also be borne by employees, who, studies show, are increasingly turning down their employers' offer of coverage because they cannot afford the higher monthly premiums and out-of-pocket deductibles, coinsurance and copayments. Our health care system does not need any more litigation. In addition to supporting the Gramm-Hutchison amendment, we urge you to remedy the onerous liability provisions of S. 1052 so that employers can fully benefit from the protection offered them by the Gramm-Hutchison amendment.

Because of the importance of this issue to working families, the small business community and the American economy, we urge you to support the Gramm-Hutchison amendment to S. 1052. The Chamber will consider using votes on or in relation to Gramm-Hutchison for inclusion in our annual "How They Voted" ratings.

Sincerely,

R. BRUCE JOSTEN.

AMERICAN BENEFITS COUNCIL,
Washington, DC, June 22, 2001.

Hon. PHIL GRAMM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMM: The Senate will soon vote on your amendment to limit the liability of employers under the Kennedy-McCain version of the Patients' Bill of Rights.

We strongly share your view that the Kennedy-McCain bill is fundamentally flawed and should not be enacted. It is certain to drive up health costs well beyond the double-digit increases that employers are already facing, increase the numbers of uninsured Americans and place all employer-sponsored group health plans under the constant threat of unlimited liability and inconsistent decisions made by separate state courts.

The Gramm amendment responds directly to one of the primary concerns raised by both large and small employers throughout the long debate over this legislation. There can be no doubt that many employers who voluntarily offer this highly valuable benefit to employees will be unwilling or unable to do so in the future if the Kennedy-McCain bill is enacted. There is no subtle way to express how profound and destructive the threat of constant litigation and unlimited damages would be to our nation's employer-sponsored health benefit systems.

Support for the Gramm amendment would be a vote in favor of preserving health benefits sponsored today by employers and a vote in favor of the millions of Americans who rely on health benefits through their employer today. However, it should also be clear that even if an amendment is approved to shield employers from direct liability, our position on the bill itself remains firm and unchanged. The Kennedy-McCain bill is an extreme measure that should not be enacted and the bill would still impose unacceptably high burdens on the health plans and others involved in administering employer-sponsored health benefits for which employers themselves would ultimately shoulder the higher costs.

We commend you and your supporters for offering this amendment to protect employers from the excessive liability that would result from the Kennedy-McCain bill. We urge the Senate to move next to comprehensively cure the problem that this bill poses by rejecting the Kennedy-McCain proposal and enacting a sound Patients' Bill of Rights that meets the President's principles and can be signed into law.

Sincerely,

JAMES A. KLEIN,
President.

Mr. GRAMM. The first letter is from the National Federation of Independent Business on behalf of 600,000 small businessowners in America. They have endorsed the amendment I have offered that will be voted on tomorrow, which exempts employers from being sued under this bill.

The second letter is from the Chamber of Commerce of the United States, the world's largest business federation, representing over 3 million employers, making this vote a key vote for the Chamber of Commerce.

Finally, the third letter is from the American Benefits Council, which is in support of this amendment.

Let me try to explain briefly what this is all about. These are complicated issues and they are very easy issues to get confused. Let me start with the Federal bill, since there has been so much talk about it. Let me be sure that everybody knows exactly what we are talking about. This is S. 1052, which is the pending bill that was originally authored by Senator McCAIN, for himself, Senator EDWARDS, Senator KENNEDY, and others.

I will start on page 144 of the bill. A lot has been said about suing employers. Almost everything that has been said has been that you can't sue employers. I want to just go through the bill very briefly, lest there be any doubt about the fact of whether or not you can sue employers, and try to explain the concern that I have that the National Federation of Independent Business has, and that the U.S. Chamber of Commerce has about this bill, and the fact that it would expose employers to liability.

Let me remind my colleagues that employers are not required by law to provide health insurance to their employees. There is no Federal or State statute anywhere that requires that employer benefits be provided. Employers provide benefits because they choose to, because they care about their employees, or if they believe that in order to be competitive in getting good employees and holding them they have to provide benefits, they decide to do it on a voluntary basis. So the cause of not just concern, but alarm, in the business community is that under this bill it will be possible to sue not the insurance company, not the HMO, not the people who are practicing, such as doctors and hospitals, but you will be able to sue the employers.

Let me start with the language of the bill. This bill has in this section, as it does in many other sections, language that is very confusing and misleading. I want to give a simple example. Look on page 144, on line 5, it says: "Exclusion of Employers and Other Plan Sponsors," which implies that they are excluded, that you can't sue employers. And then in section (A), line 7, it says: "Causes of Action Against Employers and Plan Sponsors Precluded." Read that sentence. You say you can't have a cause of action against employers and plan sponsors; they are specifically precluded. That is exactly what the headline says.

And then it says: "Subject to subparagraph (B)," and that is where you become concerned because up here it says you can't sue them. The next line is "Subject to subparagraph (B)"—I will come back to that—"paragraph (1)(A) does not authorize a cause of action against an employer"—just as clear as the rising Sun. You can't sue employers. But when you get down to subparagraph (B), it says: "Certain Causes of Action Permitted," and then it says: "Notwithstanding subparagraph (A)," which is what I just read, "a cause of action may arise against an employer or other plan sponsor."

In other words, paragraph (A) says you can't sue them and paragraph (B) says you can sue them. And then you have seven pages of ifs, ands, and buts about whether you can or cannot sue employers, and under what circumstances you can sue them.

And then, obviously, it gets pretty complicated. The question comes down to, what would a judge say? What would a jury say? What would some very smart plaintiff's attorney be able to do with this language?

Then the problem gets even greater because you get down to the use of terms that don't jump out at you as triggering other things. But when you understand how they fit into Federal law, they say you can sue employers. I will give you an example. On line 18 of page 145, it says you can't sue the employer except when the employer directly participates—and let me read the whole paragraph:

> Direct Participation in Decisions.—For purposes of subparagraph (B), the term "direct participation" means, in connection with a decision described in clause (i) of paragraph (1)(A) or a failure described in clause (ii) of such paragraph. The actual making of such decision or the actual exercise of control . . .

It does not jump out at you that "exercise of control" means anything. It does not unless you know that under ERISA, which governs all employer benefits under Federal law, the employer is always deemed to exercise control over employee benefits.

There are 7½ pages of ifs, ands, and buts, but there is a lot of language that when it is brought into the context of existing Federal law it creates the strong potential that employers could be sued and could be sued for nothing other than simply having tried to join with their employees in buying health insurance and conducting activity that had to do with operating their business, appointing employees to interface with their health plan, their insurance company, their HMO.

Then, as if anybody would doubt the intention of this bill, it has this extraordinary section on page 148 and 149, having created this liability for employers, and then in 7½ pages talking about when you can sue them and when you cannot sue them, it then comes down and excludes physicians, excludes hospitals, and then it says:

> But nothing in excluding physicians or excluding hospitals can be construed as excluding employers.

If our colleagues on the other side of the aisle wonder why it is that employers are alarmed, all they have to do is to look at the language of their bill in the context of ERISA to understand that we have a very real potential for employers to be sued.

The Texas Legislature, which has been held out to be a standard for patients' rights—in fact, if I am not wrong, Senator EDWARDS said on ABC "This Week":

> The President, during his campaign, looked the American people in the eye in the third debate and said: "I will fight for Patients' Bill of Rights," referencing the Texas law. Our bill is almost identical.

Identical to what? The Texas law. Let me make it clear it is not identical. Under the bill before us, it clearly says employers can be sued. It has 7½ pages of circumstances under which they can be sued. It uses language that ties in to ERISA that suggests they might be sued, and then it excludes doctors and hospitals but specifically does not exclude employers from being sued.

That is what the bill before us does. What does the Texas law do? The Texas Legislature, when it debated and passed the Patients' Bill of Rights, did not believe that all employers were good people. It did not believe there would never be an incident where employers would do the wrong thing. It did not believe that. They debated this extensively, but they did believe they had put together a system of checks and balances.

In fact, this bill, the Republican alternative, the Breaux-Frist bill, every HMO bill, every Patients' Bill of Rights bill that has been introduced, is really modeled after State plans. One of the most prominent of those plans is the Texas plan.

In Texas they concluded there was no way they could write it that would not guarantee that employers would not be subject to being sued other than to simply exempt employers from being sued.

What they said was, in very simple terms:

> This chapter—

Which relates to liability in their bill—

> does not create any liability on the part of an employer.

There are no 7½ pages of ifs, ands, or buts after this clause. There is no paragraph below it that says notwithstanding this provision they can be sued. This is the language of the Texas law. It does not create any liability on the part of an employer.

Let me review some of the points that have been made where people say you need to be able to sue the employer. Let me remind my colleagues that the Texas Legislature did not believe that for a minute that there would not be some employers who would be bad actors, but they concluded that the benefits of letting people sue the employer were much smaller than the potential cost because of the fear that employers might drop health insurance. In fact, I think the success of the Texas law bears out their belief that, under the Texas law, they would be better off not to allow the suits to be filed against the employer.

Some people have said: What if somebody showed up at the emergency room and the employer called up and said don't let them in? Under the bill before us and every bill that has been introduced, we have a prudent layperson standard. The emergency room is going to get paid if the person, as a prudent layperson, believes they were in danger of being harmed or dying.

What would the attending physician in an emergency room in Omaha, NE, do if some employer called up and said, my employee, Joe Brown, is coming in there, he thinks he is sick, I don't want him treated? The physician would say: Thank you, and hang up because he has no control over who is admitted to the emergency room and the HMO is required to pay.

What about the case where the employer actually tries to intervene in the decision being made by the HMO? It has been suggested that perhaps you could have it so the employer is not the final decisionmaker and would be exempt. I remind my colleagues, who is the final decisionmaker under S. 1052? Who is the final decisionmaker under Breaux-Frist? Who is the final decisionmaker under the Nickles bill? Who is the final decisionmaker under the original Kennedy bill? The final decisionmaker is an independent review panel made up of health care professionals who are independent of the health plan. How is the employer supposed to affect them? The employer can have no effect over them. By definition, under every one of these bills, the employer is not, cannot be the final decisionmaker.

I am not saying, and the Texas Legislature did not say, there were no bad employers, but what they said is what little benefit you might get by discouraging an employer from trying to interfere in a health care plan for which they are at least partially paying; whatever benefits you might get from that, you already have protections with internal and external review, but the cost of making the employer liable is so high that it is not worth it.

Let me conclude because I see my dear colleague from West Virginia is here. I know a lot of other people want to speak. I want to make this point. It is not hard for me to envision—I hope it is not hard for my colleagues to envision—that there are a lot of little businesses all over America that scrimp and sacrifice to cover their employees with health insurance.

I often talk about a printer from Mexia, Dicky Flatt, a friend of mine, an old supporter of mine from a little town in Mexia, TX. He is an old-fashioned printer. He never quite gets that blue ink off the end of his fingers.

He has about 10 employees, including his wife, including his baby son, and he probably has 8 or so other employees at any one time.

They work hard to try to provide health insurance. But there is no way, shape, form, or fashion, Dicky Flatt is going to hire a lawyer to go through this bill. Once he hears from NFIB that he might be sued, he is going to be forced to call his 10 employees together and say: Look, I love you guys. You helped me build this business. But my father and my mother worked a lifetime to build this business. I have worked in it. My wife has worked in it. My brother worked in it. His brother's wife worked in it. My son works in it. And I am not going to put it all at risk in some courtroom because I might be sued because I helped you buy health insurance.

Our colleagues assure us, we are not after Dicky Flatt. But the problem is, they have 7½ pages of language under which Dicky Flatt could be sued. A lot of this language is pretty confusing. I am not a plaintiff's attorney, but it is pretty confusing to me and I have to figure it is very confusing to Dicky Flatt, a printer in Mexia.

Everybody talks about how good the Texas law is and how similar this bill is. I thought with all of the imperfections, I would offer an amendment that does exactly what the Texas law did. One of our colleagues pointed out that under Texas law health insurance coverage has gone up, not down. In Texas they did not believe that all 1 million employers were good, well intending people. They decided, whatever you get by allowing a person to try to sue the few who are bad, when people already have checks and balances against bad employers with internal and external review—an external review where the employer could have no impact, that whatever the benefits are of suing the employer, the cost in terms of inducing good employers to drop health coverage was more.

I am sure everybody understands unintended consequences. I don't believe for a minute the authors of this bill are trying to sue Dicky Flatt. I don't believe it. I don't believe they have evil intent. I have never thought that, never said it, and I don't believe it.

The point is, could the law produce the unintended consequence? It is complicated enough, it is contradictory enough, that I believe it might force good people such as Dicky Flatt, who might call the emergency room if one of his employees were taken to the emergency room, but it would be to say: He is coming; do everything you can to help him. Would that be intervening? If he called up and said: "I want to tell you that Sarah Brown got her finger caught in this machine and it pulled her hand in, and, my God, she is on the way there and she is bleeding something awful. Get ready. And I want you to do everything you can. Don't worry about cost, I will do whatever I can to help," is that intervening? I don't know. And he won't know. Therefore, he might cancel his health insurance.

I believe this is the safe way to do it. I am not saying I will not look at alternatives or we might not be able to work something out, but I am asking my colleagues, don't believe that perfection has been achieved, that there is no way the current bill can be improved. If we could change 5 or 6 things in this bill, we would get 80 Members, maybe 90 Members to vote for it. This is something that needs to be changed. This is something that needs to be fixed.

I know there are a lot of clever people who think we can still do it and still sue and protect Dicky Flatt. I am not sure. All I know is the Texas Legislature, after debating this, decided they were not sure and the safest thing to do was to not allow him to be sued.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from West Virginia.

Mr. BYRD. Mr. President, has the Pastore rule run its course for the day?

The PRESIDING OFFICER. No, it has not. It will expire at 5:04.

Mr. BYRD. I ask unanimous consent to speak out of order, notwithstanding the Pastore rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I understand the Senator from Michigan wishes to speak. If I may be recognized, I would like to speak for not to exceed 20 minutes, but I yield to the Senator from Michigan for not to exceed 5 minutes, and not have that 5 minutes charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I thank my friend and colleague for yielding to me for a moment to bring this discussion back to what this is really all about.

First, I say to my friend from Texas, I am happy to share with his constituent of whom he spoke, on page 146 of the legislation, specifically what is meant by employers being exempted from lawsuit. It is very specific. I think we could satisfy his concerns if he were to read the bill and have an opportunity to discuss it with us. I welcome an opportunity to do that.

I will take a moment and share what happened in Michigan a few hours ago. I went back to the great State of Michigan to be with a large number of constituents who were very concerned about this legislation, people who have been involved in the health care system, doctors and nurses, and family members who have had situations occur in their own family with themselves or their children or their parents that have caused them to support this legislation, the underlying bill that is before the Senate. They believe this is critically needed because of the need to guarantee the health insurance is paying for results in health care for their families.

I will comment as I did on Friday about a situation about which my colleagues on the other side of the aisle talked, small business owners. There is a small business owner with whom I have worked very closely, a man named Sam Yamin, who, in fact, had a situation where he had to go to an emergency room himself.

He owned a tree trimming business and had a severe accident with a chain saw and was rushed to an emergency room. The physicians were ready to operate, to save his leg, to save the nerves in his leg. They called the HMO and the HMO said, we are sorry; you are at the wrong emergency room. They packed him up, him and his wife, and moved him across town. He spent 9 hours on a gurney in the other emergency room and did not receive treatment until he literally pulled a telephone out of the wall because he was in such great pain. He ended up getting the most limited treatment. They simply sewed up his leg.

Why do I mention that? I mention that because Sam Yamin lost his business. He is a business owner who lost his business. He is a business owner who is now not only permanently disabled but, I found out today, is terminally ill. Sam Yamin did not deserve that. He paid for insurance. He was a business owner who had insurance and assumed in an emergency he could go to the nearest emergency room.

Now what happens? He and his wife Susan are flooded with bills. Does he have any recourse to go back to the HMO to hold them accountable for what happened for him and his family? No, he does not.

That is not right. That is what this bill is about. We want better medical decisions. Sam Yamin does not want the right to sue just to sue. He wanted emergency health care. He wanted an operation on his leg. He wanted to be able to go back to work in his business. That is what he wanted. I truly believe that unless we hold HMOs and insurance companies accountable for the decisions they are making, we will not get that kind of guarantee of health care. We want better medical decisions. That is what we want. We know the States that have enacted these kinds of protections don't have the lawsuits being talked about. They have better medical decisions. That is what we are looking for. We want to make sure decisionmakers know they better pay attention; they better get it right; they better give people the health care they are paying for; otherwise, they will be held accountable.

That is what this is about. That is why it is so important and that is why I am going to come to the floor every day and speak on behalf of Susan and Sam Yamin and all the other families in Michigan who are counting on us to get this right.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Presiding Officer. I also thank the majority whip for his courtesy.

Mr. President, I am speaking on a subject that is not germane to the debate this afternoon.

The PRESIDING OFFICER. The Senator from West Virginia.

NATIONAL MISSILE DEFENSE

Mr. BYRD. Mr. President, the President has recently concluded his trip to Europe, where he attempted to convince European leaders of the need for the United States to deploy a national missile defense system. It seems that our friends in Europe still have the same reservations about this apparent rush to a missile shield, and I can understand why. While I support the deployment of an effective missile defense system, there are a number of reasons why I believe it is not as easy to build such a system as it is to declare the intent to build it.

One cannot underestimate the scientific challenge of deploying an effective national missile defense system. The last two anti-missile tests, performed in January and July of 2000, were failures. In response to these failures, the Department of Defense did the right thing. The Department of Defense took a time-out to assess what went wrong, and to explore how it can be fixed. The next test, scheduled for July of this year of our Lord 2001, will be a crucial milestone for the national missile defense program. All eyes will be watching to see if the technological and engineering problems can be addressed, or if we have to go back to the drawing board once more.

It must also be recognized that no matter how robust missile defense technology might become, it will always—now and forever—be of limited use. I fear that in the minds of some, a national missile defense system is the sine qua non of a safe and secure United States. But the most sophisticated radars or space-based sensors will never be able to detect the sabotage of our drinking water supplies by the use of a few vials—just a few vials—of a biological weapon, and no amount of anti-missile missiles will prevent the use of a nuclear bomb neatly packaged in a suitcase and carried to one of our major cities. We should not let the flashy idea of missile defense distract us from other, and perhaps more serious, threats to our national security.

If deployment of a missile defense system were to be expedited, there is the question of how effective it could possibly be. Military officers involved in the project have called a 2004 deployment date "high risk." That means that if we were to station a handful of interceptors in Alaska in 2004, there is no guarantee—none, no guarantee that they would provide any useful defense at all. Secretary of Defense Donald Rumsfeld has downplayed this problem, saying that an early system does not have to be 100 percent effective. I believe that if we are going to pursue a robust missile shield, that is what we should pursue. I do not support the deployment of a multi-billion dollar scarecrow that will not be an effective defense if a missile is actually launched at the United States.

The New York Times has printed an article that drives this point home. The newspaper reports on a study by the Pentagon's Office of Operational Test and Evaluation that details some of the problems that a National Missile Defense system must overcome before it can be considered effective. According to the New York Times, the authors of this internal Department of Defense report believe that the missile defense program has "suffered too many failures to justify deploying the system in 2005, a year after the Bush administration is considering deploying one."

The article goes on to state that system now being tested has benefitted from unrealistic tests, and that the computer system could attempt to shoot down inbound missiles that don't even exist. If the Department of Defense's own scientists and engineers don't trust the system that could be deployed in the next few years, this system might not even be a very good scarecrow. Let the scientists and engineers find the most effective system possible, and then go forward with its deployment.

Let us also consider our international obligations under the Anti-Ballistic Missile (ABM) Treaty of 1972. The President has begun discussions with Russia, China, our European allies, and others on revising the ABM Treaty, but so far the responses have been mixed. I suggest that it is because our message is mixed. On one hand, there is the stated intent to consult with our allies before doing away with the ABM Treaty. On the other, the Administration has made clear its position that a missile defense system will be deployed as soon as possible.

It is no wonder that Russia and our European allies are confused as to whether we are consulting with them on the future of the ABM Treaty, or we are simply informing them as to what the future of the ABM Treaty will be. We must listen to our allies, and take their comments seriously. The end result of the discussions with Russia, China, and our European allies should be an understanding of how to preserve our national security, not a scheme to gain acceptance from those countries of our plan to rush forward with the deployment of an anti-missile system at the earliest possible date.

What's more, Secretary of State Colin Powell said this past weekend that the President may unilaterally abandon the ABM Treaty as soon as it conflicts with our testing activities. According to the recently released Pentagon report on missile defense, however, the currently scheduled tests on anti-missile systems will not conflict with the ABM Treaty in 2002, and there is no conflict anticipated in 2003. Why, therefore, is there a rush to amend or do away with the ABM Treaty? Who is to say that there will not be additional test failures in the next two and a half years that will further push back the test schedule, as well as potential conflicts with the ABM Treaty?

There is also the issue of the high cost of building a national missile defense system. This year, the United States will spend $4.3 billion on all the various programs related to missile defense. From 1962 to today, the Brookings Institution estimated that we have spent $99 billion, and I do not believe that for all that money, our national security has been increased one bit.

The Congressional Budget Office in an April 2000 report concluded that the most limited national missile defense system would cost $30 billion. This system could only hope to defend against a small number of unsophisticated missiles, such as a single missile launched from a rogue nation. If we hope to defend against the accidental launch of numerous, highly sophisticated missiles of the type that are now in Russia's arsenal, the Congressional Budget Office estimated that the cost will almost double, to $60 billion.

We have seen how these estimates work. They have only one way to go. That is always up.

However, that number may even be too low. This is what the Congressional Budget Office had to say in March 2001: "Those estimates from April 2000 may now be too low, however. A combination of delays in testing and efforts by the Clinton administration to reduce the program's technical risk (including a more challenging testing program) may have increased the funding requirements well beyond the levels included in this option [for national missile defense systems]." Is it any wonder that some critics believe that a workable national missile defense system will cost more than $120 billion?

Tell me. How does the Administration expect to finance this missile defense system? The $1.35 trillion tax cut that the President signed into law last month is projected to consume 72 percent of the non-Social Security, non-Medicare surpluses over the next five years. In fact, under the budget resolution that was passed earlier this year, the Senate Budget Committee shows that the Federal Government is already projected to dip into the Medicare trust fund in fiscal years 2003 and 2004. The missile defense system envisioned by the Administration would likely have us dipping into the Social Security trust funds as well—further jeopardizing the long-term solvency of both Federal retirement programs. This is no way to provide for our nation's defense.

I must admit that I am also leery about committing additional vast sums to the Pentagon. I was the last man out of Vietnam—the last one. I mean to tell you, I supported President Johnson. I supported President Nixon to the hilt.

I have spoken before about the serious management problems in the Department of Defense. I am a strong supporter of the Department of Defense. When it came to Vietnam, I was a hawk—not just a Byrd but a hawk. I am not a Johnny-come-lately when it comes to our national defense.

As Chairman of the Appropriations Committee, I find it profoundly disturbing that the Department of Defense cannot account for the money that it spends, and does not know with any certainty what is in its inventory. These problems have been exposed in detail by the Department's own Inspector General, as well as the General Accounting Office. Ten years after Congress passed the Chief Financial Officers Act of 1990, the Department of Defense has still not been able to pass an audit of its books. The Pentagon's books are in such disarray that outside experts cannot even begin an audit, much less reach a conclusion on one!

Although it does not directly relate to this issue of national missile defense, I was shocked by a report issued by the General Accounting Office last week on the Department of Defense's use of emergency funds intended to buy spare parts in 1999. Out of $1.1 billion appropriated in the Emergency Supplemental Appropriations Act for Fiscal Year 1999 to buy urgently needed spare parts, the GAO reported that the Pentagon could not provide the financial information to show that 92 percent of those funds were used as intended. This is incredible. This Senate passed that legislation to provide that money for spare parts. That is what they said they needed it for. That is what we appropriated it for. Congress gave the Department of Defense over a billion dollars to buy spare parts, which we were told were urgently needed, and we cannot even see the receipt!

If the Department of Defense cannot track $1 billion that it spent on an urgent need, I don't know how it could spend tens of billions of dollars on a missile defense system with any confidence that it is being spent wisely.

As a member of the Armed Services Committee and the Administrative Co-Chairman of the National Security Working Group, along with my colleague, Senator COCHRAN, who was the author of the National Missile Defense Act of 1999, I understand that ballistic missiles are a threat to the United States. I voted for the National Missile Defense Act of 1999, which stated that it is the policy of the United States to deploy a national missile defense system as soon as it is technologically possible. Now, I still support that act. But I also understand that an effective national missile defense system cannot be established through intent alone. Someone has said that the road to Sheol is paved with good intentions. Good intentions are not enough. I think there might be a way toward an effective missile defense system, and it is based on common sense. Engage our friends, and listen to our critics. Learn from the past, and invest wisely. Test carefully, and assess constantly. But most of all, avoid haste. We cannot afford to embark on a folly that could, if improperly managed, damage our national security, while costing billions of dollars.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator from West Virginia withhold his request for a quorum?

Mr. BYRD. I withhold my suggestion.

BIPARTISAN PATIENT PROTECTION ACT—Continued

AMENDMENT NO. 810

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my good friend and colleague from West Virginia and thank the Chair. I also thank my good friend from Iowa who has agreed to let me speak for a few minutes and who is also helping with the easel. He is what you would call a full service Finance Committee ranking member.

I am here today to talk about the Gramm amendment to the McCain-Kennedy patient protection bill. I have been in this Chamber before to talk about this issue as it affects small businesses.

In my role as ranking member, and formerly as chairman, of the Small Business Committee, I have had the opportunity to hear from lots of small businesspeople, men and women from around the country. There are an awful lot of them from Missouri who have called me to express their concerns. Let me tell you they have some very real concerns about this McCain-Kennedy bill.

The particular issue before us today deals with whether or not employers should be able to be sued through new lawsuits permitted by the McCain-Kennedy patient protection bill which is supposed to be targeted against HMOs.

We keep hearing how they want to sue the HMOs. Our colleagues on the other side of the aisle seem to be of two minds on this issue. Some adamantly refuse to admit that their bill actually permits litigation against employers at all. They claim that only HMOs can be targeted. That is simply flat wrong. This has been pointed out numerous times in this Chamber by me and by my colleagues who have actually read the language from the McCain-Kennedy bill, which I have before me.

I encourage any American who has been confused by the claims and counterclaims on whether the McCain-Kennedy bill allows any suits against employers to get a copy of the legislation. Go to the bottom half of page 144 and read the truth for yourself. Page 144 has the good news that:

> Subject to subparagraph (B), paragraph (1)(A) does not authorize a cause of action against an employer or other plan sponsor maintaining the plan. . . .

That is the good news.

The bad news is that part (B) says: "Notwithstanding subparagraph (A), a cause of action may arise against an employer or other plan sponsor" under certain clauses and pages and exceptions; and it goes from the bottom of page 144 to pages 145, 146, 147, and 148. That is how you can be sued if you are an employer.

There are some on the other side of the aisle who admit their legislation allows trial attorneys to go after employers but claim these lawsuits are only permitted in narrow circumstances. I give those colleagues and friends credit for greater honesty, but I fault them, nevertheless, for bad analysis because the fact is, the so-called employer exemption from lawsuits in the McCain-Kennedy bill is an extremely complicated and confusing piece of legislative language that will inevitably subject large and small employers to lawsuits and the high cost of defending them.

Before I came to this body, I practiced law. I know what a gold mine of opportunity rests in this language. Oh, boy, if I were on the outside and this were the law, and I wanted to sue an employer, this would be an interesting but not difficult challenge.

We all know you really cannot protect anyone 100 percent from being sued. For better or for worse, any American, with just a little help from a clever attorney, or just an average attorney, can file a lawsuit against any person or any business. The case may be dismissed almost immediately, but they can still file it.

What this means is, if we want to protect employers from frivolous litigation—and this is what everybody says they want to do—we need to give employers protection that will help them get the frivolous lawsuits dismissed immediately, before the lawyers' fees really start to build up. To get these immediate dismissals, you really need clear, distinctive language that makes 100 percent clear what types of lawsuits are and are not allowed.

How does the Gramm amendment make that clear distinction? By saying that you cannot sue your employer, period.

How does the McCain-Kennedy bill try to make a clear distinction on which they say employers can rely? They have a basic guideline that says employers can't be sued, but then they have four entire pages of exceptions, definitions, and clarifications that substantially weaken and confuse that protection. In those four pages there are enough ambiguous words, phrases, and concepts to keep trial attorneys in business for years.

If a plaintiff's lawyer is clever enough—and whatever else I think about them, I know my friends in the trial bar are clever—they are going to find ways to bring lawsuits against employers. In their zeal to get at deep-pocket employers, trial lawyers are going to poke and prod at every word of these four pages looking for weaknesses. Many, or most, will be able to find something to convince a judge not to dismiss a case. The result: A raft of new lawsuits against employers, added expenses, and an enhanced fear of being sued.

That scares the devil out of employers all across the country, as it should, because if there is one thing our legal system has shown employers, it is that their fear is justified; they are not paranoid; they really are coming after them.

The cost to defend a single lawsuit can easily extend into the tens or hundreds of thousands of dollars. Particularly for these small employers, these expenses are difficult, if not impossible, to bear and could put them out of business. Even if the employer has some type of insurance to cover this legal exposure, the cost of insurance can be a scary prospect in and of itself.

I mentioned before in this Chamber I have received hundreds of letters from small businesses in Missouri. The first issue that almost all of them bring up is whether they can be sued under the McCain-Kennedy bill. Let me read just a few points from a few of them. Simply put, this issue is their No. 1 concern when it comes to patient protection legislation.

Here is one from a lumber company:

> We are currently extending health insurance coverage to our 25 employees. We pay two-thirds of the premium; employees pay one-third. At our last renewal, we were faced with an 18-percent increase, some years in the past being even greater. Future increases will force us to continue to offer less coverage. If Senator Kennedy's bill passes, this may just be the nail in the coffin. We are willing to suffer with higher prices to an extent, as long as they are fair and justified, but we are not willing to open ourselves up to the liability that this bill may subject us to.

Here is another one, a small business, a fabricator:

> We are a small company with less than 25 enrollees in our health plan. With the increase in health care costs, utilities, and supplies, we are not making much of a profit. And if this continues, we may not be able to stay in business. We employ between 50 and 75 employees. We also do not see how an employer can be held legally responsible for medical court cases. We will eventually be forced, by Mr. Kennedy's bill, to cancel our health plans because of the liability and cost.

In fact, the National Federation of Independent Businesses—one of the strong voices for America's small businesses—believes so strongly about this amendment that they are going to list it as a key vote: Are you with us or are you against us? Small businesses are going to know by how our colleagues vote on this amendment.

For those folks fortunate enough not to be familiar with the ways of Washington, that means that they believe the vote on this amendment will be one of the most important votes cast during the entire year. They intend to use it in their evaluation of Senators' voting records.

All this begs the question: If employers are so well protected by the McCain-Kennedy bill, why are they so scared? Why is NFIB placing such a level of importance on this vote? Why are small businesses in Missouri sending me these letters? Is it because they are not protected? The answer is, they are not well protected.

The McCain-Kennedy bill made a half-hearted try and failed. I related last week several times what the running score was of small businesses that said that they would be forced by this measure to get rid of health care coverage for their employees. Here is today's total: 1,751. That is just a small sample nationwide. These are the number of employees whose employers have written us since they saw the details of the McCain-Kennedy legislation to say they don't want to be involved in tort reform roulette on health care costs. If McCain-Kennedy passes unamended, if their exposure is as written in this compendium of exceptions, exclusions and qualifications, they will terminate their health care plans. Total number of employees covered to date: 1,751.

I suggest that is just a microcosm of small businesses across the country. I have talked to others who have not written in. In our country, most employers voluntarily offer health care coverage, and they are the source of health insurance for the majority of Americans. Overwhelmingly, Americans are employed and get their health care coverage from their employer. The quickest way to destroy the system we now have is to create an atmosphere where employers stop their voluntary willingness to offer coverage. Sure, it is an important benefit, but who wants to be hauled into court if one of their employees has a medical or health care complaint?

Right now we have 43 million Americans who are not covered by health insurance. We have debated many measures in the Senate to find out how to cover those employees. I was terribly disappointed that on a party-line vote last week, this body voted to reject my effort to give 100-percent deductibility for self-employed people. We have been fighting to get that done for a long time. This is a tax bill. It is going to be a tax bill. There is no question about that. That tax provision to get more people covered should have been included.

What we are talking about now is expanding significantly the number of uninsured Americans. Sixty percent of the 43 million who are not covered now are employees of small business. We don't want to add to that number and add to the 43 million. Given the lottery nature of our current legal system, I can't think of anything that would make the employers more fearful and more likely to drop coverage than to say: Hey, you are not authorized to file suit against your employer but notwithstanding subparagraph (A), cause of action may arise against an employer or other plan sponsor, et cetera, et cetera, page after page.

If we want to avoid American businesses dropping coverage on a wholesale basis, employers need to be protected from lawsuits. That is quite simply what the Gramm amendment does. We need to get good health care coverage for all Americans. Yes, we need to give them internal and external appeals. We need to make sure they do not get shortchanged. If they get denied coverage, they need to go to another doctor who is independent, who could order their HMO or their health plan to provide them coverage. What they don't need is to start suing their employers because employers will drop health care coverage like a bad habit, if they think they are going to be subjected to a whole range of lawsuits as a result of the dissatisfaction of an employee with health care coverage.

I hope our colleagues will take a look at the impact of this on small businesses and their employees and accept the Gramm amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I could enter into a colloquy with my friend from North Carolina, the manager of the bill, I have been on the floor now for a week relative to this legislation. It is interesting to see how the scapegoats come and go.

Does the Senator from North Carolina remember last week that the big boogeyman was the fact that this was a disguise to get socialized medicine, that what the intent really was was to have this onerous bill pass and everyone would drop their insurance and we would have socialized medicine? Does the Senator remember that?

Mr. EDWARDS. I do remember that.

Mr. REID. Does the Senator remember that they were talking about a States rights issue; that it was none of the business of the Congress; that all of these States were doing a good thing; let them do what they want with how they handle patients and doctors. Does the Senator remember that debate?

Mr. EDWARDS. I do remember it.

Mr. REID. There was a significant period of time last week when there was some discussion about this legislation allowing HMOs to be sued, as if that were some novel approach to the law, to the world. Does my colleague remember that, when it was a surprise that they read the bill and, lo and behold, HMOs could be sued? Does the Senator remember that discussion?

Mr. EDWARDS. I do.

Mr. REID. The assertion regarding socialized medicine is, for lack of a better description, kind of foolish. Regarding States rights, they learned very quickly that wasn't much of a winner. Then the fact that they were surprised about the lawsuits, of course, that was a surprise that they were surprised.

I also was here, as the Senator from North Carolina was, when they spent a great deal of time talking about this novel concept they came up with, that you should be able to deduct 100 percent of the cost of an employer's health insurance. What they failed to tell us is that is something we have been pushing for a long time. In fact, it was put in the tax bill of the former chairman of the committee who is now present. That was put in the tax bill. Of course, it was taken out in conference. My colleague remembers that. As a result of the games being played, that amendment was defeated.

Today, starting the second week of this debate, I now see a new ploy; that is, they suddenly are saying that now you can file lawsuits—and we are OK with that—but what you are doing is, all the employers in America are going to be sued as a result of having health insurance for their employees, and they are going to drop all their insurance.

With this as a background, I want the Senator from North Carolina to comment about the latest direction; that is, that employers will be sued to death.

Prior to addressing that, I want the Senator to recognize that I have been here longer than the Senator from North Carolina. I have heard this NFIB argument for almost 20 years. If you do this, the NFIB is going to send out a note that you are a bad legislator and they should not vote for you.

In my approximately 20 years in the Congress—I could be mistaken because I am sure once in a while they do it just to look good—I have never known the NFIB to support a Democrat. So all these threats about "you do this and we are not going to support your candidacy," the vast majority of the time, the NFIB is a front for the Republicans. I am saying that; the Senator does not have to agree with me. To this Senator, the threats we have heard today that "the NFIB is not going to support you" is no threat to me. They have never supported me, no matter what I did or didn't do.

I would like the Senator to respond to the several questions I have asked. But prior to responding, I have the greatest respect for the senior Senator from Texas. He is a fine man, a good legislator. He has a Ph.D. in economics. He taught economics. If he were here—he knows me well enough and I know him well enough—I would say that with his being in the Chamber. As to his reference to his friend Dicky Flatt, which he uses all the time, I think Dicky Flatt and others better be very careful of people such as my friend, the senior Senator from Texas, giving legal advice. He can stand here and give some good economic advice, but the legal advice we should look at very closely. I think Dicky Flatt should look at that.

I ask my friend from North Carolina, to whom I can't give sufficient superlatives as being more than renowned in the law, a person who has made a reputation around the country as being a good lawyer, to give some comment to the Senate and to those within the sound of our voices as to what he thinks about these continual statements made today—in fact, people are reading the same information. The same person wrote the same speech for several people. I would like the Senator to tell me and the rest of the Senate the fear that an employer who has health insurance for his employee should have as a result of this legislation.

Mr. EDWARDS. I will respond to the Senator's question. I say to my colleague from Iowa, who has been waiting for some time, that I will be brief and I will yield the floor to my friend because he has been waiting to speak.

First of all, the arguments being used serially, one after another, are all arguments that have been trotted out by the HMOs for years now. They are the arguments they make to avoid any kind of reform. They like it just the way it is now. They are different than every other business entity or individual in America, and they want to maintain the status quo. The Senator knows very well that they are spending millions of dollars on lobbyists, public relations, and on television to defeat any kind of HMO reform. So these arguments go to a really fundamental question: Are we going to move forward or are we going to stay where we are?

There is a consensus in this country among the American people, among the Members of this body, among the Members of the House of Representatives, and among virtually every health care group and consumer group in America, that this needs to be done—"this" being The Bipartisan Patient Protection Act.

There is a reason for that consensus—because we need to do something about this issue that has lingered for so long. For every day that passes, while we engage in what sometimes is high rhetorical debate on the floor of the Senate, there are thousands of American citizens, children and families, who are being denied the care for which they have paid.

Now, it is all well and good for us to have an academic discussion in the Senate about this issue. But there are families and kids all over this country who are not getting the tests they need, not getting the treatment they need, not getting the medical care they need because this legislation has not been passed.

Now, having said that, let me respond specifically to the Senator's question. First, as to the employer liability issue, the Senator knows that JOHN MCCAIN and I worked for months on it. There was a bill in the House of Representatives—the Norwood-Dingell bill—which passed and provided somewhat broader exposure of employers to liability. Senator MCCAIN and I worked, because we are concerned about this issue and we want employers to be protected, to draft our bill with that goal in mind.

President Bush has issued a written principle which is almost identical to our bill. He says, as we say, that unless an employer actually makes a medical decision on an individual patient, they should be exempted from liability. We believe that is what our bill does. The Breaux-Frist bill—the other bill—has another model, what is called a "designated decisionmaker." But it also holds employers, through the designated decisionmaker, responsible where they make individual medical decisions.

So what we have is our bill, the Norwood-Dingell bill that already passed the House, President Bush's principle, and the Breaux-Frist bill, all of which start with a very simple concept; that is, employers ought to be protected unless they step into the shoes of the HMO and make medical decisions.

The only different position is that of Senator GRAMM in his amendment. His position is inconsistent with all those positions, including the President's, inconsistent with the legislation that passed the House, inconsistent with the Breaux-Frist bill. His position is the extreme position. What we are working on as I speak—and we worked on it this past week and over the weekend, Republican and Democratic Senators both—is language that we believe will be appropriate and will help provide more protection for employers.

But what can't be left out of this discussion is the patients; you can't forget the patients. I listened to my friend from Missouri speak a few minutes ago. I didn't hear the words "patient," "employees," or "families" spoken by him. I think his concern about employers is to be respected, and that is the reason we want to work together on this issue. We have to always keep in mind, when we are trying to protect employers, that we also have the rights of employees and patients to take into account.

So the right approach is an approach that allows us to provide maximum protection for the employers, without completely ignoring the interests and, in fact, protecting the interests of the patients at the same time. We believe that is what we do. We believe that is what the President has suggested.

There are issues in this debate about which there is great disagreement, but this is not one of them. This is one where regarding the President in his principle, us, and the Breaux-Frist proposal, there are minor differences between them. The bottom line is that all of those start with a simple concept and principle. It is a matter of making sure the language works in an effective day-to-day way.

Mr. REID. I heard the Senator say right now the legislation, in his estimation, protects employers, but if there can be more refinement to that, he will be happy to work with whoever can give him that language; is that true?

Mr. EDWARDS. That is true. We will continue to work on it, going forward. We are continuing to work on it as we speak. If we can find a way to maximize protection for employers with appropriate language and, at the same time, not ignore the interests of the patients, we will do that. I believe that can be done. So do Senators on both sides of the aisle who are talking about this particular issue.

Mr. REID. If, however, we didn't change it in any manner, you could still rest well at night that you and Senator McCAIN had worked very hard to take care of this issue on employer liability.

Mr. EDWARDS. We have. We worked long and hard. I believe we have protected employers from many of the concerns that those across the aisle and on both sides of the aisle have raised. But I am the first to say this is an issue on which we should work together to make sure we have language that works to protect America's employers.

I yield to my friend from Tennessee.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, the Senator from Iowa has graciously agreed to let me hold forth here for just a few minutes. If no one has an objection, I ask unanimous consent that he be recognized immediately after me. I don't expect to take more than 5 minutes.

Mr. REID. Reserving the right to object, I could not hear the Senator.

Mr. THOMPSON. I will speak about 5 minutes and then the Senator from Iowa will speak for himself on how long he wants.

Mr. GRASSLEY. I intended to speak as long as I wanted to speak just as everybody else has been doing all afternoon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THOMPSON. Mr. President, I have been listening to the debate, and it sounds to me as if we are making progress with regard to this employer issue. We started out without a recognition that this bill provided substantial exposure to employers. The statements that were made by the sponsors of the bill were that they really didn't intend to hold employers liable, except under very limited circumstances. Now, apparently, they agree that perhaps there was more exposure there than was originally intended.

So, as I understand it, some discussions are taking place now to, hopefully, bridge the difference and provide additional protection for employers because what we are doing—what I understand the purpose of the legislation is—is to provide some judicial access, judicial relief against health care plans and against HMOs, and that the thrust of this legislation was not to hold employers liable because employers don't even have to provide these plans if they don't want to.

While it is all well and good to suggest that we give people new remedies and rights, we have to balance that out with the realization that it is going to have some repercussions.

If we go too far and do too much to penalize employers, they are going to walk away from health care coverage. Instead, as pitiful as some of these stories are that we have heard over the last several days about what has been done to individual patients, I hope we do not come back in a couple of years and have to listen to people who have no insurance at all because of legislation we passed driving employers—and small employers—out of the health care business. That is a real possibility, and nobody wants that. We need to be careful.

I suggest that if we really want to carve employers out of the lawsuit business, if we did not mean to cover employers, all we need to do is say so. All we need to do is provide an exemption for employers the same way we provide exemptions for doctors and the same way we provide exemptions for treating hospitals. We provide blanket exemptions for them, but we have to go through all these various pages of rigmarole and definition to try to figure out when an employer who is providing this health care coverage can be sued and when he cannot be sued.

The law of Texas has been upheld. The President's name has been invoked. The law of Texas has been used as an example. The law of Texas exempts employers from their plan.

The concern is there is a group of employers who are basically self-insured who handle these claims on the front end themselves. They do not hire this out. They do it themselves. I believe if you talk to professionals in the industry, they will say that some of the best plans with some of the most comprehensive coverage of any of the plans out there are these self-insured plans. One of the reasons may be that they cut out the middleman. They do not have an HMO to deal with at that stage of the game, and they provide good, comprehensive coverage for their employees.

By definition, they are making decisions on the front end. By definition, under this bill, from the day it is passed, they will have exposure. One might argue that is a good thing or one might argue that is not a good thing, but there is no question with regard to those plans, some of the better plans out there—because employers decided to provide these plans, they wanted to cover their employees, they wanted to do it themselves—that they will be exposed.

One has to ask oneself, what are they going to do the day after this legislation is passed? Are they going to continue to hold themselves for this kind of additional liability? Are they going to contract it out to a third person and pay the additional freight to get them to assume the liability, driving up costs all along the way? I do not know what they will do. I know what they will not do. They will not stand pat.

The things we do in this Congress have an effect on the lives of the American people, whether it be raising taxes, lowering taxes, or whatever. There will be some repercussions in terms of the behavior of these employers. I hope it is not to wind up with less coverage and fewer of these good plans.

One says: They are not going to have anybody to sue if you do not have HMOs and the employers are involved on the front end of it. This bill has set up an elaborate external review entity.

My colleagues say we do not talk enough about patients. This legislation sets up a review entity that allows an independent qualified individual or group of individuals to make decisions with regard to whether or not that employee is being treated fairly. That is a strong move in the direction for patient protections. If we stopped right there and did not do anything else, that would be a major move in this legislation, away from the simple ERISA coverage we have right now.

This bill spends 10, 12 pages setting up this external review process and the external review entity on how they have to be qualified, how they have to be independent, how we have the Secretary looking over their shoulder, all of which is designed to protect the patient.

Under this system, if the entity rules against coverage, then they can go to court and sue, or if he rules for coverage, it goes to another independent individual who is the independent medical reviewer. So there is another level of independent protection for the employee.

It is not as if they are out there hopeless and helpless and totally at the mercy of the employer. The employer may have had some discretion on the front end for sure and made some decisions for sure, but then he goes through this independent appeals process where people who have no relationship with the employer make the decisions as to whether or not there is coverage.

We have exempted doctors. We have exempted hospitals. HMOs are not different in this country from many other entities and entities that have been created in this bill. We exempt States from certain lawsuits. We exempt the Federal Government from certain lawsuits.

The Senator from North Carolina and I are exempted from the things we say in this Chamber. We are protected because there are tradeoffs. Everybody knows that. We make decisions because of public policy reasons to make tradeoffs. If we want to encourage certain conduct, we are willing to make tradeoffs the other way.

It is unfair, when we are in the context of a particular area, legislation dealing with health care, to pick and choose as to among whom we are going to make those tradeoffs, especially if we are giving exemptions to the people who are providing health care—doctors and hospitals—and we do not give exemptions for the people who are providing the health coverage, the employers.

That is the gist of what we are dealing with, and hopefully we can work out some agreement.

My bottom line is, if you do not want to cover employers, and if you believe we may be in danger of causing some good folks to say it is not worth the additional headache, it is not worth the additional exposure, it is not worth the additional expense to set up different entities to protect ourselves, if we are concerned about that, we need to take that into consideration with any resolution, not to mention the exposure this bill has under other provisions of ERISA.

We have not even talked about that. At least I have not. I have not heard any discussion about that. Employers have exposure under COBRA, under HIPAA, under other areas of ERISA that have nothing to do with health coverage. They have employer exposure if they make any mistakes in dealing with that.

Remember we debated Kennedy-Kassebaum, and we decided people needed to have more portability with their insurance. We decided the fair thing to do was to give them more portability for their insurance and included a penalty of $100 a day plus injunctive relief for an employer who did not behave himself. We debated this liability issue then, and we decided not to do it.

Now what we are doing parenthetically in this HMO bill is bringing back Kennedy-Kassebaum and bringing back COBRA and saying in addition to these penalties we put on the employers when we considered that, we are now going to open that up to litigation and lawsuits. That is a major step, and it should be done only with maximum consideration, and it must be considered in the context of any treatment of employer liability in any compromise we might fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank the Senator from Tennessee for what he just said. It was very good for me to let him respond to the other people who have spoken. I particularly suggest to the Senator from Tennessee that there is probably not as much concern on the part of the proponents of this legislation as to whether or not some of the self-employed plans will be abandoned if this bill passes because the Washington bureaucrat has an answer to that problem.

That problem is, we will do what President Clinton suggested in 1993 in his health care plan. We will mandate that every employer has to have insurance for their employee. Just mandate, don't worry about whether or not they can afford to do it. Just pass a Washington mandate that you have to offer this type of insurance.

However, 42 million people in America today do not have health insurance. That number will increase if this bill passes as it currently reads. There will be things done in this bill that will not cause that to happen, if people on the other side of the aisle are willing to compromise. However, if they don't compromise, for these 56 million people who are in self-insured plans, if some of those are abandoned by employers because they don't want the threat of a lawsuit hanging over their head, that number will be increased.

That was suggested in 1993. That was not well received.

It has been suggested after Senator Bond spoke that he never mentioned the word "patient," as if he has no concern about patients being treated fairly and right. That is what Senator Bond's speech was all about. He was concerned that if this legislation passes as it is written, that employers that have self-insured plans—that don't have to offer those plans if they don't want to, but they do offer them because they want to have a good fringe benefit package for their employees—if they drop those for their employees, there are employees who will become patients some day who will not have coverage.

This bill is all about concern for patients. It is not about concern for employers. It is concern for employers that want to offer plans in a self-insured fashion, that they will be encouraged to do it as they have already done for 50-some million employees, and continue, and keep the plans viable.

Why would a family-owned ma-and-pa's plastic corporation, or a ma-and-pa's family-owned machine shop providing self-employed plans for employees, why would they jeopardize the continued existence of the family-owned business if they could be sued under this legislation? What they are going to do is protect what they worked hard for: building up a business, employing people, being the backbone of their local community. That is what the ma-and-pa plastic shop and the ma-and-pa machine shop is all about. They have created this business. Maybe it was created by a grandma and grandpa or mom and dad. It could be in its third generation. This is a family-held business that provides jobs, perhaps for dozens or hundreds of people. They want to provide fringe benefits for their employees, of which health insurance is the most important fringe benefit. They offer it in a self-insured fashion because that is the best way for them to do it. Why would we want to jeopardize it?

Senator Bond was followed by the remarks of the Senator from Tennessee, that this is what this legislation is all about, making sure employees have the fringe benefits of health insurance, with all Members imploring we want to do something for the 42 million people in America who don't have it. If we want to do something for the 42 million people who do not have insurance, and pass legislation as we did with tax credits to incentivize them to buy health insurance, why would we want to put in jeopardy the 50-some million people who already have it through self-insured plans?

It is talking out of both sides of Congress's mouth. On the one hand, we are concerned about 52 million people. We have legislation introduced to do something else about it; on the other hand, we are dealing with a piece of legislation that could put in jeopardy the health care plans of 50-some million people who already have what we think the other 42 million people ought to be encouraged to have.

It is concern over employees having health insurance, and giving those people, if they become patients, the treatment they deserve.

I don't hear concern about patients getting treatment. I hear concern about lawyers getting tribute. We should be concerned about the patient and protecting the self-employed health insurance plans that 50-some million people have as part of that process.

I hope we will consider the speeches by the Senator from Missouri, the Senator from Tennessee, to be speeches concerned about the employees and concerned about those people who become patients getting treatment. That is exactly to what they are speaking. I don't know how anybody could miss that point.

I didn't come to the floor to speak about that aspect of this bill. I came to the floor to speak about a motion filed by my friend, Senator FRIST, on Friday, to commit the bill before the Senate, the Kennedy-McCain bill, to the Health, Education, Labor, and Pensions Committee on one hand and the Finance Committee on the other hand, and to do it with specific instructions from the entire Senate that this bill be reported back to the Senate within 14 days. I come to this conclusion because I am troubled that the Kennedy-McCain bill has bypassed these relevant committees and has been brought directly to the floor without one hearing, without one markup, and most importantly, without the public input into this particular bill that every bill ought to have.

First, I strongly believe patients' protections are critical to every hard-working American who relies on the managed care system. We need a strong and reliable patients' rights bill, and I am supportive of this effort 100 percent. What we don't need is a bill such as the Kennedy-McCain bill that exposes employers to unlimited liability and either eliminates that insurance or dramatically drives up the cost of that health insurance or perhaps being cut back or eliminated. Instead, I believe we should protect patients by ensuring access to needed treatment and specialists, by making sure each patient gets a review of insurance claims that may be denied, and above all, by ensuring that Americans who rely on their employers for health care can still get this covered. I am confident we can reach these goals. However, the very fact that our leadership brought the Kennedy-McCain legislation directly to the floor, without proper committee action, violates the core of the Senate process.

I know my colleagues on the other side will waste no time in accusing me of delaying this bill. But the truth is, had the relevant committees been given the opportunity to consider Kennedy-McCain legislation in the first place, I would not be raising these objections. By bringing this bill directly to the floor, the message seems to be very loud and clear that the new chairmen—meaning the people who just have become chairmen because of the Democrat majority in the Senate, and under new leadership—are somehow merely speed bumps on the road to the floor.

During my tenure as Finance chairman, Senator after Senator urged the committee process be upheld regarding tax legislation. I listened and I acted. I resisted strong pressures to bypass the Finance Committee as we considered the greatest tax relief bill in a generation. I forged a bipartisan coalition and a consensus, which I believe made it a much better bill. Ultimately, we were able to craft a bill that benefitted from the support of a dozen Members from the Democrat side.

The Finance Committee has proven it can operate in a bipartisan fashion and craft good legislation in a timely manner. We are committed under this motion to report legislation out of the Finance Committee in 14 days. The fact that the chairmanship of the committee has changed I do not believe will in any way affect our ability to work in a good, bipartisan manner. So I stand before the Senate as someone who has seen the importance of the committee process.

The Kennedy-McCain legislation treads on the Finance Committee jurisdiction in ways that are by no means trivial, so I will explain. The Kennedy-McCain bill reduces Federal revenues by $22.6 billion, something that should only be done if that motion comes from the Senate Finance Committee. Nearly one-third of this revenue loss is offset by changes in programs within the jurisdiction of the Finance Committee. Section 502 of the bill before us extends customs user fees generating $7 billion in revenue over 8 years.

You may recall when Congress first authorized these customs user fees, the avowed purpose was to help finance the cost of customs commercial operations and improvements. If these fees are to be extended—and I emphasize "if"—it should be done in the context of a customs reauthorization bill. This is clearly an issue under the jurisdiction of the Finance Committee.

Most of my colleagues know firsthand the financial pressures put on the Customs Service. From Montana to Delaware to Massachusetts, Texas and California, there is a dire need for funds to modernize the Customs Service. Yet the Kennedy-McCain legislation diverts money intended for customs and uses it to pay for this bill. This is not what Congress intended when these customs fees were increased.

Before authorizing the collection of $7 billion in customs user fees, it seems to me the full Finance Committee should have an opportunity to carefully review, carefully analyze, and of course debate the implications of this move on the future of the Customs Service and customs modernization.

Anybody who has been through customs knows how much time is wasted there, how much gets by the customs officials because they do not have the electronic and technical equipment that is necessary to do their job right, in a fashion that does not inhibit the free and easy transiting of American citizens into and out of our country.

In addition, section 503 of the Kennedy-McCain bill delays payments to Medicare providers, which generate $235 million to help offset the losses of this bill.

No. 1, customs fees; No. 2, delaying payments to Medicare providers to the tune of $235 million.

Let me remind my colleagues, when they hold their town meetings, invariably they have to have people from doctors' offices, from hospital organizations, and from nursing homes already complaining, why doesn't the Federal Government pay its bills on time? Why are they a cash cow, an operating fund for the Federal Government while they are borrowing money at the local bank to keep their operation going because the Federal Government does not pay its bills on time?

It is ironic that while many of us are spending significant amounts of our time working to improve Medicare's effectiveness and efficiency, this bill actually takes steps to exacerbate the frustrations so many providers already experience with delayed payments in Medicare today. So, as you can see, the provisions of this bill go a long way to undermine the Finance Committee's jurisdiction, not only on customs but also in the area of Medicare.

In this first action by new leadership, the committee system and the committee jurisdiction are being tossed aside. I have heard once or twice from the other side that the justification of this behavior is based on the patients' rights debates in 1999, 2 years ago. There is continued talk about how the 1999 patients' rights bills were rammed through this Senate by Republicans.

I want to say that is simply not the case. In 1999, the patients' rights legislation underwent a series of hearings in the Health, Education, and Labor Committee, and ultimately there were 3 days of markup. Let me repeat: 3 days of markup in the Health, Education, Labor, and Pensions Committee. Only after the bill was reported out of committee was it then brought up.

Let me hear no discussion on this point. There is no justification for the conduct we are having on this bill. It is a fact that the Kennedy-McCain bill before us today has never undergone the committee process that the 1999 Patients' Bill of Rights did.

Finally, let me repeat that for those who argue that this is just a delaying tactic, they are simply wrong. The motion to commit instructs the Health, Education, Labor, and Pensions Committee on the one hand and the Finance Committee on the other to report this legislation within 14 days. I repeat, if this bill had been handled properly through the committee in the first place, this motion would not have been necessary.

This motion is not about delaying, it is about ensuring that we have a good patients' rights bill with bipartisan support that is subject to the benefits of the committee process and that the jurisdictions of the Health, Education, Labor, and Pensions, and the Finance Committees are respected. In other words, it pursues a point of view I tried to raise so much when we had the tax bill on the floor in late May. As I managed that bill, I said I hoped the work of Senator BAUCUS, on the part of Democrats, and myself on the part of Republicans, would bring a bipartisan bill before this committee that would serve as somewhat of an example of not only what can be done in an evenly divided Senate to promote good public policy but to promote good public policy in a divided body. Obviously, it must be done in a bipartisan way.

We showed that it could be done in the largest tax bill to pass this body in 20 years. If we did it on taxes, surely we can do it on a Patients' Bill of Rights. I say that not just for the Finance Committee. It is my belief the Health, Education, Labor, and Pensions Committee can do that as well on their part, serving 100 Senators rather than having just a handful of people in this body decide the committee system ought to be thrust aside in the case of a Patients' Bill of Rights, and bringing a bill directly to the floor of the Senate.

I have talked a lot about jurisdiction, but I want to talk about why I am raising these jurisdiction issues because that is a very important point.

For me, the question isn't about inside baseball kind of topic like jurisdiction, which is necessarily important. But it is about two deeper issues that are even bigger than this bill.

I know the public watching this debate, as we are told, is pretty disturbed when they only hear about Members of the Senate talking about the intra-institutional issues. That is what I have been talking about today to some extent. But on the other hand, I know the people of this country are interested in making sure that we protect patients' rights when they are up against the insurance company and feel hopeless about the insurance company not giving them the proper treatment which they are entitled to. The proper treatment the doctor-patient relationship demands. People want to know that what we are doing is improving their life.

So I spend a little bit of time on intra-institutional procedure to say that having this bill go through the Health, Education, Labor, and Pensions Committee on the one hand, and the Finance Committee on the other hand, has something to do with drawing up a piece of legislation that will get these patients the protections to which they are entitled.

What I am talking about can be summed up in two related questions.

The first is: Why are we here? The second is: What is my specific role with respect to the people I serve in my State of Iowa and each Senator in their respective States in the larger national interest of seeing that patients are protected when they are up against an insurance company?

The first question gets at our role as Senators with respect not only to this bill but any legislation. The second refers to our role as committee Members.

So the first question: Why are we here?

Just like the other 99 Members of this body, I wake up every morning and thank the people of my State for the privilege of representing them here in the Senate. Every action I take is an effort to improve the lives of folks back home. Many times I improve it by reducing the role of the Federal Government in their lives. As a conservative, that is generally my preference. On the other hand, there are times that Federal legislation is needed to expand the Federal role to help on a particular problem. This is an example—the Patients' Bill of Rights.

With respect to any legislation but not just this one, if I believe it helps folks back home, I am going to push as hard as I can to see that the legislation becomes law. There is no more satisfying event than seeing the fruits of our labor revealed in ways that changes the lives of real folks back home.

When I approach an idea and I think it is a good idea, my goal is to get it across the goal line. That is true with respect to this bill, the Patients' Bill of Rights.

I think at this particular point in history the American people want results, and particularly on this issue. They want less partisanship, more action, and more thoughtful debate. People in Iowa expect Republicans and Democrats to work together, and to work together in conjunction with the President of the United States to get things done. They expect us as their Senators to do the same thing.

Iowans expect us to refrain from playing partisan politics and to be serious legislators.

I offer that as friendly political advice to many colleagues, particularly those on the other side of the aisle who seem to be visiting Iowa frequently these days. In fact, a surprising large number of Democrat Senators are coming to Iowa.

I approach the tax cut bill as a serious legislative effort. My goal was to work with Republicans and Democrats to get a bill out of the Finance Committee. With Senator BAUCUS' support I did so. That bill improved President Bush's basic proposal.

With respect to the particular policy areas that is the focus of the Patients' Bill of Rights, I start off with a view of how I can make good public policy become law. That particular policy is the arena of Senator KENNEDY on the one hand, and Senator GREGG on the other in the Health, Education, Labor, and Pensions Committee.

If my motion is agreed to, it is up to Senators KENNEDY and GREGG to use the Health, Education, Labor, and Pensions Committee to process the bulk of this legislation through their committee. That is their call.

This legislation faces a potential Presidential veto. That potential Presidential veto doesn't need to be there. It doesn't need to be hanging over our head as a cloud as we work on legislation.

That is where the committee process is very important because maybe the product of the Health, Education, Labor, and Pensions Committee markup would not face a potential Presidential veto. Maybe some of the ambiguities that we have heard debated on the floor of the Senate this afternoon would be cleared up.

Does anyone really think that by following regular order and going through the committee process the bill before us would be in worse shape? Would we have better known the administration's position if it had been in committee? Would we be sitting here wondering where this bill might be going, as we have heard countless numbers of Senators talk about how we can work out a compromise?

Would we be hearing something more compelling from the bill's advocates other than that anyone who opposes the bill is delaying this bill?

I guess one could argue that there is not much use in delaying a bill that the President is going to veto; that we ought to just quickly pass it.

With the proper preparation and the proper compromise—and the committee system is the place to do that—we could avoid a veto, and we should work to avoid a veto.

You can understand that the Finance Committee knows how to do this. Senator BAUCUS and I put a bill out, and we defeated all of the amendments to destroy that bill—close to 50—over the course of 3 days on the floor of this Senate. So it can be done right in committee.

I would like to go back to the question of why we are here in this particular shape.

I tell the folks in Iowa who sent me here that I am trying to get a Patients' Bill of Rights that we will have signed; in other words, that doesn't have a potential veto hanging over its head as the bill we are debating today does. We would get a bill that would become law and provide them with real protections; most importantly, a bill to guarantee treatment for patients, not tribute for attorneys.

In my view, bad process has impaired what could otherwise be a good product, a bipartisan, broadly supported Patients' Bill of Rights.

But, once again, my motion defers the exact language of the bill to the Members of the Health, Education, Labor, and Pensions Committee to resolve these issues. That is the place it should be done.

My second question: What is my specific role as a committee member?

My role is to best use my position as a senior Republican on the Finance Committee to protect and to promote policies that help Iowans and the Nation at large. I have a responsibility to advance and to protect policy interests within the jurisdiction of the Finance Committee.

There are policy implications in this legislation that are within the jurisdiction of my committee, the Finance Committee. These policies deal with three major subjects of the Finance Committee: trade, Medicare, and tax.

It is my responsibility to Iowans and also to my Finance Committee members and to Members of the Senate as a body to be vigilant on these Finance Committee matters. I cannot let these things slip by, nor should I let them slip by. That would be very easy to do. But it would also be very irresponsible.

My motion provides the Finance Committee with the opportunity to do its job on trade, Medicare, and health-care-related tax issues. This bill affects each of these to some extent.

So I note that I am in some pretty good company when it comes to the value of the committee process.

I would like to refer to a couple quotes that illustrate the importance of my point that we should not bypass the relevant committees of jurisdiction. These quotes come from Members who are very critical of the way the Senate acted by bypassing the Budget Committee on the budget resolution process a couple months ago.

I remind those Senators of some of their comments about the importance of going through the committee process in the Senate. These comments, as I said, were related to the budget. Now let me quote the new chairman of the Budget Committee, Senator CONRAD. This is a quote from a couple months ago:

> I think it would be a profound mistake for us to miss the chance to have the Budget Committee do what it was designed to do, which is to make the work of the larger body easier because of the concentration of efforts of the members of the committee on the responsibility they have.

I quote the distinguished Senator from West Virginia, the now-chairman of the Senate Appropriations Committee. He always shows great eloquence and devotion to this institution in his comments:

> Why have we seen fit in our constitutional system to have committees? Why? If we are going to have committees, why don't we have markups on bills and let Republicans and Democrats hammer it out, hammer out the measure on the anvil of free debate? Why does any chairman want to say to the committee, I am not going to have a markup, period?

These comments are relevant no matter whether Democrats or Republicans are in the majority in this body. Now, in a sense, since the changes of 3 weeks ago on the chairmanships and the majority of this body, the shoe is on the other foot. I will be curious to see whether these Members, and others who were so critical of the budget resolution process, will stick to the same rationale now that the committee process is being short-circuited for a measure they might be supporting.

I bring up these comments because they reflect a well-founded sentiment of two very serious legislators whom I respect, Senator BYRD and Senator CONRAD. The committees are kind of like laboratories or, as Senator BYRD said, like anvils. They are a place to test ideas. They are a necessary part of serious—and I underline the word "serious"—legislating.

Senator CONRAD indicated that there is a concentration of member knowledge and expertise in each of these committees. Is it exhaustive? Absolutely not. Am I saying that a bill cannot be improved with amendments on the floor? Of course, no legislation is perfect from that standpoint. But my point is, the legislative product, especially on something as important as health care, should start in the relevant committee.

So my motion would allow the Finance Committee to assert its proper role.

Let's turn to the specific Finance Committee matters that are implicated with this legislation and, hence, the reason for my motion to commit. The first is trade. As I said previously, the customs user fees have been extended to offset the cost of the Patients' Bill of Rights. We are talking about money that was raised by the Senate Finance Committee. Customs fees—getting in and out of the country, getting your baggage inspected, getting your boxes inspected—that money was raised to help the Customs Service and particularly for their modernization. Now they are talking about taking some of that money and putting it over here to finance a Patients' Bill of Rights. So should customs people be concerned? Should the Senate Finance Committee be concerned because we have jurisdiction over that legislation? Should passengers and travelers in and out of the United States be concerned when they are in long lines to go through customs? Of course they should be concerned.

The Finance Committee authorizes and oversees the Customs Service. Customs may not be as politically compelling right now as a Patients' Bill of Rights, but it is very important to all of our constituents. Millions of us, and our goods, come through customs. Customs also protects our people from the entry of illegal products. For instance, customs checks for illegal drugs. Also, customs protects our farmers and consumers from diseased plants and animals.

Just think of the ground zero attitude that is taken by customs today to make sure that the BSE disease, the mad cow disease, prevalent in England and Europe does not come into the United States.

We need to have a customs operation that protects America. It is to be done at the point of entry. The amount of money we spend on that, and the technology our customs employees have, has something to do with whether or not they can do their job right and protect us. The quality of the Customs Service affects us all. So those of us on the Finance Committee do not approach customs matters haphazardly.

As those of you who have traveled recently know, customs systems modernization is a problem we have to tackle. If we are to extend the fee, we should modernize the Customs Service. Customs fees should not be used to finance a Patients' Bill of Rights.

The Health, Education, Labor, and Pensions Committee has had no hearings on Customs fees. There is a reason for that. The committee does not have jurisdiction over the Customs Service. Yet here we are with a bill that has not even been through the Health, Education, Labor, and Pensions Committee, and that bill is offset by a revenue source from another committee, our Finance Committee. Any Finance Committee member should be disturbed with this usurpation of our jurisdiction. Any Finance Committee member who supports this action has ceded away his or her role with respect to an important Finance Committee matter.

The bottom line is, the Finance Committee, including all 20 of its members, has a duty to our constituents, and all of America, to make sure that the Customs Service isn't dealt with in a faulty manner. To the degree that we ignore this duty, we are being negligent. Again, that is the main reason for my motion: To let the committee members do our job.

There is a second Finance Committee policy item covered by my motion. This legislation moves the payment date for certain Medicare providers by just one day. No big deal? Put it in its context. Medicare reform is something we are talking about right now in the Finance Committee. It is an important topic, particularly because we want to give a prescription drug program to seniors under Medicare. Payment structure and dates are important questions that should be considered in the context of Medicare policy, not as some sort of an offset—which is the word we use—for unrelated legislation, because, in fact, this is an offset for an unrelated subject, the Patients' Bill of Rights.

We ought not to mess with Medicare this way. This bill, pulled from the calendar by the majority leader, gets around Senate rule XV. That rule provides a point of order if one committee treads on the territory of another committee. The reason for the rule is to allow committees, such as the Finance Committee, with the expertise on a subject, such as Medicare, to develop the policy first.

Why would Senate leaders, who expect the Finance Committee, in a bipartisan way, to report out a prescription drug bill for senior citizens connected with the Medicare Program, and, hopefully, with some dramatic improvements in Medicare, expect us to do that but not ask our advice on changing the payment date for Medicare?

We ought to develop it within a policy context by the people on the committee who know how to do it and do it right. Then again, as with trade, my motion preserves the right of the Finance Committee to deal with Medicare. It would allow Finance Committee members to review the change in Medicare provider payment dates and make judgments of whether such a date change is sensible or not.

As I said before, all of us have heard complaints from doctors, hospitals, and nursing homes that the Federal Government never makes Medicare payments timely. Our health providers already feel as though they are financing the Federal Government because of these late payments. This bill exacerbates that problem by creating further delays. The Finance Committee understands this problem. We will do it right if it needs to be done. My motion simply lets the Finance Committee members do the job they were appointed to do by the 100 Members of the Senate.

Now I turn to the third Finance Committee policy area implicated by this legislation, and that is the tax policy area. There are no Tax Code changes in this bill. The history of this legislation is an important element. The history of this legislation is that an important element is greater health care affordability and access. That objective has, in past legislation, been met through tax incentives.

This bill's principal sponsor, for instance, the Senator from Arizona, Mr. McCAIN, recognized the importance of these tax incentives in the debate, as you heard him speak eloquently over the last several days. I also happen to believe that tax incentives for health care access and affordability are a very important part of health care reform. They are the basis for helping 42 million Americans who do not have health insurance today to get some health insurance. To this end, I have, for instance, proposed changes in the tax treatment of long-term care insurance and expenses.

Some might ask: Why, if I support health care-related tax cuts, did I oppose Senator HUTCHINSON's amendment on self-employed insurance? Well, it is a very good question, one I should be responsive to and answer.

The answer is, most obviously, that Senators HUTCHINSON and BOND have an excellent proposal, one I strongly support as a policy of their amendment. But I opposed the amendment last week because the underlying bill is not a Finance Committee bill. In this case, the underlying bill is not a tax bill. So the third reason for my motion is to provide the Finance Committee with its rightful opportunity, through its tax-writing powers, to add a health care-related tax cut title to this legislation.

If this bill had gone through our committee, that would have been done. Or if it hadn't gone through our committee but we had had time, our committee would have voted out such an amendment, I am sure. There is no doubt that Senator HUTCHINSON's amendment, along with a number of other good health care-related tax cuts, would be on the floor right now being debated as part of this package.

Once again, my motion let's us do this legislation the right way, by letting the Finance Committee members do their job. From that standpoint, again, I stress the bipartisanship of the Senate Finance Committee.

At my urging, Chairman BAUCUS agreed to consider a package of health care-related tax cuts in an upcoming Finance Committee markup. So even if my motion fails, we will be back on the Senate floor in the near future with a Finance Committee package of health care-related tax incentives.

In explaining the reason behind my motion, I talked about what the Finance Committee might or might not do if this motion is adopted. Just as importantly, I believe there are some serious negative implications if my motion is defeated in terms of how the Senate does the people's business. Let me turn to a couple hypotheticals to illustrate the problem my motion gets at. These hypotheticals, hopefully, will disturb all Members.

Turn the clock back a couple months and hypothesize that Senator LOTT, with my cooperation, were to move a version of the Finance Committee's education tax relief proposal. Also, let me say that the revenue loss from those tax cuts were offset by a change to a HELP Committee program, something like student loans. In other words, I am saying let's just suppose hypothetically that Senator LOTT wanted some proposals from our committee to bring to the Senate floor and we were going to offset them with programs under the jurisdiction of the HELP Committee.

Under this scenario, obviously, people on that committee could be very angry. They would have every right to be angry because that kind of maneuver on my part, as a member of the Finance Committee, would be wrong. They would have a right, then, in the Health, Education, Labor, and Pensions Committee, to be outraged. The Finance Committee would have no business in a bill pulled off the calendar such as this one of undoing a student loan policy under the jurisdiction of another committee. It would be wrong from two points, both substantive and procedural.

What has happened here is just as bad. The Finance Committee members who support the process that has brought this bill before us should take a "beware" position. Supporting the process means they support disenfranchising their own committee. By contrast, anyone who supports my motion recognizes the legitimacy of the committee system.

I have one last hypothetical. This time let's talk about another sponsor of this bill. Let's go back to Mr. McCAIN, the good Senator from Arizona, and his Commerce Committee. Under this hypothetical scenario, Senator DASCHLE, with Senator BAUCUS's cooperation, would bring a bill to create a special form of tax credit bond for Amtrak. That issue has been before us before. A part of that legislation pulled from the calendar, such as this bill, would suspend the Amtrak reforms. That is within the jurisdiction of Senator McCAIN's Commerce Committee or, as I could say, the Presiding Officer now, the Senator from South Carolina.

I hope these Senators would be angry and rightfully so. I would expect them to protect a policy important to the Commerce Committee. Amtrak reform is that policy and that subject. These Senators would not want an alteration of the Amtrak reforms railroaded through the Senate on an unrelated bill drafted by a committee other than their own committee, the Commerce Committee, I would suspect.

In both of these hypotheticals, the rights of committee members would be violated. These cases are no different than the case before us, the case of jurisdiction and sources of revenue from the Finance Committee being robbed without the consideration of the Finance Committee to fund a piece of legislation, the Patients' Bill of Rights, coming out of the Health, Education, Labor, and Pensions Committee.

The two hypotheticals are disturbing because both involve dubious procedural and substantive policy decisions. Both hypotheticals short circuit important policy decisions and discussions.

A faulty process usually leads to faulty substance. So I have taken a long time to tell you what my motion is all about. It corrects the faulty process that has ensnared this Patients' Bill of Rights, which should otherwise move to the floor only after debate in the committee. And if it had gone through the committees, I believe it would move through the floor proceedings very expeditiously.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. GRASSLEY. Yes.

Mr. THOMPSON. Let me make sure I understand the Senator. This bill that we have been considering has not gone through the committee process this year; is that correct?

Mr. GRASSLEY. That is correct.

Mr. THOMPSON. The Senator mentioned the prerogative of the committee. Having been a chairman, I understand what he is talking about. From the standpoint of patients and the Patients' Bill of Rights, which we have been here discussing today and Friday in terms of who was covered and who wasn't covered, when employers had liability and when they did not, are these the kinds of things that get hashed out in committee?

Mr. GRASSLEY. Obviously. From the standpoint of the Health, Education, Labor, and Pensions Committee, these things were debated and hashed out in 1999 before the bill came to the Senate floor.

Mr. THOMPSON. But not this year.

Mr. GRASSLEY. Not this year.

Mr. THOMPSON. In 1999, were there any liability provisions in that bill? I don't believe there were any liability provisions in that bill.

Mr. GRASSLEY. Right, because I think there was due consideration to the tradeoff between the people who don't have insurance now—42 million people—and the people who do have insurance through self-employed plans, and that there was within the committee a real concern about whether or not those employers might drop their insurance—not that we are concerned about the employer, but we are concerned about the employee if they are not going to have health insurance.

Mr. THOMPSON. What I am getting at is, is it not true that the liability parts of these bills have not been referred to the Judiciary Committee?

Mr. GRASSLEY. That is absolutely right. I thought the Senator was talking about the Health, Education, Labor, and Pensions Committee. These would also be within their jurisdiction.

Mr. THOMPSON. Not only has the Finance Committee not had a chance to consider their portion, the Judiciary Committee has not had the opportunity to consider the liability portion, which is so controversial. We are hashing out right now what this thick bill means regarding liability. It has never been in the appropriate committee to go through the natural, normal committee process on a bill of this importance; is that correct?

Mr. GRASSLEY. Yes. I am a member of the Judiciary Committee, and we would look at these things and give them the due consideration they ought to have. I know the Senator from Tennessee has served on the Judiciary Committee and he knows that is a very important part of our work.

I thank the Senator from Tennessee for bringing those points to us because he reminds me that not only has it not been considered by the Health, Education, Labor, and Pensions Committee, which I have been talking about, and the Finance Committee, because I am a member and the senior Republican on that committee, but also a third committee should have considered perhaps the most controversial part of this legislation before us, and that has not had the due consideration that important changes in law and liability ought to have in this Chamber.

I am just about done. I have spoken now for a long time on my motion to commit to the respective committees. I guess I am being reminded my motion to commit is to the Health, Education, Labor, and Pensions Committee on the one hand and to the Finance Committee on the other. Maybe my motion should be broadened—although I am not going to do that at this point—to the point of the Judiciary Committee taking a look-see at the liability provisions as well.

A vote for the motion to commit would put this bill on the right track. It lets members of these committees do the job that we were sent here to do. The Health, Education, Labor, and Pensions Committee and the Finance Committee have a great track record in this Congress. They will continue to do so. Taking this bill through the relevant committees will only improve it and ultimately make it a better law, and one that is not in any way subject to a potential—I predict, not subject to a potential veto threat, as the legislation now is.

After all, isn't getting the job done, getting a good Patients' Bill of Rights, what the people really want—a good law that is produced in a proper way, a bill that will guarantee treatment for patients, not a tribute for lawyers?

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EDWARDS. Mr. President, let me say a few words about the bill and tell a story about a patient in North Carolina, and we will have an amendment to offer. First of all, the entire purpose of this legislation is to change the law so that the law is on the side of patients and doctors instead of being on the side of the big HMOs, where it has been for many years. We want health care decisions made by families who are affected by them, and by doctors and nurses who have the education and training to make those decisions. It is just that simple.

That is the reason we create the rights among all Americans with health insurance or HMO coverage to have more control over their health care decisions. That is what this is about—having those rights be enforceable because if they are not enforceable, they don't mean anything. That is why we have specifically provided for access to specialists by families; access to clinical trials, if they need that; and being able to go to the emergency room directly without having to call an HMO or a 1-800 number before going to the emergency room—that is the last thing in the world any family ought to have to worry about before going to the emergency room—making sure a woman can see an OB/GYN as a primary care provider.

These rights are aimed at giving patients and families more control over health care decisions. We have all heard the horror stories of legitimate claims being denied by HMOs. That is what this bill is aimed at—putting the law on the side of the patients and on the side of the doctors.

In addition to these substantive rights, we have provisions to make those rights enforceable, so that they mean something. We have an internal review process. First of all, the HMO decides in the first instance whether they are going to cover a claim. If that is unsuccessful, then we have an internal review process within the HMO to get that decision reversed. So if a child is denied the care that child needs, then the family has somewhere to go. These families who are up against big insurance companies, big HMOs, big bureaucracies, under present law they can't do anything. I say this to my colleagues who have been here.

Some say we need to spend more time on this issue. This issue has been around for years now. Every day that we fail to enact legislation and have it signed by the President, there are thousands of people in this country who are being denied the care they need. This is an issue that we need to do something about and stop talking about. It should not be a political issue.

Senator MCCAIN and I have bipartisan support, consensus support for our bill here in the Senate and in the House of Representatives. We have virtually every health care group and consumer group in America, including the American Medical Association, supporting our legislation. These people deal with these issues every day. Doctors get to see what is happening to their patients, and there are bureaucrats sitting behind desks 200 miles away, never having seen their patient, telling them what their patient needs. We have families all over this country who know that their child needs a test, but some bureaucrat five States away, sitting behind a desk somewhere, says they are not going to pay for it.

That is what this legislation is about—so that when people have health insurance and they have HMO coverage, it means something. If they get rejected arbitrarily and are treated unfairly and improperly by a big HMO, they would have the power, finally, to do something about it.

That is why we have an internal review process—to reverse the decision within the HMO—and then if that does not work, we have an independent third party review, a panel of doctors, who can come in and say, that is wrong—the doctor was right, the HMO was wrong—and order the treatment be provided.

None of these things exists today. Today, if a doctor orders a test for a 5-year-old child with cancer and if an HMO says, "We are not paying for it," they are stuck. There is no internal review process; there is no external review process.

What chance does that family have against a huge insurance company? That is what this bill is about. It is about a very simple idea: that HMOs and insurance companies ought to be treated as everybody else; more importantly, putting the law finally back on the side of patients, families, and doctors so they can do something about a wrongful decision by an HMO or an insurance company. That is what this debate is about.

The HMOs have been trotting out every conceivable obstacle to something happening. Anybody who turns their television on will see the ads they are running right now, all these scare tactics and old rhetoric. They have been using it for years. They just want to do everything they can to keep their special status, their privileged status. They like things the way they are. They do not want patients and families to have any power.

We are going to do something about it. I will tell you something else: The families, the children, the patients do not have lobbyists in Washington; they do not have millions of dollars to buy ads on television. They are counting on us to represent them. They are counting on us to do something for them. That is what this debate boils down to: You are either on the side of maintaining the big HMO special status or you are on the side of letting families, doctors, trained people, make health care decisions.

It is not an accident that the American Medical Association, hundreds of health care groups, doctors groups, and consumer groups support our bill. It is not an accident that most of the Senate supports our bill. It is not an accident that most of the House of Representatives supports our bill.

There is a consensus in this country that something needs to be done. What we have to make sure that we get past all the old rhetoric, all the old scare tactics, all the propaganda that is put out by the HMOs. They have huge resources and their voice is heard loudly and clearly in this debate.

Our responsibility is to make sure the voices of the families of this country who do not have big money, who do not have anybody lobbying for them in Washington, are being heard. That is what this is about. Stalemate and nothing occurring is exactly what the HMOs want. That is the easiest result. We have to overcome that. We have to overcome their rhetoric. We have to overcome these obstacles because we are fighting for the children and families of this country who need to make their own health care decisions.

Today I want to talk about one such family. This is a young woman from Wilmington, NC. Her photograph with her husband is behind me. Her name is Terri Seargent. She suffers from a fatal genetic disorder known as alpha one. Alpha one keeps Terri's liver and lungs from working properly. Her body is not able to fight off viruses or pollutants in the air, and if it is left untreated, alpha one eventually destroys the lungs and causes the patient to die. Terri is still fighting this disease, but she is at the point where she only has 43 percent lung capacity.

The problem is Terri is not just fighting this serious disease; she is also fighting her HMO. Ever since she was diagnosed with alpha one, she has been treated by specialists who put her on medication to keep her lungs working as well as they can, to keep her from getting worse. With that medication, she is able to lead a fairly normal life even though she has a serious problem.

She continues to work. She switched jobs, so she has a new HMO, a new health plan. Her HMO first would not let her see the specialist she had been seeing. Second, they would not pay for her medication. They told her she ought to switch to a generic drug because it was cheaper, but then they would not pay for the generic drug.

Here is a young woman who has a very serious medical problem; she is continuing to fight through it courageously to go to work and do everything she can to be productive for herself and her family, and her HMO will not let her see a specialist and will not pay for her medicine. Her medication costs $4,000 a month. It is expensive, but it is critical to the quality of her life and being a contributing member of her family.

What good is her health insurance—she has been paying premiums for years now—what good is that if, when it actually comes time that she needs this medication to allow her to continue to live and stay as healthy as she can and continue to work, the insurance company will not pay for these prescription drugs she desperately needs?

Unfortunately, Terri's case is one in a long list of what we hear every day. When I have townhall meetings or when I am standing on a street corner talking with people, over and over they come up to me and say: You won't believe what the insurance company did to me; you won't believe what the HMO did to my child.

These people need a chance; they need a fighting chance, and that is all we are trying to do, to level the playing field. Let's give these families and young women such as Terri who have serious diseases a chance when their insurance company or HMO says: You are out of luck; we are not paying for it. When a child with cancer needs a test or specialized care and the HMO or insurance company says, "We're not paying for it," even though they have been paying premiums for years, all we are trying to do is give that family a chance. It gets to be pretty simple.

In many cases, it is an individual, a child, a family against a big insurance company, the same big insurance companies that are spending millions of dollars on lobbyists and television ads right now to make sure people such as Terri cannot take them on. That is what this fight is about. It gets to be about a very simple problem.

I have worked with my colleagues on this issue all the time I have been in the Senate—some worked on it very hard before I came to the Senate. I believe when we finish this debate—hopefully this week, but if not this week, for whatever period of time it takes—that we will finally be able to say the big HMOs and all their money and all their power have been overcome and doctors, patients, and families in America finally have a chance.

Mr. REID. Will my friend yield for a question?

Mr. EDWARDS. Yes.

Mr. REID. The Senator has done a great job of explaining how important this bill is to patients, but it is also important to doctors. If the Senator will allow me to read a letter I received from a Las Vegas physician, this physician is formerly head of the State medical society and is chief of staff to the largest hospital in Nevada, about an 800-bed hospital. This letter is addressed to me.

After the first paragraph saying hello to me, he said:

> As you have heard from so many Nevadans over the past several years, we need a mechanism where patients have options where care is denied. The following case is a clear illustration.
>
> On April 20th 1999, Joseph Greuble died at the age of 47 from malnutrition. Joseph's malnutrition was a direct complication of

his life long battle with Crohns Disease. Joseph's gastrointestinal problem was quite complex. His disease was complicated by ulcerations, fistulae, bleeding, obstruction, electrolyte disturbances, seizures, and chronic pain, and Joseph required multiple operations. Continuity of care is most important when dealing with an incurable, chronic, debilitating disease. In Joseph's case, the system's failure to provide continuity of care proved tragic and fatal.

I served as Joseph's personal physician for 11 years. As Joseph's conditioned worsened he was no longer able to live independently, and he moved into his mother's small apartment in Las Vegas. His mother would accompany him to my office for all of Joseph's visits and as a result, I came to know his mother Marion quite well.

For over a decade, I performed needed physical examinations, arranged for appropriate diagnostic studies, wrote Joseph's prescriptions, and attended to him in the hospital whenever he required admission due to complications of his disease. One of Joseph's most pressing needs was for nutritional support. Joseph had become malnourished as a complication of his Crohns Disease, and required TPN (intravenous nutrition). Joseph's weight had fallen to just over 110 pounds, and a 5′10″ tall Joseph needed the TPN to maintain his weight and prevent death due to malnutrition.

In January of 1999, Joseph was told by his HMO that I could not longer treat him. Appeals by both myself and Joseph to have this decision reversed were denied. My offer to see Joseph free of charge was rejected by the HMO, as I still would not have been permitted to write his prescriptions, direct his nutritional support, order any diagnostic testing or request needed consultations.

While I do not have any of the medical records of Joseph's treatment for the three months after he left my care, Joseph's mother informs me that his TPN had been discontinued, that his malnutrition worsened, his weight dropping to less than 100 pounds. Joseph, malnourished and unable to fight off infection, subsequently developed pneumonia, sepsis, and died.

I have received permission from Mrs. Grouble to share this story. Morion hopes that sharing her son's story will help achieve the needed legislation to prevent this from happening in the future. Holding health plans accountable when they harm patients is not about suing insurance companies and driving up the cost of health care, it is about stopping abuses and bringing compassion back to medicine. Until the health plans are accountable, people like Joseph and his family will continue to suffer.

I say to my friend from North Carolina, this is his bill before the national legislature. This legislation, the Senator would agree, would help patients, but also would help physicians such as my friend, Dr. Nemec, prescribe and give appropriate care to patients. Is that a fair statement?

Mr. EDWARDS. That is absolutely a fair statement. When I have town hall meetings in North Carolina, we often have physicians show up and share horror stories, including ordering care for a patient, with some clerk sitting behind a desk 300 miles away reversing it and overruling a doctor with many years of education and training because they thought they knew better; there was no way they would pay for the particular care.

Mr. REID. Dr. Nemec stated this is one of many cases. He could write me letters on case after case, but he wanted me to indicate he feels this is just about the straw that breaks the camel's back. A man 5 foot 10, weighing less than 100 pounds, and they prevented him from eating, in effect: You are going to die anyway; what is an extra few months or a year.

I want the Senator from North Carolina to know how much I and the people of Nevada appreciate the work the Senator is doing, spending weeks of his time working with Senator McCAIN, coming up with legislation that allows the Frank Nemecs of the world to give proper care to patients and will allow people such as this lovely woman, pictured behind me, to know when she pays for her insurance for years, when it comes time she needs help, that help will be there.

I want the Senator to know how much I appreciate what is being done. Not only do I appreciate it but so do the people of the State of Nevada. Hundreds of organizations all over the country have contacted us. I have read into the RECORD already, and I will continue reading when we have time on the floor, the names of the entities that support the work done by the Senator from North Carolina. The Senator has been here a short period of time. The impact he has made and the impact he will make adding his name to this legislation will give people hope for generations to come. I appreciate the Senator's work.

Mr. EDWARDS. I thank the Senator for his comments.

I point out, as the Senator well knows, the American Medical Association strongly supports our legislation. Having met with them many times about this issue, they want their doctors to be able to provide the quality care they need to provide to their patients. It is a simple thing from their perspective. For health care providers, doctors and nurses, this is not a money issue. This is not an issue of what their earnings or salaries will be. This is purely an issue of whether they are going to be able to provide the care they have been educated and trained and have spent their life preparing to provide. That is what this is about. They are committed to doing something.

Every day their members all over this country see in their offices patients who need treatment, who need care, who are being arbitrarily denied by people far away who have never seen them, who have no idea what they need.

The horror stories go on and on. We have a young man in North Carolina who is severely sick. They quit paying for his oxygen. We had a young boy with cerebral palsy who needed physical therapy and other therapies on a daily basis and they said it would not do any good; they were not paying. The stories go on and on and on.

With respect to our colleagues on both sides of the aisle, we will work our way through the intricacies of this legislation, whether the issue of exhaustion of administrative remedies, legal terms that may not mean a lot to the American people, we will work our way through those issues and find a bipartisan way to get that done.

What we shouldn't do is leave the Senate without having done something about this issue. The issue has been around for years and has been fought vigorously by the HMOs. We have a responsibility to empower the families of this country to have more control over their health care decisions. That is what this debate is about. Hopefully, by the time we finish this debate, whether this week or next week or the following week, however long it takes—and I believe Senator DASCHLE indicated he is willing to stay as long as we have to—we will be able to walk out of here and be proud of what we have done in giving families, doctors, and patients more control over their health care decisions and the power to do something when they have been treated improperly. That is what this is about.

AMENDMENT NO. 812

Mr. President, pursuant to the previous order, I call up the amendment at the desk by Senator McCAIN and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] (for Mr. McCAIN (for himself and Mr. EDWARDS)) proposes an amendment numbered 812.

Mr. EDWARDS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the Sense of the Senate with regard to the selection of independent review organizations)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection.

(2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow a health maintenance organization to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 28, United States Code (28 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to a dispute to choose the judge in that dispute.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate process for selection of the independent external review entity;

(3) a child battling a rare cancer whose health maintenance organization has denied a covered treatment recommended by its physician should be entitled to a fair and impartial external appeal to a review organization that has not been chosen by the organization or plan that has denied the care; and

(4) patient protection legislation should not pre-empt existing State laws in States where there already are strong laws in place regarding the selection of independent review organizations.

Mr. EDWARDS. We have talked about the need for an independent review once there is an internal review and the HMO or insurance company denies the claim, to be able to go to a truly independent panel to get the case decided and the decision reversed if a wrongful decision has been made. This sense-of-the-Senate amendment simply provides we all believe that review panel needs to be truly independent in that the HMO and the insurance company should not be able to appoint the members of that panel nor have control over who goes on that panel.

We will debate this amendment tomorrow, but its underlying purpose is to support the notion that I think a majority of the Senate, maybe the vast majority, supports, which is if you are going to have an independent review by a panel of health care providers or doctors, that panel needs to be truly independent, not connected to the HMO, not connected to the insurance company, and also not connected to the patient or the doctor involved, so you have a fair and impartial group to decide whether the claim or treatment should be paid.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I was listening to the description of the sense of the Senate and I wish to compliment my colleague from North Carolina for introducing it. It is extremely important in the administrative process that the procedures we set up are guaranteed to be qualified and guaranteed to be independent. This bill goes a very long way towards doing that. Obviously, I have some problems with this bill. With regard to the provision setting forth these independent entities, the qualified external review entity is established. That means when we have these cases where there is an issue as to whether or not there is coverage, it is the independent person who decides.

We hear about a lot of terrible cases. We get letters from people. We talk to people when we go back home. We hear about people who are sick; in some cases there is absolutely nothing anybody can do, and certainly not us. We hear about people who have terrible accidents. We hear about people who are victims of crimes. We hear about a lot of misfortune. But, in the health care area, we have a system in this country where people can get insured for a lot of things. The deal is, your employer provides this for you. The deal is, your wages are affected by it, of course. The deal is, we are going to provide you insurance to cover certain things in exchange for a premium that the employer is going to pay.

If you cover absolutely anything, and you have a contract—which has never been drafted—that says whatever happens to you, however you get sick, however much it costs, however onerous your injuries, we are going to cover you, no questions asked—the premium for that would be astronomical. Nobody could afford that. It is unfortunate. It doesn't make that person any less sick. It doesn't make that person any less deserving. But that is just the way it is.

We got into managed care because we, in this body, encouraged the creation of these HMOs. The reason for that wasn't because we liked HMOs. The reason was that health care costs were becoming astronomical and people were losing their health care. As tragic as these stories are, they would have been just as tragic had their employers never bought the health insurance. There would not be any dispute over whether or not there was coverage. This would not even be a policy to start with. That would not help these poor people.

So we have a system where certain things are covered for a certain premium. In a free market, those things work out. If somebody is messing up on one side, the other side will take care of it. That is the way the system works. As I say, if you are going to have a system where the Federal Government says that, regardless of whatever the claim is, it has to be paid, you can have a system like that. Nobody has suggested that. I wonder why no one has suggested that. Our hearts go out to people because of these stories. Our hearts go out for all these sick people. Why don't we just say the Federal Government will see to it, either directly out of the Federal Treasury or we will make an insurance company take care of whoever is sick for whatever reason? It is a nationalized health care system. You can debate that. You can argue that. Some people would argue on behalf of that.

Nobody is suggesting that. Why not? Because we do not want to take care of these people? Of course not. It is because we know the effects of that. Because for everything we do, for which we can make a case, to help people and give rights and give benefits and make other parts of our society give third parties of our society certain rights and benefits so the Federal Government doesn't have to do it—we make other citizens, other companies, do it for us—we can do all that, but there are always effects from that. We were elected to look at all that and try to balance it and try to come up with something that is reasonable. Not something that will come up and cover every hypothetical case that may ever come about, because that cannot be done, but something that will reasonably balance the coverage we want people to have, I want my family to have, something the average person can afford, something the average small employer can afford. Otherwise, they are not going to buy any insurance at all.

The point I am getting to is that there are some cases, where coverage is at issue, in which everybody is operating in good faith. It is not a matter of the big guy and little guy and the big guy is always wrong and the little guy ought to be paid. It is a matter of reasonable people sitting down and having a consideration, discussion, and sometimes a disagreement as to whether or not a particular procedure is medically appropriate.

Honest doctors disagree about that all the time, whether or not a particular procedure is experimental or not. If a policy covered all kinds of experimental things that we did not think would help you—there is a 99-percent chance it is not going to help you any, but it is experimental; we can spend $1 million to see what it is; policies just don't cover that—prices would be astronomical. Nobody could afford that. So you get into the question, Is it medically called for? Is it an experimental thing?

Honest people can disagree about things such as that. We do it all the time. We are talking about lawsuits, and that is what happens in lawsuits. You would not have any lawsuits in the medical area, in the malpractice area, unless you had doctors on both sides of the cases taking different views of these matters. We have to resolve these matters. We cannot just predetermine that because a case is meritorious and our heart bleeds for an individual case, all of it is covered any time for anything. Nobody could afford it. It is a practical, hard part of life with which we have to deal. And we are doing a disservice to our constituents if we do not remind them that there are tradeoffs and there is a bigger picture with which you have to deal.

Here is where we are going. We are getting down to the fact that, as I said, we have in some cases a dispute as to whether or not something is medically called for. What this bill does, and what this resolution supplements, is that it says when you have a situation such as that, let's set up an independent person, an independent entity.

In the bill it is called a qualified external review entity. It is external because it is not a part of any employer's process; it is not a part of the employer's deal. The employers do not control this.

The bill takes several pages setting up, I think very skillfully, an independent entity that is highly qualified, that is very independent, that is monitored by the Federal Government to make sure they take a look at that issue to see whether or not there is coverage on an individual incident.

Once again, if you were going to say on the front end everybody who needs coverage has to be covered, regardless of whether or not it is in the insurance policy or anything else, you would not need this external review and your premiums would go through the ceiling and everybody would be calling for nationalizing the health care system in this country. But we are not doing that.

This bill calls for this external review process. That entity determines whether or not this is a medically reviewable decision or not. That entity determines whether or not there is coverage. If that entity decides that it is a medically reviewable matter, there is coverage, it goes to another independent level. And this bill sets up an independent medical review. This first reviewer doesn't have to be a doctor, necessarily. But on the second review it has to be a doctor. He is independent. He has nothing to do with the employer. He is qualified. He is supervised and overseen by the Federal Government. He takes a look at it and he makes a decision.

So far so good. Again, this is a reasonable response to these sad, sad stories that we know people tell and we all hear about from time to time. If you are not going to say: Cover everything all the time and we are going to, depending on how sick a person is, determine coverage—if you are not going to do that, you have to have some way of reasonably and fairly deciding what is right. This bill sets up two levels of independent review. I think that is an appropriate way to balance the need to cover people for what they contract for, for what coverage is for—for which you are paying a premium commensurate with the coverage, on the one hand, and a need to make sure there is at the end of the day some coverage that is affordable for somebody so we do not add to the 40 million people who have no insurance at all.

So far, so good.

The problem I have is not with the bill I just described. The problem I have is not with this resolution which reinforces the idea that we need independent review. The problem I have is that you can go through that entire process and, if a claimant is turned down, they can ignore that entire process and still sue in State court, they can still sue in Federal court, and they can still sue in any jurisdiction where the defendant has a place of business or is doing business for unlimited damages. They can still sue an employer who gave them the insurance.

That is what I have trouble with—not that we are setting up an independent review process. It is that we are not honoring the independent review process. We are saying we are going to set it up. But if it turns out one way, we are going to adhere to it. If the claimant wins, then it is binding on the employer. But if these independent entities decide that the claimant does not win, because it is one of those 99 percent deals, and it is an experimental thing: we just do not cover that; our heart goes out to you, but you just didn't pay for that much—if they decide that, then it is as if all of that independent stuff doesn't count. Here is where the lawsuits start.

That is the problem I have with this bill.

We must recognize that there are tradeoffs for everything we do in this field. It is easy to give new rights, and establish new rights, either out of the Treasury of the Federal Government or making some company pay for something else. But it has an effect on people's conduct. People do not just sit still. If you triple somebody's taxes, it is going to affect their behavior. If you cut their taxes in half, it is going to affect their behavior. If you place new liabilities on employers—some of them are small employers trying to furnish decent health care packages to their employees—they do not have to. But if you make things tough enough on them, they are just going to say: We are either going to drop coverage or we are going to give you some money. You go get your own health insurance and I don't have any liability. And that employee may or may not take that money and buy health insurance; he can do whatever he wants to with it.

What we do affects people's behavior. It is not enough to talk about sad story after sad story and say that is fact. We all agree to that. All of us are looking for a way to balance the approach so people can be properly covered to the extent possible where folks can still afford coverage in this country. Health care prices are already going up at double-digit rates before this bill is passed. If we make the lawsuit liability so great that people can't afford coverage, it is going to go up even higher.

We already have 40 million people in this country who have no insurance at all. Our job is to try to come up with a balanced approach so that we don't add to those 40 million people. We can't just sit out here and talk about one sad story after another without considering the effect of the public policy we are putting into place.

We had before this body, before I got here, when President Clinton was President, the Clinton health care plan. It had noble motives, too. We heard about people who needed help and needed coverage, and so forth, at that time. The whole Nation did. This body considered that bill. This body decided not to go in that direction because in many people's minds it was a nationalizing of our health care system; that as much as we have instances sometimes where things fall through the cracks, on the whole, people do not fly to England in order to get their medical coverage. The rich people of the world fly here. We have the best overall medical system in the world. We didn't want to nationalize our health care system. We turned that down. It wasn't because our heart didn't go out. It wasn't because there were some pitiful stories out there where people needed more help than they were getting. But it was, on balance, because we didn't believe it would be good for those same people if we nationalized our health care system.

I do not know if we have changed our minds about that or not. I don't think so. But that is what we are doing here with this bill the way it is now drafted. We are nationalizing our health care system in a significant respect by other means. We are doing it by an unfunded mandate on corporations. The Government is not sending people checks for their health care, but they are requiring other people to. We can't think we can do things such as that without having an effect on people's conduct.

Health care costs got out of hand in this country. We responded with a managed care response to it and tried to make that balance to provide enough care that would cover people in most cases but would not be so costly that it would drive people out of the system. It didn't always work. There were some excesses. Some of these HMOs did some bad things. States got into the act. My State of Tennessee covers more things than the McCain-Kennedy bill does in many respects—it is not as if the States are not addressing these issues—and in response to that, health care costs went back up a little bit. We can live with that. But now we are coming along and laying a whole new Federal layer on top of that, double-digit increases in health care costs being present today. And we have no idea what that is going to do to costs when we are saying we are going from a system where there is no redress, right past the system of independent review, which would be a major beneficial change where independent doctors would be deciding the right to unlimited lawsuits.

We have no idea what that is going to mean to the cost of health care in this country. If we think employers are going to sit still for that, that small employers are not going to change their conduct, that prices are going to remain the same and that these HMOs are not going to protect themselves in terms of price increases to cover their new exposure, we are fooling ourselves.

I am not saying we shouldn't respond to current circumstances. I am just saying we are hearing too much of this side of the story and nothing about the other. We are doing the American people a disservice. It doesn't take a lot for Members of this body to grant new rights and extend our sympathy. Sometimes it takes a little more to say that is a relevant part of this discussion. But let's talk about the effects of what we are about to do.

I hope we don't have this debate 2 years from now and we have these same sad stories coming in about my problem wasn't that we got into a dispute over coverage and they were not covering it, but they cut me off. My problem was I didn't have insurance to start with because my employer couldn't afford it.

I commend the Senator for offering the sense of the Senate. I think these independent entities ought to be strong. We have set them up now in this bill. My problem is we don't use them. They can be circumvented without exhausting the administrative remedies. It goes straight to court. Or we can go through and use them, but if you get an adverse decision and the best independent minds look at this and say, sorry, but there is no coverage, it doesn't matter; it is as if they didn't exist. You can then begin a whole realm of lawsuits against HMOs, against employers in some cases, and even against these independent entities that have made the determination. Both the external reviewer and the doctor can be sued because they decided against coverage.

There is in this bill a higher threshold of proof against them to prove they are guilty of gross misconduct. But when we use these independent entities that we are bragging about and we are talking about how strong and important they are, let's use them. Let's not just use them as a starting place and a debating point and go through a year or two of that and a decision that everybody admits was objective and untainted, and then totally treat it as if it didn't exist because we want to open the door to unlimited lawsuits for unlimited amounts for everybody in sight. That is not helping those poor people. That is not going to help those poor people who need medical attention and medical coverage.

They have exempted doctors and lawyers. A lot of doctors support the bill because when they get sued, they want the HMO also to be right there beside them. I understand how that works. So the doctors support them. The doctors were exempted. The doctors are exempted in this bill, and so are the hospitals. People who are giving the health care have been exempted. But the people who are furnishing the health care, the employers, have not been exempted. It doesn't seem right to me.

I yield the floor.

The PRESIDING OFFICER (Ms. STABENOW). Who yields time?

The Senator from Montana.

Mr. BURNS. I thank the Chair.

Madam President, I know there are a lot of folks who want to go home about now. I have listened to this debate on the television with a great deal of interest. We have heard all kinds of examples of bad things that can happen to people. Of course, we could talk about those kinds of things in any field because there are certain circumstances where you could sometimes find victims of circumstance and sometimes find victims of greed.

We have also heard that our health care system is very complicated. I will tell you, I do not think our system is complicated. I think we are moving a piece of legislation that is going to complicate it.

Since the introduction of Medicare and Medicaid, it has grown more complicated all the time. If one thinks HMOs are hard to deal with, I am wondering if anybody has had the opportunity to deal with HCFA lately. Just try to get some things done for an elderly mother or father. I do not see anything in the three proposals right now that deals with the real and perceived problems with private insurance plans or HMOs.

We have advertising that is on every radio station in this town. They have lots of facts, some of which are a little misleading. Patients' rights are assured to those who are covered by HMOs and insurance plans now, but it seems to me where the dispute begins is either the insured did not understand what he or she was buying or what the specific coverages were to which they thought they are entitled.

I am not going to stand here and defend the HMOs or the insurance companies, but what has happened to the industry is making them more cautious about the kinds of contracts they issue. And again, with the consumer, as in all areas of the American way, the buyer has to be concerned. It has always been that way. But as plans were gamed and abused, insurance companies and HMOs became more precise in the offering of their coverages; in other words, the fine print became even finer and smaller. Patients have rights, but not for compensation for specific health care problems that are clearly exempted from coverage.

So what I am saying is, when you are buying something, buyer beware. Again, with regard to this problem of companies being driven to that kind of a situation, how far they can go, and how far they will go, we do not know. We do not know how much they can stand.

A Patients' Bill of Rights is nothing new for me. In 1994, along with my distinguished colleague from Minnesota, Senator WELLSTONE, we had a Patient Protection Act. The goal of that bill was to assure fairness and choice to patients and providers under managed care health benefit plans.

I still believe it is essential we ensure that managed care techniques and procedures protect patients and guarantee the integrity of the patient-physician relationship. Let me repeat that. We have to guarantee that the integrity of the relationship between the physician and the patient is protected.

I am not without a physician in my family, and we talk quite frequently of these and other issues related to the Patients' Bill of Rights and the problems she faces as she attempts to administer quality and necessary medical care to her patients. It is an area in which I am particularly interested.

I believe all Americans should have access to quality, affordable health care and to be able to select the health care plans of their choice. I support legislation that requires HMOs to be more responsive and accountable to their patients. We must ensure choice, quality, and access at all times.

I think it is fair to state we have reached general agreement over many of the consumer protection aspects of all three of these bills that have been presented to the Senate.

Doctors must be able to discuss the full range of treatment options to their patients. I continue to believe that gag clauses in health care provider contracts attack the heart of the doctor-patient relationship, and they eat into the most important factor in the healing process, and that is trust.

In addition, customers should be fully informed about the financial arrangements, if any, between their doctors and the insurers. Patients in need of emergency care must be free to go to the emergency room to receive the care they need, uninhibited.

Customers must be fully informed about the costs and limits of the coverage they buy, they should have complete information about treatment options, a complete list of the benefits and costs of each plan, a full choice of doctors, and access to specialists.

Finally, patients who are denied care, or receive word that their plan will not pay, must have a right—and they have the right—to a fair, binding, and timely appeals process.

A great deal of debate has and will likely continue to center around this appeals process and how it is structured and having access to the courts. I believe access to the courts should be the last resort. First we should structure a fair, timely, credible, and independent appeals process.

Independent, qualified reviewers should be able to draw upon the broadest and best possible medical guidelines when determining the care patients need that is covered under the contract. Physicians should be able to set the timeframe within which the treatment should be provided. When this process fails or is exhausted, then we should turn to the courts. In the cases where an HMO defies an order of the independent reviewers to provide a benefit—or acts in bad faith to delay making the necessary treatment available—I believe the HMO should be held liable. After all, no American should be denied access to our court and justice system, as it is a constitutional right.

On the other hand, we cannot let the practice of medicine be governed by the fear of lawsuits and, of course, trial lawyers. This will surely add to the cost of care. I am afraid that as the cost of obtaining care increases, so too will the number of uninsured. That is what I have heard most in my State of Montana. That is a price that no one can afford, especially small business. We do not have big companies in the State of Montana. We are a State with a lot of small businesses. Those employers are telling us to be very careful of the action we are taking.

Any bill that passes this Congress cannot contain provisions which would make the employers liable when they have nothing to do with the decision made by their provider of medical coverage. I will tell you, trial lawyers are very imaginative. When they sue, no one is exempt. So our language has to be specific. I was struck that even though it has been shown in this Chamber that the legislation we are considering has that concern—where they say it doesn't say one thing, but there it is in black and white—nobody has offered to change it and make it palatable to either side.

Any such provision is extremely dangerous for any employer, whether it be a small Montana business with two employees or a larger employer such as a hospital or doctor's office or clinic.

There are many native people who do not understand how imaginatively and broadly trial lawyers can interpret statutory provisions to include businesses as defendants in lawsuits when it was not the intention of the drafters of this legislation. To be very specific, I want to make sure that the innocent small businesses that are trying to provide much needed health care for their employees do not find themselves in court for their good intentions. I have always heard the old saying that no good deed shall go unpunished.

Twenty percent of Montanans currently lack health coverage. I don't want to see that number rise either. We cannot add to that number. I cannot support provisions which would threaten to do so. As a practical matter, it seems unreasonable to potentially give one or two people and their lawyers millions of dollars in punitive damages and as a consequence destroy thousands the ability to obtain health insurance coverage. It just doesn't make a lot of sense.

For many the greatest obstacle we face in health care today in this country is the cost of insurance, It is not that we don't want it; we can't afford it. What is driving those costs? It is not the person who tries to take care of themselves. It is the coverage of some extraneous programs or plans that drives the cost.

Since way back in 1993 and 1994, we have been talking about health care. We want three things when it comes to health care in this country: We want top quality, which we have; we want it fast; we want it low cost. If one would think just for a little bit, we can only have two of the three.

I believe we ought to start looking at the best way we can control costs and make health care more accessible and affordable to those who need it.

My primary and overriding concern is that any Patients' Bill of Rights is indeed in the best interest of all my folks in Montana and all Americans. I am deeply concerned about those thousands of hard-working folks who are self-employed or employed by small businesses throughout my wonderful State. These people desperately need our protection. I do not want to act in haste or irresponsibly, jeopardizing their present health coverage by higher premium costs.

I, therefore, will support a bill that will assure the maximum patient protection to all and ensure that patients get the health care they need when they need it.

I absolutely agree that a real Patients' Bill of Rights needs to be enacted as soon as possible. These are complex issues. We have come a long way. I am confident we will be able to arrive at a fair and reasonable bill in the very near future.

We have to look at just exactly what we can do because in this piece of legislation, there could be and probably will be some unintended consequences, as there always is when we pass major legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, we have heard a number of statements over the past week about what is wrong with this legislation that is now before the Senate.

One of the arguments that has been made is that the real purpose behind this legislation is to create socialized medicine in America, that that is the whole purpose. That is why this bipartisan bill was introduced, so that we would have socialized medicine in America. The purpose was to drive all the employers out of insuring their employees.

That argument didn't last very long because it was so fallacious on its face.

Then there was a statement that this was all about lawyers, that there would be thousands of new lawsuits. Well, we looked at a couple of States where they have something comparable to what we want to pass.

Senator MILLER from Georgia came to the floor and said: I don't know what they are talking about. In Georgia, since we have had a Patients' Bill of Rights, there has not been a single lawsuit filed.

In Texas the law has been in effect for over 4 years, even though Governor Bush—now President Bush—vetoed that. In 4 years there have been 17 lawsuits. So they dropped that debate. I will no longer debate that issue.

Then they spent some time on States rights: What was being attempted in this bipartisan legislation is to take away the rights of States to settle their own problems. Example after example was brought to the attention of the Senate that was simply not true, but they wouldn't let up on that. They said: Well, we think all lawsuits in this matter should be filed in Federal court.

We knew that wasn't the right way to go because people should be able to go to court in the place where they live. Again, Senator MILLER from Georgia laid that out very clearly. Why should someone have to travel hundreds and hundreds of miles to file a lawsuit when they can do it in their own community?

Senator ZELL MILLER of Georgia really put this debate on the right track. After Senator MILLER spoke, they dropped that "let's use the Federal court for all of our litigation."

This boils down to a very simple proposition. Why should HMOs be treated differently than anyone else in America except foreign diplomats? As a result of our Constitution, foreign diplomats cannot be sued. HMOs are not in our Constitution. They should be treated no differently than anyone else. Why in America should there be the abnormal situation that the only people who can't be sued are foreign diplomats and HMOs?

There are a number of suggestions floating around here. In fact, one of the sponsors, Senator FRIST of Tennessee, said:

> The Patients' Bill of Rights leans toward protecting trial lawyers, not toward protecting patients.

President Bush said, when he was running for President:

> If I am the President, people will be able to take their HMO insurance company to court.

He said this on October 17 of last year.

Fact: As a candidate George Bush promised voters their insurance companies would be held accountable.

Fact: George Bush took credit for a law that allowed Texans to sue their insurance companies in State court even through he vetoed that. Now his administration is saying that holding HMOs accountable in State court is a terrible idea. He can't have it both ways.

Another of the fixes on this legislation that is being passed around, again, by the Senator from Tennessee, Mr. FRIST: "You sue employers under this bill."

What the President has said in February of this year: "Only employers who retain responsibility for and make final medical decisions shall be subject to suit."

That sounds reasonable. That is what the McCain-Edwards bill does.

Fact: The McCain-Edwards legislation does not authorize a cause of action against an employer. In short, employers are protected from lawsuits relating to harm caused by an insurance company.

Another fix, again by the Senator who is sponsoring the other bill, Mr. FRIST. His statement: "Their bill will drive people to the ranks of the uninsured."

That is the socialized medicine argument. Here is what the Census Bureau said: "After Texas enacted a patients right law, the number of uninsured in the State actually decreased."

This is the U.S. Census Bureau.

Fact: 2 years after the State of Texas gave Texans the right to sue HMOs in State court, the ranks of the uninsured in the State of Texas actually decreased.

George W. Bush, in October of 2000:

> I support a National Patients' Bill of Rights and I want all people covered.

One of the fictions stated here by my colleague, the Republican whip, the Senator from Oklahoma, was:

> The United States will be considering a bill which could preempt some of the good work States have done in the States to protect patients.

That is fiction. Here are the facts: The McCain-Edwards legislation provides a Federal floor for patient protections, not a ceiling. Stronger unrelated patient protections enacted by the States would remain untouched by this bill.

The other argument they have used—and I touched on this before—is that this is so expensive and how could you possibly ask people to pay for this exorbitant cost that is going to be created by this legislation? The Congressional Budget Office says:

> Real patient protection costs about 37 cents more than the GOP-backed Frist legislation.

Not hundreds of thousands or millions or billions but 37 cents.

Senator FRIST:

> We know this is going to drive up the cost of health care premiums.

He is right, 37 cents. But last year—the facts are that last year insurers increased premiums by an average of 8.3 percent, 10 times the 1-year cost of this legislation. So it is no wonder that 85 percent of the American public support the Patients' Bill of rights. That is why in a movie—when you hear HMO in a movie, people sneer and shout out in derision.

The Patients' Bill of rights is something we must do. The majority leader has said we are going to finish this legislation before we have the Fourth of July break. Why? Because as the Senator from North Carolina indicated, every day that goes by, there is more grief and pain to patients and doctors because the doctors can't render the care they believe is appropriate for patients. Every day we wait is a day people will be harmed as a result of our not passing this legislation.

Madam President, I read into the RECORD hundreds of names of organizations that support this legislation. The time is late and I am not going to do that tonight. From time to time, I am going to read the names of organizations supporting this legislation. I already read in the names of hundreds. I would start tonight with the D's. It would take a long time because the organizations that support this legislation that have the name "family" connected with them goes for five pages.

Literally, our bipartisan Patients' Bill of Rights is supported by hundreds and hundreds of organizations. I hope we—and I am confident that we can as legislators, Democrats and Republicans—pass this legislation soon because the sooner we do it, the better off America is.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENT ORANGE ACT OF 1991

Mr. DASCHLE. Madam President, I would like to call attention to the introduction of S. 1091, our bipartisan legislation to update and expand the Agent Orange Act of 1991.

These changes, and my other ongoing Agent Orange work, are necessitated by our imperfect understanding of how dioxin affects the human body.

As many of my colleagues know, dioxin is the toxic ingredient in Agent Orange, 11 million gallons of which were sprayed over Vietnam during the war. Dioxin ranks with plutonium as one of the most toxic substances known to man, and this country dropped more on Vietnam than has ever been released into the environment, anywhere in the world. S. 1091 is another effort, more than 25 years after the war's end, to deal with the wounds of, and determine the extent of the injury to, our own soldiers.

As an example of how our knowledge of dioxin is evolving, I would point to a provision in S. 1091 that would remove all deadlines for veterans to claim disability benefits for respiratory cancer. This provision stems from a recent report by the National Academy of Sciences, which pointed out that there is no scientific basis for the deadline contained in current law—a deadline that effectively blocks benefits for a veteran whose cancer develops 30 years after Agent Orange exposure. The Academy finds no evidence that the risk diminishes with the passage of time.

And as scientists learn more about Agent Orange, we must continue to ensure that veterans benefits are updated accordingly. The current mechanism for continuous updating, established in the 1991 Agent Orange Act, has proven to work well, but it expires soon. The two-step process begins with a biennial review of new dioxin research, via a scientific panel organized by the National Academy of Sciences. Next, the Secretary of Veterans Affairs must respond to the report and recommend the addition of new diseases and conditions as appropriate. S. 1091 would extend the process until 2012.

Recently, this process has brought diabetes on the Agent Orange presumptive disability list, which means that if a veteran was exposed to Agent Orange, the veteran's diabetes is presumed to be connected to his or her military service. Previous Academy reports have linked Agent Orange exposure to serious conditions such as prostate cancer, respiratory cancer, the disfiguring skin disease chloracne, soft-tissue sarcoma, the lymphatic system cancers known as Hodgkin's disease and non-Hodgkin's lymphoma, porphyria cutanea tarda, multiple myeloma, and subacute peripheral neuropathy.

I am proud to be a cosponsor of S. 1091, along with the chair and ranking member of our Veterans' Affairs Committee. My thanks to Senators ROCKEFELLER and SPECTER for their hard work on this measure and their interest in Vietnam veterans, their families, and others who live with the diseases, conditions, and uncertainty created by exposure to dioxin.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 1, 1991 in Staten Island, New York. An attacker called 53-year-old Frank Kovarik "fag" before striking him repeatedly with a baseball bat, breaking his right ankle, fracturing his right leg, breaking a kneecap and wrist, and causing a concussion. The attacker and an accomplice also stole $400 and the keys to Kovarik's car.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

DEPUTY UNITED STATES MARSHAL PETER P. HILLMAN

Mr. WYDEN. Madam President, I rise today to pay tribute to a fallen American hero: Deputy United States Marshal Peter P. Hillman.

Deputy Hillman was tragically killed in the line of duty 1 year ago when the van he was driving was hit by a truck, killing Deputy Hillman and the three prisoners he was transporting. Deputy Hillman's defensive driving actions during that terrible incident helped save the life of a U.S. Marshals Service guard traveling with him that afternoon.

The U.S. Marshals Service and Oregon experienced a great loss with the death of Deputy Hillman. His 14-year U.S. Marshals Service career began in 1986 in San Jose, California. He later transferred to the Eastern District of California in Fresno. It was there that he was given the nickname "The Hillmanator" for his relentless efforts in apprehending narcotics fugitives.

Whether his duties entailed lending support to members of the community in the U.S. Virgin Islands after Hurricane Marilyn, apprehending fugitives during "Operation Sunrise," providing security at a high-threat trial in Montana or at the Olympic Games in Atlanta, Georgia, he gave his all in everything he did. Deputy Hillman was a dedicated and courageous man with an enthusiasm for life. His name is now engraved on the Marshals Service's "Roll Call of Honor," along with nearly 200 other dedicated and brave individuals who have set a standard of excellence for all United States Marshals and Deputy Marshals.

Today is the anniversary of Deputy Hillman's death, so I would like to take this opportunity to express my sorrow to the family of Deputy Marshal Hillman. I know they miss him dearly, and I want them to know he has not been forgotten.

I ask my colleagues to join me today in expressing gratitude to the family of Deputy U.S. Marshal Peter Hillman for his service to our country. Displaying valor in both his life and his work, Deputy Marshal Hillman is a tribute to this great nation.

ADDITIONAL STATEMENTS

TRIBUTE TO CAPTAIN RICHARD F. WALSH, UNITED STATES NAVY

● Mr. WARNER. Mr. President, I rise today to recognize and pay tribute to Captain Richard F. Walsh, Judge Advocate General's Corp, United States Navy. Captain Walsh will retire from the Navy on July 1, 2001, having completed a distinguished 30 year career of service to our Nation.

Captain Walsh was born in New York City, and is a graduate of the United States Naval Academy and the University of Virginia School of Law. He also earned a Master of Laws degree from the Judge Advocate General's School of the Army.

During his military career, Captain Walsh excelled at all facets of his chosen professions of law and naval service. As a line officer, he served as Combat Information Center Officer onboard USS LUCE (DLG–7), completing two U.S. Sixth Fleet deployments, and qualifying as a Surface Warfare Officer.

As a judge advocate, Captain Walsh has served in a variety of challenging assignments. As the senior litigator at Naval Legal Service Office, Subic Bay, Republic of the Philippines, Captain Walsh faithfully preserved the fairness of the military justice system. Later in his career, he returned to the courtroom as a member of the General Litigation Division, Office of Judge Advocate General, and argued many important cases in numerous Federal Circuits. As a staff judge advocate, he provided legal counsel to SEABEE Commanding Officers stationed in Gulfport, Mississippi, and was later selected to serve as Counsel to the Chief of Naval Personnel. A superb manager of people and mission, Captain Walsh headed the JAG Corps' accession program and later assumed command of Naval Legal Service Office, National Capital Region, where he continued to lead and inspire young judge advocates.

I am sure that many of my colleagues remember and appreciate Captain Walsh's service as Director of Legislation in the Navy's Office of Legislative Affairs, followed by his tour of duty as Executive Director for Senate Affairs under the Assistant Secretary of Defense for Legislative Affairs. During these assignments, he directly contributed to clear and concise communication between Congress and the Departments of the Navy and Defense on a broad range of legislative matters. So noteworthy are his talents, knowledge, and integrity, that Captain Walsh has been chosen to serve on the staff of the Senate Armed Services Committee. The Navy's loss is certainly the Senate's gain, and we look forward to working with Dick Walsh for many years to come.

The Nation, the United States Navy, and the Judge Advocate General's Corps have been made better through the talent and dedication of Captain Richard F. Walsh. I know all of my colleagues join me in congratulating Dick on the completion of his outstanding military career, and we welcome him to the Senate staff.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON:

S. 1095. A bill to amend title 38, United States Code, to restore promised GI Bill educational benefits to Vietnam era veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 1096. A bill to eliminate the requirement that certain covered beneficiaries under chapter 55 of title 10, United States Code, obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy; to the Committee on Armed Services.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. DEWINE, and Mr. HARKIN):

S. Res. 116. A resolution congratulating the Republic of Slovenia on its tenth anniversary of independence; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of annual screening pap smear and screening pelvic exams.

S. 277

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 277, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 345

At the request of Mr. ALLARD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 497

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 497, a bill to express the sense of Congress that the Department of Defense should field currently available weapons, other technologies, tactics and operational concepts that provide suitable alternatives to anti-personnel mines and mixed anti-tank mine systems and that the United States should end its use of such mines and join the Convention on the Prohibition of Anti-Personnel Mines as soon as possible, to expand support for mine action programs including mine victim assistance, and for other purposes.

S. 662

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 672

At the request of Mrs. FEINSTEIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens "age-out" while awaiting immigration processing, and for other purposes.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 887

At the request of Mr. WELLSTONE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of all oral anticancer drugs.

S. 917

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 940

At the request of Mr. DODD, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 964

At the request of Mr. KENNEDY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 964, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. 1037

At the request of Mrs. HUTCHISON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1066

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the Medicare program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. RES. 71

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 71, a resolution expressing the sense of the Senate regarding the need to preserve six day mail delivery.

S. RES. 72

At the request of Mr. SPECTER, the name of the Senator from Texas (Mr. GRAMM) was withdrawn as a cosponsor of S. Res. 72, a resolution designating the month of April as "National Sexual Assault Awareness Month."

S. CON. RES. 37

At the request of Mr. LIEBERMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 37, a concurrent resolution expressing the sense of Congress on the importance of promoting electronic commerce, and for other purposes.

S. CON. RES. 43

At the request of Mr. VOINOVICH, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Con. Res. 43, a concurrent resolution expressing the sense of the Senate regarding the Republic of Korea's ongoing practice of limiting United States motor vehicles access to its domestic market.

S. CON. RES. 53

At the request of Mr. HAGEL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 53, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 1096. A bill to eliminate the requirement that certain covered beneficiaries under chapter 55 of title 10, United States Code, obtain a nonavailability-of-health-care statement with respect to obstetrics and gynecological care related to a pregnancy; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, I rise today to introduce the Military Spouse Physician Choice Act of 2001. This legislation amends the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to eliminate the requirement that a military dependent obtain a nonavailability statement, NAS, or a waiver from a commanding officer of a military treatment facility, in order to receive maternity care from a civilian doctor. I am pleased that my colleague Senator LANDRIEU is joining me in introducing this legislation.

This legislation, which is a companion to H.R. 1511, introduced in the House by Representatives JIM RYUN and SUSAN DAVIS, will eliminate the requirement for TRICARE Standard maternity patients to obtain military nonavailability statements before seeing other doctors. Under current policy, Standard patients who live within 40 miles of a military medical facility must obtain a NAS from the facility commander before receiving pregnancy care from a civilian physician.

Over 53 percent of our Nation's active service personnel today are married. Maintaining a high quality of life for these men and women in uniform must include the best possible health care for their spouses. While the services may recruit men and women to serve in our military forces, the reality is that we retain families to protect our Nation. It is therefore critical that all military spouses receive the health care services they signed up for.

Currently, a military dependent has two options under the military's health care system. All military personnel and 84 percent of military dependents enroll in TRICARE Prime, which is the military's version of an HMO. Prime provides quality care, usually at a military treatment facility on the post or base. However, some dependents choose to enroll in the military's fee-for-service plans, called TRICARE Standard and Extra. These dependents voluntarily accept higher copayments and deductibles in return for the promise of freedom to choose their own doctor.

Unfortunately, the promises in the enrollment brochure do not apply in all circumstances. Currently, a woman who chooses a civilian doctor through TRICARE Standard or Extra is forced to change doctors and return to the military treatment facility when she becomes pregnant. The only way for her to continue using her own doctor is to receive special permission from the commanding officer of that military treatment facility. The result is a bureaucratic nightmare.

This situation is a concern for military dependents across the country. It represents a break in continuity of care that compromises the invaluable relationship between a woman and her doctor. A woman who has a trusted relationship with her civilian ob/gyn is required to change to a doctor at the military treatment facility due to an unnecessary regulation that can, and should, be fixed.

Military families deserve better treatment. Many of them consistently pay higher premiums and accept higher out-of-pocket costs in exchange for an active role in controlling their health care decisions. It should not take a military order to allow a woman to stay with her regular doctor for prenatal, delivery and postnatal care. This is why Senator LANDRIEU and I are introducing legislation to cut through this burdensome red tape. The Military Spouse Physician Choice Act would eliminate the need for women to get special permission to receive the continuity of care they were promised.

Over the past few years, Congress has made several positive changes to military health care services. We have given our military personnel the ability to choose the health care option that is right for each of their families. We have enabled our military treatment facilities to maintain a high level of excellence, making them the choice of most military dependents. It only follows that a pregnant spouse should be able to choose to utilize that treatment facility but not be mandated to do so.

If we want to continue to recruit and retain quality people for our armed services, we need to show them that they and their families will be treated fairly when making health care decisions.

I am very pleased that the Military Coalition, a consortium of nationally prominent uniformed services and veterans organizations representing more than 5.5 million members plus their families, has endorsed this legislation. The Retired Officers Association, TROA, has as well because the current policy denies TRICARE Standard beneficiaries one of the most important principles of quality health care, continuity of care by a provider of their choice.

I urge all Members of the Senate to join me and Senator LANDRIEU in support of the Military Spouse Physician Choice Act.

I ask consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Spouse Physician Choice Act".

SEC. 2. ELIMINATION OF REQUIREMENT TO OBTAIN NONAVAILABILITY-OF-HEALTH-CARE STATEMENT IN CASES OF PREGNANCY.

(a) ELIMINATION OF REQUIREMENT.—Section 1080(b) of title 10, United States Code, is amended by striking the second sentence.

(b) EXPANSION OF NONAVAILABILITY STATEMENT WAIVER AUTHORITY.—Section 721 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106-398; 114 Stat. 1654A-446) is amended—

(1) in subsection (a), by inserting ", or with respect to obstetrics and gynecological care related to the pregnancy of such a beneficiary who is enrolled in TRICARE Extra," after "TRICARE Standard"; and

(2) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by inserting "(1)" after "(c) EXCEPTIONS.—"; and

(C) by adding at the end the following new paragraph:

"(2) Paragraph (1) shall not apply in the case of obstetrics and gynecological care related to the pregnancy of a covered beneficiary.".

Ms. LANDRIEU. Mr. President, I rise today to introduce the Military Spouse Physician Choice Act of 2001 with my distinguished colleague, the junior Senator from Maine. This legislation amends the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, to restore equity to the families of our servicemembers. Simply put, this bill would delete the requirement for a servicemember's spouse to obtain a non-availability statement from the commanding officer of the nearest military treatment facility in order to receive maternity care from a civilian doctor.

Under current legislation, military dependents choosing to enroll and pay for TRICARE Standard, the program in which enrollees accept higher co-payments in exchange for the option of choosing their own doctors, are still required to obtain a military non-availability statement before seeing their choice of civilian physician. This practice continues despite the fact they are already paying for just that option. Our bill eliminates the requirement for maternity patients enrolled in TRICARE Standard to get that non-availability statement before being seen by the civilian physician of their choice for all maternity care throughout the pregnancy.

I am committed to the quality of life of the men and women in uniform who sacrifice to serve their Nation. All too often we forget that families and their treatment are key to the quality of life and retention of those servicemembers. Our military and their families deserve better treatment than what they receive today. If they choose to accept the higher costs of TRICARE Standard in exchange for greater control over their healthcare choices, then they should have that control over all healthcare choices. Pregnancy should not force a spouse to get permission from the military to receive her prenatal, delivery, and postnatal care from the same doctor who she paid to see prior to the pregnancy. Anything less is fundamentally unfair and is something none of us would accept from any medical plan in the civilian community.

This body has worked hard to improve military healthcare for our servicemembers, their families and retirees. With the creation of TRICARE, we gave them control over their medical treatment by allowing them to pay additional costs out of pocket in exchange for greater flexibility, the same choice anyone outside of the military has the opportunity to make. If we want to continue to recruit and retain the best and brightest people our Nation has, we owe them equitable treatment. Any other course is a disservice to them and disrespectful of the choices and financial commitments they have made to the military healthcare system. I urge my colleagues to support this bill and send a message to our military: You and your families will be treated fairly and with respect when making healthcare decisions. The Military Coalition representing more than 5.5 million servicemembers and their families supports this legislation. So does The Retired Officers' Association, TROA. Fellow members of the Senate, support of this bill should be common sense for all of us. This bill should pass unanimously because it does what is right, what is fair, and keeps faith with our military.

I am proud to cosponsor this legislation with Senator COLLINS and urge all of you to join us in supporting the Military Spouse Physician Choice Act.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1097. A bill to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Energy and Natural Resources.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURAL GAS PIPELINES WITHIN THE BOUNDARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

(a) PERMIT FOR NATURAL GAS PIPELINES.—

(1) AUTHORIZATION.—The Secretary of the Interior may issue right-of-way permits for natural gas pipelines that are—

(A) within the boundary of the Great Smoky Mountains National Park (as of the date of enactment of this Act);

(B) not otherwise authorized by Federal law; and

(C) not subject to valid rights of property ownership.

(2) CONDITIONS.—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary.

(b) PERMIT FOR PROPOSED NATURAL GAS PIPELINES.—

(1) AUTHORIZATION.—The Secretary may issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park that are proposed for construction in—

(A) the Foothills Parkway;

(B) the Foothills Parkway Spur between Pigeon Forge and Gatlinburg; and

(C) the Gatlinburg Bypass.

(2) CONDITIONS.—A permit issued under paragraph (1) shall be subject to any terms and conditions that the Secretary determines necessary, including—

(A) provisions for the protection and restoration of resources that are disturbed by pipeline construction; and

(B) assurances that construction and operation of the pipeline will be compatible with the purposes of the Park.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 116—CONGRATULATING THE REPUBLIC OF SLOVENIA ON ITS TENTH ANNIVERSARY OF INDEPENDENCE

Mr. VOINOVICH (for himself, Mr. BIDEN, Mr. DEWINE, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 116

Whereas on December 23, 1990, the people of Slovenia voted overwhelmingly in favor of independence from the former Yugoslavia in a national referendum;

Whereas, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign nation;

Whereas, on December 23, 1991, the Slovenian parliament adopted a constitution based on the rule of law, respect for human rights, and democratic ideals;

Whereas, during its ten years of independence, Slovenia has been an important United States ally in Central and Eastern Europe and a strong advocate of democracy, the rule of law, and the merits of an open, free market economy;

Whereas the Republic of Slovenia has demonstrated an outstanding record on human rights during the past decade, and the country's market economy has experienced continued growth and success;

Whereas Slovenia has made important contributions to international efforts to promote peace and stability in Southeast Europe and other parts of the world;

Whereas Slovenia serves as a leader in efforts to remove destructive land mines in parts of Southeast Europe plagued by war and ethnic violence during the 1990s;

Whereas Slovenia has become an active member of international organizations, including the United Nations, the World Trade Organization, the Council of Europe and the Organization for Security and Cooperation in Europe; and

Whereas the Republic of Slovenia has made significant progress in its work to join the NATO Alliance and the European Union: Now, therefore, be it

Resolved, That the Senate hereby—

(1) congratulates the Republic of Slovenia as the country celebrates ten years of independence on June 25, 2001;

(2) commends the people of Slovenia on the significant progress made during the past decade to advance respect for human rights, the rule of law, free market economies, and democracy;

(3) recognizes the important role played by the Slovenian community in diaspora to promote independence in the Republic of Slovenia; and

(4) encourages the Republic of Slovenia to continue its important work toward membership in the NATO Alliance and the European Union, as well as efforts to further peace, stability, and prosperity in Central and Eastern Europe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table.

SA 812. Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 1052, supra.

TEXT OF AMENDMENTS

SA 811. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; which was ordered to lie on the table; as follows:

On page 153, strike lines 1 through 14.

On page 159, between lines 12 and 13, insert the following:

"(D) ACTIONS IN FEDERAL COURT.—A cause of action described in subparagraph (A) shall be brought and maintained only in the Federal district court for the district in which the plaintiff resides or in which the alleged injury or death that is the subject of such action occurred. In any such action, the court shall apply the laws of the State involved in determining the liability of the defendants."

SA 812. Mr. EDWARDS (for Mr. MCCAIN (for himself and Mr. EDWARDS)) proposed an amendment to the bill S. 1052, to amend the Public Health Service Act and the Employee Retirement

Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FAIR REVIEW PROCESS.

(a) FINDINGS.—The Senate finds the following:

(1) A fair, timely, impartial independent external appeals process is essential to any meaningful program of patient protection.

(2) The independence and objectivity of the review organization and review process must be ensured.

(3) It is incompatible with a fair and independent appeals process to allow a health maintenance organization to select the review organization that is entrusted with providing a neutral and unbiased medical review.

(4) The American Arbitration Association and arbitration standards adopted under chapter 44 of title 28, United States Code (28 U.S.C. 651 et seq.) both prohibit, as inherently unfair, the right of one party to a dispute to choose the judge in that dispute.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) every patient who is denied care by a health maintenance organization or other health insurance company should be entitled to a fair, speedy, impartial appeal to a review organization that has not been selected by the health plan;

(2) the States should be empowered to maintain and develop the appropriate process for selection of the independent external review entity;

(3) a child battling a rare cancer whose health maintenance organization has denied a covered treatment recommended by its physician should be entitled to a fair and impartial external appeal to a review organization that has not been chosen by the organization or plan that has denied the care; and

(4) patient protection legislation should not preempt existing State laws in States where there already are strong laws in place regarding the selection of independent review organizations.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nominee has been added to the full committee nomination hearing scheduled for Wednesday, June 27, immediately following a 9:30 a.m. business meeting in room 366 of the Dirksen Senate Office Building.

The nomination of John Walton Keys III, to be Commissioner of the Bureau of Reclamation, will be considered, along with the nominations of Vicky A. Bailey to be an Assistant Secretary of Energy (International Affairs and Domestic Policy) and Frances P. Mainella to be Director of the National Park Service.

Those wishing to submit written testimony on these nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please call Sam Fowler on 202/224-7571.

CONGRATULATING THE PEOPLE OF PERU ON THEIR DEMOCRATIC ELECTIONS ON JUNE 3, 2001

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of S. Res. 107, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) congratulating the people of Peru on the occasion of their democratic elections on June 3, 2001.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 107

Whereas the people of Peru have courageously struggled to restore democracy and the rule of law following fraudulent elections on May 28, 2000, and after more than a decade of the systematic undermining of democratic institutions by the Government of Alberto Fujimori;

Whereas, in elections on April 8 and June 3, 2001, the people of Peru held democratic multiparty elections to choose their government;

Whereas these elections were determined by domestic and international observers to be free and fair and a legitimate expression of the will of the people of Peru; and

Whereas the 2001 elections form the foundation for a genuinely democratic government that represents the will and sovereignty of the people of Peru and that can be a constructive partner with the United States in advancing common interests in the Americas: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE REGARDING THE DEMOCRATIC ELECTIONS IN PERU ON JUNE 3, 2001.

(a) CONGRATULATING THE PEOPLE OF PERU.—The Senate, on behalf of the people of the United States, hereby—

(1) congratulates the people of Peru for the successful completion of free and fair elections held on April 8 and June 3, 2001, as well as for their courageous struggle to restore democracy and the rule of law;

(2) congratulates Alejandro Toledo for his election as President of Peru and his continued strong commitment to democracy;

(3) congratulates Valentin Paniagua, current President of Peru, for his commitment to ensuring a stable and peaceful transition to democracy and the rule of law; and

(4) congratulates the Organization of American States (OAS) Electoral Observer Mission, led by Eduardo Stein, for its service in promoting representative democracy in the Americas by working to ensure free and fair elections in Peru.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that —

(1) the United States should expand its cooperation with the Government of Peru to promote—

(A) the strengthening of democratic institutions and the rule of law in Peru; and

(B) economic development and an improved quality of life for citizens of both countries;

(2) the governments of the United States and Peru should act in solidarity to promote democracy and respect for human rights in the Western Hemisphere and throughout the world;

(3) the governments of the United States and Peru should enhance cooperation to confront common threats such as corruption and trafficking in illicit narcotics and arms; and

(4) the United States Government should cooperate fully with the Peruvian Government to bring to justice former Peruvian officials involved in narcotics and arms trafficking or other illicit activities.

CONGRATULATING SLOVENIA ON ITS TENTH ANNIVERSARY OF INDEPENDENCE

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 116, submitted earlier by Senators VOINOVICH and BIDEN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 116) congratulating the Republic of Slovenia on its tenth anniversary of independence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Madam President, I rise today to congratulate the people and Republic of Slovenia on their tenth anniversary of independence. It is a privilege to join my Republican colleague, Senator GEORGE VOINOVICH, as an original cosponsor of the legislation he introduced today to pay tribute to the remarkable transformation of Slovenia into a free, democratic state during the past decade.

Since the fall of the Soviet Union and the break-up of the former Yugoslavia, no country in either Southern or Eastern Europe has made greater and faster progress in embracing human rights, the rule of law, open markets, and democratic governance.

At the same time, Slovenia has demonstrated both the readiness and the capacity to become a regional leader in pursuit of peace and stability that has long suffered from ethnic divisiveness, turmoil, and bloodshed. Let me cite just one example. Slovenia took the initiative a few years ago to establish the International Trust Fund for De-Mining, ITF, which has become the leading organization to rid the Balkans of landmines and to rehabilitate the victims of these deadly weapons. In so doing, it is the Slovenians who deserve the credit for securing contributions from the U.S. and eighteen other Nations as well as many private donors to meet this urgent humanitarian challenge. I am hopeful that this Congress will authorize and appropriate a second U.S. contribution to help sustain the outstanding work of the ITF this year and beyond.

Slovenia has also become an active member of various international organizations, including the United Nations, the World Trade Organization, the Council of Europe, and the Organization for Security and Cooperation in Europe. Therefore, it is not surprising that President Bush and Russian President Putin held their first summit meeting earlier this month in Ljubljana, the capital of Slovenia.

I salute the remarkable courage of the Slovenian people in achieving their quest for free and democratic government as well as their entrepreneurial drive in building a vibrant, growing national economy in such a short span of time. Accordingly, the U.S. and our NATO allies should move forthwith to extend a formal invitation for Slovenia to become a full-fledged NATO member within the next 12–18 months.

Mr. VOINOVICH. Madam President, today, I am joined by Senators BIDEN, DEWINE, and HARKIN in congratulating the Republic of Slovenia on its tenth anniversary of independence.

Ten years ago today, on June 25, 1991, the Republic of Slovenia declared itself an independent and sovereign Nation. Since that time, Slovenia has remained a model of reform and progress in Central and Eastern Europe, working to promote democratic ideals, respect for human rights and the rule of law, and the merits of free market economic systems.

Slovenia has made great strides in its work to join the NATO Alliance and the European Union. In addition to its outstanding human rights record and commitment to the democratic process, the people of Slovenia enjoy the highest per capita gross domestic product in the region, and the country's economy continues to grow. Slovenia has also demonstrated its ability to contribute to international peacekeeping operations, including NATO's Stabilization Force in Bosnia and Herzegovina, as well as NATO's force in Kosovo, among others. Given its record in these regards, I believe the Republic of Slovenia stands as a strong candidate for NATO membership when the Alliance considers enlargement in Prague in November 2002.

Slovenia's progress extends beyond domestic reform and foreign policy goals. In Southeast Europe, a part of the world that continues to feel the burden of decades of war and ethnic strife, Slovenia continues to serve as a leader in efforts to remove destructive land mines in the region. The International Trust Fund for Demining, ITF, established by the Slovenian government in 1998, has undertaken more than 200 projects in the Balkans since its creation. As a result, more than 12 million square meters of land have been cleared throughout Albania, Croatia, Bosnia and Herzegovina, and Kosovo. In addition, the ITF Mine Victims' Assistance program has helped more than 500 people in Bosnia and Herzegovina who have been injured by land mines. Congress provided matching funds to assist the International Trust Fund for Demining in 1998, and this year the United States will again consider funding for this important initiative.

As the Republic of Slovenia has made considerable and important progress during its 10 years of independence, working to promote peace, stability and prosperity in Central and Eastern Europe, I am pleased to have the opportunity to submit this resolution on the occasion of Slovenia's 10th anniversary of independence. I congratulate the people of Slovenia on their accomplishments thus far, and I urge them to continue their significant work to advance the ideals of democracy, human rights, the rule of law and free market economies throughout the Balkans region.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 116) was agreed to.

The preamble was agreed to.

(The text of S. Res. 116 is located in today's RECORD under "Statements on Submitted Resolutions".)

ORDERS FOR TUESDAY, JUNE 26, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. Tuesday, June 26. I further ask that on Tuesday, immediately following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Patients' Bill of Rights; further, following the 11:30 a.m. votes, there be up to 30 minutes for morning business with Senators permitted to speak for 5 minutes each, with the following exceptions: Senator FEINGOLD, the first 15 minutes; Senator THOMAS, or his designee, the second 15 minutes; further, that upon conclusion of the period for morning business, the Senate recess until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATUS ON SENATOR RICHARD BRYAN

Mr. REID. Madam President, I want to announce to the Senate—and I have made this statement previously—that my friend Richard Bryan is expected to be released from the hospital tomorrow or the next day. He has been very ill, with some malady that no one can figure out. He had an infection in his neck. He went into surgery and was in intensive care for 5 of 6 days. He is up and walking around, and he is going to go home. In a few weeks, he will be as good as ever.

PROGRAM

Mr. REID. Madam President, on Tuesday the Senate will convene at 9:30 a.m. and resume consideration of the Patients' Bill of Rights. There will be 2 hours of closing debate on the Grassley motion to commit and the Gramm amendment regarding employers prior to two rollcall votes at about 11:30 tomorrow. Hopefully, we are going to conclude consideration of the Patients' Bill of Rights and, hopefully, the supplemental appropriations bill, together with the organizing resolution.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, at 6:27 p.m., the Senate adjourned until Tuesday, June 26, 2001, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, June 25, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 2001.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

WE MUST ELIMINATE WASTE, FRAUD, AND ABUSE IN THE FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, one of my goals since first being elected to serve in Congress has been to root out waste, fraud, and abuse in the Federal Government and many of its programs. While we have been successful in identifying and reducing wasteful spending, there is still too much unnecessary spending that needs to be eliminated.

This came out in a report by the Senate Committee on Governmental Affairs entitled Government at the Brink that outlines the urgent Federal Government management problems facing the Bush administration. They cited four core problems that exist: One, work force management; two, financial management information; three, technology management; and, four, overlap and duplication.

Senator FRED THOMPSON of Tennessee was the chairman of this committee when this report was compiled. I want to share with my colleagues what his committee found.

A chief source of the information was based on reports issued by the General Accounting Office, the GAO, and agency inspectors general, or the IGs. Now, my colleagues might ask, just how much money are we talking about. Well, according to GAO, we are talking about at least $35 billion a year, and that is just the tip of the iceberg.

The GAO reported that the Medicare program wastes $12 billion every year on improper payments. According to the GAO, 10 percent of total health care costs are lost to wasteful spending. What came to light about the misappropriation of our tax dollars is downright alarming. In order to cut out waste in Medicare claims, the Health Care Financing Administration decided that new computer software should be developed to create one mammoth computerized method to review bills. Ultimately, what the American taxpayers got after 4 years was a bill for $80 million. An official at this agency had this explanation: He said that the money was used in effect as a painful learning experience. We learned about this in 1997.

The Medicare program is not the only offender. Let us take a look at the Department of Education. This government agency failed its last three financial audits. The government auditors identified accounting discrepancies totaling up to $6 billion in Federal education aid that was embezzled, lost, used for real estate purchases, luxury car items, rent, and so forth. If we intend to increase the funding to the Department of Education, then we need to put in strong accounting practices.

Unfortunately, it is not difficult to find all sorts of examples of waste, fraud, and abuse in the Federal Government. The Medicare program and the Department of Education have a long history of wasteful spending. However, the Department of Interior does not know what has happened to over $3 billion it holds in trust for the American Indians. Or what about what is referred to as the "big dig" up in Boston, Massachusetts? Boston's central artery has cost tremendous amounts of dollars. It has increased about 525 percent, from $2.6 billion to the current estimate of $14 billion.

We have serious problems that are cited in the Thompson report that need to be addressed if we are to solve mismanagement of valuable resources. The most compelling of these is work force management. Many agencies lack the right employees with the right skills to do the job. The report also stated that the Clinton administration's downsizing of government hardly made a dent in the true size of government. What it did do was create a brain drain that cost the government many of its most experienced and valuable employees. The end result is that the Federal Government wound up doing the same old thing in the same old way, but with less experienced workers.

Financial management. How can the government operate efficiently when agencies do not know how much money they have, how much they spend, or how much their programs cost.

Information technology management. This is a critical item because we want our government computer systems not to be vulnerable to terrorist attacks, either domestically or internationally. The GAO has designed computer security, a governmentwide program, but it has problems.

The last area of concern is overlap and duplication. For instance, the Federal Government has seven different agencies administering four different programs aimed at job training. Eight different agencies operate 50 different programs to assist the homeless. Nine agencies operate 27 teen pregnancy programs. Seventy different agencies gather and analyze statistical data. Seventeen departments and agencies operate 515 research and development laboratories.

Mr. Speaker, these are just a few of the areas where duplication and overlap waste our tax dollars. We must restrain government spending, but I realize that, just as President Reagan said, government programs once launched never disappear. Actually, a government agency is the nearest thing to eternal life we will ever see here on this Earth.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 54. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 38 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

Colonel Edward T. Brogan, Senior Chaplain, United States Air Force, Arlington National Cemetery, offered the following prayer:

Loving God, through Your grace You have established these United States. It is our blessing that Your strength can only be made perfect in our weakness. Enable us to kneel before You this day to receive Your good gift of strength. Perfect each of us, Lord, in our dependence upon You, that we might accomplish all that You would have us to do. Keep us from selfish ambition and brash self-reliance.

Today marks the fifth anniversary of the bombing of Khobar Towers in Dhahran, Saudi Arabia. That bombing reminded us of the cost of being a world power and of combatting evil. This day, Lord, we pray for Your protection upon our military men and women who serve all around the globe. Give them wisdom and energy in their service to our Nation. Watch over their families, ease the pain of the survivors and family members left behind after the terrorist attack at Khobar Towers and at too many other places.

Guide each Member of this House in humility before You and the people of the United States. Please also attend to the needs of the many staffers who accomplish so much of the work of this House. Give clarity and civility in debate, that the decisions reached might well serve our Nation. Bless our land with Your peace and dedication to serving You.

This we pray in Your holy and blessed name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof. Pursuant to clause 1 of rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. GILCHREST) come forward and lead the House in the Pledge of Allegiance.

Mr. GILCHREST led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

RHINOCEROS AND TIGER CONSERVATION REAUTHORIZATION ACT OF 2001

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 645) to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, as amended.

The Clerk read as follows:

H.R. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhinoceros and Tiger Conservation Reauthorization Act of 2001".

SEC. 2. REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) is amended by striking "1996 through 2002" and inserting "2001, 2002, 2003, 2004, 2005, 2006, and 2007".

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) is further amended—

(1) by striking "There are authorized" and inserting "(a) IN GENERAL.—There is authorized"; and

(2) by adding at the end the following:

"(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.".

SEC. 4. COOPERATION.

The Rhinoceros and Tiger Conservation Act of 1994 is further amended by redesignating section 9 (16 U.S.C. 5306) as section 10, and by inserting after section 8 the following:

"SEC. 9. ADVISORY GROUP.

"(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of rhinoceros and tiger species.

"(b) PUBLIC PARTICIPATION.—

"(1) MEETINGS.—The Advisory Group shall—

"(A) ensure that each meeting of the advisory group is open to the public; and

"(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

"(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

"(c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.".

SEC. 5. PROJECT SUSTAINABILITY.

Section 5(e) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5304) is amended to read as follows:

"(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects which will enhance sustainable conservation programs to ensure effective long-term conservation of rhinoceros and tigers.".

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—The Rhinoceros and Tiger Conservation Act of 1994 is amended as follows:

(1) Section 4(3) (16 U.S.C. 5303(3)) is amended by striking "Rhinoceros and Tiger Conservation Fund established under section 6(a)" and inserting "the account established by division A, section 101(e), title I of Public Law 105–277 under the heading 'MULTINATIONAL SPECIES CONSERVATION FUND'".

(2) Section 6 (16 U.S.C. 5305) is amended by striking the section heading and all that follows through "(d) ACCEPTANCE AND USE OF DONATIONS.—" and inserting the following:

"SEC. 6. ACCEPTANCE AND USE OF DONATIONS.".

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105–277 (112 Stat. 2681–237) is amended under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" by striking "Rhinoceros and Tiger Conservation Act, subchapter I" and inserting "Rhinoceros and Tiger Conservation Act of 1994, part I".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the fundamental goal of this legislation is to extend the Rhinoceros and Tiger Conservation Act of 1994. Since 1977, all species of rhinos and tigers have been listed under our Endangered Species Act and on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which prohibits all commercial international trade in these species.

Despite these protections, the population of these species continues to decline; and sadly, rhino and tiger body parts are still an active ingredient in Chinese traditional medicines sold throughout the world.

One of the few positive developments for these species was the enactment of the Rhino and Tiger Conservation Act. Since its establishment 7 years ago, the U.S. Fish and Wildlife Service has spent about $7 million on 111 conservation projects in 16 countries in Africa and Asia. These projects have monitored populations, equipped game scouts, and educated local communities as to the value of these keystone species.

Without this act, these species would continue their steady slide toward extension. In fact, during our subcommittee hearing on H.R. 645, the World Wildlife Fund testified that there is little question that the U.S. programs for tigers and rhinos and elephants have helped to avert disaster for these species, even possible extinction in some areas.

Madam Speaker, H.R. 645 is a simple 5-year extension of this vital wildlife conservation law at existing authorization levels. I urge Members to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I also rise in support of H.R. 645. I first want to commend the gentleman from Maryland (Mr. GILCHREST), the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, and the ranking member, the gentleman from Guam (Mr. UNDERWOOD), for their leadership in international wildlife conservation and for introducing this legislation to authorize the Rhinoceros and Tiger Conservation Reauthorization Act of 2001.

Madam Speaker, rhinos and tigers remain some of the most charismatic and endangered species of wildlife anywhere on the planet. All subspecies are listed as endangered on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES. They have also become emblematic of the great global conservation challenge of our time, and that challenge is how do we best rectify the demands of a growing human population with the needs of keystone wildlife species and the protection of their habitats.

The U.S. Fish and Wildlife Service recently released a summary report concerning the Rhino Conservation Act, which succinctly captured this challenge in the report's introduction. Slightly paraphrasing the report, it reads as follows:

"Rhinos and tigers are included in the heritage of many cultures. They have made their way into storybooks, religions, medicines and ad campaigns. However, our attraction to these species and their habitats also threatens their existence. It has led to their killing for trophies and medicines and to the fragmentation and outright destruction of their habitat by people seeking timber and land resources. They are now among the world's most endangered species."

Madam Speaker, I ask my colleagues to support this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), the ranking member on the subcommittee.

Mr. UNDERWOOD. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, I want to express my thanks and my gratitude to the gentleman from Maryland (Chairman GILCHREST) for this particular piece of legislation and to reiterate my strongest support for this legislation, which basically is noncontroversial.

In 1994, Congress passed the Rhinoceros and Tiger Conservation Act in recognition of the crisis that rhinos and tigers were faced with imminent extinction in the wild. With the passage of the act and the subsequent creation of the Rhinoceros and Tiger Conservation Fund, conservation activities have been initiated in cooperation with range states and non-governmental organizations across Africa, Southern and Southeast Asia, and the Russian Far East.

Since 1996, the Fish and Wildlife Service has funded 105 grants totaling roughly a little over $2 million. Most importantly, these appropriated funds have leveraged almost $4 million in matching funds from cooperating partners. As a result, new conservation and research initiatives have been launched in Africa and Asia, including antipoaching and ranger-training activities, habitat surveys, enhanced surveillance and monitoring of illegal wildlife trade, establishment of wildlife compensation programs, and initiation of education and outreach activities on the village level.

All of these efforts are making some very, very positive contributions in stemming the threat to rhinos and tigers; but much, much more needs to still be done. That is why we must support H.R. 645.

This legislation would reauthorize funding through fiscal year 2007 to support conservation projects administered through the Multinational Species Conservation Fund. H.R. 645 would also make two helpful modifications to the act to enhance sustainable long-term conservation efforts and to ensure more robust public participation by organizations actively involved in the conservation of rhinos and tigers.

This legislation is noncontroversial. Every witness who testified before the Subcommittee on Fisheries Conservation, Wildlife and Oceans on March 15 spoke in strong support for reauthorization, including the witness testifying for the administration. It was not surprising then that on May 16 the full Committee on Resources reported the bill by unanimous consent.

Two weeks ago the House passed similar noncontroversial legislation to reauthorize programs for African and Asian elephants. This bill is no less important, and I urge all Members to support H.R. 645 so we can continue U.S. leadership in the global conservation of wildlife.

Mrs. CHRISTENSEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to close by saying that the world is growing a great deal smaller. As the population increases and our natural resources decrease, the frontier is gone. No longer can we move to another far-flung region of the Earth and find vast stretches of open space. So what we have left as far as our next challenge and our next frontier is an intellectual frontier to understand how we as humans can manage the diminishing resources with an ever-increasing population and preserve what my grandfather used to say was the majesty and the abundance of nature.

Madam Speaker, this is a picture of one of the species we are trying to save, the magnificent creature known as the tiger. This is an article in "Time Magazine" dating back just a few years to 1994. There is a quote in here from Ullas Kranth of the New York Wildlife Conservation Society, who on a recent visit to India saw a tigress come and then quickly go. Then he smiled and he said, "When you see a tiger, it is always like a dream." All too soon, dreams may be the only place where tigers roam free.

Madam Speaker, this legislation is designed to make sure that tigers not only roam in our dreams, but actually roam in reality on the few stretches of open space and habitat that they have left.

Another quote from this article, "What will it say about the human race if we let the tiger go extinct? What can we save? Can we save ourselves?"

On behalf of the gentleman from Guam (Mr. UNDERWOOD), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and the staff on both sides of the aisle on the Committee on Resources, I thank all of them for their help; and I urge my colleagues to vote for this most important very tiny amount of money that can go a long way.

□ 1415

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 645, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 645, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING ADAMS MEMORIAL FOUNDATION TO ESTABLISH COMMEMORATIVE WORK HONORING FORMER PRESIDENT JOHN ADAMS

Mr. HEFLEY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1668) to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his family, as amended.

The Clerk read as follows:

H.R. 1668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMEMORATIVE WORK TO HONOR JOHN ADAMS AND HIS LEGACY.

(a) FINDINGS.—The Congress finds the following:

(1) Few families have contributed as profoundly to the United States as the family that gave the Nation its second president, John Adams; its sixth president, John Quincy Adams; first ladies Abigail Smith Adams and Louisa Catherine Johnson Adams; and succeeding generations of statesmen, diplomats, advocates, and authors.

(2) John Adams (1735–1826), a lawyer, a statesman, and a patriot, was the author of the Constitution of the Commonwealth of Massachusetts (the oldest written constitution still in force), the leader of the Second Continental Congress, a driving force for independence, a negotiator of the Treaty of Paris (which brought the Revolutionary War to an end), the first Vice President, the second President, and an unwavering exponent of freedom of conscience and the rule of law.

(3) Abigail Smith Adams (1744–1818) was one of the most remarkable women of her time. Wife of former President John Adams and mother of former President John Quincy Adams, she was an early advocate for the rights of women and served the cause of liberty as a prolific writer, fierce patriot, and staunch abolitionist.

(4) John Quincy Adams (1767–1848), the son of John and Abigail Adams, was a distinguished lawyer, legislator, and diplomat and a master of 7 languages, who served as Senator, Minister to the Netherlands under President George Washington, Minister to Prussia under the first President Adams, Minister to Great Britain under President James Madison, chief negotiator of the Treaty of Ghent (which ended the War of 1812), Secretary of State under President James Monroe, author of the Monroe Doctrine (which declared the Western Hemisphere off limits to European imperial expansion), sixth President, and the only former President to be elected to the House of Representatives, where he was known as "Old Man Eloquent" and served with great distinction as a leader in the fight against slavery and a champion of unpopular causes.

(5) Louisa Catherine Johnson Adams (1775–1852), the wife of former President John Quincy Adams, was an educated, accomplished woman and the only first lady born outside the United States. Like Abigail Adams, she wrote eloquently on behalf of the rights of women and in opposition to slavery.

(6) Charles Francis Adams (1807–1886), the son of John Quincy and Louisa Adams, served 6 years in the Massachusetts legislature, was a steadfast abolitionist who received the Free Soil Party's vice-presidential nomination in 1848, was elected to his father's seat in the House of Representatives in 1856, and served as ambassador to Great Britain during the Civil War, where his efforts were decisive in preventing the British Government from recognizing the independence of the Confederacy.

(7) Henry Adams (1838–1918), the son of Charles Francis Adams, was an eminent writer, scholar, historian, and public intellectual, and was the author of many celebrated works, including "Democracy", "The Education of Henry Adams", and his 9-volume "History of the United States during the Administrations of Jefferson and Madison".

(8) Both individually and collectively, the members of this illustrious family have enriched the Nation through their profound civic consciousness, abiding belief in the perfectibility of the Nation's democracy, and commitment to service and sacrifice for the common good.

(9) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated former Presidents as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to former President John Adams.

(10) In recognition of the 200th anniversary of the end of the presidency of John Adams, the time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of his contributions and those of his family.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Adams Memorial Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams, along with his wife Abigail Adams and former President John Quincy Adams, and the family's legacy of public service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001, et seq.).

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work. The Adams Memorial Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work (including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1001, et seq.)), or upon expiration of the authority for the commemorative work under section 10(b) of such Act, there remains a balance of funds received for the establishment of the commemorative work, the Adams Memorial Foundation shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of such Act.

(f) DEFINITIONS.—For purposes of this Act, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 2 of the Commemorative Works Act (40 U.S.C. 1002).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Madam Speaker, I yield myself such time as I may consume.

H.R. 1668 introduced, by the gentleman from Indiana (Mr. ROEMER), would authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. H.R. 1668 is supported by the administration and has strong bipartisan support.

Perhaps no American family has contributed as profoundly to public service as the family that gave the Nation its second President, John Adams; his wife, Abigail Adams; and their son, our sixth President, John Quincy Adams, who was also, by the way, a member of this body. The family's legacy was far-reaching, continuing with John Quincy Adams's son, John Francis Adams, who was also a member of this body and an ambassador to England during the Civil War; and his son, Henry Adams, an eminent writer and scholar, and it goes on and on.

The bill, as amended, focuses on the remarkable achievements of President John Adams, his wife Abigail, and their son, John Quincy Adams. We have a monument here in our Nation's Capital honoring our first President, George Washington, as well as monuments honoring Lincoln, Roosevelt and Jefferson, but, incredibly, we have overlooked one person who arguably, second only perhaps to George Washington, did more than any other person to make it all happen. Historian David McCullough reminds us that while Jefferson was the author of the Declaration of Independence, he was the pen of the Revolution, John Adams was its important voice and the driving force. Clearly, we owe him a deep and lasting debt.

Madam Speaker, it was the voice of John Adams in the Continental Congress that was the most responsible for pushing, prodding and cajoling the other Founding Fathers to sever our ties with England. He did this at enormous personal sacrifice: separated from his wife and family for nearly 10 years, taking life-threatening voyages during winter storms across the Atlantic Ocean to secure help for our struggling Army from foreign nations, and risking imprisonment or even execution as a traitor if his efforts were to fail.

He was blunt and outspoken, but he was also warm and humorous and passionate, and he was passionate above all things about his brilliant and accomplished wife, his family and his country.

Many of his views were controversial and unpopular in his day. Even the notion of forming our new country was highly controversial and unpopular. But he put the good of a country as a whole above any desire to win a personal popularity contest.

His death was, fittingly, as interesting as his life. By an incredible coincidence he and Thomas Jefferson both died on the very same day, and, Madam Speaker, that same day was July 4, 1826, the 50th anniversary of the signing of the Declaration of Independence. That was a significant date in their lives, and it is the significant date in the history of our country, thanks to his courage and thankless work. For this reason, we worked very hard to bring this bill to the floor this week to honor this important American whose sacrifices created the very holiday all of us will be celebrating next week. Next week we will mark the 225th anniversary of the signing of the Declaration of Independence. We will finally, at long last, be on our way to correcting a glaring oversight in our Nation's history.

It is ironic that more than 200 years have passed without properly honoring John Adams, but, upon reflection, perhaps we augment the value of our honor by doing so at this late date. After all, how many of us could possibly hope or expect to have such attention devoted to our memories and legacies two centuries after we draw our final breath? That we do so today speaks volumes about the significance of President John Adams' contributions to our lives.

Finally, Madam Speaker, I would like to take a moment to recognize the truly enormous efforts of the gentleman from Indiana (Mr. ROEMER) and, by the way, his staff as well. They put enormous efforts into this legislation. The gentleman from Indiana has worked tirelessly as a true champion of John Adams, by pushing this legislation through our subcommittee, by bringing two nationally recognized scholars to come before us, and by educating so many of us here in this body and so many citizens of the public at large about the enormous debt we owe to this hero and champion of liberty, John Adams. When the gentleman from Indiana (Mr. ROEMER) retires from Congress next year, he can justifiably look back on his work on this legislation with a long-lasting sense of pride.

Madam Speaker, in closing, I would like to observe that once, in a very low moment, during a period when her husband's work took him to Philadelphia, leaving her alone in Massachusetts, Abigail Adams wrote in a letter to John Adams, "I wonder whether future generations will ever know what we sacrificed for them?" The answer to that question, Madam Speaker, is a resounding "yes," we do know, we will know, because of what we do today, and we are grateful.

I urge my colleagues to support H.R. 1668, as amended.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to join the gentleman from Indiana (Mr. ROEMER), my colleague, as an original cosponsor of H.R. 1668. I am pleased to join my colleagues on the floor today in support of this legislation which honors a great American.

The Subcommittee on National Parks, Recreation and Public Lands held a hearing on June 12 on H.R. 1668 that was highly informative. We received testimony from noted historians David McCullough and Joseph Ellis, who provided the subcommittee with enlightening and detailed testimony on the accomplishments of former President Adams and his family, as well as the appropriateness of establishing a memorial here in Washington, D.C.

John Adams, our first Vice President and second President of the United States, was an early American statesman and patriot, and I am pleased to support this worthy legislative effort to honor former President Adams and his legacy. It is truly overdue.

The bill that is being brought to the floor today includes amendments to clarify the focus of the Adams Memorial. These changes are consistent with the testimony we received at our hearing.

I want to commend the bill's sponsor as well, the gentleman from Indiana (Mr. ROEMER) for his insight and his perseverance in expanding our knowledge about and generating our interest in our second President and his family, and his perseverance in making this memorial a reality. My thanks also to the gentleman from Colorado (Mr. HEFLEY), our chairman, and the leadership for expediting the consideration of this measure before the July 4 recess.

It is fitting and proper that the House pass this legislation in conjunction with the 4th of July, which honors American independence, an event that John Adams was extremely instrumental in helping to achieve. Madam Speaker, I wholeheartedly support H.R. 1668, as amended, and I urge my colleagues to do likewise.

Madam Speaker, I reserve the balance of my time.

Mr. HEFLEY. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Speaker, first of all, I want to rise to quote John Adams. He said, "I shall never shine until some animating occasion calls forth all of my powers." He shall never shine until some animating occasion shall call forth all of his powers.

Well, he certainly has not shined enough in our Nation's Capital, and we hope to do something about this today with this so-called animating occasion with the House of Representatives poised to pass this tribute to John and Abigail Adams, to John Quincy Adams, and to recognize the legacy of Charles Francis and Henry Adams.

I want to begin by thanking a number of people that have made this possible. As always in the House of Representatives, nothing is easy, and everything is complicated, and everything needs to be more bipartisan, and this is certainly a seminal event for bipartisanship and something coming forward with truly historic speed.

I want to thank the gentleman from Colorado (Mr. HEFLEY) and his staff, the Committee on Resources staff, and the gentleman from Utah (Mr. HANSEN), the chairman; I want to thank on our side the gentleman from West Virginia (Mr. RAHALL), our ranking member, and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her help and devotion to this cause. This could not come to the floor in the expedited manner it did without all of their strong support and help, and the help in a bipartisan way from the Committee on Resources. So I am very grateful to all of you who honor this historic, dazzling, brilliant family with your recognition and your speed here today to bring this to the floor before July 4.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT), my colleague who showed me all around Quincy, and the Senate sponsor, Senator KENNEDY. I want to thank the gentlewoman from the District of Columbia (Ms. NORTON), my good friend and classmate, who is such an integral and instrumental force here in our Nation's Capital who has helped us bring this forward. I want to thank my own staff member, Matt Blaschke, who has worked tirelessly on this effort as well.

We do intend to bring this and pass it through the House and take it before the Senate as well, too. Steps from here in our Nation's Capital is a famous painting by John Trumbull, and it outlines the Declaration of Independence and sketches the magnificent and captures the magnificent history of that event. Front and center, at the exact point of center and foreground of that painting stands John Adams. John Trumbull recognized the integral force, the integrity, the valor, the character, the bravery that it took not only to get our Nation behind the Revolution, but then to seek the Declaration of Independence and get it passed through Congress. John Adams was that driving force.

As the gentleman from Colorado (Mr. HEFLEY) said, Thomas Jefferson wrote those eloquent words, but he did not have the voice to argue for those words in the Continental Congress. And taking a step back from even when John Adams was the fire and the passion to argue to the Members of the Continental Congress that, yes, we needed our independence, we were not going to take orders from Great Britain any longer; he also convinced the American people that that was the course that we should take as a people. In David McCullough's wonderful book, and he appeared at a dinner for us at the Library of Congress on John Adams, he carefully articulates in this book that at that time, one-third of the American people were undecided about the course of independence.

□ 1430

One third were Tory and for Great Britain, and one third were true blue and wanted in a patriotic sense our independence. John Adams convinced the American people that we needed to move forward in this revolution and seek for this independence and then pass it through the Continental Congress.

George Washington may have been our first President in the executive branch. John Adams was probably our first President from the extent that he guided these things through the Continental Congress.

Thomas Jefferson talked about his important role, Jefferson said, and I quote "his power of thought and expression moved us from our seats as we listened to his eloquent words."

Revolution, independence, and then setting forth the institutions today of our great republic, nobody except George Washington is probably more particularly in our gratitude for those three events than John Adams.

He then made a decision that may have been one of the most important of his lifetime, here is John Adams, a picture in his prime, he married a woman by the name of Abigail Adams, probably his equal intellectually, writing some of the greatest letters in our Nation's history.

She was a good and decent person who argued against slavery, who argued for women's rights. She also helped establish the tradition of the Adams' as the only founding family, first family never to own slaves, never to own slaves.

They then raised the most dazzling and brilliant family in the history of public service in this country. John and Abigail were married for 54 years. As we salute not only independence and revolution in our republican institutions, we also salute family as we honor John and Abigail Adams.

Then they go on to have a son who becomes our sixth President, John Quincy Adams, who died right over off the Statuary Hall.

John Quincy Adams is distinguished not for only one career, but for three. He is a minister to five different European nations appointed by George Washington. He is the architect of our foreign policy and writes the Monroe Doctrine as the Secretary of State. After finishing up his foreign policy career, he runs for President and wins and serves in principle, not making short-term political decisions to get reelected, but long-term decisions on principle and policy so that the country is better off. It cost him his reelection.

People like John Adams and John Quincy Adams are needed now as public servants. Then after being President, he goes on to serve in this distinguished body for almost 18 years. He was founder of our foreign policy, President of the United States, Congressman from Quincy, Massachusetts; three great careers.

He has a son, Charles Francis Adams, who helps negotiate, appointed by Abraham Lincoln, to keep us out of the Civil War and keep British out of the Civil War. Finally, he has a son, Henry Adams, who is one of the most distinguished authors and historians in our Nation's history.

This is, indeed, a family that deserves this recognition from this Congress and hopefully from the Senate.

John Quincy Adams said about July 4th, and I quote, "it was not only the birthday of a great Nation, it was the opening of a new era in the history of mankind"; that new opening in the history of mankind, with that declaration, that all people are created equal, is the legacy, in many ways, of this family.

Madam Speaker, I hope that we can pass this today; that the Senate will pass this this week before they go out; that the President will sign this into law; and that we can begin the hard work of passing this and building this in our Nation's Capitol.

Finally, let me end on a quote from John Adams about the truly historic nature of that revolution and that movement for independence.

John Adams said, and I quote, "objects of the most stupendous magnitude, measures in which the lives and liberties of millions born and unborn are most essentially interested are here now before us. We are in the very midst of revolution, the most complete unexpected and remarkable of any in the history of the world."

John Adams, Abigail Adams, John Quincy Adams, and their family, let us bring the remarkable honor to that family with passage of this resolution, of this bill today, and begin the architecture of rewarding valor and virtue of a family and of public service in this Nation, probably the best family in the Nation's history.

Madam Speaker, I want to thank again the staff, the Members, to the bipartisanship shown in this; and I look forward to seeing this through in the next several years.

Madam Speaker, I want to thank again the gentleman from Colorado (Mr. HEFLEY) for yielding me the time.

Madam Speaker, I rise today in strong support of my legislation, H.R. 1668, which authorizes the construction of a memorial to John Adams and his family in Washington.

Our great capital, Washington, D.C., is a city of tributes. Beautiful, elaborate monuments and memorials stand permanently affixed throughout the city to honor our country's most cherished heroes. Millions of people from all over the world come to our great capital every year to learn about our nation and the great men and women whose intellect, ideals, bravery and foresight first established and later preserved our freedom.

But if our commemorative structures are to provide a living history lesson, it is one that is woefully incomplete, for it omits John Adams, our most skilled and consequential diplomat, first Vice President, second President, and his distinguished legacy.

As a public servant, my fascination with Adams extends through three generations of his descendants. As a family, the Adamses were the guardians of our republic, from its creation through adolescence. Their courage and prophetic wisdom kept us out of war, built the foundation of American foreign policy, transcended party politics, and displayed independence in critical times. It is time to embrace their contributions with a proper memorial in our capital city.

Thomas Jefferson called Adams a "colossus for independence." To be sure, he was the most outspoken and persuasive advocate for a break with Britain. Adams had the foresight to insist that Thomas Jefferson write the Declaration of Independence and that George Washington command the Continental Army. He would go on to negotiate the Treaty of Paris, which successfully concluded America's war for independence. He is also the author of the Constitution for the Commonwealth of Massachusetts—the oldest constitution still in force—which specifies that is the "duty" of the government to educate its citizens.

As President, Adams was nonpartisan and ideological, never sacrificing his beliefs for political gain. He skillfully (and wisely) avoided war with France despite the overwhelming warmongering from his own Federalist Party. Such independence preserved his integrity, but cost him a second term.

One of the few people truly comparable to John Adams both in passion and intellect was his wife, Abigail. those who knew them personally called their union perfect. Abigail's letters to her husband reveal not only her wit and intelligence, but also a profound belief in the equality of women that was more than 100 years before its time.

As a member of Congress, I am particularly intrigued by John Quincy Adams, the quintessential public servant, and son of John Adams. John Quincy Adams began his career as a diplomat, skillfully serving America's national interests in Russia, the Netherlands, Portugal, Prussia, and Great Britain. Under President Madison he negotiated the Treaty of Ghent, and as Secretary of State during the Monroe Administration, he helped create the most important and decisive foreign policy statement of its time, the Monroe Doctrine.

John Quincy Adams' Presidency was ambitious. Like his father, he believed that the government should invest in education and science for the betterment of its citizens. He proposed a national university and observatory. He pursued his agenda with tenacity and initiative, and like his father, enjoyed negligible political support. Like his father, he served only one term as President.

A true public servant, John Quincy Adams returned to public life after a brief hiatus to serve in the U.S. House of Representatives from his hometown of Quincy, Massachusetts. In his nine terms, he spoke of no issue more often—or with more vigor—than slavery. Like his parents, John Quincy Adams was a stolid abolitionist, known to his colleagues as "old man eloquent." He also helped to establish the Smithsonian Institution, the museum in the heart of the mall. He died at the "post of duty" as a dedicated public servant, suffering a stroke on the floor of the House. He passed away two days later in the U.S. Capitol.

John Quincy Adams' son, Charles Francis Adams, spent his formative years in Washington, learning through the examples of his distinguished predecessors. As he entered into politics, Charles Francis Adams became increasingly disenchanted with the insincerity and outright corruption of his generation of leaders in Washington. He soon bolted the Whigs in favor of the Free Soil Party, which organized around the principles of a profound opposition to slavery. He received the Party's Vice Presidential nomination in 1848, and eventually held his father's old seat in the U.S. Congress. In 1860, President Lincoln tapped Charles Francis Adams—now a member of the new Republican Party, and widely known for his sharp intellect and persuasive powers—to act as Ambassador to England in order to prevent British military support for the Confederacy. His logic, reserve and directness achieved functional neutrality from Britain, which helped to preserve the integrity of our Union.

Charles Francis Adams' son, Henry Adams, shared his father's frustration with politics and corruption in Washington. His observations steered him towards journalism, where he described the shortcomings of modern politics without falling prey to them. A "liberal Republican," Henry Adams wrote pointed, brilliant essays exposing political fraud and dishonesty. He shared the idealism and independence of his heritage, never putting politics above his convictions. Henry Adams was also an accomplished academic, teaching Medieval History at Harvard, and the first American to employ the "seminar" method of instruction. Henry Adams is best known for his acclaimed autobiography, "The Education of Henry Adams." Some have called it the greatest autobiography in American history.

The Adamses occupy a position in American history unequaled by any other family. They helped create our nation as champions of freedom; they helped defend and guide it during its vulnerable, early days; and they helped preserve it through the most divisive battle in American history. They devoted their lives to our Republic, and it is time to recognize and celebrate their genius, sacrifices, and significance, here is our nation's capital.

Mr. HEFLEY. Madam Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mrs. CHRISTENSEN. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. HEFLEY. Madam Speaker, we have two speakers remaining; and I wonder if we could after that have a minute or two.

Mrs. CHRISTENSEN. That is fine.

Mr. SOUDER. Madam Speaker, why build a memorial to John Adams along with Abigail and John Quincy? That immediately leads to the question why one, has not one been built before?

John Adams was not a dramatic leader like Washington, Jefferson, Lincoln, Teddy Roosevelt, FDR, or even Ronald Reagan, but John Adams was a man who rose from humble roots in Braintree, Massachusetts to the challenges of his time.

He was elected our first Vice President and the second President because he was the leader of the new New England branch of the government. The Virginians loomed large and were brilliant, but they did not stand alone.

From the beginning, John Adams prodded the Virginians as well as the others to independence. He had watched the British in Boston. He saw the inevitable before others in the Continental Congress did.

The anchor reason for this memorial is John Adams' leadership in creating our Nation, which has been ignored for far too long.

But it is also about his wife, Abigail, an extraordinary writer and political advisor. Without Abigail, it is not clear that John Adams would have been, ever been as successful as he was. The Adams, up until the Bush family, were our Nation's only father and son Presidents.

John Quincy Adams, like his father, was independent. He was not establishment enough for his Federalist base nor populist enough for the Jeffersonians. Charles Francis Adams, Henry Adams and their wives complete possibly the most extraordinary family in our history.

The best argument for this memorial is the extraordinary character of the Adams family, but perhaps not to the New Republic magazine, which, in a recent thoughtful cover story, criticizes John Adams and author David McCullough, partly by arguing that personality, history, and character are overrated.

Were John and John Quincy Adams morally superior to the Virginians because they did not own slaves and fought against slavery? Let us see, the answer is yes.

Excuses like geography and family background explain some differences, but it does not explain why some people rise above such circumstances, nor does it mean that one position is not morally superior.

It took moral courage for John Quincy Adams, to make his stands, featured in the movie Armistead, courage anchored in his belief in Jesus Christ. The recent New Republic cover story can mock character, but a primary part of memorialization is to encourage future generations to emulate the virtuous character traits exemplified by our past leaders.

Should we build memorials to individuals? History is not just a deterministic march like historian Richard Hofstadter and others suggest. The importance of regular people should not be underestimated. I am reading the Great Platte River Road wrote by Merrill Mattes right now which is based upon the fascinating journals of average people heading West, but, in fact, there are different makers in history.

People living next door to each other, with similar opportunities and backgrounds, do respond differently to challengers. Some people rise to challenges, others shrink.

If one views memorials in Washington as tributes to a sort of Greek or Roman gods, you will be deeply disappointed upon further investigation. They are merely men with all sorts of flaws. Each of the Adams would certainly acknowledge their moral shortcomings, but that does not mean that they were not extraordinary Americans worth honoring. Even Jefferson with his serious moral failings, was a brilliant writer, Western visionary, and architect, among his other attributes.

Another New Republic criticism in their review of McCullough's book was that writers like McCullough promote books that millions of people like to read. This sort of elitism is often prevalent in publications read only by a small group of people who desire to seem more important than the unwashed masses.

The ultimate irony is that the review concludes by saying that Adams was an elitist. Well, I guess it takes one to know one.

Ultimately, the reviewer maintains that Adams' writings were out of step with his time and certainly out of step with the ideas held today. The reviewer makes some interesting points about ideological framework, some of his views were outdated, but Jefferson was a slave owner and certainly showed none of the gender equity traits of both John Adams and John Quincy Adams.

So is Jefferson to be ignored as well? John Adams was an eclectic visionary and a prolific writer. He is important like Jefferson and Franklin because of his actions and leadership on the ideas which have stood the test of time, not because of a few ideas that did not.

Furthermore, I would argue that John Adams' framework grounded in English law, like the writings of John Dickinson in letters of a Pennsylvania Farmer kept Jefferson and others from drifting into the disasters of the French revolution. Most forget how wrongheaded Jefferson was about the French and how close our radicals came to sending us down that path.

David McCullough with his tremendous book on John Adams, number one on the New York Times best-seller list, has reached multitudes of Americans with the story of John Adams. Hurrah to him for being a popularizer to help pave the way for this memorial.

Madam Speaker, I also want to thank the gentleman from Indiana (Mr. ROEMER), along with the gentleman from Massachusetts (Mr. DELAHUNT), who holds the Adams seat in Congress, for their leadership in bringing this memorial forward.

Madam Speaker, I want to thank the gentleman from Colorado (Mr. HEFLEY), Chairman of the Subcommittee on National Parks, Recreation, and Public Lands, for moving this bill forward expeditiously, so that we can honor John Adams and his family over this 4th of July and that the future generations can learn from the character, valor and wisdom of John, Abigail, and John Quincy from a memorial, hopefully, near the Jefferson Memorial.

In one of the most extraordinary events in American history, John Adams and Thomas Jefferson, died on the same day.

And that day was July 4, on the 50th anniversary of our nation's founding. In 1959 Lester Cappon edited a two-volume edition of correspondence between John Adams and Thomas Jefferson. Like many others in our country, reading the exchanges of intellectual leaders of the founding of our Republic, helped spark my lifelong interest in history.

McCullough's book is a great place to start any study of John Adams. He makes his life vibrant—you feel like you know him well when you are done.

But there is a substantial body of literature on the Adams, if you desire further reading. I own a large office of collection of Adams' books.

The Book of Abigail and John edited by L.H. Butterfield features selected letters between husband and wife, probably unmatched in American history.

Adams: An American Dynasty by Francis Russell and Descent from Glory by Paul Nagel are studies of the Adams generations.

Passionate Sage by Joseph Ellis was just re-issued in paperback, and is an outstanding read whatever problems Professor Ellis is currently having.

I purchased the Character of John Adams by Peter Shaw in 1976, 25 years ago. It had a profound impact upon me, and made me an Adams admirer ever since.

Paul Nagel's biography of John Quincy Adams is probably the best book for further study of his amazing life.

Mrs. CHRISTENSEN. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a member of the Subcommittee on National Parks, Recreation, and Public Lands.

Mr. HOLT. Madam Speaker, I would like to right off the bat thank the gentleman from Indiana (Mr. ROEMER) for bringing recognition to John and Abigail Adams and their family, a century and three quarters after his death.

I would also like to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his generous gift of time to show me the old house in Quincy and introduce me to the Adams' family.

Having grown up on a family farm in Braintree, now Quincy, Massachusetts, Adams was fully expected to become a farmer and a clergyman, but he soon abandoned any hope of a quiet private life in exchange for a life that called on his vision and valor in the birth of a republic.

I underscore valor, because he and his compatriots at that time for all they knew were marching straight to the gallows. While many of his contemporaries were calling for compromise with Britain, Adams was one of the first to realize that independence was the only reasonable resolution of the relationship between the oppressive parent and its upstart colony.

Adams realized that America's future did not lie in negotiating concessions, but in promoting liberty by whatever means necessary. The fact that he was willing to fight for our independence is an indication of how fervently he believed in liberty, yet much of his public service was focused on avoiding war.

During the first months of his Presidential administration, Adams was confronted with the very real prospect of war with France. Many in his own party, including his own cabinet, supported the idea of waging war. Adams insisted on peaceful negotiations and diplomacy, and he was wise to have done so.

It is also only fitting in this legislation that we recognize his wife, Abigail. Through their 54-year marriage, Abigail was a sounding board and John Adams' closest advisor. No doubt, John Adams was one of the most visionary, valiant and courageous patriots to shape the American system.

There are good reasons why our Constitutional government survives and thrives, and the Massachusetts constitution that preceded it; John Adams' genius is a large part of that reason.

Now, some say we might not want to devote precious space here in the District of Columbia to yet another monument.

□ 1445

By the same token, I suppose we could steer the millions of tourists here to go to Charlottesville, Virginia, or to Springfield, Illinois, to the hometowns of these great patriots, and see the sites there and send millions of tourists to the narrow streets of Quincy. No. We should have a monument to this great man, these great people, here near the seat of government in Washington, D.C.

I thank my colleague for promoting this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentlewoman for yielding me this time.

I rise humbly today in support of H.R. 1668 to establish an Adams Memorial Foundation. I speak with profound gratitude to the gentleman from Indiana (Mr. ROEMER), a family man and my colleague, for his sincere promotion and presentation of this ideal, and the gentleman from Colorado (Mr. HEFLEY) for their promotion of this important work.

So many have spoken so eloquently, Madam Speaker, today about the reasons for a memorial to the second President of the United States of America. I would rather reflect on the significance of the day 1 week from today that John Adams, the second President, made possible, July 2, 1776. That is when the Colossus of Independence stepped into the breach and stepped onto the floor of the then Congress of the United States and drew upon his profound Christian faith and drew upon his courage and education, defended liberty and the notion of independence.

Thomas Jefferson would later write that, on that day, "His power of thought and expression moved us from our seats." He went on to say of John Adams' role in the creation of the Declaration of Independence that "no man better merited than Mr. John Adams to hold a most conspicuous place in its design, he was the pillar of its support on the floor of Congress. It is a blessed advocate and defender against the multifarious assaults it encountered. With the British floating in innumerable ships off the coast of Boston, it was the courage and faith and conviction of John Adams more than any other man on July 2, 1776, who began the process that wrought our independence, that wrought the freedom to have the debate on this floor every day."

As we stand 1 week from the celebration on that particular day of days, July 2, 1776, I commend the gentleman from Indiana (Mr. ROEMER), the gentleman from Colorado (Mr. HEFLEY) and all those to support this amendment. It is time that we remember the Colossus of Independence, John Adams.

Mrs. CHRISTENSEN. Madam Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), which will be the home of the new memorial.

Ms. NORTON. Madam Speaker, I thank the gentlewoman from the Virgin Islands for yielding me this time and for her very hard work, along with the gentleman from Colorado (Mr. HEFLEY), the Chair, in bringing this bill forward at such a timely moment.

I bring, I must say, particular congratulations, however, to the gentleman from Indiana (Mr. ROEMER) for what he has done and the way he has done it. If I may say so, I will be very sorry to see the gentleman from Indiana (Mr. ROEMER) leave at the end of the 107th Congress so that we might not have more enlightened ideas of this kind from him.

What he has done is define a great American family, one of the most distinguished in our history, who has simply been overlooked among all the memorials that stand out there all over Washington, D.C., our first and sixth President, and one of the most important First Ladies, Abigail Adams, an extraordinary writer in her own right and a strong abolitionist.

There is no need for us, really, to lay out the reasons for a memorial for this family in the CONGRESSIONAL RECORD. The reasons have already been laid out in the texts of American history and in the vindication of history itself.

Let me say a word about how the gentleman from Indiana (Mr. ROEMER) went about doing what he is doing because it is a case study, it seems to me, in how to approach a delicate area like the Mall.

He, from the beginning, in writing his bill, consulted with the relevant agencies, especially the National Capital Planning Commission, the agencies which Congress has given the authority over matters dealing with the mall. He is proceeding in full compliance with the Commemorative Works Act. He does not name a site for where the memorial shall be found. That we have given to the NCPC. He specifically states what should already be taken for granted, that his bill must be done in keeping with the Commemorative Works Act.

It is important to come forward and say what this Member has done because recently there has been a lot of controversy surrounding memorials on the Mall. Our generation is in danger of using all the available space on this small piece of land meant to serve Americans in perpetuity.

I commend the three commissions who are submitting a plan to fairly apportion space on the Mall. They have found for us areas contiguous to the Mall, areas near the Mall, areas centrally located where tourists may go.

One thing we know is that the Adams family belongs here on the Mall. The only question is how and where to put it. The gentleman from Indiana (Mr. ROEMER) wants to make sure that this is done right and done through the commissions who are expert at doing this.

Madam Speaker, one generation does not have the right to fill the Mall as if there will be no great men or women who come after us, none among our children or grandchildren or great grandchildren, but the Roemer bill says it even better. There must be space for those who, in our lack of wisdom, we have overlooked on the Mall.

The Roemer bill has found a great American family, which had no contemporaries to speak for them, no interest groups to speak for them. Instead, the Roemer bill let their contributions speak for themselves as a family worthy of recognition prominently in the Nation's Capital.

I thank the gentleman for the work he has done and for the work that will surely enhance the Mall area.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he might consume to the gentleman from Massachusetts (Mr. DELAHUNT), my last speaker, who represents Quincy, the home, the place that was the town that was home to President Adams and his family.

Mr. DELAHUNT. Madam Speaker, I thank the gentlewoman for yielding me this time, and I rise to mark an exciting occasion that, as David McCullough stated in his testimony, is some 200 years overdue, but better late than never.

I would take this occasion, also, to thank David McCullough for his contribution to the American people. Clearly, if there was a historian laureate as there is a poet laureate, I think we could all agree, the overwhelming consensus, it would be David McCullough. He has made history come alive in such a way that he has captured the attention of the American people.

I also want to thank the gentleman from Indiana (Mr. ROEMER). I think it was several Members who indicated their disappointment that he will not be returning in the next term. Let me add my voice to that. But let me reassure them that he will be very much involved and engaged in this effort as it proceeds over the course of the next several years. We have had many conversations regarding this, and I know he will continue to play a huge role.

Well, this legislation would at long last honor John, Abigail and John Quincy Adams, towering figures, as has been pointed out, to whom this Nation owes its very foundation. A family without peer in our Nation's history.

As my colleagues may understand, this is a special moment for me personally as a native son of Quincy, Massachusetts, where both John Adams and John Quincy Adams were born and raised. I sense; I feel deeply a certain political kinship, if you will, with this family as the first resident of Quincy to serve in this body since Charles Francis Adams, the son of John Quincy Adams, and obviously the grandson of John Adams, served in this body from 1859 to 1861.

Furthermore, Abigail Adams, wife and mother of the two Presidents, was from neighboring Weymouth, also part of our congressional district and where my own grandparents farmed and raised their children in the early 1900s.

Personally, this association is deeply humbling and yet the source of great inspiration. As it is in Weymouth and Quincy and throughout the region, the birthplace of this Nation, from the pilgrims' first landfall in Provincetown on Cape Cod and settlement in Plymouth, Massachusetts, to John Hancock, also of Quincy, who presided over the Continental Congress that declared our independence, no family in American history has contributed so uniquely to the creation, the birth of this country, and to our democracy and to its survival as have John Quincy and Abigail.

The citizens of Quincy, Weymouth and Braintree and across the south shore of Boston have long recognized the magnitude of this legacy with great pride. It is enormously gratifying that we may now share in this pride with fellow Americans by authorizing a fitting memorial in the Capital.

It is and has been no easy task to enhance public appreciation of the Adams family when the objects of your admiration do so little to cooperate. This was a fiercely ambitious and industrious family, but they also displayed a frankness and selflessness that is rare in public life. That may account, I would submit, for the lack of appropriate public recognition until now.

The tendency towards self-effacement is reflected in a 1776 letter from John to Abigail in which he said, and I am quoting, "Let me have my farm, family, and goose quill; and all the honors and offices this world can bestow may go to those who deserve them better and desire them more. I covet them not."

On another occasion, he wrote, "Mausoleums, statues, monuments will never be erected to me."

This modesty was becoming, but certainly unwarranted. Few families in American history have given so much to their country over so many generations as statesmen, diplomats, advocates and authors. For any student of the first two centuries of American history, it seems incredible that there is no such tribute. It should be a highlight of every school pilgrimage to Washington. Well, today we are addressing this omission.

One of the most remarkable experiences of my 5 years in Congress occurred just 2 weeks ago during a subcommittee hearing on this bill chaired by the Congressman from Colorado, and to whom we all owe a debt of gratitude for his handling in such an expeditious fashion by bringing this legislation to the floor. I am sure he agrees that it was a riveting history seminar by two of the most eminent scholars of our time, David McCullough and Joseph Ellis.

They painted a portrait of John Adams as the Colossus of Independence, we have heard that from others, who chose Jefferson to draft the Declaration and nominated Washington to command the Continental Army. As others have referenced and David McCullough suggested, while Jefferson was the pen of the Declaration, it was Adams that gave it voice.

□ 1500

And later, with a nascent America drawing its very first breaths, he was our most effective diplomat in the 1780s, winning recognition of our national sovereignty from European powers and securing loans from the Dutch to finance the revolution, thus keeping an infant Nation alive during its most precarious years. A man of extraordinary courage, he instinctively embraced the public interest, even when it conflicted with his own self-interest, as when, as our second President, he steered America clear of the public outcry for war with France at the expense of his own reelection.

At his side throughout was a one-woman cabinet, Abigail Adams, whose influence would be impossible to overstate. She possessed a keen intellect.

The SPEAKER pro tempore (Mrs. BIGGERT). All time has expired.

Mrs. CHRISTENSEN. Madam Speaker, I ask unanimous consent for an additional 5 minutes on both sides.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, she was also an unwavering moral compass for her husband and for her son. She expressed with incredulity that patriots striving for independence could conceive of a new nation embracing the concept of slavery. She was their conscience. And their son, John Quincy Adams, diplomat, Secretary of State, author of the Monroe Doctrine, tireless abolitionist, and sixth President of the United States, died in this Chamber, in Congress, while the war with Mexico was being debated.

With so many lawyers and legislators nearby, I just want to say a brief word about the lasting contributions of John and John Quincy Adams to the development of the rule of law, not just here in America but around the world. It is truly a living legacy that continues to have powerful influence in the 21st century as we observe emerging democracies everywhere following, embracing the Adams model.

As early as 1776, Adams wrote, "The surest way to secure an impartial and exact execution of the laws was by guaranteeing an independent Judiciary." "Judges," he said, "should be subservient to none nor more complacent to one than another." In 1780, he had the opportunity to put these ideas, these concepts, into action as the framer of the constitution of the Commonwealth of Massachusetts, the oldest written constitution still in force and the first to enshrine the concept of a coequal and independent Judiciary, "peopled by judges," as he said, "as free, impartial, and independent as the lot of humanity will admit."

He was keenly aware that it is an independent Judiciary that can best protect fundamental personal liberties against the tyranny of despots and the tyranny of majorities. And when, 9 years later in the Constitutional Convention, our constitution was being considered, the framers adopted the system conceived by Adams, including his system for ensuring the independence of judges through life tenure, fixed compensation, and removal only by impeachment.

When, in 1801 his Presidency was drawing to a close, John Adams appointed John Marshall as the fourth chief justice of the United States, an appointment that would do more than any other in the history of our Nation to confirm the power and the independence of the judicial branch of government.

The Adams vision of the rule of law that a truly independent Judiciary is absolutely essential to a healthy and vibrant democracy has been proven by history, and it is high time that we celebrate that.

Not so long ago we celebrated the 200th anniversary of the arrival of John and Abigail Adams as the first occupants of the White House. With remarkable parallels to the 41st and 43rd Presidents, what an appropriate time to honor the Adams legacy, and I am confident that we shall.

As Mr. Ellis has observed in his testimony before the subcommittee, Washington and Jefferson required Adams' company during their lifetimes. They need him now in their repose. So do we.

So on behalf of the residents of Quincy and Weymouth, Braintree, and the south shore, I suggest we need to honor the Adams legacy now to achieve a more profound appreciation of this masterpiece of human genius and divine blessing called America.

The SPEAKER pro tempore. The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) has 1 minute remaining and the gentleman from Colorado (Mr. HEFLEY) has 5 minutes remaining.

Mr. HEFLEY. Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself the balance of my time to once again commend and thank our colleague, the gentleman from Indiana (Mr. ROEMER), the sponsor of this bill, and thank our chairman for the generosity with time this afternoon.

Madam Speaker, I yield back the balance of my time.

Mr. HEFLEY. Madam Speaker, I yield myself the balance of my time to again thank the gentleman from Indiana (Mr. ROEMER), the gentleman from Massachusetts (Mr. DELAHUNT), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN). Without the gentlewoman's help, this would not have been possible to move this quickly. She has been a delight to work with on this, and indeed to work with on all the things we have worked with so far in Subcommittee on National Parks, Recreation, and Public Lands. And I want to thank the rest of the subcommittee members as well.

I got a real education during this process. I have to admit that I too have not, and I perceive of myself as being some kind of an amateur historian, I love history; and yet I too did not understand the significance of John Adams, and not only John Adams but the Adams family. I am thankful for this being brought to my attention because it enriches my life as well.

There are principles to be taken, I think, from Adams' life. They are almost without number; but the ones I jotted down were his intelligence, his courage, his tenacity, his love of country, his religious faith, and something we, as politicians, talk about all the time and will be talking about on the stump during the 4th of July, I am sure, his belief in family values. If it were not for that strong belief in family values, he would not have had the kind of illustrious family that he has. So I am thankful for the education I received from this and for the education that future generations of Americans will get from the memorial that is created as a result of this.

Madam Speaker, this is a bill whose time has come. Let us pass it here today. Let us encourage our friends in the Senate to pass it. My dream, and I am sure the dream of the gentleman from Indiana (Mr. ROEMER), would be that they too, even this week before recess, before the 4th of July, would pass this out of the Senate, and we would send it down to the President for his signature.

Mr. SMITH of Texas. Madam Speaker, I am grateful to Representative TIM ROEMER for introducing H.R. 1668. This legislation would authorize the Adams Memorial Foundation to establish a monument in our nation's capital to one of the most remarkable public servants this city and our country have ever known: our first vice-president and our second president, John Adams.

John Adams was the primary architect of the government in which all of us play an active role today, more than 200 years after he commenced his brave and tireless work to liberate his fellow citizens from the English Crown. Virtually millions of people have been the beneficiaries of his brilliant courage, but ironically, few of us fully understand and appreciate the depth or nature of the debt we owe him.

Madam Speaker, it was John Adams who authored a pamphlet that laid out the design adopted by our government in structuring three distinct and independent branches: our bicameral legislature, our executive branch and our independent judiciary. It is useful and appropriate to observe that it was John Adams who arguably fought more fiercely than any other person to ensure that our judiciary was independent. It was John Adams who observed that "we must be a nation of laws and not of men."

Madam Speaker, John Adams was also a great student of the world. He once wrote that "I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture in order to give their children a right to study paintings, poetry, music, architecture, statuary, tapestry and porcelain."

Benjamin Rush, himself a signer of the Declaration of Independence, wrote a letter in 1812 to his close friend John Adams in which he acknowledged that, "I consider you and [Jefferson] as the North and South Poles of the American revolution. Some talked, some wrote, and some fought to promote and establish it but you and Mr. Jefferson thought for all of us."

Jefferson himself called Adams the "colossus of independence," and in later recalling the driving force that Adams was in the Continental Congress, Jefferson observed that Adams's "sense and thought moved us from our seats."

Madam Speaker, let us honor, this great leader, patriot, and talented author of liberty to whom we owe our very freedom and independence as we approach the coming Fourth of July holiday; he who did more than any other person in the Continental Congress to bring it all about: John Adams.

It is gratifying that author David McCullough has appropriately been recognized by his alma mater and in 1998 received an honorary degree from Yale University.

Mr. RAHALL. Madam Speaker, with the 225th anniversary of our Declaration of Independence being celebrated next week, it is with particular patriotic pride that the House should consider today H.R. 1668, a bill to authorize the Adams Memorial Foundation to establish a commemorative work to honor former President John Adams, his family and his legacy.

We can thank many people for bringing the House to this point, but I want to pay tribute to the work of one Member of this body who's inspiration and yeoman's work truly has given life and legs to the idea for an Adam's Memorial.

This member's work is based not in the politics of the moment or the whims of a majority, not upon the interest of a monied few or is it masked in media mania.

Representative TIM ROEMER's fount for this memorial was refreshingly found deep within the well spring of democracy itself, intellectual curiosity.

Though Adams himself sought no memorial, even he would appreciate the sentient scene of ROEMER cloistered in the Library of Congress greedily soaking up the lyrical lessons of Adams to the Continental Congress working tirelessly toward independence, drafting our Nation's now oldest constitution, that of the Commonwealth of Massachusetts, and continuing his service as Vice-President and President of the United States.

Representative ROEMER himself stands sentinel to all that Adams worked for his entire life, enlightened leadership. We thank him for his work on this legislation. Which will help illuminate our Nation's founding and the contributions Adams can still bring to Americans today.

Madam Speaker, as this bill's language points out, somewhere along the way, we lost sight of the extraordinary national contributions of John Adams and those of his wife Abigail and their offspring. Among the gleaming marble facades of our presidential constellation along our national mall, among the many sites where we pay homage to individual's throughout America's history here in our Nation's Capital, there is a void, an Adams void, that should be filled.

Daniel Webster, on the occasion of the deaths of John Adams and Thomas Jefferson on July 4th, 1826, noted: "A truly great man . . . is no temporary flame." Rather he concluded it is "a spark of fervent heat, as well as radiant light, with power to rekindle the common mass of human kind; so that when it glimmers in its own decay, and finally goes out in death, no night follows, but it leaves the world all light, all on fire from the potent contact of its own spirit."

It is time we reignited the flame of Adams genius and work. Our flint and steel will be an interpretive memorial for generations to visit, perpetually sparking their curiosities of this great American, John Adams, his legacy and his family.

Former Librarian of Congress, Daniel Boorstin, has highlighted for me a passage in a letter Thomas Jefferson sent Adams recalling the joint efforts of the two old revolutionaries, "We were fellow-laborers in the same cause . . . Laboring always at the same oar, with some wave ever ahead, threatening to overwhelm us, and yet passing harmless under our bark, we knew not how we rode through the storm with heart and hand, and made a happy port . . . and so we have gone on, and shall go on puzzled and prospering beyond example in the history of man."

With heart and hand let us give sail to that same voyage in the tradition of our founders. Let us hold the lamp of liberty bright to find passage through storms beyond our horizons and batten down all doubts of democracy by hoisting high the life and legacy of John Adams.

Mr. HEFLEY. Madam Speaker, I hope that we pass this bill unanimously here today, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 1668, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HEFLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HEFLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material in the RECORD on H.R. 1668, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AUTHORIZING FUNDING FOR NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE

Mr. LUCAS of Oklahoma. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 657) to authorize funding for the National 4-H Program Centennial Initiative.

The Clerk read as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL 4-H PROGRAM CENTENNIAL INITIATIVE.

(a) FINDINGS.—Congress finds that—

(1) the 4-H Program is 1 of the largest youth development organizations operating in each of the 50 States and over 3,000 counties;

(2) the 4-H Program is promoted by the Secretary of Agriculture through the Cooperative State Research, Education, and Extension Service and land-grant colleges and universities;

(3) the 4-H Program is supported by public and private resources, including the National 4-H Council; and

(4) in celebration of the centennial of the 4-H Program in 2002, the National 4-H Council has proposed a public-private partnership to develop new strategies for youth development for the next century in light of an increasingly global and technology-oriented economy and ever-changing demands and challenges facing youth in widely diverse communities.

(b) GRANT.—

(1) IN GENERAL.—The Secretary of Agriculture may provide a grant to the National 4-H Council to pay the Federal share of the cost of—

(A) conducting a program of discussions through meetings, seminars, and listening sessions on the National, State, and local levels regarding strategies for youth development; and

(B) preparing a report that—

(i) summarizes and analyzes the discussions;

(ii) makes specific recommendations of strategies for youth development; and

(iii) proposes a plan of action for carrying out those strategies.

(2) COST SHARING.—

(A) IN GENERAL.—The Federal share of the cost of the program under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of the program under paragraph (1) may be paid in the form of cash or the provision of services, material, or other in-kind contributions.

(3) AMOUNT.—The grant made under this subsection shall not exceed $5,000,000.

(c) REPORT.—The National 4-H Council shall submit any report prepared under subsection (b) to the President, the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) FUNDING.—The Secretary may fund the grant authorized by this section from—

(1) funds made available under subsection (e); and

(2) notwithstanding subsections (c) and (d) of section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f), funds from the Account established under section 793(a) of that Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentlewoman from North Carolina (Mrs. CLAYTON) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

I rise today to urge my colleagues to support S. 657, a bill that authorizes funding for the National 4-H Program Centennial Initiative. 4-H has been a guiding force for America's youth for over the past century. It has taught countless numbers of youth responsibility and a sense of community.

This bill is identical to a House version, H.R. 1388, that the gentleman from Iowa (Mr. GANSKE) and the gentlewoman from North Carolina (Mrs. CLAYTON) and I strongly support. S. 657 will provide the money for the 4-H programs in all 50 States to conduct meetings, seminars, and listening sessions on the national, State and local levels regarding strategies for youth development. Most importantly, it requires a report that Congress and the President can use to help determine what avenues and programs are best suited to helping the youth of this country.

S. 657 will allow the Secretary of Agriculture to provide a $5 million grant to the National 4-H Council. The bill sets up a cost-share structure so that the private sector will match the grant up to $5 million.

For those of my colleagues that are wondering why my Subcommittee on Conservation, Credit, Rural Development and Research is so concerned, let me get right to the point. The rural development and research programs that my subcommittee is responsible for overseeing are stretched very thin, and the loss of young people in our rural areas is extremely disturbing. The best thing about the 4-H youth program is that it not only helps youth in rural communities but urban and suburban communities as well, because 4-H programs are present in over 3,000 counties in the United States.

The National 4-H Program Centennial Initiative is good for America's youth and for America's future. I urge my colleagues to vote "yes" on this important piece of legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CLAYTON. Madam Speaker, I yield myself such time as I may consume.

I also rise in support of this bill, S. 657, which provides funding to support the National 4-H Program Centennial Initiative. For 100 years, the 4-H program has served the youth of this Nation by providing leadership training and education in a wide array of life skills. Our Nation has changed. The 4-H program has changed as well. While many may think that the 4-H program is for rural youth only, the fact is that now over 35 percent of the programs for youth are really, indeed, in urban and suburban areas. Without abandoning their original core constituency, the 4-H program and its thousands of volunteers have expanded their program throughout our Nation.

So as the 4-H program celebrates its 100 years of service to American youth, this bill will play an important part. S. 657 will authorize funding for a grant, as has been mentioned, which will be administered by the USDA to help the National 4-H Council plan a national convention to develop critical youth-development strategies for the next century. The $5 million provided by this act will be paid out in a 50-50 Federal-private matching grant, so it will also be a tool to leverage additional private resources or resources from non-Federal sources.

Helping to shape the future of our Nation's youth is one of the most important investments this Congress can make. This is one good effort we can make in that regard. I thank the gentleman for bringing this bill to the floor, and I am delighted to encourage my colleagues to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. GANSKE).

☐ 1515

Mr. GANSKE. Madam Speaker, I am thankful that the House is taking up this legislation today which is the companion bill to the Ganske 4-H bill, H.R. 1388, which has wide bipartisan support.

In April, a group of 4-H'ers from Iowa asked me to introduce this legislation in the House of Representatives. Since 4-H has been working to serve both rural and urban kids for over 100 years, I was proud to help them.

Madam Speaker, this is the 4-H logo. It stands for head, heart, hands and health: Head for clearer thinking, heart for greater loyalty, hands for larger service, and health for better living. These are goals that are laudatory.

4-H is active in all 50 States and the District of Columbia. It has chapters in over 3,000 counties, and has almost 7 million members. There are over 600,000 4-H volunteer leaders around the country, and I want to thank them for their efforts and for the countless hours they have put in. I know that those volunteers also recognize that their own lives are enriched by the time they spend with kids in 4-H.

Madam Speaker, 4-H is often seen as a rural organization, and it has served rural areas very successfully through its history. But the organization is very active in serving youth in our urban areas and cities. Over a third of its members are from the suburbs and cities.

Madam Speaker, 4-H is undertaking an ambitious plan to use the celebration of its 100th anniversary to foster a new initiative in youth development, culminating in a plan of action for families, communities and youth leaders around America to implement strategies for youth development to lead us into the next century. I strongly encourage my colleagues to support 4-H by voting for this legislation.

I am honored that I was able to play a role in bringing this legislation forward, and I thank the gentleman from Oklahoma (Mr. LUCAS) and the gentlewoman from North Carolina (Mrs. CLAYTON) for their important contributions as well. Vote for this legislation.

Mrs. CLAYTON. Madam Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, as a proud Hoosier representing proud 4-H'ers across Indiana, and as a former 4-H'er myself, I am proud to stand in favor of S. 657 to authorize funding for the National 4-H Program Centennial Initiative. I want to thank the gentleman from Oklahoma (Mr. LUCAS), the gentlewoman from North Carolina (Mrs. CLAYTON) and the gentleman from Iowa (Mr. GANSKE) for their seminal work on this project, and for their efforts to raise the national profile of 4-H through this study.

Madam Speaker, think of it: 50 States, 3,000 counties, and just as many county fairs, 4-H is making a difference in the lives of America's youth. In the year 2002, 4-H will celebrate 100 years of having fun and making a difference for kids in both rural areas and, in increasing measure, in urban areas around the United States of America.

The grant authorized by this legislation for the Secretary of Agriculture will not only provide the opportunity to study strategies for youth development, but as the gentleman from Oklahoma stated, it will require a report to the President. It will require leadership in 4-H, both public and private, to think clearly about the next 100 years of youth development in 4-H.

Madam Speaker, $5 million may not seem like a lot of money in this town, but all across America $5 million is very serious money. It gives us a genuine opportunity to assist 4-H in developing new strategies to face the new horizons for America's youth increasingly beset by distractions of a destructive nature that lead them down a path of unproductive lives.

Madam Speaker, 4-H is fun. But as the gentleman from Iowa (Mr. GANSKE) stated so eloquently, it is much more than just fun. It is head, heart, hands and health. It is teaching the habits of good living to young boys and girls across America.

Madam Speaker, 4-H makes a difference, and so I stand in strong support and urge all of my colleagues to support this bill to authorize funding for the National 4-H Program Centennial Initiative.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is one of those occasions where as a Member of Congress, we have an opportunity to return something to one of the organizations that gave us the opportunities that we now enjoy.

I think back to my days at Crawford Public School as a member of the Crawford Junior 4-H Club when I had my first opportunity to participate in leadership experience, my first opportunity to be a president of anything. This is my opportunity to return to 4-H, this body's opportunity to return to 4-H, part of what it has provided all of us with.

Mr. CHAMBLISS. Madam Speaker, I support this bill to authorize funding for the National 4–H Program Centennial Initiative. From its beginnings as the Corn Club for Boys and Tomato Canning Club for Girls, the 4–H program has grown to one of the largest youth organizations in the United States with more than 6.8 million participants. Today 4–H'ers can be found building model rockets, organizing canned food drives for the needy, showing livestock, delivering a speech before local government officials on issues critical to youth, and much more.

In celebration of the centennial of the 4–H Program in 2002, the National 4–H Council has proposed a public-private partnership, to develop new strategies for youth development for the next century. As our world becomes increasingly global and technology-oriented, the demands and challenges facing youth continue to change. This bill will allow the program to change as well. The bill calls for the federal government to provide a $5 million federal grant that may be matched by non-federal sources.

Today, as a former 4–H member I ask for your support of the youth of America by passing this bill and allowing this great youth organization to evolve into the next century.

Mr. MORAN of Kansas. Madam Speaker, on behalf of over 94,101 Kansas youth involved in the 4–H program, I rise today in support of the National 4–H Program Centennial Initiative. 2002 marks the 100th anniversary of 4–H and it is only fitting that today we take action to recognize the important contributions that this organization has made in the development of our youth.

In my home state of Kansas, 4–H is the largest youth organization outside of school. Almost 100,000 youth between the ages of 7–19 are involved in 3,065 4–H clubs and groups. 4–H reaches 1 in 7 Kansas youth, helping them develop important life skills such as teamwork, cooperation, time management, and communication.

4–H is a diverse organization, in both its membership and programming. 4–H is traditionally thought of as being targeted to "farm kids." Yet 55% of 4–Her's in Kansas, a very rural state, reside in suburban and urban areas. Of the 6.8 million youth in 4–H nationwide, 30% represent minority racial, cultural, and ethnic populations. In fact, minority youth are the fastest growing segment of 4–H membership.

While 4–H has expanded to meet the needs and interests of youth with diverse backgrounds in all types of communities, at the same time it continues to honor its historic connection with America's rural communities. In Kansas, 45% of 4–H participants live on farms or in rural areas. As a member of the Agriculture Committee and the Congressional Rural caucus, I understand and appreciate the leadership and opportunity 4–H has provided to millions of our rural youth over the past century.

The purpose of 4–H is illustrated in the 4–H's—head, heart, hands and health—which make up the symbolic 4–H clover. As the pledge states, 4–H does indeed teach youth to think more clearly, to value loyalty, to engage in service, and to follow a healthy lifestyle so that they may become better citizens who will enrich the lives of others and improve our society.

The occasion of a centennial is a significant milestone for any organization, and I am proud of the century of service 4–H has given to our nation. I encourage my colleagues to recognize the contributions and value of 4–H youth development by supporting the National 4–H Program Centennial Initiative.

Mr. HAYES. Madam Speaker, I rise in support of House bill 1388 to authorize funding for the National 4–H Program Centennial Initiative. For 100 years 4–H programs across the United States have been producing exemplary citizens. I believe that programs such as 4–H that promote healthy lifestyles, good decision making skills, and loyalty to one's self, community, country and world are vital to the development of our nation's youth. The program has successfully reached our youth in over 3,000 counties in all 50 states. Through conferences, exchanges, and camps in North Carolina, 4–H is making a difference in the lives of young people.

Through federally-funded grants, this bill will make it possible to conduct meetings and seminars to determine what youth development programs are needed and/or currently working and allow this important program to succeed another one hundred years.

4–H participants in North Carolina and across the country benefit from the relationships formed and the timeless values taught through the program. The 4–H program teaches young people skills that will last a lifetime, and reaches students in both rural and urban areas, while not misplacing the values the organization was founded upon. Thank you and I urge my colleagues to support this bill.

Mr. RODRIGUEZ. Madam Speaker, I rise this evening to offer my full support of funding for the National 4–H Program Centennial Initiative. 4–H is the youth education branch of the Cooperative Extension Service, which is also a program of the United States Department of Agriculture. The 4–H program is one of the nation's largest youth development organizations operating in over 3,000 counties throughout each of the fifty states. Texas has one of the largest memberships which includes more than 1.1 million children and teenagers. In and around the district I am privileged to represent, the 28th District of Texas, more than 72,000 young people are enrolled in the 4–H program.

In anticipation of its centennial in 2002, the National 4–H Council has proposed the creation of a public-private partnership to develop new strategies for youth development that will reflect the fast-changing realities of life in the 21st Century. Among other things, 4–H hopes to examine the impact of expanding globalization and the role of emerging high technology businesses.

The National 4–H Program Centennial Initiative will promote program discussions on the national, state, and local levels. These programs, whether meetings, seminars, or listening sessions, will promote new strategies for youth development and education. This legislation will provide grants up to $5 million to the National 4–H Council to federal share of program costs. Funding for these planning strategies will help address the issues facing millions of youth all across America.

During these sessions, which will begin at the county level, interested young people will be able to raise issues or questions that face them and their future, such as how the 4–H program can best use emerging technologies to meet tomorrow's challenges. The results of these county sessions will form the foundation of a national strategic plan to implement changes and better prepare for the future. The diverse backgrounds and needs of Texas' counties will be reflected in these reports, helping 4–H members all across the nation understand and adapt to our changing world.

Funding for this program will greatly benefit America's future by helping today's youth. We always say that our children are our future. Let's give them the chance to speak out and address the concerns of our changing world.

Mr. LUCAS of Oklahoma. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the Senate bill, S. 657.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LUCAS of Oklahoma. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 657, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 160) calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 160

Whereas in recent months the Government of the People's Republic of China has arrested and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including at least 2 United States citizens and 3 permanent residents of the United States;

Whereas according to the Department of State's 2000 Country Reports on Human Rights Practices in China, and international human rights organizations, the Government of the People's Republic of China "has continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms";

Whereas the harassment, arbitrary arrest, detention, and filing of criminal charges against scholars and intellectuals has created a chilling effect on the freedom of expression, in contravention of internationally accepted norms, including the International Covenant on Civil and Political Rights, which the People's Republic of China signed in October 1998;

Whereas the Government of the People's Republic of China frequently uses torture and other human rights violations to produce coerced "confessions" from detainees;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China has extensively documented that human rights abuses in the People's Republic of China "included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process", and also found that "[p]olice and prosecutorial officials often ignore the due process provisions of the law and of the Constitution . . . [f]or example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence";

Whereas the Government of the People's Republic of China has reported that some of the scholar detainees have "confessed" to their "crimes" of "spying", but it has yet to produce any evidence of spying, and has refused to permit the detainees to confer with their families or lawyers;

Whereas the Department of State's 2000 Country Reports on Human Rights Practices in China also found that "police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret";

Whereas Dr. Li Shaomin is a United States citizen and scholar who has been detained by the Government of the People's Republic of China for more than 100 days, and was formally charged with spying for Taiwan on May 15, 2001;

Whereas Dr. Li Shaomin has been deprived of his basic human rights by arbitrary arrest and detention, and has not been allowed to contact his wife and child (both United States citizens), or his lawyer;

Whereas Dr. Gao Zhan is a permanent resident of the United States and scholar who has been detained by the Government of the People's Republic of China for more than 114 days, and was formally charged with "accepting money from a foreign intelligence agency" on April 4, 2001;

Whereas Dr. Gao Zhan has been deprived of her basic human rights by arbitrary arrest and detention, and has not been allowed to contact her husband and child (both United States citizens), her lawyer, or Department of State consular personnel in China;

Whereas Wu Jianmin is a United States citizen and author who has been detained by the Government of the People's Republic of China, has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Qin Guangguang is a permanent resident of the United States and researcher who has been detained by the Government of the People's Republic of China on suspicions of "leaking state secrets", has been deprived of his basic human rights by arbitrary arrest and detention, has been denied access to lawyers and family members, and has yet to be formally charged with any crimes;

Whereas Teng Chunyan is a permanent resident of the United States, Falun Gong practitioner, and researcher who has been sentenced to three years in prison for spying by the Government of the People's Republic of China, apparently for conducting research which documented violations of the human rights of Falun Gong adherents in China, has been deprived of her basic human rights by being placed on trial in secret, and her appeal to the Beijing Higher People's Court was denied on May 11, 2001;

Whereas Liu Yaping is a permanent resident of the United States and a businessman who was arrested and detained in Inner Mongolia in March 2001 by the Government of the People's Republic of China, has been deprived of his basic human rights by being denied any access to family members, by being denied regular access to lawyers, is reported to be suffering from severe health problems, and has yet to be formally charged with any crimes;

Whereas because there is documented evidence that the Government of the People's Republic of China uses torture to coerce confessions from suspects, and because the Government has thus far presented no evidence to support its claims that the detained scholars and intellectuals are spies, and because spying is vaguely defined under Chinese law, there is reason to believe that the "confessions" of Dr. Li Shaomin and Dr. Gao Zhan may have been coerced; and

Whereas the arbitrary imprisonment of United States citizens and residents by the Government of the People's Republic of China, and the continuing violations of their fundamental human rights, demands an immediate and forceful response by Congress and the President of the United States: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release;

(B) condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them;

(C) condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People's Republic of China, of which the unjust detentions of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, are only important examples;

(D) strongly urges the Government of the People's Republic of China to consider carefully the implications to the broader United States-Chinese relationship of detaining and coercing confessions from United States citizens and permanent residents on unsubstantiated spying charges or suspicions;

(E) urges the Government of the People's Republic of China to consider releasing Liu Yaping on medical parole, as provided for under Chinese law; and

(F) believes that human rights violations inflicted on United States citizens and residents by the Government of the People's Republic of China will reduce opportunities for United States-Chinese cooperation on a wide range of issues; and

(2) it is the sense of the House of Representatives that the President—

(A) should make the immediate release of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan a top priority of United States foreign policy with the Government of the People's Republic of China;

(B) should continue to make every effort to assist Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, and Teng Chunyan, and their families, while discussions of their release are ongoing;

(C) should make it clear to the Government of the People's Republic of China, that the detention of United States citizens and residents, and the infliction of human rights violations upon United States citizens and residents, is not in the interests of the Government of the People's Republic of China because it will reduce opportunities for United States-Chinese cooperation on other matters; and

(D) should immediately send a special, high ranking representative to the Government of the People's Republic of China to reiterate the deep concern of the United States regarding the continued imprisonment of Li Shaomin, Gao Zhan, Wu Jianmin, Qin Guangguang, Teng Chunyan, and Liu Yaping, and to discuss their legal status and immediate humanitarian needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in an emotional appeal before the House Committee on International Relations last Tuesday, the wife of Dr. Li Shaomin and the husband of Dr. Gao Zhan, two highly respected scholars held hostage by the People's Republic of China, asked Congress and the President to leave no stone unturned in securing the release of their loved ones.

Also at that hearing, Mike Jendrzejczyk of Human Rights Watch made a number of incisive comments and said, "The detentions of respected China scholars have sent a shock wave through the international academic community. Many researchers are increasingly worried about the risks of working in China, and have taken extraordinary steps to speak out."

He noted on April 17, more than 400 leading scholars from 14 countries, as well as Taiwan and Hong Kong, all of them who work in the field of China studies, sent a petition to President Jiang Zemin. The authors of the letter noted that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the latter, which was ratified last February, makes it very clear that holding academics and scholars are precluded by international law. Movever, China's intolerance to free expression will likely deter other academics from pursuing research in the People's Republic of China. The respected human rights leader bottom-lines it and says, "The detentions raise serious questions about the rule of law in China and whether it exists."

Indeed, Madam Speaker, at least six Chinese American scholars and intellectuals are today being unjustly detained. They are being held hostage by the PRC, an outrage that demands immediate relief. H. Res. 160, which I introduced on June 8 and now has approximately 40 cosponsors, calls for the immediate and unconditional release of these scholars and academics.

These include: Dr. Li Shaomin, who is a United States citizen and scholar who has been detained by the PRC for 120 days and counting. He has been deprived of his basic human rights by arbitrary arrest, detention and indictment, and has not been allowed to contact his wife and child, both of whom are American citizens as well, nor has he been in contact with his lawyer.

Dr. Gao Zhan is a permanent resident of the United States and is a member of the faculty of American University. She has been detained by the People's Republic of China for 134 days and counting.

Mr. Wu Jianmin is an American citizen and author who has been detained by China and deprived of his basic human rights by arbitrary arrest and detention.

Qin Guangguang is a permanent resident of the United States and a researcher who has been detained by China on suspicions of leaking state secrets. His human rights have been violated by arbitrary arrest and detention.

Ms. Teng Chunyan is a permanent resident of the United States, a researcher and a Falun Gong practitioner. She has been sentenced to 3 years in prison for spying by the PRC. The apparent reason for her sentence is her research showing that the PRC is violating the human rights of Falun Gong adherents in China. If that is true, Madam Speaker, the U.S. State Department is guilty of that charge. This country's Report on Human Rights Practice, which catalogs the myriad of human rights abuses by China, also points out that at least 100 Falun Gong were tortured to death last year as part of their crackdown.

Then there is Mr. Liu Yaping. He is a permanent resident of the United States and a businessman. He was arrested in Inner Mongolia in March 2001. He has been diagnosed with severe health problems while in detention, including a brain aneurysm which may rupture. The reason for his arbitrary arrest and detention are unclear. He has had no contact with his family, and has not had regular access to his lawyers.

Madam Speaker, at a hearing of the Committee on International Relations, noting that both she and her husband, Li Shaomin, are American citizens, Liu Yingli testified, "If China's Ministry of State Security can get away with imprisoning my husband now, it may well detain more academics in China in the future, regardless of their skin color, or country of origin."

Despite the fact that Dr. Li is not a political activist or dissident, but is a teacher who worked for AT&T in New Jersey for 8 years, Liu Yingli said, "This case is not just about the freedom of one man, but about academic freedom." Again, Dr. Li has been held hostage for 120 days.

Liu Yingli also testified, "It has been nearly 4 months since Li Shaomin's detention on February 25: 4 months of grief and pain, 4 months of worry and fear. But we are American citizens. We should not have to live with such fears."

She said, "This painful experience has not spared our daughter, who is only 9, and our parents, who are more than 70 years old. Our family has spent sleepless nights and restless days waiting for news of Shaomin. Our daughter, Diana, has asked repeatedly when Daddy will come home."

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Madam Speaker, when this unjust detention was brought to my attention I expressed concern and dismay. But when I met with Liu and her daughter—I knew more—much more had to be done. Diana, the 9-year-old daughter of Dr. Li asked me to help her dad. She composed two letters and drawings in crayon that really hit home with me. One that was for me and one I was asked to give to President Bush. I would just like to quote the one that I gave to the President on April 25. I hand delivered it to him.

"Hi, Mr. President,

"My name is Diana Li. I am 9 years old. I have never written to a President before in my life. Now I am writing because China has captured my daddy, Shaomin Li. I need your help to rescue my daddy. Would you please help me? I miss my daddy very much. I can imagine if you were captured by China, your daughters would miss you very much, too. And so would their mom.

"Please help me rescue my daddy. Thank you. Diana Li."

Madam Speaker, let us hope that the crayon is mightier than the sword and that Beijing will understand the extreme folly of their hostage-taking and listen as well to the plea of a 9-year-old asking for her father.

And, Madam Speaker, the cases of the other hostages are equally compelling. At the hearing last Tuesday, we also heard from Donghua Xue, the husband of Dr. Gao Zhan, who has been held hostage for 134 days. Mr. Xue, a senior systems analyst at EDS Corporation, told us how on February 11 when he and his wife, a U.S. permanent resident and research fellow at American University and their 5-year-old son Andrew, an American citizen, were leaving China after a brief vacation, were arrested and detained. To quote Mr. Xue.

"The three of us were separated by force, blindfolded and held in three different places."

Donghua was held for 26 days. His 5-year-old son, an American citizen, was separately held for 26 days without any contact whatsoever with his parents or family members. Even our embassy in Beijing was in the dark about this littlest hostage who, I need to say again, is an American citizen.

Madam Speaker, it was and is abundantly clear that Mr. Xue is desperately worried about his wife's condition, and he told us at the hearing that her attorneys in Beijing have made several attempts to visit her and they have all been denied. The only reason we can think of, he went on to say, is that she perhaps has been physically tortured or at least has some obvious wounds that they do not want the outside world to see. In a word he went on, "My wife Gao Zhan is in a very dangerous situation. I am calling on the American government to try even harder to help."

In his testimony, Madam Speaker, Mr. Xue also underscored the Chinese government's rhetorical commitment to the rule of law. He said "the Chinese Ambassador to the U.S. emphasized several times in his letters to the congressional Members and to U.S. officials that, quote, "China is a country ruled by laws." The spokesman from the Chinese foreign minister has said that they, quote, "strictly follow the legal procedures to deal with the scholars' cases."

"I certainly wish that these statements were true," he went on, "but from my nightmare experience in China, the statements are far from reality. To make a family disappear from the earth for almost a month, to illegally detain my son Andrew," he testified, "a U.S. citizen for 26 days, without even notifying the U.S. embassy, to separate a 5-year-old American child by force from his legal guardians and his family, to emotionally and psychologically torture a 5-year-old child for several weeks just for interrogations hostage. These actions not only violate Chinese and international laws and U.S.-China treaties, these actions are inhuman and they are barbaric. We can only associate these actions with the terrorism organizations, not with a country that purports to be ruled by laws."

Mr. Xue also made an important comparison, Madam Speaker, with the way in which his wife's case has been portrayed and that of our 24 detained servicemen and women from the EP-3E reconnaissance aircraft. I quote him again:

"When our 24 crew members had been detained in China, they were allowed to meet with U.S. officials. They were allowed to send messages to their families. They lived in a hotel condition according to news reports. They were finally released after 11 days of diplomatic negotiations. We don't know where our scholars are. We don't know anything about my wife's health condition. But one thing we are 100 percent sure of, they are not living in a hotel condition. Why do they treat crew members and the scholars so differently? It is the Chinese government who is discriminating against the Chinese people. I hope the American government pays the same effort as they did for the crew members to rescue these detained scholars."

Madam Speaker, I urge the passage of this resolution. Hopefully, this is the first step in raising everyone's consciousness concerning this outrage of hostage-taking of these Chinese Americans.

Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 160. I commend my good friend and colleague, the gentleman from New Jersey (Mr. SMITH), for introducing this important resolution and for his quite eloquent advocacy of it. We have so often heard the pleas of children hurt by governments, hurt by violations of human rights; and I think that it will often be quoted, "Let the crayon be mightier than the sword." I say to the gentleman from New Jersey, that is a line that I think we should remember.

Madam Speaker, this resolution calls on the government of the People's Republic of China to immediately and unconditionally release American scholars of Chinese ancestry, including both United States citizens and U.S. permanent residents, being held in detention. Unfortunately, the recent arrest of these scholars is only the latest example of the Chinese Government's willingness to invent false accusations against perfectly innocent people, especially those involved in the noble but dangerous effort to secure human rights for the people of China.

To illustrate the cost in human terms of China's brutality, let us look at one case, one of the several cases that our colleague from New Jersey brought up, and that is the case of Dr. Gao Zhan. Gao Zhan is an academic who specializes in researching women's issues. She and her husband are permanent residents of the United States and their 5-year-old son, Andrew, is an American by birth. Gao and her family traveled to China to visit relatives. As they stood in line at the Beijing airport waiting for their flight back to the United States, they were seized by Chinese officials. Each family member was forced into a separate car waiting outside the terminal and taken away.

Imagine the horror of a mother being suddenly separated from her child by nameless Chinese officials. Imagine the fear experienced by Gao's husband as he was blindfolded, driven for hours to an unknown location, and subsequently interrogated about his wife's research. Imagine being a 5-year-old boy torn away from your parents under such circumstances. Gao's son was taken to a state-run institution. He was held alone for 26 days, completely separated from his family. Let me repeat, a 5-year-old boy held alone for 26 days without his mother, without his father, or without even access to his grandparents, who happen to live in China.

These actions violate international law and bilateral agreements between the United States and China, not to mention basic human decency in the way of treating people, particularly a 5-year-old child. Chinese authorities finally allowed Gao's husband to retrieve his son and return to the United States. Gao, however, has not fared so well. She is still imprisoned in China on false charges. The Chinese Government refuses to reveal the nature of the so-called evidence against Gao or to give her a chance to publicly defend herself with adequate defense counsel.

We know about the cases of Gao Zhan and the other five scholars that are specifically mentioned in the resolution because they have connections to the United States. They are residents or citizens of the United States. But let us also remember that there are tens of thousands of Chinese citizens who have no connection with America but are dissidents struggling to lay the groundwork for a future democratic China. These thousands are locked away for years in Chinese jails. There is no embassy to ask about them, no newspapers to write about them, and they are relegated to a most uncertain and most inhumane fate. We must remember them. We must honor them and the democratic cause for which they fight.

As a first step, it is absolutely imperative that the Bush administration make the release of these six Chinese Americans a top priority in our relationship with the People's Republic of China. We can win the release of these Chinese Americans if we bring this issue to the highest level. If President Bush personally asks President Jiang to release these and other imprisoned scholars, I am confident that Gao Zhan will see her husband and son again, and that Li Shaomin will soon come home to his wife and his daughter.

It is important that we pass this resolution. It is also important that we keep these human rights abuses in mind when we decide what position to take as a country and as a Congress on the issue of whether the Olympics should be held in Beijing in 2008. It is perhaps unfortunate that the administration has announced that it is neutral with regard to that bid for the Olympics. But the Olympics stands for something. It stands, in part, for the humane treatment of all people. I think this Congress ought to take up and bring up on this floor the resolution urging that the Olympics not be held in Beijing while human rights abuses continue.

In addition, it is important that we as Members of Congress keep these human rights issues in mind as we vote on annual, quote, "normal trade relations," also known as most-favored-nation status when that issue comes to this floor. But for now, I urge all my colleagues to support H. Res. 160.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I thank the gentleman for yielding me this time, and I thank my colleague from New Jersey for his outstanding leadership on House Resolution 160, calling on the Government of the People's Republic of China to immediately and unconditionally release Dr. Li Shaomin and other American scholars of Chinese ancestry currently being held in detention. I also would commend the gentleman from California (Mr. SHERMAN) for his eloquent words today in support of this important resolution.

Madam Speaker, the Good Book says that we are to stand with those in prison as though we ourselves were prisoners. In this well of liberty, this well where resides the dreams and hopes and ambitions of freedom-loving people all over the world, today's resolution authored by the gentleman from New Jersey (Mr. SMITH) is an important statement. It is important that this Congress call on the Government of the People's Republic of China to immediately and unconditionally release Dr. Li Shaomin and other American scholars of Chinese ancestry held in detention and that we call today on the President of the United States to continue immediately and urgently working on behalf of their release.

The Government of the People's Republic of China, Madam Speaker, has targeted, arrested, and detained several scholars and intellectuals of Chinese ancestry with ties to the United States, including, as astonishingly as it may seem, two United States citizens and three permanent residents of the United States of America. According to the Department of State's 2000 Country Reports on Human Rights Practices in China and international human rights organizations, the Government of the PRC has, quote, "continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms. Targeting of intellectuals and scholars for harassment, arbitrary arrest, detention and criminal charges has created a chilling effect on the nascent freedom of expression which has begun to take hold within the People's Republic of China."

Dr. Li Shaomin is a United States citizen, Madam Speaker, and a scholar who has been detained by the Government of the PRC for more than 100 days. He was formally charged with spying for Taiwan on May 15, 2001. Dr. Li has been deprived of his basic human rights by arbitrary arrest and detention and has not, as the gentleman from New Jersey (Mr. SMITH) stated with passion, even been allowed to contact his wife and child or his attorney or been offered even the most rudimentary due-process rights which, while not secured and vouchsafed for the citizens of China, certainly ought to be respected for the citizens of the United States of America within the geographic boundaries of China.

Accordingly, this resolution, Madam Speaker, does in fact condemn and deplore the continued detention of Dr. Li, of Dr. Gao Zhan and other scholars detained on false charges by the Government of China, calls for their immediate release, deplores the lack of due process and urges the Government of the PRC to consider carefully the implications to its broader relationship with the United States through this detainment and coercion of American citizens and citizens of Chinese descent.

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We need look no further, Madam Speaker, than the cover of The Washington Post today, which speaks about China's concern about U.S. actions affecting our long-term relationship.

Madam Speaker, I would say it is time for China to begin to worry how its actions against American citizens will affect the relationship of this body to that government.

I close again with that challenge, that quote, from two millennia ago that we ought to stand with those that are in prison, Madam Speaker, as though we ourselves were prisoners. We in this Congress should stand today strongly for House Resolution 160 and call on the government of the People's Republic of China to make this small step toward liberty.

Mr. SHERMAN. Madam Speaker, I yield 6 minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, as representatives of the American people, with this resolution we will today urge the People's Republic of China, in the strongest possible terms, to release Li Shoamin, a naturalized American citizen, and I might add a constituent of mine from New Jersey, from my congressional district, from custody of the Beijing State Security Bureau, where he has been detained since February of this year.

Our actions today are also intended to call attention to the other scholars of Chinese ancestry who are being illegally detained in China. I have met personally on three occasions with Liu Yingli, Mr. Li Shaomin's wife and their charming young daughter, Diana.

When one meets with them and talks with them and sees the pain and uncertainty that they are experiencing over the detainment of their husband and father, it is impossible not to realize how important this legislation is.

I am pleased to join my colleague, the gentleman from New Jersey (Mr. SMITH), in presenting this legislation and urging its passage.

Li Shaomin received his Ph.D. in sociology from Princeton a decade and a half ago. He is a respected and published scholar in demography, has contributed greatly to research focused on strategic management and marketing.

On February 25, Dr. Li, who over the years has traveled frequently to Beijing and other parts of China, was traveling across the border to visit a friend. Upon crossing, Dr. Li was detained by state security officials who claimed he had been, well, we do not know. They now say he was engaged in espionage.

The detention of Dr. Li is just another in a string of a half dozen arrests by Chinese authorities of academics who have connections with China. We have a responsibility to let the Chinese Government know that the United States and the world are aware of these actions, are watching closely, and find this sort of behavior unacceptable.

The charges brought against Dr. Li are vague and unsubstantiated. The fact that Dr. Li is the son of a prominent Chinese dissident, Li Honglin, who now resides in Hong Kong, I think is a significant point. It raises extremely serious questions of political motivation for the Chinese detainment of Dr. Li.

Since his detention, Dr. Li's detention, Chinese authorities have refused to release any information or describe any so-called evidence that has surfaced against Dr. Li. Disturbingly, the Chinese authorities also failed to inform Dr. Li's wife directly about the detention until May 17, when she was informed by the state security ministry via telephone that her husband was arrested and charged with espionage. U.S. consular officials have not been granted sufficient access to him, and in addition without explanation from the Chinese authority, Liu Yingli and Dr. Li's lawyer have been denied access to Dr. Li.

Of course, all of this raises questions about the rights of people in China who do not have the U.S. embassy watching out for their interests, how much worse it must be for them.

The People's Republic of China is a proud nation that is increasingly taking its place on the world stage. All of us are aware of their desire to have increased trading relationships with the West; to host the Olympic games; to be on the modern stage of nations. If China wants to be a member of the community of nations, actions like the detainment of Dr. Li are unacceptable and, I would argue, counterproductive. It is only appropriate that Congress make clear that Dr. Li and other U.S. citizens who are being illegally detained must be released.

Violation of human rights, violation of standards, international standards of law, are not behavior consistent with a modern nation that wants to be part of the modern world of trade, of academic inquiry and exchange, and international exchange.

I urge my colleagues in the strongest possible terms to pass this legislation. We must do all we can to see that these Americans are released as quickly as possible.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

Mr. SHERMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge my colleagues to vote yes on H. Res. 160 and to keep these issues in mind as other issues involving the U.S.-China relationship come before this House.

Mr. GILMAN. Madam Speaker, I want to thank Chairman HYDE and the distinguished East Asia and Pacific Subcommittee Chairman, The gentleman from Iowa, Congressman LEACH, for swiftly moving H. Res. 160, a resolution calling on the Government of the People's Republic of China to immediately and unconditionally release certain American citizens and residents from detention in China. I commend the gentleman from New Jersey, Mr. SMITH for drafting this important, timely resolution.

I am very concerned that Chinese-American citizens and U.S. permanent residents of Chinese ancestry are being illegally held by the government of the People's Republic of China. There is no rule of law in that country. In China a person is not innocent until proven guilty. A person's guild or innocence is predetermined by the government, and, as we all know, thousands of arrests and imprisonments are carried out for political reasons.

Let's be perfectly clear about this. Government sponsored kidnapping is terrorism. It is no less a crime than what is being committed by terrorists against Americans currently being held in the Philippines.

Madam Speaker, as you will recall, the People's Republic of China has done this before. One year it held activist Harry Wu. Another time it held Wang Dan and Wei Jingsheng. Harry Wu was released to ensure the First Lady Hillary Clinton would attend the UN 1995 Beijing Women's Conference. Wang Dan and Wei Jingsheng were temporally released in 1993 as China was bidding to host the 2000 Olympics game. For years the Chinese dictatorship have been holding and releasing, and then holding and releasing Catholic clergy loyal to Pope John Paul II. Some of these hostages are beaten to death, some are eventually released, some permanently, some temporarily after they are leveraged on MFN, WTO, Taiwan or some other significant issue.

So let us be clear. Our State Department is on notice that we want our people back immediately and unconditionally. The President should put on hold any consideration about his meeting with Chinese leaders until this occurs.

The Chinese government and the bureaucrats in the State Department who are still in place from the previous Administration must understand that our people are not pawns for trade. First the Chinese government must return our people and then we can talk about other things, such as trade.

The cautions U.S. response that we have given to date, just will not do. The taking of our citizens is an outrage and they should be released now and unconditionally. Accordingly, I strongly support H. Res. 160.

Mr. HUNTER. Madam Speaker, I would like to make a statement on behalf of H. Res. 160, a bill that I have cosponsored which calls on the Chinese government to immediately and unconditionally release from prison Dr. Li Shaomin and all other American scholars of Chinese ancestry.

As you know, in recent months we have seen the shocking arrest of United States citizens and permanent residents by the People's Republic of China (PRC). These prisoners represent some of the best and brightest of the U.S. academic and business communities, and they have been falsely and tragically charged with committing crimes of espionage and violation of "state secrets" laws while traveling in China. In most cases, these prisoners have been held for long periods of time without formal charges filed against them, without the ability to meet with their attorneys, and without communication with their families and loved ones.

Although the Chinese government has said that many of these individuals have confessed to their crimes, our own State Department's Country Reports on Human Rights Abuses contains condemning data showing the PRC routinely denies prisoners basic due process rights, and regularly extracts confessions by coercion.

As we know, this behavior by the Chinese is nothing new. We remember the brutal way that their government suppressed a movement toward free speech in Tiananmen Square a decade ago, and we have seen no redeeming conduct since that time that would lead us to believe that they intend to change their ways. It was just several weeks ago that an American military aircraft was shot down while flying in international waters, and the service members aboard held hostage while the Chinese government attempted to force an apology by the United States. To this date, we still have been unable to retrieve our own aircraft from their country.

This unending succession of events is being watched on the world stage by nations that the PRC would do well to please in order to secure their place in the world economy. However, China neither feels contrite regarding their actions, nor do they exhibit acceptable efforts to improve their lot with democratic countries. Unfortunately, the United States consistently regards them for their provocative and brutal actions by extending to them a privileged trade status ideally afforded friendly and democratic nations.

Madam Speaker, this legislation's passage would send a strong signal to the Chinese government that their actions are barbaric and unacceptable. When confronted with situations that threaten American citizens abroad, it is absolutely necessary to speak in a united front. We should also refuse to award them with the riches gleaned from an unbalanced trading relationship that comes at the expense of American jobs and national security.

Mr. WOLF. Madam Speaker, I rise in support of H. Res. 160, which condemns and deplores the continued detention of Li Shaomin, Gao Zhan, Wu Jianmin, Tan Guangguang, Teng Chunyan, and other scholars detained on false charges by the Government of the People's Republic of China, and calls for their immediate and unconditional release. The resolution condemns and deplores the lack of due process afforded to these detainees, and the probable coercion of confessions from some of them.

Furthermore, it condemns and deplores the ongoing and systematic pattern of human rights violations by the Government of the People's Republic of China. Also, the resolution strongly urges the Government of the People's Republic of China to consider the implications to the broader United States-Chinese relationship of detaining and coercing confessions from United States citizens and permanent residents on unsubstantiated spying charges or suspicions. In addition, the measure urges the Government of the People's Republic of China to consider releasing Liu Yaping on humanitarian grounds.

In addition, the measure expresses the sense of the House that human rights violations inflicted on United States citizens and residents by the Government of the People's Republic of China will reduce opportunities of United States-Chinese cooperation on a wide range of issues.

I congratulate Representative SMITH for his work in bringing this resolution to the floor. This is an important statement by the people's House today. It says to the Government of China, that the U.S. House of Representatives cares about the human rights abuses committed by the Government of China.

Just two months ago in March, I had the honor of leading a ceremony in which my constituent, Dong Hau Xue, husband of the imprisoned American University scholar named in this legislation, Dr. Gao Zhan, became a U.S. citizen.

This ceremony was bittersweet. When he and his wife first applied for permanent residency 1998, it had been their hope and prayer that they would experience the joyous day of citizenship together, having both completed the requirements of citizenship.

But this was not to be. Gao Zhan should have been standing alongside her husband and their 5-year-old son Andrew. Instead, Gao Zhan was languishing in a Chinese prison, thousands of miles away, separated from her family and loved ones.

Today marks Gao Zhan's 134th day in captivity. Gao Zhan is an academic researcher at the American University studying women's issues. What kind of government imprisons academics who focus on women's issues?

I know how grim conditions can be in Chinese prisons. I visited Beijing Prison #1 in 1991 where some 40 Tiananmen Square demonstrators were being held. When I was in Tibet, I talked with several individuals who had been in Drapche Prison who told me of the horrible conditions.

It is an outrage that a country pressing to host the athletes of the world during the 2008 Summer Olympic games continues to abuse the basic human rights of citizens and visitors to their nation.

If the Chinese government ever hopes to have any credibility in the world community, China must immediately release Gao Zhan, an innocent women, wife and mother; U.S. citizens Dr. Li Shaomin and Mr. Wu Jianmin; permanent U.S. residents Mr. Qin Guangguang, Mrs Teng Chunyan, and Mr. Liu Yaping.

I urge a unanimous vote in support of H. Res. 160 and I implore the government of the People's Republic of China to free Gao Zhan and the other scholars and reunite them with their families.

Mr. DELAY. Madam Speaker, I rise today because I am outraged. Outraged that the People's Republic of China is holding American scholars against their will. H. Res. 160, introduced by my colleague Mr. SMITH of New Jersey, takes an important step toward addressing the human and civil rights abuses committed by the Communist Chinese government. This Congress must not let human rights abuses by China or any other nation go unchecked.

At the present time, Li Shaomin and other scholars are being held in Chinese prisons for "crimes against the State." These Americans may be enduring torture and coercion, and may be forced into "confessing" to crimes they did not commit. But these are perhaps the least of the indignities that these men and women must endures.

The imprisonment of Li Shaomin and other American scholars of Chinese ancestry are just symptoms of the larger disease that is China's blatant disregard for human life and human rights. It is clear from the State Department's 2000 Country Report on Human Rights Practices in China, that the Communist Chinese government commits, on a daily basis, violations of the most essential and basic human rights.

Let our support for this resolution send a clear and compelling signal that this Congress and our Nation will not stand silently by while natural and universal human rights are curtailed in China or anywhere else.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of House Resolution 160.

Madam Speaker, I am deeply disturbed by the Government of China's recent arrests and detentions of American citizens and U.S. permanent residents of Chinese ancestry.

Prosecutions of Americans by China's State Security Ministry and agencies have been rare since the Korean War. With the recent outbreak of detentions, however, it is troubling that China may now feel it acceptable to target American subjects—as long as they have Chinese blood.

In particular, I find it deplorable that those detained have been held virtually incommunicado for months—denied any contact with immediate family members and even their attorneys. Given the lack of due process and the hidden, clandestine proceedings, it is no wonder that China's charges of espionage and other serious violations against the detainees are viewed as false, and any confessions produced as resulting from torture.

In an effort to address these matters, Madam Speaker, I commend Mr. SMITH, Mr. LANTOS and Ms. ROS-LEHTINEN for introducing House Resolution 160. I am honored to be a co-sponsor of the measure.

In addition to calling upon the Chinese Government for the immediate and unconditional release Dr. Li, Dr. Geo and other American scholars of Chinese ancestry who have been detained, this important legislation urges President Bush to appoint a special envoy and make the detainees' release a top priority in U.S.-Sino relations.

I cannot agree more Madam Speaker, as American citizens and U.S. permanent residents, when they go overseas, must be protected and not be subject to arbitrary harassment and detention on unsubstantiated charges, whether by China or any other nation.

I strongly urge adoption of the legislation by our colleagues.

Mr. SHERMAN. Madam Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, we do have some additional speakers; but regrettably, they are either en route from their home districts or are in appropriations markups. So at this point since they are not here, Madam Speaker, I yield back the balance of our time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 160, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CALLING UPON HEZBOLLAH TO ALLOW RED CROSS TO VISIT FOUR ABDUCTED ISRAELIS

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 99) expressing the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

The Clerk read as follows:

H. RES. 99

Whereas on October 7, 2000, Hezbollah units, in clear violation of international law, crossed the Lebanese border into Israel and kidnapped three Israeli soldiers, Adi Avitan, Binyamin Avraham, and Omar Souad;

Whereas on October 15, 2000, Hezbollah announced that it had abducted a fourth Israeli, Elchanan Tannenbaum;

Whereas these captives are being held by Hezbollah in Lebanon;

Whereas the 1999 Department of State report on foreign terrorist organizations stated that Hezbollah receives substantial amounts of financial assistance, training, weapons, explosives, and political, diplomatic, and organizational assistance from Iran and Syria;

Whereas Syria voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas Lebanon voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas Iran voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly;

Whereas the International Committee of the Red Cross has made numerous attempts to gain access to assess the condition of these prisoners; and

Whereas the International Committee of the Red Cross has been denied access to these prisoners: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that Lebanon, Syria, and Iran should call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit four abducted Israelis, Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum, presently held by Hezbollah forces in Lebanon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, even in the midst of war or violent conflict, the need for some limits must be underlined. Those limits are of crucial importance in that they remind us of our essential humanity. When humanitarian standards are ignored, we need to call them to the attention of those who seem to be violating them. In the case of the individuals mentioned in the resolution now before us, who are Israeli soldiers and civilians, the rules are, in fact, being ignored. This resolution relates to several Israeli soldiers and one civilian who have been kidnapped from Israel itself or in Europe. Their captors have admitted holding them and they have said that they are alive, but that is all that is known about them.

In defiance of international norms, their captors are not permitting the International Committee of the Red Cross to have access to them. Of course, the captives should be treated humanely. Of course, they should be released, but they should certainly, at the very least, be provided with protections of international humanitarian law. The International Committee of the Red Cross should be provided with access to them so that their welfare can be ascertained and other appropriate protections be afforded to them. It is cynical and cruel for Hezbollah to deny the ICRC access to them. The real harm is being done to their families who wait for word of their welfare.

Madam Speaker, let me just say that the governments of Lebanon, Syria, and Iran either fund Hezbollah or allow it to operate on their territory. This resolution asks those governments to use their influence to ask Hezbollah to do the right thing. It is not too much to ask. I request that my colleagues join me in supporting this resolution.

Madam Speaker, I would like to thank the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); the ranking member of the full committee, the gentleman from California (Mr. LANTOS); and the chairman of the Subcommittee on the Middle East and South Asia, the gentleman from New York (Mr. GILMAN); and the ranking Democrat of the Subcommittee on the Middle East and South Asia, the gentleman from New York (Mr. ACKERMAN) for moving this bill through their committees.

I also want to thank the gentleman from New York (Mr. CROWLEY) for sponsoring it. It is a good resolution and it deserves the support of this body.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank my friend, the gentleman from New Jersey (Mr. SMITH), for his words in support of this resolution; and I rise in strong support of this resolution.

Madam Speaker, I want to begin by thanking the chairman of the full committee, the gentleman from Illinois (Mr. HYDE); our distinguished ranking member, the gentleman from California (Mr. LANTOS); my Republican colleagues, the gentleman from New York (Mr. GILMAN), the gentleman from Virginia (Mr. CANTOR), the gentleman from Illinois (Mr. KIRK), and the gentleman from New Jersey (Mr. SMITH) for their work; and my other colleague, the gentleman from New York (Mr. ACKERMAN), for helping to get this resolution to the floor for quick consideration today.

In October 2000, Adi Avitan, Binyamin Avraham, and Omar Souad were abducted while on a routine patrol of Israel's northern border. A fourth man, Elchanan Tannenbaum, a reservist, was taken while on a business trip in Europe.

At the present time, these men are believed to be held by the Hezbollah on Lebanese soil. The United Nations Secretary General Kofi Annan and the International Committee of the Red Cross have made numerous overtures to Hezbollah in an effort to gain access to assess the physical condition and well-being of these prisoners. The Hezbollah has rejected these requests each and every time.

The continued detention of these men by Hezbollah troops is unacceptable and must be addressed immediately.

The conditions of their capture and the subject of detention run completely counter to the international standards and laws. Given that the State Department Report on Terrorism has named Iran and Syria as the patron states of Hezbollah, we must hold the governments in Tehran and Damascus responsible for the well-being of these men.

As signatories to the Universal Declaration on Human Rights, Iran and Syria have a responsibility to the international community to take concrete steps to encourage Hezbollah to permit this visit to take place. President Khatami and President Assad have made statements regarding the desire to join the community of nations. If these statements truly represent the desires of Iran and Syria, I ask them to take the first step toward achieving that objective by exerting their considerable influence over Hezbollah to allow the International Committee of the Red Cross to do their job without further delay.

I first met the families of these men on a visit to Israel earlier this year in January with Members from New York, the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. NADLER). It was my hope that by the time we met again that their sons and fathers would be home.

Last month, I stood beside them once again here in Washington, but the void left by their sons and fathers still remains. I know that the families are grateful that they need not fight for their sons and fathers alone. They are joined by well over 70 Members of the House and the Senate who have cosponsored this resolution before us. We send a strong signal to the patron states of Hezbollah; but most of all, we must send hope to Adi, to Binyamin, to Omar, and Elchanan and their families. We can do just that by passing this resolution today.

Therefore, Madam Speaker, I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SHAW. Madam Speaker, I rise today in strong support of House Resolution 99, a resolution to urge Lebanon, Syria, and Iran to allow the International Red Cross to visit the four abducted Israelis. Many of my constituents have contacted me to voice their concerns for the Israeli citizen and the three Israeli soldiers that were taken hostage. I recently received a group of letters from the fifth grade class at the Jacobson Sinai Academy of North Dade, asking me to "imagine how their families are crying from sorrow because their child has been kidnapped." I believe Congress has a responsibility to push for International Red Cross intervention to check on the status of the captured Israelis.

We should continue diplomatic efforts to seek the help of Syria and Iran in opening a dialogue with the Hezbollah. H. Res. 99 sends an important message to the international community that these hostages have not been forgotten, even while the security situation in the Middle East has deteriorated since last fall. I urge the House to unanimously pass this resolution and continue to work towards a lasting peace in the Middle East.

Mr. GILMAN. Madam Speaker, it is with regret that we have to bring this resolution before the House today, but it is necessary to do so, because of an ongoing human tragedy—the capture of several individuals by a terrorist band operating with the support, or perhaps the acquiescence, of three Middle Eastern states, and which is holding them without providing any access by international humanitarian organizations.

I want to express my appreciation for the efforts of the gentleman from New York, Mr. CROWLEY, and the gentleman from Illinois, Mr. KIRK, who have worked so diligently on this resolution. Also, I want to thank the Chairman of the Committee, the gentleman from Illinois (Mr. HYDE) and my colleagues, the gentleman from New York, (Mr. ACKERMAN), our subcommittee Ranking Member, and the gentleman from California (Mr. LANTOS), the full Committee ranking member.

Last October, Hezbollah terrorists crossed the Israeli border near the so-called Shebaa Farms area and captured 3 soldiers. Later that month, they kidnapped an Israeli businessman in Europe.

This resolution is not just about the legality of the captivity of these individuals, although of course they should be released. The narrow question we are focusing is on whether they should be allowed visits by the International Committee of the Red Cross—and who should be making that appeal to their captors.

There is no question about who is responsible for this act—Hezbollah. Those countries which allow Hezbollah to operate, or which fund it—namely Iran, Syria, and Lebanon—are in a position to influence this request.

We are asking that they would use their influence. It's just that simple. That is what this resolution is seeking.

Accordingly, I ask my colleagues to fully support this resolution, and I reserve the balance of my time.

Mr. KIRK. Madam Speaker, I rise today to call on the immediate release of three Israeli soldiers and one Israeli citizen who have been held hostage by Hezbollah in Lebanon for the last eight months. I thank the gentleman from New York (Mr. CROWLEY) for sponsoring this resolution and the gentleman from Illinois (Mr. HYDE) for bringing it to the floor today.

On October 7, 2000, Hezbollah terrorists crossed the Lebanese border into Israel, ambushed an IDF patrol unit, and abducted Adi Avitan, Binyamin Avraham, and Omar Souad. Only a week later, Elchanan Tannenbaum, an Israeli civilian, was abducted while on a business trip to Switzerland. Despite constant international pressure, Hezbollah has not yet shown any signs of releasing these four hostages. Hezbollah continues to deny any requests to meet with these four men.

The kidnaping of these three soldiers and one citizen is yet another intolerable element of the ongoing struggle in the Middle East. Iran and Hezbollah's blatant violation of established international norms must be confronted. Syria, Lebanon, and Iran all voted in favor of the Universal Declaration of Human Rights in the United Nations General Assembly, yet Hezbollah has continued to deny the International Committee of the Red Cross access to these prisoners.

Having worked against Hezbollah in Bosnia, I am aware of the danger they pose to Israelis and America abroad. We must take all necessary steps to ensure that, at the very least, Syria, Lebanon, and Iran call upon Hezbollah to allow representatives of the International Committee of the Red Cross to visit these Israeli hostages. For 261 days, these four men have been held captive. The families of these young men cannot continue to be tormented by the uncertainty of their loved ones' existence. Hezbollah has remained tight lipped on the condition of these men, and several Arabic language newspapers have reported that at least one of the soldiers had died in captivity.

The United States must take a strong position against Hezbollah and call for these terrorists to allow the International Committee of the Red Cross to visit Adi Avitan, Binyamin Avraham, Omar Souad, and Elchanan Tannenbaum. This resolution is a re-affirmation of our commitment to Israel and the values of democracy, justice, and human decency.

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Mr. CROWLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 99.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CROWLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING 19 U.S. SERVICEMEN WHO DIED IN TERRORIST BOMBING OF KHOBAR TOWERS IN SAUDI ARABIA ON JUNE 25, 1996

Mr. McHUGH. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 161) honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers in Saudi Arabia on June 25, 1996, as amended.

The Clerk read as follows:

H. CON. RES. 161

Whereas June 25, 2001, marks the fifth anniversary of the tragic terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia;

Whereas 19 members of the United States Air Force were killed in the bombing and 250 other United States military personnel were wounded;

Whereas the 19 airmen killed while serving their country were Captain Christopher Adams, Sergeant Daniel Cafourek, Sergeant Millard Campbell, Senior Airman Earl Cartrette, Jr., Sergeant Patrick Fennig, Captain Leland Haun, Sergeant Michael Heiser, Sergeant Kevin Johnson, Sergeant Ronald King, Sergeant Kendall Kitson, Jr., Airman First Class Christopher Lester, Airman First Class Brent Marthaler, Airman First Class Brian McVeigh, Airman First Class Peter Morgera, Sergeant Thanh Nguyen, Airman First Class Joseph Rimkus, Senior Airman Jeremy Taylor, Airman First Class Justin Wood, and Airman First Class Joshua Woody;

Whereas the families of these brave airmen still mourn their loss;

Whereas on September 24, 1996, the House of Representatives agreed to House Concurrent Resolution 200 of the 104th Congress honoring the victims of that terrorist bombing;

Whereas those guilty of the attack have yet to be brought to justice; and

Whereas terrorism remains a constant and ever-present threat around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, on the occasion of the fifth anniversary of the terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia, the Congress—

(1) recognizes the sacrifice of the 19 members of the United States Air Force who died in that attack; and

(2) calls upon every American to pause and pay tribute to those brave airmen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McHUGH) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. McHUGH).

GENERAL LEAVE

Mr. McHUGH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 161.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this resolution introduced by the gentleman from Georgia (Mr. ISAKSON) honoring the commitment and sacrifice of the 19 servicemembers killed 5 years ago today on June 25, 1996, when a terrorist truck bomb demolished the Khobar Towers barracks in Saudi Arabia in which they were stationed.

This resolution should remind us that these brave Americans then, as well as those serving in uniform today, willingly risked their lives to defend United States' interests and the freedom and the values that we all enjoy as citizens. Such commitment imposes on the rest of us an obligation to ensure that we do not break faith with those who serve and that we respond to such commitment by resolving to provide the resources necessary for our military forces to successfully carry out the missions assigned to them.

For the families and loved ones of those who died on this day, this resolution signals our continued understanding of the pain and loss that they feel and that the sacrifices made by these 19 men and women, some of America's best and brightest, will not, cannot, be forgotten.

Finally, we as a Nation must understand that terrorism directed at Americans will continue for the foreseeable future. Five years ago, terrorists killed 19 Americans residing in Khobar Towers; 8 months ago, they killed 17 aboard the U.S.S. *Cole*. In the face of this terrorism, we must be vigilant to prevent or reduce the probability of it occurring, and relentless in the pursuit of those who perpetrate such horrendous actions.

While I am pleased that Federal indictments have been issued in connection with the Khobar Towers attack, I and many others join me in a mutual concern that not all of those responsible for the attack have yet been identified. America should not rest until all the perpetrators have been brought to justice.

Madam Speaker, I want to pay particular tribute to the gentleman from Georgia (Mr. ISAKSON) for his work in putting together and advancing this worthy resolution. His commitment, I know, is shared by many in this House, certainly many on the Subcommittee on Military Personnel; the gentlewoman from California (Mrs. TAUSCHER), the ranking member; the gentleman from Arkansas (Mr. SNYDER); and so many others on both sides of the aisle who recognize that this sort of resolution knows no party. Rather, in joint celebration of lives that were cut off too short and in solemn resolution of a recognition of the loss of those lives, we join together.

Madam Speaker, I would certainly urge all of my colleagues in the House today to join me in supporting this very, very worthy piece of action.

Madam Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would also like to join my esteemed colleague from New York (Mr. McHUGH), the chairman of the Subcommittee on Military Personnel, in commending my colleague, the gentleman from Georgia (Mr. ISAKSON), for his thoughtfulness today.

This is a terrible day, a terrible anniversary, because 5 years ago today on June 25, 1996, a truck bomb exploded outside the fence around the Khobar Towers compound in Dhahran, Saudi

Arabia. The bomb, estimated at more than 3,000 pounds, detonated about 85 feet from a residential unit housing U.S. troops, killing 19 American servicemen and wounded hundreds of other people.

The force of the explosion destroyed or damaged six high-rise apartment buildings and shattered windows throughout the residential compound. What is more, this attack demolished the illusion that American military posted in Saudi Arabia were immune from the terrorism that has plagued the rest of this very volatile region. It was a tragic and painful reminder of the risks our servicemen and women confront to protect the peace and American interests abroad.

As we honor the 19 airmen who gave their lives in Saudi Arabia, we need to remember that they did not die in vain. As a result, we are developing new ways to protect our military forces in the post-Cold War geopolitical environment. We now understand that this means deploying U.S. forces to promote stability in new and unfamiliar areas. And we have to pay more attention than ever before to the security conditions under which our troops are deployed.

Madam Speaker, a few days ago 14 Middle Easterners were indicted for this horrific act. I share a common sentiment with my colleagues and the rest of America that we regret it took so long to bring the indictments in this case. I know that we look forward to completing the court proceedings so the families of the heroes we honor today may begin to have a sense of closure.

Madam Speaker, our action on this resolution today is a message to those who died, their family members, our Nation and the rest of the world, that we honor the sacrifices of these 19 servicemen and the families they left behind. They served with the highest and best military traditions. No one could have served better or given more.

I thank the gentleman from New York (Chairman McHUGH) and the House leadership for bringing this important issue to the floor. I urge my colleagues to support H. Con. Res. 161.

Madam Speaker, I reserve the balance of my time.

Mr. McHUGH. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON). As the gentlewoman from California (Mrs. TAUSCHER) and I have both mentioned, we are collectively very grateful to the gentleman from Georgia (Mr. ISAKSON) for having the concern and enacting the initiative to bring this resolution to us today on this very sad anniversary.

Mr. ISAKSON. Madam Speaker, my thanks to the gentleman from New York (Mr. McHUGH), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from Arizona (Mr. STUMP), the chairman of committee, and on behalf of really all of us in the Congress of the United States, today to pay tribute to the 19 airmen who 5 years ago today sacrificed their lives in behalf of the people of the United States of America.

Madam Speaker, I thought when I was drafting this resolution, it is kind of ironic that if you think about today, just a month ago we celebrated Memorial Day, where we honored the men and women who have died in the pursuit, and subsequently the defense, of freedom in wars, domestic and foreign, since the founding of our country.

Five months from now we will celebrate Veterans' Day, where we pay tribute to every man and every woman who has ever worn a uniform on behalf of this great Nation.

In 11 days, on the 4th of July, we celebrate the founding of America; we celebrate our birthday. We celebrate our Declaration of Independence, upon which our Founding Fathers pledged their lives, their fortunes, and their sacred honor.

Today, we honor 19 airmen who gave their lives, the supreme sacrifice, at the hands of terrorists 20 miles away from Dhahran in Saudi Arabia. Today I join with all of this Congress in paying tribute to those men, who were Master Sergeant Kendall K. Kitson, Jr.; Tech Sergeant Daniel B. Cafourek; Tech Sergeant Patrick P. Fennig; Tech Sergeant Thanh Van Nguyen; Senior Airman Earl F. Cartrette, Jr.; Senior Airman Jeremy A. Taylor; Sergeant Millard D. Campbell; Airman First Class Brent E. Marthaler; Airman First Class Brian W. McVeigh; Airman First Class Peter J. Morgera; Airman First Class Joseph E. Rimkus; Airman First Class Joshua E. Woody; Captain Christopher J. Adams; Captain Leland T. Haun; Master Sergeant Michael G. Heiser; Staff Sergeant Kevin J. Johnson; Airman First Class Justin R. Wood; Staff Sergeant Ronald L. King; and Airman First Class Christopher Lester.

As we celebrate our 4th of July or Memorial Day or Veterans' Day on their designated day, for me this day will be a constant reminder of the sacrifice of these men; and it is my hope that all of America pause on this day today and each year thereafter to give thanks for their sacrifice and also be reminded of the threats of terrorism as they exist, both domestic and abroad.

Today, in Washington D.C. the parents and loved ones of many of these who sacrificed their lives are the guests of the FBI in our city, and at this time I want to personally pay tribute to director Louis Freeh. Within hours after the announcement of this attack and this tragedy in Dhahran, Director Freeh boarded an aircraft, assembled 125 members of the FBI, and personally directed the beginning of the investigation in Saudi Arabia, which has led to the indictment last Thursday of 14 accused of conspiring in this great tragedy.

As Director Freeh announced his retirement last week, I am pleased today on the floor of this House on behalf of the many loved ones of these soldiers to express their grateful appreciation to his commitment to the very end of his tenure to attempting to bring to justice those who took the lives of our Nation's sons in defense of freedom. Today is a day for us to give thanks for the men who died on our behalf on that tragic evening.

Madam Speaker, I ask the Members of this House to join in bipartisan and unanimous support in tribute for those brave 19, and to remind all Americans that we should continue to be ever vigilant of the terrors of terrorists and their danger, and ever thankful for the men and women that serve in our Armed Forces, keep us safe and keep us free.

Mrs. TAUSCHER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge my colleagues to support H. Con. Res. 161.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McHUGH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, with a final word of appreciation to the gentleman from Georgia (Mr. ISAKSON) and a final word of deepest sorrow and deepest appreciation to the families of these fallen heroes, we can never undo the tragedy that they have witnessed. We can never ameliorate the pain that I know is with them each and every day. But I would hope, and I know my colleagues join me in this hope, that with the adoption of this resolution, they will take from our action some solace in the fact that we do not forget that this Congress remains committed to the resolution of justice and to bringing to trial and to a proper conviction those who have wrought this tragedy upon such innocence.

Madam Speaker, I again urge all of our colleagues to join us in support of this concurrent resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of House Concurrent Resolution 161, honoring the Service Men Killed in Khobar Towers.

From the frozen battlefield of Breed's Hill, most commonly known as the Battle of Bunker Hill, to the war-torn former provinces of Yugoslavia the military has repeatedly proven its ability to meet the challenges offered by this nation's leadership. Any time the nation called the men and women of the United States armed forces has answered in the affirmative and successfully met the challenges of their mission on the behalf of a free and independent United States of America.

Five years ago, on this date, June 25, 1996, a terrorist bomb at the Khobar Towers in Saudi Arabia killed 19 U.S. servicemen and wounded 400 others. On June 21st of this year, a federal grand jury in Virginia returned a 46-count indictment that charged 13 Saudis and a Lebanese man with complicity in the bombing.

Although none of those charged is now in the United States, I along with members of the Judiciary Committee will be working to see that justice is served in this matter.

Prosecutors brought the charges now because the statute of limitations were to expire next week. I request that Saudi Arabia cooperate fully in our attempt to see that the guilty are brought before a court to answer for this act.

I applaud the men and women of our nation's armed forces who protect and defend our national interest around the globe. The sacrifices of the men and women who are the United States Army have for over two centuries put the country's best interest ahead of their own for the benefit of all of our freedom.

Today, we remember the sacrifices to this nation, because they have made the world a safer place for democracy and freedom. May those 19 service men killed continue to be remembered for their bravery and commitment to this great nation.

I commend the work done by Federal law-enforcement personnel in searching for those responsible for this terrible crime.

I encourage all of my colleagues on both sides of the aisle to support this resolution.

Mr. MICA. Madam Speaker, June 25, 2001 marks the fifth anniversary of the terrorist bombing of the U.S. military housing facility Khobar Towers in Saudi Arabia. Nineteen American servicemen were killed and hundreds wounded in that vicious attack. Last week the United States indicted some of those responsible for those murders. However long it takes to bring those indicted and those responsible for this terrorist act to justice, our country must pursue all guilty parties. Until those who perpetrated this heinous international crime are brought to justice, we cannot rest.

I commend the Bush Administration, the Attorney General and the Federal Bureau of Investigation for making certain that this case is not forgotten. Florida and our nation lost too many innocent victims for this matter to be brushed aside. My Congressional District and the mother and family of AIC Brian McVeigh who was killed in Khobar Towers, continue to feel the pain of that great loss.

The United States Congress, these surviving relatives, and all the others who lost their loved ones cannot rest until justice prevails.

Mr. GILMAN. Madam Speaker, I commend Mr. ISAKSON for introducing H. Con. Res. 161, which honors the 19 United States servicemen who died in the terrorist bombing of Khobar Towers and the 250 other military personnel who were wounded on June 25, 1996. On the fifth anniversary of the bombing, we honor those who were killed and wounded for serving on the front lines of freedom, far from home.

On June 21st, the Federal Bureau of Investigation indicted the Hizbollah terrorists, who attacked our military personnel. Iranian officials may also have been involved.

The House International Relations Committee has paid tribute to these brave men and women by remaining vigilant towards terrorism and Iran. Specifically, last week the Committee voted to renew for five years the Iran-Libya Sanctions Act. That Act (ILSA) penalizes foreign firms for investing in the Iranian and Libyan energy sector to deprive those governments of revenues for their programs of weapons of mass destruction and terrorism.

We believe that reauthorizing the ILSA Act pays tribute to the memories of the brave men and women who died five years ago today and serves as a warning to those who attack U.S. servicemen and women. The memories of these brave men and women will always be with us.

Accordingly, I urge my colleagues to fully support this measure.

Mr. WELDON of Florida. Madam Speaker, I rise in strong support of H. Con. Res. 161. It is fitting that we take a some time today on the floor of the U.S. House of Representatives to remember those who paid the highest price of freedom.

Five years ago, on June 25, 1996, the lives of five families in my congressional district were irrevocably changed by a horrendous act of terrorism. Five service members from Patrick Air Force Base were taken from their loved ones and from our community.

It has been a long five years for the loved ones of these men. I hope they can find solace in the fact that last week a federal grand jury indicted fourteen people suspected of carrying out this terrible act. I will do all that I can do to help bring those who committed this vicious act to justice. I call upon the U.S. Department of Justice to do all that they can to place a high priority on this.

These five men were:

Capt. Christopher J. Adams, he was engaged to be married.

Master Sgt. Michael Heiser, who was also engaged.

Capt. Leland "Tim" Haun, was a husband and stepfather.

Staff Sgt. Kevin Johnson, turned 36 on the day of the blast, and was the father of three.

Airman 1st Class Justin Wood, was only 20 years old and was working on his college degree.

H. Con. Res. 161 resolves that: "The Congress, on the occasion of the fifth anniversary of the terrorist bombing of the Khobar Towers in Saudi Arabia, recognizes the sacrifice of the 19 servicemen who died in that attack, and calls upon every American to pause and pay tribute to these brave soldiers and to remain ever vigilant for signs which may warn of a terrorist attack."

Known to us as Capt. Adams, Master Sgt. Heiser, Capt. Haun, Staff Sgt. Johnson, Airman 1st Class Wood, and to their families and loved ones as Christopher, Mike, Tim, Kevin, and Justin, these men gave their lives in defense of peace and liberty. They must not be forgotten. Our nation owes them a debt of gratitude.

I salute each of you.

Mr. SCARBOROUGH. Madam Speaker, I come before the House today on the fifth anniversary of the tragic Khobar Towers bombing in Saudi Arabia.

Shortly before 10 p.m. on Tuesday, June 25, 1996, a van parked outside the Khobar Towers military complex in Saudi Arabia exploded. The van held an estimated 2,000 pounds of explosives, which killed 19 American servicemen and injured approximately 500 other people.

Of the 19 servicemen killed, 12 were member of Eglin Air Force Base's 33rd Fighter Wing, known as the Nomads, located in my district. The Nomads were on a 90-day rotation as part of Operation Southern Watch, a United Nations mission to keep Iraq's military from invading or harassing neighboring countries. Those killed were scheduled to return to Fort Walton Beach, Florida, the day following the attack.

Today, many family members of the victims will attend a memorial service at Arlington National Cemetery in Arlington, Virginia.

The recent arrest of 13 Saudi Arabians and one Lebanese citizen sends a clear message to the world that America does not tolerate terrorism. The families who lost their loved ones in this terrible crime deserve to see justice and those responsible prosecuted to the fullest extent of the law.

Madam Speaker, on the fifth anniversary of this tragic event, I urge the Congress to continue its efforts to see that justice does prevail for the parents and families of the 19 servicemen who lost their lives on June 25, 1996, in a terrorist attack on Saudi Arabia. They deserve nothing less.

Mr. McHUGH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 161, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. TAUSCHER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1615

COMMUNICATION FROM ASSOCIATE ADMINISTRATOR OF HUMAN RESOURCES, OFFICE OF CHIEF ADMINISTRATIVE OFFICER

The SPEAKER pro tempore laid before the House the following communication from Kathy A. Wyszynski, Associate Administrator of Human Resources, Office of the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 19, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Office of Human Resources, Office of the Chief Administrative Officer, has received a subpoena for documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator of Human Resources.

RECESS

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 16 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 6 p.m.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 1668, AUTHORIZING ADAMS MEMORIAL FOUNDATION TO ESTABLISH COMMEMORATIVE WORK HONORING FORMER PRESIDENT JOHN ADAMS

Mr. JENKINS. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 1668, as amended, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 1668, as amended.

The question was taken and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Adams Memorial Foundation to establish a commemorative work on Federal Land in the District of Columbia and its environs to honor former President John Adams and his legacy".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H. Res. 160, by the yeas and nays;

H. Res. 99, by the yeas and nays; and

H. Con. Res. 161, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CALLING ON CHINA TO RELEASE LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY BEING HELD IN DETENTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 160, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 160, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 186]

YEAS—379

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—53

Akin
Berkley
Blunt
Boucher
Brady (TX)
Burton
Carson (IN)
Clement
Coble
Diaz-Balart
Ehrlich
Foley
Ford
Fossella
Gephardt
Gordon
Hinojosa
Hoekstra
Hooley
Hulshof
Hutchinson
Istook
John
Kaptur
Lantos
LaTourette
Lipinski
Maloney (CT)
McGovern
Millender-McDonald
Nadler
Neal
Owens
Paul
Pelosi
Peterson (MN)
Platts
Pomeroy
Pryce (OH)
Putnam
Rangel

Sanchez
Sessions
Shadegg
Shimkus
Simmons
Smith (MI)
Spence
Sununu
Taylor (NC)
Toomey
Waxman
Weiner

□ 1831

So (two-thirds having voted in favor thereof), the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 186 I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

CALLING UPON HEZBOLLAH TO ALLOW RED CROSS TO VISIT FOUR ABDUCTED ISRAELIS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 99.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 99, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 187]

YEAS—379

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—53

Akin
Berkley
Blunt
Boucher
Brady (TX)
Burton
Carson (IN)
Clement
Coble
Diaz-Balart
Ehrlich
Foley
Ford
Fossella
Gephardt
Gordon
Hinojosa
Hoekstra
Hooley
Hulshof
Hutchinson
Istook
John
Kaptur
LaTourette
Lipinski
Maloney (CT)
McGovern
Millender-McDonald
Moore
Nadler
Neal
Owens
Paul
Pelosi
Peterson (MN)
Platts
Pomeroy
Pryce (OH)
Putnam
Rangel
Sanchez
Sessions
Shadegg
Shimkus
Simmons
Smith (MI)
Spence
Sununu
Taylor (NC)
Toomey
Waxman
Weiner

□ 1839

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 187 I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING 19 U.S. SERVICEMEN WHO DIED IN TERRORIST BOMBING OF KHOBAR TOWERS IN SAUDI ARABIA ON JUNE 25, 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 161, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 161, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 53, as follows:

[Roll No. 188]

YEAS—379

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr

Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Payne
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—53

Akin
Berkley
Blunt
Boucher
Burton
Carson (IN)
Clement
Coble
Diaz-Balart
Ehrlich
Foley
Ford
Fossella
Gephardt
Gordon
Hinojosa
Hoekstra
Hooley
Hulshof
Hutchinson
Istook
John
Kaptur
LaTourette
Lipinski
Maloney (CT)
McGovern
Millender-McDonald
Nadler
Neal
Osborne
Owens
Paul
Pelosi
Peterson (MN)
Platts
Pomeroy
Pryce (OH)
Putnam
Rangel
Sanchez
Sessions
Shadegg
Shimkus
Simmons
Smith (MI)
Spence
Stupak
Sununu
Taylor (NC)
Toomey
Waxman
Weiner

□ 1846

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the concurrent resoltuion was amended so as to read: "Concurrent resolution honoring the 19 United States servicemen who died in the terrorist bombing of the Khobar Towers military housing compound in Dhahran, Saudi Arabia, on June 25, 1996.".

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 188 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. CARSON of Indiana. Mr. Speaker, today I was in my district attending to official business and as a result missed rollcall votes 186 through 188. Had I been present I would have voted "yea" on all 3 rollcall votes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. MOORE. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CHINA'S THREAT SHOULD BE CONSIDERED DURING APPROPRIATIONS SEASON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, tonight, as my colleagues know, the first vote we had dealt with the issue of American scholars of Chinese ancestry being held in detention, and this was passed overwhelmingly by the House. Everyone supported calling on China to release these people.

I had planned last week to come on the floor and talk about North Carolina because I am one who is very, very concerned about the fact as we begin very shortly to discuss and debate the appropriations for our United States military.

Too many times I think we as a Nation fail to realize that this is a very unsafe world that we live in. When I think about China and the things that China is doing to build up their military, then I think I have a responsibility back in the third district of North Carolina, which I have the privilege to represent to talk to the people about my concerns as their elected representative.

Tonight, I wanted to take just a couple minutes of my time to say to the House and to those throughout this Nation that China has definitely positioned itself, in my opinion, to be an adversary of this country. We know what happened with our reconnaissance plane that has been held by the Chinese for several months now, which I understand is being taken apart and soon will be shipped back to America. That plane was in international airspace. It should never have been challenged by the Chinese fighter, but it was; and, therefore, the pilot, the American pilot had to land in China.

I wanted to make reference to this chart that I have in front of the podium tonight, which was in The Washington Times, February 29 of the year 2000. And it says "China Warns U.S. of Missile Strike."

Mr. Speaker, that to me is an arrogant statement and a very belligerent statement that China would be making towards the United States of America. This was when China was somewhat trying to threaten the Taiwanese Government by saying that we are going to fire missiles towards your country.

I want to read one of the subtitles to this article. Again the title of the article by Bill Gertz is "China Warns U.S.

of Missile Strike"; and the subtitle says, "It is not a wise move to be at war with a country such as China, a point which the U.S. policymakers know fairly well also."

This, Mr. Speaker, was a quote of the Liberation Army Daily, the official newspaper of the Chinese People's Liberation Army. Again, I think that is a very threatening statement. I think it is a statement of belligerence. That, again, was long before our reconnaissance plane was forced down in China.

Mr. Speaker, there is a book that I have finished reading that I think is an excellent book to inform the people of my district, the third district of North Carolina. It is called The China Threat. It is written by Bill Gertz. Bill Gertz writes for The Washington Times, and I think he is highly respected in certainly this city of Washington, this Nation, and throughout the world of his accuracy and his research. If people would get a chance to read this book, The China Threat, the subtitle, "How the People's Republic targets America."

I want to read you just one aspect that is contained in this book: "An international Chinese military document exposes how Beijing is willing to launch a nuclear attack on the United States if America forces an attempt to defend Taiwan."

I bring that point up again, Mr. Speaker, because you can see from this chart that Admiral Blair spoke to the House and Senate Committee on Armed Services back on March 28 of the year 2001, and the admiral warns of perilous buildup of Chinese missiles.

The commander of U.S. forces in the Pacific told Congress today that China's ongoing missile buildup opposite Taiwan is destabilizing and leads to a U.S. response unless halted.

Mr. Speaker, I think it is important that those of us in the United States that will soon be debating the needs of our military that we remember and the American people remember that this is a very unsafe world that we live in.

The only other chart I want to bring up, Mr. Speaker, was in The Washington Times just a few weeks ago. My colleagues can see this. It says, "China Secretly Shipping Arms to Cuba." This was just a couple of weeks ago.

Mr. Speaker, I believe it is important that, when we have a chance, those of us on the Committee on Armed Services, to talk here on the floor of the House as well as back in our district, that we need to remind the people of this country that there are those who do not appreciate our way of life and those who would like to challenge this country.

So, Mr. Speaker, in closing, I do want to again say that it is always a privilege for me to represent the third district of North Carolina, the home of Camp Lejeune Marine Base, Cherry Point Marine Air Station, Seymour Johnson Air Force Base, and the Coast Guard. I have over 50,000 retirees in my district who have served this Nation, veterans and retirees.

Mr. Speaker, with that, I will close. I will say in closing this is a great book for anyone that is concerned about the national security of this Nation, The China Threat by Bill Gertz.

HIGH-PRICED PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I rise tonight to talk about an issue that is not a partisan issue, but it is a very important issue that we have not talked about much on the House floor in the last year.

Last year, we passed an amendment to the House Ag appropriations bill, and ultimately was included in the omnibus bill that went to the President's desk, some language which clarified that Americans would have access to prescription drugs at world market prices.

Unfortunately, Secretary Shalala said that her department would not enforce that legislation. Up until this point, Secretary Tommy Thompson has followed suit. So we are going to be forced to offer another amendment in the next several days.

I would like to share with the Members tonight a chart talking about the outrageously high prices that Americans pay for prescription drugs. Now, unfortunately, this chart is outdated. We are having a new one made up. But even the worst news is that the differences between what we pay in the United States and what consumers around the rest of the world pay have not changed.

For example, my 82-year-old father takes a drug called Coumadin. It is a blood thinner. It is one of the most commonly prescribed drugs in the United States. A few years ago when we had this research done, the average price in the United States was $30.25. The average price in Europe was $2.85 for exactly the same drug in exactly the same dosage.

Now, as I said, the numbers have changed, and I have a new chart that is available. We will have it in this form probably by tomorrow at noon. But Members who would like a copy of this chart can go to my Web site. It is simply gil.house.gov. One can see for oneself the differences that Americans pay.

For example, let us take a commonly prescribed drug called Claritin that is prescribed for allergies. A lot of Americans take it. The average price for that drug in the United States is $63.06 for a 30-day supply. But that same drug, the average price in Europe, in the European Union, is only $16.05.

Let us take another drug that is commonly prescribed here in the United States, Prozac. In the United States, the average price for a 30-day supply is $71.94, but that same drug in Europe sells for $44.10.

Now, these are the same drugs, Mr. Speaker. They are made by the same companies in the same FDA approved facilities.

Now the big pharmaceutical companies are arguing safety. They are saying we have got to worry about safety. That is a legitimate concern. I am concerned about safety as well. But remember this, a drug that consumers cannot afford is neither safe nor effective.

Today in America, 14 million seniors have no prescription drug coverage. That speaks also to the some 53 million Americans who have no other health insurance. So we may be talking about as many as 57 million Americans who were forced to pay full retail price for these drugs. They get no help.

Now, some people say, well they have price controls in other countries, and that is true. In some countries, they do have price controls. But it is also true there are countries in Europe that have no price controls. Yet, we pay in America sometimes three times more for exactly the same drug.

Now, Mr. Speaker, I am not asking for bulk importation this year, although I believe an amendment will be offered, and I will certainly support it. All I am really asking for is a clarification so that American consumers that have a legal prescription for a legal drug in the United States from any G-8 country or any NAFTA signatory country ought to be able to get those drugs from those countries at world market prices.

I believe that if we could simply have access to drugs at world market prices, because I am a free trader, I do not believe in price controls, but I do believe that ultimately markets are more powerful than armies. If Americans have access to those markets, we will see drug prices in the United States come down by at least 30 percent. And 30 percent last year or the last year that we have numbers for seniors, they spent something like $50 billion on prescription drugs. Thirty percent of $50 billion is real money even here in Washington.

So I am not asking for the world. I am simply saying we need a clarification for our own FDA that law-abiding citizens with a legal prescription ought to be able to buy drugs at world market prices. If they want to use the Internet, that is up to them. Or if they want to go through their local pharmacy, I would certainly permit that as well. But we are not going to stand idly by.

I ask my colleagues, if they could explain this chart and these differentials to their seniors in their districts or their consumers in their districts, then they have every right to vote against my amendment. But if they cannot explain this, I expect that they will be asked by seniors and others in their district why they voted against the amendment. It will be a simple amendment. We hope to offer it later this week. We appreciate our colleagues' support.

OUTRAGEOUSLY HIGH DRUG PRICES

[For a 30-day supply]

Drug	U.S. price	Euro. price
Allegra 120	$69.99	$20.88
Atarax	28.62	4.20
Biazin 250	113.25	61.74
Claritin	63.06	16.06
Coumadin	37.74	8.22
Glucophage	30.12	4.11
Lipitor	52.86	41.25
Premarin	17.10	9.90
Prozac	71.94	44.10
Zestril 5	25.92	5.52
Zithromax 500	486.00	176.19
Zyrtec	50.10	17.73

□ 1900

ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I wanted to raise a couple of things that were in yesterday's newspaper that illustrate that as much as we would like the drug problem in America to go away, it has not gone away.

The front page of The New York Times says, "Violence Rises as Club Drug Spreads Out Into the Streets." And it is yet another story about Ecstasy. On the front page of USA Today just a month ago, "Ecstasy Drug Trade Turns Violent." What we see from the charts is that it is exploding on the West Coast, it is stabilized on the East Coast, in the Midwest it is soaring; and in the south it is roughly stabilized.

We are seeing more and more kids realize the extreme dangers as more and more overdose, as more and more lose ground in their schooling as they see side effects like depression, particularly at the so-called rave parties which have been featured a lot in New Orleans and other places on some national TV shows. Just as crack cocaine became an epidemic in America, we are seeing the start of the Ecstasy movement. This is partly because of the drug legalization movement in the Netherlands and in Europe. We are seeing Ecstasy exported from Belgium and the Netherlands into the U.S. It is increasingly becoming the drug of choice. We need to be aggressive in our law enforcement, we need to be aggressive in our prevention and treatment programs, in our outreach programs, as well as our interdiction programs.

In the Indianapolis Star yesterday, the headline says, "Drug Test Ban Felt at State Schools. Ball State University survey shows rise in drug and alcohol use and student discipline since court rejected policy."

A number of years ago, when I was a staffer for former Senator Dan Coats, we allowed drug-free schools money to be used for drug testing of student athletes. This policy had been spreading through the United States and beyond just the athletic departments to general, random drug testing. In my district, at East Noble High School, at Fremont High School, we had several model programs developed. In Anderson High School, a State court ruled that drug testing the students was illegal search and seizure.

How exactly are we supposed to do prevention programs if the court decides it is the legislative body and does not have any legal precedent with which to decide that but makes that decision?

What we do know, and ironically it took a court decision to overturn a broad drug testing policy of schools, is in fact that in Indiana drug use and alcohol use had gone down, and then when they were ordered to stop the program, in 1 year it has gone back up. So the question is, as we see the results when a program is pulled back, not whether drug testing works, it is how can we do it in a constitutional way, that is sensitive to the individual, whether in the workplace, whether at school or wherever it be? Because drug testing is one of the most effective prevention programs. We have maintained this for years, and this new study in Indiana proves it.

Unless we all work together in prevention, in treatment, in interdiction, and in law enforcement, we are going to continue to lose many more of our young people and adults to the scourge of illegal narcotics.

REJECT RENAMING OF NATIONAL AIRPORT IN METRO SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, tomorrow this House is scheduled to consider the transportation appropriation bill. Within that bill there is a provision requiring that the local governments in the Washington, D.C. area spend hundreds of thousands of dollars of their own money to add the name of Ronald Reagan to the Metro system every place it says National Airport.

Now, the local governments have the authority to do this. When a local government requests a name change, the name of the Metro station within its jurisdiction is changed. That deference to local government is really one of the principal things that Ronald Reagan stood for. But this body, deciding that it did not like the fact that the local government had resisted adding those two additional names, is now going to require them to do so, even though this is not a Federal facility. It gets only 6 percent Federal money, 94 percent of which comes from the riders of the Metro system.

So we ought to ask ourselves, do principles only apply when it is convenient, when it suits our politics; or do we vote consistently with principles like deferring to the sovereignty of local governments in opposition to unfunded Federal mandates? Because this is what this is, an unfunded Federal mandate. It would not be done in other congressional districts, but we are going to be doing it over the opposition of this local government and the regional authority. We are going to do it out of what I can only consider to be partisan petty politics.

We greatly regret the fact that Ronald Reagan today is suffering from Alzheimer's disease. But I know, and I particularly regret it for one reason because I know that if he were able to, he would adamantly insist the Congress not do this to his name. George Will wrote an editorial making this point: he quoted Cato, the famous Roman, who made the point that he would rather have people asking why is this place not named after Cato, than asking why did they name this coliseum or facility after Cato. In other words, modesty ought to be a hallmark of great people. Resistance to arrogance. Yet that is what this provision is. It is an arrogant Federal imposition upon the will of local government.

Local government did not resist adding the name out of resentment of Ronald Reagan, although they certainly resent the fact that they were never consulted when they changed the name of the airport from George Washington's honor to Ronald Reagan. Because it is on the very road that leads to George Washington's home. George Washington's family owned the land that National Airport was built on. In fact, Franklin Roosevelt, when the main terminal was constructed, had it constructed to resemble Mount Vernon. So if they had been consulted, they would have said, well, we really think it should be continued to be named after George Washington since Ronald Reagan never used this airport. It did not offer transcontinental flights. He used Andrews Air Force Base when he was President. So they resent that.

But that is not why they resisted this. They resisted because it does not make practical sense. You cannot fit four long names, Ronald Reagan National Airport, on the literature. But most importantly, all the stations are named after places, not after people. When some people wanted to honor Robert Kennedy by naming the Metro station at the RFK Stadium after Robert Kennedy, the Metro Board likewise resisted. They said, no, we name them after places, we will name it Stadium

Armory, not after an individual. Likewise, this metro station should be named National Airport.

Now, many people will think this is a petty picayune issue, but it is a principle. We voted unanimously against unfunded Federal mandates. This is an unfunded Federal mandate. That principle should be preserved, and so should respect for local government wishes.

Mr. Speaker, this Congress should reject this language that purports to honor Ronald Reagan, but actually defiles his legacy.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-110) on the resolution (H. Res. 178) providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE ENERGY SHORTAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, this evening I want to devote my comments to a focus on energy and the energy shortage that we have. On one hand I think in some areas we have an energy crisis, on the other hand I think at times we really have an energy problem. In either case, whether an energy crisis or an energy problem, the fact is we need to apply an ingredient called common sense.

There is a lot of areas of common sense. We can find a lot of common sense, like conservation. Issues like conservation, when applied to energy, can be done without a lot of pain. It does not affect our life-style. In fact, it is a contribution to our country's energy woes, so to speak. So I will visit a little about conservation this evening.

I also want to address where we are, what kind of problem we are facing in future generations. I think it is incumbent upon us, as leaders, to exercise some leadership not for today, which obviously we have to do, but for the future. Our questions about energy should not be questions about energy today exclusively, but should in fact include questions about energy for tomorrow. Of course issues like conservation and issues like alternative power, solar and other types, wind power, et cetera, are a part of our leadership obligations to help address or at least help prepare some answers for future generations on their energy problems.

I thought it would be very good this evening to take a look at what common sense does for us. For example, hydropower. Hydropower does not use coal. Hydropower does not use electricity. It generates electricity. Hydropower does not require natural gas. Hydropower does not require fuel. The fuel that generates hydropower is the natural flow of water. So we are going to talk a little about hydropower. We are going to talk about why hydropower is important for our environment.

In our mad rush to supply energy, regardless of the source, we always have to consider what is the impact to the environment and how can we mitigate the environment. In some cases, not just mitigate the environment, and in fact mitigation of the environment may be old news, the new news for the environment may mean that we have to enhance the environment, a step higher than mitigation of the environment. But I want to stress here this evening that mitigation or enhancement of the environment is not an exclusive set of its own. In other words, we can have the environment, and we can have power production regardless of the source. In fact, through utilization of common sense, we can have protection of an environment and production of energy resources that every one of my colleagues in this room and every one of their constituents is dependent upon.

Something a little interesting happened the other day. I like to mountain bike. I like to ride bikes, though I am just learning. My wife, Lori, Carey and Bruce are trying to get me educated on riding these bikes in a little more sophisticated form, but I saw someone the other day on a mountain bike and we were talking and this individual said to me, he says, You know, mining is so terrible and the energy companies are so terrible, look what they are doing. So I said, You know what, that bike you have got, that bike you paid $3,000 or $4,000 for, has titanium in it. It is interesting to me you criticize on one side but you take advantage on the other.

My reason for using this example this evening is to tell my colleagues that I think this mountain biker can have a titanium bike because I think we can have production of the metals and production of the energy we need while maintaining a balance with the environment. If we do not think, and if that individual does not think, we can, then that individual should give up his titanium mountain bike. I think we can, and I think common sense will allow us.

Of course, the most basic thing that common sense can do for us is conservation.

□ 1915

Mr. Speaker, I have addressed my colleagues any number of times about conservation, things that do not impact one's life; for example, making sure that your ceiling fan is going in a clockwise motion so it draws the cool air up to the ceiling. If it is going counterclockwise, it defeats your purpose.

We talked about the fact and I recommend to people across this country, take out your owner's manual on your car and take a look at the people who designed that car, who test drove that car, who manufactured that car, who sold that car; take a look at how often they say you should change the oil on that car, and then take a look at a quick lube recommendation, and I am not referring specifically to any quick lube. They will tell you change your oil every 3,000 miles. Guess what the manufacturer, the engineer, the salesman of that car, the owner's manual of that car will tell you? You do not need to change it every 3,000 miles. You can change it every 6,000 miles, and they will warranty the car. They will still warranty the car for 3 years or 24,000 miles.

It is not painless to turn off the lights in your house when you leave. In fact, in Europe in many of the hotels, you actually have to have a card. When you go into your hotel room, you take a card, there is a slot, and before you can turn your lights on, you slide in the card. What happens, when you leave, as you pull the card out, all of the lights go off in your hotel room. Now you can program it in such a way that if for security purposes you needed a light on, it would leave that single light on or a couple of lights, but it helps you remember to turn them off.

These are common-sense approaches on conservation. The good news is conservation can be employed by all of us without a lot of pain in our life-style. The bad news is conservation is not the answer. Conservation is a part of the answer. Imagine that we are putting a model together. Conservation is about 10 percent of that model. Maybe we can push it to 20 percent of that model.

Alternative energy, exercising leadership in the future will allow us to go from 2 or 3 percent of alternative energy to making that a bigger part of our model. But in the meantime, we have to go to what we have been doing, and that is we have got to continue to explore for oil-based resources. There is no other way around it. You can have all kind of pie-in-the-sky wishes. You can have all kinds of people lecture from a podium like this to you saying alternative energy is the answer. It is not the answer. Conservation is the answer. It is not the answer. It is a part of the answer.

Alternative energy is a very important part of the answer. Take a look. If you took all of the alternative energy known to mankind today throughout the world, and you put that energy exclusively for the use of the citizens of the United States of America, it would supply 3 percent of our needs. Three percent. That is assuming you take all of the alternative energy from around the world. We need to increase that percentage; but it is not the total answer. It is part of the answer.

Conservation, look at what happened in California. In California the people conserve not because Governor Gray Davis, who is trying to play like a guardian angel in this situation, and he is not, nor are some Republicans, but frankly the leader of California is trying to come across as the leader to take the people of California out of this crisis. In my opinion, he largely led them in there.

The fact is they are not conserving in California because of their Governor, it is because prices went up. It is the same thing with my wife and I. My wife and I have really been conserving on energy. Why? Not because Gray Davis out of California is having a problem. It is not because I read some government program that said you ought to conserve, it is because of the fact that my gas bill doubled, and that has a way of forcing conservation.

Off the subject for a moment, that is one of the problems with price caps. When you go out to the consumer and say, no matter how much of this energy you use, no matter what time of day you use it, whether it is during peak usage or off-peak hours, it does not matter, you are going to pay the same price regardless, do you know what that does? It encourages use and discourages conservation.

What encourages more conservation than any other factor in the last 6 months? Price. The market. Supply and demand.

What has happened in California, and by the way, when you talk about California, let me point out a couple of things. I am not one of those people that thinks that California should die on the vine. I do not think we should walk away from California. California is a State, and we are the United States. But that does not mean we should not say to California, hey, you are going to have to pull yourself up by your bootstraps. You are going to have to employ self-help. Part of the way you are going to have to help yourself is to be honest, elected officials, and go to your consumers and say this is the true cost of energy. Do not shield it and pretend that it does not exist by subsidizing it with State dollars.

The Governor is subsidizing your electrical costs. You are not paying the true costs. Does that mean you will never have to? Do not kid yourself. Soon it will come back to bite you. Right now California is spending billions and billions and billions of dollars by selling bonds and raising money to pay this. They are keeping the prices capped to a large extent. In the short run it sounds great, and in the short run it is a political recipe for success. They think you are the greatest guy in town.

In the long run, trying to artificially alter the market, in the long run it has been proved since the days of Adam Smith when he wrote the book The Wealth of Nations, every time the government has stepped in on rent control, on gas control, on energy control, energy price caps, it always backfires. It has never worked. It has never worked in the history of the country.

Let us go back to California. Now, remember, California, especially the Governor of California, and I am not trying to be particularly terse up here, but I have heard the Governor time and time and time again blame everybody but the people of California, blame everybody except the leadership of California. It is because of Congress. It is the utility companies. Ironically, the Governor of California wants to run for President someday, so he blames the power companies in the State of Texas. It is those villains down there in Texas.

You know what, California, we have 50 States. We have 50 States. One State is in your predicament. Why? Because California leads this country in the philosophy of do not build it in my backyard. California leads this Nation in the philosophy, no, we do not want natural gas transmission lines. Do not talk about electrical transmission lines in our State, or generation facilities in our State.

California, you are too important to this Nation for you to take those positions. California is the sixth most powerful economy of the world. If California was a country of its own, it would be the sixth most powerful economic country in the world, much more powerful from an economic point of view than the country of France.

We need, whether you like California or not, and I happen to like it, we need California. We need them healthy, and I want them to come out of this energy crisis; but let us not come out of here with some artificial wave of the magic wand and think everything is right. We have to sit down and put everything on the table. We have to come up with an energy policy.

Why do I mention energy policy? Do you know why? Because in the State of California, they had an energy policy, kind of partial deregulation. Their energy policy was sell the generation plants, tell the consumers they will not have any increase in the prices; no matter how much they use the energy, no matter how short the supply, the price stays the same.

California decided not to buy long-term contracts on the electrical market, but instead to buy on the spot market, which means you go out tomorrow and you say, what is the price? I will buy it. If the price goes up, you are stuck on Wednesday. If the price goes down, you benefit on Thursday. If the price goes up, you are stuck on Friday. That is what California decided to do. They decided to roll the dice.

Well, the consequences of that are that California got itself into this energy crunch. Can we get California out of it? The answer is, yes, of course. Do we have an obligation to help California? In my opinion, yes, of course.

But California has got to pitch in. I want California to be successful, but California has got to help us on conservation, and kudos to the people of California. In the last month, I saw a number the other day where the California people have conserved a 10 percent increase in conservation. That is a significant number. That is a big help. That shows us and the rest of the Nation that the citizens of California are taking this energy crisis seriously, and they are taking a look at this so-called energy policy that they have. They realize, most citizens of California, that it needs to be amended, but amended in such a way that your energy policy works for future generations.

Mr. Speaker, my focus here this evening is as much for future generations as it is for this generation. So California needs an energy policy that is realistic in price, that is realistic in alternative energy, that is realistic in conservation, but it is also realistic in exploration and allowing electrical transmission lines and allowing generation plants to be built.

At the national level can we stand up proudly and talk about the energy policy we have coming out of Washington, D.C.? There is no energy policy. There is none. For 8 years under the previous administration, we had no energy policy. This President, and I commend the President and I commend the Vice President, Vice President CHENEY, President Bush, they have made some tough statements. They said we have to put everything on the table. It does not mean that it stays on the table. But ANWR, and of course the publicity that you have seen about Alaska is so negative, I cannot imagine how they can get enough votes out of here. But controversial or not, the President's energy policy said let us put it on the table. Let us put together an energy policy because we owe it to the future generation and our own generation and our colleagues like the State of California to come up with an energy policy that is going to work.

And that is why I am speaking tonight, because I think all of us, putting our minds together, we have the greatest mind in the world in this country, we can resolve this. It is not really the kind of crisis that some people say. Sure, we have rolling blackouts, and sure it is a crisis for an individual like a senior citizen who loses his air conditioning or a farmer whose fans go off for his chickens or turkeys. It is the warning sign. It is a shot over our bow. It is saying to us when Washington, D.C. is the leader of this country, you have an obligation, Washington, colleagues, we have an obligation to put together an energy policy.

The first thing we have to consider when we put together an energy policy is we have to make sure we do not buy into this pie in the sky that conservation alone is going to do it. Conservation will not. It will not do it alone. It is a part, it is a very important part, of our solution. Alternative energy will not do it alone. It is a part.

□ 1930

Do not buy this pie in the sky that we can walk right out of this without drilling another well for oil; without drilling another well for gas; without putting another electrical transmission line in place; without putting a natural gas transmission line in place; we can go ahead and get ourselves out of this and protect future generations, and I will repeat, and protect future generations by simply adopting alternative energy.

Hopefully, in 50 years or 20 years or less we will have that available; but today, for our leadership today, we need to look at what tools are there. Conservation is a part. Alternative energy is a part. Exploration is a part. Hydropower, which we are going to talk about in more depth in a few minutes, is an important part. We can put these parts together on a model, put it there, stick it here, put it together; and it is an energy policy. It is in that energy policy that we can take our leadership roles. It is that energy policy that we can employ in this country so that not one State ends up in the kind of situation that the State of California is in. Because our country is much too strong a country to allow even one State like California or any State to get into the kind of crunch they are in.

But, like I said, California. I am a big fan of California. I love California. But I want you to know, it is like talking to your son or your daughter, tough love, you have got to help us out. There has got to be a little self-help involved here.

Let us look at the fundamental thing that we need to take into consideration as we begin to construct this model of energy policy. Let us take a look at growth in U.S. energy consumption. Obviously, we know that growth in consumption is outpacing production. This is the energy production, 1990 to 2000, so this is a 10-year growth rate, the green line. That is the projected. That was the production. This red line is energy consumption. Take a look at how this line, look at the angle of it versus the angle of our production, energy production. In this country, by the way. In this country.

So my colleagues say, SCOTT, that's fine, you've got production here, you've got energy consumption there, this country would be in collapse. You're not meeting your demand. You've got too big a gap, this huge margin. How do you meet that gap? I will tell you how. We meet that gap because we are becoming by the day more and more and more dependent on foreign oil. In other words, the leaders like Saddam Hussein, the leaders in different countries throughout this world who are not necessarily friendly to the United States, they will bargain with the United States with money, green; but they are not necessarily our friend. They can shut off the tap anytime they want to. We are becoming more and more dependent.

As long as this blue space continues to grow in width, it means we are becoming more dependent, not on alternative energy as we should, not on consumption as we should, but on foreign oil as we should not. If we could apply to this line energy consumption and we could put in some serious conservation, and by conservation I do not mean you cannot drive your car anymore. I do not mean that you have to walk to the grocery store, that you cannot have a mountain bike that is not made of titanium, or you cannot have a boat made for you so you can river raft on the river or a lawn mower, these different things, refrigeration in your house and so on. I am not saying you have to shut that off, although if you have an extra refrigerator, by the way, in your garage, empty it. More likely than not you are not even using it. You could save yourselves $17 a month. That is just a little conservation hint there.

So we can lower consumption. But the fact is this: we can with conservation lower this a little. The demand will continue, but we can lower consumption through conservation there. Alternative energy helps us. It does not lower consumption, but it gives us a different method, a different angle of consumption. Those are answers, but they do not come anywhere close to filling the gap, which means we become more and more on a daily basis dependent upon foreign oil. That is not good energy policy.

Now, let us take a look at power plant generation. There seems to be a phobia out there that we are not building generation facilities anywhere in this country, that we have completely ignored electrical generation facilities. That is not true. Remember that primarily the problem that exists today is in the State of California. One State. There are reasons that that specific State got into trouble versus the other 49 States.

There are problems up in the Northwest. That is not because of a failure of planning or a failure of leadership. It is because they are having a drought. The Columbia River is way short on water. They do depend on hydropower up there. But in fact when you take a look at what we have coming online, believe it or not, last year we had 158 generation plants come online. Obviously, they came online in most of the States except for the State of California, which did not have them in California. They were not building generation. But we are throughout the rest of the country.

So I wanted to point out, last year 158 new power units were completed nationwide, or three plants a week. Three generation facilities a week last year came online. Construction this year is slated to set a record for new power generation. A March report by the firm Energy Ventures Analysis found that power units already in operation or under construction will add 51,805 megawatts in 2001, enough to power half the homes in the Nation. In fact what this suggests is we may very well in certain areas of this country within the next 12 to 18 months actually have an electrical glut, an energy glut. Can you imagine, after what we have been through the last 3 months that actually we would go into a glut-type situation? That is possible.

Let us go on. Utilities and generators have announced plans for equally ambitious additions for 2002 through 2004. According to the filings, the electricity industry expects to build 1,453 new power units during that 4-year period of time, taking time off for weekends. So if you take weekends off, that amounts to one new plant a day for 5 years running. Not all of these may ultimately be built, but the point is this: we are now building generation plants; we will have the generation plants that are necessary for us to meet electrical demand. This is not oil consumption. This is electrical demand.

But there is another factor to this. You may have a lot of power plants in the State of Texas, but you have got to have the ability to share that power, move that power among transmission lines. So you cannot just build an electrical generation facility. You have got to be able to put in transmission lines to distribute that to the areas where the demand is high and the supply is low. But I think there is pretty good news in the future, especially for future generations, as far as our capability to generate electricity. I think even California, that the market, once you get to the market, the less you try and artificially manipulate the market, the more market common sense comes into play.

What do I mean? If a town closes its own hamburger shop, the only hamburger shop in the town, and there is a demand for hamburgers, what tends to happen? You not only have it replaced by one hamburger operation, you end up with two or three hamburger operations. It is the same thing here. If you do not artificially toy with the market, I think we are going to have adequate supply. But that means that we have to have capability to put that supply where the demand is. That means, Governor of California, you have got to build transmission lines in your State. Frankly, every other State has got to do the same, because we are not in California's situation today. Forty-nine States are not. Forty-nine States in my opinion did more appropriate planning. The reason that we are not in that crisis is because we planned for today.

But the big question is: Have we planned for tomorrow? Every State should pay attention. Let us learn from the painful lessons that California has suffered. Let us take a look at what our own energy demands are. What can we do for conservation? What can we do for electrical generation? Where can we put transmission lines? Where can we put natural gas transmission lines? Those are the questions that an energy policy brings up.

Earlier I mentioned to you that the predominant problem was right here in the State of California. And of course we have explained why. California has tried to artificially toy with the market. They tried partial deregulation. They did not do full deregulation. They put on price caps promising the consumers that for at least a 3-year period of time, no matter how much energy they used, no matter what time of the day they used it, no matter where the generation or transmission was, the price would not go up.

California continued to toy with the market. California continued to manipulate in an artificial fashion the market. That is why California is one of 50 States that now has that problem. The rest of the States are not problem-free. I mentioned earlier the Pacific Northwest, the Columbia River. They are very dependent on hydropower. Texas actually has an ample supply of energy, in part I think because of what their previous Governor and their current Governor, Rick Perry, has instituted; but we do not have the transmission lines that we should have to move it out of Texas to other parts of the country. I think that will be answered within the near future.

In the mid-Atlantic, most of these States have planned very well for the energy problems that they have got. You have got an isolated problem in New York City, although New York City has not hesitated. As soon as the Mayor of New York realized, Mayor Giuliani, that there were problems with electrical supply, they not only tried to slow down demand through conservation but they also figured out slowing down demand through conservation is not the only answer, it is a part of the answer; the other part is we have got to put in some temporary generation facilities to get us through the summer until we can put our energy policy in place. That is what New York has done. It appears that New York is going to have much less of a problem getting through this summer than everyone originally anticipated.

As I mentioned earlier, there are a number of different alternatives that can provide energy that I think utilize the factor of common sense. There are a lot of things if we slow down enough to assess what kind of situation we are in and how we want to go out of it, i.e., an energy policy which this President, frankly, has decided to put forward, despite the criticism, despite the controversy, it has brought up the debate onto this House floor, which is going to be healthy for all of our constituents. The issue here is, What are some good, commonsense ways of producing the energy that we need? One of them, of course, is hydropower.

Let us talk about hydropower for a moment. Hydropower electricity. Conservation combined with common sense. Conservation combined with common sense, the two C's. Worldwide about 20 percent of all electricity is generated by hydropower. In our country it provides about 10 percent of our power. We are the second largest producer of hydropower. Canada is the first.

Now, keep in mind that every time you talk about hydropower, or you talk about new hydropower, you are going to have the radical environmentalists, the ones who in many cases are very hypocritical, hypocrites. They come to work; they drive up to the meeting to protest hydropower. They go home and use their lights. They have all kinds of recreational vehicles, whether it is a mountain bike, a motorcycle or whatever. They are very dependent on the energy market, and they are dependent on hydropower. Yet it is the radical environmentalists that are not using common sense. It is the commonsense environmentalists that are helping develop and deploy an energy policy that will work for this country.

Let us move and talk for a moment about hydropower. I know my colleagues have an understanding of hydropower; but to some of them out here, they are in areas where they are not dependent on hydropower. Out in the West we are very dependent on hydropower. In fact, Lake Powell provides a great deal of hydropower. Ironically, the national Sierra Club, the radical environmental policy of that club, not all Sierra Club members, but the radical policy of the national Sierra Club is to tear down Lake Powell. That is not a commonsense approach.

Let us take a look at how a hydroelectric dam works. You have the dam. Here is your dam that has to be built. Behind the dam obviously you end up with a reservoir. That reservoir does a number of things. Environmentally, while some of the radical environmentalists will tell you that all it does is damage the environment, in fact at Lake Powell, it has provided lots of water and habitat for species. It has become very important. It is one of the major recreational areas, if not the major recreational facility, in the entire west of the United States. We talk about being able to bring family and unite families. You go down to Lake Powell. That is the family recreation spot of the West.

□ 1945

So you get a lot of benefit out of the reservoir. What you do with the reservoir, you drop the water through the reservoir. It turns the turbine and this is your generator. The turbine goes up to your generator and produces electricity. Hydropower plants capture the energy of falling water. It is the fall of the water, the creation of that energy. It is that that generates the electricity. We do not have to use natural gas here. We do not have to use coal. We do not have to use gasoline or oil. It is a part of nature. We are able to take water, drop it at a steep enough angle; and that water, the power, the energy of that water, generates that electricity.

It supplies 10 percent of the needs of this country. Imagine what we could do if we could have smart, environmentally sensitive hydropower plants and reduce our dependence on oil coming out of the ground. We could do a lot with hydropower. Hydropower is probably the cleanest energy of which we use a major component. In other words, natural gas generators, obviously we are using natural gas. Coal generation, we know that we have an impact there but hydropower has a lot of positive attributes. So my point in bringing up hydropower is I wanted to talk about how we can use hydropower in a commonsense approach and not hurt the environment, mitigate the impact to the environment.

Hydropower is clean. When you use hydropower, it prevents the burning of 22 billion gallons of oil. Listen to this. The hydropower in our country, which provides 10 percent of the power of our country, because we use the energy off the drop of that water it saves us from having to burn 22 billion gallons of oil, or 120 million tons of coal each year. Imagine that. Because we have been able to capture the energy from the drop in that water, we do not burn 120 million tons of coal. Think of that. You want to talk about cleanliness for the environment. We save and do not burn 22 billion gallons of oil.

So the next time you have a radical environmentalist come up to you and talk to you about how evil hydropower is, say, wait a minute. If we did not have the hydropower but we continue to have the need for the electricity, how would you meet that need?

Now, sure, conservation helps; and, sure, some alternative solar helps some. Wind, it helps but not much.

How do you meet that margin, Mr. Radical Environmentalist? Why do you want to do go back to burning 22 billion gallons of oil? Do you want to go to 120 million tons of coal?

Hydropower has a lot of positive benefits. It does not produce greenhouse gases or other higher pollution. Hydropower leaves behind no waste. Reservoirs formed by the hydropower projects in Wisconsin, for example, have expanded water-based recreation resources; and they support diverse, healthy, and productive fisheries. In fact, there are some catch rates for game fish like walleye and smallmouth bass are substantially higher on hydropower reservoirs than natural lakes. It comes back to the point that I am trying to make. We have renewable energy and it is utilized with common sense.

Hydropower is the leading source of renewable energy. It provides more than 97 percent of all electricity generated by renewable resources.

Now, what are the other resources? The other sources include geothermal, wind, and biomass and solar is in there, too, but that only counts for 3 percent. The 97 percent of our renewable resources, in other words we can drop that water and drop that water, 97 percent of it in this country is hydropower.

I will very quickly just show you an illustration of hydropower. Take a look at that hydropower. The next time a radical environmentalist comes up to you and says, Hi, we should not have a dam, we should not use hydropower, that it is evil for some reason. And you say well, what is the alternative? Well, the alternative is let us rely on the other renewable energy. That is it, that is what they are telling you. They are telling you that instead you can drop this hydropower and replace it with this little tiny sliver.

Now there is no doubt, as Vice President CHENEY has said on occasions, numerous occasions, and the President has said, we need to expand this if we can, this red slice of the pie make it bigger and bigger, come up with other alternative energy but today it is not realistic and tomorrow it is not going to be realistic, but maybe for future generations we can put it on the right track and it can become more realistic.

I thought this was very interesting, and I wanted to point it out to my colleagues. This is the average power production expense per kilowatt hour. That is how you measure electricity, per kilowatt hour. Here is fossil fuel steam, generating steam. In other words, you burn coal, you create steam and the steam drives the turbine. Right there, those are the costs.

Now the green represents the amount of fuel you have to consume. How much coal? Remember that 127 million tons of coal? How much fuel do you have to use? That is maintenance to keep the turbine, to oil it, to make sure it is running correctly and in operation, your operational expenses. For fossil-fueled steam, there is operation, there is maintenance, and there is the cost of fuel. For nuclear, the operational expense, because of the safeguards they have to deploy, are extensive in nuclear. Here is maintenance and right there is the cost of fuel, nuclear fuel.

Now remember that we should not say that any of these are not efficient. We are going to need a combination of all of these in combination with conservation, in combination with solar and so on.

Look at hydroelectric. Hydroelectric has operation. It has maintenance, but there is no fuel expense with hydroelectric generation. Why? As I have said earlier, the fuel for hydroelectric generation is the result of the energy that is created with the drop of the water. That is what this chart shows you. Here is the gas turbine. Look how much energy it takes, how much fuel it takes to turn that gas turbine to create that generation of electricity.

That is why hydropower is important. That is why when you hear comments by people that say take it out, dams are terrible, keep in mind that dams do a number of things. One, they provide recreation. Two, they provide fisheries. Three, they provide flood control. Four, in the West, as you know, in the West it is arid. Out where I live, we get all the water we could possibly use for about 5 weeks. It is called spring runoff from the mountains.

I live at the highest elevation in the country. My district is the Rocky Mountains of Colorado. Now, for 6 weeks we have all the water we can use. Unfortunately, most of the time it comes when we are not using it. So what do we have to do? We have to store it. For 6 weeks we are okay, but we have to get through all of those other weeks in the year. We have to go through 46 or whatever other weeks are left we have to go through those weeks, and we have to have storage. So the dams provide storage. So if you are going to go ahead and provide storage and you are going to provide recreation and you are going to provide flood control and you are going to provide fisheries, why not generate electricity? Why not use hydropower to the extent that we can?

That is not speaking to the elimination of nuclear. In fact, most of France is generated, their electricity is nuclear. It is not to say we should not use natural gas. It is not to say we should not use the coal generated or oil generated, but it is to say that when combined with conservation, when combined with alternative energy, this commonsense approach of putting hydropower is a major factor of generation in this country of electricity in this country, is something we simply cannot ignore and we should not ignore it.

Let common sense dominate every other approach we are using in here.

Time allows me to bring up another chart here. Let us talk about it, the primary purpose or benefit of all U.S. dams. So this chart takes a look at all the dams in the United States and figures out in a pie chart exactly what is that dam utilized for. Remember, I told you that you will often hear the radical side of environmentalism, the radical side, not the commonsense approach, not the approach most of us use, but the radical approach will say no dam is a good dam.

For example, the national Sierra Club, the radical environmentalist leadership of that group that exists are the ones who want to take down Lake Powell, have never in their organization's history supported a dam storage project. Well, can you find out very many situations where never is always the answer? Never have hydropower? Never have conservation? Of course not.

There is a balance in there. Somewhere there is a balance. Take a look at what the balance does. Irrigation, 11 percent. Do not discount what irrigation means. In the West, as I told you, most of our water comes in a very short period of time. We do not have heavy rainfall. In fact, it was not until I left the mountains and came out here to Washington, my home is in the mountains but this is my work station, I could not believe the rains you guys get back here.

It is incredible, but back there we have to store it. And a lot of what you ate today is a result of somewhere water being stored so the crops can be irrigated.

Recreation 35 percent. Most of my colleagues here, somewhere during their year they will enjoy recreation provided as a result of storage of water, in some sport, whether it is sitting on a houseboat, whether it is fishing, et cetera, et cetera.

Stocked farm ponds, very important, again storage of water. Flood control. Now, in the West that is huge. Anywhere it is huge. Flood control, take a look at what happened, the devastation of floods before we were able to control floods, before we were able to get a hand on water and control it.

Public water supply, 12 percent. Now when you buy on, when somebody comes to your door and they do this all the time, some of the radical environmentalist approach is to come to your door with a petition and they ask for a contribution, by the way. It is usually a money raising racket but they will come to your door and they will say, hey, help us stop the terrible oppression of the environment, because they want to build a hydroelectric. What your response should be is, first of all, I care about the environment. I want that environment protected.

On the other hand, we are enjoying lights and our municipality needs water. When you are at your home, we kind of take for granted, especially when you live in a city, anywhere really but I guess in a city you kind of take for granted you turn on the water in the city you better have the water running.

The city supplies the water. It comes out of city hall. It is clean. It tastes good and it is there whenever we want it. Know what? The way the cities, most cities in this country, are able to provide that is because they have stored it somewhere, because it does not rain equally every day. It does not rain necessarily when you need it. So you have to store it.

So when people ask you to sign a petition and want to lead you down the path of the London Bridge for sale in the U.S. by telling you that there is no need for dams or hydropower, step back, use common sense and say, in some cases a dam may not be right and in all cases that it is right, the environment must be mitigated or enhanced. It cannot be ignored. In the past, I would be the first to admit that in some cases it was ignored, and we have paid for that and paid for that. We cannot allow it ever to happen again, but somewhere in the middle there is common sense. Somewhere in the middle this energy warning that we are getting in California, it is more of a crisis than it is anywhere else in the country. Let us listen to the message that is being sent to us and that is we, as mature leaders, we have an inherent obligation, it is inherent and it is an obligation, it is a fiduciary responsibility to provide for the future generations and to exercise leadership for today. The way we do that is we take a look at the energy package as a whole. We put everything on the table. We put conservation on the table. We put energy exploration on the table. We put alternative energy on the table. We put the environment on the table. You know what? Common minds with a little sense can put together common sense, and that is how we are going to be able to do this.

As I said, and I want to reiterate a couple of very important points, I have a chart here on conservation, I have a couple of charts on conservation, I said earlier in my comments this evening I complimented the people of California. Now I have been harsh on the people of California, particularly the elected leadership of the State of California, because frankly they are trying to make believe that there is an easy way out of this. Well, it is too good to be true. If it sounds too good to be true, it is. So I have been critical to the leadership. I have been critical of price caps, which are great on a short-term basis. I am sure that the Governor of California will continue to lift his numbers up in the polls because artificially he is telling people no pain in the short run. He will not be there in the long run when the pain begins to develop.

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The fact is, and what is important here that I want to compliment, is that the people in California have in the last 30 to 40 days, not as a result of their Governor, not as a result of their elected leadership, but as a result of the market, have begun conservation more seriously than they have in many, many years. And the rest of us, taking a look at California's pain that they have suffered, have decided too maybe we ought to conserve.

Look, I am the first one to tell you, I am the first one to step forward and tell you last year at this time, when natural gas was plentiful, when electricity was plentiful, I ran the air conditioning probably cooler than I needed it. I probably had it running when I ran out to the grocery store. I probably did not check to see what direction my fan was running to make sure it was cooling the house instead of defeating the purpose.

But you know what? I saw what happened in California. I have an obligation. All of us have an obligation, and we can do it without a lot of pain to help conserve.

But while we conserve, and again I compliment those people of California who have done that, and throughout the rest of the Nation, do not kid yourself. I remember once when I was young, my father told me, my father and mother both sat us all down, they are wonderful people, both are alive and well in Glenwood Springs, they sat us down and said to us, The last person you ever want to fool is yourself. Don't fool yourself. Don't pretend that what is happening is not happening. Figure out what is happening and figure out how you are going to adapt to it.

That is exactly my point here this evening. Let us figure out what is going on. We know we have an energy shortage, but do not buy into the pie in the sky that we can resolve it all through conservation, because we cannot. Do not buy the pie in the sky that we can do it all through alternative energy, at least today. We cannot. Do not buy that all we need to do is build and build and build power plants and put oil wells wherever they want to put them, because that is not common sense.

That does not work, to destroy our environment like that; and I do not know anybody that is seriously proposing anything like that. But what we have to do is meet in the middle. We have to use a combination of conservation. As I said earlier, we have to use a combination of conservation, alternative energy, exploration and transmission. We have got to be able to move the power that we produce from the supply point to the demand point all at the same time.

When we deal with demand, conservation helps lower demand. Alternative energy helps answer demand, like hydropower. That is why I focused this evening on hydropower. There is an energy production facility that does not use fuel. It does not need coal, it does not need natural gas, it does not need oil-generated steam to produce electricity. Hydropower produces it without fuel.

Now, that does not mean every river or every location is good for a dam. Obviously, as I said earlier, and I want to stress it again, because there is misinterpretation that is often taken advantage of when you speak like this, hydropower and the environment can go hand in hand, and there will be times where the protection in the environment overrides the need of hydropower in a particular location. But it is just as crazy to say that the environment will always prevent hydropower as it is to say that the environment should never be a consideration and hydropower should go wherever we want to put hydropower.

Again, coming back to the theme of my remarks this evening, in the middle, as I think our President and Vice President have attempted to say, in the middle we need to have an energy policy; and in the middle of America, meaning the people, not the geographical location, but the middle of common sense, we as a people can figure out how to provide, without a dramatic change in our life styles, because I do not think it is necessary, we can provide the energy needs on one hand for the people, the demands that they have, while at the same time protecting and enhancing our environment, while at the same time reducing our dependence on foreign oil.

That is not a dream, but it can only be accomplished if we have an energy policy; and we have not had one in the last administration, 8 years. We had plenty of gas; we had plenty of oil and plenty of transmission. We did not plan for the future.

We should have been planning then, but we have got to plan today. And despite all the criticism and all the controversy that is being heaped on the President and the Vice President, primarily, by the way, by the Democratic operatives, not by the conservative Democrats on this House floor, but by the Democrat operatives, by the people who are more focused on the election of the next President than they are on the needs of this Nation, those are the people that are really developing the criticism and manipulating it and marketing it in such a way that some people can be convinced we should not have an energy policy that involves any type of electrical generation, any type of exploration. They simply are not aware of what I have tried to emphasize this evening, and that is it will always demand a combination, a combination of protection in the environment, combined with exploration, combined with alternative energy, combined with conservation.

So, in summary, Mr. Speaker, I intend to continue to come to you, to urge that we as a body come up with commonsense solutions. It may sound repetitive, but I have got to drill it in and drill it in. We all need to drill it into each other.

This country demands and deserves that its leaders provide an energy policy. We should follow the direction of the President and the Vice President in trying to put one together. It does not have to be his, but at least we ought to have this debate that we are having tonight.

STRONG HMO REFORM NEEDED

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. GREEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. GREEN of Texas. Mr. Speaker, I am glad to follow my colleague from Colorado. I appreciate his statements on Texas and our power success. Typically, we do have success in power because we build generation plants.

But that is not what I am here tonight to talk about. I am really here to talk about managed care reform and the Patients' Bill of Rights and HMO reform, and give a Texas perspective, because we have had since 1977 a very strong HMO reform bill that is in Texas law. Let me give the reasons why we need a Federal law to that effect.

For one thing, last week the Senate kicked off their debate on legislation that is critical in importance to our Nation's health care system, which is a Patients' Bill of Rights. In the Senate it is the McCain-Kennedy-Edwards bill, and in the House it is the Ganske-Dingell-Norwood Bipartisan Patient Protection Act. They both do the same thing, the Senate and House bills. They ensure patients and their doctors have control over the important medical decisions, and not HMO bureaucrats or someone else who may not know anything about medicine except what they may look at in files.

America's health insurance system has changed dramatically over the last 25 years. When Congress passed the Employee Retirement Income Security Act in 1975, most Americans had some type of traditional insurance indemnity plan, an 80–20 plan like most of us used to have. They went to their doctor, they received the health care they needed, and the doctors were reimbursed by insurance companies.

But all of that has changed with the advent of managed care, which has meant most patients first get preapproval for their health care from their insurance company. If the HMO does not approve the treatment, the patient cannot get it. If that patient is hurt because they are denied appropriate health care, that is just too bad under Federal law.

Even worse, a patient cannot seek redress against that HMO for the damages in State court or even Federal Court, although there have been Federal cases filed recently; and some of them may sound better than others. But, again, typically Federal law does not allow a patient to sue under ERISA. ERISA exempts HMOs from being sued in State court, and requires them to be filed in Federal Court.

Again, the Federal courts have not always been the place where you can get real redress for insurance-type lawsuits. Even if an HMO is found guilty of wrongdoing in Federal court, they are only responsible for the cost of the care they denied. So, in other words, if you are not given appropriate treatment for cancer, and 6 months or a year later that HMO is found to have wrongfully denied treatment, then they go back and give you that cancer treatment. But, again, 6 months or a year later health care delayed is health care denied, and your cancer may grow.

So what does all that mean? Let us say an HMO denies bone marrow transplant to a cancer patient, even though it is medically necessary and the only way the patient will survive. That patient dies as a result of that bone marrow transplant being denied. The family of that cancer patient can now sue in Federal Court and only recover the cost of providing that bone marrow transplant. They cannot recover anything for that lost loved one, whether it be lost wages for that spouse or their children who may still be minors, and they cannot be compensated for their loss of that individual.

Really what that means is that insurance company knows that the only thing they are going to have to do is provide that treatment, so why not deny your initial amount, when they know the only thing they are going to have to pay ultimately is that amount? So, in other words, they earn the interest while they are waiting for you to get to Federal Court, which, in most cases, can take months and years. That is hardly justice for anyone who has lost a loved one.

With more than 160 million Americans receiving their health insurance through some kind of managed care, Congress needs to act. That is exactly what the Ganske-Dingell-Norwood Bipartisan Patients' Bill of Rights does. The legislation would hold insurance companies accountable for their decisions that hurt or kill patients, just like a doctor is held responsible for his or her medical decisions that hurt or kill a patient.

Mr. Speaker, there are two entities in this country currently not held responsible in State courts: HMOs and diplomats from another country. It was never Congress' intent to provide HMOs with the blanket immunity part of the ERISA bill passed in 1975 before we even had managed care and HMOs. It is time we corrected that mistake and close the ERISA loophole and provide for all Americans a meaningful and enforceable Patients' Bill of Rights.

Now, let me get to the point of why it is important to examine the Texas experience, because, again, States can pass laws, and those affect the insurance policies that are licensed and sold and regulated by that.

For example, the State of Texas. That is why insurance policies that are licensed or come under ERISA are not covered by State law. So even though Texas passed a Patients' Bill of Rights in 1997 that is similar to the Ganske-Dingell-Norwood Bipartisan Patient Protection Act, it does not work unless it is under State law.

Sixty percent of the people in my district in Houston, Texas, receive their insurance coverage under Federal law regulation and not State law. The State of Texas passed a Patients' Bill of Rights in 1997. It had a number of good things in it. One was access. Texans had direct access to specialists. Women could directly go to their OB-GYN, and children had direct access to their pediatrician. Communication. The Texas bill eliminates gag clauses which prohibited doctors from discussing treatment options with their patients, even though those treatment options were not part of or provided for in their plan.

It provided for emergency room care for patients who reasonably believe they are suffering and went to an emergency room, an emergency medical condition.

One of the important parts of Texas law is required for internal and external appeals. That ensures patients have access to independent objective panels to determine if treatments are medically necessary, so it is not just the HMO saying you are not eligible for that treatment. You can appeal to an independent and external panel and that decision is made.

Accountability. That is why it is important that any Patients' Bill of Rights includes accountability, because all the other things I have listed are not important if you do not have accountability, accountability in health insurance plans. Denial of claims results in that injury or death to that patient, so you have to have accountability.

In 1997 in Texas they originally passed, maybe it was 1995, they originally passed a Patients' Bill of Rights that then Governor Bush, now President Bush, vetoed. But in 1997 there were compromises made and the bill passed the legislature overwhelmingly. Governor Bush at that time did not sign the bill, but he let it become law without his signature.

My concern is we are hearing some of the same arguments today that we heard in 1997 about the cost and the increased number of lawsuits against doctors and other health care providers in Texas that they used in 1997. We are hearing that same argument today here 4 years later on the Federal level.

But the exact opposite is true in Texas. Since Texas enacted that law, only 17 cases have been filed. Texas has a strong independent review organization, the external review. Insurance patients must exhaust all appeals processes before they can go to court.

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Also, a patient can only sue their HMO if that HMO disregards that recommendation, that independent review organization. If a plan follows the independent review organization, then they cannot be held liable in State court for that. So we only have had 17 cases in 4 years.

This process ensures that patients get their health care that they need in a timely fashion. They do not have to go to court and wait 2 or 3 years like we do now under ERISA before we get any kind of justice on treatment. Despite cries that this would increase the cost of health care premiums in Texas, premiums have not climbed any faster in Texas than they have in the rest of the Nation, who may not enjoy a State Patients' Bill of Rights. Texas' Patients' Bill of Rights provided patient protections for many of its residents and many Texans, but many Texans cannot benefit from that Texas law because they receive their health insurance through their employer who is covered under ERISA. That is why we need to close the ERISA loophole and enact the Patients' Bill of Rights on a Federal level.

Mr. Speaker, I see my colleague from San Antonio, Texas, who was in the legislature in 1997 and debated the Patients' Bill of Rights in Texas, so I would be glad to yield to my colleague from San Antonio to talk about a little bit of what went on in the Texas Legislature and what he sees that we need to do here on the Federal level now.

Mr. RODRIGUEZ. Mr. Speaker, first of all, I want to congratulate the gentleman for being here tonight. I know it is kind of late, and it is difficult to be home during the weekend and then coming here and spending some late hours at night talking about an issue that is so important to all Americans, including Texans.

Let me just say that the Patients' Bill of Rights is very straightforward. It allows the opportunity, first of all, to see the doctor of one's choice. It makes all the sense in the world. One of the basic principles is that one wants to be able to see the doctor of one's choice, and that is important.

Secondly, what it also does is it allows an opportunity, especially in those cases, and I had some particular constituents of mine who had some difficulties with lupus and some of the serious illnesses that they needed to see specialists for, so that when one has a very serious problem and requires specialists, one does not have to find that they are not only fighting the disease, but also fighting the HMO because they are not being responsive. So it becomes really important that we allow that opportunity, that a physician should have the right to be able to determine whether one should see a specialist or not. We all recognize that they are the ones that are the most qualified to be able to do that, and that we should not depend on someone who is doing the accounting or some insurance company to make their decision based on economics, but it should be based on what is the best thing for that particular patient in terms of seeing a specialist.

In addition, we also talk about the importance of independent review. The gentleman explained it pretty clearly. A lot of times we have a situation, and now, this is one of the areas that we need to correct back at home, where we have a decision that is made by a company that has their own doctor, and the company decides that they are not going to allow that particular doctor to refer or do certain things, and then it is detrimental to the patient, and then that patient has the right to sue.

The guidelines right now in Texas are that if they choose not to go based on the independent review organization recommendations, and something drastically happens that is wrong and bad, then they should have that right to sue.

But as the gentleman indicated, and I have seen some statistics, I just saw an article that showed only 10 lawsuits. There is one other that showed 17.

Mr. GREEN of Texas. Mr. Speaker, there are 17, from my understanding. Again, in Texas, we do not have any hesitation at all about going to the courthouse when we feel aggrieved, and so after 4 years, only 17 lawsuits. We have not had an overwhelming number of lawsuits filed under that law, but we have had people get the health care that they need.

Mr. RODRIGUEZ. Mr. Speaker, as the gentleman indicated, also one of the things that we still have to do that we did not do in Texas, and that is with the businesses. We have a lot of businesses that have their own insurance where they have their own company doctor, and where they might have some other obligations besides the fact of what they are supposed to be doing in terms of access to health care where we need to make sure we hold them accountable.

So this is a very straightforward piece of legislation that allows one to see the doctor of one's choice; that allows one to see a specialist if it is so determined by the physician, and not by an accountant or for financial reasons, and it allows for an external review group that is independent and makes the decision and decides whether one should have access to specialists or not, or whether one should have additional treatment or not. That is important.

I think that it is funny to see right now the amount of money that is being expended by the insurance companies on ads that say that the cost is going to go up. That has not occurred in Texas. In fact, in California they just passed a similar piece of legislation in January; they have not seen any lawsuits as of yet.

I think that with this piece of legislation, and I am really proud that we were able to pass it in a bipartisan effort in the House last year, and we have been able to do that, but it was killed in conference committee. So we are hoping that we can get that bipartisan effort, both in the Senate and the House, and get it out so that the President will sign it. I know that he did not sign our piece of legislation, although he talked about it very proudly in a debate that he had with Al Gore when he talked about the fact that he had done this in Texas, and so that because of that, I think if it is sent to him, I feel very optimistic that he will do the right thing and sign it and allow it to become law, because it is the right thing to do. It is something that has worked in Texas, and it is something that makes all the sense in the world.

Mr. Speaker, once again I want to thank the gentleman from Texas (Mr. GREEN) for his hard work, not only in this area, but in other areas that help out all Texans and other Americans.

Mr. GREEN of Texas. Mr. Speaker, reclaiming my time, I want to thank the gentleman from San Antonio, Texas (Mr. RODRIGUEZ), my colleague. There are 200 miles, or really 199 miles separates Houston from San Antonio. San Antonio is a great city. The gentleman and I served in the legislature together before we came to Congress, and I enjoy serving with the gentleman, working on national issues, particularly his effort on national defense with veterans' issues and a number of military bases that we have in San Antonio. I tell people the only military base, outside of our Reserves in Houston, is our Coast Guard station, and they cannot take that away, because we have the highest foreign tonnage port in the country, so we have to have a Coast Guard station.

Let me go back and talk a little bit about the employer liability sections, which is a big issue here in Washington, just like it was in Texas. Many opponents of the Patients' Bill of Rights argue that employers will be faced with a barrage of frivolous lawsuits if they pass the Ganske-Dingell-Norwood bill. That claim is untrue. The bill exempts employers from liability so long as they do not directly participate in medical decision-making, and that is why I am following my colleague in saying that that is a divergence in Texas law. This provision encourages employers not to get involved in health care decisions.

Some Members of Congress and Senators believe that all employers should be exempted from liability, even if they are involved in medical decisions. Well, at one time as a business manager, I never wanted to be involved in medical decisions. That is why we contracted that with insurance carriers. But it is bad public policy to create a blanket exemption for employers, even when they actually make medical decisions.

I hope our employers out there are not making those medical decisions. If they buy a policy or they hire someone to administer a plan, that plan needs to be fairly plain, and that employer should not be the one who makes the decision about whether one receives a bone marrow transplant; again, something that is readily accepted all across the country for the treatment of cancer. It is worse policy to create an incentive that gets employers more involved in medicine.

I have said this before, but I think it bears repeating: The Ganske-Dingell-Norwood bill has very strong internal and external review provisions similar to Texas. Any insurer or employer who follows that process will be building a very strong evidentiary record that they had neither acted negligently or maliciously in dealing with a patient, and it would be virtually impossible for an enterprising trial lawyer to build a case for any damages. But one has to have accountability to be able to have a successful internal and external appeals process. Employers who are involved in medical decision-making will be protected from frivolous lawsuits and unlimited liability as long as they play by the rules.

Again, as a former business manager, we have lots of rules we have to play by if one is a businessperson. But if employers are going to play doctor or medical provider, then they should be held accountable, just like doctors and medical providers should be.

Let me talk a little bit about why we need to go to State court, because that is a concern, not only as a former business manager, but as someone who practiced law and enjoyed practicing in State courts instead of Federal courts, because you could get to trial quicker in State courts.

Some proponents of the Patients' Bill of Rights argue that patients do not need access to State courts if they are injured by their plan. They think Federal courts are the appropriate venue to resolve health coverage disputes, but legal experts disagree. The American Bar Association, the National Judicial Conference, the State attorneys general, and numerous Federal judges take the position that medical injury cases belong in State and not Federal court. Even Chief Justice William Rehnquist stated that, "I have criticized Congress and Presidents for their propensity to enact more and more legislation which brings more and more cases to the Federal court system. Matters that can be adequately handled by States should be left to them."

Well, the States clearly can adequately handle these types of cases. State courts have been the traditional forum for medical injury cases for more than 200 years and have vast experience in dealing with these types of matters. Federal courts, on the other hand, are not an appropriate place for all civil cases for several reasons. First, there are significantly fewer Federal courts than there are State courts. In my home State of Texas, there are 372 State courts available to hear these cases, but there are only 39 Federal courts.

Geographical obstacles also prevent patients from accessing the Federal court. Families may have to travel significant distances to have their cases heard, when we think about the State of Texas with our long distances. Again, there are only 39 Federal courts and 372 State courts.

That is why I say State courts are the best venue. One can get justice quicker for both the plaintiff and the defendant in State court. Keep in mind, in many of these cases an individual suffers from an injury or physical condition, forcing them to go to court in the first place, and this should not happen. Even if an individual gets to the Federal court, there may not be anyone to hear their case. There are currently more than 60 vacancies on the Federal bench.

Mr. Speaker, the Speedy Trial Act of 1974 promised Federal courts to give priority to criminal cases. This means that patients have to wait at the back of the line while the Federal courts deal with all of their criminal cases, including drug cases. And with criminal cases growing into the double digits, this can mean even longer access for individuals with the health care they need.

State courts have always been the appropriate venue for resolving personal injury cases. I know in the State of Texas we have certain criminal courts that handle criminal cases, but we have civil courts that handle our State civil cases. Personal injuries caused by negligent HMOs should not be any different than personal injuries caused by the negligence of a doctor. They should go to the State court.

I hope my colleagues will consider these arguments and recognize that patients need access to the State courts if the Patients' Bill of Rights is to be effective.

Let me talk a little bit about the frivolous lawsuits and independent review organizations. Mr. Speaker, the opponents of the Patients' Bill of Rights often claim that the passage of this legislation would cause a barrage of frivolous lawsuits. Well, my colleagues have heard about the situation in our State of Texas. We have not had that barrage of lawsuits; in fact, there have only been 17 of them since 1997, considering how many thousands have been filed in State court in Texas.

This law provides nearly identical protections in the State of Texas that we would have in the Ganske-Dingell-Norwood legislation that resulted in the only 17 cases in the State of Texas. That is approximately 4 lawsuits per year, hardly the onslaught that we hear from the naysayers that they warn against.

The reason is that in Texas we have a very strong independent review organization, or an IRO. If a health care plan denies treatment to a patient, he or she must appeal that decision to that independent review organization before proceeding to State court. The IRO is made up of experienced physicians who have the capability and authority to resolve the disputes and the cases involving medical judgment. Their decisions are binding on both the plans and the patients. If an IRO determines that a course of treatment is medically necessary, then an HMO must cover it. If a plan complies with the independent review organization decision, they cannot be held liable for punitive damages.

They have worked well. Since 1997, we have had 1,000 patients and physicians who have challenged the decision of their plans. The process is fair. The independent review organizations do not favor patients or health plans. In fact, in only 55 percent of the cases, the independent review organization fully or partially reversed the HMO.

□ 2030

Although that shows me that the HMO was wrong more than half the time, but they were corrected without having to go to a courthouse. In fact, the process worked so well that despite the U.S. 5th Court of Appeals' ruling that external appeals are violations of ERISA, Aetna and other HMO agreed to voluntarily submit disputes to the Independent Review Organizations for resolution.

Mr. Speaker, I stated earlier there have been only 17 lawsuits filed in Texas since we passed the Patients' Bill of Rights, and I believe the external appeals process has been instrumental in the success of our plan and is giving the patients what they really want, access to timely, quality medical care while protecting the insurers from the costs of litigation.

I believe that the success of the Ganske-Dingell-Norwood bill provides that same process that we would have. Patients must exhaust all internal and external appeals process before they can proceed to the courts.

They need to be swift appeals, and there is no doubt that any patient who is trying to get health care really does not want to sue their insurance plan. They really want to get their health care.

Let me talk about the costs. We have heard the opponents of the Patients' Bill of Rights argue that it would increase costs so much that an employee would start dropping their coverage. In Texas, however, providing patients with the same kind of protections has not lead to an increase in costs.

Like I said earlier, the costs of insureds, HMOs managed care insurance in Texas has not grown any more than in States that do not have the same protections. Texas premiums are growing at the same rate of insurance rates in other States that do not have a patients' bill of rights.

Even if the costs do go up, as some estimates suggest, it will only rise 4 percent, that equals about $2 per month per patient. Let us face it, $2 a month is not a lot of money these days. It barely buys you anything, maybe a cup of coffee, no frills. If you want a cappuccino, you are going to have to pay $3; six first class stamps; two 20-ounce bottles of Coca Cola or Diet Coke, if you are like I am; for $2, a 30-minute long distance call; and in some parts of the country, $2 will not even buy you a gallon of gas.

But, for Mr. Speaker, $2 a month patients can have access to specialists and emergency room visits and their doctors are working for them and not against them. That is why I do not think it will even be $2; but even if it is, it is worth that amount of money.

Mr. Speaker, I see my colleague here and there are a lot of issues that I know this House will be talking about that. We passed an HMO reform bill last year, the Ganske-Dingell-Norwood bill, and I would hope this House would again pass a strong HMO reform bill similar to what is passed in some of our States.

Serving 20 years in the legislature, I have always said that States are a laboratory, if States can successfully pass legislation and it works, then we need to look at that on the national basis.

We have had 4 years of experience in Texas, and I think we need to pass a similar law to what to Texas has on the national basis, but we also need to make sure that if employers are involved in medical decisions that they are also held liable just like doctors. Again, I do not want our employers involved in medical decisions because they have enough trouble producing their products and in trying to keep this country great.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a Member of Congress from the great state of Texas and a former nurse. I am particularly concerned about this House's ability to pass a Patients' Bill of Rights. We have all heard the horror stories of patients denied treatment or hospitalization as a result of the assessment of an insurance company or HMO. We have all heard questions from our constituents about federal action on the Patients' Bill of Rights. We all know there is a desire and a need to have a system which allows patients a voice in their health care. Yet because of the fear that the cost of lawyers will drive up the cost of health care, we have failed to act. Mr. Speaker, it is time to replace fear with facts.

In Texas, we passed a Patients' Bill of Rights in 1997. This bill was passed over the veto of then-Governor George Bush. Since that time, the Texas Patients' Bill of Rights has provided patient protection for many of the residents of my state. The bill of rights allows Texans with health insurance to have direct access to specialists. When a patient sees a doctor, the medical professional is allowed to discuss all treatment options, even those not covered by the plan. If there is a disagreement between patient and provider, there is a strong Independent Review Organization that ensures that patients have an appeal process that recommends solutions. All of these protections have been accomplished with only a slight increase in health care premiums. America deserves the kind of patient protections that Texans currently enjoy. Mr. Speaker, I hope that Members of this House can explain to their constituents, why they cannot have the standard of care currently enjoyed in Texas.

THE FUTURE OF AGRICULTURE IN AMERICA

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Dakota (Mr. THUNE) is recognized for 60 minutes.

Mr. THUNE. Mr. Speaker, tomorrow we will engage in a debate on this floor which I think will be the first volley of what will be a very long discussion here in the House about the future of agriculture in America.

Tomorrow we will pass legislation here that provides emergency disaster assistance to our producers. Unfortunately, Mr. Speaker, as that bill moves through the Committee on Agriculture, of which I am a Member, it was pared down from what was originally proposed. I believe that it was a mistake, Mr. Speaker, to do that, because we have a responsibility to the producers of this country.

Frankly, we had set expectations at a certain level about what we were going to do to help address the catastrophic low prices which we have seen now for year after year after year.

Mr. Speaker, the legislation that will move through the House tomorrow, is in my judgment inadequate and insufficient to get the job done for American agriculture in this year. What that debate will do, Mr. Speaker, is begin to lay the groundwork for the ensuing debate and that is the debate over foreign policy in this country.

We are long overdue of making some changes in agricultural policy for America. The farm bill debate is under way in the House of Representatives. It has been for some time. We have been listening intently across this country to producers about what they want to see in the next farm bill and we have listened from coast to coast in different regions. And we have had hearings after hearings after hearings here in Washington from different commodity groups and grower groups.

Mr. Speaker, it is clear in my mind that producers across the country want a bill, a farm bill that is written specifically for producers, not one that is written with some ulterior policy objective in mind or some other agenda, but a farm bill that is specifically written by producers for producers and hopefully will lay the framework that will help govern our foreign policy as we head into the years ahead.

Mr. Speaker, this is a very, very desperate time for American agriculture. We are seeing people leave the farm. We are seeing outmigration from rural areas. We are seeing the family farm structure which, in my mind, is the backbone of America, start to disintegrate partly because farmers and ranchers cannot make a living on their farms and ranches, as a consequence, we have seen prices fall; we have seen costs go up; we have seen the bottom line get squeezed to where producers are either forced to sell out, go out of business.

They are, unfortunately, in a position where the future of agriculture is very much in question in America, and I think it is high time that this Congress take necessary steps to correct that.

Granted, foreign policy is not going to solve this. We are going to write a farm bill. That is not going to be the only solution. There are a lot of issues that impact agriculture today. We lost some foreign markets. We need to recapture those markets.

We need strong trade policies that recognize that we have to have a level playing field around the world in order for our producers to compete and compete fairly, but when we write this foreign policy, we need to bear in mind, I believe, Mr. Speaker, that there are some very necessary component parts that need to be in it. Of course, the most immediate is what do we do when prices are where they are today.

We need to have a countercyclical repayment program that provides assistance to our producers when prices fall; and as they begin to improve that, that government assistance begins to phase out, but we need a program that recognizes those types of rises and falls in the market and allows our producers to continue to farm.

I believe that we need a heavier emphasis on conservation. We need a farm bill that encourages our producers, provides incentives so that they will implement conservation practices, enhance our soil and our water, add the wildlife production across this country.

It is going to be very important, I believe, Mr. Speaker, in this next bill that we have a strong conservation component and make the necessary investment to not only support our producers, but also to improve the land and the water, to help address the questions of marginal lands and erodible lands that oftentimes have led to problems in our streams and our rivers.

Mr. Speaker, I would also add that as we look at this farm bill, I think it is important that we also look at the entire context of rural economy. Yes, we talk about commodity programs and all of these other issues, but we are losing jobs on our Main Streets.

We are expressing an economic downturn that has gone on now for several years, and we need to do something to reverse that.

I think it is critical that this farm bill also highlight and recognize the importance of value-added agriculture, of allowing our producers and providing incentives and encouraging them to take what we grow, what we do well, which is production agriculture. We do it very efficiently in this country, and to reach up the ag marketing chain and capture more of the value of our agricultural products by processing, whether it is ethanol, which is something that has been a huge success story in my part of the country, soybean processing, flour milling, seed crushing, value-added meats, finding those markets, Mr. Speaker, that will enable our producers not only to compete by putting more money into their pocket, but by adding economic activity and jobs on Main Streets around this country.

Mr. Speaker, as we debate this bill tomorrow, it is the first step in what I hope will be a very spirited and vigorous debate about the future not only of agricultural policy, but about the future of rural America and what we are going to do to save and preserve our rural way of life.

It is not just an economic issue. It relates to health care and education, to telecommunications, all of those things that people in rural areas expect and need to survive and to prosper and to continue to add to the overall well-being and the overall Gross Domestic Product of this great economy, because, I believe, that as our rural economy goes, eventually so will our national economy go.

Food security is very closely tied, Mr. Speaker, to national security.

I would like to touch on another subject, which I think ties into that whole issue here in a moment, and that is the question of energy policy and where we need to be going, because not only have we seen prices fall in agriculture, but we have also seen costs go up.

Agriculture is a very energy intensive industry and we need to address what I believe has become a crisis not only in agriculture but a crisis in America, and that is our lack of affordable energy for farmers, for ranchers, for working families, for our small businesses to keep this economy expanding and adding to the quality of life here in America.

Mr. Speaker, this evening I am joined here on the floor by the gentleman from the third district of Nebraska (Mr. OSBORNE). He is a new Member of Congress. He has been a leader on the Committee on Agriculture. He cares deeply about the future of agriculture in his district which borders mine.

I think we share a lot of similar concerns, a lot of similar anxiety as we view down the horizon and look at the future of agriculture and the future of our rural economy.

Mr. Speaker, the gentleman from Nebraska has had a very distinguished career prior to coming to this body, but I know that he cares as deeply as I do and as passionately as I do about the future of our rural economy and wants to be engaged in the debates that are going to ensue here in the next few weeks and months about how we shape and build a better quality of life for people who live in rural areas of America.

Mr. Speaker, I yield to the gentleman from Nebraska (Mr. OSBORNE) and welcome him to this discussion and let him know that I am anxious to work with him as we begin the debate over foreign policy in this country

Mr. OSBORNE. Mr. Speaker, I would like to thank the gentleman from South Dakota (Mr. THUNE) for yielding to me. The gentleman is very correct in the fact that we do share a great deal of interest in agriculture.

We come from similar geographical regions; a lot of problems that are very common in South Dakota are very common in Nebraska.

The gentleman really set a very fine backdrop as to some of the difficulties in agriculture, and so often as I travel around people will say, why do we need to help agriculture? Nobody helps the grocer and nobody helps the implement dealer. In coaching, if you do not win enough games, they fire you, so why should you get any help from agriculture?

Mr. Speaker, I guess I would like to expand on some of the things that the gentleman said earlier that seemed to make some sense to me. First of all, in our country we spend only 9 percent of our discretionary income for agriculture; and in most nations around the world, we are probably spending anywhere from 30 percent to maybe 60 percent.

Food is very cheap, relatively speaking, in the United States. Many people go to the supermarket and think it is very high, but compared to the rest of the world, it is very cheap.

The farmer only gets a fraction of that 9 percent, probably 1 percent, 1½ percent at most of that 9 percent. So farm income is very marginal.

The other thing I would like to point out is that food is critical. Everybody is very aware of the great agony and the anguish that we are currently experiencing in regard to energy. Certainly if OPEC decides to tighten the screws or double or triple our petroleum costs, this country could very well grind to a halt within 2 months to 3 months, but that crisis is nothing compared to what we would have if we had a food crisis.

So one of the interesting things that I have noticed is that in Europe agriculture is subsidized to the tune of anywhere from $300, $400, $500 an acre, and some people say, why would they subsidize food to that degree or agriculture to that degree, because in the United States, the subsidy is roughly $60 to $70 per acre.

□ 2045

I think the reason is that those folks have run out of food. They know what it was like in World War I, World War II, and they have experienced it. They realize that a good, safer food supply is critical to their survival. So there is no question that what our farmers and ranchers are doing is very, very important.

The other thing I would like to point out is that, compared to most industry, agriculture is different. Let me flesh that out a little bit.

First of all, if General Motors overproduces and they have got too many automobiles, they shut down a plant or an assembly line, and they bring their inventory into line with the demand. But in agriculture, you cannot do that. Farmers sitting out there cannot align his crop to world conditions. So one really cannot control the supply side like one does in most industry.

The second thing is that agriculture is almost entirely dependent upon the weather. Most industry, of course, is somewhat independent of the weather. Usually, most of it is conducted indoors. So one can do everything right, and one can have everything going just perfectly, and a-20 minute hail storm finishes the whole year's work. Of course, the drought is the same way. So it is very dependent upon the weather.

Then lastly, as compared to most industry, in agriculture the farmer does not set the price. So if one is manufacturing a product, or if one is selling in a grocery store, one sets the price. If people do not buy it, one lowers it. But the farmer essentially takes what he can get. He does not set the price.

So there is some significant differences, and I think that is one reason why people have to understand that there needs to be a farm program. It is not something we can simply throw open on the world market and hope that we will survive.

Lastly, just let me mention this. If we do try to go to the low-cost producer, we did that in energy. Back in the 1970s OPEC would sell us oil for $3, $4, $5 a barrel. So we said, okay, that is great. We cannot produce it, we cannot pump it for that amount. So we are going to cap our wells and quit exploring, and we are going to farm our energy, our petroleum supply out to OPEC. We did that, and they took it gratefully.

Of course, now that price has gone up as high as $35 a barrel, and they are in control, and we have got 60 percent of our dependence on petroleum going to OPEC.

We can do the same thing in agriculture very quickly. We can say, okay, in Brazil one can have two growing seasons. Land is 2- or $300 an acre. One has no environmental regulations. Labor is cheap. So we are not going to help our farmers, and we are going to let the low-cost producer win. Then in that case, we will be dependent on overseas sources for our food supply. I do not think we can allow that to happen in terms of national security.

So, basically, those are some of my thoughts as to why we need a farm program. I know that the gentleman from South Dakota (Mr. THUNE) is interested in many different aspects of this issue.

Mr. THUNE. Mr. Speaker, I appreciate the gentleman's observations and comments, and I would echo much of what he just said in terms of the need to have a level playing field. The United States has not had the experience that many of the countries around the world have had, knowing what it is like to go without. A lot of the countries that we have to compete with subsidize their agricultural sectors on a level that we do not in this country. Yet we arguably are trying to compete with them, and the international marketplace has become very competitive.

So it is important, Mr. Speaker, that we look at what we can do to drop those trade barriers internationally so that America can compete, and compete on a level playing field with our foreign competitors, because I believe our producers are the most efficient producers in the world, but they have to have that opportunity, and they have to have the same set of rules to adhere to and abide by and play by as the other countries around the world.

As the gentleman from Nebraska (Mr. OSBORNE) noted, one of the things I think is going to be very important in the future, too, is that we have renewable resources. We have corn. We have products that can be used and converted into other products, that can help address and diversify our energy supply in this country, our production, and make us less dependent upon foreign countries for our energy supply.

One of the people who has become a new leader on that subject is the gentleman from Minnesota (Mr. KENNEDY), whose district also shares the border with mine, someone who has been a very strong advocate for ethanol, for other value-added industries, who understands clearly how important it is that we take what we do well, that we take production agriculture, figure out a way to harness that, to add value to our commodities, our raw commodities, and then be able to put more dollars in the pockets of our producers, and also to add economic activity in our rural economies and our rural main streets.

So I am happy to yield to the gentleman from Minnesota (Mr. KENNEDY) for his thoughts on that subject as well as his thoughts on where we go in terms of farm policy as we get into this debate in the weeks and months ahead here in the Congress.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from South Dakota for all his good efforts and for yielding to me. We look forward to working together to improve the farm bill for our farmers in southwest Minnesota.

I also thank the references to growing demand by tapping the energy market. I often tease groups of farmers that I am with that we all seem to be well enough fed in southern Minnesota, at least in most parts of our State, and we have room to go in terms of feeding the world and feeding our country. But we have our best opportunity for growing demand in our energy markets.

I am just still very pleased with the President's decision to deny California to waiver from their Clean Air Act and know in my recent conversations over the weekend with farmers across our district and with people that work with ethanol plants, that is going to result in a great boon to our farmers throughout the country.

This is something, in the case of ethanol, that is a win-win-win situation. It is win in that it helps us create a renewable and domestic source of energy, something that we are in great need of today. It helps us with the environment by helping gas burn cleaner. It helps us provide jobs to many of our local communities. I have six ethanol plants throughout our district. It helps as well very much with the growing demand for our products. There is that. There is biodiesel we will be working on and certainly opening up markets, as the gentleman from South Dakota referred to.

These are all not necessarily parts of our farm bill, but something that we in the Committee on Agriculture are fighting hard to make sure we advance. In the end, they result in more flexibility to do things with the farm bill because they naturally increase the price of products.

But our farm bill needs to be focused on making sure that we have countercyclical payments to help our farmers in times of need as we clearly have today, and coming up with a program that gives them better support than they currently have; also, making sure that we have a strong insurance program and expanding our conservation efforts to make sure that we are nurturing the environment at the same time that we are growing the food to feed the world.

Finally, in rural development, and I was pleased to be able to award two rural development grants in our district to help increase value-added farmer-owned production.

So those are the things we will be focusing on. But I, too, was disappointed in the House Committee on Agriculture's recent votes to reduce supplemental aid to farmers in the new farm package to $5.5 billion. I opposed the amendment offered by the gentleman from Texas (Mr. STENHOLM) to reduce that supplemental aid and supported the proposal of the gentleman from Texas (Mr. COMBEST), our committee Chair, to provide $6.5 billion of funding.

Our farmers are struggling, and we need to provide them with the aid they need. I voted for the final passage because we need to give them support. I hear that over and over as I am out in the district.

But we are at a time when our prices remain low. We have had very poor planting conditions in our part of the country, and it is likely to reduce our yields. Our production costs are higher than they have been with the increased cost of energy. So this is really not the time to reduce the funding that the farmers have historically received during these times of need.

I hope this is a first step in progress that we can make to continue to assist our farmers. We do need to move forward on a fast timetable on passing the farm, a new farm bill this year. I am very pleased that the House is moving forward on that.

I am working together with the gentleman from Arkansas (Mr. BERRY), and I received over 90 signatures from my fellow colleagues here in the House to encourage that both bodies move forward on a pace to get the farm bill done this year. Our farmers have waited long enough. We have ideas for needed relief. We need to move forward on them.

We have the budget flexibility. It is time to write the farm bill this year. Besides, I think we would all prefer, our farmers would prefer and deserve that we focus on policy this year rather than politics next year.

With that, I look forward to working with the gentleman from South Dakota.

Mr. THUNE. Mr. Speaker, I simply note as well that it is important in my mind that we do this farm bill this year, that we set the policy parameters so that our producers know with certainty going into the next planting season.

Now, there is a tendency among some in this body and some here in the Congress to say, well, let us wait and do this next year. After all, then it will be a political year. But, frankly, I think heads think a lot more clearly and judgment is a lot more focused in the absence of the political climate that we will be encountering next year. I think this is the time that we need to do this.

So as the House prepares to write their farm policy, I would hope that we will be joined, as the gentleman from Minnesota (Mr. KENNEDY) noted, by our colleagues in the Senate, because it is important that we get it put in place this year.

Mr. Speaker, one of the issues that I think ties into this whole debate is the cost of doing business in agriculture. We have all talked about prices. Farmers cannot control prices. They have to take what they get at the elevator, what they get from the packer. They do not have a whole lot of control of what they receive. But of late, it has also become true they do not have a whole lot of control of what it costs them to do business.

Look at the input and cost of energy in this country and what has happened as we have seen prices go up and up and up in natural gas, so fertilizer is up 90 percent, the price for diesel fuel. Farming is a very energy-intensive business.

In States like my State of South Dakota, the second, probably one of the next major economic benefits in my statement is tourism, the travel industry. As gas prices go up and up and up, one sees people look into their pocketbooks and saying, I have less and less to spend, to travel.

The farmer cannot control the rising costs of what the expense is for him to stay in business and to continue to plant the crop every year and harvest it.

Mr. Speaker, that is something that this Congress needs to zero in on. We have a responsibility because we have for, I should not say we, but for the last, essentially last administration, last 8 years, not had an energy policy. We sit and we point fingers, and we will blame the Clinton administration, and they will now blame the Bush administration, and the Republicans blame the Democrats, and the Democrats blame the Republicans, and it goes on and on and on.

The American people are sitting out there and saying, wait a minute. What about us? What about what it costs us to drive to work in the morning? What about the cost of transporting our kids to and from school, the cost of the family vacation, the cost of the home heating bill in the winter months?

These are issues that impact directly and profoundly people across this country. It is important that we focus on this, that we develop an energy policy, forget the fact about who is responsible and the reason that we did not have an energy policy for the last 8 years, and we all have our opinions about that. I do not think that the last administration paid much attention to this.

But the reality is we have a problem that is not a Republican problem or Democrat problem, it is an American problem. It is something that directly impacts working families across this country.

Now, this President, President Bush, has put forward a proposal. And not everybody may like it, but he has provided leadership. He has put together an energy policy for this country. This manual is 170 pages long. It has 105 specific recommendations. It is comprehensive. It is detailed.

It has been roundly criticized because people say, well, it does not put enough emphasis here or here or here. The fact is this is a balanced approach. Now, there are parts of it I may not like. There are parts of it that the individual Members of Congress may not like. But the reality is the President of the United States has given us a framework to work with. He has given us an energy policy that is specific and comprehensive and detailed, that includes recommendations for executive action, that includes directives to agencies, the changes they can make, and which includes specific recommendations for the Congress to act on through legislation. Some of them deal with energy supply. Some of them deal with renewable energies and alternative sources of energies, something that I care deeply about. Some of them deal with conservation. In fact, half of the recommendations in here deal with conservation or renewable sources of energy, alternatives.

But the fact of the matter is, Mr. Speaker, that we need to be looking at this in the context of what can we do to, one, increase supply of energy in this country, or, two, reduce demand. The rest is conversation.

We can have this discussion, but the fact is how do we get more supply of energy, because the demand is growing for energy, and the supply is staying flat or even dropping off. So the gap between what we use, what we consume, and what we produce is growing every day to the point that Saddam Hussein is going to be writing the energy policy for this country if we fail to do it.

□ 2100

So I hope we can have an honest debate. Let us talk about finding sources of oil. Let us talk about domestic sources of petroleum, and, if we can, get at that in an environmentally sound way; and I happen to believe there are places in this country where that can be done. But let us have an honest debate, not one that is based on emotion, not one that is based upon some preconceived notion about how things ought to be, but one based on science and fact and truth, Mr. Speaker. Let us get after this problem for the American people.

I am also joined this evening on the floor by the gentleman from the first district of Kansas, what they call The Big First. My State of South Dakota, the district I represent, is 77,000 square miles, just slightly larger than the gentleman from the first district, which I think is about 66,000 square miles. But the gentleman from Kansas is someone who has been a strong advocate, a strong leader on agricultural issues in this country, someone who cares deeply about the plight of rural areas of America, about the quality of life of our citizens who live there.

So I am happy to be joined on the floor this evening by the gentleman from Kansas (Mr. MORAN); and, Mr. Speaker, I yield to him.

Mr. MORAN of Kansas. I thank the gentleman from South Dakota for yielding to me, and I am pleased to participate with my colleagues from Nebraska and South Dakota and Minnesota. And I know there are many other Members of Congress who care deeply about the issues we are attempting to address and to bring to our colleagues and the country's attention this evening.

I came to Congress with a goal in mind, and that goal was to do what I could do as one Member of Congress, as one individual, to have a little prosperity in rural America, to have an opportunity for my children to raise their families in rural communities in our State or across the country. So much of what goes on in this body, in this House of Representatives, and goes on here in our Nation's capital, affects whether or not there is prosperity in Kansas and whether or not there is prosperity across the country. It also affects the likelihood that the next generation can enjoy the quality of life that we have enjoyed in my State of Kansas and across the country in rural States around our Nation.

So we have our challenges and our tasks before us. It is difficult to meet those challenges. Rural America is suffering. We have heard a lot during my early days in Congress about the booming national economy, and it became clear to me that the folks of my State in agriculture and in the oil and gas industry were financing this booming national economy and that we were left behind. Seems to me that those of us who care about rural America, the tasks before us are related to agriculture and whether or not farmers can break even and can earn a little money and whether or not the next generation of our young people in the farming communities have the opportunity to return to their communities and return to their family farms.

It is about small business and whether or not businesses are going to remain on Main Street America across our country. It is about the rules and regulations and taxes and all the requirements and paperwork and bureaucracy that we put in front of businessmen and women and tell them to compete and to survive. And yet in many of the communities I represent, whether or not a grocery store is on Main Street is the main talk of economic development in the community. It is not about whether or not there is a new factory arriving in town but whether or not there is a hardware store and a pharmacy.

So much of what we do here increases the cost of being in business, and yet we do not have growing populations such that we can spread those increased costs to meet those rules and regulations and taxes and workers compensation premiums and health care costs among more customers. So it is agriculture, it is small business, it is transportation. How do we make certain we can get from one community to another, that we can get our agricultural products to market?

Not too many months ago we received complaints from our constituents about soybeans being imported into the United States from Brazil, from South America. And my constituents, my farmers who grow soybeans, could not understand how can they bring soybeans and soy meal from South America to the United States and sell it in North Carolina cheaper than we can get it there from the middle of the country. The answer was our transportation costs. It was cheaper to put it on a boat from South America and ship it to the United States than it was to put it on a train and move it just halfway across our country.

Transportation costs matter to us; and whether or not we have roads and bridges and highways and railroads, and even airports and aviation will affect whether or not rural America remains alive and well.

It is about education and technology. I know the gentleman from Nebraska has championed issues related to whether or not we are going to have access to technology in our communities.

And awfully important to us is whether or not we have access to health care. Our ability to keep hospital doors open, to keep physicians and nurses and home health care agencies in our communities has a great effect upon whether or not those communities survive. So many of our people living in rural communities are seniors, and they will not be able to take the risk to live in a community where the hospital is not there anymore. Young kids who are just starting their families do not want to raise their children where there are no doctors.

So those of us who care about rural America need to make certain that we protect the delivery of health care in rural America. And this issue called Medicare that we deal with in this Congress and in this Nation's capital affects us greatly.

So we have our challenges. Tonight we wanted to talk a bit about agriculture. It is clear to me that without prosperity on the farm, there is no prosperity in the communities of Kansas. And that is true whether you live in Topeka, Wichita, or Overland Park, the larger cities of our State, or whether you live in Goodland, Smith Center, or Protection. Agriculture matters, and the future of our economy and our State is determined whether or not our farmers and ranchers are surviving, whether or not they are making ends meet, and whether they have anything left over at the end of the year.

I was taken to task by one of my constituents for the amount of time that I spend dealing with agricultural issues, and the thought was the farmers are doing just fine and that I do not need to worry so much or work so hard. The reality is that we have almost no sons, no daughters either staying in our communities or returning to the family farm after going to college. And if there was any prosperity or any money to be made in agriculture, those young men and women would be back on the farm. It is not happening.

This is certainly an agricultural week in Congress. The plight of our farmers and our ranchers is not forgotten here. We have, as has been mentioned earlier tonight, addressed an issue of lost payments for market, the low price, what I call disaster assistance. The Committee on Agriculture will have a bill on the House floor tomorrow dealing with this assistance to try to tide the farmers over for a while longer until we can do some other things to keep them in business.

Farmers do not want payments from the government; they want to earn their living from the markets. But unfortunately, government puts many stumbling blocks in their way. And as the gentleman from Nebraska said, our competitors, those particularly in the European communities, they are subsidized eight times what we are in the United States. My hands are going up because there is a bar graph in the office which reflects the Europeans subsidize agriculture eight times what we do in the United States. Yet we tell our farmers to farm the markets, to compete in the world. It is not a level playing field at all.

A pie chart in my office reflects that 82.5 percent of all subsidies to help export agriculture commodities around the world is provided by the European Community. Our slice of that pie is 2.5 percent. Yet we tell our farmers to compete in the world. Go out and grow the crops, sell them. Yet we have such an unlevel playing field.

We have trade embargoes and sanctions against other countries. The farmer did not ask for those; yet because of foreign policy, we conclude we cannot sell wheat or grain or meat products to some country around the world because we do not like their behavior. The reality is we do not change their behavior; we just cause our farmers, our ranchers to lose one more market.

It seems to me those of us who care about agriculture have to care about a farm bill and farm policy. That farm bill is going to be discussed, debated and written. This is my first time in Congress in which we have tried to draft a farm bill, and I am looking forward to being fully engaged in that debate. That will take place in the House Committee on Agriculture during the month of July, and we will be back on this House floor with an agricultural bill that will be important to farmers.

But we have had low prices in many farm bills, so that is not the total answer. We have issues related to trade and sanctions and exports. These farm commodities must be assumed. We have great concerns about lack of competition in agriculture. Everybody that the farmer buys from and sells to is getting larger and larger, and the farmer feels the squeeze. We need to make sure our antitrust laws are effective and are enforced. So the challenges are there; and yet the reality is that without prosperity in agriculture, there is no prosperity in rural America.

We are in the middle of a wheat harvest in Kansas, and it is working its way from south to north. It has been to Texas and Oklahoma, it is now in Kansas working its way into Nebraska and South Dakota. We have lived in Kansas for the last several years with these terribly low commodity prices because we have had good yields. Last year the drought hit Kansas and decimated the soybean crop.

This year, in wheat harvests, the number of acres that will be harvested in Kansas is expected to be the lowest number of acres since 1957. So now this year not only will we have terribly low commodity prices but we have no crop to harvest, or a smaller crop to harvest; 56 million bushels less wheat to be harvested in Kansas it is estimated. And although the early harvest reports have been good, we have concerns about kernel bunt and rust. And, unfortunately, as has been mentioned by my colleagues, the increased cost of inputs, particularly fuel and fertilizer, estimated by our Kansas farm management database, is an increase of 33 percent in costs for fuel.

So our work is cut out for us. I look forward to working with my colleagues across the country to see that we have disaster assistance, the market loss assistance program tomorrow on the House floor, that it is passed and sent to the Senate and that it is addressed quickly, and that we have an agricultural policy, a farm bill through the Committee on Agriculture later this year. And I agree with the gentleman from Minnesota, it is critical that the Senate join us in addressing this issue. Our farmers and their bankers need to know what farm policy is going to be in this country.

This issue is important to me. It is not just whether farmers make a living. This is about a way of life, and it is a way of life that is evaporating in this country. It is about a way of life in which sons and daughters work side by side with moms and dads and grandparents, and where character and values and integrity is passed from one generation to the next. So although tomorrow we will be talking about dollars, what we are really talking about is a way of life, and a way of life that was the history of our Nation.

I look forward to joining my colleagues tonight and my colleagues throughout the year and my colleagues across the country to make sure that rural America is not forgotten in the United States House of Representatives. I yield back to the gentleman.

Mr. THUNE. I thank the gentleman from Kansas for yielding, and I would simply again say that we are joined geographically by the gentleman from Nebraska, but strong similarities in the concerns, the people that we represent, the topography of the land, the things that we raise, and absolutely the issues that we are concerned about with respect to the quality of life in rural areas of America.

As the gentleman from Kansas noted, so much of it is about agriculture because there is no prosperity in rural America unless agriculture is prospering. When we see these succeeding years of low prices, and in agriculture the last few years it seems like the prevailing economic theory has been that we lose a little bit on each sale, but we make up for it in volume. We have tried to make up for what we have lost in price in the numbers of bushels we produce; yet this year, as the gentleman from Kansas noted, we are seeing, because of weather and other related issues, all sorts of problems in getting the kinds of harvest and the kinds of yields necessary in order to make our farmers pencil out and break even.

I am anxious, along with my colleagues, to engage in this debate. I do believe that there is no question that when we deal with this whole issue of farm prosperity that it is about prices; it is also about the cost of production, the cost of energy, and that it is an issue which we are going to have to address.

I understand the gentleman from Texas (Mr. RODRIGUEZ), over here on my left, would like a minute; and I would be happy to yield to him for a moment.

Mr. RODRIGUEZ. Mr. Speaker, let me thank the gentleman first of all for bringing this up tonight. I think it is so important. I think we forget that we are all involved in agriculture when it comes to the issue of eating.

I represent a district that runs from San Antonio north to south, all the way to the Mexican border, and I take pride that I am the seventh producer of peanuts in the Nation. But I also do not take pride in the fact that we are having a rough time, as the gentleman has indicated. Nature determines a lot of times what happens to our farmers. It is something where they basically put all their money into that crop. I had one year, in 1998, where I had a major flood that destroyed a lot of the crops that we had. Previously, we had about 5 years straight where droughts hit and devastated a lot of our farmers. Those kind of things we forget.

One of the things that I think the gentleman mentioned, and that I think is important, is that we continue to mention the importance of our national security when it comes to agriculture and food. We cannot depend on foreign food when it comes to our national security. We have got to make sure that we continue to grow that food in this country. Because I think that is also important, as mentioned earlier in the discussions, the fact that a lot of our farmers now are senior citizens. The young are choosing not to go into it because it is very difficult, and a lot of times there are not the profits, and the risks are just tremendous.

So we as a Congress and as a people need to make sure that we protect our farmers, and we need to do everything we can to make that happen. We talk about the minimum wage and the prevailing wage, but we very seldom talk about a prevailing price for that product that those farmers have. I think it is important that we do that. There is no doubt there is no way we can compete with Europe when they get subsidized. There is no way we can compete with Latin America, when they almost do not get paid for anything.

The bottom line is, for our national security, we have to make sure we have our farmers. And I want to thank the gentleman for being out here tonight talking about the ag bill and what we need to do. We need to make sure that that food continues to be on the tables.

Mr. THUNE. I thank the gentleman from Texas (Mr. RODRIGUEZ) for his comments. Again, agriculture is not a Republican or a Democrat issue. It is something that is important to the future of America and to our national security, and it is something that we need to be working as a body and focusing on in a cooperative way, in a bipartisan way, to try to solve some of these problems and see that our producers have a living wage, because they do not. All they ask for is a fair price for their products.

Unfortunately, as the gentleman from Nebraska pointed out earlier, because of the way that we have to compete with countries that subsidize their farm economies at much higher levels, it does put our producers at a competitive disadvantage. And that is something that we have to try and correct through our trade policies. But we have a responsibility as a Congress to right now focus like a laser beam on the farm bill, on writing a new farm policy, on the energy policy in this country to help increase the prices that farmers receive and to lower the prices they have to pay for their inputs so that that bottom line will begin to show up in the black again instead of in the red. This will help us, hopefully, keep our young people in this country on those family farms that form and shape the bedrock values of America.

□ 2115

I believe we are much better served as a culture if we have family farmers farming the land and producing the products and the commodities that we consume in this country and we export around the world.

The gentleman from Nebraska (Mr. OSBORNE) has been a leader on a number of issues, one of which is technology, and so many other issues which are important to rural America. I yield to him at this time for his thoughts on that matter.

Mr. OSBORNE. Mr. Speaker, I appreciate the preceding comments from the gentleman from Minnesota and the gentleman from Kansas.

Mr. Speaker, we talk about the new farm bill, and many times people hold out great promise on the farm bill, and it is not the whole answer. It will hopefully provide a safety net which will allow people to continue in farming. We have been losing 10 percent of our farmers every year. Sometimes people say you are keeping the inefficient people in business, but all the inefficient people are long since gone. All of the people left have skill and ability.

As I talk to the farmers in the Third District of Nebraska, so often I hear the statement, we do not want a subsidy, we want profitability. We want to make our living in the marketplace. I think other than a safety net, there are some things that we need to focus on.

Of course, Freedom to Farm had some good ideas behind it. One is basically the philosophy of Freedom to Farm was that the farmer would produce all that he could. The farmers produced fence row to fence row, and the government's part of the bargain were that they were going to provide the markets, make sure that we had free trade, fair trade. And I am sad to say that part of the bargain was not kept. We did not fully fund market access programs, foreign market development, and we continued to have foreign trade sanctions, trade embargoes.

We have great hope for the WTO and NAFTA. We would like to see tariffs on our goods at 40 to 60 percent come down to 10 percent, which is basically what we are charging goods coming into our country. In theory, these two organizations, NAFTA and World Trade Organization sound good, but most of the farmers I talk to are not happy about implementation. They do not feel that we have a level playing field and that we have been aggressive enough in our trade practices. We need to open up markets and fully fund the programs that we have in place to help our marketing procedures.

The President needs fast track authority, the ability to negotiate quickly trade negotiations. In the last few years, we have had over 200 international trade agreements drawn up, and the United States has participated in 2, 2 out of 200. So the President needs to be given this authority. This is something that will be coming down the road fairly quickly.

We have touched on value-added agriculture. That is a big part of profitability. We have talked about ethanol, which will add 15 to 20 cents per bushel of corn; and ethanol could triple with MTBE going by the wayside.

We currently have 62 ethanol plants in the United States, and that should double or triple in the United States. We have 200,000 people employed in the ethanol industry, and $4.5 billion a year being brought in by ethanol. And again, those numbers could double or triple very quickly, which would be a huge shot in the arm for agriculture.

Co-ops need to spring up. Some are occurring right now, where the farmer participates in all levels of the process, and, of course, makes more profit in the process. We think that value added is going to be very important.

Let me just touch on one other thing, and that is the research issue. So far the advantage that we have had in the United States has been technology in agriculture and infrastructure, the ability to move our products. As the gentleman from Kansas mentioned earlier, the infrastructure advantage is quickly disappearing. Other countries are beginning to move their products equally as well.

So the thing that leaves us with that is an edge in technology. So often groups that come before the Committee on Agriculture and present their ideas, research is sometimes left out. It is left out of the equation. For instance, in ethanol alone right now we can get a better conversion rate. It takes so much energy to produce a gallon of ethanol. The ethanol that is produced produces more energy than what it takes to produce the ethanol; but that could be double or even triple. We could use switchgrass and all kinds of products. We could plant switchgrass on CRP acres, which would make CRP more profitable. We need to keep working on BSE. Foot and mouth disease. Karnal bunt was mentioned earlier in regard to the wheat industry. This is a great concern. So I am a great advocate of making sure that we can ensure and maintain our edge in technology.

Of course, one last comment would be simply the fact that we are losing young people and losing population in rural areas. The reason we are losing them is that they are going places where they can get more money. And the reason that they can make more money is there is more technology and more telecommunications. So the digital divide has hit rural America very hard.

People will tell you that roughly 90 percent of new industry is not willing to go into an area unless there is broadband service and high-speed Internet access. We have to do everything that we can to make sure that the rural America has the ability to provide those kinds of services which will allow us to keep more of our young people at home.

Mr. Speaker, I want to thank the gentleman from South Dakota for allowing me to participate in this dialogue.

Mr. THUNE. Mr. Speaker, I would reinforce what the gentleman from Nebraska just said about technology. We do have a digital divide in this country. One of the things that separates us from more populated areas of the country is that having access to broadband services, high-speed Internet services, all of those things that improve the quality of life, allow for greater speed and efficiency in conducting business, and connecting rural areas with the rest of the world in a very timely and convenient way.

So as we talk about the issues that impact rural areas, obviously agricultural policy is at the heart of that, energy policy is at the heart of that. Also appropriate investment in our education for our young people, rural health care, quality of life, as the gentleman from Nebraska mentioned. We have aging population areas of this country which present some unique challenges and unique needs.

One of the things that we want to see is the young people have the opportunity, if they choose to, to grow up and raise their families in rural areas of this country, in our small towns and farms and ranches. We have seen a continual decrease in the number of farms across the country. In my State of South Dakota, we have about 32,000-plus farms and ranches. The average size of those operations is about 350 acres. So it is the small, it is the family farms that constitute the real backbone of the economy in rural areas. So many of these issues tie into that.

Again, as we talk about what we can do to improve the quality of life and provide incentives for investment there for the need for technology, I am cosponsoring legislation that provides a tax credit for those companies that would go out and offer broadband services in rural areas. I believe we need tax incentives in place for value-added agriculture, small-producer ethanol tax credit legislation which I am sponsoring. Another piece of legislation that will help lower the capital barrier to investment in agriculture, value-added-type industries; tax credit for producers that will encourage farmer-owned cooperatives so farmers can take more control of their own destinies and begin to create opportunities and increase in the overall prices that they receive for their products. These are all issues that impact the future of rural America.

Mr. Speaker, as I would simply say in closing again, I think if we look at the things that the Congress has to deal with, they are many. We have all of the appropriations bills, the Patient Bill of Rights, campaign finance reform, and they are all important. But when you come down to it, there is nothing more important to the future of this country than putting in place a solid farm policy and an energy policy for America's future that will lessen our dependence on foreign sources of energy by utilizing the great renewable sources we have in America and finding those sources additional sources of energy.

Mr. Speaker, I am pleased to have an opportunity to discuss these issues and look forward to engaging in colloquies with my colleagues on these important issues for all Americans, including those of us who choose to live in rural areas.

WOMEN AND CHILDREN IN AMERICA DENIED VITAL MEDICAL AND FOOD BENEFITS BECAUSE OF IMMIGRATION STATUS

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, this special order tonight is to highlight some injustices, an injustice that is not only unfair, but unwise. Tens of thousands of women and children in this country are denied vital medical and food benefits because of their immigration status. What does this policy say about our country, the richest in the world, especially now in these times of surplus? What kind of country are we building for our children when we say some are eligible and some are not, even though they have played by the rules?

These are people that are legal immigrants that have played by the rules. Today hundreds of thousands of women and children are left outside without assistance in times of need. These are people who are here legally. They have followed the guidelines. They have paid taxes. They work. They are individuals that are out there baby-sitting our children, that pick up our trash. These people have been working hard, and they are strong Americans.

But in 1996, Congress decided that it was not the American benefit to provide safety net services to the communities that contribute so much. Last week we observed the first International French Citizen Day. It is only fitting that we recognize the contributions of this community and restore their access to the food and medical assistance that they need. I strongly believe that we need to look at this as a national public health issue.

When children go sick because their families cannot afford care, it is a public health issue. When pregnant women cannot get prenatal care, it is a public health issue. When pregnant women and young children do not have essential nutrition that they need, it is a public health issue. Ultimately it impacts on more than just our health, it hurts our educational system and economic possibilities.

□ 2130

Children who go to school hungry will not perform to the best of their abilities. Nor will they achieve the full potential that they have. We all lose when we do not provide them access to good quality care and good nutrition.

As I need to remind my colleagues, this is a Nation of immigrants, a Nation whose strength has come from hard work, of those who have fled persecution, from those who have left other countries to find better futures in our country, and who have left with their families and have come here. None of us would be here if it were not for immigration. Our country would have not had the academic, scientific, nor the industrial strength it does today without the contribution of our immigrants.

So why do we choose to raise obstacles in the way that we have? It is wrong. We should change our misguided policy as soon as possible. Numerous bills are pending in the House under the banner of health solutions for hardworking American families that offer solutions for correcting this problem. The Legal Immigrant Children's Health Improvement Act, H.R. 1143, introduced by the gentleman from Florida (Mr. DIAZ-BALART) and the gentleman from California (Mr. WAXMAN), the Nutrition Assistance for Working Families and Seniors Act, which is H.R. 2142, introduced by the gentleman from New York (Mr. WALSH), and the Women Immigrants Safe Harbor Act, H.R. 2258, introduced by the gentleman from Michigan (Mr. LEVIN), the gentlewoman from California (Ms. PELOSI), the gentlewoman from Maryland (Mrs. MORELLA) and others. These three bills help to basically address one of the problems that we have encountered.

Should we deny health care and nutrition to this baby? The answer should be no. This baby should have access to good nutrition. We need to understand that these people are here legally and they have gone through the process. But because of our laws that we passed in 1996, we excluded them from participating in access to Medicare and the CHIP program that helps youngsters to be able to have access to insurance coverage; and in addition, we have excluded them from food stamps that are very critical, and in some cases we will find different families that have one that was born here, one that has come abroad, some that qualify, some that do not. So we have in our laws things that need to be corrected. Hopefully, we will have an opportunity to do this in this session.

In addition, the Women Immigrants Safe Harbor Act, which is the third piece of legislation that is important, we have a lot of women that are abused. They do not have the opportunity to be able to get the services that they need. It is important. The third piece of legislation that we are going to be talking about tonight is the Women Immigrants Safe Harbor Act. I want to take this opportunity to also thank my fellow colleague who is here from Texas, Congressman GENE GREEN from Houston, who has been in the forefront on a variety of issues. He just spent some time talking about the Patients' Bill of Rights. I know he is up here tonight to talk about these issues. I thank him for being here with us.

Mr. GREEN of Texas. I thank my colleague for yielding, Mr. Speaker, and also for his taking this hour, 9:30 Washington time, 8:30 Houston and San Antonio time. We have thousands of immigrants who come to this country with the hope that they will be able to fulfill their own American dream. They want to work, pay their taxes, and contribute to their and our society. They want to raise their children in a democracy where all people are created equal.

Unfortunately, our current laws do not treat all people equally, especially legal immigrants. Most Americans who pay their taxes can count on food stamps, Medicaid or other safety net programs if they fall on hard times. But as my colleague, the gentleman from Texas (Mr. RODRIGUEZ), mentioned, the 1996 welfare reform act denies this kind of assistance to many lawfully present immigrants, including children up to 5 years. As a result, immigrants and their children who played by the rules and are here legally face the impending threat of hunger and sickness in a way that no other taxpayer in our country could fathom. Additionally, because of the 5-year ban, U.S.-citizen children in immigrant families are less likely to be enrolled in Medicaid or CHIP programs even though they are still eligible for these programs.

Mr. Speaker, each year immigrants pay approximately $1,800 more in taxes than they use in services; but in their time of need we slam the door in their face and say, Come back when you've been here 5 years. This law is arbitrary, unfair and I think we should overturn it. That is why I am proud to speak in support as my colleague is of H.R. 1143, the Legal Immigrant Children's Health Improvement Act of 2001. I was a cosponsor of this in the last Congress and a cosponsor in this Congress. This legislation gives the States the option of allowing low-income legal immigrant children and pregnant women access to Medicaid and the State Children's Health Improvement Program, the CHIP program. If States opt to cover pregnant immigrant women and their children, then Federal matching funds would be available, because again if you are here legally and you are pregnant, we want that mother to have a healthy child. And if we provide those women with prenatal services, we will make sure that child is healthier; and in the long run it is to the benefit of all of us because we want healthy children.

I also support H.R. 2142, the Nutrition Assistance for Working Families and Seniors Act. This important legislation restores food stamp program eligibility for low-income legal immigrants and makes other modest improvements in programs for working families and our elderly. I represent a very urban district. We have Hispanic elderly who literally have been here almost their whole life, although in the last few years they have been becoming citizens at a record pace; but there still are individuals who have built this country and need this assistance.

I am also a strong supporter of the Women Immigrants Safe Harbor, or the WISH Act, which would provide vital support service to immigrant women who must endure the tragic and difficult situation of domestic violence. Immigrant victims of domestic violence are especially dependent on their abusers because of the restrictions passed in the 1996 welfare reform act. This law inhibits battered immigrant women from accessing the resources they need to leave their abuser. The WISH bill would allow legal immigrants who are victims of domestic violence to apply for critical safety net services such as medical and food assistance if they are victims of battery or extreme cruelty by a family member; and, two, demonstrate that receiving benefits would significantly lessen the risk of that battery.

Mr. Speaker, eligibility for vital support services should be based on need and not just your immigrant status. Many tax-paying legal immigrants work in low-wage jobs and their families could use these vital support services to continue to succeed in our country.

I want to thank my colleague for asking for this Special Order tonight to highlight the need for our immigrants because he is right, we are an immigrant Nation. Some of us just got here sooner than others. We need to be able to have them conform and succeed in our country because we all came from somewhere. That is why I am proud to be not only an American but also allow for legal immigrants to come and build this country, to continue to build this country like our forefathers did whether you be in San Antonio, Houston, or anywhere in our country.

I thank the gentleman for taking this time tonight.

Mr. RODRIGUEZ. I want to thank the gentleman from Texas (Mr. GREEN) as he so eloquently indicated was the fact that we are talking about legal immigrants. We are not talking about individuals that are here illegally. These are people that went by the rules and played by the rules and abide by all the laws that we have. They have not become citizens as of yet and find themselves in this situation. At this time to make the system fair for everyone, I urge my colleagues to cosponsor these important pieces of legislation that I have mentioned.

Once again, it is the Legal Immigrant Children's Health Improvement Act, H.R. 1143 and S. 582; number two is the Nutrition Assistance for Working Families and Seniors Act, which is H.R. 2142; and the third is the Women Immigrants Safe Harbor Act. These are three important pieces of legislation that I feel will correct some of the injustices that exist out there and try to correct the situation where these individuals will be able to apply.

As the Congressman has also indicated, when we look at those two pieces of legislation, first the Legal Immigrant Children's Health Improvement Act, it is one about making sure that people get included into Medicaid. The legislation does not require any State to cover these immigrant children and pregnant women. It merely allows the State to draw down Federal moneys to be able to provide the care. And so if States choose to do that, they can; but it is not mandatory. Secondly, the Nutrition Assistance for Working Families, once again it allows the State the option of creating a fixed 6-month transitional food stamp benefit for those moving from welfare to work in addition to providing them access to those food stamps that are critical.

I want to take this opportunity to look at the specific problem that we have encountered with the existing piece of legislation. Current law bars legal immigrants, including pregnant women and children who arrive after August 22, 1996, for 5 years from receiving health benefits under Medicaid or under the CHIP program. Remember the CHIP program is that program of those youngsters, those families that are working hard and making money but yet do not have access to any kind of coverage. They are not poor enough to qualify for Medicaid, but they are finding themselves that they could qualify for CHIP; but because of the fact that they are in this status that they arrived here after August 22, 1996, they have to wait 5 years. Children and pregnant women who are denied coverage through the CHIP and Medicaid 5-year ban usually can get other vital health care coverages.

We all know and recognize that preventive care minimizes emergency room visits, a costly and inefficient way of providing health care. More alarming is a recent Kaiser study that was done which reports that even though noncitizens are more likely to be without usual sources of care, they are less likely to go to emergency rooms than citizens. This particular study finds that if you are a noncitizen but here legally, you are less likely to have access to health care. This means that noncitizens are less likely to be able to have those opportunities, to be able to have preventive care, to be able to get to the emergency care when it is needed.

The second piece of legislation, the Legal Immigrant Children's Health Improvement Act, gives States the option to allow low-income legal immigrants, children and pregnant women to have access not only to Medicaid and CHIP, but it also looks in terms of access to additional services. When we look at the health of children in immigrant families, it is important that now the States are having a crisis in this particular situation. Certain States are burdened, in addition, more than others. Some have more noncitizens than others. So we see the disparity that exists.

According to a recent Urban Institute study, children of immigrants are three times as likely as children of natives to lack the usual sources of health care and more than twice as likely to be as fair or poor in health. For pregnant women and their children, regular prenatal care and early intervention saves lives and dollars as we all know. Children who have routine office visits and immunizations grow to be healthier adults with less medical complications. Children monitored by pediatricians are less likely to be victimized by chronic and communicable diseases. The 5-year ban on providing Medicaid and CHIP coverage has been the greatest barrier to health care for legal immigrants. As a matter of decency and as a matter of economics and as a matter of public health, legal immigrant children and pregnant women deserve the same access to essential health care coverage offered to citizens.

We are talking about people who also pay their taxes, and we are talking about individuals that are here legally. This group has been singled out, and they are forbidden from accessing the very programs their tax dollars support. Studies show that each year, immigrants pay approximately $1,800 more in taxes than they use in services. This is according to the National Academy of Science.

I would like to point out that the vast majority of immigrant families are mixed-status families that include at least one U.S. citizen and typically a child. The mixed status makes it impossible to have continued good continuity of services for the family. For instance, one foreign-born child may rely on emergency room care while a U.S.-born sibling might qualify for Medicaid.

And so you find those situations in particular households where you have the parents that are here legally, then have children and now find themselves that the children might qualify, but they do not or the other children do not. The same complications are true for accessing other services such as food stamps. The Second Harvest National Food Bank Network study that was recently done found nearly 38 percent of emergency food assistance for clients that were children. That is, 38 percent of emergency food assistance clients were children. So we find a situation where children are lacking good nutrition.

□ 2145

The food stamp program has played a vital role in helping low income working families, the elderly and the disabled make ends meet. It is a crucial support for hard-working families trying to make ends meet. For families who are in mixed immigrant status and that is where they have some kids that are citizens and some that are in the process of becoming citizens, it is the child that is hurt the most. Children who are U.S. citizens may not receive food stamps because their parents have immigrant status. Participation in the food stamp program among citizen children with legal permanent resident status declined 70 percent from 1994 to 1998. So we have actually had a decline in the participation from 1.35 million to 350,000. Twice the overall rate of participation declined in the food stamp program.

I think that a lot of this is attributed to the piece of legislation that we have now and we will hopefully be able to correct that. I find this appalling, especially when you consider the reports that document hunger among children in America. This year the Urban Institute reported that nationwide 37 percent of all children immigrants lived in families worried about encountering difficulties with purchasing food. Should we deny food and nutrition services to children that are babies and would you deny this particular baby the right to have access to good quality nutrition and to good care?

I think it is important for us that we be responsive and treat everyone in an equitable manner. So you have thousands of children throughout this country that find themselves in this particular loophole that I feel that needs to be corrected and these three pieces of legislation helped do that.

So as we move forward, I urge my colleagues to cosponsor the Nutrition Assistance for Working Families and Seniors Act, which would restore food stamp benefits to qualified immigrants and primarily affecting families with children.

I also want to say a few words about a bill recently introduced by the gentleman from Michigan (Mr. LEVIN) on Women Immigrants Safe Harbor Act, which is H.R. 2258. This particular legislation allows legal immigrants, who are victims of domestic violence, to be eligible for public benefits such as food stamps and Medicare and SSI for the period of time long enough to allow them to escape from their abusers. I will say that time and time again we need to care for the most vulnerable in our communities. Individuals fleeing domestic violence certainly need our help. It is time to talk about compassion, about fairness, about keeping our community healthy. Now is the time to give legal immigrants a chance to escape their abusive relationships. Under the present situation, they cannot. Now is the time to restore both the medicaid and the CHIPS benefits to lawfully presenting in any event women and children. Now is the time also to restore the food stamp benefits to working families and children and the seniors who rely on the assistance in time of need.

I urge my colleagues to support the healthy solutions of American hard working families. This is the right thing to do for the immigrants, for the children and for all Americans.

I want to take this final opportunity, Mr. Speaker, to just indicate that it is three pieces of legislation that will help correct the problems that we see now. Once again, it is the Legal Immigrant Children's Health Improvement Act that talks about only people that are legally in this country. I am not talking about illegal. These are people once again that went by the rules, played by the rules and now they find themselves in that 5-year gap. I ask for assistance and for people to sign up.

Secondly, when it comes to nutrition and food stamps, we want to make sure that the Nutrition Assistance for Working Families and Seniors Act also is passed so they will have access to food stamps if they are in need.

Finally, the Women Immigrants Safe Harbor Act allows women that are being abused the opportunity to qualify for these programs as they flee from those situations that are not healthy.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mr. KENNEDY of Minnesota). Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for today and the balance of the week on account of illness in the family.

Mr. PAUL (at the request of Mr. ARMEY) for today on account of family illness.

Mr. PLATTS (at the request of Mr. ARMEY) for today and the balance of the week on account of his father's illness.

Mr. SHADEGG (at the request of Mr. ARMEY) for today on account of undergoing a medical procedure.

Mr. TOOMEY (at the request of Mr. ARMEY) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. SOUDER, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MORAN of Virginia, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. CON. RES. 54. Concurrent resolution authorizing the Rotunda of the Capitol to be used on July 26, 2001, for a ceremony to present Congressional Gold Medals to the original 29 Navajo Code Talkers; to the Committee on House Administration.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1029. An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 for the manufactured housing program.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 26, 2001, at 9 a.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 2000 and the first quarter of 2001, by Committees of the U.S. House of Representatives, pursuant to Public Law 95–384, and for a miscellaneous group in connection with official foreign travel during the first quarter of 2001 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Scotland, Germany, Italy, Qatar, Jordan and England, August 7–19, 2000:											
Delegation expenses	8/12	8/14	Italy				3,774.38		13,356.14		17,100.52
	8/16	8/18	Jordan				666.43		3,253.31		3,919.75
Total									16,609.45		21,020.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2001.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Korea, Thailand, Singapore and Taiwan, November 30–December 2, 2000:											
Delegation expenses	11/24	11/28	Thailand						4,402.00		4,402.00
Total									4,402.00		4,402.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Travel to Chile; January 12–18, 2001:											
Hon. Martin H. Meehan	1/12	1/18	Chile		1,776.00						1,776.00
Commercial airfare							5,112.60				5,112.60
Travel to Guatamala, Ecuador and El Salvador, January 21–25, 2001:											
Hon. Robin Hayes	1/21	1/22	Guatamala		190.00						190.00
	1/22	1/24	Ecuador		422.00						422.00
	1/24	1/25	El Salvador		222.00						222.00
Travel to Ecuador and Colombia, January 23–26, 2001:											
Hon. Curt Weldon	1/23	1/25	Ecuador		420.00						420.00
	1/25	1/26	Colombia		208.00						208.00
Commercial airfare							1,816.00				1,816.60
Travel to Italy, Germany, France and the United Kingdom, February 16–25, 2001:											
Hon. Ike Skelton	2/16	2/19	Italy		966.00						966.00
	2/19	2/22	Germany		319.00						319.00
	2/22	2/23	France		263.00						263.00
	2/23	2/25	United Kingdom		702.00						702.00
Hon. Jim Turner	2/16	2/19	Italy		966.00						966.00
	2/19	2/22	Germany		319.00						319.00
	2/22	2/23	France		263.00						263.00
	2/23	2/25	United Kingdom		702.00						702.00
Hon. Baron Hill	2/16	2/19	Italy		966.00						966.00
	2/19	2/22	Germany		319.00						319.00
	2/22	2/23	France		263.00						263.00
	2/23	2/25	United Kingdom		702.00						702.00
Mr. J.J. Gertler	2/16	2/19	Italy		966.00						966.00
	2/19	2/22	Germany		319.00						319.00
	2/22	2/23	France		263.00						263.00
	2/23	2/25	United Kingdom		702.00						702.00
Travel to Russia, Moldova, Ukraine and Russia, February 18–24, 2001:											
Hon. Curt Weldon	2/18	2/21	Russia		979.50						979.50
	2/21	2/22	Moldova		225.00						225.00
	2/22	2/23	Ukraine		269.00						269.00
	2/23	2/24	Russia		326.50						326.50
Commercial airfare							801.38				801.38
Hon. Ander Crenshaw	2/18	2/21	Russia		979.50						979.50
	2/21	2/22	Moldova		225.00						225.00
	2/22	2/23	Ukraine		269.00						269.00
	2/23	2/24	Russia		326.50						326.50
Commercial airfare							801.38				801.38
Mr. Peter M. Steffes	2/18	2/21	Russia		979.50						979.50
	2/21	2/22	Moldova		225.00						225.00
	2/22	2/23	Ukraine		269.00						269.00
	2/23	2/24	Russia		326.50						326.50
Commercial airfare							801.38				801.38
Delegation charter aircraft							33,620.00				33,620.00
Travel to Ecuador, Peru and Colombia, February 19–24, 2001:											
Hon. Gene Taylor	2/18	2/21	Ecuador		318.00						318.00
	2/21	2/22	Peru		153.00						153.00
	2/22	2/23	Colombia		542.00						542.00
Mr. George O. Withers	2/18	2/21	Ecuador		318.00						318.00
	2/21	2/22	Peru		153.00						153.00
	2/22	2/23	Colombia		542.00						542.00
Commercial airfare							321.00				321.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Total					19,664.00		43,274.34				62,938.34

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 30, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Nathan Deal	2/16	2/17	Netherland Antilles		307.00						307.00
	2/17	2/19	Colombia		271.00		2,398.50		1,014.20		3,683.70
	2/19	2/20	Honduras		96.00						96.00
	2/20	2/23	Bolivia		511.50		3,794.00		1,347.00		5,652.50
James Greenwood	2/04	2/08	Kenya		1,010.00						1,010.00
Total					2,195.50		6,192.50		2,361.20		10,749.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLY TAUZIN, Chairman, May 16, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner, Jr	2/17	2/19	Thailand		846.00		5,249.22				6,095.22
	2/20	2/21	Hanoi		252.00						252.00
	2/22	2/23	HoChiMinh City		249.00						249.00
	2/24	2/27	Singapore		1,484.19						1,484.19
Todd Schultz	2/17	2/19	Thailand		846.00		5,249.22				6,095.22
	2/20	2/21	Hanoi		252.00						252.00
	2/22	2/23	HoChiMinh City		249.00						249.00
	2/24	2/27	Singapore		1,484.19						1,484.19
Total					5,662.38		10,498.44				16,160.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

F. JAMES SENSENBRENNER, Jr., Chairman, May 3, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND APR. 23, 2001

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Phil English (Int'l Rel.)	1/13	1/19	Chile		888.00		5,056.60				5,944.60
Hon. M. McNulty (Gilman Codel)	1/22	1/25	Italy		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/30	Ireland		472.00		(3)				472.00
Hon. W. Watkins (Gilman Codel)	1/22	1/25	Italy		966.00		(3)				966.00
	1/25	1/27	Greece		376.00		(3)				376.00
	1/27	1/28	Israel		523.00		(3)				523.00
	1/28	1/28	Ireland		472.00		(3)				472.00
Hon. M. McNulty (Watts Codel)	4/5	4/11	Senegal		n/a		(3)				n/a
	4/5	4/11	Nigeria		n/a		(3)				n/a
	4/5	4/11	Ghana		n/a		(3)				n/a
	4/5	4/11	Morocco		n/a		(3)				n/a
Hon. C. Shaw (Rogers Codel)	4/5	4/16	France		n/a		(3)				n/a
	4/5	4/16	Turkey		n/a		(3)				n/a
	4/5	4/16	Italy		n/a		(3)				n/a
Hon. R. Lewis (Rogers Codel)	4/5	4/16	Turkey		n/a		(3)			n/a	
	4/5	4/16	Italy		n/a		(3)			n/a	
Hon B. Cardin (Kolbe Codel)	4/18	4/20	Israel		380.00		(3)				380.00
	4/20	4/22	Jordan		228.00		(3)				228.00
	4/22	4/23	Egypt	223.00			(4)			223.00	
	4/18	4/18	Italy		346.00		(3)				346.00
	4/23	4/23	Ireland		124.50		(3)				124.50
Hon. Phil English (Combest Codel)	4/20	4/22	Canada		n/a		(3)				n/a
Hon. S. Levin (Combest Codel)	4/20	4/22	Canada		n/a		(3)				n/a
Hon. J.D. Hayworth (Rogers Codel)	4/5	4/16	France		n/a		(3)				n/a
	4/5	4/16	Turkey		n/a		(3)				n/a
	4/5	4/16	Italy		n/a		(3)				n/a
Hon. R. Lewis (Rogers Codel)	4/5	4/16	France		n/a		(3)				n/a
Total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation

BILL THOMAS, Chairman, June 5, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, May 11, 2001.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2001

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Nancy Pelosi	1/10	1/16	Europe		1,604.00						1,604.00
Commercial airfare							5,829.00				5,829.00
Michael Sheehy, Staff	1/10	1/16	Europe		1,604.00						1,604.00
Commercial airfare							5,829.00				5,829.00
Jay Jakub, Staff	1/22	1/27	Europe		1,450.00						1,450.00
Commercial airfare							6,615.81				6,615.81
Robert Emmett, Staff	1/23	2/3	Europe		3,015.00						3,015.00
Commercial airfare							6,251.13				6,251.13
Patrick Murray, Staff	2/7	2/10	Europe		459.00						459.00
Commercial airfare							4,742.85				4,742.85
Jay Jakub, Staff	2/7	2/10	Europe		459.00						459.00
Commercial airfare							4,742.85				4,742.85
Merrell Moorhead, Staff	2/7	2/10	Europe		459.00						459.00
Commercial airfare							4,742.85				4,742.85
Merrell Moorhead, Staff	2/16	2/26	Europe		1,432.00						1,432.00
Commercial airfare							5,168.43				5,168.43
Michele Land, Staff	2/19	2/23	Europe		773.00						773.00
Commercial airfare							4,663.90				4,663.90
Patrick Murray, Staff	2/19	2/25	Europe		525.00						525.00
Commercial airfare							4,328.22				4,328.22
Timothy Sample, Staff	2/19	2/26	Europe		876.00						876.00
Commercial airfare							5,454.79				5,454.79
Christopher Barton, Staff	2/20	2/24	South America		934.00						934.00
Commercial airfare							2,001.60				2,001.60
Brant Bassett, Staff	2/20	2/24	South America		934.00						934.00
Commercial airfare							2,001.60				2,001.60
Christopher Barton, Staff	3/8	3/12	South America		791.00						791.00
Military aircraft											
Timothy Sample, Staff	3/9	3/12	South America		652.00						652.00
Commercial airfare							995.80				995.80
Timothy Sample, Staff	3/14	3/20	Europe		1,992.00						1,992.00
Commercial airfare							5,721.66				5,721.66
Delores Jackson, Staff	3/14	3/20	Europe		1,992.00						1,992.00
Commercial airfare							5,721.66				5,721.66
Patrick Murray, Staff	3/22	3/30	Europe		2,338.00						2,338.00
Commercial airfare							6,030.08				6,030.08
Jay Jakub, Staff	3/22	3/30	Europe		2,338.00						2,338.00
Commercial airfare							5,865.64				5,865.64
Total					13,590.00		58,368.83				71,958.83

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, May 17, 2001.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2632. A letter from the Secretary, Department of Agriculture, transmitting a report entitled, "Assessment of the Cattle and Hog Industries, Calendar Year 2000"; to the Committee on Agriculture.

2633. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Water and Waste Disposal Programs Guaranteed Loans (RIN: 0572–AB57) received June 15, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2634. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Time-Limited Pesticide Tolerance [OPP–301120; FRL–6778–7] (RIN: 2070–AB78) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2635. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Re-establish Tolerances for Emergency Exemptions [OPP–301141; FRL–6788–4] (RIN: 2070–AB78) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2636. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final—Pyridaben; Pesticide Tolerance Technical Correction [OPP–301013A; FRL–6786–5] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2637. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Isoxadifen-ethyl; Time-Limited Pesticide Tolerance [OPP–301135; FRL–6786–1] (RIN: 2070–AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—L-Glutamic Acid and Gamma Aminobutyric Acid; Exemptions from the Requirement of a Tolerance [OPP–301136; FRL–6785–6] (RIN: 2070–AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mesotrione; Pesticide Tolerance [OPP–301138; FRL–6787–7] (RIN: 2070–AB78) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2640. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Protections for Children in Research"; to the Committee on Energy and Commerce.

2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Antelope Valley Air Pollution Control District [CA 226–0271; FRL–6998–3] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions to Miscellaneous Volatile Organic Compounds Regulations Within the North Carolina State Implementation Plan [NC 95–200034a; FRL–6993–9] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds (VOCs) for Aerospace Operations and Miscellaneous VOC Revisions [PA155–4114a; FRL–6998–6] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2644. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan Revisions; Ohio [OH148–1a; FRL–7001–6] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2645. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment for the Carbon Monoxide National Ambient Air Quality Standard for Metropolitan Denver; State of Colorado [CO–001–0063a; FRL–7000–7] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; States of Illinois and Missouri; 1-Hour Ozone Attainment Demonstrations, Motor Vehicle Emissions Budgets, Reasonably Available Control Measures, Contingency Measures, Attainment Date Extension, and Withdrawal of Nonattainment Determination and Reclassification [Tracking No. MO–0132–1132, IL 196–3; FRL–7001–7] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2647. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period April 1 to May 31, 2001, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2648. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report on the Imposition of Foreign Policy Export Controls On Certain Fertilizers To Terrorist Supporting Countries; to the Committee on International Relations.

2649. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Policy Terminating the Arab League Boycott of Israel and Expanding the Process of Normalization Between the Arab League Countries and Israel; to the Committee on International Relations.

2650. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the International Traffic in Arms Regulation: Sweden—received June 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2651. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2652. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2653. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2654. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2655. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2656. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2657. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2658. A letter from the Acting General Counsel and Designated Reporting Official, Executive Office of the President, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2659. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Whooping Cranes in the Eastern United States (RIN: 1018–AH46) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2660. A letter from the Staff Attorney, Department of Transportation, transmitting the Department's final rule—Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions [Docket No. RSPA–2000–7702 (HM–215D)] (RIN: 2137–AD41) received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2661. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Captain of the Port Detroit Zone [CGD09–01–048] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2662. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International (CFMI) CFM56–2, –2B, –3, –5B, –5C and –7B Series Turbofan Engines [Docket No. 2001–NE–18–AD; Amendment 39–12246; AD 2001–11–05] (RIN: 2120–AA64) received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2663. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Veterans Education: Increased Allowances for the Educational Assistance Test Program (RIN: 2900–AK41) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2664. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty and Survivors' and Dependents' Educational Assistance (RIN: 2900–AK44) received June 13, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2665. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev Rul. 2001–34] received June 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2666. A letter from the Chief, Regulations Office, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 2001–39] received June 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2667. A letter from the Chair, U.S. International Trade Commission, transmitting a report entitled, "The Year in Trade 2000: Operation of the Trade Agreements Program"; to the Committee on Ways and Means.

2668. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Progress made toward opening the United States Embassy in Jerusalem and notification of Suspension of Limitations Under the Jerusalem Embassy Act (Presidental Determination No. 2001–19), pursuant to Public Law 104–45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 21, 2001 the following report was filed on June 22, 2001]

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 2299. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–108). Referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

[Submitted June 22, 2001]

Mr. HYDE: Committee on International Relations. H.R. 1954. A bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; with an amendment (Rept. 107–107 Pt. 1). Ordered to be printed.

[Submitted June 25, 2001]

Mr. HANSEN: Committee on Resources. H.R. 645. A bill to reauthorize the Rhinoceros and Tiger Conservation Act of 1994; with an amendment (Rept. 107–109). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 178. Resolution providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending 2002, and for other purposes (Rept. 107–110). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on June 22, 2001]

H.R. 1954. Referral to the Committees on Financial Services, Ways and Means, and Government Reform for a period ending not later than July 13, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DELAY (for himself, Mr. HALL of Ohio, Mr. LEWIS of Georgia, Mr. WOLF, Mr. BLUNT, Mr. BISHOP, Mr. SOUDER, Mr. TURNER, Mr. SHOWS, Mr. PITTS, Mr. PETERSON of Minnesota, Mr. HOSTETTLER, Mr. TANCREDO, Mr. MCINTYRE, and Mr. PICKERING):

H.R. 2300. A bill providing for a National Day of Reconciliation; to the Committee on House Administration.

By Mr. DOOLITTLE:

H.R. 2301. A bill to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes; to the Committee on Resources.

By Mr. LANTOS (for himself, Ms. ESHOO, and Mr. MANZULLO):

H.R. 2302. A bill to amend title 10, United States Code, to provide that certain individuals who would be eligible for military retired pay for nonregular service but for the fact that they did not serve on active duty during a period of conflict may nevertheless be paid such retired pay if they served in the United States merchant marine during or immediately after World War II or the Korean Conflict; to the Committee on Armed Services.

By Mr. LEWIS of Kentucky:

H.R. 2303. A bill to amend the Internal Revenue Code of 1986 to provide incentives to increase the sale and use of certain ethanol and biodiesel fuels; to the Committee on Ways and Means.

By Mrs. MALONEY of New York:

H.R. 2304. A bill to provide that Federal reserve banks and the Board of Governors of the Federal Reserve System be covered under chapter 71 of title 5, United States Code, relating to labor-management relations; to the Committee on Government Reform.

By Mrs. MORELLA (for herself and Ms. NORTON):

H.R. 2305. A bill to require certain Federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes; to the Committee on Government Reform.

By Ms. NORTON (for herself, Mr. TOM DAVIS of Virginia, Mr. GILCHREST, Mr. HOYER, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. WOLF, and Mr. WYNN):

H.R. 2306. A bill to amend the Federal Water Pollution Control Act to increase the Federal share of the cost of constructing treatment works in the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 2307. A bill to establish the National Commission on Budget Concepts; to the Committee on the Budget.

By Mr. WATKINS (for himself and Mrs. THURMAN):

H.R. 2308. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to allow investments by certain retirement plans in principal residences of children and grandchildren of participants who are first-time homebuyers; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mr. PAYNE):

H. Con. Res. 172. Concurrent resolution recognizing and honoring the Young Men's Christian Association on the occasion of its 150th anniversary in the United States; to the Committee on Education and the Workforce.

By Mr. REYNOLDS:

H. Res. 178. A resolution providing for consideration of the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending 2002, and for other purposes.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

115. The SPEAKER presented a memorial of the General Assembly of the State of Vermont, relative to Joint House Resolution No. 130 memorializing the United States Congress to closely examine the impact of the gasoline price increases, and initiate actions that will mitigate the impact of the gasoline price rise both on a short and long-term basis; to the Committee on Energy and Commerce.

116. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 88 memorializing the United States Congress to recognize the campaign called the "National Domestic Violence Health Care Standards Campaign Kick-Off Day in Pennsylvania" and to promote nationwide screening for domestic violence; to the Committee on Energy and Commerce.

117. Also, a memorial of the General Assembly of the State of Vermont, relative to Joint House Resolution No. 128 memorializing the United States Congress and the National Capital Planning Commission to proceed expeditiously in completing the review process of the proposed World War II Memorial; to the Committee on Resources.

118. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 76 memorializing the United States Congress to make the $1.5 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe abandoned mine lands; to the Committee on Resources.

119. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 106 memorializing the United States Congress to allow states to privatize safety rest areas located on the rights of way of the Interstate highway system; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 64: Mr. SWEENEY, Ms. LOFGREN, Mr. MATHESON, and Ms. MCKINNEY.

H.R. 168: Mr. LUCAS of Kentucky.

H.R. 189: Mr. HAYWORTH.

H.R. 190: Mr. HALL of Texas.

H.R. 239: Mr. MANZULLO, Mr. DAVIS of Illinois, Mrs. JOHNSON of Connecticut, Mr. GUTIERREZ, Mr. BLUMENAUER, and Mr. WYNN.

H.R. 287: Mr. COYNE, Mr. KILDEE, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. RANGEL, Mr. ACKERMAN, Mr. KENNEDY of Rhode Island, Mr. DELAHUNT, Mr. MEEKS of New York, Mr. HILLIARD, and Mr. HYDE.

H.R. 303: Mr. ENGEL.

H.R. 311: Mr. CHABOT.

H.R. 356: Mr. SAXTON and Mr. PETERSON of Minnesota.

H.R. 389: Mr. OWENS, Mr. NADLER, and Mrs. MALONEY of New York.

H.R. 479: Mr. HILLIARD and Mr. BISHOP.

H.R. 480: Mr. HILLIARD and Mr. BISHOP.

H.R. 510: Mr. DREIER, Mr. CRANE, Mr. DINGELL, and Mr. RODRIGUEZ.

H.R. 526: Mr. WU, Mr. RODRIGUEZ, Mr. SCOTT, Mr. UNDERWOOD, Mr. HASTINGS of Florida, Mr. ACEVEDO-VILA, Ms. CARSON of Indiana, Mr. CLYBURN, Mrs. CLAYTON, Mr. HINOJOSA, Mr. HOLDEN, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. KUCINICH, Mr. LAMPSON, Ms. LOFGREN, Mr. SERRANO, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. REYES, Mr. ROTHMAN, Mr. SANDERS, Ms. WATSON, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. VISCLOSKY, and Mr. FATTAH.

H.R. 555: Ms. ROYBAL-ALLARD.

H.R. 572: Mr. BISHOP.

H.R. 608: Mr. DAVIS of Illinois.

H.R. 612: Mr. ISSA, Mr. JEFFERSON, Mr. UNDERWOOD, and Mr. PUTNAM.

H.R. 699: Mr. WELDON of Florida, Mr. BROWN of South Carolina, and Mr. VITTER.

H.R. 704: Ms. HARMAN.

H.R. 721: Mr. CROWLEY, Mr. POMEROY, Mr. KIND, Mr. MOLLOHAN, Mrs. CLAYTON, Ms. DEGETTE, Ms. WATERS, Mr. THOMPSON of California, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, and Mr. KENNEDY of Rhode Island.

H.R. 746: Ms. SANCHEZ.

H.R. 751: Mr. TOWNS and Mr. WALSH.

H.R. 756: Mr. CLEMENT.

H.R. 778: Mr. FOLEY and Mr. BAIRD.

H.R. 832: Mr. SESSIONS.

H.R. 902: Mr. MALONEY of Connecticut.

H.R. 959: Mr. PAUL.

H.R. 967: Mr. CAPUANO, Mr. RUSH, Mr. NEAL of Massachusetts, and Mr. GILMAN.

H.R. 969: Mr. HAYWORTH.

H.R. 981: Mr. BLUNT, Mrs. BONO, Mr. CRANE, Mrs. CUBIN, Mr. DUNCAN, Mr. SHAW, and Mr. KING.

H.R. 984: Mr. EHRLICH.

H.R. 1038: Mr. FILNER.

H.R. 1073: Mr. CLYBURN, Mr. KLECZKA, Mr. MCINTYRE, and Mr. HOBSON.

H.R. 1076: Mr. HINOJOSA, Mr. HILL, Mr. CONDIT, Mr. LUCAS of Kentucky, and Mr. DELAHUNT.

H.R. 1077: Mrs. JO ANN DAVIS of Virginia.

H.R. 1090: Mr. Camp, Mr. Boucher, Mr. Gilman, Mr. Berman, and Mr. Jefferson.

H.R. 1097: Mr. Holden and Ms. Norton.

H.R. 1121: Mr. Bonior.

H.R. 1266: Mr. Boucher, Mr. Camp, Mr. Delahunt, Mr. Wu, Mr. Davis of Illinois, and Mr. Scarborough.

H.R. 1293: Mr. Udall of New Mexico.

H.R. 1340: Mrs. Jones of Ohio.

H.R. 1348: Mr. Snyder.

H.R. 1354: Ms. DeGette and Mr. Wolf.

H.R. 1363: Mr. Hoyer.

H.R. 1388: Mr. Turner, Mrs. Jones of Ohio, Mr. Peterson of Pennsylvania, Mr. Price of North Carolina, Mr. Osborne, and Mr. Etheridge.

H.R. 1405: Mr. Wu.

H.R. 1434: Mr. Wynn, Mrs. Thurman, Mr. Pallone, and Mr. Coyne.

H.R. 1438: Mr. Latham, Mr. Diaz-Balart, Mr. Lewis of Kentucky, and Mr. Blunt.

H.R. 1487: Mr. Frost, Mr. Cannon, and Mr. Towns.

H.R. 1494: Ms. Lofgren and Mr. Jackson of Illinois.

H.R. 1556: Ms. Eshoo, Mr. Delahunt, Mr. Holden, and Mr. Weller.

H.R. 1585: Ms. Millender-McDonald.

H.R. 1592: Mr. Calvert.

H.R. 1624: Mrs. Kelly, Mr. Abercrombie, Mrs. McCarthy of New York, Mr. Rush, Ms. Carson of Indiana, Mr. Davis of Illinois, Mrs. Lowey, Mr. Hefley, Mr. DeMint, Mr. Ryan of Wisconsin, Mr. Sununu, Mrs. Jones of Ohio, Mr. Gutierrez, Mr. Sawyer, Mr. Greenwood, Mr. Tiahrt, Mr. Neal of Massachusetts, Mr. Gilman, Mr. Moore, and Mr. Weller.

H.R. 1644: Mr. Gallegly and Mr. Everett.

H.R. 1645: Mr. Rahall and Mr. Price of North Carolina.

H.R. 1657: Mr. Inslee and Mr. Price of North Carolina.

H.R. 1660: Mr. Clement.

H.R. 1668: Mr. Spratt.

H.R. 1672: Mr. Clement, Mr. Blagojevich, Ms. DeGette, and Mr. Lantos.

H.R. 1673: Mr. McGovern.

H.R. 1675: Mr. Goodlatte, Mr. Tom Davis of Virginia, and Mr. Chabot.

H.R. 1694: Mr. Rohrabacher.

H.R. 1707: Mr. Issa.

H.R. 1716: Mr. Blumenauer and Mrs. Clayton.

H.R. 1770: Mr. Platts.

H.R. 1781: Mr. Schiff.

H.R. 1784: Ms. Rivers, Mr. Jefferson, Mr. McGovern, Mr. Nadler, and Mrs. Davis of California.

H.R. 1839: Ms. DeGette and Mr. Boucher.

H.R. 1891: Mr. Jones of North Carolina, Mrs. Capito, Mr. Bereuter, Mr. Lewis of Kentucky, Mr. Duncan, Mrs. Emerson, and Mr. Collins.

H.R. 1896: Mr. George Miller of California, Mr. Baird, Mr. Jackson of Illinois, Mr. Gutierrez, Mrs. Emerson, Mr. Carson of Oklahoma, Mr. Frost, Ms. Norton, and Mr. McHugh.

H.R. 1911: Mr. Frost, Mr. Jones of North Carolina, and Mr. Rogers of Michigan.

H.R. 1931: Mr. Putnam.

H.R. 1941: Mr. Cunningham and Mrs. Bono.

H.R. 1979: Ms. Hooley of Oregon, and Mr. Gibbons.

H.R. 2002: Mr. Putnam.

H.R. 2020: Mr. Schrock.

H.R. 2030: Mr. Crowley, Ms. McKinney, Mr. Tancredo, and Mr. Wolf.

H.R. 2074: Mr. Andrews, Mr. Jefferson, Mr. Thompson of Mississippi, Mr. Jackson of Illinois and Mr. Holt.

H.R. 2104: Ms. McKinney.

H.R. 2125: Mr. Payne, Mr. Frank, Mr. Hilliard, Mr. Holden, Mr. Frost, Mr. Gilman, Mr. Hall of Texas, Mr. Tancredo, Mr. Paul, Mr. Kucinich, Mr. Moore, Mr. King, Mr. Dicks, Mr. Wolf, Mrs. Morella, Mr. Wynn, Mr. Petri, Mr. Holt, Mr. Goode, Mr. Saxton, and Mr. Blunt.

H.R. 2143: Mr. Cooksey and Mr. Sessions.

H.R. 2145: Mr. McGovern, Mr. Kildee, Ms. Lofgren, and Mr. Price of North Carolina.

H.R. 2148: Mr. Payne and Mr. Doyle.

H.R. 2149: Mr. Cooksey, Mr. Bonilla, Mr. Tancredo, Mr. Graves, and Mr. Ganske.

H.R. 2160: Mr. Barcia.

H.R. 2180: Mr. Clay.

H.R. 2206: Ms. Jackson-Lee of Texas and Mr. McGovern.

H.R. 2272: Mr. McGovern, Mr. Crowley, and Mr. Acevedo-Vila.

H.R. 2278: Mr. Eshoo.

H.R. 2280: Mr. Lewis of Georgia.

H.J. Res. 38: Mr. Everett.

H.J. Res. 42: Ms. Hart, Mr. Crowley, Mr. Walden of Oregon, Mr. Osborne, Mr. Skelton, Mr. Gekas, Mr. Hayworth, and Ms. Granger.

H. Con. Res. 102: Mr. Bentsen, Mr. Stupak, Mr. Rangel, Mr. DeFazio, Mr. Crowley, Mr. Ryan of Wisconsin, Mr. Udall of Colorado, Mr. Tierney, and Ms. Jackson-Lee of Texas.

H. Con. Res. 161: Mr. Bilirakis, Mr. Weldon of Florida, Mr. Sherman, Mr. Kleczka, Mr. Thompson of California, and Mr. Radanovich.

H. Con. Res. 168: Mr. Hilliard, Mr. Tancredo, Mr. Davis of Florida, Mr. Sherman, Mr. Faleomavaega, Mr. Wexler, and Mr. Hoeffel.

H. Res. 121: Mr. Kucinich, Mr. DeFazio, Ms. Baldwin, Mr. Allen, Mr. Rangel, Mr. McGovern, Ms. Carson of Indiana, Ms. Jackson-Lee of Texas, Ms. Slaughter, Ms. Millender-McDonald, Mr. Sanders, Mr. Gutierrez, Ms. Lee, Mr. Brown of Ohio, Mr. Hilliard, Mr. Berman, Mr. Rohrabacher, and Ms. Ros-Lehtinen.

H. Res. 152: Mr. Wolf and Ms. Jackson-Lee of Texas.

H. Res. 160: Mr. Ferguson, Mr. Pascrell, Mrs. Roukema, Mr. Hilliard, Mr. Honda, Mr. Payne, Mr. Sherman, and Ms. Pelosi.

H. Res. 172: Mr. Weldon of Pennsylvania and Mr. Frost.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. Moore.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2299

Offered By: Mr. Andrews

Amendment No. 1: In section 326 (relating to Amtrak Reform Council), after the dollar amount, insert the following: "(reduced by $335,000)".

H.R. 2299

Offered By: Mr. DeFazio

Amendment No. 2: Page 2, line 8, after "$67,726,000" insert "(increased by $720,000)".

Page 9, line 14, after "$6,870,000,000" insert "(reduced by $720,000)".

H.R. 2299

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 3: Page 53, lines 15 through 17, strike section 329.

H.R. 2299

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 4: Page 15, line 24, before the period insert the following: ": *Provided further*, That the Secretary shall make available $5,000,000 of the amount made available in this paragraph for the operation of the control center that monitors traffic in Houston, Texas, known as 'Houston TransStar' ".

H.R. 2299

Offered By: Mr. Traficant

Amendment No. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Agriculture FY 2002 Appropriations

Offered By: Mr. Traficant

Amendment No. 1:

Sec. . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

Energy and Water FY 2002 Appropriations

Offered By: Mr. Traficant

Amendment No. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds appropriated or otherwise made available in this act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

EXTENSION OF REMARKS

A POINT OF LIGHT FOR ALL AMERICANS: JAMES NEVILLE MORGAN ACKNOWLEDGED POSTHUMOUSLY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, James Neville Morgan, recognized posthumously as a Point of Light for all Americans.

James Neville Morgan of Richmond Hill, Queens, was born in Georgetown, Guyana on January 11, 1951. He attended Sacred Heart Primary School then the Guyana Technical Institute.

From his early teen years, James loved music and cared for the well being of people. He joined the Guyana Police Force and worked in various departments as well as playing in the steel band orchestra.

In 1976, James migrated to the United States, got involved in St. Matthews Roman Catholic Church where he was a Director for Remedial and Religious Education. Although he had a Degree in Business, his heart led him to pursue a career in Social Work. He worked for the New York City Department of Social Services and later the New York City Administration for Children Services as an investigator and was elevated to Supervisor Level II. He was also Director for the International Institute of Travel.

James had a passion for politics and social work and strongly believed that is the only way to make changes in the world. Very much involved in the Association of Concerned Guyanese, Guyana North American Association, New Concept Democratic Club, Political Activist Liaison of the New York Congressional Delegation for the American Federation of State, County and Municipal Employees, Delegate of Social Service Employees Union—Local 371 and many more.

James, whose recent death saddened his family, friends and colleagues, was a man of integrity, he was known to be honest, assertive, intelligent, very outgoing, outspoken, humorous and most of all a loving man.

Mr. Speaker, I am proud to salute James Neville Morgan posthumously as a Point of Light for all Americans.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, earlier today, during debate on the Crowley amendment, I made reference to my concerns about cuts to the Workforce Investment Act. As I said, I am deeply concerned that the funding for the supplemental is at the expense of this very important program.

As you know, the Workforce Investment Act of 1998 (WIA) provides job training and related services to low-income persons, dislocated workers, and other unemployed or underemployed individuals. The WIA trains people for jobs so that they are prepared to enter the workforce and participate as productive employees. And one major, positive consequence of the program is a true savings in the costs of crime and dependency.

Without a doubt, the WIA is a vital investment in our workforce and our future. I am particularly interested in this program because of the Stanley M. Isaacs Neighborhood Center which is located in my district. I am proud to say that the Isaacs Center has a long history of helping young people stay in school and prepare for entering into the job market.

Fortunately, the Center was awarded $1.2 million over a 3 year period to work with 250 at-risk children ages 14–18 to help them complete high school, get work experience and training, and transition to work or to pursue further education.

However, it is very clear: the Isaacs Center's funding and its ability to continue this project is directly linked to the continued funding of WIA. Our children count on this funding. Our future demands it. We must not cut WIA funding.

* * *

IN HONOR OF SAM D. CANITIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Sam Canitia, a life-long resident of Ohio, who served his community in various ways throughout his lifetime. He will be missed, not only by his beloved family, but also by countless members of the community.

Mr. Canitia was a former Highland Heights City Council president and Shaker Heights Democratic ward leader. In 1972, Cleveland Mayor Ralph J. Perk hired him to study the County Board of Revision's rulings on tax appraisals and appeals.

He was a past president of the Italian-American Democratic League, the Cosmopolitan Democratic Club and the Akron-Cleveland chapter of the American Society of Appraisers. He was named "Realtor of the Year" in 1977 by the Cleveland Area Board of Realtors, of which he was a past president and board chairman.

Mr. Canitia also taught property appraisal classes at John Carroll University, Cuyahoga Community College and Dyke College. I'm sure that you will agree that there are few professions more honorable than that of teaching.

My fellow colleagues, please join me today in celebrating the life of this remarkable man. He was a gentleman of honorable intentions and thankless acts of service to the community.

* * *

TRIBUTE TO MR. FERDINAND HAMMONDS, SR. OF MADISON COUNTY, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to the long and fruitful life of Mr. Ferdinand Hammonds, Sr. of Madison County, Alabama, an extraordinary man whose ninety-seven years have been marked by his love of country, family and God.

Mr. Hammonds was born in Madison County on June 24, 1904. Throughout his life, he has worked hard and excelled in many roles as a farmer, as a funeral director, at a rock quarry, and until his final retirement at age 86 at the Madison Boulevard Chevron station.

One of Mr. Hammond's biggest successes was raising six happy and healthy children with his dear wife of 67 years, Anna Jones. His children, James, Ferdinand Jr., Sister, Jewell, Piney and Tiney are his pride and joy and lovingly refer to him as "Pops". Mr. Hammonds is also the oldest living sibling out of 15 and his sisters Martha Coleman and Mary Robinson celebrate his birthday as well. He is the eldest member of the St. Peter United Methodist Church having served on the Trustee Board.

With a lifetime love of sports, Mr. Hammonds has become one of Bob Jones High School's most beloved fans. He is a familiar sight at their basketball, football and baseball games even earning a special seat and an assigned parking spot.

On behalf of the people of Alabama's Fifth Congressional District, I join them in celebrating the extraordinary life of this incredible

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

man. I send him and his family and friends my best wishes on this special birthday celebration. I wish Mr. Hammonds a happy and healthy 97th year.

A POINT OF LIGHT FOR ALL AMERICANS: MR. JAMES NORRIS WILLIAMS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, James Norris Williams, as a Point of Light for all Americans.

James Norris Williams, was born and educated in Guyana. He first started working as a teacher of Latin, Math, English and History at West Demerara High School in 1961. Four years later he took a position as an Assistant in the Reservations Department for Guyana Airways Corporation, which would set the stage for a prolific and enduring career in the company.

Soon after he was initially hired by Guyana Airways, he became Traffic and Operations Assistant and was sent to Trinidad where he worked and underwent training in the Operations Department with BWIA at Piarco Airport and on his return to Guyana, was promoted to Senior Traffic and Operations Assistant; he was quickly promoted to Station Superintendent at Atkinson Airport in Guyana.

James Norris Williams was married to June James in 1967, and only a few weeks later, he was sent to London to train with British Airways Commercial and was presented with a Service Handling Specialist Diploma upon completion of the program.

In 1972, James was promoted to Assistant General Manager of Guyana Airways, and in this capacity, coordinated the Caribbean Free Trade Association and was responsible for cargo, marketing and sales, aircraft operational permits and handling documentation. Later that same year, he was appointed Manager for Cargo Services North American based in Miami, and from 1975 to 1978, he served as General Manager of Guyana Airways.

Upon moving to the United States in 1979, James worked as a manager at Medas Shipping, before acquiring two trucks of his own and establishing a family business, Williams Shipping and Delivery Service, which delivered furniture to stores throughout the tri-state area. In 1986, the company expanded and its name changed to Williams Worldwide Shipping and Trading which now operates as a worldwide shipping company, servicing Guyana and the Caribbean Islands and is Brooklyn's main cargo consolidator.

James and his wife June have three lovely children: Nicholas, Michelle and Lester. Four granddaughters—Leslie Ann, Shenice, Kennedi and Kristen. They also have one grandson, Ethan Nicholas.

Mr. Speaker, I am proud to salute Mr. James Norris Williams as a Point of Light for all Americans.

LORI BERENSON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mrs. MALONEY of New York. Mr. Speaker, when Peru announced it would retry Lori last August, we hoped for an open and fair hearing. Instead, what she received was a public circus in which the verdict was a foregone conclusion.

Peru has condemned Lori Berenson under draconian anti-terrorism laws enacted during the flawed Fujimori-Montesinos regime. The U.S. Department of State and the Inter-American Human Rights court system have been joined by human rights groups such as the Washington Office on Latin America (WOLA) and Human Rights Watch: Americas, in concluding that the Fujimori-Montesinos anti-terrorism laws violate both international law and the Peruvian Constitution. Her trial should not have been held until those laws were reformed.

International observers, human rights advocates and legal scholars report that Lori's trial has been riddled with violations of due process. Much of the evidence used against her was gathered during her discredited military trial, in many cases from witnesses who had been subjected to torture. Most of the witnesses have since recanted their earlier statements. The only witness against Lori received a reduced sentence for his testimony against Lori and, on the eve of Lori's trial was given a new trial so that he can get another reduction in sentence. Furthermore, court proceedings clearly show that the judges had decided the verdict long before this trial began. How fair is a trial in which a judge proclaims a defendant guilty while witnesses are still being heard?

In her public statement in court yesterday, Lori said that she was sorry for the violence and the deaths that there have been. She has condemned terrorism in the past and she did so again today. Lori has always maintained that she was innocent of the charges against her.

I am hopeful that the Peruvian President will recognize that Lori has already served 5½ years in prison under very harsh circumstances and will pardon her. It is time for Lori to come home.

IN HONOR OF MR. PHILIP PEMPIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Philip Pempin in recognition of his valor in saving a young boy's life.

Mr. Pempin has been the dutiful principal of the Riverside Elementary School in Cleveland for the past three years. Mr. Pempin is a luminary of the Cleveland school system. It is because of his guidance and ambition that the Riverside Elementary School stands out in our district. His individualized and scrupulous attention toward each and every pupil in the school has helped the school rise high in terms of performance. Mr. Pempin exemplifies the ambition and diligence that we all strive for. Working without an assistant, Mr. Pempin strove to help his fourth graders pass all five parts of the Ohio proficiency test last year, soaring above the state average. Although Mr. Pempin's feats at work are unprecedented, the quality and beneficence of his person by far overshadow his already tremendous achievements in Cleveland's education system.

Mr. Pempin is also a proud and dedicated father. However, not only is he father to his own children, but also to each and every pupil in the Riverside Elementary School, as demonstrated by his heroic feat on Thursday, June 14, 2001. At 12:30 p.m. in Riverside's cafeteria, six-year-old Cody Boytek was visibly in trouble. Mr. Pempin saw that the child was choking and getting weaker by the minute. Taking quick action, Mr. Pempin successfully performed the Heimlich Maneuver on little Cody, dislodging the obstruction that almost took Cody's life. Mr. Pempin proceeded to carry the fragile child to his office where he waited for emergency medical workers to arrive. Forever at the service of his children, Mr. Pempin was cradling Cody in his arms as his mother arrived. It is due to Mr. Pempin's sincere love and devotion that little Cody was back at school the next day, alive and well.

Mr. Speaker, please join me in honoring Mr. Pempin, an outstanding father, principal and human being. Mr. Pempin exemplifies the service and honor that our city and nation stand for.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 177, on agreeing to the amendment to increase funding (by transfer) for the National Endowment for the Humanities by $3 million; the Institute of Museums and Library Services by $2 million; and NEA Challenge America Arts Fund by $10 million. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained from Rollcall No. 178, on agreeing to the amendment to increase funding for weatherization programs by $24 million; to increase the account for Payments In Lieu of Taxes by $12 million; and to increase the account for energy conservation programs by $24 million. Had I been present I would have voted no. Mr. Speaker, I was unavoidably detained for Rollcall No. 179, on agreeing to the amendment to limit the extension for the Recreational Fee Demonstration Program to one year. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 180, on agreeing to the amendment preventing funds in the bill being expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act or the Outer Continental Shelf Lands Act within the boundaries of a National Monument. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 181, on agreeing to the amendment to prevent use of funds to execute a final lease agreement for oil or gas development in the area of the Gulf of Mexico known as Lease Sale 181 prior to April 1, 2002. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 182, on agreeing to the amendment to require that none of the funds in the bill may be used to suspend or revise the final regulations published in the Federal Register on November 21, 2000, that amended environmental mining rules. Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 183, on agreeing to the amendment to prevent use of funds in the bill for the purpose of paying salaries and expenses of personal of the Department of the Interior to extend leases, any standstill agreement, or the terms of the settlement agreement that took effect March 30, 2001, concerning the holders of interests in seven campsite leases in Biscayne National Park, Florida, identified as campsite leases collectively known as "Stiltsville". Had I been present I would have voted "no."

Mr. Speaker, I was unavoidably detained for Rollcall No. 184, on agreeing to the amendment to reduce the amount for National Endowment for the Arts by $10,000,000. Had I been present I would have voted "yea."

Mr. Speaker, I was unavoidably detained for Rollcall No. 185, on passage of the FY 2002 Department of Interior and Related Agencies Appropriations Act. Had I been present I would have voted "yea."

A POINT OF LIGHT FOR ALL AMERICANS: MR. NIGEL O. PILE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Nigel O. Pile as a Point of Light for all Americans.

Nigel O. Pile hails from Guyana. He was born on December 22, 1950. He held various leadership positions while growing up in Guyana, including Chairman of the St. James The Less Anglican Church Organization. He also represented the Diocesan Youth Association at International Conferences, through various Youth Exchange Programs. Athletics continues to gain tremendous support from Nigel.

Nigel Pile came to the United States in 1977. He holds an Associate Degree in Banking and Finance from Borough of Manhattan Community College and furthered his discipline in finance at Baruch College. He has worked in the New York financial district as an Account Administrator where he was responsible for the investing of cash from various Pension Funds, such as the New York State Pension Fund.

In 1983, he started a small Travel Agency on Fulton Street in the Bedford Stuyvesant area. National Pride, as it is known, has become a household name to the Guyanese family. From a one-desk, one-phone and one-staff agency, National Pride is now one of the most successful enterprises in New York and Guyana. Nigel Pile has expanded this operation to two offices in New York and five in Guyana. Through this expansion, he has created opportunities of entrepreneurship and employment for the residents of the Flatbush and Queens communities. The establishment of National Pride has created channels through which Guyanese Americans can initiate and maintain contact with relatives and friends in Guyana.

In the spirit of fostering unity among Guyanese, Nigel Pile maintains his sponsorship of the Ms. Guyana New York Pageant, and continues to support social programs for youth as well as the elderly.

Mr. Speaker, I am proud to salute Mr. Nigel O. Pile as a Point of Light for all Americans.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I would like to add additional comments to the previous statement I gave regarding my good friend from New York, Mr. CROWLEY's amendment to the Supplemental Appropriations bill.

A few weeks ago this body voted on the President's education bill, showing support for our students. Nothing is more important to our children's future than a sound education.

We all agree on that matter, but our schools cannot meet the needs of our children if they are underfunded.

This amendment would strike 25 million dollars under the Operations and Maintenance account of the Army that has been requested for Recruiting and Advertising for this branch.

These much needed funds would be transferred to the Department of Education for their Magnet School Assistance Program.

Many of the students in my district benefit from Magnet Schools. Specifically Community School District 30 which serves a diverse student population in Queens, New York. Magnet Schools are important places of learning because these are specialized theme schools focusing on areas such as math and science. These schools often provide innovative educational programs. And perhaps most importantly because these schools are public, they provide parents a choice within the public school system.

This amendment would provide additional funding to increase assistance to Magnet Schools and other Local Education Agencies to create or expand Magnet schools in needed communities.

CSD 30 has created an interactive learning community employing the teachers, parents, students, and local universities of Queens, New York, and its mission would greatly be supported by additional funding.

I join with my dear friend from New York, in that it is my hope that this body will find the additional 25 million dollars for the Magnet School Assistance Program at the U.S. Department of Education as this bill works its way through the process.

HONORING JOSE MARIANO CASTILLO

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize a wonderful American, Mr. Jose Mariano Castillo, for his admission into the Order of Queen Isabella the Catholic with the rank of Officer's Cross by His Majesty the King of Spain. Through his selfless work in providing valuable assistance, counseling and legal services for the protection of citizens of Spain residing in Los Angeles, Jose Mariano Castillo has earned this distinction.

Achievement and accolade have followed Jose throughout his life. Born in San Jose de Colinas, San Barbara, Honduras he graduated high school Suma Cum Laude and received the National First Place Honor gold medal presented by the President of the Republic of Honduras. Jose continued his studies in the United States at Los Angeles City College, learning the language of his newly adopted home. The next stop on his educational journey was the University of California, Los Angeles (UCLA), where he pursued general undergraduate studies in Political Science and Public Administration. Jose interrupted his studies to serve in the United States Army for two years. He continued his military service in the ready active U.S. Army Reserves Control Group for four years, all the while completing both his undergraduate and law degrees.

Following graduation from Southwestern University School of Law and passage of the California Bar Exam, Jose embarked on an impressive law career. He counts among his major clients the governments of several countries and numerous national and international companies. In addition to a thriving law practice, Jose has been involved in many professional associations and community service activities including service for two separate terms as the President of the Los Angeles County Parks and Recreation Commission.

Rightfully, Jose has earned a multitude of special honors and acclaim for his many accomplishments. He has been honored by the City of Los Angeles, the Los Angeles County Board of Supervisors and by the countries of Argentina, Ecuador, Guatemala and Honduras. Of course, for Jose being husband to Nancy and father to Yvonne are the most cherished honors ever bestowed upon him.

Mr. Speaker, as family and friends gather in Los Angeles to witness the presentation of the Order of Queen Isabella the Catholic to Jose

Mariano Castillo by the Consul General of Spain, it is with great honor that I ask my colleagues to join me today in saluting this exceptional American and cherished friend.

A POINT OF LIGHT FOR ALL AMERICANS: MR. ED AHMAD

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Ed Ahmad, as a Point of Light for all Americans.

Ed Ahmad is a successful entrepreneur who owns and operates many businesses. He is currently the broker/owner of Century 21 Ahmad Realty, Inc. and Ace Mortgages, Inc. He is also the CEO/President of the Chateau Royale, Inc.

A Guyanese immigrant, Mr. Ahmad arrived in the United States in 1983. He came in search of prosperity for himself and his family. He worked hard and obtained a Bachelor of Science Degree from The City College of New York in 1988. He is a licensed real estate broker, mortgage banker, and insurance broker.

Mr. Ahmad is very versatile; he is knowledgeable in all office, data based and modern business products. He is experienced in all facets of business, from training to budgeting and advertising.

His personal awards include a Gold Medallion, and Certificates of Achievement for exceptional sales in real estate. Century 21 Ahmad won first place in Queens County and was ranked third in real estate in the Northeast Division. The Chateau Royale won first place for best in design and architecture from the Queens Chamber of Commerce in 1997.

Mr. Ahmad is an active participant in community and political affairs. He is the founder of the New Concept Democratic Club. He supports and donates to many community organizations.

Mr. Speaker, I am proud to salute Mr. Ed Ahmad as a point of Light for all Americans.

2001 SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

Mr. LARSEN of Washington. Mr. Chairman, I rise today in strong support of the Slaughter/Dicks Amendment and to highlight the importance of NEA and IMLS funding for the small towns in my own district.

Last year's NEA funding increase created the Challenge America program, to help smaller communities gain access to the arts. The Arts Council of Snohomish County in my home district was one of the first organizations to receive this grant. This organization offers weekly art classes to juvenile offenders, many of which have no adult role models in their lives, and provides them with opportunities to express creativity and interact in a forum outside of a detention center. Without this grant, the program would have had to cut back drastically or even be eliminated. That would be truly unfortunate, Mr. Chairman, because it is programs like these where the arts can provide hope and opportunity for troubled youth. Challenge America is doing great things for youth in my district, yet this program would not exist if the NEA did not receive increased funding last Congress.

I would also like to offer my support for IMLS, which also funds key services in my district. The Museum of Northwest Art in La Conner—a town of 900—received a key grant from the IMLS to help attract more tourists to the Skagit Valley region in my district. Because of the IMLS grant, La Conner brings in many more visitors who come to experience the Skagit Valley, thereby boosting their economy. Unfortunately, other museums in my district do not receive funding because of the lack of IMLS funding. The executive director of the Whatcom Museum contacted me earlier this year to share his frustration that the Whatcom Museum and Bellingham Library were denied important funding, not because of their qualifications, but because of the lack of funding for the IMLS. The Slaughter/Dicks amendment will provide key funding increases for the IMLS, and help small libraries and museums in districts like mine continue to flourish and reach out to the community.

Mr. Chairman, let's continue to show our support for the arts, the humanities and our museums and libraries by supporting the Slaughter/Dicks amendment.

TRIBUTE TO PEGGY RABIDEAU, BRAD OTT, NOELLE CANNON AND BETH BESAW

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. McHUGH. Mr. Speaker, it is with great pleasure that I rise today to recognize the contributions of Peggy Rabideau, Brad Ott, Noelle Cannon, and Beth Besaw—teacher, principal, reading specialist, and school nurse, respectively—at Morrisonville Elementary School in my New York 24th Congressional District.

On June 29, Peggy, Brad, Noelle, and Beth will be honored at the Time Capsule 2000 Dedication Ceremony taking place at Red Cross Square here in Washington.

For the last five years, under Peggy, Brad, Noelle and Beth's supervision and leadership, students at Morrisonville Elementary School have been involved in a Junior Red Cross program. Morrisonville is the only school in the area involved in such a program.

In 1996, the group was presented with an award by the New York State Red Cross for holding a fundraiser to help families impacted by the flood in Morrisonville. The group had hoped to raise $10,000, but, in fact, raised $22,000 to help the victims of the flood.

That same year, the group designated January as Community Contributor month. In the second year of this program, the group made "comfort packs" containing books and stuffed animals, among other items, and contributed them to the local hospital.

The group has also worked with the Humane Society and, in 2000, sent 12 cartons to Nicaragua containing food and other supplies.

The group's contribution to the time capsule will include a "comfort pack," a copy of the 1996 award the group received, T-shirts designed by two of the students, a button that was made for the ice storm volunteers, and the names of 22 children and their social security numbers so that they can be contacted in 50 years when the time capsule is opened.

Mr. Speaker, I am honored today to recognize the contributions Peggy, Brad, Noelle, Beth, and their students have made to their community. Theirs is truly a tremendous accomplishment, and, on behalf of the community which they serve, I offer them my congratulations and thanks.

A POINT OF LIGHT FOR ALL AMERICANS: DR. STEPHEN CARRYL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Dr. Stephen Carryl, as a Point of Light for all Americans.

Dr. Stephen Carryl is the Director of Surgery at the Brooklyn Hospital-Caledonian Campus and also an Attending Physician at the Brookdale University Medical Center in Brooklyn. He specializes in Laparoscopic Surgery. He received his Bachelor's Degree at Oakwood College in Alabama and subsequently earned his MD Degree from Loma Linda University in California. He has been in private practice for 8 years and is the President of OMAT (Overseas Medical Assistance Team). OMAT consists of a team of volunteer Nurses and Doctors who provide medical care to the underprivileged in 3rd world countries and the Caribbean. Treatment that is not readily available in those respective countries are rendered here in the United States through funds donated by OMAT. OMAT has gone on missionary trips to Haiti and Guyana.

Mr. Speaker, I am proud to salute Dr. Stephen Carryl as a Point of Light for all Americans.

21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 19, 2001

Mr. RANGEL. Madam Speaker, I rise today in support of the passage of H.R. 1291 that amended the Montgomery GI Bill which would greatly increase the appropriations for our veterans who are seeking higher education. Under the GI Bill veterans would receive $800 a month—a $150 a month increase—during fiscal year 2002; $950 in 2003; and $1,100 in 2004. These funds are essential in order to keep up with soaring education costs.

One of the biggest reasons why I'm such a staunch supporter and believer in the Montgomery GI Bill is because I was a beneficiary. Following my service in the Korean War, the subsidy provided under the program allowed me to attend and graduate from New York University and St. Johns Law School.

Madam Speaker, fellow congressman, even though I would have liked more Democratic input in the bill, I am satisfied with the final product. H.R. 1291 is a piece of legislation that veterans and all Americans can be proud of.

A POINT OF LIGHT FOR ALL AMERICANS: REV. DR. EVELYN R. JOHN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

Rev. Dr. Evelyn John was born and raised in Georgetown Guyana. All through her childhood she was exposed to a Christian upbringing, and in her adulthood she joined the Guyana Unity Church. After several years as a Truth Teacher, she was ordained a Minister in 1980.

Rev. Dr. Evelyn John migrated to the United States in 1983 and on February 12, 1984, she founded the New Life Center of Truth in the Flatbush Brooklyn Community, with an initial membership of about sixty members. Today the "New Life Center for Truth" serves over five hundred active members and approximately three hundred non-registrants.

She also caters to a cross section of youths in the Youth Group and Sunday School, in the form of guidance counseling and self development which provides incentives for the pursuance of higher learning. Over the past several years, she has traveled to seminars overseas, namely India, Antigua and Peru where she made vocal presentations.

It has always been her desire to serve. Hers is evident in her untiring devotion to people and their spiritual needs.

Mr. Speaker, I am proud to salute Rev. Dr. Evelyn R. John as a Point of Light for all Americans.

HONORING EAGLE SCOUT RECIPIENTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize three of New York's outstanding young students, Bruce Russo, Paul Lapreziosa, and Gregory Smith. These young men have received the Eagle Scout honor from their peers in recognition of their achievements.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

The Eagle Scout award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills; they must earn a minimum of 23 merit badges as well as contribute at least 100 man-hours toward a community oriented service project.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Bruce, Paul, and Gregory and bring the attention of Congress to these successful young men on their respective days of recognition. Congratulations to you and your families.

PATENT REEXAMINATION ENHANCEMENT ACT OF 2001—H.R. 2231

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. LOFGREN. Mr. Speaker, the high-technology industries based in Silicon Valley need effective patent protection for their inventions. Patents, in particular, are integral components of the valuation and structure of many companies, whether they are startups trying to attract venture capital or other funding, or established companies.

The value of these rights, however, is dependent on the patents being valid and enforceable. What we recognize is that an invalid patent—a patent that either should never have been issued or which confers protection beyond what is entitled—can cause significant damage not only to individual companies but to competitors. Those individuals who rely on their patent and discover a defect, or those who face the threat of litigation on the basis of a patent that is invalid each have a substantial interest in having a mechanism to "fix" the problem with the patent.

This is why I am calling for an enhancement of our patent reexamination system. The patent reexamination system was designed to be an efficient and fair procedure for reviewing the validity of patents when there is a substantial reason to call that validity into question. It was set up originally as an "ex parte" process that only the patent office and the patent owner could use. Congress tried to expand that system to allow more participation for third parties in 1999 in the American Inventors Protection Act. Unfortunately, these efforts fell short in making reexamination the system it should be.

I believe a modest set of changes to the law will further our goal of providing a cost-effective and fair procedure for reviewing patent validity. Some of the changes have already been addressed in legislation introduced by Chairman Howard Coble and supported unanimously by the Subcommittee on Courts, the Internet and Intellectual Property. Those bills, H.R. 1866 and H.R. 1886 address specific concerns with the AIPA inter partes system.

The additional changes that I believe must be made address two general concerns.

First, I am proposing to expand the grounds upon which one may initiate a patent reexamination. Under current law, reexaminations may be based only on patents or printed publications. In a number of fast-moving technologies, such as business methods and software, there is often a substantial body of information that is not formally published or found in patents, so that other information is not considered when making the determination to issue a patent. The Patent and Trademark Office has demonstrated its competence when evaluating other aspects of patentability beyond defects based on prior patents or printed publications available for review. I am proposing that we allow parties to start a reexamination proceeding on the basis of evidence, for example, an affidavit from an expert in the relevant field of study or expertise, showing that a patent is invalid due to prior public disclosure or that there is a defect in the disclosure that is not apparent from the source material available to the patent office in the present procedure.

Second, I believe the original sanctions that would apply to parties who initiate reexamination procedures were too onerous. The instant the Patent Office issues its order to consider the matter, under the present system, the party requesting the reexamination is barred from going to court. For this reason, I am proposing to adjust the bar, the estoppel as it's called, until there is a final determination and that final determination would bar those parties who unsuccessfully participate in this reexamination procedure. Thus, a third party who participates in a reexamination procedure would, under my bill, at the conclusion of that proceeding be barred (estopped) from challenging the patent in any other judicial or PTO proceeding. Any issue actually raised or that could have been raised based on the evidence presented by that party and before the Patent Office will still be barred under my amendments. Thus, the adjustments to the law are fairly minor but, I think, fairly important as to the timing of the estoppel. These changes make the process fair and also perceived as fair.

Let me emphasize that the legislation I am offering is not designed to preclude or substitute for the possibility of litigation over important and valuable patents. It also will not make reexamination a substitute for situations where complex factual or legal issues must be resolved to reach a conclusion on validity of the patent. Instead, the legislation makes important but carefully measured enhancements to the system without undermining either the current structure of the process or its balance.

Indeed, this bill would ensure that the reexamination procedure retains important safeguards to prevent third parties from using the procedure to harass patent owners who hold valid patents. First, as noted, the estoppel imposed on unsuccessful challengers should prevent frivolous challenges. Those who challenge the patent in the PTO will not be able to challenge the patent later in a court on validity issues. Second, the PTO will still be required in every proceeding to first make an independent finding that there is a substantial question of patentability before it will start the proceeding. This is an essential component of the structure of the current law and any future system. Third, under the proposed system, no discovery or hearings will be allowed—meaning that a third party will not be able to conduct proceedings that will place the patent owner in a compromised situation.

In short, the legislation removes some of the shortcomings of the current inter partes system, and should present a viable and beneficial option for addressing the validity of some patents without the necessity of costly and complex litigation in a court.

Finally, I am honored that Chairman Howard Coble has agreed to be the principle co-sponsor of this legislation.

TRIBUTE TO CHIEF MASTER SERGEANT DALE E. BUCKINGHAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to Chief Master Sergeant Dale E. Buckingham upon his retirement from the United States Air Force.

Chief Master Sergeant Buckingham has served our nation with honor and distinction for over 30 years, and his performance throughout his career has been characterized by the highest standards of professional ethics and commitment to the military. He grew up in Lowville, New York, and graduated from Lowville Academy and Central School in 1970. He entered the Air Force in 1971 and attended basic training at Lackland Air Force Base, Texas. Chief Master Sergeant Buckingham was assigned to the 4642 Air Defense Squadron (SAGE) at Malmstrom Air Force Base, Montana, in 1972.

Chief Master Sergeant Buckingham's record of service is outstanding. In 1976, he was selected to be a recruiter with the 2543rd USAF Recruiting Squadron where he was named rookie recruiter of the year. In the following year he received the gold bald eagle signifying top recruiter and recruiting excellence. In 1983, Chief Master Sergeant Buckingham was assigned to Strategic Air Command Headquarters at Offutt AFB, Nebraska. While there, he served with the 1st Combat Evaluation Squadron and Strategic Air Command Bombing and Navigation Division.

Chief Master Sergeant Buckingham, in 1987, was selected for the Defense Attache System being posted at the American Consulate in Hong Kong. Two years later he was reassigned to the American Embassy, Ankara, Turkey, as the Operations Coordinator. Following the completion of his tour in Ankara, Turkey, he was then assigned to Whiteman AFB, Missouri, and the 509th Bomb Wing. At Whiteman, he served as the base's chief of information management responsible for over 100 information managers. Chief Master Sergeant Buckingham was then assigned as the superintendent of the information systems flight in the Communications Squadron. In March 1998, he developed and established the First Term Airmen Center to help ease the transition for young airmen moving to Whiteman. He became the Command Chief Master Sergeant in March of 1999.

Chief Master Sergeant Buckingham's awards include the Defense Meritorious Service Medal with one oak leaf cluster, Meritorious Service Medal, Air Force Commendation Medal with four oak leaf clusters and the Southwest Asia Service Medal.

Chief Master Sergeant Buckingham is married to the former Christina Kay Rockey of Hiawatha, Kansas, and they have two daughters.

Mr. Speaker, I am certain that my colleagues will join me in wishing Chief Master Sergeant Buckingham and his wife, Christina, all the best. We thank them for over 30 years of service to the United States of America.

A POINT OF LIGHT FOR ALL AMERICANS: REV. DR. HENRY A. CHAN

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. OWENS. Mr. Speaker, as the nation of Guyana celebrates its 35th Independence Anniversary, I would like to salute an outstanding Guyanese American, Rev. Dr. Henry A. Chan as a Point of Light for all Americans.

The Rev. Dr. Henry A. Chan was born in Guyana in 1946 at Golden Grove, East Bank Demera to Ruby and Clarence Chan. While growing up at Pin Schoon Ord, he attended primary schools on the West Bank of Demerara and obtained his secondary education at Queen's College in Georgetown, Guyana.

At the age of thirteen, Dr. Chan felt the call to the Priesthood in the Anglican Church and was tutored in his teenage years by then Archbishop of the West Indies and Bishop of Guyana, the Most Reverence Dr. Alan John Knight.

On completion of his studies at Queen's College in 1964, Dr. Chan was directed by Archbishop Knight to work for some years in order to obtain experience in the world before going on to Codrington College in Barbados and afterwards, to Durham University in England.

In 1967, instead, Dr. Chan came to the United States of America to further his studies in Engineering and Computer Science. He felt that the priestly vocation might have been a boyhood fantasy. But God had endowed Dr. Chan with many gifts and a broad knowledge during his Queens College years. He enrolled initially as a student in the Electronics Technology program at RCA Institutes.

During the ensuing years, Dr. Chan discovered that he had a hobby—collecting academic degrees. His degrees include Bachelor of Science in Computer and Information Science (State University of New York, 1978); Master of Business Administration in Management (Dowling College, 1980); Doctor of Public Administration (Nova Southeastern University, 1981); Doctor of Ministry (University of the South, 1987); Master of Sacred Theology in Spiritual Direction (General Theological Seminary, 1990) and Doctor of Philosophy in Pastoral Psychology (Graduate Theological Foundation, 1994). He is also a 1982 graduate of the Mercer School of Theology in the Episcopal Diocese of Long Island, New York.

During the years 1969–1982, Dr. Chan held many positions in data processing, including systems analysis, project management, and long-range planning.

Dr. Chan is married to Jean Flora Chan, and they have three children, Anthony, Andre and Natasha. Dr. and Mrs. Chan became proud grandparents for the first time when Anthony and his wife Gloria, were blessed with a son, Justin on May 24, 2001.

Events in his life led Dr. Chan to test his vocation to the ordained ministry in the Episcopal (Anglican) Church. He was ordained to the diaconate in 1982 and to the Priesthood in 1983 in the Diocese of Long Island, where he has served up to this day. Dr. Chan has been at St. Peter's Church, Rosedale from January 1, 1988 to the present. He came to St. Peter's Church at a time when one of the considerations for the future of this Church was to close its doors because of the small size of the membership and financial giving. Under his pastoral leadership, however, St. Peter's is a thriving Church today with a membership of about 150 families from all parts of the Caribbean, Central and South America, and the United States of America. Furthermore, the Church is debt-free. During the past thirteen years, the buildings and ground shave been restored and the people can tell from this that God is present in Rosedale and surrounding communities.

Each year in January and August when Dr. Chan has a break from his parish duties at St. Peter's Church, he travels to Guyana at his own expense, to render assistance to the Diocese of Guyana where there is an acute shortage of clergy. Dr. Chan eagerly looks forward to serving the Church in Guyana on these occasions, pastorally and spiritually, for Guyanese are hungry for growth in their relationship with God. But in parishes where there are no full-time priests, they are like sheep without a shepherd.

In addition to the demands on his time as priest and pastor at St. Peter's Church, Dr. Chan serves as a volunteer mediator with the Queens Mediation Network, Community Mediation Services, from which he received his training.

Dr. Chan feels blessed by God in his ministry as a priest and pastor and he has only one burning desire, that is, that in whatever he does, to God be the glory.

Mr. Speaker, I am proud to salute Rev. Dr. Henry A. Chan as a Point of Light for all Americans.

MIDLAND HIGH SCHOOL BASEBALL TEAM WINS STATE TITLE CHAMPIONSHIP

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. COMBEST. Mr. Speaker, I rise to join Midland and West Texas in congratulating the Midland High School baseball team in their great victory in the Class 5A state championship title. Their June 9th victory over Austin High is an accomplishment that is truly deserving of recognition and praise.

The Midland High baseball program has been built upon a solid foundation of hard work, dedication and sportsmanship. The Bulldogs have shown what today's youth can accomplish when teamwork and determination are applied. They will forever hold a place of honor in the pages of Texas athletics.

It is with great pride that I recognize the members of the Midland High School baseball team and their coach Barry Russell for this accomplishment. I would also like to recognize the administration and fans that carried them through victory's final inning. Thanks to their tremendous efforts, Midland, Texas is now home to the 2000-2001 Class 5A State Champions. I sincerely wish to congratulate the Midland High Bulldogs for bringing home a state baseball title.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable meeting on Thursday June 21, I was not present for rollcall vote No. 177, on Representative SLAUGHTER'S amendment to increase funding for the NEA and the NEH. I am a strong supporter of both the National Endowment for the Arts and the National Endowment for the Humanities, and had I been present, I would have voted yea on this important amendment.

URGING RATIFICATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. KAPTUR. Mr. Speaker, on June 20, 2001 the House passed H. Res. 124 recognizing the importance of children in the United States and supporting the goals and ideals of American Youth. This piece of legislation was adopted by a unanimous vote of 424–0. I commend the U.S. House of Representatives on passing the resolution and believe that we all share the desire to secure the safety and well being of all children in our great nation and abroad.

More than a decade ago, the largest group of world leaders ever convened for the World Summit for Children to discuss their responsibility to children. At the end of the World Summit, 71 heads of state and other world leaders signed the World Declaration on Survival, Protection and Development of Children. The standards and obligations adopted place children center stage in the quest for a just, respectful and peaceful society.

The leaders attending the summit also adopted a Plan of Action to achieve a set of precise, time-bound goals, including: Improving living conditions for children and their chances for survival by increasing access to health services; reducing the spread of preventable diseases; creating more opportunities for education; providing better sanitation and greater food supply; and protecting children in danger.

To date, 192 states have ratified or signed the convention. The convention was ratified more quickly and by more countries than any previous human rights agreement. Unfortunately, the United States is not among the 192 nations that have joined in this historical convention, and no other industrialized nation has failed to make this legal commitment to children.

As a Member of the United States Congress I am saddened and embarrassed that our great nation has not ratified this historical convention. Our nation's children are our future. The Convention on the Rights of the Child embodies the very principles our country was founded upon and only enforces the rights afforded to all children born in our great nation of life, liberty and pursuit of happiness.

Ratification clearly signals a state's commitment to uphold standards of the convention and to respect, protect and fulfil the rights of children around the world. The House of Representatives commitment to the well being of our nation's children is exemplified through the unanimous passage of H. Res. 124. I urge the United States Senate, which has the sole power to ratify treaties, to act soon on this important matter and stand up for the rights of children worldwide.

TRIBUTE TO DONNA BLITZER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. FARR of California. Mr. Speaker, I rise today to offer tribute to one of those persons who toil endlessly, without complaint, and generally in the background, but who make some of the largest and most important contributions to our lives: our staff. In particular, I rise today to congratulate and thank my long-time staffer, Donna Blitzer, who, after nearly 20 (I'm sure in her eyes) l-o-n-g years, has decided to explore other career opportunities. Ms. Blitzer is now the Director of Government and Community Relations for the University of California, Santa Cruz.

Donna began in my office when I was in the State Legislature, serving as one of my support staff. As I grew in elected office, she grew as staff and together we served as partners in many initiatives to improve and protect the quality of life on California's Central Coast which I represented then and continue to do so today. Throughout it all, Donna was my constant advisor and supporter, my advance and back up, my most loyal and trustworthy counsel. She was always there to put me back on track when my ideas de-railed, and to bring form to my vision. Most important, she protected my ethical and moral compass from ever going astray.

Mr. Speaker, we all have good staff. They are the heart and soul of our public selves as we reach out to our constituents. But sometimes there is one who just gives so much to so many that it deserves our special acknowledgment and praise. Donna Blitzer is such a person.

I will miss having her on my staff and at my side as I have for 20 years. But I wish her well in her new job and know that her contribution to the public will still be appreciated, no matter where she finds herself.

MAYOR REMEMBERED

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. COMBEST. Mr. Speaker, I rise to extend my deepest sympathy to the people of West Texas for the loss of Odessa Mayor Bill Hext.

Bill was a selfless leader, a visionary, and a faithful statesman. Bill personified service and will be remembered for his relentless pursuit of improving the lives of the people of Odessa. Prior to being elected mayor in 2000, Hext had served as a City Council member since 1998, and continued his work in public service as a member of many civic and charitable organizations. Bill's commitment to serving his community and his influence on Odessans will be an inspiration for generations to come.

It is with great empathy that I salute Bill Hext as an outstanding individual and faithful mayor to the city of Odessa. He will forever hold a place of honor and respect in the pages of community service.

PERSONAL EXPLANATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mrs. ROUKEMA. Mr. Speaker, I was unable to be present for rollcall votes: 182–185, during the consideration of the Interior Appropriations Act. Please let the record show that had I been present I would have voted "aye" for rollcall vote 182, the Inslee amendment to uphold current regulations on hardrock mining; "no" for rollcall vote 183, the Deutsch amendment regarding historic campsites in Stiltsville, Florida; "no" for rollcall vote 184, the Stearns amendment to reduce funding for the National Endowment for the Arts; and "yes" for rollcall vote 185, final passage.

I strongly support the final passage of H.R. 2217, the Interior and Related Agencies Appropriations Act FY 2002. I am extremely pleased that this bill honors our commitment to the environment. The expansion of funding for land acquisition, wildlife protection, and other preservation and conservation programs is a victory for the country.

A SALUTE TO DR. EDWARD TYSON HONORING HIS YEARS OF SERVICE TO NORTH CAROLINA'S STUDENTS

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. HAYES. Mr. Speaker, I rise today to honor Dr. Edward Tyson of Kannapolis, North Carolina for his years of service to the parents, students and educators of Cabarrus County, North Carolina.

Dr. Tyson has been the Superintendent for Kannapolis City School since 1992. He has also served as a teacher, principal, and associate superintendent in the Cabarrus County School System.

Dr. Tyson has made a positive and profound impact on the students and faculty of Kannapolis City and Cabarrus County Schools. He has worked hard to improve the opportunities for all students throughout Cabarrus and Rowan Counties.

Dr. Tyson has been a tremendous leader in our community, serving on the Board of Directors for Cabarrus Bank, the Salvation Army, Cannon Memorial YMCA, and Cabarrus College of Health Sciences. He has also represented North Carolina on education issues as a member of the American Association of School Administrators, the North Carolina Association of School Administrators, and the North Carolina Committee of the Southern Association of College and Schools.

Dr. Tyson's accomplishments in education have been recognized. He has received numerous awards including: 1995–1996 Southwest North Carolina Superintendent of the Year, 1999–2000 Professional Educator of the Year by the University of North Carolina at Charlotte, and the 2000 Time-Warner Distinguished Educator.

Mr. Speaker, while I have only touched on a fraction of Dr. Ed Tyson's many accomplishments and the impact he has made on his community and profession, I proudly join his friends and colleagues in thanking and saluting him for his years of service and commitment to education and wishing him well in his retirement.

CELEBRATING THE CAREER OF PASADENA MAYOR JOHNNY ISBELL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. GREEN of Texas. Mr. Speaker, as the end of his current term quickly approaches, I rise to celebrate the career of Johnny Isbell, Mayor of the City of Pasadena, Texas. Mayor Isbell has been a central figure on the Pasadena City Council, serving, in various capacities for more than 24 years.

As a dedicated and committed public servant, Johnny Isbell has earned the respect and admiration of the citizens of Pasadena for the many years he has given to local government. He served with distinction on the Pasadena City Council from 1969 to 1978 and again from 1989 to 1993. He first served as Mayor from 1981 to 1985. He was again elected Mayor in 1993 and again in 1997.

Mayor Isbell was born in San Antonio in 1938 and has been a Pasadena resident for more than 50 years. He attended Lee Junior College and received a bachelor of science from the University of Houston in 1968. Johnny also served in the U.S. Army National Guard and the Air Force Reserves.

Johnny has been a presence in all aspects of life in Pasadena, Texas. He is the founder and president of the Apache Oil Company. He is also the former director of the YMCA and served on the board of directors of the Houston Area Transportation Safety Council. He Is a past president of the South Pasadena Rotary, a past president of the San Jacinto Day Foundation, an honorary life director of the Pasadena Rodeo Association and a former member of the Harris County Civil Service commission.

Mr. Speaker, I am sure that I speak for many when I say that his tireless work will not soon be forgotten, and we are all thankful to him. I ask my colleagues in the House of Representatives to join me in celebrating the career of Pasadena Mayor Johnny Isbell and wishing him well in his future endeavors.

HONORING THE UNITED STATES SERVICEMEN WHO PERISHED IN THE KHOBAR TOWERS BOMBING

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. GEKAS. Mr. Speaker, today I rise to honor the individuals killed in the Khobar Towers bombing that took place five years ago. On June 25, 1996, terrorists cut nineteen United States servicemen's lives drastically short when they set off a bomb in the allied forces camp in Dhahran, Saudi Arabia. The allied forces contained many members of the U.S. armed forces who revealed their undying loyalty to America through their bravery in the ongoing struggle to prevent Saddam Hussein from ever again threatening his neighbors.

On that fatal day, courageous Americans were continuing their efforts to control the US air operation over Iraq. Pilots, ground crews, communications specialists, and anti-missile operators all worked out of the Khobar Towers for the noble cause of fighting against the Allies' enemy.

With one deafening blast, terrorists sent the entire camp into chaos. The earth shook. To the sound of splitting window panes and crumbling walls, the allied forces ran for their lives. As they struggled to find cover from flying debris, nineteen innocent, patriotic individuals breathed for the last time.

This horrific incident was particularly shocking to those of us from Pennsylvania. A short five years before, 28 servicemen and women died when an Iraqi Scud missile plummeted from the sky into a US Army barracks in Saudi Arabia. The attack left 27 Pennsylvanians assigned to the 14th Quartermaster Unit from Greensburg, PA, dead. The attack was the single worst catastrophe suffered by the Allies during the Persian Gulf War.

Like the Scud attack of February 25th, 1991, the attack on Khobar towers was a jolting reminder of the cost of defending freedom. The mission of the 19 heroes of Khobar was the same as their comrades in the Gulf War—to protect our national security by defending our allies against despotism. The risk was the same, and the price paid—an ultimate sacrifice for their country—the same.

These servicemen deserve America's utmost respect for fighting for our country with little regard for their own personal safety. In light of America's approaching birthday, we should honor all of the individuals who sacrificed their lives to preserve this nation for us and our children. Along with these nineteen servicemen, I ask you to join me in honoring all of the members of the armed forces who may no longer be with us, but whose lives we shall remember forever as the great protectors of this wonderful nation. And, to those who continue to fight for the American cause in the Middle East and elsewhere, you have our profound and complete admiration and respect. Our thoughts are always with you.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO INCREASE THE FEDERAL SHARE OF THE COST OF CONSTRUCTING TREATMENT WORKS IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Ms. NORTON. Mr. Speaker, today we introduce a bill to make permanent an 80–20 match for the District of Columbia Water and Sewer Authority (WASA), which serves jurisdictions in Virginia, Maryland, and the District of Columbia through its facility at Blue Plains. In fiscal years 1998 and 2000, the 80–20 match was included in appropriations bills. Because the Fiscal Year 2000 provision expires at the end of Fiscal Year 2001, this legislation to make the 80–20 match permanent is necessary.

The Blue Plains facility operated by WASA is the largest advanced waste water treatment plant in the world, serving two million users in the Maryland and Virginia suburbs as well as the District of Columbia. The financial and operational health of this facility is vital to the efforts to clean up the Chesapeake Bay as well as waters that serve the City of Vienna, and the counties of Fairfax, Loudoun, Montgomery, and Prince George's. Blue Plains is responsible for the largest reductions of nitrogen into the Bay of any facility in the entire Bay Watershed.

WASA has only been able to undertake major facility improvements—including biosolids digestion and handling facilities, major renovations to preliminary treatment facilities, new chemical feed operations, and additional electrical system enhancements—because of the 80–20 formula.

We also seek this change as a matter of fairness. In enacting the National Capital Revitalization and Self-Government Improvement Act of 1997 (Act), Congress recognized that the District, a city without a state, shoulders an unfair financial obligation in programs in which municipalities normally have state financial assistance. The Act provided for federal support for the state share of several such programs. The region has been unable to take advantage of the usual combination of state and city matches only because this facility, which serves regional partners, happens to be located in the District of Columbia.

A permanent 80–20 federal-local match would place the District on a par with other municipalities and states in the United States. The 20% that the District would continue to assume is equivalent to the burden borne by many other cities in the country. Of course, local rate payers in the region would continue to bear their share.

We urge our colleagues to join us in supporting this important provision that would provide tangible benefits to regional residents and to the Potomac and Anacostia rivers, as well as the Chesapeake Bay, a national treasure.

IN RECOGNITION OF GERALD A. BOWLES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 25, 2001

Mr. HOYER. Mr. Speaker, I rise today to give recognition to Gerald A. Bowles for his 30 years of exemplary service to the House of Representatives. Each of us here in the House have benefited from Jerry's talent, professionalism and congenial manner. In the 30 years that Jerry has served with the office supply service, he has seen many changes. From the limited scope of office equipment in the early seventies to the high tech demands of today, Jerry has managed to assure that each member's office has all of their supply needs ready and at hand.

Jerry started working for the office supply service on August 1, 1971, as a stock clerk. He was promoted to special orders clerk then to inventory control specialist, sales floor supervisor, assistant chief and then director of office supply service. Jerry will be retiring from office supply service on August 31, 2001.

Jerry was born on May 26, 1951, to John Ignatius Alberta Ellis Bowles of Compton, Maryland. Jerry is the fifteenth child out of sixteen children, having nine sisters and six brothers. Growing up in a family of this size, Jerry learned the importance of working hard, getting along with everyone and being able to figure things out. These skills have helped him to be an effective manager—well liked, yet able to get the job done. There never was any problem which didn't have a solution in Jerry's mind. He has always been able to find an available resource, offer an alternative fix and make the customer happy.

Staff from all around the Hill and particularly his colleagues from the office supply service will miss his smile, his willingness to listen and his "can do" attitude. Jerry has served the House well. His loyalty, determination and professionalism will long be remembered.

As Jerry retires to enjoy his home in St. Mary's County where he will fill his days with fishing and crabbing in the Patuxent River as well as working at the Drift Inn Crab House, we wish him well and a long happy retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 26, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 27

9:30 a.m.

Armed Services

To hold hearings on the nomination of Dionel M. Aviles, of Maryland, to be Assistant Secretary of the Navy for Financial Management and Comptroller, the nomination of Reginald Jude Brown, of Virginia, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, the nomination of Stephen A. Cambone, of Virginia, to be Deputy Under Secretary for Policy, the nomination of Michael Montelongo, of Georgia, to be Assistant Secretary of the Air Force for Financial Management and Comptroller, and the nomination of John J. Young, Jr., of Virginia, to be Assistant Secretary of the Navy for Research, Development and Acquisition, all of the Department of Defense.

SD–106

Energy and Natural Resources

Business meeting to consider pending calendar business, to be followed immediately by a hearing on the nomination of Vicky A. Bailey, of Indiana, to be Assistant Secretary of Energy for International Affairs and Domestic Policy; and the nomination of Frances P. Mainella, of Florida, to be Director of the National Park Service, and the nomination of John Walton Keep, III, to be Commissioner of the Bureau of Reclamation (pending receipt by the Senate), both of the Department of the Interior.

SD–366

9:45 a.m.

Foreign Relations

To hold hearings on the nomination of Clark T. Randt, Jr., of Connecticut, to be Ambassador to the People's Republic of China; and the nomination of Douglas Alan Hartwick, of Washington, to be Ambassador to the Lao People's Democratic Republic.

SD–419

10 a.m.

Judiciary

To hold hearings to examine the protection of the innocent, focusing on competent counsel in death penalty cases.

SD–226

Finance

To hold hearings to examine prescription fraud, focusing on consultants selling doctors bad billing advice.

SD–215

Budget

To hold hearings to examine the outlook of the U.S. economy.

SD–608

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the federal governments role in retaining nurses for the delivery of federally funded health care services, focusing on the effects nursing shortages have on health care and long-term care programs, including Medicare, Medicaid, Veteran's and defense health.

SD–342

10:30 a.m.

Rules and Administration

To hold hearings to examine a report from the U.S. Commission on Civil Rights regarding the November 2000 election and election reform in general.

SR–301

11:15 a.m.

Foreign Relations

To hold hearings on the nomination of Pierre-Richard Prosper, of California, to be Ambassador at Large for War Crimes Issues, the nomination of William A. Eaton, of Virginia, to be Assistant Secretary for Administration, the nomination of Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, and the nomination of Clark Kent Ervin, of Texas, to be Inspector General, all of the Department of State.

SD–419

2 p.m.

Appropriations

District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the government of the District of Columbia.

SD–138

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings on proposed legislation authorizing funding for the Defense Production Act.

SD–538

2:30 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

JUNE 28

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the new Federal Farm Bill.

SD–106

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on proposed legislation authorizing funds for the Iran and Libya Sanctions Act.

SD–538

Energy and Natural Resources

To hold hearings to examine climate change issues, focusing on science and technology studies.

SD–366

Governmental Affairs

To hold hearings to examine the impact of electric industries restructuring on system reliability.

SD–342

10 a.m.

Rules and Administration

To hold hearings to examine election reform issues.

SR–301

Aging

To hold hearings to examine long term care, focusing on preparation for the aging baby boom generation.

SD–226

Indian Affairs

To hold hearings to examine the goals and priorities of the member tribes of the Montana Wyoming Tribal Leadership Council for the 107th Congress.

SR–485

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2002 for the Federal Communications Commission and Securities and Exchange Commission.

SD–192

Veterans' Affairs

To hold hearings on proposed legislation providing for certain veterans' benefits.

SR–418

Budget

To hold hearings to examine the status of the budget surplus.

SD–608

Appropriations

Transportation Subcommittee

To hold hearings to examine the status of intercity transportation, focusing on airways and railways.

SD–138

2 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine international democracy programs.

SD–138

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine Zimbabwe's political and economic crisis.

SD–419

2:30 p.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense program, focusing on the 2002 budget amendment.

SD–106

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings to examine the Surface Transportation Board rail merger rules.

SR–253

JULY 10

2:30 p.m.

Foreign Relations

To hold hearings on the nomination of Lori A. Forman, of Virginia, to be Assistant Administrator for Asia and the Near East, United States Agency for International Development.

SD–419

JULY 11

9:30 a.m.

Governmental Affairs

To hold hearings on S.803, to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services.

SD–342

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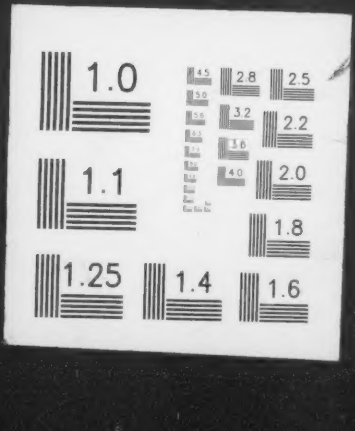
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